



Southeastern Connecticut
Council of Governments

Commissioner Training Quick Reference Guide #3: *Commissioner Ethics and Behavior: Avoiding Legal Challenges*

Things to Avoid

Ex Parte Communication

- *Ex Parte* means ‘on or from only one side.’
- Receiving information or communications regarding an application outside of a public meeting.
- If you make a decision based on *ex parte* communication, it does not provide the applicant or the public a fair hearing process.
- How do you avoid it? Inform members of the public that they should speak during a public meeting so the commissioners, the applicant, and the public can hear it.
- What if they keep talking? Disclose anything heard during a public meeting.

Predisposition

- Predisposition is making up your mind on an application before you hear all of the information.
- If you are guilty of predisposition, you are not providing a fair hearing for the public or the applicant.
- How do you avoid it? Avoid making definitive statements about certain uses (e.g., ‘I would never vote to allow a fast food restaurant’).
- If you feel you cannot reach a fair, open minded decision, you should recuse yourself from the application (**Recuse**: to remove yourself from the proceedings by participating or voting).

Conflicts of Interest

- Conflicts of interest occur when a commission member or a close relative stands to gain financially or be harmed due to the approval or denial of an application.
- Perceived conflicts of interest are potentially just as damaging, so even if you feel you can render a fair decision, you should disclose any potential conflict on the record.
- If you cannot render a fair decision or if the conflict is clear, you should recuse yourself from the application.

Freedom of Information Act

- The Freedom of Information Act requires municipal meetings to be open and public.
- Copies of any and all communications relating to Commission business can be requested by the public, even texts and emails from one member to another.