

THE CITY OF WEST JORDAN, UTAH
A Municipal Corporation

RESOLUTION NO. 16-_____

**A RESOLUTION OF FORMAL CENSURE FOR MALCONDUCT
OF COUNCIL MEMBER JEFF HAAGA**

WHEREAS, as required by Section 10-3-606, Utah Code, the City Council of the City of West Jordan has adopted Rules, Policies, and Procedures in order to assist with the governing body’s decision-making and operational activities; and

WHEREAS, Subsection A.2(a)(4) of the City Council Rules, Policies, and Procedures (on page 3) cites a goal of Responsible Government by “. . . acting and requiring the highest standards of ethical conduct, at all levels of City government; . . .” and

WHEREAS, Subsection C.13(a) of the City Council Rules, Policies, and Procedures (on pages 34 and 35) defines its procedures to be governed by Robert’s Rules of Order, as modified by a table of motions and other itemized modifications; and

WHEREAS, Robert’s Rules of Order states that “. . . an organization or assembly has the right to make and enforce its own rules, and to require that its own members refrain from conduct injurious to the organization or its purposes; . . .” and

WHEREAS, Robert’s Rules of Order lists formal censure as an allowed form of disciplinary action which a body may use regarding the conduct of one of its own members; and

WHEREAS, under the provisions of Section 10-3-827, Utah Code, and certain City policies, each Council Member swears to uphold the constitutional oath of office, which states that he or she will “support, obey and defend the Constitution of the United States and the Constitution of this State, and the laws and ordinances of the City of West Jordan . . . ,” which includes the City Council Rules, Policies, and Procedures; and

WHEREAS, one of the governing principles upon which our Constitutional Republic (the United States of America) is founded is the “Rule of Law,” which means that the law is uniformly applied to all citizens, and that no individual citizen has a status “above the law”; and

WHEREAS, on or about July 19, 2016, City of West Jordan Council Member Jeff Haaga was the subject of an investigation by law enforcement personnel; and during said investigation, he demonstrated conduct unbecoming an elected official, by:

- A. Claiming to have “protection” (or special privileges or status “above the law”) due to his position as a Council Member, even though no such “protection” exists; and
- B. Attempting to use his position as a Council Member to obtain preferential treatment from said law enforcement personnel; and

WHEREAS, Robert’s Rules of Order states the purpose of formal censure is to correct conduct and behavior; and

WHEREAS, the form of behavior the City Council seeks to correct is Council Member Jeff Haaga's:

- A. Claims to having "protection" (or special privileges or status "above the law") due to his position as a Council Member, even though no such "protection" exists; and
- B. Attempts to use his position as a Council Member to obtain preferential treatment from law enforcement personnel.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF WEST JORDAN, THAT:

Section 1. The City Council finds that Council Member Jeff Haaga's conduct and behavior on or about July 19, 2016 constitutes "malconduct" and violates the City Council Rules, Policies, and Procedures; therefore, his conduct and behavior is hereby condemned in the strongest of terms; and

Section 2. Furthermore, a formal censure of Council Member Jeff Haaga is hereby issued for his conduct and behavior on or about July 19, 2016, including Council Member Jeff Haaga's:

- A. Claims to having "protection" (or special privileges or status "above the law") due to his position as a Council Member, even though no such "protection" exists; and
- B. Attempts to use his position as a Council Member to obtain preferential treatment from law enforcement personnel; and

Section 3. Council Member Jeff Haaga is required to:

- A. Refrain from any further similar conduct or behavior; and
- B. Review and adhere to the "Municipal Officers' and Employees' Ethics Act" (Section 10-3-1301 et seq., Utah Code); and

Section 4. No Council Member or other City official, employee, or volunteer:

- A. Has "protection" (or special privileges or status "above the law"); and
- B. Should attempt to use his/her position to obtain preferential treatment from law enforcement personnel; and

Section 5. This Resolution shall take effect immediately.

Adopted by the City Council of West Jordan, Utah, this 10th day of August, 2016.

CITY OF WEST JORDAN:

By: _____
MAYOR KIM V. ROLFE

ATTEST:

MELANIE BRIGGS, MMC, City Clerk

Voting by the City Council:

"AYE"

"NAY"

Council Member Dirk Burton

Council Member Jeff Haaga

Council Member Zach Jacobs

Council Member Chris McConnehey

Council Member Chad Nichols

Council Member Sophie Rice

Mayor Kim V. Rolfe
