

Ethics

What Can the Department Director Say About His Neighbor's Development Plans?

Q: The planning director's neighbor wants to generate more revenue from his 30 acres of land. If he requests rezoning from agricultural use to residential development, the request must be reviewed by the city council. Another option would be to develop an ecotourism destination with a restaurant and special events for school groups, riding enthusiasts, and visitors.

Most of the neighbors, including the planning director, prefer to see the land converted into a high-quality residential development. They are concerned that the ecotourism proposal will generate traffic, manure, and other irritants that go along with more livestock. But the city council is unlikely to approve the request to rezone to residential use, unless there is strong support from the neighborhood. In addition, rezoning from agricultural use to residential zoning requires a citywide vote.

The planning director works in the adjacent county, so the zoning questions would not come before the local government he serves. Can the planning director weigh in on these questions with his neighbor?

A. The planning director should feel free to respond to his neighbor's request for feedback on his plans to develop his property. In giving his opinion, he is exercising his rights as a private citizen. Should the development question go on the ballot, the planning director may support or oppose the ballot question as long as he does not use his professional title, does so on his own time, and does not solicit funds from individuals or businesses that might do business with the city government he serves. He may advise groups on fund-raising strategies and may make a personal contribution to an issue campaign.

For advice on the ICMA Code of Ethics, or to find out more on ethics training and technical assistance available to local governments, call the Ethics Center at ICMA at 202/962-3521, or visit the Web site at <http://icma.org/ethics>. Calls or e-mails can also be directed to ICMA's ethics advisers Martha Perego, 202/962-3668, mperego@icma.org, and Elizabeth Kellar, 202/962-3611, ekellar@icma.org.