

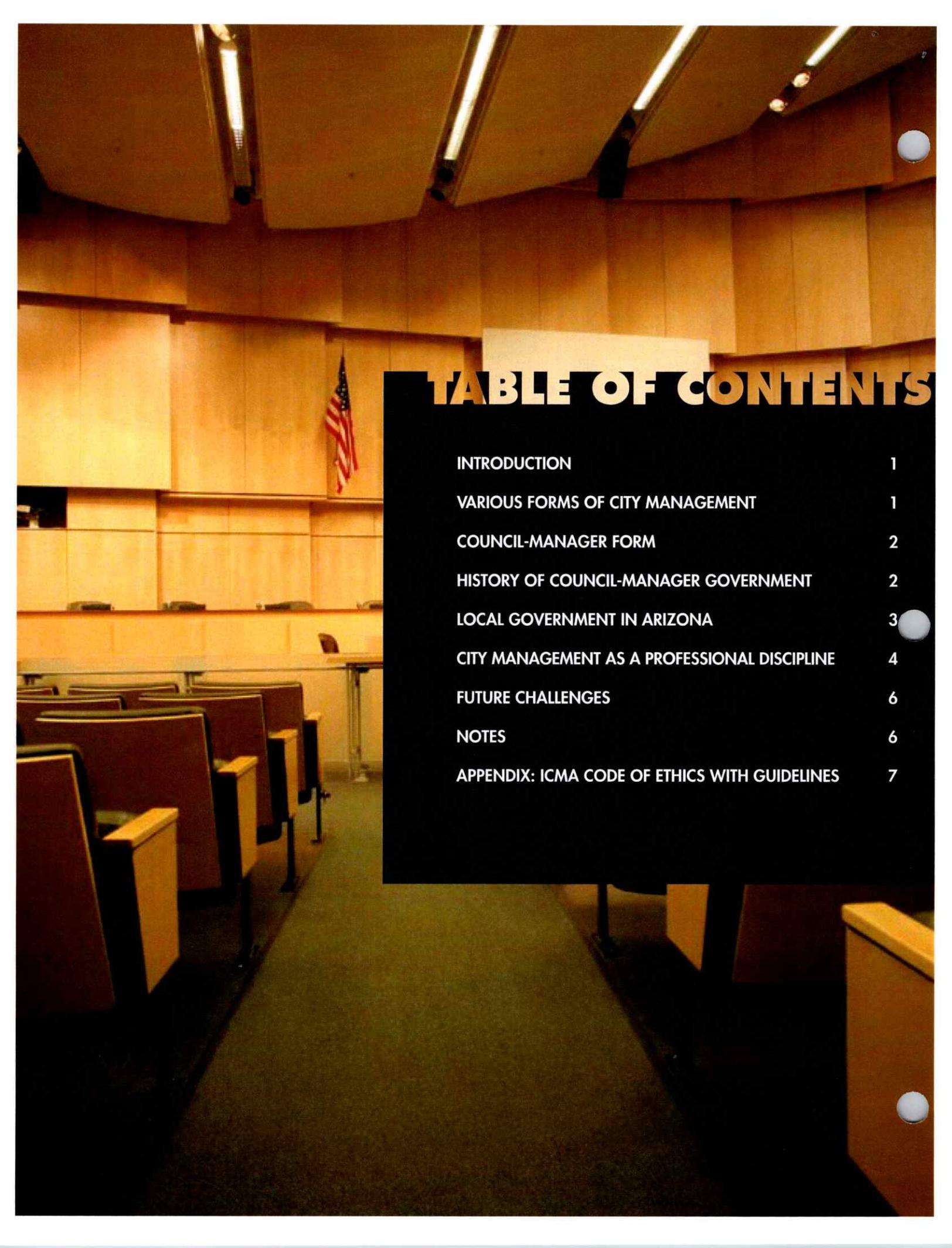
# COUNCIL-MANAGER GOVERNMENT IN ARIZONA

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# TABLE OF CONTENTS

INTRODUCTION	1
VARIOUS FORMS OF CITY MANAGEMENT	1
COUNCIL-MANAGER FORM	2
HISTORY OF COUNCIL-MANAGER GOVERNMENT	2
LOCAL GOVERNMENT IN ARIZONA	3
CITY MANAGEMENT AS A PROFESSIONAL DISCIPLINE	4
FUTURE CHALLENGES	6
NOTES	6
APPENDIX: ICMA CODE OF ETHICS WITH GUIDELINES	7

## INTRODUCTION

Local government advocates consistently proclaim that cities and towns are the level of government that is "closest to the people" and "most responsive to the people." Does the municipal form of government have anything to do with validating those truisms? The likely answer is, "yes."

Those claims may be consistent with the emergence of the council-manager form of government: a system in which political leadership and professional leadership are blended and public policy decisions are made by elected officials based on professional recommendations and advice using the objective standards of cost, efficiency, measurable outcomes, and optimum service to the citizens rather than because of political influence, cronyism, nepotism, favoritism, or dishonesty.

Today, the council-manager system is the most prevalent form of local government in the United States (existing in more than 3,500 cities and towns and more than 370 counties), but it is not the only one. Other models, generally created many years ago and unchanged over time, still exist.

Across the country, the issue of the local form of government emerges as a subject of debate from time to time. In most cases, there is an effort to adopt the council-manager form, but occasionally there are proposals to move away from council-manager to another governmental model; however, the overall trend is toward more adoption of the council-manager form.

Some of the motivation to use this form comes from frustration with the practices observed in the current system which the public finds distasteful and offensive: cronyism, influence peddling, graft, secret arrangements, partisan decision making and hiring based on connections rather than objective qualifications. The council-manager form addresses the issues generally found to be the most distasteful to the public.

The system is not perfect, but it is designed specifically to make sure professional municipal employees are responsive to the public and that government resources are spent in the most efficient, objective manner possible, while elected officials set the policy direction and priorities of the city.

Why is it then that the public seems to be generally unaware of the council-manager form, and sees the position of Mayor as the "boss of the city?" Perhaps because chief executives at the state and national level do have a higher profile management role, or because a colorful, flamboyant stereotypical Mayor makes a more appealing character for movies or novels, and that the strong mayor form remains more common in the eastern part of the country and in many of the nation's largest cities.

## VARIOUS FORMS OF CITY MANAGEMENT

Incorporated communities in early America conducted business primarily through the **Town Meeting** system in which every member of the community was a voting delegate at a large public meeting. There are still remnants of this system today in some New England states where annual Town meetings are required to conduct some kinds of municipal business.

As local governments developed, a small number of individuals were elected as "Selectmen" to provide for fulfillment of the directives approved by citizens at the Town Hall. Today, some states still retain the title of Selectman for members of their city councils.

As cities grew and the need arose to provide a greater level of urban services, more and more people were needed to administer them. This led to the "long ballot" election in which many candidates vied for the right to run certain city departments.

A movement emerged advocating a "short ballot" so that voters could be more informed about the various candidates for local office. Over time, some cities adopted a ward system to elect members of a common council. The voters in each ward would have fewer decisions to make, but there was still many people elected to the city council. Chicago, for example, has council members elected from 50 separate wards.

The **Weak Mayor** system is found primarily in small towns that do not have the organizational structure for a manager. In this system council members handle both the policy and administrative operations of various city departments, while the Mayor presides at meetings and is the ceremonial face of city government. The collective council has relatively limited influence since the individual council members have management authority for their scope of responsibility.

In the **Strong Mayor** form, the roles are essentially reversed. The elected Mayor has management authority for all operations of the city while the council has only limited authority. This system is highly dependent on the management skills of the person in the Mayor's office. Depending on the administrative qualities of the Mayor, this system can either function smoothly or be a virtual train wreck. And, it changes each time someone new comes into the office. Under the strong mayor form, the government can be no more effective than the individual that currently occupies the office.

The **Commission** form offers yet another variation. In this system, individual council members are elected to direct the operations of various city departments as "commissioners." In a few commission cities, the mayor assigns council members to head various city bureaus. Depending on a council member's relationship with the Mayor, they may either get a desirable assignment such as the Police, Fire or Parks Bureaus, or they may be assigned less glamorous functions such as the Sewer or Solid Waste Departments.

A common weakness among all these forms of municipal government is that the quality of leadership and management is highly dependent on the skills of those elected to office. These systems also are highly susceptible to political and financial influence. One's relationship to the Mayor or to various groups such as developers, financiers and unions can be extremely influential in determining assignments rather than an objective evaluation of one's operational skills.

These systems also fail to separate the important functions of policymaking from administration. The Mayor and council are put in the position of developing policy positions and being responsible for operational implementation. It is rare to find elected officials who have the training and experience to handle the administrative tasks of local government.

### **COUNCIL-MANAGER FORM**

The **Council-Manager** form of local government (cities, towns, and counties) creates a bright line between the adoption of municipal policy and the administrative or operational functions of city staff. Under the council-manager form, elected officials on the council are ultimately responsible for making the policy decisions about city functions, budgets, tax rates, planning and zoning, general plans, long- and short-range city goals, contract approvals, etc. They receive information and recommendations from the city manager and generally oversee the performance of city government. They also are the link between citizens in the community and their local government. All governmental authority resides with the council as a body of elected officials.

The council works with a professionally trained manager or administrator to develop policy positions, and then delegates to the manager the responsibility to carry out their decisions. The manager does not set or make policy decisions but is primarily responsible for making policy recommendations and for carrying out the decisions of the council.

The manager and his or her management team have responsibility for hiring and firing personnel, for managing city operations within the council-approved budget and for implementing the various day-to-day services of the city. The manager and his or her staff do the background research on various topics to present the council with objective pros and cons on policy alternatives. They serve at the pleasure of the council and can be dismissed at any time with the vote of a majority of its members.

The council-manager form of government is unique to local government, but it is like the Board/Chairman/CEO structure common in private corporations as well as school districts, hospitals, and non-profit organizations.

For those who question whether "non-elected bureaucrats" should oversee the operations of a unit of government, the council-manager system has generally been shown to be

more financially accountable and more efficient operationally than governments in which the elected officials are also the people in charge of directly managing government services and supervising staff. The system is designed to maximize the strengths of elected officials and local government professionals. It allows elected officials to spend more of their time listening to the concerns of constituents and provides structure to the staff to be able to know that their job duties will be consistent and based on professional standards rather than subject to differing political whims.

The system also diffuses political power among all elected officials so that no one individual—Mayor or council member—can dictate policies of the city, hire, or fire personnel or make changes in the governmental structure. While Mayors can be visionary leaders who help the goals for the city through their personality and "bully pulpit," the Mayor and council's strength is exercised through the will of the voting majority. Any individual council member has very little actual authority.

The impact of an elected official lies in persuading his or her colleagues of the validity of his position, being willing to compromise to gather support and being able to deliver a majority vote. In that way, all council members share in decision-making, bringing their unique background and experience to the group. In American political spheres the majority rules, individuals do not.

### **HISTORY OF COUNCIL-MANAGER GOVERNMENT**

The council-manager structure is one of the products of the Progressive Movement in the United States during the late 19th and early 20th centuries. In general, the movement was a reaction against dominant political bosses and machines, corporate corruption, and monopolies, "robber barons" and oppressive working conditions.

Reformers were successful in making a series of changes to social and corporate institutions as well as introducing several concepts to make government more accountable to the people rather than special interests. Some of the political changes include citizen initiatives, referendum and recall, women's suffrage, direct election of U.S. Senators and the council-manager form of government.

It is generally accepted that the first city manager position was created in Staunton, Virginia, in 1908, although several other communities were also moving in that direction. Today, the council-manager form is the most dominant system of local government, appearing in more than 3,500 U.S. cities and 144 of the 247 largest cities. It is also used in nearly 400 county governments. The City of Phoenix, Arizona, generally believed to be the largest U.S. city with the council-manager form of government, was also one of the first in the nation to adopt the system. It was included as part

of the city charter approved by voters by a margin of nearly two-to-one in October 1913.

The council-manager form has gained widespread acceptance for its attributes of efficiency, professionalism, and predictability for city employees as well as residents. In contrast to the strong mayor system, which has the perception of inviting corruption, the council-manager system separates policymaking from operational processes, and encourages hiring and contracting practices based on objective, measurable standards rather than cronyism and friendship. The city management profession is also set apart by the strong commitment of its members to a uniform code of ethical behavior.

In a December 6, 2009, story in the **Baltimore Sun** headlined, "City's governmental structure encourages official corruption," reporter David B. Levy writes:

*"It is clear that developers and other interest groups perceive—probably correctly—that the best method to gain decisions in their favor is to 'grease' the pathway. Sometimes that grease is pure corruption. More frequently, it is some version of interest peddling that does not quite rise to the level of outright corruption. Either way, it bends governmental decisions away from the public interest and toward the private interest of those doing the greasing." He goes on to say, "The best-managed and cleanest local governments in the United States are not strong-mayor governments; they are council-manager governments."*

Today, cities, towns and counties across the U.S. are continuing to evaluate their local governmental structure. Where there has been limited or no experience with the council-manager form, vigorous public debates usually occur when a proposal to adopt that form is brought to the public or council for a vote. It is not uncommon for those who have no experience with the council-manager form to reject it in favor of the status quo. It is far more unusual for cities that have had the council-manager form to reject it in favor of others.

## LOCAL GOVERNMENT IN ARIZONA

Cities and towns in Arizona are authorized by the Arizona Constitution in Article 13; counties are authorized in Article 12. Both units of local government are subject to statutes enacted by the State Legislature and, as such, are considered political subdivisions of the state.

Cities and towns are voluntary units of government, created by the people who live in the same geographic area and who decide to incorporate. To incorporate as a town in Arizona requires a minimum population of 1,500; a city requires 3,000.<sup>1</sup> Cities may adopt a charter, like a local constitution,

which specifies structural and organizational procedures for the city. Charters are adopted by a vote of the people and any amendments must also be voted on by the people.<sup>2</sup>

There are 19 charter cities in Arizona; all the rest are considered "general law" cities and towns and operate under the authority of the Arizona Revised Statutes. Among other things, charter provisions may: specify the city governmental structure, impose council and mayoral term limits, prescribe how various administrative departments are to be organized, or whether voter approval is required to impose certain taxes. The Arizona Constitution describes a charter as being the "organic law" of the city. There are specific procedures for developing and adopting a charter in Article 13, Section 2. In some ways the charter may have the effect of limiting the city government's authority while general law cities and towns may have greater flexibility in implementing some decisions.

A.R.S. §9-303 authorizes cities and towns to adopt the council-manager form of government in local ordinances and specifies that the manager serves at the pleasure of the majority of the council.

Cities in Arizona also have the option of adopting a system of geographic districts called "wards." In this arrangement, voters in a ward select a council member to represent them rather than having all council members elected at large by all voters. In the ward system, only the Mayor is selected at large. In Arizona, all municipal governments except for the City of Tucson are officially non-partisan; candidates for Mayor and council do not run on political party tickets or serve as members of a political party and the council does not formally organize itself into a political majority and minority.

Unlike cities and towns, everyone living in Arizona also resides in one of the 15 counties. County government functions as a delivery system for many state government services such as elections, jails, property tax assessment and collection, courts and healthcare among other items. Counties are restricted in the administrative flexibility they have locally. Counties can exercise only the authority granted to them by statute, whereas cities, under the general laws of the state, can engage in a broad range of activities unless specifically prohibited by statute.

The line between local and state authority is one that is the subject of much dispute, particularly at the State Legislature. Some legislators believe that as political subdivisions of the state, the legislature has the authority to regulate any local matter they choose to be involved in. They see their role as having preeminence over local officials in virtually every matter and claim the ability to override any and all local decisions.

<sup>1</sup> For a more complete discussion of incorporation procedures, see the League publication, "Municipal Incorporation in Arizona."

<sup>2</sup> For a more complete discussion of city charters, see the League publication "Exploring Charter Government for Your City."

This kind of thinking dates to the establishment of "Dillon's Rule" from a ruling by Judge John F. Dillon of Iowa in 1868. Judge Dillon's opinion introduced the parent-child concept and said the authority of local officials is limited only to that which has been officially granted to them by the Legislature or which are indispensable to local operations. His opinion reads in part: "Municipal corporations owe their origin to, and derive their powers and rights wholly from, the Legislature. It breathes into them the breath of life, without which they cannot exist. As it creates, so may it destroy. If it may destroy, it may abridge and control."<sup>3</sup>

A subsequent publication by Dillon argued that states have unlimited power except for those items specifically articulated as being federal responsibilities (see the Tenth Amendment to the U.S. Constitution), but that municipal governments have only power expressly granted to them by the state government. This principle has been reinforced over time by court decisions in a variety of states.

It has been speculated that Dillon may have been influenced in his decision by the fact that there was widespread corruption in late 19th century American local government (as well as state government, it should be noted) and that this opinion may have been his way of bringing some degree of reform to city government. An opposing local government philosophy was expressed by Michigan Supreme Court Judge Thomas M. Cooley in 1871 when he wrote: "[L]ocal government is a matter of absolute right; and the state cannot take it away."<sup>4</sup>

A few decades later in 1912, when the Progressive Movement was at its peak, Arizona became a state and its Constitution, adopted in 1911, became effective. As noted earlier, several components of the Progressive Movement platform, such as initiative, referendum, and recall, were included in the Arizona Constitution, which raises a question. Does the Arizona Constitution follow the line of thinking of Dillon's Rule or is it

more influenced by the line of thinking that authorizes more local decision-making authority?

That question does not have a definitive answer. While some believe the language in the Arizona Constitution leans toward greater flexibility on the part of city governments, Arizona court decisions, like those in other states, tend to tip the scales toward the state Legislature as having preeminence in authority.

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## CITY MANAGEMENT AS A PROFESSIONAL DISCIPLINE

In 1914, the International City Management Association (ICMA) was created to serve as a vehicle for promoting and advancing the council-manager form of government and to serve as a resource for people entering the field of city management. Since then, ICMA has provided a continuing program of technical information, management resources and educational programs to its members. Today, ICMA has more than 9,000 members serving cities, towns and counties across the U.S. and around the world.

3 *City of Clinton v. Cedar Rapids and the Missouri River Railroad, Co.*, 24 Iowa 455, 475 (1868).

4 *People ex rel. Le Roy v. Hurlbut*, 24 Mich. 44, 108 (1871).

5 *City of Tucson v. State*, 229 Ariz. 172, 173-174 (2012) [{"A] home rule city deriving its powers from the Constitution is independent of the state Legislature as to all subjects of strictly local municipal concern." (quoting *City of Tucson v. Tucson Sunshine Climate Club*, 64 Ariz. 1, 8-9 (1945); see also, *State ex rel. Brnovich v. City of Tucson*, 251 Ariz. 45, 48, ¶12 (2021) ("From statehood onward, however, the home rule charter provision has been continuously viewed as providing local autonomy to exercise charter-granted authority over purely municipal concerns while preserving final state legislative authority over matters of joint municipal and statewide concern"); 1912 Ariz. Sess. Laws ch. 11, §4 (1st Spec. Sess.) (implementing the home rule charter provision and providing, in relevant part, that upon a charter's approval, its provisions prevail over conflicting state laws "relating to cities," if the charter does not conflict with laws involving initiatives and referenda "and other general laws of the State not relative to such cities"); *Clayton v. State*, 38 Ariz. 466, 468 (1931) (on motion for rehearing) (stating "[i]f the subject [over which a charter city exercises authority] is of state-wide concern, and the Legislature has appropriated the field and declared the rule, its declaration is binding throughout the state"); *City of Tucson v. Walker*, 60 Ariz. 232, 239 (1943) ("[W]here the legislative act deals with a strictly local municipal concern, it can have no application to a city which has adopted a home rule charter."); *Mayor & Common Council of City of Prescott v. Randall*, 67 Ariz. 369, 371 (1948) (collecting cases establishing "that a charter city is sovereign in all of its 'municipal affairs' where the power...to be exercised has been specifically or by implication granted in its charter"); *State ex rel. Brnovich v. City of Tucson (Tucson IV)*, 242 Ariz. 588, 598 ¶40 (2017) (phrasing the purpose as "render[ing] the cities adopting such charter provisions as nearly independent of state legislation as was possible"). See generally, A.R.S. §9-284 (repeating the substance of the 1912 Act's treatment of conflicts between a charter and state law); Toni McClory, *Understanding Arizona's Constitution*, 178 (2d ed. 2010) ("Arizona's Progressive founders valued local autonomy, so they put constitutional limits on the legislature's ability to interfere with cities and towns. For example, the legislature is expressly prohibited from enacting 'local or special' laws that treat communities individually. Even more importantly, the Progressives encouraged municipal home rule.").

One of ICMA's principal products is its Code of Ethics for municipal managers. The 12-point code was originally developed in 1924. As a condition of ICMA membership, applicants must agree to abide by the ethical tenets and submit to a peer-to-peer review process for any suspected violations. The tenets emphasize the professional, objective standards of city management, prohibit political activities by members, emphasize the ultimate authority of elected officials and warn about any appearance of impropriety or conflict of interest as a breach of the public trust.<sup>6</sup>

Most states also have an affiliate organization of the ICMA. In Arizona, that organization is the Arizona City-County Management Association (ACMA).<sup>7</sup> The ACMA holds two major conferences annually as well as hosting other special meetings and an electronic listserv where members can post questions and receive advice from their Arizona colleagues. ACMA provides valuable information and networking resource for managers, helping them learn the latest and best practices of the city management profession and avoid "reinventing the wheel."

Generally, people entering the city management profession today have completed a Master of Public Administration (M.P.A.) degree program or a closely related field, and many have also completed internships at various local governments prior to seeking full-time employment.

One of the most respected institutions of higher education in the city management field is located right here in Arizona at Arizona State University (ASU). In 2009, the ASU M.P.A. program was listed as one of the best in the nation by U.S. News and World Report, with the ASU School of Public Affairs ranking 25th overall nationally. Based on a survey of more than 250 programs nationwide, ASU ranked sixth in City Management & Urban Policy and eighth in Public Management.

As with many professional disciplines, practitioners often get their start as a chief administrative officer in small or medium size communities, or as a department manager in a larger city. In general, the career track of a city manager progresses from smaller communities to larger urban ones, although many people find professional fulfillment with the lifestyle of a smaller community and prefer to spend their careers in those areas.

The typical city manager has an average tenure with any one community of approximately seven years. Of course, there are instances where managers have been with one city for 20 years or more and others where managers are terminated after only one year.

Because of the high-profile nature of the manager position, they are often the lightning rod for structural problems with

city administration that may or may not have been directly attributable to their position. Since city managers can be dismissed at any time, with or without cause, on the vote of a simple majority of the city or town council, they typically negotiate employment contracts that include severance terms. These contract provisions help terminated managers bridge the income gap until they are hired at another local government. It can frequently take several months to secure a new position, and terminations are usually effective immediately.

Managers are sometimes fired due to a change in political administration and the desire to make a new start in the city's management structure. Due to the volatility in the profession, it is generally not considered a stigma to have been terminated by a community. However, if an individual has a pattern of repeated terminations after relatively short periods of employment, it may indicate an inability to adapt to the delicate relationship of managing a city and staff while still reporting to a body of elected leaders.

To aid communities in identifying people who have a combination of professional training and real-world experience, and to recognize city managers who have excelled in their chosen field, ICMA has developed a credentialing program. The program uses a combination of factors to evaluate candidates on their education, experience, commitment to integrity and ethics, and lifelong learning. Applicants are evaluated through a peer-review process with the title of Credentialed Manager being awarded only by the ICMA Executive Board. There are currently over 1,423 Credentialed Managers in the U.S.

Successful city managers tend to have a wide variety of skills encompassing professional disciplines such as finance & budgeting, personnel/labor management, contracting, planning, project management and forecasting, among others. They also must be excellent communicators with their staffs, community leaders and the public, and be able to articulate the vision they have for their city. They must be adept at time management and in quickly comprehending situations and making wise decisions. Additionally, they must be skilled diplomatically in dealing with a sometimes changing and often volatile mix of personalities on the council and be able to maintain positive relationships with them all. Successful managers tend to avoid the limelight of public attention and give credit to the elected officials for successes of the city.

City management can be a highly rewarding yet also frustrating career. Those who master the job can take great pride in bringing a high quality of life to the communities in which they serve, and in leaving the world a better place than what they found.

<sup>6</sup> The text of the latest edition of the Code of Ethics with Guidelines is found in the Appendix. For more information on the ICMA, visit their website at: ICMA Code of Ethics

<sup>7</sup> <http://www.azmanagement.org/>

## **FUTURE CHALLENGES**

Local government in Arizona is being severely tested by the conflicting pressures of providing an increasing level of effective public services while financial resources are becoming tighter. Revenues from state and local taxes declined sharply starting in the recession of 2006-2007 but citizens continue to demand rapid response times for public safety services, smooth and fully functioning streets and transit systems, trouble-free utilities, and excellence in customer service.

To continue to fulfill their obligations to the residents of cities and towns, municipal leaders introduced innovations such as more electronic and Web-based services, extended service hours during four-day work weeks and reassignment of personnel to high-demand services. In response to diminishing revenues, local governments have instituted hiring freezes, wage freezes or reductions, mandatory furlough days and even layoffs. Government at all levels is being challenged to continue to deliver the full menu of public services even as the resources to provide those services are in serious decline.

While local revenues have begun to recover with the economy, they are still a long way from the high levels of the early 2000s. This is the environment in which today's city, town or county manager are required to function.

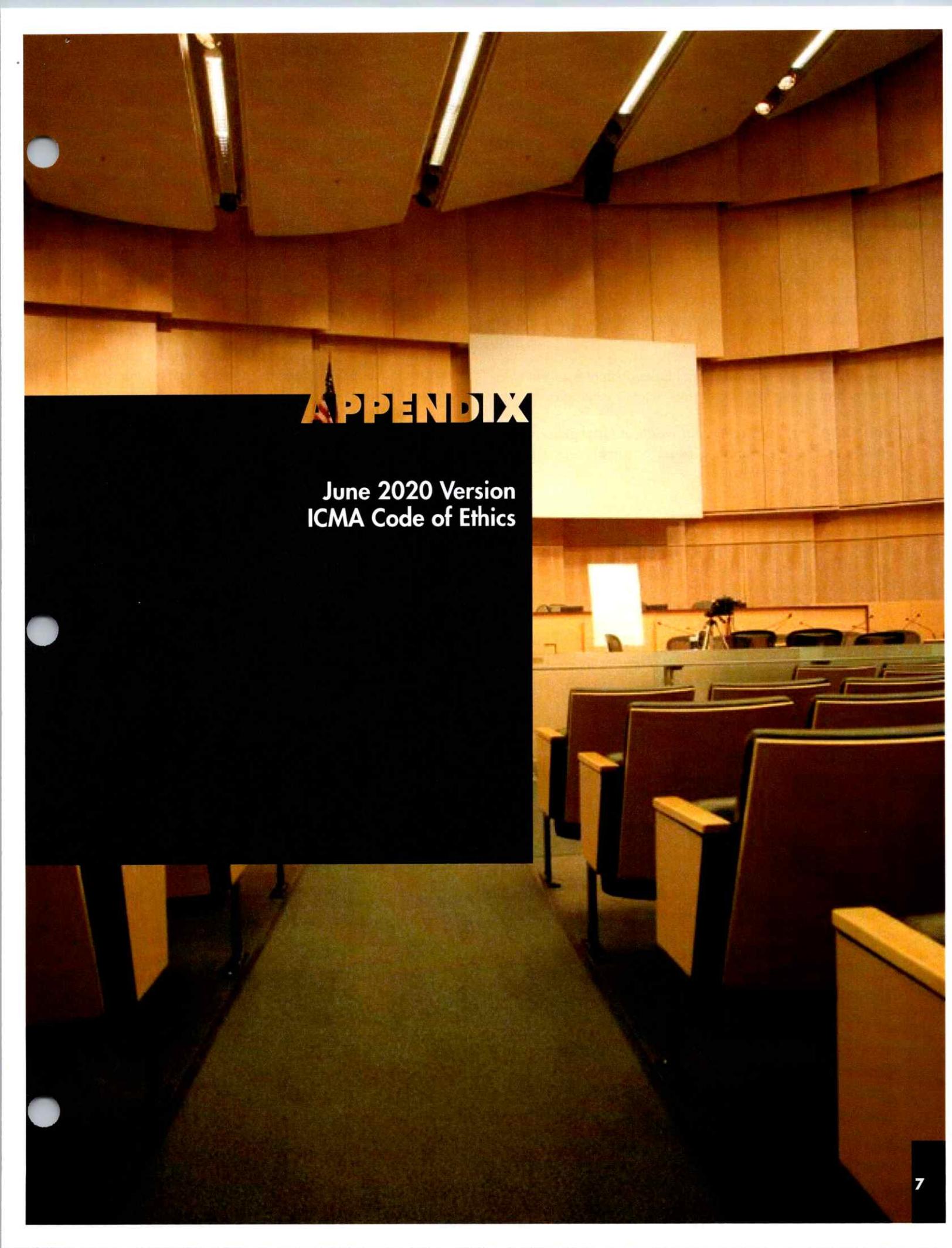
As with generations before who faced unique and daunting challenges, today's managers are required to develop innovative, efficient solutions to continue to carry out their mandate of providing first-rate public services. Combined with a general resistance of the public to support increased taxation, this requires a high degree of creativity, innovation, and courage to forge a new way of doing business.

Today's financial environment may lead to the emergence of practices that will become standard in the future. These may include more privatization of services, consolidation, and cooperation between communities or even the elimination of some items. The State Legislature continues to pass unfunded mandates and greater regulations while at the same time some members call for reducing local revenues. City managers are regularly forced to confront all the forces that affect city revenue and operational capabilities and still develop policy recommendations that continue to preserve our municipal mission within available resources.

As the council-manager form of local government begins its second century of practice, it will remain a model of governmental efficiency, planning, integrity, and service. So long as honest, skilled, and self-sacrificial people choose to make it their profession, the future of our cities is in good hands.

## **NOTES**

Based in part on the booklet, "The Council-Manager Form of Government in Arizona" by the Arizona City Management Association, published by the Morrison Institute for Public Policy and the School of Public Affairs, Arizona State University, 1986.



**APPENDIX**

June 2020 Version  
ICMA Code of Ethics

## ICMA Code of Ethics with Guidelines

The ICMA Code of Ethics was adopted by the ICMA membership in 1924, and most recently amended by the membership in June 2020. The Guidelines for the Code were adopted by the ICMA Executive Board in 1972, and most recently revised in June 2020.

The mission of ICMA is to advance professional local government through leadership, management, innovation, and ethics. To further this mission, certain principles, as enforced by the Rules of Procedure, shall govern the conduct of every member of ICMA, who shall:

**Tenet 1.** We believe professional management is essential to efficient and democratic local government by elected officials.

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

### GUIDELINE

Advice to Officials of Other Local Governments. When members advise and respond to inquiries from elected or appointed officials of other local governments, they should inform the administrators of those communities in order to uphold local government professionalism.

**Tenet 3.** Demonstrate by word and action the highest standards of ethical conduct and integrity in all public, professional, and personal relationships in order that the member may merit the trust and respect of the elected and appointed officials, employees, and the public.

### GUIDELINES

Public Confidence. Members should conduct themselves so as to maintain public confidence in their position and profession, the integrity of their local government, and in their responsibility to uphold the public trust.

Length of Service. For chief administrative/executive officers appointed by a governing body or elected official, a minimum of two years is considered necessary to render a professional service to the local government. In limited circumstances, it may be in the best interests of the local government and the member to separate before serving two years. Some examples include refusal of the appointing authority to honor commitments concerning conditions of employment, a vote of no confidence in the member, or significant personal issues. It is the responsibility of an applicant for a position to understand conditions of employment, including expectations of service. Not understanding the terms of employment prior to accepting does not justify premature separation. For all members a short tenure should be the exception rather than a recurring experience, and members are expected to honor all conditions of employment with the organization.

Appointment Commitment. Members who accept an appointment to a position should report to that position. This does not preclude the possibility of a member considering several offers or seeking several positions at the same time. However, once a member has accepted a formal offer of employment, that commitment is considered binding unless the employer makes fundamental changes in the negotiated terms of employment.

Credentials. A member's resume for employment or application for ICMA's Voluntary Credentialing Program shall completely and accurately reflect the member's education, work experience, and personal history. Omissions and inaccuracies must be avoided.

Professional Respect. Members seeking a position should show professional respect for persons formerly holding the position, successors holding the position, or for others who might be applying for the same position. Professional respect does not preclude honest differences of opinion; it does preclude attacking a person's motives or integrity.

Reporting Ethics Violations. When becoming aware of a possible violation of the ICMA Code of Ethics, members are encouraged to report possible violations to ICMA. In reporting the possible violation, members may choose to go on record as the complainant or report the matter on a confidential basis.

Confidentiality. Members shall not discuss or divulge information with anyone about pending or completed ethics cases, except as specifically authorized by the Rules of Procedure for Enforcement of the Code of Ethics.

Seeking Employment. Members should not seek employment for a position that has an incumbent who has not announced his or her separation or been officially informed by the appointive entity that his or her services are to be terminated. Members should not initiate contact with representatives of the appointive entity. Members contacted by representatives of the appointive entity body regarding prospective interest in the position should decline to have a conversation until the incumbent's separation from employment is publicly known.

Relationships in the Workplace. Members should not engage in an intimate or romantic relationship with any elected official or board appointee, employee they report to, one they appoint and/or supervise, either directly or indirectly, within the organization.

This guideline does not restrict personal friendships, professional mentoring, or social interactions with employees, elected officials and Board appointees.

Influence. Members should conduct their professional and personal affairs in a manner that demonstrates that they cannot be improperly influenced in the performance of their official duties.

Conflicting Roles. Members who serve multiple roles—either within the local government organization or externally—should avoid participating in matters that create either a conflict of interest or the perception of one. They should disclose any potential conflict to the governing body so that it can be managed appropriately.

Conduct Unbecoming. Members should treat people fairly, with dignity and respect and should not engage in, or condone bullying behavior, harassment, sexual harassment or discrimination on the basis of race, religion, national origin, age, disability, gender, gender identity, or sexual orientation.

**Tenet 4.** Serve the best interests of the people.

## **GUIDELINES**

Impacts of Decisions. Members should inform their governing body of the anticipated effects of a decision on people in their jurisdictions, especially if specific groups may be disproportionately harmed or helped.

Inclusion. To ensure that all the people within their jurisdiction have the ability to actively engage with their local government, members should strive to eliminate barriers to public involvement in decisions, programs, and services.

**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.

## **GUIDELINES**

Elections of the Governing Body. Members should maintain a reputation for serving equally and impartially all members of the governing body of the local government they serve, regardless of party. To this end, they should not participate in an election campaign on behalf of or in opposition to candidates for the governing body.

Elections of Elected Executives. Members shall not participate in the election campaign of any candidate for mayor or elected county executive.

Running for Office. Members shall not run for elected office or become involved in political activities related to running for elected office, or accept appointment to an elected office. They shall not seek political endorsements, financial contributions or engage in other campaign activities.

Elections. Members share with their fellow citizens the right and responsibility to vote. However, in order not to impair their effectiveness on behalf of the local governments they serve, they shall not participate in political activities to support the candidacy of individuals running for any city, county, special district, school, state or federal offices. Specifically, they shall not endorse candidates, make financial contributions, sign or circulate petitions, or participate in fund-raising activities for individuals seeking or holding elected office.

Elections relating to the Form of Government. Members may assist in preparing and presenting materials that explain the form of government to the public prior to a form of government election. If assistance is required by another community, members may respond.

Presentation of Issues. Members may assist their governing body in the presentation of issues involved in referenda such as bond issues, annexations, and other matters that affect the government entity's operations and/or fiscal capacity.

Personal Advocacy of Issues. Members share with their fellow citizens the right and responsibility to voice their opinion on public issues. Members may advocate for issues of personal interest only when doing so does not conflict with the performance of their official duties.

**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.

## **GUIDELINES**

Self-Assessment. Each member should assess his or her professional skills and abilities on a periodic basis.

Professional Development. Each member should commit at least 40 hours per year to professional development activities that are based on the practices identified by the members of ICMA.

**Tenet 9.** Keep the community informed on local government affairs; encourage communication between the citizens and all local government officers; emphasize friendly and courteous service to the public; and seek to improve the quality and image of public service.

**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.

## **GUIDELINE**

Information Sharing. The member should openly share information with the governing body while diligently carrying out the member's responsibilities as set forth in the charter or enabling legislation.

**Tenet 11.** Handle all matters of personnel on the basis of merit so that fairness and impartiality govern a member's decisions, pertaining to appointments, pay adjustments, promotions, and discipline.

## **GUIDELINE**

Equal Opportunity. All decisions pertaining to appointments, pay adjustments, promotions, and discipline should prohibit discrimination because of race, color, religion, sex, national origin, sexual orientation, political affiliation, disability, age, or marital status.

It should be the members' personal and professional responsibility to actively recruit and hire a diverse staff throughout their organizations.

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

## **GUIDELINES**

Gifts. Members shall not directly or indirectly solicit, accept or receive any gift if it could reasonably be perceived or inferred that the gift was intended to influence them in the performance of their official duties; or if the gift was intended to serve as a reward for any official action on their part.

The term "Gift" includes but is not limited to services, travel, meals, gift cards, tickets, or other entertainment or hospitality. Gifts of money or loans from persons other than the local government jurisdiction pursuant to normal employment practices are not acceptable.

Members should not accept any gift that could undermine public confidence. De minimus gifts may be accepted in circumstances that support the execution of the member's official duties or serve a legitimate public purpose. In those cases, the member should determine a modest maximum dollar value based on guidance from the governing body or any applicable state or local law.

The guideline is not intended to apply to normal social practices, not associated with the member's official duties, where gifts are exchanged among friends, associates and relatives.

Investments in Conflict with Official Duties. Members should refrain from any investment activity which would compromise the impartial and objective performance of their duties. Members should not invest or hold any investment, directly or indirectly, in any financial business, commercial, or other private transaction that creates a conflict of interest, in fact or appearance, with their official duties.

In the case of real estate, the use of confidential information and knowledge to further a member's personal interest is not permitted. Purchases and sales which might be interpreted as speculation for quick profit should be avoided (see the guideline on "Confidential Information"). Because personal investments may appear to influence official actions and decisions, or create the appearance of impropriety, members should disclose or dispose of such investments prior to accepting a position in a local government. Should the conflict of interest arise during employment, the member should make full disclosure and/or recuse themselves prior to any official action by the governing body that may affect such investments.

This guideline is not intended to prohibit a member from having or acquiring an interest in or deriving a benefit from any investment when the interest or benefit is due to ownership by the member or the member's family of a de minimus percentage of a corporation traded on a recognized stock exchange even though the corporation or its subsidiaries may do business with the local government.

Personal Relationships. In any instance where there is a conflict of interest, appearance of a conflict of interest, or personal financial gain of a member by virtue of a relationship with any individual, spouse/partner, group, agency, vendor or other entity, the member shall disclose the relationship to the organization. For example, if the member has a relative that works for a developer doing business with the local government, that fact should be disclosed.

Confidential Information. Members shall not disclose to others, or use to advance their personal interest, intellectual property, confidential information, or information that is not yet public knowledge, that has been acquired by them in the course of their official duties.

Information that may be in the public domain or accessible by means of an open records request, is not confidential.

Private Employment. Members should not engage in, solicit, negotiate for, or promise to accept private employment, nor should they render services for private interests or conduct a private business when such employment, service, or business creates a conflict with or impairs the proper discharge of their official duties.

Teaching, lecturing, writing, or consulting are typical activities that may not involve conflict of interest, or impair the proper discharge of their official duties. Prior notification of the appointing authority is appropriate in all cases of outside employment.

Representation. Members should not represent any outside interest before any agency, whether public or private, except with the authorization of or at the direction of the appointing authority they serve.

*Endorsements. Members should not endorse commercial products or services by agreeing to use their photograph, endorsement, or quotation in paid or other commercial advertisements, marketing materials, social media, or other documents, whether the member is compensated or not for the member's support. Members may, however, provide verbal professional references as part of the due diligence phase of competitive process or in response to a direct inquiry.*

*Members may agree to endorse the following, provided they do not receive any compensation:*

- (1) books or other publications;*
- (2) professional development or educational services provided by nonprofit membership organizations or recognized educational institutions;*
- (3) products and/or services in which the local government has a direct economic interest.*

*Members' observations, opinions, and analyses of commercial products used or tested by their local governments are appropriate and useful to the profession when included as part of professional articles and reports.*

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