

Tree Case

A local environmental nonprofit wanted to help its community clean up the local parks that suffered severe damage from a recent tornado. The town did not have the funds to undertake the clean-up efforts; so the nonprofit organized a volunteer team.

The cleanup needed to occur promptly as many of the damaged trees posed a safety hazard. The trees had been planted more than 20 years ago under a federal/state park rehabilitation program that had provided \$100,000 to rehabilitate the park.

Off-duty parks and maintenance workers were asked by the nonprofit to assist in cleaning up one of the damaged parks. The town's workers felt compelled to help and agreed to volunteer for the clean-up effort that would take place the following Sunday.

That Sunday, after a long day of cutting trees and cleaning the park, the town's workers decided that the cut logs should be hauled off the lot. They knew that the town had the trucks that could handle the job. It also had occurred to them that the logs would make great firewood for their stoves and fireplaces in the upcoming winter months. In fact, they thought the Parks and Maintenance Director would also appreciate a few logs for himself. After a quick phone call to the Director to confirm his interest in having some logs delivered, they were off to get the town's trucks.

Neighbors soon talked about the wood delivery to the Director's home. When questioned, he stated, "I thought the workers could take the wood home and that I could also use some of the wood myself. This stuff was only going to the town dump." The Director admitted that the use of the government trucks might be inappropriate, but he also stated that he thought the workers were using their personal vehicles, not the town vehicles to transport the logs.

Issues Identified by Ethics Summit Participants

1. Improper use of public property:
 - Should the wood have been made available to general public on first come, first serve basis?
 - Did Supervisor grant employee permission to use truck? If he did so, would it have been proper?
 - What about saws and other equipment? Potential liability to the town for injuries, etc.?
2. Since Federal/State funds were originally involved, are there any special concerns? Clearances needed?
3. Should the supervisor have been more engaged in the process once he found out? Failure of leadership?
4. What other issues do you see? Email further thoughts to cbellamy@kdlegal.com. **If your comments are posted, can we use your name or would you prefer anonymity?**