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How to Testify at a Public Hearing

Hints on how to best get your Message to the Planning and Zoning Commission and the Board of County Commissioners

WHAT IS A PUBLIC HEARING

Public hearings allow the Planning and Zoning Commission and the Board of County Commissioners to gather all pertinent information through testimony from those in favor of, in opposition to, and those neutral to a certain proposed land use. Governed by Idaho's Open Meeting Law, Idaho Code, and Unified Land Ordinance (ULO), Public Hearings are important tools used by Planners and Governing bodies to gather all the facts before making an informed decision. The public hearings are advertised, and an agenda is published in advance of the hearing. By law, these hearings must follow a prescribed process and order, which may appear to you as unnecessary, but are required to protect the rights of everyone wishing to provide testimony at a hearing. How you provide your testimony can play a vital role in the decision-making process.

For first time participants and veterans alike, testifying before the Planning and Zoning Commission or Board of County Commissioners can be a daunting experience. In the room you see microphones, recording secretaries, and perhaps attorneys; you see a formal process structured in legal format. There is a reason for the formality. First and foremost, is to insure a fair and impartial decision is rendered. Secondly, that discussion, both pro and con, is done in an open public hearing.

PUBLIC COMMENT

Conditional Use Permits, Variances and Subdivision applications all come with a level of controversy. As much as you may be opposed to the development, the applicant feels just as strongly that his project be approved. Until a decision is made, nobody is right and nobody is wrong. Your first opportunity to provide comment comes in the form of written comment. Once an application is accepted by the Planning and Zoning Department, the application is sent to all applicable agencies and political subdivisions for comment. Pursuant to the ULO those reviews and comments are due within 30 days. During this 30- day timeframe, the public may also submit written testimony, supporting documents, and other evidence which will become part of the official record. In addition, a properly conducted hearing insures all facts are openly and freely presented without prejudice so that a fair decision, allowed by law, can be made by the hearing body. Everyone has rights.

At the public hearing, you also have the right to give oral testimony, however, your time is generally limited in order to give everyone the right to speak on the matter. When you get to the public hearing you need to fill out a hearing slip. Write your name clearly, so that the chair can read it to call upon you. Check the appropriate box, indicating that you are testifying in favor, in opposition, or neutral. Take a seat and wait to be called. When you are called, take the witness chair. State your name and address, and then you can begin testifying. Don't be intimidated. Commission members are regular people. When you are through wait to see if the commission members have questions for you.

IMPORTANT RULES:

- The purpose of the hearing is to educate the board/commission members. You speak to them and they may ask questions of you, but witnesses and members of the audience do not ask questions of the commission/board or staff.
- Applause, cheering, booing, waving signs, or expressions of sentiment are not allowed. In addition to maintaining an appropriate level of decorum, this rule is necessary to ensure that everyone, regardless of point of view, has the opportunity to address the Commission/Board without intimidation. It is possible to disagree in the strongest terms while remaining courteous.

TESTIFYING TIPS:

1. **Be Timely:** You can express a lot of information in 3 to 5 minutes if you plan your presentation. Organize your thoughts ahead of time, practice if necessary, and above all limit your thoughts to what is important.
2. **Don't Ramble On:** The hearing body will quickly lose its interest if you ramble on without a clear message. Keep your argument concise. Only provide your testimony. Testify about matters that you have direct personal knowledge of. Do not testify about what you heard from your spouse, neighbor, grocer or barber. Use as many facts as you can to verify your statements or personal opinions. Describe how this issue affects you personally and what you suggest as a possible solution. If you are opposing the matter, your testimony should discuss why the proposal is inconsistent with the law, ordinance or comprehensive plan.
3. **Know Your Facts, Research-Research- Research:** Testimony presented to a hearing body is expected to be truthful, free of innuendo and rumor. Misrepresentation, either knowingly or inadvertently, serves no purpose in a Public Hearing. Check with Planning and Zoning Office to verify the nature of the public hearing, the facts surrounding it, and what the laws and ordinances allow.
4. **Try Not to Repeat What Has Already Been Said:** Sticking to your main points will help keep the attention of the hearing body.
5. **Need to be Clear and Accurate:** Your testimony will become a matter of public record. All proceedings are recorded, and in some cases a true and accurate transcript will be generated for use in a court proceeding. Due to this, try not to speak over the top of another speaker. Let them finish their question/comment before you begin to respond.

References

Idaho Open Meeting Law Idaho Code §74-201 through §74-208.
Local Land Use Planning, Idaho Code §67-6501 through §67-6538.
BC Comprehensive Plan.
BC Amended Unified Land Use Ordinance 2016-01