



Ethics Matter!

Professional Fouls

As serious as illegal conduct?

“You are putting me in the same category as those criminals? Those embezzlers? Sex offenders? Thieves? Unbelievable!!”

This is a common reaction to hearing the news that you are subject to a public censure for conduct that violated the ICMA Code of Ethics. The conduct didn't violate any law. But the ICMA Committee on Professional Conduct, having reviewed all the facts and the member's response, concluded that, because what you did was such a serious ethical breach of the profession's standards, ICMA needs to issue a public statement.

What professional foul could be so bad that it warrants the same censure as illegal conduct? Is there really such a thing? And why go public? Under what circumstances is such a serious response justified?

This is not an esoteric debate for the ICMA Committee on Professional Conduct; it is front and center in committee deliberations of complaints filed against members.

POLITICAL FOUL

Consider the recent case of the city manager who agreed to join the ticket of a candidate seeking the governorship.

The city manager didn't resign from his position in order to run. In responding to the ethics complaint, the manager questioned how his conduct could be wrong given that his entire city council not only supported his candidacy but agreed to amend his agreement so that he could work part-time in order to free up time for campaigning, plus he could return to his full-time position if unsuccessful.

Even some colleagues privately supported the effort in the hopes that his financial expertise and knowledge of state and local government would be beneficial to local governments as they sought to bring about change in financial policy at the state level. Given this support, what rationale does ICMA have for objecting?

In making the recommendation for public censure, which was upheld by the ICMA Executive Board, the committee noted that political neutrality is a hallmark of the local government profession. It's a line in the sand that professionals shall not cross.

The principle dates back to that very first code that said no city manager should play an active role in politics. Times have certainly changed. But the challenges of the current political environment, coupled with the lack of clarity in the public's mind about the role of professional managers, lend more, not less, credence to the principle of political neutrality.

Do you want to be viewed and function as that independent, qualified, and objective source of advice on policy and operational matters? Such a status happens only when professional local government managers stay out of politics.

The last critical detail in this case was the fact that the city manager announced his candidacy days before the council took an official vote to grant his leave. This timeline certainly made it look like the votes had been locked in before the public knew about or could consider the merits of the proposal. The behind-the-scenes negotiations that evidently took place in this case violated the profession's commitment to transparency.

INTEGRITY FOUL OUT

If political neutrality is one key hallmark of the local government profession, the other must certainly be the integrity of one's word. It's disheartening to see the number of instances in recent years when ICMA members agreed to accept a position but then failed to keep their commitments.

What professional foul could be so bad that it warrants the same censure as illegal conduct? Under what circumstances is such a serious response justified?

They don't show up for work, opting to either remain in their current positions or accept a preferred offer elsewhere. Or they take the position but fail to serve the recommended two-year tenure. And, to be clear, these are not instances of the governing body failing to uphold its end of the bargain.

Some of these cases received more media coverage than others, given the profile of the community. That said, the impact is extraordinary, regardless of size or wealth of the organization or the incident's notoriety. Elected leadership looks inept, the public can be left wondering about the value of recruiting outside the community, and the organization spends critical time in a holding pattern.

One community hiring its first manager was highly disappointed when the individual withdrew without any explanation and then accepted a position at a higher salary in another city. This could have led the community to abandon all plans for bringing professional management to the organization. Under the mayor's leadership, the community stayed the course, restarted the search process, and eventually recruited a manager.

FOR VIOLATIONS, THERE ARE CONSEQUENCES

Every true profession has a set of core, defining, and fundamental principles. They are nonnegotiable. Violate the principles and expect consequences. After all, there is little point in having a code of ethics for the profession if the profession is reluctant about speaking out when the conduct of its members fails to adhere to the highest standards.

Martha Perego, ICMA-CM

ICMA Ethics Director

Washington, D.C.

202-962-3668

mperego@icma.org