



Kenai Peninsula Borough
Legal Department

MEMORANDUM

TO: Wayne Ogle, Assembly President
Members, Kenai Peninsula Borough Assembly

THRU: Charlie Pierce, Mayor 

FROM: Colette Thompson, Borough Attorney 

DATE: February 8, 2018

RE: Ordinance 2017-19- 15, Appropriating \$45,000 to the Legal Department to Cover Costs of Hiring Hearing Officers for Code Compliance Hearings (Mayor)

During this fiscal year the borough is seeing an increase in the number of code compliance hearings and appeals from planning commission decisions. Outside counsel is hired to serve as the hearing officer as the legal department represents the administration in the hearings and therefore cannot also decide the cases. Attorney fees for matters that go to a hearing have ranged from \$5,379 to \$18,452, per case.

The legal department uses its "contract services" account to pay attorney fees for code compliance hearings as well as other legal matters not involving tort or property damage claims. A second account, "attorney fees, special cases," is used to pay hearing officers for appeals from planning commission decisions as well as other attorney fees incurred due to a conflict of interest in the legal department. The total combined available balance in these two accounts is currently about \$12,100. Currently there are three pending code compliance matters and one pending complex appeal from a planning commission decision. More cases may be brought in the remaining third of this fiscal year.

It is estimated that an additional \$25,000 is needed to pay for the hearing officer for code compliance hearings and \$20,000 for the hearing officer to conduct appeals from planning commission decisions for the rest of this fiscal year.

This ordinance would appropriate these amounts. If any of the funds appropriated are not used, they will lapse to the General Fund at the end of this fiscal year.

Your support of this ordinance would be appreciated.

FINANCE DEPARTMENT ACCOUNT / FUNDS VERIFIED	
Acct. No.	<u>100.27910 (FB)</u>
Amount: \$	<u>45,000.⁰⁰</u>
By: <u>pp</u>	Date: <u>2/8/18</u>