

From: Rutan, Ed
Sent: Tuesday, December 22, 2009 5:16 PM
To: Love, Jill
Cc: Ferguson, Boyd; Roberts, Brian
Subject: FW: Draft E-mail to Jill

Jill--

You have requested advice on whether the contract that Love Communications has with Scott Anderson creates a conflict of interest that would require you to recuse yourself from the RDA's vote on the purchase of the properties at 144 and 156 South Main Street ("Utah Theater"). As explained below, I advise that you recuse yourself.

Love Communications has been retained by Scott Anderson to help create discussions between Salt Lake City and Salt Lake County for funding for the proposed Arts District in downtown Salt Lake City. Neither you nor your spouse, Perrin Love, have a financial interest in Love Communications. However, your spouse's brother, Tom Love, does have an ownership interest in Love Communications. This creates a "personal" interest for you concerning Love Communications within the meaning of SLCC Section 2.44.030.

The question then becomes whether a vote to acquire the Utah Theater property would have an individualized material impact on that personal interest different from the impact on the public generally. The Utah Theater will not necessarily be used for the Arts District if the Utah Theater is purchased by the RDA. Nor was Love Communications retained to promote the purchase of the Utah Theater by the RDA or the City. However, Love Communications was retained to promote creation of the Arts District through an interlocal agreement on funding between the City and the County. Moreover, in the current context of discussions, purchase of the Utah Theater is closely tied to advancement of the Arts District, the general objective that Love Communication is supporting.

Therefore, I think that a vote on the purchase of the Utah Theater would have an individualized material effect on your personal interest.

Thanks

Ed

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