

RESOLUTION NO. 06-02-2019

**A RESOLUTION OF THE SANTAQUIN CITY COUNCIL ADOPTING A
POLICY REGARDING 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 Santaquin City Council desires to comply with the requirements of state law and 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 the City of Santaquin, Utah that:

A. The City Council adopts the following policy regarding the misusing public money or public property.

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) The public servant uses and possesses the public property in a lawful manner and in accordance with this policy; or
 - (i) incidental use of public property for a personal matter by a public servant, if:
 - (A) the value provided to the public servant's public entity 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 the public servant's public entity.

2. It is unlawful for a public servant to:

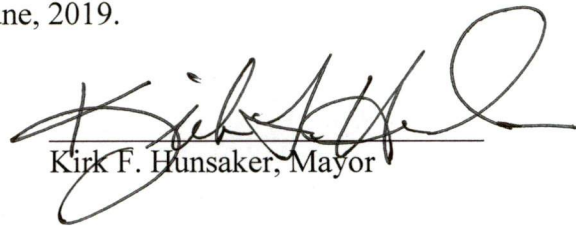
(a) Appropriate, loan or transfer public money or public property without authority of law.

3. This resolution shall apply retroactively to the date of hire of each employee of the City of Santaquin.

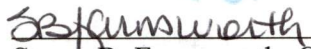
B. This Resolution shall take effect immediately upon its passage.

APPROVED AND PASSED this 18 day of June, 2019.




Kirk F. Hunsaker, Mayor

ATTEST:


Susan B. Farnsworth, City Recorder