

*Monroe County  
Clerk of the Legislature*

*Jamie L. Slocum  
Clerk*



*Heather D. Halstead  
Deputy Clerk*

*David Grant  
Assistant Deputy Clerk*

**MEMORANDUM**

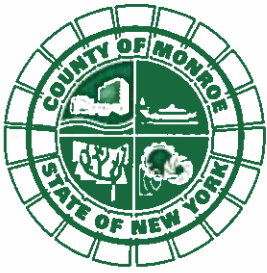
**TO:** Legislators, Directors, Staff and Media  
**FROM:** Jamie L. Slocum, Clerk of the Legislature *JS*  
**DATE:** September 29, 2015  
**RE:** Matter of Importance – File No. 15-0295

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**15-0295 –** Establishing a County Policy to Govern the Use of Monroe County-Owned Take-Home Vehicles – As A Matter of Importance – County Legislators Dorothy Styk, Carrie Andrews, Cynthia W. Kaleh, Justin Wilcox, Joseph D. Morelle, Jr., Glenn Gamble, Paul Haney, Joshua Bauroth, John Lightfoot, Ernest S. Flagler-Mitchell

This referral was not made to committee at the preceding meeting of the Legislature on September 8, 2015, but has been determined by President Jeffrey R. Adair to be of sufficient importance to warrant referral between Legislative meetings, pursuant to Section 545-24 (C) of the Rules of the Monroe County Legislature.

Attachment.



# Monroe County Legislature

**DOROTHY STYK**  
LEGISLATOR - 18<sup>th</sup> DISTRICT

**DOROTHY STYK**  
LEGISLATURE - DISTRICT 18  
32 WHITTLERS RIDGE  
PITTSFORD, NEW YORK 14534  
OFFICE: (585) 753-1940  
FAX: (585) 753-1946  
MONROE18@MONROECOUNTY.GOV

OFFICIAL FILE COPY
No. <u>150295</u>
Not to be removed from the Office of the Legislature Of Monroe County
Committee Assignment
<b>AGENDA/CHARTER</b> -L

September 23, 2015

To The Honorable  
Monroe County Legislature  
39 West Main Street  
Rochester, NY 14614

**RE: Establishing a County Policy to Govern the Use of Monroe County-Owned Take-Home Vehicles.**

Monroe County currently has over 60 vehicles in its fleet that are assigned as 24 hour take-home vehicles to non-Sheriff's Office employees. To date, there do not appear to be any specific policies or procedures dictating the use of such vehicles. It is imperative to create a take-home vehicle policy to codify clear and concise rules, regulations, and restrictions regarding the use of County-owned cars.

Having the use of a take-home vehicle provided by an employer is often based on necessity, as is the case with personnel who are on-call to respond to emergencies at all times. It can also be a perk provided as a luxury or part of a compensation package in lieu of salary increases. In Monroe County, take-home vehicles appear to be assigned for either reason. With no take-home vehicle policy in place, these taxpayer assets are at risk for abuse. Not only that, but the County can no longer afford to offer a take-home vehicle as a perk to non-emergency personnel.

This policy has the potential of reducing county spending, by requiring employees who request a take-home vehicle to provide justification. This may prevent employees who are not in the field of life-saving or emergency services from being assigned take-home vehicles. This would bring Monroe County in line with other upstate communities. For example, Erie County currently has a fleet of 41 take home vehicles and neither the County Executive nor any executive staff members are assigned 24 hour vehicles.

The take-home vehicle policy will address vehicle operator responsibility in an effort to ensure that county-owned vehicles are being used strictly for county-related business. This policy aims to end the ability of county employees to use county-owned vehicles for personal

use, which is an unacceptable use of taxpayer money. The proposed Monroe County Take-Home Vehicle Policy is both fiscally responsible and will restore public trust in how their tax dollars are being spent in Monroe County.

**The specific legislative action required is:**

1. To adopt the attached resolution to authorize a County policy to govern the use of Monroe County-owned take-home vehicles.

No additional net County support is required in the current Monroe County budget.

We recommend that this matter be referred to the appropriate committee(s) for favorable action by this Honorable Body.

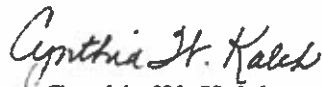
Respectfully Submitted,



Dorothy Styk  
Legislator – District 18



Carrie Andrews  
Democratic Minority Leader



Cynthia W. Kaleh  
Assistant Minority Leader



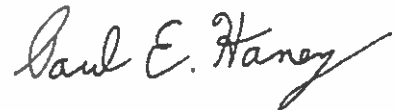
Justin Wilcox  
Legislator – District 14



Joseph D. Morelle, Jr.  
Legislator – District 17



Glenn Gamble  
Legislator – District 22



Paul Haney  
Legislator – District 23



Joshua Bauroth  
Legislator – District 24



John Lightfoot  
Legislator – District 25



Ernest S. Flagler-Mitchell  
Legislator – District 29

By Legislators \_\_\_\_\_ and \_\_\_\_\_

Intro. No. \_\_\_\_\_

RESOLUTION NO. \_\_\_\_\_ OF 2015

**TO ESTABLISH A POLICY AND PROCEDURE GOVERNING THE USE OF COUNTY-OWNED TAKE-HOME PASSENGER VEHICLES.**

BE IT ENACTED BY THE LEGISLATURE OF THE COUNTY OF MONROE, as follows:

Section 1. The Administrative Code of Monroe County is hereby amended to include the following:

**Procedure Governing the Use of County-Owned Take-Home Passenger Vehicles**

**§-1. Title.**

This Chapter shall be known and cited as the procedure governing the use of county-owned passenger take-home vehicles.

**§-2. Legislative Intent.**

Monroe County is continually looking for ways to do more with less and to protect its taxpayers from unnecessary expenditures. The purpose of the vehicle policy is to ensure vehicles under the control of the County of Monroe are assigned, utilized, and maintained in the most efficient, effective and appropriate manner to conduct County business. This policy will promote efficiency and responsibility by regulating the use of County-owned cars.

**§-3. Definitions.**

“County-owned” shall mean any vehicle owned, rented or leased by the County of Monroe.

“Department Head” shall mean the head of any County Department.

“Employee” shall mean any person holding a position by election, appointment or employment in the service of the County of Monroe, whether or not compensated, or a volunteer expressly authorized to act for the benefit of the County of Monroe, including any of its agencies, boards or commissions, but shall not include any independent contractor. For the purposes of this chapter only, the term "employee" shall not include the Sheriff of the County of Monroe, the Undersheriff of the County of Monroe and any person appointed by the Sheriff of the County of Monroe, including but not limited to Sheriff's deputies, nor shall it include members of the Office of the District Attorney or members of the Office of the Public Defender. The term "employee" shall include a former employee, his estate, or judicially appointed personal representative. For the purposes of this chapter, the term "employee" shall include members, officers and other persons in the employment of the Industrial Development Agency of the County of Monroe; the members of the Monroe

County Deferred Compensation Committee ("Committee") and those members of the Committee, if any, serving as Trustees of the Monroe County Deferred Compensation Trust Fund, appointed and serving in accordance with Chapter 41 of this Code.; Monroe Community College, the members of its Board of Trustees, its officers and employees; Monroe County Airport Authority and its members, officers, agents, representatives and employees; other entities and natural persons as the County of Monroe is required to indemnify by law or contract; and Monroe County Soil and Water Conservation District and its members, directors, officers and employees.

"Monroe County Vehicle Report" shall mean a document prepared by an employee reporting the number of miles driven in a Monroe County vehicle during a one month period and submitted to the appropriate Department Head.

"Passenger vehicle" shall mean any motor vehicle designed or deployed principally for the conveyance of small numbers of personnel. Included are all sedans, sports utility vehicles (SUV), station wagons, pick-up trucks, or vans.

"Take-home vehicle" shall mean any vehicle that is assigned to an employee that they are allocated to use for County purposes on an around-the-clock basis.

#### **§-4. Policy.**

##### **A. 24-Hour Assignment**

The use of a 24-hour take-home vehicle will be assigned to an employee whose official duties require frequent use of a vehicle during and outside of regular hours (e.g., evening or weekend meetings, recall to duty under urgent condition). Initial requests for a 24 hour take-home vehicle must be made by a department head in the form of a written application justifying the assignment.

##### **B. Recording of Assignments**

1. A master list of all assignments shall be maintained and updated yearly by the Fleet Services Manager.

##### **C. Department Head Responsibility**

Department Heads are responsible for supervising the use of all vehicles assigned to the department. In addition, Department Heads or designee(s) are responsible for the following:

1. Ascertaining that operators are properly insured.
2. Distributing a copy of this policy to each employee who drives a County-owned passenger vehicle, and ensuring that the employee has signed an acknowledgement indicating the receipt of said regulation.
3. Informing the Fleet Services Manager of any changes in assignments as they occur.

##### **D. Vehicle Operator Responsibility**

All employee/operators are responsible for:

1. Observing all laws including traffic laws.
2. Operating and storing vehicles with due care. Vehicle windows and doors should be kept locked when the vehicle is left unattended. Keys must be removed and County-owned tools and equipment should be secured in the trunk or appropriate lock boxes

any time the vehicle is left unattended. County vehicles should never be left running while unattended.

3. Not consuming any alcoholic beverage or drugs for which the operator does not have a medical prescription prior to operating a County-owned vehicle.
4. Being the sole operator of the assigned vehicle.
5. Operating in a safe and courteous manner.
6. Reporting all accidents and parking or moving violations to the Department Head or designee and the Fleet Maintenance Manager.
7. Paying with personal funds any fine for violations incurred while using the vehicle.
8. Wearing seat belts while operating the vehicle and ensuring that any passengers in the vehicle are also wearing seat belts.
9. Possessing a valid New York State Driver's License and having such license on one's person when operating the vehicle.
10. Reporting any mechanical problems or accidents to the Department Head or designee and the Fleet Maintenance Manager.
11. Refueling the vehicle only at County authorized facilities.
12. Transporting as passengers only those persons who are legitimately engaged in County business.
13. Surrendering the vehicle to the Department of Environmental Services, Equipment Services Division (Fleet Maintenance) for scheduled inspection and maintenance work according to prescribed schedules.
14. Refraining from attaching personal emblems or accessories to vehicles and removing those which may be attached by others.
15. Ensuring that smoking does not occur in a County-owned vehicle.
16. Keeping the vehicle in clean condition.
17. Securely parking vehicles overnight in a legal location.
18. Submitting a monthly "Use of Monroe County Vehicle" report to the Department Head and the Department of Finance.
19. Paying personal income tax on the taxable value of the assigned vehicle.

#### **E. Policy Form**

Each employee who is issued a take-home vehicle will be required to fill out and sign a form entitled "Monroe County 24 Hour Take-Home Motor Vehicle Form." The form shall contain the following information:

1. Employee name
2. Employee Title
3. Department
4. Work Site
5. Driver's License Number and State
6. Normal daily commuting mileage (one way from home to work)
7. Number of after hour official county functions/activities/call-ins attended last year
8. A written narrative requesting and justifying the assignment of a county vehicle
9. Employee signature
10. Department Head name and signature
11. Fleet Manager name and signature

12. County Executive name and signature
13. Information on assigned County vehicle (Make, Model, Year, VIN Number, License Plate Number)
14. Disclosure Agreement: By signing this Form, the employee seeking a County vehicle understands that the Department of Personnel will determine the appropriate value of the vehicle allowance for personal use in commuting and include that work benefit in the calculation of the employee's annual compensation through the IRS W-2 wage and tax statement. Appropriate withholding will be made from the employee's payroll by the Department of Personnel. The employee also acknowledges that his/her New York State driver license is in good standing and not suspended or revoked. In addition, the employee also acknowledges that he/she 1) has read and understands the County Motor Vehicle Policy; 2) will comply with that policy; 3) that his/her use of the County vehicle will be for governmental purposes only; 4) that failure to comply may result in the loss of the use of a take-home vehicle, as determined by the department head; and 5) that being charged with a DWI will result in the immediate loss of the take-home vehicle and possible termination from the County.

**§-5. Effective Date.**

This policy shall take effect immediately.

File No. 15-0\_\_\_\_\_

ADOPTION: Date:\_\_\_\_\_ Vote: \_\_\_\_\_

**ACTION BY THE COUNTY EXECUTIVE**

APPROVED: \_\_\_\_\_ VETOED: \_\_\_\_\_

SIGNATURE: \_\_\_\_\_ DATE: \_\_\_\_\_

EFFECTIVE DATE: \_\_\_\_\_