



CITY OF CLEARWATER VEHICLE USE POLICY

Effective August 17th 2010, the following policy shall be in effect for use of City take-home vehicles and motorized equipment vehicles, the assignment and use of City vehicles outside the standard workweek and the use of privately owned vehicles for city business.

Each employee authorized to use a City vehicle will sign a statement that he or she has read and understands the policy.

A. Definitions:

1. Take-home Vehicle - Any car, truck, or special equipment vehicle that is owned, leased, or rented by the City which is assigned to a particular employee to take home for business-related purposes as identified in this policy.
2. Motorized equipment Vehicle - Any passenger vehicle or truck, self propelled equipment, trailer, or trailer mounted equipment which is towed by a self-propelled piece of equipment, which may be marked or unmarked with City identification, and/or licensed for use on public roadways and/or off road.
3. City vehicle: Includes both take-home vehicle and motorized equipment vehicles owned by the City. This includes vehicles used by the Public Works Department, the Fire Department, and any other vehicles owned by City of Clearwater.
4. Personnel Vehicle – A vehicle owned by a city employee that is used occasionally for city business.
5. Unmarked Vehicle: A City vehicle which is not easily identified as used by a City employee.

B. General Statement - Employees assigned take-home vehicles for daily use and for commuting purposes or operate motorized equipment vehicles are governed by the following general policy and philosophy and by M.S. 471.666 (Attachment A). City take-home vehicles are not personal vehicles and are not to be used for personal use. All City take-home vehicles should be viewed as belonging to the City of Clearwater and are assigned for commuting only for purposes consistent to solely providing services to the city.

C. General Policies

1. Passengers in City vehicles shall be limited to City employees and individuals who are directly associated with City work activity (City Council, committee

members, consultants, contractors, etc) and/or individuals participating in a bona fide “Ride Along” event. Family members shall not be transported in City vehicles. If an accident or medical emergency arises necessitating transport of passengers other than City personnel, the employee assigned the vehicle shall notify his immediate supervisor as soon as possible of the nature of the emergency.

2. City Vehicles should carry only those items for which the vehicle is designed or utilized. Personal property, other than daily use items such as handbags, briefcases, umbrellas, coats, etc. should not be transported in the vehicle.
3. Vehicle Operation: The operators of City vehicles must observe and obey all traffic ordinances, rules, and regulations, including:
 - a. Operate vehicle at or below posted speed limits or at lower speeds if road conditions require a slower speed.
 - b. Operate vehicles in a safe and responsible manner.
 - c. Drivers and all passengers are required to wear a seat belt whenever a vehicle is in motion.
 - d. All doors must be closed and secure when a vehicle is moving.
 - e. Vehicles should be parked in a manner that does not obstruct traffic or building access.
 - f. Smoking is not permitted in City vehicles.
 - g. When leaving a vehicle unattended, remove the ignition keys and secure the vehicle.
 - h. All City vehicles should be secured and locked after daily operation. If there is a designated location for storage of vehicles not in use, the vehicle must be returned to that storage location.
 - i. Motorized Equipment vehicle keys should be returned to the key cabinet or daily to its proper storage location at end of use.
 - j. Drivers shall have and maintain a valid driver’s license suitable for the operation of the particular vehicle to which they are assigned.
 - k. Fines or penalties for moving, parking, or any other violations are the responsibility of the operator.
 - l. In no event is a City vehicle ever to be utilized to transport alcoholic beverages or controlled substances.
 - m. City vehicles may not be utilized to transport weapons, except in the case of police officers acting in their official capacity and/or in the case where the occupant(s) have a “permit to carry” issued by the State of Minnesota or a state with which Minnesota has a “permit to carry” reciprocity agreement.

- n. All City vehicles shall be identified with the standard City seal and/or the name of the Department.
- o. Duty to Report: In the event that any city owned vehicle becomes inoperable due to mechanical problems, damage or becomes stuck, the operator of that vehicle shall immediately contact his/her supervisor and advise of the situation. It is the responsibility of the operator of the vehicle to document and report to the employee's supervisor any damage to the vehicle that occurs during the hours the vehicle is assigned to that person for use. In the case of personal injury and/or property damage accident occurring on a public street the driver shall also immediately report the accident to law enforcement.
- p. It is the responsibility of the operator of the vehicle to document and report to the employee's supervisor any damage caused by the vehicle assigned to that person to any other vehicle or property.
- q. Recommendations for safe handling of vehicle-based calling from the wireless communications industry include the following:
 - i. Use voice-activated dialing when driving, or have frequently called numbers pre-programmed into the device, or consider pulling off the road to dial (or ask a passenger to dial).
 - ii. Do not use the wireless communication device at all in a school zone or if there are hazardous road or traffic conditions.
 - iii. Avoid multiple tasks when driving, such as trying to drive, taking notes and using a wireless communication device.

D. Take-home Vehicle Policies

1. If an employee is assigned a City take-home vehicle, this assignment shall be made consistent with Minn. Stat. 471.666 to confer a benefit upon the city. The only "personal use" of the vehicle permitted is travelling to and from the employee's residence and the place of work, and personal use that is clearly incidental to normal workday activities. The vehicle should be driven over the most direct route taking into account road and traffic conditions. The vehicle should not be utilized for travel outside the direct route for personal reasons. "Clearly incidental" personal use shall mean use that does not involve additional travel or expense to the City, and does not create an impression that the vehicle is being used for personal reasons such as shopping, recreation, transportation of family or friends, etc. If in doubt as to whether a particular use is permitted, employees should seek supervisory approval.
2. Assigned take-home vehicles may be utilized for de minimis personal errands during the workday for transportation clearly incidental to normal workday activities. Employees will make every effort to minimize events of this nature.

3. Unauthorized use of a take-home vehicle may expose the individual to risk that city's insurance coverage will not cover.
4. Emergency road service for take-home vehicles commuting outside the city limits shall be the responsibility of the employee to whom the vehicle is assigned.
5. Whenever an employee who is assigned a city take-home vehicle is on vacation or any other leave for more than two consecutive days, the vehicle may be reassigned by the City Administrator or parked in the appropriate City lot.
6. A record of take-home vehicle mileage will be monitored on a weekly basis by the Department Head. Employees assigned vehicles may be required to document reasons for significant month-to-month variances. Other monitoring may entail unannounced visits to sites where vehicles are parked overnight.
7. In the event any of the above guidelines are not observed, an employee using a take-home vehicle for personal purposes shall reimburse the City at the prevailing mileage rate and disciplinary action may be taken.

E. Personal Vehicle Policies – The use of personal vehicles for city business is covered under the city's Personnel Policy.

F. Eligibility- Eligibility for a take-home vehicle will be determined on a case-by-case basis and may be modified for any or no reason. Generally, for an employee to be assigned a take-home vehicle for commuting purposes, the Department Head must find that one or more of the circumstances identified in Minn. Stat. section 471.666 exist (see attachment A). The following factors shall be utilized in making this determination:

1. **On Call** – An employee designated to be generally available to respond to off-hours situations.
2. **Emergency Availability** – Employee has supervisory responsibility for a line operation that provides services or maintains facilities on a 24-hour, seven-day schedule. Department operations are characterized by employees who work a six or seven-day week; extended hours; and/or frequent overtime. Employee is called for emergencies which demand his or her expertise, experience, knowledge, judgment, and command ability.
3. **Service Supervision** – Due to the nature of the position, the responsibilities of the position and organization of the Department the individual is required to supervise programs and services at night and on weekends to ensure proper performance. The key difference between this category and the Normal Work Demand category is the nature of the activity; the amount of the activity; and the fact the activity is demanded by organizational consideration.
4. **Normal Work Demand** – Employee normally works a standard workweek

and is regularly required to attend work events at places other than the employee's primary place of assignment outside of normal work hours.

In assigning vehicles for commuting purposes, Department Heads shall consider the distance between the employees' home and workplace. Whenever a position becomes vacant the authorization for commuting shall be reevaluated. Other employees not generally authorized to take vehicles home may do so, with the approval of the Department Head, when a specific need arises. A specific need may be a spontaneous demand such as a service inspection or a planned use such as a conference. Employees assigned vehicles for commuting are to be given copies of this policy which will be maintained on file in his/her department.

G. Severability. If any section, subsection, sentence, clause, phrase, word, or other portion of this policy is, for any reason, held to be unconstitutional or invalid, in whole, or in part, by any court of competent jurisdiction or by state statute, such portion shall be deemed severable, and the validity of the remaining portions of this policy shall continue in full force and effect.

M.S. 471.666 PERSONAL USE OF PUBLICLY OWNED AUTOMOBILES PROHIBITED.

Subdivision 1. **Definitions.** For purposes of this section, the following definitions shall apply:

(a) "Local government vehicle" means a vehicle owned or leased by a political subdivision of the state of Minnesota or loaned to a political subdivision.

(b) "Political subdivision" means a statutory or home rule charter city, county, town, school district, metropolitan or regional agency, or other special purpose district of this state.

(c) "Local government employee" or "employee" means an individual who is appointed or employed by a political subdivision, including all elected officials of political subdivisions.

Subd. 2. **Restricted uses.** A local government vehicle may be used only for authorized local government business, including personal use that is clearly incidental to the use of the vehicle for local government business. A local government vehicle may not be used for transportation to or from the residence of a local government employee, except as provided in subdivision 3.

Subd. 3. **Permitted uses.** A local government vehicle may be used by a local government employee to travel to or from the employee's residence:

(1) in connection with work-related activities during hours when the employee is not working;

(2) if the employee has been assigned the use of a local government vehicle for authorized local government business on an extended basis, and the employee's primary place of work is not the local government work station to which the employee is permanently assigned; or

(3) if the employee has been assigned the use of a local government vehicle for authorized local government business away from the work station to which the employee is permanently assigned, and the number of miles traveled, or the time needed to conduct the business, will be minimized if the employee uses a local government vehicle to travel to the employee's residence before or after traveling to the place of local government business.

Subd. 4. **Exceptions.** This section does not apply to public safety vehicles that are owned or leased by a political subdivision.

History: 1993 c 315 s 16

ACKNOWLEDGMENT STATEMENT

I hereby acknowledge that I received a copy of the City of Clearwater's Vehicle Policy dated _____. I understand it is my obligation to read and abide by its terms and procedures. I understand that a copy of this acknowledgment statement will be placed in my personnel file.

Please print full name

Signature

Date