



CITY OF TOLLESON

9055 W. Van Buren St., Tolleson, AZ 85353 • (623) 936-7111 • TTY users, dial 711 for Relay • www.tolleson.az.gov

TOLLESON PLANNING AND ZONING COMMISSION MEETING AGENDA

TOLLESON CIVIC CENTER

9055 WEST VAN BUREN STREET, TOLLESON, AZ 85353

ZOOM WEBINAR ID: 837 6398 3293

TUESDAY, MAY 13, 2025

5:00 PM

Doors open to Council Chambers at 4:45 PM for public seating. The public may be asked to temporarily relocate if an executive session occurs. The public will be invited back into Council Chambers when the Planning and Zoning Commission returns from executive session.

Members of the public may also participate in the meeting via [Zoom Webinar](https://us02web.zoom.us/j/83763983293) (<https://us02web.zoom.us/j/83763983293>) with a computer or cell phone.

A. CALL TO ORDER

B. ROLL CALL

C. FINAL CALL TO SUBMIT SPEAKER REQUEST FORMS

All citizens and interested parties wishing to speak before the Commission during a public hearing shall fully complete a Speaker Request Form and submit the form(s) to the City Clerk prior to the meeting being convened. Citizens must complete one form for each item they want to address. Speaker Request Forms are located at the entrance of the Council Chambers. For Zoom participants, click the chat button, and enter your name and the item you would like to address. Submissions should be made no later than the Mayor announcing the "Final Call to Submit Speaker Requests". **All speakers will be limited to 3 minutes unless otherwise noted by the Chair.** Speakers are not required to disclose their identities or personal information. You may also submit an online speaker request form at <https://www.tolleson.az.gov/formcenter/city-clerk-15/speaker-request-online-form-66> at least one hour prior to the meeting.

D. BUSINESS FROM THE FLOOR – PUBLIC HEARINGS AND ACTION ITEMS

1. Public Hearing – Soliciting comments from interested parties in reference to Use Permit Application #25040001 as submitted by Michael Muniz, on behalf of the owner, Paul Mascola/Take 5 Oil Change, for the construction of a new 1,700 sq. ft., 3-bay oil change building with a total of 14 parking spaces, to be located at 425 North 99th Avenue, Tolleson, Arizona. The site, APN 102-53-354, is approximately 26,136 square feet and is zoned General Commercial (C-2). (Take 5 Oil Change)



Commission Action: Recommend/Reject Use Permit Application #25040001.

E. REGULAR AGENDA – ACTION ITEMS

1. Approve Planning and Zoning Commission Meeting Minutes of October 25, 2022.

F. WORK STUDY – FOR DISCUSSION

1. Annual Review of the City of Tolleson Code of Conduct for Elected and Appointed Officials – Justin Pierce, City Attorney

G. ADJOURNMENT

Pursuant to A.R.S. § 38-431.01 and A.R.S. § 38-431.02, notice is hereby given to the members of the Tolleson Planning and Zoning Commission and to the general public that the Planning and Zoning Commission of the City of Tolleson will hold a meeting open to the public. Planning and Zoning Commission Members of the City of Tolleson will attend by telephone/video conference call.

Note: The Planning and Zoning Commission of the City of Tolleson, by a duly passed motion, may vote in public session to adjourn to executive session on any agenda item in conformation with A.R.S. § 38.431.03 for legal advice from the City Attorney.

Zoom’s live transcription feature can provide automatic captioning by clicking on the Closed Caption (CC) button during the meeting.

THE CITY OF TOLLESON ENDEAVORS TO MAKE ALL PUBLIC MEETINGS ACCESSIBLE TO INDIVIDUALS WITH DISABILITIES. With at least two business days advance notice, accommodations can be provided at this meeting for individuals with vision, hearing and/or speech disabilities, including a transcriber, large print, an interpreter, an assistive listening device, etc. Please call the City Clerk at (623) 936-7111, or TTY users may dial 711 for Arizona Relay Service (AZRS), to request an accommodation to participate in this public meeting. The City will try its best to accommodate any last minute requests.

LA CIUDAD DE TOLLESON SE ESFUERZA PARA HACER TODAS LAS REUNIONES PÚBLICAS ACCESIBLE PARA INDIVIDUOS CON DISCAPACIDADES. Con al menos dos días laborables de previo aviso, se pueden proporcionar adaptaciones en esta reunión para personas con discapacidades visuales, auditivas o del habla, incluido un transcriptor, letra grande, un intérprete, un dispositivo de asistencia auditiva, etc. Llame a la Secretaría Municipal al (623) 936-7111, o los usuarios de TTY pueden marcar 711 para el Servicio de Retransmisión de Arizona (AZRS), para solicitar un alojamiento para participar en esta reunión pública. La Ciudad hará todo lo posible para satisfacer cualquier solicitud de último minuto.

Prerequisites for attending Zoom Webinars (one required):

1. Zoom Desktop Client: Navigate to the [Zoom website \(https://zoom.us/\)](https://zoom.us/) in your internet browser. At the top-right of the page, click Resources and then click Download Center. Under Zoom Desktop Client, click the Download button.
 1. Open the Zoom desktop client and sign in
 2. Click the Home tab and then Join
 3. Enter Meeting ID: 837 6398 3293 and enter your full name
 4. Connect audio and/or video and select Join

2. Zoom Mobile App with Cell Phone or Tablet: Download the Zoom - One Platform to Connect App in either the App Store for iOS or Google Play for Android.
 1. Select Join Meeting
 2. Enter Meeting ID: 837 6398 3293
 3. Enter your full name and select Join
 4. Enter your screen name and email address and select Continue
 5. Join Audio with Wi-Fi or Cellular Data

3. Web client/browser: Google Chrome, Internet Explorer, Firefox and Safari on a computer.
 1. Go to the [Zoom website \(https://zoom.us/\)](https://zoom.us/)
 2. Enter Meeting ID: 837 6398 3293
 3. Click Open Zoom Meetings or Join (depending on browser)
 4. Enter your full name and click Join Audio by Computer

4. Alternate Option via Telephone with Audio Only:
 1. Dial 253-215-8782
 2. Enter Meeting ID: 837 6398 3293 and press #
 3. Enter Participate ID and press #, or press # to continue

For technical support or questions in accessing the meeting, please email the [Information Technology Department \(ITsupport@tolleson.az.gov\)](#) or call Zoom Support at 888-799-9666.

Posted on May 8, 2025.

COMMISSION REPORT



SUBJECT: Take 5 Oil Change Use Permit

MEETING DATE: May 13, 2025

TO: Planning and Zoning Commission

FROM: Jason Earp, Development Services Director

REVIEWED: Reyes Medrano Jr., City Manager

PURPOSE:

The Planning and Zoning Commission will consider the recommendation of Use Permit Application #24040001 as submitted by Michael Muniz, on behalf of the owner, Paul Mascola/Take 5 Oil Change, for the construction of a new 1,700 sq. ft., 3-bay oil change building with a total of 14 parking spaces, to be located at 425 North 99th Avenue, Tolleson, Arizona. The site, APN 102-53-354, is approximately 26,136 square feet and is zoned General Commercial (C-2).

BACKGROUND:

The public hearing notice was published in the Arizona Republic on April 25, 2025. A mailing notice was sent to property owners within 300 feet of the property at least 15 days prior to the public hearing. The site, comprised of APN 102-53-354, is approximately 26,037 square feet and zoned General Commercial (C-2).

DISCUSSION:

The use permit documents have been reviewed and approved City Engineer Hamilton. Please refer to the applicant's submittal for further information on this proposal.

BUDGET IMPACT:

This item has no additional budget impact.

RECOMMENDATION:

Staff proposes that the Planning and Zoning Commission recommend the Take 5 use permit for approval to City Council.

ATTACHMENTS:

1. Take 5 Oil Change Use Permit - 425 N. 99th Ave.
2. Affidavit of Posting - 425 N. 99th Ave.



CONTRACTOR SHALL VERIFY THE LOCATION AND DEPTH OF ALL UTILITIES PRIOR TO EXCAVATION. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPLICABLE AGENCIES. THE CONTRACTOR SHALL MAINTAIN ACCESS TO ALL ADJACENT PROPERTIES AND PUBLIC UTILITIES AT ALL TIMES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR PROTECTING ALL EXISTING UTILITIES AND STRUCTURES. THE CONTRACTOR SHALL MAINTAIN ALL NECESSARY RECORDS AND AS-BUILT DRAWINGS.

24 HOUR EMERGENCY CONTACT
 VETERIS - HUSCOCK
 (807) 743-1034

SECTION OF TWP 1N / RANGE 1E
 42S NORTH 99TH AVENUE
 TOLLESON
 MARICOPA COUNTY, ARIZONA



SECTION OF TWP 1N / RANGE 1E
 42S NORTH 99TH AVENUE
 TOLLESON
 MARICOPA COUNTY, ARIZONA

TAKE 5 EXPRESS OIL CHANGE
 DRIVEN BRANDS
 CONSTRUCTION DOCUMENTS
 SITE PLAN

DATE: 03/18/2025



DESIGNED BY: MJC
 CHECKED BY: MM
 PROJECT MANAGER: KSH
 JOB #: 2409627
 FILE CODE: #1
 SHEET NO.: C100

SANITARY 1	SANITARY 2	SANITARY 3	SANITARY 4	SANITARY 5
RM=1011.66	RM=1011.77	RM=1012.17	RM=1012.33	RM=1012.33
8°N=1006.61	8°E=1006.32	8°N=1007.11	8°N=1007.33	8°N=1007.33
8°S=1006.56	8°W=1006.17	8°S=1007.01	8°E=1007.03	8°E=1007.03
8°E=1006.66				
8°W=1006.46				

SITE DATA	
PARCEL IDENTIFICATION NUMBER:	103-53-35
PARCEL AREA:	0.60± AC (26136± SF)
GROSS IMPERVIOUS AREA:	
EXISTING:	N/A
PROPOSED:	0.45± AC (19802± SF) 75%
ON-SITE SOILS PER USDA NRCS SOIL SURVEY OF MARICOPA COUNTY, MAPPED AS:	GLENBARR CLAY LOAM
RIGHT OF WAY AND POSTED SPEED LIMIT:	NORTH 99TH AVENUE - 45 MPH
ZONE:	C2 - GENERAL COMMERCIAL
OVERLAY DISTRICT:	N/A
EXISTING USE:	VACANT
PROPOSED USE:	COMMERCIAL CAR OIL CHANGE
FLOOD ZONE:	X
FEMA MAP:	040182160M
DATE:	09/16/2020

SETBACKS	
FRONT:	25' (ROW)
SIDE:	0'
REAR:	0'
BUFFER REQUIREMENTS:	
FRONT:	25' (ROW)
SIDE:	0'
REAR:	0'

BUILDING SUMMARY	
EXISTING BLDG HEIGHT:	50' MAXIMUM
PROPOSED BLDG HEIGHT:	50' MAXIMUM

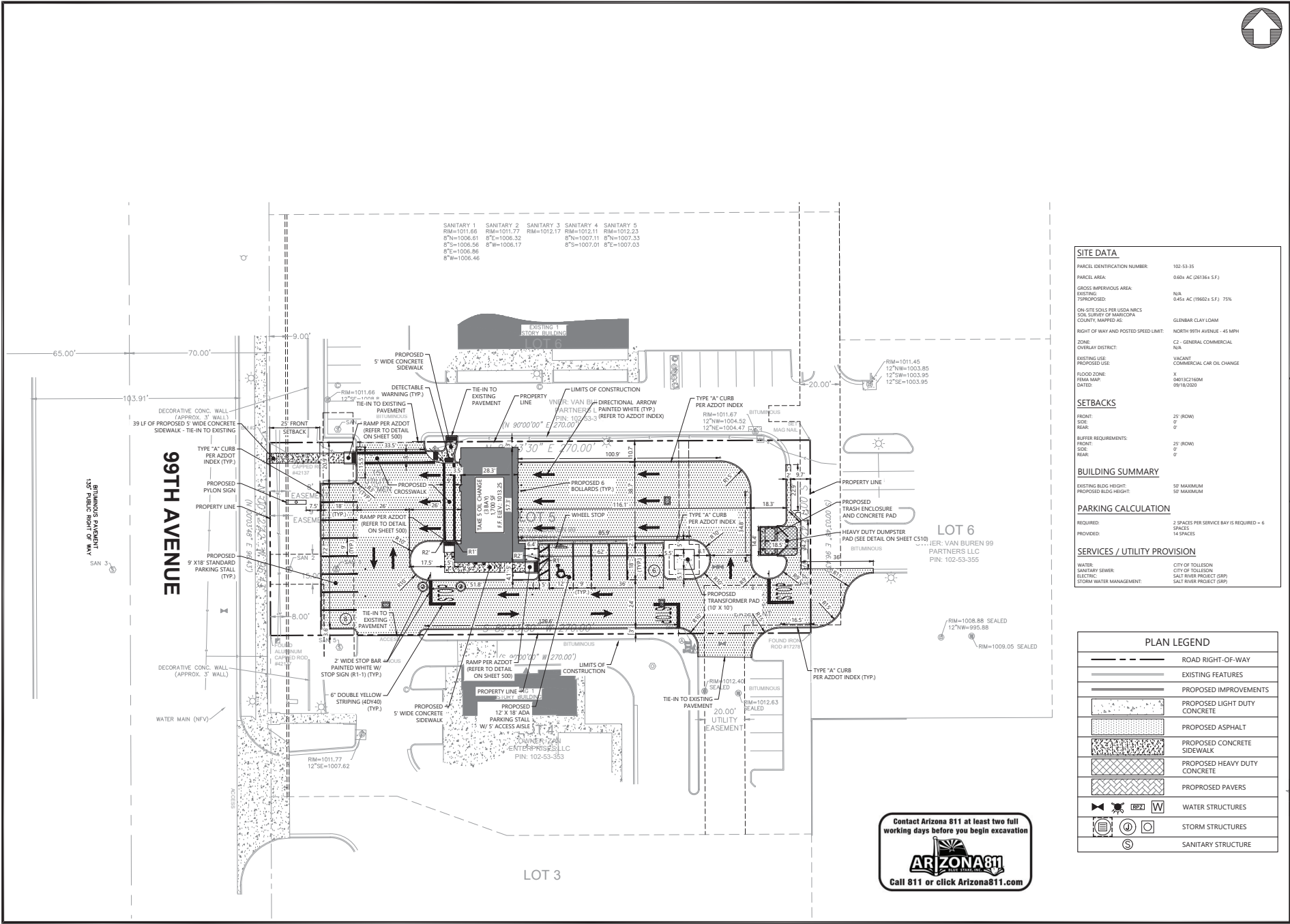
PARKING CALCULATION	
REQUIRED:	2 SPACES PER SERVICE BAY IS REQUIRED = 6 SPACES
PROVIDED:	14 SPACES

SERVICES / UTILITY PROVISION	
WATER:	CITY OF TOLLESON
SANITARY SEWER:	CITY OF TOLLESON
ELECTRIC:	SALT RIVER PROJECT (SRP)
STORM WATER MANAGEMENT:	SALT RIVER PROJECT (SRP)

PLAN LEGEND	
	ROAD RIGHT-OF-WAY
	EXISTING FEATURES
	PROPOSED IMPROVEMENTS
	PROPOSED LIGHT DUTY CONCRETE
	PROPOSED ASPHALT
	PROPOSED CONCRETE SIDEWALK
	PROPOSED HEAVY DUTY CONCRETE
	PROPOSED PAVERS
	WATER STRUCTURES
	STORM STRUCTURES
	SANITARY STRUCTURE

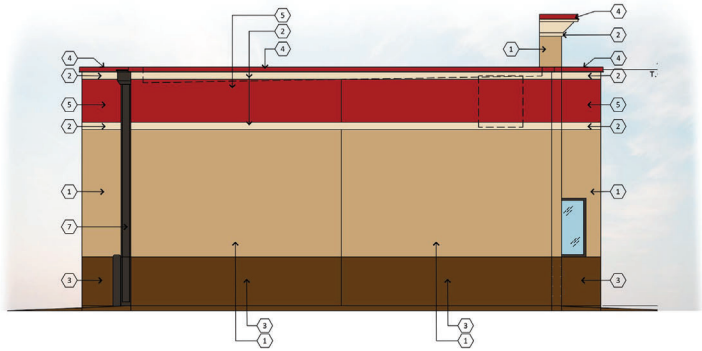
Contact Arizona 811 at least two full working days before you begin excavation

Call 811 or click Arizona811.com

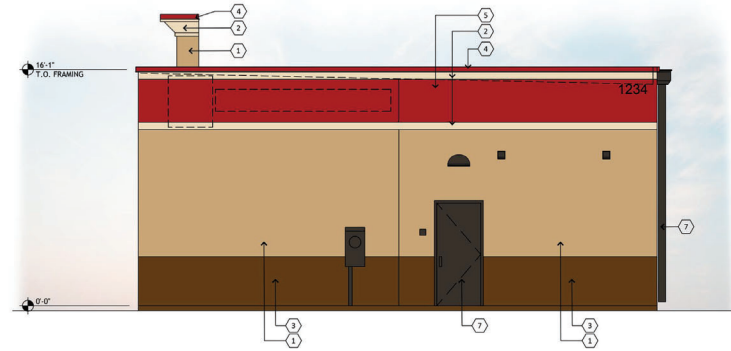


ALL RIGHTS RESERVED. ALL INFORMATION IS BASED ON THE RECORDS OF THE MARICOPA COUNTY RECORDS DEPARTMENT. THE CONTRACTOR SHALL BE RESPONSIBLE FOR VERIFYING THE LOCATION AND DEPTH OF ALL UTILITIES PRIOR TO EXCAVATION. THE CONTRACTOR SHALL MAINTAIN ACCESS TO ALL ADJACENT PROPERTIES AND PUBLIC UTILITIES AT ALL TIMES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR PROTECTING ALL EXISTING UTILITIES AND STRUCTURES. THE CONTRACTOR SHALL MAINTAIN ALL NECESSARY RECORDS AND AS-BUILT DRAWINGS.

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1 PROPOSED EXTERIOR SOUTH ELEVATION
SCALE: 1/4" = 1'-0"



3 PROPOSED EXTERIOR NORTH ELEVATION
SCALE: 1/4" = 1'-0"



2 PROPOSED EXTERIOR EAST ELEVATION
SCALE: 1/4" = 1'-0"



4 PROPOSED EXTERIOR WEST ELEVATION
SCALE: 1/4" = 1'-0"

MATERIALS & COLORS

- | | |
|---|--|
| <p>1 PAINTED STUCCO:
FINISH: SMOOTH
MFG: SHERWIN WILLIAMS
COLOR: SW 7033 "STONEBRIAR"</p> <p>2 PAINTED STUCCO:
FINISH: SMOOTH
MFG: SHERWIN WILLIAMS
COLOR: SW 7078 "COTTAGE CREAM"</p> <p>3 PAINTED STUCCO:
FINISH: SMOOTH
MFG: SHERWIN WILLIAMS
COLOR: SW 6097 "STURDY BROWN"</p> <p>4 PAINTED METAL COPING:
MFG: SHERWIN WILLIAMS
COLOR: SW651 "POSITIVE RED"</p> | <p>5 PAINTED STUCCO:
FINISH: SMOOTH
MFG: SHERWIN WILLIAMS
COLOR: SW651 "POSITIVE RED"</p> <p>6 STOREFRONT MULLIONS:
MFG: PAC CLAD
COLOR: "DARK BRONZE"</p> <p>7 PAINTED METALS:
MFG: PAC CLAD
COLOR: "DARK BRONZE"</p> |
|---|--|

* SIGNAGE TO BE APPROVED BY SEPARATE PERMIT



TAKE 5 OIL CHANGE
NEC 99TH AVENUE AND VANBUREN STREET
TOLLESON, AZ
DATE: 03/25/2025

CEL-1

RKAA# 24321.00

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CITY OF TOLLESON

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AFFIDAVIT OF POSTING

On April 24, 2025, I, Ken Hernandez certify that the following public notice was posted on the property per A.R.S. § 9-462.04:

NOTICE OF PUBLIC HEARINGS

CITY OF TOLLESON

NOTICE IS HEREBY GIVEN that the City of Tolleson Planning and Zoning Commission will conduct a **PUBLIC HEARING** on **TUESDAY, MAY 13, 2025** beginning at **5:00 PM** in the Council Chambers at the Tolleson Civic Center, 9055 West Van Buren Street, Tolleson, Arizona 85353, and via Zoom Webinar at <https://zoom.us/j/83763983293> or via telephone at 1-253-215-8782 (Meeting ID: 837 6398 3293).

Additionally, the City of Tolleson Mayor and Council will conduct a **PUBLIC HEARING** during a Regular City Council Meeting scheduled on **TUESDAY, MAY 13, 2025** beginning at **6:00 PM** in the Council Chambers at the Tolleson Civic Center, 9055 West Van Buren Street, Tolleson, Arizona 85353, and via Zoom Webinar at <https://us02web.zoom.us/j/84069679194> or via telephone at 1-253-215-8782 (Meeting ID: 840 6967 9194), for the purpose of:

Soliciting comments from interested parties in reference to Use Permit Application #25040001 as submitted by Michael Muniz, on behalf of the owner, Paul Mascola/Take 5 Oil Change, for the construction of a new 1,700 sq. ft., 3-bay oil change building with a total of 14 parking spaces, to be located at 425 North 99th Avenue, Tolleson, Arizona. The site, APN 102-53-354, is approximately 26,136 square feet and is zoned General Commercial (C-2). (Take 5 Oil Change)

Published in the Arizona Republic on April 25, 2025.

KHERNANDEZ

Ken Hernandez, Code Compliance Officer

THE CITY OF TOLLESON

WILL CONDUCT A PUBLIC HEARING REGARDING



NOTICE OF PUBLIC HEARINGS

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Published in the Arizona Republic on April 25, 2025.

AT TOLLESON CITY HALL • 9055 W. VAN BUREN STREET
PUBLIC NOTICE PUBLIC NOTICE

THE CITY OF TOLLESON
WILL CONTACT PUBLIC UPON FURTHER ADVISORY

AVAILABILITY OF PUBLIC NOTICE

PUBLIC NOTICE



COMMISSION REPORT



SUBJECT: Planning and Zoning Commission Meeting Minutes of October 25, 2022

MEETING DATE: May 13, 2025

TO: Planning and Zoning Commission

FROM: Crystal Zamora, City Clerk

REVIEWED: Reyes Medrano Jr., City Manager

PURPOSE:

The City Clerk Department is requesting the approval of the Planning and Zoning Commission Meeting Minutes of October 25, 2022.

BACKGROUND:

It is the public policy of the State of Arizona that meetings of public bodies be conducted openly and that notices and agendas be provided for such meetings which contain such information as is reasonably necessary to inform the public of the matters to be discussed or decided. Minutes serve a historical purpose, but just as important, they serve a legal purpose, documenting the Commission's adherence to the proper procedures, city code and state law. The approved minutes are a permanent record.

DISCUSSION:

The minutes provide an outlet for residents to connect with the City of Tolleson in order to stay informed of the Commission's actions, and they are posted on the City's website and filed in the City Clerk's Office. Transcription is provided in order to facilitate communication accessibility and may not be a totally verbatim record of the proceedings.

BUDGET IMPACT:

This item has no additional budget impact.

RECOMMENDATION:

Staff recommends the Commission approve the Planning and Zoning Commission Meeting Minutes of October 25, 2022.

ATTACHMENTS:

1. 10 25 22 Planning and Zoning Commission Meeting Minutes



CITY OF TOLLESON

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CITY OF TOLLESON

PLANNING AND ZONING COMMISSION MEETING ACTION MINUTES

TUESDAY, OCTOBER 25, 2022

5:00 P.M.

CALL TO ORDER

Chair Diaz called the Tolleson Planning and Zoning Commission Meeting to order at 5:02 P.M.

ROLL CALL

Chair Evangeline Diaz, Commissioners Caroline Gem Paxton and Diana Ruiz were present.

Administration: Development Services Director Jason Earp, City Engineer Chris Hamilton, Chief Technical Officer Steve Holliday, Deputy City Clerk Michelle Smythe and City Clerk Crystal Zamora.

FINAL CALL TO SUBMIT SPEAKER REQUESTS

All citizens and interested parties wishing to speak before the Commission during a public hearing shall participate via Zoom Video Conference. Click the chat button and enter your name and public hearing you would like to address. **All speakers will be limited to three (3) minutes unless otherwise noted by the Chair.** Speakers are not required to disclose their identities or personal information. You may also submit your comments to cityclerk@tolleson.az.gov at least one hour prior to the meeting.

BUSINESS FROM THE FLOOR – PUBLIC HEARINGS AND ACTION

REGULAR AGENDA – ACTION ITEMS

- a. Approve Planning and Zoning Commission Meeting Minutes of September 13, 2022.

Motion made to approve minutes by Commissioner Ruiz and seconded by Commissioner Gem Paxton. Motion carried 3-0.

- b. Recommend/Reject Final Plat Application #2208001 as submitted by Sherri Koshiol with the Empire Group LLC, on behalf of the owner, Village at Paseo de Luces LLC, for a final plat located at the northeast corner of 99th Avenue and Van Buren Street in Tolleson, AZ. The

proposed site, APNs 102-53-344A and 102-53-327B, is approximately 21 acres and is zoned General Commercial (C-2). (Villages at Paseo de Luces)

Motion made to recommend Final Plat Application #2208001 by Commissioner Ruiz and seconded by Chair Diaz. Motion carried 3-0.

ADJOURNMENT

Motion made to adjourn at 5:07 P.M. by Commissioner Gem Paxton and seconded by Chair Diaz. Motion carried 3-0.

Post-Production File

**City of Tolleson
October 25, 2022 Planning and Zoning Commission Meeting**

Transcription Provided By:
eScribers, LLC

* * * * *

Transcription is provided in order to facilitate communication accessibility and may not be a totally verbatim record of the proceedings.

* * * * *

DIAZ: Order. Roll call.

SMYTHE: Thank you, Chair Diaz. Tonight we have yourself, Commissioners Caroline Gem Paxton and Diana Ruiz. Thank you.

DIAZ: Thank you. Final call to submit speaker requests.

SMYTHE: Chair Diaz, we have not received any.

DIAZ: Okay. We'll move forward to business from the floor, public hearings, and action.

SMYTHE: Chair Diaz, we have nothing under that item. We go right into the regular agenda with the action items.

DIAZ: Okay. Okay. Do I have a motion to approve the Planning and Zoning Commission Meeting Minutes of September 13th, 2022?

RUIZ: I approve the meeting -- the minutes. I'm sorry, the minutes.

DIAZ: Thank you. Do I have a second?

GEM PAXTON: I second to approve the Planning and Zoning Commission Meeting Minutes of September 13th, 2022.

DIAZ: All those in favor?

GEM PAXTON: Aye.

DIAZ: Aye.

DIAZ: Okay.

DIAZ: We'll move on to action item B, to recommend or reject Final Plat Application #2208001 as submitted by Sherri Koshiol with the Empire Group, LLC, on behalf of the owner, Village at Paseo de Luces, LLC, for a final plat located at the northeast corner of 99th Avenue and Van Buren Street in Tolleson, Arizona. The proposed site, APNs 102-53-344A and 102-53-327B, is approximately 21 acres and is zoned General Commercial (C-2). (Villages at Paseo de Luces). Do we have any questions or comments?

EARP: Madam Chair, this is Jason. Good evening, Madam Chair, members of the board. This is just the final plat, delineates their property, Villages at Paseo de Luces, from the other properties. As you know, this was approved some time ago. They've been moving dirt and on their way. They have a wall up now. So pretty soon, we'll have some beautiful homes for people to live. The applicant is on the phone if you have any questions for them.

DIAZ: Do we have any questions?

RUIZ: No, I don't.

EARP: And Madam Chair, of course --

GEM PAXTON: No, I don't have any questions.

EARP: Sorry. And Madam Chair, of course, we recommend approval.

DIAZ: Okay.

RUIZ: I recommend approval.

DIAZ: I second. All those in favor? Aye

GEM PAXTON: Aye.

RUIZ: Aye.

DIAZ: All those opposed? Yes?

RUIZ: Do I have to give a recommendation? Okay.

DIAZ: Yes.

RUIZ: I recommend to continue --

ZAMORA: We don't have to for final plats. Sorry.

RUIZ: We don't have to do?

ZAMORA: Not for final plats.

RUIZ: Okay.

DIAZ: Sorry about that.

RUIZ: Okay. All right.

DIAZ: Okay. Action item B has been recommended -- has been --

EARP: Thank you, Madam Chair, board members.

DIAZ: Thank you. Can I have a motion to adjourn this meeting?

GEM PAXTON: I motion to adjourn this meeting, the Planning and Zoning meeting today.

DIAZ: I second.

RUIZ: I second.

DIAZ: All those in favor? Aye.

GEM PAXTON: Aye.

RUIZ: Aye.

DIAZ: Opposed? Okay. Thank you. This is -- this concludes our meeting.

EARP: Thank you.

DIAZ: Thanks, everybody.

RUIZ: Thank you.

APPROVED:

EVANGELINE DIAZ, CHAIR

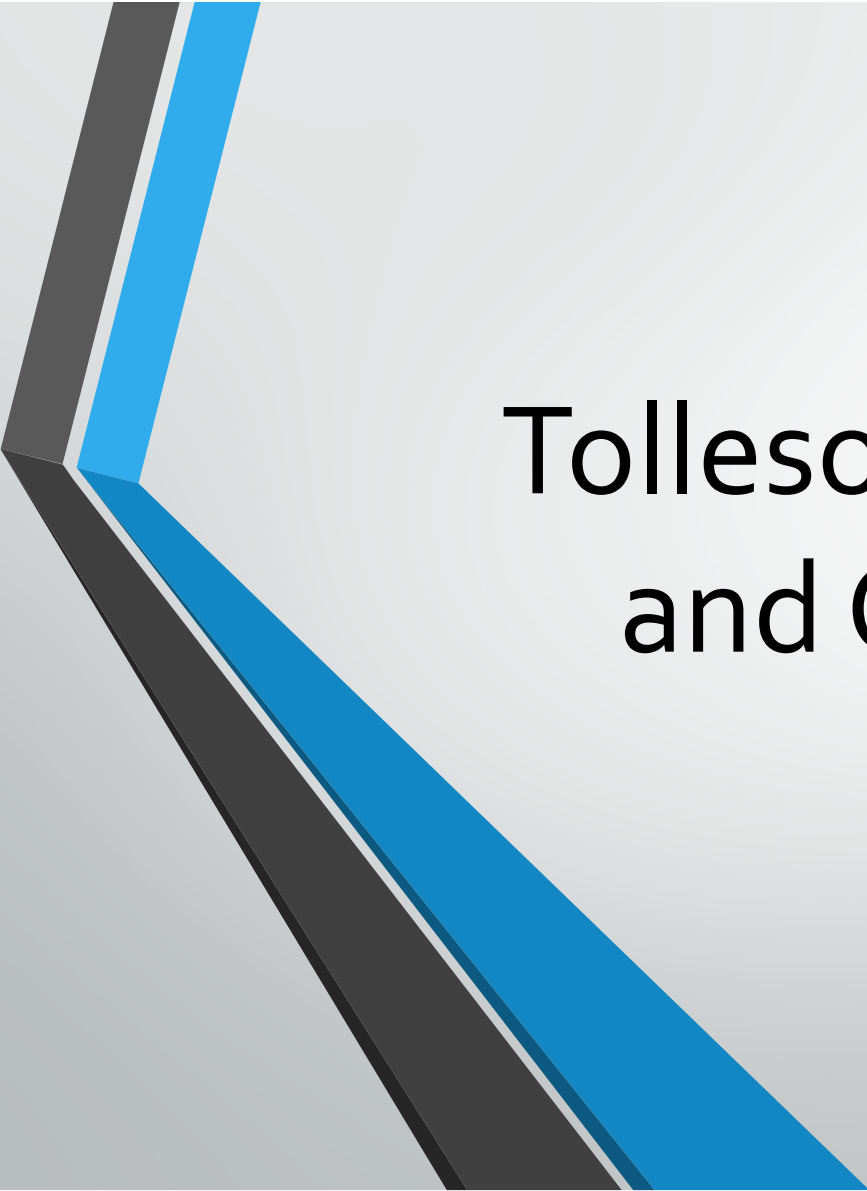
ATTEST:

MICHELLE SMYTHE, DEPUTY CITY CLERK

CERTIFICATION

I HEREBY CERTIFY THAT THE FOREGOING MINUTES ARE A TRUE AND CORRECT COPY OF THE MINUTES OF THE PLANNING AND ZONING COMMISSION, TOLLESON, ARIZONA HELD ON OCTOBER 25, 2022. I FURTHER CERTIFY THAT THE MEETING WAS DULY CALLED AND HELD AND THAT A QUORUM WAS PRESENT.

MICHELLE SMYTHE, DEPUTY CITY CLERK



Tolleson Code of Conduct and Open Meeting Law

Tolleson Code of Conduct

- “The City 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 City’s leadership and should be treated with appreciation and respect.”

Admonition to Council

- **If attending a Board or Commission meeting, be careful to only express personal opinions**
- **Limit contact with Board and Commission members to questions of clarification**
- **Remember that Boards and Commissions serve the community, not individual Council Members**
- **Be respectful of diverse opinions**
- **Keep political support away from public forums**
- **Inappropriate behavior can lead to removal**
 - Inappropriate behavior by a Board or Commission member should be noted to the Mayor, and the Mayor should counsel the offending member. If inappropriate behavior continues, the Mayor should bring the situation to the attention of the Council.

Code of Conduct

- Respectful – “It all comes down to respect.” Quote from the Code:

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

- Key: Appropriateness in content, tone, and volume (if an employee said it, would he or she be disciplined for harassment, hostile work environment, bullying, etc.?)

What Is the Open Meeting Law (OML)?

- An Act that mandates open deliberations and proceedings and prohibits public bodies from making decisions in secret. See A.R.S. §§ 38-431 to 38-431.09.
- It is Arizona's public policy in favor of openness: that public meetings be conducted openly, and that meeting notices and agendas be provided to reasonably inform the public of the matters to be discussed or decided.



Why Do We Have the OML?

- Ensure that official deliberations and proceedings are conducted openly.
- Maximize public access and participation.
- Shine light on government activities.





Why Should I Care About the OML?

- Official actions taken in violation of the OML are null and void.
- You will likely become part of an Attorney General investigation.
- OML violations subjects the officer—not the organization—to civil and monetary penalties, up to and including:
 1. Monetary penalties—increase for repeat violations.
 2. Payment of court costs to enforce the law.
 3. Attorneys' fees—the public body may not spend its own money on legal counsel retained to defend the officer in court if the officer is found to be in violation of the OML.
 4. Removal of the officer.

When Does the OML Apply?

- Two elements must be present for the OML to apply:
 1. When you are part of a “public body.”
 2. When the public body is “meeting.”
- Which means we must answer:
 1. What is a “public body”?
 2. What does “meeting” mean?

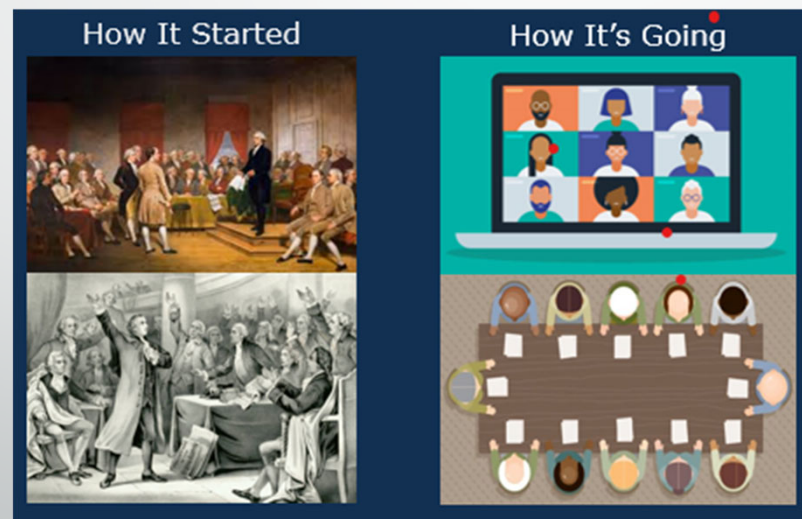
What Is a “Public Body”?



- Boards and commissions of this state or political subdivisions.
- Multimember governing bodies.
- Quasi-judicial bodies.
- Standing, special, or advisory committees or subcommittees of, or appointed by, the public body.

What Is a “Meeting”?

- Under the OML, a “meeting” occurs any time a **quorum** of the public body **discusses, proposes, or takes legal action.**



What Is a Quorum?

- A quorum is a majority of the members of the public body, unless otherwise noted in statutes or governing documents.
 - 5 member body; Quorum = 3.
- Vacancies and absences do not reduce the quorum requirement.
 - 5 member body with one vacancy; Quorum still = 3.

How Can a Meeting Happen?

- Hint: It doesn't have to be during a formal "meeting"—you could be in a "meeting" and not even know it!
- For OML purposes, a "meeting" can happen:
 - In person.
 - Virtually.
 - Via email.
 - Via text or social media message.
 - Via telephone conversation.
 - Through any series of messages passed from one person to the next.
- Bottom line: A meeting happens any time a quorum of the members of the public body discusses, proposes, or takes legal action.

Common OML Pitfalls: Serial Meetings

Discussion among members with less than a quorum present



Later, same discussion had with other members



Enough additional members to constitute a quorum



Possible serial meeting and OML violation

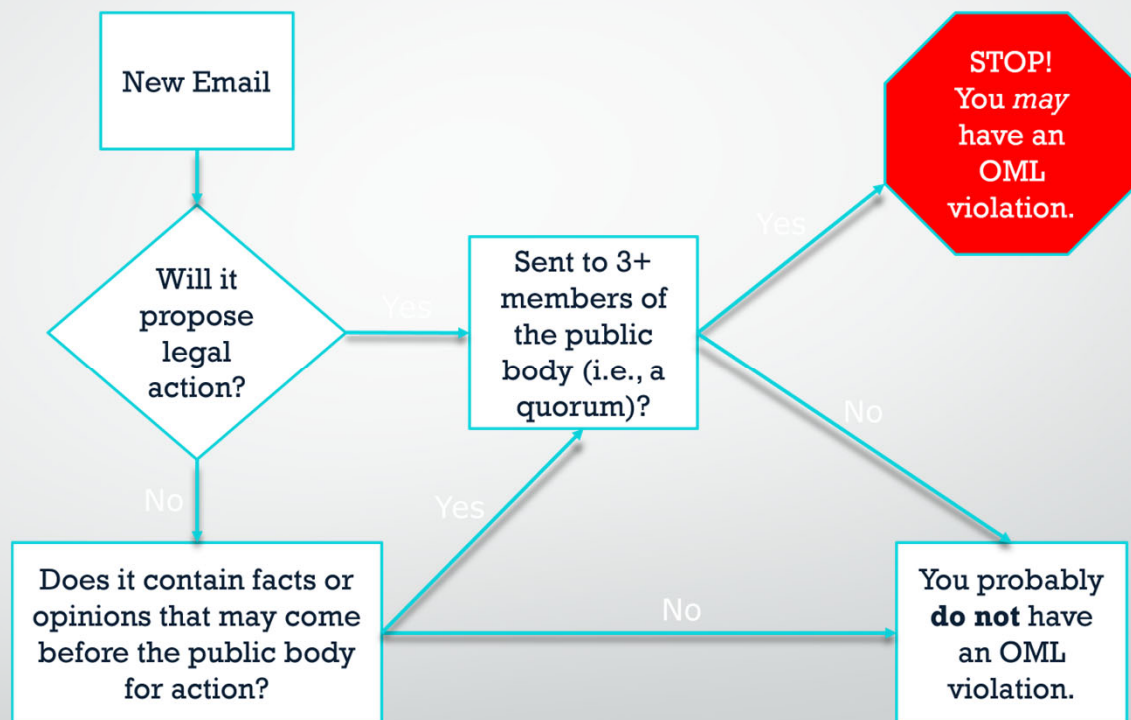
Common OML Pitfalls: Serial Meetings

- Always remember: A series of gatherings of less than a quorum *may* constitute a meeting if district business is discussed or proposed.



Common OML Pitfalls: Emails

- Using "Reply All" and "Forward" functions are easy ways to get into OML trouble.



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Common OML Pitfalls: Emails

- In this way, a one-way communication can violate the OML, even without a response!
- Simply “proposing” legal action in a one-way communication to a quorum of the members of the public body is a “meeting” that, if not properly noticed and agendized, can lead to OML trouble.



Common OML Pitfalls: Social Media

- You post comments about the public meeting on your private Facebook page—where you just happen to be “friends” with other members of your public body.

OML
problems?
Maybe.



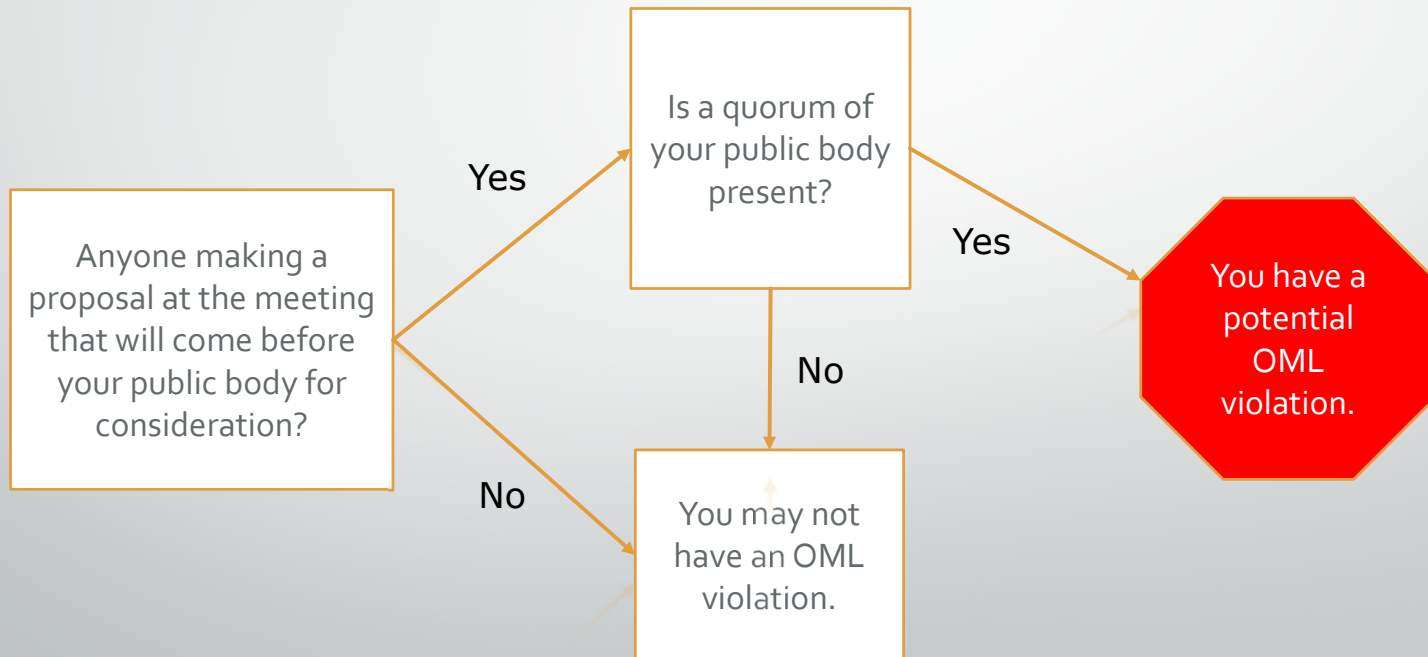
Common OML Pitfalls: Social Media

- You may express your opinion or discuss issues with the public personally, through the media, or through technological means, if:
 - The opinion or discussion is not principally directed at or directly given to another member of the public body; *and*
 - There is no concerted plan to engage in collective deliberation to take legal action.

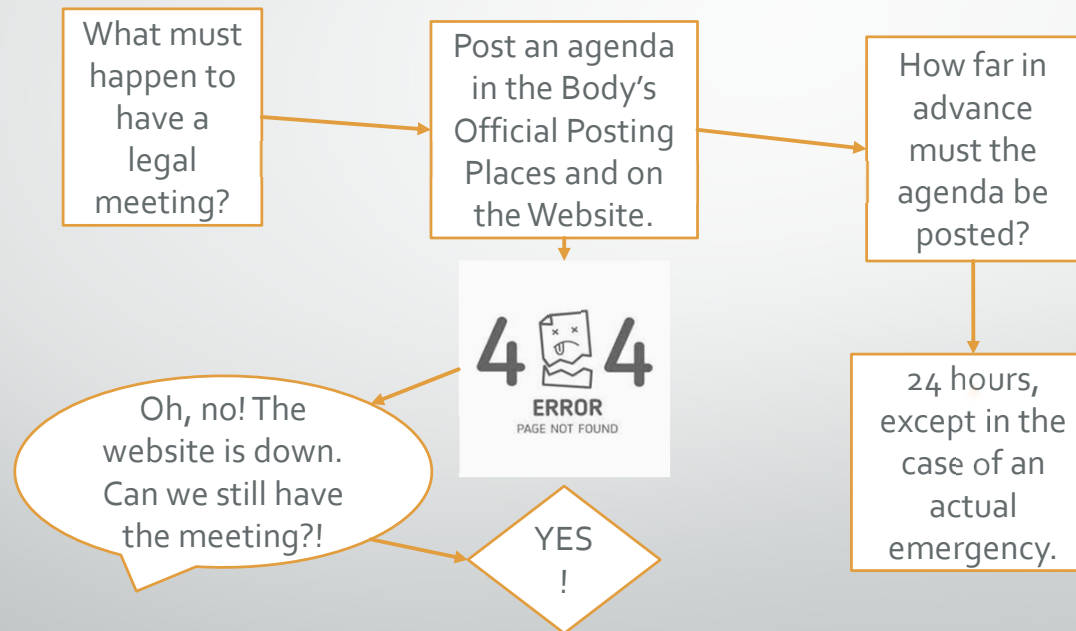
Social Media Best Practices

- Be mindful of who you “friend” online.
- Do not post about council matters if “friends” with members, especially during a meeting!
- Do not comment on their or their friends’ posts if the matter relates to district business (legal action).
- Don’t create a group chat that includes a quorum of the board (remember the email pitfall?).

Common OML Pitfalls: Attending Other Meetings



Calling a Meeting



Executive Sessions

- Executive sessions are a limited exception to the public meeting requirement.
- The public body must vote in open meeting for executive session.
- The agenda must state a specific provision of law authorizing the executive session and must specify the item.
- The agenda must include a general description of matters to be considered.
- Listing only the statutory authorization is insufficient.

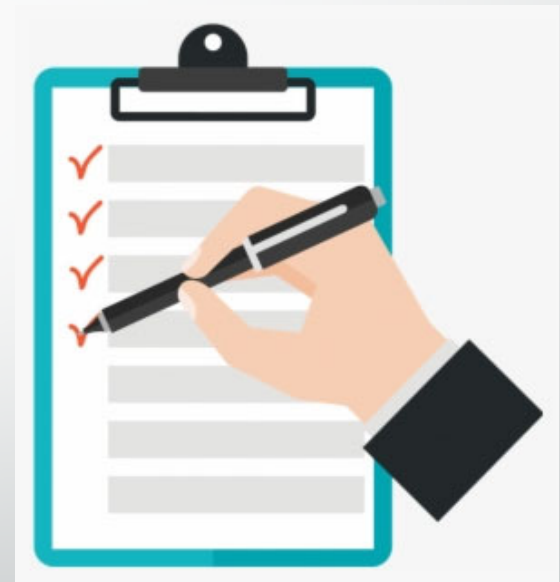
Executive Sessions

- Authorized topics for executive sessions include:
 - Personnel (must provide 24 hours written notice to employee).
 - Discussion or consideration of confidential records.
 - Legal advice – with public body’s own lawyer(s).
 - Litigation and contract negotiations.
 - Labor negotiations.
 - International, interstate, and tribal negotiations.
 - The purchase, sale, or lease of real property.
 - School safety operations, plans, or programs (added in 2020).
 - Safety and security of public body’s buildings, facilities, and IT (added in 2020).

Courts construe exceptions to the OML very narrowly—when there is doubt, court resolve in favor of openness and transparency.

What Does the Agenda Need to Include?

- Date, time, and place of meeting.
- The specific matters to be discussed, considered, or decided at the meeting.
- Discussion, consideration, and action may occur only as to those items listed on the agenda.



Key Takeaways

1. The OML requires that meetings of the public body be conducted publicly, with proper notice and an agenda.
2. A meeting can happen whenever a **quorum** of the members of the public body **discusses, proposes, or takes legal action**—no traditional “meeting” necessary!
3. Executive sessions are allowed only in narrow circumstances.
4. Monetary and other penalties can be assessed against the member personally for violations of the OML.
5. Arizona’s public policy favors openness—if in doubt, resolve the question toward transparency!



City of Tolleson Code of Conduct for Elected and Appointed Officials

The Three Rs of Tolleson Government Leadership: Roles, Responsibilities and Respect

The City Code provides information on the roles and responsibilities of Council Members, the Vice Mayor and the Mayor. This is a Code of Conduct for the City of Tolleson's elected and appointed officials.

This Code of Conduct is designed to describe the manner in which Council Members and appointed officials of the City (collectively, "Public Officials") should treat one another, City staff, constituents, and others they come into contact with in representing the City of Tolleson. 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:

- Overview of Roles and Responsibilities
- Policies and Protocol Related to Conduct
- Council Conduct with One Another
- Council Conduct with City Staff
- Council Conduct with the Public
- Council Conduct with Other Public Agencies
- Council Conduct with Boards and Commissions
- Council Conduct with the Media
- Sanctions
- Principles of Proper Conduct
- Checklist for Monitoring Conduct
- Glossary of Terms

The constant and consistent theme through all of the conduct guidelines is "respect." Public Officials experience significant workloads and tremendous stress in making decisions that could impact thousands of lives. Despite these pressures, Public 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 Public Officials 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 Public Officials can be found in the City of Tolleson Code and in the Elected Officials Guide published by the League of Arizona Cities & Towns.

MAYOR

- Is directly elected by the people pursuant to ARS §9-232.03. (City Code, Section 2-1-20)
- Acts as the official head of the City for all ceremonial purposes
- Chairs Council meetings (City Code, Section 2-1-23)
- Calls for special meetings (City Code, Section 2-1-60)
- Recognized as spokesperson for the City of Tolleson
- Makes judgment calls on proclamations, agendas, etc.
- Recommends subcommittees as appropriate for Council approval
- Leads the Council into an effective, cohesive working team
- Signs documents on behalf of the City of Tolleson

VICE MAYOR

- Serves at the pleasure of the Council (City Code, Section 2-1-21)
- Performs the duties of the Mayor if the Mayor is absent (City Code, Section 2-1-22)
- Chairs Council meetings in the absence of the Mayor
- Represents the City at ceremonial functions at the request of the Mayor

ALL COUNCIL MEMBERS

All members of the City Council, including those serving as Mayor and Vice Mayor, have equal votes. No Council Member has more authority than any other Council Member, and all should be treated with equal respect.

All Council Members should:

- Fully participate in City 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 City at ceremonial functions at the request of the Mayor or at the request of the Council.
- 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 Tolleson government
- Provide contact information with the City Clerk in case of an emergency or urgent situation arises while the Council Member is out of City
- 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

MEETING CHAIR

The Mayor will chair official meetings of the City 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. 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

Former members of the City Council who speak to the current City Council about a pending issue should disclose for whom they are speaking.

Policies & Protocol Related to Conduct

Ceremonial Events

Requests for a City representative at ceremonial events will be handled by City staff. The Mayor will serve as the designated City representative. If the Mayor is unavailable, then City 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 City Hall are presumed to be for official City 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 City 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 City Clerk.

If correspondence is addressed only to one Council Member, that Council Member may check with staff 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 City 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.

Public Hearing Protocol

The applicant shall have the right to speak first. The Chair will determine the length of time allowed for this presentation. Speakers representing either pro or con points of view will be allowed to follow. All speakers should be heard. All statements should be made to and through the Chair. The applicant will be allowed to make closing comments. The Chair has the responsibility to run an efficient public meeting and has the discretion to modify the public hearing process in order to make the meeting run smoothly.

Council Members should not express opinions during the public hearing portion of the meeting, except to ask pertinent questions of the speaker or staff. All Council Member comments or questions should be directed to the Chair. "I think" and "I feel" comments by Council Members are not appropriate until after the close of the public hearing. Council Members should refrain from arguing or debating with the public during a public hearing and shall always show respect for different points of view.

Main motions may be followed by amendments, followed by substitute motions. Any Council Member can call for the question or a point of order. Only Council Members, who voted on the prevailing side, may make motions to reconsider. Motions to reconsider must be made prior to adjourning the meeting.

Travel Expenses

The policies and procedures related to the reimbursement of travel expenses for official City business by Council Members shall be in accordance with the City of Tolleson Financial Accounting Manual, as may be amended.

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.

IN PUBLIC MEETINGS

- **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 any other 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 outlines 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. To that end, all discussion in public meetings must go through the Chair.

- **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.

- **Other City Public Officials**

The foregoing guidelines concerning “Conduct with One Another” shall be followed not only by Council Members but also by other City Public Officials.

Council Conduct with City Staff

Governance of a City relies on the cooperative efforts of elected officials, who set policy, and City staff, who implement and administer the Council’s policies. Therefore, every effort should be made to be cooperative and show mutual respect 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. Inappropriate behavior towards staff is not acceptable.

- **Limit contact to specific City staff**

Consequently, remember City 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 City staff and/or requests for additional background information

should be directed only to the City Manager, City Clerk or Department Heads, or the Department Head's designee. The Office of the City Manager should be copied on any request. Consistent with City Code Section 2-3-24(E), no Council Member shall give orders or instructions to any subordinate of the City Manager other than instructions for the purpose of inquiry without the consent of the City Manager.

Requests for follow-up questions to staff should be made only through or with the consent of the City Manager. When in doubt about what staff contact is appropriate, Council Members should ask the City 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 City staff from their jobs**

Council Members should not disrupt City 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 City employee in public, to the employee directly, or to the employee's manager. Misdirected comments could violate the City's personnel rules and limit the City's ability to deal fairly and efficiently with personnel matters. Comments about staff performance should only be made to the City Manager through private correspondence or conversation.

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

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

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

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

- **Do not attend meetings with City 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.

- **Limit request for staff support**

Routine secretarial support will be provided to all Council Members. All mail for Council Members is opened by the City Clerk.

Requests for additional staff support – even in high priority or emergency situations – should be made to the City Manager who is responsible for allocating City resources in order to maintain a professional, well-run City 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 City staff; to do so could violate the law. City 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.

- **Other City Public Officials**

The foregoing guidelines concerning “Conduct with City Staff” shall be followed not only by Council Members but also by other City Public Officials.

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**

Generally, each speaker will be allocated three 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.

- **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 City policy and to refer to City staff for further information. It is inappropriate to overtly or implicitly promise Council action, or to promise City staff will do something specific (fix a pothole, remove a library book, plant new trees, etc.), or otherwise request that staff perform any act that is illegal, or that has the appearance of illegality.

- **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 Tolleson is a Small City**

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 City of Tolleson. 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.

- **Other City Public Officials**

The foregoing guidelines concerning "Conduct with the Public" shall be followed not only by Council Members but also by other City Public Officials.

Council Conduct with Other Public Agencies

- **Be clear about representing the City 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 City; 2) whether this is the majority or minority opinion of the Council.

Council Members should be clear about which organizations they represent and inform the Mayor and Council of their involvement in order to assure their independence and impartiality on behalf of the common good. Public Officials should not use their official positions to influence government decisions in which they have a substantial financial interest or a relationship that may give the appearance of a conflict of interest. Public Officials should abstain from participating in deliberations and decision-making where conflicts of interest may exist as defined under Arizona law. Public Officials should discuss issues of conflict of interest with the City Attorney.

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

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

City 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 City letterhead to express a dissenting point of view, the official City position must be stated clearly so the reader understands the difference between the official City position and the viewpoint of the Council Member.

- **Other City Public Officials**

The foregoing guidelines concerning "Conduct with Other Public Agencies" shall be followed not only by Council Members but also by other City Public Officials.

Council Conduct With Boards and Commissions

The City 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 City'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 of Commission meeting should be clearly made as individual opinion and not a representation of the feelings of the entire City 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 City 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 City 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 should counsel the offending member. If inappropriate behavior continues, the Mayor should bring the situation to the attention of the Council.

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 for the City.**

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

- **Other City Public Officials**

The foregoing guidelines concerning “Conduct with the Media” shall be followed not only by Council Members but also by other City Public Officials.

Enforcement of the Ethics Policy

A. COMPLAINTS

1. Public Officials themselves have the primary responsibility to assure compliance with this Code of Conduct.
2. The Chairs of commissions, boards, and committees and the Mayor have the additional responsibility to intervene when actions of the Public Officials appear to be in violation of this Code of Conduct.

3. If the Mayor or the chair of the applicable board, commission or committee fails to intervene, two members of the Council, board, commission may request the Mayor or the chair of the applicable public body to intervene. If the complaint arises out of actions or inactions of the Mayor or the chair, the matter shall be directed to the vice-mayor or vice-chair. If the Mayor, chair, vice-mayor or vice-chair fails to intervene, then the matter shall be referred to the City Attorney.
4. The City Attorney shall review the complaint and shall simultaneously notify in writing the City official subject to the complaint of such review.
5. Within 30 days, the City Attorney shall submit the results of his or her review to the complainant, to the official who is the subject of the complaint, and to the Mayor or chair of the public body on which the official who is the subject of the complaint sits. If the matter cannot be resolved within ten days, the matter shall be referred to the City Council. The City Council shall consider the City Attorney's report at a public meeting. If the City Council finds an ethical violation by a person serving on a commission, board or committee, then the City Council may remove the member from the City board, commission, or committee. In resolving a complaint, the totality of the circumstances shall be taken into consideration, including the intent of the person accused of the wrongdoing.
6. In addition, the City Council may impose sanctions on Public Officials whose conduct does not comply with this Code of Conduct, such as reprimand, censure, loss of seniority or committee assignment, or official travel restrictions.

B. RESOLVING COMPLAINTS AGAINST THE MAYOR AND/OR OTHER MEMBERS OF THE CITY COUNCIL.

1. When complaints are levied against the Mayor or members of the City Council, the City Attorney shall have the authority to decide either to (a) act directly on any complaint filed against the Mayor and/or other members of the City Council pursuant to subparagraph A above, or (b) refer a complaint to an independent reviewing authority such as a city attorney from another jurisdiction or an attorney from the office of the county attorney.
-

Sanctions

- **Public Disruption**

Members of the public who do not follow proper conduct after a warning in a public hearing may be barred from further testimony at that meeting or removed from the Council Chambers.

- **Inappropriate Staff Behavior**

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

- **Council Members Behavior and Conduct**

In addition to sanctions imposed pursuant to paragraph A.6 above, City 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 City of Tolleson or with inter-government agencies) or have official travel restricted.

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 my 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?
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Glossary of Terms

Appropriate behavior

It is the City's policy to provide its employees and members of the public with an environment that encourages safe, efficient, and productive work, and which is free of discrimination, including all forms of harassment. The City will not tolerate discrimination or verbal or physical conduct by any person which harasses, disrupts, or interferes with another person's work performance or which creates and intimidating, offensive, or hostile environment.

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 manners	Suitable; proper; good taste in behavior 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