

ICMA Committee on Professional Conduct Proposed Changes for Tenet 12

1. Introduction

In the continuing effort to ensure that the ICMA Code of Ethics is relevant to the profession, the ICMA Committee on Professional Conduct launched a structured review of Tenet 12 this year.

Why focus on Tenet 12?

This Tenet covers a broad range of common issues that are significant for professionals working in local government: gifts, conflicts of interest, personal relationships, use of confidential information, outside employment, and endorsements. Because professionals encounter these issues on a regular basis, and they can be complicated to address, this Tenet and the guidelines generate many requests to ICMA for ethics advice.

Also, there has been no major review or revision of the Tenet and guidelines since initially drafted in 1972.

The Committee gathered feedback from members in discussions at regional summits, state meetings, and an online forum. The Committee considered that feedback along with the issues raised by members in their inquiries to ICMA.

The outcome is a series of recommendations to amend the Tenet language and update the guidelines.

The Committee is very interested in your feedback on the draft recommendations. Please note that any change to the tenet requires a vote of the corporate members which would take place in 2015. Guideline changes are approved by the ICMA Executive Board.

Thank you for taking the time to review the recommendations and to provide your comments.

[Download Tenet 12.](#)

[Download a copy of this survey.](#)

2. Please respond whether you agree or disagree with the proposed changes.

*** 1. The recommendation is to replace the current language in Tenet 12: *Seek no favor; believe that personal aggrandizement or profit secured by confidential information or by misuse of public time is dishonest.* Of the following options, which do you prefer?**

- "Seek no favor. A member should not leverage his or her position for gain or benefit"
- "Public office is a public trust. A member should not leverage his or her position for gain or benefit"

Comments:

Below is the text for the proposed guidelines.

- New text is **green** and denoted by an **underline**
- Deleted text is **red** and is noted by a **~~strike-through mark~~**.

*2. Gifts.

Members should not directly or indirectly solicit any gift or accept or receive any gift if it could be perceived that ~~—whether it be money, services, loans, travel, entertainment, hospitality, promise, or any other form—under the following circumstances: (1) it could be reasonably inferred or expected that the~~ the gift was intended to influence them in the performance of their official duties; or ~~(2) if~~ if the gift was intended to serve as a reward for any official action on their part.

~~It is important that the prohibition of unsolicited gifts be limited to circumstances related to improper influence. In de minimus situations, such as meal checks, some modest maximum dollar value should be determined by the member as a guideline. The guideline is not intended to isolate members from normal social practices where gifts among friends, associates, and relatives are appropriate for certain occasions:~~

Any gift offered to the member that could undermine the public confidence in the member should not be accepted. De minimus gifts may be accepted or received in circumstances that support the execution of the member's official duties or serve a legitimate business purpose. In those cases, the member should determine a modest maximum dollar value as a guideline.

Gifts may include - but are not limited to - money, services, loans, travel, meals, tickets, other entertainment or hospitality.

The guideline is not intended to apply to normal social practices, not associated with the member's official duties, where gifts are provided among friends, associates, and relatives.

- I agree with the proposed guideline.
- I disagree with the proposed guideline.

Comments:

*3. Investments in Conflict with Official Duties.

Member should not invest or hold any investment, directly or indirectly, in any financial business, commercial, or other private transaction that creates **any appearance of or the fact of** a conflict with their official duties. **Members should refrain from any investment activity which would compromise the impartial and objective performance of their duties.**

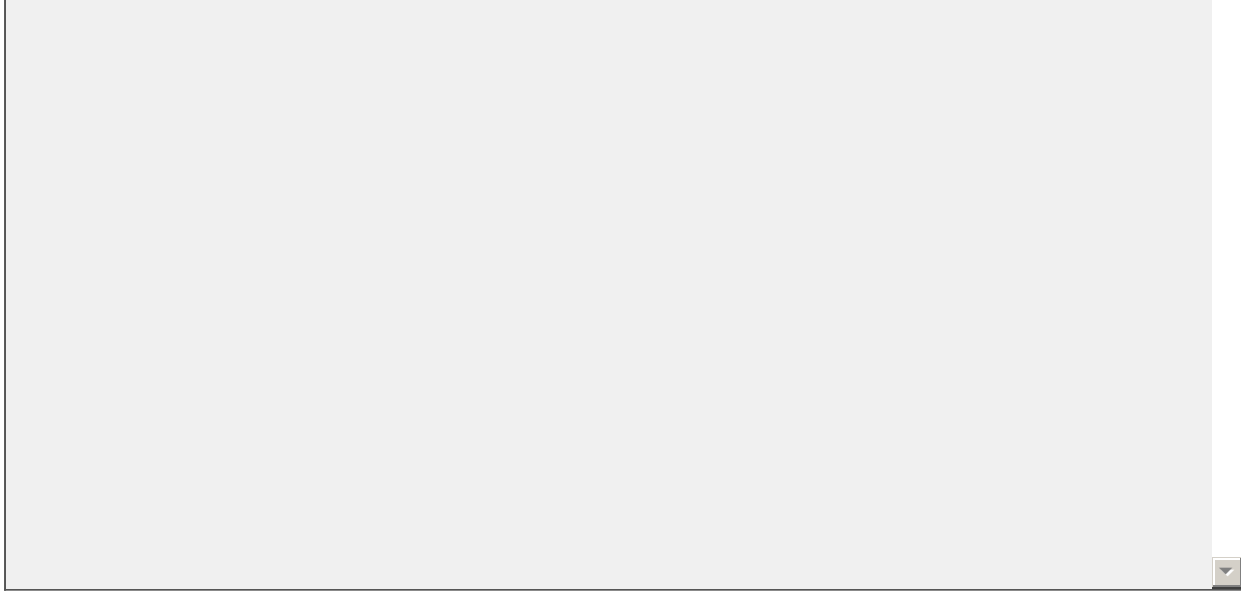
In the case of real estate, the potential use of confidential information and knowledge to further a member's personal interest requires **special thoughtful** consideration. This guideline recognizes that members' official actions and decisions can be influenced if there is a conflict with personal investments **or the investments of friends or family members.** Purchases and sales which might be interpreted as speculation for quick profit ought to be avoided (see the guideline on "Confidential Information") **or at the very least be proactively disclosed to the governing body.**

Because personal investments may appear to influence official actions and decisions, **or create the appearance of impropriety,** members may, in concert with their governing body, provide for disclosure **and/or recusal** of such investments prior to accepting their position as local government administrator or prior to any official action by the governing body that may affect such investments.

Notwithstanding the intent stipulated above, a member shall not be prohibited from having or acquiring an interest in, or deriving a benefit from any direct investment when the interest or benefit is due to ownership by the member of less than 0.5% of a financial business, commercial, or other private business which has a contract, work, or business with the municipality.

- I agree with the proposed guideline.
- I disagree with the proposed guideline.

Comments:



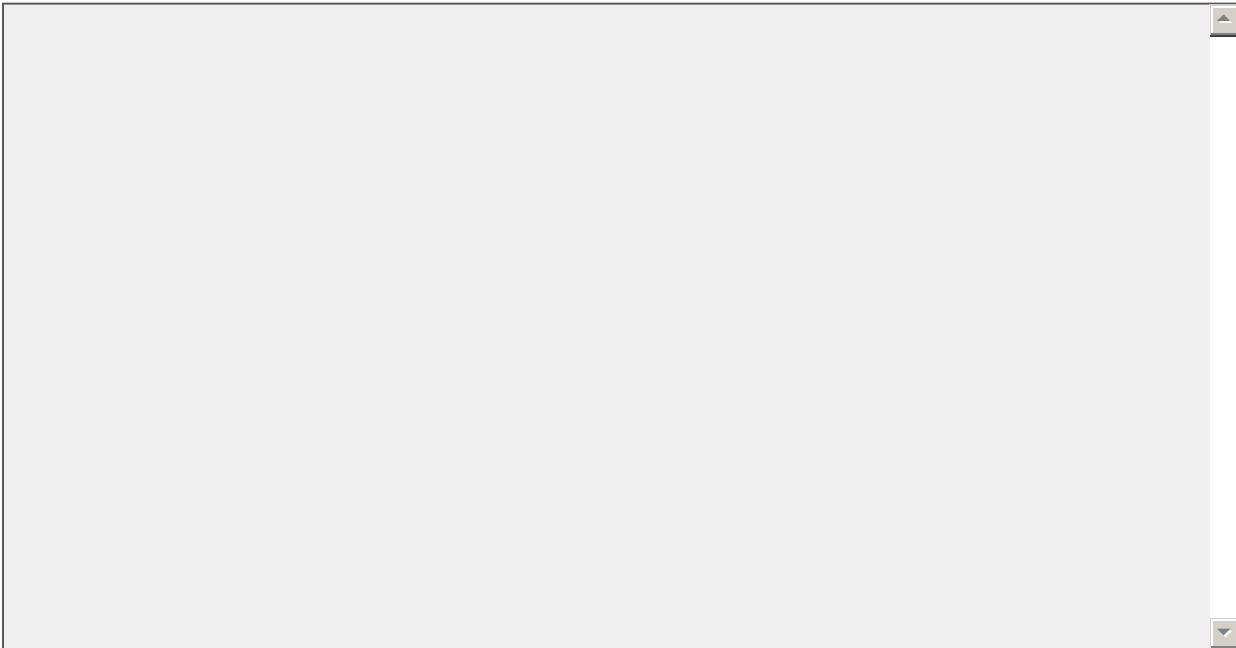
*4. Confidential Information.

Members **should** must not disclose to others, or use to **advance** **further** their personal interest, confidential **or inside** information including intellectual property, that has been acquired **or retained** by them in the course of their official duties.

For the avoidance of ambiguity, information that may be in the public domain or accessible via a freedom of information request, is not confidential.

- I agree with the proposed guideline.
- I disagree with the proposed guideline.

Comments:

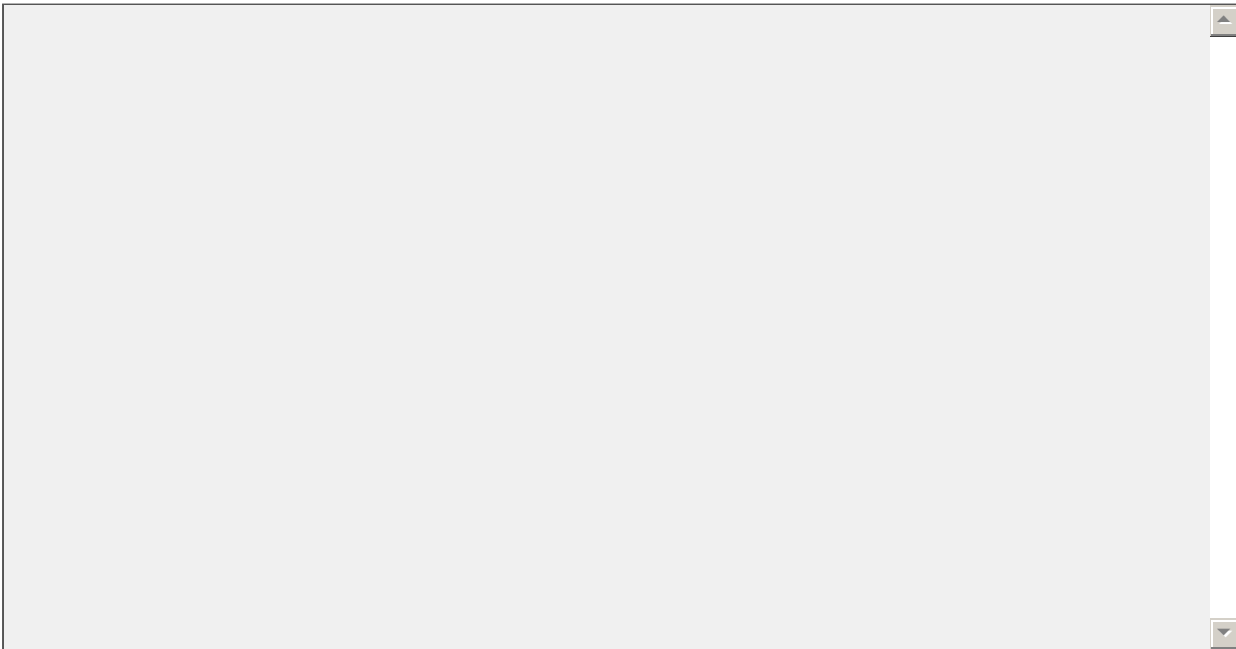


*5. NEW! Social Media.

To preserve impartiality and not compromise their objectivity, members should exercise discretion and common sense when using social media platforms to express their views and opinions, and refrain from postings that undermine the ethical principles of the Code of Ethics.

- I agree with the proposed new guideline.
- I disagree with the proposed new guideline.

Comments:



*6. Endorsements.

Members should not endorse commercial products or services or provide letters of recommendations for vendors competing in request for proposal, bid or other competitive processes by ~~endorse commercial products or services by~~ agreeing to use their their photograph, endorsement, or quotation in paid or other commercial advertisements, collateral materials, or other documents whether the member or not for compensation is compensated or not for their support. Members may, however, provide professional references as part of the due diligence phase of competitive processes.

In addition, 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.

- I agree with the proposed guideline.
- I disagree with the proposed guideline.

Comments:

3. Section 1: Demographic Information

1. How many years have you been working in local government?

- 0-4 years of local government service
- 5-10 years of local government service
- 11-19 years of local government service
- 20-25 years of local government service
- 26-29 years of local government service
- 30+ years of local government service

4. Thank you for your participation.