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City Council

Approval of a Resolution Authorizing a Professional Services Agreement for Hearing Examiner Services with Attorney, Mark Scheibmeir

Agenda Date: 3/29/2022
Agenda Item Number: 4.G
File Number: 22-0278

Type: resolution **Version:** 1 **Status:** Passed

Title

Approval of a Resolution Authorizing a Professional Services Agreement for Hearing Examiner Services with Attorney, Mark Scheibmeir

Recommended Action

Committee Recommendation:

The Land Use & Environment Committee recommends approval a professional services agreement for Hearing Examiner Services with attorney, Mark Scheibmeir.

City Manager Recommendation:

Move to approve a professional services agreement for Hearing Examiner Services with attorney, Mark Scheibmeir as recommended by the Land Use & Environment Committee.

Report

Issue:

Whether to approve a Resolution authorizing a Professional Services Agreement for Hearing Examiner Services with attorney, Mark Scheibmeir.

Staff Contact:

Tim Smith, Deputy Director, Community Planning and Development, 360.570.3915

Presenter(s):

None - Consent Calendar Item

Background and Analysis:

The Land Use & Environment Committee (LUEC) directed staff to move forward with a Request for Qualifications (RFQ) for the services of both Hearing Examiner and Pro Tem Hearing Examiner at their meeting on October 21, 2021. The current Hearing Examiner contract will expire on April 30, 2022. The current Hearing Examiner, Mark Scheibmeir, has been under contract with the City for Hearing Examiner services since 2013. The purpose for having a Pro Tem Hearing Examiner is to ensure land use matters can be heard if the Hearing Examiner has either a schedule conflict or is not

available due to illness.

The City posted an RFQ on the City's website in December 2021. The RFQ was published twice in the Daily Journal of Commerce. The RFQ was also distributed to members of the Hearing Examiner Association of Washington. The City received two responses to the RFQ. A committee comprised of City staff reviewed the responses and forwarded both candidates to the LUEC for interviews. The LUEC then conducted candidate interviews at a special public meeting held via Zoom on February 9, 2022. The LUEC subsequently held a discussion on the candidates and forwarded a recommendation to the City Council that Mark Scheibmeir continue his service as Olympia Hearing Examiner under a new contract for a two-year period, with an option to extend the contract for two-years upon the mutual agreement of Mr. Scheibmeir and the City.

The position of Pro Tem Hearing Examiner will not be filled at this time. The LUEC has asked staff to develop and bring forward options for recruiting that position.

The position of Hearing Examiner is established in Olympia Municipal Code (OMC) Chapter 18.82. The purpose of this Chapter, as stated in OMC 18.82.020, is to:

- Separate the land use regulatory function from the land use planning process.
- Ensure procedural due process and appearance of fairness in land use regulatory hearings and decisions.
- Provide an efficient and effective land use regulatory system which integrates the public hearing and decision-making processes for land use matters.
- Provide for consistency and predictability in land use decision making and the application of policies and regulations adopted by the City.
- Establish clear and understandable rules governing the land use decision-making process.

Neighborhood/Community Interests (if known):

The work of the Hearing Examiner has been a topic of interest to many community members as development continues throughout the City.

Options:

1. Approve the Resolution authorizing a Professional Services Agreement for Hearing Examiner services with attorney, Mark Scheibmeir
2. Do not approve the Resolution.
3. Consider approval of the Resolution at another time.

Financial Impact:

There is not a direct financial impact related to the RFQ and selection process. The Hearing Examiner contract will continue to provide for the Examiner to be paid on an hourly basis for required hearings. Permit fees are included in OMC Chapter 4.40 for staff costs to prepare and conduct Hearing Examiner hearings, and for appeals to the Hearing Examiner of administrative decisions.

Attachments:

Resolution
Agreement