

ORDINANCE NO. 15-796

AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF CHINO VALLEY, ARIZONA, AMENDING THE TOWN CODE OF THE TOWN OF CHINO VALLEY, ARIZONA, TITLE III: ADMINISTRATION, CHAPTER 35: CODE OF ETHICS, BY AMENDING SECTION 35.05: CONDUCT IN PUBLIC OFFICE AND ADDING NEW SECTION 35.06 CODE OF ETHICS COMPLAINTS; FILING AND PROCEDURES, RELATED TO PROVIDING PROCEDURES TO BE FOLLOWED WHEN AN ETHICS COMPLAINT IS RECEIVED; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; AND PROVIDING FOR SEVERABILITY

WHEREAS, the Town Council approved the procedures set forth in this ordinance by majority vote at its meeting on April 14, 2015; and

WHEREAS, the Town Council desires to codify the procedures to provide notice to complainants and respondents of what procedures are to be followed in order for the Council to address complaints of violations of the Code of Ethics,

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

Section 1. In General.

The Town Code of Chino Valley, Arizona, Title III Administration, Chapter 35 Code of Ethics, Section 35.04 Conduct in Public Office is hereby amended to read as follows (additions shown in ALL CAPS; deletions shown in ~~strikeout~~):

§ 35.04 Conduct in Public Office

* * *

(D) All public officials SHALL COMPLY WITH ~~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.~~

The Town Code of Chino Valley, Arizona, Title III Administration, Chapter 35 Code of Ethics is hereby amended to add new Section 35.05 Code of Ethics Complaints; Filing and Procedures to read as follows (additions shown in ALL CAPS; deletions shown in ~~strikeout~~):

§ 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
- (3) PRESENTATION BY RESPONDENT
- (4) ADDITIONAL INFORMATION BY COMPLAINANT (IF ANY)
- (5) ADDITIONAL INFORMATION BY RESPONDENT (IF ANY)
- (6) COUNCIL DISCUSSION
- (7) COUNCIL DECISION

Section 2. Providing for Repeal of Conflicting Ordinances.

All ordinances and parts of ordinances in conflict with the provisions of this Ordinance or any part of the Code adopted herein by reference, are hereby repealed.

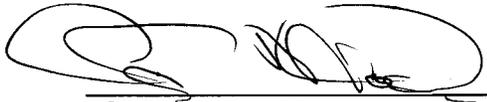
Section 3. Providing for Severability.

If any section, subsection, sentence, clause, phrase or portion of this Ordinance or any part of the Code adopted herein by reference, is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions thereof.

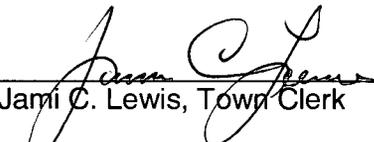
PASSED AND ADOPTED by the Mayor and Common Council of the Town of Chino Valley, Arizona, this 28th day of April, 2015 by the following vote:

| | | | |
|-------|----------|------------|----------|
| AYES: | <u>4</u> | ABSENT: | <u>0</u> |
| NAYS: | <u>2</u> | ABSTAINED: | <u>1</u> |

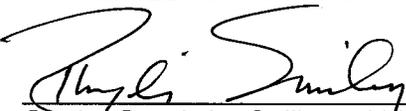
APPROVED this 28th day of April, 2015.


Chris Marley, Mayor

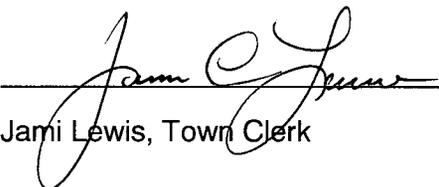
ATTEST:


Jami C. Lewis, Town Clerk

APPROVED AS TO FORM:


Curtis, Goodwin, Sullivan, Udall & Schwab, PLC
Town Attorneys
By: Phyllis L.N. Smiley

I, JAMI LEWIS, TOWN CLERK, DO HEREBY CERTIFY THAT A TRUE AND CORRECT COPY OF THE ORDINANCE NO. 15-796 ADOPTED BY THE COMMON COUNCIL OF THE TOWN OF CHINO VALLEY ON THE 28TH DAY OF APRIL, 2015, WAS POSTED IN THREE PLACES ON THE 1ST DAY OF MAY, 2015.


Jami Lewis, Town Clerk