

Diane Stoyer

From: emvanriper@aol.com
Sent: Friday, February 17, 2012 6:15 PM
To: toplegal@qwestoffice.net
Subject: Personnel Hearing Officer Services
Tim

Earlier today, your Office Manager, Diane Stoyer, called me and asked if I possibly would be interested in serving as a Personnel Hearing Officer for the Town of Payson. She indicated that you would be submitting a proposal for this to your Town Council in mid-March.

I told her that I am interested, and that I am providing similar services currently for the City of Goodyear's Public Safety Retirement Board. I am also on Goodyear's list for personnel related hearing officer services. In addition, I am on similar lists for both for Peoria and San Luis.

I am now practicing solo, as I left Berke Law Firm last month. This allows me much more flexibility with my hourly rates. My standard practice is to not charge for travel time so as to be competitive with local attorneys. I quoted Diane my standard non-litigation hourly rate of \$185.00, but I can do this for as low as \$165.00 per hour if this rate would better fit your budget.

Finally, I told Diane that I can come up to Payson for your Town Council meeting to answer any questions that they may have when you present your proposal in mid-March. Just let me know.

Have a nice weekend.

Sincerely,

Ellen Van Riper

Ellen W. Van Riper
Attorney at Law
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MAR 15 2012 G. 2



Ellen M. Van Riper
Principal Attorney

Ellen M. Van Riper, Esq.
Attorney at Law
Phoenix, Arizona
(602) 540-6809 Telephone
Email: emvanriper@aol.com

Rutgers-Newark School of Law, member *Rutgers Law Review*, J.D., 1987.
Wilkes University, Wilkes-Barre, PA, B.A. English Literature, *magna cum laude*, 1983.

Practice Areas: Land Use and Zoning; Municipal Economic Development; Elections, Open Meetings, and Public Records; Local Government Litigation and Liability Defense, including Appeals; Eminent Domain; Public Contracting; Local Government Administrative Hearing Officer for Land Use, Public Contracting, and Personnel Matters.

Ellen Van Riper has been practicing law in the Phoenix, Arizona area for over 20 years, as both a private and public attorney representing primarily local governmental entities. Recently, Ellen was an Assistant City Attorney for the City of Peoria, Arizona, for five years where she provided development and transactional, general counsel, and civil litigation representation for the city. Prior to that, she was a partner in a small Phoenix law firm that specialized in land use, elections, and eminent domain law and litigation.

Ellen's experience includes handling a wide variety of local government-related litigation, transactional, and general counsel matters mostly involving land use and zoning, economic development, public contracts, elections, and eminent domain. Ellen has advised and represented many governmental entities, property owners, businesses, and individuals during her career.

Ellen's practice currently focuses on providing legal representation to governmental entities and administrative hearing officer services for local governmental entities.

Recent Seminars and Presentations

September 2011, Phoenix, Arizona: Presenter at National Business Institute seminar: Land Use and Zoning Litigation. Topic: Land Use and Zoning Litigation

June 2011, Tucson, Arizona: Presenter at Arizona City Attorney Association 2011 Summer Meeting. Topics: Your City Just Got Sued—Now What; Economic Development Tools Post City North; Revitalizing Struggling and Stalled Existing Projects

October 2009, Phoenix, Arizona: Presenter at Arizona State Capital Chapter of the National Institute of Government Purchasing Annual Convention. Topic: The Legal Arizona Workers Act--Strategies for Municipal Compliance.

June 2009, Flagstaff, Arizona: Presenter at Arizona City Attorney Association 2009 Summer Meeting. Topics: Update on Litigation; City North; Legal Arizona Workers Act Audit Procedures.

September 2008, Tempe, Arizona: Presenter at National Business Institute seminar: *Mastering Land Use and Planning Processes*. Topics: Land Use Litigation, Avoiding Surprises During the Planning Process; Effective Land Use Procedures.

December 2007, Phoenix, Arizona: Presenter at National Business Institute seminar: *Practical Guide to Zoning and Land Use Law*. Topic: Challenging and Defending Land Use Decisions by Local Governments.

April 2007, Phoenix, Arizona: Presenter at CLE International seminar: *Land Use Law*. Topics: Proposition 207, What it Means for Arizona and Property Rights; Historic Preservation, W Hotel and Sun Mercantile Litigation.

May 2004, Phoenix, Arizona: Presenter at National Business Institute seminar: *Land Use: Current Issues in*

Subdivision, Annexation, and Zoning Law. Topics: Annexation—Legal and Practical Considerations; The Comprehensive Plan.

February 2004, Phoenix, Arizona: Presenter at National Business Institute seminar: *Arizona Law of Eminent Domain*. Topics: Ethical Considerations for Condemnation Attorneys; Land Use Planning and Eminent Domain; Taking of Property by Eminent Domain.

October 2003, Phoenix, Arizona: Presenter at National Business Institute seminar: *Arizona Law of Eminent Domain*. Topics: Advising a Client Prior to Condemnation; Ethical Considerations for Condemnation Attorneys; Planning Tools.

July 2003, Phoenix, Arizona: Presenter at National Business Institute seminar: *The Effect of Zoning and Land Use Laws on Real Property Development in Arizona*. Topics: Effective Land Use Procedures; Ethical Pitfalls for Land Use Attorneys; Overview of Development and Land Use Law.

March 2001, Scottsdale, Arizona: Presenter at State Bar of Arizona CLE seminar: *Arizona Election Law Calendar*. Topic: Local Government Decisions Subject to Referendum and the Power of Initiative.

September 2000, Phoenix, Arizona: Presenter at National Business Institute seminar: *Arizona Land Use: Current Issues in Subdivision, Annexation, and Zoning Law*. Topic: Current Issues in Arizona Annexation and Subdivision Law.

October 1999, Scottsdale, Arizona: Presenter at State Bar of Arizona CLE seminar: *Arizona Election Law—What Your Client Needs You to Know*. Topic: Local Development Decisions Subject to Referendum and the Strict Compliance Rule.

Comment, "*Posado de Puerto Rico Assoc. v. Tourism Co.*:" Rolling the Dice with *Central Hudson*," 40 RUTGERS LAW REVIEW 241-81 (1987)

PROFESSIONAL AFFILIATIONS

Arizona State Bar
Public Lawyers Section

International Municipal Lawyers Association

DRI – *The Voice of the Defense Bar*

TEACHING EXPERIENCE

1987: Arizona; U.S. District Court for the District of Arizona; 1991 United States Court of Appeals for the Ninth Circuit; 1996 United States Supreme Court; 2011 Colorado.

PERSONAL INFORMATION

Ellen was born in Denville, New Jersey, and was inducted into the Wilkes University Athletics Hall of Fame in 2007.

Ellen M. Van Riper

**1109 East Braeburn Drive
Phoenix, Arizona 85022**

**Telephone: (602) 540-6809
Email: emvanriper@aol.com**

PROFESSIONAL EXPERIENCE

Senior Attorney – June 2011 to January 2012

Berke Law Firm, PLLC, Phoenix, Arizona

Small firm providing a full-range of litigation and transactional legal services primarily to local governmental entities. My practice areas included land use and zoning, elections, economic development, eminent domain, public records and open meetings, public employment, public contracts, and related civil litigation. The firm also has a substantial governmental liability defense practice that includes defense of 42 U.S.C. § 1983 claims arising from police operations.

Assistant City Attorney -- July 2006 to June 2011

City of Peoria, Arizona.

General Counsel for Development and Transactional Services -- March 2008 to June 2011

Served as general counsel for land use, development, and transactional matters. Provided legal advice, including Open Meetings, Executive Sessions, and Public Records, to the City Council, City Manager, Community Development, Materials Management, Economic Development, and Neighborhood Services Departments, as well as several Boards and Commissions (Planning and Zoning Commission, Board of Adjustment, Economic Development Advisory Board, Historic Preservation Commission, and Design Review Board). Regular work included negotiation, drafting, and review of development agreements, annexation agreements, Proposition 207 waivers, General Plan Amendments, zoning ordinances, and various intergovernmental agreements and other public contracts; preparation of legal opinions; review of documents responsive to Public Records Requests; resolution of bid protests; and participation in departmental development meetings and Board and Commission public meetings.

Civil Litigator -- July 2006 to March 2008

Served as lead counsel for civil litigation matters, including defense of a dispute involving the City's intergovernmental agreement for use of wastewater treatment plant capacity, prosecution of eminent domain cases, sales tax and other collection matters, and defense of Federal Civil Rights claims arising from land use, public contracting, and employment disputes. Work included trial court pleading and motion practice, discovery, trial, and civil appeals.

Of Counsel -- March 2005 to March 2006

Irvine Law Firm, P.A. Phoenix, Arizona. Rejoined former partner. See description below for Irvine Van Riper, P.A.

Associate Attorney -- March 2004 to March 2005

Curtis, Goodwin, Sullivan, Udall & Schwab, P.L.C. (formerly Martinez & Curtis, P.C.), Phoenix, Arizona. Medium-size private practice emphasizing municipal, water, and natural resources law and related litigation and appeals. Member of municipal team serving as general counsel to the Town of Gilbert, City of Litchfield Park, Town of Wickenburg, and Town of Youngtown. Primarily responsible for zoning, land use, election, and litigation matters. Regularly prepared ordinances, intergovernmental agreements, and legal opinions on municipal issues; reviewed and prepared real property transactional and contract documents; and provided legal advice to city councils and municipal staffs. Also provided general legal counsel to public utility clients.

Solo Practice -- May 2003 to March 2004

Emphasis upon land use, zoning, municipal law, elections, condemnation, and real estate litigation, including appeals.

Income Partner -- February 1998 to May 2003

Irvine Van Riper, P.A., Phoenix, Arizona. Boutique practice primarily emphasizing land use, zoning, municipal law, elections, condemnation, construction, and real estate litigation and appeals for government clients, property and business owner clients, and citizen group clients. Served as Town Attorney for the Town of Cave Creek and performed land use related defense work on behalf of numerous cities and towns through the Municipal Risk Retention Pool. Assisted in providing specialized land use and eminent domain counseling and litigation services to municipal clients. Also handled select litigation for Maricopa County. Primary responsibility for the Firm's complex motion and appellate practice.

Senior Associate – December 1993 to February 1998

Kane Jorden von Oppenfeld Bischoff & Biskind, Phoenix, Arizona (now Jorden, Bischoff & Hiser, Scottsdale, Arizona). Litigation and transactional firm emphasizing environmental, land use, zoning, municipal, commercial, Indian, and real estate law. Responsible for litigation in all areas of firm's practice, including motion and appellate practice. Significant involvement in transactional and land use work for the siting and development of solid waste disposal facilities and acquisitions for solid waste disposal company clients.

Contract Attorney – April 1993 to December 1993

Morrison & Hecker (now Stinson Morrison & Hecker), Phoenix, Arizona. Phoenix office of national law firm. Temporary position with litigation department for legal research and motion practice in the areas of bankruptcy and commercial law.

Associate Attorney – November 1990 to March 1992

Jorden Law Firm, Phoenix, Arizona (now Jorden, Bischoff & Hiser, Scottsdale, Arizona). Small firm emphasizing land use, environmental law, real estate transactions, and related litigation.

Acting City Attorney – July 1990 to November 1990

Assistant City Attorney – September 1989 to July 1990

City of Prescott, Arizona. As Acting City Attorney, performed all duties normally associated with this position. As Assistant City Attorney, was primarily responsible for all civil litigation matters involving the City. Also performed duties of City of Prosecutor for several months, including first offense DUI jury trials.

Associate Attorney – December 1987 to March 1989

Renaud, Cook & Drury (now Renaud, Cook, Drury & Mesaros), Phoenix, Arizona.

RECENT PRESENTATIONS

September 2011, Phoenix, Arizona: Presenter at National Business Institute seminar: Land Use and Zoning Litigation. Topic: *Land Use and Zoning Litigation*.

June 2011, Tucson, Arizona: Presenter at Arizona City Attorney Association 2011 Summer Meeting. Topics: *Your City Just Got Sued—Now What; Economic Development Tools Post City North; Revitalizing Struggling and Stalled Existing Projects*.

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National Institute of Government Purchasing Annual Convention. Topic: *The Legal Arizona Workers Act--Strategies for Municipal Compliance*.

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December 2007, Phoenix, Arizona: Presenter at National Business Institute seminar: Practical Guide to Zoning and Land Use Law. Topic: *Challenging and Defending Land Use Decisions by Local Governments*.

April 2007, Phoenix, Arizona: Presenter at CLE International seminar: Land Use Law. Topics: *Proposition 207, What it Means for Arizona and Property Rights; Historic Preservation, W Hotel and Sun Mercantile Litigation*.

APPELLATE DECISIONS

Center Bay Gardens, L.L.C. v. City of Tempe City Council, 214 Ariz. 3532, 153 P.3d 374 (App. 2007) (zoning; neighboring property owner standing to sue)

Gardner v. Yavapai County, 1 CA-CV 01-0360 (Arizona Court of Appeals, Division One, June 13, 2002) (Memorandum Decision) (board of adjustment; suspensive effect of referendum)

69 Corridor Concerned Citizens v. City of Prescott, 1 CA-CV 00-0261 (Arizona Court of Appeals, Division One, December 23, 2000) (Memorandum Decision) (Arizona Constitution "Gift Clause" challenge to economic development sales tax incentive agreements for shopping mall)

KZPZ Broadcasting, Inc. v. Black Canyon City Concerned Citizens, 199 Ariz. 30, 13.P.3d 772 (App. 2000) (referendum)

Van Riper v. Threadgill, 183 Ariz. 580, 905 P.2d 589 (App. 1995) (referendum)

Barkley v. Conner, 165 B.R. 901 (9th Cir. BAP 1994), *affirmed*, 73 F.3d 258 (9th Cir.), *cert. denied*, 117 S. Ct. 68 (1996) (bankruptcy/ERISA)

BAR MEMBERSHIPS

Arizona, 1987; Arizona District Court, 1987; Ninth Circuit, 1991; U.S. Supreme Court, 1996; Colorado, 2011

PROFESSIONAL ASSOCIATIONS AND ACTIVITIES

Speaker, State Bar of Arizona Continuing Legal Education and other CLE providers for seminars on Election, Land Use and Zoning, and Eminent Domain Law.

Member, State Bar of Arizona Governmental Lawyers Section

Member, International Municipal Lawyers Association

Member, Defense Research Institute (DRI)

EDUCATION

J.D. Rutgers-Newark School of Law – May 1987

- Approximately top 20% of class
- *Rutgers Law Review*; General Editor 1986-87; Chairperson Judicial Board 1986-87; Staff Member 1985-86; Author, Comment, "*Posadas de Puerto Rico Assoc. v. Tourism Co.*: Rolling the Dice with *Central Hudson*," 40 *Rutgers Law Review* 241-81 (1987)

B.A. (English Literature) Wilkes University, Wilkes-Barre, Pennsylvania – May 1983

- Graduated Magna Cum Laude
- Double minors in Political Science and Philosophy
- Managing Editor student newspaper, *The Beacon*, 1983; Sports Editor, 1981-82
- Inductee, Wilkes University Athletic Hall of Fame, October 2007

CIVIC AND COMMUNITY ACTIVITIES

Cave Creek Museum Vice-President of Board of Directors and Legal Counsel --
November 2005 to May 2011

Youth Sports Coach, Paradise Valley Community Center, City of Phoenix -- September
2007 to present

Commissioner, Town of Carefree, Arizona, Planning and Zoning Commission -- May
2001 to July 2005