



# Hearing Examiner Request for Proposal (RFP)

City of Edgewood ■ 2224 104<sup>th</sup> Ave East ■ Edgewood, Washington 98372-1513 ■ 253-952-3299

## SECTION I. INTRODUCTON

### A. Purpose

The City of Edgewood ("City") is requesting proposals from individuals, attorneys, or firms with experience in the areas of land use law, real property law, municipal planning and development, and code enforcement for the purpose of selecting a Hearing Examiner. The Hearing Examiner conducts quasi-judicial hearings on complex land use matters and regulatory compliance issues on behalf of the City and issues decisions and recommendations supported by findings and conclusions. The City of Edgewood Hearing Examiner system is adopted pursuant to [Revised Code of Washington \(RCW\) 35A.63.170](#).

The City's specific requirements are outlined in this Request for Proposals (RFP). The Hearing Examiner may choose to serve fully in person, fully remote, or in a hybrid capacity.

### B. Community Profile and Average Case Volume

Located approximately 30 miles south of Seattle, the City of Edgewood is one of the largest cities in Pierce County, WA, with approximately 13,600 residents as of 2023. Edgewood is also one of the fastest-growing and newest cities in the region, having incorporated in 1996. Portions of the city are located within the boundaries of the Puyallup Indian Reservation, and we count Fife, Federal Way, Milton, Pacific, Puyallup, Sumner, and portions of unincorporated Pierce and King counties as our neighbors.

Since 2016, the City has had an average case volume of three to four cases per year. Of those, case types have primarily been full subdivisions, conditional use permits and reasonable use permits.

### C. RFP Schedule

The anticipated selection process timeline is shown below:

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**Issue RFP:** October 26, 2023

**Deadline for Submittals:** **3:00 PM on November 17, 2023**

**Evaluation, Interviews, and Selection Period:** November 20 – December 12, 2023

**Anticipated Contract Execution Date:** December 12, 2023

**Preferred Start Date:** January 1, 2024

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## SECTION II. MINIMUM QUALIFICATIONS AND EXPERIENCE / ACCEPTABLE EQUIVALENCY

*At its sole discretion, the City of Edgewood may consider combinations of education, experience, certifications and training in lieu of specifically required qualifications contained herein.*

### Required

- A license to practice Law in the State of Washington.
- A minimum of three (3) years of experience as a land use Hearing Examiner or as a land use Attorney representing clients before administrative decision makers such as Hearing Examiners, City Councils, Boards of Adjustment and/or Planning Commissions in the State of Washington;
- Knowledge and ability to apply:
  - [RCW 36.70A](#): Washington Growth Management Act (GMA);
  - [RCW 36.70B](#): Washington Local Project Review Act (formerly the Regulatory Reform Act);
  - [RCW 36.70C](#): Washington Land Use Petition Act;
  - [RCW 43.21C](#): Washington State Environmental Policy Act (SEPA);
  - [RCW 58.17](#): Washington Subdivision Act;
  - [RCW 42.30](#): Washington Open Public Meetings Act
  - [RCW 42.56](#): Washington Public Records Act
  - Washington building and construction codes, including ability to understand local amendments;
  - Other city codes, ordinances, resolutions, regulations and policies;
  - Other state and federal laws, including statutes, case law, and regulations.

### Desired

- Ability to communicate in a second language prevalent in Pierce County.

## SECTION III. BUDGET AND CONTRACT PERIOD

Compensation will be established by negotiation between the successful applicant(s) and the City.

The initial contract duration will be for a period of three (3) years, with an option to extend.



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## SECTION IV. SCOPE OF SERVICES

### A. Hearing Examiner Services

The Hearing Examiner conducts quasi-judicial hearings on complex land use matters and regulatory compliance issues on behalf of the City, and other issues assigned 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's land use and development regulations and the pertinent and appropriate provisions of the Edgewood Municipal Code; conducting orderly and impartial hearings and hearing appeals; and preparing written decisions in a timely manner which are understandable and based upon reasoning and all applicable laws.

The successful Hearing Examiner candidate will have the ability to:

- Perform the duties of the Hearing Examiner as set forth in [Edgewood Municipal Code \(EMC\) Chapter 2.40](#), as now in effect or as hereafter amended;
- Visit subject sites, as necessary, prior to public hearings;
- Examine hearing related documents and review case files, City codes and policies, environmental documents, plans and maps;
- Evaluate testimony and evidence, prepare records, enter final writing findings and impose conditions to conform projects to City ordinances and land use policies;
- Administer the public hearing process in a professional and impartial manner;
- Prepare sound and defendable decisions within the prescribed timelines;
- Issue and distribute decisions as required under City ordinances and rules;
- Coordinate with City Staff on ancillary functions including setting hearing dates, handling hearing exhibits, distributing decisions, etc.; and
- Maintain knowledge of current relevant state and City land use laws, policies and related state and federal court decisions.



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## B. City of Edgewood Services

Hearings are generally held at Edgewood City Hall (2224 104th Avenue E, Edgewood, WA).

The City will provide the following:

- Set agendas in consultation with the Hearing Examiner;
- Public notice of hearings as required under City ordinances and rules;
- Preparation of case files, records and staff reports describing and analyzing the application or issues to be heard by the Hearing Examiner; including a staff recommendation, as applicable;
- A hearing room and facilities, including, but not limited to, recording and sound system, for in-person and/or hybrid hearings;
- Virtual meeting platform that allows for public participation to include recording, when the hearing occurs hybrid or virtually;
- Decision copying and distribution services as required under City ordinances and rules; and
- Current copy of all City land use plans, policies and ordinances and amendments thereto, passed during the term of this contract.

## SECTION V. INSTRUCTIONS FOR PROPOSALS

### A. Requested Submittal Information – Maximum 10 Pages, plus Samples

Consultants are encouraged to submit concise and clear responses to this RFP. The proposal shall be submitted electronically via email. All pages shall be formatted to print on standard, letter paper (8.5 x 11-inches). The content of the submittal shall include:

#### 1. Name and Contact Information

Identify and provide a resumé or similar description of the educational and professional background for the individual to serve as the City's Hearing Examiner. Include the educational degree(s) held by the person, institutions issuing such 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. All proposers shall be licensed to practice law by the Washington State Bar Association.

Also identify any individual(s) who will serve as a hearing examiner pro tem and/or provide administrative support for the Hearing Examiner.



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## 2. Experience Narrative

Describe relevant experience working for other jurisdictions as a Hearing Examiner or other quasi-judicial official in the following capacities:

- Quasi-Judicial: Describe experience with conducting hearings and issuing decisions related to quasi-judicial hearings for complex land use matters. Specifically discuss experience related to hearings for preliminary plats, conditional use permits, reasonable use permits, and/or variances.
- Administrative Appeals: Describe experience with conducting hearings and issuing decisions related to appeals of administrative decisions. Specifically discuss experience related to appeals of SEPA Determinations and code interpretations.
- Code Enforcement Proceedings: Describe experience with conducting hearings and issuing decisions related to appeals of violations appeals and civil penalties appeals. Also describe experience with conducting hearings and issuing decisions and orders related to uninhabitable structures/premises under the provisions of Chapter 35.80 RCW.

## 3. Method and Approach

Describe your approach to providing Hearing Examiner services, including but not limited to:

- Approach to conducting hearings;
- Perspective on what constitutes a “good result” for matters over which the Hearing Examiner might preside;
- Ability to meet decision deadlines and general availability of the Hearing Examiner; and
- How decisions from both the Courts and relevant administrative hearing bodies will be incorporated into decisions.

## 4. Fee Proposal

A description of the proposed compensation required by the applicant. Specify whether the proposal is for a per case lump sum fee, lump sum annual fee, monthly retainer, 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.



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## 5. Hearing Examiner Report Examples

Submit two (2) written samples of prior decisions in which you were the primary drafter that demonstrate how your experience matches the scope of services.

## 6. Professional References

Provide contact information for two (2) professional references with knowledge of the Hearing Examiner's work and experience.

## B. Submittal Deadline

One (1) electronic copy of the RFP must be received by **November 17, 2023, at 3:00 PM**. No faxed or hard copies will be accepted. It is the responsibility of the applicant to ensure the complete RFP arrives on time and to the correct location. Any RFP received after the scheduled closing time shall be returned and noted as "rejected" by the City Clerk.

## C. Electronically Submit To:

City of Edgewood  
Attn: Jill Schwerzler-Herrera, Deputy City Clerk  
RE: Hearing Examiner RFP  
Email: [jill@cityofedgewood.org](mailto:jill@cityofedgewood.org)

## SECTION VI. SELECTION CRITERIA

The City may, in its sole discretion, conduct interviews to further review the qualifications and proposal of any individual. The City will use the following criteria in its final selection of a consultant:

Criteria	Points (100 total)
Qualifications and Responsiveness of the Written Proposal	30
Experience	30
Method and Approach	20
Example of Written Work	20



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## SECTION VII. OTHER INFORMATION

- The City reserves the right to request clarification of information submitted and to request additional information from any proposer.
- Fees included in any proposal shall be valid through the date of contract execution.
- The City of Edgewood will not pay any cost incurred by any consultant resulting from preparation, submittal, or presentation of a proposal in response to this RFP.
- The City reserves the right to modify or cancel (in whole or in part) this RFP, reject any and all proposals, and waive minor irregularities in any proposal.
- The successful consultant will be required to execute a contract with the City, in substantially the same form as in Attachment A, or as otherwise approved by the City Council, subject to review and recommendation by the City Attorney.
- The City reserves the right to award any contract to the next, most qualified consultant, if the successful consultant does not execute a contract within thirty (30) days after the award of the proposal.
- The selection of consultant shall be made based upon the City's opinion of the professional qualifications of the applicant and availability for hearings.
- The selection will be made without regard to race, color, sex, age, religion, national origin, or political affiliation.