

Scenarios and Discussion Questions

Introduction

This section includes 28 various scenarios. A brief discussion follows each. These vary in format and those towards the end are written more in the style of exam questions than those at the beginning of this section.

Scenario 1

You are a planner in a city that has recently opened a new shelter for homeless people. The shelter opens each evening during the winter and provides a place for people to sleep during the night in dormitory-style rooms with cots. Some community members would like the shelter closed because they feel that the large number of people who congregate on the sidewalks near the shelter as they wait for it to open pose a threat to public safety. Your planning director decides to address these concerns by classifying the shelter as a hotel. The planning director knows that the zoning ordinance specifies that a hotel must provide private sleeping quarters, which the shelter does not. By classifying the shelter as a hotel, the planning director is taking steps to close the shelter based on the ground that it is in violation of the zoning ordinance. What might you do first?

Discussion 1

You might gather additional information about the situation to be sure you fully understand it.

You might find out if alternative locations for the shelter are feasible and if the shelter operators are aware of these alternatives. For example, you might locate a space where people may wait indoors until the shelter opens.

You also might talk to the planning director about the situation so that you understand the reasoning behind the decision. You base your next move on your findings

Scenario 2

You are a planner in a city that has recently opened a new shelter for homeless people. The shelter opens each evening during the winter and provides a place for people to sleep during the night in dormitory-style rooms with cots. Some community members would like the shelter closed because they feel that the large number of people who congregate on the sidewalks near the shelter as they wait for it to open pose a threat to public safety. Your planning director decides to address these concerns by classifying the shelter as a hotel. The planning director knows that the zoning ordinance specifies that a hotel must provide private sleeping quarters, which the shelter does not. By classifying the shelter as a hotel, the planning director is taking steps to close the shelter based on the ground that it is in violation of the zoning ordinance. Suppose you believe that the planning director has assumed a position that is not politically feasible and consequently will be reversed. What might you do?

Discussion 2

You might choose to take no action. However, waiting until a higher authority reverses poor or unethical planning decisions is not the best course of action for a professional planner. Also, remember that a professional planner does have a special responsibility to plan for the needs of the disadvantaged (Ethical Principle 1)

Scenario 3

You are a planner in a city that has recently opened a new shelter for homeless people. The shelter opens each evening during the winter and provides a place for people to sleep during the night in dormitory-style rooms with cots. Some community members would like the shelter closed because they feel that the large number of people who congregate on the sidewalks near the shelter as they wait for it to open pose a threat to public safety. Your planning director decides to address these concerns by classifying the shelter as a hotel. The planning director knows that the zoning ordinance specifies that a hotel must provide private sleeping quarters, which the shelter does not. By classifying the shelter as a hotel, the planning director is taking steps to close the shelter based on the ground that it is in violation of the zoning ordinance. Suppose you have reviewed the situation carefully and believe that the director made an unethical decision. What might you do?

Discussion 3

If the director is a member of the AICP, then you might discuss the situation with the AICP Ethics Officer (Procedures 2 and 3)

You may decide to file a charge of unethical conduct with the AICP ethics Officer (Procedure 5). Beware that this course of action will probably result in a tense work environment and should only be followed after careful consideration.

Scenario 4

You are a newly hired planner involved in the process of preparing a new recreation plan for your community. Your supervisor learns that the City Council is anxious to take action on a recreation plan, and therefore, you are instructed to prepare the plan without scheduling any time for public participation or public comment. What might you do first?

Discussion 4

The first step is to be sure you understand the situation completely, and, most importantly, you must know if public participation required by law. You know that as a planner, your responsibility is to provide full, clear and accurate information on planning issues to citizens and governmental decision-makers and to strive to give citizens the opportunity for meaningful impact on the development of plans (Ethical Principle 1)

Scenario 5

You are a newly hired planner involved in the process of preparing a new recreation plan for your community. Your supervisor learns that the City Council is anxious to take action on a recreation plan, and therefore, you are instructed to prepare the plan without scheduling any time for public participation or public comment. Suppose you learn that there is no regulation in place regarding public participation. What might you do?

Discussion 5

You might mention lack of public participation in the process in your report or introduction to the plan

Suppose you learn that there was a lengthy and involved process of public participation in developing an open space plan less than a year ago and that information gathered in that process will be used to create the recreation plan. You might mention the lack of public participation in the process in your report but might also include information about the process that occurred less than a year ago and explain how that process did (or did not) influence this decision.

Scenario 6

You are a newly hired planner involved in the process of preparing a new recreation plan for your community. Your supervisor learns that the City Council is anxious to take action on a recreation plan, and therefore, you are instructed to prepare the plan without scheduling any time for public participation or public comment. Suppose you learn that there is a regulation in place and that this is clearly a violation of the regulation. What might you do?

Discussion 6

When you learn that a violation has occurred, bring it to the attention of your director or supervisor.

If you learn that the violation has occurred unintentionally, suggest remedies, such as delaying action on the plan until there is adequate time for a participatory process, scheduling a number of participatory events quickly, publicizing the events well, and revising the plan accordingly. It might be a good idea to discuss the situation with a more experienced planner (Ethical Principle 3)

If the violation has occurred you discover that the violation has occurred intentionally, this is a very serious situation because as planners we shall not accept an assignment from an employer when the service to be performed involves conduct that we know to be illegal (Rule of Conduct 2)

Scenario 7

In one area of your community the population consists largely of relatively recent immigrants to this country. Population density in the entire community has risen, and the planning department is under pressure from some members of the community to reduce density. In response to this pressure, a regulation to prevent subdividing existing residences into apartments is currently under consideration. You hold a community meeting to discuss the proposed regulation, and it is denounced as being discriminatory to the generally low-income, immigrant population who rent units in subdivided buildings. What might you do?

Discussion 7

Clashing values are not uncommon in the planning process, so you might work to gather sufficient facts to distinguish between the perception of the problem and the reality and to fully understand the history of the community. While you are committed to serving the public interest, this can be difficult when you are serving a public with opposing points of view

You might write a report that includes arguments for and against the proposed regulatory changes along with relevant facts that clarify the situation, including a discussion of housing affordability in your community and how the proposed regulation may affect the supply of affordable housing. In your report you might

balance concerns about affordable housing with concerns about preserving the integrity of the built environment

You might recommend that additional meetings be scheduled to ensure opportunity for further public input that will be seriously considered in making a final recommendation. Based on these meetings, your report may contain a recommendation that the jurisdiction develop and support regulations that allow higher density development on the grounds that such regulations would expand housing choice, particularly for those of low to moderate income

Scenario 8

You are a planner in a community with a new sign ordinance that prohibits banners from being strung across the road. The ordinance was adopted in response to several unattractive advertising banners that had frequently been strung across local roads and often become entangled with electrical wires. On your way to work one morning, you see that a community group has strung a banner across the main street that advertises an upcoming charity event that will generate thousands of dollars for needy families. You know that the money is greatly needed and that local officials and residents support the event. What might be your first reaction?

Discussion 8

Whatever your sympathies, you do not have the luxury of ignoring the banner. Ignoring the banner because it is for a cause that you personally support and because you personally argue that it is more important for outcomes to be fair than for processes to be fair, is NOT an option because a planner must obey regulations.

Scenario 9

You are a planner in a community with a new sign ordinance that prohibits banners from being strung across the road. The ordinance was adopted in response to several unattractive advertising banners that had frequently been strung across local roads and often become entangled with electrical wires. On your way to work one morning, you see that a community group has strung a banner across the main street that advertises an upcoming charity event that will generate thousands of dollars for needy families. You know that the money is greatly needed and that local officials and residents support the event. What might you do in the short term?

Discussion 9

Since it is your duty to enforce the ordinance immediately, you might want to think of some alternatives to suggest to the event organizers, such as stringing the sign between two buildings on the same side of the road. However, note that such a solution might have undesirable ramifications, such as a proliferation of signs being strung between buildings.

Another way to confront the situation honestly would be to encourage the community group to apply for a variance. If a variance were granted, then there would be no question about allowing the banner to remain in place.

Scenario 10

You are a planner in a community with a new sign ordinance that prohibits banners from being strung across the road. The ordinance was adopted in response to

several unattractive advertising banners that had frequently been strung across local roads and often become entangled with electrical wires. On your way to work one morning, you see that a community group has strung a banner across the main street that advertises an upcoming charity event that will generate thousands of dollars for needy families. You know that the money is greatly needed and that local officials and residents support the event. What might you do in the long run?

Discussion 10

If you feel that the ordinance is inappropriate for your community, you might decide to begin the process of modifying the language of the ordinance. With the approval of your supervisors, you might work with the city attorney to draft new language for the ordinance and place the item on the agenda for discussion at the next planning commission meeting

Scenario 11

You are a planner for a city planning department and you have an old friend who runs a planning consulting firm in the same city. Your friend submits a competitive proposal to work as a consultant for your department to you on Friday and while in your office, asks you to be her guest for dinner at a very fancy restaurant on Saturday evening. What might you do if you actually have no influence about awarding the contract?

Discussion 11

You should worry about the appearance of a conflict of interest, even if the invitation for dinner is not intended to enhance your friend's chances of being awarded the contract (Rules of Conduct 5, 8, 19) Because you have no influence about the decision to award the contract, which would include having no professional contact with the decision-makers, you might have dinner with your friend, but it might be safer to postpone the dinner until after the contract has been awarded.

Scenario 12

You are a planner for a city planning department and you have an old friend who runs a planning consulting firm in the same city. Your friend submits a competitive proposal to work as a consultant for your department to you on Friday and while in your office, asks you to be her guest for dinner at a very fancy restaurant on Saturday evening. What might you do if you actually might have some influence in awarding the contract?

Discussion 12

If it is possible that you might influence the decision about awarding the contract, avoid the potential conflict of interest (Ethical Principles 2 and 3; Rules of Conduct 5, 8, 19). Avoid the conflict by telling your friend that you cannot meet with her socially until after the contract has been awarded, even if the contract will not be discussed during dinner.

Scenario 13

A site application is complete and is about to go before the planning commission. As a member of the planning staff, you believe there is the appearance of a conflict of interest for a planning commissioner who owns property near the proposed site and

stands to benefit from the increase in property value that the new development is projected to generate. What might you do?

Discussion 13

First, consider what should already have happened before the application was about to go before the planning commission. Clearly, you should know about any laws in your state or jurisdiction that apply to such a situation and should follow the law.

The potential conflict should have been identified well before this. After noticing the conflict, based on office protocol, it must be decided who will approach (or confront) the commissioner about the conflict of interest. If your boss is unwilling to explain the conflict of interest, you must decide how you will handle this. You might ask the APA Ethics Officer for informal advice on what you should do (Procedure 2). Whoever brings the conflict to the attention of the commissioner should recommend that the commissioner recuse himself or herself from the planning commission meeting.

Suppose the potential conflict only became apparent at the time of the meeting. At that point in time, you should explain the problem to the planning director. Then, the planning director and the commissioner might consult privately and decide what to do; if the law is clear, obviously the decision must be to follow the law. If the decision is made that the commissioner should recuse himself or herself from the decision-making process, then the commissioner should leave the room. Recusing oneself means more than just sitting there quietly. In addition, the commissioner must not engage in future discussions with the board or planning staff about the application (Ethical Principle 2).

Suppose the law on what constitutes a conflict of interests is not clear or does not exist and suppose that the commissioner says that this is silly and that there is no conflict of interest. Then you might go to the jurisdictional attorney for guidance. If the commissioner continues to participate in the process, you should clearly state the conflict in your report (Rule of Conduct 19).

Scenario 14

A site application is complete and is about to go before the planning commission. You have a conflict of interest because you personally own property near the proposed site and stand to benefit from the increase in property value that the new development is projected to generate. If you are the only planner in the community what might you do?

Discussion 14

You are definitely conflicted in this case. So first issue is to recognize this financial conflict of interest and disclose it. (Rule of Conduct 6) You have 2 options.

One option is to get approval of your supervisor with full written disclosure as to your personal interest. You may get consent in writing to move forward and complete the review.

The second option is to hire an independent consultant to review the situation. It is good policy for a planning department to pre-qualify consultants for such situations so that the matter can be expeditiously turned over. This may also be a good route

to take if the applicant is a member of the city council and has hiring authority over the planner.

Scenario 15

The owner of the local NFL football team tells the mayor through the press that he will relocate his team unless the city builds a new stadium and practice field. The mayor wants the team to stay because his campaign platform included a promise to keep the team in the community. He asks you, the planning director, to evaluate the costs and benefits of building a new stadium. The planning staff does the analysis and demonstrates that large-scale public investment in a new stadium makes no economic sense and may lead to bankruptcy. What might you do?

Discussion 15

As with any analysis, verify the facts and assumptions made in the analysis and be sure that all appropriate procedures were used. Write the report accurately despite the fact that it may be embarrassing to the mayor. However, before presenting the report publicly, as with any report and because you are sensitive to the mayor's dilemma, it would be best to first to reveal its contents to the mayor.

Should the situation be politically charged, you might recommend having a consultant revisit the analysis and present the findings to the mayor. The mayor may be more willing to consider alternatives when they are presented by a paid, independent, expert consultant rather than by staff (Ethical Principle 2)

Suppose the mayor, upon learning about your report, refuses to make it public and makes plans to go ahead with the construction of a new stadium. Then, it may be time to resign. Or, it may be time to release the information to the media because of your responsibility to the public regarding the long-range consequences of actions, which may obviously put your job in jeopardy (Ethical Principle 1; Rule of Conduct 7)

Suppose the mayor pressures you to alter your findings and report favorably on the potential impacts of the stadium. Then you might engage in a frank discussion with the mayor and suggest some alternatives. The mayor may, for example, discard the idea in favor of a proposal to conduct significant renovations to the existing facility.

Suppose you see that the information about how bad the new stadium might be for the community as a whole as well as information about the pressure being applied by the mayor might be helpful in preventing the mayor from winning reelection. And suppose you do not personally want to see this mayor reelected. As a planning director, you may NOT use the information to your personal advantage, and, for example, go directly to the press with the results of the analysis (Rule of Conduct 7)

Suppose you are indifferent as to the mayor's election but believe that this course of action will bankrupt the community. To prevent a substantial injury to the public, you could still go to the press after verifying all facts and seeking reconsideration of the matter

Scenario 16

You are responsible for recommending contracts to the city council. Your immediate supervisor has asked you to prepare a recommendation for a large contract for an

individual you know is a good friend of your supervisor. After reviewing the contract, you conclude that the contract amount is not commensurate with the scope of work provided. You believe the contract is a waste of taxpayer dollars if it were to be granted. What might you do first?

Discussion 16

The first thing to do might be to carefully review the data and procedures used in the analysis for accuracy and completeness (Ethical Principle 1). You should document everything during this entire process such as the date and nature of your supervisor's request and the sources of data used to draw the conclusion that the consultant's price is too high. Then write your report and submit it to your supervisor.

Scenario 17

You are responsible for recommending contracts to the city council. Your immediate supervisor has asked you to prepare a recommendation for a large contract for an individual you know is a good friend of your supervisor. After reviewing the contract, you conclude that the contract amount is not commensurate with the scope of work provided. You believe the contract is a waste of taxpayer dollars if it were to be granted. What might you do if your supervisor pressures you for a favorable recommendation?

Discussion 17

If you have any doubt about your conclusion, you might present the situation to a mentor or to a planner who is not involved in the situation (in another jurisdiction, for example) to discuss it. (Rule of Conduct 18)

Planners are responsible to their employers; you might go to your supervisor with clear information on which your analysis was based, such as prices asked by other consultants for similar work, and point out your concerns. Your supervisor may appreciate your honesty and professionalism and accept your recommendation.

Should you be required to falsify your recommendation, other options might be to "blow the whistle" or to go to an attorney. If supervisor is member of AICP, file an ethics charge against your supervisor (Procedure 5) or ask for an advisory ruling about your own conduct (Procedure 3)

Scenario 18

You work as a city planner in Town X. You recently accepted additional planning employment in Town Y, which is about 15 miles away and in the next county. Towns X and Y are similar in many respects.

As a consultant for Town Y, you recommend a 50-foot buffer around a lake to protect water quality. Town Y is about to take action on this recommendation.

However, in town X there are no buffer regulations and substantial residential development has been proposed to include construction to within 10 feet of a lake. The mayor and the council are very supportive of the proposed development, but a lake conservation group is demanding a buffer of at least 50-feet around the lake. What might you do?

Discussion 18

First, understand that the moonlighting should have been clearly explained to the primary and secondary employers and approved in writing (Rule of Conduct 4). Full written disclosure to both towns prior to accepting work in Town Y should have said that there might be conflict. Planners should try to foresee consequences, and this situation is a logical consequence of working in two very similar communities.

Even with full written disclosure before beginning to work for Town Y, as soon as the potential for conflict became apparent, you should have furnished a second written disclosure to both employers and received written permission to proceed (Rules of Conduct 3, 4). However, a planner should not advocate for two opposing positions simultaneously. (Rule of Conduct 3) So unless there is a very real difference between the two situations, such as a different geologic structure of the lakes, you should remove yourself from doing one job or the other. To continue in both positions and allow the conflicting recommendations to proceed will likely diminish your reputation and effectiveness in both communities (Ethical Principles 2, 3).

Scenario 19

The local YMCA is proposing to build a swimming pool next to their existing facility in your medium-sized town. You are a planner and must review the development proposal. The wife of one of the senior planners is the YMCA director. The husband of the planning director is the Chair of the Board of Directors for the YMCA. Everybody on the YMCA board is a family friend to both the senior planner and the planning director. What might you do?

Discussion 19

You have a job to do, and you are not tainted with the conflict of interest. It is important to be as open and transparent in review of the proposal as you would be with any other proposal. You are fortunate in that, according to the scenario, you have not been asked to favor the proposal. Proceed with your analysis and make a recommendation on the proposal as usual. You might disclose the potential conflicts that do exist in your report. You might have your work reviewed by an outside consultant rather than by the planning director. You might ask that all those personally involved in the situation recuse themselves from making the final decision about the proposal.

Your only conflict might be in displeasing your boss. If you are going to shade the results in order to please your boss, then you have a problem.

Scenario 20

A pro-development city manager tells you, the planner, that you must provide findings to support a shift in a natural resources boundary in order to accommodate a particular development. What might you do?

Discussion 20

First, you should clarify all relevant policies and regulations. Suppose the relevant policies are in conflict or are difficult to interpret. You might ask the planning director the city attorney for assistance in defining the situation.

Second, determine how the boundary was established and study how it might be shifted.

Suppose the data that are available for the analysis are unreliable, inconsistent, or out-of-date. You might ask the planning director, another planner, or another source (such as the state GIS library) for assistance in obtaining better data. You might verify the accuracy of the data you collect by learning how it was developed and how recently it was developed because sometimes data are in error and natural conditions do change over time (Ethical Principle 1)

Scenario 21

A pro-development city manager tells you, the planner, that you must provide findings to support a shift in a natural resources boundary in order to accommodate a particular development. What might you do if your findings do not support the shift but there is pressure from the city manager to provide findings that are contrary to your findings?

Discussion 21

With data on the regulations as well as on the potential long-term consequences of not complying with the regulations, go to the city manager to explain why you cannot approve the project or alter the facts. This information may be sufficient to resolve the situation.

You might need to look for creative solutions that will allow for a modified project to move forward and bring these to the city manager. For example, alter the location of development and use the area near the natural resource as an open space amenity.

You may need to remove yourself from the situation and refer it to your director.

Suppose the city manager goes ahead and approves the project in spite of your findings. Before blowing the whistle, be sure to consult with other planners and other qualified professionals including, if appropriate, the city attorney, to exhaust efforts for reconsideration of the matter. If you should choose to blow the whistle, understand that this may have negative consequences, and so be prepared. Accepting such consequences will be more beneficial to you than behaving unethically.

It is very important throughout this process to document everything. Be sure to keep accurate records showing dates, places and content of any conversations, messages and meetings relative to the issue.

Remember that a planner must accept the decision of employers, unless the decision is illegal or unethical. Remember that a planner's first obligation is to the public interest, and a development that will have negative environmental consequences is not in the public interest, but a development that will create jobs may be in the public interest (Ethical Principle 2)

Scenario 22

An oil company is interested in building a refinery on several thousand acres of waterfront property that the company owns. The general plan classifies this area as recreational and residential. The oil company files a re-zoning application to change this area to a heavy industrial classification.

The planning director opposes the rezoning amendment stating that the scenic area is a valuable natural resource. Assume that the planning agency acted legally in all respects (proper notice, etc.). However, the county commissioners approve the amendment.

A group of residents who live near the proposed refinery site take the case to court and subpoena the planning director to testify. The planning director provides some information to the citizens' group as they prepare their case and also testifies truthfully in court about the value of the property to the community.

Under the AICP Code of Ethics, all the following are true about the behavior of the planning director EXCEPT:

- A. The director was acting in an ethically responsible manner in trying to protect the integrity of the natural environment.
- B. The director should not have testified in court. The Code of Ethics requires planners to accept the decisions of their employers.
- C. The director served the public interest by providing information to citizens preparing their case.
- D. The director exhibited a concern for the long-range consequences of the proposed land use changes.

Discussion 22

Correct answer: B (See Ethical Principle 1, Rules of Conduct 1 and 25.) Members of AICP must comply with the law.

Scenario 23

Each of the following may constitute a conflict of interest for a public planner under the AICP Code of Ethics EXCEPT:

- A. Accepting a gift from a local building firm.
- B. Working for a developer who has an action before the Planning Board.
- C. Applying for a Health Department permit to operate a stall at the Farmers' Market.
- D. Processing a rezoning application for property the public planner owns.

Discussion 23

Correct answer: C

Scenario 24

A private sector planner is preparing a site plan. He intends to secure local government approval for his client's development project since it could lead to additional work for him in the subsequent phases of the project. According to the AICP Code of Ethics:

- A. This constitutes a conflict of interest
- B. There is no conflict of interest in this case.
- C. The Code has no provision for conflict of interest.
- D. There is a conflict of interest only if the planner holds a law degree.

Discussion 24

Correct answer: B Note that this definitely does not suggest that a private sector planner need not comply with the Code of Ethics. (See introduction to AICP Code of Ethics and Professional Conduct.) All members of the AICP must abide by the provisions of the Code.

Scenario 25

You are the planning director in a small town. Your husband runs the local country club and is applying for construction of a new swimming pool. This application will be reviewed by the planning commission for approval. What will you do?

- A. Invite the planning commission to tour the country club to see exactly where the pool will be built.
- B. Ask your husband to offer complimentary memberships to all commissioners.
- C. Inform the commission about your connection to the situation and remove yourself from the review process.
- D. Write an extensive staff report about the benefits of the pool for the community.

Discussion 25

Correct answer: C (See Rule of Conduct 6.) Remove yourself from the process completely so that you do not in any way influence the members of your staff or the consultants who might review the application.

Scenario 26

You are the planning director in a small town. Your husband runs the local country club and is applying for construction of a new swimming pool. This application will be reviewed by the planning commission for approval. This situation clearly:

- A. Constitutes a conflict of interest according to the AICP Code of Ethics.
- B. Happens every time an application for a swimming pool comes before the planning commission.
- C. May lead to your loss of employment.
- D. Does not lead to any ethical conflicts.

Discussion 26

Correct answer: A (See Ethical Principle 2 and Rules of Conduct 6 and 19.) When a decision is presented publicly, you might want to note the situation and to explain how the potential conflict of interest was addressed.

Scenario 27

You are the planning director in a small town. Your husband runs the local country club and is applying for construction of a new swimming pool. This application will be reviewed by the planning commission for approval. Often, planners who are faced with this type of dilemma:

- A. File for divorce
- B. File for bankruptcy
- C. Hire a consultant
- D. Quit their jobs

Discussion 27

Correct answer: C Note that questions on the exam are not likely to be this easy.

Scenario 28

Which of the principles of the AICP Code of Ethics and Professional Conduct are applicable to instances of sexual harassment?

- I) A planner must not commit a deliberately wrongful act, which reflects adversely on the planner's professional fitness.
- II) A planner must respect the rights of others and, must not improperly discriminate against persons.
- III) A planner must have special concern for the long-range consequences of present action.
- A. I and II
 - B. I, II, and III
 - C. I and III
 - D. II and III

Discussion 28

Correct answer: A (See Ethical Principles 1, 3; Rule of Conduct 20.) Having special concern for the long-range consequences of present actions per Ethical Principle 1 refers to the consequences of planning decisions, not to individual behavior.