



## **MINUTES**

### **CITY OF DANA POINT FINANCIAL REVIEW COMMITTEE WEDNESDAY, JULY 26, 2017 4:00 PM**

**LOCATION:** City Hall, Second Floor, City Council Chamber, Suite 210  
33282 Golden Lantern, Dana Point, CA 92629

#### **CALL TO ORDER:**

#### **ROLL CALL OF COMMITTEE MEMBERS:**

Brian Porter, Chair  
Buck Hill, Vice Chair  
Greg Wall, Committee Member  
Larry Rolapp, Committee Member  
Toni Nelson, Committee Member

#### **STAFF PRESENT:**

Mike Killebrew, Acting City Manager; bev Brion, Accounting Supervisor; Kate Lasso, Management Analyst; DyAnne Weamire, Assistant Administrative Analyst; Matt Sinacori, Director of Public Works and Engineering; Mike Rose, Director of Emergency Services  
Aaron Rosen, Emergency Services Coordinator

#### **NEW BUSINESS:**

##### **1. Minutes of Financial Review Committee meeting, June 13, 2017**

IT WAS MOVED BY MEMBER ROLAPP, SECONDED BY MEMBER WALL TO APPROVE THE MINUTES OF JUNE 13, 2017 WITH THE FOLLOWING CHANGES:

Page 6, Paragraph 5: add "can" between the words 'problems' and 'be.'

Page 7, Paragraph 1: add "ing" to the word 'do.'

Page 7, Paragraphs 2, 6, and 8: Replace "42%" and "43%" with '32%.'

Page 11, Paragraph 7: Correct the 2<sup>nd</sup> and 3<sup>rd</sup> sentence to read: "...money in the most effective way and said if an attorney worked 2000 hours a year at \$250 an hour that would equate to \$500k annually.

Page 11, Paragraph 10: Add the word "one" after the word 'no.'

Page 11, Paragraph 13: Correct the 2<sup>nd</sup> and third sentences to read "...cities that have a lot of work and would be surprised if there would be efficiencies or the kinds

of expertise that the City would need to get the work done in the City of Dana Point.

Page 15, Paragraph 3: Correct the amount of vehicles from “28” to “34.”

Page 15, Paragraph 9: Replace the word “can” with the word “can’t.”

Page 16, Paragraph 2, Line 4: add an “s” after the word “event.”

Page 16, Paragraph 11, Line 1: Replace the word “which” with the word “with.”

Page 16, Paragraph 11, Line 2: Add the word “the” after the word “on.”

Additionally it was suggested by Member Rolapp that any handouts provided by members and presented as attachments should be labeled with the name of the member who provided the handout.

The motion carried by the following vote:

AYES: Chair Porter, Vice-Chair Hill, Member Rolapp, Member Wall, and Member Nelson

NOES: None

ABSENT: None

## **2. Financial Review Committee Procedures Discussion – Chair Porter**

There was discussion amongst the members to decide if meeting minutes should continue to be detailed summary minutes or action minutes. It was suggested that the committee provide action minutes and if “For the Record” is stated, then that statement will be reflected in the minutes.

Chair Porter discussed that each member should be allowed 3 minutes to speak uninterrupted which will help to keep the dialogue precise and to the point. The 3-minute time limits do not apply to presentations given by members. It was suggested that all presentations be received by staff the Thursday prior to the FRC meeting to be included in the agenda.

Chair Porter also reminded the FRC members that there can no longer be group emails as this can be considered a Brown Act violation.

Vice-Chair Hill suggested that during the last 15 minutes of each meeting the members should discuss what should be on the next meeting’s agenda.

Member Nelson requested clarification from the City Attorney to determine if sending out an article through email to all the committee members is considered a Brown Act violation.

Assistant City Manager Killebrew clarified that City Council members do not send articles to all council members to communicate information. He continued that he would like to have the City Attorney attend a future FRC meeting to address the committee’s concerns and questions.

Member Nelson explained that she does not agree with the restriction of a 3-minute time limit since some of the discussions that take place are triggered by what another committee member says and that the discussions are a free-flowing exchange.

Chair Porter clarified that if there is a topic to discuss there would be a 3-minute, uninterrupted dialogue followed by questions and discussion. This would keep the committee from jumping from one subject to another and will help to keep the meetings from going too long.

Member Rolapp agrees with Vice-Chair Hill that if a committee member has a topic that they would like to discuss at the next meeting then the committee member should be able to email the Chair and the Chair should place that item on the agenda for the next meeting. Also during the last 15 minutes of each meeting the committee members can convey to the Chair what topics they would like included in the next meeting's agenda.

Member Nelson stated that she was surprised that the article she sent to the FRC members ended up on the agenda when it was for informational purposes only.

Chair Porter explained that it had to be agendaized because it was sent to all members and there had been dialogue back and forth between the members regarding the article that was emailed.

Member Nelson stated that from now on, any information that a member wants to share with the committee members will be sent to the Chair and will specifically state whether it is to be forwarded to other members, on the agenda or for information only.

Vice-Chair Hill likes the idea of having action minutes and a recording of the meeting being made available. He would also like to have the minutes made available more promptly so that the City Council can see what was discussed in the meetings.

Chair Porter stated that action minutes would help speed the process up.

Assistant City Manager Killebrew stated that this was a case where there was an FRC meeting before the Council meeting so the minutes were not official minutes, but if there was a verbatim recording available that would solve the issue. The minutes would still be draft minutes at that point, however.

Member Nelson stated for the record that the committee members will send out relative articles only to the Chairman with no reply and ask him to disseminate them to others and will state in the email whether it will be information only or interest only or if it actually is an agenda item we are requesting.

Member Nelson stated that she has a problem with trying to get information onto the agenda the Thursday before the meeting. If the agenda information is provided on Thursday then that gives committee members two days to digest the information and she may have information that pertains to that agenda item but would be unable to get that information to the members a week and half in advance because she just received the agenda.

Chair Porter said it would be appropriate to bring any researched items or information regarding an agenda item into the meeting to discuss.

### **3. Referral from City Council: City Attorney Services Model**

Assistant City Manager Killebrew provided a Staff Report and asked the Financial Review Committee for direction on how the committee would like to proceed.

Chair Porter provided direction by asking which cities would be designated, if the attorneys are under contract, and if they are in-house or a firm. What is the approximate cost of that attorney for the in-house and/or the firm, and if the attorney is in-house is there additional staff required and how do the city's budget their attorney's costs and asked that the city's being reviewed be of comparable size to Dana Point if possible and noted that there are differences between coastal city costs as opposed to inland city costs due to the Coastal Commission.

Member Nelson asked if Chair Porter wanted to review comparable sized cities because he was trying to gauge whether Dana Point's expenses are in line with other cities.

Chair Porter responded that the committee has to better understand how neighboring cities are providing legal services, are they in-house or not, and if it is in-house do they have additional staffing requirements, how are they budgeting the costs, then once the committee has all the information they can compare the data to Dana Point to see if Dana Point is in line or not in line with neighboring cities.

Member Nelson stated that she believes the committee should analyze the City of Dana Point's legal expenses. She stated that she sent out an email on June 23<sup>rd</sup> asking for an analysis of the legal expenses and for the expenses that are recoverable, where are those dollars being credited to. She does not understand as a member how she can ask for information and not receive a response.

Assistant City Manager Killebrew apologized and stated that her questions had been addressed in the spreadsheet that was provided earlier but understands that he might not have explained it well enough. He further explained that there is a General Reimbursable Revenue in the General Fund and as of July 1<sup>st</sup> he explained that he had the accounting staff set up a separate fund just for legal fees.

Member Nelson asked what happens if the client is not able to pay the fees back to the City and is not recoverable is it moved into the City's expenses or does it stay in recoverable.

Assistant City Manager Killebrew responded that it is always in our expenses, every dollar is expensed and when the City receives the bill it gets paid. There is not a separate expense account designated as recoverable or non-recoverable.

Member Nelson asked that of the items that are recoverable are they 100 percent recovered.

Assistant City Manager Killebrew responded, yes with the exception of a case having to do with the Headlands and the City expensed them, but the money was not collected and never accrued as a receivable either and the money was never received.

Member Nelson asked if that was typical accounting for all cities.

Assistant City Manager Killebrew stated, yes. He corrected his earlier statement and stated that there was one other issue area that the City was not able to collect on and that was with the medical marijuana. It's currently a judgement, the City incurred legal costs and it is technically recoverable, but the City has not received any money yet.

Member Nelson asked if the spreadsheet Killebrew had provided earlier included all legal costs.

Assistant City Manager Killebrew stated, yes.

Member Nelson stated that from an informational point of view she believes including everything in one account provides a misperception in the public's eye.

Assistant City Manager Killebrew responded that as of July 1<sup>st</sup> the City has a separate revenue account which will be tracked going forward.

Member Nelson stated she found an article online from Michael Reiter ([Attachment A](#)) a municipal attorney from Beswick, Levine & Knox LLP, 2011. It his analysis of in-house City Attorneys by city. She contacted Mr. Reiter to ask if there was an update and Mr. Reiter stated, "no" but he didn't believe anything had changed. The document provides all the cities that have in-house attorneys. She found the salaries of the attorneys online at Transparent California and the average, base salary of a City Attorney for 2016 is \$212,821 and total package to include benefits is \$300,875. The lowest cost City Attorney base salary is \$120,137 with a total benefits package at \$178,091. She believes that based on these numbers, the City of Dana Point could hire a Senior City Attorney and possibly a paralegal for well under what the City is currently paying for routine activities through Rutan and Tucker.

Chair Porter stated that he would like these cities to be contacted to determine the additional legal costs incurred for using outside legal counsel as well for a total cost. Assistant City Manager Killebrew informed the committee members that the financial information provided on this website does not reflect how many hours the attorney's worked in that particular year.

Vice-Chair Hill suggested that Assistant City Manager Killebrew call all the Chief Financial Officers of all the cities that the FRC committee identifies to determine what the total expenses are for those cities for both in-house and outside legal services.

Chair Porter agrees that Assistant City Manager Killebrew contact the cities and to use the list that Member Nelson has provided.

Member Rolapp stated that he agrees that Member Nelson's list is a good place to start, but that the committee should also provide some coastal cities and some neighboring cities such as San Clemente, Laguna Beach and Newport Beach and maybe even consider Oceanside so that expenses are measured apples to apples.

Assistant City Manager Killebrew asked the committee if they would also be interested in information pertaining to judgements against those cities and if the court cases were lost and the success of the firms.

Member Nelson agreed, but only if they use in-house counsel and she provided staff with the list of cities with in-house attorneys ([Attachment A](#))

Chair Porter stated that he would be interested to see both in-house and outside attorney outcomes of court cases.

Assistant City Manager Killebrew stated that he would provide the document to staff to make copies and distribute to the rest of the committee for their information and so it is on the record.

Member Nelson stated that there is an Excel spreadsheet on the Government Finance Officers website that analyzes expenses by city and provides percentages, but she was unable to access the information and asked Killebrew if he would access the information for the committee. She feels this comparison document may give the committee an idea as to if the City is in line with other cities. In her research to determine what percentage of legal expenses a city should typically be spending she found an article on Governing.com ([Attachment B](#)) indicating legal expenses should be less than 1 percent of expenses. She continued that she found another article entitled the "Five Benefits of Hiring In-House Counsel ([Attachment C](#)). She stated that she contacted the author of the article to ask his opinion and he responded that there was definitely an advantage to having in-house counsel because of the independence factor and the desire to keep costs low to keep the City solvent in contrast to outside legal counsel where there would be a conflict because outside legal counsel has an interest in keeping their legal fees high.

Member Wall asked Assistant City Manager Killebrew when he begins the work of collecting data from the list of identified cities, to be sure to ask those cities what they believe the advantages and disadvantages are of having in-house counsel.

Vice-Chair Hill asked Assistant City Manager Killebrew to review total Dana Point legal department costs with reimbursable costs netted out with settlement amounts separated out of total reimbursable costs to make comparisons to the list of cities that have been identified.

Member Rolapp stated that there is a variable that should be considered as well; how aggressive are the various City Councils in pursuing litigation?

Member Nelson informed Assistant City Manager Killebrew that the City of San Clemente has a program that farms out their Code Enforcement issues and they take the judgments on a contingency and believes this to be a good way to save money and instructed Killebrew to provide the committee with more information on that program, does it make sense and is it effective for them.

Assistant City Manager Killebrew provided the committee with his knowledge of stories from the City of Los Angeles where the aggressiveness of the firms working on contingency might be beyond what the City of Dana Point would find acceptable in the treatment of its citizens. He continued that the City's approach with regards to Code Enforcement is compliance and not punishment.

Vice-Chair stated that many departments within the City can currently request legal support and it is never separately charged to each specific department. He believes that one of the reasons the Rutan and Tucker expenses are so high is because so many people can request help from them. So he would like to recommend how the City should account for it and who has the authority to do what.

Chair Porter asked Assistant City Manager Killebrew if the City Council had asked him at one point to restrict who within the City can engage Rutan and Tucker.

Assistant City Manager Killebrew stated that at the staff level it was discussed how to adjust the lines of communication with regards to engaging the City Attorney. He further explained that he had been in discussion with the new City Manager about possibly distributing components of the City Attorney budget and having departments manage any expenses within their own department's budget.

Member Rolapp suggested that Assistant City Manager Killebrew ask the various cities identified what full time means to that City and what is the City Attorney's schedule.

#### **4. Financial Policy Development Update:**

##### **a. GFOA Contract Update**

Assistant City Manager Killebrew provided a staff report for this item. He explained that the contract is waiting for signature and that a meeting with the consultant, Shane Cavanaugh of GFOA is scheduled for September 12, 2017, for a joint meeting with the Financial Review Committee and City Council as well as City Department Heads into small group sessions followed by larger group sessions and then one large group session at the end.

##### **b. Financial Strength Report – Info Provided by Member Nelson and Member Rolapp.**

##### **c. Risk-Based Analysis of General Reserve Requirements – Info provided by Member Nelson.**

##### **d. Revenue Enhancement – Approach Suggestion by Member Nelson**

Assistant City Manager Killebrew stated that the fee policy is in the first stage on the GFOA contract proposal, but recommended that in the first FRC meeting in September

(meeting date to be determined) that Chad Wohlford who assisted in the fee study would come to the meeting and provide information on his methodology of the City's fees and the committee could coincide the results of those discussions with the Fee Policy for recommendation back to the City Council.

Member Nelson stated that the fee policy should be that the City recovers whatever the cost is to the City within reason

Vice-Chair Hill stated that he had heard the suggestion of raising all the fees by 25% and said that the City could make more money if it were done quick instead of by a boiler plate analysis.

Assistant City Manager Killebrew stated that he recommends that the committee wait to meet with Chad Wohlford and review his fee study presentation as there are many nuances with regards to fees.

Vice-Chair Hill recommends comparing the fees of the five neighboring cities to see what their fees are for the same service.

Assistant City Manager Killebrew stated that there will be comparisons of other cities provided within Chad Wohlford's discussion and presentation in the September meeting. He repeated that his recommendation to the FRC is to listen to Chad Wohlford who created the City's fee study, however whatever the FRC wants to do collectively now he will take back to the Council.

The committee collectively supported waiting to meet with the Consultant in September to view Chad Wohlford's fee study first and look at all the fees involved.

Vice-Chair Hill stated that he learned that the TOT rate in the City of Laguna Beach is 12% and the City of Dana Point's TOT rate is 10%. He believes this would be another source of revenue that could be considered.

Assistant City Manager Killebrew explained that to amend the TOT rate it would require a vote of the people. If the additional tax is not designated for a specific purpose it would require a simple majority vote and if the additional tax is designated for a specific purpose, such as public safety then it will require a 2/3 vote. He stated that he is bringing about 95% of the City revenues that it has control over in the fee study that can be charged up to the amount that is costs the City to process, but the City cannot charge more than that because it cannot make a profit because that then becomes a tax.

Vice-Chair Hill stated that 2% more in TOT tax would swamp what the City could recover in fees by a factor of two or three and asked if Killebrew had any data he could provide to the committee regarding how to increase TOT and how to get it approved.

Chair Porter asked the committee if they thought this was something the FRC wants to recommend to the City Council and is this something the FRC thinks the City Council wants the committee to investigate.

Vice-Chair Hill responded that the alternative would be to lay off staff and cut benefits which he believes is much worse than putting TOT on a ballot.

MEMBER NELSON MOVED THAT THE FINANCIAL REVIEW COMMITTEE ASK THE CITY COUNCIL IF THEY ARE COMFORTABLE WITH THE FINANCIAL REVIEW COMMITTEE REVIEWING EVERY AREA OF REVENUE ENHANCEMENT INCLUDING TRANSIENT OCCUPANCY TAX.

Motion failed

Member Rolapp explained that he would like to include in the motion “voter approved revenue enhancements” because that could be TOT or general obligation bonds, etcetera.

IT WAS MOVED BY MEMBER NELSON AND SECONDED BY MEMBER ROLAPP THAT THE FINANCIAL REVIEW COMMITTEE ASK THE CITY COUNCIL IF THEY ARE COMFORTABLE WITH THE FINANCIAL REVIEW COMMITTEE REVIEWING ALL REVENUE ENHANCEMENTS INCLUDING REVENUE THAT MIGHT REQUIRE VOTER APPROVAL.

Vice-Chair Hill stated he wanted to have discussion on the issue first. He stated that the FRC is a group of people with a financial background and were selected to come up with ideas to help the City come up with ideas to help the City’s financial condition and that this may be unnecessarily limiting.

Chair Porter responded that all the Financial Review Committee members are volunteers with a limited amount of time.

Member Nelson agreed with Member Hill that the FRC should be able to look at all sources of revenue as this is a transparent group, but in the case of TOT and the associated revenue that goes with it, this is the big gorilla and 35% of the City’s revenue and asked if the City wants to risk having the hotels become upset over an increase in TOT.

Vice-Chair Hill stated that a 20 percent increase in TOT would be \$2 million and would help meet the City’s structural deficit in 2020 early with \$8 million more in the bank in 2022.

Member Nelson recommended that maybe one or two FRC members could research the subject for the next meeting to determine if historically there has been sensitivity to this issue including loss of tourism income.

Member Wall stated that he doesn’t feel comfortable as a committee member to be out there promoting raising TOT taxes and upsetting the City’s major hotels.

The motion failed by the following vote:

AYES:	Member Rolapp
NOES:	Chair Porter, Vice-Chair Hill, Member Nelson, Member Wall
ABSENT:	None

Vice-Chair Hill asked Assistant City Manager Killebrew to provide any expert information or opinion he could provide to the committee with regards to how hotels have historically responded to other cities increase in TOT and then the committee could reconsider.

Chair Porter stated that it will be put on the agenda for the next meeting to review the information and to make a decision as a group collectively as to whether it moves forward or create a subcommittee or to table the item.

Member Nelson stated that another major item in revenue comes from Economic Development such as property tax, sales tax, and payroll taxes. She continued that she’d like to launch an investigation right away on what economic development is still feasible in Dana Point. She would like to know about the empty lots still available in Dana Point, what is the square footage, what are the opportunities for those lots, what has the Economic Development Department done so far, and what are their ideas. She would like the department to give the Financial Review Committee some ideas as to what kinds of businesses they are trying to attract and is there anything the City can do to encourage development such as tax incentives.

Assistant City Manager Killebrew suggested that the FRC formulate a statement to ask the City Council if this is an area that they would want the committee’s input on how the



City does Economic Development. He does not know if the Council would see this as part of the Charter.

Member Nelson stated that she thought it would be a good idea to know what the Economic Development Department is doing. What are some of the steps that this department is doing to try to bring businesses to the City and to develop the empty lots. Also, is there something the City can do on a policy basis to create incentives to bring businesses in.

Chair Porter suggested that the FRC committee could get copies of the Economic Development Departments minutes that can be reviewed.

Assistant City Manager Killebrew explained that there is no Economic Development Committee which is a department of two employees and they are also tasked with doing other things including the Homeless Task Force and Housing Plan.

Chair Porter suggested having the economic development department come in to provide the Financial Review Committee with a presentation.

Member Nelson also requested the Assistant City Manager ask the Economic Development Manager to provide any information about things that other cities may have done to stimulate economic development and what could the City do on a policy basis that could stimulate development. Maybe free permits.

Chair Porter stated that he would like to hear about opportunities that have been brought to the City but because of some of the regulations and barriers the City had to turn them down or maybe they chose a different location and has the City created policies that are too stringent to encourage economic development.

Assistant City Manager Killebrew responded that he isn't sure that with the discussions in regards to what Economic Development should be doing is what the City Council wants this committee to be looking at. Should the committee be looking at changing zoning codes to make economic development easier and giving the Economic Development Manager suggestions on how they should be doing business.

Member Nelson stated that the committee wouldn't be giving suggestions, they would be asking for them. Are there things the City can do to enhance revenue and encourage economic development?

Assistant City Manager Killebrew responded that he's not sure that the City Council is even looking for your input on this, under your charge. He isn't clear on how to incentivize development in the City would fall under the Financial Review Committees charter.

Member Nelson responded that when the City Council discussed the structural deficit she heard several Council members say that they should be looking at revenue enhancement as well as expenses. You either have to add to the revenue or subtract from expenses. She suggested looking at revenue first and brainstorming as much as possible and doesn't believe the committee needs permission to do that. One of the major revenue streams is economic development.

Assistant City Manager Killebrew responded that he is looking for a motion from the Committee on what they want to do and what you would like to ask from staff.

MEMBER NELSON MADE A MOTION TO ASK THE ECONOMIC DEVELOPMENT DEPARTMENT STAFF TO PROVIDE A PRESENTATION TO THE FINANCIAL REVIEW COMMITTEE EXPLAINING HOW THEY INCENTIVIZE ECONOMIC DEVELOPMENT WITHIN DANA POINT, WHAT SUGGESTIONS THEY MIGHT HAVE FROM THEIR OWN RESEARCH AND KNOWLEDGE AS TO WHAT THE CITY CAN DO TO ENCOURAGE DEVELOPMENT.

Vice-Chair Hill stated that the motion is a little broad and would like to narrow it down and suggested asking Economic Development if there is anything the committee could do to make their jobs easier to enable economic development.

VICE CHAIR HILL WOULD LIKE TO ASK THE ECONOMIC DEVELOPMENT DEPARTMENT TO PRESENT A 15-MINUTE PRESENTATION THAT WOULD PROVIDE ANY IDEAS THAT THEY WOULD LIKE TO SEE THE FINANCIAL REVIEW COMMITTEE RESEARCH AND ADVOCATE TO IMPROVE THEIR ABILITY TO ATTRACT BUSINESS AND INCREASE REVENUE.

Member Wall responded that he would like to table this for the moment since there is so much else going on at the moment and would like to tackle some of the other problems first and then this could be revisited at a later date.

Member Nelson agreed that for now the committee should concentrate of fees and TOT for now.

Member Nelson wanted make a point on item b. "Financial Strength Report." She reviewed the City's 5-year projections going out to 2022, the City is currently at 45% of expenditures in the General Fund which is healthy, but as you move out further it goes down to 24% by 2022 if the City does not do anything, so she is encouraging the committee to move as quickly as possible.

IT WAS MOVED BY CHAIR PORTER AND SECONDED BY VICE-CHAIR HILL TO MOVE AGENDA ITEMS 5 & 6 TO THE NEXT MEETING.

The motion carried by the following vote:

AYES: Chair Porter, Vice-Chair Hill, Member Rolapp, Member Wall, and Member Nelson

NOES: None

ABSENT: None

5. Vehicle Leasing Program – Referral from City Council

Moved to next Financial Review Committee meeting (TBD)

6. Community Events Research Update by Members Hill and Wall

Moved to next Financial Review Committee meeting (TBD)

**PUBLIC COMMENTS:**

There were no public comments

In order to conduct a timely meeting, there will be a three-minute time limit per person and an overall time limit of fifteen minutes for the Public Comments portion of the agenda. State law prohibits the committee from taking action on a specific item unless it appears on the posted Agenda.

**COMMITTEE MEMBER COMMENTS:**

Vice-Chair Hill stated that he would like to see the legal cost subject on the agenda next time and asked if Killebrew could provide the committee with the City Attorney agreement.

Chair Porter said that Vehicle Leasing and Community Events Research will be discussed first and then move right into legal costs.

Member Nelson asked that for the Vehicle Leasing Program she asked that the driver's position be provided and what they do and also the mileage on the vehicle. Also would like to know the justification as to why the driver needs the car how many hours are they driving and can the vehicles be shared and total cost to the City including license, tax, gas, etc. The hope is the lease will reduce the cost. Member Nelson would also like a copy of the Vehicle Use Policy for the FRC. She also has two documents that she wants to distribute to everybody for next meeting from the City of Santa Fe ([Attachment D](#)) and the City of San Jose ([Attachment E](#)) they provide detailed policies on the use of city vehicles. It might be useful for the City Council to weigh in on the vehicle policy.

#### **ADJOURNMENT:**

Chair Porter adjourned the meeting at 6:05pm

#### **CERTIFICATION:**

I, DyAnne C. Weamire, Assistant Administrative Analyst of the City of Dana Point, do hereby certify that a copy of the foregoing Agenda was posted at Dana Point City Hall, the Dana Point Post Office, the Capistrano Beach Post Office and the Dana Point Library, on Friday, July 21, 2017 in accordance with law.

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DYANNE C. WEAMIRE, ASST. ADMIN ANALYST

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DATE

PURSUANT TO THE AMERICANS WITH DISABILITIES ACT, PERSONS WITH A DISABILITY WHO REQUIRE A DISABILITY-RELATED MODIFICATION OR ACCOMMODATION IN ORDER TO PARTICIPATE IN A MEETING, INCLUDING AUXILIARY AIDS OR SERVICES, MAY REQUEST SUCH MODIFICATION OR ACCOMMODATION FROM THE CITY CLERK AT (949) 248-3500 (TELEPHONE) OR (949) 248-9920 (FACSIMILE). NOTIFICATION 48 HOURS PRIOR TO THE MEETING WILL ENABLE THE CITY TO MAKE REASONABLE ARRANGEMENTS TO ASSURE ACCESSIBILITY TO THE MEETING.

Attachment A – Provided by Member Nelson

## In-House City Attorney's Offices in Southern California

AUGUST 29, 2011 [LEAVE A COMMENT \(HTTPS://MICHAELREITERLAW.WORDPRESS.COM/2011/08/29/IN-HOUSE-CITY-ATTORNEYS-OFFICES-IN-SOUTHERN-CALIFORNIA/#RESPOND\)](https://MICHAELREITERLAW.WORDPRESS.COM/2011/08/29/IN-HOUSE-CITY-ATTORNEYS-OFFICES-IN-SOUTHERN-CALIFORNIA/#RESPOND)

By Michael Reiter, Attorney at Law (<http://michaelreiterlaw.com/municipal-law.html>)

I was recently speaking to an investigative journalist about in-house versus contract City Attorneys. The journalist asked me if there were a list of in-house City Attorney's Offices in California. Upon review, there does not appear to be a list, though the League of California Cities does keep a list of all City/Town Attorneys in California. So, I created a list of in-house City Attorney's Offices in Southern California:

City Name	Pop. (2011 est.)	City Form	Full Service	E
San Bernardino County				
<a href="http://www.ci.san-bernardino.ca.us/cityhall/attorney/default.asp">San Bernardino</a> ( <a href="http://www.ci.san-bernardino.ca.us/cityhall/attorney/default.asp">http://www.ci.san-bernardino.ca.us/cityhall/attorney/default.asp</a> )	211,076	Charter	Yes	E
<a href="http://www.ci.redlands.ca.us/manager/cityattorney.htm">Redlands</a> ( <a href="http://www.ci.redlands.ca.us/manager/cityattorney.htm">http://www.ci.redlands.ca.us/manager/cityattorney.htm</a> )	69,231	General Law	Yes	A
Riverside County				
<a href="http://www.moreno-valley.ca.us/city_hall/departments/city-attorney.shtml">Moreno Valley</a> ( <a href="http://www.moreno-valley.ca.us/city_hall/departments/city-attorney.shtml">http://www.moreno-valley.ca.us/city_hall/departments/city-attorney.shtml</a> )	195,216	General Law	No	A
<a href="http://www.riversideca.gov/attorney/">Riverside</a> ( <a href="http://www.riversideca.gov/attorney/">http://www.riversideca.gov/attorney/</a> )	306,779	Charter	Yes	A
Los Angeles County				
<a href="http://www.ci.burbank.ca.us/index.aspx?page=69">Burbank</a> ( <a href="http://www.ci.burbank.ca.us/index.aspx?page=69">http://www.ci.burbank.ca.us/index.aspx?page=69</a> )	104,304	Charter	Yes	A
<a href="http://www.comptoncity.org/index.php/Elected-Officials/craig-j-cornwell-city-attorney.htm">Compton</a> ( <a href="http://www.comptoncity.org/index.php/Elected-Officials/craig-j-cornwell-city-attorney.htm">http://www.comptoncity.org/index.php/Elected-Officials/craig-j-cornwell-city-attorney.htm</a> )	96,925	Charter	No	E
<a href="http://www.culvercity.org/en/Government/CityAttorney">Culver City</a> ( <a href="http://www.culvercity.org/en/Government/CityAttorney">http://www.culvercity.org/en/Government/CityAttorney</a> )	38,973	Charter	Yes	A
<a href="http://www.ci.glendale.ca.us/city-attorney/default.asp">Glendale</a> ( <a href="http://www.ci.glendale.ca.us/city-attorney/default.asp">http://www.ci.glendale.ca.us/city-attorney/default.asp</a> )	192,473	Charter	Yes	A
<a href="http://www.cityofhawthorne.com/city_offices/city_attorney/default.asp">Hawthorne</a> ( <a href="http://www.cityofhawthorne.com/city_offices/city_attorney/default.asp">http://www.cityofhawthorne.com/city_offices/city_attorney/default.asp</a> )	84,854	General Law	No	A
<a href="http://www.cityofinglewood.org/depts/cityattorney/default.asp">Inglewood</a> ( <a href="http://www.cityofinglewood.org/depts/cityattorney/default.asp">http://www.cityofinglewood.org/depts/cityattorney/default.asp</a> )	110,028	Charter	No	A
<a href="http://www.longbeach.gov/attorney/">Long Beach</a> ( <a href="http://www.longbeach.gov/attorney/">http://www.longbeach.gov/attorney/</a> )	463,894	Charter	Yes	E
<a href="http://cityprosecutordoughaubert.com/">Long Beach City Prosecutor</a> ( <a href="http://cityprosecutordoughaubert.com/">http://cityprosecutordoughaubert.com/</a> )	Included Above	Charter	Yes	E

<u>Los Angeles</u> ( <a href="http://atty.lacity.org/index.htm">http://atty.lacity.org/index.htm</a> )	3,810,129	Charter	Yes	E
<u>Palmdale</u> ( <a href="http://www.cityofpalmdale.org/city_hall/city_depts.html#city%20attorney">http://www.cityofpalmdale.org/city_hall/city_depts.html#city%20attorney</a> )	153,334	Charter	No	A
<u>Pasadena</u> ( <a href="http://www.ci.pasadena.ca.us/CityAttorney/">http://www.ci.pasadena.ca.us/CityAttorney/</a> )	138,915	Charter	Yes	A
<u>Redondo Beach</u> ( <a href="http://www.redondo.org/depts/city_attorney/default.asp">http://www.redondo.org/depts/city_attorney/default.asp</a> )	66,970	Charter	Yes	E
<u>Santa Monica</u> ( <a href="http://www.smgov.net/departments/cao/">http://www.smgov.net/departments/cao/</a> )	90,174	Charter	Yes	A
<u>Torrance</u> ( <a href="http://www.torranceca.gov/115.htm">http://www.torranceca.gov/115.htm</a> )	145,927	Charter	Yes	A
Orange				
<u>Anaheim</u> ( <a href="http://www.anaheim.net/section.asp?id=93">http://www.anaheim.net/section.asp?id=93</a> )	341,034	Charter	Yes	A
<u>Huntington Beach</u> ( <a href="http://www.ci.huntington-beach.ca.us/Government/Elected_Officials/city_attorney/">http://www.ci.huntington-beach.ca.us/Government/Elected_Officials/city_attorney/</a> )	190,377	Charter	Yes	E
<u>Newport Beach</u> ( <a href="http://www.newportbeachca.gov/index.aspx?page=55">http://www.newportbeachca.gov/index.aspx?page=55</a> )	85,376	Charter	Yes	A
<u>Orange</u> ( <a href="http://www.cityoforange.org/depts/city_attorney/default.asp">http://www.cityoforange.org/depts/city_attorney/default.asp</a> )	136,995	General Law	Yes	A
<u>Santa Ana</u> ( <a href="http://www.ci.santa-ana.ca.us/cao/default.asp">http://www.ci.santa-ana.ca.us/cao/default.asp</a> )	325,228	Charter	Yes	A
Santa Clara County				
<u>Oxnard</u> ( <a href="http://cityattorney.cityofoxnard.org/Default.aspx?DepartmentID=1">http://cityattorney.cityofoxnard.org/Default.aspx?DepartmentID=1</a> )	199,722	General Law	Yes	A
<u>Simi Valley</u> ( <a href="http://www.simivalley.org/index.aspx?page=76">http://www.simivalley.org/index.aspx?page=76</a> )	125,026	General Law	No	A
<u>Thousand Oaks</u> ( <a href="http://www.toaks.org/government/depts/city_attorney/default.asp">http://www.toaks.org/government/depts/city_attorney/default.asp</a> )	127,557	General Law	No	A
<u>Ventura</u> ( <a href="http://www.cityofventura.net/ca/about">http://www.cityofventura.net/ca/about</a> )	107,124	Charter	Yes	A
San Diego County				
<u>Carlsbad</u> ( <a href="http://www.carlsbadca.gov/cityhall/attorney/Pages/default.aspx">http://www.carlsbadca.gov/cityhall/attorney/Pages/default.aspx</a> )	106,555	Charter	Yes	A
<u>Chula Vista</u> ( <a href="http://www.chulavistaca.gov/city_services/administrative_services/city_attorney/default.asp">http://www.chulavistaca.gov/city_services/administrative_services/city_attorney/default.asp</a> )	246,496	Charter	Yes	E
<u>Escondido</u> ( <a href="http://www.escondido.org/city-attorney.aspx">http://www.escondido.org/city-attorney.aspx</a> )	145,196	General Law	Yes	A
<u>National City</u> ( <a href="http://www.ci.national-city.ca.us/index.aspx?page=35">http://www.ci.national-city.ca.us/index.aspx?page=35</a> )	58,785	General Law	Yes	A
<u>Oceanside</u> ( <a href="http://www.cityofceanside.com/Datarelation.aspx?Content=289">http://www.cityofceanside.com/Datarelation.aspx?Content=289</a> )	168,173	Charter	Yes	A
<u>San Diego</u> ( <a href="http://www.sandiego.gov/cityattorney/">http://www.sandiego.gov/cityattorney/</a> )	1,311,882	Charter	Yes	E
<u>Vista</u> ( <a href="http://www.cityofvista.com/departments/cityattorney/">http://www.cityofvista.com/departments/cityattorney/</a> )	94,431	Charter	No	A

Imperial				
<u>El Centro</u> ( <a href="http://www.cityofelcentro.org/ca/index.html">http://www.cityofelcentro.org/ca/index.html</a> )	43,145	Charter	Yes	A

I define Southern California in this case as Imperial, San Diego, Orange, Riverside, San Bernardino, Los Angeles and Ventura Counties.

It can be difficult to directly compare cities and City Attorney's Offices directly. The difficulty is that different cities use different accounting. For example, Newport Beach places the outside counsel directly in its budget. Some cities use a Risk Management/liability account to pay for outside counsel. Other differences are whether the city prosecutes State law misdemeanors, which increases the size of the budget and the number of attorneys. One City offset the budget with internal fund transfers. I just added them together to get the budgeted amount. Long Beach has both an elected City Attorney and an elected City Prosecutor, which I have listed separately. The population figures are the January 2011 estimates from the California Department of Finance. There are a variety of definitions of "full service." For the purposes of this list, I define "full service" as having both a Fire Department and a Police Department.

I tried to use equivalent data. However, some cities have not adopted 2011-2012 budgets, so I used the proposed budget if available, and the 2010-2011 Adopted budget if neither the FY 12 adopted or proposed budget was available online. Also, some full service cities are more full service than others. For example, Redlands has both an airport and a landfill, while San Bernardino has neither, but San Bernardino is about three times as big as Redlands in population. Some full service cities do not have any utilities, while others have solid waste, water and electricity. The coastal cities have harbors and have to deal with the Coastal Commission. As far as complexity, I would imagine that the City and County of San Francisco as a the only Charter City and County in California, as well as having its own transit system, would be the most complex City in the State.

The data came mostly from the City's website. Sometimes, the number of attorneys comes from the City Attorney's website, sometimes from the adopted or proposed budget, sometimes from the State Bar's website (though it is more difficult to do than in the past), and the State Controller's compensation website. The determination whether the City is a Charter or General Law City comes from the list maintained by the League of California Cities. The names of City Attorneys comes from an August 2011 list from the City Attorney's division of the League of California Cities, and checked against the internet. The year the City Attorneys were appointed or elected came from a variety of internet sources, such as newspaper archives, Google, or the City's website. I couldn't find two. I counted from the initial appointment (including interim appointments). I derived the data about which cities have in-house City Attorney's Offices from Google searches cross-checked against the League's list of City Attorneys.

The information you obtain at this blog is not, nor is it intended to be, legal advice. No attorney-client relationship is established by reading or commenting on this blog. You should consult an attorney for advice regarding your individual situation.

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FILED UNDER BUDGET, CITY ATTORNEY, CITY OF ANAHEIM, CITY OF BURBANK, CITY OF CARLSBAD, CITY OF CHULA VISTA, CITY OF COMPTON, CITY OF CULVER CITY, CITY OF EL CENTRO, CITY OF ESCONDIDO, CITY OF GLENDALE, CITY OF HAWTHORNE, CITY OF HUNTINGTON BEACH, CITY OF INGLEWOOD, CITY OF LONG BEACH, CITY OF LOS ANGELES, CITY OF MORENO VALLEY, CITY OF NATIONAL CITY, CITY OF NEWPORT BEACH, CITY OF OCEANSIDE, CITY OF ORANGE, CITY OF OXNARD, CITY OF PALMDALE, CITY OF REDLANDS, CITY OF REDONDO BEACH, CITY OF RIVERSIDE, CITY OF SAN BERNARDINO, CITY OF SAN BUENAVENTURA, CITY OF SAN DIEGO, CITY OF SANTA ANA, CITY OF SANTA MONICA, CITY OF SIMI VALLEY, CITY OF THOUSAND OAKS, CITY OF TORRANCE, CITY OF VENTURA, CITY OF VISTA, CODE ENFORCEMENT, CRIMINAL LAW, IMPERIAL COUNTY, LOS ANGELES COUNTY, MUNICIPAL LAW, ORANGE COUNTY, SAN BERNARDINO CITY ATTORNEY'S OFFICE, SAN BERNARDINO CITY CHARTER, SAN DIEGO COUNTY, VENTURA COUNTY TAGGED WITH CITY ATTORNEY'S OFFICE, CITY OF HUNTINGTON BEACH, IMPERIAL COUNTY, IN-HOUSE, LOS ANGELES COUNTY, MICHAEL REITER ATTORNEY AT LAW, ORANGE COUNTY, SAN DIEGO COUNTY, SOUTHERN CALIFORNIA

**About Michael Reiter, Attorney at Law**

Michael Reiter is a Redlands, California-based lawyer, serving San Bernardino County and Riverside County in Southern California's Inland Empire. Michael Reiter is a lawyer practicing in the following fields of law: Municipal Law, Code Enforcement Law, Small Business Law and Real Estate Law. Michael Reiter practices in all the local courts, including San Bernardino Superior Court, Riverside Superior Court, and the United States District Court for the Central District of California. Michael Reiter was admitted to the California State Bar in 1998. Michael Reiter was Assistant City Attorney for the City of Redlands, a Deputy City Attorney for the City of San Bernardino, and Staff Attorney for Legal Aid Society of San Bernardino. Michael Reiter serves all of San Bernardino and Riverside County, Orange County, and Los Angeles County. Michael Reiter can be reached at (909) 296-6708, or by electronic mail at michael@michaelreiterlaw.com. 300 E. State St. #517 Redlands CA 92373-5235

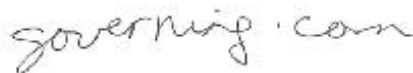


ORANGE COUNTY CITIES - IN HOUSE CITY ATTORNEY COSTS 2016

Source: Transparentcalifornia.com

City	City/Senior Attorney		Lowest Cost Attorney	
	<u>Base Salary</u>	<u>Total Pkg</u>	<u>Base Salary</u>	<u>Total Pkg</u>
	\$	\$	\$	\$
Anaheim	216,247	302,434	93,296	126,474
Huntington Beach	208,562	304,210	138,192	200,775
Newport Beach	236,907	316,586	134,547	175,286
Orange	215,591	299,226	152,058	228,119
Santa Ana	186,798	281,920	82,590	123,803
Average	<u>212,821</u>	<u>300,875</u>	<u>120,137</u>	<u>170,891</u>

*Don Clemente*



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[SAFETY](#) [URBAN](#) [EDUCATION](#) [DATA](#) [PUBLIC OFFICIALS OF THE YEAR](#) [WOMEN IN GOVERNMENT](#)

[MAGAZINE](#) [NEWSLETTERS](#) [EVENTS](#) [TAPERS](#)

[DATA](#)

## City Lawsuit Costs Report

Each year, cities spend millions fighting and settling lawsuits involving alleged police misconduct, injuries on public property and a range of other legal challenges.

To approximate the fiscal impact that these cases have, we requested financial data from the 25 largest U.S. cities, [20 of which responded](#). Cases typically originate as claims, then turn into lawsuits if not resolved. Payments made to plaintiffs, legal costs associated with cases and liability insurance premiums were obtained to provide for a comprehensive picture of costs in each locality.

***Payouts:** Payments made resulting from lawsuit settlements, judgments or claims settled prior to litigation. Figures do not reflect costs related to worker's compensation claims and employment matters unless noted.*

***Litigation:** Expenses reflect total compensation for internal staff, outside counsel and any other costs associated with lawsuits unless otherwise noted.*

***Insurance:** Costs paid for liability or excess liability insurance. Most larger cities are either primarily or entirely self insured.*

### Lawsuit costs for largest U.S. cities

Reported costs for cities vary significantly. Larger, more densely-populated cities incur greater lawsuit expenses. Types of public services provided also influence costs as some are much more prone to legal challenges than others. Jurisdictions operating public hospitals, for instance, are subject to costly medical malpractice lawsuits. Different state laws dictating what a government can be held liable for and limits on damages awarded further drive cities' costs up or down.

New York's legal bills far exceed that of all other cities. While lawsuit costs account for less than 1 percent of total spending in most cities, they often represent much-needed money that could be used to fund other areas of the budget.

## Five Benefits Of Hiring In-House Counsel

As your company continues to grow, you may start wondering whether it's time to hire in-house counsel. Between acquisitions, contracts, personnel and finances, an in-house attorney could handle nearly all of your business's growing legal matters, and may even foresee problems a private practice attorney could miss.

But how can you be sure you're selecting counsel that's best suited for *your* business?

The right in-house attorney doesn't just bring experience to the table. Once they're part of your staff, it's important that he or she is compatible with your team and understands how to best support the long-term vision of your company. Below, five legal experts and executives from [Forbes Legal Council](#) discuss the benefits of hiring in-house counsel and the top things to look for once you do.

### 1. They Support Your Growth

In-house counsel provides businesses, both small and large, with expeditious advisement. A company with in-house counsel increases their likelihood of opportunities for growth and development. Most importantly, in-house counsel will spot legal issues for you so that you are not reacting to a problem after the fact, but avoiding the problem to begin with. In terms of what to look for, find someone who will get along with your fellow employees, and most importantly, has experience in a wide variety of legal fields. This way, he or she can provide advice and spot issues in any legal area that may come into play. - [Perry Liss, The Law Offices of Perry Liss, LLC](#)

### 2. They Communicate With Outside Counsel

Depending on the size of your business and legal needs, it can be advantageous to have in-house counsel deal with outside law firms for specific matters. An on-staff attorney can help select the best outside firms for specific case types and can serve as a "watchdog" on those cases, ensuring that you are not being over-billed and that matters are being handled properly. You should also find an in-house counsel with experience and knowledge to handle your core business matters. Your lawyer should be able to work well with outside counsel on matters that are handled externally. - [Lawrence Buckfire, Buckfire & Buckfire, P.C.](#)

[Forbes Legal Council](#) is an invitation-only community for partners of prestigious

law firms and experienced chief legal executives. *Do I qualify?*

### **3. They Give You Peace Of Mind**

If it makes financial sense for your organization, one pro of hiring in-house counsel is peace of mind. Having immediate access to a licensed attorney who is 100 percent focused on your business is truly unbeatable. It can also be the difference between success and failure on a given deal. - [Matthew Rossetti, Sentient Law, Ltd.](#)

### **4. Their Knowledge Is Priceless**

By definition, outside counsel doesn't understand the nuanced details and relationships of your business anywhere near the same level as in-house counsel would. Having a lawyer dedicate 100 percent of his or her time and skill set to your business is worth every penny. Identify what your company's biggest liability is and hire an expert in that area. My employer is heavily regulated by federal and state consumer finance protection laws. When we hire, we look to experts in the consumer finance field to reduce our company's largest liability. - [Matthew Digesti, Bristlecone Holdings](#)

### **5. They're Emotionally Intelligent**

An effective in-house counsel must have emotional intelligence (EQ). Yes, lawyers have emotions too. The ability to interact with different stakeholders, understand what they need to achieve their goals, and apply the law to guide legally compliant solutions is an invaluable skill. - [Tracy Gray, Holland & Hart LLP](#)

*The information provided here is not legal advice and does not purport to be a substitute for advice of counsel on any specific matter. For legal advice, you should consult with an attorney concerning your specific situation.*

Source: Forbes.com





## **CITY OF SANTA FE ADMINISTRATIVE MANUAL**

Originating Business Unit:

Risk Management/Safety Division

<b>Authorization &amp; Operation of City-Owned and Leased Motor Vehicles Policy</b>	<b>Policy Number</b>	<b># Pages</b>
	62103-7-3	14
	<b>Effective Date</b>	<b>Revision Date</b>
	06-21-1995	08-3-2011

### **1.0 PURPOSE:**

- 1.1 To have a comprehensive set of rules and guidelines for city employees in the daily performance of job duties which require the use of a vehicle. The use of vehicles may be further addressed by department policies and standard operating procedures. Enforcement of the City of Santa Fe vehicle policy shall be the responsibility of each department.

### **2.0 APPLICABLE TO:**

- 2.1 All operators of city-owned, leased or rented motorized fleet vehicles and/or equipment or employees who use their own vehicles in the performance of their duties.

### **3.0 REFERENCES:**

- 3.1 IRS Regulations for Take-Home Vehicles (Available in Payroll Office)
- 3.2 City of Santa Fe Per Diem and Mileage Policy
- 3.3 City of Santa Fe CDL Drug & Alcohol Policy
- 3.4 Internal Department or Division Vehicle Policies

### **4.0 DEFINITIONS:**

- 4.1 **Driving on City Business:** The use of a motor vehicle to carry out an employee's duties. Driving on City business includes driving a vehicle owned, leased, rented or otherwise controlled by the City, as well as the use of a personal vehicle on City business.
- 4.2 **On-Call:** An assigned time period, outside of an employee's normal work day, where the employee is not required to remain on City premises but must be available to respond and/or report to work when called. Employees that are in on-call status must leave City management a method as to where they may be reached at all times.
- 4.3 **On-Call Vehicle:** A City vehicle, taken home by employees working on on-call status, to respond to public or health & safety emergencies outside the employee's normal work day.

- 4.4 Proper Class Driver's License: New Mexico driver's license of the class required for the vehicle being driven. New employees with a valid out-of-state driver's license shall obtain the proper class New Mexico driver's license within 30 days of their date of hire. Persons being hired into a CDL (commercial driver's license) position are required to have the proper New Mexico CDL license in accordance with the job requirement, as a post-offer condition of employment with the City of Santa Fe. The license must be current and valid and have all endorsements required by the type of equipment, the class of vehicle being driven and the load being carried. The license may not have any restrictions that would preclude driving on City business. The appropriate Commercial Driver's License (CDL) is required when driving any CDL vehicle on City business.
- 4.5 Take Home Vehicle: An authorized City vehicle taken home daily by an employee to commute from the employee's home to work.
- 4.6 Commuting: Use of a City vehicle for travel between an employee's home and main or regular place of work. It does not matter how far the commute is, if work is done during the commute, or if the employee carries work tools or equipment in the vehicle. Commuting between an employee's residence and regular place of business is considered personal use of a City vehicle. Similarly, if an employee regularly works at different locations, commuting between home and the various worksites is still considered a taxable fringe benefit.
- 4.7 Driving Position: A job that requires driving a vehicle on City business regularly or occasionally as part of the range of duties. This includes elected officials as well as classified, term, exempt, or volunteer positions requiring driving vehicles on City business. Non-employees, including former employees who are on contract with the City, are not allowed to drive City vehicles.
- 4.8 Qualified Non Personal-Use Vehicles: The IRS allows for certain vehicles to be exempted from fringe benefit compensation consideration. That is, their use is deemed to be exclusively for City business purposes. The following types of "Qualified Non Personal-Use" vehicles represent vehicles from a portion of the IRS list that may currently be in use by the City:
- 4.8.1 Clearly marked police and fire vehicles – A police or fire vehicle is a vehicle, owned or leased by the City, that is required to be used for commuting by a police officer or fire fighter who, when not on a regular shift, is on call at all times.
- 4.8.2 Unmarked vehicles used by law enforcement officers – Use must be officially authorized, the vehicle must be owned or leased by the City, and the law enforcement officers must be full time employees of the City.
- 4.8.3 Large cargo capacity vehicle – any vehicle designed to carry cargo with a loaded gross vehicle weight over 14,000 pounds.
- 4.8.4 Qualified special utility repair trucks – defined as any truck (not including a van or pickup truck) specifically designed and used to carry heavy tools, testing equipment or parts if:

- a. The shelves, racks or other permanent interior construction that has been installed to carry and store such heavy items is such that it is unlikely that the truck will be used for anything other than City business, and
- b. The City requires the employee to drive the truck home in order to be able to respond in emergency situations for purposes of restoring or maintaining City services.

4.8.5 Pickup truck – Loaded gross vehicle weight not over 14,000 pounds is a qualified non-personal use vehicle if the vehicle is clearly marked and is equipped with at least one of the following: a hydraulic lift gate, permanently installed tanks or drums, permanently installed side boards or panels materially raising the level of the sides of the bed of the pickup truck, or other heavy equipment, such as an electric generator, welder, boom, or crane used to tow automobiles and other vehicles.

4.8.6 Van – With a loaded gross vehicle weight not over 14,000 pounds is a qualified non-personal use vehicle if it is clearly marked with permanently affixed decals or with special painting or other marking associated with the City of Santa Fe. Additionally, it has a seat only for the driver or the driver and one other person, and either permanent shelving has been installed that fills most of the cargo area or the cargo area is open and the van constantly (during both working and nonworking hours) carries merchandise, material, or equipment used in the employer's trade, business, or function.

4.9 Personal Use: Any use of a City vehicle for non-business related purposes. Commuting is a good example of what IRS terms "personal use" of an employer provided vehicle.

4.10 Temporary Place of Business: According to the IRS, any location where an employee "performs services on an irregular or short-term (i.e. generally a matter of days or week) basis."

4.11 Work Place: The place that is noted in the City's Human Resources and payroll records as the place where an employee regularly performs his or her normal office functions or reports for duty at the beginning of a shift.

## 5.0 POLICY:

- 5.1 All City vehicles are leased or owned and provided to employees to enable the provision of essential services to the citizens of Santa Fe.
- 5.2 Assignment of a specific City vehicle is neither a privilege nor a right of any City employee and shall be based on service delivery requirements.
- 5.3 Employees may not use City vehicles for personal use, other than commuting and qualified non personal-use.
- 5.4 All assigned City vehicles, other than authorized take-home vehicles, shall be picked up and dropped off at designated City parking areas.

- 5.5 Take-home City vehicle assignments must be reviewed and approved based on established and documented performance measures clearly indicating the public benefits derived from any authorized take-home assignment as illustrated in Section 8.

**6.0 CONDITIONS FOR GENERAL USE:**

- 6.1 **Appropriate License and Training** – All operators of City vehicles shall have a valid driver's license appropriate to the type of vehicle being driven. In the event employees have their State of New Mexico driver's license revoked or suspended, they shall not operate a City-owned vehicle. If an employee with a valid driver's license is required to use an ignition interlock device, that employee will not be allowed to operate a City-owned vehicle. Employees under eighteen (18) years of age are not allowed to operate a City-owned vehicle. Employees shall immediately report every revocation or suspension of their driver's license, or a requirement to use an interlock device, to their supervisor. Any employee driving a City-owned vehicle who does not have a valid New Mexico driver's license will be subject to disciplinary action up to and including termination of the employee.
- 6.2 **Authorized Passengers – Carrying of Passengers Prohibited** – No driver of City equipment shall carry passengers in or on any such vehicles, with these exceptions:
- 6.2.1 Other persons engaged in or advising on matters relating to City services or improvements or City sanctioned events.
- 6.2.2 Other City employees to and from work when those other employees reside in the same general area and work in the same general location as the driver of a City vehicle who has been authorized to have a take-home vehicle. It is important to note that both the driver and the passenger, in this case, must have an authorized take home vehicle form on file and submit commuting documentation as required. Both will be taxed accordingly.
- 6.2.3 Other persons who are being transported as part of an approved City program, *i.e.* citizen volunteers, program participants, City business clients/partners, persons arrested, etc.
- 6.3 **Business/Non-business Uses/Personal Emergency Use** –
- 6.3.1 City-owned vehicles are to be used only for City business or City sanctioned events.
- a. Assigned City vehicles are not permitted to be used for private purposes. Running personal errands, stops at the credit union or banks or any other personal business is prohibited at any time other than authorized break, lunch periods or a quick stop on the way to and from work. Any employee violating these regulations will be subject to disciplinary action.
- 6.3.2 Use of City-owned vehicles on out of state trips – City vehicles shall not be driven out-of-state without specific authorization of the City Manager, except as noted below. The City Manager, or Public Safety designee, may authorize trips by Police or Fire personnel when such trips would be to the economic or



operation benefit of the City. Signature approval to use a City vehicle for an out-of-state trip must be obtained on the Authorization for Travel form.

**6.3.3 Driving City-owned vehicles home during regular work hours prohibited.** City employees are prohibited from driving City-owned pool or assigned motor vehicles to their homes during regular work hours with these exceptions:

- a. On approval of supervisor, and if they reside within the City limits, an employee may drive an assigned vehicle home for authorized break or lunch periods.
- b. An employee may drive an assigned vehicle home during his or her regular work hours in an emergency situation, providing the employee has properly informed his or her immediate supervisor of the emergency and received permission to drive a City vehicle home.

**6.4 Unauthorized Uses:**

- 6.4.1** Any use for personal purposes, other than commuting, qualified nonpersonal-use, or as specified in this policy.
- 6.4.2** Travel or tasks that are beyond the vehicle's rated capability.
- 6.4.3** Transport of hitchhikers.
- 6.4.4** Transport of cargo that has no relation to the performance of official City business.
- 6.4.5** Transport of acids, explosives, weapons, or ammunition (with the exception of Police).
- 6.4.6** Operation of a vehicle under the influence of drugs or alcohol or prescription medication that may impair one's driving ability.
- 6.4.7** Transport of highly flammable material.
- 6.4.8** Transport of any item or equipment projecting from the side, front or rear of the vehicle in a way that constitutes an obstruction to safe driving or a hazard to pedestrians or to other vehicles.
- 6.4.9** When employees are on official City business themselves, transport of other employees to restaurants, cafes, drugstores or to other places that are not in the service of City business.
- 6.4.10** Attending sporting events that are not in the service of City business.
- 6.4.11** Extending the length, possession, and time beyond that which is required to complete the official purpose of the trip.

- 6.4.12 When the assigned employee is on vacation or in training for at least four consecutive days, the vehicle will be parked on City premises in designated parking.
- 6.4.13 Transport of alcoholic beverages or controlled substances of any kind.
- 6.5 State and Local Traffic Laws – All drivers and passengers of a City vehicle must comply with all applicable state and local traffic laws, including but not limited to:
  - 6.5.1 The driver and all authorized passengers shall wear seat belts as required by New Mexico Uniform Traffic Code.
  - 6.5.2 The driver shall possess a valid New Mexico driver's license.
  - 6.5.3 The driver and all passengers shall comply with all state and local traffic laws; the driver shall be personally liable for any criminal or civil penalty incurred.
  - 6.5.4 The driver shall comply with all applicable state and local parking laws. In the event of a violation of such laws, the driver shall be personally liable for any criminal or civil citation penalty issued (including parking violations). All drivers shall notify his or her supervisor of any citations as soon after receipt as possible. All drivers shall provide his or her supervisor proof that such citations have been paid or adjudicated within ten working days of receipt or is in process through the appropriate court system.
  - 6.5.5 Cell phone usage must be limited to a hands free device while the vehicle is in operation, unless specific division policies prohibit cell phone use.
- 6.6 Safe Operations and Use of Equipment
  - 6.6.1 Safety Equipment – All City owned vehicles shall be equipped with proper safety equipment (i.e. first aid kit, fire extinguisher). Larger vehicles shall be equipped with safety triangles to be used in the event of a breakdown. It is the responsibility of the employee to ensure that the necessary safety equipment is in working order, and that they have received the necessary training for their proper use. Procurement of safety equipment is the responsibility of the division. Defensive Driving and First Aid training is provided through the Risk Management/Safety Division.
  - 6.6.2 Safe Operation – The driver shall check the City vehicle before operating to ensure that the vehicle lights, turn signals, brake lights and other safety equipment is functional on the vehicle. If the driver finds any of this equipment is not functioning properly the driver shall report malfunctions to his or her supervisor or to Fleet Management section immediately in order to arrange for repairs.
  - 6.6.3 Maximum Speed – No City-owned vehicle, except Police or Fire responding to emergency or authorized duty calls, shall be driven at a speed in excess of the speed limits established in State Statutes or City Ordinances.
  - 6.6.4 Smoking is prohibited within a City vehicle.

6.6.5 Unattended vehicles are not to be left idling.

6.7 Storage and Parking – Parking of Vehicles – City-owned vehicles shall be parked, when not actually in use, in the City parking lot designated by the division for that vehicle.

6.7.1 Employees are specifically prohibited from parking a City vehicle in other than its approved location.

6.7.2 No vehicle shall be kept at the home of the employee overnight unless the employee has received the appropriate authorization.

## 7.0 GLOBAL POSITIONING SATELLITE SYSTEM (GPS)

7.1 City units may be equipped with a GPS monitoring device to assist crews in operating efficiently; allow the City to respond more rapidly to customer requests and emergency situations; and provide data to resolve complaints and allegations. Specifically, the systems may be utilized for the following:

7.1.1 Routing optimization: GPS may be used to optimize fixed routes or to provide the most efficient route for dispatching crews to multiple sites during the day. The GPS may be linked to the Geographical Information System (GIS) to facilitate route optimization.

7.1.2 Task duration recording: In order to understand the effort level required to complete tasks, the GPS may record the duration and location of work performed. The GPS may alert supervisors when vehicles or equipment are outside of the specified work area or a task is taking longer than expected.

7.1.3 Fuel, mileage and periodic maintenance tracking: GPS may be used to track fuel usage, mileage and periodic maintenance records. These records may be used to ensure equipment is operating properly; routine maintenance is completed on schedule; and for budget purposes.

7.1.4 Locating equipment and closest unit dispatch : Location information can be used to rapidly and efficiently re-assign resources to new priority work that arises after work orders are distributed.

7.1.5 Emergency operations: in the event of an emergency, management and supervisors may immediately re-route and reassign resources efficiently to emergency sites.

7.1.6 Distress notification: The GPS has a "panic button" which may be used to immediately alert supervisors and emergency personnel of an employee and vehicle location during an emergency.

7.1.7 Complaint and allegation verification: the GPS can be used to address claims made against the City about damage, speeding, accidents, or other incidents. The GPS can record direction, time, speed and other information that may assist in obtaining factual information pertaining to claims or accidents.

7.1.8 Navigational aid: the GPS may be used by operators to locate destination addresses and receive routing options including alternative routing to avoid traffic or road closures. Fixed routes or work order addresses may be downloaded into the GPS to provide navigational direction to field workers.

7.2 As with all City equipment, employees are responsible for safeguarding the GPS attached to City units entrusted to them. Tampering, misusing, or disabling GPS equipment will be subject to disciplinary action up to and including termination.

## **8.0 ACCIDENT REPORTING:**

### **8.1 General Rules In the Event of an Accident:**

- 8.1.1 Do not move the injured unless there is clear and imminent danger of further injury.
- 8.1.2 Do not disturb the accident scene or move any vehicles unless there is clear and imminent danger or instructed to do so by a legitimate authority, i.e. Police or Fire Department.
- 8.1.3 All accidents, no matter how minor, shall be reported to the supervisor immediately. If the immediate supervisor is not available, contact the next level supervisor available. If after hours and no such supervisor can be contacted, immediately contact the appropriate supervisor the next day.
- 8.1.4 The Supervisor's Accident Report shall be filled out and forwarded to the Risk Management/Safety Division as soon as all signatures have been obtained.

### **8.2 Personal Injury:**

- 8.2.1 If there is any bodily injury, the employee and the supervisor shall jointly complete the following forms:
  - a. Employer's First Report of Injury or Illness, commonly referred to as the "E-1"
  - b. Supervisor's Accident Investigation Report
  - c. Notice of Accident
  - d. Authority to Release Medical Reports and Information

### **8.3 Motor Vehicle Accident/Collision:**

- 8.3.1 Notify the police and immediate supervisor. If supervisor is not available, contact the division Safety representative.
- 8.3.2 Relate complete and true account of the accident to the investigating officers.
- 8.3.3 Do not discuss liability.

- 8.3.4 Do not move the vehicle unless there is a clear and imminent danger or instructed to do so by a legitimate authority (i.e. police).
- 8.3.5 Do not accept assistance from non-City employees in moving a City unit (i.e. towing) unless authorized by a supervisor.
- 8.3.6 Complete the appropriate forms (as noted above) with your immediate supervisor.

## **9.0 CITY-OWNED VEHICLES – ASSIGNED TAKE-HOME**

The purpose of this section is to ensure the proper use of public funds with regards to any authorization granted allowing employees to commute to and from work in City-owned vehicles.

- 9.1 Authorization – Supervisors are responsible to request assignment of take-home vehicles for designated employees and/or programs by submitting a completed Vehicle Authorization Form to the Office of Risk Management/Safety for recommendation to the City Manager. Take-home vehicle authorizations are not transferable and must be renewed annually and/or when the employee has a change in position status. The Authorization Form should include the following:
  - 9.1.2 The category of assignment, i.e. long-term, on-call, etc.
  - 9.1.3 Explanation of vehicle usage and nature of any personal use authorized, i.e. commuting, qualified nonpersonal-use, etc.
  - 9.1.4 Narrative describing how the specific work assignment meets the policies and criteria for a take-home vehicle program.
  - 9.1.5 Additional data demonstrating the actual number and nature of emergency responses, if emergency responses are being used as justification. Also include an explanation as to why alternative forms of transportation cannot be used to respond to the emergencies or why City-owned assigned vehicles cannot be picked up at designated parking area.
  - 9.1.6 Calculation of savings to the City, if economic justification is used.
  - 9.1.7 Explanation of special vehicle characteristics required to fulfill the work assignment's business purpose, i.e. van, pickup, large capacity, special equipment, etc.
  - 9.1.8 Approval by the requesting Department Director.
  - 9.1.9 Concurrence by the Risk Management/Safety Manager.
  - 9.1.10 Completed Authorization Forms will be routed to the City Manager for final approval, with a copy to the Payroll Supervisor.
- 9.2 Categories of Assignment:

- 9.2.1 Long Term Assignment – The authorization of assigned take-home vehicles may be granted for a period of not more than twelve months, unless re-assignment is approved. Emergency response assignments should be supported by data demonstrating the actual number and nature of emergency responses in the prior year and estimates of future emergency responses. In addition, there must be an explanation as to why an employee cannot use alternative forms of transportation to respond to the emergencies or pick up City-owned assigned vehicles at the designated parking area.
- 9.2.2 Requirement to Respond – “On-Call” – Employees must be on call when taking a City-owned vehicle home and must have primary responsibility to respond to calls. Employees shall leave word as to where they may be reached at any given time and be available to willingly respond to and/or report to work when called.
- 9.2.3 Condition of Employment – Take-home vehicle assignment is permitted whenever an employee’s employment agreement provides for a take-home vehicle, subject to approval by the City Manager.
- 9.2.4 Special Public Safety Programs – Employees who are assigned to public safety programs may be allowed an assigned take-home vehicle, provided it is a fully marked vehicle used for the special public safety programs.
- 9.2.5 Rotating Assignment – Vehicles may be assigned as take-home to a specific division, without being assigned to a specific employee when several division employees share the on-call responsibility. It is the responsibility of the division to track the take-home vehicle assignments. On-call vehicles assigned by the division must meet the following conditions:
- a. Division employees share the requirement to respond “on-call” on a rotating basis.
  - b. The assigned take-home vehicle is appropriately marked and/or equipped to facilitate response (i.e. lights, sirens, specialized equipment).
  - c. The employees participating in the rotating assignment must reside within reasonable distance of anticipated response location. Reasonable distance is defined as: the employee’s home address is within 10 miles of the City of Santa Fe boundaries. Special exceptions may be made with consent by the City Manager.
- 9.2.6 Occasional Overnight Usage – Occasional take-home use of City-owned vehicles is permitted. Such occasional usage of City vehicles may occur when an employee attends a meeting away from the employee’s normal place of work and outside an employee’s normally scheduled workday.
- 9.3 Storage/Parking/Safekeeping of Vehicle and Equipment – Each employee authorized to drive a City-owned vehicle to his or her home overnight is required to provide off-street parking for the vehicle wherever possible while it is parked at his or her home. Failure to do so may result in loss of take home privileges.

9.4 Fringe Benefit/Non-Cash Compensation Value and Taxation – Per IRS regulations, a City-provided take-home vehicle is considered a fringe benefit under federal employment tax laws, and the imputed value of personal use must be included in the employee's gross pay. The value of the personal use is taxable for income and Social Security purposes unless specifically exempted by IRS code. The value of the personal use will be determined by the Finance Department. An employee's use of a City vehicle for commuting to and from work is considered personal use and must be treated as taxable fringe benefit for federal tax purposes. Each employee shall submit documentation as specified in the record keeping and reporting section of this regulation. After receiving the proper documentation, the City will estimate the value of the personal use and report it as employee compensation. This value will be added to the employee's taxable income on the year end W-2 Wage and Tax Statement and will be subject to applicable Social Security contributions and Federal and State withholding taxes. These regulations do not apply to vehicles that are considered to be qualified nonpersonal-use vehicles.

#### **10.0 RECORD KEEPING AND REPORTING REQUIREMENTS:**

10.1 Employee/Department Management – Department Directors must submit Take-Home Authorization forms for all requested assignments for approval. Take-home vehicle authorizations are not transferable and must be re-justified annually. Any work assignment changes that increase or decrease the number of vehicles approved for each program effectively invalidates previously authorized take-home vehicle authority – supervisors must notify Payroll when the total net count of take-home vehicles in their unit changes and must re-justify the take-home authorization using a new form.

#### **11.0 REVIEW PROCEDURES/RESPONSIBILITIES:**

##### **11.1 City Manager: The City Manager shall:**

11.1.1 Annually review and approve a list of take-home vehicle assignments by department/work unit as recommended by Office of Risk Management/Safety.

##### **11.2 Office of Risk Management/Safety: The Risk Management/Safety Division shall:**

11.2.1 Review the driving record for each employee in a driving position at least once per year. The employee's driving record must be checked before an employee is promoted, transferred, placed, etc. into a driving position.

11.2.2 Receive, re-evaluate and forward all take home vehicle assignments and in the first week of January each year transmit a list of all take-home vehicle assignments by department and division to the City Manager's Office and Finance Department – Payroll Division.

11.2.3 Evaluate all initial take-home vehicle assignment requests from departments on an as needed basis.

11.2.4 Forward suspension and serious traffic violation documentation to the employee's supervisor.

##### **11.3 Department Directors: Department Director or his/her designee shall:**

- 11.3.1 Identify all employees who drive on City business and maintain a list of driving positions whether using a City vehicle or their own personal vehicle.
- 11.3.2 Ensure that requests for take-home assignments are consistent with the policies and criteria governing take-home vehicles.
- 11.3.3 Recommend requests for take-home vehicles, after obtaining concurrence from the Office of Risk Management/Safety, and ensure that assignments meet the policies and criteria governing take-home vehicles. Submit completed requests to City Manager.
- 11.3.4 Ensure that all staff newly approved for a take-home vehicle, receive a copy of this policy and a copy of the policies, procedures, and criteria governing take-home vehicle assignments within 30 days of assignment. Employees must be notified regarding the possible tax consequences of being assigned a take home vehicle within 30 days of assignment.
- 11.3.5 Monitor the assignments of all take-home vehicles in their respective departments.
- 11.3.6 Identify designated parking areas for employees to park their assigned cars, with input from the Parking Division for downtown work sites.
- 11.3.7 Ensure wherever possible that assigned vehicles are picked up and dropped off at designated City parking areas.
- 11.3.8 Approve requests for occasional overnight take-home vehicles when usage is no more than once a week on average.
- 11.4 **Supervisors:** Supervisors shall:
  - 11.4.1 Allow only those employees who maintain the appropriate driver's license as well as the City driving permit to drive a motor vehicle on City business. Employees must submit a photocopy of their current driver's license.
  - 11.4.2 Immediately remove from a driving position any employee or contracted worker whose license is cancelled, expired, refused, revoked, suspended or restricted in a manner, which affects the employee's ability to drive on City business.
  - 11.4.3 Periodically check with each employee in a driver's position to verify that an appropriate license is in the employee's possession.
  - 11.4.4 Prohibit any employee without an appropriate driver's license in his/her possession from driving on City business.
  - 11.4.5 Notify the Office of Risk Management/Safety when work assignments change the approved take-home vehicle count in their department and re-justify the take-home authorization using a new form.
  - 11.4.6 Advise Payroll of any change of status regarding a take-home vehicle.



11.4.7 Submit proof of final resolution of employee traffic violations to the Office of Risk Management/Safety after appropriate court proceeding.

**11.5 Employees: Employee shall:**

11.5.1 Ensure that the privilege to drive is maintained.

11.5.2 Maintain in his/her possession the appropriate driver's license and City driving permit at all times while driving on City business.

11.5.3 Maintain vehicle liability insurance in accordance with New Mexico statutes.

11.5.4 While driving on City business, comply with all license restrictions issued by MVD.

11.5.5 Immediately notify his/her supervisor of:

a. A change in status of his/her driver's license

b. An arrest for a violation of any part of the New Mexico Uniform Traffic Code concerning driving under the influence of drugs or alcohol. No employee will drive on City business after consuming alcoholic beverages of any other substance that may impair driving. Any physical or mental impairment affecting the ability to operate a vehicle safely must be reported immediately to the supervisor.

c. Any traffic violation issued while in operation of a City-owned vehicle. The notification must be made immediately, and no later than before the start of the employee's next scheduled work shift.

11.5.6 Refrain from driving on City business after there has been a change in status of his/her driver's license, even if the cancellation, expiration, refusal, revocation, suspension or restriction has ended, unless the license has been reinstated. Proof of reinstatement must be provided to the supervisor before driving on City business.

11.5.7 Be aware of, understand, and comply with federal, state and local laws and the City policies applying to the operation of vehicles on City business.

11.5.8 Resolve violation, or be in the process of working with the Court, within 10 working days and provide proof to supervisor.

11.5.9 Pay all traffic fines and appear for a court date, when necessary. Failure to do so may result in a license suspension. A driver's license suspension is cause for loss of driving privileges.

11.5.10 Countersign a Request for Assignment of Take-Home Vehicle Form.

**11.6 Human Resources: The Human Resources Department shall:**

11.6.1 Secure the valid driving records from the New Mexico Motor Vehicle Division (MVD) for individuals recommended for employment for exempt, classified, or term driving positions as a post-offer condition of employment.

**11.7 Finance/Payroll: Payroll shall:**

11.7.1 In order for Payroll to process the information necessary to compute the vehicle fringe benefit for employees by the established IRS deadline, the reporting time period for each calendar year is January 1<sup>st</sup> through December 31<sup>st</sup>.

11.7.2 For employees that do not drive a qualified nonpersonal-use vehicle, add the value of the commuting use of applicable City take-home vehicles to the employee taxable wage. Calculate the value of the use by using the *IRS Fringe Benefit Valuation Rules*.

11.7.3 Update procedures, forms and processes each year according to IRS tax law changes.

## 12.0 RENTED VEHICLES

12.1 Risk Management Review – The acquisition of all City leased or borrowed vehicles is the responsibility of the leasing division. Prior to the agreement of any vehicles/equipment rental, a request for the necessary insurance must be submitted to the Office of Risk Management/Safety with the vehicle information and the period of leasing.


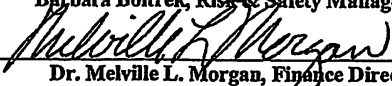

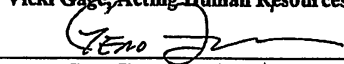
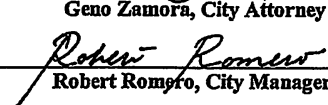
## 13.0 DEPARTMENT AND DIVISION VEHICLE POLICIES

13.1 Departments and divisions may have separate vehicle policies in place, which are in addition to, and shall not supersede this policy. Some policies may also be addressed in collective bargaining agreements, or in federal grant and state regulations.

## 14.0 APPENDIX:

14.1 Take home vehicle authorization form

## 15.0 REVIEW AND APPROVALS:

15.1	PREPARED BY:		9.21.11
		Barbara Boltrek, Risk & Safety Manager	DATE
15.2	REVIEWED BY:		9.22.11
		Dr. Melville L. Morgan, Finance Director	DATE
15.3	REVIEWED BY:		9.22.11
		Vicki Gage, Acting Human Resources Director	DATE
15.4	REVIEWED BY:		9/27/11
		Geno Zamora, City Attorney	DATE
15.5	APPROVED BY:		9-28-11
		Robert Romero, City Manager	DATE

## Use of City and Personal Vehicles

1.8.1

### PURPOSE

To establish the policy, procedures and guidelines for the use of City and personal vehicles for the efficient and effective delivery of City services, while minimizing City expenditures and maximizing current resources. This procedure applies to all City employees and officials, and supersedes all other administrative directives previously issued pertaining to the use of City owned or personal vehicle use while conducting City business. This administrative policy, and associated procedures and guidelines support Council Policy 3-1 "Parks, Recreation and Neighborhood Services – Volunteer Policy" relative to volunteers use of city-owned equipment to conduct official City business.

### POLICY

Transportation required for employees to conduct official City business will be available by the use of a City provided vehicle or the use of an authorized personal vehicle at the City's sole discretion.

The City Manager has the responsibility for administration of the provisions of this policy, and is responsible for making decisions regarding certain specific vehicle uses as described in this policy. The Department of Public Works, Fleet Management Division has the responsibility to manage the City's transportation vehicle fleet by working with departments to maximize utilization of vehicles, maintaining the fleet in good working condition, determining which vehicles will be removed from the fleet, and managing the acquisition and disposal of vehicles.

Non-City employees which may include volunteers, consultants, contractors, and other persons who are not City employees, may be authorized on a case by case basis and in accordance with Council Policy 3-1 to use a City vehicle in order to conduct official City business. Use of City vehicles by non-City employees will require prior approval from the Department Director (or designee) who is responsible for the services being provided by the non-City employee.

City provided vehicles shall be used only for official City business.

#### I. TRANSPORTATION TYPES

The following transportation options listed below are potentially available for conducting City business:

##### A. City-Provided Vehicles

1. Transport Vehicles: Vehicles whose primary use is to transport employees from place to place during the course of conducting official City business. Transport vehicles include sedans and light trucks.
2. Special Purpose Vehicles: Vehicles whose primary use requires special equipment designed to perform job functions, or whose primary use is in a restricted area where non-City vehicles are prohibited.
3. Police and Fire Vehicles: Vehicles whose primary use involves official business conducted by the Police or Fire Departments.

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- B. Employee-Owned Vehicles - Employee-owned vehicles may be used during the course of conducting official City business if authorized by the Department Director (or designee). Once authorized to use an employee-owned vehicle, employees will be eligible for mileage reimbursement subject to the provisions of the Mileage Reimbursement Policy, (please refer to policy 1.8.3 in the City Policy Manual).

II. QUALIFICATIONS FOR EMPLOYEES AND NON-CITY EMPLOYEES OPERATING VEHICLES

A. City Employees

City employees who drive a vehicle in the course of conducting official City business must possess a:

1. Valid California State Driver License appropriate to the type of vehicle being driven; and
2. City Driving Permit issued by the City's Safety Officer.

Employees authorized to use special purpose vehicles will maintain and comply with vehicle specific training and licensing requirements as defined by any relevant rules and regulations, and/or the California Department of Motor Vehicles, and/or the employee's job classification minimum qualifications.

Employees authorized to drive a vehicle on City business shall notify their supervisor in writing of the suspension, revocation, cancellation, expiration, lost privilege, disqualification, or other action affecting the status of their driver license or their authority to drive a vehicle. Notification must be made as soon as practicable, but in no case more than five (5) calendar days following the day the employee received notice of the suspension, revocation, cancellation, expiration, lost privilege, disqualification, or other action affecting the status of their driver license or their authority to drive a vehicle.

If an employee is notified that an action MAY be taken which could affect the employee's license, including the possible suspension, revocation, cancellation, expiration, lost privilege, disqualification, or other action affecting the status of their driver license or their authority to drive a vehicle, the employee shall notify their supervisor as soon as practicable, but in no case more than five (5) calendar days following the day the employee received notice of the potential action. The employee shall continue to keep their supervisor informed of any further changes or updates regarding their driving status.

Before an employee may be authorized to use a personal vehicle to conduct official City business, the employee must also furnish proof of possession of a valid California State Driver license and current liability insurance as required by the State of California Vehicle Code Section 16451 as may be amended. This is in addition to the requirement of having a valid City Driving Permit issued by the City's Safety Officer.

These requirements will be documented on the Transportation Request form completed by the employee and approved by the Department Director (or designee).

**Use of City and Personal Vehicles****1.8.1**

Employees cannot drive their vehicles on City business unless all of these requirements are met. Employees are specifically required to immediately contact their supervisor if, at any time, there is a change to these requirements or they do not meet all of the requirements.

Employees who are unable to comply with these requirements shall not be permitted to drive any vehicle (City or personal) to conduct City business and may not drive onto any City property or City facility.

**B. Non-City Employees**

Generally, non-City employees are prohibited from driving City vehicles. Non-City employees may be authorized to drive City vehicles on a case by case basis and in accordance with Council Policy 3-1. Such authorization must meet the requirements set forth in Council Policy 3-1 in addition to complying with the terms described in this policy.

Non-City employees authorized to drive a City vehicle in the course of conducting City business must possess a:

1. Valid California State Driver License appropriate to the type of vehicle being driven; and
2. City Driving Permit issued by the City's Safety Officer.

Non-City employees authorized to drive City vehicles must also obtain written approval from the City's Department Director (or designee) who is responsible for the services being provided by the non-City employee. This is in addition to the requirements provided above.

Non-City employees authorized to drive a City vehicle must be at least 18 years of age.

Non-City employees authorized to use special purpose vehicles will maintain and comply with vehicle specific training and licensing requirements as mandated by any relevant rules and regulations, and/or the California Department of Motor Vehicles.

Non-City employees authorized to drive a City vehicle on City business shall immediately cease driving the vehicle and notify the Department Director (or designee) who is responsible for the services being provided by the non-City employee in writing of the suspension, revocation, cancellation, expiration, lost privilege, disqualification, or other action affecting the status of their driver license or their authority to drive a vehicle. Notification must be made as soon as practicable, but in no case more than five (5) calendar days following the day the non-City employee received notice of the suspension, revocation, cancellation, expiration, lost privilege, disqualification, or other action affecting the status of their driver license or their authority to drive a vehicle.

If a non-City employee is notified that an action MAY be taken which could affect the non-City employee's driver license including the possible suspension, revocation, cancellation, expiration, lost privilege, disqualification, or other action affecting the status of their driver license or their authority to drive a vehicle, the non-City employee shall notify the City's Department Director (or designee) who is responsible for the services being provided by the non-City employee as soon as practicable, but in no case more than five (5) calendar days following the day the non-City employee received notice of the potential action. The non-City

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employee shall continue to keep the City's Department Director (or designee) who is responsible for the services being provided by the non-City employee informed of any further changes or updates regarding their driving status.

Before a non-City employee may be authorized to use a personal vehicle to conduct official City business, the non-City employee must also furnish proof of possession of a valid California State Driver license and current liability insurance as required by the State of California Vehicle Code Section 16451 as may be amended. This is in addition to the requirement of having a valid City Driving Permit issued by the City's Safety Officer.

These requirements shall be documented on the Transportation Request form completed by the non-City employee and approved by the Department Director (or designee) who is responsible for the services being provided by the non-City employee.

Non-City employees who are unable to comply with these requirements shall not be permitted to drive any vehicle (City or personal) to conduct City business and may not drive onto any City property or City facility.

**III. REQUIREMENTS FOR CITY-PROVIDED VEHICLES****A. City Provided Vehicles****1. Transport Vehicles**

All City transport vehicles should meet the following minimum utilization standards:

Sedans: 9,000 miles per year  
Light trucks: 11,000 miles per year

The Public Works Department will periodically conduct a break-even analysis to identify the annual mileage at which it is cost beneficial for the City to provide a vehicle instead of mileage reimbursement. The minimum utilization standards are subject to change based on the results of this break-even analysis.

In addition to the mileage reimbursement option, there are two sources of transport vehicles for the use of employees. Descriptions and requirements for each are listed below:

**a. Department Complement**

Departments receive a complement of transport vehicles based on their operational needs. Vehicles within the complement can be used by employees and non-City employees on a work shift basis, or on an occasional, as needed basis. Departments are expected to work closely with the Public Works Department to ensure that transport vehicles within their complement are utilized in such a way that they meet or exceed the minimum utilization standards specified above.

**Use of City and Personal Vehicles****1.8.1****i. Work Shift Basis**

Departments may make transport vehicles within their complement available to individual employees or authorized non-City employees for use throughout their work shift. The same vehicle may be assigned to the same employee on a regular basis for convenience, but vehicles should be rotated among employees and authorized non-City employees to the extent necessary to balance utilization and achieve the minimum utilization standard.

Departments may request an exception to the minimum utilization standard for vehicles that will be used on a work shift basis. All requests for exceptions must be made in writing to the City Manager's Office and must document the extenuating circumstances for requesting the exception. Factors that will be considered include, but are not limited to: service delivery considerations, employee safety, and job requirement considerations. The Fleet Management Division will assist in the review of exception requests by reviewing issues such as Citywide fleet availability and the size and utilization of the department's transport vehicle complement.

If such an exception is not approved, transportation needs may still be met through other transport vehicle options described in this section, or by the use of employee-owned vehicles as described in Section 1b of this policy.

Approved exceptions will be documented, including the justification for approval, and will be forwarded to and maintained by the Fleet Management Division. Exceptions are subject to annual review by the City Manager's Office.

**ii. Occasional Basis**

Departments may make transport vehicles within their complement available to individual employees for use on an as needed, occasional basis. Employees' supervisors should approve these uses, and such vehicles should be available to all employees within the department or within the work group designated for use of the vehicle.

Departments are responsible for ensuring that such vehicles meet the minimum utilization standard. Vehicles not meeting the utilization standard require an approved exception, as described in Section III.A.(1a).i above. Utilization reports will be provided semi-annually to departments by the Fleet Management Division. The Fleet Management Division will work with user departments to rotate assignments of vehicles to permit maximum utilization and utilize the fleet as effectively as possible. This utilization review may result in underutilized vehicles being removed, redeployed, or retired.

Short term specialized needs may require the use of rented or leased vehicles to supplement the department's ongoing complement. Departments must make written requests for such vehicles, providing justification for the need to add such vehicles to the department's approved complement. Such

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requests will be reviewed for approval by the City Manager's Office, and the Fleet Management Division will assist in this review by reviewing issues such as Citywide fleet availability and the size and utilization of the department's transport vehicle complement.

**b. Citywide Fleet**

The City's motor pool, which is managed and maintained by the Fleet Management Division, provides a source of vehicles for employees who need transportation for general, short-term, or occasional usage in conducting official City business.

The employee's supervisor shall approve requests for a pool vehicle and the employee shall submit the request to the Fleet Management Division's motor pool location. In approving this request, the supervisor should consider approving the use of the employee's personal vehicle, rather than a City provided vehicle.

Pool vehicles shall not be utilized for out-of-county travel without prior authorization by the driver's Department Director or designee. Utilization of a pooled vehicle for 24 hours or longer will not be permitted, except when authorized by the Department Director or designee and the Fleet Management Division. Such utilization may be approved if the use of a pool vehicle is for a work related event in which circumstances are such that returning the vehicle within the same day is unreasonable and/or not in the City's best interest. Justification in writing must be provided and filed with the Fleet Management Division.

After checking out a vehicle and making the required trip, the vehicle shall be returned to the Fleet Management Division.

**2. Special Purpose Vehicles**

Departments may obtain Special Purpose vehicles, which include sedans and light trucks, for use when the job function:

- Requires a vehicle that is outfitted with specialized equipment or is used as a work platform;
- Requires a vehicle to be utilized in a restricted area where non-City vehicles are prohibited; or
- Requires that certain City-furnished tools, equipment, or materials be frequently utilized and it is inefficient, impractical, or not possible to transport them in non-City vehicles.

The Department Director (or designee) shall submit a list of Special Purpose vehicles to the City Manager's Office, along with a justification of the reasons for categorizing the vehicle as a Special Purpose vehicle. Special Purpose vehicles will not be

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subject to the minimum utilization standard. The City Manager's Office shall review the list and approve the Special Purpose vehicle categorization for those vehicles meeting the above criteria. The Fleet Management Division shall assist this review by assisting in the analysis of described uses and other information relevant to the determination of the categorization of such vehicles. The Fleet Management Division will maintain the justification documentation for each Special Purpose vehicle.

Thereafter, the use and deployment of Special Purpose vehicles are subject to annual review by the City Manager's Office. The Fleet Management Division will review the utilization of such vehicles to ensure that they are utilized efficiently and effectively.

3. Police and Fire Vehicles

Vehicles equipped with the necessary tools (e.g. communications equipment, sirens, safety equipment) shall be available for police and firefighters to carry out their duties during the assigned shift. The supervisor will authorize the use of police and fire vehicles.

The Police and Fire Departments will work with the Fleet Management Division to rotate these vehicles in their assignments to evenly distribute utilization such that vehicles meet the utilization levels required for their respective replacement cycles.

4. Take-Home Vehicles

Take-home vehicles are to enable after-hours emergency response by authorized City employees who are on standby duty assignments that require Special Purpose or Police and Fire vehicles. The criteria for take-home vehicle authorization is described separately for Non-Sworn Operations and Police and Fire Operations.

Authorization for a take-home vehicle is granted to a classification meeting the requirements described below, and in no event does authority for a take-home vehicle belong to any specific City employee who is not in a classification that meets the requirements described below. This means that an individual employee previously granted authorization for a take-home vehicle whose assignments are updated so as to no longer require Special Purpose or Police and Fire vehicles is no longer authorized for a take-home vehicle.

Non-City employees shall not be permitted to take City vehicles home under any circumstances.

**Non-Sworn Operations Requirements:** Special Purpose vehicles may be used by non-sworn City employees on a take-home basis, provided that all of the following minimum requirements are met:

- The employee is required to be on standby duty and must respond to after-hours emergencies; and

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- The standby duty job function requires a Special Purpose vehicle; and
- The standby duty job function has met the minimum call-back events threshold over the last 12 months as established for that function. The minimum call-back standards may differ based on the job function but should not be less than 24 events per year; and
- The employee responding to the call-back will be able to respond to the first call-back instance and be onsite within a maximum of 45 minutes of the call; and
- The one-way commute miles of the employee assigned to call-back duty do not exceed 30 miles; and
- The Department Director has received authorization from the City Manager's Office for take-home use of the vehicle.

Departments may have more stringent policies that identify stricter and/or additional requirements pertaining to the use of take home vehicles which support their specific operations. Departments opting to develop stricter or additional requirements shall identify these additional requirements in a Departmental Policy made available to all Department staff, and shall provide a copy of the Department Policy to the Fleet Management Division.

**Annual Authorization Process (Non-Sworn Operations):**

Take-home use of Special Purpose vehicles shall be authorized annually by the City Manager's Office and be based upon written request from the Department Director. The Department Director's written request shall include:

1. A list of employees by job classification and vehicle number(s) to be used in the job function assignment,
2. Call-back performance data including the number of annual call-backs by vehicle and job assignment for the previous calendar year, and
3. The Director's justification for the take-home use of the vehicle by job function assignment to the City Manager's Office annually by December 31.

In the event that the number of annual call-backs does not meet the minimum threshold, the Department shall assess the cost-benefit of providing mileage reimbursements or auto allowances (where possible) to support these position assignments. The results of this assessment shall be included in the Department's annual request for take-home vehicles and shall be considered by the City Manager's Office in the final review of the Department's request.

The call-back performance data, noted above, shall be the department's record reporting the total number of call-backs by vehicle and job function assignment for the previous calendar year. This data shall be a record identifying all of the take-home assignments in the preceding 12 months and shall identify each employee who worked assignments using a take-home vehicle and the one-way trip mileage from the employee's home to their primary work reporting location. A copy of this record

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shall also be provided to the Finance Department in order for the Finance Department to determine if the employee's use of a take-home vehicle is subject to IRS reporting requirements.

The City Manager's Office shall prepare a final list of authorized take-home vehicle uses which shall be maintained by the City Manager's Office and a copy provided to the Department of Public Works, Fleet Management Division. Any take-home use of a vehicle not appearing on the list will be considered a violation of this policy, unless the use was otherwise pre-approved by the Department Director for a single or short-term assignment use for a defined period of time of no more than 3 months. Violations of this policy may result in disciplinary action.

Employees subject to standby or callback duty who are not authorized for take-home use of a Special Purpose vehicle are expected to be responsible for their own transportation when responding to calls.

Employees approved for take-home use of vehicles will comply with requirements outlined in the "Non-Sworn Operations Requirements" section above in addition to more stringent Departmental guidelines, if any. Such employees shall park the vehicle in the City parking lot designated by the operating Department on scheduled days off. If the employee is required to be on call, the Department Director (or designee) may authorize the employee to use the vehicle in conducting official City business during scheduled days off.

**Police and Fire Operations Requirements:** Police and Fire vehicles may be used by Police and Fire Department employees on a take-home basis, provided that all of the following minimum requirements are met:

- The employee is required to be on standby duty and must respond to after-hours emergencies; and
- The standby duty job function requires a Police or Fire vehicle; and
- The standby duty job function has met the minimum call-back events threshold over the last 12 months as established for that function. The minimum call-back standards may differ on a unit by unit basis but should not be less than 24 events per year; and
- The employee responding to the call-back will be able to respond to the first call-back instance and be onsite within a maximum of 45 minutes of the call; and
- The one-way commute miles of the individual assigned to call-back duty does not exceed 30 miles; and
- The Department Chief has received authorization from the City Manager's Office for take-home use of the vehicle.

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Departments may have more stringent policies that identify stricter and/or additional requirements pertaining to the use of take home vehicles which support their specific operations. Departments opting to develop stricter or additional requirements shall identify these additional requirements in a Departmental Policy made available to all Department staff, and shall provide a copy of the Department Policy to the Fleet Management Division.

**Annual Authorization Process (Police and Fire Operations):**

Take-home use of Police and Fire vehicles shall be authorized annually by the City Manager's Office and be based upon written request from the Department Chief. The Department Chief's written request shall include:

1. A list of employees by job classification and vehicle number(s) to be used in the job function assignment,
2. Call-back performance data including the number of annual call-backs by vehicle and job assignment for the previous calendar year,
3. The Chief's justification for the take-home use of the vehicle by job function assignment, and
4. Any policy exemption requests as it relates to response times by specific units and one-way commute mileage criterion by assignment and annual threshold of call-backs to the City Manager's Office annually by December 31.

In the event that the number of annual call-backs does not meet the minimum threshold, the Department shall assess the cost-benefit of providing mileage reimbursements or auto allowances (where possible) to support these position assignments. The results of this assessment shall be included in the Department's annual request for take-home vehicles and shall be considered by the City Manager's Office in the final review of the Department's request.

The call-back performance data, noted above, shall be the department's record reporting the total number of call-backs by vehicle and job function assignment for the previous calendar year. This data shall be a record identifying all of the take-home assignments in the preceding 12 months and shall identify each employee who worked assignments using a take-home vehicle and the one-way trip mileage from the employee's home to their primary work reporting location. A copy of this record shall also be provided to the Finance Department in order for the Finance Department to determine if the employee's use of a take-home vehicle is subject to IRS reporting requirements.

The City Manager's Office shall prepare a final list of authorized take-home vehicle uses which shall be maintained by the City Manager's Office and a copy provided to the Department of Public Works, Fleet Management Division. Any take-home use of a vehicle not appearing on the list will be considered a violation of this policy, unless the use was otherwise pre-approved by the Department Chief for a single or short-term assignment use for a defined period of time of no more than 3 months. Violations of this policy may result in disciplinary action.

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Employees subject to standby or callback duty who are not authorized for take-home use of a Police or Fire vehicle are expected to be responsible for their own transportation when responding to calls.

Employees approved for take-home use of vehicles will comply with requirements outlined in the "Police and Fire Operations Requirements" section above in addition to more stringent Departmental guidelines, if any. Such employees shall park the vehicle in the City parking lot designated by the operating Department on scheduled days off. If the employee is required to be on call, the Department Chief may authorize the employee to use the vehicle in conducting official City business during scheduled days off.

**B. Employee-Owned Vehicles**

City employees may be authorized to operate personal vehicles within the scope of their employment for official City business, provided that they comply with the requirements of this Policy.

City employees authorized to operate personal vehicles are eligible to receive mileage reimbursement for official City business use only subject to the requirements in City Policy Manual Section 1.8.3, Private Vehicle Mileage Reimbursement Policy. Reimbursement for mileage does not include commuting travel from home to work or return, nor conducting personal business. Refer to City Policy Manual Section 1.8.3, Private Vehicle Mileage Reimbursement Policy for procedures and guidelines on Mileage Reimbursement.

Personal vehicles, while being used for official City business, shall be considered an official vehicle and must be in safe mechanical condition as required by law.

**IV. CONDITIONS OF VEHICLE USE**

City and employee owned vehicles used for City business shall be operated in a manner consistent with all safety and legal requirements.

Vehicles authorized for use based on this Policy shall only be used to conduct official City business. Mileage reimbursement for the use of personal vehicles will be strictly limited to uses related to City business and in accordance with City Policy Manual Section 1.8.3, Private Vehicle Mileage Reimbursement Policy.

**A. Transportation of Passengers and Goods**

Vehicles driven to conduct official City business shall not be used to transport any passengers other than authorized City employees on official City business or persons directly related to the official City business being conducted. Nothing herein shall be construed to prohibit the carrying of any person or persons in case of accident or emergency.

City owned vehicles shall not be used to transport any items or goods that are not the property of the City, unless such transportation is directly related to official business being conducted by the City.

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All City-provided vehicles must be parked, when not in use, in the City parking lot designated by the Department. Employees approved for take-home use of vehicles shall comply with the terms set forth under Section III.A.(4) of this policy. Departments may authorize remote parking locations, however, employees must use the remote parking location nearest their primary work area. Employees are prohibited from parking a City vehicle in other than the Department's approved location in order to park closer to the employee's home. It is the responsibility of the Department to ensure that assigned vehicles are being parked in the required designated area when not in use.

Employees driving City vehicles shall not use public metered parking spaces during regular business hours that are adjacent to City buildings if there is a City parking facility available within reasonable walking distance.

Departments will be required to maintain a list of each vehicle and the vehicle's designated parking area. This list will be provided to the Department of Public Works, Fleet Management Division.

**C. Vehicle Idling**

In order to reduce emissions that are a result of idling diesel and gasoline engines, no City-owned diesel or gasoline powered vehicles/equipment or stationary engines may idle for more than five (5) consecutive minutes, with the following exceptions:

- Idling when queuing;
- Idling to verify that the vehicle is in safe operating condition;
- Idling for testing, servicing, repairing or diagnostic purposes;
- Idling when it is necessary to accomplish work for which the vehicle was designed (such as operating a crane or when emergency vehicles used by Police and Fire are at the scene of an incident);
- Idling to bring the machine system to operating temperature; and
- Idling to ensure safe operation of the vehicle.

For the purpose of this section, queuing shall mean the intermittent starting and stopping of a vehicle while the driver, in the normal course of doing business, is waiting to perform work or a service, and when shutting the vehicle engine off would impede the progress of the queue and is impracticable. Queuing does not include the time a driver may wait motionless in line in anticipation of the start of a workday or a location where work or a service will be performed.

**D. Cellular Telephone Safety While Driving****1. Wireless Telephones**

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Employees and non-City employees are not allowed to use their wireless telephone (either City issued phones or personal phones) while driving on City business or while conducting City business unless the telephone is designed and configured to allow hands free listening and talking, and is used in that manner while driving. Even when using a hands-free wireless telephone, conducting City business on a cellular telephone while driving should be kept to a minimum and only done when necessary. This section does not apply to an employee or non-City employee using a wireless telephone for emergency purposes (such as calling 911) while driving on City business.

**2. Electronic Wireless Communications Devices**

Employees and non-City employees shall not use an electronic wireless communication device to write, send, or read a text-based communication while driving on City business. "Write, send, or read a text based communication" means using an electronic wireless communications device to manually communicate with any person using a text-based communication, including, but not limited to, communications referred to as a text message, instant message, or electronic mail.

**3. Sworn Police and Fire Personnel**

Sworn police and fire personnel using wireless telephones and electronic wireless communication devices in the course and scope of their duties shall do so in accordance with their respective Duty Manuals and applicable policies and procedures relating to the use of wireless telephones and electronic wireless communication devices.

**V. COLLISION/ACCIDENT REPORTING****A. Non-sworn Employees and Non-City Employees**

Reporting of vehicle collisions or accidents by City employees driving a City-owned vehicle or their authorized personal vehicle and non-City employees driving a City-owned vehicle on City business is required. Reporting must be prompt, accurate and complete. These reports must be made within no less than 24 hours (or 48 hours if the accident occurs on a weekend) to the employee's immediate supervisor. Non-City employees shall report accidents to the City's Department Director (or designee) who is responsible for the services being provided by the non-City employee. In all cases, accident reports involving city-owned equipment shall be provided to the Department of Public Works, Fleet Management Division.

Incidental damage to a vehicle or equipment, defined as damage while the vehicle is unattended or damage such as a broken windshield from a flying rock must also be reported to the employee's immediate supervisor or in the case of non-City employees to the City's Department Director (or designee) who is responsible for the services being provided by the non-City employee. In all cases, incidental damage to city-owned equipment shall be reported to the Department of Public Works, Fleet Management Division.

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The reporting procedure to be followed by City employees and non-City employees who are involved in a vehicle accident while driving a City-owned or authorized personal vehicle on City business shall be as follows:

- a) Stop immediately and render aid if such is necessary.
- b) Call the police. Tell the police this is an accident involving a City owned vehicle or authorized private vehicle on City business.
- c) Do not make or sign statements for anyone except the police.
- d) Prepare a Standard Accident Report and give it to the supervisor, or in the case of non-City employees to the City's Department Director (or designee) who is responsible for the services being provided by the non-City employee.

The Department Director will route one copy of the accident report to the City Attorney's Office and another to the Department of Public Works, Fleet Management Division.

**B. Sworn Police and Fire Personnel**

Reporting of vehicle collisions or accidents by sworn Police and Fire personnel driving a City-owned vehicle or their authorized personal vehicle while in the course and scope of their duties shall do so in accordance with their respective Duty Manuals and applicable policies and procedures relating to vehicle collisions or accidents.

**VI. TRAFFIC AND PARKING CITATIONS**

Traffic and/or parking citations issued to a City employee or non-City employee while using a City or authorized personal vehicle on City business are the sole responsibility of the employee or non-City employee involved.

**VII. IDENTIFICATION OF CITY-OWNED VEHICLES**

All City-owned motor vehicles and other fleet equipment, except as exempted by the Department of Public Works, Fleet Management Division, shall be plainly marked with the City emblem on each side. All City-owned motor vehicles and other fleet equipment shall be identified with City equipment numbers, assigned by the Department of Public Works, Fleet Management Division and displayed on each side and/or on the rear of the equipment.

**AUTHORIZATION AND PROCEDURES**

Departments who have identified a need for a City-furnished vehicle to conduct official City business must initiate the process to obtain authorization to use a City vehicle or personal vehicle. Authorization for a City-furnished vehicle will not be granted until the Department Director or designee has completed and approved a Transportation Request Form verifying the need for a City vehicle for City business.

When a Department's vehicle assignment has significantly changed and the Department Director or designee determines that a change in type of transportation or notice of separation is identified, a new vehicle Transportation Request Form must be completed and submitted to the

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Department of Public Works, Fleet Management Division. If the Department's request is for a change from mileage reimbursement, the Department is responsible for notifying the Finance Department to cancel payment authority.

The Department Director or designee may cancel the transportation authorization, whenever such authorization is no longer needed. If an employee separates from City service, Human Resources shall provide written notification to the City Safety Officer.

The following procedure applies to obtaining authorization to use City Provided or Personal vehicles on official City business. The policy requirements and annual authorization process for take-home vehicles is found under Section III.A.(4) of this policy.

**Responsibility****Action**

Department

1. Complete Transportation Request Form. Indicate the type of transportation required, including justification for such type.
2. Provide proof of minimum State required insurance by producing a copy of the policy or a statement of insurance coverage showing the policy number, expiration date, and liability coverage for privately owned vehicle(s) which would be used for City business.

*Note:* City employees and non-City employees who operate City-provided vehicles while conducting City business must possess a valid California Driver License, a current City Driving Permit and have an Transportation Request Form approved on file.

3. Forward request to supervisor or in the case of non-City employees the Department Director (or designee) who is responsible for the services being provided by the non-City employee.
4. Verify information on Driver License and City Driving Permit.
5. Sign and forward request to the Department Director or designee.

Department Director

6. Review request and, if approved, submit to the Fleet Management Division for review and authorization.
  - a. If it is recommended and requested that a City Vehicle (including, as defined elsewhere in this policy, Department Complements, Special Purpose vehicles, and Police and Fire Vehicles) be assigned:

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- 1) Complete and Sign the Transportation Request Form.
- 2) Forward request to the Fleet Management Division for review and authorization.

Note: If requesting an Exception to the minimum mileage utilization, the request form must include further justification for this request.

- b. If the use of a personal vehicle is approved:

- 1) Sign Transportation Request Form.

Note: Authorization for use of a personal vehicle does not require approval from the Fleet Management Division.

- 2) Provide a copy of the approved Transportation Request Form to the employee.

Fleet Management  
Division/City Manager's  
Office

7. The Fleet Management Division shall review requests for vehicles that will meet the minimum mileage utilization. The original and duplicate copies of the Transportation Request Form will be returned to the requesting department, including approval or denial of the request.

8. Requests for an Exception to the minimum mileage utilization shall be forwarded to the City Manager's Office for further review. The Request Form will be returned to the requesting department and the Fleet Management Division, including approval or denial of the request.

Requesting Department

9. Receive notification of the disposition of Request from the Fleet Management Division or, if applicable, the City Manager's Office.
10. Provide a copy of the Transportation Request Form to the Department Director or designee with a copy to the employee supervisor or non-City employee department coordinator responsible for informing the requesting individuals of the disposition of the request.
11. If the Request was denied, the Department Director should consider alternative methods of transportation to assist the employee or non-City employee in performing

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his or her duties.

The following procedure applies to obtaining authorization to use a Citywide Pool vehicle on official City business.

<u>Responsibility</u>	<u>Action</u>
Department/Supervisor/Employee	<ol style="list-style-type: none"><li>1. Department is to verify the employee's valid California Driver License and current City Driving Permit.</li><li>2. Employee shall access the Motor Pool Reservation link on the City's Intranet site to initiate the reservation process</li></ol>
Fleet Management Division	<ol style="list-style-type: none"><li>3. Review the request, Citywide Pool availability, and issue a disposition to the requesting department.</li></ol>

Approved:

/s/ Alex Gurza  
Deputy City Manager

September 13, 2012  
Date

/s/ Ed Shikada  
Assistant City Manager

September 13, 2012  
Date