



**BALTIMORE CITY COUNCIL
PUBLIC SAFETY AND
GOVERNMENT OPERATIONS
COMMITTEE**

Mission Statement

On behalf of the Citizens of Baltimore City, the Public Safety and Government Operations will be responsible for matters concerning public safety, including, but not limited to; emergency preparedness, police services, fire/EMS, and the executive, administrative, and operational functions of the city government and libraries.

**The Honorable Mark Conway
Chairman**

PUBLIC HEARING

**Wednesday, November 10, 2021
1:00 PM**

**Council Bill: 21-0157
Limiting the Range of City-Owned
Take-Home Vehicles**

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BILL SYNOPSIS

Committee: Public Safety and Government Operations

Bill 21-0157

Limiting the Range of City-Owned Take-Home Vehicles

Sponsor: Councilman Ryan Dorsey

Introduced: September 20, 2021

Purpose:

For the purpose of solely allowing a user of a City-owned take-home vehicle to drive the vehicle within the confines of Baltimore City; and authorizing City agencies to adopt implementing rules and regulations.

Effective: 30th Day after the date of enactment.

Agency Reports

Dept. of Public Works	
Dept. of Finance	
Dept. of General Services	
Fire Department	
Dept. of Human Resources	
Police Department	
Law Department	
Baltimore City Administrator	

Analysis

Background

The Department of General Services manages all City-owned vehicle purchases. Each new vehicle is purchased with a three-year or 36,000-mile warranty that does not include coverage for brakes, oil changes, or tires. City-owned vehicles have a specific cost associated with each mile traveled, known as the cost per mile. They can thus reach 36,000 miles before three years of ownership, ending the manufacturer's warranty coverage and resulting in the City paying for repairs.

Every City vehicle is installed with a fuel monitoring device that records the odometer reading and fueling data whenever an employee refuels at a Department of General Services gas station. The information collected by each fuel monitoring device is uploaded in the FASTER system, which tracks vehicle data including maintenance, warranties, and repairs. Additionally, the FASTER system tracks each vehicle's operational costs.

There was no information found in the Baltimore City Administrative Policy that governs the usage of take-home vehicles.

Baltimore City Take Home Vehicle Internal Policy

- Baltimore Police Department – Policy 1509 – Take Home Vehicles
 - City of Baltimore and Surrounding Counties – [A driving distance not more than 60 miles from BPD Headquarters to the member's residence as calculated by Google Maps.](#)
- Baltimore City Fire Department – Manual of Procedure 415 – Take Home Vehicles
 - The Chief of the Baltimore City Fire Department or his/her designee, in their sole discretion, [may assign a Take-Home vehicle to members who reside in the City of Baltimore or within 60 miles of the closest BCFD station \(as calculated by Google Maps\),](#) and who have 24 hours a day/7 days per week emergency response obligations which are essential to the efficient and effective performance of the BCFD's business throughout the City of Baltimore.

Surrounding Jurisdictions Take Home Vehicle Internal Policy

- Anne Arundel County
 - [An officer must live in the county to get a take-home vehicle](#) and may not take it outside the county. Passengers may include immediate family, as well as grandparents and in-laws.
- Carroll County
 - [Sheriff's deputies must live in the county to get a take-home vehicle.](#) Deputies must leave passengers at a safe location when responding to an emergency.
- Harford County
 - A sheriff's deputy must have 18 months of service before getting a take-home vehicle. Vehicles may not be used for personal business outside the county. [A deputy who lives outside the county must reside within 25 miles of the sheriff's office to get a vehicle.](#) Deputies are required to tell dispatchers when they are using the vehicles.

- Howard County
 - Patrol officers who live in the county must respond within 45 minutes of being called to an emergency. A patrol officer who lives outside the county must have five years of service and must reside within five miles of the county to get a take-home vehicle. Sergeants and lieutenants may not take the vehicles more than five miles from the border. Commutes may not extend beyond 25 miles from the county. Officers "should never rely solely upon that vehicle for off-duty usage."
- Maryland State Police
 - Officers are required to keep vehicles within a 25-mile radius of work or home and may transport only "immediate relatives." Officers may not respond to life-threatening emergencies with passengers in the car.

Federal Government Home-to-Work Regulations

In 1986 the federal government established the Passenger Carrier Act – Home to Work a.k.a. – 31 U.S.C. 1344. Encompassed within this regulation are the home to work basics for approval to participate in the program.

- Employees may be approved home to work by the head of the agency for:
 - Field work (up to 2 years) – approved by person or specific job position
 - Clear and present danger
 - Compelling operational consideration
 - Emergency

Within this regulation it also outlines the reporting requirements for the home to work program.

- Reports to Congress:

Agencies must submit your determinations to the following Congressional Committees:

 - Chairman, Committee on Homeland Security & Governmental Affairs;
 - Chairman, Committee on Oversight and Government Reform.

Agencies must report determinations to Congress no later than 60 calendar days after approval. Agencies may consolidate any subsequent determinations into a single report and submit them quarterly.
- Tracking home to work usage:
 - Agencies must maintain logs or other records necessary to verify that any home to work transportation was for official purposes.
 - The logs or other records should be easily accessible for audit and should contain:
 - Name and title of employee using the passenger carrier,
 - Name and title of person authorizing use,
 - Passenger carrier identification,
 - Date(s) home to work transportation is authorized,
 - Location of residence,
 - Duration, and
 - Circumstances requiring home to work transportation
 - Each agency may decide the organizational level at which the logs should be maintained and kept.

- Internal home to work policies should:
 - Ensure that the home to work vehicles are the smallest, most fuel efficient, and least greenhouse gas emitting vehicles necessary to execute mission requirements;
 - Define terms such as call-out, protection, emergency use, on-call, criminal law enforcement, intelligence and counter-intelligence as they relate to the specific operations of the agency and describe the agency's specific needs and missions in which home to work transportation may be authorized for employees;
 - Identify examples of duties that qualify for home to work support and outline procedures to ensure that each individual employee authorized home to work transportation is actively performing those duties for which home to work is authorized;
 - Ensure that the distance between the employee's residence and official duty station is considered when making home to work authorizations;
 - Ensure that home to work would not be authorized for the sole purpose of commuting to and from work;
 - Ensure that home to work authorizations are not solely based on grade, rank, job series or title;
 - Define administrative functions and ensure that home to work transportation is not authorized for personnel performing those functions exclusively, regardless of their job series;
 - Require that transit subsidy or other transit/parking benefits not be authorized for days when home to work transportation is provided; and
 - Establish policies regarding authorized or prohibited use of a home to work vehicle that are incidental to the conduct of official business.

Additional Information

Information Source(s):

Analysis by: Samuel Johnson
Analysis Date: November 15, 2021

Direct Inquiries to: (410) 396-1091

**CITY OF BALTIMORE
COUNCIL BILL 21-0157
(First Reader)**

Introduced by: Councilmembers Dorsey, Cohen, Burnett
Introduced and read first time: September 20, 2021
Assigned to: Economic and Community Development Committee

REFERRED TO THE FOLLOWING AGENCIES: City Solicitor, Department of Transportation, Parking Authority, Department of Public Works

A BILL ENTITLED

1 AN ORDINANCE concerning

2 **Limiting the Range of City-Owned Take-Home Vehicles**

3 FOR the purpose of solely allowing a user of a City-owned take-home vehicle to drive the vehicle
4 within the confines of Baltimore City; and authorizing City agencies to adopt implementing
5 rules and regulations.

6 BY adding

7 Article 1 - Mayor, City Council, and Municipal Agencies
8 Section 7-12
9 Baltimore City Code
10 (Edition 2000)

11 **SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE,** That the
12 Laws of Baltimore City read as follows:

13 **Baltimore City Code**

14 **Article 1. Mayor, City Council, and Municipal Agencies**

15 **Subtitle 7. City Officers and Employees**

16 **§ 7-12. RANGE OF CITY-OWNED TAKE-HOME VEHICLES.**

17 (A) *“CITY-OWNED TAKE-HOME VEHICLE” DEFINED.*

18 *“CITY-OWNED TAKE-HOME VEHICLE” MEANS A VEHICLE OWNED BY THE CITY THAT A*
19 *CITY-EMPLOYEE IS AUTHORIZED TO USE FOR COMMUTING, AS WELL AS OTHER PURPOSES.*

20 (B) *IN GENERAL.*

21 A CITY-OWNED TAKE-HOME VEHICLE MAY ONLY BE USED WITHIN THE CONFINES OF
22 BALTIMORE CITY.

EXPLANATION: CAPITALS indicate matter added to existing law.
[Brackets] indicate matter deleted from existing law.

Council Bill 21-0157

1 (C) *RULES AND REGULATIONS.*

2 SUBJECT TO TITLE 4 {“ADMINISTRATIVE PROCEDURE ACT – REGULATIONS”} OF THE CITY
3 GENERAL PROVISIONS ARTICLE, THE DIRECTOR OF AN AGENCY THAT PROVIDES AT LEAST
4 1 EMPLOYEE WITH A CITY-OWNED TAKE-HOME VEHICLE SHALL ADOPT RULES AND
5 REGULATIONS TO IMPLEMENT THIS SECTION.

6 **SECTION 2. AND BE IT FURTHER ORDAINED,** That this Ordinance takes effect on the 30th day
7 after the date it is enacted.

**PUBLIC SAFETY AND
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AGENCY REPORTS

FROM	NAME & TITLE	Christopher Shorter, City Administrator	CITY of BALTIMORE MEMO	
	AGENCY NAME & ADDRESS	Office of the Mayor 100 Holliday Street Baltimore, MD 21202		
	SUBJECT	City Council Bill 21-0157 - Limiting the Range of City-Owned Take-Home Vehicles		

DATE: November 15, 2021

TO The Honorable President and Members of the Baltimore City Council c/o
Natawna Austin, Executive Secretary

Position: Support with Amendments

The Office of the City Administrator is herein reporting on City Council Bill 21-0157 - Limiting the Range of City-Owned Take-Home Vehicles. The purpose of this legislation is to ensure Baltimore City resources are being properly allocated and accounted for as it pertains to take home vehicles. Specifically, 21-0157 requires that take home vehicles are only operated within City limits and that the Director of an agency that provides at least 1 employee with a city-owned take-home vehicle shall adopt rules and regulations to implement this section.

Background

Increasing the efficiency and effectiveness of Baltimore City government and being proper stewards of public funding is a central priority for the Scott Administration. It is the recommendation of the Office of the City Administrator to adopt the following amendments to 21-0157 to ensure that there is a seamless transition between current policy and the improvements proposed by the legislation.

- Extend the effective date to 240 days to allow for reimbursement process to be established
- Makes exceptions for employees who work outside of city limits (i.e., DPW employees who work in the Watershed)
- Make exceptions for travel required while in an on-duty status (i.e., meetings outside of the jurisdiction, mutual aid agreements, etc.)
- Make exceptions for employees who are in an on-call status (i.e., Duty Officers) who live within 30 miles of the city
- Grandfather in existing personnel contracts
- Grandfather in existing leases or vehicles through either appointment to the position and/or the lifecycle of the car offering an option to reimburse the city through payroll for miles traveled outside of the City of Baltimore
- Allow for general exceptions to be made that must be authorized by the Chief Administrative Officer

Conclusions

The Office of the City Administrator is committed to the vision set forth by the Scott Administration of ensuring the City of Baltimore government continues to assess and update the various systems, and administrative policies and procedures that ensure we are responsibly managing public resources. To that end, the Office of the City Administrator is supportive of City Council Bill 21-0157 if the above amendments are able to be incorporated into the final version of the legislation. I, and my office, stand ready to participate in further discussion and consideration of policy changes related to take home vehicles.

**AMENDMENTS TO COUNCIL BILL 21-0157
(1st Reader Copy)**

Proposed by: City Administrator

{To be offered to the Public Safety and Government Operations Committee}

Amendment No. 1

On page 1, in line 3, strike “solely”; and, on that same page, after “to”, insert “only”; and, on that same page, in line 4, after the semi-colon, insert “providing certain exceptions to this limitation;”; and, on that same page, in line 5, after “regulations”, insert “; and providing for a special effective date”.

Amendment No. 2

On page 1, after line 22, insert:

“(C) EXCEPTIONS.

(1) TRAVEL OUTSIDE CITY LIMITS.

THIS SECTION DOES NOT APPLY TO CITY EMPLOYEES WHO:

(I) WORK OUTSIDE OF CITY CONFINES; OR

(II) MUST SOMETIMES PERFORM THEIR DUTIES, POSSIBLY OUTSIDE CITY CONFINES, DURING NON-SCHEDULED HOURS.

(2) AUTHORIZATION BY THE CITY ADMINISTRATOR.

IF THE CITY ADMINISTRATOR AUTHORIZES IT, A CITY-OWNED TAKE-HOME VEHICLE MAY BE USED OUTSIDE THE CONFINES OF THE CITY.

(3) PREEXISTING CONTRACTS.

THIS SECTION DOES NOT APPLY TO AN EMPLOYEE:

(I) WHO HAS A PERSONNEL CONTRACT THAT WAS IN PLACE AT THE TIME OF THE ENACTMENT OF THIS ORDINANCE; AND

(II) WHOSE USE OF A CITY-OWNED TAKE-HOME VEHICLE IS INCLUDED IN THE PERSONNEL CONTRACT.

(4) PREEXISTING APPOINTMENTS.

THIS SECTION DOES NOT APPLY TO AN EMPLOYEE APPOINTED BY THE MAYOR WHO HAS BEEN GRANTED THE USE OF A CITY-OWNED TAKE-HOME VEHICLE BEFORE THE ENACTMENT OF THIS ORDINANCE.

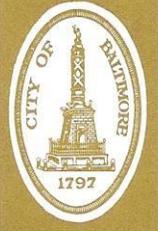
(5) REIMBURSEMENT FOR MILES.

THIS SECTION DOES NOT APPLY TO AN EMPLOYEE NOT APPOINTED BY THE MAYOR AND WHO HAS BEEN GRANTED THE USE OF A CITY-OWNED TAKE-HOME VEHICLE BEFORE THE ENACTMENT OF THIS ORDINANCE, IF THE EMPLOYEE REIMBURSES THE CITY FOR MILES TRAVELED OUTSIDE CITY LIMITS.”;

and, on page 2, in line 1, strike “(C)” and substitute “(D)”.

Amendment No. 3

On page 2, in line 6, strike “30th” and substitute “240th”.

FROM	NAME & TITLE	Chichi Nyagah-Nash, Director	CITY of BALTIMORE MEMO	
	AGENCY NAME & ADDRESS	Department of General Services 200 N. Holliday Street, Rm 800		
	SUBJECT	CB 21-0157		

TO The Honorable President and Members of the City Council
City Hall, Room 400, 100 North Holliday Street

DATE: November 12, 2021

BACKGROUND/EXPLANATION:

This bill would limit the range of city-owned take-home vehicles such that a user of a city-owned take-home vehicle would be allowed to drive the vehicle solely within the confines of Baltimore City.

DGS would defer to the Office of the City Administrator on any proposed exclusions and exceptions to this bill.

COMMENTS:

The Department of General Services does not expect any fiscal impact for the agency, associated with the identified bill.

AGENCY/DEPARTMENT POSITION:

For the reasons identified above, the Department of General Services does not oppose City Council Bill 21-0157.

If you have any questions, please do not hesitate to contact DGS' Legislative Liaison Annie Fullas at annie.fullas@baltimorecity.gov or at 667-208-0380.

Sincerely,



Chichi Nyagah-Nash

Director, DGS



MEMORANDUM

To: The Honorable President and Members of the Baltimore City Council
c/o Natawna Austin, Executive Secretary

From: Alice Kennedy, Acting Housing Commissioner



Date: November 10, 2021

Re: City Council Bill 21-0157 Limiting the Range of City-Owned Take-Home Vehicles

The Department of Housing and Community Development (DHCD) has reviewed City Council Bill 21-0157 for the purpose of solely allowing a user of a City-owned take-home vehicle to drive the vehicle within the confines of Baltimore City; and authorizing City agencies to adopt implementing rules and regulations.

If enacted, City Council Bill 21-0157 would limit the use of take-home vehicles to the confines of Baltimore City and compel the Commissioner of DHCD and other City agencies, to adopt rules and regulations to regulate the use of any vehicle owned by the City that is authorized for use by a City Employee for commuting and other purposes.

DHCD's Code Enforcement Inspections Division, Emergency Operations Section, utilizes take-home vehicles to conduct their work. The nature of the duties assigned to Emergency Operations Personnel requires flexibility in responding to complaints, 24hrs a day, 7 days a week, on an "on-call" basis. These are often emergency situations such as fires, gas leaks, buildings in danger of collapse, BGE outages with numerous blocks impacted and other time sensitive situations. Emergency Operations Personnel respond to areas throughout the city where people are impacted and the situation is deemed an emergency.

Emergency Operations Officers and Supervisors assist with the relocation of residents across the city in times of need. These agency employees require a wide-ranging use of City owned vehicles and the ability to respond quickly from any location. The Emergency Operations Section currently employs 4 staff with 4 open positions. They utilize 8 City owned vehicles to respond to complaints generated through the 311, 911 and fire communication's systems. DHCD is in the process of filling the remaining Emergency Operations Personnel "Ombudsman" positions as we reshape this section of the division in service to our citizens.

The impact of COVID has also significantly changed the way in which our field teams operate. Previously reporting in person to receive assignments, personnel are now deployed directly to the field from their homes. This has resulted in response time efficiencies and has helped reduce the risk of exposure to COVID by limiting person to person contact.



DHCD opposes this Legislation as drafted but would be in support if the City Administrator's amendments were to be adopted which would make exceptions for employees who are in an on-call status (i.e., Duty Officers) who live within 30 miles of the city, among other exceptions. Take home vehicles are necessary to fully accomplish the duties of the Emergency Operations Section and flexibility is required to recruit candidates to fill vacant positions.

DHCD supports City Council Bill 21-0157 **with amendments.**

AK/sm

cc: Ms. Nina Themelis, Mayor's Office of Government Relations