

★ **Roll Call Number**

12-1346

Agenda Item Number

19

Date August 27, 2012

Resolution Scheduling Hearing on proposed Ordinances to Establish an Administrative Hearing Process to Consider Appeals From Decisions by City Officers, and to Amend Parts of Chapter 18 Animals, Chapter 42 Environment, Chapter 78 Peddlers and Solicitors, Chapter 114 Traffic And Vehicles, and Chapter 126 Vehicles for Hire, to Apply the Administrative Hearing Process to Specific Decisions Made by City Officers in the Performance of their Duties

WHEREAS, in the performance of their duties City officers are required to make a number of decisions of a type that directly affect individual citizens; and,

WHEREAS, there is no uniform procedure under the City Code for the consideration of appeals from such decisions; and,

WHEREAS, the City Council has asked that a uniform procedure be developed for the consideration of appeals from such decisions, that increases the use of Administrative Hearing Offices and reduces the necessity for consideration of individual appeals by the City Council; and,

WHEREAS, the City Attorney and City Manager have prepared a proposed ordinance which establishes a uniform administrative hearing process in Chapter 3 of the City Code for the consideration of appeals by citizens from selected decisions by City officers in the performance of their duties, and related ordinances which amend parts of Chapter 18 Animals, Chapter 42 Environment, Chapter 78 Peddlers And Solicitors, Chapter 114 Traffic And Vehicles, and Chapter 126 - Vehicles for Hire, to apply the administrative hearing process to specific decisions made by City officers in the performance of their duties under such chapters.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Des Moines, Iowa, as follows:

1. That the City Council of the City of Des Moines shall consider adoption of the proposed ordinances establishing a uniform administrative hearing process in Chapter 3 of the City Code, and amending other chapters of the City Code to apply the administrative hearing process to specific decisions made by City officers in the performance of their duties under such chapters.
2. That the City Council shall consider adoption of said ordinances at a public hearing to be held on September 10, 2012, at 5:00 p.m., in the Council Chambers at City Hall.

(continued)

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3. That the City Clerk is hereby authorized and directed to publish notice of said hearing in the form hereto attached all in accordance with §362.3 of the Iowa Code.

MOVED by Hensley to adopt; refer to the City Manager to monitor and evaluate the change and report back to Council on a quarterly basis.

FORM APPROVED:

Roger K. Brown

Roger K. Brown

Assistant City Attorney

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Exhibits:

- "A" Chapter 3. Administrative Hearing Process
- "B" Chapter 18. Animals (Vicious dogs and illegal and dangerous animals)
- "C" Chapter 42. Environment, Article IV. Noise Control
- "D" Chapter 78. Peddlers and Solicitors, Article III. Transient Merchants
- "E" Chapter 114. Traffic and Vehicles (Impoundments)
- "F" Chapter 126. Vehicles for Hire, Article III. Limousines and Article IV. Taxicabs

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
COLEMAN	✓			
GRIESS	✓			
HENSLEY	✓			
MAHAFFEY	✓			
MEYER	✓			
MOORE	✓			
TOTAL	7			

CERTIFICATE

I, DIANE RAUH, City Clerk of said City hereby certify that at a meeting of the City Council of said City of Des Moines, held on the above date, among other proceedings the above was adopted.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal the day and year first above written.

MOTION CARRIED APPROVED
T. M. Franklin Mayor

Diane Rauh City Clerk