
SALT LAKE CITY COUNCIL STAFF REPORT

DATE: July 11, 2006
SUBJECT: Final Ordinance Amendments for Take-Home Car program
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

The Attorney's Office has drafted the attached proposed ordinance incorporating the Council's decisions regarding changes to the Take-home vehicle program.

As outlined in the Council's motion on June 15, these changes include:

- With regard to Personal Use:
 - off-duty use is available for public safety officers living within Salt Lake City for use within Salt Lake City.
 - off-duty use within Salt Lake City is available for public safety officers while already in the City on official business. (One may not drive into the City in order to conduct personal business.)
 - limited personal use is allowed outside of the City for non-City residents incidental to and from their commute home.
 - Amount of personal use should be a reasonable amount so as to not accumulate excessive miles on the vehicle. A definition of reasonable personal use will be established by department policies. A report of usage and mileage will be provided by Fleet Management to Department Directors on a monthly basis so that directors can monitor usage and determine a reasonable accumulation of miles.
- With regard to use of vehicles for secondary employment, vehicles will continue to be allowed for this use, but a fuel surcharge in the amount of \$3.00 per shift will be assessed to those employers effective October 1, 2006.
- With regard to the fee schedule for bi-weekly payments by employees:
 - the fee schedule will be adopted by ordinance rather than by adopted by the Mayor or Mayor's designee.

- the fee schedule is:

Within	BiWkly
CITY	\$ -
CITY non-PS	\$ -
5	\$ 8.00
10	\$ 16.00
15	\$ 24.00
20	\$ 32.00
25	\$ 40.00
30	\$ 48.00
35	\$ 56.00
40	\$ 56.00
45	\$ 56.00

- the fee schedule will be re-evaluated each year in conjunction with the annual budget.
- With regard to the distance an employee may live from the City:
 - no longer measured from “the corporate limits of SLC”, but from I-80 and Redwood Road
 - Employees living farther than 35 miles from I-80 and Redwood Road would not be eligible for a take-home vehicle.
 - 35 road and highway miles – “established by evidence generated by any commonly available internet or computer software program that estimates distances using driving directions.”
 - add an appeal process for employees disagreeing with the distance calculation. This will be administered by the employee’s department director or designee and established in departmental policy. The appeal criteria would require some documentation of the discrepancy from the employee, action taken by the department, and records would need to be kept and available for audit.
 - Those officers farther away than 35 miles as of August 1, 2006 will be grandfathered for a period of 5-years at which time they will no longer be eligible for a take-home vehicle. For the first two years, their bi-weekly payment will equal the maximum charge for those within 35 miles. In year three, the maximum charge will increase by 20%, in year four it will increase by an additional 20%, and in the fifth and final year, it will increase by an additional 20%.

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, ~~have a sign painted~~ in a conspicuous place on both sides ~~of the vehicle, display an identification mark designating the vehicle as the property of the city, thereof, designating the city's ownership in the following language: "Property of Salt Lake City"~~ under conditions and as required by ~~Section 41-1a-407~~ title 41, chapter 7 of the Utah ~~eCode or its successor~~. ~~The designation shall be in letters not less than three inches (3") in height and kept clearly visible at all times in full compliance with state law; provided, however, that n~~Nothing in this chapter shall be construed to require ~~such a display on any police or fire department vehicle, exempt from such requirements under state law~~ to be so painted.

2.54.030 Use Policy And Restrictions:

A. ~~Except as provided in sub section (b), N~~o 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. ~~Specifically, For public safety officers who live within Salt Lake City, off-duty use of the vehicle is available within Salt Lake City, unrestricted while within the Salt Lake County boundaries, including~~ 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 approved secondary employment in a city vehicle is prohibited unless the secondary employer, beginning October 1, 2006, pays directly to Salt Lake City a fuel surcharge of \$3.00 per work shift of the employee, and approved for use outside of the county limits while going to and from work. 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 ~~full-time~~ 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 make bi-weekly payments to the city for such use according to ~~the following a written fee schedule adopted by the mayor or mayor's designee. Such fee schedule shall include a policy favoring those employees who live within the city. The fee required shall be no greater than the total actual costs incurred by the city for such voluntary use, including depreciation and capital costs.~~

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

<u>30 or less</u>	<u>\$48.00</u>
<u>35 or less</u>	<u>\$56.00</u>
<u>More than 35</u>	<u>\$56.00</u>

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.

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 ~~Annotated~~ sections 31A-22-304 and 63-30d-~~80229.5~~.

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~~corporate limits of Salt Lake City~~, 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 ~~other than~~ 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 equipment~~ at all designated intervals as set forth by the ~~department of administrative services~~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 ~~administrative services department~~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. ~~In the event If~~ a city vehicle is involved in an accident or is otherwise damaged, the police department and ~~administrative services department~~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 ~~and~~/or damage on forms prescribed by the Public Services Department~~director of administrative services~~, and forwarded to the ~~administrative services department~~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~~director of administrative services or his or her designee~~ 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 ~~must be notified~~.

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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