



NOTICE OF PUBLIC MEETING
Monday, August 6, 2018
CITY COUNCIL CHAMBERS
680 Park Avenue
Idaho Falls, ID 83402
3:00 p.m.

The public is invited to attend. This meeting may be cancelled or recessed to a later time in accordance with law. If you need communication aids or services or other physical accommodations to participate or access this meeting or program of the City of Idaho Falls, you may contact City Clerk Kathy Hampton at 612-8414 or the ADA Coordinator Lisa Farris at 612-8323 as soon as possible and they will accommodate your needs.

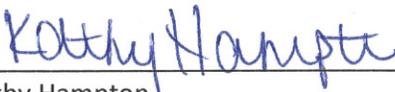
SPECIAL MEETING (Council Work Session)

Times listed in parentheses are only estimates.

Call to Order and Roll Call

- Mayor: -Acceptance and/or Receipt of Minutes
-Calendar, Announcements and Reports (10)
- Council: -Liaison Reports and Concerns (10)
- Community Development Services: -Annexation Law, Procedures and Purposes Discussion (40)
- Legal: -Public Hearing Procedures Discussion (10)

DATED this 3rd day of August, 2018



Kathy Hampton
City Clerk



MEMORANDUM

TO: Mayor Casper

FROM: Michael Kirkham, Assistant City Attorney

DATE: August 3, 2018

RE: Idaho Falls Public Hearing Procedures

The Legal Department has taken the current public hearing procedures and updated and clarified them so that they are more readable and friendly to Idaho Falls residents.

RECOMMENDED ACTION: To adopt the attached public hearing procedures that help update and clarify the existing procedures from time to time by Resolution of the Council.

IDAHO FALLS PUBLIC HEARING PROCEDURES

A. Quasi-Judicial Hearing.

Note: Ex parte contacts, personal investigation, or research are prohibited in this type of hearing.

1. Preliminary

- a. The Chair announces the agenda item, including the purpose and subject of the hearing.
- b. The Chair should ask if any member wishes to declare a conflict. Members of the body should reveal a conflict, if there is one. That member may either reveal the conflict and participate or they may recuse themselves (and move off the dais) until the next agenda item is considered. A member of the decision-making body with a potential conflict should consult the City Attorney's office before the agenda item is considered. Discussion with the City Attorney regarding potential conflicts will normally insulate the member from legal liability.

2. Hearing

- a. The hearing begins with an announcement to that effect from the Chair and BEFORE the staff presentation.
- b. The staff presents the matter and asks the Chair to accept staff proffered materials as part of the hearing record. The staff presentation and all questions and answers by staff should be "on the record." Members of the body should ask all of their questions to staff prior to public testimony, if possible.
- c. The Chair then gives an opportunity for the applicant and/or the applicant's representative to present the applicant's testimony and supporting materials.
- d. Next, the Chair gives an opportunity for presentation of any supporting opposing, neutral or mixed testimony and materials/evidence (positive or negative).
- e. Finally, the Chair gives the applicant an opportunity to rebut or to respond to or to address matters brought up following the applicant's presentation.
- f. BEFORE the close of the public hearing, the Chair ensures, to the extent possible, that all of the information that needs to be made part of the record and will contribute to the decision, has been presented in the public hearing. This includes questions to City staff, any written or other tangible materials presented, and electronic communications received by the City, such as emails, photos, and the like.
- g. The Chair announces that the public hearing is closed.

3. *Deliberation*

- a. Next, the Chair facilitates deliberation based on the only upon testimony, materials, and/or information presented during the public hearing
- b. If there is any discussion or consideration of matters that were not made part of the record, the Chair should stop the discussion.
- c. *Note – Reopening hearing:* The Chair and the decision-making body may decide to reopen the public hearing for the receipt and inclusion of materials and/or data that was not made part of the record (in order to make sure that the consideration of the issue is not based on any non-record data). If the hearing is reopened, the applicant and others should be given the opportunity to comment on the new information before the hearing is closed and deliberations are resumed.

4. *Decision*

- a. Following deliberation, the Chair should entertain a motion to decide the question, then a final decision should be made.

B. Legislative or Informal Hearing

Note: Ex parte contacts are not prohibited in this type of hearing.

1. *Preliminary*

- a. The Chair announces the agenda items, including the purpose and subject of the hearing.

2. *Hearing*

- a. The hearing begins with an announcement to that effect from the Chair and BEFORE the staff presentation, if any, and BEFORE any testimony is received.
- b. The Chair accepts any written or other materials received by the City prior to the hearing, as part of the hearing record.
- c. The Chair gives an opportunity for all who wish to give testimony or materials to present. Normally, the order of testimony should be those in favor, those opposed, and then mixed or other comments.
- d. BEFORE the close of the public hearing, the Chair ensures, to the extent possible, that all of the information that needs to be made part of the record and will contribute to the deliberation has been presented in the public hearing. This includes any written or other tangible materials presented (before or during the hearing) and includes electronic communications received, such as emails, photos, and the like.

- e. The Chair announces that the public hearing is closed.

3. *Deliberation*

- a. The Chair facilitates a deliberation based upon any materials and testimony included in the record of the hearing. Deliberation and discussion is not limited to only materials and testimony presented because the purpose of such a hearing is to give an opportunity for broad and extensive input on and consideration of the topic.

4. *Decision*

- a. Following deliberation, the Chair should entertain a motion to take legislative action or take other action deemed appropriate.