

(13 pages attached)

Pam / Bernice:

VolusiaExposed.Com is reviewing the recent incident of the County Manager's county vehicle being stolen from him.

We request the following documents:

- 1.Any county policies, regarding county vehicles, that would detail the responsibilities of employees who have county vehicles assigned to their custody.
- 2.Any written agreement or acknowledgement, signed by County Manager Dinneen, detailing his acceptance of a county vehicle and the terms of that acceptance.

Please process this as a public record request and advise us of any costs associated with this request.

We would imagine that if such records do exist, they would be easily obtainable, requiring no special efforts by your staff.

Thanks

VolusiaExposed.Com
volusiaexposed@cfl.rr.com

Property # 176502
166697
11 GMC Terrain
Description: 07 Ford Escape
Date Assigned: 6/10/11

COUNTY OF VOLUSIA
VEHICLE ASSIGNMENT/AUTHORIZATION

FLEET MANAGEMENT USE ONLY

NEW:

- ☐ DRIVER
☐ TAKE-HOME (T-H) REQUEST

CHANGE:

- ☐ VEHICLE ☒ ROUTINE UPDATE
☐ ADDRESS ☐ OTHER: _____
☐ T-H STATUS

(Please select one) WITH TAKE-HOME PRIVILEGE ☒ WITHOUT TAKE-HOME PRIVILEGE ☐

1. VEHICLE ASSIGNMENT

Vehicle information and justification (to be completed by requesting department):

- A. Department/division: County Manager
B. Requested for position/title: County Manager
C. Justification for vehicle assignment (daily and take-home). Attach additional pages, if necessary. _____
D. Official headquarters of position: 123 W. Indiana Ave., Deland
E. Location of overnight parking (if other than official headquarters): _____
F. What percent of job is field activity? ☐
G. MUST COMPLETE FOR TAKE-HOME:
1. Daily round trip miles to/from work: 60
2. How many days per week do you drive directly to job site from home? ☐
3. How many times called out per quarter? ☐ 4. Per calendar year? ☐

2. DRIVER AUTHORIZATION

Driver Information (to be completed by requesting Department):

- A. Employee's name: James T. Dinneen
B. Home address: 69 So. Twin Circle
Ponce de Leon, FL
C. Location vehicle will be parked after hours: _____
D. Employee's drivers license number: _____
Division Director's signature [Signature] Date 6/20/11
E. Department Director review: Approved _____ Not Approved _____
Department Director's signature _____ Date _____

3. APPROVAL

- A. Fleet Manager recommendation: Meets criteria X Does not meet criteria _____
1. Vehicle availability _____
2. Comments: [Signature]
Fleet Manager's signature _____ Date DEC 21 2010
B. Risk Management: Acceptable ✓ Not acceptable _____
1. Driver's license/record: _____
2. Comments: [Signature]
Risk Manager's signature _____ Date 1/26/11

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ACKNOWLEDGMENT

I hereby certify that I have read, understand, and will comply with the *Volusia County Policies and Procedures for Vehicle Assignment* adopted by the County of Volusia, particularly as they pertain to the following:

- o Categories of vehicle assignment (fringe benefit taxation)
- o Authorized/unauthorized use of county vehicles
- o Summary of employee's responsibilities
- o Summary of department director's responsibilities
- o Summary of division director's responsibilities
- o Summary of Fleet Manager's responsibilities
- o Risk Manager's responsibilities
- o Insurance liability

I further understand vehicle assignments are authorized based on the current requirements of a specific position, are subject to periodic review, and may be revoked at the discretion of the Department Director, County Manager, Chief Financial Officer, or the County Council.

Signed: _____

Name: _____
(please print)

RECEIVED

JAN 27 2011

RECEIVED

DEC 21 2010

COUNTY OF VOLUSIA POLICIES AND PROCEDURES FOR VEHICLE ASSIGNMENT

PURPOSE

The purpose of the *Volusia County Policies and Procedures for Vehicle Assignment* is to establish policies and procedures for Volusia County employees using county-owned vehicles.

ORGANIZATIONS AFFECTED

All county organizations using vehicles licensed for use on public roads for conducting county business are required to comply with these policies and procedures, except for VOTRAN and the Sheriff's Office.

AUTHORIZED/UNAUTHORIZED USE OF COUNTY VEHICLES

Department/division directors have primary responsibility to ensure appropriate use of assigned vehicles. They will establish internal plans implementing these policies and procedures. Unauthorized use of a county vehicle may result in disciplinary action.

General Guidelines

County vehicles will be assigned when required by the duties associated with a position. As such, use shall be limited to that which is required to conduct county business. Any stops (meals, breaks, and en route stops) other than official business during working periods must be in accordance with department/division policies.

Any use of a county vehicle not authorized by these policies and procedures or any use otherwise prohibited by law shall constitute unauthorized use of the vehicle. Examples of unauthorized use include, but are not limited to: transporting relatives (unless otherwise authorized by the county's travel regulations), friends or hitchhikers; transporting other county employees for non-business related purposes (e.g., commuting to and from work without authorization); and driving under the influence of alcohol or illegal substances.

CATEGORIES OF VEHICLE ASSIGNMENT

Vehicles used for conducting county business fall into one of several categories: daily assigned vehicle, take-home vehicle, pool vehicle, or personal vehicle. Each category has certain criteria determining how a vehicle is classified. Regardless of the vehicle classification, division directors must establish a clear need for vehicle assignment. Assigned vehicle mileage will be reported annually for department director's review and decision if there are more economical means of transportation.

Daily Assigned Vehicles

A daily assigned vehicle is assigned to an employee whose position has been approved to use a county vehicle for conducting county business during normal work hours. This vehicle will be parked at a county facility overnight and during the workday while not in use. The department director may authorize any regular overnight parking of this vehicle at a location other than employee's official headquarters if it is on county property and if clearly justified **as a benefit to the county**. Department directors may delegate authority to division directors to authorize overnight parking on a limited time basis for a specific project or purpose.

A vehicle may be assigned to a position for use on a daily basis if the job requirements of that position meet one of the following criteria:

1. A position requiring a vehicle with special characteristics specifically related to the job.
2. A position requiring field activity of at least 50 percent of the time, **supported by a monthly activity log**.

Take-Home Vehicles

A take-home vehicle is assigned to an employee whose position has been approved to use a vehicle while commuting between his or her home and work location in addition to using it for business purposes during normal work hours. However, an individual may receive a monthly car allowance in lieu of a take-home vehicle. In this case, use of any county vehicle is prohibited except in cases where specialty vehicles are required in the conduct of official business. **An employee who resides outside of Volusia County shall receive a vehicle allowance in lieu of take-home vehicle.**

Take-home assignment is authorized for members of executive management (county manager, chief financial officer, county attorney, and department directors) or it must be approved by the appropriate department director based upon the following criteria:

1. The position requires response to emergencies from the employee's residence during off-duty hours **and is based on the following criteria:**
 - a. **Called out at least 12 times/calendar quarter, or 48 times/year and have primary and immediate responsibility to protect life and/or property; and**
 - b. **Cannot use alternative forms of transportation to respond to emergencies; and**
 - c. **Emergency response can be supported by documentation, primarily logs kept by Radio Services at the County Communication Center; and**
 - d. **Cannot pick up county-owned assigned vehicle without impacting the ability to respond if immediate response is critical to protect life and property.**
2. Historical data reflects the position requirements call the employee away from his or her residence during off-duty hours, and it is impractical for him or her to use a personal vehicle to respond or to proceed to a vehicle pool or other central dispatch point to obtain a vehicle. **Historical data must be attached when submitting form and approval will be based on an established number of calls per month/year.**

3. The employee's position requires traveling directly to and from his or her residence to the job site; the employee does not report to an official headquarters on a daily basis; and it is impractical for the employee to park the vehicle on county property within the geographical zone in which he or she works. This condition must be clearly established.
4. The division director can provide quantifiable economic justification supporting take-home assignment as a cost advantage to the county.
5. Division directors who were once department directors are grandfathered for vehicle take-home use until such time the division director leaves Volusia County employment or the department director, county manager, or county council deems it not appropriate.
6. **When on call as required by division/department. Division/department policy must accompany vehicle assignment request for approval.**

The Internal Revenue Service considers the use of a county-provided vehicle for personal use or a car allowance as a taxable fringe benefit. The use of county vehicles commuting to and from work regularly constitutes personal use, and is, therefore, subject to taxation. Certain vehicles, however, are defined as "qualified non-personal use vehicles" and as such may be classified exempt from fringe benefit taxation (see Exhibit 1).

Revocation of Take-home Vehicles

A take-home vehicle privilege can be revoked at any time for any reason including the following:

1. **One (1) chargeable accident or one (1) moving violation within a twelve (12)-month period while operating county-owned equipment.**
2. **Failure to comply with the regulations and responsibilities outlined in this policy.**
3. **A change in job assignment or on-call status.**
4. **County budgetary constraints.**

Pool Vehicles

Employees whose fieldwork requires less than 50 percent of their time may use pool vehicles, if available.

Personal Vehicles

County employees may use personal vehicles to conduct county business if a county vehicle has not been assigned. An employee using a personal vehicle is eligible to receive reimbursement from the county at the current established mileage rate as permitted by the county's travel regulations.

NO IDLING POLICY

Five Minute Idle Rule

In accordance with DEP Rule 65-285 Florida Administrative Code which limits idling to five minutes on vehicles 8,500 GVW and up, all Volusia County-owned vehicles and equipment shall comply with the following procedures:

"Idle" meaning the operation of the engine of a vehicle while the vehicle is not in motion.

No operator of county vehicles/equipment shall permit the engine to idle for more than five (5) minutes. This policy is to conserve fuel, reduce emissions, and reduce maintenance on vehicles/equipment.

Idling is permitted when:

1. A vehicle/equipment is required to remain motionless due to an emergency, traffic or mechanical difficulty over which the operator of the vehicle has no control.
2. A vehicle is engaged in a parade, race, or other event authorized by the County.
3. A transit vehicle at a stopover.
4. The use of the vehicle/equipments auxiliary equipment. (PTO, generator, pumps, computers, etc.).
5. Vehicle/equipment is being repaired.
6. Hybrid engine charging batteries.

Idling is not permitted when:

1. It is for the purpose of keeping the cab cool or heated.
2. The vehicle/equipment is unoccupied.
3. While loading or unloading.
4. While fueling vehicle/equipment.

VEHICLE ID POLICY

All Volusia County-owned vehicles and equipment would be marked with proper identification. This includes an authorized seal and a county property identification number displayed in accordance with this policy.

Authorized seals include the Volusia County seal, the Volusia County Sheriff's star with state certified public safety mandated markings, the Volusia County Citizens Observer Program seal, the Volusia County Fire Services seal with public safety mandated markings, the Volusia County Beach Services seal, the Volusia County Corrections seal, the East Volusia Mosquito Control District seal, and the Volusia County Airport seal with federally mandated markings.

All seals will be centered on the front doors of vehicles and equipment and the property identification number displayed with 2-inch black letters at the lower rear corner of the vehicle front doors. Property identification numbers for patrol vehicles will be displayed at the rear half of the front fenders.

Seals and property identification numbers will be displayed on the sides of the engine covers of all equipment without doors. Undercover vehicles are exempt from this policy.

Fleet Management will coordinate with respective departments for authorized markings, purchasing and installing the seals and property numbers.

VEHICLE ASSIGNMENT AND AUTHORIZATION PROCEDURES

Vehicles are authorized based upon the requirements of a specific position, not on the incumbent filling the position. When an employee having an assigned vehicle leaves a position, the vehicle assignment remains with the position.

Initial Request for Assignment

When a division director desires a vehicle to be assigned to a specific position, he or she will complete Parts 1 and 2 of the *Request for Vehicle Assignment* form (see Exhibits 2 and 3). Specific attention should be given to the justification section of this form. In justifying the request, the director should include such items as the amount of time the position spends in field work, the job characteristics of the position that requires the permanent use of a vehicle, the need for overnight parking at a location other than official headquarters, and the economic benefits, if any, of a permanent assignment versus other methods of transportation; i.e., pool car, mileage reimbursement, vehicle allowance, etc.

When completed, the division director submits the form through the appropriate department director to the fleet manager. The fleet manager reviews the request to determine if it meets the vehicle assignment criteria and if the fleet has a vehicle available to be assigned. At the same time, the fleet manager will coordinate with the risk manager to verify the authorized driver holds a valid Florida driver's license and has maintained an acceptable driving record. Upon completing the analysis, the fleet manager will forward a recommendation back to the department director for approval or disapproval. The fleet manager will inform Management and Budget so the recommendation can be incorporated into the appropriate budget. If the accepted request is for a take-home vehicle, the fleet manager will also notify Personnel to ensure compliance with IRS regulations relating to taxable benefits.

Prior to the actual vehicle being assigned to an employee, the employee will receive a copy of the *Policies and Procedures for Vehicle Assignments* and sign an affidavit (see Exhibit 3) certifying he or she has read, understood, and will comply with the procedures set forth in the written policy.

Change in Authorized Driver

As previously mentioned, vehicles are assigned to a specific position, not the employee. Therefore, before an authorized driver of an assigned vehicle can be changed, the division director must complete Part 2 of the *Request for Assignment/Authorization* form and forward it to the fleet manager. The fleet manager will coordinate with the risk manager to verify that the authorized driver holds a valid Florida driver's license and has maintained an acceptable driving record. Once approved by the risk manager, the fleet manager will accept the change and inform the division to proceed with the orientation of the employee to the vehicle use policy and procedures. In addition, the fleet manager will also notify the personnel director to ensure compliance with IRS regulations relating to taxable benefits if appropriate.

If the change of authorized driver is denied, the fleet manager will provide the requesting division with an explanation as to why the request was not approved.

SUMMARY OF DEPARTMENT DIRECTOR'S RESPONSIBILITIES

The department director is responsible for:

1. Approving initial requests for assignment of vehicles.
2. Reviewing annual vehicle usage in order to make changes in assignments where necessary to enhance operating efficiency and utilization.

SUMMARY OF DIVISION DIRECTOR'S RESPONSIBILITIES

The division director is responsible for:

1. Ensuring the employee is informed and understands the contents of these policies and procedures.
2. **Ensuring that employees are not allowed to operate county equipment without proper certifications and authorizations.**
3. **Conducting training when and where necessary on special and/or off-the-road equipment to ensure that employees can operate it safely.**
4. Closely adhering to the county's preventive maintenance program, as established by fleet management, so that the benefits of lower maintenance costs, more efficient operations, and longer life cycles can be realized.
5. Notifying all employees **within their division** with take-home privileges that they are subject to income tax relating to the use of the vehicle within 30 days of assignment of their vehicles or at the beginning of each calendar year.
6. Notifying the fleet manager **immediately** of any changes in any vehicle category or employee assignments.

SUMMARY OF EMPLOYEE'S RESPONSIBILITIES

When an employee is assigned a vehicle for daily use, whether it is a take-home vehicle or not, he or she will be responsible for:

1. Complying with the provisions established in these policies and procedures.
2. Operating all vehicles, trucks, and equipment in a safe and courteous manner, which will reflect favorably on Volusia County and its employees.
3. Immediately reporting all vehicle accidents or moving traffic violations to the appropriate authorities and to his or her supervisor.
4. **Reporting to their supervisor any health status changes, which may affect their ability to operate county equipment safely.**

5. Paying any fines due to moving and non-moving violations of the law (e.g., speeding tickets or parking tickets).
6. Ensuring the county vehicle is not neglected or abused and is kept in good, clean condition.
7. Arranging a service appointment when detecting any need for vehicle repair or maintenance.
8. Maintaining a valid Florida driver's license and immediately notifying his or her supervisor of any change in driver's license status (e.g., cancellation, revocation, or suspension).
9. Entering accurate odometer readings when fueling a county vehicle.
10. Not smoking in any county vehicle.
11. Ensuring all passengers, including him- or herself, use safety belts when vehicle is in motion.
12. **Not smoking or using a radio/cellular phone while fueling a vehicle. Complying with the county's No Texting While Driving Policy.**
13. **Reducing distractions while driving by not using a radio/cellular phone, eating/drinking, listening to loud music, etc.**

SUMMARY OF FLEET MANAGER'S RESPONSIBILITIES

The fleet manager is responsible for:

1. Developing and maintaining a comprehensive list of vehicle assignments.
2. Ensuring timely processing of all vehicle assignment requests and changes.
3. Ensuring all necessary appropriate information is shared between the divisions/departments, risk management, office of management and budget, and county manager's office.
4. Reviewing, annually, vehicle usage and costs in order to recommend to the department directors any changes in assignments, if necessary, to enhance operating efficiency and utilization.
5. Ensuring all county vehicles are marked with appropriate identification.

RISK MANAGER'S RESPONSIBILITY

The risk manager is responsible for checking, annually, the employee's driving record and verifying that the individual maintains a valid driver's license.

INSURANCE LIABILITY

The county's self-insurance program will cover the liability of an employee driving a county-owned vehicle or a personally owned vehicle during and after normal working hours provided the employee was conducting official business. Commuting to and from work in an assigned vehicle will be covered under the public liability portion of the county's self-insurance program. However, travel from home to first assignment or from last assignment to home is not covered under the worker's compensation portion.

The employee will be personally liable if an accident occurs because the employee acted in bad faith, with malicious purpose, or in a manner exhibiting wanton or willful disregard of human rights, safety, or property.

Accidents occurring during any unauthorized use of county vehicles will not be covered by the county's self-insurance program and shall result in the employee being liable for any property damage or personal injuries incurred.

The use of a personal vehicle jointly owned or solely-owned by an individual other than the county employee, subjects the non-county employee, co-owner, or sole owner as well as their insurance carrier to potential liability along with the County of Volusia. The county's self-insurance program does not provide physical damage coverage for personally owned vehicles.

VEHICLES EXEMPT FROM FRINGE BENEFIT TAXATION

"Qualified Non-Personal Use Vehicles" are listed below:

1. Clearly marked (by insignia and/or words) police or fire vehicles.
2. Unmarked law enforcement vehicles used by a sworn police officer. Use of an unmarked-vehicle for vacation or recreation trips cannot qualify as an authorized use.
3. Qualified, specialized utility repair trucks (built-in racks in major portion of cargo area) and truck-mounted cranes.
4. Ambulances and hearses.
5. School buses and passenger buses.
6. Bucket trucks, dump trucks, flat bed trucks, refrigerated trucks, and delivery trucks with seating only for the driver plus a folding jump seat.
7. Cement mixers, forklifts, tractor, cranes and derricks, and combines.
8. Vehicles designed to carry cargo with a gross vehicle weight of over 14,000 pounds.
9. Moving vans.
10. Other vehicles obviously unsuited for personal use (ex: animal control special body trucks).

Clearly marked automobiles and pickup trucks used by those other than police officers are not excluded from taxation.

Property # _____ COUNTY OF VOLUSIA
 Description: _____ VEHICLE ASSIGNMENT/AUTHORIZATION
 Date Assigned: _____

FLEET MANAGEMENT USE ONLY	
NEW:	
<input type="checkbox"/> DRIVER	
<input type="checkbox"/> TAKE-HOME (T-H) REQUEST	
CHANGE:	
<input type="checkbox"/> VEHICLE	<input type="checkbox"/> ROUTINE UPDATE
<input type="checkbox"/> ADDRESS	<input type="checkbox"/> OTHER: _____
<input type="checkbox"/> T-H STATUS	

(Please select one) WITH TAKE-HOME PRIVILEGE ☐ WITHOUT TAKE-HOME PRIVILEGE ☐

1. VEHICLE ASSIGNMENT

Vehicle Information and Justification (to be completed by requesting Department):

- A. Department/Division _____
- B. Requested for Position/Title _____
- C. Justification for Vehicle Assignment (Daily and Take-Home). Attach additional pages, if necessary) _____

- D. Official Headquarters of Position _____
- E. Location of Overnight Parking (if other than Official Headquarters) _____

- F. Percent of Field Activity: ☐
- G. **MUST COMPLETE FOR TAKE-HOME:**
 Daily round trip miles to/from work: ☐
 How many days per week do you drive directly to job site from home? ☐
 How many times called out per quarter? ☐ Per calendar year? ☐

2. DRIVER AUTHORIZATION

Driver Information (to be completed by requesting Department):

- A. Employee's Name _____
- B. Address _____

- C. Location vehicle will be parked after hours _____
- D. Employee's Drivers License Number _____

- Division Director's Signature _____ Date _____
- E. Department Director Review: Approved ☐ Not Approved ☐
 Department Director's Signature _____ Date _____

3. APPROVAL

- A. Fleet Manager Recommendation: Meets Criteria ☐ Does Not Meet Criteria ☐
 1. Vehicle Availability _____
 2. Comments: _____
 Fleet Manager's Signature _____ Date _____
- B. Risk Management:
 1. Driver's License/Record Acceptable ☐ Not Acceptable ☐
 2. Comments: _____
 Risk Manager's Signature _____ Date _____

ACKNOWLEDGMENT

I hereby certify that I have read, understand, and will comply with the *Volusia County Policies and Procedures for Vehicle Assignment* adopted by the County of Volusia, particularly as they pertain to the following:

- o Categories of Vehicle Assignment (Fringe Benefit Taxation)
- o Authorized/Unauthorized Use of County Vehicles
- o Summary of Employee's Responsibilities
- o Summary of Department Director's Responsibilities
- o Summary of Division Director's Responsibilities
- o Summary of Fleet Manager's Responsibilities
- o Risk Manager's Responsibilities
- o Insurance Liability

I further understand vehicle assignments are authorized based on the current requirements of a specific position, are subject to periodic review, and may be revoked at the discretion of the Department Director, County Manager, Chief Financial Officer, or the County Council.

Signed: _____

Name: _____
(please print)

Print Form