

Ethics and Conflicts of Interest for Clerks: How to Stay Out of Trouble, and What to Do When the Board Gets into Trouble

Agenda and Scenarios:

Introduction: Distinction between what's legal and what's ethical. Why is it important to know the difference?

Scenarios: In each case, think about the legal issues and ethical issues, and decide how best to respond.

Part One: How to stay out of trouble with the board.

1. A newly elected board member has asked for a meeting with you. He has been observing how things are done and he has a list of things he thinks should be done differently. For example, he thinks you should post the meeting agendas earlier so people have more time to review the information. And he thinks that you shouldn't provide copies of the draft minutes to the public until the board has reviewed them.
2. The board is meeting in closed session to discuss a personnel matter. After completing their personnel discussion, the chair starts talking about how they will go about appointing someone to fill a vacancy on the planning board. After a short discussion, they all agree on a process and you summarize the agreed upon process in the minutes. At the next board meeting, the chair announces the process. A reporter is curious about how they came up with that without having a meeting. The chair indicates that they discussed in a closed session. Of course, the reporter requests a copy of the minutes.
3. A board member comes to you and says that she's been hearing rumors that two employees – each of them married – have been having an affair. The board member wants to look at their work emails for the past few months and also information from their time sheets about when they come and go. She also asks you not to tell anyone about her request. You go to the manager and who says that you can't provide that information and that you need let her know that individual board members don't have access to employee records.

Part Two: How to help the board stay out of trouble.

1. It's time to renew the contract with the solid waste company. The manager has looked it over and the attorney has "approved it as to form" ([whatever that means!](#)) and the chair has called each of the board members and they all agree that it's ready to sign.
2. The board is voting to award a contract for a construction project. The lowest responsive, responsible bidder happens to be the sister of the one of the board members. The member says, since I'm related to the contractor, I think I should be excused from voting. The board agrees and board excuses him and the member does not vote.

3. Three members of your five-member board and the mayor have let you know that they are going to attend a town council meeting to hear about the town's proposed economic development project and how the county it might create opportunities for the county. You suggest that it would be good to give notice since this would be a majority of the board. The chair says, "you don't need to do that – we aren't going to discuss board business and we won't be taking any actions."

Part Three: How to stay out of trouble with the law.

1. The contracted county attorney has been with the county for years, and she's been helpful to you since the day you started as a brand-new clerk. She always takes time to explain legal requirements and makes you look good to the board. Whenever her contract comes up for renewal the board always checks with you about her performance and you always give her the highest ratings. Recently, the attorney and her husband purchased a beach house. They're going to rent it out, but she offers it to you at no cost any time you want to use it when it's not rented.
2. You look forward to attending the NCACC annual conference each year. You especially like the part when the vendors give out the door prizes. Every year you just know you're going to get something. And this year you did: A [Pickle Ball Set](#). *Just what you've always wanted.* You don't want to insult the vendor, so you say that it's illegal for you to keep it, but that you'll give it to your grandparents.
3. The county owns a small piece of property that is vacant and a bit of an eyesore. The county has been talking about selling it for a long time but now they have a buyer who has indicated to the chair that he wants to build a gas station on it. The chair has mentioned the buyer's intentions to you so that you can prepare for the bid process. It also happens that your best friend lives across the street from the property in question. You feel you could never forgive yourself if you didn't tell her that she might consider putting in a bid.