

ORDINANCE NO. 20-1014-01



AN ORDINANCE OF THE TOWN OF ROCKVILLE, UTAH, TO ESTABLISH AN ETHICAL BEHAVIOR POLICY FOR CERTAIN OFFICIALS AND EMPLOYEES.

BE IT RESOLVED BY THE ROCKVILLE TOWN COUNCIL OF ROCKVILLE, UTAH, AS FOLLOWS:

Ethical Behavior Policy

Employee Code of Ethics

Prohibited Conduct

No current employee or officer, as specified, shall:

1. Disqualification from Acting on Town of Rockville Business.
 - a. Engage in any transaction or activity, which is, or would to a reasonable person appear to be, in conflict with or incompatible with the proper discharge of official duties, or which impairs, or would to a reasonable person appear to impair, the employee's independence of judgment or action in the performance of official duties and fail to disqualify him or herself from official action in those instances where conflict occurs;
 - b. Have a financial or other private interest, direct or indirect, personally or through a member of his or her immediate family, in any matter upon which the employee is required to act in the discharge of his or her official duties, and fail to disqualify him or herself from acting or participating;
 - c. Fail to disqualify him or herself from acting on any transaction which involves the Town Of Rockville and any person who is, or at any time within the preceding twelve (12) month period has been a private client of his or hers, or of his or her firm or partnership;
 - d. Have a financial or other private interest, direct or indirect, personally or through a member of his or her immediate family, in any contract or transaction to which the Town of Rockville or town agency may be a party, and fails to disclose such interest to the appropriate authority prior to the formation of the contract or the time the Town of Rockville or town agency enters into the transaction; provided, that this paragraph shall not apply to any contract awarded through the public bid process in accordance with applicable law.
2. Improper Use of Official Position.
 - a. Use his or her official position for a purpose that is, or would to a reasonable person appear to be primarily for the private benefit of the employee, rather than primarily for the benefit of the Town of Rockville; or to achieve a private gain or an exemption from duty or responsibility for the employee or any other person;
 - b. Use or permit the use of any person, funds, or property under his or her official control, direction, or custody, or of any town funds or property, for a

- xiii. Unsolicited gifts with an aggregate economic value of \$50.00 or less from a single source in a calendar year received either directly or indirectly by the official or employee.

4. Disclose Privileged Information.

Disclose or use any privileged or proprietary information gained by reason of his or her official position for the immediate or anticipated personal gain or benefit of the employee or any other person or entity; provided, that nothing shall prohibit the disclosure or use of information which is a matter of public knowledge, or which is available to the public on request.

5. Financial or Beneficial Interest in Transactions.

Regardless of prior disclosure an employee or officer may not participate in or benefit from (personally or through his or her family) a contract or agreement where that employee or officer acted as an agent of the Town of Rockville. This includes receiving compensation, gratuity, or other benefit from an interested party of an agreement or contract with the Town of Rockville.

6. Nepotism.

- a. Violate *Utah Code* § 52-3, which prohibits employment of relatives, with few exceptions.

7. Misuse of Public Resources or Property.

- a. Violate *Utah Code* § 76-8-4, which delineates the unlawful use of public funds and destruction of property, including records.

8. Outside Employment.

- a. Retain secondary employment outside of the Town of Rockville employment, which, as determined by Rockville Town Council, and according to Utah Administrative Code R477-9-2:
 - i. Interferes with an employee's performance.
 - ii. Conflicts with the interests of the Town of Rockville or the State of Utah.
 - iii. Gives reason for criticism or suspicion of conflicting interests or duties.

9. Political Activity.

- a. Except as otherwise provided by law:
 - i. The partisan political activity, political opinion, or political affiliation of an applicant for a position with the Town of Rockville may not provide a basis for denying employment to the applicant.
 - ii. A Town of Rockville officer's or employee's partisan political activity, political opinion, or political affiliation may not provide the basis for the officer or employee's employment, promotion, disciplinary action, demotion, or dismissal.
 - iii. A Town of Rockville employee may not engage in political campaigning or solicit political contributions during hours of employment.

October 14, 2020

- a. No former employee shall, during the period of one (1) year after leaving Town of Rockville office or employment:
 - i. Disclose or use any privileged or proprietary information gained by reason of his/her town employment for his/her gain or anticipated gain, or for the gain or anticipated gain of any person, unless the information is a matter of public knowledge or is available to the public on request;
 - ii. Assist any person in proceedings involving an agency of the Town of Rockville with which he/she was previously employed, involving a matter in which he or she was officially involved, participated or acted in the course of duty;
 - iii. Represent any person as an advocate in any matter in which the former employee was officially involved while a Town of Rockville employee;
 - iv. Participate as a competitor in any competitive selection process for a town contract in which he or she assisted the town in determining the project or work to be done or the process to be used.

THIS ORDINANCE SHALL BECOME EFFECTIVE IMMEDIATELY UPON APPROVAL AND SIGNATURE.

TOWN OF ROCKVILLE

Pam Leach, Mayor

Terry Bell, Council Member

Jeff Ballard, Council Member

David Firmage, Council Member

M. Honer-Orton, Council Member

ATTEST:

Vicki S. Bell, Town Clerk



ETHICAL BEHAVIOR PLEDGE FORM

Annual Ethics Pledge

The following pledge is required to be made annually by all officers and employees of the Town of Rockville.

I, _____ am the duly elected/appointed
_____ of the Town of Rockville, Utah.

I pledge to adhere to the code of ethics as approved by the Rockville Town Council. These topics include, but are not limited to: improper use of official position, accepting gifts or loans, disclosing privileged information, retaining a financial or beneficial interest in a transaction, nepotism, misuse of public resources or property, outside employment, political activity, fair and equal treatment, and conduct after leaving office or employment. Additionally, I pledge to disclose all conflicts of interest on the conflict of interest disclosure form. I understand that state statute and Town of Rockville Employee Policy provide for penalties for violation of specific unethical behavior. Signing this document verifies that I have been provided time to read applicable statutes and ordinances, as well as the Town of Rockville Code of Ethics.

Dated this _____ day of _____, 2020.

By: _____

Title/Office: _____

Attested: Vicki S. Bell, Town Clerk