

Island County Hearing Examiner RFP

The Island County Board of Commissioners is seeking proposals for the services of a Land Use Hearing Examiner for Island County to begin April 1, 2010.

The initial appointment shall be for one (1) year; thereafter, upon reappointment, the term of office shall be three (3) years. Island County may contract with one or more Hearing Examiners.

The proposals should answer all of the requested information indicated below.

The Hearing Examiner conducts administrative and quasi-judicial hearings on appeals of departmental decisions and a variety of land use permits requested within unincorporated areas of Island County. The Examiner then renders a Decision. The Hearing Examiner is an independent contractor and not an employee of Island County.

Island County has used the Hearing Examiner system for over 20 years. Rules of Procedure for the Hearing Examiner were last updated in 2002.

Public hearings and appeal hearings are scheduled on an as-needed basis, with 2 hearing days each month reserved (1st and 3rd Thursdays). Hearings are held at the Courthouse Annex in Coupeville for Whidbey Island and several locations on Camano Island.

Other duties of the Examiner include: reviewing and assisting in revising a set of rules for Hearing Examiner proceedings; and production of an annual report, which contain a summary of decisions made within the Hearing Examiner system, recommendations for improving the Hearing Examiner system, and other observations and recommendations pertaining to land use policies and legislation.

The Island County Planning and Community Development Department provides preparation of case files and records, staff support during hearings; sets agendas in consultation with the Examiner; prepares legal notices; provides reproduction, mailing, and distribution of notices and decisions; and provides a staff recommendation on the case. Electronic copies of staff recommendations and records are provided for the Examiner's use.

The Hearing Examiner determines whether a site visit is needed for each application, following review of all information submitted.

Prior to beginning work, the Examiner will be required to procure and maintain at the Examiner's expense, for the duration of the contract, comprehensive automobile liability insurance at statutorily required limits and workers' compensation coverage if applicable as required by the State Of Washington.

The insurance must be placed with insurers with a minimum Best's rating of A-. Evidence of insurance must be presented to the County's Risk Management Office prior to execution of the contract.

Island County Code requires that the Examiner issue a decision within 14 calendar days of the close of the record in each hearing.

The contract will contain a conflict of interest statement, and the applicant shall be prepared to recuse him or herself from any case where a potential conflict of interest exists. The County will pay the cost of a pro tempore hearing examiner should there be a conflict of interest.

The proposal shall indicate the applicant's background and demonstrate the applicant's familiarity with land use law and regulations and land use hearing processes.

The proposal should demonstrate the extent of the applicant's familiarity with Island County's land use regulations and processes and geographic knowledge of the area.

The proposal should indicate the applicants support staff and ability to meet the deadlines cited in this RFP.

The proposal shall indicate the proposed reimbursement, as follows:

- 1) A lump sum annual fee; or
- 2) A cost per hour fee; or
- 3) A combination of lump sum and cost per hour fees.

All proposals shall address how mileage and travel time are factored into the fee reimbursement schedule.

All proposals should indicate the applicant's ability to comply with the Americans with Disabilities Act, EEO, and any other applicable County, State, or Federal laws.

The proposal shall be accompanied by:

1. a list of professional references who can attest to the applicants abilities; and
2. three writing samples, consisting of administrative decisions written by the applicant. If the applicant has no experience as a hearing examiner or administrative law judge, concise opinion memos or staff reports may be substituted for the administrative decisions.

The applicant shall sign and date the proposal.

To obtain copies of applicable ordinances and existing rules of procedure, or for questions, please contact Robert H. Pederson, AICP, Planning and Community Development Director at (360) 679-7344 or via e-mail at b.pederson@co.island.wa.us

Submit proposals in a sealed envelope to:

**Planning & Community Development
P.O. Box 5000
Coupeville, WA 98239**

Proposals transmitted by fax are not acceptable for consideration. Also, proposals received after the response deadline of 4:30PM on January 31, 2010 are not acceptable for consideration.