

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