

Sandy City Council
Legislative Policies and Procedures

Original Approval Date:

Revision:

Chapter:

Section:

Date Council Approved:

SUBJECT: Public Hearings

BACKGROUND:

State law requires that certain decisions before the City Council must be made after a public hearing on the matter is conducted. This policy is intended as a guide to the Council, staff and the public for how those hearings are conducted.

POLICY:

A. General Public Hearing Procedure:

1. City staff provides an overview and/or recommendation on the subject item.
2. If the public hearing pertains to a land use, budgetary, or other decision for a specific project, the project representative may provide information about the project.
3. Council Members may offer comments or ask questions of the staff and/or the project representative.
4. Public comment is taken on the subject item.
 - a) Each member of the public desiring to address the City Council is allowed to speak for no more than 3 minutes on any issue, unless the time to speak is extended by the Chair or a majority vote of the Council. The sole spokesperson for an organization or defined group may speak for up to 5 minutes on behalf of the group.
 - b) It is not beneficial to repeat same points already made by previous speakers as it takes away time from others who may want to speak.
 - c) Any person desiring to address the Council a second time should wait until all others have spoken before being allowed to speak a second time on the same issue.
 - d) The Chair may ask each member of the public who desires to speak to

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form a line behind the first speaker. If no one is in line the chair may close public comment.

- e) Public comments are directed to the Council and persons will refrain from talking to staff and/or the applicant while they are presenting information to the Council.
5. Public comment is closed. Council Members may ask questions or offer comments to staff and/or the project representative based on information provided in public comment. Unless a Council Member requests further information from a member of the public who has previously addressed the Council, there is no further public comment.
 6. The City Council deliberates and takes appropriate action.

B. Civil Discourse

1. All persons should avoid undermining the integrity or dignity of others in the meeting. Clapping, booing, cheering or other signs of support or opposition to the proposal is not permitted.
2. Persons should refrain from leaving their seats or making any noise or disturbance while a vote is being taken and until the results are declared.
3. Persons not following these guidelines may be asked, after a 2/3 vote of the Council, to leave their seat for the remainder of the meeting. Any person not honoring the request of the Chair to leave the meeting would be deemed guilty of disturbing an official meeting in violation of Section 7-8-11 of the Revised Ordinances of Sandy City and would be guilty of a Class B Misdemeanor.

C. Petitions

1. A petition is a request of the City Council to take or refrain from some action signed by multiple individuals. Unless otherwise provided by law, a petition does not obligate or bind the City Council. Petitions are generally more persuasive if specific; arguments should be supported by evidence. Opinions or speculation are less persuasive despite being held by multiple individuals.
2. The City Council does not prescribe the form that a petition must take. Petitions are more effective if they include basic information such as name, addresses, and contact information so the City Council and/or staff can verify that signers are Sandy residents and follow up for additional information. It is helpful if the primary advocate or advocates leading the petition are identified and contact information provided.

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3. City Council agendas are generally published on Friday before the Tuesday meeting. In order for a petition or other form of correspondence to appear in the Council's agenda packet, it must be delivered to the City Council Office by the close of business on Thursday prior to the Tuesday City Council meeting. Petitions or other correspondence provided after this deadline will be provided to the City Council at, but not prior to, the meeting in which the subject item is heard.

D. Land Use Decisions Based on Evidence

1. Utah state law requires that land use decisions must be based on credible, substantial evidence. "Credible" evidence includes such things as verifiable facts, expert opinion, and recognized methods and processes. Lay opinions, speculation, beliefs, feelings, and thoughts generally classified as "public clamor," are not relevant and are not considered "credible" evidence. "Substantial," as explained by court decisions, is more than a shred or scintilla of credible evidence; but, as court decisions also explain, "substantial" does not mean that all the evidence available must support the decision of the City Council. Even a "preponderance" of, or "weight" of, or the "most" evidence presented, need not support the decision of the Council.
2. Public sentiment is not substantial evidence. Evidence is independent—it stands on its own and is not based on public opinion. For the average person, either participating in a land use decision as a member of the appeal authority or as a citizen, his opinion is not evidence. Evidence is the justification—the facts—that are the basis for the opinion.