

A large, stylized, light blue Phoenix logo is centered in the background of the slide. The logo is composed of several curved, overlapping shapes that form the bird's body and tail. The background is a solid dark blue color.

# **City of Phoenix Ethics and Gift Policy Overview**

## **Electric Vehicle Ad Hoc Committee**

### **August 9, 2021**



# City of Phoenix Ethics and Gift Policies Overview

Website: <https://www.phoenix.gov/ethics>

Board & Commission Ethics Handbook:

[https://www.phoenix.gov/citymanagersite/Documents/Ethics/Ethics\\_Handbook\\_Boards\\_Commissions.pdf](https://www.phoenix.gov/citymanagersite/Documents/Ethics/Ethics_Handbook_Boards_Commissions.pdf)



# City Ethics and Gift Policies

- **Ethics Principles for Board Members**
- **Conflicts of Interest**
- **City Gift Policy**
- **Examples of Prohibited and Permissible Gifts**
- **Additional Laws and Policies**
- **Non-Discrimination and Anti-Harassment Policy**
- **Reporting Ethics Concerns**



# Why Ethics Matter . . .

- Trust
- Trust thru words and deeds
- Trust means integrity
- Trust signals fairness and honesty



# Standards Based on City Policies and State Laws

- Ethics Policy: Section 2-52 of the City Code
- Gift Policy: Section 2-52 of the City Code
- Conflict of Interest:
  - City Charter, Chapter XI, Section 1
  - Title 38, Chapter 3, Article 8 of the Arizona Revised Statutes



# Ethics Policy & Principles

To uphold the public's trust and promote transparency in City government, a board member should:

- Conduct all aspects of City business in an honest, professional, and legal manner;
- Avoid situations that create an actual or perceived conflict between the board member's personal interest and those of the City; and
- Ask for help 3-5 business days **before** action is required if a board member is uncertain if a circumstance or action violates City policies.



# Conflicts of Interest

- Part of City's most fundamental law - The Charter at Chapter XI, Section 1
- *Board members* must be attentive to potential conflicts of interest.
- A conflict of interest exists if a board member receives:
  - A direct or indirect monetary benefit, OR
  - A board member or the board member's relative or partner receives a direct or indirect monetary benefit
- If there is a conflict, do not participate in any deliberation or any decision making



# Conflicts of Interest

## Declaring a Conflict of Interest

- If you are not sure: ASK ASK ASK
- If you have a conflict of interest, *the member* must:
  - ✓ **File** a conflict form with the City Clerk
  - ✓ **Declare** the conflict on the record at the board meeting
  - ✓ **Refrain** (recuse yourself) from voting or otherwise participating in the matter.
- Work with the board's liaison and the chairperson to accomplish these steps





# City Gift Policy

## What is a “Gift”?

- **Code 2-52(A)(7)**: *direct or indirect compensation, other than as provided by law, for services, duties, or responsibilities rendered or to be rendered by a person in their capacity as an elected official, employee, board member, or volunteer.*
- **A tangible thing of value given to a board member in the course and scope of one’s duties as a board member.**



# City Gift Policy - Prohibited

- A gift in any amount received by an elected official, employee, board member, or volunteer is prohibited if the gift *creates the appearance* of undue influence, or if the gift creates a conflict of interest . . .



# City Gift Policy

- **Permissible Gifts**

A gift . . . is permissible if the gift is not otherwise prohibited by law.

- **Disclosure Required? –**

- **Council member – Yes**

- **Employee – Yes**

- **Board or Commission member - No**



# City Gift Policy

## “Gift” does NOT mean:

- Compensation received from person’s relative or partner
- A plaque or similar personalized award received for the person’s service to the City
- Admission, food, or beverages received to attend a “community event” (defined by Code)
- Admission, food, beverages, transportation, or accommodations received in capacity as City representative and related to City business
- Political campaign contributions permitted by law



# City Gift Policy

## “Special Occasion” Waiver – not Gifts

- an engagement, wedding, or birth or adoption
- death of a relative, partner, or relative of a partner.
- Not required to obtain a waiver to accept normal and customary gifts such as flowers, food, or donations to charitable organizations made by others to recognize a special occasion.
- Waivers approved by the Ethics Commission to accept a gift that may otherwise violate the gift or ethics policies.



# Examples of Gifts

## Tickets to Entertainment, Cultural, or Sports Events

- OK as a representative of the City if attendance is within the course and scope of duties
- OK if tickets have no monetary value or were available to a large group of City representatives (not exclusively members of a board or commission)

### Not OK to:

- (1) purchase the tickets from the donor;
- (2) reimburse the donor; or
- (3) make a charitable donation for value of the tickets.
- (4) Ticket from person who does business with board



# Examples of Gifts

## Business Meals and Expenses

- OK when participating in periodic business functions hosted by other agencies where a meal is served and generally available to all attendees.

## Meals and Refreshments

- OK when generally available to all at meeting/conference and member is a City representative.



# Examples of Gifts

- **Meals and Refreshments (continued...)**
  - Members should not accept payment or other honoraria when speaking or presenting as a City representative.
  - Incidental items (coffee mugs, t-shirts, hats, etc) available to all attendees (swag), may be accepted.
- **Participation in Conferences, Events, or Activities**
  - Members may accept travel, conferences, or training related to City business at discount or no-cost *only* if the member's sponsor does not have or will not soon have any action before the board.
  - Members may participate in events associated with the conference if all attendees have a similar opportunity and it would not create a conflict of interest.





# Examples of Gifts

## ...Other prohibited gift examples...

- Not OK business dinner - a “one-on-one” meal (regardless of the cost) with person who has or will soon have business or action before the board, and the occasion is related to City business or action.
- Members may **not** accept meals, refreshments, or event attendance from a vendor that contracts with the City or is looking to contract with the City if the board member is involved



# Reporting Ethical Concerns

## Report Improper Conduct to the Integrity Line

- Board members have a duty to prevent any improper acts or failure to act in government.
- Report suspected wrongdoing, illegal or unethical behavior call the Integrity Line at (602) 261-8999 or 534-5500 (TTY).
- Unethical behavior includes, but is not limited to, contract fraud, vendor kickbacks, loss or waste of City money or property, and falsified documents, or even incidents of danger to public health or safety.



# Additional Laws and Policies

## **Board Member Attendance Policy**

A member who fails to attend three consecutive regular meetings or more than 50% of all meetings during a calendar year (January 1 through December 31), the City Council may declare the seat vacant and appoint a replacement. *(City Code, Sec. 2-14)*

## **Removal of Board Member**

A member may be removed from office with or without cause prior to the expiration of the member's term by a majority vote of the Council. *(City Code, Sec. 2-51)*



# Non-Discrimination & Anti-Harassment

## Policy

When acting within the course and scope of their duties during their term of office, members must not by words or conduct harass or discriminate against any person based on the person's:

- Race, color, ethnicity, national origin, religion,
- Age (40 or older), disability, marital status,
- Sex, sexual orientation, gender, or gender identity or expression

## Non-retaliation

A board member also may not retaliate against any person who makes a complaint of discrimination or participates in the investigation of a complaint

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**QUESTIONS...?**

**Electric Vehicle  
Ad Hoc  
Committee**

**City of Phoenix**