



## ETHICS IN LOCAL GOVERNMENT – CASE STUDY OF BOLESŁAWIEC TOWN HALL

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**Abstract:** This work is intended to present the rules of ethical conduct adopted by local government entities and to identify some general ethical principles based on the example of Bolesławiec Town Hall. The paper is based on source literature and internal documents of the described local government entity. The monographic method was chosen to explore the characteristics and elements of a specific structure/system/process (here the ethical behaviour in the administration) and to identify their nature, functioning, and development. The article raises a cognitive classification-type and explication-type problem. Thus, the authors are looking for answers to the following question: what innovative actions do Bolesławiec authorities take in finding new quality in service provision relationships between clerks and between clerks and customers? Based on the source literature, the first part of the work describes the problem in purely theoretical terms. The literature analysis serves to determine the facts regarding the phenomenon in question. The empirical part presents the results of the study. The article was prepared on the basis of source literature on the management, organization, and planning of countryside renewal, national and European documents related to this subject, analysis of surveys and statistical data collected by the town of Bolesławiec.

**Keywords:** local self-government, county, ethic, management

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### Introduction

Public institutions are the entities where interests of various groups of people are solved, which is related to the fact that there is some great discrepancy between their particular interests (Krawczyk-Sokołowska, Mesjasz-Lech, Nowicka-Skowron 2017, pp. 236-237). Such institutions are to carry out tasks in a way reconciling the frequently contradictory interests of the customers in a fair and neutral manner. This would not be possible if it was not for the detailed and restrictive regulations concerning the principles of ethical conduct (Dębicki, Kudrycka 2000, pp. 47-49).

The first part of the paper provides a general definition and analysis of the Employee Code of Ethics in Bolesławiec Town Hall. Afterwards, the profile of a local government official, as a person holding a public function, is presented. Particular attention is paid to the discussion of limitations imposed by the Act on local government employees. The last part of the paper includes the analysis of theoretical and practical issues of ethical infrastructure, based on the example of Bolesławiec Town Hall. Additionally, this chapter describes the notion of corruption and strategies counteracting this phenomenon (Ordinance No. 156/2013).

The purpose of this study is to present the general characteristics for local government ethics, based on the example of Bolesławiec Town Hall.

The first part of this paper, based on source literature, presents the issue of ethics in local governments from a purely theoretical perspective. The literature was analysed in order to determine the facts related to the discussed phenomenon. The second part of the paper presents the results of empirical research.

This article is based on the review of source literature on management, organisation and planning operations carried out by local government units, with particular emphasis on the analysis of ethics followed by officials. The discussion presented in this paper is based on the methodology of the survey and on statistical data collected by the town in question.

### **Code of ethics**

A code of ethics adopted by a local government is defined as a set of standards regulating the conduct of public officials and a list of ethical values that should be observed in the pursuit of public interest. The purpose of this logically organised set of rules is to adapt general ethical rules to a nature of a particular profession. The code of ethics covers (Kowalski 2005, pp. 100-102):

- definition of the duties of officials towards the society;
- manner of managing any conflict situations;
- disclosure of information on property;
- abuse of power;
- private use of public resources;
- manner of conduct after leaving the position in the public sector;
- behaviours, situations, methods and conduct non-compliant with the code;
- sanctions imposed when provisions of the code are violated.

### **Code of ethics in Bolesławiec Town Hall**

The purpose of the Employee Code of Ethics of Bolesławiec Town Hall is “[...] to regulate the values and standards of behaviour of Bolesławiec Town Hall employees, related to their duties, to collect them in a form of a catalogue, and to inform citizens about the standards of behaviour that they are entitled to expect from the Town Hall employees” (*Kodeks Etyki...* 2005).

The general principle adopted in the aforementioned document is that the employees treat their work as public service, thus their actions both at work and outside influence the perception of the Office as a whole. In turn, the detailed principles include acting in a lawful, objective, responsible, impartial and disinterested, honest and reliable, transparent and dignified manner, both in and outside the workplace, taking care of the good name of the Office and officials, and not neglecting the rules of politeness and kindness in contact with people.

The employees of Bolesławiec Town Hall should perform their tasks in compliance with the strictly defined norms. It is not permissible for an employee to make decisions, participate in sittings or voting meetings, or express their own

opinions in situations that may lead to any personal benefits (*Kodeks Etyki...* 2005). Furthermore, they should not participate in any political activities or fall under the influence of political pressure leading to the way of conduct contradictory to public interest. An official should manage the entrusted public funds carefully and in a cost-efficient manner, bearing in mind the purposefulness and legality of decisions made in this area, and reveal any cases of waste, corruption and fraud of funds. In their relations with citizens, they should show impeccable personal culture, politeness, helpfulness and accuracy of answers (*Kodeks Etyki...* 2005).

If the above-mentioned code is not observed, the employee undertakes to bear the disciplinary or procedural liability.

### **The profile of a local government official – a person performing public functions. Statutory restrictions on local government employees**

The legal status of a local government official is referred to in the Act of 21 November 2008 on Local Government Employees. A local government employee, depending on the function and position they hold (clerical – including managerial, auxiliary and maintenance functions), can be employed on the basis of election, appointment or contract of employment. An official performing public services exercises a profession of public trust. This is the reason why ethics is highly important here (Act of 21 November 2008 on Local Government Employees).

According to the Act, a person willing to become a local government employee must meet the following requirements (Fenrych 2006, pp. 97-99):

- 1) have Polish citizenship. Positions whose scope of duties does not include direct or indirect participation in the exercise of public authority and protection of the main national interest, are exceptions;
- 2) have full legal capacity and can exercise public rights without any restrictions;
- 3) meet the qualification requirements for the effective performance of duties;
- 4) in the case of employment on the basis of election or appointment, a clean criminal record for intentional offenses prosecuted by public indictment or as a result of deliberate fiscal offenses is an additional requirement.

An official employed under a contract of employment should additionally (Act of 21 November 2008 on Local Government Employees):

- 1) have at least secondary education;
- 2) have a flawless reputation.

In the case of managerial positions, the potential employee must also:

- 1) have at least 3 years of experience or run business activity in this period, the nature of which is in line with requirements for a given position;
- 2) be a graduate of first- or second-degree studies.

A local government employee may be employed for an indefinite or definite period, or under an employment contract for replacement. Persons who take up an official or managerial position for the first time, i.e. those who have not been yet employed in the local government entities for an indefinite period or for a definite period exceeding six months, are employed for a definite period shorter than six

months (Romanowska 2015, pp. 4-5). Before they start their job, the future officials make the following oath in the presence of the heads of the entity: "I solemnly swear that I will serve the Polish state and local government community on the position I hold, obey the legal order and conscientiously carry out the duties entrusted to me" (Act of 21 November 2008 on Local Government Employees).

### **Structure of ethical local government – ethical infrastructure in the office**

An ethical infrastructure can be defined as a system of methods and standards contributing to the legal, ethical and transparent operations of a local government unit. According to the Organisation for Economic Co-operation and Development, three fundamental pillars of ethical infrastructure can be distinguished (Act of 21 November 2008 on Local Government Employees):

- management;
- support;
- control.

The scope of ethical management includes specific organizational solutions, such as establishing advisory positions and an ethics committee, as well as consistent implementation of procedures for clear and transparent decision-making processes and free access to public information for the society. Supporting the ethical infrastructure is based on defining the operational frameworks for administration and ways for development of ethical skills. An example of support for such infrastructure is a code of ethics or a code of conduct. The performed controls include such tools as legal regulations, internal statutes and procedures concerning the liability of local government officials ([http://www.wspolnota.org.pl/...](http://www.wspolnota.org.pl/)).

Whereas, according to M. Dębicki and B. Kudrycka, the elements shaping the ethical infrastructure are as follows (Dębicki, Kudrycka 2000, pp. 47-49):

- regulations concerning the conduct of officials (laws, ethical codes);
- bodies responsible for operation and development of ethical actions;
- transparency in operations;
- liability borne by officials for the activities violating the accepted ethical rules.

### **Ethical infrastructure in Bolesławiec Town Hall**

Regarding the need to regulate the official's course of conduct, on 30 August 2005 the President of Bolesławiec issued the Ordinance No. 255/05 on the introduction of the Code of Ethical Conduct for the Employees of Bolesławiec Town Hall (Ordinance No. 255/05), as well as the principles of operation and procedures for the Ethics Commission of Bolesławiec Town Hall. On 20 June 2006, the Ordinance No. 182/2006 was published, concerning the introduction of a review and monitoring procedure for the Employee Code of Ethics in Bolesławiec Town Hall, as well as the Code of Ethical Conduct for the Employees of Bolesławiec Town Hall (Ordinance No. 182/06). In 2013, Ordinance No. 156/2013

came into force, where minor changes to the content of the Ordinance No. 182/06 were introduced (Ordinance No. 156/2013).

The body mainly responsible for effective shaping of ethical attitudes of the Town Hall's employees is the Ethics Commission of Boleslawiec Town Hall, established in 2005. The effectiveness of the code of ethics is controlled every year and it consists in town residents and officials filling in the questionnaires provided in Appendixes No. 1 and 2 to this paper (Ordinance No. 156/2013).

The results of the analysed questionnaires are presented in reports on the functioning of the codes that are submitted to the President by the end of June, and afterwards made available to the public (Ordinance No. 156/2013).

Moreover, the Commission constantly monitors the compliance with the Code. Information about violation of the standards is obtained through:

- complaints delivered to the Town Hall, concerning the officials' behaviour;
- evidence obtained from the accomplished inspections, as well as from the internal and external audits;
- TV and press releases;
- constant observation of employees<sup>1</sup>.

After all collected information is analyzed, the Ethics Commission makes changes to the codes and presents them to the President.

In the area of promoting transparent activities in the local government, in 2005, Boleslawiec Town Hall joined the project entitled "Transparent Poland", which was intended to improve the exercise of power and administration and was aimed at eliminating all forms of pathology, with particular emphasis on the problem of corruption. Performance of the obligatory tasks under the Six Principles of Good Governance, which were aimed at developing a fair and effective local government, were the condition for completing the project with a positive result and receiving a certificate. These rules are as follows (<https://boleslawiec.eu/pp/arch.htm>):

- 1) transparency;
- 2) no tolerance for corruption;
- 3) social participation;
- 4) predictability;
- 5) professionalism;
- 6) accountability.

The town completed all obligatory and optional tasks, which is confirmed by the Certificate provided in Appendix 3 to this paper. In the following years, Boleslawiec continued participation in the project.

In the case of breach of the ethical norms, the employees of Boleslawiec Town Hall bear disciplinary or procedural liability (<https://boleslawiec.eu/pp/arch.htm>).

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<sup>1</sup> On April 20, 2013, the Regulation No. 182/06 of the Boleslawiec President was issued, concerning introduction of the review and monitoring procedure for the Employee's Code of Ethics in Boleslawiec Town Hall, as well as the Code of Ethical Conduct for the Employees of Boleslawiec Town Hall.

### **Three ways to fight corruption in administration**

Corruption is the phenomenon based on providing or receiving any material or personal benefits. The following forms of corruption are specified in the Polish Penal Code (MSWiA 2011):

- active and passive bribery;
- paid protection;
- exceeding or failing to perform duties, in order to obtain personal or material benefits;
- election bribery;
- economic corruption;
- creditors' corruption.

Extensive anti-corruption strategies are prepared on the state level, but local government entities are not completely powerless when it comes to this type of locally occurring phenomena. Three basic strategies applied by the municipal authorities can be distinguished.

The first one is a communication strategy which consists of three elements. First of all, town authorities should ensure the citizens that they undertake all available measures to prevent the phenomenon of corruption (Cichoń 2016, p. 71). Since communication should be reliable, the authorities should present specific action plans for particular problems. Secondly, communication should be open and transparent (Skowron-Grabowska, Nowakowska-Grunt 2017, pp. 97-98). Information should be delivered in a way that is clear and understandable for a wide group of recipients. Citizens who understand the applicable rules are less prone to corruptive behaviours. Communication should also inform a particular citizen of their very situation (MSWiA 2011). A crucial element is the transparency of tender terms or in other situations where the selection is made among applicants. Thirdly, communication inside and outside the town hall should be coherent, because the lack of such coherence can undermine the credibility of actions and cause and maintain the feeling of uncertainty regarding the objectives, requirements and methods of a local government entity.

Another strategy is to keep databases. The town hall should collect information about the intensity of corruptive events occurring both nationally and locally. This database should contain some information about the suspected and actual corruptive events (Fenrych 2006, pp. 97-99). The Ministry of Justice database can be used for this purpose. In addition, the town hall should systematically collect the information on anti-corruption strategies applied in other organizations.

The third strategy is to catalogue the hazard fields, based on the analysis of operations carried out in particular departments, as well as of their actions and decisions. The analysis should be carried out especially when the demand is higher than the supply, i.e. when bribing involves large benefits and when it is possible to ensure lower risks of the performed tasks. One tool enabling monitoring the activities at departments is a questionnaire filled in by customers. Such a material should be systematically analysed and presented, e.g. to the town council. Another tool is a decision-making system hindering any corruptive activities (Fenrych 2006, pp. 97-99).

## Conclusions

The need for compliance with ethical norms plays a key role in the operation of contemporary local government entities. The employees' compliance with ethical codes and statutes determines the level of culture, trust to the office and the extent of corruption. The greater compliance with ethical norms, the greater contribution of an organisational unit to common good.

Bolesławiec Town Hall is an example of an entity highly compliant with standards thanks to the introduction and application of numerous regulations concerning ethical rules, as well as thanks to the establishment of the Ethics Commission, which systematically supervises and updates the regulations adapting them to the current needs.

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## **ETYKA W SAMORZĄDZIE NA PRZYKŁADZIE URZĘDU MIASTA BOLESŁAWIEC**

**Streszczenie:** Celem niniejszej pracy jest przedstawienie zasad postępowania etycznego w pracy jednostek samorządu terytorialnego, jak i identyfikacja ogólnych zasad etycznych w samorządzie na przykładzie Urzędu Miasta Bolesławiec. Referat oparty jest na literaturze przedmiotu oraz na wewnętrznych dokumentach opisywanej jednostki samorządowej. Wybrano metodę monograficzną służącą zgłębianiu cech i elementów określonej struktury/systemu/procesu (tu: postępowanie etyczne w administracji) oraz identyfikacji ich charakteru, funkcjonowania i rozwoju. W pracy został postawiony problem poznawczy typu klasyfikacyjnego i eksplikacyjnego. Wobec tego autorzy szukają odpowiedzi na pytania: Jakie innowacyjne działania, przy zastosowaniu jakich instrumentów, podejmują władze Bolesławca w poszukiwaniu nowej jakości świadczenia usług w relacji urzędnik–urzędnik, urzędnik–petent? W pierwszej części pracy, na podstawie zgromadzonej literatury przedmiotu, zapoznano się z problemem w ujęciu czysto teoretycznym. Analiza literatury służy ustaleniu faktów w kontekście rozpatrywanego zjawiska. Druga część pracy jest częścią empiryczną, w której zaprezentowano wyniki badań.

Artykuł przygotowano na kanwie studiów literaturowych z zakresu zarządzania, organizowania i planowania pracy w jednostkach samorządu terytorialnego, dokumentów krajowych i europejskich z tego zakresu tematycznego, analizy badań ankietowych oraz danych statystycznych gromadzonych w strukturach opisywanego miasta.

**Słowa kluczowe:** samorząd, powiat, etyka, zarządzanie