

### EXECUTIVE ORDER NO.3

**TO:** All Departments and Agencies Under the Mayor

**FROM:** Michael B. Hancock, Mayor

**DATE:** October 26, 2018

**SUBJECT:** Motor Vehicle Program for the City and County of Denver

**Purpose:** This Executive Order establishes the policy of the City and County of Denver related to the acquisition, titling and registration, identification, usage, maintenance and accident reporting requirements of City motor vehicles. Additionally, the City and its employees are required to adhere to various federal, state and local laws and regulations regarding the acquisition, titling, and registration, identification, usage, maintenance, accident reporting requirements of City motor vehicles. The following Executive Orders and Memoranda, Executive Order 3, dated June 9, 2011 is hereby canceled and superseded by this Executive Order.

**Applicable Authority:** The applicable authority relevant to the provisions and requirements of this Executive Order No. 3 is found in Section 2.2.10 of the Charter as revised.

**Responsible Authority:** The Fleet Managers for the Departments of Aviation, Public Works and Safety, the Green Fleet Committee, Office of Budget and Management, and Risk Management. The procedure(s) for implementing this Executive Order shall be defined by Memorandum Attachments to the Executive Order, which shall become a part of the Executive Order. Further the agency, or agencies responsible for the content of this Executive Order shall have the authority to issue, from time to time, policy and procedure Memorandum Attachments relative to this Executive Order.

This Executive Order is divided into the following chapters and subjects:

- Chapter 1 - Acquisition of All Fleet Vehicles
  - Chapter 2 - Title, Registration, and Insurance (City & Employee)
  - Chapter 3 - Identification of City Vehicles
  - Chapter 4 - Vehicle Maintenance
  - Chapter 5 - Driver's License and Motor Vehicle Record Review
  - Chapter 6 - Vehicle Operations, and Safety
  - Chapter 7 - City Vehicle Accident Repairs
  - Chapter 8 - Fleet Utilization Program
  - Chapter 9 - Discipline
  - Chapter 10 - Reference Executive Orders
- Memorandum No. 3

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CHAPTER I ACQUISITION OF ALL FLEET VEHICLES

- 1.0 Annual Fleet Purchases: Executive Order# 123, Office of Sustainability and Citywide Sustainability Policy, shall be followed for all vehicle acquisition requests.
- 1.1 Unanticipated Purchases: The procedure in Executive Order# 123, Office of Sustainability and Citywide Sustainability Policy, shall be followed for all unanticipated purchases due to emergencies (replacement of vehicles lost in accidents).

CHAPTER II TITLE, REGISTRATION, LICENSE PLATES, AND INSURANCE OF CITY-OWNED VEHICLES

- 2.0 Title and Registration: The vehicles of the City and County of Denver shall be titled (per State regulations) as follows:
  - a. "City and County of Denver", with the address shall be The Department of General Services, Purchasing Division. The agency's name shall not appear on the title.
  - b. The Department of General Services, Purchasing Division, shall maintain a file of all titles.
  - c. The Departments of Safety, Aviation, and Public Works shall be responsible for titling and registration of their respective fleets. Fleet Managers shall pick up license plates and/or renewal tags and the annual vehicle registration forms upon notification by the Motor Vehicle Division of their availability. All City vehicles (except for unmarked law enforcement vehicles) shall carry a Denver GVT license plate rather than the conventional license plate for residents of the State of Colorado. Fleet Managers shall retain one copy of the registration form and provide the other copy, along with the license plates and/or renewal tags to the using agency, or as provided by State law. A current copy of the registration form as well as a copy of proof of insurance or a certificate of self-insurance shall be maintained in each vehicle.
- 2.1 Insurance Requirements:
  - a. Proof of Insurance (City): The Risk Management Office shall provide to the appropriate fleet manager the required insurance information that shall be distributed to each vehicle under their care. The Risk Management Office shall provide each fleet manager with current documentation. The fleet manager shall ensure that this information is distributed to each vehicle under their care. The Fleet Manager shall advise the Risk Management Office of all new acquisitions within five (5) working days of receipt to facilitate this process.
  - b. Proof of Insurance (Employee): Employees shall have and maintain personal liability automobile insurance if they use their personal vehicle for official City business and to provide proof of insurance to the employee's supervisor upon request by said supervisor pursuant to Fiscal Accountability Rule 10.5.

### CHAPTER III - IDENTIFICATION OF CITY-OWNED VEHICLES

- 3.0 Identification: All City-owned vehicles on each front door shall be clearly and distinctly identified as property of the City and County of Denver. The manager of the appropriate Fleet Management Agency or Division may exempt the use of the appropriate marking and identification of certain City vehicles should it cause interference in the performance of City business.
- 3.1 Marking: Marking and identification of all City vehicles shall be determined and installed by the appropriate Fleet Maintenance Agency according to a uniform plan, approved by the appropriate Fleet Management department manager.

### CHAPTER IV -VEHICLE MAINTENANCE

- 4.0 Maintenance/Location: All City and County of Denver motor vehicle equipment shall be maintained by the appropriate Fleet Management Agency or Division, except when specifically exempted by the appropriate Fleet Management Agency or Division. Maintenance shall include all repairs, modifications and all associated operating expenses.
- 4.1 Records: The appropriate Fleet Management Agency or Division shall maintain adequate records on all equipment under their jurisdiction from the date of receipt through the retirement of the equipment. The appropriate Fleet Management Agency or Division or Division shall also, when required, issue a report of condition to those Departments so requesting, and shall routinely provide a report of the condition of their vehicles to the user departments. Any Department or Agency authorized to perform their own maintenance will be required to maintain the same reporting standards as Fleet Management Agencies. Departments and Agencies are encouraged to work with their appropriate Fleet Management Agency and use the Fleet Management Software System to maintain continuity in reporting
- 4.2 Fuel: Fuel purchases for all City and County of Denver owned vehicles will be made only from the appropriate Fleet Management fuel stations except when specifically exempted by the appropriate Fleet Management Agency or Division, City Ordinance, or in the event of an emergency.
- 4.3 Emissions: All City vehicles shall comply with state emission standards.
- 4.4 Out of State Travel:  
Refer to Fiscal Accountability Rule 10.8 - Travel
- 4.5 Maintenance/Billing: Each Non-General Fund departments or agencies with vehicles maintained by Public Works Fleet Management Internal Service Fund shall be billed monthly for the maintenance and use of those vehicles using the current rate structure. Any department or agency identified as an Enterprise Fund and has units managed and maintained by the Public Works Fleet will be billed monthly by Fleet Management Internal Service Fund for the maintenance of those units, using the current rate structure. All other units maintained by Public Works Fleet Management will be maintained through Fleet Management using General Funds.

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- 4.5.1 Billing rates for non-general fund departments or agencies with vehicles maintained by Public Works Fleet Management shall be determined annually by Fleet Management and the Budget and Management Office.
- 4.5.2 Any department or agency authorized to perform their own maintenance will be required to maintain the same reporting standards as Fleet Management departments or agencies. Departments and agencies are encouraged to work with the appropriate Fleet Management Agency and the Fleet Management Software System to maintain continuity in reporting procedures
- 4.6 Use of Tobacco Products in Vehicles – The use of tobacco products, including cigarettes, chew, snuff, cigars or electronic cigarettes are prohibited in City vehicles and other motorized equipment.

### CHAPTER V -EMPLOYEE LICENSE AND RECORD REVIEW

- 5.0 Driver's License: Employees who drive or operate a motor vehicle for official City business shall have a valid drivers' license of the appropriate class.

The basic driver's license is a "Class R". This license allows for the operation of any vehicle with a gross vehicle weight rating (GVWR) of less than 26,001lbs., manufactured to transport 16 or less passengers including the driver, and not used to transport hazardous materials.

Drivers must have an appropriate Commercial Driver's License (CDL) and appropriate endorsements to operate any motor vehicle covered by US Department of Transportation Federal Motor Carrier Safety Administration Regulations.

- Any motor vehicle with a gross vehicle weight rating of over 26,001 pounds,
- Any motor vehicle that is designed to transport 16 or more passengers, including the driver,
- Any motor vehicle that transports quantities of hazardous materials that require warning placards under DOT regulations.

Firefighters are exempt from this provision pursuant to 49 CFR Part 383.

- 5.1 Employees shall immediately notify their supervisor of all traffic violations in accordance with Career Service Rules.
- 5.2 Motor Vehicle Records: Each department and agency shall perform periodic reviews of the DMV records of all employees that drive a City vehicle or personal vehicle on City business as part of their job duties and responsibilities. These reviews shall be performed at a minimum of annually, or done more frequently as determined by the Manager of the department or agency. Employees shall authorize reviews by signing a Colorado Department of Revenue Form DR2559 Colorado Motor Vehicle Department Release of Records as revised or an alternate release form as provided by a selected third-party background check vendor.

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Potential New Hires: Upon extending a conditional offer, MVRs for potential new hires shall be checked by the Office of Human Resources (OHR) or the hiring agency, if required for the new hire's position.

Failure of an employee to sign and submit to a release of their motor vehicle record may result in discipline by the department or agency.

A. Existing Employees:

Upon notification that an employee has been convicted of a traffic-related offense within the State of Colorado or another jurisdiction, the department or agency must first consider at least the following factors: the nature and gravity of the conviction, the possible relationship of the criminal behavior to the position the employee holds in the City and County of Denver, the number of convictions, and any evidence that the individual has been rehabilitated.

No department or agency shall discipline an employee solely on the basis of a criminal conviction to a traffic-related offense without first considering the factors listed above.

i. Criminal Charges:

Upon notification that an employee has been charged with a traffic-related offense within the State of Colorado or another jurisdiction, the department or agency, before imposing discipline, must determine if there is a preponderance of evidence demonstrating that the employee engaged in the conduct which forms the factual basis for the crime with which the employee is charged. The department or agency must also consider: the nature and type of the conduct which supports the charge; the nature of the position the employee holds in the City and the relationship of the position to the facts underlying the charge; and the impact of the facts on the employee's ability to perform the position.

If the department or agency, after considering these factors, believes that discipline is appropriate, it shall proceed with discipline in accordance with the applicable rules, if any.

No department or agency shall discipline an employee solely on the basis of a criminal charge to a traffic-related offense without first considering the factors listed above.

B. Potential New Hires

i Criminal Convictions:

1. Upon notification that an applicant has been convicted of a traffic-related offense within the State of Colorado or another jurisdiction, the department or agency must first consider: the nature and gravity of the conviction, the possible relationship of the criminal behavior to the job sought, the number of convictions,

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the amount of time that has lapsed between the conviction(s) and the application for employment, and any evidence that the individual has been rehabilitated.

2. If the department or agency, after considering these factors, believes that the conviction(s) of a traffic-related offense preclude employment, then the offer of employment shall be rescinded.

No department or agency shall deny an applicant employment solely on the basis of a criminal conviction to a traffic-related offense without first considering the factors listed above.

ii. Criminal Charges:

1. Upon notification that an applicant has been charged with a traffic-related offense within the State of Colorado or another jurisdiction, the department or agency, must determine there is a preponderance of evidence demonstrating that the applicant engaged in the conduct which forms the factual basis for the crime with which the applicant is charged. The department or agency must also consider: the nature and type of the conduct which supports the charge; the nature of the position the applicant is seeking with the City and the relationship of the position to the facts underlying the charge; and the impact of the facts on the applicant's ability to perform the position.
2. If the department or agency, after considering these factors, believes that charge(s) of a traffic related offense preclude employment, then no offer of employment shall be extended to an applicant.
3. No department or agency shall deny an applicant employment solely on the basis of a criminal charge to a traffic-related offense without first considering the factors listed above.
4. Nothing in this Executive Order should be construed to limit a department or agency's ability to deny an employment offer after evaluating any criminal charges or convictions that they become aware of during the application process. This Executive Order focuses on driving and does not preclude an agency or department from more broadly valuating any criminal charges or convictions.

## CHAPTER VI - VEHICLE OPERATIONS AND SAFETY

- 6.0 The City is committed to maintaining a safe work environment. It is the City's goal to provide places of employment and facilities that minimize hazards likely to cause death or harm employees or the public. To ensure the safety of employees who operate and/or ride in a motor vehicle as a part of their employment with the City and County of Denver, the Motor Vehicle Safety Standard 65.10 has been developed to minimize hazards and reduce injuries in specific Departments and Agencies. Departments and Agencies will be responsible to train and familiarize their operators on the vehicles and equipment they will be using to accomplish their job duties.

## CHAPTER VII - CITY VEHICLE ACCIDENT REPAIRS

- 7.0 Repair Policy: All repairs for accident damages to City-owned or leased vehicles, and the payment for such repairs, shall be handled in the following manner:
- a. Location of Repairs/Towing: Vehicles shall be taken to the appropriate Fleet Maintenance facility as soon as it is practical. In the event damage precludes driving the vehicle, the appropriate Fleet Management Agency or Division shall be notified immediately. As soon as the accident is reported, the appropriate agency Fleet Management operation will take responsibility, (including towing), for these vehicles.
  - b. City Vehicles Damage Repair: Fleet Management shall be responsible for all accident damage repairs. All such repairs shall be charged to the Department or Agency using the vehicle. Fleet Management will determine if repairs are to be done in-house, or out-sourced. Fleet Management will, on a monthly basis, provide data to the City's Risk Management Office of the cost of repairs to City vehicles damaged in accidents.
- 7.1 Department of Safety Damage Repair: All vehicles assigned to the Department of Safety shall be taken to the Fleet garage for repair as soon as practical. The garage superintendent shall take full responsibility for proper handling and repairing of damaged vehicles as soon as possible after the accident is reported
- a. Supervisor responsibilities: Schedule the appointment with the appropriate Fleet Management body shop to assess damage and obtain repair estimates.
  - b. Repair Procedures: Repair of damaged vehicles shall be made in the police garage whenever possible. The Police Garage Superintendent shall be responsible for procuring all quotations for outside work in accordance with instructions from the Manager of General Services. The dollar amount of repairs shall be covered by an appropriation of the Department of Safety. The Police and Fire Garage Directors will, on a monthly basis, provide data to the City Risk Management Office of the cost of repairs to City vehicles damaged in accidents.
- 7.2 Monetary Recoveries: All recoveries for accident damage (salvage, collections or insurance) to vehicles, shall be recorded in accordance with the Charter, Revised Municipal Code and/or Generally Accepted Accounting Principles (GAAP).

## CHAPTER VIII - FLEET UTILIZATION PROGRAM

- 8.0 The Fleet Utilization program will also support minimizing fleet related environmental impacts stated in Executive Order No. 123, Citywide Sustainability Policy. Furthermore, through this fleet utilization policy, Fleet Analysis and Optimization Project's deliverables will be closely attained in an area such as cost savings. The Fleet Utilization Committee goals and meeting schedule will be set by policy.

## CHAPTER IX - DISCIPLINE

- 9.0 Failure to comply with the requirements in this Executive Order, including the requirements to complete the specified defensive driving training courses may result in disciplinary

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actions being taken. The disciplinary process for Career Service employees and Civil Service employees is in accordance with applicable rules, if any.

All non-career service and at-will employees may be dismissed at any time for a violation of this policy and are not entitled to a pre-disciplinary meeting under the Career Service Rules.

**CHAPTER X – REFERENCE EXECUTIVE ORDERS**

10.0 General Information: Because of the scope of the vehicle program in the City and County of Denver, it is not possible to cover in depth every Executive Order that pertains to vehicle operations. Additional references for your review are attached. They may cover specific topics in greater detail than this Executive Order.

Executive Order No. 24	Surplus Property and Unclaimed Property Control and Disposition
Executive Order No. 65	Occupational Safety and Health Program
Executive Order No. 74	Parking by City Employees While On Official City Business
Executive Order No. 94	Employees' Alcohol and Drug Policy
Executive Order No. 123	Office of Sustainability and Citywide Sustainability Policy
Fiscal Accountability Rules	10.5 - City Business Vehicle Use 10.6 - Take Home Vehicles and Carpooling 10.7 - Use of Personal Vehicles for City Business 10.8 - Travel
Career Service Rule 16	16-24 Employee Responsibility to Report Charges, Convictions, and Nolo Contendere Pleas
OSHMS Standard 65.10	Motor Vehicle Safe Operations Standard; Risk Management webpage

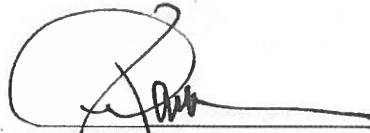


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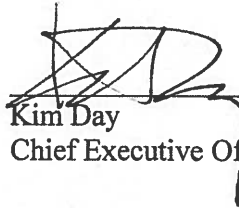


Kristin M. Bronson  
City Attorney for the City and County  
of Denver

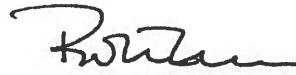
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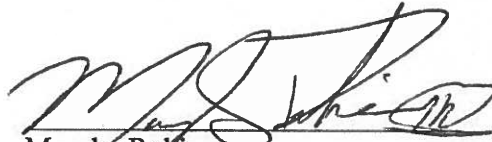
Michael B. Hancock  
MAYOR



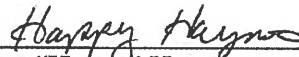
Kim Day  
Chief Executive Officer of Aviation



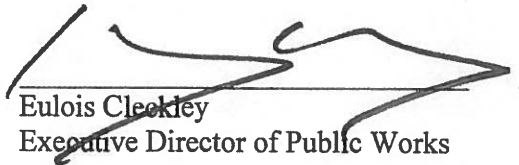
Robert McDonald  
Executive Director of Environmental Health



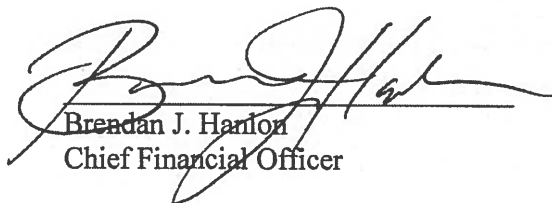
Murphy Robinson  
Executive Director of General Services



Allegra "Happy" Haynes  
Executive Director of Parks & Recreation



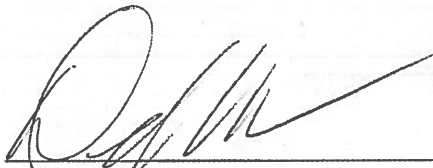
Eulois Cleekley  
Executive Director of Public Works



Brendan J. Harlon  
Chief Financial Officer



Troy Riggs  
Executive Director of Safety



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Don Mares  
Executive Director of Human Services



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Jill Jennings Golic  
Interim Executive Director of Community  
Planning and Development

**MEMORANDUM No. 3B**

**TO:** All Agencies Under the Mayor

**FROM:** Jose Cornejo, Manager of Public Works  
Kim Day, Manager of Aviation  
Alex J. Martinez, Manager of Safety

**DATE:** September 6, 2012

**SUBJECT:** Procedures for handling photo enforcement notices of violation issued to City vehicles

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1.0 This memorandum No. 3B shall be attached to and become a part of Executive Order 3, dated June 9, 2011, subject "Motor Vehicle Program for the City and County of Denver."

2.0 The purpose of this memorandum is to provide for procedures to implement the requirements of Sections 5.1 and 6.1 of Executive Order No. 3 and Fiscal Accountability Rule 10.5 that require City employees to comply with all applicable municipal and state driving laws and to take responsibility for tickets issued to the employee while operating a city vehicle.

3.0 Photo enforcement notices of violation ("NOVs") are sent to the registered owner of the vehicle at the address provided on the vehicle's registration. City vehicles are registered in the name of the City at the address of the fleet management agency (Public Works, Denver International Airport or Safety) responsible for managing and maintaining the vehicle. NOVs issued to City vehicles are sent to the address of the fleet management agency provided on the vehicle registration.

4.0 Training on Sections 5.1 and 6.1 of Executive Order No. 3 and Fiscal Accountability Rule 10.5 will be administered to employees during the new employee training.

5.0 Procedures for employees.

- a. When the fleet management agency receives an NOV, it shall forward the NOV to the City department or agency that was operating the vehicle within three business days, and keep a copy of the NOV for its records.
  - i. All City departments or agencies using fleet vehicles shall provide to their fleet management agency a contact person to whom original notices will be sent.

- ii. Department contact persons shall be responsible for the notice of violation process within that department.
- b. Upon receipt of the notice, the department contact person shall:
  - i. Determine which employee was operating the vehicle when the NOV was issued;
  - ii. Ensure that the notice is delivered to the employee within five business days;
  - iii. Have the notice recorded in the employee's personnel file;
  - iv. Inform the employee that it is his/her responsibility to pay the notice or contest it with the Photo Enforcement Unit;
  - v. Complete the "NOT PICTURED DRIVER/NOMINATION" section of the NOV with the driver's (employee's) personal information/address and return the NOV to the Photo Enforcement Unit within 10 business days;
  - vi. File a copy of the NOV returned to the Photo Enforcement Unit in the department files, with record of the dates on which it was received, given to the employee and returned to the Photo Enforcement Unit;
  - vii. It may not always be possible to identify the driver of the vehicle from the photo provided or from vehicle log records. In such cases, the department contact person shall complete the "NOT PICTURED DRIVER/NOMINATION" section of the NOV indicating that it is not possible to identify the driver and return the NOV to the Photo Enforcement Unit within 10 business days;
  - viii. If an employee's supervisor or Internal Affairs determines that the vehicle was responding to an emergency when the NOV was issued, the supervisor or Internal Affairs officer shall complete the "NOT PICTURED DRIVER/NOMINATION" section of the NOV stating that the NOV should be cancelled for this reason, sign the NOV as the "Registered Owner" and return the NOV to the Photo Enforcement Unit within 10 business days.
- c. If an employee successfully challenges an NOV, the employee may request and the department contact person shall record that information in the employee's personnel file.

6.0 The Photo Enforcement Unit shall work with each fleet management agency on a regular basis to ensure compliance with these procedures. The Photo Enforcement Unit shall generate a report of any outstanding notices of violation on a quarterly basis. This report shall be shared with each fleet management agency, each department or agency manager and the Mayor's Office.