Ethics are Now!
Insights from Seasoned Administrators

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Jessica Cowles, ICMA Ethics Director
Lon Pluckhahn, ICMA President and Deputy City Manager, Vancouver, Washington
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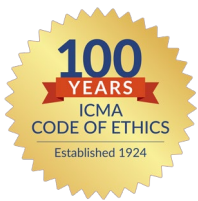
Session Agenda

Panel perspectives an ethics trends

This will be interactive!
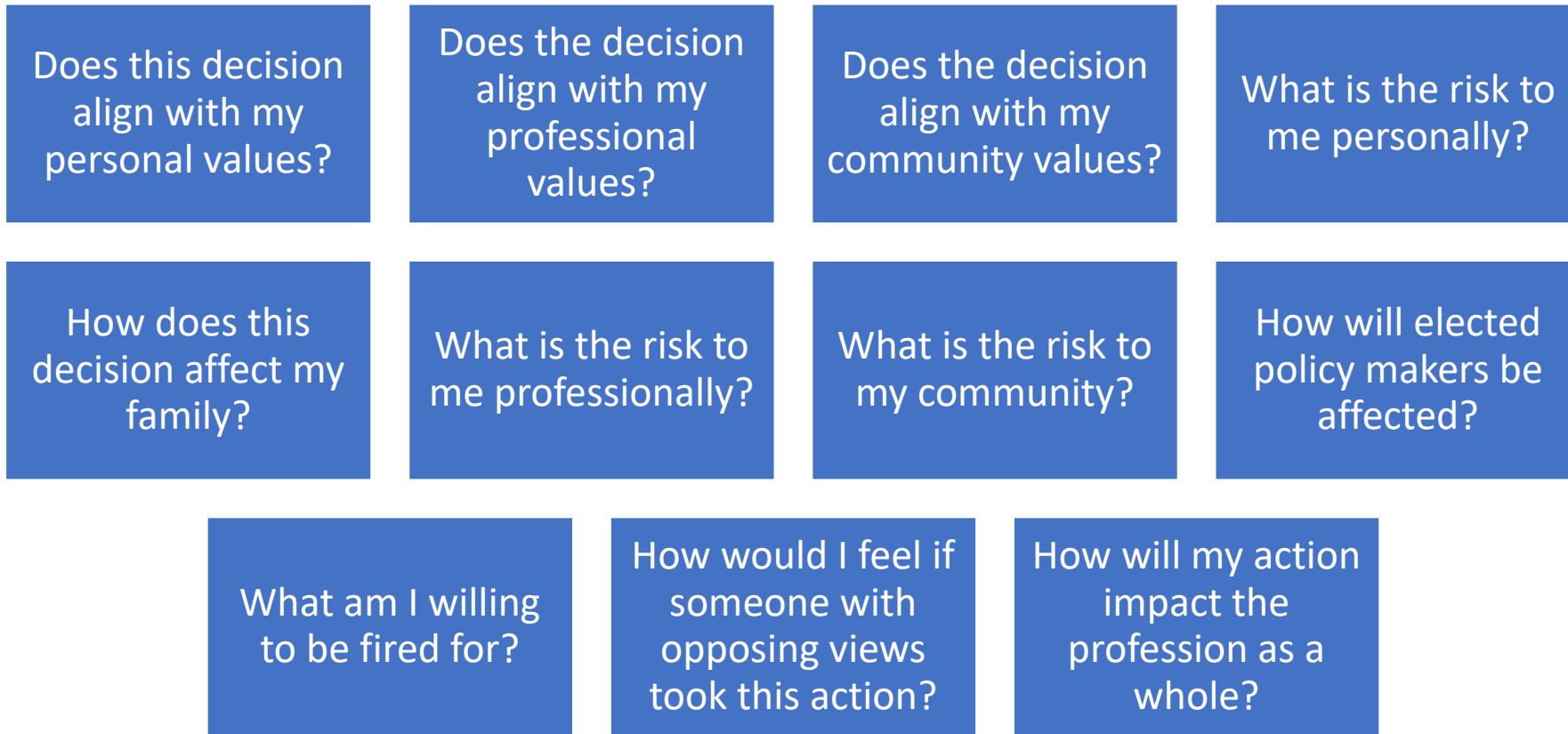
Plenty of time for questions

Leave with key takeaways

Ground Rule: Safe space to contribute and learn

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Question from Yesterday's Session: Community Leadership
Considerations Before Engaging on Issues of Personal Interest

Does this decision align with my personal values?	Does the decision align with my professional values?	Does the decision align with my community values?	What is the risk to me personally?
How does this decision affect my family?	What is the risk to me professionally?	What is the risk to my community?	How will elected policy makers be affected?
	What am I willing to be fired for?	How would I feel if someone with opposing views took this action?	How will my action impact the profession as a whole?

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What does the Code of Ethics mean to you?

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Question for Panelists

What ethical challenges have you experienced regarding political neutrality?

How was it resolved?

Did it positively or negatively change the relationship?

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Question for Panelists

Elections are a constant in a manager's life.
How do you navigate an election on your governing body?

What impacts do state and federal elections have on the community you manage?

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Question for Panelists

What are some current issues in your community?

How do you engage on them professionally and personally?

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Questions for Panelists
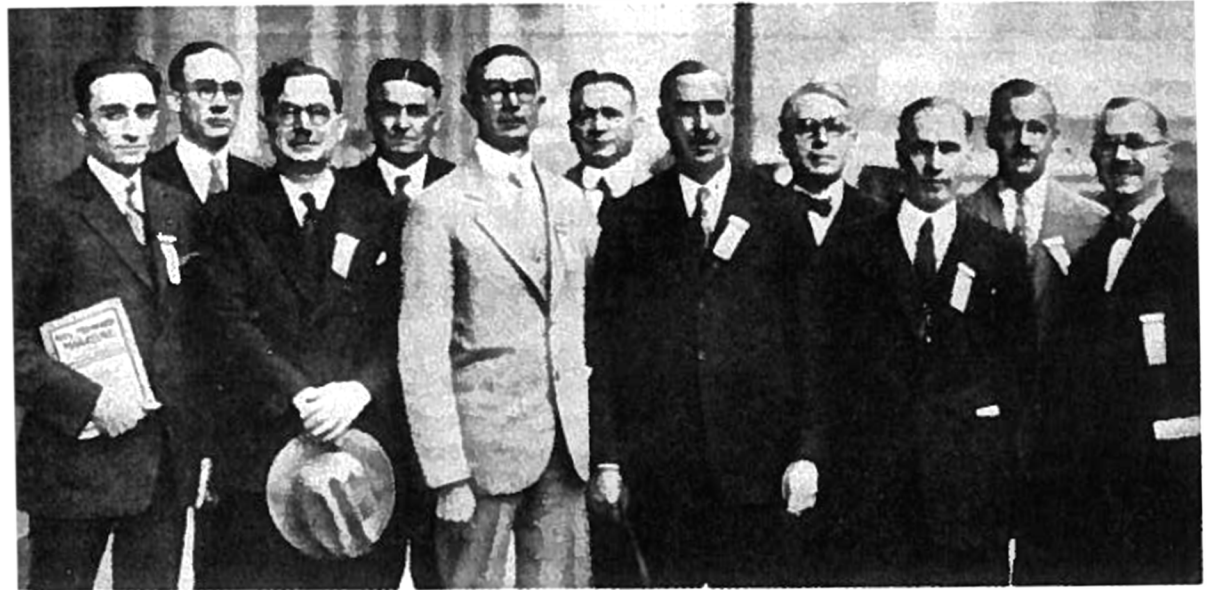
What tips do you have for difficult council-manager relations?

Is there a Code of Conduct or other policy for accountability?

Is the manager expected to police the governing body's conduct?
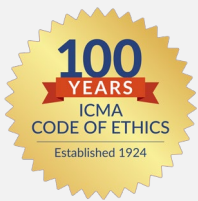
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ICMA's Mission

To advance professional local government through leadership, management, innovation, and <u>ethics.</u>

1924 Montreal Annual Conference
From right to left: H.G. Otis, C.A. Bingham, Clarence E. Ridley, John N. Edy, George W. Thompson, Fred H. Locke, C. Wellington Koiner, O.E. Carr, C.M. Osborn, Charles A. Carran, and John G. Stutz

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Ethics Resources

Advice

- Neutral, third-party to the situation
- Ask questions and understand the issue
- Offer guidance
- Rules III. Responsibilities, D.1.

"The executive director/CEO may confidentially advise members on the ethical implications of their conduct under the Code; however, the opinion or advice of the executive director/CEO shall not be binding on the Board, the CPC, or any fact-finding committee."

- Monthly Ethics Matter! column in *PM* Magazine
- Frequent issues and advice on ICMA.org/ethics

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Ethics Enforcement Process

ICMA Ethics Review Process

Phase 1
Complaint Submission

Complaint reviewed by staff based on the Rules of Procedure criteria:

1. Did the complainant provide sufficient documentation to support the allegation(s)?

2. If the allegation(s) were proven true, would it violate the Code of Ethics?

Note: Not all complaints go through all three phases.

Phase 2
Committee on Professional Conduct (CPC)* Review

Contact member and give 30 days to provide perspective on the allegation.

OR

CPC recommends no formal review of the matter. The member and complainant are notified.

CPC reviews matter and determines if there are sufficient facts to reach a decision.

YES

NO → CPC requests state association president to appoint a fact-finding committee to gather facts.

Did conduct violate ICMA Code of Ethics?

YES

NO → The member and complainant are notified and the Case is Closed.

CPC determines type of sanction.

Private Censure
Member has 15 days to appeal CPC decision to Executive Board.

OR

Public Censure**
Member has 15 days to request CPC reconsideration and/or virtual hearing with CPC.

NO REQUEST → Case goes to Phase 3: ICMA Executive Board for review.

YES APPEAL → Case goes to Phase 3: ICMA Executive Board for review.

NO APPEAL → The member, complainant, and state association president are notified.

YES REQUEST

CPC can reaffirm preliminary recommendation of public censure or change the decision.

If CPC upholds public censure recommendation, then case goes to Phase 3: ICMA Executive Board for review. Member has 15 days to appeal CPC decision to Executive Board.

If CPC changes decision, it can:
• Reduce the sanction
• Close the case, finding the conduct did not violate the Code.

Phase 3
ICMA Executive Board Review

If requested, member can participate in appeal hearing before full board. Board can:
• Uphold CPC recommendation
• Reduce the sanction
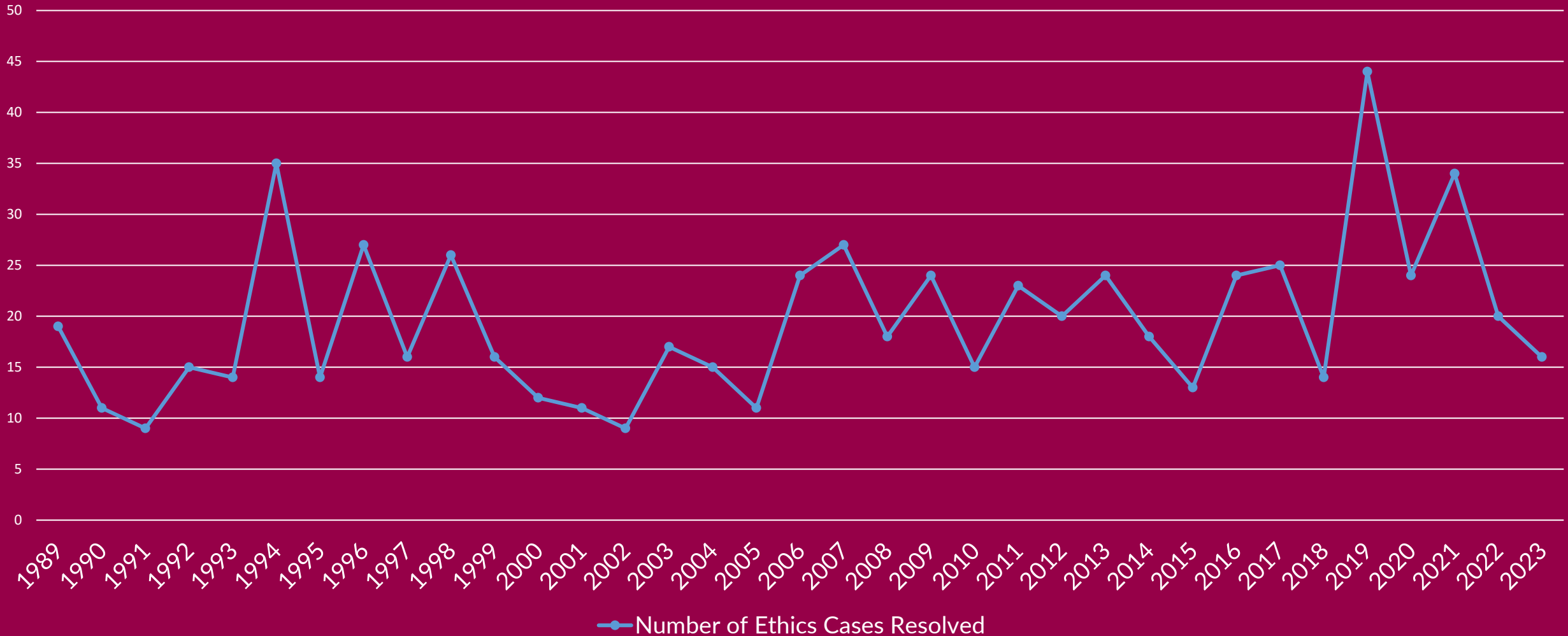• Close the case, finding the conduct did not violate the Code.

Decision is final.
Notify member, complainant, state association president, fact-finding committee (if applicable). If outcome is public censure, notify governing body, newsletter notice and press release.
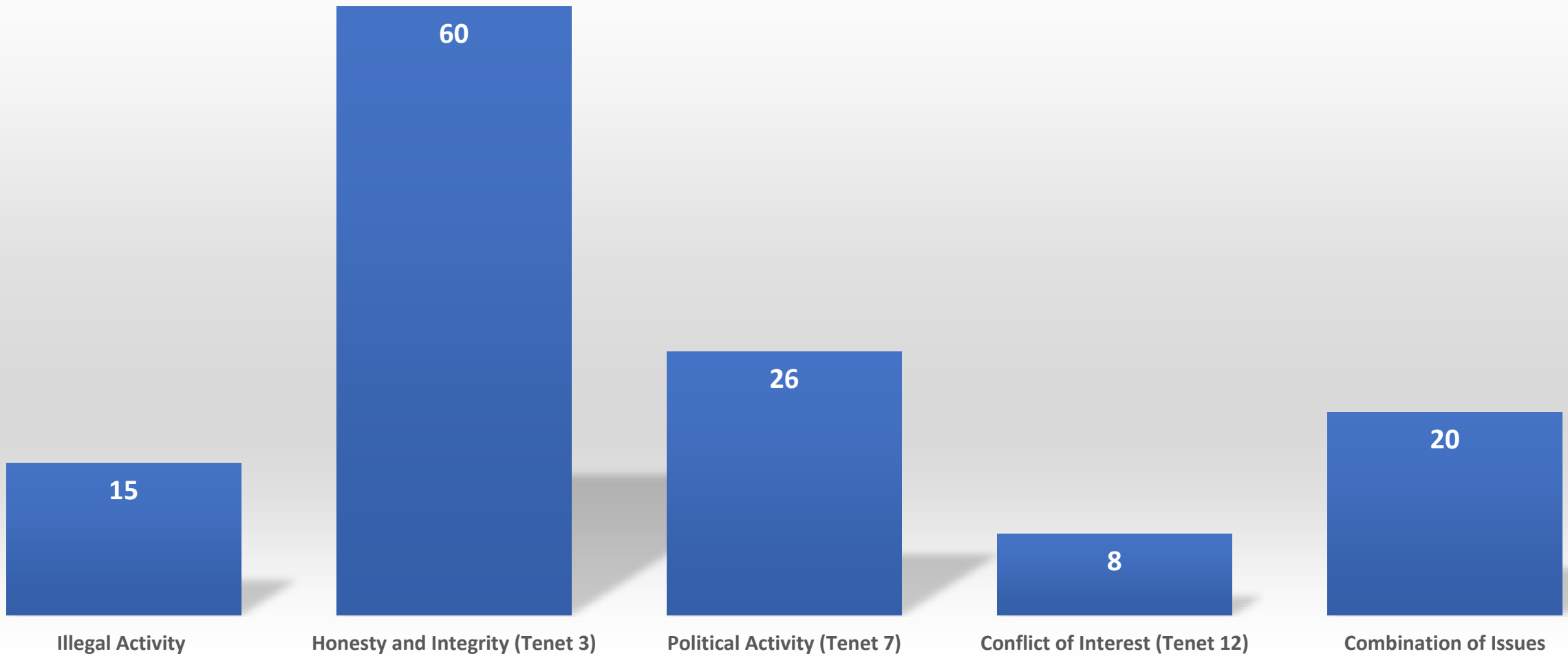
☐ = process ends
↔ = direction

*CPC: A standing committee of up to six members of the ICMA Executive Board.
**Additional sanctions to public censure include credential revocation, membership suspension, membership bar, and membership expulsion.
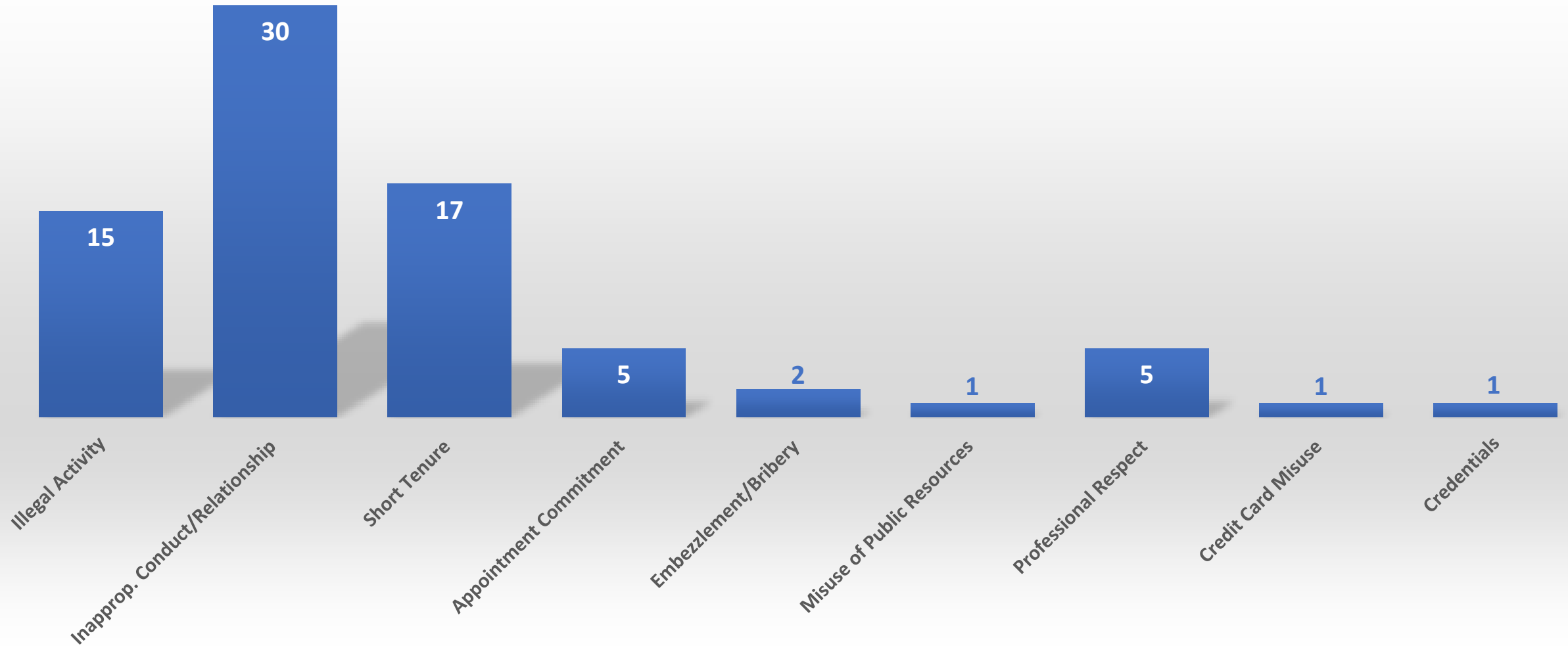
Ethics Case Trends Since 1989

Number of Ethics Cases Resolved

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Number of Tenet 3 Violations by Issue (FY 2014-2023)

Issue	Count
Illegal Activity	15
Inapprop. Conduct/Relationship	30
Short Tenure	17
Appointment Commitment	5
Embezzlement/Bribery	2
Misuse of Public Resources	1
Professional Respect	5
Credit Card Misuse	1
Credentials	1

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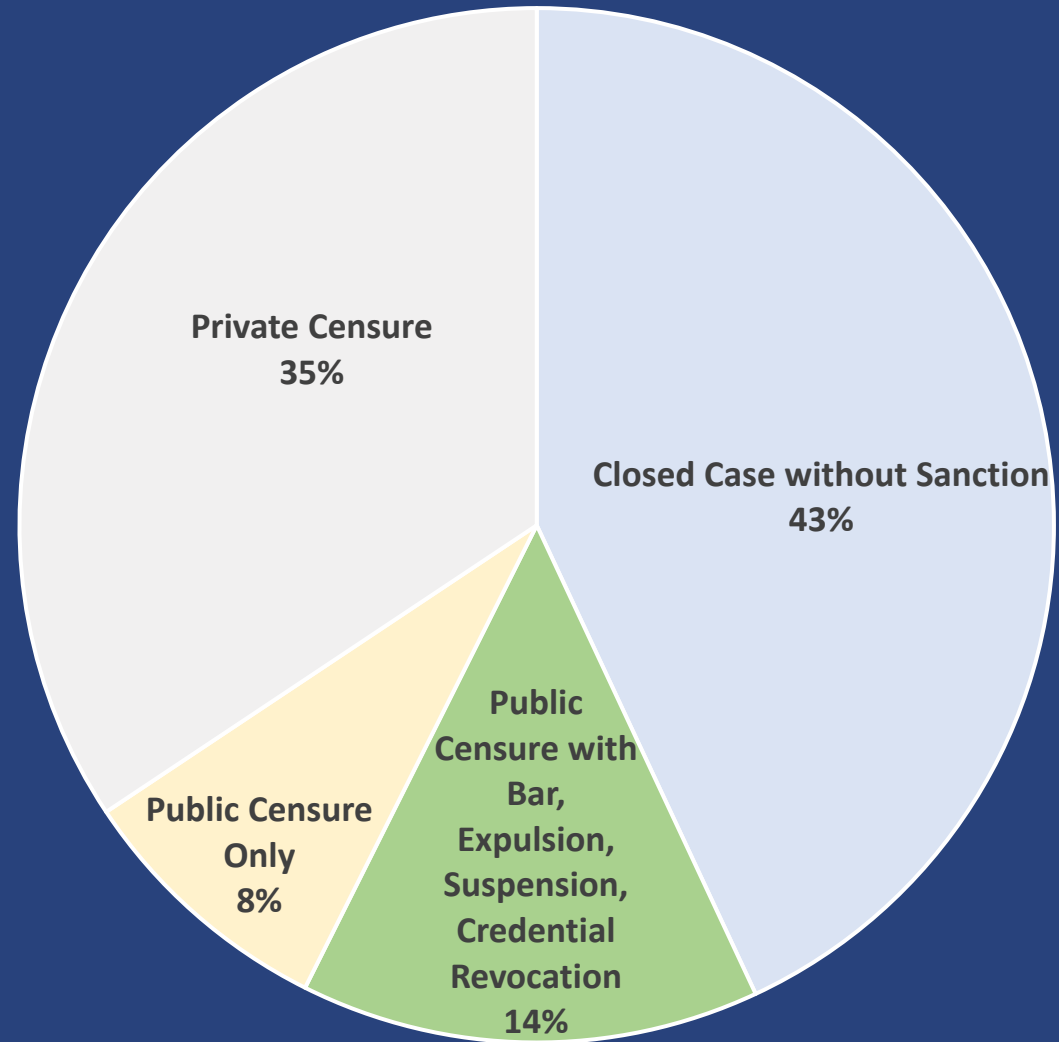
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Ongoing Code Review (2013-2024)

Tenet 7
- 10/2013: guideline update

Tenet 12
- 5/2015: new tenet language
- 6/2015: new guidelines

Tenet 3
- 5/2017: tenet revisions
- 6/2017: revisions and new guideline
- 6/2019: new guideline

Tenet 4
- 5/2018: revised text
- 6/2018: new guidelines

Tenets 1 and 2
- 10/2019: revised language
- 6/2020: updated Tenet 2 guideline

Tenets 5 and 6
- 6/2020: tenet revisions and moved guideline to Tenet 3

Tenets 8 and 11
- 6/2020: effort began then paused due to COVID-19 response and recovery

Tenets 1, 4, 9, and 11
- 3/2023: tenet revisions
- 6/2023: guideline revisions

Remaining! Tenets 8 (professional development) and 10 (encroachment of responsibilities)

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Thank You!

Links to frequent issues and advice on ICMA.org/ethics

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