

October 24, 2023

MEMORANDUM TO: Honorable Mayor and City Council
THRU: Charles P. Potucek, City Manager
FROM: Victoria Yarbrough, Assistant City Manager
SUBJECT: REQUEST FOR AGENDA ITEM PLACEMENT
Resolution 2023-091, Appointment of Ann Lund as
Hearing Officer

RECOMMENDATIONS:

The City Manager recommends approval.

The Assistant City Manager recommends approval.

BACKGROUND:

The City's Personnel Rules and Regulations require the City to have a hearing officer to hear certain personnel issues when appealed. In addition, the City's code of ordinances designates appeals of zoning determinations to a hearing officer. Attorney John MacKinnon served admirably as the City's hearing officer since 2017 and unfortunately has passed away.

Ann Lund has an extensive legal background in municipal law, having served for many years with the Cochise County and local municipal courts. Ms. Ann Lund has agreed to serve as the City's new hearing officer.

BUDGET APPROPRIATIONS:

Funds have been included in the legal budget for the use of outside counsel when required. The hearing officer is typically used one to three times per year, and the cost for Ms. Lund's service in this capacity will be paid out of the allocated budget.

RESOLUTION 2023-091

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF SIERRA VISTA, COCHISE COUNTY, ARIZONA; APPOINTING ANN LUND AS THE CITY HEARING OFFICER, SAID TERM TO EXTEND UNTIL SUCH TIME AS ANN LUND RESIGNS THE APPOINTMENT OR A SUCCESSOR IS APPOINTED; AND AUTHORIZING AND DIRECTING THE CITY MANAGER, CITY CLERK, CITY ATTORNEY OR THEIR DULY AUTHORIZED OFFICERS AND AGENTS TO TAKE ALL STEPS NECESSARY TO CARRY OUT THE PURPOSES AND INTENT OF THIS RESOLUTION.

WHEREAS, the Ordinances of the City of Sierra Vista require that a variety of appeals of City decisions are to be heard by a designated Hearing Officer; and

WHEREAS, Ann Lund has agreed to serve as City Hearing Officer.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF SIERRA VISTA, ARIZONA, AS FOLLOWS:

SECTION 1

That the City policy of appointing a City Hearing Officer be and hereby is, reaffirmed.

SECTION 2

That Ann Lund is hereby appointed to the position of City Hearing Officer, said term extend until such time as Ann Lund resigns her appointment or a successor is appointed.

SECTION 3

The City Manager, City Clerk, City Attorney, or their duly authorized officers and agents are hereby authorized and directed to take all steps necessary to carry out the purposes and intent of this Resolution.

PASSED AND ADOPTED BY THE MAYOR AND CITY COUNCIL OF THE
CITY OF SIERRA VISTA, ARIZONA, THIS 9TH DAY OF NOVEMBER 2023.

Clea McCaa II
Mayor

Approved as to Form:

Attest:

Nathan J. Williams
City Attorney

Jill Adams
City Clerk