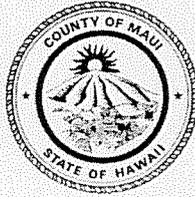


ALAN M. ARAKAWA  
MAYOR



GLENN MUKAI  
DIRECTOR

GEORGETTE C.R. TYAU  
DEPUTY DIRECTOR

DEPARTMENT OF LIQUOR CONTROL  
C O U N T Y O F M A U I

2145 KAOHU STREET, ROOM 105 • WAILUKU, MAUI, HAWAII 96793  
PHONE (808) 243-7753 • FAX (808) 243-7558

April 6, 2018

Mr. Sananda K. Baz  
Budget Director, County of Maui  
200 South High Street  
Wailuku, Hawaii 96793

Honorable Alan M. Arakawa  
Mayor, County of Maui  
200 South High Street  
Wailuku, Hawaii 96793

APPROVED FOR TRANSMITTAL

*Alan Arakawa* 4/6/18  
Mayor Date

For Transmittal to:

Honorable Riki Hokama  
Chair, Budget and Finance Committee  
Maui County Council  
200 South High Street  
Wailuku, Hawaii 96793

Dear Chair Hokama:

**SUBJECT: FISCAL YEAR ("FY") 2019 BUDGET (LC-1) (BF-1)**

1. Please explain the following proposed salary increases:
  - a. Liquor Control Officer III (LC-0016, page 9-4 of the Budget Details), to be increased from an SR-21F to an SR-21I, resulting in a salary increase of \$11,316.

Effective 2/1/17, LC-0016 has been filled with a person with more years of service thus is at 3 steps higher than the prior incumbent. The increase is \$6,876.

In addition, BU03 collective bargaining increases are included through the end of FY19. The increase is \$4,440.

RECEIVED  
2018 APR -9 AM 7:23  
OFFICE OF THE  
COUNTY COUNCIL

Effective 01/01/2017:  
SR-21F \$54,876/year and SR-21I \$61,752/year

Effective 07/01/17:  
SR-21I \$62,988/year

Effective 01/01/18:  
SR-21I \$63,936/year

Effective 07/01/18:  
SR-21I \$65,376/year

Effective 01/01/19:  
SR-21I \$66,192/year

- b. Liquor Control Officer I (LC-0028, page 9-5 of the Budget Details) to be reallocated from an SR-16A to an SR-21H, resulting in a salary increase of \$26,556.

LC-0028 was reallocated to an LCOIII, as one of the three LCO III positions within the Enforcement Division.

Note: LC-0025 was previously one of the three LCO III positions within the Enforcement Division, but was reallocated down to an LCO I, for recruitment purposes, thus resulting in a decrease of \$13,512.

Effective 2/27/17, LC-0028 has been filled as an LCO III thus is at 5 SR levels higher and with a person with more years of service at 7 steps greater. The increase is \$22,296, but offset by the \$13,512 decrease above.

In addition, BU03 collective bargaining increases are included through the end of FY19. The increase is \$4,260.

Effective 01/01/17:  
SR-16A \$37,056/year and SR-21H \$59,352/year

Effective 07/01/17:  
SR-21H \$60,540/year

Effective 01/01/18:  
SR-21H \$61,452/year

Honorable Riki Hokama

April 6, 2018

Page 3

Effective 07/01/18:  
SR-21H \$62,832/year

Effective 01/01/19:  
SR-21H \$63,612/year

2. Provide a status update on the cancellation of liquor certification exams at the Lahaina office as of January 2018 due to staff shortage.

a. Has the staff shortage been addressed such that certification exams at the Lahaina office have continued? If yes, when did they resume?

The certification exams at the Lahaina office have not resumed, but the Department has taken steps to address the staff shortage, as indicated below.

-In the FY2018 Budget, the Department requested an expansion position for an Account Clerk III to provide the body needed to comply with accounting standards and requirements of the County's new cashiering system, and to provide the necessary services to licensees and the public on a consistent basis.

-The expansion position for the Account Clerk III was not approved by the Council. Since then, the Department has submitted a reorganization of the Department, to address the deletion of LC-0003, and to address the needed positions, which includes the reallocation of a current vacant position to an Account Clerk III.

b. If the staff shortage has not been resolved, how many vacancies exist in the Lahaina office, by position title? What are the Department's recruitment efforts to fill them and by when?

LC-0010, LCO IV, is a vacant position in the Lahaina office. All vacancies, to include LC-0010, are either included in the reorganization of the Department or currently being recruited.

c. Approximately how many individuals or businesses have been impacted as a result of the exams in the Lahaina office being cancelled? Has the Wailuku office been able to accommodate these individuals or businesses in the meantime?

In FY17, the Department held 43 certification classes, administering 564 exams at the Lahaina office.

The Department has added an additional certification class on Mondays at the Wailuku office to accommodate licensees and the public.

The Department currently has certification classes on Mondays, Tuesdays, and Fridays at the Wailuku office.

3. Relating to Professional Services (index code 913012B-6132, page 9-7 of the Budget Details), is the \$8,000 attributed to an increased number of board and commission hearings to be held or due to the increased costs for court reporting services, or both? Explain.

The Department foresees an increase in Liquor Commission and Liquor Control Adjudication Board meetings due to an increase in public hearings to address petitions, rule changes, off island licensees and applicants, and longer meetings.

4. The Department is requesting the purchase of three electric vehicles at \$35,000 each (page 9-9 of the Budget Details) to replace older high mileage sedans.

- a. Provide a copy of the Department's vehicle replacement policy and schedule.

Enclosed is the County of Maui, Motor Vehicle Policy.

- b. Provide a copy of the Department's take-home vehicle policy.

Enclosed is the County of Maui, Motor Vehicle Policy. The Department currently has no take home vehicles.

- c. Will these vehicles be used by licensing or enforcement staff?

The vehicles requested for replacement are within the Enforcement Division.

- d. Explain what happens to the old vehicles when they are replaced. Are they sold or does the Department receive a trade-in credit?

Currently, vehicles are sent to Public Works to be included with the auction for abandoned vehicles.

Honorable Riki Hokama

April 6, 2018

Page 5

- e. How many vehicles are currently in the Department's fleet?  
How many are gas and how many are electric?

-There are currently 17 vehicles in the Department's fleet, 11 within the Enforcement Division and 6 within the Administrative Services Division.

-Two of the vehicles, within the Enforcement Division, have been permanently out of service for more than a year.

-All vehicles run by gas.

- f. Are Global Positioning System (GPS) programs currently installed in all Department vehicles? Identify which vehicles currently have the GPS programs. If currently not installed in all vehicles, does the Department intend to install GPS programs in all Department vehicles in the future?

All Department vehicles have the Global Positioning System programs except for the two vehicles that have been permanently out of service and one vehicle in the Administrative Division which is waiting on the unit to be received for installation.

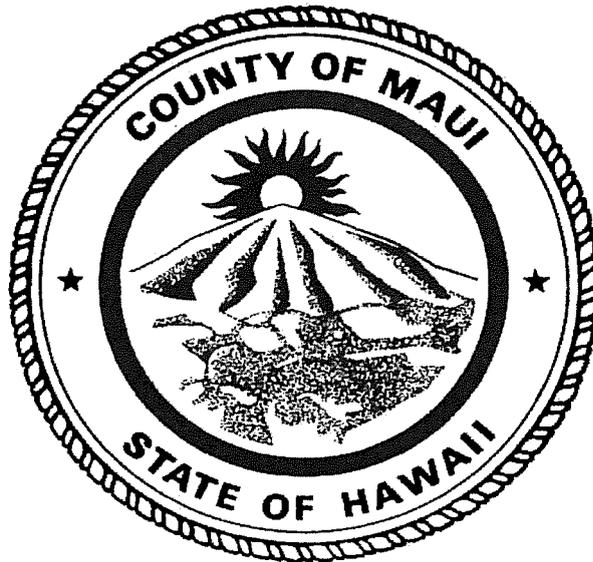
Sincerely,



Glenn Mukai, Director  
Department of Liquor Control

GM/gcrt

Enclosures



# COUNTY OF MAUI MOTOR VEHICLE POLICY

## TABLE OF CONTENTS

<u>Sections</u>	<u>Page</u>
<b>A. GENERAL</b> .....	<b>5</b>
A.1. Introduction .....	5
A.1.1 Purpose .....	5
A.1.2 Policy Statement .....	5
A.2. Governing Authority .....	6
A.2.1 Hawaii Revised Statutes .....	6
A.2.2 County of Maui Charter .....	6
A.3. Responsibilities .....	7
A.3.1 Managing Director .....	7
A.3.2 Department Directors .....	7
A.3.3 Department of Finance .....	8
A.3.4 Employees .....	9
A.4. Exceptions To Policy .....	9
A.5. Failure To Comply .....	9
A.6. Enforcement and Monitoring .....	10
A.7. Policy Revisions and Updates .....	10
<b>B. DEFINITIONS (Alphabetical Order)</b> .....	<b>10</b>
B.1. Assigned County Vehicle .....	10
B.2. Assigned Work Location .....	11
B.3. Authorized Vehicle Operator .....	11
B.4. Casual User .....	11
B.5. Commuting Miles .....	12
B.6. County Employee .....	12
B.7. County Vehicle .....	12
B.8. Custodian .....	12
B.9. Mileage Reimbursement .....	13
B.10. Minimum Use Mileage .....	13
B.11. Non-County Employee .....	13
B.12. Official County Business .....	14
B.13. Personally Owned Vehicle .....	14
B.14. Take Home Vehicle .....	14
B.15. Vehicle Location .....	15
B.16. Volunteer .....	15
<b>C. COUNTY VEHICLE USAGE AND ASSIGNMENT</b> .....	<b>16</b>
C.1. Authorized Vehicle Use .....	16
C.2. Unauthorized Vehicle Use .....	16
C.3. Authorized Operators .....	17
C.4. Determination of Department Authorized Uses .....	17
C.4.1. Evaluation Criteria .....	17
C.4.2. Minimum Use Mileage Analysis .....	18
C.5. Types of Usage Assignments .....	19
C.6. Approval of Operator and Usage Assignments .....	20
C.6.1 Approval Documentation .....	20

	C.6.2 Assigned County Vehicle – Special Requirements . . .	20
	C.7. Authorized Passengers . . . . .	21
<b>D.</b>	<b>TAKE HOME VEHICLES . . . . .</b>	<b>22</b>
	D.1. General Use Provisions . . . . .	22
	D.2. Approval . . . . .	22
	D.3. Assignment Guidelines . . . . .	23
	D.4. Justification Documentation . . . . .	23
	D.5. Reporting Requirements . . . . .	25
	D.5.1 Daily Activity . . . . .	25
	D.5.2 Personal Auto Usage . . . . .	25
<b>E.</b>	<b>USE OF PERSONALLY OWNED VEHICLE . . . . .</b>	<b>26</b>
	E.1. Governing Authority . . . . .	26
	E.2. Reporting Requirements . . . . .	27
<b>F.</b>	<b>VEHICLE OPERATOR RULES . . . . .</b>	<b>28</b>
	F.1. General Provisions . . . . .	28
	F.2. Driver Eligibility/ Minimum Requirements . . . . .	29
	F.3. Vehicle Inspections . . . . .	30
	F.4. Parking . . . . .	31
	F.5. Driving . . . . .	31
	F.6. Custodian Responsibilities . . . . .	33
<b>G.</b>	<b>ACQUISITION, REPLACEMENT AND DISPOSAL . . . . .</b>	<b>34</b>
	G.1. Authorization . . . . .	34
	G.2. Procurement Justification . . . . .	35
	G.3. New Acquisition . . . . .	35
	G.4. Replacement . . . . .	36
	G.5. Procurement Procedures . . . . .	38
	G.6. Disposal Procedures . . . . .	39
<b>H.</b>	<b>MAUI COUNTY DEPARTMENT OF POLICE . . . . .</b>	<b>40</b>
<b>I.</b>	<b>MAUI COUNTY DEPARTMENT OF FIRE &amp; PUBLIC SAFETY . . . . .</b>	<b>41</b>
<b>J.</b>	<b>VEHICLE USE BY NON-COUNTY EMPLOYEES/VOLUNTEERS . . . . .</b>	<b>41</b>
	J.1. Corporation Counsel Advisory Opinion . . . . .	41
	J.2. Approval . . . . .	41
	J.3. Documentation Requirements . . . . .	42
	J.4. Responsibilities . . . . .	42
<b>K.</b>	<b>PERPETUAL VEHICLE INVENTORY AND RECORDKEEPING . . . . .</b>	<b>43</b>

## ATTACHMENTS

- A. Cost Of Commuting Worksheet
- B. Daily Vehicle Usage Log
- C. Minimum Use Mileage Evaluation & Determination Worksheet
- D. Custodian Agreement
- E. Casual User Agreement
- F. Authorized Drivers List - Employees
- G. Authorization For Use of Private Vehicles For County Business
- H. Authorized Drivers List – Non-County Employees and Volunteers
- I. Computation of Benefit (For Take Home Vehicle Custodians)
- J. Claim For Mileage Reimbursement
- K. Driver’s Vehicle Inspection Report
- L. Request To Dispose Of County Property
- M. Hold Harmless Agreement (Sample) and Authorization for Use of Private Vehicle For County Business by Volunteer
- N. Maui County Police Department – Vehicle Policies
- O. Corporation Counsel Advisory Opinion, August 2011
- P. New Acquisition of Motor Vehicle Request Form
- Q. Acquisition for Replacement of Existing Motor Vehicle Request Form
- R. Department of Public Works Work Request Form
- S. Maui County Department of Fire & Public Safety – Vehicle Policy
- T. Vehicle Accident Report

## **A. GENERAL**

### **A.1. Introduction**

#### **A.1.1. Purpose**

This document hereby establishes guidelines and procedures regarding the allowable uses of motor vehicles of the County of Maui ("County"), the operators and types of assignment of County vehicles and the use of personally owned (non-County) vehicles to conduct official County business. This policy also addresses the acquisition, replacement and disposal, and recordkeeping of County motor vehicles. This policy does not supersede Federal and State regulations governing vehicles classified as commercial motor vehicles and heavy off-road construction vehicles.

This policy shall apply to any officer or employee of the County, members of a commission or board of the County, non-County employees providing services on behalf of the County, and authorized volunteers providing services to the County without receipt of any form of compensation or benefit; in monetary, service and/or material gain from the County.

This policy is designed to set forth minimal requirements and does not preclude agencies and departments from establishing and enforcing additional and more stringent requirements within their own jurisdiction. County agencies and departments shall establish necessary procedures to ensure compliance with established policies and procedures.

This policy shall be effective on July 1, 2012 and supersedes the County of Maui Department of Finance Vehicle Use Policy dated September 2003 and the County of Maui Vehicle Policy dated August 6, 2001.

#### **A.1.2. Policy Statement**

It is the policy of the County of Maui that all motor vehicles used for County purposes are properly authorized and utilized for the sole purpose of conducting official business for the County of Maui, and operated safely and efficiently in accordance with established State and County laws, regulations and relevant policies and procedures.

Use of County vehicles shall be in accordance with State and County laws and regulations, including but not limited, to:

- (1) the Hawaii Revised Statutes (HRS) Chapter 105, Government Motor

- Vehicles,
- (2) HRS, Title 17, Motor and Other Vehicles, *et seq.*, including: Chapters 286, Highway Safety; Chapter 287 Motor Vehicle Safety Responsibility Act; Chapter 291 Traffic Violations; 291C, Statewide Traffic Code; 291D Adjudication of Traffic Infractions; 291E Use of Intoxicants While Operating a Vehicle;
  - (3) HRS Chapter 103D, Hawaii Public Procurement Code,
  - (4) the Charter County of Maui,
  - (5) the Maui County Code (MCC) Chapter 2.52, Use of Private Vehicles For County Business,
  - (6) MCC Chapter 2.72, Disposal of County Personal Property,
  - (7) MCC Chapter 3.12, Purchasing Procedures, and
  - (8) MCC Title 10, Maui Traffic Code.

## **A.2. Governing Authority**

### **A.2.1. Hawaii Revised Statutes Chapter 105-1:**

"... it shall be unlawful for any person to use, operate, or drive any motor vehicle owned or controlled by the State, or by any county thereof, for personal pleasure or use (as distinguished from official or governmental service or use)..."

### **A.2.2. County of Maui Charter:**

#### **Article 10, Code of Ethics, Section 10-4. Prohibitions:**

1. e. "No officer or employee of the county shall use county property or personnel for other than public activity or purpose."

#### **Article 8, County Departments, Chapter 15, Cost of Government Commission, Section 8-15.1. Declaration of Policy:**

"It is declared to be the policy of the county to promote economy, efficiency and improved service in the transaction of the public business in the legislative and executive branches of the county by:

1. Limiting expenditures to the lowest amount consistent with the efficient performance of essential services, activities, and functions.
2. Eliminating duplication and overlapping of services, activities and functions.
3. Consolidating services, activities, and functions of a similar nature.

4. Abolishing services, activities, and functions not necessary to the efficient conduct of government."

### **A.3. Responsibilities**

#### **A.3.1. Managing Director**

The Managing Director of the County of Maui shall be responsible for:

- (a) Reviewing, and approving or disapproving departments' justifications/requests for the usage and assignments of vehicles to authorized vehicle operators and custodians on an annual basis;
- (b) Reviewing, and approving or disapproving departments' justifications/requests for acquisition and replacement of motor vehicles for the County;
- (c) Granting exemptions to this policy;
- (d) Reviewing and approving all updates and revisions to this policy.

These duties may be delegated to an authorized representative as designated by the Managing Director.

The Department of Management shall require departments to keep a current, consolidated file of custodian assignments for both assigned vehicles and take home vehicles.

#### **A.3.2. Department Directors**

Department Directors shall follow the provisions of this Policy:

- (a) Analyze, evaluate and monitor the use of county vehicles within their respective departments and ensure vehicle operators are properly authorized;
- (b) Provide appropriate documentation and justification to the Managing Director when requesting approval for custodians and usage assignments, and acquisition of motor vehicles on a timely basis;

- (c) Provide the Department of Finance (Accounts and Risk Management Divisions) current and accurate vehicle information and required forms in a timely manner (Risk Management shall require updated information as of June 30 each year for Self Insured Retention (SIR) renewal and underwriting);
- (d) Maintain complete, current and accurate records of vehicles, vehicle operators and custodians, and usage assignments of assigned vehicles and take home vehicles;
- (e) Provide to the Department of Management current and accurate reports, data, statistics and records of vehicles, custodians and usage assignments of assigned vehicles and take home vehicles as requested, in a timely manner;
- (f) Account for all vehicles and ensure that adequate physical safeguards exist over vehicles to minimize and protect against risks of damage, theft and weather.
- (g) Make certain all employees are informed regarding this Policy.
- (h) Enforce the provisions effectively and ensure compliance by all employees within the department.

### **A.3.3. Department of Finance**

Pursuant to the Charter of the County of Maui, Article 8, Chapter 4, the Department of Finance shall "prepare and maintain a perpetual inventory of all lands and equipment or other personally owned, leased, rented or controlled by the county."

The Department of Finance shall act as the central depository of vehicle information; and be accountable for maintaining current, complete and comprehensive records of the County vehicles inventory and authorized custodians with take home vehicle assignments. The Department of Finance shall update the vehicle inventory records timely and at minimum, on a monthly basis, to reflect transactions of additions, transfers and dispositions completed within that month, as reported by the departments. The Department of Finance shall provide current and accurate reports of vehicle information and statistics as requested.

See also Section K, Perpetual Vehicle Inventory and Recordkeeping.

#### **A.3.4. Employees**

Employees shall comply with all applicable and relevant provisions of this Policy.

#### **A.4. Exceptions To Policy**

Any exception to this policy shall be at the discretion and approval of the Managing Director. Requests for exceptions shall be presented with written justification provided by the Department Director.

Authorized exceptions will be valid for only one year (twelve consecutive calendar months), commencing from the date of approval by the Managing Director.

All County departments and agencies shall comply with this policy with the exception of the following:

- The Maui County Police Department shall comply with the Maui County Police Department General Orders Chapter 304.1, Police Vehicles, and Standard Operating Procedures Chapter 104.1, Vehicle Replacement. (Refer to Section H, Maui County Police Department Vehicle Policies.)
- The Maui County Department of Fire & Public Safety shall comply with the Maui County Department of Fire & Public Safety Vehicle Policy. (Refer to Section I, Maui County Department of Fire & Public Safety Vehicle Policy.)
- The Office of Council Services and the Office of The County Clerk shall be subject to their respective internal departmental policies as deemed necessary and appropriate by the Council Chairman.

Vehicles classified as commercial motor vehicles and heavy off-road construction vehicles shall also comply with appropriate Federal and State regulations.

#### **A.5. Failure To Comply With Policy**

Failure to comply with the County of Maui Motor Vehicle Policy shall subject an employee to disciplinary action, up to and including termination, in accordance with the County of Maui's Discipline Policy, Circular No. 96-21 (February 21, 1996) and Circular No. 97-81 (amended, September 15, 1997), as issued by the Department of Personnel

Services; and/or any other established County or County Department policy, procedure, general order, standard of conduct and/or rule or regulation.

**A.6. Enforcement And Monitoring**

Enforcement of this policy is the responsibility of the Director of each agency/department.

Periodic, random monitoring and audits of compliance may be conducted, with or without notice, by the Department of Management at the discretion of the Managing Director.

Authorized assignments and approved exceptions may be discontinued due to a change in duties or operations, and/or due to a violation of any provisions in this policy, at the discretion and approval of the Department Director and Managing Director, and shall be made effective with a 30 days notification.

**A.7. Policy Revisions and Updates**

This policy shall be subject to revisions as deemed operationally necessary and warranted. All changes shall be made with the review and approval of the Managing Director.

Policy revisions and updates shall be distributed to all department directors and shall be made effective upon distribution.

**B. DEFINITIONS (Alphabetically Listed)**

**B.1. Assigned County Vehicle**

A County vehicle designated to one or more County employees, for which the restricted use of the vehicle to the employee(s) has been properly evaluated and justified as necessary and warranted for the normal performance of the employees' duties, and has been properly approved in accordance with the provisions of this policy.

The designated individual(s) becomes the custodian of the vehicle and is responsible for overseeing the general care of the vehicle. The designated and restricted use of the vehicle to the specific authorized employee(s) may be for the entire work day or a certain

portion of the work day, and/or the entire work week or specified day(s) of the week. The designation may change, from time to time, depending on the schedule of duties.

The designation is subject to review and approval on an annual basis; refer to Section C, County Vehicle Usage and Assignment. Having an assigned County vehicle does not necessarily constitute authorization for the vehicle to be parked overnight at a non-County site; see Section D, Take Home Vehicles.

#### **B.2. Assigned Work Location**

The assigned work location is the County of Maui work site that the employee is officially assigned on a daily basis to perform his or her duties, as determined by the employee's Department Director.

#### **B.3. Authorized Vehicle Operator**

A County employee, non-County employee or volunteer approved in advance in accordance with the provisions of this policy, to drive a County vehicle or personally owned vehicle in the normal performance of his/her duties of conducting official County business.

The use of a private vehicle for County business first requires approval of the Mayor pursuant to the Maui County Code Chapter 2.52, Use of Private Vehicles for County Business. Such approval shall be obtained via the Authorization For Use Of Private Vehicles For County Business form (Attachment G).

The use of a County vehicle for County business is subject to advance approval via the Casual User Agreement (Attachment E) or Custodian Agreement (Attachment D). Additional and more detailed information on vehicle usage and assignment are discussed in Section C, County Vehicle Usage and Assignment.

#### **B.4. Casual User**

An authorized vehicle operator whose normal performance of his/her assigned County duties does not warrant the regular, routine and/or frequent use of a vehicle. The Casual User designation is subject to the Casual User Agreement (Attachment E).

Review and approval of such designation is required annually, see Section C, County Vehicle Usage and Assignment.

**B.5. Commuting Miles**

Miles traveled with a Take Home Vehicle between the employee's primary place of residence and designated County work site. (In the situation when an employee is responding to an emergency call-out from the employee's primary place of residence, these miles are not considered commuting miles.)

**B.6. County Employee**

An employee is any person who is on the County's current payroll as a full-time, part-time, seasonal, or exempt hire.

**B. 7. County Vehicle**

Any licensed or unlicensed motor vehicle owned or leased, and maintained and insured by the County of Maui; and legally certified and approved to be operated upon a public highway or road, includes Take Home Vehicles (THV), see B.14.

**B.8. Custodian**

An authorized vehicle operator of the County that is authorized to operate an assigned County vehicle which is designated only for his/her use in the normal performance of his/her assigned County duties during the authorized period of time, and may include take-home vehicle privileges. The custodian will always operate and be responsible for the same County vehicle until such time that a change in vehicle and/or vehicle usage assignment is authorized.

The Custodian designation is subject to the Custodian Agreement (Attachment D). Review and approval of such designation is required annually; see Section C, County Vehicle Usage and Assignment.

### **B.9. Mileage Reimbursement**

A rate per mile used to calculate compensation to County employees, non-County employees and volunteers for purposes of reimbursement of incidental, non-routine, and/or extraordinary miles travelled in a personally owned vehicle for official County business, based on actual logged miles.

The mileage reimbursement form and procedures are communicated to all departments by the Department of Finance. The mileage rate is established by the Internal Revenue Service (IRS) and changes periodically based on IRS updates. Refer to the County of Maui Claim For Mileage Reimbursement form (Attachment J) and Section E, Use of Personal Vehicle, for requirements regarding use of private vehicles for official County business.

### **B.10. Minimum Use Mileage**

The minimum use mileage is the number of miles that a County vehicle is driven in a given year to perform official County duties in the most efficient and cost-effective manner. The minimum use mileage will be utilized as a key measurement and criterion to evaluate vehicle utilization effectiveness and usage assignments of existing and new vehicles, and to justify the purchase and/or replacement of a vehicle when requested by a department. Additionally, any special and unique operational requirements, if relevant, shall be considered in the determination of usage assignments.

The minimum use mileage analysis shall be prepared by the department, and shall be reviewed and approved by the respective Department Director and Managing Director.

### **B.11. Non-County Employee**

A non-County employee is any person that is neither employed by the County nor a volunteer for the County, who is authorized to provide services to the County for compensation as an employee of an independent agency, at the specific request and direction of an authorized County employee, with the advance knowledge and approval of the respective Department Director.

Departments utilizing non-County employees to operate vehicles for purposes of conducting official County business must be first approved in writing by the respective

Department Director and Managing Director. Refer also to Section I, Vehicle Use by Non-County Employees and Volunteers.

**B.12. Official County Business**

Activities relating to public duty or responsibility conducted with the knowledge and proper authorization of the respective Department Director on behalf of the County, for the benefit of the County and directly related to County matters.

Authorized activities shall include, but are not limited to, duties and responsibilities consistent with an employee's official County of Maui Department of Personnel Services Position Description, and as directed by the employee's supervisor.

**B.13. Personally Owned Vehicle**

A non-County, privately owned vehicle properly authorized, in advance, to be used to perform official County-related business; and is legally certified or approved to be operated upon a public highway or road.

Pursuant to Maui County Code Chapter 2.52, any use of a privately owned vehicle shall require the approval of the Mayor (or the Council Chairman for County Council personnel). Approval required of the Mayor shall be via the Authorization For Use of Private Vehicles For County Business form (Attachment G). Refer also to Section E, Use of Personally Owned Vehicle.

**B.14. Take Home Vehicle (THV)**

An assigned County vehicle for which overnight parking at a non-County site and commute from the employee's domicile to the employee's assigned work location are duly authorized in accordance with the provisions of this policy.

The specific individual(s) designated becomes the custodian of the County vehicle and is responsible for overseeing its general care.

The designation may be for the entire work week or specified day(s) of the week. The designation may change, from time to time, depending on the schedule of duties. The

duration period of the designation may not exceed 12 consecutive calendar months, commencing from the date of approval by the Managing Director.

The designation is subject to approval annually. The period of approval shall not exceed twelve consecutive calendar months commencing from the date of approval.

See also Section D.

#### **B.15. Vehicle Location**

The vehicle location is the primary designated County of Maui site (i.e. County Building Parking Lot, Wailuku Baseyard, Maui Mall Service Center, One Main Plaza, etc.) where the vehicle is authorized to be parked when not in use.

#### **B.16. Volunteer**

The statutory definition of volunteer pursuant to the Department of Corporation Counsel (Advisory Opinion issued August 2011, see Attachment O), is: "any person who of the person's free will provides goods or services to an agency with no monetary gain and includes material donors, occasional-service, regular-service, and stipended volunteers."

Hawaii Revised Statutes Chapter 90, State Policy Concerning The Utilization of Volunteer Services, provides additional definitions: "Material donor means any person who of the person's free will provides funds or materials to an agency. Occasional-service volunteer means any person who offers to provide a one-time, on-call or single task service to an agency without receipt of any compensation, except as provided in this chapter. Regular-service volunteer means any person engaged in specific voluntary service activities on an on-going or continuous basis to an agency without receipt of any compensation, except as provided in this chapter. Stipend volunteer means any person who by receiving a support, allowance is then able to provide voluntary service to an agency. The allowance maybe for food, lodging, or other personal living expenses and does not reflect compensation for work performed."

Departments utilizing volunteer drivers for purposes of conducting official County business must be first approved in writing by the respective Department Director and Managing Director. Refer also to Section J, Vehicle Use By Non-County Employees/Volunteers.

## **C. COUNTY VEHICLE USAGE AND ASSIGNMENT**

### **C.1. Authorized Vehicle Use**

County vehicle usage is restricted solely for the purpose of carrying out official County business. The County vehicle shall be used only for direct travel between the place of work where the County vehicle is authorized to be located (vehicle location) and the location(s) where the official County business is performed. The route(s) travelled with a County vehicle shall be limited to the most efficient and cost-effective performance of essential services and activities of the County.

Law enforcement vehicles are subject to their respective departmental policies; refer to Section H, Maui County Police Department Vehicle Policies, and Attachment N.

The granting of this convenience does not provide County employees with any specific consideration in relation to the law. When operating a County vehicle, each County employee, non-County employee and volunteer must obey all state and local motor vehicle laws and ordinances, including but not limited to HRS, Title 17, Motor and Other Vehicles, *et seq.*, including: Chapters 286, Highway Safety; Chapter 287 Motor Vehicle Safety Responsibility Act; Chapter 291 Traffic Violations; 291C, Statewide Traffic Code; 291D Adjudication of Traffic Infractions; and 291E Use of Intoxicants While Operating a Vehicle.

### **C.2. Unauthorized Vehicle Use**

County vehicles are prohibited for travel for pleasure, personal business and/or for personal use and convenience.

County vehicles shall not be used for travel or tasks that are beyond the vehicle's rated capability or capacity.

County vehicles shall not be used to pick up nor transport any persons (County employees, non-County employees and volunteers) not directly related to the official County business being performed for which the County vehicle was authorized to be used.

County vehicles are prohibited in any activity that would impede the safe operation of the vehicle and/or put the safety of its operator and/or passengers at risk.

County vehicles shall not be used for transportation to and from an employee's residence unless duly authorized by the employee's Department Director and the Managing Director (refer to Section D, Take Home Vehicles).

### **C.3. Authorized Operators**

The use of a County vehicle requires the pre-approval of the responsible Department Director and Managing Director.

County employees that have first obtained the required written pre-approval may operate a County vehicle. Names of authorized employees shall be reported on the County of Maui Authorized Drivers List - Employees form (Attachment F).

Non-County employees and volunteers are prohibited to operate County vehicles unless they are approved by the Department Director (refer to Section I, Vehicle Use By Non-County Employees and Volunteers). Names of authorized volunteers shall be reported on the County of Maui Authorized Drivers List – Non-County Employees & Volunteers form (Attachment H).

The approval granted to an employee, non-County employee and volunteer to use a County vehicle is valid for one year only, twelve consecutive calendar months, commencing from the date of approval of the Managing Director.

All vehicle operators shall comply with Section F, Vehicle Operator Rules, of this policy.

### **C.4. Determination of Department Authorized Uses**

#### **C.4.1. Evaluation Criteria**

It is the responsibility of the Director of each department to determine (1) the type of vehicle usage assignment (see Section C.5, Types of Usage Assignments) for all employees of his/her department that require a County vehicle in the performance of the employee's duties, and (2) the type of vehicle to operate respective to the nature of the work to be performed. Examples of vehicle types include minivan, pick up truck, utility vehicle, compact car, sedan, etc.

The Department Director will use reasonable judgment and discretion to determine the operational and cost-effective usage and vehicle type necessary to best meet the

agency's objectives. The usage assignment and type of vehicle granted to an employee will be based upon, but not limited to, the following:

- a) employee's specific job duties,
- b) cost benefit,
- c) annual minimum use mileage (actual and estimated future use), and
- d) unique and/or special operational requirements.

The type of vehicle the employee is authorized to operate should also be suitable and properly equipped as necessary, consistent with the County duty that the employee must perform.

#### **C.4.2. Minimum Use Mileage Analysis**

The annual minimum use mileage analysis shall be used by the responsible department and the Department of Management to objectively assess the effective utilization of a vehicle and to determine the appropriate type of usage assignment (whether its use shall be shared or assigned; see Section C.5) of existing and new vehicles, and to justify the purchase and/or replacement of a vehicle when requested by a department. If relevant, any unique and special operational factors shall also be considered.

The department is responsible for completing a minimum use mileage analysis for each County vehicle recorded to its department inventory. The analysis should be reviewed and updated annually.

The annual minimum use mileage analysis shall be comprehensive and include the actual miles driven of a vehicle in performing the specific official County duties required of a position:

- a) All routes driven, the frequency of the routes driven, and mileage of each route should be documented and included in the evaluation and determination of the minimum use mileage.
- b) If actual data is not available, estimated data may be used (but must be indicated as an estimate).
- c) When the functional use of the vehicle is performed on a regular, recurring basis, the minimum use mileage may be derived on a monthly basis and annualized.

- d) The Minimum Use Mileage Evaluation & Determination Worksheet (Attachment C) provides a consistent, objective and methodical process to document and analyze the utilization of County vehicles in the performance of official County business throughout the County.

The Minimum Use Mileage Evaluation & Determination Worksheet is required with a written justification from the Department Director for vehicles requested for the consideration of an assigned vehicle designation (see Section C.6.2., Assigned County Vehicle – Special Requirements).

The Department Director shall annually evaluate the vehicle requirements of the employees within his/her respective department and determine the appropriate type of usage assignment and type of vehicle necessary to deploy their job duties and satisfy the department's objectives.

The County vehicle usage assignment approved and granted to an employee shall be valid for one year only, twelve consecutive calendar months, commencing from the date of approval of the Managing Director.

#### **C.5. Types of Usage Assignments**

If deemed necessary by the Department Director for an employee to operate a County vehicle to carry out official County business, an employee may be assigned one of the following usage assignments by the Director:

- a) Assigned County Vehicle (see Section B.1),
- b) Take Home Vehicle (see Section B.14),
- c) Casual User (see Section B.4).

An employee may also request the approval for the use of the employee's personally owned vehicle to conduct official County business, subject to mileage reimbursement (see Section E, Use of Personal Vehicle).

## **C.6. Approval of Operator and Usage Assignments**

### **C.6.1. Approval Documentation**

Request and approval for all vehicle operators and usage assignments shall be documented in writing.

For use of County vehicles, the Custodian Agreement (see Attachment D) or Casual User Agreement (see Attachment E) forms are required. For use of personal vehicles, the Authorization For Use Of Private Vehicles For County Business form (see Attachment G) is required. The appropriate form(s) must be properly completed and approved in advance of the employee's operation and utilization of a County vehicle or personally owned vehicle in the performance of official County business.

All forms are valid for one year, twelve consecutive calendar months, commencing from the date of approval. All forms shall be kept on file in the respective department's Director's Office.

For the usage assignment of a shared County vehicle(s) among casual users to conduct official County business, only the approval by the Department's respective Director is required.

For the usage of personally owned vehicles to conduct official County business, approval is required of the Mayor, pursuant to the Maui County Code Chapter 2.52. The reimbursement of actual miles driven in a personally owned vehicle to conduct official County business requires approval of the Department Director. See also Section E, Use of Personal Vehicle.

On an annual basis, Department Directors must also complete the following forms and submit to the Risk Management Officer:

- a) County of Maui Authorized Drivers List - Employees (Attachment F)
- b) County of Maui Authorized Drivers List – Non-County Employees and Volunteers (Attachment H)

### **C.6.2. Assigned County Vehicle – Special Requirements**

To request the usage assignment of *Assigned County Vehicle*, the requesting Department must prepare a written justification addressing the operational necessity and

cost effectiveness for the requested usage assignment relevant to the specific position and function.

The Department's written justification must clearly demonstrate in detail that the requested usage assignment and vehicle type, if a specific vehicle is deemed necessary, will be more efficient, productive, cost effective, safer and/or any other validated reason(s). The justification should demonstrate how the requested usage assignment and type of vehicle, if applicable, will be better able to meet its department and division's objective(s), and discuss any potential savings and/or increased productivity, if relevant. The justification should also include explanations of unique factors that warrant special considerations. Broad, general statements without detailed and substantiating support are unacceptable.

The Minimum Use Mileage Evaluation & Determination Worksheet (Attachment C) must also be completed and submitted with the written justification. Refer to Section C.4, Determination of Department Authorized Uses, for additional discussion on the evaluation criteria.

The justification shall be reviewed and approved by the responsible Department Director, and submitted to the Managing Director for **final** approval.

All properly approved justifications will be valid for a period not to exceed twelve consecutive months commencing from the date of approval.

An approval obtained in a previous year does not constitute approval in the subsequent year.

County employees approved with the usage assignment of *Assigned County Vehicle* are required to complete the Custodian Agreement (Attachment D), see also Section C.6.1.

#### **C.7. Authorized Passengers**

County vehicles may be used to transport persons other than the authorized vehicle operator if these persons are necessary to expedite the official County business and/or are directly related to the official County business being performed by the authorized vehicle operator.

County vehicles may also be used to transport other local, state and federal government employees for the purpose of conducting official County business and car pooling to meetings, trainings and conferences.

All passengers must be first approved by the Department Director.

## **D. TAKE HOME VEHICLES (THVs)**

### **D.1. General Use Provisions**

The County of Maui recognizes that, under certain circumstances, it is in the best interest of the County to allow an employee to utilize a County vehicle for the purposes of travel to and from their domicile to their respective worksite. Typically, this would be in the case of employees whose job duties require their direct and immediate response to emergency situations during non-County business hours who are officially assigned on-call status.

THVs shall be utilized for the sole purpose of transportation from the employee's worksite to the employee's domicile. THVs shall not be utilized for any other personal or non-County related travel or for pleasure. Employees shall be encouraged to utilize the most direct route to and from their worksite and respective domiciles.

THVs are not intended to be perceived as personal property or interpreted as a salary supplement or fringe benefit.

Provisions in this section are not intended to supersede the provisions of any other sections of this policy, the County of Maui Motor Vehicle Policy.

### **D.2. Approval**

Approval of the assignment of a THV shall be the responsibility of the Managing Director. THV evaluations, justifications and approvals shall be conducted no less than annually.

All THV assignments of County vehicles shall be first reviewed and evaluated by the responsible Department Director. The Managing Director shall approve the justification and grant THV designations on an annual basis, valid for twelve consecutive months commencing from the date of approval of the Managing Director.

Approval of the THV designation attained in a preceding year is not considered automatic approval for a subsequent year.

Approval shall be on a case by case basis, and shall be granted at the discretion of the Managing Director.

Employees approved with the usage assignment of *Take Home Vehicle* are required to complete the Custodian Agreement (Attachment D), see also Section C.6.1.

### **D.3. Assignment Guidelines**

Nothing in this policy implies that any employee, by virtue of their job duties or position, is entitled to the assignment of a THV.

County vehicles are not assigned, nor shall they be used, for the convenience of the employee with regard to transportation needs or other non-business activities regardless of the location of his/her domicile.

A THV assignment may be discontinued at any time at the discretion of the Managing Director.

### **D.4. Justification Documentation**

Consideration of a THV assignment to a County employee first requires the requesting Department Director to submit to the Managing Director written justification for the requested THV assignment addressing the operational necessity and cost effectiveness for the requested usage assignment relevant to the specific position(s) and function(s). The Department Director must have a written justification for each THV assignment in the department.

The Department's written justification must clearly demonstrate in detail that the requested usage assignment and vehicle type (if a specific type of vehicle is deemed necessary) is necessary to produce more efficient, cost effective, and/or safer results or for other valid reason(s). The justification should also explain how the requested usage assignment and type of vehicle, if applicable, will be better able to meet the department and division's objective(s). Any potential savings and/or increased productivity, if relevant, should also be described. The justification may include explanations of unique

factors and considerations. Broad, general statements without detailed and substantiating support are unacceptable.

The evaluation for a request for a County owned take home vehicle assignment shall include the following:

- a) Statement from the Department Director supporting the assignment of the County owned vehicle to the employee.
- b) Completed Cost of Commuting Worksheet For County Owned Take Home Vehicles (see Attachment A) and Minimum Use Mileage Evaluation & Determination Worksheet (see Attachment C).
- c) Detailed description of the Primary and Secondary Criterion (below) that the employee's job requirements meet:
  - i. Primary Criteria:
    - (1) Frequent non-duty call outs. Frequent = average over time period of the assignment, of at least one call every two weeks (non-duty).
    - (2) Employee is required to respond to non-duty call outs and use of County owned vehicle is required for proper emergency response.
    - (3) Employee is required to respond to non-duty call out within a limited time frame established by the department and traveling to a secure a county vehicle would prevent the employee from meeting response time standards.
    - (4) The employee must use specialized equipment carried in a county owned vehicle to effectively carry out their duties during a non-duty call out.
  - ii. Secondary Criteria:
    - (1) There may be exceptional circumstances where operational efficiency necessitates a County owned vehicle being taken home by an employee.
    - (2) The efficiency impact must be documented to the Managing Director in writing and should reference the benefits versus the costs of the assignment or the department's service standards.
    - (3) The Managing Director deems that it is in the best interests of the County to assign a THV to an employee by virtue of the responsibilities of their position.

## **D.5. Reporting Requirements**

It shall be responsibility of the Department Director to ensure all reporting requirements are met by the employee granted a THV assignment.

### **D.5.1 Daily Activity**

The County has interpreted the Internal Revenue Code for purposes of this policy; this interpretation is not intended to provide legal or tax advice. The Internal Revenue Code (IRC) Publication 15-B (January 2012) stipulate that "separate records for business and personal mileage are required" in accordance with IRC Section 274(d) by employees who utilize an employer-provided vehicle for both business and personal purposes. Publication 15-B cites commuting between residence and work as an example of personal use (refer to Section D.5.2. Personal Usage of County Vehicle).

All employees approved for the assignment of a THV shall be required to keep a daily mileage log (see Attachment B, Daily Vehicle Usage Log For County Owned Take Home Vehicles) recording all activities and miles traveled with the assigned County THV.

The daily log must be available for inspection by the employee's supervisor, Department Director, Department of Management and/or Managing Director at all times. This log shall include, at minimum, the following elements:

1. Employee Name
2. Date of call out/non-duty event
3. Time of initial response to call out
4. Time of completion of call out
5. Address of incident/event
6. Nature of call out (Normal Duty or Off Duty Callout, include details)
7. Mileage at start of call out (at residence)
8. Mileage at end of call out (at residence)
9. Fueling data including the date and number of gallons
10. Summary totals of mileage at the end of each month and year

### **D.5.2 Personal Usage of County Vehicle**

County vehicles, including THVs are not intended, nor shall be perceived, as personal property or a salary supplement.

The County has interpreted the Internal Revenue Code for purposes of this policy; this interpretation is not intended to provide legal or tax advice. An authorized employee's

personal usage of a County vehicle may be assessed as taxable benefits to the employee for personal taxation purposes. Publication 15-B cites commuting between residence and work as an example of personal use. Compliance with Internal Revenue Code (IRC) Publication 15-B (January 2012) and Section 274 regarding the reporting of personal auto usage is required of all employees assigned a County vehicle, as applicable.

All employees with an approved THV assignment are required to complete a Computation of Benefit form (Attachment I) on a monthly basis in accordance with the IRS requirements regarding the reporting of personal auto usage. Compliance and enforcement is coordinated by the Department of Finance. Reporting requirements shall be communicated annually to affected employees by the Director of Finance through the Accounts Division (Payroll) of the Finance Department. The Department of Finance may consolidate the Computation of Benefit form and the Daily Vehicle Usage Log For County Owned Take Home Vehicles.

Department Directors shall ensure its employees satisfy the requirement of reporting the personal usage of a County vehicle in a timely manner.

Immediately upon approval of a THV assignment by the Managing Director, the Department Director of the employee authorized for a take home vehicle shall notify the Accounts Division via the Director of Finance.

## **E. USE OF PERSONALLY OWNED VEHICLE**

### **E.1. Governing Authority**

The use of a personal vehicle to conduct County business shall comply with the Maui County Code, Chapter 2.52:

#### Section 2.52.010 – Approval of mayor or council chairman required.

“Any use of a privately owned vehicle by an officer or employee of the county in the performance of his or her duties shall be subject to the prior approval of the mayor or, in the case of the county council and its staff, the council chairman.”

The approval required of the Mayor shall be designated to the Managing Director.

Section 2.52.020 – Insurance.

“Prior to the granting of such approval, such car shall be covered by the county’s fleet insurance policy as cars now owned by the county used for county business (insurance for non-owned cars).”

Section 2.52.030 – Reimbursement claims.

“Any officer or employee who uses a privately owned vehicle for authorized county business shall be reimbursed at the rate equal to the average mileage rate granted under collective bargaining agreements between the county and its officers or employees. All such claims for reimbursement shall be itemized and submitted monthly.”

Section 2.52.040 – Review of claims.

“The department head or the appointing authority shall review all such claims for reimbursement and must approve the same before the payment thereof.”

**E.2. Approval and Reporting Requirements**

The approval required of the Mayor, shall be designated to the Managing Director, and shall be documented on the Authorization For Use of Private Vehicles For County Business form (Attachment G).

The Authorization For Use of Private Vehicles For County Business form must be in completed in advance, prior to the utilization of the personally owned vehicle to conduct official County business.

Only mileage traveled for conducting official County business shall be subject to reimbursement. The County of Maui shall use the optional standard mileage rate as established by the Internal Revenue Service (IRS) as its mileage reimbursement rate for the mileage traveled in the use of personally owned vehicles. The mileage rate shall be based on IRS updates and communicated to all departments, on a regular basis by the Department of Finance. Mileage reimbursements shall be made via the County of Maui Claim For Mileage Reimbursement form (Attachment J).

## **F. VEHICLE OPERATOR RULES**

### **F.1. General Provisions**

The utilization of County vehicles shall adhere to the following:

1. County vehicles shall be utilized only by vehicle operators who have attained the proper authorizations in accordance with this policy.
2. A valid current driver's license for the State of residence is required to operate a County vehicle. Employees who operate a County vehicle classified as a commercial motor vehicle must have a valid Commercial Driver's License (CDL).
3. The vehicle operator shall be responsible for complying with State, County and municipal laws and regulations. The vehicle operator will be personally responsible for payment of any fines, traffic and/or parking violations and attorney's fees in connection therewith.
4. The use of all tobacco products in County vehicles is strictly prohibited. Smoking is not allowed in any County vehicle.
5. No alcohol beverages, illegal drugs, drug paraphernalia, or weapons, except in the lawful course of official duties may be used or transported in County vehicles.
6. The operation of County vehicles and/or THV, by employees under the influence of alcoholic beverages, intoxicants or illegal drugs, in any amount, is prohibited.
7. Use of cell phones, Ipads, or other electronic devices, while operating a County vehicle is prohibited, unless authorized with a hands-free device by the Department Director to fulfill job-related requirements.
8. No County vehicle is to be left unattended and running except when running is required to operate specialty accessory equipment such as air compressors, hydraulic tool circuits and generators or power electrical equipment.
9. The vehicle operator shall not allow the vehicle to sit idle with the engine running unless necessary and reasonable in the conduct of official County business.

10. The vehicle operator and passengers shall wear safety belts and adhere to all motor vehicle laws while the County vehicle is in operation.
11. The vehicle operator shall be responsible for the cost-effective management use of fuel for the deliverance of County services.
12. In the event of an accident, authorized vehicle operator is responsible for the immediate reporting of the accident to his/her supervisor, immediate filing of a Police Report, immediate completion of the Vehicle Accident Report (see Attachment T) and its filing with the Risk Management Division (Department of Finance), Department of Management and the Department of Corporation Counsel. All requirements pursuant to procedures set forth in the Loss Control Program maintained by the Risk Management Division shall also be followed.
13. County vehicles shall be inspected by the authorized vehicle operator prior to and immediately after operating a County vehicle. The completion of the Drivers Pre & Post Vehicle Inspection Report (Attachment K) by the authorized vehicle operator shall fulfill this requirement. Refer also to Section F.3. Vehicle Inspections.
14. Personal items of the authorized vehicle operator and authorized passenger(s), if any, shall not be left unattended and/or stored in a County vehicle when the County vehicle is not in operation.

#### **F.2. Driver Eligibility/ Minimum Requirements**

The operation of a County vehicle is a privilege that may be withdrawn at any time. In order to operate a County vehicle or a personally owned vehicle for County business, an individual must have completed the following:

1. Have in their possession a current, valid operator's driver's license and have obtained the written authorization to drive County vehicles and/or personally owned vehicles to conduct official County business.
2. Employees hired after the effective date of this policy shall provide traffic abstracts to the Department of Personnel Services (DPS) on or before the employee's start date, which shall be kept on file by DPS and made available

upon request to Department Directors in order to comply with the provisions of this policy.

3. Have read and clearly understand County driving rules and motor vehicle insurance requirements and procedures.
4. Have knowledge in daily safety inspection and maintenance, tire and wheel changing, and emergency roadside procedures.
5. Employees who operate a vehicle are required to report suspension or revocation of their drivers' license to their supervisor who will in turn advise the Risk Manager of this fact. **Failure of any employee to report a change in license status will result in disciplinary action.**

### **F.3. Vehicle Inspections**

Authorized vehicle operators of County vehicles shall perform the following:

1. Prior to the initial use of any vehicle each day, the driver shall walk around and inspect the vehicle for damage, inoperable lights, loose hardware, tire condition or any other condition, which might create an unsafe situation. Compliance to this requirement shall be evidenced by the completion of the Drivers Pre & Post Vehicle Inspection Report (Attachment K).
2. The Drivers Pre & Post Vehicle Inspection Report (Attachment K) shall be submitted to the employee's immediate supervisor upon completion, for review and filing.
3. Any deficiency identified in the inspection process shall be reported by the vehicle operator to his or her supervisor immediately. It will be the supervisor's responsibility to ensure that appropriate action is taken to correct the problem. The vehicle shall be placed out of service until the deficiency is corrected.
4. Any incident involving a County motor vehicle resulting in an accident, traffic/moving citation, parking violation, and/or theft shall be documented and reported by the vehicle operator to his/her supervisor immediately and Division Administrator for appropriate action. A Vehicle Accident Report (see Attachment T) should be completed to report any vehicle related incident resulting in potential

bodily injury, property damage and/or loss of County property. A Police Report should also be filed as appropriate. Refer also to Section F.1. General Provisions, item 12.

#### **F.4. Parking**

Authorized vehicle operators of County vehicles shall comply with the following:

1. County vehicles shall not be parked in "NO PARKING" zones except in an emergency situation or in the required performance of official County duties. Any time a vehicle is parked in a "NO PARKING" zone emergency hazard lights **will be turned on**.
2. No County vehicle of any type will be left unattended with the ignition key left in the ignition.
3. When leaving the County vehicle, the parking brake should be set and the doors locked.
4. Employees who utilize a metered parking space for a County vehicle will pay the meter for the duration of the stay.

#### **F.5. Driving**

Authorized vehicle operators of County vehicles shall comply with the following:

1. Seat belts will be worn at all times.
2. Windshields will be up on all vehicles at all times.
3. Doors will not be removed from any vehicle nor will they be tied open.
4. Turn signals will be in working order and be utilized by all drivers at all times in ample time to warn oncoming or following vehicles of the intent.
5. Vehicle lights will be used from thirty minutes after sunset to thirty minutes before sunrise while a vehicle is in operation.

6. Driver will ensure that windows, headlights, taillights, and wipers are clean and in operating order at all times.
7. Tailgates will be up and locked when vehicles are in motion. If a vehicle's function requires the tailgate to remain open, a red flag will be attached to the outward corners of the gate to make clearly visible the extended portion of the tailgate. Additionally, any equipment shall be secured to the vehicle.
8. In all cases including the loading of a truck, compliance with state law and the condition of the vehicle is the driver's sole responsibility.
9. If a vehicle does not have a tailgate but is loaded, the driver of the vehicle will insure that the load is secure and that overhangs are properly marked in accordance with state law.
10. Passengers shall ride only in seats designated for passengers.
11. Operators will take caution in reversing the vehicle; carefully checking around the vehicle, and when necessary and/or when a complete visual view is limited, another person should guide the vehicle operator when reversing the vehicle.
12. Riding on running boards of trucks is prohibited.
13. Except in authorized emergencies, posted speed limits will be adhered to.
14. Drivers will direct their full attention to driving only. A person other than the driver will make necessary inspections of streets, trees, signs, etc. Activities other than driving such as eating and drinking shall be prohibited, and activities such as leaning over or reaching for something, adjusting the controls of the audio system, and using a cell phone shall be avoided.
15. During periods of limited visibility or anytime windshield wipers are in use, the headlights will be turned on.
16. Consumption of alcoholic beverages or narcotics, in any amount, immediately prior to or while operating a County vehicle is prohibited.
17. There shall be only one rider per seat belt location.

18. County vehicles are to be used for official business only. Transportation of private citizens, unless as a part of an official or authorized function and approved, is prohibited.
19. Trailers are to be fastened securely to hitches. Safety pins in pintail locks will be used. Safety chains will be crossed under the hitch and securely fastened before moving the vehicle.
20. All items that might be transported either in a truck or trailer, which may move around during transport, will be secured.

#### **F.6. Custodian Responsibilities**

All authorized **custodians for an assigned County vehicle** will comply with the following laws and responsibilities:

1. Authorized custodian is responsible for ensuring that the vehicle is maintained properly in accordance with the Manufacturer's Owner's Manual. Additionally, the custodian shall comply with the requirements of the Department of Public Works, Highways Division Garage Services for vehicle maintenance and repair or the requirements of the custodian's department if it provides its own maintenance and repair services to its vehicles. Repairs of vehicles shall be done in a timely manner.

The Department of Public Works requires that any assistance regarding the maintenance and repair of County vehicles requested of Garage Services shall be requested in writing via the Department of Public Works Work Request Form (Attachment R) which is currently available in hard copy at the Director's Office, Department of Public Works, and is available on-line on the Department of Public Work's intranet site.

2. Operation of the County vehicle is restricted to the authorized custodian or other properly licensed County employees who are authorized to drive County vehicles. Family members are prohibited from operating County vehicles.

3. Authorized custodian, with take home vehicle privileges, shall be required to enter into a Custodian Agreement (See Attachment D) and shall transmit a copy of the approved Agreement to the Risk Manager, Finance Department, within two weeks of approval.
4. Authorized custodian, with take home vehicle privileges, is responsible for providing reasonable care and protection of the County vehicle at custodian's home.
5. Authorized custodian is responsible for the documentation and reporting of usage in accordance with Section D.5. Reporting Requirements, which includes daily activity reporting and personal auto usage pursuant to Internal Revenue Service Code Section 274.

## **G. VEHICLE ACQUISITION, REPLACEMENT AND DISPOSAL**

### **G.1. Authorization**

All vehicles shall be purchased for authorized County use only.

The approval and management of all vehicle purchases shall be the responsibility of the Department of Management. All vehicle purchases require the approval of the Managing Director. The Purchasing Division of the Department of Finance shall not process any bid solicitations and/or purchase orders for vehicles unless approval by Managing Director has been obtained by the requesting Department.

While the Department of Management recognizes the inherent need for the County to secure vehicles for the performance of assigned duties, it shall be accomplished at the lowest possible cost to the County.

To the extent practical and cost-beneficial, the Department of Management shall also consider developing vehicle standards and guidelines (minimum specifications), which shall also include features to promote fuel efficiency.

## **G.2. Procurement Justification**

All requests for vehicle purchases (new acquisition and replacement) shall first be made in writing to the Managing Director with a clear justification for the need of the vehicle.

The vehicle purchase request shall be submitted by the requesting department and signed by its director certifying his/her support and recommended approval. Items to be addressed for the request of vehicle are included in Sections G.3., New Acquisition, and G.4., Replacement, of this policy.

## **G.3. New Acquisition**

Requests for new vehicles shall be evaluated based on the requesting department's and agency's responses to the following questions listed below. Attachment P includes these questions in a form for the departments' use when requesting approval for the new acquisition of a motor vehicle. (Note: If the acquisition of a vehicle is to replace an existing vehicle, refer to Section G.4., Replacement.)

1. What is the intended use/purpose of the vehicle? What is the daily function(s) it must perform?
2. Describe in detail the function it must perform, including driving routes and miles, and the frequency of performance in a normal routine or cycle of work (which may be daily, weekly, monthly, etc.).
3. Will the vehicle be used continuously throughout the day? What portion(s) or hours of the day will the vehicle be used if not continuously?
4. What is the vehicle type requested and what is needed (specifications) to perform the job for which is intended?
5. Explain the circumstances that now require the addition of a vehicle to perform the job.
6. Will any specialty equipment or accessories be needed?
7. What is the anticipated average monthly mileage of official use?

8. What is the estimated minimum mileage per year that this vehicle will be driven? (Complete the Minimum Use Mileage Evaluation & Determination Worksheet, see Attachment C.)
9. Is there an existing vehicle(s) available in this division, or other divisions within the department that can be also used to accommodate this need? What considerations have been given to consolidating vehicle use?
10. Prepare a cost benefit analysis. The analysis should reasonably estimate the direct costs of acquiring the requested vehicle (i.e. costs of vehicle and any special equipment, etc.) and the potential benefits to be derived by the County resulting from acquiring the vehicle (i.e. quantified cost savings from efficiencies gained, increased productivity, etc.). The analysis should clearly demonstrate the financial impact of the acquisition.

#### **G.4 Replacement**

Requests for the replacement of an existing County vehicle shall be evaluated pursuant to the guidelines set forth in the Department of Public Works Motor Vehicle and Equipment Replacement Policy (2001) briefly summarized below. Guidelines and criteria included in the Department of Public Works Motor Vehicle and Equipment Replacement Policy are subject to change, and shall be reviewed and updated, as necessary, on an annual basis by the Director of Public Works.

The vehicle requested for replacement consideration must meet at least two of the following criteria:

1. Passenger vehicles (sedans, station wagons, vans, light pick up trucks) - 7 years or 100,000 miles;
2. The unit, when operated, endangers the safety of the operator, passengers and/or people that are in close proximity to it, and that the repair costs to address safety issues exceed its replacement acquisition cost;
3. The unit cannot be repaired due to unavailability of parts;
4. The repair cost of a unit damaged by accident or other causes exceeds the actual cash value of the unit prior to the damage;

5. The accumulated MAJOR repair costs plus the anticipated additional repair costs to recondition the unit exceeds 50% of the replacement acquisition cost;
6. The history of annual cost of renting a substitute for a unit that is sidelined for an extended period due to difficulty in obtaining parts exceeds the average annual cost of a new unit; or
7. The unit is obsolete and is no longer suitable for the mode of operations.

The requesting department should also ensure replacement vehicle purchase requests address the following in its justification:

1. What is the vehicle year and current mileage reading?
2. What are the average miles of official annual usage for the past 3 years?
3. What is the need for the continued use of the vehicle to maintain the present level of service? Describe in detail the function it must perform, including driving routes and miles, and the frequency of performance in a normal routine or cycle of work (which may be daily, weekly, monthly, etc.).
4. Describe the impact on operations if the vehicle is not replaced.
5. Identify opportunities to substitute the vehicle with another without curtailing other essential services. Is there an existing vehicle(s) available in this division, or other divisions within the department that can be also used to accommodate this need? What considerations have been given to consolidating vehicle use?
6. What is the estimated minimum mileage per year that this vehicle will be driven? (Complete the Minimum Use Mileage Evaluation & Determination Worksheet, see Attachment C.)
7. Prepare a cost benefit analysis. The analysis should reasonably estimate the direct costs of acquiring the requested vehicle (i.e. costs of vehicle and any special equipment, disposal costs, etc.) and the potential benefits to be derived by the County resulting from acquiring the vehicle (i.e. quantified cost savings from efficiencies gained, increased productivity, etc.). The analysis should clearly demonstrate the financial impact of the acquisition.

A form for the departments' use to address the above requirements when requesting approval for the replacement of an existing vehicle is included as Attachment Q.

#### **G.5. Procurement Procedures**

Upon approval of a vehicle acquisition and/or replacement request by the Managing Director, vehicle purchase requests shall be consolidated to ensure operational efficiency and effectiveness for procurement purposes. The purchase of vehicles shall be coordinated by the Department of Finance (Purchasing Division).

The acquisition of all vehicles shall utilize a coordinated procurement approach to include possible standardized fleet minimum specifications with a list of qualifying vehicles established by the departments of Finance (Purchasing) and Public Works (County Garages) and approved by the Managing Director.

The list of qualifying vehicles shall be determined annually and shall be developed based on several factors including, but not limited to: capital cost, life cycle cost, availability, fuel savings, job suitability, operational convenience, depreciation, resale value, maintenance convenience, repair records, availability of replacement parts, safety records, economy of operation, service ability, warranty programs, administrative ease, legal requirements, fuel efficiency features and standardization of similar brands. Each County vehicle shall also be clearly marked as a County of Maui vehicle with identifiable County logos and/or decals placed on the vehicle.

Replacement purchases shall be made according to the County of Maui's purchasing and procurement policies.

If approval is granted for a replacement unit, the unit may be assigned to the Department/Division/Section and used predominantly for the purposes for which the replacement request was approved. However, the replacement vehicle shall also be shared with other departments for other official County business unless it has been properly authorized and designated as an assigned vehicle. The shared use of the vehicle will be determined by the Department of Management.

Immediately upon acceptance of the vehicle by the County, registration and placement in service, the requesting department must comply with the Department of Finance requirements to add the vehicle to the County Fixed Assets (inventory) records (i.e. completion and filing of the Inventory Input Sheet – Items Greater Than Or Equal to

\$1000 Property Additions, Transfers or Corrections form). The vehicle shall be added to the IFAS Fixed Assets records in a timely manner by the Department of Finance Accounts Division. All inventory forms shall be processed in the same month that it is received by the Department of Finance (if received by the month-end cut-off date as established by the Department Finance).

#### **G.6. Disposal Procedures**

All vehicle disposals shall be properly authorized for disposal and accurately removed from the County Fixed Assets records. The Department of Finance is responsible for maintaining accurate and complete inventory records for the County of Maui.

All vehicle disposals shall comply with Maui County Code (MCC) Chapter 2.72, Disposal of County Personal Property. The Department of Finance maintains the following procedures which are summarized below:

##### 1. Required Written Application

A written application must be submitted to the Director of Finance by the department in custody of the vehicle prior to the actual physical disposal of a County vehicle.

This required written application is the Request To Dispose of County Property (Attachment L) accompanied with a Removal From Inventory form. The vehicle to be disposed and the method of disposal (auction, trade-in, grant, etc.) must be identified on the application and transmitted to the Director of Finance for approval. These forms are available with the Department of Finance, Accounts Division.

The application must first be signed by the director of the requesting department and notarized, then submitted for approval by the Director of Finance. The Request To Dispose of County Property must be approved prior to the actual physical disposal, trade-in, auction, etc. of the vehicle.

##### 2. Approval of Application

The application requires the signature of the Director of Finance to indicate approval of the requested disposal and disposal method of the vehicle.

### 3. Disposal

The Department of Finance requires that the department receive the approved application prior to the department physically disposing of the vehicle. The employee witnessing the disposal must then sign the application verifying the physical disposal and return the application back to the Department of Finance.

### 4. Removal From Inventory Records

The completed application and Inventory Input Sheet must be returned to the Accounts Division of the Department of Finance immediately following the actual disposal by the department. The Department of Finance Accounts Division updates the County of Maui inventory records (IFAS) only upon receipt of the completed form(s). The Department of Finance Accounts Division shall update the County of Maui Fixed Assets records timely. All inventory forms shall be processed in the same month that it is received by the Department of Finance (if received by the month-end cut-off date as established by the Department Finance).

### 5. Removal of all County emblems, etc.

All County emblems and markings shall be removed from a County vehicle by the responsible department prior to the physical disposal of the County vehicle.

Procedural requirements to ensure the accuracy of the County of Maui inventory records are the responsibility of the Department of Finance.

## **H. MAUI COUNTY DEPARTMENT OF POLICE**

The Department of Police shall comply with its General Orders Chapter 304 – Police Vehicles and Standard Operating Procedures Chapter 104 – Vehicle Replacement (refer to Attachment N).

## **I. MAUI COUNTY DEPARTMENT OF FIRE & PUBLIC SAFETY**

The Department of Fire and Public Safety shall comply with its vehicle policy; refer to Attachment S.

## **J. VEHICLE USE BY NON-COUNTY EMPLOYEES AND VOLUNTEERS**

### **J.1. Corporation Counsel Advisory Opinion**

Department Directors should be careful in their consideration, evaluation and determination in allowing non-County employees and volunteers to drive for purposes of conducting official County business.

An advisory opinion of the Department of Corporation Counsel (August 8, 2011) concludes that volunteers may be authorized to use County vehicles and personally owned vehicles in the performance of official County business. Refer also to Attachment O, for the complete advisory opinion provided by the Department of Corporation Counsel.

The department should consult with the Department of Corporation Counsel to ensure legal contractual terms between the County and Non-County agency of the employee and volunteers are properly established and executed.

### **J.2. Approval**

Departments utilizing non-County employees and volunteers to operate County vehicles and/or personally owned vehicles for purposes of conducting official County business must be approved in writing by the respective Department Director and Managing Director.

Non-County employees and volunteers shall not operate a motor vehicle for official County business unless all requirements set forth in this policy have been fully satisfied.

### **J.3. Documentation Requirements**

The Department Director shall ensure all names of non-County employees and volunteers authorized to use County vehicles are reported on the County of Maui Authorized Drivers List – Non-County Employees and Volunteers (Attachment H).

The Department Director shall also ensure that a Consent and Hold Harmless Agreement shall be executed for all volunteers utilizing County vehicles and/or personally owned vehicles. Volunteers using personally owned vehicles shall also complete an Authorization For Use of Private Vehicle For County Business By Volunteer (refer to Attachment M for both forms). Due to the nature of the volunteer's activities may vary considerably, the Consent and Hold Harmless Agreement should first be reviewed and approved for form and legality by the Department of Corporation Counsel prior to execution by the department.

The department should also seek guidance from the Department of Corporation Counsel to determine that all legal contractual requirements, as needed, are properly addressed.

### **J.4. Responsibilities**

Department Directors shall be accountable for the enforcement of this provision with non-County employees and volunteers who operate vehicles to conduct official County business on behalf of their department.

Division Administrators shall ensure that non-County employees and volunteers are informed of the relevant provisions of this policy.

Non-County employees and volunteers authorized to operate County vehicles or personal vehicles for the purpose of conducting official County business shall comply with the provisions of this policy.

## K. PERPETUAL VEHICLE INVENTORY AND RECORDKEEPING

The Department of Finance shall act as the central depository of vehicle information for the County of Maui. The Director of Finance is responsible for maintaining the perpetual inventory of all County vehicles, and shall establishing effective procedures to ensure that the inventory is accurate and updated on a monthly basis, with the department directors' certification of their department's physical inventory at minimum, on an annual basis. Vehicle inventory records shall be complete as of June 30 of each year for Self Insured Retention (SIR) renewal and underwriting.

The composite vehicle inventory records shall include, but is not limited to: vehicle license number, vehicle identification number (VIN), make, model, year, description, class of vehicle, cost and year placed in service. The vehicle inventory records shall identify the vehicles in each department by division.

The department directors shall accurately and timely report vehicles to the Department of Finance upon acquisition with the completion of the Inventory Input Sheet – Items Greater Than Or Equal to \$1000 Property Additions, Transfers or Corrections (refer also to Section G.5., Procurement Procedures, of this policy).

The department directors shall also accurately and timely report vehicles to the Department of Finance upon disposition with the completion of the Request To Dispose of County Property accompanied with a Removal From Inventory form (refer also to Section G.6., Disposal Procedures).

The Department of Finance shall update departments' vehicle inventory records in the same month that the form(s) are received (if received by the month-end cut-off date as established by the Department Finance).



**Cost of Commuting Worksheet For County Owned Take Home Vehicles (THV)**

Note: Commuting miles are miles traveled with a THV between residence and work site.

Date of Analysis:

Prepared By (Print Name):

Prepared By (Signature):

Department:

Division:

Employee Name:

Position Title:

Vehicle Make/Model/Year:

Approved by (Director) & Date:

**Instructions:** Complete requested information above and provide the following information below: license number, VIN, average vehicle MPG, commute miles, cost of one gallon of 87 octane gas. (Do not fill shaded spaces, this information will calculate based on your input.) Be sure to obtain Department Director's approval. Form is required to request for THV approval. See also the COM Motor Vehicle Policy Section D, Take Home Vehicles (THV).

License No.	VIN	Average Vehicle MPG	Commute Miles (Round Trip Total)	Commute Days Per Month (average 21 days)	Monthly Commute Miles
				21	0

Cost of Commute Calculation		
Category	Amount	
Monthly Commute Miles	0	
Average Vehicle MPG	0	
Gallons Per Month	0.000	= Monthly Commute Mileage/ Average Vehicle MPG
Cost of One Gallon of 87 Octane Gas	\$ 4.75	Input Current Price (at date of analysis)
Cost of One Month's Commute	\$ -	= Gallons Per Month X Cost Per One Gallon of Gas
Number of Months in Year	12	
Total Cost of Gas for Annual Commute	\$0.00	= Cost of One Month's Commute X Months in Year

**Attachment A**





**MINIMUM USE MILEAGE EVALUATION & DETERMINATION WORKSHEET**

Department:

Division:

Position Title(s):

Duties:

Recommended Vehicle:	<input type="text"/>					
	Make	Model	Year	License #	Asset #	Odometer Reading & Date

Prepared by (Print):

Prepared by (Signature):

Date:

Approved by Director:

Date:

**Instructions:** This worksheet serves to document mileage driven a given vehicle to help evaluate and determine vehicle utilization on an annualized basis and shall be prepared for every County vehicle.

This worksheet should be completed as accurately as possible with estimates used as necessary. If travel activity is recurring on a monthly basis, one form may be completed and annualized. If travel activity is not recurring and varies from month to month, a worksheet may be prepared to reflect the varying months, then summarized to calculate an annualized estimate. Do not fill shaded spaces; this information will calculate based on your input.

See also the COM Motor Vehicle Policy Section C, County Vehicle Usage and Assignment, Section D, Take Home Vehicles (THV), and Section G, Vehicle Acquisition, Replacement and Disposal.

Period/Month of Review :

	Activity Description	Purpose	From (Address/Location)	To (Address / Location)	Miles	Frequency (# of times per month)	Total Miles Per Mo.	Comments (indicate if estimated or actual)
1							0	
2							0	
3							0	
4							0	
5							0	
6							0	
7							0	
8							0	
9							0	
10							0	
11							0	
12							0	
13							0	
14							0	
15							0	
	Month Total						0	
	Annualized							

**Attachment C**



**County of Maui  
CUSTODIAN AGREEMENT  
County Vehicle**

As an authorized **CUSTODIAN** of a Maui County vehicle, I understand and agree that:

1. When I receive a County of Maui vehicle, I will at all times exercise good judgment in decisions affecting the maintenance and safe operation of the vehicle. I will read and comply with the manufacturer's "Owner-Operator Manual" and County of Maui Vehicle Policy.
2. The personal use of a County vehicle is prohibited. Operation of the County vehicle is restricted to my use or other properly licensed active employees who are authorized to drive County vehicles and solely for the purpose of conducting official County business. As a CUSTODIAN of a County Vehicle, if I expect to be away from work due to illness, jury duty or other reasons for a period of one week or more, the County vehicle may be temporarily assigned to another employee at the discretion of the Department Director.
3. I will strictly comply with applicable state and local laws and regulations while operating the County vehicle. I will personally be responsible for the payment of fines, traffic and/or parking violations and any lawyer's fees resulting from the violation of applicable state and local laws and regulations while operating the County vehicle. In the event of any accident, fire or theft, I will file reports in accordance with the County of Maui Vehicle Policy.
4. I accept responsibility for the responsible and reasonable care of the County vehicle. As an authorized user, I acknowledge that I may be held liable for the cost of repairs and any other liability, costs, damages as may be required, imposed or determined by law and/or other administrative or judicial proceeding, for an accident caused by my negligence, (as determined by Corporation Counsel, Police Reports or other pertinent information), an unauthorized driver or an accident unrelated to official County business. Pursuant to HRS Section 78-21, "Except in cases of gross negligence, no public officer or employee shall be liable for damages to government property if such damages to government property were caused by the public officer or employee while performing work within the scope of the officer's or employee's employment."
5. I will conduct a pre and post inspection of my assigned vehicle on a daily basis and report any irregularities in a timely manner.
6. Should I be in violation of this agreement and/or the County Vehicle Policy, I may be subject to disciplinary actions.

**I HAVE READ AND UNDERSTOOD THE FOREGOING AND HAVE RECEIVED A COPY OF THE COUNTY OF MAUI MOTOR VEHICLE USE POLICY.**

Authorized Custodian's Name (Print)	Authorized Custodian's Signature	Date
Position Title	Division	Department
Assigned Vehicle License #	VIN	Authorized Period of Use
Type of Usage Assignment (check one only): <input type="checkbox"/> Assigned County Vehicle <input type="checkbox"/> Take Home Vehicle		

Department Director Approval & Date

Managing Director Approval & Date

*A "Custodian Agreement" shall be executed only after all requirements for the type of usage assignment (Assigned County Vehicle or Take Home Vehicle) have been properly completed and approved (refer to Section C and D of the County of Maui Motor Vehicle Policy). A "Custodian Agreement" is required annually and each time an authorized custodian assumes responsibility for a different County vehicle.*

**Attachment D**

**Maui County Motor Vehicle Policy**

Effective Date: December 1, 2014

(Revised 10/30/2014; Supersedes Attachment D dated 7/1/2012)



**County of Maui  
CASUAL USER AGREEMENT  
County Vehicle**

*As an authorized Casual User of a Maui County vehicle, I understand and agree that:*

1. In operating a County of Maui vehicle, I will at all times exercise good judgment in decisions affecting the operation and maintenance of the vehicle. I will read and comply with the manufacturer's "Owner -Operator Manual" and the County of Maui Vehicle Policy.
2. The personal use of a County vehicle is prohibited. Operation of the County vehicle is restricted to my use or other properly licensed active employees who are authorized to drive county vehicles and solely for the purpose of conducting official County business.
3. I will strictly comply with applicable state and local laws and regulations while operating the County vehicle. I will personally be responsible for the payment of fines, traffic and/or parking violations and any lawyer's fees resulting from the violation of applicable state and local laws and regulations, while operating the County vehicle. In the event of any accident, fire or theft, I will file reports in accordance with the County of Maui Vehicle Policy.
4. I accept responsibility for the responsible and reasonable care of the County vehicle. As an authorized user, I acknowledge that I may be held liable for the cost of repairs and any other liability, costs, damages as may be required, imposed or determined by law and/or other administrative or judicial proceeding, for an accident caused by my negligence, (as determined by Corporation Counsel, Police Reports or other pertinent information), an unauthorized driver or an accident unrelated to official County business. Pursuant to HRS Section 78-21, "Except in cases of gross negligence, no public officer or employee shall be liable for damages to government property if such damages to government property were caused by the public officer or employee while performing work within the scope of the officer's or employee's employment."
5. I will conduct a pre and post inspection of the vehicle and report any irregularities in a timely manner.
6. Should I be in violation of this agreement or the County Vehicle Policy, I may be subject to disciplinary actions.

**I HAVE READ AND UNDERSTOOD THE FOREGOING AND HAVE RECEIVED A COPY OF THE COUNTY OF MAUI MOTOR VEHICLE USE POLICY.**

Authorized Casual User's Name (Print)	Authorized Casual User's Signature	Date
Position Title	Division	Department
Authorized Period of Use	Department Director Approval	Date

*A new "Casual User Agreement" is required annually.*

**Attachment E**



## COUNTY OF MAUI AUTHORIZED DRIVERS LIST

### EMPLOYEES

The following personnel are authorized to drive County of Maui motor vehicles for the

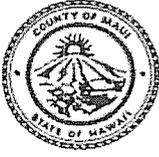
Department of \_\_\_\_\_

For the Calendar Year of 20\_\_ (January 1 to December 31, 20\_\_)

Verified for the Department by \_\_\_\_\_ Date: \_\_\_\_\_

	Last Name	First Name	Date of Hire	Date of Birth	D/L #	Expiration
1						
2						
3						
4						
5						
6						
7						
8						
9						
10						
11						
12						
13						
14						
15						
16						
17						
18						
19						
20						

### Attachment F



DEPARTMENT OF \_\_\_\_\_

**AUTHORIZATION FOR USE OF PRIVATE VEHICLES FOR COUNTY BUSINESS**

NAME: \_\_\_\_\_ POSITION TITLE: \_\_\_\_\_

DIVISION: \_\_\_\_\_

DESCRIPTION OF PERSONAL VEHICLE (Note: attach copy of vehicle registration) \*

YEAR AND MAKE: \_\_\_\_\_ LICENSE PLATE #: \_\_\_\_\_

NAME OF INSURANCE COMPANY: \_\_\_\_\_

(Note: attach copy of no-fault insurance card) \*

DRIVER'S LICENSE # \_\_\_\_\_ EXPIRATION DATE: \_\_\_\_\_

(Note: attach copy of driver's license) \*

REGISTRATION EXPIRATION: \_\_\_\_\_ SAFETY CHECK EXPIRATION: \_\_\_\_\_

(Note: attach copy of current safety check)

\* This information is used as verification of compliance with State laws.

REASON FOR USE OF PRIVATE VEHICLE:

\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
Signature of Employee

\_\_\_\_\_  
Date

\_\_\_\_\_  
Director's Signature \*\*

\_\_\_\_\_  
Date

\_\_\_\_\_  
Authorized Signature, County of Maui \*\*

\_\_\_\_\_  
Date

(To be obtained by Risk Management pursuant to  
County of Maui Motor Vehicle Policy, Section E)

\*\* Completed forms shall be first approved by the Department Director then submitted to the Risk Management Division for review and processing. Upon approval by the Managing Director, the forms will be returned to Risk Management and distributed as follows: Original to Division, Copy to Employee, Copy to Risk Management.

**Attachment G**



## COUNTY OF MAUI AUTHORIZED DRIVERS LIST

### NON-COUNTY EMPLOYEES & VOLUNTEERS

The following personnel are authorized to drive County of Maui motor vehicles for the Department of \_\_\_\_\_

For the Calendar Year of 20 \_\_ (January 1 to December 31, 20 \_\_ )

Verified for the Department by \_\_\_\_\_ Date: \_\_\_\_\_

Note: Indicate if driver is a Non-County employee (NC) or Volunteer (V).

	NC or V	Name (Last)	Name (First)	Drivers License #	Expiration Date
1					
2					
3					
4					
5					
6					
7					
8					
9					
10					
11					
12					
13					
14					
15					
16					
17					
18					
19					
20					

### Attachment H



**COMPUTATION OF BENEFIT (For Authorized Take Home Vehicle Assignments)**

**REPORTING OF PERSONAL AUTO USAGE OF COUNTY VEHICLES**  
(For Commuting To and From Work)

EMPLOYEE NAME (Print): \_\_\_\_\_

EMPLOYEE NO: \_\_\_\_\_

DEPARTMENT: \_\_\_\_\_ DIVISION: \_\_\_\_\_

PERIOD OF USAGE: \_\_\_\_\_

DAY	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	TOTAL
1													
2													
3													
4													
5													
6													
7													
8													
9													
10													
11													
12													
13													
14													
15													
16													
17													
18													
19													
20													
21													
22													
23													
24													
25													
26													
27													
28													
29													
30													
31													
<b>TOTAL</b>													

**Instructions:**

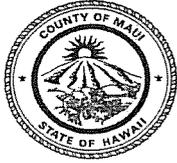
- 1) Under the appropriate month of usage, enter 1 if vehicle was used only one-way or enter 2 if vehicle was used to and from work on the same day.
- 2) If the vehicle was not used for the day, indicate reason using one of the respective codes:  
F - Furlough                      S - Sick                      C - CTO  
H - Holiday                      V - Vacation                      X - Out of the Office

**Certified by (Requesting Employee's Signature) & Date:** \_\_\_\_\_

**Approved by (Department Director) & Date:** \_\_\_\_\_

**Attachment I**





# DRIVERS PRE & POST VEHICLE INSPECTION REPORT

Safety is the most important reason you inspect your vehicle.

Driver: \_\_\_\_\_ Vehicle # \_\_\_\_\_ Miles: End \_\_\_\_\_  
 (Print Name) Date: \_\_\_\_\_ Miles: Beginning \_\_\_\_\_  
 Miles: Traveled \_\_\_\_\_

Place X if defective, √ if Satisfactory

Supervisor Review & Date : \_\_\_\_\_

**Pre Check Under Hood Check with Engine OFF!**

Comments:

- Engine Oil - Dipstick within limits
- Power Steering - Dipstick within limits
- Transmission Oil - Dipstick within limits
- Overflow Tank Coolent - Within limits
- Engine Belts - Look for cracks or broken belts
- Hoses - Look for leaks

**Walk Around Vehicle**

- Turn Exterior Lights & Hazard Lights On
- Look for Low or Flat tires, cracked rims & missing lug nuts
- Safety Check Current ?
- Windows & Windshied - Look for cracks
- Body Damage (Note any damage & location in remarks)

**Before Driving (Buckle Up for Safey)**

- Seat Belts
- Apply Brakes - For proper operation prior to trip
- Steering Wheel - Check for exessive movement
- All Gauges Working Properly

Post Check - - - - - Walk Around - - - - -

**Set Parking Brake & Lock Vehicle!**

Look for body damage, low or flat tires, leaking fluid.

Remarks: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Return Keys with Inspection Report to Department Vehicle Custodian.

Completed by (signature): \_\_\_\_\_

Date: \_\_\_\_\_

**Attachment K**

Maui County Motor Vehicle Policy

Effective Date: July 1, 2012

**COUNTY OF MAUI**  
**REQUEST TO DISPOSE OF COUNTY PROPERTY**  
**PURSUANT TO MAUI COUNTY CODE CHAPTER 2.72**

APPLICATION TO: THE DIRECTOR OF FINANCE

APPLICANT: \_\_\_\_\_  
NAME AND OFFICIAL POSITION

APPLICATION DATE: \_\_\_\_\_

1. I hereby request that the property fully described on the attached Removal From Inventory Form be disposed of in the proposed method indicated in the last column.
2. The purpose(s) for which the property is (was) used is indicated on the attached Removal From Inventory Form.
3. The estimated value of the property is set forth on the attached Removal From Inventory Form.
4. The reason for disposal of the property is set forth on the attached Removal From Inventory Form.

*I verify that the above and attached information is true and correct to the best of my knowledge.*

\_\_\_\_\_  
Signature of Department Head

STATE OF HAWAII        )  
                                  )SS.  
COUNTY OF MAUI     )

On this \_\_\_ day of \_\_\_\_\_, 20\_\_\_, before me appeared \_\_\_\_\_  
to me personally known, who, being by me duly sworn, did say that such person executed the foregoing instrument as the free act and deed of such person, and if applicable, in the capacity shown, having been duly authorized to executed such instrument in such capacity.

IN WITNESS WHEREOF, I have here unto set my hand and official seal.

\_\_\_\_\_  
Notary Public, State of Hawaii

My commission expires: \_\_\_\_\_

ACTION TAKEN:

\_\_\_\_\_  
APPROVED: DIRECTOR OF FINANCE

\_\_\_\_\_  
Date

[ ] DISAPPROVED - REMARKS \_\_\_\_\_

REPORT OF DISPOSAL:

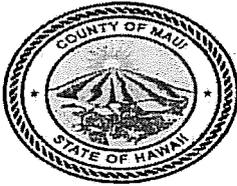
*I certify that I have participated in, or witnessed the disposal of all property in the manner indicated on the Removal From Inventory Form.*

\_\_\_\_\_  
Signature of Participant or Witness

\_\_\_\_\_  
Date

\_\_\_\_\_  
Title

Attachment L



**COUNTY OF MAUI VOLUNTEER  
CONSENT & HOLD HARMLESS AGREEMENT FORM FOR  
OPERATING COUNTY OR PERSONAL VEHICLES  
FOR OFFICIAL COUNTY BUSINESS**

The County of Maui through its Department of \_\_\_\_\_ ("County")  
will accept the following individual \_\_\_\_\_ ("Volunteer")  
as a volunteer from \_\_\_\_\_ through \_\_\_\_\_  
at its \_\_\_\_\_ ("Division") to perform the following official County  
activities and services without monetary or material gain: \_\_\_\_\_  
\_\_\_\_\_

which shall involve the operating of a \_\_\_\_\_ personal and/or \_\_\_\_\_ County vehicle. County  
personnel, \_\_\_\_\_  
Name(s) of County staff overseeing Volunteer

shall oversee and assist the Volunteer with the voluntary activities. The aforementioned Volunteer's use of a personal vehicle is duly authorized, and an Authorization For Use of Private Vehicles for County Business By Volunteer form is completed and attached hereto. The Volunteer also confirms having a valid, current operator's driver's license for which a copy has been provided to the County Department noted above.

There are certain inherent risks and dangers involved in performing the voluntary work and operating a vehicle. Being aware of these risks and dangers, the undersigned Volunteer herein consents to his/her participation as a Volunteer and in operating a motor vehicle, which for purposes of this Agreement, shall be restricted to perform only those activities and services for the County as stated above.

Further, in consideration of the permission granted to me to participate as a Volunteer, the undersigned Volunteer, hereby agrees to defend, hold harmless and indemnify and forever discharge the County from any and all claims, demands, damages, action or causes of action, claims of relief, damages, injuries, punitive or treble damages, liens, debts, costs, interests, attorney's, expert or consultant fees and other relief whether at law or in equity, whether known or unknown, suspected or unsuspected, whether past, present or future, whether sounding in tort, contract, statutory or otherwise, pursued by any persons or organizations against the County arising out of any injuries/damages that may occur as a result of my participation as a Volunteer and operating a vehicle for official county business.

The undersigned Volunteer herein states and confirms that he/she is covered by appropriate and sufficient medical and automobile liability insurance to pay for expenses resulting from personal injury or personal property damage as a result of his/her operating a motor vehicle for official County business.

\_\_\_\_\_  
Signature of Volunteer Date

\_\_\_\_\_  
Witness/ County Employee Signature Date  
Receiving Form (Print)

\_\_\_\_\_  
Approved by Corporation Counsel Signature Date  
for Form & Legality (Print)

**ATTACHMENT M (Page 1 of 2)**



DEPARTMENT OF \_\_\_\_\_

**AUTHORIZATION FOR USE OF PRIVATE VEHICLE FOR COUNTY BUSINESS  
BY VOLUNTEER**

NAME OF VOLUNTEER (Print): \_\_\_\_\_

ORGANIZATION (If Applicable): \_\_\_\_\_

DESCRIPTION OF PERSONAL VEHICLE (Note: attach copy of vehicle registration) \*

YEAR AND MAKE: \_\_\_\_\_ LICENSE PLATE #: \_\_\_\_\_

NAME OF INSURANCE COMPANY: \_\_\_\_\_

(Note: Attach copy of no-fault insurance card) \*

DRIVER'S LICENSE # \_\_\_\_\_ EXPIRATION DATE: \_\_\_\_\_

(Note: Attach copy of driver's license) \*

REGISTRATION EXPIRATION: \_\_\_\_\_ SAFETY CHECK EXPIRATION: \_\_\_\_\_

(Note: Attach copy of current safety check) \*

\*This information is used as verification of compliance with State laws.

COUNTY DIVISION VOLUNTEERING FOR: \_\_\_\_\_

REASON FOR USE OF PRIVATE VEHICLE: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
Signature of Volunteer

\_\_\_\_\_  
Date

\_\_\_\_\_  
Director's Name (Print)

\_\_\_\_\_  
Director's Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Managing Director, County of Maui (Signature)

\_\_\_\_\_  
Date

\*\* Both pages of Attachment M are required. Completed forms require the approval of the Department of Corporation Counsel for form and legality and approval of the Department Director before submission to the Risk Management Division for review and processing (refer also to Section J of the Motor Vehicle Policy). Upon approval by the Managing Director, the forms will be returned to the Risk Management Division and distributed as follows: Original to Department; Copy to Risk Management. The Department shall provide a copy to the volunteer.

**ATTACHMENT M (Page 2 of 2)**

**Maui County Motor Vehicle Policy**

Effective Date: July 1, 2012 (Revised October 9, 2012)

MAUI COUNTY POLICE DEPARTMENT  
GENERAL ORDERS  
CHAPTER 304  
FACILITIES AND EQUIPMENT

Effective date: 6/20/11

Revision date: 05/11/11

Rescinds: G.O. 304.1 (12/02/02)  
and S.O. 99-02  
New materials are underscored

Accreditation Standards: 41.1.3, 41.2.1, 41.3.1, 41.3.2, 41.3.3

**POLICE VEHICLES**  
**G.O. 304.1**

I. PURPOSE

To establish administrative policies, procedures, and operational guidelines for all police vehicles.

II. POLICY

The availability of police vehicles and required equipment is key to our departments ability to provide the community with effective and efficient police service. It is therefore the policy of this agency that all officers adhere to the procedures and guidelines set forth in this directive concerning the operation, care, and maintenance of police vehicles.

III. DEFINITIONS

POLICE VEHICLE: County owned vehicles used solely for police duties by the Police Department.

IV. REQUIRED EQUIPMENT

- A. Each police vehicle used primarily for patrol duties shall carry the standardized equipment listed as follows:
1. Radio receiving and transmitting set
  2. Sirens and speaker located on the forward section of the vehicle's engine compartment
  3. Safety equipment packets
  4. Overhead bar equipped with emergency blue lights
- B. Each safety equipment packet consists of a clear plastic bag, secured by a cable tie, and containing the following items:
1. Fire extinguisher
  2. First aid kit
  3. Disposable emergency blanket
- C. Each unmarked police vehicle shall carry a modified safety equipment packet containing the following items:

G.O. 304.1  
POLICE VEHICLES

1. Fire extinguisher
  2. First aid kit
  3. Disposable emergency blanket
- D. Personnel assigned to specific marked and/or unmarked police vehicles shall be responsible for the proper care of packets stored in those vehicles. Element commanders of those units affected (e.g., Vice, CID, etc.) shall record the appropriate condition of packets utilizing the Monthly Element Commander's Check List (MPD form 148).
- E. Personnel utilizing any marked police vehicle shall examine the packet assigned to that vehicle prior to leaving the station at the start of their shift. Documentation shall be maintained daily utilizing the Automobile Check List (MPD form 151).
- F. Immediate notification of a supervisor shall be made under any of the following conditions:
1. The cable tie has been broken or severed
  2. The clear plastic bag has been damaged and/or opened
  3. Any item within the packet has been used
- G. Following notification, the supervisor shall inspect the contents of the packet.
1. If the contents of the packet is intact, the supervisor shall take the appropriate measures to re-secure the items within the packet and return it to the vehicle or personnel.
  2. If the contents of the packet is not intact, the supervisor shall remove the packet from service and issue a replacement packet to the vehicle or personnel.
- H. In addition to spare replacement packets, each element shall maintain adequate surplus supply of fire extinguishers, first aid kits, disposable emergency blankets, clear plastic bags, and cable ties within a secured storage area. This area should be accessible only to supervisory personnel of the element.
- I. Each element shall maintain inventory control logs containing the following information:
1. Total number of packets issued to the element
    - a. Identification of personnel and/or vehicles currently supplied with packets
    - b. Total number of spare packets within the element
  2. Itemized account of surplus supplies to include the daily totals of surplus supplies and spare packets used
- J. Each element shall maintain a daily log on the total number of packets replaced, the reason for replacement, vehicle and/or officer being issued a replacement, and the issuing supervisor.

- K. Information concerning the safety equipment packets, including information from the daily log, shall be recorded in the element commander's monthly report.

V. SPEEDOMETERS

A. Calibration

Speedometers of all patrol vehicles shall be calibrated at least once every year.

1. The motor pool coordinator shall be responsible for having speedometers of all patrol vehicles calibrated.
2. The certificate attesting to the inspection and approval of the speedometers of all patrol vehicles shall be retained by the motor pool coordinator and a copy of the certificate kept within the respective patrol vehicle.

B. Odometer

Any employee found to be in violation of Section 292-7, Hawaii Revised Statutes, relating to Motor Vehicle Odometer, may be subject to disciplinary action under General Order 103.1.

VI. REPORTING OFFICIAL MILEAGE AND FUEL DRAWN

A. Recording of Mileage

1. Each officer will maintain a mileage record of his assigned police vehicle by entering the actual odometer reading on the Automobile Check List (Form No. 151).
2. District I
  - a. The district commander shall forward the Automobile Check List for the police vehicles to the motor pool coordinator on a regular basis during the month.
  - b. The motor pool coordinator shall complete the Vehicle Statistical Report (Form No. 152) for the Wailuku Patrol Division.
  - c. Officers assigned to specialized sections (e.g., Vice, CID, Juvenile Section, etc.) and to one vehicle are exempt from maintaining a daily Automobile Check List.
3. Districts II, III, IV, V, and VI
  - a. The district commander shall keep records of the Automobile Check List and complete the Vehicle Statistical Report (Form No. 152) in duplicate.
4. All police vehicles and mileage records shall be subject to random inspections by supervisors and/or administrative personnel.

B. Recording Fuel Withdrawals

G.O. 304.1  
POLICE VEHICLES

1. Gasoline and oil shall be drawn from the Wailuku motor pool in District I, and designated places in other districts.
2. District I  

The motor pool attendant shall be responsible for fueling the police vehicles during normal working hours.
3. Districts II, IV, and VI  

Officers in Districts II, IV, and VI shall draw fuel and oil from designated service stations and shall submit the original invoice along with the Automobile Checklist to the commander. A copy of the invoice shall be left at the service station.
4. District III  

Officers in District III shall fuel their fleet vehicles at the County Baseyard gas pump.
5. District V
  - a. Officers in District V shall draw fuel from the adjoining Kaunakakai Fire Station gas pump.
    - (1) Officers shall document the drawing of fuel in the log book kept in the sergeant's office.

VII. VEHICLE OPERATIONAL PROCEDURES

A. Pre-Patrol Check

1. Officers assigned to operate a police vehicle shall inspect the vehicle prior to commencing with patrol duties.
2. The assigned operator shall complete the Automobile Check List by entering the necessary information and checking the appropriate blocks. All discrepancies in the equipment shall be noted in the lower portion reserved for "Remarks".
3. The completed Automobile Check List shall be verified by a field supervisor and retained by the motor pool in District I. In the rural districts, the district commander shall be responsible for retaining the check list. After a period of one month, the Automobile Check List may be destroyed.
4. Supervisors shall report all deficiencies to the motor pool coordinator in District I. In the rural districts, supervisors shall report all deficiencies to the district commanders.

B. On-Duty Operation

1. An officer operating a police vehicle, shall operate the vehicle in a reasonable and prudent manner, exercising judgment and care with due regard for the safety of life and property.
2. Seat belts

- a. Each police vehicle shall be equipped with safety seat belts to meet standardized equipment requirements.
  - b. Operation of police vehicles shall require the mandatory use of safety seat belts and child-safety restraints by the operator and passengers.
  - c. Provisions of this directive shall also apply to the following:
    - (1) Personnel utilizing vehicles subsidized by the County of Maui
    - (2) Specialized units or any other personnel utilizing rental vehicles for official police purposes
    - (3) Officers in outside districts utilizing privately owned vehicles to commute to assigned training sessions in another district
3. No person shall be transported in a police vehicle except for a specific police function or upon instruction of a commanding officer, or in emergencies.
- a. When such transportation is in connection with an investigation, the transporting officer shall include the circumstances in his supplementary report.
  - b. Dispatch shall be notified on all other types of transportation.
  - c. Ride-along Program.
    - (1) The Ride-along Program shall be limited to training purposes and to those who are part of the Maui Police Department:
      1. Chaplain Corp
      2. Police Commission
    - (2) Exceptions may be granted by the Chief of Police for other government officials.
- C. Use of emergency equipment
1. Blue Lights
    - a. Identification
      - (1) Blue roof-top light must be mounted during on-duty hours on all patrol vehicles.
      - (2) The pilot light shall be illuminated during the hours of darkness.
      - (3) While investigating traffic accidents during the day or night, the emergency blue lights shall be turned on and used continuously as a warning to all traffic. When practical and necessary at the scene of an accident, one police vehicle shall be placed on either side of the highway in such a position as to display to the best advantage the

G.O. 304.1  
POLICE VEHICLES

emergency blue light. The blinking hazardous warning lights may be used in conjunction with the blue lights.

- (4) Unmarked police vehicles shall be equipped with visor grill and rear window mounted blue lights for use in emergency response.
- (5) Unmarked vehicles assigned to the Traffic Section for traffic enforcement are equipped with blue lights on the front grill or windshield and blue lights in the rear window.

b. Exceptions

- (1) At the discretion of the district commander and/or watch commander, patrol vehicles operating under special circumstances need not display and/or illuminate the blue identification light.
- (2) The pilot light may be turned off while proceeding to an "in progress" type case, while conducting surveillance, etc.

c. Emergency Response Mode

- (1) The emergency blue light and siren must be turned on while responding in Emergency Response Mode.

d. Other Situations

- (1) The emergency light shall also be used when stopping or in pursuit of traffic violators, or for other reasons when necessary to stop vehicles during the day or night.
- (2) The emergency light may be used at such other times when the officer believes conditions warrant its use for safety reasons such as flooding, road closure, or other hazardous road conditions.

2. Sirens shall be limited to the following purposes:

- a. When operating vehicle in an Emergency Response Mode
- b. When stopping or in pursuit of traffic violators, or for other reasons when necessary to stop vehicles during the day or night
- c. As directed, to augment other means of warning during periods of emergency or disaster
- d. To clear a route for other vehicles not equipped as emergency vehicles and for other emergencies not covered in this order wherein the officer has reason to believe the seriousness of the emergency warrants the use of the siren for the safety of others. Dispatch shall be notified when the siren is used under these circumstances.

3. Hazardous warning lights

- a. The officer shall activate the hazardous warning lights to warn motorists of hazardous conditions on the highway.

4. Use of spotlight, horn, P.A., during a traffic stop
  - a. The spotlight, horn, and public address system may be used to gain a driver's attention during a traffic stop.
  - b. If the driver stops in a position creating a hazardous situation, the P.A. system may be used to direct the driver to move to a place of safety.
  - c. If the stop is made at night, the headlights and spotlight should be used to illuminate the offender's vehicle and occupants.

5. Use of Privately Owned Roads

Police vehicles shall utilize privately owned roads, such as cane haul roads, as routes of travel for emergency purposes only and shall therefore adhere to response procedures set forth in General Order 301.4 (Controlled Dispatching and Response), Article II., Section A (Emergency Responses) and Article IV., Section A (Emergency Responses).

In addition to proper response procedures, guidelines set forth in this directive shall apply to operators of police vehicles utilizing privately owned roads for emergency travel.

- a. Officers intending to utilize privately owned roads for emergency travel shall notify Central Dispatch of their actions and shall describe the location of entry into (and subsequent exit from) the privately owned road.
- b. Upon being informed of the officer's action of entering a privately owned road, the Central Dispatcher shall contact the owner of the road, or his representative, if at all possible, and explain the officer's location and direction of travel, along with the projected exit point from the privately owned road.
- c. The owner of the road, or his representative, can then prepare to clear the officer's route of travel by alerting their radio-equipped field vehicles of the circumstances.

- (1) Caution: Not all field units are equipped with mobile radios. Officers traveling upon private roads shall exercise extreme care at all times.

VIII. OFFICIAL USE OF THE POLICE VEHICLE

- A. County-owned police vehicles shall be used for official business only and the utilization of these vehicles for personal use is strictly prohibited.
- B. No unauthorized person or persons, including family members shall be transported in police fleet vehicles.
- C. Personnel in the following positions are authorized to take police fleet vehicles home:
  1. Captain Wailuku Patrol District
  2. HITT Team Leader Wailuku Sergeant
  3. HITT Team Officers two or three Wailuku District Officers

G.O. 304.1  
POLICE VEHICLES

4.	Lieutenant	Lanai District
5.	Lieutenant	Hana District
6.	Captain	Lahaina District
7.	<u>Visitor Oriented Police</u>	<u>Lahaina Officer</u>
8.	<u>HITT Team Officers</u>	<u>Three Lahaina District Officers</u>
9.	Captain	Molokai District
10.	<u>Lieutenant</u>	<u>Molokai District</u>
11.	<u>Detective</u>	<u>Molokai District</u>
12.	<u>Captain</u>	<u>Kihei District</u>
13.	<u>Visitor Oriented Police</u>	<u>Kihei Officer</u>
14.	<u>CPO-Cushman Only</u>	<u>Kihei Officer</u>
15.	<u>Lieutenant</u>	<u>Traffic Section</u>
16.	<u>Sergeant</u>	<u>Vehicle Homicide Squad - Traffic</u>
17.	<u>Officers (5)</u>	<u>Vehicle Homicide Squad - Traffic</u>
18.	<u>Captain</u>	<u>Technical Services Division</u>
19.	<u>Captain</u>	<u>Chief's Office</u>
20.	<u>Captain</u>	<u>Internal Affairs</u>
21.	<u>Lieutenant</u>	<u>Criminal Intelligence Unit</u>
22.	<u>Lieutenant</u>	<u>Plans, Training, Research and Development Section</u>
23.	<u>Lieutenant</u>	<u>Community Relations Section</u>
24.	<u>Sergeant</u>	<u>Community Relations Section</u>
25.	<u>Captain</u>	<u>Vice Division</u>
26.	<u>Lieutenant</u>	<u>Vice Division</u>
27.	<u>Sergeant (4)</u>	<u>Vice Division</u>
28.	<u>Officer (3)</u>	<u>Vice Division Canine Handlers</u>
29.	<u>Captain</u>	<u>Criminal Investigation Division</u>
30.	<u>Lieutenant (3)</u>	<u>Criminal Investigation Division</u>
31.	<u>Evidence Techs (3)</u>	<u>Criminal Investigation Division</u>
32.	<u>Coordinator</u>	<u>Motor Pool Coordinator</u>
33.	<u>Lieutenant</u>	<u>Juvenile Section</u>

D. Additional personnel may be permitted to take police fleet vehicles home with prior authorization from the Chief of Police.

IX. AUTHORIZATION TO TAKE FLEET VEHICLES HOME

All personnel identified in Article VIII, Paragraph C, of this directive that currently have written authorization to take home a fleet vehicle are not required to re-submit a request to continue to take home your department vehicle.

A. Personnel identified in Article VIII, Paragraph C, of this directive wishing to take home a police fleet vehicle shall prepare and submit a To/From to his respective Bureau Commander requesting permission. This request shall contain the following information at a minimum:

1. Vehicles should be stored in a safe location. Personnel shall state the exact location where the vehicle will be parked and stored during non-duty hours.
2. That the requesting individual understands, and will adhere to, the mandates of this directive.

B. Restrictions

1. The police fleet vehicle shall not be parked on a public street overnight.

2. Unsecured departmental equipment shall not be left unattended within the vehicle.

X. OPERATION OF FOUR WHEEL DRIVE VEHICLES

- A. Basic use of four wheel drive vehicles is for off-road patrol and to gain access where the use of regular patrol vehicles is impracticable. Commanders may authorize the use of a four wheel drive vehicle for patrol where topography and road conditions make this practical.
- B. In responding to a call in the emergency mode, the operator of the vehicle shall operate the vehicle in a safe, reasonable and prudent manner with due consideration to the road and weather conditions and not exceeding the speed limit, except in dire emergency where the question of life or death is eminent.
- C. Commanders may authorize the use of a four wheel drive vehicle for patrol where topography and road conditions make this practical. In no event shall this vehicle be used to pursue, except in dire emergency where the question of life or death is eminent.

XI. TRAFFIC ACCIDENTS AND SETTLEMENT OF ACCIDENT

- A. All accidents which occur in Maui County and result in damage, however slight, to any police vehicle or to any rented, leased, or borrowed vehicle used solely for police-related duties by Department employees, shall be thoroughly investigated in accordance with the procedures for major motor vehicle traffic accident.
- B. Accidents involving a Department employee, while in the operation of a police vehicle, will be investigated by a supervisor from the Patrol Division.
  1. Any officer involved in an accident with a police vehicle shall report the accident immediately.
    - a. Should there be evidence that the police officer is in violation of the Traffic Code, NO CHARGES are to be made at the scene of the accident and the investigation shall be submitted through the chain of command for review by the Chief of Police.
  2. Officers operating police vehicles are not to personally settle any claims for damages resulting from an accident.
- C. Accidents involving a Departmental employee, while in the operation of a rented, leased, or borrowed vehicle used solely for work-related duties by the Department, shall be immediately reported to the employee's supervisor.

If the accident occurs outside of Maui County and there are injuries or total vehicle damages exceeding \$3,000, the employee shall immediately notify his or her supervisor. If there are no injuries and total damages are less than \$3,000, the employee shall notify his or her supervisor upon returning to the County.

XII. INSURANCE COVERAGE FOR AUTHORIZED VEHICLES

- A. The Maui Police Department shall provide public liability and property damage

G.O. 304.1  
POLICE VEHICLES

insurance to include no-fault insurance for each subsidized vehicle to cover any loss arising from the operation, maintenance, or use of the vehicles subsidized by the County and regularly used in the performance of police duties.

- B. The purchase of comprehensive and collision insurance for a subsidized vehicle shall be the responsibility of the employee.
- C. All department fleet vehicles are "self-insured", which means that the county will be responsible for its own damages and liabilities.
- D. Employees on official business within the state shall rent vehicles from authorized rental vehicle firms and need not purchase collision insurance per an agreement signed with the County of Maui.
- E. Employees on official business renting a vehicle are not required to purchase collision insurance. Employees who choose to purchase collision insurance will not be reimbursed by the County of Maui.
- F. Any employee intending to rent an automobile while traveling on department business must secure approval from the Office of the Chief of Police to rent any full-sized vehicles which may be classified as a luxury car.

XIII. WORKER'S COMPENSATION

- A. Any employee who is mandated to carry tools of his trade by his employer (such as an officer who takes a County-owned vehicle home) is eligible for Workers' Compensation benefits in the event of injury sustained to and from work in the most direct route; if the injury was not caused by his own negligence or desire to injure himself; or if the injury was not caused by his own intoxication.
- B. Final determination on this benefit (if applied under Act 64) rests with the Director of Personnel Services.
- C. Determination on whether the injury is compensable rests with the Administrator, Workers' Compensation Division, Department of Labor and Industrial Relations, State of Hawaii.

XIV. VEHICLE MAINTENANCE

- A. The motor pool coordinator shall be responsible for the servicing and maintenance and of all police vehicles. He shall coordinate with the element commanders for the proper maintenance of the vehicles and shall maintain a maintenance and repair record of all department fleet vehicles.
- B. Vehicular Repairs
  - 1. The repair of any police vehicle shall be processed through the use of the Work Order, Form No. 153, (prepare in triplicate) available at the respective elements.
  - 2. District I
    - a. The district commander shall ensure that the original and one (1) copy of the request forms are forwarded to the motor pool coordinator.

- b. The third copy shall remain with the district commander.
  - c. The motor pool coordinator shall sign for receipt of the request forms in the space provided.
  - d. Upon completion of an assignment, the motor pool coordinator shall make the following distribution:
    - (1) Original to the element commander
    - (2) One (1) copy to be retained by the motor pool coordinator
3. Districts II, III, IV, V, and VI
- a. The district commander shall ensure that the original and one (1) copy of the request forms are forwarded to the designated garage.
  - b. The third copy shall remain with the district commander.
  - c. The mechanic shall sign for receipt of the request forms in the space provided.
  - d. Upon completion of an assignment, the mechanic shall make the following distribution:
    - (1) Original to the element commander
    - (2) One (1) copy to be retained by the garage.
4. Upon receipt of the return copy of the Work Order signifying completion of the work, the element commander or his designated subordinate shall examine the vehicle to determine if the work has been properly performed.
5. In the event of dissatisfaction, the motor pool coordinator in District I or the garage in rural districts shall be informed in writing and corrective measures instituted. It shall be the element commanders' responsibility to determine if the work has been properly performed.

C. Preventive Maintenance

All district and element commanders, excluding the Wailuku Patrol Commander, are required to submit a Monthly Fleet Vehicle Status Report (Form No. 152).

XV. EMERGENCY ROAD SERVICE FOR COUNTY-OWNED VEHICLES

- A. In the event of a mechanical failure while in the field, the operator of the vehicle shall notify Central Dispatch of the breakdown by radio or telephone. In District I, the motor pool coordinator or his assistant shall be contacted by Central Dispatch to remedy the situation.
  - 1. Should there be a need to have the vehicle towed, Central Dispatch shall relay information of the breakdown to the designated repair or tow facility if needed.
    - a. On-Duty Hours (0700 - 1530 hours)

G.O. 304.1  
POLICE VEHICLES

- (1) Districts I, III, IV, V, and VI

Towing services will be referred to the respective District Overseer's office, Department of Public Works.

- (2) District II

The District Commander will be required to make arrangements for tow services.

b. After Hours and Holidays

- (1) Districts I, IV, and VI

Requests for towing services shall be made through the dispatch office where a separate list of tow service companies are maintain specifically for towing police vehicles.

- (2) District II

The District Commander will be required to make arrangements for tow services.

- (3) District III

Hana area - Authorized Towing Service

- (4) District V

Molokai - Authorized Towing Service

2. Under no circumstances can a replacement vehicle be towed to the location of an inoperable vehicle awaiting a tow transport.

B. Nature of Breakdown

In order to expedite emergency service repairs, the nature of the mechanical breakdown should be relayed by the operator of the vehicle. For example:

1. Flat tire (tire shall be changed by officer using vehicle).
2. Brake system (hydraulic fluid leak, master or wheel cylinder failure, frozen brakes, etc.)
3. Power steering failure
4. Radiator malfunctions (damaged water hose, defective water pump, leaking radiator, etc.)
5. Engine failure (engine will not start, dies out after starting, dead battery or problem with electrical system, fuel line or fuel pump problem, out of gasoline, etc.)

C. Vehicles inoperable as a result of traffic accidents or mechanical failures shall not be

left unattended. Instead, vehicles will be towed to a designated area which would provide security to the police equipment within the vehicle.

XVI. PLACING FLEET VEHICLES OUT OF SERVICE

Whenever a fleet vehicle is placed permanently out of service, the motor pool coordinator shall be responsible for the following:

- A. The license plates shall be removed and submitted to the Department of Finance, Motor Vehicle Registration Section.
- B. All police equipment shall be removed.
- C. All police decals and insignias shall either be removed or painted over.
- D. The vehicles shall be turned over to the Director of Finance, County of Maui.

XVII. AUTOMATED CAR WASH

- A. Only county fleet and subsidized police vehicles are authorized the use of the automated car wash.
- B. The automated car wash shall not be used for any privately owned vehicle. The washing and cleaning of private vehicles on the premises of the police department is also prohibited.
- C. The motor pool coordinator shall be responsible for maintaining records as to when vehicles are waxed in order that all police vehicles are waxed on a regular basis.
- D. County vehicles, other than police vehicles, are authorized the use of the car wash and motor pool personnel shall assist operators of such vehicles in the use of the car wash.

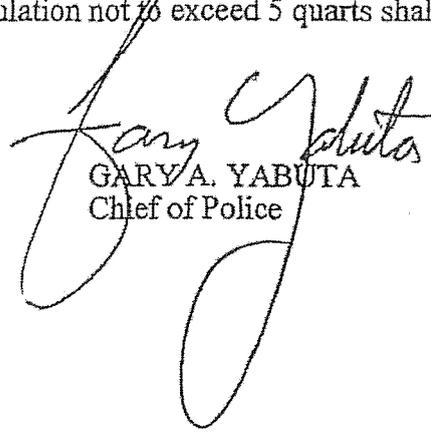
XVIII. GASOLINE AND OIL DRAW

Officers designated to receive monetary allowances for the use of their private automobiles shall be allowed to draw gasoline and oil and charge same to the Police Department in accordance with the following provisions:

- A. Gasoline for police personnel shall be drawn in the gasoline tank of the subsidized vehicle. Under no circumstances will gasoline be drawn in containers or private vehicles. The only exception for private vehicles shall be the surveillance vehicles that are rented and used for official police business.
- B. SHOPO Agreement - Article 18. Gasoline is to be issued at the rate of 10 official miles per gallon.
- C. Mileage overages may be carried forward but must be cleared within the next calendar month.
- D. Officers are urged to make weekly checks of their mileage record and draw whatever gasoline is due them or make up any shortages before the end of the month.

G.O. 304.1  
POLICE VEHICLES

- E. One quart of oil is allowed for each 250 miles of official business. For the purpose of making a complete change, accumulation not to exceed 5 quarts shall be allowed.



GARY A. YABUTA  
Chief of Police

MAUI COUNTY POLICE DEPARTMENT

ADMINISTRATIVE SERVICES SECTION  
STANDARD OPERATING PROCEDURES  
CHAPTER 104  
FACILITIES AND EQUIPMENT

---

Effective date: 10/23/03

Revision date: 10/22/03

Rescinds:

Accreditation Standards:

---

VEHICLE REPLACEMENT  
S.O.P. 104.1

I. PURPOSE

To establish guidelines for the replacement of Departmental vehicles.

II. POLICY

Officer and employee safety remains a paramount concern with the Maui Police Department. In providing basic police service to the citizens of Maui County, Police Officers are required to patrol and respond to incidents. The vehicles utilized by the patrol function are required to perform strenuous duties for prolonged periods of time. Maintaining a fleet of police vehicles that are reliable with minimum downtime is essential in the delivery of police services. It is the policy of the Maui Police Department to replace vehicles according to this directive.

III. MINIMUM SPECIFICATIONS

- A. The minimum specifications for Departmental vehicles will be determined by the requesting element.
- B. Patrol fleet vehicles shall be four door, full size sedans. Patrol fleet vehicles shall be equipped with the special police packages manufactured exclusively for use in law enforcement. Marked 4x4 patrol wagons are utilized in lieu of patrol vehicles in certain circumstances and shall be considered patrol fleet vehicles for the purposes of replacements.
- C. These high-performance, emergency vehicles have "special features" which include the following:
1. Engine, transmission, power train and axle
  2. Chassis, frame mounts, suspension & brake system
  3. Cooling and exhaust system
  4. Gauge instrumentation and calibrated speedometer
  5. Transistorized voltage regulator
  6. Wheels & speed rated tires
  7. Headlight wig-wag Flashers and halogen spotlight
  8. High pressure compressor cut-off air conditioning system
  9. Security wall partitions
  10. Mobile communication organizer
  11. Molded prisoner transport seat & restraining system
  12. Power windows & locks which are deactivated in the rear
  13. Power distribution box

S.O.P. 104.1  
VEHICLE REPLACEMENT

Each vehicle is properly identified with police markings (except for traffic enforcement) and has a light bar assembly, siren, public address system and a mobile radio.

IV. REPLACEMENT CRITERIA

- A. The fleet program requires the regular replacement of patrol fleet vehicles to ensure that the vehicles in use will provide the level of performance and operational efficiencies expected. The following are the minimum replacement criteria for patrol fleet vehicles;

1. Four years of service.
2. Ninety thousand (90,000) miles or more of service
3. Repair cost exceeds value of vehicle

**Exceptions:** Vehicles which are considered total wrecks due to collisions and vehicles with poor repair records and requiring major repairs are traded in earlier than scheduled. Vehicles with excellent repair records, no major repairs needed, and in good condition are retained longer than the four year period, regardless of mileage. "

- B. The unmarked fleet are vehicles that are assigned to Detectives/Officers in the Investigative Service Bureau and to certain supervisory/staff members of the Department. These vehicles usually are five passenger and full-sized, however, not necessarily the same size as the patrol sedans. Most of these vehicles have audible sirens and portable lights for emergency use. These vehicles do not perform routine patrol duty.

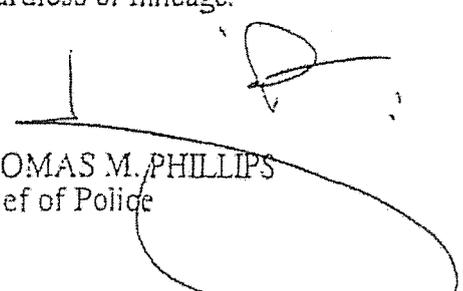
1. Nine years of service
2. Sixty thousand (60,000) miles or more of service
3. Repair cost exceeds value of vehicle

**Exceptions:** Vehicles which are considered total wrecks due to collisions and vehicles with poor repair records and requiring major repairs are traded in earlier than scheduled. Vehicles with excellent repair records, no major repairs needed, and in good condition are retained longer than the nine year period, regardless of mileage.

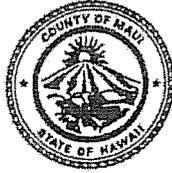
- C. Other fleet vehicles may include GO IVs, Cushmans, All Terrain Vehicles (ATVs), Pickup Trucks, and vehicles utilized for special purposes not including normal patrol duties. Some of these vehicles may have audible sirens and portable lights for emergency use.

1. Nine years of service
2. Sixty thousand (60,000) miles or more of service
3. Repair cost exceeds value of vehicle

**Exceptions:** Vehicles which are considered total wrecks due to collisions and vehicles with poor repair records and requiring major repairs are traded in earlier than scheduled. Vehicles with excellent repair records, no major repairs needed, and in good condition are retained longer than the nine year period, regardless of mileage.

  
THOMAS M. PHILLIPS  
Chief of Police

ALAN M. ARAKAWA  
Mayor



PATRICK K. WONG  
Corporation Counsel

RECEIVED  
2011 AUG -8 PM 2:47

OFFICE OF THE MAYOR

DEPARTMENT OF THE CORPORATION COUNSEL  
COUNTY OF MAUI  
200 SOUTH HIGH STREET  
WAILUKU, MAUI, HAWAII 96793  
TELEPHONE: (808) 270-7740 FAX 270-7152

August 8, 2011

MEMO TO: Agnes M. Hayashi, Executive Assistant II  
David J. Ching, First Assistant  
Department of Management

F R O M: Adrienne N. Heely, Deputy Corporation Counsel *Adrienne N. Heely*

SUBJECT: Non-County Employees Driving County Vehicles or Personal  
Vehicles in Performing work for County of Maui

This memorandum is in response to your July 11, 2011 request for legal services requesting advice on the above referenced subject.

I. Issues:

1. Whether County volunteers can be allowed to use County vehicles and/or personal vehicles to conduct volunteer work authorized by the County;
2. What authority exists that authorizes or disallows volunteers to operate County vehicles or personal vehicles in conducting work for the County on a non-compensable basis;
3. If both allowed, please advise as to which would be the preferred option for the volunteer (use of County vehicle or personal vehicle) in regards to County liability and responsibility.

II. Brief Answer:

1. Volunteers may be authorized to use County vehicles in the performance only of official County business.

Attachment O

Agnes Hayashi, Executive Assistant to the Mayor  
David J. Ching, First Assistant to the Managing Director  
August 8, 2011  
Page 2

2. State law, Hawaii Revised Statutes ("H.R.S."), Chapters 90: State Policy Concerning the Utilization of Volunteer Services; and Chapter 105: Government Motor Vehicles, and Maui County Code, Chapter 2.52: Use of Private Vehicles For County Business.<sup>1</sup>
3. If both allowed, clear guidance and instruction should be given to volunteer, as well as receiving volunteer's signatures and knowing waiver of liability and possible hold harmless agreement relating to the use of volunteer's personal vehicle and/or the County vehicle in providing services for the County.

### III. Discussion:

In researching your questions posed, I reviewed existing state law, Hawaii Revised Statutes and past corporation counsel advisory opinions relating to volunteers and potential county liability.

#### A. Hawaii Revised Statutes and Maui County Code:

- (1) H.R.S., Chapter 90: State Policy Concerning the Utilization of Volunteer Services.

Although H.R.S., Chapter 90, is entitled "State Policy Concerning the Utilization of Volunteer Services," it clearly applies to the County.<sup>2</sup> H.R.S. §90-1 states in relevant part:

**Definitions.** As used in this chapter, unless the context requires otherwise: The term "agency" means any state agency within the executive, legislative, and judicial branches, the office of

---

<sup>1</sup> A copy of all statutes discussed herein (H.R.S. §§90-1 through 90-5; 105-1; 105-2 and Maui County Code, Chapter 2.52) are attached as Exhibit "1" for your convenience.

<sup>2</sup> H.R.S. §90-1 was amended in 1998 to specifically include counties within the definition of "agency". Prior to that, H.R.S. §90-1 specifically excluded the counties. It read "[t]he term "agency" means any state agency within the executive, legislative, and judicial branches and the office of Hawaiian affairs but excludes the several counties." (Emphasis added).

Agnes Hayashi, Executive Assistant to the Mayor  
David J. Ching, First Assistant to the Managing Director  
August 8, 2011  
Page 3

Hawaiian affairs, and any agency within the executive and legislative branches of the several counties."

. . . .

The term "volunteer" means any person who of the person's own free will provides goods or services to an agency with no monetary or material gain and includes material donors, occasional service, regular-service, and stipended volunteers."

Emphasis added.

(2) H.R.S., Chapter 105: Government Motor Vehicles

H.R.S. §105-1 makes it clear that "it shall be unlawful for any person to use, operate, or drive any motor vehicle owned or controlled by the State, or by any county thereof, for personal pleasure or personal use (as distinguished from official or governmental service or use) . . . ."

(3) Maui County Code, Chapter 2.52: Use of Private Vehicles For Private Business

It is also worth noting that Maui County Code, Chapter 2.52 allows the use of private vehicles by an officer or employee of the county in the performance of his or her duties, but requires the prior approval of the mayor, or in the case of the county council and its staff, the council chairman.

Although it is clear that state law and Maui County Code prohibits the use and operation of County vehicles other than for County business, there is one exception in H.R.S. §105-2 worth noting:

"Section 105-1 shall not apply to:

. . . .

(5) Any officer or employee of any county who, upon written recommendation of the budget director, is given written permission by the

Agnes Hayashi, Executive Assistant to the Mayor  
David J. Ching, First Assistant to the Managing Director  
August 8, 2011  
Page 4

mayor, to use, operate or drive for personal use (but not for pleasure) any motor vehicle owned or controlled by the county.<sup>3</sup>

Even though there is an exception to use of County vehicles for other than a County purpose, it has been this office's opinion that the County should do as much as it can to limit the liability of the County, i.e., restrict the use of government motor vehicles to volunteers and/or if it is allowed, require them to sign a waiver of liability and have an understanding that they are authorized only to do so for official County business.

B. Past opinions

As discussed in our previous opinions, the County may be liable to volunteers for injuries sustained and/or damages caused by the negligent acts of volunteers while performing services for the County. The County may also be liable to the volunteer for damage done to the volunteer's personal property, and the County may also be liable to third parties for damages caused by the negligent acts of volunteers.<sup>4</sup>

III. Conclusion.

The County has certain responsibilities to volunteers under Hawaii Revised States, Chapter 90, the State Policy Concerning The Utilization of Volunteer Services. The County may also be held liable, under state tort law, for damages caused by the negligent acts of authorized volunteers who are acting within the scope of their duties.<sup>5</sup>

---

<sup>3</sup> See also M.C.C. §2.52.010 requiring approval of Mayor or Council Chair.

<sup>4</sup> See April 9, 2002 Corporation Counsel Advisory Opinion to Budget & Finance Committee Chair G. Riki Hokama attached hereto as Exhibit "2".; See also October 25, 1994 Corporation Counsel Advisory Opinion to Committee of the Whole Chair Goro Hokama.

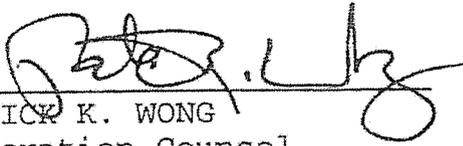
<sup>5</sup> H.R.S. §662D-2 explains: "[i]n any suit against a nonprofit corporation, a hospital, or a governmental entity for civil damages based upon the negligent act or omission of a volunteer, proof of the act or omission shall be sufficient to establish the

Agnes Hayashi, Executive Assistant to the Mayor  
David J. Ching, First Assistant to the Managing Director  
August 8, 2011  
Page 5

Accordingly, the County should take steps to limit the County's liability, including: requiring volunteers to sign waiver of liability forms and/or requiring the volunteer to execute a hold harmless agreements in which the volunteer would defend, indemnify, and hold harmless the County against any liability from a third party for the negligent acts of the volunteer. Taking these steps would minimize and relieve the County of liability should the volunteer's personal property become damaged and/or the volunteer acts outside the scope of his/her authorized duties while performing services for the County.

Our office will gladly review and provide comment, if any, on any proposed updated policy and/or procedure and/or volunteer waiver of liability forms and/or hold harmless agreements, relating to the use and operation of County vehicles.

APPROVED FOR TRANSMITTAL:

  
\_\_\_\_\_  
PATRICK K. WONG  
Corporation Counsel

S:\ALL\Advisory\ANH\M-Volunteers.CountyPolicy.MotorVehicles.wpd

cc: Alan M. Arakawa, Mayor  
Keith Regan, Managing Director  
Webpage

Attachments: Exhibits "1" and "2"

---

responsibility of the entity therefor under the doctrine of respondeat superior, notwithstanding the immunity granted to the volunteer with respect to any act or omission included under subsection (a)."

CHAPTER 90  
STATE POLICY CONCERNING THE UTILIZATION OF  
VOLUNTEER SERVICES

Section

- 90-1 Definitions
- 90-2 Scope of chapter; status of volunteers
- 90-3 Rights, responsibilities, and expectations in volunteer relationships
- 90-4 Volunteer benefits
- 90-5 Agency reports, required information

Cross References

Volunteer emergency medical disaster response personnel, see §321-23.

Volunteer service (immunity), see chapter 662D.

[Previous](#)

[Vol02\\_Ch0046-0115](#)

[Next](#)

EXHIBIT " 1 . . "

§90-1 Definitions. As used in this chapter, unless the context requires otherwise:

The term "agency" means any state agency within the executive, legislative, and judicial branches, the office of Hawaiian affairs, and any agency within the executive and legislative branches of the several counties.

"Material donor" means any person who of the person's own free will provides funds or materials to an agency.

"Occasional-service volunteer" means any person who offers to provide a one-time, on call or single task service to an agency without receipt of any compensation, except as provided in this chapter.

The term "person" means any individual or organization.

"Regular-service volunteer" means any person engaged in specific voluntary service activities on an on-going or continuous basis to an agency without receipt of any compensation, except as provided in this chapter.

"Stipended volunteer" means any person who by receiving a support allowance is then able to provide voluntary service to an agency. The allowance may be for food, lodging, or other personal living expenses and does not reflect compensation for work performed.

The term "volunteer" means any person who of the person's own free will provides goods or services to an agency with no monetary or material gain and includes material donors, occasional-service, regular-service, and stipended volunteers. Without limiting the generality of the foregoing, the term "volunteer" specifically includes any health care provider accepted in writing by the department of health as a "volunteer" who provides free medical or dental treatment, diagnosis, or advice to indigent and medically underserved patients, whether acting individually or in cooperation with a nonprofit organization. [L 1978, c 10, pt of §2; am L 1982, c 137, §2; gen ch 1985; am L 1994, c 250, §1; am L 1998, c 295, §1]

#### Revision Note

Numeric designations deleted and definitions rearranged.

[Previous](#)

[Vol02\\_Ch0046-0115](#)

[Next](#)

§90-2 Scope of chapter; status of volunteers. (a) An agency may recruit, train, and accept the services of volunteers.

(b) No person shall on the basis of sex, age, race, color, ancestry, religion, national origin, marital status, physical or mental handicap, or political grounds, be excluded from participation in, or be denied the benefits of, any volunteer program or volunteer activity.

(c) Volunteers recruited, trained, or accepted by an agency shall be excluded from any provision of law relating to state or county employment, from any collective bargaining agreement between the State and counties, with any employees' association or union, from any law relating to hours of work, rates of compensation, leaves, and employee benefits, and from any other provision of title 7, except those consistent with this chapter.

(d) An agency may reimburse volunteers for expenses, consistent with the provisions of section 90-4, as deemed necessary to assist volunteers in performing their services.

(e) An agency may designate a person or establish a position to coordinate and administer the volunteer activities of that agency. [L 1978, c 10, pt of §2; am L 1998, c 295, §2]

[Previous](#)

[Vol02\\_Ch0046-0115](#)

[Next](#)

§90-3 Rights, responsibilities, and expectations in volunteer relationships. (a) Every person regardless of his present economic condition, race, color, ancestry, political affiliation, religious affiliation, sex, age, physical or mental handicap, or marital status has the right to volunteer his services to an agency. An agency has the right to decline any voluntary offer of services, or if accepted, to release subsequently the volunteer who is no longer needed or who is found to be unacceptable.

(b) A volunteer providing services to an agency may expect:

- (1) That he will be assigned a job that is worthwhile and challenging, and which permits him the freedom to use existing skills or develop new ones.
- (2) That he will be trusted with information that will help him carry out the assignment.
- (3) That he will be kept informed about what is going on in the specific volunteer areas.
- (4) That he will be provided orientation, training, and supervision for the job he accepts so he will know why he is being asked to do a particular task.
- (5) That his time will not be wasted by lack of planning, coordination, and cooperation within the organization.
- (6) That he will receive feedback as to whether his work is effective and how it can be improved.
- (7) That he will be reimbursed for out-of-pocket costs if it is the only way he can volunteer.
- (8) That he will receive letters of recommendation and reference from his supervisor upon request.
- (9) That he will be given appropriate recognition for his volunteer services.
- (10) That he will be provided a designated supervisor.

(c) A volunteer providing services to an agency has the responsibility to:

- (1) Accept assignments given to him.
  - (2) Fulfill his commitment or notify the designated person of his change of plans.
  - (3) Follow guidelines and policies established by the agency.
  - (4) Respect the values and beliefs of others.
  - (5) Use time wisely and not interfere with the job performance of others.
  - (6) Provide feedback, suggestions, and recommendations to his supervisor regarding the program.
  - (7) Be considerate, respect competencies, and work as a member of a team with staff and other volunteers.
- (d) The agency utilizing the services of volunteers may expect:
- (1) That the volunteer will fulfill his assignment as agreed upon or will notify staff sufficiently in advance if he cannot complete it.
  - (2) That the volunteer will not go beyond his competencies and authority.
  - (3) That the volunteer will submit feedback, suggestions, and

recommendations about the program to his supervisor.

- (4) That the volunteer will maintain confidentiality and will respect and treat the recipients of volunteer services with dignity.
- (e) The agency utilizing the services of volunteers has the responsibility to:
  - (1) Use volunteers to extend services without displacing paid employees.
  - (2) Provide each volunteer with a designated supervisor.
  - (3) Provide staff orientation and training in the use and supervision of volunteers.
  - (4) Define volunteer jobs that are meaningful to the volunteer and commensurate with his abilities.
  - (5) Be alert to assignments for handicapped or disabled volunteers.
  - (6) Make it possible for a volunteer to serve on a trial or probationary basis for a specified period.
  - (7) Provide orientation and training to improve the volunteer's skills.
  - (8) Provide volunteers with clear instructions and an adequate work space.
  - (9) Accept the volunteer as part of the team, including him in training and staff meetings that pertain to his work.
  - (10) Establish and communicate clearly defined lines of supervision so that the volunteer knows to whom he is responsible.
  - (11) Provide appropriate recognition and appreciation to the volunteer.
  - (12) Provide written guidelines governing the recruitment, screening, utilization, and supervision of volunteers.
  - (13) Recognize an applicant's prior volunteer service in evaluating fulfillment of training and experience requirements for state employment pursuant to rules adopted by the department of human resources development, the judiciary, and the board of regents of the University of Hawaii.
  - (14) Provide funds for volunteer benefits as specified in section 90-4.
  - (15) Provide recognition of paid staff for support and supervision of volunteers. [L 1978, c 10, pt of §2; am L 1994, c 56, §21]

[Previous](#)

[Vol02\\_Ch0046-0115](#)

[Next](#)

§90-4 Volunteer benefits. Volunteer benefits shall be provided within the limits of an agency's budget as follows:

- (1) Meals may be furnished without charge or the cost thereof may be reimbursed to volunteers serving the agency.
- (2) Lodging may be furnished temporarily without charge or the cost thereof may be reimbursed to volunteers.
- (3) Transportation reimbursement including parking fees, bus and taxi fares may be furnished to volunteers. Mileage reimbursement when provided for shall be furnished at a rate comparable to that of permanent employees performing similar duties. Volunteers may be authorized to use state vehicles in the performance of official state duties.
- (4) Solely for the purposes of chapter 662, volunteers are hereby deemed "employees of the State," when acting for an agency in their capacity as volunteers.
- (5) Out-service training and conference reimbursement may be furnished for volunteers.
- (6) Personal liability insurance coverage may be furnished for volunteers.
- (7) Reasonable expenses incurred by volunteers in connection with their assignments may be reimbursed.
- (8) Recognition of volunteer service may include a recognition ceremony, certificates, and awards to be determined by the agency. [L 1978, c 10, pt of §2]

#### Attorney General Opinions

Budgetary limitation does not appear to apply to paragraph (4) in same manner as other listed paragraphs. Att. Gen. Op. 85-8.

[Previous](#)

[Vol02\\_Ch0046-0115](#)

[Next](#)

§90-5 Agency reports, required information. A state agency as part of its annual report to the governor, the legislature, or the chief justice shall include estimates of:

- (1) The total number of volunteers and the total number of hours of service broken down into categories of regular-service volunteers, occasional volunteers, stipended volunteers, and material donors.
- (2) A list of volunteer job titles used by the agency. [L 1978, c 10, pt of §2; am L 1998, c 295, §3]

[Previous](#)

[Vol02\\_Ch0046-0115](#)

[Next](#)

**§105-1 Government motor vehicles; certain uses prohibited.**  
Except as provided in section 105-2, it shall be unlawful for any person to use, operate, or drive any motor vehicle owned or controlled by the State, or by any county thereof, for personal pleasure or personal use (as distinguished from official or governmental service or use) including, without limitation to the generality of the foregoing, travel by or conveyance of any officer or employee of the State, or of any county thereof, directly or indirectly, from his place of service or from his work to or near his place of abode, or, directly or indirectly, from such place of abode to his place of service or to his work. [L 1919, c 227, pt of §1; RL 1945, pt of §462; am L 1949, c 389, pt of §1(a); RL 1955, §7-10; HRS §105-1]

**Attorney General Opinions**

State may hold employee responsible for negligent damage to vehicle under the employee's control. Att. Gen. Op. 63-31.

[Previous](#)

[Vol02\\_Ch0046-0115](#)

[Next](#)

§105-2 Exceptions. Section 105-1 shall not apply to:

- (1) The governor;
- (2) The mayor of any county;
- (3) Any member of a police department or a fire department or of the staff of a hospital, or any officer or employee of the board of water supply of the city and county of Honolulu, when using a motor vehicle for a personal purpose incidental to the person's service or work (but not for pleasure);
- (4) Any officer or employee of the State who, upon written recommendation of the comptroller, is given written permission by the governor to use, operate, or drive for personal use (but not for pleasure) any motor vehicle owned or controlled by the State;
- (5) Any officer or employee of any county who, upon written recommendation of the budget director, is given written permission by the mayor, to use, operate or drive for personal use (but not for pleasure) any motor vehicle owned or controlled by the county;
- (6) Any officer or employee of the State, or of any county, who, in case of emergency, because of the person's illness, or the person's incapacity caused by accident while at work, or because of the illness of a member of the person's immediate family including a reciprocal beneficiary while the person is at work, is conveyed in a motor vehicle to the person's place of abode, or to a hospital or other place, but every such use of such a motor vehicle shall be certified to by the officer or by the head of the department, commission, board, bureau, agency, or instrumentality controlling or possessing the motor vehicle immediately thereafter, and the certificate shall be forthwith filed with the comptroller, in the case of the State, or with the budget director, in the case of a county; and
- (7) The assigned driver of a Van Go Hawaii vehicle or any other state ridesharing program vehicle. [L 1919, c 227, pt of §1; RL 1945, pt of §462; am L 1949, c 389, pt of §1(a); RL 1955, §7-11; am L 1965, c 11, §1; HRS §105-2; am L 1981, c 49, §1; gen ch 1993; am L 1997, c 383, §34]

#### Attorney General Opinions

Narcotics enforcement division investigators have authority for personal use of state vehicles incident to law enforcement purposes where prior written permission has been obtained from governor upon written recommendation of comptroller. Att. Gen. Op. 91-03.

[Previous](#)

[Vol02\\_Ch0046-0115](#)

[Next](#)

Maui County, Hawaii, Code of Ordinances >> Title 2 - ADMINISTRATION AND PERSONNEL >>  
Chapter 2.52 - USE OF PRIVATE VEHICLES FOR COUNTY BUSINESS >>

---

**Chapter 2.52 - USE OF PRIVATE VEHICLES FOR COUNTY BUSINESS**

**Sections:**

2.52.010 - Approval of mayor or council chairman required.

2.52.020 - Insurance.

2.52.030 - Reimbursement claims.

2.52.040 - Review of claims.

**2.52.010 - Approval of mayor or council chairman required.**

Any use of a privately owned vehicle by an officer or employee of the county in the performance of his or her duties shall be subject to the prior approval of the mayor or, in the case of the county council and its staff, the council chairman.

*(Ord. 1832 § 1 (part), 1989: prior code § 5-3.1)*

**2.52.020 - Insurance.**

Prior to the granting of such approval, such car shall be covered by the county's fleet insurance policy as cars not owned by the county used for county business (insurance for non-owned cars).

*(Ord. 1832 § 1 (part), 1989: prior code § 5-3.2)*

**2.52.030 - Reimbursement claims.**

Any officer or employee who uses a privately owned vehicle for authorized county business shall be reimbursed at the rate equal to the average mileage rate granted under collective bargaining agreements between the county and its officers or employees. All such claims for reimbursement shall be itemized and submitted monthly.

*(Ord. 1832 § 1 (part), 1989: Ord. 904 § 1, 1978: prior code § 5-3.3)*

**2.52.040 - Review of claims.**

The department head or the appointing authority shall review all such claims for reimbursement and must approve the same before the payment thereof.

*(Ord. 1832 § 1 (part), 1989: prior code § 5-3.4)*

JAMES "KIMO" APANA  
Mayor  
Page 1 of 4



JAMES B. TAKAYESU  
Corporation Counsel

DEPARTMENT OF THE CORPORATION COUNSEL  
COUNTY OF MAUI  
200 SOUTH HIGH STREET  
WAILUKU, MAUI, HAWAII 96793  
TELEPHONE: (808) 270-7740 FAX (808) 270-7152

April 9, 2002

To: G. Riki Hokama, Chair  
Budget and Finance Committee

From: Traci Fujita Villarosa *[Signature]*  
Deputy Corporation Counsel

Re: Follow-up question from the April 1, 2002 meeting  
(CC-02) (BF-9)

You have asked this office to advise you on an issue which arose during the April 1, 2002 meeting. Your memo dated April 2, 2002 poses the following question:

"Provide an explanation of the liability issues that the County would need to consider if volunteers are used to reduce the construction costs of a capital improvement project."

Short Answer

The County may be liable to the volunteer for injuries sustained while performing services for the County under the state workers' compensation law. The County has a variety of responsibilities to volunteers under Hawaii Revised Statute (HRS) Chapter 90, the State Policy Concerning The Utilization of Volunteer Services. The County may be liable to the volunteer for damage done to the volunteer's personal property. The County may be liable to third parties for damages caused by the negligent acts of volunteers. Finally, the County must not allow volunteers to perform services under a contract for the procurement of services.

Statutory Definition and Status of Volunteer

The term "volunteer" means any person who of the person's own free will provides goods or services to an agency with no monetary or material gain and includes material donors, occasional-service, regular-service, and stipended volunteers. "Material donor" means any person who of the person's own free will provides funds or materials to an agency. "Occasional-service volunteer" means any person who offers to provide a one-time, on-call or single task service to an agency without receipt of any compensation, except as provided in this

chapter. "Regular-service volunteer" means any person engaged in specific voluntary service activities on an on-going or continuous basis to an agency without receipt of any compensation, except as provided in this chapter. "Stipended volunteer" means any person who by receiving a support allowance is then able to provide voluntary service to an agency. The allowance may be for food, lodging, or other personal living expenses and does not reflect compensation for work performed. HRS §90-1.

Volunteers recruited, trained, or accepted by an agency shall be excluded from any provision of law relating to state or county employment, from any collective bargaining agreement between the State and counties, with any employees' association or union, from any law relating to hours of work, rates of compensation, leaves, and employee benefits, and from any other provisions of title 7, except those consistent with this chapter. HRS § 90-2(c).

#### County's responsibility to Volunteer

Any person who is injured in performing service for the State or any county in any voluntary or unpaid capacity under the authorized direction of a public officer or employee, and who has not secured payment of the person's hospital and medical expenses from the State or the county under any other provision of law and has not secured payment thereof from any third person, shall be paid the person's reasonable hospital and medical expenses under this chapter. HRS § 386-171.

Thus under state worker's compensation law, the County may be liable to a volunteer if the volunteer is injured while performing services for the County and the volunteer's hospital and medical expenses are not covered by some other source, such as personal health care insurance.

HRS § 90-3(e), the State Policy Concerning The Utilization of Volunteer Services, sets forth additional responsibilities of the County to volunteers:

"The agency utilizing the services of volunteers has the responsibility to:

- 1) Use volunteers to extend services without displacing paid employees.
- 2) Provide each volunteer with a designated supervisor.
- 3) Provide staff orientation and training in the use and supervision of volunteers.
- 4) Define volunteer jobs that are meaningful to the volunteer and commensurate with his abilities.
- 5) Be alert to assignments for handicapped or disable volunteers.
- 6) Make it possible for a volunteer to serve on a trial or probationary basis for a specified period.
- 7) Provide orientation and training to improve the volunteer's skills.
- 8) Provide volunteers with clear instructions and an adequate work space.
- 9) Accept the volunteer as part of the team, including him in training and staff meetings that pertain to his work.
- 10) Establish and communicate clearly defined lines of supervision so that the volunteer knows to whom he is responsible.
- 11) Provide appropriate recognition and appreciation to the volunteer.
- 12) Provide written guidelines governing the recruitment, screening, utilization, and supervision of volunteers.
- 13) Recognize an applicant's prior volunteer service in evaluating fulfillment of training and experience requirements for state employment pursuant to rules adopted by the department of human resources development, the judiciary, and the board of regents of the University of Hawaii.

- 14) Provide funds for volunteer benefits as specified in § 90-4.
- 15) Provide recognition of paid staff for support and supervision of volunteers."

"Volunteer benefits shall be provided within the limits of an agency's budget as follows:

- 1) Meals may be furnished without charge or the cost thereof may be reimbursed to volunteers serving the agency.
- 2) Lodging may be furnished temporarily without charge or the cost thereof may be reimbursed to volunteers.
- 3) Transportation reimbursement including parking fees, bus and taxi fares may be furnished to volunteers. Mileage reimbursement when provided for shall be furnished as a rate comparable to that of permanent employees performing similar duties. Volunteers may be authorized to use state vehicles in the performance of official state duties.
- 4) Solely for the purposes of chapter 662, volunteers are hereby deemed "employees of the State," when acting for an agency in their capacity as volunteers.
- 5) Out-service training and conference reimbursement may be furnished for volunteers.
- 6) Personal liability insurance coverage may be furnished for volunteers.
- 7) Reasonable expenses incurred by volunteers in connection with their assignments may be reimbursed.
- 8) Recognition of volunteer service may include a recognition ceremony, certificates, and awards to be determined by the agency." HRS § 90-4.

While the volunteer benefits listed in HRS § 90-4 are dependent upon the County's budget, the responsibilities listed in HRS § 90-3(e) are not and must be fulfilled.

Finally, the County may be liable to a volunteer for damage done to the volunteer's personal property if such property becomes damaged while the volunteer performs services for the County. However, the County may limit this liability. The County could have volunteers sign waiver of liability forms to relieve the County of liability should the volunteer's personal property become damaged while performing services for the County.

#### Liability of County to Third Parties

The County may be held liable for damages caused by the negligent acts of authorized volunteers who are acting within the scope of their duties.

"In any suit against a nonprofit corporation, a hospital, or a governmental entity for civil damages based upon the negligent act or omission of a volunteer, proof of the act or omission shall be sufficient to establish the responsibility of the entity therefor under the doctrine of respondeat superior, notwithstanding the immunity granted to the volunteer with respect to any act or omission included under subsection (a)." HRS § 662D-2.

Under the doctrine of respondeat superior, an employer is held accountable and liable for negligent acts of its employees. However, recovery under doctrine requires that the employee's act complained of must have been within the scope of employment. The conduct of an employee is said to be within the course and scope of employment, for purposes of doctrine of respondeat superior, if it is of kind he is employed to perform, it occurs substantially within authorized time and space limits, and it is actuated, at least in part, by purpose to serve the

employer. Henderson v. Professional Coatings Corp., 72 Haw. 387 (1991). HRS § 662D-2 has statutorily extended the doctrine of respondeat superior to volunteers.

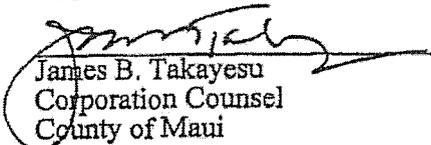
However, the County could limit this liability. The County could require that volunteers execute an indemnity agreement in which the volunteer would defend, indemnify, and hold harmless the County against any liability from a third party for negligent acts of the volunteer. It should be kept in mind, however, that an indemnification agreement is only as good as the party executing it and the agreement may not protect the County in the end. Thus the County should carefully weigh the value of an indemnity agreement against the possibility that such an agreement would be ineffectual or could discourage people from volunteering for the County. Another way to limit exposure would be to provide personal liability insurance for volunteers as set forth in HRS § 90-4(6).

#### Procurement Contracts

Volunteers may not be utilized to perform services within the scope of work of a County construction contract in excess of \$2,000.<sup>1</sup> State procurement law requires that the County pay prevailing wages for laborers and mechanics when procuring such services. Prevailing wages shall not be less than the wages payable under federal law. HRS § 104-2. Thus, a County contract which includes volunteer services would violate procurement law because these workers would not be paid the prevailing wages. Along the same lines, a contractor could not utilize volunteers to perform services within the scope of a County contract because such volunteers would be considered subcontractors and subject to the same prevailing wage requirement.

These are the main issues of liability the County should consider if volunteers are used to reduce the construction costs of a capital improvement project. If you should have any further questions, I can be reached at extension 7740.

Approved For Transmittal:

  
James B. Takayesu  
Corporation Counsel  
County of Maui

S:\ATTORNEY\TFV\Budget & Finance\volunteers.wpd

---

<sup>1</sup> Procurement law specifically excludes grants from the requirements of procurement law so volunteers may be utilized under a grant agreement. HRS § 103D-102(b)(2)(A).

LINDA CROCKETT LINGLE  
Mayor



GUY A. HAYWOOD  
Corporation Counsel

CDW-149

DEPARTMENT OF THE CORPORATION COUNSEL

COUNTY OF MAUI  
200 SOUTH HIGH STREET  
WAILUKU, MAUI, HAWAII 96793  
TELEPHONE: (808) 243-7740

October 25, 1994

MEMO TO: Goro Hokama, Chair  
Committee of the Whole

F R O M: Guy A. Haywood, Corporation Counsel

SUBJECT: Indemnification of Volunteers Assisting in Disasters

This is in response to your memorandum dated September 29, 1994, regarding revision of the Maui County Code ("MCC") Section 8.32 to minimize the County's liability for the negligent acts of volunteers assisting in disasters.

You requested our comments on the following:

- (1) Whether the County can minimize its liability regarding the actions of volunteers assisting in disasters.
- (2) Possible methods of limiting the County's liability regarding the actions of volunteers assisting in disasters.

In response to your first inquiry, the County can minimize its liability regarding the actions of volunteers by legislating clear guidelines when volunteers may be used, by legislating the methods for determining such volunteers and by legislating penalties for unauthorized persons assisting in disasters.

The County will be held liable for damages caused by the negligent acts of authorized volunteers who are acting within the scope of their duties. See, Henderson v. Professional Coatings Corp., 72 Haw. 387 (1991), Nakagawa v. Apana, 52 Haw. 379, 392 (1970). The County will also have to compensate volunteers who suffer personal injury "arising out of and in the course of the employment" H.R.S., Section 386-3. Any volunteer who is injured in performing services for the County is entitled reasonable hospital and medical expenses. H.R.S., Section 386-3.



COUNTY OF MAUI

New Acquisition of Motor Vehicle Request Form

Department: \_\_\_\_\_ Division: \_\_\_\_\_

Submitted by (Print Name): \_\_\_\_\_ Position Title: \_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Approved by: \_\_\_\_\_ Date: \_\_\_\_\_  
(Department Director)

Recommended for Approval: \_\_\_\_\_ Date: \_\_\_\_\_  
(Dept. of Management)

Approved by: \_\_\_\_\_ Date: \_\_\_\_\_  
(Managing Director)

Requests for new vehicles shall be evaluated based on the requesting agency's responses to the following. Please provide complete answers to the following to ensure a complete and efficient review of the vehicle request. Additional supporting documentation may be provided if relevant to the request.

1. **What is the intended use/purpose of the vehicle? What is the daily function(s) it must perform?**
  
2. **Describe in detail the function it must perform, including driving routes and miles, and the frequency of performance in a normal routine or cycle of work (which may be daily, weekly, monthly, etc.).**
  
3. **Will the vehicle be used continuously throughout the day? What portion(s) or hours of the day will the vehicle be used if not continuously?**

## New Acquisition of Motor Vehicle Request Form (Cont.)

4. What is the vehicle type requested and what is needed (specifications) to perform the job for which is intended?
  
5. Explain the circumstances that now require the addition of a vehicle to perform the job.
  
6. Will any specialty equipment or accessories be needed?
  
7. What is the anticipated average monthly mileage of official use?
  
8. What is the estimated minimum mileage per year that this vehicle will be driven? (Complete the Minimum Use Mileage Evaluation & Determination Worksheet, see Attachment C.)
  
9. Is there an existing vehicle(s) available in this division, or other divisions within the department that can be also used to accommodate this need? What considerations have been given to consolidating vehicle use?
  
10. Prepare a cost benefit analysis. The requesting department should detail the cost(s) to acquire (i.e. costs of vehicle and any special equipment) and the benefit(s) that will be derived by the County by acquiring the vehicle. (Benefits should include descriptions of and quantified cost savings to operations, efficiencies gained, etc.).

Attachment P (Page 2 of 2)

COUNTY OF MAUI

Acquisition for Replacement of Existing Motor Vehicle  
Request Form

Department: \_\_\_\_\_ Division: \_\_\_\_\_

Submitted by (Print Name): \_\_\_\_\_ Position Title: \_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Approved by: \_\_\_\_\_ Date: \_\_\_\_\_  
(Department Director)

Recommended for Approval: \_\_\_\_\_ Date: \_\_\_\_\_  
(Dept. of Management)

Approved by: \_\_\_\_\_ Date: \_\_\_\_\_  
(Managing Director)

The vehicle requested for replacement consideration must meet at least two of the following criteria. Identify and explain as necessary which two criteria apply: \_\_\_\_\_ and \_\_\_\_\_.

1. Passenger vehicles (sedans, station wagons, vans, light pick up trucks) - 7 years or 100,000 miles;
2. The unit, when operated, endangers the safety of the operator, passengers and/or people that are in close proximity to it, and that the repair costs to address safety issues exceed its replacement acquisition cost;
3. The unit cannot be repaired due to unavailability of parts;
4. The repair cost of a unit damaged by accident or other causes exceeds the actual cash value of the unit prior to the damage;
5. The accumulated MAJOR repair costs plus the anticipated additional repair costs to recondition the unit exceeds 50% of the replacement acquisition cost;
6. The history of annual cost of renting a substitute for a unit that is sidelined for an extended period due to difficulty in obtaining parts exceeds the average annual cost of a new unit; or
7. The unit is obsolete and is no longer suitable for the mode of operations.

Attachment Q (Page 1 of 2)

## **Acquisition for Replacement of Existing Motor Vehicle Request Form (Cont.)**

Requests to acquire a new vehicle to replace an existing vehicle shall be evaluated based on the requesting agency's responses to the following. Please provide complete answers to the following to ensure a complete and efficient review of the vehicle request. Additional supporting documentation may be provided if relevant to the request.

1. **What is the vehicle year and current mileage reading?**
  
2. **What are the average miles of official annual usage for the past 3 years?**
  
3. **What is the need for the continued use of the vehicle to maintain the present level of service? Describe in detail the function it must perform, including driving routes and miles, and the frequency of performance in a normal routine or cycle of work (which may be daily, weekly, monthly, etc.).**
  
4. **Describe the impact on operations if the vehicle is not replaced.**
  
5. **Identify opportunities to substitute the vehicle with another without curtailing other essential services. Is there an existing vehicle(s) available in this division, or other divisions within the department that can be also used to accommodate this need? What considerations have been given to consolidating vehicle use?**
  
6. **What is the estimated minimum mileage per year that this vehicle will be driven? (Complete the Minimum Mileage Evaluation & Determination Worksheet, see Attachment C.)**
  
7. **Prepare a cost benefit analysis. The requesting department should detail the cost(s) to acquire (i.e. costs of vehicle and any special equipment) and the benefit(s) that will be derived by the County by replacing the existing vehicle. (Benefits should include descriptions of and quantified cost savings to operations, efficiencies gained, etc.).**

### **Attachment Q (Page 2 of 2)**

DEPARTMENT OF PUBLIC WORKS

WORK REQUEST FORM

REQUESTING DEPARTMENT \_\_\_\_\_

BY \_\_\_\_\_  
DEPARTMENT HEAD DATE

START DATE \_\_\_\_\_ CONTACT PERSON \_\_\_\_\_

COMPLETION DATE \_\_\_\_\_ PHONE NUMBER \_\_\_\_\_

EQUIPMENT NO. \_\_\_\_\_ LICENSE NO. \_\_\_\_\_ MILEAGE \_\_\_\_\_

DESCRIPTION OF WORK \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

EQUIPMENT/MANPOWER REQUIRED \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

APPROVED \_\_\_\_\_

NOT APPROVED \_\_\_\_\_

\_\_\_\_\_  
DIRECTOR OF PUBLIC WORKS

\*\*\*\*\*

ACTION TAKEN

ASSIGNED TO \_\_\_\_\_ DATE \_\_\_\_\_ MAN HOURS WORKED \_\_\_\_\_

ACTION TAKEN \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

COMPLETED BY \_\_\_\_\_  
NAME DATE

(PLEASE RETURN ONE COPY TO THE OFFICE OF THE PUBLIC WORKS DIRECTOR  
AFTER WORK IS COMPLETED.)

Revised May, 2012

Attachment R

**Maui County**  
**Department of Fire & Public Safety**  
**Staff Vehicle Policy**

**I. Purpose**

To establish administrative policies, procedures, and operational guidelines for fire department staff vehicles.

**II. Policy**

This policy document applies to all employees who operate Maui County, Department of Fire & Public Safety vehicles of any type on either a regular or occasional basis. The Maui County, Department of Fire & Public Safety reserves the right to deny any employee the use of a Maui County, Department of Fire & Public Safety vehicle and may choose not to indemnify any employee who fails to adhere to the policies and procedures contained in this document.

**III. Requirements**

**A. Authorization**

1. The employee must have authorization from the Fire Chief or his designee to operate a Maui County, Department of Fire & Public Safety vehicle of any type. The Maui County, Department of Fire & Public Safety, Administrative Office shall retain copies of the Vehicle Use Policy sign off form for each authorized employee, along with copies of their driver's licenses as described below. In the event that an employee's driver's license has expired, a copy of the "renewed" license must be sent to the Maui County, Department of Fire & Public Safety, Administrative Office within fourteen (14) days of the issuance of the license.

**B. License requirement**

1. In order to be authorized to operate a Maui County, Department of Fire & Public Safety vehicle, an operator must be an employee of the Maui County, Department of Fire & Public Safety and must possess a valid State of Hawaii Driver's License. This license must be the appropriate license for the equipment to be operated. If an employee operates a Maui County, Department of Fire & Public Safety vehicle without a valid and appropriate license, the Maui County, Department of Fire & Public Safety shall not indemnify, nor will it appear and

**Maui County**  
**Department of Fire & Public Safety**

**Staff Vehicle Policy**

defend the driver in the case of an accident. Any Maui County, Department of Fire & Public Safety employee operating a Maui County, Department of Fire & Public Safety vehicle with an inappropriate license may be subject to appropriate disciplinary action, if it is determined that the employee had failed to inform his/her Supervisor regarding his/her license status.

2. In the event an employee's drivers license is suspended for any reason, that employee shall promptly notify the Department Head with written notice of said revocation, within one working day. The employee shall not operate a Maui County, Department of Fire & Public Safety vehicle during the term of the stipulated suspension. If an employee with a suspended license operates a Maui County, Department of Fire & Public Safety vehicle, the Maui County, Department of Fire & Public Safety may not indemnify; nor shall it appear and defend the employee in the case of an accident. The Department Head may take any appropriate disciplinary action against employees who operate a Maui County, Department of Fire & Public Safety vehicle with a suspended license.

**IV. Authorized Usage of Vehicles**

A. Members authorized to take Department vehicles home.

The following individuals are required to maintain a seven (7) day, 24 hour operational schedule, and may respond to major emergencies or calls after normal working hours:

1. Fire Chief
2. Deputy Fire Chief
3. Assistant Fire Chief-Operations
4. Assistant Fire Chief-Support Services
5. Fire Services Officer

**Maui County**  
**Department of Fire & Public Safety**

**Staff Vehicle Policy**

B. Other members authorized to take Department vehicles home.

Other members who are assigned to department vehicles may take their vehicle home, but are not authorized to use it for personal business. It may be necessary for them to respond to major emergencies or calls, or represent the Department at meetings and other functions, after normal working hours. The vehicles may be used only for Department approved functions. These members are:

1. Training Bureau Captain
2. Health & Safety Bureau Captain
3. Health & Safety Bureau Rehab Staff
4. Fire Prevention Bureau Captain
5. Fire Prevention Bureau-Inspectors
6. Fire Prevention Bureau-Arson Investigators
7. Inventory Maintenance Tech
8. Lead Fire Mechanic

**Maui County**  
**Department of Fire & Public Safety**

**Staff Vehicle Policy**

C. Safe vehicle operation

1. Any Department employee operating a Department vehicle, shall operate the vehicle in a reasonable and prudent manner, exercising judgment and care with due regard for the safety of life and property.
2. The driver and all occupants must wear seat belts at all times when operating any Maui County, Department of Fire & Public Safety vehicles, including off road equipment.
3. The driver must obey all traffic laws at all times. It is incumbent upon all operators of Maui County, Department of Fire & Public Safety vehicles to follow all motor vehicle laws, rules of the road, and operate the vehicle in a safe and courteous manner.
4. The use of alcohol, illegal drugs, or any drugs or substances that may affect the employee's ability to drive safely while operating a Department vehicle is prohibited.
5. Vehicles shall be operated only by the employee who has signed out or has been assigned the use of a Maui County, Department of Fire & Public Safety vehicle, in accordance with the procedures established by the Fire Chief.
6. The transportation of Hazardous Materials must be in accordance with Department of Transportation regulations and approved in writing by the Fire Chief or his designee. Shipping through approved carriers whenever possible is recommended.
7. If flammable liquid must be transported, it must be transported in accordance with all Federal, State and local regulations.
8. Firearms are not allowed in a Maui County, Department of Fire & Public Safety vehicle at any time.
9. Non-employees, off duty employees, unauthorized persons and animals are not permitted in Maui County, Department of Fire & Public Safety vehicles at any time, without the express permission of the Fire Chief or his designee.
10. Emergency lights and sirens shall be turned on while responding in emergency response mode.

**Maui County  
Department of Fire & Public Safety**

**Staff Vehicle Policy**

**V. Vehicle Accidents and Infractions**

**A. Vehicle accident reporting**

1. In the event of a motor vehicle accident, whether a Maui County, Department of Fire & Public Safety vehicle or an authorized personal vehicle, it is the driver's responsibility to immediately notify local police, their immediate supervisor, and ensure that a Police Accident Report is completed at the scene. The driver's immediate supervisor is to notify their supervisor immediately, up to and including the Fire Chief. In addition, a Maui County, Department of Fire & Public Safety Motor Vehicle Accident Report must be completed by the employee and their supervisor. The report is then to be submitted to the appropriate Department Head by the next business day for review. Failure to report an accident in accordance with this provision will result in immediate revocation of driving privileges and may result in disciplinary action.

**B. Vehicle infractions**

1. It is the responsibility of all Maui County, Department of Fire & Public Safety employees to report all vehicular infractions issued against them while operating a Maui County, Department of Fire & Public Safety vehicle to their supervisor. Failure to report an infraction in accordance with this provision will result in immediate suspension or revocation of driving privileges. Payment of any fines or legal costs associated with vehicular infractions incurred while operating a Maui County, Department of Fire & Public Safety vehicle, shall be the sole responsibility of the driver. An authorized driver's failure to report vehicular infractions received while operating a Maui County, Department of Fire & Public Safety vehicle may result in disciplinary action.

**Maui County  
Department of Fire & Public Safety**

**Staff Vehicle Policy**

**ATTACHMENT A**

**Maui County Department of Fire & Public Safety  
Vehicle Use Acknowledgement Form**

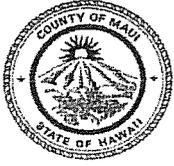
In consideration for the use of a Maui County Department of Fire & Public Safety vehicle for County business or purpose, I acknowledge that:

1. I have read, understand and shall comply with the content of the Maui County Department of Fire & Public Safety Staff Vehicle Policy.
2. I acknowledge that authorization for the use of a vehicle for County business and purpose can be suspended or revoked at my Department Head's discretion.

Employee's name: \_\_\_\_\_

Employee's signature: \_\_\_\_\_

Date: \_\_\_\_\_



County of Maui  
 Department of Finance, Risk Management Division  
 200 S High Street Phone (808)270-78  
 Wailuku, HI 96793 Fax (808) 244-26

## VEHICLE ACCIDENT REPORT

Complete this form to report any **VEHICLE** related incident resulting in potential bodily injury, property damage, and/or loss of County property. Fax the original completed form **within 48 hours** of the incident to **Risk Management** at 270-7861, with copies to **Corporation Counsel** and the **Managing Director** either by email, fax, or interoffice mail. Please use the Wreckit, if available, to document this accident.

Your Name \_\_\_\_\_ Department \_\_\_\_\_ Date \_\_\_\_\_

Address \_\_\_\_\_ Phone \_\_\_\_\_

Date of Accident \_\_\_\_\_ Time \_\_\_\_\_ m.

Location of Accident \_\_\_\_\_

Did Police respond?  Yes  No. If yes, please obtain report and forward a copy of their report as soon as possible.

**COUNTY CAR:**

Year \_\_\_\_\_ Make \_\_\_\_\_ Model \_\_\_\_\_ License# \_\_\_\_\_

Driven for what purpose? \_\_\_\_\_

Describe damage \_\_\_\_\_ Estimated repair cost \$ \_\_\_\_\_

**PERSONS INJURED:**  Yes  No If yes, please complete the following:

Name \_\_\_\_\_ Age \_\_\_\_\_

Address \_\_\_\_\_ Phone \_\_\_\_\_

Describe Injuries \_\_\_\_\_ Medical Treatment Required?  Yes  No

Name \_\_\_\_\_ Age \_\_\_\_\_

Address \_\_\_\_\_ Phone \_\_\_\_\_

Describe Injuries \_\_\_\_\_ Medical Treatment Required?  Yes  No

**OCCUPANTS OF YOUR AUTOMOBILE:**

Name \_\_\_\_\_ Age \_\_\_\_\_ Address \_\_\_\_\_

Name \_\_\_\_\_ Age \_\_\_\_\_ Address \_\_\_\_\_

**DESCRIPTION OF OTHER AUTOMOBILE:**

Year \_\_\_\_\_ Make \_\_\_\_\_ Model \_\_\_\_\_ License# & State \_\_\_\_\_

Other Driver Name \_\_\_\_\_ Address \_\_\_\_\_

Describe damage \_\_\_\_\_

Were there any occupants other than driver  Yes  No If yes, how many? \_\_\_\_\_

**WITNESSES OTHER THAN OCCUPANTS OF VEHICLES ALREADY LISTED:**

Name \_\_\_\_\_  
Address \_\_\_\_\_ Phone \_\_\_\_\_

Name \_\_\_\_\_  
Address \_\_\_\_\_ Phone \_\_\_\_\_

**THE ACCIDENT:**

Explain how accident occurred \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Were you wearing a seatbelt? \_\_\_\_\_ Were all passengers in your vehicle wearing seatbelts? \_\_\_\_\_

What statements were made by you or other party about accident after it occurred? \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Please draw a diagram below showing position of your car (A)  and other car (B) , etc., at the moment of impact.

Check type of road construction: \_\_\_\_\_  
\_\_\_ concrete \_\_\_ asphalt \_\_\_ dirt \_\_\_ gravel  
Check condition of road: \_\_\_ dry \_\_\_ wet  
Check condition of weather: \_\_\_ clear \_\_\_ fog \_\_\_ rain \_\_\_ darkness



Direction your car was going \_\_\_\_\_ Side of street \_\_\_\_\_ Speed \_\_\_\_\_

Direction other car was going \_\_\_\_\_ Side of street \_\_\_\_\_ Speed \_\_\_\_\_

Did your driver give signal? \_\_\_\_\_ Kind \_\_\_\_\_ Were your lights on? \_\_\_\_\_

Did other driver give signal? \_\_\_\_\_ Kind \_\_\_\_\_ Were his/her lights on? \_\_\_\_\_

Did any temporary or permanent object (building, hedge, tree, car, etc.) obscure vision of either driver?  Yes  No  
If yes, describe and show it on the diagram you have drawn above.

**Your signature** \_\_\_\_\_ **Date** \_\_\_\_\_

\_\_\_\_\_  
**Supervisor's name & signature** \_\_\_\_\_ **Date** \_\_\_\_\_

\_\_\_\_\_  
**Department Head signature** \_\_\_\_\_ **Date** \_\_\_\_\_