

CITY OF BELLEVUE, WASHINGTON

RESOLUTION NO. 9457

A RESOLUTION adopting rules of procedure for appeals before the City Council; and repealing Resolutions No. 5097 and 5238.

WHEREAS, the City Council has previously adopted rules of procedure for appeals before the Council and has periodically updated those rules over time; and

WHEREAS, the most recent amendment to the rules of procedure for appeals was adopted by Resolution No. 5097 in 1990; and

WHEREAS, the Council wishes to modernize the rules of procedure to ensure that they are consistent with the requirements of the Growth Management Act, RCW Chapter 36.70 *et. seq.* allowing for just a single open record hearing and one closed record appeal; and

WHEREAS, the Council further wishes to consolidate the rules of procedure for appeals before Council into a single resolution and update the language of those rules for ease of reference by persons involved in appeals before Council; now, therefore,

THE CITY COUNCIL OF THE CITY OF BELLEVUE, WASHINGTON, DOES RESOLVE AS FOLLOWS:

Section 1. Resolutions No. 5238 and No. 5097 are hereby repealed.

Section 2. A written notice of appeal must be filed with the City Clerk within the time specified by ordinance when such appeal has been authorized by ordinance. In any case where no time limit is otherwise specified, the notice of appeal must be filed within twenty (20) days of the action appealed from. The notice of appeal shall identify generally the grounds for the appeal. The notice shall not include any new evidence or information that was not included in the record made before the hearing body issuing the decision that is the subject of the appeal.

Section 3. Within thirty days of the decision which is appealed from, the appellant shall order from the City Clerk, on a form provided by the Clerk, a full transcript of the hearing before the hearing body. At the time the order for transcription is placed the appellant shall post security in the amount of One Hundred Dollars (\$100.00) for each hearing hour to be transcribed. If appellant fails to post security the appeal shall be considered abandoned.

If the actual cost of preparing of the transcript exceeds the security posted, the appellant must reimburse the City the remainder of those costs prior to the

appeal hearing by the Council. If the actual cost of preparing the transcript is less than the security posted, the City shall reimburse appellant any credit due.

Section 4. Any appellant who is a natural person may request waiver of the transcription fee by filing the following documents and information with the Clerk:

- (a) Proof that the appellant currently meets the income qualifications for Utility Service Charge Relief as provided in BCC Chapter 24.10;
- (b) A brief statement of the issues sought to be reviewed;
- (c) A designation of those parts of the record the appellant thinks are necessary for review; and
- (d) A statement that review is sought in good faith.

The Clerk will waive charges imposed by Section 3 above provided the required information is submitted and verified. This section shall be applicable only to individuals over eighteen years of age who will be adversely affected by the action appealed from. This section shall not apply to or be available to corporations, companies, partnerships or any business, enterprise, community club or any social or recreational organization.

Section 5. After preparation of the transcript is completed the City Clerk shall set a date for hearing the appeal and shall notify all parties to the proceeding of the appeal and of the date set for the hearing by the Council.

Section 6. Every appeal shall be based upon the record. For the purposes of this section, the record shall consist of:

- (a) The notice of appeal;
- (b) The findings and recommendation or decision of the hearing body;
- (c) Evidence received by the hearing body;
- (d) The Staff Report;
- (e) The transcript of the proceedings;
- (f) Any minutes of the proceedings.

Section 7. Persons eligible to participate in appeal proceedings before the Council are governed by the provisions of Chapter 20.25 BLUC for the type of decision on appeal.

Section 8. Briefs and written comments relating to the appeal may be submitted to the Council by filing the same with the City Clerk and serve copies of any briefs on the other parties no later than 1:00 p.m. fourteen (14) days before the date of the hearing. No material submitted later will be considered by the Council. Such briefs and written comments to the Council must contain specific citations to the record and must be reviewed by the City Attorney who will exclude any reference to information not cited or not contained in the record before submission to the Council. Briefs shall consist of no more than twenty-five (25) pages, excluding any exhibits, addenda or the certificate of service.

Section 9. The total time allowed for oral argument on the appeal shall be thirty (30) minutes, of which fifteen (15) minutes shall be allocated to the appellants and fifteen (15) minutes shall be allocated to the opponents to the appeal. The appellants may reserve a portion of their time for rebuttal. A party may request additional time for oral argument by filing a written request with the City Clerk no later than 1:00 p.m. of the Tuesday of the second week preceding the hearing, setting forth the reasons for the request. The Mayor may grant such additional time upon determining that there are good reasons therefor, provided in no event shall the total time allocated for oral argument be greater than thirty (30) minutes for the appellants and thirty (30) minutes for the opponents to the appeal. Oral argument shall be confined to the record and to any alleged errors therein or to any allegation of irregularities in procedure.

Section 10. The City Council's decision on the appeal shall be made in accordance with Chapter 20.35 LUC for the type of decision on appeal.

Section 11. This resolution shall take effect immediately; however, the briefing requirements in Section 1 shall not apply to any matter previously scheduled for an appeal hearing within four (4) weeks of passage of this resolution unless rescheduled to a date more than twenty-one (21) days after passage.

Passed by the City Council this \_\_\_\_\_ day of \_\_\_\_\_, 2018,  
and signed in authentication of its passage this \_\_\_\_\_ day of \_\_\_\_\_,  
2018.

(SEAL)

\_\_\_\_\_  
John Chelminiak, Mayor

Attest:

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Kyle Stannert, City Clerk