



Request for Qualifications: Legal Services – Land Use Hearing

Officer

REQUEST FOR QUALIFICATIONS (RFQ)

This RFQ is an official notification of the need for services for Cache County (“County”). This RFQ is being issued to solicit statements of interest from attorneys qualified to perform and render legal services for the County.

The County seeks a Utah licensed attorney to act as the County’s Land Use Hearing Officer (“Hearing Officer”) to serve a minimum five-year term and fulfill the duties as described in section **17.02.030 (C) Land Use Hearing Officer** of the County’s Code. A Hearing Officer will oversee appeals of administrative land use decisions and land use variance requests, which will generally include conducting appeal hearings, adopting rules that govern the review and adjudication, evaluating evidence, interpreting the County’s and State’s land use code, and issuing written decisions on appeals and variance applications.

Qualifications should be prepared and submitted as described in this RFQ. Submission does not guarantee the service provider will be selected to supply the services described. The submission indicates that the service provider desires to be considered. In no circumstance will receipt of qualifications bind or obligate the County.

Issue Date: Sept. 18, 2023

Response Deadline: Until Filled

RATE: \$300/hour

DESCRIPTION

The County is seeking a Hearing Officer to conduct land use appeals and variances hearings. The County is seeking qualified attorneys licensed in Utah to fill this position. The Hearings Officer’s services may include, but are not limited to, anything which is reasonably necessary to the appeal and decision-making process, including ruling on matters brought before the Hearings Officer, reviewing and deciding questions of law, analyzing evidence, issuing evidentiary rulings, and drafting findings, conclusions, judgments, orders, and determinations in a form appropriate for the specific matters within the confines of County Code. Such findings, conclusions, rulings, orders, and determinations shall be delivered and served on all parties.

County staff will provide the Hearing Officer with clerical and administrative support in (1) arranging the time, place, and other logistics of the appeal hearings; (2) sending required written notices to all parties in an appeal; and (3) facilitating administrative communication between all parties. Other than the support listed above, the Hearing Officer will act separately and independently from the County.



The Land Use Hearing Officer will be bound by the Code of Professional Conduct and the Judicial Code.

The County cannot predict with certainty the number of matters or the complexity of issues that will be heard by a Land Use Hearing Officer in a given year and does not guarantee any number of hours of work. However, the Land Use Hearing Officer shall make themselves available to attend hearings at least once a month, typically 1-2 hours, and any preparation or legal services necessary outside of the hearings to perform the statutory responsibilities. The Land Use Hearing Officer shall be paid an hourly rate of **\$300** for preparation, hearing time, researching, drafting, and other duties stated herein.

This Hearing Officer is a contract position. The Hearing Officer will act as an independent contractor and not an employee of the County. The Hearing Officer will not receive benefits from the County. The County's sole obligation is to compensate for the work performed pursuant to the terms stated in a contract executed between the County and Hearing Officer.

MINIMUM QUALIFICATIONS

The Land Use Hearing Officer must have the following qualifications:

- a) Attorney admitted to practice law and in good standing with the State of Utah;
- b) At least 3 years of legal experience in one or more of the following areas: (1) local government administration; (2) land use regulation; (3) law enforcement; and/or (4) legal proceedings;
- c) Knowledge of local government land use ordinances and the Utah State Code as it relates to local government operations, land use administration, and code enforcement;
- d) Knowledge of variance criteria as outlined in Cache County and State Code;
- e) Ability to remain fair and impartial in conducting appeal hearings and rendering decisions on appeals;
- f) Strong writing skills and ability to draft findings, conclusions, rulings, orders, and determinations;
- g) Experience interacting with parties to resolve a dispute in a professional manner;
- h) Flexible schedule.

It is preferred that the Land Use Hearing Officer have the following:

- a) Experience as a hearing officer in another local government, preferably in the State of Utah;
- b) Judicial experience or experience in Utah land use law.

SUBMISSION REQUIREMENTS

By responding to this request, an applicant acknowledges that they meet the minimum requirements and are capable of performing the duties of the Land Use Hearing Officer. Proposals must include the following documents to illustrate their qualifications:

- a) Resume;

- b) A 1-2 page cover letter, which describes relevant experience, education, years of practice and in what area of the law, interest in the position, availability to perform hearings, and any other information that illustrates how the submitter meets the necessary requirements for the Land Use Hearing Officer position;
- c) Writing sample with few or no revisions made by others. Ideally, the writing sample shall be a written or proposed order with findings of facts and conclusions of law. If such a writing sample is unavailable, a writing sample that displays the submitter's legal analysis and writing skills is sufficient;

After evaluation of the submissions has been completed, the County may conduct one or more interviews with the final candidates with the County Executive, County Attorney, and any others assigned by the County Executive.

SUBMISSION INFORMATION

Please provide an electronic copy of the submission documents. Submissions must be clearly labeled Land Use Hearing Officer Statement of Qualifications. Respondents are responsible for the delivery of submissions to the County. Submissions shall be emailed to: stephen.nelson@cachecounty.org

Questions regarding the RFQ may be directed to: Stephen Nelson, Director of Development Services.

CRITERIA FOR EVALUATING SUBMISSIONS

Submissions shall be evaluated based on legal analysis and writing skills, approach, experience, and ability to perform the requested services. Only proposals that meet all of the submissions in this proposal will be considered for the position.

INCURRED COSTS

The County is not liable for any costs, including travel, incurred by the Respondent before the contract is awarded. The total liability of the County is limited to the terms and conditions of the request and any resulting contract.

NO THIRD-PARTY RIGHTS

It is agreed and understood that the contract is made solely for the benefit of the County and the selected candidate, not for any third party's benefit, and that no action or defense may be found upon this contract except by the signatory parties.

DISCLOSURE OF PROPOSAL CONTENTS

All responses to this RFQ become the property of the County and shall be subject to disclosure under the Government Records Access and Management Act.

AWARD OF CONTRACTS / REJECTION OF PROPOSALS

This is an appointed position appointed by the County Executive with the advice and consent of



the County Council. Engagement of these services will be by contract. The County will award a contract to the Respondent(s) deemed the most qualified and responsive as determined at the sole discretion of the County. The County shall award this contract to multiple vendors as required by County code. This contract will require completion of the work pursuant to the awarded contract, if any. The County reserves the right to reject any or all candidates. Notice of Award will be provided to the selected individual(s) at the earliest possible date.

TYPE OF CONTRACT

Only work performed on tasks for which the scope of work and specified maximum, not to be exceeded, cost have been approved by the County will be compensated. Negotiations may be undertaken with those Respondents whose qualifications and other factors show them to be qualified, responsible and capable of performing the work. The price of legal services is set at the "Rate" listed in this Request for Qualifications and shall not be subject to change for the duration of the contract term.

CONTRACT DURATION

The term of the contract will be as set forth in the agreement. The term of a Land Use Hearing Officer is five years unless removed for cause pursuant to County Code. As mutually agreed upon by both parties, the initial term may be renewed for a maximum of one additional term.

COUNTY DISCRETION

The County reserves the right to reject any or all proposals, to waive any informality or technicality in the County's sole discretion, to cancel, edit, or remove any of the RFP in whole or in part, or to accept any proposal deemed to be in the best interests of the County. If it becomes necessary to revise this request in whole or in part, an addendum will be provided to all timely proposers on record.

EQUAL OPPORTUNITY AND DISCRIMINATION

The Cache County is committed to providing equal employment opportunities to all proposers without regard to race, color, religion, sex, national origin, age, disability, or genetics. The County complies with all federal, state, and local laws governing nondiscrimination in employment in every location. Any Land Use Hearing Officer who is hired as an independent contractor will be bound by all federal, state, and local laws. Any violation of these laws will be cause for immediate termination of the Land Use Hearing Officer.