

Don'ts: Some Things to Avoid When Entering Public Office

Overview

If this is your first experience as a public official, it's a good idea to familiarize yourself with the basic regulations that apply to governmental business which are often very different than the rules that typically apply to the private sector. Many times, even the best intentions can get you into trouble. Because of this, we highly encourage our pre-oath-of-office training. In the meantime, here is a short list of actions to avoid as a public official.

- 1. Don't fire everyone until you know what you have.** First, you may accidentally be ridding the county and yourself of years of valuable experience. Second, this is one of the most common lawsuits for new officials so it's important to find out what you can and can't do before issuing those pink slips. You can either talk with your county's DA and/or ACCO staff.
- 2. Even if you think they are the most qualified, you cannot hire your niece, brother or wife.** You know he can do the job and that you trust him with your life. But if that person is a close relative or in-law, it's called nepotism and is considered a misdemeanor.
- 3. DO NOT make a deal with your best friend for new office equipment; even if you think it is the best deal in town.** If this contract is more than **\$15K**, it must be purchased through a competitive bidding process. A contract that does not follow proper bid procedures is void so you wouldn't be doing your friend a favor. Learn more about laws and rules for county by contacting the State Auditor's office and attending training.
- 4. DO NOT vote to sign a contract for county business if you or a close family member stand to financially profit from it.** This is called "conflict of interest" and is similar to nepotism. If you are a commissioner and have a stake in a corporation (called a pecuniary interest) with which the county conducts business, abstain from voting on county business related to that corporation. The commissioner would also need to confess his interest by affidavit filed with the county clerk.
- 5. Do not get rid of property without consulting statutory procedures.** Although those old computers are just gathering dust in the corner of your office, just like in purchasing, there are also rules in getting rid of equipment that the county no longer needs.
- 6. It's a bad idea -- not to mention illegal - to use county equipment for non-county purposes.** This provision actually goes back to the Oklahoma Constitution that prohibits public resources for personal benefit. So even if you're just trying to do your neighbor a favor by paving his driveway by using that county equipment just for a couple of hours, don't do it!
- 7. Never accept a "benefit" from anyone subject to your jurisdiction.** It's a tempting offer from a vendor: you buy our road material, we'll give you a free shotgun. Or maybe it is season tickets from a buddy who also happens to run the largest

Don'ts: Some Things to Avoid When Entering Public Office

construction company in town. For the most part, accepting "gifts" from constituents runs counter to ethics laws and could get you thrown out of office. At the very least, it could look just bad and damage your reputation. Think twice before accepting gifts and when in doubt, check the legalities with your county attorney.

8. Do not meet in a quorum of officials to discuss public business without properly posting notice. This may start as harmless as a visit at the local coffeehouse where you run into a majority of members on the Commissioners Court and the talk casually turns from the weather to how to pay for some road construction. That would be considered a violation of the Open Meetings Act.

9. NEVER mix the money. At no time should you ever mix personal and public funds. It could be as simple as wanting to temporarily deposit funds into a personal account because the other bank is across town and it's Friday at closing time. Still, never mix the two. Several statutes require that county funds always go into county accounts. So, you think you will just open a county account where you have your personal checking account for convenience? Along the same vein, do not open your own "county" account unless it's cleared through the County Treasurer or Auditor.

10. Don't give up