



Board of County Commissioners - Staff Report

Meeting Date: October 18, 2016
Submitting Dept: Attorney

Presenter: Keith Gingery
Subject: Appt. of Hearing Officer

Statement / Purpose: Appointment of Hearing Officer in James P. Spalding v. Teton County Planning Director, Docket No. 2016-0009. Beneficial Use Determination

Background / Description (Pros & Cons): Michael Clement is representing James P. Spalding with local counsel being Austin Dunlap. The County Attorney’s Office represents the Planning Director. Three different attorneys were contacted to see if they were available to serve as a hearing officer and their rates. All 3 responded favorably with the following rates:

Andrew Salter \$200/hr.

Joe Moore \$200/hr.

Mike Barton \$150/hr. (\$75/hr. for travel)

Pursuant to LDR 8.8.4(G) states that the Board of County Commissioners shall appoint a Hearing Officer to conduct a hearing on a Beneficial Use Determination application within a reasonable time of submittal.

LDR 8.10.8(D) states that as minimum qualifications of a hearing officer that the proposed hearing officer:

- 1) Hold an active license to practice law in the State of Wyoming
- 2) Knowledge of administrative, environmental, and land use planning law and procedures
- 3) Familiarity with the LDRS
- 4) Hold no other appointive or elective public office or position in the County government during the period of appointment

Fiscal Impact: Expense of Hearing Officer will depend on the time involved in the case. LDR 8.10.8(C) states that all compensation paid to a hearing officer shall be reimbursed to the County by the applicant.

Input / Recommendation: Both sides are fine with any of the three proposed hearing officers. They all meet the minimum qualifications.

Suggested Motion: I move to appoint _____ at the rate of \$_____ per hour to serve as the hearing officer in the case of James P. Spalding v. Teton County Planning Director, Docket No. 2016-009.