

**CITY OF GIG HARBOR
RESOLUTION NO. 399**

WHEREAS, a recent attorney general's memorandum states that a lending of credit or a gift of public funds results when an employee uses a cellular phone for personal calls if a public agency is ultimately liable for the bill; and,

WHEREAS, in response to these concerns the following guidelines have been recommended by the Association of Washington Cities;

NOW, THEREFORE, the City Council of the City of Gig Harbor, Washington, hereby **RESOLVE** as follows:

Section 1. General Policy: Cellular phones may be provided to the various Departments to enhance normal and emergency operations when such usage is operationally effective relative to alternative communication choices. Cellular telephones should not be used when a less costly alternative is safe, convenient, and readily available. All cellular telephones are a public resource and should not be misused for personal telephone calls. Casual calls to friends and family or conducting personal business wastes this resource and could prevent prompt reporting or attention to emergencies. The city will inventory all city owned cellular phones. The city reserves the right to monitor the use of all city-owned cellular telephones. Reasonable precautions should be made to prevent equipment theft and vandalism.

Section 2. Emergency Exceptions: The city recognizes that work-related situations, such as the necessity to work unanticipated overtime or family emergencies, may require the use of a cellular telephone by an employee for personal business. Employees should keep such personal calls brief and to the point.

Section 3. Reimbursement: The Washington State Constitution prohibits the use of public telephones and property for private benefit. Cellular telephone charges and long distance calls will be reported and employees are required to reimburse the city for the cost of personal telephone calls which are not business-related. Employees who use city-owned cellular telephones shall sign reimbursement agreements which authorize withholding of employee pay for failure to pay reimbursement of personal calls not authorized in Section 2.

Section 4. Employee-Owned Cellular Phones: City employees may purchase their own cellular phones. If approved by the city, the employee may use their personal cellular phone for business-related calls and be reimbursed by the city. City employees may accept group discount rates for purchasing and using cellular phones for personal use, but government contracts may not be used to obtain cellular equipment or services for personal use. The government rate will not be applicable for employee-owned phones. Expenses accrued for the

purchase of employee-owned cellular phones and air-time usage should be billed directly to the employee. Prior approval and usage agreements will be established for employee-owned cellular phones being used for city business.

PASSED this 13th day of December, 1993.

Gretchen A. Wilbert, Mayor

ATTEST:

Mark E. Hoppen
City Administrator/Clerk

Filed with city clerk: 12/9/93
Passed by city council: 12/13/93