

# HERRIMAN PLANNING COMMISSION

## RULES OF ETHICAL CONDUCT

### I. Conflict of Interest

A Planning Commissioner to whom some private benefit may come as the result of a Planning Commission action should not be a participant in the action.

- A. The private benefit may be direct or indirect; create a material or personal gain; or provide an advantage to relations, friends, or to groups and associations which hold some share of a person's loyalty. However, membership itself in a group or organization shall not be considered a conflict of interest as to Planning Commission action concerning such group or association unless a reasonable person would conclude that such membership in itself would prevent an objective consideration of the matter.
- B. A Planning Commissioner experiencing, in his/her opinion, a conflict of interest, should declare his/her interest publicly, abstain from voting on the action, and excuse themselves from the room during consideration of the action. They should not discuss the matter privately with any other commissioner. The vote of the Planning Commissioner experiencing a conflict of interest who fails to disqualify themselves shall be disallowed.
- C. A conflict of interest may exist under these rules although a Planning Commissioner may not believe he has an actual conflict; therefore, a Planning Commissioner who has any question as to whether a conflict of interest exists under these rules should raise the matter with the other Planning Commissioners and the City Attorney in order that a determination may be made as to whether a conflict of interest exists.
- D. No planning official should engage in any transaction in which he has a financial interest, direct or indirect, with the agency or jurisdiction that he serves unless the transaction is disclosed publicly and determined to be lawful.
- E. The Planning Commission recommends that the City Council, in making appointments to the Planning Commission, not attempt to exclude whole categories or associations of business, professional, or other persons in anticipation of conflict of interest problems. The service of competent people of good character need not be sacrificed. Their withdrawal from participation in planning matters is necessary only in those specific cases in which a conflict of interest arises.

### II. Gifts and Favors

Gifts, favors, or advantages must not be accepted if they are offered because the receiver holds a position of public responsibility.

- A. The value of a gift or advantage and the relation of the giver to public business should be considered in determining acceptability. Small gifts that come in a form of business lunches, calendars, or office bric-a-brac are often, not always, acceptable. In cases of doubt, refuse. In cases of marginal doubt, refuse.

### III. Treatment of Information

It is important to discriminate between planning information that belongs to the public and planning information that does not.

- A. Reports and official records of a public planning agency must be open on an equal basis to all inquiries. Planning advice should not be furnished to some unless it is available to all.
- B. Information of private affairs that is learned in the course of performing planning duties must be treated in confidence. Private affairs become public affairs when an official action -- such as a change in zone classification or approval of a plan -- is requested with respect to them. Only then is a disclosure of relevant information proper.
- C. Information contained in studies that are in progress in a planning agency should not be divulged except in accordance with established agency policies on the release of its studies. A public planning agency is not required to do its thinking out loud in public.
- D. Prearranged private meetings between a Planning Commissioner and applicants, their agents, or other interested parties are prohibited. Partisan information on any application received by a Planning Commissioner whether by mail, telephone, or other communication should be made part of the public record.

### IV. Political Activity

Membership in a political party and contributions to its finances or activities are matters of individual decision that should neither be required of, nor prohibited to, Planning Commissioners.

- A. The extent of participation in political activities should be governed by professional judgment as well as limited by an applicable civil service law or regulation.
- B. The powers of Planning Commissioners must not be exercised, nor their duties performed, in any way that will create special advantages for a political party. The special position of a Planning Commissioner should not be used to obtain contribution or support for a political party and should not be used to obtain partisan favors.
- C. Partisan debate of a community's planning program, and the consideration of planning in a party's platform is proper. Planning officials should, however, give political parties equal access to information.