

Effective 5/8/2018

**Part 1
General Provisions**

63A-15-101 Title.

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

Renumbered and Amended by Chapter 461, 2018 General Session

63A-15-102 Definitions.

- (1) "Commission" means the Political Subdivisions Ethics Review Commission established in Section 63A-15-201.
- (2) "Complainant" means a person who files a complaint in accordance with Section 63A-15-501.
- (3) "Ethics violation" means a violation of:
 - (a) Title 10, Chapter 3, Part 13, Municipal Officers' and Employees' Ethics Act;
 - (b) Title 17, Chapter 16a, County Officers and Employees Disclosure Act; or
 - (c) Title 67, Chapter 16, Utah Public Officers' and Employees' Ethics Act.
- (4) "Local political subdivision ethics commission" means an ethics commission established by a political subdivision within the political subdivision or with another political subdivision by interlocal agreement in accordance with Section 63A-15-103.
- (5) "Political subdivision" means a county, municipality, school district, community reinvestment agency, special district, special service district, an entity created by an interlocal agreement adopted under Title 11, Chapter 13, Interlocal Cooperation Act, a local building authority, or any other governmental subdivision or public corporation.
- (6)
 - (a) "Political subdivision employee" means a person who is:
 - (i)
 - (A) in a municipality, employed as a city manager or non-elected chief executive on a full or part-time basis; or
 - (B) employed as the non-elected chief executive by a political subdivision other than a municipality on a full or part-time basis; and
 - (ii) subject to:
 - (A) Title 10, Chapter 3, Part 13, Municipal Officers' and Employees' Ethics Act;
 - (B) Title 17, Chapter 16a, County Officers and Employees Disclosure Act; or
 - (C) Title 67, Chapter 16, Utah Public Officers' and Employees' Ethics Act.
 - (b) "Political subdivision employee" does not include:
 - (i) a person who is a political subdivision officer;
 - (ii) an employee of a state entity; or
 - (iii) a legislative employee as defined in Section 67-16-3.
- (7) "Political subdivision governing body" means:
 - (a) for a county, the county legislative body as defined in Section 68-3-12.5;
 - (b) for a municipality, the council of the city or town;
 - (c) for a school district, the local board of education described in Section 53G-4-201;
 - (d) for a community reinvestment agency, the agency board described in Section 17C-1-203;
 - (e) for a special district, the board of trustees described in Section 17B-1-301;
 - (f) for a special service district:

- (i) the legislative body of the county, city, or town that established the special service district, if no administrative control board has been appointed under Section 17D-1-301; or
 - (ii) the administrative control board of the special service district, if an administrative control board has been appointed under Section 17D-1-301;
 - (g) for an entity created by an interlocal agreement, the governing body of an interlocal entity, as defined in Section 11-13-103;
 - (h) for a local building authority, the governing body, as defined in Section 17D-2-102, that creates the local building authority; or
 - (i) for any other governmental subdivision or public corporation, the board or other body authorized to make executive and management decisions for the subdivision or public corporation.
- (8)
- (a) "Political subdivision officer" means a person elected in a political subdivision who is subject to:
 - (i) Title 10, Chapter 3, Part 13, Municipal Officers' and Employees' Ethics Act;
 - (ii) Title 17, Chapter 16a, County Officers and Employees Disclosure Act; or
 - (iii) Title 67, Chapter 16, Utah Public Officers' and Employees' Ethics Act.
 - (b) "Political subdivision officer" does not include:
 - (i) a person elected or appointed to a state entity;
 - (ii) the governor;
 - (iii) the lieutenant governor;
 - (iv) a member or member-elect of either house of the Legislature; or
 - (v) a member of Utah's congressional delegation.
- (9) "Respondent" means a person who files a response in accordance with Section 63A-15-604.

Amended by Chapter 16, 2023 General Session

63A-15-103 Local ethics commission permitted -- Filing requirements.

- (1) A political subdivision, other than a municipality described in Section 10-3-1311, a county described in Section 17-16a-11, or a school district may establish a local political subdivision ethics commission within the political subdivision to review a complaint against a political subdivision officer or employee subject to Title 67, Chapter 16, Utah Public Officers' and Employees' Ethics Act.
 - (2) A political subdivision other than a school district may enter into an interlocal agreement with another political subdivision, in accordance with Title 11, Chapter 13, Interlocal Cooperation Act, to establish a local political subdivision ethics commission to review a complaint against a political subdivision officer or employee subject to Title 67, Chapter 16, Utah Public Officers' and Employees' Ethics Act.
- (3)
- (a) A person filing a complaint for an ethics violation of Title 67, Chapter 16, Utah Public Officers' and Employees' Ethics Act, shall file the complaint with:
 - (i) a local political subdivision ethics commission, if the political subdivision has established a local political subdivision ethics commission under Subsection (1) or (2); or
 - (ii) the commission if the political subdivision has not established a local political subdivision ethics commission or is a school district.
 - (b) A political subdivision that receives a complaint described in Subsection (3)(a) may:
 - (i) accept the complaint if the political subdivision has established a local political subdivision ethics commission in accordance with Subsection (1) or (2); or

- (ii) forward the complaint to the commission:
 - (A) regardless of whether the political subdivision has established a local political subdivision ethics commission;
 - (B) if the political subdivision has not established a local political subdivision ethics commission; or
 - (C) if the complaint is regarding a member of a local school board as defined in Section 53E-1-102.

Amended by Chapter 378, 2023 General Session