

**RESOLUTION NO. 60-11-08**

**A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, ESTABLISHING A MOTOR VEHICLE POLICY; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the Town of Lake Park is a municipal corporation of the State of Florida with such power and authority as conferred upon it by the Florida Constitution and Chapter 166, Florida Statutes; and

**WHEREAS**, the Town of Lake Park maintains a fleet of vehicles for use by employees in carrying out town business; and

**WHEREAS**, it is necessary for the Town Commission to establish a Motor Vehicle Policy which shall be administered by the Town Manager; and

**WHEREAS**, the Town's Motor Vehicle Policy is intended to establish standards governing the assignment, operation and use of motor vehicles by employees within the scope of their employment.

**NOW THEREFORE BE IT RESOLVED BY THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, that:**

**Section 1.** Purpose. The primary purposes of this motor vehicle policy and procedures are to:

- A. Establish standards governing the system of motor vehicle assignment, utilization and operation;
- B. maximize the efficient and effective use of the Town's fleet in support or organizational goals and program objectives;
- C. control the use of Town owned and/or leased and personally owned and/or leased motor vehicles in the conduct of Town business;
- D. limit liability to the Town; and
- E. hold employees accountable for any violations of policy or safety standards.

## **Section 2. SCOPE OF APPLICABILITY**

This policy applies to all employees and any appointed or elected officials or independent contractors who operate Town owned and/or leased motor vehicles including special use motor vehicles such as construction and excavation equipment designed to operate primarily off-road but driven on public roads to a job site.

**Section 3. DEFINITIONS:** The following definitions shall be used in interpreting and applying this policy:

- A. "Town Manager/Department Director/Division Manager" shall also mean "or designee";
- B. "Official business," business of the Town" or "services" shall mean any activity carried out by an employee in the performance of Town business;
- C. "Department/Division Pool Vehicle" shall mean a vehicle that has been provided to a department / division for use by employees on an as needed basis;
- D. "Motor Vehicle Assignment" shall mean the exclusive issue of a vehicle to an employee;
- E. "Take Home Authorization" shall mean the approval for an employee to take a vehicle home and to use the vehicle for daily commuting purposes between work and home;
- F. "Town Vehicle" shall mean any Town owned and/or leased motor vehicle; and
- G. "Pool Vehicle" shall mean any Town Vehicle assigned to a department for shared use by department employees.

## **Section 4. STANDARDS AND PROCEDURES**

### **A. General**

- 1. A Town vehicle is to be used for official Town business and shall not be used by an employee for personal reasons except as provided herein;
- 2. A Town vehicle will be used for local travel whenever available;
- 3. Any abusive, reckless or negligent act while operating any Town vehicle or personal vehicle while on Town business may result in a suspension or termination of an employee's driving privileges and may be grounds for further disciplinary action as provided for in the Employee Handbook or collective bargaining unit agreements.
- 4. Employees shall obey all Town, County, State and Federal laws while operating any motor vehicle.
- 5. Transporting non-employees for other than Town business must be approved in advance in writing by the Town Manager;
- 6. When cargo, materials or tools are being transported, the driver is responsible for assuring that all items are properly secured to prevent them from shifting or falling from the motor vehicle or trailer and from being stolen;
- 7. No person shall be allowed to ride on a running board, fender, hood, tailgate, bed or other location on a motor vehicle not designed or approved by the motor vehicle manufacturer for passengers.

8. The operator shall not operate any motor vehicle when the normal field of vision is obstructed in any way;
9. A qualified operator must be positioned at the motor vehicle's controls any time it is running. No motor vehicle except those responding to emergency situations shall be left unattended without first stopping the motor, locking the ignition, removing the key, setting the parking brake and locking the doors or otherwise securing the motor vehicle to prevent theft, vandalism or unintentional movement; and
10. The Town shall not be responsible for any personal property left in Town vehicles when used in the performance of Town business.
11. Any employee receiving a ticket/citation for a violation of a Motor Vehicle Law, while operating his/her own vehicle or a Town Vehicle, will be responsible for payment of ticket/reinstatement of driver's license.
12. No cell phone usage is permitted while operating a Town vehicle if the phone is not equipped with a hands free device. In addition, the following guidelines must also be adhered to: Whenever possible pull off the road to receive or place a call. If traffic is congested you shall not answer the phone or place a call. The stored phone number feature should be used to minimize the amount of numbers needed to be dialed to place a call. If traveling in an area where laws or ordinances prohibit cell phone usage, you must not use your phone at all.
13. Text messaging while operating a Town vehicle is strictly prohibited.

**B. Motor Vehicle Operation**

1. Town Vehicle Care

- a) An employee who operates a Town vehicle is responsible for the proper care of that vehicle.
- b) Fluid levels including brake, transmission, engine oil, and coolant shall be maintained. Missed service appointments may lead to loss of Town vehicle assignment.
- c) Any defects that will affect safe operation of the Town vehicle shall be reported promptly to the operator's supervisor and Vehicle Maintenance Foreman. No employee shall operate a Town vehicle that is in an unsafe condition.
- d) Any Town vehicle damage beyond normal wear and tear must be documented and reported to the operator's supervisor and Vehicle Maintenance Foreman.

2. Driver License

- a) A valid Florida driver license must be in the employee's possession at all times while operating a Town vehicle.
- b) For employees who are required to operate a commercial vehicle, they must:
  - 1) Successfully pass a D.O.T. medical physical every two (2) years.
  - 2) Comply with all State and Federal D.O.T. rules and regulations.
  - 3) Comply with the Federal Commercial Motor Vehicle Safety Act of 1986, and obtain a Commercial Driver's License (CDL).
  - 4) Pass the qualifying training and proficiency review provided by the supervisors, where applicable (e.g. vehicles exceeding 26,000 GVWR or larger).
- c) Commercial operators must notify in writing Risk Management and the

Department Director no later than the end of the next business day of a conviction for any traffic violation (except parking). This is true no matter where or what type of vehicle is driven.

- d) An employee who operates a Town vehicle must notify Risk Management and Department Director no later than the end of the next business day when an issued license has been suspended, revoked or canceled, or if for any other reason the employee is disqualified from driving.
- e) An employee who may operate a motor vehicle on official Town business shall provide a photocopy of his or her current Florida driver license to the Human Resources Department for his or her personnel file.

### 3. Accident Reporting Requirements

- a) Any accident involving a Town vehicle or personal vehicle used in the performance of Town business shall be reported as follows:
  - 1) summon medical care for any injured parties;
  - 2) notify appropriate law enforcement authorities;
  - 3) notify immediate supervisor;
  - 4) employees involved in an accident should not offer any admission of guilt or information regarding the cause of the accident without first consulting with Risk Management
- b) The supervisor shall immediately notify the Risk Management Division, initiate departmental investigation of the accident or act at the direction of the Risk Management Division and complete all required Town reports and recommend any follow-up preventive actions to the Town's Risk Manager.
- c) Failure to report as set forth above may result in disciplinary action, up to and including termination of employment.
- d) A drug and alcohol test may be required in accordance with Employee Handbook and/or Collective Bargaining Agreements.
- e) When an operator on Town business is determined to be at fault in a motor vehicle accident, the supervisor may recommend disciplinary action in accordance with Town policy and/or collective bargaining agreements.
- f) An employee who uses an assigned Town vehicle for any purpose outside the direct scope of Town business and is involved in an accident may be denied workers compensation benefits in accordance with the policy.

### 4. Use of Safety Restraints

- a) All Town motor vehicles must be equipped with seat belts and all occupants of Town motor vehicles must properly wear seat belts any time the motor vehicle is in motion.
- b) The operator of construction, excavation and other off-road equipment shall use the occupant restraint system any time the motor vehicle is in operation.
- c) Employees are prohibited from removing, deactivating, modifying or otherwise defeating any occupant restraint installed by the manufacturer unless approved or instructed by the manufacturer.

### 5. Parked Motor Vehicles

- a) Any motor vehicle left unattended shall be legally parked in a designated parking space. Motor vehicles responding to emergency situations or those parked on job sites shall be parked with due regard to safety and security considerations.
- b) All Town vehicles except those taken home shall be secured in a Town parking lot during non-duty hours. When it is necessary to leave a motor vehicle at a job site overnight, the operator shall ensure the motor vehicle is parked and secured in an area which provides reasonable security.

6. Trailers and Towing

- a) An operator whose motor vehicle is towing a trailer, dolly or other equipment shall assure that the trailer weight does not exceed the rated capacity of the vehicle or trailer hitch, that the trailer is coupled properly to the hitch and that the safety chains are properly fastened.
- b) The operator shall ensure that the trailer or other towed equipment is supplied with proper and functioning lights including brake lights turn signals and running lights.
- c) Any motor vehicle having a load which extends more than four (4) feet beyond the rear of the vehicle shall have the end of the load marked with a red flag. The red flag must be a least twelve (12) inches square.

7. Mandatory Personal Auto Insurance Coverage

- a) Employees who elect to receive car allowances to use their personal vehicles to conduct Town business are required to maintain an insurance limit of \$100,000 per person/\$200,000 per accident or occurrence. The monthly car allowance offsets the cost associated with the increased insurance limit.
- b) Employees to whom this policy applies are subject to an annual drivers' license review by the Town's Risk Management Office. Departments are responsible for verifying proof of insurance each year and submitting to Risk Management.
- c) The Town will not assume any liability for bodily injury or property damage the employee may become personally obligated to pay arising out of an accident occurring in connection with the operation of his/her personal vehicle.
- d) The Town does not specify and assume no responsibility for any other coverage employees carry on their own cars since this is a matter of individual status and preference.
- e) Failure to maintain the mandatory insurance limit will result in disciplinary action, up to and including termination.

8. Tobacco Use Prohibited

The use of any tobacco product (smoking or smokeless) is prohibited in any Town vehicle.

**C. Authorization**

The assignment of a Town vehicle shall be by justification as indicated on a completed justification form submitted by the department Director and approved

by the Town Manager.

1. Assignments

- a) Exclusive Use Assignments: Where dictated by job responsibilities of a classification/position, a motor vehicle may be assigned for the exclusive uses of an employee.
- b) Pool Vehicles: Where dictated by need a department/division may be assigned pool vehicles. Such vehicles are requested by the Department Director and approved by the Town Manager. Employees may use pool vehicles as approved by the Department Director. Pool vehicles are intended for shared use by department employees and shall not be exclusively assigned.

2. Authorization to Take a Town Vehicle Home

- a) Authorization to take a Town vehicle home must be requested by the employee on a completed Vehicle Take-Home Authorization Form (attachment I), recommended by the Department Director and approved by the Town Manager. Prior to recommending take-home approval, Department Directors may consider circumstances such as the following:
  - 1) the employee in the position is routinely called out and a specially equipped vehicle is required; or
  - 2) the employee routinely works away from the office locations or outside of the normal business hours or workweek; or
  - 3) it is more efficient to proceed to job site directly to or from home rather than from the office location; or
  - 4) it is essential that a vehicle is available to the employee to respond to emergency situations.
- b) Department Directors may authorize the occasional take-home use of a department/division pool vehicle for specific authorized functions or activities requiring a Town vehicle at nighttime to transport people and /or equipment to/from an activity provided that:
  - 1) the domicile of an employee is such that it would be inefficient to pick up and return the vehicle to its normal storage location before and after the event; or
  - 2) for early morning business travel, picking up a vehicle at its normal storage location would be inefficient, in which case an employee may be permitted to park a Town vehicle at their domicile overnight as long as adequate security is provided.
- c) Department Directors may authorize the take-home use of a department/division pool vehicle when an employee is placed on standby or call-back status, for a period not to exceed fifteen (15) consecutive days for any one assignment.

3. Use of Town Vehicles or Personal Vehicles

On a case-by-case basis, a decision shall be made by the Town Manager granting

authority for a person volunteering services to the Town to operate a Town vehicle when their duties require travel necessary in the performance of Town business.

**D. Reimbursement for the Use of Personal Vehicles**

1. Each employee who is required to use their personal vehicle in the performance of Town business shall be reimbursed for such usage at the prevailing mileage rate in accordance with the Town Travel Policy. An employee shall be responsible for all insurance, maintenance and fuel costs associated with the operation of their personal vehicle. Employees will not be reimbursed for the use of a personal vehicle if a Town vehicle was available.
2. An employee may be awarded a monthly motor vehicle allowance as approved by the Town Manager (employee shall report mileage as requested by the Finance Director to support the requirements of Florida Statue 112.061). Employees who receive a monthly allowance may not receive reimbursement for in-town travel but may be reimbursed for out-town travel.

**E. Appropriate Use of Town Vehicles**

1. A Town vehicle shall be used only for official travel while in the performance of Town business or services. Infrequent limited personal use of Town vehicles may be permitted when such use is incidental to the conduct of official business, such as:
  - a) Stopping at a restaurant or fast food establishment for the purpose of eating during the designated meal period when the meal period coincides with official business travel requiring a Town vehicle, when working in a remote area and a Town vehicle is the only transportation available to reach a food establishment or when attending Town-approved meetings, conferences presentations or functions. The food establishment must be on the normal route to the work location or in close proximity to the work location.
  - b) Stopping at a convenience store, gas station or food establishment for the purpose of buying refreshment during an official work break period or for using restroom facilities if such stop is in concert with official duties requiring travel in a Town vehicle and does not deviate from the normal route of travel.
2. At no time will a Town vehicle be parked at an adult entertainment establishment or an establishment whose primary business is the sale of alcoholic beverages.
3. A Town take-home vehicle shall not be used to replace an employee's personal vehicle for leisure-time use. Stopping at places of business while using a Town vehicle to accomplish personal chores is permitted if:
  - a) Such stop at a place of business is en route; and
  - b) Such stop at a place of business is not a bar, tavern, liquor store, saloon or adult entertainment establishment.

**F. Taxable Benefit**

The employee is responsible for any taxable benefit that may accrue as a result of the use of a Town assigned take-home motor vehicle and must submit the required documentation to the Finance Director. Failure to submit required documentation may result in:

- 1) loss of Town assigned take-home vehicle; and
- 2) additional personal income tax liability

**Section 5.** This Resolution shall become effective immediately upon adoption.

**Attachment I**

**VEHICLE TAKE-HOME AUTHORIZATION FORM**

(Please print or type)

Department \_\_\_\_\_ Division \_\_\_\_\_

Employee Name \_\_\_\_\_ Job Title \_\_\_\_\_

Employee Class: Full Time \_\_\_\_\_ Part-time \_\_\_\_\_ Volunteer \_\_\_\_\_

Residence  
Address \_\_\_\_\_  
(Number and Street) (Town) (Zip Code)

Residence Phone No. \_\_\_\_\_ Distance to work location \_\_\_\_\_

Driver License Type \_\_\_\_\_ Driver License No. \_\_\_\_\_

Vehicle License No. \_\_\_\_\_ Town Vehicle No. \_\_\_\_\_

Answer the following as completely as possible:

Describe how the take home use of a town motor vehicle would be efficient and cost effective or is absolutely essential to respond emergencies

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

The above information is true and correct to the best of my knowledge. I have read and understand Motor Vehicle Policy.

\_\_\_\_\_  
(Employee Signature) (Date)

Take-Home Authorization Recommended \_\_\_\_\_  
Department Director Signature Date

Take-Home Authorization Approved \_\_\_\_\_  
Town Manager Signature Date

The foregoing Resolution was offered by Commissioner Carey, who moved its adoption. The motion was seconded by Commissioner Balius and upon being put to a roll call vote, the vote was as follows:

	AYE	NAY
MAYOR DESCA DUBOIS	<u>✓</u>	—
VICE-MAYOR ED DALY	<u>✓</u>	—
COMMISSIONER CHUCK BALIUS	<u>✓</u>	—
COMMISSIONER JEFF CAREY	<u>✓</u>	—
COMMISSIONER PATRICIA OSTERMAN	<u>✓</u>	—

The Town Commission thereupon declared the foregoing Resolution NO. 60-11-08 duly passed and adopted this 19 day of November, 2008.

TOWN OF LAKE PARK, FLORIDA

BY: Desca Dubois  
DESCA DUBOIS  
MAYOR

ATTEST:

Vivian M. Lemley  
VIVIAN MENDEZ LEMLEY  
TOWN CLERK  
TOWN OF LAKE PARK  
(TOWN SEAL)

FLORIDA

Approved as to form and legal sufficiency:

BY: Thomas J. Baird  
THOMAS J. BAIRD  
TOWN ATTORNEY