

DEPARTMENT OF FINANCE  
COUNTY OF KAUAI

MEMORANDUM

December 28, 1995

TO: All Departments/Agencies  
FROM: Wally Rezentes, Jr., Director of Finance *WRJ*  
RE: County vehicles authorized to be taken home

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As a cost savings measure in light of our projected budget shortfall, the Administration has decided to allow only the individuals listed below to operate County vehicles to and from their places of residence. The purpose of this measure is to save on the increasing fuel and vehicle maintenance costs. Priority has been given to emergency response employees.

The effective date of this cost savings program will be January 3, 1996. *1996*

Police Chief  
Deputy Police Chief  
Administrative Bureau I.D. Officer  
Canine Officers (only when transporting dogs-through March 1996)  
Fire Chief  
Civil Defense Administrator  
County Engineer  
Deputy County Engineer  
Chief of Field Operation and Maintenance  
Superintendent of Highway Construction & Maintenance  
Transportation Department's 9 Buses

Any related questions should be directed to me at extension #564.  
Thank you for your cooperation.

**KAUAI POLICE DEPARTMENT**

<b>GENERAL ORDER</b>	<b>DATE OF ISSUE</b>	<b>EFFECTIVE DATE</b>	<b>NO.</b>
	09/30/1998	10/01/1998	98-04
<b>REFERENCE</b>		<b>RESCINDS:</b>	

**INDEX AS:**

TAKE HOME VEHICLE - OPERATION PROCEDURE

**I. PURPOSE:**

To establish the procedure and guidelines on the use of county-owned Police vehicles. All police bureaus (Patrol, Investigative and Administrative) must be in compliance with this general order.

**II. AUTHORITY:**

The authority on the use of county-owned vehicles is limited to personnel authorized by the Chief of Police or his designee. Procedures are applicable during and after normal hours of work.

**III. RESPONSIBILITY:**

All Kauai Police Officers assigned to take home vehicles must have an authorized place to park and secure the vehicle while off-duty. Prior to receiving the vehicle, the officer shall be instructed by the fleet coordinator on the necessary daily maintenance and warranty checks.

**IV. DRIVER:**

Being self-insured, the County of Kauai sets rules and conditions under which insurance coverage is applicable. The County of Kauai mandates that only police officers be allowed to drive these vehicles. Therefore, only the assigned Kauai Police Officer shall drive the vehicle designated for the department's take-home pilot program.

**V. OPERATING WHILE UNDER THE INFLUENCE:**

The officer shall not operate the take-home vehicle while under the influence of any alcohol and/or drugs.

**VI. MOTOR VEHICLE COLLISIONS:**

If the officer is involved in a motor vehicle collision, the current guidelines for handling MVCs involving officers shall be followed. The County of Kauai is self insured, therefore, must abide by rules and conditions under which insurance coverage is applicable. **Only** employees of the Kauai Police Department are authorized to operate a county owned police vehicle.

KAUAI POLICE DEPARTMENT

GENERAL ORDER

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No.  
98-04

TAKE HOME VEHICLE - OPERATION PROCEDURE

C. *Officer(s) and Passenger(s) Conduct and Appearance*

The officer assigned a take-home vehicle shall be responsible for the conduct and attire of himself/herself while operating the take-home vehicle. Attired in bareback, tank-tops, suggestive clothing and see-through shirts are not allowed.

D. *Radio Use*

An officer with a take-home vehicle shall keep his/her radio turned on while operating the vehicle.

E. *Use Limitations*

In general, the vehicle may be used only as transportation between the officers residence and assigned station. However, the following limitations shall apply.

1. The officer may make short errand stops on the way to/from work.
2. The take-home vehicle shall not be used as a personal vehicle to attend non-police related functions. It shall be used solely for police related business.
3. The officer shall not use the vehicle to patronize establishments that may invite unfavorable comments or reflect negatively on the department (e.g., bars and night clubs).
4. The vehicle may be used for employment authorized by the Chief of Police, such as Special Duty requiring a police vehicle as part of the assignment, (e.g., escorts or traffic control).
5. The vehicle shall not be parked in prohibited areas unless the officer is responding to a police call or assisting in a police call. Also, the vehicle shall not be parked in a lot of an establishment not being patronized by the officer unless it is necessary to respond to a police incident.

KAUAI POLICE DEPARTMENT

SPECIAL ORDER	DATE OF ISSUE	EFFECTIVE DATE	NO.
	09/30/1998	10/01/1998	98-17
REFERENCE General Order 98-04	RESCINDS:		

INDEX AS:

Take Home Vehicle - Patrol Pilot Program, Selection/Qualification

I. **PURPOSE:**

To establish the selection and qualifications on the use of county-owned Police Patrol Vehicles during a one year pilot program. General Order 98-04 procedures/guidelines will be followed.

II. **PROGRAM LIMITATION:**

The pilot program will involve the take home of four (4) only marked Patrol police vehicles. Therefore, only four patrol personnel will be authorized by the Chief of Police or his designee, to participate in this program.

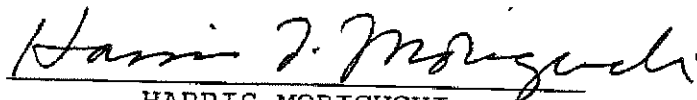
All Traffic Safety Unit personnel will be allowed a take home vehicle.

III. **SELECTION:**

Patrol officers interested in the take home vehicle program, must submit their request to patrol services bureau. A random selection of four (4) officers will be made.

IV. **QUALIFICATION:**

- A. The officer must have successfully completed his/her 1 year initial probation period.
- B. The officer must attain a satisfactory rating in all basic and job related performance factors on his/her current performance evaluation report.



HARRIS MORIGUCHI  
ACTING INSPECTOR

Maryanne W. Kusaka  
Mayor



Wallace G. Rezentes, Sr.  
Administrative Assistant

*W. G. Rezentes, Sr.*

OFFICE OF THE MAYOR

MEMORANDUM

TO: Chief Freitas and all Departments/Division Heads  
All members of the Police Commission

FROM: *MW* Mayor Maryanne W. Kusaka

DATE: November 29, 2002

RE: Policy on Use of County Vehicles

Attached is a copy of our Policy for use of County Vehicles. Please forward a copy to all employees who use vehicles to provide County services and related County duties. Mahalo

Dist Hartwell Blake/Attorney  
Cesar Portugal/Ian Costa/Public Works  
Mark Marshall/Civil Defense  
Dee Crowell/Sheilah Miyake-Planning  
Matne Yoshioka/OCA  
Chief George Freitas/Police  
Gini Kapali/OED

Eric Honma/Liquor Control  
Malcolm Fernandez/Personnel Services  
Chief David Sproat/Fire  
Sharon Agnew/Youth Programs  
Emile Lau/Ed Tschupp-Water  
Finance Director/Eugene Jimenez-Finance

## POLICY ON USE OF COUNTY VEHICLES

This policy is intended to provide certain employees with a County vehicle<sup>1</sup> to assist the County in its mission to provide services to the residents of Kauai. This policy is not meant as a convenience to certain employees; rather, it is meant to enable employees to quickly respond to work-related situations. For liability reasons, any personal use of the vehicles, no matter how minor it may seem, is not allowed. For example, giving a ride to a family member or to a friend, even if it does not involve a detour from the employee's route, is not allowed. Stopping at a store on the way home in a County vehicle is likewise prohibited.

The overall policy is that:

No person shall use any County vehicle for personal pleasure or personal use, including, travel by any employee to or from his place of service or work or to his place of abode. PROVIDED, HOWEVER, this policy shall not apply to the following:

- 1) The mayor;
- 2) Any officer or employee (hereinafter, employee) of the County who, upon written recommendation of the Director of Finance, is issued a written permit<sup>2</sup> by the Mayor to use a County vehicle for official purposes;
- 3) Any employee of the County, who, in case of emergency because of the employee's illness or the employee's incapacity caused by accident while at work or because of the illness of a member of the employee's immediate family while the employee is at work, is conveyed in a County vehicle to the employee's place of abode, to a hospital, or to another place.

Every such instance of the personal use of a County vehicle shall be immediately certified by the employee or by the head of the department controlling or possessing the County vehicle, and the certificate<sup>3</sup> shall be immediately filed with the Director of Finance.

Permits issued under 2) and 3) above, may be limited in time, routes, purposes or character of use; may extend to general classes of officers or employees; and may be canceled or revoked at any time without notice.

Pursuant to the provisions of Chapter 105, Hawaii Revised Statutes<sup>4</sup>, penalties for violation of this policy shall include a fine of not more than \$50 or imprisonment of not more than 10 days, or both. Any person who is found guilty more than twice by a court of competent jurisdiction of violating this policy may be dismissed or discharged from the person's office or employment, any other law to the contrary notwithstanding.

<sup>1</sup> vehicle - a vehicle owned or controlled by the County of Kauai.

<sup>2</sup> permit - a written certificate in form prescribed by the Department of Finance.

<sup>3</sup> certificate - a report of a non-permitted personal use of a County vehicle, in form prescribed by the Department of Finance.

<sup>4</sup> Chapter 105, Hawaii Revised Statutes - copy attached for reference.

§ 105-1 PUBLIC PROPERTY, PURCHASING AND CONTRACTING § 105-1

CHAPTER 105

GOVERNMENT MOTOR VEHICLES

Sec.	Sec.
105-1. Government motor vehicles; certain uses prohibited.	105-6. Inscription on state motor vehicles.
105-2. Exceptions.	105-7. Inscription on county motor vehicles.
105-3. Permits revocable.	105-8. Character of inscription.
105-4. Enforcement; duties of sheriffs and police officers.	105-9. Duty of performance.
105-5. Penalties; dismissal.	105-10. Motor vehicles; shelter.
	105-11. State motor pool revolving fund.

Cross references. -- As to registration of vehicles owned by foreign government, United States government, or State or political subdivision thereof, see § 286-56.

§ 105-1. Government motor vehicles; certain uses prohibited.

Except as provided in section 105-2, it shall be unlawful for any person to use, operate, or drive any motor vehicle owned or controlled by the State, or by any county thereof, for personal pleasure or personal use (as distinguished from official or governmental service or use) including, without limitation to the generality of the foregoing, travel by or conveyance of any officer or employee of the State, or of any county thereof, directly or indirectly, from his place of service or from his work to or near his place of abode, or, directly or indirectly, from such place of abode to his place of service or to his work. [L. 1919, c 227, pt of § 1; RL 1945, pt of § 462; am L 1949, c 339, pt of § 1(a); RL 1955, § 7-10; HRS § 105-1]

Cross references. -- As to inapplicability of §§ 105-1 through 105-10 to civil defense or other emergency functions, see §§ 128-10 and 128-13. As to exception of government motor vehicles from most of the motor vehicle safety responsibility act, see § 287-45.

OPINIONS OF ATTORNEY GENERAL

Liability of state employee for damage to state vehicle. -- Where a state employee is negligent and thereby causes a state vehicle to be damaged, he has committed a breach of the duty of care owed to his principal, and the state is entitled to hold the employee financially responsible for such damage. Op. Atty Gen. No. 63-31 (1963).

Taxation for personal use of state-assigned vehicle. -- The personal use value of state-assigned vehicles would not be included in Department of Public Safety's (PSD) Narcot-

ics Enforcement Division (NED) investigators' gross income for state and federal income tax purposes if the investigators first obtained written permission for personal use (not for pleasure) of state vehicles from the governor, upon the written recommendation of the state comptroller. Furthermore, such use must be: (1) by law enforcement officers; (2) incident to law enforcement functions; and (3) validly authorized by the PSD. Op. Atty Gen. No. 91-03 (1991).

§ 105-2

GOVERNMENT MOTOR VEHICLES

§ 105-3

## § 105-2. Exceptions.

Section 105-1 shall not apply to:

- (1) The governor;
- (2) The mayor of any county;
- (3) Any member of a police department or a fire department or of the staff of a hospital, or any officer or employee of the board of water supply of the city and county of Honolulu, when using a motor vehicle for a personal purpose incidental to the person's service or work (but not for pleasure);
- (4) Any officer or employee of the State who, upon written recommendation of the comptroller, is given written permission by the governor to use, operate, or drive for personal use (but not for pleasure) any motor vehicle owned or controlled by the State;
- (5) Any officer or employee of any county who, upon written recommendation of the budget director, is given written permission by the mayor, to use, operate or drive for personal use (but not for pleasure) any motor vehicle owned or controlled by the county;
- (6) Any officer or employee of the State, or of any county, who, in case of emergency, because of the person's illness, or the person's incapacity caused by accident while at work, or because of the illness of a member of the person's immediate family including a reciprocal beneficiary while the person is at work, is conveyed in a motor vehicle to the person's place of abode, or to a hospital or other place, but every such use of such a motor vehicle shall be certified to by the officer or by the head of the department, commission, board, bureau, agency, or instrumentality controlling or possessing the motor vehicle immediately thereafter, and the certificate shall be forthwith filed with the comptroller, in the case of the State, or with the budget director, in the case of a county; and
- (7) The assigned driver of a Van Go Hawaii vehicle or any other state ridesharing program vehicle. [L 1919, c 227, pt of § 1; RL 1945, pt of § 462; am L 1949, c 389, pt of § 1(a); RL 1955, § 7-11; am L 1965, c 11, § 1; HRS § 105-2; am L 1981, c 49, § 1; gen ch 1993; am L 1997, c 389, § 34]

## § 105-3. Permits revocable.

Permits under section 105-2 may be limited to hours, routes, purposes or character of use, may extend to general classes of officers or employees, and may be canceled or revoked at any time without notice. The burden of proof shall be upon any officer or employee given a written permit under subdivisions (4) or (5) of section 105-2 to prove, in any proceedings, that the officer or employee had, at the time of so using, operating, or driving any such motor vehicle, an unrevoked written permit to so use, operate, or drive the same. Likewise, the burden of proof shall be upon any person conveyed in any such motor vehicle as provided in subdivision (6), section 105-2 to prove, in any proceedings, that the officer, or head of the department, commission, board, bureau, agency, or instrumentality, controlling or possessing such motor vehicle certified to such use and filed such certificate as required by subdivision



§ 105-4 PUBLIC PROPERTY, PURCHASING AND CONTRACTING § 105-7

(6). [L 1919, c 227, pt of § 1; RL 1945, pt of § 462; am L 1949, c 389, pt of § 1(a); RL 1955, § 7-12; HRS § 105-3; am imp L 1984, c 90, § 1]

§ 105-4. Enforcement; duties of sheriffs and police officers.

The sheriff and the sheriffs deputies, or any police officer, within their respective jurisdictions, shall investigate any violation, or suspected violation of, and shall enforce section 105-1. [L 1949, c 389, pt of § 1(d); RL 1955, § 7-13; am L 1963, c 85, § 2; HRS § 105-4; am imp L 1984, c 90, § 1; am L 1989, c 211, pt of § 10; am L 1990, c 281, pt of § 11]

§ 105-5. Penalties; dismissal.

Every person who violates section 105-1 shall be fined not more than \$50 or imprisoned not more than ten days, or both.

Any person, then being an appointed officer or an employee of the State or of any county, who is found guilty more than twice by a court of competent jurisdiction of violating section 105-1 may be dismissed or discharged from the person's office or employment, any provision of chapter 76, or of any other law, to the contrary notwithstanding. [L 1949, c 389, pt of § 1(d); RL 1955, § 7-14; HRS § 105-5; am imp L 1984, c 90, § 1]

Cross references. — As to classification of offense and punishment, see §§ 701-107, 708-640 and 709-663.

§ 105-6. Inscription on state motor vehicles.

Unless excepted, every motor vehicle owned or controlled by the State shall bear on both sides thereof a facsimile of the state seal and beneath the seal the words "For Official Use Only" and the name of the department, commission, board, bureau, office, agency, or instrumentality thereof controlling or possessing such motor vehicle. This section shall not apply to such motor vehicles as are furnished the governor, lieutenant governor, chief justice of the supreme court, and the president of the University of Hawaii or to such motor vehicles as are used in any ridesharing program of the State, for undercover investigative work, law enforcement, and other functions as approved by the comptroller. Motor vehicles owned or controlled by the University of Hawaii may bear the University of Hawaii logo or seal, or both, in lieu of the state seal. [L 1919, c 227, pt of § 2; RL 1945, pt of § 463; am L 1949, c 389, pt of § 1(b); RL 1955, § 7-15; HRS § 105-6; am L 1969, c 38, § 1; am L 1981, c 49, § 2; am L 1998, c 115, § 14]

§ 105-7. Inscription on county motor vehicles.

Unless excepted every motor vehicle owned or controlled by any county shall bear on both sides thereof the following inscription: "For Official Use Only." Underneath the inscription shall be the name or title of the county and the name of the department, commission, board, bureau, officer, agency, or

Bernard P. Carvalho, Jr.  
Mayor



Wallace G. Rezendes, Jr.  
Director of Finance

Gary K. Heu  
Administrative Assistant

Belma A. Baris  
Deputy Director of Finance

COUNTY OF KAUAI  
DEPARTMENT OF FINANCE  
4444 Rice Street, Suite 208  
Lihue, Hawaii 96766

June 10, 2009

TO: ~~Donald Fujimoto, County Engineer~~  
Ed Renaud, Deputy County Engineer  
Robert Westerman, Fire Chief  
Daryl Perry, Chief of Police  
Mark Marshall, Civil Defense Administrator

FROM: Wallace Rezendes, Jr., Director of Finance

SUBJECT: Take Home Vehicle Fleet

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Per our discussions during the FY 10 budget, attached is a spreadsheet detailing the positions that will be allowed to take home vehicles. As you are aware, these changes were the result of discussions that intended to reduce county costs while still maintaining sufficient levels of first responders within your respective departments.

I thank all of you for your input and support.

Please contact me should you have any questions.

C: Gary Heu, Administrative Assistant to the Mayor

**POLICE**

**Presently Taking  
Home Cars**

D. Perry - Chief  
M. Begley - Deputy Chief  
H. Barriga - CIU Lt.  
M. Gordon - CIU Sgt.  
C. Callo - CIU Officer  
D. Miyamoto - Admin Lt.  
P. Kanoho - Admin Lt.  
M. Layosa - Veh Maintenance  
E. Apeles - Evidence Spec.  
R. Asher - ISB Asst. Chief  
R. Ventura - ISB Capt.  
J. Takamura - ISB Lt.  
E. Shibuya - ISB Lt.  
R. Rosa - ISB Sgt.  
M. Rivera - ISB Detective  
S. Sheldon - ISB Detective  
J. Kurasaki - ISB Detective  
J. Adric - ISB Detective  
C. Oliver - ISB Detective  
P. Applegate - ISB Detective  
P. Balbarino - ISB Detective  
D.R. Chong Tim - ISB Detective  
K. Ledesma - ISB Detective  
N. Garcia - ISB Officer  
S. Hamberg - ISB Officer  
Total (Various) = 25 Officers/Staff

Patrol Bureau = 70 Officers

**Grand Total Take Home = 95**

**FIRE**

Westerman - Chief  
Blalock - Deputy  
Mechanic

**TOTAL : 3**

**CIVIL DEFENSE**

M. Marshall - CD Administrator

**PUBLIC WORKS**

D. Fujimoto - County Engineer  
E. Renaud - Deputy County Engineer  
R. Nishikawa - Roads Div Chief  
K. Morikawa - Roads Superintendent  
P. Shimamoto - DRO Kapaa  
M. Sugahara - DRO Hanalei  
C. Balmores - DRO Hanapepe (TA)  
B. Inouye - Buildings Officer  
W. Koga - Bldgs Field Superintendent  
Custodial Services Supervisor  
Janitor Working Supervisor (West)  
Janitor Supervisor (East)  
Plumber Working Supervisor  
Plumber  
Plumber  
Plumber  
Lead Electrician/Elect. Equip. Repairer  
Electrician/Elect. Equip. Working Sup.  
Electrician  
Electrician  
Electrician  
Wastewater Treatment Plant Sup.  
Solid Waste Superintendent  
D. Adachi - Automotive Superintendent  
Automotive Supervisor  
Total = 25

Total County = 124

**County-wide Total Reduction = 30 Vehicles**

**Allow (effective 7/1/09)  
Take Home Cars**

H. Barriga - CIU Lt.  
M. Gordon - CIU Sgt.  
C. Callo - CIU Officer  
  
E. Shibuya - ISB Lt.  
R. Rosa - ISB Sgt.  
M. Rivera - ISB Detective  
S. Sheldon - ISB Detective  
J. Kurasaki - ISB Detective  
J. Adric - ISB Detective  
C. Oliver - ISB Detective  
P. Applegate - ISB Detective  
P. Balbarino - ISB Detective  
D.R. Chong Tim - ISB Detective  
K. Ledesma - ISB Detective

Total (Various) = 14 Officers/Staff

Patrol Bureau = 70 Officers\*

**Grand Total Take Home = 84**

Westerman - Chief  
Blalock - Deputy  
Mechanic  
**TOTAL: 3**

M. Marshall - CD Administrator\*\*

K. Morikawa - Roads Superintendent

W. Koga - Bldgs Field Superintendent

D. Adachi - Automotive Superintendent

Total = 3

Total County = 91

\* Of the 70 Patrol Cars authorized for take home, 3 officers elect not to take home cars

\*\* CD Administrator elects not to take home car