



Guide to Public Participation:

Hearing Examiner Process

Compatibility Consistency Concurrency

Introduction:

The Hearing Examiner hears and makes final decisions on all variances, boat lift canopy deviations, dock facility extensions, appeals of administrative decisions, insubstantial changes to a Planned Unit Development ordinance, site plan with deviations, minor conditional uses and other matters as assigned by the Board of County Commissioners.

The participants before the Hearing Examiner shall be the applicant, County staff, County agencies, proponents and opponents, inclusive of the public, and witnesses with relevant testimony. All participants will testify under oath.

Order of Proceedings:

Hearings will be conducted in an informal but courteous and professional manner. To the extent possible and at the Hearing Examiner's discretion, the order of proceedings will be as follows:

- Hearing Examiner's explanation of rights and responsibilities of all interested persons as well as an explanation of future proceedings that may occur in relation to the matter to be heard.
- The announcement of the matter to be heard and if applicable, Hearing Examiner discloses all ex parte communications.
- Swearing in of all witnesses
- Presentation of request or appeal by applicant, appellant, or representative.
- Presentation of County's position.
- Public participation and comment.
- Rebuttal and closing statement by applicant, appellant or representative. Rebuttal testimony may not be used to provide new information.
- Hearing is closed

Questioning shall be confined as closely as possible to the scope of direct testimony. The Hearing Examiner may call and question witnesses as he or she deems necessary and appropriate. The Hearing Examiner shall decide all questions of procedure and will raise questions and provide comments at anytime during the hearing.

Individual speakers will be limited to 5 minutes unless otherwise waived by the Hearing Examiner. Persons wishing to have written or graphic materials included in the hearing report packets must have that material submitted to county staff 10 days prior to the hearing. All materials used during presentation at the hearing will become a permanent part of the record.

The Hearing Examiner shall not be limited to the evidence presented by Applicant or County at the hearing. The Hearing Examiner may consider any additional relevant evidence. All testimony and materials presented at the hearing will become part of the public record.

Conclusion:

After the conclusion of the hearing, the Hearing Examiner will render a final report with a decision within 30 days. The Hearing Examiner will deliver all decisions by electronic mail or regular mail. Persons wishing to receive a copy of the final report by electronic mail shall provide their email address on the Public Participation Form and indicate where requested on that form. Persons wishing to receive a copy of the decision by mail may supply County staff with their name, address and a stamped, self-addressed envelope for that purpose.

A verbatim transcript of all public hearings before the Hearing Examiner shall be recorded by the Clerk of the Board and also transcribed by an official court reporter. Any person may request and obtain a transcript of the record from the court reporter at their expense.

On motion and upon such terms as are just, the Hearing Examiner may grant a rehearing on an application. The motion for reconsideration shall be made prior to the deadline for filing an appeal. The filing of such a motion tolls the time for filing an appeal. The time for filing an appeal shall begin anew in full upon the Hearing Examiner's denial of such a motion.

Continuance(s) of the public hearing shall be permitted for good cause as determined by the Hearing Examiner. If the continuance of the public hearing is to a specific date and time, then re-advertisement of the hearing shall not be required.

Right to Appeal:

Within 30 days after the hearing officer's written determination has been rendered, any **party** including the County or the landowner may appeal the determination to the Board of County Commissioners. Any additional fee for a landowner-initiated appeal must accompany the appeal. The parties before the Hearing Examiner shall be the applicant and Collier County. The public, including any proponents and opponents, are participants.