

**SALT LAKE COUNTY ORDINANCE**

ORDINANCE NO. \_\_\_\_\_, 2023

**COUNTY ETHICS CODE AMENDMENTS**

AN ORDINANCE OF THE LEGISLATIVE BODY OF SALT LAKE COUNTY, UTAH, AMENDING SECTION 2.07.201 OF THE SALT LAKE COUNTY CODE OF ORDINANCES, 2001, ENTITLED “CONFLICT OF INTEREST,” AND ENACTING SECTION 2.07.210 OF THE SALT LAKE COUNTY CODE OF ORDINANCES, 2001, ENTITLED “REPRESENTATION OF SALT LAKE COUNTY’S INTERESTS BEFORE NON-COUNTY ENTITIES”

The County Legislative Body of Salt Lake County ordains as follows:

SECTION I. The amendments made herein are designated by underlining the new substituted words. Words being deleted are designated by brackets and strike-through.

SECTION II. Section 2.07.201, of the Salt Lake County Code of Ordinances, 2001 is hereby amended to read as follows:

**2.07.201 – Conflict of interest.**

A. For the purposes of this section only, the following definitions control:

1. “Compensation” or “compensated” means anything of economic value, however designated, which is paid, loaned, granted, given, donated, or transferred to any person or business entity for or in consideration of personal services, materials, property, or any other thing whatsoever.
2. “Employee” means a person who is employed on a full-time, part-time, or contract basis by the county as a merit or merit exempt employee. Employee shall include elected and appointed officers of the county.

3. “Financial interest” means, but may not be limited to, any employment by or compensated representation as an agent of any individual, corporation, business entity, organization, or committee. A financial interest also includes any beneficial ownership of one percent or more of a corporation or other business entity.
4. “Governmental action” means any official action on the part of the county, including, but not limited to:
  - a. Any decision, determination, finding, ruling, or order, or discussions thereof;
  - b. Any grant, payment, award, license, contract, subcontract, transaction, decision, sanction, or approval, or the denial thereof, or the failure to act in respect thereto; or
  - c. Any legislative, administrative, appointive, or discretionary act of any public servant or volunteer public servant.
5. “Representative” means any authorized agent of the county. Representative shall include any appointed person, other than an employee, serving on a special, regular, or full-time committee, commission, authority, agency, or board of the county, who is not paid a salary or an hourly wage by the county for his or her services thereon.
6. “Restricted conflict of interest” means any financial interest held by the employee or representative of the county, or by members of an employee’s or representative’s household, or those providing regular financial support to the employee or representative.
7. “Unrestricted conflict” or “unrestricted conflict of interest” means any and all other interests including political, family, fraternal, social, and other interests or associations which may reasonably create the appearance or the actuality of a conflict of interest

between an employee's or representative's outside interest and his or her county responsibilities. "Unrestricted conflict" or "unrestricted conflict of interest" also means other conflicts as defined by state statute, and any campaign contribution made to the officer, employee, or representative, or to any member of his or her household, of more than five hundred dollars during the prior calendar year.

B. General prohibitions.

1. County employees are governed by the County Officers and Employees Disclosure Act (UCA § 17-16a-1 et seq.) regarding outside interests and conflicts that are prohibited or that require disclosure.
2. Employees and representatives are prohibited from using non-public information in a manner that could provide themselves or another a gain or benefit.
3. Employees and representatives shall not use or attempt to use their position in a manner that could secure special privileges or exemptions for themselves or others.
4. Employees and representatives are prohibited from engaging in any outside activity, employment, or financial investment which constitutes a restricted conflict of interest where such conflict could impair their judgment regarding the faithful performance of county responsibilities.

C. Restricted conflicts of interest.

1. Employees and representatives are required to fully and publicly disclose any restricted conflict of interest and shall recuse themselves from, and have no involvement in, any governmental action in which they have a restricted conflict of interest.

2. If an employee or representative is not aware of the financial interest, he or she must disclose the financial interest and recuse as soon as he or she learns of the financial interest.
3. Any action, vote, contract, or other governmental action which has been undertaken by an officer, employee, or representative who has a restricted conflict of interest shall be terminable by the body that took the action, or by the county officer with authority to void or terminate the action. That body or county officer may also ratify any prior governmental action that was taken in violation of this section.

D. Unrestricted conflicts of interest.

1. Employees and representatives must publicly disclose any and all unrestricted conflicts of interest at any meeting, hearing, or deliberation where the employee or representative is present and the unrestricted conflict of interest could impair the judgment of the employee or representative.
2. Employees or representatives who have unrestricted conflicts are not required to recuse themselves but may do so.

E. Disclosure.

1. Employees and representatives are required to comply with all legal requirements setting a responsibility to disclose restricted and unrestricted conflicts of interests between their public duties and private activities. In particular, county employees are bound by the requirements of the County Officers and Employees Ethics Act (UCA § 17-16 a-1 et seq.).

2. Oral or written disclosures must be made in accordance with state statute, other sources of the law, and this section.
3. Employees are required to file written disclosures in accordance with the provisions of state statute and county ordinance. All written disclosures must be kept current and are filed both with the officer or employee's immediate chain of command and with the county council.

F. Contractual representatives.

1. Individuals and business entities who contract to represent the county's interests shall disclose to the county the names of all other clients that they or any of their partners, employees, or contractors represent, and those clients' respective issues and interests that are relevant to the county's interests. Such disclosure is also required for any relevant issues and interests stemming from subcontracts and other work performed on behalf of other individuals or business entities engaged in lobbying. The terms of the individual or business entity's contract with the county shall require that such disclosures are in writing and made as a part of the selection process for the contract, and again annually at least two weeks prior to the start of the general session of the Utah Legislature. Unless they receive written permission from the county mayor and council, such individuals or business entities are prohibited from representing other clients about the same or substantially same issues and interests as covered by the county representation. Such individuals or business entities shall also have a continuing obligation to inform the county mayor and council of any new clients, lobbying contracts, issues, interests, or potential conflicts of interests that are relevant to the county's interest as they are discovered or may arise.

2. Individuals and business entities who contract to represent the county's interests by lobbying the State Legislature or any other municipal, state or federal office or agency are prohibited from engaging in any lobbying of county officers, employees, agencies or offices, as defined in Section 2.73.010 of this title.

SECTION III. Section 2.07.210, of the Salt Lake County Code of Ordinances, 2001 is hereby enacted to read as follows:

**2.07.210 – Representation of Salt Lake County's interests before non-county entities.**

A. Consistent with the Council's role as the legislative and policymaking body for Salt Lake County, the Council may formally establish or endorse official positions of Salt Lake County on matters of federal and state policy or legislation. Such official positions shall be established by vote of the Council in a public meeting.

B. County elected officials and employees, including individual members of the Council, may express their individual positions on matters of federal and state policy or legislation consistent with their official duties or personal prerogatives, but should take care to communicate that their individual positions do not represent an official position of Salt Lake County.

C. County elected officials and employees, including individual members of the Council, should take care to ensure that their individual positions and discretionary acts are not misunderstood as official positions of Salt Lake County while serving on non-County committees, boards, commissions, task forces, and associations to which they have been appointed by the County.

D. Nothing contained in this section shall be construed to modify the provisions of section 2.07.401 concerning the political activities of County employees, or to limit the constitutional rights of County elected officials and employees to voluntarily engage in political activities.

SECTION IV. This ordinance shall become effective fifteen (15) days after its passage and upon at least one publication in a newspaper published and having general circulation in Salt Lake County.

APPROVED and ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

SIGNATURES ON FOLLOWING PAGE

SALT LAKE COUNTY COUNCIL

By: \_\_\_\_\_  
Aimee Winder Newton, Chair

ATTEST:

\_\_\_\_\_  
Lannie Chapman  
Salt Lake County Clerk

REVIEWED AS TO FORM

\_\_\_\_\_  
Deputy District Attorney      Date

Council Member Alvord voting \_\_\_\_\_  
Council Member Bradley voting \_\_\_\_\_  
Council Member Bradshaw voting \_\_\_\_\_  
Council Member Granato voting \_\_\_\_\_  
Council Member Harrison voting \_\_\_\_\_  
Council Member Stewart voting \_\_\_\_\_  
Council Member Stringham voting \_\_\_\_\_  
Council Member Theodore voting \_\_\_\_\_  
Council Member Winder Newton voting \_\_\_\_\_

Vetoed and dated this \_\_\_\_ day of \_\_\_\_\_, 2023.

By: \_\_\_\_\_  
Jennifer Wilson, Mayor

(Complete as Applicable)

Veto override: Yes \_\_\_\_ No \_\_\_\_ Date \_\_\_\_\_

Ordinance published in the newspaper: Date \_\_\_\_\_

Effective date of ordinance: \_\_\_\_\_



**SUMMARY OF**

**SALT LAKE COUNTY ORDINANCE NO. \_\_\_\_\_**

On the \_\_\_\_ day of \_\_\_\_\_, 2023, the County Council of Salt Lake County adopted Ordinance No. \_\_\_\_\_, amending section 2.07.201 and enacting section 2.07.210 of the Salt Lake County Code of Ordinances, 2001, to provide for and update certain requirements in Salt Lake County’s Code of Ethics.

**SALT LAKE COUNTY COUNCIL**

By: \_\_\_\_\_  
Aimee Winder Newton, Chair

ATTEST:

\_\_\_\_\_  
Lannie Chapman  
Salt Lake County Clerk

- Council Member Alvord voting \_\_\_\_\_
- Council Member Bradley voting \_\_\_\_\_
- Council Member Bradshaw voting \_\_\_\_\_
- Council Member Granato voting \_\_\_\_\_
- Council Member Harrison voting \_\_\_\_\_
- Council Member Stewart voting \_\_\_\_\_
- Council Member Stringham voting \_\_\_\_\_
- Council Member Theodore voting \_\_\_\_\_
- Council Member Winder Newton voting \_\_\_\_\_

A complete copy of the ordinance is available in the office of the Salt Lake County Clerk, 2001 South State Street, N2-100A, Salt Lake City, Utah.