



# Maintaining Ethics in an Emergency



# GUIDING CONSTITUTIONAL PRINCIPLE

## **The Office You Hold is a Public Trust**

A public office is a public trust. The people shall have the right to secure and sustain that trust against abuse

Fla. Const. Art. II, Sec. 8

# A STATUTORY DOCTRINE

## The Office You Hold is a Public Trust . . . in blue skies and grey

- It is hereby declared to be the policy of the state that **no officer or employee** of a . . . political subdivision of the state . . . shall have **any interest, financial or otherwise, direct or indirect**; engage in any business transaction or professional activity; or incur any obligation of any nature **which is in substantial conflict with the proper discharge of his or her duties in the public interest.** - Fla. Stat. 112.311 (5)
- It is declared to be the policy of the state that public officers and employees, state and local, are agents of the people and hold their positions for the benefit of the public . . . **promoting the public interest and maintaining the respect of the people in their government must be of foremost concern.** - Fla. Stat. 112.311 (6)

# PROFESSIONAL GUIDANCE: ETHICAL TENETS

## ICMA Code of Ethics

- **Public office is a public trust.** A member shall not leverage his or her position for personal gain or benefit
- **Tenet 4:** Serve the best interests of all community members

## Building Officials Association of Florida

- **Place the public welfare above all other interests** and recognize that his/her chief responsibility is to safeguard and protect the life, health and welfare of the general public. Demonstrate integrity, honesty, fairness and consistency in all transactions and constantly strive for excellence in all matters of ethical conduct. . .

# PROFESSIONAL GUIDANCE: ETHICAL TENETS

## Code of Ethics and Professional Standards of Conduct for Emergency Management Professionals

- The Code of Ethics provides emergency management professionals with a set of foundational tenets that guide ethical practice and decision-making. These tenets emphasize the need to think and act ethically. **Emergency management professionals have a duty of care that requires a careful, critical decision-making process grounded in ethical deliberation.**

# CRISES vs. EMERGENCIES

## CRISIS MANAGEMENT

Deals specifically with the management of a crisis situation as it unfolds. It is more focused on the immediate response and actions taken during the acute phase of a crisis. Crisis management is **often reactive and aims to address the immediate threat or challenges**

Often requires **quick decision-making and communication** with internal and external stakeholders, including employees, customers, media, and the public

**Focuses on containing and resolving the crisis quickly**, protecting the organization's reputation, maintaining stakeholder confidence, and minimizing long-term damage.



Typically involves **sudden and unexpected events** that pose a significant threat to an organization, its reputation, or its stakeholders. This can include events such as product recalls, financial scandals, or sudden leadership changes.

# CRISES vs. EMERGENCIES

## EMERGENCY MANAGEMENT

**Encompasses a wide range of events**, including but not limited to natural disasters (e.g., hurricanes, earthquakes, floods), accidents (e.g., industrial accidents, transportation accidents), and public health crises.

**Aims to minimize the impact of emergencies by preparing for them**, responding effectively, facilitating recovery, and implementing measures to reduce the likelihood of future emergencies.

Focuses on the preparation, response, recovery, and mitigation of emergencies. It covers a broader range of events, including natural disasters, accidents, and human-made crises. **Emergency management is a more proactive and long-term approach that involves planning for various scenarios.**

**Involves collaboration** with various agencies, communities, and organizations **to develop comprehensive plans** and responses to emergencies

# EMERGENCIES

- Emergency Defined (252.34 (4))

(4) “Emergency” means any occurrence, or threat thereof, whether natural, technological, or manmade, in war or in peace, which results or may result in substantial injury or harm to the population or substantial damage to or loss of property.



# EMERGENCIES

- Even in emergency situations, all ethics rules continue to apply.
- These rules can be difficult to navigate when faced with the challenges presented by emergency situations.
- Examples:
  - Sinkholes, wildfires, hurricanes, flooding, mass casualty events, financial crises



# EMERGENCY POWERS IN POLITICAL SUBDIVISIONS (CHAPTER 252.38)

A political subdivision has the power and authority to waive the procedures and formalities otherwise required of the political subdivision by law pertaining to:

- a) Performance of public work and taking whatever prudent action is necessary to ensure the health, safety, and welfare of the community.
- b) Entering into contracts.
- c) Incurring obligations.
- d) Employment of permanent and temporary workers.
- e) Utilization of volunteer workers.
- f) Rental of equipment.
- g) Acquisition and distribution, with or without compensation, of supplies, materials, and facilities.
- h) Appropriation and expenditure of public funds.

**NO WAIVER FOR ETHICAL CONSIDERATIONS AND REQUIREMENTS.**

**APPLICABLE FEDERAL AND STATE LAW IS NOT WAIVED ALTOGETHER EITHER.**

# POTENTIAL ETHICAL ISSUES & DILEMMAS

- Conflicts of interest
- Impartiality
- Misuse of Position
- Gifts
- Resource allocation
- Professional responsibility
- Triage decisions

## CHAPTER 112: ETHICS CONCERNS – SOLICITATION OR ACCEPTANCE OF GIFTS

**No public officer**, employee of an agency, local government attorney, or candidate for nomination or election **shall solicit or accept anything of value** to the recipient, including a gift, loan, reward, promise of future employment, favor, or service, **based upon any understanding that the vote, official action, or judgment of the public officer**, employee, local government attorney, or candidate would be influenced thereby.

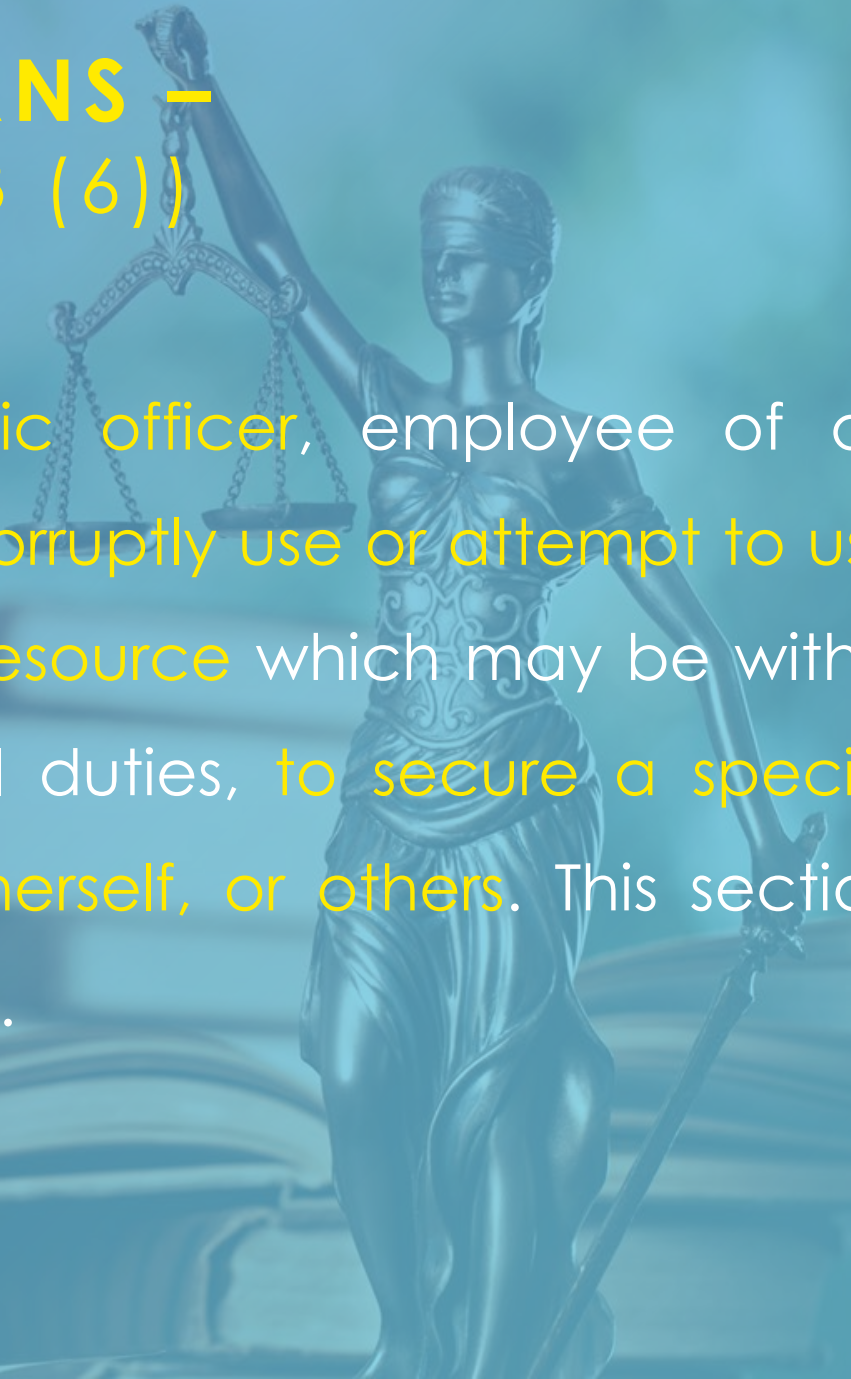
# CHAPTER 112: ETHICS CONCERNS – Conflicting Employment or Contractual Relationship

- No public officer or employee of an agency shall have or hold any employment or contractual relationship with any business entity or any agency which is subject to the regulation of, or is doing business with, an agency of which he or she is an officer or employee, excluding those organizations and their officers who, when acting in their official capacity, enter into or negotiate a collective bargaining contract with the state or any municipality, county, or other political subdivision of the state; nor shall an officer or employee of an agency have or hold any employment or contractual relationship that will create a continuing or frequently recurring conflict between his or her private interests and the performance of his or her public duties or that would impede the full and faithful discharge of his or her public duties.

## CHAPTER 112: ETHICS CONCERNS –

### Misuse of Public Position (112.313 (6))

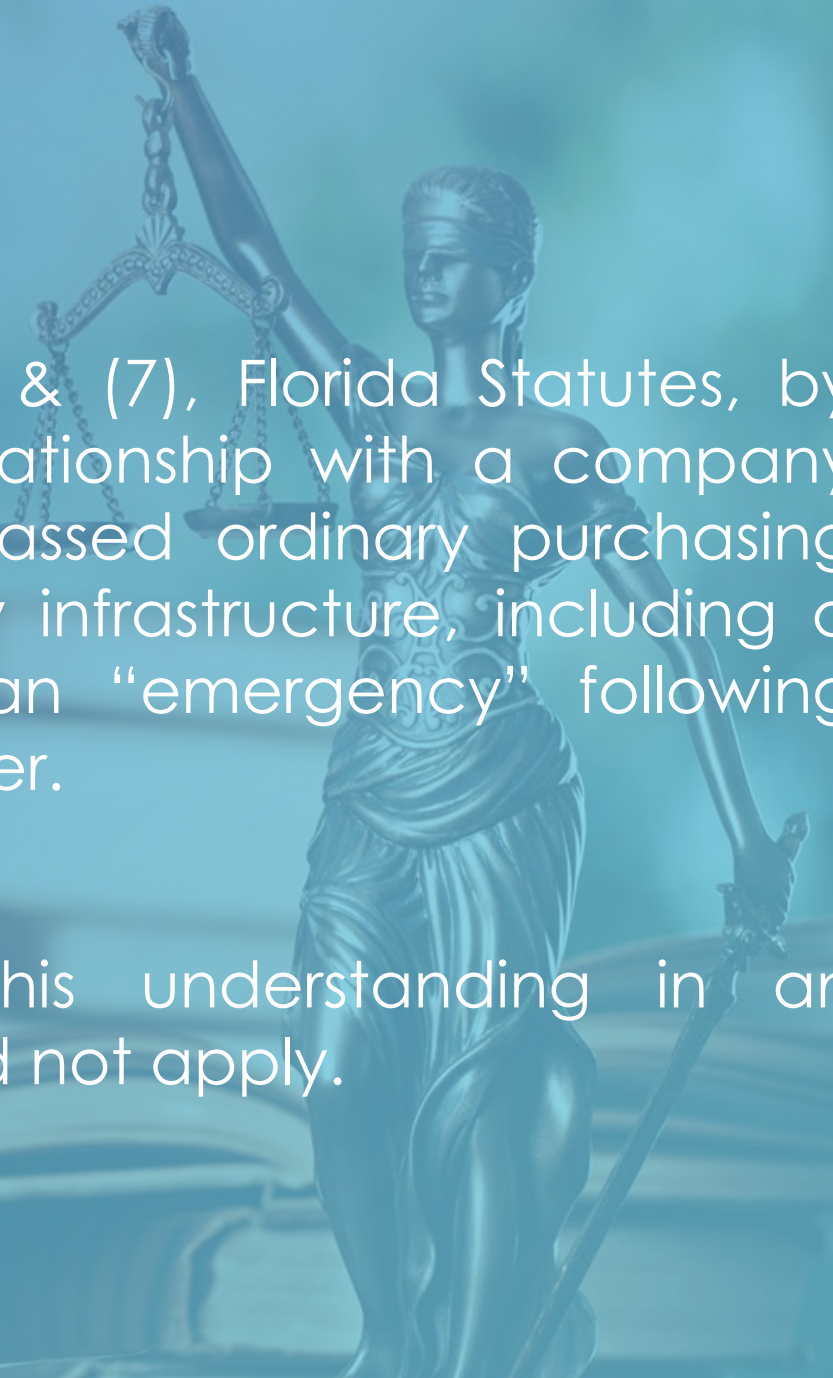
(6) MISUSE OF PUBLIC POSITION.—No public officer, employee of an agency, or local government attorney shall corruptly use or attempt to use his or her official position or any property or resource which may be within his or her trust, or perform his or her official duties, to secure a special privilege, benefit, or exemption for himself, herself, or others. This section shall not be construed to conflict with s. 104.31.



# CHAPTER 112: SAMPLE

## Ref Case No. 98-4642EC

- Respondent violated Section 112.313 (6) & (7), Florida Statutes, by having a contractual or employment relationship with a company doing business with the [City], and bypassed ordinary purchasing procedure to expedite the repair of City infrastructure, including a park gazebo, that did not qualify as an “emergency” following Hurricane Andrew, especially a full year later.
- Respondent contended that it was his understanding in an emergency the procurement processes did not apply.



# CHAPTER 119: PUBLIC RECORDS

The preservation of public records remains a priority.

Where public records are destroyed by an event, that destruction should be documented pursuant to state guidelines.

## **Division of Library and Information Services**

Please document those records lost or unsalvageable due to the effects of hurricanes, storm damage or other disasters. Include the following information:

- Retention schedule number
- Item number
- Record series title
- Inclusive dates
- Volume (It is not necessary to indicate volume of electronic records disposed.)
- Disposition action and date
  - Indicate clearly that the records were lost or destroyed due to the effects of hurricanes, storm damage, or other disasters.
  - Include photographic or other documentation of the damage if available.

# BEST PRACTICES

## PLAN AHEAD

- Establish a framework for your decision making
- Specifically identify those persons to whom responsibility AND authority will be delegated
- Conduct simulations or tabletop exercises, with relevant staff and community partners to minimize confusion

# ETHICAL DECISION MAKING: A FRAMEWORK

- (1) State the problem
- (2) Check the facts
- (3) Identify relevant factors (internal and external)
- (4) Develop a list of options
- (5) Test the options
- (6) Make a choice, based on the preceding steps
- (7) Review steps 1-6 How can you reduce the likelihood that you will need to make a similar decision? What could be done differently or, perhaps, better.

- Ref: Seven-step guide to ethical decision-making (Davis, M. (1999) Ethics and the university, New York: Routledge, p. 166-167.

# ETHICAL DECISION MAKING: A FRAMEWORK

Don't "set it and forget it"

It is not enough to have a plan, revisit your plans based on lessons learned based on events in your own and other communities

# REFERENCES

- **Florida Commission on Ethics Guide to the Sunshine Amendment and Code of Ethics:**  
<https://ethics.state.fl.us/Documents/Publications/GuideBookletInternet.pdf?cp=2024129>
- **ICMA Code of Ethics:** <https://icma.org/page/icma-code-ethics>
- **FEMA Code of Ethics:**  
[https://training.fema.gov/hiedu/specialinterest/docs/code\\_of\\_ethics\\_and\\_appendices\\_2022\\_final.pdf](https://training.fema.gov/hiedu/specialinterest/docs/code_of_ethics_and_appendices_2022_final.pdf)

All references available in the chat

Remember...

Ask YOUR City Attorney





QUESTIONS?



# Future Research Interest

A possible study on supervisor–subordinate personality differences and their potential effects on organizational outcomes is in development.

No research data are being collected at this time, and the study is not yet open for participation.

To receive information in the future, after any required university review and approval, scan the QR code or email Alan Rosen:



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