

ORDINANCE NO. 13-768

**AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL
OF THE TOWN OF CHINO VALLEY, ARIZONA, AMENDING
THE TOWN OF CHINO VALLEY, ARIZONA, TOWN CODE,
CHAPTER 31: OFFICERS, SECTION 31.20: TOWN MANAGER
AND CHAPTER 35: CODE OF ETHICS, SECTION 35.04:
CONDUCT IN PUBLIC OFFICE**

WHEREAS, the International City Management Association (“ICMA”) recognizes the month of March as ‘Ethics Month’ and aspires to enhance and promote ethical conduct among professional administrators and political leadership engaged in the conduct of the public’s government; and

WHEREAS, ICMA, its Code of Ethics for Management Professionals, and related support materials have become a global resource for communities seeking to enhance the ethical conduct and operation of local governments; and

WHEREAS, on March 26, 2013, the Town Council discussed and deliberated on amendments to the Chino Valley Town Code (“Town Code”) provisions with regard to the office of Town Manager and Code of Conduct for public officials; and

WHEREAS, the Council voted to approve the proposed amendments to the Town Code, with additional revisions to Section 35.04(D) thereof pertaining to the protocol for reporting complaints concerning public officials; and

WHEREAS, for purposes of memorialization and archiving amendments to the Town Code, it has been the practice of the Town Council to adopt changes to the Town Code through a written, numbered Ordinance;

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Common Council of the Town of Chino Valley, Arizona, as follows:

Section 1. The text of Town Code, Chapter 31: OFFICERS, Section 31.20: TOWN MANAGER, paragraph (G)(4) is hereby amended as follows:

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, ~~and neither.~~ 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.

Section 2. The text of Town Code, Chapter 35: CODE OF ETHICS, Section 35.04: CONDUCT IN PUBLIC OFFICE, paragraphs (B), (C), and (D) are hereby amended as follows:

CHAPTER 35: CODE OF ETHICS

§ 35.04 CONDUCT IN PUBLIC OFFICE

(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 are expected to honor the mandates set forth in this code of ethics. Complaints alleging violations to this chapter shall be received in writing by the Mayor and/or Vice Mayor, unless they are named in the complaint and in that circumstance, such written complaint shall be received by the Town Attorney. Complaints will be addressed by the Council within 60 days of receipt.

Section 3. All other Chapters and Sections of the Town Code, not herein amended or abrogated, shall remain in full force and effect.

Section 4. If any provision of this Ordinance is held invalid by a Court of competent jurisdiction, the remaining provisions shall not be affected but shall continue in full force and effect.

PASSED AND ADOPTED by the Mayor and Common Council of the Town of Chino Valley, Arizona, this 9th day of April, 2013.

Chris Marley, Mayor

ATTEST:

APPROVED AS TO FORM:

Jami C. Lewis, Town Clerk

Musgrove Drutz & Kack, P.C.
Town Attorney