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January 29, 2013

City of Olympia
Attention: Human Resources
P. O. Box 1967
Olympia, Washington 98507-1967

Re: RFQ for Hearing Examiner Position

To Whom it May Concern:

I am in receipt of the City's Request for Qualifications (RFQ) for the position of Hearing Examiner and wish to apply for this position. For the past seventeen years I have served as the Hearing Examiner for Lewis County and more recently have been selected as the Hearing Examiner for Cowlitz County as well as the City of Kelso. A more complete statement of my qualifications and experience is attached.

I have reviewed the City's Contract for Hearing Examiner Services and find it to be acceptable. In particular, I have examined the requirements for insurance and can confirm that my present insurance coverage meets all of the City's requirements.

My proposed rate of compensation is \$175.00 per hour billed in .1 hour increments and invoiced monthly. I would not seek compensation for time spent traveling to Olympia. Examples of invoices are enclosed.

As requested in your RFQ the following are included by separate attachments:

- Summary of qualifications, experience and availability.
- Method and approach.
- Examples of written work and invoices.
- Example of rules of procedure.
- Professional references.

Very truly yours,

HILLIER, SCHEIBMEIR, VEY & KELLY, P.S.

By



Mark C. Scheibmeir

SUMMARY OF QUALIFICATIONS, EXPERIENCE AND AVAILABILITY

By way of a quick, general background, I am 57 years of age, married, and the father of two daughters, ages 23 and 16. I reside at 302 River Heights Road located near Centralia and just south of the Thurston County line.

I graduated from the University of Kansas in 1987 with a Bachelor of Science in Business Administration (With Honors). I then moved to the State of Washington to attend the U.W. Law School and graduated from there in 1981. Shortly thereafter I began private law practice in Chehalis where I have continued to work for the past 32 years.

In 1996 Lewis County established the position of Land Use Hearings Examiner and I was selected for the position. I have served as the County's Hearing Examiner ever since, or for the past 17 years. I have presided over a large number of cases, both large and small, covering a broad spectrum of land use issues. One or two decisions have been precedent-setting. For example, I issued the first, and perhaps only, "Major Industrial Permit" as allowed pursuant to RCW 36.70A.365. I have also conducted extensive hearings on a proposed "Fully Contained Community" as provided for in the GMA. I believe that only two or three such applications have been reviewed statewide.

Over time the Lewis County Commissioners asked if I would expand my role to issues other than land use, and I agreed. My duties now include appeals related to various public health and safety issues. My contract with Lewis County is somewhat unusual in that I provide recording staff as well as the recordkeeping for all official hearing examiner records. I am also responsible for the selection and compensation of any pro tem hearing examiners. In return for these services I receive a monthly retainer together with hourly compensation of \$175.00 for any unusually complex matters deemed to be outside the scope of the retainer.

In 2007 I was selected as Hearing Examiner for Cowlitz County and I have continued to serve in that capacity for the past six years. My role with them is unusual as Cowlitz County is the only county along Interstate 5 not governed by the GMA, although its land use procedures are similar to those followed in GMA counties. As with Lewis County, my hearings in Cowlitz County have covered a wide range of issues.

This past year a noteworthy change occurred in my contract with Cowlitz County as my role was expanded to include Substantial Development Permits under the Shorelines Management Act. I was advised that this change was made in anticipation of an application during the coming year for a coal export facility, and the County Commissioners' preference that I be empowered to rule on this application.

In 2008 I was chosen as Hearing Examiner for the City of Kelso based upon the recommendation of the Cowlitz County Planning Department. Unfortunately the City has seen very little land use activity since my appointment and I have not been asked to preside over many matters. My last hearing was In 2010 when I was asked to hear a highly controversial

appeal of the City's refusal to allow a faith-based organization to operate an outreach program in the City's downtown core. My decision is included among those I have submitted for your review.

I am also the Hearing Examiner Pro Tem for the City of Centralia but I have not been called upon to assist Centralia for a number of years.

The remainder of my practice primarily involves real estate, business, municipal and contract issues. For the past twenty years I have been the City Attorney for the City of Winlock. This past year I also became the City Attorney for Napavine. My partner, Bill Hillier, is the City Attorney for Chehalis and I am the Assistant City Attorney. Although my practice involves a fair amount of real estate work I do not represent appellants in land use appeals in other jurisdictions as I believe that this could lead to conflicts or at least the appearance of conflict.

My law practice involves relatively few matters in Olympia or Thurston County. Thus, while I live close by and am familiar with the City I would not expect to have any conflicts.

My practice allows me to schedule land use hearings on relatively short notice. My hearings are currently scheduled both during the day and evenings and I have no objection to either one. My only conflict would occur on the fourth Monday evening of each month as I attend the Winlock City Council meeting that evening. All of my hearing examiner contracts require that I produce a written decision within ten days and I have always been very conscientious in carrying out this requirement, recognizing the benefit to all parties of a prompt decision.

Away from work I am an avid bicyclist and trail runner. I am one of the founding members of the Lewis County Trails Association. Formed in 2006 it is a nonprofit organization that works closely with Lewis County and its cities to design, build and promote recreational trails. For more than twenty years I have been on the Board of Directors for the Centralia College Foundation, served as its President for two years and was co-chair of its 2008-2010 Major Capital Campaign. In 2011 I was awarded the College's "Trailblazer Award" for contributions to the college. I have been a member of the Chehalis Rotary Club since 1988 and I coached recreational soccer in Centralia for more than twenty years.

To summarize all of the above, for many years I have deeply enjoyed working as a hearing examiner for several jurisdictions and I would be excited to provide similar services for the City of Olympia.

If you have any remaining questions or comments about my qualifications, certainly let me know.

Very truly yours,

Mark C. Scheibmeir

