



CITY OF NEWPORT BEACH

April 23, 2010

REQUEST FOR PROPOSALS HEARING OFFICER SERVICES

To Whom It May Concern:

In February 2008 the City of Newport Beach adopted Ordinance 2008-05 that requires group residential uses to apply for and obtain use permits or reasonable accommodation to establish such uses. Applications for a use permit in a residential district and for reasonable accommodation are reviewed in a public hearing by a hearing officer. Appeals of the hearing officer's decision are heard by the City Council

The use permit and reasonable accommodation applications are detailed, and require extensive review by the City and its planning staff. The City and its staff will set for hearing and present the application to a designated hearing officer, who shall analyze whether required findings for approval can be made and as a result, approve, approve with conditions, or deny the application. Ordinance 2008-05 describes the findings that a hearing officer shall make prior to approving, conditionally approving, or denying a use permit or reasonable accommodation.

The City is interested in retaining hearing officers to consider use permit or reasonable accommodation applications, as well as any appeals authorized by NBMC Section 1.08.055 and appeals of California Vehicle Code citations.

The City seeks proposals from qualified hearing officers, either associated with firms or as individuals. In accordance with City Council Policy F-26 ("Hearing Officers"), individuals or firms should:

- Have a demonstrated familiarity with municipal codes (especially land use and zoning), applicable case law, and California and Federal law (including fair housing laws).
- Have at least ten (10) years' experience as either a Hearing Officer for another municipality, a judge, or as an attorney practicing in the area of municipal law, especially land use planning;
- Be a member of the California State Bar in good standing, or having retired from the Bar in good standing; and
- Have no conflict of interest or ethical barrier regarding the specific case that the Officer will hear. NOTE: Each candidate's interests shall be reviewed and an opinion offered by qualified legal counsel prior to employment as a Hearing Officer.

Proposals should show the demonstrated expertise described above, plus present firm and/or individual qualifications. If a firm presents qualifications, the firm should show individuals' qualifications within the firm who would be assigned to this project. Proposers should present a cost schedule for the services based on an hourly rate.

Proposals should be not more than three (3) pages, not including resumes. Proposals must be received at the below address no later than **5:00 p.m. on May 7, 2010**, and can be faxed, e-mailed, or mailed as follows:

Hearing Officer Services
Attn: Evelyn Tseng, Acting Revenue Manager
Newport Beach City Hall
3300 Newport Boulevard
Newport Beach, CA 92663

Fax: 949-644-3073

E-mail: etseng@newportbeachca.gov

For more information about Ordinance 2008-05, please see www.newportbeachca.gov then Projects and Issues, then *Group Residential Uses*. For more information about this RFP, please call (949-644-3141) or e-mail me.

Sincerely,



Evelyn Tseng
Acting Revenue Manager
City of Newport Beach

ATTACHMENT: Council Policy F-26 (Hearing Officers)

COUNCIL POLICY F-26 HEARING OFFICERS

PURPOSE: To establish the City Council's policy regarding the qualifications, backgrounds, and experience of City-appointed Hearing Officers.

POLICY: It is the policy of the City Council of the City of Newport Beach that Hearing Officers shall be used as independent, third party decision-makers outside of City staff and appointed commissions. This Policy sets forth the roles of Hearing Officers, their qualifications, and relationship to the City government.

1 – HIRING OF HEARING OFFICERS. Pursuant to §1.08.055 of the Newport Beach Municipal Code (NBMC), the City Council, the City Manager, or certain boards or commissions can designate Hearing Officers to hear and consider appeals. Generally, these Hearing Officers shall be hired under the authority of the City Manager. However, for Hearing Officers hearing and considering actions under Title 20, the City Council shall approve the hiring of the Hearing Officers.

2 – ROLES OF HEARING OFFICERS. Hearing Officers can serve the community to conduct any hearing or appeal pursuant to NBMC §1.08.055 or can serve as code administrators. Respective roles shall be as follows:

- A. To hear any appeals authorized by NBMC §1.08.055 plus appeals of California Vehicle Code citations.
- B. As a Code Administrator of these aspects of Title 20:
- To consider and approve, conditionally approve, or deny Use Permits under Chapter 20.91A.
 - To consider and approve, conditionally approve, or deny requests for Reasonable Accommodation under Chapter 20.98.
 - To consider and approve, conditionally approve, or deny requests for abatement time period extensions under Chapter 20.62.

3 – QUALIFICATIONS OF HEARING OFFICERS. The City Council shall select Hearing Officers based on the following qualifications. A hearing officer shall:

- A. For appeals authorized by NBMC §1.08.055:
- Have a demonstrated familiarity with municipal codes, applicable case laws, and California State Law.
 - Have at least three (3) years' experience either as a Hearing Officer for another municipality, a judge, or as a practicing attorney familiar with municipal law;
 - If applicable, be a member of the California State Bar in good standing, or having retired from the Bar in good standing; and
 - Have no conflict of interest or ethical barrier regarding the specific case that the Officer will hear.
- B. For decisions associated with Title 20:
- Have a demonstrated familiarity with municipal codes (especially land use and zoning), applicable case law, and California and Federal law (including fair housing laws).

- Have at least ten (10) years' experience either as a Hearing Officer for another municipality, a judge, or as an attorney practicing in the area of municipal law, especially land use planning;
- Be a member of the California State Bar in good standing, or having retired from the Bar in good standing; and
- Have no conflict of interest or ethical barrier regarding the specific case that the Officer will hear. Each candidate's interests shall be reviewed and an opinion offered by qualified legal counsel prior to employment as a Hearing Officer.

ADOPTED – January 22, 2008