

RESOLUTION NO. RAC 07-2011

A RESOLUTION OF THE RENT ADJUSTMENT
COMMISSION OF THE CITY OF THOUSAND OAKS
SETTING POLICY FOR QUESTIONING DURING
PUBLIC HEARINGS

WHEREAS, the Commission desires to have flexibility for the procedural process during Commission hearings; and

WHEREAS, in many circumstances, property owners applying for a rent increase at a specific property or tenants opposing or supporting a position on a rent increase application may wish to question witnesses who provide unique expertise or information for the Commission to evaluate; and

WHEREAS, the Commission acknowledges both an owner's right and tenant's right to present documents and testimony and, in certain circumstances, contest facts provided by an adverse material witness; and

WHEREAS, the Commission desires to balance an owner's right to present his or her case against the need to manage a hearing in an efficient and reasonable manner; and

WHEREAS, extended hearings due to questioning that is excessive, unnecessary, or otherwise not relevant to the issues before the Commission lead to undue fiscal hardships, ineffective use of public resources, or other unnecessary administrative burdens; and

WHEREAS, effective and efficient use of time is beneficial to the Commission's review process of an application.

NOW THEREFORE, the Rent Adjustment Commission of the City of Thousand Oaks resolves as follows:

Section 1. If evidence is presented to the Commission by an owner, City staff member, or tenant representative through the use of witnesses, consultants, or experts, a representative from an owner, staff or tenant association may have 15 minutes in which to question or cross-examine each material witness, consultant, or expert on facts relevant to the matter before the Commission.

Section 2. Cross-examination should be limited to relevant factual issues raised by a witness, consultant, or expert in his or her testimony at the hearing or contained in a report submitted and to be considered at the respective hearing.

Section 3. An owner, staff representative, or tenant representative may request the Commission grant more than 15 minutes to question or cross-examine another participant's witness, consultant or expert. The requesting person shall state the reasons justifying the request for more time. Upon receiving such a request, the Commission shall take a vote on granting more time and set forth how much additional time, if any, will be allotted.

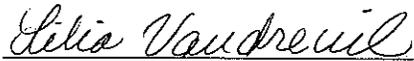
Section 4. The Commission may increase or decrease the time for questioning of witnesses who are providing material facts in support of a position on a case-by-case basis. Factors considered will include whether the parties are represented by legal counsel, the amount of documentation used to support or oppose an application submitted to the Commission, and the number of witnesses providing material testimony not contained within the submitted documents.

PASSED AND ADOPTED THIS 10th day of January, 2011.



Lloyd Wertheimer, Chairperson
Rent Adjustment Commission
City of Thousand Oaks, California

ATTEST:



Recording Secretary

APPROVED AS TO FORM:
Office of the City Attorney


By: Patrick J. Hehir, Assistant City Attorney