

TOWN OF PINETOP-LAKESIDE

RESOLUTION NO. 24-1760

A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF PINETOP-LAKESIDE, NAVAJO COUNTY, ARIZONA, APPROVING AND ADOPTING THE REVISED TOWN COUNCIL CODE OF CONDUCT FOR ELECTED AND APPOINTED OFFICIALS.

WHEREAS, on November 15, 2007, the Town of Pinetop-Lakeside Town Council adopted a Code of Conduct for elected officials by Resolution No. 07-952 (Exhibit A), for the purpose of making public meetings and the process of governance run smoothly and to describe the manner in which Council Members should treat one another, Town Staff, Constituents, and others they come into contact with when representing the Town; and

WHEREAS, an annual review of the Town Council Manual was completed and revealed that revisions were needed to be compliant with the current Town Code; and

WHEREAS, the necessary changes have been made to the Town Council Code of Conduct for Elected and Appointed Officials.

NOW, THEREFORE, BE IT RESOLVED, the Mayor and Town Council of the Town of Pinetop-Lakeside, Arizona, hereby adopts the revised Town Council Code of Conduct for Elected and Appointed Officials attached hereto as "Exhibit B".

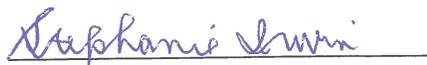
PASSED AND ADOPTED by a majority vote of the Mayor and Town Council of the Town of Pinetop-Lakeside in an open meeting on this 21st day of November 2024.

TOWN OF PINETOP-LAKESIDE



ATTEST:


Kristi Salskov, CMC
Town Clerk


Stephanie Irwin
Mayor

APPROVED AS TO FORM:

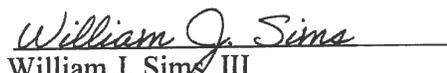

William J. Sims, III
Town Attorney

EXHIBIT A

Resolution No. 07-952

TOWN OF PINETOP-LAKESIDE

RESOLUTION NO. 07-952

A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF PINETOP-LAKESIDE, ARIZONA, ADOPTING THE TOWN OF PINETOP-LAKESIDE CODE OF CONDUCT FOR ELECTED OFFICIALS.

WHEREAS, the Town of Pinetop-Lakeside is desirous of adopting a Code of Conduct to make the public meetings and the process of governance run more smoothly and describe the manner in which Council Members should treat one another, Town staff, constituents and others they come into contact with in representing the Town.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Town Council of the Town of Pinetop-Lakeside, Arizona, hereby adopt the Town of Pinetop-Lakeside Code of Conduct for Elected Officials attached hereto as Exhibit "A."

PASSED AND ADOPTED by the Mayor and Council of the Town of Pinetop-Lakeside, this 15th day of November 2007.

TOWN OF PINETOP-LAKESIDE



LUKE SMITH, Vice Mayor

ATTEST:


LU ANNE FROST, Town Clerk

APPROVED:


JACK BARKER, Town Attorney

Town of Pinetop-Lakeside Code of Conduct for Elected Officials

This Code of Conduct is designed to describe the manner in which Council Members should treat one another, Town staff, constituents, and others they come into contact with in representing the Town of Pinetop-Lakeside. It reflects the work of defining more clearly the behavior, manners and courtesies that are suitable for various occasions. This is designed to make the public meetings and the process of governance run more smoothly.

The content of this Code of Conduct includes:	Pages
○ Overview of Roles and Responsibilities	2-3
○ Policies and Protocol Related to Conduct	3-4
○ Council Conduct with One Another	4-6
○ Council Conduct with Town Staff	6-7
○ Council Conduct with the Public	8-9
○ Council Conduct with Other Public Agencies	9-10
○ Council Conduct with Boards and Commissions	10-11
○ Council Conduct with the Media	11
○ Sanctions	12
○ Principles of Proper Conduct	13
○ Checklist for Monitoring Conduct	13-14
○ Glossary of Terms	14

The constant and consistent theme through all of the conduct guidelines is “respect.” Council Members experience huge workloads and tremendous stress in making decisions that could impact thousands of lives. Despite these pressures, elected officials are called upon to exhibit appropriate behavior at all times. Demonstrating respect for each individual through words and actions is the touchstone that can help guide Council Members to do the right thing in even the most difficult situations.

Overview of Roles and Responsibilities

Other resources that are helpful in defining the roles and responsibilities of elected officials can be found in the Town of Pinetop-Lakeside Code and in the Elected Officials Guide published by the League of Arizona Cities & Towns.

MAYOR

- Serves at the pleasure of the Council (Town Code, Section 2.04.100)
- Acts as the official head of the Town for all ceremonial purposes
- Chairs Council meetings (Town Code, Section 2.04.100)
- Calls for special meetings (Town Code, Section 2.04.100)
- Recognized as spokesperson for the Town of Pinetop-Lakeside
- Sets agendas in consultation with the Town Manager and Town Attorney
- Recommends subcommittees as appropriate for Council approval
- Leads the Council into an effective, cohesive working team
- Sign documents on behalf of the Town of Pinetop-Lakeside
- Is advised of Town employee dismissals or suspensions

VICE MAYOR

- Serves at the pleasure of the Council
- Performs the duties of the Mayor if the Mayor is absent (Town Code, Section 2.04.100(F))
- Chairs Council meetings in the absence of the Mayor
- Represents the Town at ceremonial functions at the request of the Mayor

ALL COUNCIL MEMBERS

All members of the Town Council shall subscribe an Oath stating they will bear true faith and allegiance to the Constitution of the State of Arizona and the Constitution of the United States, and defend them against all enemies, foreign and domestic, and will faithfully and impartially discharge their duties to the best of their abilities. All members of the Town Council, including those serving as Mayor and Vice Mayor, have equal votes. No Council Member has more power than any other Council Member, and all should be treated with equal respect.

All Council Members should:

- Fully participate in Town Council meetings and other public forums while demonstrating kindness, consideration, and courtesy to others
- Prepare in advance of Council meetings and be familiar with issues on the agenda
- Represent the Town at ceremonial functions at the request of the Mayor
- Place activities and events on the Council's monthly activities calendar that invite official participation of all Council Members. A list of the activities of individual

Council Members may also be submitted for public record at the option of the Council Member.

- Be respectful of other people's time. Stay focused and act efficiently during public meetings.
- Serve as a model of leadership and civility to the community
- Inspire public confidence in Pinetop-Lakeside government
- Provide contact information with the Town Clerk in case of an emergency or urgent situation arises while the Council Member is out of Town
- Demonstrate honesty and integrity in every action and statement
- Participate in scheduled activities to increase team effectiveness and review Council procedures, such as this Code of Conduct
- Be strongly encouraged to participate in professional development, networking opportunities, and sharing what they've learned

MEETING CHAIR

The Mayor will chair official meetings of the Town council, unless the Vice Mayor or another Council Member is designated as Chair of a specific meeting.

- Maintains order, decorum, and the fair and equitable treatment of all speakers
- Keeps discussion and questions focused on specific agenda items under consideration
- Makes parliamentary rulings with advice, if requested, from the Town Attorney who acts as an advisory parliamentarian. Chair rulings may be overturned if a Council Member makes a motion as an individual and the majority of the Council votes to overrule the Chair.

FORMER COUNCIL MEMBERS AND FORMER TOWN STAFF

Past members of the Town Council and staff who speak to the current Town Council about a pending issue should be encouraged to disclose whom they are speaking on behalf of (individual or organization).

Policies & Protocol Related to Conduct

Ceremonial Events

Requests for a Town representative at ceremonial events will be handled by Town staff. The Mayor will serve as the designated Town representative. If the Mayor is unavailable, then Town staff will determine if event organizers would like another representative from the Council. If yes, then the Mayor will recommend which Council Member should be asked to serve as a substitute. Invitations received at Town Hall are presumed to be for official Town representation. Invitations addressed to Council Members at their homes are presumed to be for unofficial, personal consideration.

Correspondence Signatures

Council Members do not need to acknowledge the receipt of correspondence, or copies of correspondence, during Council meetings. The Town Clerk will prepare official letters in response to public inquiries and concerns. These letters will carry the signature of the Mayor unless the Mayor requests that they be signed by another Council Member or the Town Clerk. Official correspondence to the public or other governmental agencies shall be coordinated through the Town Manager.

If correspondence is addressed only to one Council Member, the Council Member should coordinate with the Town Manager on the best way to respond to the sender.

Endorsement of Candidates

Council Members have the right to endorse candidates for all Council seats or other elected offices. It is inappropriate to mention endorsements during Council meetings or other official Town meetings.

Public Announcements in Council Meetings

Council Members who want to speak during the Call to the Public or Council Members Report portion of the Council meeting should notify the Chair in advance. Council Members, like members of the public who use this portion of the agenda to recognize achievements or promote an event, will be limited to three minutes each, and should keep the focus on matters of community-wide interest. Matters that may require Council action or direction should not be discussed and those items on the agenda should not be used for any form of campaigning.

Travel Expenses

The policies and procedures related to the reimbursement of travel expenses for official Town business by Council Members is regulated according to the Town of Pinetop-Lakeside Purchasing and Cash Handling Policies and Procedures, Section 1.05. Expenditures for individual Council Members and the Council as a whole shall be determined in the budget process.

Council Conduct with One Another

Councils are composed of individuals with a wide variety of backgrounds, personalities, values, opinions, and goals. Despite this diversity, all have chosen to serve in public office in order to preserve and protect the present and the future of the community. In all cases, this common goal should be acknowledged even as Council may "agree to disagree" on contentious issues, and to the extent possible will honor decisions of the Council.

IN PUBLIC MEETINGS

- **Use formal titles**

The Council should refer to one another formally during public meetings as Mayor, Vice Mayor or Council Member followed by the individual's last name.

- **Practice civility and decorum in discussions and debate**

Difficult questions, tough challenges to a particular point of view, and criticism of ideas and information are legitimate elements of a free democracy in action. This does not allow, however, Council Members to make belligerent, personal, impertinent, slanderous, threatening, abusive, or disparaging comments. No shouting or physical actions that could be construed as threatening will be tolerated.

- **Honor the role of the Chair in maintaining order**

It is the responsibility of the Chair to keep the comments of Council Members on track during public meetings. Council Members should honor efforts by the Chair to focus discussion on current agenda items. If there is disagreement about the agenda or the Chair's actions, those objections should be voiced politely and with reason, following procedures outlined in parliamentary procedure.

- **Avoid personal comments that could offend other Council Members**

If a Council Member is personally offended by the remarks of another Council Member, the offended Council Member should make notes of the actual words used and call for a "point of personal privilege" that challenges the other Council Member to justify or apologize for the language used. The Chair will maintain control of this discussion.

- **Demonstrate effective problem-solving approaches**

Council Members have a public stage to show how individuals with disparate points of view can find common ground and seek a compromise that benefits the community as a whole.

IN PRIVATE ENCOUNTERS

- **Continue respectful behavior in private**

The same level of respect and consideration of differing points of view that is deemed appropriate for public discussions should be maintained in private conversations.

- **Be aware of the lack of security of written notes, voicemail messages, and e-mail**

Technology allows words written or said without much forethought to be distributed wide and far. Would you feel comfortable to have this note faxed to others? How would you feel if this voicemail message were played on a speakerphone in a full office? What would happen if this e-mail message were forwarded to others? Written notes, voicemail messages and e-mail should be treated as potentially "public" communication.

- **Even private conversations can have a public presence**

Elected officials are always on display – their actions, mannerisms, and language are monitored by people around them that they may not know. Lunch table conversations will be eavesdropped upon, parking lot debates will be watched, and casual comments between individuals before and after public meetings noted. Remember the open meeting law prohibits conversations of four or more council members or the “linking” together through a common source of four or more individual conversations.

Council Conduct with Town Staff

Governance of a Town relies on the cooperative efforts of elected officials, who set policy, and Town staff, who implement and administer the Council’s policies. Therefore, every effort should be made to be cooperative and show mutual respect and acknowledgment for the contributions made by each individual for the good of the community.

- **Treat all staff as professionals**

Clear, honest communication that respects the abilities, experience, and dignity of each individual is expected. Poor behavior towards staff is not acceptable. It is preferable when possible to have questions asked prior to public meetings to allow staff adequate time to research the question and provide meaningful answers.

- **Limit contact to specific Town staff**

Consequently, remember Town staff is accountable to their supervisors. Tasks performed by staff that come from outside the normal chain of supervision could cause staff confusion, inadequate work product and inefficient performance. Questions of Town staff and/or requests for additional background information should be directed only to the Town Manager, Town Attorney, Town Clerk, or Department Heads. The Office of the Town Manager should be copied on any request.

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

- **Do not disrupt Town staff from their jobs**

Council Members should not disrupt Town staff while they are in meetings, on the phone, or engrossed in performing their job functions in order to have their individual needs met.

- **Never publicly criticize an individual employee**

Council should never express concerns about the performance of a Town employee in public, to the employee directly, or to the employee's manager. Misdirected comments could violate the Town's personnel rules and limit the Town's ability to deal fairly and efficiently with personnel matters. Comments about staff performance should only be made to the Town Manager through private correspondence or conversation. Staff should not hesitate to avail themselves of Council expertise where appropriate.

- **Do not get involved in administrative functions**

Council Members must not attempt to influence Town staff on the making of appointments, awarding of contracts, selecting of consultants, processing of development applications, or granting of Town licenses and permits.

- **Check with Town staff on correspondence before taking action**

Before sending correspondence, Council Members should check with the Town Manager to see if an official Town response has already been sent or is in progress.

- **Do not attend meetings with Town staff unless requested by staff.**

Even if the Council Member does not say anything, the Council Member's presence implies support, shows partiality, intimidates staff, and hampers staff's ability to do their job objectively. Council may request, through the Town Manager, to attend specific meetings and honor the Manager's decision once given.

- **Limit request for staff support**

Routine secretarial support will be provided to all Council Members. All mail for Council Members is opened by the Town Clerk, unless other arrangements are requested by a Council Member.

Requests for additional staff support – even in high priority or emergency situations – should be made to the Town Manager who is responsible for allocating Town resources in order to maintain a professional, well-run Town government.

- **Do not solicit political support from staff**

Council Members should not solicit any type of political support (financial contributions, display of posters or lawn signs, name on support list, etc.) from Town staff; to do so could violate the law. Town staff may, as private citizens with constitutional rights, support political candidates for other government entities but all such activities must be done away from the workplace.

Council Conduct with the Public

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 individual council Members toward an individual participating in a public forum. Every effort should be made to be fair and impartial in listening to public testimony.

- **Be welcoming to speakers and treat them with respect**
- **Be fair and equitable in allocating public hearing time to individual speakers**

The Mayor will determine and announce limits on speakers at the start of the public hearing process. Generally, each speaker will be allocated five minutes. If many speakers are anticipated, the Mayor 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.

No speaker will be turned away unless he/she exhibits inappropriate behavior. After the close of the public hearing, no more public testimony will be accepted unless the Mayor reopens the public hearing for a limited and specific purpose.

- **Give the appearance of active listening**

It is disconcerting to speakers to have Council Members not look at them when they are speaking. It is fine to look down at documents or to make notes, but reading for a long period of time or gazing around the room gives the appearance of disinterest. Be aware of facial expressions, especially those that could be interpreted as "smirking," disbelief, anger or boredom.

- **Ask for clarification, but avoid debate and argument with the public**

Only the Mayor, no individual Council Members, can interrupt a speaker during a presentation. However, a Council Member can ask the Mayor for a point of order if the speaker is off the topic or exhibiting behavior or language the Council Member finds disturbing.

If speakers become flustered or defensive by Council questions, it is the responsibility of the Mayor to calm and focus the speaker and to maintain the order and decorum of the meeting. Questions by Council Members to members of the public testifying should seek to clarify or expand information. It is never appropriate to belligerently challenge or belittle the speaker. Council members' personal opinions or inclinations about upcoming votes should not be revealed until after the public hearing is closed.

- **No personal attacks of any kind, under any circumstances**
Council Members should be aware that their body language and tone of voice, as well as the words they use, can appear to be intimidating or aggressive.

IN UNOFFICIAL SETTINGS

- **Make no promises on behalf of the Council**
Council Members will frequently be asked to explain a Council action or to give their opinion about an issue as they meet and talk with constituents in the community. It is appropriate to give a brief overview of Town policy and to refer to Town staff for further information. It is inappropriate to overtly or implicitly promise Council action, or to promise Town staff will do something specific (fix a pothole; remove a library book, plant new trees, etc.)
- **Make no personal comments about other Council Members**
It is acceptable to publicly disagree about an issue, but it is unacceptable to make derogatory comments about other Council Members, their opinions and actions.
- **Remember Pinetop-Lakeside is a Small Town**
Council Members are constantly being observed by the community every day that they serve in office. Their behaviors and comments serve as models for proper deportment in the Town of Pinetop-Lakeside. Honesty and respect for the dignity of each individual should be reflected in every word and action taken by Council Members, 24 hours a day, seven days a week. It is a serious and continuous responsibility.

Council Conduct with Other Public Agencies

- **Be clear about representing the Town or personal interests**
If a Council Member appears before another governmental agency or organization to give a statement on an issue, the Council Member must clearly state: 1) if his or her statement reflects personal opinion or is the official stance of the Town; 2) whether this is the majority or minority opinion of the Council.

If the Council Member is representing another organization whose position is different from the Town, the Council Member should withdraw from voting on the issue if it significantly impacts or is detrimental to the Town's interest. Council Members should be clear about which organizations they represent and inform the Mayor and Council of their involvement.
- **Correspondence also should be equally clear about representation**
Town letterhead may be used when the Council Member is representing the Town and the Town's official position. A copy of official correspondence should be given to the Town Clerk to be filed as part of the permanent public record.

Town letterhead should not be used for correspondence of Council Members representing a personal point of view, and is best not used to express a dissenting point of view from an official Council position. However, should Council Members use Town letterhead to express a dissenting point of view, the official Town position must be stated clearly so the reader understands the difference between the official Town position and the viewpoint of the Council Member.

Council Conduct with Boards and Commissions

The Town has established several Boards and Commissions as a means of gathering more community input. Citizens who serve on Boards and Commissions become more involved in government and serve as advisors to the Council. They are a valuable resource to the Town's leadership and should be treated with appreciation and respect.

- **If attending a Board or Commission meeting, be careful to only express personal opinions**

Council Members may attend any Board or Commission meeting, which are always open to any member of the public. However, they should be sensitive to the way their participation - especially if it is on behalf of an individual, business or developer – could be viewed as unfairly affecting the process. Any public comments by a Council Member at a Board or Commission meeting should be clearly made as individual opinion and not a representation of the feelings of the entire Town Council.

- **Limit contact with Board and Commission members to questions of clarification**

It is inappropriate for a Council member to contact a Board or Commission member to lobby on behalf of an individual, business, or developer. It is acceptable for Council Members to contact Board or Commission members in order to clarify a position taken by the Board or Commission.

- **Remember that Boards and Commissions serve the community, not individual Council Members**

The Town Council appoints individuals to serve on Boards and Commissions, and it is the responsibility of Boards and Commissions to follow policy established by the Council. But Board and Commission members do not report to individual Council Members, nor should Council Members feel they have the power or right to threaten Board and Commission members with removal if they disagree about an issue. Appointment and re-appointment to a Board or Commission should be based on such criteria as expertise, ability to work with staff and the public, and commitment to fulfilling official duties. A Board or Commission appointment should not be used as a political "reward."

- **Be respectful of diverse opinions**

A primary role of Boards and Commissions is to represent many points of view in the community and to provide the Council with advice based on a full spectrum of concerns and perspectives. Council Members may have a closer working relationship with some individuals serving on Boards and Commissions, but must be fair and respectful of all citizens serving on Boards and Commissions.

- **Keep political support away from public forums**

Board and Commission members may offer political support to a Council member, but not in a public forum while conducting official duties. Conversely, Council Members may support Board and Commission members who are running for office, but not in an official forum in their capacity as a Town Council Member.

- **Inappropriate behavior can lead to removal**

Inappropriate behavior by a Board or Commission member should be noted to the Mayor, and the Mayor and Vice Mayor with prior consultation with the Town Manager should counsel the offending member. If inappropriate behavior continues, the Mayor and Vice Mayor should bring the situation to the attention of the Council. Conflicts should be resolved at the lowest possible level.

Council Conduct with the Media

Council Members are frequently contacted by the media for background and quotes.

- **The best advice for dealing with the media is to never go “off the record”**

Most members of the media represent the highest levels of journalistic integrity and ethics, and can be trusted to keep their word. But one bad experience can be catastrophic. Words that are not said cannot be quoted.

- **The Mayor is the official spokesperson on Town position.**

The Mayor is the designated representative of the Council to present and speak on the official Town position. If an individual Council Member is contacted by the media, the Council Member should be clear about whether their comments represent the official Town position or a personal viewpoint.

- **Choose words carefully and cautiously**

Comments taken out of context can cause problems. Be especially cautious about humor, sardonic asides, sarcasm, or word play. It is never appropriate to use personal slurs or swear words when talking with the media.

Sanctions

- **Public Disruption**

Members of the public who do not follow proper conduct in a public meeting may be barred from further testimony at that meeting or removed from the Council Chambers. Severe disruptions shall be dealt with immediately.

- **Inappropriate Staff Behavior**

Council Members should refer to the Town Manager any Town staff that does not follow proper conduct in their dealings with Council Members, other Town staff, or the public. These employees may be disciplined in accordance with standard Town procedures for such actions.

- **Council Members Behavior and Conduct**

Town Council Members who intentionally and repeatedly do not follow proper conduct may be reprimanded or formally censured by the Council, lose seniority or committee assignments (both within the Town of Pinetop-Lakeside or with inter-government agencies) or have official travel restricted. Serious infractions of the Code of Ethics or Code of Conduct could lead to other sanctions as deemed appropriate by Council.

Council Members should point out to the offending Council Member infractions of the Code of Ethics or Code of Conduct. If the offenses continue, then the matter should be referred to the Mayor in private. If the Mayor is the individual whose actions are being challenged, then the matter should be referred to the Vice Mayor.

It is the responsibility of the Mayor to initiate action if a Council Member's behavior may warrant sanction. If no action is taken by the Mayor, the alleged violation(s) can be brought up with the full Council in a public meeting.

If violation of the Code of Ethics or Code of Conduct is outside of the observed behaviors by the Mayor or Council Members, the alleged violation should be referred to the Mayor. The Mayor should contact the Town Attorney regarding the proper investigative procedure to follow. It is the Mayor's responsibility to take the next appropriate action. These actions can include, but are not limited to: discussing and counseling the individual on the violations; recommending sanction to the full Council to consider in a public meeting; or forming a Council ad hoc subcommittee to review the allegation; the investigation and its findings, as well as to recommend sanction options for Council consideration. Videotaping of the complaint hearing should be used for a Council ad hoc subcommittee.

Principles of Proper Conduct

Proper conduct IS . . .

- Keeping promises
- Being dependable
- Building a solid reputation
- Participating and being available
- Demonstrating patience
- Showing empathy
- Holding onto ethical principles under stress
- Listening attentively
- Studying thoroughly
- Keeping integrity intact
- Overcoming discouragement
- Going above and beyond, time and time again
- Modeling a professional manner

Proper conduct IS NOT . . .

- Showing antagonism or hostility
- Deliberately lying or misleading
- Speaking recklessly
- Spreading rumors
- Stirring up bad feelings, divisiveness
- Acting in a self-righteous manner

It all comes down to respect

Respect for one another as individuals . . . respect for the validity of different opinions . .
. respect for the democratic process . . . respect for the community that we serve.

Checklist for Monitoring Conduct

- Will my decision/statement/action violate the trust, rights or good will of others?
- What are my interior motives and the spirit behind by actions?
- If I have to justify my conduct in public tomorrow, will I do so with pride or shame?
- How would my conduct be evaluated by people whose integrity and character I respect?
- Even if my conduct is not illegal or unethical, is it done at someone else's painful expense? Will it destroy their trust in me? Will it harm their reputation?
- Is my conduct fair? Just? Morally right?
- If I were on the receiving end of my conduct, would I approve and agree, or would I take offense?
- Does my conduct give others reason to trust or distrust me?

- Am I willing to take an ethical stand when it is called for? Am I willing to make my ethical beliefs public in a way that makes it clear what I stand for?
- Do I exhibit the same conduct in my private life as I do in my public life?
- Can I take legitimate pride in the way I conduct myself and the example I set?
- Do I listen and understand the views of others?
- Do I question and confront different points of view in a constructive manner?
- Do I work to resolve differences and come to mutual agreement?
- Do I support others and show respect for their ideas?
- Will my conduct cause public embarrassment to someone else?

Glossary of Terms

attitude	The manner in which one shows one's dispositions, opinions and feelings
behavior	External appearance or action; manner of behaving; carriage of oneself
civility	Politeness, consideration, courtesy
conduct	The way one acts; personal behavior
courtesy	Politeness connected with kindness
decorum	Suitable; proper; good taste in behavior
manners	A way of acting; a style, method, or form; the way in which things are done
point of order	An interruption of a meeting to question whether rules or bylaws are being broken, such as the speaker has strayed from the motion currently under consideration
point of personal privilege	A challenge to a speaker to defend or apologize for comments that a fellow Council Member considers offensive
propriety	Conforming to acceptable standards of behavior
protocol	The courtesies that are established as proper and correct
respect	The act of noticing with attention; holding in esteem; courteous regard

EXHIBIT B

Proposed Amended Town of Pinetop-Lakeside Code of
Conduct for Elected Officials.

Town of Pinetop-Lakeside Code of Conduct for Elected Officials

This Code of Conduct is designed to describe the manner in which Council Members should treat one another, Town Staff, constituents, and others they come into contact with when representing the Town of Pinetop-Lakeside. It reflects the work of defining more clearly the behavior, manners, and courtesies that are suitable for various occasions. This is designed to make the public meetings and the process of governance run more smoothly.

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Overview of Roles and Responsibilities

Other resources that are helpful in defining the roles and responsibilities of elected officials can be found in the Town of Pinetop-Lakeside Code and in the Elected Officials Guide published by the League of Arizona Cities and Towns.

MAYOR

- Shall be directly elected by the qualified electors of the Town for a term of four years. (Town Code, Section 2.04.100 (A))
- Represents the Town at ceremonial functions.
- Is the presiding officer of the Council. (Town Code, Section 2.04.100(A))
- The Mayor shall preserve strict order and decorum at all regular and special meetings of the Council and confine Council Members and others in debates to the question under discussion. (Town Code, Section 2.04.100 (B))
- The Mayor shall announce each agenda item to be considered and shall state every question coming before the Council, announce the decision of the Council on all subjects, and decide all questions of order, subject, however, to an appeal to the Council, in which event a majority vote of the Council shall govern and conclusively determine such question of order.
- The Mayor may make motions and seconds to motions and shall vote on all questions.
- The Mayor shall sign all ordinances and resolutions adopted by the Council during his/her presence. In the event of the absence of the Mayor, the Vice Mayor shall sign ordinances or resolutions as they are adopted. The Town Clerk shall attest all such signatures on ordinances and resolutions, and the Town Attorney shall approve them as to form.
- In the absence of the Mayor and Vice Mayor, the Council may call any other Member to temporarily chair the meeting in order to take part in debate, to make a motion, or to cover a temporary absence. Such substitution shall not continue if the Mayor or Vice Mayor returns to preside over the meeting nor beyond adjournment. (Town Code, Section 2.04.100(G))
- The Mayor, in consultation with the Town Manager, will set the agendas. (Ord.20-426 § 1; Ord. 16-400 § 2; Ord. 07-305 § 2(part)) T(Town Code, Section 2.04.100(H))
- May call special meetings. (Town Code, Section 2.04.030(A))

VICE MAYOR

- Serves at the pleasure of the Council.
- Performs the duties of the Mayor if the Mayor is absent. (Town Code, Section 2.04.100(F))
- Chairs Council meetings in the absence of the Mayor. (Town Code, Section 2.04.100(F))
- Represents the Town at ceremonial functions at the request of the Mayor.

ALL COUNCIL MEMBERS

All members of the Town Council shall subscribe to an Oath stating they will bear true faith and allegiance to the Constitution of the State of Arizona and the Constitution of the United States, and defend them against all enemies, foreign or domestic, and will faithfully and impartially discharge their duties to the best of their abilities. All members of the Town Council, including those serving as Mayor and Vice Mayor, have equal votes. No Council Member has more power than any other Council Member, and all should be treated with equal respect.

All Council Members should:

- Fully participate in Town Council meetings and other public forums while demonstrating kindness, consideration, and courtesy to others.
- Prepare in advance of Council meetings and be familiar with issues on the agenda.
- Represent the Town at ceremonial functions at the request of the Mayor.
- Place activities and events on the Council's monthly activities calendar that invite official participation of all Council Members. A list of the activities of individual Council Members may also be submitted for public record at the option of the Council Member.
- Be respectful of other people's time. Stay focused and act efficiently during public meetings.
- Serve as a model of leadership and civility to the community.
- Inspire public confidence in Pinetop-Lakeside government.
- Provide contact information with the Town Clerk in case of an emergency or urgent situation arises while the Council Member is out of Town.
- Demonstrate honesty and integrity in every action and statement.
- Participate in scheduled activities to increase team effectiveness and review Council procedures, such as this Code of Conduct.
- Be strongly encouraged to participate in professional development, networking opportunities, and sharing what they've learned.

MEETING CHAIR

The Mayor will chair official meetings of the Town Council, unless the Vice Mayor or another Council Member is designated as Chair of a specific meeting.

- Maintains order, decorum, and the fair and equitable treatment of all speakers.
- Keeps discussion and questions focused on specific agenda items under consideration.
- Makes parliamentary rulings with advice, if requested, from the Town Attorney who acts as an advisory parliamentarian. Chair rulings may be overturned if a Council Member makes a motion as an individual and the majority of the Council votes to overrule the Chair.

FORMER COUNCIL MEMBERS AND FORMER TOWN STAFF

Past members of the Town Council and staff who speak to the current Town Council about a pending issue should be encouraged to disclose whom they are speaking on behalf of (individual or organization).

POLICIES & PROTOCOL RELATED TO CONDUCT

Ceremonial Events

Requests for a Town representative at ceremonial events will be handled by Town Staff. The Mayor will serve as the designated Town representative. If the Mayor is unavailable, then Town Staff will determine if event organizers would like another representative from the Council. If yes, then the Mayor will recommend which Council Member should be asked to serve as a substitute. Invitations received at Town Hall are presumed to be for official Town representation. Invitations addressed to Council Members at their homes are presumed to be for unofficial, personal consideration.

Correspondence Signatures

Council Members do not need to acknowledge the receipt of correspondence, or copies of correspondence, during Council meetings. The Town Clerk will prepare official letters in response to public inquiries and concerns. These letters will carry the signature of the Mayor unless the Mayor requests that they be signed by another Council Member or the Town Clerk. Official correspondence to the public or other governmental agencies shall be coordinated through the Town Manager.

If correspondence is addressed only to one Council Member, the Council Member should coordinate with the Town Manger on the best way to respond to the sender.

Endorsement of Candidates

Council Members have the right to endorse candidates for all Council seats or other elected offices. It is inappropriate to mention endorsements during Council meetings or other official Town meetings.

Public Announcements in Council Meetings

Council Members who want to speak during the Call to the Public or Council Members Report portion of the Council meeting should notify the Chair in advance. Council Members, like members of the public who use this portion of the agenda to recognize achievements or promote an event, will be limited to three minutes each, and should keep the focus on matters of community-wide interest. Matters that may require Council action or direction should not be discussed and those items on the agenda should not be used for any form of campaigning.

Travel Expenses

The policies and procedures related to the reimbursement of travel expenses for official Town business by Council Members is regulated according to the Town of Pinetop-Lakeside Purchasing and Cash Handling Policies and Procedures, Section 1.05. Expenditures for individual Council Members and the Council as a whole shall be determined in the budget process.

Council Conduct with One Another

Councils are composed of individuals with a wide variety of backgrounds, personalities, values, opinions, and goals. Despite this diversity, all have chosen to serve in public office in order to preserve and protect the present and the future of the community. In all cases, this common goal should be acknowledged even as Council may “agree to disagree” on contentious issues, and to the extent possible will honor decisions of the Council.

IN PUBLIC MEETINGS

- **Use Formal Titles**

The Council should refer to one another formally during meetings as Mayor, Vice Mayor or Council Member followed by the individual’s last name.

- **Practice Civility and Decorum in Discussions and Debate**

Difficult questions, tough challenges to a particular point of view, and criticism of ideas and information are legitimate elements of a free democracy in action. This does not allow, however, Council Members to make belligerent, personal, impertinent, slanderous, threatening, abusive, or disparaging comments. No shouting or physical actions that could be construed as threatening will be tolerated.

- **Honor the Role of the Chair in Maintaining Order**

It is the responsibility of the Chair to keep the comments of Council Members on track during public meetings. Council Members should honor efforts by the Chair to focus discussion on current agenda items. If there is disagreement about the agenda or the Chair's actions, those objections should be voiced politely and with reason, following procedures outlined in parliamentary procedure.

- **Avoid Personal Comments that Could Offend Other Council Members**

If a Council Member is personally offended by the remarks of another Council Member, the offended Council Member should make notes of the actual words used and call for a "point of personal privilege" that challenges the other Council Member to justify or apologize for the language used. The Chair will maintain control of this discussion.

- **Demonstrate Effective Problem-Solving Approaches**

Council Members have a public stage to show how individuals with disparate points of view can find common ground and seek a compromise that benefits the community as a whole.

IN PRIVATE ENCOUNTERS

- **Continue Respectful Behavior in Private**

The same level of respect and consideration of differing points of view that is deemed appropriate for public discussions should be maintained in private conversations.

- **Be Aware of the Lack of Security of Written Notes, Voicemail Messages, and E-mail.**

Technology allows words written or said without much forethought to be distributed wide and far. Would you feel comfortable to have this note faxed to others? How would you feel if this voicemail message were played on a speakerphone in a full office? What would happen if this e-mail message were forwarded to others? Written notes, voicemail messages and e-mail should be treated as potentially "public" communication.

- **Even Private Conversations can have a Public Presence**

Elected officials are always on display – their actions, mannerisms, and language are monitored by people around them that they may not know. Lunch table conversations will be eavesdropped upon, parking lot debates will be watched, and casual comments between individuals before and after public meetings noted. Remember the open meeting law prohibits conversations of four or more council members or the “linking” together through a common source of four or more individual conversations.

Council Conduct with Town Staff

Governance of a Town relies on the cooperative efforts of elected officials, who set policy, and Town Staff, who implement and administer the Council’s policies. Therefore, every effort should be made to be cooperative and show mutual respect and acknowledgement for the contributions made by each individual for the good of the community.

- **Treat all Staff as Professionals**

Clear, honest communication that respects the abilities, experience, and dignity of each individual is expected. Poor behavior towards staff is not acceptable. It is preferable, when possible, to have questions asked prior to public meetings to allow staff adequate time to research the question and provide meaningful answers.

- **Limit Contact to Specific Town Staff**

Consequently, remember Town Staff is accountable to their supervisors. Tasks performed by staff that come from outside the normal chain of supervision could cause staff confusion, inadequate work product, inefficient performance and potentially limit legislative immunity. Questions of Town Staff and/or requests for additional background information should be directed only to the Town Manager, Town Attorney, Town Clerk, or Department Heads. The Town Manager should be copied on any request.

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

- **Do Not Disrupt Town Staff from their Jobs**

Council Members should not disrupt Town Staff while they are in meetings, on the phone, or engrossed in performing their job functions in order to have their individual needs met.

- **Never Publicly Criticize an Individual Employee**

Council should never express concerns about the performance of a Town Employee in public, to the employee directly, or to the employee's manager. Misdirected comments could violate the Town's personnel rules and limit the Town's ability to deal fairly and efficiently with personnel matters. Comments about staff performance should only be made to the Town Manager through private correspondence or conversation. Staff should not hesitate to avail themselves of Council expertise where appropriate.

- **Do not get involved in administrative functions**

Council Members must not attempt to influence Town Staff on the making of appointments, awarding of contracts, selecting of consultants, processing of development applications, or granting of Town licenses and permits.

- **Check with Town Staff on correspondence before taking action**

Before sending correspondence, Council members should check with the Town Manager to see if an official Town response has already been sent or is in progress.

- **Do not attend meetings with Town Staff unless requested by staff**

Even if the Council Member does not say anything, the Council Member's presence implies support, shows partiality, intimidates staff, and hampers staff's ability to do their job effectively. Council may request, through the Town Manager, to attend specific meetings and honor the Manager's decision once given.

- **Limit request for staff support**

Routine secretarial support will be provided to all Council Members. All mail for Council Members is opened by the Town Clerk, unless other arrangements are requested by a Council Member.

Requests for additional staff support – even in high priority or emergency situations should be made to the Town Manager who is responsible for allocating Town resources in order to maintain a professional, well-run Town government.

- **Do not solicit political support from staff**

Council Members should not solicit any type of political support (financial contributions, display of posters or lawn signs, name on support list, etc.) from Town Staff; to do so could violate the law. Town Staff may, as private citizens with constitutional rights, support political candidates for other government entities but all such activities must be done away from the workplace.

COUNCIL CONDUCT WITH THE PUBLIC

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 individual Council Members toward an individual participating in a public forum. Every effort should be made to be fair and impartial in listening to public testimony.

- **Be welcoming to speakers and treat them with respect**
- **Be fair and equitable in allocating public hearing time to individual speakers**

The Mayor will determine and announce limits on speakers at the start of the public hearing process. Generally, each speaker will be allocated five minutes. If many speakers are anticipated, the Mayor 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.

No speaker will be turned away unless he/she exhibits inappropriate behavior. After the closing of the public hearing, no more public testimony will be accepted unless the Mayor reopens the public hearing for a limited and specific purpose.

- **Give the appearance of active listening**

It is concerning to speakers to have Council Members not look at them when they are speaking. It is fine to look down at documents or to make notes, but reading for a long period of time or gazing around the room gives the appearance of disinterest. Be aware of facial expressions, especially those that could be interpreted as smirking, disbelief, anger or boredom.

- **Ask for clarification but avoid debate and argument with the public**

Only the Mayor, no individual Council Members, can interrupt a speaker during a presentation. However, a Council Member can ask the Mayor for a point of order if the speaker is off the topic or exhibiting behavior or language the Council Member finds disturbing.

If speakers become flustered or defensive by Council questions, it is the responsibility of the Mayor to calm and focus the speaker and to maintain the order and decorum of the meeting. Questions by Council Members to members of the public testifying should seek to clarify or expand information. It is never appropriate to belligerently challenge or belittle the speaker. Council Members personal opinion or inclinations about upcoming votes should not be revealed until after the public hearing is closed.

- **No personal attacks of any kind, under any circumstances**

Council Members should be aware that their body language and tone of voice, as well as the words they use, can appear to be intimidating or aggressive.

IN UNOFFICIAL SETTINGS

- **Make no promises on behalf of Council**

Council Members will frequently be asked to explain a Council action or to give their opinion about an issue as they meet and talk with constituents in the community. It is appropriate to give a brief overview of Town policy and to refer to Town staff for further information. It is inappropriate to overtly or implicitly promise Council action, or to promise Town staff will do something specific (fix a pothole; remove a library book, plant a new tree, etc.)

- **Make no personal comments about other Council Members**

It is acceptable to publicly disagree about an issue, but it is unacceptable to make derogatory comments about other Council Members, their opinions and actions.

- **Remember Pinetop-Lakeside is a small town**

Council Members are constantly being observed by the community every day that they serve in office. Their behaviors and comments serve as models for proper development in the town of Pinetop-Lakeside. Honesty and respect for the dignity of each individual should be reflected in every word and action taken by Council Members, 24 hours a day, seven days a week. It is a serious and continuous responsibility.

COUNCIL CONDUCT WITH OTHER PUBLIC AGENCIES

- **Be clear about representing the Town or personal interests**

If a Council Member appears before another governmental agency or organization to give a statement on an issue, the Council Member must clearly state: 1) if his or her statement reflects personal opinion or is the official stance of the Town; 2) whether this is the majority opinion of the Council,

If the Council Member is representing another organization whose position is different from the Town, the Council Member should withdraw from voting on the issue if it significantly impacts or is detrimental to the Town's interest. Council Members should be clear about which organizations they represent and inform the Mayor and Council of their involvement.

- **Correspondence also should be equally clear about representation**

Town letterhead may be used when the Council Member is representing the Town and the Town's official position. A copy of official correspondence should be given to the Town Clerk to be filed as part of the permanent public record.

Town letterhead should not be used for correspondence of Council Members representing a personal point of view and is best not used to express a dissenting point of view from an official Council position. However, should Council Members use Town letterhead to express a dissenting point of view, the official Town position must be stated clearly so the reader understands the difference between the official Town position and the viewpoint of the Council Member.

COUNCIL CONDUCT WITH BOARDS AND COMMISSIONS

The Town has established several Boards and Commissions as a means of gathering more community input. Citizens who serve on Boards and Commissions become more involved in government and serve as advisors to the Council. They are a valuable resource to the Town's leadership and should be treated with appreciation and respect.

- **If attending a Board or Commission meeting, be careful to only express personal opinions**

Council Members may attend any Board or Commission meeting, which are always open to any member of the public. However, they should be sensitive to the way

their participation, especially if it is on behalf of an individual, business or developer, could be viewed as unfairly affecting the process. Any public comments by a Council Member at a board or Commission meeting should be clearly made as individual opinion and not a representation of the feelings of the entire Town Council.

- **Limit contact with Board and Commission members to questions of clarification**

It is inappropriate for a Council member to contact a Board or Commission member to lobby on behalf of an individual, business, or developer. It is acceptable for Council Members to contact Board or Commission Members in order to clarify a position taken by the Board or Commission.

- **Remember that Boards and Commissions serve the community, not individual Council Members.**

The Town Council appoints individuals to serve on Boards and Commissions, and it is the responsibility of Boards and Commissions to follow policy established by the Council. But Board and Commission members do not report to individual Council Members, nor should Council Members feel they have the power or right to threaten Board and Commission members with removal if they disagree about an issue. Appointment and re-appointment to a Board or Commission should be based on such criteria as expertise, ability to work with staff and the public, and commitment to fulfilling official duties. A Board or Commission appointment should not be used as a political “reward”.

- **Be respectful of diverse opinions**

A primary role of Boards and Commissions is to represent many points of view in the community and to provide the Council with advice based on a full spectrum of concerns and perspectives. Council Members may have a closer working relationship with some individuals serving on Boards and Commissions.

- **Inappropriate behavior can lead to removal**

Inappropriate behavior by a Board or Commission member should be reported to the Mayor. The Town Manager should Counsel the offending member. If inappropriate behavior continues, the Mayor and Vice Mayor should bring the situation to the attention of Council. Conflicts should be resolved at the lowest possible level.

COUNCIL CONDUCT WITH THE MEDIA

Council Members are frequently contacted by the media for background and quotes.

- **The best advice for dealing with the media is to never go “off the record”**
Most members of the media represent the highest levels of journalistic integrity and ethics and can be trusted to keep their word. But one bad experience can be catastrophic. Words that are not said cannot be quoted.

- **The Mayor is the official spokesperson on Town position**
The Mayor is the designated representative of the Council to present and speak on the official Town position. If an individual Council Member is contacted by the media, the Council Member should be clear about whether their comments represent the official Town position or a personal viewpoint.

- **Choose words carefully and cautiously**
Comments taken out of context can cause problems. Be especially cautious about humor, sardonic asides, sarcasm, or word play. It is never appropriate to use personal slurs or swear words when talking with the media

SANCTIONS

- **Public Disruption**
Members of the public who do not follow proper conduct in a public meeting may be barred from further testimony at the meeting or removed from the Council Chambers. Severe disruptions shall be dealt with immediately.

- **Inappropriate Staff Behavior**
Council Members should refer to the Town Manager any Town Staff that does not follow proper conduct in their dealings with Council Members, other Town Staff, or the public. These employees may be disciplined in accordance with standard Town procedures for such actions.

- **Council Members Behavior and Conduct**
Town Council Members who intentionally and repeatedly do not follow proper conduct may be reprimanded or formally censured by the Council, lose seniority or committee assignments (both within the Town of Pinetop-Lakeside or with inter-government agencies) or have official travel restricted. Serious infractions of the

Code of Ethics or Code of Conduct could lead to other sanctions as deemed appropriate by Council.

Council Members should point out the offending Council Member infractions of the Code of Ethics or Code of Conduct. If the offenses continue, then the matter should be referred to the Mayor in private. If the Mayor is the individual whose actions are being challenged, then the matter should be referred to the Vice Mayor.

It is the responsibility of the Mayor to initiate action if a Council Member's behavior may warrant sanction. If no action is taken by the Mayor, the alleged violation(s) can be brought up with the full Council in a public meeting.

If violation of the Code of Ethics or Code of Conduct is outside of the observed behaviors by the Mayor or Council Members, the alleged violation should be referred to the Mayor. The Mayor should contact the Town Attorney regarding the proper investigative procedure to follow. It is the Mayor's responsibility to take the next appropriate action. These actions can include but are not limited to: discussing and counseling the individual on the violations; recommending sanction to the full Council to consider in a public meeting; or forming a Council ad hoc subcommittee to review the allegation; the investigation and its findings, as well as to recommend sanction options for Council consideration. Videotaping of the complaint hearing should be used for a Council ad hoc subcommittee.

PRINCIPLES OF PROPER CONDUCT

Proper conduct is...

- Keeping promises
- Being dependable
- Building a solid reputation
- Participating and being available
- Demonstrating patience
- Showing empathy
- Holding onto ethical principles under stress
- Listening attentively
- Studying thoroughly
- Keeping integrity intact
- Overcoming discouragement
- Going above and beyond, time and time again

- Modeling a professional manner

Proper conduct IS NOT...

- Showing antagonism or hostility
- Deliberately lying or misleading
- Speaking recklessly
- Spreading rumors
- Stirring up bad feelings, divisiveness
- Acting in a self-righteous manner

It all comes down to respect

Respect for one another as individuals...respect for the validity of different opinions... respect for the democratic process...respect for the community that we serve.

CHECKLIST FOR MONITORING CONDUCT

- Will my decision/statement/action violate the trust, rights or good will of others?
- What are my ulterior motives and the spirit behind actions?
- If I have to justify my conduct in public tomorrow, will I do so with pride or shame?
- How would my conduct be evaluated by people whose integrity and character I respect
- Even if my conduct is not illegal or unethical, is it done at someone else's painful expense? Will it destroy their trust in me? Will it harm their reputation?
- Is my conduct fair? Just? Morally right?
- If I were on the receiving end of my conduct, would I approve and agree? or would I take offense?
- Does my conduct give others reason to trust or distrust me?
- Am I willing to take an ethical stand when it is called for? Am I willing to make my ethical beliefs public in a way that makes it clear what I stand for?
- Do I exhibit the same conduct in my private life as I do in my public life?
- Can I take legitimate pride in the way I conduct myself and the example I set?
- Do I listen and understand the views of others?

- Do I question and confront different points of view in a constructive manner?
 - Do I work to resolve differences and come to mutual agreement?
 - Do I support others and show respect for their ideas?
 - Will my conduct cause public embarrassment to someone else?
-

GLOSSARY OF TERMS

Attitude	The manner on which one shows one's dispositions, opinions and feelings
Behavior	External appearance or action; manner of behaving; carriage of oneself
Civility	Politeness, consideration, courtesy
Conduct	The way one acts; personal behavior
Courtesy	Politeness connected with kindness
Decorum	Suitable; proper; good taste in behavior
Manners	A way of acting; a style, method, or form; the way in which things are done.
Point of Order	An interruption of a meeting to question whether rules or bylaws are being broken, such as the speaker has strayed from the motion currently under consideration
Point of Personal Privilege	A challenge to a speaker to defend or apologize for comments that a fellow Council Member considers offensive
Propriety	Conforming to acceptable standards of behavior
Protocol	The courtesies that are established as proper and correct
Respect	The act of noticing with attention; holding in esteem; courteous regard