

RESOLUTION NUMBER 12-42

A RESOLUTION OF THE DRAPER CITY COUNCIL AMENDING SECTION 6050 – CONFLICTS OF INTEREST/CODE OF ETHICS OF THE PERSONNEL POLICIES AND PROCEDURES MANUAL

WHEREAS, The City Council from time to time reviews, amends and adopts personnel policies and procedures to assist in the efficient utilization of scarce City resources and the fair and uniform application of requirements regarding City operations and City employees; and

WHEREAS, the City Council has reviewed Section 6050 and has determined a need to amend the Conflicts of Interest/Code of Ethics Policy; and

WHEREAS, the City Council finds the amendment of this policy is in the best interest of Draper City and the employees of Draper City.

NOW, THEREFORE, be it resolved by the City Council of Draper City, State of Utah as follows:

Section 1. Amendment. The Draper City Council hereby amends and adopts Section 6050 of the Personnel Policies and Procedures Manual to read as attached hereto as Exhibit “A.”

Section 2. Severability. If any section, part or provision of this Resolution is held invalid or unenforceable, such invalidity or unenforceability shall not affect any other portion of this Resolution, and all sections, parts and provisions of this Resolution shall be severable.

Section 3. Effective Date. This resolution shall become effective immediately upon passage by the City Council.

PASSED AND ADOPTED BY THE CITY COUNCIL OF DRAPER CITY, STATE OF UTAH, THIS 2nd DAY OF OCTOBER, 2012.



DRAPER CITY

BY: Darrell V. Smith
Draper City Mayor

ATTEST:

Lacy Brown
Draper City Recorder

EXHIBIT "A"

Section 6050 - CONFLICTS OF INTEREST/CODE OF ETHICS

General Policy Statement:

The City recognizes the right of employees to participate in private activities outside their employment, which are unrelated to City business. However, employees are hired and continue their employment with the understanding that the City is their primary employer and that other employment or business involvement which conflicts with City business interests may subject an employee to corrective action. Any outside employment activities shall comply with [Section 5070](#). If an activity is contemplated which could result in a real or perceived conflict of interest, the employee must make full disclosure of the activity **to their Department Head** the City Manager for prior review and approval.

All employees shall adhere to the provisions and disclosure requirements of the Utah Municipal Officers' and Employees' Ethics Act as set forth in Utah Code Ann. §§ 10-3-1301, et. seq., as adopted by reference by the City, including the signing of a Disclosure Statement. prepared by the City.

Guidelines: **Policy:**

1. ~~General Examples Are Illustrative Only~~ **General Principles**. The following Code of Ethics sets forth general principles, which both guide and protect employees **and the City**, which contain broad examples outlining expected employee behavior. Since it is impractical to address all possible ethical issues, specific questions about the propriety of **employee** conduct **and/or** business relationships should be brought to the **Department Head's** City Manager's attention **and if concerns arise after a review by the employee's Department Head the City Attorney and City Manager shall also review**.
2. **Employee Integrity**. Employees of Draper City have, as their first duty, to conduct themselves in a manner deserving of public trust and confidence, both on and off the job. The City's reputation for excellence and fairness in business activities is built upon each individual's ethical conduct. We expect all employees to conduct themselves with utmost integrity and at the highest of ethical standards at all times.
3. **Employee Conflicts of Interest**. To maintain independence of judgment, employees must avoid potential conflicts or appearance of compromise that might arise because of economic or personal self-interest.
4. **Participation in Community Activities**. Employees are encouraged to participate in charitable, religious, educational, and community nonprofit activities. The City supports participation in such activities so long as employee job performance is not affected. However, unless approved by the **employee's Department Head and the** City Manager, City supplies and equipment **shall** not be used to solicit financial support or provide other assistance to community organizations.
5. **Non-Business Relationships**. Personal relationships are improper if others can reasonably construe them as influencing or obligating the employee in current or future business dealings or as attempts to improperly influence others.
6. **Reporting Violations**. Employees are required to report to **their Department Head, the City Attorney, the Human Resources Director or** the City Manager all violations or suspected violations of this Code of Ethics. All reports will be handled professionally and as confidentially as possible.
7. **Disciplinary Action**. ~~The guidelines established in this section should be taken very seriously.~~ Employees who breach or disregard the ~~Conflict of Interest /~~ **Code of Ethics** policy will be subject to corrective action, up to and including termination.

**CONFLICT OF INTEREST DISCLOSURE STATEMENT
FOR CITY-APPOINTED OR ELECTED OFFICERS, AND EMPLOYEES**

Name (please print)

Department

Date

Position

It is the policy of the City to address identification, disclosure and management of actual, potential and perceived conflicts of interest involving City officials, elected officers, and employees. All employees and City-appointed or elected officers shall adhere to the provisions and disclosure requirements of the Utah Municipal Officers' and Employees' Ethics Act as set forth in Utah Code Ann. §§ 10-3-1301, et. seq., as adopted by reference by the City, including the signing of this Disclosure Statement.

I have read Draper City's Conflict of Interest Policy #6050 and Outside Employment Policy #5070 and understand that as a City-appointed or elected officer or employee it is my obligation to act in a manner which promotes the best interests of the City and to avoid conflicts of interest when making decisions and taking actions on behalf of the City.

My answers to this disclosure form are correctly stated to the best of my knowledge and belief. Should a possible conflict of interest arise in my responsibilities to the City, I recognize that I have the obligation to notify, based on my position, the appropriate designated individual (City Manager, Human Resources Director, Department Director or City Attorney) and to abstain from any participation in the matter until the City can determine whether a conflict exists and how that conflict shall be resolved. If any relevant changes occur in my affiliations, duties, or financial circumstances, I recognize that I have a continuing obligation to file an amended "Conflict of Interest Disclosure Statement."

I understand that the information on this form is solely for use by the City and is considered confidential. Release of this information within the City will be on a need-to-know basis only. Release to external parties will be only when required by law.

Signature

Please complete the following questions and submit this form to the Department Director and provide a copy to the Human Resources Director.

1. Do you have employment beyond your job with the City? ____ Yes ____ No
If yes, please provide details:

2. Are you or a member of your immediate family an officer, director, trustee, partner (general or limited), employee or regularly retained consultant of any company, firm or organization that presently has business dealings with the City or which might reasonably be expected to have business dealings with the City in the coming year? Yes No

If yes, please list the name of the company, firm or organization, the position held, and the nature of the business with the City:

3. Do you or does any member of your immediate family have a financial interest, direct or indirect, in a company, firm or organization which currently has business dealings with the City or which may reasonably be expected to have such business dealings with the City in the coming year?
 Yes No

If yes, please list the name of the company, firm or organization, the nature of the interest and the name of the person holding the interest, and the nature of the business with the City:

4. Do you or does any member of your immediate family have a financial or personal interest in an entity in which the City has a financial or other vested interest? Yes No

If yes, please provide details:

5. Have you or an immediate family member accepted gifts, gratuities, lodging, dining, or entertainment that might reasonably appear to influence your judgment or actions concerning the business of the City? Yes No

If yes, please provide details:

6. Do you have any other interest or role in a firm or organization, where that interest or relationship might reasonably be expected to create an impression or suspicion among the public having knowledge of your acts that you engaged in conduct in violation of your trust as an official, elected officer or employee? Yes No

If yes, please provide details:

If any material changes occur to the responses provided on the disclosure form, the officer or employee is required to update the information on this form in writing, and submit the update to his/her Department Director and provide a copy to the Human Resources Director.

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Signature	Date