CITY AND BOROUGH OF JUNEAU
RULES OF PROCEDURE FOR TITLE 19, 53, AND 69 APPEALS BOARD

1. Intent and Construction

These Rules of Procedure are established pursuant to Ordinance 2025-17. A list of hearing officers will be established by the Manager's Office to handle appeals made under Title 19, Title 53, or Title 69. A hearing before the City and Borough of Juneau Hearing Officers Appeal Board is intended to be an informal, fair proceeding for review of a final agency decision not addressed by another hearing procedure. These rules of procedure are intended to ensure the expeditious resolution of appeals and protests and shall be interpreted in a manner consistent with that intent.

2. Parties

The parties to the hearing may include (a) protestor/appellant; (b) department representative; (c) any bidder or process participant; and (d) an intervener.

3. Rules of Evidence

Any relevant document, information, or testimony which a responsible person would rely on in the conduct of serious affairs may be considered, regardless of the existence of any common law, statutory, or court rule that might make such evidence inadmissible in a civil or criminal action. This shall include any documents or information relied upon by the agency decision maker. The Hearing Officers will rule on any objections to the evidence presented.

4. Attendance

A party or the party's designated representative may attend the hearing. A party who has received timely notice and fails to attend the hearing, without good cause, waives the right to participate in the hearing.

5. Burden of Proof

The protestor/appellant bears the burden of proof of establishing by a preponderance of the evidence that the decision should be reversed or modified.

6. Prehearing Procedures

The Hearing Officers may hold a prehearing conference to settle, simplify, or identify the issues in a proceeding and to set timeframes as necessary if briefing is requested by the parties, or to consider other matters that may aid in the expeditious disposition of the proceeding.

7. Conduct of Hearing

   a. The Hearing Officers shall preside over the hearing, maintain decorum, and assure that all parties have a reasonable opportunity to present their cases.

   b. The hearing shall be recorded. A party may request a copy of the recording or a transcript of the hearing from the Clerk's Office. The requesting party shall bear the cost of copying or transcription.

   c. The Hearing Officers may ask the parties questions concerning any matter related to the hearing at any time. The Hearing Officers may recess and reconvene the hearing for the convenience of the participants and the Hearing Officers.

Adopted pursuant to Ordinance 2025-17(b) and established by Resolution 4019 • Adopted July 28, 2025

d. Unless otherwise determined by the Hearing Officers, the hearing shall proceed as follows:

(1) Each party may make a short opening statement summarizing their position and the evidence they intend to introduce (5 minutes);

(2) The party with the burden of proof shall present their evidence through testimony and introduction of exhibits (20 minutes);

(3) The other parties, starting with the CBJ staff, shall then present their evidence through testimony and introduction of exhibits (20 minutes each);

(4) The Hearing Officers may allow the party with the burden of proof to present additional rebuttal evidence and testimony (up to 10 minutes);

(5) Each party may make a short closing argument summarizing their case and stating what action, if any, they believe the Hearing Officers should take (up to 5 minutes each); and

(6) The Hearing Officers will then ask any final questions.

e. After the parties have presented their evidence and argument, the Hearing Officers shall deliberate in executive session or may recess and reconvene its deliberations as appropriate.

8. Best Interest Finding

If at any point the Manager or Manager's Designee makes a Best Interest Finding, the Hearing Officers' role is deemed moot and the appeal will be closed. Parties shall be notified and will receive a copy of the finding within 24 hours of issuance. The Best Interest Finding must include findings of fact and a determination on each issue presented based on the record available. The Best Interest Finding shall be submitted to the Assembly for review at the next regular Assembly meeting. The parties may include an objection/response in writing to the Best Interest Finding for consideration by the Assembly. The objection/response must be provided no later than 3 days after receiving notice of the Best Interest Finding.

9. Hearing Officers' Recommendation

The Hearing Officers shall issue a written recommendation containing findings of fact and conclusions of law on each of the issues presented. A recommendation may affirm, modify, or set aside an agency decision in whole or in part. The decision shall be submitted to the Manager no later than 10 working days after the close of the hearing.

10. Manager Decision

The Manager shall review the recommended decision of the Hearing Officers. Within 10 working days the Manager shall (a) accept the recommendation, (b) reject the recommendation and issue an independent decision, or (c) remand to the Hearing Officers for additional findings. The Manager's decision shall be in writing and set forth the reasons for the decision with specificity.

11. Assembly Review

a. Under CBJC 53.50.062(n), if the bid amount contested is over $750,000, the hearing officers' decision and recommendation will go directly to the Assembly for review.

b. Manager's Decision on the Hearing Officers Recommendation. The Decision may be appealed to the Assembly as designated in Chapter 01.50.

c. Best Interest Finding. If a Best Interest finding has been made, at its next regular meeting the Assembly shall review the Best Interest Finding and any objection/response received from the parties. The Assembly may affirm or reject the Best Interest Finding. If affirmed, the decision of the Assembly is final. If rejected the case will go back to the Hearing Officers at the stage in the process when the Finding was made. The Assembly may provide comments for consideration to the Hearing Officers.

12. Judicial Review.
A final decision by the Assembly may be appealed to the superior court in accordance with the Alaska Rules of Appellate Procedure.