

## Promoting Ethics in Local Government: A Year in Review Fiscal Year 2023

### Code of Ethics Diversity, Equity and Inclusion Review

ICMA completed its review of the Code of Ethics (Code) to focus on better integrating the profession's long-standing ethical commitment to diversity, equity, and inclusion into the 12 tenets. The ICMA Executive Board (Board) adopted a statement in June 2020 that included several steps ICMA would take to advance diversity, equity, and inclusion with one action specific to ethics:

“The local government management profession and ICMA were founded on a Code of Ethics and a Declaration of Ideals, which demand that we serve the best interests of all, achieve equity and social justice, and act with integrity so that we may earn the trust of all those we serve. Addressing systemic racism is our ethical obligation. **We will revisit our Code of Ethics to better integrate our ethical commitment to racial justice and equity into the very fiber of the 12 tenets.**”

The project scope of work included the following steps with the assistance of a consultant team:

- Conducted an **environmental scan** to learn how other professional associations are addressing equity and racial justice in their codes.
- Convened **focus groups** to help shape a survey to membership.
- **Facilitated discussions:** in-person meetings and virtual sessions.
- Developed a **survey to send to all members** to gauge ways to strengthen the Code's commitment and the ethical responsibility of members to serve the best interests of everyone living in their communities.
- Prepared a **report** for the CPC and Board summarizing recommended changes to the Code.
- Developed a **member communications strategy** for proposed Code changes.

Engaging members in discussion has been a crucial component of the effort to review the language in the Code. ICMA facilitated **seventeen sessions and heard from over 600 members who shared** their perspectives. The discussions focused on four tenets and some of the corresponding guidelines that participating members identified as most relevant to the profession's continued commitment to diversity, equity, and inclusion that shaped the survey that was sent to membership in July 2022.

The consultant team briefed the CPC on its initial survey analysis then presented to the Board its preliminary survey results where the Board offered feedback. The CPC refined its recommendations during its meetings in October and November.

Revisions to tenets of the ICMA Code of Ethics require the approval of a majority of corporate members voting while the Board has the authority to revise the guidelines. In December 2022, the Board approved the CPC's recommendation to place four changes to the tenets of the Code before the members for consideration. The CPC also provided recommended changes to the guidelines for the Board after the results of the member vote on the tenets were available.

From March 1-31, 2023, the election to revise language in Tenets 1, 4, 9, and 11 was open to voting members. In early April 2023, ICMA canvassed 2,544 ballots cast. Via this special election ballot, 84% of corporate members approved the proposed changes. Notably, this special election holds the distinction of having the highest participation rate (31%) in ICMA's online voting history. The Board voted to approve the changes to the associated guidelines at its June 2023 meeting.

### **Review the Rules of Procedure for Enforcement of the ICMA Code of Ethics**

The Rules of Procedure for Enforcement govern the ethics review process when ICMA receives a complaint with documentation that alleges a member's conduct may have violated the Code. The Board approved the Rules in the 1970s with revisions occurring as needed at the CPC's recommendation throughout the years.

The Board adopted revisions to the Rules in June 2023 that accomplished the following:

- Allowed for a member to request a hearing with the CPC only in cases where the CPC makes a preliminary recommendation of public censure and before the case is referred to the Board for review and decision.
- Dropped the deadline for referring a matter to the CPC since the CPC meets regularly.
- Provided overall edits and updated language to clarify the process.

### **Ethics Enforcement**

ICMA enforces the Code through a formal, peer-review process the Committee on Professional Conduct (CPC) administers as outlined in the Rules. The confidential process provides a member with the opportunity to respond in writing to the allegation(s) in the complaint submitted to ICMA. When additional information is required for the CPC to reach a decision on the member's alleged conduct, the CPC requests the state association president to appoint a fact-finding committee to interview the member, gather documentation available in the public domain, and prepare a summary report shared with the member.

After reviewing the facts of the matter, the Rules provide the CPC with an array of options: close a case where no violation has occurred; privately censure a member for an ethics violation; or recommend the Board publicly censure and/or expel, permanently bar, suspend, or revoke the credential of a member who has violated the Code. In reaching a decision, the CPC takes into consideration, as examples, the nature of the violation, any past ethics violations, the willfulness of the violation, the level of professional or public responsibility of the member, and the impact of member's conduct on the organization and the local government management profession.

The CPC received **79** ethics complaints filed that alleged a member's conduct may have violated the Code. Of those **79** complaints received, **25** met the criteria established in the Rules to open a formal ethics review: (1) if the allegations were proven true, the conduct would have violated the Code; and (2) a written narrative that describes how the member's conduct may have violated the Code along with appropriate documentation to substantiate the allegation(s). ICMA had completed **16** ethics case reviews this year and at the end of FY 2023, there are **22** cases pending the conclusion of the review process.

The outcome of these 16 completed reviews resulted in:

- 1 public censure with member's participation in the credentialed manager program revoked;
- 1 public censure;
- 7 private censures; and
- 7 closed cases with or without advice

### Conduct that resulted in a public censure and credentialed manager revocation

#### ► Public Confidence and Appointment Commitment (Tenet 3)

A manager accepted an employment offer and signed an employment agreement, and six days later wrote a letter to a nearby town expressing his interest in employment there. When the elected officials learned of the outreach and contacted the manager, he withdrew his appointment commitment.

### Conduct that resulted in a public censure

#### ► Political Activity (Tenet 7)

- An administrator ran for elected office and in the member's successful candidacy established a campaign committee, raised funds, distributed campaign materials that referenced her professional position, and received an endorsement.

### Conduct that resulted in a private censure

#### ► Public Confidence (Tenet 3)

- A manager violated city policy on two occasions by making inappropriate comments to staff members exposing the organization to legal and financial risks and was disciplined by the governing body.
- A manager was charged with operating a vehicle under the influence and negligent driving and received a one-year probation.

#### ► Length of Service (Tenet 3)

In reaching a decision about a member's length of service, the CPC considers, as examples, the reasons for the separation; the extent to which the member assisted in the transition period; whether the member fulfilled his or her obligations in the employment agreement; and the effects of the member's conduct on the community, the organization, the governing body, and the profession. There were two cases where the reasons a manager had a tenure of less than two years in the position and did not meet the limited exceptions for this as outlined in the guideline:

- A manager self-reported an eleven-month length of service; a different manager self-reported a seventeen-month length of service.

► **Gifts and Public Confidence (Tenets 12 and 3)**

- A manager accepted event tickets from a jurisdiction's vendor and has an ethical obligation to model appropriate behavior for staff and minimize the organization's exposure to legal and financial risks.

► **Political Activity (Tenet 7)**

- An assistant to a city manager was appointed to elected office following an unexpected, short-term vacancy in a different jurisdiction due to the member's expertise.

► **Public Confidence and Public Trust (Tenets 3 and 12)**

- A manager created the appearance of a conflict of interest by submitting a proposal to a nonprofit for consulting work the member would perform after departing from the professional position.

### **Working with Fact-Finding Committees**

Fact-finding committees the state association president appoints to assist in gathering information on cases serve as an arm of the CPC and play an invaluable role in the ethics enforcement process. ICMA staff worked with four fact-finding committees, appointed at the CPC's request, to investigate complaints about a member's conduct in Georgia, Minnesota, North Carolina, and Texas.

### **Ethics Advice and Resources**

ICMA staff responded to **135** ethics inquiries from members seeking confidential advice and assistance in resolving ethical dilemmas. Members with questions about their ethical obligations are encouraged to contact Jessica Cowles, Ethics Director, at 202-962-3513 or [jcowles@icma.org](mailto:jcowles@icma.org)

For questions on the ethics enforcement process, individuals can contact Camilla Posthill, ethics senior program manager, at [cposthill@icma.org](mailto:cposthill@icma.org).

Challenging ethical issues with relevancy for members as training tools are publicized in the ethics column of the monthly *PM* Magazine. Ethics advice, information, and the ICMA Code of Ethics are available [online](#).

## Promoting Ethics in Local Government: A Year in Review Fiscal Year 2022

### Ongoing Code of Ethics Review

ICMA continued its review of the Code of Ethics (Code) to focus on better integrating the profession's long-standing ethical commitment to equity and social justice into the 12 tenets. The ICMA Executive Board (Board) adopted a statement in June 2020 that included several steps ICMA would take to advance diversity, equity, and inclusion with one action specific to ethics:

“The local government management profession and ICMA were founded on a Code of Ethics and a Declaration of Ideals, which demand that we serve the best interests of all, achieve equity and social justice, and act with integrity so that we may earn the trust of all those we serve. Addressing systemic racism is our ethical obligation. **We will revisit our Code of Ethics to better integrate our ethical commitment to racial justice and equity into the very fiber of the 12 tenets.**”

Consultants from the University of North Carolina at Chapel Hill School of Government are assisting ICMA with this Code review effort with the membership. To date, this effort has included the following steps:

- Conducted an environmental scan to learn how other professional associations are addressing equity and racial justice in their codes.
- Convened two focus groups to help guide areas of the Code for discussion with the membership.
- Facilitated 17 feedback sessions (virtually or in-person) with approximately 600 members.

The feedback gathered to date informed the survey that will be sent to all members in July 2022.

### Ethics Enforcement

ICMA enforces the Code through a formal, peer-review process the Committee on Professional Conduct (CPC) administers as outlined in the [Rules of Procedure for Enforcement of the Code of Ethics](#) (Rules). The confidential process provides a member with the opportunity to respond in writing to the allegation(s) in the complaint submitted to ICMA. When additional information is required for the CPC to reach a decision on the member's alleged conduct, the CPC requests the state association president to appoint a fact-finding committee to interview the member and gather documentation available in the public domain.

After reviewing the facts of the matter, the Rules provide the CPC with an array of options: close a case where no violation has occurred; privately censure a member for an ethics violation; or recommend the Board publicly censure and/or expel, permanently bar, suspend, or revoke the credential of a member who has violated the Code. In reaching a decision, the CPC takes into consideration, as examples, the nature of the violation, any past ethics violations, the willfulness of the violation, the level of professional or public responsibility of the member, and the impact of member's conduct on the organization and the local government management profession.

The CPC received **62** ethics complaints filed that alleged a member's conduct may have violated the Code. Of those 62 complaints received, **24** met the criteria established in the Rules to open a formal ethics review: (1) if the allegations were proven true, the conduct would have violated the Code; and (2) a written narrative that describes how the member's conduct may have violated the Code along with appropriate documentation to substantiate the allegation(s). ICMA conducted **20** ethics reviews this year and at the end of FY 2022, there are **14** cases pending the conclusion of the review process.

The outcome of these 20 completed reviews resulted in:

- 2 public censures with a membership expulsion;
- 2 public censures with member's participation in the credentialed manager program revoked;
- 3 public censures;
- 9 private censures; and
- 4 closed cases with or without advice

### **Conduct that resulted in a public censure and membership expulsion**

#### ► **Personal Relationships and Public Confidence (Tenet 3)**

- A manager was not forthcoming with the governing body about her romantic relationship with the assistant manager until an anonymous letter prompted her to disclose it. This delay created the opportunity to place employees who were aware of the relationship in a difficult position and the relationship itself exposed the organization to significant legal and financial risks.
- An assistant manager failed to disclose an ongoing romantic relationship with his supervisor until an anonymous letter prompted him to do so. This relationship had the potential to strain the effective working relationships between the assistant manager and the other employees who report to the manager by causing unnecessary conflict within the organization due to the appearance of him receiving special treatment.

### **Conduct that resulted in a public censure and credentialed manager revocation**

#### ► **Public Confidence (Tenet 3)**

- A manager was charged with assault with the victim identified as a town employee and he had also engaged in numerous inappropriate text messages with a different subordinate employee. The town incurred over \$300,000 in expenses from financial settlements with these female employees his conduct in the workplace had impacted. (also Conduct Unbecoming)
- A manager directed a personal social media post to the state's governor following the city's successful appeal of a state workplace safety violation that did not reflect the highest standards of ethical conduct and integrity, sent an email to city employees containing a preemptive declaration that he would never implement a specific law or policy, and his commentary to a colleague on the state association listserv failed to adhere to his ethical obligation to treat colleagues with professional respect.

## Conduct that resulted in a public censure

### ► Public Confidence and Conduct Unbecoming (Tenet 3)

- A manager made derogatory and sometimes race-based comments about employees, governing body members, and members of the community; and his management approach created a culture where employees did not feel comfortable disagreeing with him due to a fear of retaliation.

### ► Political Activity (Tenet 7)

- An administrator voluntarily attended national and state political conventions and sought appointment to a state Redistricting Commission, whose responsibility is to develop maps for the state legislative districts and districts for the U.S. House of Representatives.

### ► Public Trust and Public Confidence (Tenets 2 and 3)

- After a manager had started a position in another local government, he emailed his former governing body disclosing over three years of text messages between him and the then-mayor. The tone and language in his email was highly unprofessional and targeted one governing body member, the mayor; and secondly, he was selective in preserving and disclosing his text messages with the mayor as public records, which was inconsistent with how he managed text messages with other members of the governing body.

## Conduct that resulted in a private censure

### ► Professional Respect (Tenet 3)

- A recently retired manager expressed his concerns about his former organization in a letter to the editor that created the opportunity to undermine public confidence in his successor and their ability to manage the organization without his unsolicited advice. The CPC concluded while a member has the right to voice their opinion, this must always be balanced by the ethical obligation to ensure any commentary does not undermine trust and confidence in a colleague or reflect poorly on the profession.
- A manager made unprofessional and inappropriate comments towards a colleague on a state association listserv.

### ► Public Confidence (Tenet 3)

- A manager was involved in a traffic incident in his personal vehicle and the CPC determined his decision to ask city staff for assistance in resolving this personal issue was inappropriate.
- A manager's city was obligated to pay legal expenses to settle a colleague's allegation of highly inappropriate physical conduct towards her during a professional development conference and the member's approach during the ethics review process lacked candor.
- A manager made unwanted and repeated advances towards a colleague while intoxicated at a professional development conference. (also Conduct Unbecoming)
- A manager was charged with public intoxication, disorderly conduct, and assault and battery and accepted legal responsibility for his conduct. (also Conduct Unbecoming)

► **Political Activity (Tenet 7)**

- A manager re-posted on his personal social media account a link to the incumbent mayor's social media page that contained information about the mayor's candidacy and campaign.
- A manager endorsed two candidates for local elected office on her personal social media account and was forthcoming that she had also canvassed for these candidates and made financial contributions of less than \$100 to their campaigns.

► **Credentials and Public Confidence (Tenet 3)**

- A member acknowledged his application for a local government management position contained several inadvertent omissions. When the organization asked the member to clarify the matter, he explained the situation, accepted responsibility, and withdrew from any further consideration.

### **Working with Fact-Finding Committees**

Fact-finding committees the state association president appoints to assist in gathering information on cases serve as an arm of the CPC and play an invaluable role in the ethics enforcement process. ICMA staff worked with four fact-finding committees, appointed at the CPC's request, to investigate complaints about a member's conduct in California, North Carolina, Tennessee, and Wisconsin.

### **Ethics Advice and Resources**

ICMA staff responded to **160** ethics inquiries from members seeking confidential advice and assistance in resolving ethical dilemmas. Members with questions about their ethical obligations are encouraged to contact Martha Perego, ICMA Director of Membership and Ethics, at 202-962-3668 or [mperego@icma.org](mailto:mperego@icma.org) or Jessica Cowles, Ethics Advisor, at 202-962-3513 or [jcowles@icma.org](mailto:jcowles@icma.org)

Challenging ethical issues with relevancy for members as training tools are publicized in the ethics column of the monthly *PM* Magazine. Ethics advice, information, and the ICMA Code of Ethics are available [online](#).

## **Promoting Ethics in Local Government: A Year in Review Fiscal Year 2021**

### **Ongoing Code of Ethics Review**

In 2013, the ICMA Executive Board (Board) began a structured effort with the Board's Committee on Professional Conduct (CPC) to review each tenet with the membership. To date, Tenets 1, 2, 3, 4, 5, 6, 7, and 12 and/or their respective guidelines have been reviewed and revised. The CPC began the review for Tenets 8 and 11 during the 2020 Southeast regional conference with feedback on the tenets and their relevancy to the profession. When all other regional conferences were cancelled due to the COVID-19 pandemic, the CPC decided to pause on the review effort for Tenets 8 and 11.

Building on the strategic guidance from ICMA's Board, ICMA re-launched its review of the Code of Ethics (Code) to focus on better integrating the profession's long-standing ethical commitment to equity and social justice into the 12 tenets. This directive from the Board is one of six action steps the Board agreed to take in June 2020. At that time, the Board noted that:

“The weight of these recent tragedies falls especially heavy on us because we are in positions of leadership in cities, counties, and towns throughout the world. The local government management profession and ICMA were founded on a Code of Ethics and a Declaration of Ideals, which demand that we serve the best interests of all, achieve equity and social justice, and act with integrity so that we may earn the trust of all those we serve. Addressing systemic racism is our ethical obligation.”

After a competitive bidding process, ICMA hired the University of North Carolina-Chapel Hill's (UNC) School of Government in June 2021 to partner with ICMA in this comprehensive review that prioritizes open dialogue among members and obtaining member feedback. The UNC team of consultants will assist ICMA in the upcoming fiscal year in conducting an environmental scan to learn how other professional associations are addressing equity and racial justice in their codes, lead initial member focus groups, and develop a member survey. The School of Government is well positioned to support ICMA given their expertise in ethics, diversity and inclusion, and research. In particular ICMA sought a partner who understands the importance of the Code to our membership and the profession.

### **Ethics Enforcement**

ICMA enforces the Code through a formal, peer-review process the CPC administers as outlined in the [Rules of Procedure for Enforcing the Code of Ethics](#). The confidential process provides a member with the opportunity to respond in writing to the allegation(s) in the complaint submitted to ICMA. When additional documentation and information is required for the CPC to reach a decision on the member's alleged conduct, the CPC requests the state association president to appoint a fact-finding committee to interview the member and gather documentation available in the public domain.

After the reviewing the facts of the matter, the Rules provide the CPC with an array of options: close a case where no violation has occurred; privately censure a member for an ethics violation; or recommend that the ICMA Board publicly censure and/or expel, bar, suspend, or revoke the credential of a member who has violated the Code. In reaching a decision, the CPC takes into consideration, as examples, the nature of the

violation, any past ethics violations, the willfulness of the violation, and the level of professional responsibility of the member.

The CPC reviewed **34** ethics complaints filed against ICMA members. The reviews resulted in:

- 2 public censures with a membership expulsion;
- 2 public censures with a membership suspension;
- 2 public censures with member's participation in the credentialed manager program revoked;
- 1 public censure;
- 13 private censures; and
- 14 closed cases with or without advice

### **Conduct that resulted in a public censure and membership expulsion**

#### ▶ **Public confidence; conduct unbecoming; and political neutrality**

- A member engaged in a pattern of highly unprofessional and partisan rhetoric directed at elected officials and others in his communications regarding efforts to disincorporate a city. (Tenets 3 and 7)

#### ▶ **Public confidence; relationships in the workplace; equal opportunity; and personal relationships**

- A manager engaged in a personal relationship with a subordinate employee and was not forthcoming with the governing body about the relationship until it had ended. The relationship created significant conflict within several levels of the organization and required the city to incur the cost of hiring a consultant to investigate the matter while multiple staff members were on paid administrative leave for seven weeks pending the report's completion. (Tenets 3, 11, and 12)

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

#### ▶ **Public confidence and political activity**

- A manager served as an appointed member of the finance committee in the community where the manager lived. Service on this finance committee allowed the member to contact and work with the town administrator's employees and provide recommendations and budgetary amendments that could serve to publicly undermine his colleague's budget proposals. This manager also offered his public endorsement for three candidates running for a seat on his hometown governing body and financially contributed to the campaign of one of these candidates. (Tenets 3 and 7)

#### ▶ **Public confidence; personal relationships in the workplace; and equal opportunity**

- A manager had a pattern of making very unprofessional comments in the workplace that violated city policy and resulted in the city expending resources to hire a consultant to investigate these matters, among other employee allegations about his conduct. The member also leveraged his position for personal gain in his approach to seeking employment for his girlfriend with a state agency. (Tenets 3 and 12)

### **Conduct that resulted in a public censure and credentialed manager revocation**

#### ▶ **Public confidence and conduct unbecoming**

- A manager had a highly inappropriate and unprofessional verbal altercation with a member of his governing body who he called “a piece of white [expletive] trash.” The incident occurred outside of the meeting venue in front of the manager’s employees and members of the community. (Tenet 3)

► **Public confidence and public trust**

- A manager accidentally discharged a firearm in his city hall office in one incident and on several other occasions brought a loaded firearm into the office in violation of city policy. The member’s conduct put employees, himself, and others in harm’s way as well as exposed the city to significant legal and financial risk. (Tenet 3)

**Conduct that resulted in a public censure**

► **Political activity and running for office**

- An assistant to the manager established a campaign committee to pursue a partisan elected office, raised funds, incurred campaign expenses, and paid those expenses from his committee funds. (Tenet 7)

**Conduct that resulted in a private censure**

► **Public confidence and public trust (Tenet 3)**

- A manager used a city cell phone to send inappropriate text messages about elected officials to staff during board meetings.
- An assistant manager was charged and pled guilty to driving while intoxicated.

► **Professional Respect (Tenet 3)**

- A manager’s pattern of interactions with his former elected officials and staff undermined his successor.

► **Political Activity (Tenet 7)**

- A manager made financial contributions to the campaigns of two candidates seeking local elected office.
- A manager shared her support for a candidate for a local elected office on social media as well as financially contributed to a candidate for federal elected office.
- A manager made personal social media posts that offered commentary on the policy positions of state and federal elected officials that undermined the local government’s position on these issues as well as expressed support for candidates seeking state and federal elected office.

► **Length of Service (Tenet 3)**

In reaching a decision about a member’s length of service, the CPC considers, as examples, the reasons for the separation; the extent to which the member assisted in the transition period; whether the member fulfilled his or her obligations in the employment agreement; and the effects of the member’s conduct on the community, the organization, the governing body, and the profession.

- There were three cases where the reasons a member provided for a tenure of less than two years did not meet the limited exceptions as outlined in the guideline:

- Specifically, a CAO had a seven-month tenure, a different CAO had a fifteen-month length of service, and finally a CAO had an eighteen-month length of service.
  - After being in his CAO position for seven months, a member was a candidate for a different manager's position and demonstrated his intent to leave his current position before serving the recommended tenure of two years. Ultimately, the member was not selected and remained in his current position.
- ▶ **Public confidence and public communication (Tenets 3 and 9)**
- A member made highly inappropriate comments about local issues and individuals on social media.
- ▶ **Seeking Employment (Tenet 3)**
- Before a colleague had announced his separation, a member engaged in conversations with a colleague's governing body about the position without informing the manager.
- ▶ **Endorsement (Tenet 12)**
- A manager publicly endorsed a vendor doing business with the city.

## **Working with Fact-Finding Committees**

Fact-finding committees the state association president appoints to assist in gathering information on cases serve as an arm of the CPC and play an invaluable role in the ethics enforcement process. ICMA staff worked with seven fact-finding committees, appointed at the CPC's request, to investigate a member's conduct in Florida, Michigan (two different committees), Oregon, Tennessee, Texas, and Virginia.

## **Ethics Advice and Resources**

ICMA staff responded to **212** ethics inquiries from members seeking confidential advice and assistance in resolving ethical dilemmas. Members with questions about their ethical obligations are encouraged to contact Martha Perego, ICMA Director of Membership and Ethics, at 202-962-3668 or [mperego@icma.org](mailto:mperego@icma.org) or Jessica Cowles, Ethics Advisor, at 202-962-3513 or [jcowles@icma.org](mailto:jcowles@icma.org)

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