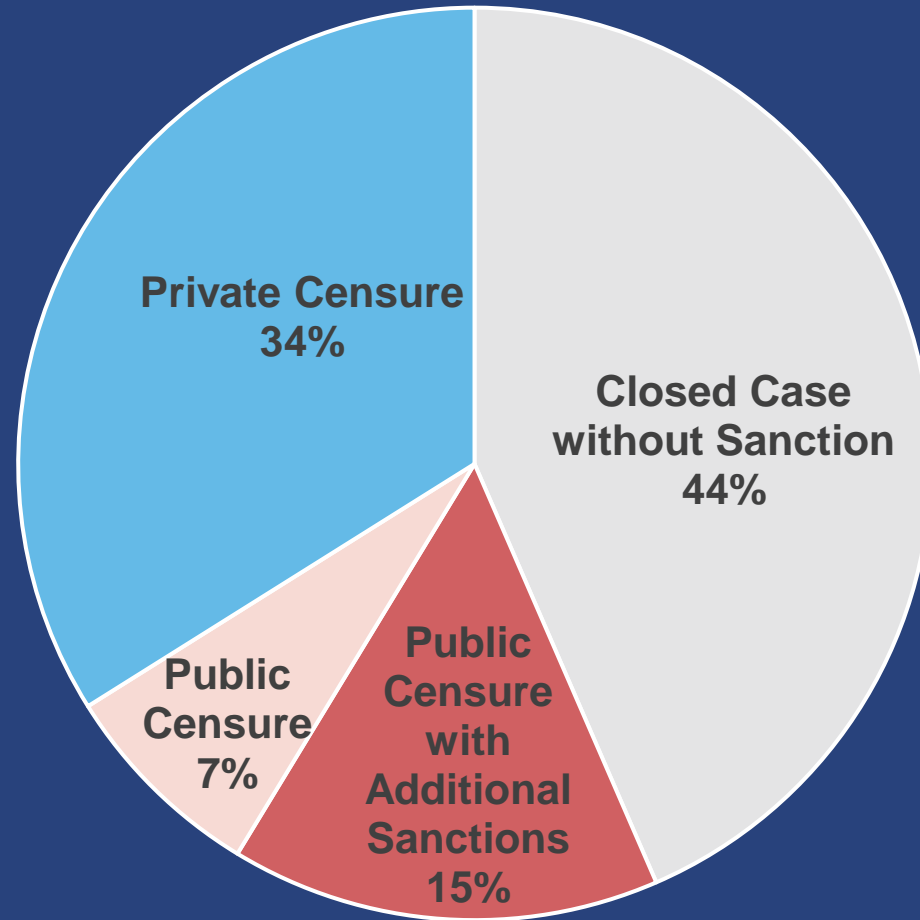




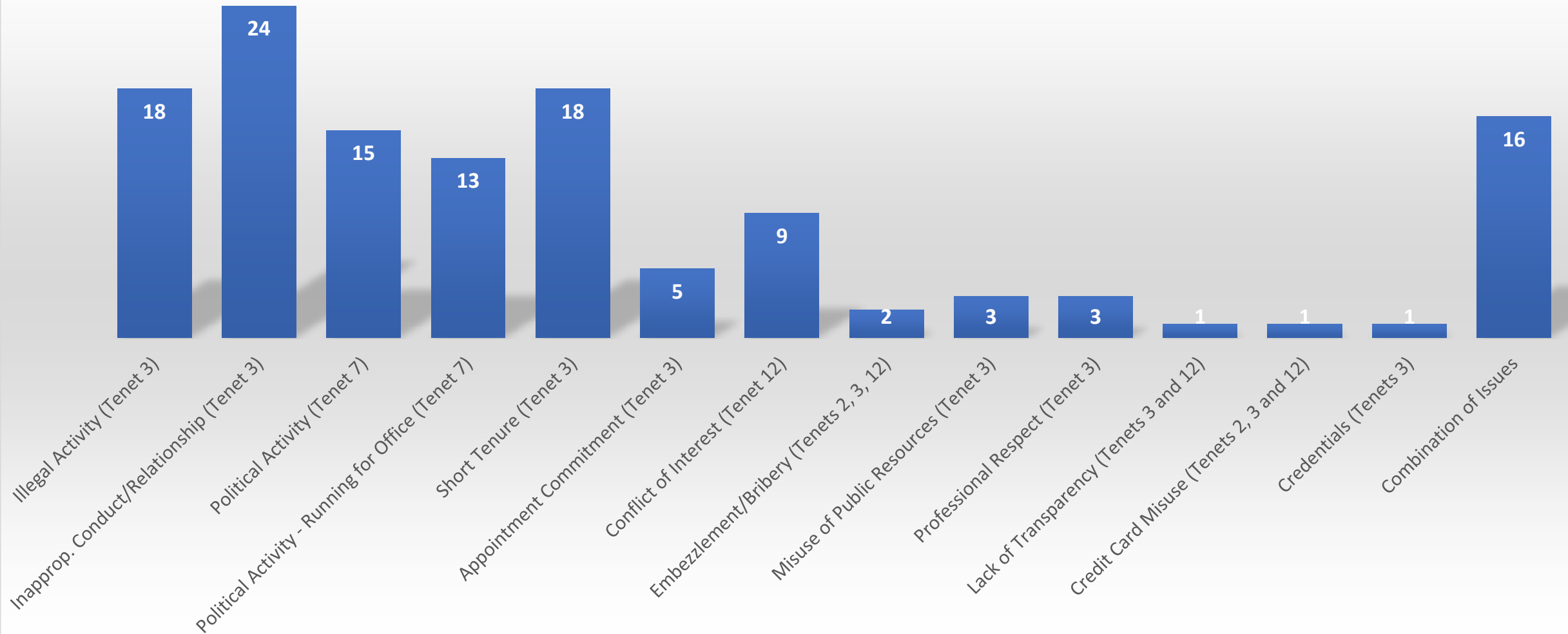
ETHICS CASE TRENDS AND SCENARIOS FOR DISCUSSION

January 2022

Resolution of Ethics Cases: 2012-2021 (230 Cases Total)



Number of Cases by Violation Issue(s) (2012-2021)



FROM JUNE 30, 2020 THROUGH JULY 31, 2021 ...

The ICMA Committee on Professional Conduct 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 – Tenets 3 and 7

Public confidence; relationships in the workplace; equal opportunity; and personal relationships – Tenets 3, 11 and 12

DISCUSSION OF ETHICS SCENARIOS

WHAT SHOULD YOU DO?

The city where you work has developed an approach to public engagement during the pandemic that has been regionally recognized as successful.

You received a phone call from an individual that lives nearby looking for information about how your city started its effort. You recognize the individual's name as a candidate for elected office in your colleague's community.

TENET 2

Affirm the dignity and worth of local government services and maintain a deep sense of social responsibility as a trusted public servant.

Advice to Officials of Other Local Governments. When members advise and respond to inquiries from elected or appointed officials of other local governments, they should inform the administrators of those communities.

Treat the request as you would for any other request for information with the understanding this person is a candidate for local elected office and what you share could be made public. You have an obligation to inform your colleague of the contact and the information you shared. Doing so prevents your colleague from being surprised and caught off guard if this individual publicly shares the contents of your conversation and references your name.

WHAT SHOULD YOU DO?

You are the assistant manager and do not live in the community where you work.

The governing body in your home city is appointing residents to serve on the 10-year charter review commission. You are interested and wonder if you should express an interest in serving.

TENET 3

Demonstrate by word and action the highest standards of ethical conduct and integrity in all public, professional, and personal relationships in order that the member may merit the trust and respect of the elected and appointed officials, employees, and the public.

Public Confidence. Members should conduct themselves so as to maintain public confidence in their position and profession, the integrity of their local government, and in their responsibility to uphold the public trust.

The ICMA Code of Ethics tenets and guidelines do not prohibit community service. They do add an important dimension in considering whether an offer or opportunity to serve is appropriate. Some questions for you to consider in making your decision:

- *What conflicts could be created by your serving on this voluntary commission? Consider actual conflicts or the perception of a conflict of interest.*
- *Are the appointments made on a partisan basis?*
- *Are you free to resign from the charter review commission without difficulty in the event that a conflict of interest arises that cannot otherwise be avoided?*

If there are no conflicts in actuality or in appearance, you should discuss your interest with the manager before deciding to pursue the opportunity.

WHAT SHOULD YOU DO?

You were hired as the new county economic development director and the major goal for this position is to help attract private sector investment in the community.

There is a minor league baseball team in the county, and they have offered you free season tickets to entertain potential investors visiting the area.

TENET 12

Public office is a public trust. A member shall not leverage his or her position for personal gain or benefit.

Gifts. Members shall not directly or indirectly solicit, accept or receive any gift if it could reasonably be perceived or inferred that the gift was intended to influence them in the performance of their official duties; or if the gift was intended to serve as a reward for any official action on their part.

Members should not accept any gift that could undermine public confidence. De minimus gifts may be accepted in circumstances that support the execution of the member's official duties or serve a legitimate public purpose. In those cases, the member should determine a modest maximum dollar value based on guidance from the governing body or any applicable state or local law.

Decline this offer. If there's a legitimate business need for the season tickets to entertain potential investors and showcase the county, the county should pay for the tickets, and the member should not accept this gift. In addition to this raising ethics concerns, the value of season tickets would likely have a higher value than what local and state gift policies would permit for acceptance.

WHAT SHOULD YOU DO?

Should you financially contribute to an issue-oriented cause of personal interest such as registering individuals to vote?

TENET 7

Refrain from all political activities which undermine public confidence in professional administrators.
Refrain from participation in the election of the members of the employing legislative body.

Personal Advocacy of Issues. Members share with their fellow citizens the right and responsibility to voice their opinion on public issues. Members may advocate for issues of personal interest only when doing so does not conflict with the performance of their official duties

Consider whether voicing your personal opinion or contributing financially to causes of personal interest could affect your ability to be effective in your role. Is the cause closely aligned with a particular political party? Are you the convener who brings together disparate interests in your community? If so, stepping into the public arena may not be wise; not a reason to stand down from advocating for your personal interests, but something to consider. Finally, tone and respect matter enormously here—both your own and that of the individuals and organizations with which you align yourself.

WHAT SHOULD YOU DO?

You enthusiastically accepted an offer of employment for a city manager position and gave your notice of resignation from your current position.

Now within a week of accepting the offer and negotiating an employment agreement, the media reports the finance director may be charged with embezzling city funds. This was not discussed as a possible issue during the recruitment, and you now have concerns about joining this organization.

TENET 3

Demonstrate by word and action the highest standards of ethical conduct and integrity in all public, professional, and personal relationships in order that the member may merit the trust and respect of the elected and appointed officials, employees, and the public.

Appointment Commitment. Members who accept an appointment to a position should report to that position. This does not preclude the possibility of a member considering several offers or seeking several positions at the same time. However, once a member has accepted a formal offer of employment, that commitment is considered binding unless the employer makes fundamental changes in the negotiated terms of employment.

It would be wise to have a conversation with the governing body to learn more about the issue and be prepared to start addressing it on day one. Another way to think about this issue is the Board and the organization need your professional expertise to navigate the difficult road ahead for the finance department as well as restoring public trust and confidence in the organization as a result of this very serious allegation. Backing out of your commitment now would only do more damage to the organization.

Ethics Scenarios

You've been asked to lend your name to a book that your colleague is about to publish. Can you provide an endorsement?

Tenet 12

Endorsements. Members should not endorse commercial products or services by agreeing to use their photograph, endorsement, or quotation in paid or other commercial advertisements, marketing materials, social media, or other documents, whether the member is compensated or not for the member's support. Members may, however, provide verbal professional references as part of the due diligence phase of competitive process or in response to a direct inquiry.

Tenet 12 (cont)

Members may agree to endorse the following, provided they do not receive any compensation: (1) books or other publications; (2) professional development or educational services provided by nonprofit membership organizations or recognized educational institutions; (3) products and/or services in which the local government has a direct economic interest. Members' observations, opinions, and analyses of commercial products used or tested by their local governments are appropriate and useful to the profession when included as part of professional articles and reports.

Ethics Scenario

- You have been friends with a local attorney in town since high school. That attorney is now running for District Attorney. Because you live on a highly visible thoroughfare, she wants to put a large yard sign in your front yard. What do you do?

Tenet 7

Refrain from all political activities which undermine public confidence in professional administrators. Refrain from participation in the election of the members of the employing legislative body.

ONGOING ETHICS SUPPORT AND ADVICE

For questions about the Code and your ethical obligations, contact:

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