

**Subject:** FW: Conflict of interest opinion re Trek bicycle trip

[Redacted],

You have informed us that you have been invited by Trek, a bicycle manufacturer, to attend to attend a tour of the B-Cycle facility and Bike Share program in Madison, Wisconsin. Trek manufactures B-Cycles, and has offered to cover the expenses of the trip, including airfare and hotel. The tour is in preparation for the roll-out in March 2013 of the City's Bike Share system. SLC Bikeshare, a non-profit organization, has agreed to purchase B-Cycles for use in the City's system. The City will be the owner of the system, and has allocated \$363,000 of City and RDA funds to install the infrastructure.

You said that Trek first approached the Downtown Alliance about sending local representatives to the tour, and the Alliance suggested you. Therefore, Trek did not target you in particular for the tour. You also stated that the tour is a one-day event, and Trek will not be treating you to extra entertainment activities. This is strictly a business trip.

You stated that this would be a very valuable trip for the City as the City embarks on its first bike share system.

Salt Lake City Code Section 2.44.080 restricts the acceptance of gifts by City employees, as does the Mayor's executive order on gifts. The conflict of interest ordinance defines "gift" as "any gratuity, favor, discount, entertainment, hospitality, loan, forbearance, economic benefit tantamount to a gift, or other item having monetary value, unless consideration of equal or greater value is received." The City has interpreted the restrictions as applying only to personal gifts to City personnel, rather than to gifts to the City itself that happen to involve a City employee. Under the circumstances of this case, we conclude that the payment of the expenses for a City employee to tour the Wisconsin facility is not a gift to you personally. The tour primarily benefits the City, and you happen to be the person who can best represent the City in gaining the knowledge that the tour will provide. From your perspective, this is a working trip, and, rather than being for your personal enjoyment, requires you to sacrifice important work that you could be doing in Salt Lake City. Thus, the tour is hardly a gift at all from your point of view.

I conclude that you may accept the offer to attend the tour without thereby violating the City's conflict of interest ordinance or the Mayor's executive order on gifts.

Edwin P. Rutan, II  
City Attorney