

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 or Jessica Cowles, Ethics Advisor, at 202-962-3513 or 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](#).