

Chapter 22

Rules of Ethical Conduct

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22.1 Policy.

Ethical practice has special relevance in our modern world, especially those who carrying out public responsibilities. Ethic rules present a catalog of conduct that is prohibited, but such cannot be an exhaustive catalog, as the human imagination is sufficiently rich to discover a gap or loophole in ethical rules. Therefore, emphasis is put not on the letter of prohibition but the spirit of observance of ethical standards.

22.2 General Provisions.

- 1. Officials. For all Town officers and employees *Utah Code Annotated* § 10-3-1301, et. seq., as amended, is adopted by reference as the rules of ethical conduct.
- 2. Applicability. This Chapter applies to actions and decisions of the Town Council, Planning Commission, and any Appeal Authority who shall be referred to collectively as officials.

22.3 Conflict of Interest.

- 1. Officials for whom private benefits may come as the result of any action should not be a participant in the action, if:
  - a. The private benefit may be direct or indirect.
  - b. The private benefit may create a material personal gain or provide a distinct advantage to relations or friends or to groups and associations which hold some share of a person’s loyalty.
  - c. Mere membership itself in a group or organization shall not be considered a conflict of interest, unless a reasonable person would conclude that such membership in itself would prevent an objective consideration of the matter.
  - d. An official experiencing a conflict of interest should declare that conflict publicly, then:
    - i. Not attempt to include any other official for the benefit of the official with a conflict.
    - ii. Be excused from the meeting where the discussion and action occurs, if needed.
    - iii. Abstain from voting on the action.

- iv. The vote of any official with a conflict of interest who fails to declare a conflict of interest is disqualified.
- e. A conflict of interest may exist under these rules even though an official may not believe there exists an actual conflict.
- f. An official who has a question as to whether a conflict of interest exists should raise the question with other officials in public meeting or with the Town Attorney in order to determine if a conflict of interest exists.
- g. No official should engage in any transaction in which the official has a direct or indirect financial interest, unless the transaction is disclosed publicly and the transaction is determined to be lawful.
- h. If there is a dispute as to whether a conflict exists, then the applicable governing body shall determine if a member be recused on a specific issue by simple majority vote. If there is no governing body then the final determination is made by the Town Attorney or his designee.

#### **22.4 Gifts and Favors.**

Gifts, favors, or advantages must not be accepted if they are offered because the receiver holds a position of public responsibility. Nothing should be accepted that would be seen as influencing any action that an official may take on issues before them. The value of a gift or advantage and the relation of the giver should be considered in the determination of accepting or rejecting the gift or favor. Small gifts such as business lunches, calendars, or office bric-a-brac are often, but not always, acceptable. In case of any doubt, refuse the favor or gift.

#### **22.5 Rules of Conduct.**

The following rules of conduct apply:

1. It is important to distinguish between information that belongs to the public and information that does not.
2. Public reports and official records are open on an equal basis to all inquiries.
3. Public information should be administered fairly.
4. Information on private affairs that is obtained in the course of performing public duties may need to be treated within confidence.
5. Private affairs become public affairs when an official action such as an application is submitted, so some information may not be disclosed until an official action occurs based upon the facts and circumstances of the information.

6. Information contained in studies that are in progress is generally not disclosed except in accordance with established policies or upon completion of the study.
7. Prearranged private meetings, one-on-one, between a land use decision maker and an applicant(s), their agent(s), or other party in interest is generally prohibited.
8. Partisan information or any other relevant information on any application received by a decision maker should be made part of the public record.

#### **22.6 Political Activity.**

The Town and all its officials and employees are non-partisan. Private membership separate from the Town government that an official or employee may have in a political party or political contributions to a political party or candidate are not required of nor prohibited for any official or employee. These are matters of individual decision and discretion should be used so that the extent of participation in political activities is governed by professional judgment. The powers, duties, or responsibilities of any official should not be exercised or performed in any way that will create special advantages for a political party. The position of an official should not be used to obtain contributions, support, or partisan favors for a political party.

This Culinary Water Ordinance shall take effect upon approval by the Huntsville Town Council.

PASSED and ADOPTED this 7th day of February 2019.

\_\_\_\_\_  
Mayor, James A. Truett

ATTEST:

Dated this 7th day of February 2019.

\_\_\_\_\_  
Clerk/Recorder, Beckki Endicott

Vote of the Town Council	yea	nay
Council Member Ferre	X__	___
Council Member White	X__	___
Council Member McKay	X__	___
Council Member Wangsgard	X__	___
Mayor Truett	X__	___