

The sections highlighted below are not addressed in the Best Practices Policy draft dated 2-2-16.

- I. Communication.
 - A. Communication with Applicants/Petitioners/Beneficiaries Outside of Noticed Public Meetings. *IC § 67-5253.*
 1. When Ex Parte Communications are Appropriate.
 2. How an Elected/Appointed Official Should Handle Communication Initiated by an Applicant/Petitioner/Beneficiary; When Disclosure is Necessary.
 3. How an Elected/Appointed Official Should Handle Communication Initiated by a Member of the Public, and Vice Versa.
 - B. How the Law Views Ex Parte Communication and its Impact on Impartiality. *Eacret vs. Bonner County*
- II. Bias and Recusal.
 - A. The Role of Mayors, Councilors, and City Staff in Quasi-Judicial Proceedings;
 1. Processing, Deliberating, and Voting. *Manookian vs. Blaine County, Huber vs. Fremont County.*
 2. Considerations When Issuing Staff Directives.
 3. The Mayor's Role in Superintending Procedure.
 - a) Roles of Promoting Business/Development and Superintending Procedure; Necessary Separation.
 - b) Timeframe of Quasi-Judicial Review; at Application Submission or Knowledge that an Application Will be Submitted.
 - B. Proper Conduct of Public Officials During Quasi-Judicial Proceedings.
 1. Can Elected/Appointed Officials and City Staff Convey Their Opinions or Make Promises or Commitments on Application Issues to the Applicant, to Staff, or to the Public Outside of Public Meetings?
 2. Can Public Officials Convey Pre-Determined Decisions Outside of Public Meetings?
 3. Can Public Officials Seek to Quell Difference of Opinions Outside of Public Meetings? Can Elected/Appointed Officials and City Staff Lobby One Another or Members of the Public on Application Issues Outside of Public Meetings?
- III. Role of City Staff.
 - A. When Is It Appropriate for Staff to Advocate for Development Proposals?
 1. Which Staffers are Designated Advocates?
 2. What Commitments Can Staff Make with Regard to Seeking New Development/Business?
 3. What Criteria Makes a Project Eligible for Advocacy?
 - B. Establishing the Reporting Relationship Between the City Clerk, the Planning & Zoning Administrator, the Community Development Director, the Public Works Director, other City Staff; Reporting Relationship to the Mayor.
 1. Ensuring the Impartiality of Staff Recommendations.
 2. Allowing the Planning & Zoning Commission and the City Council to Weigh the Recommendations from Various City Departments.
 - C. City Attorney Communications.

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1. When Advice is Sought/Given, Shall the Council be CC'd?
 2. Are Individual Council members Entitled to Request, Receive, and be Advised of City Attorney Advice?
 3. Is it Appropriate for Elected/Appointed Officials to Contend that an Application Position, Procedure, or Act is Required to Conform to Advice of the City Attorney Without Documentation from the City Attorney?
- IV. Public Hearings and Open Deliberation.
- A. How to Ensure Equal Access for the Public and Applicants/Petitioners/Beneficiaries.
 1. Establishment of a Timeframe Between Applicant Submittal and Deadline for Public Comment.
 2. How to Handle Information from the Applicant/Petitioner/Beneficiary Received by the City During the Preparation/After the Issuance of a Staff Report; Mandatory Continuance if Application or a Discretionary Application Issue is Materially Changed?
 - a) How to Define "Material Changes" in this Context.
 3. When is it Appropriate to Allow Time Limits on Public Comment?
 4. Is it Appropriate to Allow an Applicant or Favored Applicants Virtually Unlimited Time for Hearing Advocacy While Public Opportunity for Responsive Input is Severely Restricted?
 - B. First Amendment Rights of Appointed/Elected Officials and Limits to Such Rights During Deliberations in a Public Meeting.
 1. Primer on Defamation.
 2. Ability to Comment on Other Applications for Comparison Purposes.
 - C. Public Records Requests for Matters Related to Pending Decisions.
 1. How to Ensure Timely Responses and What Impact to Require on Holding of Hearings Where Affected by Unfulfilled Requests.
 2. How to Discern Privileged and Non-Privileged Information and Facilitate Independent Judicial Review of Same Where Needed.
 3. Appropriate City Staff for Handling Public Records Requests
 4. Appropriate Charges for Review Work.