

**DA CLOSED RECORD HEARINGS**  
**Rules of Procedure**

1. Order of hearing (per the agenda); 3 hours per night maximum.
2. Established schedule of continued sessions of hearing is: September 21, September 26, September 29, October 3, October 4, October 5, October 6, October 8, and October 10. All sessions will be held at the Black Diamond Elementary School Gymnasium, 25314 Baker Street. All sessions will start at 6:30 p.m. except the October 8 session which will start at 9:00 a.m. .
3. 60 minutes each for staff presentation, applicant presentation (for both applications combined). Applicant can expand time if necessary.
4. Statements from parties of record (for both applications, combined)
  - Parties of record shall include any person, but excluding expert witnesses who appeared on behalf or at the behest of another, who timely submitted written or verbal comments to the Examiner on the Development Agreements.
  - 10 minutes maximum per individual.
  - Parties may speak only once during the hearings.
  - Sign-in at the hearing required.
  - Parties of record who wish to speak on a reserved date and time slot may sign up during the hearing to speak on either Monday October 3 or Tuesday, October 4, 2011. On all other days, Parties will be called to speak per order of the running sign in sheet. If not present when called, a party will be moved to the back of the list. If again not present when called a second time, a party forfeits their right to speak. **On October 8, 2011 the running sign-up sheet will be available at the hearing for the first hour (9:00 am until 10:00 am). Only those parties of record who signed up prior to 10:00 am on the running sign-up sheet will be allowed to speak.** This portion of the proceedings will close when there are no new parties to call upon.
  - Parties of record may cede their entire 10 minute allocation to one other party of record, provided they are present at hearing to cede their time and identify themselves. Up to a maximum of 5 parties of record can cede their time to

another party of record, so that no person may speak for more than 60 minutes. Parties of record who have a disability or a relevant reason (i.e. vacation) that prevents them from being present at the hearing need not be present to cede their time, but shall do so in writing.

- Any representative of an organization (which is a party of record) can speak on behalf of the organization.
  - Direct statements only (no Council or staff response to speaker's questions).
  - Only Council may ask clarifying questions of parties at the conclusion of their allotted time.
  - No cross-examination of speakers will be allowed.
  - Objection to admissibility of statements must be in writing and submitted to the City Clerk by 5:00 p.m. the following day.
  - Copies of exhibits from the official record of the open record hearing can be obtained at cost. However, map and graphic exhibits will be available during the hearings as provided by the applicant. The full record of both the open and closed record hearings will be available to City Councilmembers during Council deliberations.
  - All written statements must be submitted at the hearing. One statement per party of record, maximum length of 25 pages doubled spaced. Items will be accepted through the close of the parties of record statements (prior to staff and applicant closing statements).
5. Staff response to oral statements of parties of record (1 hour maximum)
  6. Applicant response to oral statements of parties of record (1 hour maximum)
  7. Staff and applicant will be granted 5 business days from the close of the parties of record statements to respond in writing, not to exceed 10 pages, to written statements from parties of record. These responses will be posted to the City's website. Parties of record will be granted 3 business days from the date of posting to respond in writing, not to exceed 10 pages, to staff and applicant's written responses to written statements, and these responses will be posted to the City's website. Staff and the applicant will then have three additional business days after such posting to respond in writing, also not to exceed 10 pages, after which

the written record will be closed. All submissions provided by staff, applicant or parties of record must be received by the City Clerk by 5:00 p.m. on the due date.

8. Council deliberations: in open session and reserving the right for closed sessions if needed.
  - direct staff/City Attorney to prepare findings & conclusions to support whatever decision is reached
  - adopt an ordinance to either approve, deny or modify