

QUASI-JUDICIAL HEARING

INTRODUCTION

(May be read by Chair at the beginning of the meeting)

This hearing shall be conducted in accordance with quasi judicial rules. The City, Applicant and Parties shall each be allowed 20 minutes to present their case. The Public shall be allowed to speak for 3 minutes each or a maximum of 6 minutes if the person represents an organization or a group of people who are present, but agree not to speak. City Staff, the Applicant or a Party may be allowed to cross-examine a witness for a period not to exceed 2 minutes per witness. The City, Applicant and Party may have up to 2 minutes for rebuttal.

The decision to approve or deny an application or appeal may not legally be made upon personal views as to whether a project is a good project or not, nor may a decision be based on the numbers of citizens who support or fail to support a particular project. The law requires that all decisions must be made on the basis of whether the project meets the requirements of law, the Comprehensive Plan, and the Land Development Regulations.

SUMMARY OF QUASI-JUDICIAL HEARING PROCESS

1. Swear in Witnesses
2. Disclosure of Ex Parte Communications by City Commissioners/Board Members
3. City Staff enters project file into the record. City Staff shall present case, including witnesses (max 20 min.)
4. Applicant shall present case, including witnesses (max 20 min.)
5. Other parties may present case, including witnesses (max 20 min.) if approved for party status
6. Public may speak for or against (max 3 minutes per person; unless person represents an organization or other group of people who are present and who yield their time to an individual person, then the maximum time shall be 6 minutes.)
7. Cross examination will be allowed after each witness. City staff, the Applicant and Parties shall be allowed to cross examine anyone who testified before the board for a period of 2 minutes per witness. However, if either City staff, the Applicant or Parties desire to cross examine a citizen participant it is only allowed through the Chair in accordance with the rules of the City Commission/Board.
8. The City staff, Applicant, and Parties may have 2 minutes for rebuttal.

This sheet is just a summary of the rules of procedure for quasi-judicial hearings for the City Commission and Boards and is not inclusive of all the requirements for quasi-judicial hearings. The Rules for the Board or, if the Board has not adopted rules, the Rules of the City Commission shall govern all quasi-judicial hearings.