

## **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)

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](#).