

Ethical Considerations for Council and City Operations

Presented by Sam Cappiello, member
Board of Ethical Review

What is Ethics?

- A system of moral principals that affect how we make decisions and act in our personal and professional lives.

Ethics vs. Law

- Ethics: Social guidelines based on moral principles.
- Laws: Rules and regulations that have specific penalties and consequences when violated.

Ethics vs. Law

- The law tells us what we *must* do.
- Ethics tells us what we *ought* to do.
- Not all laws are ethical.
- Not all ethical actions are legal.

Ethics vs. Law

- Are our responsibilities limited to what the law requires of us?
- If we are legally allowed to do (or not do) something, does that mean we ought to?
- If there is no relevant law to speak of with respect to what I should I do in a given situation, can I do whatever I want?

Ethics vs. Law

In public service, it is not enough to do only what is required by law.

A higher standard — an ethical standard — is needed to secure and maintain the public trust.

The Golden Rule

- “Do unto others, as you would have them do unto you.”
- Or, “That which is hateful to you, do not do to your fellow.”
- It is overly simplistic to summarize all of ethics as an application of the Golden Rule. It is nonetheless a helpful standard to keep in mind when facing difficult situations and making hard decisions.

The Golden Rule

- In a given situation, consider:
 - Who is my “fellow” or the “others”? (Who are the stakeholders in this particular decision or action?)
 - What value or values does this tenet seek to secure?
 - What consequence(s) does this tenet aim to avoid?
 - What possible outcomes might ensue if I do not abide by this tenet?
 - Is that my intention?
 - If roles were reversed, how would I feel? What would I want?

Code of Ethics

- What is a Code of Ethics?
 - A CoE helps outline the practical application of our values to our work and establishes some expectations to ensure we are doing the “right” thing.
 - It also helps us identify a “wrong” thing when we see it.
- Why have a CoE?
 - A CoE helps direct city government in a way that is fair, efficient, economical, and worthy of public trust.
 - If everyone agrees to a set of standards and holds one another accountable to them, it becomes much easier to work cooperatively and maintain our community’s shared values.

Values

- What are our values? I suggest that some of our values include:
 - Honesty
 - Concern for others' welfare
 - Integrity
 - Respect
 - Responsibility (fiscal responsibility)
 - Fairness
 - Accountability
 - Trustworthiness (public trust)
- Can you think of any others?

Geneva's Code of Ethics

TENET 1: ACT IN THE PUBLIC INTEREST

Recognizing that stewardship of the public interest must be their primary concern, Public Officials will work for the common good of the people of Geneva and not for any private or personal interest. They will assure fair and equal treatment of all persons, claims, and transactions appearing before Public Officials.

TENET 2: COMPLIANCE WITH THE LAW

Public Officials shall comply with the laws of the nation, the State of New York, and the City of Geneva in the performance of their public duties. These laws include, but are not limited to the U.S. and New York Constitutions, the Geneva City Charter and City Code, and other laws, rules, regulations, and policies pertaining to conflict of interest, elections, financial disclosures, employer responsibilities, and open process of government.

TENET 3: CONDUCT OF PUBLIC OFFICIALS

The professional and personal conduct of Public Officials must be above reproach, and avoid even the appearance of impropriety. Public Officials shall refrain from abusive conduct, personal charges, or verbal attacks upon the character or motives of other Public Officials.

TENET 4: RESPECT FOR PROCESS

Public Officials shall perform their duties in accordance with processes established by the City Council, City Manager, or other appointing authority governing the deliberation of public policy issues, meaningful involvement of the public, and implementation of policy decisions.

TENET 5: CONDUCT OF PUBLIC MEETINGS

Public Officials shall prepare themselves for public issues, listen courteously and attentively to all public discussions before the body, and focus on the business at hand. They shall refrain from interrupting speakers, making personal comments not germane to the business of the body, or otherwise interfering with the orderly conduct of meetings.

TENET 6: DECISIONS BASED ON MERIT

Public Officials shall base their decisions on the merits and substance of the matter at hand, rather than on unrelated considerations.

TENET 7: COMMUNICATION

Public Officials shall share substantive information with the public that is relevant to a matter under consideration by public bodies when they have received information from sources outside of the public decision-making process.

TENET 8: CONFLICT OF INTEREST

In order to assure their independence and impartiality on behalf of the common good, Public Officials shall not use their official positions to influence government decisions in which they have a material financial interest, or where they have an organizational responsibility or personal relationship which may give the appearance of a conflict of interest. In accordance with applicable law, members shall disclose investments, interests in real property, sources of income, and gifts; and they shall abstain from participating in deliberations and decision making where conflicts may exist.

TENET 9: GIFTS AND FAVORS

Public Officials shall not take any special advantage of services or opportunities for personal gain, by virtue of their public office which are not available to the public in general. They shall refrain from accepting any gifts, favors, or promises of future benefits which might compromise their independence of judgment or action or gives the appearance of being compromised.

TENET 10: CONFIDENTIAL INFORMATION

Public Officials shall respect the confidentiality of information as protected under the New York Open Meetings and Open Records laws, concerning the property, personnel, or other affairs of the City. They shall neither disclose confidential information without proper legal authorization, nor use such information to advance their personal, financial, or other private interests.

TENET 11: USE OF PUBLIC RESOURCES

Public Officials shall not use public resources not available to the public in general, such as City staff time, equipment, supplies, or facilities for private gain or personal use.

TENET 12: REPRESENTATION OF PRIVATE INTERESTS

In keeping with their role as stewards of the public interest, Public Officials shall not appear on behalf of private interests of third parties before any proceeding of a City body.

TENET 13: ADVOCACY

Public Officials shall represent the official policies or positions of their body to the best of their ability when designated as delegates for this purpose. When presenting their individual opinions and positions, Public Officials shall specifically state that they do not represent their body or the City of Geneva, nor will they allow the inference that they do.

TENET 14: ROLE OF PUBLIC OFFICIALS

City Councilors shall respect the role of the City Manager, and vice versa. Councilors will determine policy with the advice, information, and analysis provided by the public, boards, commissions, and committees, and City Staff. Except as provided for by the Charter, Councilors shall not interfere with the administrative functions of the City or the professional duties of the City staff; nor shall they impair the ability of staff to implement Council policy.

TENET 15: INDEPENDENCE OF BOARDS, COMMISSIONS, AND COMMITTEES

Because of the value of independent advice of boards, commissions and committees to the public decision-making process, Councilors shall refrain from using their position to unduly influence the deliberations or outcomes of board, commission, or committee proceedings.

TENET 16: POSITIVE WORKPLACE ENVIRONMENT

Public Officials shall support the maintenance of a positive and constructive workplace environment for City employees, appointees, elected officials, and businesses dealing with the City. Public Officials shall recognize their special role in dealing with City employees to in no way create the perception of inappropriate direction to staff.

TENET 17: IMPLEMENTATION

As an expression of the standards of conduct for Public Officials expected by the City, the Code of Ethics is intended to be self-enforcing. It therefore becomes most effective when Public Officials are thoroughly familiar with it and embrace its provisions. For this reason, ethical standards shall be included in regular orientations for candidates for City Council, applicants for boards, commissions, and committees, newly elected and appointed officials, and City staff. Public Officials shall sign a statement affirming that they read and understood the Code of Ethics. In addition, the Code of Ethics shall be annually reviewed by City Council and all boards, commissions, and committees. City Council shall consider amendments to the Code of Ethics as recommended by the public and by Public Officials at its annual review of the document.

Some situations...

- On a particularly snowy morning, a friend from DPW offers to plow your driveway with a city truck...your neighbors are out shoveling...
- Your nephew is looking for work with the city, DPW, police or fire department, and wants you to “help get [him] a job”...
- An issue comes up for a vote at a council meeting. You didn’t honestly have time to read the proposal or you missed the last meeting with public comment...
- You are having dinner with a fellow member of council at a local restaurant when something from executive session comes up...
- You misplaced your cellphone which has access to your city email account. It wasn’t “locked”...

- An angry constituent takes to social media to vent her frustrations about a city issue and tags you in her posts or posts directly to your Facebook wall...
- The local newspaper misquotes you...
- The sale of a contested downtown property is coming up for a vote. An interested buyer wants to take you to dinner at their expense to discuss it...
- A fellow councilperson interrupts your discussion of a motion...

- Council is discussing a particular motion. Another councilor has the floor and says something you know to be untrue...or disagree with...
- You need some large, laminated signs for a garage sale you are having this weekend. The engineering or planning department could make them...
- Your spouse or child comes home with a parking or traffic ticket. You know the ticketing officer...
- A local car dealership asks if you would mind appearing in a commercial...

- A fellow council member or city employee tries to engage you in a “Twitter war” about your recent vote against a popular proposal. They are saying insulting things and making false statements about you...
- You’ve just had a long, hard day at work and return home to read a very negative email demanding an immediate response...or you’ve been forwarded an upsetting blogpost or biased news article...
- You seem to be the only one on council who sees a particular issue the way you do. They’ve made up their minds and don’t seem interested in your explanation. It’s starting to seem personal...
- There is a controversial matter up for a vote at the next council meeting. You haven’t heard anything one way or another from the residents of your ward...

- You are a well known and respected member of the community. A good friend or neighbor is running for public office and asks if you wouldn't mind helping her campaign or publishing an endorsement...
- You are a member of a local union, fraternal order, or charitable organization, and they ask you to make a short presentation before council requesting funding for an event or project...
- Your company or employer has submitted a proposal for a public project under consideration by the city...
- You are approached at a neighborhood association meeting by a citizen who seems to know information that should be confidential...they have questions or concerns they want to discuss with you...

Self-Reflection

- Can you think of a time when someone in government (local or national) acted unethically?
 - What could they have done differently?
- Can you think of a time when YOU acted unethically?
 - What could you have done differently?

When it seems you have no choice but to
break the code, remember...

**There is always an alternative that
doesn't!**

Going Forward

- Think of your fellow council members and Genevans as playing on the same team not as opponents.
- Commit to help one another maintain ethical standards.
- Commit to being receptive to feedback from others.
- Respond ethically to unethical behavior.

- Use the Ethics Committee, city staff, and the city attorney as resources when you are unsure how to handle a situation.
- “In 2015, City Council expanded the role of the Board to include the proactive offering of advisory opinions on ethical implications of execution of City programs or policies, or on the conduct of public bodies.” (Geneva Website)
- Could this include advisory opinions to individuals?
Does code need to be amended to allow this?

Communicate Respectfully

- With each other...
- And with your constituents.
- Though time is sometimes of the essence, it is best to be deliberate with your words and actions. Take a few minutes to respond. Save your email as a draft. Sleep on it. And send it when you've read it again with fresh eyes.
- Do reply to sincere communication from the public — even if only to acknowledge its receipt. Acknowledgment is a sign of respect.
- Council members who are responsive listeners will hear from their constituents. If you aren't hearing anything, it's not likely they have nothing to say. They may just have found a better listener.
- Apologize when it is warranted.

Geneva: A City of Ethics

- If you see a sign saying: “*Best Pizza in New York!*” or “*Top Ranked Surgeon*” or “*#1 Car for Safety*” or “*All America City*”, do you assume there was a process behind the claim that makes it deserved? Or is it just marketing?
- We’ve branded ourselves with our commitment to ethics.
- It’s a worthy claim, but we have to earn it.

“The time is always right to do right.”

– Martin Luther King Jr.

Sources

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