

§10-3 HEARING EXAMINER

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[See Commentary]

§10-3-1 CREATION AND APPOINTMENT

There is hereby established a county [municipal] hearing examiner. The Board of Commissioners [Mayor and City Council] shall appoint the hearing examiner by Resolution [Ordinance] for a fixed term that may be renewed at the discretion of said Board [Mayor and City Council]. The Resolution [Ordinance] shall set the compensation of the hearing examiner that may be on a "per application," "per meeting" or on an "hourly basis." There shall be no specific qualifications for the hearing examiner, although the Board of County Commissioners [Mayor and City Council] shall broadly solicit applications for the appointment and shall consider professional credentials that will qualify a person to serve as hearing examiner. The hearing examiner may be removed by the Local Governing Body, with or without cause, subject to contractual provisions that may specifically apply to the appointment and removal of a hearing examiner.

[See Commentary]

§10-3-2 SECRETARY

The hearing examiner shall appoint a secretary who may be an officer or an employee of the local government that it serves.

§10-3-3 MEETINGS

The hearing examiner shall meet at least once each month at the call of the local government and at such other times as the local government may determine; provided, however, that this provision shall not be construed as requiring the hearing examiner to meet when he or she has no regular business to transact.

§10-3-4 RECORDS

The hearing examiner shall adopt rules for the transaction of business and shall keep a record of its resolutions, transactions, findings, determinations, and recommendations, which shall be a public record.

§10-3-5 FUNCTIONS AND DUTIES

The hearing examiner shall have the following functions and duties:

- (a) Review applications for zoning map amendments or applications for land use approval and provide a recommendation to the Local Governing Body; provided,

- however, that the hearing examiner shall not be delegated any legislative authority such as the final approval of zoning map amendments or conditional or special uses.
- (b) To review and approve subdivision plats; provided, however, that if the hearing examiner is given authority to grant approval of final plats. Said approval shall not constitute acceptance of public improvements that is a power reserved by the Local Governing Body.
 - (c) The hearing examiner is authorized to receive, consider, grant, grant with conditions, or deny applications for variances to the dimensional requirements of this code, after a public hearing and after making written findings of fact that the conditions for variances specified herein have been fulfilled. In granting a variance, the hearing examiner may impose such requirements and conditions with respect to the location, construction, maintenance and operation of any use or building, in addition to those expressly set forth herein, as may be deemed necessary for the protection of adjacent properties and the public interest. Decisions of the hearing examiner shall be final; there shall be no appeal to the Board of Commissioners [Mayor and City Council], but the applicant aggrieved by a decision of the hearing examiner may pursue appeals to the Courts of proper jurisdiction of the State of Georgia as provided by law.

[See Commentary]