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# MEMORANDUM

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**DATE:** August 3, 2006  
**SUBJECT:** Ordinance Clarifications  
**STAFF REPORT BY:** Lehua Weaver  
**CC:** Rocky Fluhart, Sam Guevara, DJ Baxter, Chief Charles Querry,  
Chief Chris Burbank, Rick Graham, Kevin Bergstrom, Lamont  
Nelson, Ed Rutan, Boyd Ferguson

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The newly drafted attached ordinance includes three additional clarifications that were not addressed in the July 11 version of the ordinance. These additional clarifications are consistent with what the Council discussed during the briefings related to the take-home vehicle program.

1. Effective date of the new employee fees – the new employee fees adopted by the Council would be effective beginning October 1, 2006, which is consistent with the effective date of the secondary employer fees.
2. Clarification that department heads and chiefs are not subject to the reimbursement fees. Department heads, which includes the chiefs, have the option of either a vehicle allowance or a city-owned vehicle as part of their compensation plan.
3. Clarification that use of city-owned vehicles for secondary employment is limited to police vehicles and officers. The use of the city-owned vehicles for secondary employment is specific to the secondary employment program set up through the Police Department, which requires the use of police officers and their vehicles.

SALT LAKE CITY ORDINANCE  
No. \_\_\_\_\_ of 2006  
(City-Owned Motor Vehicles)

AN ORDINANCE AMENDING CHAPTER 2.54 OF THE SALT LAKE CITY  
CODE, RELATING TO CITY-OWNED MOTOR VEHICLES.

Be it ordained by the City Council of Salt Lake City, Utah:

SECTION 1. That Chapter 2.54 of the Salt Lake City Code, relating to city-owned motor vehicles be, and the same hereby is, amended as follows:

**2.54.020 Designation Of Ownership-Insignia Required:**

All motor vehicles owned and operated by the city shall, in a conspicuous place on both sides of the vehicle, display an identification mark designating the vehicle as the property of the city, under conditions and as required by Section 41-1a-407 of the Utah Code. Nothing in this chapter shall be construed to require such a display on any vehicle exempt from such requirements under state law.

**2.54.030 Use Policy And Restrictions:**

A. Except as provided in subsection (B), no motor vehicle owned by the city may be taken home by any city employee except under the following circumstances:

1. Authorization to regularly take home a city-owned vehicle is granted by the department director and approved by the chief administrative officer or his or her designee based on a demonstrated need for such vehicle to be taken home to serve the public interest; or

2. Due to an isolated incident of use when, because of the lateness of the hour or other peculiar circumstances, it is impractical or impossible to return such vehicle to city custody at the end of a duty shift.

B. Authorization to regularly take home a city-owned vehicle may be granted to a full-time employee for a "demonstrated need" based on at least one of the following criteria:

1. The employee has been designated as the director of a city department;

2. The vehicle is assigned to a sworn and certified law enforcement officer of the Salt Lake City police department or an employee of the Salt Lake City Fire Department (in either case, a "public safety officer"), pursuant to the ir department's take home car program requirements. For public safety officers who live within Salt Lake City, off-duty use of the vehicle is available within Salt Lake City. For public safety officers who live outside Salt Lake City, (a) off-duty use of the vehicle is available only while the officer is already within Salt Lake City on official city business, and (b) limited personal

use of the vehicle is allowed outside Salt Lake City only when incidental to the officer's commute to or from his or her residence. Travel to and from secondary employment in a city vehicle is prohibited except with respect to police officers and in that case only if unless the secondary employer, beginning October 1, 2006, pays a fuel surcharge of \$3.00 per work shift of the police officeremployee. The amount of personal use shall be established by police department or fire department policy, as the case may be, and shall be a reasonable amount that, as described in that policy, shall not accumulate excessive miles on the vehicle. Fleet management shall provide to the police chief and the fire chief a monthly report detailing usage and mileage of city vehicles, thus enabling the police chief and the fire chief to monitor vehicle usage and to determine what constitutes a reasonable accumulation of miles on vehicles.

3. The employee must respond to at least five (5) emergency situations or callbacks to work per month;

4. The nature of the employee's work requires immediate response to emergency situations, regardless of frequency, that require the use of specific safety or emergency equipment that cannot be reasonably carried in the employee's personal vehicle.

C. 1. Employees who have a demonstrated need as set forth in subsection B of this section may use city-owned motor vehicles on a voluntary basis to travel to and from their homes only with the knowledge and consent of the appropriate department head, and only if such employees, beginning October 1, 2006, make bi-weekly payments to the city for such use according to the following fee schedule:

Distance (in miles) from the Intersection of I-80 and Redwood Road	Bi-Weekly Payment
Public Safety Employees who Live in the City	\$0
Employees (other than Public Safety Employees) who Live in the City	\$0
5 or less	\$8.00
10 or less	\$16.00
15 or less	\$24.00
20 or less	\$32.00
25 or less	\$40.00
30 or less	\$48.00
35 or less	\$56.00
More than 35	\$56.00

The city council shall re-evaluate the fee schedule each year in conjunction with its adoption of the annual city budget. For employees whose use of vehicles is grandfathered pursuant to subsection (D), the bi-weekly fee shall increase by 20 percent

in the third year of the grandfather period, by an additional 20 percent in the fourth year of the grandfather period, and by an additional 20 percent in the fifth year of the grandfather period. Prior to October 1, 2006, employees who use city-owned motor vehicles as described in this subsection (C) shall make payment to the city according to the written fee schedule for such use adopted by the mayor or the mayor's designee that was in effect in July 2006. Notwithstanding anything herein to the contrary, department heads, including the chief of the police department and the chief of the fire department, shall not be required to pay the fees imposed by this subsection (C).

2. The mayor shall, by written policy, set forth liability insurance coverage to such employees, which coverage shall be not less than two hundred thousand dollars (\$200,000.00) per incident, shall cover bodily injury, death, and property damage and shall be in addition to that required by Utah Code sections 31A-22-304 and 63-30d-802.

D. Except as otherwise provided in this subsection, under no circumstances shall a city-owned vehicle be authorized for take-home use for an employee who resides farther than thirty-five (35) miles from the intersection of I-80 and Redwood Road, regardless of the department in which the employee is employed. Public safety officers qualifying for a take-home vehicle as of August 1, 2006 will be grandfathered from this limitation for a period of five (5) years beginning August 1, 2006.

E. Except as provided in subsection (B)(2), under no circumstances shall a city vehicle be used for any purpose other than city business, to promote a city interest, or for any use authorized by the mayor or the mayor's designee.

F. The distance of an employee's residence from the intersection of I-80 and Redwood Road may be established by evidence generated by any commonly available internet or computer software program that estimates distances using driving directions. An employee who disagrees with the determination of the city regarding that distance calculation may appeal that determination to the employee's department head or the department head's designee, pursuant to a process established by departmental policy. Any department's policy shall require the employee to (1) provide documentation supporting any disagreement with the distance determination of the city, and (2) describe any action taken by the department regarding the matter. The department shall maintain records regarding the appeal and shall make those records available for audit purposes.

#### **2.54.040 Maintenance And Upkeep:**

A. It shall be the duty and responsibility of the driver or operator of a city vehicle to see that it is properly serviced, maintained, and cleaned. This includes, but is not limited to, having the appropriate servicing performed on the vehicle at all designated intervals as set forth by the Public Services Department. A sticker will be affixed to the vehicle in a conspicuous place indicating time of usage and service due for the vehicle.

B. If the driver or operator of the city vehicle fails to have the vehicle properly serviced or maintained as prescribed by the Public Services Department within ten (10) working days or two hundred (200) miles of the required service or maintenance time, such failure may result in loss of use of the vehicle to the user or department as well as possible disciplinary action.

#### **2.54.050 Accident Involvement Or Damage-Reporting Requirements:**

A. If a city vehicle is involved in an accident or is otherwise damaged, the police department and Public Services Department must be notified immediately. A written report shall be prepared by the driver or operator of such vehicle relating to the accident or damage on forms prescribed by the Public Services Department, and forwarded to the Public Services Department. Additional copies shall be made available to all departments requiring a copy of such report.

B. If the driver or operator of the city vehicle fails to submit the report to the Public Services Department within a reasonable period of time, the city department which has been assigned the vehicle may lose the use of it, and the driver or operator may be subject to disciplinary action.

C. In the event any person is injured in an accident involving the operation of a city vehicle, the driver or operator of the vehicle must notify the city attorney and risk manager.

**2.54.060 Violation-Penalty:**

Any violation of provisions of this chapter shall be grounds for suspension or dismissal from employment, but shall not be considered a criminal offense.

SECTION 2. That this ordinance shall take effect immediately upon the date of its first publication.

Passed by the City Council of Salt Lake City, Utah this \_\_\_\_\_ day of  
\_\_\_\_\_, 2006.

\_\_\_\_\_  
CHAIRPERSON

ATTEST:

\_\_\_\_\_  
CHIEF DEPUTY CITY RECORDER

Transmitted to Mayor on \_\_\_\_\_.

Mayor's Action: \_\_\_\_\_ Approved. \_\_\_\_\_ Vetoed.

\_\_\_\_\_  
MAYOR

\_\_\_\_\_  
CHIEF DEPUTY CITY RECORDER

(SEAL)

Bill No. \_\_\_\_\_ of 2006.

Published: \_\_\_\_\_.

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