Employee Code of Ethics

Prohibited Conduct

No current employee or officer, as specified, shall:

1. Disqualification from Acting on Ivins City Business.
   a. Engage in any transaction or activity, which is, or would to a reasonable person appear to be, in conflict with or incompatible with the proper discharge of official duties, or which impairs, or would to a reasonable person appear to impair, the employee's independence of judgment or action in the performance of official duties and fail to disqualify him or herself from official action in those instances where conflict occurs;
   b. Have a financial or other private interest, direct or indirect, personally or through a member of his or her immediate family, in any matter upon which the employee is required to act in the discharge of his or her official duties, and fail to disqualify him or herself from acting or participating;
   c. Fail to disqualify him or herself from acting on any transaction which involves Ivins City and any person who is, or at any time within the preceding twelve (12) month period has been a private client of his or hers, or of his or her firm or partnership;
   d. Have a financial or other private interest, direct or indirect, personally or through a member of his or her immediate family, in any contract or transaction to which Ivins City or any City agency may be a party, and fails to disclose such interest to the appropriate authority prior to the formation of the contract or the time Ivins City or City agency enters into the transaction; provided, that this paragraph shall not apply to any contract awarded through the public bid process in accordance with applicable law.
2. Improper Use of Official Position.
   a. Use his or her official position for a purpose that is, or would to a reasonable person appear to be primarily for the private benefit of the employee, rather than primarily for the benefit of Ivins City; or to achieve a private gain or an exemption from duty or responsibility for the employee or any other person;
   b. Use or permit the use of any person, funds, or property under his or her official control, direction, or custody, or of any City funds or property, for a purpose which is, or to a reasonable person would appear to be, for something other than a legitimate purpose.
   c. Except in the course of official duties, assist any person in any transaction where the employee's assistance is, or to a reasonable person would appear to be, enhanced by that employee's position with the City; provided that this subsection

shall not apply to: any employee appearing on his or her own behalf or representing himself or herself as to any matter in which he or she has a proprietary interest, if not otherwise prohibited by ordinance;

d. Regardless of prior disclosure thereof, have a financial interest, direct or indirect, personally or through a member of his or her immediate family, in a business entity doing or seeking to do business with Ivins City, and influence or attempt to influence the selection of, or the conduct of business with that business or entity.

3. Accept Gifts or Loans.

a. Ask for or receive, directly or indirectly, any compensation, gift, gratuity, or thing of value, or promise thereof, for performing or for omitting or deferring the performance of any official duty; except that the following shall be allowed:

i. Unsolicited flowers, plants, and floral arrangements;
ii. Unsolicited advertising or promotional items of nominal value, such as pens and notepads;
iii. Unsolicited token or awards of appreciation in the form of a plaque, trophy, desk item, wall memento, or similar item;
iv. Unsolicited food items given to a department when the contents are shared among employees and the public;
v. Unsolicited items received for the purpose of evaluation or review provided the officer or employee has no personal beneficial interest in the eventual use or acquisition of the item by the [entity];
vi. Information material, publications, or subscriptions related to the recipient's performance of official duties;
vii. Food and beverages consumed at hosted receptions where attendance is related to official duties;
viii. Meals, beverages, and lodging associated with retreats or other meetings where the official serves as a representative, designee or is otherwise assigned to another organization or entity from the [entity];
ix. Travel costs, lodging, and tuition costs associated with [entity] sanctioned training or education when not provided by a private entity under contract with the [entity];
x. Admission to, and the cost of food and beverages consumed at, events sponsored by or in conjunction with a civic, charitable, governmental, or community organization and other officials or employees of similar agencies are in attendance;
xi. Unsolicited gifts from dignitaries from another entity or other jurisdiction that are intended to be personal in nature;
xii. Campaign contributions; and
xiii. Unsolicited gifts with an aggregate economic value of $50.00 or less from a single source in a calendar year received either directly or indirectly by the official or employee.

4. Disclose Privileged Information.

Disclose or use any privileged or proprietary information gained by reason of his or her official position for the immediate or anticipated personal gain or benefit of the employee or any other person or entity; provided, that nothing shall prohibit the disclosure or use of information which is a matter of public knowledge, or which is available to the public on request.

5. Financial or Beneficial Interest in Transactions.

   Regardless of prior disclosure an employee or officer may not participate in or benefit from (personally or through his or her family) a contract or agreement where that employee or officer acted as an agent of Ivins City. This includes receiving compensation, gratuity or other benefit from an interested party of an agreement or contract with Ivins City.

6. Nepotism.
   a. Violate *Utah Code* § 52-3, which prohibits employment of relatives, with few exceptions.
7. Misuse of Public Resources or Property.
   a. Violate *Utah Code* § 76-8-4, which delineates the unlawful use of public funds and destruction of property, including records.
8. Outside Employment.
   a. Retain secondary employment outside of Ivins City employment, which, as determined by [Governing Body], and according to Utah Administrative Code R477-9-2:
      i. Interferes with an employee's performance.
      ii. Conflicts with the interests of Ivins City or the State of Utah.
      iii. Gives reason for criticism or suspicion of conflicting interests or duties.
9. Political Activity.
   a. Except as otherwise provided by law:
      i. The partisan political activity, political opinion, or political affiliation of an applicant for a position with Ivins City may not provide a basis for denying employment to the applicant.
      ii. An Ivins City officer's or employee's partisan political activity, political opinion, or political affiliation may not provide the basis for the officer or employee's employment, promotion, disciplinary action, demotion, or dismissal.
      iii. An Ivins City employee may not engage in political campaigning or solicit political contributions during hours of employment.
      iv. An Ivins City officer or employee may not use City equipment while engaged in campaigning or other political activity.
      v. An Ivins 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's or employee's salary or compensation, or anything else of value to a political party, committee, organization, agency, or person for political purposes.
      vi. An Ivins City officer or employee may not attempt to make another officer or employee's employment status dependent on the officers or employee's support, or lack of support of a political party, affiliation, opinion, committee, organization, agency, or person engaged in political activity.
   b. An Ivins City employee who has filed a declaration of candidacy may:
      i. be given a leave of absence for the period between the primary election and the general election; and
      ii. Use any vacation or other leave available to engage in campaign activities.

c. 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 discipline and termination, against the employee.
d. Nothing in this chapter shall be construed to:
i. prohibit an Ivins City officer or employee's voluntary contribution to a party or candidate of the officer or employee's choice; or
ii. Permit an Ivins City officer or employee partisan political activity that is prohibited under federal law.
e. No Ivins City officer or employee shall solicit or participate in soliciting any assessment, subscription, or contribution to any political party during working hours on the premises of any Ivins City property.
f. No Ivins City officer or employee shall promise any appointment to any position with Ivins City as a reward for any political activity.
g. An Ivins City employee who is elected to an office with [entity name shall terminate City employment prior to being sworn into the elected office.

10. Fair and Equal Treatment.
a. 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.
b. No Ivins City officer or employee shall grant any special consideration, treatment or advantage to any citizen beyond that which is available to every other citizen.

11. Prohibited Conduct After Leaving Ivins City:
a. No former employee shall, during the period of one (1) year after leaving Ivins City office or employment:
i. Disclose or use any privileged or proprietary information gained by reason of his/her City employment for his/her gain or anticipated gain, or for the gain or anticipated gain of any person, unless the information is a matter of public knowledge or is available to the public on request;
ii. Assist any person in proceedings involving an agency of Ivins City with which he/she was previously employed, involving a matter in which he or she was officially involved, participated or acted in the course of duty;
iii. Represent any person as an advocate in any matter in which the former employee was officially involved while an Ivins City employee;
iv. Participate as a competitor in any competitive selection process for a City contract in which he or she assisted the City in determining the project or work to be done or the process to be used.

Ethics Pledge

I pledge to adhere to the code of ethics as approved by the Ivins City Council. These topics include, but are not limited to: improper use of official position, accepting gifts or loans, disclosing privileged information, retaining a financial or beneficial interest in a transaction, nepotism, misuse of public resources or property, outside employment, political activity, fair and equal treatment, and conduct after leaving office or employment. Additionally, I pledge to disclose all conflicts of interest on the conflict of interest disclosure form. I understand that state statute and Ivins City ordinances provide for penalties for violation of specific unethical behavior. Signing this document verifies that I have been provided time to read applicable statutes and ordinances, as well as the Ivins City code of ethics.

Printed Name of Employee, Officer, or Councilmember

Signature of Employee, Officer, or Councilmember