



**SALT LAKE
COUNTY**

COUNTY COUNCIL

Joe Hatch, Chair
District #1

Randy Horiuchi
At-Large A

Jennifer Wilson
At-Large B

Jim Bradley
At-Large C

Michael H. Jensen
District #2

David A. Wilde
District #3

Jani Iwamoto
District #4

Steven L. DeBry
District #5

Max Burdick
District #6

August 10, 2010

Mr. Doug Willmore, Chair
Steering Committee
Rm. N2100, Government Center
Salt Lake City, Utah

Dear Mr. Willmore:

The Salt Lake County Council, at its meeting held this day, approved the following Countywide Policy and Procedure:

#1430 – Professional Ethics and Conflict of Interest

The Council also repealed the following Human Resources Policy and Procedure:

#5650 – Professional Ethics and Conflict of Interest

Pursuant to the above action, you are hereby authorized to distribute the same.

Respectfully yours,

SALT LAKE COUNTY COUNCIL

SHERRIE SWENSEN, COUNTY CLERK

By _____
Deputy Clerk

ks

pc: Human Resources Division

COUNCIL ~ VOTE SLIP

Date: AUG 10 2010	Absent	Motion	2 nd	Aye	Nay	Abstain
Council Member RANDY HORIUCHI				/		
Council Member JENNY WILSON				/		
Council Member JIM BRADLEY				/		
Council Chair JOE HATCH	/					
Council Member MICHAEL H. JENSEN	/					
Council Member DAVID WILDE			/	/		
Council Member JANI IWAMOTO				/		
Council Member STEVE DEBRY		/		/		
Council Member MAX BURDICK				/		

Other Action:

app
13.1



**SALT LAKE
COUNTY**

PETER M. CORROON
Salt Lake County Mayor

2001 South State Street
Suite N-2100
Salt Lake City, UT 84190-1020

801 / 468-2500
801 / 468-3535 fax

July 26, 2010

Max Burdick, Chair
Salt Lake County Legislative Subcommittee
2001 South State, N2200
Salt Lake City, Utah 84190-1010

Re: Approval of a New Countywide Policy & Procedure #1430, *Professional Ethics and Conflict of Interest* and Repeal of Human Resources Policy & Procedure #5650, *Professional Ethics and Conflict of Interest*

Dear Councilman Burdick:

The Steering Committee has reviewed and approved the recommended changes to Human Resources Policy & Procedure #5650, *Professional Ethics and Conflict of Interest*. The committee also determined that this policy would be more appropriate as a countywide policy.

We are requesting that the County Council repeal Human Resources Policy & Procedure #5650 and approve the new Countywide Policy #1430. Policy # 1430 now complies with county ordinance and more clearly defines gifts, honoraria, conflicts of interest and the filing of disclosure statements.

Sincerely,

Doug Willmore, Chief Administrative Officer
Salt Lake County Office of the Mayor

Attachments

SALT LAKE COUNTY
COUNTYWIDE POLICY
ON
PROFESSIONAL ETHICS AND CONFLICT OF INTEREST

Reference --

County Officers and Employees Disclosure Act, Utah Code Annotated §§ 17-16a-1
 Governmental Immunity Act, Utah Code Annotated §§ 63G-7-1 *et seq.*
 Utah Public Officers and Employees, Utah Code Annotated §§ 67-16-1 *et seq.*
 County Ethics Code, Salt Lake County Code of Ordinances, 2.07.201 through 2.07.207
 Conflict of Interest Prohibited, Salt Lake County Code of Ordinances, 3.16.110
 Salt Lake County Countywide Policy 1006, Gift Policy
 Human Resources Policies & Procedures: General Definitions 5025, Discipline 5700, and Nepotism 5120

Policy --

It is the policy of Salt Lake County to require honest and ethical conduct by its officers, employees and volunteers. The effective operation of County government requires officers, employees and volunteers to be independent, impartial, and responsible to County government and its citizens. This policy in conjunction with other County policies and State laws will assist officers, employees and volunteers in understanding their ethical obligations. Salt Lake County complies with state and local laws regarding Utah public officers and employees, ethics and conflict of interests.

Purpose --

The purpose of this policy is to establish standards of conduct for County officers, employees and volunteers where there are actual or potential conflicts of interest between their public duties and their private interests, and to promote honest and ethical conduct.

1.0 DEFINITIONS

- 1.1 **FINANCIAL INTEREST:** Refers, but shall not be limited to, any direct employment by or direct 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.
- 1.2 **GIFTS:** Anything of value including a loan at a rate that is substantially less than a prevalent commercial rate, compensation for goods or services exceeding fair market value, goods or services provided for less than fair market value, gratuity, entertainment, hospitality or forbearance, unless consideration of equal or greater value is received.
- 1.3 **HONORARIA:** The offering or acceptance of perquisite, gift or anything of value for speaking, writing or participating in a meeting, convention, social event, meal or like gathering.

- 1.4 **HOUSEHOLD:** All persons who occupy a residence or dwelling with the officer, employee or volunteer for an entire year including family members (spouse, child, ward, parents, siblings, mother-in-law, father-in-law, grandparent, legal guardian, grandchild, adult designee, dependent child of an adult designee and step-relatives of the same order), relatives (uncle, aunt, nephew, niece, first cousin, brother-in-law, sister-in-law, son-in-law, daughter-in-law) and any unrelated persons.
- 1.5 **NON-RESTRICTED CONFLICT OR NON-RESTRICTED CONFLICT OF INTEREST:** Any and all other interests including political, family, fraternal, social, other interests or associations which may create the appearance or the actuality of a conflict of interest between an officer or employee's outside interest and his or her county responsibilities, other conflicts as defined by state statute and any campaign contribution made to the officer, employee, representative or to any member of his or her household, of more than five hundred dollars during the prior calendar year.
- 1.6 **PURCHASING OFFICIAL:** Any officer or employee who recommends for final action, prepares specifications, or approves or rejects any part of a specific procurement or disposal of goods, services or real property, or any specific contract related to a procurement of goods or services or disposal of property.
- 1.7 **RESTRICTED CONFLICT OF INTEREST:** Any direct outside, private financial interest held by the officer, employee or representative, or by members of an officer's, employee's or representative's household. Outside public sector employment does not constitute a restricted conflict of interest.
- 2.0 **PROCEDURE**
- 2.1 Conflicts of Interest - County Officers, Employees and Volunteers shall not:
- 2.1.1 Accept employment or engage in any business or professional activity which may be reasonably expected to require or induce improper disclosure of controlled, private or protected information gained through affiliation with the County.
- 2.1.2 Disclose or improperly use controlled, private or protected information acquired through affiliation with the County for the private gain or benefit of self or others.
- 2.1.3 Use or attempt to use their official position to secure special privileges or exemptions for self or others.
- 2.1.4 Engage in any outside activity, employment or financial investment which constitutes a restricted conflict of interest or impairs their judgment regarding the faithful performance of county responsibilities.
- 2.1.5 Knowingly receive, accept, take, seek or solicit, directly or indirectly, any gift or economic benefit tantamount to a gift such as a loan at an interest rate that is substantially lower than the commercial rate then currently prevalent for similar loans; and compensation received for private services rendered at a pay rate substantially exceeding the fair market value of the services, if:
- 2.1.5.1 It may be reasonably expected to improperly influence an officer, employee or volunteer to depart from the faithful and impartial discharge of their County duties;

- 2.1.5.2 The officer, employee or volunteer knows, or a reasonable person in that position should know under the circumstances, it is primarily for the purpose of rewarding the officer, employee or volunteer for an official action already taken.
- 2.1.5.3 The officer, employee or volunteer is now or in the near future may be involved in any governmental action directly affecting the donor or lender unless disclosures have been made as required under Section 5.0.
- 2.1.6 Participate in vendor/customer incentive programs which place the officer, employee or volunteer at risk of being viewed as either misappropriating county property or using their position to secure a privilege by virtue of the county position or employment held by the purchaser.
- 2.1.7 Accept an incentive from any retailer or vendor.
 - 2.1.7.1 If the officer, employee or volunteer were to come into possession of such property, the property must be turned over to the county as soon as practicable and a record made of the fact it was turned over to the county.
- 2.1.8 Accept honoraria in regard to activities related to their county duties or purpose except as allowed in Section 2.1.13.
 - 2.1.8.1 Consultation, Speeches and Presentations: The County may grant the requests of schools, universities, civic organizations, governmental entities or private businesses to have employees or volunteers give speeches or other presentations, teach or provide consultation services. Such services by employees must be authorized by the Agency Administrator and shall be compensated as for other regularly assigned duties.
- 2.1.9 Knowingly accept or solicit any gift for themselves, a relative, a household member or organizations of the officer, employee, volunteer or others, except as allowed in Section 2.1.13.
- 2.1.10 Participate in an official capacity or receive compensation in respect to any transaction between the County and any business entity in which the officer, employee, volunteer or a member of their household is also an officer, director, employee or owns a substantial interest, as defined under financial interest, in the company without first filing a conflict of interest disclosure statement as outlined in Section 5.0.
- 2.1.11 Have personal investments in any business entity which will create a substantial conflict between their private interests and public duties.
- 2.1.12 Receive or agree to receive compensation for assisting any person or business entity in any transaction involving the County without first filing a conflict of interest disclosure statement as outlined in Section 5.0.
- 2.1.13 No county officer or employee shall employ, appoint or attempt to influence the appointment or hiring of a relative or household member to any county position or employment paid out of county funds, except for temporary or seasonal employment or positions (see Human Resources Policy and Procedure 5120, Nepotism: Employment of Relatives).
- 2.1.14 No county officer or employee shall directly or indirectly supervise or evaluate for purposes of pay, benefits, promotion or discipline a relative or household member in any county position or employment paid out of county funds (see

Human Resources Policy and Procedure 5120, Nepotism: Employment of Relatives).

- 2.1.15 Exceptions - The following are exceptions to the gifts and honoraria requirements:
- 2.1.15.1 The gift is a political contribution authorized by law and reported as part of the campaign disclosure requirements of the county or any other governmental entity;
 - 2.1.15.2 Token items of nominal value including, but not limited to educational materials, t-shirts, coffee mugs, parking validations or other commemorative or similar souvenir items;
 - 2.1.15.3 Snacks, beverages, educational or informational materials provided at meetings or other functions;
 - 2.1.15.4 Transportation to and attendance at conventions, seminars or events of a primarily educational nature, including meals and entertainment that are part of the required registration, and any associated educational or informational materials directly related to the official duties of the officer, employee or volunteer;
 - 2.1.15.5 Gifts not related to the activities of the officer, employee or volunteer with the county;
 - 2.1.15.6 Awards publicly made for public service;
 - 2.1.15.7 Food or a beverage given at a widely attended reception, meal or meeting by an organization before whom the recipient appears to represent Salt Lake County, make a speech, answer questions or participate in part of a program;
 - 2.1.15.8 Attendance at political events that are primarily sponsored by a political party or political candidate;
 - 2.1.15.9 Flowers, plants, balloons or similar tokens which are given to express condolences, congratulations or sympathy for ill health or to commemorate holiday or special occasions;
 - 2.1.15.10 County sponsored programs activities or work;
 - 2.1.15.11 Gifts for the county that become the property of the county;
 - 2.1.15.12 Gifts to county officers, employees, volunteers or agencies from other county officers, employees, volunteers or agencies;
 - 2.1.15.13 Death transfers including bequests and inheritances; and
 - 2.1.15.14 Gifts to blind trusts related to legal defense funds for imminent or pending litigation against officers or employees related to their official duties.

3.0 Gifts and the procurement process.

- 3.1 Without exception, receipt or solicitation of any gift or a request for employment by a purchasing official from any person including a vendor, seller or buyer of real property or service provider is illegal and punishable as provided by law.
- 3.1.1 It is unlawful and punishable as provided by law for any payment, gift or offer of employment to be made by any person to a County officer, employee, volunteer, contractor or any household member of the County officer, employee or contractor of the county to obtain a specific procurement, disposal, contract or subcontract.

- 4.0 Restricted and Non-Restricted Conflicts of Interest - Disclosure Required:
- 4.1 A County officer, employee or volunteer must complete a disclosure statement as provided in Section 5.0 under the following circumstances:
- 4.2 Interest in a business entity regulated by the county or doing business with the county: A County officer, employee and volunteer who is an officer, director, agent, employee or the owner of a substantial interest, as defined under financial interest, in any business entity which is subject to the regulation of the County, including licensure or which does or anticipates doing business with the county.
- 4.2.1 Restricted Conflict of Interest: In addition to filing a disclosure form, the County officer, employee or volunteer who has a restricted conflict of interest who is also a member of a County body shall publicly disclose such interest to the members of the body and are required to be recused from all discussions, deliberations, decision making or vote regarding the business entity. The disclosure statement shall be entered in the minutes of the meeting.
- 4.2.2 Non-Restricted Conflict of Interest: In addition to filing a disclosure form, the County officer, employee or volunteer who has a non-restricted conflict of interest who is also a member of a County body shall publicly disclose such interest to the members of the body immediately prior to any discussion and/or vote regarding the business entity. The disclosure statement shall be entered in the minutes of the meeting.
- 4.3 Compensation for assistance in transaction involving the county: A County officer, employee or volunteer who agrees to receive compensation for assisting any person or business entity in any transaction involving the County must disclose the information identified in Section 5.0 at least ten days prior to the date of any agreement between the officer, employee or volunteer and the person or business entity being assisted or at least ten days prior to the receipt of compensation by the employee or volunteer.
- 4.4 Interest creating conflict of interest with duties: A County officer, employee or volunteer or a member of their household who has a personal interest or investment which creates a potential or actual conflict between their personal interests and public duties must disclose the information identified in Section 5.0 and shall publicly disclose such interest to the members of the body immediately prior to discussion and/or vote regarding the conflict of interest and the nature of the conflict. The disclosure shall be entered in the minutes of the meeting.
- 5.0 Disclosure Statement - A disclosure statement as required by the "County Officers and Employees Disclosure Act", Utah Code Annotated, Title 17, Chapter 16a, and the "Utah Public Officers' and Employees' Ethics Act", Utah Code Annotated, Title 67, Chapter 16, is a written and sworn document filed with the County Legislative body and is designated a public document. The disclosure statement shall provide the name and business address of the officer, the name and business address of the person or business entity being assisted and a brief description of the transaction or service provided, or the name and business address of the business in which the County officer, employee or volunteer has a substantial interest, the position held and the precise nature and value of any interest. The disclosure statement shall be made upon first assisting the person or business, or upon becoming an officer or employee and in January of each year thereafter during which he or she continues to be an officer, director, agent, owner, volunteer or employee.
- 5.1 The disclosure statement must be filed at least ten calendar days prior to the date of any agreement to provide assistance or receive compensation.

5.2 County officers, employees and volunteers are responsible for ensuring their disclosure statement is current and is filed with their chain of command and the County Legislative body.

6.0 Professional Code of Ethics

6.1 County employees and volunteers who work in occupations having professional codes of ethics or standards of professional responsibility shall adhere to those requirements in the performance of their County duties. Failure to abide by professional codes of ethics may adversely affect the employees' ability to perform their duties and may, in appropriate cases, result in disciplinary action or termination of County employment.

6.2 Failure by a County employee or volunteer to meet the requirements of their professional/occupational licensing authority, resulting in loss of the license required to practice in such profession/occupation and the inability to continue to work in the County-position may be a basis for immediate termination of employment.

6.3 County employees and volunteers shall have an ongoing obligation to report to their supervisor any actions taken by the licensing authority, including the facts giving rise to such action, which affects their right to continue to practice in that profession to report as required may be a basis for immediate termination of employment.

6.4 County employees, officers and volunteers are expected to comply with applicable County policies, ordinances and laws in their position with the County.

7.0 Indemnification

7.1 Employees and volunteers will be indemnified and held harmless as provided in the Governmental Immunity Act (UCA 63G-7-1, *et. seq.*).

8.0 County Responsibilities

8.1 If an employee has been found to be in violation of this policy, disciplinary action may be taken by the Administrator. Such disciplinary action shall be taken as provided in Human Resources Policy and Procedure #5700, Discipline, and may lead to termination of employment or criminal prosecution.

8.2 It shall be the responsibility of the agency, in consultation with the District Attorney's Office, to advise employees and volunteers of the requirements and prohibitions of this policy.


8.3 Agencies may adopt more restrictive internal policies regarding outside employment only as allowed by law and approved by the County Legislative body.

APPROVED AND PASSED THIS 10th DAY OF August, 2010.

SALT LAKE COUNTY COUNCIL


Jim Bradley, Temporary Chair

ATTEST:


Sherry Swensen, County Clerk

APPROVED AS TO FORM:

 7-2010
District Attorney's Office Date