

# ETHICAL ISSUES AND GOVERNANCE IN PUBLIC SERVICE

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# Topics



- **Overview of your role as a port commissioner/official.**
- **Integrity in the fishbowl.**
- **Ethics**

# Your role as a commissioner

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- You are either elected or appointed to a public body.
- You are now subject to specific laws that govern what you can and can't do in your official capacity.

# You are the top policy maker within your organization.

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- Understand the distinction between **operating** the port and **governing** it.

# You are the top policy maker within your organization.

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## Operating the port:

- change the light bulbs
- order supplies
- negotiate with tenants
- hire and fire staff
- empty the trash
- clean toilets, etc.

# You are the top policy maker within your organization.

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Governing the port: establishing the policies under which the port operates:

- Expand or not to expand
- What role to play in job creation
- Tax revenue policies
- Infrastructure development goals
- What lines of business to expand or cut

You are the top policy maker within your organization.

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## Governing the port (cont.)

- Hiring and firing the Executive Director (many organizations specify this as the only formal personnel decision their boards will make)

Based on time available to you in your role as commissioner, you cannot handle port operations.

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- Average worker at a port is paid for around 2,000 hours per year of work at the office.
- Commissions spend anywhere from 25 to 250 hours per year on official business.
- You cannot possibly be an expert on everything that goes on at your port and you're not supposed to be—that's why the port has a professional staff. Let them do their work.



# Be efficient

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It doesn't matter how much time you spend on your on your role as commissioner, but how you spend the time.

# Be efficient

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- Just because you think you're doing a lot in your meetings doesn't mean you're accomplishing a lot.
- Don't confuse effort with effectiveness.
- A lesson from a chair.



# Be efficient

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Think “Michael Phelps” – Be efficient in your efforts.

# Be efficient

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Your time in your role as a commissioner is limited and therefore incredibly precious. Don't waste time on the small things. Keep your eye on the big picture.

# Reality intrudes/bites

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- While the principles we've mentioned are applicable in both the private and public sector, you're not in the private sector.
- Ports are supposed to be run like a business, but politics intrude.
- As a broad generalization, for-profit entities are accountable to their owners/shareholders with a particular focus on profits.

# Reality intrudes/bites

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One of the interesting (and sometimes exasperating) things about ports is that while they have a business focus, they take into account non-market issues in their decision-making that would rarely intrude on a for-profit operation.

- job-creation
- parks
- economic development
- civic pride

# Integrity in the fishbowl

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What is integrity?

“Integrity is doing the right thing when no one is watching”

(attributed to C.S. Lewis, Oprah Winfrey, General Norman Schwarzkopf, etc.)

# Integrity in the fishbowl

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If integrity means doing the right thing when no one is watching, as a public official everyone is watching you...

All of the time.

Like this...



# Integrity in the fishbowl

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# Integrity in the fishbowl

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Or this



# Ethics

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The 4 duties of all governing boards:

1. Duty to govern.
2. Duty of diligence.
3. Duty of obedience.
4. Duty of loyalty.

# The duty of loyalty to your port

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As a commissioner, whom do you represent and serve?

- Campaign supporters/donors?
- Business?
- Shipping lines?
- Labor?
- If you were appointed, the elected officials who appointed you?
- The public interest?

Answer: All of the above, by serving the interests of the port.

# The duty of loyalty to your port

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Your paramount duty is to serve the entity—the port—on which you serve.

- You have a fiduciary obligation to the organization, not to any particular interests outside the organization.
- If your goal as a commissioner is to do things that benefit you or your friends, you are not serving the interests of the organization.

# The duty of loyalty to your port

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“State officials and employees of government hold a public trust that obligates them in a special way, to honesty and integrity in fulfilling the responsibilities to which they are elected and appointed.

Paramount in that trust is the principle that public office, whether elected or appointed, may not be used for personal gain or private advantage.”

RCW 42.52.900.

# Perceptions about your integrity affect your ability to do your job

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As public officials, the public's perception of your honesty and integrity are critical not only to your ability to get re-elected or re-appointed, but also to carry out your jobs.

Appearances matter.

# Integrity and appearances matter

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# Integrity and appearances matter

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You cannot do (or remain in) your job as a public official if the public believes you have neither credibility or integrity.

# What can get you in trouble?

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## Conflicts of interest.

- General rule—A conflict of interest occurs when you, any member of your family, or an entity in which you have a legal relationship, stand to gain an economic benefit by an action of your port.

# What can get you in trouble?

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## Conflicts of interest (cont.)

- The fact that a conflict exists is not inherently a problem—In smaller communities, situations can regularly arise where conflicts of interest appear because of the smaller population base. The problem arises if you, as a commissioner, are involved in any process or decision making that leads to the port making a decision affecting you, your family, or your business.

# What can get you in trouble?

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## Conflicts of interest (cont.)

The remedy?—Recuse yourself from any deliberations or vote on the matter.

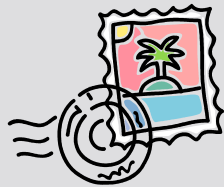


# What can get you in trouble?

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## Political campaigns

- You cannot use or authorize the use of port facilities for the purpose of assisting any political campaign.
- “Facilities” include use of port stationary, postage, machines (including computers and copiers), vehicles, office space, or employees during office hours.

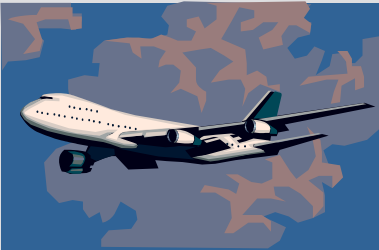


# What can get you in trouble?

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## Special privileges

- You cannot use your position to obtain any special privileges or exemptions for yourself, your friends, or your family that are not otherwise available to the general public or port employees, unless it's in the conduct of your duties for the port.



# What can get you in trouble?

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## **Special privileges (cont.)**

Always remember the admonition that you can't use your office for "personal gain or private advantage." If you follow this rule, you can avoid most problems.

# What can get you in trouble?

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## Gifts.

- You can accept a gift on behalf of the port, but you can't keep it.
- Do not ever solicit or accept for yourself or your family any item of economic value if it could reasonably be expected that the item could influence your vote, action, or judgment or be considered a reward for your action or inaction.



Questions?