



VEHICLE USE POLICY

Policy Statement

The Commissioners Court, being the policy development and budgetary control unit of the County government, shall be the final authority in determining the utilization of vehicle resources and usage while conducting County business. The policy is subject to revision at any time by the Commissioners Court. To increase efficiency in County governmental operations, the Webb County Commissioners Court has formulated a policy which will maximize the County's vehicle resources. The purpose of this policy is to establish the County's guidelines in the assignment and usage of County-owned vehicles while on County business, and the designation of vehicle allowances.

Adopted: _____

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1. Definitions

- 1.01** “At-fault accident” shall refer to any accident where the driver is cited with a violation or negligently contributes to the incident. At-fault accidents include single vehicle accidents that are not caused by equipment failure.
- 1.02** “County employee” or “employee” refers to a person who receives compensation for service(s) performed, other than as an independent contractor, for Webb County.
- 1.03** As used herein, "County-owned vehicle" shall mean any motor-driven vehicle which:
1. Either has or should have its title registered in the name of Webb County or which is insured by Webb County; and
 2. Is designed primarily to transport people, rather than to transport cargo or to perform some mechanical function, such as excavation or road grading.
 3. Pick-up trucks and cargo vans shall be presumed to be designed primarily to transport people.
 4. Leased for the use of County Business.
- 1.04** "Duty location" shall mean the place or places at which an employee must normally or usually attend at the beginning of any normal period of duty.
- 1.05** "Department Head" shall mean any constitutionally or statutorily created office which is filled by appointment by action of more than one elected official acting together, or any other person appointed by the Webb County Commissioners Court to administer a County Department.
- 1.06** “Distraction” shall include texting, accessing electronic mail, taking selfies, photographs, recordings, playing games, using applications, using a navigation system, posting on social media, and/or making or taking phone calls without the use of a hands-free device while driving.
- 1.07** "Official" shall mean any Webb County Elected Official and/or Department Head and/or the County Judge's Executive Administrator(s).
- 1.08** "Off-duty" shall mean any time when an employee of Webb County is not performing his or her duties as an employee of Webb County.

- 1.09** “Vehicle(s)” refers to road-licensed equipment that is owned, rented or leased by either the County or a County employee/official and used for County business purposes.
- 1.10** “Personal vehicle(s)” refers to road-licensed equipment that is owned, rented or leased in their personal capacity by a County employee/official.
- 1.11** “Local”, or “within region travel”, refers to the geographic area of Webb County, Texas
- 1.12** “Precinct support vehicles” are those vehicles whose main purpose is to support road construction and maintenance at the County precinct level. These vehicles include, but are not limited to, pick-ups, dump trucks, fuel trucks, and other vehicles.
- 1.13** “Departmental support vehicles” are those vehicles which County departments utilize to accomplish the departments' objectives. These vehicles include, but are not limited to, transport vehicles, law enforcement vehicles, supply vehicles, probation vehicles, pick-ups not utilized as precinct support vehicles and other such vehicles.
- 1.14** “Forfeited vehicles” are those vehicles which are legally seized and forfeited to a Webb County law enforcement agency by the appropriate judicial body.
- 1.15** “Grant vehicles” are those vehicles which are purchased or leased solely by non-County funds and whose operating expenses are paid for by grant funds.
- 1.16** "On-Duty" excludes travel to and from Duty Locations: Employees are not on duty or performing their duties as employees of Webb County while traveling to or from their duty locations and their places of residence. Nothing in this Policy shall be construed to mean that an employee is on duty or is performing his or her duties as an employee of Webb County while traveling to or from the employee's duty location and the employee's residence or anywhere other than another duty location.
- 1.17** “Vaping” shall mean a device that is utilized as an electric cigarette.

2. Valid Driver's License Required

2.01 No person shall be permitted or authorized to operate either a County-owned or leased vehicle under any circumstances or a privately-owned vehicle for County-related matters unless that person holds a valid driver's license for the class of vehicle he or she is to operate. In the case of heavy or specialized equipment, employees must be trained and certified in the use and maintenance of such equipment. If, at any time, the driver loses his or her license due to suspension, revocation, expiration, or non-renewal, the driver shall notify his or her respective Department Head and/or Elected Official and shall immediately discontinue use of County-owned vehicles and privately-owned vehicles for County-related matters until the driver's license is reinstated and the other provisions of this Policy are satisfied.

3. Only Employees May Drive County-Owned/Leased Vehicles

12.01 Authorization of Commissioners Court Required for Department Heads: Other than the Sheriff and Constables, no Official may authorize himself or herself to drive a County-owned vehicle while off-duty. However, notwithstanding anything contained herein to the contrary, the Commissioners Court may, in appropriate circumstances in cases of emergency or for convenience, authorize an Official to drive a County-owned vehicle while off-duty.

12.02 Use of County-Owned Vehicles for Travel Outside of Webb County: County-owned vehicles may be used for travel outside of Webb County only for purposes related to County business such as meetings related to County business, educational programs or seminars, and governmental conferences or meetings.

12.03 It shall not be necessary to identify which vehicle or vehicles any particular employee may be authorized to drive if the vehicle is utilized by the Department on a needed basis.

12.04 Only County Officials and employees may be allowed to drive County-owned vehicles. No other persons shall be allowed to operate County-owned vehicles.

12.05 Before an Elected Official, Department Head or an employee, is permitted to operate a County-owned vehicle, he or she must authorize release of driving history and criminal history records to Webb County. No driver will be authorized to operate a County-owned vehicle if his or her record indicates it would be unsafe to do so or that he or she may present a risk of harm to the public as determined by Risk Management.

- 12.05.1 A Webb County Employee's driving privileges are subject to revocation by Commissioners Court, Human Resources, and Risk Management if the employee presents a risk of harm to the public or is unable to comply with the provisions of this policy.
- 12.06** County-owned vehicles are to be used for conducting official County business. The County reserves the right to search those vehicles at any time and for any purpose. Employees have no expectation of privacy in County-owned vehicles.
- 12.07** Employees MUST use County Owned vehicles when conducting County business. Personal vehicles may only be used for County business if there are no County Owned vehicles available for use. Any employee using a personal vehicle for county business must receive authorization from their Department Head prior to travel. Prior to authorizing an employee to use a personal vehicle for county business, a Department Head must verify employee has insurance for their personal vehicle.
- 12.08** At no time may a County-owned vehicle be used for personal gain, personal business, to drive to a place of secondary or part-time employment not related to County business, or for any other non-county business-related use including political activities. Any deviation from the direct route to and from work to conduct personal business will be considered personal use and will not be considered in the course and scope of employment. County employees involved in incidents involving a County-owned vehicle while not in the course and scope of employment shall be responsible for all damages and liabilities arising from the incident and subject to the forfeiture of the right to use County-owned vehicles.
- 12.09** The acquisition and assignment of County-owned vehicles shall be strictly controlled by the Commissioners Court through the budgetary process. Upon acquisition, the Purchasing Agent will reflect the vehicle's acquisition in the County's fixed asset inventory records.
- 12.10** County-owned vehicles will be assigned only to those departments and officials/employees who must have access to an automobile in order to carry out their duties. All departments with County-owned vehicles will provide Commissioners Court (or its designee) with a list of all departmental vehicles and vehicle assignments with a corresponding justification one month after this policy is adopted and in six (6) month intervals thereafter. Commissioners Court will make the final determination regarding the assignment and use of County-owned vehicles.

12.11 Employees assigned County-owned or leased vehicles or using personal vehicles for County business shall comply with the Webb County Drug and Alcohol Policy and Procedures.

12.12 All officials/employees driving a County-owned vehicle must have a valid driver's license as described in Section 2 above. It shall be the Department Head's responsibility to ensure that each of their employees possesses a valid driver's license with the proper classification to operate a County-owned vehicle. Improper use of a County-owned vehicle may be subject to disciplinary action. Improper use shall include, but is not limited to:

12.12.1 having three (3) or more moving violations assigned against the official/employee's driver's license over a twelve (12) month period; and/or

12.12.2 driving a County-owned vehicle while intoxicated or under the influence of an intoxicating substance;

12.12.3 driving a County-owned vehicle while sleepy or drowsy;

12.12.4 driving a County-owned vehicle while taking any medication that diminishes the employee's ability to drive;

12.12.5 Failing to complete a defensive driving course within 30 days as mandated in Section 6.02 of this policy.

12.12.6 Failing to report damage to a county-owned vehicle;

12.12.7 Failing to report striking parked vehicle or fixture;

12.12.8 Failing to maintain a valid driver's license

12.12.9 Having three or more at-fault accidents while driving a county-owned vehicle within 2 years.

12.12.10 Failing to record and report the mileage of a county-issued vehicle.

12.12.11 Having a driving record that makes the employee uninsurable.

12.12.12 Transportation of family members or acquaintances on matters that do not involve County business.

4. Use of Vehicles for County Purposes Only

12.13 Only County officials/employees, duly commissioned Sheriff or Constable reserve officers, or officers assigned to Commissioners Court approved special operations and/or task force units, are authorized to drive a County-owned vehicle. A list of duly commissioned reserve officers authorized by the Sheriff or Constable to drive a County-owned vehicle shall be maintained by the respective Elected Official and approved by the Commissioners Court with a copy kept by the County Judge (or their designee) and Risk Management Department in compliance with Section 3.05 of this Policy.

12.14 The operation of County-owned vehicles by non-employees is not allowed. Authorized passengers in County vehicles include persons in the care and custody of a law enforcement official; County employees; and a non-employee on County-related business.

12.15 County-owned vehicles must be parked on County property at the end of each work day. However, vehicles that are assigned to individual officials/employees may be taken to the employee's primary residence only if:

12.15.1 The Department Head has approved the assignment;

12.15.2 The employee must comply with this policy, including Amendment 1 regarding regulations of take-home vehicles;

12.15.3 The official/employee utilizes the vehicle 100% of their normal working hours; and

12.15.4 All such assignments shall be considered temporary, subject to review and revocation at any time. Each department shall maintain a listing of those officials/employees authorized to take a County-owned vehicle to the employee's primary residence and a copy shall be furnished to the County Auditor. The officials/employees will be assessed "taxable mileage" in accordance with Internal Revenue Service (IRS) guidelines.

12.16 County-owned vehicles may be used only for work-related duties and the daily commute to and from work. They may be used for no other purpose except in a law enforcement emergency or for driving to and from a County-related job site.

12.17 An employee may not routinely or regularly be assigned a precinct support vehicle as a take-home vehicle. In the case of a well-documented emergency or

special situation, a Commissioner may authorize their employee to take a precinct support vehicle home. This authorization should be exercised sparingly as the employee could be assessed taxable mileage in arrears.

- 12.18** An employee may not be assigned a departmental support vehicle as a take-home vehicle unless specifically authorized under this Policy. Should a vehicle be assigned and is considered a fringe benefit the employee shall record and report the mileage to the Department Head or Elected Official.
- 12.19** A Department Head may be assigned a department vehicle and use it as a take-home vehicle if the Commissioners Court determines that the vehicle is an essential tool needed to perform the duties of the position and if the Department Head is subject to a continuous on-call status.
- 12.20** A County law enforcement official/employee working undercover and assigned an unmarked vehicle may use the assigned vehicle when called in to work and/or during the commute to and from a work site.
- 12.21** County-owned vehicles, including unmarked vehicles, shall not be used as transportation to a secondary job.
- 12.22** If the County-owned vehicle is driven out of the County on official business, actual gasoline and repair expenditures shall be reimbursed upon proper documentation and Department Head approval.
- 12.23** County-owned vehicles shall not be used for out-of-state travel, or otherwise removed from the boundaries of Texas, without prior approval from the Department Head.
- 12.24** The use of a vehicle for out-of-state travel without the required prior approval shall be considered unauthorized/unapproved use of a County-owned vehicle and subject the user, the department and the vehicle to disciplinary action up to termination.
- 12.25** Toll road charges incurred while in a County-owned vehicle will be charged to the user department. Toll road charges will not be paid or reimbursed for political, commuting, or personal reasons. While public safety and other vehicles may be provided a tolling exemption by a toll authority or law, the exemption is for business purposes only and not for personal use. Misuse of tolling exemptions will result in disciplinary action up to termination. A list of all vehicles that claim a tolling

exemption shall be provide on an annual basis to the Webb County Judge (or his designee) and Risk Management.

12.26 Grant vehicles shall be utilized for only those purposes as stated in the grant contract.

12.27 No personal or unauthorized decals should be placed anywhere on a County-owned vehicle. A non-County owned vehicle may not display any markings which indicate County affiliation.

12.28 Use of products that create smoke such as tobacco or vaping are not allowed to be used in or on a County-owned vehicle.

12.29 All County owned vehicles will be subject to an audit by Risk Management on a quarterly basis. The results of these audits shall be presented to the subject Department Head and Commissioners Court.

5. Mileage Reimbursements

12.30 Officials/employees driving their personal vehicles on official County business as a part of their daily required work-related activities will be reimbursed at a rate established by the Commissioners Court. Mileage reimbursements will not be allowed for political, commuting or personal reasons.

12.31 The Commissioners Court hereby establishes that the mileage reimbursement rate be equal to the current IRS rate for mileage reimbursement which exists at the beginning of the County's fiscal year. This will be the maximum rate payable without the assessment of additional income to the official/employee. Payments are treated as non-taxable reimbursements when fully documented and submitted to the County. The rate set will remain constant for the County fiscal year and provides reimbursement for all operating costs such as gasoline, oil, repairs, insurance, tires, inspections, license plates, etc.

12.32 County mileage reimbursement requests that are submitted through the County payroll timesheet system will be paid when the timesheets are processed. Any other reimbursement requests submitted to the Auditor's Office will be paid within two (2) weeks after receipt and approval by Commissioners Court unless the request is under review by the Auditor's Office. Requests must be approved by the Department Head or designee.

- 12.33** Normal commuting mileage is not to be included in any mileage reimbursement request. Mileage should be recorded for each day driven. Total miles for an accumulation of days are not allowed. Mileage reimbursements are calculated from the first business stop after leaving the employee's place of residence on record in the County payroll system to the last business stop before returning to the employee's place of residence less any personal non-business miles driven during the course of the day. If the total miles driven to the first business stop exceed the total miles from the employee's residence to their primary work location, reimbursement will be calculated from the primary work location to the business stop.
- 12.34** In addition to the number of daily miles driven, the request for reimbursement must be supported by complete documentation as to the nature of the trip and approved by Department management. The County's payroll timesheet system is the preferred method for an employee/official to document and seek mileage reimbursements for within-region or local daily required work-related activities.
- 12.35** If the payroll timesheet system is not used for mileage reimbursements due to the number of work-related stops during the workday, an electronic spreadsheet must be used to track and document daily work-related mileage. The spreadsheet must include detailed information to warrant the mileage reimbursement request. This documentation must be retained in the department for a minimum of four (4) years.
- 12.36** A person who is either called back to work, or who is called to work by their supervisor on a regularly scheduled day off, due to an emergency, shall be reimbursed for actual mileage driven. An emergency is defined as an event that is outside the normal scope of activities occurring during a workday.
- 12.37** Since County-owned vehicles are assigned to County departments performing law enforcement duties, the Commissioners Court neither encourages nor condones the use of any personal vehicles by law enforcement personnel (including cars, vans, trucks, sports utility vehicles, motorcycles, all-terrain vehicles, boats, aircraft, or trailers) in conducting official County business. In such an event said employee shall operate the vehicle in a safe and lawful manner.
- 12.38** All drivers using their personal vehicles on County business shall comply with all applicable State and local laws including vehicle insurance. A department may require evidence of current vehicle insurance for the personal vehicle being driven on County business. It will be the responsibility of the official/employee for any violation for not complying with such laws.

6. Drivers Must Comply with Applicable Laws

12.39 All drivers of County-owned vehicles shall comply with all applicable State and local laws. It is the responsibility of the Official/employee to pay any fines imposed for not complying with such laws. If an accident results from non-compliance, the driver may be held liable for any damages.

12.40 Any driver involved in an at-fault accident while driving a County-owned vehicle shall be required to attend a defensive driving class within thirty (30) days from the date of the accident. A copy of the verification of completion of the course must be provided to the individual's Department Head or Elected Official and to the Risk Management Department. The cost of the class will be the responsibility of the driver involved in the accident.

12.41 In the event of an at-fault accident involving a County-owned vehicle being used by a County Official/employee for personal reasons¹, the Official/employee **may be held personally liable** for all damages and/or injuries sustained by any party to the accident.

12.42 All drivers of County-owned vehicles will comply with a No Distraction use of mobile phones, smart watches, and other entertainment devices while driving.

12.43 All drivers shall follow vehicle safety as stated below.

7. Permissible Use of County-Owned Vehicles by Employees

12.44 Permissible Uses of Vehicles: County-owned vehicles may be used only for official County business and/or work-related duties, possibly including the commute to and from work as permitted in accordance with Amendment 1. They may not be used for any other purpose except in an extreme emergency or for trips completely incidental to County employment. At no time shall a County-owned vehicle be used for personal gain, personal business, or to drive to a place of secondary employment not related to County business.

12.45 All County employees must complete the Vehicle Use and Driver Policy Acknowledgement Form (attached as Exhibit C) before being assigned a County-

¹ Generally, employees who are involved in accidents that occur while using a County owned vehicle's for personal reasons are not entitled to workers compensation.

owned/leased vehicle. This Form must be kept in the employee's file and copy sent to Risk Management.

- 12.46** Employees are required to complete Distracted Driver Training within 30 days after their employment begins if their position requires them to drive a vehicle in furtherance of County business. Persons already employed with the County who use County owned vehicles or personal vehicles for county business must complete the Defensive Driver Training within 30 days of this policy taking effect. Thereafter, all employees who drive County owned vehicles or use personal vehicles for County business must complete the Defensive Driver Training course once a year.

8. Vehicle Safety

- 12.47** Each person assigned a County vehicle shall maintain a current copy of this policy for reference.
- 12.48** Employees shall operate all vehicles in accordance with its designed use, taking into consideration traffic and conditions surrounding the use of the vehicle, and the safety of others.
- 12.49** In addition to driving defensively and courteously, all drivers of County-owned vehicles shall comply with all State, County, and local laws and regulations governing the safe and legal operation of vehicles.
- 12.50** The employee driver shall be responsible for assuring that all passengers are seated and properly secured before moving the vehicle. Under no circumstances shall passengers ride on fenders, running boards, the tops of vehicles, or any place not designed for passengers. Employee drivers are responsible for securing all doors and checking that all passengers are wearing their seat belts prior to moving the vehicle. Extra caution should be used when closing sliding doors on vans or other vehicles.
- 12.51** Webb County advocates the safe use of all communication devices, including mobile telephones, while operating a vehicle or other piece of equipment. Special care should be taken in situations where there is traffic, inclement weather, road hazards or the employee is driving in an unfamiliar area. Employees who commit traffic violations while Distracted will be subject to disciplinary action up to termination.
- 12.52** Trucks transporting materials shall secure said material to prevent movement in transport. Loads should be tarped when designated by a supervisor. All tailgates should be secured and closed while traveling. All cargo that extends beyond the end

of the bed shall be clearly marked with a red cloth not less than sixteen (16) square inches. At night, red lights shall be illuminated.

12.53 Lights, brakes, and air horns/sirens shall be checked regularly to verify proper working order. Any malfunction of the vehicle shall be reported to an immediate supervisor and it shall immediately removed from service and sent for repairs. If a county vehicle is unsafe, no matter how urgent the need for such a vehicle, repairs shall be made before it is placed into service.

12.54 Flashing lights shall be turned on and traffic cones (when available) in place whenever a vehicle or piece of equipment is stopped where work is being performed, or whenever traffic is obstructed. Vehicles and/or equipment shall not be parked where they obstruct traffic unless it is absolutely necessary.

12.55 All vehicles shall be properly parked and secured before being left unattended at the end of the day. Keys shall not be left inside any unattended vehicle.

9. Accident Reporting

12.56 If an employee driving a County-owned/leased vehicle or driving a personal vehicle on County business is involved in an accident they must:

- 12.56.1 Ensure immediate safety by assessing the situation and contacting emergency services if needed, and filing a police report,
- 12.56.2 Notify their supervisor immediately, before leaving the scene, if possible,
- 12.56.3 Complete a Liability Incident report within 24 hours of the incident,
- 12.56.4 Submit to drug & alcohol testing, regardless of whether the employee is at fault, within 2 hours after the incident.

12.57 The supervisor of an employee involved in a vehicle accident must:

- 12.57.1 Report the incident to Risk Management, using the afterhours number if outside normal business hours,
- 12.57.2 Drive the employee to Webb County's Drug & Alcohol provider for post-accident drug testing within 2 hours of the incident. If meeting this time frame is not possible, the supervisor must maintain a record explaining the delay which will be submitted to Human Resources and Risk Management, and
- 12.57.3 Complete a Liability Incident Report within 24 hours of the incident.

10. Guidelines

12.58 Regarding County-owned vehicles, any County department whose employee knowingly violates the provisions of this Policy shall surrender that vehicle to the County. However, prior to the department surrendering the vehicle, Risk Management may authorize the department to maintain temporary control of the vehicle until the review process, as described in this Policy, is completed but only if the Risk Department determines that the vehicle usage is essential to the department's operations.

12.59 The Commissioners Court may consider violations of this Policy on a case-by-case basis to determine if a vehicle should be permanently removed from the violating department's inventory. While conducting the review to determine the final disposition of the vehicle, the Commissioners Court may consider what personnel action has been taken against the individual employee, what restrictions have been placed on the future use of the vehicle by the employee, what the overall impact would be to the department's operations if the vehicle were removed from their inventory and any other criteria which the Commissioners Court believes is relevant to their review.

12.60 All County-owned vehicles must be fitted with a Global Positioning System (GPS) when acquired and prior to use for County related business. The Purchasing Agent shall be responsible arranging of GPS tracking devices to be placed on all County-owned vehicles within thirty (30) days of the adoption of this Policy. Failure to comply with this provision may result in the vehicle(s) being permanently removed from the violating department's inventory by the Commissioners Court.

12.61 The only County Official who has the authority to allow exceptions to/deviations from this Policy is the Webb County Judge.

12.62 Failure to follow this vehicle policy by any Department Head or Elected Official shall result in one or more of the following:

12.62.1

11. Disciplinary Action²

² Webb County's Risk Management Department will notify an employee's Department Head when an accident occurs that necessitates disciplinary action under this Policy.

- 12.63** Improper use of a County-owned vehicle shall be subject to disciplinary action in accordance with Webb County's Personnel Policies up to, and including, termination of employment where circumstances warrant.
- 12.64** Any department who fails to follow this policy shall be required to pay for any vehicle repairs out of their respective budgets.
- 12.65** An employee who violates of any provision of this Policy shall be subject to disciplinary action in accordance with Webb County's Personnel Policies up to, and including, termination of employment.
- 12.66** The following offenses shall result in automatic disciplinary action as described below, Department Heads can use their discretion to impose greater disciplinary action on a case by case basis:
- 12.66.1 Any employee who fails to report to drug & alcohol testing as required by Section 9.01.4 of this Policy shall be terminated from their position.
- 12.66.2 Any employee who is found to be "at-fault" in an accident while operating a County-owned vehicle, while operating a personal vehicle for County business, or while operating Specialized Equipment described in Section 12 of this policy will receive an automatic three-day suspension. The employee will not be eligible to receive a score higher than a "2" on the *Employee Work Ethic – Observes Safety Rules and Regulations* section of their annual performance evaluation.
- 12.66.2.1 All accidents that are not reviewed and determined by a law enforcement officer shall be reviewed by the Risk Management Director to determine whether an employee was "at fault".
- 12.66.2.1.1 All employees that are found to be "at fault" by Risk Management may appeal that determination by submitting a written appeal to Risk Management within 10 calendar days of receipt of the determination. Upon receipt of a timely appeal, a three-member appeal committee appointed by the Commissioners Court shall review the determination, any supporting documentation, and any information submitted by the employee. The committee may request additional documentation from employee and, following review, shall issue a written decision affirming, modifying, or overturning the "at fault" determination. This decision will be final.
- 12.66.3 Any employee who is found to be "at-fault" in an accident while operating a County-owned vehicle or while operating a personal vehicle for County business two times in a 12-month period or three times in an 18-

month period will automatically be suspended from further use of a County-owned vehicle for a two-year period.

12.66.3.1 An employee suspended from further use of a County-owned vehicle under this provision must take both the Distracted Driver course and the Defense Driver course before restoration of driving privileges.

12.66.4 Any employee who is found driving a County-owned vehicle while intoxicated or under the influence of an illegal drug shall be automatically terminated from their position.

12.67 Department Head(s) must notify Risk Management when disciplinary action has been issued and completed.

12. Specialized Equipment

12.68 Any department that has specialized equipment such as graders, mowers, cranes, etc. will instruct employees on the equipment's before a driver is allowed to operate such equipment. This instruction must be repeated for all employees who operate Specialized Equipment annually. This special instruction will be provided by the employee's department and shall include the following:

12.68.1 Explanation and demonstration of all control devices specific to the specialized equipment.

12.68.2 Explanation and demonstration of all safety equipment.

12.68.3 Maintenance items to include fuel, water, oil and/or other items as required by department.

12.68.4 Demonstration of operation of the unit or specialized equipment.

12.68.5 Instruction in driving on and off trailers, parking procedures and shutting down and securing of the equipment.

12.68.6 Explanation and demonstration when reversing equipment, operators of specialized equipment will have another person guide them with hand and voice signals when available.

12.68.7 Training records must be maintained in the employee's department.

12.69 All-Terrain Vehicles (ATV), Utility Task Vehicles (UTV), and Golf Carts can be used with Department Head approval in the following circumstances:

12.69.1 During special events when additional vehicles are necessary, or where special circumstances exist during the event.

12.69.2 To conduct repairs, transport goods, and supplies, for law enforcement to conduct searches, surveillance or investigations where travel to and from the location is impractical by other means of transportation.

- 12.69.3 To conduct investigations or surveillance where the suspects may also be utilizing a similar vehicle in an effort to resist or hinder apprehension.
- 12.69.4 To effect any medical or other rescue operation as may be necessary.
- 12.69.5 To transport individuals on the golf course or Webb County Fairgrounds
- 12.69.6 To maintain the golf course, parks, green spaces and the Webb County Fairgrounds
- 12.69.7 To perform work on county roads, buildings, and community centers
- 12.69.8 To provide assistance at events in which the County has an interest or duty to aid the public.
- 12.69.9 All personnel selected to operate an ATV or UTV shall have a valid driver's license.
- 12.69.10 Training required for operation: Except in an emergency and when approved by a supervisor, the use of an ATV and/or UTV may only be operated by employees who have been trained in, have experience with, or who have shown proficiency in, the operation of such vehicles. Any operator shall adhere to all Texas vehicle and traffic laws.
- 12.69.11 Safety and Operation:
 - 12.69.11.1 All individuals operating ATVs and UTVs shall wear protective equipment that is required for performing work. The protective equipment will include, but is not limited to:
 - 12.69.11.1.1 Safety Helmet
 - 12.69.11.1.2 Protective eyewear or face shield
 - 12.69.11.1.3 Over-the-ankle-boots
 - 12.69.11.1.4 Gloves
 - 12.69.11.1.5 Any additional protective equipment deemed necessary (including seat belts).
 - 12.69.11.1.6 The uniform approved by the Department the employee works for if applicable.
 - 12.69.11.1.7 Any additional equipment or clothing may be worn if necessary due to weather conditions or as authorized.
- 12.69.12 The following equipment shall be available on all ATVs, UTVs, and Golf Carts:

- 12.69.12.1 Individual First Aid Packet
- 12.69.12.2 Hand held spotlight / flashlight

12.69.13 Operation and Maintenance:

- 12.69.13.1 Personnel designated by the Webb County Department to which the vehicle is assigned shall be responsible for the condition and maintenance of the vehicle.
- 12.69.13.2 The operator will operate the ATV, UTV, or Golf Cart at all times with due regard for the safety of the operator, other employees, and the public.
- 12.69.13.3 An ATV or UTV, when operated on a public highway, will be within the confines of all Texas Vehicle and Traffic laws as well as the vehicle operation guidelines as set forth in this Policy and any Policy Adopted by a Webb County Department.
- 12.69.13.4 Law Enforcement: There may be occasions when operating the Sheriff's Office ATV and/or UTV on a public highway outside the confines of the Texas Vehicle and Traffic laws is operationally necessary. On such occasions, prior approval from a supervisor should be obtained and the vehicle shall still be operated within the guidelines set forth in the Webb County Sheriff's Policy and Procedure manual. Use of the ATV and UTV is limited to operations as above in emergency circumstances.
- 12.69.13.5 An ATV and UTV shall not be used for routine traffic stops or pursuits. All ATV and UTV operators will be responsible for checking the ATV or UTV before its use and for reporting, to their supervisor, any physical damage or mechanical defects before operating the ATV or UTV. The operator shall physically and manually inspect all equipment, i.e. winch operation, lights, siren, emergency lights, all fluid levels, etc.
- 12.69.13.6 Any physical damage or mechanical defects incurred during use of an ATV/UTV/Golf Cart shall be immediately reported to a supervisor.
- 12.69.13.7 All ATVs, UTVs and Golf Carts along with their corresponding equipment shall be stored and properly covered when not in use, unless otherwise authorized by the Department. When stored, after use, each must be left in such condition that it is readily available for immediate response or use (i.e. fuel replenished, all grease points lubricated, consumable supplies replenished, mechanical defects reported or corrected, all mud and debris cleaned and removed, etc.)
- 12.69.13.8 The towing of ATVs, UTVs and Golf Carts shall only be done by office vehicles or a service provider who has a contract with Webb County that was approved by Commissioners Court unless otherwise authorized by a declaration of emergency, or higher authority.

- 12.69.13.9 A locking device shall always secure the ATVs, UTVs and Golf Carts when not in use, and or when attached to the transport vehicle.
- 12.69.13.10 Employee Operators shall not allow civilians to operate ATVs, UTVs and Golf Carts.
- 12.69.13.11 No Employee shall be permitted to use a privately owned ATV, UTV or Golf Cart to perform work for Webb County without prior authority from Commissioners Court or by modification of this Policy through official action of the Commissioners Court.

13. Elected Officials

- 13.01 Elected officials may create their own vehicle policy or choose to opt-in to this policy by signing Exhibit D.
- 13.02 A county-wide vehicle policy is necessary to establish consistent standards for the safe, efficient, and accountable use of county-owned and leased vehicles. A uniform policy promotes safety, reduced liability and risk, ensures compliance with applicable laws, protects county assets, and provides county-wide standards that allow for better resource management and oversight.
- 13.03 Should an Elected Official adopt their own policy or fail to adopt this policy then any additional programs, grants, projects, or operations that require County approval and are in addition to the Elected Officials statutory obligations and duties may be denied.

14. Miscellaneous

- 14.01 Acquisition and Assignment: The acquisition, assignment, and disposal of County-owned vehicles shall be controlled by the Commissioners Court. The Purchasing Department and the Risk Management Department will maintain written inventories of County-owned vehicles for the purposes relevant to those departments.
- 14.02 Maintenance: County-owned vehicles will be maintained and repaired by the Road and Bridge Department. Drivers who detect or suspect a mechanical or other problem with a vehicle they have been operating will immediately notify the Road and Bridge Department of that problem and immediately cease using any vehicle that appears to be in an unsafe condition. The Road and Bridge Department will formulate a schedule of preventative maintenance for every County-owned vehicle and will notify the department to which that vehicle is assigned of the last date by which the maintenance is to be performed. Vehicles may not continue to be operated until the scheduled maintenance is performed.

14.03 County-leased vehicles must follow the maintenance schedule set by the leasing company and will be notified of required maintenance by _____. Drivers who detect or suspect a mechanical or other problem with a vehicle they are operating will immediately notify the _____ Department who will assist in scheduling maintenance.

14.04 Departments will not be allowed to obtain fuel for vehicles that have missed their deadline for scheduled maintenance.

14.05 Disposal of Vehicles: The sale, donation, or transfer of any vehicle by any County- owned must first be approved by the Commissioners Court.

Date adopted: _____

WEBB COUNTY COMMISSIONERS COURT

HONORABLE TANO E. TIJERINA
WEBB COUNTY JUDGE

HONORABLE JESSE GONZALEZ
WEBB COUNTY COMMISSIONER, PRECINCT 1

HONORABLE ROSAURA "WAWI" TIJERINA
WEBB COUNTY COMMISSIONER, PRECINCT 2

HONORABLE JOHN GALO
WEBB COUNTY COMMISSIONER, PRECINCT 3

HONORABLE RICARDO A. JAIME
WEBB COUNTY COMMISSIONER, PRECINCT 4

ATTEST:

MARGIE RAMIREZ IBARRA
WEBB COUNTY CLERK

APPROVED AS TO FORM:

Nathan Bratton
General Counsel
Webb County Civil Legal Division

*The General Counsel, Civil Legal Division's Office, may only advise or approve contracts or legal documents on behalf of its clients. It may not advise or approve a contract or legal document on behalf of other parties. Our review of this document was conducted solely from the legal perspective of our client. Our approval of this document was offered solely for the benefit of our client. Other parties should not rely on this approval and should seek review and approval of their own respective attorney(s).

ATTACHMENT 1

TAKE HOME VEHICLE POLICY

The following policy applies to all Webb County employees, including Department Heads, who are authorized or make authorizations to take home County-owned or leased vehicles while off-duty.

- 1) Authorization to Use a Vehicle while Off-Duty: An Official may authorize an employee to drive a County-owned vehicle while off-duty in accordance with this policy if and only if:
 - i) The vehicle has been assigned to the department overseen by that Official, and the employee's duties are such that:
 1. the employee may reasonably be expected to require the use of a County-owned vehicle in order to perform his or her duties at times other than the employee's normal duty hours; and
 2. allowing the employee to drive a County-owned vehicle while off-duty will either:
 - A. increase Webb County's ability to respond to public safety or law enforcement emergencies, including, but not limited to, use by Webb County law enforcement or water emergency response employees; or
 - B. increase the operational efficiency of Webb County; or
 - C. The employee has no duty location and uses the County-owned vehicle in the performance of his or her duties.
- 2) Required Reports: Any Official who authorizes any employee to drive a County-owned vehicle while off-duty shall make the following reports to the Webb County Judge or his designee with a copy to the Webb County Risk Manager.
 - a) For each employee authorized to drive a County-owned vehicle while off-duty, the following:
 - i) Completed Take-Home Vehicle Authorization Form (Exhibit A)
 - ii) Completed Vehicle Use Log (Exhibit B)
 - and
 - iii) A list of all vehicles that the Official has authorized to be driven by an employee while off-duty, identifying each vehicle by:

- (1) make,
 - (2) model,
 - (3) year of the vehicle,
 - (4) the vehicle identification number, and
 - (5) the license number.
- 3) The reports required by this section shall be filed initially within thirty (30) days after the adoption of this Policy. Thereafter, they shall be updated as often as needed to reflect the current lists of employees and vehicles but in no event less often than every six (6) months.
- 4) During the daily commute to/from the primary residence and job site of the official/employee, the official/employee is fully covered by the County's self-insurance program and is not required to carry supplemental insurance.
- 5) All employees authorized to drive a County-owned vehicle while off-duty shall park the vehicle at their place of residence in accordance with one of the following:
 - a) Inside a garage or secure structure,
 - b) In a driveway, or
 - c) When neither (a) or (b) are possible, an employee may park the County-owned vehicle in the street at long as the employee has a home camera/doorbell camera that captures the parking spot.
 - d) In no instance shall an employee be approved for a take home County-owned vehicle if that employee resides more than 25 miles outside of the County line.
- 6) In order to comply with Internal Revenue Service (IRS) regulations, each County employee who operates a county-owned and/or leased vehicle while off-duty, commuting or on County business must complete a Vehicle Usage Log. (Exhibit B)

Tax Implications

Commuting in a County-owned passenger vehicle is considered personal use for tax purposes by the IRS, except for Qualified Non-personal Use Vehicles as defined by 26 Code of Federal Regulation 1.274-75. Off-duty use of a County-owned vehicle, which does not fall under an exemption, is taxable to the employee as a fringe benefit. Taxable use of a County-owned vehicle will be assessed in accordance with current IRS requirements.

Exemptions to Taxation

- a. Qualified Non-personal use vehicles. Qualified non-personal use vehicles include most vehicles that are not considered to be standard passenger vehicles, and include, but are not limited to, the following examples:

1. Clearly marked police and fire vehicles. These vehicles have additional driver, agency, use and on-call requirements as stated in 26 Code of Federal Regulations 1.274-5 (k) (3) and (6) apply.
 2. Delivery trucks with seating only for the driver and a folding jump seat
 3. Flatbed trucks
 4. Cargo vehicles with a gross vehicle weight over 14,000 pounds
 5. Passenger buses with a capacity of at least 20 passengers
 6. Ambulances or hearses
 7. Bucket trucks or "cherry pickers"
 8. Cranes and derricks
 9. Forklifts
 10. Cement mixers
 11. Dump trucks and garbage trucks
 12. Refrigerated trucks
 13. Tractors
 14. Combines
 15. School buses
 16. Specialized utility repair trucks
 17. Moving vans
 18. Unmarked police vehicles. These vehicles have additional driver, agency, use and on-call requirements as stated in 26 Code of Federal Regulations 1.274-5 (k) (3) and (6) apply
 19. All other vehicles exempted by the IRS under special rulings
- b. Marked Police and Public Safety Vehicles. Clearly marked police and public safety officer vehicles are considered to be exempt, qualified non-personal use vehicles only when ALL of the following criteria have been met:
1. The driver is a police, fire, or public safety officer defined by 26 Code of Federal Regulations 1.274-5,
 2. The vehicle is required by a documented office/departamental policy to be used for commuting by a police officer, fire fighter or public safety officer when not on a regular shift,
 3. The individual is on call at all times, and the employee must clearly document their history of call backs. The County requires a minimum of 10 emergency calls per year and the employee must be a first responder directly to the scene of an emergency, and
 4. Any personal use (other than commuting) of the vehicle outside the limit of the public safety officer's obligation to respond to an emergency is prohibited by office or departamental policy,

5. A vehicle is clearly marked if, through painted insignia or words, it is readily apparent that the vehicle is a public safety officer vehicle.
- c. Unmarked Law Enforcement Vehicles. An exception to taxation exists for unmarked police vehicles only when ALL of the following narrow combination of circumstances are met:
1. The driver is defined as law enforcement officer defined by 26 Code of Federal Regulations 1.274-5,
 2. Personal use must be incident to law-enforcement functions and authorized by the federal, state, county, or local governmental agency or department that owns or leases the vehicle and employs the officer,
 3. Any personal use must be incident to its law-enforcement purpose, such as being able to report directly from home to a stakeout or surveillance site or an emergency response.

EXHIBIT A



TAKE-HOME VEHICLE AUTHORIZATION FORM FOR CIVILIANS

Employee Name: _____ ID: _____
Title: _____ Department: _____
Vehicle Make: _____ Model: _____
VIN #: _____ Unit #: _____
Home Address: _____ Distance to workplace: _____

By signing below, I acknowledge and certify the following:

1. **Address Change Notification**

I understand that if my residential address changes, I am required to notify my department in writing **within three (3) business days** of the change.

2. **Policy Review and Understanding**

I have received, read, and understand the County's Vehicle Policy Manual. I acknowledge that I am responsible for complying with all rules, procedures, and conditions outlined in the policy.

I further understand that any violation of this policy may result in disciplinary action, up to and including termination of employment.

3. **IRS Commuting and Personal Use**

I acknowledge that commuting in a county-owned and/or leased passenger vehicle is considered personal use for tax purposes by the Internal Revenue Service (IRS), and is considered a taxable fringe benefit and is reportable as income, unless the vehicle qualifies as a Qualified Non-personal Use Vehicle as defined by IRS guidelines.

4. **Taxable Fringe Benefit Assessment**

I acknowledge that the taxable value of personal use of a county-owned and/or leased vehicle will be assessed and reported in accordance with current IRS regulations and valuation methods.

Dept. Head/Elected Official Approving: _____

Signature: _____

Date: _____

EXHIBIT B



VEHICLE USE LOG

EXHIBIT C



VEHICLE USE AND DRIVER POLICY ACKNOWLEDGEMENT FORM

I have read this policy and understand my responsibility to be a (check all that apply):

- _____ County-owned or leased vehicle driver
_____ County equipment operator
_____ Driver of a personal vehicle on County business

I agree to comply with the policy and understand that failure to comply may result in disciplinary action up to and including termination.

I hereby authorize Webb County, at the County's discretion, to obtain a copy of my driving record at any time during my employment and may use the driving record to qualify me as a driver of a County vehicle or personal vehicle used on County business as indicated above.

I have read this Policy before signing my name herein, I understand its provisions, and I agree to follow them.

PLEASE SIGN AND PROVIDE A COPY TO RISK MANAGEMENT DEPARTMENT.

Name (please print): _____

Driver's License Number: _____

Date of Birth: _____

Department: _____

Department Head Approval Date

Employee Signature Date

Original form will become part of your personal file.

EXHIBIT D

Adoption of Vehicle Policy by Elected Officials

Elected officials do not fall under the definition of a County employee and are thus not subject to the provisions in this policy. However, the following officials have chosen to opt into the provisions found in this policy in an effort to promote safety and continuity throughout the County:

Title	Name	Signature
County Judge	Tano E. Tijerina	
County Commissioner Precinct 1	Jesse Gonzalez	
County Commissioner Precinct 2	Rosaura “Wawi” Tijerina	
County Commissioner Precinct 3	John C. Galo	
County Commissioner Precinct 4	Ricardo A. Jaime	
Constable Precinct 1	Guadalupe Gomez	
Constable Precinct 2	Miguel Villarreal	
Constable Precinct 3	Sabino M. Morales Jr.	
Constable Precinct 4	Rolando San Miguel	
County Attorney	Marco A. Montemayor	
County Clerk	Margie R. Ibarra	
County Sheriff	Martin Cuellar	
County Treasurer	Raul Reyes	
District Attorney	Isidro Alaniz	
District Clerk	Esther Degollado	
Tax Assessor Collector	Patricia Barrera	
County Court at Law 1 Judge	Hugo D. Martinez	

County Court at Law 2 Judge	Victor Villarreal
49 th District Court Judge	Joe Lopez
111 th District Court Judge	Monica Notzon
341 st District Court Judge	Beckie Palomo
406 th District Court Judge	David E. Garcia
Justice of the Peace Precinct 1 Place 1	Juan Paz
Justice of the Peace Precinct 1 Place 2	Oscar R. Liendo
Justice of the Peace Precinct 2 Place 1	Roberto “Bobby” Quintana
Justice of the Peace Precinct 2 Place 2	Danny Dominguez
Justice of the Peace Precinct 3	Salvador Johnson
Justice of the Peace Precinct 4	Jose R. Salinas