

**Town of Essex
Planning Commission**

Conflict of Interest and Ex Parte Communication Guideline

CONFLICTS: In order to secure, protect, and preserve the highest level of public trust in deliberations and decisions of boards and commissions, it is incumbent upon each member not only to scrupulously avoid any act which constitutes a conflict of interest established in law, but also to avoid any act which may give the appearance of an undue special privilege or a conflict of interest.

- A. **Abstentions from participation and voting:** A member shall withdraw from all participation, including all formal and informal discussion and voting, in any deliberation of a board or commission or any of its committees or any issue upon declaration of a conflict of interest or upon the assertion that there is a reasonable public presumption that a conflict or a special privilege may exist. Physical presence at the deliberations shall be at the members' discretion; however his/her demeanor must not suggest participation in the decision process. Circumstances under which this guideline shall be exercised include, but are not limited to, the following:
- 1) If the member has a direct or indirect financial interest in the outcome of the matter at issue. A direct financial interest shall include, but not be limited to, circumstances in which the member is an applicant, a provider of professional or business services to the applicant, serves on the board of directors, or receives any form of remuneration or benefit from the applicant. Indirect financial interest shall include, but is not limited to, issues in which a member's partner, employee, immediate family, relative, or close personal friend has or is likely to have a direct financial interest in the outcome of the matter.
 - 2) If the matter at issue involves the member's own official conduct.
 - 3) If participation in the matter might violate the letter or spirit of a member's code of professional responsibility.
 - 4) If a member has such personal ties to the applicant that the member cannot reasonably be expected to exercise sound judgment in the public interest.
- B. **Ex Parte Communication:** No member shall communicate directly or indirectly with any applicant with regard to business with the board or commission except in the presence of staff or at board or commission meetings which have been properly noticed.

Adopted by the Planning Commission on 11-12-92