

**TOWN COUNCIL OF DEWEY-HUMBOLDT
STUDY SESSION MEETING NOTICE AND AGENDA**

Tuesday, July 14, 2020, 6:30 P.M.

**DEWEY-HUMBOLDT TOWN HALL
COUNCIL CHAMBERS
2735 S. HWY 69, SUITE 10
HUMBOLDT, ARIZONA 86329**

NOTICE OF MEETING OF THE DEWEY-HUMBOLDT TOWN COUNCIL

Pursuant to A.R.S. § 38-431.02, notice is hereby given to the members of the Dewey-Humboldt Town Council and to the general public that the Town Council will hold a public meeting (see notes about public participation below) on **Tuesday, July 14, 2020, at 6:30 p.m.**, at the **Dewey-Humboldt Town Hall Council Chambers, 2735 S. Highway 69, Suite 10, Humboldt, Arizona 86329**. Members of the Town Council will attend by audio/video conference call.

THIS MEETING WILL BE HELD BY REMOTE PARTICIPATION ONLY

Due to the federal government's declaration of a COVID-19 pandemic and the resulting Executive Orders from Arizona Governor Ducey to limit events of people in personal contact and Mayor Nolan's declaration of an emergency based on the COVID-19 pandemic, the following accommodations are provided for public participation at the Council Meeting:

- Viewing live streaming audio only on the Town's website, at <http://az-deweyhumboldt.civicplus.com/2164/Town-Meeting-Documents-and-Videos>
- Viewing and potentially participating in the meeting via Join Zoom Meeting
 - Computer: <https://zoom.us/j/86505751900>
 - Telephone: (301) 715-8592; Meeting ID: 865 0575 1900
- Submitting comments via email to the Town Clerk at TimMattix@dhaz.gov. Comments should be submitted no later than 3:30 p.m. on the day of the meeting. Please identify the agenda item and your first and last name.

DEWEY-HUMBOLDT TOWN COUNCIL STUDY SESSION AGENDA

The issues that come before the Town Council are often challenging and potentially divisive. To make sure we benefit from the diverse views to be presented, the Council believes public meetings to be a safe place for people to speak, and asks that everyone refrain from clapping, heckling and any other expressions of approval or disapproval. Council may vote to go into Executive Session for legal advice regarding any matter on the open agenda pursuant to A.R.S. § 38-431.03(A)(3), which will be held immediately after the vote and will not be open to the public. Upon completion of the Executive Session, the Council may resume the meeting, open to the public, to address the remaining items on the agenda. Agenda items may be taken out of order. Please turn off all cell phones. Council Meetings are broadcast via live streaming video on the internet in both audio and visual formats. One or more members of the Council may attend either in person or by telephone, video or internet conferencing. **NOTICE TO PARENTS:** Parents and legal guardians have the right to consent before the Town of Dewey-Humboldt makes a video or voice recording of a minor child. A.R.S. § 1-602.A.9. Dewey-Humboldt Council Meetings are recorded and may be viewed on the Dewey-Humboldt website. If you permit your child to participate in the Council Meeting, a recording will be made. You may exercise your right not to consent by not permitting your child to participate or by submitting your request to the Town Clerk that your child not be recorded.

1. Call To Order.

2. Roll Call. Town Council Members Karen Brooks; Lynn Collins, John Hughes, Mark McBrady, Victoria Wendt, Vice Mayor Amy Lance and Mayor Terry Nolan.

3. Public Comment on Non-agendized Items

The Council wishes to hear from Citizens at each meeting. Those wishing to address the Council need not request permission or give notice in advance. For the official record, individuals are asked to state their name. Public comments may appear on any video or audio record of this meeting. Please direct your comments to the Council. Individuals may address the Council on any issue within its jurisdiction. According to the Arizona Open Meeting Law, Councilmembers may respond to criticism made by those who have addressed the public body, may ask Town staff to review a matter, or may ask that a matter be put on a future agenda; however, Councilmembers are forbidden from discussing or taking legal action on matters raised during Public Comment unless the matters are properly noticed for discussion and legal action. A 3 minute per speaker limit shall be imposed. Everyone is asked to please be courteous and silent while others are speaking.

4. Study Session. Study Sessions are held for the purpose of detailed review and Council discussion. As such, Council may discuss and provide feedback on any matter listed on the agenda. No final decisions or voting occurs at Study Sessions. Agenda language may vary from that in CAARFs for Open Meeting Law purposes.

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3 **A. Review, discussion and Council input on possible provisions for a Code of Ethics/Code of Conduct for public officials. Council review and discussion points include samples from other Arizona municipalities; the Town's previous Code of Ethics code and current Code of Ethics Resolution; public comment as read on June 16, 2020 and requested be included in tonight's discussion. (Staff CC)**

65 **B. Review, discussion and Council input on the provisions of a draft Facility Use Policy. Staff will be presenting two options of the Policy for Council to review, discuss and provide input on: Option A, which would allow use by governmental agencies, and Option B, which would allow use by governmental agencies, non-profit organizations and other legally formed organizations. Staff is also presenting a Facility Use Application and associated Release, Hold Harmless and Indemnification Agreement for Council review, discussion and input. (Staff CC)**

77 **C. Review, discussion and Council input on a draft ordinance amending the Dewey-Humboldt Code of Ordinances to establish provisions and a process for Special Event Liquor License applications. (Staff CC)**

5. Adjourn.

For Your Information:

Next Town Council Meeting: Tuesday, July 21, 2020 at 6:30 p.m.

Next Planning & Zoning Meeting: Thursday, August 6, 2020 at 6:00 p.m.

Next Town Council Work Session: Tuesday, August 11, 2020 at 6:30 p.m.

Persons with a disability may request reasonable accommodations by contacting the Town Hall at (928) 632-7362 at least 24 hours in advance of the meeting.

Certification of Posting

The undersigned hereby certifies that a copy of the attached notice was duly posted at the following locations: Dewey-Humboldt Town Hall, 2735 South Highway 69, Humboldt, Arizona, Chevron Station, 2735 South Highway 69, Humboldt, Arizona, Blue Ridge Market, Highway 69 and Kachina Drive, Dewey, Arizona, on the _____ of _____, 2020, at _____ a.m./p.m. in accordance with the statement filed by the Town of Dewey-Humboldt with the Town Clerk, Town of Dewey-Humboldt.

By: _____, Town Clerk's Office.

If you would like to receive Town Council agendas via email, please sign up at AgendaList@dhaz.gov and type Subscribe in the subject line, or call (928) 632-7362 and speak with Tim Mattix, Town Clerk.



COUNCIL COMMUNICATION

Study Session Meeting Date: **July 14, 2020**

Agenda Item: **4.A.**

Submitted by: Edward L. Hanks, Jr., Town Manager

Subject:

Review, discussion and Council input on a Code of Ethics/Code of Conduct.

Purpose:

Staff is seeking Council input on sample Code of Ethics/Code of Conduct provisions from Arizona cities and towns, as well as the Town's previous Code of Ethics code and the current resolution. Following tonight's discussion, staff will begin compiling a draft code for Council review and consideration at a future meeting.

Background:

Throughout the Town's history, the Town has had Code provisions addressing a Code of Ethics for public officials. Currently, Resolution No. 17-126 is in effect.

At the June 16, 2020 Council Meeting, Council considered a CAARF relating to bringing back the previous Conduct and Ethics provision. Council voted to direct staff to draft or come back with something that Council can look at that might be useful, including comments from a member of the public (Judy Kerber).

Due to the wide scope that may be included in a Code of Ethics/Code of Conduct discussion, staff is providing Council with options from other municipalities. Tonight's agenda item is for Council to have a discussion about the types of provisions that Council would like to include, be they ethics- or conduct-related.

Following tonight's discussion, staff will compile Council's comments and begin formulating a document to bring back for Council to review and discuss.

Financial Impact:

The financial impact is undetermined at this time.

Attachments:

Chino Valley Town Code, Chapter 35; excerpt from City of Sedona City Council Rules of Procedure and Policies – Principles of Ethical Conduct and Rule 2, Conduct of Councilors and Enforcement; City of Holbrook Code of Conduct; Town of Carefree Code of Conduct; City of Tolleson Code of Conduct; Ordinance No. 13-03; Ordinance No. 15-112; Resolution No. 17-126; Comments from Ms. Kerber

Town of Dewey-Humboldt
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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
- 35.05 Code of ethics complaints; filings and procedures

§ 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.

(2001 Code, § 2-6-1)

§ 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.

(2001 Code, § 2-6-2)

§ 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.

(2001 Code, § 2-6-3)

§ 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 dissension 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.

(2001 Code, § 2-6-4) (Am. Ord. 13-768, passed 4-9-2013; Am. Ord. 15-796, passed 4-28-2015)

§ 35.05 CODE OF ETHICS COMPLAINTS; FILINGS 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 3 business days of receipt and at least 3 weeks prior to the complaint being placed on council's agenda.

(E) At least 2 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 1 Council meeting.

(G) Only 1 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; and
- (7) Council decision.

(Ord. 15-796, passed 4-28-2015; Am. Ord. 15-800, passed 6-9-2015)

CITY OF SEDONA

CITY COUNCIL

RULES OF PROCEDURE

AND POLICIES

CITY OF SEDONA PRINCIPLES OF ETHICAL CONDUCT FOR ELECTED OFFICIALS

The following principles are meant to reflect a commitment to the integrity, responsibility, and leadership required of those holding public office. Council members pledge to uphold these Principles of Ethical Conduct in their behavior and actions in order to merit the trust bestowed upon them by the citizens they serve.

1. I will put forth honest effort in the performance of my duties.
2. I will make no unauthorized commitments or promises of any kind purporting to bind the City of Sedona Government.
3. I will not use public office for private gain.
4. I will act impartially and not give preferential treatment to any private organization or individual.
5. I will disclose waste, fraud, abuse, and corruption to the appropriate authorities.
6. I will treat everyone with respect and fairness at all times.
7. I will endeavor to avoid any actions creating the appearance that I am violating the law or these ethical standards.

RULE 2

CONDUCT OF COUNCILORS AND ENFORCEMENT

A. CITY COUNCILOR ATTENDANCE AT SCHEDULED CITY MEETINGS

1. Councilors will notify both the Mayor and City Manager's Office in writing (email is appropriate) of their inability to attend any scheduled City Council meeting.
2. Should a Councilor be unable to attend any scheduled City Council meeting by unforeseen circumstances, that Councilor will notify the Mayor and the City Manager's Office as soon as possible after the meeting.
3. The second failure by a Councilor to notify the Mayor and City Manager's Office of anticipated or unforeseen absences may result in actions as outlined in Section L below.

B. EQUAL VOICE AND VOTE

All members of the City Council, including those serving as Mayor and Vice Mayor, have equal votes. All Councilors should be treated with equal respect.

C. GENERAL RULES OF DECORUM

1. Councilors shall fully participate in City Council meetings and other public forums while demonstrating respect, kindness, consideration, and courtesy to others.
2. At all times, Councilors shall be respectful of other people's time, and shall attempt to stay focused and act efficiently during public meetings.
3. Councilors shall conduct themselves so as to serve as a model of leadership and civility to the community, inspire public confidence in Sedona government, and demonstrate honesty and integrity in every action and statement.
4. Councilors will strive to always be on time for Council meetings.

D. CONDUCT IN PUBLIC MEETINGS

During all regular and special Council meetings, the following rules of decorum shall apply:

1. The role of the Mayor shall be recognized in maintaining order.
2. Councilors shall refrain from distraction during the "moment of silence".
3. Councilors shall refrain from dominating the discussion.
4. Personal attacks on other Councilors shall be avoided.
5. Councilors shall demonstrate effective problem solving approaches.
6. Councilors shall be polite to speakers and treat them with respect.
7. Councilors shall actively listen when others speak.
8. Councilors shall refrain from debating and arguing with the public.
9. Everyone attending Council meetings will turn off all cell phones. If an imminent emergency or serious family matter is anticipated, cell phones may be set on vibrate.
10. Councilors shall refrain from eating at the dais.

11. "Business Casual" is the appropriate dress standard for all scheduled meetings of the full Council.
12. Councilors should be respectful of citizens, citizen opinions, and citizen issues.

E. CONDUCT IN UNOFFICIAL PUBLIC SETTINGS

1. Councilors will continue to practice respectful behavior in unofficial public settings.
2. Councilors will always be aware that conversations can have a public presence, and therefore ensure that all City-related conversations are appropriate and respectful.
3. All Councilors will refrain from making promises on behalf of the City Council unless such promises have been approved by official action.
4. Councilors shall refrain from making negative personal comments about other Councilors that go beyond appropriate criticism of another Councilor's opinion or position on a matter.

F. PUBLIC COMMUNICATIONS

1. When speaking publically regarding City issues, Councilors will inform their listeners that **"any expressions of opinion can only be attributed to me and do not necessarily represent the position or opinion of the City Council or City staff,"** or words to that effect.
2. When writing an item for publication, such as a letter to the editor, Councilors will conclude their written statement with the disclaimer **"Any expression of opinion that may be read into this article can only be attributed to me as the author and does not necessarily represent the position or opinion of the City Council or City staff,"** or words to that effect.
3. Articles assigned to be written by Councilors, such as City Talk, will include the disclaimer as outlined in Section F, Paragraph 2 above, and will be distributed to all local media through the City Manager's Office.

G. COUNCILOR CONDUCT WITH CITY STAFF

1. Councilors shall treat all City staff as professionals.
2. Councilors shall refrain from personal public criticism of an individual employee that goes beyond appropriate criticism or questioning of his/her position on a City matter. Concerns about an employee's performance should be discussed in private and should be brought to the attention of the City Manager.
3. Councilors should attempt to avoid unnecessary or prolonged disruption of City staff from their jobs. Councilors should not disrupt City staff while they are in meetings, on the phone, or engrossed in performing their duties, unless there is a compelling time-sensitive concern that must be addressed immediately.
4. Councilors should refrain from involvement in administrative functions. Councilors must not attempt to unduly influence City staff on the making of appointments, awarding of contracts, selecting consultants, processing of development applications, or granting City licenses and permits. However, this does not preclude City Council members from being involved in such decisions

when they are part of a committee that has been formed for the purpose of recommending the selection of a professional firm or recommending the hiring of a key staff member. In being part of that committee it is understood that they will be impartial and make their recommendation based on the merits of the applicants and will recuse themselves from the process if there is a conflict of interest.

5. Upon receipt of a citizen's complaint, a Councilor may refer the complaint to the City Manager for review and response. Before responding to a citizen complaint, Councilors should check with the Mayor or City Manager to see if any action has already been taken on the issue. Copies of any response may be provided to other Councilors and the City Manager.

H. RESPONSE TO COMMUNICATIONS FROM THE PUBLIC

1. Councilors are strongly encouraged to acknowledge telephone, letter and electronic communications from the public.
2. When responding to such inquiries regarding City issues, Councilors should indicate a disclaimer such as: **"Any expression of opinion that may be read into this response can only be attributed to me as the author and does not necessarily represent the position or opinion of the City Council or City staff,"** or words to that effect.
3. Individual Councilors may respond to correspondence that has been directed to the entire City Council. Councilors should qualify any response they make which contains their personal opinions as opposed to any official position of the City.
4. Councilors shall always be courteous and professional in any correspondence or interaction with members of the public.

I. REFERRAL OF CITIZEN COMPLAINTS CONCERNING CITY SERVICES

When contacted by a citizen concerning a complaint regarding a City service, Councilors will notify the City Manager of the complaint and inform the citizen that his/her concern has been forwarded to the City Manager's Office. The City Manager should inform the referring Councilor of what action may have been taken.

J. IMPROPER INFLUENCE

1. A Councilor may not use City staff or letterhead to support personal or non-City functions or fundraisers.
2. Councilors shall not use their official office as a means of advancing personal opinions through public statements whereby an inference can be drawn that they are speaking on behalf of the City. Any such public statements shall contain clear language indicating that such statements are the opinions and comments of the individual and are not necessarily the position of the City of Sedona.

K. GIFTS

1. Councilors shall not, except pursuant to such reasonable exceptions as are provided by regulation, solicit or accept any gift or other item of monetary value

from any person or entity seeking official action from, doing business with, or conducting activities regulated by the City of Sedona, and whose interests may be substantially affected by the performance or nonperformance of the Councilor's duties.

L. ENFORCEMENT OF THE RULES OF PROCEDURE

1. City Councilors who fail to follow these Rules of Procedure are subject to both private reprimand and formal censure. It is at the discretion of the Mayor to initiate action if a Councilor's behavior is called into question by another Councilor. When this occurs, the Mayor will discuss the behavior with the concerned Councilor whose actions are being questioned and may issue a private reprimand. If the Mayor is the individual whose actions are being questioned, the same procedure will be followed after a Councilor expresses a concern to the Vice Mayor.
2. If, after a second private reprimand concerning the same behavior, the conduct continues, the matter shall be referred to the City Council to consider whether a public censure is appropriate. Any public censure for violation of these Rules of Procedure can only take place upon a (two-thirds) vote of the entire City Council.

**CODE OF CONDUCT FOR ELECTED
OFFICIALS AND ADVISORY BOARD MEMBERS
CITY OF HOLBROOK, ARIZONA**

SECTION 1: The City of Holbrook Ethics Policy

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

The City of Holbrook and its elected and appointed officials all share a commitment to ethical conduct and service to the City of Holbrook. This code has been created to ensure that all elected and appointed officials have clear guidelines for carrying out their responsibilities in their relationships with each other, with the staff, with the citizens of Holbrook, and with all other private and governmental entities.

SECTION 2: City Council Relationships

A. Intra-Council Relationships

The Mayor and City Council, hereinafter referred to as “the Council” have a Charter responsibility to set the policies for the City. In doing so, certain types of conduct are beneficial and certain types are destructive. The City Council is responsible to take the high road on Intra-Council conduct and treat other council members as they would like to be treated.

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 and have the obligation to preserve and protect the well being of the community and its citizens. In all cases, this common goal should be acknowledged and the Council must recognize that certain behavior is counterproductive, while other behavior will lead to success. The following are examples of how the Council Members should relate to one another:

- Practice civility and decorum in discussion and debates.
- Difficult questions, tough challenges to a particular point of view, and criticism of ideas and information are legitimate elements of an effective City Council. However, City Council Members who are belligerent, impertinent, slanderous, threatening, abusive, or who engage in personal or disparaging attacks

Adopted by Ordinance 01-20-2009

on other Council members denigrate the process and preclude effective discussions and the successful resolution of issues.

- Every council member has the right to an individual opinion, which should be respected by the other Council Members. Council Members should assume the other members of the Council have the appropriate motives and interest of the public in mind and not criticize differing opinions because they believe them to be lacking in judgment or improperly motivated.
- An issue may be contentious without being hostile, degrading or defamatory.
- The Council should act as cooperatively as possible and may be required, from time to time, to modify to some extent their positions so that a decision can be reached. Compromise in a Council Member's position does not indicate dishonesty or lack of integrity, but does indicate a recognition of the realities involved in reaching a consensus or decision in the best interests of the community.

B. Council Action in the Public

The City Council Members are expected to demonstrate, not only publicly but privately, their honesty and integrity and be an example of appropriate and ethical conduct. A Council Member should not personally criticize other Council Members, nor impugn their integrity. Council Members should treat each other with respect when discussing council issues outside of Council meetings, and should convey to the public their respect and appreciation for other Council Members and their positions.

Council Members must ensure that in expressing their own opinions they do not mislead any listener into believing that their opinion is the opinion of the Council unless the Council has taken a vote on that issue and the Council Member's opinion is the same as the decision made by the Council. Likewise, no Council Member should state in writing that Council Member's position in a way that implies it is the position of the entire City Council. A City Council Member has the right to state a personal opinion, and has the right to indicate that he/she is stating such as a member of the Council, but must always clarify that he/she is not speaking on behalf of the City or the City Council unless authorized by the Council to do so.

C. Council Conduct with City Staff

Governance of the City relies on the cooperative efforts of elected officials who set policy and the City staff who implements and administers the Council's policies. Therefore, every effort should be made to be cooperative and show mutual respect for the contributions made by each other for the good of the community. The following are examples of how the Council should relate to the staff:

- The Council Members should treat all staff as professionals. Clear, honest communication that respects the abilities, experience and dignity of each staff member is expected. Poor behavior or comments toward staff are not acceptable.
- Staff works within a chain of command under the ultimate direction of the City Manager. Since the City Manager is the principle administrator in the City,

the City Council should generally direct questions and suggestions to the City Manager and allow the City Manager to assign out those tasks or responsibilities.

- When Council Members give specific direction to a staff member the Council Members may in fact be giving direction contrary to direction already given to the staff member by a superior, or may be giving direction to the staff member which the staff member knows to be ineffective or inappropriate. The Council should attempt to work through the City Manager for all communication with the staff and expect the City Manager to be responsive to the Council's needs, questions and comments.
- The City Council should never publicly criticize City employees from the City Manager through the front line staff members. Public criticism of City employees leads to poor morale of the City employees, undermines their effectiveness with the public and is detrimental to their performance and to the ability of the City Manager to administer the City and implement Council policy.
- If a City Council Member has a question regarding a matter that is on a City Council agenda, the City Council Member should contact the City Manager prior to the meeting and indicate the concern or question that the City Council Member has to the City Manager, so that the City Manager can either research the question and be prepared to provide an answer, or have a staff member research the question and be prepared to provide an answer.
- The City Council should not attempt to influence the decisions or opinions of City staff members on issues that may come before the City Council.
- Council Members should avoid attending City staff meetings unless they are requested by the City Manager to attend, and should also avoid attending advisory committee meetings because of the likelihood that the members of the committee will be affected by the Council Member's attendance.
- The City Council should avoid asking for information which will unduly burden the staff and, when asking for information, should go through the City Manager.
- The Council Members shall not exert any influence on the City Manager on issues relating to hiring, promotion, or discipline of City employees.
- Nothing herein shall be interpreted to be in conflict with the provisions of Section 3.07 of the Charter, which specifically provides that the Council and its members may deal with the administrative services of the City for the purpose of inquirey, investigation or report.

D. Council Conduct in City Council Meetings

The Mayor shall conduct all City Council Meetings. Council Members shall address all comments through the Mayor. Only the Mayor, no individual Council Members, may interrupt a speaker during a presentation. However, a Council Member may ask the Mayor for permission to question the speaker.

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 comments. The Council should listen to comments from the public and concerns raised by the public or disagreements voiced by the public. Council Members should also ask for clarification if they do not understand the comment.

However, the public should not be allowed to launch any personal attacks against any members of the Council during any public meeting, nor should Council Members disparage or insult members of the public during any Council meetings.

The Mayor shall maintain order in all City Council meetings and shall take reasonable steps to ensure compliance by the public, staff and Council Members. This may include an indication that a comment is out of order and a ruling by the Mayor that in the event such inappropriate comments continue the interrupting party may be ordered removed from the premises.

E. Sanctions

Council Member behavior and conduct in City Council meetings and outside City Council meetings is subject to sanctions set out in this Code of Conduct. The preceding section regarding the conduct of elected officials not only sets out principals and examples of proper conduct or improper conduct, but also constitutes enforceable guidelines, not merely suggestions.

All Council conduct in and out of Council meetings must be in compliance with the open meeting law (see Section 7 and Exhibit A).

If a Council Member intentionally violates the principles and guidelines set out herein, that Council member is subject to the sanctions set out in this code.

SECTION 3: Boards and Commissions

In accordance with Section 2.07 of the Charter, the Mayor shall appoint volunteer members to various committees, board and commissions after due official notice to the public and with consent of the Council. These members can provide substantial contributions to the Council and to the welfare of the entire City.

Committee and commission members are encouraged to attend all meetings, be prepared for all discussions in those meetings, and to follow the same principles and guidelines that are set out in the preceding sections for Council Member conduct.

Commission and committee members are subject to the sanctions set out herein.

SECTION 4: Ethics Policy and Conflict of Interest

It is the policy of the City of Holbrook to uphold, promote and demand the highest standard of ethical behavior from its Mayor, members of its City Council and individuals appointed to serve on City boards and commissions. Honesty, integrity and fairness are hall

marks of public service. Use of one's office or position for personal gain or inappropriate influence will not be tolerated and is prohibited.

All City officials shall obey and observe the letter and spirit of the Constitution of the United States, the Constitution of the State of Arizona and all federal, state and local laws, codes and ordinances, including this Code of Conduct. A listing of key public service ethics laws and other specific laws governing the conduct of public officials are listed in Exhibit A attached to this code. (Exhibit A is offered for reference only and is not intended to be an inclusive list of statutory obligations or limitations on Council conduct.)

As a prerequisite for exercising any power of office, each City official is required to read and agree in writing to comply with the provisions of applicable laws, regulations, policies and this Code of Conduct, as well as to participate annually in continuing education workshops regarding public service ethics and applicable state laws.

SECTION 5: Conflicts of Interest

A conflict of interest arises when a City official, a relative of that official, or an entity in which a City official has a substantial interest is actively engaged in an activity that involves the City's decision-making process. "Decision-making process" is broader than just voting, and includes, inter alia, being involved with any aspects of any decisions the City makes, including contracting, sales, purchases, permitting, zoning, transactions in City owned property, discussions and negotiations with various business interests, and relationships with other governmental entities.

When a conflict of interest arises, the City official involved must immediately refrain from participating in any manner in the City's decision-making processes relating to that issue. The City official should not participate in any discussions of the matter, nor vote on the matter. Likewise, the City official should not provide any opinion or suggest any conduct to be taken by any member of the City Council or any City employee, contractor or agent, officer, staff member, commission member or any other advisory group to the City when such a conflict involves the City official.

In addition, the City official shall declare the specific nature of the possible conflict by either stating on the record in a public session the nature of the conflict or by providing a written disclosure of the conflict to the City Attorney and the City Manager.

In situations where said official has questions about the applicability of this Code of Conduct or the provisions in other Arizona conflicts of interest laws or any other questions regarding a possible conflict, the City official may seek the advice of the City Attorney on whether a conflict of interest exists. City officials are also strongly encouraged to avoid involvement in situations where conduct is not a technical conflict of interest, but where active participation might raise the perception of undue influence or impropriety.

All Council Members and members of City boards, commissions and committees shall complete and file with the City Clerk a Personal Interest Disclosure Form (a copy of which is

attached to this code as Exhibit B) prior to officially participating in a public meeting, and annually before January 31st of each year of service to the City.

SECTION 6: Acceptance of Gifts or Other Consideration for Public Action

City officials are prohibited from soliciting, receiving or accepting personal gifts of any kind from anyone who is engaged in a general practice or specific situation that involves the City’s decision-making or permitting processes. The term “gifts of any kind” includes money, services, loans, travel, entertainment, hospitality including meals, promises of any future gifts, or anything of value that might be construed as an attempt to create a more favorable relationship than that enjoyed by any other citizen, including the purchase, sale or lease of any real or personal property by the City official, by the City official’s relative or by any entity in which that official has a financial interest at a value below or above that available to the general public. Nor may the City official receive employment and/or services, contracts or direct or indirect benefits from any person or entity in exchange for any acts, conduct, or efforts made by the City official in the official’s capacity, nor shall the City official allow any of that official’s relatives or an entity in which the official or relative has a financial interest to be so benefited.

SECTION 7: Open Government

The citizens of Holbrook expect and deserve open government. Arizona has an official public policy “that meetings of public bodies be conducted openly,” and that any doubt should always be resolved “in favor of public meetings”.

Therefore, City officials shall conduct themselves in a manner that fully adheres to and preferably exceeds state laws concerning open meetings and transparency of actions. City officials are encouraged to employ a “mindset of openness” in conducting the affairs of the City and should be cautious before voting to hold a portion of a meeting in executive session. If a matter can be discussed in open session without damage to the public interest, public officials are encouraged to do so. Moreover, City officials are reminded that any attempt to circumvent the open meeting law, such as by using electronic technology, a “hub and spoke” scheme, or any other technique involving less than a quorum designed to communicate with the quorum of a public body will violate the open meeting law and is prohibited. City officials are reminded that any time a quorum of a public body is present in one location, or is in communication by telephone, e-mail, or by other means, and either propose, discuss, consider or vote on any City issue, that such conduct constitutes a violation of the open meeting law and is prohibited.

Please note that the Arizona Open Meeting Law (see Exhibit A) prohibits a discussion in a meeting on any item which is not listed on the agenda unless it is reasonably related to an item listed on the agenda. “Reasonably related” requires that reasonable members of the public would or should expect such “reasonably related items” to be discussed under the published agenda item. This ensures that members of the public will have adequate notice of the possible discussion so that they can decide whether they wish to attend the meeting in question.

The City Attorney is directed to vigorously promote and enforce state laws regulating open meetings, and be assertive in ensuring strict adherence to those laws reflecting the City’s “mindset of openness”.

During a person's employment or service with the City, and for two years thereafter, no member of a City board, commission, committee, or of the City Council may disclose or use confidential information without appropriate authorization. "Confidential information" includes certain economic development information and other non-public information that may affect the City's economic interests.

SECTION 8: Preservation of Public Records

Consistent with the Arizona Public Records laws, written communications between public officials and private citizens, or between public officials and other public officials on matters involving the affairs of the City are considered public documents. Such written communications shall be preserved in compliance with the City's document retention policy and made available for review upon request.

"Written communications", as used above, includes City related documents, memos and e-mail messages and attachments originating from or received by elected or appointed officials on any publicly or privately owned equipment at City Hall, at the City official's place of employment, private residence or at remote locations. Destruction of such communications prior to expiration of the time period specified in the City's document retention policy is prohibited.

SECTION 9: Enforcement of this Code of Conduct

A. Filing of Complaints

Any person who believes a City official, in his/her official capacity, has violated a requirement or prohibition or guideline set out herein, or any other federal, state or local law may file a sworn complaint with the City Attorney identifying 1) the complainant's name, address and telephone number; 2) the name and position of the City official who is the subject of the complaint; 3) the nature of the alleged violation, including the specific provision of this code or law allegedly violated, and 4) a statement of facts constituting the alleged violation and the dates on which, or period of time during which the alleged violation occurred.

Attached to the complaint the person making the complaint shall provide all documents or other materials in the complainant's possession that are relevant to the allegation, a list of all documents or other materials relevant to the allegation that are available to the complainant but not in the complainant's possession, and a list of all other documents or other materials relevant to the allegation but unavailable to the complainant, including the location of the documents if known, and a list of witnesses, what they may know, and information to contact those witnesses.

The complaint shall include an affidavit at the end of the complaint stating that the "information contained in the complaint is true and correct, or that the complainant has good reason to believe and does believe that the facts alleged are true and correct and that they constitute a violation of the ethics code, guidelines set out therein, or federal, state or local law or ordinance." If the complaint is based on information and belief, the complaint shall identify the basis of the information and belief, including all sources, contact information for those sources, and how and when the information and/or belief was conveyed to the complainant by those

sources. The complainant shall swear to the facts by oath before a notary public, or before the City Clerk. The notary public or City Clerk shall verify the signature.

B. Time for Filing

A complaint under this code must be filed no later than one year from the date of discovery of the alleged violation. However, anyone having information on which a complaint is based is encouraged to file the complaint as soon as the information is obtained so that immediate action may be taken by the Council or the appropriate staff member or agency. The delay in filing a complaint may be considered in determining the sanction to be imposed.

C. False or Frivolous Complaints

A person who knowingly makes a false, misleading or unsubstantiated statement in a complaint is subject to criminal prosecution for perjury and possible civil liability. If, after reviewing an ethics complaint, it is determined that a sworn complaint is groundless and appears to have been filed in bad faith or for the purpose of harassment, or that intentionally false or malicious information has been provided under penalty of perjury, the City Attorney may refer the matter to the appropriate law enforcement authority for possible prosecution. A City official who seeks to take civil action regarding any such complaint shall do so at his or her expense.

D. Complaints Against Members of Boards, Commissions, Committees, Task Forces or other Appointed Advisory Groups.

1. Initial Screening of Complaints - The City Attorney shall review each complaint filed alleging a violation by a member of a City board, commission, committee, task force or other appointed advisory group, and within 15 business days either 1) return it for being incomplete; 2) dismiss it if the complaint, on its face, fails to state allegations that if true would violate a mandatory requirement or prohibition of this code, 3) dismiss it as being without merit and refer it to the appropriate authorities for action against the complainant if the City Attorney determines that the complaint was false, misleading, frivolous or unsubstantiated, 4) refer alleged violations of Arizona or federal laws to an appropriate law enforcement agency if the complaint states, on its face, allegations that, if true, would constitute a violation of Arizona or federal law, or, 5) if the complaint states, on its face, allegations that, if true, would constitute a violation of a mandatory requirement or prohibition of this code, take action as set forth below.

2. Investigation of Complaint - After completion of the initial review of the complaint as set out above, the City Attorney shall investigate the allegations and within thirty days submit to the Council, complainant, the official who is the subject of the complaint, and the City Clerk a report with findings of fact, conclusions of law and a recommendation. The City Council shall consider the City Attorney's report at a public meeting. Upon review of the report and following a discussion, if the City Council, by motion, concludes that there is a violation of this Code, the City Council may remove the member from the City board, commission, committee, task force or other appointed advisory group. In

resolving the complaint, the totality of the circumstances shall be taken into consideration, including the intent of the person accused of the wrong-doing.

3. Complaint and City Attorney Report are Public Records - On the same day the City Attorney notifies a complainant of the action taken on a complaint as set forth herein, and on the same day the City Attorney issues a report to the City Council regarding a complaint against a member of a City board, commission, committee, task force or other appointed advisory group, or on the same day that the City Attorney refers a matter to an independent reviewer, the City Attorney shall issue a report to the City Council regarding the complaint and provide copies of the complaint and all supporting documentation to the City Clerk to be made a public record.

E. Complaints Against the Mayor and Members of the City Council.

1. Investigator Appointment - The City shall use independent, non-city personnel to handle complaints lodged against the Mayor and members of the City Council. The independent non-city investigator shall be appointed by the City Attorney.

2. Investigator Initial Action - The City Attorney shall immediately transfer any complaint filed against the Mayor or a member of the City Council to the City's independent investigator who will conduct the initial screening of the complaint and, within 15 business days, absent an extension granted by the City Council shall issue a report, including findings of fact and conclusions of law and recommend that the City Attorney handle the complaint in one of the following ways:

- a) Return the complaint to the complainant because it is not complete;
- b) Dismiss the complaint if, on its face, it fails to state allegations which, if true, would violate a prohibition or guideline as set out in this Code of Conduct;
- c) Dismiss the complaint for lack of merit and refer the complaint to the appropriate authorities for action against the complainant, if the independent investigator determines the complaint was false, misleading, frivolous, or unsubstantiated; or
- d) Refer any alleged violations of Arizona or federal laws to an appropriate law enforcement agency if the complaint, on its face, states allegations which, if true, would constitute a violation of Arizona or federal law.

Upon taking any of the above actions, the City Attorney shall submit a copy of the investigator's report to the official who is the subject of the complaint, unless, in the discretion of the City Attorney, to do so will impede a possible investigation of an alleged violation of Arizona or federal law.

3. Investigation - If the complaint appears valid on its face, the investigator shall conduct such investigation as he/she deems appropriate to determine the accuracy/truthfulness of the allegations made, and if such allegations violate any provision of this code or state or federal law. The independent investigator may request the assistance of the City Attorney in such investigation. The investigator shall then submit findings of

fact and conclusions of law to the City Attorney and the City Council.

4. Appointment of Hearing Officer and Presenting Attorney - If the investigator concludes that this code has been violated or that a violation of City, state or federal law has occurred, the City Attorney shall appoint a hearing officer to conduct a hearing on the matter. The City Attorney shall also designate an outside attorney to present the matter to the Hearing Officer on behalf of the complainant.

5. Rules of Procedure - The City Council will adopt written rules of procedure to govern the hearing process, including the right of a City official against whom a complaint has been lodged to respond to the complaint, attend any hearing, present witnesses and offer evidence, and be represented by counsel at his or her own expense.

The hearing officer shall conduct the hearing in accordance with the rules of procedure adopted by the Council. After completion of the hearing, the hearing officer shall make findings of fact and conclusions of law and transmit the same to the Council for a determination of the sanction/s to be imposed. The Council shall accept the findings and conclusions of the hearing officer as true and correct, but shall have the discretion to determine the appropriate sanction/s to be imposed. If the City official against whom the complaint was filed is exonerated by the hearing officer, the City may, in the discretion of the Council, pay part or all of the reasonable attorney's fees and costs incurred by the City official in his/her defense.

6. Penalties and Sanctions Policy - It is the intent of the City Council to educate and when necessary, discipline Council Members and members of boards and commissions appointed by the Council who violate this Code of Conduct. Discipline shall be progressive, from the least punitive to the most punitive measures, unless the Council believes that the progressive discipline does not provide the appropriate sanction because of the gravity of the offense, or because the Council does not believe the sanction would deter future misconduct. In all instances, the totality of the circumstances shall be taken into consideration in resolving the matter, including the intent of the one accused of wrong-doing.

7. Possible Penalties and Sanctions - The City Council shall determine the appropriate penalty or sanction for violations of this Code of Conduct. Possible sanctions may include an informal censure by the Council, which would only be made as part of a motion in a public meeting; a formal censure by the Council, which would be made by motion in a public meeting and then published in the City newspaper. The Council may also vote to impose a dollar fine on the Council Member, up to \$500.00. The Council may also vote to prohibit a Council Member's participation on the Council for a specified number of days or may vote to remove a Council Member from office in the event of the most serious violations of this code. The imposition of any of these penalties or sanctions will require five affirmative votes of the Council.

SECTION 10: Inclusion in City Charter

The City Council intends to submit this Code of Conduct to the voters for approval as an amendment to the City Charter which would incorporate this Code of Conduct by reference as an official policy of the City.

SECTION 11: Amendments to this Code

After this code is adopted by the Council, and passed by the voters as a provision of the Charter, the City Council shall have the authority to modify or amend portions hereof by ordinance upon recommendation of an independent citizen advisory board chosen in compliance with the City Charter and this Code of Conduct, with an affirmative vote of five members of the Council.

SECTION 12: Severability

If any provision of this code is found to be legally invalid, that provision shall be severed from this code and the remainder of this code shall remain in effect.

Town of Carefree CODE OF CONDUCT

PREAMBLE

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

The Town of Carefree and its elected and appointed officials all share a commitment to ethical conduct in service to their community. This Code of conduct has been created to ensure that all elected and appointed officials have clear guidance for carrying out their responsibilities.

Elected and appointed officials are often called upon to make decisions that affect various groups and individuals. Balancing diverse constituent interests is a difficult task. While someone will always be disappointed in decisions, both elected and appointed officials shall adhere to ethical standards that eliminate disappointment borne of dishonesty, conflicts of interest, unfairness or illegality. Preservation of public trust is critical for the preservation of democracy.

All elected and appointed officials should strive to operate in the following manner:

- Honesty and Integrity: These characteristics shall be the primary values evident in the dealings of the elected and appointed officials on all issues. The public trust in the Town Council, advisory boards, commissions, and committees can be a reality only when public officials operate with honesty and integrity.
- Fairness, Impartiality and Respect: All issues and citizens shall be handled with fairness, impartiality and respect. Elected and appointed officials have an obligation to treat all citizens fairly, such as by dividing time reasonably among potential speakers on an issue at a public hearing or meeting. In reviewing, discussing and deciding issues, elected and appointed officials have an obligation to be accessible, open and direct, not only with the other members of the Town Council, advisory boards, commissions, and committees, but also to the citizens and business representatives who appear before them. The public is entitled to communicate with their public servants and understand the position of the Town Council, advisory board, commission, and committee members on issues before them.

- Effort: Elected and appointed officials have an obligation to attend meetings and to be prepared. It is expected that these officials will review the materials, participate in discussions and make an informed decision on the merits of the issue.

1. CODE OF CONDUCT

A. This Code of Conduct provides guidance on the standards of behavior that are expected and required from all elected and appointed officials of the Town of Carefree. This Code of Conduct applies to all elected and appointed officials in their dealings with:

- Each other,
- Town staff,
- Town residents,
- Media,
- Contractors,
- Vendors, and
- The general public.

B. The objective of this Code of Conduct is to enhance:

- The effectiveness of all elected and appointed officials of the Town;
- The credibility and accountability of the Town Council within the community;
- Mutual trust, respect, and tolerance between the elected and appointed officials as a group and between the elected and appointed officials individually and all of the other constituencies of the town.

C. The residents and businesses of Carefree are entitled to have fair, ethical, and accountable local government. Such a government requires that all elected and appointed public officials:

- comply with applicable laws and policies affecting operations of the government;
- be independent, impartial and fair in their judgment and actions;
- use their public office for the public good, not for personal gain;
- conduct public deliberations and processes openly, unless legally confidential, in an atmosphere of respect and civility

D. To this end, the Carefree Town Council adopted this Code of Conduct to encourage public confidence in the integrity of local government and its fair and effective operation.

2. CONFLICT OF INTEREST

A. Elected and appointed officials shall ensure they comply and are familiar with

the provisions of Arizona Revised Statutes § 38-501, et seq., which refer to all elected and appointed officials of a city who may have a "substantial interest" in any "contract, sale, purchase or service" to the city.

- B. In accordance with the provisions of Arizona Revised Statutes, an elected or appointed official who has a substantial interest must declare a conflict of interest and additionally refrain from voting upon or otherwise participating in approval of the contract, sale, or purchase. "Substantial interest" is defined as "any pecuniary or proprietary interest, either direct or indirect, other than a remote interest." A.R.S. § 502(11).
- C. Elected or appointed officials shall not take advantage of services or opportunities for personal gain by virtue of their public office that is not available to the public in general.
- D. Any elected or appointed official who has an interest in any business before the council or commission or committee with which that individual has a conflict of interest shall withdraw from any discussion, deliberation, or decision regarding said matter.

3. CONDUCT

- A. Elected and appointed officials shall treat people with respect, regardless of their race, age, religion, gender, sexual orientation, or disability, and should not unlawfully discriminate against any person or group of persons.
- B. 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, elected or appointed officials 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.
- C. Elected and appointed officials shall fully participate in council, commission and committee meetings and other public forums while demonstrating respect and courtesy to others, practicing civility and decorum in discussions and debate, listening courteously and attentively, and engaging in effective communications.
- D. Elected and appointed officials shall not place themselves in situations where their honesty and integrity may be questioned, should not behave improperly and should on all occasions avoid the appearance of such behavior.
- E. Elected and appointed officials shall be scrupulously honest in their use of town assets, funds, and equipment, and shall not misuse them or permit their misuse (or the appearance of misuse) by any other person or body.
- F. Elected or appointed officials shall not use town resources, including the

services of town staff, for private purposes or personal gain.

- G. Elected and appointed officials shall make impartial decisions, free of bribes, unlawful gifts, and narrow political interests and financial or other personal interests that impair independence of judgment or action.
- H. Elected and appointed officials shall not use their official position or the town's facilities for their private gain, or for the benefit of any individual, which benefit would not be available to any other member of the public in the same or similar circumstance.
- I. Elected and appointed officials shall not use or disclose confidential information gained in the course of or by reason of their official position with the town, including but not limited to, for purposes of advancing:
 - their financial or personal interest;
 - the interest of a business entity of which the elected or appointed official, or of which an immediate family member has an interest;
 - the financial or personal interest of a member of their immediate family; or
 - the financial or personal interest of any citizen beyond that which is available to every other citizen.
- J. Elected and appointed officials shall conduct the business affairs of the council, commission or committee of which they are a member in an open and public manner consistent with the letter and spirit of the Arizona Open Meeting Law. Elected or appointed officials may not use e-mail or other forms of communication to circumvent the Open Meeting Law requirements by exchanging e-mail or other forms of communications that involve discussions, deliberations or taking legal action by a quorum of the public body concerning a matter that may foreseeably come before the public body for action.
- K. Newly elected or appointed officials shall attend a briefing on the provisions of this Code of Conduct by the town attorney and/or the town administrator, and sign the attached acknowledgement that they have read, understand, and will comply with the provisions of this Code of Conduct.
- L. All elected and appointed officials shall sign the acknowledgement appearing at the end of this code of conduct upon its enactment and annually reaffirming that they have read, understand, and will comply with the provisions of this Code of Conduct.

4. COMMUNICATIONS WITH STAFF

- A. Treat all staff as professionals.
- B. Elected and appointed officials shall deal with the employees and services of the town only through the town administrator, except for the purpose of inquiry, and

neither the council, commission or committee nor any members thereof shall give any direct orders or instructions to any employees of the town. It shall be the responsibility of the council and its members, when requested, to aid and assist any town employee in an advisory capacity on any phase of policy or public relations. Such an effort shall not conflict with the administrative duties of the town administrator.

- C. With regard to employees appointed by the town administrator, neither the council nor any of its members shall direct or request the appointment of any person to, or the removal or suspension from, office by the town administrator or any of the town administrator's employees, or in any manner take part in the appointment or removal of such officer(s) and employee(s) in the administrative services of the town.
- D. Elected and appointed officials shall never express concerns about the performance of a town employee in public, to the employee directly, or to the employee's supervisor. Comments about staff performance shall only be made to the town administrator, excluding those employees appointed by the Council, i.e., the town attorney, the town prosecutor or the municipal judge.

5. SANCTIONS

Sanctions should not be approached lightly, utilized as a form of punishment for a differing point of view, or used as a way to try to silence or discredit any individual who is serving the Town in an official capacity. Sanctions may be considered only where an elected or appointed official exhibits unprofessional behavior in such an egregious manner while participating in town activities so as to be detrimental to the functioning of the council, advisory board, commission or committee upon which they are serving and the behavior prevents, significantly restricts, or undermines the achievement of one or more of the town's priorities.

When sanctions are being considered for any elected or appointed official, the individual shall be apprised of the specific behavior for which the sanctions are being considered. The specific unprofessional behavior shall be identified and addressed by two or more council members as an Agenda item in a regularly scheduled council meeting. Additionally, independent legal or other experts may be utilized by the remaining council for the purpose of an unbiased investigation. Following the first regularly scheduled council meeting, that matter shall be considered at a second regularly scheduled council meeting, at which time the individual being considered for sanctions shall be given the opportunity to respond and defend his or her behavior. Town officials and members of the public shall also be provided with the opportunity to voice viewpoints in the second council meeting. After comments, council members shall be given the opportunity to ask questions directly pertaining to the situation and behavior exhibited. All disputes and verified complaints shall be resolved by swift and inexpensive mediation by an objective

third-party. The Carefree Municipal Court Judge shall appoint an industry professional as the sole mediator to hear a dispute. The mediator shall employ such rules and procedures to ensure due process but also to affect a swift and inexpensive proceeding. Thereafter, a vote shall be taken. Sanctions shall only be imposed by a majority vote of the council.

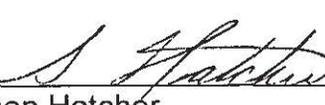
Elected and appointed officials who are found to have violated the behavioral and/or related requirements of the Town Code and/or the Code of Conduct shall be reprimanded or formally censured by the council, and potentially have sanctions imposed. The council will consider the severity of the violation(s) in determining if sanctions are to be imposed. Such sanctions may include the following and shall be binding and not appealable:

- A. For Council Members: They may have their participation in town assignments terminated (other than directly participating in regular and special meetings of the council), both within the Town and/or with inter-governmental agencies, for a period of up to one year; and they may have official travel restricted.
- B. For non-council members: To have their participation terminated in the advisory board, committee or commission upon which they serve.

6. ACKNOWLEDGEMENT

I have been provided a copy of the Code of Conduct, and I have read, understand, and will comply with the provisions of this Code of Conduct.


 Les Peterson _____ Date  John Crane _____ Date 11-13-18


 Vince D'Aliesio _____ Date 11-13-18  Stephen Hatcher _____ Date


 Michael Krahe, Ph.D. _____ Date 11/13/18  Cheryl Kroyer _____ Date 11/13/18


 Gene Orrico _____ Date 11/13/18

City of Tolleson Code of Conduct for Elected and Appointed Officials

The Three Rs of Tolleson Government Leadership: Roles, Responsibilities and Respect

The City Code provides information on the roles and responsibilities of Council Members, the Vice Mayor and the Mayor. This is a Code of Conduct for the City of Tolleson's elected and appointed officials.

This Code of Conduct is designed to describe the manner in which Council Members and appointed officials of the City (collectively, "Public Officials") should treat one another, City staff, constituents, and others they come into contact with in representing the City of Tolleson. It reflects the work of defining more clearly the behavior, manners and courtesies that are suitable for various occasions. This is designed to make the public meetings and the process of governance run more smoothly.

The content of this Code of Conduct includes:

- Overview of Roles and Responsibilities
- Policies and Protocol Related to Conduct
- Council Conduct with One Another
- Council Conduct with City Staff
- Council Conduct with the Public
- Council Conduct with Other Public Agencies
- Council Conduct with Boards and Commissions
- Council Conduct with the Media
- Sanctions
- Principles of Proper Conduct
- Checklist for Monitoring Conduct
- Glossary of Terms

The constant and consistent theme through all of the conduct guidelines is "respect." Public Officials experience significant workloads and tremendous stress in making decisions that could impact thousands of lives. Despite these pressures, Public 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 Public Officials to do the right thing in even the most difficult situations.

Overview of Roles and Responsibilities

Other resources that are helpful in defining the roles and responsibilities of Public Officials can be found in the City of Tolleson Code and in the Elected Officials Guide published by the League of Arizona Cities & Towns.

MAYOR

- Is directly elected by the people pursuant to ARS §9-232.03. (City Code, Section 2-1-20)
- Acts as the official head of the City for all ceremonial purposes
- Chairs Council meetings (City Code, Section 2-1-23)
- Calls for special meetings (City Code, Section 2-1-60)
- Recognized as spokesperson for the City of Tolleson
- Makes judgment calls on proclamations, agendas, etc.
- Recommends subcommittees as appropriate for Council approval
- Leads the Council into an effective, cohesive working team
- Signs documents on behalf of the City of Tolleson

VICE MAYOR

- Serves at the pleasure of the Council (City Code, Section 2-1-21)
- Performs the duties of the Mayor if the Mayor is absent (City Code, Section 2-1-22)
- Chairs Council meetings in the absence of the Mayor
- Represents the City at ceremonial functions at the request of the Mayor

ALL COUNCIL MEMBERS

All members of the City Council, including those serving as Mayor and Vice Mayor, have equal votes. No Council Member has more authority than any other Council Member, and all should be treated with equal respect.

All Council Members should:

- Fully participate in City Council meetings and other public forums while demonstrating kindness, consideration, and courtesy to others.
- Prepare in advance of Council meetings and be familiar with issues on the agenda.
- Represent the City at ceremonial functions at the request of the Mayor or at the request of the Council.
- 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 Tolleson government
- Provide contact information with the City Clerk in case of an emergency or urgent situation arises while the Council Member is out of City
- Demonstrate honesty and integrity in every action and statement
- Participate in scheduled activities to increase team effectiveness and review Council procedures, such as this Code of Conduct

MEETING CHAIR

The Mayor will chair official meetings of the City Council, unless the Vice Mayor or another Council Member is designated as Chair of a specific meeting.

- Maintains order, decorum, and the fair and equitable treatment of all speakers
- Keeps discussion and questions focused on specific agenda items under consideration
- Makes parliamentary rulings. Chair rulings may be overturned if a Council Member makes a motion as an individual and the majority of the Council votes to overrule the Chair.

FORMER COUNCIL MEMBERS

Former members of the City Council who speak to the current City Council about a pending issue should disclose for whom they are speaking.

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 Mayor will recommend which Council Member should be asked to serve as a 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.

Correspondence Signatures

Council Members do not need to acknowledge the receipt of correspondence, or copies of correspondence, during Council meetings. The City Clerk will prepare official letters in response to public inquiries and concerns. These

letters will carry the signature of the Mayor unless the Mayor requests that they be signed by another Council Member or the City Clerk.

If correspondence is addressed only to one Council Member, that Council Member may check with staff on the best way to respond to the sender.

Endorsement of Candidates

Council Members have the right to endorse candidates for all Council seats or other elected offices. It is inappropriate to mention endorsements during Council meetings or other official City meetings.

Public Announcements in Council Meetings

Council Members who want to speak during the Call to the Public or Council Members Report portion of the Council meeting should notify the Chair in advance. Council Members, like members of the public who use this portion of the agenda to recognize achievements or promote an event, will be limited to three minutes each, and should keep the focus on matters of community-wide interest. Matters that may require Council action or direction should not be discussed and those items on the agenda should not be used for any form of campaigning.

Public Hearing Protocol

The applicant shall have the right to speak first. The Chair will determine the length of time allowed for this presentation. Speakers representing either pro or con points of view will be allowed to follow. All speakers should be heard. All statements should be made to and through the Chair. The applicant will be allowed to make closing comments. The Chair has the responsibility to run an efficient public meeting and has the discretion to modify the public hearing process in order to make the meeting run smoothly.

Council Members should not express opinions during the public hearing portion of the meeting, except to ask pertinent questions of the speaker or staff. All Council Member comments or questions should be directed to the Chair. "I think" and "I feel" comments by Council Members are not appropriate until after the close of the public hearing. Council Members should refrain from arguing or debating with the public during a public hearing and shall always show respect for different points of view.

Main motions may be followed by amendments, followed by substitute motions. Any Council Member can call for the question or a point of order. Only Council Members, who voted on the prevailing side, may make motions to reconsider. Motions to reconsider must be made prior to adjourning the meeting.

Travel Expenses

The policies and procedures related to the reimbursement of travel expenses for official City business by Council Members shall be in accordance with the City of Tolleson Financial Accounting Manual, as may be amended.

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 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 any other physical actions that could be construed as threatening will be tolerated.

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

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

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

If a Council Member is personally offended by the remarks of another Council Member, the offended Council Member should make notes of the actual words used and call for a “point of personal privilege” that challenges the other Council Member to justify or apologize for the language used. The Chair will maintain control of this discussion. To that end, all discussion in public meetings must go through the Chair.

- **Demonstrate effective problem-solving approaches**

Council Members have a public stage to show how individuals with disparate points of view can find common ground and seek a compromise that benefits the community as a whole.

IN PRIVATE ENCOUNTERS

- **Continue respectful behavior in private**

The same level of respect and consideration of differing points of view that is deemed appropriate for public discussions should be maintained in private conversations.

- **Be aware of the lack of security of written notes, voicemail messages, and e-mail**

Technology allows words written or said without much forethought to be distributed wide and far. Would you feel comfortable to have this note faxed to others? How would you feel if this voicemail message were played on a speakerphone in a full office? What would happen if this e-mail message were forwarded to others? Written notes, voicemail messages and e-mail should be treated as potentially “public” communication.

- **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. Remember the open meeting law prohibits conversations of four or more council members or the “linking” together through a common source of four or more individual conversations.

- **Other City Public Officials**

The foregoing guidelines concerning “Conduct with One Another” shall be followed not only by Council Members but also by other City Public Officials.

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. Inappropriate behavior towards staff is not acceptable.

- **Limit contact to specific City staff**

Consequently, remember City staff is accountable to their supervisors. Tasks performed by staff that come from outside the normal chain of supervision could cause staff confusion, inadequate work product and inefficient performance. Questions of City staff and/or requests for additional background information

should be directed only to the City Manager, City Clerk or Department Heads, or the Department Head's designee. The Office of the City Manager should be copied on any request. Consistent with City Code Section 2-3-24(E), no Council Member shall give orders or instructions to any subordinate of the City Manager other than instructions for the purpose of inquiry without the consent of the City Manager.

Requests for follow-up questions to staff should be made only through or with the consent of the City Manager. When in doubt about what staff contact is appropriate, Council Members should ask the City Manager for direction. Materials supplied to a Council Member 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. Misdirected comments could violate the City's personnel rules and limit the City's ability to deal fairly and efficiently with personnel matters. Comments about staff performance should only be made to the City Manager through private correspondence or conversation.

- **Do not get involved in administrative functions**

Council Members must not attempt to influence City staff on the making of appointments, awarding of contracts, selecting of consultants, processing of development applications, or granting of City licenses and permits.

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

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

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

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

- **Limit request for staff support**

Routine secretarial support will be provided to all Council Members. All mail for Council Members is opened by the City Clerk.

Requests for additional staff support – even in high priority or emergency situations – should be made to the City Manager who is responsible for allocating City resources in order to maintain a professional, well-run City government.

- **Do not solicit political support from staff**

Council Members should not solicit any type of political support (financial contributions, display of posters or lawn signs, name on support list, etc.) from City staff; to do so could violate the law. City staff may, as private citizens with constitutional rights, support political candidates for other government entities but all such activities must be done away from the workplace.

- **Other City Public Officials**

The foregoing guidelines concerning “Conduct with City Staff” shall be followed not only by Council Members but also by other City Public Officials.

Council Conduct with the Public

IN PUBLIC MEETINGS

Making the public feel welcome is an important part of the democratic process. No signs of partiality, prejudice or disrespect should be evident on the part of individual council Members toward an individual participating in a public forum. Every effort should be made to be fair and impartial in listening to public testimony.

- **Be welcoming to speakers and treat them with respect**
- **Be fair and equitable in allocating public hearing time to individual speakers**

Generally, each speaker will be allocated three minutes. If many speakers are anticipated, the Mayor may shorten the time limit and/or ask speakers to limit themselves to new information and points of view not already covered by previous speakers.

No speaker will be turned away unless he/she exhibits inappropriate behavior. After the close of the public hearing, no more public testimony will be accepted.

- **Give the appearance of active listening**

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 or gazing around the room gives the appearance of disinterest. Be aware of facial expressions, especially those that could be interpreted as “smirking,” disbelief, anger or boredom.

- **Ask for clarification, but avoid debate and argument with the public**

Only the Mayor, no individual Council Members, can interrupt a speaker during a presentation. However, a Council Member can ask the Mayor for a point of order if the speaker is off the topic or exhibiting behavior or language the Council Member 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 circumstances**

Council Members should be aware that their body language and tone of voice, as well as the words they use, can appear to be intimidating or aggressive.

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 trees, etc.), or otherwise request that staff perform any act that is illegal, or that has the appearance of illegality.

- **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 Tolleson is a Small City**

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 Tolleson. 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.

- **Other City Public Officials**

The foregoing guidelines concerning "Conduct with the Public" shall be followed not only by Council Members but also by other City Public Officials.

Council Conduct with Other Public Agencies

- **Be clear about representing the City or personal interests**

If a Council Member appears before another governmental agency or organization to give a statement on an issue, the Council Member must clearly state: 1) if his or her statement reflects personal opinion or is the official stance of the City; 2) whether this is the majority or minority opinion of the Council.

Council Members should be clear about which organizations they represent and inform the Mayor and Council of their involvement in order to assure their independence and impartiality on behalf of the common good. Public Officials should not use their official positions to influence government decisions in which they have a substantial financial interest or a relationship that may give the appearance of a conflict of interest. Public Officials should abstain from participating in deliberations and decision-making where conflicts of interest may exist as defined under Arizona law. Public Officials should discuss issues of conflict of interest with the City Attorney.

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

City letterhead may be used when the Council Member 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.

City letterhead should not be used for correspondence of Council Members representing a personal point of view, and is best not used to express a dissenting point of view from an official Council position. However, should Council Members use City letterhead to express a dissenting point of view, the official City position must be stated clearly so the reader understands the difference between the official City position and the viewpoint of the Council Member.

- **Other City Public Officials**

The foregoing guidelines concerning "Conduct with Other Public Agencies" shall be followed not only by Council Members but also by other City Public Officials.

Council Conduct With Boards and Commissions

The City has established several Boards and Commissions as a means of gathering more community input. Citizens who serve on Boards and Commissions become more involved in government and serve as advisors to the

Council. They are a valuable resource to the City's leadership and should be treated with appreciation and respect.

- **If attending a Board or Commission meeting, be careful to only express personal opinions**

Council Members may attend any Board or Commission meeting, which are always open to any member of the public. However, they should be sensitive to the way their participation - especially if it is on behalf of an individual, business or developer – could be viewed as unfairly affecting the process. Any public comments by a Council Member at a Board or Commission meeting should be clearly made as individual opinion and not a representation of the feelings of the entire City Council.

- **Limit contact with Board and Commission members to questions of clarification**

It is inappropriate for a Council member to contact a Board or Commission member to lobby on behalf of an individual, business, or developer. It is acceptable for Council Members to contact Board or Commission members in order to clarify a position taken by the Board or Commission.

- **Remember that Boards and Commissions serve the community, not individual Council Members**

The City Council appoints individuals to serve on Boards and Commissions, and it is the responsibility of Boards and Commissions to follow policy established by the Council. But Board and Commission members do not report to individual Council Members, nor should Council Members feel they have the power or right to threaten Board and Commission members with removal if they disagree about an issue. Appointment and re-appointment to a Board or Commission should be based on such criteria as expertise, ability to work with staff and the public, and commitment to fulfilling official duties. A Board or Commission appointment should not be used as a political "reward."

- **Be respectful of diverse opinions**

A primary role of Boards and Commissions is to represent many points of view in the community and to provide the Council with advice based on a full spectrum of concerns and perspectives. Council Members may have a closer working relationship with some individuals serving on Boards and Commissions, but must be fair and respectful of all citizens serving on Boards and Commissions.

- **Keep political support away from public forums**

Board and Commission members may offer political support to a Council member, but not in a public forum while conducting official duties. Conversely, Council Members may support Board and Commission members who are running for office, but not in an official forum in their capacity as a City Council Member.

- **Inappropriate behavior can lead to removal**

Inappropriate behavior by a 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.

Council Conduct with the Media

Council Members are frequently contacted by the media for background and quotes.

- **The best advice for dealing with the media is to never go “off the record”**

Most members of the media represent the highest levels of journalistic integrity and ethics, and can be trusted to keep their word. But one bad experience can be catastrophic. Words that are not said cannot be quoted.

- **The Mayor is the official spokesperson for the City.**

The Mayor is the designated representative of the Council to present and speak on the official City position. If an individual Council Member is contacted by the media, the Council Member should be clear about whether their comments represent the official City position or a personal viewpoint.

- **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.

- **Other City Public Officials**

The foregoing guidelines concerning “Conduct with the Media” shall be followed not only by Council Members but also by other City Public Officials.

Enforcement of the Ethics Policy

A. COMPLAINTS

1. Public Officials themselves have the primary responsibility to assure compliance with this Code of Conduct.
2. The Chairs of commissions, boards, and committees and the Mayor have the additional responsibility to intervene when actions of the Public Officials appear to be in violation of this Code of Conduct.

3. If the Mayor or the chair of the applicable board, commission or committee fails to intervene, two members of the Council, board, commission may request the Mayor or the chair of the applicable public body to intervene. If the complaint arises out of actions or inactions of the Mayor or the chair, the matter shall be directed to the vice-mayor or vice-chair. If the Mayor, chair, vice-mayor or vice-chair fails to intervene, then the matter shall be referred to the City Attorney.
4. The City Attorney shall review the complaint and shall simultaneously notify in writing the City official subject to the complaint of such review.
5. Within 30 days, the City Attorney shall submit the results of his or her review to the complainant, to the official who is the subject of the complaint, and to the Mayor or chair of the public body on which the official who is the subject of the complaint sits. If the matter cannot be resolved within ten days, the matter shall be referred to the City Council. The City Council shall consider the City Attorney's report at a public meeting. If the City Council finds an ethical violation by a person serving on a commission, board or committee, then the City Council may remove the member from the City board, commission, or committee. In resolving a complaint, the totality of the circumstances shall be taken into consideration, including the intent of the person accused of the wrongdoing.
6. In addition, the City Council may impose sanctions on Public Officials whose conduct does not comply with this Code of Conduct, such as reprimand, censure, loss of seniority or committee assignment, or official travel restrictions.

B. RESOLVING COMPLAINTS AGAINST THE MAYOR AND/OR OTHER MEMBERS OF THE CITY COUNCIL.

1. When complaints are levied against the Mayor or members of the City Council, the City Attorney shall have the authority to decide either to (a) act directly on any complaint filed against the Mayor and/or other members of the City Council pursuant to subparagraph A above, or (b) refer a complaint to an independent reviewing authority such as a city attorney from another jurisdiction or an attorney from the office of the county attorney.
-

Sanctions

- **Public Disruption**

Members of the public who do not follow proper conduct after a warning in a public hearing may be barred from further testimony at that meeting or removed from the Council Chambers.

- **Inappropriate Staff Behavior**

Council Members should refer to the City Manager any City staff that does not follow proper conduct in their dealings with Council Members, other City staff, or the public. These employees may be disciplined in accordance with standard City procedures for such actions.

- **Council Members Behavior and Conduct**

In addition to sanctions imposed pursuant to paragraph A.6 above, City Council Members who intentionally and repeatedly do not follow proper conduct may be reprimanded or formally censured by the Council, lose seniority or committee assignments (both within the City of Tolleson or with inter-government agencies) or have official travel restricted.

Principles of Proper Conduct

Proper conduct IS . . .

- Keeping promises
- Being dependable
- Building a solid reputation
- Participating and being available
- Demonstrating patience
- Showing empathy
- Holding onto ethical principles under stress
- Listening attentively
- Studying thoroughly
- Keeping integrity intact
- Overcoming discouragement
- Going above and beyond, time and time again
- Modeling a professional manner

Proper conduct IS NOT . . .

- Showing antagonism or hostility
- Deliberately lying or misleading
- Speaking recklessly
- Spreading rumors

- Stirring up bad feelings, divisiveness
- Acting in a self-righteous manner

It all comes down to respect

Respect for one another as individuals . . . respect for the validity of different opinions . . . respect for the democratic process . . . respect for the community that we serve.

Checklist for Monitoring Conduct

- Will my decision/statement/action violate the trust, rights or good will of others?
 - What are my interior motives and the spirit behind my actions?
 - If I have to justify my conduct in public tomorrow, will I do so with pride or shame?
 - How would my conduct be evaluated by people whose integrity and character I respect?
 - Even if my conduct is not illegal or unethical, is it done at someone else's painful expense? Will it destroy their trust in me? Will it harm their reputation?
 - Is my conduct fair? Just? Morally right?
 - If I were on the receiving end of my conduct, would I approve and agree, or would I take offense?
 - Does my conduct give others reason to trust or distrust me?
 - Am I willing to take an ethical stand when it is called for? Am I willing to make my ethical beliefs public in a way that makes it clear what I stand for?
 - Do I exhibit the same conduct in my private life as I do in my public life?
 - Can I take legitimate pride in the way I conduct myself and the example I set?
 - Do I listen and understand the views of others?
 - Do I question and confront different points of view in a constructive manner?
 - Do I work to resolve differences and come to mutual agreement?
 - Do I support others and show respect for their ideas?
 - Will my conduct cause public embarrassment to someone else?
-

Glossary of Terms

Appropriate behavior

It is the City's policy to provide its employees and members of the public with an environment that encourages safe, efficient, and productive work, and which is free of discrimination, including all forms of harassment. The City will not tolerate discrimination or verbal or physical conduct by any person which harasses, disrupts, or interferes with another person's work performance or which creates and intimidating, offensive, or hostile environment.

attitude	The manner in which one shows one's dispositions, opinions and feelings
behavior	External appearance or action; manner of behaving; carriage of oneself
civility	Politeness, consideration, courtesy
conduct	The way one acts; personal behavior
courtesy	Politeness connected with kindness
decorum manners	Suitable; proper; good taste in behavior A way of acting; a style, method, or form; the way in which things are done
point of order	An interruption of a meeting to question whether rules or bylaws are being broken, such as the speaker has strayed from the motion currently under consideration
point of personal privilege	A challenge to a speaker to defend or apologize for comments that a fellow Council Member considers offensive
propriety	Conforming to acceptable standards of behavior
protocol	The courtesies that are established as proper and correct
respect	The act of noticing with attention; holding in esteem; courteous regard

ORDINANCE No. 13-103

AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF DEWEY-HUMBOLDT, COUNTY OF YAVAPAI, ARIZONA, AMENDING THE TOWN OF DEWEY-HUMBOLDT, ARIZONA CODE OF ORDINANCES, TITLE III ADMINISTRATION, CHAPTER 30 TOWN COUNCIL AND OFFICIALS, BY ADDING NEW SECTION 30.020 CODE OF ETHICS AND CONDUCT TO ESTABLISH A CODE OF ETHICS AND CONDUCT FOR MEMBERS OF THE TOWN COUNCIL AND MEMBERS OF TOWN BOARDS, COMMISSIONS AND COMMITTEES; PROVIDING FOR A SAVINGS CLAUSE; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; AND PROVIDING PENALTIES

Whereas, Arizona Revised Statutes Section 9-240(b)(29) authorizes the Town Council to adopt ordinances for the government of its officers; and

Whereas, The Town Council of the Town of Dewey-Humboldt finds that a code of ethics and conduct for public officials of the Town would further public confidence in the integrity of the Town's public officials.

Now, Therefore, Be it ordained by the Mayor and Common Council of the Town of Dewey-Humboldt, Arizona, as follows:

Section I. In General

The Town of Dewey-Humboldt, Arizona Code of Ordinances, Title III Administration, Chapter 30 Town Council and Officials is hereby amended by adding new Section 30.020 Code of Ethics and Conduct to read as follows (additions in ALL CAPS; deletions in ~~strikeout~~):

§ 30.020 CODE OF ETHICS AND CONDUCT FOR THE TOWN COUNCIL AND TOWN BOARDS, COMMISSIONS AND COMMITTEES

(A) *PREAMBLE*

(1) THE RESIDENTS AND BUSINESSES OF DEWEY-HUMBOLDT ARE ENTITLED TO HAVE A FAIR, ETHICAL AND ACCOUNTABLE LOCAL GOVERNMENT AND TO DEMAND THE HIGHEST STANDARD OF ETHICS FROM ALL ITS OFFICIALS. ALL MEMBERS OF TOWN BOARDS, COMMISSIONS, COMMITTEES AND THE TOWN COUNCIL SHALL MAINTAIN THE UTMOST STANDARDS OF PERSONAL INTEGRITY, TRUTHFULNESS, HONESTY AND FAIRNESS IN CARRYING OUT THEIR

PUBLIC DUTIES, AVOID ANY IMPROPRIETIES IN THEIR ROLES AS PUBLIC SERVANTS, COMPLY WITH ALL APPLICABLE LAWS, WHETHER LOCAL, STATE OR FEDERAL, AND NEVER USE THEIR POSITION OR POWERS IMPROPERLY OR FOR PERSONAL GAIN.

(2) ETHICS IS DEFINED HERE AS THE RULES OR STANDARDS GOVERNING THOSE PERSONS FUNCTIONING AS REPRESENTATIVES OF THE TOWN DEWEY-HUMBOLDT. 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. HONESTY AND INTEGRITY SHALL BE THE PRIMARY VALUES IN ALL ISSUES WHETHER IT BE IN THEIR DUTIES FOR THE TOWN OF DEWEY-HUMBOLDT OR IN ANY REGARD TO THEIR CONSTITUENTS.

(3) THE PURPOSE OF THIS CODE IS TO ESTABLISH ETHICAL STANDARDS OF CONDUCT FOR PUBLIC OFFICIALS ACTING IN THEIR OFFICIAL PUBLIC CAPACITY.

(B) *DEFINITIONS*

"CENSURE" MEANS:

1. AN EXPRESSION OF STRONG DISAPPROVAL OR HARSH CRITICISM.
2. AN OFFICIAL REBUKE, AS BY A LEGISLATURE OF ONE OF ITS MEMBERS.
3. TO CRITICIZE SEVERELY; BLAME.
4. TO EXPRESS OFFICIAL DISAPPROVAL OF
5. A FORMAL, PUBLIC REPRIMAND FOR AN INFRACTION OR VIOLATION.

"PUBLIC OFFICIAL" MEANS THE MAYOR, TOWN COUNCIL MEMBERS, AND ANY TOWN BOARD, COMMISSION OR COMMITTEE MEMBER.

"SANCTION" MEANS:

1. THE PENALTY FOR NONCOMPLIANCE SPECIFIED IN A LAW OR DECREE.
2. A PENALTY, SPECIFIED OR IN THE FORM OF MORAL PRESSURE, THAT ACTS TO ENSURE COMPLIANCE OR CONFORMITY.
3. TO PENALIZE, ESPECIALLY FOR VIOLATING A MORAL PRINCIPLE OR INTERNATIONAL LAW.
4. TO IMPOSE A SANCTION ON; PENALIZE, ESP. BY WAY OF DISCIPLINE
5. TO PUNISH SO AS TO DETER

(C) *RESPONSIBILITIES OF PUBLIC OFFICE*

(1) BY OATH OF OFFICE EACH PUBLIC OFFICIAL 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 OF DEWEY-HUMBOLDT. PUBLIC OFFICIALS ARE OFTEN ASKED TO MAKE DECISIONS THAT AFFECT VARIOUS GROUPS AND INDIVIDUALS ADVERSELY. BALANCING DIVERSE CONSTITUENT INTERESTS IS A DIFFICULT TASK AND THEREFORE THE PUBLIC OFFICIAL SHALL PERFORM HIS OR HER OBLIGATIONS IN A MANNER THAT IS IMPARTIAL AND RESPONSIBLE TO ALL PEOPLE AND SHALL ADHERE TO ETHICAL STANDARDS THAT ELIMINATE DISAPPOINTMENT BORNE OF DISHONESTY, CONFLICTS OF INTEREST, UNFAIRNESS OR ILLEGALITY.

(2) THE PUBLIC OFFICIAL SHALL NOT USE HIS POSITION FOR PERSONAL OR MONETARY GAIN, WHETHER DIRECTLY OR INDIRECTLY OR ANY OTHER MANNER IN WHICH THE POSSIBILITY OF GAIN MIGHT BE PERCEIVED BY THE PUBLIC OR ANOTHER MEMBER OF THE PUBLIC BODY AND AS DESCRIBED HERE WITHIN IN SECTION II.

(3) THE PUBLIC OFFICIAL SHALL NOT DISCLOSE CONFIDENTIAL INFORMATION CONCERNING THE PROPERTY, GOVERNMENT, OR AFFAIRS OF THE TOWN OF DEWEY-HUMBOLDT WITHOUT PROPER LEGAL AUTHORIZATION. ARIZONA LAW PROVIDES THAT DURING A PERSON'S EMPLOYMENT OR SERVICE TO THE TOWN AND FOR TWO YEARS THEREAFTER, NO PUBLIC OFFICIAL MAY DISCLOSE OR USE CONFIDENTIAL INFORMATION WITHOUT APPROPRIATE AUTHORIZATION AS SET FORTH IN A.R.S. SECTION 38-504(B).

(4) PUBLIC OFFICIALS HAVE AN OBLIGATION TO BE ACCESSIBLE, OPEN AND DIRECT, NOT ONLY WITH THE OTHER MEMBERS OF THE COUNCIL AND/OR BOARDS, COMMISSIONS OR COMMITTEES BUT ALSO TO THE CITIZENS AND BUSINESS REPRESENTATIVES THAT APPEAR BEFORE THEM, BOTH IN THE PUBLIC FORUM AND IN PRIVATE. THE PUBLIC IS ENTITLED TO COMMUNICATE WITH THEIR PUBLIC SERVANTS AND UNDERSTAND THE POSITION OF THE COUNCIL AND BOARDS, COMMISSIONS AND COMMITTEES ON PUBLIC ISSUES.

(5) PUBLIC OFFICIALS HAVE AN OBLIGATION TO ATTEND MEETINGS AND BE PREPARED. IT IS EXPECTED THAT PUBLIC OFFICIALS WILL REVIEW THE MATERIALS, PARTICIPATE IN DISCUSSIONS AND MAKE INFORMED DECISION OF THE MERITS OF THE ISSUE AS OPPOSED TO ACTING OUT OF EMOTIONAL BIAS.

(D) *CONFLICT OF INTEREST*

(1) PUBLIC OFFICIALS MUST BE CONSTANTLY ON GUARD AGAINST CONFLICTS OF INTEREST AND SHALL NOT BE INVOLVED IN ANY ACTIVITY WHICH CONFLICTS WITH THEIR RESPONSIBILITIES TO THE TOWN OF DEWEY-HUMBOLDT AND ITS RESIDENTS. THE PEOPLE OF THIS TOWN HAVE A RIGHT TO EXPECT INDEPENDENCE AND FAIRNESS TOWARDS ALL GROUPS WITHOUT FAVORING INDIVIDUALS OR PERSONAL INTEREST.

(2) ARIZONA CONFLICT-OF-INTEREST LAWS APPLY TO PUBLIC OFFICIALS. AND AS SUCH, 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 FINANCIAL OR PRIVATE GAIN.

(3) PUBLIC OFFICIALS 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 OFFICIAL DUTIES AND ACTIONS OR SERVE AS A REWARD FOR ANY OFFICIAL ACTION. IN ADDITION AND EXTENDED UNDER THIS ISSUE, UNDER NO CIRCUMSTANCES SHALL A PUBLIC OFFICIAL ACCEPT A GIFT OR FAVOR THAT IS A BRIBE, OR REFLECTS, TO A REASONABLE PERSON, AN EFFORT TO IMPROPERLY INFLUENCE THE PUBLIC OFFICIAL CONTRARY TO THAT PUBLIC OFFICIAL'S RESPONSIBILITY TO THE PUBLIC IN TOTAL OR TO ACT IMPARTIALLY AND ON THE MERITS OF THE MATTER. PUBLIC OFFICIALS MUST NOT BE INVOLVED IN DISCUSSING ISSUES THAT APPEAR TO BE SELF-DEALING. THAT IS, PUBLIC OFFICIALS MUST NOT BE INVOLVED IN DISCUSSING OR DECIDING ON ANY ISSUE OVER WHICH THEY HAVE JURISDICTION AS A COUNCIL OR BOARD, COMMITTEE OR COMMISSION MEMBER, WHICH MAY IMPACT THE PUBLIC OFFICIAL OR MEMBERS OF HIS FAMILY OR THE PUBLIC OFFICIAL'S BUSINESS, FINANCIALLY OR IN ANY WAY THAT MAY BE PERCEIVED BY ANY REASONABLE MEMBER OF THE COMMUNITY AS ADVANTAGEOUS TO THAT PUBLIC OFFICIAL. IT SHOULD ALSO BE NOTED THAT COUNCILMEMBER'S MUST COMPLY ANNUALLY WITH THE FINANCIAL DISCLOSURE ACT, AS REQUIRED IN A.R.S. 38-541-545. ARIZONA LAW ALSO PROHIBITS PUBLIC OFFICIALS FROM RECEIVING ANYTHING OF VALUE OR ANY COMPENSATION OTHER THAN THEIR NORMAL SALARY OR STIPEND FOR ANY SERVICE RENDERED IN CONNECTION WITH THAT PUBLIC OFFICIAL'S DUTIES WITH THE TOWN OF DEWEY-HUMBOLDT.

(E) *CONDUCT IN PUBLIC OFFICE*

(1) THE PUBLIC OFFICIAL SHALL NOT DISCUSS OR DIVULGE CONFIDENTIAL INFORMATION ACQUIRED BY HIM IN THE COURSE OF HIS OFFICIAL DUTIES NOR SHALL HE USE THIS INFORMATION FOR HIS OWN PERSONAL INTEREST OR AGGRANDIZEMENT AND AS A MINIMUM, UTILIZE A.R.S. 38-504 AS, BUT NOT LIMITED TO, A GUIDELINE.

(2) THE PUBLIC OFFICIAL SHALL RESPECT THE RIGHTS, PRIVILEGES AND OPINIONS OF HIS FELLOW OFFICIALS.

(3) PROPRIETY DICTATES THAT THE PUBLIC OFFICIAL BE SENSITIVE TO THE POSSIBLE CONFIDENTIAL OR PERSONAL NATURE OF DIRECTIVES ADDRESSED TO OTHER INDIVIDUALS.

(4) IN ANY DEALINGS WITH TOWN OF DEWEY-HUMBOLDT EMPLOYEES, THE PUBLIC OFFICIAL SHALL MAINTAIN PROFESSIONAL CONDUCT WITH RESPECT TO THE EMPLOYEE'S WORK ASSIGNMENTS AND OBLIGATIONS. THE OFFICE OF THE PUBLIC OFFICIAL SHALL IN NO SITUATION BE USED TO WRONGFULLY OBTAIN INFORMATION EITHER BY INTIMIDATION OR BY DELIBERATELY VIOLATING THE PRIVACY OF AN EMPLOYEE'S WORK STATION.

(5) PUBLIC DECISION-MAKING MUST BE FAIR AND IMPARTIAL AND SHALL BE NON-DISCRIMINATORY ON THE BASIS OF PROTECTED CLASSES, SUCH AS RACIAL AND RELIGIOUS GROUPS, OUTLINED IN FEDERAL, STATE AND TOWN LAWS AND ORDINANCES. PUBLIC OFFICIALS SHALL CONDUCT BUSINESS AND OPERATE IN A MANNER THAT IS FREE FROM ILLEGAL DISCRIMINATION ON THE BASIS OF AGE, SEX, COLOR, RACE, DISABILITY, NATIONAL ORIGIN, OR RELIGIOUS PERSUASION.

(5) PUBLIC OFFICIALS SHALL NOT USE THEIR POLITICAL OR APPOINTED OFFICE TO ADVANCE PRIVATE INTERESTS AND ENGAGE IN POLITICAL CAMPAIGNING AT TOWN MEETINGS OR WITHIN TOWN BUILDINGS.

(6) NO RELATIVE OF A SITTING COUNCIL MEMBER, MEMBER OF A TOWN BOARD, COMMITTEE OR COMMISSION MAY BE EMPLOYED BY THE TOWN.

(7) DISCUSSION OF ISSUES WHICH MAY APPEAR IN THE FUTURE BEFORE THE COUNCIL OR A BOARD, COMMITTEE OR COMMISSION SHALL BE PROHIBITED WHEN A SITUATION ARISES WHERE A QUORUM OF THE COUNCIL OR A BOARD, COMMITTEE OR COMMISSION EXISTS. NUMEROUS ARIZONA LAWS REQUIRE THAT MEETINGS OF PUBLIC BODIES BE OPEN TO THE PUBLIC AND THAT PUBLIC RECORDS BE AVAILABLE FOR INSPECTION.

(F) *COMPLIANCE AND ENFORCEMENT WITH THE DEWEY-HUMBOLDT CODE OF ETHICS*

(1) PUBLIC OFFICIALS TAKE AN OATH WHEN THEY ASSUME THEIR DUTIES TO UPHOLD THE LAWS OF THE UNITED STATES OF AMERICA, THE STATE OF ARIZONA, AND THE TOWN OF DEWEY-HUMBOLDT. THEREFORE, IT IS THE INTENT OF THE TOWN COUNCIL TO EDUCATE AND WHERE NECESSARY, TO DISCIPLINE PUBLIC OFFICIALS WHO VIOLATE THIS CODE.

(2) THE PROCESS FOR ENFORCEMENT FOLLOWS:

(A) IF A RESIDENT (COMPLAINANT) THINKS THAT A VIOLATION OF THIS CODE HAS OCCURRED THEY SHALL COMPLETE A COMPLAINT FORM. THE FORM WILL BE AVAILABLE ON-LINE OR AT TOWN HALL. THE FORM WILL INCLUDE THE DATE OF FILING THE COMPLAINT, THE DATE OF THE VIOLATION, THE FACTS SUPPORTING THE COMPLAINT, WHAT PART OF THE CODE THAT WAS VIOLATED, AND THE NAME OF THE PERSON THAT VIOLATED THE CODE. THE COMPLAINANT WILL SUPPLY CONTACT INFORMATION SO HE CAN BE TOLD OF THE OUTCOME OF THEIR COMPLAINT.

(B) THE COMPLAINT THEN GOES TO THE ETHICS COMMITTEE. THIS COMMITTEE WILL BE MADE UP OF THE MAYOR, VICE-MAYOR AND A ROTATING COUNCIL MEMBER. THE ROTATING MEMBER WILL BE SELECTED IN THE SAME MANNER AS THE VICE-MAYOR IS SELECTED ON A YEARLY BASIS. THE COMMITTEE WILL DETERMINE WHETHER A VIOLATION HAS OCCURRED. THE ETHICS COMMITTEE MAY REQUEST ADDITIONAL INFORMATION FROM STAFF, THE RESPONDENT (OBJECT OF THE COMPLAINT), THE COMPLAINANT AND TOWN ATTORNEY.

(C) THE ETHICS COMMITTEE WILL THEN DECIDE WHETHER OR NOT THERE WAS A VIOLATION AND WHETHER THE VIOLATION WAS A MINOR OR MAJOR VIOLATION OF THE ETHICS CODE. THE RULING OF THE MAJORITY OF THE COMMITTEE IS THEN PRESENTED TO THE FULL COUNCIL. IF THERE IS NOT A UNANIMOUS DECISION BY THE COMMITTEE, A MINORITY REPORT CAN BE PRESENTED ALONG WITH THE MAJORITY OPINION. THE WHOLE COUNCIL CAN ALSO LOOK AT ALL THE INFORMATION RECEIVED BY THE ETHICS COMMITTEE TO MAKE THEIR DETERMINATION. THE ETHICS COMMITTEE DISCUSSION MAY BE HELD IN EXECUTIVE SESSION.

(D) IF A MAJORITY OF THE COUNCIL DETERMINES THAT NO VIOLATION OCCURRED, NO ACTION WILL BE TAKEN AND THE COMPLAINANT WILL BE NOTIFIED OF THE OUTCOME.

(E) IF A MAJORITY OF THE COUNCIL AGREES THAT A MINOR VIOLATION HAS OCCURRED, THE COMMITTEE HAS THE FOLLOWING OPTIONS:

(1) FOR THE 1ST MINOR OFFENSE THE COMMITTEE CAN TALK TO THE VIOLATOR IN EXECUTIVE SESSION AND EXPLAIN HOW TO AVOID A VIOLATION IN THE FUTURE.

(2) FOR THE 2ND MINOR OFFENSE THE COMMITTEE CAN CHOOSE TO AGAIN SPEAK TO THE VIOLATOR ON HOW TO AVOID A VIOLATION IN THE FUTURE OR RECOMMEND A PUBLIC CENSURE.

(3) FOR THE 3RD MINOR OFFENSE THE COMMITTEE CAN RECOMMEND A PUBLIC CENSURE.

(F) IF A MAJORITY OF THE COUNCIL AGREES THAT A MAJOR VIOLATION HAS OCCURRED THE COMMITTEE HAS THE FOLLOWING OPTIONS:

(1) FOR THE 1ST MAJOR OFFENSE THE COMMITTEE CAN RECOMMEND A PUBLIC CENSURE.

(2) FOR THE 2ND MAJOR OFFENSE THE COMMITTEE CAN RECOMMEND A PUBLIC SANCTION. THIS CAN BE REMOVAL FROM A TOWN BOARD, COMMITTEE OR COMMISSION OR REMOVAL FROM REPRESENTING THE TOWN AT OTHER GOVERNMENT ENTITIES SUCH AS CYMPO, NACOG, WAC OR THE LIKE.

(3) FOR THE 3RD MAJOR OFFENSE THE COMMITTEE CAN RECOMMEND A FINE OF UP TO \$500 PER TOWN CODE 10.99.

(G) FOR ANY OUTCOME THE COMPLAINANT WILL BE NOTIFIED OF THE DECISION.

(H) IF THE COMPLAINT IS AGAINST ONE OF THE MEMBERS OF THE ETHICS COMMITTEE, THAT PERSON WILL BE EXCUSED FROM THE PROCEEDINGS AND ANOTHER COUNCIL MEMBER WILL BE APPOINTED IN HIS OR HER PLACE.

(I) THE RESPONDENT HAS THE RIGHT TO APPEAL ANY COUNCIL DECISION TO BINDING ARBITRATION BY AN INDEPENDENT HEARING OFFICER MUTUALLY AGREED TO BETWEEN THE TOWN COUNCIL AND THE PUBLIC OFFICIAL. THE COST OF THE HEARING OFFICER SHALL BE BORNE EQUALLY BETWEEN THE TOWN AND THE PUBLIC OFFICIAL.

Section II. Savings Clause

If any section, subsection, sentence, clause, phrase, or portion of this Ordinance as amended 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 remainder of this Ordinance.

Section III. Repeal of Conflicting Ordinance

All other code provisions, ordinances, or parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed as of the effective date hereof.

PASSED AND ADOPTED by the Mayor and Common Council of the Town of Dewey-Humboldt, Arizona, this 17th day of December, 2013, by the following vote:

AYES: 5

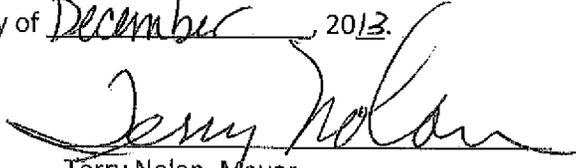
NAYES: 2

ABSENT: 0

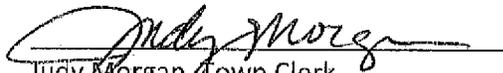
EXCUSED: 0

ABSTAINED: 0

APPROVED this 17th day of December, 2013.


Terry Nolan, Mayor

ATTEST:


Judy Morgan, Town Clerk

APPROVED AS TO FORM:


Curtis, Goodwin, Sullivan, Udall & Schwab, P.L.C.
Town Attorneys
By Susan D. Goodwin

I, JUDY MORGAN, TOWN CLERK, DO HEREBY CERTIFY THAT A TRUE AND CORRECT COPY OF THE ORDINANCE NO. 13-103 ADOPTED BY THE COMMON COUNCIL OF THE TOWN OF DEWEY-HUMBOLDT, ARIZONA ON THE 17th DAY OF December, 2013, WAS POSTED IN THREE PLACES ON THE 18th DAY OF December, 2013


Judy Morgan, Town Clerk

ORDINANCE No. 15-112

AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF DEWEY-HUMBOLDT, COUNTY OF YAVAPAI, ARIZONA, AMENDING THE TOWN OF DEWEY-HUMBOLDT, ARIZONA CODE OF ORDINANCES, TITLE III ADMINISTRATION, CHAPTER 35 CODE OF ETHICS AND CONDUCT, § 35.06 COMPLIANCE AND ENFORCEMENT RELATED TO COMPLAINTS OF VIOLATION OF THE ETHICS CODE, PROCEDURES AND SANCTIONS; PROVIDING FOR A SAVINGS CLAUSE; AND PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES

Be it ordained by the Mayor and Common Council of the Town of Dewey-Humboldt, Arizona, as follows:

Section I. In General

The Town of Dewey-Humboldt, Arizona Code of Ordinances, Title III Administration, Chapter 35 Code of Ethics and Conduct, Section 35.06 Compliance and Enforcement is hereby amended to read as follows (additions in ALL CAPS; deletions in ~~strikeout~~):

§ 35.06 COMPLIANCE AND ENFORCEMENT.

(A) Public officials take an oath when they assume their duties to uphold the laws of the United States of America, the State of Arizona, and the Town of Dewey-Humboldt. Therefore, it is the intent of the Town Council to educate and, where necessary, to discipline public officials who violate this chapter.

(B) The process for enforcement follows:

(1) If a resident (complainant) thinks that a violation of this chapter has occurred, ~~they~~ HE shall complete a complaint form AND FILE IT WITH THE TOWN CLERK WITHIN FOURTEEN DAYS OF THE DISCOVERY OF THE ALLEGED VIOLATION. The form will be available online or at Town Hall. The form will include the date of filing the complaint, the date of the ALLEGED violation, the facts supporting the complaint, which part of the code was IS ALLEGED TO HAVE BEEN violated, and the name of the person ~~that~~ ALLEGED TO HAVE violated the code. The complainant will supply contact information so ~~they~~ HE can be told of the outcome of ~~their~~ THE complaint.

(2) WITHIN SEVEN DAYS OF RECEIPT OF THE COMPLAINT, THE TOWN CLERK SHALL FORWARD THE complaint AND SUPPORTING DOCUMENTATION TO A HEARING OFFICER APPOINTED PURSUANT TO PARAGRAPH (C) OF THIS SECTION.

(3) THE HEARING OFFICER SHALL CONDUCT A HEARING ON THE COMPLAINT WITHIN FORTY-FIVE DAYS OF THE DATE OF THE COMPLAINT, WHICH DATE MAY BE EXTENDED BY THE HEARING OFFICER FOR GOOD CAUSE. THE HEARING IS NOT SUBJECT TO THE OPEN MEETING LAW. ~~then goes to the Ethics Committee. This Committee will be made up of the Mayor, Vice-Mayor and a rotating Council Member. The rotating Member will be selected in the same manner in which the Vice-Mayor is selected on a yearly basis. The Committee will determine whether a violation has occurred.~~

(a) THE HEARING OFFICER SHALL PROVIDE NOTICE OF THE HEARING TO THE COMPLAINANT AND PUBLIC OFFICIAL ALLEGED TO HAVE VIOLATED THIS CHAPTER AT LEAST TEN DAYS PRIOR TO THE HEARING.

(b) ~~The Ethics Committee~~ HEARING OFFICER may request additional information from staff, the ~~respondent (object of the complaint)~~ PUBLIC OFFICIAL, the complainant and the Town Attorney.

(c) AT THE HEARING, THE COMPLAINANT AND THE PUBLIC OFFICIAL MAY SUBMIT EVIDENCE AND TESTIMONY REGARDING THE ALLEGED VIOLATION. AT THE END OF THE HEARING, THE HEARING OFFICER SHALL ISSUE HIS WRITTEN DECISION REGARDING WHETHER THERE HAS BEEN A VIOLATION OF THIS CHAPTER AND, IF SO, WHETHER THE VIOLATION WAS A MAJOR OR MINOR VIOLATION.

(d) THE HEARING OFFICER SHALL FORWARD HIS WRITTEN DECISION TO THE TOWN COUNCIL WITHIN FIVE DAYS OF THE END OF THE HEARING. THE WRITTEN DECISION SHALL BE A PUBLIC RECORD.

(4) THE TOWN COUNCIL SHALL REVIEW THE WRITTEN DECISION OF THE HEARING OFFICER AT ITS NEXT REGULARLY SCHEDULED MEETING OR AT A SPECIAL MEETING. IF THE COMPLAINANT IS A MEMBER OF THE COUNCIL, HE SHALL RECUSE HIMSELF FROM THE DISCUSSION AND THE VOTE. IF THE DECISION OF THE HEARING OFFICER IS THAT THE PUBLIC OFFICIAL VIOLATED THIS CHAPTER, THE COUNCIL SHALL DETERMINE WHAT SANCTIONS, IF ANY SHALL BE IMPOSED.

(a) FOR A FIRST MINOR VIOLATION, THE COUNCIL MAY DISCUSS THE VIOLATION WITH THE PUBLIC OFFICIAL AND EXPLAIN HOW TO AVOID A VIOLATION IN THE FUTURE. FOR A SECOND MINOR VIOLATION, THE COUNCIL MAY EITHER DISCUSS THE VIOLATION WITH THE PUBLIC OFFICIAL OR MAY ADOPT A PUBLIC CENSURE. FOR A THIRD MINOR VIOLATION, THE COUNCIL MAY ADOPT A PUBLIC CENSURE.

(b) FOR A FIRST MAJOR VIOLATION, THE COUNCIL MAY ADOPT A PUBLIC CENSURE. FOR A SECOND MAJOR VIOLATION, THE COUNCIL MAY REMOVE THE PUBLIC OFFICIAL FROM A TOWN BOARD, COMMITTEE OR

COMMISSION, OR REMOVE HIM FROM REPRESENTING THE TOWN AT OTHER GOVERNMENT ENTITIES SUCH AS CYMPO, NACOG, WAC OR THE LIKE. FOR A THIRD MAJOR VIOLATION, THE COUNCIL MAY IMPOSE A FINE OF UP TO \$500 PER § 10.99.

(c) THE DECISION OF THE COUNCIL SHALL BE FINAL. THE COMPLAINANT SHALL BE NOTIFIED IN WRITING OF THE DECISION OF THE COUNCIL.

~~—(3) The Ethics Committee will then decide whether or not there was a violation, and whether it was a minor or major violation of the ethics code. The ruling of the majority of the Committee is then presented to the full Council. If there is not a unanimous decision by the Committee, a minority report can be presented along with the majority opinion. The whole Council can also look at all the information received by the Ethics Committee to make its determination. The Ethics Committee discussion may be held in executive session.~~

~~—(4) If a majority of the Council determines that no violation occurred, no action will be taken and the complainant will be notified of the outcome.~~

~~—(5) If a majority of the Council agrees that a minor violation has occurred, the Committee has the following options:~~

~~—(a) For the first minor offense, the Committee can talk to the violator in executive session and explain how to avoid a violation in the future.~~

~~—(b) For the second minor offense, the Committee can choose to again speak to the violator on how to avoid a violation in the future or recommend a public censure.~~

~~—(c) For the third minor offense, the committee can recommend a public censure.~~

~~—(6) If a majority of the Council agrees that a major violation has occurred, the Committee has the following options:~~

~~—(a) For the first major offense, the Committee can recommend a public censure.~~

~~—(b) For the second major offense, the Committee can recommend a public sanction. This can be removal from a town board, committee or commission, or removal from representing the town at other government entities such as CYMPO, NACOG, WAC or the like.~~

~~—(c) For the third major offense, the committee can recommend a fine of up to \$500 per § 10.99.~~

~~—(7) For any outcome the complainant will be notified of the decision.~~

~~—(8) If the complaint is against one of the members of the Ethics Committee, that person will be excused from the proceedings and another Council Member will be appointed in his or her place.~~

~~—(9) The respondent has the right to appeal any Council decision to binding arbitration by an independent hearing officer mutually agreed to between the Town Council and the public official. The cost of the hearing officer shall be borne equally between the town and the public official.~~

(C) THE TOWN ATTORNEY SHALL PREPARE A LIST OF AT LEAST THREE QUALIFIED HEARING OFFICERS FOR PRESENTATION TO THE COUNCIL. FOR EACH ETHICS CODE VIOLATION COMPLAINT FILED WITH THE TOWN CLERK, THE COUNCIL SHALL SELECT A HEARING OFFICER FROM THE LIST PREPARED BY THE TOWN ATTORNEY. A COMPLAINANT OR PUBLIC OFFICIAL WHO IS A MEMBER OF THE COUNCIL SHALL RECUSE HIMSELF AND NOT PARTICIPATE IN THE SELECTION OF THE HEARING OFFICER.

Section II. Savings Clause

☐ If any section, subsection, sentence, clause, phrase, or portion of this Ordinance as amended 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 remainder of this Ordinance.

Section III. Repeal of Conflicting Ordinance

All other code provisions, ordinances, or parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed as of the effective date hereof.

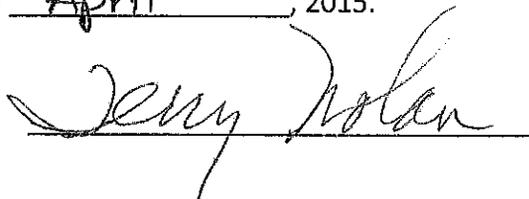
PASSED AND ADOPTED by the Mayor and Common Council of the Town of Dewey-Humboldt, Arizona, this 21st day of April, 2015, by the following vote:

AYES: 5

NAYES: 2 ABSENT: 0

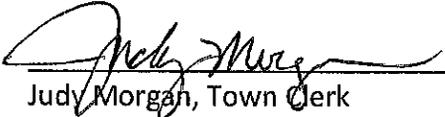
EXCUSED: 0 ABSTAINED: 0

APPROVED this 21st day of April, 2015.

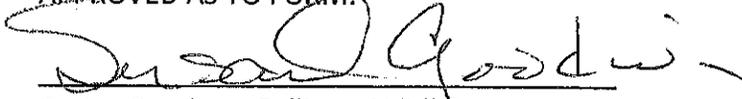


Terry Nolan, Mayor

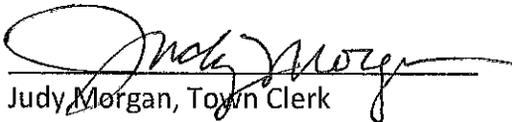
ATTEST:


Judy Morgan, Town Clerk

APPROVED AS TO FORM:


Curtis, Goodwin, Sullivan, Udall & Schwab, P.L.C.
Town Attorneys
By Susan D. Goodwin

I, JUDY MORGAN, TOWN CLERK, DO HEREBY CERTIFY THAT A TRUE AND CORRECT COPY OF THE ORDINANCE NO. 15-112 ADOPTED BY THE COMMON COUNCIL OF THE TOWN OF DEWEY-HUMBOLDT, ARIZONA ON THE 21st DAY OF April, 2015, WAS POSTED IN THREE PLACES ON THE 27th DAY OF April, 2015.


Judy Morgan, Town Clerk

RESOLUTION NO. 17-126

A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF DEWEY-HUMBOLDT, COUNTY OF YAVAPAI, ARIZONA, ADOPTING A CODE OF ETHICS FOR PUBLIC OFFICIALS RELATED TO STANDARDS OF ETHICS AND CONDUCE BY THE MAYOR AND COUNCIL MEMBERS AND MEMBERS OF BOARDS, COMMISSIONS AND COMMITTEES OF THE TOWN PROVIDING FOR REPEAL OF CONFLICTING RESOLUTIONS; AND PROVIDING FOR SEVERABILITY.

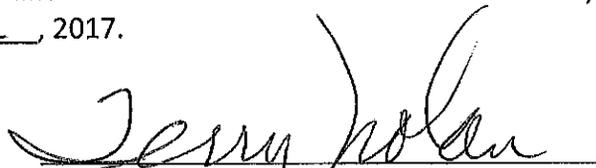
WHEREAS, the Mayor and Council find it in the best interest of the Town to establish ethical standards of conduct for public officials acting in their official public capacity.

NOW THEREFORE BE IT RESOLVED by the Mayor and Common Council of the Town of Dewey-Humboldt, Arizona that the Code of Ethics for Public Officials attached hereto as Exhibit A and made a part hereof as though wet forth in full is hereby adopted as the Code of Ethics for Public Officials for the Town of Dewey-Humboldt.

BE IT FURTHER RESOLVED, that all resolutions and parts of resolutions in conflict with this Resolution are hereby repealed.

BE IT FURTHER RESOLVED that if any section, subsection, sentence, clause, phrase, or portion of this Resolution or any part of this Resolution, is for any reason held to be invalid or unconstitutional by 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 Dewey-Humboldt, Arizona this 20th day of June, 2017.


Terry Nolan, Mayor

ATTEST:

APPROVED AS TO FORM:


Judy Morgan, Town Clerk


Susan Goodwin, Town Attorney
Gust Rosenfeld, PLC



Town of Dewey-Humboldt

Adopted June 20, 2017

Town Of Dewey-Humboldt Public Officials Code of Ethics

The Code of Ethics is sets forth the rules or standards governing public officials of the Town of Dewey-Humboldt.

A public official is defined for purposes of this Code of Ethics as the Mayor, Town Council members, and Town Board, Commission or Committee member.

The purpose of this Code of Ethics is to establish ethical standards of conduct public officials acting in their official capacity.

I. Responsibilities of Public Office

By oath of office each public official is responsible to uphold the Constitution of the United States of America, the Constitution of the State of Arizona, and the ordinances and regulations of the Town of Dewey-Humboldt. The public official shall perform his obligations in a manner that is impartial and responsible to all people.

The public official shall not use his position for personal or monetary gain.

The public official shall not disclose confidential information concerning the property, government, or affairs of the Town of Dewey-Humboldt without proper legal authorization.

II. Conflict of Interest

This Code of Ethics 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 financial or private gain.

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 official duties and actions or serve as a reward for any official action or that violates the lobbyist laws set forth in A.R.S. Section 41-1232.08.

III. Conduct in Public Office

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

SDG:sdg 2980194.4 5/28/2017

The public official shall respect the rights, privileges and opinions of his fellow public officials. Propriety dictates that the public official be sensitive to the possible confidential or personal nature of directives addressed to other individuals.

IV. Compliance and Enforcement with the Dewey-Humboldt Code of Ethics.

When public officials assume their duties they have an obligation to abide by this Code of Ethics. Any possible violation of this Code of Ethics should be reported to a member of the council. This alleged violation may be put on a future council meeting agenda, if appropriate, with notification to the alleged violator. If the alleged violation is believed to be a criminal matter it shall be reported to the proper authorities.

All public officials shall acknowledge receipt of this Code of Ethics and are expected to honor the mandates set forth in this Code of Ethics.

Town of Dewey-Humboldt Code of Ethics

The undersigned acknowledges receipt of the Town of Dewey-Humboldt Code of Ethics this _____ day of the month of _____, _____.

Signature

Print Name

Public office or position held

From: [Mark & Judy Kerber](#)
To: [Tim Mattix](#)
Cc: [Ed Hanks](#); [Kay Bigelow Atty](#); [Mayor Nolan](#)
Subject: Comment on agenda item 9D
Date: Monday, June 15, 2020 4:53:41 PM

Mr Mattix and Mr Hanks,

I would be most appreciative if you would allow my comments below in regard to Agenda Item 9D: Conduct and Ethics provision in Code of Ordinances.

Mr Mayor, Councilmembers, Mr Hanks, Ms Bigelow:

Thank you for considering comments from myself as a newbie to the Town Government scene and please forgive any inappropriate questions or comments on Conduct and Ethics.

It appears the Town has been struggling with this ordinance for almost 10 years, and I am excited to see it come to the agenda again.

When considering Ord 15-112, as listed in the meeting packet, with the additions and strikeouts, I am quickly adding the days allowed for each step in the process, and coming up with approximately 70 days if the maximum allowable time for each step is used. This seems to me to be a very long time to allow a misconduct to overshadow the Town Council proceedings and Town operations, and ask that perhaps a way to shorten this could be investigated? Misconduct should almost be considered an emergency item.

The Ordinance speaks about 'minor' and 'major' violations, but I am not able to see a definition or examples of these terms. Because these could be very different for different folks, perhaps it could be considered to add a definition?

When the Ordinance speaks about the Council reviewing and discussing the violation with the Hearing Officer and the alleged violator, is that meeting in Executive Session or Open Session, and perhaps that might be specified in the narrative?

I'm assuming, perhaps erroneously, that since there is no appeal process, the alleged violator must make their entire case at the hearing? Does this need to be elaborated on?

When the Town Attorney prepares a list of 3 qualified officers for presentation to the Council, is there a time frame for this step in the process? Is this list a 'standing list' prepared in advance, or only after an alleged infraction?

Will each Town Council member, official, staff, and board or commission member be required

to sign a new statement of their adherence to the new ordinance?

It appears this Ordinance addresses only Town Officials. Is there a Code of Ethics and Conduct for town members that are attending meetings that can be adhered to more aggressively than at recent meetings? Respectfulness is so vitally important from all participants in order to maintain a productive environment.

I appreciate the Town Council addressing this all important underlying principal to a productive, more grace-full Town operation.

Respectfully,
Judy L Kerber



COUNCIL COMMUNICATION

Study Session Meeting Date: **July 14, 2020**

Agenda Item: **4.B.**

Submitted by: Edward L. Hanks, Jr., Town Manager

Subject:

Review, discussion and Council input on the Facility Use Policy, Application and Release, Hold Harmless and Indemnification Agreement.

Purpose:

Staff is seeking Council input on two options for a Facility Use Policy, and on the Application and Release, Hold Harmless and Indemnification Agreement forms.

Background:

On July 15, 2008, Council approved a Facility Use Policy and Application. At the June 9, 2020 Council Meeting, Council reviewed the existing policy, and Council consensus was for staff to return with options for Council to consider.

Staff is presenting for Council discussion and input two options for a Facility Use Policy:

Option A – similar to the advertising policy recently adopted, Option A would allow for governmental agencies who have some level of involvement within the Town to utilize Town facilities.

Option B – would allow governmental agencies, non-profit organizations, and other legally-formed organizations to utilize Town Facilities.

Similarities between the two include:

- Allowable use for meetings only (not social gatherings);
- Town business taking precedence over any other use;
- A certificate of liability insurance required;
- Complete application packets are required;
- The entity holding the event bears responsibility for any damage;
- No alcoholic beverages;
- Rules of Conduct.

Differences between the two include:

- Refundable Security Deposit – not in Option A; in Option B for non-profits and other organizations, but does not apply to governmental agencies;
- Non-refundable Facility Rental Fee – not in Option A; in Option B for non-profits and other organizations, but does not apply to governmental agencies;
- Reimbursement for staff time – not in Option A; in Option B for non-profits and other organizations, but does not apply to governmental agencies.

Both policies exempt out regular Library programming that is a part of the Library's normal operations.

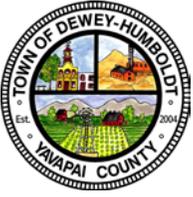
Financial Impact:

The financial impact is undetermined at this time and will be based on the option selected by Council.

Attachments:

Town of Dewey-Humboldt Meeting Facility Use Policy – Option A and Option B; Facility Use Application; Release, Hold Harmless and Indemnification Agreement

Town of Dewey-Humboldt
P.O. Box 69
Humboldt, AZ 86329
Phone: 928-632-7362 | Fax: 928-632-7365
www.dhaz.gov



Town of Dewey-Humboldt Facility Use Application

Name of Entity: _____

Mailing Address: _____

Person Responsible: _____

Telephone: _____ Email: _____ Fax: _____

Town Facility Requested:

Council Chambers

Lower Level Library Room

Purpose for which the facility will be used: _____

Facility Use date: _____ Facility Use time: _____

Estimated number of participants: _____

Food/beverage service? Yes No If yes, please specify type of food/beverage. Attach Yavapai County Health Department approval, if required. _____

Signature below acknowledges that the authorized representative has read and agrees to abide by the rules and regulations outlined in the Town of Dewey-Humboldt Facility Use Policy. Payment of refundable deposit and non-refundable facility rental fees should be attached and submitted at the time of application; reimbursement of actual Town staff time is due within 10 business days after receiving a quote from the Town. Make checks payable to Town of Dewey-Humboldt.

Applicant's Signature

Date

Staff Use Only

Organization Name: _____

Application received Hold Harmless Agreement received Certificate of Liability Insurance received

Deposit received Rental fee received

Approved by/date: _____

Notes: _____

 TOWN OF DEWEY-HUMBOLDT	PG № TC20-06
Town-Wide	Effective Date:
Subject: <i>Facility Use Policy</i>	

OPTION A – GOVERNMENTAL AGENCIES

1. **Scope.** This policy applies to the use of building facilities owned by the Town or for which the Town bears financial responsibility.
 - 1.1. This policy does not apply to the use of a Town-owned right-of-way, which is governed through the Town’s special event process.
 - 1.2. This policy does not apply to regular Library programming held at the Dewey-Humboldt Town Library. Regular Library programming is any programming, whether one-time or recurring, that is scheduled and coordinated by staff of the Yavapai County Free Library District.

2. **Purpose.** The purpose of this reference guide is to update and replace the existing Facility Use Policy and Application, establishing a new Council-approved policy with guidelines for the use of facilities owned by the Town or for which the Town bears financial responsibility.

3. **Background.**
 - 3.1. The Town Council approved a Facility Use Policy and Application in 2008. Said policy remained in effect, without change, until the adoption of this policy.
 - 3.2. The Town periodically receives requests to use facilities for non-Town business and has historically allowed the use of facilities for non-Town business.

4. **Definitions.** For the purpose of this policy, the following definitions shall apply:
 - 4.1. Facility or facilities. A building owned by the Town, or for which the Town bears financial or other responsibility such as holding a lease. For the purposes of this policy, the term Facility includes Town Hall and the Dewey-Humboldt Library.
 - 4.2. Governmental Agency. A public agency, as defined in state law, with which the Town partners through the form of an intergovernmental or other agreement to provide services that impact the Town and/or the community or a public agency that has jurisdictional powers within the Town.
 - 4.3. Non-profit organization. An organization that has received a federal non-profit status through the Internal Revenue Service.
 - 4.4. Organization. A natural person or a legal entity formed and in good standing under Arizona law.
 - 4.5. Private business. A for-profit organization.
 - 4.6. Town business. Any use by the Town in the conduct of official Town duties, including but not limited to Town Council and Board, Commission and Committee meetings; Dewey-Humboldt Magistrate Court; staff meetings; and, Town-sponsored meetings.
 - 4.7. Town-sponsored meetings. A meeting organized by the Town that is directly related to Town business.

5. **Policy requirements.**
 - 5.1. **Allowable uses.** Facilities may be used by the Town for any Town business or by a governmental agency for a meeting that is to the direct benefit of the Town or its residents, subject to the procedure outlined in section 6 of this policy.

- 5.2. **Uses not allowed.** Facilities may not be used by non-profit organizations, organizations, or private businesses unless such use is Town-sponsored as defined in Section 4.
- 5.3. **Other uses.** Facilities may not be used for any purpose not expressly authorized in this policy.

6. Facility use procedure.

6.1. **Town business supersedes any other use.** Town business shall always take precedence in the prioritization of facility use.

6.2. **Facility availability.** Facilities are available for use in the following order of priority and as follows:

- 6.2.1. Town business. Facilities may be used at any time during or outside of normal business hours.
- 6.2.2. Governmental agencies. When not in conflict with Town business, facilities may be reserved for use during normal business hours and after-hours if approved by the Town Manager.

6.3. **Damage and certificate of insurance.**

- 6.3.1. Damage is the responsibility of the governmental agency using the facility. The facility must be returned to its original condition after the meeting has ended.
- 6.3.2. A certificate of liability insurance in the amount of \$1,000,000 naming the Town of Dewey-Humboldt as additional insured is required prior to the use of the facility.

6.4. **Reserving a facility.**

6.4.1. The governmental agency shall submit the following to the Town Manager or designee at least thirty days prior to the meeting:

- 6.4.1.1. Facility Use Application;
- 6.4.1.2. Release, Hold Harmless, and Indemnification Agreement;
- 6.4.1.3. Certificate of Liability Insurance.

6.4.2. Upon receipt, Town staff shall verify facility availability and application packet completeness. If complete, Town staff shall place a tentative reservation on the facility and shall forward the application to the Town Manager for review.

6.4.3. The Town Manager or designee shall review and approve or deny all Facility Use Applications.

6.4.4. Upon approval by the Town Manager or designee, Town staff shall notify the governmental agency of the approval.

6.4.5. The Town reserves the right to cancel any meeting reservation no less than five days prior to the event. In the event a reservation is canceled, Town staff shall promptly notify the organizer.

6.4.6. Following an event, Town staff or Library staff, as appropriate, shall inspect the room for damage.

- 6.4.6.1. If there is damage, Town staff or Library staff, as appropriate, shall procure an estimate of costs to repair the damage and provide said estimate to the governmental agency.

6.4.6.2. The governmental agency shall bear all expenses associated with returning the facility to the state it was in prior to the governmental agency's meeting.

6.5. Rules of conduct.

- 6.5.1. The rules outlined in this Section 6.5 apply to all meetings in the Facilities. At the discretion of the Town Manager, rules may be waived for Town events.
- 6.5.2. The governmental agency using the facilities shall not discriminate on the basis of race, color, national origin, sex, religion, age or disability.
- 6.5.3. The governmental agency using the facilities shall conduct their meetings and themselves in a professional and courteous manner.
- 6.5.4. All activities must be under adult supervision, eighteen years of age or older.
- 6.5.5. The responsible party must restore the facilities to their original condition. No custodial services are provided with the use of the facilities. The user will be responsible for cleaning up the room and removing any trash.
- 6.5.6. The Town will not be responsible for any furniture or equipment brought by the user, and such equipment must be removed at the conclusion of the event.
- 6.5.7. Town furniture shall not be moved between rooms.
- 6.5.8. The Town will not store equipment, supplies, materials, etc., for organizations using the rooms.
- 6.5.9. Signs or notices shall not be posted upon the premises. Nothing that may injure, mar, or in any way deface the premises shall be used. Nails, hooks, adhesive fasteners, scotch tape, tacks or screws are prohibited on any part of the building or premises.
- 6.5.10. Open flames are prohibited in the facilities.
- 6.5.11. No animals shall be allowed upon the premises except service animals.
- 6.5.12. Pursuant to A.R.S. § 36-601.01, smoking is prohibited in all facilities. Persons desiring to smoke during their use of Town facilities may do so provided they are at least 20 feet from any building entrance.
- 6.5.13. Parking is available in designated areas only. Any person parking illegally or in a manner that blocks emergency entrances/exits may have their vehicle tickets and/or towed at the owner's expense.
- 6.5.14. The total number of people shall not exceed the posted capacity of any facility.
- 6.5.15. The event shall be confined to the reserved area and shall not interfere with the general public or any other ongoing activity within the facility.
- 6.5.16. At the discretion of the Town Manager, users may be required to hire off-duty Police Officers depending on the type of event or anticipated occupancy load. The cost of the off-duty Police Officers shall be the sole responsibility of the user.
- 6.5.17. The use of the Town of Dewey-Humboldt name is strictly prohibited by any organization or person for any purpose in connection with the use of the facility for publicity or except otherwise except to identify the location of the event. Unapproved use of the Town of Dewey-Humboldt name or logo shall be grounds for termination of the use agreement and may be subject to other legal action.

- 6.5.18. The permitted use of the facility by a group does not, in any way, constitute an endorsement by the Town of Dewey-Humboldt of the user's policies or beliefs.
- 6.5.19. Food and beverages are permitted in the facilities upon prior notice to the Town. The meeting organizer is responsible for providing all food and beverages and any necessary equipment and supplies. The meeting organizer shall furnish the Town with approval by the Yavapai County Health Department, if required.
 - 6.5.19.1. No coffee equipment or supplies are available.
 - 6.5.19.2. Red punch is prohibited.
 - 6.5.19.3. Any damage due to food or beverages will be assessed and billed to the governmental agency.
- 6.5.20. Alcoholic beverages are prohibited.
- 6.5.21. Groups utilizing the facility must comply with the provisions in Title IIA of the Americans with Disabilities Act.
- 6.5.22. Violation of any of the rules contained in this policy may result in the loss of future privileges to use Town facilities.

TERRY NOLAN, MAYOR _____

ATTEST:

TIMOTHY A. MATTIX, TOWN CLERK _____



Town-Wide

Effective Date:

Subject: Facility Use Policy

OPTION B – GOVERNMENTAL, NON-PROFIT, FRATERNAL, OTHER ORGANIZATIONS

1. **Scope.** This policy applies to the use of building facilities owned by the Town or for which the Town bears financial responsibility.
 - 1.1. This policy does not apply to the use of a Town-owned right-of-way, which is governed through the Town’s special event process.
 - 1.2. This policy does not apply to regular Library programming held at the Dewey-Humboldt Town Library. Regular Library programming is any programming, whether one-time or recurring, that is scheduled and coordinated by staff of the Yavapai County Free Library District.
2. **Purpose.** The purpose of this reference guide is to update and replace the existing Facility Use Policy and Application, establishing a new Council-approved policy establishing guidelines for the use of facilities owned by the Town or for which the Town bears financial responsibility.
3. **Background.**
 - 3.1. The Town Council approved a Facility Use Policy and Application in 2008. Said policy remained in effect, without change, until the adoption of this policy.
 - 3.2. The Town periodically receives requests to use facilities for non-Town business and has historically allowed the use of facilities for non-Town business.
4. **Definitions.** For the purpose of this policy, the following definitions shall apply:
 - 4.1. Facility or facilities. A building owned by the Town, or for which the Town bears financial or other responsibility such as holding a lease. For the purposes of this policy, the term Facility includes Town Hall and the Dewey-Humboldt Library.
 - 4.2. Governmental Agency. A public agency, as defined in state law, with which the Town partners through the form of an intergovernmental or other agreement to provide services that impact the Town and/or the community or a public agency that has jurisdictional powers within the Town.
 - 4.3. Non-profit organization. An organization that has received a federal non-profit status through the Internal Revenue Service.
 - 4.4. Other organization. A natural person or a legal entity formed and in good standing under Arizona law. For the purpose of this policy, organization includes legally organized civic organizations, fraternal organizations and community service organizations.
 - 4.5. Private business. A for-profit organization.
 - 4.6. Town business. Any use by the Town in the conduct of official Town duties, including but not limited to Town Council and Board, Commission and Committee meetings; Dewey-Humboldt Magistrate Court; staff meetings; and, Town-sponsored meetings.
 - 4.7. Town-sponsored meetings. A meeting organized by the Town that is directly related to Town business.
5. **Policy requirements.**
 - 5.1. **Allowable uses.** Facilities may be used by the Town for any Town business and, subject to the provisions of this policy, by a governmental agency, non-profit organization, or other type of

organization, as defined above, for a meeting that is to the direct benefit of the Town or its residents.

5.2. **Uses not allowed.** Facilities may not be used by private for-profit businesses or individuals.

5.3. **Allowable activity.** Facilities may only be used for the purpose of conducting meetings, either for the specific entity's members or a community meeting sponsored by the entity.

6. **Facility use procedure.**

6.1. **Town business supersedes any other use.** Town business shall always take precedence in the prioritization of facility use.

6.2. **Facility availability.** Facilities are available for use in the following order of priority and as follows:

6.2.1. Town business. Facilities may be used at any time during or outside of normal business hours.

6.2.2. Governmental agencies. When not in conflict with Town business, facilities may be reserved for use during normal business hours and after-hours if approved by the Town Manager and subject to staff availability to secure the facility.

6.2.3. Non-profit organizations. When not in conflict with Town business or a previously scheduled meeting of a governmental agency, facilities may be reserved for use during normal business hours and after-hours if approved by the Town Manager.

6.2.4. Other organizations. When not in conflict with Town business or a previously scheduled meeting of a governmental agency or non-profit organizations, facilities may be reserved for use during normal business hours and after-hours if approved by the Town Manager.

6.3. **Damage, security deposit and certificate of insurance.**

6.3.1. Damage is the responsibility of the entity using the facility. The facility must be returned to its original condition after the meeting has ended.

6.3.2. Non-profit organizations and other organizations are required to pay a refundable security deposit in the amount of \$250 within five business days of the entity's reservation being made.

6.3.3. A certificate of liability insurance in the amount of \$1,000,000 naming the Town of Dewey-Humboldt as additional insured is required prior to the use of the facility.

6.4. **Reserving a facility.**

6.4.1. Facility Rental and Staff fees. In addition to the security deposit required by Section 6.3.2, the following fees are required to reserve a facility.

6.4.1.1. Non-profit organizations and other organizations shall pay a non-refundable Facility Rental fee of \$50 for each reservation at the time of reserving a facility.

6.4.1.2. For after-hours meetings, non-profit organizations and other organizations shall pay a refundable fee of the actual staff time involved in having two staff members stay until the meeting has ended and all attendees have departed the facility. Said fee is due within 10 business days after receiving a quote from Town staff following the meeting.

6.4.2. A governmental agency shall submit the following to the Town Manager or designee at least thirty days prior to the meeting:

- 6.4.2.1. Facility Use Application;
- 6.4.2.2. Release, Hold Harmless, and Indemnification Agreement;
- 6.4.2.3. Certificate of Liability Insurance.
- 6.4.3. A non-profit organization or other organization shall submit the following to the Town Manager or designee at least thirty days prior to the meeting:
 - 6.4.3.1. Facility Use Application;
 - 6.4.3.2. Release, Hold Harmless, and Indemnification Agreement;
 - 6.4.3.3. Certificate of Liability Insurance;
 - 6.4.3.4. Facility Rental fee.
- 6.4.4. Upon receipt, Town staff shall verify facility availability and application packet completeness. If complete and the requested facility is available, Town staff shall place a tentative reservation on the facility and shall forward the application to the Town Manager for review.
- 6.4.5. The Town Manager or designee shall review and approve or deny all Facility Use Applications.
- 6.4.6. Upon approval by the Town Manager or designee, Town staff shall notify the applicant of the approval.
- 6.4.7. The Town reserves the right to cancel any meeting reservation no less than five days prior to the event. In the event a reservation is canceled, Town staff shall promptly notify the applicant.
- 6.4.8. Following an event, Town staff or Library staff, as appropriate, shall inspect the room for damage.
 - 6.4.8.1. If there is damage, Town staff or Library staff, as appropriate, shall procure an estimate of costs to repair the damage and provide said estimate to the applicant.
 - 6.4.8.2. The entity who utilized the facility shall bear all expenses associated with returning the facility to the state it was in prior to the entity's meeting. The entity shall pay the Town for damages within ten business days.

6.5. Rules of conduct.

- 6.5.1. The rules outlined in this Section 6.5 apply to all meetings in the Facilities. At the discretion of the Town Manager, rules may be waived for Town events.
- 6.5.2. The entity using the facilities shall not discriminate on the basis of race, color, national origin, sex, religion, age or disability.
- 6.5.3. The entity using the facilities shall conduct their meetings and themselves in a professional and courteous manner.
- 6.5.4. All activities must be under adult supervision, eighteen years of age or older.
- 6.5.5. The responsible party must restore the facilities to their original condition. No custodial services are provided with the use of the facilities. The user will be responsible for cleaning up the room and removing any trash.
- 6.5.6. The Town will not be responsible for any furniture or equipment brought by the user, and such equipment must be removed at the conclusion of the event.

- 6.5.7. Town furniture shall not be moved between rooms.
- 6.5.8. The Town will not store equipment, supplies, materials, etc., for organizations using the rooms.
- 6.5.9. Signs or notices shall not be posted upon the premises. Nothing that may injure, mar, or in any way deface the premises shall be used. Nails, hooks, adhesive fasteners, scotch tape, tacks or screws are prohibited on any part of the building or premises.
- 6.5.10. Open flames are prohibited in the facilities.
- 6.5.11. No animals shall be allowed upon the premises except service animals.
- 6.5.12. Pursuant to A.R.S. § 36-601.01, smoking is prohibited in all facilities. Persons desiring to smoke during their use of Town facilities may do so provided they are at least 20 feet from any building entrance.
- 6.5.13. Parking is available in designated areas only. Any person parking illegally or in a manner that blocks emergency entrances/exits may have their vehicle tickets and/or towed at the owner's expense.
- 6.5.14. The total number of people shall not exceed the posted capacity of any facility.
- 6.5.15. The event shall be confined to the reserved area and shall not interfere with the general public or any other ongoing activity within the facility.
- 6.5.16. At the discretion of the Town Manager, users may be required to hire off-duty Police Officers depending on the type of event or anticipated occupancy load. The cost of the off-duty Police Officers shall be the sole responsibility of the user.
- 6.5.17. The use of the Town of Dewey-Humboldt name is strictly prohibited by any organization or person for any purpose in connection with the use of the facility for publicity or except otherwise except to identify the location of the event. Unapproved use of the Town of Dewey-Humboldt name or logo shall be grounds for termination of the use agreement and may be subject to other legal action.
- 6.5.18. The permitted use of the facility by a group does not, in any way, constitute an endorsement by the Town of Dewey-Humboldt of the user's policies or beliefs.
- 6.5.19. Food and beverages are permitted in the facilities upon prior notice to the Town. The meeting organizer is responsible for providing all food and beverages and any necessary equipment and supplies. The meeting organizer shall furnish the Town with approval by the Yavapai County Health Department, if required.
 - 6.5.19.1. No coffee equipment or supplies are available.
 - 6.5.19.2. Red punch is prohibited.
 - 6.5.19.3. Any damage due to food or beverages will be assessed and billed to the entity.
- 6.5.20. Alcoholic beverages are prohibited.
- 6.5.21. Groups utilizing the facility must comply with the provisions in Title IIA of the Americans with Disabilities Act.
- 6.5.22. Violation of any of the rules contained in this policy may result in the loss of future privileges to use Town facilities.

TERRY NOLAN, MAYOR _____

ATTEST:

TIMOTHY A. MATTIX, TOWN CLERK _____



COUNCIL COMMUNICATION

Study Session Meeting Date: **July 14, 2020**

Agenda Item: **4.C.**

Submitted by: Edward L. Hanks, Jr., Town Manager

Subject:

Review, discussion and Council input on a draft ordinance amending the Dewey-Humboldt Code of Ordinances to establish provisions and a process for Special Event Liquor License applications.

Purpose:

Staff is seeking Council input on two options for an ordinance establishing provisions and a process for Special Event Liquor License applications.

Background:

The Town does not currently have Code provisions in place relating to Special Event Liquor License applications (“applications”). At the June 9, 2020 Study Session, Council discussed the matter, and Council consensus was for staff to return with a draft ordinance establishing a code.

Staff is presenting two options for Council consideration, both of which are based on the Code provisions that the City of Prescott follows.

Option A – designates approval authority to the Town Manager; as a direct result of an administrative approval process, the application timeframe is set at 30 days prior to the event.

Option B – requires Council approval for all applications; as a result, the timeframe is set to sixty days, to ensure that there is enough time for the item to be reviewed and scheduled for a Council Meeting for consideration.

Both options authorize the Town Manager to establish procedures for the processing and review of applications. Both options also require that, at a minimum, Building Safety, Fire, Planning and Public Safety all review all applications.

As there is a fee that will be collected, the requirements in A.R.S. § 9-499.15 relating to posting the fee on the Town’s website for 60 days will apply.

Financial Impact:

At this time, the financial impact is minimal; the ordinance contemplates a \$25.00 application fee.

Attachments:

Ordinance – Option A and Option B

Town of Dewey-Humboldt
P.O. Box 69
Humboldt, AZ 86329
Phone: 928-632-7362 | Fax: 928-632-7365
www.dhaz.gov

OPTION A: TOWN MANAGER APPROVAL AUTHORITY

ORDINANCE NO. 20-153

AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF DEWEY-HUMBOLDT, COUNTY OF YAVAPAI, ARIZONA, AMENDING THE TOWN OF DEWEY-HUMBOLDT, ARIZONA CODE OF ORDINANCES, TITLE III ADMINISTRATION, CHAPTER 32 TOWN POLICIES, BY ADDING § 32.80, SPECIAL EVENT LIQUOR LICENSES; PROCEDURE; APPROVAL AUTHORITY

Be it ordained by the Mayor and Common Council of the Town of Dewey-Humboldt, Arizona, as follows:

SECTION I

The Town of Dewey-Humboldt, Arizona Code of Ordinances, Title III Administration, Chapter 32 Town Policies, is hereby amended by adding a new Section 32.80 as follows (additions in underlined ALL CAPS; deletions in strikeout):

§ 32.80 SPECIAL EVENT LIQUOR LICENSES; PROCEDURE; APPROVAL AUTHORITY

(A) IN ACCORDANCE WITH A.R.S. TITLE 4, CHAPTER 2, SPECIAL EVENT LIQUOR LICENSES AND WINE FESTIVAL LICENSES MAY BE ALLOWED SUBJECT TO THE FOLLOWING:

(1) THE FILING OF AN APPLICATION AS REQUIRED BY THE ARIZONA DEPARTMENT OF LIQUOR LICENSES AND CONTROL WITH THE TOWN CLERK'S OFFICE NO LESS THAN THIRTY (30) DAYS PRIOR TO THE START OF THE EVENT;

(2) FILING FEES IN THE AMOUNT OF:

(A) PREPAYMENT OF THE REQUIRED DAILY FEE, PAYABLE TO THE ARIZONA DEPARTMENT OF LIQUOR LICENSES AND CONTROL; AND,

(B) PAYMENT IN THE AMOUNT OF TWENTY-FIVE DOLLARS (\$25.00) PER SPECIAL EVENT PER DAY, OR WINE FAIR/FESTIVAL EVENT PER DAY, PAYABLE BY THE APPLICANT FOR A SPECIAL EVENT LIQUOR LICENSE TO THE TOWN.

(B) THE TOWN MANAGER IS AUTHORIZED TO ESTABLISH PROCEDURES FOR THE PROCESSING AND REVIEW OF SPECIAL EVENT LIQUOR LICENSE APPLICATIONS. AT A MINIMUM, SAID REVIEW SHALL INCLUDE BUILDING SAFETY, FIRE, PLANNING AND PUBLIC SAFETY.

(C) THE TOWN MANAGER IS AUTHORIZED TO APPROVE OR DENY SPECIAL EVENT LIQUOR LICENSES ON BEHALF OF THE TOWN.

PASSED AND ADOPTED by the Mayor and Common Council of the Town of Dewey-Humboldt, Arizona, this _____ day of _____, 2020, by the following vote:

AYES: _____ NAYES: _____ ABSENT: _____ EXCUSED: _____

ABSTAINED: _____

APPROVED this _____ day of _____, 2020.

ATTEST:

Timothy A. Mattix, Town Clerk

Terry Nolan, Mayor
APPROVED AS TO FORM:

Bigelow Law Offices, PLC
Town Attorney
By: Kay Bigelow

I, TIMOTHY A. MATTIX, TOWN CLERK, DO HEREBY CERTIFY THAT A TRUE AND CORRECT COPY OF THE ORDINANCE NO. 20-153 ADOPTED BY THE COMMON COUNCIL OF THE TOWN OF DEWEY-HUMBOLDT, ARIZONA, ON THE _____ DAY OF _____, 2020, WAS POSTED IN THREE PLACES ON THE _____ DAY OF _____, 2020.

Timothy A. Mattix, Town Clerk

OPTION B: TOWN COUNCIL APPROVAL AUTHORITY

ORDINANCE NO. 20-153

AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF DEWEY-HUMBOLDT, COUNTY OF YAVAPAI, ARIZONA, AMENDING THE TOWN OF DEWEY-HUMBOLDT, ARIZONA CODE OF ORDINANCES, TITLE III ADMINISTRATION, CHAPTER 32 TOWN POLICIES, BY ADDING § 32.80, SPECIAL EVENT LIQUOR LICENSES; PROCEDURE AND APPROVALS

Be it ordained by the Mayor and Common Council of the Town of Dewey-Humboldt, Arizona, as follows:

SECTION I

The Town of Dewey-Humboldt, Arizona Code of Ordinances, Title III Administration, Chapter 32 Town Policies, is hereby amended by adding a new Section 32.80 as follows (additions in underlined ALL CAPS; deletions in strikeout):

§ 32.80 SPECIAL EVENT LIQUOR LICENSES; PROCEDURE AND APPROVALS

(A) IN ACCORDANCE WITH A.R.S. TITLE 4, CHAPTER 2, SPECIAL EVENT LIQUOR LICENSES AND WINE FESTIVAL LICENSES MAY BE ALLOWED SUBJECT TO THE FOLLOWING:

(1) THE FILING OF AN APPLICATION AS REQUIRED BY THE ARIZONA DEPARTMENT OF LIQUOR LICENSES AND CONTROL WITH THE TOWN CLERK'S OFFICE NO LESS THAN SIXTY (60) DAYS PRIOR TO THE START OF THE EVENT;

(2) FILING FEES IN THE AMOUNT OF:

(A) PREPAYMENT OF THE REQUIRED DAILY FEE, PAYABLE TO THE ARIZONA DEPARTMENT OF LIQUOR LICENSES AND CONTROL; AND,

(B) PAYMENT IN THE AMOUNT OF TWENTY-FIVE DOLLARS (\$25.00) PER SPECIAL EVENT PER DAY, OR WINE FAIR/FESTIVAL EVENT PER DAY, PAYABLE BY THE APPLICANT FOR A SPECIAL EVENT LIQUOR LICENSE TO THE TOWN.

(B) THE TOWN MANAGER IS AUTHORIZED TO ESTABLISH PROCEDURES FOR THE PROCESSING AND REVIEW OF SPECIAL EVENT LIQUOR LICENSE APPLICATIONS. AT A MINIMUM, SAID REVIEW SHALL INCLUDE BUILDING SAFETY, FIRE, PLANNING AND PUBLIC SAFETY.

(C) THE TOWN COUNCIL SHALL CONSIDER ALL SPECIAL EVENT LIQUOR LICENSE APPLICATIONS AT A REGULAR OR SPECIAL COUNCIL AND SHALL VOTE TO EITHER APPROVE OR DENY ALL APPLICATIONS.

PASSED AND ADOPTED by the Mayor and Common Council of the Town of Dewey-Humboldt, Arizona, this _____ day of _____, 2020, by the following vote:

AYES: _____ NAYES: _____ ABSENT: _____ EXCUSED: _____

ABSTAINED: _____

APPROVED this _____ day of _____, 2020.

ATTEST:

Timothy A. Mattix, Town Clerk

Terry Nolan, Mayor
APPROVED AS TO FORM:

Bigelow Law Offices, PLC
Town Attorney
By: Kay Bigelow

I, TIMOTHY A. MATTIX, TOWN CLERK, DO HEREBY CERTIFY THAT A TRUE AND CORRECT COPY OF THE ORDINANCE NO. 20-153 ADOPTED BY THE COMMON COUNCIL OF THE TOWN OF DEWEY-HUMBOLDT, ARIZONA, ON THE _____ DAY OF _____, 2020, WAS POSTED IN THREE PLACES ON THE _____ DAY OF _____, 2020.

Timothy A. Mattix, Town Clerk