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2022-38732 ORDER
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Richard Colwell County Recorder, YUMA County AZ



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CAPTION HEADING:

ORDER

Order No. 2022-14

Amending, appending and restating the City of San Luis Use of City Vehicles Policy



Order

OFFICE OF THE
MAYOR
CITY OF SAN LUIS

No. 2022-14

AN ORDER OF THE MAYOR AND CITY COUNCIL OF THE CITY OF SAN LUIS, ARIZONA, AMENDING, APPENDING AND RESTATING THE CITY OF SAN LUIS CITY VEHICLES POLICY; REPEALING ANY CONFLICTING POLICIES; AND PROVIDING FOR SEVERABILITY.

IT IS ORDERED by the Mayor and City Council of the City of San Luis:

Section 1: The attached document, titled "City of San Luis Use of City Vehicles Policy" as amended and restated, is incorporated into this order by this reference.

Section 2: The section titled "Personal Use" subsection "A" subsection "c" of the City of San Luis Use of City Vehicles Policy is hereby amended to read in its entirety:

Passengers in City vehicles shall be limited to City employees and individuals who are directly associated with City work activity (including but not limited to the Mayor and Council Members, commissioners, city board members, committee members, consultants, and contractors).

Section 3: The section titled "Personal Use" is hereby appended by adding subsection B to read:

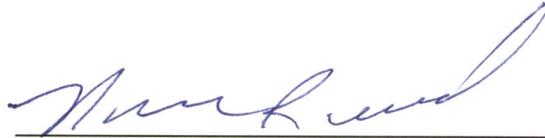
Use of personal vehicles for city business travel is controlled by the City of San Luis Personnel Policies.

Section 4: In the event of a conflict between the provisions of this order and any other order, resolution, or policy of the City of San Luis, the conflicting provisions are repealed superseded, and replaced, and the provision of this order shall govern.

Section 5: If any section, subsection, sentence, clause, phrase, or portion of this order is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction or by operation of authoritative law through legislation, such decision or operation of law shall not affect the validity of the remaining portions of this order.

Section 6: Staff shall take any and all action as reasonably necessary to further the City of San Luis Use of City Vehicles Policy as changed by this order.

PASSED, ADOPTED, and APPROVED by the Mayor and City Council of the City of San Luis, Yuma County, Arizona, this 28th day of December 2022.



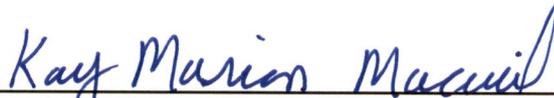
Nieves Riedel, Mayor

ATTEST:

APPROVED AS TO FORM:



Sonia Cornelio, City Clerk



Kay Marion Macuil, City Attorney

City of San Luis Use of City Vehicles Policy

PURPOSE:

The purpose of this policy is to establish standard procedures for City of San Luis Employees who are assigned or use a City-owned or leased vehicle. This policy is intended to ensure the safety and well-being of City employees; to facilitate the efficient and effective use of City resources; to minimize the City's exposure to liability; and to monitor the use of City vehicles.

POLICY:

Employees shall operate all City-owned or leased vehicles in a safe and economical manner. Employee's privilege to operate a vehicle on official business extends only as long as the driver operates the vehicle in a safe and efficient manner. Unauthorized personal use of a City-owned vehicle is not permitted and may result in loss of vehicle privileges, or more serious discipline. Permission to operate City-owned vehicle must be given by the Direct Supervisor or Department Director. The department heads are responsible, for the implementation and enforcement of this policy.

RESPONSIBILITY:

- A. All drivers must have a valid driver's license and will be required to obtain a valid Arizona driver's license within six months of hire date.
- B. Motor Vehicle Records will be obtained on all drivers prior to employment and on an annual basis for those positions where driving is a normal part of the regular duties. A driving record that fails to meet the criteria stated in this policy, or is considered to be in violation of the intent of this policy, will result in a loss of the privilege of driving a City vehicle.
- C. Employees holding jobs requiring regular driving for business as an essential job function must, as a condition of employment, be able to meet the driver approval standards of this policy at all times.
- D. City of San Luis vehicles are for official use only in performing City business, as authorized by the Department Director.
- E. Drivers must comply with all City of San Luis Policies, directives and procedures, as well as all applicable Federal, State and Local regulations governing traffic laws.
- F. Employees who are on-call on a 24-hour basis may be allowed to take a City vehicle home so they can respond to work related calls as soon as possible. Such employees need to fully understand that the vehicle is used only as part of emergency response and not for personal use.
- G. The department head or its designee must ensure that a copy of a current vehicle insurance policy is maintained inside vehicle.

- H. Traveling outside of the Country in a City-owned vehicle requires prior authorization and submittal of a travel request form to Finance. Upon approval of travel request form, it is the traveler's responsibility to obtain a full coverage insurance policy from our assigned City vendor at least three days before travel, and submit a copy of insurance policy to Risk Management.
- I. The City is not liable for any loss or damage to personal property owned by the driver or any passenger of a City vehicle.

DEFINITIONS:

- A. Alcohol – An alcohol concentration equal to or greater than .04, or actions, appearance, speech, or bodily odors that reasonably cause a supervisor to conclude that an employee is impaired because of alcohol use.
- B. City vehicle – Any car, truck, bus, off road equipment, utility vehicle or similar self-propelled conveyance, including any transportation unit, which may not be self-propelled such as a trailer or equipment, mounted on a truck or trailer. Limited to those vehicles owned, rented, or leased by the City of San Luis.
- C. Collision – When a City vehicle makes contact with another vehicle, object, individual, or roadway and the contact results in any property damage to any vehicle, object, or roadway, regardless of degree, or results in injury or death to any person involved.
- D. Damage – Loss or harm to a City vehicle or which requires repair, other than normal wear and tear.
- E. Driver – A legally licensed employee, including authorized contract employee and volunteer of the City of San Luis, who is driving, operating, using or has care and control of a City vehicle owned or leased by the City of San Luis.
- F. Driver's License – A license issued by the State of Arizona authorizing a person to operate a specific class of vehicle.
- G. Illegal Drug – The term "illegal drug" means a controlled substance but does not include a controlled substance that is legally possessed or used under the supervision of a licensed health-care professional or that is legally possessed or used under any other authority under that Act [21 U.S.C. 801 et seq.] or under any other provision of Federal law.
- H. Medication - Any drug, including any prescription drug or over-the-counter drug, that has been legally obtained and that is not unlawfully sold or distributed.
- I. Tobacco – Any substance containing tobacco leaf, including but not limited to, cigarettes, cigars, pipe tobacco, snuff, chewing tobacco, dipping tobacco, clove cigarettes, or any other preparation of tobacco; and any product or formulating of matter containing biologically active amounts of nicotine including electronic smoking devices.
- J. Under the Influence of Drugs – Means a confirmed positive test result for illegal drug use per this policy. In addition, it means the misuse of legal drugs (prescription and possibly OTC) when there is not a valid prescription from a physician for the lawful use of the drug in the course of medical treatment (containers must include the patient's name, the name of the substance, quantity/amount to be taken and the period of authorization).

DRIVER BEHAVIOR

- A. Driver Behavior
 - a. Driver's must be fit for duty while working (i.e., not under the influence of a substance or alcohol., alert and not fatigued)
 - i. While driving or otherwise in control of a City vehicle, a driver shall not be fatigued or under the influence of any intoxicating substance including medication that may affect ability or judgement.
 - ii. Drivers with any condition that affects their ability to safely operate a vehicle must report the issue to their supervisor and may not drive.
- B. Medications that may interfere with the safe operation of a City vehicle must be reported to Human Resources.
- C. The use of City-owned vehicles while under the influence of legal medication affecting the ability to drive (including but not limited to over-the-counter medication) is forbidden.
- D. The use of City-owned vehicles while under the influence of alcohol or illegal drugs is strictly forbidden.
- E. Operating a City vehicle without a valid operator's license or while said license is under restriction, expired, suspension or revocation is forbidden, and should be reported to Supervisor and Department Director immediately after suspension or revocation of license.
- F. Drivers are expected to drive in a safe, courteous, and professional manner at all times. Drivers are required to operate their vehicles with regard to the safety of themselves and others to minimize risk of collision.
- G. Drivers must drive defensively at all times which includes, but is not limited to:
 - a. Being alert to developing situations and taking necessary action to prevent collisions;
 - b. Adjusting driving to compensate for unusual weather, road, traffic condition, vehicle payloads and passenger loads;
 - c. Recognizing the need to preventable action in advance;
 - d. Making due allowance for lack of skill and improper driving actions of others;
 - e. Being prepared to yield the right of way when required by conditions or traffic laws;
 - f. Obeying posted speed limits and;
 - g. Preventing driver distractions;

PREVENTION OF DISTRACTED DRIVING

- A. Distracted driving due to activities other than operating the vehicle must be kept to a minimum. Wireless communication devices may only be used in accordance with State law (ARS 28-914)
 - a. All drivers of a City vehicle are prohibited from holding or supporting a cell phone or electronic device to write, send, or read any text-based communication, while operating a motor vehicle unless parked or stopped.

- b. The use of a voice-based communication to write, send or read any text-based communication is allowed when used in a hand-free manner.
- c. The use of any earpiece, headphone device, or wrist-worn device may be used to conduct voice-based communication when used in a hand free manner. This includes the use of personally owned wireless communication devices used in City vehicles.
- d. Two-way radios provided by the City of San Luis may be used while driving when the use is necessary to perform an employment related duty and the use is made with due care and attention.
- e. If a display monitor (mobile computer, hand-held device, installed device) is used inside a vehicle, drivers must ensure that the monitor is off or turned away from the driver's view or the monitor's lid is closed while driving; unless, it is used to provide navigation, public safety response information or providing vehicle system status readings required for the operation of the vehicle.
- f. No entertainment system that significantly reduces the driver's ability to hear, see or concentrate shall be used while driving. This includes audio entertainment transmitted through an over the ear or in the ear speaker (headphones, earbuds, etc.) and devices that require a driver to focus eyesight and concentration away from the road in order to participate or control.
- g. Snacking or drinking a reasonably sized covered drink under non-demanding travel conditions may be done with minimal distraction to a driver. Sound reasonable judgement must be used when drivers choose to eat or drink while driving as it can cause serious accidents.

TOBACCO/VAPOR FREE VEHICLES

- A. Tobacco use in any form is never permitted by anyone inside City of San Luis vehicles (this includes E cigarettes or other vapor producing devices intended to simulate the use of tobacco).

PERSONAL USE

- A. City employees are prohibited from using City vehicles for personal use.
 - a. The employee's personal use of the employer's vehicle is restricted by written policy to driving to and from home and work, except for infrequent, *de minimus*, emergency occurrences or as authorized by the City Manager.
 - b. No persons, other than City employees or authorized contracted personnel are allowed to operate a City vehicle, with the exception of Police Reserves.
 - c. Passengers in City vehicles shall be limited to City employees and individuals who are directly associated with City work activity (including but not limited to the Mayor and Council Members, commissioners, city board members, committee members, consultants, and contractors).
 - d. Employees with authorized take home vehicles are allowed to use the vehicle to travel to and from the workplace. Vehicles should never be used for personal travel or for transporting non-City personnel.

- e. Employees may take a City-owned vehicle home when attending an off-site meeting taking place after or prior to normal working hours. Vehicles must be parked off the street at the employee's home (i.e., driveway or garage).
 - f. City vehicles may not be parked overnight at bars, restaurants, nightclubs, or other recreational locations without specific authorization.
 - g. City-owned vehicle shall be returned at the earliest practical time after any overnight usage.
 - h. Any unauthorized use of City-owned vehicle may result in disciplinary action up to and including termination of employment.
 - i. The City reserves the right to install GPS systems in any and all City equipment. By using City Equipment, employees consent to the City monitoring and reviewing information obtained through such GPS systems.
- B. Use of personal vehicles for city business travel is controlled by the City of San Luis Personnel Policies.

OPERATIONAL SAFETY

- A. Seatbelts are proven means of reducing injury to vehicle occupants in the event of a collision.
 - a. Seatbelts are mandatory for all drivers and passengers while riding in a City vehicle.
- B. Backing up: A large percentage of collisions involving City vehicles are caused by drivers operating the vehicle in reverse.
 - a. City vehicles should be parked to allow for forward exits whenever possible.
 - b. When a driver must back up without a guide, the following considerations will reduce risks. Whenever possible, drivers should;
 - i. Ensure all mirrors and windows are clear and adjusted to afford the best possible viewing;
 - ii. Roll down the window to hear possible warnings from other vehicles or pedestrians;
 - iii. Scan the area for obstacles/clearance and to plan the backing route. Perform a vehicle walk around for maximum assurance;
 - iv. Conditions can change. Perform the maneuver immediately after the scan or walk around is completed;
 - v. Back up at walking pace or slower; and
 - vi. Back toward the driver's side when practical to use the visible side of vehicle.
- C. Driving across or into common pedestrian areas has additional hazards. Drivers must have a high level of situational awareness and demonstrate pedestrian courtesy while operating vehicles in these locations.
- D. To reduce occupant impact injuries in the event of a collision, unsecured tools and equipment shall not be kept in the passenger compartment.
- E. Cargo transported in truck beds must be loaded and secured to prevent projectiles coming out of the bed and into the cab in the event of a sudden stop. All tools, equipment and materials should be loaded so they ride below the level of the truck's bedrails.

VEHICLE CONDITIONS

- A. Vehicles and equipment must be in good working order, well maintained, and properly fueled.
- B. Employees assigned a vehicle are responsible for scheduling routine maintenance and service of the vehicle, including cleaning and washing of the vehicle.
- C. Drivers are responsible for performing and documenting pre-trip vehicle inspections that are appropriate for the vehicle's classification. Follow federal, state, local and department/division internal policy. Deficiencies shall be documented and reported per department policy and to Fleet Services for determination of roadworthiness and service needed.
- D. Repairs of City-owned vehicles require approval of the Fleet Services Division.
- E. The driver shall be responsible for checking to ensure that the vehicle lights, turn signals, brake lights, and other safety equipment are functional before operating.
- F. Be mindful to keep the vehicle clean (inside and out) as it is a reflection of the City to the public.

TRAFFIC CITATION, ACCIDENT AND DAMAGE REPORTING

- A. Citations received while operating a City of San Luis vehicle must be reported to the driver's Supervisor and Department Director as soon as possible but no later than one (1) working day. Associated penalties are the responsibility of the driver.
- B. Financial assessments related to City-owned vehicles that are incurred, as a result of the driver's poor judgement, irresponsibility, or negligence, will be the responsibility of the employee. Such charges or assessments may include, but are not limited to, tow charges, parking violations and tickets.
- C. Any employee who has a driver's license revoked or suspended shall immediately notify the Supervisor and will immediately discontinue operation of any City-owned vehicle. Failure to do so may result in disciplinary action, including termination of employment. The supervisor must notify the Department Head, Human Resources and Risk Management.
- D. Failure to stop after an accident and/or failure to report an accident may result in disciplinary action, up to and including termination.
- E. If involved in an accident or collision:
 - a. If there are injuries call 911 immediately.
 - b. If the involved vehicle is moveable and it is safe to do so; move the vehicles off the roadway to minimize the risk of a secondary accident.
 - c. Make the scene safe and render aid to the injured as best possible.
 - d. Contact the Police Department as Police Report will be needed.
 - e. Do not discuss the accident with anyone at the scene except the police.
 - f. All accidents in company vehicles, regardless of severity, must be reported.
 - g. Accidents in personal vehicles while on City business must follow these same accident procedures.
 - h. Vehicle damage must be reported when it occurs or when discovered.

- i. Contact Fleet Services for towing and/or repairs. Review current Fleet Standard Operating Procedures.
- j. Report any employee injuries to Triage Now and any vehicle or property damage to Risk Management no later than one (1) working day.
- k. Immediately complete the auto damage, property damage report and accident investigation report with a description of the accident and submit to Risk Management along with pictures of the damages.

POST ACCIDENT DRUG/ALCOHOL TESTING

- A. Post-accident drug/alcohol testing is required for employees if an accident occurs while they are driving a City vehicle and there is reasonable suspicion that drug or alcohol use contributed to the incident.
- B. Reasonable suspicion includes erratic or abnormal behavior (slurred speech, unsteady gait, etc.) consistent with the use of drugs or alcohol which is documented by a responding officer of the law, or behavior or conduct observed by at least two City employees either immediately before, during, or immediately after the accident or incident which is documented and reported to Human Resources and/or Risk Management.
- C. Additional post-accident drug/alcohol testing guidelines apply to employees if an accident occurs while they are driving a commercial motor vehicle (CMV) or mass transit vehicle for the City on a public road, and they hold a job assignment where possession of a Commercial Driver's License (CDL) is an essential function of the job. This is to comply with federal regulations for CDL drivers.
- D. Testing Process:
 - a. Call Risk Management or Human Resources and take employee to San Luis Urgent Care or assigned medical clinic for rapid drug screening.
 - b. The employee must be tested as soon as possible after the accident, but no longer than eight hours after the accident for alcohol testing and twenty-four hours for drug testing.
 - c. The alcohol testing is conducted by the Police Department.
 - d. Discontinue driving or operating City equipment pending drug and alcohol screen clearance.

PUBLIC SAFETY EMERGENCY VEHICLES

- E. The City of San Luis acknowledges that because of the unique nature of their duties, public safety-first responders may be required to operate outside the parameters set forth in this policy. First responders are required to act within the scope of their official duties, departmental policies and regulations and applicable laws pertaining to operation of authorized emergency vehicles.