

## RULES OF PROCEDURE FOR QUASI-JUDICIAL PUBLIC HEARINGS BEFORE THE PULLMAN PLANNING COMMISSION

This public hearing is a “quasi-judicial” hearing because it involves the legal rights of specific parties and pertains to a particular geographical area. In these cases, the Commission acts like a judge by determining the legal rights, duties, and privileges of specific parties in the hearing (hence the term “quasi-judicial”). The fundamental purpose of a quasi-judicial hearing is to provide the affected parties due process, which requires notice of the proceedings and an opportunity to be heard.

1. Each person who speaks at this hearing shall register his/her name, address, and position (e.g., proponent or opponent) on the roster that is located at the speaker’s table.
2. No person, including any Commission member, shall speak until he/she has been recognized by the chair and has identified him/herself.
3. No person shall address the Commission except at the speaker’s table and using the microphone.
4. The first time an individual speaks, he/she shall identify him/herself, giving address and nature of his/her interest in the matter.
5. The order of speaking shall be as follows:
  - a) Proponents of the proposal – no more than 30 minutes.
  - b) Opponents of the proposal – no more than 30 minutes.
  - c) Those who are neutral to the proposal – no more than 15 minutes.
  - d) Reply by proponents to comments made in b) – no more than 15 minutes.
  - e) Reply by opponents to comments made in d) – no more than 15 minutes.
  - f) Additional comments from neutral parties – no more than 5 minutes.
  - g) Rebuttal by proponents to comments made in e) – no more than 5 minutes.

The Commission reserves the right to modify these time limits when numerous individuals express interest in speaking.

6. Each individual may speak for five minutes or less. In the event that no further speakers wish to speak in a given time period, people may be allowed to speak for a second time or for more than five minutes, but not to exceed the total time allotted per side per presentation.
7. Anyone at the public hearing who has physical evidence of any kind (letters, photos, maps, etc.) shall submit that evidence to the Staff Advisor or Secretary to be entered into the record at the time it is presented to the Commission. Written testimony, rebuttals, and findings of fact should be submitted in at least three copies suitable for copying and distribution. One copy will be for the staff, one copy given to the opposite side, and one copy for distribution to Commission members. Written testimony will be submitted during the order of speaking (a), (b), or (c) above. Written replies, rebuttals and proposed findings of fact shall be submitted during the order of speaking (d), (e), (f), or (g) above.
8. Speakers are discouraged from reading verbatim any letters that are already in the public hearing record, although it is acceptable for speakers to summarize such letters during their testimony.
9. The Chair, when appropriate, may take questions from Commission members or the audience regarding a speaker’s presentation. The individual with a question to ask shall wait until the speaker finishes, and then direct that question to the Chair.
10. Public hearings shall be continued to a later date at 11:00 p.m. unless a majority of the quorum present accept an extension of a finite period of time.

11. All members of the public speaking at the hearing must be administered an oath or affirmation. I will administer that now. [The chair shall raise his/her right hand and say:]

“Will each of you in the audience who expects to testify today, please raise your right hand? Do each of you swear or affirm to tell the truth in the testimony that you give? If so, please answer ‘I do.’”

12. Prior to hearing the staff report, the Chair must ask each Commission member the following questions which touch upon the qualifications of the Commission member’s ability to fairly and impartially hear the matter before the Commission. The Chair shall also indicate his/her answers to these questions.

- a. “Does any member of this Commission have knowledge of having conducted business with either the proponents or the opponents in this proceeding?”
- b. “Has any member of this Commission communicated with any proponent or opponent regarding the proposal that is the subject of this proceeding?”
- c. “Does any member of this Commission have either a financial or personal interest in the outcome of this proceeding?”
- d. “Does any member of this Commission know whether or not his/her employer has a financial interest in this matter, or has an interest in the outcome of this proceeding?”
- e. “Does any member of this Commission live or own property within 300 feet of the area which is the subject of this proceeding?”
- f. “Does any member of this Commission have any special knowledge of the substance or merits of this proceeding which would or could cause the Commission member to prejudge the outcome of this proceeding?”
- g. “Is there a member of this Commission who believes that he or she cannot sit and hear this matter fairly and impartially, both as to the respective positions of the proponents and the opponents in this proceeding?”
- h. “Is there any member of this audience who, because of the ‘Appearance of Fairness Doctrine,’ wishes to disqualify any member of this Commission from hearing this matter? If so, please state the name of the Commission member and the reason or reasons you believe that member should be disqualified because of the ‘Appearance of Fairness Doctrine.’”

13. Now that Commission members have been qualified, please note:

The laws of the State of Washington provide that, “During the pendency of any quasi-judicial proceeding, no member of a decision-making body may engage in ex parte communications with opponents or proponents with respect to the proposal which is the subject of the proceeding. This prohibition does not preclude a member of a decision-making body from seeking in a public hearing specific information or data from such parties relative to the decision if both the request and the results are a part of the record.”

14. The hearing will open with a staff report.