

## Much Ado About Voting

### *(An Ethical Drama In Three Acts)*

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Leonard County<sup>1</sup> is a rural North Carolina county governed by a five member Board of Commissioners. The recent elections have left the Board bitterly divided even though all incumbents were reelected. The division comes not from party politics, but perpetual interpersonal conflicts. The organizational meeting following the election finds our embattled commissioners once again at war from within.

### ~ ~ Act One ~ ~

Scene: Commissioners' Meeting Room, Leonard County Administration Building.

**Chairman Benedick:** Welcome members. Congratulations on your successful campaigns and welcome to another term of making life better for the citizens of Leonard County. First on our agenda is a request from the SPCA for an additional \$5000 to fund improvements to the Animal Shelter. They've had some unexpected expenses so the funding we already gave them when we adopted the budget isn't enough.

**Commissioner Macbeth:** Well I for one think the SPCA does a wonderful job taking care of those poor creatures and operating the animal shelter for the county, so we should support their request. I move approval.

**Commissioner Romeo:** I second the motion.

**Commissioner Falstaff:** Hold on a minute. Macbeth, don't you have a conflict of interest? You're married to the Chair of the Board of the SPCA. Mr. Chairman, Macbeth should recuse [himself/herself].

**Councilman Macbeth:** You better back off, Falstaff, or I'm going to recuse you! You leave my spouse out of this!

**Commissioner Beatrice:** Now Falstaff, you're just sore because at last month's meeting you didn't get to vote in favor of that variance your sister was asking for just so she could expand her business without having to provide more parking.

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<sup>1</sup> Leonard County's population is 32,457. There is no incorporated municipality within the county with a population over 15,000 based on the most recent federal census.

**Commissioner Falstaff:** You bet I'm mad! Macbeth's spouse can chair the SPCA Board and we give them money, and yet I can't vote on a simple question of whether a business has enough parking when I don't even have a financial interest in that business! That just makes no sense!

**Commissioner Hamlet:** Oh for heavens' sake! What's done is done. To vote or not to vote, that is the question! I don't think Macbeth has a conflict of interest. It's not like [his/her] spouse is making any money chairing that board.

**Commissioner Romeo:** But, doesn't it look like Macbeth has an appearance of impropriety? Our board code of ethics says we should all avoid the appearance of impropriety!

**Commissioner Macbeth:** Now look who's talking about appearances of impropriety! Romeo, your daughter works for the SPCA and helps run the animal shelter. If anyone has a conflict of interest, it's you! If you think I should recuse myself, then you definitely have to recuse yourself.

**Commissioner Falstaff:** All this is neither here nor there. Why don't you both recuse yourselves and let's be done with this.

**Chairman Benedick:** The chair will entertain a motion to table this matter until we can get an opinion from our lawyer.

**Commissioner Beatrice:** So moved.

**Chairman Benedick:** All those in favor say aye.

**All Commissioners:** Aye!

**Chairman Benedick:** It's unanimous. Sadly it appears that the only thing we all agree on is to do nothing!

## Discussion Questions:

### 1. Macbeth's Conflict

- a. Is Macbeth legally allowed to vote on the increase in funds for the SPCA when [his/her] spouse serves as the chair of the board of the SPCA, which runs the Animal Shelter for the county? Why or why not?
  
  
  
  
  
  
  
  
  
  
- b. May Macbeth recuse [him/her] self to avoid the appearance of impropriety?

### 2. Romeo's Conflict

- a. Is Commissioner Romeo legally allowed to vote on the increase in funds for the SPCA when [his/her] daughter works for the SPCA? Why or why not?
  
  
  
  
  
  
  
  
  
  
- b. May Romeo recuse [him/her] self to avoid the appearance of impropriety? Why or why not?

### 3. Falstaff's Conflict: Why was Falstaff not permitted to vote on his sister's zoning variance?

~ ~ **Act Two** ~ ~

Scene: Commissioners' Meeting Room, Leonard County Administration Building.

**Chairman Benedick:** I think we resolved that last item appropriately by delaying it 'till our next meeting. Maybe our lawyer will have an answer for us by then. Let's move on to the next item on our agenda. We have a report from our facilities manager that the roof of the Senior Center needs to be repaired, and he estimates it will cost about \$25,000. That's below the threshold for mandatory bidding. Does anyone have a suggestion for getting this done quickly and cheaply?

**Commissioner Falstaff:** Mr. Chairman, I'm willing to have my construction company do the work at no profit, just reimbursement for materials and subcontractor labor. And, I'll use only local subcontractors and buy all the materials from a local company.

**Chairman Benedick:** Well I think that is a mighty generous offer, Falstaff!

**Commissioner Macbeth:** Hold on! Isn't that a conflict of interest? You all accuse me of having conflicts all the time, but now you think it is fine to make a contract to pay Falstaff using county funds to do work on a county building!

**Commissioner Falstaff:** I'm not going to get paid, just reimbursed for my expenses. And, I'll be putting local folks to work and supporting local businesses. How's that a conflict?

**Commissioner Romeo:** I don't think there's a conflict since Falstaff isn't going to make a profit. I agree with Benedick that this is a mighty generous offer, Falstaff. I move approval.

**Commissioner Beatrice:** Just a minute! Can we do this? Can we just agree to contract with one of our own commissioners? I think I remember something about this being a problem when we took our ethics training from the School of Government.

**Commissioner Macbeth:** You must have not been paying attention too closely at that ethics training, Beatrice, or else you wouldn't have taken that free trip to Las Vegas to "tour" that water plant.

**Commissioner Beatrice:** That was a perfectly legitimate trip on county business. We needed to conduct a site visit to that water plant to determine if it was the right kind of plant for us to build here in Leonard County. It is highly innovative and I learned a great deal on that trip.

**Commissioner Hamlet:** I'll bet you did. Especially since the company that wants to build that plant here paid for all your expenses...including the show and a night at the casino. If that isn't an illegal gift then I don't know what is.

**Commissioner Beatrice:** I'll have you know that I paid for all the entertainment with my own money. Not a dollar of public money was spent!

**Commissioner Falstaff:** A gift by any other name is still a gift. Mr. Chairman, can we get on with business? I second Romeo's motion.

**Chairman Benedick:** Thank goodness we can finally vote on something! All in favor, say "aye." [Falstaff, Benedick, Macbeth, and Romeo say "aye"]

**Commissioner Beatrice:** Mr. Chairman, I don't think this is legal so I'm going to abstain, and I'm calling the School of Government.

## Discussion Questions:

### 1. Falstaff's Contract

- a. May the Board legally contract with Falstaff to repair the Senior Center roof? Why or why not? If so, did the Board comply with the statutory requirements for approving the contract?
- b. If the board is legally permitted to contract with Falstaff, *should* it do so? What are the advantages and disadvantages of this arrangement?

### 2. Beatrice's Trip

- a. Did Beatrice accept an illegal gift when the water plant company paid for the site visit trip to Las Vegas? Why or why not?
- b. If the trip did not violate state law, *should* Beatrice have accepted the contractor's offer to pay the site visit trip expenses? Why or why not?

### ~ ~ **Act Three** ~ ~

Scene: Front of the County Building after the meeting.

**Reporter:** This is Julie Capulet with WSOG-TV and I'm standing outside the Leonard County building where the county commissioners have just completed yet another meeting full of drama. Here come Commissioners Macbeth and Romeo – I'll see if I can get a comment.

Commissioner Macbeth—you supported increasing funds for the SPCA and the animal shelter when your spouse is the SPCA board chair. And Commissioner Romeo, your daughter works at the animal shelter. Don't you think that's a conflict of interest?

**Commissioner Macbeth:** I consulted with our attorney and the School of Government and I've done nothing illegal. I have no further comment at this time.

**Commissioner Romeo:** Me neither.

*(Both exit stage left in a hurry)*

**Reporter:** Let's see if Commissioner Falstaff is willing to talk with us. Commissioner Falstaff—you just voted to give your own construction company a contract to repair the Senior Center roof. Isn't that a conflict of interest? How is that fair to other contractors in our county?

**Commissioner Falstaff:** Since the law doesn't require us to bid, I simply offered to help out. I want all your viewers to know that I will not be making any profit on this work, I'll be employing only local subcontractors, I'll be buying materials only from local businesses, and I'll be saving taxpayers' dollars too. Isn't that a win-win for everyone?  
*(Chuckles and smiles broadly; exists stage left)*

**Commissioner Beatrice:** I'll be happy to comment since they won't. I think their behavior is just the kind of thing that makes citizens lose faith in government. I know our voters and I know this community. Nobody thinks the best way to do business is by doling out public dollars to commissioners and their family members. *(Exits stage left)*

**Commissioner Hamlet:** Well that's all well that ends well for Beatrice. She's the one who took the free trip to Vegas. Oh, and by the way, the company who paid for that trip is one of her biggest campaign contributors. No surprise that she thinks their proposal

for the design of the new water system is the best one to use for our next project! (*Exits stage left*)

**Reporter:** Here comes Chairman Benedick – let’s see what he has to say. Chairman Benedick, what is your take on the current relations among the board members? I talked to several citizens who attended the meeting. They say they’re sick of their commissioners lining their own pockets instead of taking care of county business. Are these things conflicts of interest or aren’t they? Doesn’t the Board’s code of ethics prohibit the appearance of impropriety? When are the Commissioners of Leonard County going to put the citizens first?

**Commissioner Benedick:** Well you know, Julie, all the world’s is a stage, and all the men and women merely players. I’m pleased to report that we’ll all be attending the School of Government’s Essentials program next month and we look forward to learning about ethics and meeting our colleagues from around the state who probably have this all figured out!

### Discussion Question:

Many of the situations we’ve discussed involve situations that are not illegal, but may be perceived as being inappropriate. What advice do you have for the commissioners of Leonard County regarding the ethics (not the law) involved in these situations?

~ ~ **The End** ~ ~