

SERVICES COMMITTEE SUMMARY

JUNE 3, 2008

CM Ellinger chaired the committee meeting. The meeting was called to order at 1:00 p.m. All committee members were in attendance except CM McChord.

I. Graffiti

David Barberie, Law Dept., stated the substantial change from the original draft ordinance reviewed by the committee is after consulting with the county attorney's office and police department they increased the width of items from 1/4" to 3/8". He stated if the committee wants criminalization of sales to minors left in the ordinance then they will need some clarification as to when that would be effective.

Officer Gaines gave an overview of the reasons for the change in the widths of items. He showed the committee items that can be used for graffiti. Officer Gaines went over the draft ordinance.

CM Henson asked if currently with graffiti tools the law only controls spray paint.

Officer Gaines stated that is only the sale of it not the possession of it.

CM Henson asked about the abatement program.

Officer Gaines stated the abatement program would come along later on after the city decided what they would want to do with it. He stated currently the sheriff's office handles a lot of the private property abatement and traffic boxes. Officer Gaines stated parks handles their own abatement. He stated a lot of the cities he researched have abatement programs. He stated in the ordinance on convictions there would be a \$50.00 fee that would go into a rewards program for information turned in. He stated he has talked with Mr. Hancock about this.

CM Henson asked how would business' be notified of the ordinance and what would be a reasonable time of enforcement.

Officer Gaines stated he doesn't have any experience with notification. He stated the committee may want to delay that part of the ordinance until the stores can be notified.

CM Blevins asked if something should be included in the ordinance about confiscation of the materials.

Officer Gaines stated that would be part of the arrest process.

CM Blevins asked if it is Officer Gaines professional opinion that council needs to go on and implement the section that states it is a criminal act to sell to minors.

Officer Gaines stated yes.

CM Blevins asked if in his research he discussed with other communities how it is helping their communities.

Officer Gaines stated from his research and conversations it is a small piece of it that gets things started.

CM Blevins asked if the law dept is comfortable with the wording of section 14-3.3 "the item is to be used in a lawful manner".

Mr. Barberie stated they specifically discussed that with the county attorney's office and they were comfortable with the wording.

A motion by CM Lane to leave section 14-3.3 unchanged and not make the modifications as proposed, seconded by CM Myers, motion failed.

CM DeCamp asked if we know of many outlets that sale the specialized equipment that is used for graffiti.

Officer Gaines stated he has been told there are some stores but does not have proof that it is being sold.

CM DeCamp asked if most of those that have been apprehended for graffiti are younger than 18.

Officer Gaines stated right now there are both. He stated the common age range is 14 to 27.

CM Blues asked if the \$50.00 fines will be adequate to discourage this type of behavior.

Officer Gaines stated it is a range that could be left up to the courts plus it does not include restitution.

CM Blues stated restitution is not a required component of this.

Mr. Barberie stated they discussed this with the county attorney's office and his understanding is that if someone is caught in the act they will be

charged with criminal mischief and then restitution could be ordered by the court.

CM Lane stated he feels this will be a broad reaching ordinance. He stated it is not a public safety issue it is a graffiti issue. He stated they need to enforce the current graffiti law.

CM Henson stated graffiti is a public safety because it is the communication that gangs use to threaten each other.

A motion by CM Henson to place the ordinance creating section 14-3.1 through section 14-3.3 on the docket, seconded by CM Myers, motion passed.

A motion by CM Henson to make the effective date of section 14-3.3 be October 1, 2008, seconded by CM Myers, motion passed.

II. Employee Auto Usage and Reimbursement

Commissioner Cole gave an overview of this item.

CM Beard asked how the cars get turned into Enterprise.

Commissioner Cole stated Enterprise has a few options.

CM Beard asked what right we have to force an employee to use their personal cars.

Commissioner Cole stated they can require an employee to use their personal cars but they are not trying to do that.

Logan Askew, Commissioner of Law, stated they have enlisted the assistance of KLC concerning the collision comprehensive coverage that may require a little tweaking.

CM Blues stated the draft ordinance says the employee is required to drive their personal vehicles even though the intent may not be that. He stated he has concerns with this.

Commissioner Cole stated there should always be an LFUCG vehicle available for an employee to use.

CM Blues stated if they approve this he recommends the commissioner report back to council in six months to let them know how this is working and to include employee input into the report.

Commissioner Cole stated they are currently collecting data but can't produce reports yet but plan to do that.

CM Henson asked how they define "regular or consistent".

Commissioner Cole stated she doesn't know that they have tried to define it. She stated they only looked at the low volume users.

CM Henson asked about the fleet policy memo.

Commissioner Cole stated that is the old policy and the new one will be employee friendly.

CM Myers stated some divisions don't have vehicles so what would they do.

Commissioner Cole stated they can work out a share vehicle.

CM Myers asked how much money each division has in their proposed budget for reimbursements.

Commissioner Cole stated she doesn't know. She stated there is some reimbursement because people are already doing that. She stated this will be funded by doing a budget amendment after the new budget year moving money from the fleet maintenance into accounts to be used for reimbursement.

CM Myers asked if the ordinance is passed will it state that the money would be transferred into reimbursements so that sometime in the middle of the year when the money runs out the employee will still get reimbursed.

Commissioner Cole stated they will do an estimated allocation to the divisions based on the number of miles they used.

CM Myers asked what happens if that expectation runs over.

Commissioner Cole stated that is something the directors and managers will have to manage.

CM Myers stated the memo section of the ordinance says "if a LFUCG vehicle isn't available" and the actual ordinance section 21-32 doesn't have that wording.

Commissioner Cole stated they add "if a LFUCG vehicle isn't available" in to cover the concern.

CM Myers asked about the collision insurance and the reimbursement to employees for their deductible.

Commissioner Askew stated that is an alternative if they are not able to be the primary on the collision comprehensive. He stated that is a Dept of Insurance regulation that they are trying to work through now because LFUCG is self insured. He stated there could be some people who don't have collision insurance on their vehicles.

CM Myers stated some insurance policies may require an employee to have an addendum or rider on their policy to transport someone in that setting.

Commissioner Askew stated they can check on that.

CM Myers asked about the collision comprehensive if there is an accident because their insurance will go up.

Commissioner Askew stated if an employee is driving their own vehicle or city vehicle and there is an at fault accident then there is some disciplinary actions also.

CM Blevins stated the administration is trying to encourage shared use of fleet vehicles by reducing the fleet of vehicles that aren't used a lot and require employees to use their own vehicles when a fleet vehicle isn't available. He asked why they have to require the employees instead of making it a possible alternative.

Commissioner Cole stated if it is a "shall" then employees will say they can't attend a meeting because they don't have a way to get there.

CM Blevins asked from a liability standpoint if the law dept is prepared to say that LFUCG will be primary insurance provider for employees driving their own cars.

Commissioner Askew stated yes.

CM Blevins asked from a collision point of view for employees not at fault the other insurance provider will pick up the damages unless it is uninsured motorist.

Commissioner Askew stated there are still issues on the collision that needs to be worked out.

CM Blevins stated he is uncomfortable requiring employees to use their own vehicles. He stated reducing the fleet and adding "employees may" use their own vehicles will accomplish what they are wanting it to.

CM Beard stated there is no way he would vote for this if an employee is forced to use their own cars.

CM Henson stated she would feel comfortable if there was an annual mileage cap as well.

CM Crosbie asked if anyone has talked to insurance companies regarding employees insurance increasing.

Mr. Wilson stated it depends on the insurer and their policy and how far is being driven.

Commissioner Cole the average monthly usage of these cars is 184 miles.

CM Crosbie stated what she hears them saying and what she is reading is two different things. She asked if there has ever been a situation when an employee has needed a pool car and couldn't get one.

Commissioner Cole stated she doesn't know.

CM Crosbie asked would there be enough availability in other divisions to shared cars.

Commissioner Cole stated that is one of the things that management partners looked at in each of these divisions. She stated she believes there are plenty of vehicles.

CM Crosbie asked if there is any flexibility in the wording to make it more palatable to everyone involved.

Commissioner Askew stated he thinks they can go back and change it.

CM Myers stated what they have outlined is a management issue. He stated they need to come back with a policy of how to manage the vehicles. He also stated administration take a look at recommendation H33 from management audit.

A motion by CM Myers for the administration to come back with a new policy for maintaining, managing and using city vehicles then implement it and monitor the pool for six months to see what the use is then come back with recommendation to the full council with what vehicles to eliminate, seconded by CM Beard, motion fails.

CM Blevins stated he doesn't see a need for an ordinance change.

Commissioner Cole asked the committee to consider item B the rental car option.

CM Blevins stated that is a policy issue.

CM Myers stated he goes back to recommendation H33 and that it is too soon to sell off the vehicles.

A motion by CM Blevins for the administration to come back with a policy that affirms the needs they have such as rental car aspects and for employees to carpool to meetings when they can and defer action on ordinance for now, seconded by CM Lane, passed without dissent.

CM Myers stated they shouldn't sell off the vehicles until they monitor the use.

CM Blevins stated they know there already vehicles that can be sold.

CM Lane stated they aren't changing it to make it mandatory.

Commissioner Cole stated it is less expensive to pay mileage than having a dedicated vehicle setting there waiting to be used.

The meeting adjourned at 3:08 pm.