

CONDUCT OF PUBLIC HEARINGS

...more specifically

Historic Landmarks Commission Meetings!

OVERVIEW OF PROCEDURAL DUE PROCESS

- Administer and enforce the laws
- Safeguards individuals from arbitrary governmental action
- Provide a reasonable opportunity for public to be heard
- Formality of trial-like hearing not required
- Adequately explain the basis of the decision – a fair and unbiased tribunal

PURPOSE OF PUBLIC HEARINGS



To hear evidence on an issue
and render a decision in an
efficient and fair manner.

PURPOSE OF PUBLIC HEARINGS

The background of the slide is a faded, light-colored image of the Washington State Capitol building. The central focus is the large, ornate dome with a lantern on top. Below the dome, the classical facade of the building is visible, featuring a series of columns and a pediment. The words "LEGISLATIVE BUILDING" are inscribed on the frieze below the pediment. The overall tone is professional and institutional.

- RCW 42.30 – Open Public Meetings Act
- Open to the Public
- No Secret Voting
- Public Notice is required

BASIC REQUIREMENTS

- Treat every person fairly and impartially
- Applicants are nervous and are likely new to the process
- Be on time and be prepared
- Keep control and decorum
- Meetings are recorded
- Avoid surprises

LEGISLATIVE BUILDING

BASIC REQUIREMENTS

- Roberts Rules – Small boards
 - Obtaining the floor is not required
 - Motions don't need to be seconded
 - Informal discussion is permissible when no motion is pending
 - If the issue is perfectly clear to all present, a vote can be taken without a motion
 - The Chairperson can speak without having to take “the chair,” and participates in discussion, motions, and votes on all issues.

DEFINITIONS

- The Chairperson means the presiding officer.
- A motion is a proposal for action.
- To second a motion means that another member agrees with a particular proposal for action.
- To amend is to change, revise, add or delete something.
- The question is the business presented to the Commission for consideration and vote.
- To put the question means to take the vote. (not commonly used on KCLC)
- Quorum is the number of members that must be present to transact business legally.
- To lay a question on the table (or “table the issue”) means that a motion has been put aside temporarily.
- To adjourn means to close a meeting.
- Majority means more than half.



ORDER

- Open Hearing
- Staff Report
- Public Testimony
- Commissioner Questions
- Close Hearing
- Deliberate and Decide

ORDER

- Open Hearing
 - Is there a Quorum?
 - Introductions
 - Explain the process to attendees
 - Ask for ex parte contact or conflict of interest
 - The Sign-in Sheet
- Staff Report
- Public Testimony
- Commissioner Questions
- Close Hearing
- Deliberate and Decide

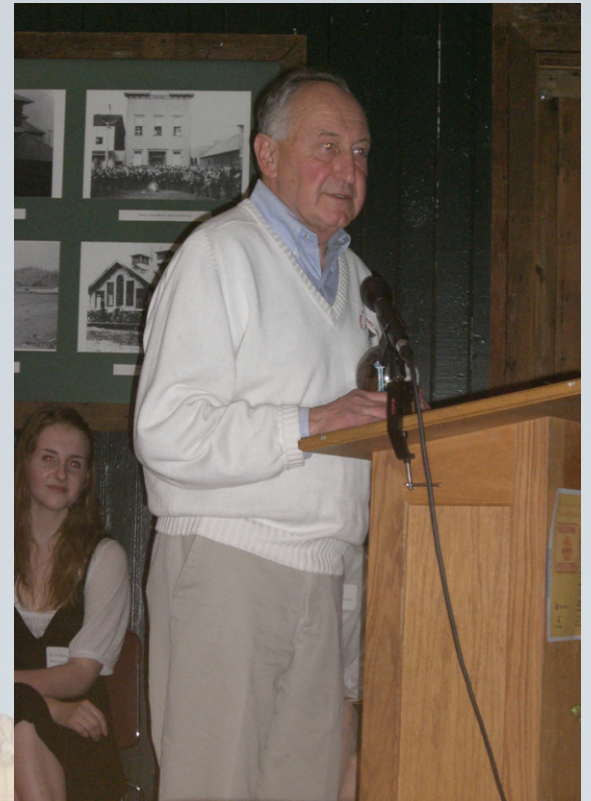
ORDER

- Open Hearing
- **Staff Report**
 - Short and to the point
- Public Testimony
- Commissioner Questions
- Close Hearing
- Deliberate and Decide



ORDER

- Open Hearing
- Staff Report
- **Public Testimony**
 - Speaker introductions
 - Applicants first & last
 - Establish time limits
- Commissioner Questions
- Close Hearing
- Deliberate and Decide



ORDER

- Open Hearing
- Staff Report
- Public Testimony

- **Commissioner Questions**

- Your chance to clarify anything related to the application

- Close Hearing
- Deliberate and Decide



ORDER

- Open Hearing
- Staff Report
- Public Testimony
- Commissioner Questions

- **Close Hearing**

- If all public testimony has been given and there are no more questions

- Deliberate and Decide



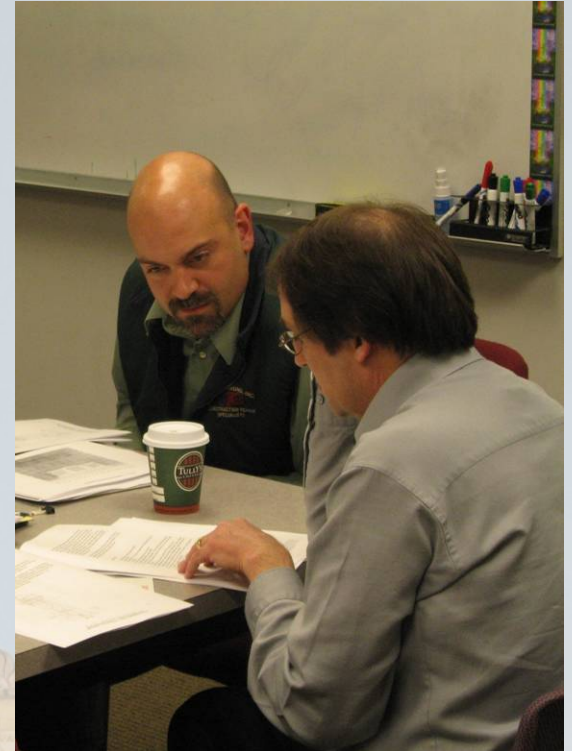
ORDER

- Open Hearing
- Staff Report
- Public Testimony
- Commissioner Questions
- Close Hearing

- **Deliberate and Decide**

- Try not to cause unnecessary delays or hinder the process

- Deliberate the compliance with criteria – don't use "I like..."



ORDER – MAKING A MOTION

Designation

- I move that the [name of property] be
 - designated a King County Landmark
 - designated a City of _____ Landmark
 - given a positive preliminary determination
- based on criteria [A1, A2, A3, A4, or A5]
- the findings “as set forth in the staff report”
- its features of significance “as set forth in the staff report” or “to include _____;”
- its boundaries of significance “as set forth in the staff report” or “to include _____;”

ORDER – MAKING A MOTION

Designation (Alternate)

- I move that this Commission adopt the following findings of fact with respect to the [Name or description of the Property]
- 1.
- 2.
- 3.
- And that said property be designated a _____ landmark
- based on criteria [A1, A2, A3, A4, or A5]
- its features of significance are _____ ,
- and the boundaries of significance are _____

ORDER – MAKING A MOTION

Certificates of Appropriateness (COA)

- I move that the Type [I, II, or III] Certificate of Appropriateness
- For [name of property]
- To [general description of work]
- Be [approved or denied] based on the Staff Report and the recommendation of the Design Review Committee
- [with the conditions as follows:]
- Add any conditions as necessary.

ORDER – MAKING A MOTION

Making a motion – Other

- Custom motions for special circumstances may be needed.
- “I move that....”

LEGISLATIVE BUILDING

ORDER – MAKING A MOTION

Making a motion – So Moved

- Chair states the motion, including all modifications to the basic text of a motion.
- Key words are: “I’ll entertain a motions to....”
- Another Commissioner needs only say “So moved”
- Third Commissioner seconds the motion
- Chair calls for the vote.

ORDER - DECISION DETAILS

The background of the slide is a faded, light-colored image of a grand legislative building. It features a large, ornate dome with a smaller dome on top, supported by a series of classical columns. The words "LEGISLATIVE BUILDING" are visible on the facade below the dome. The overall tone is light and professional.

- If approval, a decision should state that the application meets the criteria
- If denial, a decision should state why the application doesn't meet the criteria.

ORDER - VOTING

- Open Hearing
- Staff Report
- Public Testimony
- Commissioner Questions
- Close Hearing
- **Deliberate and Decide**
 - Voting
 - A majority of commissioners present is required for a motion to pass
 - What happens next?

STICKING POINTS

- Please read your packets. It's unfair to applicants and other commissioners to not be prepared. If you need to receive packets earlier than staff gets them to you, tell us.



STICKING POINTS

- Commission's purpose is not to design a solution, it's to hear what the applicant proposes, and decide if that is an appropriate solution or not.



STICKING POINTS

- You shouldn't use "like" or "dislike". Similarly, you shouldn't use "ugly" or "pretty". Taste is generally not a factor in making your decision.



STICKING POINTS

- Avoid the urge to delay a controversial decision. If you truly need additional information, then deferral may be appropriate. Otherwise, make the difficult decision and move on.



STICKING POINTS

- There are no precedents. Each case is decided on its own merits. However, sometimes it appears as though precedents are set. It may be necessary to explain, in the record, why a different decision is made on “apparently” similar applications.

