

ORDINANCE NO. 4236

**ORDINANCE AMENDING CHAPTER 3.12 OF TITLE 3
REGARDING THE COUNTY VEHICLE POLICY**

The Board of Supervisors of the County of Mendocino ordains as follows:

Chapter 3.12 of Title 3 of the Mendocino County Code is amended to read:

"COUNTY VEHICLE POLICY

Section 3.12.010. Purpose and Intent

The Board of Supervisors has approved the purchase of motor vehicles for the use of County officers and employees whose duties require frequent trips on County business, it being the judgment of the Board that the purchase and use of such vehicles is in the public interest. This Chapter is enacted pursuant to Government Code section 25305 and its purpose is to govern the responsibilities and rules for the use of County-owned and leased vehicles (hereinafter "County vehicles") and privately owned vehicles used for County business. This Chapter applies to County officers and employees, including elected and appointed department heads and volunteers.

Section 3.12.020. Applicability of Article

Elected and appointed department heads are responsible for enforcing this Ordinance within their departments.

Section 3.12.030. Limitations on Use of County Vehicles

- (A) County vehicles shall be operated in accordance with established State and local laws and the established policies of the Board of Supervisors, in a safe and courteous manner.
- (B) Use of County vehicles for any purpose other than County business is prohibited.
- (C) Transportation in a County vehicle of members of any driver's family or of any other person not connected with County business is prohibited, except for members of families and/or professional colleagues or members of the community accompanying employees on officially authorized trips, at no expense to the County. A family member may accompany the driver only with the prior written authorization of the department head.
- (D) County vehicles may not be used outside an employee's regular working hours or officially assigned duties except as permitted under Section 3.12.050 of this Chapter.
- (E) County vehicles may not be used to travel to and from an employee's home except as permitted in Section 3.12.060 of this Chapter.

- (F) County vehicles may not be used for transportation to home, restaurants, or stores, except to attend a business meeting or conduct official business, unless the destination is en route while on duty. Incidental use during out-of-town meetings or conferences is allowed within reason.
- (G) With the exception of individuals who are employed in the District Attorney and Sheriff's Offices, no individual shall be authorized to operate a County vehicle or a privately owned vehicle on County business without prior approval from the ~~Director of the General Services Agency~~Chief Executive Officer at the signed request of the employee's department head. Employees of the District Attorney and Sheriff offices shall be authorized to operate a County vehicle upon the approval of the Sheriff or District Attorney.
- (H) It is the responsibility of each department head to maintain a current and accurate list of authorized County drivers (hereinafter "drivers"); with the ~~General Services Agency~~Chief Executive Office ~~a current and accurate list of authorized County drivers (hereinafter "drivers")~~.
- (I) It shall be the responsibility of each department to immediately inform the ~~General Services Agency~~Chief Executive Office of any change in the status of a driver's license that may adversely affect the driver's driving privilege.
- (J) During the first week in January of each year, all departments are required to provide the ~~Director of the General Services Agency~~Chief Executive Officer with an annual updated and accurate list of drivers.
1. This list shall include such information deemed necessary and proper by the ~~Director of the General Services Agency~~Chief Executive Officer, including but not limited to the following:
 - a. The name of the driver;
 - b. The driver's California driver's license number; and
 - c. The driver's office or primary work location, and telephone number.
 2. Consistent with subsection (G) above and California Penal Code Sections 832.7 and 832.8, subsection (J)1.b. above shall not apply to drivers occupying peace officer positions in the Sheriff's Office or District Attorney's Office.
- (K) Failure to provide the annual updated list may result in denial or delay in approval or authorization for use of County vehicles by the ~~Director of the General Services Agency~~Chief Executive Officer.
1. The annual list of drivers is only valid for the calendar year submitted and must be re-approved by the ~~Director of the General Services Agency~~Chief Executive Officer annually.
 2. Updated lists must be submitted by January 7th of each year. The County Auditor will deny mileage reimbursement of any claims filed by an unauthorized driver or a driver whose driving privileges have been suspended.

3. If the department head fails to respond and file the required annual updated list by January 7th, the ~~Director of the General Services Agency~~Chief Executive Officer shall send a notice granting an additional seven (7) calendar days to respond.
 4. Failure to file or respond with the updated list by January 31st shall result in denial of driving privileges, or such other course of action as is deemed necessary by the ~~Director of the General Services Agency~~Chief Executive Officer.
- (L) New requests for authorization may be submitted by department heads and approved during the year by the ~~Director of the General Services Agency~~Chief Executive Officer. All requests shall be in accordance with the requirements set forth in Section 3.12.030(J).
- (M) It is the responsibility of the department head to ensure that written verification of insurance for use of privately owned vehicles on County business is current and on file in the department in advance of such use.
- (N) Each department shall follow the procedure established by the ~~General Services Agency~~Chief Executive Office for tracking and accounting for the daily use of County vehicles assigned to the department.
1. This procedure shall require that drivers note the vehicle identification number, date, miles driven or hours used, destination(s), and driver name for each daily use of a County vehicle.
 2. Recognizing the independent and constitutionally and statutorily designated investigative and prosecutorial functions of the Sheriff and District Attorney, the ~~Director of the General Services Agency~~Chief Executive Officer shall establish separate reporting requirements for tracking and accounting for the daily use of County vehicles assigned to these offices.
 3. This information shall be compiled by each department and submitted monthly to the ~~General Services Agency~~Chief Executive Office for the purpose of periodically evaluating the cost-effectiveness, distribution, and overall size of the County vehicle fleet.

Section 3.12.040. Driver Responsibilities

- (A) Each driver shall drive responsibly, anticipate emergency situations and make every effort to avoid collisions. All drivers operating a vehicle on County business represent the County of Mendocino and shall always project a professional and responsible image to the public.
- (B) Each driver is expected to be knowledgeable of, and follow, all applicable Federal, State, and local traffic laws.

- (C) Each driver operating vehicles or equipment on County business must have a valid State of California driver's license.
- (D) Each driver shall immediately inform his/her supervisor in the event his/her driver's license is suspended, revoked or is otherwise restricted in a way that impacts the driver's ability to perform his/her job.
- (E) Each driver, prior to operating a private vehicle on County business, shall provide proof of insurance for the vehicle to his/her supervisor. Drivers shall immediately notify their supervisor in the event of a change in the status of said vehicle insurance.
- (F) Each driver shall comply with his/her department's procedure for tracking and accounting for the daily use of County vehicles assigned to the department.
- (G) Except as provided by subsection (g) of the California Vehicle Code section 27315, seat belts shall be used at all times by the driver and all passengers in a County vehicle. (CVC § 27315(d)(1) & (e))
- (H) All children riding in a County vehicle shall be properly seat belted. Child safety seats shall be used as required by the California Vehicle Code. (CVC §§ 27360 through 27364)
- (I) Drivers shall be familiar with the manner of operation of vehicles that they operate on County business. If a driver is unsure of the operation of a County vehicle, he/she should check the owner's manual in the glove box of the car or contact the County ~~garage~~ Garage for assistance.
- (J) Drivers shall remain attentive to driving at all times. Eating or drinking, dealing with passengers or other distractions while the vehicle is moving should be avoided. Whenever possible, drivers should pull off the road and stop when having to deal with distractions in the vehicle. Except as permitted by California Vehicle Code section 23123, use of a wireless telephone while driving is prohibited.
- (K) Smoking is prohibited in all County vehicles.
- (L) Consumption of alcohol, drugs or other intoxicants that may interfere with the safe operation of County vehicles and equipment is strictly prohibited.
- (M) No County vehicle shall be operated when in a known dangerous or defective condition.
- (N) When a County vehicle is found to be in a dangerous or defective condition, it shall be reported to the County ~~garage~~ Garage as soon as is practical.
- (O) Drivers shall conduct a visual inspection of the County-assigned vehicle or pool vehicle for damage prior to use. Any damage or safety

problems observed shall be reported to the County Garage immediately upon discovery.

- (P) All County vehicles shall be legally and safely parked and locked when unattended.
- (Q) Any driver who receives a traffic citation other than for illegal parking while operating a County vehicle shall report such citation to his/her department head. All traffic or parking citations are the sole responsibility of the driver.

Section 3.12.050. Use of County Vehicles Outside Regular Working Hours Without Prior Authorization

- (A) A County vehicle may only be used outside an employee's regular working hours without prior authorization when the employee is either returning from an officially authorized trip after regular working hours or leaving before regular working hours.
- (B) A County vehicle may be parked at the employee's home for travel to or from a pre-authorized meeting or event when such home garaging is deemed necessary or expedient for such travel.

Section 3.12.060. Authorization for Work-to-Home/Home-to-Work Use of a County Vehicle

- (A) Upon the recommendation of the ~~General Services Agency Director~~Chief Executive Officer or his/her designee, the Board of Supervisors as set forth herein shall approve an annual list of employees authorized to use a County vehicle for work-to-home/home-to-work use, when such use is determined to be in the best interests of the County. "In the best interests of the County" is defined as "those vehicle assignments that are cost-effective to the County, enhance service to the public and better provide for public safety, and can stand the test of public scrutiny".
- (B) On or before January 7th of each year, all department heads must file with the ~~General Services Agency Director~~Chief Executive Office a Request for Authorization for each employee certified by the appointing authority to use a County vehicle for work-to-home/home-to-work. The Request for Authorization shall include the following information:
 - 1. The name of the employee;
 - 2. Verification that the employee is authorized to operate a County vehicle, pursuant to Section 3.12.030 of this Chapter;
 - 3. The location where the vehicle will be parked, if other than at the employee's home address on record with Human Resources;
 - 4. The employee's classification or position; and
 - 5. The estimated frequency, reason, and a complete, detailed justification and/or description for which such use is requested.

- (C) Examples of approved reasons or circumstances that the department head may submit to the ~~General Services Agency Director~~Chief Executive Officer in the Request for Approval include:
1. The employee is on call for service in emergencies related to loss of life or property, and is required to respond directly to a site other than the employee's normal place of employment, and such response is of an emergency nature.
 2. The department head certifies that recurring, daily or continual work-to-home/home-to-work use by the identified employee is necessary for the safe and/or efficient conduct of County business.
- (D) The ~~General Services Agency Director~~Chief Executive Officer shall transmit the requests to the Board of Supervisors via an updated list of "Personnel Authorized to Use County Vehicles for Work-To-Home/Home-To-Work," with his/her recommendations. The ~~General Services Agency Director~~Chief Executive Officer shall ensure that the requests transmitted to the Board have been edited to remove information that might compromise the safety or privacy of County employees. Approved requests shall be valid for one (1) year.
- (E) Department heads shall keep the ~~General Services Agency Director~~Chief Executive Officer current with employee use of vehicles for work-to-home/home-to-work.
1. During the year, department heads may submit to the ~~General Services Agency Director~~Chief Executive Officer new individual requests for authorization as circumstances arise.
 2. The information, including justification, reason, and circumstances requiring work-to-home/home-to-work use, as set forth in this section, shall be included in the request for the individual employee.
 3. Individual requests that are submitted during the year may be approved only until the following January.
- (F) The ~~Chief Executive Officer~~General Services Agency Director and Board of Supervisors shall be authorized to approve or disapprove requests for a period not to exceed one (1) year.
- (G) No employee who receives a vehicle allowance shall be authorized for work-to-home/home-to-work use of a County vehicle.
- (H) Employees permitted to take County vehicles home for work-to-home/home-to-work may be subject to IRS-taxable fringe benefit laws.
- (I) Employees who temporarily reside at a location other than their home address of record shall notify their department head of the location where their assigned County vehicle will be parked.

Section 3.12.070. Vehicle Collisions, Incidents or Damage

- (A) It is the responsibility of the driver of a County vehicle to exercise reasonable care to avoid impediments or obstructions in the path of the vehicle which might cause damage to the vehicle, other vehicles or property, or injury to drivers, passengers and pedestrians.
- (B) All collisions or vehicle damage in a County vehicle, or piece of equipment, or a privately owned vehicle being used on County business, regardless of severity, shall be reported immediately to the driver's supervisor, to the appropriate law enforcement agency (request an official collision report from the responding officer), the County Garage, and the County Risk Manager. Vehicle collisions involving extensive property damage, personal injury or loss of life, must also be reported to the DMV within ten (10) days of the incident. It is the driver's responsibility to report the incident to the DMV.
- (C) Drivers involved in any collision or incident in a County vehicle, or a privately owned vehicle being used on County business, shall make a complete report of such collision or incident to the County Risk Manager within one (1) business day. If the driver is unable to make the report because of injury or other incapacity, the appropriate supervisor or manager shall submit a report.
- (D) Collision/incident reports shall contain information on other vehicles, drivers, property involved, witnesses, weather conditions, road conditions, and any other pertinent information regarding such collision. Collision/incident report forms are located in the glove compartment on all County vehicles or at the County Garage.

Section 3.12.080. State of Emergency

When the County has declared a state of emergency, and an employee, at the determination of his/her department head, is likely to be required to respond directly to a site other than the employee's normal place of employment, and such response is of an emergency nature, the department head may authorize County vehicle use outside regular working hours and/or work-to-home/home-to-work use for the employee without prior approval of the Board of Supervisors.

Section 3.12.090. Night and Weekend Storage

1. Except as permitted under the preceding sections, all County vehicles shall be stored nights and weekends on County premises, at the County Garage, unless otherwise authorized by the County Garage Manager.
2. All County vehicles shall be locked and keys shall not be left in cars under any circumstances.

Section 3.12.100. Penalties

Failure to comply with this Chapter may result in disciplinary action, up to and including termination. It is up to the discretion of the department head to take appropriate corrective action."

PASSED AND ADOPTED by the Board of Supervisors of the County of Mendocino, State of California, on this ____th day of _____, by the following roll call vote:

| | |
|---------|---|
| AYES: | Supervisors Brown, McCowen, Hamburg, Gjerde, Woodhouse |
| NOES: | None |
| ABSENT: | None |

WHEREUPON, the Chairman declared the Ordinance passed and adopted and **SO ORDERED**.

Chair, Board of Supervisors

ATTEST: CARMEL J. ANGELO
Clerk of Said Board

By: _____ Deputy

APPROVED AS TO FORM:
KATHARINE L. ELLIOTT, County Counsel

By: _____