

# **EXHIBIT**

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**BRAZORIA COUNTY  
USE OF COUNTY PROPERTY - GENERAL**

**I. RESPONSIBILITY**

1. Each employee shall be responsible for the care, maintenance, proper use, and upkeep of any County equipment assigned to him or her.
2. Employees shall only possess and/or use County property that has been authorized for use.

**II. PERSONAL USE**

1. All County-owned property shall be used or operated by authorized County officials or employees for permitted purposes only. Personal use of County property shall not be permitted.
2. The County is not responsible for any personal property used to conduct County business.

**III. LICENSES**

1. A County employee who uses or operates any County equipment which requires a license shall be required to have the current active license for the operation of that equipment.
2. Any employee who uses or operates County equipment that requires a license for legal operation shall notify his or her supervisor of any change in the status of that license.
3. An employee whose job involves operation of County equipment requiring a license for legal operation may be subject to possible job change or termination if that license is suspended or revoked.

**IV. NON-VEHICLE INCIDENTS INVOLVING COUNTY PROPERTY**

1. Any employee involved in an incident while operating non-vehicle County equipment that did, or may have, resulted in bodily injury or damage to property shall immediately report the accident to his or her supervisor. Upon receiving notification, the supervisor, or the department's designee, shall immediately notify the County Safety Officer. The County Safety Officer, working in coordination with the District Attorney's Office, shall be responsible for investigating the incident on behalf of the County. If the incident involves the use of appropriate law enforcement tactics, the agency should follow its internal procedures for documenting and reporting the incident and any resulting damage.

2. If an incident involving the use of County Property results in serious bodily injury or significant property damage, the supervisor or designee shall immediately notify the Civil Division of the District Attorney's Office.
3. The applicable office or department shall timely provide all information requested by the County Safety Officer and/or District Attorney's Office, including, but not limited to, a completed incident report form and any other information requested by the County Safety Officer or District Attorney's Office. The applicable office or department shall cooperate with any internal investigation of the incident and any subsequent claim or proceeding.
4. If damaged County property requires repairs or replacement, the applicable department shall coordinate with the Purchasing Department.
5. A copy of all incident reports shall be sent to the applicable official or department head, the Human Resources Department, and the County Judge.

**BRAZORIA COUNTY**  
**USE OF COUNTY PROPERTY - COUNTY-OWNED VEHICLES**

**I. PURPOSE**

1. This Policy governs the use, operation, and care of all County-owned motor vehicles and establishes uniform regulations and procedures for the appropriate use of all County-owned motor vehicles.

**II. COUNTY-OWNED VEHICLE INSIGNIA/MARKINGS**

1. Unless exempted herein, all County-owned vehicles must be identified with inscriptions meeting the requirements in Texas Transportation Code section 721.004. Notwithstanding exempted vehicles and other permitted exceptions, all County-owned vehicles shall be marked with a County seal. Magnetic seals are not permitted. The name of the department or division to which the vehicle is assigned shall be printed directly below the seal.
2. County-owned vehicles operated by the following departments are exempted and not required to be identified with inscriptions:
  - a. Sheriff's Department;
  - b. Constables' Offices; and
  - c. Criminal District Attorney's Office.

*See Tex. Transp. Code § 721.005(b).* Exempted vehicles shall be marked in accordance with the individual department policy.

3. Notwithstanding vehicles assigned to law enforcement agencies, all newly purchased County-owned vehicles must be white pursuant to Court Order No. 41, dated June 8, 2009.
4. No elected or appointed official's name or image may be placed on any County-owned vehicle.
5. No political advertising may be carried in or placed on any County-owned vehicle.

**III. GENERAL ASSIGNMENT OF COUNTY-OWNED VEHICLES**

1. With the exception of vehicles acquired by offices through asset forfeiture or other independent funds, the Commissioners Court shall be responsible for the acquisition of County-owned vehicles.
2. The Purchasing Department shall maintain a list of all assigned County-owned vehicles.

#### **IV. GENERAL OPERATING REGULATIONS**

1. All County-owned vehicles are to be utilized solely for conducting County-related business, other governmental purposes, and/or uses approved by Commissioners Court.
2. All officials/employees driving a County-owned vehicle must have a valid Texas driver's license with a classification that allows for operation of the assigned vehicle. If an official/employee loses his or her license due to suspension or non-renewal, the employee shall immediately notify his/her elected official or department head. It shall be the elected official or department head's responsibility to ensure that each of his or her employees holds a valid Texas driver's license with the proper classification to operate the employee's assigned vehicle. The County may conduct periodic license reviews with the Texas Department of Public Safety to ensure compliance with this provision.
3. All officials/employees operating County-owned vehicles must abide by all restrictions listed on their individual driver's license.
4. All drivers of County-owned vehicles shall comply with all applicable federal, state, and local laws. It shall be the responsibility of the official/employee to pay any fines and/or penalties imposed for not complying with such laws.
5. Seat belts must be worn at all times by the driver and all passengers in a County-owned vehicle while the vehicle is being operated. Drivers are responsible for securing all doors prior to placing a vehicle in motion. Drivers shall be responsible for ensuring that any passenger in a County-owned vehicle is seated and properly secured before placing the vehicle in motion.
6. Employees operating County-owned vehicles must be in proper work attire and suitably dressed for their position with the County.
7. All authorized County drivers shall be courteous to other drivers and pedestrians at all times.
8. Elected officials and department heads shall ensure all assigned County-owned vehicles remain on a proper maintenance schedule and in proper operating condition.
9. All County-owned vehicles must be in sound mechanical condition and operated in accordance with state law. In addition, the interior and exterior of the vehicle is to be maintained in a clean condition.
10. All County-owned vehicles must be checked before being placed in operation to

ensure that tires are properly inflated and all fluids are at their proper levels. In addition, when fueling, the engine must be shut off.

11. Unattended County-owned vehicles must be properly secured at all times. The County shall not be responsible for loss of or damage to personal items in County-owned vehicles. Employees shall keep all items in the vehicle, both County-owned and personal, out of plain view.
12. County-owned vehicles may not be used to transport loads in excess of those specified by the manufacturer.
13. Officials/employees shall not permit non-County officials/employees to operate County-owned vehicles.
14. Unless otherwise stated in this Policy, only the following are permitted passengers in County-owned vehicles:
  - a. County officials/employees;
  - b. non-County employees on County-related business and/or government-related business, such as judicial or official proceedings; and
  - c. any person in need of transport due to an emergency, necessity, or training and assistance purposes.
15. Operating a County-owned vehicle after consuming alcohol or taking illegal drugs or after taking a legal drug that impairs judgment or motor skills is prohibited. All persons operating a County-owned vehicle must comply with all applicable requirements of the County's Drug and Alcohol Policy. Use of tobacco products in any County-owned vehicle is prohibited.
16. Cell phones, computers, and any other electronic devices may not be used while a County-owned vehicle is in motion. Cell phones may be utilized for phone calls while driving a passenger vehicle, if used in a safe manner. While it is not mandatory, it is recommended that the employee use a hands-free device for talking on a cell phone or pull over to the side of the road to make phone calls. Any use of cell phones, computers, or any other electronic device while driving any vehicle larger than a passenger vehicle (such as a dump truck or heavy equipment) is prohibited. Employees of law enforcement agencies may use cell phones, computers, and other electronic devices in County-owned vehicles so long as the use is reasonable and necessary under the circumstances.
17. Personal use of County vehicles, for purposes other than lunch breaks, other provided breaks, or related incidental purposes as provided in this Policy, is prohibited. Running of personal errands in County-owned vehicles is prohibited if it is the primary purpose of the trip. Should, during an official or employee's normal

work shift, an emergency situation arise and an official/employee has to leave work to attend to personal business, the official/employee may be responsible for any injuries or damage arising from an accident involving the County-owned vehicle.

## **V. TAKE-HOME VEHICLES**

1. The assignment of County-owned vehicles that may be driven to and from an employee's residence is a privilege extended to a few County employees who do not work for a law enforcement agency. As a privilege, the assignment of a County-owned take-home vehicle may be revoked at any time for any reason or no reason. Each office/department shall provide to Human Resources, annually or when requested, the names of all employees assigned a take-home vehicle.
2. Any employee assigned a take-home vehicle must meet the following criteria:
  - a. The elected official and/or department head for whom the county employee reports has approved the assignment;
  - b. The county employee frequently departs his or her primary residence and travels directly to a job site without first coming to the employee's primary County office or is subject to call-outs during non-working hours; and
  - c. The employee's commute is within the limits of the County or the distance from the employee's residence to the County line does not exceed five (5) miles. If the employee resides more than five (5) miles outside the County, the employee may park the County-owned vehicle at a County facility or another governmental facility (with its approval). This requirement does not apply if:
    - i. Commissioners Court authorizes assignment of the take-home vehicle, or
    - ii. The employee was assigned the take-home vehicle prior to adoption of the current version of this Policy.
3. No employee may operate a take-home vehicle after normal work hours other than for purposes of direct commute unless the employee is on-duty or on-call. No employee may operate a take-home vehicle for personal use beyond a reasonable distance within the normal commute to and from the employee's normal worksite during working hours. A reasonable distance is within five (5) miles of the employee's normal commuting route. Employees assigned take-home vehicles are authorized to transport members of their immediate household to or from work, work-related activities, school or school related activities, or daycare or daycare related activities when traveling to or from work.
4. The provisions of this Policy regarding the operation of take-home vehicles do not

apply to County-owned vehicles assigned to law enforcement agencies, as employees of such agencies are on-call at all times. Employees of law enforcement agencies who are assigned take-home vehicles shall abide by the elected official's internal policy as to the use of the assigned vehicle. Law enforcement agencies may not assign take-home vehicles to clerks or similar administrative staff.

5. A County-owned vehicle shall never be used for personal gain, personal business, to drive to a place of secondary or part-time employment, or for the purpose of engaging in any business or employment unrelated to County business.
6. The use of a take-home vehicle shall be included as taxable income of the official/employee in accordance with Internal Revenue Service Commuting Valuation Rules, if the official/employee is subject to such rules. Employees subject to such rules must report daily usage with payroll entries.
7. Take-home vehicles shall be secured after hours in a reasonably safe location and using any reasonable means available. Failure to comply with this regulation may subject the official/employee to personal liability for repairs caused by damage to the vehicle.
8. Any official/employee who is injured while commuting to or from their residence using a County-owned take-home vehicle shall not be provided worker's compensation coverage.

## **VI. TRAINING**

1. All officials/employees assigned County-owned vehicles must successfully complete an annual training, safety, and/or certification course approved by the Human Resources Department. The Human Resources Department shall maintain a list of all employees who complete this annual course. Any failure to complete the course shall be reported to the employee's department head or elected official, and Commissioners Court.
2. Any driver involved in a vehicle collision while driving a County-owned vehicle that results in bodily injury and/or property damage for which the driver is issued a citation or found to be at-fault shall be required to attend a defensive driver course. The course must be preapproved by the Human Resources Department and completed within sixty (60) days from the date of the collision in order for the driver to continue to be assigned a County-owned vehicle. The driver shall be responsible for the cost of the course and may not attend the course during working hours. Time spent completing the course is not compensable. A copy of verification of completion of the course must be provided to the driver's supervisor and the Human Resources Department.



## **VII. MISUSE OF COUNTY-OWNED VEHICLE**

1. An employee who misuses a County-owned vehicle shall be subject to disciplinary action, including, revocation of the privilege of using a County-owned vehicle and/or termination of employment. "Misuse" shall include, but is not limited to, the following:
  - a. Operating a County-owned vehicle for a use not permitted by this Policy;
  - b. Driving a County-owned vehicle after consuming alcohol or taking illegal drugs or after taking a legal drug that impairs judgment or motor skills;
  - c. Causing excessive wear or damage to a County-owned vehicle through abusive driving or failure to properly maintain the vehicle; and/or
  - d. Deliberate abuse, reckless use, or racing of a County-owned vehicle.
2. Each elected official and department head shall monitor the use of County-owned vehicles assigned to his or her office/department, and shall take appropriate corrective measures in the event of misuse and/or a violation of this Policy.
3. An employee who misuses a County-owned vehicle shall be liable to the County for the actual cost resulting from such misuse or violation, and the County shall not be responsible for any property damage or personal injury incurred by the employee or a third party as a result of the misuse.

## **VIII. VEHICLE INCIDENTS**

1. Any employee involved in an incident while possessing, using, or operating a County-owned vehicle that did, or may have, resulted in bodily injury or damage to property shall immediately report the incident to the employee's supervisor and notify a law enforcement agency. Upon receiving notification, the supervisor, or the department's designee, shall immediately notify the County Safety Officer. If the incident results in serious bodily injury or significant property damage, the supervisor or designee shall also immediately notify the Civil Division of the District Attorney's Office. The County Safety Officer, working in coordination with the District Attorney's Office, shall be responsible for investigating the incident on behalf of the County. If the incident involves the use of appropriate law enforcement tactics, the agency should follow its internal procedures for documenting and reporting the incident and any resulting damage.
2. The applicable office or department shall timely provide all information requested by the County Safety Officer and/or District Attorney's Office, including, but not limited to, a completed incident report form and any other information requested by the County Safety Officer or District Attorney's Office. The applicable office or department shall cooperate with any internal investigation of the incident and any

subsequent claim or proceeding.

3. Any employee involved in an accident while using or operating a County-owned vehicle must submit to a drug and/or alcohol test, regardless of whether the employee receives a citation for a traffic violation arising from the accident.
4. If any damaged County property requires repairs or replacement, the applicable office or department shall coordinate with the Purchasing Department.
5. A copy of all incident reports shall be sent to the applicable official or department head, the Human Resources Department, and the County Judge's Office.
6. In the event of an accident involving a County-owned vehicle being used by an official or employee in a manner not authorized under this Policy or in violation of this Policy, as determined solely by Commissioners Court, the official or employee shall not be provided any defense or liability coverage or protection from the County and shall be fully responsible for all damage and/or injuries sustained by all parties in the accident, including the County.

#### **IX. INFORMATION TO BE PROVIDED TO HUMAN RESOURCES**

1. Elected officials and department heads shall provide to Human Resources on or before October 1st of each year a list of each non-peace officer employee assigned a County vehicle, a current copy of the employee's driver's license, and a signed "Record of Receipt of County-Owned Vehicle Policy." Elected officials and departments with peace officers shall provide to Human Resources a list of peace officer employees assigned a vehicle, an acknowledgment that each has a current and valid driver's license, and a signed "Record of Receipt of County-Owned Vehicle Policy." *See Record of Receipt of County-Owned Vehicle Policy, attached.*
2. If any employee is assigned a County-owned vehicle after October 1st, the applicable elected official or department head shall provide the information required Section IX.1 within seven (7) days of issuance of the vehicle.