

CODE

**CITY OF REDMOND
ORDINANCE NO. 2894**

AN ORDINANCE OF THE CITY OF REDMOND, WASHINGTON, ADOPTING RMC 1.18, RELOCATION ASSISTANCE APPEALS; DELEGATING AUTHORITY TO HEAR APPEALS AUTHORIZED BY WAC 468-100-010 FROM DECISIONS MADE UNDER THE UNIFORM REAL PROPERTY ACQUISITION AND RELOCATION ASSISTANCE ACT TO THE REDMOND HEARING EXAMINER; AND ESTABLISHING PROCEDURES FOR SUCH APPEALS

WHEREAS, the Uniform Real Property Acquisition and Relocation Assistance Act, Chapter 8.26 RCW, requires that all local governments pay relocation benefits to residents and businesses that are displaced by the acquisition of land for public projects; and

WHEREAS, WAC 468-100-010 requires displacing agencies to review appeals of decisions made under Chapter 8.26 RCW regarding relocation benefits and other expenses; and

WHEREAS, the Redmond City Council has determined that the most appropriate tribunal to consider such appeals is the Redmond Hearing Examiner.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF REDMOND, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. Classification. This ordinance is of a general and permanent nature and shall become a part of the City Code.

Section 2. Appeals. RMC 1.18 is hereby adopted to read as follows:

CHAPTER 1.18 RELOCATION ASSISTANCE APPEALS

Sections:

1.18.010 Relocation assistance appeals.

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(A) Any person who believes that the City has failed to properly determine the person's eligibility for, or the amount of, a payment required under WAC 468-100-105 or RCW 8.26.200, or a relocation payment under Chapter 8.26 RCW or Chapter 468-100 WAC may file an appeal of the determination to the Hearing Examiner.

(B) An appeal under this Section shall be filed with the Office of the Hearing Examiner within sixty calendar days after the person receives written notification of the City's final determination on the person's claim. Failure to file an appeal in a timely manner shall be a bar to consideration of the appeal by the Hearing Examiner.

(C) All appeals under this section shall be in writing, but no specific form of appeal is required and the appeal shall be considered regardless of form. The

appeal notice or letter should state what issues are being claimed, the reasons why the aggrieved person believes the claim should be allowed, and how the person believes he or she is otherwise aggrieved. The letter or notice should clearly identify the City project and parcel of real property involved and should bear the signature and address of the aggrieved person or the person's authorized representative. The Hearing Examiner may refuse to schedule any hearing on an appeal until these requirements have been complied with or may issue an order providing for dismissal of such appeal upon failure of the appellant to meet these requirements within fourteen calendar days of a request by the City for the required information.

(D) The City shall permit a person to inspect and copy all materials pertinent to the person's appeal, except materials which are classified as confidential by the City and that are exempt from disclosure under the Public Records Act, Chapter 42.56 RCW. The City may, however, impose reasonable conditions on the person's right to inspect, consistent with applicable laws.

(E) Discovery will be available in relocation appeals as follows: Any party to a relocation appeal may

obtain discovery from any party by written interrogatories, written admissions, oral depositions, subpoena duces tecums, and written requests for production of documents. The procedures regarding these methods of discovery are found at King County Superior Court Civil Rule 28 through 36 and 45(b) as now or hereafter amended and are hereby incorporated in this section.

(F) Hearings shall be conducted using the procedures set forth in Chapter 468-10 WAC. Where the rules of this section conflict with those of chapter 468-10 or 10-08 WAC, the rules of this section shall control. The Hearing Examiner may adopt additional rules of procedure to govern matters not covered by chapter 468-10 or this section.

Section 3. Severability. If any section, sentence, clause, or phrase of this ordinance shall be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause, or phrase of this ordinance.

Section 4. Effective Date. This ordinance shall become effective five days after its publication, or publication of a summary thereof, in the city's official newspaper, or as otherwise provided by law.

ADOPTED by the Redmond City Council this 17th day of October, 2017.

APPROVED:



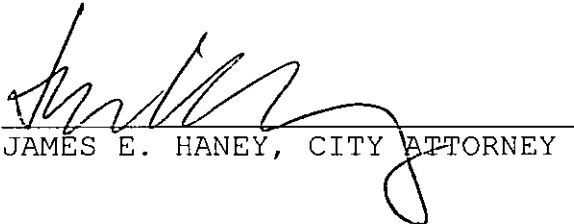
JOHN MARCHIONE, MAYOR

ATTEST:



MICHELLE M. HART, MMC, CITY CLERK

APPROVED AS TO FORM:



JAMES E. HANEY, CITY ATTORNEY

FILED WITH THE CITY CLERK: October 3, 2017
PASSED BY THE CITY COUNCIL: October 17, 2017
SIGNED BY THE MAYOR: October 20, 2017
PUBLISHED: October 23, 2017
EFFECTIVE DATE: October 28, 2017
ORDINANCE NO. 2894

YES: BIRNEY, CARSON, MARGESON, MYERS, PADHYE, SHUTZ, STILIN