

Sustainable Ethics

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Ethics

“Ethics is a system or code of morals of a particular person, group or profession.”

Webster's

“Always do right. This will gratify some people and astonish the rest.”

Mark Twain

“Ethics are what you have when no one is looking.”

Unknown

ETHICS FOR PLANNERS

Planners must be aware of local ethical regulations

Planners should just apply common sense.

Ethical problems are seldom cut and dry - can be thought provoking.

The AICPA Code

Code of Ethics and Professional Conduct

- 2005 Update; similar to previous code
- 3 sections:
 - A. Aspirational Standards
 - B. Rules of Conduct
 - C. Procedures

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.”

Code A.1.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.”

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.”

Code A.2.c

“We shall avoid a conflict of interest or even the appearance of a conflict of interest in accepting assignments from clients or employers.”

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.”

Code A.3.c

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

Code A.3.j

“We shall contribute time and effort to groups lacking in adequate planning resources and to voluntary professional activities.”

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.”

Code B.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.”

Code B.10

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

Code Procedures

In brief, our Code Procedures (1) describe the way that one may obtain either a formal or informal advisory ethics ruling, and (2) detail how a charge of misconduct can be filed, and how charges are investigated, prosecuted, and adjudicated.

Code Procedures

Informal and Formal Advice

- Only the Ethics Officer, who is the APA Executive Director
- Binding
- Formal Advice: Findings within 21 days
- Forwarded to the Ethics Committee

Ethics Cases During 2009

11 Total Cases

9 Cases Resolved

- 4 Cases Dismissed
- 1 Charge Withdrawn
- 2 Respondents' Membership Lapsed
- 2 Appealed Case Dismissals Upheld

2 Cases Pending

- 1 Charge Under Review
- 1 Complaint Under Review

Ethics Committee Actions

- Upheld Dismissals of 2 Appealed Cases

Requests for Formal Advice

- No requests

Ethics Questions

Are Offsets Hypocritical?

Are we out-sourcing our moral obligations?

Why not offset other things?

- Donate to animal rescue organizations to assuage your guilt over eating meat

Why buy a Honda Civic hybrid if the Prius is so much more obvious?

Is Smart Growth Smart?

What's so sustainable about growth?

If something has a couple elements of smart growth, is it still smart, or just growth?

- Is a conservation subdivision in the boonies really helpful?
 - Or rather, helpful enough?
- Currently sustainable places were once greenfields
 - We have to start somewhere
- Do it right the first time. Because.

A Private Life

How does Code B.5 apply to private sector planners? (i.e., “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.”)

Ethics Scenarios

Too Good to Be Ethical?

For many years, a local retailer has given 15% discounts for all municipal employees. The retailer is now expanding and applies for a waiver of impact fees, which requires a staff recommendation. The planning director's spouse is an employee of the retailer. The director and all other staff members are recipients of the discount. What should the town do?

Consultant Dilemma

You are a consultant. To get a project approved in a particular Council District, you are told to hire a certain firm to “manage” the project through the approval process. While the extra fee is substantial and you suspect kickbacks to a Council Member is involved, your client says it’s worth it.

What do you do??

The Devil You Know...

A local developer wants to rehab a derelict structure in an historic district. You know him and like him; he has a spotless reputation. But what he wants to do requires a “creative” zoning interpretation. Without that, the historic structure will be demolished. What should you do?

Resources for Information on Ethics

American Planning Association (APA) Ethical Principles of Planning www.planning.org/ethics/ethicalprinciples/htm

American Institute of Certified Planners (AICP) Code of Ethics & Professional Conduct www.planning.org/ethics/

Massachusetts Commission on Ethics www.mass.gov/ethics

City of Santa Clara CA comprehensive site on ethics
www.santanclaraca.gov

Institute for Local Self Government – Developing a Local Agency Ethics Code – www.ca-ilg.org/trust

Vermont Land Use Education & Training Collaborative – Rules of Procedure & Ethics Manual
www.vpic.info/pubs/rules_proc.pdf