

What this document is

This is the easy-to-read explanation of the formal Charter amendment draft.

The basic idea

The proposal would create a seven-member Independent Ethics Commission inside the Yuma City Charter. The Commission would investigate ethics complaints involving City elected officials, employees, departments, and City boards or commissions. Its final findings would be published for the public to read.

The structure is designed so the Mayor and City Council would not appoint the commissioners, could not end an investigation, could not overturn a finding, and could not veto a penalty issued through the independent enforcement process.

What would change from a normal Yuma board?

Issue	Ordinary Yuma board/commission	Proposed Ethics Commission
Who chooses members?	City Council generally appoints members.	Voters elect the seven permanent commissioners.
Who can remove members?	Council generally has removal power.	Council has no removal power. Voter recall, state-law vacancy rules, or a narrow removal-for-serious-misconduct process would apply.
Can Council abolish it?	Council may review ordinary boards annually.	No. The Commission would be created directly in the Charter.
Who controls investigations?	Depends on the board and City structure.	The Commission controls its own ethics investigations within lawful jurisdiction.
Final findings	Varies.	Commission findings do not require Council approval.
Public findings	Varies.	Final dispositions would be posted publicly, subject to legally required redactions.

Who would sit on the Commission?

- Seven City of Yuma residents who are qualified electors.
- Four numbered seats for candidates with relevant experience such as law, auditing/accounting, government ethics, public administration, compliance, investigations, procurement, or relevant fields.
- Three numbered community seats that do not require a professional credential.
- Commissioners could not simultaneously serve as Mayor, Councilmember, City employee, or another City board/commission member.

How would commissioners get elected?

Candidates would qualify through the nomination-petition process used for City offices. They would not need permission or an endorsement from the Mayor, City Council, or current Ethics Commissioners.

The Commission elections would be nonpartisan and held with the normal City election cycle.

What happens before the 2028 election?

The draft uses seven provisional commissioners until voters elect the permanent Commission in 2028. The seven provisional names would be written directly into Schedule A of the initiative before the final petitions are circulated. Voters would therefore know who the temporary commissioners are before voting.

How do the terms work?

- Regular terms are four years.
- In 2028, Seats 1-4 start with four-year terms.
- In 2028, Seats 5-7 start with two-year terms.
- In 2030, Seats 5-7 switch to normal four-year terms.
- After that, the elections are staggered so all seven seats are not replaced at the same time.

How much are commissioners paid?

Each commissioner would receive \$300 per month. That compensation would be written into the Charter instead of being left for Council to set.

What is the operating budget?

The Commission would receive at minimum \$100,000 per fiscal year for operations, separate from commissioner compensation. The money could be used for independent attorneys, investigators, auditors, forensic accounting, experts, records, technology, hearings, training, and administrative help.

The funding would still have to comply with Arizona budgeting and expenditure-limit laws.

When would it meet?

A regular public meeting would be held first and third Monday that is a normal City working day. A Monday City holiday or official City closure would not require a meeting. Additional meetings could be held when legally allowed.

The city would have to provide an accessible meeting space. The meetings would remain subject to Arizona Open Meeting Law.

Who can be investigated?

- The Mayor & City Councilmembers.
- Appointed City officers.
- City employees.
- City departments.
- Members and staff of City boards and commissions.
- Other people only when a valid City ethics rule lawfully places them under the Commission's jurisdiction.

The Commission could investigate City ethics issues such as conflicts of interest, misuse of public position or City resources, prohibited gifts, improper influence, retaliation, interference with an investigation, disclosure violations, misuse of confidential information, and procurement ethics.

Can someone file an anonymous complaint?

Yes. Anonymous complaints would be accepted. But an anonymous accusation by itself would not be enough to prove misconduct. The Commission would need corroborating evidence or independent verification before making a final finding.

How does an investigation start?

A limited preliminary review can determine whether a complaint is actually within the Commission's jurisdiction. A formal investigation would require a public Commission vote.

- Four of seven commissioners are required for a quorum.
- When a quorum is present, a majority of the commissioners who are present and legally allowed to vote can open an investigation.
- If fewer than four commissioners can participate, the investigation vote waits.
- Opening an investigation does not mean the person is guilty. It only means the Commission decided there is enough reason to investigate further.

What investigative powers would it have?

- Review relevant City records and communications.
- Interview witnesses and take testimony.
- Use independent investigators, attorneys, auditors, forensic accountants, and experts.
- Hold hearings.
- Issue written findings.
- Refer possible state or federal violations to the proper authority.
- Use subpoena authority to the maximum extent Arizona law permits, with court enforcement and legal challenges handled through lawful procedures.

Can City officials interfere?

The proposal expressly prohibits City officials and employees from obstructing an investigation, pressuring witnesses, hiding or destroying evidence, retaliating against participants, improperly delaying records, or using City jobs, contracts, funding, or authority to pressure someone not to cooperate.

At the same time, people would keep their constitutional rights, attorney-client privilege, right to counsel, and other protections required by law.

What happens before someone is found in violation?

The Commission could not simply publish an accusation as a final finding. The respondent would receive notice, the rule allegedly violated, access to nonprivileged evidence relied upon, time to respond, an opportunity to present evidence and witnesses, counsel, and a fair hearing when required.

The draft uses a "preponderance of the evidence" standard for local ethics violations unless the law requires a higher standard. In plain English, the evidence must show that a violation was more likely than not.

What happens after the case is finished?

The Commission would issue a written final disposition explaining the allegations, facts, ethics rules involved, decision, vote, penalty or other action, referrals, and available review rights.

Final findings would be posted on a public City webpage, with information redacted when state or federal law requires confidentiality. Council approval would not be required.

Can the Commission issue a fine?

The proposal authorizes a civil penalty of up to \$2,500 for each violation of a valid local City ethics rule, to the extent Arizona law allows it. Penalty would be enforceable by the municipal judicial branch of Yuma. Fines are paid to the city.

What about City employees?

The Ethics Commission could investigate employees and publish lawful final ethics findings. But firing, suspending, demoting, or otherwise disciplining a City employee must still follow the employee's legal and personnel-system due-process rights. The department responsible for the employee would have to report the resulting administrative action back to the Commission, subject to confidentiality law.

Can Council change the Commission rules?

No. The Commission would control its own procedural rules. Changing those rules would require all seven commissioners to vote yes. A vacancy or absence would not lower that seven-vote requirement.

How are vacancies filled?

A vacancy between elections could be filled temporarily by the remaining commissioners after a public application and interview process. The appointment would need at least two-thirds of the filled seats and never fewer than four yes votes. Council would have no appointment role.

How can a commissioner be removed?

- Voters retain their Arizona recall power.
- State-law events that create a vacancy still apply, including conviction of a felony or an offense involving violation of official duties.
- Fellow commissioners could use a narrow removal-for-cause process for serious misconduct such as destroying evidence, corrupting an investigation, coercing witnesses, retaliation, bribery-like benefits, or intentional sabotage of an investigation.
- The accused commissioner gets notice, evidence, an opportunity to respond, a hearing, written findings, and legal review where available.
- At least four eligible commissioners must vote for removal. Political disagreement or a different vote on a case is not grounds for removal.

How long after conduct occurs can a complaint be investigated?

State-law referrals continue to follow the limitation period that applies under state or federal law. For a violation that exists only under local City ethics rules, the draft uses four years, with a discovery rule when misconduct was fraudulently concealed. This section should be reviewed by counsel before the final petition is circulated.

What this proposal does NOT do

- It does not let the Commission rewrite Arizona conflict-of-interest law.
 - It does not remove constitutional rights, legal privileges, or employee due-process protections.
 - It does not allow an anonymous accusation alone to become a final finding.
 - It does not give the Commission power to prosecute state crimes.
 - It does not make the Mayor or Council the appeal board for Commission decisions.
 - This version does not create an absolute Charter ban on elected officials receiving City contracts.
- Arizona Title 38 contains statewide conflict-of-interest rules that must be accounted for separately.

The process in one line

Complaint or information -> jurisdiction review -> Commission vote -> independent investigation -> notice and hearing -> written finding -> public record -> lawful penalty/referral -> judicial review where available

1. . Legal references used in the draft

- Arizona Constitution, Article XIII, Section 2.
- Yuma Charter, Articles IV, VI, VII, IX, and XVI.
- A.R.S. § 1-216 (quorum).
- A.R.S. §§ 9-240 and 9-500.21 (municipal penalties and civil enforcement).
- A.R.S. §§ 38-501 through 38-511 (conflicts of interest).
- A.R.S. § 38-291 (vacancies).
- A.R.S. § 38-431.02 (Open Meeting Law notice).
- A.R.S. § 16-317 (online nomination-petition signatures for city/town offices).
- A.R.S. Title 19, Chapter 2 (recall).

Bottom line

The draft creates an elected, structurally independent ethics body with investigative authority, public findings, a lawful civil-penalty mechanism, voter recall, and no City Council veto over Commission cases.