

**A RESOLUTION TO ADOPT ADMINISTRATIVE HEARING PROCEDURES FOR  
THE CITY OF DUNWOODY, GEORGIA**

**WHEREAS,** well organized hearings allow a hearing officer, Board or City Council to reach decisions in a fair and consistent manner; and

**WHEREAS,** efficiency is served when the process of conducting public meetings is clearly stated and understood by hearing officers, board members, public officials and citizens; and

**WHEREAS,** the City Council desires to adopt the City of Dunwoody Administrative Hearing Procedures (“Administrative Hearing Procedures”), which are attached hereto and incorporated herein, as the procedures for the hearings provided therein; and

**WHEREAS,** the Administrative Hearing Procedures shall only apply to those hearings enumerated therein;

**WHEREAS,** for the enumerated hearings provided in the Administrative Hearing Procedures only, the Administrative Hearing Procedures shall supersede any prior Resolution of the City Council that provides for rules and procedures for public hearings.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the City of Dunwoody, Georgia that the Administrative Hearing Procedures are hereby adopted and approved.

**SO RESOLVED AND EFFECTIVE,** this the 27<sup>th</sup> day of September, 2010.

Approved:

\_\_\_\_\_  
Ken Wright, Mayor

Attest:

\_\_\_\_\_  
Sharon Lowery, City Clerk  
Seal

**CITY OF DUNWOODY ADMINISTRATIVE HEARING PROCEDURES**

Upon commencement of a hearing on denial, suspension or revocation of any (i) alcohol license or permit pursuant to Chapter 4 of the City of Dunwoody Code of Ordinances (“Code”), (ii) licenses and occupation tax certificates pursuant to Chapter 10 of the Code, or upon the commencement of (iii) any other hearing for which the Code expressly refers to these procedures, the appropriate Hearing Officer, Board or City Council, as applicable, shall follow the following hearing procedures:

1. The Hearing Officer, Board Chair, or Mayor, or other presiding officer, (“Presiding Officer”) shall bring the hearing to order and announce the matter to be heard. The Presiding Officer shall then explain these hearing procedures to the two parties.
2. The two parties shall then be allowed to present their argument to the Hearing Officer, Board or City Council, including submission of any documentary evidence and examination of any witnesses. The Rules of Evidence of the State of Georgia shall not govern these proceedings and it shall be up to the reasonable discretion of the Hearing Officer, Board or City Council in their decision to determine the relevancy of any evidence submitted.
3. The Party having the burden of proof shall present its evidence first, followed by the Party not having the burden of proof. The Party having the burden of proof shall have the right to present a brief rebuttal after the evidentiary presentation of the other Party.
4. In presenting its evidence, each Party shall have the right to question witnesses and cross-examine each other’s witnesses, present any documentary evidence relevant to the subject matter of the hearing, and present their argument. During the evidentiary presentation, the Hearing Officer, Board or City Council shall have the right to ask questions of the Party currently presenting evidence, ask follow-up and/or cross-examination questions of the witnesses, and request clarification of certain points.
5. The Burden of Proof belongs to the City administrative officer in all license and permit denial, revocation or suspension hearings. The Burden of Proof shall be as defined in the appropriate code sections of the City of Dunwoody Code of Ordinances. If not otherwise stated elsewhere in the Dunwoody Code of Ordinances, State Law or Federal Law, the Burden of Proof shall be by the “preponderance of the evidence” (i.e. “more likely than not” standard).
6. At the close of both Parties’ evidentiary presentation, each Party shall be given a brief period of time to make a closing argument (if they choose to do so).

7. At the close of the closing arguments, the Hearing Officer, Board or City Council shall have the opportunity to discuss the matter amongst themselves prior to coming to a conclusion. As part of the discussion, the Hearing Officer, Board or City Council may ask questions of either Party and the Party may respond to such questions only, without any additional evidentiary presentations.
8. At the close of discussion, the Hearing Officer, Board or City Council shall either issue their decision on the matter (if a Board or City Council, then through motion, second and majority vote) or take the matter under advisement to make a decision no later than thirty (30) days from the date of the hearing (if a Board or City Council, a subsequent public hearing will be held in order to vote on the matter), or as otherwise indicated in the applicable Code provisions. In either case, the final decision must also be made in writing and parties notified pursuant to the applicable provisions of the City of Dunwoody Code of Ordinances.
9. The Presiding Officer may then adjourn the hearing.

If any procedure set out herein conflicts with the language of any applicable code sections of the City of Dunwoody Code of Ordinances, the provisions of the code section shall control.