

**BEFORE THE HEARING EXAMINER  
FOR CITY OF REDMOND**

In the Matter of the Appeal of	)	NO. APP_____
	)	
	)	WTR-2017-04418
<b>Redmond Sustainable Investments LLC</b>	)	LAND-2014-01610
	)	SITE-2015-09009
	)	
of a February 21, 2018 Decision by the	)	
Technical Committee to Deny Credit	)	ORDER SETTING
for a Former Water Meter at the	)	PRE-HEARING DOCUMENT
162Ten Project in Redmond	)	EXCHANGE SCHEDULE
_____	)	

On February 21, 2018, Lisa Rigg, Redmond Development Engineering Manager, issued a decision email denying the request for credit from a previously existing water meter at the property. The decision was timely appealed on March 7, 2018.

The City did not request clarification of the issues on appeal as stated in the appeal form. Because the issue on appeal is discreet, the parties opted to forego a prehearing conference. This order is issued to establish pre-hearing document exchange scheduling.

In preparing this order, the appeal form (four pages) and the email exchange containing the decision appealed (three pages) were reviewed.

**Anticipated Order of Proceedings at Hearing**

At the hearing, the following is the anticipated order of business. The Examiner may change the following order of proceedings on motion by a party or at her own discretion.

- Introductory remarks by the Examiner calling the hearing to order and explaining the procedures to be followed.
- Appellant 's case, including witness testimony and introduction of exhibits. Each Appellant witness will be subject to cross examination by the City.
- The City will then present witnesses and exhibits, with cross examination by the Appellant.
- The Appellant would have an opportunity to present rebuttal evidence.
- Closing arguments would be heard first from the City and then the Appellant; or the parties may request to make closing arguments in writing after adjournment.

- Note: there is no public comment period during the open record appeal hearing. Only persons called as witnesses by the parties will be allowed to testify, and all will be subject to cross examination.
- Conclusion of the hearing - housekeeping, post-hearing scheduling (if any), and identification of decision due date.

The following Order sets the hearing date and also establishes pre-hearing information exchange deadlines with which all parties must comply.

## **Order**

### *Hearing Scheduling*

1. **The appeal hearing has been scheduled in the Redmond City Council Chambers on May 7, 2018 at 1:00 pm.** The hearing will proceed until the appeal is completed with breaks as appropriate.

### *Document Exchange*

2. If either party will be represented by legal counsel in these proceedings, the attorney shall submit a notice of appearance at the earliest possible time.
3. The parties shall submit Witness and Exhibit Lists (explained below) not later than April 23, 2018.
4. On or before April 30, 2018, the parties shall exchange exhibits, including expert witness credentials if any, provided that the City's Staff report shall be made available the usual two weeks prior to the hearing date.
5. Legal briefing, if desired by either party, shall be submitted by April 30, 2018. Deadlines for post-hearing briefing and/or responses, if any, shall be established on the record at hearing.

### *Submittals - **Please note the following requirements:***

6. **Witness lists** shall specify:
  - Name and relationship to appeal (appellant, neighbor, expert, etc.)
  - If offered as expert, a brief summary of credentials (Transportation Engineer, Wetland Biologist, etc)<sup>1</sup>
  - A concise summary of the content of anticipated testimony (Addressing traffic and parking, etc)
7. **Exhibit lists** shall specify:
  - Title and date of document - please give each exhibit a name and date
  - If correspondence, the title shall include to/from parties and date (e.g., "email from \_\_\_ to \_\_\_ dated \_\_\_")

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<sup>1</sup> Note: These instructions relating to witness and exhibit list exchange are generic and used in all pre-hearing scheduling orders. It is not required or expected that all parties would have expert witnesses or would bring representatives from the professions listed as examples.

- If photographs, by whom taken, when, and from where taken
  - If other materials, identify the source
8. The appeal form and the decision appealed from shall both be included by one of the parties as exhibits.
  9. Exhibit and witness lists shall be prepared as **Word documents, no tables or columns, simply numbered 1 through X.** [In the decision document each party will be assigned a prefix - A for Appellant and C for City - but that does not affect your numbered exhibit lists.]
  10. In order to save paper and copying time/costs, if exhibit list exchange reveals the parties intend to duplicates of the same documents, the parties shall confer and determine which one shall offer the exhibit. Please do not duplicate exhibits in the record.
  11. Should witnesses and exhibits disclosed by any party cause another party to offer additional witnesses or exhibits, the additional witnesses and/or exhibits shall be disclosed with an Addendum Witness and/or Exhibit List at the earliest opportunity.
  12. If a party's exhibit list is amended, either to avoid duplication or to add additional exhibits, that party shall provide an final complete exhibit list on the day of the hearing. A Word version of the documents shall be emailed to the Office of the Hearing Examiner by the date of the hearing at the email address below.
  13. For the purpose of satisfying the deadlines above, the witness list, exhibit list, briefing, and the exhibits themselves may be exchanged via email.
  14. To be considered timely, **submittals shall be sent via email not later than 4:00 pm on the due date identified.** All email submittals shall be directed to the attention of the Office of the Hearing Examiner at the email address below. The Clerk's office will circulate email communications to all parties and the Examiner.

Office of the Hearing Examiner  
Attention Cheryl Xanthos, Deputy City Clerk  
[cdxanthos@redmond.gov](mailto:cdxanthos@redmond.gov)

*Additional Information*

15. Note: Witness list and exhibit exchange is intended as a good faith effort to disclose all evidence supporting each party's case in order to promote efficiency during the proceedings. However, this matter is an open record appeal hearing, which means new/ previously undisclosed evidence may be offered by any party during their presentation up to the close of the record. Should new witnesses and/or exhibits cause undue surprise to any party at hearing, the record may be held open to allow written rebuttal after adjournment.

16. On or before the day of hearing, each party shall provide a complete paper set to each other party and two sets to the Examiner (one for the official record, one for working copies). Note, parties typically also want a copy for their witnesses.
17. In order to avoid *ex parte* contact: At no time should any party email the Examiner directly absent exigent circumstances, and all parties should be cc'd on any such urgent communications.
18. Clarifying questions about this order and any other procedural questions may be directed to the Examiner via email to the same contact information above.

**Ordered** April 6, 2018.

By:



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Sharon A. Rice  
Redmond Hearing Examiner