

ARTICLE 4

CODE OF ETHICS AND CONDUCT

In administering the zoning and subdivision regulations, it is crucial that the decisions be made fairly and that they have the appearance of fairness. The credibility of the Planning Commission, the Board of Zoning Appeals, the Governing Body, and public support for zoning and subdivision regulations in general, will erode quickly if there is an appearance of unfairness or impropriety in members of these public bodies. For this reason, it is important that the Planning Commission members comply with the City's Code of Ethics contained in Article 10 of Chapter I of the City Code, and contained herein as Appendix A.

Situations not covered by the Code of Ethics should be left to the judgment of the member involved. Again, the appearance of fairness and impartiality is as important as actual fairness and impartiality.

SECTION I - Acknowledgment of Outside Information. During any public hearing, it is presumed that all sides will have the opportunity to hear the opposing side's information and arguments, and to offer rebuttal. This right is lost when discussions are held or information is provided outside the public hearing. The possibility exists that a decision could be based on information that was never discussed publicly. To avoid this situation, Planning Commission and Board of Zoning Appeals members should not receive any information relating to a case or discuss a case with anyone who has an interest in the outcome. Where such a discussion or information is unavoidable, the member should declare during the hearing, and the record should show, the general nature and content of the discussion or information and the participants in the discussion or the source of the information.

These guidelines also apply to any personal knowledge which is relevant to the issue. If a member has any personal knowledge which will affect his or her decision, such information should be made public during the hearing and should be subject to rebuttal.

SECTION II - Informed Participation. All parties with an interest in a particular development issue have a right to a decision based on all of the available information. Any member who is not informed or aware of the available information should abstain from voting on that issue. This includes the following situations:

1. When a member has not reviewed the application or the information submitted with the application;

City of De Soto Procedures Manual
Article 4 – Code of Ethics and Conduct

2. When a member has missed all or part of a public hearing and has not been able to review a transcript of the hearing; or
3. When a member has missed all or part of the discussion between members prior to the vote.

As a corollary to this policy, it is the duty of each member to attend normally scheduled meetings as regularly as possible. Without regular attendance, informed decision-making and full participation in the regulatory process is unlikely. The By-Laws of the Planning Commission establish requirements and rules for attendance.

SECTION III - Ethical Principles De Soto Planning Commission and Staff. The De Soto Planning Commission has officially adopted the following principles to govern the conduct of its business. These principles should be considered as advisory rather than mandatory. Should any questions arise about the interpretation and application of any of these principles, the City Attorney or City Planner should be consulted.

1. Serve the Public Interest. The primary obligation of Planning Commission members and planning staff is to serve the public interest.
2. Support Citizen Participation in Planning. Because the definition of the public interest is modified continuously, Planning Commission members and planning staff must recognize the right of citizens to seek to influence planning decisions that affect their well-being through the public hearing process. Members should encourage meaningful citizen participation and expression in the planning process and assist in clarifying community goals, objectives, and policies.
3. Recognize the Comprehensive and Long Range Nature of Planning Decisions. Planning Commission members and planning staff should recognize and give special consideration to the comprehensive and long-range nature of planning decisions. Planning Commission members and planning staff should seek to balance and integrate physical (including historical, cultural, and natural), economic, and social characteristics of the community or area affected by those decisions. Planning Commission members and the planning staff must gather all relevant facts, consider responsible alternative approaches, and evaluate the means of accomplishing them. Planning Commission members and planning staff should expressly evaluate foreseeable consequences before making a recommendation or decision.
4. Promote Excellence in Urban Design. The Planning Commission and planning staff should promote excellence of design and endeavor to conserve and preserve the integrity and heritage of the natural and built environment.

City of De Soto Procedures Manual
Article 4 – Code of Ethics and Conduct

5. Facilities Coordination through the Planning Process. Planning Commission members and planning staff should encourage coordination of the planning process. The planning process should enable those concerned with an issue to learn what other participants are doing, thus permitting coordination of activities and efforts and accommodation of interests. Planning Commission members and planning staff should strive to ensure that individuals and public and private agencies likely to be affected by a prospective planning decision receive adequate information far enough in advance of the decision to allow their meaningful participation.
6. Render Thorough and Diligent Planning Service. Planning Commission members and planning staff should render thorough and diligent planning service. Should a Planning Commission member or members of staff believe she/he can no longer render such service in a thorough and diligent manner, she/he should resign from the position. If a member has not sufficiently reviewed relevant facts and advice affecting a public planning decision, the member must not participate in that decision.
7. Not Seek or Offer Favors. Planning Commission members and planning staff should not directly or indirectly solicit any gift or accept or receive any gift (whether in money, services, loans, travel, entertainment, hospitality, promises, or in some other form) under circumstances in which it could be reasonably inferred that the gift was intended or could reasonably be expected to be intended to influence them in the performance of their duties; or that it was intended or could reasonably be construed to be intended as a reward for any recommendation or decision on their part.
8. Ensure Access to Public Planning Reports and Studies on an Equal Basis. Planning Commission members and planning staff should ensure that reports and records of the public planning body are open to the public in accordance with the Kansas Open Records Act.
9. Ensure Full Disclosure at Public Hearings. Planning Commission members and staff members should strive to ensure that the presentation of information on behalf of any party to a planning question occurs only at the scheduled public hearing on the question, not in private, unofficially, or with other interested parties absent. The official should make partisan information regarding the question (received in the mail, by telephone, or other communication) part of the public record.
10. Maintain Public Confidence. A Planning Commission member or member of planning staff should conduct himself/herself publicly so as to maintain public confidence in the public planning body, the City of De Soto and the official's performance of the public trust.

ETHICAL PRINCIPLES

Members of the Planning Commission who have a conflict of interest in an item or transaction before them as defined by the City Code of Ethics, attached herein as Appendix A, shall, upon realization of such conflict and as soon as reasonably possible, state the he/she has a conflict, leave the room until all discussion and action on the action or item has concluded, and direct the Planning Commission Secretary to reflect such abstention and departure from the proceedings.

Approved _____ day of _____, 20_____

Planning Commission of
De Soto, Kansas

By _____
Chairman

Attest _____
Secretary