

Promoting Ethics in Local Government: A Year in Review Fiscal Year 2016

Executive Summary

The CPC continued the comprehensive review of the ICMA Code of Ethics by selecting Tenet 3 and its associated Guidelines. Tenet 3, which applies to the conduct of all ICMA members, focuses on integrity and maintaining public confidence. The CPC gathered feedback from members at state association meetings, regional summits, and an online whiteboard platform. The CPC will use this feedback to determine if any changes are needed to the Tenet and Guidelines.

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 **15** ethics complaints filed against ICMA members. The reviews resulted in:

- 2 public censures and membership bars;
- 2 public censures;
- 7 private censures; and
- 4 closed cases with or without advice

Conduct that resulted in a public censure and membership bar

▶ Running for elected office

- While serving as village manager, a member unsuccessfully ran for elected county sheriff. (*Tenet 7*)

▶ Sexual conduct involving minor

- While serving as city administrator, a member was arrested on a felony count of sexual battery by an authority figure and a misdemeanor charge of contributing to the delinquency of a minor. After leaving his position, the member later pled guilty to the charges. (*Tenets 2 and 3*)

Conduct that resulted in a public censure

► Failure to be honest and forthcoming; misuse of public funds

- A member concealed his discovery that his employer had paid cell phone bills for his relatives for several years. The member only made reimbursement when the city audited its records and sought reimbursement after he had departed for another local government. (*Tenets 2, 3, and 12*)

► Personal relationship with subordinate employee

- A city manager engaged in a personal relationship with a subordinate employee, failed to make timely disclosure of the relationship to the governing body, and took no steps to resolve the ethics issue. The CPC has consistently found that a personal relationship between a manager and subordinate employee violate the ICMA Code of Ethics. These relationships are inappropriate, create conflicts of interest, strain the professional relationships between the manager and employees, and among employees; and expose the organization to liability. (*Tenets 2, 3, and 12*)

Conduct that resulted in a private censure

► Driving under the influence

- A member pled guilty to operating a vehicle while intoxicated after registering a blood alcohol level greater than twice the legal limit. The member immediately disclosed his arrest to his governing body and took appropriate steps to resolve the matter. (*Tenets 2 and 3*)

► Inappropriate comments

- A member made unsubstantiated public statements about the cognitive abilities and leadership styles of women that were found to be inappropriate and unprofessional. (*Tenets 2 and 3*)

► Personal relationship with subordinate employee

- A city administrator engaged in a personal relationship with a subordinate employee for several months and failed to make timely disclosure. The member acknowledged the error and accepted responsibility for his actions. (*Tenets 3 and 12*)
- A city administrator engaged in a personal relationship with a subordinate employee for approximately four months. (*Tenets 3 and 12*)

► Appointment commitment

- A member failed to report for work with a local organization and instead accepted a preferred city administrator position. (*Tenet 3*)

► Seeking employment

- Under the auspices of “if the position became available,” a member had several discussions with the elected officials and negotiated an employment agreement for an occupied position. (*Tenet 3*)

► Supporting candidate for elected office

- A member displayed public support for a presidential candidate. (*Tenet 7*)

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 one fact-finding committees, appointed at the request of the CPC, to investigate a member's conduct in Tennessee.

Ethics Advice and Resources

ICMA staff responded to **78** 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 Ethics Martha Perego at 202-962-3668 or mperego@icma.org.