

**WOODS CROSS CITY COUNCIL WORK MEETING
FEBRUARY 19, 2008
5:30 P.M.**

The Woods Cross City Council Work Session held February 19, 2008 at 5:30 P.M. in the Woods Cross City Hall, 1555 South 800 West, Woods Cross, Utah.

CONDUCTING:

Mayor Kent Parry

COUNCIL MEMBERS PRESENT:

Mayor Kent Parry
Tamra Dayley
Jill Evans

Jon Hadlow
David C. Hill

COUNCIL MEMBERS EXCUSED:

Rick Earnshaw

STAFF PRESENT:

Gary Uresk, City Administrator
Alan Low, City Recorder
Mike Mazuran, City Attorney

VISITORS:

None

The Mayor welcomed those in attendance and stated this is a work meeting, that notice of time, place and agenda of the meeting was sent to local newspapers and provided to each of the City Council members prior to the meeting.

CITY ATTORNEY PRESENTATION ON PUBLIC OFFICIALS ETHICS

The Mayor gave the floor to the City Attorney who reviewed the following with the members of the City Council:

The Municipal Officers and Employee's Ethics Act is found in Utah Code Annotated in Part 13 of Chapter 3, Title 10. The purpose of the act is to establish standards of conduct for municipal officers and employees and to require those persons to disclose actual or potential conflicts of interest between their public duties and their personal interests. The following is a summary of some questions commonly asked with regard to this Act.

1. Q. Are appointed officers of the City such as City Recorder covered by this Act?
 - A. Yes. The Act covers all elected and appointed officers of the City as well as municipal employees employed on a full or part-time basis by the City.

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2. Q. City officers and employees accept Jazz tickets from a citizen desiring to express appreciation to them?
 - A. The law prohibits officers and employees of the City from knowingly receiving or accepting directly or indirectly any gift or loan if such gift or loan tends to influence him or her in the discharge of his or her official duties. This does not apply to an occasional non-pecuniary gift having a value of less than \$50. Part of the technical question involved here is whether or not the Jazz tickets have a value of more than \$50. As a practical matter it may be wise not accept Jazz tickets regardless of their value.

3. Q. Does the Act apply to political campaign contributions?
 - A. No, if the contribution is actually used in a political campaign.

4. Q. I know the person applying for a zoning change. Do I have a conflict of interest?
 - A. Normally, no. Just because an officer or employee knows the individual seeking a zoning change will not disqualify him or her. If the individual is a close relative, employer, or maintains some other similar relationship, a conflict of interest may exist and the prudent thing to do may be to disqualify yourself from participating in the matter being considered.

5. Q. Can I assist an individual in a business transaction involving the City in which I am an officer or employee?
 - A. Yes, if you file with the Mayor a sworn statement giving information required by law and disclose this information in an open meeting to members of the body of which you are a member before the discussion.

6. Q. When I think I have a conflict of interest should I step down from the podium or leave the building?
 - A. Nothing in the law requires you to do so. However, in order to completely free yourself from possible questions or charges it may be wise to take steps to distance yourself from the consideration in which you believe that you have a conflict.

7. Q. What does "compensation" mean under the Act?

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- A. Compensation means anything of economic value however designated which is paid, loaned, granted, given, donated or transferred to any person or business entity by anyone other than the governmental employer for or in consideration or personal services, materials, property or any other thing whatsoever.
8. Q. I own a 50% interest in a retail business in the City. Each year we receive a business license from the City. I am also a City officer (employee). Do I have a conflict?
- A. The Act requires officers or employees who are officers, directors, agents or employees or the owner of a substantial interest in any business entity which is subject to regulation by the City to file a disclosure statement. "Substantial interest" means ownership, either legal or equitable, by an individual, his or her spouse, or minor children of at least 10% or more of the outstanding shares of the corporation of 10% of the interest in the business entity.
9. Q. I own a business which anticipates doing business with the City. Do I need to disclose that?
- A. Yes, the Act requires a disclosure statement to be filed and entered in the minutes of the meeting.
10. Q. My mother wants me to represent her in the re-zoning of her property in the City. Do I have a conflict:
- A. Yes, the Act applies to persons who have any personal interest which creates a conflict between the personal interest and public duty. The minimum required is disclosure in an open meeting.
11. Q. After I have made the required disclosure can I vote as an elected or appointed official?
- A. Probably, however, it may be wise to disqualify yourself having declared a conflict of interest in order to eliminate any questions with regard to your bias agenda inasmuch as you have a conflict.
12. Q. What are the penalties if I violate the Ethics Act?
- A. The penalties are substantial. They can range from a felony down to a misdemeanor. The Act provides that any officer or employee who knowingly and intentionally violates the Act may be removed from office or employment.

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The Mayor and Council thanked the City Attorney for his review of the Public Officials Ethic Act with them.

ADJOURNMENT

At 6:30 P.M. the Council concluded the work session and opened the City Council meeting.

Kent Parry, Mayor

Alan T. Low, Recorder