

Ethics Handbook

for

Elected and Appointed Officials, Employees
and Volunteers



City of Goodyear, Arizona

*Goodyear is committed to upholding the principles of **Personal Responsibility, Professionalism, Collaboration, Innovation, Honesty, Fairness, Respect and Accountability.***

Prepared by the Ad Hoc Ethics Committee

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**MEMBERS OF THE
GOODYEAR AD HOC ETHICS COMMITTEE**

Stephen Anderson

Denise E. Bates

Greg Brown

Sergio Escamilla

Sanford Hertz

Maxine Hill

Greg Idleman

Mike Lauer

Regene Mitchell

Ken Porter

Kathryn Wallinger

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THE GOODYEAR VISION

The City of Goodyear is a thriving and expanding community that values integrity and upholds the highest standard of ethics from all elected and appointed officials, employees and volunteers.

The Goodyear Vision includes:

- Leadership: We are team oriented, respecting and valuing others. Leadership is by example. We are leaders of leaders, sharing vision, fate, and the rewards of efforts.
- Business Processes: We insist on adding value to the products and services we deliver to our customers. Our fully documented processes are simple, effective, efficient, and easily understood. We continually apply, review, and improve them.
- Partnerships: We base our relationships upon trust, open and honest communication, and keeping our commitments. We give full value and deal fairly; we accept no less in return.
- Training: We value people in our customer service culture and invest in continuous, timely, and consistent education and training. We develop and implement training plans to promote individual, team and organizational growth.
- Measurements & Documentation: We continually measure and evaluate our efforts and results. We analyze, document, and share our findings with our customers. We use what we learn to improve our processes, maximize our resources, and enhance customer service.

In our culture we value:

- The individual
- The team
- The customer

We express this by setting ethical standards and with the display of integrity in the performance of our duties.

Expectations:

- Each task to have a purpose
- The individual to step up and lead
- Positive examples to be set by leadership
- Expectations are fulfilled by consistency between words and actions

Beliefs:

- Our first responsibility is to our internal and external customers
- Full support of the mission and vision of our organization
- Demonstration through actions rather than empty promises

Our organizational culture fosters mutual respect, trust and empowerment.

Code of Ethics & Integrity Statement

Public trust is of the utmost importance to the health of city government, which is built upon elected and appointed officials, employees and volunteers commitment to the philosophy outlined in the City's mission and values. In order to uphold the Goodyear vision, core values, expectations and beliefs, a code of ethics is essential to serve as a clear guide in assessing behaviors and decisions that may compromise the City's standards of integrity. This Code of Ethics and Integrity Statement (Ethics Policy) is based on the following principles:

- **Personal Responsibility:** The individual develops a personal code of ethics.
- **Professionalism:** The individual continually reviews as necessary to ensure whether his or her behavior is consistent with the City's professional values and adheres to the "Conflict of Interest" policies.
- **Collaboration:** The individual participates to help Goodyear develop as a leader among cities.
- **Innovation:** The individual seeks out opportunities to contribute to the City in ways that are new and innovative.
- **Honesty:** The individual understands that public trust relies on truthful communication.
- **Fairness and Respect:** The individual understands that all citizens shall be treated with fairness and impartiality.
- **Accountability:** The individual understands that they shall accept responsibility for his or her actions.

Conflict of Interest

A conflict of interest occurs when an elected or appointed official, employee or volunteer is no longer able to remain impartial or objective in choosing between the interests of the City of Goodyear and the interest of oneself.¹

2.1 Loyalty

Elected and appointed officials, employees and volunteers have an obligation to put the interests of the City of Goodyear over all personal considerations. Their goal should be to act within the framework of each individual's personal integrity and ethical principles and what is in the best interest for the broadest public good of the City. The public's interest must be the primary concern.

2.2 Contracts with the City

Arizona law prohibits any elected or appointed official, employee or volunteer who has "a substantial interest in any contract, sale, purchase or service to such public agency" from receiving personal gain such as for self, family, friends, creditors, business associates or employees in the course of a transaction, decision or contract on behalf of the City.

2.3 Conflict Disclosures

City of Goodyear elected and appointed officials, employees and volunteers shall not be involved in any activity which conflicts with their responsibilities to the City and its residents. Any personal affiliations including family, friends, financial holdings, or business associates that could be an undue influence on City business must be disclosed. In addition, elected officials shall refrain from voting on, or lobbying for, issues that pose a conflict or violate the principles of the City's Ethics Policy.

Appendix A provides examples of Conflicts and Non-Conflicts to be used as guidelines. When questionable situations arise, seek the counsel of the City Attorney or opt out of the situation.

2.4 Employment of Relatives

Arizona law prohibits any elected or appointed official, employee or volunteer from being involved in the appointment, hiring or supervision of a relative. Because hiring and supervising a relative is a special type of a conflict of interest, it must be avoided.²

2.5 Secondary Employment by City Employees

Secondary employment by City employees with the authorization of the City is allowed, provided that there is no conflict of interest, the job does not interfere with the time and attention you must devote to your City job, and City equipment or use of proprietary information will not be involved.

¹ Elected and appointed officials, employees and volunteers are subject to the provisions of A.R.S. § 38-501 through 38-532 regarding conflict of interest (a portion of these provisions are reprinted in Appendix B) and The *Goodyear Policy Statement* on "Professional and Personal Conduct," #700. The statements made in this document often borrow from the language used in other ethics policies developed by cities in Maricopa County and are intended to reinforce the state statutes and city policies while expanding the City of Goodyear's commitment to ethical conduct in service to the community.

² See A.R.S. § 38-481; A.R. 2.91

When an elected or appointed official, employee or volunteer has been offered, or is discussing the possibility of a future position with a person, firm or any other business entity that is presently dealing with the City concerning matters within the elected or appointed official's, employee's or volunteer's current official duties, that person should disclose this information to the City Attorney's Office.

2.6 *Management of Confidential Information*

The City of Goodyear is committed to maintaining an open and accessible government intended to engender trust and confidence from the public. Equally as important to garnering public confidence, is protecting confidential information as defined by the law.

Elected and appointed officials, employees and volunteers often have access to important non-public information regarding the property, operations, policies or affairs of the City. Such information may concern real estate transactions, expansion of public facilities or other City projects. The disclosure of this inside information may benefit a few at the expense of a possible monetary loss to the City and contributes to deteriorating public confidence.

Current or former elected and appointed officials, employees or volunteers of the City of Goodyear shall not:

- Willfully or knowingly disclose any confidential, privileged, or protected information, unless authorized or required by law to do so;
- Use any confidential, privileged or protected information to advance the financial or other private interest of himself or herself or others; or
- Accept employment or engage in any business or professional activity which will require him or her to disclose confidential, privileged or protected information which he or she has gained by reason of his or her official position or authority.

When such information *is* available through channels open to the public, there is no prohibition from disclosure. Before releasing any information, however, be sure to check with appropriate City legal services.

How information is collected and used involves ethics and directly impacts the standards of performance and behavior that the City of Goodyear wishes to achieve. Elected and appointed officials, employees and volunteers who trade information that rightfully belongs to the City are obligated to adhere to the City's standards and values, and are ultimately liable if these standards are not upheld.

2.7 *Gifts*

City of Goodyear elected and appointed officials, employees and volunteers are expected to provide the highest level of integrity and impartiality while representing the city and serving the public. Since gifts always have the potential to influence decisions and create perceptions of impropriety, the standard and general practice is to refuse gifts and to not use one's position to influence, request, or accept a gratuity or gift.

City of Goodyear employees are expected to provide the highest level of integrity and impartiality while representing the city and serving the public. Since gifts always have the potential to influence decisions and create perceptions of impropriety, the standard and general practice is to refuse gifts and to not use one's position to influence, request, or accept a gratuity or gift.

Gifts include, but are not limited to, monetary compensation outside of one's salary, gift cards, meals, travel, entertainment tickets to sporting events, concerts, theaters or other productions, and other tangibles or contributions that have a personal value.

Further, Arizona law prohibits public officers or employees from receiving anything of value or any compensation outside their normal salary and benefits for services rendered.

However, situations will arise where exceptions to the general rule are reasonable and permissible as follows:

- (1) Employees may accept a personal gift where the gift is of nominal value and non-recurring;
- (2) Food and refreshments of insignificant value on infrequent occasions within the course and scope of a meeting, conference, or other occasion where the city representative is in proper attendance;
or
- (3) Businesses, organizations, other government entities, and the public at large may make gifts to the City of Goodyear through the City Manager's office.

Gifts made to the City of Goodyear that may have a personal value, including but not limited to, movie and entertainment tickets may also be made through the City Manager's office. In that event, the City Manager will distribute any such gifts to City staff via an impartial drawing or lottery. It is also appropriate to use these types of gifts to enhance or reward staff performance so long as the distribution continues to be impartial (i.e., eligible employees that receive certain points on performance reviews will be entered into a drawing).

Gifts over \$50.00 may only be accepted when it is prudent, in the best interest of the City, and adheres to the following requirements:

- The reasonably prudent person would not interpret the gift to intend to influence a decision or elicit favoritism from the recipient; and
- The gift must be formally declared within two (2) business days to the City Clerk and the declarant shall fill out a Gift Declaration Form (included in Appendix C of the Ethics Handbook) to be held as a public record in the City Clerk's office.

Other examples of permissible gifts include mementos that symbolize the City's emerging partnerships and community development.

2.8 Undue Influence

Undue influence involves one person taking advantage of a position of power over another person. For example, supervisors should not exert verbal or nonverbal pressure on subordinates to grant personal

favors and complete requested work while off duty, nor should they request monetary favors or contributions.³ Elected and appointed officials, employees and volunteers for the City of Goodyear are expected to engage in the highest level of professional behavior when dealing with employees or volunteers whom they supervise (i.e., shift assignment, working conditions, etc.).

No current elected or appointed official, employee or volunteer of the City of Goodyear shall knowingly, or with reason to know:

- Use or attempt to use his or her official position to secure for him or herself and/or others unwarranted privileges or exemptions which are of substantial value and which are not properly available to similarly situated individuals;
- Act in a manner which would cause a reasonable person, having knowledge of the relevant circumstances, to conclude that any person can improperly influence or unduly enjoy his or her favor in the performance of his or her official duties, or that he or she is likely to act or fail to act as a result of kinship, rank, position or undue influence of any party or person; or
- Place pressure on other elected or appointed officials, employees or volunteers that would cause them to deviate from preferred and accepted ethical behavior.

Elected and appointed officials, employees and volunteers who deliver or consume City services should experience a *positive, professional* and *productive* work environment. The quality of our environment directly contributes to achieving *our standard of excellence in local governance*. Our work environment should be one where employees are positive about being here and excellent performance becomes the norm. An added emphasis is placed on elected and appointed officials, employees and volunteers whom are in leadership positions. As leaders within the City government, they need to set the standard through their own words and actions by demonstrating the qualities needed to ensure that our workplace culture supports personal responsibility, professionalism, collaboration, innovation, honesty, fairness, respect and accountability.

2.9 Political Activity

Political engagement is necessary for the health of city government and is encouraged for all of Goodyear's citizens. To ensure that the democratic process is upheld and the City's Ethics Policy is adhered to, elected and appointed officials, employees or volunteers shall not use their political position to advance private interests.

Elected officials shall not use their influence, power, or position to reward or give favors in return for partisan participation on any campaign, for any candidate or cause.

³ See A.R.S. § 38-504. Prohibitive Acts Section C (reprinted in Appendix B)

Fiscal Responsibility

As a leader among cities, it is imperative that the City of Goodyear remains fiscally responsible by properly managing resources and ensuring a strong City government for future generations.

3.1 Use of City Time, Personnel, Equipment, Property and Resources

City elected and appointed officials, employees and volunteers shall not use City time, personnel, equipment, property or resources for private purposes, except to the extent they are lawfully available to the public.

Any personal e-mails, faxes or use of other communications generated by the use of City equipment should be considered public information. Users have no explicit or implicit expectation of privacy. In addition, the City's technological resources shall be used in the most prudent manner in support of the City's mission and in adherence to the "Ethics Policy." The City prohibits improper use of the City's computer hardware, software and accessories.⁴

3.2 Travel

While travel procedures and policies are clearly established by the "City of Goodyear Administrative Guidelines," certain related ethical policies pertaining to travel shall be observed.⁵ Prior to approving travel, supervisors and managers must ask themselves and the employee, "Is this trip necessary?" This very simple question may preclude inquiries concerning any ethical issues that may arise as a result of the travel. In addition, issues concerning costs, entertainment, gifts, and other things of value that may arise during the travel must be clearly addressed.

Travel of Council Members, Commissioners, and Committee Members will be administered by the City Manager. Ethical issues contained in the *City of Goodyear Administrative Guidelines* should serve as a guide to non-employee officials as to the standards they should follow.

Any City elected or appointed official, employee or volunteer who travels away from Goodyear as a representative of the City, or is reimbursed by the City for their trip, shall continue to adhere to any and all ethical standards for behavior and decision-making that are upheld locally.

⁴ For a more specific discussion of what is acceptable see The *Goodyear Administrative Guidelines* on "Email and Internet Usage," "Computer Usage," "Hardware, Software and Services" and "Wireless Devices," guideline #s 740, 750, 770 and 790.

⁵ See The *Goodyear Administrative Guidelines*, #s 700, 900, 910 and 920.

Public Access

The City of Goodyear is committed to maintaining the public's trust by fostering an environment that is open, honest and efficient. In addition, the City is dedicated to treating all citizens with fairness and respect.

4.1 Open Meeting Laws

The intent of the open meeting laws are to increase the understanding of public policy decisions and ensure that decision-making by representatives of the public is done in the open without secrecy. Elected officials, appointed officials and committee members shall strive to uphold not only the open meeting laws, but the spirit of the open meeting laws. All decisions, and the information and discussions used to make decisions, should be in a public forum and open to public inquiry. To assist public understanding of public policy decisions, elected officials are encouraged to explain their position on issues by participating in public discussions at regularly scheduled council meetings and work sessions.⁶

4.2 Attendance

City elected and appointed officials, employees and volunteers are expected to adhere to the policies of their respective attendance guidelines. The City elected, appointed, hired, or agreed to a volunteer service and cannot conduct business to its fullest in your absence or meet its goals within the indicated timeframe. Additionally, elected and appointed bodies need individual members present for quorums. Specific attendance policies as they are presently enforced are as follows:

- City Council: The City Charter states: "If any Council member shall be absent from more than three consecutive regular meetings, or a total of four regular meetings in any calendar year, without the consent of the Council duly recorded in the journal, he or she shall thereupon cease to hold office."
- Boards, Commissions and Committees: The City appoints an individual based on his or her expertise, background and judgment needed in the particular policy area. The City's attendance policy for members of boards, commissions, and committees provides that, if a member fails to attend three consecutive regular meetings, or more than fifty percent of all meetings of such groups held over a calendar year, the City Council may declare that seat vacant and appoint a replacement.
- Employees: Employees are expected to adhere to the schedule given to them when hired that specifies the work week, including beginning and ending times, and all lunch and rest breaks as defined by their position. Not observing work schedules or break rules can lead to disciplinary action. City employees are expected to be productive, thus any loafing, tardiness, abuse or careless use of paid time destroys the public's respect and trust for what we do in the City of

⁶ Numerous Arizona and City laws require that meetings of public bodies be open to the public and that public records be available for inspection. See Open Meeting Laws A.R.S. §§ 38-431 through 431.09 and Public Records Laws A.R.S. §§ 39-121 through 121.03.

Goodyear. Of course, supervisors understand the occasional unpredictable events which cause employees to be tardy or absent, however, when these events become excessive or unexplained, they are not easily excused.

- Volunteers: The City of Goodyear appreciates the time and service of all volunteers and realizes that this civic service is necessary for our City to function effectively. It is the responsibility of the volunteer to respect the chairperson or supervisor of the department and/or committee expecting your service. Therefore, if at all possible, please advise the chairperson or supervisor in advance if you are unable to fulfill your scheduled time and service.

4.3 *Discrimination*

It is the policy of the City of Goodyear that the Mayor, City Council, employees, boards, commissions, volunteers and special committees promote equal opportunities through a positive continuing program. This means that the City will not discriminate, nor tolerate discrimination, harassment or intimidation, against any applicant, employee, resident or individual because of his or her race, color, religion, gender, national origin, age, or disability.

Ethics Education & Training Development

Ethics education and training development demonstrates to the public that the City of Goodyear is committed to upholding the “Ethics Policy.”

5.1 Guidelines for Ethics Education

The City of Goodyear’s “Code of Ethics and Integrity” statement found in Section 1 of this document shall serve as the foundation for ethics education and training for all City elected and appointed officials, employees and volunteers. The process for each position is as follows:

- New Employees: Each new employee shall read the City of Goodyear’s Ethics Policy and sign the “Ethics Policy Acknowledgement and Agreement” form found in Appendix C at the time all other employment documents are completed. Ethics training shall be completed within 90 days and is reviewed as part of the “Performance Evaluation Form for Trial Employees.” This training is to be administered by the City of Goodyear’s Human Resources Department and/or the employee’s Supervisor or Department Director.
- Current City Employees: An employee currently on the City payroll shall read the City of Goodyear’s Ethics Policy and sign the “Ethics Policy Acknowledgement and Agreement” form found in Appendix C by the time of their performance review. In addition, he or she shall complete the City of Goodyear’s online ethics course. The ethics training requirements shall be included in the “Employee Objectives” during regularly scheduled annual reviews.⁷
- Newly Formed Committee or Task Force Members: Each member shall read the City of Goodyear’s Ethics Policy and sign the “Ethics Policy Acknowledgement and Agreement” form found in Appendix C as part of the introduction meeting. This is to be administered by a City of Goodyear representative.
- Standing Commissions and Boards: Each member shall read the City of Goodyear’s Ethics Policy and sign the “Ethics Policy Acknowledgement and Agreement” form found in Appendix C by the first (or next) meeting of the group. Ethics training shall be held annually for each group and administered by an employee representative of the City.
- Volunteers: Each volunteer shall read the City of Goodyear’s Ethics Policy and sign the “Ethics Policy Acknowledgement and Agreement” form found in Appendix C on the first day of volunteer service. Ethics training workshops shall be offered annually for all volunteers and administered by the City of Goodyear Volunteer Services.
- City Council Members: Each newly elected individual shall complete the City of Goodyear’s online ethics course. In addition, he or she shall read the City of Goodyear’s Ethics Policy and sign the “Ethics Policy Acknowledgement and Agreement” form found in Appendix C and sign the “Declaration of Conflict of Interest” or “Personal Interest” statements by the time they are sworn in.

After the May election results, an elected official has approximately 30 days to complete the ethics training and sign the agreement prior to being sworn into office at the first Council meeting in June.

⁷ The form for which this training requirement shall be recorded and tracked is the “Employee Appraisal and Performance Plan.”

Current City Council members shall complete the City of Goodyear's online ethics course annually. In addition, he or she shall read the City of Goodyear's Ethics Policy and sign the "Ethics Policy Acknowledgement and Agreement" form found in Appendix C within 30 days. The City Manager and/or City Attorney will administer this process appropriately.

5.2 *Online Ethics Training*

The ethics training program shall be comprehensive and meaningful. It shall be accessible online to facilitate easy completion in a timely manner and shall use specific examples or case studies to illustrate unethical behaviors or situations. The training should include an illustration of the approved process to follow should an individual have questions or concerns regarding his or her activities or those of others in City service. Upon completion of each training program, attendees shall sign a statement confirming that they have completed the training and have their personnel files updated.

The ethics training program shall be reviewed on a periodic basis to ensure it remains fresh, accurate, and meaningful in service to the citizens, elected and appointed officials, employees and volunteers of Goodyear.

Procedures

Have you ever been faced with a situation concerning a City elected or appointed official, employee or volunteer that caused you some concern? Have you ever wondered where to seek advice or report a possible unethical situation? This section is intended to help the City of Goodyear fulfill its dedication to the Ethics Policy by providing a procedure for clarifying, reporting and handling situations that may potentially compromise the integrity of the City.

6.1 Where to Seek Advice

Questions about the Ethics Policy, or other ethical problems, can be addressed to the City Attorney's Office at **(623) 882-7227**.

6.2 The "Ethics Test"

When you face a situation that causes YOU to question your ethical conduct ask yourself these questions:

- How does this situation make me feel about myself?
- How would my family react to knowing about this and my decision?
- Would it pass the "headline test"? How would the community react?
- How does the decision and my proposed action align with the City's Mission, Values and Ethics Policy?
- Will it violate a law or a City policy?
- Will my action or solution be fair to all concerned?
- How will this affect other decisions I may be called upon to make in the future?
- Could I disclose, without reservation, my decision or action to my family, my peers, my superiors, or the community?

When you observe a situation or the actions of OTHERS that causes you to question their conduct, ask yourself these questions:

- Have I defined the ethical question/problem accurately?
- How would I define it if I stood on the other side of the fence or if I placed myself in the other's situation?
- Can I discuss this with the affected parties before I bring it to the attention of the City Attorney?
- What is my intent in making the decision to alert the City Attorney?
- What result or outcome do I expect to achieve to resolve the problem?
- How do these results compare with my intent in bringing this to the attention of the City Attorney?
- Could my decision or action unfairly injure someone or something?

6.3 How to Report a Possible Ethics Violation

The City of Goodyear encourages individuals to report possible violations of governmental ethics laws, and other laws, regulations and rules governing the conduct of City officers, employees and volunteers.

Such reports may be made by calling the City's Whistleblower Hotline at the number listed below. Complaints may also be made by filing a formal, written complaint with the City Attorney's Office (the form can be found in Appendix C). Anonymous complaints will not be investigated.

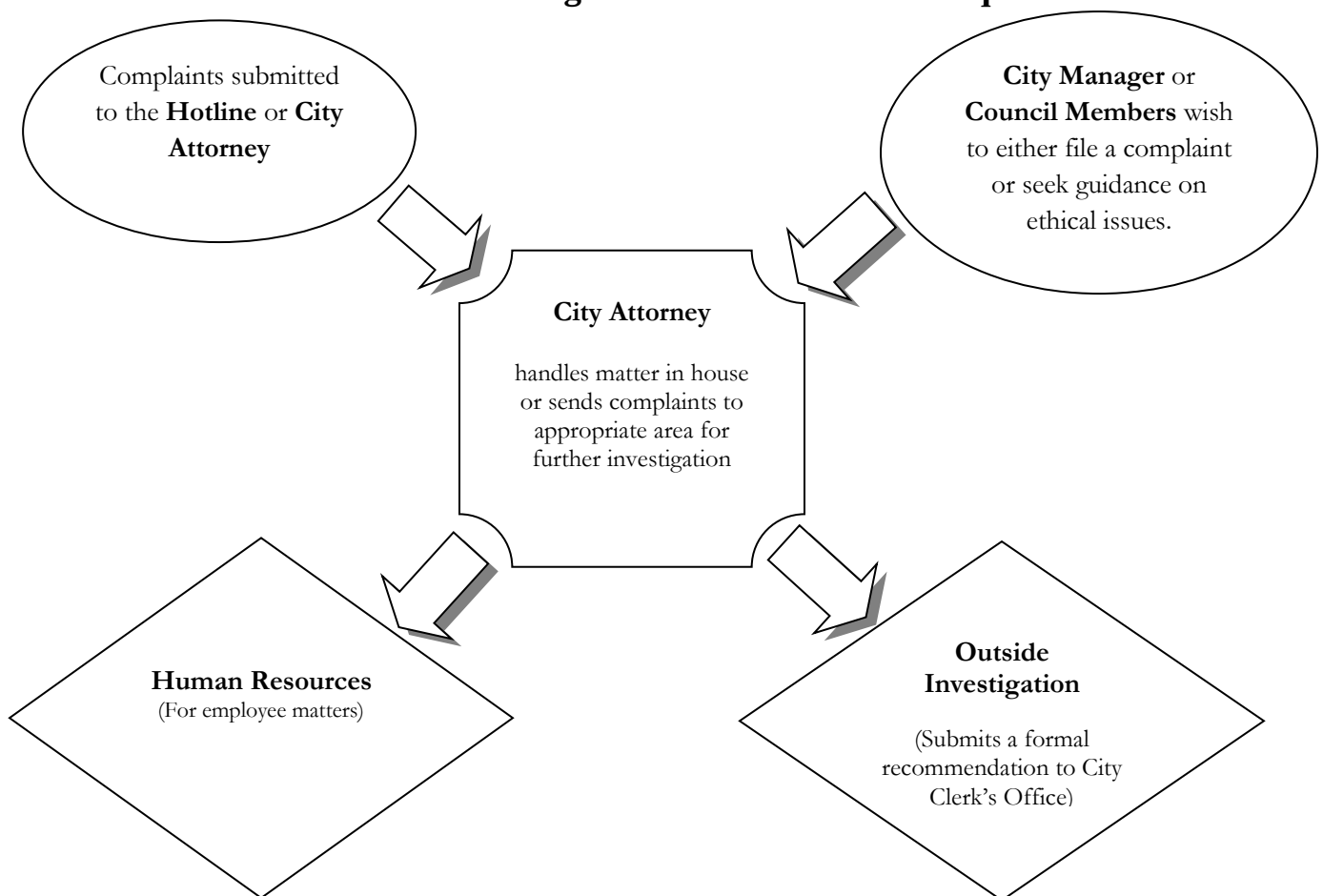
All complaints made to the City are **confidential** to the extent permitted by State law. In addition, local law protects individuals who file complaints with the City from retaliation for filing the complaint.

Upon receiving a complaint or request for recommendation, the City Attorney will conduct an investigation into the matter and file a written recommendation with the City Clerk's Office within 45 days.

**WHISTLEBLOWER
HOTLINE
623-882-7300**

Please be advised that all complaints not within the City Attorney's jurisdiction shall be directed to the appropriate department or agency for investigation and possible disciplinary or enforcement action.

Process of Handling Ethical Violations and Inquiries



The City Attorney or an outside investigator will conduct an investigation and make written findings of fact and recommendations, to be filed as a public record with the City Clerk's Office for review and possible action by the City Council and/or or City Administration as appropriate.

Appendix A

Conflict of Interest Situational Examples

The following examples are provided to give you an idea how Arizona's Conflict of Interest Laws would be applied. Of course, each situation is dependent upon the unique facts and circumstances involved. The goal of these examples—and indeed this entire Handbook—is to help develop greater sensitivity to ethical considerations. **If you are in doubt of what you should do, opt not to participate.**

A. Conflicts of Interest

Listed below are illustrative examples of situations involving potential violations of Arizona's Conflict of Interest statutes. (All of the examples assume that the City employee or officer is a member of the public agency that is reviewing the matter in question.)

1. The City employee or member of a City board, commission, committee or the City Council (or a relative) owns property in such close proximity to property that is the subject of a zoning or license application that the granting or denial of the application could significantly affect the value of the employee's or member's property.
2. The City employee or member of a City board, commission, committee or the City Council (or a relative) has done work in the past for a firm seeking a City contract and anticipates doing further work for the firm in the future. A potential conflict exists regardless of whether the work involves the matter that is the subject of the contract. (However, mere past association does not of itself constitute a conflict if the business relationship is not a continuing one.)
3. The City employee or member of a City board, commission, committee or the City Council (or a relative) is an officer of a corporation that operates a chain of stores. An application by a competitor seeks zoning approval for a store within the service area of one of the stores owned by the member's corporation.
4. The City employee or member of a City board, commission, committee or the City Council (or a relative) is a developer who files an application for approval of a project. Not only must the City employee or member disqualify himself from consideration of the application, the member also may not participate in the matter by personally presenting the application to the public body. (However, someone else may present the application on behalf of City employees and members of City boards, commission and committees and the City Council.)
5. The City employee or member of a City board, commission, committee or the City Council (or a relative) is a realtor who has had discussions concerning a listing agreement with the owner of property that is the subject of a zoning application. If the City employee or member of a City board, commission, committee or the City Council wishes to pursue the agreement, he should disqualify himself from considering the application. If the City employee or member of a City board, commission, committee or the City Council does not disqualify himself, he should not subsequently enter into the listing agreement.

6. A proposed amendment to the City Code seeks to regulate a specific type of business activity. The City employee or member of a City board, commission, committee or the City Council (or a relative) has an exclusive franchise or right to conduct the activity in the City.
7. The City employee or member of a City board, commission, committee or the City Council (or a relative) has an interest in property that will be uniquely affected by a proposed land use plan, and the adoption of the plan could affect the value of the property (e.g., the plan confers special benefits on the property that are not applied to other similarly situated properties).
8. The close relative of a City employee or a member of a City board, commission, committee or the City Council is in business with a person whose application or contract is being considered by the public agency.
9. The City employee or member of a City board, commission, committee or the City Council receives more than five percent of his total annual income from a corporation that has an application or a contract pending before the public body.
10. The City employee or member of a City board, commission, committee or the City Council is seeking the award of a professional services contract from the City, unless the contract will be awarded through competitive bidding to the lowest bidder. A conflict of interest exists in the absence of competitive bidding regardless of whether the City employee or member of a City board, commission, committee or the City Council participates in awarding the contract. In other words, a City employee or member of a City board, commission, committee or the City Council is prohibited from contracting with the City unless the contract will be awarded through competitive bidding.
11. The City employee or member of a City board, commission, committee or the City Council (or a close relative) is a paid employee of an organization which receives funds appropriated by the City council, including federal and state funds administered by the City.

B. No Conflict of Interest Exists

The following illustrative examples are of situations that do not constitute violations of the Conflict of Interest Laws. (Again, all examples assume that the City employee or member of a City board, commission, committee or City Council is a member of the public agency that is reviewing the matter in question.)

1. The City employee or member of a City board, commission, committee or the City Council (or a relative) is a member of a trade association that has applied for an amendment to the City Code that is being considered by the public agency.
2. The City employee or member of a City board, commission, committee or the City Council (or a relative) owns a property in an area that is included in a proposed land-use plan that is being considered by the public body (unless that plan would uniquely affect the property of the City employee or a member of City board, commission, committee or the City Council).
3. The City employee or member of a City board, commission, committee or the City Council (or a relative) is the non-salaried officer of a nonprofit corporation that has an application that is being considered by the public body.

4. The City employee or member of a City board, commission, committee or the City Council is a tenant of a property owner who is seeking a City contract (unless the contract would affect the pecuniary or proprietary interests of the City employee or member of a City board, commission, committee or the City Council).
5. The City employee or member of a City board, commission, committee or the City Council is the attorney for a contracting party (as long as the City employee or member of a City board, commission, committee or the City Council does not represent the person in regard to the contract).
6. The City employee or member of a City board, commission, committee or the City Council owns less than 3% of the shares of a corporation that has an application being considered by the public body. The City employee or member of a City board, commission, committee or the City Council does not have a conflict if the total annual income from dividends, including the value of stock dividends from the corporation, does not exceed 5% of the total annual income of the City employee or member of a City board, commission, committee or the City Council and any other payments made to him by the corporation do not exceed 5% of his total annual income.
7. The City employee or member of a City board, commission, committee or the City Council is an advocate for or against a matter before the public agency and has publicly stated that he will or will not support the matter (unless the matter will affect the pecuniary or proprietary interest of the City employee or member of a City board, commission, committee or the City Council).
8. The City employee or member of a City board, commission, committee or the City Council (or a relative) contracts to purchase services or goods from a firm that does business with the City (as long as the contract is unrelated to official actions taken by the City employee or member of the City board, commission, committee or the City Council, and the City employee or member of a City board, commission, committee or the City Council receives no benefit from the firm as a result of official action).

Appendix B
Foundations in Law
Arizona Statutes

(Current as of November, 2008)

§38-481. Employment of relatives; violation; classification; definition

- A. It is unlawful, unless otherwise expressly provided by law, for an executive, legislative, ministerial or judicial officer to appoint or vote for appointment of any person related to him by affinity or consanguinity within the third degree to any clerkship, office, position, employment or duty in any department of the state, district, county, city or municipal government of which such executive, legislative, ministerial or judicial officer is a member, when the salary, wages or compensation of such appointee is to be paid from public funds or fees of such office, or to appoint, vote for or agree to appoint, or to work for, suggest, arrange or be a party to the appointment of any person in consideration of the appointment of a person related to him within the degree provided by this section.
- B. Any executive, legislative, ministerial or judicial officer who violates any provision of this section is guilty of a class 2 misdemeanor.
- C. The designation executive, legislative, ministerial or judicial officer includes all officials of the state, or of any county or incorporated city within the state, holding office either by election or appointment, and the heads of the departments of state, county or incorporated cities, officers and boards or managers of the universities.

Conflict of Interest of Officers and Employees

§ 38-501. Application of article

- A. This article shall apply to all public officers and employees of incorporated cities or towns, political subdivisions and of the state and any of its departments, commissions, agencies, bodies or boards.
- B. Notwithstanding the provisions of any other law, or the provisions of any charter or ordinance of any incorporated city or town to the contrary, the provisions of this article shall be exclusively applicable to all officers and employees of every incorporated city or town, or political subdivision or the state and any of its departments, commissions, agencies, bodies or boards and shall supersede the provisions of any other such law, charter provision or ordinance.
- C. Other prohibitions in the state statutes against any specific conflicts of interest shall be in addition to this article if consistent with the intent and provisions of this article.

§ 38-502. Definitions

In this article, unless the context otherwise requires:

- 1. “Compensation” means money, a tangible thing of value or a financial benefit.

2. “Employee” means all persons who are not public officers and who are employed on a full-time, part-time or contract basis by an incorporated city or town, a political subdivision or the state or any of its departments, commissions, agencies, bodies or boards for remuneration.
3. “Make known” means the filing of a paper signed by a public officer or employee which fully discloses a substantial interest or the filing of a copy of the official minutes of a public agency which fully discloses a substantial interest. The filing shall be in the special file established pursuant to § 38-509.
4. “Official records” means the minutes or papers, records and documents maintained by a public agency for the specific purpose of receiving disclosures of substantial interests required to be made known by this article.
5. “Political subdivision” means all political subdivisions of the state and county, including all school districts.
6. “Public agency” means:
 - (a) All courts.
 - (b) Any department, agency, board, commission, institution, instrumentality, or legislative or administrative body of the state, a county, an incorporated town or city and any other political subdivision.
 - (c) The state, county and incorporated cities or towns and any other political subdivisions.
7. “Public competitive bidding” means the method of purchasing defined in title 41, chapter 4, article 3, or procedures substantially equivalent to such method of purchasing or as provided by local charter or ordinance.
8. “Public officer” means all elected and appointed officers of a public agency established by charter, ordinance, resolution, state constitution or statute.
9. “Relative” means the spouse, child, child’s child, parent, grandparent, brother or sister of the whole or half blood and their spouses and the parent, brother, sister or child of a spouse.
10. “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 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 A.R.S. § 43-1001, or a spouse.
 - (i) That of 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 upon the officer, employee or his relative, or any of the following:
 - (ii) Another political subdivision.
 - (iii) A public agency of another political subdivision.
 - (iv) A public agency except if it is the same governmental entity.
 - (v) 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.

11. “Substantial interest” means any pecuniary or proprietary interest, either direct or indirect, other than a remote interest.

§ 38-503. Conflict of interest; exemptions; employment prohibition

- A. 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.
- B. 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.
- C. Notwithstanding the provisions of subsections A and B of this section, no public officer or employee of a public agency shall supply to such public agency any equipment, material, supplies or services, unless pursuant to an award or contract let after public competitive bidding, except that:

1. A school district governing board may purchase, as provided in §§ 15-213 and 15-323, supplies, materials and equipment from a school board member.
 2. Political subdivisions other than school districts may purchase through their governing bodies, without using public competitive bidding procedures, supplies, materials and equipment not exceeding three hundred dollars in cost in any single transaction, not to exceed a total of one thousand dollars annually, from a member of the governing body if the policy for such purchases is approved annually.
- D. Notwithstanding subsections A and B of this section and as provided in §§ 15-421 and 15-1441, the governing board of a school district or a community college district may not employ a person who is a member of the governing board or who is the spouse of a member of the governing board.

§ 38-504. Prohibited acts

- A. A public officer or employee shall not represent another person for compensation before a public agency by which the officer or employee is or was employed within the preceding twelve months or on which the officer or employee serves or served within the preceding twelve months concerning any matter with which the officer or employee was directly concerned and in which the officer or employee personally participated during the officer's or employee's employment or service by a substantial and material exercise of administrative discretion.
- B. During the period of a public officer's or employee's employment or service and for two years thereafter, a public officer or employee shall not disclose or use for the officer's or employee's personal profit, without appropriate authorization, any information acquired by the officer or employee in the course of the officer's or employee's official duties which has been clearly designated to the officer or employee as confidential when such confidential designation is warranted because of the status of the proceedings or the circumstances under which the information was received and preserving its confidentiality is necessary for the proper conduct of government business. A public officer or employee shall not disclose or use, without appropriate authorization, any information that is acquired by the officer or employee in the course of the officer's or employee's official duties and that is declared confidential by law.
- C. A public officer or employee shall not use or attempt to use the officer's or employee's official position to secure any valuable thing or valuable benefit for the officer or employee that would not ordinarily accrue to the officer or employee in the performance of the officer's or employee's official duties if the thing or benefit is of such character as to manifest a substantial and improper influence on the officer or employee with respect to the officer's or employee's duties.

§ 38-505. Additional income prohibited for services

- A. No public officer or employee may receive or agree to receive directly or indirectly compensation other than as provided by law for any service rendered or to be rendered by him personally in any case, proceeding, application, or other matter which is pending before the public agency of which he is a public officer or employee.

- B. This section shall not be construed to prohibit the performance of ministerial functions including, but not limited to, the filing, or amendment of tax returns, applications for permits and licenses, incorporation papers and other documents.

§ 38-506. Remedies

- A. In addition to any other remedies provided by law, any contract entered into by a public agency in violation of this article, is voidable at the instance of the public agency.
- B. Any person affected by a decision of a public agency may commence a civil suit in the superior court for the purpose of enforcing the civil provisions of this article. The court may order such equitable relief as it deems appropriate in the circumstances including the remedies provided in this section.
- C. The court may in its discretion order payment of costs, including reasonable attorney's fees, to the prevailing party in an action brought under subsection B.

§ 38-507. Opinions of the attorney general, county attorneys, city or town attorneys and house and senate ethics committee

Requests for opinions from the attorney general, a county attorney, a city or town attorney, the senate ethics committee or the House of Representatives ethics committee concerning violations of this article shall be confidential, but the final opinions shall be a matter of public record. The county attorneys shall file opinions with the county recorder, the city or town attorneys shall file opinions with the city or town clerk, the senate ethics committee shall file opinions with the senate secretary and the House of Representatives ethics committee shall file opinions with the chief clerk of the House of Representatives.

§ 38-508. Authority of public officers and employees to act

- A. If the provisions of § 38-503 prevent an appointed public officer or a public employee from acting as required by law in his official capacity, such public officer or employee shall notify his superior authority of the conflicting interest. The superior authority may empower another to act or such authority may act in the capacity of the public officer or employee on the conflicting matter.
- B. If the provisions of § 38-503 prevent a public agency from acting as required by law in its official capacity, such action shall not be prevented if members of the agency who have apparent conflicts make known their substantial interests in the official records of their public agency.

§ 38-509. Filing of disclosures

Every political subdivision and public agency subject to this article shall maintain for public inspection in a special file all documents necessary to memorialize all disclosures of substantial interest made known pursuant to this article.

§ 38-510. Penalties

A. A person who:

1. Intentionally or knowingly violates any provisions of §§ 38-503 through 38-505 is guilty of a class 6 felony.
2. Recklessly or negligently violates any provision of §§ 38-503 through 38-505 is guilty of a class 1 misdemeanor.

B. A person found guilty of an offense described in subsection A of this section shall forfeit his public office or employment if any.

C. It is no defense to a prosecution for a violation of §§ 38-503 through 38-505 that the public officer or employee to whom a benefit is offered, conferred or agreed to be conferred was not qualified or authorized to act in the desired way.

D. It is a defense to a prosecution for a violation of §§ 38-503 through 38-505 that the interest charged to be substantial was a remote interest.

§ 38-511. Cancellation of political subdivision and state contracts; definition

A. The state, its political subdivisions or any department or agency of either may, within three years after its execution, cancel any contract, without penalty or further obligation, made by the state, its political subdivisions, or any of the departments or agencies of either if any person significantly involved in initiating, negotiating, securing, drafting or creating the contract on behalf of the state, its political subdivisions or any of the departments or agencies of either is, at any time while the contract or any extension of the contract is in effect, an employee or agent of any other party to the contract in any capacity or a consultant to any other party of the contract with respect to the subject matter of the contract.

B. Leases of state trust land for terms longer than ten years canceled under this section shall respect those rights given to mortgagees of the lessee by § 37-289 and other lawful provisions of the lease.

C. The cancellation under this section by the state or its political subdivisions shall be effective when written notice from the governor or the chief executive officer or governing body of the political subdivision is received by all other parties to the contract unless the notice specifies a later time.

D. The cancellation under this section by any department or agency of the state or its political subdivisions shall be effective when written notice from such party is received by all other parties to the contract unless the notice specifies a later time.

E. In addition to the right to cancel a contract as provided in subsection A of this section, the state, its political subdivisions or any department or agency of either may recoup any fee or commission paid or due to any person significantly involved in initiating, negotiating, securing, drafting or creating the contract on behalf of the state, its political subdivisions or any department or agency of either from any other party to the contract arising as the result of the contract.

- F. Notice of this section shall be included in every contract to which the state, its political subdivisions, or any of the departments or agencies of either is a party.
- G. For purposes of this section, “political subdivisions” do not include entities formed or operating under title 48, Chapters 11, 12, 13, 17, 18, 19 or 22.

Appendix C

Forms

Ethics Policy Acknowledgment and Agreement

CITY OF GOODYEAR, ARIZONA

By my signature below, I acknowledge that I have read and understand the City of Goodyear's Ethics Policy. I agree that I will comply with the Constitution and laws of the United States of America, the Constitution and laws of the State of Arizona, and the charter, laws, regulations and policies of the City of Goodyear, including the Ethics Policy. I further agree to participate in continuing education workshops, regarding public service ethics, as required by the Ethics Policy.

Signature

Position

Printed Name

Date

City of Goodyear Gift Declaration Form

This form shall be filled out when a gift of over \$50.00 is received by any City Elected and Appointed Official, Employee, City Committee, Board or Commission Member, or City Volunteers while acting in their respective official capacity or arising out of the relationship with their position with the City of Goodyear. Fill out all applicable questions and do not leave any questions blank; if a question does not apply to your circumstance, please write in "N/A".

Declarant Information

Declarant's Name:	
Job Title:	
Department:	
Division:	
Work Phone:	
Date Gift Received:	
Date this Declaration Made:	
Approximate Fair Market Value of Gift:	\$
Description of Gift:	
Circumstances or Special Remarks:	
Benefit to the Public	

Information on Person or Business Making the Gift

Person Making the Gift: _____

Business or Organization Name: _____

Address: _____

City, State & Zip Code: _____

Telephone Number: _____

COMPLAINT FORM
City of Goodyear, Arizona

Please type or print legibly, and attach additional pages if necessary.

Complainant Information

Name of Complainant:

Address:

City, State, Zip Code:

Home Phone:

Work Phone:

Respondent Information

Name of Respondent:

Business Title:

City Department:

Business Address:

City, State, Zip Code:

Work Phone:

☐ *If more space is needed to list additional complainants or respondents, please check this box and attach additional sheets as necessary.*

Allegation(s)

*** Complaints that allege that a City officer or employee engaged in some form of misconduct that is not within the City Attorney's authority to resolve will be forwarded to the appropriate department or agency for review and possible enforcement.*

Description of Facts

Provide a specific description of the facts constituting the violation(s), including any relevant dates. Attach additional sheets as necessary.

Witnesses

Provide the following information about person(s) you believe may have information that would assist the Commission in its evaluation of this complaint.

Name of Witness:

Address:

City, State, Zip Code:

Phone:

**Information you believe this
person can provide to support the
allegations stated in this
complaint:**

Name of Witness:

Address:

City, State, Zip Code:

Phone:

**Information you believe this
person can provide to support the
allegations stated in this
complaint:**

☐ *If more space is needed to list additional witnesses, please check this box and attach additional sheets as necessary.*

Documentation

Attach copies of any documents in your possession that relate to the allegations stated in this complaint. In addition, indicate below whether there are other records, not in your possession, that you believe may assist the City in its evaluation of this complaint.

Additional Information

Provide any additional information that you believe may assist the City in its evaluation of this complaint.

Related Complaints

Are there any current or open complaints related to this complaint? ☐ Yes ☐ No

Have you made the same or similar allegations to another agency or court? ☐ Yes ☐ No

If yes, identify the agency or court below and attach a copy of any complaint or other written description of the allegations submitted to that agency or court.

Verification

I certify under penalty of perjury under the laws of the State of Arizona that the above statements are true and correct to the best of my knowledge.

Executed: _____ At: _____
(Date) (City and State)

By: _____
(Typed or printed name) (Signature)