

MARANA RESOLUTION NO. 2009-95

RELATING TO ETHICS; APPROVING THE TOWN OF MARANA CODE OF PRINCIPLE AND ETHICS-CENTERED GOVERNANCE; AND DECLARING AN EMERGENCY

WHEREAS the Town of Marana adopted a Strategic Plan on February 3, 2009 by Resolution No. 2009-16; and

WHEREAS the Strategic Plan included an initiative to promote the ongoing identification, evaluation and recommendation of tools, processes and programs that enhance citizen communication and involvement and promote the transparency of governmental operations and decision-making; and

WHEREAS The Town of Marana upholds, promotes and demands the highest standards of ethics from all of its officials, whether elected to Town Council or appointed to an advisory board or commission; and

WHEREAS the Town of Marana has developed a Code of Principle and Ethics-Centered Governance to specifically articulate the vision, values and processes for conducting the business of town government in an open, fair and transparent environment; and

WHEREAS the Town Council finds that adoption of the Code of Principle and Ethics-Centered Governance as set forth in this resolution is in the best interests of the Town and its residents.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE TOWN OF MARANA, ARIZONA, AS FOLLOWS:

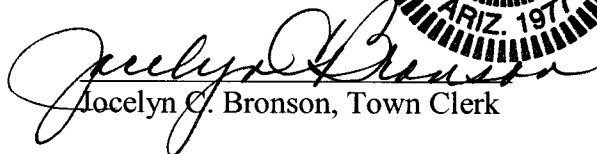
SECTION 1. The Town of Marana Code of Principle and Ethics-Centered Governance, attached to and incorporated by this reference in this resolution as Exhibit A, is hereby approved.

SECTION 2. The Town's Manager and staff are hereby directed and authorized to undertake all other and further tasks required or beneficial to carry out the terms, obligations, and objectives of the aforementioned Town of Marana Code of Principle and Ethics-Centered Governance.

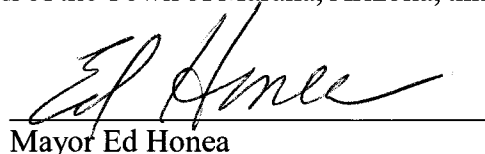
SECTION 3. Since it is necessary for the preservation of the peace, health and safety of the Town of Marana that this resolution become immediately effective, an emergency is hereby declared to exist, and this resolution shall be effective immediately upon its passage and adoption.

PASSED AND ADOPTED by the Mayor and Council of the Town of Marana, Arizona, this 16th day of June, 2009.

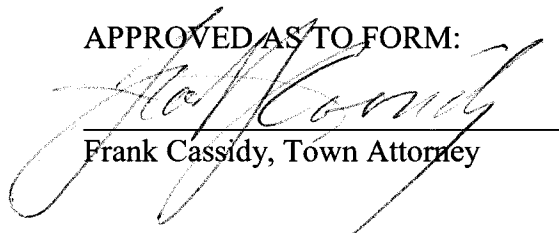
ATTEST:


Jocelyn C. Bronson, Town Clerk




Mayor Ed Honea

APPROVED AS TO FORM:


Frank Cassidy, Town Attorney



COMMERCE



COMMUNITY
BUILDING



HERITAGE



PROGRESS
INNOVATION



RECREATION



TOWN OF MARANA
Code of
Principle- and Ethics-Centered
Governance

TOWN OF MARANA

CODE OF PRINCIPLE- AND ETHICS-CENTERED GOVERNANCE



Statement of Intent

The Town of Marana's Strategic Plan, adopted by the Town Council in February 2009, includes the following initiative in the Focus Area of Progress and Innovation:

"Ongoing identification, evaluation and recommendation of tools, processes and programs that enhance citizen communication and involvement and promote the transparency of governmental operations and decision-making."

The Town of Marana, its elected officials and advisory board, commission and committee members share a commitment to professional and personal conduct above reproach in service to the community. This **Code of Principle- and Ethics-Centered Governance** has been created to specifically articulate the vision, values and processes for conducting the business of town government in an open, fair and transparent environment.

The Town of Marana upholds, promotes and demands the highest standards of ethics from all of its officials, whether elected to Town Council or appointed to an advisory board, commission or committee. Accordingly, all members of the Town Council, advisory boards, commissions or committees shall maintain the highest standards of personal integrity, truthfulness, honesty and fairness in carrying out their public duties. This includes avoiding any improprieties in the role of public servant, complying with all applicable laws and never using their town position or powers inappropriately for personal gain.

Statement of Values

The five values highlighted in this **Code of Principle- and Ethics-Centered Governance** are designed to articulate the processes, behaviors and/or actions that members of the public can expect from their elected and appointed officials. It is recognized that individuals maintain their own values and are responsible for their own behaviors. This list is designed to articulate the collective values that comprise the organizational vision, culture and way of doing business for the Town of Marana. These values are summarized here and detailed in subsequent pages:

TOWN OF MARANA
CODE OF PRINCIPLE- AND ETHICS-CENTERED GOVERNANCE



- Ethics and Integrity
- Open Communication
- Avoidance of Conflicts of Interest
- Creation of a Positive and Productive Work Environment
- Embrace the Long-Term Perspective

A. *Ethics and Integrity* – Recognizing that this value is one that must be weighed and considered by each individual embarking on life in public service, the following points describe the organizational commitment of the Town of Marana and its elected and appointed officials to *Ethics and Integrity*.

- **Honesty – Transparency and trust are enhanced when people perceive that their dealings with any organization are conducted in an honest and truthful manner. Elected and appointed officials can enhance the public trust by ensuring that communication, actions and behaviors are honest and truthful to the very best of one’s knowledge and ability.**
- **Fairness and Respect – All issues and citizens are handled with impartiality and respect. Elected officials and advisory board, commission and committee members have an obligation to treat all citizens fairly. For example, the perception of fairness and respect can be achieved by dividing time reasonably among potential speakers on an issue at a public hearing or meeting. In reviewing, discussing and deciding issues, town council members and citizen advisory board, commission and committee members have an obligation to be accessible, open and direct, not only with the other members of the council or board, but also to the citizens and representatives who appear before them. Members of the public are entitled to communicate with their public servants and understand the position of the council or commission on public issues.**
- **Loyalty – Elected officials and advisory board, commission and committee members have an obligation to put the interests of the Town of Marana above all personal considerations in the conduct of town business. The goal of any behavior or decision related to town business is based on what is in the best interest and for the broadest public good of the town and its citizens, consistent with constitutional and other legal requirements.**

TOWN OF MARANA

CODE OF PRINCIPLE- AND ETHICS-CENTERED GOVERNANCE



- Openness and Accountability – It is the intent of the Town Council to maintain an open, accessible government that is accountable to citizens and stakeholders. Guided by rules and status, an effective government must be a
 - partnership between the citizens, elected officials, appointed officials, volunteers and employees who provide town services. This includes the encouragement of citizen and employee input and involvement on matters of policy and critical issues affecting the town. Creating an environment of openness and accountability sets the expectation that citizens and employees can bring forward ideas that contribute to the betterment of Marana.
- B. Open Communication – Characterized by open, honest and effective communication, this value is the foundation for organizational health and effective performance. The most successful organizations know how to evolve in response to the environment in which they operate. Their ability to sustain a healthy environment and respond to challenges is directly related to a culture that supports open, honest communication.
- Ex-parte communication – The town receives and retains a great deal of information that is available to the general public, while ensuring that the public has reasonable access to official “public” records. Communications regarding actions under consideration by the council or an appointed board, commission or committee are provided to each member of the entity considering the item in order to preclude the perception of an advantage to a single individual or select group. Ex-parte communication does not support the town’s intent to remain an open and accessible governing body.
 - Confidential information – The town’s commitment to maintaining an open and accessible government is intended to engender trust and confidence from the public. Equally important to garnering public confidence is protecting confidential information as defined by law. The town and its elected and appointed officials respect the confidentiality of information that by law is not available to the public. Such information may only be disclosed with proper legal authorization, and never with the intent to use information to advance personal, financial, political or other private interests.

TOWN OF MARANA

CODE OF PRINCIPLE- AND ETHICS-CENTERED GOVERNANCE



- Electronic communication – Town-assigned electronic mail accounts and town-owned telephonic and computer equipment are used only for official town business or limited and/or incidental personal use provided that such use is not related to any fund-raising, political campaigns, elections, or any other prohibited use.
 - Collegial Information Sharing – Public information will be shared across the membership of affected boards, commissions, committees and the town council to promote an environment of open decision-making, inclusive of all the facts and opinions.
- C *Avoidance of Conflict of Interest* – Characterized by behavior that avoids actual and perceived conflicts of interest in accordance with, and in addition to the requirements prescribed by Arizona law.
- Acceptance of gifts and hospitality – Decision-making is free from the perception that favorable treatment was sought, received or given in exchange for business courtesies. Elected and appointed officials who conduct business on behalf of the town adhere to generally accepted ethical considerations as well as the policies outlined in this document, in Town Code, or in Arizona Revised Statutes.
 - Advocacy - Since many decisions made by a governmental body often affect a significant number of people, objectivity is essential to ensuring that the process by which decisions are made maintains its integrity. Advocacy is used for the effective and transparent decision-making process so that citizens and stakeholders can be assured of inclusion and fairness in the issues coming before the council or an advisory board, commission or committee.
 - Representation of private interests – In their role as stewards of the public interest, council members and advisory board, commission or committee members will not represent private interests of third parties or appear before the town's own governing bodies on behalf of private interests on matters related to their duties as a governing body or advisory board, unless the situation warrants such action and the council, advisory board, commission or committee gives prior written approval. This does not preclude a council member from representing personal or family interests before the governing body or board, provided that the appropriate conflict of interest disclosure process has been followed and that the council member makes clear that s/he is speaking as an individual and not as a public official.

TOWN OF MARANA CODE OF PRINCIPLE- AND ETHICS-CENTERED GOVERNANCE



D. Creation of a Positive and Productive Work Environment – Characterized by behaviors and actions that leverage resources to produce well-thought out decisions achieved through inclusiveness and collaboration.

- Effort (meeting attendance) – Elected officials and advisory board, commission and committee members have an obligation to attend meetings and to be prepared. Elected and appointed officials review materials, participate in discussions and make informed decisions based on the merits of the issue.
- Merit-based decision making – Decision-making is based on the merits and substance of the matter at hand, rather than on unrelated considerations, personal relationships, or personal preferences when acting on behalf of the town. Policies and decision-making processes are free from actual or implied undue influence of any special group, individual or organization where it would not be in the best interest of the community.
- Use of public resources (facilities and equipment) – Elected officials and advisory board, commission and committee members shall not use town equipment or town facilities for private purposes, except to the extent that they are available to the public. Resources are managed to ensure long-term availability for the delivery of town services. Elected and appointed officials ensure that there is no misuse or appearance of misuse of town resources or equipment. Elected and appointed officials follow town policies and procedures for the use and distribution of resources.
- Collaboration and teamwork – No single office, department, agency or individual can serve all the varied and complex needs of a community. Service excellence can best be achieved through a true spirit of collaboration and teamwork between elected officials and citizens working with the Town Manager’s Office and town employees.
- Policy Role of Council Members – Under the council-manager form of government, the Town Council appoints a Town Manager who directs the day-to-day operations of all employees (TOM Code Section 3-2-1). Council Members adhere to the council-manager structure of the Town of Marana with respect to the role of the Town Manager and the Town Manager’s Office. In this structure, the Town Council determines the policies of the town, with advice, information and analysis provided by the public, boards, commissions, committees and town staff. Except as provided by ordinance, Council Members shall not interfere with the administrative functions of the town or the professional duties of staff, nor shall they impair the ability of staff to implement council policy decisions. Council members work through the Town Manager or the Town Manager’s Office to address questions, concerns and requests for information or service.

TOWN OF MARANA

CODE OF PRINCIPLE- AND ETHICS-CENTERED GOVERNANCE



- Personal conduct – Council and advisory board, commission and committee members are the public face of the Town of Marana, representing citizens and employees. Members should refrain from public conduct that results in personal charges or verbal attacks on the character or motives of other members of the council, boards, commission, committees, the staff or the public.
- E. Long-term Perspective - So often the short-term is emphasized at the expense of the future. The town's elected and appointed officials embrace strategies that balance and contribute to both short- and long-term benefits for the town. Decision-makers are always mindful that the way to create order out of uncertain circumstances is by focusing on more effective and sustainable ways of accomplishing the town's mission and strategic objectives. In this regard, the Strategic Plan is a guiding focus for the organization as it heads into the future.

Policies and Laws

Members of the council and advisory boards, commissions or committees comply with the laws of the nation, the State of Arizona and the Town of Marana in the performance of their public duties. These laws include, but are not limited to: the United States and Arizona constitutions; laws pertaining to conflicts of interest, election campaigns, financial disclosures, employer responsibilities and open processes of government; and town ordinances and policies. Below are the highlights of some of these laws as well as the additional policies adopted as part of this **Code of Principle- and Ethics-Centered Governance** or other Town Council action.

- A. Self-Dealing and Financial Disclosure – Arizona conflict of interest laws apply to all elected officials and advisory board, commission or committee members, who must be consistently aware of any potential issues which may appear to be self-dealing. Officials must not be involved in discussing or deciding any issue over which they have jurisdiction as a council or board member which may impact the member or the member's family financially (A.R.S §§ 38-501 through 38-511. Council members must comply annually with the Financial Disclosure Act as provided for in A.R.S §§38-541 through 38-545.

TOWN OF MARANA
CODE OF PRINCIPLE- AND ETHICS-CENTERED GOVERNANCE



- B. Disclosure of and Policy on Acceptance of Gifts and Hospitality – Arizona law prohibits elected official and advisory board members from receiving anything of value or any compensation other than their normal salary for any service rendered in connection with that person’s duties with the town (A.R.S. §38-505(A)). Occasionally, as part of normal business activities, certain hospitalities, such as meals may be provided. Elected and appointed officials may accept hospitalities that are included in the course of conducting normal business, which may include a meal or attendance at an official business or social event; floral offerings or gifts of food to commemorate events such as illness, death, birth, or holidays; or a sample promotional gift of nominal value that is directly related to a town event or the town’s sponsorship of a private event (value of \$25 or less). No elected or appointed official may accept a gift of any value if the gift is a bribe or reflects to a reasonable person an effort to improperly influence the official contrary to that official’s responsibility to the public to act impartially on the merits of a matter. Elected and appointed officials may not accept gifts of entertainment (sporting events, ballet, trips, etc.) from lobbyists (A.R.S. § 41-1232.08(B)).
- C. Open Meetings – Arizona law requires that meetings of public bodies be open to the public (A.R.S. §§38-431 through 431.09). Meetings include gatherings in person and through technological devices, including e-mail. Where a quorum of the council, commission, board or committee exists, discussion or deliberation of issues involving town business or proposed town business shall be prohibited except when placed on an agenda at a properly posted public meeting.
- D. Public Records – Arizona law requires that public records be available for inspection. All electronic mail related to town business and/or sent/received from town equipment may be subject to disclosure under the public records law. Additionally, all documents created on town-issued equipment or attached to electronic e-mail sent or received in the course of town business may be subject to disclosure. Disclosure is subject to review by the Town Attorney in accordance with A.R.S. § 39-101 et. seq. All documents and electronic mail produced by a council or advisory board, commission or committee member must be retained in accordance with the town’s records management program.
- E. Disclosure of Confidential Information – Arizona law provides that no member of a town board, commission, committee or the town council may disclose or use confidential information without appropriate authorization (A.R.S. § 38-504(B)). For example, confidential information includes discussions during executive sessions and certain personnel and economic development information such as project leads.

TOWN OF MARANA
CODE OF PRINCIPLE- AND ETHICS-CENTERED GOVERNANCE



- F. Political Activities – Elected officials, advisory board, commission or committee members shall not use the town’s personnel, equipment, materials, buildings or other resources for the purpose of influencing the outcomes of elections (A.R.S. § 9-500.14). No elected official, advisory board, commission or committee member of the town shall use any influence or pressure upon any employee to obtain any assessment or contribution of money or time, either direct or indirect for any political campaign or personal gain (TOM Code Section 3-3-4).
- G. Travel, Training and Memberships/Outside Agency Charitable Contributions – The Town Council shall follow its adopted budget policy on expenditures for travel, training and professional memberships. Advisory boards, commissions or committees shall not travel or attend training events unless required by law or specifically authorized by the Town Council.
- H. Town-Issued Equipment – Members of the council, advisory boards, commissions and committees shall follow town policies to obtain authorization for use of town equipment and facilities. Any exceptions to those policies shall be determined by the full Town Council.
- I. Policy on Non-Discrimination – Recognizing that the stewardship of the public interest is a primary concern, members of the council, board, commission or committee will ensure that business is conducted in an environment that is free from illegal discrimination on the basis of age, sex, color, race, disability, national origin or religion, or any other protected category.
- J. Policy on Nepotism – No relative of a sitting council member may be directly appointed to an advisory board, commission or committee position unless such appointment is made through an open, competitive recruitment and selection process. No town council member may appoint or vote to appoint any person related by affinity or consanguinity within the third degree to a position of paid employment with the town (A.R.S. § 38-481).

TOWN OF MARANA
CODE OF PRINCIPLE- AND ETHICS-CENTERED GOVERNANCE



Processes

- A. Where to Seek Advice - Questions about this Code, a conflict of interest or other ethical issues should be presented to the Town Attorney's Office. If time permits, requests are encouraged to be in writing to the Town Attorney directly. Requests for legal opinions related to conflicts of interest shall be kept confidential. However, official opinions of the Town Attorney related to conflicts of interest are required by law to become public record (A.R.S. § 38-507).

- B. Declaring a Conflict or Possible Conflict - The existence of an ethical issue often does not arise until a meeting is underway. Rather than risk an inadvertent violation of law, the safest course of action is simply to declare that a conflict may exist that prevents an elected official or advisory board, commission or committee member from participating.

- C. How to Declare a Possible Conflict - If an elected official or advisory board, commission or committee member believes that a conflict of interest (or even a possible conflict) exists, s/he should disclose the potential conflict as soon as possible. For example, as soon as an elected official or advisory board member realizes that a conflict exists on a given matter, they must disclose the conflicting interest on the record for the official minutes. From that point on, the official shall not participate in any manner (by discussion, questioning or voting) in that matter. Declaring a conflict and not participating should be recognized as a necessary part of preserving public trust and should not be avoided simply because of delays or inconvenience.

- D. Acceptance of Gift or Hospitality – Elected officials and members of an advisory board, commission or committee shall disclose in writing to the Town Clerk all gifts or hospitalities received from people with a financial interest in business before the Town, if the hospitality or gift has a face value in total of \$25 or more. This disclosure shall be made within three (3) business days of receipt of the gift, or within three (3) business days of returning to Marana from travel outside of the town.

- E. Improper Behavior and Sanctions – The Town of Marana **Code of Principle- and Ethics-Centered Governance** expresses standards of ethical conduct expected for members of the Town of Marana town council, advisory boards, commissions and committees. Members themselves have the primary responsibility to assure that ethical standards are understood and met, and that the public can continue to have full confidence in the integrity of government. The chairs of boards, commission,

TOWN OF MARANA
CODE OF PRINCIPLE- AND ETHICS-CENTERED GOVERNANCE



and the Mayor have the additional responsibility to intervene when members' actions appear to be inconsistent or in violation of the Code of Principle- and Ethics-Centered Governance. Such matters may be brought by the Mayor before the Town Council who may impose sanctions on members whose conduct does not comply with the town's ethical standards. Such sanctions may include reprimand, formal censure, or loss of assignment. The Town Council may also act to remove members of advisory boards, commissions and committees from office (TOM Code Section 2-6-2(H)).