

Do's and Don'ts

Risk Management

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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 apply to the private sector. Actions with even the best intentions can get you into trouble.

Don'ts

- 1. DON'T fire county personnel until you know what you have.** First, you may accidentally be ridding the county and yourself of years of valuable institutional knowledge and experience. Second, this is one of the most common lawsuits for new officials. Find out what you can and can't do before issuing pink slips. Talk with your county's HR director and/or your County's legal Counsel for advice and guidance. Learn about employment liability issues that are involved.
- 2. DON'T make a deal for new equipment, even if you think it is the best deal in town.** If this contract is more than the specified amount, it must be purchased through a competitive bidding process. A contract that does not follow proper bid procedures is void and your actions can open the county to liability issues. Learn more about laws and rules for county purchasing through consulting staff, your county legal counsel and your county's policies and procedures. Consistency in the use of such policies is the key to staying out of harm's way.
- 3. DON'T vote for a contract for county business if you or a close family member stand to financially profit from it.** This is considered a "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. When dealing with county business and contracts, follow the county's policies and procedures and consult the county's legal counsel.
- 4. DON'T get rid of property without consulting statutory procedures.** Although those old computers are just gathering dust, just as in purchasing, there should be rules to follow when disposing county equipment and property.
- 5. DON'T use county equipment or personnel for non-county purposes.**
- 6. DON'T (Never!) accept a "benefit or gift" from anyone subject to your jurisdiction.** 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 may look bad and damage your reputation. Think twice before accepting gifts. When in doubt, check the legalities with your county's legal counsel.
- 7. DON'T meet in a quorum of officials to discuss public business without properly posting notice.** This may start as harmlessly as a visit at the local coffeehouse where you run into a majority of members on the Commission and the discussion casually turns from personal matters to county business. That would be considered a violation of the *Open Meetings Act*. Read more at <http://www.oag.state.md.us/Opengov/Openmeetings/support.htm>
- 8. NEVER mix the money.** Never mix personal and public funds. Consult your county's chief financial officer and/or legal counsel if you have questions.

Do's & Dont's

Risk Management:

Smart Steps To Take When Entering Public Office

The "don'ts" were listed first because they can immediately get you into trouble. But just as important as what you don't do is what you actually do. Those first few months in office will often set the tone for your next four years. Here are a few "ought-to's" to help get you started on the right foot.

Do's

1. **DO attend training.** There is training designed for every office through MACo, LGIT and the Academy for Excellence in Local Governance. The Institute for Governmental Service (IGS), University of Maryland is the Academy Administrator and a co-sponsor (MML, MACo and LGIT are also co-sponsors). The Academy provides valuable training to Maryland local government officials.
2. **DO get a copy of your department's budget.** Study it and find out how it works. Your budget indicates what resources you have to get the job done - it's your blueprint for action. In particular, read financial reports and budget work papers of your predecessor to see where the county stands financially.
3. **DO learn how county offices work together.** Learn what each county office does and how they work together. On one hand, each independent elected official is responsible for determining how his or her office is run. But, in many instances, counties have a set of policies and procedures in areas such as personnel decisions and other commission actions.
4. **DO meet with staff.** Let them know who you are; learn about their jobs and tell them what you expect from them in performance. Many officials attempt to replace workers without even meeting them. *(This is on our don'ts list)* You can also learn a great deal on the workings of your office from county employees. They often have clear insight on what works and what doesn't. Again, consult the county's Human Resource Policies and Procedures. These should be reviewed periodically and updated as needed.
5. **DO ask questions** when speaking with your county staff (county administrator, county attorney and other county professionals), your fellow elected officials, your constituents, and the staff at the Maryland Association of Counties.
6. **DO your homework.** Has the idea been tried or suggested before? Is it legal? Will it infringe on the rights or responsibilities of another official or county department? Have you talked to them before announcing your initiative? Before jumping out on a limb with a new project or proposal, make sure you've researched it well.
7. **DO network.** Build a network of people you can trust and to whom you can go for advice or guidance. It's good to establish relationships with other office holders in your county and it's also beneficial to establish relationships with fellow office holders from different counties to give you a statewide perspective. Play an active role in MACo and take part in meetings and conferences.

8. **DO (sometimes), keep your opinions to yourself.** Don't alienate the people you will be working with over the next four years. Now that you are an official, remember that you are not just representing yourself, but your office. Go by the golden rule, especially when it comes to fellow office holders, county staff and the general public: *if you can't say something nice, say nothing at all.* Many of the most costly Public Officials Liability claims are a result of a misspoken word, sometimes costing millions of dollars in compensation.

9. **DO consider the legal and ethical considerations for hiring a family member, friend or business associate,** even if you think they are the most qualified. If that person is a close relative, it's called "nepotism." Know your county Human Resources policies and procedures and follow them. It's the best way to stay out of trouble.

10. **DO call your Association** if you are in doubt. MACo is a valuable resource and is there to help.

The above suggestions are provided from a Loss Control and Risk Management perspective and are not listed in any order of priority nor are they meant to be all-inclusive. The above is not meant to be a substitute for legal advice. Please refer to your own legal counsel for advice.