

RESOLUTION NO. 2011-25

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF VENICE, SARASOTA COUNTY, FLORIDA,
ADOPTING A MOTOR VEHICLE POLICY; AND PROVIDING AN EFFECTIVE DATE**

WHEREAS, city council has studied the issue of take-home motor vehicles; and

WHEREAS, a motor vehicle policy provides effective guidelines and rules to maintain these resources in a consistent, predictable, and reliable manner to serve the city as tools for the accomplishment of assigned duties and responsibilities.

WHEREAS, city council desires to adopt a motor vehicle policy to ensure the proper utilization of vehicles in the conduct of official city business.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF VENICE, FLORIDA, as follows:

SECTION 1. The following Motor Vehicle Policy is hereby adopted.

MOTOR VEHICLE POLICY

Purpose: The City of Venice utilizes motor vehicles in the conduct of official city business. This utilization is based on the premise that city motor vehicles are provided as a tool to employees for accomplishment of assigned duties and responsibilities and are not authorized for reasons of grade, compensation, prestige, or personal convenience. The intent of this policy is to:

1. establish criteria and standards governing the system of vehicle assignment, utilization and operation, including take-home vehicles;
2. maximize the efficient and effective use of city vehicles in support of organizational goals and program objectives;
3. control the use of city owned and/or leased vehicles, and personally owned and/or leased vehicles when conducting city business;
4. establish reimbursement rules and rates for private use of city owned vehicles, and for use of privately owned vehicles while conducting city business;
5. limit liability to the city;
6. ensure that city vehicles are selected, acquired, utilized and maintained in a manner that provides the best possible support to city operations through economically and environmentally responsible fleet management.

Comments: This Motor Vehicle Policy conforms to Florida Statutes, Internal Revenue Service (IRS) requirements, and all applicable city rules and ordinances. If any provisions of this policy conflict with a collective bargaining agreement or individual personnel contract adopted by city council, the collective bargaining agreement or contract shall prevail.

The city manager retains the discretion to override any part of this policy in the short term for the good of the city.

Scope: The following standards and rules are applicable to all employees who operate city owned and/or leased motor vehicles including special use vehicles and equipment requiring a commercial driver license (CDL). Where appropriate, they also apply to employee usage of personally owned and/or leased motor vehicles while performing official city business. Failure to follow all aspects of the policy, contained herein, may result in disciplinary action up to and including termination of employment.

Section I – Standards and Responsibilities

A. General Standards

1. Employees shall use city motor vehicles for official city business only, except as otherwise specifically provided herein. Infrequent de minimis personal use of a city vehicle may be permitted when en-route to destinations for official city business and such use is incidental to the conduct of official city business, such as stopping at a restaurant or convenience store for the purpose of eating during a designated meal period or for a rest break during a break period, if such period coincides with official city business travel and does not deviate from the normal travel route.
2. The practice of transporting non-city employees in city vehicles is discouraged but not prohibited where deemed necessary by city employees using good judgment and common sense.
3. All city motor vehicles, other than specially designated unmarked police vehicles, shall have official city logos, identification lettering and/or numbering permanently affixed.
4. The possession of firearms and weapons concealed or otherwise, is prohibited in city motor vehicles except by sworn law enforcement officers.
5. Under no circumstances may a driver operate a city motor vehicle while under the influence of intoxicating beverages, drugs or substances.
6. Tobacco use of any form in any city motor vehicle is prohibited.
7. Citations and/or fines are the responsibility of the driver at the time of issue and shall be paid or otherwise resolved promptly.
8. Any city motor vehicle left unattended shall be legally parked and the ignition turned off (with the exception of General Standard number 9 below). Vehicles responding to emergency situations or those parked on job sites shall be parked with due regard to safety and security considerations.
9. City motor vehicles shall not be left with the ignition running while the employee performs work tasks unless required for operation of the vehicle's ancillary functions or as a safety precaution.
10. Any employee who operates a city motor vehicle may be required to complete a safety driving course, and periodic refresher courses, as prescribed by the director of administrative services.
11. All occupants of a city motor vehicle used in city operations, or personal motor vehicle used in the performance of official city business, must properly wear seat belts/occupant restraints at all times while the vehicle is in motion if required by law. Failure to do so may result in loss of worker's compensation benefits in the event of an accident.

12. The city shall not be responsible for any personal property left in any motor vehicle.
13. At no time will a city vehicle be parked at an adult entertainment establishment or an establishment whose primary business is the sale of alcoholic beverages, except as required by operational needs.

B. Driver's License Standards

1. A valid Florida driver's license must be in the driver's possession at all times while operating a motor vehicle. In the case of commercially rated motor vehicles, the proper Florida commercial driver's license for the motor vehicle's weight and class must be valid and in the operator's possession. A driver may not possess a license from another state in addition to Florida.
2. An employee who operates a city motor vehicle must notify in writing the director of administrative services and the department director no later than the beginning of their next scheduled work shift when an issued license has been suspended, revoked or canceled, or if for any other reason the employee is disqualified from driving.

C. Maintenance Responsibilities

1. Drivers of city motor vehicles are responsible for the proper care of the vehicle through performance of daily checks and periodic preventive maintenance.
2. Any mechanical problems or defects which may affect the safe operation of the vehicle shall be immediately reported to the driver's immediate supervisor.
3. Any vehicle damage must be documented and reported in conformance with applicable city rules.
4. Maintenance of personal vehicles shall be the sole responsibility of the employee. The city bears no responsibility and is not liable for the operation or operating condition of personal vehicles.

D. Administration Responsibilities

1. The city manager is responsible for administering and enforcing all policies and procedures concerning motor vehicle assignments and utilization.
2. The city manager, or designee, is responsible for the city-wide management of the centralized fleet services, reporting all vehicles by assignment, departments, and utilization, maintaining all forms regarding any take-home vehicles, and for administering, monitoring, and enforcing all policies and procedures with respect to maintenance and repair of all motor vehicles.
3. Department directors are responsible for monitoring and enforcing, within their department, all policies and procedures governing the assignment, use, maintenance, repair, and requests for replacement of departmental motor vehicles.
4. Employees and authorized motor vehicle users are responsible for reviewing and conforming to all policies and procedures pertaining to the use, maintenance, safe operation of the motor vehicle, and all reports required herein.
5. The finance director is responsible for withholding all applicable taxes for take-home vehicle users, if required, and remitting to the IRS.

Section II – Authorization Limits and Policy Adherence

Authorization given to an employee to use a city motor vehicle, whether take-home, daily assignment, pool or otherwise, is not and shall not be construed as being a guaranteed benefit or entitled form of compensation to the employee. Vehicles are assigned based on operational needs within budgetary limitations and the city may remove, reassign or decommission any of its vehicles at any time within its discretion.

Section III – Accident Reporting and Insurance Requirements

A. Accident Reporting Requirements

1. In the event of an accident involving a city motor vehicle, or personal vehicle used while in the performance of official city business, the driver shall immediately summon medical care for any injured parties, notify appropriate law enforcement authorities, and as soon as possible notify their immediate supervisor. Should the driver be unable to do so, any employee at the scene shall summon assistance and make the notifications. Additionally, the following procedures shall be completed:
 - a. The supervisor shall immediately notify the department director and the administrative services director (risk management) and complete all required city reports and recommend any follow-up preventive actions to the administrative services department.
 - b. A drug and alcohol test may be required in accordance with City of Venice Drug Free Workplace policy (Personnel Procedures and Rules, Section 1.27, as amended).
2. Drivers of city vehicles shall ensure that whenever an incident occurs (e.g. breakdown, traffic accident or vandalism), their immediate supervisor is notified as soon as possible. The operator of the city vehicle involved shall provide all necessary information to the other party involved; however, no other information or admission of liability should be made.

B. Personal Vehicle/Take-Home Vehicle Insurance Requirements

1. The city's insurance program may provide secondary liability coverage for employees while operating personal vehicles to conduct official city business. Employees who are authorized to utilize their personal vehicle for city business will maintain motor vehicle liability insurance consistent with Florida minimums.
2. The city's insurance program will not provide coverage for damage to an employee's personal vehicle. An employee who uses a personal vehicle in the performance of official city business should confirm that their personal auto insurance policy provides coverage for this use.
3. Any employee who is assigned a take-home vehicle shall maintain personal auto liability coverage in an amount not less than \$100,000 per occurrence/\$300,000 annual aggregate. This liability coverage will be secondary to city liability coverage in event of claim, whether during personal or city use.

Section IV – Motor Vehicle Usage - Finances

A. Reimbursement for Use of Personal Vehicle

1. Each employee who is required to use their personal vehicle for travel in the performance of official city business shall be reimbursed for such usage at the prevailing rate established by the finance director in compliance with F.S. 112.061 and IRS regulations.
2. An employee using their personal vehicle for official city business shall be responsible for all insurance, maintenance and fuel costs (subject to reimbursement) associated with the operation of their personal vehicle.

B. Taxable Benefit for Take-Home Vehicles

1. The employee will have a tax liability. The tax liability will be calculated in accordance with IRS regulations. The employee is responsible for any tax liability that may accrue as a result of the use of an assigned take home vehicle.

Section V – Assignment of Take-home Vehicles

A. Request for Assignment of a Take-home Vehicle

1. Authorization to take a vehicle home must be requested by the employee on a completed *Take-home Vehicle Authorization Request* form (Attachment A), recommended by the department director, and approved by the city manager or designee. Authorization will be based on:
 - a. The vehicle being uniquely equipped for a special purpose; e.g. K-9 transport, emergency utility repair, equipment to "safe up" a work site.
 - b. The vehicle being needed on-scene as soon as possible for a life-safety situation.
 - c. The vehicle being assigned to an employee who has responsibility to answer all service/emergency calls after normal working hours such as at night and on weekends and holidays.
 - d. Time being of the essence in responding to a crime scene and immediate field investigative follow-up being needed.

Section VI – City-owned Motor Vehicle Replacement Criteria

A. City Vehicle Replacement Criteria

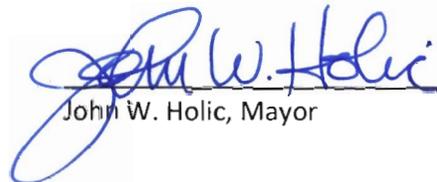
1. Fleet assets shall be managed in accordance with the life cycle approach to materials management using principles of economy and prudence while minimizing negative environmental impacts. Each vehicle and/or motorized piece of equipment has:
 - a. a service life, which is the amount of time a vehicle is capable of rendering service;
 - b. a technological life, which represents the relative productivity decline of the unit as compared to newer models; and
 - c. an economic life, which is the length of time the average total vehicle's cost is at a minimum.
2. Budget and monetary restrictions will determine which vehicles may be replaced; the following expenses will be considered in determining fleet replacement needs:
 - a. maintenance cost, including part availability and downtime;

- b. safety and vehicle condition;
 - c. operating cost;
 - d. fuel cost; and
 - e. technological obsolescence.
3. Requests for replacement of departmental vehicles will be evaluated for vehicle need, size requirements and suitability for requested purpose, durability, overall costs and fuel mileage, with the goals of minimizing the purchase price and total life costs, and improving fuel efficiency specifically through the consideration of hybrid vehicles and alternative fuels.
4. Departments are advised to maintain a zero growth policy with regard to motor vehicles. Additional vehicle assignments must be related to mission changes and supported by valid justification. Replacement vehicle requests will be considered during the annual budget preparation cycle as directed by the city manager.

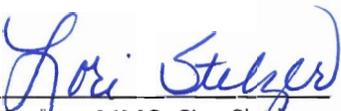
SECTION 2. A copy of the Motor Vehicle Policy shall be maintained for public use, inspection and examination in the offices of the city clerk and the administrative services department and will be provided to all users.

SECTION 3. This Resolution shall take effect immediately upon its approval and adoption as required by law.

APPROVED AND ADOPTED AT A REGULAR MEETING OF THE VENICE CITY COUNCIL HELD ON THE 27TH DAY OF SEPTEMBER 2011.


John W. Holic, Mayor

ATTEST


Lori Stelzer, MMC, City Clerk

I, **LORI STELZER**, MMC, City Clerk of the City of Venice, Florida, a municipal corporation in Sarasota County, Florida, do hereby certify that the foregoing is a full and complete, true and correct copy of a Resolution duly adopted by the City Council of said city at a meeting thereof duly convened and held on the 27th day of September 2011, a quorum being present.

WITNESS my hand and the official seal of said City this 28th day of September 2011.

(SEAL)


Lori Stelzer, MMC, City Clerk

Attachment A

TAKE-HOME VEHICLE AUTHORIZATION REQUEST

Employee:

Department:

Job Title:

Division:

One-way distance from residence to primary work location:

Describe in detail how the take home use of a city motor vehicle would be efficient and cost effective or is absolutely essential to respond to emergencies:

The above information is true and correct to the best of my knowledge. I have read and understand the City of Venice Motor Vehicle Policy.

Employee Signature

Date

Recommended: _____
Department Director Signature

Date

Review Committee Recommendation: Approve ___ Disapprove ___

Approved ___

Disapproved ___

City Manager Signature

Date