ETHICS TRAINING
for CPRC
INTRODUCTION

The City Code of Conduct requires all appointed and elected officials to participate in ethics training.

State and local laws regulate the conduct of public officials.

Texas government operates as “government in the sunshine.” Pursuant to law documents related to city business are available for public inspection.

Failure to conduct your official duties within the parameters of the law may result in a fine, jail time, and/or forfeiture of office.

To avoid these consequences, this presentation has been prepared as a reference tool. It is by no means inclusive of every law relating to public officials, but it should give you a general foundation of the general laws that apply.
WHAT GOVERNS YOUR CONDUCT AS A PUBLIC OFFICIAL?

Your own judgment, conscience, and personal morals

This is the catch-all provision. Although some conduct may not be technically illegal or a violation of a city ordinance, it may be offensive to the general public or to you based upon your own judgment, conscience, and personal morals. This is sometimes referred to as conduct which has the “appearance of impropriety.” Individual public officials determine on a case by case basis if they should abstain from voting when there is not a legal requirement to refrain from consideration of an item.

State law

A multitude of state laws including the Texas Penal Code, Civil Statutes, and Local Government Code regulate the conduct of public officials. Violations may result in: criminal penalties, including fines and/or incarceration; forfeiture of office; and, limited preclusion from government work.

Charter and Code of Ordinances

The City Code of Ordinances contains a code of conduct for officials and employees. It addresses ethics investigations, financial conflicts of interests, and appearances before boards and commissions, to name a few. Violations may result in reprimand and/or removal from office in certain instances.
Abuse of Official Capacity (Texas Penal Code Sec. 39.02)

Official misconduct can occur in two ways, if a public official:

1) violates a law relating to his office; or
2) misuses any government property, services, personnel, or any other thing of value in his possession by virtue of his position, and does so with the intent to obtain a benefit from or to harm another.

Depending on the type of conduct involved, the punishment ranges from a class C misdemeanor to a first degree felony.

Official Oppression (Texas Penal Code Sec. 39.03)

It is an offense to act through your official role and to intentionally:

1) subject another to detention, arrest, search, seizure, assessment, dispossession, or a lien, when you know such conduct is unlawful;
2) deprive or impede another of any right privilege or immunity and you know your conduct is unlawful; or
3) subject another to sexual harassment.
4) official oppression is punishable as a class A misdemeanor.
**STATE LAWS**

**Misuse of Official Information (Texas Penal Code Sec. 39.06)**
This statute prohibits a public official from disclosing any non-public information to another to which he has access by virtue of his office. It prohibits you from or you aiding another from speculating on that information, and prohibits you or another from acquiring an interest in the property, transaction or enterprise that may be affected by the information. This statute doesn’t require a showing of profit. Mere speculation or acquisition of an interest in the property is sufficient to warrant a violation. Misuse of Official Information is punishable as a third degree felony.

**Bribery (Texas Penal Code Sec. 36.02)**
As a public servant, you commit an offense if you offer, confer, agree to confer, solicit, accept, or agree to accept any benefit from a person as consideration for your decision, opinion, recommendation, vote, or other exercise of discretion, or as consideration for a violation of a duty imposed by law on you. This statute does not require that the transaction (whatever it may be) actually takes place, but just that an agreement is made. Bribery is punishable as a Second degree felony.
STATE LAWS

Acceptance of Honorariums (Texas Penal Code Sec. 36.07)
Honorariums may be gifts, fees or other valuable items provided to a person for attending and/or speaking at an event and the request to speak is based upon your position as a public official. As a public servant, you commit an offense if you solicit, accept, or agree to accept an honorarium in consideration for services that you would not have been requested to provide but for your official position or duty. No violation occurs for legitimate services you provide that are above and beyond your regular official duties. Acceptance of Honorariums is a Class A misdemeanor.

Coercion of Public Servant or Vote (Texas Penal Code Sec. 36.03)
A person commits an offense if he influences or attempts to influence a voter or public servant in a particular manner by means of coercion. Coercion of Public Servant or Vote is a Class A misdemeanor unless the coercion is a threat to commit a felony, in which event the offense is a third degree felony.
The Code of Conduct and the City Charter also set forth standards for officials. Many of the requirements are similar to state law, and in some circumstances more stringent.

City Charter Section 11.02 Personal Interest

Section 11.02 of the City Charter forbids an officer from having any direct or indirect financial interest in a sale of any land, rights or interest in land, materials, supplies or service to the City. The only exception to this restriction is if the officer’s financial interest is ownership of less than 1% of stock of a corporation. A violation results in forfeiture of office and may render the contract voidable.

An example includes: A board member who owns a catering service may not offer those services to the city.
City Code of Ordinances
The City’s “Code of Conduct” is found in Article IV of Chapter 2 of the Code of Ordinances. There are also provisions in the City Charter relating to personal interests. The following is a summary of several of the key Code of Conduct provisions:

No employee or Council Member may:

1) Participate, discuss, vote or monitor any matter that comes before you where you or a relative of yours have a financial interest in such item. In such an event, an affidavit specifying the financial interest shall be filed with the record keeper prior to any discussion on the item and the affected member shall thereafter refrain from participation on that item.

2) Represent or appear on behalf of private interests before the agency, board, commission, or committee of which you are a member, or before the City Council or other board on an appeal from such board, commission or committee concerning such matter.
3) Represent any private interest of others in any action or proceeding involving the city or voluntarily participate on behalf of others in any litigation to which the city might be party. Nor may you appoint or recommend for appointment any person to a city board or commission that is a party to litigation against the City or representing any private interest of others in any litigation to which the City is a party.

4) Use your powers to secure special privileges or exemptions for yourself or others, granting special treatment to anyone or any organization beyond that which is normally available to everyone. (Companion to: Texas Penal Code Sec. 36.08)

5) Disclose confidential information or information that could adversely affect the City in any way. (Companion to: Texas Penal Code Sec. 39.06; disclosure of certified agenda or tape of executive session.)

6) Engage in outside activities which will conflict with or will be incompatible with the full and proper discharge of one’s duties.
CITY CODE OF CONDUCT AND
CHARTER PROVISIONS

7) Deliberately impede the execution of city ordinances, rules, or regulations or achievement of official city programs in any way.

8) Use City supplies, equipment, or facilities for any purpose other than the conduct of official City business.

9) Engage in any conduct prejudicial to the government of the City or that is unbecoming of a public servant.

Violation of one or more of the above constitutes grounds for reprimand and/or removal from office to the extent allowed by law.

More specifically, Section 11.02 of the City Charter provides that a violation of conflict of interest constitutes malfeasance in office, and any officer found guilty of such a violation shall forfeit his office, and any contract involved in such violation may be voided.
CITY CODE OF CONDUCT AND CHARTER PROVISIONS

Political Activity
Boards and Commissions of the City of Plano, other than City Council, are prohibited from hosting or sponsoring events for candidates to elective office, including but not limited to, candidate forums, debates, and introductory meetings.

This does not prohibit individuals from participating in all local, state and national elections and in any political process as a private citizen.
Another aspect of “Government in the Sunshine” is the Texas Public Information Act (“the Act”) [formerly known as the Open Records Act] found in Chapter 552 of the Texas Government Code. The purpose of this Act is to provide the broadest possible access to public information generated and maintained by governmental bodies. Information subject to disclosure includes both hard copy documents and electronic data. If the City elects to retain information beyond the required retention period for historical purposes, such information is also subject to disclosure requirements under the Act. The Act only requires disclosure of existing information. There is no duty to create a record or conduct research in order to respond to requests for information. The Act provides that all public information shall be available for inspection during normal business hours to any person who wishes to examine them. The City is also obligated to furnish copies of records within ten (10) business days after receiving a request and may charge for the copies.
Public Information

Officials have a duty to disclose public information unless an exception to disclosure exists under the Act.

A few examples of what is considered to be public information (with/without redactions, where applicable) are:

- Completed reports, audits, evaluations, and investigations made of, for or by the City;
- The names, sex, ethnicity, salaries, title, and dates of employment of all employees and officers of the City;
- Accounting information dealing with the receipt or expenditure of public or other funds by the City, if the information is not otherwise made confidential by law; and
- Descriptions of the City’s organization, including the locations (where an exception does not apply), persons, and procedures for the public to obtain information.
Preservation of Information

A current or former officer or employee of a government body who maintains public information on a privately-owned device shall:

1) Forward or transfer the public information to the governmental body for preservation; or

2) Preserve the public information in its original form in a backup or archive and on the privately owned device for the retention period.
Exceptions to Disclosure

This list is not exclusive and does not in any way limit the definition of public information. It is wiser to review the specific exceptions set forth in the Act and determine if documentation responsive to the request for information could fall under one of these provisions, rather than looking to a list to determine if it is excepted from disclosure.

While the City can waive its protection from disclosure, it should not do so if the release will jeopardize third-party interests or matters that are confidential by law. Further, an official cannot make random disclosures. If an official waives disclosure for one person, the disclosure is now waived for all other persons who request the same information.
TEXAS PUBLIC INFORMATION ACT

Some exceptions to disclosure are:

1) Information deemed confidential by law, either constitutional, statutory, or by judicial decision;
2) Information in personnel files, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy; however, all information in personnel files of a governmental employee is to be made available to that employee or his designated representative;
3) Information relating to litigation of a civil or criminal nature or settlement negotiations to which the state or political subdivision is or may be a party or to which an officer or employee of the state or a political subdivision, as a consequence of the person’s office or employment, is or may be a party;
4) Information which, if released, would give advantage to competitors or bidders;
Continuation of exceptions to disclosure:

5) Information pertaining to the location of real or personal property for public purposes prior to public announcement of the project, and information pertaining to appraisals or purchase price of real or personal property for public purposes prior to the formal award of contracts therefor;

6) Draft and working papers involved in the preparation of proposed legislation;

7) Information held by law enforcement agencies or prosecutors that deals with the detection, investigation, and prosecution of crime and the internal records and notations of such law enforcement agencies or prosecutors which are maintained for internal use in matters relating to law enforcement or prosecution;

8) Private correspondence or communications of an elected office holder relating to matters the disclosure of which would constitute an invasion of privacy;

9) Trade secrets or commercial or financial information obtained from a person and privileged or confidential by statute or judicial decision.
TEXAS PUBLIC INFORMATION ACT

Criminal Violations and Penalties

A person commits an offense if the person willfully destroys, mutilates, removes without permission, or alters public information. This offense is a misdemeanor punishable by (1) a fine of not less than $25 or more than $4,000; (2) confinement in the county jail for not less than 3 days or more than 3 months; or (3) both the fine and confinement.

A person commits an offense if the person distributes information considered confidential under the Public Information Act. This offense is a misdemeanor punishable by (1) a fine of not more than $1,000; (2) confinement in the county jail for not more than 6 months; (3) both the fine and confinement. This offense also constitutes official misconduct.

An officer for public information, or the officer’s agent, commits an offense if, with criminal negligence, the officer or the officer’s agent fails or refuses to give access to, or to permit or provide copying of, public information to a requester as provided by the Public Information Act. This offense is a misdemeanor punishable by (1) a fine of not more than $1,000; (2) confinement in the county jail for not more than 6 months; or (3) both the fine and confinement. This offense also constitutes official misconduct.
Civil Penalties and Remedies

Writ of Mandamus
If an official refuses to either supply the requested public information or to request an Attorney General decision regarding whether or not the requested information should be disclosed, a suit for a writ of mandamus compelling the release of the information may be filed. In a mandamus action, the prevailing party may recover costs of court and reasonable attorney’s fees.

Suit for Declaratory Judgment or Injunctive Relief
A suit for declaratory judgment or injunctive relief can also be brought by a local prosecutor or the attorney general against a governmental body for a violation of the Public Information Act.
Notification of Compliance

I, ________________________________, an official of the City of Plano, Texas, do hereby state that, in compliance with Section 2-100 of Chapter 2 of the Code of Ordinances of the City of Plano, I received training as to the provisions of the Code of Conduct of the City of Plano on ______________, 20___.

____________________________________
(Signature of Official)

____________________________________
(Printed Name of Official)

____________________________________
(Name of Board/Commission)

____________________________________
(Date)

Received on __________, 20______
By: __________________________
__________________________Title
City of Plano
Comprehensive Plan Review
Meeting #1 | January 11, 2020 | CPRC Kickoff
Agenda

• Introductions
• Purpose of Project
• Ice Breaker Exercise
• Planning 101
• Survey Results
• Group Break
• Issue Identification Exercise
• Topic Determination
• Next Steps and Schedule
Introductions
FNI Team

Dan Sefko, FAICP
Eddie Haas, AICP
Daniel Harrison, AICP
Colton Wayman
Eleana Tuley
Our Mission

Be the very best at client service, resulting in long-term, mutually beneficial relationships.

- Multi-disciplinary firm
- 850+ employees
- 20 offices in five states
Who are we?

800+ FNI Employees

of which 22 are Urban Planners and Landscape Architects
Introduce Yourself!

• What is your name?
• How are you involved in the community?
• Where do you work?
Purpose of Project
Purpose

Review and recommend any changes or modifications to the Plano Tomorrow Comprehensive Plan.
Plano Tomorrow – Structure

5 Pillars

10 Components

41 Policies

273 Actions
## Plano Tomorrow – Pillars

<table>
<thead>
<tr>
<th>Built Environment</th>
<th>Social Environment</th>
<th>Natural Environment</th>
<th>Economic Environment</th>
<th>Regionalism</th>
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<tr>
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<td>• Quality of Life</td>
<td>• Building &amp; Site Efficiency</td>
<td>• Diverse &amp; Resilient Community</td>
<td>• Our Place in the DFW Region</td>
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Plano Tomorrow Ordinance

• Ordinance No. 2015-10-9
• Mirrors information located in planotomorrow.org
• Contains policy the City follows for managing land development
• Ordinance is the central focus of this effort
Keys to Success

• Provide constructive input to the process.
• Listen to all opinions.
• Be solutions-oriented.
  – Think “how can this be accomplished?”
• Be flexible in your thinking.
  – Keep future generations in mind.
  – Be creative.
  – Consider other ideas.
• Be ambassadors of the process.
• Work within the framework.
  – Follow through with your role and responsibilities.
  – Follow the process to be efficient and finish within the allotted timeframe.
• Seek a shared vision.
Review Process

- Review
- Establish concerns
- Feedback
Review Process

• Review
• Establish concerns
• Feedback

CPRC

Planning & Zoning

• Listen
• Policy
Review Process

• Review
• Establish concerns
• Feedback

Planning & Zoning
• Listen
• Policy

• Review
• Feedback

CPRC
Review Process

- Review
- Establish concerns
- Feedback

CPRC

Planning & Zoning
- Listen
- Policy

CPRC

- Review
- Feedback

CPRC

Planning & Zoning
- Listen
- Amend
Review Process

- Review
- Establish concerns
- Feedback

Planning & Zoning
- Listen
- Policy

Planning & Zoning
- Review
- Feedback

Planning & Zoning
- Listen
- Amend

- Present to Public
- Listen
- Feedback
Review Process

- Review
- Establish concerns
- Feedback

Planning & Zoning
- Listen
- Policy

CPRC

- Review
- Feedback

Planning & Zoning
- Listen
- Amend

CPRC

Repeat process until at least supermajority (75%) approval

- Present to Public
- Listen
- Feedback

CPRC
Adoption Process

- Notice
- Final Public Hearing
- Recommendation
Adoption Process

- Notice
- Final Public Hearing
- Recommendation

Planning & Zoning

City Council

- Public Hearing
- Adoption of Ordinances
Adoption Process

- Notice
- Final Public Hearing
- Recommendation

Planning & Zoning

City Council
- Public Hearing
- Adoption of Ordinances

CPRC
- Sunset of Committee
Icebreaker Exercise
Icebreaker

How it works:

– Moderator will ask a question
– Depending on your answer, please go to the corresponding group
Where did you grow up?

**Group A** – Plano

**Group B** – Somewhere else in Texas

**Group C** – Outside of Texas

**Group D** – Outside of the USA / Other
Why did you move to Plano?

Group A – Career

Group B – Family / Born in Plano

Group C – Education / Schools

Group D – Lifestyle / Other
How long have you lived in Plano?

Group A – Less than 5 years

Group B – 6 to 15 years

Group C – 16 to 25 years

Group D – More than 25 years
Which of these best describes your favorite place to eat?

**Group A** – The hottest new restaurant in town/Trying something new

**Group B** – A reliable chain restaurant

**Group C** – A hole in the wall with awesome food

**Group D** – At home / Other
What best describes your area of employment?

Group A – Small business

Group B – Large company

Group C – Government / Non-Profit

Group D – Home Occupation / Retired / Other
What do you like most about Plano?

Group A – Parks

Group B – Neighborhoods

Group C – Shopping and Dining

Group D – Job Opportunities / Other
Why did you agree to serve on this committee?

**Group A** – I want my interests to be heard

**Group B** – I want to make sure the city gets what it needs

**Group C** – Because I was asked but have no predetermined opinion

**Group D** – Because I want Plano to be the best it can be / Other
Planning 101
Authority to Plan

• In Texas the Local Government Code provides the authority to manage land development
  • Chapter 213 (Comprehensive Plans)
  • Chapter 211 (Zoning)
  • Chapter 212 (Subdivision)

• Focused on providing for the health, safety, and welfare of citizens
Planning Overview

“Destiny is not a matter of chance. It is a matter of choice.” – William Jennings Bryan
How is a Comprehensive Plan Used?

City Council
How is a Comprehensive Plan Used?

City Council → Purpose: Make Decisions
How is a Comprehensive Plan Used?

City Council ➔ Purpose: Make Decisions

How does the Council form their decisions?
How is a Comprehensive Plan Used?

City Council ➔ Purpose: Make Decisions

- Input
- Comp Plan
- P&Z Commission
- Public Meetings
- Staff Input
How is a Comprehensive Plan Used?

City Council

Purpose: Make Decisions

Input
- Comp Plan
- P&Z Commission
- Public Meetings
- Staff Input

What does the Council do with this input?
How is a Comprehensive Plan Used?

City Council ➔ Purpose: Make Decisions

- Input
  - Comp Plan
  - P&Z Commission
  - Public Meetings
  - Staff Input

- Regulations
  - Zoning
  - Subdivision
  - Building
  - Other
Benefits of a Comprehensive Plan

• Helps guide public-private investment
• Identifies funding opportunities
• Creates actionable steps
• Provides citizens the opportunity to determine priorities for their community
Survey Results
### Starting the Discussion

#### Topics of Little Concern
- Quality of Life (8/16)
- Sense of Community (10/16)
- Building and Site Efficiency (10/16)
- Environmental Quality (12/16)
- Diverse and Resilient Economy (10/15)
- Jobs and Workforce Development (12/15)
- Future Land Use Map and Land Use Descriptions (8/15)
- All other comprehensive plan maps (8/15)

#### Topics of Varying Responses
- Transportation
- Our Place in the DFW Region
- Growth and Change Map and Growth and Change Descriptions

#### Topics of Concern
- Land Use and Community Design (11/16)
- Housing and Neighborhoods (11/16)

*Topics categorized by majority response*
Question 2

Having read the Land Use and Community Design component on pages 4-8, are there any policies or actions that concern you?

No. I have no concerns at this time. 4/16

Yes. Please explain and provide policy abbreviations and action numbers, as appropriate. For example, Community Design (CD1). 11/16

Unsure. 1/16
Question 3

Having read the Transportation component on pages 9-13, are there any policies or actions that concern you?

- No. I have no concerns at this time. 5/16
- Yes. Please explain and provide policy abbreviations and action numbers, as appropriate. For example, Pedestrian Environment (PE1). 7/16
- Unsure. 4/16
Question 4

Having read the Housing and Neighborhoods component on pages 14-16, are there any policies or actions that concern you?

- No. I have no concerns at this time. 4/16
- Yes. Please explain and provide policy abbreviations and action numbers, as appropriate. For example, Special Housing Needs (SHN1). 11/16
- Unsure. 1/16
Having read the Quality of Life component on pages 29-37, are there any policies or actions that concern you?

- **No. I have no concerns at this time.**
  - 8/16

- **Yes. Please explain and provide policy abbreviations and action numbers, as appropriate. For example, Parks & Recreation (PR1).**
  - 5/16

- **Unsure.**
  - 3/16

Question 5
Question 6

Having read the Sense of Community component on pages 38-42, are there any policies or actions that concern you?

- **No. I have no concerns at this time.**
  - 10/16
- **Yes. Please explain and provide policy abbreviations and action numbers, as appropriate. For example, Community Involvement and Participation (CIP1).**
  - 5/16
- **Unsure.**
  - 1/16
Question 7

Having read the Building and Site Efficiency component on pages 46-49, are there any policies or actions that concern you?

- No. I have no concerns at this time. 10/16
- Yes. Please explain and provide policy abbreviations and action numbers, as appropriate. For example, Water Conservation (WC1). 4/16
- Unsure. 2/16
Question 8

Having read the Environmental Quality component on pages 50-51, are there any policies or actions that concern you?

No. I have no concerns at this time. 12/16

Yes. Please explain and provide policy abbreviations and action numbers, as appropriate. For example, Waste Minimization (WM1). 3/16

Unsure. 1/16
Question 9

Having read the Diverse and Resilient Economy component on page 53, are there any policies or actions that concern you?

No. I have no concerns at this time. 10/15

Yes. Please explain and provide policy abbreviations and action numbers, as appropriate. For example, Diverse & Resilient Economy (DRE1). 3/15

Unsure. 2/15
Question 10

Having read the Jobs and Workforce Development component on page 54, are there any policies or actions that concern you?

No. I have no concerns at this time. 12/15

Yes. Please explain and provide policy abbreviations and action numbers, as appropriate. For example, Jobs & Workforce Development (JWD1). 3/15

Unsure. 0/15
Question 11

Having read the Our Place in the DFW Region component on pages 56-61, are there any policies or actions that concern you?

- **No. I have no concerns at this time.** 6/15
- **Yes. Please explain and provide policy abbreviations and action numbers, as appropriate. For example, Air Quality (AQ1).** 7/15
- **Unsure.** 2/15
Question 12

Do you have any concerns with the Future Land Use Map on page 17 and Land Use Descriptions listed on pages 18-20?

- No. I have no concerns at this time. 8/15
- Yes. Please explain. 4/15
- Unsure. 3/15
**Question 13**

Do you have any concerns with the Growth and Change Map on page 21 and Growth and Change descriptions listed on page 22?

<table>
<thead>
<tr>
<th>Response</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>No. I have no concerns at this time.</td>
<td>6/15</td>
</tr>
<tr>
<td>Yes. Please explain.</td>
<td>4/15</td>
</tr>
<tr>
<td>Unsure.</td>
<td>5/15</td>
</tr>
</tbody>
</table>
Question 14

Do you have any concerns with the other comprehensive plan maps (Bicycle Transportation Map (page 44), Thoroughfare Plan Map (pages 23-24), Park Master Plan Map (page 43), Expressway Corridor Environmental Health Map (pages 25-27))?

- No. I have no concerns at this time. 8/15
- Yes. Please explain. 4/15
- Unsure. 3/15
Question 15

What do you think is most important for the City to consider when planning for its future growth?
Question 16

What are your thoughts or concerns about density? If any, please explain.
Question 17

What are your general thoughts or concerns about the Plano Tomorrow Comprehensive Plan? If any, please explain.
Question 18

What do you hope the Comprehensive Plan Review Committee achieves from this process?
Group Break
Issue Identification
Exercise
Issue Identification

Consider:
What issues are important to Plano?
*Please take roughly 3 minutes each

Issues aren’t necessarily problems but are important aspects to consider as we go through the review process.
Topic Determination
Focus Areas

As determined by City Council:

- Land Use
- Transportation
- Growth Management
- Density
# Issue Identification

<table>
<thead>
<tr>
<th>Issue Identification Exercise</th>
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<tbody>
<tr>
<td>Land Use</td>
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<th>Issue Identification Exercise</th>
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<tr>
<td>Growth Management</td>
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</table>
Next Steps

- Prepare for the next meeting
  - Date: Wednesday, January 22, 2020
  - Time: 6:00 p.m.
  - Location: Plano City Hall
- What will the agenda items be?
Thank you
For more information, please visit
www.PlanoCompPlanReview.org