

This is to confirm my preliminary advice during Tuesday's City Council meeting that Council Member Luke does not have to recuse himself from consideration of the Columbus Foundation grant application.

Council Member Luke is the paid Executive Director of the Utah Association of Community Services ("UACS"). UACS is a not for profit that does not offer services to the general public. Its primary activity is advocacy on behalf of its members. One of the approximately forty members of UACS is Columbus Community Services ("CCS"). Columbus Foundation ("CF") is affiliated with CCS. CF has applied to the City for a CDBG grant. UACS would not benefit from a grant to CF.

A "financial interest" for purposes of the City's Conflict of Interest rules includes holding "a position in a business entity as an officer, director..." While Council Member Luke's position of executive director would fit within the "officer, director" scope, UACS is not a business entity. There may be situations where a not for profit entity could be viewed as a business entity for purposes of the conflict of interest rules (e.g. a not for profit that provides services to the general public for a fee as its primary purpose), but that is not the case here.

Moreover, even if UACS were a business entity, UACS would not benefit from the grant to UACS. Similarly, even if UACS were a business entity, Council member Luke's interest in his compensation would not be materially affected by a grant to CF for purposes of Salt Lake City Code Section 2.44.030A because CCS is only one member of approximately forty members of UACS.

If Council Member Luke has a "professional interest" involved here as a result of his obligations to UACS as its executive director, Salt Lake City Code Section 2.44.030B and C require only disclosure, not recusal, and disclosure has been made.

Therefore, Council Member Luke does not have to recuse himself.

Thanks

Ed

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