

RULES OF PROCEDURE FOR QUASI-JUDICIAL PUBLIC
HEARINGS BEFORE THE PULLMAN BOARD OF ADJUSTMENT

1. The hearing will open with a staff report.
2. Members of the public may be requested to sign a roster of speakers indicating whether they will participate as proponent or opponent.
3. Each member of the public speaking at the hearing shall be administered an oath or affirmation. At the option of the chair, this oath shall be given once to all parties wishing to speak or separately to each speaker prior to providing his/her testimony. If the oath or affirmation is given once to all who wish to speak, the chair shall raise his/her right hand and say:

"Will each of you who expect to testify today, please raise your right hand? Do each of you swear or affirm to tell the truth in the testimony that you give? If so, please answer 'I do.'"

If the oath or affirmation is given to each individual speaker, the chair shall raise his/her right hand and say:

"Do you swear or affirm to tell the truth in the testimony that you give?"

4. No person, including any Board member, shall speak until he/she has been recognized by the chair and has identified him/herself.
5. No person shall address the Board except at the speaker's table and using the microphone.
6. The first time an individual speaks, he/she shall identify him/herself, giving address and nature of interest in the matter. The speaker shall also state how long he/she has lived at that location, and if it is within 300 feet of the subject property.
7. The order of speaking shall be as follows:
 - a) Proponents of the proposal [or Appellants]--no more than 1 hour.
 - b) Opponents of the proposal [or Respondents]--no more than 1 hour.
 - c) Parties neutral to the proposal--no more than 1 hour.
 - d) Reply by proponents to comments made in b) or c)--no more than ½ hour.
 - e) Reply by opponents to comments made in c) or d)--no more than ½ hour.
 - f) Rebuttal by proponents to comments made in e)--no more than ¼ hour.
8. Anyone at the public hearing who has physical evidence of any kind (letters, photos, maps, etc.) shall submit that evidence to the Staff Advisor or Secretary to be entered into the minutes at the time it is presented to the Board. Written testimony, rebuttals, and findings of fact shall be submitted in three copies suitable for copying for distribution. One copy will be for the record, one copy given to the opposite side, and one copy for distribution to Board members. Written testimony will be submitted during the order of speaking (a), (b), or (c) above. Written replies, rebuttals and proposed findings of fact shall be submitted during the order of speaking (d), (e), or (f) above.

9. The Chair, when appropriate, may take questions from the Board members or the audience regarding a speaker's presentation. The individual with a question to ask shall wait until the speaker finishes, and then direct that question to the Chair.
10. Public hearings shall be adjourned and continued to a later date at 11:00 p.m.
11. Prior to hearing the Staff Report, the Chair will ask each Board member the following questions, or such questions as the City Attorney considers appropriate, which touch upon the qualifications of the Board member's ability to fairly and impartially hear the matter before the Board. The Chair shall also indicate his/her answers to these questions.
 - a. "Does any member of this Board have knowledge of having conducted business with either the proponents or the opponents in this proceeding?"
 - b. "Does any member of this Board have either a pecuniary or non-pecuniary interest in the outcome of this proceeding?"
 - c. "Does any member of this Board know whether or not his/her employer has a financial interest in this matter, or has an interest in the outcome of this proceeding?"
 - d. "Does any member of this Board live or own property within 300 feet of the area which is the subject of this proceeding?"
 - e. "Does any member of this Board have any special knowledge of the substance or merits of this proceeding which would or could cause the Board member to prejudge the outcome of this proceeding?"
 - f. "Is there a member of this Board who believes that he or she cannot sit and hear this matter fairly and impartially, both as to the respective positions of the proponents and the opponents in this proceeding?"
 - g. "Is there any member of this audience who, because of the 'Appearance of Fairness Doctrine,' wishes to disqualify any member of this Board from hearing this matter? If so, please state the name of the Board member and the reason or reasons you believe that member should be disqualified because of the 'Appearance of Fairness Doctrine.'"
12. After the Board members have been qualified, the Chair shall read the following:

The laws of the State of Washington provide that, "During the pendency of any quasi-judicial proceeding, no member of a decision-making body may engage in ex parte communications with opponents or proponents with respect to the proposal which is the subject of the proceeding. This prohibition does not preclude a member of a decision-making body from seeking in a public hearing specific information or data from such parties relative to the decision if both the request and the results are a part of the record. Nor does such prohibition preclude correspondence between a citizen and his or her elected official if any such correspondence is made a part of the record when it pertains to the subject matter of a quasi-judicial proceeding."