

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 by the county on a full-time, part-time, or contract basis [~~by the county as a merit or merit exempt employee. Employee shall~~], includ[~~e~~]ing elected and appointed officers of the county.

3. “Financial interest” means, but may not be limited to, [~~any employment by or~~] compensation~~ed~~ as an employee, representative~~en~~, or 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, including [~~or~~] discussions thereof;
 - b. Any grant, payment, award, license, contract, subcontract, transaction, decision, sanction, or approval, including [~~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 county board [~~of the county~~], who is not paid a salary nor [~~an~~] hourly wage by the county for their [~~his or her~~] services thereon.
6. “Restricted conflict of interest” means any financial interest held by an [~~the~~] employee or county representative [~~of the county~~], or by a member[s] of an employee’s or

representative's household, or those providing regular financial support to an ~~[the]~~ employee or representative.

7. "Unrestricted conflict" or "unrestricted conflict of interest" means any ~~[and all]~~ other interest[s] including political, familial~~[y]~~, fraternal, social, ~~[and other interests]~~ or association[s] which ~~[may]~~ reasonably may create the appearance or the actuality of a conflict of interest between an employee's or representative's outside interest and their ~~[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 an ~~[the]~~ officer, employee, or representative, or to any member of their ~~[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 with 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 to ~~[shall]~~ recuse themselves from, and have no involvement in, any governmental action in which they have a restricted conflict of interest.
2. ~~[If a]~~An employee or representative who initially may ~~[is]~~ be not aware of a ~~[the]~~ financial interest, they ~~[he or she]~~ must disclose the financial interest and recuse as soon as they ~~[he or she]~~ learns of the same ~~[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 they or any of their business partners, employees, or contractors represent, and any [~~those clients' respective~~] issue[s] or [~~and~~] interest[s] of those clients that are relevant to the county's interests. Disclosure is also required for issues or interests stemming from subcontracts and other work performed on behalf of other individuals or business entities engaged in lobbying when the issues and interests are the same or substantially the same as the issues covered by the county representation. All contracts between such [~~The terms of the~~] individuals or business entities and [~~y's contract with~~] the county must include a term that [~~shall~~] requires certain [~~that such~~] disclosures be made [~~are~~] in writing and [~~made~~] as [~~a~~] part of the contract 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 is given by ~~from~~ the county mayor and council, such individuals or business entities are prohibited from representing other clients regarding ~~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 or subcontracts, 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. When acting consistent with its role as the legislative and policymaking body for the county, the council may formally establish or endorse official positions of the 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. When acting in their roles as county elected officials and employees, including when acting as an individual member of the council, elected officials, employees, and individual councilmembers may express positions on matters of federal and state policy or legislation consistent with their official duties or personal prerogatives, but should communicate that their

individual positions does not represent an official position of the county when it differs from the position established by vote of the council or when a position has not been officially established by vote of the council.

C. While serving on non-county committees, boards, commissions, task forces, and associations to which they have been appointed by the county, county elected officials and employees, including individual councilmembers, should communicate that their individual positions do not represent an official position of the county when it differs from the position established by vote of the council or when a position has not been officially established by vote of the council.

D. Nothing contained in this section should 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

Bridget K. Romano

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.