

NALEO
National Institute for Newly Elected Officials
Municipal and County Session
Policy Making and Bureaucracy
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8:45-11:30

Presented by:
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Introduction

- ❑ Topics to cover:
 - ❑ Public Office: Authority & Responsibility
 - ❑ Sources of Law: Federal, State & Local
 - ❑ Form of Government
 - ❑ Organizational Structure & Resources: “City Hall”
 - ❑ Types of Decisions
 - ❑ Law versus Ethics
 - ❑ Conflicts, Perks, Due Process
 - ❑ Transparency (Open Meetings, Public Records)

Public Office: What is your role?

Your role has many components:

- ❑ Decision-maker
 - Consider “Due Process”
- ❑ Teammate
 - Transparency
- ❑ Advocate
 - Conflicts
- ❑ Problem-solver
 - Federal, State, Local laws



Effectiveness in Public Office

Effectiveness requires:

- ❑ Listening
 - Listen to colleagues and the public
- ❑ Mindfulness of Perception
 - Key to public trust
- ❑ Knowledge
 - Know your community, staff, rules, etc



Sources of Law

Sources of Law

- ❑ Federal Law versus Local Law
- ❑ State Law versus Local Law
- ❑ Police Powers (Broad)
 - ❑ Land Use Authority/Zoning Power:
Power to design and develop communities.
 - ❑ Economic Development/Tax Increment Financing: Ability to subsidize projects in blighted areas in order to stimulate ED.



Local Laws

- ❑ Local Laws
 - ❑ Municipal/Administrative Codes (Ordinances)
 - ❑ First and Second Readings; Public Hearings
 - ❑ Resolutions
 - ❑ Expressions of Support
 - ❑ Policies or Administrative Regulations

A close-up photograph of a person's hand holding a black stethoscope to their mouth. The person is wearing a white lab coat. The background is a soft, out-of-focus light color.

Local Laws

Local Laws

- ❑ Local Laws: Procedures
 - ❑ Parliamentary Procedures (Robert's Rules of Order/Rosenberg's Rules of Order)
 - ❑ Rules of Decorum
 - ❑ Stand at the Podium
 - ❑ Name and Address
 - ❑ Permission to Speak
 - ❑ Keep organized and civil

A close-up photograph of a person's mouth and hand speaking into a black microphone. The person is wearing a dark, textured ring on their finger. The background is a soft, out-of-focus light color.

Local Laws

Organizational Structure & Resources

Organizational Structure

- ❑ City Manager / City Administrator
- ❑ City Clerk
- ❑ City Attorney / General Counsel

Resources

- ❑ Other Departments: Planning, Human Resources, Finance, Public Works, and others



Types of Decisions

Decisions

- ❑ Legislative
- ❑ Quasi-Adjudicative = Your Role as Judge
 - ❑ Public Hearings & “Due Process”
 - ❑ No Ex Parte Communication; evidence and testimony from Hearing Only
 - ❑ Must be present to vote.



Types of Violations

- ❑ Conflicts of Interest (financial, personal)
- ❑ Personal Advantages and Perks
- ❑ Due Process
- ❑ Transparency Laws



Conflicts of Interest

- ❑ Types of Conflicts
 - ❑ Financial
 - ❑ Personal
 - ❑ Contracts
 - ❑ Incompatible Offices



Disclosure is Key to Conflicts

Report Economic Interests (Ethics Commission)

- ❑ Sources of Income (salary)
- ❑ Real Property
- ❑ Investments (Business Interests)
- ❑ Gifts
 - ❑ Economic Interests of Spouse May be Attributable to You.



Disqualification

- ❑ No involvement in the decision-making, including preliminary discussions with staff
- ❑ No communication with colleagues

Personal Advantages & Perks

Two Types:

- ▣ Perks offered to you (gifts)
- ▣ Perks that you give yourself (public resources)



Personal Advantages & Perks

- ❑ Those Offered to You:
 - ❑ Gifts (They Don't Always Have Bows so Watch Out!)
 - ❑ Reportable or prohibited?
 - ❑ Honorarium
 - ❑ Free Transportation
- ❑ Those You "Give" To Yourself:
 - ❑ Solicitation of Campaign Funds
 - ❑ Political or Personal Use of Public Resources
 - ❑ Gift of Public Funds



Due Process

Due Process means:

- ❑ Reasonable notice and a reasonable opportunity to be heard before an impartial decision maker.
 - Free from bias or prejudice
 - No predetermination
- ❑ Due process is implicated in permits, licenses, discipline/termination of employees.



Transparency

- Sunshine Laws
 - Open Meetings
 - Public Comment/Oral Communication
 - Disruptive Behavior
 - No content-based restrictions
 - Be uniform
 - Matters Not on the Agenda
 - Communication with Colleagues
 - Serial Meetings
 - Hub and Spoke



Transparency

- ❑ Public Records

- ❑ Access to information

- ❑ Anyone may request (including public entities)

- ❑ Emails, Text Messages, Other Writings May be Included

Consequences

- ❑ Civil liability
- ❑ Restitution
- ❑ Fines
- ❑ Jail
- ❑ Forfeiture of Office
- ❑ Nullification of Decision
- ❑ Attorney's Fees and Costs
- ❑ Embarrassment



Parting Advice

1. Perception is more important than reality.
2. Take advantage of training opportunities, including webinars, conferences, seminars, etc.
3. Ask questions!!



Final Thought

“Always do right. This will gratify some and astonish the rest.”

□ - Mark Twain