



Public Hearing Procedures

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The following procedures shall be followed with regard to all public hearings conducted by and before the Board of County Commissioners (BOCC) and the Planning and Zoning Commission (PZC):

1. The BOCC and PZC members shall disclose whether they have viewed the property which is the subject of the public hearing. If so, they must disclose the approximate date of the site visit and the names and affiliation of everyone present during the visit.
2. The BOCC and PZC members shall disclose whether they have had any ex parte communications, defined as communication outside of a properly noticed public meeting, about the application being considered with: (a) the applicant; (b) a member of the public; (c) a representative of the applicant; and/or (d) a member of the public. All ex parte communication must be disclosed by identifying the person and the person's employment or affiliation, and by providing a description of the communication.
3. The applicant or interested party shall then be afforded the opportunity to present an explanation of the application, request or other matter being considered by the BOCC or PZC.
4. The members of the BOCC or PZC shall have the opportunity to direct questions to the applicant or interested party.
5. County staff shall present an introduction, orientation, and the staff report.
6. The public hearing shall then take place, and members of the public shall be afforded the opportunity to be heard. The presiding officer shall have the discretion to set limits as to the time each individual may speak which should be published in the notice for the public hearing. Each individual member of the public may only speak once at the hearing. The presiding officer shall also have the authority to set an overall time limit for the entire public hearing that should be published in the notice for the public hearings.
7. After completion of all testimony and/or public comment, the public hearing shall be closed. If the overall time limit set for the evening of the public hearing arrives prior to the close of the hearing, the hearing shall be continued and any agenda items not yet opened shall be re-noticed and rescheduled.
8. The applicant shall be afforded a right to rebut any testimony or evidence presented as public comment.
9. If any new material evidence is introduced after the public hearing is closed, the presiding officer shall again open the public hearing for the limited purpose of addressing the new evidence, in which case the applicant shall again be afforded a right to rebut any additional public testimony or evidence.
10. A decision may then be rendered on the merits of the application or matter before the BOCC or PZC. The decision shall be based on findings of fact and conclusions of law which describe the reasons for the decision and give a specific determination of decision criteria. The findings shall be presented in writing for adoption at the next regular meeting of the BOCC or PZC.

11. Any matter under consideration by the BOCC or PZC may, by a motion properly made, seconded, and passed, be tabled to a date uncertain or continued to a date certain, at which time the matter will be taken up again for action or decision.

Motions

1. All actions and decisions of the BOCC or PZC are formalized by the process of making and voting on motions. After a public hearing is closed, the BOCC or PZC shall deliberate. After deliberation a motion shall be made and seconded. Further deliberation may occur once a motion is made and seconded. The chair shall then ask for a vote. Those members in favor of the motion say “aye”; those members opposed to the motion say “no.”
2. After a motion is made, and there has been discussion on the motion, if an amendment has been suggested and discussed, then a motion to amend the motion is required. A motion should be amended as follows:
 - a. A member makes a motion to amend stating the amendment.
 - b. A member seconds the amendment.
 - c. Chair asks for a vote on the amendment.
 - d. If amendment carries, the Chair then asks for a vote on the “entire motion as amended.”
 - e. If amendment fails, Chair asks for a vote on the “original motion.”
3. If a motion has been voted on and the motion subsequently needs to be withdrawn, then a motion to withdraw the approved motion is required. A motion should be withdrawn as follows:
 - a. A member makes a motion to withdraw stating what motion is being withdrawn.
 - b. A member seconds the motion to withdraw.
 - c. Chair asks for a vote on the motion to withdraw.
 - d. If the motion to withdraw carries, then a new motion can then be made, seconded and voted on.
4. If a motion has been voted on and if voting members believe it is appropriate to reconsider the motion, then a motion for reconsideration is required at the next legally noticed meeting of the BOCC or PZC. A motion for reconsideration should be made as follows:
 - a. A member who voted on the prevailing side of the motion in question must make the motion for reconsideration stating what motion would be reconsidered.
 - b. Any member may second the motion.
 - c. Chair asks for a vote on the motion for reconsideration.
 - d. If the motion for reconsideration carries, deliberation can then occur on the matter and a new motion can be made, seconded and voted on.

Site Visits

If the BOCC or PZC wish to conduct a site visit, a motion should be made during a public hearing to conduct a site visit on a date and time certain. In such a case, the site visit should be conducted in a manner similar to any other public meeting and an audio recording should be maintained of the site visit.