

LEWIS AND CLARK NATURAL RESOURCES DISTRICT CONDUCT OF INFORMATIONAL PUBLIC HEARINGS

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1. CALLING PUBLIC HEARINGS

1.1 From time to time the District may be required by law or may otherwise wish to hold a public informational hearing for the purpose of explaining a proposed project of the District and/or to receive comments or objections by the public (“informational hearing”). Hearings which will be considered “informational hearings” will include, but not be limited to the following (Neb. Rev. Stat. 84-913 [1987]):

- 1.1.1 Hearings under the Uniform Budget Act.
- 1.1.2 Hearings under the Uniform Property Acquisition Act.
- 1.1.3 Hearings to consider the adoption of rules and regulations.
- 1.1.4 Hearings to consider designation of a ground water management area
- 1.1.5 Hearings concerning the designation and implementation of improvement project area.
- 1.1.6 Adoption of amendments to NRD Erosion and Sediment Control plans.

2. NOTICE

- 2.1 Notice shall be given of all public informational hearings held by the district.
- 2.2 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 hearing.
- 2.3 The publication shall be made at least seven days prior to the date of the hearing.
- 2.4 The published notice shall contain information as to the date, time, place, and purpose of the hearing.

3. PRESIDING OFFICER OR HEARING EXAMINER

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

4. POWERS OF OFFICER OR EXAMINER

- 4.1 The presiding officer or hearing examiner shall, among other things:
 - 4.1.1 open the proceedings;
 - 4.1.2 enter into the record the notice given of the hearing;
 - 4.1.3 take appearances;
 - 4.1.4 accept and see that exhibits are properly numbered;
 - 4.1.5 answer questions asked or call upon other persons present to answer questions asked; and
 - 4.1.6 close the proceedings.
- 4.2 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.

4.3 The record in any hearing shall not be affected by any change of presiding officers or examiners during the conduct of that hearing.

5. OATH NOT REQUIRED

5.1 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.

6. RECEIPT OF INFORMATION

6.1 Evidence at a public hearing will ordinarily be received in the following sequence:

- 6.1.1 district board members and staff;
- 6.1.2 federal and state governmental agencies;
- 6.1.3 other political subdivisions;
- 6.1.4 all other persons in the order as the presiding officer shall, at his or her discretion, choose.

6.2 All persons shall be given the opportunity to be heard on matters relevant to the business and purpose of the hearing.

7. PRESENTATION OF INFORMATION

7.1 All persons presenting testimony or information at a hearing shall first state:

- 7.1.1 Their full name and address and
- 7.1.2 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.

8. PROPRIETY OF INFORMATION

8.1 All information presented at the hearing is to be directed at the business and purpose of such hearing.

8.2 Any information 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.

9. STAFF INFORMATION

9.1 In addition to statements and information presented by any other person, the district board may, through the district staff or otherwise, secure and present such statements and information as it may consider necessary or desirable.

9.2 Information shall include a copy of notice given for the public hearing and a statement explaining the business and purpose of the hearing.

10. RECORD MADE

10.1 A record shall be made of the hearing proceedings, with the testimony and information presented being a part thereof.

10.2 Such record may consist of written statements and any other documentary information along with tape recordings of oral information or such transcripts as deemed necessary by the district.

11. RECORD HELD OPEN

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

First adopted 7/28/2016
Amended 1/31/2021