

Planning Ethics and the Public Interest, 2009

Presented at MnAPA Conference by:
Prof. Tony Filipovitch, Ph.D.
Minnesota State Univ., Mankato, MN 56001
tony@mnsu.edu

Planning Ethics and the Public Interest: An AICP Professional Development Workshop

Outline of Workshop

- Introductions: New 2005 AICP Code of Ethics, Purpose of Code, Source of Ethical Principles
- Comparison of the “Old” and “New” AICP Code of Ethics
- Case Studies

Introductions

- Attendees: AICP? Public vs. Private?
- Reason for new 2005 Code of Ethics:
Dated?
Enforcement?
- Purpose for Code of Ethics:
(1) Regulation of professional behavior
(2) Aspirational
- Sources of ethical principles:
(1) Society,
(2) Planning practice

AICP CODE OF ETHICS: 1978 (“old”) vs. 2005 (“new”) VERSIONS

“Old Code” emphasized a unified set of responsibilities.

The “Old Code” was idealistic in promoting general principles such as:

- “the planner’s primary obligation is to serve the public interest,”
- the planner should seek to expand choice especially for underrepresented groups,
- planners should recognize the comprehensive and long range nature of planning decisions
- Planners should support citizen participation in planning

The “Old’ AICP Code of Ethics

Related to general principles, the “Old Code” identified a set of behaviors that represented good planning practice such as:

- Avoid conflict of interest
- Do not accept or seek favors
- Respect confidential information
- Provide access to public planning reports

Criticisms of the Code related to vagueness of principles which made them difficult to enforce

“New” AICP Code of Ethics

In 2005, AICP amended the Code of Ethics by substantially restructuring it. The new code consists of 3 sections:

- Section A is a set of aspirational principles which, while important, cannot be the subject of a misconduct charge
- Section B is a set of rules of conduct which, if violated, can result in misconduct charge.
- Section C describes the procedures by which planner’s misconduct can be investigated and prosecuted.

Differences between “Old” and “New” AICP Code of Ethics

- Deemphasis of planning principles as enforceable provisions of Code. While statements such as “primary obligation of planner is to serve public interest” still remain in the “new” Code, this principle, along with related responsibilities (e.g. social justice, preserve natural environment) can no longer be reason for misconduct charge.

Differences (cont.)

- Emphasis of enforcement of “new” code is on rules of conduct such as: (1) providing clear and accurate information; (2) disclose any conflicts of interest related to employment; (3) do not accept favors from others; (4) do not disclose information obtained from client except when required by law or to prevent injury to public interest; (5) do not misstate qualifications or accept work beyond competence; (6) do not coerce planners to conduct analysis not supported by evidence

Case Studies (1)

The county council is considering an ordinance that would drastically increase the water and sewage fees for rental units. The county's housing planner has analyzed the proposal and feels that the proposed fees are excessive because the amount of water consumed by apartment units is far less than that of single-family houses. The planner also feels the rate hikes will exacerbate the county's existing rental housing shortage by encouraging the conversion of rental units to condominiums.

The planner prepares a staff report that recommends that the revised fee structure not be approved. However, the planner does not declare a potential conflict of interests, even though her husband owns a small rental property.

Was the behavior of the planner who prepared the staff report ethical?

Case Studies (2)

The staff of a state planning agency is reviewing a development proposal. Most of the data it has assembled show the project in an unfavorable light. The state's policy is that all working files should be open to the public, but the staff planners are concerned about releasing information in a piecemeal fashion because it could be misconstrued.

The president of a citizens group opposed to the project has requested an appointment to see the file. The president has also stated her intention to seek the state's help in organizing opposition to the project. The state's director of planning decides to remove the single most critical document and keep it in his desk for "further study" during the time when the leader of the citizens group is reviewing the file.

Was the behavior of the planner who edited the file ethical?

Case Studies (3)

A city planner writes a letter to the editor of a local newspaper. The letter compliments the county's planning commission on its refusal to approve a rezoning request that would have allowed further industrial development. The planner signs the letter with his name and home address only. The city's planning director agrees with the planner's conclusions and even notes that the comments expressed are of a professional, not a political, nature.

The letter to the editor provokes behind-the-scenes activity in which pressure is put on the planning director to fire the planner. The director refuses. Instead, he inserts a memo in the office file listing several "legitimate vehicles"—going to meetings and giving speeches—through which staff planners can express themselves publicly. The planner also is told to use more discretion in the future and never to sign his own name to such a letter.

Was the behavior of the planner who wrote the letter ethical?

Case Studies (4)

Several city planners oppose a freeway system plan that was adopted by a regional planning agency. They contend that the original staff plan has been emasculated and that the final product discredits the profession.

The city's planning director, who supports the freeway system plan, refuses to allow her staff to express public opposition to the plan, either as professionals or as citizens. She threatens to fire any planners who disobey her orders in this matter.

The planners draft a statement for presentation at the local APA chapter meeting, but then receive word from a reliable source that pressure will be put on the planning director to fire them if such a statement is presented. Fearing for their jobs, the planners do not make any statements in opposition to the freeway system. But they do tell the local APA chapter, at a meeting attended by the director, that they have been forbidden from taking a public position on the freeway system plan.

Was the behavior of the planning director in threatening to fire her employees ethical?

Case Studies (5)

A small city of 25,000 on a lovely lake is being wooed by several hotel entrepreneurs. In evaluating the various proposals, the city's planning staff has been asked for information about the number and types of jobs to be made available and, also, how many of these jobs would be targeted to city residents.

In reviewing the data submitted, the staff notices that the jobs are segregated by sex. For example, women are to be employed in the coffee shops as waitresses and men are to work in the main restaurant as waiters.

A member of the planning staff meets with a planning commissioner to discuss this matter, and the commissioner volunteers to contact the developer and challenge the hotel's policies. A debate develops among the planners, with some arguing that the management of the hotel is outside the purview of their responsibilities.

Was the behavior of the planner who contacted the commissioner ethical?

Case Studies (6)

A regional planner who worked on a wetlands preservation study gives certain findings to an environmental group, without receiving authorization from the director of the agency. The planner took his action because he felt the director had purposely left out of the study report those findings that did not support the agency's official policies. The findings that were deleted had been well documented.

Was the behavior of the planner who released the information ethical?