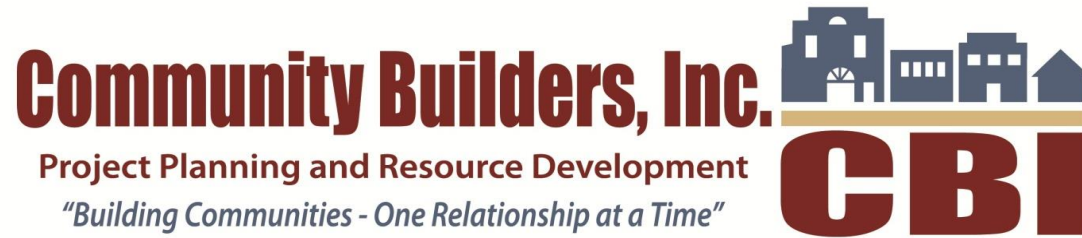


Ethics and Conflict of Interest

Local Government Leadership Core Course



Presenters



Bobbe Fitzhugh

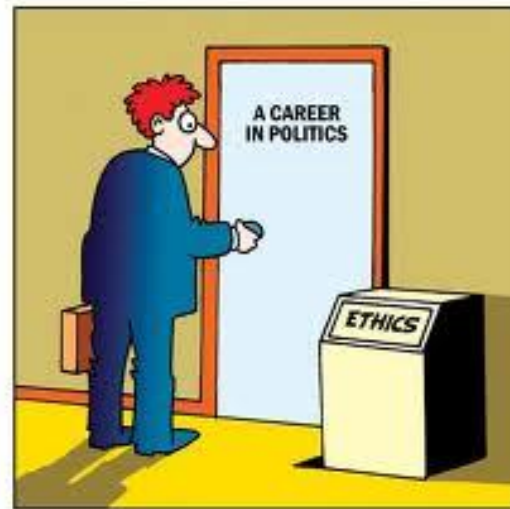


Joe Coyne



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

- 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**

A Conflict of Interest Policy
Incorporates an Organization's
Ethics, Values and Integrity



Applicable State Statutes

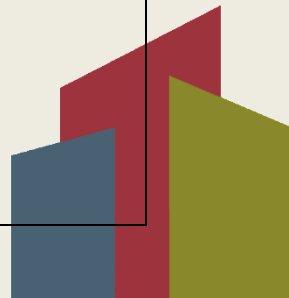
- **Title 6 – Crimes and Offenses**
 - Chapter 5, Article 1 – Offenses Against Public Administration - Offenses by Public Officials
- **Title 9 – Administration of the Government**
 - Chapter 13, Article 1 – Government Ethics – Public Officials, Members and Employees Ethics
- **Title 15 – Cities and 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, under contract and in cooperation with the Wyoming Association of Municipalities.

