

ETHICS POLICY FOR ELECTED/APPOINTED COUNCIL MEMBERS AND BOARD/COMMISSION MEMBERS



Adopted by the Springerville Town Council March 9, 2022

Updated by the Springerville Town Council July 19, 2023

I. Town of Springerville Ethics Policy

IT IS THE POLICY of the Town of Springerville to uphold, promote, and demand the highest standards of ethics from all of its officials, whether elected/appointed to Town Council or to advisory bodies.

Accordingly, all members of Town boards, commissions, committees and the Town Council (“Officials Officials”) 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 Town position or powers improperly or for personal gain.

The Town of Springerville and its Officials members all share a commitment to ethical conduct in service to their community. This Code of Ethics has been created to ensure that all elected and appointed officials and advisory board members have clear guidance for carrying out their responsibilities.

II. Applicable Laws and Policies

A. General Character

Officials are often called upon to make decisions that affect various groups and individuals adversely. Balancing diverse constituent interests is a difficult task. While someone will always be disappointed in decisions, officials shall adhere to ethical standards that eliminate disappointment borne of dishonesty, conflicts of interest, unfairness or illegality. Preservation of public trust is critical for the preservation of democracy.

A certain amount of detail is required in any code of ethics so that it serves as a clear guide. However, at the core of ethical behavior are some basic standards that officials shall use to reach a level of conduct that strives to be beyond reproach. Treating others as you would have them treat you is always a good ethical test. Another standard is to reflect on how your actions or decisions might be viewed by persons you or the public holds in high regard because of their ethical integrity.

1. Honesty and Integrity.

Honesty and integrity shall be the primary values in all issues. The public trust in the Town Council and citizen boards can be a reality only when public officials are truthful.

2. Fairness and Respect.

All issues and citizens shall be handled with fairness, impartiality and respect. 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. In reviewing, discussing and deciding issues, Officials have an obligation to be accessible, open and direct, not only with the other members

of the public body, but also to the citizens and business representatives who appear before them. The public is entitled to communicate with their public servants and understand the position of the public body on public issues.

3. Effort.

Officials have an obligation to attend meetings and to be prepared. It is expected that these officials will review the materials, participate in discussions and make an informed decision on the merits of the issue.

B. Conflict of Interest

Officials must be constantly on guard against conflicts of interest. In short, Officials shall not be involved in any activity which conflicts with their responsibilities to the Town and its residents. The people of Springerville have a right to expect independence and fairness toward all groups without favoring individuals or personal interests.

1. Self-Dealing and Financial Disclosure

Arizona conflict-of-interest laws apply to all Officials, who must be consistently aware of any potential issues which may appear to be self-dealing. Officials must not be involved in discussing or deciding any issue over which they have jurisdiction as a Council or board member which may impact the member, or the member's family, financially.

It should also be noted that Councilmembers must comply annually with the Financial Disclosure Act, as outlined in A.R.S. §§ 38-541-545.

2. Disclosure of and Policy on Acceptance of Gifts and Favors

Arizona law prohibits Officials 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 Town. A.R.S. § 38-505(A).

Officials 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 Springerville, or within two business days of returning to Springerville after receipt of a gift of favor while traveling outside of Springerville, Officials shall disclose in writing to the Town Clerk all gifts, benefits, or favors received from people with a financial interest in business before the Town, or which may come before the Town, 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 and on the merits of a matter.

When in doubt about these requirements, Officials shall disclose the gift, benefit or favor. All disclosures will be kept for public record by the Town Clerk.

In summary, you can follow this checklist:

- Does the gift or favor come from someone with business before the Town or which may come before the Town?
- 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 Town Clerk.

If you answer "no" to any of these questions, then the gift or favor does not have to be reported to the Town 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 Town 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 Town rather than as a personal gift to a Councilmember or board member. These items are Town of Springerville property. Officials who receive a gift on behalf of the Town exceeding \$50 in value shall promptly turn the gift over to the Town Manager for public display or other appropriate handling.

3. Loyalty

Officials have an obligation to put the interests of the Town of Springerville over all personal considerations. Their goal should be "what is in the best interest for the broadest public good of the Town of Springerville, consistent with constitutional and other legal protections for minority, property, and other interests."

C. Legal Compliance

1. Meetings

Public Access: Open Meetings and Public Records

Discussion of issues which may appear before the Council or citizen board shall be prohibited when a situation arises where a quorum of the Council or board exists. Numerous Arizona and Town laws require that meetings of public bodies be open to the public and that public records be available for inspection. Open Meeting Laws are found in A.R.S. §§ 38-431 through 431.09 and in the Town Code Section 2.04.100, and Public Records Laws are found in A.R.S. §§ 39-121 through 121.03.

2. Attendance

a. Mayor and Town Council

A quorum of councilmembers may discipline another councilmember if he or she misses three (3) consecutive and duly noticed meetings of the Town Council without good cause. Duly noticed meetings of the Town 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.

b. Boards, Commissions and Committees

If a member fails to attend three (3) consecutive and duly noticed meetings of Town Boards, Commissions and Committees without being excused for good cause, the Town Council may declare the seat vacant and appoint a replacement.

Members of Town boards, commissions and committees are expected to attend all regularly scheduled meetings and should make every effort to do so. The Town Council appoints members for their experience, background and perspective in a particular policy area, and desires the benefit of knowledgeable consideration and judgment. Moreover, boards, commissions and committees cannot conduct any business unless a quorum is present. Members should notify the chairperson of the board or the staff liaison regarding any meeting missed or to be missed.

3. Disclosure of Confidential Information

Arizona law provides that, during a person's employment or service with the Town and for two years thereafter, no member of a Town board, commission, committee or the Town Council may disclose or use confidential information without appropriate authorization. The information is outlined A.R.S. § 38-504(B). For example, confidential information includes discussions during executive sessions and certain economic development information such as prospect leads.

4. Discrimination and Harassment

Public decision-making must be fair and impartial and shall not be discriminatory on the basis of those protected classes, such as racial and religious groups, outlined in federal, state, and Town laws and ordinances.

It is the policy of the Town of Springerville that its Officials members conduct business and operate in a manner that is free from illegal discrimination on the basis of age, sex, color, race, disability, national origin, or religious persuasion, both internally and in the relationships of the Officials members with their constituencies.

In addition, it is the policy of the Town of Springerville that the Officials strive to constituencies. In addition, it is the policy of the Town of Springerville that the Officials strive to create an operating environment internally and in the relationships of the Officials with their constituencies, that is productive and free from intimidation, hostility or other adversity. Harassment of any sort – verbal, physical, visual – including intentional and unwarranted actions that would constitute sexual harassment were they to occur in an employment relationship, by any Official, is prohibited and is considered a violation of this Code of Ethics.

E. Facilities, Resources, and Expenses

1. Expense Reports and Travel

When traveling on Town business, Officials members shall conduct themselves professionally as representatives of the Town of Springerville. Officials are entitled to be reimbursed for actual and necessary expenses during travel. Expenses must be documented completely and accurately. Officials are asked to contact the appropriate Town staff for assistance in travel plans and expense reports.

2. Use of Equipment and Facilities

Officials shall not use Town equipment or Town facilities for private purposes, except to the extent that they are available to the public.

a. Software Management.

Officials members shall not make, use, accept or install illegal copies of computer software, documentation, or templates. The Town conducts periodic audits to ensure compliance with Town policies on software installed on Town-owned computers.

The legality of software is ideally established by possession or accountability of the following five items: the original software diskettes, the license, the original manuals, documented evidence of purchase, or copy of the completed product registration.

b. Electronic Mail.

Town-assigned electronic mail accounts shall be used only for Town business or for minor personal use in a way that does not interfere with Town business. Town-assigned electronic mail accounts may not be used for personal business or for any campaign purpose.

All Town-assigned electronic mail is considered official Town business and must be retained in accordance with the Town's records management program. In general, electronic mail communications are public records and subject to disclosure under the public records law in A.R.S. § 39-101 et. seq.

4. Use of Staff

Under the council-manager form of government, the Town Council appoints a Town Manager, who directs the day-today operations of all employees. Councilmembers need to be sensitive to the role of the Town Manager and Town staff. Councilmembers shall work through the Town Manager or the Town Manager's staff.

Councilmembers may ask other staff members about the status of a matter and may ask for information, but Councilmembers shall not expressly or implicitly give orders or direction to staff, except through their participation on the Town Council. They shall not try privately to influence the decisions or recommendations of staff members, but they may share information with staff. Council and board members shall not intervene directly with staff on behalf of a particular constituent or organization on a pending matter, but shall participate with council or board colleagues in discussing and deciding policy matters for staff to carry out.

Appointed board members shall work through the staff liaisons of their board.

III: Procedures

A. Where to Seek Advice

Questions about this Code, a conflict of interest, or other ethical problems should be presented to the Town Attorney's Office (928-274-9696) If time permits, requests should be in writing to the Town Attorney directly. Requests related to conflicts of interest, A.R.S. §38-507 must be kept confidential. However, official opinions of the Town Attorney are required by this law to become a public record.

B. What to Do if You Are Uncertain

The existence of an ethical issue often does not arise until a meeting is underway. Rather than risk an inadvertent violation of law, the safest course of action is simply to declare that a conflict may exist that prevents an elected official or advisory board member from participating. Indeed, if there is a consistent theme to this handbook, it would be: "If in doubt, don't."

C. How to Declare a Possible Conflict

If an official believes that a conflict of interest (or even a possible conflict) exists, then he or she should disclose the fact as soon as possible. For example, as soon as an Official realizes that a conflict exists on a given matter, they must disclose the conflicting interest on the record for the minutes. From that point on, the Official shall not participate in any manner (by discussing, questioning or voting) in that matter.

Declaring a conflict and not participating should be recognized as a necessary part of preserving public trust and should not be avoided simply because of delays or inconvenience. Indeed, officials should declare possible conflicts to avoid any appearance of impropriety.

D. Where to Report Improper Behavior

Officials have a duty to create the image and reality of a responsive, accessible, and fair Town government. Accordingly, Officials have a duty to report if another Official is violating laws or ethics relating to Town government, as set forth in this code and handbook. Moreover, 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 such improper activity.

If an official believes that someone else may have violated this Handbook, they may consult with the Town Attorney's Office, the Town Clerk, or their colleagues.

IV: Penalties and Sanctions

It is the intent of the Town Council to educate, and where necessary, discipline board or councilmembers who violate this Code and Handbook. Discipline shall be progressive, from the least punitive to the most punitive measures, unless the Council believes progressive discipline does not provide the appropriate sanction because of the gravity of the offense, or because the Council does not believe the sanction would deter future misconduct. In all instances, the totality of the circumstances shall be taken into consideration in resolving a matter, including the intent of the one accused of wrongdoing. This Code does not prevent informal resolution of minor infractions, such as by immediate corrective action of the possible misconduct.

V: Adoption and Amendment

Adoption of and amendments to this Ethics Code and Handbook shall require the affirmative vote of at least a two third's majority of the full Town Council — that is, four (4) votes. Adoption and amendment shall occur through passage of a resolution by the Town Council.