

RESOLUTION NO. 1006-0121

A RESOLUTION OF THE COUNCIL OF THE CITY OF AVONDALE,
ARIZONA, ADOPTING A CITY COUNCIL CODE OF CONDUCT.

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

SECTION 1. The “City Council Code of Conduct” is hereby adopted in substantially the form and substance attached hereto as Exhibit A and incorporated herein by reference.

SECTION 2. If any section, subsection, sentence, clause, phrase or portion of this Resolution or any part of the “City Council Code of Conduct” adopted herein is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions thereof.

SECTION 3. The Mayor, the City Manager, the City Clerk and the City Attorney are hereby authorized and directed to take all steps and to execute all documents necessary to carry out the purpose and intent of this Resolution.

PASSED AND ADOPTED by the Council of the City of Avondale, Arizona, January 19, 2021.


Kenneth Weise (Jan 21, 2021 12:12 MST)

Kenneth N. Weise, Mayor

ATTEST:



Marcella Carrillo, City Clerk

APPROVED AS TO FORM:


Nicholle Harris (Jan 21, 2021 09:44 MST)

Nicholle Harris, City Attorney

EXHIBIT A
TO
RESOLUTION NO. 1006-0121

(City Council Code of Conduct)

See following pages.

City of Avondale City Council Code of Conduct

Statement of Purpose

The citizens and businesses of Avondale are entitled to have fair, ethical and accountable local government that has earned the public's full confidence and trust in the ability of their elected officials to always act with honor.

The City of Avondale's strong desire to fulfill this commitment therefore requires that members of the Council:

- Comply with both the letter and spirit of the laws and policies affecting the operations of government;
- Remain independent, impartial and fair in their judgment and actions;
- Use their office for the public good, not for personal gain; and
- Conduct public deliberations and processes openly, unless legally confidential, and in an atmosphere of respect and civility.

This Code of Conduct is designed to describe the manner in which Council Members ought to treat one another, City staff, constituents, and others they interact with while representing the City of Avondale to assure public confidence in the integrity of local government and its effective and fair operation.

- 1. Act in the Public Interest.** Recognizing that stewardship of the public interest must be their primary concern, members will work for the common good of the people of Avondale and not for any private or personal interest, and they will assure fair and equitable treatment of all persons, claims and transactions coming before the Avondale City Council.
- 2. Comply with the Law.** Members shall comply with the laws of the nation, the State of Arizona, and the City of Avondale in the performance of their public duties. These laws include but are not limited to the United States and Arizona constitutions; laws pertaining to ethics, conflicts of interest, election campaigns, financial disclosures, employer responsibilities, and open processes of government; and City ordinances and policies. Members, if they have questions, are encouraged to seek advice from the City Manager and/or City Attorney regarding the interpretation and application of these laws.

- 3. Conduct of Members.** The professional and personal conduct of members must be above reproach and avoid even the appearance of impropriety. Members shall refrain from abusive conduct, harassment, personal charges or verbal attacks upon the character or motives of other members of Council, boards, commissions, the staff or public. Members shall demonstrate civility and respect at all times. This remains true in both public and private encounters as members should be aware that the public nature of the office they hold means they are always on display.
- 4. Respect for Process.** Members shall perform their duties in accordance with the City Council Rules of Procedure which is based on Arizona Open Meeting Law, City Charter, City Code, and Roberts Rules of Order. They shall respect the meaningful involvement of the public and implementation of policy decisions of the City Council by City staff.
- 5. Conduct of Public Meetings.** Members shall prepare themselves for public issues; listen courteously and attentively to all public discussions before the body; and focus on the business at hand. They shall refrain from interrupting other speakers, making personal comments not germane to the business of the body, or otherwise interfering with the orderly conduct of meetings. They shall demonstrate effective problem-solving approaches to find common ground and seek compromise when disparate points of view are expressed.
- 6. Decisions Based on Merit.** Members shall base their decisions on the merits and substance of the matter at hand.
- 7. Communication.** Members shall publicly share substantive information that is relevant to a matter under consideration by the Council which they may have received from sources outside the public decision-making process. However, any confidential or privileged information shall be maintained as such.
- 8. Advocacy.** Members shall represent the official policies or positions of the City Council to the best of their ability when designated as delegates for this purpose. When presenting their individual opinions and positions to external stakeholders, the public, and the media, members shall explicitly state they do not represent the Council or the City of Avondale, nor will they allow the inference that they do. Moreover, members shall not make political statements of support or endorsements in public forums.
- 9. Policy Role of Members.** Members shall respect and adhere to the council-manager structure of Avondale city government and follow the City Charter with respect to the City Manager's relationship with the City Council. In this structure, the City Council determines the policies of the City with the advice, information and analysis provided by the public, boards, commissions, and City staff. Members therefore shall not interfere with the administrative functions of the City or the professional duties of City staff; nor shall they impair the ability of staff to implement Council policy decisions.

Members shall adhere to [Avondale City Charter, Article II, Section 17](#) governing interference in administrative functions.

- 10. Positive Work Place Environment.** Members shall support the maintenance of a positive and constructive work place environment for City employees and for citizens and businesses dealing with the City. Members shall recognize their special role in dealings with City employees and refrain from creating the perception of inappropriate direction to staff, including the solicitation of their political support. Members shall treat staff as professionals and refrain from publicly criticizing individual employees, including Council-appointed officers.

Members shall adhere to Section 10 of the City Council Handbook regarding interactions with city staff.

- 11. Compliance and Enforcement.** The Avondale Council Code of Conduct expresses standards of conduct expected for members of the City Council. It is intended to be self-enforcing and members themselves have the primary responsibility to assure that standards are understood and met, and that the public can continue to have full confidence in the integrity of government. After initial adoption, each newly elected member of council shall sign a statement affirming that they have read and understand the Avondale Council Code of Conduct.

The following compliance and enforcement courses of action are also available to the Mayor and Council:

- a. Each member of Council has the responsibility to intervene when other members' actions appear to be in violation of the Code of Conduct. This can take the form of an informal, verbal conversation. These instances shall be documented in a memo to be maintained by the Office of the City Manager and/or City Attorney with the Mayor copied.
- b. The City Council, by a vote of a majority of its members, may impose sanctions on members whose conduct does not comply with the City's standards, such as a formal reprimand or removal from any position or assignment to which the member has been appointed by City Council.
- c. The City Council, by a supermajority vote of its members, may further formally censure a member who has repeatedly failed to uphold the standards outlined herein.

12. Definitions:

- a. Reprimand – an official rebuke of a member’s behavior or actions taken that violate the Council Code of Conduct
- b. Censure – a strong statement of disapproval for a member’s behavior or actions that repeatedly undermine the scope of the Council Code of Conduct
- c. Supermajority – a minimum of five votes (out of seven) as opposed to a simple majority which requires just four votes

