

It is the policy of the Town of Oro Valley to uphold, promote and demand the highest standards of ethics from its Mayor and City Council. The Mayor and the Town Council shall maintain the utmost standards of personal integrity, truthfulness, honesty and fairness in carrying out their public duties, avoid any improprieties in their roles as public servants, comply with all applicable laws and never use their city position or powers improperly or for personal gain. By operating with these values, the Town shall build, maintain, and enhance the trust of the public, staff and fellow Council Members. This Code of Ethics has been created to ensure that all elected officials have clear guidance for carrying out their responsibilities.

(b) All Council Members shall obey and observe the letter and spirit of the constitution and laws of the United States of America, the constitution and laws of the State of Arizona, and the code, laws and policies of the Town of Oro Valley applicable to Council Members, including the City's Code of Ethics.

(c) As a prerequisite for exercising any power of office, each Council Member shall be required to read and agree in writing to comply with the provisions of these laws, regulations, policies and this Ethics Code.

SEC. _____ Definitions

For the purposes of interpretation of this Article, the following words and phrases shall mean:

(a) City Official - the Mayor and members of the City Council.

(b) Ethics Code - the provisions set forth in this Article VIII.

Except as otherwise provided herein, the words, terms, and phrases used in this Article shall have the meanings ascribed to them in Title 38 of the Arizona Revised Statutes and the City Code, except where the context clearly indicates a different meaning.

SEC. _____ Code of Ethical Conduct

(a) Operate in an Open, Accessible, and Transparent Manner and Adhere to All Applicable Laws At All Times

(1) The citizens of Oro Valley expect and deserve open government. Council Members shall comply with all open meetings and public records laws as set forth in A.R.S. §§ 38-431 through 431.09 and §§ 39-121 through 121.03.

(2) Council Members shall conduct city business with transparency, seeking public input as advisable or appropriate, in a manner that fully adheres to and preferably exceeds state law regarding open meetings and transparency of actions and shall not circumvent the open meeting law, or the spirit of the law, by using technology, a "hub and spoke" scheme, or any technique involving less than a quorum yet designed to communicate with a quorum of the public body.

(3) Council Members shall be accessible, open and conduct city business with transparency.

(b) Conflicts of Interest

(1) Council Members shall not be involved in any activity which creates a conflict of interest with their responsibilities to the Town and its residents as defined by Arizona law.

(2) Council Members shall disclose and make known actual or perceived conflicts of interest as required by Arizona law.

(3) When a known conflict of interest arises, the Council Member involved shall disclose the conflict as soon as reasonably practical and shall refrain from participating in any manner in the city's decision-making processes on the matter as a Council Member including voting on the matter or attending meetings with, having written or verbal communications with, or offering advice to any member of the Town Council, or any city employee, contractor, agent, member of a city board, commission, committee, task force, other appointed advisory group or agency (other than the town attorney when the Council Member seeking legal advice regarding a possible conflict).

(4) During a public meeting when an agenda item in which a Council Member has a conflict of interest comes up for consideration, the Council Member shall state publicly that he or she has a conflict, recuse himself or herself, and leave the room while the matter is being discussed and acted upon by others on the public body.

(c) Serve Public Interests over a Council Members Personal Interests

(1) Council Members have the obligation to put the interests of the Town of Oro Valley over all personal considerations.

(2) The goal should be to balance what is in the best interest for the broadest public good of the Town, consistent with constitutional and other legal protection for minority, property and other interests.

(3) Council Members shall use discretionary funds and Town resources for public interest rather than personal interests.

(4) Council Members shall avoid favoritism and retribution.

(d) Undue Influence and Appearance of Impropriety

(1) No Council Member shall use or attempt to use his or her official position to influence Council decisions or Town staff actions in favor of individuals, organizations or companies that may directly benefit the individual Council Member.

(2) Ask "Does this pass the headline test?"

(3) Council Members shall follow applicable gift policies and laws regarding disclosure and acceptance of gifts, including, but not limited to, gifts of travel, entertainment and sports/athletic activities and events.

(4) No Council Member shall use or attempt to use his or her personal relationships with staff, businesses or others for inappropriate or personal benefit.

(5) Council Members shall avoid the appearance or reality of monetary gain or "quid pro quo".

(6) No Council Member shall use or attempt to use his or her official position to gain personal, professional, or financial advantage for the individual Town Official or his or her direct family member. (As "direct family member" is defined in the Town Code.)

(e) Professionalism and Courtesy

(1) During meetings and all public appearances, Council Members shall treat each other, speakers, invited guests, residents, businesses, staff and general public with professionalism, courtesy, respect and dignity, and shall:

- Be attentive, respectful and polite
- Avoid personal disparaging comments or references
- Focus on the action, not the individual
- Respect differences
- Be cognizant of demeanor and appearance
- Be respectful of schedules and agendas and responsive to all communications
- Be on time, prepared and ready to execute the duties and tasks of the position
- Avoid inappropriate actions and behavior that could reflect poorly upon the Town or fellow Council Members

(2) At the Town workplace, at any Town event and at all times while representing the Town, including traveling on Town business, Council Members shall treat each other, staff and the general public with professionalism, courtesy, respect and dignity, and shall:

- Respect and embrace the Golden Rule (treat others as you would like to be treated)
- Be sensitive to differences in race, age, gender, disabilities, religious beliefs, political affiliation and national origin
- Strive to create an environment that is productive and free from gossip, rumors, intimidation, harassment, threats, retaliation, violence, hostility, and other adversity
- Avoid behavior and comments considered unacceptable in the workplace, such as inappropriate and demeaning comments, stories, humor and jokes
- Avoid sexual harassment, such as sexual conversations, sexual innuendos, and other comments that may be perceived as sexual in nature
- Keep personal and professional relationships separate

(f) Respect and Abide by the Council-Manager Form of Government

(1) Under the council-manager form of government, the Town Council appoints a Town Manager, who directs the day-to-day operations of all employees. Town Officials should be sensitive to the role of the Town Manager and shall not circumvent the appropriate chain of command by directing Town staff.

(2) Council Members shall not interfere with the hiring, promotion, transfer, discipline, compensation or termination of any employee, other than those positions identified in the Town Code that serve at the pleasure of the Town Council.

(3) Council Members shall not interfere with or exert influence over the Town's procurement process, except in an official capacity acting as Council as a whole.

(g) Use of Town Equipment, Property and Resources

(1) Council Members shall adhere to Town rules and policies on the use of Town property, Town logo, and Town letterhead or other approved Town communication tools, materials or publications.

(2) Council Members shall use Town issued equipment in accordance with Town policies and shall not use Town equipment or facilities for private purposes, unless such use is generally available to the public.

(3) Any personal emails, faxes or use of other communications generated by the use of Town equipment should be considered public information. As such, Council Members shall use Town-assigned electronic mail accounts for Town business only and not for personal business or for campaign purposes.

(4) Council Members shall not disclose or use executive session information or other information deemed confidential under state law without proper authorization.

(h) Communications

(1) Council Members are never "off the record" and should be mindful of communication actions that create a public record.

(2) Council Members shall qualify public comments as either the official position of Council or as a personal opinion and clarify whether Council has or has not

acted on the topic (i.e., state “Council hasn’t voted on this matter yet, however, I believe we should go in direction xyz”).

(3) Council Members shall not make public statements or take individual actions on behalf of Council unless expressly authorized by Council.

(4) Council Members shall use all communication platforms to constructively benefit the Town.

(5) Council Members shall communicate to fellow Council Members, the Town Manager and/or the Town Attorney any information that could negatively affect the operation or image of the Town Council or the Town to avoid a situation where such information is first learned from the media or outside sources.

(6) When appropriate or advisable, Council Members should notify appropriate Town staff regarding all media contacts.

SEC. 2-134. Reporting Ethics Violations

Council Members have a duty to report violations of the Code of Ethics or any misconduct that raises a substantial question as to a Member’s integrity or fitness as a public official. Council shall serve as a committee of the whole for purposes of Code of Ethics enforcement, which includes a reasonable process for investigating complaints that affords the subject of a complaint a full and fair opportunity to be heard. The Town benefits from formal and informal reporting procedures that encourage prompt resolution of grievances and concerns.

(a) Informal Reporting Procedures

Before initiating the formal complaint process, a grievant should make every reasonable effort to resolve issues constructively in an informal manner, unless such efforts would be futile or inadequate to address the nature and severity of the alleged violation.

(1) Whenever possible, a grievant should first discuss concerns with the alleged violator.

(2) Either party may request the assistance of a neutral third-party to facilitate discussions about the complaint. Both parties must agree to use the neutral third-party.

(b) Formal Reporting Procedures

A grievant may initiate the formal complaint process when informal efforts are futile, unsuccessful, or inadequate to address the nature and severity of the alleged violation. A person who knowingly makes a false, misleading, or unsubstantiated statement in a complaint may be subject to criminal prosecution for perjury and civil liability.

(1) The grievant shall inform the alleged violator of the intent to initiate the formal complaint process.

(2) The grievant shall submit a formal complaint to the Town Manager and Town Attorney within ninety (90) days from the date the grievant first became aware of the alleged violation or within one (1) year from the date of the alleged violation.

(3) The complaint shall provide:

i. The name of the grievant;

ii. The name of the alleged violator;

iii. The nature of the alleged violation, including the specific provision of the Code of Ethics or law allegedly violated;

iv. A statement of facts describing relevant conduct and dates;

v. Copies of relevant documents or materials and/or a list of unavailable, relevant documents or materials;

vi. A list of relevant witnesses; and

vii. An affidavit stating that the information contained in the complaint is true and correct, and stating the grievant has good reason to believe and does believe that the facts alleged constitute a violation of the Code of Ethics.

(4) The Town Manager and Town Attorney or designee shall gather relevant facts, documents, witness statements, interview the alleged violator, and gather other information relevant to the complaint.

(5) The Town Attorney or designee shall prepare a recommendation to Council.

(6) The complaint and recommendation shall be submitted to the entire Council for review at a duly convened executive session. All laws pertaining to executive sessions shall apply, including the right of the alleged violator to an open hearing.

i. Council shall review the complaint and recommendation, and consult with the Town Attorney or designee to determine whether there is reasonable cause to believe a violation occurred and whether sanctions are warranted

ii. If there is reasonable cause to believe a violation occurred, the matter may be placed on a Regular Council Meeting agenda for action.

(A) A 2/3 vote of the Council (of the Members Present) at a Regular Council Meeting shall be required for a determination that a violation of the Code of Ethics has occurred.

(B) A 2/3 vote of the Council (of the Members Present) at a Regular Council Meeting shall be required for sanctions.

SEC. 2-135. Sanctions

Any Council Member found in violation of this Code of Ethics may face the following sanctions:

(a) Warning

(b) Letter of reprimand

(c) Public censure by the Council, which may include:

(1) Loss of assignments;

(2) Loss of power to appoint members to Town Boards, Commissions and Committees;

(3) Loss of Council discretionary funds;

(4) Loss of City-related travel privileges;

(d) A demand for non-monetary restitution (e.g., a public apology, the return of gifts); and/or

(e) A demand for reimbursement of administrative, legal, and/or investigation costs and expenses incurred in investigating and prosecuting the violation of the Code of Ethics.

Serious infractions of the Code of Ethics or other intentional and repeated conduct in violation of this Article VIII may result in other sanctions as deemed appropriate by Council. Violations of state law provisions described herein shall be punished as provided for in state law. The language used in imposing sanctions will be consistent and follow a specific format as established by the Council.

Secs. ____ Reserved.

ETHICS CODE ACKNOWLEDGEMENT AND AGREEMENT

(c) As a prerequisite for exercising any power of office, each city official is required to read and agree in writing to comply with the provisions of these laws, regulations policies and this ethics code.

By my signature below, I _____ acknowledge and agree that I have been provided with a copy of the Town of Oro Valley Ordinance ____

By my signature below, I acknowledge that I have read and understand the Ethics Code. I agree that I will comply with the constitution and laws of the United States of America, the constitution and laws of the State of Arizona, and the code, laws, regulations and policies of the Town of Oro Valley including the Ethics Code.

Signature Elected/appointed position

Printed Name Date

ATTACHMENT A

EXPECTED BEHAVIOR

What happens in the past, needs to stay in the past. From today on, I agree to move forward with my peers for the good of the Town's future.

I will develop a personal understanding of my peer's individual long range agenda.

If I want to know something of my peers, I will ask them.

If I have a problem with a peer, I will talk directly with that peer and do everything possible to come to a mutual understanding.

Before speaking or acting, I will check my assumptions. I will determine what collateral effect my words or actions might have on my working relationships.

In return for my commitment to this Code, I expect my peers to reciprocate as follows:

If you have concerns that involve me, I expect a communication as soon as possible. Likewise, if I have concerns about my peers I will communicate them immediately with the individual peer.

I will keep any comments focused on the issue and not toward any peers.

If I am approached by a member of the media about a comment regarding a peer, I will direct them to that member.

I will not surprise you, and expect that if you know something that will have an affect on me, you will reciprocate.

I will not sit passively at misquotes. If a comment is not accurate, and is attributed to a peer, I have the responsibility to correct it.

I will not say anything negative about a peer behind his/her back.