Ethics in Planning

Legal Issues Workshop

Oregon Chapter of the American Planning Association

December 2, 2011
Panelists

Dave Siegel, FAICP
Past-President, American Planning Association
Planning Team Leader, Otak

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AICP Region V Commissioner
Director of Land Use Planning and Development, PeaceHealth

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OAPA Ethics Chair
Long Range Planning Manager, City of Lake Oswego, OR
Purpose

● Review AICP Code of Ethics in context with other professions

● Review and “vote” on ethics scenarios

● Discuss a variety of ethical issues planners face

● Have fun (or at least stay awake)
AICP Code of Ethics and Professional Conduct

Aspirational principles

Rules of conduct

Procedural provisions
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.
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.
Select Rules

• We shall not accept an assignment that we know to be illegal or in violation of rules

• We shall not deliberately fail to provide adequate, timely, clear and accurate information on planning issues

• 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
Ethical Principles in Planning
(Adopted May 1992)

● ...a guide to ethical conduct for all who participate in the process of planning as advisors, advocates and decision makers.

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

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

● APA members who are practicing planners continuously pursue improvement in their planning competence as well as in the development of peers and aspiring planners.
Principles to Which We Aspire

... principles that constitute the ideals to which we are committed. We shall strive to act in accordance with our stated principles. However, an allegation that we failed to achieve our aspirational principles cannot be the subject of a misconduct charge or be a cause for disciplinary action.
Ethical Scenarios and Voting

Procedures:

- Panelist introduces the scenario
- Matt provides voting instructions
- Audience members use cell phones to text their votes
- For each scenario, the text will be sent to this number: **22333**
- The body of the text message will be a six-digit number that varies with each scenario/answer
Test Poll: How Many Kids Do I have?

Enter **22333** for the text message destination

Enter a code for your response:

A. 0 – enter **248040**
B. 1 – enter **230224**
C. 2 – enter **230225**
D. More – enter **230226**
E. Can’t remember – enter **230227**

Send your text message
How many kids do I have?

Start this poll to accept responses

- 0: 45%
- 1: 15%
- 2: 25%
- More: 8%
- Can't remember: 8%

Total Results: 40
Two planners work together at a private developer for several years before both joining the planning department in a large city. After two years at the department, one of the planners returns to private sector development.

Ethics Scenario #1: Just when I thought I was out...they pull me back in.
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How does this change the personal and professional relationship of the two planners?

A. Public sector planner selects restaurant; private sector planner picks up tab.

B. No longer “business as usual.”

C. Private sector planner in front of the counter; public sector planner behind counter.
Ethics Scenario #1:
Just when I thought I was out...they pull me back in.

Enter 22333 for the text message destination

Enter a code for your response:

A. There is no “free lunch” – enter 229426

B. No longer “business as usual” – enter 229427

C. “Access pass” revoked – enter 229428

Send your text message
Scenario #1. Just when I thought I was out...they pull me back in.

- **A. There is no “free lunch”** 2%
- **B. No longer “business as usual.”** 34%
- **C. “Access pass” revoked** 63%

Start this poll to accept responses

Total Results: 41
Ethics Scenario #2: Come to the dark side. We have cookies.

You are a public sector planner working with a consulting firm in your community on a redevelopment plan. After several weeks, based on the quality of your work, the head of the firm offers you a position within the firm.
Ethics Scenario #2: Come to the dark side. We have cookies.

*Are there ethical considerations that would prevent you from accepting this position?*

A. You get what you pay for.

B. Now you can represent both public and private perspectives!

C. Provide full disclosure and civic responsibility.
Enter **22333** for the text message destination

Enter a code for your response:

**A.**  *The beauty of capitalism – enter 229623*

**B.**  *The beauty of bipartisanship – enter 229630*

**C.**  *The beauty of moral philosophy – enter 229631*

Send your text message
Scenario #2. Come to the dark side. We have cookies.

A. The beauty of capitalism
   - 5%
B. The beauty of bipartisanship
   - 2%
C. The beauty of moral philosophy
   - 93%

Total Results: 43
Ethics Scenario #3: Motor City Madness

As part of an update to its TSP, the city of Motor City is about to adopt a new bike and pedestrian plan. During open houses on the plan, a vocal group of senior citizen activists oppose the plan stating that it is waste of money and will increase taxes, negatively impacting those on a fixed income. Besides they say, “no one in Motor City walks or bikes anyway.” After working on the plan for almost a year, Motor City planner Lance Walker is concerned the plan may be rejected by City Council. To help avoid this, Lance directly contacts all the bicycle and pedestrian advocacy groups in the area, urging them to come to the hearing and testify in support of the plan.
Ethics Scenario #3: Motor City Madness

Did Lance make an ethical faux pas?

A. No worries – Everybody can come to the hearing and testify and besides a bicycle and pedestrian plan will help create a more sustainable community.

B. Yes – there is an ethical problem - no group should get special treatment.

C. It depends on what other advertising and publicity has occurred.
Vote on Scenario #3: Motor City Madness

Enter 22333 for the text message destination

Enter a code for your response:

A. No worries, bike on – enter 229684

B. No special treatment here – enter 229686

C. It depends – enter 229696

Send your text message
Scenario #3. Motor City Madness

Start this poll to accept responses

A. No worries, bike on 7%
B. No special treatment here 50%
C. It depends 43%

Total Results: 46
Ethics Scenario #4: Partying with the Claus

You are a local planner in North Pole, Alaska. Claus Toyworks has invited you to its annual Christmas party. They’ve invited everybody in town – sled suppliers, feed store owners, the mayor, etc. You hear it’s an awesome event – lots of costumed elves, high octane eggnog and cool party favors. You also understand that the company is getting ready to submit a proposal to the City for a land use permit to expand the Claus manufacturing and distribution facility, including encroaching into a tundra/wetlands area.
Ethics Scenario #4: Partying with the Claus

Should you attend the party or will it be another night at home alone with a TV dinner?

A. You better not go; old Mr. Claus might ply you with hot toddies and talk you into going easy on his permit application.

B. Party on; there’s no problem if everyone in town is going to be there. Go for it.
Vote on Scenario #4: Partying with the Claus

Enter 22333 for the text message destination

Enter a code for your response:

A. *Stay home with the TV dinner – enter* 229759

B. *Party on – enter* 229761

Send your text message
Scenario #4. Partying with the Claus

- A. Stay home with the TV dinner: 42%
- B. Party on: 58%

Total Results: 43
Ethics Scenario #6: The Fruitcake Dilemma

In our small city (66,000), the holiday season always results in candy, cookies, cheese and crackers, etc. being given to the planning and building staff. We accept these and share with all staff. They are never accepted by individuals. To reject them would be awkward as we are trying to heal past wounds with the community from bad planning and decision practices.
Ethics Scenario #6: The Fruitcake Dilemma

From an ethical perspective, is this OK?

A. Yes, unless the gift is a fruitcake.

B. No, unless we’re talking Jack Daniels.

C. Yes, as long as the gift is shared by the entire staff.
Enter 22333 for the text message destination

Enter a code for your response:

A. *No fruitcakes, nuts or goobers, thank you!* – enter 229851

B. *I’ll toast to that!* – enter 229853

C. *Everybody gets some.* – enter 229854

Send your text message
Scenario #6. The Fruitcake Dilemma

- A. No fruitcakes, nuts or goobers, thank you! 6%
- B. I’ll toast to that! 17%
- C. Everybody gets some. 77%

Total Results: 35
Ethics Scenario #7: Not in Back of My Backyard

One of your planning commission members lives adjacent to a site proposed for the new Shady Acres subdivision. Shady Oaks Drive, a proposed four-lane arterial built to access the subdivision, will be just 50 feet from her back fence. At the start of the hearing, the commissioner recuses herself from participation in the planning board review process. However, ten minutes later she takes the microphone as a neighboring property owner and denounces the subdivision and new road as a potential blight on the community.
Ethics Scenario #7:
Not in Back of my Backyard

Is this acceptable or does she have to refrain from taking any public position?

A. It’s fine; she has every right to slam the project just like any other irate naysayer.

B. It’s not OK; everyone knows she is a planning commissioner and that her opinion carries a lot of weight because of that. She should have kept quiet.

C. Don’t know/gray area.
Vote on Scenario #7: 
Not in Back of my Backyard

Enter 22333 for the text message destination

Enter a code for your response:

A. It’s a free country – enter 229978

B. Gotta keep quiet – enter 229979

Send your text message
Scenario #7. Not in Back of my Backyard

Start this poll to accept responses

A. It’s a free country  43%

B. Gotta keep quiet  57%

Total Results: 28
Thank you!

For more information about ethics for planners, consider:

*Everyday Ethics*, 2002, Carol D. Barrett, FACIP
http://www.planning.org/ethics/

*APA Ethics Toolkit*, APA web site,

Copy of this presentation to be available on OAPA web site soon,
http://www.oregonapa.org/