

**TOWN OF CAREFREE, ARIZONA  
RESOLUTION 2016-02**

**A RESOLUTION OF THE MAYOR AND COUNCIL OF THE TOWN OF CAREFREE,  
MARICOPA COUNTY, ARIZONA, ESTABLISHING A WRITTEN CODE OF CONDUCT  
FOR ALL ELECTED AND APPOINTED  
OFFICIALS OF THE TOWN OF CAREFREE**

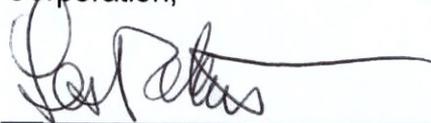
WHEREAS, Carefree has not previously enacted a written Code of Conduct for its elected and appointed officials, the Council now believes it necessary to establish standards of behavior expected and required from all elected and appointed town officials in their dealings with each other, the town administrator, the town staff, Carefree residents, the media, contractors, and vendors who may work with the Town and the general public; and

WHEREAS, the Council believes that it is appropriate to require an initial affirmation when this Resolution is enacted and also to require an annual reaffirmation and acknowledgement of the Code of Conduct

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Town Council of the Town of Carefree, Arizona, that the Carefree Town Council enact the Code of Conduct for all elected and appointed town officials as shown on the attached document entitled, "Carefree Code of Conduct: February 2, 2016."

PASSED AND ADOPTED by the Mayor and Council of the Town of Carefree, Arizona, this 1<sup>st</sup> day of March, 2016.

TOWN OF CAREFREE, an Arizona Municipal Corporation,

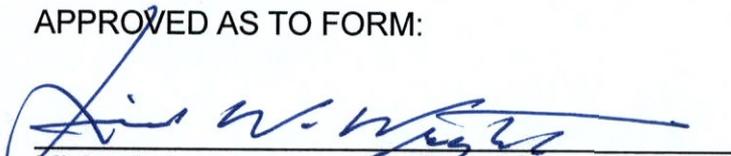


\_\_\_\_\_  
Les Peterson, Mayor

ATTEST:

  
\_\_\_\_\_  
Kandace French, Town Clerk

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Michael Wright, Town Attorney

## 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, 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 to 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

