

SUMTER COUNTY QUASI-JUDICIAL PROCEDURES

1. At the start of the quasi-judicial hearing, take the following steps:

a. READ THE FOLLOWING STATEMENT:

“If any individual plans to speak or offer testimony during any of the public hearings listed on the agenda, which are quasi-judicial in nature, please rise and be sworn in by the Clerk.”

b. The Clerk then swears in those individuals wanting to give testimony.

c. READ THE FOLLOWING STATEMENT:

“Please note that only competent, substantial, fact-based testimony or evidence will be considered by the Commission in deciding the quasi-judicial matters listed on today’s agenda. Pure speculation or mere opinion, not based on competent facts, cannot be legally considered by the Commission in weighing the appropriateness of the quasi-judicial application. Lay testimony with fact-based support (e.g. minutes, surveys, engineering reports, etc.) may be considered competent and substantial evidence.”

“If you intend to speak or offer testimony on a public hearing agenda item that is ‘quasi-judicial,’ please keep these standards mind. Finally, when you approach the podium to speak on a quasi-judicial matter, be sure to state and spell your name, state your complete physical and mailing address, and state whether or not you have been sworn.”

2. The following steps should then be followed:

a. Read the title of the agenda item for the public hearing.

b. READ THE FOLLOWING STATEMENT:

“Does any Commissioner have a Conflict of Interest or Ex Parte communications to disclose?”

Explanatory Note: If Yes, the particular Commissioner needs to disclose the conflict and abstain from discussion or voting as required. Ex Part Communications are communications whether verbal or written that a Commissioner has had with any person or entity with regard to the petition that has occurred outside the noticed hearing being conducted. If there are ex parte communications to disclose, please state for the record the content of that communication, and the identity of the parties involved in the communication. Please note that any written communications should be submitted to the Clerk to be included in the record.

c. READ THE FOLLOWING STATEMENT:

“Anyone who feels that they may be adversely affected greater than the General Public, defined as those who have received specific notice of the hearing because they are within the 500 foot distance from the parcel in question, may intervene as a Party. If you are an eligible intervening party, and desire to provide testimony or cross-examine adverse witness, please come to the podium and state your name and the basis for your intervening status.”

d. READ THE FOLLOWING STATEMENT:

“The Commission already has credentials on file for _____, Director of Development Services, and upon consensus qualifies him as an expert witness in the field of land use planning and development and zoning. Is there an expert witness on behalf of the applicant?”

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Explanatory Note: For any non-County expert, the individual is to present their qualifications and credentials to the Commission, and the Commission is to vote to either recognize and accept the individual as an expert, or not.

- e. Staff Presentation. Staff is recognized to offer the staff presentation and recommendation.
- f. Applicant's Presentation. The Applicant or Applicant's Agent is called to give the applicant's presentation.
- g. Intervening Parties. In addition to being able to cross-examine staff or applicant witnesses, the Intervening Parties have an opportunity to give their presentation in support or opposition.
- h. Public Comment. Read the following: ***"Is there anyone from the public who wishes to comment on the matter?"***
- i. Applicant's Rebuttal. Read the following: ***"Does the applicant have any rebuttal to offer the Commission?"***
- j. Commission Questions and Answers: Commissioners are to ask questions of staff or experts in order to clarify facts for accuracy or to gain new insight.
- k. Conclusion of Evidence and Testimony. Read the following: ***"This concludes the evidentiary portion of this hearing. The matter is now before the Commission for consideration."***
- l. Commission Action.

- 1. To Approve As Recommended:

Motion to approve the request consistent with the findings of fact and conclusions of law set forth in the Special Master's Recommendation, including any conditions of approval.

- 2. To Approve With Modifications to the Recommendation:

Motion to approve the request consistent with the findings of fact and conclusions of law set forth in the Special Master's Recommendation, with the following modifications or additions: {Describe in detail the modifications or additional conditions.}

- 3. To Deny As Recommended:

Motion to deny the request consistent with the findings of fact and conclusions of law set forth in the Special Master's Recommendation.

- 4. To Deny (Contrary to Staff or Special Master Recommendation)

Motion to approve/ deny the request based on the following factual findings: {state specific facts related to the Petition at issue included in the staff report or testimony.}

- 3. REPEAT STEP 2 FOR EACH HEARING.