** URBS 489 Capstone**

**Ethics in Public Service--Cases**

1, *Potential Conflict of Interests*

 The county council is considering an ordinance that would drastically increase the water and sewage fees for rental units. The county’s staff has analyzed the proposal and feels that the proposed fees are excessive because the amount of water consumed by apartment units is far less than that of single-family houses. The staff also feel the rate hikes will exacerbate the county’s existing rental housing shortage by encouraging the conversion of rental units to condominiums.

 One staff member prepares a report that recommends that the revised fee structure not be approved. However, the staffer does not declare a potential conflict of interests, even though her husband owns a small rental property.

 Was the behavior of the staff who prepared the report ethical? Does it make a difference if the staff person is a planner or a manager?

2.                  *Release of Development Information*

The staff of a state planning agency is reviewing a development proposal. Most of the data it has assembled show the project in an unfavorable light. The state’s policy is that all working files should be open to the public, but the staff planners are concerned about releasing information in a piecemeal fashion because it could be misconstrued.

The president of a citizens group opposed to the project has requested an appointment to see the file. The president has also stated her intention to seek the state’s help in organizing opposition to the project. The state’s director of planning decides to remove the single most critical document and keep it in his desk for “further study” during the time when the leader of the citizens group is reviewing the file.

Was the behavior of the planner who edited the file ethical?

3.                  *Letter to the Editor*

A city staff member writes a letter to the editor of a local newspaper. The letter compliments the county’s planning commission on its refusal to approve a rezoning request that would have allowed further industrial development. The staffer signs the letter with his name and home address only. The city’s planning director agrees with the conclusions and even notes that the comments expressed are of a professional, not a political, nature.

The letter to the editor provokes behind-the-scenes activity in which pressure is put on the city manager to fire the planner. The manager refuses. Instead, she inserts a memo in the office file listing several “legitimate vehicles”—going to meetings and giving speeches—through which staff can express themselves publicly. The staff member also is told to use more discretion in the future and never to sign his own name to such a letter.

Was the behavior of the staff member who wrote the letter ethical? Does it make any difference if the staff member is a planner or a manager?

4.                  *Gag Order*

Several city planners oppose a freeway system plan that was adopted by a regional planning agency. They contend that the original staff plan has been emasculated and that the final product discredits the profession.

The city’s planning director, who supports the freeway system plan, refuses to allow her staff to express public opposition to the plan, either as professionals or as citizens. She threatens to fire any planners who disobey her orders in this matter.

The planners draft a statement for presentation at the local APA chapter meeting, but then receive word from a reliable source that pressure will be put on the planning director to fire them if such a statement is presented. Fearing for their jobs, the planners do not make any statements in opposition to the freeway system. But they do tell the local APA chapter, at a meeting attended by the director, that they have been forbidden from taking a public position on the freeway system plan.

Was the behavior of the planning director in threatening to fire her employees ethical?

*5.                  Employment Opportunity*

A small city of 25,000 on a lovely lake is being wooed by several hotel entrepreneurs. In evaluating the various proposals, the city’s staff has been asked for information about the number and types of jobs to be made available and, also, how many of these jobs would be targeted to city residents.

In reviewing the data submitted, the staff notices that the jobs are segregated by sex. For example, women are to be employed in the coffee shops as waitresses and men are to work in the main restaurant as waiters.

A member of the staff meets with a city councilperson to discuss this matter, and the councilperson volunteers to contact the developer and challenge the hotel’s policies. A debate develops among the staff, with some arguing that the management of the hotel is outside the purview of their responsibilities.

Was the behavior of the staff who contacted the councilperson ethical? Does it make a difference if the staff member is a planner or a manager?

5.                  *Saving the Wetlands*

A regional planner who worked on a wetlands preservation study gives certain findings to an environmental group, without receiving authorization from the director of the agency. The planner took his action because he felt the director had purposely left out of the study report those findings that did not support the agency’s official policies. The findings that were deleted had been well documented.

Was the behavior of the planner who released the information ethical?

6. **Poor Hannah's Ice Cream Stand**--*Read the following story by Mary Lincoln, and consider the questions which follow.*

When our daughter, Hannah, was 15 and couldn't find a summer job, my husband and I discussed with her the possibilities available in the free-enterprise system.

We told Hannah how Andrew Carnegie, John D. Rockefeller and others rose from obscurity through a willingness to work and take risks. So Hannah decided to go into business for herself, selling ice cream, sandwiches, and home-baked goodies at a gas station three miles from our farm in Randolph Center, VT.

We owned a five-by-seven-foot outbuilding that could be moved to the site. while Hannah scrubbed and overhauled the interior, I went to the Town Hall to see if she would need permission from anyone other than the gas-station manager.

The Town Manager leaned back in his chair. "You'll need to see the local zoning board and site-plan review commission," he said.

"Thank you," I said. "They meet this Wednesday, don't they? I'll..."

"Then you'll have to see the Regional Planning commission. If the local and regional commissions give their okay, they'll grant a temporary permit, pending approval by all relevant agencies and subject to your getting the necessary licenses."

I began to take notes.

"When you go to the local meeting," he continued, "we'll need a scale map of the land showing boundaries, traffic flow, sewer and water lines, bathroom facilities, and everything else you'll find in the application." The application fee was $25.

"I think this can save you quite a bit of trouble and expense," said the Town Manager, unrolling a large map of the gas station's 17-acre plot. "Just copy this map, put Hannah's stand in the appropriate place, and fill in the application form."

At the zoning meeting, the Regional Planning Commission decided it need not get involved at all. Aha! I thought. This stuff isn't really so bad.

We moved the stand to the site. Then I visited the Health Department on the matter of the brownies and sandwiches--and the water ( to be carried in closed containers from our house) in which the ice-cream scoops would be rinsed.

The field man from the Health Department removed the kitchen-faucet strainer, lit a match, held it to the edge of the pipe for a minute, ran the water, and caught a sample in a sterile bottle. He asked to see the water-storage facilities.

We went to the cellar, and he examined the cement storage tank. The tank is supplied from a spring. It had heavy plastic sheeting on top.

"You'll have to put a more substantial cover on the tank," he said.

My husband, Ed, replied confidently, "If we have perfect water, we won't have to do anything, right? I mean, the agriculture Department tested our water three weeks ago, and it was absolutely clean."

"These old spring systems are usually not able to pass," said the man from the Health Department. "We do a bacteria test for coliform; if you have so much as one bacterium per 100 milliliters of water, you won't be able to use this water as planned."

What we had was ten! A problem. The inspector told us to drain, scrub and rinse the tank, re-cover it ($32), put a chlorine solution in the spring, and call him when the chlorine taste was gone.

While waiting for the new inspection, I filled in the application for a Home Catering License ($20). Our cows refused to drink the chlorinated water; mile production declined.

The inspector approved the new tank cover and took another sample. Result: another count of ten. He hiked to the spring: eight-inch cement walls, a stone bottom, a cover made of roofing material--but the surrounding fence was broken.

"I suggest you mend the fence, give the spring another cleaning and cover it with a heavy-gauge metal roof," said the inspector, by now our ally. "Perhaps there is a spot in this roof where insects are getting through," he mused sympathetically.

Ed found a metal roof 30 miles and $39 away. Another test . . . and a count of 100-plus! We cleaned the spring again, and replaced the fence ($17). One bacterium.

Then one evening Ed discovered a four-inch garter snake swimming in the spring. In the overflow-pipe strainer was a tiny hole, about big enough for one bacterium riding a reptile. Ed removed the snake, replaced the strainer, flushed the system with chlorine, and called the Health Department. Bacteria: zero.

Next we heard about the State Electrical Inspector to whom, it seems, new commercial enterprises--supermarkets, football stadiums, restaurants and, yes, ice-cream stands--must apply. he made sure that Hannah's wiring was done by a master electrician.

Hannah, meanwhile, had located a used freezer and bought a supply of ice cream. It was sold out in ten days. She bought more.

"What a relief," I said to the owner of the general store. "Looks like smooth sailing from here on."

"How does she do with those lousy tax forms?"

"What tax forms?"

"Room and Meals Tax. She has to fill out quarterly statements and pay taxes."

The Tax Department sent an application for a Room and Meals Tax number, an application for a wholesale number, a form for listing Hannah's assets and liabilities, and directions for posting the $1000 bond required for hew new license. Under "Assets," Hannah put "Used Freezer." When she came to the $1000 bond, she cried.

The Tax Department let Hannah put money in escrow to be held against taxes due or in case Hannah should move out of state in the middle of the night. and so Hannah scooped and baked and made sandwiches. her faith in us and the system was restored as she paid off her loan for start-up expenses.

Then one Sunday morning she found that vandals had broken in, smashed the freezer, stolen her change and ten cans of ice cream, and dumped the remaining ten cans on the floor. It took two days to clean up and get the freezer operation.

Hannah's net profit for ten weeks' hard work: less than $200.

All that was four years ago. Hannah's only remaining problem is the Tax Department. She has, at various times, called Montpelier and explained that she is out of business. Yet she still receives notices telling her she will not be allowed to renew her license if she doesn't get on the ball.

Someday, you may come upon a child selling lemonade from pitchers on a folding table. The child will probably not have a local zoning permit, a licensed power source, or approval from the Health Department. Order a big glass. And say that Hannah's mom sent you.

**Questions for consideration:**

* Is the situation described in this story reasonable? Is it fair? Is there a difference?
* Who is at fault? (Is this a trick question? Is *anyone* at fault? Does *someone* have to be at fault whenever bad things happen?)
* If you ran the zoo, how would you do it next time?