



Serving on Nonprofit Boards and Commissions

The commitment to service inspires local government professionals to volunteer their personal time to community-based organizations. Nonprofit organizations often seek out local government leaders to add to the talent pool on their boards. Staff often want to volunteer to build both their community network and their skill set.

While service to the community is certainly a public benefit, local government staff need to consider whether the volunteer effort will conflict with or undermine their commitment to serve the city, county, or town organization.

The ICMA Code of Ethics tenets and guidelines do not prohibit community service. They do add an important dimension to considering whether an offer or opportunity to serve is appropriate. Tenet 3 and the guideline on public confidence along with Tenet 12 and the guideline on gifts, which are reprinted below, are most on point.

Questions to Ask Yourself

ICMA's Committee on Professional Conduct (CPC) encourages members to be good citizens, but it also suggests that members consider the following questions in making a decision whether to serve on a board or commission:

- Are your local circumstances such that it would be wise to consult with elected officials before making a commitment, or to inform them after you have made it?
- Could your board service lead a reasonable person to question your loyalty to your employer, which is of course primary?
- Does, or is there a likelihood that, the organization will come before your local government to request funding, zoning, or other consideration?
- Would your involvement appear to lend support to one group in the community over another?
- Is it likely that you will be in a position of having to abstain from a decision of the nonprofit board because of a conflict of interest? The CPC has held consistently that it is unacceptable for a member to abstain from or to avoid advising elected officials because the member's position on a community board or commission creates a conflict of interest. Your primary duty is to provide advice and counsel to the governing body, and you should avoid circumstances in which you might need to withhold such advice.

- In instances in which you must abstain from voting on a board decision because of a conflict of interest, can you still be an effective board member?
- Will you be expected to engage in fund-raising? Consider the intent of Tenet 12, which advises members to avoid accepting gifts “if it could reasonably be perceived or inferred that the gift was intended to influence them in the performance of their official duties.” Engaging in fund-raising within the community can create a similar conflict—i.e., the person made the donation with the expectation of leveraging the donation to obtain special consideration, treatment, or access at a future time.
- Are there rules about soliciting for donations from your staff or elected officials?
- Are potential donors, whether employees or developers or individuals who have no specific relationship with the local government, really free to “just say no”?
- Could you be just as effective by assisting in the development of a fund-raising strategy but not making the direct solicitations?
- Will the local government be a beneficiary of a successful fund-raising effort?
- How might your participation be reported factually by the media?
- Are you free to terminate the outside involvement without difficulty in the event that a conflict of interest arises that cannot otherwise be avoided?

Applicable Tenets and Guidelines from the ICMA Code of Ethics

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.

GUIDELINE

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.

Tenet 12. Public office is a public trust. A member shall not leverage his or her position for personal gain or benefit.

GUIDELINE

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.

The term “Gift” includes but is not limited to services, travel, meals, gift cards, tickets, or other entertainment or hospitality. Gifts of money or loans from persons other than the local government jurisdiction pursuant to normal employment practices are not acceptable.

Members should not accept any gift that could undermine public confidence. De minimis 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.

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