



The Ethics of Advocacy



Robin Proebsting, AICP
Chair, APA Washington Legislative Committee



Steve Butler, FAICP
Policy and Planning Manager, Municipal Research & Services Center



Joe Tovar, FAICP
Affiliate Associate Professor, University of Washington



Elizabeth Chamberlain, AICP
City Manager, City of Walla Walla

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, **only the AICP Ethics Committee** is authorized to give *formal advice* to certified planners on the propriety of a planner's proposed conduct.
- If you have a question regarding a situation in your own professional practice, you are encouraged to seek *informal advice* from the **AICP Ethics Officer** (ph: 312-786-6360; email: ethics@planning.org).



AICP Code of Ethics Pledge

This AICP Ethics Code certificate is available for downloading from planning.org/ethics



THE AMERICAN PLANNING ASSOCIATIONS
Professional Institute
**American Institute
of Certified Planners**
Code of Ethics
and Professional Conduct
Making Great Communities Happen

The American Institute of Certified Planners requires its members to adhere to the ethical standards of a detailed Code of Ethics and Professional Conduct.

THE PRINCIPLES TO WHICH WE ASPIRE ARE:

- To continuously pursue and faithfully serve the public interest
- To do so with integrity
- To work to achieve economic, social, and racial equity
- To safeguard the public trust
- To improve planning knowledge and increase public understanding of planning activities

OUR RULES OF CONDUCT ADDRESS THE FOLLOWING:

- Quality and integrity of practice
- Conflicts of interest
- Improper influence/abuse of position
- Honesty and fair dealing
- Responsibility to employer
- Discrimination/harassment
- Charges of misconduct

I pledge that I will conduct myself in accordance with the principles, rules, and other requirements of the AICP Code of Ethics and Professional Conduct.

Name _____, AICP Certified Planner No. _____

APA's Ethical Principles in Planning

Adopted in 1980 by the American Planning Association;
rev. 1992

Guidelines for advisors, advocates, and decision makers in the planning process

1. Serve the **public interest**
2. Maintain high standards of **integrity and proficiency**
3. Improve planning **competence**

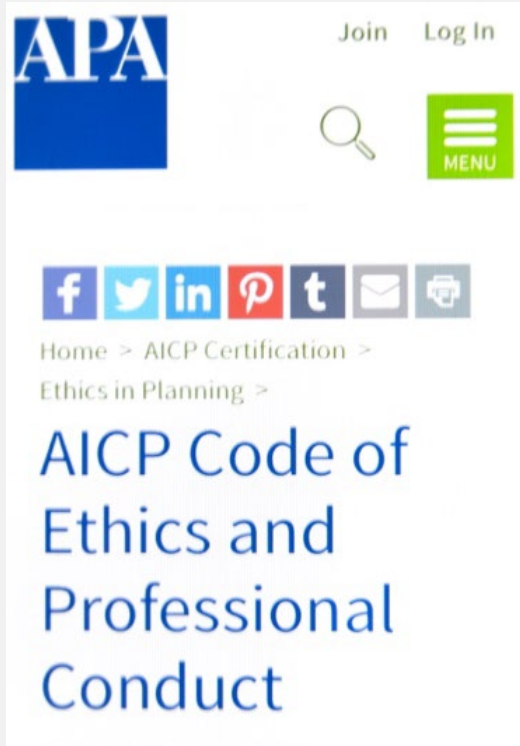


PLANNING.ORG

AICP Ethics Code

Adopted in 1948 by the American Institute of Planners; rev. 1959, 1970, 1978, 1991, 2005, 2016, 2022

GRAB YOUR PHONE. GO TO:
www.planning.org/ethics/ethicscode



- A. Principles to Which We Aspire
- B. Our Rules of Conduct
- C. Advisory Opinions
- D. Adjudication of Complaints of Misconduct
- E. Discipline of Members

Aspirational Principles

Section A
of the *AICP Ethics Code*

People who participate in the planning process shall:

1. Continuously pursue and faithfully serve the public interest
2. Do so with integrity
3. Work to achieve economic, social, and racial equity
4. Safeguard the public trust
5. Improve planning knowledge and increase public understanding of planning activities

Rules of Conduct

Section B
of the *AICP Ethics Code*

The 24 Rules of Conduct—to which certified planners can be held accountable—are organized under the following headings:

1. Quality and Integrity of Practice
2. Conflict of Interest
3. Improper Influence/Abuse of Position
4. Honesty and Fair Dealing
5. Responsibility to Employer
6. Discrimination/Harassment
7. Bringing and Cooperating with an Ethics Charge

Key Aspects of the 2022 Code Update

A. Aspirational Principles.

- Organization
- Discrimination/harassment
- Ethics investigation
- Claiming credit

B. Rules of Conduct

- Organization
- Cultural Biases
- Equity foundation of plans
- Promoting ethics

Adjudication of Complaints of Misconduct

Section D
of the *AICP Ethics Code*

D6a: Only current members of AICP may appeal a determination of the Ethics Officer.

- This revision with the 2022 Update eliminates the ability of non AICP planners to contest the ruling of the Ethics Officer through a time-consuming appeal process and **protects planners from frivolous complaints.**
- However, non-AICP planners can still file an appeal by having an AICP planner do so on their behalf.

Ethical Misconduct Cases - 2022

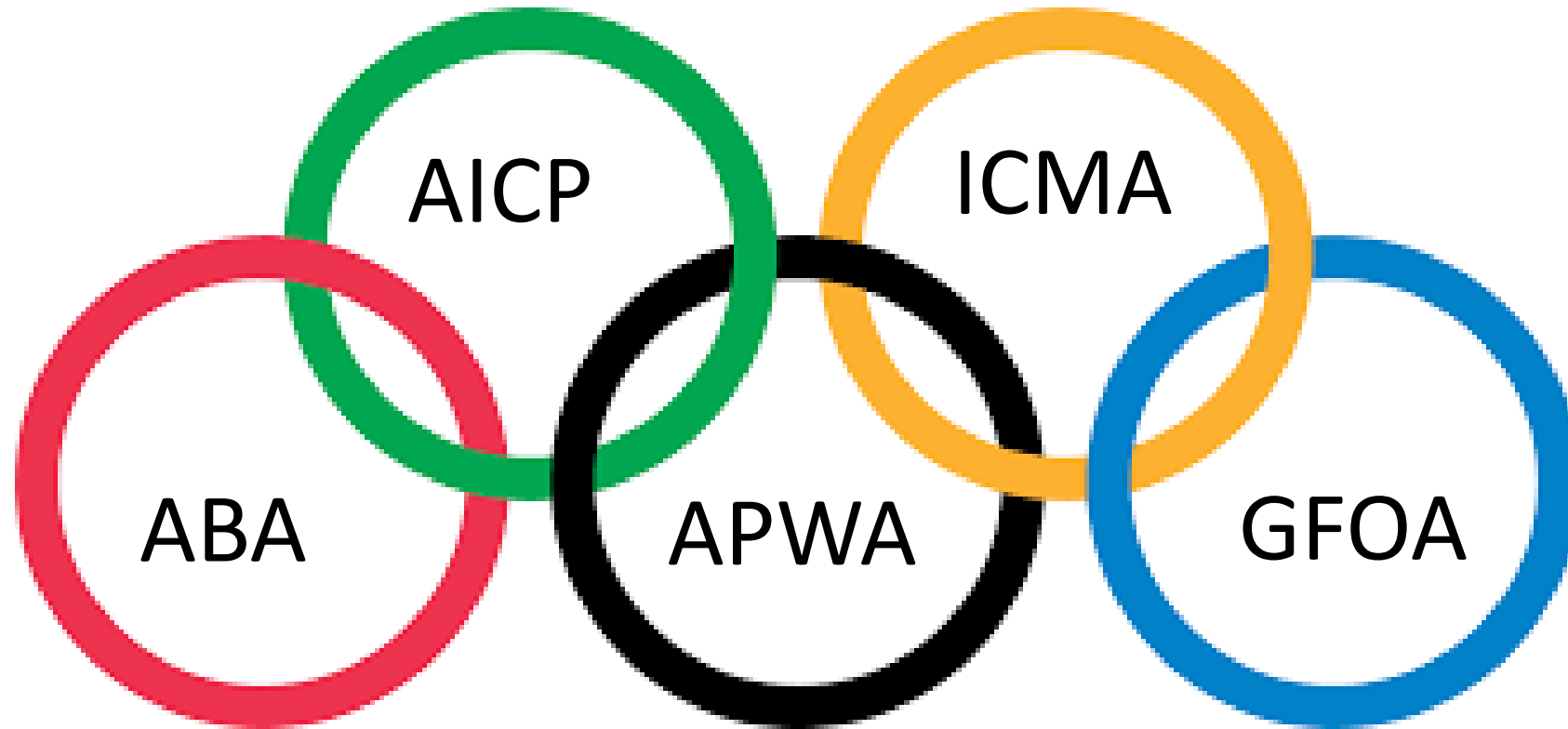
9 Cases Dismissed

- No justification to file a charge or planner not AICP (8 cases)
- Preliminary charge filed (1 case)

10 Cases Resulted in Disciplinary Actions

- Cease and desist letters issued (7 cases) for misuse of the AICP credential
- Confidential Letters of Admonition (2 cases) for “wrongful conduct:” 1) for plagiarism and misrepresentations of information in a planning report; and 2) for committing a wrongful act reflecting adversely on the profession
- Public Letter of Admonition and Revocation of FAICP credential (1 case) for sexual harassment





AICP Planners work with professionals in related fields,
each of which has its own code of ethics

What kind of planners are AICP planners?



Anyway, Forrest, like I was sayin', there's city planners, county planners, regional planners, tribal planners, state agency planners, consulting planners, advocacy planners, transportation planners, environmental planners, housing planners, neighborhood planners, economic development planners, historic preservation planners, site planners, master planners, strategic planners, academic planners, emergency operations planners, .. uh ... that's about it.

What do AICP Planners share? *Aspirations and Rules of Conduct* that encourage and inspire *Advocacy*

Aspiration

A strong desire to achieve something high or great.

Merriam-Webster

Conduct

A mode or standard of personal behavior based on principles.

Merriam-Webster

Advocacy

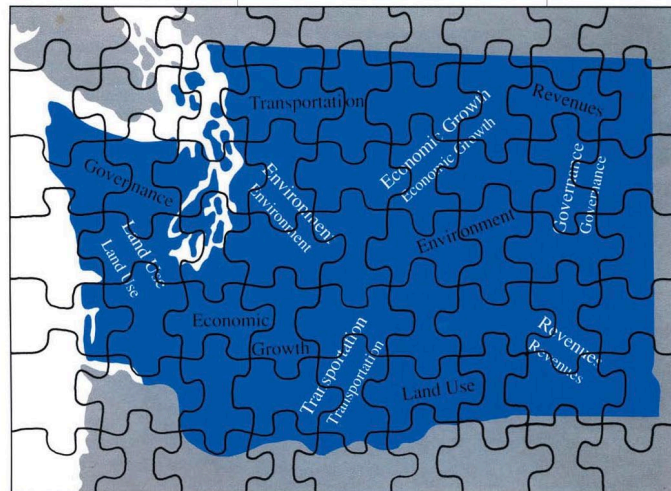
The act or process of supporting a cause or proposal; the act or process of advocating.

Merriam-Webster

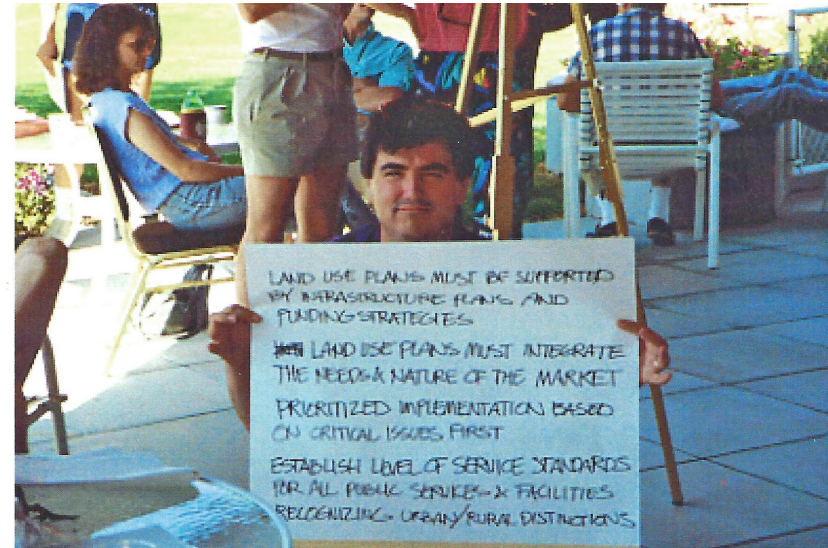
1989 Washington's city and county planning directors met to draft and advocate for what became the Growth Management Act

Toward a Growth Strategy for Washington

Washington City Planning Directors Association
Washington State Association of County and Regional Planning Directors



November 1989



1990 Planning Directors Association advocated the defeat of I-547 which would have replaced the GMA with an Oregon-style law

The Seattle Times

Why Planners Oppose Initiative 547

NEXT Tuesday, Washington voters will decide whether to repeal the Growth Management Act of 1990 in exchange for an entirely different scheme proposed by Initiative 547.

Everyone is clamoring for "growth management" and "comprehensive planning." The question is whether the existing new law or the initiative best delivers a way to deal with the impacts of current and future growth.

The Washington State Associations of City and County Planning Directors have studied the initiative, the new law, and improvements to the new law, as outlined in the Governor's Growth Strategies Commission report.

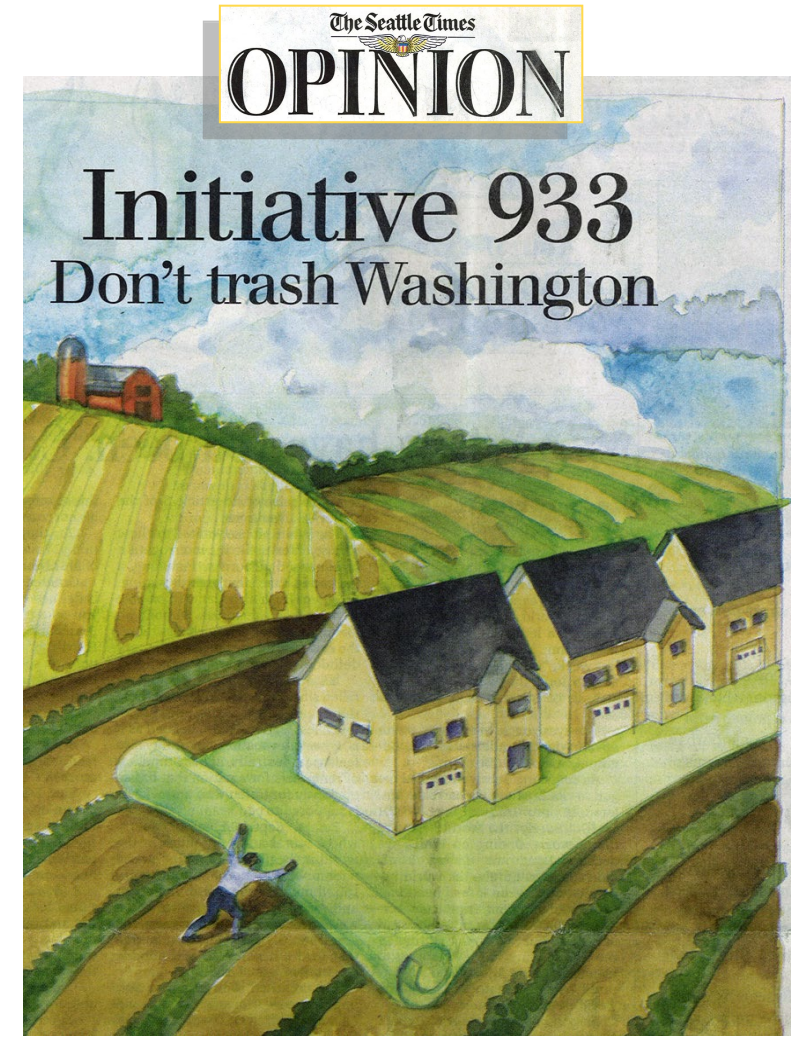
We support the new law and recommend a No vote on Initiative 547.

Contrary to what initiative supporters say, the new law requires cities and counties to update and strengthen their comprehensive plans. It requires communities to immediately identify and then protect wetlands from encroaching development. It finally allows cities and counties to charge developers for the needed road, park and school facilities resulting from growth.

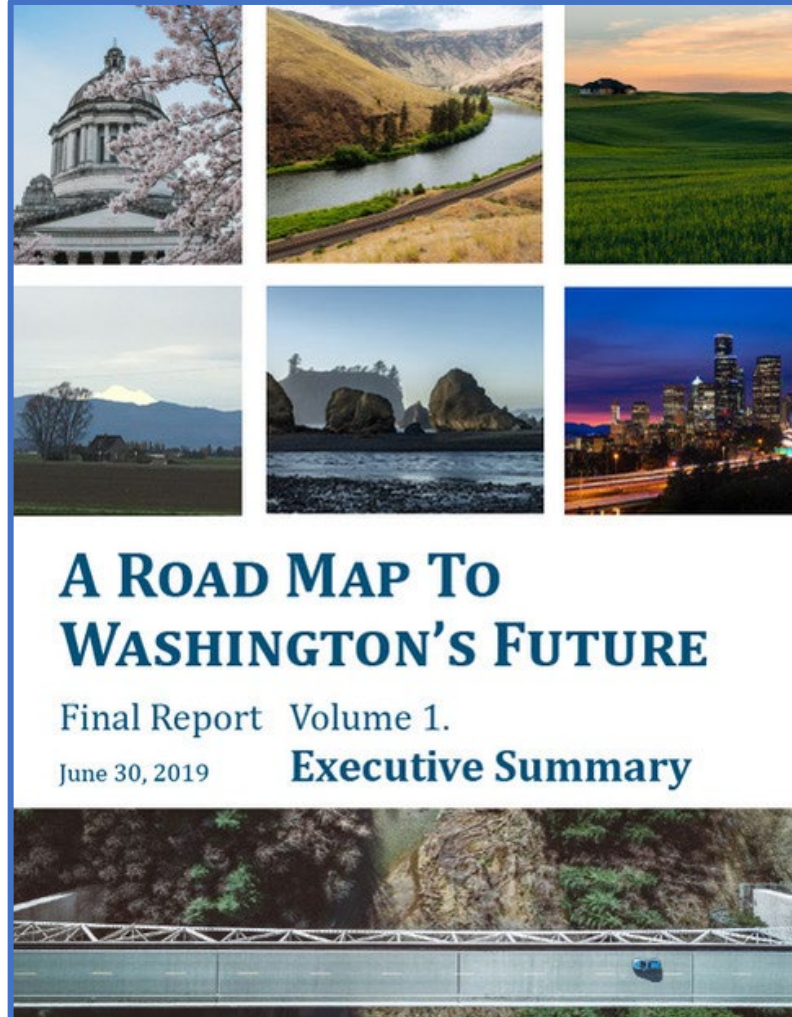
It requires containing urban development within strictly defined areas, where services can be provided and the environment protected.

While the initiative purports to do many of these same things, we are not convinced that it does as good a job as the new law.

2006 APA Washington advocated the defeat of I-933,
an extreme property rights ballot measure



2015 to 2023 APA Washington celebrated and advocated for protection of and improvements to our Growth Planning Laws



2015

APA WA hosted a 25th Anniversary Celebration of adoption of the GMA and called for an update to strengthen and modernize it

2017

APA WA and APA National invested \$55,000 in seed money to launch the *Road Map* project

2017 to 2023

APA WA actively participated in all three phases of the *Road Map* project

ICMA Code of Ethics (Amended June 2023)

Tenet 1. We believe professional management is essential to effective, efficient, equitable, and democratic local government.

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

Tenet 3. Be dedicated to the highest ideals of honor and integrity in all public and personal relationships in order that the member may merit the respect and confidence of the elected officials, of other officials and employees, and of the public.

Tenet 4. Serve the best interests of all community members.

ICMA Code of Ethics (Amended June 2023)

Tenet 5. Submit policy proposals to elected officials; provide them with facts, and technical and professional advice about policy options; and collaborate with them in setting goals for the community and organization.

Tenet 6. Recognize that elected representatives are accountable to their community for the decisions they make; members are responsible for implementing those decisions.

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.

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.



ICMA Code of Ethics (Amended June 2023)

Tenet 9. Keep the community informed on local government affairs. Encourage and facilitate active engagement and constructive communication between community members and all local government officials.

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.

Tenet 11. Manage all personnel matters with fairness and impartiality.

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

ICMA Code of Ethics (Amended June 2023)

Summary of the Tenets

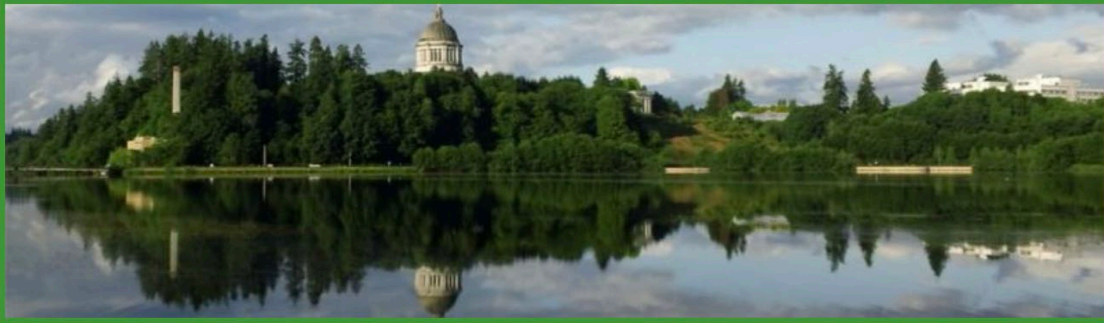
1. Demonstrate highest standard of ethical conduct.
2. Provide policy proposals to elected officials, then uphold and implement policies adopted by elected officials.
3. Refrain from all political activities.
4. Public office is a public trust.





LEAD: Legislative Education, Advocacy & Direction

Creating Great Communities for All



APA Washington's Legislative Committee:

Review of 2023 Legislative Session and Upcoming Opportunities for Chapter Members to Participate in 2024 Legislative Priorities

The 2023 Legislative Session, a long session of one hundred and five (105) days, ended on April 23, 2023. This session resulted in some of the most dramatic changes to the Growth Management Act (GMA) since its adoption. Your APA Washington Legislative Committee (LC) was relentless in keeping up with the fast-moving session. LC members participated in weekly Zoom meetings throughout the session, tracking legislative initiatives, reviewing proposed changes to Washington law, and providing comments and testimony to the Legislature's committee members during workshops and meetings.

The Chapter's contract lobbyist, Michael Shaw, provided weekly bill tracking lists setting forth upcoming hearings and meetings as well as the status of the bills of interest to APA Washington. Bills are chosen based on the Chapter's current [Legislative Priorities](#), [National APA Policy Guides](#) and other resources and positions set forth by APA Washington on the [Chapter website](#).

2023 Session Legislative Priorities

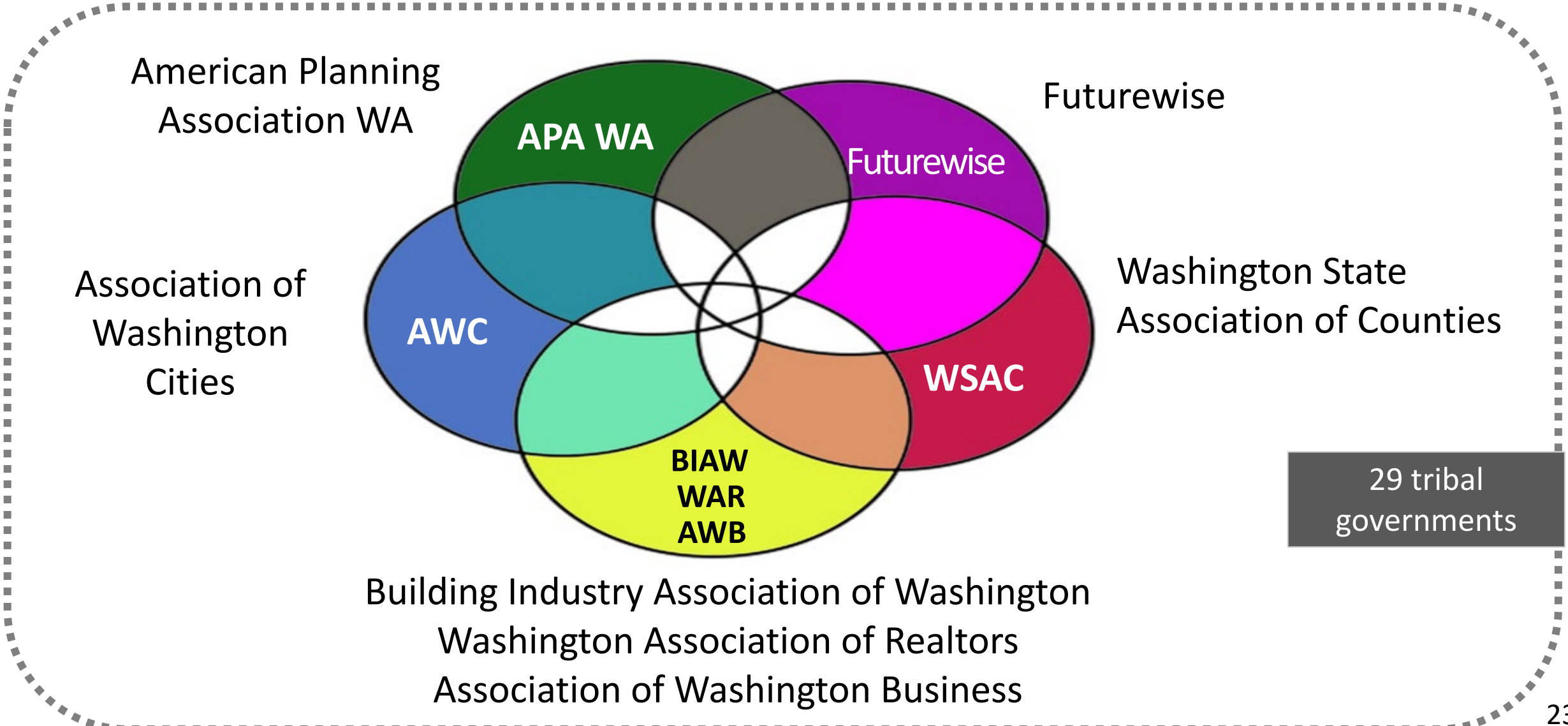
Act on Climate Resilience & Sustainability

Planning and preparing for a rapidly warming climate is a necessity and a top priority. Reducing our greenhouse gas emissions and adapting to expected climate impacts is a moral obligation to current and future generations, a wise use of tax dollars, and benefits the state economy.

Eliminate Homelessness and Increase Affordable Housing Choices

For communities to function, there must be an adequate supply of housing in proximity to employment, food, public transportation, and community facilities. Housing stock must include affordable and accessible owned and rented units, to achieve equity and ensure community viability.

APA advocacy sometimes aligns with others, sometimes it does not



2021-2023 APA Washington Legislative Committee advocated for bills to reform the GMA and SEPA



HB 1717 Tribal Inclusion in planning

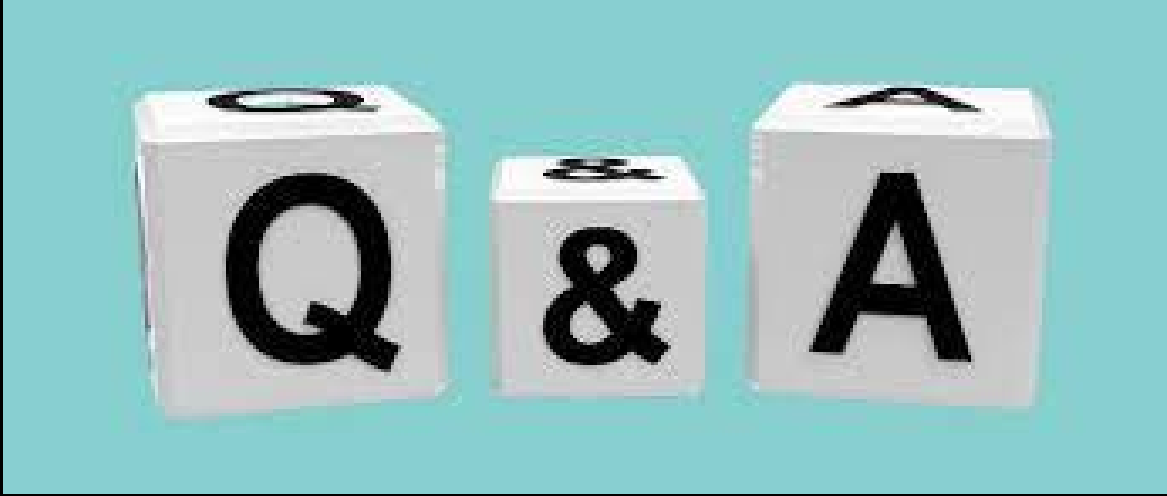
HB 1110 Middle Housing regulations

HB 1181 Climate Change Planning

SB 5042 Vesting of certain GMA actions

HB 1337 Accessory Dwelling Units regulations

HB 1220 Amended Housing Goal and Element



Scenarios for applying



The Ethics of Advocacy

[TinyURL.com/JTovar](https://tinyurl.com/JTovar)





Aspiration and Conduct – excerpts from the AICP Code

Continuously ***pursue*** and faithfully ***serve*** the public interest.

Incorporate equity principles and strategies as the foundation for preparing plans and implementation programs to achieve more socially just decision-making.

Work to achieve economic and racial equity.

Recognize our unique responsibility to ***eliminate historic patterns of inequity*** tied to planning decisions in documents such as zoning ordinances and land use plans.

Urge the alteration of policies, institutions, and decisions that do not help meet the needs of the marginalized or disadvantaged.

Promote an increase in the supply and quality of affordable housing.

Aspiration and Conduct – excerpts from the AICP Code

Avoid a conflict of interest or even the appearance of a conflict of interest in accepting assignments from clients or employers.

We shall not perform work on a project if, in addition to the agreed upon compensation from our client or employer, there is a possibility for direct or indirect personal or financial gain to us, our family, or household member.

If at all possible, abstain completely from direct or indirect participation as an advisory or decision-maker in any matter in which there is a personal or pecuniary interest, and leave any chamber in which such a matter is under deliberation.

Improve planning knowledge and increase public understanding.

Make work relevant to solving community problems and increase the public's understanding of planning activities.

Diane Green, AICP owns a house and works in Happy Valley, where she is planning director. Recent budget cuts reduced her planning staff from 8 FTE to 5. This is a challenge because permit activity and staff work on the required comprehensive plan update are both ramping up.

The City Council demands that permit process times be reduced dramatically and insist on ambitious public engagement and environmental review as part of the plan update. To meet these dual priorities in the Council-adopted planning work program, *Diane* estimates a need for at least 7 FTE.

The Council has determined that without an increase in city property taxes, additional staff cuts will be required. They place a property tax increase on the local ballot in order to raise revenue to retain existing service levels.

Diane is approached by a citizens committee that is forming to advocate for a YES vote on the upcoming property tax measure. Several are members of the planning commission who are aware of the mis-alignment between work task demands and resources.

They ask *Diane* to advise their committee and actively advocate for a YES vote, write opinion pieces for the local newspaper, doorbell and post yard signs.

The City Manager tells *Diane* that the City can take no position for or against the measure but says that the City Finance Director has volunteered to join the Citizens Committee.

He advises *Diane* to do likewise and warns her that if the measure fails, she will lose another FTE in order for the City to “maintain staff in more popular departments.”

Questions about the Diane Green Scenario

1. Is there an AICP ethical dilemma here? If so, what is it, and how do you think Diane should proceed?
2. Are there other ethical dilemmas here? If so, whose and why?
3. Apart from any potential ethical dilemmas, are there other challenges that Diane faces, and how should she proceed?

Jack Brown, AICP, is project manager for the City of Alden's housing updates to the comprehensive plan and development regulations. He rents an apartment in town, rides a bike to work, and occasionally contributes to the blog of a non-profit housing advocacy group.

At a city council retreat **Jack** quoted state requirements that the city identify "local policies and regulations that result in racially disparate impacts" and adopt "policies and regulations to begin to undo racially disparate impacts." **Jack** shared data showing that the percentage of Alden's land zoned for detached housing far exceeds the region's average while its number of low-income and non-white households is far below the average.

Jack's report recommended ambitious zoning reforms to "begin to undo racially disparate impacts" by increasing housing supply, densities, and the range of allowed building types.

“*Citizens to Save Alden*” mobilize against **Jack’s** recommendations and pack the next council meeting. They submit a petition claiming that most residents oppose any upzoning, threaten to vote out any council members who implement zoning reforms, and call on the Mayor to fire **Jack**. **Julie Blue**, AICP, his supervisor, later tells **Jack** that aggravating so many citizens “is not good customer service.” She edits his staff report to delete the citations to state law and adds a statement that many recent homebuyers have been racially diverse. City Attorney **Peter Plum** tells **Julie** and **Jack** that defending the City against a lawsuit from *Citizens to Save Alden* will be a costly distraction from his “more important legal work.”

In an interview on Channel 4, the Mayor declared that Alden is not a racist city, vowed to lobby to repeal laws that pre-empt local control, and said he would direct staff to “do the absolute bare minimum.” He has summoned **Julie, Jack,** and **Peter** to a meeting to discuss the situation. 33

Questions about the Jack Brown Scenario

1. Is there an AICP ethical dilemma here? If so, what is it, and how do you think Jack should proceed?
2. Are there other ethical dilemmas here? If so, whose and why?
3. Apart from any potential ethical dilemmas, are there other challenges that Jack faces, and how should he proceed?



Thank you!