



COMMUNITY DEVELOPMENT • 1140 Terex Road • Hudson, Ohio 44236 • (330) 342-1790

MEMORANDUM

To: Members of the Planning Commission

From: Nick Sugar, City Planner

CC: Greg Hannan, Community Development Director

Date: September 6, 2023

Subject: Planning Commission Administrative Rules – Conflict of Interest Discussion

The Administrative Rules for the Planning Commission were last revised at the July 10, 2023 meeting and included the following updates:

- Extended the time the agenda is posted.
- Prohibited changes to the agenda once posted.
- Incorporated various minor verifications/clean up items

During the August 28, 2023 Planning Commission meeting, Ms. Norman noted the conflict of interest topics that have recently come before the board. She requested this topic be added as a future discussion topic. Following the meeting, Ms. Norman submitted the proposed text below for discussion:

Current language in the Administrative Rules regarding conflicts of interest:

Section 903(I)(E): A member who believes he or she has a conflict of interest, whether financial or otherwise, direct or indirect, actual or perceived, in voting on an application shall notify the Chair upon introduction of said application before the Commission and shall, further, state for the record at the meeting the general nature of such conflict and physically excuse himself or herself from any and all meetings or parts therein where said application is discussed.

Proposed language:

Section 903(I)(E): To protect the integrity of due process and provide the highest degree of transparency to Planning Commission proceedings, members of the Commission shall be required to notify the Chair and city staff by email about a conflict of interest related to an impending application as soon as the agenda is made public. A conflict of interest may include, but is not limited to:

- being a member of an applicant organization,
- being a patron of an applicant organization or entity,
- being an employee/agent of an applicant entity,
- being related to an employee/stakeholder in an applicant entity,
- owning property immediately next to the subject property of an application,
- holding an interest, financial or otherwise, in the outcome of an application,

Once the member has provided notice to the Chair and staff, it is the responsibility of the member to refrain from all further consideration of the application that gives rise to the conflict of interest; this includes reviewing materials, inspecting the site, discussing the application with others or other commission members, recommending an outcome to others, and taking any other action on the matter. At the time in the meeting when the subject application is introduced, either the Chair or the member with the conflict shall state generally the nature of the conflict for the record and the member shall be excused from the meeting. Notwithstanding these provisions, a member always retains his or her personal rights as a citizen to address the Planning Commission on an application for which he/she has received required notice of a hearing under the provisions of the LDC. In the event that the ability to maintain a quorum is jeopardized due to numerous conflicts of interest, the Chair may call upon the Council liaison to the PC to activate a past PC member(s) for review of the specific application which cannot achieve a quorum. Such notice and activation should happen within 24 hours of the notice of the conflict.

Staff Recommendation:

Staff recommends the Planning Commission complete a preliminary discussion of the suggested revisions to determine if changes/clarifications to the text are desired. If the Planning Commission requests changes, staff recommends review by the City Solicitor for further discussion at the October 9, 2023 meeting. Of note, in addition to the guidance provided within the administrative rules, conflicts of interest are also reviewed as part of the board member orientation with staff and the City Solicitor.

Section 903(I)(I) of the Administrative Rules states “The Commission may at any time make amendments or supplements to these Rules by way of motion and vote, only after said amendment or supplement has received no less than two (2) readings by the Commission at separate meetings of the Commission and has been reviewed and approved by the City Solicitor as to legal form.”