

RESOLUTION NO. 6879

A RESOLUTION OF THE CITY OF SCOTTSDALE, MARICOPA COUNTY, ARIZONA, ADOPTING A PUBLIC SERVICE ETHICS PROGRAM FOR CITY OFFICIALS.

WHEREAS, on September 20, 2005, the Scottsdale City Council, in response to a citizen's petition and after receiving a report from City staff, established the City of Scottsdale Citizen Code of Ethics Task Force ("Task Force"), charging it with recommending a code of ethics or ethics policy for the City Council and members of City boards and commissions; and

WHEREAS, on October 4, 2005, the City Council appointed seven Scottsdale citizens to serve as members of the Task Force; and

WHEREAS, over the four months following the appointment of the members of the Task Force it engaged in research, discussion, and debate about the best course of action for the City of Scottsdale, holding ten public meetings and receiving information and receiving comments from numerous citizens, who contributed to the final product by sharing their insights and perspectives; and

WHEREAS, on April 3, 2006, the Task Force presented its Final Report ("Final Report") to the Mayor and City Council, which included several recommendations to promote ethical behavior in Scottsdale city government, one of which was to adopt the City of Scottsdale Public Service Ethics Program, which was presented as a part of the Final Report; and

WHEREAS, the City Council believes that the adoption of the proposed City of Scottsdale Public Service Ethics Program and a Code of Ethical Behavior, relating to elected and appointed officials of the City; including the Mayor, City Council members, and members of all City boards, commissions, committees, task forces, and other appointed advisory groups (collectively "City Officials"), is in the best interests of the City and its residents to promote ethical behavior by City Officials.

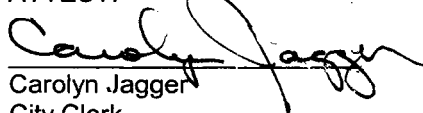
NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Scottsdale, Arizona, as follows:

Section 1. The Mayor and City Council hereby accept the Final Report of the City of Scottsdale Code of Ethics Task Force, attached as Exhibit A to this Resolution and incorporated by this reference, and the recommendations made in the Final Report.


Section 2. The Mayor and City Council hereby adopt the Public Service Ethics Program set forth in Exhibit B to this Resolution, which is incorporated by this reference.

PASSED AND ADOPTED by the Council of the City of Scottsdale, Maricopa County, Arizona, this 2nd day of May, 2006.

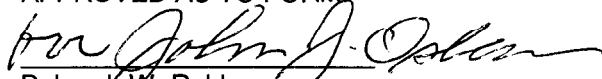
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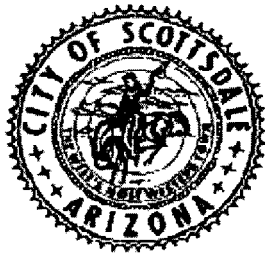

Carolyn Jagger
City Clerk

CITY OF SCOTTSDALE, an Arizona
municipal corporation


Mary Manrose
Mayor

APPROVED AS TO FORM:


Deborah W. Robberson
City Attorney



**Final Report:
Scottsdale Citizen Code of Ethics Task Force**

On September 20, 2005, the Scottsdale City Council, in response to a citizen's petition and after receiving a report from City staff, established the City of Scottsdale Citizen Code of Ethics Task Force. The Council charged the Ethics Task Force with recommending a code of ethics or ethics policy for the City Council and members of City boards and commissions. On October 4, 2005, the City Council appointed seven Scottsdale citizens to serve as members of the Ethics Task Force:

- Art DeCabooter (Chair), President of Scottsdale Community College
- Jim Bruner, attorney, banker, and former Councilman and County Supervisor
- Jim Derouin, attorney and the person who filed the citizen's petition
- Margaret Dunn, business owner
- Ned O'Hearn, former Councilman
- Rita Saunders-Hawarnek, Scottsdale Coalition board member
- Dewey Schade, businessman and public commission member

For assistance, the Task Force consulted with Dr. Teri Traaen, General Manager of Human Resources, who wrote her dissertation on ethics when earning her Ph.D. in Public Administration. The Task Force also retained Tim Delaney, President of the Center for Leadership, Ethics & Public Service and former Solicitor General of Arizona, to help the Task Force design an ethics program for the City of Scottsdale.

Over the next four months, the Task Force engaged in research, discussion, and debate about the best course of action for the City of Scottsdale. The Task Force held ten public meetings and heard from numerous citizens who contributed to the final product by sharing their insights and perspectives.

The Task Force also discussed the need to ensure that all of the City's representatives -- not only elected and appointed officials, but also employees -- be aware of and honor ethical guidelines. Being mindful of the Task Force's charge to focus on ethical matters relating to elected and appointed officials (the Mayor, City Council members, and members of all City boards, commissions, committees, task forces, and other appointed advisory groups -- collectively, "City officials"), and recognizing that the City Manager has been developing a set of ethics policies for City employees (in a draft Administrative Regulation 320), the Task Force focused primarily on ethics relating to City officials.

The Task Force developed a comprehensive ethics program that combines *illumination* of existing public service ethics laws so City officials will know their obligations and the standards against which their actions will be measured, *education* to make sure City officials understand their legal obligations and where to turn if they have questions, and *enforcement* procedures to

ensure that processes are in place to file, evaluate, and, if appropriate, take action on complaints that City officials violated ethics laws. Highlights of this comprehensive ethics package include:

Illumination

- As a prerequisite to exercising the authority of office, each City official must first read and sign the “City of Scottsdale Code of Ethical Behavior” that underscores key elements of public service in Scottsdale;
- The new ethics code includes an annotated matrix of public service ethics laws to emphasize some critical components of existing ethics laws; and
- As a prerequisite to exercising the authority of office, each City official must first complete a “Personal Interest Disclosure Form” to help identify and avoid potential conflicts of interests.

Education

- Each City official will receive ethics training within 30 days of being sworn into office, and each City employee will receive and agree to follow the City’s Administrative Regulation on ethical standards at an employee orientation and attend ethics training within 90 days of being hired;
- Each year thereafter, every City official and employee will receive continuing ethics education as reminders about these laws and updates on any changes; and
- Each time someone completes a training session, the person will sign a statement confirming that he or she has completed the training and acknowledging that he or she is aware of the public service ethics laws and will abide by them.

Enforcement


- Mechanisms must be in place for individuals to report concerns about alleged violations of ethics laws by City officials, so the program includes filing procedures and a process for meaningful review of any complaints; and
- To protect citizens who serve this City from being abused by frivolous or bad faith complaints, all filings must be thoroughly documented and submitted under penalty of perjury, as is done in other jurisdictions.


Based on the foregoing, the City of Scottsdale Citizen Code of Ethics Task Force recommends the City Council take the following actions to promote ethical behavior in Scottsdale city government:

1. Adopt as a resolution the “City of Scottsdale Public Service Ethics Program” that is attached hereto as Exhibit 1;
2. Adopt as an ordinance the “City of Scottsdale Code of Ethical Behavior” that is attached hereto as Exhibit 2 to provide an enforceable Code of Ethics for the City’s elected and appointed officials;
3. Encourage the City Manager to promulgate Administrative Regulation 320 (Ethical Standards) to provide ethics guidance to City employees;
4. Request that the City Attorney develop a complaint form (including an affidavit to be signed under penalty of perjury), and develop the necessary enforcement mechanisms as set forth in the Code of Ethical Behavior;

5. Recognizing that some lead time will be needed to prepare high-quality ethics training and ethics guidance materials as required by the Public Service Ethics Program, stagger the initial training sessions for all of the City's approximately 175 elected and appointed officials and approximately 2,600 employees;
6. Direct the City Manager to take appropriate steps to put in place any additional procedures or forms required to have this ethics program in operation by no later than July 1, 2006; and
7. Review the entire ethics program on a periodic basis to ensure it remains fresh, accurate, and meaningful in serving the citizens and City officials and employees of Scottsdale.

Respectfully submitted by the
City of Scottsdale
Citizen Code of Ethics Task Force

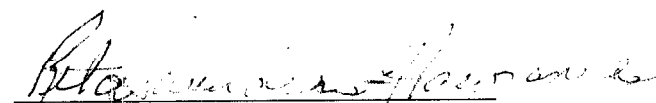

Art DeCabooter, Chairman

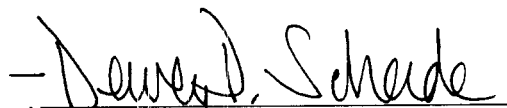

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FINAL AS ADOPTED BY THE TASK FORCE

5. Recognizing that some lead time will be needed to prepare high-quality ethics training and ethics guidance materials as required by the Public Service Ethics Program, stagger the initial training sessions for all of the City's approximately 175 elected and appointed officials and approximately 2,600 employees;
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- 7. Review the entire ethics program on a periodic basis to ensure it remains fresh, accurate, and meaningful in serving the citizens and City officials and employees of Scottsdale.

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City of Scottsdale
~ Public Service Ethics Program ~

To promote the highest standards of honesty and integrity in City government, ensure the quality of City government through adherence to ethical principles, and support the Mayor, members of the City Council, and members of every City board, commission, committee, task force, and other appointed advisory groups ("City officials") in their efforts to serve the public the best way possible, it is the policy of the City of Scottsdale to utilize the following comprehensive, three-part ethics program ("Ethics Program"):

1. **Illumination.** To highlight the ethical and legal standards against which City officials are held accountable, and as a prerequisite to participating in her or his first meeting and before January 31 every year thereafter that the official continues to serve the City, each City official shall:

- a. Read the *City of Scottsdale Code of Ethical Behavior*, set forth in chapter 2 of the Scottsdale Revised Code, and sign a statement agreeing to comply with the *City of Scottsdale Code of Ethical Behavior* and all federal, state, and City laws; and

- b. Complete the *Scottsdale Personal Interest Disclosure Form*, file it with the City Clerk, and be vigilant in honoring the legal requirement to avoid participating in any manner on behalf of the City of Scottsdale when a conflict exists between the official's City duties and the official's personal interests or the interests of the official's relatives, as defined by state law.

2. **Education.** To provide consistent and up-to-date guidance for City officials and employees and to protect the public trust, the City shall provide:

- a. Public Service Ethics Training to the Mayor and members of the City Council no later than within thirty days of being sworn into office and to all other City officials no later than ninety days of being sworn into office; and once a year thereafter for as long as the City officials serve the City. Provide Public Service Ethics Training to employees within ninety days of their hiring and at least once a year thereafter for as long as they serve the City. Training sessions will be comprehensive and meaningful, such that they will:

- Explain the letter and spirit of public service ethics laws regulating service to the City;
- Use case studies or examples illustrating the application of the public service ethics laws to general behavior and specific situations; and
- Identify the approved process to follow should City officials or employees have questions or concerns regarding their activities or those of others in City service.

Upon completion of each public service training program, attendees shall sign a statement confirming that they have completed the training and acknowledging that they are aware of the public service ethics laws and will

EXHIBIT B

abide by them.

b. Public Service Ethics Guidance Materials to all City officials and employees. The City Manager shall ensure that appropriate training and educational materials are provided to City officials and employees for use during the mandatory public service ethics training sessions, and that the training and educational materials used as part of the City's ethics training program are updated periodically to reflect any changes in applicable laws and to incorporate fresh illustrative examples. The City Attorney shall update annually, or more frequently if necessary, both the annotated matrix of public service ethics laws and the Personal Interest Disclosure Form, as set forth in the City of Scottsdale Code of Ethical Behavior, to ensure the documents present accurate information. The City Manager shall ensure that each City employee receives and agrees to follow the City's Administrative Regulation on ethical standards at new employee orientations.

3. **Enforcement.** To provide a clear and orderly process for filing, evaluating, and acting upon complaints alleging violations of ethics laws, the City shall adopt by ordinance enforcement procedures. The procedures shall define specific steps for filing complaints, including strict requirements related to identification of sources, documentation, and validation of claims. The procedures also shall describe separate processes for evaluating and acting upon complaints against (a) the Mayor and members of the City Council, and (b) appointed officials serving on boards, commissions, committees, task forces, and other appointed advisory groups.