

Ethics in Local Government

WCMA Summer Conference
June 20, 2024



Michael A. Gillette, Ph.D.
(434)384-5322 mgillette@bsvinc.com
www.bsvinc.com

Leadership Ethics

Ethics In Supervision

“Preferences and Promotions”

Supervisee A is your “go to” employee whom you regard as a friend. She is punctual and outgoing; always on top of her work. Supervisee B is more reserved and doesn’t speak up in meetings or volunteer for extra projects, but her work has always be solid and completed on time.

You know of a colleague who will be retiring next year, and you are sure that both A and B will want to apply for that job. You now have a significant project and you believe that B is best suited to do that particular job. However, success on that project will clearly create an advantage when it comes time to apply for next year’s open slot, which is a promotion and for which you believe A is better suited.

How should you assign the current task?



Moral Management

“Being Nice Vs. Being Ethical”

Supererogation

Moral Management

“Identify the Default Assumptions”

Background Obligations

Moral Management

“The Source of Obligation”

What Is Your Role?

Moral Management

“The Source of Obligation II”

What Are Your Relationships?



Moral Management

“How Relationships Work”

Tacit Expectations

Explicit Promises

Moral Management

“What Ethical Leaders Do”

- Identify Default Obligations
- Recognize Distinct Obligations Across Individuals, Disciplines and Departments
- Prioritize Conflicting Obligations
- Support Valid Processes

Ethical Government in Polarizing Times

Ethical Recommendations

- Recognize the distinct roles of local, state, and national government.
- Maintain focus on the obligations that attach to the relevant roles.
 - Distinguish between personal values and professional responsibilities.
 - Avoid introducing discussion of issues outside of the relevant jurisdiction, especially when they invoke partisan argument.

Ethical Government in Polarizing Times

“Staying True to Local Government Arete”

➤ Medicaid Expansion

➤ 2nd Amendment Sanctuary Cities



Local Government Case Studies

Public Service Ethics

“Someone Has To Blow The Whistle”

While staff member F, who works for the Department of Parks and Recreation, was recently inspecting a walking trail for possible improvement, she noticed a deep ditch along the side of the trail out of which a large amount of garbage seemed to emanating. Upon further study, it became clear that Ms. F had discovered the edge of an old landfill that had been closed decades earlier. The ground was now eroding and leachate was spilling out toward the hiking trail. Ms. F reported the matter to her superior, who brought it to the attention of the Department of Public Works. That department quickly sent a crew in to cover the eroded boundary of the landfill with dirt. Ms. F is concerned, however, that children playing in the neighborhood center that is now adjacent to the old landfill site could be exposed to harmful substances. She is told to keep her mouth shut, however, since the landfill was closed before environmental regulations required ongoing monitoring and remediation of the site could cost millions of dollars if anyone makes a fuss. Ms. F is now considering leaking the story to the press. How should she proceed?



The Structure of Ethical Argument

The Process of Moral Reasoning

The Default Assumption

The Burden of Proof

Casuistic Exploration

Application to the Current Case

The Ethics of Whistleblowing

Satisfaction of the Burden of Proof

Actual Misconduct

Verification of Facts

Failure of the Chain of Command

(Last Resort)

Least Destructive Path of Correction



The Use of Public Funds

“It’s For A Good Cause”

Habitat For Humanity is eligible under existing ordinance to receive, upon request, a waiver of water and connection fees for new development on previously undeveloped property. Habitat recently initiated a new build and paid connection fees in order to meet a self-imposed deadline. The organization now realizes that if it uses charitable contributions to cover the \$3,100.00 worth of fees, it will have to account for that value in the cost basis of the home and pass the cost on to the homeowner. This result in an increase in mortgage costs of \$15.00 per month. In order to avoid this extra cost for the homebuyer, Habitat has now requested a refund of the fees which it will not enter into its books as a charitable contribution. The City Attorney indicates that a refund, which is not contemplated in the City Code must be considered a gift to the non-profit and requires a super majority of Council for approval. Should Council approve this request?



Ethical Issues in Local Government

“Not All FOIA Requests Are Created Equal”

One particular citizen has been very angry at the level of funding that your locality has been providing to the school system. Every year during the budget cycle he floods your office with FOIA requests in order to find some error in the budget and to embarrass county staff. While you normally respond to FOIA requests quickly, you wonder if it would be better to stick to the legal limits in terms of timing and document reproduction costs in order to deter what you believe are inappropriately motivated requests.

