

**UTAH COUNTIES INDEMNITY POOL
PERSONAL USE OF PUBLIC PROPERTY POLICY**

SECTION A EFFECTIVE DATE AND FREQUENCY OF REVIEW

1. The effective date of this policy is June 21, 2019.
2. This policy should be reviewed annually, but not less than every three years by the Board.
3. This policy should also be reviewed any time that changes to laws or rules governing personal use of public property of interlocal agencies are amended or recommendations are made by the UCIP CEO or CFO, which would require review and update to this policy.
4. Failure to review this policy in the frequency stated shall not nullify, void, limit or waive this policy or any action taken under this policy.
5. This policy is considered to be amended at the time any new federal or state law becomes effective which conflicts with this policy, but only to the extent necessary to come into compliance with new law.

SECTION B PURPOSE

1. This policy is meant to assure responsible use of Public Property and control excessive or unlawful use of Public Property by Public Servants.
2. This policy provides Public Servants guidance as to authorized personal use of Public Property to avoid unintentional violations of U.C.A. §76-8-402, §76-8-404 and §67-16-4(1)(c).

SECTION C AUTHORITY

1. The Board has authority to implement this policy under the UCIP Interlocal Agreement and Bylaws.

SECTION D APPLICABILITY AND SCOPE

1. This policy applies to all use of all Public Property as defined herein.
2. This policy supersedes and replaces all other UCIP policies related to the personal use of Public Property.

SECTION E DEFINITIONS

1. Board: the Board of Directors of the Utah Counties Indemnity Pool.
2. CEO: the Chief Executive Officer of the Utah Counties Indemnity Pool.
3. CFO: the Chief Financial Officer of the Utah Counties Indemnity Pool.
4. De minimis: a nominal value of less than \$100.00 but does not include value of damage to the Public Property when used by the Public Servant for personal use when the Public Servant timely reimburses UCIP for such damage.
5. Incidental: defined in the Policy Statements Section of this policy. Any use identified as incidental under this policy which is not considered incidental under U.C.A. §76-8-402 or U.C.A. §67-16-4(1)(c) is an authorized use under this policy.
6. Members: the members, individually or collectively, of UCIP as identified in its governing documents.
7. Pool: the Utah Counties Indemnity Pool.
8. Public Property: any real or personal property other than money, funds or accounts owned, leased or rented by UCIP, until such time as the property has been surplused, including when such property is provided to an independent contractor of UCIP for the purpose of providing a program or service for, or on behalf of, UCIP and/or its Members. “Public Property” does not include real or personal property owned, leased or rented by a Public Servant used in whole or in part by the Public Servant to perform their duties as a Public Servant, regardless of any reimbursement, allowance, stipend, per diem or payment made by UCIP in recognition of use of the Public Servant’s property benefiting UCIP.
9. Public Servant: all Directors, Officers, employees and independent contractors of UCIP.
10. UCIP: the Utah Counties Indemnity Pool.

SECTION F POLICY STATEMENTS

1. The Board means for this policy to constitute a “written policy of the public servant’s entity” related to use of Public Property.
2. The Board intends to restrict unreasonable personal use of Public Property by Public Servants.
3. The Board intends to protect its Public Servants from unintentionally violating U.C.A. §76-8-402 and/or U.C.A. §67-16-4(1)(c).

4. The Board recognizes as an employer competing for competent employees in the marketplace, that it must consider, in part, property provided to employees by employers in the competing marketplace and the limitations that other employers place on personal use of such property.
5. The Board intends to broadly authorize all personal use of Public Property by Public Servants with a procedure to limit personal use only after providing written notice.
6. The Board specifically prohibits personal use of Public Property:
 - a. That substantially interferes with the use of the Public Property to perform duties of office, employment or service under contract, as determined by the Board of Directors;
 - b. For private financial gain which provides no benefit to UCIP; or
 - c. For an unlawful purpose.
7. Except for use specifically prohibited in Paragraph 6 of this Section of this Policy, the only personal use of Public Property considered to be unauthorized or prohibited is personal use which occurs after the Public Servant has received a written notice that the use is unauthorized or prohibited if the Public Servant does not appeal the written notice, or which occurs after the Public Servant receives a written decision from the Board of Directors finding that the personal use will be considered unauthorized or prohibited.
8. The Board intends to provide broad discretion to the CEO, CFO and members of the Board of Directors in authorizing personal use of Public Property by Public Servants under their supervision or control.
9. The Board recognizes that all incidental and de minimus personal use of Public Property by a Public Servant is authorized under U.C.A. §76-8-402 and further authorizes all incidental and de minimus personal use under this policy. The Board considers incidental personal use to include:
 - a. Use of Public Property for limited use of a personal nature when the individual is using the Public Property to perform their duties of office, employment or service under contract;
 - b. Use of Public Property of a personal nature when such use of the Public Property:
 - (i) Is available to the general public;
 - (ii) Does not create more than a de minimis cost to UCIP;
 - (iii) Is provided or required to be provided to the Public Servant as an employee benefit or convenience, such as lunchroom and nursing room facilities;

- (iv) Is not clearly prohibited by this policy, and the Public Servant timely reimburses the cost of the personal use to UCIP; or
 - (v) Is accidental or unintentional and the Public Servant timely reimburses the cost of the personal use to UCIP.
10. 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 computers, email, instant messaging or using telephones.
 11. A Public Servant is authorized to allow use of Public Property of a personal nature which is not clearly prohibited by this policy.

SECTION G PROCEDURES AND RESPONSIBILITIES

1. If a supervisor, CFO, CEO or Board of Directors believes that a Public Servant is using Public Property in a manner that is not incidental or should not be authorized, they shall give the Public Servant a written notice that specifically informs the Public Servant that the personal use is not considered incidental and will not be considered authorized as of the date of the written notice, or as of the date of a final written determination by the Board of an appeal of the written notice.
2. In determining if personal use should be authorized, a supervisor, CFO, CEO or Board of Directors shall consider whether the personal use of Public Property:
 - a. Substantially interferes with the use of the Public Property to perform duties of office, employment or service under contract;
 - b. Creates only a de minimis cost to UCIP;
 - c. Creates more than a de minimis cost to UCIP but provides a benefit to UCIP or its Members as determined by the Board;
 - d. Creates more than a de minimis cost to UCIP but the employee reimburses UCIP for the cost of the personal use of the Public Property at a rate determined by UCIP;
 - e. Provides the Public Servant with training and familiarity with the Public Property which will allow them to be more proficient with its use to perform their public duties;
 - f. Provides support of other agencies or community organizations which promotes good will between those agencies or community organizations and UCIP; or
 - g. Provides any reasonably arguable benefit to UCIP.
3. A Public Servant may appeal a written notice provided under this Section to the Board of Directors if they believe their personal use of Public Property should be authorized by

providing a written request for appeal of the written notice within five business days of receipt of the written notice. The Board shall hear either in writing or in person the person who issued the written notice and the Public Servant, and make a decision on whether the personal use of the Public Property will be authorized or prohibited. The Board of Directors shall inform the CEO and the Public Servant of their decision within 10 days of their decision.

4. The CFO shall notify a Public Servant of the cost to be reimbursed to UCIP for personal use of Public Property, which was not clearly prohibited by this policy, was accidental or unintentional or due to damage to Public property during personal use of the public Property by the Public Servant.
5. The Public Servant shall timely reimburse UCIP the amounts determined by the CFO under this section or contest the amount of the reimbursement to the CEO within five business days of notice from the CFO. The CEO shall within 5 business days of receipt of such notice to contest the amount of reimbursement provide the Public Servant and the CFO a decision regarding the amount of reimbursement.
6. If the Public Servant does not agree with the decision of the CEO of the amount of reimbursement for personal use of Public Property, the Public Servant shall request an appeal of the CEO's decision to the UCIP Board of Directors within 5 business days of receipt of the CEO's decision. The Board of Directors shall consider the requested appeal at their next scheduled meeting and provide the Public Servant their final decision on the amount of reimbursement within 10 business days of that meeting.
7. The CEO shall investigate any suspected violation of this policy and shall report any prohibited or unauthorized personal use of Public Property to the Board within 60 days of a determination of such violation.

SECTION H REVISION HISTORY

1. Adopted: June 21, 2019
2. Revised: June 18, 2020

SECTION I APPENDICES

1. There are no appendices to this Policy.