



City of Maricopa

Legislation Details (With Text)

File #: MISC 24-14 **Version:** 1 **Name:** Ethics Violation Formal Complaint
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Title: The Mayor and City Council shall discuss and possibly take action on an Ethics Violation Formal Complaint dated April 23, 2024, based on Section 2.30.040 of the City Code. Discussion and Action.

Sponsors:

Indexes:

Code sections:

Attachments: 1. Ethics Code Violation Complaint - Terry Clark

Date	Ver.	Action By	Action	Result
5/21/2024	1	City Council Regular Meeting	Approved as Amended	Pass

The Mayor and City Council shall discuss and possibly take action on an Ethics Violation Formal Complaint dated April 23, 2024, based on Section 2.30.040 of the City Code. **Discussion and Action.**

Pursuant to Section 2.30.040 of the City Code, "Councilmembers have a duty to report violations of the code of ethics or any misconduct that raises a substantial question as to a member's integrity or fitness as a public official. Council shall serve as a committee of the whole for purposes of code of ethics enforcement, which includes a reasonable process for investigating complaints that affords the subject of a complaint a full and fair opportunity to be heard. The city benefits from formal and informal reporting procedures that encourage prompt resolution of grievances and concerns.

A. Informal Reporting Procedures. Before initiating the formal complaint process, a grievant should make every reasonable effort to resolve issues constructively in an informal manner, unless such efforts would be futile or inadequate to address the nature and severity of the alleged violation.

1. Whenever possible, a grievant should first discuss concerns with the alleged violator.
2. Either party may request the assistance of a neutral third party to facilitate discussions about the complaint. Both parties must agree to use the neutral third party.

B. Formal Reporting Procedures. A grievant may initiate the formal complaint process when informal efforts are futile, unsuccessful, or inadequate to address the nature and severity of the alleged violation. A person who knowingly makes a false, misleading, or unsubstantiated statement in a complaint may be subject to criminal prosecution for perjury and civil liability.

1. The grievant shall inform the alleged violator of the intent to initiate the formal complaint process.
2. The grievant shall submit a formal complaint to the city manager and city attorney within 90 days from the date the grievant first became aware of the alleged violation or within one year from the date of the alleged violation.
3. The complaint shall provide:

- a. The name of the grievant;
- b. The name of the alleged violator;
- c. The nature of the alleged violation, including the specific provision of the code of ethics or law allegedly violated;
- d. A statement of facts describing relevant conduct and dates;
- e. Copies of relevant documents or materials and/or a list of unavailable, relevant documents or materials;
- f. A list of relevant witnesses; and
- g. An affidavit stating that the information contained in the complaint is true and correct, and stating the grievant has good reason to believe and does believe that the facts alleged constitute a violation of the code of ethics..."

There will be no presentation of this item.

None.