

Who Shall Serve?

PUBLIC INTEREST VS. SPECIAL INTEREST

by C. Gregory Dale, AICP

THE ROLE OF THE
PLANNING COMMISSION IS
TO GO BEYOND SPECIAL
INTERESTS AND CONSIDER
THE BROADER PUBLIC
INTERESTS.

One of the challenges in the long-term health of a planning commission is the appointment of commission members who are best able to serve the public interest. Naturally, the background of potential members is an important factor in the selection process. But to what extent should the past involvement of potential commissioners in “special interest” groups pose a problem?

Consider the following scenario. Your city council is in the process of appointing two new commissioners. The mayor and council have developed a list of potential candidates. Among them, a developer who has been an officer in the local home-builders association, and an environmentalist who has been active in a local “save open space” organization. Each has appeared before the planning commission in the past.

The mayor and council are soliciting advice as to the most appropriate candidates. You question the wisdom of appointing those who have been active in special interest groups dealing with planning and zoning issues. You are concerned about future conflicts of interest and also troubled by having “special interest advocates” serve on the planning board.

Are there good reasons for your concerns? Should communities avoid appointing individuals who have been involved with special interest groups?

There are several broad issues raised by these questions:

1. *Should the planning commission reflect the prevailing values of the community?*
2. *What is the community, through its governing body, trying to achieve in the way it structures its planning commission?*
3. *What message is being sent to the public?*

Let me deal with these questions one at a time. First, the role of the planning commission is to be a fair, objective, and unbiased decision-maker and advisor to the legislative body. It is the job of the planning commission to consider the

long-range consequences of decisions for the community as a whole. The planning commission should be the one body in the community that is above the political fray – and should be as fair and free of bias as possible. While special interest groups should and will be heard in the planning process, the role of the planning commission is to go beyond special interests and consider the broader public interest.

Of course, each member comes to the planning commission with a certain set of values. In this regard, those who feel strongly about the protection of the environment or the promotion of economic development are really no different than those who feel strongly about residential protection. No one expects planning commissioners to ignore their values, but we do expect them to rise above biases and consider all issues objectively in light of the long-range community wide perspective. The mere fact that someone has been a member of a special interest group and shares its values does not necessarily create a problem.

Diversity of opinion and even good faith disagreements over issues can be healthy. After all, the community as a whole encompasses many different viewpoints, so why shouldn't the planning commission? In fact, a number of communities require the commission to include members with certain backgrounds (e.g., architects and engineers).

However, these provisions are intended to ensure certain expertise, not to benefit special interests.

This leads to the second question: what are we trying to achieve in the way we structure our planning commissions. It makes sense for a community to identify some basic parameters for the selection of new commissioners. For example, a list of desirable characteristics of new commission members might include the following: capable of being objective and fair; knowledgeable about local issues; willing to work hard; above ethical reproach; and able to place long-term community-wide interests above special interests.

Obviously, there will be more factors that are important in your community – and any list might vary from community to community – but it is important for the appointing body to know what it is trying to accomplish *before* selecting individuals to serve on the planning commission.

The final issue relates to the message being sent to the public. If a planning commission is perceived as simply being a group of “political cronies” that will do whatever the “politicians” say, then it will be an ineffective community institution. On the other hand, a planning commission perceived as being interested in the long-term health, viability, and livability of the community, can establish itself as a respected voice.

Let me wrap up by making five brief points.

1. There is nothing *inherently* wrong with appointing planning commission members who have been active in special interest groups. The key question is whether the individual is likely to place the long-term broad public interest above those special interests – and treat everyone fairly and without bias.

2. The community should exercise some common sense in balancing planning commission appointments. For example, if there is a member with an environmental advocacy background, it may make sense to balance this point-of-

view with someone having an economic development background.

3. Consider the practical issue of future conflicts of interest. While involvement in special interest groups may not create actual conflicts of interest (since they usually do not involve personal financial interests), legitimate concerns about bias may arise. For example, if many zoning cases involve environmentally sensitive properties in which either an environmental or a development-oriented group has a vocal interest, then a commissioner who has been active in either group may have to abstain repeatedly. Frequent abstentions can make it more difficult for a commission to function effectively.

4. The nature and timing of special interest involvement should be considered. Appointing a current officer of a group that is directly interested in planning issues may raise more concerns than appointing a mere member or a former officer who has had a relatively low profile.

5. Be conscious of public perception. If a potential candidate is widely perceived as being a “firebrand” for his or her cause and unlikely to act in an unbiased way, then appointing such a person may not be wise.

Above all, be guided by the need to create a mix of reasonable, fair-minded people with the integrity to act in the long-term public interest of the community as a whole. Strive to create an environment where the planning commission can be the non-political body it is designed to be. ♦

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Resources:

Several articles in past issues of the *PCJ* – available for downloading from our web site – also deal with different aspects of planning board membership, and with conflict of interest issues. To locate the article, read excerpts, and download (there is a small fee for article downloads) type the article number listed below in the search box on the top of our main page: www.plannersweb.com

- *Behind the Scenes Advocacy* (article 496)
- *Commissioners as Neighborhood Advocates* (article 336)
- *Homogeneous Commissions in Heterogeneous Communities* (article 222)
- *Caution: Conflicts of Interest* (article 274)



On-Line Comments

“Very timely piece for us in Dearborn County, Indiana. We currently have THREE surveyors on our plan commission. Two were unable to vote at the last meeting because one was working for the project from the beginning and the other was hired to do a traffic analysis for it. This left the board with a lack of quorum (others were on vacation). Talk about a ‘hot’ crowd! They were not happy when they found out they’d come for nothing.”
– *Christine Mueller, Lawrenceburg, IN*

“In our community, getting people to volunteer for vacancies (let alone be qualified) on boards and commissions is the first battle. Once we get past this hurdle we have to deal with the personalities and objectives of the persons who do the appointing.”
– *Richard Floyd, past Chairman of the Frederick County, Maryland Planning Commission and current President of the Maryland Citizen Planners Association*

“Greg Dale reaches exactly the right conclusions for getting the right balance of expertise and diverse viewpoints on the planning commission. I’m personally not a great fan of trying to engineer any particular sort of ‘balance’ on the commission, for reasons that

Greg mentions, plus these: (1) All of us have potential indicators of bias that are there for all the world to see – such as our professions – and plenty of other even more consequential indicators that may be known to no one. If my parents had been denied a subdivision of their property long ago, that may influence my planning decisions more than anything that’s known to the community; and (2) Some commissioners end up voting in ways that contradict their presumed biases, much as the supposedly conservative Earl Warren headed the most liberal Supreme Court in U.S. history. ... Conscientious, reflective people should never be excluded from appointment to the commission. The message delivered to every potential appointee should say, ‘If you’ve got an open mind, we’ve got an open slot.’”
– *David Stauffer, President, Red Lodge, MT Planning/Zoning Commission*

“I personally believe it to be inappropriate for a sitting planning commissioner to try to influence the composition of the planning commission by publicly advising the appointing body. If I publicly advocate a candidate who is subsequently not appointed, communication with the person who is appointed may be difficult to non-existent.”
– *Neill E McDonald, MAI, Planning Commissioner, Savannah, GA*

“I have been an active participant in the development of real estate along the I-5 corridor in Oregon and Washington since 1978. ... When times are too good, the anti-growth people come to power and tighten the reins. As jobs start drying up, the pro-growth people come to power and relax the rules. ... Over the last ten years business leaders have not participated as actively and environmental groups have gained control of committees and commissions. This generally has had a negative impact on providing balanced planning processes.”
– *Bob Durgan, Vice President Development Services, Andersen Construction, Portland, OR*

“I am a member of my Planning Board and Environmental Commission, a post mandated by law. I work very hard to maintain my ‘objectivity’ and look at the merits of individual applications and ordinances. But I certainly believe it is important to protect the environment. In a town where there is a water allocation ban because our wells are drying up, in a state that expects build out in 20 years, yet with precious natural resources literally in my backyard, I think preserving the environment is important.”
– *Lisa Voyce, Planning Board Member, Roxbury Township, NJ*