

**TOOELE COUNTY
RESOLUTION 2019-03**

**A RESOLUTION REPEALING PERSONNEL POLICIES AND
PROCEDURES SECTION 21, USE OF COUNTY PROPERTY, AND
REPLACING IT WITH SECTION 21, PERSONAL USE POLICY**

WHEREAS, the Utah Legislature enacted H.B. 163 of the 2019 General Session which amended provisions relating to offenses against the administration of government including revisions to the law regarding personal use of public property; and

WHEREAS, in an effort to insure consistency and compliance with state and federal law, including provisions which will take effect July 1, 2019, the Tooele County Commission finds it necessary to update the Personnel Policies and Procedures of Tooele County.

NOW, THEREFORE, BE IT RESOLVED BY THE TOOELE COUNTY COMMISSION that Personnel Policies and Procedures Section 21, Use of County Property, is hereby repealed and replaced with Section 21, Personal Use Policy, to read as attached hereto, which attachment is, by this reference, made a part hereof.

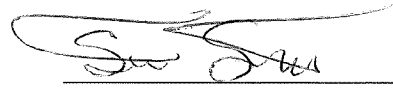
EFFECTIVE DATE: This resolution shall take effect immediately upon passage.

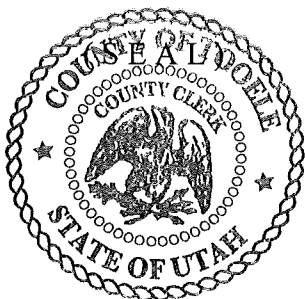
DATED this 1st day of July 2019.

ATTEST:

TOOELE COUNTY COMMISSION:


MARILYN K. GILLETTE, Clerk


TOM TRIPP, Chairman



Commissioner Milne voted	<u>aye</u>
Commissioner Thomas voted	<u>aye</u>
Commissioner Tripp voted	<u>aye</u>

Tooele County
Res. 2019-03

APPROVED AS TO FORM:

A handwritten signature in cursive script, appearing to read "Scott A. Broadhead", written over a horizontal line.

SCOTT A. BROADHEAD
Tooele County Attorney

SECTION 21 PERSONAL USE POLICY

A. **PURPOSE:** It is the intent of Tooele County to be responsible with the use of all tax dollars and all real and personal property acquired with tax dollars and to establish policies regarding the personal use of County property by its officers, agents, and employees, including real and personal property as defined in Utah Code §76-6-412 and in Subsection B.3 below, consistent with the provisions of Utah Code Ann. §76-8-402 (2019 amendments). These policies are to serve as guidance to all employees, contractors, and elected and appointed officials as to the appropriate use of Tooele County property and to avoid unintentional violations of Utah Code §76-8-402 and §76-8-404.

B. **GENERAL PROVISIONS:**

1. **General Applicability:** This policy is applicable to all employees, appointees, elected officials, and independent contractors using county property and equipment and includes the use of all personal and real property as well as public money and public funds of Tooele County.
2. **Privilege:** Public property owned, held, controlled, or managed by Tooele County remains the property of Tooele County at all times, and the privilege to use the public property may be limited or revoked at any time by the applicable department head. The authorizations contained within this policy do not grant to any employee an inherent right to use public property nor does it grant any expectation of privacy in the personal use of the public property. No individual or employee should have any expectation of privacy while using government resources at any time for any purpose.
3. **Definitions:** As used in this policy, the following definitions are derived from UCA §76-1-601 and shall apply:
 - a. “Employee” means (i) a public officer; (ii) an appointed official, employee, consultant, or independent contractor of Tooele County; or (iii) a person hired or paid by Tooele County to perform a government function. An individual becomes an “employee” under these policies upon election, appointment, contracting, or other selection, regardless of whether or not the individual has begun to officially occupy the position.
 - b. “Incidental Use” or “De Minimis Use” means an occasional or infrequent personal use with little or no cost to the County and which, considering its value and the frequency with which it is used, is so small as to make accounting for it unreasonable or impractical. In determining whether the use is de minimis, the frequency and the value shall always be considered.
 - c. “Personal Use” means any use by an employee which is for the benefit of the employee and not part of the employee’s official duties or other duties as may be assigned or authorized by the employee’s department head or direct supervisor.

- d. "Public Money" or "Public Funds" means money, funds, or accounts, regardless of the source from which they are derived, that: (i) are owned, held, or administered by Tooele County; or (ii) are in the possession of another entity that performs a public function and is authorized to hold, spend, transfer, disburse, use, or receive public money. It also includes money, funds, or accounts after the money, funds, or accounts are transferred to an independent contractor and remain public funds or public money while in the possession of an independent contractor for the purpose of providing a program or service for or on behalf of Tooele County.
 - e. "Public Officer" means an elected official of the county or a person appointed to fulfill the remaining term of an elected official and the Justice Court Judge.
 - f. "Public Property" includes real or personal property that is owned, held, or managed by Tooele County, including public property that has been transferred to an independent contractor who is providing a service or program for Tooele County (definition derived from UCA §76-8-101).
- C. **POLICY:** It is the policy of Tooele County that all county-owned, held, controlled, and managed personal and real property is for the beneficial use of the public and should at all times be primarily used for the purpose of conducting county governmental functions consistent with the dictates of Title 17 of the Utah Code.
1. **Authorized Use:**
- a. The incidental or de minimus personal use of public property by Tooele County employees is hereby authorized by Tooele County. To the extent more specific policies have been adopted for particular types of public property which have either less or more restrictive authorized uses, the more specific policies shall apply.
 - b. Use of public property by authorized charitable organizations or on behalf of those organizations by Tooele County employees may be authorized and, if so, shall not be considered personal use. Authorization for charitable use shall be made by the County Commission or the employee's department head and should be in writing.
 - c. The personal use of public property as authorized in this section shall:
 - (1) Not surpass nor disrupt the primary purpose of the property in fulfilling the employee's official duties;
 - (2) Not incur any unauthorized additional costs to Tooele County;
 - (3) Be conducted, to the extent possible, at times and in such a manner which does not interfere with the conduct of regular business;
 - (4) Be conducted only with or on public property which is in the employee's possession because it is necessary to fulfill the employee's official duties;

- (5) Be conducted in a manner which does not compromise the integrity of public property, including software and systems; and
- (6) Be conducted consistent with all other Tooele County policies and in a manner which is compliant with all local, state, and federal laws.

2. Authorizing Authority:

- a. The County Commission shall be the primary source of any authorization required under this policy, with each department head being responsible for authorizations as set forth below.
- b. Each department head, including elected officials, shall be responsible for determining what public property is required by each of their employees, appointees, and contractors in order to perform their assigned duties.
- c. Each department head may authorize greater specific personal use of public property for their employees if the value provided to Tooele County substantially outweighs the personal benefit received by the employee.

3. Prohibitions: No employee shall use public property, public funds, or public monies in violation of federal, state, or local laws.

4. Inadvertent Personal Use: Employees who may inadvertently and unintentionally use public property, public funds, or public monies in a manner not consistent with the authorizations in this policy shall:

- a. Upon discovery, immediately report the inadvertent use to their department head; and
- b. Shall, within 14 days, repay any costs that may have been incurred; and/or
- c. Take all necessary steps to insure that Tooele County is not injured by the inadvertent personal use.

D. PENALTIES: Violations of this policy may subject the employee to discipline under Section 24 of the Tooele County Personnel Policies and Procedures, as well as criminal penalties prescribed by federal and state law.

SECTION 21
USE OF COUNTY PROPERTY PERSONAL USE POLICY

A. EQUIPMENT, COMPUTERS, AND ELECTRONICS:

- 1. ~~Equipment, computers, laptop computers, electronic communication devices and services have been established for County business use and should not be used for personal, outside business or employment, or non-County related purposes. However, limited, occasional, or incidental use of equipment, computers, laptop computers, electronic communication devices and services for personal, non-County purposes, is acceptable insofar as that use complies with County policy, does not interfere with the County's business activities, and as long as such use does not involve any of the following:~~
 - a. ~~interference with existing County rules or policies;~~
 - b. ~~disruption or distraction from the conduct of County business (e.g., due to volume or frequency);~~
 - c. ~~solicitation;~~
 - d. ~~a for profit personal business activity;~~
 - e. ~~potential to harm the County;~~
 - f. ~~illegal activities; or~~
 - g. ~~the display, storage, or recording of any kind of sexually explicit image or document.~~
- 2. ~~The Information Technology Department shall audit the use of laptop computers twice per year to ensure compliance with this policy. Users shall be responsible for any charges arising from personal use of equipment, computers, laptop computers, electronic communication devices, or services. Users are expected to act responsibly and shall be subject to disciplinary action if this privilege is abused.~~

B. TELEPHONES: ~~Long distance dialing of County owned telephones for personal business is strongly discouraged and shall be allowed only in emergency situations. Any toll charges incurred on personal telephone calls shall be reimbursed to the County by the person making such telephone calls immediately upon presentation of an invoice. If toll charges are not paid by the time the employee terminates, such charges, plus interest at 18% per annum, shall be withheld from the employee's final pay check.~~

A. PURPOSE: It is the intent of Tooele County to be responsible with the use of all tax dollars and all real and personal property acquired with tax dollars and to establish policies regarding the personal use of County property by its officers, agents, and employees, including real and personal property as defined in Utah Code §76-6-412 and in Subsection B.3 below, consistent

with the provisions of Utah Code Ann. §76-8-402 (2019 amendments). These policies are to serve as guidance to all employees, contractors, and elected and appointed officials as to the appropriate use of Tooele County property and to avoid unintentional violations of Utah Code §76-8-402 and §76-8-404.

B. GENERAL PROVISIONS:

1. General Applicability: This policy is applicable to all employees, appointees, elected officials, and independent contractors using county property and equipment and includes the use of all personal and real property as well as public money and public funds of Tooele County.
2. Privilege: Public property owned, held, controlled, or managed by Tooele County remains the property of Tooele County at all times, and the privilege to use the public property may be limited or revoked at any time by the applicable department head. The authorizations contained within this policy do not grant to any employee an inherent right to use public property nor does it grant any expectation of privacy in the personal use of the public property. No individual or employee should have any expectation of privacy while using government resources at any time for any purpose.
3. Definitions: As used in this policy, the following definitions are derived from UCA §76-1-601 and shall apply:
 - a. "Employee" means (i) a public officer; (ii) an appointed official, employee, consultant, or independent contractor of Tooele County; or (iii) a person hired or paid by Tooele County to perform a government function. An individual becomes an "employee" under these policies upon election, appointment, contracting, or other selection, regardless of whether or not the individual has begun to officially occupy the position.
 - b. "Incidental Use" or "De Minimis Use" means an occasional or infrequent personal use with little or no cost to the County and which, considering its value and the frequency with which it is used, is so small as to make accounting for it unreasonable or impractical. In determining whether the use is de minimis, the frequency and the value shall always be considered.
 - c. "Personal Use" means any use by an employee which is for the benefit of the employee and not part of the employee's official duties or other duties as may be assigned or authorized by the employee's department head or direct supervisor.
 - d. "Public Money" or "Public Funds" means money, funds, or accounts, regardless of the source from which they are derived, that: (i) are owned, held, or administered by Tooele County; or (ii) are in the possession of another entity that performs a public function and is authorized to hold, spend, transfer, disburse, use, or receive public money. It also includes money, funds, or accounts after the money, funds, or accounts are transferred to an independent contractor and remain public funds or public money while in the

possession of an independent contractor for the purpose of providing a program or service for or on behalf of Tooele County.

e. "Public Officer" means an elected official of the county or a person appointed to fulfill the remaining term of an elected official and the Justice Court Judge.

f. "Public Property" includes real or personal property that is owned, held, or managed by Tooele County, including public property that has been transferred to an independent contractor who is providing a service or program for Tooele County (definition derived from UCA §76-8-101).

C. POLICY: It is the policy of Tooele County that all county-owned, held, controlled, and managed personal and real property is for the beneficial use of the public and should at all times be primarily used for the purpose of conducting county governmental functions consistent with the dictates of Title 17 of the Utah Code.

1. Authorized Use:

a. The incidental or de minimus personal use of public property by Tooele County employees is hereby authorized by Tooele County. To the extent more specific policies have been adopted for particular types of public property which have either less or more restrictive authorized uses, the more specific policies shall apply.

b. Use of public property by authorized charitable organizations or on behalf of those organizations by Tooele County employees may be authorized and, if so, shall not be considered personal use. Authorization for charitable use shall be made by the County Commission or the employee's department head and should be in writing.

c. The personal use of public property as authorized in this section shall:

(1) Not surpass nor disrupt the primary purpose of the property in fulfilling the employee's official duties;

(2) Not incur any unauthorized additional costs to Tooele County;

(3) Be conducted, to the extent possible, at times and in such a manner which does not interfere with the conduct of regular business;

(4) Be conducted only with or on public property which is in the employee's possession because it is necessary to fulfill the employee's official duties;

(5) Be conducted in a manner which does not compromise the integrity of public property, including software and systems; and

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2. Authorizing Authority:

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4. Inadvertent Personal Use: Employees who may inadvertently and unintentionally use public property, public funds, or public monies in a manner not consistent with the authorizations in this policy shall:

- a. Upon discovery, immediately report the inadvertent use to their department head; and
- b. Shall, within 14 days, repay any costs that may have been incurred; and/or
- c. Take all necessary steps to insure that Tooele County is not injured by the inadvertent personal use.

D. PENALTIES: Violations of this policy may subject the employee to discipline under Section 24 of the Tooele County Personnel Policies and Procedures, as well as criminal penalties prescribed by federal and state law.