1. 2-17-16 Council Study Session - Retreat Agenda

   Documents: 2016_02_17_CC_SS_AG.PDF

2. 2-17-16 Council Study Session-Retreat Packet

   Documents: 2016_02_17_CC_SS_PK.PDF

3. Town Council - Action Taken

   Documents: 2016_02_17_CC_SS_AT.PDF

Town of Chino Valley

MEETING NOTICE
TOWN COUNCIL

Council Study Session/Retreat
Wednesday, February 17, 2016
1:00 P.M.

Pro Force Tactical Law
Enforcement Range Classroom
2178 Sgt. Dee Barnes Way
Chino Valley, Arizona

AGENDA

1) CALL TO ORDER; ROLL CALL

2) Discussion regarding Town Council-Town Manager relations. (Mayor Marley)

3) ADJOURNMENT

Dated this 10th day of February, 2016.

By: ***Jami C. Lewis, Town Clerk***

The Town of Chino Valley endeavors to make all public meetings accessible to persons with disabilities. Please call 636-2646 (voice) or 711 (Telecommunications Arizona Relay Service) 48 hours prior to the meeting to request a reasonable accommodation to participate in this meeting.

Supporting documentation and staff reports furnished to the Council with this agenda are available for review on the Town website at http://www.chinoaz.net/agendacenter, and in the Public Library and Town Clerk's Office.

CERTIFICATION OF POSTING

The undersigned hereby certifies that a copy of this notice was duly posted at Chino Valley South Campus, Chino Valley Post Office, and Chino Valley North Campus in accordance with the statement filed by the Town Council with the Town Clerk.

Date:_____ Time:_____ By:_____
Jami C. Lewis, Town Clerk

Town of Chino Valley

MEETING NOTICE
TOWN COUNCIL

Council Study Session/Retreat
Wednesday, February 17, 2016
1:00 P.M.

Pro Force Tactical Law Enforcement Range Classroom
2178 Sgt. Dee Barnes Way
Chino Valley, Arizona

AGENDA

1) CALL TO ORDER; ROLL CALL

2) Discussion regarding Town Council-Town Manager relations. (Mayor Marley)

3) ADJOURNMENT

Dated this 10th day of February, 2016.

By: ***Jami C. Lewis, Town Clerk***

The Town of Chino Valley endeavors to make all public meetings accessible to persons with disabilities. Please call 636-2646 (voice) or 711 (Telecommunications Arizona Relay Service) 48 hours prior to the meeting to request a reasonable accommodation to participate in this meeting.

Supporting documentation and staff reports furnished to the Council with this agenda are available for review on the Town website at http://www.chinoaz.net/agendacenter, and in the Public Library and Town Clerk's Office.

CERTIFICATION OF POSTING

The undersigned hereby certifies that a copy of this notice was duly posted at Chino Valley South Campus, Chino Valley Post Office, and Chino Valley North Campus in accordance with the statement filed by the Town Council with the Town Clerk.

Date:_____ Time:_____ By:_____
Jami C. Lewis, Town Clerk

THIS PAGE INTENTIONALLY LEFT BLANK

TOWN OF CHINO VALLEY
COUNCIL AGENDA ITEM STAFF REPORT

Town Council Study Session **Item No. 2)**

Meeting Date:	02/17/2016
Contact Person:	Jami Lewis, Town Clerk Phone: 928-636-2646 x-1208
Department:	Council
Estimated length of Staff Presentation:	None
Physical location of item:	N/A

Information

AGENDA ITEM TITLE:

Discussion regarding Town Council-Town Manager relations. (Mayor Marley)

SITUATION & ANALYSIS:

Mayor Marley desires to have a discussion regarding proper Council-Manager relations. Materials from past discussions are attached as a refresher for incumbent councilmembers and as background for newer members.

Attachments

April 12, 2012 study session minutes

Nov. 5, 2013 study session minutes

Dec. 10, 2013 regular minutes, item 7e

April 12, 2012 meeting materials

MINUTES OF THE STUDY SESSION
OF THE TOWN COUNCIL OF THE TOWN OF CHINO VALLEY

THURSDAY, APRIL 12, 2012
6:00 PM

The Town Council of the Town of Chino Valley, Arizona met for a Study Session in the Chino Valley Council Chambers, located at 202 N. State Route 89, Chino Valley, Arizona, on Thursday, April 12, 2012.

Mayor Marley called the meeting to order at 6:00 p.m.

Council Present: Mayor Chris Marley, Vice-Mayor Carl Tenney, and Councilmembers Mike Best, Darryl Croft, Dean Echols (left meeting at 6:33 p.m.), Linda Hatch, and Lon Turner.

Staff Present: Interim Town Manager Robert Smith, General Services Director Cecilia Watts, Town Engineer/Public Works Director Ron Grittman, Utilities Supervisor Chris Bartels, Utilities Tech Joe Grassi, and Town Clerk Jami Lewis (recorder).

2) Discussion regarding Chino Valley Town Council Rules of Procedure (Section 30.067 of the Town Code), including but not limited to Sections 5 and 6 thereof. (Mayor & Council)

(Council heard this item after item 3 but it is retained here for clarity.)

Councilmember Croft, whom Mayor Marley had asked to moderate this meeting, led Council through several discussions with regard to their meeting process and guidelines for contact with each other, Town staff, and the public. Topics discussed were as follows.

Ground Rules

Councilmember Croft suggested the following ground rules for Council meetings:

1. Have an agenda
2. Start and end on time
3. Cell phones off
4. Everyone participates
5. Silence is agreement
6. One conversation at time
7. Different opinions are welcome
8. Challenge ideas, not individuals
9. Disagree in private, unite in public
10. Follow up on action plans

Council Meetings – How Long and How Often

Council discussed and concluded that:

- *Regular Meetings* – They did not desire to have separate study sessions and voting sessions for each regular meeting; they preferred to retain their current schedule.
- *Executive Sessions* – They preferred to hear from the attorney before discussing items. They should follow the same ground rules for decorum, but discussions could be less

structured than in open session. The Chair should not limit number of questions a person could ask at one time, but the Chair could stop any discussion that gets out of hand.

- *Study Sessions* –They preferred to hold longer study sessions less often, using study sessions for items needing a larger amount of time for presentation or discussion, or for multiple or "hot topic" items. Staff should place shorter, one-topic review and discussion items on regular meeting agendas.
- They needed to review the meeting packet, study the items, and contact staff, if necessary, before the meeting. Conversely, they could ask questions of staff during the meeting for the public's benefit.
- They did not want to rush items through, but needed to stay on task during meetings.
- They needed adequate information from staff on their agendas.

Meeting Decorum

Council discussed and concluded that:

- The Chair will ask presenters for their preference as to questions being allowed during or only after their presentations.
- Council's questions of presenters should not be limited, as Council had a duty to ask until the answers were clear.
- The public process for questions and comments was already defined in the Rules of Procedure.
- During discussions, the Chair will check with each side of the Council in turn for questions and comments, but Councilmembers could indicate that they had further questions or comments by raising their hands; those seated next to the Chair could let the Chair know that a fellow Councilmember had a hand raised.
- Councilmembers will nod to the Mayor to indicate that they were done with their questions or comments.

Councilmembers noted that they had received complaints from citizens about councilmembers and staff having side conversations during meetings.

Council/Staff/Public Relationships – "Governing bodies legislate; staff members operate."

Council discussed the appropriate level of interaction between Councilmembers and others on issues not authorized by the Council and concluded that:

- *Town staff* – Council could speak to staff members to obtain information, but give no direction nor micro-manage. Otherwise, they must go through the town manager. Trust and mutual respect was the foundation of Council and staff relations.
- Council had no concerns at this time regarding staff's response time to questions from Council and/or citizens.
- Council members should receive timely, and meaningful and factual information from staff. Regarding paperflow in Council packets, some preferred that staff prepare executive memos of two pages or less that addressed the essence of a matter and that backup material not be printed with the packet, while others preferred receiving the full printed packet. They all agreed upon having an option.

- *Other government officials* – Councilmembers must not speak for the Council or take a position that commits the Council, unless Council so directs it.
- *Candidates for office* – Personal politics should not be brought into official Council meetings.
- *Citizens* – Councilmembers could hear opinions and make suggestions or refer citizens to the town manager, but they should not make any promises. Councilmembers also had the right to step down from the dais and speak as citizens.
- *Town attorneys/consultants* – Councilmembers should be able to speak with town attorneys, but should consult with the mayor or manager before doing so, but are not required to do so under time or personnel sensitive issues when the mayor or manager cannot be reached. Regarding consultants, it depended upon the contract, but contacting them should only be if necessary, due to billable hours, and they might need to consult with the mayor or manager.
- *Council* – Regarding giving and receiving constructive feedback, Councilmembers should deal with personal issues between each other in private and follow the chain of command. They should also "praise in public, criticize in private" (Vince Lombardi).

Action Items

- Assign Councilmembers Croft, Hatch, and Turner to develop a code of conduct and bring it to Council on June 12 for review and discussion.
- Staff will bring back alternatives for reducing the paper in the agenda packets.
- Staff will print out the ground rules and post them in the Council conference room.

3) Discussion regarding Council-Town staff relationships, including but not limited to Section 31.20(G) of the Town Code. (Mayor & Council)

Interim Town Manager Robert Smith related that generally, Councils performed a municipality's legislative work then passed it to the town manager to administrate it. The fuzziness came in in getting the work done. It could be helpful for Council to have its own policies for these matters. He then presented the following documents for possible review and discussion.

Town Code

- 31.01 and 31.02 – Council appointments and removal of certain officers.
- 31.20 – Town Manager responsibilities.
- 35.04 – Conduct in public office.

Proposed Council Policy

- *Council interaction with staff* – This provided for informal and causal interaction between Council and staff, as well as staff's duty to inform their direct supervisor of such contact.
- *Personnel matters* – Councilmembers should refrain from becoming involved in personnel matters, with limited exceptions.
- *General administrative support* – Councilmembers had the freedom to task the Town Clerk's office with general administrative support, but if the task was burdensome, they should check with the town manager. Also, it would be best to make requests of the clerk via email.

- *Council/Manager relationship* – Individual Councilmembers should not direct the manager; this must be done as a body. The manager should keep Council informed as to priorities.
- *Performance complaints* – Council should refer public complaints to the town manager, but if the manager is not responsive, Council should address the matter.

Proposed Core Values of Governance. These set forth how the Council and Town administration should work together. Values were proposed for Council, as well as for town manager and staff.

ICMA Code of Ethics. The Council needed some sort of code of ethics. Ideally, the manager and employees should operate under these ethics as well. The Town could enact such a code and have employees sign it upon hiring.

Legislative Discipline. As an example, this document provided rules for discipline for a member of the legislature. While the law referenced the lowest common denominator, ethics referenced a higher code of conduct.

Sample Code of Conduct and Ethics Policy. Flagstaff's policy was well thought out and could be a good starting point for Council to develop its own policy.

Mayor Marley stated that Councilmembers should review these documents and write down comments and questions, and Council would review them again later.

Council also suggested that Councilmember Turner, Councilmember Hatch, and Councilmember Croft draft a Code of Conduct and Ethics Policy and bring it back for further discussion.

Councilmember Echols left the meeting at 6:33 p.m.

4) ADJOURNMENT

Councilmember Croft MOVED, seconded by Councilmember Best, to adjourn the meeting. The motion PASSED unanimously 7-0 at 8:13 p.m.

Carl Tenney

Carl Tenney, Vice-Mayor

ATTEST:

Jami C. Lewis

Jami C. Lewis, Town Clerk

CERTIFICATION:

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the Study Session of the Town Council of the Town of Chino Valley, Arizona held on the 12th day of April, 2012. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this 8th day of May, 2012.

Jami C. Lewis, Town Clerk

MINUTES OF THE STUDY SESSION/RETREAT OF THE TOWN COUNCIL OF THE TOWN OF CHINO VALLEY

TUESDAY, NOVEMBER 5, 2013
6:00 P.M.

The Town Council of the Town of Chino Valley, Arizona, met for a Study Session/Retreat in the Chino Valley Area Chamber of Commerce Boardroom, located at 175 E. Road 2 South, Chino Valley, Arizona, on Tuesday, November 5, 2013.

Present:	Mayor Chris Marley; Vice-Mayor Darryl Croft; Councilmember Mike Best; Councilmember Linda Hatch; Councilmember Pat McKee; Councilmember Lon Turner; Councilmember Don Wojcik
Staff Present:	Town Manager Robert Smith; Town Attorney Phyllis Smiley
Attendees:	Facilitator Lance Decker

1) CALL TO ORDER; ROLL CALL

Mayor Marley called the meeting to order at 9:00 a.m.

2) Welcome and Opening Comments.

Lance Decker led discussions on various related topics within each agenda item.

Workshop Goals and Objectives

- Goals: Develop rules for how the group will work together and issues to focus on to take the Town where it needs to be.
- Objectives: Negotiate an understanding of, and agreement on, policy-maker roles and responsibilities and improve Council's ability to work effectively as a team, achieving beneficial goals for the community.

Mr. Decker reviewed the session's agenda, his rules of engagement for the meeting, storyboarding techniques to help participants remember what was discussed, and the five-step issue development model that assures all participants a part in the discussions.

Possible Projects Important to the Town's Future

- Sewer: expansion in general, to some or all properties, and along SR 89.
- Water.
- Roads and Streets: complete project, Road 4 South extension.
- Economic Development: efforts and programs; business growth; industrial and/or

recreational development at Old Home Manor; jobs.
- Development Services: General Plan; clean up the Unified Development Ordinance; organize medical marijuana growers.
- Property tax.
- Youth recreation and programs.
- Educational system improvement.
- Increased communication between Council and staff.

3) Summary of Council Interviews.

Common Themes from Interviews

- *Planning for the long term future:* medical marijuana; issues to focus on; long term policies; water.
- *Economic development:* property tax; community vision; light industry and commercial business; county, state, and national challenges; supporting positive activities; legal issues.
- *Problems from the past:* rumors; mistakes; uncompleted projects; perception of elected officials by community.
- *Leadership and opportunities:* using available talent and all contributing; meeting controls; divided votes; Open Meeting Law; communication, 'surprises' incomplete information; transparency; behavior; distractions; Council's/staff's role.
- *Interpersonal conflicts:* interpersonal relations; Open Meeting Law; threats from citizens; truthfulness; unclear information.
- *Management and staff:* truthfulness; communication; staffing; transparency; respect and trust.
- *Finance and fiscal issues:* past legal issues; finding solutions; assisting citizens within legal bounds; sewer system expansion; property tax; economic downturn; long term debt; infrastructure; school's bond issue.

Degrees of Conflict

- Conflicts over decisions processes, finance and budget, and personal beliefs/philosophical disagreements were generally easy to address.
- Conflicts over trust and extreme dislike/hatred were harder to resolve.
- Officials needed to focus on things they could change, not those they could not.
- Officials needed to find a balance between getting things done and the necessary bureaucracy, by using, for example, in-house labor for projects, process autopsies, and study sessions to address Council's questions.
- A process autopsy was a quality improvement process in which participants assessed what was done right, what was not, and what to do differently in the future.

Topics to Address

- Building trust, honesty, truthfulness, civility, individual attitude, and accountability.
- Open communication with manager and staff and communication protocols.
- Management / magistrate relations.
- Forward vs. backward view.
- Working together for positive change.

4) The Council-Manager form of local government.

Summary

- Mayors and councils make policy, while the manager and staff implement such policy.
- Councils create not just goals, but a vision, and through the budget process, the objectives and revenues to accomplish them. Once Council develops the vision, they delineate actual deliverables clearly and understandably.
- Managers execute, enforce, apply, and achieve said visions and goals; they develop a budget able to deliver the projects and programs.
- There were many 'grey areas' that challenged elected officials.

Examples of Such Challenges

- Misconstrued communications.
- Misunderstandings and mis-expectations breaking down council's vision.
- Advocating on behalf of citizens without using the official's influence to benefit a certain group of citizens.
- Speaking as private citizens.
- Functioning within the law, while citizens' perceptions are otherwise.
- Providing information to citizens without advocating something.
- Unresolved community misperceptions.
- Council members being citizens and homeowners, but under public scrutiny.
- True conflicts of interest vs. the appearance of such.
- Staff vs. Council expectations regarding procedures.
- Council members not having enough time, information, or understanding to make informed decisions.
- Staff setting policy and asking for Council's approval.

Setting Policy

- If councils do not set policy, staff will fill the vacuum based on the Town's needs. If staff proposes policy and councils decline to discuss it, nothing gets done. If councils do not define deliverables, they have difficulty administering the manager's performance evaluation.
- Conversely, councils need appropriate information from staff to make such policy and it must not appear staff is asking for a rubber stamp.

Mayor Marley recessed the meeting at 11:05 a.m. and reconvened it at 11:17 a.m.

5) Review of the roles of Manager, Mayor and Council members in Chino Valley.

Council Roles

- Direct manager and/or attorney to negotiate on legal matters.
- Represent the Town, but individual members do not speak for the whole Council, unless asked to.
- Policy-making, not fault-finding; address details after determining policy.
- Meet with manager upon request.
- Take ownership of the subcommittee chaired.

- Provide vision for the Town, address the big picture, solve problems.
- Make inquiries of staff and work with staff to get things done, and contact manager regarding direction to or complaints about staff.

Manager Roles

- Negotiate contracts as assigned.
- Take direction from council, and run his business, which is staff.
- Communicate to council.
- Delegate to (sub)committees.
- Maintain separation between management and magistrate.

Pitfalls

- Confusion.
- Lack of leadership.
- Being too busy with interpersonal issues.
- Lack of team dynamic.
- Distractions getting in the way.
- Faulty communication and unreal expectations.
- Lack of established boundaries.
- Communications without violating the Open Meeting Law.

Procedures to Improve Relations

- Staff sends information to all councilmembers when requested by one or some.
- Councilmember requests requiring two hours or more of staff labor should go through whole Council; otherwise, ask the manager directly.
- Mayor summarizes Council's direction to staff at the end of discussions.
- Staff contacts Council when parameters change on a topic after meeting discussion.
- Subcommittee chairs to receive training.
- Update Town Code related to duties and responsibilities of council, town manager, and town clerk using League materials.
- Council sets quantifiable goals for manager.

6) Lunch: "Racing under the yellow flag".

Mr. Decker related that due to the time, he would not read the article, "Racing Under the Yellow Flag," but it was in the packet and participants could read it later.

Mayor Marley recessed the meeting at 12:36 p.m. and reconvened it at 1:40 p.m.

7) Code of Teamwork and Cooperation.

Code of Commitment, Teamwork and Cooperation

Commitments

#1 - Move forward with partners, without regard to past offences, for the good of the city and its future.

#2 - Communicate frequently, with highest quality to ensure all partners have the same

information.
#3 - Ask and give information to partners; inform them of a change of mind; and maintain Open Meeting Law.
#4 - Consider collateral effect on Council, staff, and citizens before speaking or acting on a town topic that involves the town.

Possible Solutions for Challenges Related to #2 and #3

- Schedule study sessions to communicate and discuss current.
- Reserve a portion of a regular meeting to communicate and discuss current issues.
- Do not restrict meeting times.
- Postpone items for which Council had not reached consensus, without putting them off too long.

Councilmember Best left the meeting at 1:48 p.m.

Expectations
#1 - Keep the channels of communication open. Don't allow concerns, rumors, innuendo or gossip to fester. Resolve concerns as soon as possible.
#2 - Keep public comments focused on issues, not people.
#3 - Preserve your relationships with kindness and respect; direct persons making unflattering comments about partners to the partner.
#4 - Keep partners informed about things that affect them; avoid surprises.
#5 - Take responsibility to actively correct misquotes by the press or individuals.
#6 - Keep relationships positive; quickly resolve differences.
#7 - Publicly celebrate success; help each other achieve.
#8 - Respect each other's personal and physical space.

Expectations of Administration / Staff
#1 - Return telephone calls and contacts from the public and elected officials as soon as possible, but under all circumstances within 24 hours; agree upon delivery times.
#2 - Emergencies noted by elected officials need staff's immediate attention.
#3 - Meet agreed deadlines for deliverables.

Commitments to Administration / Staff
#1 - Deal with management level staff on constituent services, not line staff.
#2 - Be clear and reasonable on expectations for delivery times and deliverables.
#3 - Give issues the appropriate priority; recognize that there are few true emergencies.
#4 - Treat the staff as professionals and with respect; follow the "Golden Rule."

It was up to each councilmember to abide by this Code, since there was no mechanism to keep them accountable. If anyone violated the Code, it was up to the others to "call that person out."

8) Improving performance as policy makers.

Processes and Projects to Help Improve Performance

Council and Staff

- Consider actions, check emotions, and respond appropriately.
- Preserve each others' self-esteem.
- Avoid surprises.
- Use email only for brief information and discussion items; handle sensitive issues by phone or in person.
- Pose questions in such a way as to avoid misinterpretation.

Council

- Everyone contribute to discussion.
- No grandstanding on issues.
- Contact other councilmembers directly regarding concerns and objections to their agenda items.
- Contact staff and/or attorney for concerns about agenda items.

Manager

- Provide status reports during Council meetings.

Staff

- Forward information provided to any councilmember to all councilmembers.
- Provide information in a timely manner.
- Tighten up agenda item process.

Mayor Marley recessed the meeting at 3:15 p.m. and reconvened it at 3:25 p.m.

9) Confirming agreements from today's discussions and planning for action.

Mr. Decker explained the process for preparing for an upcoming half-day strategic planning session, at which Council will set policy and select project priorities. Council agreed to five critical goals that must be done in the next two to five years that will form the basis for the strategic plan:

- Industrial park at Old Home Manor;
- Infrastructure development;
- Quality of life;
- Clean up UDO;
- Smart economic development.

Once Council developed the framework for the plan, they will submit it to staff, who will develop an implementation plan for it. Staff will bring it back with their comments and recommendations. Council will then final the document and have something for which to hold the manager accountable.

Topics Agreed Upon

- Clarity on roles.
- Enhanced communication.

- Elements for a strategic plan.
- Behaviors to be addressed, such as trust, honest communication, and positive active listening.
- Email standards.

Action Plan Issues to Address

- Facilitator to prepare summary of retreat and send to Manager in two weeks.
- Manager to provide electrical consumption information on solar panels to Council in two weeks.
- Clerk to clarify requirements related to meeting agendas and the agenda item process to Council in two weeks.
- Finance Director to provide procedure to Council related to direct deposit.
- Manager to direct staff to correct misspelling on Town website this week.
- Manager to meet with Economic Development Subcommittee to discuss future actions related to EDA applications.
- Manager and Economic Development Subcommittee Chair meet with subcommittee to discuss roles, responsibilities, and things to address.
- Manager/Council to clarify that Council was responsible to assign contract negotiations to staff.
- Manager/Council to place item on the next agenda regarding manager/magistrate matters.
- Mayor and Manager to keep Council discussions on policy and out of "the weeds."
- Manager to work with attorney and Mr. Decker to improve more thorough verbal communications and reinstate regular progress reports.
- Manager to schedule next retreat.
- Council to complete forms for next retreat.
- Manager to work with human resources, Vice-Mayor Croft and Mr. Decker to address personal accountability.
- Mayor to incorporate teambuilding moments in meetings.
- Facilitator to provide Council with an instrument to help them keep track of trust issues.

10) Closing remarks and meeting evaluation.

Meeting "Autopsy"

Positive Outcomes

- Participants met, talked, and listened to each other.
- Participants learned a different approach to addressing their issues.
- Participants identified tactical and strategic issues.
- Participants identified actions to take at their next retreat.
- Participants addressed foundational issues and were now ready for a higher level.
- The food was good.

Negative Outcomes

- One Councilmember had to leave early.
- The room was a little warm.

What We Would Change

- Work on the superstructure.
- Need to apply strategies.

11) ADJOURNMENT

Mayor Marley adjourned the meeting at 4:11 p.m.

Chris Marley, Mayor

ATTEST:

Jami C. Lewis, Town Clerk

CERTIFICATION:

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the Study Session/Retreat of the Town Council of the Town of Chino Valley, Arizona held on the5th day of November, 2013. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this 10th day of December, 2013.

Jami C. Lewis, Town Clerk

MINUTES OF THE REGULAR COUNCIL MEETING
OF THE TOWN COUNCIL OF THE TOWN OF CHINO VALLEY

TUESDAY, DECEMBER 10, 2013
6:00 P.M.

The Town Council of the Town of Chino Valley, Arizona, met for a Regular Meeting in the Chino Valley Council Chambers, located at 202 N. State Route 89, Chino Valley, Arizona, on Tuesday, December 10, 2013.

Present: Mayor Chris Marley; Vice-Mayor Darryl Croft; Councilmember Mike Best; Councilmember Linda Hatch; Councilmember Pat McKee; Councilmember Lon Turner; Councilmember Don Wojcik

Staff Present: Town Manager Robert Smith; General Services Director Cecilia Watts; Town Attorney Phyllis Smiley; Finance Director Joe Duffy; Senior Accountant Cindy Sandlin; Accounting Technician Kat Lordi; Police Chief Chuck Wynn; Officer Cody Johnson; Town Engineer/Public Works Director Ron Grittman; Planner Ruth Mayday; Town Clerk Assistant Liz Hart; Town Clerk Jami Lewis (recorder)

EXCERPT: ITEM 7e

e) Discussion and possible action with regard to setting guidelines for Council members to request staff projects. (Mayor Marley)

Recommended Action: None.

Mayor Marley reported that he had received a request from a Councilmember for a fairly large staff project. During Council's November 5 study session/retreat, Council had discussed setting guidelines for what an individual Councilmember could request of staff in terms of staff time and resources. He had suggested that any request requiring two or more hours of staff labor should go through formal Council action, while anything less could be asked of the town manager directly.

Staff noted that Council could codify any such rule in the Council Rules of Procedure and any information generated in response to such requests would be provided to all councilmembers. Staff also reported on what several other municipalities did:

- Prescott Valley and Camp Verde filled such requests with no restrictions.
- Dewey Humboldt filled such requests and advised the town manager.
- Prescott filled such requests with no restrictions and provided the information to all council members.
- Clarkdale codified a procedure in their Public Service Handbook; if the request went

above and beyond that, the council member spoke with the town manager and the request went before the entire Council for approval.
- Phoenix codified a procedure in their Rules of Procedure, which required such requests over eight hours of staff work to be approved by the full Council.

Council discussed:

- Using this as a general guideline, but not codifying it.
- Council lacking sufficient information on some agenda items and the public's right to know.
- Other municipalities not having restrictions.
- Council's responsibility for doing their own research, then going to staff for the missing data.

Council generally preferred to use this as a guideline, rather than codifying it.

CHINO VALLEY TOWN COUNCIL
RULES OF PROCEDURE
SECTION § 30.067 OF THE CHINO VALLEY TOWN CODE

Section 1. General Rules

The rules of parliamentary practice contained in the most recent edition of *Robert's Rules of Order* shall govern the council meetings in all cases to which they are applicable, provided they are not in conflict with these rules, the laws and regulations of the Town of Chino Valley, or the Arizona Revised Statutes.

Section 2. Conflict of Interest

Council members occupy positions of public trust. Council members shall strictly adhere to both the spirit and the letter of the laws of the State of Arizona pertaining to conflict of interest.

Section 3. Sergeant-at-Arms

The Chief of Police, or other designated member of the Police Department, may be sergeant-at-arms at the regular meetings of the Council and at any other meetings when requested by the chairperson or the Town Manager.

Section 4. Council Meetings

The Council shall hold regular and special meetings according to the provisions of the Town Code.

A. Council meetings shall be conducted in accordance with these rules unless a motion to suspend the rules is approved by a three-fourths (3/4) majority vote.

B. The Council may meet in Executive Session only as provided by the Arizona Revised Statutes.

C. Study Sessions are public meetings of the Council at which no formal vote is taken. Their primary purpose is for the exchange of information between the Council, staff and/or designated persons and detailed discussion of specific topics.

Section 5. Presiding Officer

A. The Mayor, or in his or her absence the Vice-Mayor, shall be the chairperson of all meetings of the Council.

B. In the absence of the Mayor and Vice-Mayor, the Town Clerk shall call the Council to order. If a quorum is present, the Council members shall proceed to elect, by majority vote, a chairperson for the meeting.

C. At any meeting where the Mayor is present and able to preside, the Mayor may designate a councilmember to preside over that meeting and, upon designating the councilmember, the Mayor may relinquish the chair to that councilmember for that meeting only. *(Adopted 9/22/15)*

Section 6. Conduct of Meetings

The chairperson shall decide all questions of order, subject to appeal by the Council.

A. Council members wishing to speak shall be first recognized by the chairperson.

B. The chairperson shall have the authority to preserve order and decorum during meetings. Any remarks shall be addressed to the chairperson and to any or all members of the Council. No member of the staff or Council shall enter into any discussion, either directly or indirectly, without having first obtained the floor by permission of the chairperson.

C. The rules for members of the public to address the Council shall be noted in accordance with the most recent format adopted by the Council.

Section 7. Right of Appeal

Any council member may appeal from a ruling of the chairperson.

A. The motion to appeal must be seconded.

B. The maker of the appeal may briefly state his case.

C. There shall be no debate or discussion of the appeal.

D. The chairperson shall ask the question, “Shall the decision of the Chair be upheld?” A majority of “aye” votes upholds the ruling of the Chairperson.

Section 8. Motions

Items shall be discussed and voted upon using the following procedure: (1) The Mayor shall read the agenda item as it appears in the agenda. (2) Staff may present a report of the agenda item. (3) Council members may ask questions of staff concerning the staff report. (4) The Mayor may call for public discussion of the matter. (5) Council members shall discuss the item among themselves as needed. (6) Council members shall make and second a motion concerning the agenda item. (7) The Mayor shall call for a vote on the motion.

Section 9. Voting

The vote on any question shall be taken simultaneously.

A. A majority vote of the Council shall be a majority of the legal votes cast. Abstention from voting by a Council member shall not constitute a legal vote.

B. If the chairperson is unable to accurately determine the result of the vote, he or she may request a vote by roll call to be taken by the Town Clerk. A request by any member of the Council for vote by roll shall be honored by the chairperson.

C. There shall be no discussion or speaking on the subject of the vote during or after the vote is taken.

Section 10. Meeting Agendas and Preparation

The agenda format for council meetings shall be in accordance with the most recent format adopted by the Council for the particular meeting(s) in question. Agendas shall be prepared in accordance with the most recent rules adopted by the Council.

A. Items may be placed on a Council agenda by the Mayor, the Town Manager, or any two Council members. Said agenda items must be submitted in writing by the submission deadline date.

B. All agenda items for a regular meeting shall be submitted to the Town Clerk thirteen days before the scheduled Council meeting date. An agenda item may be submitted after the due date if it is approved for placement on the agenda by the Mayor, Town Manager, or any two Council members.

C. Council agendas, staff memorandums and other backup materials (agenda packets) shall be ready for distribution to Council members and the media one week before the regularly scheduled meeting.

Section 11. Motion to Adjourn

A motion to adjourn is debatable only as to the time to which the meeting is to be adjourned.

Section 12. Petitions

All petitions submitted to the Mayor and Council during the regular course of business shall be considered in accordance with the laws of the State of Arizona and the Town Code of the Town of Chino Valley.

Section 13. Public Participation

A. General Rules

It is the Council's desire to hear public comment on regular and special meeting agenda items. Because it is important to maintain order during the meeting, members of the public are expected to observe the same rules of propriety and decorum applicable to members of the Council. Personal, impertinent or slanderous remarks are not acceptable. Persons not conducting themselves in an acceptable manner will be warned by the chairperson. Any person persisting in such conduct will be removed by the Sergeant-at-Arms.

B. Rules for addressing the Council

1. Persons addressing the Council will first state their name in an audible tone and will indicate whether or not they are a resident of Chino Valley.

2. All remarks shall be directed to the Mayor and Council, not to the public.

3. Persons who wish to address the Council concerning items on the agenda may be heard following the staff report and must first be recognized by the chairperson.

4. Members of the public shall limit their remarks to the agenda item under consideration.

5. The person representing citizen groups shall so identify himself and the name of the group or the number of persons he represents.

6. Cumulative or redundant speeches to the Council may be terminated by the chairperson or at the request of a council member.

7. Persons with material to hand out should provide it to the recording clerk for distribution to the Council and staff. Ten copies of each document are needed to ensure a sufficient number of handouts.

8. TIME LIMIT: 3 MINUTES PER PERSON.

9. Requests to exceed the three-minute time limit should be submitted to the Town Clerk prior to the meeting.

10. Political campaigning is prohibited.

11. Speakers shall not discuss employee performance, employee evaluations, or employee health, family, or personal matters.

C. Call to the Public

Call to the Public is an opportunity for the public to address the Council concerning a subject that is not on the agenda. Public comment is encouraged. Individuals are limited to speak for three (3) minutes. The total time for Call to the Public may be up to 30 minutes per meeting. Council action taken as a result of public comment will be limited to directing staff to study the matter, scheduling the matter for further consideration and/or decision at a later date, or responding to speaker remarks.

D. Study Sessions

Members of the public shall be permitted to speak and/or discuss an agenda item only with the permission of the chairperson or at the request of a council member.

Section 14. Committees, Boards and Commissions

Committees, boards, and commissions shall be created in accordance with Section § 30.071 of the Chino Valley Town Code.

Section 15. Amendment

These rules may be amended at any Regular or Special Meeting of the Council by a two-thirds (2/3) majority vote.

TOWN CODE – CODE OF ETHICS AND COMMUNICATIONS WITH STAFF

As Updated By Ordinance No. 15-796, Dated April 28, 2015

And Ordinance No. 15-800, Dated June 9, 2015

CHAPTER 31: OFFICERS

§ 31.20 TOWN MANAGER

(G)(4) Except for the purpose of inquiry, the Council and its members shall deal with the town's administrative functions solely through the Town Manager. Neither the Council nor any member thereof shall give orders directly to, or discuss job performance directly with, any subordinates of the Town Manager either publicly or privately, but may discuss the same directly with the Town Manager. No individual member of the Council shall direct or request of the Town Manager the appointment of any person to office or the removal from office of any employee or any subordinates.

CHAPTER 35: CODE OF ETHICS

Section

- 35.01 Generally
- 35.02 Responsibilities of public office
- 35.03 Conflict of interest
- 35.04 Conduct in public office

§ 35.01 GENERALLY.

(A) **ETHICS** is defined here as the rules or standards governing those persons functioning as representatives of the town. These rules and standards are based upon a set of values judged to be moral to the extent that they enhance society and an individual's relationship to others.

(B) A representative of the town is defined here as a public official, elected or appointed, salaried or unpaid, including the Mayor, Council members and any board or commission member.

(C) The purpose of this code is to establish ethical standards of conduct for these public officials acting in their official public capacity.

§ 35.02 RESPONSIBILITIES OF PUBLIC OFFICE.

(A) By oath of office each representative is responsible to uphold the Constitution of the United States, the Constitution of the State of Arizona and the ordinances and regulations of the town.

The public official shall perform his obligations in a manner that is impartial and responsible to all people.
(B) The public official shall not use his position for personal or monetary gain.

(C) The public official shall not disclose confidential information concerning the property, government or affairs of the town without proper legal authorization.

§ 35.03 CONFLICT OF INTEREST.

(A) This code shall reinforce any existing affirmation regarding conflict of interest contained in the public official's oath of office. When acting in a public capacity, the public official shall abstain from participating in discussion and vote on any pending matter that would result in his or her financial or private gain.

(B) The public official shall not directly or indirectly solicit, accept or receive any gift, whether it be money, services, loan, travel, entertainment, hospitality, promise or any other form that could be reasonably inferred to influence the performance of his or her official duties and actions or serve as a reward for any official action.

§ 35.04 CONDUCT IN PUBLIC OFFICE.

(A) The public official shall not discuss or divulge confidential information acquired by him or her in the course of his or her official duties nor shall he or she use this information for his or her own personal interest or aggrandizement.

(B) The public official shall respect the rights, privileges and opinions of his or her fellow officials, staff and the public at large. Council members shall exhibit respect for the public, other governmental units and agencies, and the professional and ethical conduct of the town manager and staff. Propriety dictates that the public official be sensitive to the possible confidential or personal nature of directives addressed to other individuals.

In bringing honor to the title and in recognition of the weighty respect due the role of Public Official, those elected to public office shall:

(1) Lead by example.

(2) Demonstrate civil and courteous conduct at all times.

(3) Seek and speak the truth.

(4) Respect all people.

(5) Accept respectful dissention as a civic right.

(C) In his or her dealings with town employees, the public official shall maintain professional conduct with respect to the employee's work assignments and obligations, and shall refrain from directly influencing the professional management of the town's administration by any means other than direct communication with the Town Manager. The office of the public official shall in no situation be used to wrongfully obtain information or administrative outcomes either by intimidation or by deliberately violating the privacy of an employee's work station.

(D) All public officials SHALL COMPLY WITH this Code of Ethics.

§ 35.05 CODE OF ETHICS COMPLAINTS; FILING AND PROCEDURES

(A) Code of Ethics violations are Council matters and complaints shall only be made by members of the Town Council.

(B) Complaints alleging violations to this chapter shall be in writing and filed by the complainant with the Mayor and/or Vice Mayor, unless the Mayor and/or Vice Mayor file or are named in the complaint. In that event, the complaint shall be filed with the Town Attorney. Any and all documents in support of the complaint shall be attached to the complaint at the time it is filed.

(C) Complaints will be addressed by the Council within 60 days of receipt by the Mayor, Vice Mayor or Town Attorney in compliance with the procedures set forth in this section.

(D) The Mayor, Vice Mayor or Town Attorney who receive a complaint shall forward it and all attachments to the Town Clerk within three (3) business days of receipt and at least three (3) weeks prior to the complaint being placed on Council's agenda.

(E) At least two weeks prior to the Council's consideration of the complaint, the Town Clerk shall provide a copy of the complaint and all supporting documents to the respondent.

(F) Only one complaint alleging a violation of the Ethics Code shall be addressed at any one Council meeting.

(G) Only one person may be accused of a Code of Ethics violation per complaint.

(H) If the Mayor is either the complainant or the respondent, the Council's consideration of the ethics complaint shall be chaired by the Vice Mayor.

(I) Council's procedure for addressing the complaint during its meeting shall be as follows:

(1) Introduction of item
(2) Presentation by complainant (10 MINUTES MAXIMUM)
(3) Presentation by respondent (10 MINUTES MAXIMUM)
(4) Additional information by complainant (if any) (5 MINUTES MAXIMUM)
(5) Additional information by respondent (if any) (5 MINUTES MAXIMUM
(6) Council discussion
(7) Council decision

Chino Valley Town Code
Sections 30.067 and 31.20(G)

§ 30.067 RULES.

The Council may by motion adopt rules of procedure to govern its proceedings.

§ 31.20 TOWN MANAGER.

(G) The Town Manager shall be the head of the administrative branch of the town government. The Town Manager shall, under the specific direction and control of the Council, be responsible for the proper administration of the affairs of the town.

(1) Except when excused, the Town Manager shall attend all meetings of the Council.

(2) The Town Manager shall make personnel decisions regarding the employment of all officers and employees of the town not appointed by the Council. The Town Manager shall notify the Council, however, of his or her intentions to hire, suspend, demote or remove a department head and, if a Council member provides input, shall consider such input prior to making a final decision regarding the department head.

(3) The Town Manager shall have the exclusive authority to control, order and give directions to each department head, while each department head shall retain the direct supervision of the employees within each department. Personnel decisions involving disciplinary action concerning employees within a department are within the sound discretion of the Town Manager, and shall be made by the Town Manager or by the department head with the approval of the Town Manager.

(4) Except for the purpose of inquiry, the Council and its members shall deal with the town's administrative functions solely through the Town Manager, and neither the Council nor any member thereof shall give orders to any subordinates of the Town Manager either publicly or privately. No individual member of the Council shall direct or request of the Town Manager the appointment of any person to office or the removal from office of any employee or any subordinates.

(5) It shall be the duty of the Town Manager to see that all laws and ordinances of the town and that all franchises, contracts, permits and privileges granted by the Council are faithfully observed and to report any failure in that regard to the Council which shall give such instruction and direction as it may desire for remedial, corrective or terminating action by the Town Manager.

(6) In the discharge of duties, the Town Manager shall endeavor at all times to exercise the highest degree of tact, patience and courtesy in contacts with the public and with employees, to the end that the highest possible standards of public service shall be continuously maintained.

Existing Town Code

Town of Chino Valley, AZ

31.01 & .02 Council Appoints & May Remove:

Town Manager, Town Attorney, Town Magistrate and other officers it may deem necessary that are not provided for within the Town code or state statute.

31.20 Town Manager

(G) Is the head of the administrative branch of the government and under specific direction and control of the Council is responsible for the administration of the affairs of the Town.

(2) Town Manager shall make personnel decisions regarding the employment of all officers and employees of the town that are not appointed by Council. Town Manager will inform Council of personnel actions and will take into consideration any Council input in that decision.

(3) Town Manager shall have exclusive authority to control, order and give directions to department heads. Department heads will retain the direct supervision of the employees within each department. Disciplinary action concerning employees is within the sound discretion of the Town Manager.

(4) Except for the purpose of inquiry, Council and its individual members shall deal with the town's administrative functions solely through the Town Manager, and shall not give orders to any subordinates of the Town Manager either publicly or privately. No individual member of the Council shall direct or request of the Town Manager the appointment of any person to office or the removal from office of any employee or any subordinates.

35.04 Conduct in Public Office

(C) Public Officials shall maintain professional conduct with respect to the employee's work assignments and obligations…and shall in no situation…wrongfully obtain information either by intimidation or by deliberately violating the privacy of an employee's work station.

GROUND RULES

1. Have an agenda
2. Start and end on time
3. Cell phones off
4. Everyone participates
5. Silence is agreement
6. One conversation at time
7. Different opinions are welcome
8. Challenge ideas, not individuals
9. Disagree in private, unite in public
10. Follow up on action plans

Council-Staff Communications Guidelines

Governance of a Town relies on the cooperative efforts of elected officials, who set policy and priorities, and Town staff, which analyze problems and issues, make recommendations, and implement and administer the Council's policies. The following are general guidelines to help facilitate effective communications between the Town Council and Town staff.

- Channel communications through the appropriate Town staff.

While any staff member is available to answer Council questions and requests for information, the Town Manager is the primary information liaison between the Council and Town staff. Please direct questions of Town staff to the Town Manager or Department Heads. When a Councilmember makes an information request to a particular staff member, the practice is for staff to inform the Town Manager so that he is aware of Council's requests and needs.

- All Councilmembers should have the same information with which to make decisions.

When one Councilmember has an information request, the response will be shared with all members of the Council so that each member may be equally informed.

- Depend upon the staff to respond to citizen concerns and complaints as fully and as expeditiously as practical.

All Councilmembers are encouraged to contact the Town Manager to help solve a citizen's problem, and are further encouraged to have the citizen contact the Town Manager directly. There will be follow-through with the Councilmember as to the outcome of the problem or concern.

Likewise, the Town Council will receive customer letters or emails directly. Due to limited staff resources to handle the amount of correspondence, these are disseminated to the appropriate department to prepare a formal response. The Town Manager oversees the process and ensures a uniform standard. The Mayor signs the response on behalf of the Town Council. On occasion, a letter or email is directed specifically to a Councilmember. The Town Manager will work directly with the Councilmember to provide a response. All correspondence is copied to all members of Council, regardless of whom it was addressed to.

- The Town Council sets the direction and policy – Town staff is responsible for administrative functions and Town operations.

The role of the Council is as the legislative body. The Council is responsible for approving the budget, setting policy goals, and adopting strategic plans. The primary functions of staff are to execute Council policy and actions taken by the Council and in keeping the Council informed. Staff is obligated to take guidance and direction only from the Town Manager or Department Head.

Proposed Council Policy

Council Interaction with Staff

Members of the Council are encouraged to interact informally and casually with Town staff for the purpose of gathering information, obtaining progress reports on policies and programs or providing information to staff relevant to their Council office. Such informal contacts serve to promote better understanding of specific Town functions and problems. In order to ensure proper and efficient administration of Town affairs, which is carried out by the Town Manager, Council members should refrain from dispensing instructions, orders, and/or advice directly to Town staff. Town staff will be required to provide their direct supervisor with the same information shared with the Councilmember.

Because the Town Council evaluates the Town Manager's performance on a periodic basis to ensure that these parties concur regarding organizational performance and priority goals that are based on mutual trust and common objectives, Council members also should refrain from becoming involved in personnel or performance matters, which generally are the Town Manager's responsibility, with limited exceptions.

General administrative support to the Council is provided by the Town Clerk's office, i.e. scheduling appointments, handling messages and word processing support, as well as assistance in supporting Council driven activities. Sensitivity to the workload of staff members is appreciated, and should requested tasks require significant time or resources, prior consultation with the Town Manager is requested.

As in any professional relationship, it is important that the Town Manager keep the Town Council informed. The Town Manager respects that the final responsibility for establishing the legislative policy direction of the Town is held by the Town Council, and the Town Manager executes that policy for the Council. In doing so, the Town Manager develops and executes administrative policy and communicates with Town Council in various ways. In addition to the formal Council meetings, there are periodic briefing meetings with individual Council members and written memoranda and email. The Town Manager's communication must be undertaken in such a way that all Council Members are treated similarly and kept equally informed. It is also important that the Council provide ongoing feedback, information and perceptions to the Town Manager including responses to written communications and surveys requesting feedback.

When performance complaints are made by citizens about staff actions or non-action directly to an individual Councilmember or in a Council or committee meeting, the Council or Councilmember should then refer the matter directly to the Town Manager for review and/or action. The individual Councilmember or the Council may request to be informed by the Administration of the action or response made to the complainant.

Citizens' access to elected officials is important to help develop public policy. While direct communication between citizens and elected officials is to be encouraged, this should not be equated with developing a pattern of "personal intervention" in connection with minor calls for service or administrative appeals. Such a pattern could have the opposite of the desired effect, by delaying customer service response-time. The best policy is to refer the citizen directly to the appropriate department or the Town Manager.

Proposed Core Values of Town Governance

Town of Chino Valley, AZ

Council Members of the Town of Chino Valley, AZ

1. Listen to the Community and fully represent the Community's best interest and goals.
2. Individually and collectively demonstrate the ability to lead and reason together.
3. Exhibit respect for the professional and ethical conduct of the Town Manager and Staff.
4. Are, along with Staff, dedicated to collaborate and seek consensus wherever possible.
5. Strive to achieve sustainable outcomes that benefit the Town's future.
6. Refrain from influencing the professional management of the Town's administration.
7. Collectively establish legislative policy.
8. Rely on the Town Manager to create and execute administrative policy.
9. Collectively evaluate the Town Manager's performance on a regular basis.

Town Manager and Staff of the Town of Chino Valley, AZ

1. Respect the concepts found in the International City Management Association Code of Ethics.
2. Support the public's participation in the local government process.
3. Respect Council's collective nature and ensure all are provided with the same information.
4. Strive to provide clear, understandable, factual and financial reporting of the highest quality.
5. Act consistently to execute Council legislative policy in a timely and predictable manner.
6. Take reasonable steps to avoid conflicts of interest, as well as the appearance of conflicts of interest.

ICMA Code of Ethics

Tenet 1

Be dedicated to the concepts of effective and democratic local government by responsible elected officials and believe that professional general management is essential to the achievement of this objective.

Tenet 2

Affirm the dignity and worth of the services rendered by government and maintain a constructive, creative, and practical attitude toward local government affairs and a deep sense of social responsibility as a trusted public servant

Tenet 3

Be dedicated to the highest ideals of honor and integrity in all public and personal relationships in order that the member may merit the respect and confidence of the elected officials, of other officials and employees, and of the public.

Tenet 4

Recognize that the chief function of local government at all times is to serve the best interests of all people.

Tenet 5

Submit policy proposals to elected officials; provide them with facts and advice on matters of policy as a basis for making decisions and setting community goals; and uphold and implement local government policies adopted by elected officials.

Tenet 6

Recognize that elected representatives of the people are entitled to the credit for the establishment of local government policies; responsibility for policy execution rests with the members.

Tenet 7

Refrain from all political activities which undermine public confidence in professional administrators. Refrain from participation in the election of the members of the employing legislative body.

Tenet 8

Make it a duty continually to improve the member's professional ability and to develop the competence of associates in the use of management techniques.

Tenet 9

Keep the community informed on local government affairs; encourage communication between the citizens and all local government officers; emphasize friendly and courteous service to the public; and seek to improve the quality and image of public service.

Tenet 10

Resist any encroachment on professional responsibilities, believing the member should be free to carry out official policies without interference, and handle each problem without discrimination on the basis of principle and justice.

Tenet 11

Handle all matters of personnel on the basis of merit so that fairness and impartiality govern a member's decisions, pertaining to appointments, pay adjustments, promotions, and discipline.

Tenet 12

Seek no favor; believe that personal aggrandizement or profit secured by confidential information or by misuse of public time is dishonest.

Appendices

1. AZ State Legislature has a code of ethics and rules of decorum as well as rules of procedure

ARIZONA LEGISLATIVE MANUAL – LEGISLATIVE POWERS, PRIVILEGES AND RESPONSIBILITIES

Crimes Against the Legislature

The statutes set forth specific crimes against the legislative process. A person who illegally alters or removes an introduced or enrolled bill is guilty of a class 4 felony for which the maximum term of imprisonment is two and one-half years. A person who prevents the Legislature from meeting is guilty of a class 5 felony, which carries a prison term of one and one-half years. A person who disturbs or interrupts the Legislature's proceedings is guilty of a class 2 misdemeanor and may be sentenced to jail for up to four months.

Legislative Discipline

The Arizona Constitution provides "[e]ach house may punish its members for disorderly behavior, and may, with the concurrence of two-thirds of its members, expel any member." (Article IV, part 2, section 11.)

The House of Representatives and the Senate have each included a number of provisions in their respective rules to implement this constitutional provision. Both houses have established rules of decorum to allow for open, but orderly, debate of the issues before the body. For example, members of the House are not allowed to "indulge in personalities, use language personally offensive, arraign motives of members, charge deliberate misrepresentation or use language tending to hold a member of the House or Senate up to contempt."

Both houses of the Legislature have established in their rules codes of ethics and requirements pertaining to conflicts of interest and financial disclosure. An Ethics Committee is established in the House and Senate pursuant to statute. Each Ethics Committee must investigate ethics complaints against members of its respective house.

A violation of the code of ethics, conflict of interest requirements, financial disclosure requirements or rules of the body subjects the offender to punishment or expulsion pursuant to Article IV, part 2, section 11 of the Arizona Constitution.

2. Council Policy & Procedures Manual / Ethics Policy

   a. Flagstaff, Paradise Valley, Payson, Peoria, Scottsdale, Surprise, Tucson

- In order to provide the Council with timely information, please strive to submit questions on Council agenda items ahead of the meeting.

Councilmembers are encouraged to submit their questions on agenda items to the Town Manager as far in advance of the meeting as possible so that staff can be prepared to respond at the Council meeting. Having a practice of "no surprises" between the Council and Town staff and vice versa fosters a productive working relationship.

- Respect the will of the "full" Town Council.

Town staff will make every effort to respond in a timely and professional manner to all requests for information or assistance made by individual Councilmembers. However, if a request reaches a certain degree in either terms of workload or policy, it may be more appropriate to make the assignment through the direction of the full Town Council. If this should occur, the Town Manager will prepare a memorandum to the Town Council informing them of such situation. It would be the individual Councilmember's prerogative to discuss the request at an upcoming Council meeting and to seek approval by the "full" Council. This procedure helps to ensure that staff resources are allocated in accordance with overall Council goals and priorities.

- Depend upon the staff to make independent and objective recommendations.

Staff is expected to provide its best professional recommendations on issues, providing information about alternatives to staff recommendations as appropriate, as well as pros and cons for recommendations and alternatives. Sometimes staff may make recommendations that we know will be unpopular with the public and Councilmembers. Staff respects the role of Council as policy makers for the Town and understands that Council must consider a variety of opinions and community values in their decision-making in addition to staff recommendations.

- The Town Manager and staff are supporters and advocates for adopted Council policy.

Regardless of whether it was staff's preferred recommendation or not, staff will strongly support and advocate the adopted Council policy and direction. This may cause concern by the Council minority on controversial issues.

- Refrain from publicly criticizing an individual employee. Criticism is differentiated from questioning facts or the opinion of staff.

All critical comments about staff performance should only be made to the Town Manager through private correspondence or conversation.

- Seeking political support from staff is not appropriate.

The Town is a non-partisan local government. Neither the Town Manager nor any other person in the employ of the Town shall take part in securing or contributing any money toward the nomination or election of any candidate for a municipal office. In addition, some professionals have professional codes of ethics, which preclude politically partisan activities or activities that give the appearance of political partisanship.

Additionally, in the interests of appropriate business decorum and a productive working environment, Council communication with the Town Manager and staff should not include derogatory information relating to another Council member, unless formal complaint or charges are being made.

Flagstaff
Code of Conduct and Ethics Policy

In order to uphold, promote and demand the highest standards of conduct and ethical behavior from its Elected Officials, the City of Flagstaff, adopts this Code of Conduct and Ethics policy. These two documents work in tandem to ensure an environment of honesty, integrity, fairness, and transparency.

CODE OF CONDUCT

This Code of Conduct is designed to describe the manner in which Council members should treat one another, city staff, constituents, and others they come into contact with in representing the City of Flagstaff. It reflects the work of the City Council with defining more clearly the behavior, manners, and courtesies that are suitable for various occasions. The City Council also considered a wide variety of policy changes and clarifications designed to make public meetings and the process of governance run more smoothly.

The constant and consistent theme through all of the conduct guidelines is "respect." Council members experience stress in making decisions that impact the lives of the citizens. At times, the impacts of the entire community must be weighed against the impact of only a few. Despite these pressures, elected officials are called upon to exhibit appropriate behavior at all times. Demonstrating respect for each individual through words and actions is the touchstone that can help guide Council members to do the right thing in even the most difficult situations.

Overview of Roles & Responsibilities

Other resources that are helpful in defining the roles and responsibilities of elected officials can be found in the Flagstaff City Charter, Municipal Code and in the Handbook.

MAYOR

- Elected "at-large" for a two year term
- Recognized as head of the City Government for all ceremonial purposes and by the Governor for purposes of martial law
- Presides over meetings of the City Council
- Has same speaking and voting rights as any other member
- Shall in no case have the power to veto
- Executes and authenticates legal instruments requiring signature
- Leads the Council into an effective, cohesive working team.

VICE-MAYOR

- Elected by the City Council at the first meeting following their election
- Shall serve at the pleasure of the Council
- Performs the duties of the Mayor if the Mayor is absent or disabled

ALL COUNCILMEMBERS

All members of the City Council, including the Mayor and Vice Mayor, have equal votes. No Councilmember has more power than any other Councilmember, and all should be treated with equal respect.

All Council members should:

- Fully participate in City Council meetings and other public forums while demonstrating respect, kindness, consideration, and courtesy to others
- Prepare in advance of meetings and be familiar with issues on the agenda
- May not be excused from voting at any meeting in which they are present except in matters involving their own official conduct or conflict of itnerest
- 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 Flagstaff government
- Provide contact information with the City Clerk or City Manager in case of an emergency or an urgent situation arises while the Councilmember is out of town
- Demonstrate honesty and integrity in every action and statement
- Participate in scheduled activities

Policies & Protocol Related To Conduct

Ceremonial Events

Requests for a City representative at ceremonial events will be handled by City staff. The Mayor will serve as the designated City representative. If the Mayor is unavailable, then City staff will determine if event organizers would like another representative from the Council. If yes, then the Vice Mayor will be recommended to serve as the substitute. Invitations received at City Hall are presumed to be for official City representation. Invitations addressed to Council members at their homes are presumed to be for unofficial, personal consideration.

Endorsement of Candidates

Council members have the right as individuals to endorse candidates for all Council seats or other elected offices. Council members should make it clear in their endorsements that they are speaking for themselves and not for the Council. It is inappropriate to mention endorsements during Council meetings or other official City meetings or functions.

Intergovernmental Relations
The Council values intergovernmental relations with neighboring communities and other entities. As a result, Council members should make a concerted effort to attend scheduled meetings with other entities to further promote intergovernmental relations.

Legislative Process
The City's legislative process is generally articulated in the Rule of Procedure for the Flagstaff City Council. These rules govern meeting times, place, and format of meetings.

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

- **Practice civility, professionalism 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. Council members should conduct themselves in a professional manner at all times.

- **Honor the role of the Mayor in maintaining order**

It is the responsibility of the Mayor to keep the comments of Council members on track during public meetings. Council members should honor efforts by the Mayor to focus discussion on current agenda items. If there is disagreement about the agenda or the Mayor's actions, those objections should be voiced politely and with reason, following procedures outlined in parliamentary procedure.

- **Avoid personal comments that could offend other Council members**

If a Councilmember is personally offended by the remarks of another Councilmember, the offended Councilmember should make notes of the actual words used and call for a "point of personal privilege" that challenges the other Councilmember to justify or apologize for the language used. The Mayor 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.

- **Be punctual and keep comments relative to topics discussed**

Council members have made a commitment to attend meetings and partake in discussions. Therefore, it is important that Council members be punctual and that meetings start on time and breaks end at the prescribed ttime. It is equally important that discussions on issues be relative to the topic at hand to allow adequate time to fully discussed scheduled issues.

- **Courtesy to the speaking member [ADDED]**

It is disrespectful to fellow Council members to conduct side conversations while they are speaking. Each member is due the respect of having their statement or opinion heard in order to fully understand their perspective and avoid repeating comments. This conduct includes the passing of notes (which are subject to Open Meeting laws), texting, or emailing.

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 insecurity 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 faxed to others? How would you feel if this voicemail message was played on a speaker phone in a full office? What would happen if this email message was forwarded to others? Written notes, voicemail messages, text messages and e-mail should be treated as potentially "public" communication.

- **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.

- **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.

Council Conduct with City Staff

Governance of a City relies on the cooperative efforts of elected officials, who set policy, and City staff, who implement and administer 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.

- **Limit contact to specific City staff**

Questions of City staff and/or requests for additional background information may be directed to the appropriate staff member.

Requests for follow-up or directions to staff should be made only through the City Manager, Deputy City Manager or the City Attorney when appropriate. When in doubt about what staff contact is appropriate, Council members should ask the City Manager for direction. Materials supplied to a Councilmember in response to a request will be made available to all members of the Council so that all have equal access to information.

- **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 their individual 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. 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 direct or request the appointment or removal of staff member. Moreover, except for purposes of inquiry, the Council shall deal with administrative service solely through the City Manager, and neither the Council nor Mayor shall give orders to any subordinates of the city Manager, either publicly or privately (Flagstaff City Charter, Article II, Section 18).

- **Check with City staff on correspondence before taking action**

Before sending correspondence, Council members should check with City staff to see if an official City response has already been sent or is in progress.

- **Do not attend meetings with City staff unless requested by staff. (????)**

Even if the Councilmember does not say anything, the Councilmember's presence implies support, shows partiality, intimidates staff, and hampers staff's ability to do their job objectively.

- **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. City staff may, as private citizens with constitutional rights, support political candidates but all such activities must be done away from the workplace.

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 care and gentleness**

Speaking in front of Council can be a difficult experience for some people. Some issues the Council undertakes may affect people's daily lives and homes. Some decisions are emotional. The way that Council treats people during public hearings can do a lot to make them relax or to push their emotions to a higher level of intensity.

- **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 with applicants and appellants or their designated representatives allowed more time. 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 or she exhibits inappropriate behavior. Each speaker may only speak once during the public hearing unless the Council requests additional clarification later in the process. 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.

- **Listen actively**

It is disconcerting to speakers to have Council members not look at them when they are speaking. It is fine to look down at documents or to make notes, but reading for a long period of time gazing around the room gives the appearance of disinterest. Side conversations, passing notes, or working on a Smart phone give the impression 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, argument, and hostile tone with the public**

Be cautious about interrupting the speaker as it impedes the ability to ensure equal time for all participants. Questions are best saved until the end of the speaker's allotted time. However, the Mayor, or a councilmember recognized by the Mayor, can ask for a point

of order if the speaker is off the topic or exhibiting behavior or language the Councilmember finds disturbing.

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 or belittle 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 circumstance**

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.

- **Follow parliamentary procedure in conducting public meetings**

The City Attorney serves as parliamentarian for the City and is available to answer questions or interpret situations according to parliamentary procedures. Final rulings on parliamentary procedure are made by the City Attorney.

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 overtly or implicitly promise Council action, or to promise City staff will do something specific (fix a pothole, remove a library book, plant new flowers in the median, 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 that Flagstaff is a small community**

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 Flagstaff. 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 Councilmember appears before another governmental agency or organization to give a statement on an issue, the Councilmember 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. Even if the Councilmember is representing his or her own personal opinions, remember that this still may reflect upon the City as an organization.

If the Councilmember is representing the City, the Councilmember must support and advocate the official City position on an issue, not a personal viewpoint.

If the Councilmember is representing another organization whose position is different from the City, the Councilmember should withdraw from voting on the issue (at the other organization's meeting) 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.

Elected officials and advisory board members have an obligation to put the interests of the City of Flagstaff over all other representative and personal interests. [From Mesa]

- **Correspondence also should be equally clear about representation**

City letterhead may be used when the Councilmember is representing the City and the City's official position. A copy of official correspondence should be given to the City Clerk to be filed as part of the permanent public record.

It is best that City letterhead not be used for correspondence of Council members representing a personal point of view, or a dissenting point of view from an official Council position. [???]

- **Council representation on lobbying trips**

It is the policy of the City Council that when representing Flagstaff interests before the federal government in Washington D.C. or the Arizona Governor and Legislature in Phoenix, that no less than two members of the Council (including the Mayor but excluding the City Manager) be present. This protects the elected official from any allegations of improper or incomplete representation in a highly political environment where critical decisions are being made.

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 City 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 [this now seemed applicable after the 8/3/ discussion]**

Council members may attend any Board or Commission meeting, which are always open to any member of the public. However, if the Board or Commission is conducting a public hearing, the Councilmember shall remove themselves from the proceedings. [???] Council members 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 Councilmember at a Board or Commission meeting should be clearly made as individual opinion and not a representation of the feelings of the entire City Council. Also, a Councilmember's presence may affect the conduct of the Board or Commission and limit their role and function.

- **Limit contact with Board and Commission members**

It is inappropriate for a Councilmember to contact a Board or Commission member to lobby on behalf of an individual, business, or developer. Council members should contact staff 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. Councilmembers 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 Councilmember, 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 Councilmember.

It is inappropriate for a Board or Commission to take a stance on a political issue facing the city, state or nation without being asked by the City Council. Any such action could be deemed as setting official policy stance for the City when that privilege is reserved for the City Council. (examples: Sustainability Commission passes a resolution supporting the federal legislation regarding Cap & Trade or Diversity Commission takes a position on gay marriage). [ADDED]

- **Inappropriate behavior can lead to removal**

Inappropriate behavior by a Board 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 and the individual is subject to removal from the Board or Commission.

Council Conduct with the Media

Council members may be 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 position.**

The Mayor is the designated representative of the Council to present and speak on the official City position. This does not preclude an individual Councilmember from making a statement when contacted by the media. However, the Councilmember should be clear about whether their comments represent the official City position or a personal viewpoint. When in doubt, refer all media requests to the Assistant to the City Manager for Communication.

- **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.

- **Non-Local Media [ADDED}**

If contacted by a member of the media who does not represent a local media outlet, it is best to refer this inquiring to the Assistant to the City Manager for Communications. This individual can screen the request, the source and story angle to determine if granting an interview is advisable or not. Moreover, this staff member may be able to provide the media person with a quote or information that satisfies the request and is consistent with a City position. Lastly, the Assistant to the City Manager for Communication can prepare talking points for such an interview than enable the contacted elected official or advisory board member to convey vetted and consistent City positions.

- **Communication during an Emergency or Crisis [ADDED]**

Emergencies and crises always have a chaotic element to them. Communication to the public regarding the status of the event and/or instructions to those in danger is critical. Cohesive, consistent, and frequent messages to the public will ensure the greatest degree of calmness. To this end, members of the Council and advisory boards should not forward, repeat or post information regarding the crisis that has not been officially

released in the form of a press release or talking points by the staff or the designated cooperative agency the City is working with (e.g. County, Forest Service, etc.). Be cautious about repeating information that is garnered from a public source (such as the radio, television or social media) as it may be inaccurate in their attempt to be first. Your position as a member of the municipal government will lend credibility to the report and could be seen as an official statement.

ETHICS POLICY

It is the policy of the City of Flagstaff to uphold, promote, and demand the highest standards of ethics from all of its public officials, whether elected to the City Council or appointed to advisory boards. Accordingly, all members of the City Council and City boards, commissions, and committees ("public officials") shall maintain the utmost standards of personal integrity, truthfulness, honesty and fairness in carrying out their public duties, avoid improprieties in their roles as public servants, comply with all applicable laws, and never use their City position or powers improperly or for personal gain.

Honesty, integrity, fairness and respect are the hallmarks of public service in the City of Flagstaff. These principles are the basis for this Ethics Code as well as the Code of Conduct, and these Codes shall be interpreted to further these principles. The public trust in the City Council and citizen boards can be a reality only when public officials are truthful and act with personal integrity. All issues and persons shall be considered with fairness, impartiality and respect, including dividing time reasonably among potential speakers on an issue at a public meeting and being accessible, open and direct with all who appear before the public body. The purpose of this Ethics Code is to provide clear guidance for elected officials and advisory board members in carrying out the official business of the City of Flagstaff.

1. Public Officials Shall At All Times Follow Applicable Federal, State, and Local Laws.

All elected officials and advisory board members shall obey and observe both the letter and the spirit of the constitution and laws of the United States and the State of Arizona, as well as the charter and laws of the City of Flagstaff, including this Ethics Code. A listing of selected key laws related to public officials is attached as Exhibit A and incorporated into this Code. These laws are the foundation of this Code. The following rules provide additional guidelines where clarification or supplementation is considered helpful.

2. Public Officials Shall Disclose Any Conflicts of Interest and Refrain From Participating in Matters Where They Have a Conflict of Interest.

Arizona conflict-of-interest laws (Arizona Revised Statutes, Title 38, Chapter 3, Article 8) apply to all public officials, and all such officials must avoid all involvement that appears to be self-dealing. Public officials must declare all conflicts on the record and not be involved in discussing or deciding any decision or contract which may financially impact the official or the official's relatives.

3. Public Officials Shall Never Solicit, Receive, or Accept Gifts of any Kind From Anyone Attempting to Influence Their Official Actions.

Arizona law prohibits public officials from receiving anything of value or any compensation other than their normal salary for any service rendered in connection with that person's duties with the City. Public officials and their relatives should refuse any gift, favor, or promise which could be interpreted to be offered in order to influence an official decision or action.

Certain meals, hospitality, transportation, and token mementoes directly associated with events that a public official is attending as a representative of the City may be accepted so long as provision of these gifts in not an attempt to influence an official decision or action. If a public official receives any such gift that has a value in excess of [$50], that official must declare receipt of the gift or other benefit to the City Clerk, who will keep a record of all such disclosures as a matter of public record.

This section does not apply to gifts intended for the City rather than for an individual public official. These gifts are property of the City of Flagstaff, and the public official receiving such a gift may display it in the Office of the Mayor or Council, or may turn over the gift to the City Manager for public display or other appropriate handling.

4. Public Officials Shall Never Disclose or Use for Personal Benefit Confidential Information.

Arizona law provides that a public official may never disclose information that is confidential by law, such as executive session information and legal advice. In addition, Arizona law provides that during a public official's service with the City and for two years thereafter, no public official may disclose or use confidential information without appropriate authorization. (See Arizona Revised Statutes § 38-504.B)

5. Public Officials Shall Not Direct, Lobby, or Exert Undue Influence on City Staff in the Exercise of Staff's Official Duties.

Under the City's Charter, administrative authority is vested solely in the City Manager. Public officials may make inquiries to City staff, but may not interfere with the City Manager's authority by giving orders, explicit directions or requests to City staff. In addition, public officials shall not lobby City staff to provide limited options, recommendations, or make decisions that favor particular vendors or citizens, nor shall public officials attempt to exert influence on the City Manager on issues relating to the hiring or removal of City staff members.

A public official shall not represent another person for compensation before the City in connection with any matter in which you will personally participate in a substantial and material way as a City official. For 12 months after your City service, you cannot represent another person for compensation before the City in connection with any matter in which you personally participated in a substantial and material way.

6. Public Officials Shall Not Solicit City Employment for Themselves or Their Relatives.

No public official may be employed by or solicit employment from the City of Flagstaff. In addition, no relative of a member of the City Council may be hired by the City and no relative of a member of a City board or commission may be hired by a City division for which that member provides guidance.

7. Public Officials Shall Not Use City Resources, Including Staff, Equipment and Facilities, to Influence and Election, for Personal Gain, or for Political Purposes.

Arizona law prohibits the use of City resources to influence an election. In addition, public officials may not use City facilities except to the extent these facilities are available to all members of the public.

SANCTIONS

Process and penalties to be determined.

ATTACHMENT A

City of Flagstaff
Sampling[1] of Public Service Ethics Laws Applicable to Flagstaff City Officials

Topic	Applicable External Law	Flagstaff Law	General Summary[2]	Penalties & Sanctions[3]
Absence, unexcused		Charter, Art. II, Section 9	More than two consecutive absences from regular Council meetings without the consent of Council results in automatic termination from office.	Automatic loss of Council seat
Bribery	A.R.S. §§ 13-2602; 38-444		It is illegal to solicit, accept, or agree to accept any benefit upon an understanding that it may influence your official conduct, or to ask for or receive any gratuity or reward (or promise for one) for your official act.	felony
Conflicts of Interests (general)	A.R.S. §§ 38-501 through -511	Charter, Art. VIII, Section 8	If you or any relative could benefit from your taking official action, then you must (1) *disqualify* yourself by not participating "in any manner" - not voting, or discussing, and (2) *disclose* that personal interest.	felony or misdemeanor, more
Contracting with the City	A.R.S. §§ 38-503, 36-1406, -1477	Charter, Art. VIII, Section 8	If you or any relative has a substantial interest in "any contract, sale, purchase or service" to the City, then you must disclose that interest and "refrain from voting upon or . . . participating in any manner."	felony or misdemeanor; cancel contract
Conduct After Leaving City Position ("Anti-Revolving Door")	A.R.S. § 38-504(A)		For 12 months after your City service, you cannot represent another person for compensation before the City in connection with any matter in which you personally participated in a substantial and material way.	felony or misdemeanor
Confidential Information - Disclosure/Use of)	A.R.S. § 38-504		You may NEVER disclose information that is declared confidential by law, such as executive session information and legal advice. During and for two years after your City service, it is illegal for you to disclose or use for personal profit any confidential information you learned in the course of your duties.	felony or misdemeanor; more
Criminal Conviction: Crime of Moral Turpitude		Charter, Art. II, Section 5	"The term 'moral turpitude' describes conduct that is 'depraved and inherently base' or refers to 'acts that adversely reflect on one's honesty, integrity, or personal values.'" Frederickson v. Superior Court, 187 Ariz. 273, 274, 928 P.2d 697, 698 (App.1996), quoting Mungarro v. Riley, 170 Ariz. 589, 590, 826 P.2d 1215, 1216 (App.1991). Conviction of a felony, a crime involving fraud, perjury, certain misdemeanors[4], or any crime directly related to your public office may be considered a "crime of moral turpitude" under this definition.	Automatic disqualification from office

[1] This list is not exhaustive; other laws may apply or be subsequently adopted.
[2] These brief descriptions are provided for quick introductory purposes and cannot and do not present the full scope of these laws. Please contact the City Attorney if you have questions about the scope of a particular provision.
[3] Violations of these laws may expose a City official to a variety of sanctions, including criminal penalties, personal financial liability (for damages and fines, as well as payment of costs and attorneys fees - both prosecution and defense), cancellation of contracts, public embarrassment (for the official and her or his family and employer), and removal from office.
[4] *See, e.g., City Court v. Lee,* 494 P.2d 54 (Ariz. Ct. App. 1972) (indecent exposure); *State v. Superior Court,* 121 Ariz. 174, 589 P.2d 48 (Ariz. Ct. App. 1978) (shoplifting); *Mungarro v. Riley,* 826 P.2d 1215 (Ariz. Ct. App.1991) (false reporting to law enforcement agency); *Frederickson,* 187 Ariz. 273, 928 P.2d 697 (Ariz. Ct. App. 1996)(leaving the scene of an accident).

Criminal Conviction: Misdemeanor		Charter, Art. II, Sections 5 & 9	Conviction of a misdemeanor may result in a fine up to $2,500 for each violation and a jail sentence of up to six months. A.R.S. §§ 13-802, -707. Prolonged incarceration will likely result in loss of office.	
Criminal Conviction: Felony		Charter, Art. II, Sections 5 & 9	Conviction of a felony may result in a fine up to $150,000 for each violation and a prison sentence for several years. A.R.S. §§ 13-801, -701. Prolonged incarceration or loss of voting rights will result in loss of office.	
Discrimination & Favoritism	Constitutions, plus statutes; ARS§38-231(G); ARS Title 41, Ch. 9		It is illegal to discriminate based on race, color, gender, national origin, religion, age, or physical or mental disability. Council must uphold the U.S. and Arizona Constitution and laws, and faithfully and impartially discharge the duties of office.	attorneys fees, damages, more
E-mail	A.R.S. §§39-121; 38-431 *etseq.*		Your e-mail communications are subject to the Public Records Law, and improper e-mail involving a quorum of the members of a public body may violate the Open Meeting Law.	attorneys fees, costs, more
Employment of Relatives ("Nepotism")	A.R.S. § 38-481		You may not be involved in the appointment or hiring of a relative (which is defined broadly to include your parents, siblings, spouse, children, grandchildren, grandparents, and all in-laws).	misdemeanor
Employment - Discussion of Future Employment	A.R.S. §§ 38-503, -504(C)		If you engage in certain discussions about future employment, then it might trigger bribery or conflicts of interest laws.	felony or misdemeanor
Employment -Incompatible	A.R.S. § 38-505		Certain outside employment could trigger conflicts of interest laws.	depends on the facts
Employment - Representing Others Before the City	A.R.S. § 38-504		During your City service, it is illegal for you to represent another person for compensation in connection with any matter in which you will personally participate in a substantial and material way as a City official.	felony or misdemeanor
Entertainment (attending or participating in a cultural or sporting event)	A.R.S. § 41-1232.08(B)		It is illegal for the Mayor or a Council member to accept from a "compensated lobbyist" "an expenditure or single expenditure for *entertainment*" (defined broadly to mean not only *attending* any sporting or cultural event, but also *participating* in any cultural or sporting event, such as golf).	misdemeanor
Extra Compensation	A.R.S. § 38-505		It is illegal for any City official to receive any money (except the salaries the City pays the Mayor and Council members) or anything of value for any service rendered in connection with performing their official duties.	felony or misdemeanor
Financial Disclosures	A.R.S. § 38-545	City Code Section 1-07-001-0006	It is illegal for Council members to fail to file, or knowingly file an incomplete personal financial disclosure statement.	misdemeanor
Fraud and Collusion (Interference in Procurement Process)		Charter, Art. VIII, Sections 6 & 7	Members of Council may not aid or assist bidders in securing City contracts, nor favor any bidder by giving or withholding information or misleading any bidder.	Misdemeanor; removal from office; contract avoided
Gifts & Things of Value	A.R.S. §§ 38-504, 38-505		Members of Council may neither solicit nor accept money or anything of value either as additional compensation or that is of a character or in an amount that shows improper influence on the exercise of their official duties. Gifts worth more than $50 must be reported to the City Clerk.	

Harassment	Civil Rights Acts of 1964 and 1991 A.R.S. § 13-2921; Title 41, Chapter 9		Members of Council may not harass or intimidate anyone. Such conduct in the exercise of their official duties may expose the City as well as themselves to liability.	
Incompatible Public Office or Employment	Common Law; Arizona case law	Charter, Art. II, Section 5	Under the City Charter, the Mayor and Council are prohibited from holding any public office other than that of notary public, a member of the National Guard or a member of the Naval or Military Reserve. Under Arizona common law: "The incompatibility doctrine precludes a person from holding two public positions simultaneously when the duties of the two positions are in conflict, as when one office has the power of reviewing or regulating the conduct of another." Op. Ariz. Atty. Gen. No. I90-023 (1990).	
Interference in Administrative Service		Charter, Art. II, Section 18	Members of Council may not direct or request the City Manager to hire or fire any City employee, may not give orders to any City employee, and must deal with the administrative service solely through the City Manager. The Council as a whole may discuss the affairs of the City and may makes suggestions to the City Manager and City Attorney regarding their activities, as well as hire and or fire these two positions.	
Misuse of Public Resources (see "Theft" below)	A.R.S. §§ 13-1802, 13-2310, 13-2316		City officials may use City resources only to the extent those resources are available to the public. Otherwise, it is theft (see below).	felony or misdemeanor
Open Meetings	A.R.S. §38-431 through-431.09		"It is the policy of this state that meetings of public bodies be conducted openly ... and interpretations of this [law] shall construe any provision ... in favor of open and public meetings."	action null & void; attys fees; more
Political Activities	A.R.S. §9-500.14		It is illegal to use city personnel and/or resources to influence elections.	
Public Monies	A.R.S. § 35-301		If you handle or spend public monies, then you need to be extra cautious and recognize that special rules and obligations apply, including the City's procurement processes.	felony
Public Records -Access to	A.R.S. §39-121, *etseq.*. plus more		Arizona law has a strong presumption that records shall be open to public inspection, but with hundreds of exemptions, you should seek immediate help from the City Attorney if you get a public records request.	range: attorneys fees & costs
Public Records -Tampering with	A.R.S. § 13-2407		It is illegal to "tamper with a public record" by making a false document purporting to be a public record, altering or making a false entry, destroying, removing, hiding, or otherwise impairing a public record.	felony
Solicitation of Gifts & Things of Value	A.R.S. § 38-504(C)		It is illegal to use or attempt to use your official position to get any valuable thing or benefit that you would not ordinarily get. (See also "Bribery" and "Gifts" above.)	felony or misdemeanor
Theft of City Property, Resources, or Services	A.R.S. § 13-1802		Unauthorized (such as personal) use of City resources (facilities, equipment, personnel, supplies) can be considered "theft," which is the taking or unauthorized use of another person's property (including the City's).	felony or misdemeanor
Travel	A.R.S. §§ 13-1803, 13-2407		Unauthorized use of a City vehicle can constitute "unlawful use of means of transportation," and submitting a false travel or expense report is "tampering with a public record."	felony

Town of Chino Valley

MEETING NOTICE
TOWN COUNCIL

Council Study Session/Retreat
Wednesday, February 17, 2016
1:00 P.M.

Pro Force Tactical Law
Enforcement Range Classroom
2178 Sgt. Dee Barnes Way
Chino Valley, Arizona

AGENDA

ACTION TAKEN

1) CALL TO ORDER; ROLL CALL

2) Discussion regarding Town Council-Town Manager relations. (Mayor Marley) **DISCUSSED**

3) ADJOURNMENT

Dated this 10th day of February, 2016.
(Action Taken dated February 18, 2016.)

By: ***Jami C. Lewis, Town Clerk***

The Town of Chino Valley endeavors to make all public meetings accessible to persons with disabilities. Please call 636-2646 (voice) or 711 (Telecommunications Arizona Relay Service) 48 hours prior to the meeting to request a reasonable accommodation to participate in this meeting.

Supporting documentation and staff reports furnished to the Council with this agenda are available for review on the Town website at http://www.chinoaz.net/agendacenter, and in the Public Library and Town Clerk's Office.

CERTIFICATION OF POSTING

The undersigned hereby certifies that a copy of this notice was duly posted at Chino Valley South Campus, Chino Valley Post Office, and Chino Valley North Campus in accordance with the statement filed by the Town Council with the Town Clerk.

Date:_____ Time:_____ By:_____
Jami C. Lewis, Town Clerk