



INFORMATIONAL MEMORANDUM

TO: Planning and Community Development Committee

FROM: Nora Gierloff, DCD Director

CC: Mayor Thomas McLeod

DATE: November 10, 2025

SUBJECT: Hearing Examiner Resolution

ISSUE

The intention is to streamline the process to appoint a Hearing Examiner by allowing the Council's approval of the contract serve as the appointment rather than requiring a separate resolution.

BACKGROUND

Cities and counties in Washington State have statutory authority to establish a hearing examiner system. Under a hearing examiner system, a city or county hires or contracts with a hearing examiner to conduct quasi-judicial hearings, usually in place of local bodies such as the planning commission, the board of adjustment, the board of county commissioners, or the city council.

The purpose of having a hearing examiner conduct these hearings is to have a professionally trained individual, typically an attorney, make objective quasi-judicial decisions that are supported by an adequate record and that are free from political influences. Using a hearing examiner system allows local legislative and advisory bodies that might otherwise conduct these hearings to better concentrate on policymaking. It can also potentially reduce local government liability exposure through what should be more consistent and legally sustainable quasi-judicial decisions.

The City established a hearing examiner process for certain land use, code enforcement, impact fee, and forfeiture decisions and appeals in 1997 at TMC Chapter 2.76.

DISCUSSION

The intention is to streamline the process to appoint a Hearing Examiner by allowing the Council's approval of the contract serve as the appointment rather than requiring a separate resolution. Our past practice per TMC 2.76.010 has been to bring a resolution to the Council in addition to a contract for services whenever we change Hearing Examiners.

FINANCIAL IMPACT

There will be no change to the City's overall cost to conduct these hearings.

RECOMMENDATION

The Council is being asked to approve the resolution and place this item on the consent agenda at the November 17, 2025 Regular Meeting.

ATTACHMENT

A. Proposed Resolution

DRAFT

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TUKWILA, WASHINGTON, RATIFYING THE APPOINTMENT OF THE CITY'S HEARING EXAMINER PURSUANT TO TUKWILA MUNICIPAL CODE CHAPTER 2.76 TO PRESIDE OVER HEARINGS RELATED TO LAND USE, CODE ENFORCEMENT, POLICE FORFEITURES, AND OTHER MATTERS AS SPECIFIED IN THE TUKWILA MUNICIPAL CODE; AMENDING THE PROCESS FOR FUTURE HEARING EXAMINER APPOINTMENTS; AND REPEALING RESOLUTION NO. 1971

WHEREAS, on May 5, 1997, the City Council passed Ordinance No. 1796, establishing the office of Hearing Examiner; and

WHEREAS, the City of Tukwila uses the Hearing Examiner to preside over matters such as land use hearings under Tukwila Municipal Code (TMC) Titles 17, 18, 19 and 21; code enforcement appeals under TMC Chapter 8.45; police forfeiture hearings under TMC Title 8; ethics complaints under TMC Chapter 2.95; commercial parking tax appeals under TMC Chapter 3.48; and business license appeals under TMC Chapter 5.04; and

WHEREAS, the City of Tukwila contracts for Hearing Examiner services with an experienced provider at competitive hourly rates as memorialized in Contract No. 23-142; and

WHEREAS, pursuant to TMC Section 2.76.010, " ... Hearing Examiner shall mean any person appointed by the Mayor, and approved by the City Council, for the purpose of presiding over appeals and other matters ... "; and

WHEREAS, pursuant to TMC Section 2.76.020, "The Hearing Examiner shall have the powers and duties assigned to that office by ordinance"; and

WHEREAS, as needed, the Department of Community Development selects a qualified practitioner to serve as the Hearing Examiner with experience in providing similar services to other local cities; and

WHEREAS, the City Council's approval of a contract with the selected practitioner shall indicate their approval of the practitioner appointed to serve, without the need for a separate resolution; and

WHEREAS, to allow for efficient and effective operations, the City Council desires to authorize the Department of Community Development in coordination with the City Attorney's Office and the Hearing Examiner to administratively adopt rules of procedure for the Hearing Examiner to follow when hearing matters on behalf of Tukwila and affected City departments;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF TUKWILA, WASHINGTON, HEREBY RESOLVES AS FOLLOWS:

Section 1. Resolution No. 1971 Repealed. The City Council hereby repeals Resolution No. 1971 in its entirety.

Section 2. Ratification of Contract No. 23-142. The City Council hereby ratifies Contract No. 23-142 for the provision of Hearing Examiner services.

Section 3. Future Hearing Examiner Appointments and Approvals. Pursuant to TMC Section 2.76.010, the Mayor shall appoint a qualified and experienced practitioner to serve as the Hearing Examiner for the City, and the City Council's approval of a contract for such services shall indicate the Council's approval of the selected practitioner without the need for a separate resolution.

PASSED BY THE CITY COUNCIL OF THE CITY OF TUKWILA, WASHINGTON, at a Regular Meeting thereof this _____ day of _____, 2025.

ATTEST/AUTHENTICATED:

Andy Youn-Barnett, CMC, City Clerk

Tosh Sharp, Council President

APPROVED AS TO FORM BY:

Filed with the City Clerk: _____
Passed by the City Council: _____
Resolution Number: _____

Office of the City Attorney