



REQUEST FOR PROPOSALS

Administrative Hearing Officer

The Town of Springdale, Utah is seeking proposals for an Administrative Hearing Officer (AHO). The AHO will hear appeals of civil citations issued for violations of the Springdale Town Code.

BACKGROUND AND OVERVIEW

The Town of Springdale is located in Washington County in the southwest corner of Utah. The Town is home to approximately 600 residents who value Springdale's small-town village atmosphere and rural setting. In addition to being a small residential community, Springdale is also the gateway community to Zion National Park, being located immediately adjacent to the Park's south entrance. Visitation to Zion National Park exceeds 4 million people each year.

In order to preserve the Town's visual appearance and small village character, Springdale has adopted ordinances governing the use and development of property. These ordinances include land use regulations, nuisance standards, noise limits, weed control standards, animal control standards, and others. In the past the Town has used a criminal process to enforce violations of these ordinances.

The Town recently adopted a civil citation process as an alternative to criminal enforcement of code violations¹. The Town's policy is to resolve all code violations without the need to issue citations. However, in cases where voluntary compliance is not forthcoming, the Town will issue civil citations to property owners or other parties who fail to correct violations of Town Code.

Persons who receive civil citations may appeal the issuance of the citation to the Administrative Hearing Officer (AHO), pursuant to the process recently adopted by the Town Council. The AHO will hold a hearing on the appeal, and then issue a decision based on facts and evidence presented. The processes and standards governing the appeal hearing process are established in Town Code, as well as the Code Enforcement Administrative Rules of Procedure.

ADMINISTRATIVE HEARING OFFICER

The Town is seeking a qualified professional to serve as administrative hearing officer. The Town anticipates the AHO will hold monthly appeal hearings, as needed. The volume of civil citation appeals is unknown at this time. The Town anticipates the AHO will hear between 0 and 10 appeals of citations each month.

The AHO will act as an independent contractor, and will not be an employee of the Town.

The Town will provide the AHO 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

¹ This new civil enforcement process does not apply to civil parking citations, which have their own enforcement, citation, and appeal process.

administrative communication between all parties in an appeal. Other than the support listed above, the AHO will act separately and independently from the Town.

If the decision of the AHO is appealed to court, the Town Attorney will represent the Town's interest in such an appeal. The Town's interest may or may not be aligned with the AHO's interests in such an appeal.

AHO DUTIES AND RESPONSIBILITIES

The AHO will perform all functions necessary to hear and act upon appeals of civil citations in the Town of Springdale. These functions include, but are not limited to, the following:

1. Hold monthly (as needed) appeal hearings. The AHO will preside at and administer monthly hearings on an established schedule. The schedule will be mutually decided upon by the AHO and the Town of Springdale. The Town anticipates the AHO will hear between 0 and 10 appeals in each monthly hearing. If there are no appeals scheduled the AHO will not hold a hearing. The AHO is responsible for:
 - a. reviewing appeal information prior to the hearing;
 - b. administering a fair, impartial, and professional hearing;
 - c. rendering a decision in the appeal; and
 - d. preparing and entering a written record of the decision.
2. Coordinate with Town of Springdale administrative staff on logistical issues associated with appeal hearings.
3. Become thoroughly knowledgeable regarding the various provisions of the Town Code involved in appeals coming before the AHO.
4. Fulfill all other AHO duties and functions identified in the Town Code and Code Enforcement Rules of Procedure.

CONSULTANT QUALIFICATIONS

The AHO shall meet, at a minimum, the following qualifications:

1. Knowledge of:
 - Local government land use, nuisance, noise, animal control and other similar ordinances.
 - Utah State Code pertinent to local government operation, land use administration, and code enforcement.
 - Legal processes, practices, and requirements for administering appeal hearings.
2. At least five years of professional experience in one or more of the following areas:
 - Local government administration.
 - Land use regulation.
 - Law enforcement.
 - Legal proceedings.
3. Ability to remain fair and impartial in conducting appeal hearings and rendering decisions on appeals. (Persons who own property in Springdale, reside in Springdale, have any ownership interest in a Springdale business or commercial venture, are currently or in the last five years have been employed in Springdale, have immediate family members who meet any of these

descriptions, or have any other similar personal interest in Springdale are not eligible for consideration.)

The Town desires the AHO to have the following additional qualifications. Proposers with these qualifications will be given preference in selection:

1. Current membership in the Utah State Bar Association.
2. Experience as an Administrative Hearing Officer (or similar authority in a civil enforcement process) in another local government, preferably in the State of Utah.

REQUEST FOR PROPOSALS

Persons interested in serving as the Town of Springdale AHO should prepare and submit proposals pursuant to the details listed below. Proposals must adhere to the format and contain all the required information listed below. Submittals should be prepared economically and be as concise as possible. There is no minimum or maximum length requirement, but submittals should be as brief as possible while still containing all required information. Submittals will be evaluated on quality of content, not on quality of presentation. Failure to include any of the required information is grounds for rejecting the proposal, regardless of the proposer's qualifications.

1. Format:
 - a. Proposals must be on standard letter sized paper.
 - b. Each page of the proposal must be numbered and must contain the proposer's name in the footer.
2. Content: Proposals should contain all the information listed below. The proposal should present the information in the order it is listed below.
 - a. *Letter of Transmittal*. This letter must contain:
 - i. The proposer's name, address, and contact information.
 - ii. A brief summary of the proposer's key qualifications.
 - b. *Curriculum vitae*. List all professional experience, training, certifications and licenses, education, professional associations and memberships, honors and awards, publications, research, etc.
 - c. *References*. Provide name and phone contact information for three individuals who can provide a reference regarding the proposer's professional abilities.
 - d. *Statement of Proposed Fees*. Include the total compensation the proposer is seeking to serve as the AHO. The AHO will only be compensated for actual appeals heard / hearings held. The Town will not consider a retainer fee for the AHO. Respondents may propose compensation rates on a per appeal basis, or on a per hearing held basis.
***The Statement of Proposed Fees must be in a separate file from the rest of the submittal.**

Proposers must submit their proposals electronically in PDF format. The electronic submittal may be submitted via email to tdansie@springdaletown.com with the subject line: Town of Springdale AHO Proposal.

SELECTION PROCESS

The Selection Committee will conduct an initial review of all submittals. The first review will evaluate the submittals based on the following criteria:

- A. Proposer's professional experience and expertise.
- B. References.
- C. Other evaluation criteria listed in section 10-9-6(J) of the Springdale Town Code.
- D. After consideration of all the criteria listed above, costs and value for services.

After the initial review the Selection Committee may elect to select a successful proposal. Alternatively, the Selection Committee may elect to contact proposers to ask for final and best offers, pursuant to the Town of Springdale procurement policy. After scoring all proposals (and all final and best offers, if applicable), the Selection Committee will make a recommendation to the Town Manager regarding the successful proposal. The Town Manager will formally appoint the proposer as the Town's AHO and enter into a contract for professional services with the proposer.

(Note: the proposer will be required to pass a background check prior to contract approval.)

DUE DATE

Proposals for the Springdale AHO must be complete and submitted prior to 5:00pm on Friday, June 26, 2020.

ADDITIONAL INFORMATION

Reserved Rights

The Town of Springdale reserves the right to reject all proposals and re-issue the Request for Proposals. The Town further reserves the right to waive minor irregularities in the qualifications when such a procedure is reasonably in the best interest of the Town.

Amendments

If it becomes necessary to revise or amend any part of this Request for Proposals the Town will post the amended Request on its website.

Concise Submittals

Proposals should be prepared simply and economically, providing a straightforward and concise description of the proposer's relevant qualifications.

Demands for Additional Information

Should the Town require additional information from any respondent to reasonably conduct its review of submittals, the respondent shall furnish the requested information in a timely manner.

No Reimbursement for Preparation Costs

Costs to prepare a submittal pursuant to this Request for Proposals are entirely the responsibility of the respondent. The Town will not reimburse any respondent any costs associated with responding to this Request for Proposals.

Requests for Information

All inquiries regarding this Request for Proposals should be directed to:

Thomas Dansie

Director of Community Development

435-772-3434

tdansie@springdaletown.com