

**Benjamin Cahoon**  
Mayor

**Michael Siers**  
Mayor Pro Tem

**Greg L. Sparks**  
Interim Town Manager



**Town of Nags Head**  
Post Office Box 99  
Nags Head, NC 27959  
Telephone 252-441-5508  
Fax 252-441-0776  
[www.nagsheadnc.gov](http://www.nagsheadnc.gov)

**M. Renée Cahoon**  
Commissioner

**J. Webb Fuller**  
Commissioner

**Kevin Brinkley**  
Commissioner

## MEMORANDUM

TO: Mayor and Commissioners  
FROM: Interim Town Manager Greg Sparks  
DATE: March 11, 2021  
RE: Vehicle Use Policy

This week the issue arose as to whether me as Interim Town Manager and the Police Chief had approved an Administrative Policy that conflicted with Board of Commissioners Policy. The Board policy in question is Vehicle Use Policy, updated June 4, 2003. The purpose of this report is to note the decision timeline and reevaluate the approval process of this issue and ascertain if the Administrative Policy conflicts with Board Policy to reset any Administrative Policy which may be in conflict with Board Policy, and to determine additional steps that may be appropriate.

Attached to this report are four exhibits lettered A through D. Exhibit A is the *BOC Vehicle Use Policy* from 6/4/2003, Exhibit B *Administrative Policy-Take Home Vehicle Policy* dated 8/16/2011, Exhibit C *General Order 2019-05 Take Home Vehicle Program*, and Exhibit D *Take Home Vehicle Policy* (Undated, should be dated as 2/10/2021).

When Chief Webster approached me in February 2021, about amending the policy to allow our police officers who reside in the Columbia area to utilize our take home vehicle program, he did so with the explanation that when they were hired we made no promise of such a benefit, but that he believed it would aid in retention of these officers, and recruitment in the area when we have future openings whether incorporating racially diverse communities in the range might ultimately yield greater departmental diversity. We also discussed the issue of improving diversity within the police department - something we had discussed since the beginning of my tenure as Interim Town Manager. I had several questions for the Chief. What was the projected incremental cost to the Town for extending our policy and secondly noting whether I had the authority to make the change or if it required Board approval. The Chief indicated he believed that former Town Manager Cliff Ogburn had approved the previous policy change from 20 to 30 miles. As such, I researched my Town of Nags Head Policy Book which contains Board and Administrative policies. The pertinent policy from the Board was the 2003 *BOC Vehicle Use Policy* as noted in Exhibit A. The pertinent section is the final paragraph on page 2: *Assigned Vehicles/Vehicle Use*, which states: "The Town Manager may assign vehicles to employees for commuting purposes when there is an interest of the Town to do so for purposes of improved response time, preparedness, on-call status, etc. An Administrative policy will address those assignments." My read of that section was that the Town Manager had authority to do so, gave certain examples, and noted Administrative Policy for specifics.

The Administrative Policy is addressed in the Town of Nags Head Policy Book as well under the Police Department as Take Home Vehicle Policy as noted in Exhibit B. The pertinent section in the second paragraph states that "Officers may drive their assigned vehicle to their residence if it is located within twenty (20) miles of the Town limits." When I questioned the Chief about the 20 mile limit he indicated that the previous Town Manager had approved the change to 30 miles and that they had previously updated their General Orders to note that change. There was no amended policy in the Policy Book. In Exhibit C - *General Order* dated August 12, 2019, notes that the order extends the range to 30 miles from the corporate limit. I made a written note on the Exhibit that the Chief confirmed with Mr. Ogburn that he approved the change in August, 2019.

Based upon the information that I reviewed on the Board Policy, Administrative Policy, and General Order (verbally from the Chief), along with the information from the Fleet Superintendent on incremental cost from 30 to 40 miles for the current officers, I approved the Administrative Policy in Exhibit D. This policy amended the 30 mile limit to within 40 miles west of the Town limits along the NC 64 corridor, with the belief it would encompass the residences of these three current officers.

I believe the Board understands that neither myself nor the police chief intended to adopt a policy that conflicted with BOC policies. I viewed the cost implications as minimal, believed it would aid long-term in recruitment and retention efforts and was within my administrative purview. However, I do recognize there were errors made in both implementation and in providing explanation to the Board in the past week. Including:

1. One of the officer's lives 41.8 miles from the Town limit, therefore over the 40 mile limit and was allowed to have the take home vehicle. That could have been addressed in the policy or by requiring the officer to park the vehicle at an appropriate location within 40 miles.
2. The Chief's explanation to Commissioner Fuller utilizing radius rather than road miles to show everyone in compliance exacerbated the issue and called into question the Chief's transparency on the issue. That was unintentional and that perception is unfortunate. The Chief and I discussed this issue at the time. We have both worked in communities that utilized different criteria for take home cars-such as mileage, response time, and mile radius. Since Nags Head utilizes road miles, that should have been the standard utilized in the explanation.
3. The issue of how a Vehicle Use Policy addresses retention and recruitment in the workforce and potentially a broader, more racially diverse employee market needs to be addressed in a comprehensive manner - not just in relation to the police department. The Chief and I presented some basic information on this issue in correspondence yesterday, but I believe we are piecemealing at this point and need to do a re-set on the mileage policy, engage other departments on the issue and the Commission on that strategy.

**Recommendation:** Based upon the Board's stated concerns on this issue, the Police Department has reverted back to the 2019 General Order with the 30 mile limit. We will re-look at this Administrative Policy and bring any future change regarding Take Home Vehicles back to the Board for your consideration.

Exhibit A

**Robert W. Muller**  
Mayor



**Douglas A. Remaley**  
Commissioner

**George Farah, III**  
Mayor Pro Tem

## **Town of Nags Head**

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**R. Brantley Murray**  
Commissioner

**J. Webb Fuller**  
Town Manager

**Anna D. Sadler**  
Commissioner

### Board of Commissioners Policy

#### **Vehicle Use Policy**

(Adoption Date: August 2, 1995)  
(Updated: August 1998)  
(Updated: June 4, 2003)

#### Employees/Officials Only May Operate

Only Town employees and elected officials of the Town are authorized to operate Town vehicles. Members of the Nags Head Volunteer Fire Department may do so in training and emergency situations only. NEST representatives are authorized by agreement to operate their designated ATV.

#### Valid Operators Permit Required

It shall be required for anyone operating Town-owned vehicles or equipment to have a current, valid operator's license.

#### Age Requirement to Operate Vehicles/Equipment

All authorized vehicle and equipment operators of the Town, be they regular, part time, temporary (seasonal), elected or volunteer, shall be 18 years or older to operate any Town-owned equipment. Such equipment shall include, but not be limited to, vehicles, ATV's, jet skis, trailers, boats, etc.

#### Town Business Only

Town vehicles and equipment shall be used for Town purposes only. They are not to be used for personal business. For those individuals assigned vehicles for commuting purposes, they may make incidental but not habitual stops while commuting. These individuals who take Town vehicles home shall see that the vehicle is made available for Town use during any period of vacation or other extended leave. Town vehicles shall not be used for the transport of personal property.

Responsible for Update: Deputy Town Manager/Finance Director

## Safety

Every authorized operator of Town owned vehicles or equipment has an obligation to adhere to safe driving practices. All federal, state and local laws governing vehicles and public roads will be adhered to. Any citation issued to a Town employee while operating a Town owned vehicle will be reported to the Department Head within 48 hours.

### Authorized Passengers Only

Only authorized persons are to be transported in Town owned vehicles. This includes Town employees, elected officials, elected officials from other agencies, employees of other governmental agencies, members of Town boards and committees, members of the Nags Head Volunteer Fire Department during approved training, and approved Public Safety ride-alongs with liability waiver on file. The only exceptions are emergency situations.

### Accidents

Any accident involving a Town owned vehicle or equipment will be reported immediately to a supervisor and as soon as practical to the Town Managers Office (within 24 hours or next business day). If you are involved in an accident in a Town vehicle, stop immediately, alert other drivers to any hazard, contact the police, make no admission of fault to anyone, be courteous but do not discuss the particulars with anyone except the police, exchange name and insurance information with other drivers, write down license numbers of all vehicles involved, obtain witness information, do not move the vehicle until instructed by the police. It is the responsibility of the supervisor to complete and transmit the accident report. Failure of an employee to report an accident, no matter how minor, may be grounds for disciplinary action.

### Inclement Weather

Town vehicles shall burn headlights during periods of inclement weather. Individuals required to drive a Town vehicle home but not required to remain in Town during an evacuation are permitted to drive such vehicles out of the evacuation area so that they may return as soon as possible to begin disaster recovery efforts. While out of the evacuation area, all Town policies regarding vehicle use will be applied.

### Tobacco Products Banned

No tobacco product use is allowed in any Town owned vehicle at any time. This ban includes smoking, chewing tobacco, snuff, etc.

### Assigned Vehicles/Vehicle Use

The Town Manager may assign vehicles to employees for commuting purposes when there is an interest of the Town to do so for purposes of improved response time, preparedness, on-call status, etc. An Administrative policy will address those assignments.



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Administrative Policy

### **Take Home Vehicle Policy**

(Adopted August 16, 2011)

#### **Purpose:**

The purpose of this policy is to establish guidelines for all officers of the Nags Head Police Department concerning the use of assigned police vehicles.

#### **Policy:**

All full time sworn officers of the Nags Head Police Department will be assigned a vehicle to perform their official duties. Each individual officer has responsibility for the care, inspection, maintenance and equipment assigned to the police vehicle. Officers may drive their assigned vehicle to their residence if it is located within twenty (20) miles of the Town limits. This twenty (20) mile limit shall apply to any officer hired after July 1, 2011, and any officer that is currently employed with the Nags Head Police Department that moves beyond this limit after July 1, 2011.

#### **Definitions:**

**On Call:** Individual officers or units that are likely to be called out for an immediate response to situations. Examples are administrative staff, first line supervisors, K-9 unit, Criminal Investigations Unit and members of the Emergency Response Team (ERT).

**Subject to call:** All officers of the Nags Head Police Department are subject to be called out for situations where extra personnel are needed.



## Usage of Assigned Vehicles:

- A. Only full-time Nags Head Police Department officers and designated individuals will operate a departmental vehicle, with the exception of fleet maintenance personnel, while performing work on a vehicle.
- B. Officers of the Nags Head Police Department will not use their assigned vehicles for personal use or to transport family members.
- C. Officers will only operate their assigned vehicles for official departmental business such as appearing in court, working a departmental assigned off duty security event, attending a departmental meeting/event and attending approved training. In addition, officers who are certified instructors, who receive permission from the Chief of Police or his designee, may drive their assigned vehicles while teaching in the College of the Albemarle Basic Law Enforcement Training Program (BLET). Officers may only driver their assigned vehicles a total of five (5) days over a 12 month period (January-December) while instructing in the BLET program. Allowing officers to drive their assigned vehicles while instructing in BLET is a benefit for the police department in retaining officers with instructor certification through the State of North Carolina.
- D. Whenever operating a police vehicle, attire appropriate for taking police action will be worn. No shorts or sweat type clothing will be worn unless special circumstances exist (Ex. undercover assignment, defensive tactics training, etc). Further, officers will have on their person a police ID and their assigned duty or other approved weapon while operating a police vehicle.
- E. Unless prior approval has been given by the Police Chief or his designee, officers who live outside of the Town of Nags Head limits will leave their assigned police vehicle at the police department or fleet maintenance garage while on approved vacation, sick leave or medical leave.
- F. No police officer will operate an assigned vehicle in any way that will reflect discredit upon the police department, and will operate departmental vehicles in compliance with all traffic laws, regulations and within departmental policy, procedure and guidelines.
- G. Officers are required to keep their assigned police vehicles clean on the outside and free from trash and clutter. Washing and vacuuming assigned vehicles are the responsibility of the officer. Inspections will be performed by Police Supervisors to ensure compliance with this section.
- H. Officers found in violation of this policy will face disciplinary action and possible loss of the assigned police vehicle as determined appropriate by the Chief of Police or his designee.

Exhibit C



# Nags Head Police Department

5401 S. Croatan Hwy.  
Post Office Box 99  
Nags Head, North Carolina 27959  
Telephone (252) 441-6386  
Fax (252) 441-7335  
[www.nagsheadnc.gov](http://www.nagsheadnc.gov)

*Integrity - Professionalism - Pride*

**J. Phillip Webster**  
Chief of Police

**Perry L. Hale**  
Deputy Chief of Police

## MEMORANDUM

**TO:** Deputy Chief Perry Hale, Lieutenant Chris Montgomery

**FROM:** J Phillip Webster, Chief of Police

**DATE:** August 12, 2019

**RE:** General Order 2019-05 Take Home Vehicle Program

The following general order will be utilized to modify the take home car program for Nags Head Police Department Officers.

The current policy, 1-21 Take Home Car Program, restricts the range to 20 miles from the town limit.

This order extends the range to 30 miles from the corporate limit.

This order is effective as of the above date.

Former Town Manager Ogburn confirmed that he approved this change in August 2019.

Email records for Mr. Ogburn go back to March, 2020

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Greg Sparks  
Town Manager

Administrative Policy

## Take Home Vehicle Policy

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### Policy:

All full time sworn officers of the Nags Head Police Department will be assigned a vehicle to perform their official duties. Each individual officer has responsibility for the care, inspection, maintenance, and equipment assigned to the police vehicle. Officers may drive their assigned vehicle to their residence if it is located within twenty (20) miles north or south of the Town limits. Officers may drive their assigned vehicle to their residence if it is located within forty (40) miles west of the Town limits along the NC 64 corridor. This limit shall apply to any officer hired after March 1, 2021, and any officer that is currently employed with the Nags Head Police Department that moves beyond this limit after March 1, 2021.

### Definitions:

**On Call:** Individual officers or units that are likely to be called out for an immediate response to situations. Examples are administrative staff, first line supervisors, K-9 unit, Criminal Investigations Unit and members of the Emergency Response Team (ERT).

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