
Navigating the ICMA Code of Ethics

Presented by:

Lynne Ladner, South Lyon

Larry Nielsen, Village of Paw Paw

Mark Wollenweber, Village of Grosse Pointe Shores

Facilitated by:

Christine Burns, Spring Lake

Our Agenda

1. Introduction
2. Tenet 3
3. Tenet 4
4. Tenet 7
5. Q & A

ICMA



Introductions

→ Lynne Ladner

→ Larry Nielsen

→ Mark Wollenweber

ICMA Code of Ethics

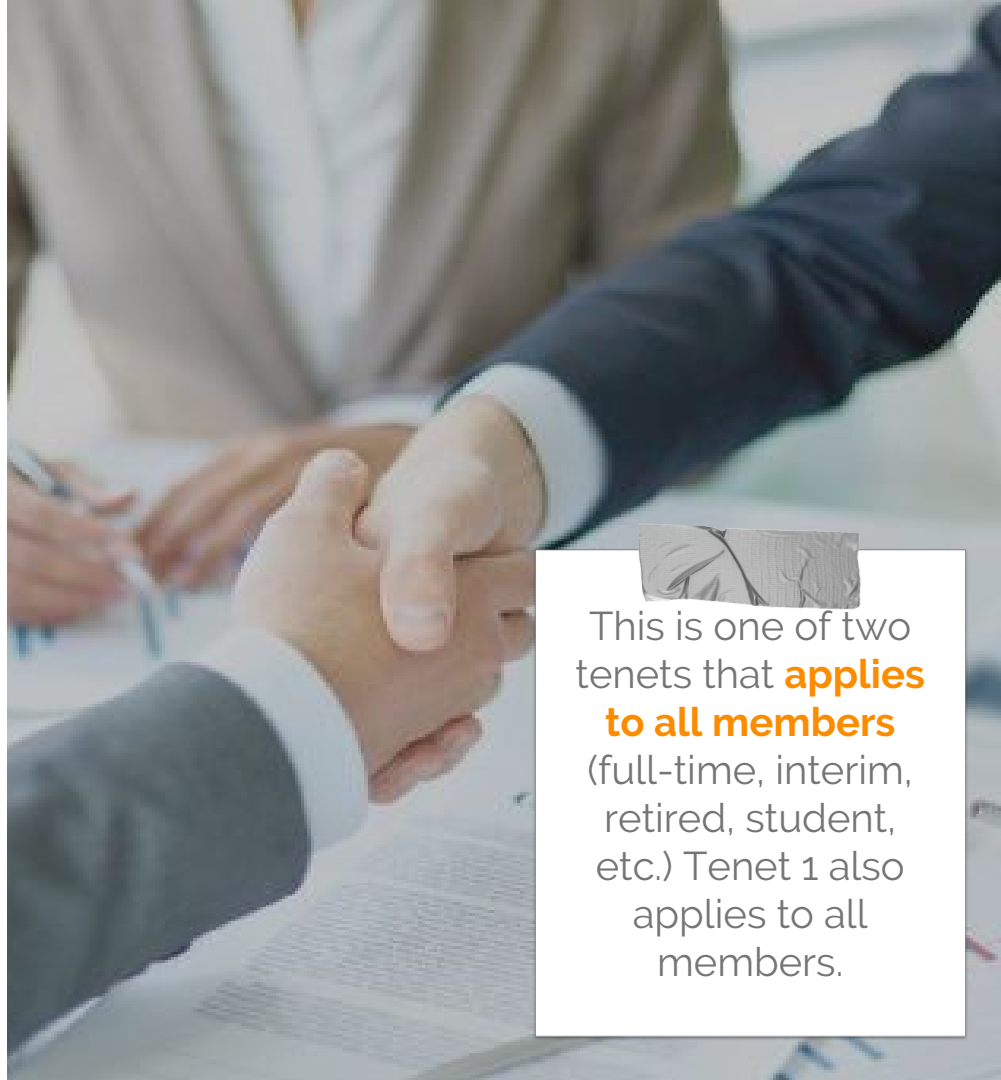
- Integrity
- Commitment
- Professional Respect
- Competency
- Equity and Fairness
- Trust and Honor
- Political Neutrality

Tenet 3 Refreshed

“Demonstrate by word and action the highest standards of ethical conduct and integrity in all

**public, professional,
& personal
relationships**

in order that the member may merit the trust and respect of the elected and appointed officials, employees, and the public.”



This is one of two tenets that **applies to all members** (full-time, interim, retired, student, etc.) Tenet 1 also applies to all members.

Which of these activities is okay?

- A. Dating the mayor?
- B. Playing on the Chamber's softball team?
- C. Drinking beer with a couple council members and the solicitor after the meeting?
- D. All of the above
- E. None of the above
- F. A couple may be ok



New: Relationships in the Workplace

Members **should not engage** in an **intimate** or **romantic relationship with any elected official** or **board appointee**, employee they **report to**, one they **appoint** and/or **supervise**, either **directly** or **indirectly**, within the organization.

This guideline **does not restrict** personal friendships, professional mentoring, or social interactions with employees, elected officials and Board appointees.

Maintaining Public Trust

Personal Relationships

In any instance where there is a conflict of interest, appearance of a conflict of interest, or personal financial gain of a member by virtue of a relationship with any individual, spouse/partner, group, agency, vendor or other entity, the member shall disclose the relationship to the organization. For example, if the member has a relative that works for a developer doing business with the local government, that fact should be disclosed.

Don't do anything you wouldn't want your mother to read on the news!

Professional Respect

Members seeking a position should show professional respect for persons **formerly holding the position,** **successors holding the position,** or for others who might be applying for the same position. Professional respect does not preclude honest differences of opinion; it does preclude attacking a person's motives or integrity.

Private censure for...

- Sarcastic comments about the state of affairs and elected officials in former community
- Posted on social media
- Never mentioned the current manager

Takeaways?

- Have some great advice the world needs to hear? Send it privately to your colleague!
- Try not to criticize your predecessor or your successor!

Your word means something...

Appointment Commitment

Members who accept an appointment to a position should report to that position. This does not preclude the possibility of a member considering several offers or seeking several positions at the same time. **However, once a member has accepted a formal offer of employment,** that commitment is considered binding unless the employer makes fundamental changes in the negotiated terms of employment.

Don't jump the gun!

Seeking Employment

Members should not seek employment for a position that has an incumbent **who has not announced his or her separation** or been officially informed by the appointive entity that his or her services are to be terminated. **Members should not initiate contact with representatives of the appointive entity. Members contacted by representatives of the appointive entity body regarding prospective interest in the position should decline to have a conversation until the incumbent's separation from employment is publicly known.**

Tenet 4: The Tenure “Rule”

Tenet 4: Recognize that the chief function of local government at all times is to serve the **best interests of all of the people**.

Guideline on Length of Service: A minimum of two years generally is considered necessary in order to render a professional service to the local government. A short tenure should be the **exception** rather than a recurring experience. However, under **special circumstances**, it may be in the best interests of the local government and the member to separate in a shorter time. Examples of such circumstances would include refusal of the appointing authority to honor commitments concerning conditions of employment, a vote of no confidence in the member, or severe personal problems. It is the responsibility of an applicant for a position to ascertain conditions of employment. Inadequately determining terms of employment prior to arrival does not justify premature termination.

Tenet 4: The Tenure “Rule”

The guideline applies to all ICMA members working for a local government. At the time it was drafted, the actual audience was the city, town, or county manager. A two-year commitment would have taken the manager through at least one entire budget cycle, which was probably considered the very least a person should contribute.

ICMA's membership today is far broader and more inclusive. Now we field questions from members at every career stage who struggle to determine whether their specific situation creates an exception to the guideline. **Which begs the question of whether a 45-year-old standard created for a narrower target audience is relevant today.**

Tenet 4: The Tenure “Rule”

Responsibility to carefully and thoroughly investigate a position and community before accepting an offer rests with the member. Inadequately evaluating the politics of the community; financial stability of the organization; housing costs; commute; availability of employment for one's spouse; quality of schools; and other environmental challenges prior to accepting a position does not justify early departure. As part of the due diligence process in evaluating whether an organization and community is a good fit personally and professionally, **members are encouraged to reach out to colleagues in the area and ICMA Range Riders who may have valuable insight to share.**

Tenet 4: The Tenure “Rule”

Professional tenure is 2 years:

- Short tenures should be the exception
- Do your homework
- Special exceptions, i.e. totally unusual and unpredictable
- Currently applies to everyone working in local government
- ICMA wants input regarding the ‘tenure rule’

Tenet 4: The Tenure “Rule”

Violations of the professional tenure is 2 years:

It's disheartening to see the number of instances in recent years when ICMA members agreed to accept a position but then failed to keep their commitments. They don't show up for work, opting to either remain in their current positions or accept a preferred offer elsewhere. Or they take the position but fail to serve the recommended two-year tenure. And, to be clear, these are not instances of the governing body failing to uphold its end of the bargain.

So, ICMA receives complaints and investigates.

Tenet 4: The Tenure “Rule”

Violations of the professional tenure is 2 years:

ICMA upon a very thorough review process has taken action.

- Expulsion
- Credential Revocation
- Membership Bar
- Public Censure with Membership Bar
- Public Censure
- Private Censure

Tenet 4: The Tenure “Rule”

Violations of the professional tenure is 2 years:

▶ **Length of service; interfering with a recruitment process; professional respect.** A member resigned his position with a city after six weeks in order to return to his previous position as city manager in another community. During the recruitment process for the city manager vacancy, the member contacted two of the finalists with one withdrawing from consideration following that contact. (*Tenets 2, 3, and 4*)

Result: Public Censure

Tenet 4: The Tenure “Rule”

Violations of the professional tenure is 2 years:

▶ **Short tenure** A city manager had short tenures in each of his last three positions and lacked sufficient justification for failing to serve the recommended two year tenure in each position. (Tenet 4) *Result: Public Censure*

▶ **Short tenure (Tenet 4):** Two members left their positions after serving for only a year to take a preferred position in another community. *Result: Private Censures*

Tenet 4: The Tenure “Rule”

Violations of the professional tenure is 2 years:

▶ **Failure to keep a commitment:** A former member reneged on his written commitment to his employer when he left the organization after serving for 7 months to take a more financially lucrative position. (Tenets 3 and 4) *Conduct that resulted in a membership bar.*

▶ **Short tenure:** A member left his position after one month with the organization to accept a preferred position in another local government. The member had the requisite facts and time to make an informed decision about the first offer he accepted and failed to consider the serious impact his conduct had on the organization. (Tenet 4) *Result: Public Censure*

Tenet 4: The Tenure “Rule”

Violations of the professional tenure is 2 years:

Keeping your word is an essential part of demonstrating integrity.

ICMA members who accept an appointment to a position should not fail to report for that position. This does not preclude the possibility of a member considering several offers or seeking several positions at the same time, but once a **bona fide** offer of a position has been accepted, that commitment should be honored. **Oral acceptance** of an employment offer is considered **binding** unless the employer makes fundamental changes in terms of employment.

Tenet 4: The Tenure “Rule”

Violations of the professional tenure is 2 years:

FOR VIOLATIONS, THERE ARE CONSEQUENCES

Every true profession has a set of core, defining, and fundamental principles. They are non negotiable. **Violate the principles and expect consequences.** After all, there is little point in having a code of ethics for the profession if the profession is reluctant about speaking out when the conduct of its members fails to adhere to the highest standards.

What are we missing ?...

- Does the Tenet describe local government? Is it still relevant to our profession?
- Does it need more guidance on professionals make local government serve the best interests of all? (See Tenet 10)
- If length of service matters, should it be aligned with the duties and responsibilities of the position? If so, what is a professional length of service?

Do we need to set a tenure?

- Yes
- No
- Maybe?

If yes, should the tenure apply to...

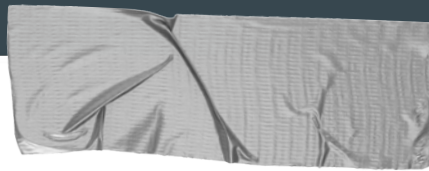
- Only city & county managers
- Only department heads and higher
- Everyone working in local government
- Other options? Why?

A man in a green sweater is speaking to a group of people outdoors. He is gesturing with his hands. To his right, a woman in a red turtleneck and sunglasses is listening. In the background, other people are visible, including a man in a dark shirt on the left and another man in a dark jacket on the right. The background is blurred, suggesting an outdoor setting with trees and possibly a building.

Tenet 7

For years, a corrupt political system has cost taxpayers way too much. As Nassau Comptroller, I'll work to end business as usual that is standing in the way of progress. "

-Jack Schnirman, City Manager, Long Beach, NY



Political neutrality means no...

- Committees to explore running
- Running for elected office
- Accepting an unexpired term (even on the school board)
- Endorsing a candidate
- Making a financial contribution (Spouse?)
- Sign in your yard or bumper sticker (On city car vs. personal vehicle?)

Something to think about...

In the primary, you have to declare a party. Does this mean you can't vote?



Some examples of recent ICMA censures:

- DUI
- Physical altercation off duty
- Making nasty comments on social media about a former elected official
- Using public email for personal benefit
- Inappropriate physical contact
- Conflict of interest in hiring a friend



SLOW

**DANGEROUS
INTERSECTION**

Ask yourself...

- Am I taking some official action, directing an employee, or using a city resource to do anything that involves my spouse, child, parent, friend, or sibling?
 - Do I have a personal connection to a work issue?
 - Will I gain from an official decision?
-

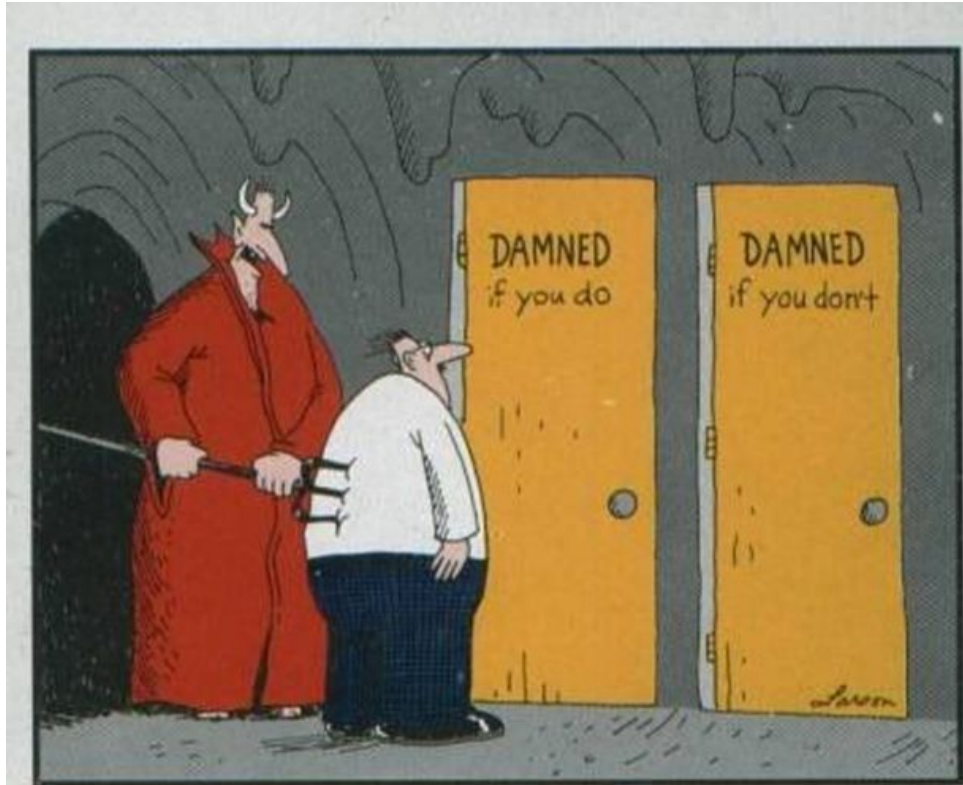
7 Tips for '17

1. Big “P” versus little “p” politics
 2. Caution at the intersections of personal and work
 3. Keep your personal relationships outside the office
 4. Honor your professional commitments
 5. Appearances matter
 6. Stand your ethical ground
 7. Ask before you act
-

Ask before you act!

- Sound legal advice is a starting not ending point
- ICMA
- Confidential advice
- Talking about an ethics mistake doesn't trigger a review
- In an ethics hole? Strategy to extricate you!

There ain't no easy way out...



"C'mon, c'mon — it's either one or the other."

For further information, please contact
Martha Perego at **MPEREGO@ICMA.org**.
