

Scenario: Public Decision-Making without Public Input

You are a new employee in the County Planning Department. Your assignment is to prepare the department's recommendations for the Capital Improvements Program (CIP). When you received the assignment, the Planning Director told you that all the city agencies submit their requests to the Planning Department where they are assembled. Your job is to review the requests for consistency with adopted plans and policies, and prepare a formal report listing the requests with recommendations. The report will then be sent from the Planning Department, to the Planning Commission, and finally to the County Supervisors for action. Although you have been given no explicit instructions regarding public comment, you assume there will be public hearings before the Planning Commission.

You have been waiting for the list of projects for a couple of days now. While standing at the copy machine one morning, you overhear a conversation and suddenly become aware of an in-house informal review committee that "weeds out" unnecessary requests. You are initially startled mostly because the Director never mentioned the procedure. On the other hand, you tell yourself, this committee must be doing a pretty good job. After all, the other departments aren't squawking. And it certainly gives the Board of Supervisors a more manageable list of projects. You ask how this system evolved and you are told that the Supervisors needed a streamlined process and this scheme was devised.

In a sense, you feel as if the job has been taken away from you and from the Planning Commission. You do wonder about it because there is no public input to the process. Is there a problem?

Ethical Issues: Has an important public planning process been subverted to gain efficiency? Are appropriate people make public policy?

Action Alternatives:

1. There is no problem. You can't have a public hearing on everything or nothing would ever be accomplished. You probably just didn't understand the assignment. You were expecting something to work like a textbook description rather than the real world.
2. There may or may not be a problem. Is the informal committee using reasonable planning standards or dividing the pie according to electoral districts? Find out if good planning rationale, consistent with adopted plans, is being followed.
3. There is a problem because the public and the Commission have been led to believe that the process allows them to comment on all the proposals, not a refined sub-list. Write your report to advise the community that they are looking at an edited version of the original requests made by all the departments.
4. Decide that your director has a lack of confidence in you. Why else would you be given a meaningless task and not be told what you need to know? Consider resigning rather than serving as a "front" for a system in which you have no part.
5. Other.

Commentary: Public Decision-Making without Public Input

Code Citations:

A.3 A planner must strive to provide full, clear, and accurate information on planning issues to citizens and governmental decision-makers.

A.4 A planner must strive to give citizens the opportunity to have a meaningful impact on the development of plans and programs. Participation should be broad enough to include people who lack formal organization or influence.

A.5 A planner must strive to expand choice and opportunity for all persons, recognizing a special responsibility to plan for the needs of disadvantaged groups and persons, and must urge the alteration of policies, institutions, and decisions which oppose such needs.

B. A planner owes diligent, creative, independent and competent performance of work in pursuit of the client's or employer's interest. Such performance should be consistent with the planner's faithful service to the public interest.

B.1 A planner must exercise independent professional judgment on behalf of clients and employers.

B.2 A planner must accept the decisions of a client or employer concerning the objectives and nature of the professional services to be performed unless the course of action to be pursued involves conduct which is illegal or inconsistent with the planner's primary obligation to the public interest.

C. A planner should contribute to the development of the profession by improving knowledge and techniques, making work relevant to solutions of community problems, and increasing public understanding of planning activities. A planner should treat fairly the professional views of qualified colleagues and members of other professions.

Discussion:

Before consulting ethical guides, one must examine the relevant charter of enabling legislation to ensure that no specific or implied requirements for public review are being ignored. If such is the case, the planner should move immediately to inform others of the need to operate in compliance with the law. In this instance, we are assuming that the issue is not one of failing to meet the legal requirements. The public has the right to participate in public decision-making. The Code is quite explicit in urging that planners strive to provide full, clear and accurate information and to give citizens the opportunity to have meaningful impact on the development of plans and programs. However, the Code does not state at what point in the planning process that public participation should occur. In some communities, there is little participation in CIP planning as opposed to setting community goals.

You should first begin with alternative 2 and collect a little more information about the process. Investigate the situation to see if there has been a public participation process in the past. Perhaps you could sit in on a meeting of the review committee and find out if the decisions being

made follow good planning practice and publicly adopted plans. If so, there may be no ethical problems.

If you are not permitted to join the committee or if people are not forthcoming in their responses, you should raise this issue with your supervisor and be prepared to act upon alternative 3. This course of action needs to be undertaken within the context of your responsibilities to fairly treat the views of colleagues. In this case, your newness may mean that you do not understand what is a well understood and completely accepted process. On the other hand, your fresh perspective may be just what is needed to remind the planners of a trap they may have fallen into as they substituted their role for that of the Commissioners in an effort to make the Commissioners' job a little more easy. There are many other ways that community participation can be solicited absent the presentation of a laundry list of capital projects. A "call for projects" could be issued to all the relevant citizen boards and commissions in your community. The Planning Commission meeting at which the CIP report is to be discussed should be advertised. You can suggest these and other alternatives to your director to help structure a more participatory process.

Reject Alternative 4. This is hardly the type of problem that merits resignation. Your newness may mean that you do not understand what is a completely accepted process within your new community. You also may have learned an important lesson in that not all the information you need to do your job will be handed to you. You need to be prepared to gather additional intelligence from your colleagues, files, and other records about how to do your job. Keep in mind that the Code is not the place to seek information about how to "get the hang" of a new job. You should be cautious about jumping to conclusions. A conversation with a more experienced planner can help you work through such circumstances. You could also talk with the Professional Development Officer of your local chapter.

Scenario: Negative Comments about Consultant Work

At a recent national planning conference, you hear some very negative things about the quality of work done for clients by a well known consulting planning firm. Some of the comments are from people who may not have first-hand information. At least one of the critical statements was made directly by a former client. The firm, by coincidence, has now submitted a proposal to do work for your community. You call all of the references supplied by the consultant. They check out fine. What should you do next?

Ethical Issues: How do you make sure that you don't pass on gossip, but do respond to legitimate issues affecting the expenditure of public dollars?

Action Alternatives:

1. You have checked the references and they were fine. The folks you talked to are reasonable and had direct knowledge of the consultant's work. You do not want to appear to be looking to make trouble for yourself or anyone else. You decide no further action is necessary.
2. When spending public money, you have a responsibility to make sure that the public will get the best value. This requires you to be zealous in determining whether there are any reasons for not hiring the consulting firm. After all, consulting firms do not ever list clients who they think might give them a bad reference. You call for references checking with names not on the list provided by the firm.
3. Other

Commentary: Negative Comments About Consultant Work

Code Citations:

C.1 A planner must protect and enhance the integrity of the profession and must be responsible in criticism of the profession.

C.2 A planner must accurately represent the qualifications, views, and findings of colleagues.

C.3 A planner who reviews the work of other professionals must do so in a fair, considerate, professional, and equitable manner.

Discussion:

You want to be fair in your treatment of a colleague while at the same time making sure that you do not engage a consultant who will not be able to fulfill the requirements of the professional services agreement.

Alternative 1 saves you work, but ignores the fact that you have information which affects your confidence in one of the proposers. You would not be in violation of the Code by doing nothing because you would have followed all of your community's standard procedures for hiring. However, you would have failed to be attentive to the aspirational intent of the Code.

Alternative 2 would be the most desirable and is most consistent with the Code requirement to fairly treat the views of a colleague. In this case you wish to treat fairly the views of those who have disparaged the consultant as well as the view of the consultant him or herself. Unless you have specifically stated in your RFP that the only references you will check are those provided by the consultant, you are free to seek out additional information. To be fair, you should mention to the consultant that you will be checking with other colleagues. If you have major unresolved issues as a result of further checking, the consultant should be given an opportunity to respond.