Scenarios and Discussion Questions

Introduction
This AICP Certification Exam prep document includes 16 scenarios, with discussion points following each. These scenarios vary in format; those towards the end are written more in the style of exam questions than those at the beginning.

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 A
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 fully understand the reasoning behind the director’s decision and to ensure that they fully understand that their decision is inconsistent with the zoning code. You could base your next move on your findings. If the Director is a member of AICP, you might remind them of the AICP Code of Ethics, including both the Principles to Which We Aspire (Overall Responsibility to the Public) and the Rules of Conduct, which call for providing accurate information on planning issues to decision makers, as well as social justice and planning for the needs of the disadvantaged. You might also consider telling your Director that you, as a member of AICP, have the responsibility to bring this inconsistent classification to their attention (Responsibility to Our Clients and Employers).

Discussion B
You also 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 (Ethics Code, Aspirational Principle #1f) and to provide accurate information (Ethics Code, Rule of Conduct #1).

Discussion C
If the director is a member of the AICP—but still chooses to move forward with the improper classification after you have informed them of the relevant sections of the AICP Code of Ethics—you might choose to seek informal advice from the AICP Ethics Officer (Ethics Code, #C2).
As a last resort, you may decide to file a charge of unethical conduct with the AICP Ethics Officer (Ethics Code, #D1). This course of action should be a last resort, done only after all other avenues have been pursued. Also, be aware that this course of action will probably result in a tense work environment and should only be done after careful consideration.

Scenario 2
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 A
The first step is to be sure you understand the situation completely, and, most importantly, you should determine if public participation is 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 to participate in planning decisions (Ethics Code, Principle #1d and Rule of Conduct #1). You could then bring to the attention of your supervisor the relevant sections of the AICP Code of Ethics, as well as the importance of giving people the opportunity to have meaningful impact on the development of plans that may affect them (Principle #1e). Since there are many ways to gather public input, you might research and suggest a series of expedited method(s) that would result in valuable input from the community, while still meeting the City Council’s timeline.

Discussion B
Another option would be to mention the lack of public participation in the process in your report or introduction to the plan.

Let’s suppose that you learn 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 current recreation plan. In that case, you might mention the lack of public participation in the current process, but then include information about the previous process and explain how that citizen participation process did (or did not) influence current decisions.

Discussion C
You could bring the potential ethical issue (the lack of public participation) to the attention of your director or supervisor and suggest various remedies, such as: 1) delaying action on the plan until there is adequate time for a participatory process or 2) scheduling a number of participatory events quickly, publicizing the events well, and revising the plan accordingly.

If your supervisor still instructs you to prepare the plan without any public comment, you might inform them of the AICP Ethics Code’s Principle #1e and Rule of Conduct #2, which say that we, as AICP planners, shall not accept an assignment from an employer when the service to be performed involves conduct that we know to be illegal or in violation of the Ethics Code or Rule of Conduct #25, which says we shall not deliberately commit any wrongful act that reflects adversely on our professional fitness.
Scenario 3
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 A
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.

Discussion B
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. Relevant sections of the Ethics Code might include: Principle #1e (meaningful impact on plans; #1f (needs of the disadvantaged); #1h (deal fairly with all participants); and #2b (to accept decisions of employer unless course of action illegal or plainly inconsistent with public interest).

Scenario 4
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 A
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 is NOT an option because, as an AICP planner, you should be applying regulations consistently; note Principle #1h (deal evenhandedly with all participants) and Rule of Conduct #3 (changed positions) and #14 (special advantages). In addition to requesting removal of the banner, it may be beneficial for you to explain to the community group the new sign ordinance and to suggest other advertising methods that the new ordinance may allow.
Discussion B
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. But, in the meantime, you should enforce the current laws.

Scenario 5
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 A
You should consider 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 (note Ethics Code, Principle #2c and, possibly, Rules of Conduct #5, #8, and #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 still have dinner with your friend. But, given the possibly “appearance” of a conflict of interest, it might be safer to postpone the dinner until after the contract has been awarded.

Discussion B
If it is possible that you might influence the decision about awarding the contract, you should completely avoid the potential conflict of interest (Ethical Principles #2c and Rules of Conduct #5, #8, and #19) 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 6
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 A
First, consider any laws in your state or jurisdiction that apply to such a situation and follow the law. After noticing the potential conflict, you or, preferably, your supervisor should approach the commissioner about this potential conflict of interest. Whomever brings the conflict to the attention of the commissioner should recommend that the commissioner state the conflict for the record, recuse himself or herself from the planning commission meeting, and leave the room.

Discussion B
Suppose the potential conflict only became apparent at the time of the meeting. At that point in time, you should take the planning director aside and explain the problem. Then, the planning director could discuss the situation with the commissioner. If the laws are...
clear, the decision should be to follow the law. In any case, a recusal from voting means more than just sitting there quietly. The commissioner also must not engage in future discussions with the board or planning staff about the application.

Discussion C
Suppose the local or state laws on what constitutes a conflict of interest 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 choose to give the commissioner a copy of the APA’s “Ethical Principles in Planning” (which are guidelines for “all who participate in the process of planning”) and explain the applicable standards of integrity and the fact that, if they still choose to participate, they may potentially jeopardize the legality of the commission’s decision. You also could contact the jurisdiction’s attorney and request additional guidance. If the commissioner continues to participate in the process, you should clearly state the conflict in your report (Rule of Conduct 19).

Scenario 7
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 A
The first thing to do is to recognize that this is a financial conflict of interest and to disclose it (Ethics Code, Rule of Conduct #6). You then have two options.

One option is to get the approval of your supervisor, after providing a full written disclosure as to your personal interest and noting that you are of the opinion that you can still conduct a fair, independent, and impartial review of the project. If you supervisor agrees, you may get consent in writing to move forward and complete the review. But, regardless of your supervisor’s approval, you should still be mindful of the potential “appearance” of conflict (Ethics Code, Principle 2c)

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. In smaller towns with minimal staff and resources, another option may be to establish a mutually beneficial partnership with a planner in an adjacent town to handle/take over such applications when there is a conflict.

Scenario 8
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, as the planning director, to write a report that evaluates 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 A
As with any analysis, you need to verify the facts and assumptions made in the analysis and be sure that all appropriate procedures were used. You should write the report as accurately as possible, despite the fact that it might not be in agreement with the mayor’s
desires. You might also consider including/suggesting alternatives for the mayor to consider that would make more economic sense.

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

**Discussion B**

Suppose the mayor, after reviewing your report, refuses to make it public and makes plans to go ahead with the construction of a new stadium. Although you have a responsibility to accept the decision of your employer (Ethics Code, Principle #2b) if the course of action is illegal or plainly inconsistent with our responsibility to the public interest, you may have an obligation to take another action. But, in doing so, you should be aware of Rule of Conduct #7, which concerns confidential information.

**Discussion C**

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 about the Ethics Code and your responsibility as an AICP professional planner (Rule of Conduct #1). You could suggest, for example, that the mayor discard the idea of a new stadium in favor of a proposal to conduct significant renovations to the existing facility.

**Discussion D**

Suppose you see that the information about how bad the new stadium might be for the community—as well as information about the pressure being applied by the mayor—could 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. However, you should be prepared for the consequences of such a decision—as you should keep in mind whether these are confidential findings or not.

**Scenario 9**

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 A**

The first thing to do might be to carefully review the data and procedures used in the analysis for accuracy and completeness (Ethics Code Principle #1d and Rule of Conduct #1). You should document everything during this 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.

**Discussion B**
What might you do if your supervisor pressures you for a favorable recommendation? If you have any doubt about your conclusion, you might present the situation to a mentor or to another professional planner who is not involved in the situation (in another jurisdiction, for example) to discuss the situation.

Planners do have a responsibility to their employers (Principle #2b); 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 requested to falsify your recommendation, other options might be to explain to your supervisor that such action would be in violation of the AICP Code of Ethics which you practice under (Rule of Conduct #1) and if they are AICP also, that their request puts them in violation of Rule of Conduct #18. As a last resort, you may choose to “blow the whistle” or to go to an attorney. If supervisor is member of AICP, you also could consider filing an ethics misconduct charge against your supervisor (Ethics Code, section D) or asking for an advisory ruling about your own conduct (Ethics Code, section C).

Scenario 10
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
First, understand that the moonlighting should have been clearly explained to the primary and secondary employers and approved in writing (Ethics Code, 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 and #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 (Ethics Code, Principles #2a and #3a).

Scenario 11
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**
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 12**
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 A**
Rule of Conduct #1 states that we should not deliberately or with reckless indifference fail to provide adequate, timely, clear and accurate information on planning issues. So 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, another planner, or another source (such as the state GIS library) 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 (Ethics Code, Principle #1g). It may also be worth reviewing the principles to which we aspire under the Code with your City Manager so they understand why you took this approach and how your findings have to be based on clear and accurate information to uphold your professional integrity and AICP certification.

**Discussion B**
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? 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.

**Discussion C**
Suppose the city manager goes ahead and approves the project in spite of your findings. Before blowing the whistle on this situation, 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 (Ethics Code, Principle #2b). But also 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 (Principle #1g), but a development that will create jobs may be in the public interest (Principle #1).

**Scenario 13**

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 confidential information to citizens preparing their case.
- D. The director exhibited a concern for the long-range consequences of the proposed land use changes.

**Discussion**

*Correct answer: C (see Ethics Code, Rules of Conduct #7 and #25.) Members of AICP should not provide confidential information to the citizens—unless that was public information.)*

**Scenario 14**

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**  
Correct answer: C. Applying for a permit to conduct a legal activity at a public event would not be considered a conflict of interest under the AICP Code of Ethics, particularly since the permit is being granted by a different department.

**Scenario 15**  
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**  
Correct answer: C (see Ethics Code, Rule of Conduct #6 and Principle #2c.) 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 16**  
Which of these Principles and Rules of Conduct 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. (Only part of this is a principle; the other part is an inaccurate recitation of a rule)  
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**  
Correct answer: A (see Ethics Code, Principles #1b and #3; Rule of Conduct #20.) Having special concern for the long-range consequences of present actions refers to the consequences of planning decisions, not to individual behavior.