

TITLE 1 ADMINISTRATION  
CHAPTER 6  
CONDUCT OF PUBLIC HEARINGS

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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 shall maintain records of the proceedings in accordance with regulations found in Idaho Code and the County's adopted Records Retention Policy. ~~in the following manner:~~

~~—A. Transcribable verbatim recordings of the proceedings shall be maintained for six (6) months from the date of the final decision on the matter.~~

~~—B. Originals of written exhibits to the hearing record and copies of applications shall be maintained for three (3) years from the date of the hearing.~~

~~—C. Minutes which catalog the occurrences of the public hearing shall be maintained as required by pertinent sections of the Idaho Code.~~

#### 1-6-4: ORDER OF EVENTS:

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

A. Explanation of ~~subject the application or subject~~ of the hearing which may include a report from staff or County legal counsel;

B. Presentation ~~of by the applicant or the applicant's representative which shall be defined as one person;~~

~~C. Following the presentation, there will be time allotted for questions pertaining to the subject;~~

~~DC.~~ Testimony from audience in favor of, in neutral, and/or against the proposal;

~~ED.~~ Rebuttal from the applicant or the applicant's representative who presented the proposal. The County Commissioners, Planning and Zoning Commission;

~~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;

~~Testimony should directly address the subject at hand;~~

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; ~~and~~

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; ~~and.~~

~~e. The presiding officer shall require an oral reading of such written testimony.~~

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.