

DEPARTMENT: Public Works/Fleet Services

BY: Dana Hertfelder
PHONE: 966-5356

Ord 1033

RECOMMENDED ACTION AND JUSTIFICATION:

Waive first reading and introduce Ordinance Waive second reading and adopt Ordinance amending Section 14.05.050 and adding Section 14.05.060 to Chapter 14.05 of the County Code; and deleting Section 14.11.010 of Chapter 14.11 of the County Code.

Section 14.05.050 of the Fleet Services Policy concerns vehicles that need major repairs, which are defined as repairs in excess of \$1,000 such as new engines and transmissions. Public Works believes that the intention of this Section was to have the department using the vehicle pay for the repair, but the language in the section does not specifically state this. We are requesting to add additional wording to the section to clarify financial responsibility for major repairs.

We are also requesting to add Section 14.05.060 to address financial responsibility for vehicles damaged in accidents (see attached Ordinance). This new section would make it clear that the cost of repairs for vehicles damaged in accidents would be the responsibility of the user department. Under the current policy (Section 14.11.010 Determination of Damages) the user department is responsible if the fleet superintendent determines that the cause of damage is driver negligence. This is sometimes a very difficult decision to make based on the available information, and department heads may disagree with the fleet superintendent's decision. Public Works is requesting to add section 14.05.060 and delete section 14.11.010 so that user departments are responsible for the cost of vehicles damaged in accidents without a determination of negligence. This would include vehicles damaged in collisions with deer.

A summary of charges for major repairs and accidents is attached which shows the costs paid by Fleet Services and other departments for fiscal year 04-05 and fiscal year 05-06. The cost for major repairs and accidents that Fleet paid in fiscal year 04-05 was approximately \$18,000 and in fiscal year 05-06 the cost increased to over \$48,000. Fleet Services cannot absorb this type of increased cost and remain fiscally sound. Rather than recommend raising our operations and maintenance rates for all county vehicles, we are requesting to revise the Fleet Services Policy as stated above. We believe that having user departments be financially responsible for accident damages and major repairs is a more equitable method to resolve this problem.

BACKGROUND AND HISTORY OF BOARD ACTIONS:

The Fleet Services Policy was adopted by the Board at the meeting of December 10, 2002.

ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:

If the Board does not wish to approve the recommended policy revisions, other means of increasing the Fleet Services revenue would need to be considered for Fleet to remain financially sound.

Financial Impact? () Yes No Current FY Cost: \$
 Budgeted In Current FY? () Yes () No () Partially Funded
 Amount in Budget: \$ _____
 Additional Funding Needed: \$ _____
 Source:
 Internal Transfer _____
 Unanticipated Revenue _____ 4/5's vote
 Transfer Between Funds _____ 4/5's vote
 Contingency _____ 4/5's vote
 () General () Other

Annual Recurring Cost: \$ _____

List Attachments, number pages consecutively
 1. Proposed Ordinance _____
 2. Summary of costs for major repairs and accidents _____

CLERK'S USE ONLY:

Res. No.: _____
 Vote - Ayes: 5 Absent: _____
 () Approved
 () Minute Order Attached () No Action Necessary

12/12 Ord. No. 1033
12/12 Noes: _____
Pages: 5

The foregoing instrument is a correct copy of the original on file in this office.

Date: _____
 Attest: MARGIE WILLIAMS, Clerk of the Board
 County of Mariposa, State of California
 By: _____
 Deputy

COUNTY ADMINISTRATIVE OFFICER:

Requested Action Recommended
 No Opinion
 Comments:

CAO: *743*

MARIPOSA COUNTY ORDINANCE NO. 1033

AN ORDINANCE AMENDING SECTION 14.05.050 AND ADDING SECTION 14.05.060 TO CHAPTER 14.05 OF THE MARIPOSA COUNTY CODE AND DELETING SECTION 14.11.010 OF CHAPTER 14.11 OF THE COUNTY CODE.

WHEREAS, the per-mile rates charged for use of County owned vehicles is to cover the cost of operation and maintenance, depreciation and replacement, but not major repairs or accident repairs; and

WHEREAS, Section 14.05.050 defines major repairs as a repair costing more than \$1,000.00 but does not specifically state that the using department is financially responsible for the cost of the repair; and

WHEREAS, Section 14.11.010 states that if the Fleet Superintendent determines that damages to a vehicle are due to driver negligence that the using department is financially responsible for the cost of repairs but does not state who is financially responsible when a determination of negligence cannot be made,

NOW, THEREFORE, THE BOARD OF SUPERVISORS of Mariposa County, a political subdivision of the State of California, does hereby ordain as follows:

SECTION I: SECTION 14.05.050 OF CHAPTER 14.05 OF THE MARIPOSA COUNTY CODE IS HEREBY AMENDED TO READ AS FOLLOWS:

14.05.050 Major repairs other than accidents.

Major repairs are considered any repair where the cost exceeds \$1,000.00, i.e. new engines, transmissions, etc. User departments are responsible for the cost of major repairs. The fleet superintendent will confer with the affected department head prior to repairs being made.

SECTION II: SECTION 14.05.060 OF CHAPTER 14.05 IS HEREBY AMENDED TO READ AS FOLLOWS:

14.05.060 Repairs due to accidents.

A. It is the using department's fiscal responsibility to pay for repairs to vehicles due to an accident when it is deemed the County's responsibility to pay for damages. These repairs will be coordinated through fleet services. User departments will be notified by the fleet superintendent of the estimated cost before repairs are started.

B. Vehicles will be repaired when the repair cost is less than ½ the value of the vehicle at the time of the accident. When the cost to repair the vehicle is over ½ the value of the vehicle, the fleet superintendent and the affected department head will determine if the vehicle will be replaced or deleted from the fleet with Board approval.

C. When a vehicle is replaced due to an accident, the using department will be fiscally responsible for the difference in the actual cost of the replacement vehicle and the amount that has been collected for depreciation and replacement of the wrecked vehicle.

SECTION III: SECTION 14.11.010 OF CHAPTER 14.11 IS HEREBY AMENDED TO READ AS FOLLOWS:

14.11.010 Determination of Damages.

SECTION IV:

This Ordinance shall become effective thirty (30) days after final passage pursuant to the provisions of Government Code Section 25123.

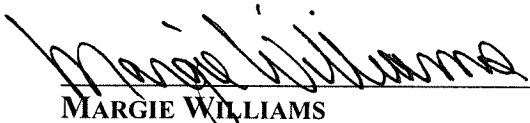
PASSED AND ADOPTED by the Board of Supervisors of the County of Mariposa this 19th day of December, 2006 by the following vote:

AYES:	STETSON, TURPIN, BIBBY, FRITZ, PICKARD
NOES:	NONE
ABSTAINED:	NONE
ABSENT:	NONE



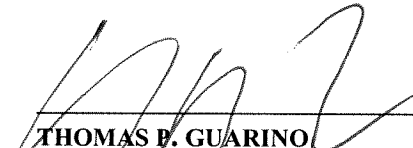
LEE STETSON, Chairman
Board of Supervisors

ATTEST:



MARGIE WILLIAMS
Clerk of the Board

APPROVED AS TO FORM:



THOMAS B. GUARINO
County Counsel



COUNTY of MARIPOSA

P.O. Box 784, Mariposa, CA 95338 (209) 966-3222

LEE STETSON, CHAIR
JANET BIBBY, VICE CHAIR
LYLE TURPIN
DIANNE A. FRITZ
BOB PICKARD

DISTRICT I
DISTRICT III
DISTRICT II
DISTRICT IV
DISTRICT V



MARIPOSA COUNTY BOARD OF SUPERVISORS

MINUTE ORDER

TO: DANA HERTFELDER, Public Works Director

FROM: MARGIE WILLIAMS, Clerk of the Board *MW*

SUBJECT: Waive First Reading and Introduce Ordinance Amending Section 14.05.050 of the County Code regarding the Fleet Services Policy Concerning Vehicles that need Major Repairs and Adding Section 14.05.060 to Chapter 14.05 of the County Code to Address Financial Responsibility for Vehicles Damaged in Accidents; and Deleting Section 14.11.010 of Chapter 14.11 of the County Code Regarding Determination of Damages

THE BOARD OF SUPERVISORS OF MARIPOSA COUNTY, CALIFORNIA

ADOPTED THIS Order on December 12, 2006

ACTION AND VOTE:

Dana Hertfelder, Public Works Director;

A) Waive First Reading and Introduce Ordinance Amending Section 14.05.050 of the County Code regarding the Fleet Services Policy Concerning Vehicles that need Major Repairs and Adding Section 14.05.060 to Chapter 14.05 of the County Code to Address Financial Responsibility for Vehicles Damaged in Accidents; and Deleting Section 14.11.010 of Chapter 14.11 of the County Code Regarding Determination of Damages

BOARD ACTION: Discussion was held with Dana Hertfelder. Supervisor Bibby asked whether the departments included these changes in their budgets. Supervisor Pickard asked the County Administrative Officer to review whether these costs are included in the individual budgets and how the costs are tracked each year. Carl Casey/Public Works Administrator, advised that the Sheriff and Road Departments have line items in for major repairs and accidents. The Fire Department pays directly from its budget versus the fee structure used for the other departments. Chairman Stetson called for input from the public and none was received. (M)Pickard, (S)Fritz, the first reading was waived and the Ordinance was introduced. The Clerk of the Board read the title of the Ordinance into the record. Ayes: Unanimous.

Cc: Thomas P. Guarino, County Counsel
Chris Ebie, Auditor
File