SAN JUAN COUNTY
RISK MANAGEMENT
POLICIES AND PROCEDURES

2005
SAN JUAN COUNTY
POLICY AND PROCEDURES
RISK MANAGEMENT

RISK MANAGEMENT PROGRAM

The San Juan County Commission will appoint a Risk Manager/safety officer who is responsible for the implementation of the County's Risk Management Programs. This appointment can be changed from time to time at the discretion of the County Commission. At the present time, the County Commission has appointed Rick M. Bailey to fill this position. (1.1)

A risk management/safety committee shall be appointed by the County Commission. At the present time the following employees are appointed to serve on this committee:

Rick M. Bailey, Risk Manager and Chairman
Lynn Laws, County Road Department Head
Boyd Laws, County Road-South Assistant Road Foreman and Sign Department
Wanda Franklin, County Road Office Manager
Norman L. Johnson, County Clerk-Auditor
Alan P. Freestone, County Sheriff Office and Jail Commander
Walter Bird, County Personnel Officer
Monty Perkins, County Building Maintenance Supervisor

The Committee shall hold regular meetings, which shall take place at least quarterly. Written minutes of the meeting shall be kept and will be available to the public for review. The committee shall provide initial review of all policies and procedures dealing with safety, risk management, and accident prevention. (1.2a, b)

The committee will provide the response to each risk review by the Utah Counties Insurance Pool within (30) days of the report and will respond as follows:

> Describe corrective measure already completed in response to the risk review, county's plan for implementation of recommendations; and any recommendations listed on the risk review report with which the County either disagrees or cannot comply. All items that are listed as "URGENT" must be completed within a reasonable time in connections with the Utah Counties Insurance Pool. (1.3)

The committee will also act as the County's Accident Review Board and will review all accidents, claims, and losses. This accident review board shall review each vehicular accident involving county employees and county vehicles and forward its conclusions and recommendations to the Board of County Commissioners and to the Department

Head of the employee involved in said accident. Other types of accidents may be reviewed by the Accident Review Board upon request of the Department Head of the employee involved in the accident. (1.2c)

The Board may also review accidents that have shown to be of a repeatable nature within the County, such as certain types of workers compensation claims. (3a)

The accident review board shall evaluate the accident and shall consider any or all of the following information:

1. written evidence presented by the driver concerned, the supervisor and the police report of the accident investigation;
2. maintenance records of the vehicle or other information available;
3. laboratory test on vehicle parts;
4. the driver's past driving record;
5. diagrams, photographs, and other evidence; and
6. testimony of other drivers and witnesses present.

The accident review board shall determine, as far as possible, 'the cause of the accident and whether the accident was preventable. A preventable accident is herein defined as an accident in which the driver failed to exercise every reasonable precaution to prevent the accident.

The accident review board shall prepare a written report of their findings and recommendations to the Department Head of the employee involved in the accident and to implement corrective action, if indicated. The report shall be delivered to the County Commission, to the employee's department head, the personnel department to be placed in the employee's personnel file and a copy to the employee, as well as a copy that will be sent to UCIP. (3b)

In the event the accident review board's findings and recommendations include corrective measures to be taken by the Department Head, the Department Head shall implement those corrective actions as soon as practical.

If the accident involved the violation of established policies associated with preventing injuries and incurring liability, corrective disciplinary action shall be taken as soon as practical. Appropriate disciplinary actions may include loss of driving privileges, required defensive driving courses, reassignment or termination of employment.

In the event the employee disagrees with the finding of the accident review board or with the action taken by his or her department head, the employee may file an appeal through the county personnel office to the County Commission. In order for the appeal to be considered, the appeal must be in writing and must be filed with the Personnel Office within thirty (30) days of the date on which the employee is provided a copy of the report from the accident review board.

The Risk Manager shall be responsible for gathering needed information that has been requested for renewal of the policy and will submit the information on or before the due date. County employees, who are requested, will submit information and assist in the preparation of this information, as needed. (1.4a)

The Risk Manager shall provide all information and documentation required by the County's Risk Management Program and forward it to UCIP by the 1st November of each year. (1.4b)

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SECTION TWO

CLAIMS AND LITIGATION MANAGEMENT

Any county employee who is served, delivered, or receives a legal claim or other notification of litigation or legal action, shall immediately provide copies or such to the San Juan County Attorney and County Administrator. This delivery may be accomplished by mail, hand delivery, fax or electronically, but the documents should be received within twenty four (24) hours. (2.1)

The employee shall attempt to make immediate verbal notification with the County Attorney and County Administer, and his/her department head, if any of the following occurrences are involved:

1. Any accidents involving death, hospitalization or personal injury.
2. Vehicle pursuits which result in the death, injury of any person, or destruction of third party property.
3. Shootings involving deputies.
4. Involuntary employee termination
5. Sexual harassment allegation which the county reasonably believes might result in litigation;
6. Planning and zoning issues where the parties threaten litigation or that are likely to result in claims or lawsuits. (2.3)

Any county employee, who is involved with any type of reportable incident or accident, shall submit to a standard drug test. Employees shall contact either their department head or the county personnel office as soon after such an incident or accident to determine where the test will be performed. A reportable incident or accident is one that is in excess of $1,000.00 of damage or in which any injury has occurred.

Any county employee, who is involved with any type of reportable incident or accident, shall provide to their department head and to the County Administrator, the following documents within five (5) days of the incident or accident:

A. A completed. accident report
B. Copies of all police reports, and;
C. Pictures of all vehicles involved

D. All other relevant documents. (2.2)

The County Administrator will within ten (10) days of the incident or accident, and will within two (2) days of any notice of claim or litigation, forward all appropriate and required documentation to the Utah Counties Insurance Pool (UCIP). Any Lawsuit will be sent to UCIP by certified mail, fax, or electronically. UCIP will be notified within one business day of serious occurrences likely to give rise to significant liability, which occurrences are listed (1-6) above.

County elected officials, appointed officials, and employees are required to cooperate in the resolution of claims and lawsuits and will provide requested information and documents properly.

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SECTION THREE

VEHICLE SAFETY

Prior to hiring, the potential employee shall provide to the County Personnel Office, the attached form in which information is provided about their operator's license. The form shall be forwarded to the County Risk Manager who will have the operator's license checked and documented. The Risk Manager shall also check each employee's operator's license to determine status, restrictions, or modifications. Each employee's driver license shall be checked annually to determine status, restrictions, or modifications. The County Risk Manager shall provide to UCIP on or by June 1st of each year with a list which shall indicate the names of each insured employee whose motor vehicle report has any of the following offenses on the record: (1.5a,b)

i. DUI, drugs alcohol, or alcohol related reckless during the last 12 months,
ii. two or more moving violations during the last 12 months, or
iii. driver license revoked or suspended in the last 12 month. (1.6)

The Risk Manager shall maintain these records for each individual on file until at least June 1st of the following year. (1.6b) This standard does not apply to citizens appointed to County Boards or Commissions.

The County Safety Committee shall prepare and forward to the County Commission for approval, specific policies and procedures regarding the following:

A. Driving Under the Influence (DUI) violations;
B. Disciplinary Procedures
C. Volunteer drivers; and
D. Motor Vehicle Report (MVR) reviews.

When these are approved, they shall be made a part of the Risk Management's Policies and Procedures.

Employees shall receive proper training to operate equipment and employees must demonstrate ability to operate the equipment. Written records shall be kept of all training and ability tests, accidents, citations, etc.

Use of seatbelts is required for all drivers and passengers in county vehicles (3.3a)

All accidents involving county vehicles are to be reported immediately to the department head. (3.3b)

The County shall maintain written records for the maintenance performed on each vehicle/equipment. The records shall be maintained by the County Road Department. Any maintenance not performed by the County Road Department, shall provide copies of said maintenance to the road department to be placed in the vehicle/equipment file. (3.1)

The County shall assure that all vehicles comply with the state safety inspection law. Inspections shall generally be performed by the County Road Department. For any inspections that are not performed by the County, the copies of these inspections shall be given to the road department to be placed in the vehicle file.

No County vehicle shall exceed the gross weight restrictions. Exceptions are only provided when working in a construction zone.

The County requires the use of all seat belts by all drivers and passengers in county vehicles. This is referenced in the County personnel manual in section seventeen, number b. (3.3a)

Any maintenance problems are to be addressed to either the department head or the County Shop Supervisor. No employee shall operate an unsafe vehicle.

Vehicle backing policy and cell phone use policy for drivers of all county vehicles (3.3d) -Attached

All employees shall assure that all items are properly secured when they are placed in a vehicle, especially in the rear of a truck.

All employees shall receive annual training on these issues.

All new employees are required to attend a defensive driving course within the first year of employment. All employees and volunteers shall attend a National Safety Counsel four-hour Defensive Driving Course once every five years thereafter. This course will be coordinated by the County Risk Manager and the costs of the course shall be paid by the County. (3.7)

Failure to complete the course as specified will result in the suspension of driving privileges to the employee until the course is completed for the appropriate time period.

County road department personnel will be trained on how to conduct a pre-trip inspection on licensed heavy vehicles, and are required to conduct pre-trip inspections and keep written logs of the inspection in the vehicle or at the County Road Department office. (3.2)

All CDL holders will comply with federal and state laws regarding the reporting of accidents, citations, on driving convictions involving the CDL holder. It is mandatory that the CDL holder shall report all accidents and all citations. (3.3c)

Any driver with a DUI (Driving Under the Influence); with two or more at fault or single vehicle accidents in a three year period of time, or three accidents overall, or any employee with more than 180 points against their driving record, shall not be allowed to drive a county vehicle (Effective January 1, 2000) If the employee cannot be re-assigned to a non-driving position, the employee will be terminated from employment (3.4)

The County shall develop an incentive program for county drivers while in the course of their employment that recognizes and rewards those who have not caused any accident nor had any moving violations during the previous year. (3.6) A copy of this program is attached to this policy.

DRIVER'S LICENSE REVIEW

As part of your employment; San Juan County will check your Driver's License before your hiring and annually thereafter, to determine status, restrictions, or modifications. I understand that this is a condition of my employment and my driver's license record and status may be a condition of my continued employment with San Juan County.

Employee's Signature_____ Date_____

EMPLOYEE'S NAME: _____

DRIVER'S LICENSE NUMBER: _____ STATE: _____

TYPE OF DRIVER'S LICENSE: _____

EXPIRATION DATE: _____

OFFICE USE ONLY:

DATE RECEIVED: _____

DATE SENT TO DRIVER'S LICENSE DIVISION: _____

DATE RECEIVED FROM DRIVER'S LICENSE DIVISION: _____

COMMENTS: _____

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BACKING POLICY

This policy deals primarily with the backing of large trucks that are within the Road Department, Fire Department, Area Agency on Aging and Landfill Operations, but also applies to larger pickups and vans when the configuration of the vehicle hinders the driver's ability to see behind the vehicle.

Whenever possible, the driver should park his/her vehicle so that he/she will not be required to back the vehicle when leaving. This point should be emphasized in safety meetings within the department.

If two or more employees are available when backing a vehicle, the department should specify what hand signals are to be used to indicate to the driver when to proceed and when to stop. To avoid confusion, the signals should be uniform. Instruction should be given by the department on what the hand signals are and how to use them. The employee guiding the driver should be positioned so that the driver is always able to see him/her in his rear view mirror at all times. If the driver is unable to see the employee guiding the driver in the rear view mirror, the driver is to stop the vehicle immediately and ascertain whether the employee is safe. The driver shall only proceed when the employee guiding the driver is again visible in the rearview mirror.

Employees shall never back a vehicle when small children are present unless another employee is guiding the driver. Small children move quickly and are difficult to see in the rearview mirror. A walk around the vehicle is not enough to prevent and accident when children are present. If necessary, the driver should call for assistance. This is particularly applicable when there is a large number of a pedestrian of all ages, such at the fairgrounds during an event. In such a case, the driver should always call for assistance.

The Road Department, Landfill Operations Department, Area Agency on Aging, and Fire Department shall install back up alarms on those vehicles in which it is determined by the department head to increase safety and awareness of employees and citizens.

When backing and the employee is by him/herself, the driver should walk around the vehicles to insure that there are no obstructions or children present. The driver should call for assistance if there is any question about the ability of the driver to back the vehicle quickly and safely. This avoids the possibility of a car of pedestrian entering the area after the driver has inspected it. The driver should never back into an intersection without the assistance of another employee. The driver should never back a vehicle in the lane of travel unless there is another employee present, and proper flagging methods are being used. The employee guiding the vehicle should not position him/herself in the lane of travel unless the vehicle has come to a complete stop. Audible back up alarms are encouraged on vehicles subject to this policy.

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SECTION FOUR

PERSONNEL

San Juan County will adopt a written personnel policy providing:

A. Established procedures for recruitments, interviewing, hiring, discipline and termination that include: (4.a,d)
   1. Authority to terminate clearly defined by ordinance or administrative regulation;
   2. Requirement of an interview prior to involuntary separation of any employee, (except seasonal, temporary, contract or at-will employees), at which the employee has the opportunity to respond to the allegations. This requirement applies to position eliminations and reductions in force caused by budget cuts. A written record of the interviewed is maintained.
   3. An appeals process clearly defined by ordinance or administrative regulations; and
   4. Informing the employee in writing of appeal rights.

B. Job descriptions for all positions that are ADA compliant. (4.b)

C. Prohibitions against discrimination, sexual harassment and any other illegal activity. (4.c)

D. A personnel file must be maintained for each employee (including public safety volunteers who are used regularly) that includes a written record of all personnel actions related to that employee. All official files must be under the exclusive control of the personnel officer. Copies of the files may be held by department heads.

County personnel policies and procedures, and any handbook distributed to employees will contain a statement that the document does not create a contract or agreement between the county and its employees. (4.1)

Each non-seasonal employee (including each paid part-time employee) receives periodic performance reviews (at least annually) with written findings or performance, improvement indicated, goals, etc., kept in the personnel file. Performance evaluation forms include safety and risk management. This standard does not apply to unpaid county volunteers.

The County will comply with state and federal laws governing employment and access to public services. Americans with Disabilities Act compliance covers (where applicable) the following:

A. Written job descriptions with essential job functions;
B. Job announcements;
C. Employee physicals
D. ADA coordinator appointment;
E. Grievance procedure
F. Public Notification;
G. Transition plan;
H. New construction and alterations;
I. Self assessment;
J. Public Services access;
K. Communications; and
L. Sign age

The County will have personnel policies and procedures manual, employee handbook or other information that is available and distributed to all employees. The contents may be different for different types of employees by department. Each employee signs a statement acknowledging receipt of the manual or handbook and that statement is placed in the employee's personnel file. (4.2)

All personnel rules and procedures shall be reviewed annually to determine legality and compliance with state and federal law. (4.4)

The County will update the personnel policy and procedures on an annual basis and updates will be circulated to all employees. (4.4)

The County will adopt a written drug and alcohol testing program that is consistent with federal and state statutes and court decisions. The policy will contain the following elements.

A. Pre-employment testing: (4.3a)
B. Reasonable suspicion test; (4.3b)
C. Post accident testing in accordance with county policy; (4.3C)
D. Random testing in accordance with federal regulations for drivers holding a Commercial Drivers License (CDL); (4.3d)

E. Drug testing conducted at National Institute of Drug Abuse (NIDA) certified laboratories; and
F. Return to work agreements used appropriately. (4.3)
G. Policy regarding positive results which includes a statement of the employee's rights; (4.3c)

All supervisory personnel will receive training, at least annually, on personnel policies and procedures. Written records shall be kept of all such training. (4.5)

The county will be represented at Utah Associations of Counties Insurance Mutual (UCIP) training seminars. (4.8)

The County shall adopt policies and procedures addressing sexual harassment complaints. All county employees are trained in regards to this issue when they are hired as part of the orientation process. The County shall train all employees including public safety volunteers and reserves at least annually about sexual harassment. This includes what sexual harassment is, how it can be reported and a strong statement that it will not be tolerated by or among county employees.

The County will adopt a conflict of interest policy which clearly states when a potential for conflict occurs (4.7a); how to report a conflict (4.7b); and what action can be taken against the employee if the policy is violated (4.7c). Employees and members of the governing board, Planning Commission and Board of Adjustments shall receive annual training on this policy. Written records shall be kept of all training. (4.7 a-c)

All personnel rules and procedures shall be reviewed annually to determine legality and compliance with state and federal law. (4.4)

The County will adopt a written Title VII harassment policy that

A. States the type of conduct prohibited; (4.6a)
B. Does not require or advise the victim to address a complaint to the alleged harasser; (4.6b)
C. States clearly how a complaint may be made and to whom. (4.6c)
D. Provides for an alternate to whom a complaint may be made and at least one of the persons to whom a complaint may be made is a female, and (4.6d)
E. Clearly states the appeals process or refers to the county's appeals process under which an appeal for specified personnel actions may be made. (4.6 e)

The County will verify that it does/does not comply with the requirements of the Utah State Stature entitled "County Personnel Management Act." (4.9)

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SECTION FOUR - A

COUNTY OFFICERS AND EMPLOYEES DISCLOSURE ACT

The County has adopted the State of Utah's Chapter 17-16a-1 entitled the "County Officers and Employees Disclosure Act". A copy of the act is attached. Any required disclosure as required in the act shall be made to the San Juan County Commission during a regular County Commission meeting. Annual training shall be provided to all county employees.

CHAPTER 16a
COUNTY OFFICERS AND EMPLOYEES DISCLOSURE ACT

Section

17-16a-l. Citation of chapter
17-16a-2. Purposes
17-16a-3. Definitions
17-16a-4. Prohibited use of official position
17-16a-5. Compensation for assistance in transaction involving county – Public disclosure and filing required.
17-16a-6. Interest in business entity regulated by county – Disclosure
17-16a-7. Interest in business entity doing business with county – Disclosure
17-16a-8. Investment creating conflict of interest with duties – Disclosure
17-16a-9. Inducing officer to violate provisions prohibited
17-16a-l0. Violation a misdemeanor – Removal from office
17-16a-11. Complaints charging violations – Procedure
17-16a-12. Rescission of prohibited transaction

17-16a-l. Citation of chapter

This chapter may be cited as the" County Officers and Employees Disclosure Act

History: C. 1953, 17-16a-l, enacted by L. 1983, ch. 46, §

17-16a-2. Purposes

The purposes of this chapter are to establish standards of conduct for county officers and employees and to require these persons to disclose conflicts of interest between their public duties and their personal interests.

History: C. 1953, 17-16a-2, enacted by L. 1983, ch. 46, §

COLLATERAL REFERENCES

Am. Jur. 2d. - 63A Am. Jur. 2d Public Officers and Employees §§ 319 to 325.

C.J.S. - 67 C.J.S. Officers and Public Employees § 204.

17-16a-3. Definitions

As used in this part:
1) "Appointed officer" means any person appointed to any statutory office or position or any other person appointed to any position of employment with a county, except special employees. Appointed officers include, but are not limited to persons serving on special, regular or full-time committees, agencies, or boards whether or not such persons are compensated for their services. The use of the word "officer" in this part is not intended to make appointed persons or employees "officers" of the county.
2) "Assist" means to act, or offer or agree to act, in such a way as to help, represent, aid, advise, furnish information to, or otherwise provide assistance to a person or business entity, believing that such action is of help, aid, advice, or assistance to such person or business entity and with the intent to so assist such person or business entity.
3) "Business entity" means a sole proprietorship, partnership, association, joint venture, corporation, firm, trust, foundation, or other organization or entity used in carrying on a business.
4) "Compensation" means anything of economic value, however designated, which is paid, loaned, granted, given, donated or transferred to any person or business entity for or in consideration of personal services, materials, property, or any other thing whatsoever.
5) "Elected officer" means any person elected or appointed to any office in the county.
6) "Governmental action" means any action on the part of a county including, but not limited to:
   a. any decision, determination, finding, ruling, or order;
   b. any grant, payment, award, license, contract, subcontract, transaction, decision, sanction, or approval, or the denial thereof, or the failure to act in respect to
7) "Special employee" means any person hired on the basis of a contract to perform a special service for the county pursuant to an award of a contract following a public bid.
8) "Substantial interest" means the ownership, either legally or equitably, by an individual, his spouse, and his minor children, of at least 10% of the outstanding shares of a corporation or 10% interest in any other business entity.

History: C. 1953, 17-16a-3, enacted by L. 1983, ch. 46, §

17-16a-4. Prohibited use of official position

No elected or appointed officer shall:
1) disclose confidential information acquired by reason of his official position or use such information to secure special privileges or exemptions for himself or others.

2) use or attempt to use his official position to secure special privileges for himself or others; or

3) knowingly receive, accept, take, seek or solicit, directly or indirectly, any gift or loan for himself or another if the gift or loan tends to influence him in the discharge of his official duties. This subsection is inapplicable to:

a. an occasional nonpecuniary gift having a value of less than $50;
b. an award publicly presented;
c. any bona fide loan made in the ordinary course of business;
d. political campaign contributions actually used in a political campaign

History: C. 1953, 17-16a-4, enacted by L. 1983, ch. 46, §

17-16a-5. Compensation for assistance in transaction involving county -Public disclosure and filing required.

1) No elected or appointed officer may receive or agree to receive compensation for assisting any person or business entity in any transaction involving the county in which he is an officer unless he files with the county legislative body a sworn statement giving the information required by this section, and discloses in open meeting to the members of the body of which he is a member, immediately prior to the discussion, the information required by Subsection (3)

2) The statement required to be filed by this section shall be filed ten days prior to the date of any agreement between the elected or appointed officer and the person or business entity being assisted or ten days prior to the receipt of compensation by the business entity. The statement is public information and is available for examination by the public.

3) The statement and disclosure shall contain the following information

a. the name and address of the officer
b. the name and address of the person or business entity being or to be assisted, or in which the appointed or elected official has a substantial interest; and
c. a brief description of the transaction as to which service is rendered or is to be rendered and of the nature of the service performed or to be performed.

History: C. 1953, 17-16a-5, enacted by L. 1983, ch. 46, § 6; 1993, ch. 227, § 1

Amendment Notes – The 1993 amendment, effective May 3, 1993, substituted "county legislative body" for "county commission" in Subsection (1).

17-16a-6. Interest in business entity regulated by county – Disclosure

Every appointed or elected officer who is an officer, director, agent, or employee or the owner of a substantial interest in any business entity which is subject to the regulation of the county in which he is an elected or appointed officer shall disclose the position held and the precise nature and value of his interest upon first becoming appointed or elected, and again during January of each year thereafter during which he continues to be an appointed or elected officer. The disclosure shall be made in a sworn statement filed with the county legislative body. The commission shall report the substance of all such disclosure statements to the members of the governing body or may provide to the members of the governing body, copies of the disclosure statement within 30 days after

the statement is received. This section does not apply to instances where the value of the interest does not exceed $2,000, and life insurance policies and annuities shall not be considered in determining the value of any such interest.

History: C. 1953, 17-16a-6, enacted by L. 1983, ch. 46, § 6; 1993, ch. 227, § 1

Amendment Notes – The 1993 amendment, effective May 3, 1993, substituted "county legislative body" for "county commission" in the second sentence.

17-16a-7. Interest in business entity doing business with county – Disclosure

Every appointed or elected officer who is an officer, director, agent, or employee, or owner of a substantial interest in any business entity which does or anticipates doing business with the county in which he is an appointed or elected officer, shall publicly disclose to the members of the body on which he is a member immediately prior to any discussion by such body matters relating to such business entity, the nature of his interest in that business entity. The disclosure statement shall be entered in the minutes of the meeting

History: C. 1953, 17-16a-7, enacted by L.1983, ch. 46, §

17-16a-8. Investment creating conflict of interest with duties – Disclosure

Any personal interest of or investment by any elected or appointed official of a county which creates a potential or actual conflict between the official's personal interests and his public duties shall be disclosed in open meeting to the members of the body in the manner required by Section 17-16a-6.

History: C. 1953, 17-16a-8, enacted by L. 1983, ch. 46, §

17-16a-9. Inducing officer to violate provisions prohibited

No person shall induce or seek to induce any appointed or elected officer to violate any of the provisions of this part.

History: C. 1953, 17-16a-9, enacted by L. 1983, ch. 46, §

17-16a-10. Violation a misdemeanor – Removal from office

In addition to any penalty contained in any other provision of law, any person who knowingly and intentionally violates this part is guilty of a class A misdemeanor and shall be dismissed from employment or removed from office.

History: C. 1953, 17-16a-10, enacted by L. 1983, ch. 46, § 6; 1991, ch. 241, §

Amendment Notes – The 1991 amendment, effective April 29, 1991, substituted "class A" for "class B"

Cross-References – Sentencing for misdemeanors, §§ 76-3-201, 76-3-204, 76-3-301,

17-16a-11. Complaints charging violations – Procedure

1) Any complaint against a person, who is under the merit system, charging that person with a violation of this part, shall be filed and processed in accordance with the provisions of the merit system.

2) If the person charged with the violation is not under any merit system, then the complaint shall be filed with the commission which shall investigate the complaint and shall give the person an opportunity to be heard. A written report of the findings and the recommendation of the commission shall be filed with the governing body. If the governing body finds that the person has violated this part, it may dismiss, suspend, or take such other appropriate action with respect to the person.

History: C. 1953, 17-16a-l1, enacted by L. 1983, ch. 46, §

Cross-References – County Personnel Management Act, merit system, § 17-33-1 et seq.

Deputy Sheriffs, merit system, § 17-30-1 et seq.

Firemen's Civil Service Commission, § 17-28-1 et seq.

17-16a-12. Rescission of prohibited transaction.

If any transaction is entered into in connection with a violation of Section 17-16a-6, the county may rescind or void any contract or subcontract entered into pursuant to that transaction without returning any part of the consideration received by the county

History: C. 1953, 17-16a-12, enacted by L. 1983, ch. 46, §

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SECTION FIVE

LAW ENFORCEMENT

The San Juan County Sheriffs Office shall adopt policies and procedures in the following areas:

1) Use of force; (5a)
2) Vehicle pursuits; (5b)
3) Pornography and grievance; (5c)
4) Search and seizures; (5d)

All Sheriff's Office personnel will receive annual training on all policies in the above statement and on all office-approved weapons. (5.1) (5.2)

Each Sheriff s Office shall adopt a form of the Utah Jail Standards. Inspections will be done annually and conducted in conjunction with, and according to the schedule of the Utah Jail Commanders Association. All jail personnel shall attend training approved by the Utah Counties Insurance Pool (UCIP) or the Utah Jail Commanders Association. UCIP will receive a written notice from the Sheriffs Office that the inspection(s) have been

completed and will allow the Risk Management Officer for UCIP to review the results of the inspection(s) if so desired. (5.4) (5.5) (5.6)

Sheriff's office personnel shall receive annual EVO training in the same type of vehicle operated by the employee. (5.3) Or as the Sheriff determines according to budgets and schedules.

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SECTION SIX

TRAFFIC CONTROL DEVICES

San Juan County shall have at least one copy of the Manual on Uniform Control Devices (MUTCD) that is owned by the county and which shall be available to personnel responsible for placing and maintaining traffic control devices. This manual shall be maintained in the office of the County Surveyor. (6-1)

The County shall maintain a written or computerized inventory of all traffic control devices (including signs, striping and guard rails) within the County. This inventory shall be maintained in the office of the County Surveyor. (6-2)

The County Road Department shall have regular inspections of all traffic control devices and these shall be done at least annually. Inspections should reflect field conditions. County road personnel shall quickly locate specific signs on their inventories. A written record of the inspection of each sign shall be made which indicates the following:

1) Date of Inspection;
2) Name of person conducting the inspection;
3) Condition of the sign;
4) Repairs or other work needed. (6.1)

Signs shall be maintained in a condition that signs are not faded, bent, upside down, etc., and signs are located according to MUTCD standards and that visibility is unrestricted by buildings, poles, trees, bushes, etc.

The County shall establish a written emergency response program to report and respond to reports of damaged or missing signs. The program shall identify specific individuals which are assigned to receive reports of missing or damaged signs. County employees (particularly sheriff office personnel) shall be trained or reminded at least annually to report damaged or missing signs. Written records shall be kept of all reports of missing or damaged signs. (6.2 a-d)

Stop signs shall be replaced immediately and when necessary, the county will request the Sheriff's office to respond to a report of a missing or damaged "Stop" sign as hazardous intersections until the sign is replaced.

SAN JUAN COUNTY
POLICY AND PROCEDURES
RISK MANAGEMENT

SECTION SEVEN

PLANNING AND ZONING

The County shall properly adopt the following in accordance with the Utah Code:

1) General Plan (7.1)
2) Zoning Ordinance (7.2)
3) Subdivision Ordinance (7-3)

All members of the County Planning Commission shall receive training within the previous twenty-four months regarding the legal duties of a planning commissioner. (7.1)

SAN JUAN COUNTY
POLICY AND PROCEDURES
RISK MANAGEMENT

SECTION EIGHT

USE OF COUNTY FACILITIES BY THIRD PARTIES
COUNTY FAIRS

The County shall require third-party users of county-owned on leased facilities, including all facilities insured by the county through UCIP, to sign an indemnification (hold-harmless) agreement approved by the County Attorney. (8.1)

The County shall require:

A. Liability insurance certificates from third parties using county-owned facilities, including all facilities insured by the County through UCIP. (8.2a)
B. That the insurance certificate name the county as an additional insured; (8.2b)
C. That written certification by either the Board of County Commissioners on the County Administration with concurrence of the County Attorney before waiving the insurance requirement. (8.2c)

D. That written criteria be developed specifying when the insurance might be waived.
E. That copies be obtained of all certificates and that written record of the waiver by the county of the insurance requirement and copies of certificates be kept of file for a period of at least five years, and
F. That the certificates be in the amount of at least $1 million. (8.2 a-f)

The County prohibits any alcohol be served or used at county-owned facilities, including all facilities insured by the county through UCIP, including vendors, employees of any vendor, employees of any carnival, ride, or attraction, security personnel, or participants in any and all events. (8.3) (8.4)

The County has policies governing the use of fairgrounds, including use of arenas, buildings and property. The rules for the use of the facilities will be clearly posted at each facility and clearly and conspicuously state that use of the facility are at the Risk of the user and the County is not liable for damage or injuries. (8.5)

SAN JUAN COUNTY-
POLICY AND PROCEDURES
RISK MANAGEMENT

SECTION NINE

FIRE DEPARTMENTS/AMBULANCE SERVICES/EMT'S

San Juan County will properly document the operational authority of the fire departments operating under county jurisdiction and has interlocal agreements or MOU with other jurisdictional agencies when the fire department/ambulance service/EMT are requested for other jurisdictional responsibility. The agreement or MOU will clearly state how liabilities will be apportioned among the jurisdictional agencies. (9.1)

The County shall adopt written policies and procedures in the following areas:

1) What fire protection/ambulance/EMT, services are provided;
2) What areas of the county will be serviced; and
3) The requirements for responding to fires and medical calls. (9.2)

All apparatus/ambulance drivers shall maintain current EVO certification with the Utah Fire and Rescue Academy. No other persons will be allowed to drive apparatus/ambulance who have not maintained this certification. (9.3)

Vehicle maintenance for apparatus/ambulance shall conform to Section Three of these policies and procedures. (9.5)

The county will encourage the training of fire fighters to obtain Fire Fighter I and/or Wildland Certifications (9.4)

SAN JUAN COUNTY
RISK MANAGEMENT
POLICIES AND PROCEDURES

SECTION TEN

SPECIAL SERVICE DISTRICTS/AREAS

The County will maintain a comprehensive list of all special service districts/areas in the County along with a list of all board members and officers for each district. (10.1)

The County requires all special service district/areas to provide proof of insurance and that the special districts/areas name the county as an additional insured. (10.2)

The County requires all special service districts/areas to provide the county a current copy of an indemnification agreement.

SAN JUAN COUNTY
RISK MANAGEMENT
POLICIES AND PROCEDURES

SECTION ELEVEN

DEVICES AND PROGRAMS

The County may provide for the installation of safety-related devices or the participation in safety related training programs for employees. The County shall provide a written outline of the device or program, along with the cost and description of the risk or exposure the device or program is aimed at reducing or eliminating. (11.1)

SAN JUAN COUNTY
DRIVER LICENSE REVIEW REGULATIONS

Effective January 1, 2000, all San Juan County employees/elected officials shall have their driver's license checked with the Division of Motor Vehicles at the time of employment and **annually** thereafter. Generally, the checks are run during the month of January. **A current copy of your driver's license must be on file in this office.** Those employees requiring health certificates must have a current copy on file.

Defensive driving classes will be required by all employee/elected official every **five** years. Failure to do so will result in the suspension of driving privileges to the employee until the course is completed for the appropriate time period. Attention and completion of the requirements of this class can reduce the MVR points by 50 points, if the employee/elected official has points on their current record. These cannot be built up for future uses.

Any driver with a DUI (Driving Under the Influence), with two or more at fault or single vehicle accidents in three years or three accidents overall, or any driver with more than 180 points shall not be allowed to drive a county vehicle.

HOW THE POINT SYSTEM WORKS:

Reckless Driving	80	Red Light	50
Speeding		Stop Sign	50
1 -9 MPH over	35	Improper Lookout	50
10 -19 MPH over	55	Improper Passing	50
20 MPH or over	75	Improper Turn	50
Failure to yield right of way	60	Negligent Collision	50
Wrong Way on One-Way street	60	Other Moving Violations	50

NOTE: Points may vary plus or minus 10% depending upon the severity record. Certain serious violations, such as drunk driving, require mandatory suspension or revocation and are not included in the point system.

YOUTHFUL OFFENDER POINT SYSTEM:

A driver under 21 years of age, who accumulated 70 or more points in three years, may be suspended for 1 month to a year, depending upon severity of the record.

REGULAR POINT SYSTEM

A driver 21 years of age or older who accumulates 200 or more points in three years, may be suspended for 3 months to a year, depending upon the severity of the record.

HOW YOU CAN CLEAR YOUR OWN RECORD:

By safe driving, you can clear your own record. As an incentive to safety, the point system provided that when you drive one full year without a moving violation conviction, one-half the points acquired will be removed from your record. If you drive two successive years without a conviction, all points will be deleted. Points are automatically removed from your record three years after the date of the violation. As a further incentive, 50 points may be deleted from your record for completion of a driver improvement course recommended by the Department of Public Safety, Driver License Division.

PLEASE NOTE:

IF YOUR JOB REQUIRES DRIVING A COUNTY VEHICLE, SUCH AS SOME EMPLOEES IN THE ROAD DEPARTMENT, SHERIFF'S DEPARTMENT, DIVISION OF AGING, ETC., YOUR EMPLOYMENT MAY BE TERMINATED IF YOU DON'T MEET THESE REGULATIONS.

SAN JUAN COUNTY
POLICY AND PROCEDURES
RISK MANAGEMENT

EMERGENCY RESPONSE PLAN -ROAD SIGNS

County employees are encouraged to watch for signs on county roads that may be missing, damaged, faded, bent, upside down, etc. If an employee finds any sign that meets this criterion, they shall obtain the following information: type of sign and its location. The employee shall then contact the following as soon as possible:

ROAD DEPARTMENT EMPLOYEES: Contact the appropriate road foreman for the area in which the sign is located.

OTHER COUNTY EMPLOYEES: Contact David Bronson in the Surveyors Office by calling 435-587-3234 or Lynn Laws at the San Juan County Road Office at 435-587-3230.

Written records of the notifications shall be kept by the road foreman and forwarded to David Bronson. The Survey Office will then proceed to take the appropriate action to get the damaged or missing signs repaired as soon as possible. The written reports shall indicate when the appropriate repairs have been made, in addition to the original report.