



RALPH BECKER
MAYOR

SALT LAKE CITY CORPORATION

OFFICE OF THE MAYOR

January 27, 2010

Mr. Ben McAdams
451 South State St.
Room 306
Salt Lake City, Utah 84111

Dear Ben,

Congratulations on your appointment to fill the Utah State Senate opening in your district. I'm sure that you will represent your district well and enjoy the action on the hill. Your presence here will be greatly missed while you are away.

I am writing this letter to recap a few issues related to protocol that I have discussed with Mayor Becker. You may take time off from work to fulfill your legislative responsibilities. Specifically, while attending to your legislative duties, you may take an unpaid leave of absence, or may use accrued vacation, personal time and/or personal holidays to cover your time off. However, if such time is exhausted, you will need to take unpaid leave. Because you are exempt from the Federal Fair Labor Standards Act, federal law prohibits you from receiving any form of "comp" time.

All legislative business must be handled on your own time and resources, using your accrued vacation, personal time, personal holidays, or leave without pay. You may not use *any Salt Lake City Corporation resources (including, but not limited to, vehicles, telephones, cell phones, computers, staff, or e-mail) for any legislative purposes.*

I understand that you plan to use only your available vacation, personal time and personal holidays during the Legislative Session. However, if such time is exhausted, you will need to take unpaid leave. The City believes that that would be an appropriate action on your part. If you take unpaid leave, you should contact Human Resources to understand all of the ramifications of taking such leave. In addition, Human Resources has advised that if, while on unpaid leave, you do City work unrelated to the legislature, you will be able to receive compensation for that work. That would also need to be discussed with Human Resources.

It is very important that you contact the State Retirement System representatives to be sure that you understand any ramifications of taking unpaid leave.

As your legislative duties will not end when the formal legislative session ends, we need to discuss further how you will handle the time off required during the balance of the year and the non-use of City assets discussed above, while performing your duties for the Mayor's Office.

Because your regular work for the Mayor's office often involves work with the Legislature, it will be important for you to focus on whether you are wearing your "City" hat or your "Senator" hat when you are conducting any particular business. I recognize that a particular matter may involve both. For example, after the upcoming session ends, you may discuss

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non-discrimination legislation with other legislators. That is clearly an important subject for the City, but it is as well for the senator from your district, as Sen. McCoy's prior work demonstrates. I am comfortable that you have the sensitivity to be able to sort out particular situations in good faith.

As you serve in the Senate, whether during or after a Legislative Session, you should keep in mind the conflict of interest chapter of the Salt Lake City Code, including in particular the following sections:

2.44.030: DISCLOSURE AND DISQUALIFICATION:

Whenever the performance of a public servant's . . . official duty shall require any governmental action on any matter involving the public servant's . . . financial, professional, or personal interests and it is reasonably foreseeable that the decision will have an individualized material effect on such interest, distinguishable from its effect on the public generally, the public servant . . . servant shall disclose such matter . . . to the mayor and to the members of the body, if any, of which the public servant . . . is a member. The disclosure shall be made in the manner prescribed in section 2.44.050 of this chapter and shall identify the nature and extent of such interests. The public servant . . . shall disqualify himself or herself from participating in any deliberation as well as from voting on such matter.

2.44.040: PROHIBITED ACTS DESIGNATED


A. A public servant . . . may not:

1. Unless otherwise allowed by law, disclose confidential information acquired by reason of the public servant's . . . official position or in the course of official duties or use such information in order to: a) substantially further the public servant's . . . personal, financial, or professional interest or the personal, financial, or professional interest of others; or b) secure special privileges or exemptions for the public servant . . . or others.

2. Corruptly use or attempt to use the public servant's . . . official position to: a) further the public servant's . . . personal, financial, or professional interest or the personal, financial, or professional interest of others; or b) secure special privileges, treatment, or exemptions for the public servant . . . or others.

Please let me know if you have any questions regarding this letter.

Sincerely,


David Eyeritt
Chief of Staff

cc: Mayor Becker
City Council
Ed Rutan
Lynn Pace
Wilf Sommerkorn
Charleen Sylvester
Holly Hilton
Deb Alexander