

Promoting Ethics in Local Government: A Year in Review Fiscal Year 2023

Code of Ethics Diversity, Equity and Inclusion Review

ICMA completed its review of the Code of Ethics (Code) to focus on better integrating the profession's long-standing ethical commitment to diversity, equity, and inclusion into the 12 tenets. The ICMA Executive Board (Board) adopted a statement in June 2020 that included several steps ICMA would take to advance diversity, equity, and inclusion with one action specific to ethics:

“The local government management profession and ICMA were founded on a Code of Ethics and a Declaration of Ideals, which demand that we serve the best interests of all, achieve equity and social justice, and act with integrity so that we may earn the trust of all those we serve. Addressing systemic racism is our ethical obligation. **We will revisit our Code of Ethics to better integrate our ethical commitment to racial justice and equity into the very fiber of the 12 tenets.**”

The project scope of work included the following steps with the assistance of a consultant team:

- Conducted an **environmental scan** to learn how other professional associations are addressing equity and racial justice in their codes.
- Convened **focus groups** to help shape a survey to membership.
- **Facilitated discussions:** in-person meetings and virtual sessions.
- Developed a **survey to send to all members** to gauge ways to strengthen the Code's commitment and the ethical responsibility of members to serve the best interests of everyone living in their communities.
- Prepared a **report** for the CPC and Board summarizing recommended changes to the Code.
- Developed a **member communications strategy** for proposed Code changes.

Engaging members in discussion has been a crucial component of the effort to review the language in the Code. ICMA facilitated **seventeen sessions and heard from over 600 members who shared** their perspectives. The discussions focused on four tenets and some of the corresponding guidelines that participating members identified as most relevant to the profession's continued commitment to diversity, equity, and inclusion that shaped the survey that was sent to membership in July 2022.

The consultant team briefed the CPC on its initial survey analysis then presented to the Board its preliminary survey results where the Board offered feedback. The CPC refined its recommendations during its meetings in October and November.

Revisions to tenets of the ICMA Code of Ethics require the approval of a majority of corporate members voting while the Board has the authority to revise the guidelines. In December 2022, the Board approved the CPC's recommendation to place four changes to the tenets of the Code before the members for consideration. The CPC also provided recommended changes to the guidelines for the Board after the results of the member vote on the tenets were available.

From March 1-31, 2023, the election to revise language in Tenets 1, 4, 9, and 11 was open to voting members. In early April 2023, ICMA canvassed 2,544 ballots cast. Via this special election ballot, 84% of corporate members approved the proposed changes. Notably, this special election holds the distinction of having the highest participation rate (31%) in ICMA's online voting history. The Board voted to approve the changes to the associated guidelines at its June 2023 meeting.

Review the Rules of Procedure for Enforcement of the ICMA Code of Ethics

The Rules of Procedure for Enforcement govern the ethics review process when ICMA receives a complaint with documentation that alleges a member's conduct may have violated the Code. The Board approved the Rules in the 1970s with revisions occurring as needed at the CPC's recommendation throughout the years.

The Board adopted revisions to the Rules in June 2023 that accomplished the following:

- Allowed for a member to request a hearing with the CPC only in cases where the CPC makes a preliminary recommendation of public censure and before the case is referred to the Board for review and decision.
- Dropped the deadline for referring a matter to the CPC since the CPC meets regularly.
- Provided overall edits and updated language to clarify the process.

Ethics Enforcement

ICMA enforces the Code through a formal, peer-review process the Committee on Professional Conduct (CPC) administers as outlined in the Rules. The confidential process provides a member with the opportunity to respond in writing to the allegation(s) in the complaint submitted to ICMA. When additional information is required for the CPC to reach a decision on the member's alleged conduct, the CPC requests the state association president to appoint a fact-finding committee to interview the member, gather documentation available in the public domain, and prepare a summary report shared with the member.

After reviewing the facts of the matter, the Rules provide the CPC with an array of options: close a case where no violation has occurred; privately censure a member for an ethics violation; or recommend the Board publicly censure and/or expel, permanently bar, suspend, or revoke the credential of a member who has violated the Code. In reaching a decision, the CPC takes into consideration, as examples, the nature of the violation, any past ethics violations, the willfulness of the violation, the level of professional or public responsibility of the member, and the impact of member's conduct on the organization and the local government management profession.

The CPC received **79** ethics complaints filed that alleged a member's conduct may have violated the Code. Of those **79** complaints received, **25** met the criteria established in the Rules to open a formal ethics review: (1) if the allegations were proven true, the conduct would have violated the Code; and (2) a written narrative that describes how the member's conduct may have violated the Code along with appropriate documentation to substantiate the allegation(s). ICMA had completed **16** ethics case reviews this year and at the end of FY 2023, there are **22** cases pending the conclusion of the review process.

The outcome of these 16 completed reviews resulted in:

- 1 public censure with member's participation in the credentialed manager program revoked;
- 1 public censure;
- 7 private censures; and
- 7 closed cases with or without advice

Conduct that resulted in a public censure and credentialed manager revocation

► **Public Confidence and Appointment Commitment (Tenet 3)**

A manager accepted an employment offer and signed an employment agreement, and six days later wrote a letter to a nearby town expressing his interest in employment there. When the elected officials learned of the outreach and contacted the manager, he withdrew his appointment commitment.

Conduct that resulted in a public censure

► **Political Activity (Tenet 7)**

- An administrator ran for elected office and in the member's successful candidacy established a campaign committee, raised funds, distributed campaign materials that referenced her professional position, and received an endorsement.

Conduct that resulted in a private censure

► **Public Confidence (Tenet 3)**

- A manager violated city policy on two occasions by making inappropriate comments to staff members exposing the organization to legal and financial risks and was disciplined by the governing body.
- A manager was charged with operating a vehicle under the influence and negligent driving and received a one-year probation.

► **Length of Service (Tenet 3)**

In reaching a decision about a member's length of service, the CPC considers, as examples, the reasons for the separation; the extent to which the member assisted in the transition period; whether the member fulfilled his or her obligations in the employment agreement; and the effects of the member's conduct on the community, the organization, the governing body, and the profession. There were two cases where the reasons a manager had a tenure of less than two years in the position and did not meet the limited exceptions for this as outlined in the guideline:

- A manager self-reported an eleven-month length of service; a different manager self-reported a seventeen-month length of service.

► **Gifts and Public Confidence (Tenets 12 and 3)**

- A manager accepted event tickets from a jurisdiction's vendor and has an ethical obligation to model appropriate behavior for staff and minimize the organization's exposure to legal and financial risks.

► **Political Activity (Tenet 7)**

- An assistant to a city manager was appointed to elected office following an unexpected, short-term vacancy in a different jurisdiction due to the member's expertise.

► **Public Confidence and Public Trust (Tenets 3 and 12)**

- A manager created the appearance of a conflict of interest by submitting a proposal to a nonprofit for consulting work the member would perform after departing from the professional position.

Working with Fact-Finding Committees

Fact-finding committees the state association president appoints to assist in gathering information on cases serve as an arm of the CPC and play an invaluable role in the ethics enforcement process. ICMA staff worked with four fact-finding committees, appointed at the CPC's request, to investigate complaints about a member's conduct in Georgia, Minnesota, North Carolina, and Texas.

Ethics Advice and Resources

ICMA staff responded to **135** ethics inquiries from members seeking confidential advice and assistance in resolving ethical dilemmas. Members with questions about their ethical obligations are encouraged to contact Jessica Cowles, Ethics Director, at 202-962-3513 or jcowles@icma.org

For questions on the ethics enforcement process, individuals can contact Camilla Posthill, ethics senior program manager, at cposthill@icma.org.

Challenging ethical issues with relevancy for members as training tools are publicized in the ethics column of the monthly *PM* Magazine. Ethics advice, information, and the ICMA Code of Ethics are available [online](#).