



# MOORPARK

799 Moorpark Avenue Moorpark, California 93021 (805) 517-6200

June 3, 2009

Ventura County Grand Jury  
ATTN: Ronald J. Zenone, Foreman  
800 S. Victoria Avenue, L#3751  
Ventura, CA 93009

Dear Foreman Zenone and Ventura County Grand Jury:

The City of Moorpark is in receipt of the Ventura County's Grand Jury Final Report, "Is the City Car a Free Ride?" issued May 11, 2009. In the Grand Jury's May 6, 2009 transmittal letter, the City was requested to state whether we concur, concur in part, or disagree with the Grand Jury's Findings and, if we disagree, explain why. Further, for each applicable recommendation, state our intent concerning implementation.

Only Findings F-06 (the bases for assigning overnight take-home vehicles is not defined) and F-09 (adherence to IRS Publication 15-B, "Employer's Tax Guide to Fringe Benefits") apply to Moorpark. The City concurs with these two Findings, and consistent with Recommendations R-01 and R-03, Moorpark Administrative Procedure (M.A.P.) CM-7, "City Vehicles and Private Vehicle Usage for City Business," has been amended to include applicable criteria to allow a City vehicle to be assigned on a 24-hour basis and to adhere to the IRS Publication 15-B.

Attached is a copy of Section C., 24 Hours Assigned Vehicles, of M.A.P. CM-7 in legislative format showing changes to implement the Grand Jury's Findings and Recommendations. At the present time, the City continues to have only one such 24-hour assigned vehicle.

I appreciate the Grand Jury bringing these matters to our attention. Please let me know if additional information is needed.

Sincerely,

Steven Kueny  
City Manager

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VENTURA COUNTY  
GRAND JURY

SK:db

Attachment: Section C. of M.A.P. CM-7 in legislative format

c: Honorable Kevin J. McGee, Presiding Judge (with attachment)  
Superior Court of California, Ventura County  
P.O. Box 6489  
Ventura, CA 93006

Honorable City Council, Moorpark (with attachment)  
Assistant City Manager (w/o attachment)  
Administrative Services Director (w/o attachment)  
Finance Director (w/o attachment)

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C. **24 Hours Assigned Vehicles**

Upon the written request of a Department Head that an employee has primary responsibility to respond to after hour call-outs for his or her assigned department or division, the City Manager may authorize ~~certain~~ that employees to be assigned a City vehicle on a 24-hour basis. Employees who have 24 hours assigned vehicles will adhere to all of the procedures in this M.A.P. and the following:

1. **Personal Use During Work Hours:** No personal use except break and meal periods during regular and any extended (including call out) work hours.
2. **Personal Use During Commuting Hours:** To and from work (directly home) within city limits or ten miles of City limits. If beyond these limits, and approved in writing by the City Manager, the employee shall reimburse City on no less than a monthly basis for all miles in excess of the above limits at the then current IRS approved rate paid by the City to the employee for use of private vehicle for City business.
3. **Authorized Passengers:** No passengers except as permitted by B.3 of this M.A.P.
4. **Maintenance Responsibilities:** The employee shall be responsible for the ongoing maintenance (including refueling) of the vehicle consistent with established City standards. Refueling of the assigned vehicle shall be from a self-service pump at a station offering the lowest available prices within the City whenever possible. The employee must use an assigned credit card when refueling the vehicle.
5. **Rental Car:** In the event the assigned vehicle is not available, the Department Head may approve a rental car for a period not to exceed 14 calendar days. Such temporary vehicles are subject to all the same provision of this M.A.P. as is use of the assigned vehicle.
6. **Privilege:** City reserves the right to rescind or modify in any way at any time with no notice, these rules. Such use of City vehicle in no way grants or infers a vested right or expectation of such continued use.
7. **Personal Use Log:** The employee shall maintain a log of the vehicle use that documents the personal use of the assigned vehicle conforming to this M.A.P. A copy of the log shall be submitted by the employee to his/her immediate Supervisor, Department Head and Finance Director on a monthly basis.
8. **M.A.P. Provisions:** All provisions of this M.A.P. pertain to 24 Hour Assigned Vehicles. In the event there is a conflict between this section II.C and other provisions of this M.A.P., the language of section II.C shall prevail.

9. The assignment of a City vehicle on a 24-hour basis may be reportable as taxable income consistent with Internal Revenue Service (IRS) Publication 15-B, "Employer's Tax Guide to Fringe Benefits." Determination of whether such use is reportable as taxable income shall be made by the Finance Director based on applicable circumstances consistent with the IRS Publication 15-B or any applicable successor IRS Publications.

### III. PRIVATE VEHICLE USE

#### A. Pre-Approval Required

With the exception of a Department Director, all other employees not receiving an automobile allowance must be pre-approved to use his/her personal vehicle for official City business, using the Private Vehicle Use Form (available on City Share). A Department Director may approve private vehicle use for one of the following reasons:

1. Pool car is not available at the time required for the business trip;
2. The business trip destination is on the way to, or returning from a personal trip; or
3. The use of pool car would require an extra trip to City Hall to pick-up or return the pool car.

#### B. Insurance Requirements

Employees authorized to use personal vehicles on official City business must provide proof of insurance in accordance with the requirements of this M.A.P. In the State of California, insurance follows the vehicle. State Insurance Code Section 11580.9 states that where two or more insurance policies affording valid and collectible liability insurance apply to the same motor vehicle in an occurrence out of which a liability loss shall arise, it shall be conclusively presumed that the insurance afforded by that policy in which the motor vehicle is described or rated as an owned vehicle is primary and the insurance afforded by any other policy shall be excess. An employee who regularly uses his/her own vehicle on official City business should notify his/her insurance company of that use. Proof of insurance will be required before private vehicle use for official City business is authorized as follows:

1. **Management Employees Receiving a Car Allowance:** Insurance coverage shall be continuously maintained in an amount not less than \$100,000 per person/\$300,000 per occurrence (or a combined single limit of \$300,000) and property damage coverage in an amount not less than \$100,000 per occurrence, and the City shall be named as additional insured on the policy. Proof of insurance shall be provided to the Human Resources/Risk Management Division