

## CHAPTER 40: PERSONNEL POLICIES

### § 40.05 CODE OF ETHICS FOR ELECTED AND APPOINTED OFFICIALS AND EMPLOYEES

#### A. Declaration of Policy

The City Council finds and declares that the proper function of democratic government requires that elected public officials, appointed officials, and employees be independent, impartial, and responsible to the people; that government decisions and policy be made within the proper channels of the government structure; that public office not be used for personal gain; and that the public have confidence in the integrity of its government.

Although this Ordinance is necessary to identify minimum standards below which a public servant's conduct should not fall, it is understood that a healthy ethical environment for the provision of public service cannot be achieved or maintained by mere adherence to minimum standards. The principal policy which forms the foundation of this Ordinance is to encourage internal commitment by establishing and maintaining a work environment which supports integrity with pride and enthusiasm without fear of retribution.

Public trust also requires that acts which are contrary to the public interest be defined and prohibited; that there be an orderly procedure for raising and addressing ethical questions; that ethical behavior be encouraged and suitably rewarded; and that unethical behavior be discouraged and suitably disciplined through a process which is fundamentally fair.

In recognition of these goals, a code of ethics for all City officials and employees is adopted.

#### B. Applicability

This ordinance shall apply to all public servants, hereby defined as any member of the City Council or of any City agency, board, commission, committee, or other voting body, and any agent, department head, employee, official, supervisor, volunteer, or other person, whether elected or appointed or legally authorized by contract or in any other manner to act in any capacity under the authority of the City.

#### C. Informing Affected Persons

All public servants of the City shall be provided a copy of this ordinance and be required to sign a receipt thereof. Once an individual has been elected, appointed or employed by the City, he or she shall receive a copy of this Ordinance and a memo to be signed in

acknowledgment of receipt. They will also be provided with a sheet citing relevant sections of Arizona Revised Statutes regarding ethics and the penalties for their violation.

#### D. Responsibilities and Duties

Public servants of the City are agents of public purpose and serve for the benefit of the public. They are bound to uphold the Constitution of the United States and the Constitution of the State of Arizona; to carry out impartially all the laws of the nation, state and municipality and thus to foster respect for all government. They are bound to observe in their official acts the highest standards of morality and to discharge faithfully the duties of their office regardless of personal considerations, recognizing that the public interest must be their primary concern.

- (a)** No public servant shall act, or create the appearance of acting, on behalf of the City by making any policy statement, or by promising to authorize or to prevent any future official action of any nature, when such public servant is not authorized to make such a statement.
- (b)** No public servant shall falsely represent his or her personal opinion to be the official position of the City, and no public servant shall falsely represent his or her personal opinion to be the official position of any board City administrators. This subsection shall not apply to statements of elected officials made in the course of fulfilling the responsibilities of their office or running for election to office, nor shall it apply to the professional opinions of City officers or employees rendered in the course of performing their duties, provided that such opinions are clearly identified as professional opinions.
- (c)** No public servant shall use or attempt to use their official positions improperly to unreasonably request, grant, or obtain in any manner any unlawful or unwarranted privileges, advantages, benefits or exemptions for themselves, or others, and no public servant shall use, or attempt to use, their positions to avoid the consequences of illegal acts for any person; nothing in this provision shall be construed to prohibit or discourage any public servant from performing any official duty or action zealously and enthusiastically.
- (d)** All public servants have a fiduciary duty to use City fiscal and human resources in a manner which advances the public interest, and to refrain from using City resources for their personal benefit; therefore, public servants are prohibited from using City resources in any manner which violates any applicable law or policy, and are expressly prohibited from using City resources to obtain any personal benefit; accordingly, public servants shall act responsibly in the care and use of City resources, and shall not negligently or intentionally abuse, damage, lose, misappropriate, misplace, misuse, steal, or waste any City resources, including, but not limited to: business cards, books, computers, copy machines, electricity, equipment, facilities, fax lines, Internet, inventory, money, official stationery, office space, personnel, postage, records, supplies, telephones, time tools, typewriters, uniforms, and vehicles.

#### E. Conflict of Interest

Public servants of the City shall comply with all applicable state statutes regarding conflicts of interest.

#### F. Political Activity

- (a) No public servant of the City shall use public assets on behalf of any political party.
- (b) No public servant shall promise an appointment to any City position as a reward for any political activity.

#### G. Fair and Equal Treatment

- (a) Canvassing of members of the City Council, directly or indirectly, in order to obtain preferential consideration in connection with any employment opportunity with the City shall disqualify the candidate for employment except with reference to positions filled by City Council appointment.
- (b) No public servant shall request or permit the use of City-owned vehicles, equipment, materials or property for personal convenience or profit, except when such services are available to the public generally or are provided as municipal policy for the use of such official or employee in the conduct of official business.
- (c) The City does not discriminate on the basis of race, color, national origin, sex, religion or age in employment of the provisions of services, and shall comply with all applicable federal and state civil rights and employment laws, including the Americans with Disabilities Act.

#### H. Filing a Complaint

- (a) Any person may file a written complaint with the City Clerk, signed and sworn, alleging a violation of this ordinance.
- (b) A complaint shall specify the provisions of this ordinance alleged to have been violated and the facts to support the allegation.
- (c) No more than ten (10) business days after the submission of the alleged violation, the City Clerk shall send to the complainants(s) via certified mail an acknowledgment of receipt of the complaint, and simultaneously forward the complaint to the City Manager and the City Attorney.
- (d) If the complaint is lodged against an employee in the classified service or an appointed official:
  - 1. The City Attorney shall provide the City Manager with a preliminary analysis of the complaint no later than thirty (30) days from the receipt of the complaint by the City Attorney.

2. Upon receipt of the preliminary analysis, the City Manager, in consultation with the City Attorney, shall decide whether further investigation is necessary.

(e) If the complaint is lodged against an elected official:

1. The City Clerk shall forward via certified mail a copy of the complaint to all members of the City Council and the City Attorney within ten (10) business days of its initial filing.
2. The City Council, in consultation with the City Attorney, shall decide whether further action is necessary.

#### I. Penalties

Any disciplinary action shall be carried out in accordance with the provisions of this ordinance, as well as any other ordinances, laws, policies and procedures applicable to the position of the offender and the gravity of the offense. The City Council is permitted to take any action which it is otherwise lawfully permitted to take, including but not limited to, any one or a combination of the following which the City Council deems appropriate under the circumstances: public admonition, public reprimand, suspension, demotion, forfeiture of or removal from office, termination from employment, a cease and desist order, which must be enforced by a court of competent jurisdiction, and a fine up to the maximum amount permitted by law.

#### J. Severability

If any provision of this Ordinance is held by any court or by any federal or state agency of competent jurisdiction to be invalid with any federal or state law now or hereafter in effect, or is held by such court or agency to be modified in any **way** in order to conform to the requirements of any such law, such holding shall not affect the validity and enforceability of any other provision of this ordinance.