

## **Promoting Ethics in Local Government: A Year in Review Fiscal Year 2013**

### **Executive Summary**

When local government professionals act in an unethical manner, their conduct can erode the public's confidence and trust in them and the organizations they serve. Several ethics complaints addressed by the ICMA Committee on Professional Conduct (CPC) highlight the issue. Misuse of public resources, failing to serve the recommended two year tenure, and creating or improperly managing conflicts of interest were prevalent in the list of ethics complaints resolved by the CPC.

In addition to reviewing ethics complaints, the CPC embarked on a formal, comprehensive review of the Code of Ethics. The CPC launched the review with Tenet 7 which outlines the profession's commitment to political neutrality. The CPC sought input from members via the ICMA Regional Summits, an online forum, an ethics webinar, and in discussions held at state association meetings.

Based on the comments received, the CPC expects to recommend to the ICMA Executive Board that no changes be made to the Tenet 7 language. The CPC plans to seek approval from the Executive Board on revisions to the Guidelines and an additional Guideline on personal advocacy on issues. The CPC will submit its recommendations to the Board in September 2013.

### **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 and information 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 **28** ethics complaints filed against ICMA members. The reviews resulted in:

- 1 public censured, expulsion, and Credential candidacy revocation;
- 2 public censures and expulsion;
- 1 public censure and membership bar;
- 1 public censure and membership suspension;
- 1 public censure and Credential revocation;
- 2 public censures;
- 10 private censures; and
- 10 closed case with or without advice

## Conduct that resulted in a public censure, expulsion, and Credential candidacy revocation

### ▶ Misuse of public funds/Violation of the law

- An administrator pled no-contest to misdemeanor charges of theft; theft by deception; and official misconduct after stealing \$1,000 from a senior center fund to pay for personal items. (*Tenets 2, 3, and 12*)

## Conduct that resulted in a public censure and expulsion

### ▶ Misuse of public funds/Violation of the law

- A manager pled guilty to three felony charges of first degree theft; one misdemeanor charge of first degree official misconduct; and one misdemeanor charge of falsifying business records when he used city credit cards to purchase nearly \$12,000 worth of personal items. (*Tenets 2, 3, and 12*)
- A manager pled guilty to a violation of U.S. Code for using, as his own, approximately \$57,000 of Social Security funds that did not belong to him. (*Tenet 2, 3, and 12*).

## Conduct that resulted in a public censure and membership bar

### ▶ Inappropriate personal conduct; disgracing city hall

- A member admitted that he engaged in sexual activity in the mayor's office. (*Tenets 2 and 3*)

## Conduct that resulted in a public censure and membership suspension

### ▶ Running for elected office

- While serving as county manager, a member launched his candidacy for the seat in the state legislature by seeking and receiving endorsements, raising funds, and developing an online campaign presence. (*Tenet 7*)

## Conduct that resulted in a public censure and Credential revocation

### ▶ Conflict of interest

- A county manager improperly intervened in matters regarding his wife's employment with the county library system. (*Tenets 2, 3, and 12*)

## Conduct that resulted in a public censure

### ▶ Misuse of public resources

- A county administrator purchased two iPhones and one iPad for \$900 in cash from a county employee with the expectation to take advantage of pricing offered under a county contract. The employee was later found to be embezzling funds by means of this transaction and others with county employees. (*Tenets 2, 3, and 12*)

### ▶ Length of service; interfering with a recruitment process; professional respect

- A member resigned his position with a city after six weeks in order to return to his previous position as city manager in another community. During the recruitment process for the city manager vacancy, the member contacted two of the finalists with one withdrawing from consideration following that contact. (*Tenets 2, 3, and 4*)

## Conduct that resulted in a private censure

### ▶ Violation of the law; reckless driving

- A member accepted a reduced charge of reckless driving after initially being arrested for driving under the influence. (*Tenets 2 and 3*)

### ▶ Supporting a candidate for elected office

- A member wrote two endorsements for a mayoral candidate who sought election in the community where the manager previously served. (*Tenet 7*)

### ▶ Running for/Holding electing office

- A member held both the appointed position of assistant city manager and elected city treasurer. (*Tenet 7*)

### ▶ Conflict of Interest; personal relationship

- An administrator created an appearance of a conflict of interest by failing to disclose that a family member sought to purchase property from the local government. The member should have recused themselves from the process as well. (*Tenets 3 and 12*)

### ▶ Conflict of interest

- A member created a conflict of interest and failed to publicly disclose the conflict when he discussed employment details with a prospective vendor during the time the vendor sought city business. (*Tenets 2 and 3*)
- A member had a direct conflict of interest when the individual, with whom the manager co-owned property, became a town vendor. The member failed to get arm's length from the relationship when the vendor did business with the city and also failed to disclose the financial relationship to the governing body. (*Tenets 3 and 12*)

### ▶ Public perception

A manager's vacation travels with individuals engaged in redevelopment within the community created an appearance of a conflict of interest. (*Tenet 3*)

## Conduct that resulted in a private censure (cont).

### ▶ Lack of transparency

- An administrator withheld a report to the governing body at the mayor's request because the report contained recommendations unfavorable to the mayor's position on a project. *(Tenets 3 and 10)*

### ▶ Inappropriate comments to subordinate employee

- A manager sent inappropriate text messages to his assistant manager using an organization issued device. *(Tenet 3)*

### ▶ Applying for positions short of recommended two-year tenure

- After serving less than eight months in the position, a manager initiated an employment search for a new position by applying for at least four other positions. *(Tenet 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 six fact-finding committees, appointed at the request of the CPC, to investigate a member's conduct in Arizona; Florida (3); Nebraska; and Oregon.

## Ethics Advice and Resources

ICMA staff responded to **103** 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 Membership/Ethics Martha Perego at 202-962-3668 or mperego@icma.org or Jared Dailey, Program Manager, at 202-962-3557 or jdailey@icma.org.