

January 28, 2003
RE: 10-03-05

You inquired whether you may participate in drafting legislation that would create a binding arbitration process for all represented employee groups, and possibly all non-represented employees as well. You indicated that you are able to vote and otherwise participate in this matter fairly, objectively, and in the public interest.

According to the charter amendment passed by the voters, the county council is required to enact binding arbitration legislation. If you have no discretion in determining how to vote, a conflict of interest cannot influence your action. For this reason, the ethics commission advises that you may vote on the legislation. The commission further advises that you may participate in drafting the arbitration legislation, as long as you refrain from participating in any portion of the legislation that will only affect the firefighters' collective bargaining unit. Since the firefighters' union will comprise 25% or less of the employees affected by the legislation, the commission concurs with your opinion that you are able to participate in this legislation objectively, fairly and in the public interest. Since there is no bar to your participation, you may also preside over the public hearings on this legislation in your position as the chairperson of the council.

As always, the commission appreciates your ongoing candor and concern in this matter.

Sincerely,

Betsy K. Dawson
Executive Director

Revised by letter, February 2003