

GUIDELINES FOR WATER QUALITY FEES BOARD

I. MEETINGS

- A. The Chair or Vice-Chair (or other presiding member in their absence) calls the meeting to order.
- B. Minutes from previous meeting(s) should be reviewed, amended, and approved as appropriate.
- C. Requests for postponements or withdrawals of appeals should be considered.

II. HEARINGS ON FEE APPEALS

A. General Matters

- 1. The presiding member announces the beginning of the hearing and swears in all witnesses, including LFUCG staff. All witnesses giving evidence shall be sworn.
- 2. The presiding member shall briefly explain the hearing rules and inform those present that the presiding officer has the power to make evidentiary decisions to exclude irrelevant and repetitious testimony from the record. Board members may inform the presiding member when they believe testimony is irrelevant or repetitious so that the presiding member may issue an evidentiary ruling.
- 3. The Appellant shall submit a witness list and all printed materials, exhibits, photographs, and any other documentary evidence to be tendered for admission into evidence to the presiding officer at the beginning of their presentation and the staff must do the same at the beginning of their presentation.
- 4. Each witness who testifies shall be subject to cross examination at the conclusion of his testimony, followed by the opportunity for redirect. At the Board's discretion, witnesses may be excluded from the hearing prior to testifying. After testifying, any witness called will stay in the public hearing so they may be questioned by Board members later in the hearing.
- 5. All persons speaking shall be identified for the record.
- 6. All documents considered by the Board shall be marked and numbered as exhibits and entered into the record by the person assigned to record the meeting. The tape of the meeting should be verbatim without interruption.

7. At the Board's discretion, if an Appellant has multiple appeals, the Board may hear evidence on all or some of the cases during the same presentation(s).

B. Order of Proof

1. Presentation of Appellant
 - (a) Opening statement by Appellant.
 - (b) Presentation of direct evidence by Appellant subject to cross-examination by staff and redirect.
2. Presentation of LFUCG staff
 - (a) Opening statement by staff member.
 - (b) The staff presents evidence, including documentary evidence, subject to cross-examination by the Appellant.
3. Appellant will have the opportunity to present rebuttal evidence.
4. Closing summation by staff.
5. Closing summation by Appellant.
6. At the conclusion of all presentations, the Board may ask questions of the Staff and Appellant and any witnesses. Staff and Appellant shall be entitled to rebut any new evidence brought up during Board questioning.
7. Hearing is closed and Board begins deliberations.

C. Findings of Fact and Decision.

1. Board votes to adopt findings of fact upon which to base either denying or granting the appeal.
2. Board votes to either:
 - (a) Deny the appeal.
 - (b) Grant the appeal and order any appropriate adjustment to the Appellant's water quality fee bill.
 - (c) Make such other order consistent with the water quality fee ordinance that is justified based on the nature of the appeal and the adopted findings of fact.

3. The foregoing decisions must be based on findings of fact which are sufficient and which are supported by substantial evidence introduced at the hearing.

III. INCENTIVE GRANT REVIEW AND APPROVAL

A. General Matters

1. At least fourteen (14) calendar days prior to the Board meeting for grant review, a copy of each incentive grant application received by LFUCG staff shall be provided to all Board members. A copy of all additional information provided by applicants at the request of LFUCG staff shall also be provided to the Board members as it becomes available.
2. At least fourteen (14) calendar days prior to the Board meeting for grant review, the LFUCG staff Board liaison shall provide to all Board members a copy of the scoring sheet for each grant application received, following the Board approved scoring system approved for that grant program and grant year.
3. At least fourteen (14) calendar days prior to the Board meeting for grant review, the Director of Water Quality shall provide to all Board members funding recommendations related to each grant application received, and the reasons for each recommendation.

B. Open Forum

1. Any person who wishes to speak, in support or opposition to an application, will be allotted 3 minutes. All persons speaking shall be identified for the record. Time may not be transferred by one speaker to another and the Chair may limit repetitious information. No information in support of an application that could have been provided during the application process may be presented.

C. Board Review of Applications and Approval of Grant Awards

1. The Board shall consider the Director's recommendations, the applications, and the information provided by LFUCG staff, Applicants, and any speaker at the meeting. The Board is free to ask questions of LFUCG staff and any Applicants or other speakers present in the meeting during this discussion.

2. The Board votes on the Director's recommendations with the following options:
 - a. Accept any or all grant application recommendations from the Director of Water Quality without change.
 - b. If the Board individually considers recommendations, it may:
 - i. Deny a recommended application or approve an application not recommended consistent with the criteria set forth in Section 16-410 of the LFUCG Code of Ordinances. The Board may also refer to the Application Packets developed by the Incentive Grant Program Workgroup for guidance, or
 - ii. Approve an application, subject to conditions, such as requiring additional information or changes to the project elements, budget, schedule, etc., or
 - iii. Approve an application with a grant award amount different than recommended, or
 - iv. Postpone its decision on an application to request more information or analysis from LFUCG staff.

D. Board Review of Proposed Changes to Previously Approved Applications and Active Grants

1. The Director of Water Quality shall present recommendations to the Board for approval when, during development of the Grant Award Agreement for a previously approved grant application, a project change is proposed that results in either:
 - a. An increase of any amount from the previously approved grant amount.
 - b. A change in project scope that involves removal or substantial alteration of previously approved project elements, such that a change to the project's scoring would occur which effects overall project ranking.

The Board will rule on these changes prior to the Grant Award Agreement going to Urban County Council for approval.

E. Budgetary Issues

1. The Board shall periodically review funding allocations for the Class A and Class B grant programs.

2. The Board has the authority to approve staff recommendations to reallocate funds across the grant categories in order to fully utilize funds in any fiscal year.
3. The Board may determine that a grant program should be reopened if the number of eligible applications does not represent the entire available budget in any fiscal year.

F. Programmatic Issues

1. The Board has the authority to make changes to the overall program's policies, procedures, and guidelines as set forth in the Application Packets and Application Forms. Changes made must be consistent with the Water Quality Fee Ordinance.

SECTION I. AND II. APPROVED BY WQFB ON 04/08/10
SECTION III. APPROVED BY WQFB ON 07/08/10
SECTION III. AMENDED BY WQFB ON 07/11/13