

**Senator Curtis S. Bramble** proposes the following substitute bill:

**POLITICAL SUBDIVISION ETHICS AMENDMENTS**

2012 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Curtis S. Bramble**

House Sponsor: Francis D. Gibson

Cosponsor: John L. Valentine

---

**LONG TITLE**

**General Description:**

This bill enacts language related to a political subdivision officer or employee ethics violation.

**Highlighted Provisions:**

This bill:

- ▶ authorizes a municipality to establish a municipal ethics commission;
- ▶ enacts general provisions;
- ▶ defines terms;
- ▶ authorizes a political subdivision to establish an ethics commission within the political subdivision or by interlocal agreement;
- ▶ enacts provisions related to the Political Subdivisions Ethics Review Commission (Commission);
- ▶ enacts provisions related to general powers and procedures;
- ▶ enacts provisions related to a hearing on an ethics complaint;
- ▶ enacts provisions related to an ethics complaint;
- ▶ enacts provisions related to a review of an ethics complaint for compliance;



- 25           ▶ enacts provisions related to the commission's preliminary review and review of an
- 26 ethics violation;
- 27           ▶ authorizes a county to establish a county ethics commission;
- 28           ▶ amends provisions related to a closed public meeting;
- 29           ▶ amends provisions related to a private record;
- 30           ▶ removes a county from the authority of Title 67, Chapter 16, Utah Public Officers'
- 31 and Employees' Ethics Act;
- 32           ▶ enacts language related to filing a complaint for a violation of Title 67, Chapter 16,
- 33 Utah Public Officers' and Employees' Ethics Act; and
- 34           ▶ makes technical corrections.

**35 Money Appropriated in this Bill:**

36           None

**37 Other Special Clauses:**

38           None

**39 Utah Code Sections Affected:**

40 AMENDS:

41           **10-3-1311**, as enacted by Laws of Utah 1981, Chapter 57

42           **17-16a-11**, as enacted by Laws of Utah 1983, Chapter 46

43           **52-4-204**, as last amended by Laws of Utah 2010, Chapters 35 and 239

44           **63G-2-302**, as last amended by Laws of Utah 2011, Chapters 85, 327, and 413

45           **67-16-3**, as last amended by Laws of Utah 2008, Chapter 382

46           **67-16-4**, as last amended by Laws of Utah 2008, Chapter 382

47 ENACTS:

48           **11-49-101**, Utah Code Annotated 1953

49           **11-49-102**, Utah Code Annotated 1953

50           **11-49-103**, Utah Code Annotated 1953

51           **11-49-201**, Utah Code Annotated 1953

52           **11-49-202**, Utah Code Annotated 1953

53           **11-49-301**, Utah Code Annotated 1953

54           **11-49-302**, Utah Code Annotated 1953

55           **11-49-401**, Utah Code Annotated 1953

- 56            **11-49-402**, Utah Code Annotated 1953
- 57            **11-49-403**, Utah Code Annotated 1953
- 58            **11-49-404**, Utah Code Annotated 1953
- 59            **11-49-405**, Utah Code Annotated 1953
- 60            **11-49-406**, Utah Code Annotated 1953
- 61            **11-49-407**, Utah Code Annotated 1953
- 62            **11-49-408**, Utah Code Annotated 1953
- 63            **11-49-501**, Utah Code Annotated 1953
- 64            **11-49-502**, Utah Code Annotated 1953
- 65            **11-49-601**, Utah Code Annotated 1953
- 66            **11-49-602**, Utah Code Annotated 1953
- 67            **11-49-603**, Utah Code Annotated 1953
- 68            **11-49-604**, Utah Code Annotated 1953
- 69            **11-49-701**, Utah Code Annotated 1953
- 70            **11-49-702**, Utah Code Annotated 1953
- 71            **11-49-703**, Utah Code Annotated 1953
- 72            **11-49-704**, Utah Code Annotated 1953
- 73            **11-49-705**, Utah Code Annotated 1953
- 74            **11-49-706**, Utah Code Annotated 1953
- 75            **67-16-15**, Utah Code Annotated 1953



77 *Be it enacted by the Legislature of the state of Utah:*

78            Section 1. Section **10-3-1311** is amended to read:

79            **10-3-1311. Municipal ethics commission -- Complaints charging violations.**

80            (1) A municipality may establish by ordinance an ethics commission to review a  
81 complaint, except as provided in Subsection (3), against an officer or employee subject to this  
82 part for a violation of a provision of this part.

83            (2) (a) Except as provided in Subsection (3), a person filing a complaint for a violation  
84 of this part may file the complaint:

85            (i) with the municipal ethics commission, if a municipality has established a municipal  
86 ethics commission in accordance with Subsection (1); or

87 (ii) with the Political Subdivisions Ethics Review Commission in accordance with  
88 Title 11, Chapter 49, Political Subdivisions Ethics Review Commission.

89 (b) A municipality that receives a complaint described in Subsection (2)(a) may:

90 (i) accept the complaint if the municipality has established a municipal ethics  
91 commission in accordance with Subsection (1); or

92 (ii) forward the complaint to the Political Subdivisions Ethics Review Commission  
93 established in Section 11-49-201:

94 (A) regardless of whether the municipality has established a municipal ethics  
95 commission; or

96 (B) if the municipality has not established a municipal ethics commission.

97 ~~[(+)]~~ (3) Any complaint against a person who is under the merit system, charging that  
98 person with a violation of this part, shall be filed and processed in accordance with the  
99 provisions of the merit system.

100 ~~[(2) If the person charged with the violation is not under any merit system, then the~~  
101 ~~complaint shall be filed with the mayor or city manager. The mayor or city manager shall~~  
102 ~~investigate the complaint and shall give the person an opportunity to be heard. A written report~~  
103 ~~of the findings and the recommendation of the mayor or city manager shall be filed with the~~  
104 ~~governing body. If the governing body finds that the person has violated this part, it may~~  
105 ~~dismiss, suspend, or take such other appropriate action with respect to the person.]~~

106 Section 2. Section **11-49-101** is enacted to read:

107 **CHAPTER 49. POLITICAL SUBDIVISIONS ETHICS REVIEW COMMISSION**

108 **Part 1. General Provisions**

109 **11-49-101. Title.**

110 This chapter is known as "Political Subdivisions Ethics Review Commission."

111 Section 3. Section **11-49-102** is enacted to read:

112 **11-49-102. Definitions.**

113 (1) "Commission" means the Political Subdivisions Ethics Review Commission  
114 established in Section 11-49-201.

115 (2) "Complainant" means a person who files a complaint in accordance with Section  
116 11-49-501.

117 (3) "Local political subdivision ethics commission" means an ethics commission

118 established by a political subdivision within the political subdivision or with another political  
119 subdivision by interlocal agreement in accordance with Section 11-49-103.

120 (4) "Political subdivision" means a county, municipality, school district, community  
121 development and renewal agency, local district, special service district, an entity created by an  
122 interlocal agreement adopted under Title 11, Chapter 13, Interlocal Cooperation Act, a local  
123 building authority, or any other governmental subdivision or public corporation.

124 (5) (a) "Political subdivision employee" means a person who is:

125 (i) employed on a full or part-time basis by a political subdivision; and

126 (ii) subject to:

127 (A) Title 10, Chapter 3, Part 13, Municipal Officers' and Employees' Ethics Act;

128 (B) Title 17, Chapter 16a, County Officers and Employees Disclosure Act; or

129 (C) Title 67, Chapter 16, Utah Public Officers' and Employees' Ethics Act.

130 (b) "Political subdivision employee" does not include:

131 (i) a person who is a political subdivision officer;

132 (ii) an employee of a state entity; or

133 (iii) a legislative employee as defined in Section 67-16-3.

134 (6) "Political subdivision governing body" means:

135 (a) for a county, the county legislative body as defined in Section 68-3-12.5;

136 (b) for a municipality, the council of the city or town;

137 (c) for a school district, the local board of education described in Section 53A-3-101;

138 (d) for a community development and renewal agency, the agency board described in  
139 Section 17C-1-203;

140 (e) for a local district, the board of trustees described in Section 17B-1-301;

141 (f) for a special service district:

142 (i) the legislative body of the county, city, or town that established the special service  
143 district, if no administrative control board has been appointed under Section 17D-1-301; or

144 (ii) the administrative control board of the special service district, if an administrative  
145 control board has been appointed under Section 17D-1-301;

146 (g) for an entity created by an interlocal agreement, the governing body of an interlocal  
147 entity, as defined in Section 11-13-103;

148 (h) for a local building authority, the governing body, as defined in Section 17D-2-102,

149 that creates the local building authority; or

150 (i) for any other governmental subdivision or public corporation, the board or other  
151 body authorized to make executive and management decisions for the subdivision or public  
152 corporation.

153 (7) (a) "Political subdivision officer" means a person elected or appointed in a political  
154 subdivision who is subject to:

155 (i) Title 10, Chapter 3, Part 13, Municipal Officers' and Employees' Ethics Act;

156 (ii) Title 17, Chapter 16a, County Officers and Employees Disclosure Act; or

157 (iii) Title 67, Chapter 16, Utah Public Officers' and Employees' Ethics Act.

158 (b) "Political subdivision officer" does not include:

159 (i) a person elected or appointed to a state entity;

160 (ii) the governor;

161 (iii) the lieutenant governor;

162 (iv) a member or member-elect of either house of the Legislature; or

163 (v) a member of Utah's congressional delegation.

164 (8) "Respondent" means a person who files a response in accordance with Section  
165 11-49-604.

166 Section 4. Section **11-49-103** is enacted to read:

167 **11-49-103. Local ethics commission permitted -- Filing requirements.**

168 (1) A political subdivision, other than a municipality described in Section 10-3-1311 or  
169 a county described in Section 17-16a-11, may establish a local political subdivision ethics  
170 commission within the political subdivision to review a complaint against a political  
171 subdivision officer or employee subject to Title 67, Chapter 16, Utah Public Officers' and  
172 Employees' Ethics Act.

173 (2) A political subdivision may enter into an interlocal agreement with another political  
174 subdivision, in accordance with Title 11, Chapter 13, Interlocal Cooperation Act, to establish a  
175 local political subdivision ethics commission to review a complaint against a political  
176 subdivision officer or employee subject to Title 67, Chapter 16, Utah Public Officers' and  
177 Employees' Ethics Act.

178 (3) (a) A person filing a complaint for a violation of Title 67, Chapter 16, Utah Public  
179 Officers' and Employees' Ethics Act, may file the complaint with:

180 (i) a local political subdivision ethics commission, if the political subdivision has  
181 established a local political subdivision ethics commission under Subsection (1) or (2); or

182 (ii) the commission.

183 (b) A political subdivision that receives a complaint described in Subsection (3)(a)  
184 may:

185 (i) accept the complaint if the political subdivision has established a local political  
186 subdivision ethics commission in accordance with Subsection (1) or (2); or

187 (ii) forward the complaint to the commission:

188 (A) regardless of whether the political subdivision has established a local political  
189 subdivision ethics commission; or

190 (B) if the political subdivision has not established a local political subdivision ethics  
191 commission.

192 Section 5. Section 11-49-201 is enacted to read:

193 **Part 2. Political Subdivisions Ethics Review Commission**

194 **11-49-201. Commission established -- Membership.**

195 (1) There is established a Political Subdivisions Ethics Review Commission.

196 (2) The commission is composed of seven persons, each of whom is registered to vote  
197 in this state and appointed by the governor with the advice and consent of the Senate, as  
198 follows:

199 (a) one member who has served, but no longer serves, as a judge of a court of record in  
200 this state;

201 (b) one member who has served as a mayor or municipal council member no more  
202 recently than four years before the date of appointment;

203 (c) one member who has served as a member of a local board of education no more  
204 recently than four years before the date of appointment;

205 (d) two members who are lay persons; and

206 (e) two members, each of whom is one of the following:

207 (i) a municipal mayor no more recently than four years before the date of appointment;

208 (ii) a municipal council member no more recently than four years before the date of  
209 appointment;

210 (iii) a county mayor no more recently than four years before the date of appointment;

211 (iv) a county commissioner no more recently than four years before the date of  
212 appointment;

213 (v) a special service district administrative control board member no more recently  
214 than four years before the date of appointment;

215 (vi) a local district board of trustees member no more recently than four years before  
216 the date of appointment; or

217 (vii) a judge who has served, but no longer serves, as a judge of a court of record in  
218 this state.

219 (3) A member of the commission may not, during the member's term of office on the  
220 commission, act or serve as:

221 (a) a political subdivision officer;

222 (b) a political subdivision employee;

223 (c) an agency head as defined in Section 67-16-3;

224 (d) a lobbyist as defined in Section 36-11-102; or

225 (e) a principal as defined in Section 36-11-102.

226 (4) (a) (i) Except as provided in Subsection (4)(a)(ii), each member of the commission  
227 shall serve a four-year term.

228 (ii) When appointing the initial members upon formation of the commission, a member  
229 described in Subsections (2)(b) through (d) shall be appointed to a two-year term so that  
230 approximately half of the commission is appointed every two years.

231 (b) (i) When a vacancy occurs in the commission's membership for any reason, a  
232 replacement member shall be appointed for the unexpired term of the vacating member using  
233 the procedures and requirements of Subsection (2).

234 (ii) For the purposes of this section, an appointment for an unexpired term of a  
235 vacating member is not considered a full term.

236 (c) A member may not be appointed to serve for more than two full terms, whether  
237 those terms are two or four years.

238 (d) A member of the commission may resign from the commission by giving one  
239 month's written notice of the resignation to the governor.

240 (e) The governor shall remove a member from the commission if the member:

241 (i) is convicted of, or enters a plea of guilty to, a crime involving moral turpitude;

242 (ii) enters a plea of no contest or a plea in abeyance to a crime involving moral  
243 turpitude; or

244 (iii) fails to meet the qualifications of office as provided in this section.

245 (f) If a commission member is accused of wrongdoing in a complaint, or if a  
246 commission member determines that the commission member has a conflict of interest in  
247 relation to a complaint, a temporary commission member shall be appointed to serve in that  
248 member's place for the purposes of reviewing that complaint using the procedures and  
249 requirements of Subsection (2).

250 (5) (a) Except as provided in Subsection (5)(b)(i), a member of the commission may  
251 not receive compensation or benefits for the member's service.

252 (b) (i) A member may receive per diem and expenses incurred in the performance of  
253 the member's official duties at the rates established by the Division of Finance under Sections  
254 63A-3-106 and 63A-3-107.

255 (ii) A member may decline to receive per diem and expenses for the member's service.

256 (6) (a) The commission members shall convene a meeting annually each January and  
257 elect, by a majority vote, a commission chair from among the commission members.

258 (b) A person may not serve as chair for more than two consecutive years.

259 Section 6. Section **11-49-202** is enacted to read:

260 **11-49-202. Meetings -- Staff.**

261 (1) The commission shall meet for the purpose of reviewing an ethics complaint when:

262 (a) except otherwise expressly provided in this chapter, called to meet at the discretion  
263 of the chair; or

264 (b) a majority of members agree to meet.

265 (2) A majority of the commission is a quorum.

266 (3) (a) The commission shall prepare, on an annual basis, a summary data report that  
267 contains:

268 (i) a general description of the activities of the commission during the past year;

269 (ii) the number of ethics complaints filed with the commission;

270 (iii) the number of ethics complaints dismissed in accordance with Section 11-49-602;

271 (iv) the number of ethics complaints reviewed by the commission in accordance with  
272 Section 11-49-701;

273 (v) an executive summary of each complaint review in accordance with Section  
274 11-49-701; and

275 (vi) an accounting of the commission's budget and expenditures.

276 (b) The summary data report shall be submitted to the Government Operations and  
277 Political Subdivisions Interim Committee on an annual basis.

278 (c) The summary data report shall be a public record.

279 (4) (a) The Senate and the House of Representatives shall employ staff for the  
280 commission at a level that is reasonable to assist the commission in performing its duties as  
281 established in this chapter.

282 (b) The Legislative Management Committee shall:

283 (i) authorize each staff position for the commission; and

284 (ii) approve the employment of each staff member for the commission.

285 (c) Staff for the commission shall work only for the commission and may not perform  
286 services for the Senate, House of Representatives, other legislative offices, or a political  
287 subdivision.

288 (5) A meeting held by the commission is subject to Title 52, Chapter 4, Open and  
289 Public Meetings Act, unless otherwise provided.

290 Section 7. Section **11-49-301** is enacted to read:

291 **Part 3. General Powers and Procedures**

292 **11-49-301. Authority to review complaint -- Grounds for complaint -- Limitations**  
293 **on filings.**

294 (1) Subject to the requirements of this chapter, the commission is authorized to review  
295 an ethics complaint against a political subdivision officer or employee if the complaint alleges:

296 (a) if the applicable political subdivision is a municipality, a violation of Title 10,  
297 Chapter 3, Part 13, Municipal Officers' and Employees' Ethics Act by:

298 (i) an appointed officer, as defined in Section 10-3-1303;

299 (ii) an elected officer, as defined in Section 10-3-1303; or

300 (iii) a municipal employee, as defined in Section 10-3-1303;

301 (b) if the applicable political subdivision is a county, a violation of Title 17, Chapter  
302 16a, County Officers and Employees Disclosure Act by:

303 (i) an appointed officer, as defined in Section 17-16a-3;

304 (ii) an elected officer, as defined in Section 17-16a-3; or  
305 (iii) an employee subject to Title 17, Chapter 16a, County Officers and Employees  
306 Disclosure Act; or

307 (c) for a political subdivision officer or employee other than a municipal officer or  
308 employee described in Subsection (1)(a) or a county officer or employee described in  
309 Subsection (1)(b), a violation of Title 67, Chapter 16, Utah Public Officers' and Employees'  
310 Ethics Act.

311 (2) A complaint described in Subsection (1) shall be filed in accordance with the time  
312 limit provisions, if any, of the applicable part or chapter.

313 (3) (a) A complaint may not contain an allegation if that allegation and the general  
314 facts and circumstances supporting that allegation have been previously reviewed by a  
315 municipal ethics commission established under Section 10-3-1311, a county ethics commission  
316 established under Section 17-16a-11, or a local political subdivision ethics commission  
317 established under Section 11-49-103, as applicable, or the commission unless:

318 (i) the allegation was previously reviewed and dismissed by either the commission  
319 under Section 11-49-602 or 11-49-701 or, as applicable, a municipal, county, or local political  
320 subdivision ethics commission;

321 (ii) the allegation is accompanied by material facts or circumstances supporting the  
322 allegation that were not raised or pled to the commission or, as applicable, a municipal, county,  
323 or local political subdivision ethics commission when the allegation was previously reviewed;  
324 and

325 (iii) in the case of an allegation previously reviewed by the commission, the allegation  
326 and the general facts and circumstances supporting that allegation have only been reviewed by  
327 the commission in accordance with Section 11-49-701 on one previous occasion.

328 (b) The commission may not review a complaint that is currently before:

329 (i) a municipal ethics commission established under Section 10-3-1311;

330 (ii) a county ethics commission established under Section 17-16a-11; or

331 (iii) a local political subdivision ethics commission established under Section  
332 11-49-103.

333 (c) If an allegation in the complaint does not comply with the requirements of  
334 Subsection (3)(a) or (b), the allegation shall be summarily dismissed with prejudice by:

335 (i) the chair when reviewing the complaint under Section 11-49-601; or  
336 (ii) the commission, when reviewing the complaint under Section 11-49-602 or  
337 11-49-701.

338 Section 8. Section **11-49-302** is enacted to read:

339 **11-49-302. General powers -- Jurisdiction.**

340 (1) The commission has jurisdiction only over an individual who is a political  
341 subdivision officer or employee.

342 (2) The commission shall dismiss an ethics complaint if:

343 (a) the respondent resigns or is terminated from the political subdivision; or

344 (b) except as provided in Subsection (3):

345 (i) the respondent is charged with a criminal violation of:

346 (A) Title 10, Chapter 3, Part 13, Municipal Officers' and Employees' Ethics Act;

347 (B) Title 17, Chapter 16a, County Officers and Employees Disclosure Act; or

348 (C) Title 67, Chapter 16, Utah Public Officers' and Employees' Ethics Act; and

349 (ii) the facts and allegations presented in the ethics complaint assert the same or similar  
350 facts and allegations as those asserted in the criminal charges.

351 (3) If an ethics complaint asserts an ethics violation in addition to a criminal violation  
352 described in Subsection (2)(b), the commission shall:

353 (a) dismiss an allegation described in Subsection (2)(b)(ii); and

354 (b) proceed with any remaining allegation in the complaint.

355 Section 9. Section **11-49-401** is enacted to read:

356 **Part 4. Hearing on Ethics Complaint**

357 **11-49-401. Hearing on ethics complaint -- General procedures.**

358 (1) In conducting a hearing on a complaint in accordance with Part 7, Commission  
359 Review of Ethics Violation, the commission shall comply with the following process in the  
360 order specified:

361 (a) introduction and instructions for procedure and process, at the discretion of the  
362 chair;

363 (b) complainant's opening argument, to be presented by a complainant or complainant's  
364 counsel;

365 (c) complainant's presentation of evidence and witnesses in support of allegations in

366 the complaint;

367 (d) consideration of motions to dismiss the complaint or motions for a finding of no  
368 cause, as applicable;

369 (e) respondent's opening argument, to be presented by the respondent or respondent's  
370 counsel;

371 (f) respondent's presentation of evidence and witnesses refuting allegations in the  
372 complaint;

373 (g) presentation of rebuttal evidence and witnesses by the complainant, at the  
374 discretion of the chair;

375 (h) presentation of rebuttal evidence and witnesses by the respondent, at the discretion  
376 of the chair;

377 (i) complainant's closing argument, to be presented by a complainant or complainant's  
378 counsel;

379 (j) respondent's closing argument, to be presented by the respondent or respondent's  
380 counsel;

381 (k) deliberations by the commission; and

382 (l) adoption of the commission's findings.

383 (2) The commission may, in extraordinary circumstances, vary the order contained in  
384 Subsection (1) by majority vote and by providing notice to the parties.

385 (3) The chair may schedule the examination of a witness or evidence subpoenaed at the  
386 request of the chair or the commission under Section 11-49-403 at the chair's discretion.

387 Section 10. Section **11-49-402** is enacted to read:

388 **11-49-402. Chair as presiding officer.**

389 (1) Except as expressly provided otherwise in this chapter, the chair of the commission  
390 is vested with the power to direct the commission during meetings authorized by this chapter.

391 (2) Unless expressly prohibited from doing so under this chapter, the commission may  
392 overrule a decision of the chair by using the following procedure:

393 (a) If a member objects to a decision of the chair, that member may appeal the decision  
394 by stating:

395 (i) "I appeal the decision of the chair."; and

396 (ii) the basis for the objection.

397 (b) A motion described in Subsection (2)(a) is nondebatable.

398 (c) The chair shall direct a roll call vote to determine if the commission supports the  
399 decision of the chair.

400 (d) A majority vote of the commission is necessary to overrule the decision of the  
401 chair.

402 (3) The chair may set time limitations on any part of a meeting or hearing authorized  
403 by this chapter.

404 Section 11. Section **11-49-403** is enacted to read:

405 **11-49-403. Subpoena powers.**

406 (1) Except for a preliminary review described in Section 11-49-602, for a proceeding  
407 authorized by this chapter, the commission may issue a subpoena to:

408 (a) require the attendance of a witness;

409 (b) direct the production of evidence; or

410 (c) require both the attendance of a witness and the production of evidence.

411 (2) The commission shall issue a subpoena:

412 (a) in accordance with Section 11-49-405;

413 (b) at the direction of the commission chair, if the chair determines that the testimony  
414 or evidence is relevant to the review of a complaint under Part 7, Commission Review of  
415 Ethics Violations; or

416 (c) upon a vote of a majority of the commission members.

417 (3) If the commission issues a subpoena authorized under this section, the commission  
418 shall give a reasonable period of time for the person or entity to whom the subpoena is directed  
419 to petition a district court to quash or modify the subpoena before the time specified in the  
420 subpoena for compliance.

421 Section 12. Section **11-49-404** is enacted to read:

422 **11-49-404. Contempt of the commission.**

423 (1) (a) The following actions constitute contempt of the commission in relation to  
424 actions and proceedings under this chapter:

425 (i) disobedience to a direction of the commission chair;

426 (ii) failure, without legal justification, to answer a question during a hearing when  
427 directed to do so by:

428 (A) the commission chair, unless the direction is overridden by the commission in  
429 accordance with Section 11-49-402; or

430 (B) a majority of the commission;

431 (iii) failure to comply with a subpoena or other order issued under authority of this  
432 chapter;

433 (iv) violation of privacy provisions established by Section 11-49-502;

434 (v) violation of the communication provisions established by Section 11-49-407;

435 (vi) violation of a request to comply with a provision of this chapter by a chair or a  
436 majority of the members of the commission; or

437 (vii) any other ground that is specified in statute or recognized by common law.

438 (b) Because the purpose of the Fifth Amendment privilege not to incriminate oneself is  
439 to prevent prosecution for criminal action, it is improper for a witness to invoke the Fifth  
440 Amendment privilege if the witness cannot be prosecuted for the crime to which the witness's  
441 testimony relates.

442 (2) (a) The following persons may authorize an enforcement action against a person in  
443 contempt of the commission under the provisions of this chapter:

444 (i) the commission chair, subject to the provisions of Section 11-49-402; or

445 (ii) members of the commission, by means of a majority vote.

446 (b) In initiating and pursuing an action against an individual for contempt of the  
447 commission, the plaintiff shall comply with the procedures and requirements of Section  
448 11-49-405.

449 Section 13. Section **11-49-405** is enacted to read:

450 **11-49-405. Order to compel -- Enforcement.**

451 (1) (a) When the subject of a subpoena issued in accordance with Section 11-49-403  
452 disobeys or fails to comply with the subpoena, or if a person appears before the commission  
453 pursuant to a subpoena and refuses to testify to a matter upon which the person may be lawfully  
454 interrogated, the commission may:

455 (i) file a motion for an order to compel obedience to the subpoena with the district  
456 court within the jurisdiction of the applicable political subdivision;

457 (ii) file, with the district court, a motion for an order to show cause why the penalties  
458 established in Title 78B, Chapter 6, Part 3, Contempt, should not be imposed upon the person

459 named in the subpoena for contempt of the commission; or

460 (iii) pursue other remedies against persons in contempt of the commission.

461 (b) (i) Upon receipt of a motion under this section, the court shall expedite the hearing  
462 and decision on the motion.

463 (ii) A court may:

464 (A) order the person named in the subpoena to comply with the subpoena; and

465 (B) impose any penalties authorized by Title 78B, Chapter 6, Part 3, Contempt, upon  
466 the person named in the subpoena for contempt of the commission.

467 (2) (a) If a commission subpoena requires the production of accounts, books, papers,  
468 documents, or other tangible things, the person or entity to whom the subpoena is directed may  
469 petition a district court to quash or modify the subpoena at or before the time specified in the  
470 subpoena for compliance.

471 (b) The commission may respond to a motion to quash or modify the subpoena by  
472 pursuing any remedy authorized by Subsection (1).

473 (c) If the court finds that a commission subpoena requiring the production of accounts,  
474 books, papers, documents, or other tangible things is unreasonable or oppressive, the court may  
475 quash or modify the subpoena.

476 (3) Nothing in this section prevents the commission from seeking an extraordinary writ  
477 to remedy contempt of the commission.

478 (4) Any party aggrieved by a decision of a court under this section may appeal that  
479 action directly to the Utah Supreme Court.

480 Section 14. Section **11-49-406** is enacted to read:

481 **11-49-406. Testimony and examination of witnesses -- Oath -- Procedure --**

482 **Contempt.**

483 (1) (a) The chair shall ensure that each witness listed in the complaint and response is  
484 subpoenaed for appearance at the hearing unless:

485 (i) the witness is unable to be properly identified or located; or

486 (ii) service is otherwise determined to be impracticable.

487 (b) The chair shall determine the scheduling and order of witnesses and presentation of  
488 evidence.

489 (c) The commission may, by majority vote:

- 490 (i) overrule the chair's decision not to subpoena a witness under Subsection (1)(a);  
491 (ii) modify the chair's determination on the scheduling and order of witnesses under  
492 Subsection (1)(b);  
493 (iii) decline to hear or call a witness that has been requested by the complainant or  
494 respondent;  
495 (iv) decline to review or consider evidence submitted in relation to an ethics complaint;  
496 or  
497 (v) request and subpoena witnesses or evidence according to the procedures of Section  
498 11-49-403.  
499 (2) (a) Each witness shall testify under oath.  
500 (b) The chair or the chair's designee shall administer the oath to each witness.  
501 (3) After the oath has been administered to the witness, the chair shall direct testimony  
502 as follows:  
503 (a) allow the party that has called the witness, or that party's counsel, to question the  
504 witness;  
505 (b) allow the opposing party, or that party's counsel, to cross-examine the witness;  
506 (c) allow additional questioning by a party or a party's counsel as appropriate;  
507 (d) give commission members the opportunity to question the witness; and  
508 (e) as appropriate, allow further examination of the witness by the commission, or the  
509 parties or their counsel.  
510 (4) (a) If the witness, a party, or a party's counsel objects to a question, the chair shall:  
511 (i) direct the witness to answer; or  
512 (ii) rule that the witness is not required to answer the question.  
513 (b) If the witness declines to answer a question after the chair or a majority of the  
514 commission determines that the witness is required to answer the question, the witness may be  
515 held in contempt as provided in Section 11-49-404.  
516 (5) (a) The chair or a majority of the members of the commission may direct a witness  
517 to furnish any relevant evidence for consideration if the witness has brought the material  
518 voluntarily or has been required to bring it by subpoena.  
519 (b) If the witness declines to provide evidence in response to a subpoena, the witness  
520 may be held in contempt as provided in Section 11-49-404.

521 Section 15. Section **11-49-407** is enacted to read:

522 **11-49-407. Communications of commission members.**

523 (1) As used in this section, "third party" means a person who is not a member of the  
524 commission or staff to the commission.

525 (2) While a complaint is under review by the commission, a member of the  
526 commission may not initiate or consider any communications concerning the complaint with a  
527 third party unless:

528 (a) the communication is expressly permitted under the procedures established by this  
529 chapter; or

530 (b) the communication is made by the third party, in writing, simultaneously to:

531 (i) all members of the commission; and

532 (ii) a staff member of the commission.

533 (3) While the commission is reviewing a complaint under this chapter, a commission  
534 member may communicate outside of the meetings, hearing, or deliberations with another  
535 member of, or staff to, the commission, only if the member's communication does not  
536 materially compromise the member's responsibility to independently review and make  
537 decisions in relation to the complaint.

538 Section 16. Section **11-49-408** is enacted to read:

539 **11-49-408. Attorney fees and costs.**

540 (1) A person filing a complaint under this chapter:

541 (a) may, but is not required to, retain legal representation during the complaint review  
542 process; and

543 (b) is responsible for payment of complainant's attorney fees and costs incurred.

544 (2) (a) A respondent against whom a complaint is filed under this chapter:

545 (i) may, but is not required to, retain legal representation during the complaint review  
546 process; and

547 (ii) is responsible for the respondent's own attorney fees and costs involved, except as  
548 provided in Subsection (2)(b).

549 (b) A political subdivision for which the respondent is a political subdivision officer or  
550 employee shall pay the reasonable attorney fees and costs incurred by the respondent against  
551 whom a complaint is filed under this chapter if the commission determines that none of the

552 allegations in the complaint have been proved.

553 (3) (a) An attorney participating in a hearing before the commission shall comply with:

554 (i) the Rules of Professional Conduct established by the Utah Supreme Court;

555 (ii) the procedures and requirements of this chapter; and

556 (iii) the directions of the chair and commission.

557 (b) A violation of Subsection (3)(a) may constitute:

558 (i) contempt of the commission under Section 11-49-404; or

559 (ii) a violation of the Rules of Professional Conduct subject to enforcement by the Utah

560 State Bar.

561 Section 17. Section **11-49-501** is enacted to read:

562 **Part 5. Complaint of Ethics Violation**

563 **11-49-501. Ethics complaints -- Who may file -- Form.**

564 (1) (a) Notwithstanding any other provision, the following may file a complaint,

565 subject to the requirements of Subsections (1)(b) and (c) and Section 11-49-301, against a

566 political subdivision officer or employee:

567 (i) two or more registered voters who reside within the boundaries of a political

568 subdivision;

569 (ii) two or more registered voters who pay a fee or tax to a political subdivision; or

570 (iii) one or more registered voters who reside within the boundaries of a political

571 subdivision and one or more registered voters who pay a fee or tax to the political subdivision.

572 (b) A person described in Subsection (1)(a) may not file a complaint unless at least one

573 person described in Subsection (1)(a)(i), (ii), or (iii) has actual knowledge of the facts and

574 circumstances supporting the alleged violation.

575 (c) A complainant may file a complaint only against an individual who, on the date that

576 the complaint is filed, is serving as a political subdivision officer or is a political subdivision

577 employee.

578 (2) (a) (i) A complainant shall file a complaint with the Office of the Lieutenant

579 Governor.

580 (ii) The lieutenant governor shall forward the complaint to the chair of the commission

581 no later than five days after the day on which the complaint is filed.

582 (b) An individual may not file a complaint during the 60 calendar days immediately

583 preceding:

584 (i) a regular primary election, if the accused political subdivision officer is a candidate  
585 in the primary election; or

586 (ii) a regular general election in which an accused political subdivision officer is a  
587 candidate, unless the accused political subdivision officer is unopposed in the election.

588 (3) A complainant shall ensure that each complaint filed under this section is in writing  
589 and contains the following information:

590 (a) the name and position of the political subdivision officer or employee alleged to be  
591 in violation;

592 (b) the name, address, and telephone number of each individual who is filing the  
593 complaint;

594 (c) a description of each alleged violation, including for each alleged violation:

595 (i) a reference to the section of the code alleged to have been violated;

596 (ii) the name of the complainant who has actual knowledge of the facts and  
597 circumstances supporting each allegation; and

598 (iii) with reasonable specificity, the facts and circumstances supporting each allegation,  
599 which shall be provided by:

600 (A) copies of official records or documentary evidence; or

601 (B) one or more affidavits that include the information required in Subsection (4);

602 (d) a list of the witnesses that a complainant wishes to have called, including for each  
603 witness:

604 (i) the name, address, and, if available, one or more telephone numbers of the witness;

605 (ii) a brief summary of the testimony to be provided by the witness; and

606 (iii) a specific description of any documents or evidence a complainant desires the  
607 witness to produce;

608 (e) a statement that each complainant:

609 (i) has reviewed the allegations contained in the complaint and the sworn statements  
610 and documents attached to the complaint;

611 (ii) believes that the complaint is submitted in good faith and not for any improper  
612 purpose such as for the purpose of harassing the respondent, causing unwarranted harm to the  
613 respondent's reputation, or causing unnecessary expenditure of public funds; and

614 (iii) believes the allegations contained in the complaint to be true and accurate; and  
615 (f) the signature of each complainant.

616 (4) An affidavit described in Subsection (3)(c)(iii)(B) shall include:

617 (a) the name, address, and telephone number of the signer;

618 (b) a statement that the signer has actual knowledge of the facts and circumstances  
619 alleged in the affidavit;

620 (c) the facts and circumstances testified by the signer;

621 (d) a statement that the affidavit is believed to be true and correct and that false

622 statements are subject to penalties of perjury; and

623 (e) the signature of the signer.

624 Section 18. Section **11-49-502** is enacted to read:

625 **11-49-502. Privacy of ethics complaint -- Contempt -- Enforcement of finding of**  
626 **contempt -- Dismissal.**

627 (1) (a) Except as provided in Subsection (1)(b) or (c), a person, including a  
628 complainant, the respondent, a commission member, or staff to the commission, may not  
629 disclose the existence of a complaint, a response, nor any information concerning any alleged  
630 violation that is the subject of a complaint:

631 (i) unless otherwise provided in this chapter; or

632 (ii) after a complaint is presented at the meeting described in Section 11-49-701.

633 (b) The restrictions in Subsection (1)(a) do not apply to the respondent's voluntary  
634 disclosure of a finding by the commission that no allegations in a complaint were proved, after  
635 that finding is issued by the commission under the procedures and requirements of Section  
636 11-49-602.

637 (c) Nothing in this section shall prevent a person from disclosing facts or allegations  
638 about potential criminal violations to a law enforcement authority.

639 (d) Nothing in this section may be construed to hinder or prevent a respondent from  
640 preparing a defense to a complaint, including contacting a witness or other actions in  
641 preparation for review by the commission.

642 (2) A person who violates the provisions of Subsection (1)(a) is in contempt of the  
643 commission and proceedings may be initiated to enforce the finding of contempt using the  
644 procedures provided in Sections 11-49-404 and 11-49-405.

645 (3) If the existence of an ethics complaint is publicly disclosed before or during the  
646 preliminary review period described in Section 11-49-602, the complaint shall be summarily  
647 dismissed without prejudice.

648 Section 19. Section **11-49-601** is enacted to read:

649 **Part 6. Review of Complaint for Compliance**

650 **11-49-601. Review of ethics complaint for compliance with form requirements --**  
651 **Independent requirements for complaint-- Notice.**

652 (1) Within five business days after receipt of a complaint, the staff of the commission,  
653 in consultation with the chair of the commission, shall examine the complaint to determine if it  
654 is in compliance with Sections 11-49-301 and 11-49-501.

655 (2) (a) If the chair determines that the complaint does not comply with Sections  
656 11-49-301 and 11-49-501, the chair shall:

657 (i) return the complaint to the first complainant named on the complaint with:

658 (A) a statement detailing the reason for the non-compliance; and

659 (B) a copy of the applicable provisions in this chapter; and

660 (ii) notify the applicable political subdivision governing body that:

661 (A) a complaint was filed against an unidentified political subdivision officer or  
662 employee but was returned for non-compliance with this chapter; and

663 (B) the fact that a complaint was filed and returned shall be kept confidential until the  
664 commission submits its annual summary data report as required by Section 11-49-202.

665 (b) If a complaint is returned for non-compliance with the requirements of this chapter,  
666 a complainant may file another complaint if the new complaint independently meets the  
667 requirements of Sections 11-49-301 and 11-49-501, including any requirements for timely  
668 filing.

669 (3) If the chair determines that the complaint complies with the requirements of this  
670 section, the chair shall:

671 (a) accept the complaint;

672 (b) notify each member of the commission that the complaint has been filed and  
673 accepted;

674 (c) notify the applicable political subdivision that:

675 (i) a complaint has been filed against an unidentified political subdivision officer or

676 employee;

677 (ii) the identity of the political subdivision officer or employee and the allegations  
678 raised in the complaint are confidential pending the commission's preliminary review of the  
679 complaint; and

680 (iii) the fact that a complaint was filed shall be kept confidential until the commission  
681 publicly discloses the existence of the complaint via:

682 (A) notice of the commission's review of a complaint in accordance with Section  
683 11-49-701; or

684 (B) submission of the commission's annual summary data report as required in Section  
685 11-49-202; and

686 (d) promptly forward the complaint to the political subdivision officer or employee  
687 who is the subject of the ethics complaint via personal delivery or a delivery method that  
688 provides verification of receipt, together with a copy of this chapter and notice of the officer's  
689 or employee's deadline for filing a response to the complaint if the complaint is not dismissed  
690 under Section 11-49-602.

691 Section 20. Section **11-49-602** is enacted to read:

692 **11-49-602. Preliminary review of complaint -- Standard of proof -- Notice.**

693 (1) (a) By no later than 10 calendar days after the day on which a complaint is accepted  
694 under Section 11-49-601, the commission chair shall:

695 (i) schedule a commission meeting on a date no later than 60 calendar days after the  
696 date on which the commission accepts the complaint;

697 (ii) place the complaint on the agenda for consideration at the meeting;

698 (iii) provide a copy of the complaint to the members; and

699 (iv) provide notice of the date, time, and location of the meeting:

700 (A) to the respondent;

701 (B) the first complainant named in the complaint;

702 (C) each commission member; and

703 (D) in accordance with Section 52-4-202.

704 (b) The meeting described in Subsection (1)(a)(ii) is closed to the public in accordance  
705 with Section 52-4-204.

706 (2) (a) At the meeting described in Subsection (1)(a)(i):

- 707 (i) the commission members shall review each allegation in the complaint;  
708 (ii) the commission may not receive testimony, hear a motion from a party, or admit  
709 evidence; and  
710 (iii) the chair shall conduct deliberations.  
711 (b) The commission may, if necessary:  
712 (i) request a formal response or affidavit from a respondent; and  
713 (ii) review the response or affidavit at the meeting.  
714 (c) Upon a motion made by a commission member, the commission may exclude  
715 commission staff from all or a portion of the deliberations by a majority vote.  
716 (3) (a) During deliberations, each commission member shall, for each allegation,  
717 determine:  
718 (i) whether the facts alleged, if true, would be an ethics violation;  
719 (ii) whether the complaint includes an affidavit from a person with firsthand  
720 knowledge of alleged facts described in Subsection (3)(a)(i); and  
721 (iii) whether the complaint is frivolous or solely for a political purpose.  
722 (b) A commission member shall vote to forward an allegation in a complaint for a final  
723 commission review in accordance with Part 7, Commission Review of Ethics Violation, if the  
724 commission member determines:  
725 (i) an allegation, if true, would be an ethics violation;  
726 (ii) the complaint contains an affidavit with firsthand knowledge of the allegation  
727 under Subsection (3)(a)(ii); and  
728 (iii) the allegation is not frivolous or solely for a political purpose.  
729 (4) (a) A verbal roll call vote shall be taken on each allegation and each member's vote  
730 shall be recorded.  
731 (b) The commission may not review an allegation for a final determination under Part  
732 7, Commission Review of Ethics Violation, unless six of the seven members of the  
733 commission vote to review the allegation.  
734 (5) (a) An allegation that is not forwarded for a final determination is dismissed.  
735 (b) Before the commission issues an order in accordance with this section, the  
736 commission may, upon a majority vote, reconsider and hold a new vote on an allegation.  
737 (c) A motion to reconsider a vote may only be made by a member of the commission

738 who voted that the allegation should not be forwarded for a final determination.

739 (6) (a) If each allegation stated in a complaint is dismissed in accordance with this  
740 section, the commission shall:

741 (i) issue and enter into the record an order that the complaint is dismissed because no  
742 allegations, in accordance with this section, were forwarded for a final determination;

743 (ii) classify all recordings, testimony, evidence, orders, findings, and other records  
744 directly relating to the meetings authorized by this part as private records under Section  
745 63G-2-302;

746 (iii) provide notice of the determination, in a manner determined by the chair, to:

747 (A) the respondent;

748 (B) the first complainant named on the complaint; and

749 (C) subject to Subsection (6)(b), the appropriate political subdivision; and

750 (iv) provide notice to each person or entity named in Subsections (6)(a)(iii)(A) through  
751 (C) that, under provisions of Section 11-49-502 and other provisions of this chapter, a person  
752 who discloses the findings of the commission in violation of any provision of this chapter is in  
753 contempt of the commission and is subject to penalties for contempt.

754 (b) The notification to the appropriate political subdivision shall notify the political  
755 subdivision that:

756 (i) a complaint against an unidentified political subdivision officer or employee has  
757 been dismissed; and

758 (ii) the fact that a complaint was filed shall be kept confidential until the commission  
759 publicly discloses the existence of the complaint via submission of the commission's annual  
760 summary data report as required in Section 11-49-202.

761 (7) If one or more of the allegations stated in a complaint are not dismissed in  
762 accordance with this section, the commission shall:

763 (a) issue and enter into the record:

764 (i) an order for each allegation that is dismissed, if any, because the allegation was not  
765 forwarded for a final determination; and

766 (ii) an order for further review under Part 7, Commission Review of Ethics Violation,  
767 of each allegation that is not dismissed;

768 (b) classify all recordings, orders, findings, and other records or documents directly

769 relating to a meeting authorized by this section as private records under Section 63G-2-302;

770 (c) if an allegation was dismissed, provide notice of the determination for each

771 allegation dismissed in a manner determined by the chair, to:

772 (i) the respondent;

773 (ii) the first complainant named on the complaint; and

774 (iii) subject to Subsection (8), the appropriate political subdivision; and

775 (d) provide notice to each person or entity named in Subsections (7)(c)(i) through (iii)

776 that:

777 (i) under provisions of Section 11-49-502 and other provisions of this chapter, a person  
778 who discloses the findings of the commission under this section in violation of any provision of  
779 this chapter is in contempt of the commission and is subject to penalties for contempt; and

780 (ii) the commission shall review the remaining allegations in the complaint at a  
781 meeting described in Section 11-49-603 and in accordance with Part 7, Commission Review of  
782 Ethics Violation.

783 (8) The notification to the appropriate political subdivision shall notify the political  
784 subdivision that:

785 (a) an unspecified allegation in a complaint against an unidentified political  
786 subdivision officer or employee has been dismissed; and

787 (b) the fact that a complaint was filed shall be kept confidential until the commission  
788 publicly discloses the existence of the complaint in accordance with the provisions of this  
789 chapter.

790 (9) For a complaint described in Subsection (7), the commission members shall ensure  
791 that, within five business days after the day of the meeting described in Subsection (1)(a)(ii),  
792 the complaint is redacted to remove references to an allegation that is dismissed under this  
793 section.

794 (10) The chair shall ensure that a record of the meeting held under this section is kept  
795 in accordance with Section 11-49-702.

796 Section 21. Section **11-49-603** is enacted to read:

797 **11-49-603. Meeting of the Commission to review a complaint -- Procedures.**

798 By no later than 10 calendar days after the day on which a complaint is accepted under  
799 Section 11-49-602 for further review, the commission chair shall:

800 (1) schedule a commission meeting on a date no later than 45 calendar days after the  
801 date on which the commission accepts the complaint;

802 (2) place the complaint on the agenda for consideration at the meeting described in  
803 Subsection (1);

804 (3) provide notice of the date, time, and location of the meeting:

805 (a) to:

806 (i) the members of the commission;

807 (ii) the first complainant named in the complaint; and

808 (iii) the respondent; and

809 (b) in accordance with Section 52-4-202; and

810 (4) provide a copy of the complaint or redacted complaint, as required in Section  
811 11-49-602, to each member of the commission.

812 Section 22. Section **11-49-604** is enacted to read:

813 **11-49-604. Response to ethics complaint -- Filing -- Form.**

814 (1) The political subdivision officer or employee who is the subject of the complaint  
815 may file a response to the complaint no later than 30 days after the day on which the officer or  
816 employee receives delivery of an order issued by the commission under Subsection  
817 11-49-602(7).

818 (2) The respondent shall file the response with the commission and ensure that the  
819 response is in writing and contains the following information:

820 (a) the name, address, and telephone number of the respondent;

821 (b) for each alleged violation in the complaint:

822 (i) each affirmative defense asserted in response to the allegation, including a general  
823 description of each affirmative defense and the facts and circumstances supporting the defense

824 to be provided by one or more affidavits, each of which shall comply with Subsection (4);

825 (ii) the facts and circumstances refuting the allegation, which shall be provided by:

826 (A) copies of official records or documentary evidence; or

827 (B) one or more affidavits, each of which shall comply with Subsection (4);

828 (c) a list of the witnesses that the respondent wishes to have called, including for each  
829 witness:

830 (i) the name, address, and, if available, telephone number of the witness;

- 831 (ii) a brief summary of the testimony to be provided by the witness; and
- 832 (iii) a specific description of any documents or evidence the respondent desires the
- 833 witness to produce;
- 834 (d) a statement that the respondent:
- 835 (i) has reviewed the allegations contained in the complaint and the sworn statements
- 836 and documents attached to the response; and
- 837 (ii) believes the contents of the response to be true and accurate; and
- 838 (e) the signature of the respondent.
- 839 (3) Promptly after receiving the response, the commission shall provide copies of the
- 840 response to:
- 841 (a) each member of the commission; and
- 842 (b) the first named complainant on the complaint.
- 843 (4) An affidavit described in Subsection (2)(b)(i) or (2)(b)(ii)(B) shall include the
- 844 following information:
- 845 (a) the name, address, and telephone number of the signer;
- 846 (b) a statement that the signer has actual knowledge of the facts and circumstances
- 847 alleged in the affidavit;
- 848 (c) the facts and circumstances testified to by the signer;
- 849 (d) a statement that the affidavit is believed to be true and correct and that false
- 850 statements are subject to penalties of perjury; and
- 851 (e) the signature of the signer.

852 Section 23. Section **11-49-701** is enacted to read:

853 **Part 7. Commission Review of Ethics Violation**

854 **11-49-701. Commission review of ethics violation.**

- 855 (1) The scope of a review by the commission is limited to an alleged violation stated in
- 856 a complaint that has not been previously dismissed under Section 11-49-602.
- 857 (2) (a) Before holding the meeting for review of the complaint, the commission chair
- 858 may schedule a separate meeting of the commission for the purposes of:
- 859 (i) hearing motions or arguments from the parties, including hearing motions or
- 860 arguments relating to dismissal of a complaint, admission of evidence, or procedures;
- 861 (ii) holding a vote of the commission, with or without the attendance of the parties, on

862 procedural or commission business matters relating to a complaint; or

863 (iii) reviewing a complaint, with or without the attendance of the parties, to determine  
864 if the complaint should be dismissed in whole or in part, by means of a majority vote of the  
865 commission, because the complaint pleads facts or circumstances against a political  
866 subdivision officer or employee that have already been reviewed by, as provided in Section  
867 11-49-301, the commission, a municipal ethics commission established in accordance with  
868 Section 10-3-1311, a county ethics commission established in accordance with Section  
869 17-16a-11, or a local political subdivision ethics commission established in accordance with  
870 Section 11-49-103.

871 (b) Notwithstanding Section 11-49-603, the commission may, by a majority vote,  
872 change the date of the meeting for review of the complaint in order to accommodate:

873 (i) a meeting authorized under Subsection (2)(a); or

874 (ii) necessary scheduling requirements.

875 (3) (a) The commission shall comply with the Utah Rules of Evidence except where  
876 the commission determines, by majority vote, that a rule is not compatible with the  
877 requirements of this chapter.

878 (b) The chair shall make rulings on admissibility of evidence consistent with the  
879 provisions of Section 11-49-402.

880 (4) (a) A meeting or hearing authorized in this part is open to the public except as  
881 provided in Section 52-4-204.

882 (b) The following individuals may be present during the presentation of testimony and  
883 evidence to the commission:

884 (i) the complainant;

885 (ii) the complainant's counsel, if applicable;

886 (iii) the respondent;

887 (iv) the respondent's counsel, if applicable;

888 (v) members of the commission;

889 (vi) staff to the commission;

890 (vii) a witness, while testifying before the commission; and

891 (viii) necessary security personnel.

892 (c) The commission may, in accordance with Section 52-4-204, close a meeting to:

- 893 (i) seek or obtain legal advice on legal, evidentiary, or procedural matters; or  
894 (ii) conduct deliberations to reach a decision on the complaint.  
895 (5) If a majority of the commission determines that a continuance is necessary to obtain  
896 further evidence and testimony, to accommodate administrative needs, or to accommodate the  
897 attendance of commission members, witnesses, or a party, the commission shall:  
898 (a) adjourn and continue the meeting to a future date and time after notice to the  
899 parties; and  
900 (b) establish that future date and time by majority vote.

901 (6) A document created by the commission under this part, reviewed by the  
902 commission under this part, or received by the commission under this part is a public  
903 document.

904 Section 24. Section **11-49-702** is enacted to read:

905 **11-49-702. Record -- Recording of meetings.**

906 (1) (a) Except as provided in Subsection (1)(b), an individual may not use a camera or  
907 other recording device in a meeting authorized by this part.

908 (b) (i) The commission shall keep an audio or video recording of all portions of each  
909 meeting authorized by this part.

910 (ii) The commission may, by a majority vote of the commission, permit a camera or  
911 other recording device in the meeting in which the commission releases the commission's  
912 recommendation under this part.

913 (2) In addition to the recording required in Subsection (1), the chair shall ensure that a  
914 record of the meeting or hearing is made, which shall include:

915 (a) official minutes taken during the meeting or hearing, if any;

916 (b) copies of all documents or other items admitted into evidence by the commission;

917 (c) copies of a document or written order or ruling issued by the chair or the  
918 commission; and

919 (d) any other information that a majority of the commission or the chair directs.

920 Section 25. Section **11-49-703** is enacted to read:

921 **11-49-703. Commission deliberations -- Standard of proof.**

922 (1) After each party has presented a closing argument, the commission shall, at the  
923 direction of the chair, begin its deliberations:

- 924 (a) immediately after conclusion of the closing arguments; or  
925 (b) at a future meeting of the commission, on a date and time determined by a majority  
926 of the members of the commission.
- 927 (2) (a) The chair of the commission shall conduct the deliberations.  
928 (b) Upon a motion made by a commission member, the commission may:  
929 (i) exclude commission staff from all or a portion of the deliberations by a majority  
930 vote of the commission; or  
931 (ii) close the meeting in accordance with Section 52-4-204.
- 932 (3) (a) During deliberations, for each allegation reviewed by the commission, each  
933 member shall determine and cast a vote stating:  
934 (i) whether the allegation is:  
935 (A) proven by clear and convincing evidence; or  
936 (B) not proven; and  
937 (ii) for each allegation proven, whether the commission would recommend to the  
938 appropriate political subdivision governing body to take one or more of the following actions:  
939 (A) censure;  
940 (B) in the case of a political subdivision employee, termination;  
941 (C) in the case of a political subdivision officer, removal from office; or  
942 (D) any other action or reprimand that the commission determines is appropriate.  
943 (b) (i) A verbal roll call vote shall be taken on each allegation, and each recommended  
944 action described in Subsection (3)(a)(ii) on each allegation.  
945 (ii) Each member's vote shall be recorded.
- 946 (4) (a) An allegation is not considered to be proven unless six of the seven members of  
947 the commission vote that the allegation is proven.  
948 (b) An allegation that is not considered to be proven is dismissed.  
949 (c) (i) Before the commission issues its recommendation in accordance with Section  
950 11-49-704, the commission may, upon a majority vote, reconsider and hold a new vote on an  
951 allegation.  
952 (ii) A motion to reconsider a vote may only be made by a member of the commission  
953 who voted that the allegation was not proved.  
954 (5) At the conclusion of deliberations, the commission shall prepare its

955 recommendations as provided in Sections 11-49-704 and 11-49-705.

956 Section 26. Section **11-49-704** is enacted to read:

957 **11-49-704. Recommendations of commission.**

958 (1) (a) If the commission determines that no allegations in the complaint were proved,

959 the commission shall:

960 (i) issue and enter into the record an order that the complaint is dismissed because no  
961 allegations in the complaint were found to have been proved;

962 (ii) provide notice of the determination at a public meeting; and

963 (iii) provide written notice of the determination to:

964 (A) the respondent;

965 (B) the first complainant named on the complaint; and

966 (C) the appropriate political subdivision.

967 (2) If the commission determines that one or more of the allegations in the complaint  
968 were proved, the commission shall:

969 (a) if one or more allegations were not found to have been proven, enter into the record  
970 an order dismissing those unproven allegations; and

971 (b) prepare a written recommendation to the applicable political subdivision governing  
972 body that:

973 (i) lists the name of each complainant;

974 (ii) lists the name of the respondent;

975 (iii) states the date of the recommendation;

976 (iv) for each allegation that was found to be proven:

977 (A) provides a reference to the statute or criminal provision allegedly violated;

978 (B) states the number and names of commission members voting that the allegation  
979 was proved and the number and names of commission members voting that the allegation was  
980 not proved;

981 (C) at the option of those members voting that the allegation was proved, includes a  
982 statement by one or all of those members stating the reasons for voting that the allegation was  
983 proved; and

984 (D) at the option of those members voting that the allegation was not proved, includes  
985 a statement by one or all of those members stating the reasons for voting that the allegation was

986 not proved;

987 (v) contains any general statement that is adopted for inclusion in the recommendation  
988 by a majority of the members of the commission;

989 (vi) contains a statement referring the allegations found to have been proved to the  
990 appropriate political subdivision governing body for review and, if necessary, further action;

991 (vii) contains a statement referring to each allegation the commission's  
992 recommendation under Subsection 11-49-703 (3)(a)(ii);

993 (viii) states the name of each member of the commission; and

994 (ix) is signed by each commission member.

995 (3) The commission shall provide notice of the determination:

996 (a) at a public meeting; and

997 (b) in writing to:

998 (i) the respondent;

999 (ii) the first complainant named on the complaint; and

1000 (iii) in accordance with Subsection (4), the appropriate political subdivision.

1001 (4) The commission shall ensure that, within five business days of the date of public  
1002 issuance of the determination in accordance with Subsection (3), the following documents are  
1003 provided to the political subdivision governing body:

1004 (a) a cover letter referring the proven allegations contained in the complaint to the  
1005 political subdivision governing body for review;

1006 (b) a copy of the complaint;

1007 (c) a copy of the response; and

1008 (d) a copy of the commission's recommendation.

1009 Section 27. Section **11-49-705** is enacted to read:

1010 **11-49-705. Criminal allegation -- Recommendation to county or district attorney.**

1011 (1) If the commission finds that a political subdivision officer or employee allegedly  
1012 violated a criminal provision, the commission shall, in addition to sending a recommendation  
1013 to a political subdivision governing body in accordance with Section 11-49-704, send a  
1014 recommendation for further investigation to the county or district attorney of jurisdiction by  
1015 delivering to the county or district attorney a written recommendation that:

1016 (a) lists the name of each complainant;

1017 (b) lists the name of the respondent;  
1018 (c) states the date of the recommendation;  
1019 (d) for each allegation of a criminal violation, provide a reference to the criminal  
1020 provision allegedly violated;  
1021 (e) includes a general statement that is adopted by a majority of the members of the  
1022 commission; and  
1023 (f) gives the name of the political subdivision governing body that the commission sent  
1024 a recommendation to in accordance with Section 11-49-704.  
1025 (2) If the commission sends a recommendation in accordance with Subsection (1)(a),  
1026 the commission shall enter into the record:  
1027 (a) a copy of the recommendation; and  
1028 (b) the name of the county or district attorney of jurisdiction to whom it was sent.  
1029 (3) A recommendation prepared and delivered in accordance with this section is a  
1030 public record.  
1031 Section 28. Section **11-49-706** is enacted to read:  
1032 **11-49-706. Action by political subdivision governing body.**  
1033 A political subdivision governing body that receives a recommendation in accordance  
1034 with Section 11-49-704 shall:  
1035 (1) review the recommendation; and  
1036 (2) take further action in accordance with a political subdivision's governing ordinance,  
1037 bylaws, or other applicable governing rule.  
1038 Section 29. Section **17-16a-11** is amended to read:  
1039 **17-16a-11. County ethics commission -- Complaints charging violations --**  
1040 **Procedure.**  
1041 (1) A county may establish by ordinance an ethics commission to review a complaint,  
1042 except as provided in Subsection (3), against an officer or employee subject to this part for a  
1043 violation of a provision of this part.  
1044 (2) (a) Except as provided in Subsection (3), a person filing a complaint for a violation  
1045 of this part may file the complaint:  
1046 (i) with the county ethics commission, if the county has established a county ethics  
1047 commission in accordance with Subsection (1); or

1048 (ii) with the Political Subdivisions Ethics Review Commission established in  
1049 accordance with Title 11, Chapter 49, Political Subdivisions Ethics Review Commission.

1050 (b) A county that receives a complaint described in Subsection (2)(a) may:

1051 (i) accept the complaint if the county has established a county ethics commission in  
1052 accordance with Subsection (1); or

1053 (ii) forward the complaint to the Political Subdivisions Ethics Review Commission  
1054 established in Section 11-49-201:

1055 (A) regardless of whether the county has established a county ethics commission; or

1056 (B) if the county has not established a county ethics commission.

1057 ~~[(+)]~~ (3) Any complaint against a person who is under the merit system, charging that  
1058 person with a violation of this part, shall be filed and processed in accordance with the  
1059 provisions of the merit system.

1060 ~~[(2) If the person charged with the violation is not under any merit system, then the~~  
1061 ~~complaint shall be filed with the commission which shall investigate the complaint and shall~~  
1062 ~~give the person an opportunity to be heard. A written report of the findings and the~~  
1063 ~~recommendation of the commission shall be filed with the governing body. If the governing~~  
1064 ~~body finds that the person has violated this part, it may dismiss, suspend, or take such other~~  
1065 ~~appropriate action with respect to the person.]~~

1066 Section 30. Section **52-4-204** is amended to read:

1067 **52-4-204. Closed meeting held upon vote of members -- Business -- Reasons for**  
1068 **meeting recorded.**

1069 (1) A closed meeting may be held if:

1070 (a) (i) a quorum is present;

1071 (ii) the meeting is an open meeting for which notice has been given under Section  
1072 52-4-202; and

1073 (iii) (A) two-thirds of the members of the public body present at the open meeting vote  
1074 to approve closing the meeting;

1075 (B) for a meeting that is required to be closed under Section 52-4-205, if a majority of  
1076 the members of the public body present at an open meeting vote to approve closing the  
1077 meeting; ~~[or]~~

1078 (C) for an ethics committee of the Legislature that is conducting an open meeting for

1079 the purpose of reviewing an ethics complaint, a majority of the members present vote to  
1080 approve closing the meeting for the purpose of seeking or obtaining legal advice on legal,  
1081 evidentiary, or procedural matters, or for conducting deliberations to reach a decision on the  
1082 complaint; or

1083 (D) for the Political Subdivisions Ethics Review Commission established in Section  
1084 11-49-201 that is conducting an open meeting for the purpose of reviewing an ethics complaint  
1085 in accordance with Section 11-49-701, a majority of the members present vote to approve  
1086 closing the meeting for the purpose of seeking or obtaining legal advice on legal, evidentiary,  
1087 or procedural matters, or for conducting deliberations to reach a decision on the complaint; or

1088 (b) (i) for the Independent Legislative Ethics Commission, the closed meeting is  
1089 convened for the purpose of conducting business relating to the receipt or review of an ethics  
1090 complaint, provided that public notice of the closed meeting is given under Section 52-4-202,  
1091 with the agenda for the meeting stating that the meeting will be closed for the purpose of  
1092 "conducting business relating to the receipt or review of ethics complaints"[:]; or

1093 (ii) for the Political Subdivisions Ethics Review Commission established in Section  
1094 11-49-201, the closed meeting is convened for the purpose of conducting business relating to  
1095 the preliminary review of an ethics complaint in accordance with Section 11-49-602, provided  
1096 that public notice of the closed meeting is given under Section 52-4-202, with the agenda for  
1097 the meeting stating that the meeting will be closed for the purpose of "conducting business  
1098 relating to the review of ethics complaints".

1099 (2) A closed meeting is not allowed unless each matter discussed in the closed meeting  
1100 is permitted under Section 52-4-205.

1101 (3) An ordinance, resolution, rule, regulation, contract, or appointment may not be  
1102 approved at a closed meeting.

1103 (4) The following information shall be publicly announced and entered on the minutes  
1104 of the open meeting at which the closed meeting was approved:

1105 (a) the reason or reasons for holding the closed meeting;

1106 (b) the location where the closed meeting will be held; and

1107 (c) the vote by name, of each member of the public body, either for or against the  
1108 motion to hold the closed meeting.

1109 (5) Except as provided in Subsection 52-4-205(2), nothing in this chapter shall be

1110 construed to require any meeting to be closed to the public.

1111 Section 31. Section **63G-2-302** is amended to read:

1112 **63G-2-302. Private records.**

1113 (1) The following records are private:

1114 (a) records concerning an individual's eligibility for unemployment insurance benefits,  
1115 social services, welfare benefits, or the determination of benefit levels;

1116 (b) records containing data on individuals describing medical history, diagnosis,  
1117 condition, treatment, evaluation, or similar medical data;

1118 (c) records of publicly funded libraries that when examined alone or with other records  
1119 identify a patron;

1120 (d) records received by or generated by or for:

1121 (i) the Independent Legislative Ethics Commission, except for:

1122 (A) the commission's summary data report that is required under legislative rule; and

1123 (B) any other document that is classified as public under legislative rule; or

1124 (ii) a Senate or House Ethics Committee in relation to the review of ethics complaints,  
1125 unless the record is classified as public under legislative rule;

1126 (e) records received or generated for a Senate confirmation committee concerning  
1127 character, professional competence, or physical or mental health of an individual:

1128 (i) if prior to the meeting, the chair of the committee determines release of the records:

1129 (A) reasonably could be expected to interfere with the investigation undertaken by the  
1130 committee; or

1131 (B) would create a danger of depriving a person of a right to a fair proceeding or  
1132 impartial hearing; and

1133 (ii) after the meeting, if the meeting was closed to the public;

1134 (f) employment records concerning a current or former employee of, or applicant for  
1135 employment with, a governmental entity that would disclose that individual's home address,  
1136 home telephone number, Social Security number, insurance coverage, marital status, or payroll  
1137 deductions;

1138 (g) records or parts of records under Section 63G-2-303 that a current or former  
1139 employee identifies as private according to the requirements of that section;

1140 (h) that part of a record indicating a person's Social Security number or federal

1141 employer identification number if provided under Section 31A-23a-104, 31A-25-202,  
1142 31A-26-202, 58-1-301, 58-55-302, 61-1-4, or 61-2f-203;

1143 (i) that part of a voter registration record identifying a voter's driver license or  
1144 identification card number, Social Security number, or last four digits of the Social Security  
1145 number;

1146 (j) a record that:

1147 (i) contains information about an individual;

1148 (ii) is voluntarily provided by the individual; and

1149 (iii) goes into an electronic database that:

1150 (A) is designated by and administered under the authority of the Chief Information  
1151 Officer; and

1152 (B) acts as a repository of information about the individual that can be electronically  
1153 retrieved and used to facilitate the individual's online interaction with a state agency;

1154 (k) information provided to the Commissioner of Insurance under:

1155 (i) Subsection 31A-23a-115(2)(a);

1156 (ii) Subsection 31A-23a-302(3); or

1157 (iii) Subsection 31A-26-210(3);

1158 (l) information obtained through a criminal background check under Title 11, Chapter  
1159 40, Criminal Background Checks by Political Subdivisions Operating Water Systems;

1160 (m) information provided by an offender that is:

1161 (i) required by the registration requirements of Section 77-27-21.5; and

1162 (ii) not required to be made available to the public under Subsection 77-27-21.5(27);

1163 (n) a statement and any supporting documentation filed with the attorney general in  
1164 accordance with Section 34-45-107, if the federal law or action supporting the filing involves  
1165 homeland security;

1166 (o) electronic toll collection customer account information received or collected under  
1167 Section 72-6-118, including contact and payment information and customer travel data[-];

1168 (p) an email address provided by a military or overseas voter under Section  
1169 20A-16-501; [~~and~~]

1170 (q) a completed military-overseas ballot that is electronically transmitted under Title  
1171 20A, Chapter 16, Uniform Military and Overseas Voters Act[-]; and

1172           (r) records received by or generated by or for the Political Subdivision Ethics Review  
1173 Commission established in Section 11-49-201, except for:

1174           (i) the commission's summary data report that is required in Section 11-49-202; and

1175           (ii) any other document that is classified as public in accordance with Title 11, Chapter  
1176 49, Political Subdivisions Ethics Review Commission.

1177           (2) The following records are private if properly classified by a governmental entity:

1178           (a) records concerning a current or former employee of, or applicant for employment  
1179 with a governmental entity, including performance evaluations and personal status information  
1180 such as race, religion, or disabilities, but not including records that are public under Subsection  
1181 63G-2-301(2)(b) or 63G-2-301(3)(o), or private under Subsection (1)(b);

1182           (b) records describing an individual's finances, except that the following are public:

1183           (i) records described in Subsection 63G-2-301(2);

1184           (ii) information provided to the governmental entity for the purpose of complying with  
1185 a financial assurance requirement; or

1186           (iii) records that must be disclosed in accordance with another statute;

1187           (c) records of independent state agencies if the disclosure of those records would  
1188 conflict with the fiduciary obligations of the agency;

1189           (d) other records containing data on individuals the disclosure of which constitutes a  
1190 clearly unwarranted invasion of personal privacy;

1191           (e) records provided by the United States or by a government entity outside the state  
1192 that are given with the requirement that the records be managed as private records, if the  
1193 providing entity states in writing that the record would not be subject to public disclosure if  
1194 retained by it; and

1195           (f) any portion of a record in the custody of the Division of Aging and Adult Services,  
1196 created in Section 62A-3-102, that may disclose, or lead to the discovery of, the identity of a  
1197 person who made a report of alleged abuse, neglect, or exploitation of a vulnerable adult.

1198           (3) (a) As used in this Subsection (3), "medical records" means medical reports,  
1199 records, statements, history, diagnosis, condition, treatment, and evaluation.

1200           (b) Medical records in the possession of the University of Utah Hospital, its clinics,  
1201 doctors, or affiliated entities are not private records or controlled records under Section  
1202 63G-2-304 when the records are sought:

1203 (i) in connection with any legal or administrative proceeding in which the patient's  
1204 physical, mental, or emotional condition is an element of any claim or defense; or

1205 (ii) after a patient's death, in any legal or administrative proceeding in which any party  
1206 relies upon the condition as an element of the claim or defense.

1207 (c) Medical records are subject to production in a legal or administrative proceeding  
1208 according to state or federal statutes or rules of procedure and evidence as if the medical  
1209 records were in the possession of a nongovernmental medical care provider.

1210 Section 32. Section **67-16-3** is amended to read:

1211 **67-16-3. Definitions.**

1212 As used in this chapter:

1213 (1) "Agency" means any department, division, agency, commission, board, council,  
1214 committee, authority, or any other institution of the state or any of its political subdivisions.

1215 (2) "Agency head" means the chief executive or administrative officer of any agency.

1216 (3) "Assist" means to act, or offer or agree to act, in such a way as to help, represent,  
1217 aid, advise, furnish information to, or otherwise provide assistance to a person or business  
1218 entity, believing that such action is of help, aid, advice, or assistance to such person or business  
1219 entity and with the intent to assist such person or business entity.

1220 (4) "Business entity" means a sole proprietorship, partnership, association, joint  
1221 venture, corporation, firm, trust, foundation, or other organization or entity used in carrying on  
1222 a business.

1223 (5) "Compensation" means anything of economic value, however designated, which is  
1224 paid, loaned, granted, given, donated, or transferred to any person or business entity by anyone  
1225 other than the governmental employer for or in consideration of personal services, materials,  
1226 property, or any other thing whatsoever.

1227 (6) "Controlled, private, or protected information" means information classified as  
1228 controlled, private, or protected in Title 63G, Chapter 2, Government Records Access and  
1229 Management Act, or other applicable provision of law.

1230 (7) "Governmental action" means any action on the part of the state, a political  
1231 subdivision, or an agency, including:

1232 (a) any decision, determination, finding, ruling, or order; and

1233 (b) any grant, payment, award, license, contract, subcontract, transaction, decision,

1234 sanction, or approval, or the denial thereof, or the failure to act in respect to.

1235 (8) "Improper disclosure" means disclosure of controlled, private, or protected  
1236 information to any person who does not have the right to receive the information.

1237 (9) "Legislative employee" means any officer or employee of the Legislature, or any  
1238 committee of the Legislature, who is appointed or employed to serve, either with or without  
1239 compensation, for an aggregate of less than 800 hours during any period of 365 days.

1240 "Legislative employee" does not include legislators.

1241 (10) "Legislator" means a member or member-elect of either house of the Legislature  
1242 of the state of Utah.

1243 (11) "Political subdivision" means a district, ~~county,~~ school district, or any other  
1244 political subdivision of the state that is not an agency, but does not include ~~municipalities~~ a  
1245 municipality or a county.

1246 (12) "Public employee" means a person who is not a public officer who is employed on  
1247 a full-time, part-time, or contract basis by the state or any of its political subdivisions. "Public  
1248 employee" does not include legislators or legislative employees.

1249 (13) "Public officer" means all elected or appointed officers of the state or any of its  
1250 political subdivisions who occupy policymaking posts. "Public officer" does not include  
1251 legislators or legislative employees.

1252 (14) "State" means the state of Utah.

1253 (15) "Substantial interest" means the ownership, either legally or equitably, by an  
1254 individual, the individual's spouse, or the individual's minor children, of at least 10% of the  
1255 outstanding capital stock of a corporation or a 10% interest in any other business entity.

1256 Section 33. Section **67-16-4** is amended to read:

1257 **67-16-4. Improperly disclosing or using private, controlled, or protected**  
1258 **information -- Using position to secure privileges or exemptions -- Accepting employment**  
1259 **which would impair independence of judgment or ethical performance -- Exceptions.**

1260 (1) ~~[Except as provided in Subsection (3), it]~~ It is an offense for a public officer, public  
1261 employee, or legislator, under circumstances not amounting to a violation of Section  
1262 63G-6-1001 or 76-8-105, to:

1263 (a) accept employment or engage in any business or professional activity that he might  
1264 reasonably expect would require or induce him to improperly disclose controlled information

1265 that he has gained by reason of his official position;

1266 (b) disclose or improperly use controlled, private, or protected information acquired by  
1267 reason of his official position or in the course of official duties in order to further substantially  
1268 the officer's or employee's personal economic interest or to secure special privileges or  
1269 exemptions for himself or others;

1270 (c) use or attempt to use his official position to:

1271 (i) further substantially the officer's or employee's personal economic interest; or

1272 (ii) secure special privileges or exemptions for himself or others;

1273 (d) accept other employment that he might expect would impair his independence of  
1274 judgment in the performance of his public duties; or

1275 (e) accept other employment that he might expect would interfere with the ethical  
1276 performance of his public duties.

1277 (2) (a) Subsection (1) does not apply to the provision of education-related services to  
1278 public school students by public education employees acting outside their regular employment.

1279 (b) The conduct referred to in Subsection (2)(a) is subject to Section 53A-1-402.5.

1280 ~~[(3) A county legislative body member who does not participate in the process of  
1281 selecting a mental health or substance abuse service provider does not commit an offense under  
1282 Subsection (1)(a) or (b) by:]~~

1283 ~~[(a) serving also as a member of the governing board of the provider of mental health  
1284 or substance abuse services under contract with the county; or]~~

1285 ~~[(b) discharging, in good faith, the duties and responsibilities of each position.]~~

1286 Section 34. Section **67-16-15** is enacted to read:

1287 **67-16-15. Complaint -- Political Subdivisions Ethics Review Commission.**

1288 A person may file a complaint for an alleged violation of this chapter by a political  
1289 subdivision officer or employee in accordance with Title 11, Chapter 49, Political Subdivisions  
1290 Ethics Review Commission.