Ellinger
Myers
Blues
DeCamp
Beard
Crosbie
McChord
Blevins
Henson
Lane

SERVICES COMMITTEE
June 3, 2008
1:00 P.M.
A G E N D A

1. **Graffiti** - Moloney/Henson (1-5)
2. **Employee Auto Usage & Reimbursement** - Blues (6-34)
3. **Items in Committee** (35-36)

"Services Committee, to which should be referred matters relating to public safety, public works, urban county courts, and constitutional officers."

Council Rules & Procedures, Section 2.102(3)

Mayor Jim Newberry

LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT

Department of Law

TO: Chuck Ellinger, II, Chairman, Urban County Council Services Committee
Paul Schoninger, Council Research Analyst

FROM: Department of Law

DATE: April 30, 2008

RE: Graffiti Ordinance (07-CC1532)

Attached hereto for placement and consideration before the Services Committee is the final draft "graffiti" ordinance, which has been reviewed and approved by the Division of Police and the County Attorney' Office. The section regarding the criminalization of sales to minors has been highlighted, and may be removed if desired.

Please contact me should you have any questions.

David J. Barberie
Attorney Sr.

cc: Tim Bennett, Commissioner of Public Safety
Chief of Police Ronnie Bastin
Officer Keith Gaines, Division of Police
Brian Mattone, First Assistant County Attorney

DJB/00162748

HORSE CAPITAL OF THE WORLD

**P.O. Box 34028 Lexington, KY 40588 (859) 258-3500 Fax:(859) 258-3538 www.lfucg.com

**Please note new mailing address

ORDINANCE NO. _____ - 2008

AN ORDINANCE CREATING SECTIONS 14-3.1 THROUGH 14-3.3 OF THE CODE OF ORDINANCES, LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT, PERTAINING TO GRAFFITI AND PROVIDING FOR DEFINITIONS OF GRAFFITI, GRAFFITI IMPLEMENT(S), BROAD TIPPED MARKER, ETCHING EQUIPMENT, MARKER NIBS, TIPS, OR BITS, PAINT STICK, SPRAY PAINT CONTAINER, AND SPRAY PAINT NOZZLE; PROVIDING THAT IT IS UNLAWFUL TO APPLY GRAFFITI TO ANY NATURAL OR MANMADE SURFACE WITHOUT CONSENT, THAT ADDITIONAL CRIMINAL PROSECUTION MAY RESULT FROM SUCH CONDUCT, THAT IT IS UNLAWFUL TO POSSESS A GRAFFITI IMPLEMENT ON PUBLIC PROPERTY, OR ON PRIVATE PROPERTY WITHOUT CONSENT, AND PROVIDING EXCEPTIONS FOR WORK, POSSESSION WITH CONSENT, SCHOOL, AND TRANSPORT, [OR TO SELL OR OFFER TO SELL, OR TO GIVE, DELIVER, FURNISH OR TRANSFER A GRAFFITI IMPLEMENT TO A PERSON UNDER THE AGE OF EIGHTEEN (18) YEARS WHO IS NOT ACCOMPANIED BY AN ADULT OR LEGAL GUARDIAN, WITH A DEFENSE PROVIDED FOR DECEPTION, OR TO DISPLAY SUCH IMPLEMENTS FOR SALE WITHOUT A WARNING SIGN]; AND FURTHER PROVIDING THAT A VIOLATION CONSTITUTES A MISDEMEANOR PUNISHABLE BY A FINE OF NOT LESS THAN FIFTY DOLLARS ($50.00), AND NOT MORE THAN FIVE HUNDRED DOLLARS ($500.00), OF UP TO THIRTY (30) DAYS IMPRISONMENT, AND THE PAYMENT OF A FIFTY DOLLAR ($50.00) FEE TO A LOCAL GOVERNMENT OR NOT-FOR-PROFIT PROGRAM THAT REMOVES GRAFFITI OR PROVIDES REWARDS FOR THE REPORTING OF GRAFFITI VIOLATIONS.

WHEREAS, the Lexington-Fayette Urban County Government finds graffiti to be detrimental to the community, and often related to criminal and/or street gang activity; and

WHEREAS, it is in the best interest of the citizens of Lexington-Fayette County to adopt an ordinance criminalizing the application of graffiti to public or private property in Fayette County.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT:

Section 1 - That Sections 14-3.1 through 14-3.3 of the Code of Ordinances, Lexington-Fayette Urban County Government, be and hereby are created to read as follows:

Sec. 14-3.1

Definitions. For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

(1) "Graffiti". Drawings, inscriptions, or markings, of whatever kind, character, or description, written, sprayed, painted, etched, or otherwise applied to any surface of a building, wall, fence, tree, sidewalk, curb, or other structure or object, so as to be seen by the public, placed there by a person other than the owner, manager, or other person having lawful control of the property, and without their consent or acceptance.

(2) "Graffiti Implement(s)" include the following or other similar tools or items that are capable of creating graffiti:

A. "Broad Tipped Marker". Any felt tip indelible or permanent marker and/or marking pen and/or any similar implement which contains any pigmented substance including, but not limited to, ink or any other substance which cannot be easily and completely removed with water after said substance has dried; with a flat or angled writing surface that, at its broadest width, is three-eighth inch (3/8") or greater.

B. "Etching Equipment" any:

1. tool or device, including, but not limited to, those commonly known as "glass etchers," "glass cutters," "metal etchers," "cutting instrument," and/or "drill bits"; or

2. substance, such as etching acid (hydrofluoric acid), acid etching materials, liquid, cream, paste, or similar chemical substance that can be used to etch, draw, carve, sketch, engrave, or otherwise alter, change, or impair the physical integrity of glass, metal, plastic, concrete or any other surface; or

3. any other instrument that can be applied by pressure or any other contact with any surface including, but not limited to, glass, metal, plastic, concrete or any other surface which can cause graffiti.

C. "Marker nibs, tips, or bits". Any device three-eighth (3/8) inch or greater in width or diameter that is designed to be placed onto markers or paint sticks to aid in their application.

D. "Paint Stick". Any device containing a solid form of paint, chalk, wax, epoxy, or other similar substance capable of being applied to a surface by pressure and leaving a mark of greater than three-eighth inch (3/8") in width.

E. "Spray Paint Container". Any canister, can, bottle, container, or other receptacle which contains any substance commonly known as paint, stain, dye and/or any other pigmented substance which is and/or can be modified to contain pressure (or be pressurized) in order to impel, spray, eject and/or propel any such substance or other substances capable of defacing property.

F. "Spray paint nozzle". A nozzle designed to deliver a spray of paint of particular width or flow from a can of spray paint.

Sec. 14-3.2

(1) It is unlawful for any person to apply graffiti to any natural or manmade surface without the authority or consent of the owner, or the manager or other person having lawful control of the property. Each act of applying graffiti shall constitute a separate offense.

(2) Prosecution for a violation of this Ordinance does not preclude prosecution for a related criminal act under applicable federal, state or local law.

(3) It is unlawful for any person to possess any graffiti implement while in or upon public property, or in or upon private property without the express permission of the owner, manager, or other person having lawful control of the property. It is an exception to such a charge that the person possessing the graffiti implement was:

a. At his or her place of employment and possessed the implement within the scope of that employment;

b. Upon property with express permission from the owner, manager, or other person having lawful control of the property to possess the materials upon the property;

c. Attending a school, or traveling between a lawful location and a school, at which the person is enrolled if the person is participating in a class at the school that formally requires the possession of the materials;

d. Transporting the implement between lawful locations while going about one's business or activity while so transporting. Transporting shall not include loitering or aimlessly driving, riding, or walking about on any street, avenue, highway, road, parking lot, alley vacant lot, park, playground, yard, sidewalk or other location, whether public or private.

[Sec. 14-3.3 – ***this section is presented as an option, and should only be adopted if the Urban County Council wants to criminalize the below conduct –***

(1) It shall be unlawful for any person to sell, offer to sell, give, deliver, furnish, or otherwise transfer a spray paint container, spray paint nozzle, broad tipped marker, paint stick, marker nibs, tips, or bits or etching equipment to any person under the age of eighteen (18) years unless such person is accompanied by his parent, legal guardian or custodian, or other responsible adult and the item is to be used in a lawful manner.

(2) It shall be unlawful for any person to display for sale any graffiti implement without first providing a sign or plaque in such display area a warning containing the following language:

> ***"It is unlawful to sell or transfer any aerosol spray paint container, spray paint nozzle, broad-tipped marker, paint stick, marker nibs, tips, or bits, paint stick or etching equipment to any person under the age of 18 without appropriate parental consent."***

(3) It is a defense to prosecution under subsection (1) of this section that the seller, deliverer or transferor was actively misled or deceived by the presentation of a written or printed information presented by a person under the age of eighteen (18) years, relating to the age of identity of such person.]

Sec. 14-3.3.

Any person violating this Ordinance shall be deemed to have committed a misdemeanor for each offense, and shall be subject to the following penalties, which shall not be mutually exclusive:

(1) Payment of a fine in the amount of not less than fifty dollars ($50.00), nor more than five hundred dollars ($500.00) and court costs;

(2) Imprisonment for not more than thirty (30) days; and

(3) Payment of a fee in the amount of fifty dollars ($50.00) to any local government or not-for profit program that removes graffiti and/or provides rewards for the reporting of graffiti violations. Such payment shall not be in lieu of the payment of a fine.

Section 2 - If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held invalid or unlawful by a court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions hereof.

Section 3 - That this Ordinance shall become effective on the date of its passage.

PASSED URBAN COUNTY COUNCIL:

MAYOR

ATTEST:

CLERK OF URBAN COUNTY COUNCIL

PUBLISHED:

DJB/X:\Cases\CO\07-CC1532\LEG\00162916.DOC

250-08

TO: JIM NEWBERRY, MAYOR
URBAN COUNTY COUNCIL
JOE KELLY, SENIOR ADVISOR FOR MANAGEMENT
KIMRA COLE, COMMISSIONER, DEPARTMENT OF GENERAL SERVICES

FROM: ROBERT K. STARKWEATHER, ADMINISTRATIVE OFFICER
DEPARTMENT OF GENERAL SERVICES Robert K. Starkweather

DATE: May 5, 2008

SUBJECT: AN ORDINANCE AMENDING THE CODE OF ORDINANCES, SECTION 21-32(a)(1) AND (2) REGARDING EMPLOYEE AUTOMOBILE USAGE AND REIMBURSEMENT.

This amendment to the Code of Ordinances changes employee automobile usage and reimbursement. It is part of the Management Audit recommendations and will take place beginning in July. Currently employees may request approval to use their personal vehicle with no cap of the amount of miles. This change requires the use of personal vehicles if a LFUCG vehicle is not available and sets a daily mileage reimbursement limit. An approved rental car agency vehicle would be used if the anticipated mileage is over the set limit. The rental cost would be less than continued mileage reimbursement.

Section 21-32

(a) Any non sworn LFUCG employee whose work requires him to drive a car on a periodic, regular, or consistent basis, unless otherwise exempted by the Commissioner of General Services or her designee, **shall use his personal vehicle if such use does not exceed 100 miles per day, and shall be reimbursed for such travel at a rate which corresponds with the current standard mileage rate established by the Internal Revenue Service for income tax purposes, as amended, per mile. Any employee so authorized by his division director shall abide by record keeping and insurance requirements established** by the Commissioner of General Services, or her designee.

(b) Employees who anticipate mileage will exceed 100 miles per day or who have no available transportation shall obtain an intermediate or standard class rental car from an LFUCG approved vender at their pick up or drop off location. **Such use shall be approved** by the division director with the concurrence of the department commissioner.

(c) Employee reimbursement shall be made upon completion of a mileage expense form. Reimbursement or rental expense shall be charged to the employee's division budget.

excess of fifty-four (54) months. Classified civil service employees hired on or after June 24, 1996 shall not receive longevity pay.

(Ord. No. 139-78, § 1(21-31), 6-29-78; Ord. No. 214-86, § 6, 10-7-86; Ord. No. 281-86, § 1, 12-18-86; Ord. No. 116-96, § 12, 6-27-96)

Sec. 21-32. Automobile and maintenance allowances.

(a) The following automobile allowances shall be allowed:

(1) Any classified civil service employee who would otherwise be required to use an urban county government vehicle on a regular and consistent basis may voluntarily choose to operate his own automobile in the authorized conduct of urban county government business, and in lieu of using an urban county government vehicle, shall be reimbursed for such travel at a rate which corresponds with the current standard mileage rate established by the Internal Revenue Service for income tax purposes, as amended, per mile. Any employee so authorized by his commissioner and the commissioner of general services shall abide by the record keeping and insurance requirements established by the commissioner of general services.

(2) Any classified civil service employee who is specifically authorized by his supervisor on a periodic basis to operate his own automobile on duly authorized conduct of urban county government business shall be reimbursed for such travel upon proper certification of distance traveled. The rate of reimbursement per mile shall not exceed the rate established by the Commonwealth of Kentucky for similar use of privately owned vehicles and shall be set administratively by the chief administrative officer so as not to exceed the annual appropriations for such reimbursement established by the urban county government budget ordinance and amendments thereto.

(b) Person occupying positions assigned to the detention facilities and all personnel in the division of youth services whose presence is required to continuously supervise juveniles shall receive meals when appropriate during their assigned shift. Living quarters for self and family shall be provided to the director of the division of sanitary sewers and the chief sewage treatment plant operators.

(c) Two (2) houses may be rented to classified civil service employees in the division of sanitary sewers at the discretion of the director of the division of sanitary sewers. Houses, apartments and other living quarters managed by the division of parks and recreation may be rented to individuals in accordance with written criteria approved by the commissioner of the department of general services. Rental arrangements for these houses, apartments and living quarters shall be subject to the review and approval of the chief administrative officer.

(d) Each parking meter attendant shall receive a clothing allowance of thirty dollars ($30.00) per month.

(e) Any permanent classified civil service employee holding the position of body and paint mechanic, heavy equipment mechanic, heavy equipment mechanic-certified, vehicle and equipment mechanic, or vehicle and equipment mechanic-certified who is specifically required by his supervisor to provide the tools necessary to perform the duties of the above-listed positions shall receive a tool maintenance allowance of four hundred dollars ($400.00) at the beginning of each fiscal year.

(f) Any permanent classified civil service employee holding the position of vehicle and equipment mechanic-apprentice, heavy equipment mechanic-apprentice or equipment service worker who is specifically required by his supervisor to provide the tools necessary to perform the duties of the above-listed positions shall receive a tool maintenance allowance of two hundred dollars ($200.00) at the beginning of each fiscal year.

(g) Each safety officer shall receive a uniform allowance of sixty dollars ($60.00) per month.

(Ord. No. 139-78, § 1(21-32), 6-29-78; Ord. No. 210-76, § 1, 11-4-76; Ord. No. 161-88, § 1, 7-7-88; Ord. No.

86-91, § 1, 5-2-91; Ord. No. 124-92, § 1, 7-9-92; Ord. No. 126-96, § 1, 7-11-96; Ord. No. 21-98, § 1, 1-22-98; Ord. No. 152-98, § 1, 6-11-98; Ord. No. 329-2000, § 1, 11-9-00; Ord. No. 299-2002, § 1, 11-21-02)

Sec. 21-33. Vacation leave.

(a) Every classified civil service employee shall earn vacation leave at the rate of one and one-fourth (1 1/4) working days (ten (10) hours) per month of service for the first ten (10) years of service. Newly hired employees, however, shall, for the first month of employment only, earn vacation leave at the prorated rate of two and one-half (2 1/2) hours for each full week of service. Every employee with more than ten (10) years of service shall earn vacation leave at the rate of one and three-fourths (1 3/4) working days (fourteen (14) hours) per month of service for the duration of employment. Employees may accumulate vacation leave but may not carry forward after the later of December 31 or the end of the first payroll period of each calendar year in which December 31 of the previous calendar year falls more than twenty-one (21) working days (one hundred sixty-eight (168) hours).

(b) Vacation leave may only be utilized upon the supervisor's approval of the prior written request of the employee. It may be used in periods of not less than one (1) hour and not more than twenty-one (21) working days. Vacation leave will not be granted in excess of vacation credit earned by service prior to the starting date of leave. It shall be scheduled with regard to operating requirements, seniority of the employee, and, insofar as possible, with the written request of the employee.

(c) Employees shall earn vacation leave during their probationary periods, but shall not be authorized to use it until they complete their probation; provided, however, that the following probationary employees may use vacation leave:

(1) Those with immediate prior urban county government service and no break in service.

(2) Those who exhaust sick leave and who can provide a doctor's excuse substantiating the need for leave.

(3) Those who are appointed to new positions during their probationary periods after six (6) months of urban county government service so long as the supervisor certifies to the director that the employee's service is satisfactory.

(d) Absences on account of sickness, injury or disability in excess of sick leave authorized in this chapter, for sick purposes may, at the written request of the employee and with the written consent of the supervisor and the approval of the director, be charged to vacation leave credit. No refund of vacation time shall be allowed for illness incurred while on vacation leave.

(e) Upon separation from service, all employees shall be paid for accumulated vacation leave at their then current pay rate under sections 21-25 and 21-31, computed on an hourly basis.

(f) Supervisors shall keep necessary records of vacation leave accruals and expenditures for each employee. On or before January 15 of each year, the supervisor shall verify each employee's accrued vacation as of the later of December 31 or the end of the first payroll period of each calendar year in which December 31 of the previous calendar year falls and submit such verification to the division of human resources, where it shall become the official record of the employee's vacation leave.

(g) The vacation leave provided by this section is personal in nature and shall not be transferable from one (1) employee to another for any purpose.

(Ord. No. 139-78, § 1(23-33), 6-29-78; Ord. No. 75-88, § 2, 4-21-88; Ord. No. 22-91, §§ 1, 2, 2-21-91; Ord. No. 33-2001, § 1, 2-22-01)

Sec. 21-34. Sick leave.

(a) Effective with the initial date of employment or January 1, 1949, whichever is later, every classified

LFUCG Fleet Study

Presentation to Services Committee
06/03/08

LFUCG - Fleet

- LFUCG has a major investment of 2,162 vehicles – value over $60 M
- Annual budget of over $7.5 M in operating
- Reoccurring Capital expense
- Size of LFUCG's fleet is increasing annually

Management Partners - Study

- The study's intent – to analyze each department's vehicle requirements
- Recommend how to cost effectively accomplish LFUCG's business objectives
- MP spent 1 month evaluating the utilization of LFUCG's fleet

MP Evaluation

Fleet Size – 2162 (now over 2200)

(Excluded – most Public Safety)

Remaining vehicles – 811 vehicles

(annual usage level – 6000 miles/year or less)

Vehicles considered low usage – 371

Vehicles to be sold - 97 or 4.4% of fleet

Study Components

- Mileage used
- Frequency of use
- Questionnaires completed
- Interviews with key department reps
- Availability of other vehicles
- Alternatives for users

MP Key Recommendations

- Eliminate 107 vehicles from Divisions
- Auction 97 of the 107 vehicles
- Create 2 pools of vehicles with other 10
- Contract with a rental agency
- Make policies more employee friendly to use personal vehicles

Fleet by Division/Program

Division/Program	Assigned Vehicles	Recommended Surplus	Remaining Vehicles
Adult Services	2	0	2
Aging Services	3	0	3
Building Inspection	31	7	24
Building Maintenance	34	6	28
Code Enforcement	20	4	16
Community Corrections	22	2	20
Community Development	5	2	3
Coroner	8	2	6
Council Clerk	1	0	1
DEEM	4	1	3
Engineering	45	10	35
Enhanced 911	2	1	1
Family Services	10	0	10

Fleet by Division/Program cont.

Division/Program	Assigned Vehicles	Recommended Surplus	Remaining Vehicles
Fire	136	0	136
Fleet Services	13	4	9
General Services	14	11	3
Government Communication	2	1	1
Historic Preservation	1	1	0
LexVan	21	0	21
Mayor's Office	1	0	1
Parks & Recreation	118	16	102
Police	760	0	760
Public Safety	1	0	1
Revenue	3	1	2
Streets, Roads & Forestry	67	2	65
Traffic Engineering	26	3	23
Waste Mangement	166	9	157
Water & Air Quality	101	14	87
Youth Services	10	0	10

Usage of Identified Vehicles

214,287 miles in 2007 – 97 vehicles
average vehicle – 2209 miles/year or
184 miles/month

Based on above mileage – approximate costs
- $2820 per year per vehicle or
- $273,540 per year

What happens to these miles?

- Increase use of remaining fleet vehicles
- Promote sharing in & between divisions
- Rental car option for lengthy trips
- Employees use own vehicles – reimbursed at the IRS rate
- Carpooling

COST COMPARISON: ASSIGNED VEHICLE VS PERSONAL MILEAGE REIMBURSEMENT – Nov. 2007

Miles Per Month	Permanently Assigned Ford Taurus Ownership and Operational Costs*	Cost to Reimburse For Use of Personal Car at $0.485/mile
100	$218.98	$48.50
200	$236.95	$97.00
300	$254.91	$145.50
400	$272.88	$194.00
416	**$275.75**	**$201.76**
500	$290.85	$242.50
600	$308.81	$291.00
659	**$319.41**	**$319.62**
700	$326.78	$339.50
800	$344.75	$388.00
1000	$380.68	$485.00

Figures in BLUE reflect the average monthly miles traveled by LFUCG administrative sedans and their corresponding costs.

Figures in RED reflect breakeven miles at which reimbursement costs begin to exceed LFUCG's costs.

COST COMPARISON: POOL VEHICLE vs MILEAGE REIMBURSEMENT vs RENTAL – Nov. 2007

Miles Traveled Daily	Pool Vehicle-2003 Honda Civic Ownership and Operational Costs*	Cost to Reimburse For Use of Personal Car at $0.485/mile	Daily Rental Costs of Ford Focus (includes fuel)
10	$18.71	$4.85	$36.94
20	$20.15	$9.70	$37.79
30	$21.59	$14.55	$38.64
40	$23.03	$19.40	$39.49
51	**$24.61**	**$24.74**	$40.43
60	$25.91	$29.10	$41.19
70	$27.35	$33.95	$42.04
80	$28.79	$38.80	$42.89
90	$30.23	$43.65	$43.74
100	$31.67	$48.50	$44.59
200	$46.06	$97.00	$53.09
300	$60.45	$145.50	$61.59
320	**$63.33**	$155.20	**$63.29**
400	$74.84	$194.00	$70.09

Figures in BLUE reflect mileage point in which reimbursement costs begin to exceed LFUCG pool costs.

Figures in RED reflect mileage point at which LFUCG pool costs begin to exceed rental costs.

Why do this?

- $100,000 + per year savings
- 2009 budget impact - $300,000 cash
- Capital replacement cost - $2.7 M
- Improve fleet utilization
- Indirect savings – i.e. parking

Key assumption

*Every employee drives own vehicle – worst case

Savings much greater if fleet utilization improves

Steps to complete

- Revise Code of Ordinances – Section 21-32(a)(1) and (2)
- Revise CAO policy #16 & #4
- Establish a contract to rent vehicles
- Identify & collect actual vehicles for surplus
- Establish new fleet pools
- Auction surplus vehicles
- Budget Amendment - council

Intent of Ordinance Change

21-32(a)(1) and (2)

- Establish criteria for rental option
- Sharing of vehicles within a division
- Sharing of vehicles within LFUCG
- Usage of personal vehicles for short trips where appropriate
- Reduce the expense to LFUCG by reducing size of the fleet

Questions

- What about my insurance?
- How is this funded?
- What if I don't want to drive my vehicle?
- Will there be additional vehicles identified?
- Who is deciding which vehicles go away?
- Are there indirect savings identified?
- How will we know when the fleet is the right size?

More Questions…

- How will I get reimbursed for my mileage?
- What if my trip exceeds 100 miles but I didn't get a car?
- What if I rented car, but it was less mileage?
- What records will I need to keep?
- Do I have to have insurance?
- When will this happen?
- Is the savings in the budget?
- ……???

Mayor Jim Newberry

LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT

Department of Law

TO: Paul Schoninger, Staff to Council

FROM: Department of Law

DATE: May 28, 2008

RE: Fleet Policy

I write in response to your request to submit materials in connection with the proposed Fleet Ordinance and associated policy.

With respect to insurance coverage, there are two coverages which are impacted: liability and collision/comprehensive.

Liability coverage concerns an employee who, while within the scope of employment for LFUCG, is involved in an automobile accident for which another party claims the employee is at fault. As you know, our self insured liability limit is $1 million and, beyond that, we have coverage for another $5 million from ACE (through KLC, our liability carrier).

Under the proposed policy, LFUCG would be the primary insurance coverage for the employee involved in the accident. The alternative would be for the employee's own insurance coverage to be the primary coverage up to the applicable limits, and LFUCG to be the secondary coverage. KLC advises that most personal insurance policies protect an employer, at no additional cost, if an employee is in an accident while on the job.

KLC has received approval from ACE to allow LFUCG to be the primary coverage, as opposed to the employee's insurance coverage. The estimated additional cost to LFUCG, if any, is less than $5,000.

**P.O. Box 34028 Lexington, KY 40588 (859) 258-3500 Fax:(859) 258-3538 www.lfucg.com

**Please note new mailing address

Collision/comprehensive coverage covers damages to an employee's vehicle due to a vehicular accident or some other circumstance, such as theft or weather, while the employee is within the scope of employment for LFUCG.

In both instances, the administration is proposing that LFUCG be the primary coverage. KLC has raised some concern about disputes arising over liability claims while not on duty, or damage claims occurring outside the scope of work.

This is a risk LFUCG will assume. As you know, the insurance coverage issue is distinct from the discipline issue which may arise from a vehicular accident. Employees involved in accidents are to be disciplined if deemed to be at fault. This policy will not change.

If you have any questions, please advise.

Logan B. Askew, Commissioner

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Chief Administrative Office **POLICY MEMORANDUM**	Date of Issue December 20, 1996 **May 5, 1997-Revised** **June 5, 1998-Revised** **August 7, 2006 - Revised**	Expiration Date N/A	No. 4R
TO: ALL Divisions and Departments SIGNATURE:	Subject: **TRAVEL POLICY AND PROCEDURES**		
COMMENTS: This revision allows changes the mileage reimbursement rate to the IRS rate.			

General

This travel policy applies to all departments, agencies, boards, and commissions of the Lexington-Fayette Urban County Government (UCG). All employees and other individuals traveling on official business as a representative of the UCG are expected to use the most economical means practical. Each Division Director and Commissioner is responsible for insuring that all travel expenses incurred by individuals in their Division or Department are as economical as possible.

All persons who travel on official Urban County Government business shall complete a Travel Authorization and Advance Request Form (Form 211-16, hereafter referred to as the Travel Form). Only necessary expenses of official travel will be reimbursed. Employees shall maintain all original receipts, except for meals, to support their travel reimbursement requests. All expense reconciliations and reimbursement requests are to be submitted on the Travel Form within 15 days of return. Original receipts should establish the amount, date, location and essential character of the expenditure.

The Division of Accounting is responsible for insuring that all travel reconciliations and reimbursements conform to this travel policy. The Mayor, the Chief Administrative Officer, or the Commissioner of Finance may approve exceptions to this policy where it is found to be in the best interest of the UCG. In order to determine whether exceptions are warranted, written justification may be required. Deviations from the travel policy should be approved in advance if possible.

Travel Authorization

An employee seeking authorization for travel should complete Sections 1 & 2 of the Travel Form. All travel requests must be signed by the Division Director and the Department Commissioner. Any travel request for a Commissioner or for an estimated travel expense of over $1,000 must be approved by the Chief Administrative Officer or the Mayor. All Council Office travel is to be approved by the Council Administrator. The Travel Form must have the necessary approvals and signatures before travel is incurred and/or a travel advance is made.

Travel Advances, Reconciliations and Reimbursements

<u>Travel Advances</u>

Travel advances will be given to employees who have received proper travel authorization. In order to receive a travel advance, the completed Travel Form and a Cash Disbursement Request (Form 211-5) must be received in the Division of Accounting no later than six working days before the intended date of travel. Travel advances made payable to the employee will not be issued more that two weeks before the date of travel. However, the employee can be re-imbursed when he or she has personally encumbered travel related expenses (such as charging airline tickets on a personal credit card). An employee may have only one outstanding travel advance at a time except under unusual circumstances.

To receive a travel advance, the payroll withholding section of the Travel Form <u>must</u> be signed by the employee.[1] A travel advance reconciliation must be completed and returned to the Division of Accounting within 15 days from the date of return. If the reconciliation indicates an employee owes an additional amount to the UCG, payment should be remitted with the reconciliation.

If the review by the Division of Accounting identifies errors in the reconciliation, the employee will be notified of these errors. If additional funds are due the UCG, payment should be remitted 10 working days after written notification from the Division of Accounting. Failure to remit the refund will result in payroll withholding. Payroll withholding of travel advances is strongly discouraged; the utilization of payroll withholding will make the employee ineligible for future travel advances.

In the event that the person traveling does not receive an UCG paycheck, he or she will be billed for the travel advance amount due the Government. Such amount will be payable immediately.

<u>Travel Reconciliation</u>

To reconcile a travel advance or to request reimbursement for travel expenses, an employee must complete Section 3 of the Travel Form. Section 3 is to be completed for each day that the employee is traveling. A second sheet should be completed if more than 9 days are needed. Row totals are to be tallied in the right hand column. Column totals should be tallied on the bottom row. If a travel advance was not requested or travel expenses are greater than the advance, attach a Cash Disbursement Request (Form 211-5) along with the completed and reconciled Travel Form for reimbursement of travel expenses.

Travel Reimbursement

<u>Registration Fees</u>

Registration fees required for admittance to seminars will be paid with submission of proper documentation; this documentation should include a copy of the meeting brochure and should detail the registration cost and all functions included in the registration fee. Advance payment of registration fees to obtain discounts is strongly encouraged and can be obtained by completing the travel advance portion, or Section II, of the Travel Form. A paid receipt and a copy of the meeting brochure are needed if the employee pays the registration fee himself/herself.

If the registration fee entitles registrants to meals, claims for meal allowance will be reduced accordingly. Extra curricula fees, such as boat excursions or golf outings, are the responsibility of the individual.

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[1] This signature will authorize the Division of Accounting to withhold the entire amount of the travel advance from the employee's paycheck if the reconciliation is not received promptly and is not completed in accordance with this travel policy.

Meals and Incidental Expenses Allowance

Meal allowance and incidentals are the amount deemed to have been expended for meals and other incidental expenses such as all tips, baggage handling fees, etc. Meal expenses include taxes and tips, while traveling on official business, but does not include meals which may be included in charges for lodging or in registration fees. Employeės or other representatives will be eligible for reimbursement for meal expenses while on authorized travel outside of Fayette County. If travel requires that the individual be in traveling status for an entire day, the total meal and incidental expense allowance is $35.00.

If traveling only partial days, reimbursement will be based on the allowance rates listed in the following table. To be eligible, employees must be in travel status during the entire mealtime as outlined. For example, to be eligible for breakfast reimbursement you must leave at or before 6:30 a.m. and return at or after 9:00 a.m.

Meal Allowance and Incidental Reimbursement Rates

Breakfast - travel from 6:30 a.m. through 9 a.m.	$ 8.00
Lunch - travel from 11 a.m. through 2 p.m.	$ 9.00
Dinner - travel from 5 p.m. through 8 p.m.	$18.00

To be eligible for meal reimbursement for local or in-state travel, the authorized travel must require the individual to be away from home or the work site during the mealtime designated above.

In the event the individual is attending a meeting where the cost of the meal is determined by the sponsoring organization and is not included in the registration fee, the employee will be reimbursed for actual cost upon presentation of a receipt or other documentation.

Actual costs of meals for official business guests will be reimbursed upon certification of these expenses to the Chief Administrative Officer or the Mayor for executive branch staff and certification by the Council Staff Administrator for Council staff. However, re-imburseable expenses include only food items and does not include other entertainment related expenses such as alcohol.

Lodging

Lodging arrangements should be based on the most economical and practical options available. Lodging expense will be reimbursed with a detailed hotel/motel receipt for authorized travel over 40 miles from the work site or an employee's home. An employee shall receive reimbursement for lodging at the single room rate only, plus taxes, unless an employee shares a room with another UCG employee or official in which case the individual would be reimbursed for the full amount of the room. The employee must provide proper documentation for the single room rate when two or more people occupy a room. Proper documentation would include a conference registration form listing the single rate or a statement from the hotel/motel. Employees will not be reimbursed for entertainment related expenses such as in-room movies or other facility user charges.

Employees should inquire about governmental rates when making reservations. Usually, hotels or motels have provided for discounts for organized meetings; however sometimes an additional discount is given for governmental agencies.

Transportation

Employees shall use the most practical, economical, and standard mode of transportation available. Expenses added by the use of other transportation means or for personal benefit must be assumed by the individual.

Commercial Airline: Commercial airline travel shall be coach class and reservations made as soon as travel is approved. All individuals should strive to take advantage of discounts available through advance booking of reservations or other airline discount programs.

Automobile: Mileage incurred on privately-owned vehicles will be reimbursed at the IRS mileage reimbursement rate. Reimbursement for driving a privately-owned vehicle shall not exceed the cost of airplane coach fare. Mileage reimbursement should be claimed for work-related miles driven. Reported mileage will be reconciled with generally available mileage records for reasonableness. Vicinity mileage should be kept to a minimum and should be for official business and/or meals only. Personal mileage should be subtracted from the mileage reimbursement request.

When driving UCG vehicles, reimbursement will be made for gas purchases and any emergency repair expenses upon submission of paid receipts. When driving an UCG vehicle, employees should fill their gas tanks at UCG gas pumps before departure. Any fuel purchases or emergency repairs should be reported to the Division of Fleet Services.

Vicinity Travel: For vicinity travel, individuals are encouraged to use the most economical and practical means possible, including buses and subways. Complimentary shuttle transportation to and from the airport provided by hotel/motels should be utilized when available. Taxi fares may be allowed with receipt. If an employee intends to rent a car for vicinity travel, the car rental must be approved in advance and specified on the Travel Form.

Parking and Tolls

Actual parking, bridge and toll charges are reimbursable with receipt. Personal parking charges are the responsibility of the individual. Valet parking will be reimbursed only if no other parking option is available.

Telephone Expenses

Telephone expenses for necessary official government business will be allowed with written explanation. When authorized travel involves overnight lodging, the Government will reimburse the employee up to $3.00 for one "safe call" home; provided, however, that a greater reimbursement may be approved in the event of overseas travel.

Other Expenses

Other necessary miscellaneous expenses not specifically mentioned here incurred for official travel may be reimbursed upon written request and with paid receipts.

Chief Administrative Office POLICY MEMORANDUM	Date of Issue April 22, 1998	Expiration Date	No. 16
TO: ALL Divisions and Departments	SUBJECT: FLEET POLICY MEMO #16 POLICIES AND PROCEDURES FOR MILEAGE REIMBURSEMENT FOR BUSINESS USE OF EMPLOYEE'S PERSONAL VEHICLE		
SIGNATURE:			
COMMENTS:			

I. PURPOSE

The purpose of this policy memorandum is:

A. to establish the requirements for participating in the vehicle reimbursement program;

B. to establish the procedure for reimbursing employees for business use of their personal vehicles as set out in section 21-32 (a) (1) in the Code Of Ordinances; and

C. to establish insurance and risk management guidelines addressing liability issues and responsibilities assumed by employees who request to use their personal vehicle for business use.

II. DISTRIBUTION

All commissioners and division directors

III. PROCEDURE

A. Those employees who are assigned the use of a vehicle for government business on a regular and consistent basis and who possess a valid Kentucky driver's license may be authorized to use their privately owned vehicle and be reimbursed for miles driven for work related purposes. These employees will be reimbursed at the IRS rate for any business use of their vehicles notwithstanding the mileage rate established in the Urban County Government's travel policy.

B. Employees who wish to use their personal vehicle for business on a regular and consistent basis (as contrasted with periodic usage such as travel which is covered by the UCG's travel policy) should request approval by completing in full the AUTHORIZATION REQUEST FORM and submitting it to their immediate supervisor and/or division director outlining the reasons for the request and the intended use of the personal vehicle and the anticipated miles driven each month. To begin the process employees must secure a quote or written statement from their personal vehicle insurance agent, addressing coverage being extended for business use. To expedite their response, it is advised that employees give their agent a copy of these guidelines and procedures as well as the request form with estimated monthly mileage for business use. Upon approval by their division director, department commissioner and the Commissioner of General Services the employee will be placed on a list of employees authorized to use their personal vehicle for business. A copy of the AUTHORIZATION REQUEST FORM with an attached quote and/or written statement will be forwarded to the Division of Risk Management who will, from time to time, monitor the requirement that "valid and collectible insurance" be in force at all times; and the Division of Accounting, who will need the form to authorize writing the mileage reimbursement check.

C. Employees applying for participation in the mileage reimbursement program shall:

1. Agree to follow all procedures, guidelines, form completions and requirements as outlined in the Mileage Reimbursement Program. Noncompliance with the guidelines, requirements or procedures will result in reimbursement privileges being revoked.

2. Actually operate the vehicle for all mileage for which reimbursement is claimed on the MONTHLY MILEAGE AND LOCAL TRAVEL REPORT, which must be submitted to their division director by the 10th day of the following month.

D. The Urban County Government will reimburse the employee for business use of the personal vehicle only. In accordance with IRS regulations, the Urban County Government will not reimburse employees for miles traveled to and from work even if work is performed during the trip.

E. As is the case whenever operating a government vehicle, employees operating personal vehicles are expected to drive safely and comply with all traffic laws including the use of seat belts by the employee and any passengers. Employees also have the responsibility to report immediately the loss or suspension of a driver's license as well as any accident which may occur while driving their personal vehicle for business use.

F. Failure to accurately report mileage shall result in the termination of the employee's participation in the reimbursement program. Additionally, the employee may be subject to criminal prosecution and shall be subject to disciplinary action, up to and including dismissal, depending on the circumstances.

IV. REQUIREMENTS FOR PARTICIPATION

A. Employee's auto insurance policy is known as the primary source of coverage for any/all claims arising out of auto accidents and violations. LFUCG's self-insurance policy will pay only in excess of valid and collectible insurance.

B. Each employee must assess their own risks and responsibilities being assumed by participating in this program, based on the cost of adding "business use" to their insurance policy, as required by their own personal insurance agent, as well as the total estimated business miles to be placed on their personal vehicle.

D. Employee must agree that acceptance of the mileage reimbursement rate relieves LFUCG from any/all claim expenses for property damage or bodily injury that occurs to third parties and property damage to one's own vehicle. However, Workers Compensation Law of KY will be the sole remedy for employee bodily injury while acting within the scope of their work duties.

D. Fellow employee passengers who are injured in the same auto accident while acting within the scope of their work duties can depend on the sole remedy from the Urban County Government being worker's compensation.

E. Employee agrees not to waive any subrogation rights against the party at fault which could prevent further subrogation action from Risk Management toward the party at fault for possible employee injuries paid for under LFUCG's Workers Compensation program.

F. Employee agrees that the mileage reimbursement rate shall include reimbursement for all operating expenses associated with their personal vehicle, including appropriate insurance as recommended by personal agent, repairs, wear and tear, fueling costs, etc.; and that no further reimbursement is expected.

Services Committee Items

Revised 05.01.2008

Date	Councilmember	Issue
5-13-08	**Blues**	**Employee Automobile Usage and Reimbursement**
4-8-08	DeCamp	Refuse Collection Ordinance Sec 16 of the UCG Code
3-4-08	James	Sidewalk Café Ordinance
11-20-07	Beard	Zandale Ditch
10-23-07	Stevens	Speed Limit Reduction on Streets Adjacent to Christ the King Cathedral
9-18-07	Moloney	Block Party Process
9-18-07	Ellinger	Alcohol Impact on Local Government
8-14-07	Stevens	Par 3 Golf Course
5-22-07	**Moloney**	**Graffiti**
5-15-07	DeCamp	News Rack Ordinance
3-13-07	Moloney	Dispatching Inter-City Buses from Terminals
2-27-07	Stinnett	Door to Door Peddlers
1-16-07	Myers	Multi-Way Stop Armstrong Mill/Crosby
1-16-07	Stinnett	Multi-Way Stop Pleasure Ridge/Plaudit
11-14-06	McChord	Traffic Light at US 27/Waveland Museum Lane
11-14-06	Moloney	Imposing Fee for Signage in ROW
10-17-06	Moloney	Restrict Parking on Cambridge Drive from Oxford Circle to Village Drive
7-11-06	Moloney	Towing on Private Property
3-21-06	Moloney	Red Light Issues

Other Items (cont)

Date	Councilmember	Issue
2-14-06	Myers	US Ombudsman Association Standards for Citizen's Advocate Office
2-7-06	Gorton	Private Fire Hydrants
6-21-05	Moloney	Private Swimming Pool Safety
3-12-05	Gorton	Curb Replacement Program
2-22-05	Moloney	Mini Motorcycles