

# City of El Mirage Code of Conduct for Elected Officials

## The Three Rs of El Mirage Government Leadership: Roles, Responsibilities and Respect

The City Code provides information on the roles and responsibilities of Council Members, the Vice Mayor and the Mayor. Until now, what has not been clearly written down is a Code of Conduct for the City of El Mirage's elected officials.

This Code of Conduct is designed to describe the manner in which Council Members should treat one another, City staff, constituents, and others they come into contact with in representing the City of El Mirage. It reflects the work of defining more clearly the behavior, manners and courtesies that are suitable for various occasions. This is designed to make the public meetings and the process of governance run more smoothly.

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The constant and consistent theme through all of the conduct guidelines is "respect." Council Members experience huge workloads and tremendous stress in making decisions that could impact thousands of lives. Despite these pressures, elected officials are called upon to exhibit appropriate behavior at all times. Demonstrating respect for each individual through words and actions is the touchstone that can help guide Council Members to do the right thing in even the most difficult situations.

## Ethics Policy

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, as well as to participate annually in continuing education workshops regarding public service ethics.

A listing of key public service ethic laws is shown in Exhibit "A"

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## Overview of Roles and Responsibilities

Other resources that are helpful in defining the roles and responsibilities of elected officials can be found in the City of El Mirage Code and in the Elected Officials Guide published by the League of Arizona Cities & Towns.

### **MAYOR**

- o Acts as the official head of the City for all ceremonial purposes
- o Chairs Council meetings
- o Calls for special meetings
- o Recognized as spokesperson for the City of El Mirage
- o Makes judgment calls on proclamations, agendas, etc.
- o Recommends subcommittees as appropriate for Council approval
- o Serves as the liaison between the Council and the City Manager and City Attorney in regards to employee relations
- o Leads the Council into an effective, cohesive working team
- o Sign documents on behalf of the City of El Mirage

### **VICE MAYOR**

- o Serves at the pleasure of the Council
- o Performs the duties of the Mayor if the Mayor is absent
- o Chairs Council meetings in the absence of the Mayor
- o Represents the City at ceremonial functions at the request of the Mayor

### **ALL COUNCIL MEMBERS**

All members of the City council, including those serving as Mayor and Vice Mayor, have equal votes. No Council Member has more power than any other Council Member, and all should be treated with equal respect.

All Council Members should:

- o Fully participate in City Council meetings and other public forums while demonstrating kindness, consideration, and courtesy to others
- o Prepare in advance of Council meetings and be familiar with issues on the agenda
- o Represent the City at ceremonial functions at the request of the Mayor
- o Place activities and events on the Council's weekly activities calendar that invite official participation of all Council Members. A list of the activities of individual Council Members may also be submitted for public record at the option of the Council Member.
- o Be respectful of other people's time. Stay focused and act efficiently during public meetings.
- o Serve as a model of leadership and civility to the community
- o Inspire public confidence in El Mirage government
- o Provide contact information with the City Clerk in case of an emergency or urgent situation arises while the Council Member is out of City
- o Demonstrate honesty and integrity in every action and statement
- o Participate in scheduled activities to increase team effectiveness and review Council procedures, such as this Code of Conduct

## **MEETING CHAIR**

The Mayor will chair official meetings of the City council, unless the Vice Mayor or another Council Member is designated as Chair of a specific meeting.

- o Maintains order, decorum, and the fair and equitable treatment of all speakers
- o Keeps discussion and questions focused on specific agenda items under consideration
- o Makes parliamentary rulings with advice, if requested, from the City Attorney who acts as an advisory parliamentarian. Chair rulings may be overturned if a Council Member makes a motion as an individual and the majority of the Council votes to overrule the Chair.

## **FORMER COUNCIL MEMBERS**

Past members of the City Council who speak to the current City Council about a pending issue should disclose whom they are speaking on behalf of (individual or organization).

## **Policies & Protocol Related to Conduct**

### **Attendance**

The City Code provides that five councilmembers may discipline another councilmember if he or she misses three (3) consecutive and duly noticed meetings of the City Council without good cause. Duly noticed meetings of the City Council include regular council meetings, special council meetings, study sessions, policy sessions, executive sessions, budget review meetings, and council committee meetings to which a councilmember is assigned.

Through this Ethics Code, the City Council finds that personal illness, family emergencies, military absences, family weddings, family graduation exercises, and bona fide business and vacation trips constitute good cause for nonattendance at council meetings. Whether good cause exists for any other absence shall be determined by vote of the entire City Council upon request of any councilmember made within ten (10) business days following the absence. The vote shall be taken after sufficient information is received explaining the reason for the councilmember's absence.

### **Ceremonial Events**

Requests for a City representative at ceremonial events will be handled by City staff. The Mayor will serve as the designated City representative. If the Mayor is unavailable, then City staff will determine if event organizers would like another representative from the Council. If yes, then the Mayor will recommend which Council Member should be asked to serve as a substitute. Invitations received at City Hall are presumed to be for official City representation. Invitations addressed to Council Members at their homes are presumed to be for unofficial, personal consideration.

### **Correspondence Signatures**

Council Members do not need to acknowledge the receipt of correspondence, or copies of correspondence, during Council meetings. The City Clerk will prepare official letters in response to public inquiries and concerns. These letters will carry the signature of the Mayor unless the Mayor requests that they be signed by another Council Member or the City Clerk.

If correspondence is addressed only to one Council Member that Council Member may check with staff on the best way to respond to the sender.

### **Endorsement of Candidates**

Council Members have the right to endorse candidates for all Council seats or other elected offices. It is inappropriate to mention endorsements during Council meetings or other official City meetings.

## **Gifts**

Arizona law prohibits elected officials and advisory board members from receiving anything of value or any compensation other than their normal salary for any service rendered in connection with that person's duties with the City. A.R.S § 38-505 (A).

Elected officials and advisory board members must consider ethical principles before accepting personal gifts of entertainment and sports/athletic activities.

Within two business days of receipt of the following gifts or favors in El Mirage, or within two business days of returning to El Mirage after receipt of a gift of favor while traveling outside of El Mirage, elected officials and advisory board members shall disclose in writing to the City Clerk all gifts, benefits, or favors received from people with a financial interest in business before the City, or which may come before the City, that:

- Relate to professional or collegiate sports, athletic, or entertainment activities or tickets, or
- Have a face value of \$50 or more, amount subject to periodic review.

Under no circumstances shall a council or board member accept a gift or favor that is a bribe, or reflects, to a reasonable person, an effort to improperly influence the member contrary to that member's responsibility to the public to act impartially on the merits of a matter.

When in doubt about these requirements, elected officials and advisory board members shall disclose the gift, benefit or favor. All disclosures will be kept for public record in the City Clerk's Office.

In summary, you can follow this checklist:

- Does the gift or favor come from someone with business before the city or which may come before the city?
- And does the gift or favor exceed \$50 dollars in value, or consist of the type of sports or entertainment tickets described above?
- And did you accept the gift or favor for yourself or another?

If you answer "yes" to all these questions, then the gift or favor has to be reported to the City Clerk. If you answer "no" to any of these questions, then the gift or favor does not have to be reported to the City Clerk unless it represents a bribe or other improper influence as described above.

Gifts having a value greater than \$50 that are donated to the city or a bona fide charity also do not need to be reported.

This section does not apply to gifts exceeding \$50 in value and intended for the City rather than as a personal gift to a Councilmember or board member. These items are City of El Mirage property. Elected officials and advisory

board members who receive a gift on behalf of the City exceeding \$50 in value shall promptly turn the gift over to the City Manager for public display or other appropriate handling.

### **Public Announcements in Council Meetings**

Council Members who want to present a brief statement of current event may do so under the portion of the meeting specifically provided for that purpose, titled "Council Summary of Current Events." Under the Arizona Open Meeting Law, only brief announcements of public events or recognition of achievements are allowed. Council Members' statements should be focused on matters of community-wide interest and should not be used for any form of campaigning. No questions or discussions may take place, unless they are specifically listed as a separate item on the agenda.

The Call to the Public is reserved for members of the public who wish to address the Council and who have filled out the required comment card. Comments by members of the public will be limited to three minutes each. Matters that may require Council action or direction should not be discussed and those items on the agenda should not be used for any form of campaigning.

*Amended 3/22/07*

### **Public Hearing Protocol**

The applicant shall have the right to speak first. The Chair will determine the length of time allowed for this presentation. Speakers representing either pro or con points of view will be allowed to follow. All speakers should be heard before a person is heard before a second time. All statements should be made to and through the Chair. The applicant will be allowed to make closing comments. The Chair has the responsibility to run an efficient public meeting and has the discretion to modify the public hearing process in order to make the meeting run smoothly.

Council Members should not express opinions during the public hearing portion of the meeting except to ask pertinent questions of the speaker or staff. All Council Member comments or questions should be directed to the Chair. "I think" and "I feel" comments by Council Members are not appropriate until after the close of the public hearing. Council Members should refrain from arguing or debating with the public during a public hearing and shall always show respect for different points of view.

Main motions may be followed by amendments, followed by substitute motions. Any Council Member can call for a point of order. Only Council Members, who voted on the prevailing side, may make motions to reconsider. Motions to reconsider must be made prior to adjourning the meeting. Council Members, who desire to make the first motion on issues, which they feel

strongly about, should discuss their intention with the Chair in advance of the Council meeting.

### **Travel Expenses**

The policies and procedures related to the reimbursement of travel expenses for official City business by Council Members is according to the City of El Mirage Personnel Rules and Regulations, Section 13.4. All Council travel in excess of the allowed budget, in which the Council Member expects to officially represent the City and/or be reimbursed by the City for travel costs, must be approved in advance by the Council. The travel policy and budget for Council should be reviewed at each annual budget cycle.

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## **Council Conduct with One Another**

Councils are composed of individuals with a wide variety of backgrounds, personalities, values, opinions, and goals. Despite this diversity, all have chosen to serve in public office in order to preserve and protect the present and the future of the community. In all cases, this common goal should be acknowledged even as Council may “agree to disagree” on contentious issues.

### **IN PUBLIC MEETINGS**

- **Use formal titles**

The Council should refer to one another formally during public meetings as Mayor, Vice Mayor or Council Member followed by the individual’s last name.

- **Practice civility and decorum in discussions and debate**

Difficult questions, tough challenges to a particular point of view, and criticism of ideas and information are legitimate elements of a free democracy in action. This does not allow, however, Council Members to make belligerent, personal, impertinent, slanderous, threatening, abusive, or disparaging comments. No shouting or physical actions that could be construed as threatening will be tolerated.

- **Honor the role of the Chair in maintaining order**

It is the responsibility of the Chair to keep the comments of Council Members on track during public meetings. Council Members should honor efforts by the Chair to focus discussion on current agenda items. If there is disagreement about the agenda or the Chair’s actions, those objections should be voiced politely and with reason, following procedures outlines in parliamentary procedure.

- **Avoid personal comments that could offend other Council Members**

If a Council Member is personally offended by the remarks of another Council Member, the offended Council Member should make notes of the actual words used and call for a “point of personal privilege” that challenges the other Council Member to justify or apologize for the language used. The Chair will maintain control of this discussion.

- **Demonstrate effective problem-solving approaches**

Council Members have a public stage to show how individuals with disparate points of view can find common ground and seek a compromise that benefits the community as a whole.

## **IN PRIVATE ENCOUNTERS**

- **Continue respectful behavior in private**

The same level of respect and consideration of differing points of view that is deemed appropriate for public discussions should be maintained in private conversations.

- **Be aware of the lack of security of written notes, voicemail messages, and e-mail**

Technology allows words written or said without much forethought to be distributed wide and far. Would you feel comfortable to have this note faxed to others? How would you feel if this voicemail message were played on a speakerphone in a full office? What would happen if this e-mail message were forwarded to others? Written notes, voicemail messages and e-mail should be treated as potentially “public” communication.

- **Even private conversations can have a public presence**

Elected officials are always on display – their actions, mannerisms, and language are monitored by people around them that they may not know. Lunch table conversations will be eavesdropped upon, parking lot debates will be watched, and casual comments between individuals before and after public meetings noted. Remember the open meeting law prohibits conversations of four or more council members or the “linking” together through a common source of four or more individual conversations.

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## **Council Conduct with City Staff**

Governance of a City relies on the cooperative efforts of elected officials, who set policy, and City staff, who implement and administer the Council’s policies.

Therefore, every effort should be made to be cooperative and show mutual respect for the contributions made by each individual for the good of the community.

- **Treat all staff as professionals**

Clear, honest communication that respects the abilities, experience, and dignity of each individual is expected. Poor behavior towards staff is not acceptable.

- **Direct requests for staff support through City Manager**

Consequently, remember City staff is accountable to their supervisors. Tasks performed by staff that come from outside the normal chain of supervision could cause staff confusion, inadequate work product and inefficient performance. Questions of City staff and/or requests for additional background information should be directed only to the City Manager.

- **Do not disrupt City staff from their jobs**

Council Members should not disrupt City staff while they are in meetings, on the phone, or engrossed in performing their job functions in order to have their individual needs met.

- **Never publicly criticize an individual employee**

Council should never express concerns about the performance of a City employee in public, to the employee directly, or to the employee's manager. Misdirected comments could violate the City's personnel rules and limit the City's ability to deal fairly and efficiently with personnel matters. Comments about staff performance should only be made to the City Manager through private correspondence or conversation. Comments about staff in the office of the City Attorney should be made directly to the City Attorney.

- **Do not get involved in administrative functions**

Council Members must not attempt to influence City staff on the making of appointments, awarding of contracts, selecting of consultants, processing of development applications, or granting of City licenses and permits.

- **Check with City staff on correspondence before taking action**

Before sending correspondence, Council Members should check with the City Manager to see if an official City response has already been sent or is in progress.

- **Do not attend meetings with City staff unless requested by staff.**

Even if the Council Member does not say anything, the Council Member's presence implies support, shows partiality, intimidates staff, and hampers staff's ability to do their job objectively.

- **Do not solicit political support from staff**

Council Members should not solicit any type of political support (financial contributions, display of posters or lawn signs, name on support list, etc.) from City staff; to do so could violate the law. City staff may, as private citizens with constitutional rights, support political candidates for other government entities but all such activities must be done away from the workplace.

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## **Council Conduct with the Public**

### **IN PUBLIC MEETINGS**

Making the public feel welcome is an important part of the democratic process. No signs of partiality, prejudice or disrespect should be evident on the part of individual council Members toward an individual participating in a public forum. Every effort should be made to be fair and impartial in listening to public testimony.

- **Be welcoming to speakers and treat them with respect**
- **Be fair and equitable in allocating public hearing time to individual speakers**

The Mayor will determine and announce limits on speakers at the start of the public hearing process. Generally, each speaker will be allocated five minutes. If many speakers are anticipated, the Mayor may shorten the time limit and/or ask speakers to limit themselves to new information and points of view not already covered by previous speakers.

No speaker will be turned away unless he/she exhibits inappropriate behavior. After the close of the public hearing, no more public testimony will be accepted unless the Mayor reopens the public hearing for a limited and specific purpose.

- **Give the appearance of active listening**

It is disconcerting to speakers to have Council Members not look at them when they are speaking. It is fine to look down at documents or to make notes, but reading for a long period of time or gazing around the room gives the appearance of disinterest. Be aware of facial expressions, especially those that could be interpreted as “smirking,” disbelief, anger or boredom.

- **Ask for clarification, but avoid debate and argument with the public**

Only the Mayor, no individual Council Members, can interrupt a speaker during a presentation. However, a Council Member can ask the Mayor for a point of order

if the speaker is off the topic or exhibiting behavior or language the Council Member finds disturbing.

If speakers become flustered or defensive by Council questions, it is the responsibility of the Mayor to calm and focus the speaker and to maintain the order and decorum of the meeting. Questions by Council Members to members of the public testifying should seek to clarify or expand information. It is never appropriate to belligerently challenge or belittle the speaker. Council members' personal opinions or inclinations about upcoming votes should not be revealed until after the public hearing is closed.

- **No personal attacks of any kind, under any circumstances**

Council Members should be aware that their body language and tone of voice, as well as the words they use, can appear to be intimidating or aggressive.

## **IN UNOFFICIAL SETTINGS**

- **Make no promises on behalf of the Council**

Council Members will frequently be asked to explain a Council action or to give their opinion about an issue as they meet and talk with constituents in the community. It is appropriate to give a brief overview of City policy and to refer to City staff for further information. It is inappropriate to overtly or implicitly promise Council action, or to promise City staff will do something specific (fix a pothole, remove a library book, plant new trees, etc.)

- **Make no personal comments about other Council Members**

It is acceptable to publicly disagree about an issue, but it is unacceptable to make derogatory comments about other Council Members, their opinions and actions.

- **Remember you are being observed**

Council Members are constantly being observed by the community every day that they serve in office. Their behaviors and comments serve as models for proper deportment in the City of El Mirage. Honesty and respect for the dignity of each individual should be reflected in every word and action taken by Council Members, 24 hours a day, seven days a week. It is a serious and continuous responsibility.

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## **Council Conduct with Other Public Agencies**

- **Be clear about representing the City or personal interests**

If a Council Member appears before another governmental agency or organization to give a statement on an issue, the Council Member must clearly state: 1) if his or her statement reflects personal opinion or is the official stance of the City; 2) whether this is the majority or minority opinion of the Council.

If the Council Member is representing another organization whose position is different from the City, the Council Member should withdraw from voting on the issue if it significantly impacts or is detrimental to the City's interest. Council Members should be clear about which organizations they represent and inform the Mayor and Council of their involvement.

- **Correspondence also should be equally clear about representation**

City letterhead may be used when the Council Member is representing the City and the City's official position. A copy of official correspondence should be given to the City Clerk to be filed as part of the permanent public record.

City letterhead should not be used for correspondence of Council Members representing a personal point of view, and is best not used to express a dissenting point of view from an official Council position. However, should Council Members use City letterhead to express a dissenting point of view, the official City position must be stated clearly so the reader understands the difference between the official City position and the viewpoint of the Council Member.

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## **Council Conduct With Boards and Commissions**

The City has established several Boards and Commissions as a means of gathering more community input. Citizens who serve on Boards and Commissions become more involved in government and serve as advisors to the Council. They are a valuable resource to the City's leadership and should be treated with appreciation and respect.

- **If attending a Board or Commission meeting, be careful to only express personal opinions**

Council Members may attend any Board or Commission meeting, which are always open to any member of the public. However, they should be sensitive to the way their participation - especially if it is on behalf of an individual, business or developer – could be viewed as unfairly affecting the process. Any public comments by a Council Member at a Board or Commission meeting should be clearly made as individual opinion and not a representation of the feelings of the entire City Council.

- **Limit contact with Board and Commission members to questions of clarification**

It is inappropriate for a Council member to contact a Board or Commission member to lobby on behalf of an individual, business, or developer. It is acceptable for Council Members to contact Board or Commission members in order to clarify a position taken by the Board or Commission.

- **Remember that Boards and Commissions serve the community, not individual Council Members**

The City Council appoints individuals to serve on Boards and Commissions, and it is the responsibility of Boards and Commissions to follow policy established by the Council. But Board and Commission members do not report to individual Council Members, nor should Council Members feel they have the power or right to threaten Board and Commission members with removal if they disagree about an issue. Appointment and re-appointment to a Board or Commission should be based on such criteria as expertise, ability to work with staff and the public, and commitment to fulfilling official duties. A Board or Commission appointment should not be used as a political “reward.”

- **Be respectful of diverse opinions**

A primary role of Boards and Commissions is to represent many points of view in the community and to provide the Council with advice based on a full spectrum of concerns and perspectives. Council Members may have a closer working relationship with some individuals serving on Boards and Commissions, but must be fair and respectful of all citizens serving on Boards and Commissions.

- **Keep political support away from public forums**

Board and Commission members may offer political support to a Council member, but not in a public forum while conducting official duties. Conversely, Council Members may support Board and Commission members who are running for office, but not in an official forum in their capacity as a City Council Member.

- **Inappropriate behavior can lead to removal**

Inappropriate behavior by a Board or Commission member should be noted to the Mayor, and the Mayor should counsel the offending member. If inappropriate behavior continues, the Mayor should bring the situation to the attention of the Council.

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## **Council Conduct with the Media**

Council Members are frequently contacted by the media for background and quotes.

- **The best advice for dealing with the media is to never go “off the record”**

Most members of the media represent the highest levels of journalistic integrity and ethics, and can be trusted to keep their word. But one bad experience can be catastrophic. Words that are not said cannot be quoted.

- **The Mayor is the official spokesperson for the City’s position.**

The Mayor is the designated representative of the Council to present and speak on the official City position. If an individual Council Member is contacted by the media, the Council Member should be clear about whether their comments represent the official City position or a personal viewpoint.

- **Choose words carefully and cautiously**

Comments taken out of context can cause problems. Be especially cautious about humor, sardonic asides, sarcasm, or word play. It is never appropriate to use personal slurs or swear words when talking with the media.

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## Sanctions

- **Public Disruption**

Members of the public who do not follow proper conduct after a warning in a public hearing may be barred from further testimony at that meeting or removed from the Council Chambers.

- **Inappropriate Staff Behavior**

Council Members should refer to the City Manager any City staff that does not follow proper conduct in their dealings with Council Members, other City staff, or the public. These employees may be disciplined in accordance with standard City procedures for such actions.

- **Council Members Behavior and Conduct**

City Council Members who intentionally and repeatedly do not follow proper conduct may be reprimanded or formally censured by the Council, lose seniority or committee assignments (both within the City of El Mirage or with inter-government agencies) or have official travel restricted. Serious infractions of the Code of Ethics or Code of Conduct could lead to other sanctions as deemed appropriate by Council.

Council Members should point out to the offending Council Member infractions of the Code of Ethics or Code of Conduct. If the offenses continue, then the matter should be referred to the Mayor in private. If the Mayor is the individual whose

actions are being challenged, then the matter should be referred to the Vice Mayor.

It is the responsibility of the Mayor to initiate action if a Council Member's behavior may warrant sanction. If no action is taken by the Mayor, the alleged violation(s) can be brought up with the full Council in a public meeting.

If violation of the Code of Ethics or Code of Conduct is outside of the observed behaviors by the Mayor or Council Members, the alleged violation should be referred to the Mayor. The Mayor should ask the City Manager and/or the City Attorney to investigate the allegation and report the findings to the Mayor. It is the Mayor's responsibility to take the next appropriate action. These actions can include, but are not limited to: discussing and counseling the individual on the violations; recommending sanction to the full Council to consider in a public meeting; or forming a Council ad hoc subcommittee to review the allegation; the investigation and its findings, as well as to recommend sanction options for Council consideration. Videotaping of the complaint hearing should be used for a Council ad hoc subcommittee.

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## **Principles of Proper Conduct**

### **Proper conduct IS . . .**

- o Keeping promises
- o Being dependable
- o Building a solid reputation
- o Participating and being available
- o Demonstrating patience
- o Showing empathy
- o Holding onto ethical principles under stress
- o Listening attentively
- o Studying thoroughly
- o Keeping integrity intact
- o Overcoming discouragement
- o Going above and beyond, time and time again
- o Modeling a professional manner

### **Proper conduct IS NOT . . .**

- o Showing antagonism or hostility
- o Deliberately lying or misleading
- o Speaking recklessly
- o Spreading rumors

- o Stirring up bad feelings, divisiveness
- o Acting in a self-righteous manner

### **It all comes down to respect**

Respect for one another as individuals . . . respect for the validity of different opinions . . . respect for the democratic process . . . respect for the community that we serve.

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I have read the City of El Mirage Ethics Policy and agree to abide by the City's policy and all applicable state and local regulations.

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Signature

State of Arizona  
County of Maricopa

Subscribed and sworn to (or affirmed) before  
me this \_\_\_\_\_ day of \_\_\_\_\_, 2006,  
by:

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Signature of Notary Public



**City of El Mirage**  
**Sampling of Public Service Ethics Laws Applicable to City Officials**  
**(Mayor, City Council Members, and Members of All City Boards, Commissions, and Committees)**

| <b>Topic</b>                                                | <b>Arizona Law</b>                               | <b>General Summary<sup>1</sup></b>                                                                                                                                                                                                                  | <b>Penalties &amp; Sanctions<sup>2</sup></b> |
|-------------------------------------------------------------|--------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------|
| Bribery                                                     | A.R.S. §§ 13-2602; 38-444                        | It is illegal for you to solicit, accept, or agree to accept any benefit upon an understanding that it may influence your official conduct, or to ask for or receive any gratuity of reward (or promise thereof) for your official act.             | Felony                                       |
| Conflicts of Interests (general)                            | A.R.S. §§ 38-501 through -511                    | If you or any relative could benefit from you taking official action, then you must (1) <i>disqualify</i> yourself by not participating “in any manner” – not voting, not discussing, not anything, and (2) <i>disclose</i> that personal interest. | Felony or misdemeanor, more                  |
| Contracting with the City                                   | A.R.S. §§ 38-503, 36-1406, -1477                 | If you or any relative has a substantial interest in “any contract, sale, purchase or service” to the City, then you must disclose that interest and “refrain from voting upon or... participating in any manner.”                                  | Felony or misdemeanor; cancel contract       |
| Conduct After Leaving City Position (“Anti-Revolving Door”) | A.R.S. § 38-504(A)                               | For 12 months after your City service, you cannot represent another person for compensation before the City in connection with any matter in which you personally participated in a substantial and material                                        | Felony or misdemeanor                        |
| Confidential Information (Disclosure/Use of)                | A.R.S. § 38-504(B)                               | During and for two years after your City service, it is illegal for you to disclose or use for personal profit any confidential information you learned in the course of your duties.                                                               | Felony or misdemeanor, more                  |
| Discrimination & Favoritism                                 | Constitutions, plus statutes; A.R.S. § 38-231(G) | It is illegal to discriminate based on race, color, gender, national origin, religion, age, or physical or mental disability; plus, in your Loyalty Oath you pledged to “faithfully and impartially discharge the duties of...office.”              | Attorneys fees, damages, more                |
| E-mail                                                      | A.R.S. §§ 39-121; 38-431 <i>et seq.</i>          | Your e-mail communications are subject to the Public Records Law, and improper e-mail involving a quorum of the members of a public body may violate the Open Meeting Law.                                                                          | Attorneys fees, costs, more                  |
| Employment of Relatives (“Nepotism”)                        | A.R.S. § 38-481                                  | You may not be involved in the appointment or hiring of a relative (which is defined broadly to include your parents, siblings, spouse, children, grandchildren, grandparents, and all in-laws).                                                    | Misdemeanor                                  |
| Employment – Discussion of Future Employment                | A.R.S. §§ 38-503, -504(C)                        | If you engage in certain discussions about future employment, then it might trigger bribery or conflicts of interest laws.                                                                                                                          | Felony or misdemeanor                        |

<sup>1</sup> **CAUTION:** These brief descriptions are provided for quick introductory purposes and cannot and do not present the full scope of these laws.

<sup>2</sup> Violations of these laws may expose a City official to a variety of sanctions, including criminal penalties, personal financial liability (for damages and fines, as well as payment of costs and attorneys fees – both prosecution and defense), cancellation of contracts, public embarrassment (for the official and her or his family and employer), and removal from office. For example, a City official convicted of a felony may fined up to \$150,000 for each violation and sent to prison for several years. A.R.S. §§ 13-801, - 701. Conviction of a misdemeanor may result in a fine up to \$2,500 for each violation and a jail sentence of up to six months. A.R.S. §§ 13-802, - 707. This information is presented not to scare City officials, but to help them by underscoring the seriousness of conducting the public’s business properly.

**EXHIBIT A**