

## An Overview of Draper City and State Ethics Rules for Elected Officials and Planning Commission

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## Sources of Information

- ▶ DCMC Title 19
- ▶ Utah Code
  - Municipal Officers' and Employees' Ethics Act ("MOEE")
    - UCA 10-3-1301 -1312
  - Utah Public Officers' and Employees' Ethics Act
    - UCA 67-16-1

## What are ethics?

- ▶ System of rules that helps define what actions are right or wrong in a particular situation.
- ▶ Establishes a minimum level of conduct.

## Your role as an elected/appointed official

- ▶ What does the public expect of government?
  - Integrity
  - Fairness
  - Transparency
- ▶ What commitments have you made once you accepted employment w/ government?
- ▶ Your public v. private interests

## Role and Duty of Public Employees

- ▶ "City officers and employees are agents of public purpose and hold office for the benefit of the public. They are bound to uphold and impartially carry out federal, state and city laws. They are bound to observe, in their official acts, the highest standards of performance and to discharge faithfully the duties of their office, regardless of personal considerations. Recognizing that the public interests must be their primary concern, their conduct in both their official and private affairs should be above reproach" (DCMC 19-1-040)

## What power do you wield?

- ▶ Access to public funds
- ▶ Access to confidential information
- ▶ Ability to grant approvals
- ▶ Ability to influence decisions and grant access to decision makers

## Duty of Impartiality

- ▶ Duty to treat all citizens the same by not giving special consideration, treatment or advantage to anyone. (DCMC 19-1-030 (C))

## Warning Sign #1 : Gifts

- ▶ Quid pro quo
- ▶ City defines a gift **to include**:
  - A loan at an interest rate substantially lower than the commercial rate currently prevailing
  - Compensation received for private services rendered at a rate substantially exceeding fair market value for the services (19-1-050 (b))

## Gifts - No exceptions

- ▶ You may not accept any gift that creates a financial conflict of interest and is given by someone involved in business dealings with the city. (19-1-050 (a))
- ▶ You may not accept any economic benefit tantamount to a gift that is contingent upon a specific action by the city. (19-1-050 (a))
- ▶ Don't accept a bribe. (UCA 76-8-105)

## Gifts - with exceptions (see next slide)

- ▶ You may not receive or solicit a gift or other benefit that would
  - Tend to improperly influence a reasonable person to depart from the faithful and impartial discharge of the person's public duties; or
  - As a reward for official action taken
- 19-1-050 (c)

## Gifts - exceptions (19-1-050(d))

- ▶ The occasional nonpecuniary gift having a value less than \$25;
- ▶ A publically presented award in recognition of service
- ▶ A bona fide loan made in the ordinary course of business
- ▶ A political campaign contribution
- ▶ Any other gift which would have been offered to that person if they were not a city employee

## Warning sign # 2 - Seeking benefits

- ▶ Don't disclose confidential information acquired by reason of your position in order to further your economic interest or secure special privileges or exemptions for others. (19-1-050 (c))
- ▶ Don't use your position to further your economic interests or secure special privileges for yourself or others. (19-1-050 (c))
- ▶ Don't use city property for personal convenience or profit. (19-1-060 (A))
- ▶ Council members cannot bid on or purchase property offered for sale by the city. (19-1-060 (B))

### Warning Sign # 3: Conflicts of Interest

- ▶ "City officers and employees, whether appointed or elected, full time or part time, paid or unpaid, should conduct their official and private affairs so as **not to give a reasonable basis** for the **impression** that any such officer or employee can be improperly influenced in performance of their public duties. Such officer or employees should so conduct themselves as to **maintain public confidence** in their performance of the public trust in the government they represent. All city officials and employees should **avoid even the appearance of conflict** between their public duties and private interests." (DCMC 19-1-080)

### Conflicts of Interest

- ▶ Avoid activities that create a **real or perceived** perception your loyalties are divided between your public responsibilities and private life.

### Conflicts of Interest

- ▶ Do not "preacquire" an interest in any contract or transaction that requires an official act of the city. (19-2-020 (a))
  - "Interest":
    - Direct or indirect
    - Pecuniary or material benefit
    - To city officer or employee
      - Relationships closer than 4<sup>th</sup> degree of consanguinity
      - Business interests

### Conflicts of Interest

- ▶ If you perform an official act in relation to the awarding of a contract, do not
  - Have an interest or acquire an interest in the K
  - Have an interest in any business advising or appearing on behalf of person involved in the transaction
  - Solicit present or future employment from a person involved in the contract
  - Solicit or accept a gift from a person involved in the contract
  - 19-2-020 (b))

### Conflicts of Interest

- ▶ Do not disclose confidential information regarding a contract or transaction requiring city action or use confidential information to advance your or others financial or other interests. (19-2-030)
- ▶ Accept employment that might impair your independence of judgment or otherwise. (19-1-070)
- ▶ Do not appear before a city body on behalf of someone else, other than your spouse or minor children. (19-1-070)
  - Exception for counsel member appearing before city bodies on behalf of a constituent

### Conflicts of Interest

- ▶ Do not take private employment that creates a conflict of interest. (Policy 5070)

### Duty to disclose (19-2-010)

- ▶ Disclose an interest in any proposed legislation before the city body
  - Disclose on the record
  - Leave room – do not participate or vote
  - "Interest" is
    - Direct or indirect pecuniary benefit to you
    - Relations by blood or marriage less than 4<sup>th</sup> level of consanguinity – divorce does not terminate
    - Any person or business entity you have a contractual relationship with
    - Any business in which you are an officer, director or employee
    - Any business you control > 5% of the stock

### Duty to disclose

- ▶ Disclose interest in any business regulated by the City. (UCA 10-3-1306 (1))
  - "interest" includes being an employee, officer or owner of a substantial interest in the business
  - Disclose:
    - Position held
    - Nature and value of the interest
    - Ongoing duty to disclose

### Duty to disclose

- ▶ Disclose interest in business entity doing business with the City. (UCA 10-3-1307)
  - Same definitions as last slide
- ▶ Disclose investments that may create a conflict of interest between personal interests and public duties. (UCA 10-3-1308)

### Miscellaneous Provisions

- ▶ May not solicit contributions to any political party on city property during working hours. (19-1-090 (F))
- ▶ May not promise appointment to any position as a reward for political activity. (19-1-090 (G))
- ▶ City elected officials are prohibited from accepting city employment for 2 years after leaving office. (19-1-100)
- ▶ No relative or spouse shall be employed by the City. (19-1-110)

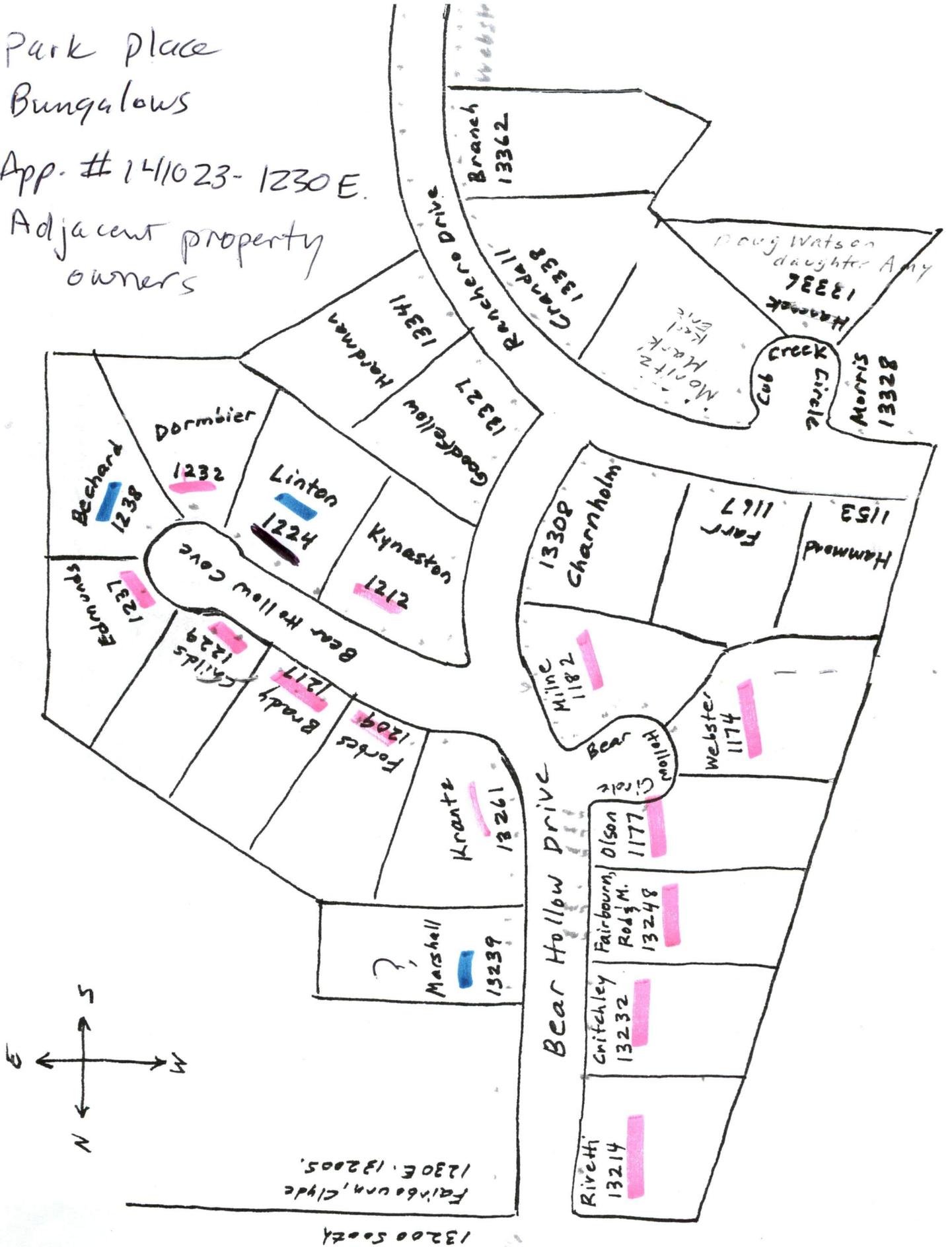
### Penalties

- ▶ Misdemeanor and/or felony criminal charges for violations
- ▶ Contract or transaction is voidable by City
- ▶ **Removal from office** if knowingly and intentionally violate gift prohibitions or enter into a transaction in violation of disclosure requirements (UCA 10-3-1310 & 1312)

Park Place  
Bungalows

App. # 141023-1230 E.

Adjacent property  
owners



RESIDENT 28324780090000  
1224 E BEAR HOLLOW CV  
DRAPER UT 84020

RESIDENT 28333510250000  
1322 E 13200 S  
DRAPER UT 84020

RESIDENT 28324780100000  
1232 E BEAR HOLLOW CV  
DRAPER UT 84020

Park Place Bungalows  
App # 141023-1230 E.

RESIDENT 28333010290000  
9150 S 500 W  
SANDY UT 84070

RESIDENT 28333510020000  
13239 S 1300 E  
DRAPER UT 84020 ?

13 adjacent in Bear Hollow  
notice evidenced to 3

RESIDENT 28333510150000  
1360 E 13200 S  
DRAPER UT 84020

~~RESIDENT 28333510160000  
1020 E PIONEER RD  
DRAPER UT 84020~~

RESIDENT 28333510170000  
10565 S FEATHERWOOD DR  
SOUTH JORDAN UT 84095

~~RESIDENT 28333510180000  
1020 E PIONEER RD  
DRAPER UT 84020~~

RESIDENT 28333510190000  
1250 E 3900 S # 310  
SALT LAKE CITY UT 84124

~~RESIDENT 28333510240000  
1020 E PIONEER RD  
DRAPER UT 84020~~