

**PARK CITY MUNICIPAL CODE
TABLE OF CONTENTS
TITLE 3 - ETHICS**

TITLE 3 - ETHICS

CHAPTER 1 - CODE OF ETHICS FOR OFFICIALS AND EMPLOYEES; RESPONSIBILITY OF PUBLIC OFFICIALS		3-1
3- 1- 1.	DECLARATION OF POLICY	3-1
3- 1- 2.	FAIR AND EQUAL TREATMENT	3-1
3- 1- 3.	AGENTS OF PUBLIC PURPOSE	3-2
3- 1- 4.	GIFTS; USE OF OFFICE FOR PERSONAL BENEFIT PROHIBITED	3-2
3- 1- 5.	USE OF PUBLIC PROPERTY	3-3
3- 1- 6.	EX PARTE COMMUNICATIONS	3-3
3- 1- 7.	CITY ALLEGIANCE AND PROPER CONDUCT	3-4
3- 1- 8.	AVOIDANCE OF IMPRESSIONS OF CORRUPTIBILITY	3-4
3- 1- 9.	POLITICAL ACTIVITY OF MUNICIPAL OFFICER OR EMPLOYEE	3-4
3- 1- 10.	LATER CASE INTEREST; FUTURE EMPLOYMENT	3-5
CHAPTER 2 - DISCLOSURE; CONFLICTS OF FINANCIAL INTEREST		3-6
3- 2- 1.	PURPOSE	3-6
3- 2- 2.	CONFLICT OF INTEREST CODE	3-6
3- 2- 3.	DEFINITIONS	3-6
3- 2- 4.	CONFLICT OF INTEREST DISCLOSURE IN LEGISLATIVE ACTION	3-8
3- 2- 5.	PREACQUISITION OF INTEREST; INTEREST IN CONTRACT OR TRANSACTION	3-8
3- 2- 6.	DISCLOSURE OF INFORMATION	3-9
3- 2- 7.	PUBLIC CONTRACTS	3-9
3- 2- 8.	EXCEPTIONS TO CHAPTER	3-9
3- 2- 9.	COMPENSATION FOR ASSISTANCE IN TRANSACTION INVOLVING CITY - PUBLIC DISCLOSURE AND FILING REQUIRED	3-10
3- 2-10.	INTEREST IN BUSINESS ENTITY REGULATED BY MUNICIPALITY - DISCLOSURE STATEMENT	3-10
3- 2-11.	COMPLAINTS CHARGING VIOLATIONS - PROCEDURE	3-
CHAPTER 3 - CAMPAIGN DISCLOSURE		3-10
3- 3- 1.	PURPOSE	3-10
3- 3- 2.	DEFINITIONS	3-10
3- 3- 3.	SEPARATE BANK ACCOUNT REQUIRED.	3-12
3- 3- 4.	CONTRIBUTION TO CANDIDATES - LIMITATIONS	3-12

**PARK CITY MUNICIPAL CODE
TABLE OF CONTENTS
TITLE 3 - ETHICS**

3- 3- 5.	CAMPAIGN CONTRIBUTIONS AND EXPENDITURES TO BE REPORTED	3-13
3- 3- 6.	DISPOSITION OF SURPLUS CAMPAIGN FUNDS	3-14
3- 3- 7.	FAILURE TO FILE CAMPAIGN FINANCE STATEMENT..	3-15
3- 3- 8.	NOTIFICATION BY ELECTION OFFICIAL	3-15
3- 3- 9.	PUBLIC INSPECTION	3-15
3- 3- 10.	CIVIL ACTION.....	3-15
CHAPTER 4 - WRITTEN ADVISORY OPINIONS		3-17
CHAPTER 5 - ENFORCEMENT; PENALTIES		3-17
3- 5- 1.	ENFORCEMENT	3-17
3- 5- 2.	PENALTIES	3-17



TITLE 3 - ETHICS

*Adopted Ord. 91-22; Amended Ord. 95-38;
Amended/Reorganized Ord. 01-26*

**CHAPTER 1 - CODE OF ETHICS FOR
OFFICIALS AND EMPLOYEES;
RESPONSIBILITY OF PUBLIC
OFFICIALS**

**3- 1- 1. DECLARATION OF
POLICY.**

The proper operation of democratic government requires that public officials and employees be independent, impartial and responsible to the people; that government decisions and policy be made in the proper channels of the governmental structure; that public office not be used for personal gain; and that the public have confidence in the integrity of its government. In recognition of these goals, there is hereby established a code of ethics for all City officials and employees, whether elected or appointed, paid or unpaid.

The purpose of this Chapter is to establish ethical standards of conduct for all such officials and employees by setting forth those acts or actions that are incompatible with the best interests of the City and by directing the disclosure by such officials and employees of private financial or other interests in matters affecting the City.

The provisions of this Chapter and such rules and regulations as may be established are hereby declared to be in the best interest of the City and for the protection of the public health, safety and welfare of its citizens.

**3- 1- 2. FAIR AND EQUAL
TREATMENT.**

(A) **INTEREST IN APPOINTMENTS.**

The canvassing of members of the City Council, directly or indirectly, in order to obtain preferential consideration in connection with any appointment to municipal service, shall disqualify the candidate for appointment except with reference to positions filled by appointment by the City Council or the Mayor with the consultation of the City Council.

(B) **DISCRIMINATION IN
APPOINTMENTS.**

No person shall be appointed to, removed from, or in any way favored or discriminated against with respect to any appointive public office because of such person's race, color, age, religion, sex, national origin, or functional limitation as defined by applicable state or federal laws, if otherwise qualified for the position or office.

(C) **OBLIGATIONS TO CITIZENS.**

No City officer or employee shall grant any special consideration, treatment or advantage to any citizen beyond that which is available to every other citizen.

3- 1- 3. AGENTS OF PUBLIC PURPOSE.

City officers and employees are agents of public purpose and hold office for the benefit of the public. They are bound to uphold and impartially carry out federal, state and City laws. They are bound to observe, in their official acts, the highest standards of performance and to discharge faithfully the duties of their office, regardless of personal considerations. Recognizing that the public interests must be their primary concern, their conduct in both their official and private affairs should be above reproach.

3- 1- 4. GIFTS; USE OF OFFICE FOR PERSONAL BENEFIT PROHIBITED.

No City officer or employee shall knowingly accept any economic benefit tantamount to a gift which creates a conflict of financial interest and is given by any person, firm or corporation which to his or her knowledge it interested, directly or indirectly, in any manner whatsoever in business dealings with the City. No City officer or employee shall accept any economic benefit tantamount to a gift regardless of amount, retainer or compensation that is contingent upon a specific action by the City Council, a City commission, board or committee, or a City agency.

(A) As used in this section Aeconomic benefit tantamount to a gift@ includes:

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

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

(B) It is an offense for an elected or appointed officer or City employee to:

(1) disclose or improperly use private, controlled, or protected information acquired by reason of his or her 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 himself or others;

(2) use or attempt to use his or her official position to:

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

(b) secure special privileges for himself or herself or others; or

(3) knowingly receive, accept, take, seek, or solicit, directly or indirectly, for himself or another a bribe, gift of substantial value, or a substantial economic benefit tantamount to a gift that:

(a) 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

(b) 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.

(C) **EXCEPTIONS.** Subsection (B)(3) does not apply to:

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

(2) an award publicly presented in recognition of services;

(3) any bonafide loan made in the ordinary course of business;

(4) a political campaign contribution; or

(5) any gift which would have been offered or given to a person if he or she were not a City officer or employee.

3- 1- 5. USE OF PUBLIC PROPERTY.

No City officer or employee shall request or permit the use of City-owned vehicles, equipment, materials, or property for personal convenience or profit, except when such services are available to the public generally or are provided as municipal policy for the use of such official or employee in the conduct of official City business.

3- 1- 6. EX PARTE COMMUNICATIONS.

(A) No City officer or employee who has the power to act on a pending quasi-judicial matter shall encourage, make or accept any ex parte or other unilateral application or communication that includes the interests of other parties in a quasi-judicial matter under consideration when such application or communication is designed to influence the official decision or conduct of the officer or other officers, employees or agencies in order to obtain a more favored treatment or special consideration to advance the personal or private interests of him or herself or others. The purpose of this provision is to guarantee that all interested parties to any quasi-judicial matter shall have equal opportunity to express and represent their interests.

(B) Any written ex parte communication received by an official or employee in matters where all interested parties should have an equal opportunity for a hearing shall be made a part of the record by the recipient.

(C) Any oral ex parte communication received under such conditions should be

written down in substance by the recipient and also be made a part of the record.

(D) A communication concerning only the status of a pending matter shall not be regarded as an ex parte communication.

3- 1- 7. CITY ALLEGIANCE AND PROPER CONDUCT.

(A) **INCOMPATIBLE EMPLOYMENT.** No City officer or employee shall engage in or accept any private employment, or render services for private interest, when such employment or service is incompatible with proper discharge of his or her official duties or would tend to impair his or her independence or judgment or action in the performance of those duties unless otherwise permitted by law.

(B) **REPRESENTING PRIVATE INTEREST BEFORE THE CITY AGENCIES.** No City officer or employee shall appear on behalf of any private person, other than himself, his spouse or minor children before any City agency. However, a member of the City Council may appear before City agencies on behalf of his constituent in the course of his duties as a representative of the electorate or in the performance of public or civic obligations.

3- 1- 8. AVOIDANCE OF IMPRESSIONS OF CORRUPTIBILITY.

City officer and employees, whether appointed or elected, full time or part time, paid or unpaid, should conduct their official and private affairs so as not to give a reasonable basis for the impression that any such officer or employee can be improperly

influenced in the performance of his or her public duties. Such officers or employees should so conduct themselves as to maintain public confidence in their performance of the public trust in the government they represent. All City officials and employees should avoid even the appearance of conflict between their public duties and private interests.

3- 1- 9. POLITICAL ACTIVITY OF MUNICIPAL OFFICER OR EMPLOYEE.

(A) For purposes of this section, “hours of employment” means occurring at a time when a City officer or employee is acting within the course and scope of employment, but excludes a lunch break afforded to the officer or employee.

(B) Except as otherwise provided by federal law:

(1) the partisan political activity, political opinion, or political affiliation of an applicant for a position with a municipality may not provide a basis for denying employment to the applicant;

(2) a City officer or employee’s partisan political activity, political opinion, or political affiliation may not provide the basis for the officer or employee’s employment, promotion, or dismissal;

(3) A City officer or employee may not engage in political campaigning or solicit political

<p>contributions during hours of employment;</p> <p>(4) A City officer or employee may not use City equipment while engaged in political activity;</p> <p>(5) A City officer or employee may not directly or indirectly coerce, command, or advise another City officer or employee to pay, lend, or contribute part of the officer or employee's salary or compensation, or anything else of value to a political party, committee, organization, agency, or person for political purposes; and</p> <p>(6) A City officer or employee may not attempt to make another officer or employee's personnel status dependent on the officer or employee's support or lack of support of a political party, affiliation, opinion, committee, organization, agency, or person engaged in political activity.</p> <p>(C) A City employee who has filed a declaration of candidacy may:</p> <p>(1) be given a leave of absence for the period between the primary election and the general election; and</p> <p>(2) use any vacation or other leave available to engage in campaign activities.</p> <p>(D) Neither the filing of a declaration of candidacy nor a leave of absence under this section may be used as the basis for an adverse employment action, including</p>	<p>discipline and termination, against the employee.</p> <p>(E) Nothing in this Chapter may be construed to:</p> <p>(1) prohibit a City officer or employee's voluntary contribution to a party or candidate of the officer or employee's choice; or</p> <p>(2) permit a City officer or employee partisan political activity that is prohibited under federal law.</p> <p>(F) No officer or employee shall orally, by letter or otherwise solicit or participate in soliciting any assessment, subscription or contribution to any political party during working hours on the premises of any governmental property owned by the City.</p> <p>(G) No officer or employee, whether elected or appointed, shall promise any appointment to any position with the City as a reward for any political activity.</p> <p>3- 1- 10. LATER CASE INTEREST; FUTURE EMPLOYMENT.</p> <p>It is improper for any former City officer or employee, after the termination of service or employment with the City, to appear as a compensated representative before the City Council, or any of its agencies, in connection with any case or matter in which such former officer or employee was duly connected or personally participated in a policy-making capacity or managerial capacity while an officer or employee of the City during the period of his service or employment, or which was under his active consideration.</p>
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Such former officer or employee may be released from the obligation imposed by the provisions of this section upon the submission of a written request to the Council in advance of his or her proposed appearance and a certification that, while an officer or employee of the City, took no action or obtained no information which would prejudice his or her conduct or presentation, either at the time he or she was an officer or employee, or at the time of the presentation.

**CHAPTER 2 - DISCLOSURE;
CONFLICTS OF FINANCIAL
INTEREST.**

3- 2- 1. PURPOSE.

The purpose of this Chapter is 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.

**3- 2- 2. CONFLICT OF
INTEREST CODE.**

With regard to conflicts of financial interests, this Chapter shall be deemed the 'Conflicts of Interest Code' of Park City Municipal Corporation.

3- 2- 3. DEFINITIONS.

(A) **APPOINTED OFFICER.** Any person appointed to any statutory office or position or any other person appointed to any position of employment with the City. 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 City.

(B) **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.

(C) **BUSINESS ENTITY.** A sole proprietorship, partnership, association, joint venture, corporation, firm, trust, foundation,

or other organization or entity used in carrying on a business.

(D) **CITY EMPLOYEE.** A person who is not an elected or appointed officer who is employed on a full or part-time basis by the City.

(E) **CITY OFFICER.** Any appointed or elected officer. Shall include the Mayor, City Council, all Mayor-appointed City officials and the members of City agencies, boards, committees, and commissions.

(F) **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 governmental employer for or in consideration of personal services, materials, property or any other thing whatsoever.

(G) **ELECTED OFFICER.** Any person elected or appointed to the office of Mayor or City Council.

(H) **IMPROPER DISCLOSURE.** Disclosure of private, controlled, or protected information to any person who does not have both the right and the need to receive the information.

(I) **INTEREST.** Direct or indirect pecuniary or material benefit accruing to a city officer or employee as a result of an official act or action by or with the City, except for such contracts or transactions which by their terms and by the substance of their provisions confer the opportunity and right to realize the accrual of similar benefits to all other persons and/or property similarly situated. For the purposes of this Chapter,

an appointed or elected officer or City employee shall be deemed to have an interest in the affairs of:

(1) any person related to him by blood or marriage in a degree closer than the fourth degree of consanguinity or affinity, determined by the civil law method, and a divorce or separation between spouses shall not be deemed to terminate any such relationship;

(2) any person or business entity with whom a contractual relationship exists with the elected or appointed officer, or City employee;

(3) any business entity in which the appointed or elected officer or City employee is an officer, director, or member having a financial interest in, or employed by;

(4) any business entity in which the stock of, or legal or beneficial ownership of, in excess of five percent (5%) of the total stock or total legal and beneficial ownership, is controlled or owned directly or indirectly by the City officer or employee.

(J) **MUNICIPAL BODY.** Any public board, commission, committee, or other public group organized to make public policy decisions or to advise persons who make public policy decisions.

(K) **OFFICIAL ACT OR ACTION.** Any legislative, administrative, appointive or discretionary act of any City officer or

employee of the City or any agency, board, committee or commission thereof.

(L) **POLITICAL PURPOSE.** An act done with intent or in such a way as to influence or tend to influence, directly or indirectly, the election of a candidate or the disposition of any issue on the ballot at a municipal election.

(M) **PRIVATE, CONTROLLED, OR PROTECTED INFORMATION.** Information classified as private, controlled, or protected under Utah State Code Title 62, Chapter 2, Government Records Access and Management Act or other applicable provision of law.

(N) **SUBSTANTIAL INTEREST.** Ownership, either legally or equitably, by an individual, his or her spouse, or his or her minor children, of at least ten percent (10%) of the outstanding shares of a corporation or ten percent (10%) interest in any other business entity.

3- 2- 4. CONFLICT OF INTEREST DISCLOSURE IN LEGISLATIVE ACTION.

(A) Every City officer who is an officer, director, agent, or employee or the owner of a substantial interest or has any personal interest or investment in any business entity which does or anticipates doing business with the City, shall publicly disclose to the members of the body in which he or she is a member or by which he or she is employed immediately prior to any proposed action or discussion by such body concerning matters relating to such business entity, the nature of his or her interest in that business entity.

(B) Any personal interest or investment by a City officer or employee 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 municipal body.

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

3- 2- 5. PREACQUISITION OF INTEREST; INTEREST IN CONTRACT OR TRANSACTION.

No City officer or employee with respect to any contract or transaction which is or may be subject to an official act or action of the City shall acquire an interest in such contract or transaction at a time when the City officer or employee believes or has reason to believe that it will directly or indirectly be affected by an official act of the City.

Regardless of whether he or she abstained from participating in the City decision to award or enter into a contract, no elected or appointed City officer, or employee having the power or duty to perform an official act or action, related to a contract or transaction, shall:

(A) have or thereafter acquire an interest in such contract or transaction; or

(B) have an interest in any business entity representing advising or appearing on behalf of, whether paid or unpaid, any person involved in such contract or transaction; or

(C) have solicited or accepted present or future employment with a person or

business entity involved in such contract or transaction;

(D) have solicited, accepted or granted a present or future gift, favor, service or thing of value from or to a person involved in such contract or transaction; or

(E) have encouraged, made or accepted any ex parte or unilateral applications or communication where a determination is to be made after a public hearing and such public employee fails to make the contents of the communication a part of the record.

3- 2- 6. DISCLOSURE OF INFORMATION.

No City officer or employee with respect to any contract or transaction which is or may be the subject of an official act or action of the City shall, without proper legal authorization, disclose confidential information concerning the property, government or affairs of the City, or use such information to advance the financial or other interests of himself or others.

3- 2- 7. PUBLIC CONTRACTS.

No City officer or employee who, in his capacity as such officer or employee participates in the making of a contract in which he or she has a private pecuniary interest, director indirect, or performs in regard to that contract some function requiring the exercise of discretion on his part, shall enter into any contract with the City unless:

(A) the contract is awarded through a process of public notice and competitive bidding; or

(B) the City Attorney waives the requirement of this section after determining that it is the best interest of the City to do so.

3- 2- 8. EXCEPTIONS TO CHAPTER.

(A) It shall not be deemed a violation of the standards of this Chapter if the interest of a City officer or employee, as a person or business entity, is a contractual obligation of less than five hundred dollars (\$500.00), which has not been preceded by any other obligation, discharged or existing, between the parties, and which is not the first in a series of two or more loans or debts which either of the parties is under the obligation to make or incur; or

(B) A commercially reasonable loan made in the ordinary course of business by an institution authorized by the laws of this state to engage in the making of such loans shall not be deemed to create an interest in violation of this Chapter; or

(C) A contract for a commercial retail sale, even though over the value of five hundred dollars (\$500.00), shall not be deemed to create an interest in violation of this Chapter.

3- 2-9. COMPENSATION FOR ASSISTANCE IN TRANSACTION INVOLVING CITY - PUBLIC DISCLOSURE AND FILING REQUIRED.

Refer to Utah Code Section 10-3-1305, hereby incorporated.

3- 2-10. INTEREST IN BUSINESS ENTITY REGULATED BY MUNICIPALITY - DISCLOSURE STATEMENT.

Refer to Utah Code Section 10-3-1306, hereby incorporated.

3- 2-11. COMPLAINTS CHARGING VIOLATIONS - PROCEDURE.

(A) Any complaint against a person who is under the merit system, charging that person with a violation of this Chapter, shall be filed and processed in accordance with the provisions of the merit system.

(B) If the person charged with the violation is not under any merit system, then the complaint shall be filed with the Mayor or City Manager. The Mayor or City Manager shall investigate the complaint and shall give the person an opportunity to be heard. A written report of the findings and the recommendation of the Mayor or City Manager shall be filed with the governing body. If the governing body finds that the person has violated this part, it may dismiss, suspend, or take such other appropriate action with respect to the person.

CHAPTER 3 - CAMPAIGN DISCLOSURE

3- 3- 1. PURPOSE.

It is the intent of this section to encourage candidates for the office of Mayor or Council member to follow the basic principles of decency, honesty, and fair play in order that there be fairly conducted campaigns and that the citizens of Park City

may exercise their constitutional right to vote, free from dishonest and unethical practices.

Candidates are encouraged to conduct their campaigns openly and publicly, discussing the issues as they see them, presenting their record and policies with sincerity and frankness, and criticizing without fear or disfavor the record and policies of their opponents or political parties which merit such criticism.

3- 3- 2. DEFINITIONS.

(A) **CAMPAIGN STATEMENT.** Sworn election campaign contribution and expenditure statement prepared and executed by a candidate.

(B) **CAMPAIGN COMMITTEE.** A committee of citizens formed to campaign for a specific candidate.

(C) **CANDIDATE.** Any person who:

- (1) files a declaration of candidacy for an elected office of the City; or
- (2) received contributions or made expenditures or consents to another person receiving contributions or making expenditures with a view to bringing about such person ' s nomination or election to such office; or
- (3) causes on his or her behalf, any written material or advertisement to be printed, published, broadcast, distributed or disseminated which indicates an intention to seek such office.

(D) **CONTRIBUTION.**

(1) Any of the following when done for political purposes:

(a) A gift, subscription, donation, unpaid or partially unpaid loan, advance, or deposit of money or anything of value, or on behalf of a candidate, or a candidate's election committee.

(b) An express, legally-enforceable contract, promise, or agreement to make a gift, subscription, donation, loan, advance, or deposit of money or anything of value to or on behalf of a candidate, or a candidate's election committee.

(c) Any transfer of funds from a political committee, a party committee, another candidate, an officeholder, or a campaign committee to a candidate, or a candidate's election committee.

(d) Compensation paid by any person or committee, other than the candidate, or the candidate's election committee, for personal services rendered for, but without charge to, the candidate or the candidate's election committee;

(e) Goods or services provided at less than fair market value to, or for the benefit of a candidate, or a candidate's election committee.

(2) For the purposes of this Chapter, contributions other than money or its equivalent shall be deemed to have a value equivalent to

the fair market value of the contribution.

(3) 'Contribution' does not include:

(a) services provided without compensation by an individual or individuals volunteering their time on behalf of a candidate, or a candidate's election committee;

(b) money lent to a candidate or a candidate's election committee, at market rate, in the ordinary course of business.

(E) **DISBURSEMENT.** Monies, transfers, or other withdrawals from a fund for any purpose.

(F) **EXPENDITURE.**

(1) Any disbursement from contributions, receipts or from the separate bank account required by this Chapter;

(2) A purchase, payment, donation, distribution, loan, advance, deposit, gift of money or anything of value, made by or on behalf of a candidate or a candidate's election committee for political purposes;

(3) An express, legally-enforceable contract, promise, or agreement to make any purchase, payment, donation, distribution, loan, advance, deposit, gift of money or anything of value, by or on behalf of a candidate or the candidate's election committee for political purposes;

- (4) A transfer of funds between political or party committees and a candidate's election committee; or
- (5) Goods or services provided to or for the benefit of another candidate or another candidate's election committee for political purposes at less than fair market value.
- (6) Expenditure does not mean services provided without compensation by individuals volunteering a portion or all of their time on behalf of a candidate.
- (G) **ELECTION OFFICIAL.** The City Recorder or designee.
- (H) **FINANCIAL STATEMENT.** A statement disclosing contributions, expenditures, receipts, donations, or disbursements that is required by this Chapter.
- (I) **POLITICAL PURPOSE.** An act done with the intent or in a way to influence or tend to influence, directly or indirectly, any person to refrain from voting or to vote for or against any candidate for public office at any primary or general election.
- (J) **REPORTING DATE.**
- (a) Ten (10) days before primary or municipal general election for a campaign finance statement to be filed no later than seven (7) days before a municipal primary or general election; and
- (b) the day of filing, for a campaign finance statement required to be filed no later than thirty (30) days after a municipal primary or general election.
- (K) **REPORTING LIMIT.** \$50.

- (L) **SUROGATE.** Any committee, party, organization, or other person or group who holds or maintains a fund for the benefit of an elected official.

(Amended by Ord. Nos. 07-31; 09-12)

3- 3- 3. SEPARATE BANK ACCOUNT REQUIRED.

- (A) Each candidate or candidate's personal election committee shall deposit each contribution received in one or more separate campaign accounts in a financial institution.
- (B) The candidate or candidate's personal campaign committee may use the monies in those accounts for political purposes only.
- (C) A candidate or a candidate's personal campaign committee may not deposit or mingle any contributions received in a personal or business account.
- (D) If a person is no longer a candidate, surplus campaign funds must be dispersed pursuant to criteria in Section 3- 3- 6 below and reported in the candidate's final campaign statement.

3- 3- 4. CONTRIBUTIONS TO CANDIDATES - LIMITATIONS.

- (A) No person shall make cash contributions, the total of which exceeds fifty dollars (\$50.00), during any one campaign, to any candidate or his or her authorized election campaign committee, with respect to any election for City office; however, there shall be no limit as to the amount contributed by a person or entity to an election committee or candidate if that contribution is made in the form of a personal or certified check or bank draft.
- (B) The acceptance of anonymous contributions is prohibited. Any anonymous contribution received by a candidate or

election committee shall be transmitted to the City Treasurer for deposit in the general fund.

3- 3- 5. CAMPAIGN CONTRIBUTIONS AND EXPENDITURES TO BE REPORTED.

Each candidate or election campaign committee must file a sworn campaign contribution and expenditure finance statement, that reports all of the candidate's itemized and total campaign contributions, including in-kind and other non-monetary contributions, and campaign expenditures, as of the reporting date, as follows:

(A) SWORN ELECTION CAMPAIGN CONTRIBUTION AND EXPENDITURE FINANCE STATEMENT - CONTENT.

The campaign finance statements shall include a detailed listing of each monetary and service contribution received and expenditure made, as follows:

(1) **Contributions.** A list of campaign contributions more than fifty dollars (\$50.00) received by, or on behalf of, the candidate or his/her election committee, including:

- (a) the name and address of the contributor;
- (b) the date contribution was received;
- (c) dollar amount contributed or fair market value of service contributed; and
- (d) a net balance of contributions for the period.

(2) **Contributions Fifty Dollars (\$50.00) or Less.**

(a) For all individual contributions or public service assistance \$50 or less, a single aggregate figure may be reported without separate detailed listings.

(b) Two (2) or more contributions from the same source that have an aggregate total more than \$50 may not be reported in the aggregate, but shall be reported separately per section (1) above.

(3) **Expenditures.** A list of expenditures made and obligations incurred as a part of the campaign effort shall include:

- (a) the name and address of every recipient to whom disbursement was made;
- (b) the amount expended or for each non-monetary expenditure, the fair market value of the expenditure;
- (c) the date of payment; and
- (d) a net balance of expenditures for the period.

(4) **Statements Balances.** Each campaign statement shall include the net balance from the previous statement, if any, and show a net balance from the last statement plus all receipts minus all expenditures.

(B) REPORTING SWORN ELECTION CAMPAIGN CONTRIBUTION AND EXPENDITURE FINANCE STATEMENT IN THE EVENT OF A PRIMARY ELECTION – DEADLINE. In the event a Primary Election is required, every candidate

running for the office of Mayor or City Council shall file an initial campaign statement with the Election Official at least seven (7) calendar days preceding the date of the primary election. See criteria outlined in Section (A).

(C) REPORTING FINAL SWORN ELECTION CAMPAIGN CONTRIBUTION AND EXPENDITURE FINANCE STATEMENT BY CANDIDATE(S) ELIMINATED IN PRIMARY - DEADLINE.

Those candidates eliminated in the primary election must file a final campaign finance statement with the Election Official within thirty (30) calendar days after the primary election reporting campaign contributions, including in-kind and other non-monetary contributions received before the close of the reporting date, and campaign expenditures made through the close of the reporting date, pursuant to criteria outlined in Section (A) above.

The final campaign finance statement shall contain a paragraph signed by the candidate certifying that, to the best of the candidate's knowledge, all receipts and all expenditures have been reported as of the date the statement is executed, and that there are no bills or obligations outstanding and unpaid except as set forth in that report.

Refer to Section 3-3-6 below concerning disposition of surplus campaign funds.

(D) REPORTING SWORN ELECTION CAMPAIGN CONTRIBUTION AND EXPENDITURE FINANCE STATEMENT PRECEDING MUNICIPAL GENERAL ELECTION - DEADLINE.

Following the primary election, every candidate still eligible for the office of Mayor or City Council in the general election shall file a campaign finance statement with the Election Official at least seven (7) calendar days preceding the date of the general municipal election reporting campaign contributions, including

in-kind and other non-monetary contributions received before the close of the reporting date, and campaign expenditures made through the close of the reporting date, pursuant to criteria outlined in Section (A).

(E) REPORTING FINAL SWORN ELECTION CAMPAIGN CONTRIBUTION AND EXPENDITURE FINANCE STATEMENT.

All candidates in the general election must file a final campaign finance statement with the Election Official within thirty (30) days after the general election reporting campaign contributions, including in-kind and other non-monetary contributions received before the close of the reporting date, and campaign expenditures made through the close of the reporting date, pursuant to criteria outlined in Section (A) above.

The final campaign finance statement shall contain a paragraph signed by the candidate certifying that, to the best of the candidate's knowledge, all receipts and all expenditures have been reported as of the date the statement is executed, and that there are no bills or obligations outstanding and unpaid except as set forth in that report.

Refer to Section 3-3-6 below concerning disposition of surplus campaign funds.

(F) AMENDED FINAL SWORN ELECTION CAMPAIGN CONTRIBUTION AND EXPENDITURE FINANCE STATEMENT.

In the event a candidate or candidate's campaign committee receives a contribution or makes an expenditure after the candidate's final campaign finance statement has been submitted to the Election Official, an amended final sworn campaign finance statement must be filed with the Election Official within five (5) days of receipt of the contribution or expenditure.

A campaign finance statement required under this section is considered filed if it is

received in the City Recorder's office by 5 p.m. on the date that it is due.

(Amended by Ord. Nos. 02-05; 07-31; 09-12)

3-3-6. DISBURSEMENT OF SURPLUS CAMPAIGN FUNDS.

Surplus campaign funds held by the candidate or the candidate's committee must be disbursed at the end of the campaign. Disbursement is normally accomplished by returning contributed monies or other tangible contributions to the contributor, or donating the contributions to a non-profit organization.

The disbursement of any surplus campaign funds must be reported in the final campaign finance statement.

(Amended by Ord. No. 07-31)

3-3-7. FAILURE TO FILE CAMPAIGN FINANCE STATEMENT.

(A) If a candidate fails to file a campaign finance statement before the municipal election by the deadline specified in Municipal Code Section 3-3-5(C):

(1) The Election Official shall, if practicable, remove the candidate's name from the ballot by blacking out the candidate's name before the ballots are delivered to the voters; or

(2) If removing the candidate's name from the ballot is not practicable, inform the voters by any practicable method that the candidate has been disqualified and that votes cast for the candidate will not be counted; and

(3) The Election Official may not count any votes for that candidate.

(B) Notwithstanding Section (A) above, a candidate who files a campaign finance statement seven (7) days before a municipal general election is not disqualified if the statement details accurately and completely the information required under Section 3-3-5(A), except for inadvertent omissions or insignificant errors or inaccuracies; and the omissions, errors, or inaccuracies are corrected in an amended report or in the next scheduled report.

(Amended by Ord. No. 07-31)

3-3-8. NOTIFICATION BY ELECTION OFFICIAL.

The municipal clerk, recorder or Election Official shall, at the time the candidate for municipal office files a declaration of candidacy and again fourteen (14) days before each municipal general election, notify the candidate in writing of:

(A) The provisions of this Chapter and U.C.A. Section 10-3-208(4) governing the disclosure of campaign contributions and expenditures;

(B) The dates when the candidate's campaign finance statement is required to be filed; and

(C) The penalties that apply for failure to file a timely campaign finance statement, including the statutory provision that requires removal of the candidate's name from the ballot for failure to file the required campaign finance statement when required.

(Created by Ord. No. 07-31)

3-3-9. PUBLIC INSPECTION.

(A) The Election Official shall make each campaign finance statement filed by a candidate available for public inspection and copying no later than one (1) business day after the statement is filed, and

(B) The Election Official shall make the campaign finance statement filed by a candidate available for public inspection by:

(1) posting an electronic copy of the contents of the statement on the City's website no later than seven (7) business days after the statement is filed; and verifying that the address of the City's website is provided to the Utah Lieutenant Governor pursuant to the requirements of U.C.A. Section 20A-11-103(5), as amended; or

(2) submitting a copy of the statement to the Lieutenant Governor under U.C.A. Section 20A-11-103, as amended, no later than two (2) business days after the statement is filed.

The Election Official shall accept, at all times prior to the election, all completed forms that are properly subscribed to by a candidate for public office and shall make them available as a public record open for public inspection.

(Amended by Ord. No. 09-12)

3-3-10. CIVIL ACTION.

(A) Any private party in interest may bring a civil action in district court to enforce the provisions of this Section or any ordinance adopted under this Section.

(B) In a civil action filed under Subsection (A), the court may award costs and attorney's fees to the prevailing party.

(Amended by Ord. No. 07-31)

CHAPTER 4 – WRITTEN ADVISORY OPINIONS

Where any Council member, official, or employee has a doubt as to the applicability of any provision of this Title to a particular situation, or as to the definition of terms used herein, he or she may apply to the City Attorney for a written advisory opinion. The officer or employee shall have the opportunity to present his or her interpretation of the facts at issue and of the applicability of provisions of the title before

such advisory opinion is made. Such opinion, until amended or revoked, shall be binding on the City, the City Council, and the City Attorney in any subsequent actions concerning the Council member, official, or employee who sought the opinion and acted on it in good faith, unless material facts were omitted or misstated in the request for the advisory opinion.

Any written advisory opinion prepared by the City Attorney shall be made public. However, the name of the person requesting the opinion and the names of all persons or business entities mentioned in the opinion shall be deemed confidential information and shall not be disclosed by the City Attorney unless the City officer or employee waives such confidentiality or where the City Attorney deems the public official to have failed to act in good faith in requesting the opinion or in conforming with the opinion or to have failed to act in conformance with the opinion.

**CHAPTER 5 – ENFORCEMENT;
PENALTIES**

3-5-1. ENFORCEMENT.

The City Attorney shall have the primary responsibility for the enforcement of this Title. He shall have the power to investigate any complaint, to initiate any suit, and to prosecute any criminal or civil action on behalf of the City where such action is appropriate. The City Council may direct the City Attorney to investigate or prosecute

any apparent violation of the Title or it may employ or appoint any qualified attorney to investigate or prosecute any violation or series of violations by one or more persons of this Title. Any person who believes that a violation of any portion of Title 3 has occurred may file a complaint with the City Attorney.

The City Attorney shall have the power, where a violation of the provisions of this Title is threatened or has occurred, to bring an action or proceeding at law or in equity for a judgment enjoining a violation of the provisions of this Title or requiring a relinquishment of any prohibited interest or the voiding of any contract or transaction, taking into account the interests of the attorney and any third persons who may be injured thereby.

3-5-2. PENALTIES.

In addition to any other penalties or remedies provided by law, any violation of the provisions of this Title shall result in the following:

(A) A cause for suspension, removal from office or employment or other disciplinary action after notice and hearing conducted by the appropriate appointed authority, or in the case of the Council, a majority of the City Council;

(B) Be found 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 City officer or employee has been twice before convicted of violation of this Title 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.

(C) Any contract or subcontract entered into pursuant to that transaction without returning any party of the consideration received by the City may be rescinded or void.