

email:

CITY OF SOUTH JORDAN  
GRAMA Record Request  
Fax: 801-254-3393



The following form should be completely filled out and returned to the City Recorder's office. The City is allowed 10 business days in which to respond to your request. Presently, South Jordan City Charges .25¢ per page. The City may assess other fees for records compiled in a form other than that maintained. Research or Services Fee may be charged as provided by Utah Code 63G-2-203.

Requestor's Name: DAN RASEON/KUTV  
Address: 299 S. Main St. City: SLC  
State: UT Zip: 84111 Daytime Phone: 801-455-0749 Fax: 801-839-1235

In accordance with the Governmental Records Access Management Act, I am seeking the following record(s) specifically described as:

CITY CODES OF ORDINANCES

which I believe are collected, filed and/or used by the City of South Jordan, 1600 W. Towne Center Drive, South Jordan, Utah 84095 (801) 254-3742.

I would like to view/inspect the record(s).

I would like to receive a copy of the record(s) described above. I understand that the City charges a fee for copies of records and the copies will be provided subject to fees being paid. I authorize cost of up to \$\_\_\_\_\_. If costs are greater than the amount I have specified, I further understand that the office will contact me and will not respond to a request for copies if I have not authorized adequate costs.

[Signature]  
Signature

6/9/14  
Date

CITY'S RESPONSE TO RECORD REQUEST - FOR OFFICE USE ONLY

APPROVED - Requestor notified on June 9, 2014

DENIED - Written denial sent on \_\_\_\_\_, 20\_\_\_\_

Requestor notified that this office does not maintain record; and, if known, was also notified of name and address of agency that does maintain record on \_\_\_\_\_, 20\_\_\_\_

Extension of time for extraordinary circumstances. Required notice sent \_\_\_\_\_, 20\_\_\_\_

COPY FEES: \$ 0. If waived, approved by: Anna [Signature]

- State Code of Ethics - Provided By Chip D.
- City Code of Ethics - " " " "



## CODE OF ETHICS

For members of South Jordan City Council,  
Boards, Committees and Commissions  
Adopted by the South Jordan City Council

### Preamble:

**The Citizens and businesses of South Jordan City are entitled to have fair, ethical and accountable local government, which has earned the public's full confidence and trust. In keeping with South Jordan City's Commitment to Excellence, the effective functioning of the government, therefore requires, that:**

- Public officials, both elected and appointed, comply with both the letter and spirit of the laws and policies affecting the operations of government;
- Public officials be independent, impartial and fair in their judgment and actions;
- Public deliberations and processes be conducted openly, unless legally confidential, in an atmosphere of respect and civility.

To this end, the South Jordan City Council has adopted a Code of Ethics for members of the City Council and of the City's boards, committees and commissions to assure public confidence in the integrity of local government and its effective and fair operation.

### 1. Act in the Public Interest

Recognizing that stewardship of the public interest must be their primary concern, members will work for the common good of the people of South Jordan and not for any private or personal interest, and they will assure fair and equal treatment to all persons, claims and transactions coming before the South Jordan City Council, boards, committees and commissions

### 2. Comply with the Law

Members shall comply with the laws of the nation, the State of Utah and the City of South Jordan in the performance of their public duties. These laws include, but are not limited to: the United States and Utah Constitutions; the South Jordan City Municipal Code; laws pertaining to conflicts of interest, election campaigns, financial

disclosures, employer responsibilities, and open processes of government; and City policies and procedures.

### **3. Conduct of Members**

The professional and personal conduct of members must be above reproach and avoid even the appearance of impropriety. Members shall refrain from abusive conduct, personal charges or verbal attacks upon the character or motives of other members of Council, boards, committees and commissions, the staff or public.

### **4. Respect for Process**

Members shall perform their duties in accordance with the processes and rules of order as established by the City Council, board, committees and commissions governing the deliberation of public policy issues, meaningful involvement of the public, and implementation of policy decisions of the City Council by City Staff.

### **5. Conduct of Public Meetings**

Members shall prepare themselves for public issues; listen courteously and attentively to all public discussions before the body; and focus on the business at hand. They shall refrain from interrupting other speakers; making personal comments not germane to the business of the body; or otherwise interfering with the orderly conduct of meetings.

### **6. Decisions Based on Merit**

Members shall base their decisions on the merits and substance of the matter at hand, rather than on unrelated considerations.

### **7. Communication**

Members shall publicly share substantive information that is relevant to a matter under consideration by the Council, boards, committees and commissions, which they may have received from sources outside of the public decision-making process. Exparte communication with developers or others having a financial interest in the City is deemed inappropriate.

### **8. Conflict of Interest**

In order to assure their independence and impartiality on behalf of the common good, members shall not use their official positions to influence governmental decisions in which they have a material financial interest, or where they have an organizational responsibility or personal relationship, which may give the appearance of a conflict of interest.

In accordance with law, members shall disclose investments, interest in real property, sources of income, and gifts; and they shall abstain from participating in deliberations and decision-making where conflicts may exist.

**9. Gifts and Favors**

Members shall not take any special advantage of services or opportunities for personal gain, by virtue of their public office that are not available to the public in general. They shall refrain from accepting gifts, favors or promises for future benefits, which might compromise their independence of judgment or action or give the appearance of being compromised.

**10. Confidential Information**

Members shall respect the confidentiality of information concerning the property, personnel or affairs of the City. They shall neither disclose confidential information without proper legal authorization, nor use such information to advance their personal, financial or other private interests.

**11. Use of Public Resources**

Members shall not use public resources not available to the public in general, such as City staff time, equipment, supplies or facilities, for private gain or personal purposes.

**12. Representation of Private Interests**

In keeping with their role as stewards of the public interest, members of Council shall not appear on behalf of the private interest of third parties before the Council or any board, committee, commission or proceeding of the City, nor shall members of boards, commissions appear before their own bodies or before the Council on behalf of the private interest of third parties on matters related to the areas of service of their bodies.

**13. Advocacy**

Members shall represent the official policies or positions of the City Council, board, committee or commission to the best of their ability when designated as delegates for this purpose. When presenting their individual opinions and positions, members should explicitly state that they do not represent their body or South Jordan City, nor with they allow the inference that they do.

**14. Policy Role of Members**

Members shall respect and adhere to the Council-manager structure as adopted by ordinance of the South Jordan City government. In this structure, the City Council determines the policies of the City with the advice, information and analysis provided by the public, boards, committees and commissions, and City staff.

**15. Independence of Boards, Committees and Commissions**

Because of the value of the independent advice of boards, committees, and commissions to the public decision-making process, members of Council shall refrain from using their position to unduly influence the deliberations or outcomes of board, committee and commission proceedings.

#### **16. Positive Work Place Environment**

Members shall support the maintenance of a positive and constructive work place environment for City employees and for citizens and businesses dealing with the City. Members shall recognize their special role in dealing with City employees to in no way create the perception of inappropriate direction to staff.

#### **17. Implementation**

As an expression of the standards of conduct for members expected by the City, the South Jordan City Code of Ethics is intended to be self-enforcing. It therefore becomes most effective when members are thoroughly familiar with it and embrace its provisions.

For this reason, ethical standards shall be included in the regular orientation for candidates for City Council, applicants to board, committee and commissions, and newly elected and appointed officials. Members entering office shall sign a statement affirming they read and understood the South Jordan City Code of Ethics. In addition, the Code of Ethics shall be annually reviewed by the City Council, boards, committees, and commissions, and the City Council shall consider recommendations from boards and commissions, and the staff to update it as necessary.

#### **18. Compliance and Enforcement**

The South Jordan City Code of Ethics expresses standards for ethical conduct expected for members of the South Jordan City Council, boards, committees, and commissions. Members themselves have the primary responsibility to assure that ethical standards are understood and met, and that the public can continue to have full confidence in the integrity of government.

The chairs of boards, committees, and commissions and the Mayor, have the additional responsibility to intervene when actions of members that appear to be in violation of the Code of Ethics are brought to their attention.

The City Council may impose sanctions on members whose conduct does not comply with the City's ethical standards, such as reprimand, formal censure, loss of seniority or committee assignment.

## Adendum to City Code

### **2.40.010: PURPOSE:**

The purposes of this chapter are to establish standards of conduct for officers and employees of the city to require these persons to disclose actual or potential conflicts of interest between their public duties and their personal interests. (Prior code § 3.16.010)

### **2.40.020: CROSS REFERENCE; MUNICIPAL OFFICERS AND EMPLOYEES ETHICS ACT:**

Statutory provisions governing conflicts of interest are outlined in Utah Code Annotated sections 10-3-1301 through 10-3-1312. (Prior code § 3.16.020)

### **2.40.030: DEFINITIONS:**

As used in this chapter:

**APPOINTED OFFICER:** Any person appointed to any statutory office or position, or any other person appointed to any position of employment with the city, except special employees. Appointed officers include, but are not limited to, persons serving on special, regular, part time or full time committees, commissions, agencies, councils, foundations created by the governing body or boards, whether or not such persons are compensated for their services. The use of the word "officer" in this chapter is not intended to make appointed persons or employees "officers" of the city according to any meaning that term may have elsewhere.

**ASSIST:** To act, or offer or agree to act, in such a way as to help, represent, aid, advise, furnish information to, or otherwise provide assistance to a person or business entity, believing that such action is of help, aid, advice or assistance to such person or business entity and with the intent to so assist such person or business entity.

**BUSINESS ENTITY:** A sole proprietorship, partnership, association, joint venture, corporation, firm, trust, foundation, or other organization or entity used in carrying on a business.

**COMPENSATION:** 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 city for or in consideration of personal services, materials, property, or any other thing whatsoever.

**CONFIDENTIAL INFORMATION:** Information protected under Utah Code Annotated title 63, chapter 2, the government records access and management act, or other applicable provisions of law.

**ELECTED OFFICER:** Any person elected or appointed to the office of mayor or council member.

**IMPROPER DISCLOSURE:** Disclosure of confidential information to any person who does not have both the right and the need to receive the information.

**MUNICIPAL EMPLOYEE:** A person who is not an elected or appointed officer who is employed on a full, part time, or voluntary basis by the city.

**SUBSTANTIAL INTEREST:** The ownership, either legally or equitably, by an individual, his spouse, and his minor children, or an entity he controls, of at least ten percent (10%) of the outstanding shares of a corporation or ten percent (10%) interest in any other business entity. (Prior code § 3.16.030)

#### **2.40.040: USE OF OFFICE FOR PERSONAL BENEFIT PROHIBITED:**

No elected or appointed officer shall:

- A. Disclosure: Disclose confidential information acquired by reason of his or her official position or use such information to secure special privileges or exemptions for himself or herself or others;
- B. Misuse Of Position: Use or attempt to use his or her official position to secure special privileges for himself or herself or others; or
- C. Gifts Of Loans: Knowingly receive, accept, take, seek or solicit, directly or indirectly, any gift or loan for himself or herself or another if the gift or loan tends to influence him or her in the discharge of his or her official duties, but this subsection does not apply to:
  - 1. An occasional nonpecuniary gift having a value of less than fifty dollars (\$50.00); or
  - 2. An award publicly presented; or
  - 3. Any bona fide loan made in the ordinary course of business; or
  - 4. Political campaign contributions if the contribution is actually used in a political campaign. (Prior code § 3.16.040)

# State Code

## **10-3-1301. Short title.**

This part is known as the "Municipal Officers' and Employees' Ethics Act."

Amended by Chapter 147, 1989 General Session

## **10-3-1302. Purpose.**

The purposes of this part are to establish standards of conduct for municipal officers and employees and to require these persons to disclose actual or potential conflicts of interest between their public duties and their personal interests.

Enacted by Chapter 57, 1981 General Session

## **10-3-1303. Definitions.**

As used in this part:

(1) "Appointed officer" means any person appointed to any statutory office or position or any other person appointed to any position of employment with a city or with a community development and renewal agency under Title 17C, Limited Purpose Local Government Entities - Community Development and Renewal Agencies Act. Appointed officers include, but are not limited to, persons serving on special, regular, or full-time committees, agencies, or boards whether or not such persons are compensated for their services. The use of the word "officer" in this part is not intended to make appointed persons or employees "officers" of the municipality.

(2) "Assist" means to act, or offer or agree to act, in such a way as to help, represent, aid, advise, furnish information to, or otherwise provide assistance to a person or business entity, believing that such action is of help, aid, advice, or assistance to such person or business entity and with the intent to assist such person or business entity.

(3) "Business entity" means a sole proprietorship, partnership, association, joint venture, corporation, firm, trust, foundation, or other organization or entity used in carrying on a business.

(4) "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 of personal services, materials, property, or any other thing whatsoever.

(5) "Elected officer" means a person:

(a) elected or appointed to the office of mayor, commissioner, or council member; or  
(b) who is considered to be elected to the office of mayor, commissioner, or council member by a municipal legislative body in accordance with Section **20A-1-206**.

(6) "Improper disclosure" means disclosure of private, controlled, or protected information to any person who does not have both the right and the need to receive the information.

(7) "Municipal employee" means a person who is not an elected or appointed officer who is employed on a full or part-time basis by a municipality or by a community development and renewal agency under Title 17C, Limited Purpose Local Government Entities - Community Development and Renewal Agencies Act.

(8) "Private, controlled, or protected information" means information classified as private, controlled, or protected under Title 63G, Chapter 2, Government Records Access and Management Act or other applicable provision of law.

(9) "Substantial interest" means the ownership, either legally or equitably, by an individual, the individual's spouse, or the individual's minor children, of at least 10% of the outstanding shares of a corporation or 10% interest in any other business entity.

Amended by Chapter 40, 2011 General Session

**10-3-1304. Use of office for personal benefit prohibited.**

(1) As used in this section, "economic benefit tantamount to a gift" includes:

(a) a loan at an interest rate that is substantially lower than the commercial rate then currently prevalent for similar loans; and

(b) compensation received for private services rendered at a rate substantially exceeding the fair market value of the services.

(2) Except as provided in Subsection (4), it is an offense for an elected or appointed officer or municipal employee to:

(a) disclose or improperly use private, controlled, or protected information acquired by reason of the officer's or employee's official position or in the course of official duties in order to further substantially the officer's or employee's personal economic interest or to secure special privileges or exemptions for the officer or employee or for others;

(b) use or attempt to use the officer's or employee's official position to:

(i) further substantially the officer's or employee's personal economic interest; or

(ii) secure special privileges for the officer or employee or for others; or

(c) knowingly receive, accept, take, seek, or solicit, directly or indirectly, for the officer or employee or for another, a gift of substantial value or a substantial economic benefit tantamount to a gift that:

(i) would tend improperly to influence a reasonable person in the person's position to depart from the faithful and impartial discharge of the person's public duties; or

(ii) the person knows or that a reasonable person in that position should know under the circumstances is primarily for the purpose of rewarding the person for official action taken.

(3) Subsection (2)(c) does not apply to:

(a) an occasional nonpecuniary gift having a value of less than \$50;

(b) an award publicly presented in recognition of public services;

(c) any bona fide loan made in the ordinary course of business; or

(d) a political campaign contribution.

(4) This section does not apply to an elected or appointed officer or municipal employee who engages in conduct that constitutes a violation of this section to the extent that the elected or appointed officer or municipal employee is chargeable, for the same conduct, under Section **76-8-105**.

Amended by Chapter 445, 2013 General Session

**10-3-1305. Compensation for assistance in transaction involving municipality -- Public disclosure and filing required.**

(1) As used in this section, "municipal body" means any public board, commission, committee, or other public group organized to make public policy decisions or to advise persons who make public policy decisions.

(2) Except as provided in Subsection (6), it is an offense for an elected officer, or an appointed officer, who is a member of a public body to receive or agree to receive compensation for assisting any person or business entity in any transaction involving the municipality in which the member is an officer unless the member:

(a) files with the mayor a sworn statement giving the information required by this section; and  
(b) discloses the information required by Subsection (5) in an open meeting to the members of the body of which the officer is a member immediately before the discussion.

(3) It is an offense for an appointed officer who is not a member of a public body or a municipal employee to receive or agree to receive compensation for assisting any person or business entity in any transaction involving the municipality by which the person is employed unless the officer or employee:

(a) files with the mayor a sworn statement giving the information required by this section; and  
(b) discloses the information required by Subsection (5) to:  
(i) the officer or employee's immediate supervisor; and  
(ii) any other municipal officer or employee who may rely upon the employee's representations in evaluating or approving the transaction.

(4) (a) The officer or employee shall file the statement required to be filed by this section 10 days before the date of any agreement between the elected or appointed officer or municipal employee and the person or business entity being assisted or 10 days before the receipt of compensation by the officer or employee, whichever is earlier.

(b) The statement is public information and shall be available for examination by the public.

(5) The statement and disclosure shall contain:

(a) the name and address of the officer or municipal employee;  
(b) the name and address of the person or business entity being or to be assisted or in which the appointed or elected official or municipal employee has a substantial interest; and  
(c) 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.

(6) This section does not apply to an elected officer, or an appointed officer, who is a member of a public body and who engages in conduct that constitutes a violation of this section to the extent that the elected officer or appointed officer is chargeable, for the same conduct, under Section 76-8-105.

Amended by Chapter 445, 2013 General Session

**10-3-1306. Interest in business entity regulated by municipality -- Disclosure statement required.**

(1) 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 municipality in which he is an elected or appointed officer or municipal employee shall disclose the position held and the nature and value of his interest upon first becoming appointed, elected, or employed by the municipality, and again at any time thereafter if the elected or appointed officer's or municipal employee's position in the business entity has changed significantly or if the value of his interest in the entity has increased significantly since the last disclosure.

(2) 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 governing body, or may provide to the members of the governing body copies of the disclosure statement within 30 days after the statement is received by him.

(3) This section does not apply to instances where the value of the interest does not exceed \$2,000. Life insurance policies and annuities may not be considered in determining the value of any such interest.

Amended by Chapter 378, 2010 General Session

**10-3-1307. Interest in business entity doing business with municipality -- Disclosure.**

(1) Every appointed or elected officer or municipal 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 municipality in which he is an appointed or elected officer or municipal employee, shall publicly disclose to the members of the body of which he is a member or by which he is employed immediately prior to any discussion by such body concerning matters relating to such business entity, the nature of his interest in that business entity.

(2) The disclosure statement shall be entered in the minutes of the meeting.

(3) Disclosure by a municipal employee under this section is satisfied if the employee makes the disclosure in the manner required by Sections **10-3-1305** and **10-3-1306**.

Amended by Chapter 147, 1989 General Session

**10-3-1308. Investment creating conflict of interest with duties -- Disclosure.**

Any personal interest or investment by a municipal employee or by any elected or appointed official of a municipality which creates a conflict between the employee's or official's personal interests and his public duties shall be disclosed in open meeting to the members of the body in the manner required by Section **10-3-1306**.

Amended by Chapter 147, 1989 General Session

**10-3-1309. Inducing officer or employee to violate part prohibited.**

It is a class A misdemeanor for any person to induce or seek to induce any appointed or elected officer or municipal employee to violate any of the provisions of this part.

Amended by Chapter 241, 1991 General Session

**10-3-1310. Penalties for violation -- Dismissal from employment or removal from office.**

In addition to any penalty contained in any other provision of law, any person who knowingly and intentionally violates this part, with the exception of Sections **10-3-1306**, **10-3-1307**, **10-3-1308**, and **10-3-1309**, shall be dismissed from employment or removed from office and is guilty of:

(1) a felony of the second degree if the total value of the compensation, conflict of interest, or assistance exceeds \$1,000;

(2) a felony of the third degree if:

(a) the total value of the compensation, conflict of interest, or assistance is more than \$250 but not more than \$1,000; or

(b) the elected or appointed officer or municipal employee has been twice before convicted of violation of this chapter and the value of the conflict of interest, compensation, or assistance was \$250 or less;

(3) a class A misdemeanor if the value of the compensation or assistance was more than \$100 but does not exceed \$250; or

(4) a class B misdemeanor if the value of the compensation or assistance was \$100 or less.

Amended by Chapter 147, 1989 General Session

**10-3-1311. Municipal ethics commission -- Complaints charging violations.**

(1) A municipality may establish by ordinance an ethics commission to review a complaint against an officer or employee subject to this part for a violation of a provision of this part.

(2) (a) A person filing a complaint for a violation of this part shall file the complaint:

(i) with the municipal ethics commission, if a municipality has established a municipal ethics commission in accordance with Subsection (1); or

(ii) with the Political Subdivisions Ethics Review Commission in accordance with Title 11, Chapter 49, Political Subdivisions Ethics Review Commission, if the municipality has not established a municipal ethics commission.

(b) A municipality that receives a complaint described in Subsection (2)(a) may:

(i) accept the complaint if the municipality has established a municipal ethics commission in accordance with Subsection (1); or

(ii) forward the complaint to the Political Subdivisions Ethics Review Commission established in Section **11-49-201**:

(A) regardless of whether the municipality has established a municipal ethics commission; or

(B) if the municipality has not established a municipal ethics commission.

(3) If the alleged ethics complaint is against a person who is a member of the municipal ethics commission, the complaint shall be filed with or forwarded to the Political Subdivisions Ethics Review Commission.

Amended by Chapter 202, 2012 General Session

**10-3-1312. Violation of disclosure requirements -- Penalties -- Rescission of prohibited transaction.**

If any transaction is entered into in connection with a violation of Section **10-3-1305**, **10-3-1306**, **10-3-1307**, or **10-3-1308**, the municipality:

(1) shall dismiss or remove the appointed or elected officer or municipal employee who knowingly and intentionally violates this part from employment or office; and

(2) may rescind or void any contract or subcontract entered into pursuant to that transaction without returning any part of the consideration received by the municipality.

Amended by Chapter 147, 1989 General Session