

## INSTRUCTIONS REGARDING YOUR APPEAL:

### WHAT AM I ENTITLED TO, NOW THAT I HAVE FILED AN APPEAL?

You are entitled to have the matter between you and the City of Sacramento resolved by presenting information at a hearing to be conducted by hearing board or hearing officers appointed by the City Council. The purpose of the hearing is to allow you an opportunity to present whatever relevant information, or present witnesses to testify on your behalf, so that the hearing officer can make a correct decision.

What should I expect to happen at the hearing?

1. A representative of the City department (or a lawyer from the City Attorney's Office) will present information, either documents, witnesses or both, to support the Department's action.
2. You will be given an equal opportunity to present information, either documents, witnesses or both, to support your position.
3. When all of the information has been presented and final arguments made, either a decision will be made at the hearing or will be taken under submission. In either case you shall receive a written determination of the matter within five business days.

How will the hearing be conducted?

1. The hearing is not a court proceeding and the rules of evidence are not strictly followed. Although the hearing is informal, certain steps will be followed:
  - a. The entire hearing will be taped recorded.
  - b. Witnesses called to testify will do so under oath
  - c. The board chair person or hearing officer will explain the procedure to be followed. If any procedural motions have been made by either party, they will be ruled before the substance of the hearing takes place. Documents which will be made a part of the record will be marked and introduced.
  - d. After this introductory phase is complete, the City's representative will present the City's case. The presentation may include documents or witnesses which will be examined by the City representative. When each witness has been examined, you will be given an opportunity to ask questions of each witness. The board or hearing officer may have some questions as well. When all of the witnesses have been examined the city will rest its case.

e. The hearing board or hearing officer will then give you the opportunity to present your case. You may do this by presenting any documents which support your case and/or by calling and examining witnesses on your behalf. You may also present information by making a statement to the hearing officer. The City representative and the hearing officer may ask questions of you and your witnesses.

f. Upon the completion of your presentation, the City may present further information which may rebut your case. This information may be presented through witnesses or documents. You will be able to question these witnesses as well.

g. Once both cases are complete, each party will be given the opportunity to present final arguments. This means that each party may summarize the information presented and try to persuade the hearing officer why he or she should prevail.

### WHAT SHOULD I DO TO PREPARE FOR THE HEARING?

1. Although this hearing is informal, your legal rights are involved; therefore you may want to consult an attorney. You are entitled to be represented at the hearing by an attorney of your choice and at your expense. If you do retain counsel, contact him or her as soon as possible to allow sufficient time to prepare for the hearing.

2. If you choose to represent yourself there are some things you should consider including:

- a. You may find out the legal basis for the City's decision by reading the City Code which governs the City's actions. To find out where to get a copy of the City Code, make arrangements to review a file that has been established for your case, to meet with a City representative to discuss your case or any other provisions, please call the department within the City of Sacramento whose actions have caused you to file your appeal.
- b. Prior to the hearing, gather all documents which you believe support your position. Make two copies of each document; one to present to the hearing officer and the other copy for the City representative.
- c. Determine if there are any witnesses who can provide information in support of your case. If there are witnesses who are willing to attend the hearing without a subpoena, make arrangements with them directly. If a witness refuses to testify or needs documentation in order to appear in court, a subpoena can be issued through the City Clerk's office.
- d. If you believe a postponement of the hearing date is necessary, notify the department whose actions you are contesting as soon as possible to see if there is good cause for continuance. If a new date is agreed upon, that department will reschedule the hearing with the hearing board or hearing officer.

## INFORMATION FOR PROSPECTIVE WITNESSES

### WHAT IS A WITNESS?

Someone who is asked to be present at a hearing being held before a hearing officer to give testimony, and/or present evidence of something that has taken place and is being disputed with the City. One is usually requested to serve as a witness because they have personal knowledge of facts that took place and may have evidence or proof to support the testimony or claim of those that have requested you as a witness.

### HOW DID I BECOME A WITNESS?

Pursuant to the Sacramento City Code, any citizen filing an appeal to resolve a dispute between themselves and the City is entitled to a hearing; in the process of the hearing, the City or an Appellant is entitled to produce one or more witnesses to support claims being made.

### WHAT IS AN APPELLANT?

This can be a neighbor, friend, relative or acquaintance who has filed an appeal against a decision made by the City. They are primarily City permits applicants whose applications are denied and/or city permit holders whose permits are suspended or revoked. It may be someone who has received notice regarding a dangerous building they own, or a nuisance that has been created is dangerous or potentially dangerous.

### WHAT SHOULD I EXPECT TO HAPPEN AT THE HEARING?

A representative of the City department, or a lawyer from the City Attorney's Office, will present information either by documentation, witnesses or both, to support the City department's action.

An appellant will be given equal opportunity to present information either by documentation, witnesses or both, to support their position

When all the information has been presented and final arguments made, a decision may be made by the hearing officer at the hearing or may be taken under submission.

### HOW WILL THE HEARING BE CONDUCTED?

The hearing will be informal. It is not a court proceeding and the rules of evidence are not strictly followed.

The purpose of the hearing is to allow both parties to present whatever information each has which is relevant to the dispute so that the hearing board or hearing examiner can make a correct decision.

Although the hearing is informal, certain procedures will be followed:

1. The entire hearing will be tape recorded.
2. Witnesses called to testify will do so under oath.
3. The hearing officer will explain the procedure(s) to be followed. If any procedural motions have been made by either party, they will be ruled on before the substance of the hearing takes place. Documents which will be made a part of the record will be marked and introduced.
4. A witness who is unfamiliar with the proceeding may ask the hearing officer questions prior to or during his or her testimony.
5. After this introductory phase is complete, the City's representative will present the City's case. An opening statement may be made for the purpose of providing an overview of the City's position.
6. Any witnesses for the City will then be examined by the City's representative will. Following this examination, the appellant will be given an opportunity to ask questions of each witness. The hearing board or hearing examiner may have some questions as well. When all of the witnesses are examined the City will rest its case.
7. The hearing board or hearing officer will then give the appellant the opportunity to present their case. The appellant may present any documents which support their case and/or by calling and examining witnesses or their behalf. The City representative as well as the hearing board or hearing officer may ask questions of the witness(es).
8. Upon the completion of the presentation by the appellant, the City may present further information which may rebut the case. This information may be presented through witnesses or documents. The appellant will have the opportunity to question any witnesses as well.

#### GENERAL INFORMATION

1. Witnesses are generally excluded from a hearing; this means that any witness who has not yet testified will not be permitted to be present in the hearing room during the testimony of other witnesses
2. The hearing is a public hearing which may be attended by the public (except excluded witnesses) and the press. However, the parties, their representatives, and their witnesses are usually the only parties present.