

Case 1 Comments: Parking Tickets and School Bonds

What Is Wrong and What Should Be Done?

Mel Dubnick

“One thing has nothing to do with another.” This is the simple and clear answer to Patricia’s dilemma. And a dilemma it is—but the question is, of what type?

At first blush, what Patricia faces might be regarded as one of two types of dilemmas, one political and the other ethical. From this perspective, the political dilemma is whether or not to exercise her discretion in her role as liaison with the media for the purpose of facilitating (or at least not interfering with) an important political objective associated with her role as part of the city’s policy-making team. On the ethical side, her dilemma is whether to abuse her role obligations as media liaison in order to accomplish a desirable end: promoting the call for a referendum that she and the policy-making team regard as important and desirable.

Based on more careful consideration, however, it becomes evident that neither of those dilemmas is credible, and that the choice facing Patricia is of a quite different sort. She in fact does not face a political dilemma, for she is not authoritatively empowered with the discretion to delay the media request for information. As a staff professional, Patricia is an agent with obligations—moral as well as legal—to meet the standards of the relevant open-records policies. She is in a position to suggest to someone in an authoritative position under those policies to delay the list’s release (e.g., the city attorney or head of the treasurer’s office), but in doing so she risks magnifying her error by dragging that individual or office into a conspiracy to undertake an unwarranted violation of the policy. She can avoid

that danger only by providing a false justification or rationalization for the delay, but in doing so she is merely sliding down a more personal slippery slope into unethical—and perhaps actionable—conduct.

Nor is her dilemma an ethical one, for ethical dilemmas are by their nature choices between two rights. In ethics there is no question about the choice between doing the right and wrong thing. Even if the referendum were the “ultimate good” for the community’s future, violating one’s moral and legal obligations to achieve that end is not a question of ethics. Rather, it is a question of strategic calculation: What price, in terms of my willingness to live with the consequences, am I ready to pay in order to secure the positive vote on the referendum? What we have here is not an ethical dilemma, but a decision on whether to cut a Faustian deal by putting one’s professionalism on the line.

So it comes down to a different kind of dilemma, one faced by a great many public management professionals who assume multiple role obligations at work. In Patricia’s case (as in the case of many others in similar circumstances) it is a dilemma generated by a coincidence of role obligations—it just so happens that she finds herself in a position to abuse one set of role obligations in order to facilitate a positive outcome for another set of role obligations. Under these conditions, the wise course is to remember that wonderful bit of street wisdom: “One thing has nothing to do with another.”

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Yilin Hou

There are two main issues in this case: implementation of the public information act concerning the outstanding unpaid parking tickets in the city of Madison and the referendum on issuing bonds for capital projects at the public schools. On the surface the two issues are detached; however, the case develops with the two interwoven, leading to the classic problem in public administration.

The problem evolves from the public administration and democracy equilibrium. It emerges from the potential “conflict” between the release of public information and the possible “threat” the release might have on an agenda of the city government. Release of public information is a specific reliable measure of democracy, and it is a legal requirement. The conundrum facing the city’s public affairs officer is whether she should pursue her long-standing belief in governmental transparency or sacrifice that belief for urgent administrative convenience with the good excuse of the extra few hours being “unreasonable cost” to the city.

If Patricia sticks to her belief, the school bond referendum may once again fail, which is not in the benefit of the city, the school district, or even the residents of the city whose children are in the schools. In this sense, using discretion to bypass the release “could” benefit everyone.

The counterargument can be as strong or even stronger. The large number of unpaid parking tickets reveals inadequate enforcement of existing city ordinances—effectiveness of administration is a problem already. Publishing the database will only serve to provide public supervision that will in turn contribute to improving enforcement. Democracy is no contradiction to public administration. Worries and doubts cannot stand.

Another, though weaker, counterargument may go that though the public affairs officer’s concern is not without reason, it may not be necessarily true that revelation of outstanding tickets of the three school board members and a few city officials will derail the referendum. On the contrary, it may remind tax payers again of the importance of the public eye on public affairs and government officials.

A minor problem is (remotely) related to the so-called administration and politics dichotomy. In this context, it is the “loyalty” of public servants to their boss, the person who appointed them. Should Patricia, the public affairs officer, get Harry, the city manager, involved in this issue? If she does, then any possible legal or administrative consequences will expose the city manager. If not, and the release does derail the referendum,

then Patricia is not serving her boss well. Should Patricia be neutral on any administrative “politics” and be free of the political appointee mentality to serve nothing else but the best of pure public interest?

Options for Action

Interested readers may be curious as to what Patricia ought to do. It depends. Possible choices follow our interpretations of the situation. She may choose to deny the release of outstanding ticket information; and with an “excusable” excuse of unreasonable cost to the agency, she can be protected against strong legal actions by Maria. Even if the scenario turns sour, her boss is insulated from the issue. If Patricia does this, the referendum may pass without much disturbance.

Another choice is that she follows her administrative neutrality principle: Since the fact is fact, it should be released by the open-information law. This may cause some pressure on those board members and city officials; however, it does not necessarily mean the referendum cannot pass. In fact, with explanation and effective communication with local people, the project proposal may pass. The event itself may well serve dual purposes—to make public figures more vigilant and to remind the general public of the necessity of placing more scrutinizing attention on public affairs.

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Babette Smit

Patricia should discuss the matter with Harry that afternoon. Before the meeting, Patricia should analyze the dilemma with which she is confronted. On the one hand, great benefit can be derived from Maria's intention to publicize the database, as the added social pressures on big-time offenders first should lead to the payment of the outstanding tickets and second may contribute to better adherence to traffic rules in the future. This will enhance the safety of all citizens in the city. On the other hand, publicizing the names of the school board members at this stage may jeopardize the upcoming school bond referendum. Similarly, publicizing the names of offending city officials can cause damage to the institutional integrity of the city administration and also convince other offenders that tickets need not be paid. However, opting to publicize only the non-public office offenders on the database and not the names of the offending school board members or city officials would imply that public officials are not subject to the same rules as the rest of the citizens in the city. This will also cause much greater damage to the integrity of the administration should this later become public.

That afternoon during the meeting with Harry, after concluding their discussion on the upcoming school bond referendum, Patricia brings up the subject of Maria's request. She explains that it had been a reasonable request and that she has already discussed the legal implications of releasing the data with the city's attorney. She also stresses the importance of a transparent system as one of the key components of good governance. After explaining the advantages and disadvantages of publicizing the database, including the names of the school board members and public officials on the list, she asks Harry whether he supports her intention to release the data. Harry might agree in principle, but emphasizes that he does not want to place the school bond referendum of the following week at risk, especially since it was already narrowly defeated the previous year.

Then, Patricia suggests that they postpone the release of the database for one week until the following Friday. This gives the office of the city manager time to notify the relevant school board members and city officials of the intention to release the data. The affected persons may then choose to either pay their tickets or be subject to the same social pressure as the rest of the persons on the database. Furthermore, it also limits the risk to the upcoming referendum, but keeps in line with the principle of transparent governance and equal treatment.

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Upon Harry's acceptance of her proposal, Patricia asks Harry to send urgent personal letters to the school board members and city officials on the list, informing them of the city's intention to release the database by the following Friday. Thereafter she phones Maria and explains that the data are taking longer to redact than originally planned. She apologizes for the delay, but assures Maria that an edited copy of the database will be made available to her by the following Friday.

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