Planning Ethics in a Changing Environment

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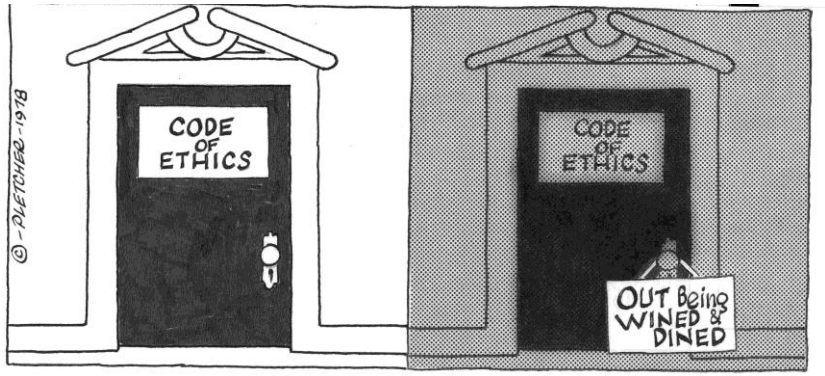
Ralph Willmer, FAICP
Ken Schwartz, AICP
John Saccardi, AICP

Vanasse Hangen Brustlin, Inc.

Agenda

- Introduction
- AICP Code of Ethics
- Quick “Test” Questions
- Ethical Scenario
  - Discussion and Analysis
- Questions and Answers

First, a little ethical humor……



A little more…..

"What's all this 'naughty or nice' jazz? — Haven't you ever heard of situational ethics?"

Grinningplanet.com

How do we perceive ethics?

- “Ethics is a system or code of morals of a particular person, group or profession.” (Webster’s)
- “Always do right. This will gratify some people and astonish the rest." (Mark Twain)
- “Ethics are what you have when no one is looking.” (Unknown)

Potential ethical scenarios we all face

- Conflict of interest – real or perceived
- Planner “role” with a board/commission ethics situation
- Day job vs. commissioner role
- Relatives involved with application
- Ex parte communications
- Electronic media use
- “Avoiding” difficult vote
- Decisions without findings
- Decisions that are made too soon/take too long/too little information
- Your neighbors/relatives are applicants
- Political pressure from above
- Your “public” demeanor
- Too “friendly” with applicant at meeting

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AICP CODE OF ETHICS

General information vs. direct advice

This session has been created to provide general education regarding the AICP Code of Ethics.

Though examples, sample problems, and question and answer sessions are an important part of illustrating application of the code's provisions, all certified planners should be aware that "Only the Ethics Officer [Chief Executive Officer of APA/AICP] is authorized to give formal advice on the propriety of a planner's proposed conduct." (AICP Code of Ethics, Section C3).

If you have a specific question regarding a situation arising in your practice, you are encouraged to seek the opinion of the Ethics Officer.

APA Ethical Principles in Planning

- A guide to ethical conduct for all who participate in the planning process
- Pursue & faithfully serve the public interest (7 actions listed)
- Strive to achieve high standards of integrity & proficiency to maintain public respect for the planning process (13 actions listed)

AICP Code of Ethics and Professional Conduct

- New code effective as of June 1, 2005
- Revised in October 2009
- Three distinct categories
  - Principles to Which We Aspire
  - Rules of Conduct
  - Administrative Procedures

Principles to Which We Aspire

- Responsibility to the public
  - Serve the public interest
  - Be conscious of the rights of others
  - Have a special concern for the long-range consequences of actions
  - Pay attention to the interrelatedness of decisions
  - Seek social justice

Principles to Which We Aspire

- Responsibility to clients and employers
  - Exercise independent judgment
  - Accept decisions unless the course of action is illegal or plainly inconsistent with our primary obligation to the public interest
  - Avoid even the appearance of a conflict of interest

Principles to Which We Aspire

- Responsibility to our profession and colleagues
  - Protect and enhance the profession's integrity
  - Educate the public about planning issues
  - Describe and comment on the work of others in a fair and professional manner
  - Share the results of experience and research
  - Increase opportunities for underrepresented groups to enter the profession
  - Enhance professional education and training

Rules of Conduct

- 26 rules included in the code (samples)
  - Accept no assignment known to be illegal or in violation of these rules
  - Accept no other planning-related employment without disclosure and written permission
  - Accept no work that cannot be performed with the promptness required by the client
  - Do not misstate experience or qualifications
  - Do not use the power of any office to obtain special advantages
  - Do not accept work that is beyond our professional competence unless work can be performed by another competent professional acceptable to client or employer

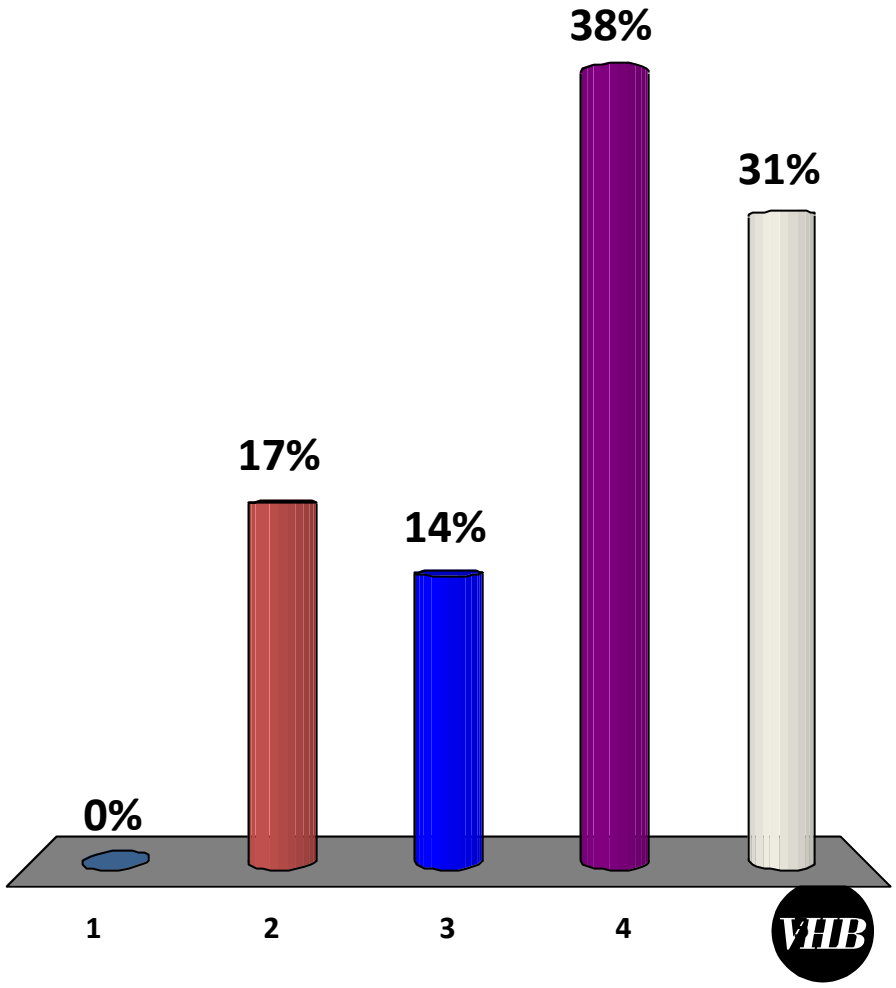
Code Procedures

- Describes how to obtain an informal or formal advisory ethics ruling
- Details how a charge of misconduct is filed and handled
- Members are encouraged to seek informal ethics advice from the Ethics Officer
- The Ethics Officer is the Executive Director of APA/AICP

QUICK TEST QUESTIONS

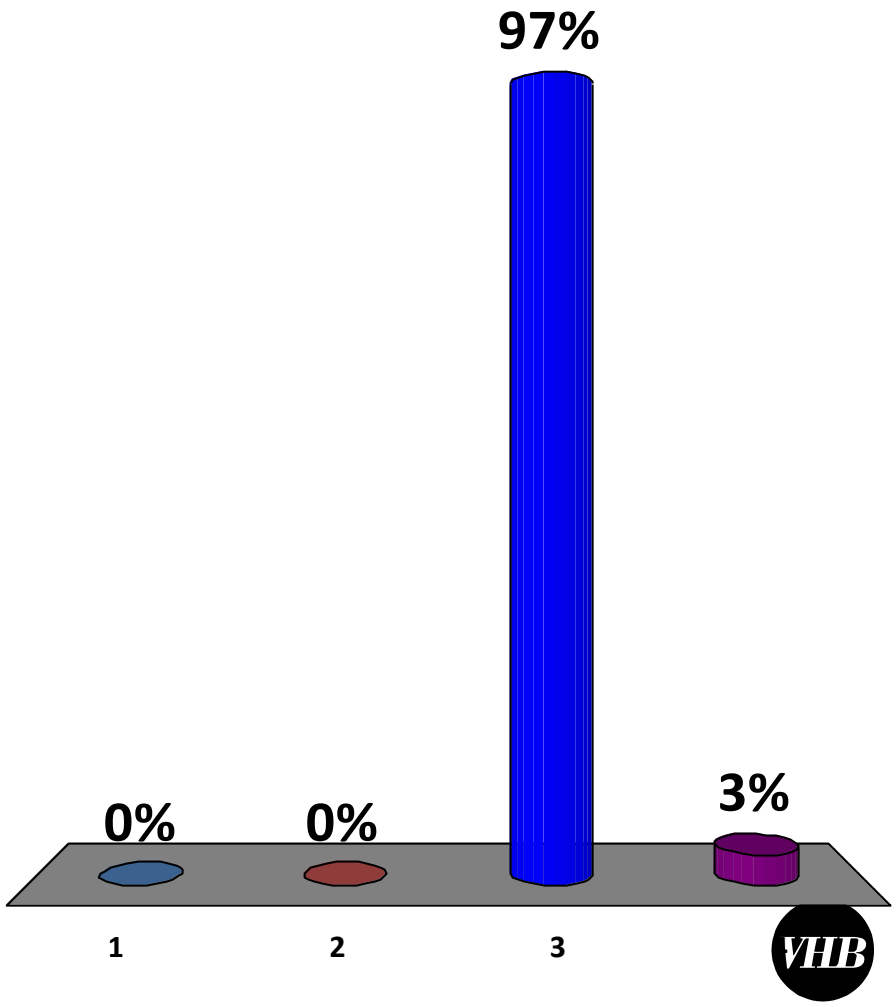
Why did you decide to become a planner?

1. I am addicted to wealth and fame
2. I find nothing more interesting to read than a zoning code
3. I can color between the lines
4. I love occupying my evening hours in long, contentious public meetings
5. What is a planner anyway?



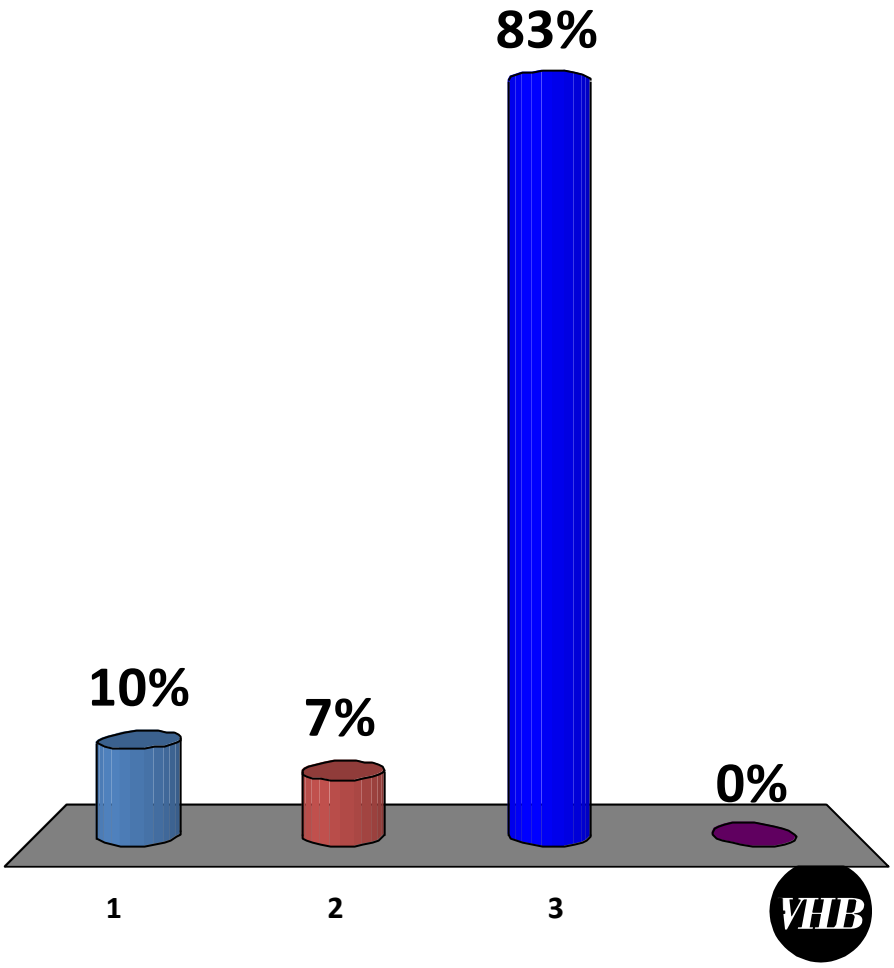
As a newly certified planner, you decide to open your own practice. To generate business, you exaggerate by saying you have 20 years of experience as a certified planner. How would this be viewed by the profession?

1. A reasonable strategy to generate business
2. A poor strategy because the area is already saturated with highly experienced planners
3. A violation of an ethical rule of conduct
4. A conflict of interest



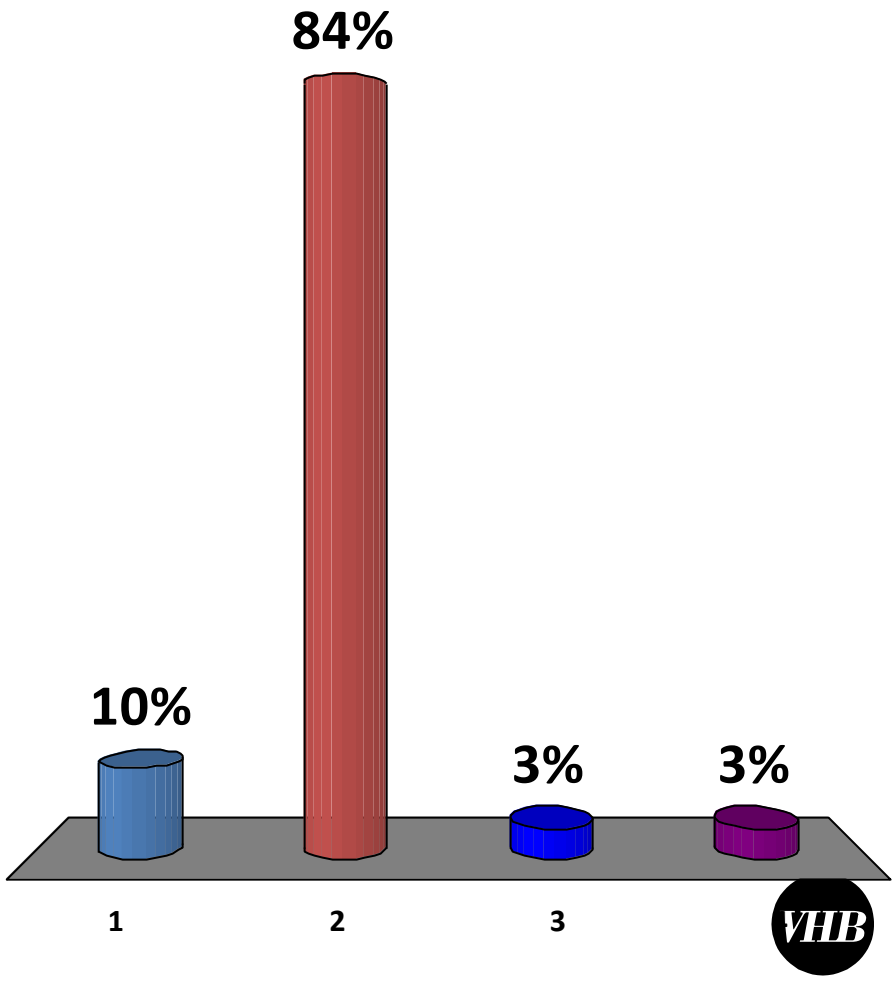
You work for a multi-disciplinary consulting firm that does work in both the public and private sector. Your firm has been retained to prepare a new comprehensive plan. The Town's Planning Director asks that your firm not work on any private work in the Town while the comp plan is being prepared. What is the best way to handle the situation?

1. Agree not to work on any private contracts
2. Go to the state ethics commission for an advisory opinion
3. Offer to disclose any potential private work and determine whether there is an actual conflict of interest
4. Other?



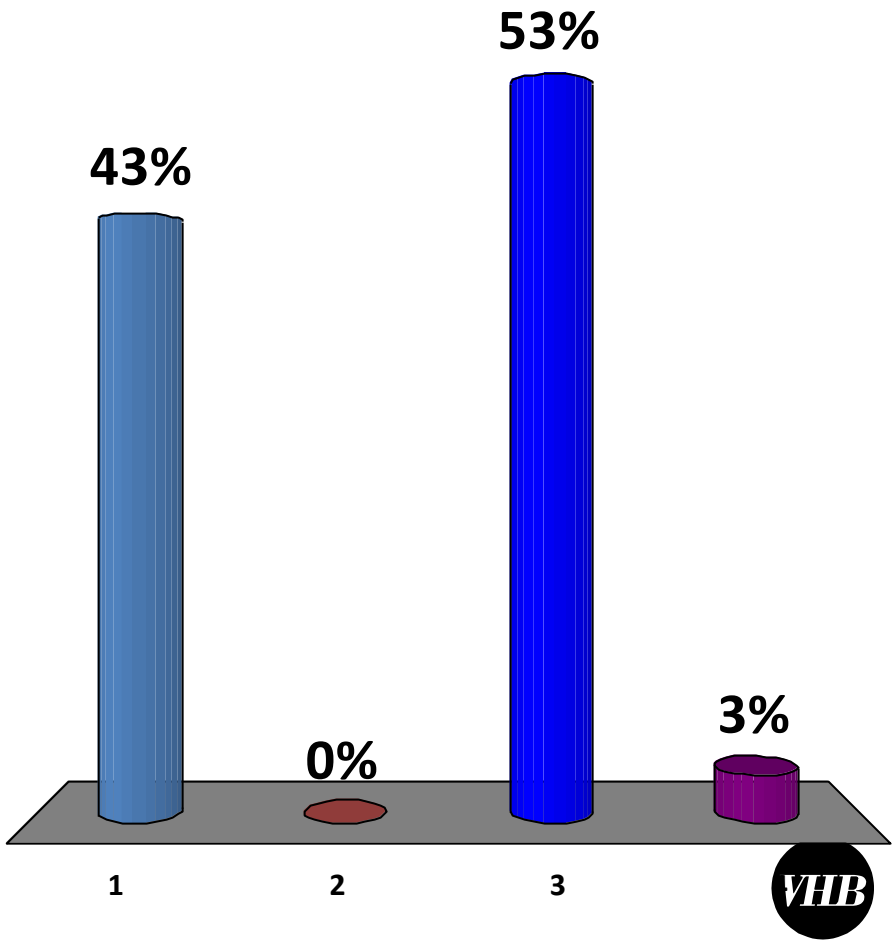
Your company is a conference sponsor and donates a raffle prize. A member of the firm has his name called as a winner of that raffle prize. He should:

1. Accept the prize and exit the auditorium as quickly as he can
2. Return the prize so that it could be redrawn
3. Accept the prize but request that the firm offer another prize of equal or greater value
4. Return the prize and ask for another one instead



As director of the County Planning Department, you discover that one of your AICP land use planners is currently engaged in selling real estate. Which of the following actions is most appropriate?

1. Tell the planner that she can continue as long as all activity is outside the jurisdiction and off work hours.
2. Tell the planner that he must discontinue selling real estate immediately.
3. Consult the local employment policies to determine if there is a "moonlighting" violation.
4. Report the planner to the Ethics Officer for a conflict of interest.



Ethics Case of the Year

- Issues
  - #1 -Pressure on Planning Director to attend & donate to Mayor's "charity" event and to bring her top staff.
  - #2 - Opposition candidate wants Planning Director to do the same for her "charity" event.
  - #3 - Developer & Mayoral supporter proposes project that needs environmental review. Planning Director tries to recuse herself. Mayor challenges her loyalty.

Ethics Case of the Year

- Issues (con't)
  - #4 –"Strict" Senior environmental planner is removed from review process & leaks information about this to environmental organization.
  - #5 - Planning Director proposes hiring consultants to do review. One consultant firm holds a holiday event. Planning Director & staff usually attend.
  - #6 – Senior environmental planner seeks new job using "insider knowledge" as a reason he should be hired.

Ethics Case of the Year Questions

- #1 –What are the ethical concerns about the Director asking her staff to attend “charitable” events and donate $?
- #2 – Opposition candidate event – what should the Director do?
- #3 – “Angel” donor is a developer with a specific project needing review. Mayor is “interested”. What ethical issues must the Director consider?

Ethics Case of the Year Questions

- #4 – Regarding the strict environmental planner leaking information, what are the ethical issues for the director and what actions should she take?
- #5 – Holiday Event by consultant. Should Director & staff attend? Should consultant not invite the city consultant review team?
- #6 – Environmental planner's actions in his job search. What are his ethical issues, if any? (p.s. One of the job interviewers is also AICP. Any ethical issues for her?)

Resources

- AICP Code of Ethics (www.planning.org/ethics/index.htm)
- American Planning Association – Ethical Principles of Planning (www.planning.org/ethics/ethicalprinciples.htm)
- NY Joint Commission on Public Ethics (http://www.jcope.ny.gov/)