



Kaysville City

Code of Ethics and Conduct for Elected and Appointed Officials

**Adopted by the Kaysville City Council
by
Resolution Number _____, July __, 2016**

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Kaysville City
Code of Ethics and Conduct for Elected and Appointed Officials

I. Policy Purpose

- A. This Code of Ethics and Conduct for Elected and Appointed Officials **“Code”** is adopted **for Kaysville City (“City”)** by the Kaysville City Council for the purpose of establishing clear, definable, and measurable standards of conduct to which each Kaysville City Official shall conform in the conduct of the official duties of their position and office, and in the conduct of their personal affairs if such conduct is in any way related to the Official’s position as a Kaysville City official.
- B. Citizens of Kaysville and the public in general expect the conduct of Officials to conform to generally recognized standards of civility and courtesy present in the community of Kaysville. All persons are to be treated by an Official with dignity, respect, courtesy, compassion, and in an attitude of service in the public’s interest.
- C. The conduct of each Official shall conform to the fact and the perception of acting in accordance with all laws, avoiding a conflict of interest, never using the Official’s position for personal gain or benefit, and in all ways acting for the public good.
- D. The City shall comply with all Provisions of Law, including the Utah Code Annotated – Chapter 10, Utah Municipal Code, in all measures where applicable to the City of Kaysville. Excerpts of the Utah Municipal Code deemed particularly relevant are extracted and specifically included for reference as Appendix A of this Code of Ethics and Conduct for Elected and Appointed Officials.**

II. Definitions

- ~~A. [Members of the Council and Mayor are recognized under this Code to be qualified to consider the conduct of an elected or appointed Official and determine whether such conduct is abusive according to the generally accepted standards of the community of Kaysville.]~~
- B. **A. Abusive [e]Conduct** includes, but is not limited to the following:
1. derogatory personal comments about another Official, employee of the City, or member of the public;
 2. making any generally recognized derogatory gesture toward another Official, employee of the City, or member of the public;
 3. publicly questioning the character or motives of an Official in a manner which claims or suggests the Official is not acting with integrity or is engaged in a conflict of interest, without justification that would be exercised by a [r]Reasonable [p]Person acting upon substantiated information;
 4. the use of crude, offensive, or threatening language by verbal, electronic, written, or any other means of transmission when acting in the capacity of an Official; or when such communication is known to originate with the Official and the matter communicated is related to his duties and responsibilities as an Official;

1 5. failure to conform to the call of the Chair to come to order or to cease specific acts or
2 practices.
3

4 **C. [B.] Body** means either the City Council, the Planning Commission, or both as considered in the
5 context of its use.
6

7 **D. [C.] Chair** means the Mayor when presiding over a meeting of the City Council, the **Chair[man]**
8 of the Planning Commission when presiding over a meeting of the Planning Commission, and a
9 Pro Tem Mayor or **Chair[man]** in the absence of the regularly elected or appointed **[person]**
10 **Official**.
11

12 **E. [D.] Code** means this Code of Ethics and Conduct for Elected and Appointed Officials.
13

14 **F. [E.] Confidential [i]Information** means information that becomes known to the Official because
15 of his position and which is intentionally not known by or disclosed to the general public in
16 accordance with applicable laws, rules, codes, resolutions, or legal opinion.
17

18 **G. [F.] Conflict of [i]Interest** means any circumstance, relationship, affiliation, or any other way
19 which places an elected or appointed Official in a position where:
20

21 1. the Official will or could personally benefit in any way, or a member of the Official's family will
22 or could benefit in any way from the actions of the Official involving the exercise of his official
23 duties and responsibilities; and/or
24

25 2. the Official has any business interest or other commercial involvement that will be or may be
26 enhanced or receive benefits from the actions of the Official involving the exercise of his
27 official duties and responsibilities; and
28

29 3. the conflict of interest is not disclosed by the Official prior to exercising his authority or
30 influence by either providing a declaration of the conflict in writing to the division of City
31 government or person considering the matter. In order to assert a claim that any conflict was
32 disclosed shall be declared by the Official, prior to consideration of the matter in question by:
33

34 a. an oral declaration of the conflict before the appropriate division of City
35 government with the details of the declaration and any decisions related
36 thereto being included in the minutes of the meeting;
37

38 b. a written declaration of the conflict provided to the appropriate division of City
39 government prior to consideration of the matter with the minutes to contain a
40 copy of the written declaration and any decisions related thereto.
41

42 **H. [G.] Council** means a quorum of the City Council and the Mayor sitting in and acting in the
43 conduct of Kaysville City matters as elected Officials in accordance with their prescribed duties,
44 and all applicable laws, rules, and regulations.
45

46 **I. [H.] Council Member** means an individual duly elected to or appointed to the office of a City
47 Council member during his term of service.
48

49 **J. [Employee or City Staff** means any individual who holds a position of employment with the City
50 of Kaysville, whether receiving compensation in the form of wages, salary, or any other
51 consideration, not included in the definition of Official.]
52

53 **K. [I.] Gender** as applied in this Code is neutral. Any term intended to indicate a person by gender
54 may be interpreted to mean either gender in the context of its use and general understanding.

- 1 L. **[J.] Governing [b]Body** means collectively the Council and Mayor as defined in Utah Code
2 Annotated **Chapter 10-1-104**.
- 3
- 4 M. **[K.] Integrity** means the conduct of an Official is:
- 5
- 6 1. honest and fair; in firm adherence to a generally accepted and recognized code of ethical and
7 moral conduct;
- 8 2. incorruptible;
- 9
- 10 3. undivided in fulfilling all duties, responsibilities, and assignments; and
- 11
- 12 4. free of any undisclosed conflict of interest.
- 13
- 14 N. **[L.] Mayor** means an individual duly elected to or appointed to the office of Mayor during his term
15 of service **for Mayor Pro Tem while acting as the Mayor in the Mayor's absence**.
- 16
- 17 O. **[M.] Misleading [s]Statement or [i]Information** means any information, data, documents,
18 representations or other which is provided by a Council member or Mayor to the Council or others
19 in the performance of his official duties and responsibilities which is:
- 20
- 21 1. known by the provider to be inaccurate, false or misleading;
- 22
- 23 2. known by the provider to be unsubstantiated by known facts or reasonable supporting
24 information and the provider does not disclose the qualifications that adequately describe the
25 reliability or lack of reliability of the information.
- 26
- 27 P. **[N.] Official** means an elected or appointed Official covered under the provisions of this Code
28 and includes, but is not limited to Mayor, Council Member, Planning Commission Member, City
29 Manager, Finance Director, City Recorder, Chief of Police, Fire Department Chief, and all who
30 are classified as Department Heads in the City's administration; and any other personnel position
31 or classification of personnel in the employment or service of Kaysville City as such may be
32 classified from time to time by the Governing Body and as included in an amended Appendix
33 **["A"] "B"** of this Code.
- 34
- 35 Q. **[O.] Parliamentary [p]Procedure** means conduct of meetings and Council business in
36 compliance with Robert's Rules of Order Newly Revised or such other generally recognized
37 standards for the conduct of the public's business as may be otherwise adopted by a majority
38 vote of the Council and Mayor if the Council's vote is not sufficient to adopt or reject the
39 alternative procedure.
- 40
- 41 R. **[P.] Person** means an individual, corporation, partnership, organization, association, trust,
42 governmental agency, church, or any other legal entity.
- 43
- 44 S. **[Q.] Provisions of [l]Law** means other statutes of the state of Utah and ordinances, rules, and
45 regulations properly adopted by Kaysville City unless the construction is clearly contrary to the
46 intent of State law.
- 47
- 48 T. **[R.] Reasonable Person** means an Official who conforms to a higher standard generally
49 expected of an elected or appointed Official in similar circumstances to exercise prudence and
50 care in avoiding unsubstantiated and speculative assessments regarding the character, conduct
51 and motives of other persons in a public meeting or other public communications.
- 52

1 **S. Staff means any individual who holds a position of employment with the City of**
2 **Kaysville, whether receiving compensation in the form of wages, salary, or any other**
3 **consideration, not included in the definition of Official.**
4

5 **U. [T.] Training** means minimum mandatory training approved by the City Council in January of
6 each calendar year identifying mandatory training that must be completed by each member of the
7 City Council and/or Planning Commission during that calendar year. Training shall be adopted by
8 a Council resolution documented in the minutes of the Council meeting and as mandatory shall
9 be included as Appendix [~~“B”~~] **“C”** of this Code.

10
11 **III. Duties and Responsibilities**

12
13 **A. Mayor**

- 14
15 1. The Mayor is recognized as the head of Kaysville City Government and shall at all times
16 conduct himself in accordance with this Code.
17
18 2. The Mayor shall preside over meetings of the City Council, unless he designates a member
19 of the City Council as Mayor Pro Tem, to act as his designated substitute when
20 circumstances require the Mayor’s absence from the meeting.
21
22 3. The act of the Mayor presiding over meetings of the City Council, or any other meeting of the
23 City’s government over which he is to preside shall be in accordance with parliamentary
24 procedures.
25
26 4. The Mayor, or his substitute, shall exercise the power and authority of the Mayor’s position to
27 promote a professional business like relationship between Council members, **[City] Staff**, and
28 the public.
29
30 5. The Mayor shall not engage in unprofessional or unlawful conduct as defined in but not
31 limited to the provisions of Section V of this Code.
32

33 **B. Mayor Pro-Tem**

- 34
35 1. At the first meeting of the City Council in January of each calendar year, the Council shall
36 elect one of the Council members as Mayor Pro-Tem.
37
38 2. The Mayor Pro-Tem will perform the duties of the Mayor if the Mayor is absent from a Council
39 meeting or if the Mayor is unable to fulfill the duties of Mayor because of illness, disability, or
40 other temporary reason.
41
42 3. The Mayor Pro-Tem, during the term of service in that position, shall be held responsible to
43 fulfill the duties and responsibilities as provided in Subsection III (A) above.
44

45 **C. City Council Members**

- 46
47 1. All members of the City Council during their term following election or appointment to the
48 position, are equal in their votes on matters before the Council.
49
50 2. No Council member, including the Mayor, has more power or authority than any other Council
51 member unless designated otherwise by the Utah State Code or Kaysville City Ordinance.
52

- 1 3. All members of the Council shall treat other members of the Council with respect and shall
2 demonstrate no bias or preference for one member over another.

3 4 **D. Planning Commission Members**

- 5
6 1. All members of the Planning Commission during their term following appointment to the
7 position, are equal in their votes on matters before the Commission.
8
- 9 2. No Commission member has more power or authority than any other Commission member.
10
- 11 3. All members of the Commission shall treat other members of the Commission with respect
12 and shall demonstrate no bias or preference for one member over another.
13

14 **IV. Conduct of Meetings**

15 **A. City Council (Council)**

- 16
17 1. The matters considered at each meeting of the Council shall be in order according to a
18 written agenda published prior to the meeting and in accordance with other provisions of law
19 that may be applicable.
20
- 21 2. Items may be placed on a meeting's agenda only by the Mayor at his discretion, the City
22 Manager in consultation with the Mayor, and by the Mayor upon request from any two
23 members of the Council.
24
- 25 3. At the sole discretion of the Mayor for good reason, or by a majority vote of the Council and
26 Mayor, any item may be introduced out of order.
27
- 28 4. Each item opened by the Mayor requiring discussion among members of the Council may be
29 considered for such period as allowed by the Mayor in a polite, civil, free exchange of ideas
30 and opinions; however, upon a vote by a majority of the members of the Council the time for
31 discussion may be extended beyond that allowed by the Mayor.
32
- 33 5. Participation in any discussion during a meeting by the City Manager, [City] Staff, or
34 members of the public may be permitted by the Mayor.
35
36 a. When the Mayor, at his sole discretion, decides that discussion on the matter has been
37 given sufficient time, the Mayor may:
38
39 i. end discussion on the matter;
40
41 ii. table the matter upon a majority vote of the Council members present; or
42
43 iii. upon a verbal request for additional time to continue discussion of the matter by
44 two or more members of the Council, the Mayor may grant the request.
45
46 b. Under the provisions of this subsection ~~[(3)]~~ [(5)] no formal motions or seconds shall be
47 required when two or more members of the Council request additional time for
48 discussion.
49
- 50 6. During meetings of the Council, and before and after meetings of the Council, when members
51 of the public are present and may hear or observe Council members, members of the
52

1 Council, the Mayor, and all **[city-s]** Staff shall treat each other with respect and conduct
2 themselves in a civil and courteous manner.

- 3
4 7. On the agenda of Council meetings regularly scheduled ~~[on the 1st and 3rd Thursdays of~~
5 ~~each month]~~, there shall be placed an item entitled "Public Comment."
6
7 a. Members of the public may come before the Council to express any idea, question, or
8 viewpoint that is presented in good taste in a civil and courteous manner, including public
9 criticism of the Mayor and members of the Council.
10
11 b. Individual members of the public shall confine their presentation to a time limit of not
12 more than three minutes unless additional time is extended by the Mayor or upon the
13 consent of a majority vote of the members of the Council.
14 c. The Mayor or a member of the Council may ask clarifying questions of the public
15 presenter; but may **not** enter into a debate, argument, or offer contrasting statements
16 until after the public comment period has concluded.
17
18 d. After the public comment period has concluded, members of the Council may request of
19 the Mayor time to address any matter raised during the public comment period; but, the
20 decision to permit such further consideration shall be at the sole discretion of the Mayor.
21 If the Council member chooses to pursue further discussion, he may request an item to
22 be placed on the agenda of a later meeting of the Council in accordance with the
23 provisions of subsection IV (A) (2).
24

25 **B. Planning Commission (Commission)**

- 26
27 1. The matters considered at each meeting of the Commission shall be in order according to a
28 written agenda published prior **to** the meeting according to provisions of law.
29
30 2. Items may be placed on a meeting's agenda only by:
31
32 a. the Mayor at his discretion;
33
34 b. by the Commission **Chair[man]** at his discretion, and
35
36 c. by the **Chair[man]** upon a request from any two members of the Commission.
37
38 3. At the sole discretion of the **Chair[man]** for good reason, any item may be introduced out of
39 order.
40
41 a. Each item opened by the **Chair[man]** requiring discussion among members of the
42 Commission may be considered for such period as allowed by the **Chair[man]** in a polite,
43 civil, free exchange of ideas and opinions.
44
45 b. Participation in any discussion during a meeting by the City Manager, **[City] Staff**, or
46 members of the public may be permitted by the **Chair[man]**.
47
48 e. When the **Chair[man]**, at his sole discretion, decides that discussion on the matter has
49 been given sufficient time, the **Chair[man]** may:
50
51 i. call for a vote on the question;
52
53 ii. end discussion on the matter without any action;
54

- 1 iii. table the matter by a majority vote of the Commissioners present; or
- 2
- 3 iv. upon a verbal request for additional time to continue discussion of the matter by two
- 4 or more members of the Commission, the **Chair[man]** may grant the request.
- 5
- 6 d. Under the provisions of this subsection (3) no formal motions or seconds shall be
- 7 required when two or more members of the Council request additional time for
- 8 discussion.
- 9
- 10 e. During meetings of the Commission and before and after meetings of the Commission
- 11 when members of the public are present and may hear or observe Commission
- 12 members, members of the Commission, the **Chair[man]**, and all **[city-s]Staff** shall treat
- 13 each other with respect and conduct themselves in a civil and courteous manner.
- 14

15 V. Unprofessional Conduct

- 16
- 17 A. Unprofessional conduct by an Official includes the following:
- 18
- 19 B. Acting as an Official in a manner that is not in conformance with the following definitions
- 20 under Section II:
- 21
- 22 1. integrity, Section II-~~[N]~~ L;
- 23
- 24 2. conflict of interest, Section II-~~[H]~~ F;
- 25
- 26 3. abusive conduct, Section II-~~[B]~~ A ;
- 27
- 28 C. Unauthorized disclosure, use, or ~~[referral]~~ reference to confidential information.
- 29
- 30 D. Providing misleading information as defined in Section II - P of this Code.
- 31
- 32 E. Without justification that would be exercised by a ~~[r]~~Reasonable ~~[p]~~Person acting upon
- 33 substantiated information, publicly question the character, intent, or motives of an Official in a
- 34 manner which claims or suggests the Official subject to his attention is not acting with
- 35 integrity, is involved in a conflict of interest, is corrupt, is acting unlawfully, and/or is abusing
- 36 the power of his office and position.
- 37
- 38 F. Using crude, offensive, or threatening language by verbal, electronic, written, or any other
- 39 means of transmission when acting in the capacity of an Official; or when such
- 40 communication is known to originate with the Official and the matter communicated is related
- 41 to his duties and responsibilities as an Official.
- 42
- 43 G. Acting as an Official with a clear disregard for respect, kindness, consideration, and courtesy
- 44 to other Officials, employee or **[city] [s]Staff**, or an individual or group of the public.
- 45
- 46 H. Failure to conform to the call of the Chair to come to order or to cease specific acts or
- 47 practices which are disruptive to the Body's business and decorum of the Body; or, in any
- 48 other way dishonor the role of the ~~[Mayor]~~ Chair to maintain order in the conduct of the
- 49 Body's business.
- 50
- 51 I. Acting in any manner during a meeting of the Body which distracts the attention of the Official
- 52 or other Officials from the business before the Body, **that fails to ensure transparency in**
- 53 **the conduct of the City's business, and to prevent the application of undue and**

inappropriate undisclosed influence is not exerted upon an Official during the course of debate and vote upon an issue before the Body, to include; but, is not limited to:

1. Listening to or watching personal electronic devices that are not an official part of equipment, tools, or devices provided for the conduct of the body's business;
2. Talking on a personal telephone during the term of a meeting.
3. Texting or e-mailing during the term of a meeting other Officials or members of the public ~~[to ensure transparency in the conduct of the city's business and to prevent the application of undue and inappropriate undisclosed influence is not exerted upon an Official during the course of debate and vote upon an issue before the Body].~~
4. Behavior distracting members of the Body during a public meeting including but not limited to eating food or snacks not generally prepared or provided in advance to the entire Body; listening to media on an electronic device; calling other Officials, employees or members of the public by derogatory or unwelcome nick names; and making negative comments about another person's facial expressions or appearance, **or other matters unrelated to the matters before the Body.**
5. Engaging in "side conversations" with other persons which are deemed by the Chair to be inconsistent with the Official giving appropriate time and attention to the matter(s) before the Body.

- J. Failure to conduct oneself in accordance with parliamentary procedures as defined in Section III-[16] R.
- K. Calling a person(s) from the audience to provide comment to the Body when that person(s) has not offered to do so on his own initiative and the call by the Official could be deemed by a **[r]Reasonable [p]Person** as humiliation, a command, a threat, intimidation or an otherwise inappropriate exercise of authority.
- L. Repeatedly attending meetings of the Body when the Official has not prepared himself for the meeting by studying materials provided prior to the meeting as it is evidenced by the Official's demonstrated lack of knowledge and understanding of matters scheduled to be heard before the Body. Such conduct shall be considered unprofessional conduct by that Official only after being advised by the Chair during at least two previous meetings of the Body that his preparation is deficient; or, upon the filing of written notice to the Body by two or more Officials who serve in the Body of observed lack of preparation by the Official in question and a majority of the Body agree that unprofessional conduct is evident.
- M. Official's declaration of endorsement or preference of candidates for public office during a meeting of the Body.
- N. Arguing or debating with the public during a public hearing or time allocated for the public to make statements to the Body; however, simple questions clearly asked for clarification shall not be considered unprofessional conduct.
- O. Repeatedly being absent from or late for meetings of the Body.
- P. Failure to treat City ~~employees and s~~Staff as professionals and to engage in conduct, language, or other behavior that is disrespectful and is an attack upon the dignity of each individual.

- 1 Q. Failure to direct questions regarding City employees, staff, policies, practices, and City
2 operations through the City Manager or Department Heads; and, when information is
3 requested directly from a Department Head, failure to timely advise the City Manager in
4 writing of the details of the request.
- 5
- 6 R. Unnecessary and excessive disruption of City ~~employees and s~~ Staff in the performance of
7 their regular assigned duties and responsibilities.
- 8
- 9 S. An Official's attempt to influence, or in fact influence City employee(s) or staff in the making
10 of appointments or selection of an employee, awarding of contracts, selection of consultants,
11 granting or denying City licenses and permits, or administrative functions among City
12 ~~employees and s~~ Staff or within Departments of the City.
- 13
- 14 T. Requesting political support by an Official from City ~~employees and s~~ Staff.
- 15
- 16 U. An Official's taking any special advantage that may be offered to or available to them by
17 virtue of their position in public office and is not offered or available to the general public
18 under the same terms and conditions.
- 19
- 20 V. An Official's accepting or soliciting gifts, favors, or promises of future benefits which a
21 ~~r~~Reasonable ~~p~~Person might believe will, could, or give the appearance of compromising
22 the judgment, independence, integrity, or vote of that Official.
- 23
- 24 W. An Official's personal use of public resources which are not available to the general public
25 under the same terms and conditions.
- 26
- 27 X. Representation or misrepresentation by an Official before the Body of the private interests of
28 third parties before the Body.
- 29
- 30 Y. Failure of an Official to fully participate in City Council or Planning Commission meetings and
31 other public forums.
- 32
- 33 Z. Failure or refusal to represent the City at the request of the Mayor at ceremonial functions;
34 unless, the Official can demonstrate why attendance and representation cannot be completed
35 as assigned or requested by the Mayor.
- 36
- 37 AA. Engage in a pattern of conduct in which the Official regularly fails to participate in scheduled
38 activities of the Council.
- 39
- 40 BB. Making comments or gestures intended to incite contentious and uncivil argument from the
41 public and/or other Officials.
- 42

43 VI. Procedures Upon Filing a Complaint of Unprofessional Conduct and 44 Penalties for Engaging in Unprofessional Conduct

- 45
- 46 **A. Members of the Council and Mayor are recognized under this Code to be qualified to**
47 **consider the conduct of an elected or appointed Official and determine whether such**
48 **conduct is abusive according to the generally accepted standards of the community of**
49 **Kaysville.**
- 50
- 51 **B.** Upon the filing of a written complaint with the Mayor regarding a member of the Council by a
52 member of the public, by the Mayor, or by any two members of the Council charging a
53 member of the Council with unprofessional conduct as defined in this Code, the Mayor shall

1 schedule a hearing before the Council to consider the complaint, to make a Finding of Fact
2 and Conclusion related to the complaint, and if a Finding is made in the judgement of the
3 Council that the Council member did engage in unprofessional conduct, the Council may
4 impose a penalty upon the Council member as provided in this Section VI.
5

- 6 **C.** Upon the filing of a written complaint with the Mayor regarding a member of the Planning
7 Commission by a member of the public, by the Mayor, by the **Chair[man]** of the Planning
8 Commission, or by any two members of the Council or Planning Commission charging a
9 member of the Commission with unprofessional conduct as defined in this Code, the Mayor
10 shall schedule a hearing before the Council to consider the complaint, to make a Finding of
11 Fact and Conclusion related to the complaint, and if a Finding is made in the judgement of
12 the Council that the Commission member did engage in unprofessional conduct, the Council
13 may impose a penalty upon the **[Council] Commission** member as provided in this Section
14 VI.
15
- 16 **D.** The hearing before the Council shall be informal, **and** be recorded by audio only or by video
17 and audio.
18
- 19 **E.** The hearing shall proceed with the complainant in the matter setting forth the details and
20 support for the complaint.
21
- 22 **F.** Other members of the Council shall be given the opportunity to make relevant comments with
23 respect to the complaint and details provided by the complainant(s), and offer information
24 supporting the complaint or refuting the allegations.
25
- 26 **G.** After all information coming from the complainant(s) and other Council members has been
27 entered into the record, the Council or Commission Official against whom the allegations are
28 made shall have the opportunity to challenge or rebut information that is the basis of the
29 complaint or to decline to make any comment or explanation.
30
- 31 **H.** Upon completion of the presentations to the Council, the Mayor shall direct the Council to
32 proceed under one or a combination of the following courses of action:
33
- 34 1. Table the matter to provide the Council time to consider the information provided,
35 possible sanctions or penalties that might be imposed if it is determined the Council
36 member was in fact engaged in unprofessional conduct, with the admonition to
37 Council members that they are not to discuss the matter with anyone during the
38 pendency of the matter and scheduling final resolution regarding the complaint;
39
 - 40 2. Deliberate concerning the complaint, all information provided during the course of the
41 hearing, make a finding that the Official did or did not engage in unprofessional
42 conduct, and if the finding of the Council is that the Official did so engage, impose an
43 appropriate sanction or penalty upon the Official against whom the matter did
44 proceed; or
45
 - 46 3. **If the finding of the Council is that the Official did not so engage in**
47 **unprofessional conduct [At the discretion of the Mayor,]** following completion of
48 the hearing, the Mayor may **[direct] enter** a finding that the Official did not engage in
49 unprofessional conduct based upon the information provided to the Body **and direct**
50 **that** the matter be considered to have been finally resolved.
51
- 52 **I.** If the Council finds the Official engaged in unprofessional conduct and a sanction or penalty
53 has been imposed against that Official, that Official shall have the right to request in writing
54 that the Mayor schedule a reconsideration of the matter by the Council and shall inform the

1 Mayor of the basis for requesting a review of the matter by the Council. The Mayor, on
2 exercising ~~his~~ the Mayor's sole discretion, may deny the reconsideration, or grant and
3 schedule reconsideration before the Council. Reconsideration of the matter by the Council
4 shall be in accordance with Subsections VI (A) through (G) (3). After reconsideration has
5 been completed by the Council, the finding and imposition of sanctions and/or penalties by
6 the Council shall be considered final.
7

8 J. Sanctions and Penalties: The following are sanctions and penalties that the Council may
9 impose upon an Official following a finding that the Official has engaged in unprofessional
10 conduct:
11

- 12 1. Expulsion from an open public meeting of the Council, or prohibit the member from
13 attending an open public meeting as permitted under Utah Municipal Code Section
14 10-3-607(2)(a) – (c);
15
- 16 2. Imposition of an appropriate monetary fine, not to exceed \$1,000, upon finding the
17 Official has engaged in unprofessional conduct as defined in this Code. Monies
18 collected from the imposition of a fine under this subsection shall be deposited in the
19 Kaysville City General Fund as miscellaneous revenue.
20
- 21 3. If the fine is not paid within the time prescribed by the Council, the Official fined shall
22 not participate in the Council's conduct of business and shall not be permitted to vote
23 on any matter before the Council until the fine is paid.
24
- 25 4. Disqualification to participate in the Council's discussion, deliberations, or vote on
26 any matter involving the Official's act of unprofessional conduct.
27
- 28 5. Issuance of a public letter of censure against the Official by the Council which letter
29 shall be publicly and prominently displayed in the City Offices for a period of 60 days.
30 Letter of censure means a letter in which the Council finds that an Official has
31 engaged in unprofessional conduct, that such conduct is worthy of a public notice of
32 such a finding, and it is documented in a letter identifying the unprofessional conduct
33 and the Council's criticism of the Official for his conduct.
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**Kaysville City
Code of Ethics and Conduct
for
Elected and Appointed Officials**

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6
Appendix "A"

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9
Provisions of Utah Municipal Code Included

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~~I. Utah Code Annotated – Chapter 10 Utah Municipal Code~~

11 The City shall comply with the Utah Code Annotated – Chapter 10, Utah Municipal Code in all measures
12 where applicable to the City of Kaysville; however, the following provisions of that Chapter are extracted
13 and specifically included as a part of this Code of Ethics and Conduct for Elected and Appointed Officials.

14
10-3-502. Regular and special council meetings.

- 15 (1) The council of each municipality shall:
16 (a) by ordinance prescribe the time and place for holding its regular meeting, subject to Subsection
17 (1)(b); and
18 (b) hold a regular meeting at least once each month.
19 (2) (a) The mayor of a municipality or two council members may order the convening of a special
20 meeting of the council.
21 (b) Each order convening a special meeting of the council shall:
22 (i) be entered in the minutes of the council; and
23 (ii) provide at least three hours' notice of the special meeting.
24 (c) The municipal recorder or clerk shall serve notice of the special meeting on each council member
25 who did not sign the order by delivering the notice personally or by leaving it at the member's
26 usual place of abode.
27 (d) The personal appearance by a council member at a special meeting of the council constitutes a
28 waiver of the notice required under Subsection (2)(c).
29

30
10-3-504. Quorum defined.

31 The number of council members necessary to constitute a quorum is:

- 32 (1) in a municipality with a seven-member council, four;
33 (2) in a municipality with a five-member council, three; and
34 (3) in a municipality operating under a six-member council form of government, three, excluding the
35 mayor.
36

37
10-3-505. Compelling attendance at meetings of legislative body.

38 The legislative body of a municipality may compel the attendance of its own members at its meetings and
39 provide penalties it considers necessary for the failure to comply with an exercise of the authority to
40 compel attendance.
41

42
10-3-506. How the vote is taken.

43 A roll call vote shall be taken and recorded for all ordinances, resolutions, and any action which would
44 create a liability against the municipality and in any other case at the request of any member of the
45 governing body by a "yes" or a "no" vote and shall be recorded. Every resolution or ordinance shall be in
46 writing before the vote is taken.
47
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49

1 **10-3-507. Minimum vote required.**

- 2 (1) The minimum number of yes votes required to pass any ordinance or resolution, or to take any
3 action by the council, unless otherwise prescribed by law, is a majority of the voting members of
4 the council, regardless of absence or vacancy.
5 (2) (a) Any ordinance, resolution, or motion of the council having fewer favorable votes than required in
6 this section is defeated and invalid.
7 (b) Notwithstanding Subsection (2)(a), a council meeting may be adjourned to a specific time by a
8 majority vote of the council even though the majority vote is less than that required in this section.
9 (3) If a vacancy exists in one or more council seats, a majority of the council members presently
10 occupying council seats, regardless of number, may vote to fill the vacancy as provided under
11 Section 20A-1-510.
12

13 **10-3-508. Reconsideration.**

14 Any action taken by the governing body may not be reconsidered or rescinded at any special meeting
15 unless the number of members of the governing body present at the special meeting is equal to or
16 greater than the number of members present at the meeting when the action was approved.
17

18 **10-3-601. Business of governing body conducted only in open meeting.**

19 All meetings of the governing body of each municipality shall be held in compliance with the provisions of
20 Title 52, Chapter 4, Open and Public Meetings Act.
21

22 **10-3-606. Rules of order and procedure.**

- 23 (1) As used in this section, "rules of order and procedure" means a set of rules that govern and
24 prescribe in a public meeting:
25 (a) parliamentary order and procedure;
26 (b) ethical behavior; and
27 (c) civil discourse.
28 (2) (a) Subject to Subsection (2)(b), a municipal legislative body shall:
29 (i) adopt rules of order and procedure to govern a public meeting of the legislative body;
30 (ii) conduct a public meeting in accordance with the rules of order and procedure described
31 in Subsection (2)(a)(i); and
32 (iii) make the rules of order and procedure described in Subsection (2)(a)(i) available to the
33 public:
34 (A) at each meeting of the municipal legislative body; and
35 (B) on the municipality's public website, if available.
36 (b) Subsection (2)(a) does not affect a municipal legislative body's duty to comply with Title 52,
37 Chapter 4, Open and Public Meetings Act.
38

39 **10-3-607. Expulsion of members prohibited -- Exception for disorderly conduct.**

- 40 (1) Except as provided in Subsection (2), the governing body may not expel a member of the
41 governing body from an open public meeting or prohibit the member from attending an open
42 public meeting.
43 (2) Except as provided in Subsection (3), following a two-thirds vote of the members of the governing
44 body, the governing body may fine or expel a member of the governing body for:
45 (a) disorderly conduct at the open public meeting;
46 (b) a member's direct or indirect financial conflict of interest regarding an issue discussed at or action
47 proposed to be taken at the open public meeting; or
48 (c) a commission of a crime during the open public meeting.
49 (3) A governing body may adopt rules or ordinances that expand the reasons or establish more
50 restrictive procedures for the expulsion of a member from a public meeting.
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10-3-608. Rules of conduct for the public.

The governing body on a two-thirds vote may expel any person who is disorderly during the meeting of the governing body. This section or any action taken by the governing body pursuant hereto does not preclude prosecution under any other provision of law.

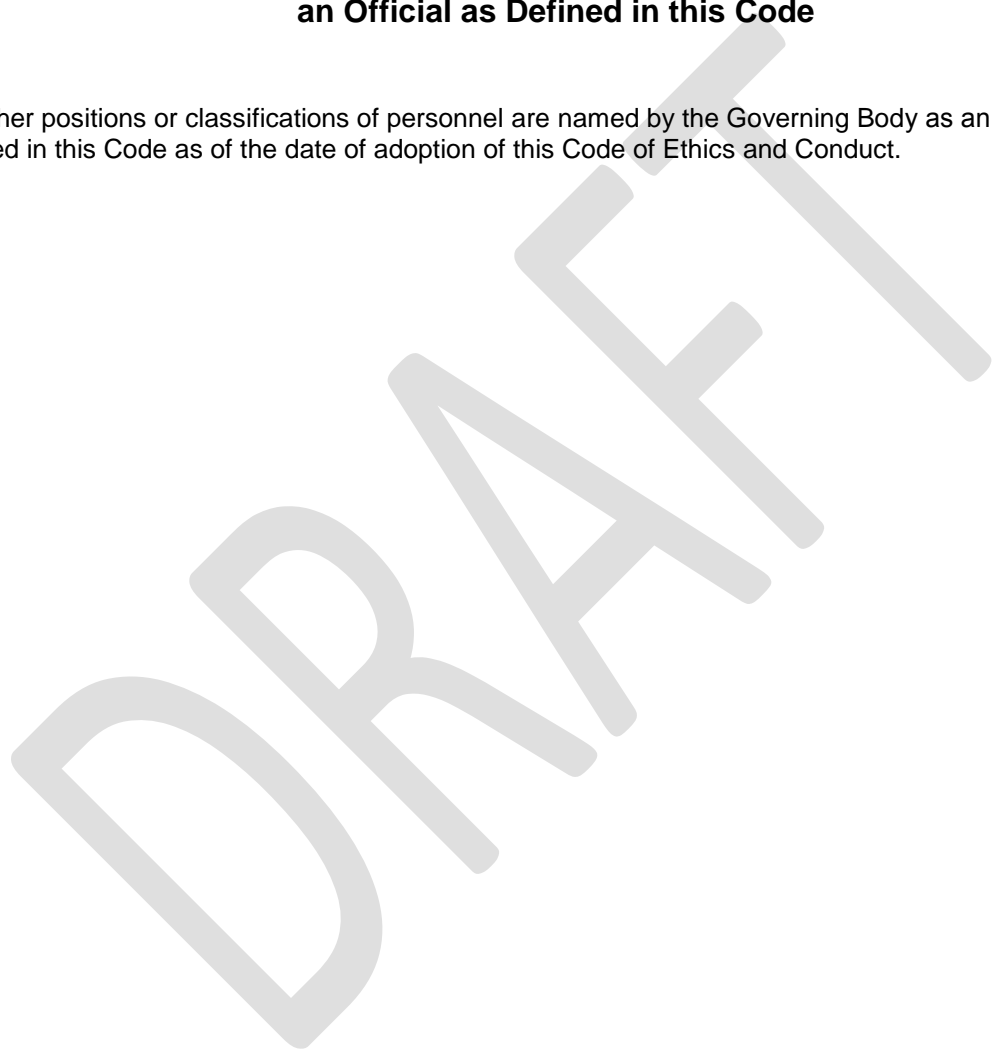


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Appendix “B”

**Other Positions or Classifications of Personnel Named by the Governing Body as
an Official as Defined in this Code**

No other positions or classifications of personnel are named by the Governing Body as an “Official” as defined in this Code as of the date of adoption of this Code of Ethics and Conduct.



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Appendix "C"

**Annual Mandatory Training Required for Each Member
of the
City Council and Planning Commission**

<u>Year</u>	<u>Individual's Name</u>	<u>Description of Mandatory Training</u>
2016		
2017		
2018		

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