

**POLICY STATEMENT NO. 2023-03**

**SUBJECT: Code of Conduct**

**DATE: June 20, 2023**

## **POLICY STATEMENT**

<b>SUBJECT: Code of Conduct for Elected Officials and Members of Boards, Commissions, Committees, and Task Forces</b>
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WHEREAS, public trust is built on the actions of members of the Town Council and members of Boards, Commissions, Committees, and Task Forces; and

WHEREAS, Elected and Appointed Public Officials have an obligation to the Town of Gilbert and its residents, businesses, and employees to uphold the highest standard of fairness, civility, and impartiality; and

WHEREAS, the purpose of the Code of Conduct is to establish clear standards of conduct for the members of the Town Council and the members of the Town's Boards, Commissions, Committees, and Task Forces; and

WHEREAS, the requirements of this Code of Conduct are in addition to and are intended to complement the requirements of Town Code, the Ethics Handbook, and Arizona state law governing conduct of public officials.

NOW, THEREFORE, the Town of Gilbert Code of Conduct for Elected Officials and Members of Boards, Commissions, Committees, and Task Forces is hereby approved in the form attached hereto, effective as of August 21, 2023.

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Brigette Peterson, Mayor

ATTEST:

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Chaveli Herrera, Town Clerk

**TOWN OF GILBERT**  
**CODE OF CONDUCT FOR ELECTED OFFICIALS AND**  
**MEMBERS OF BOARDS, COMMISSIONS, COMMITTEES, AND TASK FORCES**

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# TOWN OF GILBERT

## CODE OF CONDUCT FOR ELECTED OFFICIALS AND MEMBERS OF BOARDS, COMMISSIONS, COMMITTEES, AND TASK FORCES

Public trust is built on the actions of elected officials and members of Boards, Commissions, Committees, and Task Forces. The public gains confidence when Elected and Appointed Public Officials act fairly and honestly in their decision-making. Common sense guidelines assist the ability of Public Officials to perform their duties with the highest standards of personal ethics, integrity, fairness, and impartiality. Public Officials should observe the following standards in carrying out their duties.

For purposes of this Code of Conduct, “Public Officials” shall mean the Mayor, members of the Gilbert Town Council, and members of Boards, Commissions, Committees, and Task Forces appointed by the Town Council.

The requirements of this Code of Conduct are in addition to and intended to complement the requirements of the Ethics Handbook and state law.

### **I. General Duties of Elected and Appointed Public Officials**

#### **1. Effort and Preparation**

Public Officials have an obligation to attend meetings and to be prepared. It is expected that Public Officials will review all materials, participate in discussions, and make informed decisions on the merits of issues before them. In order for public meetings to run efficiently, it is expected that Public Officials who have questions about agenda items will reach out to staff prior to meetings in order to allow staff time to respond.

#### **2. Duty to Report**

Public Officials have a duty to create the image and reality of a responsive, accessible, and fair government. Accordingly, Public Officials have a duty to report if they believe that a Public Official has violated a state law, the Ethics Handbook, or this Code of Conduct. Moreover, Public Officials shall never attempt to use their authority or influence for the purpose of intimidating, threatening, coercing, commanding, or influencing any person with the intent of interfering with that person’s duty to disclose improper conduct.

#### **3. Personal Interests and Declaring Conflicts of Interest**

Public Officials may occasionally find that they have a personal interest in a matter, even though a conflict of interest would not exist under the conflict-of-interest laws. Public Officials shall adhere to strongly held ethical values and refrain from discussing or voting on a matter when they believe personal interests may preclude them from making a fair and impartial decision. A Public Official who has a conflict of interest (whether actual or perceived) shall declare a conflict prior to discussion of a matter and leave the dais for the duration of the public body’s discussion and vote on that matter.

#### **4. Abstaining from Voting**

A Public Official, whether elected or appointed, shall not abstain from voting on a matter unless that Public Official has declared a conflict of interest or has declared a personal interest in a matter.

#### **5. Attendance**

It is the responsibility of Public Officials to attend all public meetings in order to fairly conduct the business of Gilbert. Members of Boards, Commissions, Committees, and Task Forces should notify both their chairperson and the staff liaison if they are unable to attend a public meeting.<sup>1</sup>

#### **6. Discrimination and Harassment**

The conduct Public Officials shall be free from discrimination at all times. In addition, Public Officials shall strive to create an environment—whether with their fellow Public Officials, Town staff, or the public—that is productive and free from discrimination, intimidation, or hostility. Discrimination or harassment of any sort—verbal, physical, or visual—is prohibited. Public Officials shall refrain from making inappropriate comments to staff, other Public Officials, or members of the public.

#### **7. Political Activities**

Public Officials shall not engage in political campaigning at public meetings or within Town facilities (whether for elected office, ballot issues, or otherwise). Public Officials may participate in public forums and debates at Town facilities in the same manner and to the same extent as those facilities are provided for rent to the general public. Public Officials shall not use public resources for political campaigning or for ballot measures. *See* A.R.S. § 38-504.

#### **8. Travel**

When traveling on Town business, Public Officials shall conduct themselves professionally as representatives of the Town of Gilbert. Public Officials are entitled to be reimbursed for actual and necessary expenses during travel, as set forth in the travel guidelines applicable to Town employees. Public Officials shall utilize Town staff for assistance in travel plans and expense reports.

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<sup>1</sup> Except for members of committees or the Redevelopment Commission and except for any absence occasioned by active duty in the United States Armed Forces or serious illness, if any member of a Board or Commission is absent for three consecutive meetings or absent from 50% of meetings during any six-month period, or fails to attend any required training, that member's office shall be automatically vacated. *See* Town Code Section 1-205(b).

## **9. Use of Equipment and Facilities**

Public Officials shall not use Town equipment or Town facilities for private purposes, except to the extent that they are available to the public. Town-assigned electronic devices and accounts shall be used only for Town business or for minor personal use (so long as it is used in a way that does not interfere with Town business). Town devices and accounts may not be used for private business or for any campaign purpose. All written correspondence (in any form) pertaining to public business must be retained in accordance with the Town's records management program and Arizona law.

## **10. Annual Training**

Public Officials shall participate annually in open meeting law, public records law, ethics, public meeting protocols, civil discourse, code of conduct, and conflict of interest training provided by Town staff.

# **II. Elected and Appointed Public Officials Conduct with Each Another**

## **1. Use of Formal Titles**

During public meetings, Public Officials should refer to one another formally (such as Mayor, Vice Mayor, Councilmember, Chairperson, Boardmember, etc.) followed by the individual's last name.

## **2. Use of Civility and Decorum in Discussions and Debate**

Difficult questions, tough challenges to a particular point of view, and criticism of ideas are legitimate elements of free democracy in action. This does not allow, however, Public Officials to make belligerent, personal, impertinent, slanderous, threatening, abusive, or disparaging comments in public meetings or otherwise. No shouting or physical actions that could be construed as threatening or demeaning will be acceptable. If a Public Official is personally offended by the remarks of another Public Official during a public meeting, the offended Public Official may call for a point of personal privilege that challenges the other Public Official to justify or apologize for the language used.

## **3. Honor the Role of the Chairperson in Maintaining Order**

It is the responsibility of the Chairperson of a public meeting to keep the comments of Public Officials and the public on track during public meetings. Public Officials should honor efforts by the Chairperson to focus discussion on agenda items. If there is disagreement about the Chairperson's actions, those objections should be voiced politely and with reason, following the applicable rules of procedure.

Public officials should show great respect for the Chairperson during public meetings and always seek recognition before speaking, which practice will both set the example for those members of the public who want to speak and contribute to orderliness of meetings. To enhance the flow of discussion at work or study sessions, the Chairperson may be flexible on recognition formalities.

#### **4. Demonstrate Effective Problem-Solving Approaches**

Public Officials 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.

### **III. Elected and Appointed Public Officials Conduct with Town Staff**

Under the council-manager form of government, the Town Council appoints a Town Manager, who directs the day-to-day operations of all employees. Councilmembers must respect the role of the Town Manager and shall work only through the Town Manager.

Public Officials shall not expressly or implicitly give orders or direction to staff. *See* Town Code Sec. 1-44. Public Officials must also be careful to not expressly or unintentionally influence the decisions or recommendations of staff members by intervening directly on behalf of a particular constituent or organization on a pending matter outside of public meetings. Members of Boards, Commissions, Committees, and Task Forces shall work through their staff liaisons.

#### **1. Treat all Staff as Professionals**

Clear, honest communication that respects the abilities, experience, and dignity of each staff member is expected. Poor behavior towards staff is not acceptable.

#### **2. Limit Contact to Specific Town Staff**

Questions of Town staff and/or requests for additional background information shall be directed to the Town Manager, Town Clerk, Town Attorney, Assistant Town Managers, or Department heads.

Requests for follow-up or directions to staff should be made through the Town Manager. When in doubt about what staff contact is appropriate, Public Officials should ask the Town Manager for direction. Materials supplied to a Public Official in response to a request will be made available to all members of the public body so that all have equal access to information.

#### **3. Undue Influence**

Public Officials should not interfere with the Town Manager's authority by giving orders or explicit directions or requests (whether public or private) to any subordinates of the Town Manager. Public Officials shall not attempt to exert influence on the Town Manager concerning the hiring or removal of Town staff.

#### **4. Do Not Disrupt Town Staff from their Job**

Public Officials should not disrupt Town staff while they are in meetings, on the phone, or busy doing their job functions in order to have their individual needs met.

## **5. Never Publicly Criticize an Individual Employee**

Public Officials should never express concerns about the performance of a Town employee in public, to the employee directly, or to the employee's manager. Comments about staff performance should only be made to the Town Manager.

## **6. Do Not get Involved in Administrative Functions**

Public Officials should not interfere with the execution of the Town Manager's powers and duties, or order—directly or indirectly—the appointment by the Town Manager of any person to an office or employment or removal therefrom. Public Officials may not give orders to any subordinate of the Town Manager, Town Clerk, Town Attorney, or Presiding Judge, either publicly or privately.

Public officials approve the annual budget for the Town, and the Town Manager determines the allocation of Town resources to various departments in order to maintain professional, well-run Town functions.

Nothing in this section shall be construed as prohibiting Public Officials from fully and freely discussing with or suggesting to the Town Manager anything pertaining to Town affairs or the interests of the Town.

## **7. Do Not Attend Meetings with Town Staff unless Requested by Authorized Staff**

Even if a Public Official does not say anything, a Public Official's presence in a staff meeting may imply support, show partiality, intimidate staff, and hamper staff's ability to do their job objectively.

## **8. Limit Requests for Staff Support**

Requests for additional staff support, beyond the currently assigned staff, even in high-priority or emergency situations, should be made only to the Town Manager.

## **9. Do Not Solicit Political Support from Staff**

Public Officials 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 Town staff while on duty. Town staff may, as private citizens, support political candidates, but all such activities must occur outside of Town facilities and without the use of Town resources of any kind.

# **IV. Elected and Appointed Public Officials Conduct with the Public**

## **1. 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 Public Officials

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 Kindness**

For many citizens, speaking in front of a public body is a new experience. Under such circumstances, many are nervous. Public Officials are expected to treat citizens with respect during public meetings. Comments and non-verbal expressions should be appropriate, respectful, and professional. Personal attacks or questioning people's motives or character should always be off-limits. Instead, questions by Public Officials to speakers should seek to clarify or expand information.

**b. Embrace Diverse Points of View**

Public Official often deal with difficult policy challenges. Public Officials should create a culture of tolerance for differing points of view and allow as many perspectives as possible.

**c. Be Fair and Equitable in Allocating Public Comment Time to Individual Speakers**

In accordance with Town Code, the Chairperson will determine and announce time limits on speakers at the start of the public hearings and communications from citizens to ensure everyone's right to be heard is accomplished in a safe environment for all. If many speakers are anticipated, the Chairperson 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.

Speakers should only address the public body when making comments. A speaker may only speak once during a public hearing or communications from citizens unless the public body requests additional clarification. After the close of the public hearing or communications from citizens, no more comments from the public should be accepted unless the Chairperson reopens public comment for a limited and specific purpose.

**d. Active Listening**

Public Officials should actively listen to and be attentive to speakers. Public Officials holding hearings in the Council Chambers should turn on the microphone so that the Chairperson is aware they would like to speak.

**e. Avoid Debate and Argument with the Public during Public Hearings**

If needed, only the Chairperson should interrupt a speaker during a presentation. However, a Public Official can ask the Chairperson for a point of order if the speaker is off the topic or exhibiting behavior or language the Public Official finds disturbing.



## **f. Follow Rules of Procedure in Conducting Public Meetings**

The Town Attorney and Town Clerk are available to answer questions about the rules of procedure. Final rulings on rules of procedure are made by the Chairperson, subject to the appeal of the public body.

## **2. In Unofficial Settings**

### **1. Make No Promises on Behalf of the Public Body**

Public Officials will frequently be asked to explain an official action by the public body or to give their opinion about an issue as they meet and talk with constituents in the community. Public Officials should not make overt or implicit promises of specific official action or promise Town staff will take any particular action.

## **V. Elected and Appointed Public Officials Conduct with Public Agencies**

### **1. Be Clear about Representing the Town or Personal Interests**

If a Public Official appears before another governmental agency or organization, the Public Official must clearly state whether the statement reflects a personal opinion or is the official position of the Town.

### **2. Representation of the Town on Outside Boards or Agencies**

Councilmembers serving on outside boards and commissions or before outside agencies should keep the Town Council informed about issues pertinent to the Town. While representing the Town on outside boards and commissions or before outside agencies, Councilmembers should support the Town's official positions on issues and should not further personal viewpoints that are inconsistent with official Town positions.

Public Officials must inform the Town Council of their involvement in an outside organization if that organization is or may become involved in any issue before the Town. If an individual Public Official publicly represents or speaks on behalf of another organization whose position differs from the Town's official position on any issue, the Public Official must withdraw from participating in any matter in the conflicting issue.

### **3. Correspondence should be Equally Clear about Representation**

Public Officials do not lose their First Amendment rights by virtue of becoming elected or appointed. However, Public Officials who decide to engage in social media, write Letters to the Editor or news articles, or make other public statements shall explicitly advise that their views do not necessarily reflect the views of the Town or their public body.

Town letterhead shall be used only when the Public Official is representing and speaking on behalf of the Town or within the Public Official's official capacity.

#### **4. Threats of Legal Action**

If someone threatens legal action or has filed a lawsuit against the Town, its officials, or employees, Public Officials should not communicate with that person (or that person's attorney or other representative) about the subject matter of the claim.

### **VI. Town Council Conduct with Boards, Commissions, Committees, and Task Forces**

#### **1. Members of Boards, Commissions, Committees, and Task Forces Serve the Community, Not Individual Councilmembers**

The Town Council appoints individuals to serve on Boards, Commissions, Committees, and Task Forces for their experience, background, and perspective. Members of Boards, Commissions, Committees, and Task Forces do not report to individual Councilmembers. Councilmembers should not threaten such members with removal if they disagree about an issue, position, or decision. Appointment and re-appointment to Boards, Commissions, Committees, and Task Forces is at the purview of the Town Council.

#### **2. Limit Contact with Board, Commission, Committee, and Task Force Members**

Councilmembers shall not contact a member of a Board, Commission, Committee, or Task Force to lobby on behalf of an individual, business, or developer. However, Councilmembers may contact members of Boards, Commissions, Committees, and Task Forces in order to clarify a position taken by a member or its public body. Councilmembers may respond to inquiries from members of Boards, Commissions, Committees, and Task Forces, and all communications should be for informational purposes only.

#### **3. Attending a Board, Commission, Committee, or Task Force Meeting**

Councilmembers may attend a Board, Commission, Committee, or Task Force meeting. However, Councilmembers should be sensitive to the way their participation—especially if it is on behalf of or opposed to an individual, business, or developer—could be viewed as unfairly affecting the process. Councilmembers should seriously consider the impact of making a comment at a Board, Commission, Committee, or Task Force meeting, and any comment should be clearly made as individual opinion and not as a representation of the Town Council.

#### **4. Be Respectful of Diverse Opinions**

A primary role of Boards, Commissions, Committees, and Task Forces is to represent many points of view in the community and provide the Town Council with advice based on a full spectrum of concerns and perspectives. Councilmembers must be fair and respectful of all members of Boards, Commissions, Committees, and Task Forces.

## **5. Keep Political Support Out of Public Forums**

Board, Commission, Committee, and Task Force members may offer political support to a Councilmember but may not do so in a public meeting, while conducting official duties, or through the use of Town resources.

## **VII. Elected and Appointed Public Officials Conduct with the Media**

### **1. Contact with the Media**

Public Officials should notify the Town Manager's Office and/or appropriate staff when contacted by the media and/or when they are speaking on behalf of Town programs or initiatives to the media.

When communicating with the media, Public Officials shall clearly differentiate between personal opinions and the official position of the Town. Letters to the editor of papers or publications, addresses at public meetings, participation in radio, television, or podcast programming should include a disclaimer that the views expressed do not represent the official position of the Town but rather are the Public Official's personal opinion.

Public Officials can reach out to the Digital Media & Marketing Deputy Director or other appropriate members of the Office of Digital Government team for media assistance related to Town Matters and/or to receive media training.

### **2. Discussions Regarding Staff Members**

Public Officials shall not discuss personnel issues or other matters regarding individual staff members with the media. Any issues pertaining to Town staff shall be addressed directly with the Town Manager.

### **3. Media Inquiries about Claims or Litigation**

Media inquiries regarding pending or potential litigation involving the Town shall be referred to the Town Attorney's Office.

## **VIII. Economic Development Confidentiality**

Companies exploring opportunities for expansion and growth in the Town at times require that information that is shared with the Town and its officials be subject to non-disclosure agreements (or confidentiality requirements) in order to protect their economic interests. Elected and Appointed Public Officials shall not disclose any information concerning economic development that is confidential or otherwise subject to non-disclosure.

## **IX. Code of Conduct Complaints**

Complaints alleging violations of the Code of Conduct may only be filed by Elected or Appointed Public Officials or Town staff within 30 days of the alleged misconduct as provided herein. Town staff may only file complaints regarding allegations of violations

of the Code of Conduct that relate to interactions with or treatment of Town staff. Complaints by Public Officials shall be made in writing to the Town Clerk, and complaints by Town staff shall be made in writing to the Town Manager. Complaints must identify the specific provision of the Code of Conduct that has been allegedly violated. Complaints alleging violations of the Code of Conduct shall be treated fairly and expeditiously.

Upon receipt of a complaint, the Town Clerk shall provide a copy to the Public Official whom the Complaint is made against, the Town Council, the Town Manager, and the Town Attorney. Within seven calendar days of receipt of a complaint, the Town Clerk shall schedule an in-person meeting with the Complainant, the Public Official who the complaint was filed against, the Town Attorney, the Town Manager, and either the Mayor or Vice-Mayor. The purpose of the meeting is for the parties to discuss the complaint, address the Complainant's concerns, and provide guidance/training when appropriate.

It shall be an ethical violation for a Public Official to refuse to meet, cooperate, or make himself or herself available for the in-person meeting. In such event, the Town Clerk shall notify the Town Council of the Public Official's refusal to participate, and the Town Council may impose penalties and sanctions authorized by the Ethics Handbook or the Town Code.

If the Town Clerk receives more than two complaints against a Public Official within a 180-day period alleging a violation of the same section of this Code of Conduct for unrelated allegations of misconduct, the Town Clerk shall include the complaints as an administrative item on the agenda of the next regularly scheduled Town Council meeting so that the Town Council can determine whether or not the complaints should be handled as an Ethics Complaint under the Ethics Handbook.

If an accused Public Official believes a complaint was filed by another Public Official for an improper purpose, that Public Official may bring an ethics complaint against the Public Official who filed the complaint, as outlined in the Ethics Handbook.