Quasi-Judicial Hearings: A Speaker's Guide

North Carolina law requires Town Council to consider development plans and related decisions in a quasi-judicial setting. The purpose of the quasi-judicial hearing is to gather substantial, competent and material evidence about the proposed development. Anyone interested in the case, both for or against, will have the opportunity to present factual evidence to the Town Council. All testimony at the public hearing must be sworn testimony.

To assist you in this process, we have developed some guidelines about the quasi-judicial hearing process:

- A quasi-judicial decision is a more formal setting than a typical, legislative hearing. These decisions involve fact-finding and the exercise of discretion in making a decision.

- Quasi-judicial decisions may consider only substantial, competent and material evidence in the record. The applicant has the burden of proving compliance with the Land Development Ordinance. If the applicant meets this burden, the opposition must present substantial, competent and material evidence to the contrary.

- No party may discuss the case with Town Council members outside of the hearing. This is referred to as "ex parte" communication. Please contact Town staff with any questions or concerns you have before the hearing.

- Certain findings cannot be based on non-expert opinion evidence and/or unsupported allegations. Witnesses are not competent to testify about matters that require special training or expertise unless they are qualified as an expert. Some of the topics most commonly covered by this restriction are:

    - impacts on nearby property values;

    - the danger to public safety resulting from increases in traffic; and

    - the level of noise that will be generated.

    Non-experts are competent to testify about personally-known facts and their opinions on other matters that do not require special training or expertise.

For more information on the quasi-judicial hearing process, see the Quasi-Judicial Hearing Procedural Guidelines.