

EXHIBIT "A"

HEARINGS OFFICER SERVICES

1.0 General Information

1.1 Clatsop County is located at the confluence of the Columbia River and Pacific Ocean in Northwest Oregon. The current population is approximately 37,600 people. There is a mix of urban, suburban and rural areas. The north and western part of the County is composed of service industries, light manufacturing, primarily residential and commercial activity. It is relatively densely populated. The south and eastern part of the County is primarily timber and rural settings, together with several smaller unincorporated communities.

1.2 The County seat of government is located in Astoria, which is about 100 miles from Portland, Oregon. The County has experienced substantial growth in tourism over the last several years, principally in the western part of the County.

1.3 The County is a home-rule county, governed by five elected commissioners who appoint a County Administrator as the chief executive of the County. There are currently approximately 160 employees in all areas of County government who are engaged in providing the multitude of services required by its member cities, businesses and general population.

2.0 Scope of Project

2.1 ORS 215.406 provides that Clatsop County may appoint a hearings officer to conduct hearings on applications for permits or of contested cases regarding land-use matters. Hearings Officer may also be asked to act as the County Hearings Officer under Sections 30.9 and 31.2 of the County Code of Regulations, for hearings conducted pursuant to ORS 609.090 regarding dogs chasing, menacing or biting people, or ORS 609.158 regarding dogs chasing, injuring or killing livestock.

2.2 The Clatsop County Land and Water Development and Use Code implements the aforementioned legislation by providing for a hearings officer to conduct quasi-judicial hearings, make administrative decisions and act as a hearings officer for enforcement issues.

2.3 It is the County's intent to contract with two Hearings Officers. One will be designated the primary Hearings Officer and will be responsible for the majority of the issues. The other will be the secondary Hearings Officer and will be utilized when the primary is unable to perform its duties for any reason.

2.4 Contractor shall carry the title "Hearings Officer"; however, it is expressly understood and agreed that contractor in carrying out the services to be provided is acting as an independent contractor and is not an employee of the County and, as such, accepts full responsibility for taxes or other obligations associated with payment for services. As an independent contractor, Contractor will not receive any benefits normally accruing to County employees unless required by applicable law.

2.5 Contractor is completely independent and shall solely determine the manner and means of accomplishing the end result of this agreement and County does not have the right to control or interfere with the manner or method of accomplishing said results. However, the County does have the right to specify and control the results of contractor's responsibilities.

3.0 Hearings Officer Responsibilities

3.1 To conduct quasi-judicial land use hearings as authorized by the Board of County Commissioners pursuant to Resolution and Order No. 2009080016, and to conduct such other enforcement hearings as the Board of County Commissioners may authorize.

3.2 To provide a written decision and order consisting of an explanation of the facts upon which the Hearings Officer has relied, the pertinent provision of County Ordinances, plans and other laws, and the conclusions which the Hearings Officer has formed from the facts and the law for every administrative action. At the close of the Hearing, the Hearings Officer shall issue a written decision and order or continue the matter to a date certain whereupon he or she shall issue a written decision and order. All written orders shall be issued within 10 days after the close of the public hearing unless the parties agree upon an extension. This order shall constitute the decision of the Hearings Officer required by the Clatsop County Land And Water Development and Use Ordinance and Code of Regulations for the purposes of subsequent appeal. This provision does not prohibit the hearings officer from publicly announcing an oral decision immediately after the public hearing of an agenda item.

3.3 That the Hearings Officer shall be responsible for providing all office facilities and secretarial help for the preparation of all written decisions and orders of administrative actions except as set out in 4.2 below. These are to be delivered to the Clatsop County Department of Planning & Development.

3.4 The Hearings Officer must provide for own travel to and from hearings or other meetings required, as well as any field investigations connected with land use actions. Compensation for travel will not be separate from hourly fee.

3.5 The Hearings Officer shall be subject to the Code of Ethics of Public Officials.

3.6 Payment of services shall be limited to compensable time recorded for those duties performed pursuant to paragraph 3.1 and 3.2. The Hearings Officer shall keep accurate records and shall submit them to the Clatsop County Department of Planning and

Development whereupon payment of services by County shall be no later than 30 days from the date of submission. However, payment shall not be made for compensable time unless the Hearings Officer has issued all written decisions and orders required. If the Hearings Officer has not issued all of the appropriate orders, the County has the right to deny payment until the orders are issued.

3.7 That the Hearings Officer shall submit the name of an alternate Hearings Officer to be approved by the Board of County Commissioners. Said alternate, in the absence of the alternate shall be the sole responsibility of the Hearings Officer.

4.0 County Responsibilities

4.1 That the Hearings Officer shall be compensated for those services enumerated in "Hearings Officer Responsibilities" at a mutually agreed upon rate. Payment for Hearings Officer's services shall be paid in accordance with paragraph 3.6 "Hearings Officer Responsibilities".

4.2 That the County shall have the responsibility in scheduling the time and place of all quasi-judicial land use hearings, and notifying the appropriate parties pursuant to the Clatsop County Land and Water Development and Use Ordinance. The Hearings Officer shall be notified twenty (20) days in advance of all regularly scheduled proceedings. Clatsop County shall be responsible for recording the decision, making copies, mailing of decision to parties and other record keeping.

4.3 That the County shall provide a hearing room for every hearing conducted by the Officer.

4.4 That the County shall comply with every requirement of the Clatsop County Land and Water Development and Use Ordinance and Code of Regulations adopted by the Board for the conduct of initial hearings before the Hearings Officer.

4.5 That any documents or exhibits made a part of the record of an administrative action within the control of the Director of the Clatsop County Department of Planning and Development shall be released to the Hearings Officer upon his signature. Said record shall be returned by Hearings Officer upon the submission of the pertinent written decision and order.

5.0 Hearings Officer Qualifications

5.1 Knowledge and Skills (at time of appointment)

- A. Knowledge of Hearing procedure and department.
- B. Considerable knowledge of comprehensive Land Use planning theory and practice.
- C. Working knowledge of governmental and legal procedures and terminology.

- D. Considerable knowledge of the theory and practice of land use planning implementation measure, enforcement of regulations including County and Oregon laws and developing body of case law.
- E. Considerable knowledge of private rights in real property.
- F. Considerable knowledge of the land development process and the impact of official controls on this process.
- G. Skill in following complex oral and written arguments and identifying key issues presented in such arguments.
- H. Skill in exercising legal reasoning and good judgment in the decision-making process.
- I. Skill in communicating complex ideas in a logical and concise manner both orally and in writing.
- J. Skill in conducting public hearings in an orderly and impartial manner.

5.2 Desirable Personal Traits

- A. Skill in establishing and maintaining effective working relationships with subordinates, public and private officials and the general public.
- B. Patience and good listener.
- C. Fair and not politically oriented.
- D. Objective without being patronizing.
- E. Professional, but relaxed and friendly.
- F. Conscientious about work and efficient in carrying out the responsibilities of the job.
- G. Able to maintain neutrality without philosophical prejudice or prejudgment.

5.3 Experience and Training

A minimum of five (5) years experience in urban planning, law, public administration or related fields, as well as current experience in administration of land use ordinances at a local level and direct experience in representing local government, or neighborhood groups and private developers in land use matters. Previous experience as a hearings officer is required.