

THE STORMWATER AUTHORITY OF CHESTER: APPEAL HEARING PROCEDURES.

1. Notice of Hearing.

Notice of a hearing by the Stormwater Authority may be contained in the Order to Show Cause or may be issued separately, after receipt of a request for a hearing from a respondent. Notice of the hearing will be issued 30 days before a scheduled hearing. Notice of the hearing will be sent to all parties or their attorneys, if represented by counsel.

2. Contents of Notice.

Notice of the hearing will contain the following information:

(a) time and date of hearing; (b) place of hearing; (c) sufficient notice of the issues involved to afford the parties reasonable opportunity to prepare and present evidence, including testimony, and argument; (d) notice of a party's right to present evidence, to call and examine witnesses, and to cross-examine witnesses who testify, and to submit rebuttal evidence; (e) notice of a party's right to appear on his/her own behalf or to be represented by an attorney. (f) notice of a party's right to order a stenographer to transcribe the proceedings at his/her own expense.

3. Place of Hearing.

Hearings will be held at any location designated by the board. Any party may move to have the location changed for all or part of the hearing. Allowing or denying such a request is in the discretion of the presiding Officer. In ruling on such a request, the presiding Officer will consider the wishes of the parties, transportation expenses and difficulties, the appropriateness of the alternative site, and convenience of the alternative site for witnesses. Hearings may also be held by telephone if necessary.

4. Recording Capacity.

The Storm Water Authority will record all proceedings even if the appellant has arranged for a stenographer. The recording will be used by the board in preparing its decision in the event that no stenographic transcript is ordered.

5. Designation of Presiding Officer.

The board will designate an employee or a board member to act as the Presiding officer to conduct the adjudicatory hearing

6. Review of the File.

Before the hearing, the presiding officer and all board members who attend the hearing will review the administrative record as it has developed up to that point in the case including the Order to Show Cause, the answer and any other documents on file. However, any materials that are not admitted into evidence at the hearing may not be relied upon by the board in its decision.

In reviewing the file, the board will identify any procedural or evidentiary questions that are likely to arise at the hearing and seek legal advice from board counsel on those issues before the hearing.

7. Conduct of the Hearing.

All persons present should conduct themselves in a manner consistent with the standards of decorum commonly observed in court. The presiding Officer will have the following duties: (a) to conduct a fair hearing to ensure that the rights of the parties are protected (b) to maintain decency and decorum (c) to ensure an orderly presentation of the evidence and issues, and to rule on questions regarding admission or exclusion of evidence or any other procedural matters (if necessary, the presiding officer may adjourn the hearing temporarily to obtain advice of counsel if counsel to the board is not present); (d) to administer an oath or affirmation to all witnesses. (e) to ensure that a complete record is made of the proceedings; and (f) to reach an independent and impartial decision based on the issues, the evidence, and the law.