

Promoting Ethics in Local Government: A Year in Review Fiscal Year 2011

Executive Summary

Improper compensation was the dominant ethics topic for the ICMA Committee on Professional Conduct. Widespread media coverage of exorbitant compensation for the Bell, California city manager led to a public censure and membership expulsion for the member, Robert Rizzo. The ICMA Executive Board also adopted Guidelines on Negotiating Executive Compensation to establish clarity on the roles and responsibilities in developing appropriate compensation.

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 where additional documentation is required. At the conclusion of 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 20 ethics complaints filed against ICMA members. The reviews resulted in:

- 1 public censure, membership bar, and ICMA Credential revocation
- 1 public censure and expulsion
- 2 public censures
- 6 private censures
- 10 closed cases

Conduct that resulted in a <u>public censure, membership bar, and ICMA Credential revocation</u>

► Embezzling public funds:

- A city administrator plead guilty to felony counts of first degree theft and official misconduct for stealing nearly \$100,000 from the city she managed and a non-profit for which she served as the treasurer. (*Tenets 2, 3, and 12*)

Conduct that resulted in a public censure and expulsion

▶ Misuse of public funds, lack of transparency

- In relation to his exorbitant salary, a city manager personally benefitted from misuse of city funds; failed in his fiduciary responsibility to ensure that public funds were legally and properly used for the public's benefit; did not fully and accurately disclose his compensation in a transparent manner; and failed in his obligation to ensure that city matters were transparent and fully communicated to the council and public. *(Tenets 1, 2, 3, 4, 9 and 12)*

Conduct that resulted in a public censure

▶ Driving under the influence

- A city manager was found guilty of driving under the influence, hit and run with property damage, and carrying a concealed weapon. *(Tenets 2 and 3)*

▶ Running for elected office

- While serving as city manager, a member ran for lieutenant governor of his state. *(Tenet 7)*

Conduct that resulted in a private censure

▶ Supporting a candidate for elected office

- A city manager sent an email to neighborhood association members encouraging them to vote for a candidate for county commission. *(Tenet 7)*

▶ Misuse of city credit card

- A city manager purchased personal items using the city credit card in violation of the city policy that he signed before being issued a card. He later was found guilty of permitting false claims against government by a public officer, theft with the intent to exercise temporary control, and misconduct by a public officer. *(Tenets 2, 3, and 12)*

▶ Misuse of public equipment

- A manager used the local government computer to access adult pornographic websites during non-work hours. *(Tenets 2 and 3)*

▶ Conflict of interest, personal relationship

- While serving as the lead negotiator for the government during contract discussions, a member engaged in an undisclosed personal romantic relationship with the lead negotiator for the union. *(Tenets 3 and 12)*

Conduct that resulted in a private censure - continued

► Driving under the influence

- A member pled guilty to driving under the influence and operating a handheld device following a traffic accident that caused property damage. (*Tenets 2 and 3*)
- A manager pled no-contest to driving while impaired after driving his vehicle into a light pole. (*Tenets 2 and 3*)

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 fact-finding committees, appointed at the request of the CPC, to investigate specific ethics complaints in California (2), Iowa, and North Carolina.

Ethics Advice and Resources

ICMA staff responded to **107** ethics inquiries requests from members for confidential advice and assistance in resolving ethics 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 Ethics Martha Perego at 202-962-3668 or mperego@icma.org or Jared Dailey, Program Manager, at 202-962-3557 or jdailey@icma.org.