



Ector county, Texas

Equipment Donation Policy and Procedures

Adopted by the Commissioners Court on April 23, 2018

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Developed by the:

Highways & Streets Department

Equipment Services Section

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I. STATUTORY AUTHORITY

Chapter 81 of the Texas Local Government Code, Section 032 authorizes the Ector County (“County”) Commissioners Court (“Court”) to accept donations of any kind to be used for official County business purposes by employees who are designated by the County.

II. BACKGROUND

From time to time, civic-minded citizens, service groups, and businesses offer gifts and donations to the County. In these times of great fiscal constraint, such gifts and donations can help expand important services and programs that the County can provide to its citizens. The gifts and donations take many forms, including cash with or without a designated purpose, or new or used equipment. The decision to accept these offers is dependent, first upon the department heads, and then the Court. However, the Court may accept all gifts and donations in accordance with State Local Government Code, Chapter 81, “Acceptance of Donations and Bequests.” The decision of the Court shall be final and binding.

III. PURPOSE

This policy will provide guidelines to members of the public that would like to donate equipment to the County. The policy will identify some risks and expenses associated with donations of equipment to the County. In addition, the policy will ensure that equipment donations comply with state law and County policy objectives. Further, the policy will discuss procedures for adding seized and forfeited equipment to the County equipment and fleet inventory. Finally, the policy will provide information regarding the process involved in disposing donated, seized, or forfeited equipment.

The donation program is not intended to compete with other non-profits or friend groups with which the County works, but rather to provide those that specifically are interested in County projects the opportunity to give.

IV. OBJECTIVES

This policy will achieve the following objectives:

1. Provide guidelines to members of the public that would like to donate equipment to the County.
2. Identify some risks and expenses associated with gifts of equipment to the County.

3. Facilitate the acceptance of donations in the form of equipment to the County by establishing clear guidelines for giving.
4. Ensure that equipment donations are consistent with aesthetic and functional integrity of the County's existing and proposed equipment units and goals.
5. Ensure that equipment donations do not cause unbudgeted expenditures or significant ongoing maintenance responsibility for the County.
6. Assure that equipment donations do not create liability for the County with regard to the health and safety of the facility users.
7. Ensure proper disposition, remarket, disposal, deletion, and transfer of equipment.

V. DEFINITIONS OF TERMS

- **County** – Ector County and its representatives, officers, directors, agents, employees, county commissioners, county judges, etc.
- **Court** – The Commissioners Court, and consists of the county judge and the county commissioners.
- **Clear Title** – A title without any kind of lien or levy from creditors or other parties and poses no question as to legal ownership, and issued in the State of Texas, or any state in the United States.
- **Decommissioning** – The administrative process to remarket, dispose, and delete a vehicle from either the County Equipment Services Fleet Inventory or Fleet Services Contractor management database(s). The decommissioning date may proceed the “surplus” date (date vehicle placed in “sold” status) or “demolishing” date (date vehicle placed in “demolish” status).
- **Demolish** – For this purpose, the term refers to tear down, destroy, dismantle, or disassemble equipment.
- **Donation** – The making of a free gift to a charity, public agency, or institution.
- **Donee** – Person who receives a gift.
- **Donor** – Person giving a free gift to someone.

- **Donation Period** – That period of time in which the County evaluates the equipment for donation and prepares documentation and prior to final acceptance by the Court.
- **Gift Catalog** – A brochure featuring items a prospective donor can give to the County. For this purpose, gift catalog should feature equipment the prospective department(s) need to be used for official County business.
- **Equipment** – Tangible property, other than land or buildings, that is used in the operations of business, and include devices, machines, tools, vehicles, and generators.
- **Fleet Services Contractor** – The entity within the County Highways & Streets Department that is responsible for the storage, lease, maintenance, and repair of all county-owned or leased vehicles and equipment. Effective January 2, 2013, Vector Fleet Management, located at Charlotte, North Carolina, is the contractor providing all equipment or fleet maintenance and repair for the County.
- **Hidden Compartments** – Large conduit in vehicles for the carriage and storage of contrabands.
- **PM-A and PM-C** – Regular routine preventive maintenance service is covered in PMA inspection, whereas PMC provides a full spectrum of maintenance activities that include transmission service.
- **Prospective Department** – The department within the County that is receiving the gift from the donor.
- **Seized or Forfeited Vehicles/Equipment** – The result of an act by a court ordering the forfeiture of a vehicle, that directs that: (1) The title of the seized or forfeited vehicle be vested in a petitioning law enforcement agency; or (2) The law enforcement agency responsible for the vehicle seizure retains the vehicle for “official use”.
- **Tax Deduction** – Donations made to the County are tax deductible expenses.
- **Unrestricted Donation** – Any donation made to any department through the County and to the Court that does not specify or restrict its use.

VI. GENERAL POLICIES

1. The County shall encourage equipment donations.
2. The County shall accept all unrestricted equipment donations meeting the objectives of this policy.
3. Equipment donations to the County Equipment Services programs must be consistent with established goals and objectives for the individual program, and/or the County.
4. All equipment donated to the County must have the following in order to be inspected for compliance by the Fleet Services Contractor:
 - a) A four-digit equipment inventory unit number issued by the Equipment Services Department to Fleet Services Contractor.
 - b) Submits a clear, original title for the equipment to the Purchasing Department (a copy to the Equipment Services Department).
 - c) Prospective department(s) clarifies which office or section within its department the donation is to be used.
 - d) Procedures (a) through (c) above must be satisfied before the Fleet Services Contractor can perform any work on the donated item.
5. Should the equipment donation become inconsistent with the County's Equipment Services adopted policies, the Director of Equipment Services Department or the Fleet Services Contractor Site Manager will attempt to identify alternatives for the donor's consideration.
6. All equipment and vehicle donations shall be considered "gifts for public improvements" to the County for the enjoyment of the citizens of the County. They will not be considered private or proprietary assets.
7. Donated items that are vandalized will be repaired or replaced as feasible, but the County does not guarantee replacement of any items damaged beyond repair or where the cost to do so is not considered cost effective.
8. If the donor's proposal is not acceptable, the donor has the right after the review process is complete to petition to the Court for reconsideration of their proposal.

9. Conversely, if a donation is approved and a citizen opposes the donation, that citizen also has the right to appeal to the Court for reconsideration of the proposal.
10. The Court shall cause the Director of Equipment Services Department to revise this policy as necessary.
11. The Court reserves the right to deny any donation that does not meet the goals and objectives of this policy.
12. All equipment and vehicles purchased or accepted by donation, seizure, and forfeiture will receive standard levels of maintenance during their normal life expectancy.

VII. REQUIREMENTS FOR DONATION

Equipment donations will only be accepted where all of the minimum criteria have been met and the proposed donation represents an extraordinary value to the County. The County may accept equipment donations under the following minimum criteria before it will be considered for donation to the County:

1. Donations of equipment must be consistent with adopted standards and specifications or policies and plans.
2. Criteria for approval of equipment contained in adopted standards and specifications or policies and plans shall include:
 - a) consistency with adopted design, character, and use at proposed location;
 - b) consistency with national and local health and safety standards and regulations, such as American Society for Testing and Materials (ASTM) standards for product performance, the American with Disabilities Act (ADA), local building codes, etc., or is consistent with functional integrity of the County's existing and proposed equipment services goal;
 - c) compatibility with current County equipment maintenance practices;
 - d) does not cause unbudgeted expenditure or significant ongoing maintenance responsibility for the County;

- e) does not create liability for the County with regard to safety of facility users; and
 - f) consistency with adopted long-range goals for specific facilities or programs as contained in existing, comprehensive County Equipment and Fleet Management plan or Master Plans.
3. All taxes must be paid in full and current through the current calendar year. In addition, the donor will be responsible for any taxes that accrue during the donation period.

VIII. PROCEDURE FOR EQUIPMENT DONATION

A. Solicitation of Gifts

1. When an employee recognizes a need to solicit a donation for services, approval must be obtained from their department head or immediate supervisor prior to the solicitation if the cost basis for the item is in excess of \$100.
2. The department head and the employee will review and discuss the solicitation request to avoid multiple requests of the same donor and provide ideas regarding other possible strategies and suggestions on asking for donations which best meet the needs of the County and the donor.
3. Donations should be solicited from businesses located within the County prior to contacting those outside the County.

B. Donation Process

1. Where appropriate, potential donors will be provided with the County's Donation Policy and Procedures and will include the following materials:
 - a) a cover letter and gift catalog from prospective department(s) stating current needs, and
 - b) forms of recognition (i.e., Donation Receipt and Donor's Certification) and tax implications for the donor.
2. Where available, prospective department(s) should request mechanical or service documentation for the past one (1) year showing all maintenance

and repair services done to the equipment being donated.

3. The request for documentation should also include a clear title for the donated equipment.
4. As appropriate, if mechanical or service documentation is not available, the Highways & Streets Department or the Director of Equipment Services Department will contact the Fleet Services Contractor Site Manager to schedule equipment for inspection and provide complete, safety, and preventive maintenance review under PM-A.
5. The process involved in getting the equipment inspected by the Fleet Services Contractor include:
 - a) the Equipment Services Department issues a four-digit equipment inventory unit number,
 - b) prospective department(s) submits a clear title for the equipment to the County Purchasing Department, and
 - c) prospective department(s) clarifies which section or department the donation is to be used.
6. If determined that equipment needs service or repair to meet acceptable safety and preventive maintenance standards of the County Equipment Services programs before it can be utilized for its intended purpose, or to safeguard its users, the Fleet Services Contractor will provide a detailed description of work and the cost associated with the work to be done to the Equipment Services Director for review.
7. If equipment can be used, but will need minor repair or upgrade to meet maintenance standards, the following will be discussed:
 - a) The prospective department(s) that have special fund(s) for equipment maintenance and repair (i.e., the Sheriff Office, District Attorney, or County Attorney) **may** pay the cost of all upgrades, maintenance services, or repair from its special fund(s), if any.
 - b) If fund(s) is not available, the Equipment Services Department will assume all costs to upgrade equipment to acceptable standards before the Court acceptance.

8. If prospective department(s) elects to pay initial maintenance and repair cost of donated item(s) from its special fund(s), the Form HSD-ESS-D01, *"Donation, Seized/Forfeited Maintenance & Repair Agreement"* on page 19 must be completed and submits to the Equipment Services Department.

Only prospective department(s) that have special fund(s) for equipment maintenance and repair, such as the Sheriff Office, the District Attorney's Office, and the County Attorney's Office must use Form HSD-ESS-D01 to pay for initial upgrade expenses for all donated equipment to meet industry safety standards and compliance by state law.

9. If found during the review that the equipment will cause unbudgeted expenditures or significant ongoing maintenance responsibility for the County, the Equipment Services Director, along with the Fleet Services Site Manager will submit findings to the prospective department(s) and the Court for their review.
10. Once the requirements have been met and the equipment serviced, repaired, and upgraded to safety and acceptable standards for use, the Equipment Services Department will do the following:
 - a) Submits information to the Purchasing Department for issuance of a permanent asset tag number.
 - b) Submits recommendation on the donated equipment to the Court for disposition.
11. After donation is received and accepted by the Court, the staff member from the prospective department(s) who secured the donation must complete the Form HSD-ESS-D02, *"Equipment Donation Receipt"* on page 20 and submits to the Equipment Services Department (the prospective department(s) should retain a copy and a copy should be given to the donor).
12. All donations accepted by the Court will receive standard levels of maintenance and repair during their normal life expectancy.

IX. POLICY ON SEIZED AND FORFEITED VEHICLE OR EQUIPMENT

This policy will serve to standardize procedures in relation to seizure or forfeiture of vehicle or equipment by a judge, peace officer, or law enforcement agency employed

by the County. The State of Texas Code of Criminal Procedure, Chapter 59, authorizes peace officers and law enforcement agencies to seize equipment and vehicles under a search warrant or forfeit equipment following a court order. Detailed information for the seized or forfeited equipment will be reported by the peace officer or the law enforcement office accepting or operating the seized or forfeited equipment to the Equipment Services Department when the seized or forfeited equipment has been placed in any asset management category other than fleet inventory or “sold.”

A. Seized Vehicle or Equipment

Unless equipment is seized on an investigatory hold, procedure for departments wanting to use seized equipment for official duties must include:

1. Peace officers shall inspect and inventory items of value within the seized equipment and keep for their record.
2. The prospective department(s) will perform the initial administrative processes leading to clear titling of the seized equipment.
3. A clear title for all seized equipment is required, and must be sent to the Purchasing Department. Seized equipment may be titled in the name of the law enforcement agency or office affecting the seizure.
4. In most cases, a clear title will not be available. Should this happen, the following must be met:
 - a) The prospective department must provide any local agreement entered into between the attorney representing the state and law enforcement agency about the ownership of the equipment transfers to the County (Texas Code of Criminal Procedure, Chapter 59).
 - b) Seized equipment without a clear title or a documented local agreement as in 3 or 4(a) above **will not** be approved to add to the County equipment or fleet inventory.
 - c) Prospective department(s) that do not meet requirement in 3 or 4(a) above will not be approved for initial inspection and service under PM-A.
 - d) Nonetheless, seized equipment that has *hidden compartments* for convictions described under State of Texas Code of Criminal Procedure, Chapter 15, §27(h).2, §27(h).3, and Chapter 481 of the

Health and Safety Code, **will** be approved to add to the County equipment or fleet inventory, if requirement 3 or 4(a) above **can** be provided.

- e) All unapproved seized equipment, described in (b) or (c) above will be marked for appropriate decommissioning.
5. Once seized equipment was approved under requirement 3 or 4(a) above, the prospective department will bring the equipment to the Equipment Services Department. The Equipment Services Department will issue a four-digit equipment inventory unit number and schedule equipment for initial inspection under PM-A.
6. If determined that equipment needs service or repair to meet acceptable safety and preventive maintenance standards of the County before it can be utilized for its intended purpose, or to safeguard its users, the Fleet Services Contractor will provide a detailed description of work and the cost associated with the work to be done to the Equipment Services Director for review.
7. If equipment can be used, but will need minor repair or upgrade to meet maintenance standards, the following will be discussed:
 - a) The prospective department(s) that have special fund(s) for equipment maintenance and repair (i.e., the Sheriff, District Attorney, or County Attorney) **may** pay the cost of all upgrades, maintenance services, or repair from its special fund(s), if any.
 - b) If fund(s) is not available, the Equipment Services Department will assume all costs to upgrade equipment to acceptable standards before the Court acceptance.
8. If prospective department(s) elects to pay initial maintenance and repair cost of seized item(s) from its special fund(s), the Form HSD-ESS-D01 must be completed and submits to the Equipment Services Department.

Only prospective department(s) that have special fund(s) for equipment maintenance and repair, such as the Sheriff Office, the District Attorney's Office, and the County Attorney's Office must use Form HSD-ESS-D01 to pay for initial upgrade expenses for all seized equipment to meet industry safety standards and compliance by state law.

9. If found during the review that the seized equipment will cause unbudgeted expenditures or significant ongoing maintenance responsibility for the County, the Equipment Services Director, along with the Fleet Services Site Manager will submit findings to the prospective department(s) and the Court for their review.
10. Once the requirements have been met and the equipment serviced, repaired, and upgraded to safety and acceptable standards for use, the Equipment Services Department will do the following:
 - a) Submits information to the Purchasing Department for issuance of a permanent asset tag number.
 - b) Submits recommendation on the seized equipment to the Court for disposition.
11. After seized equipment is received and accepted by the Court, the peace officer from the prospective department(s) or law enforcement agency who secured the seized equipment must complete the Form HSD-ESS-SF01, *“Permanent (One Year or More) Increase to Fleet Request”* on page 21 and submits to the Equipment Services Department.
12. Prospective department that received seized equipment for official business does not have to complete Form HSD-ESS-D02.
13. All donations accepted by the Court will receive standard levels of maintenance and repair during their normal life expectancy.

B. Forfeited Vehicle or Equipment

Procedure for departments wanting to use awarded forfeited equipment for official duties must include:

1. Peace officers or law enforcement agency shall inspect and inventory items of value within forfeited equipment and keep for their record.
2. The prospective department(s) will perform the initial administrative processes leading to clear titling of the forfeited equipment.
3. A clear title for all forfeited equipment is required, and must be sent to the Purchasing Department. Forfeited equipment may be titled in the name of the law enforcement office or agency affecting the forfeiture.

4. In most cases, a clear title will not be available. Should this happen, the following must be met:
 - a) The prospective department(s) must provide any local agreement entered into between the attorney representing the state and law enforcement agency about the ownership of the equipment transfers to the County (Texas Code of Criminal Procedure, Chapter 59).
 - b) If a local agreement has not been executed, the property can be listed for public auction under the direction of the County Sheriff, after notice of public auction as provided by law for other Sheriff's sales or County sales.
 - c) Forfeited equipment without a clear title or a documented local agreement as in 3 or 4(a) above **will not** be approved to add to the County equipment or fleet inventory.
 - d) Prospective department(s) that do not meet requirement in 3 or 4(a) above will not be approved for initial inspection and service under PM-A.
 - e) Nonetheless, forfeited equipment that has hidden compartments for convictions described under State of Texas Code of Criminal Procedure, Chapter 15, §27(h).2, §27(h).3, and Chapter 481 of the Health and Safety Code, **will** be approved to add to the County equipment or fleet inventory, if requirement 3 or 4(a) above **can** be provided.
5. Once forfeited equipment was approved under requirement 3 or 4(a) above, the prospective department(s) will bring the equipment to the Equipment Services Department. The Equipment Services Department will issue a four-digit equipment inventory unit number and schedule equipment for initial inspection under PM-A.
6. If determined that equipment needs service or repair to meet acceptable safety and preventive maintenance standards of the County before it can be utilized for its intended purpose, or to safeguard its users, the Fleet Services Contractor will provide a detailed description of work and the cost associated with the work to be done to the Equipment Services Director for review.
7. If equipment can be used, but will need minor repair or upgrade to meet

maintenance standards, following will be discussed:

- a) The prospective department(s) or the law enforcement agency that have special fund(s) for equipment maintenance and repair (i.e., the Sheriff, District Attorney, or County Attorney) **may** pay the cost of all upgrades, maintenance services, or repair from its special fund(s), if any.
 - b) If fund(s) is not available, the Equipment Services Department will assume all costs to upgrade equipment to acceptable standards before the Court acceptance.
8. If prospective department(s) or the law enforcement agency elects to pay initial maintenance and repair cost of donated item(s) from its special fund(s), the Form HSD-ESS-D01 must be completed and submits to the Equipment Services Department.

Only prospective department(s) that have special fund(s) for equipment maintenance and repair, such as the Sheriff Office, the District Attorney's Office, and the County Attorney's Office must use Form HSD-ESS-D01 to pay for initial upgrade expenses for all forfeited equipment to meet industry safety standards and compliance by state law.

9. If found during the review that the seized equipment will cause unbudgeted expenditures or significant ongoing maintenance responsibility for the County, the Equipment Services Director, along with the Fleet Services Site Manager will submit findings to the prospective department(s) and the Court for their review.
10. Once the requirements have been met and the equipment serviced, repaired, and upgraded to safety and acceptable standards for use, the Equipment Services Department will do the following:
- a) Submits information to the Purchasing Department for issuance of a permanent asset tag number.
 - b) Submits recommendation on the forfeited equipment to the Court for disposition.
11. Nonetheless, if the forfeited equipment is awarded by the courts to a law enforcement agency for their use and the vehicle or the equipment information indicates that equipment does not conform to U.S. Safety

Standards (i.e., has a non-USA vehicle identification number) the County will issue a non-negotiable Registration Purposes Only (RPO) receipt in the name of the law enforcement office and marks the vehicle or the equipment record "DOT PROOF REQUIRED" (Texas Motor Vehicle Title Manual, Chapter 16).

12. After forfeited equipment is received and accepted by the Court, the prospective department(s) or the law enforcement agency who was awarded the forfeited equipment must complete Form HSD-ESS-SF01 and submits to the Equipment Services Department.
13. Prospective department or the law enforcement agency that received forfeited equipment for official business does not have to complete Form HSD-ESS-D02.
14. All donations accepted by the Court will receive standard levels of maintenance and repair during their normal life expectancy.

X. DECOMMISSIONING OF EQUIPMENT

This section describes administrative procedures that may affect the disposal of seized or forfeited equipment and deletion of such equipment from the County equipment or fleet inventory. To keep the purpose of this policy, decommissioning is the administrative process to remarket, dispose, and delete a vehicle from either the County Equipment Services Fleet Inventory or Fleet Services Contractor management database(s). The decommissioning date may proceed the "surplus" date (date vehicle placed in "sold" status) or "demolishing" date (date vehicle placed in "demolish" status).

All seized or forfeited equipment that had been approved by the Court and had been in the County equipment or fleet inventory for one (1) or more year(s) of use must follow the following procedure(s) for decommissioning:

- a) If the equipment was accepted by the Court, but the prospective department(s), peace officer, or law enforcement agency *never used* it because the prospective department or the peace officer could not obtain a clear title as established in IX.A(3), A(4a), B(3), or B(4a) above, and the equipment *had hidden compartments*, the prospective department(s), the peace officer, or the law enforcement agency would dispose the equipment by completing the Texas Department of Motor Vehicle (TxDMV) Form VTR-71-2, "Application for Authority to Dispose of a Motor Vehicle to a Demolisher." The completed form must be submitted to the

nearest TxDMV local/regional office by the prospective department(s), the peace officer, or the law enforcement agency.

All administrative work pertaining to the demolishing of any equipment as directed in (a) above shall be handled by the prospective department, the peace officer, or the law enforcement agency.

- b) If the equipment was accepted by the Court and *was used* by the prospective department(s), peace officer, or law enforcement agency, but *had hidden compartments*, the prospective department(s) or law enforcement agency would dispose the equipment by completing the Form HSD-ESS-SF02, “*Dispose Equipment Order Request*,” on page 22, and submits to the County Purchasing Department. The Purchasing Department will perform all dispose or decommissioning administrative processes leading to the disposal or demolishing of the equipment. The Purchasing Department will indicate on the form, under Decommissioning Method, “*Demolish*.”
- c) Conversely, if the equipment was accepted by the Court and was used by the prospective department(s), the peace officer, or the law enforcement agency, but *had no hidden compartments*, the prospective department(s), the peace officer, or the law enforcement agency would dispose the equipment by completing the Form HSD-ESS-SF02 and submits to the Equipment Services Department. The Equipment Services Department, along with the Purchasing Department will perform all dispose or decommissioning administrative processes leading to the disposal or demolishing of the equipment. The Equipment Services Department will indicate on the form, under Decommissioning Method, “*Auction or Transfer*.”

XI. DONOR’S ACCEPTANCE OF RISKS AND OTHER CONSEQUENCES

- 1. Donations of equipment may have significant legal and tax consequences for donors of such property. Each donor will be required to acknowledge on the Form HSD-ESS-SF03, “*Donor Certification*,” on page 23 that:
 - a) The donor has not relied on any information provided by the County, its officers, employees, or agents with respect to any tax or legal issue related to the donation;
 - b) The donor understands that the donor has been provided notice of the donor’s right to consult with competent tax or legal counsel, at the

donor's expense, prior to the execution of any documentation of the transfer.

2. No County representative may make any representation to a donor with respect to tax or legal issues.
3. If questions arise with regard to the interpretation of these guidelines or the possible modification of the procedures as described, the Director of Highways & Streets/Equipment Services Department shall consult with the County Attorney or his designee to obtain approval as to the legal form of the transaction. The County Attorney will not provide legal advice of any nature to prospective donors.

XII. RECEIPT GUIDELINES

1. All receipts must include:
 - a) Verification that no goods or service were provided in exchange, in whole or in part, for the donation.
 - b) The equipment receipt shall include a clear description of the equipment donated. Do **NOT** affix or include the value of the equipment donated. It is incumbent upon the donor to provide the proper justification and fair market value of the donation. The IRS has regulations that determine the value for donated items.
 - c) Statement indicating donation is tax deductible to the extent allowed by law and it is the responsibility of the donor to determine the fair market value of the contribution.
 - d) If donated for a specific purpose, include a statement that the donation will be used for a specific project or purpose.
2. The County will retain a copy of all equipment donation receipts. The County will make copies of receipts and other required information available in the event of an IRS audit of a donor's tax return.
3. In cases where a property is jointly owned by the County and other entities, all parties will negotiate and sign a written agreement indicating ownership of the donated asset.



Donation, Seized/Forfeited Maintenance & Repair Agreement

This Maintenance and Repair Agreement (“Agreement”) covers materials and parts to use for adjustments, repairs, and replacement of parts as necessitated by normal use of the equipment. It does not include labor cost. ***This form must be completed by departments paying for initial service and repair of equipment from their Special Fund(s) to meet acceptable industry standards. These departments include Sheriff Office, District Attorney’s Office, and County Attorney’s Office.***

To Be Completed by Fleet Services Contractor Site Manager

Date: _____

Prospective Department Name: _____

Equipment Information

Make/Model	Serial #	Initial Meter	Equipment Location

Initial Maintenance Service Plan

- Plan 1** Full Service Inspection Only: PM-A and PM-C Service. Per equipment, this agreement covers full service equipment and transmission inspection for compliance. The plan base rate is subject to change per future contract terms with the Fleet Services Contractor.
- Plan 2** Full Service Maintenance & Repair: Includes PMA and PMC Inspection Service and covers all parts and supplies. The cost for parts, materials, or supplies to repair a donated, seized, or forfeited equipment before meeting industry safety standards and compliance could be paid by the department accepting to use the equipment for official purpose.

All payments for initial maintenance service plan for donated, seized, or forfeited equipment should be made to the County Equipment Services General Fund Account. Please see County Auditor for more detail.

When this Agreement is signed by prospective department, it shall constitute a binding agreement for the purpose described in this policy.

Acceptance of Agreement

Prospective Department

Equipment Services Department

Name of Employee

Name of Employee

Signature of Employee Date

Signature of Employee Date



Form: HSD-ESS-D02

Equipment Donation Receipt

(One copy to Equipment Services Department, one copy for Prospective Department, and one copy for the Donor - attach Court minutes indicating acceptance of the item or an approved documentation)

Part 1: To Be Completed by the County Staff Member

Date of Donation: _____

Donor's Name: _____

Donor's Address: _____

Donor's Phone: _____

Description of Donated Equipment: _____

- No goods or services were provided in exchange, in whole or in part, for the donation.
- Goods or services were provided in exchange, in whole or in part, for the donation.

Name of Donee (or The County Employee Receiving Donation): _____

Signature of Donee (or The County Employee Receiving Donation): _____

Part 2: To Be Completed by the Donor

Please check where appropriate:

- This donation is to be used at the County's discretion; or
- This donation is to be used specifically for the following purpose:

- Please respect my privacy, I do not wish to be recognized for my contribution.
- I wish to be recognized for my contribution:

In memory of: _____

In honor of: _____

Other: _____

Name of Donor (or Person Representing): _____

Signature of Donor (or Person Representing): _____

Donation to the County is tax deductible to the extent allowable by law. It is the responsibility of the Donor to determine Fair Market Value of this donation.



Permanent (One Year or More) Increase to Fleet Request

Part 1: Office/Department Information

Department Name: _____ Date: _____

Name of Department Equipment Coordinator/Staff: _____

E-mail Address of Staff: _____ Phone #: _____

Part 2: Equipment Information

Make/Model	Year	Initial Odo(meter)	Color

- Fuel Type: Gasoline
 Diesel
 Hybrid
 Other

(specify) _____

Part 3: Justification Category

(Select one (1)): Seized Forfeited Other (specify) _____

Part 4: Approval Authority (To be completed by Equipment Services Department)

A. The Court: Accepted/Approved on _____
Date

Rejected/Disapproved on _____
Date

B. Equipment Services Department: Reviewed Equipment History on _____
Date

Approved Disapproved Additional Info

Equipment Added to Fleet on _____
Date

Additional Information Required: _____



Form: HSD-ESS-SF03

Donor Certification

I/We certify that the information provided in the Equipment Donation Receipt Form is true and correct to the best of my(our) knowledge.

I/We further acknowledge that I/We have not relied on any information (written or verbal) provided by Ector County, its officers, employees or agents with respect to any taxation or other legal issues with respect to this donation and:

- That I/we understand and acknowledge,
- That I/we have been given notice of our right to consult competent tax and/or legal counsel and encouraged to seek such advice or consultation prior to execution of any documents or any actions with respect to the donation of the subject equipment to Ector County.

I/we understand that I/we will be responsible for all taxes which are due, or become due, prior to or during the donation process.

Donor Name and Signature

Date

Donor Name and Signature

Date

Please keep copy of the completed form, provide a copy to the Equipment Services Department, and provide a copy along with clear titles to Purchasing Department.

Thank you for your assistance in helping us assess your generous donation offer and seized/forfeited equipment awards.

**Highways & Streets Department
Equipment Services Section
7613 W. Dunn Street
Odessa, Texas 79763.**

Approval Authority: The Ector County Commissioners' Court
1010 E. 8th Street, Odessa, Texas 79761

Reviewers:

- 1. David Austin**
County Auditor
1010 E. 8th Street
Odessa, Texas 79761
(Reviewed Date: March 29, 2018)

- 2. Kenneth Lind**
County Purchasing Agent
1010 E. 8th Street
Odessa, Texas 79761
(Reviewed Date: April 3, 2018)

- 3. Mike Griffis**
County Sheriff
Law Enforcement Center
2500 South U.S. Highway 385
Odessa, Texas 79764
(Reviewed Date: April 4, 2018)

- 4. Roddy Eaton**
County Sheriff Chief Deputy
Law Enforcement Center
2500 South U.S. Highway 385
Odessa, Texas 79764
(Reviewed Date: April 4, 2018)

References

- County of San Diego. (2014). *Board of Supervisors Policy*. San Diego, California.
- El Paso County, “*Real Property Donation Policy and Procedures*,” El Paso, Texas.
- Sumter County. (2016). *Board of County Commissioners Donation Policy*. Wildwood, Florida.
- Surry County, “*Donation policy*,” Dobson, North Carolina.
- Texas Code of Criminal Procedure. (2001). *Forfeiture of Contraband*. Austin, Texas.
- Texas Department of Motor Vehicles. (2018). *Motor Vehicle Title Manual*. Austin, Texas.
- Texas Local Government Code. (2009). *Organization of County Government*. Austin, Texas.
- State of West Virginia. (2012). *State of West Virginia Fleet Management Policies and Procedures* (Ed. 7). Charleston, WV: Fleet Management Office.
- State of Texas. (2016). *Texas State Vehicle Fleet Management Plan* (Office of Vehicle Fleet Management, March 2016). Austin, TX: Comptroller of Public Accounts.