

Conflict of Interest and Ethical Behavior Policy

Overview

The Nibley City Council and the officers, appointees and employees of Nibley City should individually commit themselves in their official capacity to ethical, business-like, and lawful conduct, including acting with decorum and ensuring the appropriate use of their authority. Nibley City representatives must avoid even the appearance of impropriety to ensure and maintain public confidence in Nibley City. Representatives owe a fiduciary duty to Nibley City and must not act in a manner that is contrary to that duty or to the interests of Nibley City. They must place the interests of Nibley City over their own personal interests with respect to the governance, policy, strategic direction and operations of Nibley City.

Policy

It is the intent of Nibley City to meet and exceed those protections against conflicts of interest contained in State law. Under this policy, a conflict of interest arises when an officer has a personal interest in a matter that is or may be in conflict with or contrary to Nibley City's interests and objectives to such an extent that the officer is or may not be able to exercise independent and objective judgment within the context of the best interest of Nibley City. For the purposes of this policy, an officer's personal interest includes those of his or her relatives, business associates or other persons or organizations with whom he or she is closely associated.

1. The following provisions shall serve as a guide to officers with respect to the affairs of Nibley City:
 - a. Nibley City officers shall not receive, accept, take or solicit, directly or indirectly, anything of economic value as a gift, gratuity, or favor from a person or entity if it could be reasonably expected that the gift, gratuity, or favor would influence the officer's vote, action, or judgment, or be considered as part of a reward for action or inaction.
 - b. The complete confidentiality of proprietary business information must be respected at all times. Officers are prohibited from knowingly disclosing such information, or in any way using such information for personal gain or advancement, or to the detriment of Nibley City, or to individually conduct negotiations or make contacts or inquiries on behalf of Nibley City unless officially designated by Nibley City Council.
 - c. Officers are prohibited from acquiring or having a financial interest in any property that Nibley City acquires, or a direct or indirect financial interest in a

supplier, contractor, consultant, or other entity with which the Nibley City does business. This does not prohibit the ownership of securities in any publicly owned company, except where such ownership places the officer in a position to materially influence or affect the business relationship between Nibley City and such publicly owned company. Any other interest in or relationship with an outside organization or individual having business dealings with the Nibley City is prohibited if this interest or relationship might tend to impair the ability of the officer(s) to be independent and objective in his or her service to Nibley City.

- d. If members of the immediate family of an officer have a financial interest as specified above, such interest shall be fully disclosed to Nibley City Council, which shall decide if such interest should prevent Nibley City from entering into a particular transaction, purchase, or engagement of services. The term "immediate family" means officer's spouse, parent, dependent children, and other dependent relatives.
- e. When a conflict of interest exists, the officer shall publicly declare the nature of the conflict, file a disclosure statement, and recuse himself or herself on any official action involving the conflict.
- f. Officers may not realize, seek, or acquire a personal interest in a business that does business with Nibley City.
- g. Officers shall complete a Conflict of Interest Disclosure Form at least annually by the end of January, and shall complete a Conflict of Interest Disclosure Form whenever the Officer's outside interests change or the Officer gains additional interests subject to disclosure. This Form shall be signed and notarized. Completed Forms shall be submitted to Nibley City's Records Officer and shall be made available to the public upon request.
- h. The Nibley City Records Officer shall provide copies of all completed Forms to the governing body at the end of January each year.
- i. The Nibley City Council shall review all completed forms and consider the disclosures. The Nibley City Council should make changes to assignments, duties, or contracts deemed appropriate to eliminate or mitigate conflicts of interest within Nibley City.

Procurement Procedures

A. Purchases of equipment, materials, supplies and services exceeding one thousand dollars (\$1,000.00) shall be supported by at least two (2) verbal quotations, or written sole source justification, which shall be recorded with the invoice of the purchased items.

B. Purchases of equipment, materials, supplies and services exceeding twenty-five thousand dollars (\$25,000.00) shall be opened for competitive bidding and the award made by the city council. Inclusion of a specific item or service in an adopted budget shall be considered as approved by the council, but such inclusion shall not remove the requirement to competitively bid that item or service.

C. The council may waive the bid requirements provided herein if it determines such action to be in the best interest of the city and in compliance with state law, so long as justification for waiving the bid requirement is specified and made public.

D. The following items are excepted from bidding requirements: telephone services, utility services, payroll and employee benefits vendors, incidental and routine purchases for supplies and materials not exceeding one thousand dollars (\$1,000.00) per month per vendor. Also excepted are taxes, bond and loan payments, and authorized travel expenses approved by the city council in the budget. Purchases of ongoing professional services, including those of city attorney, bond council, and the city financial advisor are exempted from bidding requirements so long as the city council authorizes funds for such services in the budget.

E. Purchases for equipment, materials, supplies and services less than five hundred dollars (\$500.00) may be approved by department heads. Purchases for equipment, materials, supplies and services more than five hundred dollars (\$500.00) may be approved by the city manager. Purchases for equipment, materials, supplies and services more than ten thousand dollars (\$10,000.00) shall be approved by the City Council.

F. The city manager may recommend a particular brand or style of an item or service that may satisfy the long-term needs and goals of the city. This may be done to achieve uniformity in design or ease in replacement of an item. If it can be determined that there is more than one vendor available for a designated brand or style, the city shall follow the appropriate competitive bidding requirements of this chapter. The city council shall be notified of such items and those items shall be exempt from competitive bidding requirements of this chapter.

G. Items or services available through the state of Utah, division of purchasing contracts may be purchased at the state contract prices and not be subject to other requirements concerning bidding contained in this chapter.

H. All public works projects not being constructed by Nibley City employees shall be advertised twice in a local paper or appropriate trade journal and, where practicable, sent to at least three (3) available vendors. Bid receipt deadlines shall not be less than ten (10) days following the last publication. All bids received shall be sealed. They shall be opened in a public setting that bidders and other interested parties may attend.

I. All equipment purchases over twenty-five thousand dollars (\$25,000.00) shall be appropriately noticed in order that multiple vendors may have the opportunity to submit their proposals. Written bids shall be required.

J. If a contract is awarded to other than the lowest qualified bidder, the reason for accepting a higher bid must be specified and made public.

K. Credit cards maintained by the city shall be closely and carefully monitored to make sure the original invoice is matched with the credit card billing and that all purchases are accounted for as legitimate city purchases.

Fraud & Abuse Reporting Policy

Definition

"Improper governmental action" means any action by a Nibley City officer or employee:

- 1) That is undertaken in the performance of the employee's official duties, whether or not the action is within the scope of the employee's employment; and
- 2) That is in violation of any federal, state, or local law or rule, is an abuse of authority, is of substantial and specific danger to the public health or safety or is a gross waste of public funds.

Reporting Fraud or Abuse

Employees who become aware of improper governmental actions should raise the issue first with their supervisor. If requested by the supervisor, the employee shall submit a written report to the supervisor, or to some person designated by the supervisor, stating in detail the basis for the employee's belief that an improper governmental action has occurred. Where the employee reasonably believes the improper governmental action involves his or her supervisor, the employee may raise the issue directly with the city manager or such other person as may be designated by the city manager to receive reports of improper governmental action.

In the case of an emergency, where the employee believes that damage to persons or property may result if action is not taken immediately, the employee may report the improper governmental action directly to the appropriate person or agency with responsibility for investigating the improper action.

The city manager shall take prompt action to assist Nibley City in properly investigating the report of improper governmental action. Nibley City officers and employees involved in the investigation shall keep the identity of reporting employees confidential to the extent possible under law, unless the employee authorizes the disclosure of his or her identity in writing. After an investigation has been completed, the employee reporting the improper governmental action shall be advised of a summary of the results of the investigation, except that personnel actions taken as a result of the investigation may be kept confidential.

Nibley City employees who fail to make a good-faith attempt to follow procedures in reporting improper governmental action shall not receive the protections provided by Nibley City in these procedures.

Complaints, Investigations, Review and Enforcement

- A. Any person may file a complaint alleging a violation of this policy.
- B. The complaint shall be in writing and shall, except as described in section C below, be signed by the complainant. The written complaint should state the nature of the alleged violation(s), the date(s), time and place of each occurrence, and name of the person(s) charged with the violation(s). The complaint shall be filed with the City Manager. In the event a complaint concerns the City Manager, the role of City Manager in this process shall be handled by any other person designated by this Policy, by the Audit Committee, or by the City Manager to receive reports of improper governmental action. The complainant shall provide the City Manager with all available documentation or other evidence to demonstrate a reason for believing that a violation has occurred.
- C. This policy is intended to protect employees who choose to come forward in good faith with complaints about governmental actions and conduct of Nibley City employees. Anonymous complaints have the potential to subject the person who is the subject of the complaint to an investigation that may, at the least, cause stress and embarrassment, and may, at most, result in discipline or termination of employment. Nibley City is reluctant to begin an investigation based on an anonymous complaint due to the fact that evidence will be difficult to obtain and verify, and it will be impossible to assess the complainant's credibility. Complainants and whistleblowers have protection from retaliation under Nibley City policy. A thorough investigation of complaints is Nibley City's goal. It may not be possible to conduct a thorough investigation when a complainant remains anonymous. Therefore, Nibley City reserves the right to decline to investigate any complaint that is provided anonymously.

If a complaint is received anonymously it shall be directed to the City Manager for a recommendation on the processing of the complaint. Upon review of the complaint, the City Manager will recommend to the Audit Committee either that the complaint has no merit or that it should be investigated. Such a recommendation will be made within ten (10) days of receipt of the complaint, if possible. Upon receipt of the City Manager's recommendation the Audit Committee shall make the final determination on whether or not to continue the investigation, end the investigation, or refer the matter to an outside entity.

- D. Within thirty (30) days after receipt of a complaint, the City Manager or another person appointed by the Audit Committee shall conduct a preliminary investigation. If the City Manager or a member of the Audit Committee or the governing board are implicated in the complaint, the Audit Committee will determine an independent person who will conduct the investigation. Criminal allegations will be referred to the proper law enforcement agency.
- E. If the City Manager determines, after preliminary investigation, that there are no reasonable grounds to believe that a violation has occurred, the City Manager shall advise the Audit Committee to dismiss the complaint. If the Audit Committee does

dismiss the complaint, it shall do so in writing, setting forth the facts and provisions of law upon which the dismissal is based, and shall provide a copy of the written dismissal to the complainant, to the person charged with the violation and to the governing board.

Audit Committee

An Audit Committee is created to facilitate the handling, investigation, and resolution of complaints and reports of improper governmental action, as described in this Policy. The Audit Committee shall consist of the following persons:

Purpose

An audit committee assists the governing body in its financial oversight responsibilities.

Membership

Members of the audit committee are a subset of the governing body. The audit committee should include a financial expert who is not a member of management. This can be achieved by having a governing body member who is a financial expert, or enlisting the assistance of a volunteer or paid professional financial expert. Finance officers from other local governments should be considered when looking for a financial expert, as they are independent and have a working knowledge of government accounting.

Functions

An audit committee must ensure the following:

1. Management develops and enforces systems that ensure the entity accomplishes its mission effectively and efficiently while complying with laws and regulations.
2. The internal audit function objectively assesses the effectiveness of management's internal control program.
3. Financial statement audits are performed by a qualified, independent accounting firm and issues identified during those audits are reviewed and resolved as appropriate.
4. Hotline complaints are investigated and findings are addressed by the governing body.

The Audit Committee shall meet at least once per year to review the above items.

Membership

The audit committee shall have three (3) members appointed by the mayor, including:

1. A person familiar with government financial operations,
2. A community member, and
3. A City Council member.

Whistleblower Protection

Utah Code § 67-21-3 prohibits public employers from taking adverse action against their employees for reporting in good faith government waste or violations of law to the appropriate authorities. A public entity employee, public body employee, legislative employee, or judicial employee, is presumed to have communicated in good faith if they have given written notice or otherwise formally communicated the conduct to the person in authority over the person alleged to have engaged in the illegal conduct.

Fraud & Abuse Hotline Policy

Introduction

The Nibley City Fraud and Abuse Hotline provides an avenue for citizens, including public employees and contractors, to report improper governmental activities, including:

- Waste or misuse of public funds, property, or manpower
- Violations of a law, rule, or regulation applicable to the government
- Gross mismanagement
- Abuse of authority
- Unethical conduct

Filing a Complaint

Complaints should be submitted in writing to wsinv@utah.gov. Complainants should also submit any evidence that supports the complaint. Essential information includes specifics on 'who, what, where, when' as well as any other details that may be important such as information on other witnesses, documents, and pertinent evidence. Due to limited resources, Nibley City is unable to accept complaints that are not supported by evidence or do not provide a means for the City to investigate the problem further. Such complaints shall not be accepted.

Email:

wsinv@utah.gov

Complainants may call the Utah Public Assistance Fraud hotline at 800-955-2210 or Nibley City offices at 435-752-0431 for more information.

Entity Processing of a Hotline Complaint

1. After receipt of the complaint, the Nibley City Manager will review the allegation and any evidence provided by the complainant. In the event a complaint concerns the City Manager, the role of City Manager in this process shall be handled by any other person designated by this Policy, by the Audit Committee, or by the City Manager to receive reports of improper governmental action. The list below represents some of the factors that are considered during the screening and prioritization process.
 - a. Does the complaint involve actions by a person subject to the Nibley City's authority?
 - b. Does the complaint pertain to improper governmental activities? Disagreements with management decisions or actions taken by elected officials that are within the law will not be investigated.

- c. Has the complainant taken appropriate steps to resolve the issue with the entity? If the entity is not responsive, the concern relates to top management, or the complainant desires anonymity, consideration will be increased.
 - d. What is the timing and frequency of alleged improper activity? Allegations of improper activities that are recent and/or on-going may receive a higher priority.
 - e. Should the allegation be investigated by another entity? Are there other agencies that have oversight of the complaint? Is a member of the governing body or the audit committee being accused?
 - f. Can the complaint be efficiently and effectively investigated? Overly broad or vague complaints or complaints where evidence is unavailable may be declined or receive a low priority.
2. The City Manager communicates to the Audit Committee:
 - a. The allegation of the complaint
 - b. Any facts supporting or refuting the complaint
 - c. A recommendation based upon preliminary inquiry
 3. The Audit Committee decides the appropriate next action (if a member of the Audit Committee is the subject of the complaint they may not be included in this process):
 - a. Discontinue the investigation
 - b. Continue with the investigation
 - c. Refer the investigation to another agency
 4. If the investigation proceeds, the audit committee sets the following:
 - a. Time and resource budget
 - b. Scope of the audit
 5. The Auditor completes the audit
 6. The Auditor creates a report outlining the work performed and conclusions
 7. The Auditor provides the report to the Audit Committee
 8. The Audit Committee reports investigation results to the whole governing body (if a separate audit committee exists).
 9. The city will address any findings as appropriate

Confidentiality

The identity of the complainant is considered protected information under the Utah Government Records Access and Management Act (GRAMA) and will be kept confidential if requested by the complainant. (See *Utah Code* Section [67-3-1\(15\)](#)).

Complaints may be submitted anonymously to the Hotline. However, it is preferable that the complainant provide their name and contact information to allow for follow-up questions and reporting the results back to the complainant. Whistleblower protections do not apply to anonymous complaints.

Travel Policy

1. General Policy - All travel expenses incurred while conducting Nibley City business shall be paid by Nibley City.
2. Pre-Approval - Approval from department heads or the city manager is required prior to incurring travel-related expenses, unless the travel is already included on the annual training schedule.
3. Documentation - After travel expenses have been incurred, the employee must submit a Travel Reimbursement Form, which details the reason for the trip and the specific travel expenses. Travel Reimbursement Forms must be signed by the employee and approved by the direct supervisor.
4. Travel-related expenses include:
 - a. Costs to travel to and from the business destination.
 - b. Transportation costs while at the business destination.
 - c. Lodging, meals, and related expenses.
5. Transportation
 - a. Nibley City Vehicles – Nibley City vehicles may be used for travel associated with official business if the employee is authorized to use such vehicles through the city driver policy.
 - b. Personal Vehicle Use - An employee who uses his or her personal vehicle for Nibley City business will be reimbursed for mileage in accordance with the rate currently authorized by the IRS for out-of-state travel or State of Utah for in-state travel.
 - c. Alternative Travel Arrangements - Employees may structure alternative travel and lodging to reduce costs or to accommodate personal preferences if the alternatives provide a documented cost savings to Nibley City or the employee pays the increased costs. If an employee chooses to drive rather than fly for out-of-state travel, Nibley City will reimburse the employee based on the least expensive method of travel, rather than actual mileage.
 - d. Rental Cars - Employees should obtain a rental car if the total cost of the rental car plus fuel is less than mileage reimbursement amount. Groups of employees at the same location shall share rental vehicles where practical. When a rental car is used, the State of Utah CDP should be used, which should include rental agency liability and collision/loss damage coverage.
 - i. Rental car insurance should be covered in the CDP rental cost and should not to be purchased separately if already included in the negotiated rate.
6. Travel Related Meals
 - a. Meal Per Diems - Employees shall be paid for meals at the Utah rate for in-state travel and the IRS rate for out of state travel:

- b. If a meal is provided by the conference attended or hotel where the employee is staying, the employee will not be given a per diem for that meal.
 - c. Per diem may be paid to employees prior to leaving for the travel destination but must be reimbursed to the City if the travel does not occur or if the actual expenses vary from the anticipated expenses.
- 7. Incidental Expenses - Incidental expenses are not considered part of a meal per diem reimbursement and, therefore, substantiation is required. Incidental expenses include ground transportation, parking, and related tips; fax, telephone, internet, or copy charges; and other business-related expenses. Other tips are not reimbursable.
- 8. Lodging - Travel that requires an overnight stay must be pre-approved by the department head or city manager of the employee. Nibley City will pay for lodging up to the rate negotiated with the host hotel per night with applicable taxes. Detailed receipts are required to be submitted to the accounts payable clerk.
- 9. Personal Expenses - Personal expenses, including entertainment will not be reimbursed by Nibley City unless authorized by contract or other agreement. Expenses for alcohol will not be reimbursed by the City.
- 10. Employee expenses paid by other entities – Nibley City employees who provide services to other entities, either formally or informally, may represent the interest of those entities as well as Nibley City while traveling on official Nibley City business. Where possible, the shared benefit of the employee activities while traveling should be determined and costs of that travel proportionally split between the benefiting entities.

If any employee travel-related expenses are paid directly by another entity, those payments must be documented and disclosed to Nibley City. Any travel-related expenses that are paid by another entity must not be submitted to Nibley City for reimbursement to the employee.
- 11. If upon review of travel expenses, inappropriate or fraudulent expenses have been incurred, the employee may be subject to disciplinary action, including; recovery of funds, fines, inability to travel, suspension or termination.
- 12. Requesting Reimbursement - employees are responsible for submitting supporting documentation with a reimbursement request, including conference agendas, map to and from traveled location, receipts etc.

Employee Credit Card Use Agreement

Nibley City officers or employees issued a City purchasing card shall read and sign an agreement similar to the following:

Being issued a credit card represents the City's trust in you. You are empowered as a responsible agent to safeguard the City's assets. Your signature below is verification that you have read this use agreement and agree to comply with it. It also acknowledges that you have received Zions Bank Visa® Commercial Card Last Four #

_____.

1. I understand that the card is for City approved purchases only, and I agree not to charge personal purchases or those not authorized by the city budget or purchasing policy. Initial: _____
2. Improper use of this card can be considered misappropriation of City funds. This may result in disciplinary action, up to and including termination of employment, and/or criminal prosecution. Initial: _____
3. If the card is lost or stolen, I will immediately notify Zions Bank by telephone. I will confirm the telephone call by email with a copy of the notification to my supervisor and the City Treasurer. Initial: _____
4. I agree to surrender the card immediately upon request or termination of employment, whether for retirement, voluntary or involuntary reasons. Initial: _____
5. The card is issued in my name. I am responsible for any and all charges against the card. Initial: _____
6. All charges will be billed directly to and paid directly by the City. The bank cannot accept any monies from me directly; therefore, any personal charges billed to the company could be considered criminal misappropriation of company funds. Initial: _____
7. As the card is City property, I understand that I may be periodically required to comply with internal control procedures designed to protect City assets. This may include being asked to produce the card to validate its existence and account number. Initial: _____
8. I understand it is my responsibility to produce receipts on ALL purchases to the Nibley Accounts Payable Clerk on a monthly basis. If receipts are turned in late or are lost, purchase card privileges may be revoked and I will be held responsible to pay for those charges. Initial: _____

9. I will receive a Monthly Reconciliation Statement either in paper form or by logging onto my account via the web, which will report all activity during the statement period. Since I am responsible for all charges on the card, I will resolve any discrepancies by either contacting the supplier, the bank, or working with the Nibley City Accounts Payable Clerk. Initial: _____
10. The charges made against my card will be assigned to an account number using Nibley City's general ledger account numbers, as assigned in the city budget. I understand that I am responsible for assigning a GL account to each transaction, which will be reviewed by the City Recorder/Manager. Initial: _____
11. I understand that the Zions Bank Commercial Card is not necessarily provided to all employees. Assignment is based on my need to purchase materials for City use. My card may be revoked based on change of assignment or policy. I understand that the card is not an entitlement nor reflective of title or position. Initial: _____
12. I have read and understand the requirements of H.B 431. I understand that the requirements of H.B. 431 apply to my Zions Bank Credit Card and agree to abide by them. Initial: _____
13. H.B. 431 requires that a public official who uses a government card for personal use must pay a 50% penalty, in addition to the charged amount. Initial: _____
14. I also understand that this reimbursement and penalty may be withheld from my wages. Initial: _____
15. I have received a copy of my department budget(s), the Purchasing Policy, and H.B. 431. Initial: _____

Employee Signature

Date

Employee Printed Name

Witness Signature

Personal Use of Entity Assets Policy

Use and Care of Equipment

1. The use of Nibley City equipment or tools for private purposes is not authorized.

The following guidelines should be followed in the use and care of equipment.

1. An employee must receive proper training and explanation of proper use, maintenance, job hazards, safety procedures and training on all equipment, tools, etc., necessary for the accomplishment of the employee's job description.
2. A commercial driver's license (CDL) is required for operators of commercial motor vehicles. Any employee operating a motor vehicle on the job must have a valid Utah driver's license.
3. Operators and passengers in a Nibley City vehicle equipped with seat belts must wear them when the vehicle is in operation, and all employees operating vehicles shall observe all local traffic laws.

Information Technology and Computer Security Policy

Statement

Nibley City furnishes computers for employees' use in conducting Nibley City business.

This includes access to e-mail and the Internet. The internet contains many useful features, including email to non-Nibley City resources, access to research materials, and information exchange. The purpose of this policy is to establish basic rules for employees' use of the Nibley City's computer system, including the Internet and email.

Computer System, Internet and E-mail Use Policies

The Internet can be misused in a variety of ways, including but not limited to:

1. Downloading viruses, thereby endangering the City's system and information;
2. Accessing objectionable material;
3. Wasting time by accessing non-work-related information, social media or games.

Individual Responsibilities:

Internet users are responsible for complying with this and all other Nibley City policies when using the Nibley City's resources for accessing the Internet. Violation of this policy is grounds for disciplinary action, up to and including termination.

General Policies for Use of the City's Computer System, Including the Internet:

An employee does not have a right to privacy when using the Internet via City resources and employees should not expect or assume any privacy regarding the content of email communications. The City reserves the express right to monitor and inspect the activities of the employee while accessing the Internet at any time, and to read, use and disclose e-mail messages. In addition, all software, files, information, communications, and messages (including emails) downloaded or sent via the Internet using Nibley City resources are Nibley City's records and property of Nibley City; such records may be subject to potential review and disclosure under the public disclosure law of the State of Utah. Even after an email message has been "deleted," it may still be possible to retrieve it.

Nibley City has the right to restrict or prohibit any employee from Internet access for violation of the policy. Violations may also result in disciplinary action, up to and including termination.

Internet use via Nibley City resources is for Nibley City business. Except as outlined here, use of Nibley City's computer, Internet and email services are for Nibley City

business only. Some limited personal use is permitted, so long as it only results in a de minimis cost to Nibley City, does not interfere with the performance of duties, is brief in duration and frequency, does not distract from the conduct of Nibley City business and does not compromise the security or integrity of Nibley City information or software. Such limited use shall not occur on “paid time,” but is permitted immediately before or after work hours and during an employee’s breaks. Examples of allowable personal use include accessing information on the internet or transmitting email. Any personal use of Nibley City’s computer, Internet and email services must comply with all applicable laws and Nibley City policies, including anti-discrimination policies and internet usage policy.

Internet use must comply with applicable laws and Nibley City policies including but not limited to all federal and state laws, and Nibley City policies governing sexual harassment, discrimination, intellectual property protection, privacy, public disclosure, confidentiality, misuse of Nibley City resources, information and data security.

All Internet use must be consistent with the Nibley City’s Personnel Policies Manual.

Nibley City’s computer system permits employees to perform jobs, share files, and communicate internally and with selected outside individuals and entities in the performance and conduct of Nibley City business. Employees are prohibited from gaining unauthorized access to another employee’s email messages or other software platforms, or sending messages or entering or modifying data using another employee’s password.

In order to prevent potential liability, it is the responsibility of all Internet users to clearly communicate to the recipient when the opinions expressed do not represent those of Nibley City.

Nibley City has the capability and reserves the right to access, review, copy, modify and delete any information transmitted through or stored in its computer system. Nibley City may disclose all such information to any party (inside or outside the City) it deems appropriate and in accordance with applicable law. Accordingly, employees should not use the computer system to send, receive or store any information they wish to keep private. Employees should treat the computer system like a shared file system—with the expectation that files sent, received or stored anywhere in the system will be available for review by any authorized representative of Nibley City for any purpose, as well as the public if a proper request is made for public records.

Good judgment should always be employed in using Nibley City’s email and Internet systems. Employee email messages may be read by someone other than the person(s) to whom they were sent. Email inconsistent with Nibley City’s policies must be avoided. For example, it is prohibited to make jokes or comments which could offend someone on the basis of gender, race, age, religion, national origin, disability or sexual orientation. These comments would be in direct conflict with Nibley City’s policies prohibiting discrimination and harassment. Accordingly, employees should create and send only courteous, professional and businesslike messages that do not contain objectionable offensive or potentially discriminatory material.

Caution should be taken in transmitting confidential information on the computer system. Employees should use due care in addressing email messages to assure messages are not inadvertently sent to the wrong person inside or outside the city. Email creates a written record subject to court rules of discovery and may be used as evidence in claims or legal proceedings. Once sent, email cannot be retracted. Even after deletion at a workstation, email can be retrieved and read.

The safety and security of Nibley City's network and resources must be considered at all times when using the Internet. Software programs must not be downloaded or installed without prior permission from the IT Director and without being properly scanned for viruses. Employees are not to share or reveal individual passwords.

There is a wide variety of information on the Internet. Some individuals may find information on the Internet offensive or otherwise objectionable. Individual users must be aware that Nibley City has no control over available information on the Internet and cannot be responsible for the content of information.

Prohibited Uses of the Internet:

The following is a non-exclusive list of prohibited uses of the Internet and email:

1. Commercial use – any form of commercial use of the Internet is prohibited;
2. Solicitation – the purchase or sale of personal items or non-business items through advertising on the Internet is prohibited;
3. Copyright violations – the unlawful reproduction or distribution of copyrighted information, regardless of the source, is prohibited;
4. Discrimination / Harassment – the use of the Internet to send messages or other content which is harassing, derogatory or unlawfully discriminatory to employees, citizens, vendors or customers is prohibited;
5. Political – the use of the Internet for political purposes is prohibited;
6. Aliases / Anonymous messages / misrepresentation – the use of aliases or transmission of anonymous messages is prohibited. Also, the misrepresentation of an employee's job title, job description, or position with the Nibley City is prohibited;
7. Misinformation / Confidential Information – the release of untrue, distorted, or confidential information regarding Nibley City business is prohibited;
8. Viewing or Downloading of Non-Business Related Information - the accessing, viewing, distribution, downloading, or any other method for retrieving non-Nibley City related information is prohibited. This includes, but is not limited to, entertainment sites, pornographic sites, sexually explicit sites, chat rooms and bulletin boards;
9. Unauthorized attempts to access another's network or e-mail account;
10. Display or transmission of sensitive or proprietary information to unauthorized persons or organizations;
11. Spamming email accounts from the Nibley City's email services or Nibley City's machines.

Nothing in this chapter prohibits the use and access of the described systems for bona fide law enforcement and investigation purposes.