

HOBBY AREA MANAGEMENT DISTRICT
Supplemental Assessment Hearing Rules and Procedures

The following rules and procedures have been adopted by the hearing examiner appointed by the Board of Directors (the "Board") of the Hobby Area District (the "District") for the conduct of its 2020 supplemental assessment hearing.

1. Order of proceedings. The order of proceedings shall be as provided in the agenda; provided that the hearing examiner may revise the order of proceedings as may be, in his or her reasonable discretion, necessary to facilitate the conduct of the hearing.
2. Sign-in list. Any person participating in the hearing shall sign via the appropriate method acceptable to the hearing examiner, which shall, at a minimum, require the name, address and telephone number of the participant. Identification may be required to verify the above information. A participant must sign in prior to the beginning of the segment of the hearing in which he or she wishes to participate. Board members are not required to sign in.
3. Procedural rules.
 - a. The hearing shall be conducted in accordance with Chapter 2001, Texas Government Code (the "Code"). Subchapter C of Chapter 2001 is applicable to the hearing process. The rules of evidence applicable to nonjury civil cases in district court shall apply to any contested matter, subject to Code Sec. 2001.081.
 - b. The hearing examiner shall adjudicate all matters relating to the conduct of the hearing, rule on motions and objections, and enforce time limits and rules of the proceedings.
 - c. Any motions or objections to the jurisdiction; notice of the hearing; the authority of the hearing examiner; the time, place and manner of the hearing; and any other matters relating to the process established herein, shall be made in writing and provided to the hearing examiner at the address specified below at least five business days prior to the date of the hearing.
 - d. A party may cross examine witnesses and enter relevant evidence into the record, subject to the objection of another party. The hearing examiner may allow testimony or evidence to be admitted provisionally, subject to a ruling regarding any objections to same subsequent to the hearing in the report of the hearing examiner to the Board. The hearing examiner may rule on the admissibility of any evidence or testimony *sua sponte*.

- e. The hearing examiner may take judicial notice of the laws of the State of Texas, including without limitation Chapter 3859, Texas Special District Local Laws Code and Chapter 375, Texas Local Government Code.
 - f. Considering the fact that there may be many parties to the hearing, the hearing examiner shall take special care in the interests of judicial economy to prevent repetitive, argumentative and irrelevant questioning and testimony.
4. Formal proceedings.
- a. Party status. At the commencement of the formal proceedings, any person may request to be made a party to the hearing. The District, represented by its attorney, District administrator, and any board member, are parties. Any person has standing to qualify any other person as a party, if such person is (i) a property owner in the District, (ii) a designated agent of a property owner in the District subject to the proposed assessment, or (iii) a resident of the District. The hearing examiner shall establish the standing of any person requesting party status, and may require testimony or evidence regarding the person's qualifications prior to ruling thereon.
 - b. Presentation of the District's evidence. The District shall present its evidence relating to the proposed assessment and the District's Service and Improvement Plan and Assessment Plan (the "Plan"). A party may cross examine any District witness at the close of the District's formal presentation by requesting that the witness be recalled. Thereupon, any party (subject particularly to Rule 4(f) above) may cross examine the witness in the order determined by the hearing examiner.
 - c. Presentation of evidence by other parties. Each party may call witnesses and present relevant evidence. Each witness may be cross examined by any party.
 - d. Sworn testimony. All witnesses shall be sworn and all testimony shall be presented under oath.

5. Public comments. Following the close of the formal proceedings, the hearing examiner will allow public comments for or against the assessment and the Plan. Any person owning property within the District subject to the assessment may comment, and such person need not have qualified as a party to the formal proceedings. Each person shall be limited to five minutes each, and may not yield his or her time to any other person.
6. Language and handicap assistance. The District will make reasonable efforts to have resources available to assist hearing participants requiring assistance with language or physical disability; any person requiring special assistance should notify the hearing examiner of this or her requirements at least five business days prior to the hearing.
7. Decorum. All persons must conduct themselves with courtesy and decorum during the hearing. Any person failing to do so may be excluded from the hearing on the order of the hearing examiner.
8. Hearing examiner's report. Following the hearing, as soon as practicable, the hearing examiner shall prepare a report to the Board stating his findings and conclusions regarding: (i) the supplementing of the assessment roll; (ii) the advisability of the improvements and services; (iii) the nature of the improvements or services; (iv) the estimated cost; (v) the area benefited; and (vi) the method of assessment; and (vii) the time for payment of the assessment. The report shall contain a summary of the public comment and evidence and testimony presented at the hearing, all relevant rulings regarding such evidence and testimony not made during the hearing, and other information of interest to the Board relevant to the subject matter presented at the hearing.
9. Contact information:

Hearing Examiner
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