



Conflict of Interest Policy Template

Prepared for

**The adoption and use of Special and Special Service Districts
in Utah in consultation with their legal counsel**

Prepared by

The Utah Association of Special Districts

November 9, 2023 Update

(insert name of the District)

CONFLICT OF INTEREST POLICY

- I. **PURPOSE:** The purpose of this Conflict of Interest Policy (the “Policy”) is to protect the interests of _____ (the “District”) when the District is contemplating entering into a transaction or arrangement that might benefit the private interests of an officer or employee of the District. The Policy is intended to complement but not replace any state and federal laws governing conflicts of interest that are applicable to special districts and special service districts, including the Utah Public Officers’ and Employees’ Ethics Act, Utah Code Ann. §§ 67-16-1, *et seq* (the Ethics Act”).
- II. **GOAL:** The goal is to set forth standards of conduct for officers and employees of the District in areas where there are actual or potential conflicts of interest between their public duties and private interests.
- III. **DEFINITIONS:**
 1. **District:** All references to the “District” are to the entity that is identified above.
 2. **Board:** The “Board” is the governing body responsible for the overall operations of the District.
- IV. **PROHIBITED ACTS:**
 1. No employee, officer, or Board member shall (1) use his or her District office or employment for private advantage by revealing confidential, controlled, private, or protected information gained through that office or employment, (2) use his or her District position to secure special privileges, or (3) accept other employment that would reasonably be expected to interfere with the ethical performance of his or her public duties.
 2. No employee, officer, or Board member shall knowingly receive, accept, take, seek or solicit, directly or indirectly, any gift or loan for himself or herself or for another if: (1) the gift or loan would reasonably tend to influence him or her in the performance of official duties, or (2) the donor has been, is, or may in the near future become involved in any official District business. Exceptions to the prohibition in subparagraph (2) are occasional, non-monetary gifts of a value of not in excess of \$50.00; awards publicly presented in recognition of public services; bona fide business loans made in the ordinary course of business; or campaign contributions actually used in a political campaign.
 3. No employee, officer, or Board member shall have personal investments in any

business entity which will create a substantial conflict between his or her private interests and his or her public duties.

4. Employees may not be involved with any private business which is regulated by the District, may not be involved in any transaction between their private business interests and the District, and may not be involved in any other actual or potential conflict of interest unless the nature and extent of the private business interest(s) are disclosed as explained below.

V. DISCLOSURE:

1. Any District officer, employee, or Board member who receives payment for helping a private person or business in a transaction with the District must disclose the payment.
2. Any District officer, employee, or Board member involved in a private business which is subject to District regulation must disclose that involvement. If the regulation is made by an agency or board of which the officer, employee, or Board member is a member, disclosure must be made annually, and again at each meeting in which the officer's or employee's business is discussed. Such oral disclosures shall be made part of the minutes of the meeting.
3. Any District officer, employee, or Board member involved with a private business that does or anticipates doing business with the District must disclose that involvement.
4. Any District officer, employee, or Board member who has a personal or business interest of any kind which raises an actual or potential conflict of interest with District duties must disclose that interest.
5. All such statements are public records, open to public inspection. All disclosures must be made as follows: written disclosure must be made at least annually; orally in any District Board meeting during which a transaction is discussed involving a matter in which the officer, employee, or Board member has an interest; and again in writing when the conflict arises. The general written disclosure must be re-filed every January of each year that the outside interest persists, and must be filed with the officer's, employee's or Board member's immediate supervisor, with the chief executive or administrative officer of the District (the "District Manager"), and with the Board. Written disclosures by a Board member must be filed with the Board Chair (or the Board Vice Chair if the disclosure is filed by the Board Chair) and the District Manager. All disclosures must be considered and approved at least annually by the Board.

VI. VIOLATIONS:

A violation of these provisions may subject the officer, employee, or Board member to disciplinary action, in addition to the possibility of criminal prosecution. Any violations will be thoroughly investigated and prosecuted. Please be aware that this document is a

shortened and simplified statement of the legal requirements involved in this area. YOUR CONDUCT WILL BE GOVERNED BY THE LAW, NOT ONLY BY THE POLICY. For example, but not by way of limitation, please refer to the Ethics Act, along with Utah Code Ann. §§ 63G-6a-2404 (unlawful procurement conduct) and 76-8-105 (bribery).

Approved by the governing body of the District on the ____ day of _____
Approved by the governing body of the District on this ____ day of _____, 20____.

Title: _____, 20____.

Title: _____

(insert name of the District)

DISCLOSURE OF PRIVATE BUSINESS INTERESTS

(Use one form for each business entity or person involved.)

Under the provisions of the Utah Public Officers' and Employees' Ethics Act, Utah Code §§ 67-16-1 *et seq.*, I, the undersigned, under penalties of perjury, make the following statement regarding my private business interests. (*Type or print all information.*)

A. _____
District Employee, Officer, or Board Member

Address

B. _____
Outside institution, entity, private business, or person involved

Describe

Outside institution, entity, private business, or person's address and phone number

C. Describe your position in, investment in, or relationship to the above-named institution, entity, private business, or person. This may include describing the nature of the economic interest or employment you hold in the private business, or the relationship with, or transaction between, the business, institution, person, etc. and

_____ (the District). Use more sheets if necessary. (*This disclosure statement will not be accepted as valid unless this section is completed and the statement is properly signed.*):

District Employee, Officer, or Board Member Signature

This statement is a public document. It must be filed, as applicable, with the officer's or

employee's immediate supervisor, the Chief Executive or Chief Administrative officer of the District, and the Board. It must be filed when the potential conflict arises and annually if the conflict is ongoing.

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