



# CITY OF PULLMAN

## Public Works and Planning Departments

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### MEMORANDUM

TO: Pullman Planning Commission  
FROM: Pete Dickinson, Planning Director  
SUBJECT: Rules of Procedure  
DATE: January 20, 2011

Enclosed, for your reference, are copies of the Commission's revised rules of procedure for quasi-judicial hearings and legislative hearings. These rules, as well as the Commission's bylaws, have been placed on the Planning Commission page of the City of Pullman website.

Enclosures

## RULES OF PROCEDURE FOR QUASI-JUDICIAL PUBLIC HEARINGS BEFORE THE PULLMAN PLANNING COMMISSION

This public hearing is a “quasi-judicial” hearing because it involves the legal rights of specific parties and pertains to a particular geographical area. In these cases, the Commission acts like a judge by determining the legal rights, duties, and privileges of specific parties in the hearing (hence the term “quasi-judicial”). The fundamental purpose of a quasi-judicial hearing is to provide the affected parties due process, which requires notice of the proceedings and an opportunity to be heard.

1. Each person who wishes to speak at this hearing shall register his/her name, address, and position (e.g., proponent or opponent) on the roster before the public input portion of the hearing is initiated. When that part of the hearing begins, the chair will solicit speakers by calling names on the roster. Those individuals wishing to speak who have not signed the roster by the time the public input portion of the hearing starts may be allowed to testify only if the speaker time limits have not been extinguished.
2. No person, including any Commission member, shall speak until he/she has been recognized by the chair and has identified him/herself.
3. No person shall address the Commission except at the speaker’s table and using the microphone.
4. The first time an individual speaks, he/she shall identify him/herself, giving address and nature of his/her interest in the matter.
5. The order of speaking shall be as follows:
  - a) Proponents of the proposal – no more than 30 minutes.
  - b) Opponents of the proposal – no more than 30 minutes.
  - c) Those who are neutral to the proposal – no more than 15 minutes.
  - d) Reply by proponents to comments made in b) – no more than 15 minutes.
  - e) Reply by opponents to comments made in d) – no more than 15 minutes.
  - f) Additional comments from neutral parties – no more than 5 minutes.
  - g) Rebuttal by proponents to comments made in e) – no more than 5 minutes.

The Commission reserves the right to modify these time limits when numerous individuals express interest in speaking.

6. Each individual may speak for five minutes or less, depending upon the number who have signed the speakers’ sheet. Nothing in these rules shall prevent a person at the hearing from yielding his/her allotted five minutes or any part thereof to another speaker. In the event that no further speakers wish to speak in a given time period, people may be allowed to speak for a second time or for more than five minutes, but not to exceed the total time allotted per side per presentation.
7. 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 record at the time it is presented to the Commission. Written testimony, rebuttals, and findings of fact shall be submitted in at least three copies suitable for copying and distribution. One copy will be for the staff, one copy given to the opposite side, and one copy for distribution to Commission 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), (f), or (g) above.
8. Speakers are discouraged from reading verbatim any letters that are already in the public hearing record, although it is acceptable for speakers to summarize such letters during their testimony.

9. The Chair, when appropriate, may take questions from the Commission members or 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 continued to a later date at 11:00 p.m. unless a majority of the quorum present accept an extension of a finite period of time.
11. All members of the public speaking at the hearing shall be administered an oath or affirmation. [The chair shall raise his/her right hand and say:]

"Will each of you in the audience who expects 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.'"
12. Prior to hearing the Staff Report, the Chair will ask each Commission member the following questions, or such questions as the City Attorney considers appropriate, which touch upon the qualifications of the Commission member's ability to fairly and impartially hear the matter before the Commission. The Chair shall also indicate his/her answers to these questions.
  - a. "Does any member of this Commission have knowledge of having conducted business with either the proponents or the opponents in this proceeding?"
  - b. "Does any member of this Commission have either a financial or personal interest in the outcome of this proceeding?"
  - c. "Does any member of this Commission 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 Commission live or own property within 300 feet of the area which is the subject of this proceeding?"
  - e. "Does any member of this Commission have any special knowledge of the substance or merits of this proceeding which would or could cause the Commission member to prejudge the outcome of this proceeding?"
  - f. "Is there a member of this Commission 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 Commission from hearing this matter? If so, please state the name of the Commission member and the reason or reasons you believe that member should be disqualified because of the 'Appearance of Fairness Doctrine.'"
13. After the Commission 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."
14. The hearing will open with a staff report.

RULES OF PROCEDURE FOR LEGISLATIVE PUBLIC  
HEARINGS BEFORE THE PULLMAN PLANNING COMMISSION

This public hearing is called a "legislative" hearing because it is designed to solicit citizen comments on a matter of general significance to the community.

1. Each person who wishes to speak at this hearing shall register his/her name and address on the roster before the public input portion of the hearing is initiated. When that part of the hearing begins, the chair will solicit speakers by calling names on the roster.
2. No person, including any Commission member, shall speak until he/she has been recognized by the chair and has identified him/herself.
3. No person shall address the Commission except at the speaker's table and using the microphone.
4. The first time an individual speaks, he/she shall identify him/herself, giving address and nature of his/her interest in the matter.
5. The chair may impose time limits on each speaker, depending on the total number of individuals wishing to speak.
6. 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 record at the time it is presented to the Commission. Documents shall be submitted in at least two copies suitable for copying and distribution. One copy will be for the staff, and the other copy will be for distribution to Commission members.
7. Speakers are discouraged from reading verbatim any letters that are already in the public hearing record, although it is acceptable for speakers to summarize such letters during their comments.
8. The Chair, when appropriate, may take questions from the Commission members or 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.
9. Public hearings shall be continued to a later date at 11:00 p.m. unless a majority of the quorum present accept an extension of a finite period of time.
10. The hearing will open with a staff report.