

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF APPROVING THE) RESOLUTION NO. 03-3350
SELECTION OF HEARINGS OFFICERS FOR)
CONTESTED CASE HEARINGS PURSUANT TO) Introduced by Chief Operating Officer
METRO CODE CHAPTER 2.05 FOR THE PERIOD) Michael J. Jordan with the concurrence of
COMMENCING AUGUST 2003) Council President David Bragdon

WHEREAS, Section 2.05.025(a) of the Metro Code Chapter 2.05 requires that contested case hearings shall be held before the Council President or a Hearings Officer; and

WHEREAS, Metro utilizes the services of Hearings Officers when contested case hearings must be held pursuant to the Metro Code Chapter 2.05; and

WHEREAS, the Council adopted Resolution No. 03-3334, on May 22, 2003, authorizing the issuance of a Request for Proposals for Hearings Officer services (RFP 03-1072-OMA); and

WHEREAS, responses were reviewed by staff members of the Office of Metro Attorney (the Review Committee); and

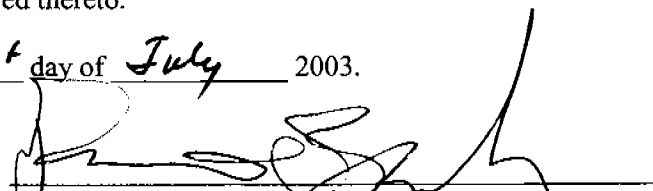
WHEREAS, the Review Committee recommends that six qualified responses be accepted and that (1) Berry & Elsner LLP; (2) Dispute Resolution Services; (3) Harris Law Firm PC; (4) Larry Epstein PC; (5) Newcomb Sabin Schwartz & Landsverik LLP; and (6) Robert C. Shoemaker, be designated as approved Hearings Officers, and that the Chief Operating Officer be authorized to enter into contracts to secure their services; now, therefore,

BE IT RESOLVED:


A. That pursuant to Metro Code Section 2.05.025(a), the following are designated as approved Hearings Officers for the period commencing August 2003: (1) Berry & Elsner LLP; (2) Dispute Resolution Services; (3) Harris Law Firm PC; (4) Larry Epstein PC; (5) Newcomb Sabin Schwartz & Landsverik LLP; and (6) Robert C. Shoemaker.

B. That the Chief Operating Officer is authorized to enter into contracts with: (1) Berry & Elsner LLP; (2) Dispute Resolution Services; (3) Harris Law Firm PC; (4) Larry Epstein PC; (5) Newcomb Sabin Schwartz & Landsverik LLP; and (6) Robert C. Shoemaker, in a Personal Services Agreement form substantially similar to RFP 03-1072-OMA, approved by Resolution No. 03-3334, adopted on May 22, 2003, and the responses received thereto.

ADOPTED by the Metro Council this 31st day of July 2003.


David Bragdon, Council President

Approved as to Form:


Daniel B. Cooper, Metro Attorney



STAFF REPORT

IN CONSIDERATION OF RESOLUTION NO. 03-3350, FOR THE PURPOSE
OF APPROVING THE SELECTION OF HEARINGS OFFICERS FOR
CONTESTED CASE HEARINGS PURSUANT TO METRO CODE CHAPTER
2.05 FOR THE PERIOD COMMENCING AUGUST 2003

Date: June 20, 2003

Prepared by: Daniel B. Cooper
Metro Attorney

BACKGROUND

This resolution would complete the process initiated by Resolution No. 03-3334, adopted on May 22, 2003, whereby the Metro Council authorized the release of a Request for Proposals (RFP-03-1072-OMA) to identify qualified Hearings Officers pursuant to Metro Code Chapter 2.05. This Resolution officially designates six Hearings Officers to conduct contested case hearings on land use, solid waste, recycling and miscellaneous matters for contested case proceedings required to be conducted by Metro.

ANALYSIS/INFORMATION

1. Known Opposition: None

2. **Legal Antecedents:** Metro Code Chapter 2.05 January 2003 Edition; Resolution No. 97-2569 For the Purpose Approving the Request for Proposals for Hearings Officer Services, adopted December 11, 1997; Resolution No. 98-2627A, For the Purpose of Approving the Selection of Hearings Officers for Contested Case Hearings for the Period Commencing April, 1998; and Resolution No. 03-3334 For The Purpose of Authorizing The Release of Request for Proposal 03-1072-OMA for Selection of Hearings Officers for Contested Case Hearings pursuant to Metro Code Chapter 2.05.

3. **Anticipated Effects:** Upon the Metro Council's approval, the following are designated as approved Hearings Officers: (1) Berry & Elsner LLP; (2) Dispute Resolution Services; (3) Harris Law Firm PC; (4) Larry Epstein PC; (5) Newcomb Sabin Schwartz & Landsverik LLP; and (6) Robert C. Shoemaker, and that they will conduct contested case hearings in their specialized area of law on land use, solid waste, recycling and miscellaneous matters for contested case proceedings required to be conducted by Metro will be awarded multiple-year contracts to multiple attorneys and/or law firms as Contractors commencing with August 2003 in the fiscal year 2003-04 through 2005-06 based on the Scope of Work described in the RFP 03-1072-OMA's Personal Services Agreement, Attachment B.

4. Budget Impacts:

Multiple-year contracts will be awarded to designated Hearings Officers as Contractors with a \$5,000.00 per case and/or hearing not to exceed \$25,000.00 throughout the contract term for three years commencing August 2003.

RECOMMENDED ACTION

The Chief Operating Officer recommends that the Metro Council approve Resolution No. 03-3350.