

Office of Hearing Examiner

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<http://www.seattle.gov/examiner/>

Department Overview

The Office of Hearing Examiner is Seattle's quasi-judicial forum for reviewing factual and legal issues raised by the application of City Code requirements to specific people or property. As authorized by the Seattle Municipal Code, the office conducts hearings and decides appeals in cases where members of the public disagree with a decision made by a City agency. Many of the matters appealed to the Hearing Examiner relate to land use and environmental permit decisions and interpretations made by the Seattle Department of Construction and Inspections. The Hearing Examiner also hears appeals in many other subject areas, and makes recommendations to the City Council on rezone petitions, major institution master plans, and other Council land-use actions.

The Hearing Examiner is appointed by the City Council, and Deputy Hearing Examiners are appointed by the Hearing Examiner. Examiners handle all pre-hearing matters, regulate the conduct of hearings, and prepare decisions and recommendations based upon the hearing record and applicable law. The Seattle Municipal Code requires all examiners to be attorneys with training and experience in administrative hearings. The Hearing Examiner also manages an executive assistant to oversee the administrative areas of the office, a legal assistant to assist with hearings and decision preparation, and an administrative specialist to support all other office positions and provide information to the public.

Budget Snapshot

	2018 Actuals	2019 Adopted	2020 Endorsed	2020 Adopted
Department Support				
General Fund Support	739,439	959,859	965,060	1,061,713
Total Operations	739,439	959,859	965,060	1,061,713
Total Appropriations	739,439	959,859	965,060	1,061,713
Full-Time Equivalent Total*	4.63	4.63	4.63	5.00

** FTE totals are provided for informational purposes only. Changes in FTEs resulting from City Council or Human Resources Director actions outside of the budget process may not be detailed here*

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Budget Overview

The 2020 Adopted Budget maintains support to the Hearing Examiner and preserves the services provided by the Hearing Examiner to members of the public and the City Council. Technical adjustments have been made to bring the adopted budget into alignment with an Annual Wage Increase, a State Paid Family Medical Leave increase, and other citywide adjustments to internal service costs.

Additionally, the 2020 Adopted Budget includes a part-time position to support appeals of fire code violations issued by the Seattle Fire Department (SFD). 2019 legislation granted SFD the authority to issue citations for Fire Code violations such as locked exit doors, failure to properly maintain fire protection systems like sprinklers, and repeated false alarms. The Hearing Examiner will partner with the SFD to hear appeals to the citations.

City Council Changes to the Proposed Budget

The City Council added one-time funding for the Hearing Examiner to purchase portable hearing recording equipment that the Office of Hearing Examiner will use if there are two large, multi-party public hearings at the same time. Additionally, the City Council added ongoing funding for a planner who can participate in mediations; previously parties had to pay for the use of a planner.

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Incremental Budget Changes

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	2020 Budget	FTE
Total 2020 Endorsed Budget	965,060	4.63
Baseline		
2020 Coalition and Non-Rep Annual Wage Increase Base Budget	46,104	-
2020 State Paid Family Medical Leave Increase Base Budget	725	-
Citywide Adjustments for Standard Cost Changes	(5,847)	-
Fire Code Citations	32,671	0.37
Council		
Purchase of Portable Recording Equipment and Add Funding for Mediation Planner	23,000	-
Total Incremental Changes	\$96,653	0.37
Total 2020 Adopted Budget	\$1,061,713	5.00

Description of Incremental Budget Changes

Baseline

2020 Coalition and Non-Rep Annual Wage Increase Base Budget

Expenditures \$46,104

This centrally administered change adjusts appropriations to reflect the Annual Wage Increase, as outlined in the agreements between the City and the Coalition of Unions, for personnel costs included in this department's baseline budget. This includes increases to salary, FICA, Medicare, retirement, overtime and temporary labor.

2020 State Paid Family Medical Leave Increase Base Budget

Expenditures \$725

Starting in January 2020, Washington State will offer paid family and medical leave benefits to all workers in the State of Washington, including City of Seattle employees. In 2020, the agreements with the Coalition of Unions moves a portion of the cost responsibility to the employee in 2020, with the City paying the remainder. This item increases appropriations to account for the City's obligation for all employees.

Citywide Adjustments for Standard Cost Changes

Expenditures \$(5,847)

Citywide technical adjustments made in the baseline phase reflect changes to internal services costs, including the Department of Finance & Administrative Services rates, Information Technology rates and Human Resources rates, health care, retirement and industrial insurance charges for the department. This adjustment also includes a transfer of resources from the department to the Human Resources Investigations Unit (HRIU) as part of the City's efforts to improve investigative processes and practices across the City departments. While the internal service rates are final

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for 2020, some of the other adjustments reflect initial assumptions about these costs and inflators early in the budget process.

Fire Code Citations

Expenditures	\$32,671
Position Allocation	0.37

This item increases an Administrative Specialist II position from part time to full time to support hearing appeals to the Seattle Fire Department's fire code citations. The increase is due to the impact of 2019 legislation that granted SFD the authority to issue citations for Fire Code violations such as locked exit doors, failure to properly maintain fire protection systems like sprinklers, and repeated false alarms. This item is funded through citation fees.

Council

Purchase of Portable Recording Equipment and Add Funding for Mediation Planner

Expenditures	\$23,000
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This item includes \$8,000 in one-time funding for portable recording equipment and \$15,000 in ongoing funding for a planner to participate in mediation. Currently, the Office of Hearing Examiner has access to two hearing rooms with recording equipment, one large and one small, resulting in the office only being able to accommodate one large, multi-party public hearing at a time. With the purchase of portable recording equipment, a second larger room can be used to conduct two larger hearings simultaneously.

This item also adds funding for the participation of a planner in the mediation process. Currently, mediation parties must pay for the required participation of a planner.

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Expenditure Overview

	2018 Actuals	2019 Adopted	2020 Endorsed	2020 Adopted
Appropriations				
HXM - BO-HX-V1X00 - Office of the Hearing Examiner				
00100 - General Fund	739,439	959,859	965,060	1,061,713
Total for BSL: BO-HX-V1X00	739,439	959,859	965,060	1,061,713
Department Total	739,439	959,859	965,060	1,061,713
Department Full-Time Equivalents Total*	4.63	4.63	4.63	5.00

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Budget Summary by Fund Office of Hearing Examiner

	2018 Actuals	2019 Adopted	2020 Endorsed	2020 Adopted
00100 - General Fund	739,439	959,859	965,060	1,061,713
Budget Totals for HXM	739,439	959,859	965,060	1,061,713

Appropriations by Budget Summary Level and Program

HXM - BO-HX-V1X00 - Office of the Hearing Examiner

The purpose of the Office of Hearing Examiner Budget Summary Level is to conduct fair and impartial hearings in all subject areas where the Seattle Municipal Code grants authority to do so (there are currently more than 75 subject areas) and to issue decisions and recommendations consistent with applicable law.

Program Expenditures	2018 Actuals	2019 Adopted	2020 Endorsed	2020 Adopted
Office of the Hearing Examiner	739,439	959,859	965,060	1,061,713
Total	739,439	959,859	965,060	1,061,713
Full-time Equivalents Total*	4.63	4.63	4.63	5.00

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