

RESOLUTION 19-19

A RESOLUTION AMENDING THE PERSONNEL POLICIES AND PROCEDURE MANUAL FOR HYRUM CITY CORPORATION SECTION VI: EMPLOYEE CODE OF CONDUCT TO DEFINE INCIDENTAL PERSONAL USE OF PUBLIC PROPERTY FOR PURPOSES OF HOUSE BILL 163.

WHEREAS, on March 19, 1998, the Hyrum City Council adopted a personnel policy manual known as "Personnel Policies and Procedures Manual for Hyrum City Corporation" and on December 5, 2013 readopted the Personnel Policy Manual after major revisions were made; and

WHEREAS, said manual sets forth those policies pertaining to personnel conduct, conditions of employment, employment classification, work week, benefits, payroll, and related matters; and

WHEREAS, Section XI of the manual establishes employee4 code of conduct and defines expectations in appearance, professionalism, personal use of City items; and activities outside of Hyrum City; and

WHEREAS, the Utah Legislature in 2019 enacted House Bill 163 describing the type of personal use of public property is permitted; and

WHEREAS, House Bill 163 section 76-8-402 allows a public servant to use public property in accordance with a written policy of the City; and

WHEREAS, It is the intent of Hyrum City to be responsible for 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 City property by its officers, agents and employees, including real and personal property as defined in Utah Code Section 76-6-41 and below consistent with the provision of Utah Cod Ann. Section 76-8-402; and

WHEREAS, the Hyrum City Council finds that it is necessary, appropriate, and in the best interest of the City and its personnel that the Hyrum City Personnel Policy and Procedure Manual be amended to establish a policy consistent with House Bill 163.

NOW, THEREFORE, BE IT RESOLVED by the City Council of Hyrum City, Cache County, Utah, that Section VI 14: Authorized Personal

Use of Public Property of the "Personnel Policies and Procedures Manual for Hyrum City Corporation" is hereby added to read as follows:

**14. AUTHORIZED PERSONAL USE OF PUBLIC PROPERTY.** This policy provides Hyrum City employees guidance as to authorized personal use of public property, as defined in Utah Code section 76-8-101(5), to help them avoid unintentional violations of Utah Code sections 76-8-402 and 404, Offenses Against the Administration of Government. Violation of Utah Code section 76-8-402 is a felony.

A public servant is not guilty of a violation of Utah Code section 76-8-402 for authorized personal use of public property. "Public servant" means a public officer, an appointed official, employee, consultant, or independent contractor of a public entity, or a person hired or paid by a public entity to perform a government function. "Public property" means real or personal property that is owned, held, or managed by a public entity.

This policy constitutes a "written policy of the public servant's entity" for purposes of Utah Code section 76-8-402(1)(b)(iii). For purposes of this policy, "public servants" will be referred to as "employees".

- A. Employees are responsible to protect and conserve government owned or leased property and use official time in an honest effort to perform official duties. This policy does not grant to employees or create an inherent right to use government resources, and one should not be inferred. The privilege to use public property for personal purposes may be limited or revoked at any time by an appropriate department head or elected official.
- B. Employees do not have a right to nor should they have an expectation of privacy while using government resources at any time including when they are accessing the internet, using email, instant messaging, or telephones. Employees who wish for their personal activities to be private should not conduct such activities using public property.
- C. To help improve the effectiveness and efficiency of government services, incidental personal use of public

property is authorized under Utah Code section 76-8-402 and is further authorized under this policy.

- D. "Incidental Personal Use" or "De Minimis Use" means an occasional or infrequent personal use with little or no cost to the City 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. Incidental personal use includes:
- (1) Use of public property for limited personal use when an employee is using the public property to perform their duties of office or employment; and
  - (2) Use of public property of a personal nature when such use of the public property:
    - (a) Is allowed to be used by the general public;
    - (b) Is allowed for training or skill development;
    - (c) Is provided or required to be provided to the public servant as an employee benefit or convenience, such as lunchroom, fitness, and/or nursing room facilities;
    - (d) Is allowed by state, federal, or city code, administrative rule, or policy;
    - (e) Does not create more than a de minimis additional cost or expense to the government;
    - (f) Does not interfere with the mission or operations of Hyrum City;
    - (g) Does not interfere with the performance of any other City employee's official duties;
    - (h) Does not compromise the integrity of city property, information, or software;
    - (i) Does not involve conducting an outside business or private employment or other activities conducted for private financial gain;
    - (j) Is otherwise permitted by an employee's manager or supervisor (e.g., a supervisor in the employee's organizational chain of command) in writing prior to usage; or
    - (k) Is otherwise permissible under state, federal, or City Code, administrative rule or policy.

THIS RESOLUTION shall become effective upon adoption.

ADOPTED this 5th day of September, 2019.

HYRUM CITY CORP.

BY: \_\_\_\_\_  
Stephanie Miller  
Mayor

ATTEST:

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Stephanie Fricke  
City Recorder