

0020.090.001
JEH/crd
01/07/91
R:01/15/91

RESOLUTION NO. 859

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF REDMOND, WASHINGTON, APPROVING THE SUPPLEMENTAL HEARING EXAMINER RULES OF PROCEDURE FOR LOCAL IMPROVEMENT DISTRICT HEARINGS.

WHEREAS, Section 3.08.110 of the Redmond Municipal Code delegates the function of conducting public hearings to consider the formation of local improvement districts and local improvement district final assessment rolls and assessments to the Hearing Examiner, and

WHEREAS, the Hearing Examiner has proposed certain supplemental rules of procedure for LID hearings and has recommended to the City Council that said rules be approved for the Hearing Examiner's use, and

WHEREAS, pursuant to Section 20F.10.080(35) of the Redmond Municipal Code and Community Development Guide, the City Council has reviewed the proposed rules and has determined to approve them, now, therefore,

THE CITY COUNCIL OF THE CITY OF REDMOND, WASHINGTON, HEREBY RESOLVES AS FOLLOWS:

Section 1. Supplemental Rules Approved. Pursuant to Section 20F.10.080(35) of the Redmond Municipal Code and Community Development Guide, the City Council hereby approves the attached Supplemental Hearing Examiner Rules of Procedure for Local Improvement District Hearings and directs that the same be

included in the appropriate appendix of the Community Development Guide.

Section 2. Effect of Approval. The rules adopted by this resolution shall be supplemental to the Rules of General Application for the Hearing Examiner contained in Appendix A of the Community Development Guide. The Rules of General Procedure shall continue to apply except as modified by the Supplemental Rules adopted by this resolution

RESOLVED this 15th day of January, 1991.

APPROVED:

Doreen Marchione
MAYOR, DOREEN MARCHIONE

ATTEST/AUTHENTICATED:

Doris A. Schaible
CITY CLERK, DORIS A. SCHAIBLE

FILED WITH THE CITY CLERK: 01-10-91
PASSED BY THE CITY COUNCIL: 01-15-91
RESOLUTION NO. 859

SUPPLEMENTAL HEARING EXAMINER RULES OF PROCEDURE

LOCAL IMPROVEMENT DISTRICT (LID) HEARINGS

INTRODUCTION

The "Rules of General Application" of the Rules of Procedure for Proceedings Before the Hearing Examiner of the City of Redmond, Washington shall apply to all hearings involving LID formation or application of assessments within an LID except where clearly inapplicable or where specifically modified by these Supplemental Rules. If any conflict exists between the "Rules of General Application" and these Supplemental Rules, the Supplemental Rule shall control.

I. DEFINITIONS

1.1 Definitions

"Petitioner" means the City or those individuals who desire to form a Local Improvement District.

"Affected Property Owner" means those individuals who are owners of record of property within a proposed LID.

III. NATURE OF PROCEEDINGS

3.1 Frequency

Hearings will be scheduled at a convenient time for all interested parties. Normally, hearings will be scheduled during the work hours of the City.

IV. RIGHTS OF PARTIES

4.2 Notice Requirements of Hearings and Filings

A public hearing shall be held on the creation of a proposed local improvement district initiated by petition or by Council resolution. Notice of the hearing shall be provided as established in **RCW 35.43 and 35.44.**

The notice of hearing upon the assessment roll shall specify the time and place of hearing and shall notify all persons who may object thereto:

(1) to make their objections in writing and to file them with the city or town clerk at or prior to the date fixed for hearing;

(2) that the council will sit as a board of equalization for the purpose of considering the roll. Pursuant to the authority of **RCW 35.44.070**, the Redmond City Council delegated the Redmond Hearing Examiner to hold hearings for the purpose of considering the roll.

Supplemental Hearing Examiner Rules of Procedure
LID Rules

(3) that at the hearings the Examiner will consider the objections made and will correct, revise, raise, lower, change, or modify the roll or any part thereof or set aside the roll and order the assessment to be made de novo. **RCW 35.44.080**. Such information shall be provided to the Redmond City Council in the form of a recommendation from the Redmond Hearing Examiner.

VI. CONDUCT OF HEARINGS

(RESERVED)

VIII. RECOMMENDATIONS

8.3 Procedure for Reopening Hearing or Rehearing

c. Reconsideration. Any interested person may file a written request for reconsideration of the Examiner's Recommendation within five (5) days of the date of the Hearing Examiner's recommendation, unless the City Council has scheduled action on the recommendation sooner than five days following the date of the recommendation in which case a Request for Reconsideration must be filed by 4:30 p.m. on the day preceding the day the Council has scheduled action on the recommendation. The Request shall specifically set forth alleged errors of procedure or fact. If a request for reconsideration is filed, no Council action shall be taken on the recommendation until a decision on a reconsideration request is issued by the Hearing Examiner. The Hearing Examiner shall respond to the Request for Reconsideration within 10 business days from the date of filing of the request for reconsideration.

X. APPEALS

10.1 Appeals

The Hearing Examiner shall issue a recommendation only in LID proceedings to only the City Council which is authorized to issue final decisions. Consequently, there shall be no appeal of the recommendation of the Hearing Examiner. Any person aggrieved by the final action of the City Council may seek judicial review in a court of appropriate jurisdiction.