

DATE SUBMITTED 03/29/2023  
 SUBMITTED BY Human Resources  
 DATE ACTION REQUIRED 04/05/2023

COUNCIL ACTION (x)  
 PUBLIC HEARING REQUIRED ( )  
 RESOLUTION ( )  
 ORDINANCE 1<sup>ST</sup> READING ( )  
 ORDINANCE 2<sup>ND</sup> READING ( )  
 CITY CLERK'S INITIALS ( )

**IMPERIAL CITY COUNCIL  
 AGENDA ITEM**

SUBJECT:                   DISCUSSION/ACTION: 1. <b>APPROVAL AND ADOPTION OF THE CITY OF IMPERIAL VEHICLE USE POLICY</b>													
DEPARTMENT INVOLVED: <b>Human Resources Department</b>													
BACKGROUND/SUMMARY:  <p style="margin-left: 40px;">The City of Imperial staff is requesting the Council's consideration in the adoption of the Vehicle Use Policy.</p> <p style="margin-left: 40px;">The purpose of this policy is to address the use of City-owned and privately-owned vehicles operated in the course of City business. Use of City-owned vehicles shall be relied upon as the primary means of vehicle usage, as it provides the greatest control over operating costs, usage, maintenance, inspection, and insurance. The policy provisions apply to all vehicle operators driving in the course of City business.</p>													
FISCAL IMPACT: NOT TO EXCEED  <p style="margin-left: 40px;">There is no fiscal impact associated with this action.</p>	FINANCE INITIALS <u>                    </u>												
STAFF RECOMMENDATION:  <p style="margin-left: 40px;">Recommendation to approve and adopt the Vehicle Use Policy.</p>	DEPT. INITIALS <u>                    </u>												
MANAGER'S RECOMMENDATION: <b>Approve Staff Recommendation</b>	CITY MANAGER'S INITIALS <u>                    </u>												
MOTION:  <table style="width: 100%; border: none;"> <tr> <td style="width: 33%;">SECONDED:</td> <td style="width: 33%;">APPROVED ( )</td> <td style="width: 33%;">REJECTED ( )</td> </tr> <tr> <td>AYES:</td> <td>DISAPPROVED ( )</td> <td>DEFERRED ( )</td> </tr> <tr> <td>NAYES:</td> <td colspan="2">REFERRED TO:</td> </tr> <tr> <td>ABSENT:</td> <td colspan="2"></td> </tr> </table>		SECONDED:	APPROVED ( )	REJECTED ( )	AYES:	DISAPPROVED ( )	DEFERRED ( )	NAYES:	REFERRED TO:		ABSENT:		
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NAYES:	REFERRED TO:												
ABSENT:													

<p>POLICY NAME:</p> <p>Vehicle Use Policy</p>	<p>AUTHORITY:</p> <p>City of Imperial</p>
<p>APPLICATION:</p> <p>All Employees Involved in the Use and Operation of Vehicles During the Course of City Business</p>	<p>DATE APPROVED:</p> <p>Pending CC Approval CC Agenda Item – April 5, 2023</p>

Additional Resources:

A. Training:

- a. 3 Keys to Safe Driving: Prepare, Anticipate, & Defend
- b. Distracted Driving
- c. Driving Defensively
- d. Driving: Heavy Trucks
- e. Safe Driving

B. Other Resources:

- a. Vehicle Inspection Checklists
- b. Vehicle Use Documents
  - i. Witness Card Form
  - ii. Information Exchange Form
  - iii. Driver's Report of Accident



# CITY OF IMPERIAL VEHICLE USE POLICY

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## CITY OF IMPERIAL

### VEHICLE USE POLICY

#### I. PURPOSE

The purpose of this policy is to address the use of City-owned and privately-owned vehicles operated in the course of City business. Use of City-owned vehicles shall be relied upon as the primary means of vehicle usage, as it provides the greatest control over operating costs, usage, maintenance, inspection, and insurance.

The policy provisions apply to all vehicle operators driving in the course of City business. Note: Commercial motor vehicle operators have additional licensing requirements that extend beyond the provisions of this policy and are not intended to be addressed herein.

#### II. DEFINITIONS

- A. **Accident Kit:** A packet usually kept in the vehicle's glove compartment to include, for example, a driver's report of accident or incident, information exchange cards, and witness cards, to complete after an accident.
- B. **City Business:** Activities requiring the use of a vehicle and authorized by the City. In the use of privately-owned vehicles, City business also means the vehicle operator is being reimbursed for mileage expenses according to Internal Revenue Service guidelines.
- C. **City-owned Vehicle:** A vehicle owned by the City and assigned on a shared, designated, or permanent basis.
- D. **Hired Vehicle:** A vehicle rented from a licensed car rental company approved to use in the course of conducting City business.
- E. **Non-Preventable Accident:** The vehicle operator did everything reasonably possible to prevent the accident.
- F. **Preventable Accident:** The vehicle operator failed to do everything reasonably possible to prevent the accident.
- G. **Privately-Owned Vehicle:** A non-City-owned vehicle used by a vehicle operator, whether owned by the vehicle operator or not. Unless otherwise noted herein, for purposes of this policy, a hired vehicle is considered a privately-owned vehicle.
- H. **Vehicle Operator:** An employee who is operating a City-owned vehicle or a privately-owned vehicle on City business. A vehicle operator may also be a City official or approved volunteer.



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### VEHICLE USE POLICY

#### III. GENERAL GUIDELINES

- A. City shall maintain a list of employees required to drive City-owned or privately-owned vehicles on City business. City shall be responsible for overseeing the implementation of driver training programs and ensuring that all vehicle operators attend required training.
- B. The Human Resources Department shall coordinate driver training programs, maintain attendance records, and shall ensure that evidence of insurance and driver's license information are maintained in each vehicle operator's file.
- C. The Human Resources Department shall review all accidents to determine whether an accident was preventable or non-preventable and, if appropriate, make disciplinary recommendations.
- D. City uses the Embark Safety Connect Program to receive prompt and consistent updates to the driving record for each vehicle operator. The Human Resources Department shall receive and record DMV pull notice reports and notify supervisors when necessary.
- E. Supervisors shall routinely monitor each employee while performing job-related driving responsibilities; review history of driving performance as part of employee performance evaluations; and report accidents as outlined in section XI.
- F. Vehicle operators shall promptly provide insurance and driver's license information when notified their duties include driving a City-owned or privately-owned vehicle. Vehicle operators shall comply with the requirements of this policy. Failure to comply may result in suspension of driving privileges and/or disciplinary action, up to and including termination.
- G. Vehicle operators shall obey all federal, state, and local laws while operating any vehicles on official City business.
- H. Vehicle operators driving on official City business shall ensure that all passengers in the vehicle use seat belts before starting the engine.
- I. Vehicle operators are solely responsible for citations and fines, including but not limited to parking, toll fines, and driving, incurred whether in a City-owned or privately-owned vehicle.
- J. When transporting cargo, materials, or tools, the vehicle operator is responsible for securing such items.



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### **VEHICLE USE POLICY**

- K. No person shall be allowed to ride on running boards, fenders, hoods, tailgates, beds, or other locations on a vehicle not designed or approved by the vehicle manufacturer for passenger seating. An exception to this shall be vehicles designed and equipped for passengers outside the cab area.
- L. When the vehicle operator is determined to be involved in a preventable accident, the Director, in coordination with the Human Resources Department, shall recommend disciplinary action and driver's training course, if applicable, subject to review and approval by the supervisor.
- M. Alcoholic beverages and drugs shall not be transported or placed in any City-owned vehicle at any time or privately-owned vehicle while conducting official City business.
- N. Any vehicle operator driving a City-owned vehicle, regardless of frequency, is responsible for the proper care and operation of that vehicle while under the vehicle operator's control.
- O. Before operating the vehicle, at least for the vehicle's initial use of the day, the vehicle operator shall check to make certain that all vehicle safety equipment including headlights, turn signals, brake lights, and windshield washers are functioning properly.
- P. Any vehicle damage to a City-owned vehicle beyond normal wear and tear or that includes defects affecting the safe operation of the vehicle must be documented and reported to the vehicle operator's supervisor as soon as possible but no later than one business day.
- Q. No vehicle operator shall operate a City-owned vehicle found to be in an unsafe condition.
- R. Vehicle operators shall remain alert and practice safe driving by taking breaks as needed during long periods of driving.

#### **IV. VEHICLE TYPES AND USE**

##### **A. Use of City-owned Vehicles**

- 1. City-owned vehicles are categorized and restricted based upon type and use:
  - a) Vehicles kept overnight at City facilities assigned for use on a shared or designated basis for daily City business. Personal use is expressly prohibited.



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### VEHICLE USE POLICY

- b) No vehicles shall be assigned to employees on a permanent basis, or used for daily commuting to and from the City.
  - c) Vehicles for emergency or on-call use, authorized for use to and from work to respond on a 24-hour basis. Employees authorized to operate emergency or on-call vehicles may make reasonable, but limited, stops before and after work shifts for traveling to and from work.
2. Under no circumstances shall family members or friends be transported in City-owned vehicles. This shall also apply to vehicle operators authorized to commute to and from the City or for emergency on-call use.
  3. Employees who are permanently assigned a City-owned vehicle or assigned department use of a vehicle are responsible for ensuring that only those persons with a valid driver's license and on official City business are allowed the use of the City-owned vehicle.

#### B. Use of Privately-Owned Vehicles

Use of privately-owned vehicles is discouraged and employees should utilize City-owned vehicles whenever feasible. However, a vehicle operator's privately-owned vehicle may be more efficient for use if a City-owned vehicle is not available. Under those circumstances, the following will apply:

1. A vehicle operator may use their privately-owned vehicle for City business when authorized. The vehicle operator will obtain an accident kit from the Human Resources Department to be kept with the privately-owned vehicle while conducting City business.
2. Vehicle operators are responsible for maintaining their vehicle in a safe operable condition and maintaining accurate maintenance records.
3. Vehicle operators who use their privately-owned vehicles on City business should notify their insurance company of such use and shall comply with the insurance requirements outlined below.
4. Vehicle operators using a privately-owned vehicle shall maintain accurate records of the purpose and extent of travel and submit reimbursement claims per the City's reimbursement policy. The mileage allowance is intended to cover the vehicle operator's cost of operating and insuring the vehicle on City business. The vehicle operator is responsible for all operating expenses of the privately-owned vehicle, including but not limited to, gasoline, oil, maintenance, wear and tear, depreciation, and insurance.
5. If a vehicle operator is responsible for an accident while driving their privately-owned vehicle, the vehicle operator is responsible for paying any



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### **VEHICLE USE POLICY**

auto insurance deductible required by their insurance company and any increase in their personal automobile insurance premium.

6. Except as otherwise required by law, the City does not cover nor is liable for any comprehensive or collision physical damage to a vehicle operator's privately-owned vehicle nor any insurance deductible.
7. Vehicle operators are responsible for notifying their supervisor, the Department of Motor Vehicles, if applicable, and insurance company in case of an accident.

#### **C. Use of Hired Vehicles**

1. The City must approve a vehicle operator's use of a rental vehicle for City business.
2. The provisions above for the use of privately-owned vehicles shall be complied with for use of hired vehicles, if applicable.
3. Hired vehicles are not eligible for mileage reimbursement.
4. Optional loss damage coverage should be purchased from the rental company at the time of rental. The vehicle operator must confirm with their supervisor the applicable coverage for the rental if the optional coverage is being declined and, i.e., the vehicle operator's personal auto liability coverage or the City's coverage.

#### **V. DRIVER'S LICENSE**

- A. Vehicle operators authorized to use City-owned or privately-owned vehicles on City business must possess a valid California driver's license and provide proof of licensing upon hire.
- B. For new hires and any other vehicle operators with an out-of-state license, the vehicle operator must obtain a valid California driver's license and provide proof thereof within 10 days of establishing residency in California. Failure to provide proof of a valid California driver's license within the established timeframe may result in suspension of driving privileges until such time as proof has been submitted and/or disciplinary action up to and including termination of employment.
- C. Vehicle operators must maintain a driver's license in good standing for the class of vehicle to be driven.





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- D. A vehicle operator who experiences a change in their driver's license status, for example, their driver's license is suspended or revoked for any reason, must notify their supervisor no later than the first workday following the change in their driver's license status. Such vehicle operators shall not operate any City-owned or privately-owned vehicles on City business.

#### VI. REVIEW OF DRIVING RECORD

- A. City shall enroll vehicle operators that operate City-owned or privately-owned vehicles on City business in the Embark Safety Connect Program. When a vehicle operator has received a violation, the DMV assigns points according to the type of violation.
- B. For applicants, City shall conduct a pre-employment review of the applicant's driving record post job offer, including requiring a DMV motor vehicle report demonstrating applicant's acceptable driving record.
- C. In compliance with Vehicle Code Section 1808.47, information received from the Embark Safety Connect Program shall be used solely for the intended purpose and kept in locked storage. Under no circumstances shall addresses or other information be given to a third party.
- D. City has the discretion to suspend a vehicle operator's driving privileges, and/or take disciplinary action up to and including termination of employment, in accordance with City rules and policies.
- E. Vehicle operators involved in a preventable collision or demonstrating questionable driving capabilities who are not terminated from employment shall be required to attend remedial training in defensive driving.
- F. Vehicle operators involved in preventable accidents or have a disqualifying action taken against their driver's license shall be subject to disciplinary action, the severity determined by factors such as the nature of the offense and the employee's past driving and disciplinary action records.
- G. Vehicle operators convicted of driving while under the influence of drugs or alcohol (DUI) or refusing to submit to a lawful roadside sobriety test are subject to suspension of City driving privileges and/or disciplinary action up to and including termination of employment.
- H. Intentional abuse, moving violations, reckless operation, or negligent actions while operating any vehicle may result in the suspension of a vehicle operator's driving privileges and/or disciplinary action up to and including termination of employment.



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- I. Temporary or permanent suspension of City driving privileges for employees whose position requires operation of a vehicle may be considered a loss of the ability to perform an essential job function.
  - a. If an employee has City driving privileges suspended for a non-medical reason, the City may, at its sole discretion, attempt to arrange for the employee to perform the essential functions of the job. In the absence of this, the employee may be terminated in accordance with relevant City procedures.
  - b. If an employee has City driving privileges suspended for a medical reason, the City will comply with applicable obligations under the Fair Employment and Housing Act and/or Americans with Disabilities Act for employees with disabilities. If such accommodation is not reasonable or effective or creates undue hardship for the City or coworkers, loss of City driving privileges shall be considered grounds for transfer or cause for demotion to a position that does not require operation of a vehicle, at a pay rate commensurate with that new position. If no such position is open, the employee may be terminated in accordance with relevant City procedures.

#### **VII. INSURANCE REQUIREMENTS**

Use of privately-owned vehicles is discouraged and employees should utilize City-owned vehicles whenever feasible. However, if use of a privately-owned vehicle is approved to conduct City business, proof of automobile liability insurance is required prior to authorization can be approved for City business and shall be provided to the Finance and Human Resources Department on an annual basis or upon semi-annual renewal dates for regular use or when submitting a travel reimbursement request for mileage for occasional use. Lack of providing proof of coverage may result in suspension of driving privileges and/or disciplinary action.

- A. Vehicle operators are authorized to use privately-owned vehicles on City business shall maintain coverage in an amount not less than \$100,000 per person/\$300,000 per occurrence and property damage coverage in an amount not less than \$25,000 per occurrence.
- B. California Insurance Code §11580.9 states that where two or more policies affording valid and collectible liability insurance apply to the same motor vehicle in an occurrence out of which a liability loss shall arise, it shall be conclusively presumed that the insurance afforded by that policy in which the motor vehicle is described or rated as an owned vehicle is primary and the insurance afforded by any other policy shall be excess.



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- C. If insurance coverage is canceled, terminated, lapsed, or curtailed for any reason, the vehicle operator must notify the immediate supervisor and the vehicle shall not be used for City service.
- D. With the exception of sworn police and fire employees, should a vehicle operator using a privately-owned vehicle on City business be involved in an accident resulting in injury or property damage, the vehicle operator's own insurance carrier shall respond to defend the vehicle operator.
- E. Sworn police and fire employees operating their privately-owned vehicles at the request or direction of the City in the performance of their duties must report the accident to their private automobile insurer, but the City shall be considered the owner of the vehicle for the purpose of liability and defense of the claim. If it is later determined that the City did not direct or request the employee to use their private vehicle when the loss occurred, the City and employee will provide notice to the insurance company so the City can be reimbursed.

#### **VIII. DRIVER TRAINING**

- A. Employees who drive City-owned vehicles or privately-owned vehicles on City business shall complete a defensive driver training course upon hire and periodically during employment, as set forth below.
- B. New employees shall complete a defensive driver training at the first available course date after the commencement of employment.
- C. Employees who change assignments to include new duties requiring driving a City-owned vehicle, or driving a privately-owned vehicle on City business, are required to complete a defensive driver training at the first available course date after commencement of the new assignment.
- D. After completing training as new hires, employees required to participate in defensive driver training shall repeat training at least once every three years.

#### **IX. USE OF ELECTRONIC DEVICES**

The California Vehicle Code requires the use of a hands-free device while using cell phones during the operation of a motor vehicle; this is also a safe driving practice. Vehicle operators are prohibited from operating laptop computers, navigational devices, and any other device that may cause vehicle operator distraction while operating a vehicle in the course of conducting City business.

#### **X. ACCIDENT REPORTING REQUIREMENTS**



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### **VEHICLE USE POLICY**

Any accident involving a City-owned, rented, leased, or privately-owned vehicle used in the performance of City business shall be reported as follows:

- A. Vehicle operator shall summon medical care for any injured parties.
- B. Vehicle operator shall notify appropriate law enforcement agencies.
- C. Vehicle operator shall collect information about the other parties involved by completing an accident report. An accident report should be housed in the City-owned vehicle's glove box. For other vehicles, the vehicle operator should obtain the accident report form and house it in the respective vehicle prior to vehicle usage.
- D. Vehicle operator shall notify their supervisor. The supervisor shall be responsible for initiating the departmental investigation of the accident, completing all required City reports and recommend action to the Human Resources Department. In the event of serious bodily injury, an incident report form shall be completed by the supervisor and submitted to the City's coverage provider, California JPIA.
- E. For privately-owned vehicles, the vehicle operator must report the accident to the DMV if more than \$1,000 in property damage or anyone was injured (no matter how slight) or killed. The report must be filed by the vehicle operator, whether the vehicle operator caused the accident or not and even if the accident occurred on private property. The report must be made on the California Traffic Accident Report, form SR 1, and must be made within ten days of the accident. If the report is not filed with the DMV, the vehicle operator's driving privilege will be suspended.

#### **XI. ACKNOWLEDGEMENT**

Upon receipt of this policy, employees shall sign a form acknowledging that the employee is aware of this policy, including the legal issues arising out of the use of the employee's privately-owned vehicle on City business.



## CITY OF IMPERIAL VEHICLE USE POLICY

### REFERENCES

- Vehicle Code Sections: [464](#)  
[1808.47](#)  
[12810](#)  
[16056](#)  
[27315](#)
- Insurance Code Section [11580.9](#)



**CITY OF IMPERIAL  
VEHICLE USE POLICY**

**Appendix A**

**Employee Acknowledgement of Vehicle Usage Policy**

This is to acknowledge that I have received a copy of the City of Imperial Vehicle Usage Policy and that I have read the policy and understand my rights and obligations under the Policy.

I understand that this Policy represents only current policies, procedures, rights, and obligations and does not create a contract of employment. Regardless of what the Policy states or provides, the City retains the right to add, change or delete provisions of the Policy and all other working terms and conditions without obtaining another person's consent or agreement unless otherwise required by law.

My signature below further signifies that I have read this Policy and that I accept and will abide by all of its provisions.

PRINT FULL NAME \_\_\_\_\_

SIGNED \_\_\_\_\_

DATE \_\_\_\_\_

**(RETAIN IN EMPLOYEE PERSONNEL FILE)**



# CITY OF IMPERIAL VEHICLE USE POLICY

## Appendix B

### Common California Vehicle Code Violations Used in Negligent Operator Counts

#### Violation Points Assessment

Violation points are assigned to Vehicle Code (VC) sections and any other code section, or city or county ordinance, involving the safe operation of a motor vehicle. Any violation occurring as a pedestrian or a bicyclist has no points assigned. City may suspend and place on probation, or revoke, the driving privilege of a negligent operator.

Per Vehicle Code section 12810.5a, a Class C negligent operator has:

- 4 or more points in 12 months,
- 6 points in 24 months, or
- 8 points in 36 months

A minor, under 18 years of age, may receive a 30-day restriction for 2 points in 12 months, or be suspended for 3 points in 12 months ([12814.6 VC](#)).