

# CITY OF RIO COMMUNITIES, NEW MEXICO

## CODE OF ETHICS POLICY RESOLUTION 2015-41

### **A RESOLUTION OF THE CITY OF RIO COMMUNITIES GOVERNING BODY ADOPTING A OF CODE OF ETHICS POLICY FOR THE MEMBERS OF THE CITY OF RIO COMMUNITIES GOVERNING BOARD AND FOR ALL MEMBERS, BOARDS AND COMMISSIONS APPOINTED BY THE CITY OF RIO COMMUNITIES GOVERNING BODY.**

WHEREAS, the citizens and businesses of the City of Rio Communities are entitled to have fair, ethical and accountable local government which continually strives to earn the public's full confidence; and

WHEREAS, in keeping with the City of Rio Communities commitment to excellence, all public officials, both elected and appointed, must comply with both the letter and spirit of the laws affecting the operation of government; and

WHEREAS, the City of Rio Communities Governing Body has determined that the adoption of a Code of Ethics for its members and the members of all boards, committees and commissions will assist in achieving these ends.

### **NOW THEREFORE BE IT RESOLVED BY THE CITY OF RIO COMMUNITIES GOVERNING BODY THAT THE FOLLOWING CODE OF ETHICS IS HEREBY PASSED, APPROVED AND ADOPTED.**

*Resolved: In the Regular Board Session this 14th day of July 2015.*

**City of Rio Communities Governing Body**

\_\_\_\_\_  
Mark Gwinn, Mayor

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Mary Lee Serna, Councilor Mayor Pro-temp

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Robert Chavez, Councilor

\_\_\_\_\_  
Margaret (Peggy) Gutjahr, Councilor

ATTEST:

\_\_\_\_\_  
Elizabeth (Lisa) Adair, Municipal Clerk

\_\_\_\_\_  
Frank Stasi, Councilor

## CODE OF ETHICS

### Preamble:

The citizens and businesses of the City of Rio Communities are entitled to have fair, ethical and accountable government, which continually strives to earn the public's full confidence for integrity. In keeping with the City of Rio Communities commitment to excellence, goals and mission, the effective functioning of democratic government therefore requires that public officials, both appointed and elected, comply with both the letter and spirit of laws and policies affecting the operations of Government; that public officials be independent, impartial and fair in their judgment and actions; that public office is used for public good, not for personal gain; and that public deliberations and processes be conducted openly, unless legally confidential, in an atmosphere of respect and civility.

To this end, the City of Rio Communities Governing Body has adopted this Code of Ethics for members of the Governing Body, members of the boards, commissions and committees who serve the City of Rio Communities to assure the public's confidence in the integrity of local government and its effective and fair operation.

### **1. Act in the Public Interest**

Recognizing that stewardship of the public interest must be their primary concern, members will work for the common good of the people of the City of Rio Communities and not for any private or personal interest, and they will assure fair and equal treatment of all persons, claims, and transactions coming before the City of Rio Communities Governing Body, boards, committees, and commissions.

### **2. Comply with the Law**

Members shall comply with the laws of the Nation, the State of New Mexico and the City of Rio Communities in the performance of their public duties. These laws include, but are not limited to: The United States and the State of New Mexico Constitutions; the City of Rio Communities Ordinances and laws pertaining to conflict of interest, election campaigns, financial disclosure, employer responsibilities, and open processes

of government.

### **3. Conduct of Members**

The professional and personal conduct of members must be above reproach and avoid even the appearance of impropriety. Members shall refrain from abusive conduct, personal charges or verbal attacks upon the character or motives of other members of the Governing Body, boards, commissions, committees, the staff or public.

### **4. Respect for Process**

Members shall perform their duties in accordance with the processes and rules of order established by the City of Rio Communities Governing Body and the boards, committees, and commissions governing the deliberation of public policy issues, meaningful involvement of the public, and implementation of policy decisions of the Governing Body and staff.

### **5. Conduct of Public Meetings**

Members shall prepare themselves for public issues; listen courteously and attentively to all public discussions before the body; and focus on the business at hand. They shall refrain from interrupting other speakers; making personal comments not germane to the business of the body; or otherwise interfering with the orderly conduct of meetings.

### **6. Decisions Based on Merit**

Members shall base their decisions on the merits and substance of the matter at hand, rather than on unrelated considerations.

### **7. Communication**

Members shall publicly share substantive information that is relevant to a matter under consideration by the City of Rio Communities Governing Body or boards, committees and commissions, which they may have received from sources outside of the public decision-making process.

### **8. Conflict of Interest**

In order to assure their independence and impartiality on behalf of the common good, members shall not use their official positions to influence government decisions in which they have a material financial interest, or where they have an organizational responsibility or personal relationship that may give

the appearance of a conflict of interest. In accordance with the law, members shall disclose investments, interests in real property, sources of income, and gifts; and they shall abstain from participating in deliberations and decision-making where conflicts may exist.

**9. Gifts and Favors**

Members shall not take any special advantage of services or opportunities for personal gain, by virtue of their public office, which are not available to the public in general. They shall refrain from accepting any gifts, favors or promises of future benefits which might compromise their independence of judgment or action or give the appearance of being compromised.

**10. Confidential Information**

Members shall respect the confidentiality of information concerning the property, personnel or affairs of the City of Rio Communities. They shall neither disclose confidential information without proper legal authorization, nor use such information to advance their personal, financial or other private interests.

**11. Use of Public Resources**

Members shall not use public resources that are not available to the public in general, such as staff time, equipment, supplies or facilities, for private gain or personal purposes.

**12. Representation of Private Interests**

In keeping with their role as stewards of the public interest, members of the Governing Body, boards, committees and commission shall not appear on behalf of the private interests of third parties before the Governing Body or any boards, committees, commissions or proceeding of the City of Rio Communities, nor shall members of boards, committees or commissions appear before their own bodies or before the Governing Body on behalf of the private interests of third parties on matters related to the areas of service of their bodies.

**13. Advocacy**

Members shall represent the official policies or positions of the Governing Body, boards, commissions or committees to the best of their ability when designated as delegates for this purpose. When presenting their individual opinions and positions, members shall explicitly state they do not represent their Governing Body, nor will they allow the inference that they do.

**14. Policy Role of Members**

The Governing Body determines the policies of the City of Rio Communities with the advice, information and analysis provided by the public, boards, commissions, and committees, and City Staff. The Governing Body delegates authority for the administration of the City to the City Manager. Members therefore shall not interfere with the administrative functions of the City or the professional duties of City staff; nor shall they impair the ability of staff to implement Governing Body policy decisions.

**15. Independence of Governing Body and Commissions**

Because of the value of the independent advice of boards, committees and commissions to the public decision-making process, members of the Governing Body shall refrain from using their positions to unduly influence the deliberations or outcomes of board, committee or commission proceedings.

**16. Positive Work Place Environment**

Members shall support the maintenance of a positive and constructive work place environment for City employees and for citizens and businesses dealing with the city. Members shall recognize their special role in dealings with City employees and in no way create the perception of inappropriate direction to staff.

**17. Implementation**

As an expression of the standards of conduct for members expected by the city, the City of Rio Communities Code of Ethics is intended to be self-enforcing. It therefore becomes most effective when members are thoroughly familiar with it and embrace its provisions. For this reason, ethical standards shall be included in the regular orientations for candidates for the City of Rio Communities Governing Body, applicants to boards, committees and commissions, and newly elected and appointed officials. Members entering office shall sign a statement affirming they have read and understood the City of Rio Communities Code of Ethics. In addition, the Governing Body, boards, committees and commissions, shall annually review the Code of Ethics and the Governing Body shall consider recommendations from boards, committees and commissions to update it as necessary.

**18. Compliance and Enforcement**

The City of Rio Communities Code of Ethics expresses standards of ethical conduct expected of members of the City of Rio Communities Governing Body, boards, committees and commissions. Members themselves have the primary responsibility to assure that ethical standards are understood and met, and that

the public can continue to have **full** confidence in the integrity of government. The chairs of boards, committees and commissions and the Mayor of the City of Rio Communities have the additional responsibility to intervene when actions of members that appear to be in violation of the Code of Ethics are brought to their attention. The Governing Body may impose sanctions on members whose conduct does not comply with the City's ethical standards, such as reprimand, formal censure, loss of seniority or committee assignment, or budget restriction. Where allowed by law, the Governing Body also may remove members of Board-appointed boards, committees and commissions from office. A violation of this Code of Ethics shall not be considered a basis for challenging the validity of Governing Body, board, committee or commission decision.