

***RULES OF PROCEDURE  
OF THE  
CHARLOTTE-MECKLENBURG  
STORM WATER ADVISORY COMMITTEE***

***REGARDING STORM WATER SERVICE CHARGE APPEALS***

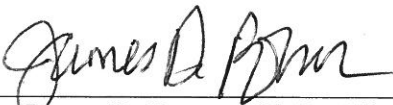
Pursuant to the provisions of Section 11 of the Mecklenburg County Policy to Establish Periodic Storm Water Service Charges for Properties Within Mecklenburg County, the following Rules of Procedure are adopted for the disposition of appeals from decisions of the Charlotte Storm Water Manager ("Charlotte Manager") or County Engineer.

1. The owner of the property upon which the charge is levied shall have thirty (30) days from the date of receipt of the Charlotte Manager's or County Engineer's written notice of final decision to appeal that decision to the Charlotte-Mecklenburg Storm Water Advisory Committee (the "Committee").
2. An appeal to the Committee must be in writing on the form prescribed by the Committee and available from the offices of the Charlotte Manager and County Engineer. The form must state the grounds for the appeal, identify the property in question, and require that a copy of the decision of the Charlotte Manager or County Engineer be attached. The total of all written materials submitted as part of the appeal, including the appeal form, shall not exceed ten (10) pages of one-sided, 8 ½" x 11" paper. The appeal form shall specify that neither the property owner nor the Charlotte Manager or County Engineer may discuss the appeal with the Committee members except during the hearing which the Committee will hold to hear the appeal.
3. The appeal shall be signed by the property owner or by the property owner's agent or attorney. An agent may sign an appeal if he attaches to such appeal a copy of his "power-of-attorney" or other authorization to represent the property owner. The appeal, or the power-of-attorney or other authorization to represent the property owner, must be signed by a general partner on behalf of a partnership, by an officer on behalf of a corporation, or by a manager on behalf of a limited liability company.
4. Appeals shall be filed with the Charlotte Manager or County Engineer whose decision is being appealed. An appeal submitted to the Charlotte Manager or County Engineer by a means other than United States mail is considered to be filed on the date it is received in the office of the Charlotte Manager or County Engineer. An appeal submitted by United States mail is considered to be filed on the date shown on the postmark stamped by the United States Postal Service. If there is no United States Postal Service postmark or if such postmark does not show the date of mailing, the appeal will be considered to be filed on the date it is received in the office of the Charlotte Manager or County Engineer.

5. Appeals may be heard by the Committee at any place within Mecklenburg County. The Committee shall give the property owner notice of the hearing by mailing a notice to the party signing the appeal by first class mail at least ten (10) days prior to the hearing. All appeals shall be heard within ninety (90) days after the date the appeal is filed with the Charlotte Manager or County Engineer.
6. Hearings on appeals are quasi-judicial. All persons shall be sworn before presenting evidence, and all witnesses are subject to being cross examined. Committee members may ask questions of any witness. The property owner may be represented by an attorney or other agent duly authorized to represent the property owner. The Committee reserves the right to take such action as is required to conduct hearings which are fair to all parties involved and which are not unnecessarily long and burdensome.
7. The decision reached by the Committee can be based only upon competent, substantial, and material evidence. The burden shall be on the property owner to prove that the decision of the Charlotte Manager or County Engineer being appealed from is incorrect.
8. A majority of the number of Committee members currently in office and eligible to vote shall constitute a quorum for the purpose of hearing appeals; and every action of the Committee requires concurring votes of the majority of the Committee members present and eligible to vote to overturn the decision of the Charlotte Manager or County Engineer.
9. The Committee shall notify the property owner of its decision in writing not later than 60 days after the hearing.
10. Upon request, all information will be made available in an alternative format for persons with disabilities. In addition, all reasonable accommodations will be made for those persons with disabilities who wish to attend any scheduled Committee meetings, file an appeal, or participate in a hearing.

Adopted this 9<sup>th</sup> day of June, 1994.  
Amended this 17<sup>th</sup> day of August, 2017.

CHARLOTTE-MECKLENBURG  
STORM WATER ADVISORY COMMITTEE

By:  , Acting Chair  
James D. Bowen, Ph.D., Vice Chair