



# PIMA COUNTY, ARIZONA

## BOARD OF SUPERVISORS POLICY

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on a Code of Ethics

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### Purpose

To adopt a Code of Ethics to protect and further the integrity of Pima County, its institutions, officers, and employees, and;

To maintain high ethical standards in local government service by providing sanctions for violations, and;

To increase public confidence in the integrity of governmental officials and employees, and;

To assist officials and employees in determining the proper course when faced with uncertainty regarding a contemplated action.

### Background

In April, 1990, the Pima County Government Operations Commission submitted a report to the County Manager entitled ENHANCING EFFECTIVENESS OF PIMA COUNTY GOVERNMENT. The Commission report contained seven separate recommendations for enhancing effectiveness, including Recommendation 3: "Develop and adopt a Code of Ethics to protect and further the integrity of County officials and institutions." The Commission properly noted that "The proper functioning of democratic government requires that public officials be independent and impartial in pursuing the public will." American political ideology is founded on widespread cultural norms that people should not profit from public service; that public servants should be sheltered from moral hazards; that public service should be neutral and disinterested.

The Government Operations Commission notes that structuring government in order to live up to these moral and ethical standards "has become one of the most pervasive concerns of our times." The Commission further notes that while abuse of these standards are sometimes deliberate, the greater dangers lay in the exercise of "judgmental or discretionary responsibility" where "the proper course of action in public interest is not clear". The Commission recommended that a code of ethics is necessary as a "public statement" to clarify ethical standards at these "'margins' of perception of what constitutes 'right conduct'".

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Following upon this recommendation of the Government Operations Commission, the County Manager reviewed several models of existing codes of ethics and proposes the following Code of Ethics either be approved or that a citizen committee be constituted, presented background information, and asked to present said document to the Board for approval. Acknowledging that elected officials are already covered under State statute for conflict of interest and public disclosure, the following Code of Ethics is intended to apply to all County officials and employees and to clarify ethical standards.

Policy

It is the policy of the Board of Supervisors that a Citizens committee be constituted to review, create, and/or recommend a Code of Ethics to the Board of Supervisors.

It is the policy of the Board of Supervisors of Pima County, Arizona that a Code of Ethics be instituted to guide County officials and employees in the proper and ethical performance of their official duties. This official Code of Ethics shall constitute consideration of the following provisions.

I. Who Is Covered By The Code of Ethics

The Code of Ethics applies to official conduct by all elected officials; all appointed officials; and all employees whether temporary or permanent, part-time or full-time; all members of Boards and Commissions, appointed by the Board of Supervisors or County Manager, whether or not compensated for the performance of their duties; any person who performs personal services for the County, (including) (except for) independent contractors.

II. Key Principles.

The American Society for Public Administration (ASPA) in their publication on Applying Professional Standards & Ethics in the Eighties a study guide overview of the subject, some of which is paraphrased below.

It pointedly summarizes that effective application of a Code of Ethics can not be simply intended to "catch" people. What one really expects is an external guide (of principles) to develop personal and professional integrity. Ethics, therefore, involves applying these principles and our personal order of values in particular situations.

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As individual values emanate from a number of influences (socio-cultural, professional, religious, family, etc.) the principles may vary. Generally, they include the following four elements:

- A. **Equality.** Identical treatment of clients is a fundamental expectation in government bureaucracy. While a particular form of government might allow for special responses (e.g., single member district constituency vs. at-large constituency) it does not allow for special favors.
- B. **Equity.** The study guide demonstrates that equity may demand equal treatment in some instances (to end discrimination in employment, housing, etc.) and unequal treatment in others (subsidized housing, food stamps, etc.). fairness and justice aren't always achieved in a pluralistic environment.
- C. **Loyalty.** A major problem in applying this principle is maintaining an awareness of one's (official or employee) ultimate loyalties. Are the loyalties to institutions, laws, or people (superiors)? At any given point and time the preferred authority will change.
- D. **Responsibility.** Within a hierarchical organization everyone must still be responsible for their decisions and be able to explain them.

III. Prohibited Activities

All County officials and employees, including the members of the Board of Supervisors and members of commissions and boards, shall not use their public offices or employment for personal gain or on behalf of any personal pecuniary or proprietary interest that is in substantial conflict with the proper discharge of their duties, whether the personal interest is that of the individual or that of an immediate family member or business association.

- A. All County officials and employees, including the members of the Pima County Board of Supervisors and members of commissions and boards shall not:
  - 1. Act on official matters where personal interests exist.
  - 2. Participate in or influence the making of any decision, issuance of any order or adoption of any resolution or ordinance in matters in which a personal interest exists.

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3. Furthering the appointment, employment or contract award for relatives or business partners.
4. Accept of any gifts or things of value in exchange for performance of official duties or in circumstances that would give the appearance of an exchange to a reasonable person.
5. Make personal use of or disclose information obtained in the course of official duties for personal gain or interest when the information is not generally available to the public.
6. Engage in or have an interest in any business selling goods or services to the County, except where competitive bidding is used and prior public disclosure of the interest is made on the public record.
7. Act in a private capacity on matters dealt with in an official capacity.
8. Appear before a County agency on behalf of a private interest.
9. Accept employment, fee or other value as a contingency for representing any interest, whether public or private, in a licensing or regulatory matter that comes before the County.
10. Accept any other employment that would be incompatible with or give the appearance of being incompatible with the impartial performance of official duties.
11. Discriminate or show favoritism in appointment or employment.
12. Participate in misrepresentation, fraud or bribery in the seeking of appointment or employment.
13. Use a private communication in decisions made upon facts established by public testimony or record unless the communication is made part of the public record.
14. Induce violations of these standards by another.

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- B. No County employee shall make a political contribution and/or solicit or collect political contributions for any candidates for any elected County office. Nothing in this section shall prohibit Elected County officials from making contributions to political campaigns.

IV. Administrative Procedures

1. In addition to those public disclosure statements required of elected public officials pursuant to Arizona Revised Statutes, public disclosure statements shall be required of all appointed County officials; and of employees and appointed members of the Board or Commissions, whether appointed by the Board or County Manager, in any and all circumstances in which a potential conflict of interest does or might exist.
2. In addition to sanctions which exist in State statute for violations of state law by elected officials, it is the intention of the Board of Supervisors to incorporate within this Code of Ethics a body of appropriate sanctions to cover appointed officials, employees, and members of boards and commissions.
3. The Board of Supervisors may consider creating, as have other jurisdictions, a Pima County Ethics Advisory Board. The purpose of the Ethics Advisory Board would be to (a) institute procedures for receiving, processing and resolving complaints of violations of this Code of Ethics - specifically as it applies to the unclassified service; (b) develop a body of appropriate sanctions for violations of this Code of Ethics by appointed officials, employees, and members of boards and commissions; and (c) act as a forum for appeal for disciplinary actions taken. This process, while in existence in other models referred to would need to be thought through extensively and scrutinized by the County Attorney's office.

SUNSET PROVISION

This policy will be reviewed for continuance by 12-31-93.

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**RESPONSIBLE DEPARTMENT**

1. County Manager
2. County Attorney
3. Code of Ethics Commission

Effective Date: 10/30/90  
Revised: 04/14/92