

Promoting Ethics in Local Government: A Year in Review Fiscal Year 2024

Ethics Education, Training and Outreach

Celebrating the Code of Ethics' 100th anniversary began in January 2024. The year-long commemoration has included monthly features in PM Magazine, Leadership Matters, digital media, spotlights and stories from the membership, as well as an interactive timeline highlighting the Code's history in words and pictures.

ICMA presented 15 ethics sessions at ICMA events and state/regional association meetings to further education and training on this critical leadership topic for the local government management profession.

ICMA's relationship with state associations continues our partnership on ethics. To further this goal, ICMA offers state association executive boards a briefing on the state association's role in ICMA's ethics review process. This briefing may occur in conjunction with a state conference or virtually and resulted in eight meetings in FY24. **Over 800 individuals** participated in these training sessions and briefings in FY24.

Ongoing Code Review

In 2013, the ICMA Executive Board approved the ICMA Committee on Professional Conduct's (CPC) plan to review each tenet with the membership. This structured effort resulted in reviewing of ten tenets and their associated guidelines of the Code of Ethics. The two principles remaining are **Tenet 8 (professional development) and Tenet 10 (encroachment of responsibilities)**.

Engaging members in discussion has always been a crucial component of this effort. In Spring 2024, ICMA facilitated discussion at six state association meetings and the two local government reimaged conferences. Following distribution of a survey on these tenets and guidelines to the membership in Summer 2024, the CPC will review the feedback and determine next steps.

Review Membership Application and Renewal Process

All ICMA members agree to abide by the Code of Ethics. Based on several recent ethics complaints, the board's Membership and Outreach Committee (MEOC) and the CPC both reviewed the current ICMA membership process. This review effort promotes the Code through recent updates to the membership application and renewal process. The changes are summarized below:

- Added a narrative to the online member application:
"Promoting an ethical culture in local government management has been at the very core of ICMA's mission and foundation. The Code expresses the professional and personal conduct expected of members as well as defines the principles that serve as the basis for building and maintaining trust in the local government management profession. As a condition for joining ICMA, an individual agrees to adhere to the Code."

A member in service to a local government, or special district, municipal league, or council of governments, regardless of whether it is on a full-time, part-time, or interim basis, or as an intern, must comply with the entire Code. Members who are working in another field, students, or retirees must follow Tenets 1 (Democracy) and Tenet 3 (Integrity). Tenet 7 (political activity) does not apply to elected officials.”

- Added a Code badge to the My Profile section of the Who’s Who database when individuals log in to icma.org.
- Included the Code in its entirety for individuals to affirm as read before signing the member application.
- Placed the Code prominently on the website to celebrate the 100th anniversary.
- Updated the Code in the printed application.
- Continued ethics education efforts, including training sessions, presentations, and articles to raise awareness and celebrate the Code’s 100th anniversary.

Ethics Advice and Resources

ICMA staff responded to **116** 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 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](#).

Ethics Enforcement

ICMA enforces the Code through a formal, peer-review process the Committee on Professional Conduct (CPC) administers as outlined in the Rules.

When ICMA receives a complaint concerning the conduct of one of its members, the complaint must meet the following 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).

The confidential ethics review 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. The fact-finding committee offers the member the opportunity to meet, gathers documentation available in the public domain, and prepares a summary report that is 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 of the Code has occurred; privately censure a member for an ethics violation; or recommend the Board publicly censure and/or revoke the credential, suspend from membership, or permanently bar/expel 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 completed **30** ethics case reviews this fiscal year. At the end of FY 2024, there are **25** complaints pending conclusion of the ethics review process. The outcome of the 30 completed ethics case reviews in FY24 resulted in:

- 1 public censure with membership expulsion;
- 1 public censure with membership bar;
- 1 public censure with membership suspension;
- 1 public censure;
- 11 private censures; and
- 15 closed cases with or without advice

Conduct that resulted in a public censure and membership expulsion

▶ **Illegal Conduct, Public Confidence, Public Trust (Tenets, 2, 3, and 12)**

- A manager pleaded guilty to felony misuse of a city credit card and was sentenced to spend 90 days in jail, followed by two years of probation. The member was ordered to pay over \$300,000 in restitution to his city after knowingly accepting a \$300,000 severance package while still owing the city for unpaid personal credit card charges without disclosing this during negotiation and separation. The judgement in the member's civil case forbade him from ever holding public office.

Conduct that resulted in a public censure and membership bar

▶ **Illegal Conduct, Public Confidence, Public Trust (Tenets, 2, 3, and 12)**

- A manager pleaded guilty to charges of two counts to solicit prostitution from an employee/former employee and one woman was a minor. He was sentenced to serve two years of probation and the governing body ended his employment.

Conduct that resulted in a public censure and membership suspension

▶ **Conduct Unbecoming and Running for Office (Tenets 3 and 7)**

- While serving as a town manager, a member campaigned and unsuccessfully ran for elected office for the mayor's position in his home community and publicly supported a candidate for elected office. The member's conduct in person and online also did not demonstrate the

highest standards of ethical conduct and integrity and reflected poorly on the local government management profession.

Conduct that resulted in a public censure

▶ Running for Office (Tenet 7)

- In a member's successful candidacy for elected office for a seat on a school board in the community where she is employed, she distributed campaign materials and received an endorsement of her candidacy. She acknowledged her conduct violated the Code and ultimately did not resign her elected position.

Conduct that resulted in a private censure

▶ Public Confidence (Tenet 3)

- A manager had two encounters with law enforcement while intoxicated, including a charge for driving under the influence.
- A manager pleaded guilty to the charge of "failure to give or render aid" in a city-owned vehicle.
- A jurisdiction incurred a settlement expense of over \$100,000 for a harassment suit involving its manager.

▶ Public Confidence, Conduct Unbecoming (Tenet 3)

- A manager pleaded guilty to a misdemeanor charge of disorderly conduct- breaking the peace.
- Two cases involved members who made inappropriate comments in the workplace.

▶ Political Activity (Tenet 7)

- A manager wrote a letter to the editor supporting a candidate for local, elected office.
- A manager made a social media post supporting a candidate for city council.
- A member held an elected seat on a board and resigned it when he became the manager.
- A former member ran for elected office while serving as a local government staffer.
- A manager donated \$100 to a candidate for local office.

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 three fact-finding committees, appointed at the CPC's request, to investigate complaints about a member's conduct in California, Illinois, and North Carolina.

For questions on the ethics enforcement process, individuals can contact Camilla Posthill, ethics senior program manager, at cposthill@icma.org.