



ADMINISTRATIVE DIRECTIVE

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I. PURPOSE

The purpose of this directive is to provide guidance to all City officers and employees to avoid actions that might result in, or create the appearance of:

- Using public office or employment for private gain;
- Giving preferential treatment to any organization or person;
- Impairing independence or impartiality of action;
- Impeding government efficiency or economy;
- Adversely affecting the confidence of the public in the integrity of City government.

II. POLICY

City officers and employees shall comply with the conflict of interest laws and this Directive, and avoid even the appearance of impropriety.

III. DEFINITIONS

- A. Arizona conflict of interest laws are set forth in ARS §38-501 through §38-511. Under these laws, any City officer or employee who has, or whose relative has, a substantial interest in any contract, sale, purchase, service or decision of the city shall make known such interest in the official records of the city and shall refrain from participating in any manner as an officer or employee in the contract, sale, purchase, service or decision. A substantial interest does not include eleven interests defined by the statute as remote interests ARS §38-502(10) <http://www.azleg.state.az.us/ars/>.
1. The term relative means the officer/employees' spouse; spouse's parents, siblings and children; children and grandchildren; parents and grandparents; siblings; and spouses of siblings.
 2. The term substantial interest means a pecuniary (money) or proprietary (ownership) interest by which a person will gain or lose something as contrasted to general sympathy, feeling or bias.
- B. Employees who have an interest in a City contract, sale, purchase, service or decision must formally declare the existence of the interest by filing a disclosure statement (form attached) and agree to refrain from acting upon that interest in any capacity or manner as an officer or employee. The disclosure form must be completed and signed by the officer or employee and must fully disclose the facts constituting the interest and the transaction in which the employee has the conflict. The original signed disclosure statement must be filed with the City Clerk's Office, which will route a copy to the City Attorney's Office and the employee's department director.



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- C. When a department is uncertain whether a conflict of interest exists for one of its officers or employees, the department may request a review of the facts and circumstances by the City Attorney. If it is determined that a conflict of interest exists or will exist, the City Attorney shall advise the department to request that the employee file the disclosure statement with the City Clerk and refrain from acting upon the interest as a City official or employee.

IV. CONFIDENTIAL INFORMATION

The State conflict statutes also forbid the use by officers and employees of confidential information acquired in the course of their term of office or employment for any personal gain.

V. GIFTS AND ENTERTAINMENT

City employees shall not accept or solicit directly or indirectly anything of economic value such as a gift, gratuity, favor, entertainment or loan which may appear to be designed to influence the employee's conduct. This provision does not prohibit acceptance of minor promotional items such as calendars and pens; food and refreshments delivered as a gift to the work place for consumption on the premises by all employees at the work place; and business lunches.

Example - An officer or employee may accept a meal which is the result of a regular meeting of a board or commission; however, an officer or employee cannot accept dinner at his favorite restaurant for having participated in a particular manner on a question or for expediting a project.

VI. REPRESENTATION AFTER EMPLOYMENT

An officer or employee may not be compensated for representation of a party in a matter upon which he has exercised the discretion of his office or employment for a period of one year after the end of his term of office or employment.

VII. OUTSIDE EMPLOYMENT

An officer or employee shall not engage in or accept private employment or render services for private interests unless such activity is initiated and maintained in compliance with City AD 2.02-6, Outside Employment.

VIII. PURCHASES FROM THE CITY

An officer or employee may buy surplus City property, which is offered for sale through a public auction unless:

- A. The officer or employee has, because of his official position, been able to obtain special knowledge about the condition of the goods to be sold, or



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B. The officer or employee has been officially associated with the disposal arrangements.

IX. SALES TO THE CITY

An officer or employee may not sell or supply any equipment, materials, goods, or services to the City unless it is pursuant to an award or contract which has been let after public, competitive bidding.

X. USE OF CITY EQUIPMENT AND FACILITIES

Employees are prohibited from using City vehicles, equipment, materials, property, or City processes for general convenience or profit, unless it is made available or provided to the general public. As an example, employees are prohibited from sending Christmas or other personal cards through the City mail system.

XI. ELECTIONEERING, CAMPAIGN WORK AND CAMPAIGN CONTRIBUTIONS

Tucson Code §10-18 regulates the political activities of officers and employees in the City's classified service. "The Political Activity Guidelines for Officers and Employees in the City of Tucson Classified Service" <http://www.tucsonaz.gov/clerks/pdf/PAG.pdf> prepared by the City Clerk's Office and the City Attorney's Office set forth the guidelines of acceptable political activity and provide an overview of the political activities permitted and prohibited under the Tucson charter and the Tucson Code §10-18.

XII. CITY EMPLOYEE CONDUCT AS CIVIL OR CRIMINAL DEFENDANTS

A. A City employee shall not, when defending against an actual or anticipated civil or criminal traffic citation, criminal misdemeanor citation, or criminal indictment which has been or may be issued to the employee:

1. Represent or purport to represent the City; or
2. Directly or indirectly influence or attempt to influence a witness or party through the use of City vehicles, uniforms, identification cards, or other indications of City authority.

B. SPECIFICALLY PROHIBITED ACTIONS

In addition to the general prohibitions stated in Section XII A above, City employees shall not, in the defense of any civil or criminal traffic citation, criminal misdemeanor citation, or criminal indictment which has been or may be issued to the employee:

1. Make any statements or take any actions which suggest that the employee is acting on behalf of the City, or representing the City;



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2. Make any statements to a party or witness regarding the City's official position on the incident, or any other similar incident;
3. Make any promise or representation, either directly or indirectly, to a party or witness related to the City's handling or settlement of any claim against the City arising from the incident;
4. Admit any liability on behalf of the City, or purport to bind the City in any way;
5. Intimidate or coerce any party or witness by words or actions which suggest that failure to cooperate in the incident could lead to a loss of City services or other negative repercussions involving official City business that affects the party or witness;
6. Take any action related to the incident while on duty, except where authorized by the employee's supervisor or when required to do so by law or other rules, directives, or regulations;
7. Approach or contact any witness or party when wearing a City uniform or other clothing which displays City or Department insignia, at any time following the issuance of any such citation or indictment;
8. Operate any marked City vehicle, or use City equipment, buildings, facilities, or personnel in approaching or contacting witnesses or parties, at any time following the issuance of any citation or indictment;
9. Present to a witness or party a city identification card, badge, or other object which would identify the employee as a City employee, except when required to do so by law or other rules, directives or regulations.

XIII. ETHICS AWARENESS AND COMPLIANCE

The Director of Human Resources, through the employee orientation program, is responsible for informing newly appointed employees of the ethical standards they are expected to observe. Department heads shall be responsible for the administration of this policy and employee compliance in their respective departments.

XIV. ENFORCEMENT

Violation of any provision of this Directive shall be cause for disciplinary action. Disciplinary action may range from an oral or written reprimand to dismissal depending upon the degree of the violation.



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Appendices

- 1) Conflict of Interest Disclosure Statement/Request for Review
- 2) Conflict of Interest Disclosure Statement for Federal Financial Assistance Projects and Programs (other than Section 8 Housing Assistance Payments Program)
- 3) Conflict of Interest Disclosure Statement for Section 8 Housing Assistance Payments Program

References

AD 2.02-6, Outside Employment

Review Responsibility and Frequency

The Director of Human Resources will review this directive annually, based on date of publication.

Authorized



 City Manager



 Date



Conflict of Interest Disclosure Statement/Request for Review

I, _____, am employed by the City of Tucson in the following capacity:

I have outside employment, or other financial interests, or a relative of mine has such interests, described as follows:

I have a potential conflict of interest regarding the following transaction(s) with the City of Tucson:

I will refrain from participating in any manner, whether in the preparation of bid preparations, specifications, or awards or otherwise, and in making any other decision whatsoever regarding any transaction in which I or my relative would hold a financial interest. If my City duties would normally require me to perform any functions in connection with such transactions, I will immediately notify my supervisor of my conflict of interest.

Signature of Employee

Date

Original to be filed with City Clerk's Office. (City Clerk will send copies to City Attorney and employee's Department Director)

Request for Review (Check box if applicable)

I am requesting a review of a potential conflict of interest under the provisions of A.R.S. Section 38-501 et seq. and under Federal law if applicable, regarding the above transaction(s) with the City of Tucson.

Note: Request for Review to be filed with the City Attorney's Office **only**. (It is not necessary to file the request for review with the City Clerk.) You will be notified of the City Attorney's conclusion. If the City Attorney determines a conflict exists, the appropriate form will be returned to you for filing with the City Clerk's Office.



Interest Disclosure Statement for Federal Financial Assistance Projects and Programs

I, _____, the undersigned, hereby make the following disclosure of interest as required by applicable Federal and State laws:

1. The undersigned or a relative as defined in A.R.S. Sec. 38-502, has, or both have, a direct or indirect financial interest in or concerning the contract between - _____ and _____ which is or is to be funded in whole or in part with federal financial assistance under the _____ project or program. The following is a short description of the interest:

2. The interest concerned was acquired before the tenure of the undersigned as an officer or employee of the City of Tucson, or, if the contract is prospective will be acquired during such tenure, or in either case during the year immediately following such tenure.
3. The undersigned will refrain from voting upon or otherwise participating in any manner as an officer or employee and from the exercise of any responsibilities or functions, including but not limited to recommendations and decisions, concerning the above-identified project or program as it relates to the above-described interest.

DATED: This _____ day of _____, 20__

Signature

Title or Job Classification

Original to be filed with City Clerk's Office. (City Clerk will make copies for City Attorney and employee's Department Director)



**Interest Disclosure Statement for
United States Housing Act of 1937 as Amended
Section 8 Housing Assistance Payments Program**

I, _____, the undersigned, hereby make the following disclosure of interest to the appropriate Public Housing Authority or Authorities as required by applicable law:

1. The undersigned has a direct or indirect financial or pecuniary interest in or concerning the premises located at and legally described as:

2. The interest concerned was acquired before or during the tenure of the undersigned as an officer or employee of the City of Tucson, or during the year immediately following such tenure.
3. The undersigned will refrain from voting upon or otherwise participating in any manner as an officer or employee and from the exercise of any responsibilities or functions, recommendations and decisions, concerning any aspect of the "Rental Rehabilitation Program" or any Section 8 Housing Assistance Payments Contract, whether proposed or entered into arising from or by reason of said program or otherwise.

DATED: This _____ day of _____, 20__

Signature

Title or Job Classification

Original to be filed with City Clerk's Office. (City Clerk will make copies for City Attorney and employee's Department Director)