



A C H I E V E A N Y T H I N G

Quasi-Judicial Procedure

Uniform Land Development Code §§ 2-79 – 2-84

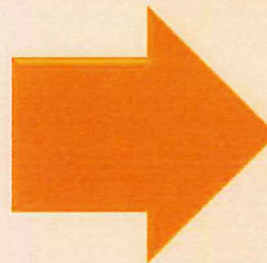
Revised 7/10/2018

Quasi-Judicial Matters Defined

§ 2-82



Decision involving
the
IMPLEMENTATION
– rather than the
formation – of City
policy



Required to
investigate facts,
hold hearings,
weigh evidence,
draw conclusions,
exercise discretion
of judicial nature

Quasi-Judicial Matters Include:

§ 2-82



Site-specific rezoning of land that impacts a limited number of persons

Applications for special exceptions

Applications for preliminary and final plats

Applications for variances from the ULDC

Appeals from an administrative determination of staff

Vacation of easements

Overview of Procedure



§ 2-83(a)



Revised 7/10/2018

Quasi-Judicial Procedure (cont.)

§ 2-83(a)(1)-(2)



Introduction

- Chair calls and introduces case
- Swearing in

All
persons
testifying

Attorneys

Public
comment



Quasi-Judicial Procedure (cont.)

§ 2-83(a) (3)

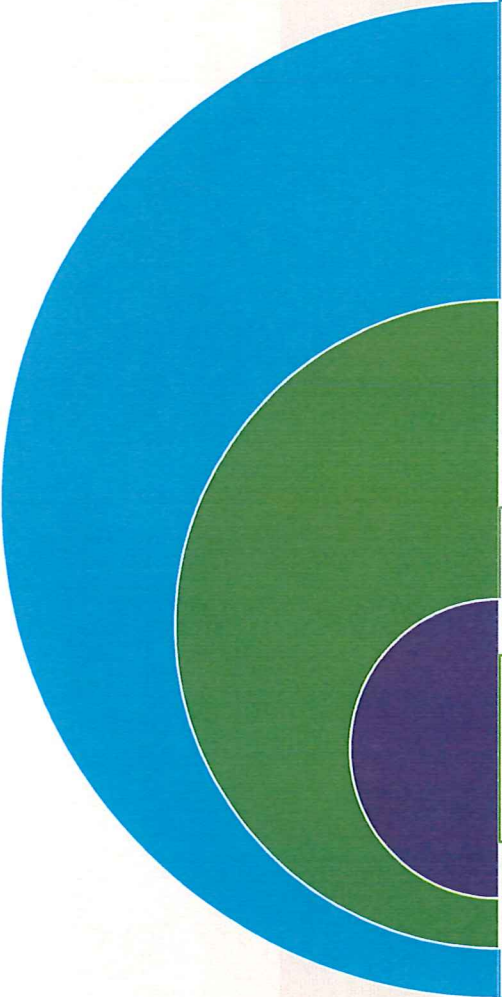


Ex Parte Disclosures

- Disclose subject of communications, investigations, site visits
- Disclose identity of person/group with whom communication took place

Ex Parte Definition

§§ 2-80, 2-84(a)

Three concentric semi-circles on the left side of the slide. The outermost is blue, the middle is green, and the innermost is purple.


ANY verbal or written expression made to a Board member outside the presence of all interested parties regarding the merits of any matter on which action may be taken by this Board.

Presumed to be prejudicial

Unless disclosure procedure followed

Ex Parte Disclosure

§ 2-84(b)

A large, thick blue arrow that curves from the top left and points towards the right, framing the text "Make Part of the Record".

**Make Part
of the
Record**

- The subject of all discussions
- All written communications
- The existence of investigations and site visits
- Any expert opinions

Ex Parte Disclosure (cont.)

§ 2-84(b)



When to Make Disclosure

- Before or during meeting at which a vote is taken
- Persons who have opinions contrary to those expressed *ex parte* need to be given a reasonable opportunity to refuse or respond

Quasi-Judicial Procedure (cont.)

§§ 2-83(a)(4)a



Presentations

- Order:
 - (1) Applicant
 - (2) City staff
 - (3) Aggrieved or adversely affected person
- Time limit: 20 minutes

Quasi-Judicial Procedure (cont.)

§ 2-83(a)(4)b



Rebuttal

- Order:
 - (1) Applicant
 - (2) City staff
 - (3) Aggrieved or adversely affected person
- Time limit: 5 minutes
- Rebuttal testimony and evidence, cross-examination, impeachment

Evidence - § 2-83(c)(1)



ALLOW

All relevant
evidence

EXCLUDE

Irrelevant

Immaterial

Unduly repetitious

Hearsay - § 2-83(c)(2)



- May be accepted to supplement or explain direct evidence
- Only if it is not offered for the truth of the matter asserted
- Is not sufficient alone

Quasi-Judicial Procedure (cont.)

§§ 2-83(a)(4)c



Public Comment

- Speakers – must take an oath
- Time limits - may be extended by vote if all speakers are allowed the same time

Quasi-Judicial Procedure (cont.)

§§ 2-83(a)(4)d



Questions

The presider and board members may ask questions of any party, witness, or person providing public comment

Quasi-Judicial Procedure (cont.)

§ 2-83(a)(4)e



Closing Argument

- Order:
 - (1) Aggrieved or adversely affected person
 - (2) City staff
 - (3) Applicant
- Time limit: 5 minutes

Quasi-Judicial Procedure (cont.)

§§ 2-83(a)(5)



Action by the Board

- At conclusion of presentation of evidence and testimony, the public hearing will be closed
- Presider entertains any motions
- Board deliberates and votes on motions

Action by the Board

§ 2-83(a)(5)



Standard for Determination

Competent and substantial evidence

Vote Should Include:

1. Finding of facts
- AND**
2. Approval or denial of application