



CITY OF WHEATLAND

CITY COUNCIL MEETING STAFF REPORT

March 14, 2023

SUBJECT: Council Discussion and Direction to Staff Regarding Vehicle Use Policy

PREPARED BY: Jim Goodwin

Recommendation

Council should discuss the issue and provide direction for staff. The City Manager recommends waiting for the hiring of a new Chief of Police before considering any amendments to the current vehicle use policy.

Background/Discussion

Last spring, the Wheatland Police Officers Association (WPOA) requested consideration of a provision in their Memorandum of Understanding (MOU) regarding officers' ability to take home vehicles. The WPOA was informed that such a provision is not subject to bargaining per the City Rights provision of the MOU (Article XIV).

In January of this year, Chief Sylvester informed the City Manager that he had instituted a pilot program allowing senior officers in the department to take home vehicles during their scheduled shifts. The pilot program has the following provisions:

The City will allow patrol sergeants and officers to use marked City police vehicles for travel to and from the Wheatland Police Department and an officer's place of residence under the following conditions:

- *The program is only effective during the workweek of the officer; it is not a permanent assignment of a vehicle for the sole use of the officer.*
 - o *Officers will come to the police station at the beginning of their workweek in their personal vehicle and may take a City vehicle home during their workweek. The officer shall leave the City vehicle at the Police Department on the last day of their workweek. (Overtime shifts do not qualify)*
- *Officers participating in the program must drive to work in a full police uniform and be ready to respond to calls for service upon entering the City limits.*

- *The City vehicle is for commuting only. When the officer is off duty, the City vehicle may not be used for personal use, errands, or any activity other than driving to and from work.*
- *No passengers are authorized to be in the vehicle when commuting without prior authorization from a supervisor. There is no exception for an officer's family members.*
- *When not in use, the vehicle must be parked and locked in a garage or driveway of a private residence. No apartment, condominium, or communal parking lots are authorized.*
 - o *For the pilot program, no alternative locations are approved (i.e., parking the City vehicle at a police or fire station near the officer's residence.) Only a garage or driveway in the employee's private residence is approved.*
- *Employees who have not completed 3 years of continuous full-time service with the City are not eligible. (Full-time service as a reserve police officer will count towards the 3 years)*
- *The use of a vehicle may be impacted by maintenance schedules, major repairs, or other issues. Day-to-day use may be restricted to maintain sufficient reserves or accommodate major events in the City. Employees must be prepared to utilize their own personal vehicles for commuting with short notice from the City about one of these potential restrictions.*
- *Participation is voluntary.*
- *Participation may be revoked at any time by the Chief of Police.*
- *Employees who are found to be in violation of the conditions of this pilot project may be subject to discipline up to and including termination of employment, pursuant to the City's Personnel Rules, Wheatland Police Department policies and the MOU between the City and WPOA/WSA.*

This pilot program will be in place for an indefinite period of time and may be discontinued at any time by the Chief of Police upon notice to WPOA/WSA.

On February 2, I informed the City Council of the Chief's pilot program in an email. Only one Councilmember responded to the email. The member asked a question regarding GPS tracking of the vehicles and received a response that the vehicles are equipped with GPS tracking. On February 23, I received another email from a Councilmember expressing concern about the program and that it was implemented administratively without City Council approval. Subsequently, the same Councilmember requested in an email that a discussion of take-home vehicle policies be placed on the City Council agenda.

The personnel rules include a vehicle use policy. That policy does not prohibit the Chief of Police from implementing a take home vehicle policy for the officers. Specifically, Section 23 (B)(1)(e) of the City's Personnel Rules states that "Use of a City vehicle for commuting purposes is prohibited *unless retention of the City vehicle is authorized.*" The employees participating in the Chief's pilot program have been authorized to do so by the Chief of Police.

Chief Sylvester implemented the policy with two objectives in mind:

1. Ensure the quickest possible response time for officers to respond from home when called back to work during their shift days;
2. Provide an incentive for senior officers in the department in an attempt to reduce department turnover.

Chief Sylvester is out of town and not able to be present during this meeting to discuss further his reasoning for implementing the program and the status of the program. The Chief has noted that similar policies are in effect in neighboring public safety departments including the cities of Marysville and Lincoln, and the Yuba, Sutter and Placer County Sheriff's Departments.

On February 2, I informed the City Council that Chief Sylvester was retiring from law enforcement and would be leaving his position as Chief of Police effective June 30, 2023. Given the concerns some Councilmembers have expressed regarding this take home vehicle policy, I requested Chief Sylvester end his pilot program effective June 30 when he leaves. Terminating the program will allow the new Chief of Police the opportunity to revisit the program should the new Chief believe the program is in the city's best interest. Should the new Chief wish to reinstate the program, the matter will be brought before the City Council for review. Without a change in the Personnel Rules the new Chief will also have the authority to implement a similar program.

Alternatives

The City Council may provide any direction to city staff regarding this matter.

Fiscal Impact

There is no fiscal impact associated with developing amendments to the personnel policies governing the use of city vehicles.

As for the impact of the pilot program, currently only four officers in the department are eligible to participate in the program, and, according to Chief Sylvester, those officers are not taking full advantage of the program by taking home vehicles each day of their shifts. Consequently, the fiscal impact of the program continuing through June 30 is limited. Chief Sylvester will be available to discuss the impact of the current pilot project during the mid-year budget report planned for the next City Council meeting on March 28.

Attachments

1. Personnel Rules Section 23(B) Use of City Vehicles and Private Vehicles for City Business

B. Use of City Vehicles and Private Vehicles for City Business

The following governs the use of City vehicles and the use of private vehicles on City business. Each department head of the City of Wheatland shall be responsible for assuring that all employees within his or her department who drive vehicles on City business are thoroughly aware of and comply with these rules and regulations.

1. General Rules and Regulations

- a. City vehicles shall be operated only by an authorized City employee, officer, or agent possessing a valid California driver's license of proper class for the vehicle being operated. Prior authorization by a department head is required for use.
- b. Use of City vehicles for any purpose other than City business is prohibited.
- c. Use of a City vehicle for transportation to home or a restaurant, for meals, is prohibited unless the employee is in route while on field duty or attending a meeting on official City business.
- d. Transportation of any person not connected with City business shall be prohibited in City vehicles except with prior approval of the department head.
- e. Use of a City vehicle for commuting purposes is prohibited unless retention of the City vehicle is authorized.

2. Driver Responsibilities

All City employees, when using any vehicle on City business, shall:

- a. Operate vehicles in a safe, reasonable manner consistent with the intended use of the vehicle.
- b. Observe all traffic laws, rules, and regulations, including applicable laws regarding hands-free cell phone usage. Fines and penalties imposed for

violation of traffic laws, rules, and regulations while on City business, other than those due to City equipment violations, are the responsibility of the driver.

- c. Not smoke in any type of City vehicle.
- d. City officers and employees, prior to using any vehicle on City business, shall certify that:
 - i. The driver and any privately owned vehicle to be used on City business are currently licensed, that such licenses have not been revoked or suspended, and that restrictions concerning any license will be met by the driver; and
 - 11. The driver and any privately owned vehicle used on City business are insured by a company authorized to do business in the State of California in the minimum amounts specified by law. Said certification shall be made on a form provided by the Finance Department.
- e. Seat belts shall be worn while operating or riding in City vehicles.