

CHAPTER 2
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RULES OF PROCEDURE

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CHAPTER 2

ARTICLE 5

RULES OF PROCEDURE

2-5-1 Purpose and Applicability

The purpose of the Administrative Rules of Procedure contained herein is to provide a uniform, consistent and expeditious method of procedure for the conduct of all Hearings held before the Board of Trustees, or any Board, Commission, or official of the Town. The provisions of this Section shall be applied uniformly in all such Hearings; provided, however, that any Board, Commission, or official may supplement the provisions hereof by the adoption of further rules of procedure not inconsistent herewith. All rules adopted to supplement the provisions of this Section by any Board, Commission or official shall be reduced to writing and copies thereof shall be made available to the public.

2-5-2 Quasi- Judicial Hearings

The provisions of Sections 2-5-2 through 2-5-7 shall be applicable only to those Hearings where the Board of Trustees, Board, Commission or official is called upon to exercise a power of quasi-judicial nature, which, for purpose of this Article, shall be deemed to consist of the following:

- (a) Hearings before the Board of Trustees upon application for the issuance, or Hearings for the suspension or revocation of liquor or fermented malt beverage licenses; upon Ordinances which zone or re-zone realty; and upon all appeals from the decisions of any city official, board or commission, where such an appeal is otherwise authorized, and which requires an evidentiary Hearing to determine such appeal.
- (b) Hearing before the Board of Zoning Adjustment upon appeals from any decision of the Building Inspector or upon request for a variance or exception from the terms of any Section of this Code.
- (c) Hearing before any Board, Commission or official respecting the issuance, suspension or revocation of any license issued by the Town.

2-5-3 Rights of Participants

All quasi-judicial Hearings shall be conducted under procedures designed to ensure all interested DUE PROCESS OF LAW and equal protection of the laws and shall, in all cases, provide for the following:

- (a) The administration of oaths to all parties or witnesses who appear for the purpose of testifying upon factual matters.
- (b) The cross-examination, upon request, of all witnesses by the interested parties.
- (c) The stenographic, or other verbatim, reproduction of all testimony presented in the Hearing, or an adequate summary of such testimony.
- (d) A clear decision by the Hearing body which shall set forth the factual bases and reasons for the decision rendered.

2-5-4 Order of Procedure

In all quasi-judicial Hearings, the following order of procedure shall be followed:

- (a) Presentations of those documents showing the regularity of the COMMENCEMENT of the proceedings and the form of the public NOTICE given.
- (b) Presentation of evidence by the applicant, petitioner, appealing party or complainant.
- (c) Presentation of evidence in support of the applicant, petitioner, appealing party or complainant by any other person.
- (d) Presentation of evidence from any person opposing the application, petition, appeal or complaint.
- (e) Presentation of evidence in opposition or rebuttal to the matters presented by the opposition.
- (f) All documents, or other items of physical evidence, shall be marked as Exhibits with such identifying symbols as may be necessary to determine the Exhibit referred to by any witness or other person.

2-5-5 Rules of Evidence

The Hearing body shall be required to observe rules of evidence, and may consider only matters which the chair concludes is reasonably reliable and calculated to aid the Hearing body in reaching an accurate determination of the issues involved.

2-5-6 Deliberation and Notice of Decision

Each Hearing body is hereby authorized to deliberate upon the issues presented at the Hearing in private, non-public sessions; provided that no decision shall be effective, except upon a vote of the members of the Hearing body, conducted in an open session thereof, which shall be duly recorded in the Minutes of the public body. Written copies of all decisions shall be delivered to the applicant, petitioner,

appellant, complainant and other interested party requesting same, within thirty (30) days of the Trustees' decision.

2-5-7 Judicial Enforcement and Review

Any party aggrieved by any decision rendered by the Hearing body in any quasi-judicial Hearing, as well as department heads or authorized officials of the Town, or the Town itself, may apply to have said decision reviewed by a Court of competent jurisdiction, in accordance with the provisions of the Colorado Rules of Civil Procedure.

2-5-8 Administrative Hearings

ALL OTHER HEARINGS before the Board of Trustees of any Board, Commission or official shall be deemed to be Administrative Hearings, the PURPOSE OF WHICH IS TO OBTAIN INFORMATION to enable the Board to determine LEGISLATIVE POLICY or to enable any Board, Commission or official to make recommendations to the Board on pending legislation. Such Hearing shall be conducted in compliance with the provisions of Sections 2-5-9 through 2-5-13 hereof and in such a manner so as to enable any person desiring to be heard a reasonable opportunity for the presentation of his views.

2-5-9 Commencement of Proceedings

All proceedings conducted pursuant to the provisions of this Article shall be commenced in the manner provided by this Section of Statute governing the matter.

2-5-10 Referral to Hearing Body

Upon receipt by the Town Clerk of the Secretary of any Board, Commission or other appropriate officer of the Town of any application, petition, notice of appeal, complaint, or other instrument initiating a Hearing, the same shall be referred to the Board of Trustees, Board, Commission, or official having jurisdiction over the matter, and a date, time and place for hearing thereon shall be set by said Board of Trustees, Board, Commission or official, who shall direct public notice thereof, to be given; provided, however, that the Board of Trustees or any Board or Commission may authorize its Clerk or Secretary to set a date, time and place for Hearing upon receipt of such instrument without the necessity for action by the Board of Trustees, Board, Commission or official.

2-5-11 Public Notice

Public Notice of the date, time and place of the Public Hearing may be given in the manner provided by this Article or Statute. In the absence of provisions

specifically delineating the manner in which public notice is to be given, notice of the date, time, place and purpose of the Hearing to be held may be published once in that newspaper designated by the Mayor, not less than fifteen (15) days prior to the date of said Hearing. Notices may be posted on the bulletin board on the Town Hall and other appropriate public places. Adequate notice shall be given before the commencement of all public hearings.

2-5-12 Preserving Order

The chair shall have the right to preserve order during the Hearing and to take such steps, including the ejection of any disorderly or obstreperous person interfering with the proceedings as may be necessary, and the chair may, prior to any presentations and as a condition to the taking of testimony or information from any person, require the registration of all persons desiring to be heard during the Hearings. It may restrict the testimony of any person to the material issues pending before it and, to prevent duplicative or cumulative presentations, it may impose reasonable time restrictions on any person.

2-5-13 Adjournments

After commencement of any Hearing, the Hearing body may, if it is deemed necessary to obtain a full presentation, adjourn the Hearing from time to time by publicly announcing the fact of such adjournment and the date, time and place when and where the adjourned Hearing shall recommence, without the necessity of any further published notices thereof.