

ETHICS AND EXPECTATIONS FOR PLANNING COMMISSIONERS

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June 24, 2016

PLANNING PROCESS

The planning process exists:

- To serve the public interest
- Requires a conscientiously held view of the policies
- Requires actions that best serve the community.

Planning issues and decision commonly involve:

- Large interests at stake
- Potential conflict of values
- Interpretation of plans, ordinances and codes

These accentuate the necessity for the highest standards of fairness and honesty among all participants.

Those who practice planning need to adhere to a special set of ethical requirements that must guide all who aspire to professionalism.

Whether a professional or a volunteer, we are all planners.

PLANNING PROCESS CONTINUED

The planning process is **aimed at implementing the comprehensive plan** and/or achieving the desired **vision of the community**. What may appear straight forward to you, may not to the general public.

- **Internal Plan Process:** Pre-application, plan submittal, work session, preparation for public hearings
- **What the Public Sees:** Notice of Application, Neighborhood Meeting, Public Hearings
- **Perception:** *Applicant has met with the city several times, modified/convinced staff of proposal, without meaningful comment*

While sometimes impossible to involve all parties, **you must remember that public participation is more than something to satisfy public process.**

You have an ethical obligation of fairness to the public.

ETHICS?

Ethics: the principles of conduct governing an individual or a group
–*Merriam Webster*

There are standards for ethical conduct:

Your city's Code of Ethics

State Guidelines

APA Statement of Ethical Planning

Principles and AICP Code of Ethics

Your own moral compass

Ethical behavior is not always easy to achieve, but the Statement of Ethical Principles is a good place to start.

"Ethics are what you do when no one is looking."

–*George Bernard Shaw*

MORALS VERSUS ETHICS

Moral Decision ...

Judgment of the goodness or badness of human action and character – **a value judgment.**

Ethical Decision ...

Principles of conduct based on system of rules / standards governing members of profession or group.

Ethics Code

A formal system of rules explicitly adopted by group.

LOCAL ETHICS ORDINANCES

Prohibited conduct:

- Solicitation/acceptance of gifts
- Misuse of position
- Conflict of interest (generally financial)
- Ex parte communications
- Serial meetings (attended by less than a quorum of members to discuss a public issue in private)
- Open Meetings

Disclosure:

- Forms and/or procedure provided by the City -does not have to be very detailed

ETHICAL PRINCIPLES IN PLANNING

The American Planning Association has guidelines for ethics: *Ethical Principles in Planning**.

Two parts of these principles apply directly to appointed and elected officials and to those who participate in the planning process

1. The planning process must continuously pursue and faithfully serve the public interest.
2. **Planning process participants** continuously strive to achieve high standards of integrity and proficiency so that public respect for the planning process will be maintained.

*www.planning.org

Serve the Public Interest

As a Planning Process Participant you should:

1. Recognize the **rights of citizens to participate** in planning decisions.
2. Give citizens **full, clear, and accurate information**.
3. Expand choice and opportunity for all persons.
4. Assist in the clarification of community goals.
5. Ensure that information available to decision makers is also available to the public.
6. **Pay special attention to the interrelatedness of decisions** and the long-range consequences of present actions.

Who are the **Public** and what is their **Interest**?

The **Public** is ordinary citizens: people, citizens, subjects, general public, electors, electorate, voters, taxpayers, residents, inhabitants, citizenry, population, populace, community, society, country, nation, world; everyone.

Their **Interest** is in having a safe, attractive, livable community in which they can live, work, travel around, shop, and play. Sometimes there are conflicting interests.

- 1. Recognize the rights of citizens to participate in planning decisions.**

Citizens not only have the right to participate, but need to be listened to as well. Planning Commissioners there to hear and make decisions/recommendations. Public meetings are totally necessary. Speakers must be allowed to voice their opinions/concerns, even if they are...

2. **Give citizens full, clear, and accurate information.**

Staff reports as well as any discussions are important for the transparency of Commission activities.

If you do not know the answer, admit it and find out.

It means sharing!

3. Expand choice and opportunity for all persons.

That may mean meeting with individuals and groups, if your city allows.

It means looking at cases from several different angles to be sure that no one is left out.

4. **Assist in the clarification of community goals.**

You should be aware of what the goals are. They are in the comprehensive plan, but may also be in the city charter.

Using your comprehensive plan in the decision making process is one way.

Participating in updating plans is another.

5. Ensure that information available to decision makers is also available to the public.

There are no secrets!

Once a case is opened, it is in the public realm.

Proper public notification is essential to the planning process.

6. **Pay special attention to the interrelatedness of decisions and the long-range consequences of present actions.**

What happens today really does affect tomorrow, one year, ten years, etc.

Think about freeway construction and what it did to communities

You really can't consider land use without considering transportation. New construction without infrastructure

Strive to Achieve High Standards of Integrity and Proficiency

As a Planning Process Participant you should:

1. **Exercise fair, independent, and honest judgment.**
2. Publicly disclose any personal interests.
3. Define personal interest broadly.
4. **Abstain from participation in a matter if a personal interest** and leave the chamber when the matter is being deliberated.
5. Not seek (nor accept) gifts or favors.
6. Abstain from participating as an advisor or decision maker on any plan or project in which you have previously participated as an advocate.
7. **Serve as advocate only when the objectives are legal and serve the public interest.**

Strive to Achieve High Standards of Integrity and Proficiency

(continued)

8. Not participate as an advocate on any plan or program in which you have previously served as an advisory or decision maker, except after full disclosure and in **no circumstance earlier than one year** following termination of the role as advisory or decision maker.
9. Not use confidential information to further a personal interest.
- 10. Not disclose confidential information.**
11. Not misrepresent facts or distort information.
12. Not participate in any matter unless prepared.
13. Respect the rights of all persons.

What is it to Strive to Achieve High Standards of Integrity and Proficiency

This means that you understand your role, know your relationships, do your homework, ask questions, listen carefully, and vote your conscience.

The following are touchstones for your behavior as a commissioner. When you are unsure, look at these principles for guidance.

1. **Exercise fair, independent, and honest judgment.**

These are really questions to ask yourself.

Am I being fair? Have I already made up my mind?

Am I being independent in my consideration? Influenced by others?

What brings me to my decision/judgement?

2. **Publicly disclose any personal interests.**
3. **Define personal interest broadly.**
4. **Abstain from participation in a matter if a personal interest and leave the chamber when the matter is being deliberated.**

These three together and constitute conflict of interest (COI).
You need to recognize if you have a conflict.

It may be that your home or business are in the notification area.

It may be that you¹ have family members that own property related to the case.

It may be that you own stock or interest in the applicant's company

It may be that it is a case for your employer.

If you think you might have a conflict ask your City Attorney.

Really, leave the meeting room!

5. **Not seek (nor accept) gifts or favors.**

Don't do it. It is now about PERCEPTION.

It is easier and better to buy your own coffee or lunch or golf game than to be questioned about your position on a case.

Your city may have guidelines for gift limits, but be cautious.

- 6. Abstain from participating as an advisor or decision maker on any plan or project in which you have previously participated as an advocate.**

Were you involved with the planning that brought this case before the commission as a neighbor or planner?

You could be exerting undue influence.

- 7. Serve as advocate only when the objectives are legal and serve the public interest.**

You can support the efforts once all the information and discussion has occurred. You are an *advocate for good planning*.

8. **Not participate as an advocate on any plan or program in which you have previously served as an advisory or decision maker, except after full disclosure and *in no circumstance earlier than one year* following termination of the role as advisory or decision maker.**

This a caveat to being an advocate. Once you leave your appointed role, you should refrain from the possibility of exerting undue influence.

Most cities have rules and guidelines for activities after you leave your position.

9. **Not use confidential information to further a personal interest.**
10. **Not disclose confidential information.**

You are not appointed to promote your own interests.

You may know something that is not public knowledge. If it is **not** illegal, you should still keep it to yourself. If you think it may be a problem, talk to the City Attorney.

If, someone tells you something that is not public knowledge, it is not to be shared.

Loose lips...

11. **Not misrepresent facts or distort information.**

Be sure you understand the facts. If you aren't sure, seek verification.

Exercise caution when speaking out.

Just don't lie, fib or obfuscate. It will catch up with you.

12. Not participate in any matter unless prepared.

You should read the materials –all of them.

Come to the meeting prepared to discuss, ask questions, and vote.

You owe it to the applicant, the opposition, the staff your fellow commissioners, and yourself.

13. Respect the rights of all persons.

Circling back, to the first one—where we serve the public interest by first respecting rights of citizens to be involved in the planning process.

WHAT ARE THE EXPECTATIONS?

WHAT COMMISSIONERS SHOULD EXPECT OF STAFF

- Review and report on facts of the case as related to codes and ordinances
- Reports should be reasonably easy to read, jargon-free (as much as possible)
- Identify the relationship between adopted planning documents
- Advocate for good planning
- Provide training (commissioners need to understand the process, their roles and responsibilities, as well as the terminology)—don't assume they always do.

WHAT STAFF EXPECTS OF COMMISSIONERS

- **Read and study the materials in advance of meeting**
- Ask questions
- Give forewarning of concerns
- No blindsiding, limit criticism in public meeting
- Show respect for staff—they are your friends.
Really!

WHAT COMMISSIONERS SHOULD EXPECT OF EACH OTHER

- Be prepared for meeting.
- Don't read your case for the first time at the meeting.
- **Ask questions!**
- Assist other commissioner by asking what may seem obvious—educational moment.
- Stay on topic.
- Work together for the good of the City.

EXPECTATION OF APPLICANTS

By Staff and Commissioners

- Present an honest representation in request
- Answer questions (the one asked)
- Reach out to neighborhoods and stakeholders
- Keep it professional
- Show up and **bring the necessary team** to meetings

By Applicants:

- To be treated respectfully and in a timely manner.

WHAT CITY COUNCIL EXPECTS OF COMMISSIONERS AND STAFF

- Staff: Recommendations based on ordinances and procedures
- Planning and Zoning Commission: Solid recommendations based on input of staff recommendation, public input, and consideration of the implications on the city, including thoughtful vetting of the issues.

DECISIONS, DECISIONS, DECISIONS

What should be considered in making decisions?

For Zoning:

- What is the applicant actually asking for?
- What effect will it have on the site?
- What effect will it have on the surrounding land uses?
- Is it in accordance with the Comprehensive Plan?

For Subdivisions:

- Does it meet the requirements of the Regulations?

What should NOT play a part in the decision.

- The identity of the applicant
- The financial capability of the applicant
- (unless they are asking for incentives at the City Council)
- What the structures will look like?
- (If you like pictures, they should be looked at only as a guide.)

OTHER CONSIDERATIONS AND ADVICE

- When there is a social event where a quorum may be present, it is generally OK as long as cases or issues are not discussed.
- Do not use position title to request special treatment by city employees or private interests.
- Have a designated separate email for your commission correspondence.
- Follow the relationship to the Comprehensive Plan!

Ethics Made Simple

“Whenever you do a thing, act as if the whole world were watching.”
–Thomas Jefferson

“Always do right. This will gratify some people and astonish the rest.”
– Mark Twain

GOOD LUCK!



Take the High Road, there is less traffic!

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