

SO YOU'RE SAYING I CAN'T HIRE MY BROTHER?

Newly Elected Official Training
Moscow, Idaho
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Kathy Ackerman, Idaho County Clerk



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RECAP

- Idaho has three primary statutes governing ethics in government:
 - The Bribery and Corrupt Influence Act
 - The Prohibition Against Contracts with Officers Act
 - The Ethics in Government Act



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IN THE NEWS...

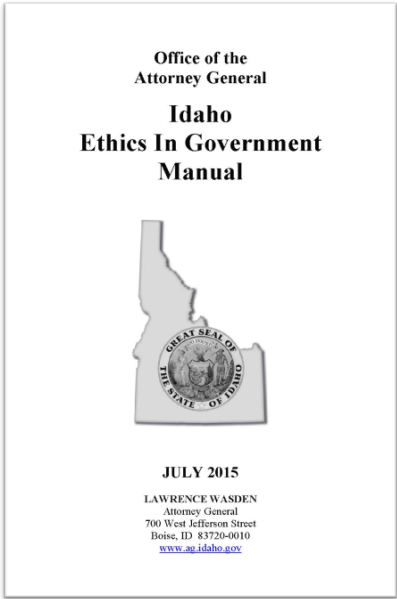
- Missouri: St. Charles County Council member fined for ethics violation
- Alabama: Elmore Commissioner arrested on ethics charge
- California: Oakland ethics commission sues City Council president
- Idaho: Idaho GOP candidate says Democratic lawmaker stole campaign fliers



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BEST SOURCE

Idaho Ethics in Government Manual



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HOW DO ETHICS PROBLEMS HAPPEN?

- Information Problems
- Reasoning Problems
- Loyalty Problems



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INFORMATION PROBLEMS

- Didn't know the policy or rule
- Sector confusion
- Believed they had implicit permission



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REASONING PROBLEMS

- Ends justify the means
 - “Working around” bothersome rules or laws to get a good thing done
- Justifications
 - “We don’t get paid enough”
 - “That’s how we’ve always done it...”



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LOYALTY PROBLEMS

- When more than one right thing is involved



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WHAT ARE ETHICAL VALUES?

- Ethics are standards by which one should act, based on core values
 - These core values motivate actions and attitudes
 - Relate to what is right and wrong
 - Demand that our actions not only comply with the law, but promote public confidence



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CORE VALUES

- Core values help us navigate the gray areas when the law is either silent or requires subjective judgment to determine the propriety of the proposed activity.



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HYPOTHETICAL: LOYALTY

- You are an elected commissioner in your county. During a recent Executive Session discussing litigation, you disagree with your other two commissioners. You receive a phone call later that night from a local reporter that promises to list you in the story as anonymous so you can “tell all.” What do you do?



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**INTEGRITY
IS DOING
THE RIGHT
THING EVEN
WHEN NO
ONE IS
WATCHING.
- C.S. LEWIS**



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CONTRACTS

- Idaho Code §74-501. Officers not to be interested in contracts.
- “Members of the legislature, state, county, city, district and precinct officers, must not be interested in any contract made by them in their official capacity, or by any body or board of which they are members.”



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HYPOTHETICAL: CONTRACTS

- A local dairy farmer supplies milk to the county jail. She is elected as a county commissioner. Can the county continue to purchase milk from her dairy?



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IDAHO CODE § 18-1361

A public official or his/her relatives can contract with the board if:

- Submit a competitive bid and the low bid; and
- Can't take part in the bidding process (including preparing the contract and voting); and
- Provides full disclosure in writing to board; and
- Hasn't violated any laws pertaining to competitive bidding.



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HYPOTHETICAL: GIFTS

- You are an elected official in your county. Around Christmas, you receive an envelope from the local Bed & Breakfast inviting you and your spouse to stay for one night because “you are doing a great job in the community.” Do you accept it?



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IDAHO CODE § 18-1356

Public officials shouldn't accept gifts, EXCEPT:

- If it is a fee prescribed by law or any other benefit for which he is otherwise legally entitled
- Gifts from family, friends or business acquaintances
- Gifts or benefits not to exceed a value of fifty dollars (\$50.00)



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HYPOTHETICAL: NEPOTISM

- You've just been elected the county sheriff. Your son-in-law is a deputy for the sheriff's office. Is his job in jeopardy?



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IDAHO CODE § 18-1359(5A)

- An employee of a governmental entity holding a position prior to the election of a local government official, who is related within the second degree, shall be entitled to retain his or her position and receive general pay increases, step increases, cost of living increases, and/or other across the board increases in salary or merit increases, benefits and bonuses or promotions.



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**The time is
always right to
do what is right.**

- Martin Luther King Jr.



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COULD VS. SHOULD

- When making an ethical decision, ask yourself two questions:
 - Do the ethics rules permit me to take a proposed action? **May I?**
 - If so, **should I** take the action? Would my action create an appearance that I am less than fair and impartial or cause a reasonable person to question the integrity of the operations of my county?



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BYSTANDER EFFECT

- When an individual or group stands by while a crime is being committed
 - Recording a crime with a cell phone instead of helping
- Why does this happen?



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TWO POSSIBLE FACTORS

- Pluralistic Ignorance
- Diffusion of Responsibility



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REAL LIFE EXAMPLE

- 2012: Penn State Football
 - Jerry Sandusky
 - Scott McQueary
 - Joe Paterno
 - Tim Curley
 - Gary Schultz



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HYPOTHETICAL: TO DO LIST

- Arrange for the procurement of 5 new county vehicles
- Meet with the County Commissioners regarding a personnel issue
- Provide copies of a recent email thread concerning the expense reports of your predecessor to the local media



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HYPOTHETICAL

- You are a county employee, enjoying lunch with a co-worker. You look out the window and notice one of the county vehicles stop and an appraiser gets out, puts out a campaign sign for the Assessor and then drives off. What do you do?



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TIPS

- Lead by example – setting the tone at the top and holding yourself and others accountable.
- Remove fear of retaliation from the organizational climate.
- Foster an environment where your employees go beyond asking “Is this legal?”
- Discuss office policies with all employees. They need to know your expectations.



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WHEN IN DOUBT...

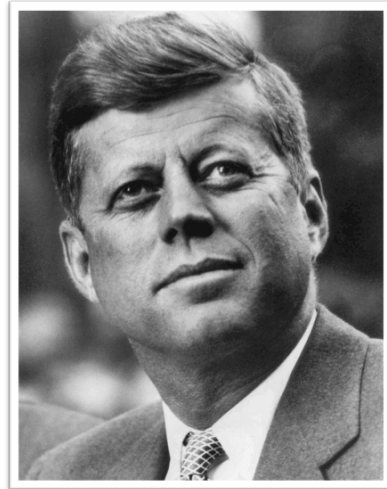
Ask your Prosecuting Attorney!



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No responsibility of government is more fundamental than the responsibility of maintaining the highest standard of ethical behavior for those who conduct the public business.

- John F. Kennedy



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