LEADERSHIP, ADMINISTRATION AND MANAGEMENT
Sample Organizational Charts

Understanding the structural organization of local government, and the place of planning within that structure, is essential. Two sample organizational charts are provided. One depicts a county’s organization. The other depicts a city’s organizational structure. These are generic charts, representative of how many local governments are organized. Understanding where planning falls relative to other functions (such as public works or court services), who the planning agency answers to, and the overall chain of command are important, as well as understanding that the technical planning staff are separate from oversight boards/commissions and appeal processes.

Sample county organizational chart
Sample city organizational chart
CODE OF ETHICS
AICP Ethical Principles and Rules

A: Principles to Which We Aspire

1. Our Overall Responsibility to the Public

Our primary obligation is to serve the public interest and we, therefore, owe our allegiance to a conscientiously attained concept of the public interest that is formulated through continuous and open debate. We shall achieve high standards of professional integrity, proficiency, and knowledge. To comply with our obligation to the public, we aspire to the following principles:

a) We shall always be conscious of the rights of others.

b) We shall have special concern for the long-range consequences of present actions.

c) We shall pay special attention to the interrelatedness of decisions.

d) We shall provide timely, adequate, clear, and accurate information on planning issues to all affected persons and to governmental decision makers.

e) We shall give people the opportunity to have a meaningful impact on the development of plans and programs that may affect them. Participation should be broad enough to include those who lack formal organization or influence.

f) We shall seek social justice by working to expand choice and opportunity for all persons, recognizing a special responsibility to plan for the needs of the disadvantaged and to promote racial and economic integration. We shall urge the alteration of policies, institutions, and decisions that oppose such needs.

g) We shall promote excellence of design and endeavor to conserve and preserve the integrity and heritage of the natural and built environment.

h) We shall deal fairly with all participants in the planning process. Those of us who are public officials or employees shall also deal evenhandedly with all planning process participants.

2. Our Responsibility to Our Clients and Employers

We owe diligent, creative, and competent performance of the work we do in pursuit of our client or employer’s interest. Such performance, however, shall always be consistent with our faithful service to the public interest.

a) We shall exercise independent professional judgment on behalf of our clients and employers.

b) We shall accept the decisions of our client or employer concerning the objectives and nature of the professional services we perform unless the course of action is illegal or plainly inconsistent with our primary obligation to the public interest.

c) We shall avoid a conflict of interest or even the appearance of a conflict of interest in accepting assignments from clients or employers.
3. Our Responsibility to Our Profession and Colleagues

We shall contribute to the development of, and respect for, our profession by improving knowledge and techniques, making work relevant to solutions of community problems, and increasing public understanding of planning activities.

a) We shall protect and enhance the integrity of our profession.

b) We shall educate the public about planning issues and their relevance to our everyday lives.

c) We shall describe and comment on the work and views of other professionals in a fair and professional manner.

d) We shall share the results of experience and research that contribute to the body of planning knowledge.

e) We shall examine the applicability of planning theories, methods, research and practice and standards to the facts and analysis of each particular situation and shall not accept the applicability of a customary solution without first establishing its appropriateness to the situation.

f) We shall contribute time and resources to the professional development of students, interns, beginning professionals, and other colleagues.

g) We shall increase the opportunities for members of underrepresented groups to become professional planners and help them advance in the profession.

h) We shall continue to enhance our professional education and training.

i) We shall systematically and critically analyze ethical issues in the practice of planning.

j) We shall contribute time and effort to groups lacking in adequate planning resources and to voluntary professional activities.
B: Our Rules of Conduct

We adhere to the following Rules of Conduct, and we understand that our Institute will enforce compliance with them. If we fail to adhere to these Rules, we could receive sanctions, the ultimate being the loss of our certification:

1. We shall not deliberately or with reckless indifference fail to provide adequate, timely, clear and accurate information on planning issues.

2. We shall not accept an assignment from a client or employer when the services to be performed involve conduct that we know to be illegal or in violation of these rules.

3. We shall not accept an assignment from a client or employer to publicly advocate a position on a planning issue that is indistinguishably adverse to a position we publicly advocated for a previous client or employer within the past three years unless (1) we determine in good faith after consultation with other qualified professionals that our change of position will not cause present detriment to our previous client or employer, and (2) we make full written disclosure of the conflict to our current client or employer and receive written permission to proceed with the assignment.

4. We shall not, as salaried employees, undertake other employment in planning or a related profession, whether or not for pay, without having made full written disclosure to the employer who furnishes our salary and having received subsequent written permission to undertake additional employment, unless our employer has a written policy which expressly dispenses with a need to obtain such consent.

5. We shall not, as public officials or employees, accept from anyone other than our public employer any compensation, commission, rebate, or other advantage that may be perceived as related to our public office or employment.

6. We shall not perform work on a project for a client or employer if, in addition to the agreed upon compensation from our client or employer, there is a possibility for direct personal or financial gain to us, our family members, or persons living in our household, unless our client or employer, after full written disclosure from us, consents in writing to the arrangement.

7. We shall not use to our personal advantage, nor that of a subsequent client or employer, information gained in a professional relationship that the client or employer has requested be held inviolate or that we should recognize as confidential because its disclosure could result in embarrassment or other detriment to the client or employer. Nor shall we disclose such confidential information except when (1) required by process of law, or (2) required to prevent a clear violation of law, or (3) required to prevent a substantial injury to the public. Disclosure pursuant to (2) and (3) shall not be made until after we have verified the facts and issues involved and, when practicable, exhausted efforts to obtain reconsideration of the matter and have sought separate opinions on the issue from other qualified professionals employed by our client or employer.

8. We shall not, as public officials or employees, engage in private communications with planning process participants if the discussions relate to a matter over which we have authority to make a binding, final determination if such private communications are prohibited by law or by agency rules, procedures, or custom.

9. We shall not engage in private discussions with decision makers in the planning process in any manner prohibited by law or by agency rules, procedures, or custom.
10. We shall neither deliberately, nor with reckless indifference, misrepresent the qualifications, views and findings of other professionals.

11. We shall not solicit prospective clients or employment through use of false or misleading claims, harassment, or duress.

12. We shall not misstate our education, experience, training, or any other facts which are relevant to our professional qualifications.

13. We shall not sell, or offer to sell, services by stating or implying an ability to influence decisions by improper means.

14. We shall not use the power of any office to seek or obtain a special advantage that is not a matter of public knowledge or is not in the public interest.

15. We shall not accept work beyond our professional competence unless the client or employer understands and agrees that such work will be performed by another professional competent to perform the work and acceptable to the client or employer.

16. We shall not accept work for a fee, or pro bono, that we know cannot be performed with the promptness required by the prospective client, or that is required by the circumstances of the assignment.

17. We shall not use the product of others’ efforts to seek professional recognition or acclaim intended for producers of original work.

18. We shall not direct or coerce other professionals to make analyses or reach findings not supported by available evidence.

19. We shall not fail to disclose the interests of our client or employer when participating in the planning process. Nor shall we participate in an effort to conceal the true interests of our client or employer.

20. We shall not unlawfully discriminate against another person.

21. We shall not withhold cooperation or information from the AICP Ethics Officer or the AICP Ethics Committee if a charge of ethical misconduct has been filed against us.

22. We shall not retaliate or threaten retaliation against a person who has filed a charge of ethical misconduct against us or another planner, or who is cooperating in the Ethics Officer’s investigation of an ethics charge.

23. We shall not use the threat of filing an ethics charge in order to gain, or attempt to gain, an advantage in dealings with another planner.

24. We shall not file a frivolous charge of ethical misconduct against another planner.

25. We shall neither deliberately, nor with reckless indifference, commit any wrongful act, whether or not specified in the Rules of Conduct, that reflects adversely on our professional fitness.

26. We shall not fail to immediately notify the Ethics Officer by both receipted Certified and Regular First Class Mail if we are convicted of a “serious crime” as defined in Section E of the Code; nor immediately following such conviction shall we represent ourselves as Certified Planners or Members of AICP until our membership is reinstated by the AICP Ethics Committee pursuant to the procedures in Section E of the Code.
Ethical Principles in Planning

(As Adopted May 1992)

This statement is a guide to ethical conduct for all who participate in the process of planning as advisors, advocates, and decision makers. It presents a set of principles to be held in common by certified planners, other practicing planners, appointed and elected officials, and others who participate in the process of planning.

The planning process exists to serve the public interest. While the public interest is a question of continuous debate, both in its general principles and in its case-by-case applications, it requires a conscientiously held view of the policies and actions that best serve the entire community.

Planning issues commonly involve a conflict of values and, often, there are large private interests at stake. These accentuate the necessity for the highest standards of fairness and honesty among all participants.

Those who practice planning need to adhere to a special set of ethical requirements that must guide all who aspire to professionalism.

The Code is formally subscribed to by each certified planner. It includes an enforcement procedure that is administered by AICP. The Code, however, provides for more than the minimum threshold of enforceable acceptability. It also sets aspirational standards that require conscious striving to attain.

The ethical principles derive both from the general values of society and from the planner’s special responsibility to serve the public interest. As the basic values of society are often in competition with each other, so do these principles sometimes compete. For example, the need to provide full public information may compete with the need to respect confidences. Plans and programs often result from a balancing among divergent interests. An ethical judgment often also requires a conscientious balancing, based on the facts and context of a particular situation and on the entire set of ethical principles.

This statement also aims to inform the public generally. It is also the basis for continuing systematic discussion of the application of its principles that is itself essential behavior to give them daily meaning.

The planning process must continuously pursue and faithfully serve the public interest.

Planning Process Participants should:

1. Recognize the rights of citizens to participate in planning decisions;
2. Strive to give citizens (including those who lack formal organization or influence) full, clear and accurate information on planning issues and the opportunity to have a meaningful role in the development of plans and programs;

3. Strive to expand choice and opportunity for all persons, recognizing a special responsibility to plan for the needs of disadvantaged groups and persons;

4. Assist in the clarification of community goals, objectives and policies in plan-making;

5. Ensure that reports, records and any other non-confidential information which is, or will be, available to decision makers is made available to the public in a convenient format and sufficiently in advance of any decision;

6. Strive to protect the integrity of the natural environment and the heritage of the built environment;

7. Pay special attention to the interrelatedness of decisions and the long range consequences of present actions.

Planning process participants continuously strive to achieve high standards of integrity and proficiency so that public respect for the planning process will be maintained.

Planning Process Participants should:

1. Exercise fair, honest and independent judgment in their roles as decision makers and advisors;

2. Make public disclosure of all "personal interests" they may have regarding any decision to be made in the planning process in which they serve, or are requested to serve, as advisor or decision maker.

3. Define "personal interest" broadly to include any actual or potential benefits or advantages that they, a spouse, family member or person living in their household might directly or indirectly obtain from a planning decision;

4. Abstain completely from direct or indirect participation as an advisor or decision maker in any matter in which they have a personal interest, and leave any chamber in which such a matter is under deliberation, unless their personal interest has been made a matter of public record; their employer, if any, has given approval; and the public official, public agency or court with jurisdiction to rule on ethics matters has expressly authorized their participation;

5. Seek no gifts or favors, nor offer any, under circumstances in which it might reasonably be inferred that the gifts or favors were intended or expected to influence a participant's objectivity as an advisor or decision maker in the planning process;

6. Not participate as an advisor or decision maker on any plan or project in which they have previously participated as an advocate;

7. Serve as advocates only when the client's objectives are legal and consistent with the public interest.
8. Not participate as an advocate on any aspect of a plan or program on which they have previously served as advisor or decision maker unless their role as advocate is authorized by applicable law, agency regulation, or ruling of an ethics officer or agency; such participation as an advocate should be allowed only after prior disclosure to, and approval by, their affected client or employer; under no circumstance should such participation commence earlier than one year following termination of the role as advisor or decision maker;

9. Not use confidential information acquired in the course of their duties to further a personal interest;

10. Not disclose confidential information acquired in the course of their duties except when required by law, to prevent a clear violation of law or to prevent substantial injury to third persons; provided that disclosure in the latter two situations may not be made until after verification of the facts and issues involved and consultation with other planning process participants to obtain their separate opinions;

11. Not misrepresent facts or distort information for the purpose of achieving a desired outcome;

12. Not participate in any matter unless adequately prepared and sufficiently capacitated to render thorough and diligent service;

13. Respect the rights of all persons and not improperly discriminate against or harass others based on characteristics which are protected under civil rights laws and regulations.

APA members who are practicing planners continuously pursue improvement in their planning competence as well as in the development of peers and aspiring planners. They recognize that enhancement of planning as a profession leads to greater public respect for the planning process and thus serves the public interest.

APA Members who are practicing planners:

1. Strive to achieve high standards of professionalism, including certification, integrity, knowledge, and professional development consistent with the AICP Code of Ethics;

2. Do not commit a deliberately wrongful act which reflects adversely on planning as a profession or seek business by stating or implying that they are prepared, willing or able to influence decisions by improper means;

3. Participate in continuing professional education;

4. Contribute time and effort to groups lacking adequate planning resources and to voluntary professional activities;

5. Accurately represent their qualifications to practice planning as well as their education and affiliations;

6. Accurately represent the qualifications, views, and findings of colleagues;
7. Treat fairly and comment responsibly on the professional views of colleagues and members of other professions;
8. Share the results of experience and research which contribute to the body of planning knowledge;
9. Examine the applicability of planning theories, methods and standards to the facts and analysis of each particular situation and do not accept the applicability of a customary solution without first establishing its appropriateness to the situation;
10. Contribute time and information to the development of students, interns, beginning practitioners and other colleagues;
11. Strive to increase the opportunities for women and members of recognized minorities to become professional planners;
12. Systematically and critically analyze ethical issues in the practice of planning.
Ethical Scenarios

Scenario #1 – Boss Made Me Do It
Scenario #2 - Applicant’s Request for Confidence
Scenario #3 - Neighborhood Involvement
Scenario #4 – New Planner on the Job
Scenario #5 – Encroachments
Scenario #6– Supervisor’s Unethical Actions
Scenario #7- Pawnshop in General Commercial District
Scenario #8 – Public and Personal Interests
Scenario #9 – Gifts
Scenario #10 – Outside Advice
Scenario #11 – Commission and Applicants Meeting Outside the Hearing
Scenario #12– Public Involvement
Scenario #13 - Unwanted Land Use
Scenario #14 – Confidential Information
Scenario #15 – Staff Recommendations
Scenario #16 - Incompetent Director
Scenario #17 – Gifts #2
Scenario #18 – Relationships
Scenario #19 – Boss Made me Do It #2
Scenario #20- Aggressive Planning and Zoning Commissioner
Scenario #21- Conflicting Codes
Scenario #22: Family Employment
Scenario #23: Outside Employment

For each of these scenarios, determine the AICP ethical principles and rules of conduct that may be involved.
**Scenario #1 – Boss Made Me Do It**

You are a county planner in a department of ten people. The department has the authority to issue permits for signs, including billboards. The Planning Administrator requests that you issue a permit for a billboard in a location where billboards are not permitted. You have also seen the Administrator hanging out with the local billboard representative at the Moxie Java down the street from the County Courthouse. Does this invoke any ethical principles of AICP? What should you do?

Possible Actions:
1. Since your boss asked you to do it, just do it, and let her take any heat for the wrong action.
2. Assume that the Administrator was unaware of the location restriction and bring it to her attention.
3. Share the situation with others in the department and see if they think there is a problem of conflict with the Administrator.
4. Consult with County Prosecutor.
5. Resign; you cannot work for an organization that asks you to act unethically.

**Scenario #2 Applicant’s Request for Confidence**

You have met with several applicants who are conducting due diligence for property acquisition. You know that there are a couple of people competing for a prime piece of real estate in the community. One is a local real estate broker, well respected in the community for his quality developments. A second person, representing a national big box store comes to meet with you. He asks that you keep the discussion with him “off the record” and not disclose his proposal to anyone, least it jeopardize the offer being made by the national firm he represents. Does this invoke any ethical principles of AICP? What should you do?

Possible Actions:
1. Respect the second person’s request for confidentiality and let the “chip fall where they may”.
2. Call the local guy and tell him to get his offer in right away.
3. Tell the national representative that the business of the city is public and you cannot respect his request for confidentiality.
4. Share the information from the national representative with your superiors and have them decide if the information should be kept confidential or not.

**Scenario #3 Neighborhood Involvement**

An application for a commercial use adjacent to a residential neighborhood has been filed. The applicant has met with neighborhood as required by the code and public notice for an up-coming public meeting has been sent out to the neighborhood. You know that the proposal is significant to the neighborhood, but there has been no letters and no phone inquiries. This may be because the long time neighborhood association president who has been an active advocate for the neighborhood has been ill, and no one else has stepped up to fill her shoes. Does this invoke any ethical principles of AICP? What should you do?

Possible Actions:
1. All the legal obligations to the neighborhood have been fulfilled and there is nothing further to be done.
2. Assume the neighborhood is happy with the proposal.
3. Make a few calls to people you know in the neighborhood to confirm that the proposal is ok with them.
4. Postpone action until the neighborhood activist is well and able to be engaged.

Scenario #4 – New Planner on the Job

This is your second day on the job and you are thrust into your first Planning & Zoning Commission meeting. The chairman asks your recommendation on an application that you don’t know much about. You want to make a great first impression and by way of introduction, all your excellent education, training and experience have been related to the commission. Does this invoke any ethical principles of AICP? What should you do?

Possible Actions:
1. You are smart, you have seen this type of application before, and so you give them your recommendation.
2. You ask for some time to study the issues and request postponement to the next meeting.
3. Since you don’t know the issues, you suggest denial.
4. You try to get the commission to discuss it more so that you have a little more time to get at the issues and understand the implications of the application, and then you come to some preliminary recommendations.

Scenario #5 – Encroachments

You own a lot in a PUD along the Payette River. As the planning director, you are responsible for enforcement of the zoning code. On a Saturday while visiting your lot to consider future construction, you notice that a couple of property owners in the same PUD have encroached into the setback. Some have made minor encroachments into the river greenway, but others have erected fences. Does this invoke any ethical principles of AICP? What should you do?

Possible Actions:
1. Ignore the issue since no formal complaint has been filed and you just happened to notice it on your day off.
2. You don’t want people to have to remove fences and the other encroachments that are de minimums, so just write a letter to the homeowners putting them on notice of the situation.
3. Since you own property in the same PUD, hand the issue over to some else to enforce.
4. Discuss the issue and disclose your property ownership in the PUD to your superior.
5. Just enforce against the encroachments.
Scenario #6– Supervisor’s Unethical Actions

You are a planner in a large city planning department. The Planning Administrator has the authority to issue permits for signs, including billboards. You find out that the Planning Administrator has been issuing permits to billboards in locations where billboards are not permitted. You have also seen the Administrator hanging out with the local billboard representative at the Java Coffee Shop down the street from the City Hall. Does this invoke any ethical principles of AICP? What should you do?

Possible Actions:
1. Assume that the Administrator was unaware and had made a mistake and bring it to her attention.
2. Share your observations with others in the department and see if they think there is a problem of conflict with the Administrator.
3. Consult with County Prosecutor.
4. Ignore it. You don’t want to make waves and lose your job.

Scenario #7- Pawnshop in General Commercial District

You have a meeting with a developer who wishes to build a pawn shop in the city’s general commercial zone. The pawn shop is allowed in this zoning district. The location for the pawn shop is at an important Gateway to the City, and the city is trying very hard to clean-up its image. You discuss this conversation with the Planning Director who asks you to process a zone text amendment to eliminate pawn shops. You feel that is not fair, but you agree that the city does not want to have a pawn shop at the location. Does this invoke any ethical principles of AICP? What should you do?

Possible Actions:
1. Since your boss asked you to do it, just get it done as quickly as possible before the applicant files his request for the pawnshop.
2. Call the applicant and give him the information about the possible text amendment.
3. Talk it over with the City Attorney and Planning Director to see if everyone agrees that it is the right thing to do.
4. You are not comfortable violating the trust of the applicant, so you stall on the director’s request.

Scenario #8 –Public and Personal Interests

You are the city’s planning director. A proposed CAFO in the county is proposed adjacent to the City’s new regional park site. The Mayor knows that you and the County Planning Director are friends and he asks you to do “whatever it takes” to get the CAFO denied. Does this invoke any ethical principles of AICP? What should you do?

Possible Actions:
1. Use your personal friendship with the County Planner to influence him to recommend denial of the application.
2. Tell the mayor you will not let your personal friendship interfere with City business, and if he had better relationships with the County Commissioners, he could fix it himself.
3. Tell the mayor that you will do what you can, including involvement in the county’s review process.
4. Ignore the mayor and just comment on the CAFO application through the normal process.

Scenario #9 – Gifts

You work in a small city in Northern Idaho and the holiday season always results in candy, cookies, cheese and crackers, etc. being given to the planning and building staff. Some gifts are given directly to individuals; others to the department as a whole. To reject the gifts would be awkward as the department is trying to heal past wounds with the community from bad planning and decision practices. Does this invoke any ethical principles of AICP? What should you do?

Possible Actions:
1. Accept the gifts and share them with everyone in the office and at the front counter.
2. Do not accept any gifts.
3. Accept only gifts under $20 in value.
4. Accept only gifts for the entire department, not individuals.

Scenario #10 – Outside Advice

You are a planner in a small rural community in Eastern Idaho. During a potluck at your church, someone asks your help and guidance on how to receive a favorable decision on a conditional use permit from your P&Z Commission. Does this invoke any ethical principles of AICP? What should you do?

Possible Actions:
1. Provide the guidance but make sure the person knows that your direction is no guarantee that the application will be approved.
2. Rebuff them and tell them to come to city hall on Monday.
3. Provide guidance, but if your objectivity is compromised, have the review of the application assigned to someone else, if possible.
4. Provide guidance, but disclose your conversation to the Planning and Zoning Commission when the application appears before them.

Scenario #11 – Commission and Applicants Meeting Outside the Hearing

On your way to work one morning, you stop at Moxie Java and see two members of the Planning & Zoning Commission meeting with the applicant of a large subdivision on the Commission’s hearing the following week. This is obviously a violation of state code, but what is your responsibility as a planner? Does this invoke any ethical principles of AICP? What should you do?

Possible Actions:
1. Ignore it. The commissioners are responsible for their own actions; you can hope that the Commissioners will disclose their conversation before the hearing next week.
2. Call the applicant and tell her that her application may be in jeopardy and that she should encourage the Commissioners to disclose the conversation.
3. Share what you saw with the City Attorney and Planning Director and let them take the responsibility for the next steps.
4. Quit; you can’t work for such an unethical bunch of Commissioners.

Scenario #12– Public Involvement

You are a private consulting planner hired to prepare a master plan. Before you were hired, a five member citizen steering committee had been appointed by the city to be involved in the planning effort. In reviewing the scope of work, you notice that there is not provision provided for public involvement. Given the nature of the project, you know that there are neighborhoods, including those with minority populations, who will be affected by the master plan. The Steering Committee is adamant that no additional public outreach be included in the scope of work. They have been “burnt in the past when we got the public involved and we want this project to proceed “. Does this invoke any ethical principles of AICP? What should you do?

Possible Actions:
1. The City knows best what is needed and if they have not scoped any public involvement, it is not your position to suggest otherwise.
2. Present a rationale for the benefit of additional public involvement to the steering committee and hope that they will see the value and amend the scope of work.
3. Call members of the neighborhood and inform them of this planning effort and suggest that they lobby the city council for additional public involvement.
4. You cannot work for a community that does not let the public participate in a planning effort. If all other efforts fail, terminate the contract.

Scenario #13 Unwanted Land Use

You are the planning director in a rural county. Your citizens are outraged over the expansion of an existing privately-owned landfill. The landfill is permitted under the current zoning and plan. You are ordered by the chair of the county commission to stop the project, at least until the next election. Does this invoke any ethical principles of AICP? What should you do?

Possible Actions:
1. Since your boss asked you to do it, look long and hard at the application and find as many ways to delay and request additional information as you can find.
2. Draft changes to the code to restrict the landfill use and get it before the Planning & Zoning Commission before the expansion application.
3. Recognize that this is purely a political matter and not a planning issue. Tell the County Commission Chair that you cannot arbitrarily stop the process.
4. Meet with the representatives of the landfill operation to see if they understand the political opposition and if there is room for additional public outreach, education and/or mediation.
Scenario #14 – Confidential Information

You are a county planner in a high desert county. During the recess in a commission meeting, you are approached by a long-time acquaintance. You know this person to be of the highest integrity. He tells you that he has information about one of the applicants appearing before the commission later in the hearing who is seeking a variance and conditional use permit. He says the information is such a serious nature that your staff recommendation on the application will be swayed. He asks you to step out in the hall and hear his concerns “in the interest of protecting the community”. Does this invoke any ethical principles of AICP? What should you do?

Possible Actions:
1. Listen long enough to ascertain whether the information is actually material to the case. If it isn’t politely, end the conversation.
2. Explain this isn’t the kind of conversation to have the in halls. Ask him to call you; you are always glad to hear from the community.
3. Whisper in the ear of the chair that the matter should be postponed until you can investigate the possible allegations.
4. Advise the friend that while you appreciate his concerns, information that is material to the case should be presented during the public hearing.

Scenario #15 – Staff Recommendations

You are the first professional staff hired by the rural city. Previous to your arrival, the city clerk has been providing the planning services to the city before which was primarily processing the applications: taking in the applications, gathering comments from all the interested persons and agencies and setting the public hearing. The commission has never seen a staff report before. In preparing for your first hearing with the city, you prepare a staff report on the applications on the commission’s agenda and make recommendations based on your review of the code and city plans. The commission is appalled. They tell you that making a recommendation is inappropriate since the decision is their responsibility. Does this invoke any ethical principles of AICP? What should you do?

Possible Actions:
1. Since that is what the commissioners want, you need to respect their opinion and just process applications as the clerk did in the past.
2. Tell the Commission that a responsibility of a professional planner is to review and make recommendations and that is what you were hired to do.
3. Talk it over with Mayor and clarify your responsibilities. Have the mayor speak to the commission.
4. Quit; this is not the place for you.

Scenario #16 Incompetent Director

You are a newly hired senior planner in a fast growing community in a metropolitan area. Lately you have become discouraged by the performance of your boss, the Community development Director. He is not a planner by education or training, and does not seem to appreciate the need for training or professional support. For example, the city has grown to the point where a GIS is essential from your perspective and although there appears to be money, the director does not see the need for a GIS
system. In addition, at meetings the director seems to lack focus and avoids all work that requires a decision or sustained mental activity. You wonder what bad judgments, actions or inactions on the part of the director may be harming the city. Does this invoke any ethical principles of AICP? What should you do?

Possible Actions:
1. You go directly to a council member who you have a personal relationship with and share your concerns.
2. You begin to take notes and make copies of documents that you feel reflect the inadequacies of the director. You take no immediate action, but decide to see in six months of observation, what next steps to take.
3. This is none of your business. Just wait to see if the issues develop and become obvious to those in a position to take some action.
4. Quit; this is not the place for you.

Scenario 17: Gifts

You are a planner in a small, rural community, where you have worked for 5 years at the city planning department. You are good friends with another planner and his wife. Their children are the same age as yours, and you often attend each other’s family birthday parties, graduations and other social outings. Later, your friend is appointed planning director and becomes your supervisor. Three years later, the friend decides to develop a private land use planning consultant business in the same community and resigns as planning director. His land use consulting firm frequently brings land use applications to the city planning department. Eventually you are appointed planning director and now you oversee the former director’s incoming applications. For your 25th wedding anniversary, the former director announces that he wishes to give you and your spouse an anniversary gift of a one-week’s stay at a resort condominium that he and his wife own.

What ethical dilemmas arise from this scenario? How would you handle these issues?

Scenario 18: Relationships

You and your husband have retained an attorney to plan your estate and assist in various family legal matters. You are a planning director in a small community that is 50 miles from any other sizeable community. There are only a few attorneys in your town. Your attorney decides to branch out, and begins to become more involved in land use litigation. He has brought several administrative appeals and court appeals against your community for recent planning decisions. He often brings land use applications to your department on behalf of clients.

What are your obligations to your employer? Are there any ethical issues? If so, how would you handle these issues?

Scenario #19 – Boss Made Me Do It #2

You are an enforcement officer in a county. One of the current county commissioners has a friend who is running for a local elected office. You are currently investigating this person – the friend of the commissioners- for a significant health and safety violation. The Commissioner becomes aware of your investigation and requests that you delay any enforcement action until after the election. It would look
bad for his friend and the information would be used by his opponent who is a real snake. Does this invoke any ethical principles? What should you do?

Possible Actions:
1. Since your boss, the Commissioner, asked you to do it, just do what they asked, and let them take any heat if this situation comes out later.
2. Assume that the Commissioner is unaware of the severity of the code issue and bring it to their attention.
3. Share the situation with others in the department and see if they think there is a problem of conflict with the Commissioner.
4. Consult with County Prosecutor.
5. Resign; you cannot work for an organization that asks you to act unethically.

Scenario #20- Aggressive Planning and Zoning Commissioner

A new member has just been appointed to the County Planning and Zoning Commission where you work. This woman lives out in the far rural reaches of the county and must drive a long distance to reach any services or businesses. She observes a lot of code violations on her drives and tells you about it to the point that she has become a one-person, volunteer code enforcement officer. She calls you just about every day with complaints. Some are trivial and some may have some significant life safety issues, but she is driving you crazy with all these complaints, as well as taking up a lot of your time for just one person. But she is a Planning and Zoning Commission member. Does this invoke any ethical issues? What should you do?

Possible Actions:
1. Keep responding. You appreciate another set of eyes on the road.
2. Get caller ID and stop taking her calls.
3. Talk to your supervisor. Maybe someone needs to explain to her that code enforcement is not part of her responsibilities as a Planning and Zoning Commissioner.
4. Talk to her yourself and explain the demands of your position and your ability to respond to her is limited.

Scenario #21- Conflicting Codes

You are a code enforcement officer in a city. One of your on-going investigations is of possible violations at a local child care facility. From your research, you have determined that the child care center is over the capacity established by the conditional use permit, but is not in violation of any occupancy or life safety codes. After church on Sunday during the social hour, you are approached by a mother whose child attends the daycare. She implores you to do whatever you can to ignore the issue or delay action on the daycare. She describes the number of families in the church who would be impacted if the child care had to close or limit its number of children. She describes to you the limited number of options for day care in the city. She says she was at the public hearing when the daycare’s conditional use permit was issued, and that there was no basis for the limitation. The Commission acted just to appease the neighbors. Does this invoke any ethical issues? What should you do?

1. Tell the women you are sorry but a complaint has been issued and it is your job and you are under a responsibility to follow through.
2. Talk to your supervisor and see if there is an option for re-opening the conditional use permit since there is no building occupancy or life safety issues.
3. Put the complaint at the bottom of the list and delay any action.
4. Issue your report that the daycare is in violation of the capacity limit of the conditional use permit, but delay enforcement for a reasonable period of time until the families can find alternatives.

**Scenario #22: Family Employment**

You are code enforcement officer in a mountain resort community. While inspecting a resort lodge with the local health inspector, you start talking about the difficulty of finding summer jobs for your teenage children in a small town. The lodge owner overhears the conversation and later seeks out a conversation with you. He mentions that he intends to hire teenagers for the summer to work at his lodge. He encourages you to have your children drop by for an interview. Does this invoke any ethical issues? What should you do?

Possible Actions:

1. Surely you would not deprive your children of summer employment. You decide to send your children down for an interview. You assume that if they are hired, it will be based solely on merit.
2. You consult with other staff members who assure you that the lodge owner is just being nice and extends this offer to everyone with teenage children. You decide to send your children to the interview.
3. While thanking the lodge owner for the offer, you decline on the grounds that it would be improper to accept favors from someone who you will continue to inspect their property for code compliance.
4. You clarify in your own mind that you did not seek this offer. The lodge owner made it of his own free will. You decide to send your children to the interview.

**Scenario #23: Outside Employment**

You are a Planning Director in a small town. One of your young enforcement officers, who you supervise, tells you that because he is underpaid and has a growing family, he needs another source of employment. He has decided to take a part-time job as a real estate salesperson. The work is mostly on the weekends with a few showings in the evenings. Occasionally he will take a phone call at work and it is also easy to view properties when he is out on enforcement work. He just looks at them from the truck. He says he is not taking any time away from his usual responsibilities as a code enforcement officer. Does this invoke any ethical issues? What should you do?

Possible Actions:

1. Permit him to continue his real estate activity outside the workplace and stress that no public property such as a phone or truck should be used for private gain.
2. Permit him to continue his real estate activity, but not within the city where he works. Also stress that no public property such as a phone or truck should be used for private gain.
3. You are sympathetic to his personal needs for additional income and he is a good employee that you do not want to lose. Monitor his phone usage and unless there are any complaints, it is none of your business how he spends his time outside the work place.
Ethics Cases of the Year: 2019

Created by the Ethics Committee, American Institute of Certified Planners, April 2019
Suggestions for Presenters

• This PowerPoint presentation includes eight scenarios, which address some of the most common—and timely—planning ethics topics from the previous year.

• The presentation was designed so that the audience would have an opportunity to discuss each of the scenario’s “Questions” before the presenters show the applicable Principles and Rules of Conduct from the AICP Ethics Code (i.e., “Ethical Issues”).

• Given the time constraints of a typical 1.5-hour presentation schedule, it is unlikely that all eight scenarios will be covered.

• Consequently, please feel free to shuffle the order of the scenarios in order to address those topics of the greatest concern to your audience.
Panelists
Agenda

Refresher on Planning Ethics

Ethical Scenarios

1. Taking Credit
2. Inadequate Information
3. Workplace Harassment
4. Professional Comments
5. Expert Witness Testimony
6. Discrimination
7. Political Donations
8. Gifts
Disclaimer

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

Although ethical scenarios and question-and-answer sessions are an important part of illustrating the application of the Code’s provisions, all certified planners should be aware that only the AICP Ethics Committee is authorized to give formal advice on the propriety of a planner’s proposed conduct (see Section C3 of the AICP Code of Ethics).

If you have a specific question regarding a situation arising in your professional practice, you are encouraged to seek an informal opinion from the AICP Ethics Officer (phone: 312-786-6360; email: ethics@planning.org).

This AICP Ethics Code certificate is available for downloading from planning.org/ethics. (See https://planning-org-uploaded-media.s3.amazonaws.com/document/AICP-Code-of-Ethics-Certificate_Updated.pdf)
AICP’s Ethics Code


NOTE: Please turn on your cell phones: planning.org/ethics

A. Aspirational Principles
   Responsibility to Public, Clients/Employees, and Profession/Colleagues

B. Rules of Conduct
   Twenty-Six Rules to Which AICP Members Are Held Accountable

C. Advisory Opinions
   Informal Advice, Formal Advisory Opinions, Annual Report

D. Complaints of Misconduct
   Filings, Preliminary Charge/Dismissal, Settlement, Decision, Appeal

E. Discipline of Members
   Confidential Letter of Admonition, Public Censure, Suspension, Revocation
APA’s Ethical Principles of Planning

Adopted by the APA Board of Directors in 1980; revised in 1992

Guidelines for those who participate in the process of planning as advisors, advocates, and decision makers

1. Serve the public interest
   Provide accurate information, provide opportunity for all, protect natural and built environment, pay attention to long-range consequences of action, etc.

2. Maintain high standards of integrity/proficiency
   Provide independent judgment, disclose personal interests, seek no gifts or favors, avoid conflicts of interest, don’t disclose confidential information, don’t misrepresent facts, respect rights of all persons, etc.

3. Improve planning competence
   Provide high level of professionalism, commit no wrongful acts, contribute time for groups lacking planning resources, treat other professionals fairly, etc.
Ethical Misconduct Cases in 2018

Five Cases Dismissed
(no preliminary charge filed)

Three Cases Dismissed
(after a preliminary charge is filed)

Seven Cases Settled
(all AICP credential misuses)

No Disciplinary Actions
Ethics Topics
Derived from misconduct cases and informal inquiries in 2018

- Honest and Fair Dealing: 40
- Conflicts of Interest: 35
- False/Deceptive Statements: 35
- Respect for Confidentiality: 27
- Abuse of Position: 25
- Quality of Practice: 25
- Legal and Ethical Conduct: 23
- Misuse of AICP Credential: 21
- Loyalty to Employer: 17
- Private Communication: 15
- Lack of Cooperation: 13
The following ethical scenarios are based on real situations from 2018 and early 2019—although the names and locations are all fictional.

The case scenarios were derived from informal inquiries or misconduct complaints reviewed by the AICP Ethics Officer and the AICP Ethics Committee.
Cast of Characters

Consultant
Jane, AICP

County Planner
Dan, AICP

Town Planner
Catherine, AICP

Consultant
Marion, AICP

City Planner
Ian, AICP
Jane, AICP, who runs a small consulting firm, worked on a new comprehensive plan for Hudson County, as a sub-consultant to a larger firm, GarGan. The comp plan recently won an APA award and GarGan has been actively promoting the project at national and state planning conferences.
Meanwhile, GarGan’s chief planner, Marion, AICP, has told the firm’s subcontractors on the plan, including Jane, that they are not permitted to mention the plan in their own marketing materials.

Marion says that, since the contract was GarGan’s, the only credit should go to GarGan, not its subs.
Scenario 1

Questions

Q: Is this appropriate behavior on the part of Marion and GarGan?

Q: Could Marion be the subject of a potential ethics misconduct complaint?

NOTE TO PRESENTERS: After participants answer, see Additional Question (next slide)
Scenario 1

Additional Question

Q:
What if the client, Hudson County’s planning director, Dan, AICP, told GarGan the same thing: It should not promote its work on the plan since it was the County who paid for—and adopted—the plan?

Is this an ethically appropriate action on the part of Dan?
Scenario 1

Ethical Issues

**AICP Ethics Code—Principles**

**#3c:** “We shall describe and comment on the work and views of other professionals in a fair and professional manner.”

**AICP Ethics Code—Rules of Conduct**

**#10:** “We shall neither deliberately, nor with reckless indifference, misrepresent the qualifications, views, and findings of other professionals.”

**#12:** “We shall not misstate our education, experience, training, or other facts which are relevant to our professional qualifications.”

**#17:** “We shall not use the product of others’ efforts to seek professional recognition or acclaim intended for producers of original work.”

**#25:** “We shall neither deliberately, nor with reckless indifference, commit any wrongful act, whether or not specified in the Rules of Conduct, that reflects adversely on our professional fitness.”
Scenario 2

Inadequate Information

Catherine is a newly-hired planner with the Town of Wurster, having recently graduated from Bauer State with a master’s degree in planning.

One of her jobs is to respond to FOIA requests from the media and the public.

She receives a FOIA request from an advocacy group, seeking data from an affordable housing study the Town recently completed.
Catherine’s supervisor (a non-AICP planner) tells her not to comply with the FOIA request, despite a recent state court ruling requiring local communities to disclose this type of information.

In addition, Catherine knows that her supervisor recently deleted much of the affordable housing study data from the department’s computers in order to make it inaccessible to the public.
Scenario 2

Questions

Q: What should Catherine tell her boss?

Q: Should she provide the remaining data to the advocacy group?
Scenario 2

Ethical Issues

**APA’s Ethical Principles in Planning**

**#A2**: Strive to give citizens...full, clear, and accurate information on planning issues and the opportunity to have a meaningful role in the development of plans and programs.

**#A5**: Ensure that reports, records, and any other non-confidential information which is, or will be, available to decision makers is made available to the public in a convenient format and sufficiently in advance of any decision.”

**AICP Ethics Code – Principles**

**#1f**: “We shall seek social justice by working to expand choice and opportunity for all persons....We shall urge the alteration of policies, institutions, and decisions that oppose such needs.”

**#2a**: “We shall exercise independent professional judgment on behalf of our clients and employers.”

**#2b**: “We shall accept the decisions of our client or employer concerning the objectives and nature of the professional services we perform unless the course of action is illegal or plainly inconsistent with our primary obligation to the public interest.”

*(More Code excerpts, see next slide)*
AICP Ethics Code—Rules of Conduct

#1: “We shall not deliberately or with reckless indifference fail to provide adequate, timely, clear, and accurate information on planning issues.”

#2: “We shall not accept an assignment from a client or employer when the services to be performed involve conduct that we know to be illegal or in violation of these rules.”

#25: “We shall neither deliberately, nor with reckless indifference, commit any wrongful act, whether or not specified in the Rules of Conduct, that reflects adversely on our professional fitness.”
Scenario 3

Workplace Harassment

Marion, AICP, a planning consultant, is approached by two staff planners.

They tell her that Dan, AICP, the planning director of Hudson County, has made unwanted sexual comments to each of them at APA chapter events.

Dan also is an APA chapter officer.
Scenario 3

Questions

Q: Does Marion have any obligations under the AICP Ethics Code?

Q: Should she talk directly to Dan?

Q: Should she talk to someone else, such as the Chapter President?
Scenario 3

Ethical Issues

**AICP Ethics Code—Principles**

**#3a:** “We shall protect and enhance the integrity of our profession.”

**AICP Ethics Code—Rules of Conduct**

**#25:** “We shall neither deliberately, nor with reckless indifference, commit any wrongful act, whether or not specified in the Rules of Conduct, that reflects adversely on our professional fitness.”
Scenario 4

Professional Comments

Catherine, AICP, a planner with the Town of Wurster, has been telling developers not to hire Jane, AICP, a local planning consultant.

Catherine has been saying that Jane’s performance on previous projects has been unsatisfactory.
Scenario 4

Questions

Q: Are Catherine’s negative comments about Jane a potential ethics violation?

Q: How else could Catherine have handled this situation?
Scenario 4

Ethical Issues

**AICP Ethics Code—Principles**

*#3c*: “We shall describe the work and views of other professionals in a fair and professional manner.”

**AICP Ethics Code—Rules of Conduct**

*#10*: “We shall neither deliberately, nor with reckless indifference, misrepresent the qualifications, views, and findings of other professionals.”
Scenario 5

Expert Witness Testimony

Jane, AICP, a consultant, has been asked to be an expert witness in a lawsuit against Jacobsville, where she was the former planning director.

The lawsuit involves a development proposal that was denied by the City Council, in part due to floodplain regulations.
Scenario 5

One of Jane’s former duties with the City of Jacobsville was the drafting of its floodplain regulations.

However, the project she’s being asked to testify on behalf of took place after she left Jacobsville—which was more than three years ago.
Scenario 5

Questions

Q: Should Jane agree to be an expert witness in this case?

Q: If so, what (if any) ethical issues should she have concerns about?
Scenario 5

**Ethical Issues**

*AICP Ethics Code—Principles*

#1c: “We shall pay special attention to the interrelatedness of decisions.”

*AICP Ethics Code—Rules of Conduct*

#3: “We shall not accept an assignment...to publicly advocate a position on a planning issue that is indistinguishably adverse to a position we publicly advocated for a previous client or employer within the past three years....”

#7: “We shall not use to our personal advantage, nor that of a subsequent client or employer, information gained in a professional relationship that the client or employer has requested be held inviolate or that we should recognize as confidential because its disclosure could result in embarrassment or other detriment to the client or employer...”
Scenario 6

Discrimination

Davis, AICP, is a planner with Clydebank. One of the projects she manages is scheduled to go to the City Council next month for approval.

It is a project that requires data analysis to determine whether a property should be inside an empowerment zone or not. She has done this several times before.

However, Davis’ boss, Ian, AICP, decides that Patrick, a non-AICP planner who Davis supervises, should present the application to the City Council.
A few weeks later, Davis is passed over for a promotion, despite her excellent performance reviews and years of experience. Instead, Patrick is given the job.

A month before the City Council meeting (where Davis was taken off the project), she began her gender transition and asked people to use the pronouns “she, her, hers” when referring to her. In the past, she had always dressed gender neutral, but now she occasionally wears a skirt to work.

Soon after Patrick’s promotion, Davis decides to quit.
Scenario 6

Questions

Q:
Does Davis have any recourse under the AICP Ethics Code?

Q:
Are there any grounds for a misconduct case against her former boss, Ian, AICP, on the basis of “unlawful discrimination?”
Scenario 6

Ethical Issues

**AICP Ethics Code—Principles**

*#1a:* “We shall always be conscious of the rights of others.”

*#2b:* “We shall accept the decisions of our client or employer concerning the objectives and nature of the professional services we perform unless the course of action is illegal or plainly inconsistent with our primary obligation to the public interest.”

**AICP Ethics Code—Rules of Conduct**

*#20:* “We shall not unlawfully discriminate against another person.”

*#25:* “We shall neither deliberately, nor with reckless indifference, commit any wrongful act...that reflects adversely on our professional fitness.”

planning.org/ethics
GarGan, a consulting firm, has had several planning contracts with Hudson County over the last few years, including one current project.

Several County Board members are up for reelection and GarGan has made campaign contributions to them.

Marion, AICP, a GarGan principal, also has made donations to the candidates, after confirming there are no violations of state or local laws.
Scenario 7

Questions

Q: Does the AICP Ethics Code permit these campaign contributions—either by Marion or other principals of GarGan who are AICP members?

Q: Should these campaign contributions preclude GarGan from bidding on any future projects with Hudson County?

NOTE TO PRESENTERS: After participants answer, see Additional Question (next slide)
Scenario 7

Additional Question

Q:
What if campaign contributions were being made by Dan, AICP, Hudson County’s planning director?
Is that permissible, according to the AICP Ethics Code?
Scenario 7

Ethical Issues

**AICP Ethics Code—Principle**

#1c: “We shall pay special attention to the interrelatedness of decisions.”

**AICP Ethics Code—Rules of Conduct**

#9: “We shall not engage in private discussions with decision makers in the planning process in any manner prohibited by law or by agency rules, procedures, or customs.”

#11: “We shall not solicit prospective clients or employment through use of false or misleading claims, harassment, or duress.”
Scenario 8

Gifts

Bollards R Us (BRU), which sells street furniture, is sponsoring an exhibit booth at the state planning conference.

BRU also is hosting an evening reception at the conference, featuring free food and cocktails. However, BRU has only invited municipal planners (i.e., their potential clients) to the reception.
Scenario 8

Questions

Q:
Is this a potential violation of the *AICP Ethics Code*—either for BRU or for any AICP public planners who attend the reception?

Q:
If so, what should the conference organizers do?
Scenario 8

Ethical Issues

**AICP Ethics Code—Principles**

**#1c:** “We shall pay special attention to the interrelatedness of decisions.”

**#2a:** “We shall exercise independent professional judgment on behalf of our clients and employers.”

**AICP Ethics Code—Rules of Conduct**

**#5:** “We shall not, as public officials or employees, accept from anyone other than our public employer any compensation, commission, rebate, or other advantage that may be perceived as related to our public office or employment.”

planning.org/ethics
Final Note

• For informal advice regarding ethical conduct, please contact the AICP Ethics Officer, Jim Peters, FAICP, at 312-786-6360 or ethics@planning.org.

• For more information, please visit planning.org/ethics

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