

**ORDINANCE No. 2022-05**

**AN ORDINANCE OF THE CITY COUNCIL OF SOUTH WEBER CITY ADDING PROVISIONS TO THE CITY CODE RELATING TO ETHICS AND DISCLOSURE**

**WHEREAS**, the City Council of South Weber City desires to amend certain provisions of the City Code of South Weber City relating to ethics and disclosure; and

**WHEREAS**, the City Council has reviewed provisions and finds that public interest will be served by adding provisions to Title 1, Chapter 4 describing the ethics and disclosure standards applicable to City officers and employees; and

**WHEREAS**, the City Council has determined that the adoption of a new section to Title 1, Chapter relating to Ethics and Disclosure is necessary; and

**WHEREAS**, the City Council has determined that the proposed amendments and adoption will promote the public welfare;

**NOW, THEREFORE, BE IT ORDAINED** by the City Council of South Weber City, Utah as follows:



**Section 1.** Amendment. Section 1-4-10 of Title 1, Chapter 4 of the City Code of South Weber is hereby adopted and codified to read more particularly set forth in Exhibit A, attached hereto and incorporated herein by reference.

**Section 2.** Severability. If any provision of this Ordinance is declared invalid by a court of competent jurisdiction, the remainder shall not be affected thereby.

**Section 3.** Effective Date. This Ordinance shall take effect upon the publication or posting or thirty (30) days after passage.

**PASSED AND APPROVED** this 22<sup>nd</sup> day of March, 2022.

Roll call vote is as follows:

 <b>MAYOR:</b> Rod Westbroek	Council Member Dills	<input checked="" type="radio"/> FOR	<input type="radio"/> AGAINST
 <b>ATTEST:</b> City Recorder, Lisa Smith	Council Member Petty	<input type="radio"/> FOR	<input checked="" type="radio"/> AGAINST
	Council Member Soderquist	<input checked="" type="radio"/> FOR	<input type="radio"/> AGAINST
	Council Member Alberts	<input checked="" type="radio"/> FOR	<input type="radio"/> AGAINST
	Council Member Halverson	<input checked="" type="radio"/> FOR	<input type="radio"/> AGAINST

*Blue circular stamp: SOUTH WEBER CITY \* 1938 \* OFFICIAL SEAL \* 571 \* DISCOUNTY, UTAH \**

**CERTIFICATE OF POSTING**

I hereby certify that Ordinance 2022-05 was passed and adopted the 22<sup>nd</sup> day of March 2022 and that complete copies of the ordinance were posted in the following locations within the City this 23<sup>rd</sup> day of March 2022.

1. South Weber Elementary, 1285 E. Lester Drive
2. South Weber Family Activity Center, 1181 E. Lester Drive
3. South Weber City Building, 1600 E. South Weber Drive

*Lisa Smith*

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Recorder, Lisa Smith

## **1-4-10: ETHICS AND DISCLOSURE**

A. Policy. It is the policy of South Weber City to hold its elected officials, appointed officials, and employees to the highest standards of ethical conduct, and to require these persons to disclose actual or potential conflicts of interest between their public duties and their personal interests.

B. Federal and State Requirements. All City officers and employees shall comply with the applicable provisions of Federal and State law regarding ethics, including but not limited to the Utah Municipal Officers' and Employees' Ethics Act, Utah Code Ann. 10-3-1301 et seq., as amended ("Ethics Act"), which Ethics Act makes it a crime to do any of the following:

1. Disclose or improperly use private, controlled, or protected information acquired by reason of an official position or in the course of official duties to further substantially the officer's or employee's personal economic interests or to secure special privileges or exemptions for the officer or employee or others. Private, controlled, or protected information is information that has been classified as such under the Governmental Records Access and Management Act, Utah Code Ann 63G-2-101 et seq., as amended.

2. Use or attempt to use an official position to further substantially the officer's or employee's personal economic interest or to secure special privileges for the officer, employee, or others.

3. Knowingly receive, accept, take, seek, or solicit, directly or indirectly for the officer, employee, or another, a gift of substantial value or a substantial economic benefit tantamount to a gift that would tend to improperly influence a reasonable person in the person's position to depart from the faithful and impartial discharge of the person's public duties or that a reasonable person in that position should know under the circumstances is given to him or her primarily for the purpose of rewarding the person for official action taken. The State exceptions to this requirement apply to City officers and employees. According to these exceptions, it is permitted for a City officer or employee to receive an occasional nonpecuniary gift having a value of less than \$50, an award publicly presented in recognition of public services, any bona fide loan made in the ordinary course of business, or a political campaign contribution.

4. Receive compensation for assisting any person or entity in any transaction with the city or town without making a written and oral disclosure to the mayor and public.

C. Disclosure and Recusal. All City officers and employees shall comply with the disclosure requirements of the Ethics Act:

1. Written Disclosure.

a. Every appointed or elected officer or municipal employee who is an officer, director, agent, or employee or the owner of a substantial interest in any business entity which is subject to the regulation of the City shall disclose the position held and the nature and value of his interest upon first becoming appointed, elected, or employed by the City, and again at any time thereafter if the person's position in the business entity has changed significantly or if the value of their interest in the entity has increased significantly since the last disclosure.

b. The disclosure shall be made in a sworn statement filed with the mayor. The mayor shall report the substance of all such disclosure statements to the members of the City Council, or may provide to the members of the City Council copies of the disclosure statement within 30 days after receiving the same.

c. Written disclosure is also required anytime an officer or employee accepts compensation to assist a person in their business with the city. Such disclosure must contain the following:

i. The name and address of the officer or employee;

ii. The name and address of the person or business entity being assisted or in which the officer or employee has a substantial interest;

iii. A brief description of the transaction as to which service is rendered or is to be rendered, and of the nature of the service performed or to be performed.

## 2. Oral Disclosure during an Open Meeting.

a. Every city officer or employee who is an officer, director, agent, employee, or owner of a substantial interest in any business entity which does or anticipates doing business with the City shall publicly disclose the nature of such interest.

b. Any personal interest or investment by a city officer or employee which creates a conflict between the employee's or officer's personal interests and his or her public duties shall be disclosed in an open meeting.

c. The disclosure statement shall be made during an open meeting to the members of the body of which the officer is a member or the employee is employed prior to any discussion by such body concerning matters relating to such business entity. The disclosure statement shall be entered into the minutes of the meeting.

d. Disclosure by a City employee is satisfied if the employee makes the disclosure to the employee's immediate supervisor and any other municipal

officer or employee who may rely upon the employee's representations in evaluating or approving the matter.

3. Recusal Required.

a. It is required that city officers and employees recuse themselves from voting or acting on any matter for which written or oral recusal is required.

b. If an officer or employee is uncertain whether they have a conflict of interest requiring disclosure and recusal, it is the responsibility of that officer or employee to seek advice from the Mayor, City Manager, or the City Attorney prior to any discussion or action being taken on the matter presenting the potential conflict. Recusal is required for actual conflicts of interest and recommended for potential conflicts of interest.

D. Penalties; Dismissal; Rescission of Prohibited Transaction.

1. Violations of the Ethics Act carry criminal penalties.

2. Dismissal. In accordance with the requirements of the Ethics Act, any person who knowingly and intentionally violates the above-referenced requirements must be dismissed from employment or removed from office as is required by the Act.

3. Rescission. For any transaction entered into in connection with a violation of the Ethics Act or the recusal requirements of this section, the City may rescind or void any contract or subcontract entered into pursuant to that transaction without returning any part of the consideration received by the City.

E. Definitions and Interpretation. All provisions of this section shall be interpreted using definitions and language from the Ethics Act and the corpus of judicial decisions and State Ethics Commission (Political Subdivisions Ethics Commission) decisions and guidance interpreting the Ethics Act.