

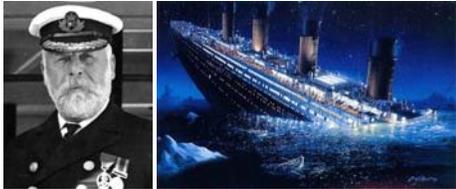


**Planning Ethics 101:
It's Hard to be
a Saint in the City**

**APA Washington Annual Conference
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**Moderated by
Deborah Munkberg, AICP
Joe Tovar, FAICP**

Where was Captain Smith after the Titanic sank in 1912?



Where was Captain Schettino after his ship sank in 2012?



What common expectation for ship captains did Smith observe and Schettino arguably ignore?

Captains Smith and Schettino chose to put on the uniform and assume the professional role and responsibilities of a ship's captain.

Society's expectations of them were to discharge their professional duties as ship's captains.

A member of **AICP** doesn't put on a uniform, but those letters after your name signify what society should expect from you as a certified professional planner, and more importantly, what you should expect from yourself.

"You don't have a soul. You *are* a soul. You have a body." C.S. Lewis

You are not your job. You have a job. Professionally speaking, *you are your ethics*.

J.W. Tovar

You may change jobs, but you carry your professional ethics with you.

Are planners the only professionals with a code of ethics, standards of conduct, and consequences for failure to meet those standards??



The Hippocratic Oath
@ 400 B.C.

- Have two special objects in view with regard to disease, namely, to do good or to **do no harm**.



The Pirates Code
@ 1650

- Every man has a vote in affairs of the moment, choosing the captain, and equal title to fresh provisions or strong liquors.
- No striking one another on board, but every quarrel to be ended on shore, with sword or pistol.



The Journalists' Creed
@ 1906

- The public journal is a public trust and all connected with it are trustees for the public.
- Clear thinking, clear statement, accuracy and fairness are fundamental to good journalism.



Ethical canons of the
American Bar Association

- A basic tenet of the professional responsibility of lawyers is that every person in our society should have ready access to the independent professional services of a lawyer of integrity and competence.
- A lawyer should be temperate and dignified, and should refrain from all illegal and morally reprehensible conduct.



Ethical canons of the National
Society of Professional Engineers

Engineers, in the fulfillment of their professional duties, shall:

- Hold paramount the safety, health, and welfare of the public.
- Perform services only in areas of their competence
- Avoid deceptive acts.

The nature of the work that planners do will
frequently give rise to ethical dilemmas

Public sector planning is multiple-customer oriented, many of whom will strenuously disagree with each other.



The open and transparent nature of public agencies means that almost all of your conduct is subject to disclosure, inspection, and judgment.

Professional ethics provides a compass to help navigate through the dilemmas.



The ethical perspective of an AICP planner



Look at the big picture, take the long-term view, and recognize the inter-connectedness of decisions

American Institute of Certified Planners
Code of Ethics and Professional Conduct

- ❖ Divided into three sections
 - **Principles to which we aspire** – our primary ethical duty is to serve the public interest
 - **Rules of Conduct** – how we will conduct ourselves
 - **Procedures** – how to seek advice, how ethics violation charges are handled, consequences of violations of the Code

Aspirational Principles

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.

Aspirational Principles

1. Our Overall Responsibility to the Public

- Conscious of rights of others
- Concern for long-range consequences
- Attention to interrelatedness of decisions
- Provide timely, adequate, clear, & accurate info on planning issues to all affected persons & decision makers
- Give people opportunity to have meaningful impact

Aspirational Principles

1. Our Overall Responsibility to the Public (cont'd)

- Seek social justice
- Promote excellence of design
- Preserve integrity & heritage of natural & built environment
- Deal fairly with all participants in planning process

Aspirational Principles

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.

Aspirational Principles

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.

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

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

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.

Rules of Conduct – selected rules

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

Rules of Conduct – selected rules

- 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.

Rules of Conduct - selected rules

- We shall not, as salaried employees, undertake other employment in planning or a related profession, paid or unpaid, without permission from our employer.
- 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.

Rules of Conduct - selected rules

- We shall not direct or coerce other professionals to make analyses or reach findings not supported by available evidence.
- We shall neither deliberately, nor with reckless indifference, commit any wrongful act that reflects adversely on our professional fitness.

How to react to possible ethical lapse?

- Resist the temptation to argue.
- Retain an open mind and respond only when able to do so calmly and thoughtfully.
- Make an effort to clarify points of confusion.
- Be prepared to apologize, even for an inadvertent appearance of unethical behavior.

From *Everyday Ethics*, 2001, Carol D. Barrett, FACIP

How to react to possible ethical lapse? (cont'd)

- Use AICP Code for guidance.
- Provide full, clear, accurate information.
- Seek counsel of APA Ethics Officer.
- Seek resolution – consider a written response.

From *Everyday Ethics*, 2001, Carol D. Barrett, FACIP

Who to call for advice?

- For ethics issue that is specific to APA ethics rules of conduct, call the AICP Ethics Officer – Paul Farmer – for *informal or formal advice*.
- Only the AICP Ethics Officer is authorized to give formal advice on propriety of a planner's proposed conduct. Formal advice is binding on AICP & any of us who can demonstrate that we followed such advice shall have a defense to any charge of misconduct.



Workplace Scenario #1

You receive a voicemail from a councilmember Bob Backslap who passes along a compliment he has heard from a major developer in his district. He said they appreciated that one of the project planners you supervise, Sally Forth, was reading the code very reasonably in reviewing their submittal, and that they especially appreciated Sally's flexibility in meeting with the applicant during his lunch hour at a nearby restaurant to review project details.

Is this good customer service? Is there an ethical issue to look into here? How would you proceed?



Workplace Scenario #2

As you take a reporter on a tour of your city planning department, you stop by the front counter where a city building inspector is having an animated conversation with Spiros Riskas. Mr. Riskas has put on the counter a very large box of Baklava from his Greek restaurant. He smiles and in broken English enthusiastically says how grateful he is for the prompt job the building inspector did with reviewing his recent kitchen remodel. The building inspector is beaming and the reporter asks you "what's up with that?"

Are there ethical issues here? What potential remedies might there be? How would you proceed?



Workplace Scenario #3

As a consultant to a developer for a proposed plat called *Eagle Ridge*, you visit the site to evaluate the access constraints of the heavily wooded property, particularly topographical constraints. During your visit, two bald eagles swoop low over the small lake on site in what you recognize as a mating maneuver. You make note of this in the draft SEPA checklist, but your client insists that you make no mention of this observation because you did not see an eagle nest.

Are there ethical issues here? What potential remedies might there be? How would you proceed?



Workplace Scenario #4



Your cousin Cora Leone, an employee in another department, drops by to chat up a plan amendment proposed by her brother Vito, owner of an automobile paint shop who wants to expand his business. You tell her that the site has deficient sewer availability and appears to be in a floodplain. Cora points out that business expansion would generate serious dollars and that the entire Family, including, Vito, his in-laws, and their uncle Grover from Cleveland, hope you can help out the family.

Are there ethical issues here? What potential remedies might there be? How would you proceed?



Workplace Scenario #5

You supervise a transportation planner in your consulting firm, Otto Bonn, who has just completed a traffic impact assessment for a major retail project that shows that significant and costly improvements will be needed so that surrounding streets can accommodate the traffic from the project. The client thinks the improvements are expensive and unnecessary and copies you on an email to Otto urging that he re-work the figures so that fewer local improvements will be required.

Are there ethical issues here? What potential remedies might there be? How would you proceed?



Workplace Scenario #6

Your planning commission has scheduled an open house to solicit public input on the updating of the city's transportation master plan to consider freight and passenger rail implications for your town. Several planning commissioners have made it known that they will advocate for city policies to oppose coal trains on the rail line through town, and at the beginning of the open house you notice that two of them, and one of your peer staff members, are wearing "NO COAL TRAIN" buttons.

Are there ethical issues here? What potential remedies might there be? How would you proceed?



Workplace Scenario #7

City planner Janelle Scott visited a site at the request of a couple selling their home who want to know how many lots could be platted to determine a sales price. She told them that she moonlights as a realtor and has a potential buyer who is interested in the neighborhood and asked them to contact her when they have a price in mind. The couple contacts you, her supervisor, when they make application, saying that when Janelle made a site visit as the city's plan reviewer, she made an offer on behalf of her clients to purchase the land. They ask you if this is unusual.

Are there ethical issues here? What potential remedies might there be? How would you proceed?



Workplace Scenario #8

Your department initiates a project review prioritization program based on a set of criteria (time in queue, previous commitments, economic stimulus, public vs. private, etc.) An applicant, Noble Mann, requests that his project, a shelter for battered women, be prioritized based on his agency's schedule rather than your jurisdiction's code criteria. He suggests that since you both belong to the local Rotary Club that the two of you discuss this worthy project for club sponsorship at the next meeting.

Are there ethical issues here? What potential remedies might there be? How would you proceed?

Thank you!

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