

Pinellas County

Sec. 134-14. - Quasi-judicial proceedings before the board of county commissioners.

- (a) *Purpose and intent.* The Board of County Commissioners ("Board") has prepared these rules in an attempt to encourage public participation during quasi-judicial hearings in a manner consistent with the requirements of law. As part of that effort and within the confines of the law, the board intends its hearings to be informal and not intimidating for the public, while recognizing the need for certain structure to maintain orderly hearings. Notwithstanding the procedures established in this section, the board may modify these procedures to effectuate the effective presentation of evidence.
- (b) *Applicability of these procedures.*
 - (1) *Quasi-judicial proceedings.* These procedures apply to all quasi-judicial proceedings heard by the board regardless of the capacity in which the board is sitting. Examples of quasi-judicial proceedings include but are not limited to: site specific land use decisions and site specific rezonings (provided they involve policy implementation), development of regional impact hearings, water and navigation control authority permits, conditional use permits, solid waste permits, fortunetelling, and administrative appeals.
 - (2) *Legislative proceedings.* Utilization of these procedures by the board when sitting in its legislative capacity does not change the character of the legislative proceeding nor does it confer any additional rights or remedies upon any person or party.
- (c) *Pre-hearing submittals.*
 - (1) *Continuing record of qualifications.* The board's clerk shall maintain a file with the most recent copies of resumes previously filed with the clerk by county staff and agents speaking on behalf of proponents and opponents.
 - (2) *Application.* The applicant shall make application as provided in the procedures established for the individual decision being requested.
 - (3) *Staff/agency recommendation.* To the extent that the applicable procedure requires a staff review and written recommendation to be presented to the board, that written recommendation shall be completed and available for public inspection no later than three weeks prior to the hearing before the board.
 - (4) *Written presentation.* No later than one week prior to the scheduled public hearing before the board, any applicant, proponent, or opponent may submit any written arguments, evidence, explanations, studies, reports, petitions or other documentation for consideration by the board in support of or in opposition to the application. All written submissions must be on 8½ × 11-inch paper. No written materials will be accepted by the board at its hearing unless, in the board's discretion, acceptance is necessary to decide the issue. Written comments submitted shall be considered and entered into the record of the meeting in accordance with subsection 134-14(e), below.
- (d) *Public hearing before the board of county commissioners.*
 - (1) *Generally.* It is the expectation that the hearing will be as informal and nonintimidating as possible. All members of the public who address the board shall first be identified for the record and shall utilize the speaker's lectern to allow his comments to be recorded. Each other person who addresses the board shall speak from the speaker's lectern and shall provide the speaker's name, address and whether the speaker speaks on behalf of others.
 - a. *Time limitation guidelines.* It is expected that presentations will be organized and efficiently presented. As a guideline to presentations, in addition to the written comments submitted as part of the preliminary record, it is expected that persons in the following status will prepare their discussions and comments to be completed within the prescribed time limits:
 - 1. The applicant should present his or her entire case in 20 minutes.

2. Persons who have been authorized to represent an organization with five or more members or a group of five or more persons should, to the maximum extent possible, limit their presentation to 20 minutes. It is expected that others in the organization or group waive their time.
 3. All other persons may speak up to a total of three minutes each.
- b. *Registration of proponents or opponents.* To the extent possible, persons who desire to make presentations as proponents or opponents of an item should, prior to the meeting at which such item is to be heard, register with the board's clerk on the forms provided. Five or more persons deemed by the board to be associated together or otherwise represent a common point of view, as proponents or opponents on an item may be requested to select a spokesperson.
- (2) *Order and subject of appearance.*
- a. *Initial presentation by staff.* County staff shall make the initial presentation to the board regarding any item under consideration. After completion of the staff presentation, the board may make inquiries of staff at this time. Affected parties may ask questions of, or seek clarification from, staff by request through the chair at the time that party makes its initial presentation to the board.
 - b. *Proponents' presentation.* After staff presentation, the applicant(s) shall be allowed to make a presentation to the board based on the time limitation guidelines outlined in the immediately preceding subsection 134-14(d)(1)(a), above. After presentation by the applicant(s), proponents of the item or request shall be allowed to speak based on the time limitation guidelines outlined in the immediately preceding subsection 134-14(d)(1)(a), above.
 - c. *Inquiry of proponents.* During and after the proponents' presentation, the board shall have an opportunity to comment or ask questions of or seek clarification from the proponent(s). The board may allow staff to comment, ask questions of or seek clarification from the proponent(s) at this time. After completion of the proponent's presentation(s), affected parties may ask questions of or seek clarification from the proponent(s) by request through the chair at this time.
 - d. *Opponent's presentation.* After board and staff inquiry of the proponents, opponents of an item or request shall be allowed to speak based on the time limitation guidelines outlined in the immediately preceding subsection 134-14(d)(1)(a), above.
 - e. *Inquiry of opponents.* During and after the opponent(s)' presentation, the board shall have an opportunity to comment or ask questions of or seek clarification from the opponent(s). The board may allow staff to comment, ask questions of or seek clarification from the opponent(s) at this time. After completion of the opponent(s)' presentation(s), affected parties may ask questions of or seek clarification from the opponent(s) by request through the chair at this time.
 - f. *Staff response and summary.* After inquiry of the opponents, the staff shall be allowed an opportunity for response to the presentations by the applicant, proponents and opponents and a summary with any changes in position after consideration of relevant public comment. Proponents and opponents who believe that the staff response includes errors of fact or law may ask for any may be allowed an opportunity to point out such errors of fact or law.
 - g. *Applicants' rebuttal presentation.*
 1. Applicants' rebuttal shall be allowed only in items where there is an applicant other than the board or board staff itself. After staff response, the applicant shall be allowed an opportunity for rebuttal. Rebuttal should be limited to five minutes unless otherwise set by the board. Rebuttal shall only address previous comments.

2. Proponents, opponents and staff who believe that the rebuttal presentation includes an error of fact or law may ask for and may be allowed an opportunity to point out such error of fact or law.
- h. *Board and staff inquiry.* After staff, proponents and opponents have made presentations as outlined above, the board shall have a final opportunity to comment or ask questions of any proponent, opponent or staff member. The board may allow staff to respond to comments of a proponent or opponent at this time.
 - i. *Limit on presentations.* No person who has made a presentation for or against an item at a given meeting shall be allowed to make additional comment as of right. In the event that such additional comments are allowed, in the board's discretion, such additional comments shall not be allowed until after all other persons on the same side of the issue have had an opportunity initially to comment or make presentations.
 - j. *Closing of public comment.* For those matters in which public comment is heard by the board, the chair shall close the public comment portion of the meeting on that item upon the conclusion of the last appropriate speaker's comments or, in the board's discretion, if no new relevant information is being presented. No additional public comments shall be allowed, except in specific response to questions by members of the board.
- (3) *Miscellaneous.*
- a. *Organizational or group speakers.* Prior to presenting his/her case, any person representing an organization or other persons shall indicate who he/she represents and how he/she received authorization to speak on behalf of such organization or group of persons. The board may make further inquiry into the represented authority of such person if necessary.
 - b. *Restrictions on testimony or presentation of evidence.* Notwithstanding any provisions herein, any board member may interrupt and/or stop any presentation which discusses matters which need not be considered in deciding the matter then before the board for consideration. At any board proceeding, the chair, unless overruled by majority of the board members present, may restrict or terminate presentations which in the chairman's judgment are frivolous, unduly repetitive or out of order.
 - c. *Speaker's qualifications.* If their resumes are not already on file with the board's clerk pursuant to the subsection 134-14(c)(1), above, persons addressing the board on issues requiring educational, occupational and other experience should identify those qualifications. The board may inquire as to such qualifications.
 - d. *Elected officials.* Notwithstanding other provisions hereof, the board may allow any elected or appointed public official, or representative thereof, to appear and make presentations at any time with regard to matters under consideration.
 - e. *Continued public hearings.* In any matter it is known that a scheduled public hearing will be continued to a future date certain, the staff report may be abbreviated and public comment may be limited to those persons who state that they believe they cannot be available to speak on the date to which the public hearing is being continued. Such persons may make their comments at the then current meeting; provided, however, that upon making their comments, such persons shall waive the right to repeat or make substantially the same presentation at any subsequent meeting on the same subject. This waiver shall not preclude such persons from making different presentations based on new information or from offering response to other persons' presentation, if otherwise allowable, at any subsequent meeting.
- (e) *The record.*
- (1) *Automatically included in the record.* The following documents shall automatically be included in the record of the hearing before the board:
 - a. The record from any preliminary hearing, the agenda packet, the staff report, and the transcript of the hearing before the board;

- b. The most recent copies of resumes previously filed with the clerk of the circuit court of county staff, proponents, opponents, and their agents, speaking on the particular matter; and
 - c. Written comments and documents previously entered into the record at a prior board meeting on the particular matter.
- (2) *Items which shall be placed in the record.* Any additional documents, exhibits, diagrams, petitions, letters or other materials presented in support of, or in opposition to, an item to be considered by the board shall be entered into the record, as long as it was received by the board's clerk or the applicable Pinellas County department seven days prior to the date of the hearing.
 - (3) *Additional evidence.* Except pursuant to subsection 134-14(c)(4), above, any additional written or documentary evidence filed within seven days of the date of the hearing may not become part of the record.
 - (4) *Custodian.* The board's clerk shall be the official custodian of the record.
 - (5) *Exhibits.* Unless an oversized exhibit is absolutely essential, documentary paper or photographic exhibits should not exceed 24 inches by 36 inches and, if mounted on a backboard, shall be removable therefrom. All documentary evidence should be capable of being folded and filed.

(Ord. No. 09-7, § 2, 2-17-09)

Editor's note— Section 1 of Ord. No. 96-23, adopted Feb. 20, 1996, set out to add § 134-30 to this Code, which the editor has codified as § 134-14 to maintain consistency in this Code.