

**PRESIDIO COUNTY**

**DRIVER/VEHICLE POLICY HANDBOOK**

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## **Article I. General Guidelines**

Presidio County, "the County", owns and operates vehicles necessary for the execution of County business, most of which are special purpose vehicles such as trucks, vans, road equipment, and law enforcement-related automobiles. All vehicles operated in the course of Presidio County business shall be covered by this policy, regardless of whether the vehicle is purchased, leased, awarded by grant funds, or legally seized and/or forfeited to County (or subdivision of County) by County law enforcement agency by the appropriate judicial body.

The Commissioners Court is the County's principal governing body, and it exercises jurisdiction over all County business, as is conferred by the Texas Constitution and statutes. The Commissioners Court is charged with the legislative power of budget making, as well as the authority to set the compensation and all other allowances for County and precinct officers and employees who are paid from county funds. The assignment of vehicles, vehicle allowances, and mileage reimbursement rates shall be reviewed annually by the Commissioners Court during the budgetary process and set at the beginning of each fiscal year. The Commissioners Court is also responsible for enforcement of the state and federal statutes pertaining to employee compensation and the defense of any and all liability claims that may be asserted against the county.

The Texas Constitution prohibits granting public property for an individual's personal use. Accordingly, the Commissioners Court may allocate vehicles only to accomplish a legitimate public purpose, and it must do so in a manner that ensures that such vehicles are subject to controls that ensure the public purpose is accomplished and the public's investment is protected. All County officials and their employees are bound by the constitutional requirement that County property be used for a public purpose.

The County Auditor is statutorily obliged to see to the strict enforcement of the law governing county finances. Accordingly, the Auditor has statutory authority to adopt and enforce regulations to ensure that county vehicles are used in a manner that accomplishes legitimate public purposes. The County Auditor has a statutory right to access and examine County officials' records concerning County property and to require that each person who has responsibility for County property provide statements to the Auditor regarding their use of such property. Further, the County Auditor is authorized to adopt and enforce regulations necessary for the speedy and proper collecting, checking, and accounting of county funds.

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## **Chapter A. Purpose**

### **Sec.1. Increase efficiency in operation of County business.**

In order to increase the efficiency in County governmental operations, the Presidio County Commissioners Court has adopted a policy which will maximize the County's vehicle resources and expenditures.

### **Sec. 2. Establish standardized use policies for county-owned vehicles.**

The purpose of this policy is to establish guidelines in the lawful use of County-owned vehicles, the designation of vehicle allowances, and authorized mileage reimbursement.

### **Sec.3. Allocate resources equitably**

Resources will be allocated in a manner consistent with the most efficient and conservative budgetary principles taking into account responsible and necessary use as well as maintenance history of vehicles assigned to county employees and department heads.

### **Sec. 4. Utilize best practices to insure safety**

Best practices in performance and use of County-owned vehicles will increase awareness and mandate practices to maximize the safety and protection of County employees, citizens, and property.

## **Chapter B. Property Management**

### **Sec.1. Definitions**

#### **a. County-Owned Vehicle**

County-owned vehicle means any vehicle operated in the course of Presidio County business and owned and maintained by Presidio County, regardless of whether the vehicle is purchased, leased, awarded by grant funds, or legally seized and/or forfeited to County (or subdivision of County) by County law enforcement agency by the appropriate judicial body.

#### **b. Home Storage**

Home storage means employees who use a county-owned vehicle to commute to and from home to work duty and are permitted to store the vehicles at their home during times the employee is off duty. At no time shall a county-owned vehicle be used for any personal use.

c. Remote Storage

Remote storage means off-duty parking of vehicles at locations other than the base work site, usually at another county facility or governmental agency location.

d. Worksite storage

Worksite storage means off-duty parking of vehicles at the base worksite locations or if base work site parking is not available, parking of a vehicle at the nearest safe and secure county facility.

e. Employee

In this Policy, employee means any elected official, department head, agent, contracted employee, employee, or other person authorized by the Commissioners Court to operate or utilize a County-owned vehicle.

Sec. 2. Operation

a. Marking

County-owned vehicles purchased after the date of adoption of this policy will be clearly marked with the county seal or name, department name and vehicle number assigned by the County. However, by specific commissioner's court approval, a sheriff, district attorney and/or constables may be authorized to use or omit certain markings on vehicles as designated.

b. Improper use

If an employee fails to utilize the vehicle in the manner specified by this policy, the Commissioners Court or the County Auditor may request action by the employee's supervisor, department head or elected official to ensure proper use of the vehicle. Further, the employee, as well as his or her supervisor, department head and/or elected official may be required to render statements to the County Auditor and provide the Auditor access to records regarding the use of such vehicle. Continued improper use will be reported to the County Attorney or District Attorney for potential civil or criminal proceedings.

c. Use of vehicles without emergency gear as police vehicles

To avoid undue risk to public safety and liability to the county, vehicles that are not equipped by the county with emergency equipment (visual and audible warnings) shall not be used as police vehicles, even if the driver is a qualified peace officer, except in the following conditions:

- (1) For calls or situations in which there is a reasonable belief that human life is clearly in danger, and that operation of the vehicle in an emergency mode will in a material way, help curtail the danger;



- (2) When specified occasions for emergency operation has been authorized by a supervisor; and
- (3) When safe operation of the vehicle in emergency mode is possible.

d. Consumption or transport of alcoholic beverages and/or smoking

Consumption or transport of any alcoholic beverages and/or smoking is prohibited in a county-owned vehicle. The necessary and documented transport of an alcoholic beverage by a law enforcement officer in the official course and scope of their official duties is an allowable exception to this section.

e. Personal liability

The County may pursue civil damages against individuals for any damage or injury resulting from the operation of county-owned vehicles outside the policy limitations prescribed in this policy and specifically Chapter B.2. of this Policy.

f. Emergency lights or sirens

Unless prior approval is obtained by the commissioner's court, no equipment such as, but not limited to, emergency lights or sirens shall be attached to any county vehicle.

g. Labels, emblems, logos, symbols, flags or other similar items

Unless specifically approved or ordered by the commissioner's court, no label, emblem, logo, symbol, flag, bumper sticker, or any other object or article shall be placed on any county-owned vehicle. Marking of county vehicles shall be like and uniform in each department and precinct as provided by law.

h. Personal use

Except for reasonable travel to and from meals during shifts or duty times, county-owned vehicles shall not be used for any personal use.

- (1) Prohibited uses include, but are not limited to the following:
  - (a) personal errands (i.e. going to the store or dry cleaners, taking and/or picking up children at school or day care, transporting spouses or other non-county employees to a job, lunch, etc. or any other non-county use which adds additional miles to vehicles),
  - (b) travel to and from an afterhours non-county job without prior approval by Commissioners Court,
  - (c) transporting other employees or individuals for non-county activities at any time, such as, but not limited to, travel to and from work,
  - (d) transporting any individuals for any reason not related to authorized employees County duties.

- (2) All employees assigned a County owned vehicle for home storage shall file a "Notification to Employees of Election to Use Special Commuting Valuation Rule for Commuting in County Vehicles" form, which is Attachment "A" prior to January 31 of each calendar year for the immediately preceding tax year.
- (3) All employees assigned a County owned vehicle for home storage shall file a "Commuting Value Rule Employee Use Statement" form, which is Attachment "8", on the 20th of each month concurrent with their employee time sheets.

i. Safe operation

All vehicles must be operated for the public purpose intended, in a safe manner, and in observance of the policies of this section, all traffic laws and courtesies of the road.

Sec. 3. Regulations and Storage

a. Servicing and maintenance

County-owned vehicles are to be serviced and maintained pursuant to County policies.

b. Required equipment

All vehicles are required to carry the following in the vehicle at all times:

- (1) Certificate of auto insurance;
- (2) Two copies of auto, equipment and/or property accident reporting forms; and
- (3) Equipment log book.

c. Employee liability

All county employees who operate county-owned vehicles are encouraged to maintain in effect a personal auto insurance policy, and file it with the County Treasurer's Office at the beginning of each calendar year. All county employees who operate county-owned vehicles are required to maintain a current valid Texas driver license with the appropriate authorizations to operate the County equipment to which they are or may be assigned, and are required file a copy with the County Treasurer's Office at the beginning of each calendar year. They are also encouraged to obtain an endorsement on their personal auto insurance policy to provide for liability coverage while operating County vehicles.

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Employees found to have willfully and/or maliciously violated the County's policies and/or procedures for use and/or care of a County vehicle may be held personally liable by the County for any financial damages.

**d. Vehicle Storage**

County-owned vehicles shall be regulated and stored in accordance with Section 3 et seq. of this Policy. All vehicles shall be stored at a designated worksite location unless the elected official whose office was assigned the vehicle has specifically approved home storage or remote storage for such vehicle.

- (1) All remote or home storage vehicle assignments must be approved for each individual employee and vehicle.
- (2) No department head may make an offer of or otherwise approve the remote or home storage of a vehicle to a prospective or current employee without the prior approval of the Commissioners Court.
- (3) All home or remote storage vehicles shall be reassigned automatically to the general pool of each department when the incumbent who currently is assigned the vehicle leaves or otherwise terminates from his present job or position. No vehicle shall be reassigned as a home storage or remote storage vehicle outside Presidio County without the express written consent of the Commissioners Court or the elected official whose office was assigned the vehicle.
- (4) The elected official desiring a remote or home storage vehicle assignment must submit to County Auditor a written statement certifying that: (i) the assignment of a remote or home storage vehicle was approved to carry out the proper operation of his or her office's constitutional or statutory duties; (ii) the elected official retains control over the vehicle in a manner that will ensure that his or her office's constitutional or statutory duties will be performed; and (iii) the County actually receives a public benefit as a result of the remote or home storage.
- (5) Typically, employees who are subject to 24/7 recall to duty, are not on a scheduled vacation or leave, who reside in Presidio County, and whose vehicles require special equipment will be eligible to be considered for assignment of a remote or home storage vehicle.
- (6) Employees who reside within 5 highway miles of Presidio County may be approved for assignment of a home storage vehicle, but must report the mileage from the Presidio County line to their home each

day on the "Commuting Value Rule Employee Use Statement" form To be filed each month.

e. Special requirements for remote or home storage vehicles

All vehicles may be equipped with a centralized county GPS tracking system. The information provided by this system will be adequate for use in civil litigation and criminal proceedings. The County Auditor will have unrestricted, delayed access to the GPS system and any of its data. As with any other authorized equipment for county vehicles, the GPS system shall be installed and maintained by a mechanic designated by the Commissioners Court. The initial and future cost of GPS monitoring will be paid from the County Budget general funds or department funds as decided by the Commissioner's Court. Additional department funding will be addressed on a case by case basis.

(1) All employees that drive any county vehicle, regardless of whether the vehicle is purchased, leased, awarded by grant funds, or legally seized and/or forfeited to County (or subdivision of County) by County law enforcement agency by the appropriate judicial body, shall maintain a daily mileage log where the employee/driver will log in at the start and end of each day the starting and ending mileage and location.

(2) At the end of each month the mileage log will be turned in to the employee's supervisor who shall review the log for any inconsistencies and if none are found sign and date the log. If a discrepancy is noted the supervisor shall document the finding on the mileage log and address it with the employee. The employee's supervisor shall provide a ccc coo the mileage log to the OMB office. Mileage logs shall be retained for a minimum of two years



- (3) Any system installed in a County owned vehicle shall be powered and turned on and in working condition at all times vehicle is in use. In the event of a malfunction, the employee's supervisor and County Auditor shall be advised within 24 hours.
- (4) The County Sheriff may provide the County Auditor with a written statement certifying that the GPS tracking information or mileage log for a particular vehicle contains information, the public disclosure of which would interfere with the detection, investigation or prosecution of crime, endanger informants, or threaten the safety of law enforcement officers. The County Auditor may accept such a written certification from the Sheriff in lieu of the mileage log for that vehicle during the times addressed by the Sheriff's certification. The GPS tracking information for vehicles subject to the Sheriff's certification shall be treated as confidential. The Sheriff shall be immediately notified of any public information request for such information, so that he may be afforded the opportunity to request an Attorney General determination that such information is exempt from public disclosure pursuant Tex. Gov't Code § 552.108.

f. Car allowance in lieu of a county vehicle

- (1) At the discretion and approval of Commissioners Court employees or officials may be eligible for a car allowance in lieu of use of a County vehicle or mileage reimbursement payments.
- (2) The car allowance will be set at an amount to cover the employee's cost of business travel. The car allowance provided to similar positions shall be considered.

g. Reporting of accidents.

Any vehicle accidents involving either bodily injury or property damage, regardless of how minor they may appear to be, shall be reported immediately to the appropriate persons by the county driver.

h. Approval of purchase or assignment of equipment.

The purchase or assignment of all equipment must be within a budget appropriation item or approved transfer.

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- i. Use of vendors for installation, DE installation and maintenance.

Equipment installation and maintenance of all visual and audible warning devices/systems on county vehicles are to be accomplished utilizing a vendor selected by the county.

- j. Adding audible and visual emergency equipment.

Departments which elect to add audible and visual emergency equipment to their respective vehicles shall adopt and submit their pursuit/emergency response policy to the commissioner's court prior to equipment installation.

- k. Emergency equipment on employees' privately-owned vehicles.

A county employee, including those employed for a law enforcement purpose, shall not equip their privately-owned vehicles with emergency equipment as defined under Tex. Trans. Code §547.702 unless authorized to do so by commissioner's court under this policy. This restriction specifically excludes within its purview any volunteer firefighters authorized to so equip their privately-owned vehicles pursuant to Tex. Trans. Code §547.702 (d). Nothing in this policy shall be interpreted as authorizing a privately-owned vehicle being used as an "authorized emergency vehicle" as defined by Tex. Trans. Code §541.201(1).

Prior to an employee installing or utilizing emergency equipment on his/her privately-owned vehicles, the employee must first receive approval for such use by their elected official or department head. The elected official or department head shall then submit a request for approval for such use to Commissioner's Court. The submission for said approval will clearly set forth the public and official purpose to be served by the proposed use. The employee will also be required to provide a certificate of insurance with the same coverage's required for a county vendor clearly showing the intended use as a "police vehicle" as defined by Tex. Trans. Code §541.201 (13-a). The County will be named as an additional insured. The employee will maintain the required insurance coverage and may be required from time to time to provide additional insurance certificates evidencing the required coverage upon request by the County Auditor.

Any vehicle so equipped after passage of this policy shall cease operation and use unless and until approved under this policy.

- l. Out of county usage.

County-owned vehicles may not be taken across the county lines except for official County business. In the event that a county vehicle must be driven outside Presidio County for official duty, it shall be the responsibility of the employee and the department head to file a report with the Presidio County Auditor listing the date, time, destination, mileage, and specific reason for travel outside

the county. This report shall be due at the end of the payroll period during which the activity occurred and shall be signed by the employee and the department head or elected official. An employee may comply with this reporting requirement by providing the County Auditor with his or her daily mileage log and his or her "Commuting Value Rule Employee Use Statement" form each month, if the employee meets the following criteria:

- (1) the employee resides outside of Presidio County;
- (2) the employee has been approved for assignment of a home storage vehicle; and
- (3) the employee drives a county vehicle outside of Presidio County solely to commute to and from his or her residence for official Llano County business.

#### Sec.4 Safe Operation

- a. Instruction of operators; safe driving record required.
  - (1) Every official or employee of the County that operates County or personal equipment/vehicles on behalf of the County shall be instructed in the safe and proper operation of it before the equipment is operated. The responsibility for the instruction of operators rests with the elected official or department head.
  - (2) All County personnel employed by Presidio County, but not directly appointed by a Presidio County elected office, as a condition of employment if the employee will operate County or personal equipment/vehicles on behalf of the County, must possess at all times a record of safe operation of such equipment/vehicle. Such personnel shall be competent drivers as set forth in §4 (c) below.
- b. Procedures; responsibilities.
  - (1) Elected officials or department heads shall be responsible for conducting driver's license and/or background checks on each employee or applicant for employment in these job categories that are authorized to operate County or personal equipment or vehicles on behalf of the County.
  - (2) An employee must possess the proper license in order to operate County or personal equipment and/or vehicles on County business.



(3) An employee's driving record shall be filed with the County Auditor each year by January 31 for the previous year.

c. Driver competency guidelines.

- (1) During the two-year period immediately prior to the current or latest driver's license check, the employee or applicant for employment must NOT:
- (a) Have more than one license;
  - (b) Have had any license suspended, revoked or canceled;
  - (c) Have been convicted of driving while intoxicated (DWI);
  - (d) Have been convicted driving under the influence of drugs (DUID);
  - (e) Have been convicted of blood/breath test refusal (BBTR) if required and refused;
  - (f) Have been convicted of failure to stop and render aid (FSRA);
  - (g) Have been convicted of a felony involving use of a motor vehicle;
  - (h) Have been convicted of the use of a motor vehicle in the commission of a felony involving manufacturing, distributing or dispensing a controlled substance; and
  - (i) Have been convicted of any violation of state or local law relating to motor vehicle traffic control arising in connection with any traffic accident in which the driver in question was at fault.
- (2) No person convicted of the operation of a vehicle or equipment while under the influence of drugs, alcohol, or convicted of homicide or manslaughter with a motor vehicle shall be assigned duty as a vehicle operator if such conviction is more recent than seven years

The above driver competency guidelines shall apply to all county employees who operate a county motor vehicle unless the elected official who supervises the employee files a disclosure with the County Auditor that specifically waives one or more of these guidelines for that employee.

Sec. 5 Maintenance

a. Policy and purpose of subdivision.

The policy and purpose of this subdivision is to:

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- (1) Standardize and promulgate the procedures for maintaining vehicles assigned to a county employee, and establish records of such.
  - (2) Specify the driver's responsibilities and penalties for failure to comply with the guidelines of this subdivision.
- b. Preventive maintenance program; driver responsibilities.
- (1) The basis for prolonging the life of a vehicle is a good preventive maintenance program. The driver is responsible for:
    - (a) Daily inspections;
    - (b) Monthly car washes and interior cleaning which shall be reimbursed in an amount up to \$20.00 per month following County policy for reimbursements.
    - (c) Keeping track of mileage daily; and
    - (d) Determining when the vehicle is due for the next scheduled preventive maintenance procedure.
  - (2) Each vehicle operator shall keep a notebook with a monthly mileage and fuel report (exhibit D). The monthly report must be filled out, signed, and sent to OMB on the last day of each month.
  - (3) Each vehicle notebook shall contain a preventive maintenance schedule for the driver and maintenance mechanic to use as a reference to fulfill the preventive maintenance requirements on the vehicle.
  - (4) It shall be the driver's responsibility to make sure a monthly calendar is in the vehicle notebook for each vehicle driven by that employee/department head, or elected official.
- c. Discipline policies.
- (1) If an employee is negligent in taking care of his or her vehicle, the County Auditor will issue a written notice to the employee's department head or elected official, with a copy to the employee.
  - (2) If an employee is found negligent for the second time, a second written notice will be issued to the employee's department head or elected official, with a copy of the notice being forwarded to the County Attorney and the employee.
  - (3) If an employee is found negligent for the third time, the County Auditor will contact the County Attorney to pursue corrective action, which may include removing the vehicle from the employee's possession (but not removing the vehicle from inventory of an elected office), and the assessment of damages and/or additional maintenance costs to the employee.
  - (4) The county sheriff's department may also use its own disciplinary policies, inasmuch as the policies of the sheriff's department exceed these disciplinary policies.
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- (5) Maintenance policies and schedules will be applied to all county-owned vehicles.

Sec. 6 Equipment.

- (a) Generally.
  - (1) Repairs of all equipment will be channeled through the designated county automotive service shop.
  - (2) When possible, the department should call the shop before bringing equipment in for service.
  - (3) Vehicles should be delivered to the shop by the responsible department.
- (b) Extensive vehicle repairs.

When the scope of repairs is over \$500.00 the department shall obtain three estimates, recommend the lowest and best bid and submit them to the auditor with a purchase order request.
- (c) The County Auditor will issue a purchase order if funds are available and in accordance with Presidio County Policy.
- (d) The delivery and pickup of equipment for work will be the responsibility of the requesting department.
- (e) Once the work is completed, the department will thoroughly inspect the vehicle to ensure proper repairs were made according to purchase order instructions. The requesting department will then issue a record of material received to the county auditor so that payment can be made and departmental charges levied.

Sec. 7 Tire repair or replacement.

- (a) All flat tire repairs and front end alignment will be made by an authorized contractor.

Except in an emergency, the individual requiring service must first obtain a purchase order and authorization prior to contacting the vendor. Service will not be paid by the County without this approval.
- (b) Once approval is obtained, the department should proceed to the vendor or location for repair or replacement.
- (c) The department is responsible for reporting the vehicle number and mileage to the vendor and ensuring that the number and mileage appear on the invoice.
- (d) A copy of the invoice and purchase order shall be returned to the County Treasurer for payment.

Sec. 8 Scheduling preventive maintenance.

- (a) Each vehicle should have preventive maintenance schedule indicating the mileage the vehicle should reach before being scheduled for preventive maintenance (i.e., oil change, lubrication, etc.)
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- (b) When the mileage has been reached or is within days of being reached, the driver should call a county authorized shop and schedule a convenient time to have the equipment serviced.
- (c) Should the driver not schedule this vehicle service within a reasonable period of time (i.e., 500 miles of stated service mileage) a notice will be given to the driver and a copy sent to the supervisor. Repeated offenses will be considered equipment abuse and reported to the department head and commissioners court. Damages and costs for repair of abuse will result in charges to the employee.

Sec. 9 Fueling vehicles.

- (a) Drivers are responsible for maintaining adequate fuel levels in their vehicles.
- (b) Authorized County Fleet Fuel Purchasing Cards ("Fuel Cards") issued by the County should be used for all fuel purchases for County owned vehicles. Fuel Cards may NOT be used to purchase fuel for any vehicle not owned by the County under any conditions.
- (c) The mileage/fuel report shall be given to the OMB Office by the 10<sup>th</sup> day of each month for the previous month.  
(Willful failure to submit this report may result in the assessment of fuel charges to the employee.)
- (d) The County Treasurer will coordinate distribution of Fuel Cards, replacement of lost cards and assignment of new Cards.
- (e) If a Fuel Card is lost or stolen, it is the driver's responsibility to notify the County Treasurer by the next business day.
- (f) Failure to use a Fuel Card according to these procedures without prior approval of the County Auditor will subject the driver to reprimand and/or disciplinary action by his supervisor, department head, or elected official. In the event an employee has been issued a Fuel Card and has had it recalled for improper use, or failure to comply with these regulations, fuel purchased by employee through another method will not be reimbursed.

Chapter C. Vehicle Replacement

The county vehicle replacement policy covers all motor vehicles categorized as light to medium duty, and up to one ton rated capacity, i.e., sedans, trucks and vans. All specialized pieces of equipment will be evaluated on an "as needed" basis.

Sec. 1 Evaluation of requests; recommendations.

- (a) The Commissioners Court will evaluate all vehicle replacement requests based on mileage, age, maintenance records and cost efficiency.
- (b) Vehicles that meet the following criteria may be considered for replacement by the Commissioner's Court:



- (1) Excessive mileage, age, or operational issues;
  - (2) Ten years old;
  - (3) Maintenance records; and
  - (4) Drivers history and cost efficiency.
- (c) In order for the County to effectively replace motor vehicles based upon mileage, age and operational issues, the following maintenance schedule will be used:
- (1) All vehicles will be evaluated each year;
  - (2) Average monthly mileage will be derived from mileage reports;
  - (3) Calculations will be made from average monthly mileage to forecast the estimated odometer through the next fiscal year or 18 months; and
  - (4) Recommendations for replacement will be made for vehicles meeting above-referenced criteria, subject to budget considerations for the upcoming budget year.

#### Chapter D. COMMERCIAL DRIVER'S LICENSE

##### Sec. 1 Definitions.

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Class A* means any combination of vehicles with a gross combination weight rating of 26,001 pounds or more, provided that the gross vehicle weight rating of the vehicle or vehicles towed exceeds 10,000 pounds.

*Class B* means any single vehicle with a gross vehicle weight rating of 26,001 pounds or more, any one of those vehicles towing a vehicle that does not exceed 10,000 pounds gross vehicle weight rating, and any vehicle designed to transport 24 passengers or more, including the driver.

*Class C* means any single vehicle, or a combination of vehicles, that does not conform to the description of class A or B that is:

- (a) Designed to transport 16 to 23 passengers including the driver; or
- (b) Used in the transportation of hazardous materials that requires the vehicle to be placarded.

##### Sec. 2 Proper licensing required.

- (a) All operators of the county-owned vehicles must possess the proper license issued by the state for the vehicle they operate.
  - (b) All the county employees who are authorized to operate privately-
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owned vehicles on county business must possess the proper license issued by the state for the vehicle they operate.

Sec. 3 Elected Officials and Department Responsibility.

(a) County department heads and elected officials are responsible for verifying that each employee possesses a valid and proper driver's license at the time of employment or at initiation of work with the department or office. County department heads and elected officials are also responsible for periodically verifying that employees' proper licenses are maintained.

(b) All positions will be reviewed and classified as requiring either a class A, B and/or C license. Each job posting will include the required commercial driver's license for each position, as defined by the equipment operated.

(c) The departments shall update position descriptions to include commercial driver's license (COL) requirement.

(d) Failure to possess and maintain valid and proper licenses may result in reassignment of duties and position compensation and/or disciplinary action up to and including termination.

(e) All vehicle operators must possess the proper license prior to issuance or reissuance of the Fuel Card in accordance with the new commercial driver's license (COL) regulation.

Chapter E. VEHICLE ACCIDENTS AND CITATIONS

Reporting generally.

Any vehicle accident involving either bodily injury or property damage regardless of how minor it may appear to be shall be reported immediately by the county driver.

a. Driver responsibility.

The following steps comprise the responsibilities of a driver who has an accident:

- (1) Determine if anyone has sustained serious bodily injury requiring immediate medical attention immediately CALL 911.
- (2) Contact dispatch who will notify the appropriate areas of any emergency services that may be required.
- (3) Request the other driver to remain at the accident scene until investigation of the accident is completed.
- (4) Take the auto, equipment, property accident report form (exhibit C) and obtain all information from the other driver that is requested on the

accident report so that the report will later be able to be completed in detail.

(5) Do not make any statements concerning liability or fault to the other driver or witnesses.

(6) Advise the other driver that the vehicle is a county-owned vehicle, that the county is self-insured, and give the other driver the employee's name, county employment address and county employment telephone number.

(7) Cooperate fully and as requested by official investigating officer or authorities.

(8) Complete the accident report form (exhibit C) in detail and deliver it to the Department head and County Auditor no later than 10:00 a.m. of the next regular working day.

**b. Supervisor's responsibility.**

(1) Upon notification of an accident involving a county vehicle or equipment, the County Attorney's office should be telephoned, to advise them of the accident and to determine if it is desirable that personnel be dispatched to the accident scene to investigate the accident and/or to obtain photographs.

(2) Photographs should be taken if possible, so that the photographs may be attached to the auto, equipment, property accident report and forwarded to the County Attorney's office.

(3) The driver is responsible to determine if no injury is involved, and if the vehicles and/or equipment are operable. These vehicles and/or equipment should be moved from the flow of traffic to reduce traffic congestion and prevent further harm to persons, vehicles and equipment. Drivers and witnesses should not leave the scene until the law enforcement representatives have arrived and conducted their investigation, unless conditions and/or circumstances prevent their remaining at the scene. The driver of the county vehicle may leave the scene temporarily to use a nearby telephone to report the accident if no other means of reporting, such as radio or cellular phone, is available.

(4) The supervisor or department head will send the employee to the appropriate law enforcement office to give a sworn statement that provides all facts and necessary information.

(5) Upon return to the department or office, an auto, equipment, property accident report form (exhibit C) must be filled out by the employee and submitted within 24 hours to the County Attorney's office and the County Auditor.

(6) If the county employee is unable to complete the auto, equipment, property accident report form within 24 hours, it shall be the responsibility

of the supervisor or department head to complete and forward the report to the County Auditor and the County Attorney within this same time frame.

(7) A copy of the investigative officer's report should be obtained and submitted as soon as possible.

c. Witness to accident.

(1) Accidents occurring on county property or near or within sight of county equipment or construction shall be reported by witnessing employees.

(2) A witnessing employee shall complete an auto, equipment, property accident report form indicating the location of the accident, witnesses, damages, etc.

(3) The report shall be submitted to the County Attorney's office.

d. Traffic and Parking citations

County officials and employees shall be personally responsible for any traffic and parking citations issued to the official or employee at any time. The cost of any fines or fees will be assessed against the employee.

FAILURE TO COMPLY WITH THIS POLICY MAY RESULT IN FUEL PURCHASING PRIVILEGES BEING SUSPENDED. PRIVILEGES MAY BE REINSTATED AFTER COMPLIANCE AND WRITTEN REQUEST SUBMITTED TO THE EMPLOYEE'S DEPARTMENT HEAD OR ELECTED OFFICIAL AND THE COUNTY AUDITOR. FUEL AND/OR MAINTENANCE CHARGES INCURRED DURING THE TIME OF SUSPENSION ARE NOT REIMBURSEABLE UNDER THIS POLICY.

Chapter F. EFFECTIVE DATE

This Presidio County DriverVehicle Policy Handbook shall be effective and enforceable from and after August 1, 2016.

The next page should be signed and returned to County Treasurer's Office within 10 days of effective date of this policy or before assignment of a vehicle upon employment.

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Understand that the above policy is binding upon all officials and employees of Presidio County. I have received a copy of this Vehicle Policy and have read and understand it.

Signed \_\_\_\_\_

Printed Name : \_\_\_\_\_

Title or Position: \_\_\_\_\_

Date: \_\_\_\_\_

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## ATTACHMENT "A"

### NOTIFICATION TO EMPLOYEES OF ELECTION TO USE SPECIAL COMMUTING VALUATION RULE FOR COMMUTING IN COUNTY VEHICLES

Date: (This date should be prior to January 31,) 20 \_\_\_\_, for the 20 \_\_\_\_ tax year or within 30 days of providing the vehicle to the employee.)

For the tax year and subsequent tax years (unless notice of another election is provided to employees), the special commuting valuation rule will value your personal commuting in a County-owned vehicle. This special rule allows each one-way commute to be valued at \$1.50 for inclusion in your gross income. To use this rule, substantiation is required by the Internal Revenue Service (IRS) to show the following:

1. Commuting from home to work or from work to home is the only permissible personal use of the vehicle. It is against the policies of this office for you to use your County vehicle for any other purpose except for de minimis personal use as defined in the IRS code and the regulations issued thereto. This notice hereby constitutes the written policy of this office to that effect.

2. You are required to commute in the assigned vehicle for the following non-compensatory reason:

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(A reason should be stated, such as to safely store the vehicle to prevent vandalism or to enable direct response to emergencies)

3. You do not use the vehicle for any personal use other than commuting. A statement will be required (*monthly*) stating that the County vehicle has not been driven for any personal use other than commuting or a de minimis personal use as referenced above, the number of commutes per reporting period, the mileage for each commute, and the total number of vehicle miles.

4. The IRS must be satisfied that the vehicle is used for County business. This should be substantiated by showing that the total miles for commuting is less than 50 percent of the miles the vehicle is in use during each reporting period.

Persons other than the driver who commute in the vehicle should file the necessary reporting document showing the total number of commutes and any additional mileage in the commute not included in the drivers route home. Each commute shall be valued at \$1.50 in the nondriving employee's gross income. Failure to comply with substantiation requirements can result in disallowing the special valuation rule and including the fair market value of the vehicle use in the employee's gross income with deductions only for the portions that the employee can substantiate as business use.

ATTACHMENT "B"

**COMMUTING VALUE RULE EMPLOYEE USE STATEMENT**  
For Use with the Commuting Valuation Rule

Number of one-way commutes using a County-owned vehicle: \_\_\_\_\_

Month/week/report period: \_\_\_\_\_

For drivers, number of miles in each one-way commute: \_\_\_\_\_

For persons commuting other than the driver, the additional mileage required based on your commuting in the vehicle: \_\_\_\_\_

For drivers, the total number of miles driven in the County vehicle during the reporting period: \_\_\_\_\_

**I hereby certify that I have not used a County-owned vehicle for any personal purpose other than commuting or a de minimis use and that the above statement is accurate.**

\_\_\_\_\_  
Employee's Signature

\_\_\_\_\_  
Date

Computation:

Number of one-way commutes: \_\_\_\_\_ x \$1.50 = \_\_\_\_\_

Taxable benefit: \_\_\_\_\_

**ATTACHMENT "C"**

**MOTOR VEHICLE ACCIDENT/ DAMAGE TO VEHICLE  
CHECK SHEET**

**Type of incident:** (circle one) Motor Vehicle Accident  
Misc. Damage to vehicle  
Vehicle/Pedestrian Accident

**Name** \_\_\_\_\_ **of**  
**Driver:** \_\_\_\_\_

**Date of incident:** \_\_\_\_\_ **Vehicle ID#:** \_\_\_\_\_

**Vehicle License:** \_\_\_\_\_

**Time of incident:** \_\_\_\_\_

**Other Party involved in incident:** \_\_\_\_\_

**Address:** \_\_\_\_\_

**Phone:** \_\_\_\_\_

**Insurance from other Party:** \_\_\_\_\_

**Driver's License Number:** \_\_\_\_\_

**Vehicle Make/Model? Plate Number:** \_\_\_\_\_

**Location of Incident:** \_\_\_\_\_

**Details of Incident:** \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**Identity of Injured Parties:** \_\_\_\_\_

**Injuries sustained/claimed:** \_\_\_\_\_

**Damage to Vehicle:** \_\_\_\_\_

**Witnesses:** \_\_\_\_\_


\_\_\_\_\_


\_\_\_\_\_

PRESIDIO COUNTY  
DRIVER/VEHICLE POLICY


APPROVED AND ADOPTED BY THE PRESIDIO COUNTY COMMISSIONERS' COURT ON JULY 12, 2016.

  
\_\_\_\_\_  
Presidio County Judge

  
\_\_\_\_\_  
Commissioner Pct. 1

  
\_\_\_\_\_  
Commissioner Pct. 2

\_\_\_\_\_  
Commissioner Pct. 3

  
\_\_\_\_\_  
Commissioner Pct. 4

  
\_\_\_\_\_  
County Clerk

