

## **GREATER SALT LAKE MUNICIPAL SERVICES DISTRICT CONFLICT OF INTEREST POLICY**

**PURPOSE:** The purpose of this Conflict of Interest Policy (the “Policy”) is to protect the Greater Salt Lake Municipal Services District’s interests when the District is contemplating entering into a transaction or arrangement that might benefit the private interests of an officer, employee or Trustee of the District. This Policy is intended to complement but not replace any applicable state and federal laws governing conflicts of interest applicable to local districts, including the Utah Public Officers’ and Employees’ Ethics Act, Utah Code Ann. §§ 67-16-1, *et seq.* (the “Act”)

**GOAL:** The goal of the Policy is to set forth standards of conduct for officers, employees and Trustees of the District in areas where there are actual or potential conflicts of interest between their public duties and private interests.

### **1. DEFINITIONS:**

- 1.1 **Greater Salt Lake Municipal Services District:** The terms “Greater Salt Lake Municipal Services District,” “District,” and “MSD” are all synonymous and may be used interchangeably within this Policy.
- 1.2 **Board of Trustees:** The Board of Trustees is the governing body responsible for the overall operations of the MSD. The Board is comprised of the Mayors (or the Mayor Pro Tempore in the absence of the Mayor) of the Copperton Metro Township, the Emigration Canyon Metro Township, the Kearns Metro Township, the Magna Metro Township and the White City Metro Township; a member of the Brighton Town Council; and a member of the Salt Lake County Council. The terms “Board of Trustees,” “Trustees,” and “Board,” are all synonymous and may be used interchangeably within the Policy.

### **2. PROHIBITED ACTS:**

- 2.1. No employee, officer, or Trustee shall (1) use that person’s District office or employment for private advantage by revealing confidential, controlled, private, or protected information gained through that office or employment, (2) use his or her District position to secure special privileges, or (3) accept other employment that would reasonably be expected to interfere with the ethical performance of his or her public duties.
- 2.2. As provided in Utah Code Ann. § 67-16-5, no employee, officer, or Trustee shall knowingly receive, accept, take, seek or solicit, directly or indirectly, any gift or loan for himself or herself or for another if: (1) the gift or loan would reasonably tend to influence him or her in the performance of official duties, or (2) the donor has been, is, or may become involved in any official District business. Exceptions to the above include occasional, non-monetary gifts of a value less than \$50.00; awards publicly presented in recognition of public service; bona fide business

loans made in the ordinary course of business; or campaign contributions actually used in a political campaign.

- 2.3. Excluding retirement portfolios that are not self-directed, such as Utah Retirement Systems (URS), no employee, officer, or Trustee shall have personal investments in any business entity which will create a conflict between his or her private interests and his or her public duties that a reasonable person would consider to be substantial.
  - 2.4. Employees may not be involved with any private business which is regulated by the District, may not be involved in any transaction between their private business interests and the District, and may not be involved in any other actual or potential conflict of interest unless the nature and extent of the private business interest(s) are disclosed as explained below.
  - 2.5. A conflict of interest that exists between two or more governmental positions held by the same individual, such as being both an elected Mayor or Council member and a member of the MSD Board, does not constitute a conflict of interest under this Policy and is not subject to the Act, unless the conflict of interest is also due to a personal interest of the individual that is not shared by the general public, as provided in Utah Code Ann. § 67-16-11(2).
  - 2.6. Employees are prohibited from serving as an elected or appointed government official for or an employee of jurisdictions served by the MSD. This policy does not preclude such service in areas outside the jurisdiction of the MSD provided that the service does not conflict with any other aspect of the Policy.
3. DISCLOSURE:
- 3.1. Any District officer, employee, or Trustee who receives payment for helping a private person or business in a transaction with the District must disclose the payment.
  - 3.2. Any District officer, employee, or Trustee involved in a private business which is subject to District regulation must disclose that involvement. If the regulation is made by the agency or board of which the officer, employee, or Trustee is a member, disclosure must be made annually, and again at each Board meeting during which the officer's or employee's business is discussed. Such oral disclosures shall be made part of the minutes of the meeting.
  - 3.3. Any District officer, employee, or Trustee involved with a private business that does or anticipates doing business with the District must disclose that involvement.
  - 3.4. Any District officer, employee, or Trustee who has a personal or business interest of any kind which raises an actual or potential conflict of interest with District

duties must disclose that interest.

- 3.5. All such statements are public records, open to public inspection. All disclosures must be made as follows: written disclosure must be made annually; orally during any District Board meeting during which a transaction is discussed involving a matter in which the officer, employee, or Trustee has an interest; and again in writing when the conflict arises. The general written disclosure must be re-filed every January of each year that the outside interest persists and must be filed with the officer's, employee's or Trustee's immediate supervisor, the District Manager, and the Board. Written disclosures by a Trustee must be filed with the Board Chair and the District General Manager. All disclosures must be considered and approved annually by the Board.
4. Violation of the Policy may subject the officer, employee, or Trustee to disciplinary action, in addition to the possibility of criminal prosecution. Any violations will be thoroughly investigated and prosecuted. Please be aware that this document is a shortened and simplified statement of the legal requirements involved in this area. **YOUR CONDUCT WILL BE GOVERNED BY THE LAW, NOT ONLY BY THIS POLICY.**

Approved as of this 14<sup>th</sup> day of July, 2021.

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Joe Smolka, Chair

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Marla Howard, Clerk

**GREATER SALT LAKE MUNICIPAL SERVICES DISTRICT  
DISCLOSURE OF PRIVATE BUSINESS INTERESTS**  
(Use one form for each business entity or person involved.)

Under the provisions of the Utah Public Officers' and Employees' Ethics Act, Utah Code Ann. §§ 67-16-1 *et seq.*, I, the undersigned, under penalties of perjury, make the following statement regarding my private business interests. (*Type or print all information.*)

A. \_\_\_\_\_  
District Employee, Officer, or Trustee

\_\_\_\_\_  
Address

B. \_\_\_\_\_  
Outside institution, entity, private business, or person involved

\_\_\_\_\_  
Describe

\_\_\_\_\_  
Outside institution, entity, private business, or person's address and phone number

C. Describe your position in, investment in, or relationship to the above-named institution, entity, private business, or person. This may include describing the nature of the economic interest or employment you hold in the private business, or the relationship with, or transaction between, the business, institution, person, etc. and the Greater Salt Lake Municipal Services District. Use more sheets if necessary. (*This disclosure statement will not be accepted as valid unless this section is completed and the statement is properly signed.*): \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

Date: \_\_\_\_\_  
\_\_\_\_\_  
District Employee, Officer, or  
Trustee Signature

*This statement is a public document. It must be filed, as applicable, with the officer's or employee's immediate supervisor, District General Manager, and the Board. It must be filed when the potential conflict arises and annually if the conflict is ongoing.*