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.4 Hearing Rules

- **.4.1 Fair Hearing**

In the conduct of a public hearing, every Board is acting in a quasi-judicial capacity. The parties involved are entitled to and deserve their constitutional right of "due process of law." Therefore, every hearing shall be open to the public and each member of the Board shall approach his task in a fair and impartial manner with an open mind. Each member should read the staff report prior to the hearing.

- **.4.2 Chairman's Responsibility**

The Chairman shall conduct the hearing fairly and impartially. He or she should never allow more than one person to speak at the same time. The Chairman should insist that common courtesy and decorum be observed at all times. Bickering, boisterousness, anger, and name-calling should never be permitted. If undue disturbances persist which cannot be controlled, the meeting should be adjourned immediately.

- **.4.3 Conflict of Interest of Member**

In the interest of fairness, a Board member should disqualify himself or herself if the member has a conflict of interest, or if the member harbors any bias, prejudice, or personal interest in the matter to be heard.

- **.4.4 Challenge of Member Due to Conflict of Interest**

A. Any member of the public who challenges the right of a member of the Board to hear the matter due to a conflict of interest or bias, prejudice, or personal interest in the matter to be heard shall do so with factual documentation of the alleged conflict of interest, bias, prejudice, or personal interest.

B. If a Board member does not believe that a conflict of interest exists the remainder of the Board may determine if the challenge has merit before hearing the matter.

- **.4.5 Relevant Commentary and Written Materials**

A. The Chairman should make certain that redundant, repetitive and grossly irrelevant matter is not asserted by any person. Formal court rules of evidence shall not be applicable to public hearings. All statements and evidence shall be relevant to the issues being heard, and of a nature upon which reasonable persons would rely for the conduct of serious matters.

B. While wide latitude should be permitted for persons wishing to be heard, the Chairman should restrict them to statements of fact or expressions of specific opinion on one or more issues involved in the proposals. Irrelevant and redundant statements or evidence should never be permitted by the Chairman.

- **.4.6 Prohibition of Interruptions and Questions**

There should never be interruptions of or questions to a Board member, a party, counsel or a witness from representatives of the news media, from members of the audience, or from any witness, party or counsel during the hearing. Any questions or remarks should always be addressed to the Chairman, who in turn may make inquiry of the witness, party, counsel or other person if appropriate.

- **.4.7 Not a Public Forum**

The Board should never permit itself to be used as a forum or a platform by the advocates of a partisan cause merely as a means of having themselves heard or getting their particular views before the public. In other words, the issues to be discussed and resolved at a public hearing are only those which lawfully belong before the particular Board.

- **.4.8 Summary of Written Materials**

Rarely should long letters or communications be read in full into the record unless they are particularly relevant. In most instances, the staff or department concerned with the hearing can make a digest of the communication or letter, which can be read into the record by the Chairman. The lengthy letter or document may then be filed as an exhibit to become part of the record.

- **.4.9 Use of Microphone**

Anyone who is permitted to speak shall always do so from the podium into a microphone so that his or her remarks may be recorded as well as heard by all present.

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.4.10 Staff Reports

A. Staff and department reports should always be based on facts, the law, and technical considerations. Nevertheless, the staff should always conclude the report with its recommendations for approval or disapproval of the particular issue or issues within the bounds of established board policy, and state the reasons therefore.

B. The report shall be completed in written form at least three days prior to the hearing in order to comply with Sections 3.02.07 and 3.06.04.

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.4.11 Determination By Board

Members should never prejudge a matter and should never bring to their deliberations any preconceived notions or ideas which they might have. In their deliberations, they should be guided by the evidence produced at the hearing and then apply to that evidence the benefit of their own experience and expertise.

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