

(Proposed) **INTERIM POLICY ON APPEALS UNDER RCW 39.10.290**

In order to carry out its duties and to facilitate the hearing of appeals from the Projects Review Committee (PRC) under RCW 39.10.290, the Capital Projects Advisory Review Board (CPARB) adopts the following policy regarding the conduct of such appeals:

1. **Filing of Appeals.** Any interested party may appeal a final determination of the Projects Review Committee, regarding use an alternative public works method, within seven days. Appeals must be filed in writing at the Board's address of record at: 1500 Jefferson Street SE, MS: 41476, Olympia, WA 98504-1476. Appeals must be received by 5:00 PM on the seventh day, unless the seventh day falls on a Saturday, Sunday or state holiday, in which case the next regular business day shall be treated as the seventh day.
2. **Notice of Appeal.** A copy of the written notice of appeal must be provided by the Appellant to the Project Review Committee and, as applicable, to the public body seeking certification to use an alternative public works method.
3. **Parties to an Appeal.** Parties to an appeal will be limited to interested parties who have filed a timely appeal, and, as applicable, the public body. The Board shall afford each party an opportunity to present written argument and may afford each party an opportunity to present oral argument. Receipt of comment and argument by other persons will be at the discretion of the Board.
4. **Scheduling and Notice of Hearing.** Upon receipt of an appeal, the CPARB Chair, in coordination with staff, will schedule a special meeting of the Board to hear and consider the appeal. Parties to the appeal will receive at least ten (10) days written notice of the hearing.
5. **Prehearing orders.** To the extent necessary to facilitate the orderly hearing of the appeal, the CPARB Chair is delegated to establish briefing schedules and make procedural rulings and orders subject to confirmation by the Board.
6. **Review of Record before the PRC.** In conducting an appeal under RCW 39.10.290 the Board will limit its review to facts and arguments presented to the Project Review Committee. The Board shall consider the whole record or such portions of it as may be cited by the parties.
7. **Decision.** The Board shall resolve an appeal within forty-five days of receipt of the appeal and shall send a written determination of its decision to the party making the appeal and to the appropriate public body, as applicable. The Chair shall sign the written determination on behalf of the Board.
8. **Waiver of policy.** In order to prevent hardship, delay or for other good cause, the Board may waive any of these procedural rules to the extent that waiver does not conflict with the provision of RCW 39.10.290.