

From: Rutan, Ed
Sent: Thursday, September 17, 2009 3:54 PM
To: Gust-Jenson, Cindy; City Council Members; City Council Liaisons
Cc: 'lbaskin@msn.com'; Ferguson, Boyd
Subject: FW: Circus Tickets

City Code § 2.44.080(A) prohibits council members from accepting a gift (which the circus tickets from Feld Entertainment would be) if the council member knows, or with the exercise of reasonable care should know, that the gift (1) would influence the council member to depart from the faithful and impartial discharge of his or her public duties, or (2) was primarily for the purpose of rewarding the council member for official action taken or not taken.

Because the City Council has not been involved in any official decisions regarding the circus, and the circus comes to Salt Lake City only once a year for a limited period of time, the possibility that circus matters would invoke a Council Member's official duties seems quite remote. Therefore, we believe that it is very unlikely that the acceptance of the circus tickets would violate that provision. We also believe that it is unlikely that the tickets are offered as a reward for action taken or not taken by council members.

However, it is possible that the City Council could become officially involved in the future in a matter involving the circus. For example, PETA has recently complained to the Administration about the circus' treatment of animals. If in the future, a council member proposed a resolution on treatment of circus animals, a council member who had accepted circus tickets would have a potential conflict/recusal concern at that time.

Finally, City Code § 2.44.010 says that the purpose of the chapter is to avoid the appearance of impropriety. Council Members may wish to consider the appearance to the general public of accepting the circus tickets for the Council Member and up to three family members even though accepting the tickets would not violate the law.

Thanks

Ed