

Ethics *in* Government



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Ethical Values

- Ethics are standards by which one should act, based on core values
 - Core values motivate actions and attitudes
 - Core values relate what is right and wrong
 - Core values should promote public confidence in government



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"Integrity is doing the right things when no one is watching." - C.S. Lewis

Core Values

- Core values help navigate the gray area when law is either silent or requires subjective judgement



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Your Ethics in Government Desk Reference

- Idaho Ethics in Government Manual
- Published by Idaho Attorney General's Office
- Include the law, FAQs, and case law

Office of the Attorney General
Idaho
Ethics In Government Manual



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Ask Yourself the Right Questions

- Does the law, county policy, or ethics rules allow me to take an action (may I)?
- If so, should I take the action?
- Would my action create the appearance of unfairness?
- Would my action cause a reasonable person to question my integrity or the integrity of county officials?



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Idaho Ethics in Government Laws

- The Bribery and Corrupt Influence Act ([Title 18, Ch. 13](#))
- The Ethics in Government Act ([Title 74, Ch. 4](#))
- The Prohibition Against Contracts with Officers Act ([Title 74, Ch. 5](#))
- Public Integrity in Elections Act ([Title 74, Ch. 6](#))
- Planning and Zoning Conflicts of Interest ([§67-6506](#))



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Bribery and Corrupt Influence Act

- It is a felony to bribe or threaten a county commissioner, sheriff, prosecuting attorney or other public official ([§18-1309](#))
- It is also a felony for a public official to accept a bribe
- A bribe is an offer of ([§18-1352](#)):
 - "any pecuniary benefit as consideration for the recipient's decision, opinion, recommendation, vote or other exercise of discretion as a public servant, party official, or voter; or any benefit as consideration for the recipient's decision, vote, recommendation or other exercise of official discretion in a judicial or administrative proceeding; or any benefit as consideration for a violation of a known legal duty as public servant or party official."



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Use of Office for Personal Gain

- A public official may not ([§18-1359](#)):
 - Use public funds or property for personal gain
 - Solicit or accept a pecuniary benefit as personal payment for services or advice
 - Use or disclose confidential information for pecuniary gain or intent to harm government
 - Be interested in a contract made by the official or governing board on which the official sits
 - Appoint or vote for the appointment of any person related to the official by blood or marriage within the second-degree
 - No person related to a county commissioner by blood or marriage within the second degree may be employed by the county, with the exception of a relative already employed by the county prior to the county commissioner taking office.

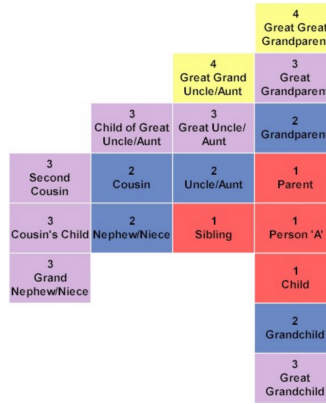


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Degrees of Consanguinity

CONSANGUINITY CHART

- 1st Degree: you, parent, sibling, child
- 2nd Degree: grandparent, grandchild, aunt/uncle, cousin, niece, nephew



Ethics in Government Act

- Prohibits a county elected official from taking a formal decision in any matter where the official has a conflict and fails to disclose the conflict ([§74-404](#)).
- If you are an elected official and have a conflict of interest, disclose it and consult with your prosecuting attorney to determine how to proceed with the conflict ([§74-404\(4\)](#)).
- If you are a public employee and have a conflict of interest, prepare a written statement regarding the conflict of interest and deliver it to the prosecuting attorney ([§74-404\(5\)](#)).
- Intentionally failing to disclose a conflict of interest is punishable by a civil penalty of up to \$500 ([§74-406](#)).



P&Z Conflicts of Interest

- Idaho law prohibits county or city officials (BOCC, city council or P&Z commissioners) from participating in P&Z decision making where a conflict of interest exists:

67-6506. CONFLICT OF INTEREST PROHIBITED. A governing board creating a planning, zoning, or planning and zoning commission, or joint commission shall provide that the area and interests within its jurisdiction are broadly represented on the commission. A member or employee of a governing board, commission, or joint commission shall not participate in any proceeding or action when the member or employee or his employer, business partner, business associate, or any person related to him by affinity or consanguinity within the second degree has an economic interest in the procedure or action. Any actual or potential interest in any proceeding shall be disclosed at or before any meeting at which the action is being heard or considered. For purposes of this section the term "participation" means engaging in activities which constitute deliberations pursuant to the open meeting act. No member of a governing board or a planning and zoning commission with a conflict of interest shall participate in any aspect of the decision-making process concerning a matter involving the conflict of interest. A knowing violation of this section shall be a misdemeanor.



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Prohibition Against Contracts with Officers

- A county official may not be interested in a contract made by them in their official capacity ([§74-501](#))
- A county official may not purchase county goods at auction if the county official involved in the sale of the goods ([§74-503](#))
- Contracts made in violation are voidable ([§74-504](#)), and the violating county official shall be guilty of a misdemeanor ([§74-509](#))
- Prohibitions do not apply to governing board members who do not receive a salary or fee ([§74-510](#), [§18-1361A](#))



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Ripped From the Idaho Headlines

- County treasurer reaches plea deal after being charged with seven counts of misuse of public funds in connection with purchases made at a conference in Las Vegas
- County sheriff pleads guilty to misdemeanor after using \$79 Costco gift certificate issued in the name of the county for personal use
- County clerk pleads guilty to felony misuse of public funds for depositing mileage reimbursement check into personal checking account despite using county owned vehicle



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What Causes Ethics Problems?



- Information problems
- Reasoning problems
- Loyalty problems



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Information Problems

- Didn't know you were breaking the policy or rule
- Confusion
- Believed you had implicit permission



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Reasoning Problems

- The end justifies the means
 - "Working around" bothersome policies or laws to accomplish "good"
- Self Justification
 - "I don't get paid enough"
 - "That's how we've always done it"
 - "Know one will notice"



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Loyalty Problems



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Tips for Behaving Ethically

1. Lead by example
2. Set clear expectations
3. Discuss county policies with county officials and employees
4. Foster a culture in which county employees go beyond asking "is it legal" and ask "is it ethical"
5. Remove fear of retaliation from county culture



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When in Doubt, Ask Your Prosecutor

