

RESOLUTION NO. 2009.126

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPE, ARIZONA, ESTABLISHING AS ITS CODE OF CONDUCT THE CITY OF TEMPE RULES AND REGULATIONS REGARDING GROUNDS FOR DISCIPLINARY ACTION, AND THE “ETHICS IN OUR WORKPLACE” HANDBOOK TO THE INDIVIDUAL MEMBERS OF THE CITY COUNCIL, WITH EXCEPTIONS, AND ESTABLISHING A PENALTY FOR VIOLATIONS.

WHEREAS, the members of the Tempe City Council desire to conduct their business in a manner that is legally and ethically beyond reproach; and

WHEREAS, the City of Tempe has adopted for its employees certain rules and regulations regarding prohibited behavior, with a specified range of penalties for violations, up to and including dismissal; and

WHEREAS, the City of Tempe as part of its training for both employees and appointed members of the various Tempe Boards and Commissions publishes and distributes a handbook entitled “Ethics in our Workplace” (“Handbook”), which is a comprehensive guideline for how Tempe officials can conduct themselves in an ethical manner both consistent with and in addition to the specified rules and regulations; and

WHEREAS, Tempe City Charter Section 2.05, specifies that Council members are prohibited from engaging in certain specified conduct, namely holding other offices, dictating the appointment or removal of city administrative officers or employees whom the manager or his subordinates are empowered to appoint, and interfering with the administration of the city; and

WHEREAS, Tempe City Charter Section 2.06 specifies that the mayor or a member of council shall forfeit their office if they, among other offenses, violate any express prohibition of the Charter; and

WHEREAS, it is the intent of this Council to punish violations of the applicable rules and regulations and the ethical standards espoused in the Handbook by sanctions up to and including formal censure, separate and in addition to the abovementioned Charter prohibitions.

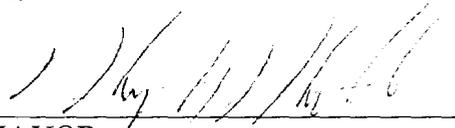
NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF TEMPE, ARIZONA, as follows:

A. That the City Council of the City of Tempe hereby adopts as its code of conduct (1) the City of Tempe Personnel Rules and Regulations, Section 406, part B, “Grounds for Disciplinary Action”, with the exception of subparts 12, 14, 18, 19, 20, 22, 23 and 32; and (2) the City of Tempe “Ethics in Our Workplace” Handbook, to the extent the code of conduct is consistent with state law, the Tempe City Charter and the Tempe City Code; and

B. That the City Council of the City of Tempe, pursuant to Tempe City Charter Section 2.09, is authorized to investigate allegations of violations of the code of conduct, and shall conduct investigations in a manner consistent with the procedure depicted in Exhibit A attached to and made a part of this Resolution; and

C. That the City Council of the City of Tempe establishes formal censure as the maximum sanction for violations of the code of conduct.

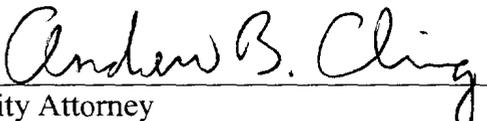
PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF TEMPE, ARIZONA, this 10th day of December, 2009.

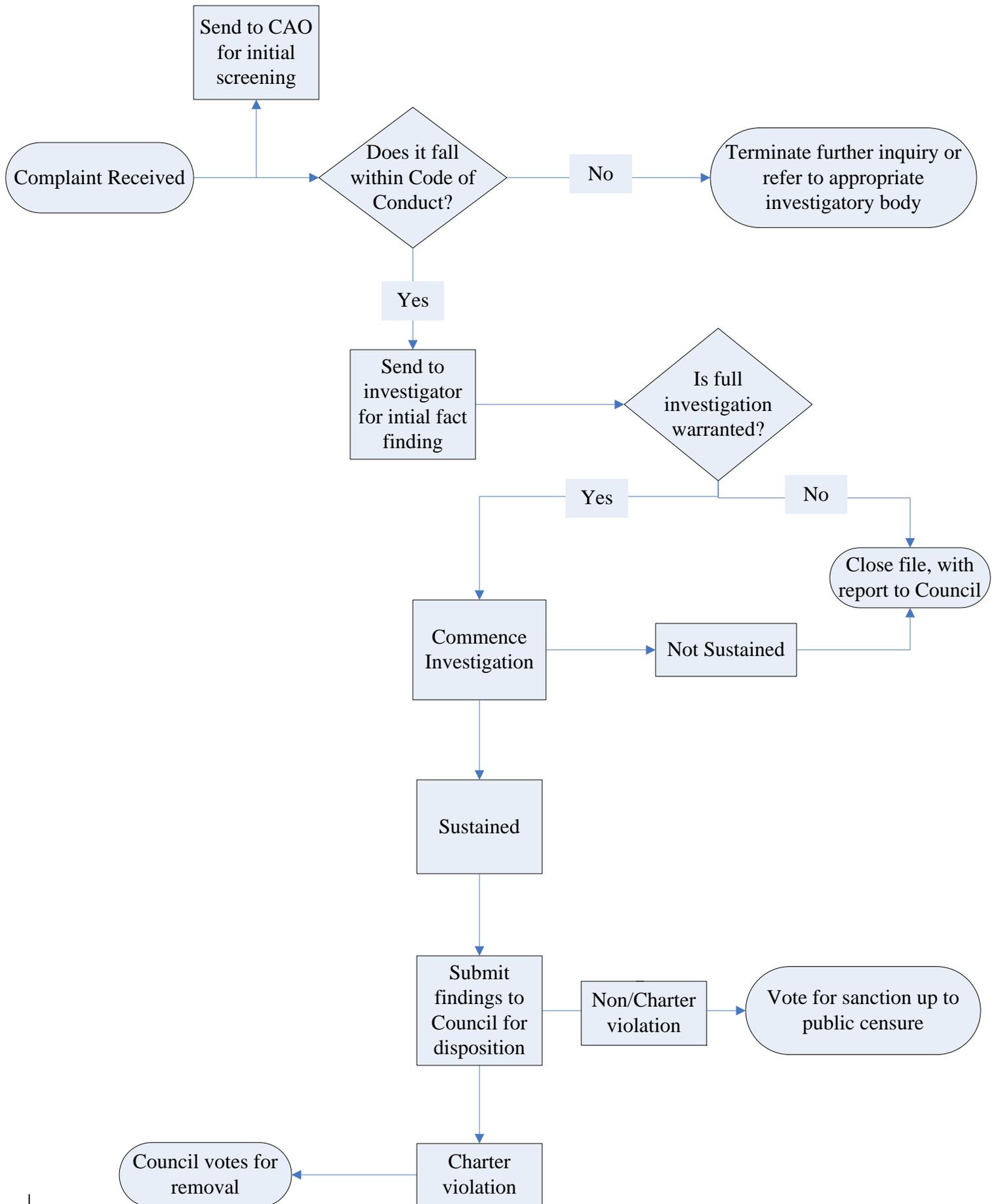

MAYOR

ATTEST:


City Clerk

APPROVED AS TO FORM:


City Attorney



Council Code of Conduct Complaint Procedure