

# **Ethics Case of the Year 2014:**

## ***Murphy Mountain Wants a Plan for its Birthday***

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3/12/15, Denver Colorado

## Advice on Conduct: Please Note

This session has been created to provide general education regarding the AICP Code of Ethics.

Though examples, sample problems, and question and answer sessions are an important part of illustrating application of the code's provisions, all certified planners should be aware that "Only the Ethics Officer [Chief Executive Officer of APA/AICP] is authorized to give formal advice on the propriety of a planner's proposed conduct." (AICP Code of Ethics, Section C3).

If you have a specific question regarding a situation arising in your practice, you are encouraged to seek the opinion of the Ethics Officer.

APA

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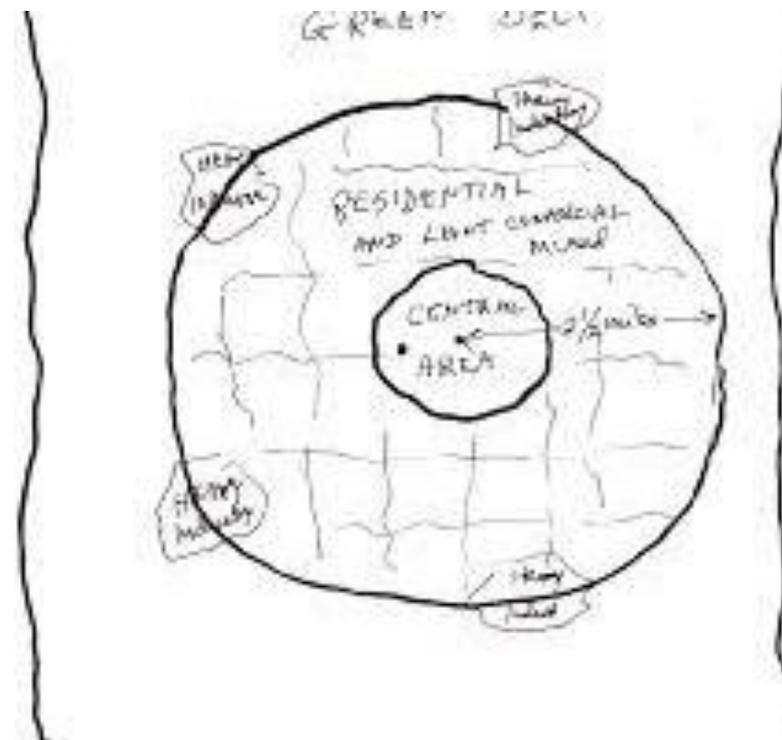
- Murphy Mountain is excited to celebrate it's 300<sup>th</sup> birthday
- Former mill town, bucolic setting, tradition of good governance, new four-season tourism



## To Grow or Not to Grow?

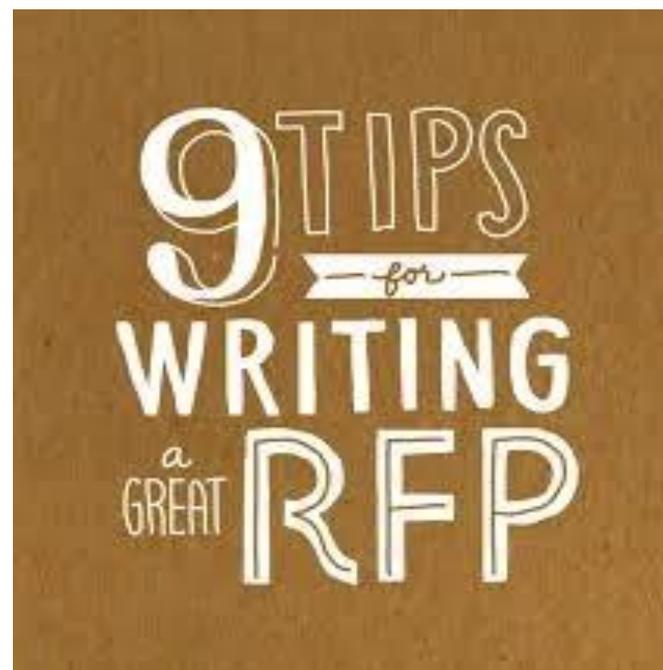
- Former mill town
- Enjoying prosperity
- Liberal arts college
- Sensitive land protection
- Bedroom community

- “Mountain Planning, Inc.” has been on retainer many years.
- Decision to create first plan with slow growth objective leads to hiring first full-time town planner



# Scenario 1: The Master Plan RFP

## No problems anticipated



## The Players

- Tom Town Manager, ICMA CM
- Patricia Town Planner, AICP
- Angela Town Attorney, AICP

## The Deadlines



**WARNING:**  
**DEADLINES**  
**ARE CLOSER**  
**THAN THEY**  
**APPEAR**



- June 1 Issue RFP
- July 1 Submittal
- August 1 Proceed
- September 30 of following year—  
Adopt on 300<sup>th</sup>  
birthday

## The Issues

- Angela Attorney: Mountain Planning may have conflict
- Town Councilor intervening on behalf of Next Village, two person firm
- Timely completion of plan

## Discussion Question:

- *How might the AICP Code provide guidance to the Town Planner on all of these issues as she and the town move forward with its ambitious planning effort?*

## Scenario 2. Let the Fun Begin



## The Issues

- Mountain Planning owner (FAICP) upset; may file ethics charge
- Angela Attorney correct position?
- Is contract wired?
- Allegations that Next Village founder's resume fabricated

## Discussion Question:

- *What are the ethical considerations for each of these three AICP planners and the ICMA Manager at this point in the process?*

## Scenario 3: Selection Process



## The Issues

- Tom Manager rejects Angela Attorney advice re: Mountain Planning
- Town Councilors and Planning Board members invited to submit questions to selection team
- Selection team: Patricia Planner (chair), Angela Attorney, Local College's Dean of Students.
- Final Decision: Town Manager

## The Issues

- 12 proposals
- Mountain Planning, NextVillage, a national firm and Valley A+E selected for interviews



## Discussion Question:

- *What questions might be appropriate in the interview, given the situation as well as the guidance and rules found in the Code of Ethics?*

## Scenario 4: Planning Process Begins



**AND THE  
WINNER IS...**

NextVillage, with  
Mountain Planning  
as a subcontractor.

## And We're Off...After a Short Delay

- Principal is full time faculty
- Use of design studio
- Students as meeting facilitators



## Next Steps for NextVillage

- Innovative use of social media
- Principal pulls together both student efforts

## Discussion Question:

- *Are there Code provisions that should be of concern to any of the AICP planners involved in this process as it has been designed through the fall?*

## **Scenario 5: Planning Process Hits Some Bumps**

- Stakeholder meetings in December and January
- Form based overlay
- Use of graduate design studio
- Patricia Planner emerges as educator and advocate

# Opposition

- Sensitive lands
- Downzoning = takings
- Complete streets
- New “village” location



## What's Next?

- Patricia Planner has faith in design studio
- Tom Manager meets with Mountain Planning--alone



## Discussion Question:

- *Are these just the usual planning complexities or might there be ethical concerns as well?*

## Scenario 6: Tensions Rise

- Master Plan behind schedule
- Not acceptable quality work
- Tom Manager meets with Mountain Planning alone-- again



# Manager Takes Matters Into His Own Hands

- Public meeting goes poorly
- Tom Manager summons Mountain Planning, NextVillage, Angela Attorney and Patricia Planner
- Reassigns majority of work to Mountain Planning and makes fee adjustments

## Manager Tells Planner: Get It Done

- Must meet September 1 deadline
- Bring all plan elements together



## Discussion Questions:

- *With the target approval date only 120 days away, a project that might damage the credibility of planning in Murphy Mountain and put a damper on the birthday celebration, the questions are: Should other steps be taken now? Are there ethical issues?*

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# QUESTIONS & DISCUSSION

*[www.planning.org/ethics](http://www.planning.org/ethics)*