

May 20, 2020

To: Katie Witt, Mayor of Kaysville City (hand-delivered by citizen); Michelle Barber, Council member and Mayor Pro Tempore (hand-delivered by citizen to City Hall); and, Members of the City Council (send via email)

Re: Violations to Kaysville City Code of Conduct for Mayor Katie Witt, a member of the Kaysville City Council; and, Formal Citizen Request for Censure and Resignation of the Mayor

Dear Mayor Witt and Members of the City Council:

Please find attached a draft resolution outlining recent violations by Mayor Katie Witt of the Kaysville City Code of Conduct for Members of Kaysville City Council, Boards, Committees and Commissions ("KCCC"). The undersigned citizens, representing citizens of Kaysville City, hereby request that this resolution be considered in the May 21, 2020, City Council agenda, or any future city council meeting. Furthermore, we request that this issue be provided "fair and equal treatment to all persons, claims, and transactions coming before the Kaysville City Council"¹ as a public claim brought before the Council, and allowed public comment for the sake of "[ensuring] that ethical standards are understood and met, and that the public can continue to have full confidence in the integrity of government."²

As you are aware, the KCCC states that "Members themselves have the primary responsibility to ensure that ethical standards are understood and met, and that the public can continue to have full confidence in the integrity of government."³ "The City Council by majority may also impose sanctions on Members whose conduct does not comply with the City's ethical standards."⁴ The City Council, as the governing body, are charged with "the responsibility to intervene when actions of Members appear to be in violation of the Code of Conduct are witnessed or brought to [your] attention."⁵ With citations and evidence provided herein, on behalf of the citizens you serve, it is essential that the Council make it very clear that Kaysville City does not want to have even the appearance of impropriety. The appearance of these noted actions by Mayor Katie Witt, leaves Kaysville residents to question if she has and would conduct herself honorably when making decisions as the Mayor. It is essential that our community is able to trust our Mayor and having her violate the Code of Conduct in such egregious and visible ways while continuing to represent the City, is irresponsible.

¹ KCCC; "Act in the Public Interest", Standard 1, Page 1

² KCCC; "Compliance and Enforcement", Page 2

³ KCCC; "Compliance and Enforcement", Page 2

⁴ KCCC; "Compliance and Enforcement", Page 2

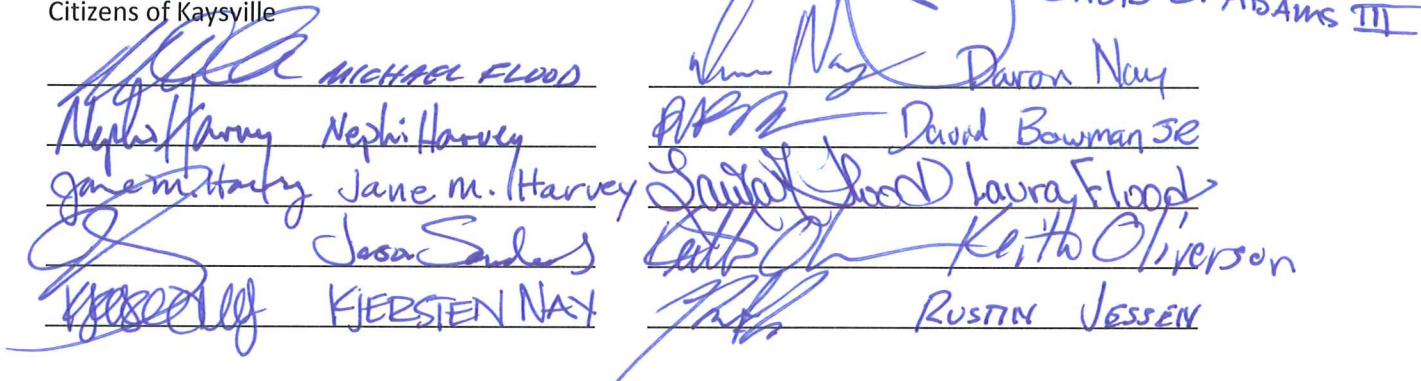
⁵ KCCC; "Compliance and Enforcement", Page 2

Therefore, we formally request that immediate, fair and equal treatment be provided to our claims. In accordance with the KCCC, the Mayor must be removed from deliberation, discussion, and action on this matter. We request that the Mayor Pro Tempore, Michelle Barber, be authorized by the Council to conduct the business of this proposed resolution.

Thank you for your prompt consideration of this matter.

Respectfully,

Citizens of Kaysville

A collection of handwritten signatures in blue ink, arranged in two columns. Each signature is written over a horizontal line. The names are: Michael Flood, Nephil Harvey, Jane M. Harvey, Jason Sanders, Kjersten Nay, Daron Nay, David Bowman SE, Laura Flood, Keith Oliverson, and Rustin Jessen. A large signature at the top right is identified as David E. Adams III.

MICHAEL FLOOD
Nephil Harvey
Jane M. Harvey
Jason Sanders
KJERSTEN NAY
Daron Nay
David Bowman SE
Laura Flood
Keith Oliverson
RUSTIN JESSEN
DAVID E. ADAMS III

Cc (via email): Katie McKellar, Deseret News/KSL; Tiffany Caldwell, SL Tribune; Casie Forbes, Standard Examiner; Brian Mullahey, KUTV; Shayne Scott, Kaysville City; Annemarie Plaizier, Kaysville City; mailbox@kaysvillecity.com

RESOLUTION 20 - ____ - ____

A RESOLUTION AUTHORIZING THE CITY COUNCIL TO CENSURE THE MAYOR, AS ENUMERATED HEREIN; AUTHORIZING THE CITY COUNCIL TO ISSUE A PUBLIC LETTER OF CENSURE; AND, RESPECTFULLY REQUEST THAT THE MAYOR RESIGN HER POSITION IMMEDIATELY

WHEREAS, the Kaysville City Council (“City Council”) adopted a Code of Conduct on October 20, 2016 (“Code of Conduct”); and

WHEREAS, the Code of Conduct was passed “to ensure public confidence in the integrity of local government”; and

WHEREAS, the Code of Conduct prescribes that members of the City Council are to recognize that “stewardship of the public interest must be their primary concern, Members will work for the common good of the people of Kaysville and not for any private or personal interest”; and

WHEREAS, the Code of Conduct prescribes that members of the City Council “shall comply with the laws of the nation, the State of Utah and the City of Kaysville in the performance of their public duties. These laws include, but are not limited to: the United States and Utah Constitutions; the Kaysville City Municipal Code; laws pertaining to conflicts of interest, election campaigns, financial disclosures, employer responsibilities, and open processes of government; and City policies and procedures

WHEREAS, the Code of Conduct dictates that members of the City Councils “professional and personal conduct must be above reproach and avoid even the appearance of impropriety”; and

WHEREAS, Katie Witt is the Mayor of Kaysville City and a member of the City Council (“Mayor Witt”); and

WHEREAS, the Code of Conduct was in full force and effect when Mayor Witt was elected to the office of Mayor, and continued to be so as she was sworn in and took the oath of office as Mayor; and,

WHEREAS, Mayor Witt, has engaged in actions and behavior that is in violation of the Code of Conduct and State Law, by the following:

A. Kaysville City Code of Conduct:

1. **Act in the Public Interest (Standard 1):** *“Recognizing that stewardship of the public interest must be their primary concern, Members will work for the common good of the people of Kaysville and not for any private or personal interest...”*
2. **Comply with the Law (Standard 2):** *“Members shall comply with the laws of the nation, the State of Utah and the City of Kaysville in the performance of their public duties. These laws include, but are not limited to: ... City policies and procedures.”*
3. **Conduct of Members (Standard 3):** *“The professional and personal conduct of Members must be above reproach and avoid even the appearance of impropriety...”*

Violations: Mayor Witt explicitly violated these provisions when on first few weeks of May, 2020, she first announced her intention to open up a City Park to an outside protest group seeking to subvert City ordinance, policy and procedure; and State and County COVID-19 health directives and policy, in an effort to promote her congressional “Pioneers & Patriots” campaign. In subsequent days, Mayor Witt elevated her support of, involvement with, and vocal disregard for public health concerns in a variety of

interviews to media outlets wherein she boasted of the importance of defiance to the public health directives given. Mayor Witt acted contrary “to the common good of the people of Kaysville” to promote her “private and personal interest” above that of the citizens of Kaysville, as evidenced by her ongoing statements of solidarity to the outside protest organizers. Through misuse of authority, Mayor Witt’s actions have disregarded City policies and procedures required for events on publicly owned properties, as well as indirectly committed public resources and emergency support (i.e. police, fire, parks, etc.) necessary for events of this nature.

- B. Utah State Law:** The statute Mayor Witt violated is best described by a Kaysville citizen, Ronald C. Barton, in this May 19th, 2020, Deseret News opinion piece entitled, *Kaysville mayor’s actions are a violation of Utah Code:*

Kaysville Mayor Katie Witt has authorized a concert at a public park on May 30. The authorization for the concert has been unilateral and without approval of the Kaysville City Council or city administration and violates current guidelines related to COVID-19.

We often ask for transparency in government. Mayor Witt’s concert is transparently tied to her campaign for Congress. I believe Mayor Witt’s actions violate §67-16-4 (1) (c) ii UCA, which reads in part:

“Except as provided in Subsection (3) it is an offense for a public officer, public employee, or legislator to:

(c) use or attempt to use his official position to: (ii) secure special privileges or exemptions for himself or others(.)”

§67-16-3 (13) (a) I (B) UCA defines a public officer as “an elected or appointed officer: (i) (B) of a political subdivision of the state(.)”

Mayor Witt is a public officer, as defined by the statute, and has seemingly used her official position to secure special privileges or exemptions for herself.

The concert will expose numerous Kaysville city employees to additional risk of exposure to COVID-19. There will be a large influx of nonresidents to Kaysville who will patronize local businesses, exposing members of the public to the virus.

I believe that Mayor Witt has violated the Utah Public Officers’ and Employees’ Ethics Act. I believe that her conduct must be investigated, and if she is found to have violated the act, she should be removed from office as provided for in §67-16-12 (1) and that she should face other penalties prescribed by law.

WHEREAS, Mayor Witt’s actions have been displayed prominently in the local, regional, and national media, considering her current campaign for Congress; and,

WHEREAS, the Kaysville City Council understands that citizens of Kaysville City have taken considerable offense to the violations of Mayor Witt, and believe these improprieties may be a considerable distraction and burden to the integrity of the City, its management, and the trust of the citizens; and,

WHEREAS, the Kaysville City Council has a responsibility to ensure that ethical standards are understood and met, and that the public can continue to have full confidence in the integrity of government.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF KAYSVILLE, UTAH:

1. The Kaysville City Council is authorized to issue an official verbal reprimand to Mayor Witt, immediately after this resolution is passed; and,
2. The Kaysville City Council authorizes the senior most councilperson, to issue a formal public letter of censure to Mayor Witt; and,
3. The Kaysville City Council respectfully requests that Mayor Witt resign from her position as Mayor effective immediately; and,
4. The Kaysville City Council authorizes an investigation into Mayor Witt's conduct, and agrees that if she is found to have violated the Utah Public Officers' and Employees' Ethics Act that she be removed from office as provided for in UCA§67-16-12 (1) and that she should face other penalties prescribed by law.

PASSED AND ADOPTED by the City Council of Kaysville, Utah this ____ day of _____, 2020.

Michelle Barber, Mayor Pro Tempore

ATTEST:

Annemarie Plaizier, City Recorder