

## Procedure of Appeals

### **Bernalillo County Board of County Commissioners**

**Procedure for Quasi-Judicial Hearings.** The procedures to be followed for appeals are generally follows: [VRCI]

- A. Appeal or Public Hearing Time Limits: A fifteen (15) minute time limit on each party's argument before the Commission may be established with the understanding that the Chair may alter the time limit when the case is unusually complex. Where numerous speakers' sign up to present argument, the Chair may assign a time limit of two (2) minutes per speaker, but in any event, each party's argument shall not exceed the total time allowed. In all cases, the maximum time available for proponents should be equal to the maximum time allowed for the opponents. If necessary, a staff person shall be assigned by the County Manager to be the official timekeeper.
- B. In order to focus the Board of County Commissioners on the issues the party is presenting on appeal, they are encouraged to cite to the facts in the record from the County Planning Commission, and present legal arguments based on the facts in the record. No new evidence shall be presented on appeal to the Board of County Commissioners except as provided in paragraph 22.J below.
- C. The County Manager or designee shall describe the quasi-judicial item to be considered and make a presentation pertaining to the item. This presentation shall be limited to five (5) minutes. The Chair shall then inquire as to whether any Commissioner has questions for the staff members who made the presentation.
- D. The zoning applicant, or appellant, or his/her representative will [VRCI] make a presentation pertaining to the application or appeal. This presentation shall be limited to ten (10) minutes. The Chair will once again inquire as to whether Commissioners have questions of the applicant/appellant and the applicant's/appellant's representatives.
- E. The opponents will make a presentation pertaining to the application or appeal. The presentation will be limited to fifteen (15) minutes. The Chair will once again inquire as to whether Commissioners have questions of the opponents or the opponent's representatives.
- F. There will be an opportunity for applicant/appellant rebuttal and summation. This presentation shall be limited to five (5) minutes.
- G. Staff will then be provided an opportunity to present closing comments. There shall be a time limit of two (2) minutes for closing comments.
- H. The Chair will then inquire of the Commissioners as to whether they have further questions of staff, the applicant/appellant or the opponents and will recognize Commissioners who wish to question the parties or staff.
- I. The Chair will then inquire of the Commissioners as to whether they are prepared to vote on the issue of the application/appeal before them.
- J. No new evidence shall be presented by the applicant/appellant or the opponents. If a party shows good cause why new evidence is necessary for the Commission to act on the case and why the evidence was not available to be presented to the County Planning Commission, the Board of County Commissioners shall either:
  - i. Remand the case to the County Planning Commission to hear the new evidence and any rebuttal evidence, or;
  - ii. If the proposed new evidence is brief and concise in nature and will not prejudice the other party's opportunity to respond to it the Commission may allow the evidence to be presented and considered; swear any witness; allow the opposing party to rebut the new evidence, and; allow for brief cross examination on the new evidence presented through the Chair.
- K. The Commission shall then take action on the item.