

## **Quasi-Judicial Procedures for the Development Review Commission**

The following proceedings of the Development Review Commission are Quasi-Judicial:

1. Special Exceptions
2. Site Plans
3. Variances
4. Any item which is required to have a public hearing

The following procedures should be used in Quasi-Judicial Proceedings:

1. Anyone wishing to testify must fill out a blue card and present the card to the Commission secretary. No cards may be submitted after the close of the Hearing.
2. Swearing in of witnesses. Representatives of City Administration, the Applicant/Appellant, Opponents, Property Owner and members of the public (witnesses) who wish to testify at the Hearing must declare that he or she will testify truthfully by taking an oath or affirmation in the following form:

**“Do you swear or affirm that the evidence you are about to give will be the truth, the whole truth, and nothing but the truth?”**

The oath or affirmation will be administered prior to the presentation of testimony and will be administered en masse to those who wish to testify. Persons who submit cards to testify after the administration of the oath, who have not been previously sworn, must be sworn prior to testifying.

3. At any time during the proceeding, Commission members or the City Attorney may ask questions of the Applicant/Appellant, Witnesses, Property Owner and City Administration. The time consumed by these questions and the answers to such questions shall not count against the time frames set forth herein.
4. Presentation and Hearing
  - a. City Administration presentation. (total of 10 minutes).
  - b. Applicant/Appellant presentation. (total of 10 minutes; unless Appellant and Applicant are separate entities, in which case they each receive 10 minutes; co-Applicants/Appellants only receive a total of 10 minutes).
  - c. Property Owner presentation. In connection with City initiated items where City Administration is the applicant or for items where neither the Applicant nor the Appellant is the property owner, the Property owner(s) shall be given the same amount of time as provided for the Applicant/Appellant.
  - d. Hearing. A Hearing will be conducted in which any witness may speak for 3 minutes (more time may be allowed at the discretion of the Commission).

## **Quasi-Judicial Procedures for the Development Review Commission continued...**

The Chair then closes the Hearing. No one from the public may speak after this time, unless they are the City Administration, the Applicant/Appellant, the Property Owner (if the owner is not the Applicant/Appellant), or the individual recognized by the Commission as an Opponent.

**Opponent(s)**: If anyone wishes to utilize the time provided for cross examination or rebuttal as an Opponent, said individual shall notify the Commission secretary **prior** to the conclusion of the Hearing. If no one gives such notice, there shall be no cross examination or rebuttal by the opponent(s). If more than one person wishes to utilize the time provided for Opponent(s), the Commission shall by motion determine who shall be the **single representative** for the Opponent(s).

5. Combined Cross Examination/Rebuttal (the Commission may allow an additional five minutes for rebuttal after cross examination is complete but this should be decided prior the start of this combined action).

Only one (1) representative of the Applicant/Appellant, Property Owner, City Administration and Opponent(s) shall conduct the cross examination/rebuttal. City Administration, Applicant/Appellant, Property owner (if not the Applicant /Appellant) and Opponent representatives shall each be allowed a total of five (5) minutes for cross examination of each other and rebuttal. Cross Examination shall be through questions addressed to the Chair and then (at the discretion of the chair) either asked by the Chair or by the party conducting the cross examination of the appropriate representative of the party (Applicant/Appellant, City Administration, opponents and Property Owner) being cross examined.

- a. By Opponents representative. (5 minutes)
- b. By Property Owner representative (if not the Applicant/Appellant). (5 minutes)
- c. By City Administration representative. (5 minutes)
- d. By Applicant/Appellant representative. (5 minutes)

6. Executive Action by the Development Review Commission.

The purpose for establishing these procedures is to provide fundamental fairness to the parties at the hearing. Should the Commission decide to grant any party additional time or other consideration, they should also provide the same amount of time or consideration to the other parties. Failure to strictly adhere to these procedures shall not invalidate any action of the Commission.