



Rules of Procedure

City of Shoreline

Hearing Examiner

Introduction

City of Shoreline Ordinance No. 38 allows the Hearing Examiner to establish rules of procedure for conducting public hearings. Resolution No. 182 contains a full listing of these rules. Below is a brief guide to participating in a hearing.

Questions about the rules of procedure may be asked of the Office of the City Clerk prior to the hearing, or of the Hearing Examiner at the beginning of the hearing.

Purpose

Public hearings before the Hearing Examiner are governed by these rules of procedure, except as the Hearing Examiner may vary in special circumstances as deemed appropriate and necessary for expeditious processing of specific applications and/or full discovery of evidence. This guide is not intended to contain or summarize all applicable ordinances and regulations.

Hearing Examiner

The Hearing Examiner presides over the public hearing, including administering the oath of affirmation. As an impartial, objective professional, the Hearing Examiner receives testimony and evidence and after closing the public hearing makes a written decision or recommendation. Prior to, during, and after the public hearing, no one may attempt to influence the Hearing Examiner outside of the public hearing or attempt to interfere with deliberations.

Scheduling

Scheduling of applications for a public hearing is performed by the Office of the City Clerk. Hearings are generally held on Wednesdays. Usually the Examiner concludes the public hearing on the scheduled date, but for appropriate reasons, the hearing may be continued to a specific time and date.

Site Inspection

Prior to or after every public hearing, the Hearing Examiner attempts to visit the subject property. Failure to do so will not void the Hearing Examiner's decision or constitute a basis for appeal of the decision.

Burden of Proof

When each case is heard, the applicant or appellant has the responsibility of convincing the Hearing Examiner, by a preponderance of the evidence, that they are entitled to the requested decision or recommendation based on the criteria established for that decision. Everyone participating in the public hearings has the burden of persuasion of the testimony or evidence that they present.

Public Participation

Evidence and Testimony

Anyone speaking, presenting evidence or testimony, is required to take the oath of affirmation to present the truth. The public hearing is recorded, and the Office of the City Clerk maintains the official record. Written testimony must be entered before or during the public hearing unless otherwise determined by the Examiner in the hearing.

Testimony at hearings conducted by the Hearing Examiner is not as formal as in a judicial proceeding. Testimony should be relevant, reliable and non-repetitious. It is sufficient to submit evidence or testimony once for the Examiner's consideration.

The Hearing Examiner may impose reasonable limits on the number of witnesses and the nature and length of their testimony. However, written testimony and evidence may also be submitted. Any relevant evidence will be admitted if it assists in proving the issue.

Public Hearing Format

Hearings, although generally informal in nature, shall have a structured format and shall be conducted in a manner deemed by the Hearing Examiner to make the relevant evidence most readily and efficiently available to the Examiner and to provide the parties a fair opportunity for hearing.

The order of an appeal hearing will generally be as follows:

- a. Examiner's introductory statement;
- b. Background presentation by Department;
- c. Appellant's argument;
- d. Department's presentation;
- e. Appellant's presentation;
- f. Rebuttal;
- g. Closing argument of parties.

Notwithstanding the provisions of the Shoreline City Code, the order of hearing may be modified or a different order established as the Hearing Examiner deems necessary for a clear and fair presentation. The order of the hearing may also be modified as agreed upon by the parties, with the Examiner's approval. The order of presentation at the hearing shall not alter or shift any burden(s) or presumption(s) established by applicable law(s).

Decision/Recommendation

A recommendation, or decision of the Hearing Examiner on appeal, shall include, but not be limited to, a statement regarding the following:

- a. **Background.** The nature and background of the proceeding, including identification of party representatives participating in the hearing, prehearing determinations, and other similar information.
- b. **Findings.** The individual facts that the Hearing Examiner finds relevant, credible, and requisite to the decision, based on the record of proceedings.
- c. **Conclusions.** Legal and factual conclusions based upon specific provisions of law and the findings of fact.
- d. **Decision/Recommendation.** The Hearing Examiner's decision as to outcome of the appeal (affirm, modify, reverse, or remand), or his recommendation on the matter heard, shall be based upon a consideration of the whole record and supported by substantial evidence in the record.