

History: The bill was introduced on November 1, 2017 – primarily in reaction to an audit by the Controller. Distinguishing between sedans and vehicles abrogated the limitation in the legislation. The bill introduced deleted reference to sedans and changed it to vehicles. The Public Safety Committee met on May 16<sup>th</sup>, suggested an amendment to the 13 take home vehicle policy and gave the administration 90 days to reply. Currently there are somewhere near 30 vehicles taken home. The committee gave the administration 90 days to respond.

Mr. Zucal has proposed the following amendment to the bill that was introduced changing the number of take-home vehicles to 17 and spelling out the positions they should be assigned to.

Amendment:

1. In every instance where the number of take home vehicles is listed at 13, change the number of vehicles permitted to be taken home to 17 – at B 7; C-1; C-3
2. In C1 include the following after The Mayor shall have the authority to assign City personnel to the thirteen (13) take-home ~~sedans~~ vehicles mandated by City Council.

The 17 vehicles shall be assigned to the following positions: Chief of Police, Assistant Chief of Police (2); Police Captain On Call; K-9 Unit (4); Fire Chief; Assistant Fire Chief (2); EMS Coordinator; Public Works Director; Streets Department Superintendent; Facilities Manager; Managing Director; Mayor. The K-9 Unit vehicles are limited to a ten-mile radius from the boundaries of the City. (The Criminal Investigation Division are not part of the original limitation to 13 – so there are an additional 3 take home vehicles.).

3. Change A1 to read: All Fire Chiefs' vehicles shall be ~~red in color~~ appropriately marked and have permanent flashing lights. (Not all vehicles are red.)

COUNCIL

ORDINANCE NO.

FILE OF CITY COUNCIL

BILL NO. 64 – 2017

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NOVEMBER 1, 2017

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AN ORDINANCE

Amending Article 121.05 City Registered Vehicles, by changing the word sedan to the word vehicles in two places.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ALLENTOWN:

SECTION ONE: That Article 121.05 be amended to read as follows:

**121.05 CITY REGISTERED VEHICLES**

## **A. Identification of City Vehicles**

1. All City vehicles, except vehicles in the Police Department as so determined by the Police Administration, shall be appropriately marked. For the purpose of this section, "appropriately marked" means having both the City Seal and an identification number permanently, conspicuously and prominently displayed on the vehicle.

2. All Fire Chiefs' vehicles shall be red in color and have permanent flashing lights.

## **B. Use of City Vehicles**

1. City vehicles are the property of the City and shall be used only for official City business.

2. Vehicles shall be used by City employees only upon authorization by their immediate supervisor. Vehicles shall also be accessible to elected officials. For the purpose of this ordinance, City employees are defined as workers on the City payroll and workers paid by Federal grant programs that serve as part of the City's workforce. Elected officials means the Mayor, City Council and the City Controller. ((13741 §1 3/3/99)

3. City vehicles shall be operated only by City employees or elected officials with a current and validated operator's license which reflects the appropriate classification for the size and type of the vehicle driven. If non-City personnel accompany a City employee, they may share the driving only when authorized by the employee's respective department head. (13741 §1 3/3/99)

4. Only in cases of an emergency shall a City employee or elected official operating a City vehicle carry passengers that are not employed by the City or engaged in business with City personnel if not approved by their immediate supervisor. (13741 §1 3/3/99)

5. IN NO CASE shall vehicles be used for personal errands.

6. Each vehicle shall have a log wherein daily mileage, trip destinations, drivers and repairs shall be recorded. The log shall be filed each month with the Department Director and subject to review by the City Controller.

7. The number of City ~~sedans~~ vehicles (with the exception of the Criminal Investigation Division) permitted to be taken home is set at thirteen.

## **C. Assignment of City Vehicles**

### **Assignment to Personnel**

1. The Mayor shall have the authority to assign City personnel to the thirteen (13) take-home ~~sedans~~ vehicles mandated by City Council.

2. Employees are expected to travel to and from work at their own expense.

3. In no case shall a City ~~sedan~~ vehicle be taken home unless it falls within the thirteen (13) take-home vehicles mandated by City Council.

4. City vehicles cannot be taken home if you are simply "on call" and do not require special equipment or for convenience.

5. City vehicles assigned to personnel who need immediate transportation in order to respond to City emergencies, meeting the criterion stated above; or who need the necessary equipment and tools to implement appropriate action in emergency situations overnight or on weekends, may not be used for any personal transportation or errands.

## **D. Limits on Use of City Vehicles**

1. City vehicles assigned to employees during the work shift as part of the employee's normal work duties may not be used for personal errands of any nature.

2. Any employee who is assigned a vehicle as part of his/her normal duties is authorized to use the vehicle as transportation to lunch and back to the work site only when approved by the foreman or supervisor on a particular job site.

3. City vehicles are to remain within the City limits unless otherwise authorized by the employee's supervisor or on necessary official City business.

#### **E. Funding of City Vehicles**

Expenditures on City Vehicles (inclusive of purchase and maintenance) shall be presented in the annual budget in a separate fund.

#### **F. Reimbursement**

The process of obtaining mileage reimbursement and the insurance protection afforded employees for use of their private vehicles while on City business shall be provided in the Administrative Information Manual (AIM).

#### **G. Violations**

1. It is the responsibility of the operator to operate the vehicle in a manner that is courteous, safe, and in compliance with all City and State traffic and parking regulations. The individual City employee shall assume complete responsibility for any citations resulting from violations of traffic laws incurred while operating the City vehicle.

2. Accidents occurring during any unauthorized use of a City vehicle shall be the sole responsibility of the operator.

3. Vehicle operation which is unauthorized or for personal uses will result in disciplinary action and/or dismissal.

4. Operators violating the provisions of this ordinance shall forfeit any future rights to use City vehicles.

SECTION TWO: That all ordinances inconsistent with the above provisions are repealed to the extent of their inconsistency.

SECTION THREE: That this ordinance take effect ten (10) days after final passage.

The ordinance uses the word sedan in two places; most of the time it refers to vehicles. Per Council's suggestion, sedan was crossed out and vehicle inserted in two places.

List of Vehicles: I think you need a list of all vehicles taken home: The Controller refers to a list of Sedans taken home and vehicles taken home in his audit.

Log of Vehicles: The Ordinance requires a city log be kept - 6. Each vehicle shall have a log wherein daily mileage, trip destinations, drivers and repairs shall be recorded. The log shall be filed each month with the Department Director and subject to review by the City Controller. There is no reference to a log check in his audit – he noted he conducted compliance with this article.

The ordinance does use the words vehicles and sedans. My recollection of the policy when developed was that there was plenty of conflict and the solicitor's office opined council could limit the number of vehicles taken home in a policy - only 13 vehicles could be taken home in the case of the ordinance passed – but the mayor had the authority to assign those vehicles.

Vehicles is the controlling word in most places – for example the ordinance states:

1. All City vehicles, except vehicles in the Police Department as so determined by the Police Administration, shall be appropriately marked. For the purpose of this section, "appropriately marked" means having both the City Seal and an identification number permanently, conspicuously and prominently displayed on the vehicle. (The take home SUVs have no such markings.)

4. City vehicles cannot be taken home if you are simply "on call" and do not require special equipment or for convenience. (I read this as very limiting and it was the intent of the legislation when enacted to prevent take home vehicles and to only allow sedans taken home in the police department– the city has been out of compliance with this for a long time and the language can be given some ambiguity for a particular angle you choose.