

ORDINANCE NO. 462

AN ORDINANCE ESTABLISHING POLICIES AND PROCEDURES FOR CONFLICTS OF INTERESTS OF GRAND COUNTY OFFICERS

WHEREAS, it is the intent of Grand County Government to promote confidence in County government and ensure that citizens of the community are represented in a fair and impartial manner by public officers who do not have a personal financial interest in items under consideration before the County.

WHEREAS, Grand County also desires that County officers adhere to standards of conduct and ethics higher than those minimums set forth in the County Officers and Employees Disclosure Act (hereinafter the "Act"), under Utah Code Ann. § 17-16a-1 *et seq.*

BE IT THEREFORE ORDAINED, by the County Council of Grand County, Utah, that the following provisions are enacted to establish rules of procedure for the conduct of County elected and appointed County officers.

1. Each officer who is a member of the County Council, Planning Commission, Service District, or any other public body of Grand County, including all Boards and Commissions is required to disclose to that body a conflict of interest prior to consideration, in any public meeting or hearing before such public body, of any action on a matter in which the officer has a conflict of interest. For the purposes of this ordinance a conflict of interest exists if the officer or his or her: parent, sibling, other member of the same household, a client, or employer meets one or more of the following criteria:

- A. Is required to disclose a conflict of interest as required and defined by the Act in Utah Code Ann. § 17-16a-3; however, notwithstanding the provisions of said Act, the following provisions shall also apply.
- B. Has an ownership interest in a business having matters under proper consideration before the public body.
- C. Has an ownership interest in a piece of property for which zoning, conditional use or development approvals are under consideration.
- D. Represents as an agent, provides a professional service, or is a paid advisor to an individual or organization with matters under consideration before the public body.

Each officer with a conflict of interest as defined above shall be required to disclose such conflict to the public body on which that officer participates prior to consideration of the matter. Officers with a conflict of interest may not attempt to influence other public officers or appointed staff outside of the meeting.

2. An officer of the County Council, Planning Commission or other public body of Grand County who is required by Paragraph 1 above to disclose a conflict of interest shall recuse himself or herself from participating in, commenting on, or voting on the matter in which such conflict exists. If the officer insists on voting, his or her vote shall be recorded in the minutes as

an abstention. In determining whether a vote is tied or a matter is adopted, the abstention vote shall be treated as if the member were absent from the meeting.

3. A public officer with a conflict of interest as defined above may attend meetings of other public bodies of which he or she is not a member and at which the matter creating the conflict is considered. Such an officer may speak on the matter under consideration, only after first declaring a conflict of interest and explaining the nature of the conflict.

4. Any provisions of this ordinance that are more restrictive than the those of the Act may be suspended by the County Council, Planning Commission, or other Board, Commission, or Committee of Grand County if the body hears the nature of the conflict of interest and a 2/3 majority of the remaining body assembled agree by affirmative vote that said conflict of interest under this Ordinance should not prohibit conflicted officer from participating, commenting and voting during the meeting, and such a vote shall suspend the prohibiting provision.

5. Any officer who shall intentionally fail to disclose a potential conflict as defined in Paragraph 1 shall be guilty of a misdemeanor offense in accordance with Utah Code Ann. § 17-16a-10, for which violation that officer shall be subject to removal from office and/or dismissal from county employment pursuant to the Act.

6. This ordinance shall take effect immediately upon passage by majority affirmative vote.

PASSED, ADOPTED, AND APPROVED by the Grand County Council in open session this 20TH day of November, 2007, by the following vote:

Those voting aye: Lewis, Holyoak, , Ciarus, Greenberg, McNeely, Graham

Those voting nay: _____

Those voting absent: Langianese

GRAND COUNTY



Jim Lewis, County Council Chair

ATTEST



Diana Carroll, Clerk Auditor