

BEFORE THE COUNCIL OF THE  
METROPOLITAN SERVICE DISTRICT

FOR THE PURPOSE OF ADDING TO	)	RESOLUTION NO. 85-550
THE APPROVED LIST OF HEARINGS	)	
OFFICERS	)	Introduced by the
	)	Executive Officer

WHEREAS, Section 2.05.025(a) of the Code of the Metropolitan Service District provides that the Metropolitan Service District Council may approve a list of hearings officers from which the Executive Officer may select a hearings officer for a particular case or cases, provided the names on such a list are members of the Oregon State Bar; and

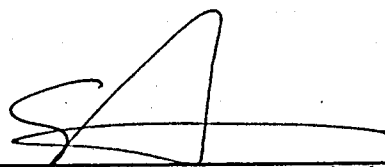
WHEREAS, The Council has previously approved a list of such hearings officers; and

WHEREAS, Adrienne Brockman and Beth Mason are members of the Oregon State Bar, and are qualified to conduct contested case hearings on matters relating to land use; now, therefore,

BE IT RESOLVED,

That Adrienne Brockman and Beth Mason shall be added to list of approved hearings officers pursuant to Section 2.05.025 of the Code of the Metropolitan Service District.

ADOPTED by the Council of the Metropolitan Service District this 28th day of February, 1985.

  
\_\_\_\_\_  
Ernie Bonner, Presiding Officer

JH/srs  
2949C/405-4  
03/11/85

STAFF REPORT

Agenda Item No. 7.2

Meeting Date Feb. 28, 1985

CONSIDERATION OF RESOLUTION NO.85-550 FOR THE  
PURPOSE OF ADDING TO THE APPROVED LIST OF  
HEARINGS OFFICERS

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Date: February 13, 1985

Presented by: Jill Hinckley

FACTUAL BACKGROUND AND ANALYSIS

The Metropolitan Service District (Metro) maintains a list of hearings officers, approved by the Council, from which hearings officers are selected on a case-by-case basis. Presently, the list includes Frank Josselson, Paul Norr, Dale Hermann, Mike Holstun, Larry Derr and Andy Jordan.

None of those on the list are available to hear a petition for an Urban Growth Boundary (UGB) adjustment in Washington County which will shortly be completed and submitted to Metro for hearing. Paul Norr and Mike Holstun are no longer in private practice. All of the remaining four are subject to a conflict of interest or other reason that prevents them from hearing this case.

Rather than add only one additional name for this one case, several have been included to provide more flexibility for comparable situations in the future. An active affirmative action effort was undertaken to identify qualified women and minorities, through consultation with area planners, attorneys and others. Three women are proposed for addition to the list, based upon their qualifications and the enthusiastic recommendations of those familiar with their work: Adrienne Brockman, Beth Mason and Gail Achterman. Two other candidate are still being considered for possible addition in the future.

EXECUTIVE OFFICER'S RECOMMENDATION

The Executive Officer recommends adoption of Resolution No. 85-550.

JH/srs  
2949C/405-4  
02/19/85

BEFORE THE COUNCIL OF THE  
METROPOLITAN SERVICE DISTRICT

FOR THE PURPOSE OF ADDING TO	)	RESOLUTION NO. 85-550
THE APPROVED LIST OF HEARINGS	)	
OFFICERS	)	Introduced by the
	)	Executive Officer

WHEREAS, Section 2.05.025(a) of the Code of the Metropolitan Service District provides that the Metropolitan Service District Council may approve a list of hearings officers from which the Executive Officer may select a hearings officer for a particular case or cases, provided the names on such a list are members of the Oregon State Bar; and

WHEREAS, The Council has previously approved a list of such hearings officers; and

WHEREAS, Gail Achterman, Adrienne Brockman and Beth Mason are members of the Oregon State Bar, and are qualified to conduct contested case hearings on matters relating to land use; now, therefore,

BE IT RESOLVED,

That ~~Gail Achterman~~, Adrienne Brockman and Beth Mason shall be added to list of approved hearings officers pursuant to Section 2.05.025 of the Code of the Metropolitan Service District.

ADOPTED by the Council of the Metropolitan Service District this \_\_\_\_\_ day of \_\_\_\_\_, 1985.

\_\_\_\_\_  
Ernie Bonner, Presiding Officer

JH/srs  
2949C/405-3  
02/19/85

7.2 Consideration of Resolution No. 85-550, for the Purpose of Adding to the Approved List of Hearings Officers (Gail Achterman, Adrienne Brockman and Beth Mason)

Jill Hinckley explained the agency maintained a list of Hearings Officers from which appointments were made to hear particular cases. She said additional appointments were necessary because none of the existing officers were available to hear an upcoming case. Three names were recommended to avoid the necessity of returning to the Council soon for additional approvals and also to provide more balance relative to minorities and women. The three women proposed all had extensive land use experience, she said.

In answer to Councilor Van Bergen's question, Ms. Hinckley explained all the Hearings Officers on the approved list were currently in private practice, were without conflict of interest, would remain on the list, but were currently unavailable to serve on an upcoming case. The three persons proposed to serve under this Resolution were all in private practice, she reported.

Councilor Myers announced Gail Achterman was his law partner and questioned whether this would constitute a conflict of interest. Eleanore Baxendale, General Counsel, requested the Council adopt the Resolution subject to staff's investigation of a possible conflict of interest. If a conflict of interest existed, Ms. Achterman's name would be deleted from the list.

Motion: Councilor Kirkpatrick moved approved of Resolution No. 85-550 and Councilor Kelley seconded the motion.

Vote: A vote on the motion resulted in:

Ayes: Councilors Cooper, DeJardin, Gardner, Kirkpatrick, Kelley, Myers, Oleson, Van Bergen and Waker

Absent: Councilors Hansen, Kafoury and Bonner

The motion carried and the Resolution was adopted.

7.3 Consideration of Resolution No. 85-551, for the Purpose of Establishing Priorities and Objectives for 1985 and 1986

Executive Officer Gustafson reported this Resolution contained the priorities and objectives developed at the Council Workshop