

MEETING PROCEDURES

PURPOSE:

The purpose of these rules are to provide explanation and procedure by which the Council or Commission shall conduct meetings, which are different than hearings.

Council and Committee meetings are required to be open for the public to attend and observe the city's business (except executive sessions). These meetings are only for the city to conduct business, not for public participation. The Council or Committee usually elects to have a portion of the meeting where the public is invited to comment. Be aware the Council or Committee will not discuss items raised because they are not noticed or placed on an agenda ahead of time, even if on the agenda elsewhere. If a party wishes to have dialogue in a meeting, then an item must be scheduled for discussion on a future agenda. The city, in its discretion, may also decline to place a matter on an agenda. Individuals or parties may also speak with city representatives or staff directly and not need an agenda item. Public meetings are not public forums and time restrictions are usually in place. Public comments are usually limited to three (3) minutes. All parties involved in any meeting are expected to be professional and courteous. Parties who disrupt meetings may be removed and criminal charges could apply depending on circumstances.

HEARING PROCEDURES

PURPOSE:

The purpose of these rules shall be to provide explanation procedure by which the Council or Commission conducts hearings by applicable law requiring the receipt of evidence. This may include testimony, documents, or otherwise submitted to the Council or Commission in which a response from the Council or Commission is required based on the applicable record.

SUBMISSION OF A PROPOSED DECISION:

The Council or Commission encourage any interested party to a hearing before the Council or Commission to submit a brief synopsis of the matter, written testimony, written argument, and a proposed decision (including findings of fact and conclusions of law if applicable). Any written synopsis, written testimony, written argument or written proposed decision must be received by and lodged with the Council or Commission at least five (5) business days before commencement of the hearing. Failure to submit documents contemplated shall not prejudice a party from submitting any written synopsis, written argument, or written proposed decision during the public hearing. Late submitted documents may delay or extend hearings, deliberations, or final determinations

CONDUCT OF HEARING:

Hearings before the Council or Commission shall be conducted in general conformity with the following procedure:

1. Generally: Council or Commission may limit testimony, time limits, and scope of hearing as necessary. Council, Commission, or staff, if any, may at any time during the hearing freely inquire of anyone at the hearing, including staff. Groups with common interests are usually better represented with a spokesperson rather than repeated testimony or arguments from various individuals. Council or Commissioners generally disclose facts obtained personally or from ex parte contacts before testimony from parties.

2. Report: Hearings before Council or Commission shall commence with a report from staff. The report may be written or oral, at the pleasure of the Council or Commission, and may include testimony from witnesses. The report shall contain recommendations and a proposed decision for review, including proposed findings of fact and conclusions of law in a form directed by the Council or Commission for such matters, if any. Council or Commission are not bound by the recommendation of staff.

3. Applicant/Appellant Comments: At the conclusion of staff comments, if any, the applicant/appellant, and those favoring the applicant/appellant's position shall be allowed an opportunity to present testimony, documents, and other evidence which support their position. Except as provided in 5, in the Council or Commission's discretion, testimony for and against an application may be presented in rotating order. Time limits may be imposed by the Council or Commission.

4. Opponent and General Comments: When the applicant/appellant has concluded their comments, those opposing the applicant/appellant's position or having general questions shall be provided an opportunity to present testimony, documents, or other evidence refuting the evidence presented by or on behalf of applicant/appellant. The same time limits, if any, imposed on the applicant/appellant, as set forth in 3, may be imposed on opponents and persons with general comments.

5. Applicant/Appellant Rebuttal: When the opponents, if any, have all concluded their comments, only the applicant/appellant shall be allowed a brief period of time for rebuttal.

RECORD:

Staff reports are automatically part of the record as shall any documents submitted by the applicant/appellant or opponents, as shall all testimony given at the hearing. At conclusion of the hearing, the Council or Commission shall close the record unless the Council or Commission determines, in its discretion, additional evidence is required, in which event, it may proceed as follows:

1. Close the record with the exception of allowing the submission of specifically requested information;
2. Leave the entire record open for the submission of additional evidence to a date and time certain, at which time it will automatically be closed without further action of the Council or Commission; or
3. Continue the hearing to a date and time certain for the purpose of receiving additional evidence and conducting such further proceedings as may, in its discretion, be advisable.

REOPENING THE RECORD:

Prior to issuing a written decision, the Council or Commission, for good cause demonstrated, may reopen the record for the purpose of receiving additional evidence. An interested party may seek to reopen the record by filing a motion prior to the Council or Commission issuing a written decision, to reopen the proceedings containing information therein to demonstrate good cause and paying any costs which will be incurred. The Council or Commission shall decide an applicant/appellant's motion to reopen the record within five (5) days of the receipt thereof. The Council or Commission may, within the time allowed, reopen the record for good cause on its own motion. In either case, the Council or Commission shall comply with applicable law, if any, governing notice and hearings.

DECISION BY COUNCIL OR COMMISSION:

When the record has been closed, the Council or Commission shall take the matter under advisement for the purpose of deliberating toward a decision based on the record. After deliberating, the Council or Commission may:

- 1. Immediately render a decision complying with applicable law; or**
- 2. Continue the matter to a date and time certain for further deliberation and decision.**
Provided, if the matter is continued, the Council or Commission shall render a written decision within thirty (30) calendar days, unless a shorter period is provided by law, in which case the shorter period shall apply.
- 3. Council or Commission deliberation and decisions at meetings must still comply with Open Meeting Act requirements.**