



**RIVERDALE CITY PLANNING COMMISSION AGENDA  
CIVIC CENTER - 4600 S. WEBER RIVER DR.  
TUESDAY – JULY 23, 2024**

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**6:00 p.m. – Planning Commission Work Session Meeting (Conference Room)**

The purpose of the work session is to review maps, plans, paperwork, etc. No motions or decisions will be considered during this session, which is open to the public.

**Planning Commission Work Session Items -Planning Commission Training *to be determined***

**6:30 p.m. – Planning Commission Meeting (Council Chambers)**

**A. Welcome & Roll Call**

**B. Public Comment**

*This is an opportunity to address the Planning Commission regarding your concerns or ideas. Please try to limit your comments to three minutes. No action will be taken during public comment.*

**C. Presentations and Reports**

**D. Consent Items**

1. [Consideration of Meeting Minutes from:](#)  
May 14, 2024 Work Session  
May 14, 2024 Regular Meeting

**E. Action Items**

1. [Discussion regarding and review of proposed amendments to Planning Commission Bylaws and Rules of Ethical Conduct.](#)

*Items presented by: Brandon Cooper, Community Development*

**F. Comments**

1. Planning Commission
2. City Staff

**G. Adjournment**

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In compliance with the Americans with Disabilities Act, persons in need of special accommodation should contact the City Offices (801) 394-5541 at least 48 hours in advance of the meeting.

**Certificate of Posting**

The undersigned, duly appointed City Recorder, does hereby certify that the above notice and agenda was posted on this 19<sup>th</sup> day of July, 2024 at the following locations: 1) Riverdale City Hall Noticing Board 2) the City website at <http://www.riverdalecity.com/> and 3) the Public Notice Website: <http://www.utah.gov/pmn/index.html>.

Michelle Marigoni  
Riverdale City Recorder

Minutes of the **Work Session** of the Riverdale City **Planning Commission** held Tuesday May 14, 2024, at 6:00 p.m., at the Civic Center, 4600 S Weber River Dr, Riverdale City, Weber County, Utah.

**Present:**

Commissioners:	Kent Anderson, Chair Wanda Ney, Commissioner Rikard Hermann, Commissioner (6:05) Celeste Noland, Commissioner Randy Poulsen, Commissioner
City Employees:	Brandon Cooper, Community Development Director Michelle Marigoni, City Recorder
Excused:	Amy Ann Spiers, Vice Chair Colleen Henstra, Commissioner
Visitors:	

**A. Welcome & Roll Call**

The Planning Commission Work Session began at 6:00 p.m. Chair Anderson welcomed everyone to the meeting and stated for the record that all members of the Planning Commission were present except for Commissioners Spiers and Henstra, who were excused. Members of the city staff were also present.

**B. Public Comment**

**C. Presentations and Reports**

- Smoked Taco has received a building permit.
- America First has submitted a site plan for their second building. The site plan review should come to the Planning Commission soon.
- Goldcrest Homes has been getting approvals for demolition.
- The roundabout on 1050 West installation is still planned.

**D. Consent Items**

**1. Consideration of Meeting Minutes from:**

April 30, 2024 Work Session  
April 30, 2024 Regular Meeting

Chair Anderson asked if there were any changes or corrections to the minutes. There were none.

**E. Action Items**

**1. Consideration to approve Riverdale Townhomes Site Plan approval extension request for a six-month period to August 1, 2024, for property located at 4086 South 300 West, Riverdale Utah 84405, as requested by CDRE-Revival Riverdale Townhomes, LLC.**

Mr. Cooper explained that the approval expires after one year from the city council approval, which can be extended for up to six months. The Planning Commission has the option to require a new application after the one-year mark. Nothing has changed in the site plan and the applicant had been communicating with Mr. Eggett, the previous Community Development Director, in February. The site plan approval expired on April 18, 2024. Commissioner Ney asked about the financial stability of the project. Mr. Cooper explained that they were previously in contract with Maker's Line as a general contractor. Maker's Line and the investor went out of business within the last year. The new renderings of the elevations are also a better design than the previous elevations. Costs have come down since then, and the developer has a new financial investor and contractor.

Commissioners discussed the benefits of both extending and requiring a new application. Commissioners Anderson and Noland felt it could set a precedent for future problems. Mr. Hermann noted that it was only about three weeks late. Commissioner Ney suggested that they had plenty of time to request the extension. A new application would also allow the full 12 months with a possible extension for six months.

**F. Comments**

**G. Adjournment**

As the scheduled work session time had expired, the Planning Commission Work Session adjourned at 6:30 p.m., with discussions to be continued after the Planning Commission meeting.

Date Approved:

DRAFT

Minutes of the **Regular Session** of the Riverdale City **Planning Commission** held Tuesday, May 14, 2024, at 6:30 p.m., at the Civic Center, 4600 S Weber River Drive., Riverdale City, Weber County, Utah.

**Present:**

Commissioners:	Kent Anderson, Chair Rikard Hermann, Commissioner Wanda Ney, Commissioner Celeste Noland, Commissioner Randy Poulsen, Commissioner
City Employees:	Brandon Cooper, Community Development Director Michelle Marigoni, City Recorder
Excused:	Colleen Henstra, Commissioner Amy Ann Spiers, Vice Chair
Visitors:	Auggie Wasmund

**A. Welcome & Roll Call**

The Planning Commission Meeting began at 6:36 p.m. Chair Anderson welcomed everyone to the meeting and stated for the record that all members of the Planning Commission were present except for Commissioners Spiers and Henstra, who were excused. Members of the city staff were also present.

**B. Public Comment**

Commissioner Anderson asked if any members of the public were present with comments. There were none.

**C. Presentations and Reports**

- Smoked Taco has received a building permit.
- America First has submitted a site plan for their second building. The site plan review should come to the Planning Commission soon.
- Goldcrest Homes has been getting approvals for demolition.
- The roundabout on 1050 West installation is still planned.

**D. Consent Items**

1. Consideration of Meeting Minutes from:
  - April 30, 2024 Work Session
  - April 30, 2024 Regular Meeting

Chair Anderson asked if there were any changes or corrections to the minutes. Commissioner Noland moved to approve the consent items. Commissioner Poulsen seconded the motion, and all were in favor.

**E. Action Items**

1. **Consideration to approve Riverdale Townhomes Site Plan approval extension request for a six-month period to August 1, 2024, for property located at 4086 South 300 West, Riverdale Utah 84405, as requested by CDRE-Revival Riverdale Townhomes, LLC.**

Chair Anderson asked Mr. Wasmund the reason for the delay with the request. Mr. Wasmund said they had been in close contact with Mike Eggett, but they had so much going on they didn't think about it. They reached out as soon as they realized, and they knew it was a problem. They are not expecting any favors or anything extra, and just want to move forward with the project as approved.

Mr. Hermann asked Mr. Cooper if it would be normal for him to be in contact and remind the applicant that the deadline was approaching. Mr. Cooper thought it was good customer service to help applicants understand that, and moving forward he would make sure they had the information they needed. This happened during the transition from Mr. Eggett to Mr. Cooper.

## Planning Commission Regular Session, May 14, 2024

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Mr. Wasmund emphasized they did not intend for any blame to be placed on the city and they take full responsibility for the lapse. Mr. Wasmund had worked closely with Mr. Eggett to try and bring a project that the city would want. He said he may have gotten lax because he was used to Mr. Eggett's reminders.

Commissioner Ney said the way the code is stated, she didn't feel comfortable bending the code to extend this. However, that a new submission would give them up to 18 months.

Mr. Poulsen had mixed feelings about wanting to help them but also following the code and asked Mr. Wasmund for his opinion. He was also torn and said he would like to have the extension but also understands the conundrum the planning commission is facing.

Noland thanked him for his honesty and for making time to attend the meeting and assured him a new submission would be moved through quickly. Ney and Hermann asked how the few weeks it would delay the process would affect Mr. Wasmund. He said investors were waiting for this decision and worried that it would deter them from financing and he may not be able to find another investor.

**Motion:** Commissioner Hermann made a motion, stating that due to the circumstances and that the project was actively being pursued, as well as the gap in staffing, and that some of the follow up staff may have done was not, to approve the Riverdale Townhomes Site Plan approval extension request for a six-month period to August 1, 2024, for property located at 4086 South 300 West, Riverdale Utah 84405, as requested by CDRE-Revival Riverdale Townhomes, LLC.

**Second:** Commissioner Poulsen.

Discussion – Ms. Noland said she agrees with Mr. Hermann, but that the code is keeping her from approving the extension despite wanting the project to move forward. Mr. Hermann did not disagree, though there is one sentence that says the PC MAY require a new application.

Vote:

Commissioner Hermann:	Yes
Commissioner Henstra:	Absent
Commissioner Noland:	No
Commissioner Spiers:	Absent
Commissioner Ney:	Yes
Commissioner Anderson:	No
Commissioner Poulsen:	Yes

Motion passed three to two.

### F. Comments

Mr. Anderson noted that a continuation of the previous work session would continue after the meeting, as the commission ran out of time during the work session.

### G. Adjournment

As there was no further business to discuss, Commissioner Hermann moved to adjourn. This was seconded by Commissioner Noland All were in favor and the Planning Commission meeting adjourned at 6:51 p.m.

### Work Session Continuation:

The commissioners discussed the recent barn fire in Riverdale, which was caused by a youth who had absconded from a residential treatment center. Several questions were raised about how the group home was permitted in the city.

Mr. Cooper explained that the facility is licensed by the state as a residential treatment program. The facility had multiple violations and was put on notice in January 2024, achieving compliance by March 2024.

Although Mr. Cooper was uncertain about the initial approval process, he noted that the group home was issued a building permit in 2022. According to state code and the Fair Housing Act, residential treatment centers for people with disabilities are a protected class. These facilities receive many zoning and other exemptions in residential zones. At the time of the building permit issuance, the city likely had no choice but to allow it.

## Planning Commission Regular Session, May 14, 2024

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There was discussion about potential zoning conflicts, as the facility is in A1 and APZ1 zones. APZ1 does not permit new residential use. While there is some applicable code enforcement, it is unlikely that the facility can be removed now that it has been established.

The conversation also touched on the broader issue of why such facilities are in the city. Mr. Cooper acknowledged a lack of specific code addressing these types of facilities in Riverdale. He is currently working on drafting suitable regulations by reviewing codes from other cities.

Adjourned at 7:59 pm

Date Approved:

DRAFT

**Body:** Planning Commission

**Topic:** Planning Commission Bylaws

**Proposed Changes**

**Department:** Community Development

**Director:** Brandon Cooper

**Staff/Presenter:** Brandon Cooper

**Contact:** [bcooper@riverdalecity.com](mailto:bcooper@riverdalecity.com)

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## **Executive Summary**

The Riverdale City Planning Commission is governed by the provisions of all applicable State Statutes, City Ordinances, and by Bylaws and Rules of Conduct. The establishment of Planning Commission bylaws are regulated under City Code 2-3-6 “*Rules of Procedure and Conduct*”.

It is necessary, from time to time, to conduct a review of the bylaws and determine if changes are required to reflect the current goals and objectives of the Commission; provided that any such rules shall not be inconsistent with any governing law or ordinance.

The included Bylaws and Rules of Conduct include a number of changes for consideration. Most changes are minor in nature, with the most significant change being proposed in *Section III – Consideration of Applications*. Currently, both PC Bylaws and City ordinance describe a process for site plan and zoning applications that require a preliminary and final approval. Additionally, PC Bylaws omit any process related to the subdivision application process.

The proposed changes in Section III remove a preliminary approval step from the Planning Commission for all site plans and zoning applications and adds a provision for subdivision applications, using the preliminary and final approval process. The purpose for this change is to reflect current state law when it comes to subdivision applications and to ensure efficiency, clarity, and reliability for our customers when it comes to site plan and other zoning applications.

At this time, only review and discussion is needed. It is anticipated the Commission would adopt any changes to the Bylaws in a future meeting that would also include a public hearing on any recommended changes to the associated Riverdale City Code. All changes to Riverdale City Code are subject to future City Council approval.

### **Requested Timeline:**

Planning Commission Meeting – Preliminary Discussion of Bylaws – **July 23, 2024**

Planning Commission Meeting – Discussion of Code Changes; Action on Bylaws; Set Public Hearing for potential Code Changes – **August 13, 2024**

Planning Commission Meeting - Public Hearing; Action on Code Changes – **August 27, 2024**

### **Potential Actions:**

Presentation and discussion only; no action required at this time

### **Staff Recommendation**

Review and Discussion

### **Attachments**

List of City Codes potentially effected - DRAFT

PC Bylaws – redlined



## **IMPACTED CODE SECTIONS**

10-11a-4 – M1/M2 zones

10-10A-5 – C zones

10-13C-29 – OP zone

10-25-5 – Development in all zones

10-1-3 – General plan Compliance

10-11B-8 – MP zones

10-11B-12

10-10B-8 – CP zones

10-10B-12

10-13H-8 – MFROZ

10-13D-10 – Low Impact Overlay

## **SAMPLE SITE PLAN APPLICATION APPROVAL PROCESS**

- a. All persons seeking Site Plan approval shall submit an application to the Community Development Department for review by city staff.
- b. Prior to any public meeting or hearing, the developer shall have provided satisfactory information related to all requirements listed on the site plan application, included, but not limited to, the following:
  - a. Complete engineering drawings for all on-site and off-site improvements. City staff shall review the drawings for compliance with City ordinances, regulations, and standards.
  - b. A soils report (geotechnical study) for the development
  - c. Water use table and information regarding how water will be provided to the development
  - d. Public Improvement cost estimate
  - e. Information regarding performance assurance requirements (bond vs. letter of escrow vs. performance-in-lieu)
  - f. Will Serve Letter
  - g. Drainage Report
  - h. Long-term storm water management plan
  - i. Traffic Impact Study
  - j. Design Review Committee action
- c. Upon compliance with all city requirements, the final application shall be forwarded to the Planning Commission for possible recommendation. Upon recommendation by the Planning Commission, the application shall be forwarded to the City Council.
- d. The City Council shall review and take action to table, approve, deny, or to modify the same.
- e. Upon action by the City Council on the Site Plan application, the City Recorder shall prepare written minutes of the decision.

- f. Amended site plans shall follow the process below:
- a. Minor amendment (Non Residential): an amendment that does not alter architectural elevations or number of buildings, or reduces parking, may be approved by the Community Development Director
  - b. Minor amendment (Multi Family, Two-and-Three Family): an amendment that does not alter the density, amount of open space, or unit type, may be approved by the Community Development Director
  - c. Major amendment (Non Residential): an amendment that alters architectural elevations or number of buildings, or reduces parking, may be approved by the City Council
  - d. Major amendment (Multi Family, Two-and-Three Family): an amendment that alters the density, amount of open space or unit type, may be approved by the City Council

SPECIFIC DEVELOPMENT PROCESSES AND SUBMITTAL REQUIREMENTS						
Process & Land Use Authority	Comm Dev Dir Approval	Planning Commission Public Hearing	Planning Commission Recommendation	Planning Commission Approval	City Council Public Hearing	City Council Approval
<b>Development Type</b>						
Annexation					X	X
Annexation Policy Plan Map Amendment						X
Change of Use Permit	X					
Code Amendment		X	X			X
Community Plan		X	X			X
Community Plan - MAJOR Amendment		X	X			X
Community Plan - MINOR Amendment	X					
Concept Plan	X - non-binding					
Concept Plan - in advance of a Rezone			X - optional			X - optional
Conditional Use - Existing	X					
Conditional Use - New Const						
Development Agreement (DA)						X
DA Amendment - MINOR	X					
DA Amendment - MAJOR						X
General Plan Amendment		X	X			X
Home Occupation	X					
Lot Line Adjustment	X					
Minor Subdivision	X					
Permanent Signs	X					
Planned Unit Development (PRUD) - Concept Plan	X					X
PRUD - Preliminary Plat				X		X
PRUD - Final Plat	X					X
Plat Amendment	X					
Plat - Condo and Final, except single-family, two-family and townhomes	X					X
Plat - Final single-family, two-family, and townhomes	X					
Plat - preliminary	X		X		X	X
Plat - preliminary, except single-family, two-family and townhomes			X			X
Plat - preliminary for single-family, two-family and townhomes				X		
Rezone		X	X			X
Site Plan - Multi-family, two-and-three-family			X			X
Site Plan - Amendment - Multi-family, two-and-three-family - MAJOR			X			X
Site Plan - Amendment - Multi-family, two-and-three-family - MINOR	X					
Site Plan - non-residential			X			X
Site Plan - non-residential - Amendment MINOR	X					
Site Plan - non-residential - Amendment MAJOR			X			X
Temporary Sign	X					
Temporary Use	X					
Variance	PUBLIC MEETING WITH HEARING OFFICER/BZA					

**RIVERDALE CITY PLANNING COMMISSION  
BYLAWS AND RULES OF ETHICAL CONDUCT  
AS AMENDED July 18, 2024**

Riverdale City Planning Commission shall be governed by the provisions of all applicable State Statutes, City Ordinances, and these Bylaws and Rules of Conduct.

**I. MEMBERS.**

- A. Chair and Vice Chair.** Every two years the Planning Commission shall elect a Chair and Vice Chair who may be elected to succeed themselves during the first regularly scheduled meeting in January. The Chair and the Vice Chair shall be elected from the voting members of the Planning Commission by a majority of the total membership. The Chair, or in ~~his/her~~ **their** absence or incapacity, the Vice Chair, shall preside over all meetings and hearings of the Planning Commission and shall execute all official documents and letters of the Planning Commission. In the event that both the Chair and Vice Chair are absent from the meeting, and a quorum is present, the senior remaining member of the Commission shall act as the Interim Chair.
- B. Secretary.** The City Council may appoint the Secretary of the Planning Commission upon recommendation of the Planning Commission.
- C. Staff.** The Planning Commission may recommend to the City Council the appointment of a Director of Planning and other staff as may become necessary from time to time.
- D. Voting.**
1. The Chair, or Vice Chair in the absence of the Chair, shall vote on all questions before the Commission.
  2. An affirmative vote of not less than (4) voting members present at the meeting shall decide all matters under consideration by the Planning Commission, unless otherwise provided for in these rules. Voting shall be by voice vote and shall be recorded by **"yeas" and "nays"** **"yes" or "no"**. The number of abstentions and the names of members voting either **"yea-yes"** or **"nay no"** or abstaining shall be recorded on the request of any member.
- E. Parliamentary Procedure.** Parliamentary procedure in Commission meetings shall be governed by Robert's Rules of Order, as revised.
- F. Record of Meetings.** The Secretary of the Commission shall keep an accurate record of the proceedings and perform other duties as the Commission may determine.
- G. Membership on Board of Adjustment.** One member, but not more than one, of the Planning Commission shall be a member of the Board of Adjustment.

**II. MEETINGS**

- A. Quorum.** Four (4) members shall constitute a quorum for the transaction of business and the taking of official action; any matter considered by the Planning Commission must be passed by a majority vote of the quorum members present at a Planning Commission meeting who are in favor of the motion.
- B. Time of Meeting.**
1. Regular meeting shall be held on the second and fourth Tuesday of each month at 6:30 p.m. in the Riverdale City Hall. Workshop meeting shall begin at 6:00 p.m. on those days. The date of a regular meeting may be changed by a majority of the total membership of the Planning Commission provided at least one week's notice is given each member of the new date for a regular meeting.
  2. Special meetings may be ordered by the Chair or a majority of the members of the Planning Commission. The order shall be entered in the minutes of the Planning Commission. The order shall provide at least five (5) hours notice of the special meetings, and shall be served upon each Planning Commission member.
- C. Meetings Open to the Public.** All regular, special, or workshop meetings of the Planning Commission shall be open to the public.
- D. Executive Sessions.** Closed meetings may be held upon the affirmative vote of two-thirds of the members of the Planning Commission present at a public meeting for which adequate notice has been given provided a quorum is present. The reason for the closed meeting and vote to hold such closed meeting shall be entered in the minutes of the public meeting. The reasons for such closed meeting shall be limited to those reasons as set forth in the Utah Open Meetings Act, Utah Code Annotated §52-4-5.
- E. Meeting Agenda.** The Chair and staff shall review items proposed for the Planning Commission meeting agenda to determine whether all requirements necessary for Planning Commission consideration have been complied with.
1. Items for Planning Commission consideration for the agenda shall be received no later than Monday at 5:00 p.m. one week prior to the regularly scheduled Planning Commission meeting.
  2. The agenda for regularly scheduled Planning Commission meetings should be posted, circumstances permitting, no later than Friday at ~~10:00 a.m.~~ 5:00 p.m.
  3. The deadline for submission of site plans and other items for Planning Commission consideration shall be submitted no later than Monday, seven (7) working days, prior to the regularly scheduled Planning Commission meeting to allow sufficient time for staff to review.

### III. CONSIDERATION OF APPLICATIONS.

**A. Application Presentations.** Site plan and zoning applications shall be presented in the following order: ~~with no two presentations receiving approval on at the same Planning Commission:~~

1. Conceptually – no formal site plan ~~required~~ or zoning application submitted to Planning Commission. Staff review only.
2. ~~Preliminary approval – preliminary site plan required.~~
3. Final approval – final site plan or zoning application submitted to Planning Commission after meeting all City standards and requirements ~~required~~.

**Subdivision applications** shall be presented in the following order with no two presentations receiving approval on at the same Planning Commission:

1. Conceptually – no formal site plan submitted to Planning Commission – Staff review only
2. Preliminary Approval – preliminary plat required
3. Final approval – final plat submitted to Planning Commission after meeting all City standards and requirements

**B. Hearing Procedure.** Any person may appear in person, by agent or attorney at any meeting of the Planning Commission. The order of procedure in the hearing of each application shall be as follows:

1. Presentation by the Planning Staff of the application, including recommendation. Presentation shall include the reading of pertinent written comments or reports concerning the application.
2. Presentation by applicant or applicant's agent.
  - a. Presentation time may be limited by the Planning Commission prior to or during applicant's presentation.
3. ~~Witnesses in favor of application.~~ Public Hearing, if applicable.
4. ~~Witnesses against application.~~
5. Rebuttals by invitation of the Chair.

**C. Decisions.** Decisions of the Planning Commission shall be final at the end of the meeting at which the matter is decided.

**D. Reconsideration of Applications.** An application for a conditional use permit, which has been denied by the Planning Commission, may be reconsidered by the Commission if an applicant presents new evidence, which the Commission determines is sufficient to merit reconsideration of the application. A request for reconsideration shall be made in

writing and filed with the Planning Commission Secretary within ten (10) days from the date of the original decision. If a request for reconsideration is granted by the Planning Commission, the application shall be reconsidered in the same manner that an original application is considered.

#### IV. MISCELLANEOUS BYLAWS APPLICABLE TO PLANNING COMMISSION MEETINGS.

- A. At each Planning Commission Meeting, there will be provided a large zoning map of Riverdale City, a large white board ~~or chalk board~~, and ~~an overhead projector~~ a large screen to provide all in attendance the opportunity to adequately view the site plans, etc. being presented. Also, ~~a smaller copy of site plans, etc. will be provided for each member of the Planning Commission and staff~~ a copy of site plans and other relevant documents will be included in the meeting packet.
- B. The Chair of the Planning Commission will remind the presenter of the agenda item to speak clearly into the microphone on an as needed basis.

#### V. RULES OF ETHICAL CONDUCT FOR A PLANNING COMMISSION MEMBER.

- A. **Preamble.** Ethical practice has special relevance to all people who are charged with responsibilities in public service. Planners, whose decisions and actions have long-range consequences, must strictly adhere to ethical principles.

Planning Commission members are subject to the Municipal Officers and Employees Disclosure Requirements, Utah Code Annotated (1953), Sections 10-3-1302 through 10-3-~~1312~~ 1314.

- B. **Conflict of Interest.**

- 1. A Planning Commissioner to whom some private benefits may come as a result of a Planning Commission action may not be a participant in the action.

The following provisions apply:

- a. Mere membership itself in a group or organization which has an action before the Planning Commission shall not be considered a conflict of interest unless a reasonable person would conclude that such membership in itself would prevent an objective consideration of the matter.
    - b. A Planning Commissioner experiencing an apparent conflict of interest shall declare ~~his/her~~ their interests to the Planning Commission publicly and shall file the ~~state~~ statement required by Paragraph 3 of this Section.
      - i. Concerning Ordinance ~~19-3-1304~~ 10-3-1304 – Conflict of Interest, if there is a conflict of interest, the person(s) with the conflict shall state said conflict and ~~leave the room~~ recuse themselves from the

**discussion.** The other Planning Commission members will then discuss the issue.

- c. A conflict of interest may exist under these rules, although a Planning Commissioner may not believe he/she has an actual conflict; therefore, a Planning Commissioner who has any question as to whether a conflict of interest exists under these rules shall raise the matter with the other Planning Commissioners and file the statement required by Paragraph 3 of this Section.
  - d. No Planning Official shall engage in any transaction in which he/she has a conflict of interest, direct or indirect, with the agency or jurisdiction that he/she serves unless the transaction is disclosed publicly and he/she files the statement required by Paragraph 3 of this Section.
2. No Planning Commission shall use or attempt to use **his/her their** official position to secure special privileges for **him/herself** themselves or others.
  3. No Planning Commissioner may receive or agree to receive compensation for assisting any person or business entity in any transaction involving the City of Riverdale unless he/she files with the Mayor a sworn statement giving the information required by the Section, and discloses in open meeting to the members of the Planning Commission, immediately prior to the discussion, the information required by Subsection b.
    - a. The statement required to be filed by this Section shall be filed ten (10) days prior to the date of any agreement between the Planning Commissioner and the person or business entity being assisted or ten (10) days prior to the receipt of compensation by the business entity. The statement is public information and shall be available for examination by the public.
    - b. The statement and disclosure shall contain the following information:
      - i. The name and address of the Planning Commissioner; and
      - ii. The name and address of the person or business entity being or to be assisted or in which the Planning Commission has a substantial interest; and
      - iii. A brief description of the transaction as to which service is rendered or is to be rendered and of the nature of the service performed or to be performed.
  4. Every Planning Commissioner who is an officer, director, agent, or employee or the owner of a substantial interest in any business entity which is subject to the regulation of the City of Riverdale shall disclose the position held and the nature and value of his interest upon first becoming appointed or elected, and again

during January of each year if the officer's position in the business entity has changed or if the value of his interest in the entity has increased since the last disclosure. The disclosure shall be made in a sworn statement filed with the Mayor. The Mayor shall report the substance of all such disclosure statements to the City Council or may provide to the City Council copies of the disclosure statement within thirty (30) days after the statement is received by him. This Section does not apply to instances where the value of the interest does not exceed \$2,000.00 and life insurance policies and annuities shall not be considered in determining the value of any such interest.

5. Every Planning Commissioner who is an officer, director, agent, employee, or owner of a substantial interest in any business entity which does or anticipates doing business with the City of Riverdale shall publicly disclose to the Planning Commission immediately prior to any discussion by the Planning Commission of matters relating to such business entity, the nature of ~~his/her~~ **their** interest in that business entity. The disclosure statement shall be entered in the minutes of the meeting.
6. Any personal interest or investment by any Planning Commissioner which creates a conflict between the official's personal interests and his public duties shall be disclosed in open meetings to the Mayor and City Council in the manner required by Paragraph 4 of this Section.

**C. Gifts and Favors.**

1. As used in this Section, "economic benefit tantamount to a gift" includes:
  - a. A loan at an interest rate that is substantially lower than the commercial rate then currently prevalent for similar loans; and
  - b. Compensation received for private services rendered at a rate substantially exceeding the fair market value of the services.
2. An elected or appointed officer or municipal employee may not:
  - a. Disclose or improperly use private, controlled, or protected information acquired by reason of his official position or in the course of official duties in order to further substantially the officer's or employee's personal economic interest or to secure special privileges or exemptions for ~~himself/herself~~ **themselves** or others;
  - b. Use or attempt to use ~~his/her~~ **their** official position to:
    - i. further substantially the officer's or employee's personal economic interest; or
    - ii. secure special privileges for ~~himself/herself~~ **themselves** or others;



- c. Knowingly receive, accept, take, seek, or solicit, directly or indirectly, for ~~himself/herself or another~~ themselves or others, a gift of substantial value, or a substantial economic benefit tantamount to a gift that:
  - i. tends improperly to influence a reasonable person in the person's position to depart from the faithful and impartial discharge of the person's public duties; or
  - ii. the person knows or that a reasonable person in that position should know under the circumstances if primarily for the purpose of rewarding the person for official action taken.

3. Subsection (2)(c) does not apply to:

- a. An occasional non-pecuniary gift having a value of less than \$50 (fifty dollars);
- b. An award publicly presented in recognition of public services;
- c. Any bona fide loan made in the ordinary course of business; or
- d. A political campaign contribution.

**D. Treatment of Information.** It is important to discriminate between planning information that belongs to the public and planning information that does not.

- 1. Reports and official records of a public planning agency must be open on an equal basis to all inquiries. Planning advice shall not be furnished to some, unless it is available to all.
- 2. No Planning Commissioner shall disclose confidential information acquired by reason of his official position or use such information to secure special privileges or exemptions for ~~himself/herself~~ themselves or others. Private affairs become public affairs when an official action, such as a change of zone classification or approval of a plat, is requested with respect to them. Only then is a disclosure of relevant information proper.
- 3. Information contained in studies that are in progress in a planning agency shall not be divulged except in accordance with established agency policies on the release of its studies. A public planning agency is not required to release incomplete studies or data not yet reviewed and approved by the Planning Commission.
- 4. Private meetings between a Planning Commissioner and applicants, their agents, or other interested parties are prohibited. Political information on any application received by a Planning Commissioner whether by mail, telephone, or other method of communication shall be made part of the public record.

**E. Political Activity.** Membership in a political party and contributions to its finances or activities are matter of individual decision that are neither required of nor prohibited to Planning Commissioners.

1. The extent of participation in political activities shall be governed by professional judgment, as well as limited by applicable civil service laws or regulations.
2. The powers of Planning Commissioners must not be exercised nor their duties performed, in any way that will create special advantages for a political party. The position of a Planning commissioner shall not be used to obtain contribution or support for a political party and shall not be used to obtain political favors.
3. Political debate of a community's planning program and the consideration of planning in a party's platform are proper.
4. Planning officials must give all political parties equal access to information.

**C. Attendance.** The Mayor and City Council may remove any appointed officer from office for cause under Riverdale Municipal Ordinance Code (1985) Sections 2-2-1 and 19-28-3. The missing of more than 25% (twenty-five percent) of the Planning Commission meetings during any six-month period by a Planning Commissioner will constitute cause for ~~his/her~~ removal upon recommendation of the Planning Commission Chairperson to the Mayor and City Council. The missing of more than 25% (twenty-five percent) of the Planning Commission meetings during any six-month period by a Planning **Commission Commissioner** will constitute cause for ~~his/her~~ removal at the discretion of the Mayor and City Council.

~~Utah Code Annotated (1953), Sections 10-3-1302 through 10-3-1312.~~

~~MUNICIPAL OFFICERS' AND EMPLOYEES' ETHICS ACT~~

~~**10-3-1302. Purpose.** The purposes of this part are to establish standards of conduct for municipal officers and employees and to require these persons to disclose actual or potential conflicts of interest between their public duties and their personal interests.~~

~~**10-3-1303. Definitions.**~~

~~— As used in this part:~~

~~— (1) "Appointed officer" means any person appointed to any statutory office or position or any other person appointed to any position of employment with a city or with a redevelopment agency under Title 17B, Chapter 4, Redevelopment Agencies Act. Appointed officers include, but are not limited to, persons serving on special, regular, or full-time committees, agencies, or boards whether or not such persons are compensated for their services. The use of the word "officer" in this part is not intended to make appointed persons or employees "officers" of the municipality.~~

~~— (2) "Assist" means to act, or offer or agree to act, in such a way as to help, represent, aid, advise, furnish information to, or otherwise provide assistance to a person or business entity, believing that such action is of help, aid, advice, or assistance to such person or business entity and with the intent to assist such person or business entity.~~

~~— (3) "Business entity" means a sole proprietorship, partnership, association, joint venture, corporation, firm, trust, foundation, or other organization or entity used in carrying on a business.~~

~~— (4) "Compensation" means anything of economic value, however designated, which is paid, loaned, granted, given, donated, or transferred to any person or business entity by anyone other than the governmental employer for or in consideration of personal services, materials, property, or any other thing whatsoever.~~

~~— (5) "Elected officer" means any person elected or appointed to the office of mayor, commissioner, or council member.~~

~~— (6) "Improper disclosure" means disclosure of private, controlled, or protected information to any person who does not have both the right and the need to receive the information.~~

~~— (7) "Municipal employee" means a person who is not an elected or appointed officer who is employed on a full or part-time basis by a municipality or by a redevelopment agency under Title 17B, Chapter 4, Redevelopment Agencies Act.~~

~~— (8) "Private, controlled, or protected information" means information classified as private, controlled, or protected under Title 63, Chapter 2, Government Records Access and Management Act or other applicable provision of law.~~

~~— (9) "Substantial interest" means the ownership, either legally or equitably, by an individual, his spouse, or his minor children, of at least 10% of the outstanding shares of a corporation or 10% interest in any other business entity.~~

~~**10-3-1304. Use of office for personal benefit prohibited.**~~

~~— (1) As used in this section, "economic benefit tantamount to a gift" includes:~~

~~— (a) a loan at an interest rate that is substantially lower than the commercial rate then currently prevalent for similar loans; and~~

~~— (b) compensation received for private services rendered at a rate substantially exceeding the fair market value of the services.~~

~~— (2) It is an offense for an elected or appointed officer or municipal employee, under circumstances not amounting to a violation of Section ~~63-56-72~~ or ~~76-8-105~~, to:~~

- ~~—(a) disclose or improperly use private, controlled, or protected information acquired by reason of his official position or in the course of official duties in order to further substantially the officer's or employee's personal economic interest or to secure special privileges or exemptions for himself or others;~~
- ~~—(b) use or attempt to use his official position to:~~
  - ~~—(i) further substantially the officer's or employee's personal economic interest; or~~
  - ~~—(ii) secure special privileges for himself or others; or~~
- ~~—(c) knowingly receive, accept, take, seek, or solicit, directly or indirectly, for himself or another a gift of substantial value or a substantial economic benefit tantamount to a gift that:~~
  - ~~—(i) would tend improperly to influence a reasonable person in the person's position to depart from the faithful and impartial discharge of the person's public duties; or~~
  - ~~—(ii) the person knows or that a reasonable person in that position should know under the circumstances is primarily for the purpose of rewarding the person for official action taken.~~
- ~~—(3) Subsection (2)(c) does not apply to:~~
  - ~~—(a) an occasional nonpecuniary gift having a value of less than \$50;~~
  - ~~—(b) an award publicly presented in recognition of public services;~~
  - ~~—(c) any bona fide loan made in the ordinary course of business; or~~
  - ~~—(d) a political campaign contribution.~~

**~~10-3-1305. Compensation for assistance in transaction involving municipality—Public disclosure and filing required:~~**

- ~~—(1) As used in this section, "municipal body" means any public board, commission, committee, or other public group organized to make public policy decisions or to advise persons who make public policy decisions.~~
- ~~—(2) It is an offense for an elected officer, or appointed officer, who is a member of a public body, under circumstances not amounting to a violation of Section ~~63-56-72~~ or ~~76-8-105~~, to receive or agree to receive compensation for assisting any person or business entity in any transaction involving the municipality in which he is an officer unless he:~~
  - ~~—(a) files with the mayor a sworn statement giving the information required by this section; and~~
  - ~~—(b) discloses the information required by Subsection (5) in an open meeting to the members of the body of which he is a member immediately before the discussion.~~
- ~~—(3) It is an offense for an appointed officer who is not a member of a public body or a municipal employee to receive or agree to receive compensation for assisting any person or business entity in any transaction involving the municipality by which he is employed unless the officer or employee:~~
  - ~~—(a) files with the mayor a sworn statement giving the information required by this section; and~~
  - ~~—(b) discloses the information required by Subsection (5) to:~~
    - ~~—(i) his immediate supervisor; and~~
    - ~~—(ii) any other municipal officer or employee who may rely upon the employee's representations in evaluating or approving the transaction.~~
- ~~—(4) (a) The officer or employee shall file the statement required to be filed by this section ten days before the date of any agreement between the elected or appointed officer or municipal employee and the person or business entity being assisted or ten days before the receipt of compensation by the officer or employee, whichever is earlier.~~
  - ~~—(b) The statement is public information and shall be available for examination by the public.~~
- ~~—(5) The statement and disclosure shall contain:~~
  - ~~—(a) the name and address of the officer or municipal employee;~~
  - ~~—(b) the name and address of the person or business entity being or to be assisted or in which the appointed or elected official or municipal employee has a substantial interest; and~~

~~—(c) a brief description of the transaction as to which service is rendered or is to be rendered and of the nature of the service performed or to be performed.~~

~~**10-3-1306. Interest in business entity regulated by municipality — Disclosure statement required.** (1) Every appointed or elected officer or municipal employee who is an officer, director, agent, or employee or the owner of a substantial interest in any business entity which is subject to the regulation of the municipality in which he is an elected or appointed officer or municipal employee shall disclose the position held and the nature and value of his interest upon first becoming appointed, elected, or employed by the municipality, and again at any time thereafter if the elected or appointed officer's or municipal employee's position in the business entity has changed significantly or if the value of his interest in the entity has increased significantly since the last disclosure.~~

~~—(2) The disclosure shall be made in a sworn statement filed with the mayor. The mayor shall report the substance of all such disclosure statements to the members of the governing body, or may provide to the members of the governing body copies of the disclosure statement within 30 days after the statement is received by him.~~

~~—(3) This section does not apply to instances where the value of the interest does not exceed \$2,000. Life insurance policies and annuities shall not be considered in determining the value of any such interest.~~

~~**10-3-1307. Interest in business entity doing business with municipality — Disclosure.** (1) Every appointed or elected officer or municipal employee who is an officer, director, agent, employee, or owner of a substantial interest in any business entity which does or anticipates doing business with the municipality in which he is an appointed or elected officer or municipal employee, shall publicly disclose to the members of the body of which he is a member or by which he is employed immediately prior to any discussion by such body concerning matters relating to such business entity, the nature of his interest in that business entity.~~

~~—(2) The disclosure statement shall be entered in the minutes of the meeting.~~

~~—(3) Disclosure by a municipal employee under this section is satisfied if the employee makes the disclosure in the manner required by Sections ~~10-3-1305~~ and ~~10-3-1306~~.~~

~~**10-3-1308. Investment creating conflict of interest with duties — Disclosure.** Any personal interest or investment by a municipal employee or by any elected or appointed official of a municipality which creates a conflict between the employee's or official's personal interests and his public duties shall be disclosed in open meeting to the members of the body in the manner required by Section ~~10-3-1306~~.~~

~~**10-3-1309. Inducing officer or employee to violate part prohibited.** It is a class A misdemeanor for any person to induce or seek to induce any appointed or elected officer or municipal employee to violate any of the provisions of this part.~~

~~**10-3-1310. Penalties for violation — Dismissal from employment or removal from office.**~~

~~In addition to any penalty contained in any other provision of law, any person who knowingly and intentionally violates this part, with the exception of Sections ~~10-3-1306~~, ~~10-3-1307~~, ~~10-3-1308~~, and ~~10-3-1309~~, shall be dismissed from employment or removed from office and is guilty of:~~

~~—(1) a felony of the second degree if the total value of the compensation, conflict of interest, or assistance exceeds \$1,000;~~

~~—(2) a felony of the third degree if:~~

~~—(a) the total value of the compensation, conflict of interest, or assistance is more than \$250 but not~~

more than \$1,000; or

—(b) the elected or appointed officer or municipal employee has been twice before convicted of violation of this chapter and the value of the conflict of interest, compensation, or assistance was \$250 or less;

—(3) a class A misdemeanor if the value of the compensation or assistance was more than \$100 but does not exceed \$250; or

—(4) a class B misdemeanor if the value of the compensation or assistance was \$100 or less.

~~**10-3-1311. Complaints charging violations — Procedure.**~~ (1) Any complaint against a person who is under the merit system, charging that person with a violation of this part, shall be filed and processed in accordance with the provisions of the merit system.

—(2) If the person charged with the violation is not under any merit system, then the complaint shall be filed with the mayor or city manager. The mayor or city manager shall investigate the complaint and shall give the person an opportunity to be heard. A written report of the findings and the recommendation of the mayor or city manager shall be filed with the governing body. If the governing body finds that the person has violated this part, it may dismiss, suspend, or take such other appropriate action with respect to the person.

~~**10-3-1312. Violation of disclosure requirements — Penalties — Rescission of prohibited transaction.**~~

—If any transaction is entered into in connection with a violation of Section ~~10-3-1305, 10-3-1306, 10-3-1307, or 10-3-1308~~, the municipality:

—(1) shall dismiss or remove the appointed or elected officer or municipal employee who knowingly and intentionally violates this part from employment or office; and

—(2) may rescind or void any contract or subcontract entered into pursuant to that transaction without returning any part of the consideration received by the municipality.

Updated 2-3-2004

## Part 13

### Municipal Officers' and Employees' Ethics Act

#### 10-3-1301 Short title.

This part is known as the "Municipal Officers' and Employees' Ethics

Act." Amended by Chapter 147, 1989 General Session

#### 10-3-1302 Purpose.

The purposes of this part are to establish standards of conduct for municipal officers and employees and to require these persons to disclose actual or potential conflicts of interest

between their public duties and their personal interests.

Amended by Chapter 438, 2024 General Session

**10-3-1303 Definitions.**

As used in this part:

(1)

(a) "Appointed officer" means an individual appointed to:

(i) a statutory office or position; or

(ii) a position of employment with a city or with a community reinvestment agency under Title 17C, Limited Purpose Local Government Entities - Community Reinvestment Agency Act.

(b) "Appointed officer" includes an individual serving on a special, regular, or full-time committee, agency, or board, regardless of whether the individual is compensated for the individual's services.

(c) "Appointed officer" does not include an elected officer.

(2) "Assist" means to act, or offer or agree to act, in such a way as to help, represent, aid, advise, furnish information to, or otherwise provide assistance to a person or business entity, believing that such action is of help, aid, advice, or assistance to such person or business entity and with the intent to assist such person or business entity.

(3) "Business entity" means a sole proprietorship, partnership, association, joint venture, corporation, firm, trust, foundation, or other organization or entity used in carrying on a business.

(4) "Compensation" means anything of economic value, however designated, which is paid, loaned, granted, given, donated, or transferred to a person or business entity by anyone other than the governmental employer for or in consideration of personal services, materials, property, or any other thing whatsoever.

(5) "Elected officer" means:

(a) an individual elected or appointed to fill a vacancy in the office of mayor, commissioner, or council member; or

(b) an individual who is considered to be elected to the office of mayor, commissioner, or council member by a municipal legislative body in accordance with Section 20A-1-206.

(6) "Improper disclosure" means the disclosure of private, controlled, or protected information to a person who does not have both the right and the need to receive the information.

(7) "Municipal employee" means an individual who is employed on a full or part-time basis by a municipality or by a community reinvestment agency under Title 17C, Limited Purpose Local Government Entities - Community Reinvestment Agency Act.

- (8) "Officer" means an appointed officer or an elected officer.
- (9) "Private, controlled, or protected information" means information classified as private, controlled, or protected under Title 63G, Chapter 2, Government Records Access and Management Act, or another applicable provision of law.
- (10) "Substantial interest" means the ownership, either legally or equitably, by an individual, the individual's spouse, or the individual's minor children, of at least 10% of the outstanding shares of a corporation or 10% interest in any other business entity.

Amended by Chapter 443, 2024 General Session

**10-3-1303.5 Statutory construction.**

The definition of appointed officer in Section 10-3-1303 does not have the effect of making an appointed individual or employee an officer of the municipality.

Enacted by Chapter 443, 2024 General Session

**10-3-1304 Use of office for personal benefit prohibited.**

- (1) As used in this section, "economic benefit tantamount to a gift" includes:
  - (a) a loan at an interest rate that is substantially lower than the commercial rate then currently prevalent for similar loans; or
  - (b) compensation received for a private service rendered at a rate substantially exceeding the fair market value of the service.
- (2) Except as provided in Subsection (4), it is an offense for an officer or municipal employee to:
  - (a) disclose or improperly use private, controlled, or protected information acquired by reason of the officer's or municipal employee's official position or in the course of official duties in order to further substantially the officer's or municipal employee's personal economic interest or to secure special privileges or exemptions for the officer or municipal employee or for others;
  - (b) use or attempt to use the officer's or municipal employee's official position to:
    - (i) further substantially the officer's or municipal employee's personal economic interest; or
    - (ii) secure special privileges for the officer or municipal employee or for others; or
  - (c) knowingly receive, accept, take, seek, or solicit, directly or indirectly, for the officer or municipal employee or for another, a gift of substantial value or a substantial economic benefit tantamount to a gift that:
    - (i) would tend improperly to influence a reasonable person in the person's position to depart from the faithful and impartial discharge of the person's public duties; or
    - (ii) the person knows or that a reasonable person in that position should know under the circumstances is primarily for the purpose of rewarding the person for official action taken.
- (3) Subsection (2)(c) does not apply to:
  - (a) an occasional nonpecuniary gift having a value of less than \$50;
  - (b) an award publicly presented in recognition of public services;
  - (c) any bona fide loan made in the ordinary course of business; or
  - (d) a political campaign contribution.
- (4) This section does not apply to an officer or municipal employee who engages in conduct that constitutes a violation of this section to the extent that the officer or municipal employee is chargeable, for the same conduct, under Section 76-8-105.

Amended by Chapter 443, 2024 General Session



**10-3-1305 Compensation for assistance in transaction involving municipality -- Public disclosure and filing required.**

- (1) As used in this section, "municipal body" means any public board, commission, committee, or other public group organized to make public policy decisions or to advise persons who make public policy decisions.
- (2) Except as provided in Subsection (9), it is an offense for an officer who is a member of a municipal body to receive or agree to receive compensation for assisting a person or business entity in a transaction involving the municipality of which the officer is elected or appointed unless the officer:
  - (a) files with the mayor a sworn statement disclosing the information described in Subsection (8);
  - (b) discloses the information described in Subsection (8) in an open meeting to the members of the municipal body of which the officer is a member immediately before the discussion; and
  - (c) for an officer who is an elected officer, files the sworn statement described in Subsection (2)(a) with the city recorder or town clerk.
- (3) It is an offense for an appointed officer who is not a member of a municipal body or a municipal employee to receive or agree to receive compensation for assisting a person or business entity in a transaction involving the municipality by which the appointed officer or municipal employee is employed unless the appointed officer or employee:
  - (a) files with the mayor a sworn statement disclosing the information described in Subsection (8); and
  - (b) discloses the information described in Subsection (8) to:
    - (i) the appointed officer's or municipal employee's immediate supervisor; and
    - (ii) any other municipal officer or employee who may rely on the appointed officer's or municipal employee's representations in evaluating or approving the transaction.
- (4)
  - (a) An officer or municipal employee shall file the sworn statement described in Subsection (2)(a) or (3)(a), as applicable, on or before the earlier of:
    - (i) 10 days before the date on which the officer or municipal employee and the person or business entity being assisted enter into an agreement; or
    - (ii) 10 days before the date on which the officer or municipal employee receives compensation.
- (5) In accordance with Subsection (2)(c), an elected officer shall file the sworn statement with the city recorder or town clerk on or before the earlier of the deadlines described in Subsections (4)(a)(i) and (ii).
- (6) A municipal recorder or town clerk who receives a sworn statement described in Subsection (2)(a) shall:
  - (a) post a copy of the sworn statement on the municipality's website; and
  - (b) ensure that the sworn statement remains posted on the municipality's website until the elected officer leaves office.
- (7) The sworn statements described in this section are public information and shall be available for examination by the public.
- (8) The sworn statement and public disclosure described in Subsections (2) and (3) shall contain:
  - (a) the name and address of the officer or municipal employee;
  - (b) the name and address of the person or business entity being or to be assisted or in which the officer or municipal employee has a substantial interest; and
  - (c) a brief description of the transaction as to which service is rendered or is to be rendered and of the nature of the service performed or to be performed.

(9) This section does not apply to an officer who is a member of a municipal body and who engages in conduct that constitutes a violation of this section to the extent that the officer is chargeable, for the same conduct, under Section 76-8-105.

Amended by Chapter 443, 2024 General Session

**10-3-1306 Interest in business entity regulated by municipality -- Disclosure statement required.**

- (1) An officer under this part, or a municipal employee, who is an officer, director, agent, or employee or the owner of a substantial interest in a business entity that is subject to the regulation of the municipality in which the officer or municipal employee is elected, appointed, or employed, shall disclose the position held and the nature and value of the officer's or employee's interest:
  - (a) upon first becoming appointed, elected, or employed by the municipality; and
  - (b) when the officer's or municipal employee's position in the business entity changes significantly or when the value of the officer's or municipal employee's interest in the entity significantly increases above the officer's or municipal employee's most recent disclosure.
- (2) An officer or municipal employee shall make the disclosure described in Subsection (1) in a sworn statement filed with:
  - (a) the mayor; and
  - (b) for an officer who is an elected officer, the city recorder or town clerk.
- (3) The mayor shall:
  - (a) report the substance of the sworn statement described in Subsection (2) to the members of the governing body; or
  - (b) provide a copy of the sworn statement to the members of the governing body no later than 30 days after the date on which the mayor receives the statement.
- (4) The municipal recorder or town clerk who receives the sworn statement described in Subsection (2) shall:
  - (a) post a copy of the sworn statement on the municipality's website; and
  - (b) ensure that the sworn statement remains posted on the municipality's website until the elected officer leaves office.
- (5)
  - (a) This section does not apply to an instance where the value of the interest does not exceed \$5,000.
  - (b) A life insurance policy or an annuity may not be considered in determining the value of the interest.

Amended by Chapter 443, 2024 General Session

**10-3-1307 Interest in business entity doing business with municipality -- Disclosure.**

- (1) An officer under this part, or municipal employee, who is an officer, director, agent, employee, or owner of a substantial interest in a business entity that does or anticipates doing business with the municipality in which the officer or municipal employee is appointed, elected, or employed, shall:
  - (a) publicly disclose the conflict of interest to the members of the body of which the officer is a member or by which the municipal employee is employed, immediately before any discussion by the municipal body concerning matters relating to the business entity, the nature of the officer's or municipal employee's interest in the business entity; and

- (b) for an officer who is an elected officer, file a sworn statement describing the conflict of interest with the city recorder or town clerk.
- (2) The public disclosure described in Subsection (1)(a) shall be entered in the minutes of the meeting.
- (3) A city recorder or town clerk who receives the sworn statement described in Subsection (1)(b) shall:
  - (a) post a copy of the sworn statement on the municipality's website; and
  - (b) ensure that the sworn statement remains posted on the municipality's website until the elected officer leaves office.
- (4) Disclosure by a municipal employee under this section is satisfied if the municipal employee makes the disclosure in the manner described in Section 10-3-1305 or Section 10-3-1306.

Amended by Chapter 443, 2024 General Session

### **10-3-1308 Investment creating conflict of interest with duties -- Disclosure.**

An officer or municipal employee who has a personal interest or investment that creates a conflict between the officer's or municipal employee's personal interests and the officer's or municipal employee's public duties shall disclose the conflict in the manner described in Section 10-3-1306.

Amended by Chapter 443, 2024 General Session

### **10-3-1309 Inducing officer or employee to violate part prohibited.**

It is a class A misdemeanor for any person to induce or seek to induce an officer or a municipal employee to violate any of the provisions of this part.

Amended by Chapter 443, 2024 General Session

### **10-3-1310 Penalties for violation -- Dismissal from employment or removal from office.**

In addition to any penalty contained in any other provision of law, any person who knowingly and intentionally violates this part, with the exception of Sections 10-3-1306, 10-3-1307, 10-3-1308, and 10-3-1309, shall be dismissed from employment or removed from office and is guilty of:

- (1) a felony of the second degree if the total value of the compensation, conflict of interest, or assistance exceeds \$1,000;
- (2) a felony of the third degree if:
  - (a) the total value of the compensation, conflict of interest, or assistance is more than \$250 but not more than \$1,000; or
  - (b) the elected or appointed officer or municipal employee has been twice before convicted of violation of this chapter and the value of the conflict of interest, compensation, or assistance was \$250 or less;
- (3) a class A misdemeanor if the value of the compensation or assistance was more than \$100 but does not exceed \$250; or
- (4) a class B misdemeanor if the value of the compensation or assistance was \$100 or less.

Amended by Chapter 147, 1989 General Session

### **10-3-1311 Municipal ethics commission -- Complaints charging violations.**

- (1) A municipality may establish by ordinance an ethics commission to review a complaint against an officer or a municipal employee subject to this part for a violation of a provision of this part.
- (2)
  - (a) A person filing a complaint for a violation of this part shall file the complaint:
    - (i) with the municipal ethics commission, if a municipality has established a municipal ethics commission in accordance with Subsection (1); or
    - (ii) with the Political Subdivisions Ethics Review Commission in accordance with Title 63A, Chapter 15, Political Subdivisions Ethics Review Commission, if the municipality has not established a municipal ethics commission.
  - (b) A municipality that receives a complaint described in Subsection (2)(a) may:
    - (i) accept the complaint if the municipality has established a municipal ethics commission in accordance with Subsection (1); or
    - (ii) forward the complaint to the Political Subdivisions Ethics Review Commission established in Section 63A-15-201:
      - (A) regardless of whether the municipality has established a municipal ethics commission; or
      - (B) if the municipality has not established a municipal ethics commission.
- (3) If the alleged ethics complaint is against a person who is a member of the municipal ethics commission, the complaint shall be filed with or forwarded to the Political Subdivisions Ethics Review Commission.

Amended by Chapter 443, 2024 General Session

**10-3-1312 Violation of disclosure requirements -- Penalties -- Rescission of prohibited transaction.**

If a transaction is entered into in connection with a violation of Section 10-3-1305, 10-3-1306, 10-3-1307, or 10-3-1308, the municipality:

- (1) shall dismiss or remove the officer or municipal employee who knowingly and intentionally violates this part from employment or office; and
- (2) may rescind or void a contract or subcontract entered into pursuant to that transaction without returning any part of the consideration received by the municipality.

Amended by Chapter 443, 2024 General Session

**10-3-1313 Annual conflict of interest disclosure -- City recorder or town clerk -- Posting of written disclosure statement -- Penalties.**

(1) In addition to any other disclosure obligation described in this part, an elected officer shall, no sooner than January 1 and no later than January 31 of each year during which the elected officer holds the office of mayor, commissioner, or council member:

- (a) prepare a written conflict of interest disclosure statement that contains a response to each item of information described in Subsection 20A-11-1604(6); and
  - (b) submit the written disclosure statement to the city recorder or town clerk.
- (2)
- (a) No later than 10 business days after the day on which the elected officer submits the written disclosure statement described in Subsection (1) to the city recorder or town clerk, the city recorder or town clerk shall:
    - (i) post an electronic copy of the written disclosure statement on the municipality's website; and
    - (ii) provide the lieutenant governor with a link to the electronic posting described in Subsection (2)(a)(i).

- (b) The city recorder or town clerk shall ensure that the elected officer's written disclosure statement remains posted on the municipality's website until the elected officer leaves office.
- (3) A city recorder or town clerk shall take the action described in Subsection (4) if:
  - (a) an elected officer fails to timely submit the written disclosure statement described in Subsection (1); or
  - (b) a submitted written disclosure statement does not comply with the requirements of Subsection 20A-11-1604(6).
- (4) If a circumstance described in Subsection (3) occurs, the city recorder or town clerk shall, within five days after the day on which the city recorder or town clerk determines that a violation occurred, notify the elected officer of the violation and direct the elected officer to submit an amended written disclosure statement correcting the problem.
- (5)
  - (a) It is unlawful for an elected officer to fail to submit or amend a written disclosure statement within seven days after the day on which the elected officer receives the notice described in Subsection (4).
  - (b) An elected officer who violates Subsection (5)(a) is guilty of a class B misdemeanor.
  - (c) The city recorder or town clerk shall report a violation of Subsection (5)(a) to the attorney general.
  - (d) In addition to the criminal penalty described in Subsection (5)(b), the city recorder or town clerk shall impose a civil fine of \$100 against an elected officer who violates Subsection (5) (a).
- (6) The city recorder or town clerk shall deposit a fine collected under this section into the municipality's general fund as a dedicated credit to pay for the costs of administering this section.

Enacted by Chapter 443, 2024 General Session