

APPENDIX M:

LEWIS AND CLARK COUNTY EX PARTE POLICY

RESOLUTION NO. 2002 - 23

A RESOLUTION ESTABLISHING THE BOARD OF COUNTY COMMISSIONERS POLICY RELATING TO EX PARTE COMMUNICATIONS

WHEREAS, the Board of County Commissioners wishes to establish a written policy regarding EX PARTE communications relating to quasi-judicial proceedings; and

WHEREAS, quasi-judicial matters include, but are not limited to:

- A) granting or denying privileges, rights, or benefits to a particular entity;
- B) interpreting, applying, enforcing rules and laws;
- C) issuing, suspending, or revoking licenses, permits, and certificates;
- D) determining rights and interests of adverse parties;
- E) evaluating and passing on facts as they apply to existing laws or rules;
- F) awarding compensation;
- G) ordering action or abatement of action;
- H) any other act necessary to the performance of a quasi-judicial function

WHEREAS, *a matter is quasi-judicial if the Board of County Commissioners is acting as a body to determine facts and their application to the law and a party has a legal obligation and right to seek review of the Board of County Commissioners; and*

WHEREAS, the County Commissioners held a public hearing on December 11, 2001 to hear evidence for or against establishment of an "EX PARTE" policy.

NOW, THEREFORE BE IT RESOLVED that Commissioners may not communicate with any party or his/her representative outside the setting of a public hearing on any issue of fact or law regarding any quasi-judicial matter that may come before the Commission for decision; and

BE IT FURTHER RESOLVED that Commissioners shall not discuss a subdivision application with the applicant, any other effected party, or his/her representative once an application has been submitted to the Planning Department. Any written comments regarding an application shall be forwarded to the Planning Department, and those comments will be presented to the Commission during the public hearing. Individual Commissioners may visit the property under review, as long as communication does not take place with the applicant or any effected party during the site visit.

Dated this 26 day of February, 2002.

Lewis and Clark County
Board of Commissioners

/s/ _____
Michael A. Murray, Chairman

ATTEST:

/s/ _____
Paulette DeHart, Clerk of the Board

December 18, 2007
Amended March 5, 2009

Appendix M-1