

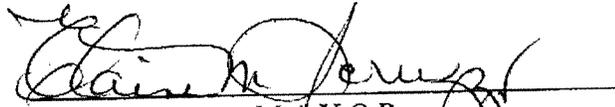
RESOLUTION NO. 4210 NEW SERIES

A RESOLUTION OF THE COUNCIL OF THE CITY OF
GLENDALE, MARICOPA COUNTY, ARIZONA, ADOPTING
THE CODE OF CONDUCT FOR ELECTED OFFICIALS.

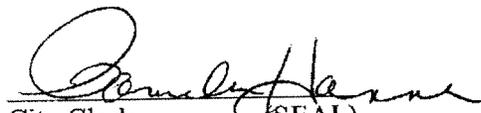
BE IT RESOLVED BY THE COUNCIL OF THE CITY OF GLENDALE as follows:

SECTION 1. That the Code of Conduct for Elected Officials, three copies of which are on file in the office of the City Clerk, are hereby adopted and said copies are ordered to remain on file with the City Clerk.

PASSED, ADOPTED AND APPROVED by the Mayor and Council of the City of Glendale, Maricopa County, Arizona, this 25th day of November, 2008.


MAYOR

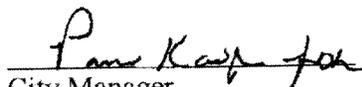
ATTEST:


City Clerk (SEAL)

APPROVED AS TO FORM:


City Attorney

REVIEWED BY:


City Manager

CITY OF GLENDALE

CODE OF CONDUCT

For Elected Officials

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I. General Background

The City Charter, adopted in 1947, establishes a Council-Manager form of government. Subject to the limitations imposed by the State Constitution and so long as consistent with State law, all powers of the City are vested in the elected City Council. The City Council, which is comprised of six council members and the Mayor, enacts local legislation, adopts budgets, determines policies, and appoints the City Manager, City Clerk, City Attorney, City Treasurer and City Judge.

The council shall consist of a mayor and six (6) other members to be elected by the qualified electors of the City of Glendale as follows:

- (a) The mayor shall be elected from the city at large, pursuant to the election procedure (primary and general elections) specified in ordinances which are adopted according to law or as provided for under the City of Glendale Charter.
- (b) The six (6) other council members shall be elected from six (6) geographic districts within the City of Glendale. Each district shall contain a substantially equal number of electors. Electors in each district shall vote only for the council candidates nominated from the district in which the electors reside.
- (c) Each candidate for one of the six (6) council seats shall at the time of nomination and during his tenure maintain his permanent residence within the district from which he is nominated.
- (d) No candidate for the six (6) council seats may run for more than one district in any regular election.

The City Council is committed to ensuring active public participation in their decision-making processes:

- (a) Through the appointment of citizens to the City's advisory boards and commissions.
- (b) Through special assignment of citizens to issue-oriented task forces such as the Bond Committee.
- (c) By hosting or attending neighborhood meetings and events.
- (d) By sponsoring regional and community forums on such topics as youth, transportation, economic development and parks.
- (e) Through the actions of Citizen Participation Plans in accordance with city ordinances section 3.304 and 3.305.

II. Roles and Responsibilities of Elected Officials

NOTE: For the purpose of the Code of Ethics and Code of Conduct, the term council member refers to Mayor and Council; all members of the City Council.

THE MAYOR

The Mayor shall be the chairman of the council and preside over its deliberations. He or she may make and second motions and shall have a voice and vote in all its proceedings. He or she shall be recognized as head of the city government for all ceremonial purposes and by the governor for purposes of military law, but shall have no regular administrative duties.

THE VICE-MAYOR

The council shall designate one (1) of its members as Vice Mayor, who shall serve in such capacity at the pleasure of the council. The vice mayor shall perform the duties of the mayor during the mayor's absence or disability.

THE COUNCIL MEMBERS

All powers of the city, not in conflict with the constitution and subject to the limitations of this charter, shall be vested in the council, who shall enact appropriate legislation and do and perform any and all acts and things which may be necessary and proper to carry out these powers or any of the provisions of this charter.

Code of Conduct **For Elected Officials**

This Code of Conduct is designed to describe the manner in which council members should treat one another, city staff, constituents, and others they come into contact with in representing the City of Glendale.

The constant and consistent theme through all of the conduct guidelines is "respect." Elected officials are called upon to exhibit behavior consistent with the Code of Conduct and Code of Ethics at all times.

Section 1 - Council Conduct with One Another

A. Use formal titles

The council should refer to one another formally during public meetings as Mayor, Vice Mayor or council member followed by the individual's last name.

B. Use 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 free democracy in action. This does not allow, however, council members to make belligerent, personal, impertinent, slanderous, threatening, abusive, or personally disparaging comments in public meetings or during

individual encounters. No shouting or physical actions that could be construed as threatening or demeaning will be acceptable.

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.

C. Honor the role of the Chair in maintaining order

It is the responsibility of the Mayor, as Chair of the council under the Charter, to keep the comments of council members on track during public meetings. Council members should honor efforts by the Mayor to focus discussion on current agenda items. If there is disagreement about the agenda or the Mayor's actions, those objections should be voiced politely and with reason, following commonly recognized parliamentary procedure.

D. Demonstrate effective problem-solving approaches

Council members have a public forum to show how individuals with disparate points of view can find common ground and seek a compromise that benefits the community as a whole. This public forum should be used in the most effective and beneficial manner.

Section 2 - Council Conduct with City Staff

A. Treat all staff as professionals

Clear, honest communication that respects the abilities, experience, and dignity of each individual is expected. Poor behavior towards staff is not acceptable. Council members should refer to staff by their title followed by the individual's last name in public meetings when first introduced.

B. Limit contact to specific City staff

Questions of City staff and/or requests for additional background information shall be directed to the City Manager, City Attorney, Assistant City Manager, Deputy City Managers, or Department Heads.

Requests for follow-up or directions to staff should be made only through the City Manager or the City Attorney when appropriate. When in doubt about what staff contact is appropriate, council members should ask the City Manger 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.

C. 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.

D. 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. Comments about staff performance should only be made to the City Manager through private correspondence or conversation. Comments about staff in the office of the appointed officials should be made directly to appointed official.

E. Do not get involved in administrative functions

Except as otherwise provided in this charter, neither the council nor any of its members shall interfere with the execution by the city manager of his powers and duties, or order, directly or indirectly, the appointment by the city manager of any person to an office or employment or his removal there from. Except for purposes of inquiry, the council and its members shall deal with the administrative service under the city manager solely through the city manager, and neither the council nor any member thereof shall give orders to any subordinate of the city manager, either publicly or privately.

Nothing in this section shall be construed, however, as prohibiting the council while in open session from fully and freely discussing with or suggesting to the city manager anything pertaining to city affairs or the interests of the city.

F. 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.

G. Limit requests for staff support

Council members are provided with staff to assist with various administrative activities. These staff members are merit system employees and, while available to assist the council members to which they are assigned, they remain subject to all the rules and directives that are applicable to all City employees. Requests for additional staff support, beyond the currently assigned staff, even in high-priority or emergency situations, should be made only to the City Manager who is responsible for allocating City resources in order to maintain professional, well-run City functions.

H. 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, collection of petition signatures, etc.) from City staff. City staff may, as private citizens within constitutional rights, support political candidates but all such activities must be done away from the workplace and the staff cannot identify themselves in any manner as City employees.

Section 3 - 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.

A. Be welcoming to speakers and treat them with care and gentleness

For many citizens, speaking in front of council is a new and difficult experience. Under such circumstances many are nervous. Council members are expected to treat citizens with care and respect during public hearings. Council members should commit full attention to the speakers or any materials relevant to the topic at hand. Comments and non-verbal expressions should be appropriate, respectful and professional. Questions by council members to speakers should seek to clarify or expand information.

B. Be fair and equitable in allocating public hearing time to individual speakers

The Mayor will determine and announce time limits on speakers at the start of the public hearing process. Generally, each speaker will be allocated five-minutes with applicants and appellants or their designated representatives allowed more time. 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. The public hearings and citizen comments time will be conducted in accordance with Resolution 3136.

Each speaker may only speak once during the public hearing unless the council requests additional clarification later in the process. After the close of the public hearing, no more public testimony will be accepted unless the Mayor reopens the public hearing for a limited and specific purpose.

C. Active listening

Council members shall actively listen to and be attentive to speakers.

D. Ask for clarification, but avoid debate and argument with the public

Only the Mayor, not the individual council members, should 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. Questions by council members to members of the public testifying should seek to clarify or expand information.

E. Follow parliamentary procedure in conducting public meetings

The City Attorney serves as advisory parliamentarian for the City and is available to answer questions or interpret situations according to parliamentary procedures. Final

rulings on parliamentary procedure are made by the Mayor, subject to the appeal of the full council.

In Unofficial Settings

F. Make no promises on behalf of the Council in unofficial settings.

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. Overt or implicit promises of specific council action, or to promise City staff will take some specific action are to be avoided.

Section 4 - Council Conduct with Other Public Agencies

A. 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) whether 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.

B. Representation of the City on an Outside Board, Commission, or to an Outside Agency

If the council member is representing the City, that council member must consistently support and advocate the City's official position on an issue and cannot foster or further a personal viewpoint that is inconsistent with the official City position.

Council members must inform the council of their involvement in an outside organization if that organization is or may become involved in any issue within the City's jurisdiction. If an individual council member publicly represents or speaks on behalf of another organization whose position differs from the City's official position on any issue, the council member must clearly communicate the organization upon whose behalf they are speaking and must withdraw from voting as a council member upon any action that has bearing upon the conflicting issue.

C. Correspondence also should be equally clear about representation

City letterhead shall be used only when the council member is solely representing and speaking on behalf of the City and with the council member's official capacity. A copy of official correspondence should be given to the council office and mayor's office staff to be maintained as a public record.

D. Representation of the City on Intergovernmental Commissions and Other Outside Entities

Council members serving on committees or boards as the City representative on outside entities or agencies shall properly communicate with other council members on issues pertinent to the city.

Section 5 - Council Conduct With Boards and Commissions*

*Mayor and City Manager ex-officio members.

The Mayor and City Manager shall be ex-officio members, without voting privileges, of all boards and commissions.

A. Limit contact with Board and Commission members to questions of clarification
Council members shall not contact a Board or Commission member to lobby on behalf of an individual, business, or developer. Council members may contact Board or

Commission members in order to clarify a position taken by the Board or Commission or a member of that Board or Commission. Council members may respond to inquiries from Board and Commission members. Communications should be for information only.

B. 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.

Except as allowed by the City charter, 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 council.

C. 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. However, 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 will be based on such criteria as recommended by the Government Services Committee.

D. 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.

E. 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 council member.

Section 6 - Council Conduct with the Media

A. Expression of Positions on Issue

When communicating with the media, council members should clearly differentiate between personal opinions and the official position of the City. All council members represent one vote of seven and until a vote on any issue is taken, council members' positions are merely their own.

B. Discussions Regarding Staff Members

Council members should not discuss personnel issues or other matters regarding individual staff members in the media. Any issues pertaining to staff should only be addressed directly to the City Manager.

SECTION 7 – Sanctions & Violations

A. Process

- (1) The first and most important step in this section is the requirement that the offended Council member address the concern with the offending Council member including a description of the specific action observed, the relationship of that event to the Code and, if applicable, the impact it had on the offended Council member. The purpose of this first step is to assure that an attempt has been made to discuss the issue and resolve the conflict without proceeding further. This step requires no formal action and no involvement of other Council members.
- (2) Either party may request, and both must agree, to seek a third party who will assist in facilitating the discussion toward a mutually satisfactory conclusion. If any expenses are incurred they will be paid for equally from the district funds of each member engaged in the mediation.
- (3) If the situation cannot be settled through the process in steps (1) and (2), either Council member may choose to refer the concern to the entire Council for their review. The Council will serve as a committee of the whole for purposes of Code violation and sanction consideration.

- (4) To present the concern to the Council, the offended member must advise the offending Council member that the issue will be taken to the Council and subsequently ask the City Manager to post the issue for the earliest upcoming executive session. All laws pertaining to executive session will apply. Included in those rules is the option for the offending Council member to exercise their right to request that the discussion be held in an open hearing. The City Attorney's Office will prepare notice to the Council member or Council members that are to be discussed in executive session as required by law.
- (5) The Council will discuss the issue in order to:
 - (a) become fully informed;
 - (b) determine if there appears to be a violation of the Code of Conduct;
 - (c) seek resolution without further action or, if necessary schedule the issue for an upcoming public hearing for final determination regarding whether a violation occurred and if necessary;
 - (d) determine what sanction is most appropriate; customarily, sanctions are limited to a letter of reprimand or censure.
- (6) A 2/3 vote of the Council at a regular council meeting will be required for a determination that a violation has occurred and likewise, a 2/3 vote for the sanction to be imposed.
- (7) If a sanction is imposed, the language will follow a specific format to be established by the Council and used consistently as such situations occur.

B. Effects of Violations

The Code of Conduct alone does not provide a basis for challenging the validity of any final enactment, resolution, decision, determination, or recommendation of the council, a board or a commission.