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Title: Approve Agreement between the City of Fresno and Michael D. Flores, Esq. for Hearing Officer Services

Sponsors: Office of Mayor & City Manager

Indexes:

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Attachments: 1. Mike Flores Agreement Hrg Officer.pdf, 2. Bid Proposal .pdf

Date	Ver.	Action By	Action	Result
12/1/2016	1	City Council	approved	Pass

REPORT TO THE CITY COUNCIL

December 1, 2016

FROM: RENENA SMITH, Assistant City Manager
City Manager Office

SUBJECT
Approve Agreement between the City of Fresno and Michael D. Flores, Esq. for Hearing Officer Services

RECOMMENDATION

Staff recommends that the City Council approve the one-year agreement (plus two one-year extensions) with Michael D. Flores, Esq., for Hearing Officer Services.

EXECUTIVE SUMMARY

Fresno Municipal Code Chapter 1, Article 4, Section 1, or the “General Administrative Hearing Procedure Ordinance”, governs the appointment, duties, and processes related to the City’s Hearing Officer and calls for the City Manager to appoint persons to serve as Hearing Officer for the purpose of providing fair and impartial due process hearings for persons appealing the City’s administrative decisions. The contract with the previous Hearing Officer was executed in November 1, 2013 and expired on October 31, 2016. The City Manager’s Office issued an RFP to seek qualified candidates for this role. Staff is recommending that the City Council approve a one-year contract (plus two one-year extensions) with Michael D. Flores, Esq., for Hearing Officer Services.

BACKGROUND

The City Manager has responsibility for appointing the City's Hearing Officer(s). The contract with Edward Johnson, the City's previous Hearing Officer, expired October 31, 2016. The City Manager's Office conducted a Request for Proposal process with a bid opening date of September 15, 2016. Notice of the RFP was sent to over 200 hearing officers, arbitration services, retired judges and retired attorneys. Through the city's BidsOnline notification system, over 63 registered vendors were notified of the opportunity. Notice of the RFP was posted in the California State Bar Association newsletter, as well as the Fresno Bee and on the website of the Arbitration Association. Ten prospective bidders downloaded the specifications. On Tuesday September 15, 2016, the Purchasing Division opened 2 proposals in a public bid opening and forwarded the responses to the City Manager's Office for review.

Assistant City Manager Smith and Chief Assistant City Attorney Kanne, review of the responses included responsiveness to the RFP criteria, experience, proposed rates and provision of clerical support. Since both candidates met the minimum qualifications and currently perform the role of Hearing Officer the evaluations were focused on organizational need and cost. The final ranking of the candidates was unanimous. Michael D. Flores, Esq. ranked as the top candidate to fulfill the Hearing Officer role.

Mr. Flores is a sole practitioner. He has over 22 years of experience as an attorney, primarily working for government agencies in the San Joaquin valley. He has been working exclusively as the Temporary Hearing Officer for the City of Fresno since February 2016. His caseload included Code Enforcement and Animal Control appeal hearings.

Michael Flores will provide up to fourteen (14) days per month to the City as Hearing Officer. This is consistent with the existing contract and is expected to result in a full caseload while still providing timely service for the appellants. The contract with Mr. Flores is for \$135 per hour capped at \$100,000 per year plus \$900 per year for travel, training and miscellaneous costs.

The contract for Michael D. Flores is a one-year contract, with two one-year extensions available. As per previous contracts with hearing officers, the City will provide an office space, a hearing room, and recording equipment for recording all hearings. The contract requires that Mr. Flores provide his own clerical assistance for noticing hearings, scheduling and other important matters.

The City Manager's Office recommends that the City Council approve the contract with Michael D. Flores, Esq. effective December 1, 2016.

ENVIRONMENTAL FINDINGS

N/A

LOCAL PREFERENCE

Local preference is not applicable because this is not a contract for goods, services, or public work of improvement.

FISCAL IMPACT

The one year contract with Michael D. Flores, Esq. is for \$135 per hour not to exceed \$100,000 each year plus \$900 for miscellaneous expenses. The contract may be extended with City Council approval for two one-year terms.

Attachments:

Agreement between the City and Michael D. Flores, Esq.

Bid Proposal