

# **Amended Agenda for Assessment Roll Hearing**

Monday, September 20, 2010 6:00 pm  
Ocean Shores Convention Center

## **I.**

### **Information about Paying and Deferring Assessments**

**Paying Assessments:** David Thompson, Bond Counsel, will explain the timing for paying assessments, either in full or in installments over 18 years.

**Deferring Assessments:** Information will be presented from the Grays Harbor County Assessor's Office on Deferral of LID assessments for low income lot owners. A representative of the Assessor's office will explain how a homeowner who meets the criteria of "low income" may defer the LID payments on his/her principal place of residence.

## **II.**

### **Assessment Roll Hearing**

#### **Call to Order and Introductions:**

- Hearing Examiner, **Wayne Tanaka**, will call the hearing to order.
  - The Hearing Examiner will give a description of the purpose of the hearing, the hearing schedule, the issues to be determined and the anticipated timeline for his decision.
  - Introduction of City's representatives.

#### **Hearing Examiner Begins Hearing:**

- Hearing Examiner:
  - The Hearing Examiner will announce that at 8:00 p.m. he will ask the City Clerk if any additional written protests have been filed. If a property owner has not filed a written protest by 8:00 p.m., then the property owner will be precluded from challenging the assessment on the property as shown on the assessment roll. No protests will be accepted after 8:00 p.m.
  - Hearing Examiner may swear in all potential witnesses.

#### **Presentation by City of Ocean Shores in Support of LID 2007-01:**

- City Attorney may make brief opening statement:
- City Attorney may identify the City's exhibits and move for admission of the exhibits:
- City Attorney may call, **David Thompson**, Bond Counsel, to establish LID process, financing, bonds, and other matters;

- City Attorney may call **Ken Lanfear**, Public Works Director, to establish details of road conditions before and after improvements, cost of improvements, and other matters;
- City Attorney may call **Jane Towery**, Piper Jaffray, to establish details of permanent financing of LID, bond sales, and other matters;
- City Attorney may call **Mike Folkers**, Finance Department, to establish details of interim financing and other matters;
- City Attorney may call **Bob Macaulay**, Real Estate Appraiser and Consultant, to establish the process of determining special benefit of LID 2007-01, identify assessment roll, admit assessment roll, and other matters;
- City Attorney concludes evidence, reserves right for rebuttal.

**Presentation by Lot Owners with Written Protests on File with City Clerk:**

- Lot owners will be called to present their protests in the order of filing with the City;
  - Lot owner may either rely on written protest or make an oral presentation;
  - Lot owner may cross examine witnesses presented by the City;
  - Lot owner may present:
    - Witnesses, expert witnesses, appraiser, written documents, oral testimony and other evidence.
- Cross examination by City Attorney, if appropriate.

**Rebuttal by City:**

- City Attorney may call witnesses or introduce exhibits to rebut the claims of protesters.

**Hearing Conclusion:**

- The Hearing Examiner will announce that the hearing is closed; he will announce that he will review the exhibits, testimony, and other evidence presented at hearing. The Hearing Examiner will adjourn the hearing.
- The Hearing Examiner will prepare his written findings and recommendations based on the evidence presented. He will file his written report with the City Clerk.
- Under Resolution No. 640, the Hearing Examiner's report is to be filed "within ten days following the conclusion of the public hearing, including any continuation thereof".
- A notice of filing of the report will be sent to all those who filed a written protest within five business days of the report's filing.
- A copy of the Hearing Examiner's report will be available to the public in the office of the City Clerk.

**III.**

### **Appeal of Hearing Examiner's Decision**

- Lot owners who filed protests for review by the Hearing Examiner may file a notice of appeal. The appeal will be heard by the City Council on a date to be set by the City Clerk. The notice of appeal must be filed with the City Clerk no later than the tenth day after the date upon which the report of the Hearing Examiner is filed with the City Clerk.
- The appeal will be limited to the record of the public hearing before the Hearing Examiner.
- Ordinance No. 882 (OSMC 3.46.020) contains the details of how to appeal, the cost, time deadlines and procedures. A copy of Ordinance No. 882 is available at the city's website <http://oceanshores.fileprosite.com/Documents/DocumentList.aspx?ID=16209> .

### **IV.**

#### **Action by the City Council on the Final Assessment Roll**

At a future City Council meeting, after all appeals of the Hearing Examiner's decision have been determined, the findings and recommendations of the Hearing Examiner will be brought before the City Council for the City Council to review and take action to pass an ordinance with regard to the assessment roll.