

SALT LAKE COUNTY ORDINANCE

ORDINANCE NO. _____, 2021

**REQUIRING ANNUAL DISCLOSURE OF CLIENTS AND POTENTIAL CONFLICTS
OF INTEREST BY CONTRACTUAL REPRESENTATIVES OF THE COUNTY**

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 “COUNTY ETHICS CODE –
CONFLICT OF INTEREST” TO REQUIRE THE ANNUAL DISCLOSURE OF
CLIENTS AND POTENTIAL CONFLICTS OF INTEREST BY
CONTRACTUAL REPRESENTATIVES OF THE COUNTY

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. “Lobbying” means communicating with a government officer for the purpose of influencing the passage, defeat, amendment or postponement of legislative or executive action.
6. “Lobbyist” means an individual who contracts for economic consideration with the county to lobby the State Legislature or any other municipal, state or federal office or agency.
57. “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.

68. “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.

79. “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 or lobby on behalf of the county~~ shall disclose to the county the names of all other clients they represent and those clients' respective issues and interests that are relevant to the county's interests. The terms of a lobbyist'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~~ lobbyists are prohibited from representing other clients about the same or substantially same issues and interests as covered by the county representation. Lobbyists shall also have a continuing obligation to inform the county mayor and council of any new 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. 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 _____, 2021.

SALT LAKE COUNTY COUNCIL

By: _____
Steve DeBry, Chair

ATTEST:

Sherrie Swensen
Salt Lake County Clerk

Council Member Alvord voting _____
Council Member Bradley voting _____
Council Member Bradshaw voting _____
Council Member DeBry voting _____
Council Member Granato voting _____
Council Member Snelgrove voting _____
Council Member Stringham voting _____
Council Member Theodore voting _____
Council Member Winder Newton voting _____

APPROVED AS TO FORM

Deputy District Attorney Date

Vetoed and dated this ____ day of _____, 2021.

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 _____, 2021, the County Council of Salt Lake County adopted Ordinance No. _____, amending section 2.07.021 of the Salt Lake County Code of Ordinances, 2001, establishing a requirement contractual representatives of the county provide the county with annual disclosures of their clients and conflicts or interest, and related requirements.

SALT LAKE COUNTY COUNCIL

By: _____
Steve DeBry, Chair

ATTEST:

Sherrie Swensen
Salt Lake County Clerk

Council Member Alvord voting	_____
Council Member Bradley voting	_____
Council Member Bradshaw voting	_____
Council Member DeBry voting	_____
Council Member Granato voting	_____
Council Member Snelgrove 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.