

ETHICS



CITY OF SOUTH SALT LAKE
CITY COUNCIL
FEBRUARY 2015

Utah Municipal Officers' and Employees' Ethics Act

- Enacted 1981
- Utah Code Ann. § 10-3-1301 et seq.
- Applies to elected, appointed, merit, and non-merit public servants
- Intended to build public trust in government officials



Disclosing private, controlled, or protected information



- **Public officials have access to sensitive information:**
 - Personal information
 - Real estate documents
 - Business trade secrets
 - Medical documents
 - Documents of criminal and internal investigations
 - Attorney work product
- **The use of this information is restricted**
- **Using the information for personal gain or to aid or assist another is unlawful**



Inappropriately using official position



- Officials may not use position or title to gain economic or personal advantages.
 - “Do you know who I am?”
- Nor may they do so for others.
 - “I’ll pull a few strings for you.”
 - Special requests for fee waivers
 - Influencing investigations



Inappropriate Gifts or Economic Benefits



- **Gift:**
 - Which would tend to influence a reasonable person's decision
 - Recipient knows or should know that the gift is given to reward them for official action taken
- **Economic Benefit:**
 - Loan at rate below FMV
 - Compensation for private services at rate above FMV
- **Excludes:**
 - Occasional non-pecuniary gift less than \$50
 - Publicly presented award for service
 - Bona fide loan
 - Political campaign contribution.

Bribery



Receiving or Soliciting a Bribe:

- 1) Asking for, soliciting, accepting, or receiving, either directly or indirectly...
- 2) Any benefit...
- 3) With the understanding, agreement, or purpose to influence an action, decision, opinion, recommendation, judgment, vote, nomination, etc

Still a crime, even if:

- 1) Benefit is conferred after the action
- 2) The person sought to be influenced did not act in the desired way
- 3) The person sought to be influenced was not qualified to act in the desired way
- 4) The person sought to be influenced has left office

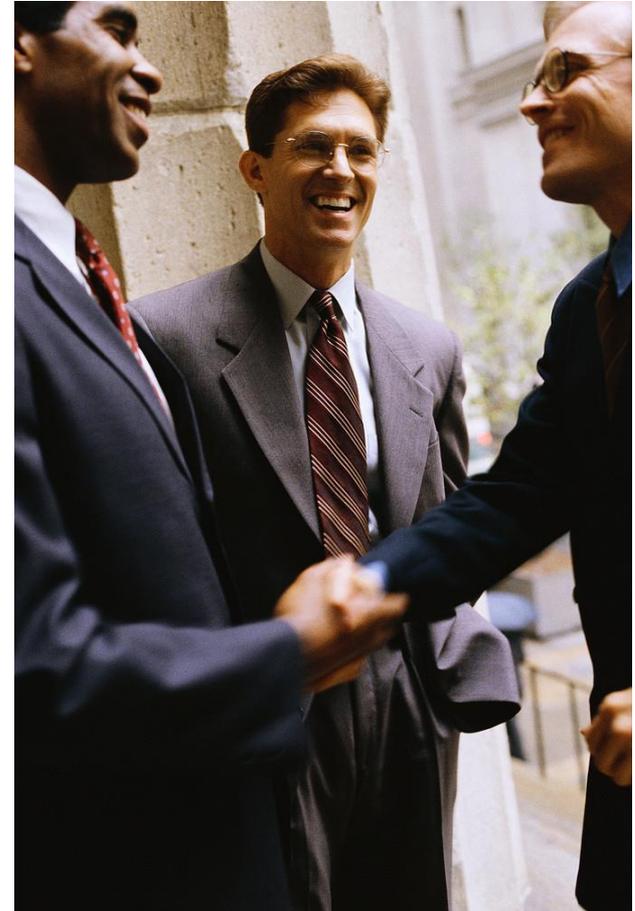
This may be committed by any person involved.



Business Transactions



- It is unlawful for members of a public body to receive compensation for assisting a person or entity in a business transaction with the City UNLESS the official:
 - Provides sworn written disclosure to Mayor, and
 - Provides oral disclosure to body immediately before the discussion
- Written disclosure is a public document.
- Disclosure must be provided at least 10 days prior to the earlier of: (1) the transaction, or (2) receipt of compensation



Conflicts of Interest: Business Interests



- Officials who have a substantial interest in a business which is regulated by the City must disclose the relationship in writing to the Mayor
 - “Substantial interest” means at least 10% interest by the official, their spouse, or their minor children.
- Must keep the disclosure updated.

Conflicts of Interest: Business Transactions



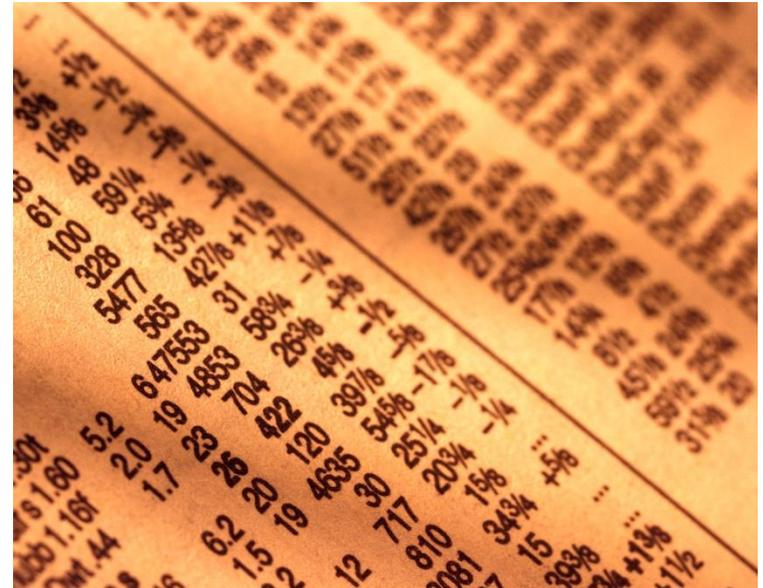
- If you have a substantial interest in a business which will be engaging in a transaction with the city, regardless of where it is headquartered, then you must publicly disclose to the members of the public body the business interest prior to discussing the transaction.
- The disclosure need not be in writing, but must be included in the meeting's minutes.



Conflicts of Interest: Investment & Personal



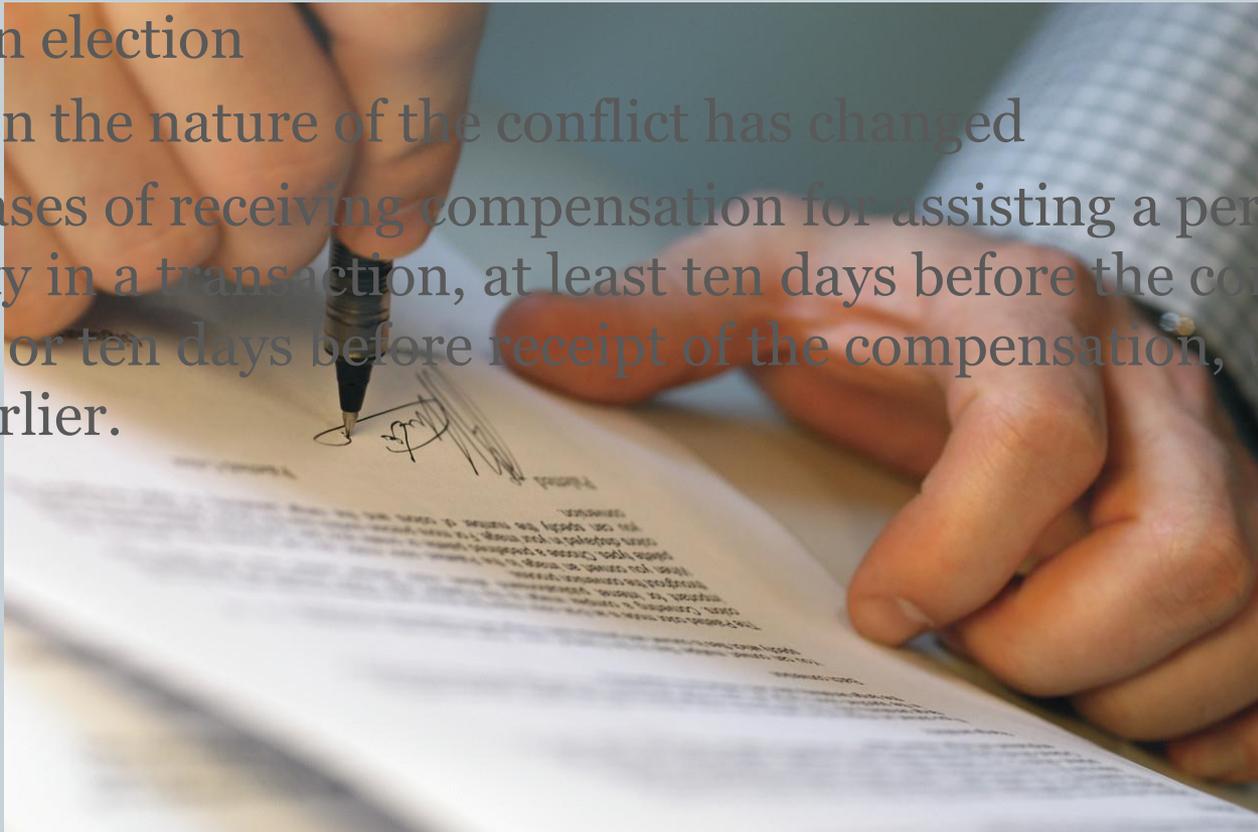
- Any interest which creates a conflict between the official's personal interests and the employee's public duties must be disclosed to the Mayor in writing, who will then disclose it to the Council.
 - This includes investments and personal interests



Disclosure



- Elected officials disclose any conflicts of interest:
 - Upon election
 - When the nature of the conflict has changed
 - In cases of receiving compensation for assisting a person or entity in a transaction, at least ten days before the contract date or ten days before receipt of the compensation, whichever is earlier.



When in Doubt....



- **Disclose**

- Under state law, conflicts do not require an officer to abstain from voting or discussing the transaction or issue. Officers are free to do business in and with the municipality.
- But they must disclose the relationship and/or conflict
- These are minimum standards. Public scrutiny may determine whether you *should* abstain.

- **Report**

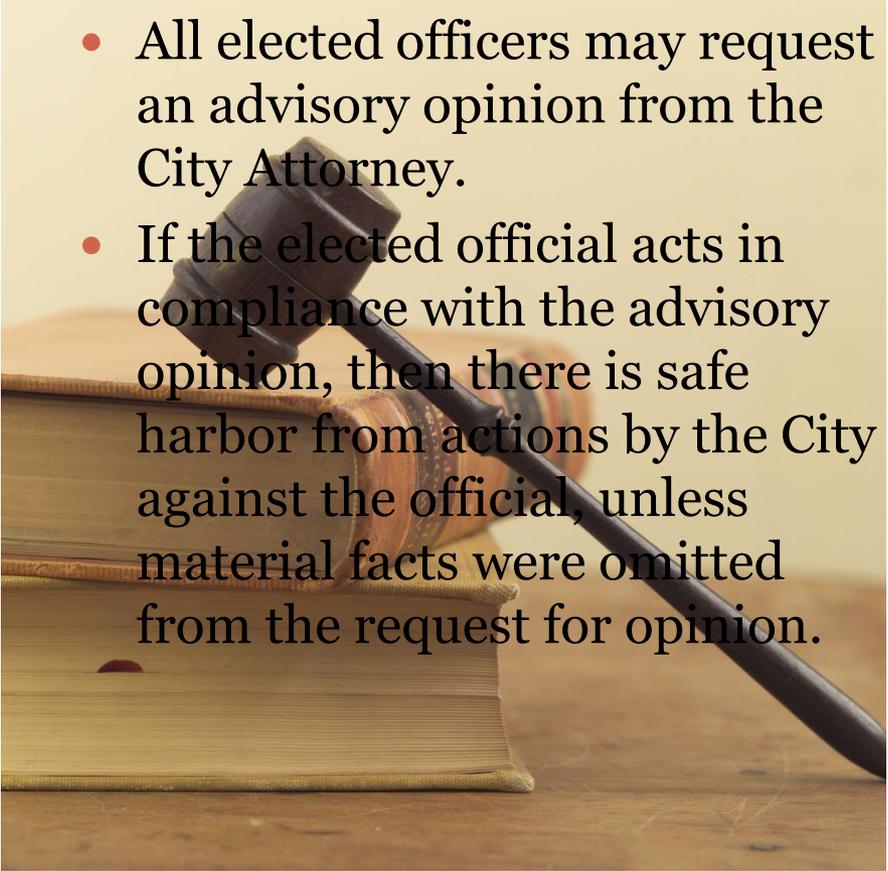
- If you feel there has been a violation, seek to enforce it through the proper channels. It is unfair to make a public accusation of an ethical violation or conflict of interest for political purposes.

There may be a difference between what you feel is right, and what the law requires.

South Salt Lake Ethics Commission



- A person may initiate a complaint against an elected official.
- Complaints are referred to the City's Administrative Law Judge for investigation and hearing.
- A finding of ethics violation is referred to the City Council for action.

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- A photograph of a wooden gavel resting on a stack of books, symbolizing law and justice. The gavel is positioned diagonally across the frame, with its head resting on the top book. The books are stacked on a wooden surface.
- All elected officers may request an advisory opinion from the City Attorney.
 - If the elected official acts in compliance with the advisory opinion, then there is safe harbor from actions by the City against the official, unless material facts were omitted from the request for opinion.

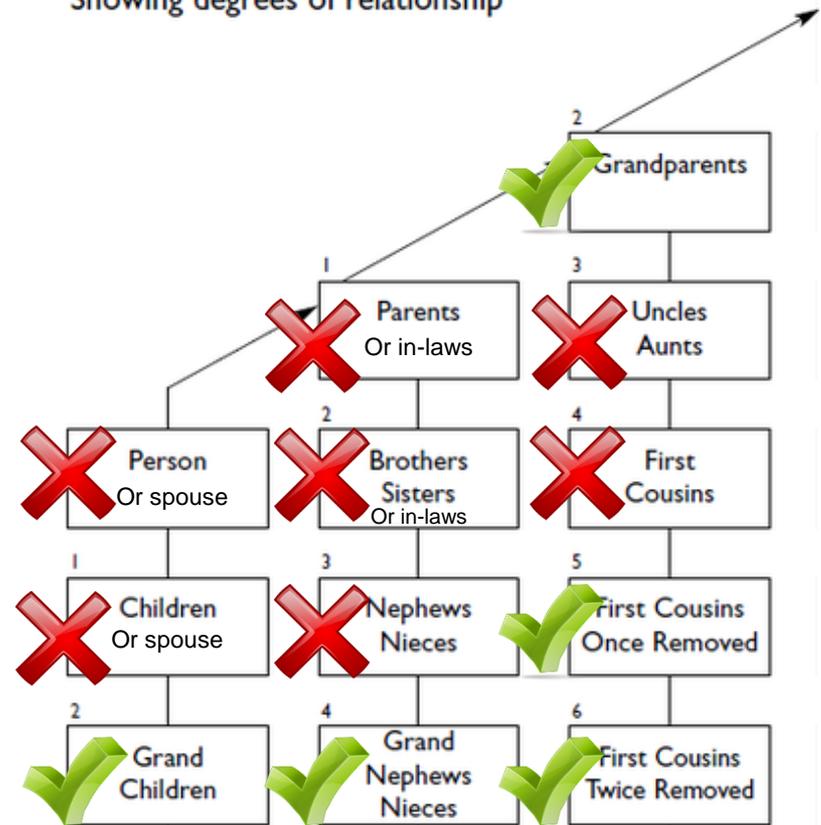
Anti-nepotism



- As councilmember, you may not vote for the appointment a person to a position if that appointee will be directly supervised by a relative.
- Relative means father, mother, husband, wife, son, daughter, sister, brother, uncle, aunt, nephew niece, first cousin, mother-in-law, father-in-law, brother-in-law, sister-in-law, son-in-law, or daughter-in law

Table of Consanguinity

Showing degrees of relationship





Questions or Discussion