

BINGHAM COUNTY ORDINANCE 2025-01

TITLE 1 "ADMINISTRATION"
CHAPTER 6 "CONDUCT OF PUBLIC HEARINGS"

AN ORDINANCE OF BINGHAM COUNTY, A POLITICAL SUBDIVISION OF THE STATE OF IDAHO, TO AMEND BINGHAM COUNTY CODE TITLE 1 "ADMINISTRATION" CHAPTER 6 "CONDUCT OF PUBLIC HEARINGS", PROVIDING THAT THIS ORDINANCE SHALL BE IN FULL FORCE AND EFFECT AS OF ITS PASSAGE, APPROVAL, AND PUBLICATION ACCORDING TO LAW.

WHEREAS, the Bingham County Board of County Commissioners ("Board") held a Public Hearing on January 2, 2025 to review proposed amendments to Title 1 *Administration* Chapter 6 *Conduct of Public Hearings*; and

WHEREAS, the Board found the proposed amendments provide clarification on maintenance of records; further defines the order of events during public hearings; provides for rebuttal testimony to be presented; provides additional standards for oral testimony; sets a date of when written testimony can be accepted greater than eight (8) pages; removes the requirement to orally read written testimony at the public hearing; and overall improves the administration and conduct of public hearings; and

WHEREAS, the Board found the proposed amendments to Title 1 Chapter 6 are reasonably necessary, in the interest of the public, and that the amendments should be adopted.

NOW THEREFORE, BE IT ORDAINED BY THE BINGHAM COUNTY, BOARD OF COUNTY COMMISSIONERS, AS FOLLOWS:

Section 1: Title 1 Chapter 6 shall read:

TITLE 1 ADMINISTRATION
CHAPTER 6
CONDUCT OF PUBLIC HEARINGS

SECTION:

- 1-6-1: Authority
- 1-6-2: Notice Required
- 1-6-3: Records Maintained
- 1-6-4: Order Of Events
- 1-6-5: Testimony
- 1-6-6: Copies Of Official Record Available
- 1-6-7: Rulings By Presiding Officer

1-6-1: AUTHORITY:

All public hearings conducted pursuant to Idaho Code title 67, chapter 65 shall comply with the standards set forth in this chapter.

1-6-2: NOTICE REQUIRED:

Prior to conducting a public hearing as specified herein, proper notice of said public hearing shall be given as required by Idaho Code title 67, chapter 65.

1-6-3: RECORDS MAINTAINED:

The respective Clerks of the County Commissioners and Planning and Zoning Commission holding public hearings pursuant to Idaho Code title 67, chapter 65 and shall maintain records of the proceedings in accordance with Idaho Code.

1-6-4: ORDER OF EVENTS:

Public hearings shall follow the order of events set forth below:

- A. Explanation of the application or subject of the hearing which may include a report from staff or County legal counsel;
- B. Presentation by the applicant or the applicant's representative which shall be defined as one person;
- C. Testimony from audience in favor of, in neutral, and/or against the proposal;
- D. Rebuttal from the applicant or the applicant's representative who presented the proposal.
- E. Closure of oral testimony from applicant or the applicant's representative and audience;
- F. Discussion of hearing subject among County Commissioners or Planning and Zoning Commission members; questions may also be directed to County staff and/or County legal counsel during this period; and
- G. Conclusion of hearing process.
- H. At any point during the public hearing, the County Commissioners, Planning and Zoning Commission, County staff and/or County legal counsel may ask questions of the person providing testimony.

1-6-5: TESTIMONY:

A. Oral Testimony:

- 1. Time Limitation On Oral Testimony: The presiding officer may limit the time allotted to presentation of oral testimony at a public hearing. Any such allocation of time shall provide for a reasonable opportunity for proponents and opponents of an issue to be heard.
- 2. Standards For Oral Testimony: Oral testimony made at a public hearing shall comply with the following standards:
 - a. Testimony should directly address the public hearing subject and show cause, if any, if the requested application meets or does not meet the regulations of Bingham County Code and/or Idaho Code;
 - b. Testimony should not be repetitious with other entries into the record;
 - c. Testimony shall comply with any time restrictions established by the presiding officer;
 - d. Testimony should not be personally malicious, contain profanities, be obscene or threatening in any form;
 - e. It may be required that persons wishing to give testimony will be asked to sign a statement prior to the beginning of the hearing stating their wishes to give testimony; in such cases, only those persons who have expressed such a desire will be heard;
 - f. In such cases and where an allotted time has been given, a person may give his or her time to a spokesperson in order for them to have adequate time to present their testimony.

B. Written Testimony:

1. Compliance With Standards: Written testimony submitted for inclusion in the record of any public hearing shall comply with the following standards:

- a. Written testimony must be submitted prior to the time announced for the hearing. No more than two (2) pages of written testimony will be accepted less than eight (8) calendar days before a hearing;
- b. Written testimony shall include the signature and address of the submitter;
- c. Written testimony should address the issue at hand; and
- d. Written testimony should not be personally malicious.

2. Failure To Comply: If written testimony fails to comply with the aforementioned standards, the presiding officer may declare such testimony inadmissible.

1-6-6: COPIES OF OFFICIAL RECORD AVAILABLE:

Copies of material submitted for inclusion in the official record of a public hearing shall be available to interested parties upon payment of the usual charges for research and copying made by the County.

1-6-7: RULINGS BY PRESIDING OFFICER:

All rulings shall be decided by the presiding officer of any board conducting a public hearing with right of appeal to the Commissioners by any member present. "Robert's Rules of Order" shall govern the conduct of all public hearings in which the rules are applicable, and in which they are not inconsistent with the bylaws, special rules of order of the County Commissioners or of any board or commission or the laws of the State of Idaho.

Section 2: That all other portions of Bingham County Code Title 1 shall remain in full force and effect.

Section 3: This Ordinance shall be in full force and effect from and after its passage, approval, and publication according to law.


PASSED AND APPROVED on this 2nd day of January, 2025.


BOARD OF COUNTY COMMISSIONERS
BINGHAM COUNTY, IDAHO




Whitney Manwaring, Chairman


Erick Jackson, Commissioner


Drew Jensen, Commissioner

Attest: 
Pamela W. Eckhardt
County Clerk