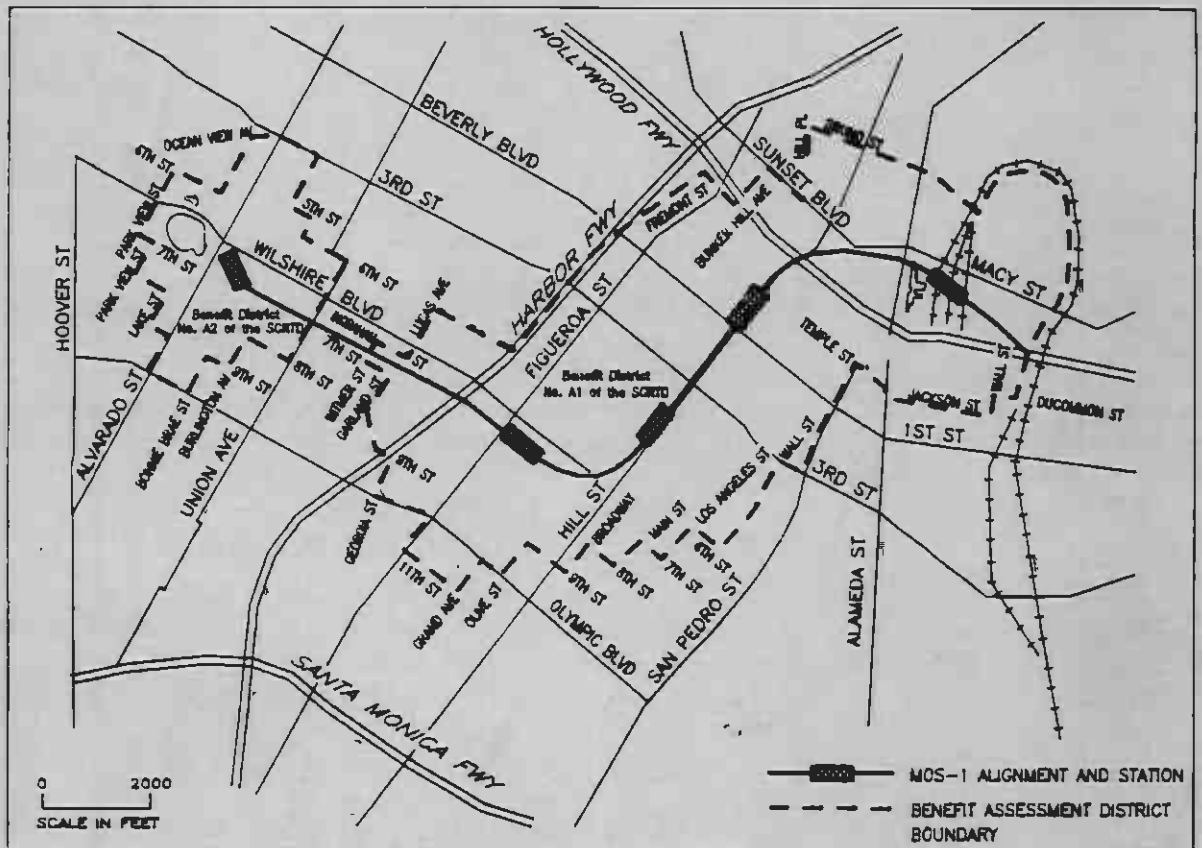


PROCEDURES FOR APPEALING SOUTHERN CALIFORNIA RAPID TRANSIT DISTRICT BENEFIT ASSESSMENTS



JANUARY, 1987



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METRO RAIL BENEFIT ASSESSMENT APPEALS

Any property owner who believes his assessment is partially or entirely incorrect may petition the SCRTD Board to reduce, change or exclude his assessment. No change can be made, however, until a petition is filed as described in the following sections.

Information

Petition forms and benefit assessment maps are available from:

Southern California Rapid Transit District
Planning Department, 5th Floor
425 South Main Street
Los Angeles, CA 90013

Completed petitions are filed with:

Southern California Rapid Transit District
District Secretary, 2nd Floor
425 South Main Street
Los Angeles, CA 90013

For more information, please call the Planning Department at (213) 237-2129. Once the petition is filed, SCRTD staff will contact the petitioner to schedule a pre-petition conference or a staff conference, as appropriate.

Pre-Petition Conference

Any property owner is entitled to a pre-petition conference with staff to review the assessment of his or her property or properties. A pre-petition conference will be held prior to proceeding with the formal appeals process. There is no fee for a pre-petition conference.

In a pre-petition conference, a property owner, upon presentation of substantial evidence, may request a change in assessment due to one of the following conditions:

- o Incorrect assessment of all-exempt property
- o Incorrect assessment of mixed exempt/non-exempt property resulting from an incorrect calculation of the assessment
- o Size of property incorrectly billed
- o Building design restricts rental space to 80% or less
- o Property located outside Benefit Assessment District

Formal Appeals Process

The staff conference represents the first step in the formal appeals process. In the event that all issues raised in the petition cannot be resolved at the pre-petition conference, a staff conference will be scheduled if the petitioner so desires. There is a \$50.00 fee for a staff conference.

Some issues will not be resolvable at the pre-petition conference. These include the following conditions:

- o Incorrect assessment of mixed exempt/non-exempt property resulting from determination of the square footage of the property which is exempt
- o Residential/apartment hotels
- o Building vacant due to public regulatory codes
- o Any other grounds not listed above (including the contention that the property will not benefit).

In order to expedite the appeals process, a petitioner may waive the pre-petition conference and proceed directly to the formal appeals process. The \$50.00 fee must then be paid prior to or at the staff conference.

Examples of Benefit Assessment Appeals

The following examples describe some cases in which an appeals petition should be filed. These examples are intended only to help clarify grounds for appeal and are not intended to be exclusive or exhaustive.

o Exempt Property

Three types of property are exempt:

- residential
- publicly owned and used
- owned and used by a qualified non-profit organization

If a property is either owned or used by a non-exempt entity, it is not exempt. A qualified non-profit organization is one which is exempt from ad valorem taxation under Sections 202, 203, 206, 207, or 214 of the California Revenue and Taxation Code. If any property that falls into the above three categories is assessed, the case will be processed at a pre-petition conference.

o Mixed Exempt/Non-Exempt Buildings

If a property contains both exempt and non-exempt buildings, the assessment on the non-exempt part is calculated proportionally. Detailed instructions for calculating assessments on mixed-use property can be found in the brochure entitled "How to Calculate Metro Rail Benefit Assessments", available from the SCRTD Planning Department. If a property owner believes an assessment for a mixed-use property is incorrect, a petition should be filed. If the assessment is determined to be incorrect as a result of an error in calculating the assessment, the case will be processed at a pre-petition conference. If the assessment is determined to be incorrect as a result of the determination of the amount of square footage which is exempt, the case will be processed through the formal appeals process.

o Residential/Apartment Hotels

Residential and apartment hotels are considered residential property, and therefore exempt, if the occupants are long-term residents who rent on a monthly or annual basis. Hotels that accommodate both long-term

and short-term occupants are assessed proportionally, as are other mixed-use properties. Incorrect assessments for residential/apartment hotels will be processed through the formal appeals process.

o Size of Property or Building Incorrectly Billed

If the size of the property or building used to calculate the assessment appears to be incorrect, the case will be processed through a pre-petition conference.

o Areas Vacant due to Building, Fire, Safety or other Regulatory Codes

Building square footage that must be legally kept vacant because of public regulatory codes is not assessable. In the event that the entire building must be kept vacant, or if the portion that can be occupied is smaller than the size of the parcel, the parcel is assessed. Incorrect assessments for buildings with such vacancies will be processed through the formal appeals process.

o Buildings which are less than 80% Efficient

Buildings in which less than 80% of the floor space can be rented due to atriiums or other building design elements are considered inefficient, and their assessment is proportionally reduced. Details for calculating this reduction can be found in the brochure "How to Calculate Metro Rail Benefit Assessments", available from the SCRTD Planning Department. If an inefficient building has been incorrectly assessed, the case will be processed through a pre-petition conference.

o Property Located Outside Benefit Assessment Districts

Only property located within the boundaries of approved benefit assessment districts as shown on the official map of the District Secretary may be assessed (see attached map). If a property located outside this approved boundary is assessed, the case will be processed through a pre-petition conference.

Duration of Assessment Reductions/Exclusions

Assessment reductions/exclusions are effective for varying lengths of time, depending upon various circumstances. Changes to an assessment made by the SCRTD Board of Directors based on this appeals process are:

Effective until property use changes:

- o Residential
- o Mixed exempt/non-exempt

Effective until property use or ownership changes:

- o Public

Effective until structural modifications change the area of the buildings or parcel consolidation changes the size of the parcel:

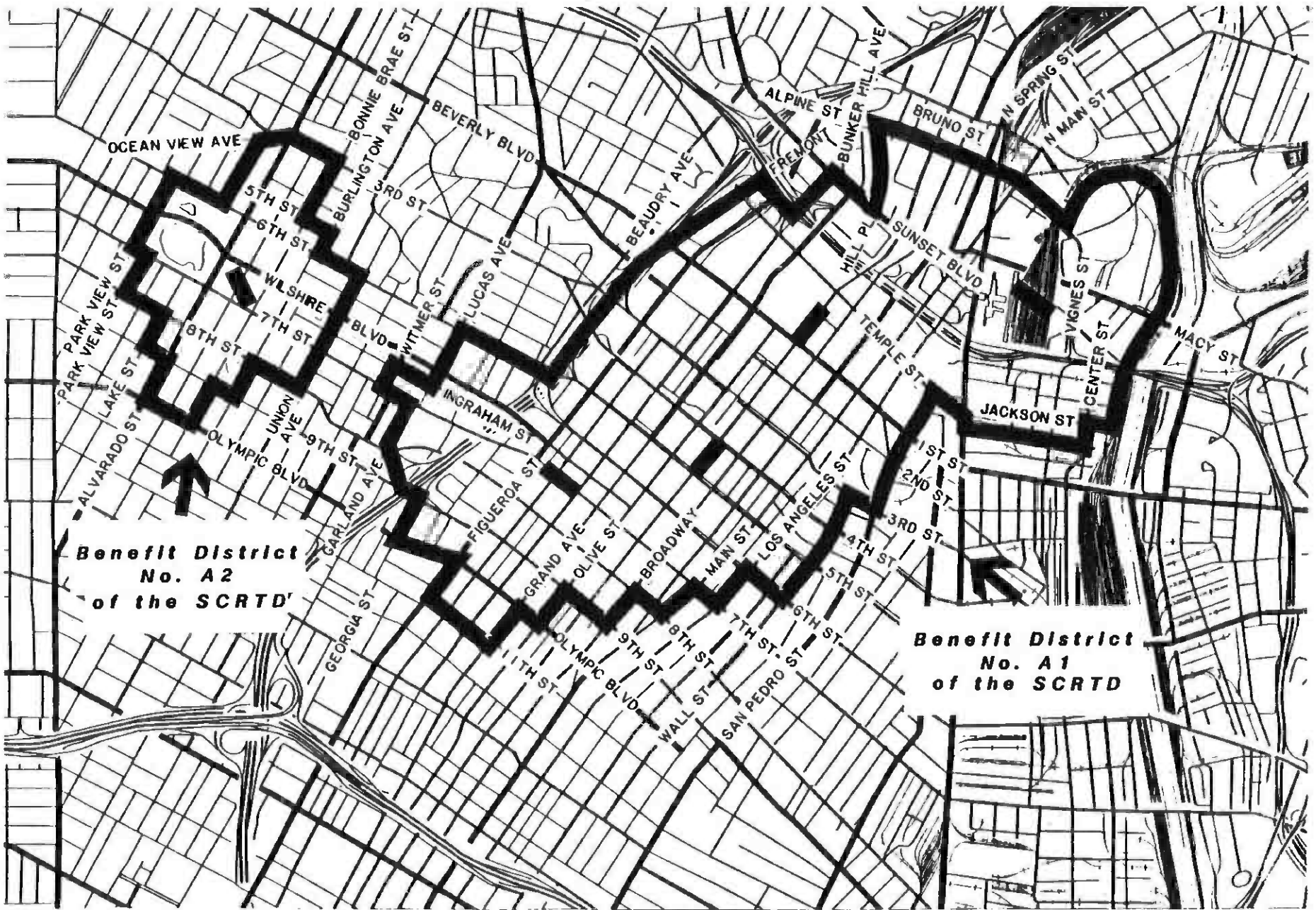
- o Assessments changed to reflect correct parcel or building size
- o Buildings less than 80% efficient

Effective for one year:

- o Vacancies due to regulatory code requirements
- o Residential and apartment hotels
- o Qualified non-profit

Appeals Procedures

The following Procedures for Appealing SCRTD Benefit Assessments as adopted by the SCRTD Board of Directors in July, 1985, and amended through November, 1986, are presented in the following four chapters.



BENEFIT ASSESSMENT DISTRICTS

JANUARY 1985

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1.0 INTRODUCTION

The Southern California Rapid Transit District (SCRTD) finds and declares that it is necessary and in the best interest of the SCRTD and those subject to Benefit Assessment to establish a benefit assessment appeals procedure so that any person who has been assessed will be afforded an opportunity to appeal the assessment and to satisfy the requirements of Sections 33002.9 of the Public Utilities Code which allows any owner or owners of real property, which is, in whole or in part, within a benefit district to file with the Board a petition requesting that the real property owned by them be excluded from from the benefit district on the ground that the real property sought to be excluded is not benefited or that the assessment be reduced on the ground that the assessment exceeds the benefit to that real property. The Benefit Assessment Districts were established pursuant to Sections 33000 et seq of the Public Utilities Code and to the SCRTD Resolution to Proceed with the Establishment of the Benefit Assessment Districts, which was approved by the SCRTD Board of Directors on February 14, 1985. The Benefit Assessment Districts were created pursuant to the SCRTD Resolution Creating Special Benefit Assessment Districts A1 and A2 for the MOS-1 Segment of the Metro Rail System, which was adopted by the SCRTD Board of Directors on July 11, 1985.

2.0 DEFINITIONS

The following are definitions of words used in the appeals procedure:

Apartment hotel/residential hotel -- A residential improvement where a portion or all of the occupants are long-term (e.g., monthly, yearly) residents.

Appeals Panel -- A panel of three hearing officers, who must be retired Appellate or Superior Court judges.

Assessment -- The amount determined by multiplying the applicable rate times the number of square feet of assessable property.

Assessable improvement -- An improvement in use as office; commercial; retail; hotel or motel.

Assessable parcel -- Any parcel except one used for the following purposes:

- (a) In use for residential purposes, except hotel and motel;
- (b) Owned by the public and in public use (if the property is either not owned by the public or not in public use, the property is not exempt unless otherwise provided herein).
- (c) Owned by a qualified non-profit organization, and in use by a qualified non-profit organization (if the property is either not owned by a qualified non-profit organization or not used by a qualified non-profit organization, the property is not exempt unless otherwise provided herein). A qualified nonprofit organization shall be one whose property is exempt from ad valorem taxation under Sections 202, 203, 206, 207, or 214 of the California Revenue and Taxation Code.

Assessable property -- Any assessable parcel, or assessable improvement.

Assessable use -- See uses described under "Assessable improvement" and "Assessable parcel."

Commercial use -- Use of property to engage in commerce, trade or a profession. A sample list of commercial uses is set forth in attachment A hereto. The list is not intended to be exclusive.

Exempt use -- Any use which is not assessable.

Gross square footage -- The length of the improvement multiplied by its width multiplied by the number of stories and adjusted for irregular shapes, internal open-air courtyards, and multi-floor atriums. If the ground floor of the atrium or open space is used as an assessable use, then that portion of the space is assessable.

Hotel/motel use -- Use as a residential improvement which is designed or used for or containing six or more guest rooms or suites of rooms where the occupants are short-term residents.

Improvement -- A building, structure, fixture, or possessory interest therein.

Non-profit organization -- A qualified nonprofit organization shall be one whose property is exempt from ad valorem taxation under Sections 202, 203, 206, 207, or 214 of the California Revenue and Taxation Code.

Office use -- Use of property to transact business or provide service.

Parcel -- Any portion, piece or division of land, or possessory interest therein.

Petitioner (owner) -- Any owner or owners of real property which is, in whole or in part, within the benefit district, or their legal representatives. The petitioner must have ownership or direct economic interest in the property subject to the petition or have a direct interest in the payment of assessment on such property. Owners may include singular or common ownership, partnerships or corporations.

Property -- A parcel and/or improvement.

Public ownership -- Ownership of parcel or improvement by any federal, state, local governmental entity or agency thereof.

Public use -- Use of any parcel or improvement used for federal, state or local governmental purposes.

Rentable Area -- The rentable area of a floor shall be computed by measuring to the inside finished surface of the dominant portion of the permanent outer building walls, excluding any major vertical penetrations of the floor. No deductions shall be made for columns and projections necessary to the building.

Retail use -- Use of property for the sale of commodities or goods to consumers.

Stipulate -- To make an agreement or covenant to do or forbear something.

Use -- The legal enjoyment of property consisting of its employment or occupation for the user's or occupier's purpose.

3.0 TYPES OF APPEALS

3.1 STATUTORY AUTHORITY

An assessment may be appealed for the reasons set forth in and pursuant to Sections 33002.9 through 33002.14, inclusive, of the Public Utilities Code, which provides:

"33002.9 (a) Any owner or owners of real property, which is, in whole or in part, within the benefit district, or their legal representatives, may jointly or severally file with the board a petition requesting that the real property owned by them or for which they are the legal representative be excluded from the benefit district on the ground that the real property sought to be excluded is not benefited or that the assessment be reduced on the ground that the assessment exceeds the benefit to that real property.

(b) The real property sought to be excluded or upon which the assessment is sought to be reduced shall be described by its legal description and shall be accompanied by a map depicting its location in relation to the benefit district.

(c) The petition shall contain a statement of facts in support of the petition and shall be acknowledged by the owner of the legal representative filing the petition.

33002.10 Notice of each hearing upon the petition for exclusion or reduction shall be given in accordance with subdivisions (d) and (e) of Section 33001.

33002.11 At the time and place provided in the notice or at any time and place to which the hearing is adjourned, the board or its appointed hearing officer shall hear all the following:

(a) The petition for exclusion or reduction.

(b) All evidence or proofs that may be introduced by or on behalf of the petitioners.

(c) All objections to the petition that may be presented in writing by any person, including the district.

(d) All evidence or proofs that may be introduced in support of objections to the petition.

33002.12 The expenses of giving the notice provided for herein and of the hearing on the exclusion or reduction petition shall be paid by the persons filing the petition.

33002.13 Upon the hearing on an exclusion or reduction petition by the board, or upon the record of hearing by a hearing officer, the board shall order the petition be denied when the petitioner has not shown by a preponderance of the evidence that in an exclusion petition his or her property is not benefited or in a reduction petition that the assessment exceeds the benefit to the property.

33002.14 The board, after the hearing on an exclusion or reduction petition, shall order one of the following by resolution:

- (a) In the case of an exclusion petition, order the exclusion of all or any part of the real property described in the petition upon its finding that the property will not be benefited by the operations of the district in the vicinity of the benefit district.
- (b) In the case of a reduction petition, order a change in the benefit assessment to all or any portion of the real property described in the petition to provide that it not exceed the amount of benefit derived by the operations of the district in the vicinity of the benefit district.
- (c) Confirm the assessment on the real property subject to the petition as correctly reflecting the amount of benefit to the real property."

The appeal may be based on any issue provided for in the code. The following sections list several types of appeals. The list is compiled as guidance only, and is not intended to be exclusive or exhaustive.

3.2 ASSESSMENT OF EXEMPT PROPERTY

If a property is used in an exempt use, the property owner may petition to have the assessment rescinded, or, if the property is exempt in part, to have the assessment reduced. Improvements used for other than office, commercial, retail, hotel or motel are not assessed. However, parcels which are vacant or developed with exempt improvements, except those listed as exceptions under the definition in Chapter 2 for assessable parcel, are assessed. If the use of the improvement is exempt, but the parcel is not, the property owner may petition to have the assessment reduced to the amount of the parcel assessment.

3.3 ASSESSMENT OF RESIDENTIAL HOTEL/APARTMENT HOTEL

Residential hotels/apartment hotels are treated as residential use (exempt) if the occupants are long-term residents (e.g., have monthly or yearly leases or rental agreements). For hotels that contain both long-term and short-term residents, the assessment shall be determined on the basis of the percent of the hotel that is assessable multiplied by either the square footage of the parcel or the total square footage of the improvement, whichever is greater.

3.4 ASSESSMENT OF PROPERTY WHICH CONTAINS A MIX OF EXEMPT AND ASSESSABLE IMPROVEMENTS

For properties that contain assessable improvements in combination with exempt improvements which are listed in Chapter 2 under the definition of assessable parcel, the assessment shall be determined on the basis of the percent of the

improvement that is assessable multiplied by either the square footage of the parcel or the total square footage of the improvement, whichever is greater for a given property. For properties that contain assessable improvements in combination with exempt uses that are not listed as exceptions in Chapter 2 under the definition for assessable parcel (e.g., industrial uses), the assessment shall be determined on the basis of the assessable square footage of the improvement or the square footage of the parcel, whichever is greater for a given property.

3.5 ASSESSMENT OF INCORRECT SQUARE FOOTAGE OF PROPERTY OR IMPROVEMENTS

The gross square footage of an improvement is calculated by using the outside dimensions of the improvement. The length of the improvement is multiplied by its width multiplied by number of stories and adjusted for irregular shapes, internal open-air courtyards and multi-floor atriums. If the ground floor of the atrium or open space is used as an assessable use, then that portion of the space is assessable. The gross square footage of a parcel is determined by multiplying the length by the width adjusted for irregular shapes.

3.6 ASSESSMENT OF FLOOR AREAS THAT ARE VACANT BECAUSE OF THE REQUIREMENTS OF BUILDING, FIRE, SAFETY OR OTHER REGULATORY CODES

The SCRTD Board finds and declares that an improvement that must be legally kept vacant because of the requirements of building, fire, safety or other public regulatory codes is not benefited and is therefore not assessable. For example, the floor area calculation for an improvement will be adjusted to delete such floor area for a owner who has received a B&S CONS-58 (R2-82) Earthquake Hazard Order from the Los Angeles Department of Building and Safety. The adjustment will exclude from assessment unoccupied floor area in a qualified improvement and will be effective until compliance with the Earthquake Hazard Order is achieved. If the entire improvement cannot be occupied or the square footage that can be occupied is less than the the square footage of the parcel, then the parcel will be assessed.

3.7 ASSESSMENT OF A BUILDING THAT IS LESS THAN 80% EFFICIENT

The SCRTD Board finds and declares that an improvement which is less than 80% efficient is benefited less than an improvement which is 80% or more. If an improvement is 80% or more efficient, the assessment is based on total gross square footage. To determine the efficiency of an improvement, the area of the improvement that is not rentable is divided by the gross square footage of the improvement and expressed as a percentage of the gross square footage. This figure is then subtracted from 100% to yield the efficiency of the improvement. If the efficiency is less than 80%, the square footage of the improvement is adjusted downward by a factor determined by using the formula $(80-X)/80$ where X is equal to the efficiency of the improvement. For example, if an improvement is 60% efficient, the square footage would be adjusted downward by a factor of $20/80$ or $1/4$. If the remaining square footage is lower than the square footage of the parcel, then the parcel is assessed.

3.8 ASSESSED PROPERTY IS NOT LOCATED IN THE BENEFIT ASSESSMENT DISTRICT

Only property located within the approved boundaries of the Benefit Assessment Districts as shown on the official map located in the office of the SCRTD Board Secretary is assessable.

3.9 DURATION OF EXEMPTION

The SCRTD Board finds that:

1. If the property is used for exempt residential purposes, the property shall be declared exempt and shall remain exempt until the use of the property changes.
2. If the property is publicly owned and publicly used, the property shall be declared exempt and shall remain exempt until the property changes use or ownership.
3. If the property is owned by a qualified non-profit organization and used by a qualified non-profit organization, the exemption will be in effect for one year, and the property owner will be required to demonstrate an exempt status on an annual basis to remain exempt from assessments.
4. If the property is used as residential/hotel apartment hotel the exemption will be in effect for one year and the property owner will be required to renew the exemption on an annual basis. The determination of whether or not the property is exempt will be based on the use of the improvements for the previous 12 months. Failure to renew the exemption will result in assessment.
5. The exemption of floor area from assessment because of the requirements of building, fire, safety or other regulatory codes shall be effective for one year and must be renewed on an annual basis. Failure to renew the exemption will result in assessment.
6. If property is used for a mix of exempt and assessable improvements, the portion of the property declared exempt shall remain exempt until the use of the property changes.
7. If the gross square footage of the property is found to be incorrect, the corrected square footage shall remain in effect until changes are made to the structure which change the amount of the square footage.
8. If a building is found to be less than 80% efficient, the revised square footage will remain in effect until changes are made to the structure which change the amount of the square footage.
9. If it is determined that property is not located within the Benefit Assessment District, the property would not be assessed unless the boundaries of the Benefit Assessment District are changed.

4.0 APPEAL PROCEDURE

4.1 PETITION

No reduction in or rescission of an assessment sought by an owner of property within the Benefit Assessment District shall be made unless a petition, along with one complete copy, meeting the requirements of Section 33002.9 of the Public Utilities Code and the SCRTD Administrative Procedures is filed with the SCRTD Board, to the attention of the District Secretary, 425 South Main Street, Los Angeles, California 90013.

The following procedure shall be followed:

1. If the petition is made by a representative of the owner other than an attorney licensed to practice law in this state, written authorization from the owner to so act must be filed with the petition. If the petitioner is a corporation or a partnership, the petition must be accompanied by a resolution of the board of directors, or a certificate executed by the partners, respectively, authorizing the representative to act on behalf of the corporation or partnership. Reference to owner herein shall include owner's representative and each shall be referred to as petitioner.
2. The petition shall be in writing, signed by the petitioner with a declaration under penalty of perjury that the statements made in the application are true.
3. The SCRTD shall provide, free of charge, forms on which petitions are to be made. The completed petition shall include:
 - a. The name and address of the petitioner;
 - b. The name and address of the petitioner's representative, if any;
 - c. A legal description of the property (map book, page and parcel number or a copy of the deed) accompanied by a map depicting its location in relation to the benefit assessment district;
 - d. A statement of whether the petitioner seeks to exclude the property from the benefit assessment district on the ground that the property is not benefited, or that the petitioner seeks to reduce the assessment on the ground that the assessment exceeds the benefit of the property;
 - e. A statement of facts in support of the petition.
 - f. All petitioners are entitled to a no-fee pre-petition conference (see Section 4.2). Therefore, an application fee need not be submitted with the petition.

- g. A non-refundable application fee of \$50.00 is charged for any formal appeal. A petitioner may waive the pre-petition conference and proceed directly to the formal appeals process (staff conference) by submitting the \$50.00 application fee with the petition (see Section 4.3).

A petition which does not contain the foregoing items is invalid and shall not be acted upon by the SCRTD Board. Prompt notice that a petition is invalid shall be given by the SCRTD to the petitioner.

4. Upon receipt of the petition, the District Secretary shall record the receipt upon a docket kept to record the receipt of petitions received pursuant to section 33002.9 of the Public Utilities Code. The copy will be forwarded to the District Planning Department (staff) for review. Staff will schedule a pre-petition conference or staff conference with the petitioner as required.

4.2 PRE-PETITION CONFERENCE

Any property owner is entitled to a pre-petition conference with the staff to review the assessment of his or her property or properties prior to proceeding with the formal appeals process as described in the following sections. There will not be a fee for a pre-petition conference. Staff will contact the petitioner to schedule a pre-petition conference.

In the pre-petition conference, a property owner, upon presentation of substantial evidence, may request a change in the assessment for a property due to any of the following conditions:

- o Incorrect assessment of all-exempt property
- o Incorrect assessment of mixed exempt/non-exempt property if due to an error in the calculation of the assessment
- o Size of property incorrectly billed
- o Building design restricts rental space to 80% or less
- o Property located outside Benefit Assessment District

In such cases, the staff may recommend to the Board that the assessment be corrected without a formal appeal being filed. In determining if a property falls within this category, the following guide will be used: "The condition must be such that the assessment would not have been levied, or would have been corrected automatically, had the District known of the condition prior to levying the assessments."

In general, the conditions listed above reflect inherent characteristics of the property or obvious errors and will be resolvable at the pre-petition conference. Conditions which represent situations which can be changed as a result of the actions of the property owner will be handled through a formal appeal. These include exemptions for Residential/Apartment Hotels, property unoccupied due to public safety regulatory codes, and other designated categories listed below.

Pre-petition conferences will be conducted in accordance with the procedures outlined in Section 4.7 of this document.

4.3 STAFF CONFERENCE

A staff conference represents the first step of the formal appeals process. In the event that all issues raised in the petition are not resolvable at the pre-petition conference, staff will contact the petitioner to schedule a staff conference. A non-refundable application fee of \$50.00 is charged once the formal appeals process is initiated. The fee must be paid at or prior to the staff conference.

As noted above, all petitioners are entitled to a no-fee pre-petition conference. However, a petitioner may waive this conference and proceed directly to the formal appeals process if it is apparent that the issues raised in the petition will not be resolvable at the pre-petition conference level (see Section 4.2 for the issues which will generally be resolvable at the pre-petition conference). In such cases, the petitioner may indicate his or her desire to proceed directly to the formal appeals process in one of two ways:

1. By submitting the non-refundable \$50.00 fee with the petition. By so doing, the petitioner indicates that the petition being filed constitutes a formal appeal and that the petitioner waives the pre-petition conference.
2. By first filing a petition without the application fee, and then subsequently indicating in writing that he/she waives the pre-petition conference and agrees to proceed directly to a formal appeal. The petitioner must then pay the \$50.00 formal appeal filing fee at or before the staff conference.

Staff conferences will be conducted in accordance with the procedures outlined in Section 4.7 of this document.

4.4 TIME LIMIT FOR FILING PETITION

All petitions for appeal of an assessment for a given tax year must be filed before the end of the tax year for which the assessment is levied.

4.5 FILING FEE FOR APPEALS PETITION

On November 19, 1986, the SCRTD Board of Directors adopted the following fee schedule for filing benefit assessment appeals:

1. There will be no charge for a pre-petition conference. Petitioners desiring a pre-petition conference should not remit any fee when filing a petition.
2. A non-refundable application fee of \$50.00 will be charged for any formal appeal through the petition process. Petitioners desiring to waive the right to a pre-petition conference and proceed directly to a formal appeal should remit the \$50.00 application fee when the petition is filed (see Section 4.3). If the appeal is resolved at the staff level, no further fees will be charged.
3. If the case is not settled at the staff level and is advanced to the hearing officer, the applicant will pay the additional cost of hearing

notices and of a hearing officer as required by law. An initial deposit of \$1,000.00 is required for cases to be heard by a hearing officer. Any remaining deposited funds, above those required to pay the cost of notices and the hearing officer, will be refunded to the applicant. Should the cost exceed \$1,000, the petitioner must pay the difference.

Section 33002.12 of the California Public Utilities Code states:

"The expenses of giving notice provided herein and of the hearing on the exclusion or reduction petition shall be paid by the person filing the petition."

4.6 HEARING OFFICERS

A panel of Benefit Assessment Hearing Officers shall be appointed by the SCRTD Board. Each Hearing Officer shall be a retired Appellate or Superior Court judge, shall have been admitted to practice law in California for at least five years immediately preceding his appointment and shall have demonstrated knowledge in tax appeals, assessment appeals or other related subject matters.

4.7 GUIDELINES FOR CONDUCTING PRE-PETITION CONFERENCES/STAFF CONFERENCES

Upon receipt of the petition by the SCRTD staff, the petitioner will be contacted to arrange a pre-petition conference or staff conference, as appropriate. The following sections outline the procedures to be followed regarding pre-petition conferences and staff conferences between the petitioner and the SCRTD staff.

4.7.1 GENERAL

1. A pre-petition conference/staff conference will be held between the petitioner and a member of the SCRTD staff designated to participate in such conferences. Each party shall be prepared to discuss the issues contained in the application and to make appropriate stipulations.
2. The date of the pre-petition conference/staff conference shall be set by SCRTD staff. Written confirmation of the date and time of the pre-petition conference/staff conference shall be given at least 20 days prior to the conference. The 20 day period may be waived if agreed to by all of the parties.

4.7.2 PRE-PETITION CONFERENCES

1. In the pre-petition conference, a property owner, upon presentation of substantial evidence, may request a change in the assessment for a property due to any of the following conditions:
 - o Incorrect assessment of all-exempt property
 - o Incorrect assessment of mixed exempt/non-exempt property if due to an error in the calculation of the assessment
 - o Size of property incorrectly billed
 - o Building design restricts rental space to 80% or less
 - o Property located outside Benefit Assessment District

2. If the parties stipulate to the disposition of all issues raised in the petition in the pre-petition conference, the SCRTD staff shall draft a proposed stipulation. The SCRTD staff shall send a copy of the proposed stipulation to the petitioner within 14 days after the pre-petition conference. Within 10 days after the mailing of the proposed stipulations, the petitioner shall file, if desired, with the SCRTD Planning Department, in care of the assigned staff member, any proposed amendment to the stipulation.
3. If the parties at a pre-petition conference are unable to resolve all of the issues raised in the petition and the petitioner desires to proceed to the formal appeals process, a staff conference will be scheduled following the conclusion of the pre-petition conference at a date and time not exceeding 30 days from the date of the pre-petition conference. If the petitioner chooses to proceed with the formal appeals process, stipulations will not be drafted until after the staff conference is held.
4. If the parties at a pre-petition conference are unable to resolve all of the issues raised in the petition and the petitioner does not desire to proceed to the formal appeals process, the remaining issues will be deemed waived. The SCRTD staff shall draft a proposed stipulation and shall send a copy of the proposed stipulation to the petitioner within 14 days after the pre-petition conference. Within 10 days after the mailing of the proposed stipulations, the petitioner shall file, if desired, with the SCRTD Planning Department, in care of the assigned staff member, any proposed amendment to the stipulation. Proposed amendments may be concerned only with issues addressed in the stipulation. Issues which have been deemed waived may be reconsidered only if the petitioner desires to proceed with the formal appeals process.
5. If the petitioner fails to respond within the 10-day period provided for in paragraphs 2 and 4 of this section, it shall be conclusively presumed that the petitioner agrees to the stipulation as written, and the staff will submit the stipulation to the SCRTD Board for approval with the notation in its transmittal that it was accepted by the petitioner by its action in not responding or objecting to the proposed stipulation.

4.7.3 STAFF CONFERENCES

1. Any issue not resolvable at the pre-petition conference must be addressed at a staff conference, the first step in the formal appeals process, unless waived as provided for in paragraph 4 of Section 4.7.2. Issues stipulated to at a pre-petition conference shall be deemed resolved and will not be reconsidered at the staff conference.
2. If the parties at a staff conference are unable to resolve all of the issues raised in the petition, they may identify such other matters as will aid in the resolution of the issues and continue the conference to a date and time not exceeding 30 days from the date of the present conference.
3. If the parties stipulate to the disposition of any or all issues raised in the petition in the staff conference, the SCRTD staff shall draft a proposed stipulation. The proposed stipulation shall also include issues stipulated to at the pre-petition conference, if applicable. The stipulations will be

sent to the petitioner within 14 days after the final staff conference. Within 10 days after the mailing of the proposed stipulations, the petitioner shall file, if desired, with the SCRTD Planning Department, in care of the assigned staff member, any proposed amendment to the stipulation.

4. If the petitioner fails to respond within the 10-day period, it shall be conclusively presumed that the petitioner agrees to the stipulation as written, and the staff will submit the stipulation to the SCRTD Board for approval with the notation in its transmittal that it was accepted by the petitioner by its action in not responding or objecting to the proposed stipulation.
5. If the petitioner refuses to stipulate to any issue contained in the proposed stipulation, the proposed stipulation shall be changed to show the issue as one to be resolved.

4.7.4 PROCESSING OF STIPULATIONS

1. Any proposed stipulation reached between the SCRTD staff and the petitioner at a pre-petition conference or staff conference will be reviewed by the SCRTD General Manager and the SCRTD Counsel to assure that any proposed stipulation made meets the requirements of the law. If the General Manager or the SCRTD Counsel does not approve the stipulation, the SCRTD staff and petitioner will conduct further negotiations, as appropriate, to reach a proposed stipulation acceptable to both parties.
2. When the proposed stipulation is satisfactory to both parties and approved by the Legal Department and the General Manager, it shall then be submitted to the SCRTD Board. The Board shall consider the proposed stipulations at a hearing (Board meeting), and shall provide 10 days notice to petitioner and SCRTD of the hearing. At the hearing, the Board may approve, reject or propose amendments to the stipulation. The stipulation as finally agreed to by both parties, including any amendments added at the Board hearing and agreed to by the petitioner, shall be binding upon both parties as to all issues stipulated to.
3. The stipulation, after approval by the Board, shall become part of the record in the case and, if a hearing before a Hearing Officer as to any remaining issues is requested, it shall be submitted to the Hearing Officer. The issues stipulated to shall be deemed resolved and the Hearing Officer may not reconsider any stipulated issue or hear evidence on the issue.

4.7.5 REQUEST FOR HEARING OFFICER

1. At the Board hearing at which the stipulations are considered or within 10 days thereafter, the petitioner may request a hearing before a Hearing Officer to be designated by the Board. The Board shall then designate a Hearing Officer to hear evidence on, and make recommendations to the Board, as to all unresolved issues. If the petitioner fails at the hearing, or in writing within 10 days thereafter, to request a Hearing Officer to hear all unresolved issues, those issues shall be deemed waived, and the assessment shall be in accordance with the original assessment as modified by the stipulation covering the issues which were resolved.

2. If no issues are resolved at the staff conference, the petitioner may request within 10 days after the staff conference, in writing, a hearing before a Hearing Officer designated by the Board. If the petitioner fails to request that a Hearing Officer hear the petition within the 10 day period, the assessment shall be in accordance with the original assessment.
3. A request for hearing before a Hearing Officer (which is submitted within 10 days after the Board hearing at which stipulations are considered or after the staff conference) will be considered by the Board at the first meeting which is more than one week after receipt of the request.

4.8 NOTICE OF HEARING BEFORE A BENEFIT ASSESSMENT HEARING OFFICER

1. After the SCRTD Board grants a hearing for reduction or rescision of an assessment before a Hearing Officer, the Hearing Officer shall set the matter for hearing and shall notify the petitioner and the SCRTD staff in writing by personal delivery or by depositing the notice in the U.S. Mail directed to the petitioner at the address given in the petition or directed to the latest available address of the petitioner, and to the District addressed to the Planning Department, 5th floor, RTD, 425 South Main Street, Los Angeles, California 90013. The notice shall designate the date, time and place of the hearing. It shall also state that the hearing officer shall hear all of the following:
 - (a) The petition for exclusion or reduction.
 - (b) All evidence or proofs that may be introduced by or on behalf of the petitioners.
 - (c) All objections to the petition that may be presented in writing by any person, including the district.
 - (d) All evidence or proofs that may be introduced in support of objections to the petition.
(Pursuant to PUC 33002.11)
2. Pursuant to PUC Section 33002.10, the notice stating the time and place of the hearing shall be published prior to the time fixed for the hearing pursuant to Section 6066 of the Government Code. Notice shall also be mailed at least 30 days prior to the hearing to all owners of real property within the boundaries of the benefit district whose names and addresses appear on the last equalized assessment roll or are otherwise known to the Board of Supervisors of the County of Los Angeles or to the District. Pursuant to PUC Section 33002.12, the expenses of giving the notice as described above shall be paid by the persons filing the petition.

4.9 LEGAL COUNSEL

Any party may be represented by legal counsel.

4.10 APPEARANCE BY PETITIDNER

The petitioner must be represented at the hearing.

4.10.1 PROPERTY IN COMMON OWNERSHIP

If the property is held in joint or common ownership or in co-ownership, the appearance of the representative designated in the Petition or of counsel on behalf of the designated representative shall constitute a sufficient appearance.

4.10.2 APPEARANCE BY CORPORATION

A corporation may be represented by any officer duly authorized in the petition who is designated by written acknowledgment in the form of a corporate resolution to act on its behalf, or by counsel of the designated representative.

4.10.3 APPEARANCE BY AN INDIVIDUAL

An individual may be represented by an attorney or any person duly authorized in writing to act on his or her behalf in the petition or by separate written acknowledgment.

4.11 BURDEN OF PROOF

The burden of proof to show that the property has been incorrectly assessed is on the petitioner.

4.12 CONTINUANCE

The Hearing Officer may continue a hearing to a later date for good cause. If the hearing is continued, the Hearing Officer shall inform the parties of the time and place of such further hearing and no further notice thereof need be given. A hearing may also be continued by stipulation which is subject to concurrence of the Hearing Officer.

4.13 DISCOVERY: RIGHTS AND PROCEOURES

A party, upon written request made to another party at least 20 days prior to the hearing, is entitled to:

1. Obtain the names and addresses of witnesses to the extent known to the other party, including but not limited to, those intended to be called to testify at the hearing.
2. Inspect and make a copy of any of the following in the possession or custody or under the control of the other party:
 - (a) A statement pertaining to the subject matter of the proceeding made by any party to another party or person;
 - (b) Statements of witnesses then proposed to be called by the party;
 - (c) All writings which the party then proposes to offer in evidence;

- (d) Any other writing or thing which is relevant and which would be admissible in evidence;
- (e) Investigative reports made by or on behalf of the SCRTD or other party pertaining to the subject matter of the proceeding.

By notifying the other parties of its intention to call a specific witness or introduce a specific exhibit, or by furnishing to other parties a copy of a specific exhibit, a party is not bound to call such a person as a witness or to introduce such exhibit at the hearing nor does such notification or furnishing make such evidence admissible at the hearing.

For the purpose of this section, "statements" include written statements by the person, signed or otherwise authenticated by him, stenographic, mechanical, electrical or other recordings, or transcripts thereof, of oral statements by the person, and written reports or summaries of such oral statements.

Responses to timely requests made hereunder shall be made within 10 days after the date of the request. Failure of the responding party to respond to any valid request hereunder will entitle the requesting party, at the discretion of the Hearing Officer, to:

1. A stay of the administrative proceeding in order to obtain a judicial remedy;
2. A continuance of the hearing to extend the time to provide the information;
3. A finding in favor of the requesting party on any issue the proof of which is shown to be substantially affected by the failure to provide the requested information; or
4. Dismissal of the appeal.

Nothing in this section shall authorize the inspection or copying of any writing or thing which is privileged from disclosure by law or otherwise made confidential or protected as the attorney's work product.

4.14 DISCOVERY: JUDICIAL REMEDY

Any party adversely affected by the failure of a responding party to comply with a valid discovery request may serve and file a verified petition to compel discovery in the superior court for Los Angeles County naming as respondent the party refusing to comply with the Section 4.9 DISCOVERY: RIGHTS AND PROCEDURE. The petition shall state facts showing the responding party (respondent) failed or refused to comply with the request for discovery, a description of matters sought to be discovered, the reason or reasons why such matter is discoverable under Section 4.9, and the ground or grounds of respondent's refusal so far as is known to petitioner.

The petition shall be served upon respondent party and filed within 30 days after expiration of the time limit for the other party to reply to the request, or any written extension thereof. No petition may be filed within 15 days of the date set for commencement of the administrative hearing except upon order of

the court after motion and notice and for good cause shown. In acting upon such motion, the court shall consider the necessity and reasons for such discovery, the diligence or lack of diligence of the moving party, whether the granting of the motion will delay the commencement of the administrative hearing on the date set, and the possible prejudice of such action to any party.

If from a reading for the petition the court is satisfied that the petition sets forth good cause for relief, the court shall issue an order to show cause directed to the respondent party; otherwise the court shall deny the petition. The order to show cause shall be served upon the respondent or his attorney of record in the administrative proceeding by personal delivery or certified mail and shall be returnable no earlier than 10 days from its issuance nor later than 30 days after the filing of the petition. The respondent party shall have the right to serve and file a written answer or other response to the petition and order to show cause.

The court may in its discretion order the administrative proceeding stayed during the pendency of the proceeding, and if necessary for a reasonable time thereafter to afford the parties time to comply with the court order.

Where the matter sought to be discovered is under the custody or control of the respondent party and the respondent party asserts that such matter is not a discoverable matter, or is privileged against disclosure under such provisions, the court may order lodged with it such matters as are provided in subdivision (b) of Section 915 of the Evidence Code and examine such matters in accordance with provisions thereof.

The court shall decide the case on the matters examined by the court in camera, the papers filed by the parties, and such oral argument and additional evidence as the court may allow.

Unless otherwise stipulated by the parties, the court shall no later than 30 days after the filing of the petition file its order denying or granting the petition, provided, however, the court may on its own motion for good cause extend such time an additional 30 days. The order of the court shall be in writing setting forth the matters or parts thereof the petitioner is entitled to discover under Section 4.9. A copy of the order shall forthwith be served by mail by the clerk upon the parties. Where the order grants the petition in whole or in part, such order shall not become effective until 10 days after the date the order is served by the clerk. Where the order denies relief to the petitioning party, the order shall be effective on the date it is served by the clerk.

The order of the superior court shall be final and not subject to review by appeal. A party aggrieved by such order, or any part thereof, may within 15 days after the service of the superior's court's order serve and file in the district court of appeal for the district in which the superior court is located, a petition for a writ of mandamus to compel the superior court to set aside or otherwise modify its order. Where such review is sought from an order granting discovery, the order of the trial court and the administrative proceeding shall be stayed upon the filing of the petition for writ of mandamus, provided, however, the court of appeal may dissolve or modify the stay thereafter if it is in the public interest to do so. Where such review is sought from a denial of discovery, neither the trial court's order nor the

administrative proceeding shall be stayed by the court of appeal except upon a clear showing of probable error.

Where the superior court finds that the party or his attorney, without substantial justification, failed or refused to comply with Section 4.9 or, without substantial justification, filed a petition to compel discovery pursuant to this section, or, without substantial justification, failed to comply with any order of court made pursuant to this section, the court may award court costs and reasonable attorney fees to the opposing party. Nothing in this section shall limit the power of the superior court to compel obedience to its orders by contempt proceedings.

4.15 RULES OF EVIDENCE

These rules apply for hearings before the Hearing Officer. Oral evidence shall be taken only on oath or affirmation.

Each party shall have these rights:

1. to call and examine witnesses on any matter relevant to issues to be decided in the proceeding;
2. to introduce exhibits; to cross-examine opposing witnesses on any matter relevant to the issues even though that matter was not covered in the direct examination;
3. to impeach any witness regardless of which party first called him or her to testify;
4. to rebut the evidence against him or her.

If any party does not testify in his or her own behalf, he or she may be called and examined as if under cross-examination.

The hearing need not be conducted according to technical rules relating to evidence and witnesses. Any relevant evidence shall be admitted if it is the sort of evidence on which responsible persons are accustomed to rely on in the conduct of serious affairs, regardless of the existence of any common law or statutory rule which might make improper the admission of such evidence over objection in civil actions. The rules of privilege shall be effective to the extent that they are otherwise required by statute to be recognized at the hearing, and evidence irrelevant to the issues to be decided in the proceeding, and unduly repetitious evidence shall be excluded.

Documentary evidence may be received in the form of copies or excerpts, if the original or a duplicate original is not readily available. Upon request, parties shall be given an opportunity to compare the copy to the original or duplicate original.

Notice may be taken of judicially cognizable facts by the Hearing Officer. In addition, notice may be taken of generally recognized technical or scientific facts within the agency's specialized knowledge. Parties may be notified either before or during the hearing, or by reference in preliminary findings or otherwise of the material noticed, including any staff memoranda or data, and they shall be afforded an opportunity to contest the material so noticed. The agency's experience, technical competence, and specialized knowledge may be utilized in the evaluation of the evidence.

4.15.1 EVIDENCE BY AFFIDAVIT

At any time 10 or more days prior to a hearing or a continued hearing, any party may mail or deliver to the opposing party a copy of any affidavit that he or she proposes to introduce in evidence, together with a notice as provided below. Unless the opposing party, within seven days after such mailing or delivery, mails or delivers to the proponent a request to cross-examine an affiant, his right to cross-examine such affiant is waived and the affidavit, if introduced in evidence, shall be given the same effect as if the affiant had testified orally. If an opportunity to cross-examine an affiant is not afforded after request therefor is made as herein provided, the affidavit may in the discretion of the Hearing Officer be introduced in evidence, but shall be given only the same effect as other hearsay evidence.

The notice referred to above shall be substantially in the following form:

The accompanying affidavit of (here insert name of affiant) will be introduced as evidence at the hearing in (here insert title of proceeding). (Here insert name of affiant) will not be called to testify orally and you will not be entitled to question him/her unless you notify (here insert name of proponent or his/her attorney) at (here insert address) that you wish to cross-examine him/her. To be effective your request must be mailed or delivered to (here insert name of proponent or his attorney) on or before (here insert a date seven days after the date of mailing or delivering the affidavit to the opposing party).

4.15.2 EVIDENCE: ORDER OF PRESENTATION

Hearings on petitions shall proceed as follows:

1. The hearings shall be open and public.
2. The Hearing Officer shall announce the name of the petitioner (owner) and shall determine if the petitioner or petitioner's representative is present. If neither is present, the Hearing Officer shall ascertain whether the notice required was given to the petitioner. If the notice has been given and the petitioner is not present, the petition shall be deemed abandoned. If the notice has not been given, the hearing shall be postponed to a later date and proper notice thereof shall be given to the petitioner. Petitioner's appearance shall be sufficient if by counsel or designated representative.
3. If the petitioner is present, the Hearing Officer shall then announce the nature of the petition and verify the appeal.

4. The Hearing Officer shall announce issues resolved by stipulation and not a subject matter of the proceeding and on his own motion enter any stipulations between the parties into evidence.
5. The Hearing Officer shall then announce the issues to be decided, as framed in the pleadings, and as amended by any stipulations which have been put into evidence.
6. The Hearing Officer shall require the petitioner to present petitioner's case first.
7. All testimony shall be taken under oath or affirmation.
8. The hearing need not be conducted according to the technical rules relating to evidence and witnesses. The Rules of Evidence are listed elsewhere in this procedure. Any relevant evidence may be admitted if it is the sort of evidence on which responsible persons are accustomed to rely in the conduct of serious affairs. Failure to enter timely objection to evidence constitutes a waiver of the objection. The Board may act only upon the basis of evidence properly admitted into the record. A full and fair hearing shall be accorded the parties. There shall be reasonable opportunity for the presentation of evidence, for the cross-examination of all witnesses, for rebuttal, and for argument.

4.16 WITHDRAWAL OF PETITION

A petition may be withdrawn at any time prior to or at the time of the hearing upon written request signed by the petitioner or his/her representative.

4.17 AMENDMENT OF APPEAL AFTER SUBMISSION

The petitioner may petition the Hearing Officer for amendment of the appeal after submission of the case for decision for the purpose of conforming the petition to proof. If the Hearing Officer determines that an amendment is appropriate each party shall be given a 15 day notice of the intended amendment and opportunity to show that he/she will be prejudiced thereby unless the case is reopened to permit the introduction of additional evidence in his/her behalf. If such prejudice is shown the Hearing Officer shall reopen the case to permit the introduction of additional evidence.

4.18 DETERMINATION OF BENEFIT ASSESSMENT HEARING OFFICER

The Hearing Officer shall hear the case and review all the evidence and documents in the record. After the conclusion of the hearing, he shall submit written findings of fact and a determination of the issues presented and shall submit the findings and determinations to each party within 14 days after the conclusion of the hearing. A copy of the findings and determinations shall be delivered to the SCRTD Planning Department and the petitioner personally, or sent to the petitioner by Certified U.S. Mail at the most recent address of the parties contained in the hearing record. Within 14 days after the mailing of the proposed findings and determinations, the petitioner must notify the SCRTD Planning Department in writing of any objections to the Hearing Officer's findings and recommendations.

If the petitioner fails to respond within the 14-day period, it shall be conclusively presumed that the petitioner agrees to the determination as written. If the petitioner has accepted the findings, the SCRTD staff will submit the findings and determinations to the SCRTD Board for disposition in a timely manner. If the SCRTD staff objects to the findings and determination of the Hearing Officer, notice must be given in writing to the petitioner within the 14-day period.

If the SCRTD staff or petitioner objects to the findings of the Hearing Officer, the following process may be voluntarily invoked by either party. The Hearing Officer's record, findings and determinations will be referred to a special Appeals Panel of three Hearing Officers. The cost of the hearing before the Appeals Panel will be borne by SCRTD. The Appeals Panel will hold a hearing and review the findings of the Hearing Officer and the record. Prior to the hearing, the petitioner or the SCRTD staff may file a brief with the Appeals Panel. If a brief is filed, it must be filed at least 10 days prior to the hearing. At the hearing, the petitioner and the SCRTD staff may each make an oral presentation, not exceeding 15 minutes, before the Appeals Panel. A party not making a presentation may make a rebuttal, not exceeding 15 minutes, if the other party speaks. The presentation or rebuttal must address the findings of the Hearing Officer. No new evidence will be taken or admitted.

4.19 DECISION OF THE APPEALS PANEL

Acting on the evidence properly before it, the Appeals Panel may accept, reject, return the petition back to the Hearing Officer for further findings, or amend and accept, as amended, the findings and determination of the Hearing Officer.

After the conclusion of the hearing, the Appeals Panel shall submit a written determination of the issues presented and shall submit the findings and determinations to each party within 14 days after the conclusion of the hearing. A copy of the findings and determinations shall be delivered to the SCRTD Planning Department and the petitioner personally, or sent to the petitioner by Certified U.S. Mail at the most recent address of the parties contained in the hearing record.

The SCRTD staff will submit the findings of the Hearing Officer and the Appeals Panel to the Board of Directors in a timely manner.

4.20 DECISION OF THE SCRTD BOARD

Acting upon the evidence properly before it, the SCRTD Board may accept, reject, or amend and accept as amended the determination of the Hearing Officer or the Appeals Panel. In making its decision, the Board shall comply with the provisions of Sections 33002.9 et seq of the Public Utilities Code, and the Board's Resolution to Establish Benefit Assessment Districts approved July 11, 1985.

4.20.1 NOTICE OF SCRTD BOARD DECISION

Notice of the decision shall be sent to the petitioner by Certified U.S. Mail and to the SCRTD Planning Department by the Board Secretary within 14 days after the decision. If the decision requires any changes to the assessment roll, the SCRTD Planning Department shall notify the County Assessor's Office of the change in assessment within 30 days after it becomes effective. A copy of this notification will be sent to the petitioner.

4.20.2 EFFECTIVE DATE OF DECISION

The decision shall become effective immediately.

4.20.3 RECONSIDERATION AND REHEARING

The decision of the SCRTD Board is final. The SCRTD Board shall not rehear or reconsider a petition.

4.21 POWER TO ADMINISTER OATHS

In any proceedings under this procedure the Secretary of the SCRTD, the Hearing Officer, or the hearing reporter, has the power to administer oaths and affirmations and to certify to official acts.

ATTACHMENT A

Following is a list of are assessable commercial uses. Similar uses may be assessable:

- Addressograph service
- Air conditioning equipment service
- Amusement enterprises including boxing arenas, merry-go-round, ferris wheel or carousel, taxi dance hall, strip tease show, billiard or pool hall, bowling alley, dance hall, games of skill and science, penny arcade, shooting gallery, skating rink, theatre and the like
- Appliance repair, household
- Aquarium
- Art or antique shop
- Auditorium
- Automobile service station, tire and tube repairing, battery servicing, automobile lubrication, automobile laundry or wash rack
- Automobile and trailer sales
- Bakery goods shop
- Bank or financial institution
- Bar or cocktail lounge
- Barber shop or beauty parlor
- Baseball or football stadiums or boxing arenas
- Baths, Turkish and the like
- Bird store
- Blueprinting or photostating
- Book or stationery store
- Bootblack stand
- Broadcasting studio
- Building materials, retail
- Burglar alarm business
- Business college, professional or scientific school or college, for profit
- Carpenter, plumbing or sheet metal shop
- Catering shop
- Child care facilities or nursery schools, for profit
- Circus
- Clothes cleaning agency or pressing establishment
- Clubs or lodges, bridge clubs, fraternal associations, for profit
- Collection agency office
- Confectionary store
- Custom dressmaking or millinery store
- Department store
- Drive-in businesses, including theatres, refreshment stands, restaurants, food stores and the like
- Drug store
- Dry goods or notions store
- Employment agency or bureau
- Exhibits, commercial or cultural, for profit
- Export-import business
- Feed and fuel store
- Film exchange
- Florist or gift shop
- Frozen food store
- Golf course or club; including miniature or pitch and putt courses, golf

driving tees or ranges and similar commercial golf uses
 Grocery, fruit or vegetable store
 Hardware or electric appliance store
 Hospitals, sanitariums or clinics, for profit
 Hotels (including motels)
 Ice storage house
 Interior decorating store
 Jewelry store
 Laundry agency
 Laundries or cleaning establishments of a self service type, using only
 automatic machines with non-flammable cleaning fluid
 Locksmith shop
 Meat market or delicatessen store
 Medical or dental clinics and laboratories, for profit
 Mimeographing service
 Museum (for profit)
 Music conservatory or music instruction
 Newsstand
 Nursery, flower or plant
 Offices, business or professional
 Parcel delivery service, branch
 Park, playground or recreational or community center, privately operated
 Pet shop
 Physical culture institution, reducing salon
 Pony riding ring, without stables
 Public auctions
 Prescription pharmacy
 Printing, publishing or lithographing establishments
 Photographer
 Restaurant, tea room or cafe
 Rubber or metal stamp store
 Second-hand store or pawnshops
 Shoe store or shoe repair store
 Sign painting shop
 Sound score production
 Studio, except motion picture
 Swimming pool, commercial
 Tailor, clothing or wearing apparel shop
 Taxidermist
 Telephone exchange
 Tire shop
 Theater and showcase theater
 Trade school
 Trading stamp business
 Typewriter or adding machine repair
 Upholstery shop
 Wedding chapel
 Other uses similar to the above list
 Uses customarily incident to the above named uses and accessory buildings
 when located on the same lot.