

CITY OF FELLSMERE Community Development Department

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LEGAL INFORMATION RELATING TO QUASI-JUDICIAL HEARINGS BEFORE THE PLANNING AND ZONING BOARD, CITY COUNCIL OR BOARD OF ADJUSTMENT HEARINGS:

The applicant, the applicant's representative as stated on the application, or the applicant's attorney should appear at the public hearing. If photographs, maps or other materials are provided to the Board as evidence at the public hearing, you will need to leave those instruments with the Secretary. By law those instruments automatically become part of the public records and cannot be returned to you.

The public hearing before the Board of Adjustment regarding land development is considered quasi-judicial in nature. State and local law PROHIBITS applicants and/or interested parties from participating in ex-parte communications with Board members in person, by phone, e-mail, or in writing before the application is discussed at the hearing.

For the purposes of making a decision on the application, the Board shall only consider testimony of qualified witnesses. A witness is determined by the Board and is generally based on:

- a. The witness has personal knowledge of the fact (s) in which the witness will testify; and/or
- b. In the case of testimony consisting of opinions or inferences, the testimony is qualified as the following:
 1. **LAYMAN WITNESS:** Testimony of a witness other than an expert witness is qualified only if:
The witness can readily, and with equal accuracy and adequacy, communicate what he perceived to the Board without testifying in the form of opinions or inferences.
The opinions and inferences do not require any special knowledge, skill experience or training.
 2. **EXPERT WITNESS:** Testimony of an expert witness is qualified only if:
The subject matter is proper for expert testimony because scientific, technical, or other specialized skill will help the Board understand the evidence being presented, or helps establish a fact in issues.
The witness is adequately qualified to express an opinion on the matter.