

Much Ado About Voting

(An Ethical Drama In Three Acts)

The Town of Meyersville¹ is a rural North Carolina municipality governed by a five member Town Council (including the Mayor, who is entitled to vote on all matters under the Town's charter). The recent elections have left the Council bitterly divided even though all incumbents were reelected. The division comes not from party politics, but from perpetual interpersonal conflicts. The organizational meeting following the election finds our embattled council members once again at war from within.

~ ~ Act One ~ ~

Scene: Council Meeting Room, Meyersville Town Hall.

Mayor Benedick: Welcome everyone! Congratulations on your successful campaigns and welcome to another term of making life better for the citizens of Meyersville. 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.

Councilmember 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 town, so we should support their request. I move approval.

Councilmember Romeo: I second the motion.

Councilmember 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. Mayor Benedick, shouldn't Macbeth recuse [himself/herself]?

Councilmember Macbeth: You better back off, Falstaff, or I'm going to recuse you! You leave my [husband/wife] out of this!

¹ Meyersville's population based on the most recent federal census is 1,274.

Councilmember 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 add more parking spaces.

Councilmember Falstaff: You bet I'm mad! Macbeth's spouse can chair the SPCA Board and we give them money at the drop of a hat, but 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!

Councilmember 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 SPCA board.

Councilmember 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!

Councilmember 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.

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

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

Councilmember Beatrice: So moved.

Mayor Benedick: All those in favor say aye.

All: Aye!

Mayor 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 Town? Why or why not?
- b. May Macbeth recuse [him/her] self to avoid the appearance of impropriety? Why or why not?

2. Romeo's Conflict

- a. Is 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/her sister's zoning variance?

~ ~ **Act Two** ~ ~

Scene: Council Meeting Room, Meyersville Town Hall.

Mayor 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 \$15,000. Our attorney says that's way below the threshold for mandatory bidding so we don't have to bid this project. Does anyone have a suggestion for getting this done quickly and cheaply?

Councilmember Falstaff: Mr. Mayor, 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.

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

Councilmember 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 for us to contract with Falstaff and pay him with town funds to do work on a town building!

Councilmember 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?

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

Councilmember Beatrice: Just a minute! Can we do this? We can't just agree to contract with a member of our own council, can we? I think I remember something about this being a problem when we took our ethics training from the School of Government.

Councilmember 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.

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

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

Councilmember 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!

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

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

Councilmember 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 council legally contract with Falstaff to repair the Senior Center roof? Why or why not? If so, did the council comply with the statutory requirements for approving the contract?
- b. If the council 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 Town Hall after the meeting.

Reporter: This is Julie Capulet with WSOG-TV and I'm standing outside the Meyersville Town Hall where the town council has just completed yet another meeting full of drama. Here come Councilmembers Macbeth and Romeo – I'll see if I can get a comment.

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

Councilmember 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.

Councilmember Romeo: Me neither.

(Both exit stage left in a hurry)

Reporter: Let's see if Councilmember Falstaff is willing to talk with us. Councilmember 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 community?

Councilmember 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; exits stage left)

Councilmember Beatrice: Well Julie, I'll be happy to comment since none of them will. 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 we should do business by doling out public dollars to council members and their families. *(Exits stage left)*

Councilmember 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 plant is the best one to use for our next project! (*Exits stage left*)

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

Mayor Benedick: Well you know, Julie, all the world’s a stage, and all of us are 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 Meyersville town council regarding the ethics (not the law) involved in these situations?

~ ~ The End ~ ~