

**COUNTY OF SAN LUIS OBISPO BOARD OF SUPERVISORS
AGENDA ITEM TRANSMITTAL**

(1) DEPARTMENT Administrative Office	(2) MEETING DATE July 21, 2009	(3) CONTACT/PHONE Nikki Schmidt (805) 781-5496
(4) SUBJECT Request to approve recommended response to the 2008-2009 Grand Jury report titled <i>County Take Home Vehicles</i> .		
(5) SUMMARY OF REQUEST The 2008-2009 Grand Jury prepared a report that examining the County take-home vehicles. The Grand Jury requested that the County Administrator and Board of Supervisors, District Attorney and Sheriff respond to findings and recommendations contained in the report. This item includes the responses by the County Administrator as well as the recommended responses by the Board of Supervisors to the report. The District Attorney and Sheriff will submit their responses directly to the Presiding Judge.		
(6) RECOMMENDED ACTION It is recommended that you Board adopt the recommended responses to the Grand Jury report titled <i>County Take Home Vehicles</i> and transmit this response to the Presiding Judge of the Superior Court, with copy to the Foreperson of the Grand Jury by August 3, 2009.		
(7) FUNDING SOURCE(S) N/A	(8) CURRENT YEAR FINANCIAL IMPACT N/A	(9) ANNUAL COST N/A
(10) BUDGETED? ☐ No ☐ Yes ☒ N/A		
(11) OTHER AGENCY INVOLVEMENT/IMPACT (LIST): The County Administrative Office formulated the recommended responses. The General Services Agency provided the financial information relating to costs associated with take-home vehicles.		
(12) WILL REQUEST REQUIRE ADDITIONAL STAFF? ☒ No ☐ Yes, How Many? _____ ☐ Permanent ☐ Limited Term ☐ Contract ☐ Temporary Help		
(13) SUPERVISOR DISTRICT(S) ☐ 1st, ☐ 2nd, ☐ 3rd, ☐ 4th, ☐ 5th, ☒ All	(14) LOCATION MAP ☐ Attached ☐ N/A	(15) Maddy Act Appointments Signed-off by Clerk of the Board ☐ N/A
(16) AGENDA PLACEMENT ☒ Consent ☐ Hearing (Time Est. _____) ☐ Presentation ☐ Board Business (Time Est. _____)	(17) EXECUTED DOCUMENTS ☐ Resolutions (Orig) ☐ Contracts (Orig + 3 Copies) ☐ Ordinances (Orig) ☒ N/A ☐ Email Resolution and Ordinance to CR_Board_Clerk (in Word)	
(18) NEED EXTRA EXECUTED COPIES? ☐ Number: _____ ☐ Attached ☒ N/A	(19) BUDGET ADJUSTMENT REQUIRED? ☐ Submitted ☐ 4/5th's Vote Required ☒ N/A	
(20) OUTLINE AGREEMENT REQUISITION NUMBER (OAR) _____	(21) W-9 ☐ No ☐ Yes	(22) Agenda Item History ☒ N/A Date N/A
(23) ADMINISTRATIVE OFFICE REVIEW 		

County of San Luis Obispo

COUNTY GOVERNMENT CENTER, RM. D430 • SAN LUIS OBISPO, CALIFORNIA 93408 • (805) 781-5011



TO: BOARD OF SUPERVISORS

FROM: NIKKI J. SCHMIDT, ADMINISTRATIVE ANALYST

JIM GRANT
INTERIM COUNTY ADMINISTRATOR

DATE: JULY 21, 2009

SUBJECT: RESPONSES TO 2008-09 GRAND JURY REPORT – “COUNTY TAKE HOME VEHICLES”

RECOMMENDATION

That the Board of Supervisors adopt the following responses to the 2008-09 Grand Jury report titled “County Take Home Vehicles” as the County Administrator and Board of Supervisor’s responses to the Grand Jury and direct the Clerk of the Board to forward the responses to the Presiding Judge of the Superior Court and the Grand Jury by August 3, 2009.

DISCUSSION

The Grand Jury issued a report on June 3, 2009 relating to County vehicles that are driven home for on-call emergency use after normal working hours, also known as “take home vehicles”. The Grand Jury has directed that the County Administrator response to all six (6) findings and the three (3) recommendations and the Board of Supervisors to three (3) of the six (6) findings and all the recommendations. The Grand Jury also requested that the District Attorney and Sheriff response to three (3) of the findings and one (1) of the recommendations. The District Attorney and Sheriff will send their responses directly to the Presiding Judge with the 60-day mandated timeframe.

While the Grand Jury report concentrates on the take home vehicles for the District Attorney’s Office and the Sheriff’s Department, the County Ordinance on the use of vehicles on County business and the subsequent Rules for Use of Vehicles on County Business governs the use of all County vehicles. Departments are asked annually to provide justification for the use of their vehicles as it relates to parking and/or seal exemptions.

Parking and/or seal exemptions are granted based on the following criteria:

- Full Exemption: a full exemption may be granted if a department demonstrates that the employee assigned a vehicle is on on-call on a 24-hour basis year-round; vehicles granted this exemption would be considered “take-home”.

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- Partial Exemption: a partial exemption may be granted if the department demonstrates that the employee assigned a vehicle is on on-call 24-hours during certain times of the year; vehicles granted this exemption are normally used by employees on a rotating, on-call basis. Essentially, these vehicles are pool cars assigned to specific departments that can be taken home by various individuals, depending on who is on-call at any given time.
- County Seal Exemption: an exemption may be granted for a vehicle which is used in law enforcement for undercover investigative assignments, or when it can be shown that it is advantageous to leave a vehicle unmarked. It should be noted that a seal exemption are not a factor when determining whether a partial or full exemption should be granted.
- Additionally, any vehicle that is not parked at a County site, when not in use, is required to have an exemption approved.

Finding #1:

The County has a large fleet of 777 licensed vehicles; 132 are driven to employees' homes for overnight parking and personal commuting.

Recommended County Administrator Response:

The County Administrator partially agrees with this finding. The County does have a large fleet of vehicles and a portion of them are taken home on either a partial or full-time basis. At the end of fiscal year 2008-09, the County had 747 vehicles in its fleet and of those, 137 vehicles (or 18%) have been approved for either partial or full exemptions. Of that total, 56 vehicles have been designated for use with partial exemptions. As noted above, these vehicles are driven by on-call rotating personnel. Full exemptions, known as "take-home", have been designated for 81 vehicles.

Finding #2:

The County has a policy adopted by the Board of Supervisors in July 2008, which further clarifies the delegated approval and assignment of take-home vehicles in the Sheriff's Department and the District Attorney's Office. All other county departments must seek approval from the County Administrative Officer.

Recommended County Administrator and Board of Supervisors Response:

The County Administrator and Board of Supervisors agrees with this finding. While the Grand Jury finding concentrates on the approval and assignment of take home vehicles, the County Ordinance on the use of vehicles on County business and the subsequent Rules for Use of Vehicles on County Business governs the use of all County vehicles. While take home vehicles are a component of the Rules, the policy encompasses a variety of issues pertaining to the use of County vehicles, such as how to obtain and

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keep driving privileges, and seat belts/child safety seats use, reporting vehicle collisions, incidents or damage. The Rules require that departments annually provide justification for the use of their vehicles as it relates to parking and/or county seal exemptions.

Finding #3:

The policy and required process to be used by the Sheriff and the District Attorney in the assignment of take-home vehicles does not have a check and balance review process beyond the department. Although the District Attorney argues strongly to preserve his independence in these decisions, there is potential for lax oversight in the assignment of those vehicles.

Recommended County Administrator and Board of Supervisors Response:

The County Administrator and the Board of Supervisors disagrees with this finding. Section VII - B of the Rules for Use of Vehicles on County Business requires that the District Attorney, Sheriff and County Administrator annually review all exemptions. While the District Attorney and the Sheriff are responsible for approving all take-home vehicles and/or county seal exemptions for their respective departments, the Rules do require they provide written approval criteria annually to the County Administrator as well as the associated justifications for approving those exemptions. In turn, the County Administrator is required to submit the listing of all vehicles approved for exemptions to the Board of Supervisors for informational purposes.

Government Code Section 25303 and an opinion from the State's Attorney General state that while boards of supervisors retain the authority to set the budget for sheriff and district attorney offices, it is up to those officials to designate how those funds are expended (i.e. in the case of vehicles, these two departments have the authority to make the final determination). We believe that the process as described in the Rules and the continued dialogue between the County Administrative Office, District Attorney and Sheriff contributes to the oversight of take-home vehicle assignments.

Finding #4:

There is significant cost in take-home vehicle use. The total annual cost for all such vehicles is estimated to exceed \$1,000,000 of which the commuting miles are a significant portion. There are opportunities for savings with more rigorous justification for the assignment and use of these vehicles.

Recommended County Administrator Response:

The County Administrator partially agrees. In FY 2008-09, costs for all vehicles, including pool cars, patrol cars, trucks of varying sizes and vans, was \$3.52 million. Costs include mileage, fuel, maintenance and annual depreciation. Depreciation (approximately \$858,000 in FY 2008-09) is a cost that is incurred whether a vehicle is

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taken home or not. The total cost for the 81 take home vehicles that are granted full exemption is approximately \$596,000 (\$7,358/vehicle).

Finding #5:

There is additional County liability exposure in the assignment of take-home vehicles.

Recommended County Administrator Response:

The County Administrator partially disagrees with this finding. The County has exposure to liability whenever County equipment or a vehicle is being used and the Rules set out parameters to help limit the County's liability exposure. There is no evidence that the assignment of take-home vehicles increases this exposure.

Finding #6:

The justifications for take-home use presented to the Grand Jury for the Sheriff and District Attorney take-home vehicles were minimal and the Grand Jury found them to be inadequate.

Recommended County Administrator and Board of Supervisors Response:

The County Administrator and Board of Supervisors neither agrees nor disagrees with this finding. As noted above, Section VII.C-2 of the Rules for Use of Vehicles on County business requires that the District Attorney and Sheriff develop written criteria for all vehicle assignments, whether partial or full exemptions. It is expected that both departments authorize the use of County vehicles according to their individual criteria. Additionally, the Rules (Section VII.B) require that the listing submitted to the Board of Supervisors is for informational purposes and the brief nature of the listing is indicative of this.

Recommendation #1:

To assure that the citizenry is best served by the take-home vehicles, the Board of Supervisors, District Attorney and Sheriff should assure that the "brief justification" of county vehicles that are approved for overnight parking exemption, or so called take home vehicles, are subject to a cost benefit analysis and use justification.

Recommended County Administrator and Board of Supervisors Response:

This recommendation will be implemented. As part of the FY 2009-10 vehicle exemption update, we will provide additional instructions to departments relating to cost benefit analysis. It is our understanding that the District Attorney, in his response to the Presiding Judge, will provide details related to their cost benefit analysis. We have not received any information regarding the Sheriff's Department's response even though it was requested multiple times.

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Recommendation #2:

The Board of Supervisors should modify the current Rules for Use of Vehicles on County Business (July 2008) to insure that a system of "check and balance" exists in the justification for take-home vehicle assignments.

Recommended County Administrator and Board of Supervisors Response:

This recommendation will not be implemented as it is not warranted. A lengthy revision process was undertaken by a committee of department representatives from Risk Management, the Sheriff's Department, District Attorney's Office, Public Works, General Services Agency, Planning and Building, Health Agency, Probation, Agricultural Commissioner's Office, Social Services, County Fire, County Counsel and the Auditor-Controller's Office. The revised Rules for Use of Vehicles on County Business were approved by the Board in July 2008. Section VII – Take Home County Vehicles sets out the process which insures a system of "check and balance" for exemptions to use of County vehicles on business. Additionally, the Sheriff's Department and the District Attorney's Office have developed written criteria by which they assign take-home vehicles. We will continue to review the effectiveness of the Rules during the annual vehicle exemption update, focusing on the implementation of the policy and a more rigorous cost benefit analysis.

Recommendation #3:

This expanded analysis should be done annually and submitted for public review at a meeting of the Board of Supervisors, being sensitive to the undercover nature of some of those vehicle assignments.

Recommended County Administrator and Board of Supervisors Response:

This recommendation is currently being implemented as analysis of vehicle exemptions is done annually. The Rules require the exemption list to be submitted to the Board of Supervisors as an informational item.

OTHER AGENCY INVOLVEMENT

The County Administrative Office formulated the recommended responses. The General Services Agency provided the financial information relating to costs associated with take-home vehicles.

FINANCIAL CONSIDERATIONS

While there is no financial cost associated with this response, the annual review of take home vehicle exemptions is meant to minimize costs while maximizing service level to County residents.

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RESULTS

Adoption of the findings and recommendations will fulfill the County's obligation to respond to Grand Jury reports as specified in Section 933 of the Penal Code.

Attachments

Grand Jury Report titled "County Take Home Vehicles"
Rules for Use of Vehicles on County Business (without attachments)
FY 2008-09 Vehicle Exemption list