

DEPARTMENTS

Ethics Inquiries

The Applicant Serves on the City Council

Scenario: The city manager is recruiting for a department director, and one of the councilmembers has expressed an interest in the vacancy. While the councilmember is qualified for the position, the city manager has already received one application from an applicant whose education and experience are stronger than the qualifications of the councilmember. How should the city manager handle this situation?

Response: In a delicate circumstance like this, it is especially important to be guided by considerations of merit. Tenet 11 of the ICMA Code of Ethics is clear on this point, reminding members that “fairness and impartiality govern a member’s decisions pertaining to appointments, pay adjustments, promotions, and discipline.” In some states, it would be illegal for a sitting councilmember to apply for an appointed position in the community she serves, although this is not universally the case. Be sure to check with the city attorney on any legal impediments to the councilmember’s application.

If it is legal for the councilmember to apply for this position, the city manager may want to hold a frank conversation with the councilmember about the hiring process. For example, the city manager may advise the councilmember on the fact that she will enter the hiring process with no advantages, on how the interview and selection process will be handled, and on the fact that her position on the council might work against her.

Should the councilmember be selected, it is important for her to understand her new role as a staff member and her responsibility to abide by the city’s policies regarding access to and communication with councilmembers. If she is not selected, she needs to think about what her attitude would be toward the city manager and the new department director.

A guideline for Tenet 10 reminds members to “openly share information with the governing body.” The city manager was advised to document his discussion with the candidate and to send copies to the rest of the city council.