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Date: February 7, 2012 4:30:36 PM MST
To: "Christensen, Carlton" <carlton.christensen@slcgov.com>
Cc: "Rutan, Ed" <Ed.Rutan@slcgov.com>
Subject: Conflict of interest inquiry

Council member Christensen,

This is in response to your inquiry about whether you have a disqualifying conflict of interest regarding the City Council's redistricting of the voting district boundaries of the Board of Education of Salt Lake City School District, because of your wife's employment by the school district.

Ed Rutan and I have discussed this, and do not see a conflict of interest, as discussed below.

Only two sections of the conflict of interest ordinance need be considered in this situation.

Section 2.44.030A:

First, Section 2.44.030A describes a situation in which a public servant's performance constitutes governmental action on a matter involving his (1) financial interest or (2) professional interest, and it is reasonably foreseeable that the decision would have an individualized material effect on such interest, distinguishable from its effect on the public generally. In either case the public servant must disclose the interest. If the interest is a financial interest, the public servant must also disqualify himself from voting on or participating in deliberations on the matter.

In this case, you do not have a financial interest in the redistricting decision because you do not have a 10% ownership interest in the school district, and you are not an officer, director, trustee, partner, or employee of the school district.

In addition, you do not have a professional interest in the redistricting, as defined in Section 2.44.020. Professional interests expressly do not apply to a public servant's relative.

Section 2.44.040A(2):

Second, Section 2.44.040A(2) prohibits a public servant from corruptly using his official position to (1) further substantially the financial or professional interests of himself or others, or (2) to secure special privileges for himself or others.

The City Council will be voting on redistricting the precinct boundaries of the Salt Lake City School District. Your wife has a financial interest in the school district, as an employee. However, it is difficult to identify any credible furtherance or special privilege that your wife could receive in this case. Only one possibility comes to mind. If your wife's employment were somehow dependant on her remaining in the good graces of one or more school board members, and if the redistricting were to result in those school board members being redistricted out of their districts at the end of their terms, then perhaps that could affect your wife's long-term

employment prospects. We have no evidence indicating that that is the situation here, and that hypothetical seems sufficiently speculative that it should not rise to the level of prohibiting you from voting on the redistricting matter.

Boyd Ferguson

Senior City Attorney