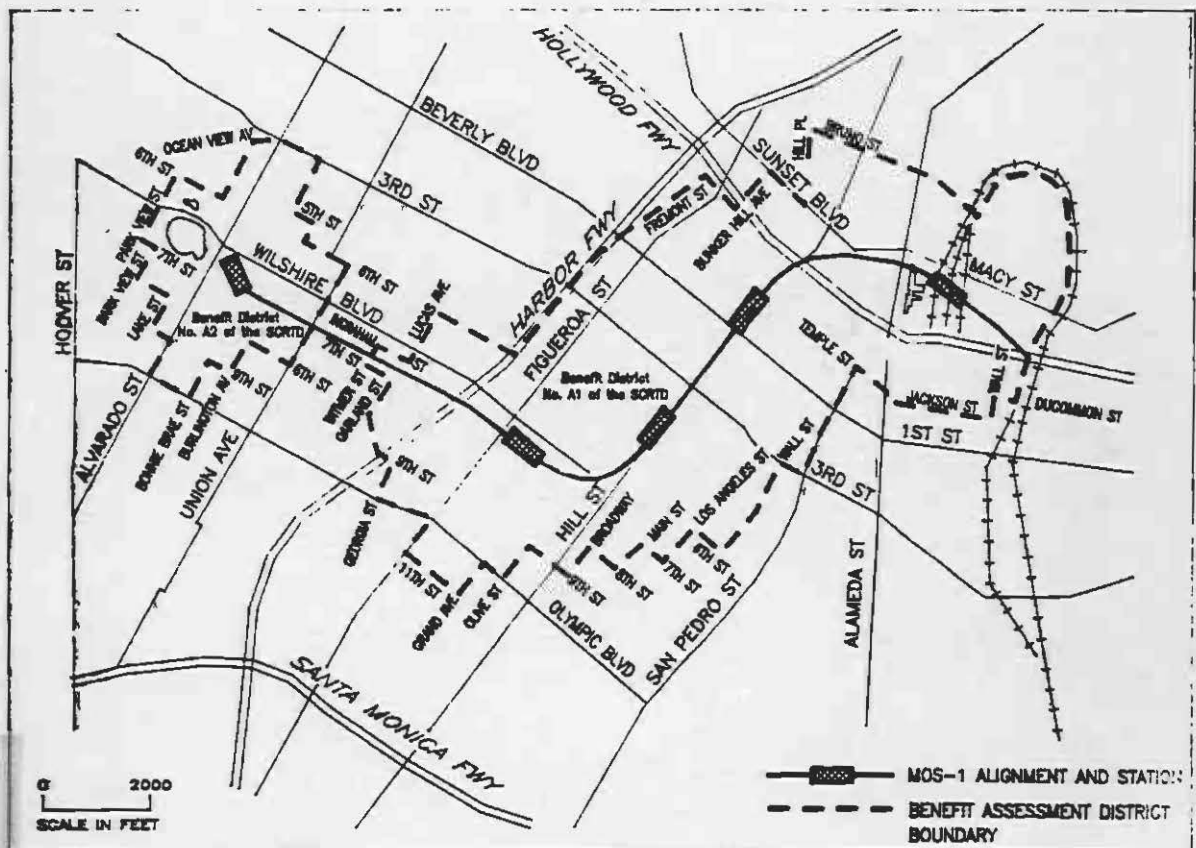


PROCEDURES FOR APPEALING SOUTHERN CALIFORNIA RAPID TRANSIT DISTRICT BENEFIT ASSESSMENTS



JUNE, 1988



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Any property owner who believes his or her assessment is partially or entirely incorrect or that his or her property should be excluded from the assessment district may petition the SCRTD Board to change the assessment or exclude the property from the assessment district. No change can be considered, however, until a petition is filed as described in the following sections.

Information

Petition forms and benefit assessment district maps are available from:

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

Petition forms are revised on an annual basis. Please use the appropriate form.

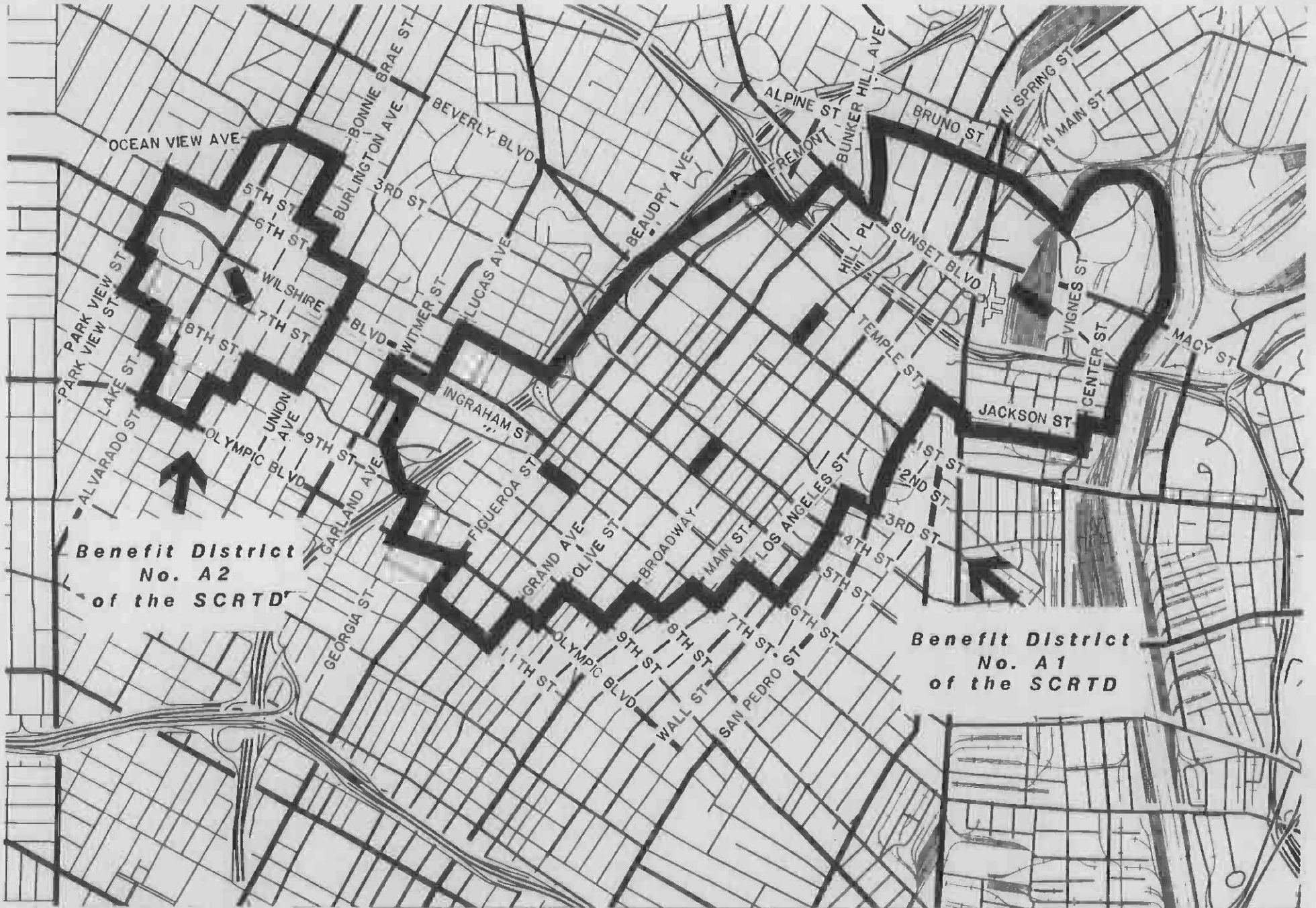
Completed petitions are filed with:

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

For more information, please call the Benefit Assessment Office at (213) 237-2127 or 237-2129. After the petition is filed, SCRTD staff will contact the petitioner to schedule a staff conference. There is no fee for filing a petition or for processing of appeals through the staff conference level.

Appeals Procedures

The following Procedures for Appealing SCRTD Benefit Assessments as adopted by the SCRTD Board of Directors in July, 1985, and including amendments adopted by the Board through June 23, 1988 are presented in the following four chapters. This brochure supersedes the previous versions dated August, 1986, January, 1987, and July 1987.



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 owner of real property that has been assessed will be afforded an opportunity to appeal the assessment under:

- (1) Section 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 assessment district to file with the Board a petition requesting that the real property owned by them 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, or
- (2) Section 33001.5(e) of the Public Utilities Code which allows for changes in assessment to particular real property arising out of changes in parcel area or floor area of that real property, or
- (3) as a result of an error in calculation of assessable square footage (Sections 3.2-3.8 below).

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 (at least monthly) residents.

Appeals Panel -- A panel of three Hearing Officers, selected to hear an appeal of the findings of a Hearing Officer.

Assessment -- The amount determined by multiplying the applicable rate times the greater of either the square footage of assessable improvement or assessable parcel.

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

Assessable parcel -- Any parcel except one used for an exempt use.

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.

Designated representative -- A person appointed by the petitioner to represent the petitioner in the appeals process. A representative may be an attorney licensed to practice law in the State of California. If the representative is not an attorney, the property owner must provide written authorization designating the person as the representative. If the property owner is a partnership and the representative is not an attorney, the authorization must be made in writing by a partner. If the petitioner is a corporation and the representative is not an attorney, the Board of Directors of the corporation must pass a resolution designating the representative. The petitioner may represent himself/herself.

Exempt use -- Property:

- (a) In use for residential purposes, except hotel and motel; or
- (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); or
- (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 non-profit 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.

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.

Hearing Officer -- A retired Superior Court or Appellate Court judge designated by the Board to hear evidence and make recommendations to the Board on benefit assessment appeals.

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 (rental term less than 30 days).

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

Non-assessable use -- That portion of an improvement used exclusively for manufacturing, parking, industrial, or wholesale.

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, political subdivision, district, municipality, state, local governmental entity or agency thereof.

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

Qualified Non-profit organization -- A qualified non-profit 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.

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. General building areas that are not rentable areas, besides major vertical penetrations include auditoriums for use by all the improvement's tenants, central equipment rooms, penthouses containing only mechanical equipment, atriums, and the general building portion of the entrance lobby. See "Standard Method for Measuring Floor Area in Office Buildings" and "A Square Foot is a Square Foot Except When it is Not" by Building Owners and Managers Association.

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

Stipulation -- Agreement between petitioner and District regarding assessment.

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 representatives 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 or 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."

Changes to individual assessments may also be made pursuant to Section 33001.5(e) of the Public Utilities Code, which provides:

"33001.5(e) The board may provide in the resolution, or in a later resolution adopted by a two-thirds vote of the members of the board, for changes in the assessment to particular real property within the benefit district or any zone therein arising out of changes in the parcel area or floor area of that real property."

The appeal may be based on any issue provided for in the code. The following sections list several types of appeals. Grounds for petition are restricted to non-constitutional issues. 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 eliminated or, if the property is exempt in part, to have the assessment reduced. Petitioner will be required to provide proof of exempt status. The responsibility for providing proof of exemption rests solely with the Petitioner. Parcels which are vacant or developed with non-assessable improvements 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.

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."

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If a property is used in an exempt use, the property owner may petition to have the assessment eliminated or, if the property is exempt in part, to have the assessment reduced. The Petitioner will be required to provide proof of exempt status. The responsibility for providing proof of exemption rests solely with the Petitioner. Parcels which are vacant or developed with non-assessable improvements 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 uses (exempt) if the occupants are long-term residents (lease terms at least month-to-month in duration). For hotels that contain both long-term (exempt) uses and short-term (assessable) uses, the assessment shall be determined on the basis of the percent of the hotel in assessable use multiplied by either the square footage of the parcel or the total square footage of the improvement, whichever is greater. The Petitioner will be required to provide documentation of long-term residential use. Documentation would include, but not be limited to, leases, room cards, and Registration Certificate with City of Los Angeles Rent Stabilization Board.

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

For properties that contain assessable improvements and any of the exempt improvements listed in Chapter 2 under the definition of exempt use, 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 both assessable improvements, and non-assessable improvements listed in Chapter 2 under definition of non-assessable 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 BASED ON INCORRECT SQUARE FOOTAGE OF PROPERTY OR IMPROVEMENTS

The square footage of an improvement for purposes of assessment calculation is based on the gross square footage of the improvement. 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. The Petitioner will be required to provide scaled drawings for improvements and/or County Assessor's parcel map for parcel.

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 an 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 an 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 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 efficient. 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. Rentable square footage is computed by measuring to the inside of the finished surface of the dominant portion of the permanent outer building walls, excluding any major vertical penetrations of the floor. General building areas that are not rentable area besides major vertical penetrations include auditoriums for use by all the improvement's tenants, central equipment rooms, penthouses containing only mechanical equipment, atriums and the general building portion of the entrance lobby.

3.8 ASSESSMENT OF AN IMPROVEMENT THAT IS USED FOR WHOLESALE, MANUFACTURING OR INDUSTRIAL

Improvements containing exclusively wholesale, manufacturing or industrial uses are non-assessable. However, square footage of the parcel, having such an improvement located on it, is assessable. If an improvement contains a mix of non-assessable and assessable uses, the assessment shall be determined on the square footage of the improvement that is assessable or the total square footage of the parcel whichever is greater (See Sec. 3.4). The Petitioner will be required to provide documentation of wholesale, manufacturing, and/or industrial use. Documentation would include, but is not limited to, wholesale business licenses, City of Los Angeles Tax Registration Certificate, and copies of leases indicating the nature of the business.

3.9 ASSESSED PROPERTY 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.

3.10 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 use or ownership changes.
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 assessment year. 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/apartment hotel the exemption will be in effect for one assessment year. 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 assessment 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 exempt portion of the property shall remain exempt for one assessment year. Proof of exempt status must be presented on an annual basis.
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 or efficiency.
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.

10. If all or any portion of the improvements is not assessed because the improvement contains industrial, wholesale, or manufacturing uses, that exclusion shall be effective for one assessment year and must be renewed on an annual basis. Proof of the non-assessable use shall be presented on an annual basis.

4.0 APPEAL PROCEDURE

4.1 PETITION

No reduction in or exclusion from an assessment sought by an owner of property within the Benefit Assessment District shall be made unless a petition, 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 90013-1393. A separate petition must be filed for each parcel which is issued a separate Joint Consolidated Tax Bill. Only one petition shall be filed for a parcel for any one assessment year.

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 California, written authorization from the owner to so act must be filed with the petition. If the petitioner is a partnership, the authorization must be made in writing by a partner. If the petitioner is a corporation, the authorization must be made in the form of a resolution by the Board of Directors of the corporation.
2. The petition shall be in writing, signed with an original signature by the petitioner and/or representative, 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) accompanied by a map depicting its location in relation to the benefit assessment district;
 - d. A statement of whether the petitioner seeks to: (1) exclude the property from the benefit assessment district on the ground that the property is not benefited, (2) reduce the assessment on the ground that the assessment

exceeds the benefit to the property, (3) change the assessment on the ground that there has been a change in the parcel area or floor area of the property or (4) grounds set forth in either Sec. 3.2 through 3.9 above; and,

- e. A statement of facts in support of the grounds of appeal stated in the petition and evidence or proof of claim of exemption.

A petition which does not contain the foregoing items is incomplete and shall not be acted upon by the SCRTD. Notice that a petition is incomplete shall be given by the SCRTD to the petitioner. A single petition submitted for multiple parcels is valid only for the the first parcel listed on the petition and invalid for the remaining parcels. SCRTD will give notice to the petitioner that additional petitions must be submitted for the remaining parcels.

4. Upon receipt of the petition, the District Secretary shall record the receipt upon a docket kept for this purpose. The petition will be forwarded to the SCRTD Benefit Assessment Office for review. Staff will schedule a staff conference with the petitioner as required. Petitions will be processed in the order in which they are received by the District Secretary, except as otherwise provided for in this document.

4.2 STAFF CONFERENCE

A staff conference represents the first step of the appeals process. Staff will contact the petitioner to schedule a staff conference. Staff conferences will be conducted in accordance with the procedures outlined in Section 4.6 below.

4.3 TIME LIMIT FOR FILING PETITION

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

4.4 COSTS FOR HEARING

If the case is not settled at the staff level and is advanced to the Hearing Officer, the petitioner will pay the costs of hearing notices, a Hearing Officer, court reporter and associated administrative costs of the hearing as required by law. An initial deposit of \$2,000 is required for cases to be heard by a Hearing Officer. Any funds deposited by petitioner remaining after all costs have been paid will be refunded to the petitioner. Should the cost exceed \$2,000, the petitioner must pay the difference upon receipt of an itemized statement from the District.

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 persons filing the petition."

4.5 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/her appointment to the bench and shall have demonstrated knowledge in tax appeals, assessment appeals or other related subject matters.

4.6 GUIDELINES FOR CONDUCTING STAFF CONFERENCES

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

4.6.1 GENERAL

1. A staff conference will be held between the petitioner and two members 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 staff conference shall be set by SCRTD staff in consultation with the petitioner or his/her designated representative. If a petitioner or designated representative does not agree within 30 days of initial contact by the SCRTD to a date for the staff conference, SCRTD will schedule a staff conference to be held within 60 days of the initial date of contact and notify the petitioner in writing of the date of the staff conference. If within 10 days of the date of mailing of the notification to the petitioner of the date of the staff conference, the petitioner does not request an alternate day, the staff conference will be held on the date scheduled with or without the presence of the petitioner, and a finding will be made by the SCRTD staff based upon the information available to the SCRTD at that time.
3. Up to 10 petitions filed by an individual petitioner for different properties owned by that petitioner may be processed together at a staff conference, provided that the petitions are on file at the time the staff conference is scheduled.

4. If petitioners agree, multiple petitions (maximum of 10 petitions) may be processed together at a staff conference, even if filed by different property owners, in cases where issues raised in the petitions are sufficiently similar to allow them to be reasonably dealt with as a group. This determination will be made by SCRTD staff prior to scheduling the staff conference.
5. A request to process multiple petitions meeting the above criteria must be made by the petitioners prior to the staff conference level in all cases. Once a staff conference to hear multiple petitions has been scheduled, these petitions may continue through the remainder of the appeals process described in the following sections as a group, although any petitioner may choose at any time to discontinue the association of his/her petition with the group. Additional petitions may not be added to the group once the staff conference has been scheduled.

4.6.2 STAFF CONFERENCES

1. All issues raised in the petition will be discussed at the staff conference with the objective of reaching agreement on the issues to be incorporated into stipulations and/or identifying further information for evaluation. The petitioner will be provided the fullest opportunity to present evidence in support of the petition. The petitioner may also raise additional issues pertaining to the petition during the staff conference.
2. If the parties to a staff conference are unable to resolve all of the issues raised in the petition or need additional time to present further evidence, they may identify such other matters as will aid in the resolution of the issues and continue the conference for a period up 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. Within the 21-days after the mailing of the proposed stipulations, the petitioner shall sign the stipulations or make proposed changes, if desired, and return the signed stipulations or proposed changes to the SCRTD Benefit Assessment Office, in care of the assigned staff member.
4. If the petitioner fails to respond within the 21-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 along with a statement that the petitioner did not respond to the proposed stipulation and, therefore, is presumed to agree with its terms.

5. If the SCRTD and petitioner cannot agree to all issues raised by the petition but nevertheless can come to agreement on some issues, a proposed stipulation shall be drafted for those issues agreed upon. The stipulation shall also indicate the particular issues left unresolved.

4.6.3 PROCESSING OF STIPULATIONS

1. Any proposed stipulation reached between the SCRTD staff and the petitioner at or after a staff conference will be reviewed by the SCRTD General Counsel or designee to assure that the proposed stipulation made meets the requirements of the law. If the General 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 General Counsel, it shall be submitted to the Board. The Board shall consider the proposed stipulations at a regular or special Board meeting, and the SCRTD staff shall provide notice of the meeting to the petitioner.
3. At any Board meeting for which proper notice has been given, the Board may, by two-thirds vote of the members of the Board, approve, reject or propose amendments to stipulations. The stipulation as finally agreed to by both parties, and adopted by the Board, shall be binding upon both parties as to all issues stipulated to. Upon direction of the Board of Directors, the General Manager will execute the stipulation. If the stipulations are rejected by the Board or amendments are proposed, there is no agreement between the parties. The SCRTD staff and petitioner will conduct further negotiations as appropriate, to reach a proposed stipulation acceptable to both parties.
4. 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 unresolved 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 such stipulated issue or hear evidence on such issue.

4.6.4 REQUEST FOR HEARING OFFICER

1. At the Board meeting at which stipulations with unresolved issues are considered or within 10 days after the District's notification to the petitioner of the Board's action, the petitioner may request a hearing before a Hearing Officer by submitting an "Application for Hearing Before Benefit Assessment Hearing Officer" accompanied by a check for \$2,000. The Board shall then designate a Hearing Officer to hear evidence on, and make recommendations to the Board, as to all unresolved issues only. If the petitioner fails at the Board meeting at which the stipulations are considered or in writing within 10 days

after the District's notification to the petitioner of the Board's action 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 shall be so notified by SCRTD staff. The petitioner may request, in writing on an "Application for Hearing Before Benefit Assessment Hearing Officer" and accompanied by a check for \$2,000, a hearing before a Hearing Officer designated by the Board. The request and check must be submitted within 10 days of the date of the letter to the petitioner notifying him/her that the issues raised in his/her petition were not resolved and of his/her right to a hearing. If the petitioner fails to request a Hearing Officer to hear the petition and submit a check for \$2,000 within the 10-day period, the assessment shall be in accordance with the original assessment.
3. A request for hearing before a Hearing Officer made on an "Application for Hearing Before Benefit Assessment Hearing Officer" and accompanied by a check for \$2,000 will be considered by the Board at the first meeting to be held two weeks after receipt of the request.
4. The Board shall designate the Hearing Officer by randomly selecting two names from the group of names comprised of retired judges under contract with the District to serve as Hearing Officers and confirming the names drawn by two-thirds vote of the members of the Board. If the judge whose name is drawn first is unavailable or unable to hear the appeal, the judge whose name is drawn second will be asked to serve.

4.7 NOTICE OF HEARING BEFORE A BENEFIT ASSESSMENT HEARING OFFICER

1. After the SCRTD Board grants a hearing before a Hearing Officer for reduction or exclusion from an assessment, the Hearing Officer, petitioner and SCRTD staff shall within 60 days mutually agree upon a hearing date. The SCRTD staff shall notify the petitioner 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 of the date, time and place of the hearing. The notice shall also state that the Hearing Officer shall hear all of the following:
 - (a) The petition for exclusion or reduction of assessment.
 - (b) All evidence 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 that may be introduced in support of objections to the petition.
(Pursuant to PUC 33002.11)

2. Pursuant to PUC Section 33002.10, 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 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.
3. Multiple petitions meeting the criteria of Section 4.6.1 above which have been processed as a group at the staff conference may be heard by a Hearing Officer at a single hearing. In such cases, only one \$2,000 deposit will be required, the cost of which may be shared by all petitioners. A single hearing notice shall be sent. Where petitions do not meet the criteria, a separate deposit must be provided and separate notice must be given.
4. The notices described above in Section 4.7.2, shall also advise the public and owners of property located in the Assessment District in which the property subject to the petition is located of a procedure whereby the property owner receiving the notice may request to be included on a mailing list so as to be kept informed of future proceedings regarding the petition or group of petitions. In addition, at the hearing, a sign-up list will be provided whereby any interested party may request to be included on the mailing list. Separate notice of additional proceedings (including, but not limited to, any continuation of the hearing, hearing before the Appeals Panel or Board meetings where the petition is heard) will be provided to property owners and other interested parties who have requested to be included on the mailing list.
5. Hearing officers and staff members assigned to hear benefit assessment appeals shall be governed by the "Conflict of Interest Regulations for Benefit Assessment District Hearing Officers and District Staff Members Hearing Benefit Assessment Appeals", adopted by the Board of Directors on March 12, 1987. These regulations are contained in Attachment B.

4.8 LEGAL COUNSEL

Any party may be represented by legal counsel.

4.9 APPEARANCE BY PETITIONER

The petitioner must appear at the hearing himself/herself or through a representative.

4.9.1 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 or petitioner shall constitute a sufficient appearance.

4.9.2 APPEARANCE BY CORPORATION

A corporation may be represented by any officer duly authorized in the petition, or by counsel of the designated representative.

4.9.3 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.

4.10 BURDEN OF PROOF

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

4.11 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. The date to which the hearing is continued shall be set to allow for reasonable time for SCRTD to inform other interested parties who have expressed interest in the continuance pursuant to 4.7.4. The petitioner will be required to pay for three hours of Hearing Officer time, if the petitioner requests a continuance less than 14 days prior to agreed upon hearing.

4.12 DISCOVERY: RIGHTS AND PROCEDURES

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 items in the possession, 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 or and which may lead to the discovery of admissible 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/her, 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.

4.13 DISCOVERY: JUDICIAL REMEDY

Any party adversely affected by the failure of a responding party to comply with a valid directory 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 4.12 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 4.12, 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 4.12. 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 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 4.12 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.

4.14 RULES OF EVIDENCE

The following 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.

4.14.1 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 therefore 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).

4.14.2 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 by the SCRTD. 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 the petitioners case first. SCRTD Counsel shall be allowed to cross examine petitioner's witness. SCRTD shall then put on its case in chief.
7. Each party shall be allowed to make an opening statement.
8. All testimony shall be taken under oath or affirmation.
9. 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.

4.15 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. If expenses have been incurred in connection with the request for hearing prior to the withdrawal, the petitioner will be responsible for said expenses.

4.16 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 normally submit the findings and determinations to each party within 30 days after the conclusion of the hearing. This 30-day time limit may be extended in particularly complex cases where additional time to develop findings and determinations may be required. In these cases, the Hearing Officer shall notify both parties in writing that an extension will be taken and shall include an estimate of the date when the findings and

determinations will be provided. A copy of the findings and determinations shall be sent to the SCRTD Benefit Assessment Office and sent to the petitioner and designated representative 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 Benefit Assessment Office in writing of any objections to the Hearing Officer's findings and recommendations and request, in writing, that the findings and determinations be referred to the Appeals Panel as described below. 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.

Within 14 days after the mailing of the proposed findings and determinations, the District will notify the petitioner in writing of any objections to the Hearing Officer's findings and recommendations and will provide to the petitioner a copy of the request, in writing, that the findings and determinations be referred to the Appeals Panel as described below. If the District fails to respond within the 14-day period, it shall be conclusively presumed that the District agrees to the determination as written.

If the petitioner and District have 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 or petitioner objects to the findings of the Hearing Officer, the following process shall be invoked. The Hearing Officer's findings and determinations will be referred to a special Appeals Panel of three Hearing Officers. If the petitioner objects to the findings of the Hearing Officer and requests an Appeals Panel, the petitioner must pay any balance due for hearing expenses associated with the hearing before the Hearing Officer, prior to the petition being referred to the Appeals Panel. Receipt of payment must be within 60 days of the request for Appeals Panel. The Board shall appoint the Appeals Panel by drawing five names at random from the group of names comprised of retired judges under contract with the District to serve as Hearing Officers and confirming the names drawn by two-thirds vote of the members of the Board. The judge who conducted the hearing and the alternate judge for this hearing will be removed from consideration prior to the drawing. If any of the first three judges drawn are unavailable to serve, the fourth and then the fifth judge drawn will be requested to serve on that Appeals Panel. 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 in care of the SCRTD Benefit Assessment Office. If an appeal brief is filed, it must be filed with the SCRTD Benefit Assessment Office at least 30 days prior to the hearing. A respondent's brief must be filed at least 15 days prior to the hearing. A reply brief, if any, must be filed 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.

4.17 DECISION OF THE APPEALS PANEL

Acting on the evidence properly before it, the Appeals Panel may affirm or overrule the findings 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 30 days after the conclusion of the hearing. This 30-day limit may be extended in particularly complex cases where additional time to develop findings and determinations may be required. In these cases, the Appeals Panel shall notify both parties in writing that an extension will be taken and shall include an estimate of the date when the findings and determinations will be provided. A copy of the findings and determinations shall be sent to the SCRTD Benefit Assessment Office and the petitioner and designated representative 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.

4.18 DECISION OF THE SCRTD BOARD DECISION

Acting upon the evidence properly before it, the SCRTD Board may accept, reject, or amend 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.

4.18.1 NOTICE OF SCRTD BOARD DECISION

Notice of the decision shall be sent to the petitioner by Certified U.S. Mail by the SCRTD Planning Department within 14 days after the decision. If the decision requires any changes to the assessment roll, the SCRTD Benefit Assessment Office shall notify the appropriate offices of the Los Angeles County government of the change in assessment within 30 days after it becomes effective. A copy of this notification will be sent to the petitioner.

4.18.2 EFFECTIVE DATE OF DECISION

The decision shall become effective immediately upon the decision of the Board.

4.18.3 RECONSIDERATION AND REHEARING

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

4.19 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.

ATTACHMENT B

CONFLICT OF INTEREST REGULATIONS
FOR BENEFIT ASSESSMENT DISTRICT
HEARING OFFICERS AND DISTRICT STAFF MEMBERS
HEARING BENEFIT ASSESSMENT APPEALS

Section 1 - The Board of Directors of the Southern California Rapid Transit District hereby adopts the following Conflict of Interest Regulations for Benefit Assessment District Hearing Officers and SCRTO Staff Members who hear Benefit Assessment Appeals pursuant to Sections 33002.9 through 33002.14 of the Public Utilities Code, and the Procedures for Appealing Southern California Rapid Transit District Benefit Assessments (Procedures) which were adopted by this Board on May 23, 1985 (and as amended).

Section 2 - Each Hearing Officer, as referred to in Section 4.6 of the Procedures, and each Staff Member, as referred to in Section 4.7 of the Procedures shall execute a Statement of No Conflict of Interest (Statement), a sample of which is attached to these regulations as Exhibit "A".

Section 3 - The Statement of No Conflict of Interest required pursuant to Section 2 shall be filed with the District Secretary prior to the Hearing Officer or Staff Member hearing the appeal.

Section 4 - Any Hearing Officer or Staff Member shall disqualify himself or herself from hearing any appeal where prior to the commencement of the hearing he or she discovers that he or she, or any member of his or her immediate family, has an interest in the property which is the subject of the appeal or interest in a property of a similar use located within the Benefit Assessment Districts. For purposes of these regulations:

- (a) "Immediate family" means the parents, spouse, dependent children and all other lineal descendants, brothers, sisters, and children of brothers and sisters.
- (b) "Interest in property" includes any legal or beneficial interest in the property itself or any income therefrom.

Section 5 - Any determination from the Hearing Officer is voidable by the Board of Directors upon the application of either party to the hearing upon a determination by the Board of Directors that the Hearing Officer had a Conflict of Interest.

Section 6 - Any Hearing Officer who violates any provision of these Conflict of Interest Regulations shall be in breach of the agreement to hear the appeal and shall not receive compensation for the conduct of the hearing or for other duties performed as Hearing Officer where the determination is voided in whole or in part because of the Conflict of Interest. The violation of these Conflict of Interest Regulations by any Hearing Officer shall also subject the Officer to any other remedy provided by law.

Section 7 - Any Staff Member who violates any provision of these Conflict of Interest Regulations shall be subject to appropriate discipline by the District, including dismissal from employment.

Section 8 - If during or after a hearing it comes to the attention of any Hearing Officer or Staff Member that he or she or any member of his or her immediate family has any interest in the property which is the subject matter of the appeal or any property substantially affected by the appeal, he or she shall disclose such interest to the parties to the appeal. The Hearing Officer or Staff Member upon application of either party, or upon his or her own motion, shall excuse himself or herself from further participation in the case. In the case of a Hearing Officer, he or she shall suspend further proceedings in the matter and report to the Board at its next regularly scheduled meeting, and request that another Hearing Officer be assigned. In the case of a Staff Member, the District shall assign a new Staff Member.

If a hearing has already concluded, both parties may waive the Conflict of Interest after it has been fully disclosed to them. In the event of such a waiver, the determination of the Hearing Officer, or any stipulation entered into between the Petitioner and any Staff Member, shall be enforceable to the same extent as is provided in the Procedures.

Exhibit "A"
STATEMENT OF NO CONFLICT OF INTEREST

I have been assigned to hear the Benefit Assessment Appeal in the Matter of _____, Case No. _____.

I have read the Petition filed by the petitioner herein, and to my knowledge neither I nor any member of my immediate family has any interest in the property which is the subject matter of the hearing or any property which is substantially affected by the appeal. I therefore represent that I have no conflict of interest and I may proceed to hear the appeal.

If any information comes to my attention, either through evidence presented at the hearing, or otherwise, that I have any interest in the property which is the subject matter of the hearing, or any property which is substantially affected by the appeal, I will immediately disclose such interest to the parties and will comply in all respects with the provisions of Section 8 of the Regulations.

Signature of Hearing
Officer/Staff Member

Typed Name

Hearing Officer

Staff Member

Date