

# Corporation of Harpers Ferry

## Public Hearing Policy and Procedures

Approved and Adopted - 25 March 2021

### Policy:

Whenever the Corporation of Harpers Ferry (“the Town”) conducts a Public Hearing, the following procedures and guidelines will be in effect.

The Town seeks frequent, effective and meaningful public participation with as much awareness of Town governance activities as is possible and practical. When conducting hearings, the Town governing body (Town Council) and all deliberative bodies (Boards, Commissions, Committees, Sub-Committees), herein referred to as body or bodies, aim to follow the intent and all requirements of WV State Code in the conduct of its business. In particular, Town bodies will meet or exceed the intent and requirements of the WV Open Government Meetings Act. This policy is intended to formalize the Town’s approach with regard to procedures and guidelines for all Public Hearings and will be in effect as of the date adopted.

### Procedures and Guidelines: *(\*modified for virtual hearing conditions)*

1. All hearings will be publicly noticed as required with a posted agenda.
2. Hearings will begin and end promptly at the posted times.
3. A quorum of the body is **not** required for a public hearing, unless deliberation and decision on some action of the body is on the agenda.
4. Minutes will be taken and made available publicly.
5. The presiding official for a hearing will be pre-designated and as prescribed by Harpers Ferry Ordinance(s).
6. The presiding official for a hearing will ensure that the hearing proceeds in an orderly and efficient manner. Rules of conduct as prescribed in Harpers Ferry Ordinance Article 509.09 will be strictly enforced at all public hearings.
7. Members of the public who wish to make a presentation and/or speak on an agenda item during the hearing are required to sign-up in advance, completing all requested information. A sign-up list will be made available for ten (10) minutes immediately prior to a hearing. The sign-up list will be closed as soon as the hearing is “called to order” by the presiding official.
8. If a speaker has written information to share with the body, copies will be distributed to the presiding official within 24 hours of the hearing. It will be the responsibility of the presiding official to determine if the information is to be distributed to all other members of the body.
9. The presiding official will determine the order in which a presentation will be made, or a speaker is heard. Each speaker must raise their hand to be formally recognized by the presiding official and, when called upon, will stand at the podium, announcing their name and where they reside, before proceeding.

10. Each speaker will be given a maximum of five (5) minutes. Unused minutes may not be transferred to another speaker once time is yielded. The speaker will be prompted when only thirty (30) seconds remain. The 5-minute maximum time allotted does not include time to set up a presentation or time to distribute supportive documentation.
11. If a speaker concludes their presentation and has not used all five (5) minutes of their allotted time, the speaker will not be permitted to resume their presentation at a later time during the hearing.
12. Comments will be professionally and respectfully presented. Personal attacks, name calling, character assaults and similar negative intimations will not be condoned.
13. Only the speaker will be recognized. All others in attendance will not be permitted to speak, object, voice agreement or disagreement, or conduct themselves in any other manner that disrupts the meeting.
14. Members of the governing and/or deliberative body conducting the hearing are only permitted to ask questions for clarification. Other than points of clarification, an open exchange of information between members of the body and speaker is not permitted.
15. The presiding official has the authority to either extend or restrict the length of the hearing based upon the number of attendees requesting to speak.

**\* Virtual Hearing Conditions:**

***Procedures and Guidelines: (modified)***

*Due to the COVID-19 pandemic, until further notification, Town public hearings will be held virtually, via the Zoom webinar platform. In an effort to provide an opportunity for better public engagement, the Town will strive to conduct all virtual webinars in a manner that closely resembles an “in-person” hearing experience. The presiding official (and/or their designee) will facilitate the virtual webinar, overseeing the management of the public’s remote participation.*

*These modified procedures and guidelines are intended for members of the public, and/or invited guests, who wish to participate in, or publicly speak during a Town public hearing being conducted via a Zoom virtual webinar. All other procedures and guidelines as noted in this policy remain in effect.*

***Webinar Access:***

1. *In order for members of the public or invited guests to join and participate in a virtual hearing, a home computer, laptop or mobile device, and a strong internet connection is required. It is recommended that the Zoom application be downloaded.*
2. *A URL address link will be posted to the Corporation of Harpers Ferry website meeting calendar for members of the public to log into a virtual hearing webinar.*
3. *A helpful document, titled [Virtual Webinar – Information and User-Guide](#), will be posted to the Town website. This User-Guide provides additional instructions on Zoom webinar functionality and should be referenced for better understanding and navigating virtual hearings held by the Town.*

### **Public Participation:**

*Defined - The public are residents and/or members of the general public who wish to join the virtual hearing webinar and participate by making a public comment before the governing and/or deliberative body. Public participants will not be visible during the virtual webinar, only audio will be heard in the attendee role.*

- 1. Upon entering the webinar, public attendees must display their given names in order to participate or to be called upon during the public comment period.*
  - Note: inappropriate/offensive display names may result in immediate removal.*
- 2. Members of the public who join the webinar will do so as an “attendee” in a “listen-only” muted mode. The facilitator will unmute attendees who wish to speak, one-by-one, only during the public comment period.*
- 3. To make a comment, during the public comment period, use the “raise hand” icon to be called upon by the presiding official or facilitator. The facilitator will unmute to allow the comment.*
  - Note: Please ensure no background noise interrupts the webinar.*

### **Invited Guest Participation:**

*Defined - Invited guests are those who have been asked by the governing and/or deliberative body to participate in the virtual hearing webinar, or those who are on the agenda to present, speak or provide a report. Invited guests will be visible during the webinar only when speaking in the panelist role and will no longer be visible once returned to the attendee role.*

- 1. Upon entering the webinar, invited guests must enter their given names in order to participate or to be called upon during the agenda related comment period.*
  - Note: inappropriate/offensive display names may result in immediate removal.*
- 2. An invited guest may join the webinar in either the “panelist” or “attendee” role as predetermined by the governing and/or deliberative body.*
- 3. To present, speak or provide a report, during the agenda related comment period use the “raise hand” icon to be called upon by the presiding official or facilitator. The facilitator will move an invited guest from the role of “attendee” to “panelist” for each corresponding agenda item, after which the invited guest will be returned to the role of “attendee.”*
  - Note: Please ensure no background noise or visual disturbance interrupts the webinar.*

### **Webinar Phone-In:**

*Members of the public who wish to join a public hearing by phone-in, may do so, but will not have the “raise hand” functionality required to participate and make public comment.*

- 1. Dial-in information will be publicly posted on the Town’s website under the Meetings and Events Calendar at <https://www.harpersferrywv.us/calendar.html>*

### **Digital Document Review:**

*Agenda and supporting documents will be available for public review and posted on the Town’s website, at [www.harpersferrywv.us](http://www.harpersferrywv.us), under the Meeting Notices and Records link.*