

January 19, 2017

Dave Adams, Kaysville City Council Member  
562 Western Drive  
Kaysville, UT 84037

Re: Letter of Admonishment

Dear Mr. Adams,

The Kaysville City Council (Council) strives to ensure public confidence in the integrity of local government and its effective, open, and fair operation. In working towards this goal the Council has recently updated and approved changes to our Code of Conduct.

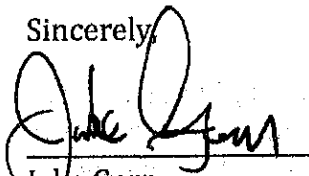
This letter is submitted for discussion purposes and to provide documentation of actions you have taken we believe are violations of a provision of the Kaysville City Code, (Section 2-4-5) and provisions of the Kaysville Code of Conduct. We admonish you to refrain from further violations. We recommend the Council receive this letter and the attached report for discussion at the January 19, 2017 Council meeting.

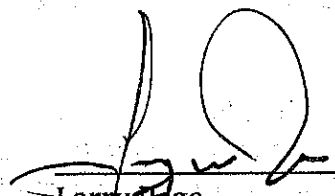
This letter does not address the constructive contributions you have made to the City and to the Council during the first year of your term in office. We respectfully recognize your continual efforts and desire to improve our community.

Unfortunately, these violations of the Kaysville City Code and the Code of Conduct not only compromise your ability to be successful in serving and contributing, but have also been a significant distraction from the business of this Council and from the daily operations of Kaysville City by professional staff.

For this reason, we admonish you to continue your work for the good of our community by working with citizens, fellow council members and professional employees of Kaysville City in a manner that is in keeping with the letter and spirit of the Kaysville City Code and the Code of Conduct.

Sincerely,

  
Jake Garn  
Council Member

  
Larry Page  
Council Member

## Snow Plowing Issue:

Council Member Adams may have violated Kaysville Code Section 2-4-5. His conduct in this matter is not in keeping with various sections of the Code of Conduct for elected and appointed officials:

On January 7, 2017 Council member Adams sent an email to the Mayor, all council members, the City Manager and Public works director. The email makes certain claims and requests as follows:

- A member of the Council and a citizen who is active in attending City Council meetings have received special treatment by having their roads plowed before other streets.
- States without grounding that this preferential treatment of elected officials is not new and that preferential treatment won't be allowed.
- States that while he (Adams) has no "knowledge of the preferential treatment being orchestrated...there is no excuse..." thus making the assertion that while it may have not been collusion clearly preferential treatment has occurred.
- States that city employees should be expected to work 7 days a week if necessary and that they should not be praised for just doing their jobs.
- States that preferential plowing has been an issue for too long.
- States that City plows should "drop the blades on UDOT roads...we should drop the blades and plow." (This is contrary to City policy and shifts the cost burden from the State, (UDOT) to the City.)
- States he has previously contacted the "superintendent" and is "personally available to plow."

Importantly, on January 6, 2016 one day before Council Member Adams' email claiming that preferential treatment had occurred, the Public Works Director had written an email in response to a citizen email, explaining that City policy had been followed and that no preferential treatment had been given. In fact, the public works director stated that he had personally plowed the street in question and that he had no knowledge of where the Council Member lived. He also didn't know who the citizen was that supposedly also received preferential treatment. This citizen has been critical of Council Member Adams' actions that have resulted in audits by the Utah State Auditor's office.

In discussing this matter with the Public Works Director and the City Manager it is apparent that Council Member Adams has contacted them on numerous occasions in an attempt to use his position to influence professional staff to allow him to drive the City snowplow. Council Members Adams' assertion that the Public Works Director had made an error by giving preferential treatment to a Council Member and a vocal citizen combined with criticism of the City's snow plowing efforts and

then attempting to use his influence to be allowed to drive a snow plow appears to be a violation of Kaysville Code 2-4-5 which reads:

"Except for the purposes of inquiry, the Mayor or Council or any of its members shall deal with the administrative service solely through the City Manager and neither the Mayor or Council or any member thereof shall give orders to any subordinates of the City Manager, either publicly or privately."

Council Member Adams' conduct in this matter is also not in keeping with several sections of the Code of Conduct. His failure to even consider the explanation of events by the Public Works Director is clear. It is a fact, that after the Director's explanation, he (Adams) continued to assert that the sequence of snow plowing constituted preferential treatment in which both a Council member and a citizen who have been critical of Council Member Adams were in fact the people named as having received preferential snow plowing treatment.

It appears that Council Member Adams' primary intention in this regard was to attack or diminish a Council member and a vocal citizen who have been critical of his actions in the past.

This behavior is not in keeping with sections 1, 2, 3, 4, and 7 of the Code of Conduct. Council Member Adams' actions in this matter are a violation of:

Section 1: Act in Public Interest. The assumption of preferential treatment in contradiction of the evidence and testimony by the Director to the contrary does not constitute "fair and equal treatment to all persons..." and his desire to drive a snowplow for the City while serving as a council member is contrary to acting "not for any private or personal interest..."

Section 2: Comply with the Law. States in summary that Members shall comply with the law. Using duress, undue influence and intimidation of a subordinate of the City Manager is even more serious than giving direct orders which is prohibited by Kaysville Code Section 2-4-5.

Section 3: Conduct of Member. States in part "Members must be above reproach and avoid even the appearance of impropriety. Members shall refrain from...personal charges or verbal attacks on the character or motives of other Members,,the staff or the public."

Claiming corruption and preferential treatment in the City's snow plow operations is a very serious charge, and contradicts testimony given by the Public Works Director. Council Member Adams' assertion without evidence that preferential treatment has occurred for another council member and a vocal citizen is not in compliance with the intent of Section 3. Seeking to drive a snowplow for the City without being employed and trained to do so and especially while serving as a council member is asking for preferential treatment by Council Member Adams.

Section 4: Respect for Process. Violation of the rules of Conduct, and failing to abide by the rules of conduct, for the "...implementation of policy decisions of the City Council by City Staff." Seeking to run daily operations or to become involved in personally performing administrative functions such as snow plowing shows a lack of respect for both the policy making role of the Council and the Administrative duties of professional staff. If it were to be allowed it would also open the City up to liability risks for personal injury and property damage.

Section 7: Policy Role of Members. Attempting to use his, (Adams), influence as a Council Member to direct the snow plowing operations and to personally drive a City snow plow is contrary to the requirement of this section which states "Members shall respect and adhere to the Council-manager structure as adopted by ordinance of the Kaysville City government."

We admonish Council Member Adams to study, understand and act within the letter and the spirit of the Kaysville Municipal Code and the Code of Conduct.