ETHICS

WESTERN PLACES / WESTERN SPACES

DISRUPTION, INNOVATION, AND PROGRESS:

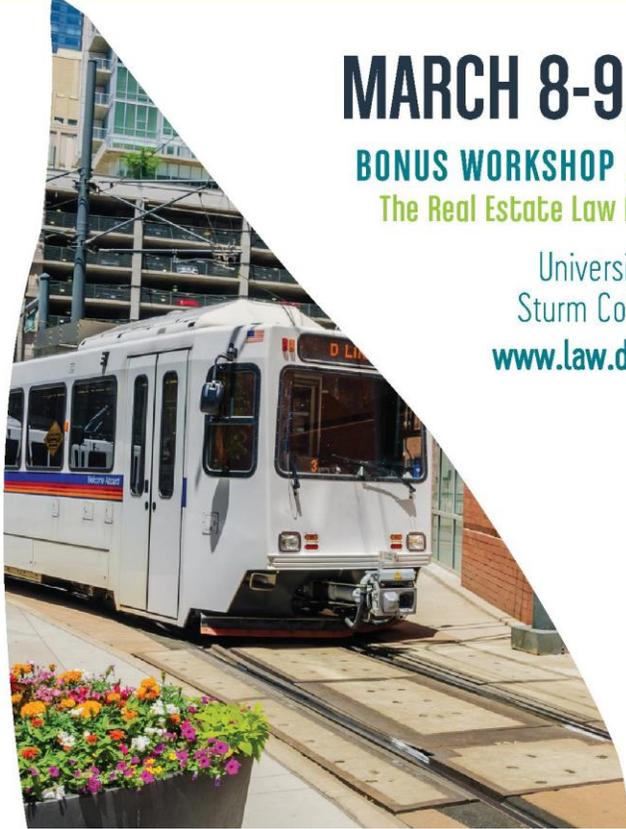## PLANNING FOR AN UNCERTAIN FUTURE

MARCH 8-9, 2018

BONUS WORKSHOP / MARCH 7
The Real Estate Law for Planners

University of Denver
Sturm College of Law
www.law.du.edu/rmlui

RMLUI
ROCKY MOUNTAIN
LAND USE INSTITUTE

125 YEARS
UNIVERSITY *of*
DENVER
STURM COLLEGE OF LAW
125 YEARS OF LEGAL INNOVATION

WESTERN PLACES/WESTERN SPACES:
DISRUPTION, INNOVATION, AND PROGRESS

How do we plan for the future when we don't know what it holds? This is a common dilemma for planners and land use practitioners everywhere. Despite the best-laid plans, new practices or technology can disrupt the entire process. The sharing economy—with the advent of Uber, Lyft, Airbnb, and others—has already made an impact on transportation and housing. Cities are exploring how to become smarter through the use of responsive infrastructure, but question how to integrate this model into the existing city-scape. And with fleets of driverless cars on the horizon, what will this mean for our mobility networks and parking structures?

Disruptive influences impact more than just cities. Landscape managers can now track livestock and grazing, map remote areas, and monitor plant and animal species using drones and GIS mapping. The rise of e-commerce is disrupting both big-box stores and Main Street shops. What additional impacts will drone delivery have on brick-and-mortar retail? And how can rural communities improve their communication and data networks so their residents can also benefit from the smart economy?

In addition to all the change being brought about by technology and innovation, communities also have to contend with the disruptions brought on by natural processes. How do communities embed resilience and adaptation in their long-range planning to address potential impacts caused by climate change, for example, including prolonged droughts, heat waves, and extreme weather events? What adaptive strategies can cities employ to protect public health and safety in the face of extreme weather? How do rural communities manage the risk of wildfire at the wildland-urban interface?

In a world full of disruptions, how do we build infrastructure and craft policies that not only meet our present-day needs, but also have the flexibility to adapt to future scenarios? These questions will help frame our discussions at the 2018 Western Places/Western Spaces conference.

ETHICS

These sessions provide legal and planning professionals with a refresher on the ethical considerations they face in their profession and how to handle them.

WHAT WERE THEY THINKING? AICP ETHICS CASE OF THE YEAR

Join us for an interactive discussion of the 2017–2018 AICP Ethics Case of the Year. Each Ethics Case of the Year paints a complex and interesting set of scenarios that illustrate ethical dilemmas faced by planners working within challenging political arenas, while trying to stay true to their ethical principles. The current Case of the Year is a series of ethical scenarios based on real-life planning issues from the past year. It features seven different "cases" that address such current topics as charitable gifts, incomplete information, plagiarism, social media, and special advantages.

SPEAKERS:

Mary Kay Delk
Principal, MK Peck Associates
Clearwater, FL
Mary Kay Peck, FAICP, is the founding principal of MKPeck Associates. She has developed and managed award winning planning projects, put into action strategic plans and implemented organization-wide improvement systems. Her expertise is in leadership, management, planning and facilitation. Peck serves as an adjunct professor at Saint Petersburg College, teaching an introductory planning course. She is past national president of the American Planning Association and currently serves as President of the APA Foundation Board. For her work in community service and leadership, she has been honored as a Fellow of the American Institute of Certified Planners.

Allison Crump
Transportation Planner, City of Boulder
Boulder, CO
Allison Crump is a Transportation Planner with the City of Boulder, Colorado. She works on a wide range of projects, specializing in comprehensive plans and healthy communities. She received her masters degree in Urban and Regional Planning from UC Irvine, and her bachelor degree in Landscape Architecture from Cal Poly SLO.

OUTLINE:
1. Introductions of Presenters
2. Review AICP code of Ethics
    a. Purpose
    b. Aspirational Principles
    c. Rules of Conduct
    d. Illegal Conduct
3. AICP Ethics Case of the Year
    a. Case Background
    b. Scenario 1: Special Advantages
    c. Discussion re: Facts and Ethical Issues
    d. Scenario 2: Supplemental Salary
    e. Discussion re: Facts and Ethical Issues
    f. Scenario 3: Social Media
    g. Discussion re: Facts and Ethical Issues
    h. Scenario 4: Plagiarism
    i. Discussion re: Facts and Ethical Issues
    j. Scenario 5: Incomplete Information
    k. Discussion re: Facts and Ethical Issues

l.   Scenario 6: Charitable Gifts

m.   Discussion re: Facts and Ethical Issues

n.   Scenario 7: Conference Attendance

o.   Discussion re: Facts and Ethical Issues

4. Questions and Answers

LEARNING OBJECTIVES:

- AICP members will receive 1.5 Certification Maintenance Credits in Ethics, which meets the ethics requirement for a two-year reporting period. .
- Because the Ethics Case of the Year is based on the types of scenarios that planners can face in their daily work, attendees will be better prepared when real life ethical dilemmas occur.
- The advanced nature of the Ethics Case of the Year gives attendees skills to use in everyday situations.

HARD CHOICES: THE ETHICS OF BIG DATA IN LAND USE DECISION-MAKING

The practice of law presents many ethical conundrums because of the very local, and often informal, nature of the work. This session will explore ethical considerations inherent in the collection and use of large data sets to inform and prioritize decision-making. For example, decisions about how data should be sorted or catalogued can lead to biased results. The use of artifical intelligence in autonomous vehicles is also prone to ethical considerations. The panelists will discuss these issues and more.

MODERATOR:

Stephen Miller
Associate Professor, University of Idaho College of Law
Boise, ID
Stephen R. Miller is an Associate Professor of Law at the University of Idaho College of Law. Among his recent projects are a land use law casebook, a book on the sharing economy, a co-edited book of essays on climate change, and a three-year wildfire planning project with the U.S. Forest Service. He has served locally as a planning commissioner and a board member of a neighborhood association. He has served internationally as a land use adviser for OECD and the government of Cambodia. He holds an undergraduate degree from Brown University, a master's degree in city and regional planning from the University of California, Berkeley, and his J.D. from the University of California, Hastings College of Law. He writes the Land Use Prof Blog.

SPEAKERS:

Ann Bowers
Principal, Fehr & Peers Transportation Consultants
Denver, CO
Ann Bowers, Principal and Project Manager in Fehr & Peers' Denver office, has over twenty-five years of comprehensive transportation engineering and planning experience. Ann has a keen understanding of the dynamic between land use and transportation in the often challenging environs of the Greater Metro Denver area and the Rocky Mountain region. Her areas of expertise include the most advanced, state-of-the-practice transportation analysis techniques and working with clients to achieve positive and sustainable transportation solutions that improve communities. This has led her to work with clients as diverse as small landowners, large developers, consulting firms, city agencies, and state and local agencies. Ann is a registered Professional Engineer in Colorado, Utah, Wyoming, and Idaho and is also a certified Professional Traffic Operations Engineer (PTOE).

Steve Miller, AICP
Client Services Director, SAFEbuilt Studio
Loveland, CO
Steve has worked for 25 years in the architecture, engineering and planning industry as city planner, planning consultant, technology business owner, and practice director. He recently joined SAFEbuilt as the Client Services Director to develop and grow the planning services the company provides for its local government clients. Prior to joining SAFEbuilt, Steve was responsible for day-to-day operations at BVH Architecture. He began his career as a public sector city planner in the Kansas City metropolitan area and then became a city planning consultant, where he worked on projects throughout the Great Plains and Mountain West. Steve was one of the founders of MindMixer, an innovative, online community engagement technology company that worked with cities and design firms across the United States, Canada and Australia. Steve has served his community on several boards and committees and he's currently a member of the City of Lincoln (NE) Board of Zoning Appeals.

OUTLINE:
1) Welcome and Introductions
2) BIG Data & Transportation
   a) Lots of questions around Big Data - The big data is still new to the industry – the data from vendors started being available for purchase in 2008. Unlike most of our transportation data that has been fully vetted by the Transportation Research Board (TRB), Institute of Transportation Engineers (ITE), other academic or professional societies that we are used to, this data is coming directly from the vendors. So, we users of the data have had to think hard about the appropriate use and how to protect the data.
   b) Biases in big data – we, the users, have a responsibility to understand the data set and have to ask vendors the right questions. For example, data from minors is not included so travel patterns around high schools or recreation venues that cater to minors will not be accurate. Also, some vendors gather data from in vehicle GPS units. That can be biased to the higher income folks. Also, cell phone data – it isn't clear and vendors have not said which cell phone providers they gather data from but we are led to believe that it is the larger (and often more expensive) providers – Verizon, AT&T, etc. While, some lower income folks might be using less expensive providers like Cricket, etc. Data from those providers may not be included.
   c) How far do we go in answering questions? For example, the vendors are following all of the Federal requirements on privacy, etc. Should we, as Big Data users, hold ourselves to a higher standard? For example, some of the data is available to a very small sample size. If used, we can get very specific information. Even if we can, should we?
3) Basic questions and principles of Big Data Ethics
   a) Privacy as information rules that govern the flow of information
   b) Can shared private information remain confidential?
   c) The importance of transparency
   d) How big data can compromise identity
4) How should lawyers apply these questions and principles in the land use law context
   a) Local government attorneys
   b) Attorneys representing big data software firms in the land use arena
   c) Private developers
5) Law's limitations, and ethics for lawyers advising clients in fast moving areas of law
   a) Law moves slow, and it has struggled to keep up with innovation in urban big data
   b) Lawyers should consider helping clients establish ethical norms into the foundation of their products / adoption of products that anticipate a range of regulatory responses
6) Legal implications
   a) Personal Data Protection Act
   b) Open source data
   c) Informed consent
   d) Transmission of data
7) Wrap-up & Q&A

LEARNING OBJECTIVES:
1. Understanding of how data is used in municipal governance, planning, and transportation
2. Understanding of the ethical obligations in using big data
3. Understanding of the legal obligations in using big data