

ADOPTED BY THE
MAYOR AND COUNCIL

August 6, 2013

ORDINANCE NO. 11102

RELATING TO ETHICS AND RULES OF CONDUCT; ADOPTING A CITY OF
TUCSON CODE OF ETHICS; AND DECLARING AN EMERGENCY.

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF
TUCSON, ARIZONA, AS FOLLOWS:

SECTION 1. That the City of Tucson Code of Ethics for Elected Officials,
All City Employees, and Members of City Boards, Committees and Commissions,
attached to this Ordinance as Exhibit A, is hereby adopted and approved.

SECTION 2. The various City officers and employees are authorized and
directed to perform all acts necessary or desirable to give effect to this
Ordinance.


SECTION 3. WHEREAS, it is necessary for the preservation of the
peace, health, and safety of the City of Tucson that this Ordinance become

...

...

immediately effective, an emergency is hereby declared to exist and this Ordinance shall be effective immediately upon its passage and adoption.

PASSED, ADOPTED AND APPROVED by the Mayor and Council of the City of Tucson, Arizona, August 6, 2013.



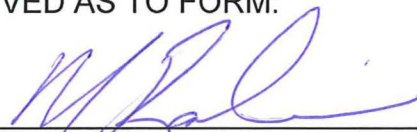
MAYOR

ATTEST:



CITY CLERK

APPROVED AS TO FORM:



CITY ATTORNEY

REVIEWED BY:



CITY MANAGER

MR/dg
7/25/13

CITY OF TUCSON CODE OF ETHICS

For Elected Officials, All City Employees¹, and Members of City Boards, Committees and Commissions.

Introduction and Application:

The City has adopted this Code of Ethics by Ordinance No. 11102. This Code of Ethics applies to the Mayor and Council, all City employees (whether they are in the classified service or not) and members of City boards, commissions, and committees (hereafter, "BCCs").

This Code of Ethics supplements existing provisions of the Charter, Code, Administrative Directives, and other rules of the City. All provisions of the Charter, Code, Administrative Directives and other rules of the City relating to employee conduct continue to apply.

The "Comment" sections included in this Code, together with Appendix A and Appendix B, are integral to and a part of this Code of Ethics, and apply in the same manner as the other provisions of this Code.

I. City of Tucson Ethics Policy

It is the policy of the City of Tucson to uphold, promote and demand the highest standards of ethics from all of its employees and officials, whether elected, appointed or otherwise hired. Accordingly, all City elected officials (the mayor and council members), all City employees, and all members of City BCCs should maintain the highest standards of personal integrity, truthfulness, respect, professionalism, honesty and fairness in carrying out their duties; avoid any improprieties in their roles as public servants; and never use their position or powers for improper personal gain or influence.

The requirements of Administrative Directive (A.D.) 2.02-5, *Rules of Conduct*, continues to apply to all City employees within the classified service. In addition, through the adoption of this Code of Ethics, the Mayor and Council extend the requirements of A.D. 2.02-5 to the City's elected officials and to their appointed staff. A.D. 2.02-5 is attached to this Code of Ethics as Appendix B.

Comment: The proper operation of municipal government requires the Mayor and Council, all City employees, and members of City BCCs remain independent, impartial, and responsible to the public. All City elected officials, employees, and members of City BCCs hold office or were

¹ For the purposes of this Code, the phrase "all City employees" means exactly that – *all* City employees – and includes all employees in the classified service, and all employees outside the classified service, including those employees" includes, without limitation, permanent, non-permanent, temporary and probationary employees, whether full time or part time.

City of Tucson Code of Ethics

hired or appointed for the public's benefit, and it is their responsibility to uphold the Constitution of the United States and the Arizona Constitution. In all official acts, all of these persons are bound to observe the highest standards of integrity, and discharge faithfully the duties of office or position regardless of personal considerations, recognizing that the public interest must be the primary concern. Democratic government can function properly only when the citizenry has confidence in how its government is run. Public trust is built largely upon the perceptions that citizens have regarding their Mayor and Council members, City employees and members of City BCCs. Accordingly, it is imperative to foster the highest standards of personal integrity and honesty in discharging all public duties.

II. Compliance with the Law

All City elected officials, all City employees, and all members of City BCCs shall comply with the laws of the United States, the State of Arizona and the City of Tucson in the performance of their public duties. These laws include, but are not limited to: the United States and Arizona Constitutions; all federal laws, including but not limited to those included in Title VII of the Civil Rights Act of 1964 as amended; the Tucson City Charter; the Arizona Revised Statutes (including but not limited to those statutes relating to conflicts of interest, open meetings, elections, and financial disclosures); and the Codes, ordinances, resolutions, rules and policies of the City of Tucson.

Comment: This Code of Ethics specifically addresses conflicts of interest under Section III; discrimination and harassment under Section VI; and open meetings under Section VII.

III. Conflicts of Interest

All City elected officials, all City employees, and all members of City BCCs shall comply with the laws and rules regarding all actual or potential conflicts of interest; and shall not use their official positions to influence government decisions in which they have a material financial interest, or where they have a duty or responsibility or personal relationship that may give the appearance of a conflict of interest.

Under Arizona law, any elected official, employee, or member of a BCC who has, or whose relative has, a substantial interest in any contract, sale, purchase service or decision of the City shall disclose that interest and shall refrain from participating in any way with the decision or transaction. See A.R.S. § 38-503(A). Also, Arizona law prohibits any City employee or anyone officially representing the City from providing certain goods and services to the City without competitive bidding. See A.R.S. § 38-503(C).

Additionally, Chapter XVIII., Section 2 of the City Charter provides that no officer or employee of the City shall be, directly or indirectly, interested in any contract, work or business of the City; nor in the purchase or lease of any real estate or other property belonging to the city.

City of Tucson Code of Ethics

Comment: As with other conflicts of interest, any City elected official, employee or member of a City BCC in such a situation must (i) make known the substantial interest involved and (ii) refrain from voting upon or otherwise participating in the transaction or the making of such contract or sale. Examples of situations involving a Conflict of Interest, and examples where no Conflict of Interest exists, are provided in Appendix A.

IV. Acceptance of Gifts, Favors, Extra Compensation and Things of Value

No City elected official, City employee, or member of a City BCC shall solicit or accept any gift, service, favor anything of value, or any compensation other than his or her normal salary in exchange for any service rendered in connection with that person's duties or responsibilities with the City. City elected officials, employees, and members of City BCCs shall not accept or solicit, directly or indirectly, anything of economic value such as a gift, gratuity, favor, entertainment or loan that may appear to be designed to influence that official or employee. 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.

Arizona law prohibits City elected officials, employees and members of City BCCs 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 City. See A.R.S. § 38-505(A). Additionally, Chapter XXV., Section 1 of the City Charter provides that no officer of the City shall be allowed any compensation, aside from salary as fixed by the Charter or ordinance.

Comment: City elected officials, employees and members of City BCCs should not accept any gifts (monetary or otherwise, such as a service, loan, thing or promise), gratuities, or favors from anyone other than the City for the performance of acts within the regular course of official duties. Any gifts or favors which reasonably may be interpreted to be offered in order to influence a municipal decision should be refused.

Additionally, the City elected officials are required, under Tucson Code Secs. 12-40 through 12-43, to file with the City Clerk an annual verified financial disclosure statement that shall include, among other required information, the name of each source of any gift, or accumulated gifts from a single source, of more than five hundred dollars (\$500.00), with certain exceptions (such as gifts from relatives).

V. Confidential Information

Arizona law provides that, during a person's employment or service with the City and for two years thereafter, no City elected official, employee or member of a City BCC may disclose or use confidential information without appropriate authorization. See A.R.S. § 38-504(B)

Comment: City elected officials, employees and members of City BCCs often have access to important non-public information regarding the property, operations, policies or affairs of the City. Such information may concern real estate transactions, expansion of public facilities or

City of Tucson Code of Ethics

other City projects. Release of confidential information discussed in an executive session is a violation of the Arizona Open Meeting Laws.

VI. Discrimination or Harassment; and Workplace Bullying

A. Discrimination and Harassment Prohibited

All City elected officials, all City employees, and all members of BCCs shall conduct business and operate in a manner that is free from discrimination on the basis of race, color, religion, ancestry, sex, age, disability, national origin, sexual orientation, gender identity, familial status or marital status. Harassment on the basis of sex is a violation of Title VII of the Civil Rights Act of 1964, as amended. All City employees are entitled to work in an environment free of harassment and discrimination.

It is the policy of the City of Tucson to provide a work environment free from discrimination and to promote equal employment opportunities and equitable treatment of all employees. Any adverse employment action or harassment because of a person's race, color, religion, sex, national origin, sexual orientation, gender identity, age, disability or any other protected class status under applicable law is considered employment discrimination and is a violation of this policy.

Comment: Prohibited harassment includes verbal or physical conduct toward an individual because of his or her protected class status that:

1. Has the purpose or effect of creating a hostile, intimidating, or offensive working environment;
2. Has the purpose or effect of unreasonably interfering with an individual's work performance;
3. Otherwise affects an individual's employment opportunities.

The United States Equal Employment Opportunity Commission (EEOC) defines sexual harassment as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:

1. submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment; or
2. submission to or rejection of such conduct is used as the basis for employment decisions affecting an individual; or

City of Tucson Code of Ethics

3. such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive work environment.

Prohibited sexual harassment includes, but is not limited to:

1. Sexually suggestive, obscene, or lewd comments and jokes;
2. Sexual innuendos and gestures;
3. Sexually suggestive pictures or written materials (e.g., poster, cartoons);
4. Gender related labels such as “honey” or “sweetie;”
5. Leering, ogling, or drawing attention to a person’s body;
6. Unwelcome touching;
7. Sexual intimidation or exploitation;
8. Sexual assault.

B. Workplace Bullying Prohibited

This Code of Ethics prohibits workplace bullying by City elected officials, employees and members of City BCCs against any other persons in the workplace environment, including members of the public. Workplace bullying is defined as actions, conduct and/or behavior in the workplace environment that a reasonable person would find hostile, offensive, and not obviously related to an employer’s legitimate business interests. Examples of prohibited workforce bullying include, but are not necessarily limited to, the following:

1. Use of disrespectful and devaluing language;
2. Persistent or constant criticism in front of other persons (including co-workers, vendors, contractors or members of the public) for the purpose of humiliation
3. Behavior, actions, conduct or language with the intent to frighten, humiliate, belittle or degrade, including criticism delivered with yelling and/or screaming.

VII. Open Government and Transparency; Public Documents

Arizona laws require that meetings of public bodies be open to the public. See Open Meetings Laws (A.R.S. § § 38-431 through 431.09 and City Charter Ch. 4, § 5). The Mayor and Council, and all City BCCs, shall comply at all times with the requirements of the Open Meetings Laws. Additionally, Arizona law requires that public records be made available for public inspection. See, Public Records Laws (A.R.S. § § 39-121 through 121.03). With certain exceptions

City of Tucson Code of Ethics

(including but not limited to attorney/client communications), written communications, including City-related email messages, between public officials and private citizens on matters involving the affairs of the City are considered public documents and shall be made available for public review upon request.

Comment: As declared in state statute, it is the official public policy of Arizona that meetings of public bodies be conducted openly. Also, Arizona law allows broad access to public records. Open government gives the public confidence that public affairs are being performed properly. City officials shall conduct themselves in a manner that fully adheres to state laws concerning open meetings, public records and transparency of actions.

VIII. Political Activity

The Tucson Code (Sec. 10-18) and Charter (Chapter XXV., Sec. 8) regulate the political activities of City officers and employees. The City Clerk and City Attorney have prepared and set forth the guidelines for acceptable and prohibited political activity, and all City officers and employees shall comply with these guidelines, which are available at:
<http://www.tucsonaz.gov/clerks/pdf/PAG.pdf>

IX. Separation of the Legislative and Administrative Functions of the City; Respect for the Council-Manager Form of Government

The City Charter establishes a Council-Manager form of Government. The powers of the City are vested in the Mayor and Council [Ch. III., Sec. 1], and the Mayor and Council enacts legislation, adopts budgets, levies taxes, determines policies, and appoints certain City officials, including the City Manager, Attorney and Clerk. The Mayor is CEO of the City and Chair of the Council, and presides at all Council meetings (Chapter VI., Secs. 1 and 2). The City Manager supervises and directs the administrative operation of the City; and supervises and directs the conduct of the Manager's appointees and the employees of the City (Chapter X., Sec. 1). With few exceptions, city employees are in the classified (civil) service, under the civil service rules (Chapter XXII., Sec. 3). The appointing authority for civil service employees is the department director (Chapter V., Sec. 13). Under Civil Service, appointments are based on merit; and discipline is based on just cause. Per the Charter, no appointment to or removal from any office or employment, and no transfer, promotion, reduction in compensation, or employee discipline shall be made or withheld for political reasons (Chapter XXII., Sec. 3; Chapter XVIII., Sec. 3).

All City elected officials, all City employees, and all members of City BCCs shall respect the Council-Manager form of government and shall respect the orderly lines of authority within City government.

The City Manager and all City employees shall:

1. consistently demonstrate professionalism and the commitment to ethics and excellence;

City of Tucson Code of Ethics

2. recognize that the Mayor and Council serves as the link between the citizens and government, and as the legislative authority of the City, making the policy decisions about City functions based on the recommendations of the Manager.
3. recognize that they do not set policy, but make policy recommendations and are responsible for carrying out the Mayor and Council's policy decisions.

The elected officials of the City, and their appointed staff members, shall:

1. recognize and respect the role of the City Manager and City staff, and shall not interfere with the execution by the City Manager of the Manager's powers and duties, or order, directly or indirectly, the appointment by the City Manager of any person to an office or employment or the removal therefrom.
2. work solely through the City Manager or the City Manager's designated staff. They may ask other City administrative officers and employees about the status of a matter and may ask for information, but shall not expressly or implicitly give orders or direction to those employees, publicly or privately.

Appointed members of the City's BCCs shall work through the staff liaisons of their board.

Comment: The elected officials of the City, through their participation on the Mayor and Council, establish the policies of the City; and the City Manager, through his administrative functions, carries out those policies. The elected officials and their appointed staff may make inquiries to City staff who are under the supervision of the City Manager for the purpose of sharing or acquiring information, to include inquiries on behalf of a constituent. However, the elected officials and their staff cannot direct City employees to perform work outside of the usual and normal scope of their duties, or assign them with tasks that divert the allocation of City resources.

X. Compliance and Enforcement

Violations of state law: Violations of state law, whether by a City elected official, employee (whether in the classified service or an at-will appointee), or a member of a City BCC, may expose that person to a variety of penalties, up to and including criminal prosecution. For example, violations of the state Conflict of Interest laws could be prosecuted either as misdemeanors (for negligent violations) or felonies (for intentional violations). Violations of the Open Meeting laws could result in civil penalties of up to \$500, an assessment of costs and attorneys' fees, and in certain circumstances by removal from public office.

Violations of this Code of Ethics by City employees (civil service or at will): In addition to other penalties that might apply, depending on the violation, violations of this Code of Ethics or of the City's Administrative Directives by a City employee could result in disciplinary action. Disciplinary actions of City employees who are in the classified service (civil service) must be conducted under the procedures established in the City's Charter, Code, and Civil Service Rules. City employees who are employed outside of the classified service, such as the elected officials'

City of Tucson Code of Ethics

appointed staff, serve at the will of their appointing authority and may be disciplined or removed from that appointment by their appointing authority for violations of this Code of Ethics.

Violations of this Code of Ethics by members of City boards, committees and commissions: Violations of this Code of Ethics by members of City BCCs could be cause for the removal of that person. Section 10A-134 of the Tucson Code provides that members of City BCCs may be removed with or without cause prior to the expiration of their term by the mayor or members of the city council who appointed them.

Violations of this Code of Ethics by City elected officials: The City's elected officials are not subject to removal from office for a violation of this Code of Ethics, except that, as provided under Chapter VIII., Section 3 of the Charter, an elected official's office shall be deemed vacated if the official is convicted of violating a provision of the Charter or of a felony. Additionally, as noted above, a violation of state law would expose that official to the associated civil or criminal penalties.

In addition, pursuant to the City Charter, the Mayor and Council have the authority to judge of the qualification of their own members (Chapter VII., Section 1); and to establish rules for their proceedings (Chapter IX., Section 4). Under this authority, and pursuant to the legislative body's inherent authority to sanction a member's conduct, the Mayor and Council may sanction an individual elected official by censure. The Procedure for Censure on an Elected Official is provided below.

In addition, the Mayor and Council have the authority to punish any member of the Mayor and Council or other City officer by a fine not exceeding fifty dollars (\$50.00), for disorderly or contemptuous behavior that occurs in their presence (Chapter VII., Section 1).

Procedure for Censure of an Elected Official:

No complaint requesting the sanction of censure can be initiated if the complaint is based on acts or conduct that occurred, or is alleged to have occurred, prior to the effective date of Ordinance No. 11102, approving this Code of Ethics.

A complaint requesting the sanction of censure must be initiated either (1) within 180 days after the violation is alleged to have occurred; or (2) within 90 days after the violation was discovered; whichever date is earlier.

If at any time during such process the City Attorney determines that he or she has a conflict in providing advice to the Mayor and Council, the City Attorney shall engage the services of separate legal counsel in order to avoid such conflict.

The procedure for consideration by the Mayor and Council of the sanction of censure shall be as set forth below.

1. A complaint for censure of an elected official can only originate from another member of the Mayor and Council. The first step in initiating consideration of the sanction of a

City of Tucson Code of Ethics

censure is that the complaining elected official must first address the concern with the accused elected official, with the complaint to include a description of the specific action observed, the relationship of that event to this Code, and, if applicable, the impact it had on the complaining official. The purpose of this first step is to assure that an attempt is made to discuss the issue and resolve the matter without proceeding further. This step requires no formal action and no involvement of other elected officials.

2. Either party may request to seek a third party to assist in facilitating the discussion toward a mutually satisfactory conclusion. This discussion with a third party facilitator may only occur if both parties agree. If any expenses are incurred for this process, they will be shared equally from the office funds of each member engaged in the process.
3. If the matter cannot be settled and resolved through steps (1) and (2) above, then either elected official may choose to refer the matter to the entire Mayor and Council for review and consideration of censure.
4. To present the matter to the Mayor and Council, the complaining elected official must advise the accused official that the issue will be taken to the Mayor and Council, and will thereafter ask that the matter be scheduled for a Study Session agenda, with an executive session as appropriate. All laws pertaining to executive sessions will apply, including the option of the accused official to exercise the right to request that any discussions occur in an open hearing. The City Attorney shall prepare and provide notice to the accused official as required by law.
5. At the scheduled meeting, the Mayor and Council will discuss the issue in order to:
 - a. Become fully informed;
 - b. Determine if reasonable grounds exist to believe that a violation of this Code of Ethics has occurred;
 - c. Seek resolution without further action, or, if necessary, schedule the matter for a subsequent public discussion for final determination regarding whether a violation occurred, and, if necessary, determine whether the sanction of a letter of censure is appropriate;
 - d. An affirmative vote of four (4) members of the Mayor and Council is required to set the matter for the subsequent discussion described in subsection (c) above.
6. If the Mayor and Council schedule the matter for a public discussion under section 5 above, each member of the Mayor and Council, including the accused member, shall be provided with a reasonable opportunity to address the issues and be heard. Following this public process, the Mayor and Council may take any of the following actions:
 - a. Determine that no violation has occurred and declare the matter closed.

City of Tucson Code of Ethics

- b. Determine that a violation has occurred, but impose no sanction and declare the matter closed.
- c. Determine that a violation has occurred, and impose the sanction of censure. An affirmative vote of five (5) members of the Mayor and Council is required to impose the sanction of a letter of censure.
- d. If the sanction of a letter of censure is imposed, the letter shall follow a format to be established by the Mayor and Council and used consistently as such situations occur.

Effect of Violations on actions of the Mayor and Council: Violations of this Code of Ethics alone do not provide a basis for challenging the validity of any enactment, resolution, ordinance, decision, determination or recommendation of the Mayor and Council.

City of Tucson Code of Ethics

APPENDIX A – CONFLICTS OF INTEREST

Examples where a Conflict of Interest Exists

Arizona's Conflict of Interest laws are set forth in A.R.S. Secs. 38-501-511. Under these laws, any City officer or employee who has, or whose relative has, a substantial interest in any contract, sale, purchase, or service 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 or service. A substantial interest does not include eleven (11) interests identified under the law as "remote interests." Under the law, the term "substantial interest" means a pecuniary (money) or proprietary (ownership) interest by what a person will gain or lose something. The term "relative" means the officer's/employee's spouse; the officer's/employee's spouse's parents, siblings and children; the officer's/employee's grandparents, parents, children and grandchildren; and the spouses of the officer's/employee's siblings.

Listed below are illustrative examples of situations involving potential violations of Arizona's Conflict of Interest statutes. (All of the examples assume that the City employee or officer is a member of the public agency that is reviewing the matter in question.)

1. The City employee or member of a City BCC or the City Council (or a relative) owns property in such close proximity to property that is the subject of a zoning or license application that the granting or denial of the application could affect the value of the employee's or member's property.
2. The City employee or member of a City BCC or the City Council (or a relative) has done work in the past for a firm seeking a City contract and anticipates doing further work for the firm in the future. A potential conflict exists regardless of whether the work involves the matter that is the subject of the contract. (However, mere past association does not of itself constitute a conflict if the business relationship is not a continuing one.)
3. The City employee or member of a City BCC or the City Council (or a relative) is an officer of a corporation that operates a chain of stores. An application by a competitor seeks zoning approval for a store within the service area of one of the stores owned by the member's corporation.
4. The City employee or member of a City BCC or the City Council (or a relative) is a developer who files an application for approval of a project. Not only must the City employee or member disqualify himself or herself from consideration of the application, the member also may not participate in the matter by personally presenting the application to the public body.
5. The City employee or member of a City BCC or the City Council (or a relative) is a realtor who has had discussions concerning a listing agreement with the owner of property that is the subject of a zoning application. If the City employee or member of a City BCC or the City Council wishes to pursue the agreement, he/she should disqualify himself/herself from considering the application. If the City employee or member of a City BCC or the City Council

City of Tucson Code of Ethics

does not disqualify himself or herself, he/she should not subsequently enter into the listing agreement.

6. A proposed amendment to the City Code seeks to regulate a specific type of business activity. The City employee or member of a City BCC or the City Council (or a relative) has an exclusive franchise or right to conduct the activity in the City.

7. The City employee or member of a City BCC or the City Council (or a relative) has an interest in property that will be uniquely affected by a proposed land use plan, and the adoption of the plan could affect the value of the property (e.g., the plan confers special benefits on the property that are not applied to other similarly situated properties).

8. The close relative of a City employee or a member of a City BCC or the City Council is in business with a person whose application or contract is being considered by the public agency.

9. The City employee or member of a City BCC or the City Council receives more than five percent of his total annual income from a corporation that has an application or a contract pending before the public body.

10. The City employee or member of a City BCC or the City Council is seeking the award of a professional services contract from the City, unless the contract will be awarded through competitive bidding to the lowest bidder. A conflict of interest exists in the absence of competitive bidding regardless of whether the City employee or member of a BCC or the City Council participates in awarding the contract. In other words, a City employee or member of a City BCC or the City Council is prohibited from contracting with the City unless the contract will be awarded through competitive bidding.

11. The City employee or member of a City BCC or the City Council (or a close relative) is a paid employee of an organization which receives funds appropriated by the City council, including federal and state funds administered by the City.

B. Examples where No Conflict of Interest Exists

Following are illustrative examples of situations that do not constitute violations of the Conflict of Interest Laws. (Again, all examples assume that the City employee or member of a City BCC or City Council is a member of the public agency that is reviewing the matter in question.)

1. The City employee or member of a City BCC or the City Council (or a relative) is a member of a trade association that has applied for an amendment to the City Code that is being considered by the public agency.

2. The City employee or member of a City BCC or the City Council (or a relative) owns a property in an area that is included in a proposed land-use plan that is being considered by the public body (unless that plan would uniquely affect the property of the City employee or a member of City BCC or the City Council).

City of Tucson Code of Ethics

3. The City employee or member of a City BCC or the City Council (or a relative) is the non-salaried officer of a nonprofit corporation that has an application that is being considered by the public body.
4. The City employee or member of a City BCC or the City Council is a tenant of a property owner who is seeking a City contract (unless the contract would affect the pecuniary or proprietary interests of the City employee or member of a City BCC or the City Council).
5. The City employee or member of a City BCC or the City Council is the attorney for a contracting party (as long as the City employee or member of a City BCC or the City Council does not represent the person in regard to the contract).
6. The City employee or member of a City BCC or the City Council owns less than 3% of the shares of a corporation that has an application being considered by the public body. The City employee or member of a City BCC or the City Council does not have a conflict if the total annual income from dividends, including the value of stock dividends from the corporation, does not exceed 5% of the total annual income of the City employee or member of a City BCC or the City Council and any other payments made to him/her by the corporation do not exceed 5% of his/her total annual income.
7. The City employee or member of a City BCC or the City Council (or a relative) contracts to purchase services or goods from a firm that does business with the City (as long as the contract is unrelated to official actions taken by the City employee or member of the City BCC or the City Council, and the City employee or member of a City BCC or the City Council receives no benefit from the firm as a result of official action).

**APPENDIX B – ADMINISTRATIVE DIRECTIVE 2.02-5
RULES OF CONDUCT**



ADMINISTRATIVE DIRECTIVE

RULES OF CONDUCT	NUMBER	PAGE
	2.02-5	1 of 3
	EFFECTIVE DATE	
February 12, 2010		

I. PURPOSE

This policy establishes rules of conduct for all City employees. These general rules may be further defined in writing and distributed by individual departments as deemed necessary.

II. POLICY

A. All employees must observe the following basic principles and rules of conduct throughout their employment with the City. Failure to observe basic principles and rules of conduct, as specified in this policy and in City Code, may result in disciplinary action up to and including discharge.

1. Be at work on scheduled working days at the designated starting time, and remain at assigned work place during designated work hours unless permission to leave has been granted by the supervisor.
2. Observe department breaks and lunch periods without abuse.
3. Use and maintain in a reasonable manner, tools, machines, cars, and other City property and equipment to assure their usefulness and longevity. Report malfunctions or hazardous conditions of tools, machines, vehicles, and other City property and equipment to assure proper maintenance and safety.
4. Complete the required "time worked" records in accordance with instructions issued by the City.
5. Personally notify the supervisor as quickly as possible if absence is necessary, and otherwise comply with all provisions of "Employee Leaves" AD 2.01-7.
6. Obtain Department Director's permission before soliciting funds, selling tickets, passing petitions, or distributing literature on City property or during business hours.
7. Follow established safety practices and immediately report accidents to the supervisor or his/her designee.
8. Cooperate in keeping the work place, equipment, and vehicles in clean and sanitary conditions.
9. Carry out specific orders or instructions from assigned supervisory personnel.
10. Perform a full day's work in an efficient manner in accordance with the methods and standards required by the City.
11. Conduct themselves in a manner, on and off duty, that:



ADMINISTRATIVE DIRECTIVE

RULES OF CONDUCT	NUMBER	PAGE
	2.02-5	2 of 3
EFFECTIVE DATE		February 12, 2010

- a. does not compromise their ability, or that of other employees, to perform assigned work and/or duties in an efficient, non-discriminatory, and professional manner;
 - b. does not discredit the City or department in a manner that affects its ability to perform its mission;
 - c. does not cause the City or department to question the employee's reliability, judgment or trustworthiness in carrying out assigned responsibilities.
12. Truthfully give all pertinent facts and information to supervisors on any matters involving or concerning City employment.
 13. Truthfully give all pertinent facts on records prepared.
 14. Promote harmony and cooperation among fellow workers.
 15. Keep their supervisors informed of all matters relating to and affecting their employment.
 16. Not report for duty or work under the influence of alcohol. On or off duty possession, use, or sale of controlled substances without a prescription is prohibited (see "Drug and Alcohol Use; Impaired Employees; Physical Evaluations; Applicant Testing AD 2.02-22).
 17. Advise supervisory personnel of use of prescription drugs if such use may affect performance of assigned duties.
 18. Report to the supervisor any damage, thievery, or unauthorized removal of property belonging to the City or to another employee.
 19. Adhere to those provisions of the City Charter, City Ordinances, City Administrative Directives, Department rules and regulations, and Civil Service Commission Rules that relate to their employment with the City.
 20. Supervisory personnel are responsible for the proper conduct of their assigned employees and the functional work activities under their control. As necessary, supervisors should strive to review, document, and take appropriate action in matters within thirty (30) working days, or as soon as practicable.
 21. Abide by all local, state, or federal laws. Employees arrested or charged with a crime shall report the incident to their supervisor by the next working day. Employees have a continuing obligation to report new developments on any matters previously reported. The City Manager shall be notified by the department of any matter involving alleged criminal charges.



ADMINISTRATIVE DIRECTIVE

RULES OF CONDUCT	NUMBER	PAGE
	2.02-5	3 of 3
	EFFECTIVE DATE	
	February 12, 2010	

- 22. Not possess firearms or other weapons while at work, or on City business unless specifically authorized to do so by the Department Director **and** the Chief of Police. An employee may leave a firearm in the employee's locked and privately owned motor vehicle or in a locked compartment on the employee's privately owned motorcycle while parked in a City owned or leased parking lot.
- 23. 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.

III. CITY OWNERSHIP OF EMPLOYEE WORK PRODUCTS

- A. The City maintains ownership rights for all employee suggestions and work products conceived or produced by an employee, alone or with others, on City time, even if the work does not pertain to the employee's assigned duties. Examples of work products include ideas, inventions, solutions, drawings, writings, audio and videotapes, computer programs tools, equipment, and any other product, devices, or developments designed or modified, in whole or in part, on City time. Further, the City maintains ownership rights for all suggestions and work products that are the result of any materials, property, information, equipment, or other resources or opportunities supplied by the City that enable the employee to develop or perfect the suggestion or work product.
- B. Work products created on City time by Seasonal Fee Class Instructors, for demonstration purposes in Leisure Education Fee Classes, may be retained by instructors if the materials necessary to produce the demonstration products are provided by the instructors at their own expense. If materials for demonstration products created by Seasonal Fee Class Instructors are provided by the City, the City will maintain ownership rights to the work products.

Appendices None

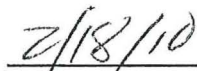
References 2.01-7, Employee Leaves (entire series)
2.02-22, Drug and Alcohol Use; Impaired Employees; Physical Evaluations; Applicant Testing

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

Authorized



City Manager



Date