



ORDINANCE NO. 21-0810-01

AN ORDINANCE OF THE TOWN OF ROCKVILLE, UTAH, TO ESTABLISH A CONFLICT OF INTEREST POLICY FOR CERTAIN OFFICIALS AND EMPLOYEES.

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

Conflict of Interest Policy

Overview

Municipal officers individually commit themselves in their official capacity to ethical, businesslike, and lawful conduct, including appropriate use of their authority and decorum at all times. Officers must avoid even the appearance of impropriety to ensure and maintain public confidence in the Town of Rockville. Officers owe a fiduciary duty to the Town and must not act in a manner that is contrary to that duty or to the interests of the Town. Officers must place the interests of the Town over their own personal interests with respect to the governance, policy, strategic direction, and operations of the Town.

Policy

It is the intent of the Rockville Town Council to meet and exceed those protections against conflicts of interest contained in State law. Under this policy, a conflict of interest arises when an officer has a personal interest in a matter that is or may be in conflict with or contrary to the Town's interests and objectives to such an extent that the officer is or may not be able to exercise independent and objective judgment within the context of the best interest of the Town. For the purposes of this policy, an officer's "personal interest" includes those of his or her relatives, business associates or other persons or organizations with whom he or she is closely associated.

1. The following provisions shall serve as a guide to officers with respect to the affairs of the Town of Rockville:
 - a. Town of Rockville officers shall not receive, accept, take or solicit, directly or indirectly, anything of economic value as a gift, gratuity, or favor from a person or entity if it could be reasonably expected that the gift, gratuity, or favor would influence the vote, action, or judgment, or be considered as part of a reward for action or inaction. Officers are required to submit a report to the Mayor and the Town Clerk of the actual or estimated value of any gifts or casual entertainment received as an officer that exceeds \$50.00.
 - b. The complete confidentiality of proprietary business information must be respected at all times. Officers are prohibited from knowingly disclosing such

information, or in any way using such information for personal gain or advancement, or to the detriment of the Town, or to individually conduct negotiations or make contacts or inquiries on behalf of the Town unless officially designated by the Town Council.

- c. Officers are prohibited from acquiring or having a financial interest in any property that the Town acquires, or a direct or indirect financial interest in a supplier, contractor, consultant, or other entity with which the Town does business. This does not prohibit the ownership of securities in any publicly owned company except where such ownership places the officer in a position to materially influence or affect the business relationship between the Town and such publicly owned company. Any other interest in or relationship with an outside organization or individual having business dealings with the Town is prohibited if this interest or relationship might tend to impair the ability of the officer(s) to be independent and objective in his or her service to the Town.
- d. If members of the immediate family of an officer have a financial interest as specified above, such interest shall be fully disclosed to the Town Council which shall decide if such interest should prevent the Town from entering into a particular transaction, purchase, or engagement of services. The term "immediate family" means officer's spouse, parent, dependent children, and other dependent relatives.
- e. When a conflict of interest exists, the officer shall publicly declare the nature of the conflict and may recuse him or herself on any official action involving the conflict.
- f. Officers may not realize, seek, or acquire a personal interest in a business that does business with the Town.
- g. Officers shall complete a Conflict of Interest Disclosure Form annually by the end of January. This Form shall be signed and notarized. Completed Forms shall be submitted to the Town Clerk and made available to the public upon request.
- h. The Town Clerk shall provide copies of all completed Forms to the Mayor at the end of January each year.
- i. The Mayor shall review all completed forms and consider the disclosures. The Mayor should make changes to assignments, duties, or contracts deemed appropriate to eliminate or mitigate conflicts of interest within the Town.

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

Town of Rockville

DISCLOSURE STATEMENT

To: Town of Rockville Clerk

From: _____ Date: _____
(Print Name)

1. POSITION:

A. I am a

- ☐ Town Council Member
- ☐ Appointed Member of a Public Body
- ☐ Town Employee (Skip to C, Disclosure Information)

B. I am a member of the following public body:

- ☐ Planning Commission
- ☐ Historic Preservation Commission
- ☐ Appeal Authority
- ☐ Water Board
- ☐ Other _____

DISCLOSURE INFORMATION

C. Name and address of person disclosing information:

Name _____

Address _____

2. TYPE OF DISCLOSURE (Check the appropriate box):

- ☐ To my knowledge, I have no conflicts to disclose.
- ☐ In addition to my duties as a town employee or official, I am employed or volunteer for another entity, described below:

(Use this space to provide information about services you provide and to what entity, per the disclosure item(s) selected, above or below:)

☐ **BUSINESS ASSISTANCE DISCLOSURE** (Utah Code Section 10-3-1305)

I have agreed to receive compensation for assisting a person or business entity in a transaction(s) involving the Town of Rockville. I understand that I must file the Disclosure Statement 10 days before the date of any agreement between myself and the person or business entity I am assisting, or 10 days before I receive any compensation, whichever is earlier. In addition to filing this Disclosure Statement with the Clerk, I understand that I must disclose the information identified in Section 2 in the following manner:

If I am a member of the Town Council or an appointed member of a public body, in an open meeting to the members of the body of which I am a member immediately before discussing the transaction.

If I am a Town employee, to my immediate supervisor and to any Town official or Town Employee who may rely upon my representations in evaluating or approving the transaction.

☐ **REGULATED BUSINESS DISCLOSURE** (Utah Code Section 10-3-1306)

I am an officer, director, agent employee, or the owner of a substantial interest¹ in a business entity (at least 10% of outstanding corporate shares or 10% interest in any other business entity and the value of my interest is greater than \$2000) which is subject to regulation by the Town of Rockville. I understand that I must disclose the position I hold and the nature and value of my interest when I am first elected, appointed, or employed by the Town and again at any time thereafter if my position in the business entity has changed significantly or if the value of my interest has increased significantly since the last disclosure.

☐ **DOING BUSINESS WITH TOWN DISCLOSURE** (Utah Code Section 10-3-1307)

I am an officer, director, agent employee or owner of a substantial interest (see footnote 1) in any business entity, which does or anticipates doing business with the Town of Rockville. This disclosure is only required immediately prior to any discussion by the public body of which I am a member, or by which I am employed, prior to the discussion of the matter relating to such business entity.

I UNDERSTAND THAT THIS STATEMENT IS PUBLIC INFORMATION AND SHALL BE AVAILABLE FOR PUBLIC EXAMINATION.

Signature: X _____

STATE OF UTAH)
:ss.

COUNTY OF WASHINGTON)

Subscribed and sworn before a notary public, by _____

this _____ day of _____ 20____.

Notary Public

S T A M P

¹Substantial interest means the ownership, either legally or equitably, by the Town officer or Town employee, or his or her spouse or minor children, of at least 10% of the outstanding shares of the corporation or 10% interest in any other business entity.