

# South Weber

November 9, 2021 to February 8, 2022

# Introduction

## ▶ Sgt. Pope

Has been in EMS for 20 years

Has been a LEO and served at the SO for 15 years

Has been assigned to South Weber

# Staffing Hours and Performance

# South Weber Reported Hours

## South Weber Stats

# South Weber November 2021 - February 2022

## Weekly Contract Hours

#	Week	Dayshift	Nightshift	Weekly Total
1	Nov 16 - Nov 22	62	30	92
2	Nov 23 - Nov 29	35	32	67
3	Nov 30 - Dec 6	57	28	85
4	Dec 7 - Dec 13	42	33	75
5	Dec 14 - Dec 20	35	24	59
6	Dec 21 - Dec 27	63	25	88
7	Dec 28 - Jan 3	28	21	49
8	Jan 4 - Jan 10	36	48	84
9	Jan 11 - Jan 17	37	54	91
10	Jan 18 - Jan 24	42	50	92
11	Jan 25 - Jan 31	44	19	63
12	Feb 1 - Feb 7	53	67	120
Total hours		<b>534</b>	<b>431</b>	<b>965</b>
		Weekly Avg. Dayshift	Weekly Avg. Nightshift	Weekly Avg. Total
		<b>44.5</b>	<b>35.9</b>	<b>80.4</b>

### Work Performance

Calls	Arrests	Traffic Stops	Radar Enforcement	DUI
621	11	69	26	3

47.8 % of calls Self Initiated

# Significant Events

# Significant Events

November 16

## 1936 hrs / DUI - Vehicle Collision

An off duty Cottonwood Heights Officer reported a traffic collision, where a vehicle collided with a fire hydrant. The driver was reported as attempting to leave the accident scene on foot, but was stopped by the Officer. They were found to be DUI and had completely severed the fire hydrant from the water line. South Weber public works was notified.

# Significant Events

November 17

**0901 hrs / 6650 S Raymond Rd / Abandoned Veh/ Recovered Stolen**

A blue 2008 Ford F250 was reported as abandoned at this location. The vehicle had been stolen out of Woods Cross in July. Evidence was located in the vehicle such as recent receipts (previous 2 days) from local convenience stores. Woods Cross was notified and provided with the information from the evidence.



# Significant Events

November 27

## 2243hrs / Vehicle Theft

A 2020 blue Honda Pilot was stolen from a home between 1900 - 2230 hrs. The vehicle was in the garage with the door open. Vehicle listed NCIC.

# Significant Events

November 29

## 0351 hrs / Drug possession

Dep Barney stopped a vehicle for a traffic violation and had a K9 perform a sniff. The K9 indicated on the vehicle and it was searched. The search produced illegal narcotics and paraphernalia. The two occupants were booked into the DCSO jail.

# Significant Events

December 1

1916 hrs / Resd. Burg

A complainant reported that someone had kicked open the door of the garage and then proceeded to take a small number of tools. The complainant had not been at the residence in 3 days so he was unsure of a timeline and was reporting the incident so that the Sheriff's Office would know about it for other homes.

# Significant Events

December 10

## 1351 hrs / Child Abuse

A 12 year old juvenile female reported fear of going home and a history of abuse by her father. School administration, and DCSO detectives were involved in the interview process. Based on the interview, it was determined that no crime or child abuse had been committed. The juvenile was released to her parents who admitted to spanking as a form of discipline. DCFS contacted and education resources given.

# Significant Events

December 10

**0401 hours / Maverik, South Weber / DUI**

Deputies responded to a caller reporting a possible DUI at the gas pumps. The driver was found to have passed out in the driver seat. The driver was cited and released for DUI. Drug paraphernalia and alcohol were located in the vehicle.

# Significant Events

**December 14**

**0014 hrs / 911 Hang Up**

Deputies responded to a 911 hangup with reports of a gun being fired once through the ceiling. On arrival it was discovered there was conflict of interest. Layton PD was requested to handle the investigation. Suspect was taken to Davis on a mental health hold. Complainant remained at the residence. Two handguns were booked for safe keep by Layton PD.

# Significant Events

December 22

0044 hrs / DUI

While working a DUI shift, Deputy Sholly stopped a vehicle in the SW area. The driver was found to be impaired. The driver was put through a DRE and ultimately released on citation to a family member.

# Significant Events

December 27

## 1331 hrs / Ungovernable juvenile

A 16 y/o female called 911 to report a DV with her step dad and mom. On arrival Deputy Jeppsen quickly learned the juvenile was upset at her parents for changing the locks on the doors in an effort to prevent her from bringing random boys into the house. The juvenile was confrontational and made it apparent she did not like law enforcement. Parents agreed to have a family member come pick her up. The juvenile packed up her belongings and left the residence.



# Significant Events

January 14

## 1103 hrs / Trespassing/ Unlawful Detention

The Complainant/Offender called to report a UPS driver trespassing by turning around in a private drive. The driver was delivering a package to a private residence, only accessed by the private drive. The complainant/offender blocked the driver from leaving and was cited for unlawful detention.

# Significant Events

January 30

2137 hrs / GSW

Two males were manipulating a firearm(handgun). The firearm was stated to have discharged accidentally, after it was dropped on the ground. The male that was the recipient of the wayward bullet and was transported to McKay-Dee Hospital in stable condition. Detective Gardiner responded with the crime lab.

# Significant Events

February 5

## 2234 hrs / Evade

A parole fugitive was observed at the South Weber Maverik driving a Chevy Cavalier with a male passenger. The subject is a fugitive from parole with several felony warrants totalling approx \$60,000. A stop was attempted, but the subject increased speed and actively evaded deputies into Weber County. Deputies did not pursue. Further action is pending additional investigation.

# Introduction

- ▶ Criminal Analyst Elizabeth Pinto

## South Weber Analysis



# Davis County Sheriff's Office

DAVIS COUNTY INVOLVEMENT IN CONTRACTED CITIES – SOUTH WEBER

## **SOUTH WEBER QUARTERLY ANALYTICS NOVEMBER 2021 – JANUARY 2022**

### **Analytics:**

Total Hours: 12

### **Crime Lab:**

Total Hours: 5

### **Patrol:**

Total hours in South  
Weber: 965.1

Officer Initiated: 306

Call Initiated: 315

Total Traffic Stops: 69

Written Citations for

Traffic Stops: 11

### **Meetings:**

Total Hours: 62

### **Records:**

Total Hours: 71

Davis County Sheriff's Office | Investigative Criminal Analysis and Intelligence | 800 W State St, Farmington, UT |  
(801)451-4405

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# Davis County Sheriff's Office

## Investigations:

Crime Offense	Number of Occurrences
Child Abuse	5
Child Neglect	6
Death Investigations Natural	1
Fraud	3
Harassment/Threats	1
ICAC Enticement	1
Kidnapping	1
Missing Person	1
Protective Order Violation	1
Residential Burglary	4
Sexual Abuse of a Child	1
Theft	1
Theft of a Firearm	1
Vehicle Burglary	3
Vehicle Theft	2
Weapons Offense Gun	1
Weapons Offense Other	1

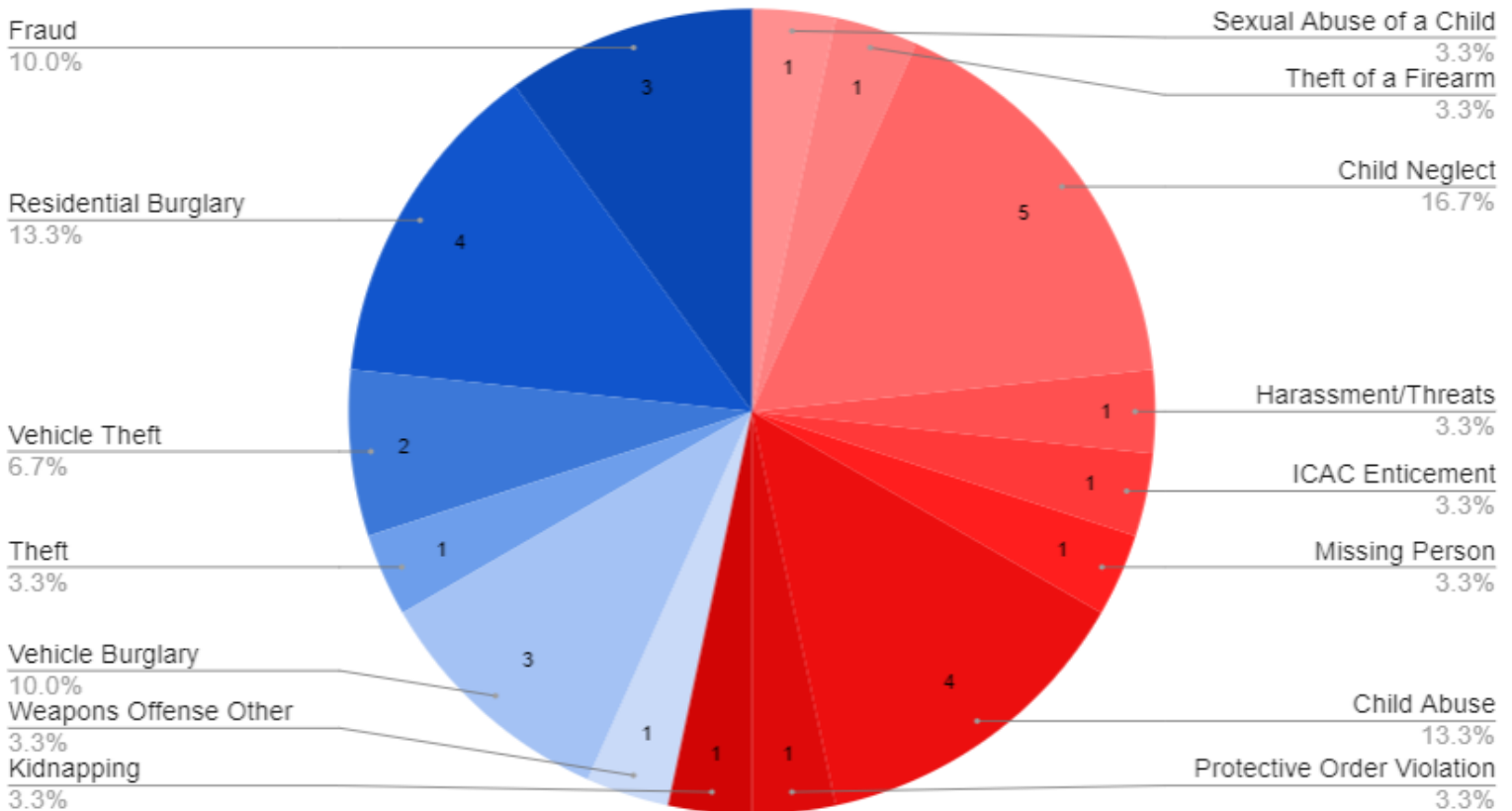
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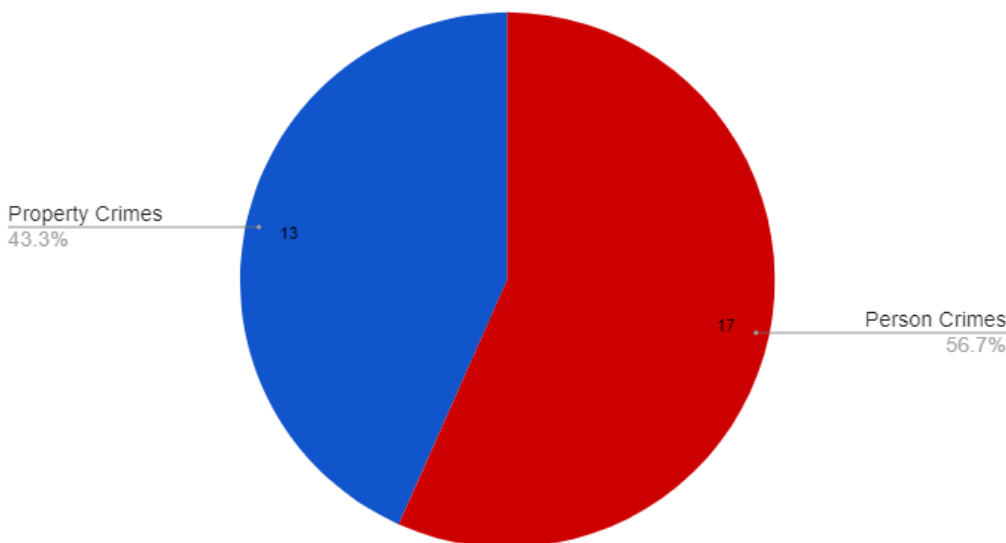


# Davis County Sheriff's Office

## Percentage of Crimes Investigated by Offense



## Percentage of Crimes Investigated by Type



### Legend:

**Person Crimes**

**Property Crimes**

Davis County Sheriff's Office | Investigative Criminal Analysis and Intelligence | 800 W State St, Farmington, UT | (801)451-4405

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# Questions or Concerns?

Captain Taylor West

801-451-4104

Sergeant Chris Pope

Cell 801-541-7880

Office 801-451-4128



# SOUTH WEBER STORM DRAIN RATES

February 2022

<b>RATE SCHEDULE</b>	<b><i>Monthly</i></b>
Single Family	\$8.75
Multi Family	\$6.95
Commercial	\$8.75

- Evaluation period is through Fiscal Year 2032
- 9 projects identified by the City's Storm Water Capital Facilities Plan and City staff which total \$4,610,810 (\$2022) increased 3% annually for inflation. A portion of these project amounts are expected to be paid for by Impact Fee Revenues.
- Operating costs are continuing to increase from year to year
- The construction of a new public works facility will create a debt obligation for the City for which the storm drain fund will need be able to contribute funds for its share of the debt repayment

RATE INCREASE OPTIONS

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	<b>FY 2022</b>	<b>FY 2023</b>	<b>FY 2024</b>	<b>FY 2025</b>	<b>FY 2026</b>	
Option 1	\$8.75	\$13.75	\$17.25	\$17.77	\$18.30	Increase of 3% each year thereafter
Option 2	\$8.75	\$13.75	\$18.00	\$19.25	\$19.25	
Option 3	\$8.75	\$18.50	\$18.50	\$18.50	\$18.50	

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# QUESTIONS

# South Weber City

# Open & Public Meetings Act

*Presented by:*

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HAYES  
GODFREY  
BELL  
LAWYERS

# Utah Open and Public Meetings Act

Utah Code Ann. § 52-4-101, *et. seq*

**“conducts its deliberations openly.”**



# *All meetings are open unless lawfully closed*

## **Meetings**

Utah Code Ann. § 52-4-201

- All meetings open to the public unless closed
- Includes “work meetings” and “executive sessions”

## **Quorum**

Utah Code Ann. § 52-4-103(11)

- Quorum in Holladay = 4
- Members present in person or by electronic telecommunications

City Code § 2.01.100

No action of the city council shall be official or of any effect except when a quorum of the council members are present, provided, that fewer than a quorum may adjourn a meeting. The number of council members necessary to constitute a quorum is four (4). (Ord. 2016-09, 5-26-2016)

# *A public meeting requires:*

## **Public Notice**

Utah Code Ann. § 52-4-202

- 24 hours notice: agenda; date; time & place
  - Exception: emergencies
- Agenda: “reasonable specificity of topics”
- Topic raised by the public – discretion of chair
- Notice: post at principal office; Utah Public Notice Website; and to newspaper or local media correspondent. Other electronic means encouraged.
- Annual notice of scheduled meetings

## **Orderly Conduct**

Utah Code Ann. § 52-4-301

- Disruption of meeting: may remove person if “orderly conduct is seriously compromised”

# ***Electronic Meetings Allowed***

## **Electronic Meeting**

Utah Code Ann. § 52-4-207

- Prior formal authorization of the City is required
- Public notice required
- Anchor location – offices
- Facilities so all can attend, monitor, participate

# ***Minutes and Recording Required of All Meetings***

## **Written Minutes Required**

Utah Code Ann. § 52-4-203(1)

## **Written Minutes Include:**

Utah Code Ann. § 52-4-203(2)

- Written minutes and a recording shall be kept of every meeting
  
- Date, Time and Place
- Names of members present and absent
- The “substance” of all matters proposed, discussed or decided
- Record (by person) of votes – Roll Call vote for Ordinances, Resolutions, and matters where liability is incurred.
- Name of each person providing comments & the substance of comments received
- Any other information from meeting that a member requests be included
- Pending minutes – reasonable time
- Approved minutes – 3 business days after approval → official record
- Permanently retained

# *Minutes and Recording Required of All Meetings*

## **Recording**

Utah Code Ann. § 52-4-203(3)

- **“COMPLETE UNEDITED RECORD”** of all open portions – from beginning to end
- Properly labeled: date, time & place
- Available within 3 business days of meeting
- **PERMANENTLY RETAINED**

# ***Closed Meetings: Purposes and Record***

## **Closed Meeting**

Utah Code Ann. § 52-4-204

- Quorum + 2/3 vote
- Must meet subject matter requirements §205
- Publicly announced and record: the reason for closed meeting; location; and each member's vote for or against the closed meeting

## **Closed Meeting – Purpose**

Utah Code Ann. § 52-4-205

- Discuss individual's character, professional competence, or physical or mental health
- Strategy session – litigation
- Strategy session – real property (value, best possible terms); Sale = prior notice; terms disclosed before final
- Deployment security measures
- Investigative proceedings – criminal misconduct
- Deliberations; procurement evaluation committee; protest; appeals
- Procurement: trade secrets; misc.

# ***Closed Meetings: Purposes and Record***

## **Prohibitions**

Utah Code Ann. § 52-4-205(3)

- Interview – elected position; discuss filling interim or temporary vacancy

## **Closed Meeting – Record**

Utah Code Ann. § 52-4-206

- Recording required: beginning to end; date, time, place; names present and absent & names of others who attend
- Minute allowed (if taken, details above)
- Permanently retained

Exceptions: Recording/minutes not required: character, competence, health; security measures. Presiding officer - affidavit

# *Emergency Meeting*

## **Emergency Meeting**

Utah Code Ann. § 52-4-202(5)

- “Emergency” is not defined
- Attempt to notify all members
- Best notice practicable
- Majority members approve of the meeting



## *Other issues . . .*

### **Chance Meeting – Social Gathering**

§ 52-4-208

- Act does not apply
- Don't conduct any City business

### **Criminal Penalty for Violation**

- Class B misdemeanor: 6 months jail; \$1,000 fine

### **Electronic Messaging?**

Utah Code Ann. § 52-4-210

- Text messages? Emails?
- Purposes of act
- Not restricted when meeting not convened
- Interplay with the Government Records Access and Management Act

**SOUTH WEBER CITY**

# LAND USE TRAINING

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HAYES  
GODFREY  
BELL  
LAWYERS

# OBJECTIVES

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- Understand the legal framework for making land use decisions in the City
- Identify the powers and duties of the City Council, Planning Commission, and Staff for making land use decisions
- Know how to avoid illegal, arbitrary, or capricious decisions by establishing a thorough record for each and every land use decision
- Consider the best framework for making, applying, and enforcing land use decisions

# State V. Hutchinson, 624 P.2d 1116 (1980)

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- “... When the State has granted general welfare power to local governments, those governments have independent authority apart from, and in addition to, specific grants of authority to pass ordinances which are reasonably and appropriately related to the objectives of that power, i.e., providing for the public safety, health, morals, and welfare. ... **And the courts will not interfere with the legislative choice of the means selected unless it is arbitrary, or is directly prohibited by, or is inconsistent with the policy of, the state or federal laws or the constitution of this State or of the United States.”**

# Bradley v. Payson City Corp., 70 P.2d 47 (2003)

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- Municipal land use decisions should be upheld unless ... arbitrary and capricious or illegal.
- The determination of whether a particular land use decision is arbitrary and capricious has traditionally depended on whether the decision involves the exercise of legislative, administrative, or quasi-judicial powers.
- When a municipality makes a land use decision as a function of its **legislative** powers, we have held that such a decision is not arbitrary and capricious so long as the grounds for the decision are “**reasonably debatable.**”
- When a land use decision is made as an exercise of **administrative or quasi-judicial** powers, however, we have held that such decisions are not arbitrary and capricious if they are supported by “**substantial evidence.**”



# Utah Code Ann. § 10-9a-103 (32)

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- (32) **"Land use regulation":**
  - (a) means a legislative decision enacted by ordinance, law, code, map, resolution, specification, fee, or rule that governs the use or development of land;
  - (b) includes the adoption or amendment of a zoning map or the text of the zoning code; and
  - (c) does not include:
    - (i) a land use decision of the legislative body acting as the land use authority, even if the decision is expressed in a resolution or ordinance; or
    - (ii) a temporary revision to an engineering specification that does not materially:
      - (A) increase a land use applicant's cost of development compared to the existing specification; or
      - (B) impact a land use applicant's use of land.

# Utah Code Ann. § 10-9a-103 (30)

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- (30) **"Land use decision"** means an administrative decision of a land use authority or appeal authority regarding:
  - (a) a land use permit;
  - (b) a land use application; or
  - (c) the enforcement of a land use regulation, land use permit, or development agreement.

# DECISION / APPEAL STANDARDS: *UTAH CODE ANN. §10-9A-801*

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(3)

(a) A court shall:

- (i) presume that a land use regulation properly enacted under the authority of this chapter is valid; and
- (ii) determine only whether:

(A) the land use regulation is expressly preempted by, or was enacted contrary to, state or federal law; and

(B) it is reasonably debatable that the land use regulation is consistent with this chapter.

(b) A court shall:

- (i) presume that a final decision of a land use authority or an appeal authority is valid; and
- (ii) uphold the decision unless the decision is:

(A) arbitrary and capricious; or

(B) illegal.

(c)

(i) A decision is arbitrary and capricious if the decision is not supported by substantial evidence in the record.

(ii) A decision is illegal if the decision is:

(A) based on an incorrect interpretation of a land use regulation; or

(B) contrary to law.



# STATE LAW – LAND USE DEVELOPMENT AND MANAGEMENT ACT (“LUDMA”)

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- The City is a political subdivision of the State of Utah
- All land use decisions in the City must comply with LUDMA

# WHAT DOES LUDMA DO?

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## AUTHORIZES

- The City may adopt its own land use standards so long as they are consistent with federal and state law

## MANDATES

- Creation of a Planning Commission
- Establishment of a Land Use & Appeal Authorities
- Adoption of a General Plan & a process for considering land use applications

# LUDMA – GENERAL THEMES

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- Respect for private property rights
- Cities may regulate private property
- Once written and duly established, land use regulations are binding
- Land use ordinances must be plainly written to be enforceable
- Process matters
- Tie goes to the applicant/property owner

# LUDMA – ROLES & RESPONSIBILITIES

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LEGISLATIVE  
BODY

LAND USE  
AUTHORITY

APPEAL  
AUTHORITY



# LEGISLATIVE BODY (CITY COUNCIL)

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- Only a Legislative Body may enact a land use regulation
- Shall adopt a land use regulation to create or amend a zoning district and designate general uses allowed in each zoning district
- May establish or modify other restrictions or requirements, including the configuration or modification of uses or density, through a land use decision that applies certain criteria or policy elements
- Shall consider (but may adopt, reject, or revise) each proposed land use regulation that the planning commission recommends
- May establish a land use ordinance that includes conditional uses and provisions for conditional uses that require compliance with standards set forth in an applicable ordinance.

# LAND USE AUTHORITY

## (CITY COUNCIL, PLANNING COMMISSION, OR STAFF)

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- Shall apply the plain language of land use regulations
- In the absence of a “plain” restriction, shall interpret and apply the land use regulation to favor the land use application.
- Shall approve a conditional use if reasonable conditions are proposed, or can be imposed, to mitigate the reasonably anticipated detrimental effects of the proposed use in accordance with applicable standards.

# APPEAL AUTHORITY

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- Hears and decides requests for variances and appeals from decisions applying the land use ordinances/fees
- May not entertain an appeal of a matter in which the Appeal Authority, or any participating member, had first acted as the Land Use Authority
- May be an individual or a multi-person board, body, or panel

# LAND USE DECISIONS

	LEGISLATIVE	ADMINISTRATIVE	QUASI-JUDICIAL
<b>CHARACTERISTICS</b>	<ul style="list-style-type: none"> <li>- Promulgation of laws of general applicability</li> <li>- Based on the weighing of broad, competing policy considerations</li> <li>- Subject to voter referendum</li> </ul>	<ul style="list-style-type: none"> <li>- Applying the law to particular individuals or groups based on individual facts and circumstances</li> <li>- Decision is bound by the law and cannot be based on public opinion</li> </ul>	<ul style="list-style-type: none"> <li>- Defers to established law and Legislative/Land Use Authority</li> <li>- Review limited to error, illegality, or abuse of authority</li> </ul>
<b>RESPONSIBLE BODY</b>	<b>City Council or General Electorate</b>	<b>City Council, Planning Commission, or Staff</b>	<b>Appeal Authority or Court</b>
<b>EXAMPLES</b>	<ul style="list-style-type: none"> <li>- Zoning Ordinances (including a site-specific zoning ordinance)</li> <li>- General Plan</li> <li>- Rezones</li> <li>- Annexation</li> </ul>	<ul style="list-style-type: none"> <li>- Conditional Uses</li> <li>- Site Plans</li> <li>- Development Agreements</li> <li>- Subdivisions</li> </ul>	<ul style="list-style-type: none"> <li>- Variance</li> <li>- Appeal</li> <li>- Judicial Review</li> </ul>



# LAND USE DECISIONS – LIMITATIONS

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- Only a legislative body may amend the number, shape, boundaries, area, or general uses of any zoning district; any regulation of or within the zoning district; or any other provision of a land use regulation
- A legislative body may not make any amendments to a zoning district unless it first submits the amendment to the planning commission for the planning commission's recommendation

# LAND USE DECISIONS

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## APPEAL

- The City establishes the standard of review (“de novo” or “on the record”)
- Applicant has the burden of proving that the Land Use Authority erred
- To be overturned, the decision must have been illegal, or arbitrary and capricious

## VARIANCE

- Any person or entity with an interest in a parcel of property may apply to the Appeal Authority for a variance
- The Appeal Authority may grant a variance only if all five of the statutory criteria are met

# JUDICIAL REVIEW

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- A party may not appeal for judicial review unless it has exhausted all administrative remedies
- Petition for review may come from a land use applicant or an adversely affected party





# JUDICIAL REVIEW

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## VALIDITY OF THE ORDINANCE

- A court shall presume that a properly enacted land use regulation is valid
- A challenge will hinge on whether the regulation is expressly preempted by, or was enacted contrary to, state or federal law

## APPLICATION OF THE ORDINANCE

- A court shall presume that a final decision of a Land Use Authority or an Appeal Authority is valid
- It will uphold the decision unless it is found to be (a) arbitrary and capricious, or (b) illegal
- A decision is arbitrary and capricious if it is not supported by substantial evidence in the record of the proceeding

# JUDICIAL REVIEW – ARBITRARY & CAPRICIOUS

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- A decision is arbitrary and capricious if it is not supported by substantial evidence found in the record of the proceeding

# BEST PRACTICES

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- Understand the nature of the decision (administrative/legislative/quasi-judicial)
- Know your role and responsibility (legislative body/land use authority/appeal authority)
- Follow procedural requirements exactly
- Document your decision in writing
- State the reasons for your choices
- For legislative decisions, consider public hearings as opportunities to learn
- For administrative decisions, know the law and apply it exactly
- Delegate whenever reasonable
- If you are delegating authority, give clear directions

# PRACTICAL PITFALLS

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- “that’s outside the scope of our review tonight”
- Site visits
- Hi, I’m the developer of the site that’s on the agenda tomorrow night. Can we talk for second?
- I get that this meets the ordinance standard, but I really prefer...
- “I’ve had so many people from this neighborhood call and talk to me about this”
- Text communication during a meeting
- Pre-meeting commitments

# DISCUSSION

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# South Weber City Ethics Training

*Presented by:*

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# Nazare, Portugal





The two goals of big-wave surfing.





# Utah may not have an ocean, . . . but there is plenty of deep water.

## UTA trustee calls for review of \$10,000 campaign contribution to board vice chair

By Lisa Riley Roche [@lisarocher](#)  
Published: July 31, 2017 6:40 pm  
Updated: July 31, 2017 6:42 p.m.



Draper halts a new hillside subdivision while it probes allegations of undue influence by the developer



## UTA letters raised concerns about potential conflict of interest with Greg Hughes

House speaker denies conflict; he withdrew and was replaced with his business partner  
By Katie McKelvie [@KatieMcKelvie](#)  
Published: July 18, 2018 6:00 am



Wednesday: A proposed hillside development called of undue influence of two Draper City Council members

## Two former Salt Lake City em taxpayer dollars

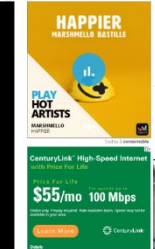
by Daniel Woodruff, KUTV | Friday, May 5th 2017

Politically connected Utah developer, former UTA official Terry Diehl allegedly concealed \$1M in FrontRunner project earnings



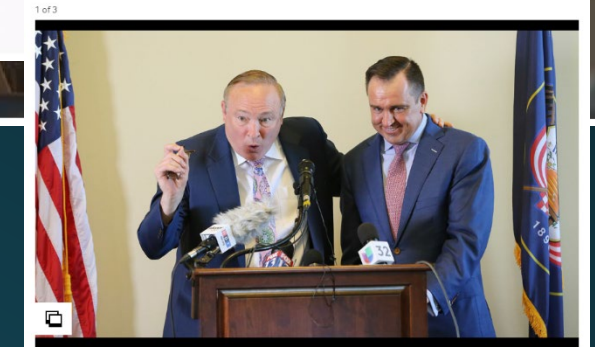
Ad closed by Google  
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'Backroom plotting'? Salt Lake City mayor, inland port opponents deride whispers from port board members caught on tape



## Inland port's conflict-of-interest squabble fuels cynicism

By Jay Evensen [@jayeversen](#)  
Published: June 20, 2018 9:00 am



Lt. Gov. Spencer Cox and Supreme Court Justice Thomas Lee say they broke no ethics rules by using Utah Jazz owner's front-row seats







# Municipal Officers' and Employees' Ethics Act

U.C.A. 10-3-1301 et seq.



# The six waves you must know how to surf

1. Use of office for personal benefit
2. \$\$\$ for assistance with a transaction
3. Business regulated by City
4. Business doing business with the City
5. Investment creating conflict of interest
6. Inducing violation of the Act





## *1. Use of office for personal benefit §10-3-1305*

penalties:

- an “offense” a criminal act
- dismissal/removal
- rescind transaction & city keeps benefit



***Three Subsections (pers. benefit) . . .***

***(a) disclose or improperly use private, controlled or protected information (defined by GRAMA)***


- to further officer's economic interest; or
- to secure special privileges/exemptions for himself or others





***(b) use or attempt to use official position***

- to further officer's economic interest; or
- to secure special privileges/exemptions for himself or others



***(c) knowingly receive, take, seek or solicit a gift of substantial value or substantial economic benefit tantamount to a gift that:***

- would tend to influence to depart from faithful and impartial discharge of duties; or
- knows or should know that gift is primarily a reward for official action



## *Exceptions (pers. Benefit) ...*

- Occasional non-pecuniary gift < \$50
- Award presented for public service
- Bona fide loan - ordinary course
- Political campaign contribution





## ***2. Compensation for assistance in transaction involving city §10-3-1305***


- applies to: (a) elected or appointed members of public body; (b) appointed officer or employee
- Public disclosure required



## *Compensation — penalties*

“an offense . . .”

- prosecution — bribery refer. §76-8-105
- rescission of transaction
- removal from office



It is an offense for an elected or appointed officer or an employee to receive or agree to receive \$ for assisting in a transaction involving the city

unless . . .





*files a sworn statement with . . .*

- elected/appointed — mayor and discloses in open meeting
- employee — supervisor and anyone involved in evaluation or approval ...



## *Contents of disclosure ...*

- name & address officer/employee
- name & address person being assisted/substantial interest
- description of transaction and nature of service to be performed





*timing is crucial:*

- *10 days before agreement; or*
- *10 days before receipt of compensation*

*whichever is earlier*



### ***3. Interest in business regulated by city***

- Officer, director, agent, employee or owner of substantial interest in any regulated business
- Disclosure required: position held; nature and value of interest; increase in value or ownership



## *Business regulated by city...*

- Disclosure by sworn statement to the Mayor
- Mayor reports or delivers a copy to council
- Exceptions: value < \$2,000 - or - interest in life insurance





## ***4. Interest in business doing business with city §10-3-1308***

- Disclosure by officer, director, agent, employee or owner
- Substantial interest in business that does or anticipates doing business with city
- Disclosure entered in minutes



## *Doing business with city ...*

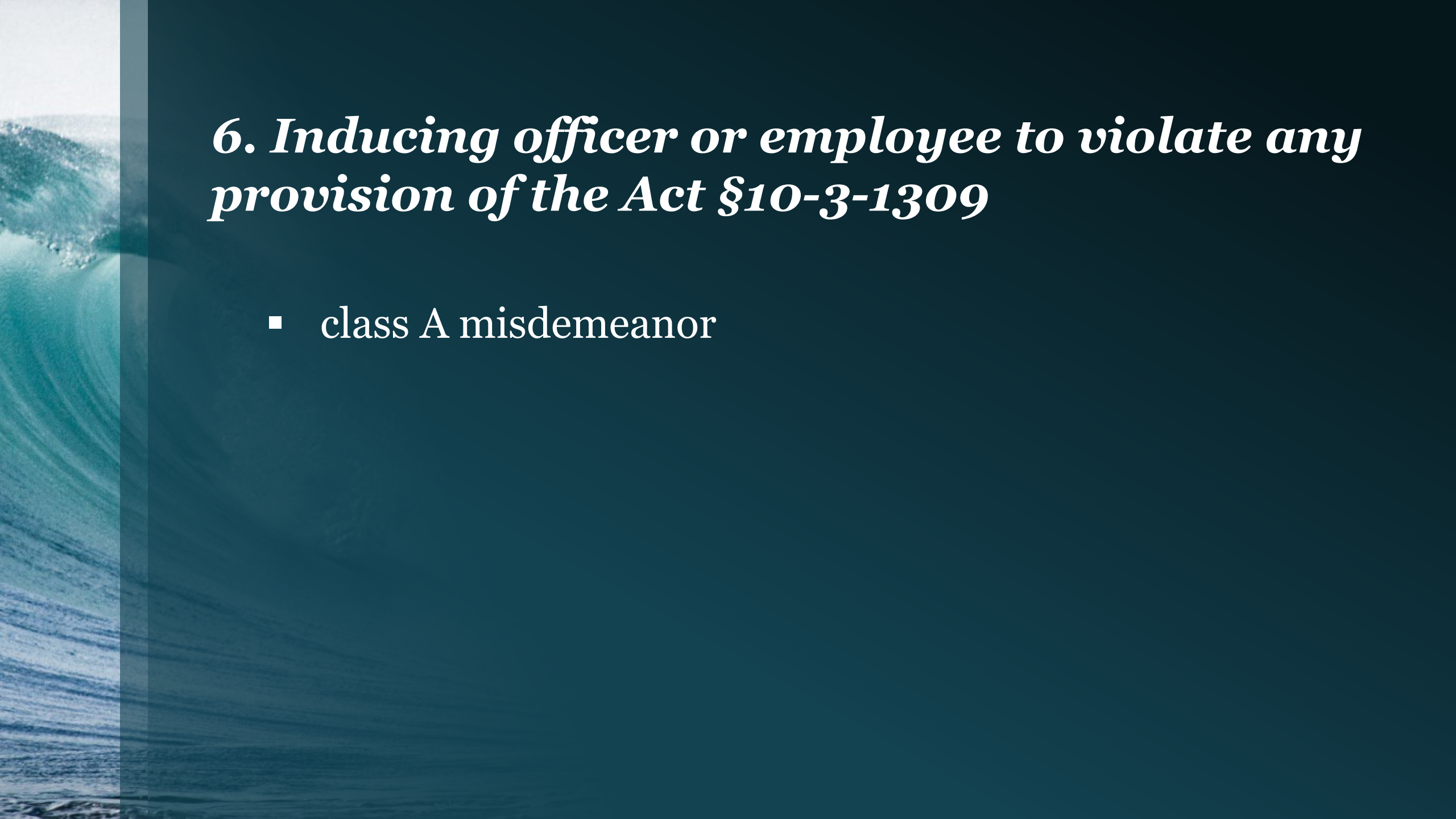
- Disclosure filed with mayor
- mayor reports to or provides copies to council



## ***5. Conflict of interest involving duties*** ***§10-3-1308***

- “any personal interest or investment” by elected or appointed official
- which creates a conflict
- disclosure in open meeting





*6. Inducing officer or employee to violate any provision of the Act §10-3-1309*

- class A misdemeanor



## ***CRIMINAL PENALTIES***

- Based on the \$ value of the compensation, conflict or assistance



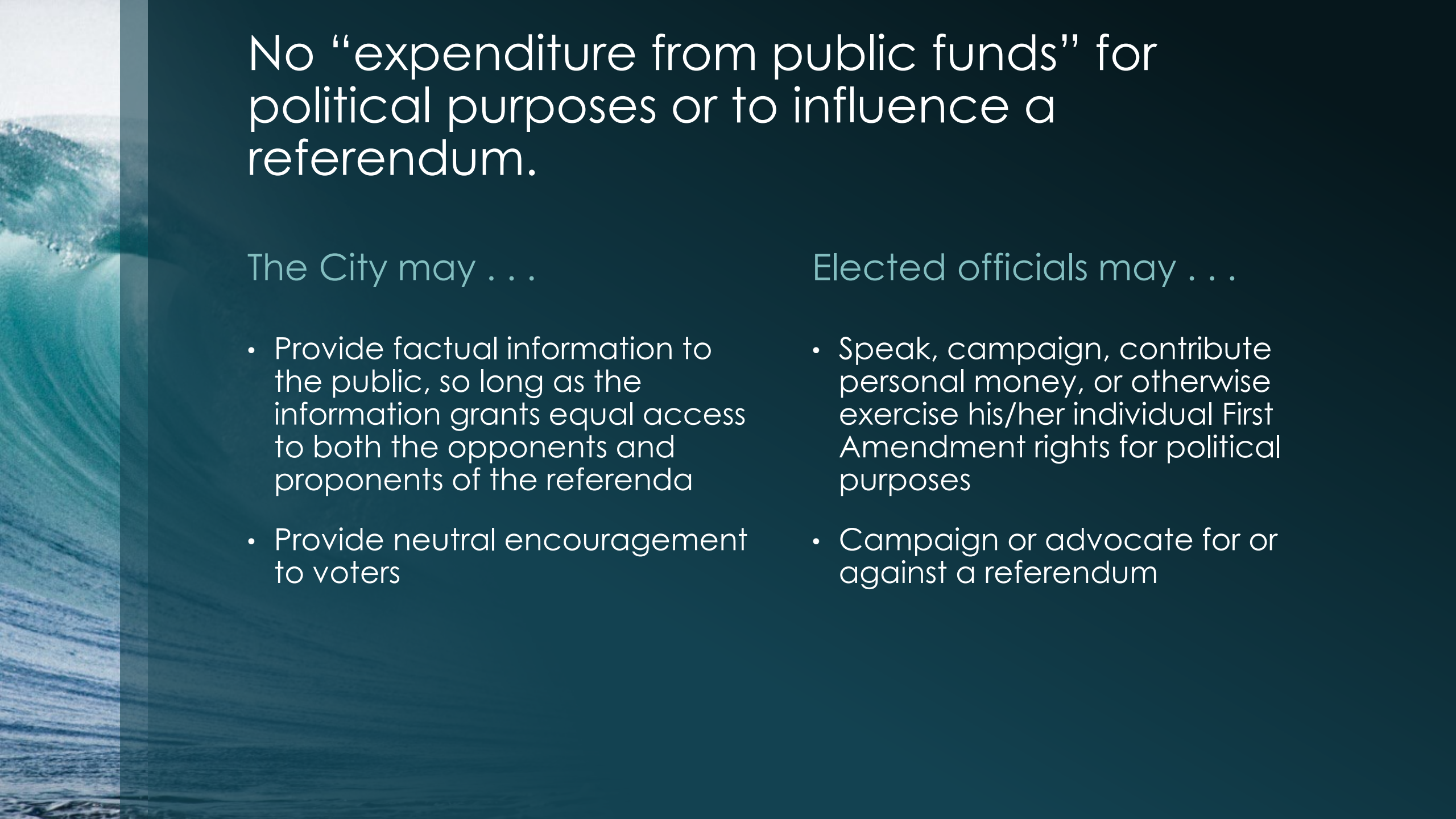


## *ETHICAL VIOLATIONS*

- Standard of proof: “Knowingly or intentionally violates . . . .”
- Penalty: “Shall be” dismissed from employment or removed from office & rescind transaction

# **A note on referenda & ballot initiatives**





No “expenditure from public funds” for political purposes or to influence a referendum.

The City may . . .

- Provide factual information to the public, so long as the information grants equal access to both the opponents and proponents of the referenda
- Provide neutral encouragement to voters

Elected officials may . . .

- Speak, campaign, contribute personal money, or otherwise exercise his/her individual First Amendment rights for political purposes
- Campaign or advocate for or against a referendum



Department of Justice

U.S. Attorney's Office

District of Utah

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FOR IMMEDIATE RELEASE

Monday, January 24, 2022

## Former UTA Employee Sentenced for Lying to Federal Investigators

SALT LAKE CITY- Jacob Splan, 39, of Salt Lake City, was sentenced to six months of home confinement and 36 months of probation on Tuesday, in relation to making false statements to special agents from the United States Department of Transportation and the FBI.

According to the plea agreement, Splan admitted to lying to federal investigators about whether he had invoiced the Utah Transit Authority (UTA) for work completed at his personal residence. Under the terms of Splan's former employment with UTA, he had the authority to make no-bid "micro purchases" on behalf of UTA in the amount of \$3,000.00 or less. However, during a meeting on January 7, 2021, with special agents from the U.S. Department of Transportation and the FBI, Splan affirmatively stated that he had paid \$3,000 dollars of his own money to contractors for work completed at his home. Splan later admitted in the plea agreement that he had not paid the contractors with his own money and that he knew the statement was false. In addition to the six months of home confinement, Splan has been ordered to pay a fine of \$30,000, which was the estimated value of the work that Splan had completed on his own driveway.

"One of the highest priorities within the Department of Justice is ensuring the integrity of governmental processes and employees," said United States Attorney Andrea T. Martinez. "We hope that this sentencing sends a message that misusing public funds and lying to federal investigators will be taken seriously and prosecuted in the District of Utah."

"Working with our law enforcement counterparts and the U.S. Attorney's Office to pursue and prosecute government officials who make false statements during criminal investigations ensures that those in positions that serve the public maintain their integrity," said Cissy Tubbs, Special Agent-In-Charge, Western Region, U.S. Department of Transportation Office of Inspector General. "Jacob Splan's sentence sends a message that this conduct is unlawful and will not be tolerated."

"Jacob Splan abused his position for his own personal gain and then lied about it," said Special Agent in Charge Dennis Rice of the Salt Lake City FBI. "No matter the amount of money, corruption undermines confidence in government, and those who commit fraud will be held accountable."

Assistant United States Attorneys from the Utah U.S. Attorney's Office prosecuted the case against Splan. Special Agents from the Department of Transportation Office of Inspector General and the FBI conducted the investigation.

“No matter the amount of money, corruption undermines confidence in government, and those who commit fraud will be held accountable.”

Questions?