



4.2

CITY OF WHEATLAND

CITY COUNCIL MEETING STAFF REPORT

October 10, 2023

SUBJECT: Consideration and Adoption of Resolution Amending Section 23 of the City of Wheatland Personnel Rules

PREPARED BY: Bill Zenoni, City Manager

Recommendation

Staff recommends that the Wheatland City Council consider adoption of a resolution amending Section 23 (Use of City Property and Equipment) of the City of Wheatland Personnel Rules.

Background

Section 2.16.050 of the Wheatland Municipal Code provides that personnel rules shall be adopted by resolution of the City Council. The City's Personnel Rules were last amended on June 28, 2022. Guidelines for the use of City property and equipment are included in Section 23 of the City of Wheatland Personnel Rules.

Discussion

During last year's labor negotiations, the Wheatland Police Officer's Association (WPOA) requested adding a provision to their memorandum of understanding that would provide for take-home vehicles. Although WPOA was advised that this provision was not subject to bargaining, a temporary vehicle take-home program was instituted earlier this year. That pilot program ended on June 30, 2023, although the City's sworn Police department staff have requested that this program continue.

The City Council, on March 14, 2023, discussed a proposed amendment to the City's vehicle use policy (which is included in Section 23 of the City's Personnel Rules) which would allow sworn Police Officer's to take a City vehicle home during their workweek. At that meeting, the City Council directed staff to complete a more comprehensive review of the current and proposed policy, including reviewing conflicting language and insurance impacts, and return this item for further consideration. Staff has completed that review and has developed a more comprehensive document which addresses:

- Operating a vehicle in a safe, courteous and lawful manner.
- Not operating any vehicle on City business while physically or mentally impaired.
- Not consuming or transporting alcohol or drugs in any vehicle while conducting City business.
- Safe use of cellular phones while driving on City business.
- Use of safety belts for the driver and passengers.
- Reporting requirements in case of accidents or citations.

- Use of City vehicles for commute purposes by Police Department emergency response supervisory positions.
- Minimum insurance requirements for operating a private vehicle while conducting City business.
- Written acknowledgement that the employee has read and understands the Vehicle Usage Policy.

Most of the proposed revisions to Section 23 of the Personnel Rules address safety issues when operating any vehicle while conducting City business. The recommended change which allows a Police Department supervisory position (Sergeant) to utilize a City vehicle for traveling to and from work during their workweek is a policy issue for City Council consideration. While this has not been a permitted practice in the City of Wheatland, with the exception of the Police Department pilot program earlier this year, it is a common practice of other public agencies in this area. Given the City's limited Police Department staffing, implementation of this provision will improve the ability of the Police Department to respond to after-hours emergencies in a more timely manner.

Fiscal Impact

The annual cost of allowing an on-call Police Sergeant position to utilize a marked patrol vehicle for traveling to and from work is approximately \$3,100.

Attachment

1. Resolution
2. Section 23 of City of Wheatland Personnel Rules (with proposed amendments)
3. Section 23 of City of Wheatland Personnel Rules (redline version)

**WHEATLAND CITY COUNCIL
RESOLUTION NO. 37-23**

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WHEATLAND AMENDING
SECTION 23 OF THE CITY OF WHEATLAND PERSONNEL RULES**

WHEREAS, the City Council is authorized and directed under the provisions of Section 2.16.050 of the Wheatland Municipal Code to adopt rules for the administration of the personnel system created in Chapter 2.16 of the Wheatland Municipal Code; and

WHEREAS, the objectives of these rules are to facilitate efficient and economical services to the public and to provide for an equitable system of personnel management in the municipal government; and

WHEREAS, these rules set forth those procedures and policies which insure similar treatment for those who compete for original employment and promotion, and define many of the obligations, rights, privileges and prohibitions which are placed upon all employees in the competitive service of the City; and

WHEREAS, the City Council may, from time to time, amend these rules.

NOW, THEREFORE, BE IT RESOLVED AND DETERMINED by the City Council of the City of Wheatland that Section 23 of the City of Wheatland Personnel Rules (Use of City Property and Equipment) are amended as per the attached Exhibit A.

* * * * *

PASSED AND ADOPTED by the City Council of City of Wheatland on this 10th day of October 2023, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

APPROVED:

Mayor of the City of Wheatland

ATTEST:

Jessy Johnson, Acting City Clerk

SECTION 23. USE OF CITY PROPERTY AND EQUIPMENT

A. Policy

- City property is to be used only for conducting City business unless otherwise authorized. City property includes, but is not limited to telephones, desks, computers (including hardware and software), file cabinets, lockers, communications stored or transmitted on City property (such as e- and voicemails), vehicles and other City property used by City employees in their work.
- City property may be monitored and searched at any time and for any reason. Messages sent or received on City equipment may be saved and reviewed by others. As a result, City employees have no expectation of privacy in the messages sent or received on City property or equipment.
- The security of City property is of vital importance to the City. City property includes not only tangible property, like desks and computers, but also intangible property such as confidential information. It is critical for the City to preserve and protect its confidential information, as well as the confidential information of customers, suppliers, and third parties. All employees are responsible for ensuring that proper security is maintained at all times.
- “Confidential Information” means all information, not generally known, belonging to, or otherwise relating to the business of the City or its clients, customers, suppliers, vendors, affiliates, or partners, regardless of the media or manner in which it is stored or conveyed, that the City has taken reasonable steps to protect from unauthorized use or disclosure. Confidential Information includes but is not limited to trade secrets as well as other proprietary knowledge, information, and know-how; non-public intellectual property rights, including business plans and strategies; manufacturing techniques; formulae; processes; designs; drawings; discoveries; improvements; ideas; conceptions; test data; compilations of data; and developments, whether or not patentable and whether or not copyrightable.
- “Personal Identification Information” includes individually identifiable information about employees, customers, consultants, or other individuals, such as Social Security numbers, background information, credit card or banking information, health information, or other non-public information entrusted to the City regarding an individual’s personal identity. There are laws in the United States and other countries that protect certain types of Personal Identification Information, and employees should not disclose such protected Personal Identification Information about other individuals to any third party or from one country to another without prior managerial approval.
- Failure to take reasonable measures to protect the City’s Confidential Information may jeopardize its status as a trade secret. While employed by the City, employees must not use or disclose any Confidential Information or Personal Identification Information that they produce or obtain during employment with the City, except to the extent such use or disclosure is required in connection with performing their jobs. Employees may not use or disclose Confidential Information or Personal Identification Information for any reason after the employment relationship with the City ends. Misuse or unauthorized disclosure of Confidential Information or

[Type here]

Attachment 2

Exhibit A

Personal Identification Information may result in immediate termination, as well as potential personal and criminal liability. Nothing in these rules restricts an employee from discussing his or her wages or other terms and conditions of employment with coworkers or others, to the extent protected by law.

- Avoiding loss or theft of Confidential Information or Personal Identification Information is an important part of each employee's job. Accordingly, employees must observe good security practices. Employees are expected to keep Confidential Information secure from outside visitors and all other persons who do not have legitimate reason to see or use such information. Employees are not to remove City property without authorization. Failure to adhere to City policies regarding Confidential Information and Personal Identification Information will be considered grounds for dismissal.
- On termination of employment, whether voluntary or involuntary, all City documents, computer records, and other tangible City property in the employee's possession or control must be returned to the City immediately.

B. Use of City Vehicles and Use of 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 City vehicles or private vehicles on City business are thoroughly aware of and comply with these rules and regulations.

1. General Rules and Regulations

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. Employees operating a vehicle on City business represent the City of Wheatland and shall always project a professional and responsible image to the public. The vehicle shall be operated in a manner which is courteous, safe and lawful.
- 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, under any circumstances, operate a City vehicle or a private vehicle on City business when any physical or mental impairment causes the employee to be unable to drive safely. Consumption of alcohol, drugs or other intoxicants that may interfere with the safe operation of City vehicles and equipment or while operating a privately owned vehicle on City business is prohibited.

[Type here]

Attachment 2

Exhibit A

- d. Not consume alcohol, drugs or other intoxicants that may interfere with the safe operation of City vehicles and equipment or while operating a privately owned vehicle on City business. Alcoholic beverages and drugs shall not be transported or placed in any City owned vehicle or in any privately owned vehicle while being used for conducting City business.
- e. Refrain from using a cellular phone without a hands-free device, texting or using email on a cellular phone or other device while driving and engaging in any other activity prohibited by law or that distracts the driver from safely driving.
- f. Use and ensure that all passengers use available safety belts in the vehicle being operated. The Police Department may adopt rules and regulations that supercede this provision that will govern the use of safety belts by police officers and persons taken into custody.
- g. Possess a valid California Driver's License of the proper class for the vehicle being operated, as defined by the California Vehicle Code. It is the employee's responsibility to promptly report the revocation, suspension, or other restriction of their driver's license to their supervisor and to the Finance Director no later than the first workday following suspension or revocation of their driver's license.
- h. Promptly report to their supervisor and to the Finance Director any traffic citation received or traffic accident involved in while operating a City vehicle or a privately owned vehicle on City business immediately following receipt of the citation or traffic accident incident.

2. Use of City Vehicles

The following governs the use of City vehicles.

- 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 the use of a City vehicle.
- b. Police Department volunteers may be authorized by the Police Chief to operate a City vehicle in their volunteer status only for the occasional purpose of transporting the City vehicle for previously authorized maintenance or repair work.

[Type here]

Attachment 2

Exhibit A

- c. Use of City vehicles for any purpose other than for conducting City business is prohibited, except as noted in subsections 2d and 2i.
- d. 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.
- e. Transportation of any person not connected with City business is prohibited in City vehicles.
- f. Employees and passengers shall not smoke cigarettes, cigars or use any other tobacco product, including, but limited to, smokeless tobacco, e-cigarettes and vaporizers in any type of City vehicle.
- g. Report to the employees supervisor all apparent maintenance and repair issues that come to the attention of the operator of a City vehicle.
- h. When cargo, materials or tools are being transported, the operator of a City vehicle is responsible for assuring that all items are properly secured.
- i. Police Department emergency response supervisory positions may be authorized to use a City vehicle for commute purposes pursuant to the provisions of their employment agreement or with the written approval of the City Manager. The use of the City vehicle for purposes other than transportation to and from work, or other official and authorized transportation, is prohibited. In addition to provisions implemented by the Chief of Police, the following general restrictions will apply:
 - The City vehicle may only be used for commute purposes during the employee's regular scheduled workweek. The City vehicle will not be taken home at the end of the workweek.
 - When not in use, the City vehicle must be parked and locked in a garage or driveway of a private residence. Parking in an apartment, condominium or other communal parking lot is not allowed.
 - Day-to-day use may be restricted by the needs of the City. The employee must be prepared to utilize their own personal vehicle for commuting with short notice from the Police Chief.

3. Use of Private Vehicles for City Business

The following governs the use of private vehicles for conducting City business.

[Type here]

Attachment 2

Exhibit A

- a. City officers and employees, prior to using any privately owned vehicle on City business, shall certify that the vehicle is currently licensed and 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. As required by California Insurance Code Section 11580.1b, the driver of any private vehicle used for City business shall maintain the required minimum liability insurance coverage on that vehicle. That minimum coverage requirement, which may change from time to time, is currently:
 - \$15,000 for injury/death to one person
 - \$30,000 for injury/death to more than one person
 - \$5,000 for damage to property
- b. Damage sustained to a private vehicle while being used for City business shall be the responsibility of the employee/owner. The City is not responsible for any damage to an employee's privately owned vehicle, unless caused by City negligence.

[Type here]

Attachment 2

Exhibit A

EMPLOYEE ACKNOWLEDGEMENT OF VEHICLE USAGE POLICY

This is to acknowledge that I have received a copy of the City of Wheatland Vehicle Usage Policy as included in Section 23 of the City of Wheatland Personnel Rules 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.

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

PRINT FULL NAME _____

SIGNED _____

DATE _____

**CITY OF WHEATLAND PERSONNEL RULES
SECTION 23 – USE OF CITY PROPERTY AND EQUIPMENT**

REDLINE VERSION WITH PROPOSED CHANGES NOTED IN RED

SECTION 23. USE OF CITY PROPERTY AND EQUIPMENT

A. Policy

- City property is to be used only for conducting City business unless otherwise authorized. City property includes, but is not limited to, telephones, desks, computers (including hardware and software), file cabinets, lockers, communications stored or transmitted on City property (such as e- and voicemails), vehicles and other City property used by City employees in their work.
- City property may be monitored and searched at any time and for any reason. Messages sent or received on City equipment may be saved and reviewed by others. As a result, City employees have no expectation of privacy in the messages sent or received on City property or equipment.
- The security of City property is of vital importance to the City. City property includes not only tangible property, like desks and computers, but also intangible property such as confidential information. It is critical for the City to preserve and protect its confidential information, as well as the confidential information of customers, suppliers, and third parties. All employees are responsible for ensuring that proper security is maintained at all times.
- “Confidential Information” means all information, not generally known, belonging to, or otherwise relating to the business of the City or its clients, customers, suppliers, vendors, affiliates, or partners, regardless of the media or manner in which it is stored or conveyed, that the City has taken reasonable steps to protect from unauthorized use or disclosure. Confidential Information includes but is not limited to trade secrets as well as other proprietary knowledge, information, and know-how; non-public intellectual property rights, including business plans and strategies; manufacturing techniques; formulae; processes; designs; drawings; discoveries; improvements; ideas; conceptions; test data; compilations of data; and developments, whether or not patentable and whether or not copyrightable.
- “Personal Identification Information” includes individually identifiable information about employees, customers, consultants, or other individuals, such as Social Security numbers, background information, credit card or banking information, health information, or other non-public information entrusted to the City regarding an individual’s personal identity. There are laws in the United States and other countries that protect certain types of Personal Identification Information, and employees should not disclose such protected Personal Identification Information about other individuals to any third party or from one country to another without prior managerial approval.
- Failure to take reasonable measures to protect the City’s Confidential Information may jeopardize its status as a trade secret. While employed by the City, employees must not use or disclose any Confidential Information or Personal Identification Information that they produce or obtain during employment with the City, except to the extent such use or disclosure is required in connection with performing their jobs. Employees may not use or disclose Confidential Information or Personal Identification Information for any reason after the employment relationship with the City ends. Misuse or unauthorized disclosure of Confidential Information or

Personal Identification Information may result in immediate termination, as well as potential personal and criminal liability. Nothing in these rules restricts an employee from discussing his or her wages or other terms and conditions of employment with coworkers or others, to the extent protected by law.

- Avoiding loss or theft of Confidential Information or Personal Identification Information is an important part of each employee's job. Accordingly, employees must observe good security practices. Employees are expected to keep Confidential Information secure from outside visitors and all other persons who do not have legitimate reason to see or use such information. Employees are not to remove City property without authorization. Failure to adhere to City policies regarding Confidential Information and Personal Identification Information will be considered grounds for dismissal.
- On termination of employment, whether voluntary or involuntary, all City documents, computer records, and other tangible City property in the employee's possession or control must be returned to the City immediately.
- ~~Avoiding loss or theft of Confidential Information or Personal Identification Information is an important part of each employee's job. Accordingly, employees must observe good security practices. Employees are expected to keep Confidential Information secure from outside visitors and all other persons who do not have legitimate reason to see or use such information. Employees are not to remove City property without authorization. Failure to adhere to City policies regarding Confidential Information and Personal Identification Information will be considered grounds for dismissal.~~

B. Use of City Vehicles and Use of 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 City vehicles or private vehicles on City business are thoroughly aware of and comply with these rules and regulations.

1. General Rules and Regulations

~~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.~~

~~Use of City vehicles for any purpose other than City business is prohibited.~~

~~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.~~

Attachment 3

~~Transportation of any person not connected with City business shall be prohibited in City vehicles except with prior approval of the department head.~~

~~Use of a City vehicle for commuting purposes is prohibited unless retention of the City vehicle is authorized.~~ 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. Employees operating a vehicle on City business represent the City of Wheatland and shall always project a professional and responsible image to the public. The vehicle shall be operated in a manner which is courteous, safe and lawful.
- 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, under any circumstances, operate a City vehicle or a private vehicle on City business when any physical or mental impairment causes the employee to be unable to drive safely. Consumption of alcohol, drugs or other intoxicants that may interfere with the safe operation of City vehicles and equipment or while operating a privately owned vehicle on City business is prohibited.
- d. Not consume alcohol, drugs or other intoxicants that may interfere with the safe operation of City vehicles and equipment or while operating a privately owned vehicle on City business. Alcoholic beverages and drugs shall not be transported or placed in any City owned vehicle or in any privately owned vehicle while being used for conducting City business.
- e. Refrain from using a cellular phone without a hands-free device, texting or using email on a cellular phone or other device while driving and engaging in any other activity prohibited by law or that distracts the driver from safely driving.
- f. Use and ensure that all passengers use available safety belts in the vehicle being operated. The Police Department may adopt rules and regulations that supercede this provision that will govern the use of safety belts by police officers and persons taken into custody.
- g. Possess a valid California Driver's License of the proper class for the vehicle being operated, as defined by the California Vehicle Code. It is the employee's responsibility to promptly report the revocation, suspension, or other restriction of their driver's license

Attachment 3

to their supervisor and to the Finance Director no later than the first workday following suspension or revocation of their driver's license.

- a.h. Promptly report to their supervisor and to the Finance Director any traffic citation received or traffic accident involved in while operating a City vehicle or a privately owned vehicle on City business immediately following receipt of the citation or traffic accident incident.

2. Use of City VehiclesDriver Responsibilities

The following governs the use of City vehicles. All City employees, when using any vehicle on City business, shall:

- 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 the use of a City vehicle.
- b. Police Department volunteers may be authorized by the Police Chief to operate a City vehicle in their volunteer status only for the occasional purpose of transporting the City vehicle for previously authorized maintenance or repair work.
- c. Use of City vehicles for any purpose other than for conducting City business is prohibited, except as noted in subsections 2d and 2i.
- d. 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.
- e. Transportation of any person not connected with City business is prohibited in City vehicles.
- f. Employees and passengers shall not smoke cigarettes, cigars or use any other tobacco product, including, but limited to, smokeless tobacco, e-cigarettes and vaporizers in any type of City vehicle.
- 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.

Attachment 3

- e. — ~~Not smoke in any type of City vehicle.~~
- d. — ~~Report to the employees supervisor all apparent maintenance and repair issues that come to the attention of the operator of a City vehicle. City officers and employees, prior to using any vehicle on City business, shall certify that:~~
- e. — ~~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~~
- f.g. ~~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.~~
- h. When cargo, materials or tools are being transported, the operator of a City vehicle is responsible for assuring that all items are properly secured.
- i. Police Department emergency response supervisory positions may be authorized to use a City vehicle for commute purposes with the written approval of the City Manager and Police Chief. The use of the City vehicle for purposes other than transportation to and from work, or other official and authorized transportation, is prohibited. In addition to provisions implemented by the Chief of Police, the following general restrictions will apply: Seat belts shall be worn while operating or riding in City vehicles.
 - The City vehicle may only be used for commute purposes during the employee's regular scheduled workweek. The City vehicle will not be taken home at the end of the workweek.
 - When not in use, the City vehicle must be parked and locked in a garage or driveway of a private residence. Parking in an apartment, condominium or other communal parking lot is not allowed.
 - Day-to-day use may be restricted by the needs of the City. The employee must be prepared to utilize their own personal vehicle for commuting with short notice from the Police Chief.

3. Use of Private Vehicles for City Business

The following governs the use of private vehicles for conducting City business.

Attachment 3

- a. City officers and employees, prior to using any privately owned vehicle on City business, shall certify that the vehicle is currently licensed and 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. As required by California Insurance Code Section 11580.1b, the driver of any private vehicle used for City business shall maintain the required minimum liability insurance coverage on that vehicle. That minimum coverage requirement, which may change from time to time, is currently:
- \$15,000 for injury/death to one person
 - \$30,000 for injury/death to more than one person
 - \$5,000 for damage to property
- b. Damage sustained to a private vehicle while being used for City business shall be the responsibility of the employee/owner. The City is not responsible for any damage to an employee's privately owned vehicle, unless caused by City negligence.

EMPLOYEE ACKNOWLEDGEMENT OF VEHICLE USAGE POLICY

This is to acknowledge that I have received a copy of the City of Wheatland Vehicle Usage Policy as included in Section 23 of the City of Wheatland Personnel Rules 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.

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

PRINT FULL NAME

SIGNED

DATE