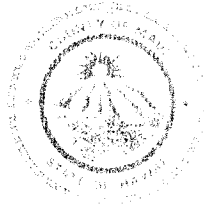


ALAN M. ARAKAWA
MAYOR



KEITH A. REGAN
MANAGING DIRECTOR

DEPARTMENT OF MANAGEMENT
COUNTY OF MAUI

April 21, 2017

Ms. Lynn A. S. Araki-Regan
Budget Director, County of Maui
200 South High Street
Wailuku, HI 96793

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

A handwritten signature in black ink, appearing to read "Alan Arakawa", followed by the date "4/21/17".

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 2018 BUDGET (MD-6) (BF-1)

Thank you for your letter dated April 18, 2017, regarding a "policy for the use of County property or personnel for other than County purposes." In your letter, you requested the following information:

ITEM #1: A copy of a policy for the use of County property or personnel for other than County purposes.

RESPONSE: Other than the restrictions established by the Charter, we were unable to locate a formal policy or procedure pertaining to these types of activities. It is generally known that the use of County property or personnel for other than "public activity or purpose" is prohibited (Maui County Charter, 2017). We have included our "Computer Usage Policy" and our "Motor Vehicle Policy" which include language pertaining to the use of County property. These have been labeled as Exhibit 1 and Exhibit 2.

RECEIVED
2017 APR 21 PM 4:06
OFFICE OF THE
COUNTY COUNCIL

ITEM #2: Standards that apply for memorials or celebratory events departmental staff may wish to attend or support through the use of County vehicles, equipment, or manpower.

RESPONSE: We are unaware of any “standards” that may apply to memorial and/or celebratory events that departmental personnel may want to attend or support through the use of County vehicles, equipment, or manpower except for those established by the Charter and referenced in Item #1.

ITEM #3: How is the Department of Management involved, if at all, in approving or disapproving such activities and use of County resources?

RESPONSE: To our knowledge, the Department of Management has not been involved in the decision making process for the kind of activities described.

ITEM #4: A list of any such events which occurred in Fiscal Year 2017 including estimated costs associated with the department’s participation and whether the County’s liability policy covered the event and participating personnel.

RESPONSE: Our office contacted all departments to query them on this topic. We provided department directors a copy of your letter, requested they provide us with a list of events and estimated costs. We received responses from all departments on this matter and all departments, with the exception of the Department of Fire and Public Safety, indicated that they did not have any events which met the criteria described in the letter.

The Department of Fire and Public Safety did indicate that they had at least one event which may possibly involve the “use of County property or personnel for other than County purposes” as described in the communication from your committee. The event, as explained by Fire Chief Murray, was a “Celebration of Life” for Honorary Maui Firefighter Trucker Dukes, son of Maui Firefighter Joshua Dukes, held on Friday, March 10, 2017 at Hope Chapel in Kihei. An estimation of costs was not available to be submitted in time to meet the deadline of the committee’s request. Fire Chief Murray stated that he would be more than willing to answer any questions the committee may have regarding this event.

We thank you for your inquiry and would be happy to address any further questions you may have regarding this subject.

Sincerely,



KEITH A. REGAN
Managing Director

Attachments (Exhibit 1 and 2)



COUNTY OF MAUI COMPUTER USAGE POLICY

PURPOSE

The purpose of this policy is to establish acceptable use of computer resources provided to the employees of the County of Maui (County) and to encourage proper usage. This policy shall also apply to any other organization(s) or individual(s) that is (are) granted use of the equipment.

DEFINITIONS

Backup - A backup (of data files) is the saving or transferring of data to an external medium such as magnetic tape cassette or a floppy diskette on a periodic interval, for example, once a day or whenever data is added or updated in a computer file.

County - The County of Maui Government.

Digital Data - Any information stored through electronic means on the County's computer resources or storage media. This definition includes data generated, maintained, and owned by the County, as well as data licensed for use to the County by outside agencies or organizations.

Electronic mail or e-mail - A facility for the transmission of messages within or outside the County that relies on the electronic transmission or receipt of digital information.

Internet - Any global communication facility that allows the interactive transmission of data to or from locations outside the County. This definition includes the INTERNET and other facilities accessed by modems attached to County networks.

Local Area Network (LAN) - Collection of interconnected computers and other electronic devices within a limited geographic area (such as a building or group of buildings close to each other) provided for the electronic transaction of County business.

MIS - The County of Maui, Department of Management - Management Information Systems Division.

Server - A computer providing networking or application services to many users, typically requiring users to log on via the LAN, using a user-id and password. Servers are usually located in the computer room.

User - Refers to the employee who uses County computer resources.

Virus - A virus is a program that copies itself in a computer. This program is usually destructive and may do slight to severe damage to computer files.

Wide Area Network (WAN) - Electronic communications system that provides connectivity between LANs, remote County facilities, and information systems located at the State or other counties.

POLICY

General

The County, through its MIS Division, makes a variety of computer resources available to its employees to assist them in performing their job functions. These resources include desktop computers, mini computers, local and wide area networks, printers, fax/modems, data storage devices, application software, data files, e-mail, Internet, etc. All of these resources are property of the County and are to be used for County business and/or endorsed purposes. The County reserves the right to review and/or monitor any of its computer resources when necessary for County business purposes.

Personal Software/Hardware

Software

The installation and use on any County computer of any unauthorized privately owned computer software is strictly prohibited.

Hardware

The installation and use of any privately owned peripheral, accessory or any other hardware is prohibited.

Employee may be held liable for any damage to County computers that may have resulted when installing the unauthorized peripheral.

Departments are advised to the established requisition procedures for software and hardware.

Non-County Users

Generally non-county employees are not authorized access to County computers. Departments participating in the Senior Volunteer Program and/or the MCC Cooperative Extension Program shall insure that the volunteers and students are properly trained and supervised before allowing access to the computers. Any computer support by outside parties must be cleared through MIS to ensure compliance with the County's configuration and security standards.

Computer Usage

Computer usage covers all County computer resources, including computers (desktop or laptop), network facilities, application servers, and peripheral equipment such as printers, scanners, etc. Computer usage is intended for conducting the business of the County.

All files residing on the computer, as well as files generated from County computers, are the property of the County and may be subject to monitoring and/or review.

PC's shall remain accessible to other users. PC's that need a password to be operable shall be done only with prior approval of the Department Head. The MIS Division Head shall be informed of this password in case access to this PC is required.

Users are encouraged to attend County computer training courses to gain familiarity in using the County's computers. Employees assigned to use computers as part of their normal duties and assignment shall complete the requisite training course(s) prior to assuming such duties. New employees attending New Employee Orientation shall be introduced to the County's computing environment, policies, practices, and standards. A copy of this policy shall be part of the material packet provided each new employee.

Users shall limit the use of County computers to tasks that are job-related or in support of the County's needs.

Computers may not be used for any of the following:

1. activities related to the employee's personal gain,
2. union activities without prior approval of the Mayor or his/her designee, except as provided by the collective bargaining agreement,
3. commercial ventures,
4. religious or political causes,
5. other activities that may not be in the best interest of the County.

Any activity using any County computer which could be construed as illegal, sexually explicit, discriminatory based on race, national origin, sex, sexual orientation, age, disability, religious or political beliefs or in violation of any intellectual property rights is strictly prohibited

The willful destruction of any computer resource is strictly prohibited.

Digital Data

Use of digital data on the County network is permitted only as required for the user's job functions. Authorized methods and levels of access to data will determine access privileges.

Where private data is licensed by the County, or any of its entities, any distribution of the data shall be in compliance with all requirements of the data licensing. With respect to data developed or purchased by the County, the establishment of policies for the distribution of County data shall be within the purview of the County agency which originally developed, acquired and/or currently maintains that data and with the approval of the Managing Director. In those cases where no one agency can have clear responsibility for the data, the Managing Director's office shall, if necessary, establish distribution policies.

Backup

All data stored on the County's network and application servers is backed up to removable media for future data recovery. Users who store working data completely on a PC (local drive C: or D:) should perform a backup on a regular basis to a medium that is easily restorable. If data volume is small, a high-density diskette is recommended. If data volume is larger, a zip drive or magnetic tape drive is advised. MIS will assist in selecting the backup medium or device. Backup medium should be kept for a specified amount of time.

Inspection and Evaluation

All computer systems are subject to periodic inspection to insure the integrity of the system through the appropriate use of passwords, access codes, and similar security measures. Findings of intrusions or unauthorized access or inappropriate use of the County's computing resources shall be reported to the Department Head and Managing Director for appropriate action.

Electronic Mail

Electronic mail or e-mail, refers to both the internal e-mail on County networks and the wide area e-mail that is available to some users via the Internet or other global communications facility. The e-mail capabilities provided for County employees is to facilitate County business communications among employees and in some cases, with outside entities.

Users are advised that all data and other electronic messages stored on or sent from the County provided e-mail facilities are the property of the County. The County may access and review all e-mail messages at any time.

Employees are reminded that e-mail messages are written communications and as with all written communication should be consistent with standards appropriate to the workplace. Employees are responsible for the daily use and content of their messages. Users are advised that they may not expect privacy and confidentiality of their e-mail messages.

Employees may not intentionally intercept, eavesdrop, record, read, alter, or receive other persons' e-mail messages without proper authorization.

E-mail should not be used where confidentiality and privacy is of concern. Personnel matters such as allegations against employees are not appropriate matters to discuss in detail via e-mail. Investigations, findings and charges resulting in disciplinary action shall not be discussed or transmitted via e-mail. Similar cautions are advised in other areas.

Internet

The County may provide access to the Internet for some employees. This capability will be provided on an "as needed" basis and is a revocable privilege. The County reserves the right to and may block access to certain inappropriate sites on the Internet. In addition, the County reserves the right to and may restrict users' time allotment for 'surfing' the Internet.

Acceptable Uses of the Internet:

Communication and information exchange directly related to the mission, charter, or work tasks of the County of Maui.

Use for advisory, standards, research, analysis and reporting activities related to the employee's work tasks and duties.

Unacceptable Uses of the Internet:

Use of the Internet for any purpose that violates a U.S. or State of Hawaii law.

Use for access to and distribution of indecent or obscene material.

Use of the Internet that interferes or disrupts network users, services or equipment.

Intentionally seeking out information on, obtaining copies of, or modifying files and other data which is private, confidential or not open to public inspection, unless specifically authorized to do so by the file owner. Seeking passwords of others or the exchanging of passwords is specifically prohibited.

Copying software without determining that permission to do so has been granted by the file owner.

Representing one's self electronically as another, unless specific permission to do so has been granted.

Modems

As the County's LANs and WAN are connected to the Internet, security of the network is of great importance. For that reason, use of modems installed in or attached to PCs is prohibited. The network provides access to secure modems for those users who need to transmit documents or files to outside entities, where the Internet is not a viable option.

A PC that is not connected to the network may have a modem installed upon request via the department head and approval by MIS. Request must include justification.

Virus

Users are advised to do a virus-check on all diskettes received from others and on all data or file transfers obtained from the Internet. If a virus is found, report virus name and source to MIS immediately. Anti-virus software should be updated at least once a year since viruses are continuously being created.

Penalties

Any unlawful and/or unauthorized use of County computer resources may result in discipline up to and including dismissal in accordance with applicable rules, laws, and the appropriate collective bargaining agreement.

Distribution and Effective Date

This policy shall be distributed to every County employee and posted on appropriate bulletin boards. Employees shall acknowledge receipt and their understanding of the policy by their signature on a separate acceptance page. The signature page shall be filed for the record.

The policy shall be effective November 20, 2000.

ACKNOWLEDGMENT

I hereby acknowledge receipt of the **County of Maui's Computer Usage Policy** dated November 20, 2000 and understand the provisions of the policy.

Employee's Name (Please print)

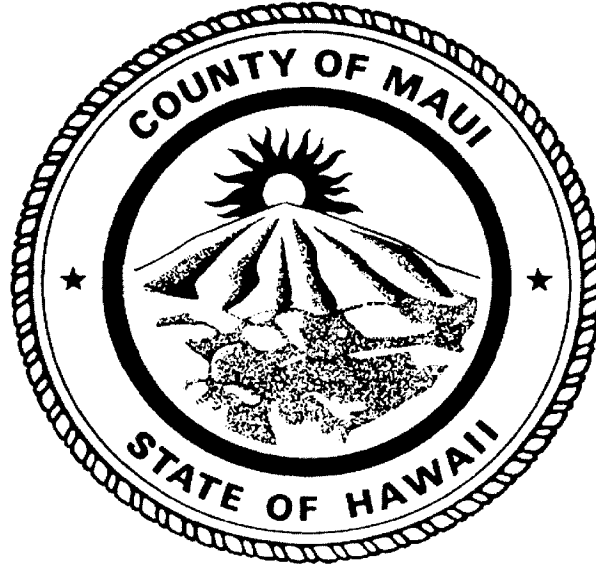
Job Title (Please print)

Department (Please print)

Date

Employee's Signature

(This page is to be detached from the policy and placed in the employee's personnel file in his/her department.)



COUNTY OF MAUI MOTOR VEHICLE POLICY

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- 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
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- O. Corporation Counsel Advisory Opinion, August 2011
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- R. Department of Public Works Work Request Form
- S. Maui County Department of Fire & Public Safety – Vehicle Policy
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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).