

## **Promoting Ethics in Local Government: A Year in Review Fiscal Year 2015**

### **Executive Summary**

In addition to reviewing ethics cases, the Committee on Professional Conduct (CPC) finalized the review of Tenet 12 of the ICMA Code of Ethics. The members overwhelmingly voted to adopt new language for the Tenet. The new language now reads, *“Public office is a public trust. A member shall not leverage his or her position for personal gain or benefit.”*

The ICMA Executive Board approved revisions in June 2015 to four of the Tenet 12 Guidelines: *Gifts, Investments, Endorsements, and Confidential Information*. Notable changes or clarifications for the Guidelines included:

- The CPC expanded the definition of what constitutes a gift (e.g. sporting tickets, gift cards, and money not associated with salary and benefits). Members should consult state law or their governing bodies to set a modest maximum dollar amount for de minimus gifts that serve a public purpose. Members may continue to participate in social gift-exchanging situations.
- Members are no longer permitted to write letters of recommendations for vendors or companies. Members are permitted to provide verbal recommendation when contacted by other local governments. (*Endorsements*)
- Members may not endorse commercial products or services through their social media accounts. (*Endorsements*)
- De minimus ownership – by members or their families – of publicly-traded companies, even those companies or their subsidiaries that conduct business within a member’s local government, is not considered an investment which requires divestment or disclosure. (*Investments*)
- Any information that is available through an open records request is not considered confidential. (*Confidential Information*)

### **Ethics Enforcement**

ICMA enforces the Code of Ethics through a formal review process administered by a peer-review body, the ICMA Committee on Professional Conduct (CPC). The confidential process provides a member with the opportunity to respond to the complaint and for the appointment of a fact-finding committee when additional documentation and information is required. At the conclusion of the review process, the CPC can decide to close a case where no violation has occurred; issue a private censure for an ethics violation; or recommend that the ICMA Executive Board publicly censure and/or expel, bar, or revoke the credential of a member who has violated the Code of Ethics.

The ICMA Committee on Professional Conduct reviewed **22** ethics complaints filed against ICMA members. The reviews resulted in:

- 1 public censure, expulsion, and Credential revocation;
- 3 public censures and membership bars;
- 3 public censures;
- 6 private censures; and
- 9 closed cases with or without advice

### **Conduct that resulted in a public censure, expulsion, and Credential revocation**

#### ► **Misuse of public funds; credit cards**

- A town manager converted his life insurance policy without governing body approval and was reimbursed more than \$87,000 for extra premium payments over the span of 15 years. The member was also reimbursed approximately \$366,000 for supplies, personal items, equipment, travel and meals that appeared unrelated to his duties as manager. In making the purchases, the manager violated town policy by failing to complete purchases orders; used his personal credit card to make the purchases; had many items shipped to his home instead of town office; and failed to sufficiently document the business purpose of the purchases.

*(Tenets 2, 3, and 12)*

### **Conduct that resulted in a public censure and membership bar**

#### ► **Misuse of public funds**

- A city manager pled guilty to a felony charge of grand theft and a misdemeanor charge of corrupt misuse of an official position related to funds that he inappropriately took from his city. *(Tenets 2, 3, and 12)*

#### ► **Misuse of public funds; failing to obtain governing body approval**

- A county administrator failed to obtain governing body approval to change the manner in which she received her compensation and directed staff to provide her with benefits that were in violation of county policy. Furthermore, the Board concluded that the administrator lied to commissioners about the matter. *(Tenets 2, 3, and 12)*

#### ► **Violation of the law; conflict of interest**

- A city manager pled no-contest to a felony charge of conflict of interest and was ordered to repay the city funds that he improperly authorized to settle claims filed by police officers. *(Tenets 2, 3, and 12)*

### **Conduct that resulted in a public censure**

#### ► **Running for office**

- While serving as a town administrator, a member unsuccessfully ran for mayor of another community. The member fundraised thousands of dollars and received an endorsement from the firefighters' union. *(Tenet 7)*

▶ **Failing to contact colleague**

- On two separate occasions, a city manager failed to contact his colleague before he offered public comments in support of a ballot measure that would have changed the form of government in his colleague’s municipality and significantly affected the colleague’s position. (*Tenet 2*)

▶ **Appointment commitment**

- After accepting a job offer and signing an employment agreement, a member failed to report for work and instead accepted a position with another organization. (*Tenet 3*)

**Conduct that resulted in a private censure**

▶ **Driving under the influence**

- Two members pled guilty to driving under the influence. (*Tenets 2 and 3*)

▶ **Length of service**

- A member resigned his position after serving only three months to accept the position as city manager in another community. (*Tenet 4*)

▶ **Interaction with subordinate employee**

- A manager exercised poor judgment in an interaction with a subordinate employee. (*Tenets 2 and 3*)

▶ **Violation of the law**

- A member pled no-contest to misdemeanor charges of domestic violence and attempting to assault a police officer. (*Tenets 2 and 3*)

▶ **Inappropriate interaction with member of the public**

- A member exercised extremely poor judgment during an interaction with a resident. (*Tenets 2 and 3*)

**Working with Fact-Finding Committees**

Fact-finding committees appointed by the state association president to assist in gathering information on cases serve as an arm of the CPC and play an invaluable role in the ethics process. ICMA staff worked with four fact-finding committees, appointed at the request of the CPC, to investigate a member’s conduct in California, New Hampshire, North Carolina, and Oregon.

**Ethics Advice and Resources**

ICMA staff responded to 91 ethics inquiries requests from members for confidential advice and assistance in resolving ethics dilemmas. Challenging ethical issues are publicized in the ethics column of the monthly *PM Magazine*.

*Members seeking ethics advice are encouraged to contact ICMA Director of Member Services and Ethics Martha Perego at 202-962-3668 or [mperego@icma.org](mailto:mperego@icma.org).*