

**BOARD OF SUPERVISORS  
COUNTY OF SIERRA  
STATE OF CALIFORNIA**

**ORDINANCE NO. 1069**

**Amending Sections 11.42.040.030, 11.42.040.040, 11.42.040.060 and 11.42.050.020  
of the Sierra County Code and Adding Section 11.42.040.035 to the Sierra County Code  
Pertaining to Governmental Vehicle Use Policy**

**THE BOARD OF SUPERVISORS OF THE COUNTY OF SIERRA ORDAINS as follows:**

**Ordinance Section One:**

Section 11.42.040.030 of the Sierra County Code is amended to read:

**11.42.040.030 Use Requirements:**

A. All County Employees, when using vehicles on County business shall:

Operate vehicles in a safe, reasonable and responsible manner consistent with the intended use of the vehicle.

Observe all traffic laws, rules and regulations. Fines and penalties imposed for violation of traffic laws, rules and regulations are the responsibility of the driver. Fines and penalties for defects of a County vehicle are the responsibility of the County of Sierra.

The cost of repairs for damages to a County vehicle, caused by an employee while not in the course of his or her employment, or which is due to willfully or imprudently operating the vehicle in an unsafe or illegal manner will be the responsibility of the driver.

Inspect any assigned County vehicle before leaving on a trip to ensure that the vehicle is in safe operating condition.

Inspection shall include safety components such as stop, turn and tail lights, head lamps, windshield wipers, tires, snow chains and seat belts. In addition, engine oil and coolant levels shall be checked and filled, if needed.

If there is evidence of accident damage, it shall be reported immediately to the Department Manager or designee before leaving on a trip.

B. Use of all County vehicles shall be recorded in a log book which shall be kept in the vehicle. The log book shall require identification of each user, list of the beginning and ending mileage of each trip or for the day, identification of the beginning and ending point of each trip or days use, the purpose of each trip including a notation as to whether

the vehicle is taken to the employee's or Department Manager's home. The log shall indicate all commuting or personnel use. The log shall correspond to the odometer in total.

Each Department Manager shall be responsible for ensuring compliance with these requirements by his or her employees and for reporting to the County Auditor the personal use of county vehicles commuting to work that is other than *de minimis* in each month. (Ord. \_\_\_\_\_, eff. \_\_\_\_\_)

**Ordinance Section Two:**

Section 11.42.040.035 of the Sierra County Code is added as follows:

**11.42.040.035 Law Enforcement:**

Nothing in this chapter shall be construed to prevent a peace officer, acting within the course and scope of their duties, from operating a county vehicle in an otherwise lawful manner that is consistent with the pursuit, use of force, or other applicable policies and procedures established by the Sheriff or other applicable authority.

**Ordinance Section Three:**

Section 11.42.040.040 of the Sierra County Code is amended to read:

**11.42.040.040 Driving Under the Influence of Alcohol, Drugs and Medication:**

Employees shall not operate motor vehicles or motorized equipment following the consumption of or with any detectable level of alcohol. No employee shall operate any motor vehicle or motorized equipment having consumed any drugs or medication that (1) may cause drowsiness, (2) which contains a warning to avoid operation of equipment or vehicles, or (3) which otherwise affect the nervous system without first reporting such use to his or her Department Head and in the absence of the Department Head, to his or her immediate supervisor. The Department Head or immediate supervisor shall be authorized to prohibit the operation of vehicles or motorized equipment by any such employee if there is any concern about the employee's capacity to function in a safe manner. For the purposes of this section, if an employee is uncertain as to whether a drug or medication contains a warning to avoid the operation of equipment of vehicles, or if an employee has consumed any drugs or medications which are not distributed in compliance with a regulatory scheme requiring warning labels, the employee shall treat the drug or medication as though it were so labeled. This shall include but not be limited to medical marijuana.

Employees on-call to receive County-related calls shall not consume intoxicating substances, nor shall they respond to an on-call request to perform services if they have taken any drugs or medication which can cause drowsiness or impair their ability to operate a vehicle without first notifying their supervisor of that fact. (Ord. \_\_\_\_\_, eff. \_\_\_\_\_; prior 994, 850)

**Ordinance Section Four:**

Section 11.42.040.060 of the Sierra County Code is amended to read:

**11.42.040.060 Personal Use Prohibited:**

- A. Except for Department Managers assigned vehicles on a "permanent basis" (Section 11.42.080 below) and except as set forth in the "Exceptions" below, use of a County vehicle for personal business or activities, or use of the vehicle after work hours is prohibited.

Exceptions: With Department Manager approval, an employee may take a County vehicle to his or her residence under the following circumstances:

1. When the employee is placed on-call or subject to emergency calls for service outside the assigned working hours.
2. When the employee is required to attend meetings outside the assigned working hours.
3. When the Department Manager can document that such use is in the best interest of the County.

Any employee authorized to permanently or temporarily retain a County vehicle shall not use said vehicle for any private purpose while the vehicle is within his or her possession.

Any commuter miles shall be maintained in the car log and provided to the Auditor's Office monthly for inclusion in the employee's pay as required by the IRS.

All employees assigned a car for taking home shall sign a statement at the time the vehicle is assigned and annually thereafter that no personnel use of the vehicle is allowed other than required commuting miles and *de minimis* use per IRS Reg. §1.132-6(e)(2); Reg §1.132-6(d)(3). (Ord. \_\_\_\_\_ eff. \_\_\_\_; prior 994, 850)

**Ordinance Section Five:**

Section 11.42.050.020 of the Sierra County Code is amended to read:

**11.42.050.020 Driver s License:** A valid driver's license shall be in the driver's possession at all times.

**Ordinance Section Six:**

This ordinance shall take effect thirty (30) days after its passage. Before the expiration of fifteen (15) days after passage of this ordinance, it shall be published once with the names of the members of the Board of Supervisors, voting for and against the ordinance in the Mountain Messenger, a newspaper of general circulation published in the County of Sierra, State of California.

Introduced at a regular meeting of the Board of Supervisors held on the 1<sup>st</sup> day of March, 2016, and passed and adopted by the Board of Supervisors of the County of Sierra, State of California, on the 5<sup>th</sup> day of April, 2016, by the following roll call vote, to-wit:

AYES: Supervisors Huebner, Roen, Beard, Schlefstein, Adams

NOES: None

ABSTAIN: None

ABSENT: None

COUNTY OF SIERRA



LEE ADAMS  
CHAIRMAN, BOARD OF SUPERVISORS

ATTEST:



HEATHER FOSTER  
CLERK OF THE BOARD

APPROVED AS TO FORM:



JAMES A. CURTIS  
COUNTY COUNSEL, by  
Christian Curtis,  
Deputy County Counsel