
***Model Hearing Process
Quasi-Judicial Hearings
John Keller, September 1997
Planning Commission Training Session***

The following is a full hearing procedure adopted from various jurisdictions in Kansas and taken from judicial decisions over the past 20 years. The hearing procedure assumes a change in zoning and not the typical legislative model used for the adoption of ordinances or plans.

Preliminary Business (Typical)

- i. Call to Order
- ii. Role Call; quorum now amended to majority present and voting [KS SB 232]
- iii. Adoption of minutes
- iv. Approval of agenda

Public Hearing

- v. Chair announces the agenda item and calls the public hearing to order
- vi. Chair asks the secretary or staff to specify the request for change
 - a. Staff report (if any) is read
- vii. Chair requests that all participants in the public hearing sign a registry
- viii. Chair announces the hearing procedure and calls or announces any disqualifications on the part of the planning commission (they must leave the room)
 - a. Order of speaking and presentation
 - b. Requests that all persons speaking give their name and address
- ix. Chair requests that the applicant or applicant's agent present the proposal for change

- x. The chair asks for questions and clarifications (**not opinions**)
 - a. Planning commissions question first
 - b. Any member of audience may ask for clarifications

- xi. Chair allows those persons given notification of the hearing by mail to speak first
 - a. Public in favor of the project are allowed to speak first
 - b. Public in favor or wishing to speak generally are now given the floor

- xii. The applicant is allowed to respond (rebuttal) to comments made by those persons who were notified by mail (neighbors)

- xiii. Neighbors are now given the opportunity to respond to the applicant's rebuttal

- xiv. Chair now calls from any comments from the public-at-large

- xv. The applicant is now allowed to respond to any concerns raised by the public-at-large

- xvi. The chair now asks if there are any further comments or rebuttal from the audience.

- xvii. Chair now reads any written comments into the record (letters received from landowners)

- xviii. Chair allows the applicant to make any final rebuttal or statements

- ixx. Chair closes the public hearing - public comment without reopening the hearing is inappropriate

- xx. Chair now opens the discussion by the planning commission - a motion on the table is not required to open discussion
 - a. A motion to table the debate to a definite time for more information to be collected is appropriate
 - b. A motion to table debate to a definitive time is appropriate
 - c. A motion to adjourn to an executive hearing (for definitive time and purpose) is appropriate. No motions can be moved or actions taken in executive session.

- xxi. A motion to approve or disapprove a recommendation is moved. If not seconded, the motion for recommendation dies and is sent to the governing body with no recommendation

- xxii. Each member votes by voice only - giving the reasons for their vote. Abstentions are not

permitted - disqualification was the only choice

xxii. The vote is tallied and recorded. The chair reads the findings and any conditions into the record

xxiii. Next hearing is announced

xxiv. Old business (including tabled items)

xxv. For the Good of the Community (any person may bring informal business or announcements)