

Truckee Meadows Water Authority

RULE 8

DISPUTE RESOLUTION

A. Applicability

This Rule describes the procedure for dispute resolution by any Person.

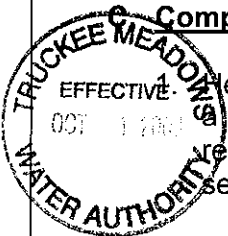
1. Definitions. Terms not defined in this Section shall have the meaning set forth in Rule 1. As used in this Rule:
 - a. "Hearing Officer" shall mean the hearing officer appointed by the Authority to hear contested cases under these Rules.
 - b. "Petitioner" means a Person disputing an action taken by the Authority.
 - c. "Complaint" means a written complaint from a Person disputing an Authority action.

B. Administrative Review

1. General. A Person disputing an action taken by the Authority pursuant to these Rules may obtain administrative review of the matter by filing a written Complaint with the Authority as provided in this Rule. Upon the filing of the Complaint, the Petitioner shall be afforded an opportunity for hearing as provided herein.
2. Complaint. The Complaint shall contain a short and plain statement of the matters asserted. The Complaint must be sent by certified mail to the Authority's General Manager.
3. Adjudication. Complaints shall be adjudicated by the Hearing Officer, and either party may appeal a final decision of the Hearing Officer to the Board. In the event a conflict of interest requires the recusal of the Hearing Officer in a specific case, the Board shall appoint an alternate Hearing Officer to adjudicate that case.
4. Representation by Counsel. Any party is entitled to be represented by counsel.
5. Informal Disposition. The parties may stipulate to waive the formal procedures set forth in Section C of this Rule and to allow the Hearing Officer to dispose of the Complaint by stipulation or agreed settlement or other alternative dispute resolution procedures.

Complaints Before a Hearing Officer

Hearing. Upon the filing of the Complaint, the Hearing Officer will set the time for hearing, which shall be no later than fifteen (15) Days following the Authority's receipt of the Complaint. Notice of the place, date and hour of the hearing will be served on the Petitioner or its counsel of record at least ten (10) Days before the



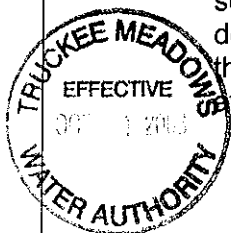
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date set for the hearing. If a party fails to appear at the time and place set for a hearing the Complaint may be dismissed with or without prejudice.

2. Briefs. The Authority and Petitioner shall submit briefs to the Hearing Office no later than three (3) Days before the hearing. Briefs shall contain a concise statement of the claimed facts supporting the party's claims and, at the request of the Hearing Officer, a statement of applicable Law.
3. Transcriptions. Oral proceedings, or any part thereof, may be transcribed by a court reporter at the expense of the requesting party.
4. Communications. All pleadings, including, but not limited to, complaints, petitions, answers, briefs, motions, affidavits and applications, should be addressed to the Hearing Officer, and not to individual members of the Board or its staff. Informal communications may be made with individual members of the staff.
5. Evidence. The provisions of NRS 233B.123 regarding admissible evidence are adopted by reference as applicable to hearings before the Hearing Officer. Evidence may be received in any manner ordered by the Hearing offer, but will ordinarily be received from the parties in the following order:
 - a. Brief orientation by Authority staff;
 - b. The Petitioner;
 - c. The Authority staff;
 - d. Rebuttal by Petitioner.
6. Burden of Proof. The Petitioner shall bear the burden of proof in any hearing. The Hearing Officer shall comply with the standards for review set forth in subsection 3 of NRS 233B.135.
7. Final Decision. After the hearing, the Hearing Officer shall prepare findings of fact, conclusions of Law as applicable, and a final decision on the issues presented in the hearing. Findings of fact must be based exclusively on substantial evidence and on matters officially noticed. The Hearing Officer shall serve a copy of the findings of fact, conclusions of Law as applicable and decision upon all the parties of record within fifteen (15) Days after the date of the hearing. The decision of the Hearing Officer becomes final fifteen (15) Days after service upon the Petitioner of its written order.



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D. Appeal to Board

1. Notice of Appeal. Either Petitioner or the Authority may appeal the final decision of a Hearing Officer to the Board by filing a notice of appeal with the Authority sent by certified mail to the Authority's general manager within ten (10) Days after service of the final decision of the Hearing Officer. Notice of the place, date and time of the hearing before the Board will be served on the Petitioner or its counsel for record at least fifteen (15) Days before the date set for the hearing.
2. Briefs. The Authority and Petitioner shall submit briefs to the Board no later than ten (10) Days before the hearing. Briefs shall contain a concise statement of the claimed facts supporting the party's claims and, at the request of the Board, a statement of applicable Law supported by a memorandum of points and authorities.
3. Procedures and Standard of Review. The provisions of NRS 233B.135 are adopted by referenced and incorporated herein as governing the procedures, burdens of proof and standard of review for appeals before the Board.
4. Decision. The decision of the Board shall be deemed the final decision of the Authority for purposes of judicial review. The Board shall prepare findings of fact, conclusions of Law and a final decision on the issues presented in the hearing. A copy of the findings of fact, conclusions of Law and decision shall be served upon all the parties of record within thirty (30) Days after the date of the hearing.

