

Conflict of Interest, Solicitation, and Political Activity

104.1 CONFLICT OF INTEREST POLICY

The purpose of this policy is to ensure that the business of the city will be conducted in such a way that no employee will gain a personal or financial advantage from his or her work for the city and so that the public trust and the best interests of the city will be preserved.

104.2 DEFINITIONS

- (a) Appearance of Impropriety means an interest, other than a Substantial Interest, under which reasonable minds, with knowledge of all relevant circumstances, if disclosed, would conclude that an employee's honesty, integrity, or impartiality was impaired.
- (b) For purposes of this policy, family member means the spouse, child, child's child, parent, grandparent, brother, sister of the whole or half blood and their spouse and the parent, brother, sister or child of the spouse.
- (c) Substantial Interest means any non speculative monetary or proprietary interest, either direct or indirect.

104.3 PROHIBITED ACTIVITY

(a) A public officer shall not participate in any official act or action if he or she has a conflict of interest, whether real or perceived, in the matter under consideration.

For the purposes of this policy, a conflict of interest occurs when 1) an interest particular to an employee, or to that of an employee's family member, influences, or has the potential to influence, the ability of that employee to exercise objectivity and/or act in the City's best interest; or 2) there is an appearance of impropriety raised by the employee's actions or involvement in the transaction. While not intended to be all-inclusive, the actions listed below are considered a conflict of interest when carried out by an employee and are strictly prohibited:

1. Participation, including but not limited to, research, advice, negotiation, or decision making, at any stage in the process, of any business transaction of the City such as contracting, sales, procurement, or provision of services, when the employee, or the employee's family member, has a Substantial Interest in the transaction or the Appearance of Impropriety is present;
2. Supplying the City, through any process whether competitive or not, with any equipment, material, supplies or services beyond the scope of employment;
3. Participation in another business, organization, or activity that may, in any way, compromise City relationships, disadvantages, or competes with the City or its interests;

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4. Any employment activity or enterprise involving the use of any City resource such as time, facilities, equipment, supplies, badge, uniform, prestige, or influence of the office of employment for private gain;
5. Receipt or acceptance, directly or indirectly, of financial compensation or other thing of value from anyone other than the City for the performance in their role within the City.
6. Representation of another person for compensation in any transaction with the City, or matter pending before the City, in which the employee participated in the course of performance of the employee's official duties;
7. Disclosure or use of confidential or privileged information acquired by the employee in the course of performance of the employee's official duties to advance personal interests or the interests of family members or personal or professional associates;
8. Preferential treatment is given or appears to be given to any family members, friends, or business associates or to anyone else that would advance the personal interest of an employee; or
9. Securing any valuable thing or benefit for the employee, or the employee's family member, that would not ordinarily accrue to the employee or family member in the performance of the employee's official duties.
10. Using or attempting to use the employee's official position to secure any valuable thing or benefit that would not ordinarily accrue to the employee in the performance of his or her official duties, if the thing or benefit is of such character as to manifest a substantial and improper influence on the employee with respect to the employee's official duties.
11. Accepting or soliciting any compensation, fee, gift, discount, entertainment, or other valuable item in the course of or as a result of performing the duties of their position unless (A) it is a donation for a city wide employee program, or (B) it is deemed de minimis by the Finance Department. ~~; or (C) it is offered to a class of government employees or public safety officers consisting of at least ten members when the interest is no greater than the interest of the other members.~~ Except as provided herein, City employees, or their relatives, may not accept gifts or favors from, or on behalf of, any person, business, organization, or group conducting or desiring to conduct business with the City. Employees may not solicit a meal (lunch, dinner, etc.) from any member of the public, but may attend a meal at a business function or when the meal is deemed de minimis by the Finance Department. If employees attend a business meal, they should attempt to pay for their portion, which will be reimbursed as out-of-pocket expenses in accordance with the Finance Department's reimbursement procedures.

(b) This provision does not prohibit:

1. Solicitation or acceptance by an employee of loans from banks or other financial institutions on customary terms to finance proper and usual activities of the employee.
2. Acceptance of unsolicited advertising or promotional material such as pens, pencils, calendars, shirts, hats, and
3. Acceptance of items offered by raffle or chance to all participants while attending an approved event or conference during the course of business.

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4. Acceptance of waived or discounted fees for a conference hosted by an association of government entities when the employee organizes or is presenting at the conference.
5. Employees may not accept or solicit any promises for individual preferential treatment in exchange for special treatment by the employee in their role within the City.

104.4 RESPONSIBILITIES

Each employee is individually responsible for identifying and avoiding any conflict of interest.

- (a) Employees must immediately disclose any potential, or apparent conflicts of interest in writing to their immediate supervisor utilizing the Conflict of Interest Form. Even if the employee is confident that he or she can be objective in the matter and that the public interest would not be harmed by the employee's participation, the employee must disclose the substantial interest and not participate in the matter. Additionally, the employee must refrain, at the earliest stage possible, from any participation in City transactions where a conflict of interest exists.
- (b) A supervisor who has received a written conflict of interest disclosure is responsible for documenting the reasons he/she believes the city should move forward notwithstanding the conflict and why it is in the best interest of the City. In addition, an explanation of the actions he/she will take to monitor the conflict should be disclosed on the conflict of interest disclosure (such as monitoring Purchasing Card (P-card) activity and all direct payments). Further, the supervisor is responsible for forwarding the disclosure to the Employee Resources Department. If the conflict is in any way related to a potential procurement activity, a copy must also be forwarded the Chief Financial Officer who shall have the opportunity to veto the purchase.
- (c) Department Directors are responsible for communicating the requirements of this policy to their staff and instituting proper controls to monitor and address conflicts of interest.
- (d) The City Attorney is responsible for interpretation or clarification of legal and regulatory requirements. Employees are encouraged to seek advice from the Chief Financial Officer or City Attorney as needed.
- (e) The Employee Resources Department is responsible for training new employees on the requirements of this policy and retaining conflict of interest disclosures.

104.5 CONTRACTS VOIDABLE

If an employee is significantly involved in initiating, negotiating, securing, drafting, or creating a contract on behalf of the City, within three years after its execution:

- (a) The City has the right to cancel the contract without penalty or further obligation if the employee is or becomes an employee or agent of any other party to the contract in any capacity while the contract or any extension of the contract is in effect; and
- (b) The City has the right to cancel the contract without penalty or further obligation if the employee is or becomes a consultant to any other party of the contract with respect to the subject matter of the contract.

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104.6 SOLICITATION AND DISTRIBUTION POLICY

104.6.1 GENERALLY

For the purposes of this policy "solicitation" means "an act of requesting an individual, for reasons of personal gain, to purchase goods, materials, or services, or a plea for financial contribution," and "distribution" means "an act of distributing goods, materials, and/or written materials or literature."

104.6.2 EMPLOYEE SOLICITATION

Employees shall not engage any member of the public in solicitation while acting in an official capacity unless approved by the employee's department director or the City Manager. Employees may solicit other employees in work areas that are out of the public view areas as long as:

- (a) Any solicitation does not interfere with the normal work duties of any employee; and
- (b) No pressure to purchase or contribute, direct or otherwise, is made; this includes an immediate halt of any solicitation directly to an employee once the employee being solicited notifies the solicitor that the solicitation is unwanted; and
- (c) City resources, including email, are not used in solicitation.

104.6.3 EMPLOYEE DISTRIBUTION

Employees may distribute goods and written materials in work areas as long as such distribution does not interfere with the normal work duties of any employee.

104.6.4 ANNOUNCEMENTS FOR CHARITABLE OPPORTUNITY

Charitable community events may be announced to employees using City resources (such as email) as long as prior approval of the department director is obtained.

104.7 POLITICAL ACTIVITY POLICY

104.7.1 GENERALLY

Employees may participate in political activity outside their employment, but shall not allow their interest in a particular party candidate, or political issue to affect the objectivity of their regular city duties. Section 9-500.14 of Arizona Revised Statutes (as may be amended) governs the use of city resources or employees to govern elections.

104.7.2 PROHIBITIONS

In order to assure compliance with Arizona law:

- (a) No employee may solicit or attempt to solicit support for a candidate or political party involved in a Tolleson municipal election from any employee or appointed official.
- (b) No employee, when acting as a representative of the City, may take any part in the campaign of a candidate for election.
- (c) An employee may exercise his or her rights as a citizen to vote and to express opinions as an individual citizen, but not as a representative of the City.
- (d) No paid employee will seek election to public office with the City while employed by the City.

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- (e) No employee, appointed official or elected official of the City shall use any influence or pressure upon any employees to obtain any assessment or contribution of money or time, either direct or indirect, for any political campaign or personal gain.
- (f) No employee shall use, threaten to use, or attempt to use political influence in securing any employment benefit or advantage.
- (g) No employee, appointed official, or elected official may (1) use City equipment such as a fax machine, telephone, copier, computer hardware and software, printers, mailboxes, postage, webpages, newsletters, newspapers, email or any other City resource for campaigning purposes; (2) work on a campaign (local, state, or national) during work hours or on City property; or (3) identify himself or herself as a City employee or wear a City uniform when campaigning for any candidate (local, state, or national).

104.7.3 PERMITTED ACTIVITIES

During a national, county, state, or local election, an employee may, as a private citizen only, using his/her own time and own (or other private) resources and not wearing City attire or uniform:

- (a) Express opinions.
- (b) Attend meetings for the purpose of becoming informed concerning the candidates for public office and the political issues.
- (c) Display campaign signs on his or her property.
- (d) Vote and sign nomination petitions for candidates.
- (e) Display bumper stickers for a candidate or relating to a local election as long as it is not on a City vehicle and as long as the private vehicle is not permanently parked on City property.
- (f) Solicit contributions for candidates.
- (g) Give his or her money, time, and energy to candidates.
- (h) Distribute official materials for candidates.
- (i) Engage in other campaign activities as a private citizen, but not as a representative of the City.

See attachment: [Conflict of Interest Form.pdf](#)

Attachments

Conflict of Interest Form.pdf



CITY OF TOLLESON

9055 W. Van Buren St. • Tolleson, AZ 85353 • Direct: (623) 936-7111 • Fax: (623) 936-7117 • TTY users, dial 711 for Relay

This is a notice to the City that the following employee has become aware of facts that require the filing of this statement regarding a conflict of interest. If the conflict is in any way related to a potential procurement activity, a copy must also be forwarded the Chief Financial Officer prior for approval.

Name & Information of City Official or Employee

First Name

Last Name

Department

Position/Title

Supervisor's Name

Identify the transaction or matter in which you or your relative may have a conflict of interest, including a "substantial interest" or the "appearance of impropriety."

Describe the "substantial interest" or "appearance of impropriety" referred to above.

To avoid any possible conflict of interest as defined by Arizona state law or City of Tolleson policy, I will refrain from participating in any manner in the transaction or matter identified above.

Employee Signature

Date

Date Provided to Supervisor



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Supervisor Signature

Date

Once completed, the supervisor must forward one copy to the Employee Resources Director. If the conflict is related to the purchase or potential purchase of a good or service, a copy must also be sent to the **Chief Financial Officer who shall have the opportunity to veto the purchase.**

Date Received by Employee Resources

Date Received by Procurement (if applicable)