

Transparency in Local Government: Protecting Your Community Against Corruption

www.ca-ilg.org/protectingyourcommunity

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QUESTION: *Like many officials, we watched in dismay last summer as media coverage of excessive compensation and pension levels in some communities caused our local press and residents to think that such pay packages are the norm, not the exception. We posted our compensation on our website to assure the community that our agency's compensation levels are significantly more moderate than Bell's.*

Even so, the effects of the scandal are still taking a terrible toll on the public's trust in our local leaders. What can we do to prevent this kind of scandal from ever happening in our community? Are there steps we can take to repair the damage that has been done?

ANSWER: As events unfolded this past summer about multiple irregularities in the City of Bell, many local officials were understandably shocked and dismayed. Many also experienced the public's understandable but disheartening question, "If these things happened in Bell, are they also happening in our community?"

Many conscientious and concerned local officials asked a similar question: "What can we do to make sure that what happened in Bell never happens to our community?"

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Burke, Williams & Sorensen represents cities, counties, redevelopment agencies, joint powers authorities and special districts throughout California.

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No Silver Bullet

First, there is no one step local officials can take that will inoculate a community against what happened in Bell. Publishing compensation rates on websites is an important first step, but it doesn't get to the heart of the public's concerns and conclusions about Bell. These concerns are that public officials — elected and appointed — are putting their interests ahead of the public's interests in managing the agency. Moreover, in Bell a profound lack of transparency, if not downright deception, was an issue.

Thus, the excessive compensation packages were a symptom, not the cause, of the underlying problem. The question is: What were the circumstances that allowed the excessive compensation packages to be approved?

In Bell, an organizational culture existed that tolerated, or even supported, the pursuit of self-interests over the public's interests. This, along with weaknesses in the system of traditional checks and balances against abuses of power, led to a scandal of such magnitude that it affected every local agency in California.

What can local officials and their communities do to prevent such a culture from taking hold? What can they do to make sure that such abuses of authority do not occur in their communities? Proactive strategies include:

- Understanding and applying public service ethics laws and principles;
- Encouraging the public's active engagement in public agency decision-making; and
- Supporting an ongoing exchange of information within communities that keeps both officials and the public abreast of what they need to know to make informed judgments.

These strategies get to the heart of what makes democracy work at the local level. Together they constitute a community's civic infrastructure, which is no less vital to the health and well-being of a community than conventional physical infrastructure.

Such approaches offer leaders the tools to focus exclusively on pursuing the public's interests and also provide critical checks on the efforts of officials who might put self-interests ahead of the public's interests.

Understanding Public Service Ethics Laws and Principles

In public service, the pursuit of self-interest at the expense of the public's interest is fundamentally an ethics issue. Ethics is what one ought to do. Regardless of whether any laws were broken, the city manager in Bell ought not to have exploited his position of influence to secure such disproportionate salary and benefit packages for himself and others in the city.

An Emphasis on Values and Process

With respect to public service ethics, the goal is to foster a culture of ethics within a local agency. When such a culture is robust, decision-making criteria include such values as trustworthiness, responsibility, fairness and respect. The means by which worthy ends are pursued matter as much as and sometimes even more than the ends themselves.

For public servants, worthy ends never justify questionable means. In a democracy, the means — which typically revolve around processes designed to promote public input and information — are truly the ends, as both Martin Luther King Jr. and Gandhi observed.

Laws as Minimum Standards

Promoting understanding of and compliance with the laws governing public service ethics is necessary but not sufficient. As this article goes to press, the degree to which laws were broken in Bell remains unclear. The public is anxious to see those who were responsible for the scandal held accountable and divested of what the public understandably considers to be ill-gotten gains. Law enforcement officials are rigorously reviewing Bell's records to determine what the options may be.

The fact that it's difficult to write enough laws to protect the public from all such abuses is exactly why it's so important for conscientious local officials not to treat compliance with the law as the end of the analysis. When an agency has a robust culture of ethics, members of the local agency team embrace the notion that the law creates minimum standards — not the standard.

The prevailing analysis should be along the lines of “Now that we know what the law requires in a given situation, are there steps we can take to go above and beyond the law's minimum requirements?” and “What approach will best promote the public's trust and confidence in our agency?” It needs to take into account a prevailing public distrust (deepened as a result of the Bell scandal) of public officials' actions and should err on the side of extreme caution.

Ethics and Values Statements: Walking the Talk Is Critical

Many organizations adopt values statements and/or values-based codes of ethics to underscore their commitment to how the agency pursues its objectives. These can be helpful, but the hard work begins after the adoption of such statements or codes. For such measures to make a difference, the question of how one walks the talk needs to be an ongoing part of the dialogue within the agency by elected officials and staff alike. Unless an agency is prepared to commit to such an effort, adopting such a statement can simply make an organization look hypocritical at best or deceptive at worst.

Starting off on the Right Foot

Walking the talk can start before an individual becomes a member of the local agency team. Information about public service ethics can be part of candidate orientation materials, as can campaign ethics. Communities can also encourage their residents to “vote ethics.”

Ethics can play a role in the selection of employees. Does a candidate for a position adhere to his or her profession’s code of ethics? The candidates can be queried on how they have handled or would handle situations where their interests might conflict with those of the public.

Once on board, the organization’s commitment to ethics needs to be part of each employee’s orientation and also a part of evaluation and advancement.

Engaging the Public in Community Decision-Making

What steps can a public official take to create external support for public service ethics and decision-making grounded in the public’s interests? An active and engaged community helps, which is why former Supreme Court Justice Louis Brandeis observed that “the most important political office is that of private citizen.”

Fostering Community Traditions of Public Engagement

An active and engaged public can serve as an important check on abuses of public positions. How do today’s public servants foster traditions of public engagement to protect their communities from abuses now and in the future? Such efforts involve five elements:

1. Informing the public so residents have a capacity for and interest in participating;
2. Providing ongoing opportunities for residents to become involved in the community’s civic and political life;
3. Learning from the experience;
4. Refining approaches; and
5. Making these practices inherent in the way that local agencies govern.

These five elements contribute to habits and a culture of participation that make it less likely for a Bell scenario to develop.

Reaching Out Beyond the Usual Participants

Successfully developing public capacity for engagement in local government means seeking out those who don’t already attend public meetings. It also means restructuring such meetings to make them responsive to both organizers’ and attendees’ needs. Again, these efforts require both work and resources; there are no silver bullets.

An assertive education and recruitment effort to involve the public can include citizen academies and other leadership development and engagement opportunities. People who have been involved in local government sometimes forget how unfamiliar local agency structures and processes can seem to the uninitiated.

Other strategies for success involve forging partnerships with organizations whose members are part of the communities that agencies are trying to reach; for example, community-based organizations, local congregations and business groups. Consider, too, the ways that an agency communicates information about what is going on. Do these communication efforts involve local ethnic media, social media and more informal communication channels?

Authentic Engagement, Not Just Going Through the Motions

All of these activities need to be undertaken with an overarching commitment to authenticity. This means public agencies should:

- Ask for information from the public when agency officials really want it; and
- Take the public's ideas and recommendations into account once they are offered.

Authentic public engagement builds community ownership. Not only does such engagement make it more likely that members of the public will participate again, it also increases the likelihood that members of the public will hold local officials accountable for pursuing the public's interests as opposed to narrow self-interests.

Supporting a Strong Community Information Infrastructure

Another step leaders can take to protect their communities against unscrupulous officials is to support responsible and conscientious participants in the community's information infrastructure. Watchdogs help not only detect and shine a light on abuses, but they also play a deterrent role in discouraging such abuses in the first place.

Local Leaders Need Solid Information

The place to start is within the local agency. Do elected and appointed officials have access to resources and networks of other local officials that help and support them in asking the right questions? Do staff members have the training, expertise and access to peers that help them give the right answers, make hard choices and speak truth to those in power?

In these difficult economic times, resources are often stretched thin. However, there are low-cost ways to make sure people have access to peer-to-peer support groups and learning networks, webinars and information resources. For example, the Institute for Local Government offers a variety of resources on its website (www.ca-ilg.org) to help local officials in their service to their communities, including a recently updated and

expanded list of questions local officials can ask in their role as financial stewards for their public agencies (<http://www.ca-ilg.org/post/financialmanagement>)

Reliable Community Information Channels Also Critical

Communities as well as leaders benefit from a strong information infrastructure. Staying informed about what is happening locally helps people identify and connect with their community. Such a connection is vital for local agencies to function effectively. In addition, robust information flows are an important prerequisite if communities are to address pressing issues in a coordinated way.

Information flows also foster accountability. Because they play a watchdog role, journalists provide an important check against abuses. In Bell, the traditional media (the Los Angeles Times) broke the story about the salaries of staff and elected officials.

However, evidence suggests that business models for journalism are changing. Journalists and those who recognize the important role journalism plays in a democracy are experimenting with new business models, including foundation funding and more entrepreneurial models that take advantage of the Internet's efficiency.

Of course, others who do not adhere to journalists' standards for accuracy also take advantage of this same efficiency. When the forces of misinformation dominate the community information environment, it indicates that more needs to be done to support the flow of accurate information. Surrendering information forums to providers of misinformation is an unwise strategy.

Similarly, it's not a good idea to resist requests for information to which the public is entitled. As one city manager observes, the reality of public administration is that the public is entitled to virtually all information related to how the agency conducts the public's business. If there are concerns that information may be misinterpreted or taken

ABOUT ILG

This resource is a service of the Institute for Local Government (ILG) whose mission is to promote good government at the local level with practical, impartial, and easy-to-use resources for California communities. ILG is the nonprofit 501(c)(3) research and education affiliate of the League of California Cities and the California State Association of Counties. For more information and to access the Institute's resources on Local Government 101 go to www.ca-ilg.org/local-government-101. To access this resource directly, go to www.ca-ilg.org/media-relations.

The Institute welcomes feedback on this resource:

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out of context, then the task becomes how to provide the most complete information possible to minimize that likelihood.

Local Officials' Role in Supporting Community Information Flows

Local agencies play an important role as information providers. Information flows help local agency officials connect with the community, work with residents to identify solutions to challenges and then build support for those solutions. Such flows also help the community understand the constraints under which local agencies operate. When local agencies are genuinely working hard to address community needs with limited resources, as the vast majority are, such information flows are essential to their success in those endeavors.

While local agencies and officials are important sources of information, a robust community information system that functions apart from local agency efforts is vital in several ways. In addition to being a check against abuses, it helps leverage local agency communication efforts to reach diverse segments of the community. It helps the public evaluate the information local agencies make available and supplements public agency information with background and data from other sources.

In addition, participants in the flow of community information can generate feedback that can assist local officials in potentially identifying additional tactics for addressing community challenges and assessing community support for different strategies. This can in turn lead to public agency decisions that have more broadly based community support and, as a result, are more enduring.

Conclusion

The City of Bell scandal did deep and lasting damage to the public's trust in local government. Local agencies' repair efforts need to be concerted, visible, authentic and sustained. Again, there are no quick or easy fixes.

The Institute for Local Government has developed a number of on line resources to assist local agency officials in redoubling their efforts as they relate to ethics, engagement and information flows at www.ca-ilg.org.

The task can seem daunting given all of the many challenges local agencies face — however, the public's trust and confidence is critical to addressing those other challenges. Chinese philosopher Lao Tzu observed that the journey of a thousand miles begins with a single step. When it comes to rebuilding and maintaining the public's trust in local government, the task is to keep putting one foot after the other along the path of that critical journey.