

Promoting Ethics in Local Government: A Year in Review Fiscal Year 2017

Executive Summary

In addition to reviewing ethics cases, the Committee on Professional Conduct (CPC) finalized the review of Tenet 3 and its associated guidelines in ICMA Code of Ethics. Tenet 3, which applies to the conduct of all ICMA members, focuses on integrity and maintaining public confidence. The members overwhelmingly voted to adopt new language for the Tenet.

The new language for Tenet 3 now reads;

Demonstrate by word and action the highest standards of ethical conduct and integrity in all public, professional, and personal relationships in order that the member may merit the trust and respect of the elected and appointed officials, employees, and the public.

The ICMA Executive Board approved revisions in June 2017 to the guidelines for Tenet 3. Notable changes include:

- There are slight wording revisions to **Public Confidence** and the removal of appearance from the title of the **Influence** guideline;
- The CPC clarified the wording in the **Appointment Commitment** enhancing and replacing wording to note that “once a member has accepted a formal offer of employment”;
- Some modifications were made based on feedback from members on **Professional Respect** that includes the successor who takes on the position;
- The Board approved minor modifications on **Reporting Ethics Violations**, and there were no changes to **Confidentiality**;
- Language was added to **Seeking Employment** that provides additional information on contact with appointive entities and advice to members if contact is made by elected officials before a position has been the person in the position has been terminated;
- The Board also approved the addition of **Relationships in the Workplace** which was added to provide further guidance intimate and/or romantic relationships;
- As part of the review, the Board approved revisions to the Tenet 12 Guideline on **Personal Relationships**.

In January 2017, the CPC began the review of Tenet 4. The initial feedback from members was gathered at state association meetings, regional summits, and through an online whiteboard platform. Tenet 4 examines the chief function of local government, and it also contains the Length of Service guideline. The CPC will use this feedback to determine if any changes are needed for the Tenet and guideline over the next year.

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.

After 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 **23** ethics complaints filed against ICMA members. The reviews resulted in:

- 2 public censures and membership bars;
- 2 public censures and expulsions;
- 1 public censure;
- 9 private censures; and
- 9 closed cases with or without advice

Conduct that resulted in a public censure and membership bar

► Running for elected office

- A member serving as a city administrator sought elected office and was unsuccessful. He later accepted appointment to another elected office while still serving as a city administrator. (Tenet 7)
- While serving as city manager, a member established a committee to explore the possibility of running for elected office. Through the committee, the manager raised funds and created a very visible online presence. (Tenet 7)

Conduct that resulted in a public censure and expulsion

► Failure to be honest and forthcoming; conflict of appearance

- A member failed to disclose to his governing body personal loans that were made to him by a vendor and his secondary employment with that vendor as a consultant. The member further failed to bring change orders on contracts to the governing body for approval. (Tenets 3, 10 and 12)

► Personal relationships; public confidence

- A city manager had a romantic relationship with a subordinate employee and later disclosed the matter to the governing body after the pair began co-habiting. Throughout the course of the relationship, the member provided salary increases to the employee and positive performance evaluations. (Tenets 3 and 12)

Conduct that resulted in a private censure

► Failure to disclose proper credentials

- A member failed to accurately record his educational credentials when he listed an undergraduate degree on an application for a professional organization. (Tenet 3)

► Driving under the influence

- An administrator self-reported an arrest for operating while intoxicated within his municipality. The member immediately disclosed his arrest to his governing body and took appropriate steps to resolve the matter. (Tenets 2 and 3)

► Inappropriate behavior

- A member conducted himself inappropriately towards a staff member at an official event. (Tenets 2 and 3)
- Charges were filed against an administrator for assault, trespassing and disturbing the peace for an incident that stemmed from a disagreement with the spouse's employer. The member failed to act in accordance with a direction given to him by his governing body. (Tenets 2 and 3)

► Inappropriate comments

- A former city administrator made inappropriate and critical comments of the current management and elected officials in the local media and online after the member left the position. (Tenets 3 and 12)
- A manager made a negative comment online about a candidate for local elected office on social media and encouraged that it be widely distributed. (Tenet 7)

► Appearance of conflict of interest

- A manager's housemate was a partner in a company that received a contract for services with the member's municipality and did not take sufficient steps to prevent the appearance of a conflict. (Tenet 3)
- A city manager used a public resource to solicit local businesses and associates for donations to her children's school activities. (Tenet 12)

► Running for elected office while seeking employment

- A member initiated a campaign for elected office while not in service to local government but in the last months of the campaign, started a job search for local government positions. (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 four fact-finding committees, appointed at the request of the CPC, to investigate a member's conduct in California, Colorado, Michigan, and Missouri.

Ethics Advice and Resources

ICMA staff responded to **95** ethics inquiries requests from members for confidential advice and assistance in resolving ethical 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 Membership and Ethics, Martha Perego at 202-962-3668 or mperego@icma.org.