



## Impartial Hearing Procedures

Once the aggrieved party requests an impartial hearing (“Hearing”), the Mayor or his or her designee will appoint an impartial hearing officer (“Hearing Officer”) and the Office of Business Opportunity (“OBO”) Director or his or her designee (“OBO Director”) will provide the aggrieved person with notice of the scheduled Hearing in writing. A Hearing may be held in person, telephonically, or virtually at the Hearing Officer’s discretion.

- (a) The following rules shall apply to the Hearing:
- (1) The subject matter of the Hearing is limited to the subject matter of the determination made by the OBO Director for which the aggrieved person requested a review by the OBO Director pursuant to the grievance policy set forth in OBO’s Policies and Procedures.
  - (2) A record shall be made of the hearing through video, transcription, or other technical means, which shall be made available to each party.
  - (3) The Hearing Officer has the discretion to identify interested parties who shall be notified of the Hearing; the Hearing Officer shall provide contemporaneous notice to the aggrieved party of such notification to interested parties. The Hearing Officer may allow such interested parties to present evidence and/or participate as witnesses.
  - (4) The formal rules of evidence applicable to judicial proceedings are not required. The Hearing Officer may receive hearsay testimony or evidence, which is in the Hearing Officer’s discretion relevant and reasonably reliable.
  - (5) The Hearing Officer may exclude irrelevant, cumulative, immaterial, or repetitious evidence.
  - (6) The OBO Director may submit information relating to the grievance to the Hearing Officer, which shall be automatically be made part of the record.
  - (7) Only evidence presented before the Hearing Officer at the Hearing may be considered in rendering a final order.
  - (8) All parties to the Hearing may be represented by a licensed attorney, though an attorney is not required.



- (9) Each party may present witnesses on its own behalf.
  - (10) Each party has the right to cross-examine all witnesses.
  - (11) Any party may request all witnesses be placed under the witness rule. The Hearing Officer shall review the request and approve or deny the request.
  - (12) The legal department of the city may have an attorney present who shall represent the city's interest at the Hearing.
- (b) If the aggrieved party does not appear before the Hearing Officer at the date and time specified, the prior decision by the OBO Director becomes final.
  - (c) Following the conclusion of the Hearing, the Hearing Officer shall issue a report and recommendation (the "Recommendation") to the OBO Director, who shall cause a copy of the Recommendation to be transmitted to the aggrieved party. The Recommendation shall be implemented as long as it does not conflict with the City of Houston Code of Ordinances, including but not limited to Article V, Chapter 15 (the "Code") and the OBO Policies and Procedures, and applicable Texas or federal law, including but not limited to case law, statutes, rules, and regulations ("Applicable Law"), as amended from time to time. In any instance in which the Director determines that the Recommendation conflicts with the Code, the OBO Policies and Procedures, and/or Applicable Law, then the Director shall not implement that portion of the Recommendation and document the reasons for the conflict in writing and promptly furnish a copy to the Mayor.

The Recommendation and the Director's implementation of such report and recommendation shall be final and exhaust all available administrative remedies.



# CITY OF HOUSTON

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Mayor

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February 2, 2022

**Re: Approval of Policies and Procedures per City of Houston Code of Ordinances, Section 15-84**

This serves to document the review and approval, by the City Attorney's Office or his designee and the Mayor of the City of Houston, of the Office of Business Opportunity's updated Policies and Procedures and Impartial Hearing Procedures prior to publication on February 3, 2022.

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*Arturo Michel*  
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Arturo Michel, City Attorney

DocuSigned by:  
*Sylvester Turner*  
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Sylvester Turner, Mayor