

BOARD, COMMISSION, AND COMMITTEE HANDBOOK

UPDATED OCTOBER 2015



SECTION 5. LAWS AND OTHER DOCUMENTS

5.1 Code of Gilbert

The Code of Gilbert sets forth local laws adopted by the Mayor and Council. Laws are adopted by Ordinance.

All Board, Commission, and Committee members are subject to the requirements found in the Code of Gilbert, Chapter 1, Article IV Boards, Commissions and Committees, Division 1 Generally. Other requirements governing specific Boards, Commissions, or Committees may be found in Article IV Board, Commissions, and Committees.

A copy of the Code of Gilbert, Chapter 1, Article IV Boards, Commissions and Committees, can be found in Appendix C.

5.3 Council Policy Statements

Council may establish policies through a Council Policy Statement. The following Council Policy Statements relate the Boards, Commissions, and Committees.

Policy Statement 2012-03 Code of Ethics

The Code of Ethics establishes standards of conduct for Gilbert's Public Officials. Topics covered in the policy address the responsibilities of public service, Open Meeting Law, Conflicts of Interest, Confidential Information, Council Relations with Other Public Bodies and Agencies, Code of Ethics Training, Procedures, and Enforcement.

Policy Statement 2012-05 Electronic Equipment and Services Policy

Certain Boards, Commissions, and Committees may use electronic equipment and services that may include email accounts, iPads, personal computers, or accounts in Dropbox or similar cloud computing. The policy sets forth what users must comply with if they are assigned these devices or services.

A complete copy of these Policy Statements can be found in Appendix D.

5.3 Other Town Codes and Documents

Local laws are also found in Codes or documents adopted for a specific purpose, such as the Land Development Code, the General Plan, the Subdivision Regulations, and similar Codes. The Staff Liaison provides the Board, Commission, or Committee members a copy of any Codes or documents needed to perform their duties.

POLICY STATEMENT NO. 2012-03

SUBJECT: Code of Ethics

DATE: August 2, 2012

POLICY STATEMENT

SUBJECT: Code of Ethics for Members of the Town Council and Boards, Commissions and Committees

PURPOSE AND ETHICS STATEMENT

The Town of Gilbert is a clean, safe and vibrant community that values trust, honesty, personal responsibility, professionalism, service and accountability. Members of the Town Council and its boards, commissions and committees ("Public Officials") have an obligation to the residents of Gilbert, its customers and its partners to uphold the highest standard of ethics.

The purpose of this Code of Ethics is to establish standards of conduct for Gilbert's Public Officials in order to maintain public confidence in the integrity of Gilbert's Public Officials and to instill public trust through the actions, words and deeds of Gilbert's Public Officials. The requirements of this Code of Ethics are in addition to and are intended to complement the requirements of State law governing conduct of Public Officials.

POLICY

1. ***Responsibilities of Public Service.*** Recognizing the special responsibilities of serving Gilbert and its citizens and customers, Public Officials shall maintain the highest standards of integrity and honesty and shall treat all members of the public and fellow colleagues with respect, courtesy, concern and responsiveness.
 - 1.1 **Fairness and Respect.** All issues and citizens shall be handled with fairness, impartiality and respect. Public Officials have an obligation to treat all citizens fairly, such as by dividing time reasonably among potential speakers on an issue at a public hearing or meeting, by having an open mind on issues presented, and by being willing to listen to different points of view.
 - 1.2 **Meeting Attendance.** It is the responsibility of Councilmembers to attend Council meetings and the responsibility of other Public Officials to attend meetings of their respective board, commission or committee to which they have been appointed in order to fairly conduct the business of Gilbert. It is also the responsibility of Public Officials who have been appointed as voting members representing Gilbert 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.

- 1.3 Abstaining from Voting. A Public Official should not abstain from voting on a matter before his or her Public Body 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 3.4.
2. **Open Meeting Law.** The intent of the open meeting law is to assure that government is transparent and that the public's business is conducted in public.
 - 2.1 Compliance with Open Meeting Law. Public Officials shall comply with the open meeting law of the State of Arizona and shall not attempt to circumvent the requirements of the open meeting law.
 - 2.2 Polling. Practices such as polling individual members to reach a decision outside a public meeting is prohibited.
 - 2.3 Serial Meetings. A discussion among less than a quorum may lead to a violation of the open meeting law if eventually a quorum is involved in the discussion. This is a violation of the open meeting law and is prohibited. For example, if three members of the Council discuss a matter that is before the Council or may come before the Council for discussion or action, and one of those members discusses the matter with another member of the Council, a serial meeting has been held without notice and agenda required by the open meeting law. Serial meetings may occur through telephone conversations, written correspondence, e-mail or other means of communications about a matter of Town business.
 - 2.4 Use of Staff or Others. Use of Gilbert's staff or others to promote discussion among other members of the Public Body to circumvent the purposes of the open meeting law is prohibited.
 - 2.5 Open Meeting Law Violations. Notwithstanding the reporting process set forth in paragraph 7.4, reports of violations of the open meeting law may be made directly to the Attorney General's office or the County Attorney's office.
3. **Conflicts of Interest.** The purpose of the conflict of interest laws is to prevent self-dealing by Public Officials and to remove or limit any improper influence which might bear on a Public Official's decision. A conflict of interest occurs when (i) a Public Official or a relative of the Public Official has a pecuniary interest in a matter that may come before the Public Body during the Public Official's term of office on which the Public Official sits and that interest is not a remote interest as defined in ARS Section 38-502(10), or (ii) or when the Public Official has an interest that results in the Public Official not being able to act

impartially on a matter before the Public Body. "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.

- 3.1 **Compliance with Conflict of Interest Laws.** Public Officials shall comply with the conflict of interest laws of Arizona. If a Public Official is not sure he or she has a conflict of interest on a matter before the Public Body of which the Public Official is a member, the Town Attorney should be contacted. Requests related to conflicts of interest are confidential; however, official opinions of the Town Attorney are required by law to be a public record.
 - 3.2 **Disclosure of Conflict of Interest.** If a Public Official has a conflict of interest, he or she shall disclose that fact as soon as possible by filing a statement with the Town Clerk setting forth the nature of the conflict of interest. The Public Official shall not participate in any manner as a Public Official in the matter.
 - 3.3 **Loyalty.** Public Officials have an obligation to put the interest of Gilbert over personal considerations and to make the public's interest their primary concern.
 - 3.4 **Personal Interests.** Occasionally a Public Official 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. Public Officials 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.
 - 3.5 **Gifts.** Public Officials shall disclose in writing to the Town 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 Town or in a matter which may come before the Public Body. 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 totalling \$50.00 in value within a six month period. If the gift is donated to Gilbert or a bona fide charity, it does not have to be disclosed; provided however, that the gift is donated immediately upon receipt.
4. ***Confidential Information.*** Gilbert is committed to maintaining an open and accessible government intended to engender trust and confidence from the public, while at the same time protecting confidential information as required or permitted by law.

- 4.1 **Disclosure of Confidential Information.** Public Officials shall not disclose confidential, privileged or protected information, unless authorized by the majority vote of a quorum of the Council or is required by law to do so.
- 4.2 Public Officials shall not use confidential, privileged or protected information to advance the financial or other private interest of himself or herself or others.
- 5. ***Town Council Relations with other Public Bodies and Agencies.*** The Town Council may attend meetings of other Public Bodies of Gilbert or other governmental agencies. Individual Councilmembers shall accurately describe the positions of Gilbert to such Public Bodies and governmental agencies.
- 6. ***Code of Ethics Training.*** It is important that training be made available to Public Officials in order that the purposes of this Code of Ethics may be successfully implemented.
 - 6.1 **Training.** Public Officials shall attend at least one training session per term regarding the regarding this policy.
- 7. ***Procedures.*** It is important that procedures for reporting violations of this Code of Ethics be clearly understood and followed.
 - 7.1 **Questions.** Questions about this Code of Ethics, a conflict of interest, or other ethical problem should be presented to the Town Attorney's office. If time permits, requests should be in writing to the Town Attorney. If the ethical issue arises during a meeting, rather than risk an inadvertent violation of the law, the safest course of action is simply to declare that a conflict may exist that prevents the Public Official from participating.
 - 7.2 **Obligation to Report Violations.** Public Officials have a duty to report if another Public Official is violating laws or this Code of Ethics.
 - 7.3 **Interference with Duty to Disclose Violations.** Public Officials shall never attempt to use their authority or influence for the purpose of intimidating, threatening, coercing, commanding or influencing any person with the intent of interfering with that person's duty to disclose improper activity.
 - 7.4 **Reporting Process.** Reports of alleged violations of this Code of Ethics shall be made to the Town Clerk, whether such report is by a member of the public, an employee or a Public Official. Upon receipt of an alleged violation, the Town Clerk shall forward a copy to the members of the Public Body and to the Town Attorney. The Town Attorney shall either prepare a recommendation to the Public Body or request an independent investigation. Recommendations of the Town Attorney or the independent

investigator shall be filed with the Town Clerk. The Town Clerk may place the matter on a Council agenda for action by the Council.

8. **Enforcement.** The Council intends that violations of this Code of Ethics be treated fairly and expeditiously.

- 8.1 **Council Action.** The Council shall review the report and the recommendation at a regular or special Council meeting. The report and the recommendation shall be a public record. If the Council determines that a Code of Ethics violation has occurred, the Council may impose penalties in accordance with Paragraph 8.2.
- 8.2 **Penalties.** It is the intent of the Council to educate, and where necessary, discipline Public Officials who violate this Code of Ethics. In addition to other penalties provided by law, the members of a Public Body may vote to censure another member who violates this Code of Ethics, provided that (i) the member who may be censured shall not vote on the matter but may explain his or her actions, and (ii) censure shall require a vote of five (5) members of the Public body. This paragraph does not prevent informal resolution of minor infractions, such as immediate corrective action of the alleged misconduct.


John W. Lewis, Mayor

ATTEST:


Catherine A. Templeton, Town Clerk