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## **.6 Appeal Rules**

- **.6.1 Appeals Hearings**

Appeals from an order, decision, or determination of a Board or Commission shall be a ?hearing de novo? (heard anew) unless specifically limited by statute or ordinance or permitted by special order of the Board of Supervisors.

- **.6.2 Burden of Proof**

The burden shall be on the appellant to show that the decision or conclusion of the Board appealed from is contrary to law or that there is no substantial evidence to support the conclusion or decision of the Board or Commission.

- **.6.3 Limitation on Issues**

The notice of appeal filed by the appellant shall specify the decision being appealed, the error claimed to have been made and the legal basis for such claim. Unless otherwise ordered by the Board of Supervisors, appellant's appeal and presentation shall be limited to the allegations stated in the notice of appeal.

- **.6.4 Notice of Hearing**

Notice of the time and place of hearing shall be given by the Clerk by mail, not less than ten days prior to the hearing, to the appellants, the respondents and other parties of interest who appeared as a matter of record before the Board or Commission whose order, decision, or determination was appealed from.

- **.6.5 Reports**

A. Prior to the appeal hearing, the Clerk of the Board of Supervisors shall obtain from the staff or

department the documentary record which was before the Board or Commission whose decision is being appealed, which will be available for the Board to review.

B. The department who has responsibility for the matter will prepare a staff report which will be included with the agenda packet provided by the Clerk to each Supervisor not less than three days prior to the appeal hearing.

C. The audio recording of the hearing shall be maintained by the Clerk who shall also make it accessible to the Board of Supervisors and others for review.

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### **.6.6 Application of Hearing Rules**

Except as set forth herein-above the appeal hearing before the Board of Supervisors shall conform to the rules for hearings provided in Chapter 3.04.

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### **.6.7 Action of Board**

The Board of Supervisors shall affirm, reverse, or modify the decision or determination of the Board or Commission appealed from or, in certain circumstances, refer the matter back to the Board or Commission for further hearing upon specified issues.

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