

SALT LAKE COUNTY
COUNTY-WIDE POLICY
ON
**PRESERVATION AND PROTECTION
OF PUBLIC PROPERTY**

Purpose:

This policy is designed to ensure responsible use of public property and control excessive or unlawful use of public equipment by public servants.

The objective of this policy is to provide County employees guidance regarding the authorized personal use of public property to avoid unintentional violations of Utah Criminal Code, violation of which is a felony.

1.0. Scope

- 1.1 This policy applies to all Salt Lake County agencies, offices, departments, divisions, and boards, all Salt Lake County employees including merit, appointed or elected, all authorized volunteers, and anyone who performs a public function and is authorized to hold, spend, transfer, disburse, use, or receive public funds or public property.
- 1.2 This policy applies to all use of public property owned, held, leased, or managed by the County.
- 1.3 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. 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.

2.0 Definitions

- 2.1 "Authorized personal use" means:

2.1.1 Use of the public property which is:

2.1.1.1 Allowed for or by the general public;

2.1.1.2 Allowed for job duties, training or skill development;

2.1.1.3 Provided or required to be provided to the public servant as an employee benefit or convenience, such as lunchroom, fitness, or nursing room facilities;

2.1.1.4 Expressly permitted by an employee's manager or supervisor in writing prior to usage; or

2.1.2. The limited, de minimis or infrequent use of public property for personal use by a public servant, if the limited or infrequent use:

2.1.2.1 Does not violate any written policy of the County;

2.1.2.2 Does not create security risk to the County;

2.1.2.3 Does not disrupt or impede the business of the County;

2.1.2.4 Does not result in costs charged to or financial obligations incurred by the County; and

2.1.2.5 Is not otherwise prohibited by law.

2.2 "Limited, de minimis or infrequent personal use" means the use of public property that:

2.2.1 Is restricted in size, amount, or extent, or that is uncommon or infrequent, and that does not significantly detract from a public servant's performance of the public servant's employment duties or obligations or provision of service to the public;

2.2.2 Does not result in costs charged to or financial obligations incurred by the County, and that is not reasonably likely to result in reputational damage to the County or any of its public officers or public servants; and

2.2.3 Is not reasonably likely to create a security risk to the County or any of its public officer or public servants, or to any public property that is owned, held, leased, or managed by the County.

2.3 "Possess" or "possession" means to have physical possession of or to exercise dominion or control over tangible property.

2.4 "Public officer" means:

2.4.1 An elected official of the County; or

2.4.2 An individual appointed to, or serving an unexpired term of, an elected official of the County.

2.5 "Public property" means:

2.5.1 Anything of value, including real or personal property that is owned, held, leased, or managed by the County, including but not limited to office space, facilities, office equipment and supplies, vehicles or equipment owned or leased by the County, desktop and laptop computers, tablets and mobile phones owned or leased by the County, hardware, software, data, storage media, electronic communications (including, but not limited to, e-mail, fax, phones, phone systems and voice mail), and networks.

2.5.2 "Public property" includes real or personal property described in 2.5(a) after the public property is transferred to an individual, public entity, or independent contractor of the County for the purpose of performing a public function or providing a program or service for or on behalf of the County.

2.5.3 "Public property" remains public property while in the possession an individual, public entity, or independent contractor of the County for the purpose of performing a public function or providing a program or service for or on behalf of the County.

2.6 "Public servant" means:

2.6.1

2.6.1.1 A public officer;

2.6.1.2 An appointed official, employee, consultant, volunteer, or independent contractor of the County; or

2.6.1.3 A person hired or paid by the County to perform a public function or provide a program or service for or on behalf of the County.

2.6.2 "Public servant" includes a person described in 2.6(a) immediately on the person's election, appointment, employment, contracting, or other retention or selection, regardless of whether the person has begun to officially occupy the position of a public servant of the County.

3.0 Reimbursement required

3.1 If the public servant's limited or infrequent use of public property

constituted authorized personal use as defined in 2.1 and the costs charged to or financial obligations incurred by the County are less than \$250, and if it is the first time the public servant has engaged in personal use of public property that resulted in costs charged to or financial obligations incurred by the County, the public servant must reimburse the County the entire cost charged to or financial obligation incurred by the County as a result of the public servant's personal use of public property.

- 3.2 Second or subsequent violations of 3.1, or costs charged to or incurred by the County in excess of \$250 as a result of a public servant's authorized personal use as defined in 2.1, may result in discipline up to and including termination.
- 3.3 Notwithstanding any other provision of this section, a public servant may be subject to a civil or employment action for the public servant's personal use of public property that is not authorized personal use or that results in any costs charged to or financial obligations incurred the County.

APPROVED AND PASSED THIS _____ DAY OF JULY, 2019.

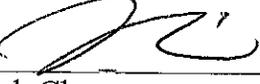
SALT LAKE COUNTY COUNCIL

Richard Snelgrove, Chair

ATTEST:

Sherrie Swensen, Salt Lake County Clerk

APPROVED AS TO FORM

By: 

Ralph Chamness
Chief Deputy District Attorney