

**CITY OF MCCLEARY**  
**REQUEST FOR QUALIFICATIONS AND PROPOSAL FOR**  
**HEARING EXAMINER SERVICES**  
**PROPOSALS DUE OCTOBER 9, 2020 | 4 PM**



The City of McCleary has implemented a Hearing Examiner system for considering and acting on quasi-judicial land use actions, code enforcement cases, technical building code appeals, and related appeals/permits. The current contract for services will end December 31, 2020. The City of McCleary is seeking qualifications and proposals for the services of a Hearing Examiner to begin on or about January 1, 2021. The Hearing Examiner is an independent contractor and not an employee of the City of McCleary. The proposals should answer all the requested information indicated below.

**GENERAL SCOPE OF SERVICES**

The successful applicant shall perform the duties of the hearing examiner as set forth in City of McCleary Municipal Code, as now in effect or as hereafter amended. The City of McCleary Hearing examiner system is adopted pursuant to RCW 35A.63.170 and McCleary Municipal Code section 02.30 Land Use Hearing Examiner.

The Hearing Examiner conducts quasi-judicial hearings on complex land use matters and regulatory compliance issues on behalf of the City, and other issues designated to the Hearing Examiner by ordinance or resolution. The Hearing Examiner shall issue decisions and recommendations based on relevant ordinances, regulations, policies, statutes, and other authorities.

All duties shall be performed in a manner consistent with accepted practices for hearing examiner services, including interpreting, reviewing, and implementing the City of McCleary land use regulations and the pertinent and appropriate provisions of McCleary Municipal Code, conducting orderly and impartial hearings and hearing appeals, and preparing written decisions that are understandable and based upon reasoning and all applicable laws in a timely manner.

The City of McCleary staff will provide preparation of case files and records, staff support during hearings, set agendas in consultation with the examiner, prepare legal notices, provide reproduction, mailing, and distribution of notices and decisions, and a staff recommendation for each application.

Public hearings and appeal hearings are scheduled on an as-needed basis. Typically an Examiner can expect to hear one to three cases per year, and hearings are conducted during both daytime and evening hours. The Examiner will be required to issue a decision within twenty (20) calendar days of the close of the record in each hearing.

**QUALIFICATIONS**

The applicant shall provide information regarding the applicant's background and familiarity with general land use law and regulations and land use hearing processes. The hearing examiner must have expertise and experience in land use planning. In addition, the hearing examiner must have knowledge or experience in at least one of the following areas: environmental sciences, law, architecture, economics, or engineering.

**PROPOSAL**

The applicant shall submit a proposal indicating the general conditions of a contract with the City of McCleary if the applicant is chosen including all costs that would be incurred by the City of McCleary for the provision of the Hearing Examiner services. Prior to beginning work, the Examiner will be required to procure and maintain for the duration of the contract, and at the Examiner's expense, errors and omissions insurance, comprehensive

automobile liability insurance at statutorily required limits, and workers' compensation coverage as required by the state of Washington.

## **SUBMITTAL REQUIREMENTS**

Interested parties should submit the following:

- **Letter of Interest** no more than one page in length that includes contact information and signature. The letter should state the educational degree(s) held by the person, institutions issuing degree(s), and the date such degree(s) were issued. If the proposal is submitted by a law firm, information on all attorneys anticipated to provide services must be provided.
- **Summary of Qualifications, Experience and Availability** no more than three pages in length. It should summarize the applicant's qualifications to be a hearing examiner, including his/her relevant experience as a hearing examiner or other type of administrative judge, experience with land use law, environmental law, shoreline laws, and building codes. For judicial or quasi-judicial experience, please list jurisdictions, types of cases, number of cases, and approximate dates such work was performed.
- **Method and Approach** summarizing the applicant's approach to providing examiner services, including a description of applicant's support staff and how applicant will have the ability to meet decision deadlines.
- **Example of Written Work** providing at least three examples of the applicant's written decisions, preferably as a hearing examiner.
- **Professional References** with at least three professional references including name, title, organization, city, state, phone number, and email address.
- **Fee Proposal** providing a description of the proposed compensation required by the applicant. This must specify whether the proposal is for a lump sum annual fee, a cost-per-hour fee, or a combination of lump sum and cost-per-hour fees. Specify whether mileage, travel time, and/or out of pocket expenses are factored into the fee proposal.

*The submittal must be 10 pages maximum. Examples of written work do not count towards the page maximum.*

## **SELECTION CRITERIA AND PROCESS:**

Selection will be based upon:

- Knowledge and experience in:
  - Adjudication or Litigation related to land use planning and zoning
  - State Environmental Policy Act
  - Municipal Code Enforcement
  - Subdivision platting
  - Critical Area and Resource Lands Variances
  - Zoning Variances and Special Use Hearings
  - Appeals of administrative decisions
  - Administrative Procedures
- Experience with writing legally defensible local land use decisions.
- Approach to quality control, case management and decision delivery.
- Making effective use of public resources through a reasonable fee proposal.
- Experience and manner of holding public meetings and quasi-judicial proceedings.
- Response of references.

The statement of qualifications and proposal shall be submitted via email **by October 9, 2020, 4:00 PM** and delivered to:

CITY OF MCCLEARY | Wendy Collins, Clerk/Treasurer | [wendyc@cityofmccleary.com](mailto:wendyc@cityofmccleary.com)

Proposals received after the response deadline of 4 PM on October 9, 2020, are not acceptable for consideration. For specific questions concerning this Request for Qualification and Proposals, please contact

Todd Baun, Director of Public Works, via email at [toddb@cityofmccleary.com](mailto:toddb@cityofmccleary.com) or via telephone at (360) 495-3667.

The City of McCleary in accordance with Title VI of the Civil Rights Act of 1964, 78 Stat. 252, 42 U.S.C. 2000d to 2000d-4 and Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally assisted programs of the Department of Transportation and Title 23 Code of Federal Regulations, Part 200, Title VI Program and the Related Statutes, issued pursuant to such Act, hereby notifies all bidders that it will affirmatively ensure that in any contract entered into pursuant to this advertisement, disadvantaged business enterprises as defined at 49 CFR Part 26 will be afforded full opportunity to submit bids/proposals in response to this invitation and will not be discriminated against on the grounds of religion, race, color, national origin, sex, sexual orientation, gender identity, age, disability and low income in consideration for an award.

#### **TERMS AND CONDITIONS**

1. The City reserves the right to reject any and all proposals, to waive irregularities and informalities in the submittal and evaluation process, and to change the selection process or timeline.
2. The City reserves the right to request clarification of information submitted and to request additional information from any proposer.
3. The contract resulting from acceptance of a proposal by the City shall be in a form supplied by the City and shall reflect the specifications on this RFQ/P. This RFQ/P does not obligate the City to accept or contract for any expressed or implied services.
4. The City shall not be responsible for any costs incurred by an interested party in preparing, submitting, or presenting its response to the RFQ/P.
5. All submitted documents are public record and subject to disclosure.
6. Submission of a proposal will signify the applicant's agreement that its proposal and the content thereof are valid for 30 days following the submission deadline unless otherwise agreed to in writing by both parties.