

# Ethics and Conflict of Interest

## Local Government Leadership Core Course



# Presenters



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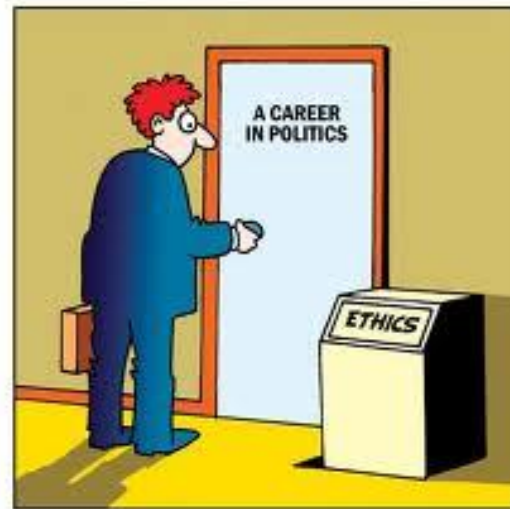


**Joe Coyne**



# Ethics

**“Government is a trust, and the officers of the government are trustees: and both the trust and trustees are created for the benefit of the people.”** -Henry Clay



# Relationship of Values to Ethics

- ✓ Values are a set of shared beliefs
- ✓ How do we develop values?
- ✓ How do we select our own value system?
- ✓ How are values manifested in organizations?



# Conflict of Interest

A conflict between what's good for you and what's good for the public



# Characteristics of an ethical organization

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- Sense of responsibility toward community as a whole
- High standards in quality of work performed
- Everyone treated with honesty and respect
- Frequent, open, honest, and compassionate communication
- Deep regard for fairness
- Reflection of honesty and integrity
- Belief in democratic process



# How do you establish standards?

- Legal standard
  - Ethical standard
  - Moral standard
- 
- If the law tells you what you should not do, ethics tells you what you should do, and morals tell you what to aspire to do.



# Ethics and Conflict of Interest regulations are found in:

- **State Statutes**
- **Local Ordinances**
- **Policies and Procedures**
- **Professional Codes of Conduct**





# Applicable State Statutes

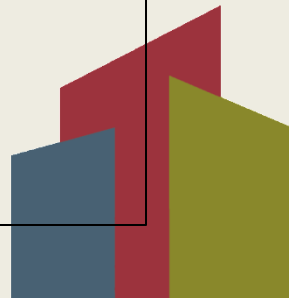
- **Title 6 – Crimes and Offenses**
  - Chapter 5, Article 1 – Offenses Against Public Administration - Offenses by Public Officials
- **Title 9 – Administration of the Government**
  - Chapter 13, Article 1 – Government Ethics – Public Officials, Members and Employees Ethics
- **Title 15 – Cities and Towns**
  - Chapter 1, Article 1 – General Provisions – Powers and Miscellaneous Matters
- **Title 16 – City, County, State and Local Powers**
  - Chapter 6, Article 1 – Public Property - Public Works and Contracts



# Use of Title and Prestige of Public Office and Misuse of Office

- **Public Officials, Members and Employees Ethics (a.k.a. Ethics and Disclosure Act)**
- **Applies to mayors and council members – NOT city employees**

- **Use of title and prestige of office – WSS 9-13-103**
- **Misuse of office - WSS 9-13-105**



# Impartiality and Confidential Information

- Also covered in the Ethics and Disclosure Act – 9-13-105
- Purpose: Public servants should not profit from their public position.



# Gifts or favors 9-13-102

- **“Anything of value”**
- **What “gift” excludes**
- **Title 6 “gift” excludes property with a value less than \$20 or IRS limited food, drink or entertainment**



# Gratuities – WSS 15-1-128

Applies to mayor, council members and employees of municipality

- Soliciting or receiving benefit, profit or advantage
  - Soliciting or accepting freebies
  - Violations
- 
- **Municipal Government Officials have burdens in excess of Public Ethics Act in Title 9**



# Official Decisions and Votes - WSS 9-13-106

- ✓ Personal or private interest rules
- ✓ When to abstain from voting
- ✓ Voting or giving money to self



# Unlawful Interest in public contracts or works – WSS 16-6-118

- Bribes, influence
- Disclosure of interest
  
- Bribes also covered in  
Title 6



# Contract Conflict of Interest – WSS 15-1-127

Applies to mayors and council members and immediate family

- monetary or other economic benefit from contract to which the municipality is a party
- Contract is void if no compliance with this statute
- Exception (not a conflict of interest if):





# Financial Disclosure – WSS 6-5-118

- Conflict of interest
- Public investments
- Disclosure required
- Penalty



# Employment Ethics issues

- Merit and fairness
- Equal Treatment



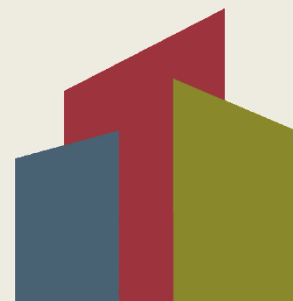
# Nepotism – WSS - 9-13-104

- Cannot supervise or manage a family member
- Absolute prohibitions – extremely broad



# Violations vary by Statute Violated

- Misdemeanors
- Constitutes sufficient cause for removal from office
- Felony for some offenses
- Possible jail time



# Ask Yourself these questions

- Does the decision provide for the greatest good for the greatest number?
- Does the decision respect the rights of the individuals involved?
- Is the decision fair, equitable and impartial?



# The “Appearance” Test

- Front page test
- Discern
- Disclose
- Disengage



**The toughest choices you will make as a government official are not between right and wrong but between right and right.**



# Thank You!

This presentation was prepared by Community Builders, Inc., a Wyoming-based consulting firm specializing in community and economic development - Bobbe Fitzhugh and Joe Coyne, Principal Consultants - [www.consultCBI.com](http://www.consultCBI.com), under contract and in cooperation with the Wyoming Association of Municipalities.

