

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

**SECTION I. Effective Date and Frequency of Review.**

- A. The effective date of this policy is June 21, 2019.
- B. This policy should be reviewed annually, but not less than every three years by the Board. This policy will also be reviewed any time that changes to laws or rules governing personal use of public property of interlocal agencies are amended in a manner which would require review and update to this policy.

**SECTION II. Purpose.**

- A. This policy is meant to assure responsible use of Public Property and control excessive or unlawful use of Public Property by Public Servants.
- B. 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 and U.C.A. §67-16-4(1)(c).

**SECTION III. Authority.**

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

**SECTION IV. Applicability and Scope.**

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

**SECTION V. Definitions.**

- A. “Board” means the Board of Directors of the Utah Counties Indemnity Pool.
- B. “De minimis” means 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.
- C. “Incidental” has the meaning 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.

- D. “Members” means the members, individually or collectively, of UCIP as identified in its governing documents.
- E. “Pool” means the Utah Counties Indemnity Pool.
- F. “Public Property” means any real or personal property:
  - 1. owned, leased or rented by UCIP, until such time as the property has been surplused;
  - 2. for which UCIP provides a public servant an allowance, stipend or reimbursement; and
  - 3. 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.
- G. “Public Servant” means all Directors, Officers, employees and independent contractors of UCIP.
- H. “UCIP” means the Utah Counties Indemnity Pool.

**SECTION VI. Policy Statements.**

- A. The Board means for this policy to constitute a “written policy of the public servant’s entity” for purposes of U.C.A. §76-8-402(1)(b)(iii).
- B. The Board means to restrict unreasonable personal use of Public Property by Public Servants.
- C. The Board considers that the penalty under U.C.A. §76-8-402 of a felony for any level of unauthorized personal use of Public Property is extreme and therefore the Board means to protect its Public Servants from unintentionally violating U.C.A. §76-8-402 and/or U.C.A. §67-16-4(1)(c).
- D. 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.
- E. All Incidental personal use of Public Property by a Public Servant is authorized under U.C.A. §76-8-402 and is further authorized under this policy. Incidental personal use includes, but is not limited to:
  - 1. 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;
  - 2. Use of Public Property of a personal nature when such use of the Public Property:
    - a. Is available to the general public;
    - b. Does not create more than a de minimis cost to UCIP;
    - c. Is provided or required to be provided to the Public Servant as an employee benefit or convenience, such as lunchroom and nursing room facilities;

- d. Is not clearly prohibited by this policy, and the Public Servant timely reimburses the cost of the personal use to UCIP; or
      - e. Is accidental or unintentional and the Public Servant timely reimburses the cost of the personal use to UCIP.
  - F. Personal use of Public Property by a Public Servant is authorized under this policy when such use:
    - 1. Provides a benefit to UCIP or its Members as determined by the Board, including but not limited to:
      - a. Use of rental vehicles of a personal nature when the vehicle is rented for approved UCIP business if:
        - (i) The value of the personal use is de minimis;
        - (ii) When the personal use is not de minimis but the employee reimburses UCIP for the cost of the personal use of the rental vehicle at a rate determined by UCIP.
      - b. 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;
      - c. Provides support of other agencies or community organizations which promotes good will between those agencies or community organizations and UCIP.
- G. Use of Public Property 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, is prohibited.
- H. The CFO, CEO and Board of Directors are authorized to allow personal use of Public Property which is not clearly prohibited by this policy.

#### **SECTION IV. Procedures and Responsibilities.**

- A. 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.
- B. 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 5 business days of notice from the CFO.
- C. The CEO shall within 5 business days of receipt of a notice to contest the amount of reimbursement provide the Public Servant and the CFO a decision regarding the amount of reimbursement. 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.

- D. The CEO shall investigate any suspected violation of this policy and shall provide written notification to a Public Servant and the Board of Directors of a finding of a violation within 5 business days of a finding of such violation by the CEO. If the Public Servant does not agree with the finding of a violation by the CEO, they must request an appeal to the Board of Directors within 5 business days of the CEO's notice of violation.
- E. The Board of Directors shall consider a requested appeal under this policy at their next scheduled meeting and provide the Public Servant and the CEO their final decision on the amount of reimbursement within 10 business days of that meeting.

**SECTION V. Revision History.**

- A. Adopted:
- B. Revised:

**SECTION VI. Appendices.**

- A. There are no appendices to this Policy