

**10-3-1305 Compensation for assistance in transaction involving municipality -- Public disclosure and filing required.**

- (1) As used in this section, "municipal body" means any public board, commission, committee, or other public group organized to make public policy decisions or to advise persons who make public policy decisions.
- (2) Except as provided in Subsection (6), it is an offense for an elected officer, or an appointed officer, who is a member of a public body to receive or agree to receive compensation for assisting any person or business entity in any transaction involving the municipality in which the member is an officer unless the member:
  - (a) files with the mayor a sworn statement giving the information required by this section; and
  - (b) discloses the information required by Subsection (5) in an open meeting to the members of the body of which the officer is a member immediately before the discussion.
- (3) It is an offense for an appointed officer who is not a member of a public body or a municipal employee to receive or agree to receive compensation for assisting any person or business entity in any transaction involving the municipality by which the person is employed unless the officer or employee:
  - (a) files with the mayor a sworn statement giving the information required by this section; and
  - (b) discloses the information required by Subsection (5) to:
    - (i) the officer or employee's immediate supervisor; and
    - (ii) any other municipal officer or employee who may rely upon the employee's representations in evaluating or approving the transaction.
- (4)
  - (a) The officer or employee shall file the statement required to be filed by this section 10 days before the date of any agreement between the elected or appointed officer or municipal employee and the person or business entity being assisted or 10 days before the receipt of compensation by the officer or employee, whichever is earlier.
  - (b) The statement is public information and shall be available for examination by the public.
- (5) The statement and disclosure shall contain:
  - (a) the name and address of the officer or municipal employee;
  - (b) the name and address of the person or business entity being or to be assisted or in which the appointed or elected official or municipal employee has a substantial interest; and
  - (c) a brief description of the transaction as to which service is rendered or is to be rendered and of the nature of the service performed or to be performed.
- (6) This section does not apply to an elected officer, or an appointed officer, who is a member of a public body and who engages in conduct that constitutes a violation of this section to the extent that the elected officer or appointed officer is chargeable, for the same conduct, under Section 76-8-105.

Amended by Chapter 445, 2013 General Session