

SHOW LOW CITY COUNCIL
NORMS OF OPERATION AND CODE OF ETHICS¹
effective September 17, 2013

PART I. CITY COUNCIL NORMS OF OPERATION

Section 1. City Council Relations with City Staff

- A. The City Council and its members shall deal with the administration of the City only through the City Manager, except for the purpose of inquiry, and neither the Council nor any member thereof, shall give orders or instructions to any employee or officer other than the City Manager. The City Manager shall take his or her orders and instructions from the Council, only when promulgated at a duly convened meeting of the Council, and no individual Council member shall give any orders or instruction to the City Manager except for purpose of inquiry. Members shall respect and adhere to the Council-Manager structure of government as outlined in the Show Low City Code. In this structure, the City Council determines the policies of the City with the advice, information, and analysis provided by the public, commissions, boards, committees, and staff.

Except as provided by the Show Low City Code, members therefore shall not interfere with the administrative functions of the City or the professional duties of City staff, nor shall they impair the ability of staff to implement Council policy decisions.

- B. There shall be mutual respect from both staff and Council members of their respective roles and responsibilities when and if expressing criticism in public session.
- C. City staff shall acknowledge the Council's role as policy makers and the City Council shall acknowledge staff's role as responsible for administering the Council's policies.
- D. Formal public records requests shall be directed to the City Clerk's office. Charges for copies of records requested for personal use shall be billed to the respective Council member in accordance with the resolution adopted by the City Council.
- E. Receipt of all written informational material requested by individual Council members shall be reported to the entire Council through the City Manager's weekly report, to allow others to be aware of said material and request copies of the same, should they desire.

¹ These Norms of Operation and Code of Ethics were adopted by the Show Low City Council through Resolution No. R2013-23 on Sept. 17, 2013, and applies to the Council and all City commissions, boards, and committees.

Section 2. City Council Relations with City Commissions, Boards and Committees and Council Member Representation to Other Agencies and Organizations

- A. Members of the City Council shall not use their power of office to attempt to influence or publicly criticize commission, board, or committee recommendations or influence or lobby individual commission, board, or committee members on any item while under their consideration. It is important for commissions, boards, and committees to be able to make objective recommendations to the City Council on items before them. Members of Council who attempt to strongly influence commission, board or committee positions on any item may prejudice or hinder their role in reviewing the commission's, board's, or committee's recommendation as a member of the City Council.
- B. Individual Council members shall have the right to attend commission, board, committee, or City staff meetings but shall not speak or become involved in meeting discussions unless the Council member is the liaison to that commission, board, or committee or has been invited to attend a City staff meeting because of the Council member's expertise. Council members are allowed to address the board as a citizen during the public comment portion of the agenda.
- C. If a Council member appears before another government agency or organization to give a statement on an issue affecting the City, the Council member should first indicate the majority position and opinion of the Council, if known or previously discussed. Personal opinions and comments may be expressed only if the Council member clarifies that these statements do not represent the position of the City Council.

PART II. CODE OF ETHICS

The Show Low City Council believes that citizens and businesses are entitled to fair, ethical, and accountable local government. To this end, the Show Low City Council has established a Code of Ethics for the members of the City Council and the City's commissions, boards, and committees to assure public confidence in the integrity of local government and its effective and fair operations, and therefore shall:

- A. **Act in the Public Interest.** Recognizing that stewardship of the public interest must be their primary concern, members will work for the common good of the people of the City of Show Low and not for any private or personal interest, and they will assure fair and equal treatment of all persons, claims, and transactions coming before the City Council, commissions, boards, and committees.
- B. **Comply with the Law.** Members shall comply with the laws of the nation, the State of Arizona and the City of Show Low in the performance of their public duties. These laws include, but are not limited to, the United States and Arizona

Constitutions, the Show Low City Code and Policies, laws pertaining to conflicts of interest, election campaigns, financial disclosure, and the public open meeting law.

- C. **Conduct of Members.** The professional and personal conduct of members must be above reproach and avoid even the appearance of impropriety. Members shall refrain from abusive conduct, personal charges or verbal attacks upon the character or motives of other members of the Council, commissions, boards, committees, staff, and the public.
- D. **Respect for Process.** Members shall perform their duties in accordance with the processes and rules of order established by the City Council and commissions, boards and committees governing the deliberation of public policy issues, meaningful involvement of the public, and implementation of policy decisions of the City Council by City staff.
- E. **Conduct of Public Meetings.** Members shall prepare themselves for public issues, listen courteously and attentively to all public discussions before the body, and focus on the business at hand. They shall refrain from interrupting other speakers, making personal comments not germane to the business of the body, or otherwise interfering with the orderly conduct of business.
- F. **Meeting Attendance.** It is the responsibility of Council members to attend Council meetings and the responsibility of other members to attend meetings of their respective board, commission, or committee to which they have been appointed in order to fairly conduct the business of Show Low. It is also the responsibility of members who have been appointed as voting members representing Show Low on other boards, commissions, or committees to attend meetings of those boards, commissions, or committees. Absence from meetings should be avoided if at all reasonably possible. The member shall contact the City Clerk, Chair of the committee or board, or other responsible staff person if unable to attend a meeting. Members shall be required to provide current contact information to the City Clerk. Failure to attend two consecutive meetings without notice may result in removal from the board, commission, or committee.
- G. **Decisions Based on Merit.** Members shall base their decisions on the merits and substance of the matter at hand, rather than on unrelated considerations.
- H. **Communication.** Members shall publicly share substantive information that is relevant to a matter under consideration by the Council, commissions, boards, or committees, which they may have received from sources outside of the public decision-making body.
- I. **Conflict of Interest.** In order to assure their independence and impartiality on behalf of the common good, members shall not use their official positions to influence government decisions in which they have a material financial interest or

where they have an organizational responsibility or personal relationship that may give the appearance of a conflict of interest. The purpose of the conflict of interest laws is to prevent self-dealing by members and to remove or limit any improper influence which might bear on a member's decision. A conflict of interest occurs when (i) a member or a relative of the member has a pecuniary interest in a matter that may come before the Council during the member's term of office on which the member sits and that interest is not a remote interest as defined in A.R.S. Section 38-502(10), or (ii) when the member has an interest that results in the member not being able to act impartially on a matter before the Council. "Relative" means the spouse, child, child's child, parent, grandparent, brother, or sister of the whole or half-blood and their spouses and the parent, brother, sister, or child of a spouse.

1. Compliance with Conflict of Interest Laws. Members shall comply with the conflict of interest laws of Arizona. If a member is not sure he or she has a conflict of interest on a matter before the Council, the City Attorney should be contacted. Requests related to conflicts of interest are confidential; however, official opinions of the City Attorney are required by law to be a public record.
2. Disclosure of Conflict of Interest. If a member has a conflict of interest, he or she shall disclose that fact as soon as possible by filing a statement with the City Clerk setting forth the nature of the conflict of interest or declaring the nature of the conflict of interest for the record of the minutes of the meeting. The member shall not participate in any matter as a member in the matter.
3. Loyalty. Members have an obligation to put the interest of Show Low over personal considerations and to make the public's interest their primary concern.
4. Personal Interests. Occasionally a member may find that he or she has a personal interest in a matter, even though a conflict of interest would not exist under the conflict of interest laws. Members are encouraged to adhere to strongly held ethical values which are exercised in good faith and to refrain from discussing or voting on a matter if he or she believes the personal interest precludes making a fair and impartial decision.
5. Abstaining from Voting. A member should not abstain from voting on a matter before his or her Council unless he or she has a conflict of interest or believes he or she may have a conflict of interest or a personal interest as set forth in Paragraph I, *Conflict of Interest*.

Members shall abstain from participating in deliberations and decision-making where conflicts may exist.

J. Gifts and Favors – Prohibited, exceptions.

1. Members are prohibited from soliciting, receiving, or accepting gifts and favors of any kind from anyone who attempts to influence the passage or defeat of legislation, ordinances, rules, regulations, nominations, and other matters that are pending or proposed and are subject to formal approval by the Council. The term “gifts and favors of any kind” includes money, services, loans, travel, entertainment, hospitality (including meals), promises of any future gifts, or anything of value that might be construed as an attempt to create a more favorable relationship than that enjoyed by any other citizen, including: (a) the purchase, sale, or lease of any real or personal property by the member, that member’s relative, or an entity in which that member has a financial interest at a value below or above that available to the general public, and (b) employment and/or services, contracts, direct or indirect, by a member, that member’s relative, or an entity in which that member or relative has a financial interest.
2. Members are prohibited from soliciting, receiving, or accepting gifts and favors of any kind, as defined above, from anyone who is engaged in a general practice or specific situation that involves the City’s decision-making or permitting processes, except as exempted below.

Gifts. Members shall disclose in writing to the City Clerk any (i) gift, benefit, or favor received with a value in excess of \$50.00 or (ii) any gifts, benefits, or favors with a combined value in excess of \$50.00 within a six-month period, from a person with a financial interest in business with the City or in a matter which may come before the Council. The written disclosure shall be made within two (2) business days of receipt of the gift, benefit, or favor or multiple gifts, benefits, or favors totaling \$50.00 in value within a six-month period. If the gift is donated to Show Low or a bona fide charity, it does not have to be disclosed; provided however, that the gift is donated immediately upon receipt.

Exemptions include entertainment, hospitality (including meals), transportation, and token mementoes directly associated with events that a member is attending as a representative of the City. If any gift, favor, or personal benefit is permissible and exceeds \$50.00 in value, then the member must declare it in writing to the City Clerk’s office within five (5) business days of acceptance, unless it is:

- (a) Admission to events which are sponsored or funded in whole or in part by the City, if furnished by the City or sponsor(s) of such events;

- (b) Reasonable hosting, including meals and refreshments, travel, and related expenses, furnished in connection with official speaking engagements, ceremonies, or other Council-related appearances on behalf of the City, when public or civic purposes are served;
 - (c) Gifts of goodwill or other tokens of appreciation accepted on behalf of the City, or in the case of food, accepted and shared with others in the City work place; or
 - (d) Items received and donated to a charitable organization.
- K. Confidential Information. Members shall respect the confidentiality of information concerning the property, personnel or affairs of the City. They shall neither disclose confidential information without proper legal authorization nor use such information to advance their personal, financial, or other private interests.
- L. Use of Public Resources. Members shall not use public resources not available to the public in general, such as City staff time, equipment, supplies, or facilities for private gain or personal purposes.
- M. Representation of Private Interests. In keeping with their role as stewards of the public interest, Council members shall not appear on behalf of private interests of third parties before the Council or any commission, board, or committee or proceeding of the City, nor shall members of commissions, boards, and committees appear before their own bodies or before the Council on behalf of the private interests of third parties on matters related to the areas of service of their bodies.
- N. Advocacy. Members shall represent the official policies or positions of the City Council, commissions, boards or committees to the best of their ability when designated as delegates for this purpose. When presenting their individual opinions and positions, members shall explicitly state they do not represent the City of Show Low, nor will they infer that they do.
- O. Independence of Commission, Boards, and Committees. Because of the value of the independent advice of commissions, boards, and committees to the public decision-making process, Council members shall refrain from using their position to unduly influence the deliberations or outcomes of commission, board, and committee proceedings.
- P. Positive Work Place Environment. Members shall support the maintenance of a positive and constructive work place environment for City employees and for citizens and businesses dealing with the City. Members shall recognize their special role in dealing with City employees to in no way create the perception of inappropriate direction to staff.

Q. Implementation. As an expression of the standards of conduct for members expected by the City, the Show Low Code of Ethics is intended to be self-enforcing. It therefore becomes most effective when members are thoroughly familiar with it and embrace its provisions.

For this reason, ethical standards shall be included in the regular orientations for candidates for City Council, applicants to boards, commissions, and committees, and newly elected and appointed officials.

PART III. COMPLIANCE AND ENFORCEMENT

This resolution expresses standards of conduct expected for members of the Show Low City Council, commissions, boards, and committees. Members themselves have the primary responsibility to assure that standards are understood and met, and that the public can continue to have full confidence in the integrity of government. A violation of this resolution shall not be considered a basis for challenging the validity of Council, commission, board, or committee decisions. Questions about this Code of Ethics, a conflict of interest, or other ethical problem should be presented to the City Attorney's office.

The City Council may impose sanctions on members whose conduct does not comply with this policy, such as reprimand, formal censure, committee assignment, or budget restrictions.