



**UPPER BIG BLUE NATURAL RESOURCES DISTRICT
RULES AND REGULATIONS**

RULE 2: INFORMAL PUBLIC HEARINGS

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**RULE 2
CONDUCT OF INFORMAL, NON-ADJUDICATORY PUBLIC HEARINGS**

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CHAPTER 1 CALLING PUBLIC HEARINGS

- 01 Matters, which under the law may be acted upon with a hearing, may be handled by correspondence.
- 02 The District may at any time, on its own motion, order any public hearing which the District is authorized, either by law or by inherent authority, to conduct and, after giving notice, conduct such hearing in the manner as hereinafter provided.

CHAPTER 2 NOTICE

- 01 Notice shall be given of all public hearings held by the District.
- 02 Unless otherwise provided by law, such notice shall be published at least once in a newspaper of general circulation in the District, or in the specific geographic area which is affected by the business of the hearing.
- 03 The publication shall be made at least seven days prior to the date of the hearing.
- 04 The published notice shall contain information as to the date, time, place, and purpose of the hearing.

CHAPTER 3 PRESIDING OFFICER OR HEARING EXAMINER

- 01 The chairman of the district or a delegate appointed by the chairman shall serve as presiding officer over the hearing.
- 02 The presiding officer shall, in all cases, be a member of the board.
- 03 The presiding officer may appoint a hearing examiner for the purpose of assisting in the conduct of the hearing.

CHAPTER 4 POWERS OF OFFICER OR EXAMINER

- 01 The presiding officer or hearing examiner shall, among other things:
 - 01.01 open the proceedings;
 - 01.02 enter into the record the notice given of the hearing;
 - 01.03 take appearances;
 - 01.04 accept and see that exhibits are properly numbered;
 - 01.05 answer questions asked or call upon other persons present to answer questions asked; and
 - 01.06 close the proceedings.



**CHAPTER 4 (Cont.)
POWERS OF OFFICER OR EXAMINER**

- 02 The presiding officer and hearing examiner have no power, acting alone, to take any action involving a final determination from the proceedings, when action by law is required of the District.
- 03 The record in any hearing shall not be affected by any change of presiding officers or examiners during the conduct of that hearing.

**CHAPTER 5
OATH NOT REQUIRED**

- 01 No person shall be required to be sworn or take an oath prior to presenting any evidence, which may consist of any oral or written question, statement or testimony and any document.

**CHAPTER 6
RECEIPT OF EVIDENCE**

- 01 Evidence at a public hearing will ordinarily be received in the following sequence:
 - 01.01 District board members and staff;
 - 01.02 federal and state governmental agencies;
 - 01.03 other political subdivisions;
 - 01.04 all other persons in the order as the presiding officer shall, at his or her discretion, choose.
- 02 All persons shall be given the opportunity to be heard on matters relevant to the business and purpose of the hearing.

**CHAPTER 7
PRESENTATION OF EVIDENCE**

- 01 All persons presenting evidence at a hearing shall first state:
 - 01.01 their full name and address; and
 - 01.02 declare whether they are appearing on their own behalf or on behalf of another person or organization, in which case such person or organization represented shall be named.

**CHAPTER 8
PROPRIETY OF EVIDENCE**

- 01 All evidence presented at the hearing is to be directed at the business and purpose of such hearing.
- 02 Any evidence not directed at the business and purpose of the hearing, or which is cumulative or repetitive, shall, at the request of the presiding officer or hearing examiner, be terminated and excluded from the record.



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CHAPTER 9 STAFF EVIDENCE

- 01 In addition to statements and evidence presented by any other person, the District board may, through the district staff or otherwise, secure and present such statements and evidence as it may consider necessary or desirable.
- 02 Evidence shall include a copy of notice given for the public hearing and a statement explaining the business and purpose of the hearing.

CHAPTER 10 RECORD MADE

- 01 A record shall be made of the hearing proceedings, with the evidence presented being a part thereof.
- 02 Such record may consist of written statements and any other documentary evidence along with tape recordings of oral evidence or such transcripts as deemed necessary by the District.

CHAPTER 11 RECORD HELD OPEN

- 01 The record of public hearings may be held open at the discretion of the presiding officer for submission of any evidence not available or presented at the time of the hearing.
- 02 At the designated time the hearing shall be closed by the presiding officer or hearing examiner after the inclusion of any evidence submitted and accepted.

First Adopted: [September 9, 1975](#)
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