

**MARCH 14, MINUTES
REGULAR WHEATLAND CITY COUNCIL MEETING
WHEATLAND COMMUNITY CENTER
101 C STREET, WHEATLAND, CA
6:00 – 8:30 P.M.**

COUNCIL MEMBERS PRESENT: R. Coe, L. McIntosh, P. Shelton, A. Teter, R. West.

OTHERS PRESENT: J. Goodwin, City Manager
J. Buckman, City Attorney
A. Paquette, Fire Chief
S. Wong, Finance Director
J. Johnson, Account Clerk

PLEDGE OF ALLEGIANCE: Council Member R. West led the pledge of allegiance.

PUBLIC COMMENT

Charlene Bole commented on animal control and gave handout of additional questions.
Teresa commented on the public growing, trash, fences, site views.

CONSENT CALENDAR

It was moved by Vice Mayor Bob Coe and seconded by Mayor Rick West to approve the minutes from the February 28, 2023, regular City Council meeting, Resolution No. 09-23 Directing Preparation Of The Annual Engineer’s Report For The Continuation Of The Wheatland-Premier Grove Landscaping And Lighting Assessment District (Including Park Place Annexation) For Fiscal Year 2023-24, Public Works Vehicle Purchase, Mitigation Fee Act (AB 1600) Report for Fiscal Year 2022.

Vote called – AYES: All. Motion carried.

REGULAR CALENDAR

City Manager Jim Goodwin Introduced the staff report regarding vehicle use policy. 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 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, 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, 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: ensure the quickest possible response time for officers to respond from home when called back to work during their shift days and 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.

City Council Comments

Vice Mayor Bob Coe commented willing to wait for Chief Sylvester to come back.

Council Member Pamela Shelton commented on an administrative decision and questioned if there is a city-wide policy?

Mayor Rick West commented on waiting for Chief Sylvester to come back. Mayor directed staff to check vehicle use permit and look at the insurance policies.

Council Member Lisa McIntosh commented on the vehicle policy having conflicted verbiage in line item (e). McIntosh added to have staff carry over draft with clean up on the vehicle policy and insurance and bring back to the next meeting.

City Attorney Jennifer Buckman clarified information for council members.

City Manager Jim Goodwin questioned if line item (e) could be removed.

Public Comments

None

Council member directed staff to move the item forward to the next council meeting with draft.

REPORTS

Council Member Shelton commented on the Homeless Committee.

Meeting adjourned to Closed Session at 6:30 p.m.

CLOSED SESSION

The meeting was reconvened at 8:30 p.m. with no reportable action.

There being no further business, Mayor R. West adjourned the meeting in memory of Eugene Metcalf at 8:30 p.m.

Minutes approved and adopted on this 11th day of April 2023.

Rick West, Mayor

Lisa Thomason, City Clerk