

Resolution

#19-06-25-1R

A Resolution of the Elk Ridge City Council modifying the Elk Ridge City *Personnel Policies and Procedures Manual* to be compliant with Utah Code Annotated 76-8-402 Misusing public money or public property.

WHEREAS, the Utah State Legislature passed House Bill 163, during the 2019, General Legislative Session; and

WHEREAS, House Bill 163, modifies Section 76-8-402 of the Utah Code Annotated; and

WHEREAS, House Bill 163, modifies the crime of misusing public money, makes it a crime to misuse public property, describes the type of personal use of public property that is permitted, and requires a written policy for the personal use of public property by an employee of a governmental entity; and

WHEREAS, the Elk Ridge City Council desires to be comply with State Code to have a written policy prohibiting the personal use of public money and permitting the personal use of public property.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF ELK RIDGE CITY that the *Elk Ridge City Personnel Policies and Procedures Manual* be amended as follows:

1. Personal use of public property, for a personal matter, by a public servant is authorized if:
 - (a) the public servant is authorized to use or possess the public property to fulfill the public servant(s) duties as a public servant;
 - (b) the primary purpose of the public servant using or possessing the public property is to fulfill the public servant's duties as a public servant;
 - (c) in addition to the primary purpose of fulfilling the public servant's duties as a public servant, the use or possession of public property for personal use is authorized by written policy; and
 - (d) the public servant uses and possesses the public property in a lawful manner and in accordance with this policy;

2. Incidental use of public property for a personal matter by a public servant is allowed, if:
 - (a) the value provided to Elk Ridge City by the public servant's use or possession of the public property for a public purpose substantially outweighs the personal benefit received by the employee from the incidental use of the public property for a personal matter; and
 - (b) the incidental use of the public property for a personal matter is not prohibited by law or by Elk Ridge City.
3. It is unlawful for a public servant to:
 - (a) appropriate, loan or transfer public money or public property without authority of law.
4. This resolution is enacted retroactively to the date of hire of the Elk Ridge City employee.

APPROVED AND PASSED THIS _____

Ty Ellis, Mayor

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Attest Royce Swensen, City Recorder