

**ORDINANCE NO. 2020-02  
CITY OF KUNA**

**AN ORDINANCE OF THE CITY COUNCIL OF KUNA, IDAHO:**

- **AMENDING SECTION 8 OF CHAPTER 6 OF TITLE 1 KUNA CITY CODE PROVIDING A FIVE-MINUTE APPLICANT REBUTTAL TESTIMONY TIME LIMIT; AND**
- **DIRECTING THE CITY CLERK; AND**
- **PROVIDING AN EFFECTIVE DATE.**

**NOW, THEREFORE, BE IT ORDAINED** by the Mayor and Council of the City of Kuna, Ada County, Idaho:

**Section 1:** That Section 8 of Chapter 6 of Title 1 of the Kuna City Code be and the same is hereby amended to read as follows:

**1-6-8: - PUBLIC HEARING RULES OF PROCEDURE:**

The following rules are hereby established, shall be observed in the conduct of any public hearing before the city council, planning and zoning commission, design review committee, or any city standing or ad hoc committee (a "city agency") authorized to conduct public hearings, and shall be known as the "public hearing rules of procedure".

- A. No person shall be permitted to testify or speak before a city agency at a public hearing, unless such person has written his or her name and address thereafter on a sign-up sheet provided by the city or unless such person has been recognized and authorized by the presiding chairman to speak. This rule shall not apply to staff or technical witnesses directed by the presiding chairman to testify or provide evidence at the public hearing.
- B. No person shall be permitted to speak before a city agency at a public hearing until such person has been recognized by the presiding chairman and has clearly stated for the record their name, address, and interest in the matter.
- C. All public hearing proceedings shall be recorded electronically and all persons speaking at such public hearings shall speak before a microphone in such a manner as will assure that the recorded testimony or remarks will be included in the record of the proceedings and the clerk of the proceedings shall notify speakers when they are not in compliance.
- D. The following is the general public hearing time limits, unless a special hearing time limit is otherwise established by majority vote of the members of the city agency, for speakers [not including time for questions and response] is as follows:

Staff presentation: Fifteen (15) minutes; and

Applicant representative: Ten (10) minutes, and

Public testimony: Three (3) minutes; and

Applicant rebuttal testimony: Five (5) minutes.

Persons called to testify by the city agency members to respond to their questions are not subject to these time limits.

No testimony will be received after the approval of a motion to close evidence presentation and proceed to deliberation.

Any special time limit established by the city agency shall consider, but not be limited to, the number of speakers who sign up for each hearing, providing a fair opportunity for interested parties and persons to present relevant evidence or information, the lateness of the hour at the commencement of the hearing, and the number of hearings left on the meeting agenda, and shall apply only to the speaker's comments.

- E. Any person or applicant who wishes to speak and who also wishes to present any documents and other forms of physical evidence not already in the record of proceedings must provide the same to the clerk of the proceedings prior to the commencement of the receipt of testimony so the same may be marked as an exhibit by the clerk which shall be identified by the speaker during their testimony; and any electronic displays or presentations must be provided prior to the meeting and prior to the distribution of the agenda and supporting documents to the governing body. No late electronic submissions will be allowed and no non-city produced external disc or external drive will be permitted to be used on city equipment. Any paper copies must be in a size that is clearly viewable by the governing body and attendees of the meeting from a minimum distance of ten (10) feet or individual copies may be provided and, in a quantity, to provide a copy for all members of the governing body, staff and any public in attendance.
- F. Speakers should not be interrupted by members of the city agency so long as the speaker's comments are related to the subject matter of the hearing until an imposed time limit has been reached.
- G. At the conclusion of a speaker's comments, each member of the city agency, when recognized by the presiding chairman, shall be allowed to question the speaker, and the speaker shall be limited to answers to the questions asked. The question and answer period shall not be included in the speaker's time limit, if one has been established.
- H. Any person not conforming to any of the above rules may be prohibited from speaking during the public hearing. Any person refusing to comply with such prohibition may be removed from the room by order of the presiding chairman.
- I. All decisions made or actions taken by a city agency shall be initiated by motion of one (1) of its members.

- J. Every motion seconded by another member shall proceed to a vote unless such motion be withdrawn by the maker of the motion prior to the vote. Every motion failing to receive a second shall die without a vote.
- K. There shall be five (5) recognized public hearing motions which can be made in meetings subject to these rules, and listed in priority order in the event more than one (1) motion is pending, such motions are: 1. Motion to open the public hearing; 2. Motion to suspend or amend these rules; 3. Motion for recess and continuance of the public hearing for matters as specified to a time and date certain; 4. Motion to close evidence presentation and proceed to deliberation; 5. Motion to take action as is relevant to the deliberation and when relevant a direction to prepare findings of fact, conclusions and law and order of recommendation or decision for approval at the next scheduled meeting.
- L. City agency members shall disclose potential conflicts of interest they may have regarding the subject matter of the public hearing. They may ask the city attorney for an opinion as to whether or not they have a conflict of interest under law. A member with a conflict of interest; and additionally, in a quasi-judicial proceeding, who discloses that they will be unable to make a fair and impartial determination of the facts at issue based solely upon the evidence presented at the hearing, shall recuse themselves and request permission from the presiding chairman to absence themselves from the hearing. A member for any other reason, desiring not to participate in a matter before a public hearing shall advise the presiding chairman of the reason therefor. A vote of the other members present shall be called by the chairman which shall require a majority vote of the other members of the city agency in order to be excused from the hearing. As all meetings and hearings, except for executive sessions, are open to public view and scrutiny, all deliberations by body members shall be clearly audible in order to be heard by all persons present in the room and capable of being later transcribed.
- M. For legislative matters, testimony and other information may be received by the body in any order chosen by the presiding chairman.
- N. For quasi-judicial matters such as, but not limited to, licensing applications and zoning applications, the presiding chairman shall receive testimony at the public hearing in the following order: 1. Report to the body by city staff; 2. Presentation by the applicant; 3. Testimony of those in support of the application; 4. Testimony of those neutral toward the application; 5. Testimony of those opposed to the application; 6. Rebuttal presentation by the applicant.
- O. The body may suspend or amend any one (1) or more of these rules by vote of one-half ( $\frac{1}{2}$ ) plus one (1) of the full body, and the presiding chairman shall have the authority to interpret and apply the foregoing rules. An appeal of such interpretation or application may be made to the city council, which will act on such appeal as expeditiously as it can. Appeals during a council meeting may be decided during the public hearing wherein the question arises, or may be decided at a later date, at the council's discretion.

**Section 2:** Directing the City Clerk

The City Clerk is directed to file, this Ordinance in the official records of the City and to provide the same to the City’s codifier for inclusion and publication in the Kuna City Code.

**Section 3:** Effective Date

This Ordinance shall take effect and be in force from and after its passage, approval, and publication as required by law and at the discretion of the City Clerk and in lieu of publication of the entire ordinance, a summary thereof in compliance with Section 50-901A, Idaho Code, may be published.

DATED this 7th day of January, 2020.

CITY OF KUNA



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Joe L. Stear, Mayor

ATTEST:

  
Chris Engels, City Clerk