

**TO:** Mayor Robinson and City Council

**FROM:** City Administrator Ron Johnson

**SUBJECT:** Police Take Home Vehicle Amendment to Employment Terms

**DATE:** May 14, 2015

**BACKGROUND**

This item was discussed at the May 5 regular Council meeting. The memo for that meeting is included in this packet for reference. After some discussion at the May 5 meeting, City Administrator Johnson was directed to check with the city attorney on the legality of the use of the vehicle outside the county, and the item was tabled.

City Attorney Roger Knutson subsequently provided his opinion that “There are no legal issues” and provided a memo from the League of MN Cities regarding the insurance coverage with suggestions on what a take-home policy should include. This memo is also attached for reference.

Attachments:

-05/04/15 memo re: police take home vehicle

-League of MN Cities memo provided by City Attorney Knutson

**TO:** Mayor Robinson and City Council  
**FROM:** City Administrator Ron Johnson  
**SUBJECT:** Police Take Home Vehicle Amendment to Employment Terms  
**DATE:** April 29, 2015

**BACKGROUND**

The Personnel Committee met on February 17, 2015 and one of the items for discussion was Chief McCormick's take home vehicle. In researching this matter: The letter of terms at time of Chief McCormick's hiring included the use of a vehicle to take home. A take home vehicle for the Chief of Police is an industry standard because of the requirement that a police chief be available 24/7 and the need for them to respond directly during an emergency. Since being hired Chief McCormick has also become the City's Emergency Management Director, which increased the type of situations he would have to respond to. After discussion by the Committee, with City Administrator Johnson and Chief McCormick present, it was agreed that the terms should be modified to include a provision for \$50.00 compensation per month to the City for personal use to and from work. This modification was unanimously approved by the Personnel Committee who recommended to forward it to Council for approval.

Prior to the March 3 Council packet being sent out, a member of the personnel committee advised he had changed his mind on the amount. Administrator Johnson opted to send the item back to the March 17 Personnel Committee meeting for further discussion.

The Committee discussed other methods for determining compensation including using the IRS charitable rate of 0.23 per mile which is intended to cover operational costs (would be \$69.92) based on 19 days a month, actual cost of fuel used (would be \$38.19, based on \$2.01 price on bulk tank fill on 4-2-15), rate used by Maplewood of 14.5 per mile (would be \$44.08). The actual number of days per month was discussed, 19 had been used based on one holiday per month, while the actual days would be lower if vacation and other out of the office days were factored. It was noted that Hastings uses a \$50/month flat fee. After this discussion, staff was directed to place the item on a future Council meeting agenda for full Council discussion

**STAFF RECOMMENDATION**

Discuss initial Personnel Committee recommendation of a payment of \$50 per month by Police Chief McCormick to the city for take home use of a police vehicle, and discuss potential other options

**REQUESTED COUNCIL ACTION**

Revise the terms of employment for Police Chief Jeffrey L. McCormick as follows:

Current language:

Vehicle to take home

Template of Amended Language:

Shall be provided a vehicle to take home with personal use allowed going to and from work, and Chief McCormick shall compensate the City fifty dollars (\$50.00) or \$\_\_\_\_\_ each month for the additional mileage, effective from the date approved by the City Council.

## RELEVANT LINKS:

*Comprehensive Municipal  
Coverage Document, Section  
III.*

### **B. Personal use of city vehicles**

Cities sometimes allow employees to use city vehicles for personal non-city business. Take-home squad cars are one example. Another example is that cities will sometimes allow a public works employee to take a city vehicle home if that employee will be on call to respond to emergencies.

The city's LMCIT liability coverage on the vehicle will cover the employee or any other authorized operator of a city vehicle for personal use of the vehicle, provided the use is within the scope of what the city has authorized. LMCIT will also cover the city for any liability the city incurs resulting from personal use of the vehicle, even if that use was outside the scope of what the city authorized.

It's especially important the employee understand that if the vehicle is used outside the scope of what the city has authorized, they and their family members will not be covered by the city's LMCIT auto coverage. If the city does allow personal use of city vehicles by city employees or volunteers, it's important to make sure that it's clear exactly what use is and is not permitted. One way to do this would be for the city to develop and adopt a formal policy on personal use. If it's a unique situation involving only one city employee, an alternative would be to develop a written memo spelling out the arrangements for personal use of the city vehicle. Regardless of the form it takes, here are some points that should be addressed:

- Is anyone other than the city employee allowed to operate the city vehicle? LMCIT recommends only the city employee be permitted to operate the vehicle. Family members and others should not be permitted to operate the vehicle except in case of a bona fide emergency.
- Anyone operating a city vehicle is expected at all times to obey all traffic laws.
- LMCIT recommends the city specify that the employee may not operate the vehicle after any consumption of alcohol.
- Are there any restrictions on where the vehicle may be taken on personal use (e.g., can the vehicle be taken outside city limits or some other specified geographical region)?
- The city reserves the right to revoke the permission for personal use of the auto at any time.
- If the city allows any exceptions to the personal use policy, it should be clear in the policy which city official has the authority to authorize an exception, and a written record should be made of any exception that is authorized.