

**Disclaimer:**

The following is a class assignment, a final paper for “Methods and Practices in Graduate Interdisciplinary Humanities”. It is a balance between fulfilling the needs of the paper, to have certain features such as an abstract, literature review, clear explanation of the methodology, with the intention of sharing the results with ICMA and local government professionals through ELGL. This should not be mistaken for a fully vetted scholarly article in an official journal, but instead as research done over the span of a few months with limitations in both time and resources.

With this understanding in mind, the value I personally find in this project is a deeper understanding of the ICMA Code of Ethics by looking at it through certain theories and methodologies. As reviewing the tenets and guidelines is now a continuous process, this paper can hopefully be one tool among many as our profession adapts, grows, and reflects. My assertion is not that we must abandon all traditions and beliefs if they don't happen to mesh perfectly with certain frameworks of social justice, but that it is worth it to explore and question in what ways we can incorporate equity into our ethics and in what ways we should not. To do this, it is necessary to see where we currently stand.

An Analysis of the ICMA Code of Ethics within Social Justice Frameworks

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### Abstract

#### *An Analysis of the ICMA Code of Ethics within Social Justice Frameworks*

is an exploratory study as part of a growing debate within local government as a profession regarding the conflict between objectivity and passion. The author uses a content and discourse analysis to reflect how the current ICMA Code of Ethics (as of April 2020), measures up against four different social justice theories; liberalism, capacity approach, critical paradigm, and intersectionality. The author discusses current literature regarding local government and social justice, criticisms against the idea of social justice and/or government's involvement in it, and then analyzes each tenet and guideline within the Code of Ethics through the social justice theories.

The conclusion summarizes the most relevant results of the analysis. It then brings up several questions that developed during the analysis, as well as potential future research and next steps in the effort to find what is local government's niche within the changing demands and expectations of residents.

*Keywords:* local government, social justice, ICMA, ICMA Code of Ethics, liberalism, capacity approach, critical paradigm, intersectionality

Local government bureaucrats, that is unelected staff members of government at the municipal, county, and special district level, hold a niche within the public sector providing a wide range of services from law enforcement, to zoning, to social services, the list is extensive. Traditionally, the City Managers and County Administrators who oversee these day-to-day operations of public services try to be fair, unbiased, politically-neutral, to serve residents equally.

As concerns of equity, social justice, of causes that blur the lines of neutrality continue to surface, there are ongoing debates to whether or not unelected leaders can and should be involved in various causes and movements. Are there still clear lines, or is all up to the discretion of individual professionals?

This paper asserts that we must at minimum look at the Code of Ethics that local government leaders follow through social justice frameworks to help make informed decisions for the future of the profession's ethics. We owe it to both the residents we serve, as well as our peers grappling with difficult ethical decisions, to better map out where current ethics are aligned with various theories of social justice as well as where potential conflict exists.

## **Literature Review**

### ***Social Justice***

Social Justice is not a clearly defined, coherent concept, but a term used by several different theories and methodologies that generally recognize issues concerning equity and belonging, and also seek to make changes to alleviate said issues. To try to include every valid definition and use of social justice goes well beyond the scope of this research, but to try to include only a single definition will not adequately represent the possibilities a social justice-

oriented framework can provide to the ethics of local government. Therefore, we'll explore four distinct approaches to social justice.

The first theory of social justice being used in this research is "liberalism" as defined through John Rawls who asserts two major points of universal, basic rights as well as any differences or inequalities that do exist should be done for the benefit of all (Reisch, 136). Examples of where this belief exists already within local government is with those practices meant to be available to all residents. All residents may speak for a certain allotted time at public meetings, all residents are entitled to certain utilities the local government provides, these are a couple of practices that fit the concept of basic rights. Unemployment insurance or social services constitute examples that adhere to different levels of aid that are meant to help those in most need, thus be of a benefit to all residents as an extension.

In contrast, a different theory of social justice is the "capability approach". Pushed for by Amartya Sen, this theory focuses on "function", on people's ability to pursue their own interests (Reisch, 203). Whereas the liberal approach seeks to provide specific outcomes, the capability approach is more concerned with whether people may choose to pursue their own interests. In the context of local government, can people start a business, or make an extension to their property, or whatever reasonable goal they have without undo hardship? These types of goals are not shared by all, but the capability to pursue them if so desired can be.

The two other aspects of social justice being included for the sake of a more well-rounded analysis are the critical paradigm and intersectionality. The first rejects supposed objectiveness in favor of social change and moral responsibility (Swartz, 63). For local government, this challenges any "neutral positions" assuming that nothing can be ever truly objective, and therefore we are best when knowingly and purposefully pushing for the public

good. The second holds the “proposition that race, gender, class, ability status, sexuality, and other identity markers overlap and generate distinct forms of oppression in the lives of the oppressed” (Tong, 262). Under intersectionality it is not enough to advocate for women, or a specific race, or the other LGBTQ community as monolithic groups, but instead recognize and work with the nuances and differences that exist.

These four frames of social justice are not mutually exclusive but are distinct enough to provide different ways to analyze the state of ethics for local government administrators. The aim is to encourage not one, but multiple ways of observing and engaging with our tenets and guidelines. There is truth within each framework, and it is possible for a tenet to be progress in one way, yet be problematic in another.

### ***Local Government and Social Justice***

The International City Managers Association (ICMA) 2015 Local Government Sustainability Practices Survey led to questions by Lu Liao, Mildred E. Warner, and George C. Homsy on why “social equity” fell behind the priority of many cities compared to economic development and environmental sustainability. In this survey that included 1,899 U.S. local governments, 91 percent held a priority for economic development, 47 percent held a priority for environmental protection, and 26 percent for social equity (Liao, 1998). Through their research, they found the issue lay more with “procedural justice”, a more reactive, process-oriented outlook on justice than “distributive justice”, a more proactive, service-oriented approach. Whereas providing basic services were commonplace, it was in getting input from communities, particularly poor communities that often fell short (Liao, 2000). To apply it to the social justice frameworks, liberal social justice is more commonly found than the capability approach.

There is a current debate that is ongoing with local government administrators as the balance between passion and professionalism, our commitment to local government and to our personal beliefs are not easy to reconcile. “We’re increasingly engaging in conversations about the intersection of the Code of Ethics and our desire to engage in issues we’re passionate about.” (Fitzpatrick 11). Kate P. Fitzpatrick, William (Bill) J. Fraser, Opal D. Mauldin-Jones, and Martha Perego identify four areas where there is potential conflict. Operational (related to the ‘procedural justice’ mentioned above), personal (those matters that are close to our individual values), professional (our interpretation of the Code of Ethics and other professional standards), and our relationship with officials (when elected officials’ views and actions may conflict with our own ethics) (Fitzpatrick, 12-13), all serve as possible tests to our ethics. They offer some questions to help assist with such problems such as how much risk is involved, as well as whether a decision falls in line with the values of different groups (Fitzpatrick 13), but do not offer any hard rules.

Similarly, Kevin Woodhouse offers a means to build integrity through the integration of personal and professional values (Woodhouse, 17). If we can bring together our personal and professional values into one and the same, we will not face contradicting beliefs when our ethics are put to the test. “The human brain is incredibly adept at rationalization and often tips into over-rationalization or erroneous rationalization” (Woodhouse, 17). Rather than risk what is a very natural and normal tendency to find a loophole within our own moral compass, we can be proactive at understanding and deciding our values beforehand. Like others, Woodhouse does not offer specific values, leaving it up to others how to determine their ethics case by case.

There are many efforts, many ways that local government administrators are grappling with concepts of social justice and how they apply to our ethics, our priorities. There has yet to

be any definitive conclusions as social justice and equity are used in many different ways for just as many situations. It is worth it to see if a broader, consistent inclusion of social justice can be found or not.

### *Discourse Analysis*

“The critical side of the analysis deals with the systems enveloping discourse; attempting to mark out and distinguish the principles of ordering, exclusion and rarity of discourse.” (Foucault, 27). Discourse analysis is not an attempt to discover universal truths of institutions and structures, but instead is to seek out patterns, consider what is included and not. This method lends itself well to an interdisciplinary evaluation of ethics as the attempt of this research is to draw out questions more than answers, seeks a more general, exploratory engagement with the ICMA Code of Ethics. After all, ethics is a subject pertaining to what we should do, not necessarily what we actually do. With the current debate within local government, with the different ways social justice is advocated for and what it seeks, a more reflective, qualitative method is more appropriate than a fixed, quantitative measure of concepts and terms that hold no single true definition.

This method also fits well within this topic for discourse relies upon institutions (Foucault, 11), institutions such as ICMA. We the members of ICMA are responsible for own discourse, how we choose to view our own profession. A deeper understanding of our current ethics can only serve to better enable us to either affirm and live up to those ethics or revise them as we collectively believe is best.

### *Criticisms*

It is also worth it to be mention a few of the criticisms of local government engaging in social justice. If it was an accepted and universal belief that these two should be intertwined,



there would be little purpose for this paper, this effort to tackle what is already the norm. Three main criticisms emerged from the research, the first two directed towards social justice specifically, the last on government.

Freidrich Hayek was an economist and often-quoted critic of social justice primarily on philosophical grounds. From questioning the personification of society as inherently good or evil to pointing out to the ambiguity adding “social” to concepts like justice, law, society, and others (Ikeda, 36), he points out holes and imperfections. This paper does not deny this criticism, but does argue that even if there is ambiguity, even if some thoughts to social justice are not universally applicable, it does not prevent us from trying to do better. We can still seek positive change in increments, can still question tradition and current beliefs, only we are better to do so with the humility that the next generation will question and challenge our conclusions in turn.

A more direct challenge to social justice are those who believe discrimination is acceptable, or at least preferable to progressive movements. This criticism is directed at the outcomes of social justice. In one case, Ben O’Neill tries to distinguish racism with “rational discrimination.” His prime example is with taxi drivers not picking up black men because of a higher rate of assault, that taxi drivers can and should make decisions on the best information they know, and that doing so isn’t the same as believing one race is inherently superior (O’Neill, 535). He goes on to eventually describe antidiscrimination as “malevolent”. “The intellectual culture of political correctness that [antidiscrimination] has spawned is an attempt to enforce this objective by moral intimidation, and the laws it has spawned and will continue to spawn constitute a tyrannical attack on human reason itself.” (O’Neill, 555). This paper rejects both the severity and substance of such criticism. This criticism assumes a natural state of current society and that suggests that history stops with modern times, that any further reforms of our laws,

beliefs, attitudes are somehow different than the reforms of laws, beliefs, attitudes in the past that led to where we are today. This paper asserts that asking how we can better serve the underserved, better recognize the dignity of people without, is not a “tyrannical attack on human reason itself,” but is engaging in human reasoning.

The final general criticism is of government. “The minimal state is the most extensive state that can be justified. Any state more extensive violates people's rights.” (Nozick, 149). This criticism of any government, including local government, asserts that government can only lead to taking people’s rights away, that by its very nature regardless of the system could it ever be something positive. This paper recognizes that it is valuable to challenge government involvement as government is not always the best or only institution that can help. This paper doesn’t seek to demand that local government adhere strictly to any social justice framework or code, but instead to self-evaluate the profession and ask the question of what we should do. Beyond this, the criticism is too fundamentalist to be taken seriously, and for those of us within local government to entertain it in any broad way is to accept a level of wrongdoing in our work that would compromise us. Practically, morally, we must believe in our profession’s potential to have the most positive impact we can.

### **Methodology**

This research, taking the four chosen social justice frameworks, reviewed every tenet and guideline in the ICMA Code of Ethics. Using an understanding of each framework, each piece of the Code of Ethics there were three general questions asked. The first was whether there was specific, explicit language that related to the social justice framework? The second was if not, could there be a reasonable interpretation of the tenet or guideline that would fall within the framework? Finally, if not, does the tenet or guideline deal with a matter unrelated? The initial

reading, or content analysis, of the ICMA Code of Ethics was complemented by a follow up interview with ICMA's Director of Ethics and Membership Services, Martha Perego, a discourse analysis on the interpretation and implementation of the Code. All tenets and guidelines fell under one of the following categories: aligned, potential for alignment, potential for conflict, in conflict, and not applicable.

As an example, the first Tenet reads "We believe professional management is essential to efficient and democratic local government by elected officials." For liberalism, there is nothing explicit that speaks to fundamental rights for all, but it is a reasonable stretch that "efficient and democratic government" can allude to such rights. Therefore, there is "potential alignment". On the other hand, the capacity approach is aligned with this tenet, as it speaks to the ability to accomplish goals, in this case elected officials' goal of efficiency. However, there is nothing specific to either the critical paradigm or intersectionality. The essentialness of professional management does not address a moral-based approach compared to objectivity, nor does it relate to overlapping privileges and challenges.

There are limits to this approach, there is a degree of subjectivity in this analysis, one could argue that democratic government has everything to do with the critical paradigm or intersectionality. Ethics by its very nature tends towards the subjective, as well as the roots of discourse analysis, making this to a large degree an unavoidable weakness. When in doubt, this research takes the more conservative interpretation as the intention is to bring out questions to follow up on, not make too many initial judgements.

This paper assumes that social justice is not the only consideration, that other concepts such as organizational standards and legal concerns, and others are also at play even if they are not directly addressed here. That some tenets and guidelines are "not applicable" to social justice

frameworks, or even if there is conflict, does not necessarily condemn ICMA's Code of Ethics. Instead, it only sparks the question if members find it acceptable, and if not, what action should be taken then? If it is decided that a more robust and intentional inclusion of social justice concepts and themes should be within the Code, then it should be done purposefully and meaningfully. The same if the membership feels that some or all social justice frameworks are not applicable or even contrary to our work, we should conclude as such knowingly and deliberately.

## **Results**

The results of this analysis can be seen at the table starting on page 12. It is abbreviated and color-coded for ease of reading. Although going over all 180 individual analyses goes well beyond the scope of this paper, it is worth it to bring up a few themes and discoveries made.

One result of particular note is that no tenets or guidelines were discovered to be in explicit conflict with any of the four social justice theories. In hindsight, this makes sense as it would be rare to find any code of ethics that speaks of taking away people's rights, or to outright deny the existence of intersectionality. Instead, there was only potential conflict where a social concept could be in conflict depending on interpretation and practice.

Another result was the need to make another category, some tenets and guidelines showing potential alignment and potential conflict. This was due to ambiguous language that could reasonably adhere to social justice frameworks or against them. As an example is Tenet 11 to "Handle all matters of personnel on the basis of merit so that fairness and impartiality govern a member's decision, pertaining to appointments, pay adjustments, promotions, and discipline." Merit is a tricky concept, and whereas impartiality can give anyone the capacity to pursue a

TENET	LIBERALISM	CAPACITY APPROACH	CRITICAL PARADIGM	INTESECTIONALITY
<b>1: Efficient and democratic government</b>	PA	A	N/A	N/A
<b>2: Worth of services, social responsibility</b>	PA	PA	A	PA
G: Advice to Others	N/A	N/A	N/A	N/A
<b>3: Ethical conduct and integrity</b>	PA	PA	PA	PA
G: Public Confidence	PA	PA	PA	PA
G: Influence	PA	PA	A	N/A
G: Length of Service	N/A	N/A	N/A	N/A
G: Appointment	N/A	N/A	N/A	N/A
G: Credentials	N/A	N/A	N/A	N/A
G: Professional Respect	N/A	PA	PA	PA
G: Reporting Violations	PA	PA	PA	PA
G: Confidentiality	N/A	N/A	N/A	N/A
G: Seeking Employment	N/A	N/A	N/A	N/A
G: Relationships	N/A	N/A	N/A	N/A
G: Conduct Unbecoming	A	A	A	PA
<b>4: Best interests of the people</b>	PA	PA	PA	PA
G: Impacts	PA	PA	PA	PA
G: Inclusion	A	A	PA	PA
<b>5: Facts and advice</b>	N/A	PA/PC	PC	PA/PC
G: Conflicting Roles	N/A	N/A	N/A	N/A
<b>6: Establishment and execution</b>	PA/PC	PA/PC	PC	N/A
<b>7: Political activities</b>	PC	PA/PC	PC	N/A
G: Governing Body	PC	PA/PC	PC	N/A
G: Elected Executive	PC	PA/PC	PC	N/A
G: Running for Office	N/A	N/A	N/A	N/A
G: Elections	N/A	PA/PC	PC	N/A
G: Form of Government	A	A	N/A	N/A
G: Presentation	A	A	N/A	N/A
G: Personal Advocacy	PA	PA	PA	PA
<b>8: Professional development</b>	PA	PA	PA	PA
G: Self-Assessment	PA	PA	PA	PA
G: Professional Development	PA	PA	PA	PA
<b>9: Communication and service</b>	A	A	A	PA
<b>10: Responsibilities on principle and justice</b>	PA	PA	A	PA
G: Information Sharing	N/A	N/A	N/A	N/A
<b>11: Personnel and merit</b>	N/A	PA/PC	A	PA/PC
G: Equal Opportunity	A	A	A	PA
<b>12: Public trust</b>	PA	PA	A	N/A
G: Gifts	PA	PA	A	N/A
G: Investments	PA	PA	A	N/A

G: Personal Relationships	PA	PA	A	N/A
G: Confidential Information	PA	PA	A	N/A
G: Private Employment	PA	PA	A	N/A
G: Representation	PA	PA	PA	N/A
G: Endorsements	PA	PA	A	N/A

career in local government, it can account for intersectionality, it is also a reasonable stretch to use merits that are traditionally considered fair yet tend to favor privileged demographics.

One final result of note is that whereas the first three social justice frameworks each had multiple tenets and guidelines that were aligned, the same was not true for intersectionality. Rights, capacity, and moral decision-making are directly in the ICMA Code of Ethics, but intersectionality at best is a concept that is potentially aligned.

**Future Research and Concluding Questions**

Although this research questioned whether different tenets and guidelines included things such as fundamental rights and moral decisions, it did not delve deeper into which rights, what specific forms of morality local government administrators should have. There is the potential to dig deeper within each social justice framework. There is also the opportunity to take the same approach with other social justice frameworks and theories such as different feminist or queer theories. The same research can be repeated with different professionals and members seeing if the above conclusions match what others’ interpretations are and if there is consensus or not. Finally, more research and discussion can follow based on the following concluding questions that arose.

The two concepts, two tenets that brought up the need for a new category are “facts” found in Tenet 5 and “merit” in Tenet 11. Should we better define these terms in a way that lend themselves to promote equity or avoid reinforcing existing barriers? Are these terms better left

open for members to have the flexibility to apply them to the needs, wants, culture of their respective communities?

Should intersectionality be included in a tenet or guideline? Does the membership feel that Tenet 11 is strong enough as it stands, or is there a need to recognize that one can hire women and hire people of color and hire differently abled individuals and others, yet fail to recruit and promote anyone following under more than one of these descriptors?

Of course, there is the politics debate. Unsurprisingly Tenet 7 and its guidelines offered the biggest range of results. Can ICMA members accept filling a niche in fair and just elections that does not directly engage with it? Do we feel more direct engagement will cause more harm than good, undermining our profession and democratic process? If we discover problems that cannot be solved through traditional laws and systems we are meant to use, or even problems that exist because of traditional laws and systems we are supposed to uphold, if and to what degree should local government administrators take an initiative?

These are not easy questions, nor ones I would argue have one clear answer to them. They are however questions that come from considering social justice frameworks, provide us the opportunity to ask these questions openly, and answer them to the best of our ability for future generations to weigh and judge. It is important that we continue to question our Code of Ethics in different ways, through different lens, both to better understand the values and standards we wish to live up to, and to address any changes we feel are necessary for the future of the profession.

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Appendix A: ICMA CODE OF ETHICS

The ICMA Code of Ethics was adopted by the ICMA membership in 1924, and most recently amended by the membership in October 2019. The Guidelines for the Code were adopted by the ICMA Executive Board in 1972, and most recently revised in June 2019.

The mission of ICMA is to advance professional local government through leadership, management, innovation, and ethics. To further this mission, certain principles, as enforced by the Rules of Procedure, shall govern the conduct of every member of ICMA, who shall:

**Tenet 1. We believe professional management is essential to efficient and democratic local government by elected officials.**

**Tenet 2. Affirm the dignity and worth of local government services and maintain a deep sense of social responsibility as a trusted public servant.**

**GUIDELINE**

**Advice to Officials of Other Local Governments.** When members advise and respond to inquiries from elected or appointed officials of other local governments, they should inform the administrators of those communities.

**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.**

**GUIDELINES**

**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.

**Influence.** Members should conduct their professional and personal affairs in a manner that demonstrates that they cannot be improperly influenced in the performance of their official duties.

**Length of Service.** For chief administrative/executive officers appointed by a governing body or elected official, a minimum of two years is considered necessary to render a professional service to the local government. In limited circumstances, it may be in the best interests of the local government and the member to separate before serving two years. Some examples include refusal of the appointing authority to honor commitments concerning conditions of employment, a vote of no confidence in the member, or significant personal issues. It is the responsibility of an applicant for a position to understand conditions of employment, including expectations of service. Not understanding the terms of employment prior to accepting does not justify premature separation. For all members a short tenure should be the exception rather than a recurring experience, and members are expected to honor all conditions of employment with the organization.

**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.

**Credentials.** A member's resume for employment or application for ICMA's Voluntary Credentialing Program shall completely and accurately reflect the member's education, work experience, and personal history. Omissions and inaccuracies must be avoided.

**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.

**Reporting Ethics Violations.** When becoming aware of a possible violation of the ICMA Code of Ethics, members are encouraged to report possible violations to ICMA. In reporting the possible violation, members may choose to go on record as the complainant or report the matter on a confidential basis.

**Confidentiality.** Members shall not discuss or divulge information with anyone about pending or completed ethics cases, except as specifically authorized by the Rules of Procedure for Enforcement of the Code of Ethics.

**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 regarding prospective interest in the position should decline to have a conversation until the incumbent's separation from employment is publicly known.

**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.

**Conduct Unbecoming.** Members should treat people fairly, with dignity and respect and should not engage in, or condone bullying behavior, harassment, sexual harassment or discrimination on the basis of race, religion, national origin, age, disability, gender, gender identity, or sexual orientation.

**Tenet 4. Serve the best interests of the people.**

**GUIDELINES**

**Impacts of Decisions.** Members should inform their governing body of the anticipated effects of a decision on people in their jurisdictions, especially if specific groups may be disproportionately harmed or helped.

**Inclusion.** To ensure that all the people within their jurisdiction have the ability to actively engage with their local government, members should strive to eliminate barriers to public involvement in decisions, program, and services.

**Tenet 5. Submit policy proposals to elected officials; provide them with facts and advice on matters of policy as a basis for making decisions and setting community goals; and uphold and implement local government policies adopted by elected officials.**

**GUIDELINE**

**Conflicting Roles.** Members who serve multiple roles – working as both city attorney and city manager for the same community, for example – should avoid participating in matters that create the appearance of a conflict of interest. They should disclose the potential conflict to the governing body so that other opinions may be solicited.

**Tenet 6. Recognize that elected representatives of the people are entitled to the credit for the establishment of local government policies; responsibility for policy execution rests with the members.**

**Tenet 7. Refrain from all political activities which undermine public confidence in professional administrators. Refrain from**

**participation in the election of the members of the employing legislative body.**

**GUIDELINES**

**Elections of the Governing Body.** Members should maintain a reputation for serving equally and impartially all members of the governing body of the local government they serve, regardless of party. To this end, they should not participate in an election campaign on behalf of or in opposition to candidates for the governing body.

**Elections of Elected Executives.** Members shall not participate in the election campaign of any candidate for mayor or elected county executive.

**Running for Office.** Members shall not run for elected office or become involved in political activities related to running for elected office, or accept appointment to an elected office. They shall not seek political endorsements, financial contributions or engage in other campaign activities.

**Elections.** Members share with their fellow citizens the right and responsibility to vote. However, in order not to impair their effectiveness on behalf of the local governments they serve, they shall not participate in political activities to support the candidacy of individuals running for any city, county, special district, school, state or federal offices. Specifically, they shall not endorse candidates, make financial contributions, sign or circulate petitions, or participate in fund-raising activities for individuals seeking or holding elected office.

**Elections relating to the Form of Government.** Members may assist in preparing and presenting materials that explain the form of government to the public prior to a form of government election. If assistance is required by another community, members may respond.

**Presentation of Issues.** Members may assist their governing body in the presentation of issues involved in referenda such as bond issues, annexations, and other matters that affect the government entity's operations and/or fiscal capacity.

**Personal Advocacy of Issues.** Members share with their fellow citizens the right and responsibility to voice their opinion on public issues. Members may advocate for issues of personal interest only when doing so does not conflict with the performance of their official duties.

**Tenet 8. Make it a duty continually to improve the member's professional ability and to develop the competence of associates in the use of management techniques.**

**GUIDELINES**

**Self-Assessment.** Each member should assess his or her professional skills and abilities on a periodic basis.

**Professional Development.** Each member should commit at least 40 hours per year to professional development activities that are based on the practices identified by the members of ICMA.

**Tenet 9. Keep the community informed on local government affairs; encourage communication between the citizens and all local government officers; emphasize friendly and courteous service to the public; and seek to improve the quality and image of public service.**

**Tenet 10. Resist any encroachment on professional responsibilities, believing the member should be free to carry out official policies without interference, and handle each problem without discrimination on the basis of principle and justice.**

**GUIDELINE**

**Information Sharing.** The member should openly share information with the governing body while diligently carrying out the member's responsibilities as set forth in the charter or enabling legislation.

**Tenet 11. Handle all matters of personnel on the basis of merit so that fairness and impartiality govern a member's decisions, pertaining to appointments, pay adjustments, promotions, and discipline.**

**GUIDELINE**

**Equal Opportunity.** All decisions pertaining to appointments, pay adjustments, promotions, and discipline should prohibit discrimination because of race, color, religion, sex, national origin, sexual orientation, political affiliation, disability, age, or marital status.

It should be the members' personal and professional responsibility to actively recruit and hire a diverse staff throughout their organizations.

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

**GUIDELINES**

**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 minimus 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.

**Investments in Conflict with Official Duties.** Members should refrain from any investment activity which would compromise the impartial and objective performance of their duties. Members should not invest or hold any investment, directly or indirectly, in any financial business, commercial, or other private

transaction that creates a conflict of interest, in fact or appearance, with their official duties.

In the case of real estate, the use of confidential information and knowledge to further a member's personal interest is not permitted. Purchases and sales which might be interpreted as speculation for quick profit should be avoided (see the guideline on "Confidential Information"). Because personal investments may appear to influence official actions and decisions, or create the appearance of impropriety, members should disclose or dispose of such investments prior to accepting a position in a local government. Should the conflict of interest arise during employment, the member should make full disclosure and/or recuse themselves prior to any official action by the governing body that may affect such investments.

This guideline is not intended to prohibit a member from having or acquiring an interest in or deriving a benefit from any investment when the interest or benefit is due to ownership by the member or the member's family of a de minimus percentage of a corporation traded on a recognized stock exchange even though the corporation or its subsidiaries may do business with the local government.

**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.

**Confidential Information.** Members shall not disclose to others, or use to advance their personal interest, intellectual property, confidential information, or information that is not yet public

knowledge, that has been acquired by them in the course of their official duties.

Information that may be in the public domain or accessible by means of an open records request, is not confidential.

**Private Employment.** Members should not engage in, solicit, negotiate for, or

promise to accept private employment, nor should they render services for private interests or conduct a private business when such employment, service, or business creates a conflict with or impairs the proper discharge of their official duties.

Teaching, lecturing, writing, or consulting are typical activities that may not involve conflict of interest, or impair the proper discharge of their official duties. Prior notification of the appointing authority is appropriate in all cases of outside employment.

**Representation.** Members should not represent any outside interest before any agency, whether public or private, except with the authorization of or at the direction of the appointing authority they serve.

**Endorsements.** Members should not endorse commercial products or services by agreeing to use their photograph, endorsement, or quotation in paid or other commercial advertisements, marketing materials, social media, or other documents, whether the member is compensated or not for the member's support. Members may, however, provide verbal professional references as part of the due diligence phase of competitive process or in response to a direct inquiry.

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.

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