

ORDINANCE NO. 5323

ORDINANCE AMENDING CHAPTER 2, ARTICLE V, DIVISION 3 OF THE CODE OF ORDINANCES TO ESTABLISH REQUIREMENTS FOR CITY OF MEMPHIS FLEET AND EMPLOYEE TAKE HOME VEHICLES

WHEREAS, the existing City Code of Ordinances does not address take home vehicles for City of Memphis employees; and

WHEREAS, the city does not currently have a policy or ordinance that addresses fleet or take home vehicles and the Council wishes to establish an ordinance regarding take home vehicles to ensure the most efficient use and assignment of cars for employee use; and

WHEREAS, it is deemed appropriate and in the best interest of the citizens to amend said Chapter 2, Article V, Division 3 to establish requirements for Memphis fleet and take home vehicles.

SECTION 1, NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MEMPHIS, that Chapter 2, Article V, Division 3, is hereby amended to add the following language:

Sec. 2-252. City of Memphis Fleet Policy

- (a.) Fleet standards for purchase. The General Services Division is responsible for developing and maintaining vehicle specification standards based on the job and fleet requirements. Purchase of vehicles must be in compliance with these standards and all purchases of vehicles will be made by the General Services Division beginning August 1, 2009.
- (b.) Purchase/Surplus requirements. Each purchase of a City vehicle requires surplus of an existing vehicle or justification of the additional vehicle to the fleet.
- (c.) All City-owned vehicles must have proper City and/or Division decal with government license plates which clearly identify them as City of Memphis property in plain view at all times as determined by the General Services Division. Any exceptions must be approved by the Chief Administrative Officer with notification to the City Council.

Sec. 2-253. Vehicle Assignment

Each Division Director will maintain a current list of personnel approved for use of an assigned vehicle by vehicle assignment classification as described below. This

list will include a vehicle identification and driver certification log sheet which will include periodic confirmation of driver compliance with current laws and regulations governing use of the assigned vehicle. This list should also include the vehicle mileage as of June 30 each year. A current copy of this information will be made available to the Chief Administrative Officer on request and annually on July 31 of each year summarizing the previous fiscal year.

(a.) Vehicle Assignment classification.

1. Group I: 24 Hour Employees. The Mayor and CAO are considered on duty 24 hours a day. They are assigned City vehicles that are covered by City automobile insurance or self insured by the City.

2. Group II: Special Assignment Use Vehicles (“take-home” vehicles). This category requires submission to and approval of a Take-Home Vehicle form by the General Services Director and CAO. Employees in this category are either (1) those whose job functions require them to be available at all times for immediate emergency response to at least five (5) emergency situations or callbacks to work per month where they have actual responsibility over a scene or those who are assigned to specialized response units working a scene; (2) Division Directors, Deputy Directors and other Administrative Personnel within Police Services, Fire Services, EMA and Public Works who have been approved for take-home vehicles due to the nature of their job responsibilities; (3) The nature of the employee's work requires immediate response to emergency situations, regardless of frequency, that require the use of specific safety or emergency equipment that cannot be reasonably carried in the employee's personal vehicle; or (4) police officers utilizing vehicles for undercover operations.

3. Take –home vehicles are to be used in compliance with the City’s travel policy where applicable and in addition must be covered by Risk Management if outside of the State of Tennessee.

4. Personnel with take-home vehicles must submit annual vehicle mileage as of June 30 each year on or before July 31. The City reserves the right to charge employees with take-home vehicles for excessive mileage or wear and tear to the vehicle. Mileage reasonableness will be based on the travel required by the position and a reasonable amount of travel to and from work and incidental travel.

(b) All other city employees shall be provided limited use or pool vehicles as necessary upon approval from the Division Director and General Services Director.

SECTION 2. BE IT FURTHER ORDAINED, that the provisions of this Ordinance are hereby severable. If any of these sections, provisions, sentences, clauses, phrases, or parts are held unconstitutional or void, the remainder of this Ordinance shall continue in full force and

effect.

SECTION 3. BE IT FURTHER ORDAINED BY THE COUNCIL OF THE CITY OF MEMPHIS, that this ordinance shall take effect from and after the date it shall have been passed by the Council, signed by the Chairman of the Council, certified and delivered to the Office of Mayor in writing by the comptroller and become effective as otherwise provided by law.

KEMP CONRAD
Council Member

MYRON LOWERY
Council Chairman

Attest:
Patrice Thomas, Comptroller