



CITY COUNCIL HANDBOOK

2024

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ARIZONA OPEN MEETING LAW

The Arizona Open Meeting Law is set forth in A.R.S. § 38-431 et. seq. The law requires that a public body conduct its meetings and deliberations openly and in view of the citizens, and that all legal action of the public body occur during an open meeting. “Meetings” can take many forms. For example, it is possible to violate Arizona’s Open Meeting law by sending an e-mail to one or more fellow Council members (or if the e-mail you sent is forwarded to one or more Council members) if in the e-mail you discuss City business or ask for support/denial of an upcoming Council action item.

Executive Session

Arizona Law permits, however, an executive session (**closed meeting**) for nine limited (see below) purposes per A.R.S. § 38-431.03. The possibility that an executive session may be necessary at a particular public meeting has to be properly noticed and placed on the meeting agenda. After the public body votes to agree to meet in an executive session, the public may be excluded.

Attendance at Executive Session

Only those “individuals whose presence is reasonably necessary in order for the public body to carry out its executive session responsibilities may attend the executive session” (A.R.S. § 38-431(2)). This generally means the council members, the city attorney, and the city clerk, and may also include a person who has specific business before the council for which the executive session was called. During the executive session, the public body must instruct anyone allowed into the executive session that all matters discussed as well as the minutes, are confidential (A.R.S. § 38-431.03(C)).

Purposes of Executive Session (A.R.S. § 38-431.03)

The nine limited purposes for conducting an executive session are:

1. Discussion or consideration of employment, assignment, appointment, promotion, demotion, dismissal, salaries, disciplining or resignation of a public officer, appointee or employee of any public body, except that, with the exception of salary discussions, an officer, appointee or employee may demand that the discussion or consideration occur at a public meeting. The public body shall provide the officer, appointee or employee with written notice of the executive session as is appropriate but not less than twenty-four hours for the officer, appointee or employee to determine whether the discussion or consideration should occur at a public meeting.
2. Discussion or consideration of records exempt by law from public inspection, including the receipt and discussion of information or testimony that is specifically required to be maintained as confidential by state or federal law.

3. Discussion or consultation for legal advice with the attorney or attorneys of the public body.
4. Discussion or consultation with the attorneys of the public body in order to consider its position and instruct its attorneys regarding the public body's position regarding contracts that are the subject of negotiations, in pending or contemplated litigation or in settlement discussions conducted in order to avoid or resolve litigation.
5. Discussions or consultations with designated representatives of the public body in order to consider its position and instruct its representatives regarding negotiations with employee organizations regarding the salaries, salary schedules or compensation paid in the form of fringe benefits of employees of the public body.
6. Discussion, consultation or consideration for international and interstate negotiations or for negotiations by a city or town, or its designated representatives, with members of a tribal council, or its designated representatives, of an Indian reservation located within or adjacent to the city or town.
7. Discussions or consultations with designated representatives of the public body in order to consider its position and instruct its representatives regarding negotiations for the purchase, sale or lease of real property.
8. Discussion or consideration of matters relating to school safety operations or school safety plans or programs.
9. Discussions or consultations with designated representatives of the public body in order to discuss security plans, procedures, assessments, measures or systems relating to, or having an impact on, the security or safety of buildings, facilities, operations, critical infrastructure information and information technology maintained by the public body. Records, documentation, notes, or other materials made by, or provided to, the representatives pursuant to this paragraph are confidential and exempt from public disclosure under this chapter and title 39, chapter 1.

Although a public body may *discuss* the foregoing seven topics in executive session, the public body *may not take any legal action* in the executive session. After a discussion in executive session, the public body may reconvene in public session and take a vote on the matters discussed in closed session, if properly agendaized.

CONFLICT OF INTEREST

A.R.S. § 38-503 states in pertinent part:

- ✓ Any public officer or employee of a public agency who has, or whose relative has, a substantial interest in any contract, sale, purchase, or service to such public agency shall make known that interest in the official records of such public agency and shall refrain from voting upon or otherwise participating in any manner as an officer or employee in such contract, sale or purchase.

- ✓ Any public officer or employee who has, or who's relative has a substantial interest in any decision of a public agency shall make known such interest in the official records of such public agency and shall refrain from participating in any manner as an officer or employee in such decision.

A.R.S. §38-502 advises that a "substantial interest" is basically any financial interest that is not a "remote interest." The legislature has determined that certain financial interests are remote such that they do not influence a person's decision or actions and unless the interest is remote, as described in the following list of twelve remote interests, it is considered a substantial interest and creates a conflict of interest.

"Remote interest" means:

- (a) That of a non-salaried officer of a nonprofit corporation.

- (b) That of a landlord or tenant of the contracting party.

- (c) That of an attorney of a contracting party.

- (d) That of a member of a nonprofit cooperative marketing association.

- (e) The ownership of less than three percent of the shares of a corporation for profit, provided the total annual income from dividends, including the value of stock dividends, from the corporation does not exceed five percent of the total annual income of such officer or employee and any other payments made to him by the corporation do not exceed five percent of his total annual income.

- (f) That of a public officer or employee in being reimbursed for his actual and necessary expenses incurred in the performance of official duty.

- (g) That of a recipient of public services generally provided by the incorporated city or town, political subdivision or state department, commission, agency, body or board of which he is a public officer or employee, on the same terms and conditions as if he were not an officer or employee.

(h) That of a public-school board member when the relative involved is not a dependent, as defined in section 43-1001, or a spouse.

(i) That of a public officer or employee, or that of a relative of a public officer or employee, unless the contract or decision involved would confer a direct economic benefit or detriment on the officer, the employee or his relative, of any of the following:

(i) Another political subdivision.

(ii) A public agency of another political subdivision.

(iii) A public agency except if it is the same governmental entity.

(j) That of a member of a trade, business, occupation, profession, or class of persons consisting of at least ten members which is no greater than the interest of the other members of that trade, business, occupation, profession or class of persons.

(k) That of a relative who is an employee of any business entity or governmental entity that employs at least twenty-five employees within this state and who, in the capacity as an employee, does not assert control or decision-making authority over the entity's management or budget decisions.

(l) The ownership of any publicly traded investments that are held in an account or fund, including a mutual fund, that is managed by one or more qualified investment professionals who are not employed or controlled by the officer or employee and that the officer or employee owns shares or interest together with other investors.

The City must maintain for public inspection all documents necessary to track all disclosures of substantial interest. Councilmembers who have a conflict of interest in any decision must disclose that interest. The Councilmember must file a signed written statement fully disclosing the interest and must not communicate with anyone involved with the decision-making process in order to avoid the appearance of impropriety.

ELECTIONS

In accordance with A.R.S. § 16-204, regular candidate elections in general law cities and towns must be held on the election consolidation dates in the fall of even numbered years. Those dates are:

- The tenth Tuesday before the first Tuesday after the first Monday in November (usually late July or August)
- The first Tuesday after the first Monday in November.

All other city or town elections must be held on the following dates:

- The second Tuesday in March
- The third Tuesday in May
- The tenth Tuesday before the first Tuesday after the first Monday in November (usually late July or August)
- The first Tuesday after the first Monday in November

City Code § 32.060 Primary Election.

Any candidate who shall receive, at the primary election, a majority of all ballots cast shall be declared to be elected to the office for which he or she is a candidate effective as of the date of the general election, and no further election shall be held as to that candidate (A.R.S. § 9-82.01 (D) through (F)). If more candidates receive a majority of ballots cast than there are offices to be filled, then those equal in number to the office to be filled receiving the highest number of votes shall be declared elected.

City Code § 32.061 Non-Political Ballot.

Nothing on the ballot in any election shall be indicative of support for a candidate.

City Code § 32.062 General Election Nomination.

If the office of Mayor or any seat on the Council is not decided at the primary election held for the office in accordance with §32.060, then as to the office or offices, a general municipal election shall be held. The only candidates to be placed on the ballot at the general municipal election, shall be those not elected at the primary election, shall be equal in number to twice the number to be elected to any given office or less than that number if there be less than that number named on the primary election ballot, and persons who receive the highest number of votes for the respective offices at the primary election; provided that if there be any person whom under the provisions of this section, would have been entitled to become a candidate for any office except for the fact that some other candidate received an equal number of votes therefore, then all such persons receiving an equal number of votes shall likewise become

candidates for such office. The candidate who received the highest number of votes at the general election for an office shall be declared elected to the office.

City Code § 32.063 Canvass; Election to Office.

The Council shall canvass the results of primary, general and special elections at a special meeting held not less than six days nor more than 20 days after the election.

FINANCE – AUDIT – BUDGET

The State of Arizona and its political subdivisions have a fiscal year (FY) that runs from July 1st thru June 30th.

The City's budget is divided into funds. Each fund has its own and separate types of revenues and expenditures. These funds must account for all its revenues and expenditures, separately.

The General Fund and the Highway User Revenue Fund (HURF) are the only state required budgetary funds though the City has the option of maintaining additional funds. There are several national accounting standards that provide a guide to the other types of funds that the City may want to establish.

The General Fund is required by A.R.S. §42.17101 and states that on or before the third Monday in July each year the governing body of each county and incorporated city shall prepare:

1. A full and complete statement of the political subdivision's financial affairs for the preceding fiscal year.
2. An estimate of the different amounts that will be required to meet the political subdivision's public expense for the current fiscal year entered in the minutes of the governing body and containing the items prescribed by section A.R.S. §42-17102.
3. A summary schedule of estimated expenditures and revenues that shall be:
 - (a) Entered in the minutes of the governing body.
 - (b) Prepared according to forms supplied by the auditor general. The second required fund is HURF. This fund accounts for the revenue collected by the State and then passed to the city from the tax on the sale of gasoline, diesel and other transportation issues. These monies can be used only for projects located within the public right-of-way.

There is a State imposed **expenditure** limitation that uses the FY 1979-80 as the base limit. This expenditure limitation is adjusted for population growth and inflation by the Economic Estimates Commission. Cities and Towns have two options to adjust the expenditure limitation to allow for the expenditures greater than the state-imposed limitation. The two options are Home Rule Option and Permanent Base Adjustment, and both require voter approval.

The Home Rule (Alternative Expenditure Limitation) Option must be approved by the voters every four (4) years at a regular election.

Voters were presented with the option to permanently adjust the expenditure limitation base through Proposition 468 at the August 26, 2014, Primary Election. The proposition passed and

was confirmed and adopted through Resolution R14-09-19 at the September 11, 2014, Council meeting.

Both alternative expenditure limitation options have various publication, public hearing and reporting requirements.

Audit

State law requires an annual audit of the City's financial records by a certified public accountant licensed in Arizona. The audit must include a financial statement of all accounts and funds of the City. The audit must be conducted in accordance with generally accepted auditing standards. The final audit report must be filed with the State Auditor General within six months after the close of the fiscal year or years audited. (A.R.S. § 9-481.C.)

Budget

The City adopts a balanced budget annually. The Council's approval/adoption of the annual budget shall be construed to include the authority for making expenditures as set forth in the budget, except as may be provided by the Council by resolution.

The budget process starts by estimating the incoming revenues. Estimates of projected State-shared revenues for the upcoming fiscal year are usually provided in lump sum figures from the State departments actually distributing the funds. Estimates on the amount of vehicle license tax revenues must be obtained from the appropriate county government.

The estimates of revenues raised from the local sources are developed by the City. It is extremely important that estimates be reasonably accurate or even conservative.

After the revenue estimates are completed, the next step is to analyze the anticipated expenditures for the upcoming year. These estimates should have been developed in the budget preparation phase and will be based on some of the following considerations:

1. The variety, type and level of services which the City wants to provide including the expansion or the discontinuation of existing services and the beginning of new services.
2. The history of such items as utility costs, publication costs, insurance costs and other similar costs.
3. Anticipated major capital expenditures because expenditures of this nature usually require a considerable amount of budget planning.
4. The cost of employee salaries and fringe benefits, which are two of the largest expenditures in the budget.

5. General economic fluctuations, which is one of the most difficult considerations when preparing a budget.

Once all anticipated expenditures have been taken into consideration, the challenge then becomes adjusting the expenditures to the available revenues. This process may involve cutting some expenditure appropriations while expanding others.

Tentative Budget Adoption

State law requires that on or before the third Monday in July of each fiscal year, the city council must adopt a tentative budget. Once this tentative budget has been adopted, the expenditures may not be increased upon final adoption, however, they may be decreased. Once the tentative budget has been adopted, it must be published once a week for at least two consecutive weeks following the adoption.

Final Budget Adoption

There is no specific date set by state law for adoption of the final budget. However, since the City of El Mirage levies a property tax, the deadline for adoption of the property tax levy is the third Monday in August. State law requires a period of at least fourteen days between adoption of the final budget and adoption of the tax levy. The adoption of the final budget requires only a simple motion approved by the council.

Adoption of Tax Levy

The tax levy for a city must be adopted on or before the third Monday in August. Using the information provided by the county assessor, the council must specify the amount that will be levied in an ordinance which will become effective immediately. The tax levy ordinance does not require a three-fourths vote or an extraordinary vote to make the levy effective immediately.

Bonding

While bonding is a source of revenue for Arizona cities, this finance mechanism requires that once bonds are issued and revenue secured, there is a commitment by the municipality to repay the debt on the bonds. Revenues generated from bond sales must be spent only for the purposes specified in the call for the bond election. Also, after satisfying the purposes of a bond issue, unexpended monies can only be used to retire the bonded indebtedness. There are several different types of bonds explained below:

- **General Obligation Bonds**. General obligation bonds are perhaps the most common method used to raise revenues for large scale municipal projects. The bonds are referred to as general obligation or full faith and credit bonds because they are guaranteed by the full taxing power of the city. These bonds are usually retired from property tax funds. The amount of indebtedness which a city can insure through the issuance of general

obligation bonds is limited in the State constitution. Because the full taxing power of a municipality is pledged, general obligation bonds are considered more secure than other types of bonds and usually have a lower interest rate in comparison to other types of bonds. The issuance of general obligation bonds must be submitted to the voters for approval.

- **Revenue Bonds**. This type of bond is used to finance a revenue producing facility. There are several types of facilities that revenue bonds are issued for such as utility undertakings (electric light or power, water, sewer, gas), common carrier of passengers, garbage or rubbish plant or system, buildings, incinerators, dams and reservoirs, airport buildings or other airport facilities, buildings or structures to provide off-street parking of motor vehicles, and such recreational facilities as swimming pools, parks, playgrounds, municipal golf courses and ballparks. The bonds are usually secured from revenues produced by the facility for which they were issued. This means that if these revenues are insufficient to cover the repayment of the bonds, the city is not obligated to provide tax funds for repayment. Because these bonds are not secured by taxing authority, they represent a somewhat greater risk for the investor and therefore, usually have a higher interest rate than do general obligation securities. Revenue bonds are not subject to the debt limitation in the State constitution however, they must still be submitted to the voters for approval.
- **Street Improvement Bonds**. Arizona cities may also issue bonds for constructing/improving streets and highways within the municipality. To pay the principal and interest on this type of bond, the municipality may use its share of the highway user revenues. There are limitations on the issuance of these bonds for which HURF (Highway User Revenue Fund) revenues are pledged for repayment depending on the bond rating. These bonds are not subject to the debt limitation in the State constitution however, to issue the bonds they first must be approved by the voters. Street improvement bonds may also be secured by the full taxing power of a city however, this is not required.
- **Special Improvement District Bonds**. Special improvement district bonds can be issued by a city to finance improvements in specific areas of the municipality. The property owners benefiting from the improvements to the area are assessed to cover the cost of retiring the bonds. This type of finance mechanism has been used generally on such projects as pavement of streets, placement of sidewalks, extension of sewer and water lines and similar projects.

Bonding Assistance

There are two state agencies that have specific programs that can improve a city's ability to use bonding as a revenue source. The Greater Arizona Development Authority (GADA) and the Water Infrastructure Finance Authority (WIFA) have statutory charges to help smaller to medium-sized communities pool their bond issues together to help lower the costs of issuing

debt. They also have monies set aside to help secure the debt and allow the bonds to be issued at the lowest interest rate possible. WIFA's charge is specifically with water and wastewater projects. GADA's charge is broader to include public infrastructure projects.

GIFTS

A.R.S. § 41-1232.08, titled Entertainment ban; state and political subdivisions; exceptions, restricts a member of the council from receiving certain expenditures for entertainment. In relevant part, the statute says that, “a person who for compensation attempts to influence the procurement of materials, services or construction by an agency...or the passage or defeat of legislation, ordinances, rules, regulations, nominations and other matters that are pending or proposed or that are subject to formal approval bya city or town governing body....shall not make an expenditure or single expenditure for entertainment for an elected or appointed member ofa city or town governing body,” and “....a city or town governing body....shall not accept an expenditure or single expenditure for entertainment from a person who for compensation attempts to influence the procurement of materials, services or construction by an agency...or the passage or defeat of legislation, ordinances, rules, regulations, nominations and other matter that are pending or proposed or that are subject to formal approval bya city or town governing body....”

“Entertainment” means the amount of any expenditure paid or incurred for admission to any sporting or cultural event or for participation in any sporting or cultural activity.” (A.R.S. § 41-1231(5))

“Expenditure” means a payment, distribution, loan, advance, deposit or gift of money or anything of value and includes a contract, promise or agreement, whether or not legally enforceable, to make an expenditure that provides a benefit to an individual state officer or state employee and that is incurred by or on behalf of one or more principals, public bodies, lobbyists, designated public lobbyists or authorized public lobbyists. (A.R.S. § 41-1231(6))

“Gift” means a payment, distribution, expenditure, advance, deposit or donation of money, any intangible personal property or any kind of tangible personal or real property. There are numerous “gift” exclusions identified and listed under (a) through (l). (A.R.S. § 41-1231(9))

"Public official" means a person who is duly elected, appointed or retained through election to an elected state, county or local office. (A.R.S. §41-1231(19))

“Single expenditure” is any expenditure that provides a benefit of more than \$20. (A.R.S. § 41-1231(20))

Reporting – What to do if you receive a gift?

Elected official and advisory board members must consider ethical principles before accepting personal gifts of entertainment and sports/athletic activities, some of which are entirely prohibited by law as noted above.

For permissible gifts, within two business days of receipt of the following gifts or favor in El Mirage, or within two business days of returning to El Mirage after receipt of a gift or 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 Councilmember 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.

TYPES OF MEETINGS

Regular Meeting

City Code § 32.020

(A) The council shall meet regularly, at least once per month, at such times and as such places as prescribed in the Regularly Scheduled Council Meetings calendar adopted annually by the Council. Notices and agendas of such meetings shall be posted pursuant to statute in such public places as the council may set by resolution, and the places of such posting shall be kept on file with the City Clerk.

(B) The Council shall adopt by ordinance an annual schedule of Regularly Scheduled Council Meetings for each calendar year no later than the December Regular Council meeting before the next calendar year.

(C) The regular meetings of the Common Council shall be held at the El Mirage City Hall Council Chambers, 10000 N. El Mirage Road in El Mirage, Arizona, unless otherwise changed to another location by the Mayor or by three members of Council giving not less than 72 hours notification of the change of location to the public by posting notice of change in the locations where the agenda is posted and providing personal notice of the change to all other Council members not less than 24 hours before the beginning of the meeting.

At Regular Council meetings the Mayor and Council adopt Ordinances, which become the laws of the City of El Mirage. Resolutions are also adopted at Regular Council meetings which express the policy of the City or direct administrative action as well as award contracts. The Public is allowed to address the Council regarding both agenda and non-agenda items, but only during the Call to the Public portion of the Agenda (except for Public Hearings).

Special Meetings

City Code § 32.021

(A) The Mayor, upon his or her own motion in writing, may convene the Council at any time after giving at least 24-hours' notice of the meeting to members of the Council and the general public. The City Manager, upon the written request of three members of the Council, shall convene the Council after giving at least 24-hours' notice of the meeting to members of the Council and the general public.

(B) The notice shall include the location, date, hour, and purpose of the special meeting.

(C) In the case of an actual emergency, a meeting may be held upon the notice as is appropriate to the circumstances.

Executive Sessions

An Executive Session is a closed meeting called by the Council for the purpose of considering certain matters including legal, real estate, and personnel matters pursuant to A.R.S. § 38-431.03. No formal action can be taken in an Executive Session, and formal authority to hold an Executive Session can be taken at either a Regular or a Special Council meeting. Minutes are still required but are sealed and not available to the public.

Work Session

A Work Session is a meeting held for informal in-depth informational purposes, including presentations. There is no formal action taken at a Work Session. There is no public input allowed at a Work Session.

Public Hearings

A Public Hearing can be conducted during a Regular or Special Council meeting. A Public Hearing is held to receive citizen input on a specific item and may be required by Federal and/or State agencies.

MEETINGS – AGENDA – MINUTES

Meetings

The Law requires a public body to give advance notice of every public meeting and executive session to the general public and to each member of the public body.

“Public body” is defined as the legislature, all boards and commissions of this state or political subdivisions, all multimember governing bodies of departments, agencies, and institutions of the state or political subdivisions. Public body includes all quasi-judicial bodies and all standing, special or advisory committees or, appointed by, such body.

The City Council shall determine where the notices of meetings of the public body will be posted. The notice must include the date, time, and place of meeting. Except in the case of an emergency, no public meeting or executive session may be held with less than 24 hours’ notice to the general public and each member of the public body.

There are three exceptions to the notice requirements:

1. A meeting for which notice has been properly posted may be recessed and resumed with less than 24 hours’ notice. Date, time and location must be announced prior to recessing originally posted meeting.

2. In the case of an actual emergency due to unforeseen circumstances and immediate action is necessary to avoid serious consequences that would result from waiting. As much advance notice as possible must be given. A notice must be posted within 24 hours declaring that an emergency meeting has been held. The minutes will include reasons for holding the emergency meeting.

3. A notice of a meeting to consider ratification of a prior act taken in violation of the Law requires at least 72 hours advance notice

With exception of Executive Sessions, all Regular, Special and Work Sessions meetings of the City of El Mirage shall be open to the public.

All public meetings shall be recorded or photographed by means of audio, video or photographic equipment as long as the placement of equipment does not interfere with the conduct of the meeting or is placed in a dangerous location.

Agendas

The agenda sets the items that can be discussed, considered, or acted upon during the meeting. The agenda should include date, time and place of the meeting and should also include information as is reasonably necessary to inform the public of the items to be discussed or decided. Executive session agendas must contain a general description of the items to be

discussed. The agenda must be made available at least 24 hours before the meeting, unless there is an actual emergency.

A summary of events may be presented by the elected officials or staff, but the public body may not discuss or take any legal action on any item presented in the summary until the item has been properly noticed and placed on an agenda. Staff may be directed to investigate and be prepared to report back to Council after proper notification has taken place.

The agenda may also include a Call to the Public. This allows the general public to address the public body on agenda or non-agenda matters (except Public Hearing input). Items related under this portion of the agenda cannot be discussed or acted upon by the public body until the provisions of the Open Meeting Law have been complied with. At the conclusion of all citizens' comments the Mayor and/or any Councilmember may respond to criticism made by those who have spoken, direct staff to review or follow up on the matter, and/or direct that the matter be put on a future agenda.

Order of Business

City Code § 32.025

The Mayor or, in his or her absence, the Vice Mayor, in consultation with the City Manager, shall set the agenda and order of the meeting. The Mayor or any two Councilmembers are required to submit an item for placement on a council meeting agenda for discussion and/or action to the City Clerk by Tuesday prior to the meeting. Exceptions to include, but are not limited to, addendum or changing items to be added within time limitations pursuant to state law.

Minutes

All public bodies must take and retain written minutes of all meetings. These are the only legal record of the action taken by the public body.

The written minutes will be action minutes instead of verbatim minutes, so that a brief accounting of issues discussed, and actions taken is compiled and kept permanently on file in the City Clerk's Office.

The minutes must include (at a minimum):

1. The date, time, and place of the meeting.
2. The members of the public body recorded as present (in person or via phone), excused, or absent.
3. A general description of the matters discussed or considered.

4. An accurate description of all legal actions proposed, discussed, or taken, and the names of members who proposed each motion.
5. The names of persons making statements or presenting material to the public body and a reference to the specific legal action addressed by the person.
6. Sufficient information to permit further investigation of the background or specific facts of a decision if the discussion in the public session does not adequately disclose the subject matter and specifics of the action taken.
7. In case of an actual emergency, a statement regarding the reasons for an emergency discussion, consideration, or decision without the matter is actually placed on an advance agenda.
8. In case of ratification, a copy of the required disclosure statement.

The minutes of executive sessions must contain the information described in paragraphs 1, 2, 3, and 7 above, and an accurate description of all items to be discussed. Executive session minutes are kept confidential except from the members of the public body that met in executive session; the officers, appointees, or employees who were the subject of the discussion; auditor general when conducting an audit; or the Attorney General or County Attorney when investigating alleged violations of the Law.

AGENDA

Line-Item Explanations

I. CALL TO ORDER

The Mayor announces the type of meeting and declares the meeting opened. Typically, the Pledge of Allegiance and a Moment of Silence follow the opening of the meeting.

II. ROLL CALL

The City Clerk calls the name of each Elected Official and records attendance or the absence of each member.

III. PROCLAMATIONS/PRESENTATIONS (if required)

These items would be non-action items either proclaiming or recognizing a day of celebration in the City of El Mirage or providing an update to the City Council or a presentation by an outside agency.

IV. CALL TO THE PUBLIC

The Mayor and City Council accepts comments and ideas from the general public on agenda and non-agenda items at this time with a three-minute time limit. In order to speak, comment cards are required to be completed prior to the beginning of the meeting. There will be no discussion, other than asking staff to investigate and for possible placement on a future agenda.

V. CONSENT AGENDA

All items listed under the Consent Agenda will be voted on with one motion. If discussion is desired regarding any Consent Agenda Item, that item shall be removed from the Consent Agenda by any Councilmember and voted on separately. Consent items are considered routine in nature. If an item is removed from the Consent Agenda, it will immediately be addressed on the Regular Agenda after the action on the remaining consent agenda items.

VI. REGULAR AGENDA

These items require action by the Council and are not considered routine in nature. Resolutions, ordinances, contracts, and public hearing input will take place during the Regular Agenda. Some of these items may require additional discussion.

VII. CITY MANAGER SUMMARY OF CURRENT EVENTS

The City Manager may use this time to make announcements, present ideas for future discussion and report on their activities as related to the City. There will be no discussion, other than asking staff to investigate and for possible placement on a future agenda.

VIII. MAYOR’S COMMENTS and COUNCIL SUMMARY OF CURRENT EVENTS

Mayor and City Councilmembers may use this time to make announcements, present ideas for future discussion and report on their activities as related to the City and the Council. There will be no discussion, other than asking staff to investigate and for possible placement on a future agenda.

IX. EXECUTIVE SESSION (if required)

This is a meeting within the Council Meeting for a very limited number of allowable topics which are specified in A.R.S. § 38-431.03. This meeting is closed to the public and is only attended by the Elected Officials and, according to the Attorney General’s Handbook, “those individuals whose presence is reasonably necessary for the public body to carry out its executive session responsibilities A.R.S. § 38-431(2).” A Councilmember may invite any person to attend the executive session whose presence the Councilmember believes is reasonably necessary for the public body to carry out its executive session responsibilities, subject to agreement by the Chair or a majority of Councilmembers present, after consultation with the City Attorney, that the person’s presence is in fact necessary. There is no action taken during the Executive Session.

X. ADJOURNMENT OF THE REGULAR COUNCIL MEETING

The conclusion of the meeting.

XI. CONVENING AS THE BOARD OF ADJUSTMENT (if required)

A Special Meeting to address Zoning Ordinance questions and requests for relief from the requirements of the Zoning Ordinance. Convening could also take place under a specific Regular Agenda item for consideration.

XII. ADJOURNMENT OF BOARD OF ADJUSTMENT

The conclusion of the meeting.

MAKING A MOTION

The making of a motion is the only way to bring a desired action before the body for a decision. The motion should clearly state the course of action being proposed (i.e., to approve, to authorize, to disapprove, to deny, etc.).

There are three (3) steps to bring a motion (action item) before the Council:

1. A member offers a motion
2. Another member seconds the motion.
3. The Mayor (Chair) restates the motion.

After a motion is made it needs to have a second. The seconding of a motion does not necessarily mean that you are in favor of the action being proposed but it does mean that you feel the proposed action deserves additional discussion.

The proposed motion (action) does not officially come before the Council until the motion is restated by the Mayor (Chair). This is called *stating the question*. After the motion has been restated by the Mayor (Chair), it cannot be amended without the consent of the Council.

After everyone has had an opportunity to discuss the merits of the motion, the Mayor (Chair) will ask if the Council is ready for the question (putting the question). The Mayor (Chair) will restate the motion, again, before taking the vote. The ayes and nays will both be asked for. When the voting has concluded the Mayor (Chair) will state the “ayes have it and the...has been approved” or the “nays have it and the ... are not approved”.

If the motion does not receive a second, the Mayor (Chair) may ask if there is a second. If no second is offered, the Mayor (Chair) will move to the next item of business, however, the minutes shall reflect that the motion failed for lack of a second.

TYPES OF MOTIONS

Amend – changes the wording or limits of the pending motion.

Call for the orders of the Day – is used when the meeting has strayed from the agenda. This brings the meeting back to business.

Divide a Motion (Question) – when a motion is presented that contains two completely stand-alone issues.

Division of Assembly – when a member doubts the results of a vote, can ask for another vote (usually roll call).

Lay on the Table – temporarily sets aside action on a pending motion to address an item of immediate need. This should never be used to kill/avoid action on a pending motion.

Limit or extend limits of debate – 2/3 vote required (due to taking away rights).

Main Motion – officially brings action before the Council.

Point of Order – when a member believes the rules/procedures are not being followed, this calls for the Chair in consultation with the City Attorney to make a ruling and enforce the rules subject to approval by a majority of Council.

Postpone Indefinitely – a motion that is used so the Council can decline to take action. This kills the motion for the duration of the session and avoids a direct vote on the motion.

Postpone to a time – this sets the time frame for the motion to come back before the Council.

Previous Question (Call the Question) – used to close debate and bring to an immediate vote.

Question of Privilege – this brings attention to a members' difficulty in attending to the business before the body (i.e., noise, comfort – too hot/cold).

Reconsider – if at the same meeting, new information or change in situation that might change the results.

Refer – this sends the question to a committee for further review.

Rescind – this can change the action previously taken.

PARLIAMENTARY PROCEDURE

Parliamentary Procedure will speed up meetings. The rules are set to be fair but are designed to keep the meeting running smoothly. Order is maintained by allowing only one member to have the floor at a time, only one member may speak at a time and only one agenda item may be discussed at a time. Parliamentary procedure insures justice and equality for all members. Basically:

- The collective membership of the Council is primary. The wishes of the Council supersede those of any individual members or small groups.
- All members are equal. All have the same right to introduce business, to discuss and to vote.
- A quorum must be present to contract legal business.
- Only one motion may be before the body at a time and only one person may speak at a time.
- The item is what is under discussion, never the person who introduced it.
- A majority vote of those present decides the item unless state statute requires a higher vote. If the question is called, silence gives consent and is counted as part of the vote; if an abstention is declared the vote is not counted.

Miscellaneous

The action is not officially before the Council until the Mayor states the motion. After the Mayor restates the motion it cannot be changed without the consent of the majority of the Council.

The purpose of a second to a pending motion is to show that more than one person wishes to discuss the issue. The person seconding the motion does not imply (guarantee) they agree with the motion but want to discuss its merits.

PHONE-IN PROTOCOL

1. Councilmembers are encouraged to attend council meetings in person.
2. A councilmember who cannot attend a council meeting in person, should only attend by telephone if a quorum of the council will not be present without the councilmember attending by telephone, or there is an item on the agenda the councilmember feels requires his/her presence by telephone. The practice of attending meetings remotely through technological devices should be limited, as noted in the Arizona Attorney General Handbook on Open Meetings and be used “only where there are no reasonable alternatives to presence at the meeting.” (Handbook, at 7.10.2.3)
3. A councilmember who plans to attend a council meeting by telephone should make reasonable efforts to advise the City Clerk of his/her telephonic attendance not less than forty-eight hours prior to the scheduled time of the meeting. If a councilmember fails to give sufficient advance notice of his/her telephonic appearance and the equipment is not set up before the scheduled time of the meeting, the Mayor may start and conduct the meeting without the presence of the councilmember.
4. When a councilmember attends a council meeting by telephone, the councilmember shall, when responding to the roll call, state:

Councilmember XXXX is present by telephone. I am at _(state name)___ and the following persons who can hear my voice are present with me: XXXX, XXXX, etc.
5. A councilmember attending a meeting by telephone shall ask to be recognized by the Mayor before speaking by stating, “Mr./Madam Mayor.” If more than one councilmember is attending the meeting by telephone, the councilmember shall identify him/herself by stating, “Mr./Madam Mayor, Councilmember XXXX.”

The Mayor will recognize the councilmember attending by telephone by stating, “The Chair recognizes Councilmember XXXX.”

The councilmember attending by telephone shall have the right to speak only after being recognized by the Mayor. When the councilmember attending by telephone has concluded his/her remarks or statement, the councilmember shall announce he/she is finished speaking by stating, “Mr./Madam Mayor that concludes my comments at this time.”
6. Councilmembers attending a meeting by telephone should remember there may be a delay between when they speak, and their statements are heard by those attending the meeting in person. Also, statements of those attending the meeting in person may be delayed in being transmitted to the council member attending by telephone.

PUBLIC RECORDS

Almost everything generated for, by, provided to, or paid for with city funds, is subject to inspection by the public. This includes information that is either stored or generated electronically (e-mail).

Arizona's Public Record law states that all records, whether written, recorded, electronic, photographs or documentary materials, are available for public inspection except if the record being requested has been exempted by statute. The Arizona Supreme Court has recognized three broad sets of exemptions; 1) when confidentiality restrictions apply, 2) when privacy interests of individuals prevail over the public's right to know, or 3) when the best interest of the government outweighs the public's right to inspection.

It is best to always assume that whenever you are creating a document (including informal writings, e-mails, Facebook, and Twitter), they will be public records and available for public inspection, copying, and publishing in the newspaper.

E-mails are considered a public record, and it doesn't matter if you create the e-mail on a City-owned computer, your work computer, or your personal computer. Whether or not disclosure of an e-mail qualifies as a public record would depend on the nature of the e-mail; does the e-mail meet the criteria as a public record?

- ✓ The e-mail message relates to the duties of a public official.
- ✓ The e-mail message is held in the official capacity of a public official.
- ✓ The e-mail message relates to public matters essential to the general welfare of the taxpayers.

The City Clerk's office receives and processes all requests for public records (except Police and Court). The Request for Public Records form is available either in the office of the City Clerk or on the City's home page at www.elmirageaz.gov.

ORGANIZATION

MAYOR AND COUNCIL

§ 32.043 POWERS AND DUTIES OF THE MAYOR.

The powers and duties of the Mayor shall include the following.

- (A) He or she shall be the chief executive officer of the city.
- (B) He or she shall be the Chairperson of the Council and preside over its meetings. He or she may make and second motions and shall have a voice and vote in all its proceedings.
- (C) He or she shall enforce the provisions of this code.
- (D) He or she shall execute and authenticate, by his or her signature, such instruments as the Council or any statutes, ordinances, or this code shall require.
- (E) He or she shall make such recommendations and suggestions to the Council as he or she may consider proper.
- (F) He or she may, by proclamation, declare a local emergency to exist due to fire, conflagration, flood, earthquake, explosion, war, bombing, or any other natural or human-made calamity or disaster or in the event of the threat or occurrence of riot, rout, affray, or other acts of civil disobedience which endanger life or property within the city. After declaration of an emergency, the Mayor shall govern, by proclamation, and impose all necessary regulations to preserve the peace and order of the city. At the earliest possible time, the Mayor shall obtain ratification of the declaration of an emergency from the Council. The proclamation may include but shall not be limited to:
 - (1) Imposition of a curfew in all or any portion of the city;
 - (2) Ordering the closing of any business;
 - (3) Closing to public access any public building, street, or other public place; and/or;
 - (4) Calling upon regular or auxiliary law enforcement agencies and organizations within or without the political subdivision for assistance;
- (G) He or she shall perform such other duties required by state statute and this code as well as those duties required as chief executive officer of the city.

§ 32.041 VICE MAYOR.

At the first regular meeting after the general election, the Council shall designate one of its members as Vice Mayor, who shall serve at the pleasure of the Council. The Vice Mayor shall perform the duties of the Mayor during his or her absence or disability.

§ 32.042 ACTING MAYOR.

In the absence or disability of both the Mayor and Vice Mayor, the Council may designate another of its members to serve as acting Mayor who shall have all the powers, duties, and responsibilities of the Mayor during the absence or disability.

§ 32.044 ABSENCE OF MAYOR.

The Mayor shall not absent himself or herself from the city for a greater period than 15 days without the consent of the Council.

§ 32.045 FAILURE TO SIGN DOCUMENTS.

If the Mayor refuses or fails to sign any ordinance, resolution, contract, warrant, demand, or other document or instrument requiring his or her signature for five days consecutively, then a majority of the members of the Council may, at any regular or special meeting, authorize the Vice Mayor or, in his or her absence, an acting Mayor to sign the ordinance, resolution, contract, warrant, demand, or other document or instrument which when so signed shall have the same force and effect as if signed by the Mayor.

§ 32.026 COMMITTEES AND COMMISSIONS.

The Council may create such boards, committees, and commissions, standing or special, as it deems necessary. They shall consist of as many members and shall perform such duties as the Council may require and shall exist at the pleasure of the Council.

§ 32.027 VOTING.

(A) The Mayor shall vote as a member of the Council.

(B) Upon the request of any member, the ayes and nays upon any question shall be taken and entered in the minutes.

§ 32.003 DUTIES OF OFFICE.

The Mayor and members of the Council shall assume the duties of office at the first regularly scheduled meeting in the month of December following the election at which the Mayor or Council Member was elected.

El Mirage operates under a council-manager form of government. Under this system, the City Council hires a City Manager to implement policy as well as the daily administration and management of all City departments. The City Manager is responsible for drafting a balanced budget and capital improvement plan for the Council's review and approval each year. The City Manager keeps the Council advised of the city's financial condition and the future needs of the City.

CITY MANAGER

City Code § 31.20 CITY MANAGER

(A) *Office created.* The Office of the City Manager is hereby created and established. The City Manager shall be appointed by the Council wholly on the basis of his or her administrative and executive ability and qualifications and shall hold office at the pleasure of the Council.

(B) *Bond.* The City Manager shall furnish a corporate surety bond to be approved by the Council in such sum as may be determined by the Council, and the bond shall be conditioned upon the faithful performance of the duties imposed upon the Manager as herein prescribed. Any premium for the bond shall be a proper charge against the city. Nothing in this division shall preclude the city from obtaining a blanket bond pursuant to the provisions of A.R.S. § 9-302.

(C) *Compensation.* The Manager shall receive such compensation as per contract.

(D) *Removal procedure.* The Manager may be removed for cause or without cause by a simple majority vote of the Council per contract.

(E) *Powers and duties.* The City Manager shall be the administrative head of the city government under the direction and control of the Council, except as otherwise provided in this subchapter. He or she shall be responsible to the Council for the proper administration of all affairs of the city. In addition to his or her general powers as administrative head and not as a limitation thereof, he or she shall have the following additional powers and duties:

(1) *General administrative supervision.* Execute, on behalf of the Council, general administrative supervision, and control of the affairs of the city;

(2) *Appointment and removal authority.* Appoint, remove, suspend, promote, and demote all employees of the city except where such authority is specifically granted to the council herein. The power of appointment and removal of officers and employees is subject to all applicable personnel ordinances, rules, and regulations. The City Manager shall exercise the authority delegated to him or her by the City Council to prescribe the duties and compensation of and to appoint, remove, suspend, and demote the City Engineer, Fire Chief, and Chief of Police, subject to all applicable personnel ordinances, rules, and regulations;

(3) *Attendance at Council meetings.* Attend meetings of the Council with the duty of reporting on or discussing any matter concerning the affairs of the departments, boards, services, or activities under his or her supervision upon which the Council shall be informed;

(4) *Coordination of administrative functions.* Coordinate the administrative functions and operations of the various boards, divisions, and services of the city government and, on its behalf, carry out policies, rules, regulations, and ordinances adopted by it, relating to the administration of the affairs of the departments, boards, divisions, or services;

(5) *Budget.* Cause to be prepared and submitted to him or her by each department, board, division, or service of the city government itemized annual estimates of expenditures required by them for capital outlay, salaries, wages, and miscellaneous operating costs, to tabulate the same into a preliminary consolidated municipal budget and submit the same to the Council annually on

the date specified by them, with his or her recommendations as to any increases, decreases, cancellations, transfers, or changes in any of the items included in the preliminary budget;

(6) *Recommendations to Council.* Analyze and supervise the functions, duties, and activities of the various departments, boards, and services of the city government and of all employees thereof, and to make such recommendations to the Council with reference thereto, as, in his or her judgment, will result, if made effective, in the highest degree of efficiency in the overall operation of the city government;

(7) *Development of improvement projects and programs.* Develop and organize necessary improvement projects and programs and aid and assist the Council and the various departments and boards in carrying the same through to successful conclusion;

(8) *Public relations.* Serve as a public relations officer of the city government and endeavor to adjust all complaints filed against any employee, department, or service thereof to the end that every effort may be made to satisfy all citizens that their city government is being operated in their behalf with the highest degree of efficiency;

(9) *Property manager.* Authorized to negotiate and commit the City, upon approval by Council, to act in any act required of a property manager.

(10) *Additional duties.* Perform such other duties as may be required of him or her by the Council, not inconsistent with the laws of the state or the ordinances of the city.

(F) *Limitations upon responsibility.* The City Manager shall not exercise any policy making or legislative functions whatsoever, nor attempt to commit or bind the Council or any member thereof to any action, plan, or program requiring official action of the Council. It is not intended by this section to grant any authority to, or impose any duty upon, the City Manager which is vested in or imposed by general law or city ordinances in any city commission, board, officer, or employee except as herein specifically set forth.

CITY CLERK

City Code § 31.21 CITY CLERK

(A) *Appointment.* The Clerk shall be appointed by the Council and shall report directly to the Council. The Mayor shall act as the direct supervisor of the Clerk for purposes of day-to-day supervision.

(B) *Bond.* The Clerk shall be covered under a bond pursuant to § 31.03 of this Code.

(C) *Compensation.* The Clerk shall receive such compensation as directed by the Council.

(D) *Removal.* The Clerk may be suspended, demoted, or removed, with or without cause, upon a majority vote of the Council.

(E) *Records.* The Clerk shall keep a true and correct record of all business transacted by the Council and any other records that either pertain to the business of the city or that the Council directs. The Clerk shall number, plainly label, and file separately in a suitable cabinet all resolutions, ordinances, notices, deeds, surveys, leases, paid and unpaid vouchers, inventories, letters, orders, and other documents of whatever nature.

(F) *Public inspection of records.* The Clerk shall keep convenient for public inspection all public records and public documents under his or her control, as provided by state statute.

(G) *Minutes.* The Clerk shall prepare or cause to be prepared all minutes of Council proceedings and ensure their correctness and accuracy.

(H) *Ordinances, resolutions, budgets, and notices.* The Clerk shall process, record, file, publish, and, if required by state statute, post all ordinances, resolutions, budgets, and notices that may be passed by the Council.

(I) *Duties as Treasurer.* The Clerk shall hold the Office of City Treasurer.

(J) *Election Official.* The Clerk shall be the City Election Official and perform those duties required by state statute.

(K) *Administrative duties.* The Clerk shall perform those administrative responsibilities and duties that are conferred upon him or her by the Mayor or Council in addition to those specified in this code and state law.

(L) *Notary Public.* The Clerk shall be, or shall become within 60 days of taking office, a Notary Public in the State of Arizona.

The broad duties of the City Clerk include;

Elections Administration – manages all municipal and special elections, prepares candidate manual with instructions and forms as well as re-call and referendum initiative

packets, administers candidates' statements, prepares ballot measures, arguments, impartial analyses, and legal advertising, and administers political campaign contribution documents and conflict of interest statements.

Council Administration – prepares and posts City Council agendas, notices of council events, minutes, and reports of meetings.

Boards, Commissions, Committees – coordinates appointments to the boards, commissions, and committees, advertises and posts vacancies, and administers oaths of office as required.

Filings – receives, logs, and administers petitions, claims, lawsuits, official notices, and public records requests.

Public Notification – advertises public hearings and publishes adopted ordinances (local laws) in a newspaper of general circulation; coordinates with agency to update and maintain City Codes on City website; uploads agenda packets, website reports and approved minutes to City website.

Bids and Contract Management – administers contract and agreement procedures as well as internal policies.

Records Management – manages the retention and destruction of official documents in compliance with State and City records retention schedules; keeps historical records of City including Council appointments, elections and electronic files.

CITY COURT

City Code Chapter 33

The El Mirage City Court is responsible for the expedient adjudication of misdemeanors, criminal and civil traffic violations, El Mirage City Code violations, injunctions prohibiting harassment and orders of protection that occur within the City limits.

It is the Court's responsibility to safeguard the rights of the accused, the victim, and the interest of the public. The City Court Judge is appointed by the Mayor and City Council for a four-year term.

The City Court was established pursuant to A.R.S. § 22-402 and is described in more detail in City Code Chapter 33.

DEVELOPMENT SERVICES

The El Mirage Development Services Department ensures responsible planning within the current and future city limits, as well as engineering and other services. It is the goal of the Development Services Department to provide quality development through quality customer service to all City of El Mirage customers. The departments' responsibilities include Planning & Zoning, , Engineering, Building Safety, and Code Enforcement.

Planning & Zoning

The primary function of Planning & Zoning is to ensure that projects are developed to government regulations and in accordance with development agreements. Long-range planning is achieved by following the City's General Plan. As changes and goals occur, the General Plan may periodically be updated with input from staff, government agencies, neighboring communities and residents and by law a new plan must be adopted, or the existing plan be re-adopted by vote of citizens every 10 years (A.R.S. 9-461.06). The General Plan is a blueprint for future development and its impact on future growth and quality of life. The mission of the Planning & Zoning section is to assist staff, officials, citizens, and developers by providing accurate information on the City General Plan and development regulations and processes. A major function of the Planning & Zoning section is to periodically review and incorporate changes to the General Plan as the city changes and grows. The General Plan and amendments are posted to the City's website.

Engineering

The Engineering division is responsible for providing in-house professional, responsive, and cost-effective municipal engineering services to the citizens of El Mirage, as well as other departments of the City. Staff efforts are focused on providing a high level of expertise for designing/planning, advising, administering, and overseeing public improvements within the City with a goal to provide these services on schedule and within fiscal requirements while protecting the public health, safety, and welfare of the citizens of El Mirage. The Engineering division also oversees all capital improvement projects coordinating with consultants, contractors, utilities, and other government agencies. The division interacts with the public, property owners, developers, contractors, and other City departments to address City engineering activities which include, but are not limited to infrastructure planning, project design, project construction management, traffic signal control, flood plain management, private development and utility plan review, surveying, and grant coordination.

Building Safety

Building Safety division provides technical advice with regard to building safety codes during the pre-construction phase of projects. Among the responsibilities of Building Safety is to ensure that buildings are built correctly, sustainably, and safely by providing plan review and inspection services for all vertical construction (residential and commercial). They also review and inspect all temporary and special event activations for Building code compliance; conduct investigations and pursue compliance for damaged or dilapidated buildings that require condemnation and abatement. They also provide building safety education for citizens at public events.

Code Enforcement

Code Enforcement's responsibility is to enforce established Zoning and City Codes for the purpose of cleaning and enhancing the appearance of our community which will maintain or raise values, reduce crime, and instills pride in our community. Code Enforcement monitors properties and works with property owners to bring properties into code compliance ultimately issuing citations for violations of City Code relative to signage, property maintenance, abandoned property, neglect of property, and general nuisance and neighborhood preservation issues.

FINANCE

The Finance Department provides financial information to the public, bond holders, grantors, auditors, City Council, and City Staff. The department maintains the City's financial records, prepares the annual budget, oversees the procurement process, and performs long-term financial planning. They act as the liaison to the State in matters pertaining to the collection of the City sales tax and sales tax permit licenses and fees. They also conduct audits, prepare payroll and required reports, maintain cash management and investment of moneys, and administer the retirement of outstanding general obligation and revenue bonds and loans.

Business Licensing

Pursuant to City Code §110 any business or individual seeking to transact business with the City of El Mirage is required to obtain a Business License prior to transacting any business with some exceptions as noted in City Code § 110.07. The City or an authorized agent for the city shall issue a license for each prospective licensee required to pay a license fee. Business owners are charged a non-fundable annual license fee for the Business License, which is valid for only the calendar year in which it is issued. The Business License is nontransferable between owners and is prorated for only the first year based on the start date of the business.

All businesses located in the City of El Mirage are required to comply with all zoning, building and fire codes. The business must also comply with the zoning requirements for home occupation, if the business is operated from a home. Certain businesses may also be subject to the requirements of the Arizona Department of Health Services.

Business licenses must be renewed by January 31st of each year. A penalty fee equal to 10 percent of the annual license fee will be added for failure to renew the business license by January 31st. If not paid by February 28th, an additional 10 percent penalty fee will be added and the license will be revoked / suspended.

FIRE

The El Mirage Fire Department (EMFD) began in the early 1960s, when the community formed a volunteer fire department. In 1981, the City hired its first full time fire chief. As call volume and responsibilities continued to increase, the City transitioned from a volunteer department to a full-time, paid department in 1987. EMFD became a member of the Phoenix Regional Automatic Aid Consortium in 1992 where all members' units and crews are accepted across all city boundaries as equal service levels.

EMFD responds to and mitigates a variety of emergency situations including fires, auto incidents, medical emergencies, swift water rescues, and hazardous materials incidents. When the EMFD members are not responding to emergencies they are conduct on-going training, fire safety inspections, pre-incident planning, public education, hydrant testing, and charitable activities. The department is staffed with sworn fire fighters, including emergency medical technicians and paramedics, ready to answer the community's call for service 24 hours per day, 365 days a year.

Non-emergency functions include:

- Conducting yearly and monthly trainings
- Performing fire safety inspections, and pre-incident planning
- Conducting education programs such as CPR, FIREPALS, and Youth Fire Setter Prevention
- Performing local school safety inspections and participating in other school drills
- Conducting monthly public CPR/First Aid classes
- Serving as a Hydration station (providing free water)
- Installing car seats
- Giving Station Tours
- Installing lock boxes for emergency ingress

Charitable events include:

- Conducting annual Christmas toy drive (reaching over 500 children each year)
- Serving donuts for seniors (monthly)
- Raising funds through annual kickball tournament
- Conducting smoke detector walks
- Participating in the Community Uplift Program (CUP)

Fire Department

The El Mirage Fire Department (EMFD) is an emergency and non-emergency, all-hazard response department. EMFD responds to over 3,500 calls for service annually. Service is provided to approximately 36,000 city residents, as well as to the surrounding communities through a robust automatic aid agreement. The department consists of three divisions: Administration, Operations, and Fire Prevention.

Administrative Division

The administrative team consist of 5 positions including the Fire Chief, Assistant Fire Chief, Fire Marshall, Public Education/Fire Inspector, and Senior Fiscal Services Specialist. The Fire Chief is the Department Director and responsible for the overall management of the operation. The Assistant Fire Chief has the responsibility on management of the operational division. The Senior Fiscal Services Specialist serves as the main financial manager for all budget transactions, assist with development of the strategic plan, and acts as the administrative assistant for the department.

Operations Division

The Operations Division is responsible for responding to and mitigating a variety of emergency situations including but not limited to responses for medical, structure fires, automobile accidents, and hazardous materials incidents.

The operations division is staffed with 33 full-time operational personnel who staff 3 shifts and are ready to answer the community's call for service 24 hours per day, 365 days a year. Each shift is staffed with 1 Battalion Chief who performs as the Incident Commander on emergency scenes and supervises the 2 assigned Engine crews. Battalion Chiefs are also assigned as program and budget managers in the areas of training, facilities/fleet, and emergency medical services.

Each Engine crew is staffed with 1 Fire Captain, 1 Driver/Engineer, and 3 Firefighters. All operational personnel are certified as emergency medical technicians, with many certified to the paramedic level. All of our operational units respond as Advanced Life Support units, meaning we provide advanced life saving measures such as administering IV fluids, drugs to combat strokes and heart attacks prior to transport to a local hospital. This significantly improves survivability of our patients.

The Department provides emergency services from one station located in the north-central section of the city. Currently we have 2 frontline engines, 1 reserve engine, 1 type 6 brush truck, 1 Low Acuity Medical unit, 1 Battalion Chief response vehicle in service. Having operationally ready and strategically located fleet of mission-essential fire-rescue vehicles is fundamental to the ability to be able to deliver reliable and efficient public safety within a community. The EMFD

operates with three operational shifts. The operational shift schedule is 48 hours on duty and 96 hours off duty.

The Department responds to Emergency Medical Service (EMS) incidents as a first responder agency (Tier 1). EMFD engine companies have appropriately trained staff (including Paramedic-level) on duty on each apparatus to render pre-transport emergency care to those requiring such care.

EMS ground transportation is provided in El Mirage by a private ambulance service, American Medical Response (AMR). The current agreement between the city and AMR stipulates service and staffing levels, response time parameters (to include liquidated damages for failure to meet agreed upon response times), alternative care alternatives, equipment specifications, dispatch and communication center fees, personnel expectations, and other performance and management aspects typically found in this type of agreement with a private ground transport entity.

Fire Prevention Division

The Prevention team consist of 2 positions including the Fire Marshall, and 1 Public Education/Fire Inspector. There are 3 main subdivisions within this division, Public Education, Fire Code Compliance, and Fire Investigations.

Public Education: The EMFD has an active public fire education program, which is a vital component of an overall Community Risk Reduction program, particularly in the residential areas of the city. This effort is very commendable and results in time and resources well spent. A significant percentage of all fires, fire deaths, and injuries occur in the home, an area where code enforcement and inspection programs have little to no jurisdiction.

Public education is the area where the fire service will make impacts on preventing fires and subsequently reducing the accompanying loss of life, injuries, and property damage through adjusting people's attitudes and behaviors regarding fires and fire safety. EMFD public education includes community CPR training, Reading Across America program, coffee with a firefighter, infant car seat installations, station tours, and in-school fire education programs, and an at risk citizen lock box program, to name a few.

Fire Code Compliance: The division works diligently, through the adoption of current fire and building codes, to assist in the prevention of fires and other hazardous situations to ensure the highest level of safety for the community. We work with the community and business owners to educate on fire and building code requirements, develop programs to gain compliance, and conducting of regular site visits and inspections. Through a community risk reduction assessment, we are able to identify fire and life safety hazard areas and work with the community to reduce these risks.

Investigations: The investigation of the origin and cause of fires is also an important part of a comprehensive fire prevention system. Determining the cause of fires can help with future prevention efforts. EMFD Battalion Chiefs and Captains initiate the fire origin and cause determination process. We currently have 8 personnel certified as Fire Investigators. The department always has a certified investigator available when needed to conduct an investigation. Our personnel train constantly with local law enforcement agencies such as the ATF fire investigation team.

HUMAN RESOURCES

The Human Resources Department is committed to providing comprehensive programs and services to all City departments and staff, covering a wide range of areas, including recruitment and retention, benefits administration, employee leave, employee relations, workers' compensation, classification and compensation, personnel policies, performance management, and employment compliance.

Service Areas

- Recruitment, selection, hiring, and onboarding administration
- Job classifications and compensation administration
- Employee relations, conflict resolution, and employee discipline
- Benefits and wellness program management
- Leave management
- Human Resources Information Systems (HRIS)
- Compliance with employment laws and regulations
- Creating and managing employment-related City policies
- Employee recognition and reward programs
- Employee engagement initiatives program management
- Staff/supervisor coaching and consulting services
- Performance management programs

Objectives

- Support the strategic goals of the City
- Support City departments with reliable and responsive services
- Effectively administer City policies and procedures
- Provide strategic recruitment and retention initiatives and programs
- Support and promote efforts to achieve a diverse workforce
- Provide strategic workforce solutions

INFORMATION TECHNOLOGY (IT)

The IT department's primary responsibilities are to ensure data and voice security and availability for all city facilities and departments and to assist users in its use. The IT department supports all of the technology needs of the City.

- ❖ Business an Enterprise Functions
- ❖ Information Security
- ❖ Camera Systems
- ❖ E-Mail Systems
- ❖ Utility Billing and Customer Service data systems
- ❖ Financial systems
- ❖ Vehicle Maintenance systems
- ❖ Water and Wastewater SCADA systems
- ❖ Fire Records Management system
- ❖ Police data systems
- ❖ Police mobile data computers (MDC)
- ❖ Building and Engineering Permitting systems
- ❖ Geographic Information Systems (GIS)

IT also supports the audio visual needs of the City for conferences and council meetings, the City's telephone systems and website. In addition, IT supports the data and voice network infrastructure to communicate between facilities, as well as high security communications to the Tolleson Police Dispatch Center, Maricopa County Sheriff's Office, and the Arizona Department of Public Safety for police operations.

POLICE

Vision

” Building a culture of trust, collaboration, and continuous improvement.”

Mission

To enhance quality of life in El Mirage by employing the best law enforcement practices and holding ourselves accountable to those we serve.

Core Values

Integrity

Integrity is at the heart of the police function and is reflected in our relationships with our law enforcement partners, fellow employees, and citizens. Our integrity and ethical behavior contribute to a feeling of safety for those we serve.

Respect

Respect is expressed in the consideration we have for our customers, partners, and fellow employees, and the empathy we have for victims. We respect the dignity of all people as well as their individual and constitutional rights.

Professionalism As the most visible aspect of government, we are conscious of our personal appearance as well as the ramifications of our words and actions. Our openness to change, our adaptability, our willingness to listen to customer and partner needs, our ongoing commitment to training and personal development, and our adherence to laws, policies, and procedures, are key components of our professionalism.

Service

We demonstrate service by displaying a cooperative, courteous attitude, and by understanding that the quality of our individual actions contributes to the reputation of our organization as a whole. The commitment to service by building relationships and partnerships to solve problems in concert with the community is fundamental to each member of this Department.

OPERATIONS DIVISION

The Operations Division is led by the Police Chief and Assistant Chief. Three Lieutenants report to the Assistant Chief and together manage three sections of the Operations Division. The Victim Advocate Unit also reports directly to the Assistant Chief.

Patrol Bureau

The Patrol Bureau provides police patrol response to the residents and visitors within the boundaries of the City of El Mirage. Officers assigned to the Patrol Bureau are responsible for proactively patrolling their assigned patrol beat, enforce criminal and traffic laws and conduct preliminary criminal investigations.

- The Patrol Bureau consists of two Patrol Lieutenants.

- There are four Patrol Squads, and a Special Projects Squad, each with an assigned Police Sergeant and between four to six officers.
- There are four Reserve Officers assigned to the Patrol Bureau.
- Six Police Assistants (civilians) split between the four squads.
- EMPD currently has one Motor Officer.
- The Special Projects Squad consists of one Sergeant, a Community Resource Officer, and 3 School Resource Officers.
- More recently, the EMPD has hired Police Recruits to attend an AZPOST Academy. Police Recruits are assigned to the Patrol Bureau during the duration of the academy and reassigned upon their graduation as Police Officers. They then begin Field Training which can last up to a year before becoming a solo officer.

Operations Support Bureau

The Operations Support Bureau is comprised of Criminal Investigations Bureau (CIB), Neighborhood Enforcement Team (NET), and the K9 Unit.

CIB employs senior officers with years of experience and are well rounded in the many facets of police work. They receive specialized training in areas such as death investigations, robberies, sex crimes, fraud, identity theft, and property crimes. Detectives also work closely with City, County and State Prosecutors to ensure successful prosecution. These in-depth and complex investigations often begin with the officer's initial response to the many calls for service. This Bureau also works closely with the Arizona Department of Public Safety to ensure that all Registered Sex Offenders living in the City of El Mirage comply with state law.

Officers assigned to NET investigate community-related crimes involving weapons and drug offenses. NET officers receive specialized training in weapons offenses, drug trafficking, and other investigative techniques required for success. The NET works closely with local, state, and federal agencies, including the Maricopa County Attorney's Office. The goal of the NET is to ensure our citizens have a safe and healthy environment to live in.

- CIB is made up of one Sergeant, five detectives, one GIITEM Gang Detective, a part-time Investigator Specialist, a Police Analytical Research Coordinator, and a Police Investigations & Charging Specialist.
- NET is made up of one Sergeant and three officers.
- The K9 Unit employs one Sergeant, two K9 Officers, and three Canines.

Victim Assistance Unit

The Victim Assistance Unit provides information and support services to all victims of crime in the City of El Mirage. Each case is unique, and trauma presents itself differently in each victim. The goal of Victim Advocates is to help each victim understand the criminal process and help the healing process begin.

- VAU is comprised of one Supervisor and two Victim Advocates.

ADMINISTRATION DIVISION

The Administration Division of the EMPD, is led by the Deputy Director. An Administrative Lieutenant, Management Support Staff, Fiscal Services Specialist, and Volunteer Chaplains report to the Deputy Director. The Administration Division supports the functions of the EMPD Operations Division. A variety of functions are performed within Administration to include Police Records, Vehicle Impound, Fleet, Property & Evidence, Fiscal Services, and other support functions.

Police Records

The Records Unit is the central repository for all department police reports, citations, collision reports, arrest records and other documents, and coordinates the flow of data from EMPD through the criminal justice system. Records coordinates and completes records requests from citizens, prosecutors/attorneys, other law enforcement agencies, media, and others. Records personnel also review reports through the workflow process to insure they are accurately coded for submission to the Arizona Department of Public Safety and the Federal Bureau of Investigations for inclusion into the Uniform Crime Reporting program. Additional responsibilities include tracking and releasing vehicles impounded under ARS 28-3511, assisting citizens in the PD lobby and over the phone, and providing general support to the department.

Property & Evidence

The EMPD Police Property Technicians are responsible for maintaining the integrity of evidence and chain of custody of all property in accordance with state laws, city ordinances and departmental policies and procedures.

Other Administration Functions

Other functions within the Administration Division include;

- Maintaining the department budget.
- Project planning, purchasing, and monitoring projects.
- Updating and maintaining building security.
- Maintaining and dissemination of department policies, procedures, and personnel orders.
- Recruitment and Background Investigations
- Equipment purchases, maintenance, dissemination, storage.
- Administrative Investigations
- Professional Standards Record keeping and reports
- Response to Resistance monthly reporting to FBI
- Fleet management and purchases.
- Maintaining Officer Off-Duty and volunteer records

Cooperative Initiatives

Gang and Immigration Intelligence Team Enforcement Mission (GITEM)

- One detective (the city receives 75% reimbursement from the state) is assigned to the DPS State Gang Task Force and provides support within the City of El Mirage on gang and narcotics related gang activity.

Grant Funding

- The police department receives grant funding to address a variety of issues that include traffic enforcement (new motorcycles and overtime from GOHS), and funding for a School Resource Officer.

School Liaison Program

- Grant-funded School Resource Officers (SRO) are assigned full time at Dysart High School and Riverview Elementary School. Schools without SRO's hire School Safety Officers primarily from the EMPD.

Sex Offender Verification Program

- Throughout the year officers/detectives make home visits to verify the location and status of identified convicted offenders.

Community Policing Projects

Community Relations

- Officers are assigned to liaison with neighborhoods, businesses, and schools for programs, presentations, and special projects. These projects/programs include Law Enforcement Torch Run for Special Olympics and Cadets.

Virtual Block Watch

Virtual Block Watch is an interactive map of potential camera resources within the community and the City of El Mirage. This interactive map is only available to police officers for possible evidence review and collection. It is free to all community members, and participation is voluntary.

Block Watch

The Block Watch program is a partnership between local law enforcement and the El Mirage community. Its goal is to reduce crime in your neighborhoods. This program works by bringing community members together to report suspicious activity, inform each other about crimes that occur in the neighborhood, and employ crime prevention techniques.

The police department's role is to respond to calls for service, provide resources and information, and notify block watch captains if there are crime patterns or trends identified within their neighborhood.

Police Cadets

The EMPD provides a program for youth ages 14-20 that offers training, leadership, and skill building for future careers in public safety professions. The Police Cadet program offers youth opportunities to train in a classroom setting, build hands-on skills, and serve their community through local events. There's also an opportunity to attend a Police Cadet Academy and local competitions with cadets from other agencies.

PUBLIC WORKS DEPARTMENT

The mission of the Public Works Department is to provide and maintain the public infrastructure of the City of El Mirage through responsive, efficient, and effective delivery of services within available resources. The department consists of two four divisions, Operations, and Utilities, Customer Service, and Environmental. Public Works personnel maintain a regular Monday – Friday work schedule but are also available and on call 24 hours a day, 365 days a year to assist as first responders in emergencies when needed.

Operations Division

The Operations Division handles all City building maintenance, vehicle maintenance, and roadway maintenance, and park maintenance. The Operations Division also manages the City's sanitation services via a third party. The divisions within Operations are identified as Facilities Management, Fleet Management, Streets Maintenance, and Sanitation Parks Maintenance.

Facilities Management oversees maintenance of all City buildings and facilities including City Hall, Police Station, Fire Station, Council Chambers, Senior Center, Library, Customer Service, City Court, Cada Uno, and Public Works facilities. Facilities staff responds to the building maintenance needs of the City both directly and including through oversight of contractual maintenance services, which to minimize cost and maximize a cost-effective return on investment.

Parks Maintenance maintains all common landscape areas owned by the City in addition to a number of City owned neighborhood parks and three large community parks - Basin Park, Gentry Park and Gateway Park. Efficient delivery of service includes outsourcing of basic landscape maintenance while City staff expertise is utilized in more complex operations such as irrigation control and maintenance. The City Landscape Maintenance Guidelines and specifications, which provide practical landscape maintenance information to preserve the integrity and health of each individual plant species, are available for download on the City's website.

Fleet Management

Fleet Management is responsible for the maintenance and upkeep of the City's vehicles and related equipment which totals over 175 assets. The fleet division handles routine work internally but outsources a good portion of the work to local vendors. The fleet division is also responsible for assistance to Police and Fire as a first line of assessment on their vehicle/equipment needs. The fleet division also handles procurement of new vehicles and equipment in addition to disposal of City assets through a state contracted auction provider.

Streets Maintenance maintains and repairs over 200 250 lane miles of streets, sidewalks, and signage within the City. The Streets division is also responsible for the upkeep of all City rights-of-way within City limits. Daily activities include street sweeping, street repair, sign maintenance, dust control, and illegal signage removal. Street maintenance includes oversight of the contractual traffic signal maintenance contracts as well as all solid waste, bulk trash, and hazardous waste recycling programs.

Water Division

The Water Division delivers potable drinking water to the entire City of El Mirage and to the original town site of the City of Surprise. Exceptional water quality is maintained every day, exceeding all regulatory requirements, with an average daily production rate up to 6.0 million gallons per day. The Water Division is divided into three two functions: Customer Service, Water Distribution and Water Production.

Water Distribution maintains 120 miles of water distribution lines, the Dysart Ranchettes irrigation system, and over 1,300 fire hydrants and 5,000 valves. Daily activities include responding to water main breaks at any time, repair of service lines, valve exercising and repair, fire hydrant flushing and repair, and irrigation oversight.

Water Production maintains nine groundwater wells within the City which includes mandatory sampling, testing, and reporting to maintain exceptional drinking water quality and supply. All water consumed in the City of El Mirage is from local groundwater sources. Daily activities of Water Production staff include chlorination oversight, well pump and motor preventative and emergency maintenance, booster pump maintenance, arsenic removal media change out, and storage tank maintenance. The average daily drinking water production is 6.045 million gallons each day.

Wastewater Division

The Wastewater Division operates the wastewater treatment plant and collections system. This includes operation of the City's groundwater recharge facility located directly adjacent to the treatment plant, on the east side in the Agua Fria riverbed. The groundwater recharge facility provides water credits credit used to offset the City's groundwater withdrawal. The average daily sewage flow through the collection system and into the treatment plant is approximately 2.20 million gallons per day. The Wastewater Division is divided into two functions: Plant Operations and Collections.

Plant Operations maintains the treatment plant in accordance with State regulatory requirements. This includes conducting laboratory testing and daily monitoring of the plant systems. The City's wastewater plant is a sequential batch reactor design which treats incoming raw wastewater through a screening, aeration, filtration, and disinfection process. Solids treated and produced at this plant are transported to the landfill in accordance with regulatory requirements while effluent water produced at the plant is discharged to the groundwater recharge facility.

Collections staff are responsible for daily collections system maintenance and permitting requirements of the 60 miles of sanitary sewer collection lines and over 1300 manholes in the system. This includes regularly scheduled cleaning, inspection, vector control, and maintenance. Wastewater staff is also responsible for the City's two lift stations located at Cactus and Main and Thompson Ranch Road and Boca Raton Road.

Utilities Customer Service Division

The Customer Service Division handles all billing and utility accounting functions of approximately 121,000 customers including residential and commercial services. Online bill payment option is available which allows utility customers to manage their utility account online 24 hours a day, 365 days a year at no additional charge.

All 121,000 City accounts are part of the City's automated meter infrastructure, a network of remotely connected water meters that allow for timely collection of usage data. without the use of staff or resources.

Environmental Division

The City's Environmental Division is responsible for ensuring that all Public Works operations comply with local, county, state, and federal regulations. This includes permits related to drinking water, wastewater, stormwater, dust control, and emergency operations procedures.

The Water Environmental Division also represents the City on regional water issues including allocation of Colorado River water transported to the Phoenix valley through the Central Arizona Project canal which provide recharge water along the canal as required by law to offset the City's groundwater withdrawal.

PARKS AND RECREATION DEPARTMENT

The Parks and Recreation Department exists to promote quality of life and build a vibrant community through recreational, social, cultural, and outdoor experiences for residents, visitors and future generations of all ages and abilities in El Mirage. The department administers the ongoing partnership agreement with the Northwest Valley YMCA for operation of the city-owned recreation center facility, including subsidized membership and program discounts for local residents; oversight of scheduling of Gateway Park Fields; and summer swim programming partnership.

Parks Maintenance Division maintains all common landscape areas owned by the City (~52 acres) including ten City owned neighborhood/pocket parks and three large community parks - Basin Park, Gentry Park and Gateway Park. Efficient delivery of service includes outsourcing of basic landscape maintenance while City staff expertise is utilized in more complex operations such as irrigation control and maintenance. This division also oversees park ramada reservations at Gateway Park, and field reservations at Gentry Park.

Special Events administers the City's signature event series including Fiesta de la Gente, Fall Harvest, Winterfest, Public Safety Day, and Spring Faire; as well as other community events throughout the year (e.g. Tree Lighting, Music in the Park). This program area also includes oversight of the City's Community Garden.

Senior Services The Senior Center is designed to provide quality care, resources, and assistance to El Mirage senior citizens 55 years of age and older. The Center provides the opportunity to participate in an organized congregate meal program Monday through Friday that emphasizes wellness, nutrition, and healthy diets. The activities and educational programs provide opportunities for seniors to maintain financial, physical, and mental well-being. The Center enhances the participant's lives by providing a positive, nurturing, and supportive social environment. This program area works with a variety of local partners and resource providers to enhance quality of life opportunities.

City of El Mirage Code of Conduct for Elected Officials

The Three “R”s of El Mirage Government Leadership:
Roles, Responsibilities and Respect

The purpose of this Code of Conduct is to provide guidance to elected officials of the City of El Mirage regarding their roles and responsibilities, and the manner in which they should conduct themselves in representing the City of El Mirage. The guiding principle throughout this Code of Conduct is that Council members should treat all with whom they come in contact as representatives of the City of El Mirage, including contacts with constituents, City staff, officials of other government entities and each other, with dignity and respect.

This Code of Conduct defines the behavior, manners and courtesies that are suitable for various occasions. This is designed to make public meetings and the process of governance run more smoothly.

The City Council as a whole shall be the final arbiter of all allegations against a member of the City Council of improper conduct or behavior within the scope of this Code of Conduct.

The content of this Code of Conduct includes:

- Purpose
- Overview of Roles and Responsibilities
- Policies and Protocol Related to Conduct
- Council Conduct with One Another
- Council Conduct with City Staff
- Council Conduct with the Public
- Council Conduct with Other Public Agencies
- Council Conduct with Boards and Commissions
- Council Conduct with the Media
- Sanctions
- Principles of Proper Conduct

PURPOSE

The purpose of this Code of Conduct is to provide guidance to assist members of the El Mirage City Council regarding their behavior and conduct while representing the City of El Mirage and to attempt to correct, rather than punish, inappropriate behavior or conduct that falls within the scope of this Code of Conduct. This Code is not intended to be, and should not be, used as a political weapon to embarrass, harass, intimidate, or extort any member of the El Mirage City Council.

ETHICS POLICY

As a prerequisite for exercising any power of office, each city official is required to take an oath to uphold and abide by the constitution and the laws of the United States and the state of Arizona, and the laws of the City of El Mirage. Councilmembers are also requested to read and become familiar with the guidelines set forth in this Code of Conduct.

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

- Acts as the official head of the City for all ceremonial purposes
- Chairs Council meetings
- Calls for special meetings
- Recognized as spokesperson for the City of El Mirage
- Makes judgment calls on proclamations, etc.
- Leads the Council into an effective, cohesive working team
- Sign documents on behalf of the City of El Mirage

Vice-Mayor

- Selected by, and serves at the pleasure of, the Council
- Performs the duties of the Mayor if the Mayor is absent
- Chairs Council meetings in the absence of the Mayor
- 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:

- Fully participate in City Council meetings and other public forums while demonstrating kindness, consideration, respect and courtesy to the public and to each other.
- Prepare in advance of Council meetings and be familiar with issues on the agenda.
- Represent the City at ceremonial functions at the request of the Mayor.
- Be respectful of other people's time. Stay focused and act efficiently during public meetings.
- Serve as a model of leadership and civility to the community.
- Inspire public confidence in El Mirage government.

- Provide contact information with the City Clerk in case of an emergency or urgent situation arises while the Council Member is out of City.
- Demonstrate honesty and integrity in every action and statement.
- Participate in scheduled activities to increase team effectiveness and review Council procedures, such as this Code of Conduct.
- Wait to speak at council meetings and study sessions until recognized by the Chair (Mayor or Vice-Mayor) of the meeting, and never interrupt another council member or member of the public except to call for a point of order or private privilege.

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.

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

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 at the next scheduled regular council meeting following the absence. The vote shall be taken after sufficient information is received explaining the reason for the councilmember's absence.

Travel

The Mayor and Councilmembers may occasionally need to travel to functions where the City will be represented or for Councilmembers to obtain necessary training. Councilmembers all recognize that travel at the City's expense should be limited and provide a benefit to all residents. Requirements to be considered for Councilmember travel are 1 any out-of-state travel must be approved by a supermajority of Council (minimum of five) prior to

committing to attend a function, 2) in-state travel will not require Council approval, and 3) a follow-up report shall be made public at the subsequent Council meeting for all travel paid with City Funds. *(Approved July 2, 2019 by Resolution R19-07-17)*

Ceremonial Events

Requests for a City representative at ceremonial events will be handled by the Public Information Officer. The Mayor will serve as the designated City representative. If the Mayor is unavailable, then the Public Information Officer will determine if event organizers would like another representative from the Council. If yes, then the Vice Mayor is next in line. Invitations received at City Hall are presumed to be for official City representation. All Councilmembers may be assumed to be invited.

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, however, inappropriate to mention endorsements during Council meetings, official City meetings or City sponsored events except at private tables not manned or supported by City staff.

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 or 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:

- Relates 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?

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 summary of current events may do so under the portion of the meeting specifically provided for that purpose, titled "Council Summary of Current Events." Council Members' statements should not be used for any form of campaigning. No questions, deliberations, discussions, or action may take place on matters presented unless they are specifically listed as a separate item on the agenda.

Call to the Public

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. At the conclusion of an open call to the public, individual Council Members may respond to criticism

made by those who have addressed the Council, may ask staff to review the matter and report back to Council, or may ask that the matter be put on a future agenda for discussion and possible action.

Public Hearing Protocol

Council Members shall not express opinions during the public hearing portion of the meeting but may 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.

Meeting Protocol

Council members shall not speak until recognized by the Chair. Council members shall not interrupt another Council member who has been recognized by the Chair or a member of the public addressing the Council except to call for a point of order or a point of personal privilege. Any Council Member can call for a point of order.

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, Code of Conduct, Section 7. 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.

Correspondence

When corresponding with constituents, the media, other governmental entities or agencies, vendors, or any other members of the public, Council Members should, if the Council Member is expressing a personal opinion or view, clearly state that the opinions and views are the personal opinions and views of the Council Member and do not reflect the official position of the City or the position of any other member of the City Council.

City letterhead may be used when the Council Member is representing the City and the City’s official position. City letterhead should never be used for a Council Member’s personal correspondence. City letterhead is best not used to express a Council Member’s personal opinion or view or the dissenting opinion or view on a City related issue or matter. However, should a Council Member use City letterhead to express the Council Member’s personal opinion or view or the dissenting opinion or view on a City related issue or matter, the Council Member

shall clearly state in the correspondence using City letterhead the official City position or view, so the reader understands the difference between the official City position or view and the personal or dissenting opinion or view of the Council Member. A copy of all correspondence using city letterhead should be given to the City Clerk to be filed as part of the permanent public record.

Nothing in this Code of Conduct shall prevent or be construed to prevent any Council Member from exercising his/her First Amendment rights to express the Council Member's personal views and opinions that may differ or dissent from the City's official position or view, or the opinions, positions or views of other Council Members. Council Members should not, however, express personal opinions or views as the official position of the City or other members of the Council.

The use of City facilities and City grounds by or on the behalf of individual Council Members shall be prohibited with the following exceptions: (1) An activity approved by the Council as a whole; or (2) A meeting of a committee or subcommittee approved by the Council or appointed by the Mayor.

In all contact with the public while acting as a representative of the City or in the capacity of a member of council, Council Members should treat those whom they come in contact with dignity and respect.

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 and the public on track during public meetings. Council Members should honor efforts by the Chair to focus discussions on current agenda items, including not speaking until recognized by the Chair. 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 sent 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 as all are subject to the Arizona Public Records Laws.

- **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. [Reminder: 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 between council members.]

COUNCIL CONDUCT WITH CITY STAFF

Governance of a City relies on the cooperative efforts of elected officials, who set policy, and City staff, who implements and administers 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 as a result of requests from outside the normal chain of supervision can cause staff confusion, inadequate work product and inefficient performance. Questions of City staff and/or requests for additional background information or follow-up work 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 the individual Council Member's 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 thereby opening the City to liability and limiting 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.

- **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 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 state 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.

- **Attendance at meetings with staff at request of public**

Nothing in this Code of Conduct is intended, nor shall be construed, to prevent a Council Member from attending a meeting between city staff and a member of the public at the request of the member of the public. However, a Council Member attending such a meeting may only attend the meeting to observe and shall not participate in the discussion or attempt to give direction to city staff at the meeting. Any issues or concerns a Council Member may have about staff conduct at the meeting should be addressed to the City Manager, not the staff member or the staff member's direct supervisor.

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 three 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, which includes, but is not limited to, vulgar, slanderous, disrespectful or abusive language. 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 and shows a lack of respect for Council Members to not look at members of the public while they are addressing the Council or for Council Members to engage in a side conversation while another member of council or a member of the public is speaking or addressing the Council. 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, not individual Council Members, can interrupt a speaker during a presentation. However, a Council Member can ask the Mayor for a point of order or point of personal privilege if the speaker is off the topic or exhibiting behavior or language the Council Member finds disturbing, offensive or disruptive.

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, belittle or argue with 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. Council Members should refrain from making personal attacks against any person, including staff and members of the public, who speak before the Council.

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 promise Council action overtly or implicitly, 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.

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.

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 the Council Member's private, 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, developer, or issue or matter before the Board

or Commission. 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 Council 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.

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 the personal viewpoint of the Council Member.

- **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.

SANCTIONS

- **Public Disruption**

Members of the public who do not follow proper conduct after a warning by the Chair in a public meeting may be barred from further testimony or comment at that meeting or removed from the Council Chambers. Only the Chair shall have the power to cause a person to be removed from a public meeting or barred from further testimony or comment.

- **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**

- The purpose of this Code of Conduct is to provide guidance to assist members of the El Mirage City Council regarding their behavior and conduct while representing the City of El Mirage and to attempt to correct, rather than punish, inappropriate behavior or conduct that falls within the scope of this Code of Conduct. This Code is not intended to be, and should not be, used as a political weapon to embarrass, harass, intimidate, or extort any member of the El Mirage City Council. Making an allegation of a violation of this Code for the purpose of embarrassing, harassing, intimidating, or extorting another member of Council or making an allegation that is determined by a vote of five members of the City Council to be frivolous shall be considered a violation of this Code of Conduct.
- Alleged violations of the statutes of the state of Arizona or provisions of the city code of the City of El Mirage are not within the scope of this Code of Conduct, and this Code shall not be used to investigate alleged violations of statutes or provisions of the

city code. Alleged violations of state statutes or city code shall be referred for investigation and disposition to the appropriate department or agency charged with enforcing the statutes or city codes alleged to be violated.

- Allegations of improper conduct or behavior by a member of the City Council in violation of this Code of Conduct shall be submitted to the Mayor. [To the Vice-Mayor if the allegation is against the Mayor or to the senior member of the Council (determined by the number of years on council) if the allegation is against both the Mayor and Vice-Mayor.]
- Prior to any Council Member submitting to the Mayor an allegation of violation of this Code against another member of the Council, the Council Member shall first discuss the alleged violation with the alleged violator. An allegation may only be filed with the Mayor if the alleged violator continues, after the discussion, to engage in the conduct or behavior the Council Member believes constitutes a violation of this Code.
- An allegation of a violation of this Code may be submitted by a Council Member to the Mayor either in writing or verbally. However, if an allegation of violation is only submitted verbally, the Mayor may only discuss the allegation with the alleged violator and may not take further action. No record shall be made or kept of a verbal allegation or any discussion or counseling of the alleged violator.
- A written complaint alleging violation(s) of this Code submitted to the Mayor shall set forth the following:
 - The specific conduct or behavior alleged to be a violation of this Code, including the dates, times and circumstances of each conduct or behavior alleged to be a violation;
 - A detailed explanation of the manner in which the alleged conduct or behavior constitutes a violation of this Code;
 - The evidence (i.e., witnesses, documents, records, etc.) that will support the allegation that the conduct or behavior occurred or constitutes a violation of this Code; and
 - Specifics of the attempt by the Council Member to discuss the alleged violation with the accused member of the Council and the result of such discussion, including the specifics of the incident(s) of the accused member continuing the conduct or behavior after the discussion.
- Upon receipt of a written complaint of a violation of this Code, the Mayor shall meet with the Council Member who submitted the allegation and the accused member of council to try to come to a resolution of the matter. If the Mayor and Vice Mayor (or senior Councilmember) determine, in their discretion, the matter has been resolved as a result of the meeting, the Mayor may consider the matter closed and shall prepare and provide to the remaining members of Council a report on the nature of the allegations and the resolution of the complaint.

- If the Mayor determines the matter is not resolved as a result of the meeting of the Mayor with the Council Member and the accused member of council, the Mayor shall schedule a meeting of the City Council to discuss the alleged violation. The meeting shall be held in executive session unless the accused member of council, in accordance with the laws of the state of Arizona, requests the matter be discussed in an open meeting. At the meeting, the Mayor shall provide the Council with a copy of the allegation and report to the Council the Mayor's attempt(s) to resolve the complaint prior to bringing the matter to Council. The members of the City Council, other than the council member who filed the complaint and the accused member of council, may then do any of the following: (1) direct a formal investigation of the allegation(s) and that the results of the investigation be reported back to the Council; (2) determine, based on the material before the Council, the allegation is without merit and should be dismissed; or (3) determine, based on the material before the Council, a violation has occurred and the Council, without further investigation, has sufficient information to take action on the Complaint. If the meeting is held as an open meeting, the Council may take action upon motion. If the meeting is held in executive session, the matter must be brought back before Council at an open meeting in order the Council to take formal action to dismiss the complaint or to impose sanctions.

- Complaints alleging violation(s) of this Code reported by anyone other than a Council Member must be notarized and submitted to the Mayor and must contain the following information:
 - The specific conduct or behavior alleged to a violation of this Code, including the dates, times and circumstances of each conduct or behavior alleged to be a violation;
 - A detailed explanation of the manner in which the alleged conduct or behavior constitutes a violation of this Code; and
 - The evidence (i.e., witnesses, documents, records, etc.) that will support the allegation that the conduct or behavior occurred or constitutes a violation of this Code.

Upon receipt of a complaint from other than a Council Member, the Mayor shall meet with the accused violator to try to come to a resolution of the matter. If the Mayor determines, in his/her sole discretion, the matter has been resolved as a result of the meeting, including a finding by the Mayor that the allegation is without merit or foundation, the Mayor may consider the matter closed. If the Mayor determines the matter closed as a result of the meeting, the Mayor shall notify the person who submitted the allegation of the Mayor's determination and, if applicable, any action to correct a violation. The Mayor shall also notify the remainder of Council of the receipt of the complaint and the resolution.

If the Mayor does not deem the matter resolved after the Mayor's meeting with the accused member of council, the Mayor shall bring the matter to the City Council using the procedure for bringing allegations by Council Members to the City Council.

- Council Members who have been found to have violated this Code of Conduct by the City Council may be reprimanded (written or verbal), formally censured by the City Council, removed from committee assignments, and/or be restricted from official travel for up to one year.

PRINCIPLES OF PROPER CONDUCT

Proper conduct IS . . .

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

Proper conduct IS NOT . . .

- Showing antagonism or hostility
- Deliberately lying or misleading
- Speaking recklessly
- Spreading rumors
- Stirring up bad feelings, divisiveness
- 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.

I have read the City of El Mirage Ethics Policy and received a copy.

Signature

GLOSSARY

Common Municipal Terms

Adjourn – When the meeting ends, usually after completing all business on the agenda.

Agenda – The printed order of which the items will come before the Council.

Alternative Expenditure Limit (same as Home Rule Option) – By voter approval every four years, allows a community to determine locally what its spending limits will be rather than the formula-based limit imposed by the State of Arizona.

Annexation – The process by which a city expands the area within its corporate limits; this property must be contiguous to the city.

Arizona League of Cities and Towns – an organization representing and lobbying for State cities and towns on legislative matters impacting cities and towns.

A.R.S. – Arizona Revised Statutes

Audit – Required by state law, this annual examination of the financial account is designed primarily to ensure that the accounts are being kept properly, although certainly a secondary purpose is to protect local taxpayers from misuse of municipal funds.

Ballot language – The written measure, issue or question or names of candidates that appear on the ballot.

Board of Adjustment – An Appeal Board that may grant variances to the Zoning Ordinance and/or decide on appeal requests from a decision made by administrative staff.

Bond election – An election that is required prior to the issue of any municipal bonds and which allows qualified electors of a municipality to authorize issuance of municipal bonds.

Budget – Under state law, the adopted budget is setting the maximum limits on the amount of money that can be spent for the fiscal year.

Call of Election – Usually the first formal action taken by Council setting forth the date and reason for an election; and giving the dates for action by the public, for example the dates for filing of specified paperwork and registering to vote.

Campaign Contribution – Any gift, subscription, loan, advance or deposit of money or anything of value made for the purpose of influencing an election.

Campaign Finance Report – A report required to be filed by candidates running for office listing expenditures and revenues.

Campaign Signs – Printed material displayed publicly with the purpose of influencing an election.

Canvass – The official results of the election that are maintained as public record of the election the official canvass must contain specified information under A.R.S. §16-646.

Capital Improvement Plan (CIP) – A projected plan that sets forth priorities for the construction of capital improvements over a specified period of time.

Challenge – The act of questioning whether or not an elector is qualified to vote or sign a petition, or whether a candidate meets the qualifications set forth for office.

Chair – The person charged with conducting (running) a meeting.

Charter – A written instrument that creates and defines powers, rights and privileges for a specific jurisdiction.

Charter City – A municipality with a population over 3,500 that has adopted a document known as a charter, which is similar to a constitution for a city, that outlines the basic governing procedures for the city. A charter city has more flexibility to delineate governing procedures for the city, rather than relying on procedures outlined in Arizona law.

Community Development Block Grant (CDBG) – Federal monies, designated to assist low to moderate income persons and/or senior citizens.

Conflict of Interest – When an issue relating to a person’s or a person’s relatives’ private interests interfere in the course of the person’s professional duty, Arizona requires public officers and employees to declare when a conflict of interest exists. Arizona’s conflict of interest law is located in A.R.S. § 38-501 through 38-511.

Consent Agenda – For those items that are either routine in nature and/or that have been previously discussed are grouped together on the agenda and decided upon in one motion.

Constituent – A person served by an elected official, normally a voter or resident.

Councilmember-at-large – A councilmember that is elected by and represents the electors of an entire municipality, rather than a specific district or ward.

Debt Limit – The maximum amount of debt that governmental unit may incur under constitutional requirements.

Election petition – The documents required by law containing the necessary signatures to place a candidate’s name or a measure on the ballot.

Electioneering – Any literature or action attempting to win votes in an election.

Elector – An individual qualified to vote (also referred to as a voter).

Expenditure Limitation Election – An election that is required prior to adopting a permanent base adjustment or alternative to the state-imposed expenditure limit also known as the “Home Rule Option.” The alternative expenditure limit, or “Home Rule Option,” must be approved by a majority of qualified electors in a regular election and must be reauthorized every four years. The permanent base adjustment does not need to be reauthorized.

Financial Disclosure Statement (Annual) – A financial report required by State law to be completed by all elected officials relating to the employment, business, property and investment interests, debt, gifts and finances of that officer and the officer’s household on a calendar-year basis while in office; candidates running for election must complete the same report for the 12-month period prior to officially declaring candidacy.

Fiscal Year – The ~~twelve~~ 12-month period the budget covers; the City of El Mirage is on the fiscal year July 1 through June 30.

Floodplain – Land that is subject to periodic flooding and delineated on County maps.

Franchise Election – An election that is required prior to a municipal corporation granting a franchise for a public utility. The franchise must be approved by a majority of the qualified electors voting at the election.

General Election – An election held on the third Tuesday in May or the first Tuesday after the first Monday in November on even numbered years.

General Law City – A municipality that has not adopted a city charter and must comply with the general provisions of Arizona law on city and town government and structure.

General Obligation Bonds (GO Bonds) – These bonds are guaranteed by the full taxing power of the City. There are constitutional and statutory limits on the issuance of GO Bonds. Must be voter approved.

General Plan – The community’s plan to manage growth and development within specific geographical areas. By state law, the General Plan must either be updated or renewed every 10 years.

Home Rule Option (Same as Alternative Expenditure Limit) – Allows a community to determine locally (by voter approval every four years) what its spending limit will be rather than using the formula-based limit imposed by the State of Arizona.

Intergovernmental Agreement (IGA) – An agreement between two or more governmental agencies for the performance of a service.

Initiative – The people’s right to initiate a measure, issue, or question to be voted on by the people. To place an initiative on the ballot, petitions must be filed with a specified number of signatures. Petition signature requirements vary depending on the level of government.

Initiative Election – The election at which a measure, issue or question placed on the ballot by the electors is decided.

Majority – A number greater than on half.

Maricopa Association of Governments (MAG) – An organization of the municipalities in Maricopa County.

Memo of Understanding (MOU) – Part of an agreement outlining what is expected of each party signing the agreement.

Minutes – All public bodies, including Council appointed subcommittees and advisory committees must take and retain written minutes of all meetings. These are the only legal record of the action taken by the public body.

Motion – Action by a member of the Council or Commission putting the agenda item forward for discussion and for a vote.

Non-partisan – Representing no political party.

Notice of Election – A published notice to the voters on date, time, location, and purpose of an upcoming election.

Oath of Office – A sworn declaration to uphold the law (A.R.S. § 38-321).

Ordinance – An enforceable municipal law, statute or regulation that applies to all citizens within that municipality; penalty provisions may apply.

Parliamentary Procedure – Meeting procedures that allow both the majority and the minority equal rights to be heard and provided for the conduct of an orderly meeting.

Partisan – Supporter of a particular political party.

Permanent Base Adjustment - A permanent adjustment to the expenditure base of the City as determined by the Economic Estimates Commission.

Petition – A form used to place a candidate, measure, issue or question on a ballot; must receive the required number of signatures to qualify for the ballot.

Point of Order – When an action by the Chair is questioned.

Political Committee – A committee that is formed to support or oppose any candidate, measure, issue, or question.

Postpone – To delay action from one meeting to the next.

Post-Election – Period after an election takes place. Provisions of Arizona law govern post-election procedures and requirements.

Pre-Election – period before an election takes place. Provisions of Arizona law govern pre-election procedures and requirements.

Primary Election – Election held prior to a General Election to nominate candidates for office or if being elected to local office, may be elected if candidate receives sufficient minimum votes determined by State law formula.

Proposition – A proposed law, revision or amendment submitted to the voters at an election for approval or rejection.

Public Hearing – A meeting that is legally required to receive comments and/or suggestions regarding proposed action by the City Council.

Publicity Pamphlet – Document that is required to be mailed to each household with a registered voter that contains information on each proposed measure or question on the ballot, including financial impacts and arguments for and against.

Qualified Elector – A person that is properly registered to vote and who is a resident of the designated area (i.e., county, city, town, district, ward or precinct) at a specific time.

Quorum – The number of members needed to be present to legally take action.

Recall – Procedure to remove an elected official from office by a vote of the people through an election process before the end of the official's term.

Recall Petition – The documents required by law containing the necessary signatures to recall an elected official.

Recall Election – The election at which voters decide whether or not to retain an elected official in office before the end of the official's term.

Recess – A brief break in the meeting.

Referendum – The right of the people to refer legislation or ordinances passed by an elected body to a vote of the people through an election process for approval or denial. To place a referendum on the ballot, petitions must be filed with a specified number of signatures. Petition signature requirements vary depending on the level of government.

Referendum Election – The election at which voters are asked to approve or deny legislation or an ordinance that has been passed by an elected body and has been ordered to the ballot by a petition of electors.

Resolution – A formal expression of opinion or intent voted upon the City Council.

Revenue Bonds – These bonds are used to finance a revenue producing facility such as public utility or airport. These bonds are usually secured by only the revenues of the facility for which they were issued; must be voter approved.

Rezoning – The reclassification of real property from one zoning class to another with different uses and/or requirements for construction and uses.

Roll Call Vote – When the call each member's name and records how each member votes on the issue.

Second – When another member of the Council feels the agenda item is deemed worthy of discussion and a vote. The seconder does not necessarily need to agree with the proposed action but desires more discussion.

Special Election – Election held to fill a vacancy in office or to decide a certain issue and held for only those specific purposes (must conform to consolidated elections dates).

Special Improvement District Bonds – Bonds issued for special improvement of streets and sewers. These bonds are repaid by special assessments against real property which benefited from the improvement.

Street and Highway Improvement Bonds – Bonds issued for constructing and maintaining streets and highways; these bonds are paid for with a portion of monies from the City's share of highway user revenues (must be voter approved).

Subdivision Ordinance – Regulates the improvements of subdivided land. It prevents or limits construction in areas that would be dangerous to the public health and wellbeing (i.e., floodplains). This requires developers to provide necessary improvements (i.e., streets, utilities, open spaces, and other service as required).

Super Majority Vote – When the matter before Council requires $\frac{3}{4}$ of the total elected members (not just of those in attendance) to vote in favor or against. City of El Mirage requires six elected officials for a super majority.

Table (Tabling Motion) – To temporarily set aside an agenda item to take care of another issue before the Council. If this motion is made, seconded, and voted in the affirmative – discussion of this item ceases until after agreed to be brought back before the Council. This agenda item should be either taken back up and decided upon or postponed until another meeting.

Term – The amount of time for which a person was elected or appointed to hold office.

Term Limit – The maximum amount of time for which an officer may serve.

Voter – An individual meeting the qualification to vote and who registers (also referred to as an elector).

Zoning – Outlines the type of development that occur on real property.

Zoning Ordinance – Specifies the geographic zones within the community and regulates the type of development that can be located with each, i.e., residential, commercial, or industrial.