

STATEMENT OF GOOD PRACTICES FOR COMMUNICATIONS WITH COUNCILORS REGARDING LAND USE PETITIONS

Background. The City Councilor, while a legislative body with members elected from the eight wards of the City, acts in a quasi-judicial manner when deciding special permit/site plan approval petitions. Decisions on these land use petitions are required to be based upon information obtained by the Council about the special permit/site plan approval petition and made a matter of public record. To afford applicants for special permit/site plan approvals and members of the public who may be affected by such land use petitions a fair hearing, Councilors should encourage anyone interested in a particular petition to communicate comments, issues or concerns to the Council by participating in the public hearing held on the petition and/or by filing written comments with the Clerk of the Council for distribution to all Councilors.

Communications before land use petitions are filed. Because of their experience with the land use petition process and prior decisions of the Council, as well as their special knowledge of local conditions, Councilors are often contacted prior to the filing of a special permit/site plan review application for guidance as to how best to proceed. While providing information to potential petitioners or to constituents is an important public service, it is also important for Councilors to avoid prejudging a potential petition prior to the public hearing and conclusion of the Council's review of the petition. Councilors contacted directly by potential petitioners, their representatives, or members of the public prior to the filing of a land use petition should therefore encourage such people to contact staff of the City's Planning and Development Department, who can give them guidance. Also in certain cases, especially major projects, Councilors should encourage prospective petitioners to explain their project to interested members of the Council in a setting where others potentially interested in a petition could be present.

Communications after land use petitions are filed. Councilors contacted subsequent to the filing of a land use petition should encourage the persons contacting them to communicate their information to the Council at the time of the public hearing and/or by filing written comments with the Clerk of the Council. Councilors should also disclose any information received through such contact, either prior to or after filing, if not part of the record available to the Council, in a timely manner that permits all parties involved in the proceeding to be aware of and to have an opportunity to comment on such information to the Council before a final vote is taken on the petition.

For further information, applicants, their representatives, or members of the public can contact staff of the Planning and Development Department or the staff of the Clerk of the City Councilor to inquire about the status of potential or current land use petitions, and are encouraged, as indicated above, to begin with the Planning and Development Department.

Persons interested in a land use petition should understand that in order to provide everyone an impartial decision, Councilors should not commit themselves to vote one way or another on any land use petition until all interested parties have had an opportunity to present information about the petition to the City Councilor.