

CHAPTER 9

PUBLIC HEARING PROCEDURE

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9-9-1: PURPOSE

The procedure for conduct of public hearings shall provide for the opportunity of all persons to present and rebut evidence.

9-9-2: APPLICABILITY

- A. Planning And Zoning Commission: Public hearings conducted by the planning and zoning commission shall follow the public hearing procedure as set forth herein.
 - 1. One commissioner, the chairman of the planning and zoning commission, or an appointed member of planning and zoning, or the city attorney, by vote of the commission, shall moderate and conduct the public hearing.
 - 2. Members of the planning and zoning commission shall be recognized by the chair before speaking and shall direct comments and questions for clarification to the chair of the public hearing.
- B. City Council: Public hearings conducted by the city council shall follow the public hearing procedure as set forth herein.
 - 1. The mayor, or in his absence, the president of the council shall moderate and conduct the public hearing.
 - 2. Council members shall be recognized by the chair before speaking and shall direct comments and questions for clarification to the chair of the public hearing.
- C. Hearings To Be Recorded: As is required by Idaho Code Section 67-6536, all hearings shall be recorded to create a transcribable record. Recordings of all hearings before the commission/council shall be kept by the administrator for a period of not less than six (6) months.

9-9-3: PUBLIC HEARING FORMAT

- A. Public Hearing Introduction: The chair conducting the public hearing should present a brief review and summary of the procedure and purpose of the public hearing.
 - 1. Introduce members of the commission or the council and identify the chair of the public hearing.
 - 2. Describe the role of the chair as follows:
 - a. Maintain order during the public hearing.

- b. Facilitate the public hearing process by directing and allowing comment in an orderly and timely manner. Public comment may be restricted by a time limit.
 3. Briefly explain the nature of the issue being presented for public hearing.
 4. Outline the steps taken prior to the public hearing, such as, completed application, public noticing, and information from other agencies.
 - B. Public Hearing Steps: All comments should be directed through the chair. No person shall be allowed to speak during the public hearing unless recognized by the chair. Prior to giving comment all persons shall state their name and address for the record.
 1. The applicant gives a short presentation explaining the request and the reasons for approval of the request.
 2. City staff gives comment.
 3. Written comment is presented in summary.
 4. Those in favor give comment.
 5. Those who are neutral give comment.
 6. Those opposed give comment.
 7. Rebuttal by the applicant.
 - a. The applicant may address points raised opposing the request.
 - b. If the applicant presents new evidence, a limited time shall be allowed for further comment from affected persons.
 - C. Pursuant to the provisions of Idaho Code Section 67-6519(2), the commission/council may elect to keep the public hearing open for the sole purpose of the commission/council to request any additional specific information from the applicant or any person who testified at the public hearing. In this circumstance, the commission/council shall cite the ordinance (City Code) and/or standards under which it is seeking the additional information. At such time that the commission/council considers such new information, the commission/council may limit testimony only to such new information and any party shall be allowed to testify on such new information, regardless of whether or not such person testified at the original hearing.
 - D. Closing The Public Hearing: The chair officially closes the public hearing. (2008 Code)
 - E. At the close of the public hearing, the commission/council, the chairman or mayor, respectively, shall call for discussion and deliberation by the commission/council.
 1. All decisions of the commission/council shall be reported, in writing, in the form of findings of fact and conclusions of law as required by Idaho Code Section 67-6535.
 2. Deliberation and a decision of the commission/council shall be made within sixty (60) days of the close of the hearing as required by Idaho Code Section 67-6519. (Ord. 2008-4)