

COUNCIL POLICY 1.1

POLICY TITLE: COUNCIL PROCEDURE ON APPEALS

POLICY STATEMENT:

In order to ensure a reasonable and fair hearing to all interested persons, the following rules must be adhered to on appeals to the Council from departmental actions for which appeals are available per the Santa Cruz Municipal Code: administrative actions, advisory body actions, appeals pursuant to Chapter 23 (the subdivision ordinance) and appeals pursuant to Chapter 24 (the zoning ordinance) of the Santa Cruz Municipal Code.

1. Record of Proceedings
 - (a) A record of the original proceedings, containing all documentary evidence and minutes of the oral evidence, will be filed with the Council as a part of its record;
 - (b) A written staff report outlining the proceedings before the decision-making party, and the basis of its decision, will be filed with the Council as a part of its record;
2. Appeal Procedures
 - (a) Staff will present its report before other evidence is heard by the Council;
 - (b) The appellant, having the burden of proof, will be permitted to present evidence in support of the appeal (15 minutes);
 - (c) Opponents or the responding applicant, will present their evidence (15 minutes);
 - (d) The Council will hear from other members of the public (up to 2 minutes per speaker);
 - (e) Appellant will be permitted to rebut issues raised by opponents/responding applicant and members of the public, but may not raise new issues in their rebuttal (5 minutes);
 - (f) The hearing will be closed and the matter will be before the Council for deliberation and action.
3. The Presiding Officer may limit the number of witnesses for the appellant and opponents/responding applicant, or may set a time limit for the presentation of evidence by each side.
4. As a result of the hearing, the Council may reverse or affirm, wholly or partly, or modify, the order, requirements, decision or determination appealed from, and may make such order, requirements, decision, or determination as should be

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made. The Council may take the matter under submission, and/or refer the application back to the department or advisory body, for the taking of further evidence, or the making of further recommendations before arriving at its decision.

5. The Presiding Officer shall have the power to vary the order of proceedings, or the presentation of proof, or the allotted time, in the interest of justice.

AUTHORIZATION:

Council Policy Manual Updated November 17, 1998
Revised October 12, 2010
Revised October 23, 2014
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