



Dallas County Code

Last Updated September 10, 2024

The Dallas County Code is the codification of Court Orders representing the policies and procedures of Dallas County. Below, you will find a list of Chapters included in the Code. Please use the bookmarks tab to navigate between chapters.

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Chapter 1 - GENERAL PROVISIONS

Sec. 1-1. - Designation and citation of Code.

The orders and resolutions embraced in this and the following chapters shall constitute and be designated the "Dallas County Code" and may be so cited.

Sec. 1-2. - Definitions and rules of construction.

- (a) In the construction of this Code and of all orders and resolutions adopted by the county commissioners court, the following definitions and rules of construction will be observed, unless such construction would be inconsistent with the manifest intent of the county commissioners court or the context requires otherwise:

Code. The term "Code" means this Dallas County Code.

Commissioners court. Whenever the term "commissioners court" is used in this Code, it shall mean and refer to the commissioners court of Dallas County, Texas.

Computation of time. In computing any period of time prescribed or allowed by this Code the day of the act, event or default from which the designated period of time begins to run shall not be included. The last day of the period so computed shall be included unless it is a Saturday, Sunday or legal holiday, in which event the period shall run until the end of the next day which is neither a Saturday, Sunday or legal holiday.

County. Whenever the term "county" is used in this Code, it shall mean and refer to Dallas County, Texas.

Gender. A word importing only the masculine gender shall extend and be applied to females and to firms, partnerships and corporations as well as to males.

May. The term "may" is to be construed as being permissive and not mandatory.

Number. Words in the singular include the plural. Words in the plural include the singular.

Oath. A solemn affirmation is the equivalent to an oath and a person shall be deemed to have sworn if such person makes such an affirmation. In such cases the words "swear" and "sworn" shall be equivalent to the words "affirm" and "affirmed".

Officers, departments, etc. Whenever reference is made to officers, departments, boards, commissions or employees, etc., it shall mean and refer to those of Dallas County, Texas.

Order and court order. The terms "order" and "court order" mean Dallas County Commissioners Court Order.

Owner. The term "owner," as applied to property, includes any part owner, joint owner, tenant in common, tenant in partnership, joint tenant, or tenant by the entirety of the whole or part of such property.

Person. The term "person" means any human being, any governmental or political subdivision or public agency, any public or private corporation, any partnership, any firm, association or other organization, joint stock company, joint adventure, any receiver, executor, trustee, conservator, assignee, agent, or other legal representative of any of the foregoing or any other legal entity.

Personal property. The term "personal property" means any property other than real property.

Property. The term "property" includes real property and personal property.

Real property. The term "real property" includes lands, tenements and hereditaments.

Shall. The term "shall" is to be construed as being mandatory.

Sidewalk. The term "sidewalk" means any portion of a street between the curblineline or lateral line of the roadway and the adjacent property line intended for use of pedestrians.

Signature and subscription by mark. The terms "signature" and "subscription by mark" include a mark when the signer or subscriber cannot write. In such situations, such person's name shall be written near the mark by a witness who writes his own name near such person's name.

State. The term "state" means the State of Texas.

Street and highway. The terms "street" and "highway" shall mean the entire width between the boundary lines of every publicly maintained way, any part of which is open to the use of the public for purposes of vehicular travel.

Tenses. The present tense includes the past and future tenses. The future tense includes the present tense.

Vernon's Ann. Civ. St. The abbreviation "Vernon's Ann. Civ. St." shall mean the latest edition or supplement to Vernon's Annotated Civil Statutes.

V.T.C.A. The abbreviation "V.T.C.A." shall mean and refer to the latest edition or supplement of Vernon's Texas Code Annotated.

Written and in writing. The terms "written" and "in writing" shall be construed to include any representation or words, letters or figures, whether by printing or otherwise.

- (b) The provisions of V.T.C.A., Penal Code titles 1, 2 and 3 shall apply in the interpretation of all penal provisions of this Code to the extent that the Penal Code mandates that they shall apply.

Sec. 1-3. - Catchlines of sections.

The catchlines of the several sections of this Code printed in boldface type are intended as mere catchwords to indicate the contents of the section and are not titles of such sections, or any part of the section, nor unless expressly so provided shall they be so deemed when any such section, including the catchline, is amended or reenacted.

Sec. 1-4. - History notes.

The history or source notes appearing in parenthesis after sections in this Code have no legal effect but are merely intended to indicate the legislative history of that section.

Sec. 1-5. - References to chapters or sections.

All references to chapters or sections are to the chapters or sections of this Code unless otherwise specified.

Sec. 1-6. - References and editor's notes.

Editor's notes, cross references and state law references that appear in this Code after sections or subsections are provided for the convenience of the user of the Code and have no legal effect.

Sec. 1-7. - Effect of repeal of orders.

- (a) The repeal of an order shall not revive any order in force before or at the time the order repealed took effect.
- (b) The repeal of an order shall not affect any punishment or penalty incurred before the repeal took effect, nor any suit, prosecution or proceeding pending at the time of the repeal for an offense committed or cause of action arising under the order repealed.

Sec. 1-8. - Certain orders not affected by Code.

- (a) Nothing in this Code or the order adopting this Code affects the validity of any order or portion of an order which is not included in this Code:
 - (1) Promising or guaranteeing the payment of money or authorizing the issuance of bonds or other instruments of indebtedness.
 - (2) Authorizing or approving any contract, deed, agreement or other legal document.
 - (3) Granting any right, permit or franchise.
 - (4) Making or approving any appropriation or adopting the annual budget.
 - (5) Providing for salaries or employee benefits not codified in this Code, or otherwise related to employees.
 - (6) Levying, imposing or otherwise relating to taxes not codified in this Code.
 - (7) Adopting or amending any administrative provisions or directives.
 - (8) Dedicating, establishing, naming, establishing, locating, relocating, opening, paving, widening, repairing or vacating any street.
 - (9) Establishing the grade of any street or sidewalk.
 - (10) Establishing any fee (in appendix A), fund, charge, rate, deposit or financial procedures.
 - (11) Providing traffic or parking regulations for specific locations.
 - (12) Relating to elections.
 - (13) Relating to the acquisition of lands by the county.
 - (14) Adopting by reference in any section of this Code any subject matter which is not included in this Code.
 - (15) That is temporary, although general in effect.
 - (16) That is special, although permanent in effect.
 - (17) The purpose of which has been accomplished.
- (b) The provisions designated in subsection (a) of this section continue in full force and effect to the same extent as if published at length in this Code and are on file in the county clerk's office.

Sec. 1-9. - Amendments to Code; effect of new orders; amendatory language.

- (a) All orders adopted subsequent to this Code that amend, repeal or in any way affect the orders codified in this Code may be numbered in accordance with the numbering system of the Code and printed for inclusion in the Code. Portions of this Code repealed by subsequent orders may be excluded from this Code by omission from affected reprinted pages. The subsequent orders as numbered and printed or omitted, in the case of repeal, shall be prima facie evidence of such subsequent orders until such time that this Code and subsequent orders numbered or omitted are readopted as a new Code by the county commissioners court.
- (b) Amendments to provisions of this Code may be made by amending such provisions by specific reference to the section of this Code in substantially the following language: "Section (chapter, article, division or subdivision, as appropriate) of the Dallas County Code is hereby amended to read as follows: ... (set out the new provisions in full)."
- (c) If a new section, subdivision, division, article or chapter is to be added to the Code, the following language may be used: "Section (chapter, article, division or subdivision, as appropriate) of the Dallas County Code is hereby created to read as follows: ... (set out the new provisions in full)."
- (d) All provisions desired to be repealed should be repealed specially by section, subdivision, division, article or chapter number, as appropriate, or by setting out the repealed provisions in full in the repealing order.

Sec. 1-10. - Supplementation of Code.

- (a) Supplements to this Code shall be prepared and printed whenever authorized or directed by the county. A supplement to this Code shall include all substantive permanent and general parts of orders adopted by the county commissioners court or adopted by initiative and referendum which amend the Code or are to be included in the Code during the period covered by the supplement and all changes made thereby in the Code. The pages of the supplement shall be so numbered that they will fit properly into the Code and will, where necessary, replace pages that have become obsolete or partially obsolete. The new pages shall be so prepared that when they have been inserted, the Code will be current through the date of the adoption of the latest order included in the supplement.
- (b) In preparing a supplement to this Code, all portions of the Code that have been repealed shall be excluded from the Code by the omission from reprinted pages.
- (c) When preparing a supplement to this Code, the person authorized to prepare the supplement may make formal, nonsubstantive changes in orders and parts of orders included in the supplement as necessary to embody them into a unified code. For example, the person may:
 - (1) Arrange the material into appropriate organizational units.
 - (2) Provide appropriate catchlines, headings and titles for chapters, articles, divisions, subdivisions and sections to be included in the Code and make changes in any such catchlines, headings and titles or in any such catchlines, headings and titles already in the Code.
 - (3) Assign appropriate numbers to chapters, articles, divisions, subdivisions and sections to be added to the Code.
 - (4) Where necessary to accommodate new material, change existing numbers assigned to chapters, articles, divisions, subdivisions or sections.
 - (5) Change the words "this order" or similar words to "this chapter," "this article," "this division," "this subdivision," "this section" or "sections _____ to _____" (inserting section numbers to indicate the sections of the Code that embody the substantive sections of the order incorporated in the Code).
 - (6) Make other nonsubstantive changes necessary to preserve the original meaning of the orders inserted in the Code. In no case shall the codifier make any change in the meaning or effect of order provisions included in the supplement or already embodied in the Code.

Sec. 1-11. - Severability.

The county commissioners court declares that it is its intent to enact this Code and all provisions adopted by reference in this Code without invalid or unconstitutional provisions. The sections, subsections, paragraphs, sentences, clauses and phrases of this Code and all provisions adopted by reference in this Code are severable so that if any section, subsection, paragraph, sentence, clause and phrase of this Code, or of any provision adopted by reference in this Code, is declared unconstitutional or invalid by judgement of a court of competent jurisdiction, such judgement shall not affect the validity of any other remaining section, subsection, paragraph, sentence, clause and phrase of this Code or of any provision adopted by reference in this Code.

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ARTICLE I. - IN GENERAL

Secs. 2-1—2-30. - Reserved.

ARTICLE II. - BOARDS, COMMITTEES, COMMISSIONS²

DIVISION 1. - GENERALLY

Sec. 2-31. - Qualifications.

The Dallas County Code establishes certain qualifications that must be met by all members of county boards and commissions. In addition to any special qualifications for service on a particular board, a board member must:

- (1) Have been a resident of Dallas County for at least six months prior to the date of appointment.
- (2) Be a qualified Dallas County voter at the time of appointment.
- (3) Not be in arrears on any county taxes, fines, fees or other obligations owed the county.

¹ **Cross reference**— Any order promising or guaranteeing the payment of money or authorizing the issuance of bonds or other instruments of indebtedness saved from repeal, § 1-8(a)(1); any order authorizing or approving any contract, deed, agreement or other legal document saved from repeal, § 1-8(a)(2); any order making or approving any appropriation or adopting the annual budget saved from repeal, § 1-8(a)(4); any order providing for salaries or employee benefits not codified in this Code, or otherwise related to employees saved from repeal, § 1-8(a)(5); any order adopting or amending any administrative provisions or directives saved from repeal, § 1-8(a)(7); any order establishing any fee (in appendix A), fund, charge, rate, deposit or financial procedures saved from repeal, § 1-8(a)(10); administration of animal regulations, § 6-31 et seq.; civil emergencies, ch. 14; administration of emergency management regulations, § 14-61 et seq.; county fire marshal/emergency management coordinator, § 14-181; community development, ch. 18; courts, ch. 22; judicial administration, § 22-71 et seq.; elections, ch. 30; early voting judges, § 30-61 et seq.; administration of flood damage prevention regulations, § 42-61 et seq.; law enforcement, ch. 46; administration of parks and open space regulations, § 50-41 et seq.; park and open space administrator, § 50-62; social services, ch. 54; taxation, ch. 62; financial matters, ch. 70; major technology improvement committee, § 70-185; general government operations policy, ch. 74; county judge, § 74-51 et seq.; hospital district, ch. 78; personnel benefits, payroll and compensation, ch. 82; personnel and employee, ch. 86; administration of personal property regulations, § 90-331 et seq.; purchasing and contract management policy, ch. 94; administration of disadvantaged business enterprises, § 94-271 et seq.; records management program, ch. 98; administration of road and bridge district regulations, § 102-4; sheriff's department civil services rules and regulations, app. A.

State Law reference— Commissioners court, V.T.C.A., [Local Government Code § 81.001](#) et seq.

² **Cross reference**— Data services governance committee, § 70-592; boards and committees, § 74-472.

State Law reference— Travel expenses for board members, V.T.C.A., [Local Government Code § 152.901](#).

- (4) Has not been charged with the commission of a class A or class B misdemeanor or in the case of a felony offense under an information or indictment.
- (5) Has not, in the five years preceding the date of application, been convicted of a class A or class B misdemeanor.
- (6) Has not been convicted of a felony within the ten years preceding the date of application or been adjudicated as having engaged in delinquent conduct violating a penal law of the grade of felony in the ten years preceding the date of application.
- (7) Have a creditable record of attendance and performance in any previous Dallas County board service.

In addition, applicants must disclose:

- (1) Whether he/she is an adversary party to pending litigation against the county;
- (2) Is an employee or a business associate of either an adversary party or a representative of an adversary party;
- (3) Has a pecuniary interest in any pending litigation or claim, other than an eminent domain proceeding;
- (4) Whether he/she or their spouse either individually or through an employer has any financial interest, directly or indirectly in any contract or subcontract with the county or in the sale to the county of land, materials, supplies or services or any pending bids, proposals or negotiations in connection with a county contract.

(Ord. No. 2000-1237, § A, 6-20-2000; Ord. No. 2005-917, 5-10-2005; Ord. No. 2012-0417, 3-6-2012)

Sec. 2-32. - Attendance.

- (a) Board members shall be regular in attendance at all officially called board meetings. For board members whose removal process is not prescribed by state law, they will be considered to have resigned if:
 - (1) They serve on a board that generally meets at least eight times a year and they miss more than 25 percent of the regularly scheduled meetings between February 1 and January 31 of any year; or
 - (2) They serve on a board that generally meets less than eight times a year and they miss more than 33 percent of the regularly scheduled meetings between February 1 and January 31 of any year.
- (b) For board members whose removal process is prescribed by state law, failure to comply with subsections (a)(1) or (a)(2) of this section, whichever is appropriate, shall be grounds for removal under the process required by state law.
- (c) Vacancies created by a failure to comply with this policy shall be filled by the commissioners court.

(Ord. No. 2000-1237, § B, 6-20-2000; Ord. No. 2000-2146, § B, 10-24-2000; Ord. No. 2005-917, 5-10-2005)

Sec. 2-33. - Appointments.

A member of the commissioners court may not appoint themselves, a member of their staff, another member of the court or their staff, to serve on any county board, committee, or commission unless specifically authorized to do so in the board, committee, or commission bylaws. This provision does not apply to the civil service commission.

(Ord. No. 2005-917, 5-10-2005)

Sec. 2-34. - Appointment schedule.

- (a) A complete review of all standing board and committee appointments shall take place each January of odd-numbered years with appointments for the new board confirmed by the commissioners court during January, to become effective February 1 of the same year.
- (b) Board appointments shall be made for a term of two years or until a successor is appointed and qualified to fill the remainder of any unexpired term. No person shall serve on more than one officially designated county board at any one time.

(Ord. No. 2000-1237, § C, 6-20-2000; Ord. No. 2005-917, 5-10-2005)

Sec. 2-35. - Term limitations.

- (a) Citizens appointed or confirmed by the county commissioners court to serve on an advisory board, commission, committee, board of managers or any other body, shall be limited to a total of six years of service except as provided in sections 2-35(b) and 2-36. The term "board" shall include, for the purpose of this article, any board, committee or commission, or like group, that is now constituted or shall be created at any time in the future by the state, county, city, or any other government, or agency. Term limitations do not apply to the appointment of a county elected official or employee that serves on such board in their official capacity.
- (b) Any individual who has served a total of six years or more, at the end of a term to which the individual had already been appointed, or if total time of service would have equaled six years or more had the person completed a term which was vacated prior to completion, will be ineligible for future appointment or reappointment to the same board by the county commissioners court, except as provided in section 2-36.

(Ord. No. 2000-1237, § D, 6-20-2000; Ord. No. 2004-1374, 8-10-2004; Ord. No. 2005-917, 5-10-2005)

Sec. 2-36. - Special provisions affecting term limitation.

The provisions of section 2-35 will apply except:

- (1) If application of section 2-35 would cause more than two-thirds of the then current members of any board to be ineligible for consideration of appointment or reappointment, the county commissioners court may consider and/or appoint or reappoint persons who would otherwise be ineligible because of the policies of this article. Actual appointments of such persons shall not exceed one-third of the total of any current or new membership of any board.
- (2) If the provisions stated in subsection (1) of this section are invoked and the person not eligible for appointment or reappointment to any board by the terms of this article is considered and/or appointed or reappointed to any board, the action must be by unanimous consent of the county commissioners court. This action must be reflected in the minutes of an official meeting of the court.

(Ord. No. 2000-1237, § E, 6-20-2000; Ord. No. 2005-917, 5-10-2005)

Sec. 2-37. - Oath.

- (a) All board members appointed by the county commissioners court within the provisions of this article will be considered finally appointed and qualified to assume office upon being administered an oath of office by an official or person qualified by law to give an oath of office.
- (b) The required oath of office shall be as follows, except that the words "so help me God" shall be optional:
 "I _____ do solemnly swear (or affirm) that I will faithfully execute the duties of the office of _____ (member of the board) of Dallas County, Texas, and will to the best of my ability preserve, protect and defend the Constitution and laws of the United States; and I furthermore solemnly swear (or affirm) that I have not directly, or indirectly, paid, offered, or promised to pay, contributed nor promised to contribute, any money or valuable thing or promised such to any public official or employee as a reward for the giving or withholding a vote to secure my appointment, and further affirm that neither I, nor any company, association, or corporation of which I am an officer or principal will act as a supplier of services or goods, nor bid or negotiate to supply services or goods for this institution or for the County of Dallas, Texas, except as shall be consistent with the policies of Dallas County; so help me God."

(Ord. No. 2000-1237, § F, 6-20-2000; Ord. No. 2005-917, 5-10-2005)

Sec. 2-38. - Conflict of interest.

- (a) A person is not eligible to be a member of a board or committee appointed by the commissioners court if they hold a partisan elected office and/or become a candidate for nomination or election to any partisan public office. A person appointed to such board or committee that becomes a candidate for nomination or election to any partisan public office shall immediately forfeit the place or position with any board or committee. Partisan elected officials appointed to a county board or commission by the commissioners court on or before adoption of this policy (September 25, 2007) may remain in their appointed position.
- (b) No member of a county board or committee with management authority, nor any company, association or corporation of which the member is an officer or principal, nor relative of such member by blood or marriage to the second degree, shall contract for goods, services or real property with, or be employed by the board or committee on which the member serves or the entity overseen by the board or committee; nor shall the member contract with nor be employed by any agency which contracts with or receives grants from the board or entity on which board the member serves. Notwithstanding the foregoing or anything else contained herein to the contrary, nothing herein shall be interpreted to prevent a relative of a member by blood or marriage to the second degree from being employed by the Dallas County Hospital District as part of a medical residency or subspecialty program. Board members who violate this subsection, or who find themselves to be in violation of this subsection, are deemed to have resigned their position on a county board or committee by virtue of such violation.
- (c) A member of a county board, the purpose of which is advisory in nature, who contracts for goods, services or real property with, receives grants from, or becomes employed by the county, or who contracts for goods, services or real property with, receives grants from, or becomes employed by an entity which contracts with the county, shall inform the county commissioners court in writing of such action prior to such action. If such action creates a conflict of interest or the appearance of a conflict of interest in the opinion of the majority of the county commissioners court, such member shall resign from the county advisory board or committee.

(Ord. No. 2000-1237, § H, 6-20-2000; Ord. No. 2005-917, 5-10-2005; Ord. No. 2006-2223, 12-12-2006; Ord. No. 2007-1888, 9-25-2007; Ord. No. 2008-0155, 1-22-2008)

Sec. 2-39. - Removal for cause.

In addition to the provisions of sections 2-32, attendance, and 2-38, conflict of interest, the members of any board or committee appointed by the commissioners court may be removed from such board or

committee for any other cause deemed by the commissioners court sufficient for their removal in the interest of the public, but only after a public hearing before the commissioners court on charges publicly made, if demanded by such members within ten days of notice of the court's intent to remove such appointees.

(Ord. No. 2000-1237, § I, 6-20-2000; Ord. No. 2005-917, 5-10-2005)

Sec. 2-40. - Meetings.

- (a) Members of the county commissioners court or their duly selected representative shall be ex-officio members of all county boards to provide optimum input on behalf and in the best interest of all citizens of the county. Members of the commissioners court or their duly appointed representative can attend any and all county board meetings, including public and executive sessions of any and all county boards or committees.
- (b) Some county boards and committees are subject to the provisions of the Texas Open Meetings Law. The staff of a particular board or committee can advise board and committee members of these requirements. The current Texas Open Meetings Law is included in the handbook as Appendix I, which is on file in the county offices. Every member should read and be familiar with its provisions.

(Ord. No. 2000-1237, § J, 6-20-2000; Ord. No. 2005-917, 5-10-2005)

Secs. 2-41—2-60. - Reserved.

DIVISION 2. - CHILD WELFARE BOARD³

Subdivision I. - In General

Sec. 2-61. - Creation and membership generally.

In accordance with V.T.C.A., [Family Code § 264.005](#), the county commissioners court shall create a separate county child welfare board with seven members appointed initially for one-year and two-year terms beginning on April 1, 1997, and shall be reappointed for not more than two additional terms.

(Ord. No. 97-355, 2-25-1997)

Sec. 2-62. - Membership.

The county child welfare board shall consist of seven members who shall be appointed by the county commissioners court. The members shall serve at the pleasure of the county commissioners court and may be removed by the court at any time. Each member of the commissioners court shall nominate one person for appointment by the commissioners court, and the remaining two appointments will be made jointly by the court.

(Ord. No. 97-355, 2-25-1997)

Sec. 2-63. - Terms; appointments; compensation.

The majority of eligible board members will elect the chair. Members will serve a two-year term and may be reappointed for not more than two additional terms. The chair of the county child welfare board,

³ **State Law reference—** Child welfare board, V.T.C.A., [Family Code § 264.005](#); child welfare programs, V.T.C.A., [Government Code § 411.001](#) et seq.

upon approval of the county juvenile board, shall be an ex-officio member of the county youth services advisory board. Members will serve without compensation.

(Ord. No. 97-355, 2-25-1997)

Sec. 2-64. - Purpose.

- (a) In accordance with V.T.C.A., [Family Code § 264.005](#), the general purpose of the county child welfare board is to work with the local office and program administrator of the state department of protective and regulatory services (PRS) to help provide coordinated state and local protective services for children and their families and coordinated use of federal, state and local funds for these services.
- (b) The activities of the county child welfare board shall include, but not be limited to:
 - (1) Active participation in the budgetary process. Board members will represent the viewpoint of the county commissioners court and the community in the review of PRS budget proposals to the commissioners court.
 - (2) Reviewing and monitoring existing programs to ensure that abused and neglected children and their families are adequately served.
 - (3) Annually collaborating with the county youth services advisory board in the review, allocation and expenditure of juror funds.
 - (4) Assisting the program administrator in obtaining community involvement and resources in order to sustain effective programs while helping to develop new ones.
 - (5) Closely monitoring expenditures to ensure that county funds are expended for requested purposes.

(Ord. No. 97-355, 2-25-1997)

Sec. 2-65. - Collaboration.

- (a) The county child welfare board and the county youth services advisory board will work closely to ensure that children and their families receive appropriate services.
- (b) The county child welfare board will meet quarterly with the county youth services advisory board to discuss common goals and objectives and to share information. The annual joint juror fund meeting may take the place of one quarterly meeting.
- (c) The chairman of the county child welfare board will include the chairman of the county youth services advisory board on the child welfare board's mailing list.

(Ord. No. 97-355, 2-25-1997)

Sec. 2-66. - Bylaws.

The county child welfare board shall draft board bylaws for submission to the county commissioners court for consideration by the court. Bylaws will become effective upon final approval by the county commissioners court.

(Ord. No. 97-355, 2-25-1997)

Secs. 2-67—2-90. - Reserved.

Subdivision II. - Bylaws⁴

Sec. 2-91. - Enumeration.

The following are the bylaws of the child welfare board:

BYLAWS
of
THE DALLAS COUNTY CHILD WELFARE BOARD

ARTICLE I. NAME

The name of this organization is the Dallas County Child Welfare Board (hereinafter "the Board").

ARTICLE II. PURPOSE

In accordance with V.T.C.A., Family Code § 264.005, the general purpose of the board is to work with the local office and the program administrator of the state department of protective and regulatory services (hereinafter "PRS") to organize state and local public welfare services for children and their families as well as coordinate the use of federal, state and local funds for these services.

The activities of the board shall include, but are not limited to:

1. Participating in the budgetary process. Board members will represent the viewpoint of the Dallas County Commissioners Court (hereafter "the commissioners court") and the community in reviewing PRS's budget proposals to the commissioners court.
2. Reviewing and monitoring existing programs to ensure that abused and neglected children and their families are adequately served.
3. Assisting the program administrator in obtaining community involvement and resources to sustain current programs as well as develop new initiatives.
4. Ensuring that county funds delegated to PRS are used for their intended purpose.
5. Annually collaborating with the county youth services advisory board in the review, allocation and expenditure of juror funds.

ARTICLE III. MEMBERSHIP

Sec. 1. Composition.

The board shall consist of seven members and shall be appointed by, as well as, serve at the pleasure of the commissioners court. There shall be five appointments made by individual members of the commissioners court and two joint appointments.

Sec. 2. Terms of members.

Board appointments shall be made for a term of two years or until a successor is appointed and qualified to fill the remainder of any unexpired term. Terms begin on February 1 of a given year and conclude two years later on January 31.

Sec. 3. Term limitations.

No member shall be appointed to more than three two-year terms for a total of six years. Any member who serves six years or one who serves more than six years at the end of his term due to filling a position that became vacant prior to the completion of a term shall be ineligible for a future appointment or reappointment except as provided in article III, section 4.

⁴ **State Law reference—** Child welfare services, V.T.C.A., [Family Code § 264.001](#) et seq.

Sec. 4. Special provisions affecting term limitations.

All the provisions of section 3 above will apply except:

1. If application of section 3 would cause more than two-thirds of the then current members of the board to be ineligible for consideration of appointment or reappointment, the commissioners court may consider and/or appoint or reappoint persons who would otherwise be ineligible because of these bylaws; but actual appointments of such persons shall not exceed one-third of the total of any current or new membership of the board.
2. If the provisions stated above are invoked and a person not eligible for appointment or reappointment to the board is considered and/or appointed or reappointed to the board, the action must be by unanimous consent of the commissioners court, provided that such action is reflected in the minutes of an official meeting of the commissioners court.

Sec. 5. Oath of office.

All board members will be considered appointed and qualified to assume office upon administration of an oath of office by an official or person qualified by law to give an oath of office.

Sec. 6. Conflict of interest.

1. A member of the board who becomes a candidate for nomination or election to any public office shall immediately forfeit his position on the board.
2. No member of the board with management authority, nor any company, association, or corporation of which the member is an officer or principal, nor relative of such member by blood or marriage to the second degree, shall contract for goods, services or real property with, or be employed by the board; nor shall the member contract with or be employed by any agency which contracts with or receives grants from the board. Board members who violate this provision of county policy are deemed to have resigned their position from the board.
3. A member of the board who contracts for goods, services, or real property with, receives grants from, or becomes employed by the county, or who contracts for goods, services, or real property with, shall inform the commissioners court in writing of such action prior to the action. If there is a conflict of interest or the appearance of a conflict of interest in the opinion of the majority of the commissioners court, the member shall resign from the board.

Sec. 7. Removal for cause.

In addition to article IV, section 6, board members may be removed from the board for any cause deemed by the commissioners court sufficient for their removal in the interest of the public.

ARTICLE IV. MEETINGS

Sec. 1. Regular meetings.

The board shall meet no less than quarterly each year, holding its annual meeting in April, at such times and places as it may determine, or as may be specified in the notice of the meeting.

Sec. 2. Special meetings.

Special meetings may be called by the chair or at the request of two-thirds of the board.

Sec. 3. Quorum.

A majority of the appointed members constitute a quorum.

Sec. 4. Notice of meetings.

Notice of each meeting shall be given to each board member and member of the commissioners court by mail, phone or fax and shall be given at least 72 hours in advance of the meeting. All board meetings will be open to the public unless a matter requiring confidentiality comes before the board.

Sec. 5. Conduct of meetings.

The conduct of meetings shall be governed by Robert's Rules of Order, Newly Revised.

Sec. 6. Attendance.

Between February 1 and January 31 of any year board members will be considered to have resigned from the board if they miss four regularly scheduled monthly meetings, or if they miss 50 percent of the regularly scheduled meetings if the board meets on a less than monthly basis.

ARTICLE V. OFFICERS

Sec. 1. List of officers.

The officers of the board shall be the chair and the vice-chair.

Sec. 2. Election of officers.

The majority of the board shall elect officers at the annual meeting. A vacant unexpired term of an office may be filled at any time. All officers must be members of the board.

Sec. 3. Terms of office and removal.

All officers shall hold office for a term of one year. No officer shall hold the same office for more than two consecutive terms.

Sec. 4. Duties.

It is the duty of the chair (and the vice-chair when the chair is absent) to preside over the meetings of the board and be an ex-officio member of the county youth services advisory board. Additionally, duties and powers of the officers shall be those usually pertaining to their respective offices.

ARTICLE VI. AMENDMENTS

The board may formally recommend bylaw amendments for commissioners court's approval. All bylaw recommendations must be discussed at the board meeting prior to the board meeting where the recommendation vote is taken. All bylaw recommendations require a two-thirds vote of the board.

ARTICLE VII. POLICY CONFLICTS

To the extent that the terms and provisions of the county board and committee policies are inconsistent with the terms and provisions of the bylaws, the terms and provisions of the county board and committee policies shall be paramount and controlling.

(Ord. No. 98-695, arts. I—VII, 4-7-1998)

Secs. 2-92—2-110. - Reserved.

DIVISION 3. - CITIZEN ELECTION ADVISORY COMMITTEE

Sec. 2-111. - Creation and authority.

The county citizen election advisory committee was created on July 10, 1989, by Court Order No. 89-1160.

Sec. 2-112. - Purpose and function.

The advisory committee assists in the determination of election policy in the future and evaluates the performance of the county election system in major elections.

Sec. 2-113. - Composition; qualifications; organization.

The number of members of the citizen election advisory committee is 13. Qualifications of members are that such persons must reside and be registered to vote in the county, and must have an interest in the betterment of the efficient operation of county government. Members shall be appointed by the commissioners court; two by each member of the court; three joint appointments total. The chair and vice-chair shall be appointed by the commissioners court. Tenure shall be, in conformance with board and committee policy, two years, but no one shall serve more than six consecutive years.

Secs. 2-114—2-130. - Reserved.

DIVISION 4. - DALLAS AREA NORTHSTAR AUTHORITY REGIONAL BOARD

Sec. 2-131. - Creation and authority.

- (a) The state legislature in 1993 initiated Medicaid managed care in two geographic areas of the state. Medicaid managed care is being implemented in six areas, including Dallas, and it is anticipated that Medicaid managed care will be implemented statewide by the year 2002. In other areas of the state, mental health and chemical dependency services have not been separated from primary health care but rather have been combined into one service package. In the Dallas area the state is trying a different approach.
- (b) While the state is receiving its proposals for Medicaid managed health care services, TDMHMR and TCADA will integrate the publicly funded systems of mental health and chemical dependency services into a separate bid package of public behavioral health care.

Sec. 2-132. - Purpose and function.

Using Medicaid, state general revenue and federal block grant funds, the state plans to contract with two behavioral managed care organizations to manage these behavioral health services. To ensure that local communities are given an opportunity to provide input into the delivery of services, a local behavioral health authority (LBHA) appointed by seven counties will be known as the Dallas Area NorthSTAR Authority and will be designated by the state.

Sec. 2-133. - Composition; qualifications; organization.

The number of members for the Dallas Area NorthSTAR Authority Regional Board shall be 11 (Dallas County, four, Collins County, two, and Hunt, Ellis, Kaufman, Navarro and Rockwell Counties, one each). Qualifications of members shall be that they must reside, be registered to vote and have an interest in the betterment of their respective counties. Members shall be appointed by (in Dallas County) the commissioners court: four joint appointments. The chair shall be Rik Lindahl. Tenure of members shall be, in conformance with board and committee policy, two years. Members shall not serve more than six consecutive years.

Sec. 2-134. - Meetings.

Meetings of the authority shall be on the second Tuesday of each month at 1:00 p.m. A quorum shall be a simple majority.

Secs. 2-135—2-160. - Reserved.

DIVISION 5. - HISTORICAL COMMISSION⁵

Sec. 2-161. - Functions; activities.

The county historical commission shall advise the county commissioners court on matters pertaining to historical preservation and initiate and conduct such programs and activities as may be required by state law or approved by the commissioners court. These activities may include: locating and making recommendations for marking historical sites and structures; fostering the protection and preservation of historical sites, structures and documents; informing the community of historical activities; preserving the historical heritage of the county; involving the community in historical preservation, and interacting with other related agencies, groups and civic organizations.

(Ord. No. 98-420, art. I, 3-3-1998)

Sec. 2-162. - Composition; vacancies; terms.

- (a) The historical commission shall consist of 15 members who are appointed by the commissioners court to two-year terms on February 1 of each odd-numbered year, with each court member appointing three members. Should vacancies occur, successors will be appointed by the appropriate court members to complete the two-year terms currently in effect. Individuals who are appointed to the county historical commission will be limited to a total of six years for any one person except persons appointed to complete a term which was vacated may serve six years in addition to the original unexpired term. Similarly, individuals who have resigned may be reappointed for additional service. However, their tenure of service is still subject to the above conditions.
- (b) The historical commission shall have the prerogative of recommending to the commissioners court honorary membership status for people who have made a significant contribution to the preservation and appreciation of county history. An honorary member shall have none of the obligations of membership in the commission, but shall be entitled to all of the privileges except those of making motions, of voting, and of holding office. If they so desire, the commissioners court may also appoint the two most recent former chairs to serve as nonvoting ex-officio commission members after they have reached the limit on appointed service.

(Ord. No. 98-420, art. II, 3-3-1998)

Sec. 2-163. - Chair and vice-chair; duty.

The commission's chair and vice-chair are appointed every two years by the commissioners court. It is the duty of the chair (and the vice-chair when the chair is absent) to preside at the meetings of the commission.

(Ord. No. 98-420, art. III, 3-3-1998)

Sec. 2-164. - Meetings; frequency; rules.

A minimum of six regularly scheduled meetings of the commission shall be held annually on such dates and times to be determined by the chair and approved by the commission. Commission meetings shall be governed as follows:

⁵ **State Law reference—** County historical commission, V.T.C.A., Local Government Code § 318.001 et seq.

- (1) At all commission meetings, a majority of the currently appointed members must be present to constitute a quorum.
- (2) Written or printed notice, stating the place, date and hour of the meeting and the purposes for which the meeting is called, shall be given not less than 72 hours in advance.
- (3) All meetings shall be open to the public.
- (4) Minutes of the meeting's proceedings shall be kept.
- (5) Meetings shall be governed by the most current edition of Robert's Rules of Order, Newly Revised, when they are not in conflict with other county procedures or policies.

(Ord. No. 98-420, art. IV, 3-3-1998)

Sec. 2-165. - Member absentee policy.

Any commission member who misses more than 25 percent of the commission's regularly scheduled meetings within a February 1—January 31 time period shall be deemed to have resigned.

(Ord. No. 98-420, art. V, 3-3-1998)

Sec. 2-166. - Appointment of committees.

The historical commission's chair may appoint as many committees as necessary to conduct the commission's work.

(Ord. No. 98-420, art. VI, 3-3-1998)

Sec. 2-167. - General duties and responsibilities of commission.

The general duties and responsibilities and programs of the historical commission and county staff are delineated as follows:

- (1) Maintain/conduct county survey of historic sites and buildings.
- (2) Maintain/preserve historical documents, papers, records and articles.
- (3) Advise the commissioners court on historic preservation matters.
- (4) Prepare annual report for the state historical commission.
- (5) Identify/recommend historic marker sites.
- (6) Promote preservation of historic sites/structures.
- (7) Develop grant applications for commissioners court consideration.
- (8) Develop bond program projects for commissioners court consideration.
- (9) Prepare/publish county historic preservation newsletter.
- (10) Provide technical assistance to inquiring cities, individuals, organizations and agencies.
- (11) Record/maintain oral histories.
- (12) Assist county staff in developing the commission's annual budget.
- (13) Design/develop historic preservation fundraising activities as approved by the commissioners court.
- (14) Arrange/coordinate dedication ceremonies.

- (15) Recommend annual historic preservation goals to the commissioners court.
- (16) Recommend new policies, procedures and activities to the commissioners court as need arises.
- (17) Maintain regular contact with local, state, federal and national historic preservation organizations and agencies.
- (18) Monitor changes in applicable laws and regulations and report these changes to the commissioners court.
- (19) Monitor condition of county-owned historic structures.
- (20) Undertake those additional duties and projects assigned by the commissioners court.

(Ord. No. 98-420, art. VII, appendix A, 3-3-1998)

Sec. 2-168. - General duties and responsibilities of county staff.

The general duties and responsibilities and programs of the county staff are delineated as follows:

- (1) Monitor compliance with all relevant state, federal, municipal and county rules, laws and policies.
- (2) Develop/submit annual budget to the commissioners court.
- (3) Monitor/approve historical commission expenditures.
- (4) Provide general staff support to the commission, such as attending any and all board and committee meetings.
- (5) Brief the commissioners court on all commission recommendations.
- (6) Provide clerical support to the commission.
- (7) Assist in maintaining commission files/records.
- (8) Assist in the preparation of a historic preservation newsletter.
- (9) Assist in the preparation of an annual report.
- (10) Recommend new policies, procedures and activities to the commissioners court as need arises.
- (11) Assist the commission in developing grant applications and bond program projects for submission to the commissioners court.
- (12) Assist the commission in maintaining/conducting a county survey of historic sites/buildings.
- (13) Assist the commission in arranging dedication ceremonies.
- (14) Undertake additional duties and projects assigned by the commissioners court.

(Ord. No. 98-420, art. VII, appendix B, 3-3-1998)

Sec. 2-169. - Marking of properties and structures.

The historical commission shall not recommend to the state historical commission that a state historical marker be placed on property without the property owner's consent. The commission shall also not recommend that any other form of historical designation be bestowed or that any historical structure be protected from demolition without the commissioners court's approval.

(Ord. No. 98-420, art. VIII, 3-3-1998)

Sec. 2-170. - Private financial contributions.

- (a) Private financial contributions received by the historical commission for historic preservation shall be deposited in Fund 168. Expenditures in excess of \$500.00 or that are not otherwise budgeted shall be made from this fund only with the prior briefing and approval of the commissioners court.
- (b) Any administrative and operating expenses for the commission that may be budgeted in other departments may be incurred only with the prior approval of the authorized department head.

(Ord. No. 98-420, art. IX, 3-3-1998)

Sec. 2-171. - Funding historic resource surveys.

- (a) The historical commission will only consider recommending funding for an historic resource survey not conducted by a municipality when all of the following conditions are met:
 - (1) The survey will be conducted in a city that has not recently been included in an updated county survey;
 - (2) A final effort has previously been made to have the city participate in the county's survey update;
 - (3) The city in which the survey will be conducted has given its formal consent to the project;
 - (4) The amount of assistance to be provided by the county will be no greater than what the county would have provided if the city had agreed to participate in the county's earlier effort;
 - (5) County funding will only be disbursed after a satisfactory work product has been submitted;
 - (6) The project's proposed methodology and the qualifications of the survey team must be consistent with that of previous surveys; and
 - (7) A specific date by which the project must be completed and the county's funds are utilized has been set.
- (b) Meeting the requirements listed above in subsection (a) of this section does not obligate the county to provide funding for an historic resource survey, meeting these requirements only allows funding requests for such surveys to be eligible for consideration by the county.

(Ord. No. 2002-298, 2-12-2002)

Sec. 2-172. - Amendment or repeal of division.

The policies of this division may be amended or repealed by the commissioners court.

(Ord. No. 98-420, art. X, 3-3-1998; Ord. No. 2002-298, 2-12-2002)

Secs. 2-173—2-190. - Reserved.

DIVISION 6. - HISTORICAL FOUNDATION

Sec. 2-191. - Creation and authority.

The county historical foundation was incorporated on December 20, 1982, as a nonprofit corporation and was granted a charter by the state secretary of state on January 25, 1983, Charter No. 640470-1.

Sec. 2-192. - Purpose and function.

The historical foundation's purpose is to establish, support, maintain, manage and operate a historical exhibit on the sixth floor of the Dallas County Administration Building, formerly the Texas School Book Depository. The historical foundation is also authorized to solicit contributions toward this charitable,

historical and educational purpose. The historical foundation operates the Sixth Floor Exhibit under a management services agreement with the county. A revised and amended agreement was approved by commissioners court Order No. 95-1383, dated August 22, 1995, and is effective until December 31, 2005, unless the termination clause of the agreement is invoked.

Sec. 2-193. - Composition; organization.

The historical foundation shall have 11 members, who shall be appointed by the board for two-year terms, expiring on January 31 of even-numbered years. One member shall be appointed by the county judge, and one member shall be appointed by each commissioners court member (of whom there are five). The chair of the historical commission or designee shall be chosen from among the historical commission members. The president shall be appointed by the board. Tenure shall be, in conformance with board and committee policy, two years and not more than six consecutive years.

Sec. 2-194. - Meetings.

Meetings of the historical foundation shall be on every third Wednesday at noon, or at the calling of the officers, and shall be held at the county administration building. A quorum shall be established by six members.

Sec. 2-195. - Contact person.

The contact person for the historical foundation shall be: Jeff West, Executive Director, (214) 747-6660, Extension 6652, Fax: (214) 747-6662.

Secs. 2-196—2-220. - Reserved.

DIVISION 7. - HOSPITAL DISTRICT BOARD OF MANAGERS⁶

Sec. 2-221. - Purpose and function.

The county hospital district board of managers is charged with the responsibility of providing hospital and medical services to the indigent residents of the county. This policy-making board is also charged with submitting an annual budget to the county commissioners court for their review and approval.

Sec. 2-222. - Composition; qualifications.

The hospital district board of managers shall have not less than five, nor more than seven members. Qualifications for members are that such persons must reside and be registered to vote in the county and must have an interest in the betterment of the efficient operation of county government.

Sec. 2-223. - Creation and authority.

The county is permitted by V.T.C.A., [Health and Safety Code § 281.021](#) and by the state constitution, art. 9, § 4, to create a countywide hospital district. The county has acted to create such an entity, the county hospital district, whose main hospital is known as Parkland Health and Hospital System.

Sec. 2-224. - Appointments; terms.

The hospital district board of managers shall be appointed by the commissioners court. The chair shall be appointed by the board. Tenure shall be, in conformance with the board and committee policy, for two years and not more than six consecutive years.

Secs. 2-225—2-250. - Reserved.

⁶ **State Law reference—** Authority to appoint board, membership, officers, etc., V.T.C.A., Health and Safety Code § 281.021 et seq.

DIVISION 8. - LOCAL WORKFORCE DEVELOPMENT BOARD⁷

Sec. 2-251. - Creation and authority.

V.T.C.A., [Labor Code § 301.001](#) et seq. established the state workforce commission. The county local workforce development board was established on May 15, 1996.

Sec. 2-252. - Purpose and function.

The general function of the county local workforce development board is to serve the business and broader communities by providing job training and educational services; encourage school completion or enrollment in supplementary or alternative school programs; provide eligible youth with exposure to the work experience; and enhance citizenship skills.

Sec. 2-253. - Composition; appointments; qualifications; organization.

The local workforce development board shall consist of 25 members, appointed by the county judge (eight) and by the City of Dallas mayor (17). The qualifications of board members shall be as follows: The majority of the membership are representatives of the private sector selected from among individuals nominated by general purpose business organizations. Educations representatives are selected from among individuals nominated by local educational agencies. Labor representatives are recommended by recognized state and local labor organizations. Representatives from rehabilitation agencies, community-based organizations, economic development agencies, public sector employees, the public employment service and other social service agencies are selected from individuals recommended by interested organizations. The chair shall be elected annually by a majority of the board. Tenure of members shall be for staggered three-year terms.

Sec. 2-254. - Meetings.

Meetings shall be held at 7:30 a.m., the third Wednesday of each month in the DART Board Room, 1401 Pacific, 1st Floor. No meetings are scheduled for July and December. A quorum is reached with 51 percent, with a majority of those in attendance being representatives of business and industry.

Secs. 2-255—2-280. - Reserved.

DIVISION 9. - METROCARE SERVICES BOARD⁸

Sec. 2-281. - Creation and authority.

In February 1967 the county commissioners court appointed a nine-member mental health and mental rehabilitation planning commission. In April 1967 on the advice of this commission, the court appointed a nine-member board of trustees. In September 1991 the county commissioners court revised the structure of the metrocare services board to provide for seven members. In January 1995 the county commissioners court again revised the structure of the board and expanded the membership from seven to nine members and staggered the terms of this board. The expanded nine-member board is composed of the county judge and commissioners of districts 2, 3 and 4 making appointments of one member with two-year terms and with the commissioner of district 1 making one appointment for a one-year term. Two at-large members were added, bringing the total to four.

Sec. 2-282. - Purpose and function.

⁷ **State Law reference**— Local workforce development board, V.T.C.A., [Government Code § 2308.251](#) et seq.

⁸ **State Law reference**— Local mental health and mental retardation authorities, V.T.C.A., [Health and Safety Code § 533.035](#).

The metrocare services board shall administer a county-wide, comprehensive program of mental health and mental retardation services, including mental health and mental retardation neighborhood centers. Functions are controlled by state law.

Sec. 2-283. - Composition; qualifications; appointment.

The metrocare services board shall be composed of nine members. Member qualifications are that such persons must reside and be registered to vote in the county and must have an interest in the betterment of the county. Members are appointed by the commissioners court.

Secs. 2-284—2-300. - Reserved.

DIVISION 10. - NORTH CENTRAL TEXAS HEALTH FACILITIES DEVELOPMENT CORPORATION BOARD OF DIRECTORS

Subdivision I. - In General

Sec. 2-301. - Creation and authority.

In September 1981 the county commissioners court appointed a five-member board of directors to oversee a health facilities development corporation. Where the board of directors has broad powers to develop and administer the corporation, the commissioners court retains ultimate authority with respect to appointments and final approval of all action the board may recommend.

Sec. 2-302. - Purpose and function.

The purpose of the health facilities development corporation is to facilitate the development of primary health care equipment and property in order to improve the general quality of care available to the county citizens.

Sec. 2-303. - Composition, qualifications; appointment; terms.

The North Central Texas Health Facilities Development Corporation Board of Directors is composed of five members. Member qualifications are that such persons must be residents of the county, must maintain high personal integrity and must have an interest in the betterment of the county. Members are to be appointed by the commissioners court, and the chair shall be elected by the board. Terms shall be for three years.

Sec. 2-304. - Meetings.

Meetings shall be announced as needed and be held in the commissioners court. A quorum shall be reached by a simple majority.

Secs. 2-305—2-330. - Reserved.

Subdivision II. - Bylaws

Sec. 2-331. - Enumeration.

The bylaws of the North Central Texas Health Facilities Development Corporation are as follows:

BYLAWS of NORTH CENTRAL TEXAS HEALTH FACILITIES DEVELOPMENT CORPORATION ARTICLE I NAME, PURPOSE AND POWERS

Sec. 1.1. Name.

The name of the corporation is North Central Texas Health Facilities Development Corporation.

Sec. 1.2. Purpose.

The purpose of the corporation is to acquire, construct, provide, improve, finance and refinance any real, personal or mixed property, or any interest therein, the financing, refinancing, acquiring, providing, constructing, enlarging, remodeling, renovating, improving, furnishing or equipping of which is found by the board of directors of the corporation to be required, necessary or convenient for health care, research and education, any one or more, within the State of Texas, all to assist the maintenance of the public health and as specified in V.T.C.A., Health and Safety Code ch. 221 (the "Health Facilities Development Act"), provided that the corporation shall not do or participate in any of the acts prohibited under section 1.4. The corporation shall be operated exclusively for such purpose without profit. No part of the net earnings of the corporation shall inure to the benefit of any private shareholder or individual; no substantial part of its activities shall be carrying on propaganda, or otherwise attempting to influence legislation; and it shall not participate in, or intervene in (including the publishing or distributing of statements), any political campaign on behalf of or in opposition to any candidate for public office.

- (a) The corporation may also issue bonds for the purpose of financing a nonprofit nursing home and retirement homes operated in conjunction with such nonprofit nursing homes.
- (b) The corporation may also issue bonds for the purpose of financing a medical clinic and/or a day-surgery facility which is owned by a for profit corporation if all of the stock of the for profit corporation is owned by a nonprofit hospital corporation.
- (c) The corporation may also issue bonds for the purpose of financing secondary health care facilities (such as medical or administrative support offices directly related to health care services or facilities, medical equipment, parking, etc.) when the applicant otherwise meets the requirements of these bylaws; or, the proceeds of the bonds will be used in connection with a facility that is located in an area which has a reasonable access to a medically underserved population and health manpower shortage area.

The term "medically underserved population," as used in this paragraph, shall be defined as provided in Public Law 93-222, section 1302(7), Laws of the 93rd Congress, First Session, which definition is as follows: "The term 'medically underserved population' means the population of an urban or rural area designated by the secretary as an area with a shortage of personal health services or a population group designated by the secretary as having a shortage of such services."

The term "health manpower shortage area", as used in this paragraph, shall be defined as provided in Public Law 94-484, section 332(a)(1), Laws of the 94th Congress, Second Session, which definition is as follows: The term "health manpower shortage area" means any of the following which the Secretary determines has a shortage of health manpower:

- (1) An urban or rural area (which need not conform to the geographic boundaries of a political subdivision and which is a rational area for the delivery of health services);
- (2) A population group; or
- (3) A public or nonprofit private medical facility.

Provided that, if the applicant is not a nonprofit hospital, it shall be one of the following:

- (a) A limited partnership where a nonprofit hospital is either a limited or general partner; or
- (b) A joint venture with a nonprofit hospital being a party thereto, provided in (a) and (b) above, the nonprofit hospital will directly or indirectly control not less than 25 percent of the space and be liable for not less than 25 percent of the cost of said facility; or

- (c) A corporation in which a nonprofit hospital will directly or indirectly control not less than 25 percent of the stock and the nonprofit hospital will control not less than 25 percent of the space and be liable for not less than 25 percent of the cost of said facility;
- (d) The board of directors of the corporation specifically reserves the right to find gymnasias, swimming facilities, and other facilities which serve to enhance physical fitness as meeting the requirement of necessity or convenience for health care, research and/or education. The board of directors reserves this right solely to the extent said facilities serve a significant public purpose, maintain broad-based support within the community, are not maintained primarily for recreational purposes or other purposes which are not necessary or convenient for health care, research and/or education in this state, and is a recipient of endowment income from United Way organizations.

Sec. 1.3. Conditions precedent to issuance of obligations.

The corporation shall not issue any bonds, notes or other obligations for the purpose of paying all or any part of the costs of a health facility, as defined in the Texas Health Facilities Development Act, unless:

- (a) At least 15 days prior to the issuance of such bonds, notes or other obligation by the corporation, the corporation has filed with the commissioners court of Dallas County, Texas (the "court"), a full and complete description of the health facility the cost of which is to be paid in whole or in any part from the proceeds of such bonds, notes or other obligations of the corporation proposed to be issued, including an explanation of the projected costs and the necessity for such proposed health facility, the name of the proposed user of such health facility and such other information as may be requested by the court.
- (b) The court has by written resolution approved the issuance of such bonds, notes or other obligations.
- (c) All documentation required by the bylaws and regulations of the corporation including, but not limited to, the application, the inducement and indemnity agreement, and all financial advisor reports shall be completed and filed with the commissioners court of Dallas County at least seven days prior to the date at which the board will meet to consider final action on the application.

Sec. 1.4. Prohibited acts.

- (a) Except as a part of a hospital licensed by the State of Texas, the corporation shall not acquire, construct, provide, finance or refinance any real, personal or mixed property to be used by a facility, a purpose of which is to perform abortions.
- (b) The corporation also shall not acquire, construct, provide, improve, finance or refinance any real, personal or mixed property to be used for any purpose that may, from time to time, be prohibited by the court by written resolution or order.
- (c) This section shall not be amended by the corporation except with the approval by resolution of the court adopted by a four-fifths vote of its members.
- (d) The corporation shall not issue bonds for the purpose of acquiring, constructing, providing, improving, financing or refinancing any health care facility that is operated for profit except as provided in section 1.2 hereof or unless a nonprofit hospital owns all the stock of the for profit corporation.

Sec. 1.5. Local regulations.

The corporation, by action of the board of directors, with approval of the court shall be authorized to promulgate, implement and amend local regulations governing the receipt, processing and approval of applications for financial participation in development facilities and prescribing fees to be paid by applicants in amounts reasonably estimated to pay the ministerial and staff costs and expenses of the corporation, plus reasonable reserves therefor.

Sec. 1.6. Staff function.

Staff functions for the corporation shall be performed by the county as directed by the court, and the corporation, from fees collected by it, shall pay the amount of costs for such services as from time to time shall be billed to the corporation by the county.

ARTICLE II BOARD OF DIRECTORS

Sec. 2.1. Number, appointment and tenure.

The affairs of the corporation shall be managed by a board of directors which shall consist of five natural persons. Each director shall be appointed by the court, and shall hold office for a term of three years. Each director appointed to fill a vacancy created by the resignation or removal of a director prior to the expiration of his term shall serve for the balance of the unexpired term. Each director shall be removable by the court for cause or at will. Each director shall hold office for the term for which he is appointed and until his successor shall have been appointed and qualified unless sooner removed.

Sec. 2.2. Meetings.

The board of directors shall not meet regularly, but shall assemble at such special meetings as shall be necessary or advisable to give effect to the purpose for which the corporation is organized. The board of directors shall assemble at such special meetings in person or by means of conference telephone or similar communications equipment by means of which all persons participating in the meeting can hear each other. Participation in a meeting by use of such conference telephone or similar communications equipment shall constitute presence in person at such meeting. Special meetings of the board of directors shall be held at the call of the secretary of the corporation upon the direction of the president of the corporation or upon written request of any two directors. Notice of each special meeting shall be given by the secretary to each director, either personally or by mail or telegram, not less than three days prior to the meeting unless the president or any two directors declare an emergency, in which case personal notice to each director given not less than two hours prior to the meeting shall be satisfactory. Mailed notice shall be considered given at the earlier of (1) delivery at the address of the director, or (2) the expiration of four days after deposit into the United States mail, first class, postage prepaid. Special meetings of the board of directors shall be held at such location within the State of Texas as shall be specified in the notice of the meeting given by the secretary. Attendance of a director at a meeting shall constitute a waiver of notice of such meeting, except where a director attends a meeting for the express purpose of objecting to the transaction of any business on the ground that the meeting is not lawfully called or convened. A waiver in writing by any director of notice of a special meeting, whether such waiver be given before or after the time of the special meeting stated in such notice, shall be the equivalent to the giving of such notice. Neither the business to be transacted at nor the purpose of any meeting of the board of directors need be specified in the notice or waiver of notice of such meeting, except as provided in section 5.1 of these bylaws.

Sec. 2.3. Quorum.

The presence of three directors shall be necessary and sufficient for the transaction of business at each meeting of the board of directors. If a quorum shall not be present at any meeting of the board of directors, the directors present may recess the meeting from time to time without notice other than announcement at the meeting, until a quorum shall be present. The act of the majority of the directors present at a meeting at which a quorum is present shall be the act of the board of directors.

Sec. 2.4. Unanimous consent of directors.

Any action required to be taken at a meeting of the board of directors or which may be taken at a meeting of the board of directors or any committee may be taken without a meeting if a consent or consents in writing, setting forth the action to be taken, shall be signed by all directors or all of the members of the committee, as the case may be. Such consent shall have the same force and effect as a unanimous vote and may be stated as such in any articles or documents filed with the secretary of state under the Health Facilities Development Act or otherwise executed and delivered by any officer of the corporation.

Sec. 2.5. Committees.

The board of directors, by resolution adopted by a majority of the directors in office, may designate one or more committees which, to the extent provided in such resolution, shall have and exercise the authority of the board of directors in the management of the corporation. Each such committee shall consist of two or more persons, all of whom shall be directors. Other committees not having and exercising the authority of the board of directors in the management of the corporation may be designated and appointed by a resolution adopted by a majority of the directors at a meeting at which a quorum is present or by the president. Membership on such committees may, but need not be, limited to directors.

Sec. 2.6. Compensation of directors.

Each director shall serve as such without compensation, but shall be reimbursed by the corporation from legally available funds for his actual expenses incurred in the performance of his duties.

ARTICLE III OFFICERS

Sec. 3.1. Officers.

The officers of the corporation shall consist of a president, a vice-president, a secretary, a treasurer, and an assistant secretary and may also include such other officers and assistant officers as the board of directors may elect or the president may appoint at any time and from time to time. Any two or more offices may be held by the same person, except the offices of president and secretary. The board of directors shall elect the officers of the corporation at its first meeting, at the first meeting following each anniversary date of the initial issuance of certificates of incorporation of the corporation by the secretary of state, and, in the case of an election to fill any vacant office, at the first meeting following the vacating of such office. Each officer shall hold office for a period of one year. Each officer elected to fill a vacancy which occurs prior to the expiration of the term of such office shall serve for the balance of the unexpired term. Each officer shall hold office for the term for which he is elected and until his successor is elected and qualified. Any officer elected or appointed may be removed by the persons authorized to elect or appoint such officer whenever in their judgment the best interests of the corporation will be served thereby.

Sec. 3.2. President.

The president shall preside at all meetings of the board of directors. The president shall be the chief executive officer of the corporation, and, subject to the control of the board of directors, shall have general charge and supervision of the management of the affairs of the corporation. The president shall see that all orders and resolutions of the board of directors are carried into effect. The president shall sign and execute all legal documents and instruments in the name of the corporation when authorized to do so by the board of directors, except when the signing and execution thereof shall be expressly delegated by the board of directors to some other officer or agent of the corporation.

Sec. 3.3. Vice-president.

The vice-president shall, in the event of the absence or disability of the president for any cause whatever, discharge the powers and duties of the president, and the vice-president shall perform such additional duties as may be prescribed from time to time by the board of directors.

Sec. 3.4. Secretary.

The secretary shall have charge of the records and correspondence of the corporation under the direction of the president. The secretary shall give notice of and attend all meetings of the board of directors and shall take and keep true minutes of and record all votes cast at such meetings. All such records, correspondence, and minutes shall be open at all times to inspection by any director and by any representative of the commissioners court of Dallas County, Texas. The secretary shall also discharge such other duties as shall be assigned to the secretary by the president or the board of directors at any time and from time to time.

Sec. 3.5. Treasurer.

To the extent not otherwise provided in any resolutions of the board of directors relating to the issuance of bonds, debentures or notes of the corporation or instruments authorized by the board of directors to provide security therefor, the treasurer shall have the custody of all the funds and securities of the corporation; shall deposit the same to the credit of the corporation in such banks or depositories as the board of directors shall designate; shall keep proper books of account and other records showing at all times the amount of the funds and other property belonging to the corporation and of all receipts and disbursements of the corporation, all of which books shall be open at all times to inspection by any director and any representative of the commissioners court of Dallas County, Texas; shall, under the direction of the board of directors, disburse all money and sign all checks and other instruments drawn on or payable out of the funds of the corporation; and shall also make such transfers and alterations in the securities of the corporation as may be ordered by the board of directors. The treasurer shall also discharge such additional duties as may be prescribed at any time and from time to time by the board of directors. The treasurer shall give bond only if required by the board of directors. The treasurer shall render to the president and directors an account of all such person's transactions as treasurer and of the financial condition of the corporation whenever they may request the same.

Sec. 3.6. Assistant secretary.

The assistant secretary shall, in the event of the absence or disability of the secretary for any cause whatever, discharge the duties of the secretary, and the assistant secretary shall perform such additional duties as may be prescribed at any time from time to time by the board of directors.

ARTICLE IV
MISCELLANEOUS

Sec. 4.1. Fiscal year.

The fiscal year of the corporation shall be the period determined by resolution of the board of directors from time to time.

Sec. 4.2. Principal office.

The principal office of the corporation, at which all books and records of the corporation shall be kept, shall be the office of the Commissioners Court Administrator, County Administration Building, Dallas, Texas.

Sec. 4.3. Seal.

The official seal of the corporation shall consist of a five-pointed star surrounded by two concentric circles, the outer circle bearing the name "North Central Texas Health Facilities Development Corporation" and the inner circle bearing the word "Texas," and such seal may be impressed, printed or attached to any instrument authorized by the board of directors, but such seal shall not be necessary to the proper execution by the officers of the corporation of any such instrument unless otherwise specified by the board of directors.

ARTICLE V
AMENDMENTS

Sec. 5.1. Amendments.

These bylaws may be altered, amended or repealed, and new bylaws may be adopted, by the affirmative vote by a majority of the directors of the corporation present at any meeting of the board of directors at which a quorum is present, provided that notice of the proposed alteration, amendment, repeal or adoption is contained in the notice of such meeting, and provided further that each such alteration, amendment, repeal or adoption shall be subject to the approval of the commissioners court of Dallas County, Texas; provided, however, section 1.4 of these bylaws shall not be altered, amended or repealed or new bylaws adopted that do not contain the provisions of section 1.4 without the approval by resolution of the court adopted by a four-fifths vote of its members.

(Ord. No. 91-1028, arts. I—V, 6-18-1991)

Secs. 2-332—2-350. - Reserved.

DIVISION 11. - OLD RED COURTHOUSE, INC. BOARD OF TRUSTEES

Sec. 2-351. - Composition; appointment.

The county commissioners court appoints seven citizens to serve on an oversight board known as the Old Red Courthouse, Inc. by Court Order No. 96-679. Of the seven, four are selected by the court, with one member each to be appointed by the Friends of Old Red, Greater Dallas Chamber of Commerce and the Central Dallas Association.

Sec. 2-352. - Purpose and function.

Management of the Old Red Courthouse in its preservation and redevelopment shall include a museum of county history as well as to assist in raising private funds for restoration of the building.

Sec. 2-353. - Composition; appointment; terms.

The Old Red Courthouse, Inc. Board of Trustees is composed of seven members, appointed as follows: four by the commissioners court, one each by the Friends of Old Red, the Dallas Greater Chamber of Commerce and the Central Dallas Association. The chair shall be appointed by the board of trustees.

Sec. 2-354. - Meetings.

Meetings shall be held as determined by the chair in the Texas Utilities Building, 1601 Bryan Street, 41st Floor. A quorum shall consist of four members.

Sec. 2-355. - Contact person.

The contact person shall be the county budget officer, who can be reached at (214) 653-6389.

Secs. 2-356—2-380. - Reserved.

DIVISION 12. - PARK AND OPEN SPACE BOARD⁹

Subdivision I. - In General

Sec. 2-381. - Creation.

The county commissioners court by Court Order No. 81-426, dated March 2, 1981, created the park and open space board.

(Ord. No. 81-426, 3-2-1981)

Sec. 2-382. - Membership.

- (a) *Appointments; terms.* The park and open space board shall have 11 members appointed by the county commissioners court for two-year terms on February 1 of odd-numbered years. Each commissioners court member shall appoint two members and with one joint appointment by the full court.
- (b) *Vacancies.* If a vacancy occurs, successors will be appointed by the appropriate court members to complete the two-year term currently in effect. Individuals who are appointed to the park and open space board may generally serve no more than six years on the board.

⁹ **Cross reference—** Parks and open space, ch. 50.

- (c) *Ex-officio members.* If it so desires, the commissioners court may also appoint the board's two most recent chairs to serve as nonvoting, ex-officio board members after they have reached the six-year limit on appointed service.

(Ord. No. 99-2136, § II, 11-9-1999)

Sec. 2-383. - Attendance.

Any board member who shall be absent from 25 percent of the regularly scheduled or called board meetings during a February 1—January 31 time period shall be deemed to have resigned from the board.

(Ord. No. 99-2136, § III, 11-9-1999)

Sec. 2-384. - Chair and vice-chair.

The chair and the vice-chair of the park and open space board are appointed every two years on February 1 by the commissioners court. It is the duty of the chair (and the vice-chair when the chair is absent) to preside over the meetings of the park and open space board and its executive committee.

(Ord. No. 99-2136, § IV, 11-9-1999)

Sec. 2-385. - Composition of the executive committee.

There shall be an executive committee of the park and open space board, which shall contain at least five members and no more than six, and shall consist of the board's chair and vice-chair. The remaining members, which are selected by the board's chair, shall include one appointee from each commissioners court member not already represented upon the committee by the chair or vice-chair.

(Ord. No. 99-2136, § V, 11-9-1999)

Sec. 2-386. - Required meetings.

The executive committee will meet on an as-needed basis to discuss draft committee reports, to set board meeting agendas, to make specific assignments, and to make specific recommendations to the board. The board will generally meet monthly on an as-needed basis.

(Ord. No. 99-2136, § VI, 11-9-1999)

Sec. 2-387. - Committee appointments.

The chair may appoint as many additional committees as he feels are necessary to conduct the board's work.

(Ord. No. 99-2136, § VII, 11-9-1999)

Sec. 2-388. - Duties.

The park and open space board is advisory in nature, and as such, shall conduct those activities outlined as follows:

- (1) Review, update and recommend a park and open space plan and trail plan to the commissioners court.
- (2) Recommend acquisition and development priorities to the commissioners court.
- (3) Identify and recommend specific open space and trail corridor sites to the commissioners court for acquisition and development.
- (4) Review and recommend action for the commissioners court on any proposed park development.
- (5) Recommend names for new parks and trails to the commissioners court.
- (6) Assist in coordinating park and trail dedication ceremonies.
- (7) Inspect existing park sites for use agreement compliance.
- (8) Review and recommend action for the commissioners court on any proposed easements, conversions or changes in park use.
- (9) Recommend new open space policies and procedures to the commissioners court when need arises.
- (10) Assist in generating public awareness of and support of the county's park and open space program.
- (11) Assist the commissioners court in proposing future open space bond programs.
- (12) When bonds are used to finance the open space program, assist the commissioners court in formulating future open space bond programs. When the program is financed through the county's annual budget, develop and recommend to the court annual funding requests and five-year funding plans.
- (13) Recommend to the commissioners court annual goals for the park and open space program.
- (14) Recommend positions on park and open space issues to the commissioners court.
- (15) Undertake those additional duties and projects assigned by the commissioners court.

(Ord. No. 99-2136, § VIII, app. A, 11-9-1999)

Secs. 2-389—2-410. - Reserved.

Subdivision II. - Bylaws and Policies

Sec. 2-411. - Enumeration.

The bylaws of the park and open space board are as follows:

ADOPTED POLICY
OF THE
DALLAS COUNTY PARK AND OPEN SPACE BOARD

- I. The purpose of the Dallas County Park and Open Space Board is to guide, support and nurture efforts to create a comprehensive open space system for Dallas County. Such efforts are regarded as being a mission of urgency in light of the fact that desirable open space lands are a rapidly diminishing resource within the County and its environs. To that end, the board will endeavor to create the open space system to its fullest extent. All available financial resources and programs of assistance should be sought and enlisted to their full advantage for the purpose of expediently acquiring appropriate land and water areas.
- II. The board hereby declares policies intended to serve the needs and interests of the people of Dallas County as well as to serve the requirements of natural processes found in open space areas. The intent of the policies are:

- A. To proclaim open space as a human need in its intrinsic values of scenery, health, nature appreciation, outdoor recreation, and generally, as a positive contribution to the quality of urban life.
 - B. To recognize open space as a part of nature in its functions of soil and water conservation, sanctuary for plant and animal life, and generally, as a place for the continuance of ecological processes.
 - C. To engender a harmonious relationship between man and that part of his environment that is natural, by creating a productive and distinct pattern of open space amid urban development.
- III. The board assumes responsibility for the adequacy of the Dallas County open space system, and it will assist each of the political subdivisions in fulfilling their obligations thereto. In the patterned location of its open space lands, the county's system will enhance the existing and planned open space efforts of the various municipalities and other governing bodies. The system will neither be competitive nor duplicative in its nature and function.
- IV. The board will develop the system on a basis of area-wide significance and need, in cooperation with the municipalities and other governing bodies within the area of the county and its fringes. Mutually beneficial arrangements should be secured to promote the most efficient and economical application of available human, capital and physical resources. Prior to the county's completing the acquisition process of each new open space site, the affected municipality and the county shall enter into an agreement for use and maintenance of the property. If a use agreement is not feasible for a particular site, then the board shall develop a maintenance plan for such site, and this plan shall be submitted to the commissioners court for approval. The development, maintenance and other operational aspects of open space administration will be subject to approval of the board and commissioners court. Until such time as the land acquisition program is complete or near completion, the development of open space lands through the application of county funds and resources will be a secondary priority. The first priority is the acquisition of open space areas while they are still available.
- V. The board will accept and support the statutes which constitute the governing authority, and will execute policies in a fair and representative manner.
- VI. The board will strive for forethought, vigilance, and leadership in the creation of the Dallas County open space system. The board will make policies intended to provide a continuance of purpose and a flexibility of action to best serve present and future generations of people.
- VII. The board will determine standards and guidelines pertinent to the acquisition, development and use of open space areas in the system. The following policies serve to protect the natural resource as well as to stimulate and protect the public health and welfare of the people of Dallas County:
- A. Open space areas may be acquired in fee, less than fee, as gifts or by other instruments of conveyance or letters of agreement, and will be acquired only if their site is compatible with the Dallas County open space plan, and if they are of adequate character, size and configuration of function as open space without debilitating conditions. All such lands should have predominantly natural values and attractiveness, or potential for restoration to that state.
 - B. At least one of the following criteria should apply in the selection process of areas for inclusion in the Dallas County open space system. Those with several of the listed characteristics will generally take priority over specialized or single function sites.
 - 1. The site is of area-wide significance in its scenery, geology, archaeology, history, wildlife, plant community, or other open space values.
 - 2. The site is large enough to accommodate an undisturbed, self-generating continuation of the resource or natural process which makes it desirable.
 - 3. The site balances or complements an area-wide need; it contributes to a well distributed open space system through the county.
 - 4. The site provides a link with, or an extension of, existing open spaces and parks.

5. The site lends itself to unstructured activities and minimum development. It will host passive or minimal activities, and it promotes nature appreciation or outdoor education.
 6. Sites earmarked for restoration should be capable of hosting a renewal of the natural landscape or interpretative development of historic sites. Unnecessary buildings, fences, roads, other manmade things, and weedy vegetation which detract from open space values will be removable.
- C. Development and use standards will be based on the premise that open space areas are places for the people of Dallas County to enjoy unstructured human experiences in a natural setting, as opposed to the concept of open space areas serving as places for facility-oriented and organized activities.
 - D. The county should endeavor to retain the natural values of its open space. Accordingly, only a small portion of land area, determined by the board to have no natural value and the development of which would not have an adverse environmental effect on the remainder of the area, would be allowed to be developed for active uses. Furthermore, active uses will be limited to unorganized outdoor recreation pursuits of a possible nature such as: picnicking, free play, nature study, nature trails, and other uses as the board and commissioners court may deem appropriate.
 - E. All manmade developments in county open spaces should be minimal, naturalistic, and harmonious with the local natural environment. Professional plans and designs, to be approved by the board and by the commissioners, will be required of all such development plans, and will satisfy these principles and other use and development guidelines established by the board.
 - F. Interior park drives will be permitted only in the larger areas and only where little or no adverse environmental impact will occur. Motorized vehicles will be permitted only on such interior park drives and designated parking areas. Centralized and widely spaced parking areas may be permitted if necessary for access to the longer linear tracts, remote areas or unique landscapes.
- VIII. Open space lands should be dedicated to Dallas County in perpetuity, and they will be protected from encroachments or from shifts to uses not compatible with policy established by the board.

(Ord. No. 81-1495, §§ I—VIII, 9-21-1981)

Secs. 2-412—2-430. - Reserved.

DIVISION 13. - RESERVED¹⁰

Secs. 2-431—2-460. - Reserved.

DIVISION 14. - PUBLIC HEALTH ADVISORY COMMITTEE

Sec. 2-461. - Created; composition.

The public health advisory committee, composed of representatives of each municipal health department in the county was created by Court Order No. 91-1265.

Sec. 2-462. - Purpose and function.

The public health advisory committee is composed of citizen members who review community needs in the areas of environmental health, health education and communicable diseases which have impact upon the overall health of the community; provide leadership in establishing priorities for the various health

¹⁰ **Editor's note—** Ord. No. 2007-1891, adopted Sept. 25, 2007, repealed Div. 13, §§ 2-431—2-434, which pertained to project management advisory committee, and derived from Ord. No. 91-2015, adopted Nov. 12, 1991.

issues facing the county; and encourage the coordination and cooperation of all entities seeking to improve the health of county citizens.

Sec. 2-463. - Composition; appointments; organization.

The public health advisory committee shall be composed of 36 members, appointed as follows: One each by 22 municipal health departments; two by the cities of Dallas, DeSoto and Mesquite; five by the commissioners court; COG; Dallas Area Agency on Aging; and the Dallas County Fire Marshal. The committee shall be chaired by the appointee of the commissioners court. Tenure shall be, in conformance with board and committee policy, two years and not more than six consecutive years.

Sec. 2-464. - Meetings.

Meetings of the public health advisory committee shall be held at 9:30 a.m. to 11:30 a.m., one Friday every quarter, to be determined by the committee, at the Dallas County Health Department, 2377 N. Stemmons Expressway, Room 627, Dallas, TX.

Secs. 2-465—2-490. - Reserved.

DIVISION 15. - RESERVED¹¹

Secs. 2-491—2-520. - Reserved.

(Ord. No.

DIVISION 16. - CLEAN AIR EMISSIONS ADVISORY BOARD

Sec. 2-521. - [Title.]

The organization shall be known as the Dallas County Clean Air Emissions Advisory Board.

(Ord. No. 2008-264, 2-5-2008)

Sec. 2-522. - Purpose.

The purposes of the emissions advisory board are:

- (1) to review, monitor, evaluate and advise on goals, objectives and priorities for the development, implementation and operation of locally based clean air initiatives and programs such as, but not limited to, AirCheck Texas the DFW State Implementation Plan, the Texas Emissions Reduction Plan and the Constable Counterfeit Inspection Sticker Program;
- (2) to assist in the development and monitoring of program workloads and outcome measures;
- (3) to review and evaluate the operation and progress of programs and make recommendations to the county, state and other funding stakeholders and;
- (4) to review and report to the county, state and funding stakeholders on progress and accomplishments.

(Ord. No. 2008-264, 2-5-2008)

Sec. 2-523. - Membership.

¹¹ **Editor's Note:** This division was repealed by Court Order #2017-1490.

- (a) *Emissions advisory board.* The emissions advisory board shall consist of not more than eight members. The emissions advisory board shall be composed of the following officials or their designee:
- Member of the Dallas County Commissioners Court;
 - Dallas County District Attorney;
 - Local Representative of the Department of Public Safety (DPS) as a non-voting advisory member;
 - North Central Texas Council of Governments (NCTCOG) representative;
 - Two Dallas County Constables, one from the northern and the other from the southern part of the county;
 - Dallas County Sheriff;
 - Dallas County Budget Officer.
- (b) *Appointment of members.* The commissioners court member will be selected by formal vote of the commissioners court. The constables will be named by a majority of the elected Constables of Dallas County. Members shall be the incumbent in the named office or their designee. Member to be appointed representing NCTCOG shall be named by the governing board or highest executive of such agency. The DPS advisory member shall be the local representative of said agency. Any appointing officer or agency may change their designee or appointee at any time by providing written notice filed with the Emissions advisory board chair and recorded in the emissions advisory board's minutes.
- (c) *Term.* Board members shall serve a term of two years. There shall be no limitation on the number of terms served by a board member.
- (d) *Failure to attend meetings.* Designees who have three consecutive unexcused absences from scheduled emissions advisory board meetings and/or who fail to attend four meetings within each annual year shall be asked to have a new designee appointed. Notification to the chairperson or assigned staff support prior to the meeting shall constitute an excused absence.
- (e) *Ex-officio member.* The chair may add non-voting ex-officio members as deemed necessary.

(Ord. No. 2008-264, 2-5-2008)

Sec. 2-524. - Officers.

- (a) *Officers.* The officers of the emissions advisory board shall consist of a chairperson and a vice chairperson. The chairperson shall be the commissioners court member and preside at all meetings of the emissions advisory board. The vice chairperson shall be designated by the chair and will preside in the absence of the chairperson.
- (b) *Staff support.* The policy analyst for the commissioners court is designated to provide staff support to the emissions advisory board. The support shall consist of but is not limited to keeping accurate minutes of all meetings, working with the emissions advisory board chair to develop and prepare the agendas and distribute such minutes and agendas to all emissions advisory board members. The minutes shall include a list of the members present, excused and absent and the date, place and time of the next meeting.

(Ord. No. 2008-264, 2-5-2008)

Sec. 2-525. - Committees.

- (a) *Sub-committees.* The chairperson of the emissions advisory board shall designate all sub-committees and appoint the chairperson and members of all subcommittees. Sub-committees may include non-emissions advisory board members.

- (b) *Purpose.* Each sub-committee shall be provided with their purpose or task in writing and shall include the anticipated schedule for all work performed.

(Ord. No. 2008-264, 2-5-2008)

Sec. 2-526. - Meetings.

- (a) *Regular meetings.* The emissions advisory board shall meet at least quarterly each fiscal year in accordance with a regular meeting schedule adopted by the emissions advisory board.
- (b) *Special meetings.* Special meetings of the emissions advisory board may be called with at least three days prior written notice by the chairperson of the advisory board.
- (c) *Agenda.* The chairperson, along with the commissioners court policy analyst shall prepare an agenda for all meetings of the emissions advisory board.
- (d) *Committee meetings.* Meetings of committees shall be called by the chairperson of the committee.
- (e) *Conduct of meetings.* All meetings of the emissions advisory board and its committees shall be conducted in accordance with the Texas Open Meetings Act, these Bylaws and Roberts Rules of Order, newly revised. In the event of any conflict between these Bylaws and Roberts Rules of Order, newly revised, these Bylaws shall control.
- (f) *Quorum.* Four members of the emissions advisory board shall constitute a quorum for the conduct and transaction of business. All matters to be voted upon shall be decided by a majority vote except as may be otherwise provided in these Bylaws or Roberts Rules of Order, newly revised.

(Ord. No. 2008-264, 2-5-2008)

Sec. 2-527. - Amendments.

- (a) *Amendment of bylaws.* Recommendations for bylaw amendments can be proposed at any regular meeting of the emissions advisory board, provided notice of any proposed amendment was mailed to each emissions advisory board member at least two weeks prior to the date of the emissions advisory board meeting at which time such amendment is to be considered and voted upon. Amendments are then forwarded to the administrator of the commissioners court for filing.
- (b) *Annual reviews of bylaws.* All emissions advisory board members shall review these bylaws annually and report its review at the annual meeting of the advisory board.

(Ord. No. 2008-264, 2-5-2008)

Secs. 2-528—2-550. - Reserved.

DIVISION 17. - WELFARE ADVISORY BOARD

Sec. 2-551. - Creation; authority.

The county commissioners court, by authority of state law and commissioners court Order No. 31858, dated December 28, 1959, created the county welfare advisory board.

Sec. 2-552. - Purpose and function.

The county welfare advisory board is an advisory board which provides input into the operation of the county tax funded public assistance program. Emphasis is on the presentation and monitoring of the annual public assistance budget.

Sec. 2-553. - Composition; qualifications of members; appointments; terms.

The welfare advisory board is composed of five members. Member qualifications are that each member must reside and be a registered voter in the county and must have an interest in the betterment of the county. Members are appointed by the commissioners court. The chair and vice-chair shall be appointed by the board members. Terms, in conformance with board and committee policy, shall be for two years and not more than six years.

Sec. 2-554. - Meetings.

Meetings shall be held on the fourth Friday of each month at 12:00 noon. A quorum shall be achieved by a majority of the members.

Secs. 2-555—2-580. - Reserved.

DIVISION 18. - YOUTH SERVICES ADVISORY BOARD¹²

Sec. 2-581. - Name.

The name of the board shall be the youth services advisory board (YSAB) serving the county commissioners court and the juvenile board of the county. Youth services shall include the following: juvenile detention center and other juvenile programs, county youth services, child welfare, child support programs, family court services, children and adolescent services of mental health and mental retardation and childrens' medical services.

(Ord. No. 87-1718, § I, 9-21-1987)

Sec. 2-582. - Purpose.

- (a) The purpose of the youth services advisory board shall be to coordinate all youth service activities under the direction of the county commissioners court and the county juvenile board, to make recommendations and to seek information from members of the community regarding youth services of the county. The purpose shall further include the enhancing of the quality of youth services provided in the county by planning with and advising the county commissioners court and the juvenile board of the county.
- (b) The purpose of the youth services advisory board shall be achieved by the attainment of these goals:
 - (1) To develop goals, objectives and long range plans involving the youth service system of the county and to review these goals and objectives on a regular basis.
 - (2) To review and monitor existing programs and promote strengthening of the entire family unit.
 - (3) To provide leadership in obtaining adequate funding in order to maintain the quality of youth services provided by the county.
 - (4) To monitor expenditures to ensure that county money, donated funds and any such other funds are expended for the purpose and in the manner for which they were intended or appropriated.
 - (5) To be informed about the budget development process.
 - (6) To assist in obtaining special funding for projects not appropriate for tax monies.
 - (7) To increase community awareness of available youth services.

¹² **State Law reference—** Juvenile Board of Dallas County, V.T.C.A., [Human Resources Code § 152.0631](#);

(Ord. No. 87-1718, § II, 9-21-1987)

Sec. 2-583. - Membership.

- (a) *Generally.* The youth services advisory board shall consist of 21 members. Eight shall be appointed by the county commissioners court, eight shall be appointed by the juvenile board of the county and five shall be joint appointments.
- (b) *Qualifications.* The youth services advisory board shall represent a broad spectrum of the community concerned with the youth service system. No more than four members may be employed by direct service providers.
- (c) *Restrictions.* All members must be 18 years of age or older when appointed as well as being a county resident.
- (d) *Nominations.* Nominations for board members shall be received annually by the chairman of the youth services advisory board prior to January appointment. These nominations shall be submitted to the county commissioners court and the county juvenile board for their consideration. Each member will be appointed to serve a two-year term. The member may be reappointed for two additional two-year terms.
- (e) *Ex officio.* Each chair of the development committees, or designee, shall serve as an ex officio member of the youth services advisory board without voting privileges.
- (f) *Compensation.* The youth services advisory board members shall not receive any salary or other form of compensation for their service.
- (g) *Removal.* Any advisory board member who misses three consecutive meetings shall be removed from the board. Exceptions may be made by a majority vote of the board.
- (h) *Vacancies.* Any vacancy occurring for any reason on the youth services advisory board shall be filled by appointment by the authority (juvenile board of the county or the county commissioners court) that originally appointed the vacating member.

(Ord. No. 87-1718, § III, 9-21-1987)

Sec. 2-584. - Officers of the board.

- (a) The officers of the youth services advisory board shall consist of the chair and vice-chair who shall hold office for one year.
- (b) The chair shall preside at all meetings of the board and shall see that all functions of the board are carried out.
- (c) The vice-chair shall be appointed annually by either the executive committee of the county juvenile board or the county commissioners court in alternate years. The vice-chair shall be designated as chair elect and assume the office of chair at the next annual meeting of the board. He shall perform duties as may be assigned to him by the chair.
- (d) Any officer may be removed at any time by the youth services advisory board with a majority vote of members present and voting at a regular or special meeting of the board at which two-thirds of the voting membership is present whenever such officer shows failure to perform the duties of his office.

(Ord. No. 87-1718, § IV, 9-21-1987)

Sec. 2-585. - Committees.

- (a) The youth services advisory board shall be divided into standing committees which shall deal with, but not be limited to, such issues as finance, foster care/placement, long range planning and agenda planning. The youth services advisory board may establish ad hoc committees at its discretion.
- (b) Youth village/emergency shelter, child welfare and juvenile services may have development committees which shall be responsible to the youth services advisory board. The youth services advisory board shall designate the number of members to serve on these development committees and shall submit recommendations for membership to the appropriate governing body for appointment. The chair of each development committee shall serve as an ex officio member of the youth services advisory board. The chair shall be elected by their respective committees.

(Ord. No. 87-1718, § V, 9-21-1987)

Sec. 2-586. - Meetings.

- (a) *Location; annual meeting.* The meetings of the youth services advisory board shall be held at an appropriate location. The annual meeting of the board shall be in September.
- (b) *Frequency; quorum; special meetings.* The youth services advisory board shall meet monthly. A quorum of a simple majority of membership shall be required to take formal action at any regular or special meeting. Special meetings may be called any time at the discretion of the chair or at the request of one-third of the members.
- (c) *Notice.* Members of the youth services advisory board shall be given at least ten days' advance written notices of special meetings. The meetings shall be open to the public. Requests by the public shall be submitted to the chair ten days prior to a regularly scheduled meeting.
- (d) *Voting.* Each board member shall have one vote. All votes will be based on a simple majority of a quorum of the board.
- (e) *Minutes.* Minutes of regular and special meetings shall be taken by a staff person. Those minutes shall contain the date, place, participants of meeting, topics discussed and action taken. Minutes shall be signed by a board member designated by the chair. Minutes of the meetings shall be provided to each member in advance of the next scheduled meeting for approval or amendments.
- (f) *Parliamentary authority.* The rules found in Robert's Rules of Order, Newly Revised, shall govern the youth services advisory board in all cases where special rules have been adopted.

(Ord. No. 87-1718, § VI, 9-21-1987)

Sec. 2-587. - Amendments.

All procedures in these guidelines may be amended by a two-thirds vote of the voting membership at a regular or special meeting.

(Ord. No. 87-1718, § VII, 9-21-1987)

Secs. 2-588—2-610. - Reserved.

DIVISION 19. - ADULT AND JUVENILE DETENTION HEALTH SERVICES ADVISORY COMMITTEE

Sec. 2-611. - Purpose.

The purpose of the adult and juvenile detention health services advisory committee is to work with the county, the sheriff, juvenile department and hospital district to review, monitor, evaluate and advise on the level and quality of health services that are available in the county's adult and juvenile detention facilities.

(Ord. No. 2002-1733, 9-24-2002)

Sec. 2-612. - Membership.

- (a) The adult and juvenile detention health services advisory committee shall consist of eleven (11) members:
 - (1) Two members of the commissioners court;
 - (2) Two members appointed by the county hospital district;
 - (3) Two members appointed by the county medical society, one with a specialty in general health and one in women's health;
 - (4) The chair of the county's special needs offenders program workgroup (SNOP);
 - (5) One member representing the community mental health network provider (value options);
 - (6) The county sheriff or designee;
 - (7) The UTMB physician liaison;
 - (8) A member of the county juvenile board.
- (b) The chair and vice chair will be appointed by the commissioners court. The committee will be staffed by the commissioners court administrator who will prepare agendas, minutes of meetings, and provide services and information as requested by the committee chair. Additional county departments of legal, audit and budget will assign staff to assist the committee in accomplishing its goals and objectives. The jail health advisory committee may appoint subcommittees to review specific areas of interests such as, but not limited to women's and mental health programs. These subcommittees will generally be appointed with a specific assignment and for only a limited period of time. The membership of a subcommittee may include both committee and non-committee members.

(Ord. No. 2002-1733, 9-24-2002)

Sec. 2-613. - Schedule.

The adult and juvenile detention health services advisory committee shall meet monthly. If determined to be necessary the chair may call additional meetings.

(Ord. No. 2002-1733, 9-24-2002)

Sec. 2-614. - Goals and objectives.

The goals and objectives of the adult and juvenile detention health services advisory committee are to develop a process to review the overall level and quality of adult and juvenile detention health services and to work with the hospital district, UTMB and the involved the county offices to develop workload, performance and outcome measures that not only track the overall health program, but also the women's and mental health services.

(Ord. No. 2002-1733, 9-24-2002)

Sec. 2-31. - Qualifications.

The Dallas County Code establishes certain qualifications that must be met by all members of county boards and commissions. In addition to any special qualifications for service on a particular board, a board member must:

- (1) Have been a resident of Dallas County for at least six months prior to the date of appointment.
- (2) Be a qualified Dallas County voter at the time of appointment.
- (3) Not be in arrears on any county taxes, fines, fees or other obligations owed the county.
- (4) Has not been charged with the commission of a class A or class B misdemeanor or in the case of a felony offense under an information or indictment.
- (5) Has not, in the five years preceding the date of application, been convicted of a class A or class B misdemeanor.
- (6) Has not been convicted of a felony within the ten years preceding the date of application or been adjudicated as having engaged in delinquent conduct violating a penal law of the grade of felony in the ten years preceding the date of application.
- (7) Have a creditable record of attendance and performance in any previous Dallas County board service.

In addition, applicants must disclose:

- (1) Whether he/she is an adversary party to pending litigation against the county;
- (2) Is an employee or a business associate of either an adversary party or a representative of an adversary party;
- (3) Has a pecuniary interest in any pending litigation or claim, other than an eminent domain proceeding;
- (4) Whether he/she or their spouse either individually or through an employer has any financial interest, directly or indirectly in any contract or subcontract with the county or in the sale to the county of land, materials, supplies or services or any pending bids, proposals or negotiations in connection with a county contract.

(Ord. No. 2000-1237, § A, 6-20-2000; Ord. No. 2005-917, 5-10-2005; Ord. No. 2012-0417, 3-6-2012)

Sec. 2-32. - Attendance.

- (a) Board members shall be regular in attendance at all officially called board meetings. For board members whose removal process is not prescribed by state law, they will be considered to have resigned if:
 - (1) They serve on a board that generally meets at least eight times a year and they miss more than 25 percent of the regularly scheduled meetings between February 1 and January 31 of any year; or
 - (2) They serve on a board that generally meets less than eight times a year and they miss more than 33 percent of the regularly scheduled meetings between February 1 and January 31 of any year.
- (b) For board members whose removal process is prescribed by state law, failure to comply with subsections (a)(1) or (a)(2) of this section, whichever is appropriate, shall be grounds for removal under the process required by state law.
- (c) Vacancies created by a failure to comply with this policy shall be filled by the commissioners court.

(Ord. No. 2000-1237, § B, 6-20-2000; Ord. No. 2000-2146, § B, 10-24-2000; Ord. No. 2005-917, 5-10-2005)

Sec. 2-33. - Appointments.

A member of the commissioners court may not appoint themselves, a member of their staff, another member of the court or their staff, to serve on any county board, committee, or commission unless specifically authorized to do so in the board, committee, or commission bylaws. This provision does not apply to the civil service commission.

(Ord. No. 2005-917, 5-10-2005)

Sec. 2-34. - Appointment schedule.

- (a) A complete review of all standing board and committee appointments shall take place each January of odd-numbered years with appointments for the new board confirmed by the commissioners court during January, to become effective February 1 of the same year.
- (b) Board appointments shall be made for a term of two years or until a successor is appointed and qualified to fill the remainder of any unexpired term. No person shall serve on more than one officially designated county board at any one time.

(Ord. No. 2000-1237, § C, 6-20-2000; Ord. No. 2005-917, 5-10-2005)

Sec. 2-35. - Term limitations.

- (a) Citizens appointed or confirmed by the county commissioners court to serve on an advisory board, commission, committee, board of managers or any other body, shall be limited to a total of six years of service except as provided in sections 2-35(b) and 2-36. The term "board" shall include, for the purpose of this article, any board, committee or commission, or like group, that is now constituted or shall be created at any time in the future by the state, county, city, or any other government, or agency. Term limitations do not apply to the appointment of a county elected official or employee that serves on such board in their official capacity.
- (b) Any individual who has served a total of six years or more, at the end of a term to which the individual had already been appointed, or if total time of service would have equaled six years or more had the person completed a term which was vacated prior to completion, will be ineligible for future appointment or reappointment to the same board by the county commissioners court, except as provided in section 2-36.

(Ord. No. 2000-1237, § D, 6-20-2000; Ord. No. 2004-1374, 8-10-2004; Ord. No. 2005-917, 5-10-2005)

Sec. 2-36. - Special provisions affecting term limitation.

The provisions of section 2-35 will apply except:

- (1) If application of section 2-35 would cause more than two-thirds of the then current members of any board to be ineligible for consideration of appointment or reappointment, the county commissioners court may consider and/or appoint or reappoint persons who would otherwise be ineligible because of the policies of this article. Actual appointments of such persons shall not exceed one-third of the total of any current or new membership of any board.
- (2) If the provisions stated in subsection (1) of this section are invoked and the person not eligible for appointment or reappointment to any board by the terms of this article is considered and/or appointed or reappointed to any board, the action must be by unanimous consent of the county commissioners court. This action must be reflected in the minutes of an official meeting of the court.

(Ord. No. 2000-1237, § E, 6-20-2000; Ord. No. 2005-917, 5-10-2005)

Sec. 2-37. - Oath.

- (a) All board members appointed by the county commissioners court within the provisions of this article will be considered finally appointed and qualified to assume office upon being administered an oath of office by an official or person qualified by law to give an oath of office.
- (b) The required oath of office shall be as follows, except that the words "so help me God" shall be optional:
"I _____ do solemnly swear (or affirm) that I will faithfully execute the duties of the office of _____ (member of the board) of Dallas County, Texas, and will to the best of my ability preserve, protect and defend the Constitution and laws of the United States; and I furthermore solemnly swear (or affirm) that I have not directly, or indirectly, paid, offered, or promised to pay, contributed nor promised to contribute, any money or valuable thing or promised such to any public official or employee as a reward for the giving or withholding a vote to secure my appointment, and further affirm that neither I, nor any company, association, or corporation of which I am an officer or principal will act as a supplier of services or goods, nor bid or negotiate to supply services or goods for this institution or for the County of Dallas, Texas, except as shall be consistent with the policies of Dallas County; so help me God."

(Ord. No. 2000-1237, § F, 6-20-2000; Ord. No. 2005-917, 5-10-2005)

Sec. 2-38. - Conflict of interest.

- (a) A person is not eligible to be a member of a board or committee appointed by the commissioners court if they hold a partisan elected office and/or become a candidate for nomination or election to any partisan public office. A person appointed to such board or committee that becomes a candidate for nomination or election to any partisan public office shall immediately forfeit the place or position with any board or committee. Partisan elected officials appointed to a county board or commission by the commissioners court on or before adoption of this policy (September 25, 2007) may remain in their appointed position.
- (b) No member of a county board or committee with management authority, nor any company, association or corporation of which the member is an officer or principal, nor relative of such member by blood or marriage to the second degree, shall contract for goods, services or real property with, or be employed by the board or committee on which the member serves or the entity overseen by the board or committee; nor shall the member contract with nor be employed by any agency which contracts with or receives grants from the board or entity on which board the member serves. Notwithstanding the foregoing or anything else contained herein to the contrary, nothing herein shall be interpreted to prevent a relative of a member by blood or marriage to the second degree from being employed by the Dallas County Hospital District as part of a medical residency or subspecialty program. Board members who violate this subsection, or who find themselves to be in violation of this subsection, are deemed to have resigned their position on a county board or committee by virtue of such violation.
- (c) A member of a county board, the purpose of which is advisory in nature, who contracts for goods, services or real property with, receives grants from, or becomes employed by the county, or who contracts for goods, services or real property with, receives grants from, or becomes employed by an entity which contracts with the county, shall inform the county commissioners court in writing of such action prior to such action. If such action creates a conflict of interest or the appearance of a conflict of interest in the opinion of the majority of the county commissioners court, such member shall resign from the county advisory board or committee.

(Ord. No. 2000-1237, § H, 6-20-2000; Ord. No. 2005-917, 5-10-2005; Ord. No. 2006-2223, 12-12-2006; Ord. No. 2007-1888, 9-25-2007; Ord. No. 2008-0155, 1-22-2008)

Sec. 2-39. - Removal for cause.

In addition to the provisions of sections 2-32, attendance, and 2-38, conflict of interest, the members of any board or committee appointed by the commissioners court may be removed from such board or committee for any other cause deemed by the commissioners court sufficient for their removal in the interest of the public, but only after a public hearing before the commissioners court on charges publicly made, if demanded by such members within ten days of notice of the court's intent to remove such appointees.

(Ord. No. 2000-1237, § I, 6-20-2000; Ord. No. 2005-917, 5-10-2005)

Sec. 2-40. - Meetings.

- (a) Members of the county commissioners court or their duly selected representative shall be ex-officio members of all county boards to provide optimum input on behalf and in the best interest of all citizens of the county. Members of the commissioners court or their duly appointed representative can attend any and all county board meetings, including public and executive sessions of any and all county boards or committees.
- (b) Some county boards and committees are subject to the provisions of the Texas Open Meetings Law. The staff of a particular board or committee can advise board and committee members of these requirements. The current Texas Open Meetings Law is included in the handbook as Appendix I, which is on file in the county offices. Every member should read and be familiar with its provisions.

(Ord. No. 2000-1237, § J, 6-20-2000; Ord. No. 2005-917, 5-10-2005)

Secs. 2-41—2-60. - Reserved.

Chapter 6 - Animals

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ARTICLE I. - IN GENERAL

Sec. 6-1. - Definitions.

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

Animal means a warm-blooded animal.

Cat means a domestic feline (*Felis catus*) of either sex, including one neutered or sterilized.

Dog means a domestic canine (*Canis familiaris*) of either sex, including one neutered or sterilized.

Domestic animal means dogs, cats, rabbits, rodents, and any other species of animal which is sold or retained as a household pet, but shall not include skunks, nonhuman primates, and any other species of wild, exotic or carnivorous animal that may be further restricted in this chapter.

Harboring means the act of keeping and caring for an animal, or of providing a premises to which the animal returns for food, shelter or care for a period of ten days.

Impoundment means quarantining an animal in a designated detention site which is under the supervision of the county health officer or his representative.

Owner means any individual, corporation, government or governmental subdivision or agency, business trust, estate, trust, partnership, association, or any other legal entity who has the right of property in an animal, or who harbors any animal, or allows an animal to remain about its premises for a period of ten days.

Person means any individual, corporation, government or governmental subdivision or agency, business trust, estate, trust, partnership, association, or any other legal entity.

Quarantine means strict confinement under restraint by closed cage or paddock or in any other manner approved by the state department of health or its designee on the private premises of the owner or at a facility approved by the state department of health or its designee for a period of at least ten days or more as prescribed by the county health officer.

Rabies means an acute viral disease of man and animal affecting the central nervous system and usually transmitted by an animal.

Rabies vaccination means the vaccination of a dog, cat or other domestic animal with a modified live virus rabies vaccine which shall be administered only by or under the direct supervision of a veterinarian.

Running at large means pertaining to any animal off the premises of the owner and not under the physical, visible or audible control of the owner or his authorized representative. An animal intruding upon the property of another person other than the owner shall be termed "running at large."

Stray means any animal that is allowed to run free with no physical restraint beyond the premises of the owner or for which there is no identifiable owner.

Veterinarian means a veterinarian licensed to practice veterinary medicine in the state.

Vicious animal means any animal that commits an unprovoked attack upon a person on public or private property, or that attacks, threatens to attack or terrorizes a person on public property or in a public place.

¹ **Cross reference**— Environment, ch. 34. Federal law reference— Animal welfare act, 7 USC 2131 et seq. **State Law reference**— [Agriculture Code Chapter 142](#), Health and Safety Code Chapters [821](#), [822](#), [826](#), and [828](#), [Human Resources Code Chapter 121](#), [Penal Code Chapter 42](#),

Wild animal means all species of animals which exist in a natural unconfined state and are not usually domesticated.

(Ord. No. 82-1598, § 1, 10-4-1982)

Sec. 6-2. - Penalties for violation of chapter.

- (a) *Violation of dog and cat vaccination requirements.* An owner commits an offense if he fails or refuses to have each dog and cat he owns vaccinated against rabies, and such animal is required to be vaccinated under the provisions of article III, division 2 of this chapter. An offense under this subsection is a class C misdemeanor.
- (b) *Violation of animal quarantine requirements.* An owner commits an offense if he fails or refuses to quarantine or present for quarantine any animal which is required to be placed in quarantine under the provisions of article III, division 4 of this chapter. An offense under this section is a class C misdemeanor.

(Ord. No. 82-1598, § 8, 10-4-1982)

Sec. 6-3. - Fees; licenses; permits.

The county health officer, with the consent and approval of the commissioners court shall establish a schedule of fees for impoundment or quarantine which are on file in the county health and human services department.

(Ord. No. 82-1598, § 7.2, 10-4-1982)

Secs. 6-4—6-30. - Reserved.

ARTICLE II. - ADMINISTRATION

DIVISION 1. - GENERALLY

Secs. 6-31—6-50. - Reserved.

DIVISION 2. - ANIMAL CONTROL DIVISION²

Sec. 6-51. - Creation.

There is hereby created an animal control division of the county health and human services department. The environmental health director of the county health and human services department shall be appointed the animal control officer who shall be supervised by and responsible to the county health officer. The animal control officer is designated as the local rabies authority for the county for purposes of enforcing the county rules for rabies control and prevention.

(Ord. No. 82-1598, § 7.1, 10-4-1982)

Sec. 6-52. - Recordkeeping.

² **State Law reference—** Rabies control authority, V.T.C.A., [Health and Safety Code § 826.017](#).

It shall be the duty of the county health officer to maintain such records as deemed necessary of the enforcement of all provisions of this chapter and have these records available for display to the commissioners court, or to the public at any time during regular business hours of the health and human services department.

(Ord. No. 82-1598, § 7.3, 10-4-1982)

Secs. 6-53—6-80. - Reserved.

ARTICLE III. - RABIES CONTROL³

DIVISION 1 - GENERALLY

Secs. 6-81—6-100. - Reserved.

DIVISION 2. - VACCINATION AND REGISTRATION^[5] 4

Sec. 6-101. - Generally.

Every owner of a dog or cat shall have such animal vaccinated against rabies by the time the dog or cat is three months of age. All dogs or cats vaccinated at three months of age or older shall be revaccinated at one year of age and annually thereafter. Such routine revaccination should be performed during the months of January and February during each calendar year. Any person moving into the county from a location outside the county and does not meet the above requirements shall comply with these regulations within ten days after having moved into the county. If the dog or cat has inflicted a bite to any person or another animal within the ten-day period, the owner of the dog or cat shall report such fact to the veterinarian, and no rabies vaccine shall be administered until after a ten-day observation period.

(Ord. No. 82-1598, § 2.1, 10-4-1982)

Sec. 6-102. - Certificate.

Upon vaccination, the veterinarian shall execute and furnish to the owner of the dog or cat as evidence thereof a certificate upon a form furnished by the veterinarian. The veterinarian shall retain a duplicate copy, and one copy shall be registered with the county health officer. Such certificate shall contain the following information:

- (1) The name, address and telephone number of the owner of the vaccinated dog or cat.
- (2) The date of vaccination.
- (3) The type of rabies vaccine used.
- (4) The year and number of rabies tag.
- (5) The breed, age, color and sex of the vaccinated dog or cat.

(Ord. No. 82-1598, § 2.2, 10-4-1982)

³ **State Law reference**— Rabies control, V.T.C.A., [Health and Safety Code § 826.001](#) et seq.

⁴ **State Law reference**— Rabies vaccination required, V.T.C.A., [Health and Safety Code § 826.021](#) et seq.

Sec. 6-103. - Rabies tag.

Concurrent with the issuance and delivery of the certificate of vaccination referred to in section 6-102, the owner of the dog shall cause to be attached to the collar or harness of the vaccinated dog a metal tag, serially numbered to correspond with the vaccination certificate number and bearing the year of issuance and the name of the issuing veterinarian and his address. The owner shall cause the collar harness, with the attached metal tag, to be worn by his dog whenever the dog is running at large.

(Ord. No. 82-1598, § 2.3, 10-4-1982)

Sec. 6-104. - Duplicate tag.

In the event of loss or destruction of the original tag provided in section 6-103, the owner of the dog shall obtain a duplicate tag.

(Ord. No. 82-1598, § 2.4, 10-4-1982)

Sec. 6-105. - Modified live virus rabies.

To prevent improper vaccination of animals against and the accidental exposure of humans to rabies, modified live virus rabies vaccine for animals shall be administered only by or under the direct supervision of a veterinarian who is licensed to practice in the state.

(Ord. No. 82-1598, § 2.5, 10-4-1982)

Secs. 6-106—6-130. - Reserved.

DIVISION 3. - REPORTING REQUIREMENTS AND IMPOUNDMENT⁵

Sec. 6-131. - Duty to report human exposure.

Any person having knowledge that an animal has bitten or scratched a human being shall immediately report the incident to the animal control officer. Every physician or other medical practitioner who treats a person for such bites shall, within 12 hours, report such treatment to the animal control officer giving name, age, sex and precise location of the bitten person, and such other information as the officer or agency may require.

(Ord. No. 82-1598, § 3.1, 10-4-1982)

Sec. 6-132. - Duty to report animals exposed to rabies.

Any person having knowledge of the existence of any animal known to have been, or suspected of being, exposed to rabies must immediately report such knowledge to the animal control officer, giving him the name and address of the victim and the animal's owner, if known, any other information that may help in locating the victim or animal, and any other information which the animal control officer may require. The animal control officer shall investigate each report made. For any animal known to have been, or suspected of being, exposed to rabies, the following rules must apply:

⁵ **State Law reference—** Rabies reporting and quarantine requirements, V.T.C.A., [Health and Safety Code § 826.041](#) et seq.

- (1) The animal having a current, valid rabies vaccination which has been received more than 30 days prior to such exposure must be revaccinated immediately and quarantined according to the method prescribed by the county health officer and all applicable rules adopted by the state board of health for a period of not less than 90 days.
- (2) Animals not having a current valid vaccination or a vaccination that was received less than 30 days prior to such exposure should be humanely destroyed. However, if the owner of such an animal elects, he may, at his expense, in a manner prescribed by the county health officer, and all applicable rules adopted by the state board of health, quarantine the animal for a period of six months. Quarantined unvaccinated animals shall be given vaccinations at three and eight weeks of quarantine. If at the end of the six-month period, a licensed veterinarian declares in writing the animal to be free of symptoms of rabies, the animal may then be vaccinated against rabies by a licensed veterinarian and requarantined for an additional 30 days. If at the end of the additional 30-day quarantine, a licensed veterinarian finds that the animal remains free from all symptoms of rabies, the animal may then be released to the owner.

(Ord. No. 82-1598, § 3.2, 10-4-1982)

Sec. 6-133. - Exclusions.

Human bites from rodents, rabbits, birds and reptiles are excluded from the reporting requirements of this division.

(Ord. No. 82-1598, § 3.3, 10-4-1982)

Sec. 6-134. - Suspected rabies.

Any veterinarian who clinically diagnoses rabies, or any person who suspects rabies in a dog, cat or other domestic or wild animal, shall immediately report the incident to the animal control officer stating precisely where such animal may be found. A veterinarian who diagnoses rabies or suspects rabies in a dog, cat, or other domestic or wild animal in his possession shall quarantine the animal. If a known or suspected rabid animal bites or attacks another domestic animal, such incident shall also be reported as required in this section. The owner of an animal that is reported to be rabid or to have exposed an individual or that the owner knows or suspects to be rabid or to have exposed an individual shall submit the animal for quarantine to the animal control officer.

(Ord. No. 82-1598, § 3.4, 10-4-1982)

Sec. 6-135. - Procedures for wild animal bites.

Any wild animal (other than rodents, rabbits, birds and reptiles) which has bitten an individual shall be caught and killed, if possible, and the brain submitted immediately to a qualified laboratory for rabies examination.

(Ord. No. 82-1598, § 3.5, 10-4-1982)

Secs. 6-136—6-160. - Reserved.

DIVISION 4. - QUARANTINE⁶

Sec. 6-161. - Quarantine of dogs, cats and ferrets.

- (a) Any dog, cat or ferret which has bitten an individual shall be observed for a period of ten days from the date of the bite. The procedure and place of observation shall be designated by the investigating officer or the county health and human services department, and shall conform in all respects to all applicable rules adopted by the state board of health. If the dog, cat or ferret is not quarantined on the owner's premises, quarantine shall be impoundment in the animal detention site, or at any veterinary hospital of the owner's choice. Such quarantine shall be at the owner's expense. Stray dogs, cats or ferrets whose owners cannot be located shall be impounded in the designated detention site. The owner of any dog, cat or ferret that has been reported to have inflicted a bite on any person shall on demand produce such dog, cat or ferret for quarantine, as prescribed in this division, and each day of such refusal shall constitute a separate and individual violation. If it is determined by a veterinarian that a quarantined animal shows the clinical signs of the rabies disease, the animal control officer shall humanely destroy the animal. If an animal dies or is destroyed while in quarantine, the animal control officer shall remove the head of the animal and submit it to the state department of health laboratory for testing.
- (b) The owner of the animal may request permission from the county health and human services department for home quarantine if the following criteria can be met:
 - (1) Secure facilities must be available at the home of the animal's owner, and must be approved by the animal control officer.
 - (2) The animal is currently vaccinated against rabies.
 - (3) The animal control officer or a licensed veterinarian must observe the animal at least on the first and last days of the quarantine period. If the animal becomes ill during the observation period, the animal control officer must be notified by the person having possession of the animal. At the end of the observation period, the release from quarantine must be accomplished in writing.
 - (4) The animal was not in violation of any laws at the time of the bite.
 - (5) If the biting animal cannot be maintained in secure quarantine, it shall be humanely destroyed and the brain submitted to the state department of health certified laboratory for rabies diagnosis.

(Ord. No. 82-1598, § 4.1, 10-4-1982)

Sec. 6-162. - Removal of dogs, cats and ferrets from quarantine.

- (a) It shall be unlawful for any person to remove from any place of quarantine any dog, cat or ferret which has been quarantined or impounded, as authorized by the regulations of this division, without the consent of the county health and human services department. If it is determined that a quarantined animal does not show the clinical signs of rabies, the animal control officer shall release it to the owner following the quarantine period if:
 - (1) The owner has an unexpired rabies vaccination certificate for the animal; or
 - (2) The animal is vaccinated against rabies by a licensed veterinarian at the owner's expense.
- (b) The owner of an animal that is quarantined under this chapter shall pay to the animal control officer the reasonable costs of the quarantine and disposition of the animal, and the animal control officer may bring suit to collect those costs. The animal control officer may sell and retain the proceeds or keep, grant or destroy an animal that the owner or custodian does not take possession of on or before the third day following the final day of the quarantine.

⁶ **State Law reference—** Quarantine, V.T.C.A., [Health and Safety Code §§ 826.042—826.046](#).

(Ord. No. 82-1598, § 4.2, 10-4-1982)

Secs. 6-163—6-190. - Reserved.

ARTICLE IV. - VICIOUS AND DANGEROUS ANIMALS⁷

Sec. 6-191. - Harboring or owning.

No person shall knowingly own or harbor a vicious animal within the county. Such animal shall be impounded as a public nuisance. If impoundment of the animal running at large cannot be made with safety to the animal control officer, or other persons acting under his direction, the animal may be destroyed without notice to the owner or harborer.

(Ord. No. 82-1598, § 5.1, 10-4-1982)

Sec. 6-192. - Guard animals.

It shall be unlawful to place or maintain any animal which has been specifically trained to attack, in any area for the protection of person or property, unless the animal is physically confined to a specific area, or is under complete and absolute control. The area or premises in which a guard animal is confined must be conspicuously posted with warning signs bearing letters not less than two inches high.

(Ord. No. 82-1598, § 5.2, 10-4-1982)

Sec. 6-193. - Dangerous wild animals.

A person may not own, harbor, or have custody or control of any "dangerous wild animal" (as defined by V.T.C.A., Health and Safety Code ch. 822, subch. E) for any purpose within the county, except as otherwise specifically permitted by state or federal law. A violation of this section is an offense punishable as a class C misdemeanor. A violation of this section may be enjoined by the county through an action in district court.

(Ord. No. 2001-1997, 10-16-2001; Ord. No. 2003-1302, 7-22-2003)

Secs. 6-194—6-220. - Reserved.

ARTICLE V. - IMPOUNDMENT⁸

Sec. 6-221. - Animals owned or harbored in violation of chapter.

Animals owned or harbored in violation of this chapter, or any other ordinance or law of the state, shall be taken into custody by the animal control officer, or other designated official, and impounded. Unwanted animals shall be similarly impounded.

⁷ **State Law reference**— Dangerous dogs, V.T.C.A., [Health and Safety Code § 822.001](#) et seq.

⁸ **State Law reference**— Dog and cat sterilization required before releasing animal, V.T.C.A., [Health and Safety Code § 828.001](#) et seq.

(Ord. No. 82-1598, § 6.1, 10-4-1982)

Sec. 6-222. - Animal shelter.

A suitable animal shelter shall be provided for the purpose of boarding and caring for any animal impounded under the provisions of this chapter. Such shelter shall be constructed in accordance with recommendation from the state department of health. In lieu of constructing a shelter, the county may contract with any licensed veterinarian or a governmental entity to provide this service for a fee mutually agreed upon and renewed on an annual basis, or may contracted with any chartered humane society organization having a suitable facility within the county that has been approved by the state department of health.

(Ord. No. 82-1598, § 6.2, 10-4-1982)

Sec. 6-223. - Disposition of impounded animals.

As soon as practicable after impoundment, if the owner of the impounded animal is known, immediate notice shall be give to him. Any impounded animal may be redeemed upon payment of the care and feeding charges, veterinary charges, rabies vaccination charges, and such other costs as set by the commissioners court, or the animal control officer may humanely euthanize the animal or release the animal to a recognized research institution.

(Ord. No. 82-1598, § 6.3, 10-4-1982)

Sec. 6-224. - Disposition of diseased animals.

Any animal impounded by the animal control officer, except those animals which have inflicted human bites during the preceding ten days and/or visibly affected with any sign of communicable disease other than rabies, may instead of being impounded be humanely destroyed, provided that any animal which has inflicted any human or animal bite during the preceding ten days have its head removed by the animal control officer and sent to the laboratory for rabies examination.

(Ord. No. 82-1598, § 6.4, 10-4-1982)

Chapter 10 - Businesses

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ARTICLE I. - IN GENERAL

Secs. 10-1—10-30. - Reserved.

ARTICLE II. - FOOD SERVICE ESTABLISHMENTS²

DIVISION 1. - GENERALLY

Sec. 10-31. - Food service inspection service agreement.

The county commissioners court does hereby approve the food establishment interlocal agreements with the Cities of Balch Springs, Cedar Hill, Cockrell Hill, Glenn Heights, Highland Park, Hutchins, Lancaster, Rowlett, Sachse, Sunnyvale, University Park and Wilmer for the provision of food service inspection services at a cost to the cities of \$150.00 per year, per establishment inspected, and authorize the county judge to sign the interlocal agreement documents on behalf of the county.

(Ord. No. 99-1757, 9-21-1999)

Secs. 10-32—10-50. - Reserved.

DIVISION 2. - REGULATIONS³

Sec. 10-51. - State law rules and permitting enforced.

The county commissioners court hereby authorizes the county health and human services department and environmental health division to enforce V.T.C.A., Health and Safety Code § 437.001 et seq., and rules adopted under state law, including the issuing of food establishment permits, as well as the authority to deny, suspend or revoke food establishment permits when necessary to protect the public's health.

(Ord. No. 93-118, 1-26-1993)

Sec. 10-52. - State laws and rules adopted.

The commissioners court does hereby adopt and comply with the combined laws and rules for food service establishments authorized by the state board of health.

(Ord. No. 2000-1623, 8-14-2000; Ord. No. 2000-1889, 9-19-2000)

Secs. 10-53—10-80. - Reserved.

¹ **State Law reference**— Professions and occupations, V.T.C.A., [Occupations Code § 1.001](#) et seq.

² **State Law reference**— Food, drugs and alcohol, V.T.C.A., [Health and Safety Code § 431.001](#) et seq.

³ **State Law reference**— Regulations of food service establishments, V.T.C.A., [Health and Safety Code § 437.001](#) et seq.

ARTICLE III. - SEXUALLY ORIENTED BUSINESSES⁴

DIVISION 1. - GENERALLY

Sec. 10-81. - Purpose and intent.

- (a) It is the purpose of this article to regulate sexually oriented businesses to promote the health, safety, morals and general welfare of the citizens of the county, and to establish reasonable and uniform regulations to prevent the concentration of sexually oriented businesses within the county. The provisions of this article have neither the purpose nor effect of imposing a limitation or restriction on the content of any communicative materials, including sexually oriented materials. Similarly, it is not the intent nor effect of this article to restrict or deny access by adults to sexually oriented materials protected by the First Amendment or to deny access by the distributors and exhibitors of sexually oriented entertainment to their intended market. The promotion of obscene material (not protected by the First Amendment) is enforceable through separate criminal sanctions under the state penal code.
- (b) It is the intent of the commissioners court that the locational regulations of this article are promulgated pursuant to V.T.C.A., [Local Government Code § 243.001](#) et seq., as they apply to sexually oriented business.

(Ord. No. 95-1012, § 1A-1, 6-20-1995)

Sec. 10-82. - Definitions.

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

Adult arcade means any place to which the public is permitted or invited wherein coin-operated or slug-operated or electronically or mechanically controlled still or motion picture machines, projectors or other image-producing devices are maintained to show images to five or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by the depicting or describing of specified sexual activities or specified anatomical areas.

Adult bookstore and *adult video store* mean a commercial establishment which as one of its principal business purposes offers for sale or rental for any form of consideration any one or more of the following:

- (1) Books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes, compact discs or video reproductions, slides, or other visual representations which depict or describe specified sexual activities or specified anatomical areas; or
- (2) Instruments, devices or paraphernalia which are designed for use in connection with specified sexual activities.

Adult cabaret means a nightclub, bar, restaurant or similar commercial establishment which regularly features:

- (1) Persons who appear in a state of nudity;
- (2) Live performances which are characterized by the exposure of specified anatomical areas or by specified sexual activities; or
- (3) Films, motion pictures, video cassettes, slides or other photographic reproductions which are characterized by the depiction or description of specified sexual activities or specified anatomical areas.

⁴ **State Law reference—** Sexually oriented businesses, V.T.C.A., [Local Government Code § 243.001](#) et seq.

Adult motel means a hotel, motel or similar commercial establishment which:

- (1) Offers accommodations to the public for any form of consideration; provides patrons with closed-circuit television transmissions, film, motion pictures, video cassettes, compact discs, slides or other photographic reproductions which are characterized by the depiction or description of specified sexual activities or specified anatomical areas;
- (2) Offers a sleeping room for rent for a period of time that is less than ten hours; or
- (3) Allows a tenant or occupant of a sleeping room to subrent the room for a period of time that is less than ten hours.

Adult motion picture theater means a commercial establishment where, for any form of consideration, films, motion pictures, video cassettes, compact discs, slides or similar photographic reproductions are regularly shown and are characterized by the depiction or description of specified sexual activities or specified anatomical areas.

Adult theater means a theater, concert hall, auditorium, or similar commercial establishment which regularly features persons who appear in a state of nudity or live performances which are characterized by the exposure of specified anatomical areas or by specified sexual activities.

Applicant means a person who must apply for a license by this article.

Child care facility means a building used as a day nursery, children's boardinghome, child placing agency or other place for the care or custody of children under 15 years of age.

Church and *place of religious worship* mean a building in which persons regularly assemble for worship, intended primarily for purposes connected with faith, or for propagating a particular form of belief.

County director of public works means the county director of public works or his designated agent.

Escort means a person who, for consideration, agrees or offers to act as a companion, guide or date for another person or who agrees or offers to privately model lingerie or to privately perform a striptease for another person.

Escort agency means a business association which furnishes, offers to furnish or advertises to furnish escorts as one of its primary business purposes, for a fee, tip or other consideration.

Establishment means and includes any of the following:

- (1) The opening or commencement of any sexually oriented business as a new business;
- (2) The conversion of an existing business, whether or not a sexually oriented business, to any sexually oriented business;
- (3) The addition of any sexually oriented business to any other existing sexually oriented business;
- (4) The relocation of any sexually oriented business; or
- (5) A location and place of business.

Licensee means a person in whose name a license to operate a sexually oriented business has been issued, as well as the individual listed as an applicant on the application for a license on a person licensed under this article.

Nude model studio means any place where a person who appears in a state of nudity or displays specified anatomical areas is provided to be observed, sketched, drawn, painted, sculptured, photographed or similarly depicted by other persons who pay money or any form of consideration.

Nudity and a *state of nudity* mean:

- (1) The appearance of human bare buttocks, anus, male genitals, female genitals, pubic region or female breasts; or
- (2) A state of dress which fails to opaquely cover a human buttock, anus, male genitals, female genitals, pubic region or areola of the female breast.

Person means an individual, proprietorship, partnership, corporation, association or other legal entity.

Public park means a tract of land maintained by the federal, state or local government for the recreation and enjoyment of the general public.

Residential district means a single-family, duplex, townhouse, multiple-family or mobile home district.

Residential use means a single-family, duplex, multiple-family, or mobile home park, mobile home subdivision and campground use as a residence.

Seminude means a state of dress in which clothing covers no more than the genitals, pubic region, and areola of the female breast, as well as portions of the body covered by supporting straps or devices.

Sexual encounter center means a business or commercial enterprise that, as one of its primary business purposes, offers for any form of consideration:

- (1) Physical contact in the form of wrestling or tumbling between persons of the opposite sex; or
- (2) Activities between male and female persons and/or persons of the same sex when one or more of the persons of the same sex when one or more of the persons is in a state of nudity or seminude.

Sexually oriented business means a sex parlor, nude studio, nude modeling studio, love parlor, adult bookstore, adult movie theater, adult video arcade, adult movie arcade, adult video store, adult motel, or other commercial enterprise the primary business of which is the offering of a service or the selling, renting or exhibiting of devices or any other items intended to provide sexual stimulation or sexual gratification to the customer.

Sheriff means the sheriff of the county or his designated agent.

Specified anatomical areas means human genitals in a state of sexual arousal.

Specified sexual activities means and includes any of the following:

- (1) The fondling or other erotic touching of human genitals, pubic region, buttocks, anus or female breasts;
- (2) Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation or sodomy;
- (3) Masturbation, actual or simulated; or
- (4) Excretory functions as part of or in connection with any of the activities set forth in subsections (1)—(3) of this definition.

Substantial enlargement of a sexually oriented business means the increase in floor area occupied by the business by more than 25 percent, as the floor area exists on July 15, 1995.

Transfer of ownership and control of a sexually oriented business means and include any of the following:

- (1) The sale, lease or sublease of the business;
- (2) The transfer of securities which constitute a controlling interest in the business, whether by sale, exchange or similar means; or
- (3) The establishment of a trust, gift or other similar legal device which transfers the ownership or control of the business, except for transfer by bequest or other operation of the law upon the death of the person possessing the ownership or control.

(Ord. No. 95-1012, § 1A-2, 6-20-1995)

Sec. 10-83. - Classification.

Sexually oriented businesses are classified as follows:

- (1) Adult arcades;
- (2) Adult bookstores or adult video stores;
- (3) Adult cabarets;
- (4) Adult motels;
- (5) Adult motion picture theaters;
- (6) Adult theaters;
- (7) Escort agencies;
- (8) Nude model studios; and
- (9) Sexual encounter centers.

(Ord. No. 95-1012, § 1A-3, 6-20-1995)

Secs. 10-84—10-110. - Reserved.

DIVISION 2. - LICENSE

Sec. 10-111. - Required.

The following persons are required to be licensed:

- (1) All owners, clerks and employees of a sexually oriented business are required to be licensed to operate or work in such business.
- (2) All corporations, stockholders, directors and officers of any sexually oriented business and their employees.
- (3) All partners in any sexually oriented business and their employees.

(Ord. No. 95-1012, § 1A-4(a), 6-20-1995)

Sec. 10-112. - Identification card required.

No person may work for any sexually oriented business without having on his person at all times while at work at a sexually oriented business location in the unincorporated areas of the county an appropriate identification card showing that he is currently licensed. Such identification shall be available at all times for inspection and shall be worn on the left breast of the employee during working periods.

(Ord. No. 95-1012, § 1A-4(b), 6-20-1995)

Sec. 10-113. - Compliance with article provisions by potential employees and/or clerks.

All potential employees and/or clerks of sexually oriented businesses must comply with sections 10-111, 10-112, 10-117, 10-121(b), 10-123, 10-124, 10-125, 10-153, 10-154, 10-155, 10-156, and not be in violation of section 10-120(a)(1), (3), (4), (6), (8) or (10) before being issued an identification card to work at the business. Application forms will be provided by the county director of public works and the determinations of compliance must be made by him within 60 days from time of application.

(Ord. No. 95-1012, § 1A-4(c), 6-20-1995)

Sec. 10-114. - Application; contents.

An application for a sexually oriented business license must be made on a form provided by the county director of public works. The application must be accompanied by a sketch or diagram showing the configuration of the premises, including a statement of total floor space occupied by the business. The sketch or diagram need not be professionally prepared but must be drawn to a designated scale or drawn with marked dimensions of the interior of the premises to an accuracy of plus or minus six inches. Applicants who must comply with section 10-157 shall submit a diagram meeting the requirements of section 10-157. All locational requirements must be approved by the county director of public works within 60 days from the time the application is filed.

(Ord. No. 95-1012, § 1A-4(d), 6-20-1995)

Sec. 10-115. - Applicant qualifications; signature requirements.

- (a) The applicant for a sexually oriented business license must be qualified according to the provisions of this article.
- (b) If a person who wishes to operate a sexually oriented business is an individual, he must sign the application for a license as the applicant. If a person who wishes to operate a sexually oriented business is other than an individual, each individual who has an interest in the business must sign the application for a license as an applicant and shall be considered a licensee if a license is granted.

(Ord. No. 95-1012, § 1A-4(e), (f), 6-20-1995)

Sec. 10-116. - Other valid licenses not to exempt applicant from article requirements.

The fact that a person possesses any other valid license required by law does not exempt him from the requirement of obtaining a sexually oriented business license. A person who operates a sexually oriented business and possesses another business license shall comply with the requirements and provisions of this article as well as the requirements and provisions of the laws concerning the other license.

(Ord. No. 95-1012, § 1A-4(g), 6-20-1995)

Sec. 10-117. - Applicant requirements.

- (a) *Photo*. Each applicant shall attach two copies of a recent photo to his application form.
- (b) *Signs*. Each applicant for a business license shall, upon the filing of the application and payment of the filing fee, place signs (at least 24 inches by 36 inches in size) which provide notification and information specifically stating:

"SEXUALLY ORIENTED BUSINESS
LICENSE APPLICATION PENDING"

and the date on which the application will be filed. All lettering on the signs must be at least two inches by two inches in size for each letter on the sign. Each sign must list the name and business address of the applicant. The signs must be of sufficient quantities to be placed upon the property so as to identify it as being subject to a proposed sexually oriented license. It shall be the duty of each applicant as to each particular application to erect such signs along all the property's public road or highway frontage so as to be clearly visible from the public road or highway. If a property does not have a public road or highway frontage, then signs shall be placed upon the property. One sign shall be erected for each 300-foot increment of each public road or highway frontage on such property existing or any part thereof. Such signs shall be erected not less than 60 days prior to the filing of the application for the sexually oriented business license and remain erected until the application has been approved by the county director of public works.

(c) *Notice by applicant required.* Every applicant for a sexually oriented business license shall give notice of the application by publication at his own expense in two consecutive issues of a newspaper of general circulation published in the county. The notice shall be printed in ten-point boldface type and shall include:

- (1) The fact that a sexually oriented business license has been applied for;
- (2) The exact location of the place of business for which the permit is sought;
- (3) The names of each owner of the business and, if the business is operated under an assumed name, the trade name together with the names of all owners; and
- (4) If the applicant is a corporation, the names and titles of all officers, directors and shareholders of ten percent or more of the corporation.

Such notice shall be printed not less than 14 days after the application is filed with the public works department.

(Ord. No. 95-1012, § 1A-4(h)—(j), 6-20-1995)

Sec. 10-118. - Notice of application to property owners.

Written notice of the application for a sexually oriented business license shall be sent to all owners of real property lying within 1,000 feet of property on which the license is requested. Such notice shall be sent not less than 14 days after the application is filed with the county director of public works. The notice of the application for a sexually oriented business license described in this section shall be given by posting such notice properly addressed and postage paid to each taxpayer as the ownership appears on the last approved county tax roll. Each property owner shall have 14 days from the mailing of the notice to advise the county director of public works of a locational restriction under section 10-151(a) or (b). It is the responsibility of the applicant for a license to send this notice.

(Ord. No. 95-1012, § 1A-4(k), 6-20-1995)

Sec. 10-119. - Renewals.

An applicant for a renewal license or a business existing on June 20, 1995, is not required to publish notice or meet the posting requirements of sections 10-117(b), (c) and 10-118.

(Ord. No. 95-1012, § 1A-4(l), 6-20-1995)

Sec. 10-120. - Issuance.

(a) The county director of public works shall approve the issuance of a license to an applicant within 60 days after receipt of an application unless he finds one or more of the following to be true:

- (1) An applicant is under 18 years of age.
- (2) An applicant or an applicant's spouse is overdue in his payment to the county of taxes, fees, fines or penalties assessed against him or imposed upon him in relation to a sexually oriented business. The county tax assessor shall make this determination and report his findings to the county director of public works within 60 days from the time the application is filed.
- (3) An applicant has failed to provide information reasonably necessary for issuance of the license or has falsely answered a question or request for information on the application form.
- (4) An applicant or an applicant's spouse has been convicted of a violation of a provision of this article, other than the offense of operating a sexually oriented business without a license, within two years immediately preceding the application. The fact that a conviction is being appealed

shall have no effect. The county sheriff shall make this determination and report his findings to the county director of public works within 60 days from the time the application is filed.

- (5) The premises to be used for the sexually oriented business have not been approved by the county director of public works as being in compliance with this article. Reports of compliance or noncompliance with this article must be completed by the county director of public works within 60 days from the time the application is filed.
- (6) The license fee required by this article has not been paid.
- (7) An applicant has failed to comply with the requirements of section 10-117(b), (c) or 10-118 unless exempt under this article.
- (8) An applicant has been employed in a sexually oriented business in a managerial capacity within the preceding 12 months and has demonstrated that he is unable to operate or manage a sexually oriented business premises in a peaceful and law-abiding manner, thus necessitating action by law enforcement officers.
- (9) An applicant or the proposed establishment is in violation of or is not in compliance with section 10-122, 10-127, 10-151, 10-153, 10-154, 10-155, 10-156 or 10-157.
- (10) An applicant or an applicant's spouse has been convicted of a crime:
 - a. Involving:
 1. Any of the following offenses as described in V.T.C.A., Penal Code ch. 43:
 - i. Prostitution;
 - ii. Promotion of prostitution;
 - iii. Aggravated promotion of prostitution;
 - iv. Compelling prostitution;
 - v. Obscenity;
 - vi. Sale, distribution or display of harmful material to minor;
 - vii. Sexual performance by a child;
 - viii. Possession of child pornography;
 2. Any of the following offenses as described in V.T.C.A., Penal Code ch. 21:
 - i. Public lewdness;
 - ii. Indecent exposure;
 - iii. Indecency with a child;
 3. Sexual assault or aggravated sexual assault as described in V.T.C.A., Penal Code ch. 22.
 4. Prohibited sexual conduct or harboring a runaway child as described in V.T.C.A., Penal Code ch. 25;
 5. Criminal attempt, conspiracy or solicitation to commit any of the foregoing offenses;
 - b. For which:
 1. Less than two years have elapsed since the date of conviction or the date of release from confinement imposed for the conviction, whichever is the later date, if the conviction is of a misdemeanor offense;
 2. Less than five years have elapsed since the date of conviction or the date of release from confinement for the conviction, whichever is the later date, if the conviction is of a felony offense; or

3. Less than five years have elapsed since the date of the last conviction or the date of release from confinement for the last conviction, whichever is the later date, if the convictions are of two or more misdemeanor offenses or combination of misdemeanor offenses occurring within any 24-month period.

(11) An applicant or an applicant's spouse has been convicted of a felony.

- (b) The fact that a conviction is being appealed shall have no effect on the disqualification of the applicant's spouse.
- (c) For purposes of this section, a sentence of deferred adjudication for any period of time or amount of fine is considered the same as a conviction.
- (d) An applicant who has been convicted or whose spouse has been convicted of an offense listed in subsection (a)(10) of this section may qualify for a sexually oriented business license only when the time period required by subsection (b) of this section has elapsed.
- (e) The license, if granted, shall state on its face the name of the person to whom it is granted, the expiration date, and the address of the sexually oriented business. The license shall be posted in a conspicuous place at or near the entrance to the sexually oriented business so that it may be easily read at any time.
- (f) It shall be the duty of the sheriff to report the findings under subsections (a)(10) and (c) of this section to the county director of public works within 60 days from the time the application is filed.

(Ord. No. 95-1012, § 1A-5, 6-20-1995)

Sec. 10-121. - Fees.

- (a) The annual fee for a sexually oriented business license is \$500.00.
- (b) Each individual applicant shall pay a \$50.00 fee with each application.

(Ord. No. 95-1012, § 1A-6, 6-20-1995)

Sec. 10-122. - Inspection.

- (a) An applicant or licensee shall permit representatives of the sheriff's department and county public works department to inspect the premises of a sexually oriented business for the purpose of ensuring compliance with the law, at any time it is occupied or open for business.
- (b) A person who operates a sexually oriented business or his agent or employee commits an offense if he refuses to permit a lawful inspection of the premises by a representative of the sheriff's department at any time it is occupied or open for business.
- (c) The provisions of this section do not apply to areas of an adult motel which are currently being rented by a customer for use as a permanent or temporary habitation.

(Ord. No. 95-1012, § 1A-7, 6-20-1995)

Sec. 10-123. - Expiration.

- (a) Each license shall expire one year from the date of issuance and may be renewed only by making application as provided in this division. Application for renewal should be made at least 60 days before the expiration date, and when made less than 60 days before the expiration date, the expiration of the license will not be affected.

- (b) When the county director of public works denies renewal of a license, the applicant shall not be issued a license for one year from the date of denial. If, subsequent to denial, the county director of public works finds that the basis for denial of the renewal license has been corrected or abated, the applicant may be granted a license if at least 90 days have elapsed since the date denial became final.

(Ord. No. 95-1012, § 1A-8, 6-20-1995)

Sec. 10-124. - Suspension.

The county director of public works shall suspend a license for a period not to exceed 30 days if he determines that a licensee has:

- (1) Violated or is not in compliance with any portion of this article;
- (2) Engaged in excessive use of alcoholic beverages while on the sexually oriented business premises;
- (3) Refused to allow an inspection of the sexually oriented business premises as authorized by this article;
- (4) Knowingly permitted gambling by any person on the sexually oriented business premises;
- (5) Demonstrated inability to operate or manage a sexually oriented business in a peaceful and law-abiding manner thus necessitating action by law enforcement officers.

(Ord. No. 95-1012, § 1A-9, 6-20-1995)

Sec. 10-125. - Revocation.

- (a) The county director of public works shall revoke a license if a cause of suspension in section 10-124 occurs and the license has been suspended within the preceding 12 months.
- (b) The county director of public works shall revoke a license if he determines that:
 - (1) A licensee gave false or misleading information in the material submitted to the county director of public works during the application process;
 - (2) A licensee or an employee has knowingly allowed possession, use or sale of controlled substances on the premises;
 - (3) A licensee or an employee has knowingly allowed prostitution on the premises;
 - (4) A licensee or an employee knowingly operated the sexually oriented business during a period of time when the licensee's license was suspended;
 - (5) A licensee or employee has been convicted of an offense listed in section 10-120(a)(10)a for which the time period required in section 10-120(a)(10)b has not elapsed or for which conviction the licensee or employee still remains on probation (community supervision) or deferred adjudication;
 - (6) On two or more occasions within a 12-month period, a person committed an offense occurring in or on the licensed premises of a crime listed in section 10-120(a)(10)a, for which a conviction has been obtained, and the person was an employee of the sexually oriented business at the time the offense was committed;
 - (7) A licensee or an employee has knowingly allowed any act of sexual intercourse, sodomy, oral copulation, masturbation or sexual contact to occur in or on the licensed premises. The term "sexual contact" shall have the same meaning as it is defined in V.T.C.A., Penal Code § 21.01; or

- (8) A licensee is delinquent in payment to the county for hotel occupancy taxes, ad valorem taxes, or sales taxes related to the sexually oriented business.
- (c) The fact that a conviction is being appealed shall have no effect on the revocation of the license.
- (d) Subsection (b)(7) of this section does not apply to adult motels as a ground for revoking the license unless the licensee or employee knowingly allowed the act of sexual intercourse, sodomy, oral copulation, masturbation or sexual contact to occur in a public place or within public view.
- (e) When the county director of public works revokes a license, the revocation shall continue for one year, and the licensee shall not be issued a sexually oriented business license for one year from the date revocation became effective. If, subsequent to revocation, the county director of public works finds that the basis for the revocation has been corrected or abated, the applicant may be granted a license if at least 90 days have elapsed since the date the revocation became effective. If the license was revoked under subsection (b)(5) of this section, an applicant may not be granted another license until the appropriate number of years required under section 10-120(a)(10)b has elapsed.

(Ord. No. 95-1012, § 1A-10, 6-20-1995)

Sec. 10-126. - Appeal.

If the county director of public works denies the issuance of a license, or suspends or revokes a license, he shall send to the applicant, or licensee, by certified mail, return receipt requested, written notice of his action and the right to an appeal. The aggrieved party may appeal the decision of the county director of public works to a district court in the county on a trial de novo basis. Filing an appeal in district court stays the county director of public works in suspending or revoking a license until the district court makes a final decision. All decisions of the county director of public works become final within 30 days.

(Ord. No. 95-1012, § 1A-11, 6-20-1995)

Sec. 10-127. - Transfer.

A licensee shall not transfer his license to another, nor shall a licensee operate a sexually oriented business under the authority of a license at any place other than the address designated in the application.

(Ord. No. 95-1012, § 1A-12(a), 6-20-1995)

Secs. 10-128—10-150. - Reserved.

DIVISION 3. - RESTRICTIONS AND REGULATIONS

Sec. 10-151. - Location.

- (a) A person commits an offense if he operates or causes to be operated a sexually oriented business within 1,000 feet of:
 - (1) A church or place of religious worship;
 - (2) A public or private elementary or secondary school;
 - (3) A child care facility;
 - (4) A boundary of residential district as defined in this article;
 - (5) A public park;
 - (6) A cemetery;

- (7) The property line of a lot devoted to a residential use as defined in this article; or
- (8) Another sexually oriented business which does not have a common entrance with an already licensed or exempted sexually oriented business.
- (b) A person commits an offense if he causes or permits the operation, establishment, substantial enlargement, or transfer of ownership or control of a sexually oriented business within 1,000 feet of another sexually oriented business.
- (c) A person commits an offense if he causes or permits the operation, establishment or maintenance of more than one sexually oriented business in the same building, structure, or its portion, or the increase of floor area of any sexually oriented business in any building, structure, or its portion, containing another sexually oriented business.
- (d) For the purposes of subsection (a) of this section, measurement shall be made in a straight line, without regard to intervening structures or objects, from the nearest portion of the building or structure used as a part of the premises where a sexually oriented business is conducted, to the nearest property line of the premises of a church or place of religious worship, or public or private elementary or secondary school, or to the nearest boundary of an affected public park, a cemetery, residential district or residential lot.
- (e) For purposes of subsection (b) of this section, the distance between any two sexually oriented businesses shall be measured in a straight line, without regard to intervening structures or objects, from the closest exterior wall of the structure in which each business is located.
- (f) Any sexually oriented business lawfully operating that is in violation of subsections (a), (b) or (c) of this section shall be deemed a nonconforming use. Such use will be permitted to continue for a period not to exceed one year unless sooner terminated for any such reason or voluntarily discontinued for a period of 30 days or more. Such nonconforming uses shall not be increased, enlarged, extended or altered except that the use may be changed to a conforming use. If two or more sexually oriented business are within 1,000 feet of one another and otherwise in a permissible location, the sexually oriented business which was first established and continually operating at a particular location is the conforming use and the later established business is nonconforming.
- (g) A sexually oriented business lawfully operating as a conforming use is not rendered a nonconforming use by the location, subsequent to the grant or renewal of the sexually oriented business license, of a church or place of religious worship, public or private elementary or secondary school, public park, cemetery, residential district or residential lot within 1,000 feet of the sexually oriented business. This subsection applies only to the renewal of a valid license, and does not apply when an application for a license is submitted after a license has expired or has been revoked.
- (h) All locational requirements of this section must be approved by the county director of public works within 60 days from the time the application is filed.

(Ord. No. 95-1012, § 1A-13, 6-20-1995)

Sec. 10-152. - Exemption from location restrictions.

- (a) If the county director of public works denies the issuance of a license to an applicant because the location of the sexually oriented business establishment is in violation of section 10-151, then the applicant may, not later than ten calendar days after receiving notice of the denial, file with the county judge a written request for an exemption from the locational restrictions of section 10-151.
- (b) If the written request is filed with the county judge within the ten-day limit, a permit and license appeal board shall consider the request. The county judge shall set a date for the hearing within 60 days from the date the written request is received. A board shall consist of five residents of the county, one from each of the commissioners' precincts as appointed by the precinct commissioners and one appointed by the county judge. Each board member will serve a two-year term beginning February 1 of odd-

numbered years, with the chairman of the board being appointed by a majority vote of the five-member board.

- (c) A hearing by the board may proceed if at least three of the board members are present. The board shall hear and consider evidence offered by any interested person. The formal rules of evidence do not apply.
- (d) The permit and license appeal board may, in its discretion, grant an exemption from the locational restrictions of section 10-151 if it makes all of the following findings:
 - (1) The location of the proposed sexually oriented business will not have a detrimental effect on nearby properties or be contrary to the public safety or welfare.
 - (2) The granting of the exemption will not violate the spirit and intent of this article.
 - (3) The location of the proposed sexually oriented business will not downgrade the property values or quality of life in the adjacent areas or encourage the development of urban or rural blight.
 - (4) The location of an additional sexually oriented business in the area will not be contrary to any program of neighborhood conservation, nor will it interfere with any efforts of renewal or restoration.
 - (5) A majority of residents, businesses, churches, schools and property and building owners whose occupancy or ownership interest lie within 1,000 feet of the proposed exempted sexually oriented business have signed a petition consenting to the exemption.
 - (6) All other applicable provisions of this article will be observed.
- (e) The board shall grant or deny the exemption by a majority vote. Failure to reach a majority vote shall result in denial of the exemption. Disputes of fact shall be decided on the basis of a preponderance of the evidence. Decisions of the permit and license appeal board are appealable to a district court of the county. Appeals from the permit and license appeal board must be made in writing to a district court of the county within 30 days from the date of the final decision of the appeal board. After 30 days, all decisions of the permit and appeal board become final.
- (f) If the board grants the exemption, the exemption is valid for one year from the date of the board's action. Upon the expiration of an exemption, the sexually oriented business is in violation of the locational restrictions of section 10-151 until the applicant applies for and received another exemption.
- (g) If the board denies the exemption, the applicant may not reapply for an exemption until at least 12 months have elapsed since the date of the board's action.
- (h) The grant of an exemption does not exempt the applicant from any other provisions of this article other than the locational restrictions of section 10-151.

(Ord. No. 95-1012, § 1A-14, 6-20-1995)

Sec. 10-153. - Escort agencies.

- (a) An escort agency shall not employ any person under the age of 18 years.
- (b) A person commits an offense if he acts as an escort or agrees to act as an escort for any person under the age of 18 years.

(Ord. No. 95-1012, § 1A-15, 6-20-1995)

Sec. 10-154. - Nude model studios.

- (a) A nude model studio shall not employ any person under the age of 18 years.

- (b) A person under the age of 18 years commits an offense if he appears in a state of nudity in or on the premises of a nude model studio. It is a defense to prosecution under this subsection if the person under 18 years was in a restroom not open to public view or persons of the opposite sex.
- (c) A person commits an offense if he appears in a state of nudity or knowingly allows another to appear in a state of nudity in an area of a nude model studio premises which can be viewed from the public right-of-way.
- (d) A nude model studio shall not place or permit a bed, sofa or mattress in any room on the premises, except that a sofa may be placed in a reception room open to the public.

(Ord. No. 95-1012, § 1A-16, 6-20-1995)

Sec. 10-155. - Adult theaters and adult motion picture theaters.

- (a) A person commits an offense if he knowingly allows a person under the age of 18 years to appear in a state of nudity in or on the premises of an adult theater or adult motion picture theater.
- (b) A person under the age of 18 years commits an offense if he knowingly appears in a state of nudity in or on the premises of an adult theater or adult motion picture theater.
- (c) It is a defense to prosecution under subsections (a) and (b) of this section if the person under 18 years was in a restroom not open to public view or persons of the opposite sex.

(Ord. No. 95-1012, § 1A-17, 6-20-1995)

Sec. 10-156. - Adult motels.

- (a) Evidence that a sleeping room in a hotel, motel or similar commercial establishment has been rented and vacated two or more times in a period of time that is less than ten hours creates a rebuttable presumption that the establishment is an adult motel and that term is defined in this article.
- (b) A person commits an offense if, as the person in control of a sleeping room in a hotel, motel or similar commercial establishment that does not have a sexually oriented business license, he rents or subrents a sleeping room to a person and, within ten hours from the time the room is rented, he rents or subrents the same sleeping room again.
- (c) For purposes of subsection (b) of this section, the terms "rent" and "subrent" mean the act of permitting a room to be occupied for any form of consideration.

(Ord. No. 95-1012, § 1A-18, 6-20-1995)

Sec. 10-157. - Exhibition of sexually explicit films or videos.

- (a) A person who operates or causes to be operated a sexually oriented business, other than an adult motel, which exhibits on the premises in a viewing room of less than 150 square feet of floor space, a film, video cassette or other video reproduction which depicts specified sexual activities or specified anatomical areas, shall comply with the following requirements:
 - (1) Upon application for a sexually oriented business license, the application shall be accompanied by a diagram of the premises showing a plan specifying the location of one or more manager's stations and the location of all overhead lighting fixtures and designating any portion of the premises in which patrons will not be permitted. A manager's station may not exceed 32 square feet of floor area. The diagram shall also designate the place at which the permit will be conspicuously posted, if granted. A professionally prepared diagram in the nature of an engineer's or architect's blueprint shall not be required; however, each diagram should be oriented to the north or to some designated street or object and should be drawn to a designated scale or with

marked dimensions of all areas of the interior of the premises to an accuracy of plus or minus six inches. The county director of public works may waive the foregoing diagram for renewal applications if the applicant adopts a diagram that was previously submitted and certified that the configuration of the premises has not been altered since it was prepared.

- (2) The application shall be sworn to be true and correct by the applicant.
 - (3) No alteration in the configuration or location of a manager's station may be made without the prior approval of the sheriff or his designee.
 - (4) It is the duty of the owners and operator of the premises to ensure that at least one employee is on duty and situated in each manager's station at all times that any patron is present inside the premises.
 - (5) The interior of the premises shall be configured in such a manner that there is an unobstructed view from a manager's station of every area of the premises to which any patron is permitted access for any purpose excluding restrooms. Restrooms may not contain video reproduction equipment. If the premises has two or more manager's stations designated, then the interior of the premises shall be configured in such a manner that there is an unobstructed view of each area of the premises to which any patron is permitted access for any purpose from at least one of the manager's stations. The view required in this subsection must be by direct line of sight from the manager's station. Viewing booths must be separated at least 12 inches from the exterior walls of any other viewing booths by open space.
 - (6) It shall be the duty of the owners and operator, and it shall also be the duty of any agents and employees present in the premises, to ensure that the area specified in subsection (a)(5) of this section remains unobstructed by any doors, walls, merchandise, display racks or other materials at all times that any patron is present in the premises and to ensure that no patron is permitted access to any area of the premises which has been designated as an area in which patrons will not be permitted in the application filed pursuant to subsection (a)(1) of this section.
 - (7) The premises shall be equipped with overhead lighting fixtures of sufficient intensity to illuminate every place to which patrons are permitted access at an illumination of not less than one footcandle as measured at the floor level.
 - (8) It shall be the duty of the owners and operator and it shall also be the duty of any agents and employees present in the premises to ensure that the illumination described above is maintained at all times that any patron is present in the premises.
- (b) A person having a duty under subsections (a)(1) through (a)(8) of this section commits an offense if he knowingly fails to fulfill that duty.
- (c) All locational requirement of this section must be approved by the county director of public works within 60 days from the time the application is filed.

(Ord. No. 95-1012, § 1A-19, 6-20-1995)

Sec. 10-158. - Display of sexually explicit material to minors.

- (a) A person commits an offense if, in a sexually oriented business establishment open to persons under the age of 17 years, he displays a book, pamphlet, newspaper, magazine, film or video cassette, the cover of which depicts, in a manner calculated to arouse sexual lust or passion for commercial gain or to exploit sexual lust or perversion for commercial gain, any of the following:
- (1) Human sexual intercourse, masturbation or sodomy;
 - (2) Fondling or other erotic touching of human genitals, pubic region, buttocks or female breasts;
 - (3) Less than completely and opaquely covered human genitals, buttocks, or that portion of the female breast below the top of the areola; or

- (4) Human male genitals in a discernibly turgid state, whether covered or uncovered.
- (b) In this section the term "display" means to locate an item in such a manner that, without obtaining assistance from an employee of the business establishment:
 - (1) It is available to the general public for handling and inspection; or
 - (2) The cover or outside packaging on the item is visible to members of the general public.

(Ord. No. 95-1012, § 1A-20, 6-20-1995)

Sec. 10-159. - Defenses.

- (a) It is a defense to prosecution under section 10-111, 10-151 or 10-154(d) that a person appearing in a state of nudity did so in a modeling class operated:
 - (1) By a proprietary school licensed by the state, a college or university supported entirely or partly by taxation;
 - (2) By a private college or university which maintains and operates educational programs in which credits are transferable to a college, junior college or university supported entirely or partly by taxation; or
 - (3) In a structure:
 - a. Which has no sign visible from the exterior of the structure and no other advertising that indicates a nude person is available for viewing;
 - b. Where in order to participate in a class a student must enroll at least three days in advance of the class; and
 - c. Where no more than one nude model is on the premises at any one time.
- (b) It is a defense to prosecution under section 10-111 or section 10-151 that each item of descriptive, printed, film or video material offered for sale or rental, taken as a whole, contains serious literary, artistic, political or scientific value.

(Ord. No. 95-1012, § 1A-21, 6-20-1995)

Sec. 10-160. - Enforcement of article provisions.

- (a) As stated in V.T.C.A., Local Government Code ch. 243, the county may sue in district court for an injunction to prohibit the violation of a regulation of this article.
- (b) As stated in V.T.C.A., Local Government Code § 243.001 et seq., an offense under this article is a class A misdemeanor.

(Ord. No. 95-1012, § 1A-22, 6-20-1995)

Chapter 14 – Civil Emergencies

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ARTICLE I. - IN GENERAL

Secs. 14-1—14-30. - Reserved.

ARTICLE II. - EMERGENCY MANAGEMENT¹

DIVISION 1. - GENERALLY

Sec. 14-31. - Commitment of funds.

No person shall have the right to expend any public funds of the county in carrying out any emergency management activity authorized by this article without prior approval by the commissioners court. No person shall have any right to bind the county by contract, agreement or otherwise without prior and specific approval of the commissioners court unless during a declared disaster. During a declared disaster, the county judge may expend and/or commit public funds of the county when deemed prudent and necessary for the protection of health, life or property.

(Ord. No. 88-358, § 7, 2-29-1988)

Sec. 14-32. - Override.

At all times when the orders, rules and regulations made and promulgated pursuant to this article shall be in effect, they shall supersede and override all existing ordinances, orders, rules and regulations insofar as the latter may be inconsistent therewith.

(Ord. No. 88-358, § 5, 2-29-1988)

Sec. 14-33. - Liability.

This article is an exercise by the county of its governmental functions for the protection of the public peace, health and safety, and neither the county, the agents and representatives of the county, nor any individual, receiver, firm, partnership, corporation, association or trustee, nor any of agents of the same, in good faith carrying out, complying with or attempting to comply with, any order, rule or regulation promulgated pursuant to the provisions of this article shall be liable for any damage sustained to persons as the result of such activity. Any person owning or controlling real estate or other premises who voluntarily and without compensation grants to the county a license of privilege, or otherwise permits the county to inspect, designate and use the whole or any part of such real estate or premises for the purpose of sheltering persons during an actual, impending or practice enemy attack or natural or manmade disaster shall, together with his successors in interest, if any, not be civilly liable for the death of, or injury to, any person on or about such real estate or premises under such license, privilege or other permission or for loss of, or damage to, the property of such person.

(Ord. No. 88-358, § 6, 2-29-1988)

Sec. 14-34. - Offenses; penalties.

¹ **State Law reference—** Emergency management, V.T.C.A., [Government Code § 418.001](#) et seq.

- (a) It shall be unlawful for any person willfully to obstruct, hinder or delay any member of the emergency management organization in the enforcement of any rule or regulation issued pursuant to this article, or to do any act forbidden by any rule or regulation issued pursuant to the authority contained in this article.
- (b) It shall likewise be unlawful for any person to wear, carry or display any emblem, insignia or any other means of identification as a member of the emergency management organization of the county unless authority to do so has been granted to such person by the proper officials.
- (c) Any unauthorized person who shall operate a siren or other device so as to simulate a warning signal, or the termination of a warning shall be deemed guilty of a violation of this article and shall be subject to the penalties imposed by this article.
- (d) Convictions for violations of the provisions of this article, upon conviction, shall be punishable by fine not to exceed \$1,000.00.

(Ord. No. 88-358, § 8, 2-29-1988)

Secs. 14-35—14-60. - Reserved.

DIVISION 2. - STATE OF EMERGENCY OR DISASTER

Sec. 14-61. - Declaration of state of emergency or disaster.

In the event that the presiding officer of any municipality in Dallas County, and/or the presiding officer of Dallas County, and/or the Governor of the State of Texas expresses an intent to declare or declares a state of emergency or disaster that may impact Dallas County, the commissioners court administrator shall immediately schedule and cause to be called an emergency meeting of the commissioners court. Such meeting will be scheduled within two but not more than 24 hours from the intent or declaration. The purpose of such meeting shall be to ensure that the commissioners court is properly informed and ready to take appropriate action to prepare the county to perform its responsibilities. In the event any city, county or state official becomes aware of the intent to declare an emergency or disaster they shall notify the commissioners court administration.

(Ord. No. 2006-392, 2-28-2006)

DIVISION 3. - ADMINISTRATION²

Sec. 14-62. - Officers and organization.

- (a) *Office of director held by county judge.* The office of emergency management director of the county shall be held by the county judge in accordance with state law.
- (b) *Appointment of coordinator.* An emergency management coordinator may be appointed by and serve at the pleasure of the director.
- (c) *Responsibilities of director generally.* The director shall be responsible for a program of comprehensive emergency management within the county and for carrying out the duties and responsibilities set forth in this article. He may delegate authority for execution of these duties to the coordinator, but ultimate responsibility for such execution shall remain with the director.
- (d) *Composition of emergency management organization.* The operational emergency management organization of the county shall consist of the officers and employees of the county so designated by the director in the emergency management plan, as well as organized volunteer groups. The functions

² **State Law reference—** County emergency management program, V.T.C.A., [Government Code § 418.102](#).

and duties of this organization shall be distributed among such officers and employees in accordance with the terms of the emergency management plan.

- (e) *Duties and responsibilities of director.* The duties and responsibilities of the emergency management director shall include the following:
- (1) Conduct an ongoing survey of actual or potential hazards which threaten life and property within the county and an ongoing program of identifying and requiring or recommending the implementation of measures which would tend to prevent the occurrence or reduce the impact of such hazards if a disaster did occur.
 - (2) Supervision of the development and approval of an emergency management plan for the county, and shall recommend for adoption by the commissioners court all mutual aid arrangements deemed necessary for the implementation of such plan.
 - (3) Authority to declare a local state of disaster. The declaration may not be continued or renewed for a period in excess of seven days except by or with the consent of the commissioners court. Any order or proclamation declaring, continuing or terminating a local state of disaster shall be given prompt and general publicity and shall be filed promptly with the county clerk.
 - (4) Issuance of necessary proclamations, regulations or directives which are necessary for carrying out the purposes of this article. Such proclamations, regulations or directives shall be disseminated promptly by means calculated to bring its contents to the attention of the general public and, unless circumstances attendant on the disaster prevent or impede, promptly filed with the county clerk.
 - (5) Direction and control of the operations of the county emergency management organization as well as the training of emergency management personnel.
 - (6) Determination of all questions of authority and responsibility that may arise within the emergency management organization of the county.
 - (7) Maintenance of liaison with other municipal, county, district, state, regional or federal emergency management organizations.
 - (8) Marshaling of all necessary personnel, equipment or supplies from any department of the county to aid in the carrying out of the provisions of the emergency management plan.
 - (9) Supervision of the drafting and execution of mutual aid agreements, in cooperation with the representatives of the state and of other local political subdivision of the state and the drafting and execution, if deemed desirable, of an agreement with the cities located in the county for the county-wide coordination of emergency management efforts.
 - (10) Supervision of, and final authorization for, the procurement of all necessary supplies and equipment, including acceptance of private contributions which may be offered for the purpose of improving emergency management within the county.
 - (11) Authorizing of agreements, after approval by the county attorney, for use of private property for public shelter and other purposes.
 - (12) Survey of the availability of existing personnel, equipment, supplies and services which could be used during a disaster, as provided for in this section.
 - (13) Other requirements as specified in Texas Disaster Act 1975, V.T.C.A., Government Code § 418.001 et seq.

(Ord. No. 88-358, §§ 1, 2, 2-29-1988; Ord. No. 2006-392, 2-28-2006)

Sec. 14-63. - Chart of organization for emergency purposes.

The following chart depicts the county emergency management organization for emergency purposes:

ORGANIZATION FOR EMERGENCY PURPOSES

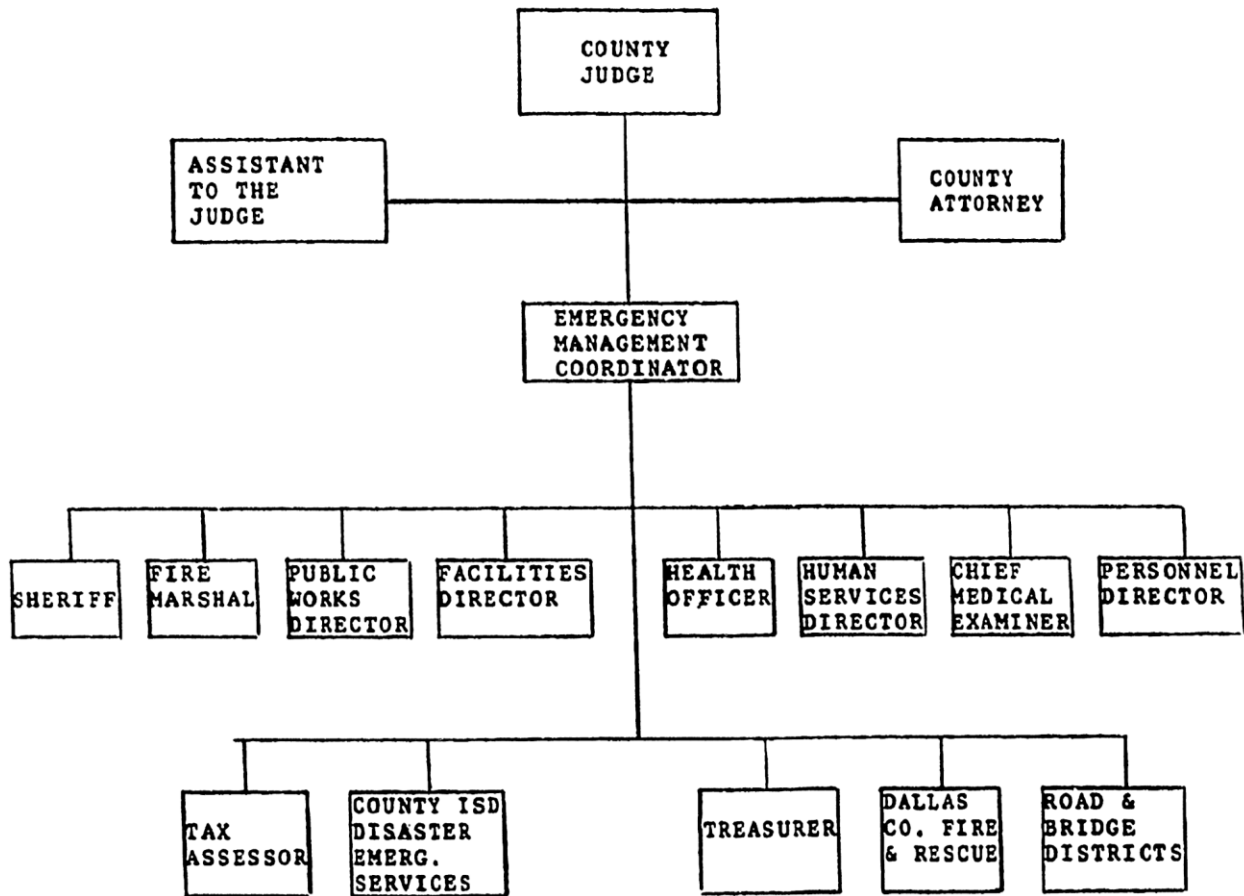


Chart for emergency purposes

(Ord. No. 88-358, attach. 3, 2-29-1988; Ord. No. 2006-392, 2-28-2006)

EMERGENCY MANAGEMENT FUNCTIONAL RESPONSIBILITIES

Sec. 14-64. - Responsibilities of county officials.

The following depicts the responsibilities for the designated officials:

	Communi	Damage	Evacuatio	EOC/	Fire/Resc	Hazard	Health	Human	Law	Legal	Emergenc	y Public	Mortuary	Public	Radiologi	Hazardou	Resource	Shelter	Transport	Warning
County Judge	S	S	S	P	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S
Sheriff	P		S	S	S	S		S	P		S				S	S	S	S		P

Fire Marshal	S	S	S	S	P	S								P	P	S	S		S
Public Works Director		S		S		P							P	S		S	S	S	
Facilities Director	S	S		S		S										S	S		
Health Officer			S	S	S	S	P	S						S	S	S	S	S	
Human Services Director			S	S		S		P								S	P		
Medical Examiner		S		S			S					P							
Personnel Director				S		S										P			
Tax Assessor		P		S		S										S			
County ISD/Disaster Emerg.			S	S		S		S							S	S	S	P	

Service s																			
County Attorn ey			S	S		S			P						S	S			
Treasu rer				S		S										S			
Emerg ency Manag e. Coordi nator	C	C	P	P	C	S	C	C	C	C	P	C	C	C	P	S	C	C	S

P—Indicates primary responsibility

S—Indicates support responsibility

C—Indicates coordination responsibility

(Ord. No. 88-358, attach. 4, 2-29-1988; Ord. No. 2006-392, 2-28-2006)

Sec. 14-65. - Annex assignments.

The following are annex assignments:

Annex		Assigned To:
Annex A:	Warning	Sheriff
Annex B:	Communications	Sheriff
Annex C:	Shelter	Human Services Director
Annex D:	Radiological Protection	Fire Marshal

Annex E:	Evacuation	Emergency Management Coordinator
Annex F:	Fire and Rescue	Fire Marshal/Fire & Rescue
Annex G:	Law Enforcement	Sheriff
Annex H:	Health and Medical	Health Officer
Annex I:	Emergency Public Information	Emergency Management Coordinator
Annex J:	Damage Assessment	Tax Assessor
Annex K:	Public Works	Public Works Director
Annex L:	Utilities	NIA
Annex M:	Resource Management	Personnel Director
Annex N:	EOC Direction & Control	Emergency Management Coordinator
Annex O:	Human Services	Human Services Director
Annex P:	Hazard Mitigation	Public Works Director
Annex Q:	Hazardous Materials	Fire Marshal
Annex R:	Rescue	Fire Marshal
Annex S:	Transportation	County ISD Disaster Emergency Services Department
Annex T:	Training	Emergency Management Coordinator
Annex U:	Legal	County Attorney

(Ord. No. 88-358, attach. 5, 2-29-1988; Ord. No. 2006-392, 2-28-2006)

Secs. 14-66—14-90. - Reserved.

DIVISION 4. - PLAN AND PROGRAM

Sec. 14-91. - Emergency management plan.

- (a) A comprehensive emergency management plan shall be developed and maintained in a current state. The plan sets forth the form of the organization, establishes and designates divisions and functions, assigns responsibilities, tasks, duties and powers, and designates officers and employees to carry out the provisions of this article. As provided by state law, the plan follows the standards and criteria established by the state division of emergency management. Insofar as possible, the form of organization, titles and terminology conforms to the recommendations of the state division of emergency management. It shall be the duty of all departments and agencies to perform the functions assigned by the plan and to maintain their portion of the plan in a current state of readiness at all times. The emergency management plan shall be considered supplementary to this article and have the effect of law during the time of a disaster.
- (b) The emergency management and disaster preparedness plan of the county is adopted in this section by reference and is not printed in this article, but is on file in the county offices.

(Ord. No. 88-358, § 3, 2-29-1988)

Sec. 14-92. - Interjurisdictional program.

The county judge is hereby authorized to join with the mayors of the cities in the county in the formation of an emergency management council for the county and shall have the authority to cooperate in the preparation of a joint emergency management plan and in the appointment of a joint emergency management coordinator, as well as all powers necessary to participate in a county-wide program of emergency management insofar as such program may affect the county.

(Ord. No. 88-358, § 4, 2-29-1988)

Secs. 14-93—14-120. - Reserved.

ARTICLE III. - CHEMICAL EMERGENCY PLAN

DIVISION 1. - GENERALLY

Sec. 14-121. - Policy.

The county commissioners court chemical emergency plan protects the health and safety of the citizens and the environment in the county in a chemical emergency.

(Ord. No. 86-1495, § 1, 10-6-1986)

Sec. 14-122. - Hazardous material team.

The county hazardous material team is directed by the county fire marshal/emergency management coordinator, and the team will be composed of members of the following departments selected by the fire marshal:

- (1) The county fire and rescue service;
- (2) The county sheriff's office;
- (3) Institute of Forensic Science;

- (4) The county health department; and
- (5) Road and bridge district no. 4.

(Ord. No. 86-1495, § 1, 10-6-1986)

Sec. 14-123. - Purpose of article.

The purpose of the hazardous material team is to protect the health and safety of the citizens and the environment in the county in a chemical emergency. Response, identification and disposal of chemicals will be in accordance with the provisions of this article.

(Ord. No. 86-1495, § 1, 10-6-1986)

Secs. 14-124—14-145. - Reserved.

DIVISION 2. - INCIDENTS INVOLVING ABANDONED CHEMICALS

Sec. 14-146. - Closed containers; no leakage reported.

When chemicals are found on private property in the unincorporated areas of the county:

- (1) The county fire marshal will inform property owners/occupants to contact the state natural resource conservation commission.
- (2) The county fire marshal shall follow up with routine call to the state natural resource conservation commission to ensure that the property owner did notify them.
- (3) When a known explosive or classified hazardous material is involved, the county fire marshal shall immediately notify the state natural resource conservation commission.

(Ord. No. 86-1495, § 1, 10-6-1986)

Sec. 14-147. - Containers; leakage occurring.

In containers in which leakage occurs, the following will be done:

- (1) The county will provide immediate life saving functions.
- (2) The county will notify the state natural resource conservation commission, but will not accept custody of containers.

(Ord. No. 86-1495, § 1, 10-6-1986)

Sec. 14-148. - Fire.

Fires involving chemicals will be extinguished when safely possible to do so. Runoff will be controlled to help reduce cleanup.

(Ord. No. 86-1495, § 1, 10-6-1986)

Sec. 14-149. - Site assessment.

When chemicals are found on public property in unincorporated areas, the following shall occur: Utilizing resources of the county hazardous material team, the county fire marshal/emergency management coordinator shall determine the extent and severity of the incident and determine the method of disposal.

(Ord. No. 86-1495, § 1, 10-6-1986)

Sec. 14-150. - Incident exceeding resources of county hazardous material team.

When an incident exceeds the resources of the county hazardous material team, the county fire marshal will contact a licensed disposal company through the court administrator and request them to handle the situation. The county fire marshal will notify the state natural resource conservation commission. The Institute of Forensic Science will be utilized to identify the products whenever possible to hold down the cost of analysis.

(Ord. No. 86-1495, § 1, 10-6-1986)

Sec. 14-151. - Incident within resources of county hazardous material team.

When an incident is within the resources of the county hazardous material team, the county hazardous material team will secure the site and identify the material. The county fire marshal/emergency management coordinator will contact a licensed disposal company for disposal of the material. When storage of the material is required, a licensed commercial holding area will be used.

(Ord. No. 86-1495, § 1, 10-6-1986)

Sec. 14-152. - Municipalities within the county.

The following shall be handled by the hazardous material team in connection with municipalities within the county: Chemical situations which are within the jurisdiction's capability to control.

(Ord. No. 86-1495, § 1, 10-6-1986)

Sec. 14-153. - Perceived dangerous situations.

When closed containers are discovered with no leakage reported, but a dangerous situation is perceived:

- (1) The fire marshal may respond to size up the situation.
- (2) The municipality shall be informed to contact the state natural resource conservation commission, when appropriate.

(Ord. No. 86-1495, § 1, 10-6-1986)

Sec. 14-154. - Leaking containers.

When containers in which leakage is occurring are found, the fire marshal will respond to provide advice only for immediate life saving functions, such as evacuation, when needed.

(Ord. No. 86-1495, § 1, 10-6-1986)

Sec. 14-155. - Extinguishing fires.

Fires involving hazardous materials will be extinguished by utilizing county mutual aid fire contracts, when necessary. Runoff will be controlled to help reduce cleanup.

(Ord. No. 86-1495, § 1, 10-6-1986)

Sec. 14-156. - Chemical situations which are beyond the jurisdiction's capability to control.

Chemical situations which are beyond the jurisdiction's capability to control necessitate implementation of the emergency management (civil defense) plan, due to a disaster defined in V.T.C.A., [Government Code § 418.001](#) et seq., as threat of widespread or severe damage, injury or loss of life or property resulting from any natural or manmade cause including fire, flood, earthquake, wind, storm, wave action, oil spill or other water contamination, volcanic activity, epidemic, air contamination, blight, drought, infestation, explosion, riot, hostile military or paramilitary action, other public calamity requiring emergency action, or energy emergency. The Federal Emergency Management Agency directive states that assistance should be provided by the next highest level of government (local-county-state-federal) as each jurisdiction reaches its maximum resources.

(Ord. No. 86-1495, § 1, 10-6-1986)

Sec. 14-157. - Assistance; on-scene guidance.

Assistance will be provided by the on-scene guidance of the county emergency management coordinator and the county hazardous material team.

(Ord. No. 86-1495, § 1, 10-6-1986)

Sec. 14-158. - Resource utilization.

Resource utilization, other than law enforcement and fire protection (mutual aid contracts) will not be committed until approval is obtained by implementing the county emergency management plan by the county judge who is the emergency management director.

(Ord. No. 86-1495, § 1, 10-6-1986)

Secs. 14-159—14-180. - Reserved.

DIVISION 3. - RESPONSIBILITIES OF COUNTY HAZARDOUS MATERIAL TEAM MEMBERS

Sec. 14-181. - County fire marshal/emergency management coordinator.

The county fire marshal/emergency management coordinator shall have the following responsibilities:

- (1) Coordinate all activities.
- (2) Determine when to activate the hazardous material team and activate the team when necessary.
- (3) Protect the area until arrival of the response team.
- (4) Set up a command post at a safe location.
- (5) Make all news releases.
- (6) Inform the court administrator, county judge and appropriate county commissioners when a major incident is encountered.

- (7) Assist the sheriff's office in the investigation of illegal dumpings.
- (8) Determine when an area is safe and declare incident over.
- (9) Determine whether the county or a private company will handle the disposal of the abandoned materials.

(Ord. No. 86-1495, § 1, 10-6-1986)

Sec. 14-182. - County fire and rescue service.

The county fire and rescue service shall have the following responsibilities:

- (1) Respond with fire apparatus and county hazardous material trailer.
- (2) Assist the Institute of Forensic Science personnel with preliminary identification of substances (must wear full protective clothing, breathing apparatus, gloves and boots).
- (3) Assist in evacuation, if required.
- (4) Prepare all required firefighting equipment, such as hose lines, portable fire extinguishers, first aid kits for use when, and if, needed.
- (5) Provide lighting for nighttime operations.
- (6) Provide decontamination of equipment.
- (7) Assist the county fire marshal as requested following departmental procedures.

(Ord. No. 86-1495, § 1, 10-6-1986)

Sec. 14-183. - County sheriff's office.

The county sheriff's office shall have the following responsibilities:

- (1) Secure the scene until the arrival of the county fire marshal.
- (2) Block roads into all unsafe areas at the request of the county fire marshal.
- (3) Direct all the evacuation once it has been determined that evacuation is necessary.
- (4) Assist any federal or state enforcement agency involved in the investigation of abandoned hazardous materials, when requested. V.T.C.A., Health and Safety Code § 365.001 et seq., (Texas Litter Abatement Act) provides for enforcement of the disposing, dumping, discarding or throwing injurious substances on or near highways, county parks and inland waterways. However, the penalty is only \$50.00—\$200.00. Since federal penalties are more severe, it is recommended that the state natural resource conservation commission and/or EPA handle the investigation.
- (5) Assist the county fire marshal as requested following departmental procedures.

(Ord. No. 86-1495, § 1, 10-6-1986)

Sec. 14-184. - Institute of Forensic Science.

The Institute of Forensic Science shall have the following responsibilities:

- (1) Make initial identification of products.
- (2) Based upon this identification, advise the county fire marshal if the incident can be safely handled with county resources.

- (3) Advise the county fire marshal if evacuation is necessary.
- (4) Identification of chemicals and submission of necessary reports to the state natural resource conservation commission, county fire marshal and county health department, and conduct necessary tests to allow proper and legal disposal of chemicals.
- (5) Assist the county fire marshal as requested following departmental procedures.

(Ord. No. 86-1495, § 1, 10-6-1986)

Sec. 14-185. - County health department.

The county health department shall have the following responsibilities:

- (1) Evaluate harmful effects to life and environment from chemicals involved in an incident.
- (2) Assist the sheriff's office in investigation of illegal dumpings.
- (3) Responsible for coordinating final disposal of products.
- (4) Assist the county fire marshal as requested, following departmental procedures.

(Ord. No. 86-1495, § 1, 10-6-1986)

Sec. 14-186. - Road and bridge district 4.

The road and bridge district 4 shall have the following responsibilities:

- (1) Provide necessary equipment and equipment operators to move materials or provide dirt work to protect ground or water from leakage, when determined safe to do so.
- (2) Store and respond with necessary hazardous material equipment, such as pumps, barrels, over pressure drums, when requested by the county fire marshal.
- (3) Assist the county fire marshal, as requested, following departmental procedures.

(Ord. No. 86-1495, § 1, 10-6-1986)

Chapter 18 – Community Development

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Chapter 18 - COMMUNITY DEVELOPMENT

ARTICLE I. - IN GENERAL

Secs. 18-1—18-20. - Reserved.

ARTICLE II. - HOUSING

DIVISION 1. - GENERALLY

Secs. 18-21—18-30. - Reserved.

DIVISION 2. - HOUSING REHABILITATION¹

Sec. 18-31. - Terms and conditions.

- (a) Rehabilitation assistance will be provided in the form of a ten-year, forgivable loan which will be secured by a lien; each month that the applicant continues to own and principally reside in the home, an amount equal to 1/120 the of the original loan amount will be retired. In the event that the applicant ceases to principally reside in or own the structure for reasons other than death, then the outstanding amount becomes due.
- (b) The county judge shall act as the "trustee" for the county in regard to the housing rehabilitation contract between the county and the homeowner. The county judge shall have authorization to sign lien releases subject to the following criteria:
 - (1) The applicant or heir to the property has resided and used the rehabilitated structure as their principle place of residence for the period of ten years from the date of the housing rehabilitation contract, or
 - (2) The homeowner has sold or rented the property and has paid the pro-rated amount of the housing rehabilitation contract, including change notices.
- (c) Up to \$40,000.00 in rehabilitation assistance may be provided for rehabilitation of a structure.

(Ord. No. 2000-1663, §§ 1—3, 8-22-2000)

Sec. 18-32. - Applicant/structure eligibility.

- (a) Assistance/eligibility will be provided/determined on a first-come, first-served basis except when a life-threatening situation is present.
- (b) The applicant must provide sufficient verification that he meets program's eligibility requirements.
- (c) The applicant cannot possess an income which exceeds HUD's definition of low/moderate income.
- (d) The applicant cannot owe any back taxes on the property unless these taxes are being regularly paid in accordance with a formal payment plan with the appropriate taxing entity.
- (e) The applicant must possess adequate fire insurance on structure by the time the contracted rehabilitation work begins.

¹ **Editor's note—** Court Order No. 2000-1663, adopted Aug. 22, 2000, rescinded and replaced Court Order No. 95-1487 from which former art. II, §§ 18-31—18-37, derived. For additional information, see the Code Comparative Table.

- (f) The structure must be owner-occupied, the principal residence of the applicant, and located in an eligible service area.
- (g) Rehabilitation assistance will only be provided to provide safe, decent, and sanitary housing and to correct problems which do not allow the structure to meet either local codes or HUD Housing Quality Standards, whichever are more stringent. Assistance will not be provided to acquire or install appliances not allowed by HUD or required by minimum codes or such luxury items as patios, fences, swimming pools, etc.
- (h) The cost of the repairs needed to bring a structure into code compliance cannot exceed 75 percent of the estimated replacement value of the structure after rehabilitation.
- (i) The structure/location must conform with all applicable federal historic preservation, flood insurance, environmental requirements, laws and regulations.
- (j) Homeowners that have previously received assistance from the county's housing rehabilitation program may re-apply for one additional round of assistance when the lien associated with the first round has been satisfactorily retired and when the items needing assistance were either not addressed in the first round or were addressed, but need further assistance for reasons other than inappropriate use or care.

(Ord. No. 2000-1663, §§ 4—13, 8-22-2000)

Sec. 18-33. - Contractor eligibility/certification.

- (a) A contractor must first complete an application for contractor certification, submit the required documentation, and be certified by housing rehabilitation staff prior to bidding on any proposed project. Besides contractors who have never participated in the county's rehab program, this shall also include vendors previously suspended from bidding for 13 months by removal from the housing rehabilitation program's certified contractor list and the county purchasing department's list of vendors. Contractors or their employees who have been suspended by the U.S. Department of Housing and Urban Development and whose name appears in the Lists of Parties Excluded from Federal Procurement or Non-procurement Programs are also not eligible for participation in the county's housing rehabilitation program.
- (b) To be eligible for certification, the contractor must have been in business as a general contractor or served as a construction foreman/supervisor in the Dallas/Ft. Worth area for at least one year and be certified/licensed by the relevant state agency to abate lead-based paint hazards in accordance with federal regulations. The contractor must have a good work history, possess the financial capability to perform complete housing rehab projects in an acceptable and timely manner, and have a good credit record with major suppliers and subcontractors.

- (c) The following 100-point evaluation methodology will be used to certify general contractors:

DALLAS COUNTY CONTRACTOR CERTIFICATION METHODOLOGY

I.	Work History		
A.	Qualifications:		Maximum score 30 points
	1.	Job Performance	
	2.	Practitioner's License(s)	

			A.	Master Electrician	
			B.	Master Plumber	
			C.	Texas Air Conditioning License	
		3.	Existence of any Adverse Action (Lawsuits, Judgments, or Liens)		
	B.	Experience with Similar Jobs:			Maximum score 25 points
	C.	History of Operating Within Budget:			Maximum score 10 points
	D.	History of Meeting Deadlines:			Maximum score 10 points
	E.	Working Relationship with Subcontractors/Municipalities:			Maximum score 10 points
II.	North Central Texas Regional Certification Agency (NCTRCA) Certification:				
	A.	Contractor NCTRCA Certification:			Maximum 6 points
	B.	Subcontractor NCTRCA Certification:			Maximum 6 points
	C.	Minority/Women Employees:			Maximum 3 points

-
- (d) Each member of the county's housing rehabilitation staff will evaluate the application, its contents, and the third-party information. Each staff member will provide an independent rating based on the information gathered and the criteria described above. The sum total of all categories will be calculated to provide an overall score. The average score among staff members will determine the eligibility of the contractor seeking certification. To be certified for participation in the county's housing rehabilitation program, the applicant must achieve an average score of at least 60 points.
- (e) Should a contractor feel that a mistake has been made in denying certification, that person may submit a written appeal to the county's director of planning and development within ten days of the notice of denial. The contractor should cite the specific reasons why he/she believes that the application was inaccurately evaluated. However, in doing so, the applicant cannot use the appeals process as a means for providing additional information. Therefore, the merits of the application shall be evaluated based on the application's contents at the time of its submission. Thus, a denial of assistance that is the direct result of an application which contained information that was either inadequate or unclear to the reviewer cannot be appealed.

- (f) If a certification appeal request has been received, housing staff shall have ten days to review the request and take whatever corrective action it believes to be appropriate. If, however, staff believes that no corrective action is necessary or if the action that is taken still does not lead to the certification of the contractor, then the original appeal request, along with a written response from housing staff, will be submitted to an appeals panel which will consist of the county's M/WBE coordinator and a representative from both the facilities and public works departments. The panel shall address this issue within ten days; the decision that it then reaches shall be final.
- (g) If a contractor does not initially qualify as certified, it can resubmit at any time when it has new or additional information to present. This shall include, but is not limited to, customer references, list of subcontractors/municipalities, practitioners licenses, proper insurance coverage, the disposition of lawsuits, judgements, or liens, or certification from NCTRCA.

(Ord. No. 2000-1663, §§ 14—20, 8-22-2000)

Sec. 18-34. - Bidding process.

- (a) Until January 1, 2001, contracts will only be awarded on the basis of the lowest compliant sealed bid. However, on an experimental basis from January 1, 2001 through September 30, 2001, a homeowner will have the option of either utilizing the sealed bid process to determine who the contractor for his home will be or selecting any county-certified contractor that will submit a bid to the county that is no more than 15 percent greater than the county's in-house estimate. Regardless of the method used to select a contractor, neither the prices for specific items or the total amount of a contract shall be negotiated.
- (b) Contractors may have no more than three active county rehabilitation contracts at one time. In the event that the initial lowest compliant bidder or the contractor that a homeowner wishes to select already has three active county rehabilitation contracts, the county will hold the pending award for a period no longer than ten working days from the date of the bid opening/the date the county determines that the bid submitted by the homeowner-selected contractor is compliant. If, at the end of the ten-day period, the initial lowest compliant bidder still has three active county rehabilitation contracts, the next lowest compliant bidder (if there is one) will be recommended for the contract award. Similarly, if the contractor that a homeowner desires still has three active contracts at the end of the ten-day period, the homeowner will be asked to consider selecting another contractor or will have to wait until the contractor has less than three active contracts.
- (c) For a bid to be compliant, it must be submitted by an eligible contractor, it cannot exceed the county's cost reasonableness standard (i.e., it cannot exceed the county's in-house estimate by more than 15 percent), and it cannot exceed the program's maximum award amount.
- (d) The program's bid specifications shall denote, as fully as possible, all work items which are nonessential and in what order they may be deleted if no bid initially complies with the program's maximum award limit and cost reasonableness standard.
- (e) In the event no bid complies with the program's maximum award limit and the cost reasonableness standard, then nonessential items will be deleted from the bids of all eligible bidders until either a compliant bid is produced or it is determined that deleting such items will still not produce a compliant bid.
- (f) In the event that it is not possible to produce a compliant bid by deleting nonessential items, then the bid will be canceled and the county will see if the bid's work write-up can be revised so as to produce a compliant bid. If it is possible to revise the work write-up, then the county will re-bid the project.
- (g) Bids may also be canceled if the homeowner decides he no longer wishes to participate in the program, if sufficient funds are no longer available, if the homeowner is no longer eligible for the program, if a major error in the work write-up has been made, if the specifications and/or work write-up are not readily clear, or if a previously unforeseen problem with the property that was not included in the work write-up is discovered.

- (h) Staff's internal cost estimates for material, labor, overhead, and profit shall be reviewed as often as market conditions dictate, but, in any event, they shall be reviewed at least once a year.

(Ord. No. 2000-1663, §§ 21—28, 8-22-2000)

Sec. 18-35. - Contracts.

- (a) All housing rehabilitation contracts will provide the contractor with 90 days to satisfactorily complete the project.
- (b) All general contractors who have been awarded housing rehabilitation contracts shall have an opportunity to request a single partial payment on every job for those stand-alone items (e.g., replacing a roof, installing new wiring, etc.) that have been completed within the first 21 days of the contract.
- (c) Ten percent of the final contract amount will be held as retainage for 30 days after the county has approved the completion of a project. The county will then initiate the release of this retainage 30 days after the project's completion if no unresolved warranty issues exist.

(Ord. No. 2000-1663, §§ 29—31, 8-22-2000)

Sec. 18-36. - Change orders.

- (a) Change orders may be used to add work necessary to correct incipient items that have been found to be defective after work is in progress, but were not detectable at the time the contract was bid. These requests must be made in writing on a form prescribed by the county and must have the written approval of the contractor, the homeowner, the housing rehabilitation specialist, and the director of planning and development before the work associated with the change order is performed.
- (b) Change order requests will be limited to only those items that must be corrected to meet city code requirements or HUD's Housing Quality Standards or that are eligible under federal regulations.
- (c) The total change order on any job may not exceed 15 percent of any contract amount. The total contract, including the change order, cannot exceed the maximum grant amount established by the program guidelines.
- (d) If it is necessary to request a change order to make required repairs and the contract would exceed program limits, an item of lesser priority will be deleted. Deletion of items shall be at the previously bid amounts, unless said items have no specific costs, in which case, they shall be deleted by negotiation at prevailing rates. The program limit cannot be exceeded.

(Ord. No. 2000-1663, §§ 32—35, 8-22-2000)

Sec. 18-37. - Warranty work.

- (a) Contractors will be required to guarantee the quality of their work for at least one year. Should the homeowner detect any problems with the repairs during this one-year period, then it will be the homeowner's responsibility to contact the contractor to enforce the guarantee and to inform the county of contractor performance.
- (b) In the event that the contractor has gone out of business prior to the expiration of the one-year warranty or fails to comply with the terms of the housing rehabilitation contract, the county may, at its discretion, provide additional rehabilitation assistance to correct deficiencies if the defect violates the local code or HUD's Housing Quality Standards and is the direct result of poor workmanship on the contractors part or if it threatens the homeowner's health or safety.

(Ord. No. 2000-1663, §§ 36, 37, 8-22-2000)

Sec. 18-38. - Miscellaneous provisions.

- (a) County staff will inspect the work and quality of materials in all grievances during construction and through close-out between the contractor and homeowner and will seek to settle any disputes. In so doing, the staff shall endeavor to be fair and reasonable, to ensure that the terms and intent of the contract are equitably fulfilled, and seek to minimize unreasonable, improper, or unjustifiable demands that the contractor and/or homeowner may make.
- (b) In the event that any dispute between the parties of the contract is not resolved, the parties may agree to appear before a qualified mediator or mediation agency, such as Dispute Mediation Service of Dallas, for mediation. Should this effort be unsuccessful, the contractor and/or homeowner may appeal to the commissioners court as the final arbiter.
- (c) Every effort will be made to voluntarily gain the homeowner's approval of the rehabilitation work when completed. In the event, though, that the homeowner does not wish to provide his written approval, the county may still pay the contractor, if in the county's opinion, the work has been satisfactorily completed. However, under no circumstance will a contractor be paid if the county has determined that the work has not been satisfactorily completed.

(Ord. No. 2000-1663, §§ 38—40, 8-22-2000)

Secs. 18-39—18-50. - Reserved.

DIVISION 3. - REPLACEMENT HOUSING PROGRAM POLICIES

Sec. 18-51. - Introduction.

The following policies will govern the operation of the county's replacement housing program.

(Ord. No. 2002-255, 2-5-2002)

Sec. 18-52. - Applicant/structure eligibility.

- (a) Assistance/eligibility will be provided/determined on a "first-come, first-served basis" except when a life-threatening situation is present.
- (b) The applicant must provide sufficient verification that he or she meets the program's eligibility requirements.
- (c) The applicant cannot possess an income which exceeds HUD's definition of low/moderate income.
- (d) The applicant must possess clear title to the property for which assistance is being requested. Also, the applicant cannot owe any back taxes on the property unless these taxes are being regularly paid in accordance with a formal payment plan with the appropriate taxing entity.
- (e) The applicant must possess adequate fire insurance on the structure by the time the contracted reconstruction work begins.
- (f) The structure must be owner-occupied, the principal residence of the applicant for the last five years, and located in an eligible service area.
- (g) Replacement housing assistance will only be provided when the county has determined that it is not economically feasible to rehabilitate the applicant's existing home. Assistance will not be provided to acquire or install appliances not allowed by HUD or for such luxury items as patios, fences, swimming pools, etc.
- (h) The structure/location must conform with all applicable federal historic preservation, flood insurance, environmental requirements, laws and regulations.

(Ord. No. 2002-255, 2-5-2002)

Sec. 18-53. - Reconstruction assistance.

- (a) Up to \$85,000.00 may be provided by the county to demolish, remove and replace dilapidated single-family structures with new housing, consistent with a basic county-approved floor plan/design.
- (b) The basic county-approved floor plan/design for this program will include:
 - (1) No more than 1,000 square feet.
 - (2) Three bedrooms, 1½ bath.
 - (3) 80 percent masonry.
 - (4) HVAC.
 - (5) Stove.
 - (6) Refrigerator.
 - (7) One-year warranty.
- (c) The applicant will be allowed to select the floor plan for his/her home among the plans that the county has available.
- (d) The basic floor plan/design may be reduced if it is amenable to the applicant and the local city.
- (e) In the event that more than \$85,000.00 will be needed in order to construct a home that will be consistent with the local city's building/zoning requirements, then the county will only be able to proceed with this home if the city provides the additional amount of funding needed (funds that a city receives from the county's HOME/CDBG program may be used to provide any additional amount needed).
- (f) The county will be responsible under this program for hiring the contractor, overseeing the reconstruction contract, for inspecting the work, determining when the work has been satisfactorily completed and paying the contractor.
- (g) Replacement housing assistance will be provided as a forgivable loan and will be secured by a 15-year lien. Each month that the applicant continues to own and principally reside in the home, an amount equal to 1/180 th of the amount of reconstruction assistance provided will be retired. In the event that the applicant ceases to principally reside in or own the structure, then the outstanding amount becomes due.
- (h) Applicants will be responsible for making all temporary housing accommodation arrangements associated with the replacement of his/her existing home.

(Ord. No. 2002-255, 2-5-2002)

Sec. 18-54. - General contractor eligibility.

- (a) To be eligible for a contract under this program, a contractor must have been in business as a general residential contractor or served as a residential construction foreman/supervisor in the Dallas/Ft. Worth area for at least one year. The contractor must have a good work history, possess the financial capability to complete housing projects in an acceptable and timely manner, and have a good credit record with major suppliers and subcontractors.
- (b) Contractors or their employees who have been suspended by the U.S. Department of Housing and Urban Development and whose name appears in the lists of parties excluded from federal procurement or non-procurement programs or who have been removed from the county's bid list and are not yet eligible for reinstatement, are not eligible for participation in this program.

(Ord. No. 2002-255, 2-5-2002)

Sec. 18-55. - Bidding process.

- (a) Contractors may have no more than three active county reconstruction contracts at one time. In the event that the initial lowest compliant bidder already has three active county reconstruction contracts, the county will hold the pending award for a period no longer than ten working days from the date of the bid opening. If, at the end of the ten-day period, the initial lowest compliant bidder still has three active county reconstruction contracts, the next lowest compliant bidder (if there is one) will be recommended for the contract award. If there is no other compliant bidder, the bid may either be canceled and rebid at a later date or the commissioners court may authorize awarding the contract to the bidder that already has three active contracts, contingent on the bidder satisfactorily completing one of the three active contracts.
- (b) Bids may be canceled if the homeowner decides he or she no longer wishes to participate in the program, if sufficient funds are no longer available, or if the homeowner is no longer eligible for the program.
- (c) Staff's internal cost estimates for material, labor, overhead and profit will be reviewed as often as market conditions dictate, but, in any event, they will be reviewed at least once a year.

(Ord. No. 2002-255, 2-5-2002)

Sec. 18-56. - Contracts.

- (a) All replacement housing contracts will provide the contractor with 90 days to satisfactorily complete the project.
- (b) All general contractors who have been awarded replacement housing contracts will have an opportunity to request partial payments based on completed work within the first 30 days of the contract and on the approval of county staff. Draws will be allowed for completed work provided in an approved progress schedule.
- (c) Ten percent of the final contract amount will be held as retainage for 30 days after the county has approved the completion of a project. The county will then initiate the release of this retainage 30 days after the project's completion if no unresolved warranty issues exist.

(Ord. No. 2002-255, 2-5-2002)

Sec. 18-57. - Change orders.

- (a) Change orders may be used to add work necessary to address issues that were not present at the time the contract was bid and that has arisen after work is in progress. The county's director of planning and development shall have the authority to approve change orders when they collectively do not increase the cost of the contract by more than 15 percent. These requests must be made in writing on a form prescribed by the county and must have the written approval of the contractor, the homeowner, the housing rehabilitation inspector, and the director of planning and development before the work associated with the change order is performed. Change orders that result in increasing the cost of any contract by more than 15 percent must first be approved by the commissioners court.
- (b) Change order requests will be limited to only those items that must be corrected to meet city code requirements or HUD's housing quality standards or that are eligible under federal regulations.

(Ord. No. 2002-255, 2-5-2002)

Sec. 18-58. - Warranty work.

- (a) Contractors will be required to guarantee the quality of their work for at least one year. Should the homeowner detect any problems with the repairs during this one-year period, then it will be the

homeowner's responsibility to contact the contractor to enforce the guarantee and to inform the county of the contractor's performance.

- (b) In the event that the contractor has gone out of business prior to the expiration of the one-year warranty or fails to comply with the terms of the replacement housing contract, the county may, at its discretion, provide additional assistance to correct deficiencies if the defect violates the local code or HUD's housing quality standards and is the direct result of poor workmanship on the contractor's part or if it threatens the homeowner's health or safety.

(Ord. No. 2002-255, 2-5-2002)

Sec. 18-59. - Miscellaneous provisions.

- (a) The county judge will act as the "trustee" for the county in regard to the replacement housing contract between the county and the homeowner. The county judge will have authorization to sign lien releases subject to the following criteria:
 - (1) The applicant or heir to the property has resided and used the reconstructed structure as their principal place of residence for the period of 15 years from the date of the housing reconstruction contract, or
 - (2) The homeowner has sold or rented the property and has paid the prorated amount of the replacement housing contract, including change notices.
- (b) County staff will inspect the work and quality of materials in all grievances during construction and through closeouts between the contractor and homeowner and will seek to settle any disputes. In so doing, staff will endeavor to be fair and reasonable, to ensure that the terms and intent of the contract are equitably fulfilled, and seek to minimize unreasonable, improper, or unjustifiable demands that the contractor and/or homeowner may make.
- (c) In the event that any dispute between the parties of the contract is not resolved, the parties may agree to appear before a qualified mediator or mediation agency, such as Dispute Mediation Service of Dallas, for mediation. Should this effort be unsuccessful, the contractor and/or homeowner may appeal to the commissioners court as the final arbiter.
- (d) Every effort will be made to voluntarily gain the homeowners approval of the reconstruction work when completed. In the event, though, that the homeowner does not wish to provide his written approval, the county may still pay the contractor, if, in the county's opinion, the work has been satisfactorily completed. However, under no circumstances will a contractor be paid if the county has determined that the work has not been satisfactorily completed.

(Ord. No. 2002-255, 2-5-2002)

Secs. 18-60—18-70. - Reserved.

ARTICLE III. - COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM²

Sec. 18-71. – PURPOSE

² **Federal law reference**— Federal community block grants, Housing and Community Development Act of 1974, 42 USC 5301 et seq.

Editor's Notes- Court Order 2015-0558 repealed and replaced Court Order 96-680 entirely.

These policies shall govern the operation of Dallas County's Community Block Grant (CDBG) program, as well as those activities funded with HOME assistance.

(Ord. No. 2015-0558, 4-14-2015)

Sec. 18-72. - PROGRAM EMPHASIS

The County's CDBG program is designed to only undertake those projects and activities which assist low/moderate households, eradicate blight, and/or eliminate those conditions which threaten a community's health, welfare, or safety. However, regardless of which of these three categories a specific project falls into, at least 70 percent of the CDBG program's total expenditures, over a three-year period, must be directed to those projects where the principal beneficiaries are of low/moderate income.

(Ord. No. 2015-0558, 4-14-2015)

Sec. 18-73. – OBJECTIVES AND PRIORITIES

Dallas County, with the assistance of the public and the cities that participate in the CDBG program, will establish community development objectives and priorities to guide the allocation of its federal housing and community development funding. Funded CDBG/HOME projects should thus generally be compatible with these stated objectives and priorities unless it can be suitably demonstrated why another objective or priority should be pursued.

(Ord. No. 2015-0558, 4-14-2015)

Sec. 18-74. – ADMINISTRATIVE EXPENSES

The administrative expenses that Dallas County incurs for operating this program will be financed out of the CDBG program's annual entitlement. In no instance will the twelve-month CDBG general administrative budget for staff exceed ten percent of the total funds available.

(Ord. No. 2015-0558, 4-14-2015)

Sec. 18-75. – MULTI-JURISDICTIONAL/CONSORTIUM-WIDE PROJECTS

For projects that will benefit residents of multiple CDBG-participating municipalities, the County may reserve a portion of the program's CDBG/HOME funds for said projects.

(Ord. No. 2015-0558, 4-14-2015)

Sec. 18-76. – ALLOCATION OF FUNDS

CDBG funds will be allocated to all interested participating cities and the County's unincorporated area using the formula that is described in Appendix A. The amount of funds that will be allocated through this formula will be equivalent to the total amount of funds that the County has available minus the funds that are budgeted for administration and any multi-jurisdictional/consortium-wide projects.

Only those cities that have entered into a formal cooperative agreement with the County or the County, on behalf of its unincorporated area, can receive funding from this formula; other entities can only receive funding if the County or a city wishes to allocate a portion of its annual award to this entity.

Awards will be provided to a city on an every-other-year basis so that one-half of the program's cities will be funded in one year and the other one-half will be funded the next. The County shall be responsible for determining the grouping of cities for funding. In doing so, the County shall take into considerations such factors as the percentage of a city's population being low/moderate income and the implementation status of projects.

HOME funds will be allocated by the County for multi-jurisdictional/consortium-wide projects, for community housing development organization (CHDO) projects, for unique projects proposed by participating cities, and/or for the administrative costs associated with the implementation of all such projects.

(Ord. No. 2015-0558, 4-14-2015)

Sec. 18-77. – PROJECT DEVELOPMENT/REVIEW

Participating cities, in consultation with the County, will generally be responsible for determining how they wish to utilize their CDBG award. County shall have the authority to regularly set priorities for certain types of projects and to outline the conditions and terms under which certain activities may be undertaken. Cities, with County concurrence, may also hold all or a portion of their award in reserve for more than one year for use in another project if such action does not endanger the County's ability to meet HUD's annual expenditure requirements.

Once cities have preliminarily identified how they wish to utilize their CDBG allocation, the County will review the proposed activities to ensure that they are eligible, that they meet HUD's various requirements, that they will enable the County to satisfy HUD's annual CDBG spending requirement, and that there are sufficient funds available to undertake the activities. In the event that an activity is not eligible, is not sufficiently funded, or does not meet all of HUD's requirements or enable the County to meet HUD's annual CDBG spending requirement, then the County will require the City to appropriately revise or change the activity.

(Ord. No. 2015-0558, 4-14-2015)

Sec. 18-78. – TECHNICAL ASSISTANCE

Dallas County CDBG staff will be available to assist all eligible entities in developing and preparing projects.

(Ord. No. 2015-0558, 4-14-2015)

Sec. 18-79. – CITIZEN PARTICIPATION

The Dallas County CDBG program will be operated in accordance with the Citizen Participation Plan outlined in Appendix B.

(Ord. No. 2015-0558, 4-14-2015)

Sec. 18-80. – COMPLIANCE

All eligible entities must agree to abide by all relevant County, Federal and State laws, regulations, and policies.

(Ord. No. 2015-0558, 4-14-2015)

Sec. 18-81. – DISPLACEMENT

Dallas County will seek to minimize the displacement of businesses and/or households through the steps outlined in Section 10, Appendix B.

(Ord. No. 2015-0558, 4-14-2015)

Sec. 18-82. – ELIGIBLE PROJECTS AND ACTIVITIES

The CDBG program can be used to finance those projects or activities generally described in 24 CFR 570.201-206. Such projects and activities include, but are not limited to:

- A. Acquisition of real property;
- B. Code enforcement and demolition;
- C. Housing rehabilitation/reconstruction;
- D. Homeownership assistance;
- E. Construction or replacement of sidewalks, streets, parks, drainage systems, water lines, and sewer lines;
- F. Public services;
- G. Planning studies;
- H. ADA-accessibility improvements;
- I. Economic development assistance;
- J. Historic preservation; and
- K. Relocation assistance.

(Ord. No. 2015-0558, 4-14-2015)

Sec. 18-83. – INELIGIBLE PROJECTS AND ACTIVITIES

The CDBG program cannot be used to finance those projects or activities described in 24 CFR 570.207. Such projects and activities generally include, but are not limited to:

- A. The construction of buildings or facilities used for the general conduct of government;
- B. The general operation of government;
- C. The financing of political activities;
- D. The acquisition of vehicles and construction equipment;
- E. The provision of income payments; and
- F. The operation and maintenance of capital improvement facilities.

(Ord. No. 2015-0558, 4-14-2015)

Sec. 18-84. – ASSESSMENT

Entities receiving CDBG funding for capital improvement projects are generally prohibited from levying special assessments (including service connections and “tap” fees) against properties owned by low/moderate income individuals who have benefited from this project unless the assessments seek to recover a portion of the capital costs not covered by the CDBG assistance.

(Ord. No. 2015-0558, 4-14-2015)

Sec. 18-85. – DEFINITION OF LOW/MODERATE INCOME

The Dallas County CDBG/HOME program shall use as its definition of low/moderate income that which is periodically set by HUD.

(Ord. No. 2015-0558, 4-14-2015)

Sec. 18-86. – ACCESS TO INFORMATION

All CDBG/HOME program materials shall be public information, available for review upon request.

(Ord. No. 2015-0558, 4-14-2015)

Sec. 18-87. – UNSATISFACTORY PERFORMANCE

Entities who have falsified information contained within their proposals, who have violated state, federal, and/or County laws, regulations, or policies, or who have unsatisfactorily implemented past awards may be prevented from receiving future funding, may have current awards revoked, and/or may be liable for any program funds inappropriately expended. In addition, the County may pursue any other legal and administrative remedies that it believes are appropriate. The County will only impose such penalties or pursue such action when it has had reason to believe that an offense or inadequate project performance has occurred, when it has fully investigated the alleged violation/deficiency, determined that such a 5 violation/deficiency has occurred, and provided the entity with an opportunity to respond to the determination and to the recourse that the County proposes taking against that entity.

(Ord. No. 2015-0558, 4-14-2015)

Sec. 18-88. – CHANGES IN POLICY

Dallas County will not formally change any CDBG policy without first notifying the participating municipalities in advance of any proposed changes.

(Ord. No. 2015-0558, 4-14-2015)

Sec. 18-89. – EXCESSIVE OR DEADLY FORCE POLICY

In accordance with Section 519 of Public Law 101-140, the 1990 HUD Appropriations Act, Dallas County certifies that its Sheriff's Department has adopted and is enforcing a policy prohibiting the use of excessive force against any individuals engaged in nonviolent civil rights demonstration.

(Ord. No. 2015-0558, 4-14-2015)

Sec. 18-90. – DRUG-FREE WORKPLACE

In accordance with the Drug-Free Workplace Act of 1988, Dallas County hereby certifies to HUD that it will provide a drug-free workplace by:

- A. Publishing a statement, in the form of a memorandum, notifying employees that the unlawful manufacture, distribution, dispensing, possession or use of a controlled substance is prohibited in the grantee's workplace and specifying the actions that will be taken against employees for violation of such prohibition;
- B. Establishing a drug-free awareness program to inform employees about:
 - (1) the dangers of drug abuse in the workplace;
 - (2) Dallas County's policy of maintaining a drug-free workplace;
 - (3) any available drug counseling, rehabilitation, and employees assistance program;

- (4) the penalties that may be imposed upon employees for drug abuse violations occurring in the workplace.
- C. Making it a requirement that each employee that is engaged in the performance of the grant be given a copy of the memorandum required in paragraph (A);
- D. Notifying the employee that as a condition of employment under the grant, the employee will: (1) abide by the terms of the above memorandum and County policy, and (2) notify the employer of any 6 criminal drug statute conviction for a violation occurring in the workplace no later than five days after such conviction;
- E. Notifying HUD within ten days of receiving notice from an employee or otherwise receiving actual notice of such conviction;
- F. Initiate one of the following actions, within 30 days of receiving notice under subparagraph D(2), with respect to any employee who is so convicted: (1) taking appropriate personnel action against such an employee, up to and including termination; or (2) require such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved by a Federal, State, or local health, law enforcement, or other appropriate agency;
- G. Making a good faith effort to continue to maintain a drug-free workplace through implementation of the above paragraph; and
- H. Defining the workplace annually in the County's CDBG application for federal assistance.

(Ord. No. 2015-0558, 4-14-2015)

Sec. 18-91. – APPENDIX A CDBG ALLOCATION FORMULA

Dallas County CDBG funds will be allocated using a formula that takes into account the percentage of a city's population being low/moderate income.

In order to calculate what a city's CDBG award will be, the low/moderate income percentages for every eligible city that will be receiving CDBG funding are added together, and the proportion of this total that each city contributes is calculated with each city receiving funding equal to this proportional amount.

(Ord. No. 2015-0558, 4-14-2015)

Sec. 18-92. – APPENDIX B CITIZEN PARTICIPATION PLAN

It is the intention of Dallas County and its participating cities to operate a CDBG/HOME program that actively provides for and encourages meaningful citizen participation in the development of CDBG/HOME projects, the Consolidated Plan, any substantial amendments to the Consolidated Plan, and the Plan's annual performance report. In particular, the County will seek to encourage participation from citizens who live in slum and blighted areas or possess low/moderate incomes, from public housing authorities, and from other low-income residents of targeted revitalization areas where assisted housing developments are located.

Accordingly, Dallas County will:

1. Provide staff assistance to any eligible entity, especially those that represent low/moderate income groups, that is interested in utilizing CDBG funding and funding from any other program covered by the County's Consolidated Plan.
2. Encourage local public housing authorities and Section 8 programs, residents or public and assisted housing developments, and other lowincome residents of targeted revitalization areas where developments are located to participate in the process of developing and implementing the Consolidated Plan.

3. Encourage each public entity interested in utilizing County CDBG/HOME funds to hold a public hearing so that the community can help identify that area's community development needs and comment on any potential funding proposals. Said public hearing will be held at times and locations that are convenient and accessible to the entity's residents.
4. Conduct at least two public hearings during each year for the purpose of identifying housing and community development needs, developing proposals and activities, and reviewing program performance.
5. Conduct at least one public hearing during the development of any Consolidated Plan before it is published for comment.
6. Publish notice announcing times, dates and locations of these public hearings at least five days in advance to the meeting date in a general circulation newspaper. Also post a similar notice on the County's website at least five days in advance of any public hearing. Said public hearings will be held at times and locations that are convenient and 9 accessible to actual beneficiaries and will provide accommodations for persons with disabilities.
7. Require that each public entity scheduled to hold a public hearing to post notices of this hearing in a manner consistent with the Texas Open Meetings Act.
8. Ensure that an individual who is bilingual and familiar with the program attends all public hearings for the benefit of non-English speaking people.
9. Before a Consolidated Plan is adopted, make available to citizens, public agencies, and other interested parties information which describes the amount of assistance expected to be received, proposed eligible activities to be undertaken, and the estimated amount of assistance that will benefit low-moderate income residents.
10. Actively seek to minimize displacement of persons and comply with the acquisition and relocation requirements of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended, and implementing regulations at 49 CFR 24. Dallas County will only approve and fund a project that will cause displacement, if, in its opinion, the benefits of the project significantly outweigh the social and economic costs of the displacement. When such a project is funded, the County and the applicant will fully comply with all state and federal relocation/compensation laws, and the County will assign staff to oversee, coordinate and give highest priority to all needed relocation/assistance efforts.
11. Consider any comments or views of citizens received in either writing or verbally at public hearings in preparing the final Consolidated Plan, any substantial amendments, and the performance report. Comments will be maintained, and comments or views not accepted (and the reason for non-acceptance) will be attached to the final Consolidated Plan, amendment or performance report.
12. Make copies of the proposed Consolidated Plan, amendment and performance report available at libraries, government offices, public places and to citizens and groups requesting such.
13. Use the following definition criteria to determine substantial change and/or when an amendment to the Consolidated Plan is necessary:

Any change which expands the target area of CDBG/HOME project or any other program covered by the County's Consolidated Plan by more than twenty percent or which moves the program or project to a totally different location. Any change 10 which considerably modifies or affects the nature, purpose, or scope of the project. Any change which raises or lowers the number of beneficiaries that equates to a change of twenty percent or more. Any change to the County's Consolidated Plan that requires the County to establish a priority for an activity that does not exist in the current Consolidated Plan. A decision to either not conduct a previously-approved activity or to conduct a new activity that was not previously included in the Consolidated Plan.

14. Provide for a 30-day public comment period for proposed Consolidated Plans, substantial amendments, and performance reports.
15. Announce the holding of such 30-day public comment periods publishing a notice in a general circulation newspaper and by posting a notice on the County's website.

Respond to all citizen requests for information. Develop information pertaining to the CDBG/HOME program and its proposed projects, Consolidated Plan, performance reports and amendments which can be made available at public hearings and for citizen inquiries. When written requests, complaints, or comments are submitted, respond to them in writing within fifteen days.

Sec. 18-93–18-100 Reserved

Chapter 22 - Courts

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ARTICLE I. - IN GENERAL

Secs. 22-1—22-30. - Reserved.

ARTICLE II. - JURY PLAN²

Sec. 22-31. - Authority of article provisions.

- (a) *Statutes.* This plan is established in accordance with the provisions contained in V.T.C.A., [Government Code § 62.011](#), providing for an electronic or mechanical method of selection of names of persons for jury service, as well as all other statutes that govern the selection of names of persons for jury service.
- (b) *Court rules.* The most recent court rules, civil and criminal, adopted by the county district judges, shall also govern the jury system, where applicable.
- (c) *Applicability.* This jury plan shall be used to select the names of persons for jury service in the county in all courts of general and limited jurisdiction which conduct jury trials.
- (d) *Officer in charge.* The county district clerk is designated as the officer in charge of the selection process and shall have the duties as set out in this plan. The district clerk shall oversee the selection process to ensure its randomness and integrity, and shall either personally or through his deputy supervise the selection of names of prospective jurors to the greatest extent possible. The district clerk shall also recommend any amendments to the plan which may be required to conform the plan to changes in technology, the law or county procedures.

(Ord. No. 99-1263, § 1, 7-6-1999)

Sec. 22-32. - Selection process.

- (a) *Source list.*
 - (1) The source of names of persons for jury service shall be as provided in V.T.C.A., [Government Code § 62.001](#). In accordance with V.T.C.A., [Government Code § 62.001](#), the source of names shall be the current voter registration lists from all precincts in the county as contained in the voter registration electronic file of all precincts in the county, excluding the names of persons who are disqualified or who are exempt from jury service as provided by V.T.C.A., [Government Code §§ 62.108](#) and [62.109](#). The source of names shall also include all names on a current list to be furnished by the state department of public safety, showing the citizens of the county holding a valid state driver's license and the citizens of the county, other than those who are disqualified from jury service, who hold a valid personal identification card or certificate issued by the state department of public safety.
 - (2) The county district clerk shall notify the secretary of state not later than 90 days before a combined list of names is needed to reconstitute the list of names of persons for jury service in the county when such a list will be required and the format required. The county district clerk shall also notify the voter registrar (elections administrator) of the county of when to send the required information

¹ **State Law reference—** Criminal law masters in Dallas County, V.T.C.A., [Government Code § 54.301](#) et seq.; petit juries, V.T.C.A., [Government Code § 62.001](#) et seq.; court personnel, V.T.C.A., [Government Code § 52.001](#) et seq.

² **State Law reference—** Jury plan, V.T.C.A., [Government Code § 62.001](#) et seq.

to the secretary of state and shall provide to the elections administrator a certified list containing the names of persons convicted of felonies in the county.

- (3) Upon notification by the county of the county district clerk, the voter registrar (elections administrator) shall certify and provide to the secretary of state a current voter registration list from all precincts in the county containing the information required by V.T.C.A., Government Code § 62.001(c). The names of convicted felons and persons exempt from jury service under V.T.C.A., Government Code §§ 62.108 and 62.109, shall be excluded from the list unless the secretary of state requests that the names of convicted felons and persons exempt from jury service be included on the list and be marked in a manner which will indicate which persons are exempt or are convicted felons. If the elections administrator excludes names from the voter registration list, a list or lists of the excluded names shall also be sent to the secretary of state.
- (4) The voter registrar (elections administrator) shall include on the lists, if possible, any information requested by the secretary of state, which would aid in the elimination of duplicate names from the combined list or which would aid in the elimination of the names of persons exempt or disqualified from jury service from the list provided by the department of public safety.
- (5) The voter registrar shall cooperate, where feasible, with the secretary of state in providing requested information and the required lists of data to the secretary of state in a manner in the format requested by the secretary of state.
- (6) After the lists have been combined as provided in V.T.C.A., Government Code § 62.001, the county district clerk shall receive the certified combined list from the secretary of state.
- (7) The combined list shall be on a reel of data processing magnetic tape or cartridges. If the secretary of state returns the combined list on a reel of magnetic tape, the county district clerk shall direct that the data on the tape be transferred to a cartridge capable of being processed by an electronic data processing machine equal to or superior to such machine known as the Hitachi Data Systems XL50. The original tape shall then be securely stored by the county district clerk and kept free of magnetic impulses. If the secretary of state returns the combined list on a data processing cartridge, the county district clerk shall direct that a copy of the cartridge be generated and shall keep the original cartridge securely stored and free of magnetic impulses.
- (8) The county district clerk shall direct that one copy of the cartridge is processed in an electronic data processing machine so as to eliminate all data other than the name, address, voter registration number, driver's license number, or personal identification card number of each person on the cartridge, and the sequence numbers assigned by the data services department. There shall then be printed, in alphabetical order, a copy of the resulting list. This list shall be known as the prospective juror list. A cartridge containing the same information as the list shall also be generated. This cartridge, which shall be known as the prospective juror list cartridge, shall be the source from which all jurors will be selected and supplied. One copy of the prospective juror list, along with one copy of the prospective juror cartridge, shall be stored in a vault in the county district clerk's suite of offices. The cartridge shall be secure from magnetic impulses at all times. One copy of the prospective juror cartridge shall remain securely stored at the offices of the data services department of the county and shall be kept free from magnetic impulses.
- (9) At the direction of the local administrative district judge when it is necessary to select persons for jury service, the county district clerk or his deputy shall cause the prospective juror cartridge to be transported to a computer machine of the type and capacity specified above. The local administrative district judge or his deputy and the county district clerk or his deputy shall direct that the names of the prospective jurors be selected by the computer for the purpose of preparing jury summonses. Names of prospective jurors for service at the Crowley Courts Building, the Allen Courts Building or on special venires may be selected by separate computer runs. A new cartridge is then created, less the names of prospective jurors selected, and a copy of the new cartridge is returned to the county district clerk and a copy to the data services department, each to be securely kept and free from magnetic impulses. A true and complete written list of the names and addresses of persons summoned to begin jury service shall be filed on record with the county

clerk at least ten days prior to the date such persons are to begin jury service. Additional lists may be produced to facilitate the handling of necessary paperwork in processing the jury list.

- (10) The tape containing the names and addresses of prospective jurors selected by the computer for the purpose of preparing jury summonses may then be delivered to a private vendor with which the county has entered into a contract with for the preparation and mailing of jury summonses. The vendor shall then prepare and mail the jury summonses in accordance with the contract. The vendor shall also print a list containing the names and addresses of those summoned to begin jury service on a particular date. All copies of the tape and the list shall be returned to the data services department of the county after the summonses have been prepared. A copy of the list shall also be returned to the jury room bailiff (also referred to as the manager of jury services) for the county.
 - (11) Information contained on the tape of prospective jurors and the juror lists is to remain confidential. Any vendor contracting with the county to prepare and mail jury summonses shall enter into an agreement with the county to keep juror information confidential and shall not sell or otherwise disclose any information on the juror tapes or lists without prior approval of the county. In addition, any vendor so contracting with the county shall not add or delete any names to or from the juror tapes and lists, and shall not tamper with the order of the names on the tapes.
 - (12) The electronic data processing system should enable the prospective juror cartridge to be updated at each jury pull for name and address changes by comparing it to the updated voter registration electronic file. However, no names are to be added to, deleted from, or returned to the prospective juror cartridge until the list is reconstituted except as provided by statute, unless a written opinion authorizing such additions or deletions is issued by the state attorney general's office or a final decision from a controlling court holds that such additions or deletions are permissible. The data services department shall maintain a record of all changes made to the prospective juror cartridge.
- (b) *Random selection.* A computer program based on random number tables or on random numbers generated by mathematical equations shall be utilized to select, in a fair, impartial and objective manner, persons to be summoned from the source list for jury service. Activation of the computer program shall cause the computer to produce lists showing the names and addresses of persons selected for designated dates. Instructions for the program shall be kept secure by the district clerk and shall be available for public inspection upon request.
 - (c) *Duration.* The list of prospective jurors shall be reconstituted every 2.5 years or when the list is exhausted, whichever occurs first. The jury room bailiff (also referred to as the jury services manager) shall keep the county district clerk apprised of the number of prospective jurors used, and the number of names remaining on the list. The county district clerk in his discretion may order the reconstitution of the jury list prior to, or after, the 2.5 year period in order to accommodate the use of updated lists due to the purging of names of disqualified or exempt persons from the voter registration list or the department of public safety list, and the addition of new names to the lists. In no event may the duration of the list be less than two years unless the list is exhausted.

(Ord. No. 99-1263, § 2, 7-6-1999)

Sec. 22-33. - Jury service.

(a) *Juror summons.*

- (1) The jury summons will notify prospective jurors to report to the central jury room of the Frank Crowley Courts Building or the George L. Allen, Sr. Courts Building at a specified time, either in the morning or in the afternoon, on a specified date. Jurors may also be summoned to report to any of the justice of the peace courts located within the county. Those jurors summoned to appear in the afternoon (standby jurors) who are not required to appear shall be considered as having completed their jury service, and their names shall not be placed back on the list of prospective jurors until it is next reconstituted.

- (2) Prospective jurors summoned to appear at the Frank Crowley Courts Building may be drawn upon for use at the George L. Allen, Sr. Courts Building, and prospective jurors summoned to appear at the George L. Allen, Sr. Courts Building may be drawn upon for use at the Frank Crowley Courts Building when, in the discretion of the jury room bailiff, such is necessary.
- (3) Jurors shall be summoned for service in courts located at the Henry Wade Juvenile Justice Center or any other courts buildings or courthouses designated by the county, in accordance with this plan, the applicable laws, and in the same manner as jurors summoned for service at the Crowley Courts Building and the Allen Courts Building. Any juror summoned to appear for service at a particular the county courts building or courthouse may be used interchangeably in any of the county courts buildings or courthouses when, in the discretion of the jury room bailiff, such is necessary.
- (b) *Disqualifications and exemptions.* Disqualifications and exemptions shall be as provided by law. The names of persons listed in a register of persons exempt from jury service may not be used in preparing the record of names from which a jury is selected, as provided in V.T.C.A., Government Code §§ 62.108 and 62.109.
- (c) *Jury orientation.* The designated presiding judge of the central jury room may conduct the central jury room orientation. In lieu of having juror orientation conducted by a judge, the district and criminal district judges, by majority vote, may authorize the central jury room juror orientation to be conducted by video presentation or other similar means.
- (d) *Excuses and postponements.* The jury room bailiff and the jury room staff under the supervision of the jury room bailiff are designated as the court's designee pursuant to V.T.C.A., Government Code § 62.110. Reasonable grounds for postponement or excuse from jury service are left to the discretion of the court or court's designee and shall be as provided by law. The court's designee shall follow the guidelines adopted by the district and criminal district court judges for the consideration of juror excuses. If the court or court's designee deems the excuse sufficient, the prospective juror may be discharged or have his or her jury service postponed to a specified date. A record of postponements shall be maintained by the jury room staffs. To ensure the randomness of the selection process, the jury room bailiff shall limit the number of prospective jurors reassigned to appear for jury service on any particular date so that the number of prospective jurors serving on a particular date due to a postponement of jury service does not exceed a predetermined limit set by the jury room bailiff and approved by the county district clerk.
- (e) *Challenged jurors.* Any prospective juror removed from a jury panel for cause, by peremptory challenge, or for any other reason must be dismissed from jury service, and the person may not be placed on another jury panel until his name is again drawn for jury service.
- (f) *Impaneling the jury.* Procedures for requesting jury panels and the impaneling of jurors shall be as provided by law and in accordance with the policies and procedures of the jury services department, as approved by the presiding district judges of the central jury rooms and the local administrative district judge.
- (g) *Defaulting jurors.* Penalties for failure to comply with a jury summons or filing a false claim of exemption from jury service shall be as provided by law.

(Ord. No. 99-1263, § 3, 7-6-1999)

Sec. 22-34. - Amendments.

- (a) This plan may be amended at any time by the commissioners court upon the recommendation of a majority of the district and criminal district court judges of the county. Should any change in the law render any portion of this plan invalid, unlawful or otherwise in conflict with the new law, this plan shall automatically be amended to conform the affected provision of this plan to the law as amended without further action of the district judges or the commissioners court.

- (b) Not later than every three years from the date this plan is adopted by order of the commissioners court, the local administrative district judge shall call a meeting for the purpose of reviewing this plan. The local administrative district judge shall appoint a committee consisting of persons involved in the jury selection process to attend such meeting and evaluate the jury plan.

(Ord. No. 99-1263, § 4, 7-6-1999)

Secs. 22-35—22-70. - Reserved.

ARTICLE III. - JUDICIAL ADMINISTRATION

DIVISION 1. - GENERALLY

Secs. 22-71—22-90. - Reserved.

DIVISION 2. - DEFENDANTS

Subdivision I. - In General

Secs. 22-91—22-110. - Reserved.

Subdivision II. - Pretrial Release Guidelines

Sec. 22-111. - Exclusions.

All offenses are available with the following exclusions:

- (1) Aggravated kidnapping;
- (2) Aggravated manufacture, delivery or possession with the intent to manufacture or deliver a controlled substance;
- (3) Aggravated promotion of prostitution;
- (4) Aggravated rape;
- (5) Aggravated robbery;
- (6) Aggravated sexual abuse;
- (7) Capital murder;
- (8) Criminal solicitation;
- (9) Deadly assault of police or court participants;
- (10) Enticing a child;
- (11) Incest;
- (12) Indecency with a child;
- (13) Injury to a child or elderly person;
- (14) Murder;
- (15) Parole violation;
- (16) Rape of a child;
- (17) Rape;

- (18) Sale, distribution or display of harmful materials to a minor;
- (19) Sale or purchase of a child;
- (20) Sexual abuse;
- (21) Sexual abuse of a child;
- (22) Sexual performance by a child;
- (23) Solicitation of a child;
- (24) Any charge involving a firearm;
- (25) Any charge involving assault with bodily injury;
- (26) Stalking;
- (27) Family violence (including associated assaults);
- (28) Violation of protective orders;
- (29) Harassment;
- (30) Telephone harassment.

(Ord. No. 97-387, 2-25-1997)

Sec. 22-112. - Release considerations.

- (a) Pretrial release shall consider for release any defendant booked into jail with the exception of those individuals charged with an excluded offense listed in this subdivision. Any current charge or previous convictions resulting from an attempt to commit an offense listed on the exclusion list within this subdivision shall be regarded as an excluded offense.
- (b) For purposes of this subdivision, a felony conviction, in the context of this subdivision, is defined as any probation, jury or judicial sentence, deferred adjudication, plea or nolo plea given to or as a result of a sentence imposed in a felony offense.

(Ord. No. 97-387, 2-25-1997)

Sec. 22-113. - Eligibility criteria.

Eligibility for pretrial release shall then be determined by the following criteria:

- (1) A defendant must currently be a resident of the county or an adjoining county; however, no requirement shall be established for length of residency in the immediate area if a pattern of stability can be documented in a previous community or through local employment/ties.
- (2) A defendant must be able to provide pretrial release with names, addresses and telephone numbers of two references who can confirm information relating to the defendant's current status (residence, employment, etc.) and who will be able to assist in locating the defendant if he fails to appear for court. Such references need not be local if contact can be established with them by telephone; however, charges for long distance telephone calls out of this area code must be paid for by the person receiving the calls.
- (3) The two-reference requirement is waived for pretrial release bonds for MHMR clients, upon the recommendation of MHMR, which will allow these detainees without sufficient references to receive a pretrial bond.

- (4) A defendant must have no previous felony conviction of violent or assaultive offenses within the past ten years. Violent or assaultive offenses are defined as any offense which causes serious bodily injury or death or made a threat, communicating the same.
- (5) A defendant is ineligible if within the last year (12 months) he has been convicted of a class A or B misdemeanor involving physical assault or assault with a weapon or if he is currently awaiting trial or on probation for such offense.
- (6) A defendant must have no felony convictions within the past year. A defendant must have no more than two felony convictions within the past ten years.
- (7) At least six years must have elapsed since the defendant's most recent release from the state department of criminal justice institution division for excluded offenses listed within this subdivision.
- (8) At least three years must have elapsed since the defendant's most recent release from the state department of criminal justice institution division for nonexcluded offenses.
- (9) A defendant currently on probation or deferred adjudication is ineligible for release.
- (10) A defendant must not have had any probation/parole revocation action within the past year.
- (11) A defendant must not have any record of escapes.
- (12) A defendant must not have any previous felony bond forfeiture. A defendant must not have had a previous misdemeanor bond forfeiture within the past three years or two misdemeanor bond forfeitures within ten years.
- (13) A defendant may not have a pending charge for a felony offense or more than three pending charges for misdemeanor offenses, excluding class C misdemeanors.
- (14) A defendant must exhibit a demeanor which implies a willingness to cooperate with the conditions of pretrial release.
- (15) A defendant is ineligible if he is charged with DWI or DUI and has a previous DWI or DUI conviction within the last two years from the date of the alleged offense or a lifetime total of three or more DWI or DUI convictions.
- (16) A defendant is ineligible if he is charged with possession of a controlled substance, if the substance in weight is 200 or more grams, including adulterants and dilutants.

(Ord. No. 97-387, 2-25-1997)

Sec. 22-114. - Retrieval of criminal history; review of bond amounts.

- (a) In order to protect the community, the county pretrial release unit will retrieve a criminal history through the use of NCIC and TCIC on every defendant being considered for pretrial release.
- (b) Any case in which the bond amount is in excess of \$10,000.00 must be reviewed by the manager or supervisor. Any case in which the bond amount is in excess of \$50,000.00 must be submitted to the district attorney's office or an official from the filing agency for review and input.

(Ord. No. 97-387, 2-25-1997)

Chapter 26 – Economic Development

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Chapter 26 - ECONOMIC DEVELOPMENT¹

ARTICLE I. - IN GENERAL

Secs. 26-1—26-30. - Reserved.

ARTICLE II. - FOREIGN TRADE ZONES²

Sec. 26-31. - Introduction.

One of the factors that the U.S. Foreign Trade Zone Board takes into consideration when deciding whether to establish a foreign trade zone (FTZ) is the degree to which the proposed zone is supported by local taxing entities. Since local government support is thus taken into consideration, the county may be asked on occasion to endorse the creation of an FTZ in the Dallas area. So that the county can consistently review all such requests for FTZ endorsement, the policy set out in this article has been developed. It shall govern the submission and review of all FTZ endorsement requests received by the county commissioners court and the county hospital district.

(Ord. No. 94-1178, § I, 7-26-1994)

Sec. 26-32. - General requirements.

Dallas County, on behalf of it and/or the Hospital District, will consider supporting a request to establish an FTZ or to revise the boundary of an existing zone/subzone only when the following conditions are first met:

- (1) The request is made in writing;
- (2) The businesses that will be located within the zone certify that they are equal opportunity employers;
- (3) The proposed zone does not involve the relocation of an existing business from one county city to another unless the move has the formal approval of the original host city;
- (4) The proposed zone/boundary revision is formally supported by both the city and school district in which it is located; and
- (5) The proposed zone/boundary revision will, within three years, contain at least \$1 million of assessed personal property and employ 35 people on a full-time, permanent basis.

Meeting these requirements does not place the county or the hospital district under any obligation to support a FTZ proposal; it only qualifies the proposal for further consideration.

(Ord. No. 2011-2054, 11-29-2011; Ord. No. 94-1178, § II, 7-26-1994)

¹ **State Law reference**— Development Corporations Act, Vernon's Ann. Civ. St. art. 5190.6; economic development tax, Vernon's Ann. Civ. St. art. 5190.6; economic development block grant program, V.T.C.A., [Government Code § 481.191](#) et seq.

² **Federal law reference**— Foreign trade zones, 19 USC 81a et seq. **State Law reference**— Foreign trade zones, Vernon's Ann. Civ. St. art. 1446.01 et seq.; appraisal of property, V.T.C.A., [Tax Code § 25.07](#); leasehold other interest in exempt property listed, foreign trade zones, V.T.C.A., [Tax Code § 25.07\(b\)\(3\)\(c\)](#).

Sec. 26-33. – General considerations.

In determining whether to support a proposed FTZ or a boundary revision to an existing zone, the County will consider a number of related factors. Such factors shall include, but not be limited to, the degree that the zone surpasses this policy's employment and/or business personal property requirements, the short-term and long-term impact of the zone on the County's tax base, the location of the zone, its impact on the surrounding area and the local economy, the existence of any environmental or displacement issues, the background, performance, and stability of the involved firm(s) and their market/industry, current economic conditions, the likelihood of the zone being successful, the need for the zone, the type and quality of the jobs that are being created and/or retained, the ability of the zone to provide meaningful employment to the chronically unemployed, and the degree that the zone utilizes or is served by alternative forms of transportation.

(Ord. No. 2011-2054, 11-29-2011)

Sec. 26-34. - Application requirements.

- (a) Requests for FTZ endorsement must be submitted in writing to the county's director of planning and development, 411 Elm Street, Dallas, Texas 75202. These requests must also be accompanied with the following information which will be used to evaluate the requests:
 - (1) Name of FTZ applicant;
 - (2) Name, telephone number and address of contact person;
 - (3) Map showing location of zone/proposed boundary modification;
 - (4) Name of businesses that will be located within the zone;
 - (5) Description of business activity that will occur within the zone;
 - (6) Description of financial and relocation histories of businesses that will be located within the zone;
 - (7) Explanation of why zone/boundary modification is needed;
 - (8) Explanation of why public will benefit from zone/boundary modification;
 - (9) Estimated start date for zone/boundary modification and any new investment/construction;
 - (10) Description of types/numbers/salary level of jobs to be created and/or retained;
 - (11) Estimated or actual assessed valuations for zone's real property and total personal property. Discussion of whether these totals will increase as a result of the zone;
 - (12) Estimated amount (in dollars) of personal property assessment to be exempt from taxation;
 - (13) Identification of any environmental or displacement issues; discussion of how these issues will be satisfactorily resolved;
 - (14) Evidence of formal support from host city and school district.
- (b) Besides the information outlined above, additional information may be requested by the County at a later date.
- (c) So as to help facilitate the review of any FTZ endorsement requests, applicants are encouraged to contact the county's director of planning and development at (214) 653-7601.

(Ord. No. 2011-2054, 11-29-2011; Ord. No. 94-1178, § III, 7-26-1994)

Secs. 26-34—26-50. - Reserved.

ARTICLE III. - CHAPTER 381 POLICY

Sec. 26-51. - Introduction.

The county commissioners court is authorized under V.T.C.A., Local Government Code ch. 381 to develop and administer a program of economic development activities, including tax abatements, loans, and grants, in order to stimulate business and commercial activity. To help ensure that requests for chapter 381 assistance will be consistently reviewed in the same manner and that assistance is provided for only the most appropriate projects, the following policy has been adopted. It shall govern the consideration of all requests for non-tax abatement chapter 381 assistance that the county receives.

(Ord. No. 2004-169, § I, 1-27-2004)

Sec. 26-52. - Chapter 381 objectives.

Chapter 381 assistance shall only be provided if it will generate meaningful investment or fill a key void within a distressed area; substantially increase the level, type, and rate of development within a non-distressed area; produce a project with regional economic implications; facilitate alternative forms of transportation; or create affordable/moderately-priced single-family housing.

(Ord. No. 2004-169, § II, 1-27-2004)

Sec. 26-53. - Eligibility requirements.

- (a) The county will only consider providing chapter 381 assistance when one or more of the aforementioned chapter 381 objectives and all of the following applicable conditions are first met:
 - (1) The requested assistance is in the form of a repayable loan;
 - (2) The assistance will be used to undertake an activity that is located within a tax increment finance (TIF) district, that is allowable under both the state TIF statute and the county's TIF policy, and that is consistent with the TIF district's final project/finance plan;
 - (3) The assistance will be funded from previously-provided county increment that the host city is willing to release for this purpose and shall be no greater than 25 percent of the total amount provided by the host city, the county, and any other local taxing entity;
 - (4) At least 20 percent of any housing directly constructed with assistance provided under this policy shall be affordable (as defined by HUD) to low/moderate income people;
 - (5) The project does not involve the relocation of an existing firm or facility from one Dallas County municipality to another Dallas County municipality unless this move has the formal approval of the original host city; and
 - (6) The firm that would receive the chapter 381 assistance certifies that it is an equal opportunity employer and demonstrates that it provides its full-time permanent employees with health insurance.
- (b) Requests for chapter 381 assistance covered by this policy will not be considered if, prior to the submission of an application, the project is already substantially underway or completed. A project will be considered to be substantially underway if more than 90 days has passed since the project received formal approval from the host city for other forms of assistance, if a building permit has been issued for construction not associated with mitigating an environmental hazard, if the project's site has been cleared and prepared for development, if construction (including renovations or tenant finish-out) has begun, if site specific infrastructure has begun to be installed, or if equipment, inventory, or employees have been relocated to the new site. However, the execution of a lease, the mitigation of environmental problems, the purchase of land, the completion of an environmental assessment, or the preparation of architectural and engineering plans does not constitute a project being substantially underway nor

does the prior preparation of an historic building for demolition (if the building is to now be preserved) or the stabilization of an historic building.

- (c) Requests for chapter 381 assistance will not be considered for property that will be used in whole or in part for a sexually-oriented business, including but not limited to condoning, legitimizing, or promoting obscene materials, nude or topless modeling or dancing, adult motel operations, escort services, sexual encounter centers, sex phone centers, or any other sexually-oriented business activity or for an establishment that derives more than 25 percent of its revenue from the sale of alcoholic beverages and/or tobacco products.
- (d) Requests for assistance will also not be considered if the assistance will be utilized by a firm in which the county is currently involved in litigation or a pending claim or in which the county has experienced unsatisfactory contractual performance (including previous abatements or chapter 381 awards) within the past 36 months.
- (e) A request for chapter 381 assistance will be considered by the county only after it meets the aforementioned provisions of this policy. However, meeting these provisions only qualifies the request for consideration; it does not obligate the county to actually provide chapter 381 assistance.

(Ord. No. 2004-169, § III, 1-27-2004)

Sec. 26-54. - Definitions and general conditions.

- (a) For the purposes of this policy, an area will be defined as "distressed" if it meets three of the four following criteria:
 - (1) The assessed valuation of the city in which the TIF district is located grew at a rate during the last five years that is less than the rate at which the county grew;
 - (2) No more than 60 percent of the land in the TIF district is vacant/undeveloped;
 - (3) The percentage of housing contained in the TIF district's census tract that was built before 1960 is greater than the county average; and/or
 - (4) The TIF district is located in an area that is defined as being distressed under the county's tax abatement policy.
- (b) A chapter 381 project will be considered to possess regional economic implications if it will create a major sports/cultural/recreational venue, generate at least 1,000 new full-time permanent manufacturing or technology-related jobs within three years of funding approval, or create at least 250 new full-time permanent jobs within three years of funding approval if the project is located in a census tract with a median family income that is no greater than 150 percent of the poverty level for a family of four.
- (c) Loans authorized under this policy must be originated and serviced by the host city who, in so doing, will have the primary responsibility of preparing the loan documents and other needed instruments. These loans must also be adequately secured and have terms no greater than 20 years.

(Ord. No. 2004-169, § IV, 1-27-2004)

Sec. 26-55. - Application and evaluation process.

- (a) The county will consider providing chapter 381 assistance on a case-by case basis. A written application shall be submitted for each request to the county's director of planning and development (Dallas County Commissioners Court, 411 Street, Dallas, Texas 75202). Each application shall be accompanied by all of the information outlined below which will be used to evaluate the request:
 - (1) A description of the project that will be undertaken with the requested assistance, including its location, its estimated cost, the schedule for undertaking the project, the amount of investment that will occur, and the amount of funding that the applicant will provide;

- (2) A description of the type of chapter 381 assistance that is needed, including proposed interest rate, maturity schedule, and repayment terms and an explanation of why this assistance is needed;
 - (3) A description of the project's impact on the local economy and the county's property tax base and, if applicable, a description of the number/types of new permanent jobs to be created and the projected payroll and/or the number/types of housing units to be created and the projected sales/rental prices for each type of housing. An explanation of how the project addresses this policy's chapter 381 objectives should also be included in this description;
 - (4) A copy of a map which clearly illustrates the location of the proposed project and the boundaries of the TIF district in which it is located;
 - (5) An explanation of how the use of previously-provided tax increment for this assistance will affect the TIF district;
 - (6) The amount of acreage that the project will utilize and the current total of assessed valuation of this property;
 - (7) A description of the developer's/firm's background, its record at undertaking similar projects, the background of its major principals, its relocation/expansion history over the past 15 years, its financial condition (including whether it has ever declared bankruptcy and copies of audited balance sheets and annual income statements for each of the most recent two years), and its source of financing for this project;
 - (8) An explanation, if applicable, of how the project will revitalize economically distressed areas and/or provide employment for the chronically unemployed;
 - (9) The identification of any environmental problems and a discussion of how they will be resolved;
 - (10) A discussion of whether any existing businesses or residents will be displaced and how the adverse impact of this displacement will be alleviated;
 - (11) The status of financial assistance requests with other public entities;
 - (12) To the extent they are available at the time of the application, draft copies of the legal documents that will be needed to implement the assistance that is requested;
 - (13) A copy of firm's current EEO-1 report which shows the composition of the firm's workforce by occupation, gender, race, and ethnicity and material that confirms that firm provides medical insurance to full-time permanent employees;
 - (14) The name, address, and telephone number of a contact person; and
 - (15) Any other information that may be requested.
- (b) The county commissioners court will be responsible for determining whether the county provides chapter 381 assistance. In determining the level, if any, at which the county will provide chapter 381 assistance, the commissioners court will consider a number of factors. These factors shall include, but not be limited to, the proposed terms for the assistance, the location of the project, the nature and the level of investment that is projected to occur, the increase in the local property tax base that is expected to occur, the background and qualifications of the entity that will be receiving the assistance, the likelihood that the assistance will be repaid, the feasibility and the appropriateness of the proposed project, the impact it will have on transportation and on the cost of providing county/hospital district services, the amount of new sales tax and hotel tax revenue that will be generated by the district, the extent to which the city contributes these new revenues to similar activities within the same area, the availability of other financing mechanisms, and the likelihood of other development occurring within the area.

(Ord. No. 2004-169, § V, 1-27-2004)

Sec. 26-56–26-60. Reserved

ARTICLE IV. - TAX INCREMENT FINANCE POLICY³

Sec. 26-61. – Introduction

Texas counties are authorized under [Chapter 311 of the Tax Code](#) to create and/or to participate in tax increment finance (TIF) districts. To help ensure that all TIF district creation/participation requests are consistently reviewed and that only the most effective and appropriate districts are selected for creation/participation, the following policy has been adopted. It shall govern the consideration of all TIF district requests received by Dallas County. It does not apply to the Dallas County Hospital District, which generally does not participate in TIF districts, nor does it apply to other local entities such as the Dallas County Community College District and the Dallas County School Board over which the County has no jurisdiction.

(Ord. No. 2011-1264, 8-2-11)

Sec. 26-62. – Tax Increment Finance Objectives

Tax increment finance shall only be used if it will generate meaningful investment within a distressed area; substantially increase the level, type, and rate of development within a non-distressed area; produce a project with regional economic implications; or create affordable/moderately-priced single-family housing.

(Ord. No. 2011-1264, 8-2-11)

Sec. 26-63. – Definitions

Distressed Area: The area within a TIF district is considered to be “distressed” if it meets three of the four following criteria:

- The assessed valuation of the city in which the district is located grew at a rate during the last five years that is less than the rate at which the County grew;
- No more than 60% of the land in the district (excluding public parks) is vacant/undeveloped;
- The percentage of housing contained in the district’s census tract(s) that was built before 1960 is greater than the County average; and/or
- The district is located in an area that is defined as being distressed under the County’s tax abatement policy.

Regional economic implications: A TIF district is considered to possess regional economic implications if it will create a major sports/cultural/recreational venue, generate at least 1000 new full-time permanent manufacturing or technology-related jobs within three years of the adoption of the TIF district’s final project/finance plan, or create at least 250 new full-time permanent jobs within three years of the adoption of the TIF district’s final project/finance plan if the district is located in a census tract with a median family income that is no greater than 150% of the poverty level for a family of four.

(Ord. No. 2011-1264, 8-2-11)

³ **State Law Reference** – Tax Increment Financing Act, [Tax Code Chapter 311](#).

Editor’s Notices – The Tax Increment Finance policy was moved from Chapter 62 to this Chapter via Court Order No. 2017-XXXX.

Sec.26-64. – General Requirements

Dallas County will consider creating and/or participating in a TIF district only when one of the aforementioned TIF objectives and all of the following applicable conditions are first met:

1. The district meets the eligibility criteria contained in [Chapter 311.005 \(a\) \(1\) and \(2\) of the Tax Code.](#)
2. The district will generate an increase in the County's property tax base of at least \$15 million within three years of the approval of the district's final project/finance plan.
3. Present value analysis indicates that the additional tax revenue benefits that the district will generate for the County will at least equal, within a reasonable period of time, the cost of the incremental revenues that the County would forego.
4. All proposed TIF districts and/or any TIF participation Court Orders or agreements between the County and the relevant city shall have sufficient safeguards in place in the event that the proposed development does not take place. Such safeguards shall include, but not be limited to, automatic TIF district/County participation termination provisions, requiring the developer to initially fund the public improvements/tying the repayment of these improvements to generated increment, requiring some acceptable form of financial security from the developer, or scheduling public improvements after the private development has begun.
5. Residential projects using direct site-specific TIF assistance must either have at least twenty percent of the produced housing be affordable (as defined by HUD) to low/moderate income people or propose an alternative affordable housing option that is satisfactory to the County. Such alternative options may include, but not be limited to, providing funding for an affordable housing fund or providing affordable housing elsewhere within the district or within the immediate area. Determining what is a satisfactory affordable housing alternative is solely at the County's discretion.

In the event that a city wishes to proceed with a residential TIF project that is unable to appropriately satisfy this requirement, it may do so. However, it cannot utilize any County-provided increment for this purpose.

6. The district does not involve the relocation of an existing firm or facility from one Dallas County municipality to another Dallas County municipality unless this move has the formal approval of the original host city.
7. If a firm/developer requests the creation of a TIF district, it certifies that it is an Equal Opportunity Employer.

A proposed TIF district will be considered by Dallas County only after it meets the aforementioned provisions of this policy. However, meeting these provisions only qualifies the TIF proposal for consideration; it does not obligate the County to create and/or participate in the TIF district.

(Ord. No. 2011-1264, 8-2-11)

Sec. 26-65. – County TIF District Approval/Participation

The Dallas County Commissioners Court will be responsible for determining whether Dallas County creates and/or participates in any given TIF district.

For TIF districts that meet the general requirements of this policy, the County may provide as much as 35% of its annual increment. This level of participation will be known as the "base" level of participation.

This "base" level of participation may be increased by "blocks" of as much as an additional 10% for each of the following significant features that a TIF district possesses:

1. The district is located within a distressed area;
2. The district will generate, within a twenty-year period, an increase in the property tax base that is at least eight times the total cost (including debt service) of the district's proposed public improvements.
3. The district is exclusively dedicated to producing single-family housing, and it creates at least 450 homes, of which at least 35% of the housing is affordable to households earning no more than 80% of the area's median income for a family of three and of which at least 70% of the housing costs no more than 85% of the Dallas area maximum FHA single-family loan limit;
4. The district will facilitate the use of alternative forms of transportation either by containing a trolley line, a commuter/light rail station or a bus transit center, by providing funding for the operation of a trolley line, or the design/construction of a trolley/commuter/light rail line, a rail station/bus transit center, or a trail that is contained in the County's trail plan or that will connect to a trail within the County's trail plan;
5. The district possesses regional economic implications; and/or
6. Participation by the County at the requested level will shorten the period of time needed to finance the proposed public improvements by at least two years.

The maximum level at which the County/Hospital District will financially participate in any TIF district, regardless of how many of the aforementioned significant features a district may possess, is 75%.

In addition to the limitations previously outlined within this policy, tax increment provided by the County cannot be used for public art, public improvements that a city, or other governmental entity, or private company was already obligated to provide before a TIF district was formally contemplated, the construction of golf courses, an equity interest in any development, or the purchase of existing public improvements. Accordingly, in calculating the amount of increment that the County may provide, this figure shall be reduced by the County's pro-rata share of projected cost of any improvement or activity that is not consistent with this policy.

The maximum length of time that the County will financially participate in a TIF district is twenty years. However, once a TIF district with County participation becomes operational, the County may extend its participation and financially participate in a district for a total period of up to twenty-five years if the TIF district is located in a distressed area, if the TIF district has significantly under-performed because of changes in the economy and has no reasonable chance of achieving its original financial projects before the County's current participation expires, and if there are pending projects that will increase the district's assessed valuation by at least \$100 million over the next five years and that would not otherwise occur without an extension.

In determining whether to create a TIF district and/or the level and the duration of any County financial participation in a TIF district, the Commissioners Court will consider such factors as the TIF district area's present condition, the increase in the local property tax base that is expected to occur with or without the district, the impact that County participation will have on the financing of public improvements, the factors (if applicable) associated with having the County considering creating the district rather than the local city, the impact that the TIF district will have on transportation and on the cost of providing County services, the amount of new sales tax and hotel tax revenue that will be generated by the district, the extent to which the city contributes these new revenues to the district, the extent to which the city and the other taxing jurisdictions participate in the district, the location and the boundaries of the proposed district, the nature and the level of investment that is projected to occur, the existence of any ready developers and pending projects, the availability of other financing mechanisms, the likelihood of other development occurring within the area, the appropriateness of the proposed public improvements and financing plan, and the feasibility of the proposed development.

(Ord. No. 2011-1264, 8-2-11)

Sec. 26-66 – Application Process

Dallas County will consider creating and/or participating in a TIF project on a case-by-case basis when the request is made in writing to the County's Director of Planning & Development (411 Elm Street, 3rd floor, Dallas, Texas, 75202) and when the request is accompanied by all of the information outlined below which will be used to evaluate the TIF request:

1. An explanation of why the TIF district and tax increment financing is needed.
2. An explanation, if applicable, of why the County is being asked to create the TF district and not the city.
3. The estimated life of the TIF district and a description of the proposed private sector development, its investment level, and its implementation schedule.
4. The submission of either a detailed financial forecast of what growth will occur in the proposed district if the district is not created/does not become operational or the assessed valuations of the proposed district for each of the past five years.
5. A description of what public improvements will be undertaken, how they will be funded, and how these improvements relate to the area's barriers to growth.
6. A description of the level and duration of tax increment financing that is being requested from each taxing entity.
7. A detailed description of anticipated annual TIF district revenues, costs, increments, and debt service requirements.
8. An explanation of the district's financial and economic growth assumptions.
9. A description of the district's impact on the local economy and the County's property tax base and, if applicable, a description of the number/types of new permanent jobs to be created and the projected payroll and/or the number/types of housing units to be created and the projected sales/rental prices for each type of housing.
10. The results of present value analysis which show in what year the additional tax revenue benefits to the County will equal or exceed the incremental revenues that the County will forego.
11. A copy of a map which clearly illustrates the location and the boundaries of the TIF district.
12. The amount of acreage and the current total of assessed valuation contained within the district.
13. A copy of any existing marketing/feasibility study.
14. A description of the developer's/firm's background, its record at undertaking similar projects, the background of its major principals, its relocation/expansion history over the past fifteen years, its financial condition over the past five years, and its source of financing for this project.
15. An explanation, if applicable, of how the district will revitalize economically distressed areas and/or provide employment for the chronically unemployed.
16. A discussion of how the district avoids, addresses, and/or alleviates displacement and environmental concerns.
17. The name, mailing address, email address, and telephone number of a contact person.
18. Any other information that may be requested.

(Ord. No. 2011-1264, 8-2-11)

Sec. 26-67–26-70. Reserved

ARTICLE V. - TAX ABATEMENT POLICY⁴

Sec. 26-71. - Introduction.

⁴ **Editor's note**— Ord. No. 2015-0054, §§ I—X, adopted Jan. 13, 2015, deleted provisions formerly set out as art. IV of this chapter in their entirety and enacted new provisions which have been included herein as a new art. IV at the editor's discretion. Former art. IV, §§ 62-211—62-219, pertained to similar subject

Counties in Texas are authorized under V.T.C.A., [Local Government Code ch. 381](#) and V.T.C.A., [Tax Code § 11.24](#) and [ch. 312](#) to provide tax abatements for historic preservation, housing, and economic development projects. To help ensure that all tax abatement requests are consistently reviewed and that only the most effective and appropriate projects are undertaken, the following policy has been developed. It shall govern the consideration of all tax abatement requests received by the county commissioners court. It shall not apply to requests for abatements from other entities like the Dallas County Community College District and the Dallas County School Board over which the commissioners court has no jurisdiction nor shall it apply to the Dallas County Hospital District which does not provide tax abatement assistance.

(Ord. No. 2015-0054, § I, 1-13-2015)

Sec. 26-72. - Definitions.

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

Affordable housing. Housing is deemed to be affordable if its monthly cost does not exceed 30 percent of the monthly income of a household earning 80 percent of the Dallas area's median income.

Applicant. The firm, party, entity, or organization that would be receiving the tax abatement if granted.

Dallas CBD. The area bounded by Woodall Rodgers Freeway, I-30, I-35, and I-45.

Dallas County city. The portion of any city located within Dallas County.

Distribution center project. An economic development project involving the operation of a warehouse used for the temporary storage of goods that will subsequently be shipped/redistributed to retailers, wholesalers, or consumers.

Economic development project. One of five general tax abatement project categories under this policy. Projects falling within this category generate new jobs, increase the local property tax base, involve the modernization/addition of equipment, and/or the expansion, construction, or leasing of business facilities.

Economically significant project. An economic development project that either creates at least 1,000 new full-time permanent jobs or increases the county's tax base by at least 100 million dollars through the addition of new equipment, the expansion of inventory, the construction of a new facility, and/or the renovation/expansion of an existing facility.

Established area. A census tract whose median owner-occupied home value is in excess of the county median value.

Facility expansion/modernization project. An economic development project involving the modernization/addition of equipment/inventory and/or the physical expansion or modernization of an existing facility or the construction of a new/additional building within the same city where the firm's major Dallas County facility is located.

Fortune 1000 corporate HQ project. An economic development project involving the relocation of a Fortune 1000 firm's corporate headquarters. Said project must involve the location of the principle office of the firm's chief executive officer, the office must be designated as the firm's corporate headquarters in the firm's news releases, corporate reports, letterhead, website, etc., and the average salary of all of the jobs associated with the project must be at least \$100,000.00.

matter and derived from Ord. No. 2003-919, §§ I—IX, adopted May 27, 2003, and Ord. No. 2004-2195, §§ I—IX, adopted Dec. 7, 2004.

State Law reference— Tax abatement for historic sites, V.T.C.A., [Tax Code § 11.24](#); Tax Abatement Act, V.T.C.A., [Tax Code § 312.01](#) et seq.

Editor's Notes – The Tax Abatement Policy was moved from Chapter 62 to this chapter via Court Order No. 2017-XXXX.

Higher education facilities project. One of five general tax abatement project categories under this policy. Projects falling within this category involve the construction/renovation/expansion of facilities that primarily consist of classrooms, distance learning centers, libraries, and/or laboratories that are exclusively used by accredited universities and colleges.

Historic preservation project. One of five general tax abatement project categories under this policy. Projects falling within this category involve the utilization of a structure that is either listed in the National Register of Historic Places, is eligible for such listing, or is located within a district that is listed in the National Register.

Housing project. One of five general tax abatement project categories under this policy. Projects falling within this category must be located within either a priority area, a strategic area, or the Dallas CBD and involve the construction, development, or rehabilitation of housing or the conversion of an existing structure into housing.

Inland Port Area. The area south of Ledbetter, east of I-35, and west of the Trinity River to the county-line with Ellis County.

New construction/relocation project. An economic development project involving the construction of a new facility or the utilization of an existing building (including its inventory and equipment) for a new business or an existing firm that is relocating from outside of Dallas County; the construction of another facility or the utilization of an existing building (including its inventory and equipment) for an existing business if the construction/building utilization will occur in a city other than where its major county facility is located; or the construction of another facility or the utilization of an existing building (including its inventory and equipment) for an existing business if the new facility/utilization of an existing building, while it will occur in the city where the firm's major county facility is located, will replace an existing facility in another Dallas County city.

Payroll. Payroll includes all forms of compensation, such as salaries, wages, reported tips, commissions, bonuses, vacation allowances, sick-leave pay, employee contributions to qualified pension plans, and the value of fringe benefits before deductions for Social Security, income tax, insurance, union dues, etc. are made. For corporations, it also includes amounts paid to officers and executives; for unincorporated businesses, it does not include profit or other compensation of proprietors and partners.

Priority area. A census tract whose median owner-occupied home value is 75 percent or less than the county median.

Retail shopping area redevelopment. One of five general tax abatement project categories under this policy. Projects falling within this category involve the conversion, replacement, or substantial improvement of those existing retail shopping areas that are largely characterized by the presence of such items as obsolete physical lay-outs, high vacancies, declining property values, low economic-value tenants, and/or dated signage/storefronts.

Strategic area. Either the Dallas CBD or a census tract whose median owner-occupied home value is greater than 75 percent of the county median, but does not exceed the county median.

Strategic investment project. An economic development project involving the new construction of a hotel, home improvement center, movie theater, or grocery store in a either a strategic or priority area.

Tax abatement. A form of tax incentive that is authorized under either V.T.C.A., Local Government Code ch. 381, V.T.C.A., Tax Code § 11.24 or ch. 312 and that reduces, in part, applicable ad valorem taxes so that a particular type of economic activity can be undertaken. For purposes of this policy, this term is also interchangeable with such terms as "tax reduction," "tax deferral," and "tax rebate."

(Ord. No. 2015-0054, § II, 1-13-2015)

Sec. 26-73. - General requirements/considerations.

- (a) All requests for tax abatement must meet the terms and criteria contained within this policy if they are to be eligible for consideration. In no situation does meeting the terms and criteria of this policy obligate the county to provide any abatement to an applicant.
- (b) All applicants seeking tax abatement must, at the time of the application and before their requests can be reviewed, demonstrate that they regularly provide some type of medical coverage/health insurance for all full-time permanent non-contract employees, certify that they are equal opportunity employers, and certify that they do not and will not knowingly employ an undocumented worker and that if they are convicted of such a violation, shall repay any abatement (with interest) that the county may have provided.
- (c) In determining whether to provide an abatement for a project and, if so, at what level, the county will consider a number of related factors. Such factors shall include, but not be limited to, the degree to which the project surpasses the county's investment requirements, the short-term/long-term impact of the project on the county's tax base, the location of the proposed project, its impact on its surrounding area, the type and durability of the proposed investment, the existence of any environmental problems, the background and past performance of the applicant, the potential for the project to be successfully implemented, the need for the requested abatement, the degree to which the project utilizes or is served by alternative forms of transportation, the project's impact on the provision of county services, and current economic conditions. In addition, to the extent that they are applicable, other factors that will be considered shall include the project's ability to provide meaningful employment to the chronically unemployed, the type and quality of any jobs that will be produced, the number of affordable housing units that will be produced, the number and type of jobs that will be retained, the type of higher education facilities that will be produced, and the number of students that will utilize the proposed facilities.
- (d) The maximum term for an abatement that can be provided under this policy is ten years. However, in the event a subsequent project will utilize a site that already has a real property abatement, then the existing real property abatement may be extended to provide a total abatement of up to 15 years if the subsequent project will be conducted by a party not affiliated with the existing abatement's recipient and the subsequent project constitutes either an economically significant project or a priority area project that meets the job generation and tax base increase requirements of an established area project.
- (e) Abatements can only be authorized by formal action of a majority of the commissioners court in open session after the required abatement application information has been submitted to the county. Because the availability of abatement assistance can facilitate the selection of a specific site when numerous sites are under consideration, a court member in whose district a project is considering locating to and the county judge may, in some limited instances, jointly issue a non-binding letter (or instruct staff to issue such a letter on their behalf) in which they propose terms for a particular abatement. Such letters may only be issued when a site outside of the county is also under consideration, when the project and the proposed terms are consistent with this policy, when the magnitude of the project warrants such action, and when requested by the potential applicant or its representative. Such letters shall clearly note that they are non-binding and that the proposed abatement can only be authorized by formal action of the commissioners court.
- (f) Abatements will only be awarded when the city in which the project is located has formally approved the provision of either a generally comparable abatement or another form of economic development assistance of comparable value and when the applicant and the county have entered into a formal tax abatement agreement. This agreement shall contain specific provisions that tie the abatement to actual increases in the tax base, housing production, and/or job creation for housing and economic development projects and to actual increases in the tax base and preservation/ maintenance for historic preservation projects. Any year that the agreed-upon tax base increases, renovation, housing production, payroll, job generation amounts, etc. are not reached, then the abatement will be discontinued unless otherwise revised to reflect both the performance that actually took place and a corresponding reduction in the percentage abated.

- (g) Requests for abatements will not be considered if, prior to the submission of an application, the project is already substantially underway or completed. A project will be considered to be substantially underway if actions such as, but not limited to, the following have occurred:
 - (1) Demolition, site preparation, or the installation of infrastructure has begun;
 - (2) A building permit has been issued for construction not associated with mitigating an environmental hazard;
 - (3) Construction (including renovations or tenant finish-out) has begun;
 - (4) Equipment, inventory, or employees have been relocated to the new site; or
 - (5) The initial contact with the county about the project was more than 90 days after the host city had executed an abatement agreement for the project.
- (h) However, having had demolition and/or site preparation occur for a project that solely utilizes property that has been tax-exempt for at least the past 50 years and that is now taxable because of the proposed tax abatement project does not constitute the project being substantially underway. Also, the execution of a lease, the mitigation of environmental problems, the purchase of land, the completion of an environmental assessment, or the preparation of architectural and engineering plans does not constitute a project being substantially underway nor does the prior preparation of an historic building for demolition (if the building is to now be preserved with an abatement) or the stabilization of an historic building.
- (i) For tax abatement projects with multiple phases, once the initial abatement has been approved, additional abatement requests associated with any successive phase shall be evaluated under the terms of the tax abatement policy that was in effect at the time the project's initial request was approved, provided these successive requests are submitted within 12 months of the initial phase's approval.
- (j) Requests for an abatement will not be considered for an establishment that derives more than 25 percent of its revenue from the on-site sale of alcoholic beverages and/or tobacco products. Requests will also not be considered for property that will be used in whole or in part for a sexually-oriented business, including, but not limited to, condoning, legitimizing, or promoting obscene materials, nude or topless modeling or dancing, adult motel operations, escort services, sexual encounter centers, sex phone centers, or any other sexually-oriented business activity. Similarly, property receiving an existing abatement for another use cannot convert this property for use as a sexually-oriented business or an establishment that would derive more than 25 percent of its revenue from the on-site sale of alcohol and tobacco and still retain this abatement.
- (k) Requests for an abatement will also not be considered if the abatement will be utilized by a firm in which the county is currently involved in litigation or a pending claim or in which the county has experienced unsatisfactory contractual performance (including previous abatements) within the past 36 months.

(Ord. No. 2015-0054, § III, 1-13-2015)

Sec. 26-74. - Economic development requirements.

- (a) For purposes of the county's tax abatement policy, there are five types of economic development projects (economically significant, Fortune 1000 corporate HQ, strategic investment, facility expansion/modernization, and new construction/relocation) that can occur in three types of areas (priority, strategic, and established).
- (b) To be eligible for an abatement, facility expansion/modernization and new construction/relocation projects must, within three years of the date in which the abatement is approved, increase the county's property tax base and either increase the number of full-time permanent jobs within the county or increase the firm's local payroll by the amounts listed below.

MINIMUM GENERATION REQUIREMENTS

Project Type	For Priority Area			For Strategic Area			For Established Area		
	Jobs	Payroll	Tax Base	Jobs	Payroll	Tax Base	Jobs	Payroll	Tax Base
New construction/relocation	100	\$6 million	\$8 million	200	\$12 million	\$16 million	600	\$36 million	\$48 million
Facility expansion/modernization	50	\$3 million	\$4 million	100	\$6 million	\$8 million	400	\$24 million	\$32 million

- (c) To be eligible for an abatement, economically significant projects must, within three years of the date in which the abatement is approved for any first phase, either create 1,000 new full-time permanent jobs or increase the county's tax base by 100 million dollars.
- (d) To be eligible for an abatement, strategic investment projects must be located within either a priority area or a strategic area and must, within three years of the date in which the abatement is approved for any first phase, meet the following requirements.

Project Type	Tax Base Increase	Jobs Created	Other Requirements
Hotel	\$5 million	25	contain 150 rooms
Home improvement center	\$10 million	130	create 100,000-square-foot store
Grocery store	\$4 million	100	create 50,000-square-foot store
Movie theater	\$5 million	20	n/a

- (e) To be eligible for an abatement, Fortune 1000 corporate HQ projects must, within three years of the date in which the abatement is approved, employ at least 100 full-time high-paying jobs and increase the county's tax base by at least 2.5 million dollars.
- (f) In meeting the tax base increase requirements described above, no Freeport-eligible property that a project may possess can be utilized. Also, the county may, at its discretion, consider the retention of existing jobs to satisfy some portion of the job generation requirements listed above if the average salary/wage of the jobs that are to be retained are equal to at least 80 percent of the average salary/wage for the county, if there is tangible evidence of the possibility that these existing jobs may relocate to a new site outside of the county, and if the project, depending upon its location, retains the following number of jobs and possesses the following existing amounts of taxable property.

JOB RETENTION REQUIREMENTS

	Priority Area	Strategic Area	Established Area
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Number of jobs to be retained	100	200	400
Required amount of existing taxable property	\$5 million	\$10 million	\$20 million

- (g) Whether the county chooses to allow job retention to satisfy all or a portion of the standard job generation requirement will be dependent upon a number of factors, including the location of the project, the condition of the local economy, the type of jobs and industry involved, and the extent to which the project exceeds the job retention, average salary, tax base increase, and existing taxable property requirements.
- (h) Economic development projects cannot involve an outside firm seeking or being offered a tax abatement from more than one Dallas County city unless that firm is also considering locating its operations outside of the county or a present county firm primarily relocating its operations from one Dallas County city to another unless this move has the formal approval of the current host city. Abatements also cannot be provided for the construction of a distribution center/warehouse unless 70 percent of the facility's space is pre-leased or will be used by the builder/owner for use in its business operations.
- (i) The maximum abatement that will be provided to a new construction/relocation project, a strategic investment project, or a facility expansion/modernization project that is located in a priority area or to an economically significant project is 90 percent of the increase in assessed valuation that occurs. The maximum abatement that will be provided to a new construction/relocation project, a strategic investment project, or a facility expansion/modernization project that is located in an established area is 50 percent or 75 percent of the increase in assessed valuation that occurs if the project is located in a strategic area. The maximum abatement that will be provided to a distribution center project in the inland port area or to a Fortune 1000 corporate HQ project is 75 percent. Also, the amount of an abatement provided during a specific year may exceed the limits for established and strategic area projects as long as the average percent abated over the life of the abatement does not exceed these limits.

(Ord. No. 2015-0054, § IV, 1-13-2015)

Sec. 26-75. - Housing requirements.

- (a) Under this policy, the county will consider providing tax abatements for housing projects located within a priority area, a strategic area, or the Dallas CBD. To be eligible for an abatement, a housing project located within a priority area must produce 30 units of housing and increase the county's property tax base within three years of the date in which an abatement is approved for any first phase and within three years of the effective date for any subsequent phase by 1.5 million dollars. For a project located within the Dallas CBD or a strategic area, a project must produce 100 units of housing and increase the county's property tax base within three years by five million dollars.
- (b) For projects involving the new construction of housing in a strategic area, at least ten percent of the housing that is produced must be affordable.
- (c) The maximum abatement that will be provided to a housing project in a priority area is 90 percent of the increase in assessed valuation that occurs. For a project located within the Dallas CBD or a strategic area, the maximum abatement that will be provided is 75 percent.

(Ord. No. 2015-0054, § V, 1-13-2015)

Sec. 26-76. - Retail shopping area redevelopment requirements.

- (a) To be eligible for a retail shopping area redevelopment abatement, a project must involve the redevelopment of at least five acres of contiguous property that currently consists of a group of stores and other commercial establishments built around a shared parking area. If a project involves either substantially improving or replacing an existing retail shopping area with a new retail shopping development, then the project must increase the county's tax base by at least 2.5 million dollars within three years of the date that any abatement is approved.
- (b) If a project involves the demolition and replacement of an existing retail shopping area with a residential development, then the project must produce 30 new units of housing and increase the county's tax base by at least 1.5 million dollars within three years of the date that any abatement is approved.
- (c) The maximum abatement that will be provided to a retail shopping area redevelopment project is 75 percent of the increase in assessed valuation that occurs if the project is located in either a strategic or established area or 90 percent of any increase if the project is located in a priority area.

(Ord. No. 2015-0054, § VI, 1-13-2015)

Sec. 26-77. - Historic preservation requirements.

- (a) To be eligible for an historic preservation tax abatement, the project must utilize a structure that is either listed in the National Register of Historic Places, is eligible for such listing, or is located within a district that is listed in the National Register, and the project must increase the county's tax base by at least two million dollars within three years of the date that any abatement is approved for any first phase and within three years of the effective date for any subsequent phase. Also, the renovation/restoration work must be appropriate and consistent with the structure's historical significance, as should the building's general maintenance.
- (b) All historic preservation projects will initially be eligible for a maximum abatement of up to 50 percent of any increase in assessed valuation. Additional "bonus" abatements may be awarded if the project develops housing, if it is located in a priority area, if it utilizes a structure with extraordinary historical significance, if the structure is in serious danger of being demolished (i.e., there are no likely alternative uses, the building has been vacant for some time, etc.), and/or if the project will generate significant economic activity (i.e., the amount of investment to be undertaken greatly exceeds the county's requirements, it will assist tourism, increase retail sales, etc.). The maximum abatement that can be received for an historic preservation project is 90 percent of the increase in assessed real property valuation that occurs.

(Ord. No. 2015-0054, § VII, 1-13-2015)

Sec. 62-218. - Higher education facilities.

Dallas County will consider providing a tax abatement for the construction/renovation/expansion of higher education facilities that will be exclusively used by an accredited college or university if the assessed valuation of the new improvements is at least 2.5 million dollars within three years of the date in which an abatement is approved for any first phase and within three years of the effective date for any subsequent phase. The maximum abatement that will be provided for a higher education facility is 100 percent of the increase in assessed real property that occurs.

(Ord. No. 2015-0054, § VIII 1-13-2015)

Sec. 26-79. - Application process.

- (a) Requests for tax abatement from the county commissioners court must be made in writing and submitted to the county's director of planning and development, 411 Elm Street, Dallas, Texas 75202. These requests must also be accompanied with the following information:

Required Application Information	Economic Development Projects	Housing Projects	Retail Redevelopment Projects	Historic Preservation Projects	Higher Education Facilities
Description of requested abatement for each year (amount and duration)	X	X	X	X	X
Current assessed valuation of property/firm	X	X	X	X	X
Projected annual assessed valuation of applicable proposed improvements/ business personal property over life of abatement (PLEASE NOTE THAT THESE FIGURES WILL BE USED AS THE QUALIFYING BENCHMARKS IN ANY ABATEMENT AGREEMENT)	X	X	X	X	X
Description of proposed project (including, where applicable, the amount/type of investment involved, increase in local payroll, number/types of jobs created/retained, how much of projected tax base increase is attributable to Freeport-eligible inventory, number of housing units to be produced, average rent/sales price, type of renovations/improvements to be made, square footage of retail space that will be demolished/replaced/improved, type of educational facilities to be constructed, number of students involved, etc.)	X	X	X	X	X
Detailed schedule for implementing project (including, where applicable, when property will be acquired, when financing will be obtained, when demolition/construction/renovation will begin/be completed, when new equipment will be installed, when facility will be fully operational, when new positions are filled, when jobs will be relocated, etc.)	X	X	X	X	X

Financial pro forma showing impact of abatement on operating expenses		X		X	
Explanation of why abatement is needed	X	X	X	X	X
Map/location of proposed project	X	X	X	X	X
Date retail area was constructed			X		
Current occupancy rate for retail area			X		
Description of how project is served by such alternative forms of transportation as light rail, bus, car pool programs, HOV lanes, hike/bike trails, etc. or is immediately located within the community it will serve/from which its employees will reside	X	X	X	X	X
Description of applicant's business history (including location of firm's other Dallas County projects/facilities)	X	X	X	X	X
Description of firm's relocation history over the past 15 years	X	X	X	X	X
Identification of any displacement or environmental issues/problems and discussion of how these issues/problems will be addressed	X	X	X	X	X
Status of tax abatement/economic development assistance requests with other jurisdictions	X	X	X	X	X
Preliminary architectural sketches			X	X	
Explanation, if applicable, of how project will revitalize priority areas or employ the chronically unemployed	X	X	X	X	X
Current use of building/average occupancy rate over past 12 months				X	

Description/documentation of building's historic significance				X	
Documentation/description of medical coverage/health insurance provided to all full-time, permanent non-contract employees	X	X	X	X	X
Statement that firm does not and will not knowingly employ an undocumented worker and that if convicted of doing so, it shall repay any abatement (with interest)that may have been provided	X	X	X	X	X
Copy of most recent EEO-1 or equivalent work force composition report	X	X	X	X	X
Name, telephone number, email address, and mailing address of contact person	X	X	X	X	X

- (b) Besides the information outlined above, additional information may be requested by the county at a later date.
- (c) So as to help facilitate the consideration of any tax abatement request, potential applicants are strongly encouraged to contact the county's director of planning and development at (214) 653-7601 as early in the project formulation process as possible.

(Ord. No. 2015-0054, § IX, 1-13-2015)

Sec. 26-80. - Review and approval.

The county commissioners court will review all eligible tax abatement requests submitted to the county and determine to what degree the county will provide such assistance.

(Ord. No. 2015-0054, § X, 1-13-2015)

Secs. 26-81—26-100. - Reserved.

ARTICLE VI. - FREEPORT GOODS⁵

Sec. 26-101. - Tax exempted for business personal property.

⁵ **State Law reference**— Freeport goods exemptions, V.T.C.A., [Tax Code § 11.251](#).

Editor's Notices – The Freeport Goods policy was moved from Chapter 62 to this chapter via Court Order No. 2017-XXXX.

The county commissioners court authorizes the granting of the freeport tax exemption for business personal property, effective January 1, 1997, for the county and the county hospital district, authorized in Texas Constitution, art. VIII, § 1-j.

Secs. 26-102—26-110. - Reserved.

Chapter 30 - Elections

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ARTICLE I. - IN GENERAL

Secs. 30-1—30-30. - Reserved.

ARTICLE II. - ELECTION JUDGES²

DIVISION 1. - GENERALLY

Sec. 30-31. - Appointment of presiding and alternate judges.

The county commissioners court shall appoint presiding judges and alternate judges as designated for voting precincts for special and general elections.

(Ord. No. 99-1417, 8-3-1999; Ord. No. 2000-1617, 8-14-2000; Ord. No. 2001-2416, 12-18-2001; Ord. No. 2002-1501, 8-20-2002; Ord. No. 2003-1294, 7-22-2003; Ord. No. 2004-1380, 8-10-2004; Ord. No. 2005-1427, 8-2-2005)

Sec. 30-32. - Policies for appointment.

The commissioners court adopts the following policies:

- (1) The commissioners court will consider an individual for appointment as an election official, including judge or alternate judge, any person who has not:
 - a. Been convicted of, or have an unresolved criminal charge of, a felony, a crime involving moral turpitude or a violation of the state election code.
 - b. Been the subject of one or more complaints, filed with the elections administrator in any prior election, which allege violations of the election laws and county election procedures, if such complaint or complaints have not, in the opinion of the commissioners court, been satisfactorily explained. An explanation is considered satisfactory if the commissioners court is convinced that:
 1. The complaint was unfounded; or
 2. The action or inaction giving rise to the complaint did not threaten the fairness of the election or accuracy of its results.

Factors which the commissioners court shall consider in determining whether a complaint shall result in a refusal to appoint include, but are not limited to:

1. Indicates an inability or unwillingness to establish and maintain order at the polling place;
2. Indicates an inability or unwillingness to treat others with respect;
3. Reflects a failure to timely open the poll and/or failure to be present during the election hours except for absences due to emergencies;

¹ **State Law reference—** Elections, V.T.C.A., [Election Code § 1.01](#) et seq.

² **State Law reference—** Election judges, V.T.C.A., [Election Code § 32.002](#).

4. Reflects a failure to work with other poll officials including, but not limited to, refusal to hire and work clerks of the opposite party.
 - c. Knowingly and willfully hired, worked, or allowed to be present at the polling place (except to legally vote) any person who has been previously rejected for cause or who has or does exhibit any of the factors that would have made them ineligible for appointment as election judge or alternate election judge. Hiring the alternate judge or others required by law will not be considered a violation.
- (2) The elections administrator will provide complaint forms to all interested parties that outline the procedures for reporting on election behavior and the information needed in such complaints. Complaints should be received in writing by the county elections administrator who will, immediately upon receipt of written complaint, notify the person against whom the complaint was filed and provide a copy of the written complaint. Persons nominated for election judge or alternate will be asked to respond in writing to any complaints filed against them, and the elections administrator will provide a report to the commissioners court including the original complaint and the response, if any, of the election judge or alternate or nominee. The elections administrator will notify the election judge or alternate in the event additional training classes are necessary prior to future service.
 - (3) Prior to refusing appointment of any proposed election judge, the commissioners court shall grant such person an opportunity to rebut the allegations made against them by complaint in open court. If the commissioners court still is not satisfied with the proposed election judge's explanation of events, it may refuse his/her appointment.
 - (4) Once appointed, the commissioners court may remove an election judge or alternate judge for cause. Cause will be the presence of any factor that would have caused the person not to be appointed or ineligible for future appointment under the law or under these rules.

(Ord. No. 99-1417, 8-3-1999; Ord. No. 2000-1617, 8-14-2000; Ord. No. 2001-2416, 12-18-2001; Ord. No. 2002-1501, 8-20-2002; Ord. No. 2003-1294, 7-22-2003; Ord. No. 2004-1380, 8-10-2004; Ord. No. 2005-1427, 8-2-2005; Ord. No. 2007-1837, 9-18-2007)

Sec. 30-33. - Compensation.

The election judges will receive compensation of \$9.00 per hour for each hour worked on election day (not to exceed 14 hours) and \$9.00 per hour for each hour worked to mark early voters in poll books (not to exceed two hours), alternate judges and clerks will receive compensation of \$8.00 per hour for each hour worked on election day (not to exceed 14 hours) and \$8.00 per hour for each hour worked to mark early voters in poll books (not to exceed two hours), and \$25.00 additional compensation for the election judge who picks up the election supplies prior to the election and delivers the election results and supplies after the polls close on election night.

(Ord. No. 99-1417, 8-3-1999; Ord. No. 2000-1617, 8-14-2000; Ord. No. 2001-2416, 12-18-2001; Ord. No. 2002-1501, 8-20-2002; Ord. No. 2003-1294, 7-22-2003; Ord. No. 2004-1380, 8-10-2004; Ord. No. 2005-1427, 8-2-2005; Ord. No. 2007-1837, 9-18-2007)

Sec. 30-34. - Election clerks; number.

The maximum number of election clerks that each presiding judge may appoint for county elections is two clerks in addition to the alternate presiding judge, with the actual decision regarding the number of clerks allowed resting with the county elections administrator and varying according to each type of election and size of the voting precinct.

(Ord. No. 99-1417, 8-3-1999; Ord. No. 2000-1617, 8-14-2000; Ord. No. 2001-2416, 12-18-2001; Ord. No. 2002-1501, 8-20-2002; Ord. No. 2003-1294, 7-22-2003; Ord. No. 2004-1380, 8-10-2004; Ord. No. 2005-1427, 8-2-2005; Ord. No. 2007-1837, 9-18-2007)

Sec. 30-35. - Substitution of presiding judges.

The substitution of presiding judges shall be in the following manner:

- (1) The presiding judge and alternate judge shall respond with their willingness to serve on or before the 20th day before an election or not later than 15 days after receipt of notification of the election and their status, whichever is later. They shall respond for each election with an enclosure furnished by the elections department, or otherwise in writing.
- (2) If an election judge confirms that he or she will not be able to serve prior to or on the 20th day before an election, the commissioners court will be timely notified and will fill the vacancy for that election at the next meeting of the commissioners court or at any special meeting that may be called where the issue is on the agenda.
- (3) If the commissioners court fails to act in filling a temporary or permanent vacancy in the office of election judge by the 20th day before the election, the alternate judge will become the judge, or if there is no alternate judge the elections administrator will find a qualified person to hold the election.

(Ord. No. 99-1417, 8-3-1999; Ord. No. 2000-1617, 8-14-2000; Ord. No. 2001-2416, 12-18-2001; Ord. No. 2002-1501, 8-20-2002; Ord. No. 2003-1294, 7-22-2003; Ord. No. 2004-1380, 8-10-2004; Ord. No. 2005-1427, 8-2-2005)

Sec. 30-36. - Replacement of presiding or alternate judges.

The commissioners court may replace presiding or alternate judges up to and including the 20th day before an election.

(Ord. No. 99-1417, 8-3-1999; Ord. No. 2000-1617, 8-14-2000; Ord. No. 2001-2416, 12-18-2001; Ord. No. 2002-1501, 8-20-2002; Ord. No. 2003-1294, 7-22-2003; Ord. No. 2004-1380, 8-10-2004; Ord. No. 2005-1427, 8-2-2005)

Secs. 30-37—30-60. - Reserved.

DIVISION 2. - EARLY VOTING JUDGES³

Sec. 30-61. - Appointment; attendance of training classes; compensation.

- (a) The commissioners court shall appoint early voting judges for early voting locations for special and general elections.
- (b) The designated early voting judges shall be required to attend all pertinent training classes taught by the county elections department.
- (c) Early voting judges will receive compensation as county extra-help employees and \$25.00 additional compensation to deliver iVotronic totals on the final day of early voting.

³ **State Law reference—** Election judges, V.T.C.A., [Election Code § 32.001](#) et seq.

(Ord. No. 99-1418, 8-3-1999; Ord. No. 2000-1618, 8-14-2000; Ord. No. 2001-2417, 12-18-2001; Ord. No. 2002-1500, 8-20-2002; Ord. No. 2003-1295, 7-22-2003; Ord. No. 2004-1379, 8-10-2004; Ord. No. 2005-1428, 8-2-2005)

Sec. 30-62. - Substitution procedure.

The substitution of the early voting judges shall be in the following manner:

- (1) The presiding early voting judge shall respond with willingness to serve on or before the tenth day before their early voting period begins or no later than 15 days after receipt of notification for the election and their status, whichever is later. They shall respond for each election with enclosure furnished by the elections department, or otherwise in writing.
- (2) If the presiding early voting judge does not respond on a timely basis, the elections department is authorized to appoint an individual to serve as presiding judge who is competent and qualified.
- (3) If the presiding early voting judge is not approved by the contracting entity for their special or general election, the contracting entity shall appoint an individual to serve as presiding judge who is competent and qualified and notify the elections department in writing. If a conflict arises between contracting entities' recommendations, the elections administrator will conduct a drawing from the recommendations to determine the early voting judge.

(Ord. No. 99-1418, 8-3-1999; Ord. No. 2000-1618, 8-14-2000; Ord. No. 2001-2417, 12-18-2001; Ord. No. 2002-1500, 8-20-2002; Ord. No. 2003-1295, 7-22-2003; Ord. No. 2004-1379, 8-10-2004; Ord. No. 2005-1428, 8-2-2005)

Sec. 30-63. - Replacement; removal.

The commissioners court may replace presiding early voting judges up to and including the day before the start of early voting, and may remove presiding early voting judges for cause once early voting has begun.

(Ord. No. 99-1418, 8-3-1999; Ord. No. 2001-2417, 12-18-2001; Ord. No. 2002-1500, 8-20-2002; Ord. No. 2003-1295, 7-22-2003; Ord. No. 2004-1379, 8-10-2004; Ord. No. 2005-1428, 8-2-2005)

Secs. 30-64—30-80. - Reserved.

DIVISION 3. - EARLY VOTING BALLOT BOARD JUDGES

Sec. 30-81. - Appointment.

The commissioners court shall appoint an early voting ballot board judge and an alternate early voting ballot board judge to hold special, primary, and general elections.

(Ord. No. 2001-2417, 12-18-2001; Ord. No. 2002-1500, 8-20-2002; Ord. No. 2004-1379, 8-10-2004; Ord. No. 2005-1428, 8-2-2005)

Chapter 34 - Environment

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Chapter 34 - ENVIRONMENT¹

ARTICLE I. - IN GENERAL

Secs. 34-1—34-30. - Reserved.

ARTICLE II. - SEWERAGE²

DIVISION 1. - GENERALLY

Secs. 34-31—34-50. - Reserved.

DIVISION 2. - ON-SITE DISPOSAL SYSTEMS

Sec. 34-51. - Findings.

The use of on-site sewage facilities in the county is causing or may cause pollution or is injuring or may injure the public health.

(Ord. No. 98-1967, § 2, 10-6-1998)

Sec. 34-52. - Adoption of and compliance with state regulations.

The county commissioners court does hereby adopt and comply with the latest "Regulations For On-Site Sewage Facilities," authorized by the state natural resource conservation commission (TNRCC), 30 TAC 285.1—285.91, V.T.C.A., [Health and Safety Code § 366.001](#) et seq., as required by law for all authorized agents, and authorize the county judge to sign the documents on behalf of the county.

(Ord. No. 98-1967, 10-6-1998)

Sec. 34-53. - Adoption of V.T.C.A., [Health and Safety Code ch. 366](#).

The county clearly understands the technical criteria, legal requirements, and administrative procedures and duties associated with regulating on-site sewage facilities, and does adopt and will fully enforce V.T.C.A., [Health and Safety Code ch. 366](#).

(Ord. No. 98-1967, § 5, 10-6-1998)

Sec. 34-54. - Compliance with on-site sewage facility rules.

¹ **Federal law references**— Clean Water Act, 33 USC 1250 et seq.; Clean Air Act, 42 USC 1971 et seq.; lead-based paint poisoning prevention, 42 USC 4821 et seq. **State Law reference**— Soil and water conservation, V.T.C.A., [Agriculture Code § 201.001](#) et seq.; common and public nuisances, V.T.C.A., [Civil Practice and Remedies Code § 125.001](#) et seq.; air quality, V.T.C.A., [Health and Safety Code ch. 382](#) et seq.; oil and gas hazardous waste, V.T.C.A., [Natural Resources Code § 91.601](#) et seq.; water quality control, V.T.C.A., [Water Code § 26.001](#) et seq.; waste disposal and control of stormwater, V.T.C.A., [Water Code § 51.331](#) et seq.; nuisances and abatement procedure, V.T.C.A., [Health and Safety Code § 343.001](#) et seq.; on-site sewage facilities, V.T.C.A., [Health and Safety Code § 366.001](#) et seq.

² **State Law reference**— On-site sewage disposal system, V.T.C.A., [Health and Safety Code ch. 366](#) et seq.

Any structure discharging sewage into an on-site sewage facility within the jurisdictional area of the county must comply with the rules adopted in section 34-55.

(Ord. No. 98-1967, § 7, 10-6-1998)

Sec. 34-55. - Adoption of on-site sewage facility rules.

The rules "Design Criteria For On-Site Sewage Facilities" and Administrative Rules 30 TAC 285.1—285.91, made part of this division by reference, promulgated by the state natural resource conservation commission for on-site sewage systems, are hereby adopted, and all officials and employees of the county having duties under such rules are authorized to perform such duties as are required of them under such rules.

(Ord. No. 98-1967, § 8, 10-6-1998)

Sec. 34-56. - Adoption of design criteria and amendments.

The design criteria and all future amendments and revisions thereto are incorporated by reference and are thus made a part of the rules adopted by this division.

(Ord. No. 98-1967, § 9, 10-6-1998)

Sec. 34-57. - Amendments.

The county, wishing to adopt more stringent rules for its on-site sewage facility division, understands that the more stringent conflicting local rule shall take precedence over the corresponding state natural resource conservation commission requirement. Listed as follows are the more stringent rules adopted by the county: The county, to provide greater public health and safety protection, shall require an application and permit for all private disposal septic systems including new construction, repair or alteration of an existing system, for both residential and commercial use, regardless of the acreage involved.

(Ord. No. 98-1967, § 10, 10-6-1998)

Sec. 34-58. - Area of jurisdiction.

- (a) The rules shall apply to all the area lying in the county, except for the area regulated under an existing rule and the areas within incorporated cities.
- (b) The rules of this division shall apply to those incorporated cities or towns that have executed intergovernmental contracts with the county.

(Ord. No. 98-1967, § 6, 10-6-1998)

Sec. 34-59. - Duties and powers of county environmental health division.

The county environmental health division is herewith declared the designated representative for the enforcement of the rules of this division within its jurisdictional area. The appointed individual must be approved and certified by the state natural resource conservation commission before assuming the duties and responsibilities as designated representative for the county.

(Ord. No. 98-1967, § 11, 10-6-1998)

Sec. 34-60. - Collection of fees for permits and/or inspections.

All fees collected for permits and/or inspections shall be made payable to the county.

(Ord. No. 98-1967, § 12, 10-6-1998)

Sec. 34-61. - Appeals.

Persons aggrieved by an action or decision of the designated representative may appeal such action or decision to the commissioners court.

(Ord. No. 98-1967, § 14, 10-6-1998)

Sec. 34-62. - Penalties for violation of division.

This division adopts and incorporates all applicable penalty provisions related to on-site sewage facilities, which includes, but is not limited to, those found in V.T.C.A., Health and Safety Code chs. 341 and 366, V.T.C.A., Water Code ch. 26, and 30 TAC chapter 285.

(Ord. No. 98-1967, § 15, 10-6-1998)

Secs. 34-63—34-90. - Reserved.

ARTICLE III. - NUISANCES³

DIVISION 1. - GENERALLY

Sec. 34-91. - Purpose of article.

It is the purpose of the county's nuisance abatement program, which is authorized under V.T.C.A., Health and Safety Code § 343.001 et seq., to eliminate those nuisances in the county's unincorporated area that threaten the public's health, safety and welfare. To ensure that this program is operated efficiently and that the state law that it enforces is applied fairly and consistently, the policies and procedures of this article have been developed. They shall govern the operation of this program unless otherwise expressly amended or repealed by the county commissioners court.

(Ord. No. 91-1831, § I, 10-15-1991)

Sec. 34-92. - Definitions.

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

Abate means to eliminate a nuisance by removal, repair, rehabilitation or demolition.

Building means a structure built for the support, shelter or enclosure of a person, animal, chattel, machine, equipment or other movable property.

Citation means the legal instrument that charges an individual with a criminal offense specified under V.T.C.A., [Health and Safety Code § 343.012](#). It should not be confused with a notice to abate a public nuisance that is required under section 34-141(f).

³ **State Law reference—** Unsanitary, unsanitary conditions, V.T.C.A., [Health and Safety Code § 343.001](#) et seq.

Director means the county Director of Unincorporated Area Services, or any other regularly salaried full-time county employee acting under the director's control and supervision.

Garbage means decayable waste from public and private establishments and restaurants, including vegetable, animal and fish offal, and animal and fish carcasses, but does not include sewage, body waste or industrial byproduct.

Neighborhood means:

- (1) A platted subdivision; or
- (2) Property contiguous to a platted subdivision and within 300 feet of a platted subdivision.

Person has the meaning assigned to that term by V.T.C.A., [Government Code § 311.005\(2\)](#).

Platted subdivision means a subdivision that has its approved or unapproved plat recorded with the county clerk.

Premises means all privately owned property, including vacant land or a building designed or used for residential, commercial, business, industrial or religious purposes, together with the yard, ground, walk, driveway, fence, porch, steps or other structure appurtenant to the property.

Public street means the entire width between property lines of a road, street, way, thoroughfare or bridge if any part of the road, street, way, thoroughfare or bridge is opened to the public for vehicular or pedestrian traffic.

Receptacle means a container which is composed of durable material and designed in a way that prevents the discharge of its contents and makes its contents inaccessible to animals, vermin or other pests.

Refuse means garbage, rubbish, paper and other decayable and nondecayable waste, including vegetable matter and animal and fish carcasses.

Rubbish means nondecayable waste from a public or private establishment or residence.

Weeds means all rank and uncultivated vegetable growth or matter that:

- (1) Has grown to more than 18 inches in height; or
- (2) Regardless of height, may create an unsanitary condition or become a harborage for rodents, vermin or other disease carrying pests.

(Ord. No. 2017-1387, 10-17-17; Ord. No. 91-1831, § II(A)—(I), (K)—(O), 10-15-1991)

Sec. 34-93. - Enumeration of public nuisances.

(a) Public nuisances are as follows:

- (1) Keeping, storing or accumulating refuse on premises in a neighborhood unless such refuse is entirely contained in a closed receptacle.
- (2) Keeping, storing or accumulating rubbish or any unused, discarded or abandoned object, including newspapers, vehicles, refrigerators, stoves, furniture, tires and cans, on premises in a neighborhood for ten days or more, unless the rubbish or object is completely enclosed within a building or is not visible from a public street.
- (3) Maintaining premises in a manner that creates an unsanitary condition likely to attract or harbor mosquitoes, rodents, vermin or disease-carrying pests.
- (4) Allowing weeds to grow on premises in a neighborhood if such weeds are located within 300 feet of another residence or commercial establishment.

- (5) Maintaining a building in a manner that is structurally unsafe or constitutes a hazard to safety, health or public welfare because of inadequate maintenance, unsanitary conditions, dilapidation, obsolescence, fire hazard, disaster, damage or abandonment.
 - (6) Maintaining on abandoned and unoccupied property in a neighborhood a swimming pool that is not protected with:
 - a. A fence that is at least four feet high and that has a latched gate that cannot be opened by a child; or
 - b. A cover over the entire swimming pool that cannot be removed by a child.
 - (7) Maintaining a flea market in a manner that constitutes a fire hazard.
 - (8) Discarding refuse or creating a hazardous visual obstruction on:
 - a. County-owned land; or
 - b. Land or easements owned or held by a special district that has the commissioners court of the county as its governing body.
 - (9) Discarding refuse on the smaller of:
 - a. The area that spans 20 feet on each side of a utility line; or
 - b. The actual span of the utility easement.
 - (10) Filling or blocking a drainage easement, failing to maintain a drainage easement, maintaining a drainage easement in a manner that allows the easement to be clogged with debris, sediment, or vegetation, or violating an agreement with the county to improve or maintain easement.
 - (11) Discarding refuse on property that is not authorized for that activity.
 - (12) Surface discharge from an on-site sewage disposal system as defined by [Section 366.002, Texas Health and Safety Code](#).
- (b) This section does not apply to agricultural land (defined as land qualifying for tax appraisal under V.T.C.A., [Tax Code § 23.41](#) et seq., or [23.51](#) et seq.), to a site or facility that is permitted and regulated by a state agency, or to a site or facility licensed or permitted under V.T.C.A., [Health and Safety Code § 361.001](#) et seq., the Solid Waste Disposal Act.

(Ord. No. 2017-1387, 10-17-2017; Ord. No. 91-1831, § II(J), 10-15-1991)

Sec. 34-94. - Penalty for violations of article.

- (a) A person may not cause, permit, or allow a public nuisance as described in section 34-93 on premises located within the county's unincorporated area.
- (b) A person commits an offense if the nuisance remains unabated after 30 days after the date on which the person receives notice from a county official, agent or employee to abate the nuisance.
- (c) An offense under this section is a misdemeanor punishable by a fine of not less than \$50.00 and not more than \$200.00. If it is shown on the trial of the defendant that the defendant has been convicted of an offense under this section within one year of the date that the offense being tried occurred, the defendant shall be punished by a fine of not less than \$200.00 nor more than \$1,000.00, by confinement in jail for not more than six months, or by both. Each day a violation occurs is a separate offense. If the defendant is convicted of an offense under this section, the court shall order abatement of the nuisance.

(Ord. No. 91-1831, § III, 10-15-1991)

Secs. 34-95—34-120. - Reserved.

DIVISION 2. - ADMINISTRATION

Sec. 34-121. – County Nuisance Abatement Division under the Director of Unincorporated Area Services to administer to Program.

The county's nuisance abatement program shall be administered by county's Nuisance Abatement Division under the supervision of the county's Director of Unincorporated Area Services who is a regularly salaried, full-time county employee.

(Ord. No. 2017-1387, 10-17-2017; Ord. No. 91-1831, § IV(A), 10-15-1991)

Sec. 34-122. - Nuisance abatement staff; authority; inspections.

- (a) Nuisance abatement staff and other county employees charged with the enforcement of health, environmental, safety, or fire laws shall have the authority to enter premises in the unincorporated area of the county at any reasonable time to inspect, investigate or abate a nuisance or to enforce state law. However, before they enter such premises, they must give reasonable notice and exhibit proper identification to the property's occupant, manager or other appropriate person.
- (b) Nuisance abatement staff shall make frequent inspections of unincorporated area neighborhoods and maintain regular contact with the county's road and bridge districts, its fire marshal, its public works department, its planning and development staff, the sheriff's department, and other health department staff.

(Ord. No. 2017-1387, 10-17-2017; Ord. No. 91-1831, § IV(B), (C), 10-15-1991)

Sec. 34-123. - Reporting.

- (a) The director shall keep an ongoing record of the number of nuisances identified, the number of nuisances abated by the county, the number of nuisances abated by the owner, the number of pending nuisances, the number of citations issued, the number of repeat violators, the amount of fines received and assessments recovered, the amount of county funds expended for direct abatement and the locations where most of the nuisances occur.
- (b) This information shall be summarized and presented to the commissioners court on a quarterly basis.

(Ord. No. 91-1831, § IX, 10-15-1991)

Secs. 34-124—34-140. - Reserved.

DIVISION 3. - ABATEMENT PROCEDURE⁴

Sec. 34-141. - Complaint investigation.

- (a) Complaints and violations shall be investigated if they have been detected during field inspections by nuisance abatement staff or if they have been reported verbally or in writing from citizens or other county staff.
- (b) Possible violations shall be investigated within seven days of detection or notification.
- (c) Once a possible violation has been reported or identified, the director shall maintain a file on this complaint, investigate the complaint, and make a determination as to whether a public nuisance exists.
- (d) In investigating a complaint, staff shall inspect and photograph the area containing the alleged nuisance, record the date and location of this inspection, document its findings and observations

⁴ **State Law reference—** Abatement procedure, V.T.C.A., [Health and Safety Code § 343.022](#).

(including a detailed description of the nuisance if it does appear to exist) and place all of this material in the complaint's file.

- (e) If the director determines that a public nuisance does not exist, then the director shall close the matter and take no further action thereon.
- (f) If the director determines that a public nuisance does exist, the director shall serve notice to abate the public nuisance on the owner, lessee, occupant, agent or person in charge of the premises upon which the public nuisance exists and to the person responsible for causing the nuisance when that person is not the owner, lessee, occupant, agent, or person in charge of the premises and that person can be identified. This notice to abate the public nuisance shall comply with, and be served as provided in, section 34-142. If, however, the director also determines that the nuisance constitutes a severe threat to the community that will only become more serious unless it is immediately removed or the practices responsible for its existence cease, then the director may also consult with the district attorney about seeking injunctive relief before or in addition to taking any of the other actions authorized under this article.

(Ord. No. 2017-1387, 10-17-2017; Ord. No. 91-1831, § V, 10-15-1991)

Sec. 34-142. - Notification.

- (a) Each notice to abate a public nuisance must contain the following information:
 - (1) The specific condition that constitutes a public nuisance.
 - (2) The street address or other general description of the property on which the public nuisance exists.
 - (3) The person receiving the notice must abate the public nuisance not later than the 30th day after the date on which the notice is served.
 - (4) Failure to abate the public nuisance shall result in fines and/or in abatement by the county, assessment of costs, and the attachment of a lien to the property on which the public nuisance exists, if the person responsible for causing the nuisance has an interest in the property.
 - (5) The county may prohibit or control access to the premises to prevent a continued or future nuisance described by [V.T.C.A., Health and Safety Code § 343.011\(c\)\(1\), \(6\), \(9\), or \(10\)](#).
 - (6) [V.T.C.A., Health and Safety Code ch. 343](#) provides that a person commits a misdemeanor (punishable by a fine of not less than \$50.00 or more than \$200.00 for the first offense) if the public nuisance remains unabated after 30 days after the date on which the person receives notice from a county official, agent or employee to abate the nuisance.
 - (7) The person receiving notice is entitled to submit, not later than 31 days after the date on which the notice is served, a written request for an appeals hearing which should contain the name and address of the person to be notified of the date, time and place of the hearing.
 - (8) The person receiving notice is entitled to appear at the scheduled appeals hearing and is entitled to present evidence, examine witnesses and argue on the owner's behalf.
- (b) The notice to abate a public nuisance shall be served in the following manner:
 - (1) In person or by registered or certified mail, return receipt requested; or
 - (2) If personnel service cannot be obtained or the address of the person to be notified is unknown, by posting a copy on the premises on which the public nuisance exists and by publishing the notice in a newspaper with general circulation in the county, two times within ten consecutive days.

(Ord. No. 2017-1387, 10-17-2017; Ord. No. 91-1831, § VI, 10-15-1991)

Sec. 34-143. - Abatement/enforcement.

- (a) When a nuisance has been identified and determined, the director shall seek to encourage the voluntary abatement of this nuisance. In so doing, the director shall, if applicable, provide the person who has received the notice to abate the public nuisance with information pertaining to any public, private or community program that could assist him in the nuisance's removal.
- (b) Should the person who has received the notice to abate the public nuisance request an appeals hearing to contest the finding of a public nuisance, then such a hearing shall be held in accordance with section 34-144.
- (c) After either the expiration of 31 days from the date on which the county's notice to abate the public nuisance is served if no appeals hearing is requested or seven days after a finding of public nuisance has been upheld by the County Administrator or the County Administrator's designee if an appeals hearing has been requested, the director shall inspect the premises described in the complaint.
 - (1) If the director determines that the public nuisance has been abated, the director shall make a record of his findings and take no further action thereon.
 - (2) If the director determines that the public nuisance still exists, he shall, unless there has been substantial progress in removing a very large, complicated and/or expensive nuisance, or there have been mitigating and unforeseen circumstances such as inclement weather, immediately issue a citation. He shall then periodically inspect the premises in question at least once a week thereafter and issue successive citations if the nuisance continues to be present at any of these inspections.
- (d) If the person who receives these citations wishes to contest them in court, then the director shall work closely with the district attorney in preparing testimony for this court appearance.
- (e) Rather than issuing one or repeated citations as prescribed in this section, the director may either seek injunctive relief or have the county itself abate the nuisance if the nuisance, by virtue of its size and/or nature, represents a significant and immediate threat to the community.
 - (1) In determining whether an injunction should be sought, the director shall consult with the district attorney and any other needed health officials.
 - (2) Nuisances may be abated by the county when the costs of such abatement, along with a \$100.00 administrative fee, are assessed against the property in question, and when either funds for this purpose have been previously budgeted or when the commissioners court authorizes such a specific expenditure. When such conditions are met, then the director shall arrange for and monitor the abatement of the nuisance and the filing of the assessment.
- (f) When a nuisance has been finally abated, whether it be through county action or action taken by the person receiving the notice to abate a public nuisance, the director shall record this finding and the date that it occurs in the case's file.

(Ord. No. 2017-1387, 10-17-2017; Ord. No. 91-1831, § VIII, 10-15-1991)

Sec. 34-144. - Appeals hearing.

- (a) A person that receives a notice to abate a public nuisance that disagrees with the director's finding that a public nuisance exists may appeal this finding within 31 days of the receipt of the notice to the County Administrator. After receiving a notice of appeal, the County Administrator may designate another full-time salaried employee of Dallas County to hear the appeal who does not work for the director. For purposes of this Appeals hearing section, the County Administrator or a designee of the County Administrator shall be collectively referred to as the "County Administrator".
- (b) The County Administrator shall take action within 15 days of a request for an appeals hearing.
- (c) Hearings before the board shall be conducted in the following manner:

- (1) A person receiving a notice to abate a public nuisance shall be entitled to present testimony and other evidence and examine witnesses and argue on the owner's behalf.
- (2) The director and/or his representative shall have the right to attend the hearing and/or testify.
- (3) Any interested person may appear and present testimony and other evidence.
- (4) All persons testifying at the hearing shall be under oath.
- (5) The County Administrator shall be allowed to question any persons testifying.
- (6) The County Administrator shall assess the testimony fairly and impartially and in accordance with the law.
- (7) The County Administrator's charge shall be to solely determine whether a public nuisance exists and whether state law and county policies and procedures have been followed in investigating and determining the existence of a nuisance and in notifying the appropriate person that this nuisance exists and must be removed.
- (8) The County Administrator shall make a written determination as to whether a public nuisance exists and sign such written determination. Copies of the written determination shall immediately be given to the director and to the person (or his representative) that has requested the appeal at the completion of the hearing. If the County Administrator upholds the director's finding of a public nuisance, then the director will immediately proceed with the abatement of the nuisance in accordance with the county's procedures. If the County Administrator overturns the director's finding of a public nuisance, efforts to remediate the original complaint will cease.

(Ord. No. 2017-1387, 10-17-2017; Ord. No. 91-1831, § VII, 10-15-1991)

Chapter 38 – Fire Prevention and Protection

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ARTICLE I. - IN GENERAL

Sec. 38-1. - Emergency regulations to prevent wildfire.

- (a) A person commits an offense if he or she burns any combustible materials outside an enclosure which serves to contain all flames and/or sparks, or orders such burning by others. Burning of household trash in barrels meeting the county fire marshal's office guidelines, trench burning and charcoal grills are exempt from this restriction.
- (b) Any violation of this section may result in a citation being issued for a misdemeanor punishable by a fine up to \$1,000.00.

(Ord. No. 2000-1710, §§ A, B, 8-29-2000)

Secs. 38-2—38-30. - Reserved.

ARTICLE II. - FIRE CODE²

Sec. 38-31. - Adopted.

- (a) The county commissioners court hereby adopts, for the purpose of prescribing regulations governing conditions hazardous to life and property from fire or explosion, that certain code and standards known as the International Fire Code, including Appendix Divisions I, II, III, IV, V and VI, and the International Fire Code Standards and the International Conference of Building Officials, being particularly the 2009 editions, and the whole, with no exceptions, are now filed in the county fire marshal's office. Such code is adopted and incorporated as fully as if set out at length in this article, and from the date on which this article shall take effect, the provisions of such code shall be controlling within the limits of the unincorporated areas of the county.
- (b) The following terms shall be understood when used in the 2009 International Fire Code: "fire chief," "chief of the fire department," "fire marshal," and/or "chief of the fire prevention bureau" shall mean the county fire marshal, and "building code" or "International Building Code" shall mean the 2009 International Building Code.

(Ord. No. 91-047, 1-9-1991; Ord. No. 2015-1143, 8-25-2015)

Secs. 38-32—38-60. - Reserved.

¹ **State Law reference**— County fire protection, V.T.C.A., [Local Government Code § 352.001](#) et seq.; fire alarms, V.A.T.S. Insurance Code, art. 5.43-2; fires and fire protection, V.T.C.A., [Local Government Code § 351.001](#) et seq.; sprinkler systems, V.A.T.S. Insurance Code, art. 5.43-3; arson investigation, V.T.C.A., [Local Government Code § 352.015](#) et seq.; controlled burning, V.T.C.A., [Penal Code § 28.01\(6\)](#).

² **State Law reference**— Fire codes, V.T.C.A., [Local Government Code § 235.001](#) et seq.

ARTICLE III. - UNDERGROUND STORAGE TANKS³

Sec. 38-61. - Coordination and assistance; responsibilities of fire marshal.

The underground storage tank program for the county will be coordinated through the office of the county fire marshal with assistance from the Institute of Forensic Sciences and the county health department. It will be the fire marshal's responsibility to ensure that federal and state regulations regarding underground storage tanks are implemented in the county. These activities include:

- (1) Reviewing on a regular basis product inventory records, monthly monitoring data, and maintenance and repair records of underground storage tanks.
- (2) Maintaining copies of all records relevant to underground storage tanks in the county.
- (3) Coordinating response and disposal secondary to leaks and spills of underground storage tank products.
- (4) Developing and implementing a training program for communication of the procedures of this article to users and operators of underground storage tanks.

(Ord. No. 89-1502, 9-5-1989; Ord. No. 2015-1143, 8-25-2015)

Sec. 38-62. - Operational procedures.

(a) *Tank filling.*

- (1) Ensure volume available in tank is greater than the volume of product to be transferred before the transfer is made.
- (2) Ensure transfer operation is watched constantly to prevent spill or overfill.
- (3) Ensure that product is not released when truck's delivery hose is disconnected.

(b) *Leaking underground storage tanks.* The following conditions require immediate action as outlined in subsections (c)—(f) of this section:

- (1) The spill or release of petroleum product including the presence of free product or vapors in soils, basements, sewer and utility lines, and nearby surface water.
- (2) Unusual operating conditions of dispensing equipment.
- (3) Release noted by release detection methods unless:
 - a. Monitoring device is proved to be defective.
 - b. Second month's inventory control does not confirm a leak.

(c) *Confirmed leaks and spills greater than 25 gallons.*

- (1) Take immediate action to stop and contain the leak or spill by using absorbent booms, petroleum adsorbent, diking the spill, etc.
- (2) Notify the county fire marshal's office immediately (214-653-7970).
- (3) Notify the state natural resource conservation commission (TNRCC) within 24 hours of the leak or spill: Duncanville: 298-6171 and Austin (24 hours) 512-463-7727.
- (4) Ensure that explosive vapors do not accumulate. Call the fire department if necessary.

³ **State Law reference—** Underground storage of flammable liquids, V.T.C.A., [Health and Safety Code § 753.001](#) et seq.

- (5) All contaminated soil, water, adsorbent, etc., must be evaluated by the fire marshal prior to disposal.
 - (6) Begin to recover free product. This free product must be contained for proper disposal at a later time.
 - (7) Work with the state natural resource conservation commission to provide any necessary information and to begin a corrective action plan if necessary.
- (d) *Confirmed leaks and spills less than 25 gallons.*
- (1) Immediately contain the product with adsorbent.
 - (2) Call the county fire marshal's office (214-653-797).
 - (3) It is not necessary to contact state natural resource conservation commission if the spill is cleaned up within 24 hours.
 - (4) Retain all contaminated soil, adsorbent, etc., for proper disposal at a later date.
- (e) *Suspected release.*
- (1) Contact the county fire marshal's office (214-653-7970).
 - (2) Investigate suspected leak using approved tank and piping testing methods.
 - (3) Notify the state natural resource conservation commission of results of tests within seven days of suspecting the leak.
- (f) *Tank and piping repairs secondary to leaks.*
- (1) Contact the county fire marshal's office (214-653-7970).
 - (2) Repairs on the tank may be allowed under certain conditions. Records must be kept and the tank tested for tightness within 30 days.
 - (3) Damaged metal piping cannot be repaired, but must be replaced. Loose fittings may be tightened if that solves the problem.
- (g) *Underground storage tank maintenance.*
- (1) Implement regular leak detection procedures which will be developed on a site specific basis.
 - (2) Monitor operation of equipment used for leak detection, corrosion protection, spill and overfill prevention.
 - (3) Notify the fire marshal's office if a leak or spill is suspected.
- (h) *Tank closure.*
- (1) Contact the county fire marshal's office (214-653-7970).
 - (2) Contact the state natural resource conservation commission 30 days prior to removing the tank from the ground. In an emergency, shorter notification may be allowed.
- (i) *New tank installation.*
- (1) Contact the county fire marshal's office prior to arranging for tank installation (214-653-7970).
 - (2) The tank must be:
 - a. Certified as properly installed;
 - b. Have spill and overfill protection;
 - c. Have corrosion protection; and
 - d. Be equipped with leak detection.

- (3) The state natural resource conservation commission must be notified within 30 days of new tank installation by submitting a notification for underground storage tanks.
- (j) *Annual tank registration.* All underground storage tanks must be registered with the state natural resource conservation commission. An annual registration fee must be paid.
- (k) *Change in tank contents.*
 - (1) Contact the county fire marshal's office (214-653-7970).
 - (2) Contact the state natural resource conservation commission within 30 days.
- (l) *Recordkeeping.* All records regarding suspected or confirmed leaks, underground storage tank repair, underground storage tank maintenance, underground storage tank testing and underground storage tank installation or closure must be maintained in a readily accessible location for the life of the tank. Copies of records must be sent to the fire marshal's office.

(Ord. No. 89-1502, §§ I—XII, 9-5-1989; Ord. No. 2015-1143, 8-25-2015)

Chapter 42 - Floods

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ARTICLE I. – FLOOD DAMAGE PREVENTION REGULATIONS

Sec. 42-1. - Statutory authorization, approval, and adoption of flood insurance study, maps, and manuals.

- a) These Dallas County Floodplain Damage Prevention Regulations (Regulations) are adopted by the Commissioners Court of Dallas County, Texas, acting in its capacity as the governing body of Dallas County. The authority of Dallas County to adopt these Regulations and for the contents hereof is derived from the following statute: The Flood Control and Insurance Act, Subchapter I of Chapter 16 of the Texas Water Code, as amended. These Regulations may be amended at any time by a majority of Commissioners Court as approved by the appropriate federal authorities.
The legislature of the State of Texas, has in the Flood Control and Insurance Act, Texas Water Code, Section 16.315 et seq., delegated the responsibility to local governmental units to adopt regulations designed to protect public health and safety and to minimize flood losses. Therefore, the Commissioners Court of Dallas County, Texas, does ordain as follows:
- b) Findings of fact
 - 1. It is hereby found by the Commissioners Court of Dallas County, Texas, that severe flooding has occurred in the past within its jurisdiction and is likely to occur in the future.
 - 2. The flood hazard areas of Dallas County are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, and extraordinary public expenditures for flood protection and relief, all of which adversely affect the public health, safety and general welfare.
 - 3. These flood losses are created by the cumulative effect of obstructions in floodplains which cause an increase in flood heights and velocities, and by the occupancy of flood hazards areas by uses vulnerable to floods and hazardous to other lands because they are inadequately elevated, floodproofed, or otherwise protected from flood damage.
- c) Statement of Purpose – It is the purpose of these Regulations to promote the public health, safety and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:
 - 1. Protect human life and health;
 - 2. Minimize expenditure of public money for costly flood control projects;
 - 3. Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
 - 4. Minimize prolonged business interruptions;
 - 5. Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in floodplains;
 - 6. Help maintain a stable tax base by providing for the sound use and development of flood-prone areas in such a manner as to minimize future flood blight areas; and
 - 7. Ensure that potential buyers are notified that property is in a flood area.
- d) Methods of reducing flood losses – In order to accomplish its purposes, these Regulations use the following methods:
 - 1. Restrict or prohibit uses that are dangerous to health, safety or property in times of flood, or cause excessive increases in flood heights or velocities;
 - 2. Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
 - 3. Control the alteration of natural floodplains, stream channels, and natural protective barriers, which are involved in the accommodation of flood waters;
 - 4. Control filling, grading, dredging and other development which may increase flood damage;
 - 5. Prevent or regulate the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards to other lands; and
 - 6. Provide a process for development review that controls the impact of development in the Special Flood Hazard Area and flood-prone areas within Dallas County's jurisdiction.

(Ord. No. 2004-1356, 8-3-2004; Ord. No. 2019-0322, 3-19-2019)
Secs. 42-2—42-30. - Reserved.

ARTICLE II. - DEFINITIONS

Sec. 42-31. – Unless specifically defined below, words or phrases used in these Regulations shall be interpreted to give them the meaning they have in common usage and to give these Regulations their most reasonable application.

ALLUVIAL FAN FLOODING means flooding occurring on the surface of an alluvial fan or similar landform which originates at the apex and is characterized by high-velocity flows; active processes of erosion, sediment transport, and deposition; and unpredictable flow paths.

APEX means a point on an alluvial fan or similar landform below which the flow path of the major stream that formed the fan becomes unpredictable and alluvial fan flooding can occur.

APPEAL means a request for a review of the Floodplain Administrator or his/her designee's interpretation of any provision of these Regulations or a request for a variance.

APPURTENANT STRUCTURE means a structure which is on the same parcel of property as the principal structure to be insured and the use of which is incidental to the use of the principal structure.

AREA OF FUTURE-CONDITIONS FLOOD HAZARD means the land area that would be inundated by the one (1) percent-annual-chance (100 year) flood based on future-conditions hydrology.

AREA OF SHALLOW FLOODING means a designated AO, AH or VO zone on a community's Flood Insurance Rate Map (FIRM) with a one (1) percent chance or greater annual chance of flooding to an average depth of one (1) to three (3) feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

AREA OF SPECIAL FLOOD HAZARD is the land in the floodplain within a community subject to a one (1) percent or greater chance of flooding in any given year. The area may be designated as Zone A on the Flood Hazard Boundary Map (FHBM). After detailed ratemaking has been completed in preparation for publication of the Flood Insurance Rate Map (FIRM), Zone A usually is refined into Zones A, AE, AH, AO, A99, VO, VI-30, VE or V. For purposes of these Regulations, the term "special flood hazard area" is synonymous in meaning with the phrase "area of special flood hazard".

BASE FLOOD means the flood having a one (1) percent chance of being equaled or exceeded in any given year.

BASE FLOOD ELEVATION (BFE) means the elevation shown on the Flood Insurance Rate Map (FIRM) and found in the accompanying Flood Insurance Study (FIS) for Zones A, AE, AH, A1-30, AR, V1-V30 or VE that indicates the water surface elevation resulting from the flood that has a one (1) percent chance of equaling or exceeding that level in any given year, which is also called the Base Flood.

BASEMENT means any area of the building having its floor subgrade (below ground level) on all sides.

BREAKAWAY WALL means a wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces, without causing damage to the elevated portion of the building or supporting foundation system.

CERTIFICATE OF APPROVAL means final approval of projects that meet all requirements of the Dallas County Floodplain Damage Prevention Regulations and other applicable regulations.

CONDITIONAL LETTER OF MAP AMENDMENT (CLOMA) means FEMA's comment or official letter on a proposed structure or group of structures that upon construction would be located on existing natural ground above the base flood elevation on a portion of a legally defined parcel of land that is partially inundated by the base flood.

CONDITIONAL LETTER OF MAP REVISION (CLOMR) means FEMA's comment or official letter on a proposed project that upon construction would affect the hydrologic or hydraulic characteristics of a flooding source and thus result in the modification of the existing effective base flood elevations, the special flood hazard area, or the existing regulatory floodway.

CONDITIONAL LETTER OF MAP REVISION - FILL (CLOMR-F) means FEMA's comment or official letter on a proposed project that upon construction would result in a modification of the special flood hazard area through the placement of fill outside the existing regulatory floodway.

CONVEYANCE means the flow of water during the base flood with a velocity that is greater than one foot per second or a depth that is greater than one foot.

CRITICAL FACILITY means those facilities essential to the preservation of life and property, including, but not limited to, schools, nursing homes, hospitals, police stations, fire and emergency response installations, facilities used for the storage of critical records, and commercial installations which produce, use or store hazardous materials, or hazardous waste.

CRITICAL FEATURE means an integral and readily identifiable part of a flood protection system, without which the flood protection provided by the entire system would be compromised.

DEVELOPMENT means any man-made change in improved and unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials. Fences and fence-type walls located within the floodplain are included within this definition.

DEVELOPMENT PERMIT means a permit for the construction of a development. It is also called a building permit or permit in these Regulations.

ELEVATED BUILDING means, for insurance purposes, a non-basement building, which has its lowest elevated floor raised above ground level by foundation walls, shear walls, posts, piers, pilings or columns.

ELEVATION CERTIFICATE means a document certified by a licensed professional land surveyor used for the purpose of establishing the lowest floor (including basement) elevation of a building. All new construction or substantial improvements to existing buildings in flood hazard areas shall obtain an elevation certificate and provide the necessary information in accordance with the FEMA's (FEMA) National Flood Insurance Program (NFIP) instructions.

EXISTING CONSTRUCTION means for the purposes of determining rates, structures for which the "start of construction" commenced before the effective date of the FIRM or before January 1, 1975, for FIRMs effective before that date. "Existing construction" may also be referred to as "existing structures."

EXISTING MANUFACTURED HOME PARK OR SUBDIVISION means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site

grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a community.

EXPANSION TO AN EXISTING MANUFACTURED HOME PARK OR SUBDIVISION means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

FLOOD OR FLOODING means a general and temporary condition of partial or complete inundation of normally dry land areas from:

1. The overflow of inland or tidal waters.
2. The unusual and rapid accumulation or runoff or surface waters from any source.

FLOOD ELEVATION STUDY means an examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of mudslide (i.e., mudflow) and/or flood-related erosion hazards.

FLOOD HAZARD BOUNDARY MAP (FHBM) means an official map of a community, issued by the Federal Insurance Administrator, where the boundaries of the flood, mudslide (i.e., mudflow) related erosion areas having special hazards have been designated as Zones A, M, and/or E.

FLOOD INSURANCE RATE MAP (FIRM) means an official map of a community, on which the Federal Emergency Management Agency has delineated both the special flood hazard areas and the risk premium zones applicable to the community.

FLOOD INSURANCE STUDY (FIS) a flood insurance study is a compilation and presentation of flood risk data for specific water courses, lakes, and coastal flood hazard areas within a community. When a flood study is completed for the NFIP, the information and maps are assembled into an FIS,. The FIS report contains detailed flood elevation data in flood profiles and tables.

FLOODPLAIN OR FLOOD-PRONE AREA means any land area susceptible to being inundated by water from any source (see definition of flooding).

FLOODPLAIN MANAGEMENT means the operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works and floodplain management regulations.

FLOODPLAIN MANAGEMENT REGULATIONS means zoning ordinances, subdivision regulations, building codes, health regulations, special purpose regulations (such as a floodplain regulations, grading regulations and erosion control regulations) and other applications of police power. The term describes such state or local regulations, in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.

FLOOD PROTECTION SYSTEM means those physical structural works for which funds have been authorized, appropriated, and expended and which have been constructed specifically to modify flooding in order to reduce the extent of the area within a community subject to a "special flood hazard" and the extent of the depths of associated flooding. Such as system typically includes hurricane tidal barriers, dams, reservoirs, levees or dikes. These specialized flood modifying works are those constructed in conformance with sound engineering standards.

FLOOD PROOFING means any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

FLOODWAY see regulatory floodway.

FUNCTIONALLY DEPENDENT USE means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities.

HIGHEST ADJACENT GRADE means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

HISTORIC STRUCTURE means any structure that is:

1. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
2. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
3. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of Interior; or
4. Individually listed on a local inventory or historic places in communities with historic preservation programs that have been certified either:
 - a. By an approved state program as determined by the Secretary of the Interior or;
 - b. Directly by the Secretary of the Interior in states without approved programs.

LETTER OF MAP AMENDMENT (LOMA) - means FEMA's comment or official letter of an amendment to the currently effective FEMA Flood Insurance Rate Map (FIRM) which established that a structure or group of structures is not located in a Special Flood Hazard Area (SFHA) as shown on the FIRM. A LOMA is issued only by FEMA.

LETTER OF MAP CHANGE (LOMC) - documents issued by FEMA that revise or amend the flood hazard information shown on the FIRM without requiring the FIRM to be physically revised and re-published

LETTER OF MAP REVISION (LOMR) - means FEMA's modification to an effective FIRM or flood boundary and floodway map or both. LOMRs are generally based on the implementation of physical measures that affect the hydrologic or hydraulic characteristics of a flooding source and thus result in the modification of the existing regulatory floodway, the effective base flood elevations, or the SFHA. The LOMR officially revises the FIRM or flood boundary and floodway map, and sometimes the flood insurance study report, and when appropriate, includes a description of the modifications. The LOMR is generally accompanied by an annotated copy of the affected portions of the FIRM, flood boundary and floodway map, or the flood insurance study report. A LOMR is issued only by FEMA.

LETTER OF MAP REVISION – FILL (LOMR-F) - means FEMA's modification of the SFHA shown on the FIRM based on the placement of fill outside the existing regulatory floodway. A LOMR-F is issued only by FEMA.

LEVEE means a man-made structure, usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control or divert the flow of water so as to provide protection from temporary flooding.

LEVEE SYSTEM means a flood protection system which consists of a levee, or levees and associated structures, such as closure and drainage devices, which are constructed and operated in accordance with sound engineering practices.

LOWEST FLOOR means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirement of 44 CFR, Section 60.3 of the National Flood Insurance Program regulations.

MANUFACTURED HOME means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include a "recreational vehicle".

MANUFACTURED HOME PARK OR SUBDIVISION means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

MEAN SEA LEVEL - means, for purposes of the National Flood Insurance Program, the North American Vertical Datum (NAVD) of 1988 or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced.

NEW CONSTRUCTION means, for the purpose of determining insurance rates, structures for which the "state of construction" commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures. For floodplain management purposes, "new construction" means structures for which the "start of construction" commenced on or after the effective date of a floodplain management regulation adopted by a community and includes any subsequent improvements to such structures.

NEW MANUFACTURED HOME PARK OR SUBDIVISION means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by a community.

RECREATIONAL VEHICLE means a vehicle which is:

1. built on a single chassis;
2. 400 square feet or less when measured at the largest horizontal projections;
3. designed to be self-propelled or permanently towable by a light duty truck; and
4. designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

REGULATORY FLOODWAY means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

RIVERINE means relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.

SPECIAL FLOOD HAZARD AREA see area of special flood hazard.

START OF CONSTRUCTION (for other than new construction or substantial improvements under the Coastal Barrier Resources Act (Pub. L. 97-348)), includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation

for a basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not the alteration affects the external dimensions of the building.

STRUCTURE means, for floodplain management purposes, a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home.

SUBSTANTIAL DAMAGE means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed fifty (50) percent of the market value of the structure before the damage occurred.

SUBSTANTIAL IMPROVEMENT means any reconstructions, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds fifty (50) percent of the market value of the structure before "start of construction" of the improvement. This includes structures which have incurred "substantial damage", regardless of the actual repair work performed. The term does not, however, include either:

1. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or
2. Any alteration of a "historic structure" provided that the alteration will not preclude the structure's continued designation as a "historic structure".

VARIANCE means a grant of relief by a community from the terms of a floodplain management regulation. (For full requirements, see 44 CFR, Section 60.6 of the National Flood Insurance Program regulations).

VIOLATION means the failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in 44 CFR, Sections 60.3(b)(5), (c)(4), (c)(10), (d)(3), (e)(2), (e)(4), or (e)(5) is presumed to be in violation until such time as that documentation is provided.

WATER SURFACE ELEVATION means the height, in relation to the North American Vertical Datum (NAVD) of 1988 (or other datum, where specified), of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

(Ord. No. 2003-2054, art. 2, 11-4-2003; Ord. No. 2019-0322, 3-19-2019)

ARTICLE III. – GENERAL PROVISIONS

Sec. 42-32. – General Provisions

- A) **Lands to which these regulations apply** – These Regulations shall apply to all areas of special flood hazard within the jurisdiction of Dallas County
- B) **Basis for establishing the areas of special flood hazard** - The areas of special flood hazard identified by the Federal Emergency Management Agency (FEMA) in the current scientific and engineering report entitled, "The Flood Insurance Study for Dallas County and Incorporated Areas" (FIS), revised March 21, 2019, with accompanying Flood Insurance Rate Maps (FIRM) and Flood Boundary-Floodway Maps (FBFM) and any revisions thereto are hereby adopted by reference and declared to be a part of these Regulations.
- C) **Establishment of development permit** - A Development Permit shall be required to ensure conformance with the provisions of these Regulations or Court Orders.
- D) **Compliance** - No structure or land shall hereafter be located, altered, or have its use changed without full compliance with the terms of these Regulations; Dallas County Subdivision Regulations and County Road

Construction Standards pursuant to Court Order 2017-1621, if applicable; other applicable regulations, or Court Orders.

- E) **Abrogation and greater restrictions** - These Regulations are not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where these Regulations and other regulations, court orders, easements, covenants, deed restrictions, or another authority conflict or overlap, whichever imposes the more stringent restrictions shall prevail.
- F) **Interpretation** - In the interpretation and application of these Regulations, all provisions shall be:
 - (1) considered as minimum requirements;
 - (2) liberally construed in favor of the governing body; and
 - (3) deemed neither to limit nor repeal any other powers granted under state statutes.
- G) **Warning and disclaimer of liability** - The degree of flood protection required by these Regulations is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. On rare occasions greater floods can and will occur and flood heights may be increased by man-made or natural causes. These Regulations do not imply that land outside the areas of special flood hazard or uses permitted within such areas will be free from flooding or flood damages. These Regulations shall not create liability on the part of the community or any official or employee thereof for any flood damages that result from reliance on these Regulations or any administrative decision lawfully made hereunder.
- H) **Severability** - The provisions of these Regulations are severable. If any word, phrase, clause, sentence, section, provision, or part of these Regulations is held to be invalid or unconstitutional by any court of competent jurisdiction, it shall not affect the validity of the remaining portions of these Regulations. It is also hereby declared to be the intent of the Dallas County Commissioners Court that these Regulations would have been adopted as to the remaining portions, regardless of the invalidity of any part. In the event that any provision of these Regulations might be interpreted in such a way as exceeding the County's authority, such provision should be construed to apply only to the extent authorized by law.

(Ord. No. 2003-2054, art. 3, § C, 11-4-2003; Ord. No. 2019-0322, 3-19-2019)

ARTICLE IV. - ADMINISTRATION

Sec. 42-33 – Administration

- A. **Scope** - Provisions of these Regulations shall apply to all new construction or development, proposed subdivisions and to the construction, alteration, repair, use, location, or maintenance of every building or structure or any appurtenances connected to or attached to such buildings or structures, within the designated area affected by these Regulations.
- B. **Designation of the Floodplain Administrator** - The Director of the Dallas County Public Works Department or his or her designee is hereby appointed the Floodplain Administrator to administer and implement the provisions of these Regulations and other appropriate sections of 44 CFR (Emergency Management and Assistance - National Flood Insurance Program Regulations) pertaining to floodplain management.
- C. **Duties and responsibilities of the Floodplain Administrator** - Duties and responsibilities of the Floodplain Administrator shall include, but not be limited to the following:
 - 1. Maintain and hold open for public inspection all records pertaining to the provisions of these Regulations.
 - 2. Review permit applications to determine whether proposed building sites, including the placement of manufactured homes, will be reasonably safe from flooding.
 - 3. Review, approve or deny all applications for development permits required by adoption of these Regulations.
 - 4. Review permits for proposed development to assure that all necessary permits have been obtained from those Federal, State or local governmental agencies (including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334) from which prior approval is required.
 - 5. Where interpretation is needed as to the exact location of the boundaries of the areas of special flood hazard (for example, where there appears to be a conflict between a mapped boundary and actual field conditions) the Floodplain Administrator shall make the necessary interpretation.

6. Notify, in riverine situations, adjacent communities and the State Coordinating Agency which is Texas Water Development Board (TWDB), also the Texas Commission on Environmental Quality (TCEQ) and all other appropriate regulatory agencies prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the FEMA;
7. Assure that the flood carrying capacity within the altered or relocated portion or any watercourse is maintained.
8. When base flood elevation data has not been provided in accordance with Article 3, Section B of these Regulations, the Floodplain Administrator shall obtain, review and reasonably utilize any base flood elevation data and floodway data available from a Federal, State or other source, in order to administer the provisions of Article 5 of these Regulations.
9. When a regulatory floodway has not been designated, the Floodplain Administrator must require that no new construction, substantial improvements, or other development (including fill) shall be permitted within Zones AI-30 and AE on the community's FIRM, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one (1) foot at any point within the community.
10. Under the provisions of 44 CFR Chapter 1, Section 65.12 of the National Flood Insurance Program Regulations, a community may permit encroachments within the adopted regulatory floodway that would result in an increase in base flood elevations, provided that the community first completes all of the provisions required by Section 65.12.
11. The Floodplain Administrator shall appoint a qualified person to review all permit applications and approve any such permits in the absence of the administrator.
12. The designee of the Floodplain Administrator for assistance with enforcement actions and issuance of citations to violators of these Regulations may be a licensed peace officer.

D. Permit procedures

1. Application for a Development Permit within the scope of these Regulations, shall be presented to the Floodplain Administrator on forms furnished by him/her for proposed developments. Additionally, application for a Development Permit, shall be presented to the Floodplain Administrator on forms furnished by him/her for all proposed developments greater than fifty (50) lots or five (5) acres, whichever is lesser, and shall include, but not be limited to, plans in duplicate drawn to scale showing the locations, dimensions, and elevations of proposed landscape alterations; existing and proposed structures, including the placement of manufactured homes; and the location of the foregoing in relation to areas of special flood hazard. Additionally, the following information is required:
 - a) Elevation (in relation to mean sea level), of the lowest floor (including basement) of all new and substantially improved structures;
 - b) Elevation (in relation to mean sea level) to which any nonresidential structure shall be flood proofed;
 - c) A certificate from a registered professional engineer or architect in the State of Texas that the nonresidential flood proofed structure shall meet the flood proofing criteria of Article 5, Section B (2) of these Regulations;
 - d) Description of the extent to which any watercourse or natural drainage will be altered or relocated as a result of proposed development; and
 - e) A site plan showing the proposed development, the proposed grading and drainage, and the effect of the site on adjacent developments designed by a registered professional engineer in the State of Texas.
2. Approval or denial of a Development Permit by the Floodplain Administrator shall be based on all of the provisions of these Regulations and the following relevant factors:
 - a) The danger to life and property due to flooding or erosion damage;
 - b) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
 - c) The danger that materials may be swept onto other lands to the injury of others;
 - d) The compatibility of the proposed use with existing and anticipated development;

- e) The safety of access to the property in times of flood for ordinary and emergency vehicles;
 - f) The costs of providing governmental services during and after flood conditions including maintenance and repair of streets and bridges, and public utilities and facilities such as sewer, gas, electrical and water systems;
 - g) The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site;
 - h) The necessity to the facility of a waterfront location, where applicable;
 - i) The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use; and
 - j) The relationship of the proposed use to the comprehensive plan for that area.
3. The Floodplain Administrator may require the submission of additional information, drawings, specifications or documents if he/she is unable to determine whether a permit should be issued from the information submitted.
 4. Developments may require permits from other local, state, and federal agencies. The applicant is responsible for compliance with all applicable regulations and permit requirements and may be required to provide documentation that this provision has been met.

E. Variance procedures

1. A person or persons desiring to obtain a variance from any requirement of these Regulations or applicable statute must submit a detailed Request for Variance.
2. The request must cite the specific Regulation provision and/or statute from which the variance is sought, and must include detailed reasons for the Variance.
3. The Dallas County Commissioners Court shall hear and render judgement on Requests for variances from the requirements of these Regulations.
4. The Dallas County Commissioners Court shall hear and render judgement on an appeal only when it is alleged there is an error in any requirement, decision, or determination made by the Floodplain Administrator in the enforcement or administration of these Regulations.
5. Any person or persons aggrieved by the decision of the Dallas County Commissioners Court may appeal such decision in the courts of competent jurisdiction. The appeal under this section must be filed within ten (10) business days from the date of the Dallas County Commissioners Court order in which the decision is rendered.
6. The Floodplain Administrator shall maintain a record of all actions involving an appeal and shall report variances to the Federal Emergency Management Agency upon request.
7. Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places, without regard to the procedures set forth in the remainder of these Regulations. However, such variances for the repair or rehabilitation of historic structures shall be based upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.
8. Variances may be issued for new construction and substantial improvements to be erected on a lot of one-half (1/2) acre or less in size contiguous to and surrounded by lots with existing structures constructed below two feet above the base flood level, providing the relevant factors in Article 4, Section D (2) of these Regulations have been fully considered. As the lot size increases beyond the one-half (1/2) acre, the technical justification required for issuing the variance increases.
9. Upon consideration of the factors noted above and the intent of these Regulations, the Dallas County Commissioners Court may attach such conditions to the granting of variances as it deems necessary to further the purpose and objectives of these Regulations (Article 1, Section C).
10. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result, including but not limited to, the base flood water surface elevation.

11. Variances may be issued for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.
12. Prerequisites for granting variances:
 - a) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
 - b) Variances shall only be issued upon:
 - (i) showing a good and sufficient cause;
 - (ii) a determination that failure to grant the variance would result in exceptional hardship to the applicant; and
 - (iii) a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws, other regulations, or ordinances.
 - c) Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with the lowest floor elevation below two feet above the base flood elevation, based on fully developed watershed conditions (if available) and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.
13. Variances may be issued by a community for new construction and substantial improvements and for other development necessary for the conduct of a functionally dependent use provided that:
 - a) The criteria outlined in Article 4, Section E (I)-(12) of these Regulations are met; and
 - b) The structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.

F. Enforcement; Penalties for noncompliance

1. No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of these Regulations and other applicable regulations.
2. Violation of the provisions of these Regulations by failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with conditions) shall be punishable by the following:
 - a) Criminal Penalty: Pursuant to Section 16.3221, et seq. of the Texas Water Code, any violation of these Regulations is a Class C misdemeanor. Each violation of these Regulations and each day of a continuing violation is a separate offense.
 - b) Civil Penalty: Pursuant to Section 16.322, et seq. of the Texas Water Code, a person who violates these Regulations, a rule adopted, or order issued, is subject to a civil penalty of not more than \$100 for each act of violation and for each day of violation.
 - c) Civil Suit for Injunction: Pursuant to Section 16.323, et seq. of the Texas Water Code, if it appears that a person has violated, is violating, or is threatening to violate these Regulations, Dallas County may institute a civil suit in the appropriate court for:
 - (i) Injunctive relief to restrain the person from continuing the violation or threat of violation, including an order directing the person to remove illegal improvements and restore pre-existing conditions;
 - (ii) The assessment and recovery of the civil penalty provided by Section 16.322 of the Texas Water Code; or
 - (iii) Both the injunctive relief and the civil penalty.
 - (iv) Costs and expenses involved in the case.
3. Nothing contained herein shall prevent Dallas County from taking other lawful action as is necessary to prevent or remedy any violation.
4. Upon an initial discovery that a structure or land is in violation of these Regulations, the Floodplain Administrator and/or his/her designee may issue a Stop Work Order to the owner,

- lessee, occupant, agent and/or person in charge of the premises (collectively, the "violation"). to remove the stop work order, the violator must either:
- a) Appeal the violation within the first ten (10) days by submitting appropriate data in writing to the Floodplain Administrator that proves that either the structure is in compliance with these Regulations or is not actually located within the floodplain;
 - b) Restore the land to its prior condition and/or remove the illegal structure and/or fill from the floodplain; or
 - c) Bring the violation into compliance with these Regulations by obtaining a Development Permit as described in Article 4, Section D, of these Regulations, .
5. If after thirty (30) days from issuance of a Stop Work Order, the violation still exists, no appeal has been made, and the violator has not applied for a Development Permit:
- a) A citation may be issued pursuant to the Texas Water Code, Section 16.3221, et. seq. and a second warning to restore the land or remove the illegal structure and/or fill within thirty (30) days may be issued by the Floodplain Administrator and/or his/her designee to the violator.
 - b) If a violator has not complied with the stop work order after thirty (30) days, the Floodplain Administrator and/or his/her designee may inform the Criminal District Attorney of the violation/violations. The Criminal District Attorney may seek legal remedies pursuant to Sections 16.322, 16.3221, 16.323, et seq. of the Texas Water Code, including seeking an injunction against the violator.
6. If an appeal under Article 4, Section F (4) (a) of these Regulations is made to and subsequently denied by the Floodplain Administrator and/or his/her designee:
- a) A second warning letter from the Floodplain Administrator and/or his/her designee may be issued to the violator including notice to restore the land or remove the illegal structure and/or fill from the floodplain within sixty (60) days.
 - b) If the violator has not complied with the second warning after sixty (60) days, the Floodplain Administrator and/or his/her designee may inform the Criminal District Attorney. The Criminal District Attorney may seek legal remedies pursuant to Sections 16.322, 16.3221, 16.323, et seq. of the Texas Water Code, including but not limited to seeking an injunction against the violator.
7. If an application for a Development Permit is submitted to, but not approved by, the Floodplain Administrator, the violator may request a variance from these Regulations from the County Commissioners Court under Article 4, Section E of these Regulations. This request must be submitted in writing to the Commissioners Court within ten (10) days of written notification from the Floodplain Administrator and/or his/her designee that the Development Permit has been denied.
8. If an application for a Development Permit is submitted to, but not approved by, the Floodplain Administrator and/or his/her designee:
- a) A second warning letter may be issued by the Floodplain Administrator and/or his/her designee to the violator including notice to restore the land or remove the illegal structure and/or fill from the floodplain within sixty (60) days.
 - b) If the violator has not complied with the second warning after sixty (60) days, the Floodplain Administrator and/or his/her designee may inform the Criminal District Attorney. The Criminal District Attorney may seek legal remedies pursuant to Sections 16.322, 16.3221, 16.323, et seq. of the Texas Water Code, including but not limited to seeking an injunction against the violator.
9. If a variance is requested, but not granted by the Commissioners Court:
- a) A second warning letter by the Floodplain Administrator and/or his/her designee may be issued to the violator including notice to restore the land or remove the illegal structure and/or fill from the floodplain within sixty (60) days.
 - b) If the violator has not complied with the second warning after sixty (60) days, the Floodplain Administrator and/or his/her designee may inform the Criminal District Attorney. The Criminal District Attorney may seek legal remedies pursuant to Sections

16.322, 16.3221, 16.323, et seq. of the Texas Water Code, including but not limited to seeking an injunction against the violator.

10. If a Development Permit is granted, but the violation is not brought into compliance before the Development Permit expires:
 - a) A warning letter may be issued by the Floodplain Administrator and/or his/her designee to the violator including notice to either restore the land, remove the illegal structure and/or fill from the floodplain or to submit a satisfactorily complete application for another Development Permit within thirty (30) days.
 - b) If, after the aforementioned thirty (30) days, the violator has not restored the land, removed the illegal structure and/or fill from the floodplain, or submitted a satisfactorily complete application for another Development Permit, the Criminal District Attorney may seek legal remedies pursuant to Sections 16.322, 16.3221, 16.323, et seq. of the Texas Water Code, including but not limited to seeking an injunction against the violator.
11. A violator, as described in Article 4, Section F (4) of these Regulations, will be considered in continuing violation of these Regulations if the violator removes a structure and/or fill from one location within the floodplain in Dallas County and places the structure and/or fill in a non-compliant manner within another Dallas County floodplain location within one year of the initial violation.
12. If, in the sole discretion of the Floodplain Administrator or his/her designee, the violation or threatened violation, is of such a character to require immediate action, the Floodplain Administrator may notify the Criminal District Attorney and request that the Criminal District Attorney take whatever action is necessary to remedy the violation pursuant to Sections 16.322, 16.3221, 16.323, et seq. of the Texas Water Code, including but not limited to filing suit to enjoin the violation or threatened violation.

G. Forms, records, and fees

1. The Floodplain Administrator shall maintain a record of all such information in accordance with Article 4, Section (C) (I) of these Regulations.
2. The Dallas County Public Works Department must maintain all applications for, file copies of, and approved applications for permits for a retention period of three (3) years.
3. Forms to be used in the administration of these Regulations shall be promulgated by the Dallas County Public Works Department.
4. Pursuant to Section 16.315(16) of the Texas Water Code, Dallas County will collect reasonable fees, as set by the Commissioners Court, to cover the cost of administering the local floodplain management program. A violator of these Regulations shall bear all costs of effecting compliance. Pursuant to Section 16.324 of the Texas Water Code, Dallas County may set a reasonable fee for the county's issuance of a permit authorized by these Regulations for which a fee is not specifically prescribed. The fee must be set and itemized in the budget as part of the county's budget preparation process. Reasonable fees for permits, et al., are to be set by Commissioners Court. Fees shall be paid by exact cash, cashier's check, money order, or personal check. Should the check be returned for insufficient funds, the permit(s) issued become(s) null and void. Fees shall be paid at the time plans, et al., are submitted for review unless other arrangements have been made and approved by the County Auditor. The County shall deposit all fees received in the County Treasury, to a fund that shall be used to cover the cost of administering its floodplain management program. The fees required under these Regulations are established by a separate Dallas County Commissioners Court Order.

ARTICLE V. – PROVISIONS FOR FLOOD HAZARD REDUCTION

- A. **General Standards** – In all areas of special flood hazard, the following provision are required for all new construction and substantial improvements:
 1. All new construction or substantial improvements shall be designed (or modified) and adequately anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;

2. All new construction or substantial improvements shall be constructed by methods and practices that minimize flood damage;
 3. All new construction or substantial improvements shall be constructed with materials resistant to flood damage;
 4. All new construction or substantial improvements shall be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding;
 5. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;
 6. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the system and discharge from the system into flood waters; and,
 7. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.
- B. **Specific Standards** - In all areas of special flood hazard where base flood elevation data has been provided as set forth in these Regulations as included but not limited to, in (i) Article 3, Section B; (ii) Article 4, Section C (8); or (iii) Article 5, Section C (3), the following provisions are required:
1. **Residential Construction** - new construction and substantial improvements of any residential structure shall have the lowest floor (including basement), elevated to or above two (2) feet above the base flood elevation, based on a fully-developed watershed (if available). A registered professional engineer, architect, or land surveyor shall submit a certification to the Floodplain Administrator that the standard of this subsection as proposed in Article 4, Section D (I)(a) is satisfied.
 2. **Non-residential Construction** - new construction and substantial improvements of any commercial, industrial or other nonresidential structure shall either have the lowest floor (including basement) elevated to or above two (2) feet above the base flood level, based on a fully-developed watershed (if available) or together with attendant utility and sanitary facilities, be designed so that below two (2) foot above the base flood level the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. A registered professional engineer or architect shall develop and/or review structural design, specifications, and plans for the construction, and shall certify that the design and methods of construction are in accordance with accepted standards of practice as outlined in this subsection. A record of such certification, which includes the specific elevation (in relation to mean sea level) to which such structures are flood proofed, shall be maintained by the Floodplain Administrator.
 3. **Enclosures** - Enclosures are enclosed walled in areas below the lowest floor of an elevated building. Enclosures below the lowest floor may only be used for building access, vehicle parking, and storage. Enclosed areas below the lowest floor must be adequately anchored, built using flood resistant building material, and any utilities or service facilities must be designed and/or located to prevent flood damage. Flood insurance coverage for enclosures below the BFE is very limited.
 In A Zones, fully enclosed areas below the lowest floor must be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing the entry and exit of floodwaters. Designs must meet certain minimum criteria for openings in the enclosure walls or be certified by a registered design professional.
 In V Zones, the space below the lowest floor of a building shall be free of obstruction or constructed with non-supporting breakaway walls, open wood lattice work, or insect screening intended to collapse under wind and water loads without causing collapse, displacement, or other structural damage to the elevated portion of the building or supporting foundation system. Designs to meet this criteria must be certified by a registered design professional or meet certain minimum criteria for breakaway walls.
 4. **Manufactured Homes**

- a) Require that all manufactured homes to be placed within Zone A on a community's FHB or FIRM shall be installed using methods and practices which minimize flood damage. For the purposes of this requirement, manufactured homes must be elevated and anchored to resist flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable State and local anchoring requirements for resisting wind forces.
 - b) Require that manufactured homes that are placed or substantially improved within Zones AI-30, AH, and AE on the community's FIRM on sites (i) outside of a manufactured home park or subdivision; (ii) in a new manufactured home park or subdivision; (iii) in an expansion to an existing manufactured home park or subdivision; or (iv) in an existing manufactured home park or subdivision on which a manufactured home has incurred "substantial damage" as a result of a flood, be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated to or above two (2) foot above the base flood elevation and be securely anchored to an adequately anchored foundation system to resist floatation, collapse, and lateral movement.
 - c) Require that manufactured homes be placed or substantially improved on sites in an existing manufactured home park or subdivision with Zones AI-30, AH and AE on the community's FIRM that are not subject to the provisions of paragraph (4) of this section be elevated so that either:
 - (i) The lowest floor of the manufactured home is at or above two (2) feet above the base flood elevation based on a fully-developed watershed (if available); or
 - (ii) The manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than (thirty-six) 36 inches in height above grade and be securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement.
5. **Recreational Vehicles** - Require that recreational vehicles placed on sites within Zones AI-30, AH, and AE on the community's FIRM either:
- a) Be on the site for fewer than one hundred eighty (180) consecutive days; or
 - b) Be fully licensed and ready for highway use; or
 - c) Meet the permit requirements of Article 4, Section D (I) of these Regulations, and the elevation and anchoring requirements for "manufactured homes" in paragraph (4) of this section. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions.

C. Standards for Subdivision Proposals

- 1. All subdivision proposals including the placement of manufactured home parks and subdivisions shall be consistent with Article 1, Sections B, C, and D of these Regulations.
- 2. All proposals for the development of subdivisions including the placement of manufactured home parks and subdivisions shall meet Development Permit requirements of Article 3, Section C of these Regulations; Article 4, Section D of these Regulations; the provisions of Article 5 of these Regulations; and shall comply with Dallas County's Subdivision Regulations.
- 3. Base flood elevation data shall be generated for subdivision proposals and other proposed development including the placement of manufactured home parks and subdivisions which is greater than fifty (50) lots or five (5) acres, whichever is lesser, if not otherwise provided pursuant to Article 3, Section B or Article 4, Section C (8) of these Regulations.
- 4. Base flood elevation shall be generated by a detailed engineering study for all Zone A areas, within one hundred (100) feet of the contour lines of Zone A areas, and other streams not mapped by FEMA, as indicated on the FIRM.
- 5. All subdivision proposals including the placement of manufactured home parks and subdivisions shall have adequate drainage provided to reduce exposure to flood hazards.

6. All subdivision proposals including the placement of manufactured home parks and subdivisions shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize or eliminate flood damage.
- D. **Standards for areas of shallow flooding (AO/AH Zones)** - Located within the areas of special flood hazard established in Article 3, Section B, are areas designated as shallow flooding. These areas have special flood hazards associated with base flood depths of one (1) to three (3) feet where a clearly defined channel does not exist and where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow; therefore, the following provisions apply:
1. All new construction and substantial improvements of residential structures shall have the lowest floor (including basement) elevated above the highest adjacent grade at least as high as two (2) feet above the depth number specified in feet on the community's FIRM (at least two (2) feet if no depth number is specified).
 2. All new construction and substantial improvements of non-residential structures shall:
 - a) Have the lowest floor (including basement) elevated above the highest adjacent grade at least as high as two (2) feet above the depth number specified in feet on the community's FIRM (at least two feet if no depth number is specified); or
 - b) Together with attendant utility and sanitary facilities, be designed so that below two (2) foot above the base flood level the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.
 3. A registered professional engineer or architect shall submit a certification to the Floodplain Administrator that the standards of this Section, as proposed in Article 4, Section D, are satisfied.
 4. Within Zones AH or AO adequate drainage paths shall be required around structures on slopes, to guide flood waters around and away from proposed structures.
- E. **Floodways** - Floodways located within areas of special flood hazard established in Article 3, Section B, are areas designated as regulatory floodways. Since the floodway is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles, and erosion potential, the following provisions shall apply:
1. Encroachments are prohibited, including fill, new construction, substantial improvements and other development within the adopted regulatory floodway unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase in flood levels within the community during the occurrence of the base flood discharge.
 2. If Article 5, Section E (1) above is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of Article 5 of these Regulations.
 3. Under the provisions of 44 CFR Chapter 1, Section 65.12 of the National Flood Insurance Program Regulations, a community may permit encroachments within the adopted Regulatory floodway that would result in an increase in base flood elevations, provided that the community first completes all of the provisions required by Section 65.12.
- F. **Standards for the Trinity River Corridor and the East Fork of the Trinity and the Corridor Development Certificate** - Dallas County is a member of the Trinity River Common Vision program, meaning that the County subscribes to higher floodplain management standards along the Trinity River Corridor and the East Fork of the Trinity. Therefore, if the proposed project is located in the Special Flood Hazard Area along the Trinity River Corridor or the East Fork of the Trinity, the Corridor Development Certificate (CDC) is necessary. The application requires the study of the stream (hydrology and hydraulics analysis) using future flow rates (year 2055). Additionally, the proposed project will need to meet the following criteria:
1. No rise in the one hundred (100) year elevation or the Standard Project Flood for the proposed condition will be allowed.
 2. No loss in storage capacity.
 3. Alterations in the floodplain may not create or increase an erosive water velocity on or off-site.

The Standard Project Flood (SPF) is the flood that may be expected from the most severe combination of meteorological and hydrologic conditions that are considered to be reasonably characteristic of the geographical region involved, excluding rare combinations.

The CDC Manual can be found online at <https://www.nctcog.org/nctcg/media/Environment-and-Development/Documents/Floodplain%20Management/4th-Edition-Amended-July-2017-FINAL.pdf>

The proposed development will need to be designed in accordance with the CDC Manual dated July 2017 and any revisions thereto, which are hereby adopted and incorporated herein by reference and declared to be a part of these Regulations.

ARTICLE VI. – CERTIFICATION OF ADOPTION

The existing Floodplain Management Regulations approved August 3, 2004, by Dallas County Commissioners Court is hereby amended by the adoption of these new regulations.

CERTIFICATION

It is hereby found and declared by the Dallas County Commissioners Court that severe flooding has occurred in the past within its jurisdiction and will certainly occur within the future; that flooding is likely to result in infliction of serious personal injury or death, and is likely to result in substantial injury or destruction of property within its jurisdiction; in order to effectively comply with minimum standards for coverage under the National Flood Insurance Program; and in order to effectively remedy the situation described herein, it is necessary that these Regulations become effective immediately.

Therefore, an emergency is hereby declared to exist, and these Regulations, being necessary for the immediate preservation of the public peace, health and safety, shall be in full force and effect from and after its passage and approval.

APPROVED: 

County Judge

DATE: March 19, 2019

I, the undersigned, Annie Coleman do hereby certify that the above is a true and correct copy of the Regulations duly adopted by the Dallas County Commissioners Court at a regular meeting duly convened on March 19, 2019.



Deputy County Clerk
Clerk of Commissioners Court

Chapter 46 – Law Enforcement

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ARTICLE I. - IN GENERAL

Secs. 46-1—46-30. - Reserved.

ARTICLE II. - TRAFFIC PATROLS²

Sec. 46-31. - Guidelines.

Since almost all county residents reside in an incorporated city, county constables have historically served papers for and provided security to the justice of the peace courts but have not been staffed to conduct regular law enforcement or traffic enforcement patrol activities. The staffing formulas for constables' offices do not provide credit for traffic activities. There may be circumstances in which county constables have opportunities for targeted enforcement activities which are fiscally self-supporting and do not conflict with services to the justice of the peace courts. The county commissioners court does not plan to change the basic staffing formula for constables offices, but will consider each request from a constables for traffic patrol staffing based on the following uniform guidelines:

- (1) Traffic enforcement programs shall be self-liquidating as certified by the county auditor, and will be subject to an initial six-month financial review.
- (2) Constables will conduct routine traffic patrol only within their precinct, except where a city is located in more than one precinct and prior written approval from all affected constables and cities is provided to the commissioners court and supported by the county commissioner representing city.
- (3) The constables shall provide the commissioners court with their written policy on engaging in high-speed pursuits.
- (4) The county will not provide staff or equipment for part-time traffic enforcement.

(Ord. No. 97-2387, 12-2-1997; Ord. No. 2008-0156, 1-22-2008)

Secs. 46-33—46-60. - Reserved.

ARTICLE III. - FIREARMS TRAINING

DIVISION 1. - GENERALLY

Secs. 46-61—46-80. - Reserved.

DIVISION 2. - GUN RANGE POLICY

Sec. 46-81. - Purpose of division.

¹ **State Constitution reference—** Sheriff, [Tx. Const., art. 5, § 23](#). **State Law reference—** Sheriff, V.T.C.A., [Local Government Code § 85.001](#) et seq.

² **State Law reference—** Constables, V.T.C.A., [Local Government Code § 86.001](#) et seq.; signs, V.T.C.A., [Transportation Code § 393.001](#) et seq.; Uniform Traffic Act, V.T.C.A., [Transportation Code § 541.001](#) et seq.

The purpose of this division is to outline the standard operating procedures that will govern the use of the county firearms training center, referred to in this division as "the range," and to provide guidelines on its use by law enforcement agencies other than the county sheriff.

(Ord. No. 98-2227, § 1.0, 11-17-1998)

Sec. 46-82. - Law enforcement officers (LEO) defined.

All officers defined as peace officers in Vernon's Ann. C.C.P. art. 2.12 and special investigators cited in Vernon's Ann. C.C.P. art. 2.122 are referred to in this division as LEOs.

(Ord. No. 98-2227, § 1.1, 11-17-1998)

Sec. 46-83. - Range management.

The management and safe operation of the range is the responsibility of the county sheriff's department.

(Ord. No. 98-2227, § 2.0, 11-17-1998)

Sec. 46-84. - Firearms instructors.

- (a) Agencies may conduct training exercises under the direction of the firearms instructors employed or contracted by that agency.
- (b) These instructors must provide written documentation of credentials. These must include, but are not limited to, certification of T.C.L.E.O.S.E. instructor's license and T.C.L.E.O.S.E. firearms instructor's license, or the applicable equivalent.
- (c) Agencies must provide (line) safety officers during all training exercises. These officers are not required to be licensed instructors, but must be fully credentialed LEOs. The ratio of safety line officer to shooter must not be less than one to eight.

(Ord. No. 98-2227, § 2.1, 11-17-1998)

Sec. 46-85. - Safety.

- (a) The range will be operated in a manner which emphasizes the safety of the user, the staff and the surrounding areas. The sheriff may remove any individual and/or ban any agency from using the range if, in his judgment, an individual or agency compromises the goal of safety for all participants.
- (b) The county sheriff's department may inspect all weapons, ammunition and less lethal munitions, to ensure that they do not exceed the capacity and/or design of the range.
- (c) The county sheriff's department will be responsible for the investigation of all incidents in accordance with its general orders, S.O.P. and county policy.

(Ord. No. 98-2227, § 3.0, 11-17-1998)

Sec. 46-86. - Scheduling.

- (a) *Use of range.* The priority for scheduling use of the range will be in the following order:
 - (1) County sheriff's department;

- (2) Dallas division, Federal Bureau of Investigation;
 - (3) LEOs and security officers paid directly through county government, e.g., constables, etc.;
 - (4) Law enforcement agencies that provide substantial assistance to the county sheriff's department in the form of training for sheriff's deputies;
 - (5) Law enforcement agencies headquartered within the county or providing significant services to the county residents; and
 - (6) Law enforcement agencies outside of the county.
- (b) *Scheduling agent*. All activities related to the range will be scheduled through the county sheriff's department.

(Ord. No. 98-2227, §§ 4.0, 5.0, 11-17-1998)

Sec. 46-87. - Hold harmless agreement.

Prior to its use of the range, each agency will be required to sign a hold harmless agreement, as prepared by the county district attorney, which reflects that the agency accepts responsibility for the acts of its employees and holds the county harmless for the consequences of such acts.

(Ord. No. 98-2227, § 6.0, 11-17-1998)

Sec. 46-88. - Activities available for scheduling.

The following activities are available for scheduling at the range:

- (1) Rifle qualifications (five station-200 yards);
- (2) Pistol qualifications (20 station-50 yards);
- (3) Live fire training building with six rooms and two halls;
- (4) Two-story less lethal building;
- (5) Classroom (35-person capacity);
- (6) Defensive tactics building (40 feet x 50 feet x ten feet);
- (7) Obstacle course (25 obstacles).

(Ord. No. 98-2227, § 7.0, 11-17-1998)

Sec. 46-89. - Fee schedule.

- (a) The fee schedule is applicable to all agencies in the fifth and sixty priority categories enumerated in section 46-86. Agencies in the first four categories are eligible to schedule the range without user fees.
- (b) The fee schedule is applicable to all agencies other than the county's internal law enforcement agencies, the Dallas division, FBI, and law enforcement agencies with reciprocal training agreements with the county sheriff.
- (c) The fee schedule applies to law enforcement agencies who are either headquartered in the county, or who will be training individuals whose activity will be substantially carried out for the benefit of county citizens. Law enforcement agencies that do not fit this description will be charged an additional \$10.00 per hour over the rates shown as follows:
 - (1) Rifle range (per hour) \$55.00

- (2) Handgun and shotgun range (per hour) 60.00
- (3) Live fire training building (per hour) 60.00
- (4) Less lethal building (per hour) 65.00
- (5) Defensive tactics building (per hour) 45.00
- (6) Obstacle course (per hour) 45.00
- (7) Classroom no charge

(Ord. No. 98-2227, § 8.0, 11-17-1998)

Sec. 46-90. - Payment.

The county will provide a written invoice for the use of the range to the senior officer of the using agency at the time the services are provided. Payment within 30 days is requested. Agencies who become delinquent in their payments to the county will not be allowed to schedule additional range use until the delinquency is resolved.

(Ord. No. 98-2227, § 10.0, 11-17-1998)

Sec. 46-91. - Equipment and ammunition.

- (a) The range will provide hearing and eye protection to all users at no cost.
- (b) The range will provide appropriate protective gear and all needed equipment, except munitions (i.e., simunition rounds, flash sound diversionary devices, etc.) for the simunitions building.
- (c) The range will furnish gym mats and audio visual equipment for the classroom and defensive tactics building.
- (d) Users will provide their own less lethal munitions, ammunition, weapons and targets.
- (e) Users will be required to operate the target controls in accordance with its training curriculum. The DSO range master or his designee will provide the user's target operator instruction on the proper operation of the controls prior to commencing their training evolution.

(Ord. No. 98-2227, § 9.0, 11-17-1998)

Sec. 46-92. - Cancellations.

- (a) *Cancellation of range use by the county.*
 - (1) If the use of the range is cancelled by the county, the leasing agency will not incur any charges. The county will make all efforts to prevent cancellation and will attempt to provide 72 hours' notification.
 - (2) Lost or down time as a result of range equipment failure will result in proportionate hourly credits.
- (b) *Cancellation of range use by leasing agency.* Leasing agencies shall make all efforts to prevent cancellations. If reservations are cancelled at least 72 hours in advance, the agency will incur no cost. Cancellations with less than 72 hours' notice will require the payment of an administrative fee.

Note: When scheduling, a history of past cancellations will be taken into consideration.

- (c) *Cancellation of range use due to inclement weather.* If the range must be closed due to inclement weather, the leasing agency will be allowed to schedule training at a later date with no additional cost incurred.

(Ord. No. 98-2227, § 11.0, 11-17-1998)

Sec. 46-93. - Cleanup.

It is the responsibility of the leasing agency to remove all spent ammunition casings, used targets, and/or debris from the training site and dispose of them according to the terms of the user agreement.

(Ord. No. 98-2227, § 12.0, 11-17-1998)

Chapter 50 – Parks and Open Space

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ARTICLE I. - PROGRAMS AND PLANS

DIVISION 1. - GENERALLY

Sec. 50-1. - Purpose of article.

- (a) It is the purpose of this article to preserve naturally significant and environmentally sensitive open space, to create a comprehensive open space system throughout the area, and to establish a county-wide trail system that links together public open space, that provides significant recreational and economic opportunities, and that promotes the use of alternative forms of transportation.
- (b) Land that is incorporated into these systems shall be acquired or dedicated in perpetuity or through other suitable arrangements, shall be protected from encroachments or uses not compatible with this mission, and shall provide for fair, reasonable and continuous public access.

(Ord. No. 99-2136, § I, 11-9-1999)

Secs. 50-2—50-10. - Reserved.

DIVISION 2. - OPEN SPACE SYSTEM

Sec. 50-11. - Open space plan.

The county shall maintain and regularly update a park and open space plan that will identify all naturally significant and environmentally sensitive areas in the county. This plan will then be used to assist the county in acquiring the property and in assembling a coordinated and comprehensive park system.

(Ord. No. 99-2136, § X, 11-9-1999)

Sec. 50-12. - Criteria for inclusion.

To be considered for inclusion in the county's open space system, an area must be identified as a part of the current county park and open space plan and must possess at least one of the following characteristics:

- (1) Be of area-wide significance in its scenery, geology, archeology, history, wildlife, plant community, or other open space values.
- (2) Be large enough to accommodate an undisturbed, self-generating continuation of the resource or natural process that makes it desirable.
- (3) Balance or complement an area-wide need and contribute to a well-distributed open space system throughout the county.
- (4) Provide a link with or an extension of existing open space and parks.
- (5) Lend itself to unstructured activities and minimum development. Host passive or minimal activities and promote nature appreciation or outdoor education.

¹ **State Law reference—** Parks and playgrounds, V.T.C.A., [Local Government Code §§ 316.001](#) et seq., [331.001](#) et seq.; park boards, V.T.C.A., [Local Government Code § 320.001](#) et seq.

- (6) Be capable of hosting a renewal of the natural landscape or interpretative development of historic sites. Unauthorized buildings, fences, roads, other manmade objects or nuisance vegetation which detract from open space values must be removed.

(Ord. No. 99-2136, § XI, 11-9-1999)

Secs. 50-13—50-20. - Reserved.

DIVISION 3. - TRAIL SYSTEM

Sec. 50-21. - Trail plan.

The county shall maintain and regularly update a trail plan which shall identify all potential connector trail corridors and internal trail locations. This plan will be used to assist the county in developing trails throughout its jurisdiction.

(Ord. No. 99-2136, § XIII, 11-9-1999)

Sec. 50-22. - Trail installation; purpose.

So as to facilitate the creation of a comprehensive open space system that is utilized by the public, the county will seek to install internal trails within every one of its preserves. So as to facilitate the creation of a county-wide trail system that generates economic benefits, promotes the use of alternative forms of transportation, and creates new recreational opportunities, it will seek to link neighborhoods, transportation facilities, employment centers, and public open space together with longer connector trails.

(Ord. No. 99-2136, § XII, 11-9-1999)

Sec. 50-23. - Types of trails.

- (a) Internal trails will be located in the county's preserves and will be owned by the county. Depending upon the characteristics of the preserves in which they are located, they may either be of a natural or paved surface, and efforts will be made to try to have at least one segment be compatible with the Americans with Disabilities Act (ADA).
- (b) The county will fund and develop all natural surface internal trails, and it will fund and develop all internal trails with widths of five feet as well as all ADA-compatible segments. Cities interested in having paved internal trails with greater widths may provide the additional funding needed to produce the desired width.
- (c) The county will participate in the development and funding of connector trails, which, unless they are located within unincorporated areas, will be owned by the host city. These bicycle-pedestrian thoroughfares must be identified in the county's trail plan, link with at least one city, state or county park, be at least one mile long, and possess at least one of the following characteristics:
 - (1) Provide for an alternative form of transportation.
 - (2) Produce significant economic benefits.
 - (3) Highlight a unique natural feature.

(Ord. No. 99-2136, § XIV, 11-9-1999)

Sec. 50-24. - Trail amenities.

So that a county-wide trail system can be quickly established, the county's primary investment focus will be on providing funding for the actual development and construction of trails. As a result, the county will only consider providing funding for such amenities as trash cans, benches, lighting, drinking fountains, decorative paving, parking lots, signs and information kiosks within a municipality on noncounty property when the affected trail meets the criteria set forth for connector trails under section 50-23 and when:

- (1) The amenity will significantly enhance or increase the utilization of the trail;
- (2) The amenity will not create a significant safety hazard for the trail's patrons;
- (3) The host city or some other suitable entity agrees to appropriately maintain the amenity; and
- (4) The county's contribution does not exceed \$10,000.00 and 50 percent of the total local contribution.

The entire length of any trail that receives county amenity assistance shall be considered to be a part of the county trail system for as long as the trail or the system exists and shall thus be signed in accordance with section 50-108.

(Ord. No. 99-2136, § XXII, 11-9-1999)

Secs. 50-25—50-40. - Reserved.

ARTICLE II. - ADMINISTRATION²

DIVISION 1. - OPEN SPACE BOARD

Sec. 50-41. - Provisions regarding board.

Provisions regarding the park and open space board are found in section 2-381 et seq. Such provisions include size and membership of the board, attendance requirements, chair and vice-chair, executive committee, required meetings, committee appointments, and duties.

Secs. 50-42—50-60. - Reserved.

DIVISION 2. - STAFF³

Sec. 50-61. - Duties generally.

The staff responsibility for implementing and operating the county park and open space program in a timely manner is delineated as provided in this division.

(Ord. No. 99-2136, § IX, 11-9-1999)

Sec. 50-62. - Park and open space administrator.

The park and open space administrator shall:

- (1) Comply with all relevant state, federal, municipal and county rules, laws and guidelines.
- (2) Monitor expenditure of all program funds.

² **State Law reference—** Park board, V.T.C.A., [Local Government Code § 320.027](#).

³ **State Law reference—** Park rangers, V.T.C.A., [Local Government Code § 351.081](#) et seq.

- (3) Assist in the review and compilation of the county park and open space plan and trail plan and develop projects that lead to the implementation of these plans.
- (4) Provide general staff support to county park and open board, such as attending board and committee meetings, sending out meeting notices, preparing meeting minutes, and maintaining attendance records.
- (5) Brief the commissioners court on all board recommendations.
- (6) Develop and submit grant applications.
- (7) Assist in the procurement of appraisals, signs, boundary surveys, and archaeological surveys with purchasing and public works.
- (8) Coordinate acquisition/negotiation process with public works.
- (9) Coordinate development projects with public works and purchasing.
- (10) Brief the commissioners court and park and open space board on the acquisition status of specific properties.
- (11) Coordinate the execution of use agreements and all necessary grant documents.
- (12) Assist in the reviewing of any development proposals, conversions or easements.
- (13) Review and approve special access permits.
- (14) Coordinate park and trail dedication ceremonies.
- (15) Prepare and forward all necessary materials, appraisals, documents and reports to the state.
- (16) Prepare quarterly reports for the commissioners court and the state/federal government as required or needed.
- (17) Inspect park sites for use agreement compliance and seek to enforce agreement when compliance is lacking.
- (18) Inspect park sites for possible safety or hazard problems and for sign and maintenance compliance, and report any problems to management partner and when signs are needed.
- (19) Assist in generating public awareness of and support for the county park and open space program.
- (20) Monitor changes in applicable laws and regulations and report those major changes to the commissioners court and park and open space board.
- (21) Recommend new park and open space policies, priorities, and procedures to the park and open space board and/or commissioners court when the need arises.
- (22) Assist in the preparation of the park and open space program annual report.
- (23) Coordinate activities between city, state and federal government agencies or organizations.
- (24) Undertake those additional duties and projects specifically assigned by the commissioners court and/or the commissioners court administrator.

(Ord. No. 99-2136, app. B, 11-9-1999)

Sec. 50-63. - Public works department.

The public works department shall:

- (1) Coordinate the procurement of appraisals, design and construction services, hydrology studies and boundary surveys.

- (2) Review work of consultant engineers, contracted construction work, hydrology studies, surveys and appraisals.
- (3) Conduct in-house appraisals.
- (4) Obtain environmental permits and floodplain clearances when needed.
- (5) Prepare design plans for such items as trails, bridges and parking lots, when needed.
- (6) Negotiate acquisition price with property owners.
- (7) Coordinate the procurement of sufficient title insurance.
- (8) Coordinate property acquisition closings and the execution and filing of related documents.
- (9) Assist in reviewing proposed easement, conversions, improvements, changes in use and development plans.
- (10) Prepare needed maps and illustrations.
- (11) Prepare architect's rendering of new signs.
- (12) Assist the park and open space administrator in developing and recommending new park and open space policies and procedures to the park and open space board and/or commissioners court when the need arises.
- (13) Undertake those additional duties and projects assigned by the commissioners court.

(Ord. No. 99-2136, app. B, 11-9-1999)

Sec. 50-64. - District attorney's office.

The district attorney's office shall:

- (1) Review and advise staff, park and open space board and commissioners court on related deeds, documents, contracts and legal matters.
- (2) Upon the request of the commissioners court, institute condemnation proceedings.
- (3) Assist the park and open space administrator in developing and recommending new park and open space policies and procedures to the commissioners court and/or park and open space board when the need arises.
- (4) Undertake those additional duties and projects requested by the commissioners court.

(Ord. No. 99-2136, app. B, 11-9-1999)

Sec. 50-65. - Agricultural extension service.

The agricultural extension service shall:

- (1) Assist staff in evaluating and identifying the wildlife, vegetation and soil characteristics of proposed sites.
- (2) Assist the park and open space administrator in developing and recommending new park and open space policies and procedures to the park and open space board and/or commissioners court when the need arises.
- (3) Undertake those additional duties and projects requested by the commissioners court.

(Ord. No. 99-2136, app. B, 11-9-1999)

Secs. 50-66—50-100. - Reserved.

ARTICLE III. - IN GENERAL

Sec. 50-101. - Naming preserves, parks, trails and other features.

- (a) Names for county parks must contain the term "preserve." Both names for preserves and trails should generally refer to the geographic location of the park or trail or its major environmental characteristic. For example:
- (1) Rowlett Creek Preserve;
 - (2) Spring Creek Forest Preserve;
 - (3) McCommas Bluff Preserve;
 - (4) Ten Mile Creek Trail.

Exceptions to this naming policy may be made when the property is of some historical significance or if acknowledgment of a major financial benefactor would be appropriate. Other features, such as ponds, meadows and special plantings, may also be named for a benefactor, or if the feature passes through a historically significant area, region or locale, or is in itself of a historical nature, it may also be named accordingly. Such special names must be approved by the court prior to placing a sign at the feature.

- (b) In general, county preserves, parks, trails and other features within county property may not be named for a living person. All proposed names must be reviewed on a case-by-case basis by the park and open space board and approved by the commissioners court.

(Ord. No. 99-2136, § XX, 11-9-1999)

Sec. 50-102. - Development within county parks/preserves.

- (a) Since the primary emphasis of this program is to preserve naturally significant open space, only limited development will be permitted within the county park and open space system. Improvements and amenities that the county may consider appropriate for its parks and preserves include trails, signage, parking lots, picnic pavilions, benches, informative/commemorative monuments, access ramps, boat ramps, fishing piers, observation decks, boardwalks, and information kiosks. All proposed development will be reviewed on a case-by-case basis and must be compatible with the local natural environment, be generally devoted to such unorganized outdoor pursuits as hiking, free play, nature study and picnicking, and demonstrate that it will help increase the utilization/accessibility of the preserve. Such development will also be undertaken only if the county's maintenance partner or some other suitable entity agrees to appropriately maintain the improvement/amenity. Additional consideration will also be given if the host city or some other entity offers to share in or to completely fund the development.
- (b) More organized and less passive forms of development will only be considered when the host city is willing to provide the local funds needed to finance and appropriately maintain the development, and when the development does not detract from or endanger the park's natural qualities or its archaeological/cultural features and deposits.
- (c) Any development proposed by an entity other than the county that requires an archeological/cultural resource survey shall have that survey funded from sources other than the county.

(Ord. No. 99-2136, § XXI, 11-9-1999)

Sec. 50-103. - Open space site and trail corridor prioritization.

The park sites and the trail corridors identified in the county's open space plan and trail plan should be prioritized by the park and open space board, and once these priorities are approved by the court, the sequence in which these sites and corridors are acquired or developed should generally reflect this prioritization unless encroaching development immediately threatens a site or if unique opportunities (i.e., extensive dedication, below market sales offer, etc.) exist.

(Ord. No. 99-2136, § XVIII, 11-9-1999)

Sec. 50-104. - Land acquisition process.

- (a) When seeking to acquire property utilizing only county funds, staff shall first brief the commissioners court on the desirability and estimated cost of the proposed acquisition. Should the court concur that this site is worth pursuing, then a survey of the property and an appraisal shall be conducted. Based upon the results of the survey and the appraisal, the commissioners court will then decide whether to begin negotiating for the property.
- (b) When seeking to acquire property with grant funds, staff shall first brief the commissioners court on the desirability and the estimated cost of the proposed acquisition. Should the commissioners court concur that the site is worth pursuing, then a survey and an appraisal (or appraisals if more than one is required by the granting agency), will be conducted. Based upon the results of the survey and the appraisals, the commissioners court will decide whether a grant application should be submitted.

(Ord. No. 99-2136, § XIX, 11-9-1999)

Sec. 50-105. - Unsuccessful grant applications.

If a grant application is unsuccessful, staff shall seek to discover why the application was not funded and then report back to the park and open space board and the commissioners court so that a decision can be made as to whether to revise and resubmit the application at a later date, proceed immediately with the proposed project using only county funds, or postpone the project.

(Ord. No. 99-2136, § XXIII, 11-9-1999)

Sec. 50-106. - Use agreements for park/trail maintenance.

It is not the desire of the county to become responsible for the maintenance of parks and trails. Therefore, when a site is under consideration for park acquisition or trail development, either the city in which the site is located, a neighboring city that is located in close proximity to the site, another public entity, or a well-established private entity must express a written commitment to maintain the site when park acquisition is involved. Similarly, for instances involving trail development outside of a county preserve, the city in which the site is located must also formally commit to own the trail. The only exception to this policy of the county not providing maintenance will be when the site is in the county's unincorporated territory, when the annual maintenance costs will be very minimal, and/or when the site is unique and should be acquired before another maintenance partner can be secured.

(Ord. No. 99-2136, § XXIV, 11-9-1999)

Sec. 50-107. - Conversion of park/preserve land to other uses.

In order to protect the county's investment in open space and trails, cities cannot, without the prior approval of the county, without satisfactorily compensating the county, and without complying with all applicable state and federal statutes, construct a road through or otherwise convert the use or nature of a trail or park to a different nonrecreational use.

(Ord. No. 99-2136, § XXV, 11-9-1999)

Sec. 50-108. - Signage.

- (a) The county shall install and maintain at least one permanent identification sign on every county park site. At a minimum, these signs shall contain the name of the park, the county, the host city, and any other information required by the grantor, if any, or by law.
- (b) All connector trails shall have at least one sign at each end that denotes that the trail is a part of the county trail system.
- (c) Replacement signs required due to vandalism, weathering, fire, theft, or an act of God such as, but not limited to, flood, wind, and hail, will be the responsibility of the city that maintains a preserve or owns a connector trail.
- (d) The city shall, within 90 days of notification by the county, replace any signs so lost or destroyed.

(Ord. No. 99-2136, § XXVI, 11-9-1999)

Sec. 50-109. - Third-party intermediaries.

Third-party intermediaries will only be used for acquisitions and/or improvements when the commissioners court has first approved such third-party involvement.

(Ord. No. 99-2136, § XXVIII, 11-9-1999)

Sec. 50-110. - Other applicable laws, policies and regulations.

The county park and open space program shall be operated in accordance with all applicable state, federal, county and municipal rules, laws, policies and procedures.

(Ord. No. 99-2136, § XXIV, 11-9-1999)

Secs. 50-111—50-200. - Reserved.

ARTICLE IV. - PARKS AND PRESERVES⁴

DIVISION 1. - GENERALLY

Sec. 50-201. - Special use activity regulations for county preserves.

When the county parks or preserves are located within an incorporated area and managed by a city, that city's rules and ordinances shall govern the use of such preserves. However, in no instance shall unauthorized motor vehicles, other than powered wheelchairs, be allowed onto county park/preserve property except within designated parking areas. For county parks and preserves that are managed by the county or other nonmunicipal entities and/or are located within the unincorporated portion of the county, the following additional regulations shall govern the use of these preserves and parks:

⁴ **State Law reference—** County parks and other recreational and cultural resources, V.T.C.A., [Local Government Code § 316.001](#) et seq.

- (1) No signs, posters, handbills or notices shall be posted in or about county preserves without the prior written approval of the commissioners court administrator. Individuals responsible for posting signs, posters, handbills or notices shall be responsible for the removal of same by a date determined by the administrator. The administrator shall cause any unauthorized sign, poster, handbill or notice to be removed at the posting party's expense.
- (2) County preserves are intended to be used by the general public for ordinary passive recreational purposes such as, but not limited to: hiking, biking, fishing, jogging, birdwatching and nature study. Any person or entity wishing to use buildings and/or grounds of a county preserve for any purpose other than its intended use or for exclusive/public restricted use or for use with paid admission, must file a written request describing the proposed special use to the administrator at least three days in advance of the proposed activity.
- (3) All special use requests for activities lasting no more than three days will be reviewed by the administrator. Requests for activities lasting longer than three days will be reviewed by the commissioners court. Only those special use requests which receive the written approval of the county will be permitted to occur.
- (4) Users whose special requests are approved by the county will be required to sign a use agreement prior to such use. This use agreement will specify, among other things:
 - a. That the user will compensate the county for any damages to the preserve arising out of such use and that unless the user is an accredited school or scouting troop that will be using the preserve for educational purposes, the user will provide a \$100.00 potentially refundable deposit with the county to cover possible damages and trash collection;
 - b. That when the use is for commercial purposes, the user will obtain a \$1,000,000.00 liability/personal injury policy payable to the county; and
 - c. The amount of any rental or lease fee which shall be determined by commissioners court and which shall be based on the following criteria:
 1. Individuals, corporations or organizations desiring to rent a preserve for a function shall pay \$250.00 per day or any part of a day;
 2. No rental fee shall be charged when the user is an accredited school or scouting troop using the preserve for educational purposes; and
 3. If a rental or lease fee is to be charged and the use of the preserve involves filming, additional fees of \$500.00 per day shall be charged if the use is for a "for profit" production or \$100.00 per day if the use is for a nonprofit production.
- (5) Depending upon the proposed use, the county may also require on-site security for appropriate crowd control and for the enforcement of the provisions of this article.
- (6) The county reserves the right to deny any request for use of a county preserve which, in its opinion, may disrupt or hamper normal activity, offend public visitors, or endanger the preserve's natural integrity.
- (7) No alcoholic beverages or other intoxicants are allowed within a county preserve.
- (8) No hunting is allowed within a county preserve. No firearms, sports bows, blow-guns, or weapons are allowed within a county preserve.
- (9) No electric bicycles shall be allowed within a county preserve or on an unincorporated county trail.
- (10) No horses are allowed within a county preserve beyond designated equestrian areas/trails.
- (11) No swimming or wading and no boats, canoes or tubes are permitted in or on any lake, pond or creek within a county preserve, except for emergency vehicles.

(Ord. No. 99-2136, app. C, 11-9-1999)

Sec. 50-202. - Easements crossing preserves; restoration of preserve property.

When appropriate, easement contracts shall require the utility/entity seeking the easement to keep their easements free of trees and to reseed the easements with nature grass and/or wildflowers that are appropriate to the soil, slope and geology of the area when the land is disturbed by easement-related use. In addition, they will also require the utility/entity to notify the county, in advance, of when they will be entering and utilizing the easement. Any modifications to existing easements or requests for new easements must be approved by the commissioners court and by the granting entity, if applicable, if grant funds have been used to acquire the property.

(Ord. No. 99-2136, § XXVII, 11-9-1999)

Secs. 50-203—50-220. - Reserved.

DIVISION 2. - ACCESS

Sec. 50-221. - Public access; admission fees; special access permits.

- (a) County preserves shall generally be open to the public for their enjoyment without any admission fee. However, access to specific preserves may be limited by the county because of the environmentally sensitive nature of the preserves or because of public health and safety concerns.
- (b) Special access permits may be issued for sites whose access is restricted because of a sensitive environment if the requesting party is affiliated with a state or federal agency, an institution of academic learning, or an organization whose mission is the study and/or inventory of such natural resources as flora, fauna, geology, palynology, paleontology, and prehistoric and historic cultural remains and if the requesting party requests access to the site to conduct related research in such a manner as to not threaten the site's sensitive environment. In providing such permits, the county shall also require that the requesting party provide it with a copy of any research report or inventory that is produced as a result of the field work that is conducted at the county's preserve.
- (c) Admission fees can only be charged in accordance with state law and with the prior approval of the commissioners court. Requests to charge such fees must be made by the entity that maintains the preserve for which an admission fee is requested and will be reviewed on a case-by-case basis.

(Ord. No. 99-2136, § XV, 11-9-1999)

Secs. 50-222—50-240. - Reserved.

DIVISION 3. - SPECIAL USE ACTIVITIES

Sec. 50-241. - Regulations.

Special use activities, which include, but are not limited to, the posting of signs, the exclusive use of a county preserve, or the use of a preserve in a manner that is different from which it was originally intended, and which will be conducted in a county preserve located within or managed by a municipality, shall be governed by these policies and by the ordinances and policies of the municipality in which it is located. Special use activities which will be conducted in a county preserve that is located within an unincorporated portion of the county shall be governed by these policies, especially those provisions contained in division 1 of this article.

(Ord. No. 99-2136, § XVI, 11-9-1999)

Sec. 50-242. - Income.

The county shall be notified of all income from the special use of a preserve located within and managed by a municipality. Such uses, which may include, but not be limited to, movie, television, or film use, and the fees charged for allowing such uses to occur must be approved in advance by the county. All such income is to be set aside by the city and county for future development and/or maintenance of the preserve.

(Ord. No. 99-2136, § XVII, 11-9-1999)

Secs. 50-243—50-260. - Reserved.

DIVISION 4. - VOLUNTEERS

Sec. 50-261. - Definition.

- (a) Volunteers (which do not include any individual that is required to provide community service under some type of court or criminal justice proceeding, but do include individuals working independently or as a member of a group, school, business, or organization that perform services on county park and open space property without receiving any compensation or any other item or thing of value in lieu of compensation) may be used to improve and enhance the county's park and open space properties when appropriate.
- (b) The use of volunteers on county park and open space property that is maintained by the county or another party other than a municipality or a public school district shall be governed by the provisions contained within this division. The use of volunteers on county park and open space property that is maintained by a municipality or public school district shall be governed by that entity's policies, regulations, procedures, and ordinances, and if the proposed use of volunteers involves some physical alteration of the property through the installation of such amenities as signs and benches or the establishment of a trail, then the entity, if it wishes to proceed with the project, shall also submit the proposed project to the county for its review and approval.
- (c) The services that a volunteer may provide under this division include, but are not limited to, maintaining trails, removing trash and debris, mowing, installing signs, conducting special studies and inventories, taking photographs, and producing maps, brochures, or other educational materials.

(Ord. No. 2002-557, 3-26-2002)

Sec. 50-262. - Volunteer eligibility.

To be eligible as a volunteer for the county's park and open space program, the individual (or group, school, business, or organization, whichever is applicable) must:

- (1) Be at least 18 years of age unless directly supervised on-site by an adult that meets all of this section's applicable requirements.
- (2) Submit a volunteer service application, which describes what service is being proposed, where, when, and how it would be conducted, what materials, tools, and equipment will be used, by what individual(s) or group, and background and experience of that individual or group.
- (3) Propose a service that would enhance the county's park and open space program and be compatible with all applicable county and city ordinances, policies and regulations.
- (4) Shall pass an appropriate background check and with all other convictions being reviewed on a case by case basis, be free of any of the following convictions:
 - a. Murder (including capital murder);
 - b. Indecency with a child;
 - c. Aggravated kidnapping;

- d. Aggravated sexual assault;
 - e. Aggravated robbery;
 - f. Sexual assault;
 - g. Commission of a felony offense with a deadly weapon;
 - h. Injury to a child, elderly, individual, or disabled person;
 - i. Use of a child in the commission of a felony offense; or
 - j. Any drug-related felony offense committed within the last ten years.
- (5) Be capable of undertaking the proposed volunteer service and demonstrate that he/she possesses adequate experience in the proposed endeavor and any licensing, insurance coverage, or certification required by the state and or county.
 - (6) Abide by the terms of any volunteer service agreement that describes the service to be provided the obligations of the volunteer, and the requirements under which the service is to be provided.
 - (7) Release the county from any obligation to replace or repair any tools or equipment that the volunteer provides.
 - (8) Formally waive the county from any liability that may occur as a result of the volunteer's action, negligence or omission.

(Ord. No. 2002-557, 3-26-2002)

Sec. 50-263. - Volunteer application submission and approval process.

- (a) Volunteer service applications shall be submitted to the county's park and open space administrator. Submitting a volunteer service application or being eligible to submit such an application does not obligate the county, which has the authority to approve or decline any volunteer proposal, to approve or utilize the potential volunteer.
- (b) The administrator shall review that application, the background and experience of the applicant, and the appropriateness, schedule, and the location of the proposed service and make a recommendation to the county's director of planning and development who shall have the authority to approve or reject applications.
- (c) In the event the director declines an application he shall notify the applicant of this determination in writing. The applicant may appeal this decision to the commissioners court if he submits a written request for such an appeal to the commissioners court administrator within ten days of having been informed of the director's decision to not approve the application.

(Ord. No. 2002-557, 3-26-2002)

Sec. 50-264. - Duties and responsibilities.

- (a) Volunteers shall not represent themselves as spokespersons for or agents of the county.
- (b) Volunteers, when working on county property, shall report any illegal or inappropriate activity to the local police department and/or the county sheriff; volunteer's shall not issue citations or warnings to people that they perceive as being involved in an illegal or inappropriate activity.
- (c) Volunteers shall be responsible for providing all of the materials, tools, and equipment needed in order to provide their service. They are also responsible for managing any voluntary contributions of money, food, materials, equipment, and tools that they have obtained in conjunction with their service.

- (d) Volunteers shall use such power tools/equipment as trimmers, chain saws, riding mowers, tractors, and bulldozers with appropriate safety equipment (goggles, gloves, helmets, etc.) and shall only operate such power tools/equipment at a safe distance from another person.
- (e) Volunteers shall only conduct or provide those services for which they have been approved by the county; such services shall be conducted in an appropriate manner and in accordance with a previously approved schedule. Any deviation in these services or schedule must be approved in advance by the county.
- (f) It is the responsibility of the volunteer to inform the administrator of any deviation from the approved schedule or plan for the services prior to actually undertaking the deviation. Volunteers shall not engage in rude or reckless behavior, conscious flagrant indifference to the rights or safety of others, gross negligence, criminal misconduct, or work under the influence of alcohol or other controlled substance. Volunteers shall also not violate any other county, city, state, or federal law, ordinance, policy, or regulation while providing services.
- (g) Volunteers shall be responsible for cleaning up after themselves at the end of the day that they provide a service.
- (h) Any person (or group, school, business or organization, whichever is applicable) that violates any portion of this section may immediately be terminated as a volunteer. Any person, group, etc. that is terminated as a volunteer will not be eligible for possible consideration as a future volunteer for a period of at least two years.

(Ord. No. 2002-557, 3-26-2002)

Sec. 50-265. - Oversight; monitoring; termination.

The park and open space administrator shall monitor the work of approved volunteers to see that they are providing services in accordance with their volunteer service application and these policies. The administrator shall maintain files on all volunteer service applications/agreements and shall report any problems with a volunteer to the director. The director shall take whatever termination action he deems necessary and to communicate any termination action in writing to the affected individual(s). Volunteers who have been terminated by the director may appeal this decision to the commissioners court if a written request is submitted to the commissioners court administrator within ten days of the having been informed of the termination decision.

(Ord. No. 2002-557, 3-26-2002)

Chapter 54 – Social Services

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ARTICLE I. - IN GENERAL

Secs. 54-1—54-30. - Reserved.

ARTICLE II. - HUMAN SERVICES²

DIVISION 1. - GENERALLY

Secs. 54-31—54-50. - Reserved.

DIVISION 2. - WELFARE³

Subdivision I. - In General

Sec. 54-51. - Legal obligation and authority.

- (a) The commissioners courts of the counties of the state were made responsible for the care of indigents through an act passed in 1876 and amended in 1885 and 1911. Vernon's Ann. Civ. St. art. 2241, § 9 stated that the commissioners court shall provide for the support of paupers and such idiots and lunatics as cannot be admitted into the lunatic asylum, and residents of their counties who are unable to support themselves.
- (b) The Public Welfare Act of 1941 (Vernon's Ann. Civ. St. art. 695C, § 39) states: "No provision of this act is intended to release the counties and municipalities in this state from the specific responsibility which is currently borne by those counties and municipalities in support of Public Welfare, Child Support and Relief Service."
- (c) In 1936, the county commissioners court established with the City of Dallas the bureau of public aid, to administer a locally funded general assistance program for persons disabled to work. The name was changed to the city-county department of public welfare in 1938 and a five-member board established. In 1959, the county became the single entity government sponsoring the welfare department.
- (d) With the creation of the department of human services in 1981, the welfare department became a division of the county department of human services.
- (e) Financial assistance rates are determined annually by the county commissioners court, and approved prior to the approval of the agency's annual budget.

Secs. 54-52—54-70. - Reserved.

¹ **Federal law references**— National Housing Act, 12 USC 1701 et seq.; Housing and Community Development Act, 42 USC 5301 et seq. **State Law reference**— Social services, V.T.C.A., [Human Resources Code § 1.001](#) et seq.

² **State Law reference**— Local health and human services advisory committee, V.T.C.A., [Government Code § 531.0249](#).

³ **Editor's note**— This division was derived from the department of health and human services, welfare division policy manual sent by the county. **State Law reference**— Aid to families with dependent children, V.T.C.A., [Human Resources Code § 31.001](#) et seq.

Subdivision II. - Financial Assistance Program⁴

Sec. 54-71. - Eligibility generally.

Assistance to meet basic financial needs is given to individuals and families who meet eligibility criteria from the date of application or as other noted in this subdivision.

Sec. 54-72. - Assistance duration; disabled persons.

- (a) Persons meeting the eligibility criteria in section 54-115(g), disability, may be financially assisted until medically able to resume employment or other resources to meet basic needs have been obtained.
- (b) Temporary assistance may be provided if the other resources are temporarily disrupted or when such resources are insufficient to meet basic needs due to unusual circumstances.
- (c) Assistance scale: definition. The assistance scale is the total amount of financial assistance which can be allowed under rates established by the commissioners court to meet basic needs not met by other resources.
- (d) Household: definition. A household is defined as all residents in the home who, at the time of application, are a single economic unit.

Sec. 54-73. - Types of assistance provided.

Various methods are utilized to provide the financial assistance needed, and each type of assistance includes certain qualifying criteria of its own, in addition to basic eligibility requirements.

Sec. 54-74. - Food assistance.

- (a) *Special criteria.* The recipient must not be in receipt of food stamps.
- (b) *Rates for food assistance.*

Family Size	Monthly Scale
1 person	\$ 90.00
2 persons	165.00
3 persons	236.00
4 persons	300.00
5 persons	357.00
6 persons	428.00
7 persons	473.00

⁴ **State Law reference—** Financial assistance and service programs, V.T.C.A., [Human Resources Code § 31.001](#) et seq.

8 persons	541.00
9 or more persons	609.00

Within 60 days after each change in the rates of U.S. Department of Agriculture Food Stamp Program, the county commissioners court will reevaluate the above rates to determine whether adjustments are necessary.

- (c) *Methods of payment.* Food vouchers are issued to enable individuals and families to buy food at a designated grocery store of their choosing.
- (d) *Meals-on-wheels.* Prepared meals, delivered to eligible individuals are provided through negotiated arrangements with all agencies providing meals-on-wheels programs. Payment is made directly to the agency. The cost of such meals is deducted from the monthly food allowance with the remainder given to the individual in the form of a food voucher.
- (e) *Frequency of payments.* Food vouchers are issued for no more than one-half month. Meals-on-wheels are paid for at the end of each month.

Sec. 54-75. - Shelter assistance.

- (a) *Special criteria.* Special criteria for shelter assistance are as follows:
 - (1) Landlord or shelter provider must agree to accept payment.
 - (2) Housing must not be unhealthy or unsafe.
 - (3) The fact that an applicant is homeless does not disqualify the applicant for shelter assistance.
- (b) *Rates for shelter assistance.* Rates for shelter assistance shall be as follows:
 - (1) Rent or mortgage payment maximums:

1—2 persons	\$450.00 per month
3 + persons	600.00 per month

- (2) Shared housing. Rental up to the maximum allowable can be authorized for the pro rata share of the property used by the approved client.
- (3) If the department is unable to secure shelter for a qualified applicant at the above rates, the department head shall immediately notify the county commissioners court of the existence of such circumstances. Upon receipt of such notice, the county commissioners court shall, at the time of its next regularly scheduled meeting, consider exceptions or amendments to the above rates and authorize expenditures which are shown to be necessary to secure shelter for the qualified applicant.
- (c) *Methods of payment.* Payment to the landlord or mortgage holder. Rent or mortgage payment is paid for the days the premises have been occupied by the eligible individual or family. Legal agreements affirming payment are signed by the landlord or mortgage holder, caseworker and client, and are reviewed monthly.

- (d) *Frequency of payment.* Payments are made monthly for the period of the time the person was eligible and a shelter agreement was in effect.
- (e) *Rent/mortgage payments owed for prior occupancy.* If the applicant owes rent or house payments for a period prior to application, but according to all information would have been eligible and eviction is imminent, prior shelter payments can be allowed up to a period of 60 days at a rate not exceeding the monthly shelter rates established in subsection (b) of this section.
- (f) *Deposits.* Deposits are paid when the following criteria are met:
 - (1) Individual/family has eviction notice or is without housing; and
 - (2) No housing is available which does not require a deposit; or
 - (3) An interagency agreement has been developed to share portions of the costs of housing an eligible individual or family.
- (g) *Shelter payment.* Shelter payments do not include rent to relatives.

(Ord. No. 99-2029, 10-26-1999)

Sec. 54-76. - Utilities.

Utilities are paid so the individual/family can retain utilities services while receiving assistance. Since billing from utilities is after the service was used, the first payment may be for the period just prior to application.

- (1) *Types of payment.* Types of payment made are gas, electricity, water and butane.
- (2) *Payment rates.* Payment rates are as follows:

Electric utilities	Maximum of \$90.00 per month
Water utilities	Maximum of \$60.00 per month
Gas	Maximum of \$80.00 from October—March Maximum of \$45.00 from April—September
Butane	Per gallon: \$2.00

Exceptions to rates are allowed if:

- a. Severe weather has been experienced which required excessive heating/cooling.
- b. Severe illness of individual/family member.
- c. Very small children at home.
- (3) *Deposits.* Deposits are paid only to restore service when the individual/family has no other resources for payment.
- (4) *Method of payment.* The following are methods of payment:
 - a. Directly to service provider. Payment for actual amount of a bill or prorated share of a bill as discussed with the utility company, will be paid directly to the utility company.

- b. Utility payments to landlords for the prorated share of utilities may be paid if billed separately to the tenant.

Sec. 54-77. - Telephone.

Telephone bills may only be paid if the person's doctor certified the need due to a medical condition.

Sec. 54-78. - Drugs, medicines and eyeglasses.

- (a) Prescription medication are purchased only if:
 - (1) Medications are not available through Parkland Memorial Hospital; and
 - (2) Other resources for drug purchase are unavailable or exhausted.
- (b) Prescription lenses and/or frames are purchased if the individual needs them for function in the workplace or they are essential for daily living functions.
- (c) Rates of payment. The least expensive source of drugs or eyeglasses is utilized.
- (d) Method of payment. The actual cost as agreed by the caseworker/vendor is paid through use of a voucher.

Sec. 54-79. - Clothing purchase.

- (a) *Special criteria.* Clothing is only available to individuals/families receiving other assistance from the agency and for the following reasons:
 - (1) School-aged children need items for school attendance.
 - (2) Unusual circumstances such as a fire or theft which require clothing replacement.
- (b) *Allowable clothing costs.* No more than \$150.00 per person may be expended for clothing.
- (c) *Method of payment.* A voucher is issued to the vendor for those items approved by the caseworker.
- (d) *Donated clothing.* Donated clothing may be supplied to individuals or families as needed. Referrals for donated clothing are made to regular clothes agencies.

Sec. 54-80. - Transportation.

To assist individuals to keep medical, social service and employment appointments, transportation services are provided as follows:

- (1) *Bus tickets.* Tickets are purchased in bulk from DART and issued for verified appointments only.
- (2) *Handirides.* For those persons who cannot use regular transit buses, because of severe mobility problems, Handiride tickets are issued following certification.
- (3) *Agency van.* An agency van is used by those who cannot utilize any of the above transportation resources. The van provides transportation five days per week from 7:00 a.m. to 3:30 p.m.

Sec. 54-81. - Special needs.

- (a) *Daily living exclusions.* Items needed for daily living, but excluded from purchase with other funds, are not included in the payment for room and board occupancy.
- (b) *Special criteria.* Special needs are available only for clients who reside in room and board facilities as defined in this section and sections 54-84 and 54-85. Special needs funds are intended for daily living needs which may include, but are not limited to, personal hygiene supplies, nonprescription drug items, haircuts, laundry or household cleaning items.
- (c) *Rates of assistance for special needs.* The following are the health and human services/welfare division policy rates:

<i>Special need monthly allowance</i>	
Individual	\$10.00
Maximum per family	
per household member	7.00
per family	40.00

- (d) *Method of payment.* Payment shall be made to the room and board operator as part of the room and board agreement.

(Ord. No. 99-2029, 10-26-1999)

Sec. 54-82. - Room and board.

Placement in a facility providing room and board for the eligible individual shall be according to the following:

- (1) *Special criteria:* The individual must need the services such as meal preparation, laundry, etc., for medical reasons.
- (2) *Room and board rates basic:* Up to \$10.00 per day.
- (3) *Minimum standards:* Room and board operators must agree to provide minimum standard care and services.
- (4) *Method and frequency of payments:* Partial cost. When an individual has some income, it must be applied to the cost of room and board and the supplement, not to exceed the maximum allowable, is paid to the operator.

Sec. 54-83. - Nursing home placement.

- (a) *Generally.* Payments for nursing home care ordered by a physician are made to nursing homes with a valid license from the state department of health.
- (b) *Special condition.* The operator must agree to reimburse the county if and when retroactive medicaid payments are received.
- (c) *Approved rates.* The agency and Parkland Memorial Hospital utilize a point system to define the type of care and rate of payment for care.

<i>Nursing home placement/unskilled care</i>	
0—50 points	\$200.00
50—100 points	300.00

100+ points	350.00
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The referral from the hospital defines the number of points and the agency sets the rate with the nursing home operator.

- (d) *Method of payment.* Retroactive monthly payments are made to the nursing home operator for the actual time the individual resided in the nursing home.

(Ord. No. 99-2029, 10-26-1999)

Sec. 54-84. - Room and board exceptional.

Placement for mentally ill or for the terminally ill in facilities providing room and board and certain other services shall be as follows:

- (1) *Special criteria.*
 - a. The individual must need services such as meal preparation, laundry, etc.
 - b. The individual may need assistance with administering medication.
 - c. The individual must require and accept group or individual counseling, and/or medication management, and/or supervision by staff.
- (2) *Terminally ill.* Facilities offering the following services to terminally ill clients needing hospice care will be eligible for reimbursement to the maximum of \$14.50 per day and must provide:
 - a. Basic services.
 - b. Nursing services including blood pressure and temperature monitoring, administering medication, dressing changes, patient bathing assistance, help with mobility.
 - c. Adequate R.N., LVN or other medically trained persons to supervise the program and services. All staff are trained to provide personal care services, offer counseling and support.
- (3) *Mentally ill.* Facilities offering the following services to clients with mental illness shall be eligible for reimbursement to the maximum rate of \$13.50 per day and must provide:
 - a. Basic services.
 - b. Special care services which include group counseling, individual and family counseling and education special medical care, job assistance, psychiatric consultation services, self-help support groups.
 - c. Adequate staff to provide basic and support services or access for patients to mental health services.
- (4) *Method and frequency of payments.* The method and frequency of payment shall be as follows:
 - a. Entire cost: Retroactive payment made for the days the individual resided in a facility are made on a monthly basis to the operator.
 - b. Partial cost: When an individual has some income such as food stamps, SSI, SSD, workers' compensation, etc., it must be deducted from the total cost of the room and board, not to exceed the maximum allowable.

Sec. 54-85. - Certification of room and board facilities.

- (a) Facility operators will submit in writing a description of the services proposed; the number to be served; personnel numbers, qualifications and assignments; and copies of licenses or certifications.
- (b) To certify facilities, services and payment rates, staff will visit prior to any placements being authorized and semiannually thereafter.
- (c) Facility operators will sign agreements confirming services and acknowledging procedures used by county human services for reimbursement of costs for individual client care.
- (d) Complaints/noncompliance complaints or indication of noncompliance will be investigated by human services staff immediately and a decision made on whether to continue use of a facility. Operators will be advised of deficiencies and, if critical, all county human services clients will be moved pending deficiencies being corrected or removed.

Secs. 54-86—54-110. - Reserved.

Subdivision III. - Eligibility For Financial Assistance

Sec. 54-111. - Purpose.

The general purpose of the agency is to serve the family or individual when the wage earner is disabled and has no other resources to provide shelter, food and other necessities. Each individual or family applying for assistance with financial problems must, in order to receive assistance, meet certain conditions which combined indicate that a person is eligible for or entitled to assistance. The various funds administered by the agency have different eligibility criteria as they are targeted toward distinct client situations.

Sec. 54-112. - Citizenship.

- (a) The citizenship requirement is met if an applicant or member of a family is a U.S. citizen or an alien legally admitted to the United States.
- (b) Applicants born in countries other than the United States shall be required to show proof of citizenship or alien registration.

Sec. 54-113. - Residence.

- (a) Only persons who reside in the county are eligible for assistance.
- (b) Residence is established by a home in the county, employment, etc., and verified by rent receipts, employment records, driver's license address, etc.
- (c) Incarceration is not considered residence, time prior to or post incarceration would be utilized to establish residence for an inmate, parolee or probationer.
- (d) Lack of residence in another county or state and intent to reside in the county established residency. Being homeless in the county with an intent to reside in the county also established residency. In either case, evidence of intent to reside in the county must be verified by employment or other proof.
- (e) Temporary residents may be assisted if they are receiving treatment at a local hospital and medical verification of the need to remain the county is received.

Sec. 54-114. - Age.

All ages are served by the agency. The applicant for assistance shall meet one of the following criteria:

- (1) Age 18 and above.
- (2) Legally emancipated minors.
- (3) Self-supporting minors without relatives who can provide support.

Sec. 54-115. - Resources.

- (a) *Lack required.* A lack of resources to meet basic financial family or individual needs is requisite. None of the following may be available for use by the applicant in an amount or value which exceeds the rates of assistance of the agency.
- (b) *Income.*
 - (1) *Earned and unearned.* Earned and unearned income will be considered resources, and the applicant will verify that income is unavailable or insufficient to meet needs before becoming eligible for assistance.
 - (2) *Disruption.* Verification that regular income has not been received by the applicant shall constitute a lack of resources and deems the applicant eligible.
 - (3) *Reduction.* Verified unintentional income reduction, through no fault of the applicant, is considered to make the applicant eligible. An increase in the size of the family, prior to the increase in regular benefits calculated on the size of the family, may also serve to make the family eligible until full benefits are received.
 - (4) *Extraordinary expense.* Temporary, verified expenses over and above the normal expenditures and resources of the family and individual may serve to make the unit eligible.
 - (5) *Allowable expenses.* Expenses allowed under this section include medical related costs, natural disasters, theft or burglary, or severe conditions such as weather related, increased in normal sustaining expenses.
- (c) *Potential income resources.* Benefits to which the applicant should be entitled must be applied for if eligibility under subsection (b) of this section is to be met. A reasonable time will be allowed before aid will be denied due to the nonapplication for benefits.
- (d) *Other conditions.* Applicants are required to fulfill conditions for other income sources. Failure to do so will serve to make the applicant or recipient ineligible.
- (e) *Exempt income.* The incomes listed in this subsection (e) will not be considered as resources for eligibility purposes; however, some portion may be considered in calculating the budget from the agency.
 - (1) Earnings of full-time students under age 18.
 - (2) Forty percent of earnings of a family member under 18 and not in school.
 - (3) Income from relatives, friends and/or agencies, which has been used to meet household essential needs such as house payments, back rent, rent supplement or utility payments.
- (f) *Financial resources; liquid assets.*
 - (1) Bank accounts will be considered available resources. Any balance which exceeds imminent expense expectations shall be used before a family or individual becomes eligible.
 - (2) Stocks and bonds shall be considered available resources.
 - (3) Personal property, which is defined as the property owned by the recipient which has marketable value.
 - (4) Personal and real property exemptions, which means personal property consisting of homestead, automobile, household furniture or clothing utilized for the personal needs of the individual or family will be exempt.
 - (5) Tools of trade, including a second vehicle if necessary for the worker, shall be exempt.
 - (6) Real property not exempt shall be land/dwellings and other personal property not used as tools of the trade which shall be utilized to meet living expenses.
 - (7) Assistance may be extended while attempts are made to convert property to available assets; however, the applicant will need to make a plan for the exchange.

- (g) *Physical disability.* The presence of a disabling physical disorder which prevents the actual and potential wage earner of a household from being gainfully employed, considering the physical disorder, age, education, training and work experience, will serve to make the household eligible under this section.
- (1) *Physician verified.* A statement from a licensed physician (M.D. or D.O.) that, as a result of a disabling physical disorder, the applicant is disabled from gainful employment, considering the applicant's disorder, age, education, training and work experience is required to establish physical disability except in the circumstances set for in subsections (g)(2) and (h) of this section.
 - (2) *Apparent.* The obvious presence of a disabling physical disorder, although unverified by a physician, will constitute eligibility under this section.
 - (3) *Treatment.* If the disabling physical disorder is treatable, the applicant will be required to seek medical care and any other treatment prescribed by a physician or his designee.
 - (4) *Training.* If retraining will assist the applicant in becoming gainfully employed, the applicant will be required to make application to enroll in a program of retraining and to actively engage in such a program as soon as he is able.
- (h) *Physical limitations.* Certain conditions are recognized as having a detrimental effect on the applicant's ability to secure and maintain gainful employment. Presence of one or more of these limitations may, under this section, constitute eligibility. However, the applicant must as in subsections (g)(3) and (g)(4) of this section, be actively engaged in correcting or compensating for these problems.
- (1) *Temporary disability; pregnancy.* Pregnancy is considered disabling at the onset of the seventh month, unless a physician verified condition exists prior to that time.
 - (2) *Postpartum disability.* Postpartum disability will consist of six weeks past the delivery unless physician verified complications extend this period.
- (i) *Denial of social security benefits.* Denial of social security benefits may be grounds for termination of benefits from county human services/welfare. The applicant has the right to appeal in accordance with section 54-142 or section 54-143. The county has the right to request additional information from the applicant's physician or other qualified physician at the discretion of the county.
- (j) *Receipt of settlement.* Applicants for assistance who have received workers' compensation or other settlement, including social security and civil settlements, will not be eligible for assistance until previous earnings are prorated to settlement. Caseworkers will divide the settlement amount by the last regular monthly income of the applicant prior to disability, resulting in the number of months the settlement should provide for the basic needs of the applicant. The applicant may reapply for assistance after the months that such earnings should expire and/or appeal a denial in accordance with section 54-142 or section 54-143.
- (k) *Mental disability.* The presence of a disabling mental disorder which prevents the actual and potential wage earners of a household from being gainfully employed, considering mental disorder, age, education, training and work experience will serve to make the household eligible under this section.
- (1) *Verification.* A statement from a licensed psychiatrist or psychologist that, as a result of a disabling mental disorder, the applicant is disabled from gainful employment, considering the applicant's disorder, age, education, training and work experience, is required to establish mental disability except in the circumstances set forth in subsections (k)(2) and (l) of this section.
 - (2) *Apparent.* The obvious presence of a disabling mental disorder, although unverified by a licensed psychiatrist or psychologist, will constitute eligibility under this section.
 - (3) *Treatment.* If the disabling mental disorder is treatable, the applicant will be required to seek mental health care and any other treatment prescribed by a licensed psychiatrist or psychologist or his designee.
 - (4) *Training.* If retraining will assist the applicant in becoming gainfully employed, the applicant will be required to make application to enroll in a program of retraining and to actively engage in such a program as soon as he is able.

- (l) *Mental limitations.* Certain conditions are recognized as having a detrimental effect on the applicant's ability to secure and maintain gainful employment. Presence of one or more of these limitations may, under this section, constitute eligibility. However, the applicant must, as in subsections (k)(3) and (k)(4) of this section, be actively engaged in correcting or compensating for these problems.
- (m) *Caretaker for disabled person.* A nondisabled person may meet the requirements under this section if a physician verifies that the person is needed in the home to care for a disabled person who is part of the same economic unit.

Secs. 54-116—54-140. - Reserved.

Subdivision IV. - Application and Appeal Process

Sec. 54-141. - Application process.

- (a) *Notice to potential applicants.* A written summary of the eligibility criteria and the procedure for determination or eligibility will be made available for the purpose of applying for benefits.
- (b) *Right to submit application.* No person who appears at an intake office for the purpose of applying for benefits will be denied the right to submit a written application for benefits. A notice to this effect will be conspicuously posted in a public area of each permanent intake office and, to the extent authorized, at all other locations where applications are received by the county.

Sec. 54-142. - Appeal process; applicants denied assistance or awarded assistance for less than 45 days.

- (a) *Notice reasons for denial.* Each applicant who submits a written application and who is denied assistance will be provided with a written statement of the reasons for denial.
- (b) *Right of appeal.* Each applicant who submits a written application and who is denied assistance, and each person who claims to have been denied the right to submit a written application, may appeal the denial through the following departmental levels: worker's supervisor, assistant director, department head. The decision of the department head shall be binding and no further appeal is granted.
- (c) *Notice regarding appeal process.* The notice required by subsection (a) of this section will include or be accompanied by a written summary of the right to appeal the denial and the appeal process. This document will include or be accompanied by a form which may be used to request an appeal.
- (d) *Initiation of appeal.* An appeal of the denial of assistance must be requested by the applicant in writing within seven days after written notice of denial is given to the applicant. An appeal of the claimed denial of the right to submit an application must be requested in writing within seven days after the claimed denial.
- (e) *Award of assistance for less than 45 days.* A person who granted assistance for one or more consecutive periods totalling less than 45 days may appeal under this section from the failure to grant assistance for a longer duration. Written notice of termination or nonrenewal and the reasons therefor will be given to the recipient. Such notice will include the notice prescribed in subsection (c) of this section. An appeal must be requested by the recipient in writing within seven days after such notice is given.

Sec. 54-143. - Termination of assistance.

- (a) *Notice of reasons for termination.* Each person who is granted assistance for one or more consecutive periods totalling 45 days or more and whose assistance is terminated will be provided with a written statement of the reasons for termination at least 15 days before the effective date of termination.
- (b) *Right of appeal.* Each person who is granted assistance for one or more consecutive periods totalling 45 days or more and whose assistance is terminated may appeal the termination under the procedure set forth in sections 54-142(c)—54-145.

- (c) *Notice regarding appeals process.* The notice required by subsection (a) of this section will include or be accompanied by a written summary of the right to appeal and the appeal process. This document will include or be accompanied by a form which may be used to request an appeal.
- (d) *Initiation of appeal.* An appeal of the termination of assistance must be requested by the person whose assistance is terminated (appellant) in writing within five days after written notice of termination is given to the appellant.
- (e) *Notice of hearing.* If the appeal is timely initiated, the appellant will be given written notice of the date, time and place of the hearing at least seven days before the hearing date.
- (f) *Postponement of hearing.* Within seven days after notice of the hearing is given, the appellant may submit a written request for a postponement of the hearing, stating a valid reason therefor. If such a request is made, the hearing will be rescheduled and a new notice of hearing will be sent. Only one postponement may be obtained under this section.
- (g) *Hearing officer.* An impartial hearing officer, the county personnel director or his designee, conducts the hearing for the welfare division.
- (h) *Hearing.* The hearing will not be open to the public. The appellant may represent himself, or may be represented by friends, relatives or legal counsel. The appellant is responsible for arranging for any such representatives and for notifying them of the date, time and place for the hearing.
- (i) *Evidence.* The hearing officer will consider only the evidence presented at the hearing in making a decision. The entire hearing shall be recorded, and all testimony shall be given under oath. All written evidence which will be presented at the hearing will be available before and during the hearing for examination by the appellant. Both parties may present any relevant witnesses, testimony, records, exhibits, etc., and may cross examine any witnesses who testify at the hearing, but will avoid the use of evidence which legally may be considered hearsay. The hearing shall be conducted in a manner so as to best present the facts of the case so that the true controversy and issues are the primary consideration.

Sec. 54-144. - Dismissed or withdrawn appeals.

- (a) *Dismissed appeal.* If the appellant fails to appear for the hearing, the appeal will be dismissed.
- (b) *Withdrawn appeal.* Once filed, an appeal can only be withdrawn by the appellant. Such withdrawals shall be in writing, and shall include the reason for the withdrawal.

Sec. 54-145. - Hearing officer decision.

The decision of the hearing officer may be issued orally at the conclusion of the hearing. The decision must be placed in writing, and a copy must be sent to the appellant within two weeks after the hearing. If the appeal is timely initiated and not otherwise dismissed, benefits shall not be terminated prior to the issuance of the decision by the hearing officer. The hearing officer's decision shall be the final determination of the case.

Sec. 54-146. - Written notice.

- (a) For purposes of this subdivision, written notice shall be considered satisfactorily given to an applicant for assistance when presented in person or mailed to the address given by the applicant at the time of application.
- (b) For purposes of this subdivision, written notice shall be considered satisfactorily given to a recipient of assistance when presented in person or mailed to the last address at which benefits were provided to the recipient.
- (c) For purposes of this subdivision, written notice shall be considered satisfactorily given to the county when presented in person to a department of human services welfare division's caseworker or intake office employee or mailed to the department at its address as shown on the department's written materials provided to the applicant or recipient.

Secs. 54-147—54-180. - Reserved.

ARTICLE III. - HOUSING ASSISTANCE (UPCAP)⁵

Sec. 54-181. - Introduction.

One of the major barriers to home ownership among households earning 80 percent and below the county median income is as follows: a lack of available funds for the necessary down payment and closing costs from otherwise qualified borrowers. In an effort to remove this barrier, the county has designed an upfront cost assistance program. The program will be implemented in conjunction with the county's home loan counseling center.

(Ord. No. 2000-851, 4-25-2000; Ord. No. 2000-1890, Att. A, 9-19-2000)

Sec. 54-182. - Purpose and objectives.

The purpose and objectives of the program are to:

- (1) Increase the home ownership population among households earning 80 percent and below the county median income who could otherwise qualify for a home loan if they had all of the necessary capital required for the down payment, closing costs and fees associated with purchasing a home.
- (2) Enable moderate to low income residents to purchase a decent, safe and sanitary home within the county.
- (3) Provide moderate to low income families with financial assistance to make the down payment and closing costs needed to purchase a home within eligible cities and unincorporated areas of the county.
- (4) Promote community stability in the county, as most communities and neighborhoods with a higher homeowner to renter ratio appear to be stronger socially and economically.

(Ord. No. 2000-851, 4-25-2000; Ord. No. 2000-1890, Att. A, 9-19-2000)

Sec. 54-183. - Definitions.

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

Applicant(s)/household/family/borrower(s) means a single person or two or more adult persons related by marriage or birth; or unrelated co-borrowers.

Child support means that counted as part of household income, unless documented that no child support has been paid during 12-month period prior to time of UPCAP application. At the time of UPCAP application, if partial child support payments have been made during the previous twelve months; that amount will be projected as amount to be paid during the next twelve months.

Dependent(s) means that applicant(s) must provide documentation for minors residing in the household, whom they claim as dependent(s), who are not birth or adopted children, of guardianship or custody. Foster children are not counted as dependents.

⁵ **Federal law reference**— National Affordable Housing Act, 42 USC 12704 et seq. **State Law reference**— Housing assistance programs, V.T.C.A., [Government Code § 2306.001](#) et seq.; veteran's housing assistance, V.T.C.A., [Natural Resources Code § 162.001](#) et seq.; veterans land assistance program, V.T.C.A., [Natural Resources Code § 164.001](#) et seq.

Dwellings mean single-family detached and single-family attached (townhouses, condominiums, and PUDs).

- (1) Only lender approved insurable properties including condos, townhouses, PUDs, and HUD foreclosures are eligible.
- (2) Properties built before January 1, 1978 are not eligible.
- (3) Existing (built after January 1, 1978) and new construction properties are eligible for purchase.
- (4) The sales price cannot exceed a maximum of \$95,000.00.
- (5) Properties to be purchased must be vacant or owner occupied. Contract on properties currently tenant occupied or occupied by tenants 60 days prior to an executed real estate sales contract will not be accepted.

Eligible upfront cost means 50 percent of up to a maximum five percent down payment or reasonable buyer closing costs. It is therefore not available to reimburse any out of pocket fees/expenses paid by buyer prior to closing such as surveys, inspections, appraisal fees, etc. Among the eligible UPCAP closing costs are the following:

- (1) Fifty percent of down payment, not to exceed five percent of purchase price;
- (2) HQS inspection fee;
- (3) Lender fees:
 - a. Loan origination/application fee (maximum of 1 percent);
 - b. Discount points (maximum of 1 percent), which cannot be paid if associated with obtaining a two to one buy down, ARM, or not associated with normal points charged for prevailing market mortgage interest rates. UPCAP does not pay real estate commission expenses;
 - c. Inspection fee;
 - d. Document preparation fee;
 - e. Miscellaneous lender fees;
- (4) Title charges:
 - a. Attorney fee;
 - b. Title insurance;
 - c. Transfer fee;
 - d. Survey;
 - e. Termite inspection;
 - f. Miscellaneous charges;
- (5) Prepaid expenses:
 - a. Odd-days interest;
 - b. Homeowner's insurance;
 - c. Real estate taxes.

First-time home buyer(s) means an applicant(s) who has no ownership interest in a principal residence at any time during the three-year period ending on the date of their application for assistance. However, an applicant(s) who has divorced during the three-year period where a formal settlement has been made under which the applicant(s) does not receive an ownership interest in a primary residence which had been jointly owned, and who has no other current ownership in residential property, is eligible. Ownership of a mobile home is considered real property and the applicant(s) is therefore a home owner.

Household income means the annual gross income anticipated to be received during the next 12-month period from date of UPCAP application, for all persons age 18 or older (except for full time students age 18 to 22) who reside in the household. This includes: all wages, salaries, tips, overtime pay, commissions, fees, bonuses, and all other compensation for personal services (before payroll deductions) and any other income, such as investment income, pensions, VA compensation, part-time employment, dividends, interest income, royalties, and unemployment compensation. Also includes, alimony, child support, public assistance, social security benefits, and foster care income. In cases of overtime income, client must furnish statement from employer stating projected, maximum, or average overtime that will be received for the next 12 months. If employer cannot furnish said information, HLCC staff will estimate same utilizing YTD payroll information.

Household size means all persons who will be residing with the applicant(s) on a permanent basis will be considered as part of family size. Applicant(s) dependents that will not be living in the house being purchased may not be counted toward family size. Unborn children are not counted. Full-time students ages 18 to 22 years are counted as part of family size.

Relocation means:

- (1) The prospective home buyer does not have the power of eminent domain, and will not purchase the property if negotiations fail to result in an amicable agreement.
- (2) The prospective purchase of a property under the cited program is a transaction between the person receiving the home buyer assistance and the seller of the real property; therefore, any such sale is not subject to a governmental agency's power of eminent domain, and a governmental agency will not be a party in the transaction except as the provider of assistance to the prospective purchaser and administrator of the assistance program.
- (3) The owner/seller of real property to a prospective home buyer receiving down payment assistance under the cited programs is not eligible for relocation assistance under the Uniform Relocation Assistance and Real Property Acquisition Policies Act.
- (4) The seller's fair market value of a property will be determined by a lender appraisal.

Self-employment income means that applicant(s) must provide the last two years of IRS tax returns which include profit and loss tax information from business and the current profit and loss notarized statement. Income will be calculated for next twelve months based on YTD taxable income.

Upfront cost assistance (direct loan) means the financial assistance provided to a household in order to purchase a home. The amount provided is due, on a pro-rata basis, if a borrower moves prior to five years, sells the property, or transfers title. A second lien is placed on the property to secure the county's direct loan. After five years, the second lien will be forgiven and the lien removed. No monthly payments are required.

(Ord. No. 2000-851, 4-25-2000; Ord. No. 2000-1890, Att. A, 9-19-2000; Ord. No. 2001-1395, Att. A, 7-24-2001)

Sec. 54-184. - Program assistance.

- (a) After a basic set of criteria are met, and on a case-by-case basis, upfront capital requirements associated with the purchase of a home will be made available per household.
- (b) This assistance will be provided in the form of a second lien loan against the property for the amount of the assistance provided a household. At the end of a five-year period of occupancy-ownership by the direct loan recipient household, the second lien loan will be forgiven and the lien released. Prior to this time period stipulation being met, payment is due on the second lien loan when the property is sold, if the title is transferred, if the property becomes a rental property, or if the property ceases to be the owner's primary residence. There are no monthly payments required. Each month a household recipient lives in/owns the property, 1/60 of the grant amount is retired.

- (c) Completed applications will be processed and funds will be reserved/disbursed on a first come first served basis. When a household commitment expires and the applicant(s) seeks to reapply for assistance, applicant(s) will be placed at the bottom of any waiting list.

(Ord. No. 2000-851, 4-25-2000; Ord. No. 2000-1890, Att. A, 9-19-2000)

Sec. 54-185. - Program criteria for assistance.

- (a) The household income requirement is 80 percent or below the county median as established by HUD.
- (b) Applicant(s) does not have to be a resident of the county to apply; however, priority will be given to county residents.
- (c) The property purchased with UPCAP assistance must be the primary residence of the borrower(s) and located in either unincorporated Dallas County or eligible cities in the county.
- (d) Investment income property purchases are not eligible for assistance.
- (e) No member of the applicant(s) household shall own real estate which is or can be used for residential purposes.
- (f) The applicant(s) shall need financial assistance under the program in order to pay some of the upfront costs necessary to purchase a home. However, the financial assistance to help defray the upfront costs shall not exceed 50 percent of up to a maximum five percent down payment or reasonable buyer closing costs.
- (g) The applicant(s) shall have adequate credit and possess ability to obtain a mortgage loan according to a financial institutions' normal underwriting criteria. No lender B or C paper allowed.
- (h) Applicant(s) requesting assistance must conform to IRS filing status.
- (i) Applicant(s) shall have available, in a verifiable account, funds to be applied toward the down payment or closing costs, and shall commit, not less than their 50 percent of these costs. Borrowed funds are not permissible.
- (j) Properties shall meet the municipal and federal standards established in any applicable housing, environmental, building, zoning, plumbing, electrical codes, or regulations at the time of closing/settlement on the property. Properties must pass HUD Housing Quality Standards (HQS) prior to closing.
- (k) Properties must appraise at 100 percent of sales price.
- (l) The purchase price of properties shall conform with FHA, VA, or conventional appraisal standards, whichever is applicable, prior to closing. The maximum purchase price shall not exceed \$95,000.00.
- (m) The applicant's household shall agree to commit to the purchase not less than 50 percent of all household assets in excess of the lender required down payment that are in a form of cash or capable of ready conversion into cash. If household assets in the form of cash or assets capable of ready conversion into cash, meet or exceed the county's UPCAP loan, then the applicant will not be eligible for participation in the program.

(Ord. No. 2000-851, 4-25-2000; Ord. No. 2000-1890, Att. A, 9-19-2000; Ord. No. 2001-1395, Att. A, 7-24-2001)

Sec. 54-186. - Program procedures.

- (a) The UPCAP will be based in and administered by the county home loan counseling center. Completed applications for upcap will be received and processed at the counseling center on a first-come, first-served basis. Only original counseling center date stamped applications will be accepted. After UPCAP assistance has been approved and prior to closing on a home, applicant(s) will be required to attend

the county home loan counseling center series of three home buyer education seminars. Thereafter, homeowners can receive periodic post purchase counseling.

- (b) Through the county's home loan counseling center, applications will be analyzed for meeting the basic eligibility requirements for UPCAP assistance. Staff will then make an eligibility determination after applicant(s) has attended an individual family pre-purchase counseling session. At the pre-purchase counseling session detailed information about UPCAP assistance and pertinent home buyer information will be provided.
- (c) Once the staff has made a decision on an applicant(s) eligibility applicant(s) who has been approved will be issued a 90-day conditional commitment letter for the UPCAP assistance. Applicant(s) has 90 days to find a home and execute a real estate contract. If this is done, the conditional commitment can be extended for an additional 60 days to allow time for a mortgage loan approval by a lender and closing/settlement.
- (d) Applicant(s) who were not approved as eligible for an UPCAP loan will be issued a letter of the staff's decision which will contain the primary reason(s) for the loan denial.
- (e) Applicant(s) may make a written appeal to the staff on their decision within 30 days of the loan denial. Applicant(s) may reapply for the UPCAP, when applicable and appropriate remedies are made and can be substantiated. These remedies must be congruent with the reasons that contributed to the denial of the loan request.
- (f) Borrower(s) will be able to call on the counseling staff for assistance and information as needed throughout the duration of the home purchase process.
- (g) When a contract has been executed on a home to be purchased by borrower(s) who receive UPCAP assistance, borrower(s) will notify the counseling center staff of the lender with whom they have applied. When mortgage financing has been secured and closing is imminent, the program staff will coordinate the closing with the title company and will order (RFP) the appropriate UPCAP assistance payment through the county auditor, when the HUD-1 Settlement Statement from the lender/title company is received. The title company will conduct loan closing/settlement functions.

(Ord. No. 2000-851, 4-25-2000; Ord. No. 2000-1890, Att. A, 9-19-2000)

(RESERVED)

¹ **State Law reference—** Subdivisions, V.T.C.A., [Local Government Code § 232.001](#) et seq.

Chapter 62 - Taxation

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Chapter 62 - TAXATION¹

ARTICLE I. - IN GENERAL

Secs. 62-1—62-30. - Reserved.

ARTICLE II. - REAL PROPERTY²

DIVISION 1. - GENERALLY

Secs. 62-31—62-50. - Reserved.

DIVISION 2. - EXEMPTIONS³

Sec. 62-51. - Granted to disabled and elderly persons.

The county and the county hospital district hereby grants the property tax exemptions for persons qualifying as disabled persons and individuals overly 65 years of age of \$60,000.00, until changed by future actions of the commissioners court.

(Ord. No. 86-435, 3-31-1986)

Secs. 62-52—62-70. - Reserved.

DIVISION 3. - TAX FORECLOSURES⁴

Subdivision I. - In General

Secs. 62-71—62-90. - Reserved.

Subdivision II. - Resale To Public Jurisdiction Policy⁵

Sec. 62-91. - Established.

This subdivision establishes a standard county-wide policy, including the City of Dallas and Dallas ISD, permitting the county to execute a quitclaim deed conveying all of the county's right title and interest in a tax foreclosed property to a taxing jurisdiction for a public purpose, when the taxing jurisdiction complies with the county policy.

(Ord. No. 2000-1423, 7-18-2000)

¹ **State Constitution reference—** Taxation, [Tx. Const. art. 8, § 1](#) et seq. **State Law reference—** Taxation, V.T.C.A., [Tax Code § 1.01](#) et seq.; county finances, accounts and accounting, tax accounts and records, V.T.C.A., [Local Government Code § 112.031](#) et seq.

² **State Law reference—** Ad valorem taxes, V.T.C.A., [Tax Code § 1.01](#) et seq.; sale or lease of real property, V.T.C.A., [Local Government Code §§ 263.001](#) et seq., [272.001](#) et seq.

³ **State Law reference—** Homestead exemption, V.T.C.A., [Tax Code § 11.13](#).

⁴ **State Law reference—** Tax sales and redemption, V.T.C.A., [Tax Code § 34.01](#) et seq.

⁵ **State Law reference—** Sale of tax foreclosed property, V.T.C.A., [Tax Code § 34.01](#) et seq.; tax foreclosure and resale, V.T.C.A., [Tax Code § 34.05](#).

Sec. 62-92. - Notification of need.

The taxing jurisdiction shall notify the county in writing of its need for a tax foreclosed property for public need.

(Ord. No. 2000-1423, § A, 7-18-2000)

Sec. 62-93. - Sales to third party purchasers; maintenance of property.

The county agrees not to offer the identified property for sale to third party purchasers but will hold it during the redemption period. The acquiring taxing jurisdiction agrees to be responsible for all maintenance of the property during the holding period.

(Ord. No. 2000-1423, § B, 7-18-2000)

Sec. 62-94. - Payment to county.

The acquiring taxing jurisdiction shall pay the county the lesser of the following:

- (1) The total taxes due the county, Dallas County Community College District, the Parkland Hospital District and the Dallas County School Equalization Fund in the judgment, plus court costs;
- (2) The county's pro rata share of the current DCAD value, not less than 15 percent of such value, plus court costs; or
- (3) The county's pro rata share of the appraised value as established by a certified appraiser licensed by the state and paid for by the taxing jurisdiction interested in acquiring such property, not less than 15 percent of such value, plus court costs.

(Ord. No. 2000-1423, § C, 7-18-2000)

Sec. 62-95. - Approval.

Each specific property needed by a taxing jurisdiction would require specific approval consenting to the sale by the other taxing jurisdictions that are parties to the judgment. The taxing jurisdiction interested in acquiring the tax foreclosure property for a public need will be responsible for securing consent from the other taxing jurisdictions party to the judgment.

(Ord. No. 2000-1423, § D, 7-18-2000)

Sec. 62-96. - Denial of request for purchase.

The county commissioners court reserves the right to deny a request for purchase under this subdivision.

(Ord. No. 2000-1423, § E, 7-18-2000)

Secs. 62-97—62-120. - Reserved.

DIVISION 4. - RESALE TO THIRD PARTY PRIVATE PURCHASERS⁶

Sec. 62-121. - Division guidelines.

- (a) Properties offered at the tax sale that are not bid on and purchased are struck off to the taxing jurisdiction that requested the sale. The taxing entity to whom the property is struck off is then allowed to sell the property in accordance with V.T.C.A., Tax Code § 34.05. If the property was not struck off to the county, the county may enter into an agreement with the taxing entity for the resale of properties within its jurisdiction. Once a tax property has been struck off to the county, or an agreement entered between the taxing entity and the county, the county public works department property division recommends using the guidelines set forth in this Code of Ordinances for sale and disposition of said property.
- (b) When a property is struck-off to the county the property will be added to the county's public works property division's published inventory of properties, advising the public that it is being offered for resale. All bids/offers must comply with the provisions of this chapter.

(Ord. 2012-0863, 5-15-12)

Sec. 62-122. - Resales.

- (a) The county's public works department, in selling these properties, shall comply with the procedures and requirements set forth in V.T.C.A., [Tax Code, § 34.05](#).
- (b) If a bid is solicited for resale, the bidder must submit on the county's approved bid and purchase agreement form, and must include an executed no title-policy statement, no conflict of interest statement, and an affidavit.
- (c) All "offers" submitted to the county must be on the county's offer and purchase agreement form, and must include an executed no title-policy statement, no conflict of interest statement and an affidavit.
- (d) For all bids or offers amounting to \$20,000.00 or less, the person or entity submitting same shall be required to submit a deposit in proper certified funds, preferably in the form of certified check or money order, made payable to Dallas County in the amount of \$2,000.00 or the purchase price, whichever is less. For bid/offer amounts greater than \$20,000.00, the person or entity submitting same shall submit a deposit in proper certified funds payable to Dallas County for ten percent of the purchase price.
- (e) Within 30 days after acceptance of the bid/offer by the Dallas County Commissioners Court, bidder/purchaser will be required to pay the balance of the purchase price to the county by certified funds, unless such time period is extended by written agreement. A one-time extension, if granted, may not exceed 30 days. If the county agrees to such extension of time to complete the transaction, the bidder/purchaser shall be required to submit an additional deposit of fifty percent (50%) of the purchase price, which shall be payable before the expiration of the current contract term. Failure on the part of bidder/purchaser to timely close on the property and accept a quitclaim deed for any reason whatsoever, except through fault of the county, may result in the bidder's/purchaser's breach by default in which case the ENTIRE deposit(s) shall be forfeited to Dallas County for administrative costs.
- (f) The commissioners court, at its sole discretion, reserves the absolute right to accept or reject any and all bids/offers for any reason or no reason, and to waive all irregularities, nonconformities, and technicalities and there are no implied guarantees to negotiate or sell the properties. Additionally, the consideration and acceptance of certain bids/offers might be subject to the approval of taxing units other than Dallas County entitled to receive proceeds of the sale under the judgment.

⁶ **Editor's note—** Ord. No. 2012-0863, adopted May 15, 2012, amended Div. 4 its entirety to read as herein set out. Former Div. 4, §§ 62-121—62-160, pertained to similar subject matter and derived from Ord. No. 2004-630, adopted April 6, 2004 and Ord. No. 2011-141, adopted Jan. 18, 2011. **State Law reference—** Resale by taxing unit, V.T.C.A., [Tax Code § 34.05](#).

(Ord. 2012-0863, 5-15-2012, Ord. 2018-0212, 2-20-2018, Ord. 2018-1431, 12-4-2018)

Sec. 62-123. - Solicitation of offers.

Properties may be offered for sale to abutting and nearby landowners, or any party who may have an interest in the property by way of solicitation procedures specified herein:

- (1) All offers to purchase must be submitted in accordance with section 62-122.
- (2) Properties will be sold to the person or entity submitting the highest qualified offer to the county and will then be returned to the tax rolls upon conveyance.
- (3) Offers to purchase in response to a solicitation must be received in a sealed envelope with the property address and the submission due date written on the face of the sealed envelope. It is required that a separate envelope be used for each offer. The amount of the offer must not appear on the face of the sealed envelope.

Notice of the solicitation may be published in compliance with Local Government Code, § 272.001.

(Ord. 2012-0863, 5-15-2012)

Sec. 62-124. - Expedited sales.

Properties offered for sale at the market value specified in the judgment of foreclosure, or the total amount of the judgments against the property, may be sold at any time, without the consent of each taxing unit entitled to receive proceeds of the sale under the judgment.

(Ord. 2012-0863, 5-15-2012)

Sec. 62-125. - Sealed bid procedures.

Properties may be offered for sale to the public via a sealed bid procedure, in compliance with the following terms and conditions:

- (1) All bids must be submitted in accordance with section 62-122.
- (2) The properties will be sold to the person or entity submitting the highest qualified bid.
- (3) All bids to purchase must be received in a sealed envelope with the bid number, address of the property, the bid opening date and time written on the face of the sealed envelope. It is required that a separate envelope be used for each separate property being bid. The amount of the bid must not appear on the face of the sealed envelope.
- (4) Notice of the sale shall be advertised in compliance with the [Local Government Code, § 272.001](#).

(Ord. 2012-0863, 5-15-2012)

Sec. 62-126. - Private sale.

Private sales may be negotiated, at any time, on any property, consistent with the guidelines set forth in section 62-122.

(Ord. 2012-0863, 5-15-2012)

Sec. 62-127. - Conveyance document.

Dallas County will execute a quitclaim deed which will contain an acknowledgment that the property is subject to the prior owners' right of redemption, if any, and that the property is being sold and purchased

"as is, with all faults" and with no express or implied warranties of any kind whatsoever. Said quitclaim deed may further contain certain restrictions and rights of reversion, if applicable, as mandated by federal and/or state law.

(Ord. 2012-0863, 5-15-2012)

Secs. 62-128—62-160. - Reserved.

ARTICLE III. - PERSONAL PROPERTY⁷

DIVISION 1. - GENERALLY

Sec. 62-161. - Ad valorem tax on nonbusiness personal property not imposed.

The commissioners court will not impose an ad valorem tax on nonbusiness personal property not held or used to produce income, specifically private aircraft, at this time, but reserves the option of imposing this tax at some time in the future by the method prescribed in V.T.C.A., [Tax Code § 11.14](#).

(Ord. No. 90-513, 4-13-1990)

Secs. 62-162—62-180. - Reserved.

⁷ **State Law reference—** Personal property tax, V.T.C.A., [Tax Code § 11.01](#) et seq.

Chapter 68 – Traffic and Vehicles

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ARTICLE I. - IN GENERAL

Secs. 66-1—66-30. - Reserved.

ARTICLE II. - WEIGHT LIMITS²

DIVISION 1. - GENERALLY

Secs. 66-31—66-50. - Reserved.

DIVISION 2. - BRIDGES³

Sec. 66-51. - Erection and maintenance of signs.

- (a) The county traffic engineer is hereby directed to erect and maintain signs conforming with state and federal standards regarding traffic control and weight limits which are on file in the traffic engineer's office in the public works department.
- (b) The drivers of all vehicles shall obey the instructions of such regulatory signs, and any driver failing to obey such instructions shall be guilty of a misdemeanor and, upon conviction, shall be punished in accordance with V.T.C.A., [Transportation Code § 543.001](#) et seq.

(Ord. No. 97-207, 2-4-1997)

Secs. 66-52—66-80. - Reserved.

ARTICLE III. - MOTOR VEHICLES⁴

DIVISION 1. - GENERALLY

Sec. 66-81. - Registration fee.

The county commissioners court does authorize the collection of a \$10.00 optional county motor vehicle registration fee. All proceeds from this \$10.00 optional county motor vehicle registration fee shall be used for transportation-related activities in the county budget.

(Ord. No. 94-1371, 8-30-1994)

¹ **State Law reference**— Uniform Traffic Control Act, V.T.C.A., [Transportation Code § 541.001](#) et seq.

² **State Law reference**— Roads and bridges in county, V.T.C.A., [Transportation Code § 251.153](#); size and weight limits, V.T.C.A., [Transportation Code § 621.001](#) et seq.; weight limits, V.T.C.A., [Transportation Code § 544.002\(b\)](#).

³ **State Law reference**— Bridge clearance, V.T.C.A., [Transportation Code § 621.504](#).

⁴ **State Law reference**— County authority to regulate, V.T.C.A., [Transportation Code §§ 621.301, 621.302](#).

Secs. 66-82—66-100. - Reserved.

DIVISION 2. - OVERSIZED, OVERWEIGHT AND OVERLENGTH VEHICLE PERMIT⁵

Sec. 66-101. - Required; review; issuance.

- (a) The commissioners court, wishing to adopt a formal policy for issuing oversized, overweight and overlength vehicle permits, has instructed the county's public works department to receive and review all such permit requests, and to issue permits as it deems appropriate, as provided in this section.
- (b) The public works department's director will be responsible for making a determination on each request, and he will be assisted by other engineers of the department whom he designates and county road and bridge district personnel who will inspect all county roads and bridges at least once a year, supplemented by the state department of transportation biannual bridge inspection program.
- (c) The decision to grant or not grant a permit will be based on the road and bridge conditions of a specific route and on the vehicle's ability to travel along this route without damaging the road or structure, or endangering either the public's or the driver's safety.
- (d) Such permits, if approved, will only be valid for one trip by one vehicle over a specified route.
- (e) These procedures are adopted as the formal policy of the county for issuing trip permits in accordance with V.T.C.A., [Transportation Code § 623.018](#).

(Ord. No. 86-738, 5-27-1996)

⁵ **State Law reference—** Permits, V.T.C.A., [Transportation Code § 623.018](#).

Chapter 70 – Financial Matters

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ARTICLE I. - IN GENERAL

Sec. 70-1. - Returned check fee.

In accordance with V.T.C.A., Local Government Code §§ 118.011(b)(1) and 118.141 and sections related thereto, the county treasurer and all other offices in the county collecting returned checks or "hot checks," as they are known, on behalf of the county, with the exception of the county clerk are hereby directed to charge a fee of \$30.00 for all returned checks which shall be added to the original sum of the returned check and deposited with the county treasurer. The county clerk will charge a fee of \$25.00.

(Ord. No. 95-1283, 8-8-1995)

Secs. 70-2—70-30. - Reserved.

ARTICLE II. - BUDGETING²

DIVISION 1. - GENERALLY

Secs. 70-31—70-50. - Reserved.

DIVISION 2. - BUDGET POLICY³

Sec. 70-51. - Fiscal year.

The county budgets resources on a fiscal year which begins October 1 and ends on the following September 30.

(Admin. Policy Manual, § J(3.00))

Sec. 70-52. - Proposals.

- (a) Budget packages for annual preparation, which include forms and instructions, shall be distributed to county departments no later than April 15 in each year. Departments and elected officials must return their proposals no later than May 15 in that year.
- (b) The proposed budget estimate shall be prepared and distributed to all of the commissioners court members on or before July 1 of the preceding fiscal year.

(Admin. Policy Manual, § J(3.01, 3.02))

¹ **State Constitution reference**— County general funds deposit, [Tx. Const. art. 8, § 1-e](#). **State Law reference**— County finance, V.T.C.A., [Local Government Code § 111.031](#) et seq.; county fiscal year, V.T.C.A., [Local Government Code § 112.010](#).

² **State Law reference**— Budget preparation, V.T.C.A., [Local Government Code § 111.031](#) et seq.; alternate procedure for budget preparation, V.T.C.A., [Local Government Code § 111.061](#) et seq.

³ **State Law reference**— County budget, V.T.C.A., [Local Government Code § 111.031](#) et seq.

Sec. 70-53. - Format of proposed budget estimate; adoption.

- (a) The proposed budget estimate shall be presented in the following format:
 - (1) Revenue estimates by major item;
 - (2) Operating and maintenance expenditures by object code; major expense categories, functionally related department and program summaries;
 - (3) Debt service summarized by issues detailing principal, interest and reserve amounts by fund.
- (b) The proposed budget estimate shall also contain information regarding:
 - (1) Proposed personnel staffing levels including an index to job classifications and salary ranges;
 - (2) A detailed schedule of capitalized equipment to be purchased by department;
 - (3) A detailed schedule of capital projects; and
 - (4) Any additional information, data or analysis requested of management by the commissioners court.
- (c) The proposed budget estimate submitted on July 1 shall be balanced with no tax increase over the effective rate.
- (d) The proposed budgeted revenues shall be provided by the auditor's office with the exception of ad valorem taxes for the current year, grant revenues and interfund transfers.
- (e) The county commissioners court shall adopt the budget by court order as close to October 1 as is possible.

(Admin. Policy Manual, § J(3.03—3.07))

Sec. 70-54. - Quarterly report.

A quarterly report on the budget status and trends will be prepared by the budget office as authorized by the Local Government Code of the Revised Statutes of Texas. In addition, the third quarter report shall include revenue and expenditure projections through the end of the fiscal year so that projected overruns and underruns can be considered for use in the subsequent budget year.

(Admin. Policy Manual, § J(3.08))

Sec. 70-55. - Functions and activities of county.

The county budgeting procedures attempt to identify distinct functions and activities performed by the county, and to allocate budget resources adequate to perform these functions and activities at a specified level of service.

(Admin. Policy Manual, § J(3.09))

Sec. 70-56. - Performance measurement and productivity indicators.

The county will continue to integrate performance measurement and productivity indicators with the budget process where appropriate.

(Admin. Policy Manual, § J(3.10))

Sec. 70-57. - Reappropriation for in process multiyear and revolving projects.

The committed but as yet "unencumbered" balance of agreed to, in process multiyear and revolving projects will be reappropriated automatically in the subsequent fiscal year per the court order adopting the budget.

(Admin. Policy Manual, § J(3.11))

Sec. 70-58. - Appropriations; categories.

Appropriations, as approved by the commissioners court, will be set upon the books of the county by the county auditor in the following nine general categories:

- (1) Salaries and salary-related expenditures;
- (2) Automobile travel and transportation;
- (3) All other operating costs;
- (4) Property and equipment;
- (5) Unallocated reserve;
- (6) State reimbursements;
- (7) Nonbudgeted;
- (8) Court-appointed attorneys, extra court reporters, transcript (felony pauper appeals), psychiatric evaluations; and
- (9) Conference expense and dues and subscription.

Detailed expenditures in each of these nine categories will be maintained by the county auditor. Therefore, any material deviations anticipated in these nine categories will require a request for transfer from the appropriate department head.

(Admin. Policy Manual, § J(3.12))

Sec. 70-59. - Transfer of funds.

- (a) Only the commissioners court shall have authority to transfer expenditure appropriations over \$500.00 from any department category of object codes to any other department or nondepartmental major object code category. Transfers of such funds amount to a new appropriation and therefore must be adjusted prior to expenditure of such amounts.
- (b) Any transfers shall only be made when it is submitted on a budget adjustment form no. 281 (Exhibit FA), initiated and signed by the department head with review in the budget office. Those transfer requests over \$500.00 are then submitted to the county commissioners for final approval. All such transfers will again be listed and reported on the quarterly report.
- (c) The elected official or department head may request a transfer under \$500.00 from any major category of expenditure to any other major category of expenditure within fund by submitting their request on the budget adjustment form no. 281 (Exhibit FA) to the budget office and receiving approval from that office and the commissioners court administrator. Such adjustments will be reported quarterly to commissioners court. At no time, however, will funds be transferred into or from the personnel, fringe benefit or conference expenditure categories without the commissioners court approval.

(Admin. Policy Manual, § J(3.13—3.15))

Secs. 70-60—70-80. - Reserved.

DIVISION 3. - ROAD AND BRIDGE DISTRICT BUDGET⁴

Sec. 70-81. - Determination of available resources; distribution of revenues.

The commissioners court will annually determine the available resources for road district budgets by taking the auditor's revenue projections and making a determination of:

- (1) Revenues to be transferred to the general fund;
- (2) Revenues to be transferred to debt service use;
- (3) Revenues to be used to purchase common equipment; and
- (4) Revenues to be used to establish reserves.

(Admin. Policy Manual, § J(4.00))

Sec. 70-82. - Sharing of remaining available resources by four road and bridge districts.

The county's four road and bridge districts will share remaining available resources each year according to the following formula: Each district will receive an allotment equal to 0.001 times the number of documented type "A" miles times available resources, plus an equal share of all remaining available resources.

(Admin. Policy Manual, § J(4.01))

Sec. 70-83. - Accounting of funds dedicated to debt service.

Road and bridge funds dedicated to debt service will be accounted for separately from funds dedicated to road maintenance and construction.

(Admin. Policy Manual, § J(4.02))

Sec. 70-84. - Encumbered or carryover funds.

Road and bridge district budgets will contain no encumbered or "carryover" funds, except in the case of a legal obligation incurred in one fiscal year which is to be paid in a subsequent fiscal year. All other unspent funds will be returned to the Fund 105 ending balance for reappropriation in the next budget cycle. Encumbrances will be separately enumerated by the auditor and discussed individually in a briefing session.

(Admin. Policy Manual, § J(4.03))

Sec. 70-85. - Cost-sharing.

Projects undertaken within city limits will normally result in a cost-sharing arrangement with the city. The city will provide an escrow fund in an amount equal to its expected share of the project.

⁴ **State Law reference—** Road and bridge funds, V.T.C.A., [Transportation Code § 252.108](#); road and bridge district, V.T.C.A., [Transportation Code § 257.001](#) et seq.; road and bridge district budget and annual financial statements, V.T.C.A., [Local Government Code §§ 140.005, 140.006](#).

(Admin. Policy Manual, § J(4.04))

Sec. 70-86. - Annual estimates of projects.

Road and bridge superintendents will provide an annual estimate of projects they intend to undertake, including the cost of the project and the cost-sharing, or reimbursement arrangements, if any. Normally, this estimate will be made in conjunction with the public works department (for bond projects) and the cities.

(Admin. Policy Manual, § J(4.05))

Sec. 70-87. - Special equipment.

- (a) Road and bridge superintendents will submit a list of special equipment to the budget office for inclusion in the baseline budget. Special equipment is equipment to be shared by the districts and paid for by a common fund, i.e., prior to the application of the formula discussed in section 70-82.
- (b) Road and bridge superintendents will submit individual lists of equipment to the budget office for inclusion in the baseline budget. The list will include rationale for purchase or replacement. The budget office will obtain an objective third party opinion of the needs of each district.

(Admin. Policy Manual, § J(4.06, 4.07))

Secs. 70-88—70-110. - Reserved.

DIVISION 4. - TRANSPORTATION FUNDING⁵

Sec. 70-111. - Allocation methods generally.

County transportation funding will be allocated through two methods outlined in this division.

Sec. 70-112. - Road and bridge funds.

The road and bridge funds are created from motor vehicle license fees allocated in the annual operating budget for the maintenance of county roads and cooperation with cities on various transportation projects. These projects form the county's road upgrade program. By policy of the commissioners court, these funds are allocated in proportion to the miles of county-maintained road in each road and bridge district.

Sec. 70-113. - Major capital development fund.

The major capital development fund provides funding for larger, longterm projects that may require a more substantial financial commitment, generally new construction or major rehabilitation. This fund includes four components as follows:

- (1) *Impact program.* The county will reserve funds for major transportation projects including service roads, main lanes, interchanges and rights-of-way for state and federal highways and tollways.
- (2) *TEA-21 matching program.* The county will provide more than minimum required local match for important transportation projects that have been submitted to the North Central Texas Council of Governments to be considered for TEA-21 funding. This program will fund up to 20 percent of the cost of selected TEA-21 projects, provided that the sponsoring city funds a minimum of 20 percent and the project meets other eligibility criteria approved by the commissioners court. This program

⁵ **State Law reference—** Road and bridge funds, V.T.C.A., [Transportation Code § 252.108](#).

allows the county to assist local cities to gain maximum credit under the Regional Transportation Council's evaluation criteria for local financial support.

- (3) *Thoroughfare program*. The thoroughfare program provides funding for the design, right-of-way, acquisition and construction of thoroughfares throughout the county. Projects included in this program must be included in the Regional Thoroughfare Plan, as published by the North Central Texas Council of Governments, may include financial participation by other governments and are typically ones that have been funded in the past through a county bond program.
- (4) *Annual DTE program (district thoroughfare equalization)*. The annual DTE program annually receives an allocation of all motor vehicle license fee revenue that exceeds the annual auditor's revenue estimate or unallocated and uncommitted funds in the major capital development fund. During the annual capital project review process, funding for the DTE program will be limited to an amount that is equal to the sum of each road and bridge district's funding under the road upgrade program, subtracted from the road and bridge district that receives the greatest amount of funding. These funds are available to each road and bridge district on a pro rata basis of their funding shortfall to the total funding allocated. These funds may be used to supplement projects that would otherwise be funded through one of the other transportation programs. In years where funding is not available to fund 100 percent of the DTE program, the funding shortfall may be carried forward, and a subsequent year's funding may exceed the funding limit until the shortfall is eliminated.

Secs. 70-114—70-130. - Reserved.

DIVISION 5. - FUNDS AND ACCOUNTS

Subdivision I. - In General

Secs. 70-131—70-150. - Reserved.

Subdivision II. - Major Capital Development Fund

Sec. 70-151. - Policy statement.

The county commissioners court, by the following policies and procedures, creates a major capital development fund to be used to fund the development and construction of significant additions to the county's parks/open space and trail system, buildings and grounds, and transportation systems. This special fund will utilize revenue from a dedicated portion of the county tax rate and a portion of license plate fees as outlined in this subdivision.

(Ord. No. 99-1405, 8-3-1999)

Sec. 70-152. - Eligibility for funding.

- (a) The major capital development fund is established to receive an appropriation for four special categories for major capital development:
 - (1) Parks/open space and trails;
 - (2) Major buildings and grounds;
 - (3) Transportation; and
 - (4) Minor buildings and grounds.
- (b) Before projects that fall in the categories described in subsection (a) of this section are eligible for funding, they must also meet the following criteria:

- (1) *Parks/open space and trails.* Parks/open space and trails shall be identified in the county parks and open space plan or master trail plan, or support a project identified in these plans and be recommended by a majority of the county parks/open space board.
- (2) *Major buildings and grounds.* The construction, renovation or major repair of a county building and/or surrounding grounds. Projects must have an approximate life expectancy of 20 years and a total project cost of at least \$1,000,000.00.
- (3) *Transportation.* A project that is identified in the most current North Central Texas Council of Governments' (NCTCOG) Metropolitan Transportation Plan and/or a state highway project. Thoroughfare improvements shall be limited to routes classified as a minor arterial route or higher in the most current NCTCOG Regional Thoroughfare Plan or are on the county's list of unincorporated roadways.
- (4) *Minor buildings and grounds.* A new improvement to or repair of a county building and/or surrounding grounds. Projects must be less than \$1,000,000.00, but greater than \$100,000.00. These projects are items not typically addressed in the county permanent improvement fund and not normally projects that would require the issuance of longterm debt.

(Ord. No. 99-1405, § I, 8-3-1999)

Sec. 70-153. - Transfers to the fund and fund controls.

- (a) Each year, revenue generated from \$0.045 of the County tax rate that is not required for debt service and license fee surplus that results from county financial policies, section V, road and bridge budgeting and accounting, subsection 70-156(b), will be transferred to the major capital development fund described in section 70-152(a).
- (b) The current year's revenue, along with four additional years' revenue estimate, will be used to develop a five-year plan for each of the four categories eligible for funding. Assumptions to be used for future years' revenue will be conservative and approved by the commissioners court.
- (c) All interest earned on monies in the major capital development fund shall be retained by the fund. Interest earnings shall only be reallocated for eligible projects with the approval of the commissioners court.
- (d) The major capital development fund shall retain a minimum ending balance equal to ten percent of each year's approved or projected expenditures. This balance shall be designated as an emergency reserve. No expenditures from an emergency reserve shall be made without a four-fifths vote of the commissioners court.
- (e) Once a project is completed, any remaining funds allocated for that project will be returned to the major capital development fund for reallocation by the commissioners court to other projects eligible for funding from this fund.

(Ord. No. 99-1405, § II, 8-3-1999)

Sec. 70-154. - Appropriations from the fund.

- (a) Each year as part of the annual budget process, the office of budget and evaluation will distribute a request for all county departments to submit their longterm capital needs for the next budget year and up to four years following the next fiscal year. When these requests are received by the office of budget and evaluation, those that meet the eligibility for funding under the major capital development fund will be summarized and referred to the major capital development committee (see section 70-156 for the composition and responsibilities of the committee). The major capital development committee will review each request to ensure that it is an eligible project, that it is consistent with current county priorities, objectives and/or policies, that the proposed funding schedule seems appropriate, that its cost and benefit are accurately stated, and that the need for the project is clearly justified. The

committee will then prioritize each project with all other requests and approved projects. The committee will be mindful of a commissioner's prioritization of projects within the commissioner's district and not substitute the committee's judgment for the commissioner's on such priorities. Once the major capital development committee has completed its review process, all requests for funding, along with the committee's recommended priority listing, will be submitted to the commissioners court for approval.

- (b) The commissioners court will review the requests and recommendations for funding from the major capital development fund. Projects approved by the court for funding shall include the actual appropriation for the next fiscal year as well as committed appropriations for the next four years. Transportation projects may show an additional five years of projected activity.
- (c) The status of all projects funded from the major capital development fund shall be presented to the commissioners court as part of the bimonthly major projects review.
- (d) Once a project is approved and funded and/or has received a commitment of funding from the major capital development fund, such funding or commitment for funding may only be withdrawn, delayed or amended by a four-fifths vote of the commissioners court.
- (e) It is highly desirable for projects to be funded in total in a single year. If that is not practicable or if special conditions exist, a project may be funded in part over a maximum of three years to allow the accumulation of adequate funds. In extremely special cases where there is a critical need for the timely completion of a project and adequate funding is not available, shortterm borrowing may be arranged over a period not to exceed five years. In these cases, the annual appropriation from the fund will equal the required debt service (principal and interest) for the timely repayment of the borrowed funds. For the purpose of this subdivision, the term "project" refers to a single improvement or related group of improvements, including costs of design and contracted activity such as design, acquisition and construction of the improvement.
- (f) Appropriations for minor buildings and grounds projects shall not exceed ten percent of each year's new revenue.

(Ord. No. 99-1405, § III, 8-3-1999)

Sec. 70-155. - Project planning, design and construction.

- (a) Funds allocated from the major capital development fund may be used for the planning, design, acquisition and construction of eligible projects.
- (b) Transportation projects that are eligible for funding will be identified from a call for projects distributed to cities, the state department of transportation, the North Texas Tollway Authority, Dallas Area Rapid Transit, and the county public works department. A call for projects is intended to:
 - (1) Reflect current transportation needs;
 - (2) Be synchronized with federal and local funding; and
 - (3) Leverage and maximize other funding such as TEA-21 and MPDF.
- (c) When the public works department, through the process established in subsection (b) of this section, identifies potential projects, they shall coordinate the development and prioritization of bridge and thoroughfare projects with the commissioner of the district in which the project is located, and other highway, tollway, transit and ITS projects with all of the commissioners court.
- (d) Transportation projects will be accomplished and funded using a five-phase implementation cycle, detailed in the public works capital improvement program and project management system. The project management system involves a program year concept (year of construction award) and prescribed activities leading up to construction award. Basic tasks in each year include:
 - (1) Phase One: Initiate preliminary design (in-house), negotiate interlocal agreement;

- (2) Phase Two: Negotiate with consultant, award design contract and initiate final design;
- (3) Phase Three: Begin right-of-way acquisition, complete final design;
- (4) Phase Four: Complete right-of-way acquisition, initiate and complete utility adjustment, prepare project for letting; and
- (5) Phase Five: Advertise project, complete final interlocal agreement, award construction contract and initiate construction.

The project management cycle will be repeated each year as new projects are selected as part of the capital improvement plan update. Selected projects that already have some elements completed (preliminary design, right-of-way or utilities adjusted) will be slotted in the appropriate project management phase and implemented within a shorter time frame.

(Ord. No. 99-1405, § IV, 8-3-1999)

Sec. 70-156. - Major capital development committee.

- (a) The major capital development committee shall consist of the departments primarily responsible for the planning and implementation of projects that are eligible for funding from the major capital development fund along with the budget officer, county treasurer and the commissioners court administrator who will be the committee chair. The other committee members are the assistant commissioners court administrator (buildings and grounds), the director of planning and development (parks/open space and trails) and the director of public works (transportation).
- (b) While carrying out the responsibilities assigned by this subdivision, the committee shall weigh the corporate needs of the county and, to the extent possible, present recommendations to the commissioners court which fairly respond to these needs. Committee members are to be mindful of their particular areas of responsibility, but shall not let those responsibilities take precedence over greater needs in other areas outside of their responsibility.
- (c) The budget officer will provide the committee a listing of each request eligible for or requesting funding from the major capital development fund by June 1 of each year. The committee will evaluate and analyze each request and present their prioritized recommendations to the commissioners court by July 15 of each year.
- (d) Once funding is approved from the major capital development fund, each department receiving funding shall provide the county treasurer, prior to the beginning of a project, with a draw-down schedule of when funds will be spent.

(Ord. No. 99-1405, § V, 8-3-1999)

Secs. 70-157—70-180. - Reserved.

DIVISION 6. - MAJOR TECHNOLOGY IMPROVEMENT FUND

Sec. 70-181. - Purpose of division.

The county commissioners court, by the provisions of this division, creates a major technology fund. This fund will be used to accomplish the migration of the County's legacy mainframe systems and applications to industry standard and supported automated systems and address mission critical technology needs. This special fund shall be used to fund the onetime cost for the purchase, development, implementation and first year's support of new and replacement systems and the funding of the information technology (IT) services department's annual operating budget. This special fund will receive revenue from a dedicated portion of the county's tax rate as outlined in this division. Monies will only be appropriated from this special fund annually as part of the county's annual budget process. The main purpose of this special

fund is to provide a mechanism for the county to meet its most critical automation needs and IT services' ongoing operating cost.

(Ord. No. 2008-1341, 7-22-2008)

Sec. 70-182. - Eligibility for funding.

The Major technology fund is established to fund one-time costs, such as computer hardware, software and associated implementations, and the IT services annual operating budget as follows:

- (1) Technology migration described in the data processing feasibility study and five-year plan;
- (2) Including reoccurring expenditures approved by commissioners court that are mission critical;
- (3) The repair, replacement and upgrade of mission critical technology (technology that performs required tasks and without the automated support, critical tasks will not be able to be performed or will only be able to be performed with the commitment of significant resources); and
- (4) IT Services annual operating budget to include salaries/benefits, various software/hardware maintenance contracts, and contracted services such as personal service contracts, IT service desk, and desktop support.

(Ord. No. 2008-1341, 7-22-2008)

Sec. 70-183. - Transfers to the fund and fund controls.

- (a) Each year, revenue generated from \$0.0126 of the county tax rate will be transferred to the major technology improvement fund. This portion of the tax rate is specifically excluded from the calculation of the effective tax rate. Budget allocations are made for IT department's salary, operating and capital expenditures and to the projects approved by the commissioners court.
- (b) In addition to the current year funding, four additional years' revenue will be estimated for use in the development of the major technology fund five-year plan. The assumption to be used in making the revenue estimates shall be prepared by the department of budget and evaluation and be approved by the commissioners court.
- (c) All interest earned on monies in this fund will be retained by the fund to be used for future projects and shall not be retained by a department, project or transferred to any other fund.
- (d) The major technology improvement fund shall retain a minimum ending balance equal to ten percent of each year's approved and/or projected expenditures. This balance shall be designated as an emergency reserve. No expenditures from the emergency reserve shall be made without a four-fifths vote of the commissioners court.
- (e) Once a project is completed, any remaining funds appropriated for that project will be unencumbered and transferred to the major technology improvement fund balance for future use.

(Ord. No. 2008-1341, 7-22-2008)

Sec. 70-184. - Appropriations from the fund.

- (a) Each year, as part of the annual operating budget process, the county budget office will distribute a request for all county departments to submit their longterm computer hardware and software requests for the current year and projected needs for up to four additional years. When these requests are received, they will be summarized and referred to the county's director of management information systems. The director will review each request to ensure it is an eligible project, that its cost and benefit are accurately stated, that the need for the project is clearly justified and then prioritize the proposed

project with all other requests and previously approved projects. Once the director has completed his review process, all request for funding, along with the director's recommended priority listing, is submitted to the major technology improvement committee for review of the proposed projects and prioritization (see section 70-185 for the composition and responsibilities of the committee). Once the committee has finalized its review, the listing is submitted to the commissioners court for final approval.

- (b) Subject to the conditions and constraints of this division, the commissioners court shall approve a major technology program each year that will include projects that are funded by appropriations from the major technology improvement fund. Such approval shall include the actual appropriation for the next fiscal year, as well as committed appropriations for the next four years.
- (c) Once a project is approved and funded and/or has received a commitment of funding from the major technology improvement fund, such funding or commitment for funding cannot be withdrawn without a majority vote of the commissioners court.
- (d) It is highly desirable for projects to be funded in total in a single year. If that is not practicable or special conditions exist, a project may be funded in part over a maximum of two years to allow the accumulation of adequate funds. In extremely special cases where there is a critical need for the timely completion of a project and adequate funding is not available, short term borrowing may be arranged over a period not to exceed three years. In these cases, the annual appropriation from the fund will equal the required debt service (principle and interest) for the timely repayment of the borrowed funds.
- (e) If it is determined that a project's cost will exceed the amount of funds appropriated, one or more of the following actions must be taken:
 - (1) The project is cancelled;
 - (2) The project scope is reduced so it can be completed within budget;
 - (3) Additional funds are transferred to this project from sources other than the major technology fund; and
 - (4) Additional funds are transferred to this project from the major technology fund emergency reserve or from appropriations from other projects. Transfers from another project may cause that project to be delayed to a subsequent fiscal year.
- (f) Each year the final schedule of five years' spending from the major technology fund shall be included in the county's annual budget.

Sec. 70-185. - Major technology improvement committee.

- (a) The major technology improvement committee shall consist of the chair and vice-chair of the data processing governance committee, budget officer, commissioners court administrator and director of management information systems. The chair of the data processing governance committee shall be the chair of the major technology improvement committee.
- (b) The director of management information systems will provide the committee a listing of each request eligible for or requesting funding from the major technology improvement fund by June 1 of each year. The committee will evaluate and analyze each request and present their prioritized recommendations to the commissioners court by July 15 of each year.
- (c) The committee shall review each project to ensure they are eligible for funding, consistent with current priorities, objectives and policies, that their proposed funding schedule seems appropriate, their cost benefits are accurately stated and that the need for the project is clearly justified.
- (d) The director of management information systems shall staff the committee and shall be responsible for compiling all information, scheduling meetings and reporting to the commissioners court.
- (e) The status of each project approved in the major technology improvement fund shall be included in the commissioners court bimonthly review of all major technology projects.

Secs. 70-186—70-210. - Reserved.

DIVISION 7. – COMMENDATION AND APPRECIATION (CAP) POLICY

Sec. 70-211. – Introduction.

- (a) Dallas County is committed to recognizing employees for their achievements made in support of department operational objectives, high-quality customer service, and dedication to public service. In creating a high-performance workplace, recognition is a motivating factor that provides employees with increased job satisfaction and encouragement to perform more effectively. Recognition programs are excellent motivators and critical to employee retention. When employees are recognized for their accomplishments, and in a manner that is meaningful to them, they feel appreciated for their efforts and feel their work is valued. Recognition programs that acknowledge employees' contributions to the overall objectives and effective operation of Dallas County will promote strong employee relations, improve morale, and increase productivity.
- (b) The purpose of the Commendation Appreciation Program (CAP) policy "CAP" is for departments to acknowledge employee accomplishments, show appreciation, and provide employee enrichment—whether via recognition awards, training, and staff lunches—as allowed by County policy. The CAP expense account will be created to replace the DDA expense code account 62235. The FY2023 DDA Rollover and CAP seed will be tracked via new expense code account.

Sec. 70-212. - Funding.

- (a) The intent of CAP is to reward and recognize employees as a retention and attraction tool while balancing being prudent stewards of public funds. The CAP account will receive funds from two sources:
 - 1. *Annual seed money.* Departments may receive funds from seed money appropriations contained in each annual budget, based on departmental size. *Seed money is subject to the availability of funds during the annual budget process and may not always be budgeted.* Table I provides a listing of the *six (6) tier categories* that will receive a seed money allocation in the annual budget. As shown in Table 1, the amount of the appropriation is categorized by tiers and related to the size of the department or office. Any funds formerly designated as Department Discretionary Account (DDA) Funds become CAP funds.
 - 2. *Rollover funds.* The maximum CAP rollover is \$40,000 annually. When a new person is elected or hired to lead a department, the department's CAP rollover amount is reduced to an amount three (3) times the CAP seed amount. The CAP amount that is removed from the department's CAP rollover amount will transfer to the general fund.

Table I
Initial Seed Money for CAP and Maximum Rollover

CAP Seed Allocation Tiers		
Tier	Number of Employees	Seed
TIER 1	500 +	\$ 12,500
TIER 2	499-350	\$ 10,000
TIER 3	349-200	\$ 7,000
TIER 4	199-50	\$ 4,500
TIER 5	49-10	\$ 1,000
TIER 6	9-1	\$ 500

- (b) A department's CAP funds cannot be shared with or transferred to another elected official or department head.
- (c) If an elected official is running for office, the department can only use one fourth (for the first quarter of the fiscal year) of their budgeted seed amount from October 1 of that fiscal year that the election will take place until January 1 of the calendar year when the elected official takes office (three months), unless the elected official is running for office unopposed.

Sec. 70-213. - Use of Funds.

- (a) A department may use either an informal or formal approach to recognize individuals or teams who have made significant contributions toward the department's goals, priorities, and successful operations. *Gift cards are not an eligible use of the CAP funds.* Under IRS code, cash, and cash equivalent fringe benefits (*i.e., gift cards/certificates*) constitute income to the recipient, no matter how small, and are taxable and never excludable as a de minis benefit.
 1. *Informal Recognition:* An informal approach provides recognition at any time, typically by the employee's supervisor. Examples include on-the spot awards to recognize teamwork, project completion, a new or modified work practice, and exemplary effort.
 2. *Formal Recognition:* Departments may plan a more formal approach to acknowledge employee accomplishments that can be communicated to employees. This may be done with employee input and on annual basis.
- (b) Examples of employee appreciation ideas include:
 - a. Surprise recognition: If an employee or team/group has been performing exceptionally well, you can surprise them with a celebration that recognizes their hard work and contributions to the workplace.
 - b. Team Building/Office Outings: When a team or department has been delivering consistently good work, you can recognize them by taking them out to lunch or a fun team outing for part of the workday (e.g., bowling, karaoke, cooking classes).
 - c. Holiday parties: Annual traditions give employees something to look forward to annually to celebrate with co-workers.

The use of the CAP account to *recognize* County employees for any reason must be within CAP guidelines. Tasks or activities performed should not be outside the employee's job description. Any formal departmental CAP plans should reflect the current fiscal year funding. All awards i.e., plaques, trophies, etc. should be included as part of the department's plan and should not exceed \$150 annually per employee. *Gift cards are not an eligible use of the CAP funds.*

Sec. 70-214. - Policy Guidelines.

- (a) Employee appreciation and recognitions are most effective when recognition activities are genuine and meaningful while also taking employee input into consideration. While it is impossible to anticipate every situation, the following guidelines may be helpful in interpreting the "prudent" standard required by the CAP procedures and expected of all public servants. The Purchasing Department, the Auditor's Office, and the Office of Budget and Evaluation have been tasked to ensure that all expenditures conform to the County's standard of prudence. Examples of recognition include Years of Service Awards; System Improvement Recognition, Individual or Team Support, Personal Development Achievement, actions/activities that embody an organizations' mission and values.
- (b) Departments should use best practices when utilizing funds. Some best practices included:
 - i. Completing annual performance evaluations in anticipation of any employee recognition.
 - ii. Having a formalized plan that is communicated to all employees.
 - iii. Being transparent about departmental goals and mission/vision/values.
- (c) All expenditures related to this policy should conform to the Purchasing Procurement Procedure and utilize vendors and contracts that have been reviewed and approved by the Purchasing Department. Examples of approved expenditures include the following:
 - i. Any item that would otherwise be eligible for County funding within existing policy.
 - ii. Shirts or other items of clothing to be used primarily during work hours to enhance the visibility and identification of county staff. No more than two articles of clothing should be purchased for a single employee per fiscal year using CAP, for example a short sleeve polo and a long-sleeved polo. *Shirts or other clothing should not be considered as adopting uniforms or required attire for the department.*
 - iii. Expenses for recognition and award events for employees, such as food, mugs, shirts, and plaques; for any single event, expenses may not exceed \$20 per attendee. Recognition awards and events are allowed for interns and volunteers that assist directly with County business. Expenses may include food and small awards, such as mugs, shirts, and plaques; for any single event, expense may not exceed \$20 per attendee.
- (d) Examples of disapproved expenditures include the following:
 - i. Any item or service not in compliance with federal or state law.
 - ii. Any item when the amount is measured by or directly dependent upon hours worked, production, or efficiency.
 - iii. Any furniture, IT equipment, cell phones, and electrical appliances.
 - iv. Vehicles.

- v. Business meals not related to County business and any entertainment expense. Any business meals related to County business travel should be part of a travel/training briefing and a corresponding per diem, not CAP.
- vi. Contributions, sponsorships, or membership dues related to community organizations or events.
- vii. Flowers for staff or families of staff members. viii. Bonuses, gift cards, or other forms of monetary compensation.

Sec. 70-215. - Policy Directives.

- (a) Public funds cannot be used to purchase alcoholic beverages for recognition gifts or awards or at recognition or social events.
- (b) Formal and informal recognition activities must recognize, reinforce, or promote positive employee behaviors and achievements that support organizational or departmental values, goals, and objectives.
- (c) All existing bidding requirements must be followed.

Sec. 70-216. – Accountability.

- (a) The Office of Budget and Evaluation is responsible for:
 - 1. Coordinating and maintaining CAP guidelines.
 - 2. Providing coordination and assistance to departments on application of the CAP.
 - 3. Coordinating and providing data to departments to report annual appreciation and recognition activities.
 - 4. Ensuring the recognition guidelines are reviewed regularly to reflect current employee recognition practices.
- (b) Department heads are responsible for:
 - 1. Monitoring, and tracking activities relating to the department appreciation program activities in accordance with CAP guidelines and providing this information to the Office of Budget and Evaluation quarterly.
 - 2. Supporting and approving formal employee appreciation and recognition programs within the parameters outlined in this policy.
 - 3. Communicating County and department mission, values, goals, and objectives when engaging in recognition activities.
 - 4. Providing a supportive work environment for employee recognition by modeling informal, day-to-day appreciation.
 - 5. Ensuring employee recognition activities comply with this policy.
- (c) Employees are responsible for complying with all state and federal laws regarding any items received via CAP.

Secs. 70-217—70-250. - Reserved.

ARTICLE III. - REVENUE AND EXPENSES⁶

DIVISION 1. - GENERALLY

Secs. 70-251—70-270. - Reserved.

DIVISION 2. - REVENUE SYSTEM⁷

Sec. 70-271. - Maintaining in stable condition.

The county will maintain a diversified and stable revenue system to shelter it from shortterm fluctuations in any one revenue source by doing the following:

- (1) Establishing user charges and fees as permitted by law at a level related to the cost of providing that service, including indirect costs;
- (2) Pursuing legislative change, where necessary, to permit increases in user charges and fees;
- (3) Aggressively collecting property tax revenues, including the filing of suit where appropriate and necessary, as authorized by the state property tax code.

(Admin. Policy Manual, § J(5.00))

Sec. 70-272. - Current resources to pay for current expenditures.

The county will pay for all current expenditures with current resources as required by article XI, section 7 of the state constitution, and V.T.C.A., [Local Government Code §§ 111.091](#) and [111.092](#).

(Admin. Policy Manual, § J(5.01))

Sec. 70-273. - Limit on nonrecurring sources of revenue.

The county will limit its nonrecurring sources of revenue by adhering to the following principles:

- (1) Dependence on intergovernmental grants will not exceed ten percent of the operating budget;
- (2) County matching funds for federal and state grants will not exceed 22 percent of the income of such grant;
- (3) The use of prior year fund balances for recurring expenditures will not exceed four percent of total general fund resources; and
- (4) Revenue from ad valorem taxes will not exceed 50 percent of the total budgeted expenditures.

(Admin. Policy Manual, § J(5.02))

Sec. 70-274. - Transfer between funds.

Transfers between funds, unless so contained in the budget approved by court order, will be accomplished after approval by the commissioners court.

⁶ **State Law reference**— County finances, V.T.C.A., [Local Government Code § 111.001](#) et seq.; county financial accounting, V.T.C.A., [Local Government Code §112.001](#) et seq.

⁷ **State Law reference**— Accounting system, V.T.C.A., [Local Government Code §112.002](#); electronic transfer of funds, V.T.C.A., [Local Government Code § 156.001](#) et seq.

(Admin. Policy Manual, § J(5.03))

Sec. 70-275. - Vehicle registration fees to support road and bridge operations.

The county will support the operations of the road and bridge districts from the vehicle registration fee authorized by the state legislature, and will credit all fines and forfeitures from court operations to the general fund.

(Admin. Policy Manual, § J(5.04))

Secs. 70-276—70-300. - Reserved.

DIVISION 3. - RESERVES

Sec. 70-301. - Unanticipated needs and increases in service delivery costs.

- (a) The county will maintain an unallocated reserve to provide for small increases in service delivery costs as well as unanticipated needs that may arise throughout the year. Therefore, it will be necessary for elected officials and department heads to review and control expenditures such that the rate of expenditure does not exceed the approved budget.
- (b) Cases of anticipated material deviation should be covered by a request for a transfer to any of the control categories. This request shall be from the department head in writing and include justification for such action. Such requests should be submitted to the budget office for initial review. They will then be forwarded to the commissioners court for their consideration and approval.
- (c) The above described unallocated reserve and specified contingencies shall be established at a minimum of one half of one percent of the total general fund expenditures for any year. These funds can only be appropriated by an affirmative vote of three of the five commissioners court members.

(Admin. Policy Manual, § J(6.00, 6.01))

Sec. 70-302. - Calamities or loss of major revenue source.

The county will also establish an emergency reserve for use in the event of a calamity and/or the loss of a major revenue source. This reserve will be maintained at not less than ten percent of the general fund expenditures. Its use is restricted to one-time expenditures to pay for disaster recovery and unanticipated liability, and may only be used to offset operating expenditures where major revenue shortfall occurs. These funds can only be appropriated by unanimous consent of the commissioners court.

(Admin. Policy Manual, § J(6.02))

Sec. 70-303. - Insurance.

Insurance reserves will be established at a level consistent with the risk manager's recommendations which, together with purchased insurance policies, adequately indemnify the county and its officers and directors against loss.

(Admin. Policy Manual, § J(6.03))

Sec. 70-304. - Refund of remaining allocations.

Upon completion of any project or purchase of capital equipment or final payment for a specific allocation (i.e. grant match, consultant study, etc.), any remaining allocation shall be refunded to the appropriate unallocated reserve of that fund and considered available for other purposes. It is therefore incumbent that a project manager is identified before a project is initiated. The designated project manager will be responsible for notifying the budget office that a project is completed. The budget office will then verify the same to the auditor's office, and funds will be transferred after the commissioners court has authorized such transfer. This will be accomplished on a quarterly basis.

(Admin. Policy Manual, § J(6.04))

Secs. 70-305—70-330. - Reserved.

DIVISION 4. - PAYROLL

Sec. 70-331. - Number of full-time employees.

At no time shall the number of permanent full-time employees on the payroll exceed the total number of positions authorized by the commissioners court. All personnel actions shall at all times be in strict conformance with applicable federal, state and county policies.

(Admin. Policy Manual, § J(7.00))

Sec. 70-332. - Overtime compensation.

- (a) Overtime compensation is authorized by department and may only be expended for specific tasks as approved in the current budget. Overtime compensation shall be paid on the basis of time and one-half for all authorized classifications.
- (b) Prior to authorizing overtime hours, each department official must have certified with the county auditor that funds are available for the tasks to be performed. Monthly expenditures shall not exceed the monthly average of the total appropriation by task, unless prior approval by the commissioners court is granted or the department official can certify that such an expenditure was the result of a natural disaster or threat of loss of life.

(Admin. Policy Manual, § J(7.01))

Sec. 70-333. - Deletion and downgrades of position.

Deletion and downgrades of position may occur at any time during the fiscal year at the elected official or department head's request, or if a review of workload statistics indicates that a reduction in force is practical in a department. Reductions in elected officials' budgeted positions will only be accomplished with their approval. All funds appropriated for such deleted positions will be returned to the appropriate fund in the unallocated reserve account.

(Admin. Policy Manual, § J(7.02))

Sec. 70-334. - Additions; position reclassifications; reorganizations.

Additions, position reclassifications, reorganizations, etc., must be prepared and reviewed in January or July of each fiscal year. Exceptions to this section will only be allowed with court approval.

(Admin. Policy Manual, § J(7.03))

Sec. 70-335. - Freezes on hiring; promotions, transfers and capital equipment purchases.

The commissioners court may institute a freeze during the fiscal year on hiring, promotions, transfers and capital equipment purchases. Such action will not be used arbitrarily and will allow for exceptions in appropriate areas to comply with emergency needs such as natural disasters and/or loss of major revenue sources.

(Admin. Policy Manual, § J(7.04))

Sec. 70-336. - Personal Consumption Expenditures Price Index Salary Adjustment.

Each year, effective during the month of January, all personnel occupying a regular full-time and regular part-time positions, shall receive an annual percentage increase based upon the annual percentage increase in the Personal Consumption Expenditures Price Index (PCE) published by the U.S. Department of Commerce for the prior twelve months ending June 30th. The salaries shall be revised upward for all grades, ranges and positions to reflect a percentage equal to the percentage increase in the PCE index up to a maximum of three percent and will be made only to the extent that funds are available. The index to be used is the Personal Consumption Expenditures Price Index published by the Bureau of Economic Analysis, U.S. Department of Commerce and in effect as of June 30th next preceding the date of the salary adjustment.

The Director of Budget and Evaluation shall determine the annual salary percentage increase based upon the PCE and include the COLA as a recommendation to the Commissioners Court as part of the annual baseline budget.

(Ord. No. 2021-0685, 7-6-2021)

Secs. 70-337—70-360. - Reserved.

DIVISION 5. - FIXED ASSETS

Sec. 70-361. - Purchases with value of \$5,000.00 or more.

All purchases of personal property valued at \$5,000.00 or more and Texas Department of Health (TDH) grant purchases valued at \$1,000.00 or more shall be placed on the county inventory.

(Admin. Policy Manual, § J(8.00); Ord. No. 2002-301, 2-12-2002)

Sec. 70-362. - Maintenance.

The county will maintain these assets at a level adequate to protect the county's capital investment and to minimize future maintenance and replacement costs by:

- (1) Developing and maintaining a five-year plan for capital projects (i.e. all improvements and acquisitions over \$500,000.00 with a useful life of at least five years) and will authorize all capital projects in accordance with this adopted plan; and
- (2) Providing for adequate maintenance of capital plant and equipment replacement under the above-stated amount in the annual operating budget through the use of an adopted capital improvement fund and equipment replacement schedule.

(Admin. Policy Manual, § J(8.01))

Sec. 70-363. - Capital expenditures to be budgeted.

Capital expenditures for projects and equipment are budgeted by item or project and must be spent accordingly. Any request for unbudgeted capital equipment or projects throughout the fiscal year must be submitted to the budget office and approved by the commissioners court prior to a requisition being issued to the purchasing department if such request exceeds \$5,000.00.

(Admin. Policy Manual, § J(8.02); Ord. No. 2002-301, 2-12-2002)

Sec. 70-364. - Substitutions or unauthorized purchases under \$500.00.

Each department would be allowed to make comparable capital substitutions or unauthorized capital purchases that do not exceed \$500.00, provided that they submitted their request on a budget adjustment form no. 281 (Exhibit FA), and it was approved by both the budget office and the commissioners court administrator. Such adjustments will be reported quarterly to the commissioners court.

(Admin. Policy Manual, § J(8.03))

Sec. 70-365. - Use of surplus items.

Where possible, items in good usable condition placed in surplus will be used to:

- (1) Supplement expenditure for new budgeted capital purchases;
- (2) Supplement expenditure for replacement/budgeted capital purchases; and
- (3) Supply needed unbudgeted new and replacement equipment.

(Admin. Policy Manual, § J(8.04))

Sec. 70-366. - Personal Consumption Expenditures Price Index Salary Adjustment

Each year, effective during the month of January, all personnel occupying a regular full-time and regular part-time positions, shall receive an annual percentage increase based upon the annual percentage increase in the Personal Consumption Expenditures Price Index (PCE) published by the U.S. Department of Commerce for the prior twelve months ending June 30th. The salaries shall be revised upward for all grades, ranges and positions to reflect a percentage equal to the percentage increase in the PCE index up to a maximum of three percent and will be made only to the extent that funds are available. The index to be used is the Personal Consumption Expenditures Price Index published by the Bureau of Economic Analysis, U.S. Department of Commerce and in effect as of June 30th next preceding the date of the salary adjustment.

The Director of Budget and Evaluation shall determine the annual salary percentage increase based upon the PCE and include the COLA as a recommendation to the Commissioners Court as part of the annual baseline budget.

(Ord. No. 2021-0685, 7-6-2021)

Secs. 70-367—70-400. - Reserved.

ARTICLE IV. - FISCAL POLICY⁸

DIVISION 1. - GENERALLY

Sec. 70-401. - Fiscal year.

The county will operate on a fiscal year which begins on October 1 and ends on September 30.

(Admin. Policy Manual, § J(1.00))

Secs. 70-402—70-420. - Reserved.

DIVISION 2. - FINANCIAL PLANNING, ACCOUNTING, AUDITING AND REPORTING⁹

Sec. 70-421. - Financial affairs to be conducted in conformity with applicable law.

The county will conduct its financial affairs in conformity with state and federal laws and this statement of financial policy, which shall be approved by the commissioners court and reviewed on an annual basis as a part of the budget process.

(Admin. Policy Manual, § J(1.01))

Sec. 70-422. - Recordkeeping.

The county auditor's office will maintain records on a basis consistent with generally accepted accounting principles, as determined by GASB. [The county shall:]

- (1) Set a capital limit of \$5,000.00 for all county property except TDH grant purchases. Grant award conditions include a \$1,000.00 capital limit.
- (2) [Provide that the] leasehold/building improvements capital threshold will be \$100,000.00. Land will be recorded at market value. The county will use the straight-line method of depreciation for leasehold/building improvements.
- (3) Use state developed guidelines for asset lives.
- (4) Use the straight-line method of depreciation for personal property, as well as use the modified approach basis for reporting infrastructure valuations with supporting reconciliations prepared by public works.
- (5) Post depreciation expenses and accumulated depreciation to general fixed assets group (GFAG). Depreciation is reported at summarized levels using a matrix relating costs centers to function.
- (6) Classify the Old Red Courthouse and John Neely Bryan Cabin, as historical treasures with no associated depreciation costs.

⁸ **State Law reference—** Management of county money, V.T.C.A., [Local Government Code § 113.001](#) et seq.

⁹ **State Law reference—** County financial reports, V.T.C.A., [Local Government Code § 114.001](#) et seq.

- (7) Capitalize software purchased or developed with a combined network costs of \$100,000.00 or more, or an individual unit cost of \$5,000.00 or more. All other costs incurred with a software project will be expensed.

(Admin. Policy Manual, § J(2.00); Ord. No. 2002-301, 2-12-2002)

Sec. 70-422.5. - Infrastructure reporting.

The public works department will maintain an accurate inventory of infrastructure assets, conduct a condition assessment of assets every three years and estimate the annual cost to maintain and preserve assets.

(Ord. No. 2002-301, 2-12-2002)

Sec. 70-423. - Reports generally.

Regular monthly and annual financial reports are issued summarizing financial activity by fund and department and comparing actual resources and expenditures with budgeted amounts as required by V.T.C.A., Local Government Code §§ 111.091, 111.092 and 114.025.

(Admin. Policy Manual, § J(2.01))

Sec. 70-424. - Monthly reports.

The auditor's office provides monthly reports on the total cost of specific services by type of expenditure and by fund, in accordance with V.T.C.A., Local Government Code §§ 111.091, 111.092 and 114.025.

(Admin. Policy Manual, § J(2.02))

Sec. 70-425. - Audit.

A financial audit will continue to be performed annually by an independent public accounting firm, and an official opinion and annual financial report will continue to be published and issued, as authorized by V.T.C.A., Local Government Code § 114.031.

(Admin. Policy Manual, § J(2.03))

Sec. 70-426. - Five-year budget.

The county prepares and maintains a five-year budget which:

- (1) Updates reserve and expenditure projections for next five years;
- (2) Projects capital improvement requirements over the five-year period, including future operating costs associated with all projects;
- (3) Update revenue projections for the next five-year period;
- (4) Provides a comparison of revenues and expenses for each year in the period; and
- (5) Lists the longterm strategies selected to identify future risks and opportunities.

(Admin. Policy Manual, § J(2.04))

Sec. 70-427. - Identifying areas for evaluation.

The county will continue to identify areas for evaluation efforts by either staff, committees or consultants, in order to judge the effectiveness and efficiencies of county services.

(Admin. Policy Manual, § J(2.05))

Sec. 70-428. - Cost/benefit studies.

Cost/benefit studies will be conducted, where appropriate and applicable, on nonrecurring expenditures and capital projects.

(Admin. Policy Manual, § J(2.06))

Sec. 70-429. - Full disclosure.

Full disclosure will continue to be provided in the annual financial and budget reports and bond representations, in accordance with V.T.C.A., [Local Government Code §§ 111.091, 111.092, 114.025 and 115.031](#).

(Admin. Policy Manual, § J(2.07))

Secs. 70-430—70-460. - Reserved.

ARTICLE V. - INVESTMENT OF COUNTY FUNDS

Sec. 70-461. - Objectives of article.

The objectives of this article shall be:

- (1) To set forth the methods, means, and goals of financial investment and debt management operation for the county.
- (2) To insure the financial security and optimum liquidity of the county funds at all times.
- (3) To assist the county in achieving the maximum total investment of county funds in a prudent manner at all times.
- (4) To assist the county in achieving the maximum interest yield on county funds in a prudent manner at all times.
- (5) To assist the county in achieving the maximum interest yield on county funds at all times through methods allowed under federal and state law and in accordance with the current county bank depository contract.

(Ord. No. 99-2004, § I, 10-26-1999; Ord. No. 2000-2287, § I, 11-14-2000)

Sec. 70-462. - Standard of care.

The county investments shall be made with the judgment and care, under prevailing circumstances, that a prudent person would exercise in the management of the person's own affairs. Safety shall be the first priority, adequate liquidity the second, and yield the third priority. Individual investments shall be made in a manner consistent with this article. Unless authorized by law, a person may not deposit, withdraw, transfer, or manage in any other manner the funds of the county.

(Ord. No. 99-2004, § II, 10-26-1999; Ord. No. 2000-2287, § II, 11-14-2000)

Sec. 70-463. - Investment strategy.

- (a) *Generally.* The county maintains portfolios which utilize four specific investment strategy considerations designed to address the unique characteristics of the fund groups represented in the portfolios.
- (b) *General operating funds.* The county's investment strategy for general operating funds shall be made to ensure that anticipated cash flows are matched with adequate investment liquidity.
- (c) *Bond operating funds.* The county shall utilize an investment policy for bond operating funds to generate a dependable revenue stream for the appropriate debt service funds consistent with the county investment policy and state law.
- (d) *Debt service funds.* The county shall utilize as the primary objective for the investment of debt service funds adequate liquidity to cover the debt service obligation of the county on required payment dates. Investments shall not have a stated final maturity date which exceeds the appropriate debt service payment date.
- (e) *Special and trust funds.* The county shall invest special and trust funds in accordance with state law and the county investment policy to the maximum ability that such investments may benefit the county directly, or utilize said funds in a method that such funds may benefit the county indirectly.
- (f) *General strategy.*
 - (1) The county's investment portfolio shall consist of a variety of securities which may include any or all of the authorized investments listed in section 70-267.
 - (2) It shall be the general practice of the county to utilize an investment strategy based on section 70-262, which also defines yield objectives, as well as V.T.C.A., Government Code § 2256.006, and shall participate in a daily auction of funds for investment through contracted financial brokers and/or banks to the highest and best bidder or invest funds directly with the depository bank and expect that all related collateral confirmations thereto be confirmed and received within the required time frames. The county shall in general be conservative in its investment programs consistent with section 70-268 as administered by a qualified, capable investment staff in the county treasurer's office. All investments shall be collateralized at a minimum of 103 percent of par value.
 - (3) It is the county's intent to hold purchased securities to the stated maturity date and to have invested in such a manner to insure both the safety and liquidity of such transaction. In the event, however, the need arises to sell securities before the stated maturity date, said securities shall be analyzed to determine the appropriate time to liquidate said securities and minimize any potential real or book value loss to the county.
 - (4) The county investment portfolio shall not exceed a weighted average maturity life of two years for the entire investment portfolio.

(Ord. No. 99-2004, § III, 10-26-1999; Ord. No. 2000-2287, § III, 11-14-2000)

Sec. 70-464. - Deposit of funds.

All funds received by officials of the county shall be officially deposited with the county treasurer upon receipt or the next day after receipt and in accordance with prescribed policy and procedure; however, without exception, all funds shall be deposited within seven days from the date of collection by said officer, in accordance with state law.

(Ord. No. 99-2004, § IV, 10-26-1999; Ord. No. 2000-2287, § IV, 11-14-2000)

Sec. 70-465. - Investment officer.

- (a) As chief custodian of county funds, the county treasurer shall be the investment officer for county funds.
- (b) Should at any time the county treasurer have a personal business relationship with a business organization offering to engage in an investment transaction with the county, the county treasurer will file a disclosing statement with the state ethics commission and the county commissioners court. Further, the county treasurer shall comply with the Public Funds Investment Act, 74th Texas Legislature, 1995, amended, 75th Texas Legislature, 1997, as pertaining to investments and personal relationships with such business organizations.
- (c) The county treasurer deputies authorized to make investment transactions on behalf of the county treasurer who have a personal business relationship with a business organization offering to engage in an investment transaction with the county shall file a disclosing statement with the county treasurer.
- (d) It is understood at all times that the control and general fiduciary responsibility of county funds is vested in the commissioners court and said right of investment or management is extended by the commissioners court to the county treasurer on its behalf.

(Ord. No. 99-2004, § V, 10-26-1999; Ord. No. 2000-2287, § V, 11-14-2000)

Sec. 70-466. - Investment authorization.

- (a) In order to allow the maximum flexibility for the investment of county funds, the commissioners court extends to the county treasurer, and his authorized deputies, full authority for the investment of county funds between meetings of the commissioners court, official approval of which shall be made by the court in court order form at the next official meeting of the commissioners court.
- (b) The county treasurer is hereby authorized to utilize internal and external electronic wire transfer investments or county checks for between court investment transactions and to release same as required.

(Ord. No. 99-2004, § VI, 10-26-1999; Ord. No. 2000-2287, § VI, 11-14-2000)

Sec. 70-467. - Authorized investments.

In accordance with authorizing federal and state laws, the county's depository contract, and appropriate approved collateral provisions, the county may utilize the following methods for the investment of county funds:

- (1) Obligations of the United States or its agencies and instrumentalities.
- (2) Direct obligations of the state or its agencies and instrumentalities.
- (3) Collateralized mortgage obligations directly issued by a federal agency or instrumentality of the United States, the underlying security for which is guaranteed by an agency or instrumentality of the United States.
- (4) Other obligations, the principal of and interest of which are unconditionally guaranteed or insured by, or backed by the full faith and credit of, the state or the United States or their respective agencies and instrumentalities.
- (5) Obligations of states, agencies, counties, cities, and other political subdivisions of any state rated as to investment quality by a nationally recognized investment rating firm not less than A or its equivalent. However, in accordance with the provisions of V.T.C.A., Government Code § 2256.009(b), the following are not authorized investments under this section:

- a. Obligations whose payment represents the coupon payments on the outstanding principal balance of the underlying mortgage-backed security collateral and pays no principal.
 - b. Obligations whose payment represents the principal stream of cash flow from the underlying mortgage-backed security collateral and bears no interest.
 - c. Collateralized mortgage obligations that have a stated final maturity date of greater than ten years.
 - d. Collateralized mortgage obligations the interest rate of which is determined by an index that adjusts opposite to the changes in a market index.
- (6) Certificates of deposit issued by a bank, a savings and loan association, or a savings bank organized under the laws of this state, another state, or federal law that has its main office or branch office in this state which is guaranteed or insured by the Federal Deposit Insurance Corporation, or its successor; or secured by obligations described in V.T.C.A., Government Code § 2256.009(a), including mortgage-backed securities directly issued by, a federal agency or instrumentality that have a market value of not less than the principal amount of the certificates, but excluding those mortgage-backed securities of the nature described by V.T.C.A., Government Code § 2256.009(b), or secured in any other manner and amount provided by law for deposits of the investing entity.
- (7) Fully collateralized repurchase agreements authorized under V.T.C.A., Government Code § 2256.011, Government Code, if the repurchase agreement has a defined termination date; is secured by obligations described by V.T.C.A., Government Code § 2256.009(a)(1); and requires the securities being purchased by the entity to be pledged to the entity, held in the entity's name, and deposited at the time the investment is made with the entity or with a third party selected and approved by the entity; and is placed through a primary government securities dealer, as defined by the Federal Reserve, or a financial institution doing business in the state. "Repurchase agreement" means a simultaneous agreement to buy, hold for a specified time, and sell back at a future date, obligations described by V.T.C.A., Government Code § 2256.009(a)(1) at a market value at the time the funds are dispersed of not less than the principal amount of the funds dispersed. The term includes a direct security repurchase agreement and reverse security repurchase agreement.

Notwithstanding any other law, the term of any reverse security repurchase agreement may not exceed 90 days after the date the reverse security repurchase agreement is delivered. Money received by an entity under the terms of a reverse security repurchase agreement shall be used to acquire additional authorized investments, but the term of authorized investments acquired must mature not later than the expiration date stated in the reverse security repurchase agreement.

- (8) Bankers' acceptances, are an authorized investment under V.T.C.A., Government Code § 2256.012, which has a stated maturity of 270 days or fewer from the date of its issuance; will be, in accordance with its terms, liquidated in full at maturity; is eligible for collateral for borrowing from a Federal Reserve Bank; is accepted by a bank organized and existing under the laws of the United States or any state, if the short-term obligations of the bank, or of a bank holding company of which the bank is the largest subsidiary, are rated not less than A-1+ or P-1 or an equivalent rating of at least one nationally recognized credit rating agency. Such transactions shall not exceed five percent of the total county investment portfolio, and all such endorsing banks shall come only from a list of entities who are constantly monitored as to financial solvency.
- (9) Commercial paper with a stated maturity of 270 days or fewer from the date of its issuance; which is rated not less than A-1+ or P-1 or an equivalent rating by at least two nationally recognized credit rating agencies, or one nationally recognized credit rating agency and is fully secured by an irrevocable letter of credit issued by a bank organized and existing under the laws of the United States or any state. Such transactions shall not exceed 30 percent of the total county investment portfolio with no more than five percent in any one name, with no more than ten percent of the

total county investment portfolio maturing on any given day, and all such providers of letters of credit shall come only from a list of entities who are constantly monitored as to financial solvency.

- (10) No-load money market mutual funds regulated by the Securities and Exchange Commission which have a dollar-weighted average stated maturity of 90 days or fewer and includes in its investment objectives the maintenance of a stable net asset value of \$1.00 for each share. A no-load mutual fund is an authorized investment under this article if the mutual fund: is registered with the Securities and Exchange Commission; provides the county with a prospectus and other information required by federal law; has an average weighted maturity less than two years; is invested exclusively in obligations approved by V.T.C.A., Government Code § 2256.014; is continuously rated as to investment quality by at least one nationally recognized investment rating firm of not less than AAA or its equivalent; and conforms to the requirements set forth in V.T.C.A., Government Code, § 2256.016(b) and (c), relating to the eligibility of investment pools to receive and invest funds of investing entities. The county is not authorized to invest in the aggregate more than 15 percent of its monthly average fund balance, excluding bond proceeds and reserves and other funds held for debt service, in mutual funds as herein set forth above; invest any portion of bond proceeds, reserves and funds held for debt service, in mutual funds herein described above; or invest its funds or funds under its control, including bond proceeds and reserves and other funds held for debt service, in any one mutual fund as herein set out above in an amount that exceeds ten percent of the total assets of the mutual fund.
- (11) The county may invest its funds and funds under its control through an eligible investment pool if the commissioners court by official court order authorizes investment in the particular pool. An investment pool shall invest the funds it receives from entities in authorized investments permitted by state statutes by providing at a minimum the following information:
- a. The types of investments in which money is allowed to be invested;
 - b. The maximum average dollar-weighted maturity allowed, based on the stated maturity date, of the pool;
 - c. The maximum stated maturity date any investment security within the portfolio has;
 - d. The objectives of the pool;
 - e. The size of the pool;
 - f. The names of the members of the advisory board of the pool and the dates their terms expire;
 - g. The custodian bank that will safekeep the pool's assets;
 - h. Whether the intent of the pool is to maintain a net asset value of \$1.00 and the risk of market price fluctuation;
 - i. Whether the only source of payment is the assets of the pool at market value or whether there is a secondary source of payment, such as insurance or guarantees, and a description of the secondary source of payment;
 - j. The name and address of the independent auditor of the pool;
 - k. The requirements to be satisfied for an entity to deposit funds in and withdraw funds from the pool and any deadlines or other operating policies required for the entity to invest funds in and withdraw funds from the pool;
 - l. The performance history of the pool, including yield, average dollar-weighted maturities, and expense ratios.

To be eligible to receive funds from and investments on behalf of the County, an investment pool must be rated no lower than AAA or AAA-m or at an equivalent rating of at least one nationally recognized rating service.

- (12) To maintain eligibility to receive funds from and invest funds on behalf of an entity, an investment pool must furnish to the investment officer:

- a. Investment transaction confirmations;
- b. A monthly report that contains, at a minimum, the following information:
 - 1. The types and percentage breakdown of securities in which the pool has invested;
 - 2. The current average dollar-weighted maturity, based on the stated maturity date, of the pool;
 - 3. The current percentage of the pool's portfolio in investments that have stated maturities more than one year;
 - 4. The book value versus the market value of the pool's portfolio, using amortized cost valuation;
 - 5. The size of the pool;
 - 6. The number of participants in the pool;
 - 7. The custodian bank that is safekeeping the assets of the pool;
 - 8. A listing of daily transaction activity of the entity participating in the pool;
 - 9. The yield and expense ratio of the pool;
 - 10. The portfolio managers of the pool;
 - 11. Any changes or addenda to the offering circular.

An entity by contract may delegate to an investment pool the authority to hold legal title as custodian of investments purchased with its local funds.

For purposes of investment in an investment pool "yield" shall be calculated in accordance with regulations governing the registration of open-end management investment companies under the Investment Company Act of 1940, as promulgated from time to time by the Federal Securities and Exchange Commission.

(Ord. No. 99-2004, § VII, 10-26-1999; Ord. No. 2000-2287, § VII, 11-14-2000)

Sec. 70-468. - Investment implementation.

- (a) The county treasurer may solicit bids for investment of funds from contracted financial brokers and/or banks orally, in writing, electronically, or by any combination of these methods. Such bids will be solicited from not less than three contracted financial brokers and/or banks for each investment bid.
- (b) County funds will generally be placed for investment periods not to exceed two years. However, as deemed prudent and consistent with county investment policy, the county treasurer may place investments for a period not to exceed five years. Funds placed for investment for longer than two years shall be upon consultation between the county treasurer and county judge or a representative of the commissioners court and appropriately entered in the record of the commissioners court.
- (c) A report of all investments, made since the last regular meeting of the court, will be presented for each regular meeting of the commissioners court, for review, acknowledgment, and approval by the commissioners court.
- (d) County funds will be invested within the depository bank, with contracted financial brokers and/or banks, or from time to time in other sources as authorized in this article, utilizing a controlled disbursement investment program, or a similar cash management program in the county treasurers office to maximize interest yield on county funds, while insuring financial security, with funds becoming available as needed to meet the financial needs of the county.
- (e) County and district clerk trust funds, justice of the peace and constable special funds, and certain community supervision and corrections funds shall be maintained at the depository bank for the life of

the depository contract, unless otherwise ordered by official court order, as earnings credits and compensating balances for the county.

- (f) At the expiration of the designated number of days of county investments, said funds shall be returned to their designated county fund, unless otherwise instructed by official court order or as required for immediate re-investment of said same funds.

(Ord. No. 99-2004, § VIII, 10-26-1999; Ord. No. 2000-2287, § VIII, 11-14-2000)

Sec. 70-469. - Investment institutions.

- (a) The county treasurer is authorized to utilize the following institutions or groups to facilitate the investment of county funds, consistent with federal and state law and the county's bank depository contract:
 - (1) Depository bank;
 - (2) Other banks, savings and loan associations, or savings banks;
 - (3) Contracted securities and investment firms;
 - (4) Local, state, and governmental units;
 - (5) Public funds investment pools based in the state.
- (b) The county treasurer is authorized to place investment orders on an "as needed" basis with financial brokerage firms, banks, or contractors with which the county maintains a current written contract, authorized by commissioners court order, and consistent with the investment policy of the county.
- (c) The county may use a request for proposal (RFP) method of securing the services of county and/or state based securities and investment firms to serve as contracted financial brokers and/or banks for the county or may negotiate a contract for such services if recommended by the county financial review committee and approved by the commissioners court. The county will from time to time add or delete such firms, to further seek to enhance the county's financial position, as qualified firms become known to and are recommended by the county financial review committee. All firms selected as financial brokers and/or banks for the county shall sign an officially approved county contractual agreement which must be officially approved by the county district attorney and commissioners court and comply with the county investment policy and state law.
- (d) At least annually, the county treasurer shall review, revise, and adopt a list of qualified brokers that are authorized to engage in investment transactions with the county, submit same to the county financial review committee for recommendation for approval by the commissioners court.
- (e) A written copy of the county investment policy shall be presented to any investment institution as defined under this section, which offers to engage in an investment transaction with the county. In accordance with state law, the qualified representative, i.e., a person who holds a position with a business organization, who is authorized to act on behalf of the business organization as set forth in state law, of the investment institution seeking to do business with the county shall execute a written instrument which shall indicate that the qualified representative has:
 - (1) Received and reviewed the county investment policy; and
 - (2) Acknowledges in writing as prescribed by the county that the investment institution has implemented reasonable procedures and controls in an effort to preclude investment transactions conducted between the county and the investment institution that are not authorized by the county and the investment institution that are not authorized by the county's investment policy, except to the extent that this authorization is dependent on an analysis of the make up of the county's entire portfolio or requires an interpretation of subjective investment standards.

- (f) The county treasurer may not acquire or otherwise obtain any authorized investment described in the county investment policy from a person who has not delivered to the county the instrument required, as set forth in this section.
- (g) Financial brokers or banks contracted to do business with the county, or seeking to do business with the county, shall not offer or give any gift, service, or thing of value, or future promise of a gift, service, or thing of value to any authorized county personnel in connection with the conduct of any county business.

(Ord. No. 99-2004, § IX, 10-26-1999; Ord. No. 2000-2287, § IX, 11-14-2000)

Sec. 70-470. - Methods of investment.

(a) *Internal investments.*

- (1) The county treasurer is authorized to internally electronically wire transfer funds for county investments from currently established funds, plus any newly established county funds, within the depository bank.
- (2) The county treasurer is authorized to utilize an internal electronic banking system for the investment of such funds by means of an automated clearing house (ACH) program, customer direct access (CDA) program, customer direct link (CDL) program, or similar program, or county checks, with the depository bank.
- (3) The purpose of the internal electronic wire transfer banking system shall be to allow the county treasurer to enhance the time frame for investments, for elimination of checks to make investments of funds within county accounts, and to return funds to primary county accounts.
- (4) The county treasurer is authorized to internally electronically wire transfer and credit principal, plus interest earnings, to county funds currently established, plus any newly established county funds, as such investments mature.

(b) *External investments.*

- (1) The county treasurer is authorized to utilize an electronic wire transfer program, i.e., Automated clearing house (ACH), Fed Wire System, or other officially approved wire transfer program to disburse funds for investments from the county depository bank to authorized investment institutions as set forth in section 70-469 and in accordance with state law. Such program shall be operated under guidelines and controls established and mutually agreeable between the county auditor and county treasurer. Properly approved county checks may also be utilized for such investments if required.
- (2) The county treasurer is further authorized to accept electronic wire transfer of all county investments, including principal and interest, as such investments mature, for the proper internal disbursement to county funds.

(Ord. No. 99-2004, § X, 10-26-1999; Ord. No. 2000-2287, § X, 11-14-2000)

Sec. 70-471. - Authorized collateral and collateral procedures.

- (a) The county commissioners court shall select the form of securities pledge contract or surety bond used to secure county funds. Addition, withdrawal, or substitution of collateral for county funds shall be subject to the official approval of the county commissioners court.
- (b) The county treasurer is authorized to add, substitute, or withdraw collateral on a daily basis as needed to fully collateralize county assets, with formal approval of such actions to take place at the next official meeting of the commissioners court.

- (c) The investment of any county funds shall be collateralized, consistent with federal and state law, the county's bank depository contract, and the county investment policy, without exception, in one or more of the following manners:
 - (1) A direct obligation of the United States.
 - (2) An obligation that in the opinion of the Attorney General of the United States is a general obligation of the United States and backed by its full faith and credit.
 - (3) An obligation, the principal of and interest of which are unconditionally guaranteed by the United States.
 - (4) An obligation of an agency or instrumentality of the United States, including a mortgage-backed security of the agency or instrumentality; however, obligations of the nature described in V.T.C.A., Government Code § 2256.009(b), shall not be eligible for use as collateral for any county funds.
 - (5) A general or special obligation issued by a public agency, payable from taxes, revenues, or a combination of taxes and revenues that has been rated as to investment quality by a nationally recognized rating agency that has a current rating of not less than A or its equivalent.
 - (6) Any security in which a public entity may invest under the Public Funds Investment Act of 1995.

(Ord. No. 99-2004, § XI, 10-26-1999; Ord. No. 2000-2287, § XI, 11-14-2000)

Sec. 70-472. - Level of collateral.

The total of the face value of the surety bonds and the market value of the investment security securing the deposits of public funds for the county shall be in an amount at least equal to 103 percent of the amount of the deposits of public funds increased by the amount of any accrued interest and reduced to the extent that the deposits are insured by an agency or instrumentality of the United States government. The county treasurer will maintain a monitoring program to establish the market value of such collateral, as best available, for the security of county funds.

(Ord. No. 99-2004, § XII, 10-26-1999; Ord. No. 2000-2287, § XII, 11-14-2000)

Sec. 70-473. - Possession of collateral.

- (a) All county investments shall be made solely on the basis of delivery versus payment.
- (b) All securities or surety bonds pledged to secure deposits of county funds shall be held at the Federal Reserve Bank of Dallas for investments made directly through the bank depository contract and with a third-party custodian as directed by the commissioners court through the county treasurer, for investments made with a financial broker and/or bank (other than the depository bank). Delivery of collateral shall be made to the Federal Reserve Bank of Dallas not later than 1:30 p.m. Dallas time. Delivery of collateral by a broker and/or bank shall be made to the third party custodian not later than 1:00 p.m. Dallas time on the same day of a trade. All brokers and/or banks shall indicate "County of Dallas" on all transaction details.
- (c) The Federal Reserve Bank of Dallas and all other custodians so authorized by the commissioners court shall immediately provide a receipt of the securities and/or surety bonds to the county treasurer on behalf of the commissioners court evidencing the deposit of said securities and/or surety bonds. When the pledged securities and/or surety bonds held by the Federal Reserve Bank of Dallas, or other custodians are deposited, the permitted institution may apply book entry procedures to the securities. The records of the permitted institution shall at all times reflect the name of the custodian depositing the pledged securities. The trust receipts that the Federal Reserve Bank of Dallas, or other custodians, issue to the county through the county treasurer shall indicate that the custodian has deposited with the permitted institution the pledged securities and/or surety bonds held in trust for the depository bank pledging the securities.

- (d) All participants in the investment or holding of collateral for the county investments must provide the county treasurer with a notification of confirmation of trade and safekeeping of collateral on the same day of the transaction, without exception.
- (e) The county's depository bank shall not hold collateral for county investments made at or through said institution.

(Ord. No. 99-2004, § XIII, 10-26-1999; Ord. No. 2000-2287, § XIII, 11-14-2000)

Sec. 70-474. - Investment reporting and auditing.

- (a) Not less than quarterly the county treasurer shall prepare and submit to the commissioners court a written report of the county's investment transactions for the preceding reporting period, in addition to other information that may be required by the county. The report shall contain:
 - (1) A detail of the investment position of the county on the date of the report.
 - (2) A summary statement of each pooled fund group that states the beginning market value for the reporting period, additions and changes to the market value during the period, and the ending market value for the period.
 - (3) The book value and market value of each separately invested asset at the beginning and end of the reporting period by the type of asset and fund type invested.
 - (4) The maturity date of each separately invested asset that has a maturity date.
 - (5) The account or fund or pooled group fund of the county from which each individual investment was acquired.
 - (6) Compliance of the county investment portfolio as it relates to the investment strategy expressed in section 70-463, as well as other relevant provisions of this article.
- (b) The report shall be signed by the county treasurer. The reporting of county investments shall be in compliance with Statement No. 31 of the Governmental Accounting Standards Board. The county shall have performed as a part of its annual independent audit a review of the reports of investments and adherence to the county's established investment policies. The results of the review shall be reported to the commissioners court by the independent auditor.

(Ord. No. 99-2004, § XIV, 10-26-1999; Ord. No. 2000-2287, § XIV, 11-14-2000)

Sec. 70-475. - Financial training.

- (a) The county treasurer (investment officer) shall attend an investment training session, not less than once in a two-year period and receive not less than once in a two-year period from independent sources such as the V.G. Young Institute of County Government, Texas A&M University; Texas Association of Counties; National Association of County Treasurers and Finance Officers; and such other financial groups or organizations that provide officially recognized financial investment training.
- (b) Members of the commissioners court shall comply with state statutes as enacted requiring continuing investment training, and/or as determined by the court.

(Ord. No. 99-2004, § XV, 10-26-1999; Ord. No. 2000-2287, § XV, 11-14-2000)

Sec. 70-476. - Financial review committee.

- (a) There shall be a county financial review committee which shall consist of the county treasurer as chairman; county judge, county auditor, budget director, commissioners court administrator, minority

and women business enterprise coordinator and a member of the district attorney's staff. As required, the county financial advisor may serve as a ex-officio member of the committee.

- (b) The committee shall be charged with reviewing the general financial management of county funds and debt and asset management programs and making recommendations on such items to the commissioners court. The county financial review committee shall also deal with and coordinate the efforts of the county financial advisor and county bond counsel, and other related individuals or organizations, to develop and/or enhance county financial procedures, implement county bond sales, or establish recommended policy for the commissioners court concerning the working relationship and duration of such relationship with such groups, as well as any other financially-related matters that may be referred to the committee from time to time by the commissioners court.
- (c) In view of constant and enhanced financial and banking techniques which may prove beneficial to the objectives of the county investment policy as set forth in this article, the county financial review committee will monitor such changes to determine required adjustments in the county investment policy.

(Ord. No. 99-2004, § XVI, 10-26-1999; Ord. No. 2000-2287, § XVI, 11-14-2000)

Secs. 70-477—70-510. - Reserved.

ARTICLE VI. - INVESTMENTS AND DEBT AND CASH MANAGEMENT

DIVISION 1. - GENERALLY

Secs. 70-511—70-530. - Reserved.

DIVISION 2. - INVESTMENT AND CASH MANAGEMENT

Sec. 70-531. - Collection, disbursement and deposit of funds.

The county treasurer will collect, disburse and deposit all funds on a schedule which ensures optimum cash availability, in accordance with V.T.C.A., [Local Government Code §§ 113.065, 113.901, 113.001—113.005, 113.021—113.024](#) and [113.041—113.047](#).

(Admin. Policy Manual, § J(10.00))

Sec. 70-532. - Reconciliation of county bank accounts with depository bank.

The county treasurer shall handle all original reconciliation of the county bank accounts with the depository bank and shall resolve financial differences between the county and the depository bank.

(Admin. Policy Manual, § J(10.01))

Sec. 70-533. - Chief investment officer; duty.

The county treasurer is the chief investment officer of the county, as authorized in Court Order No. 87-1856 by the commissioners court, and shall invest the funds of the county to achieve the highest and best yield, while at the same time maintaining the security and integrity of such funds.

(Admin. Policy Manual, § J(10.02))

Sec. 70-534. - Investments policy.

The county shall maintain a written county investments policy, as approved by the commissioners court, to achieve the highest and best yield, while at the same time maintaining the security and integrity of such funds.

(Admin. Policy Manual, § J(10.03))

Sec. 70-535. - Security and/or surety pledges.

The county treasurer will maintain an original copy of all security and/or surety pledges made by the depository bank in behalf of the county funds, which shall be held at the Federal Reserve Bank of Dallas, or with a disinterested third party bank.

(Admin. Policy Manual, § J(10.04))

Sec. 70-536. - Security advice for county investment transactions; copy maintained.

The county treasurer will maintain an original copy of all security advice for all the county investment transactions, funds for which shall be held by the Federal Reserve Bank of Dallas, or with the disinterested third party bank.

(Admin. Policy Manual, § J(10.05))

Sec. 70-537. - Financial review committee.

There shall be a county financial review committee, chaired by the county treasurer, and consisting of the county judge, county auditor, budget director and commissioners court administrator, whose duties and responsibilities may be found in Court Order No. 87-1856.

(Admin. Policy Manual, § J(10.06))

Sec. 70-538. - Depository bank bid proposal.

The county treasurer shall develop a depository bank bid proposal for presentation to the county financial review committee and the county commissioners court by April of each odd-numbered year, depending on whether the county chooses a two-year or four-year contract during the previous statutory timeframe. If the contract is for four years the county treasurer will negotiate interest rates and bank charges with the depository bank as required by statute. The county treasurer as custodian of county funds and investments officer of the county will be the primary liaison between the county and the depository bank and shall handle all dealings between the county and the depository bank, except for those items under the direct control of the tax assessor-collector, prior to deposit with the county treasurer.

(Admin. Policy Manual, § J(10.07); Ord. No. 97-966, 5-29-1997)

Sec. 70-539. - Draw down and construction schedule.

The county shall maintain a draw down and construction schedule for all the county contractors, in-house construction management personnel, vendors and all other groups, organizations or persons receiving routine payments from the county, in accordance with Court Order No. 87-1858.

(Admin. Policy Manual, § J(10.08))

Sec. 70-540. - Financial reporting.

The county treasurer will provide the commissioners court a detailed financial report at each regular term of the commissioners court and shall make all books and accounts of the county treasurer available to the commissioners court in accordance with V.T.C.A., [Local Government Code § 114.026](#).

(Admin. Policy Manual, § J(10.09))

Sec. 70-541. - Cash position and investment performance.

The county auditor's office will provide regular information concerning the cash position and investment performance, as required by V.T.C.A., [Local Government Code §§ 111.091 - 092](#) and [114.025](#).

(Admin. Policy Manual, § J(10.10))

Sec. 70-542. - Contracts with financial institutions.

The county conducts its treasury activities with financial institutions based upon written contracts which specify compensating balances, service charges, terms, and other conditions as authorized by the Local Government Code.

(Admin. Policy Manual, § J(10.11))

Sec. 70-543. - Credit balance.

- (a) *Term defined.* A "credit balance" can occur in a customer account as the result of on overpayment of an invoice or a credit memo entered in the financial system for an invoice that was fully paid.
- (b) *Application of credit against future invoices.* The county will apply the credit against future invoices, in order to maintain the entire transaction in the accounts receivable system. Exceptions to this procedure will be considered upon written request. In order to make such application, the department involved must notify the county treasurer in writing with directions for such credit.
- (c) *Refund procedure.* If a customer specifically requests a refund, the following procedure will be utilized:
 - (1) The department involved will conduct a reasonable search to ensure that the customer does not have any outstanding debts due the county and certify that a refund is due the customer.
 - (2) The department involved will process a debit memo in accounts receivable for that customer and notify the county treasurer in writing to apply the overpayment to the debit memo.
 - (3) The county treasurer will make adjusting entries, as requested in writing, and notify the requesting department that the entries have been made.
 - (4) The department involved will prepare and submit a request for payment form to the county auditor, along with supporting documentation, including the account and year when revenue was originally recorded.
 - (5) The department involved will maintain copies of supporting documentation.
 - (6) Governmental entities who provide escrow funds for road and bridge projects may receive a repayment of excess funds in such projects upon formal request of the respective road and bridge district authority.

- (7) A check will be printed in accounts payable, approved by the commissioners court and disbursed to the customer.

(Admin. Policy Manual, § J(11.00—11.02))

Secs. 70-544—70-560. - Reserved.

DIVISION 3. - DEBT MANAGEMENT

Sec. 70-561. - Use of longterm debt for current operations.

The county will not use longterm debt for current operations in accordance with article VIII, section 9, of the state constitution and by the Local Government Code.

(Admin. Policy Manual, § J(9.00))

Sec. 70-562. - Bonds.

- (a) *Issuance policy.* When the county finds it necessary to issue bonds, the following policy will be adhered to:
- (1) Average weighted general obligation bond maturities will be kept at 10½ years.
 - (2) Issues will be scheduled so that an equal principle amount is retired each year over the life of the issue to produce a total debt schedule with a yearly declining balance.
 - (3) Debt service for all funds in any year will not exceed 25 percent of the total annual operating budgets.
 - (4) Total bonded debt will not exceed one percent of the net valuation of taxable property in the county based on 100 percent of the net appraised valuation.
 - (5) Reserve funds will be provided to adequately meet debt service requirements in the subsequent year.
 - (6) Interest earning on these reserve fund balances will be used for debt service purposes.
 - (7) Bond finance will be confined to capital improvement projects which could not feasibly be financed from current revenues.
 - (8) The term of any bond issue will not exceed the useful life of the capital project/facility or equipment for which the borrowing is intended.
- (b) *Planning efforts and market timing.* Bond program planning efforts and market timing will be coordinated with overlapping jurisdictions in support of these policies.
- (c) *Handling and payment of bonded indebtedness.* The county treasurer shall be responsible for the handling and payment of all bonded indebtedness of the county and shall serve as paying agent/registrar for the county bond and/or certificate issues, as authorized by the commissioners court, and shall serve as liaison with any county arbitrage rebate service, in accordance with Court Order No. 87-2033.
- (d) *Operating regulations for county officials.* The county officials shall operate in accordance with Court Order No. 88-021 for all functions related to the issuance of the county bonds and/or certificates.
- (e) *Tax rate for debt service.* The tax rate for debt service for all bonds issued prior to, or in connection with, the 1985 bond authorization, shall be maintained at \$0.0419/\$100.00 assessed valuation, through the use of road and bridge reserves and vehicle license fees as necessary.

(Admin. Policy Manual, § J(9.01—9.05))

ARTICLE VII. - COMPUTER SERVICES¹⁰

Sec. 70-591. - Introduction.

- (a) The county recognizes that with an increasing demand for service coupled with constrained and declining budgets, computer automation and the use of technology has become more important and critical in providing government the means by which to improve service to its citizenry while at the same time controlling expenses.
- (b) In order to properly utilize and maximize the benefits associated with the use of automation and technology, a governance structure which is focused on how best to make use of this commodity is vital. Utilization of a formal organization enables the county to plan, coordinate and manage computer resources and efforts in a centralized and uniform method, which ensures consistency of direction, maximizes integration and should yield reduction of operation expenses over departmentally directed solutions.
- (c) Governance is the process of securing user input on such issues as IT services delivery, establishing priorities, reviewing technical directions, and providing effective communications for systems development and daily operations. The governance process is meant to involve those persons, organizations and interests served by the IT services department through meaningful and significant participation.
- (d) The functions of the IT services department are unique when weighed against those of most agencies within the county. They encompass many technology driven activities that, at times, more closely resemble research and development efforts than the procedural or statutory activities of other county agencies. The IT services department provides services to all elements of the jurisdiction within which it operates. Therefore, as a service organization, it must receive continual feedback from the user community concerning direction and performance.
- (e) Because of its technical nature, the IT services department requires unique control methods that would normally not be applied to any other county function. These controls must ensure that the best interests of the entire county are served and, at the same time, the services offered to users are relevant and cost effective. This form of control is best applied through the use of a data processing governance structure.
- (f) To achieve proper control, the data processing function requires two separate governance levels. One level, the IT services steering committee, is responsible for general oversight and advisory actions relative to the continuing operation of the data processing function. The second level consists of specific functional subcommittees (management services, justice administration, community services, law enforcement and health/human services) responsible for monitoring activities within their unique areas.

(Ord. No. 2004-168, 1-27-2004)

Sec. 70-592. - IT services steering committee.

- (a) *Powers and duties.* The IT services steering committee is responsible to the commissioners court and possesses specific powers. The committee acts in a top level advisory capacity to the commissioners court and is responsible for the execution of information resource policies. To do so, the committee,

¹⁰ **Editor's note—** Ord. No. 2004-168, adopted Jan. 27, 2004, rescinded Ord. No. 92-1222, adopted Dec. 22, 1992, from which former art. VII, §§ 70-591—70-594, of this chapter derived and added new provisions as art. VII, §§ 70-591—70-594. Former art. VII pertained to similar subject matter.

with input and advice from IT services, must first assist the commissioners court in the development of a strategic vision of the direction in which the development of county information resources is headed. Having received this overall picture and vision from the commissioners court, the committee must then translate the elements of this vision into specific activities, executable by means of a clearly delineated operational process. The committee also recommends, to the commissioners court, IT services policies and procedures, projects and initiatives and monitors those procedures, projects and initiatives once approved. The committee is the focal point for the work order prioritization process, both for the activities identified through the development of the IT services long range plan and those that will arise in other contexts (i.e., grants, mandates, and one-time requests). In addition, the committee addresses the allocation of resources within the IT services department, serving as a vehicle for resolving conflicts arising from contention for those resources and from the overlapping impact of new system requirements.

(b) *Purpose and structure.*

(1) The committee's responsibilities include:

- a. Recommending data processing policies and procedures;
- b. Providing a forum for recommending priorities and service levels; and
- c. Serving as a communication link between IT services, user departments and the commissioners court.

(2) As a group, the IT services steering committee acts in an advisory capacity to the commissioners court and performs monitoring functions on behalf of the court and user departments. The committee members are jointly responsible for the effective use of the resources monitored by the IT services steering committee.

(3) In order to ensure the unique controls required by information system activities, the IT services steering committee functions at two separate levels. First, the committee operates as a whole to provide overall county monitoring, review and oversight of the continuing development and operation of the information systems resource. Second, it reviews and recommends to the commissioners court the prioritization of resources and the development of specific projects.

(c) *Role.* The role of the IT services steering committee shall include the following:

- (1) Overall monitoring of the data processing function, priorities and projects;
- (2) Reviewing long and short range information systems plans and their implementation; the commissioners court long range plan shall act as a master guide for the committee in recommending annual priorities;
- (3) Reviewing specific IT services proposals to meet the county's information processing needs;
- (4) Identifying the annual data processing priorities and related budgetary impact these priority recommendations will have. These recommendations will become an integral part of the budget process, subject to adjustment during budget preparation/adoption, and upon final budget approval, will be established as part of the IT services department's annual work program;
- (5) Oversight and monitoring of budgets, projects and time schedules;
- (6) Resolving organizational conflicts arising from the impact of new systems implementation and other information systems utilization issues;
- (7) Recommending policies and procedures for the effective utilization of information resources by county departments.

(d) *Membership.* The IT services steering committee is comprised of five voting members and three ex officio members. The voting members are two members of commissioners court, one of which will be the chair and the other, the vice chair, the commissioners court administrator, budget officer and the county's MIS director. The ex officio members are the IT services vendor site director, county auditor and county purchasing agent.

- (e) *Voting.* An open invitation to attend all meetings is made to all elected officials and department heads. Due to space and time limitations, attendance is limited to only officials and department heads. All attendees are requested to limit their exchange of ideas and information to only matters that directly relate to their office. The functional subcommittee is the forum for all other matters needing to be addressed.
- (f) *Meetings.*
 - (1) The IT services steering committee meets on a weekly basis, or as necessary, at a time and location as determined by the members.
 - (2) The IT services department provides a monthly operational status report to the committee members.
 - (3) The county's MIS director prepares an agenda that is distributed at least one full workday before the meeting.
 - (4) Reports, requests and other IT services related matters prepared for submission to the commissioners court will exhibit the date they were reviewed and approved by the IT services steering committee.
 - (5) All requests by user departments for the acquisition and/or use of data processing, telecommunications, hardware, software and services will conform with and be presented to the committee in a required format and conform with computer use and acquisition policies/procedures as adopted by the commissioners court.

(Ord. No. 2004-168, 1-27-2004)

Sec. 70-593. - Functional subcommittees.

- (a) *Enumeration of functions.* So that every department has a voice in data processing decision making, each department head (or his designee) within a functional group shall meet periodically to discuss issues of common concern. On an annual basis, they will compile a list of their data processing priorities for the following fiscal year. The group's primary goal will be to get an interdepartmental consensus of those priorities. The county's MIS director will review and present the priorities to the IT services steering committee, which will then merge them along with those submitted by the other functional groups, into a comprehensive list for approval, prioritization and funding. Among the specific factors to be considered by the functional subcommittees are the time frames in which specific projects or other activities can be carried out, the cost considerations involved, the staffing requirements, and the subsequent maintenance activities. In addition, these subcommittees serve as reporting vehicles from the departments within their respective functional areas, channeling that information up to the IT services steering committee and funneling information from the IT services steering committee back to the departments.
- (b) *Purpose and structure.*
 - (1) The management services, justice administration, community services, law enforcement and health/human services functional subcommittees are established to support the functions and activities of the IT services steering committee and to ensure that every department has a voice in data processing decision making.
 - (2) The functional subcommittees meet periodically to discuss issues of common concern, and, on an annual basis, address the issues of priorities based on the goals and objectives of the county regarding data processing.
 - (3) Each functional subcommittee will select a chair and a representative to serve on the IT services steering committee.
- (c) *Responsibilities.* The responsibilities of the functional subcommittees are:

- (1) Identifying information systems needs with each member department and prioritizing these needs to develop and update the computer services master plan;
- (2) Recommending appropriate actions to the IT services steering committee concerning system development and maintenance;
- (3) Ensuring that resources necessary for the successful implementation of systems are made available by user departments;
- (4) Resolving conflicts among user departments relevant to implementation of systems;
- (5) Ensuring that user department systems design decisions are made in accordance with the information systems work programs and approved project schedules;
- (6) Interacting with IT services department management regarding operational concerns such as production schedules and information systems procedures;
- (7) Providing regular progress reports to the IT services steering committee regarding system implementation and other projects;
- (8) Maximizing coordination of information system applications and systems among user departments.

(Ord. No. 2004-168, 1-27-2004)

Sec. 70-594. - Governance of data processing.

- (a) *Rationale.* The reason for governance of data processing is to place a formal structure around the review, prioritization and allocation of resources to meet departmental needs. These needs consist of:
 - (1) Data processing service requests;
 - (2) Equipment;
 - (3) Applications software;
 - (4) Microcomputers;
 - (5) Feasibility studies and consultation.
- (b) *Meetings; purpose.* As previously indicated, the governance process involves persons, organizations and interests served by the computing resources of the county. Therefore, the committees will meet on a regular basis to:
 - (1) Monitor progress against annual plans;
 - (2) Reestablish project priorities;
 - (3) Recommend funding for data processing projects;
 - (4) Resolve resource conflicts.
- (c) *Proactive involvement in utilization.* This governance organization provides the county with a proactive involvement in the utilization of this valuable resource. Governance is, simply, the glue that binds requests, needs and resources into a comprehensive computing strategy for the future.

(Ord. No. 2004-168, 1-27-2004)

Chapter 71 – Transparency and Code of Ethics

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Chapter 71 – TRANSPARENCY AND CODE OF ETHICS¹

ARTICLE I. – IN GENERAL

Secs. 71-1 – 71-50. – Reserved.

ARTICLE II. – DALLAS COUNTY TRANSPARENCY AND CODE OF ETHICS

DIVISION I. – Transparency

Sec. 71-51. – Introduction and Purpose

Only an open, visible, and accessible government can endure and function appropriately. Without such characteristics, the public's confidence in government will wane, accountability will deteriorate, new ideas will cease to be exchanged, and the potential for poor decisions will increase.

With the population of Dallas County now being larger than the population of about one-third of the states in the country and with the size of its annual budget approaching that of a Fortune 1000 firm, it is perhaps more important than ever that the County make its workings as transparent and accessible as possible. Accordingly, this Policy shall govern and make more open the County's major operations and decision-making processes and provide the public with precedent-setting access to records, policies, contracts, and other information.

(Ord. No. 2011-507, 3-15-2011)

Sec. 71-52. – Application and Interpretation

The County's Transparency Policy shall complement, not replace, existing State and federal law. In the event a provision of this Policy is in conflict with a previously existing County policy, the Transparency Policy shall prevail and supercede the previous policy.

(Ord. No. 2011-507, 3-15-2011)

Sec. 71-53. – Administration

Unless otherwise stated, it shall be the responsibility of the County Administrator (or his designee) to administer the provisions of this Policy, to collect, receive, maintain, and make accessible the information that is required by this Policy, and to monitor, facilitate, and encourage compliance with this Policy.

(Ord. No. 2011-507, 3-15-2011)

Sec. 71-54. – Video-Recording of Commissioners Court Meetings

All Tuesday morning formal and briefing sessions of the Dallas County Commissioners Court shall be video-recorded and shall be posted for a period of at least two years on the County's website. A notice shall also be posted on the County's website indicating how video recordings that are older than two years and are thus no longer posted on the website may be acquired from the County.

(Ord. No. 2011-507, 3-15-2011)

¹ **Editor's Notes** – Sections were renumbered from original court order for inclusion in a new chapter of County Code.

Sec. 71-55. – On-Line Availability of Additional Commissioners Court Meeting Information

Information pertaining to Commissioners Court meetings, including the formal and briefing session agendas, a summary of the actions taken, approved court orders and contracts, and Court member attendance, shall be posted for a period of at least two years on the County's website. A notice shall also be posted on the County's website indicating how information that is older than two years and is thus no longer posted on the website may be acquired from the County.

(Ord. No. 2011-507, 3-15-2011)

Sec. 71-56. – On-Line Calendar of County Public Meetings

The County shall post on its website a monthly calendar which shall list the time and location of public Commissioners Court meetings and the public meetings of other County boards and committees.

(Ord. No. 2011-507, 3-15-2011)

Sec. 71-57. – Disclosure of Campaign Finance Reports

The campaign finance reports for at least the last two years of all Commissioners Court members shall be posted on the County's website. Other elected County officials are also strongly encouraged to post their campaign finance reports from the past two years on the County's website.

(Ord. No. 2011-507, 3-15-2011)

Sec. 71-58. – Disclosure of Financial Contributions Made to Specific Non-Profits

All third-party financial contributions made over the past two years to any non-profit organization controlled by a Commissioners Court member, their spouse, or dependent shall be annually disclosed by that Court member by April 30 of each year.

(Ord. No. 2011-507, 3-15-2011)

Sec. 71-59. – Disclosure of Previous/Existing Attorney-Client Relationship with Court Member

All private attorneys interested in being retained by the County for legal work must disclose the existence of any previous or on-going attorney-client relationship with any individual Commissioners Court member. Failure to do so may result in the attorney not being retained by the County.

(Ord. No. 2011-507, 3-15-2011)

Sec. 71-60. – Disclosure of Outside Income

The following individuals are required to disclose the existence and source of any income generated outside of working for Dallas County that is received by that individual, their spouse, or any dependent:

- Commissioners Court members and their staff
- County Administrator, Assistant County Administrator, Auditor, and Budget Officer
- Elected officials, department heads, and other County employees who evaluate bids, proposals, and/or qualifications or who recommend the awarding of contracts and bids, the selling or acquisition of property, or the provision of economic development incentives
- Elected officials, department heads, and other employees who manage or who are otherwise responsible for the daily administration, implementation, or monitoring of a contract, bid, incentive, or property transaction

Said disclosure shall be made to the County Administrator by April 30 of each year on a Form developed by the County Administrator. Information pertaining to the amount of outside income received by someone subject to this provision shall not be required to be included on the Form by this Policy.

Any change in the sources of outside income that an individual, a spouse, or their dependents receive shall be promptly reported, as soon as practicable, to the County Administrator and must be reported in

advance of either any evaluation committee meeting that the individual participates in, before any associated item is placed on the Commissioners Court's agenda, or before any consideration of the item in question by the Commissioners Court, whichever occurs first. Similarly, any individual who becomes subject to this provision after April 30 of any year must also promptly provide the information required by this Policy in advance of either any evaluation committee meeting that the individual participates in, before any associated item is placed on the Commissioners Court's agenda or before any consideration of the item in question by the Commissioners Court, whichever occurs first. Failure by a non-elected County official, department head or employee to appropriately disclose the existence and source of outside income in the manner prescribed herein may result in the termination of that individual's employment with the County.

(Ord. No. 2011-507, 3-15-2011)

Sec. 71-61. – Registration of Lobbyists

All lobbyists, prior to engaging in any lobbying activity with the Commissioners Court and to the extent permitted by State law, should file a Lobbyist Registration Form with the County Administrator (for purposes of this Section, a "lobbyist" is any individual, corporation, firm, association or group that receives compensation in an amount of at least \$200 per calendar quarter that is paid, received, or reimbursed in the past, present or future in return for or in connection with providing lobbying services or makes an expenditure, excluding one's own travel, food, or lodging expenses in an amount of at least \$200 per calendar quarter in association with the provision of lobbying services).

The Lobbyist Registration Form shall contain such information as the name of the lobbyist, the lobbyist's client(s), and the issue/subject which the lobbyist anticipates discussing with any member of the Commissioners Court. This Form shall also contain any other information which the Commissioners Court deems as necessary. Each time a lobbyist either represents a different client or becomes involved with a different County issue/subject, the lobbyist should update and submit a new Lobbyist Registration Form.

All received Forms will immediately be forwarded to the Commissioners Court, and the information from these Forms will also be posted on the County's website.

This Section is mandatory and binding to the extent permitted by State law. This Section does not apply to an unpaid volunteer, an individual representing only himself, a media representative on a matter of general public interest, or a governmental entity wishing to discuss matters related to its own governmental interest.

(Ord. No. 2011-507, 3-15-2011)

Sec. 71-62. – No Contact During RFP/RFQ Process

Parties responding to a request for proposal (RFP) or a request for qualifications (RFQ) shall sign a statement stating that, unless otherwise specifically allowed by a formal majority of the Commissioners Court, once the County has released the RFP or RFQ, these interested parties, as well as their employees and any paid or unpaid personnel acting on their behalf, will not contact, meet, or initiate communication with any member of the Commissioners Court for the purpose of discussing their qualifications, the qualifications of other parties, the RFP/RFQ, the anticipated contract, or past contract performance or experience until the responses to the RFP/RFQ are briefed to the Commissioners Court. However, nothing in this provision shall prevent the Commissioners Court from interacting with a current vendor/contractor about typical matters arising under the firm's current contract. Failure to refrain from such contact and discussion may result in the firm being disqualified from further consideration under said RFP/RFQ.

(Ord. No. 2011-507, 3-15-2011)

Sec. 71-63. – Voluntary Moratorium on Campaign Contributions During RFP/RFQ Process

Parties interested in responding to a County request for proposal (RFP) or a request for qualifications (RFQ) shall be encouraged to sign a statement indicating that they will be willing to

temporarily refrain from making any donation to any Dallas County elected official or candidate for office whose office (or potential office) has any involvement in the selection process for the associated contract during the pendency of the RFP/RFQ through thirty days after the contract is awarded.

(Ord. No. 2011-507, 3-15-2011)

Sec. 71-64. – Twelve-Month Waiting Period for Employment of Certain Former County Employees

All contracts involving the County procurement of goods or services shall include a provision which prohibits the firm from hiring any individual who has previously worked for the County and in that capacity either evaluated, recommended, approved, monitored, or managed a contract involving that firm no sooner than twelve months after that individual has ceased to work for or be employed by the County. Failure to adhere to such a contractual requirement may result in the termination of the contract with the County.

(Ord. No. 2011-507, 3-15-2011)

Sec. 71-65 – 71-80 – Reserved.

DIVISION II. – Code of ethics. ²

The county purchasing agent and the purchasing department staff subscribe to the following code of ethics:

Sec. 71-81. – Purpose.

Dallas County (the “County” requires ethical conduct from those who represent the County and those who do business with the County. It is a breach of the public trust to subvert the procurement process including the competitive bidding process, whether by bribes, kickbacks, preferential treatment, or any other means. To improve procurement practices, the Dallas County Purchasing Code of Ethics, outlined below, is being adopted by the County.

(Ord. No. 2015-1455, 10-6-2015)

Sec. 71-82. – Statement of Purchasing Ethics Policy.

It is the policy of the County to ensure that the following ethical principles govern the conduct of all individuals and entities involved in the County’s procurement process, including, but not limited to, solicitations for bids for goods or services, request for proposals (RFPs), and request for qualifications (RFQs). The County Purchasing Code of Ethics (“Code of Ethics”) shall be committed to and upheld by any individual engaged with this process.

- i. Vendor. Any individual or entity, or individual’s or entity’s employees, agents, representatives, or any other individuals or entities acting on their behalf (whether paid or unpaid) not employed by the County but involved, directly or indirectly, currently or prospectively, in bidding or contracting with the County.
- ii. Procurement Professional. Any County employee involved, directly or indirectly, with the development, preparation, solicitation, negotiation, evaluation, recommendation, approval of, or contracting of County purchasing projects, excluding County Elected Officials (as defined below). County Procurement Professionals include, but are not limited to, members of the County Purchasing Department, the head of the Purchasing Department (called herein the “Purchasing

² **Editor’s Note:** Since adoption of this division, non-substantive changes have been made such as updating email addresses and phone numbers.

Director” or otherwise known as the “Purchasing Agent”), members of the evaluation committee, county administrators, department heads, and staff.

- iii. Elected Official. Any County elected official involved, directly or indirectly, with the development, preparation, solicitation, negotiation, evaluation, recommendation, approval of, or contracting of County purchasing projects. County Elected Officials may include, but are not limited to, the County Commissioners Court (the “Commissioners Court”), the County Judge, and any other County elected officials.

(Ord. No. 2015-1455, 10-6-2015)

Sec. 71-83. – Active Solicitations.

A contract solicitation is considered active in terms of this Code of Ethics from the time it is briefed to the Commissioners Court until ten (10) days after (a) the contract has been awarded by the Purchasing Department or the Commissioners Court, (b) the contract is executed between the County and the winning respondent, or (c) the Commissioners Court determines not to go through with the solicitation, whichever represents the final act in any procurement process (an “Active Solicitation”). If the County withdraws a solicitation or rejects all responses with the stated intention to reissue the same or a similar solicitation for the same or a similar project (a “Related Solicitation”), the solicitation remains an Active Solicitation during the time period between the withdrawal and the reissue. Whether a solicitation constitutes a Related Solicitation will be determined at the discretion of the Purchasing Director.

(Ord. No. 2015-1455, 10-6-2015)

Sec. 71-84. – Conflicts of Interest.

Vendors, Procurement Professionals, and Elected Officials shall avoid any activities, transactions, contacts, or communications that compromise the interests of the County or the procurement process, or give the appearance of impropriety. Conflict of interests may include, but are not limited to, instances in which:

- i. Procurement Professionals, Elected Officials, or any of their respective relatives (which, for purposes of this Code of Ethics, shall include any person within a third degree of consanguinity or affinity, as defined in Chapter 573 of the Texas Government Code), significant others/partners, other close personal relations, business partners, staff, or other agents acting on their behalf, have an interest in, or are connected with, a contract or solicitation for the purchase of goods or services by the County;
- ii. Vendors, Procurement Professionals, Elected Officials, or any of their respective relatives, significant others/partners, other close personal relations, business partners, staff, or other agents acting on their behalf, solicit, offer, give, accept, or receive anything of value (including a promise, obligation, loan, reward, gift, or compensation) to or from a person who is involved with, or intending to be involved with, whether directly or indirectly, a current or future contract or solicitation with the County;
- iii. Procurement Professionals, Elected Officials, or any of their respective relatives, significant others/partners, other close personal relations, business partners, staff, or other agents acting on their behalf, are involved with a business or organization that has a financial interest in the outcome of any particular solicitation or contract selection process with the County;
- iv. Procurement Professionals, Elected Officials, or any of their respective relatives, significant others/partners, other close personal relations, business partners, staff, or other agents acting on their behalf, are involved in negotiating for prospective employment, or are currently employed with, an individual, business, or organization that has a financial interest in the outcome of any particular solicitation or contract selection process.

- v. Vendors, Procurement Professionals, Elected Officials, or any of their respective relatives, significant others/partners, other close personal relations, business partners, staff, or other agents acting on their behalf, use confidential information (as defined in Section 11) acquired from the County for actual or anticipated gain or benefit in a current or future contract or solicitation with the County.

Notice Required. If a Vendor, Procurement Professional, or Elected Official obtains knowledge of a potential conflict of interest, that individual shall notify the Purchasing Director in writing within seven (7) business days after receiving such knowledge, unless circumstances (such as a pending vote on a solicitation by an evaluation committee or the awarding of a contract by the Commissioners Court and/or the Purchasing Department) require immediate notice. The County Administrator shall be copied on the notice.

Recusal. If the Purchasing Director (or, in the event that the Purchasing Director may have a potential conflict of interest, the Commissioners Court) determines that a conflict of interest does exist, the conflicted individual must recuse himself or herself from the contract or procurement process and any related activities, including, but not limited to, any duties imposed by this Section.

Conflict of Interest Questionnaire. As required by Chapter 176 of the Texas Local Government Code, certain Vendors, Procurement Professionals, and Elected Officials are required to complete and file a Conflict of Interest Disclosure with the County Clerk at 509 Main Street, 2nd Floor, Suite 200, Dallas, Texas 75202 (the form is available online at www.dallascounty.org/departments/countyclerk/countyclerk.php). It is the duty and responsibility of anyone required to file a Conflict of Interest Disclosure under Chapter 176 to keep this Disclosure up-to-date and accurate. Failure to do so may lead to disqualification from a contract or procurement process, and may void current contracts with the County.

Disclosure of Interested Parties. As required by Chapter 2252 of the Texas Government Code, Vendors who are awarded contracts by the Commissioners Court on or after January 1, 2016 must disclose a list of interested parties to the County before they are allowed to enter into the contract. The disclosure must include a list of any party who has a controlling interest in the Vendor or who actively participates in facilitating the contract or negotiating its terms. The required form will be available through the Texas Ethics Commission's website at www.ethics.state.tx.us/.

(Ord. No. 2015-1455, 10-6-2015)

Sec. 71-85. – Gratuities.³

Elected Officials and staff shall not solicit or accept money, loans, gifts, meals, entertainment, lodging, favors, offers of employment (for themselves or for other individuals or entities), promises, obligations, or anything of value from Vendors. Generally, goods or services with a value of \$75 or less in the aggregate from a Vendor during a year do not violate this prohibition unless they influence or appear to influence a specific purchasing decision.

Notwithstanding the above, Elected Officials may (a) solicit and accept campaign contributions as allowable by law and this Code of Ethics, and (b) attend an association, civic, charitable, or community event sponsored in whole or in part by a Vendor, and Procurement Professionals may attend an association, civic, charitable, community, or training event subject to the approval of the Purchasing Director or the Commissioners Court.

When responding to an Active Solicitation, Vendors shall be required to disclose donations and campaign contributions by the Vendor or any individual or entity acting on the Vendor's behalf to any

³ **Editor's Notes** – Amended by Court Order 2017-1467 to add Non-Solicitation clause.

Procurement Professional or Elected Official (as defined herein) involved in the procurement decision-making process made within one (1) year prior to the date of the Active Solicitation. Failure by a Vendor to fully and accurately disclose such contributions may result in the Vendor's disqualification, debarment, or contract voidance as per Section 20 below.

Non-Solicitation. County employees shall not intentionally or knowingly solicit anything of value, for themselves or other individuals or entities (excluding Dallas County), from Vendors or persons or entities reasonably likely to seek to become Vendors, unless expressly authorized by the Dallas County Code. For purposes of this provision, "employee" means any person who works part-time or full-time for Dallas County, including contract and grant staff. "Employee" excludes Elected Officials.

(Ord. No. 2017-1467, 11-7-2017; Ord. No. 2015-1455, 10-6-2015)

Sec. 71-86. – Restricted Contact Period.

Vendors, Procurement Professionals, and Elected Officials shall not violate the Restricted Contact Period as set forth herein.

Contact Person and Designated Representatives. All solicitations will include a designated contact person in the Purchasing Department and provide appropriate contact information for that person at the time the solicitation is issued (the "Contact Person"). All Vendor communications regarding the solicitation shall be to the Contact Person or the Contact Person's designated representatives, as defined by the Contact Person on a question-by-question basis (the "Designated Representatives").

Restricted Contact Period. The Restricted Contact Period for any solicitation shall be in effect during the time the solicitation is considered an Active Solicitation under this Code of Ethics (regardless of when a Vendor submits a proposal or bid for the solicitation). All Vendor communications including, but not limited to, questions, comments, requests for clarification, and general information requests, during the Restricted Contact Period, regarding any Active Solicitation, must be directed solely to the Contact Person and the Contact Person's Designated Representatives (as defined by the Contact Person on a question-by-question basis). The Contact Person for any specific solicitation can be identified by visiting www.dallascounty.org/departments/purchasing to view the solicitation or the Restricted Contact List (as defined below) or by calling the Purchasing Department at 214-653-7431.

Violations. Any communication by Vendors with any Procurement Professionals, Elected Officials, or any of their respective staff members, agents, or representatives (excluding the Contact Person and Designated Representatives), regarding an Active Solicitation, will be considered a violation of the Restricted Contact Period unless the Vendor receives express written permission from the Contact Person for the communication.

It is not a violation of the Restricted Contact Period for Vendors to discuss an existing contract or business relationship not related to any Active Solicitation. However, communications between Vendors and Procurement Professionals and/or Elected Officials regarding Vendor qualifications, qualifications of other parties, past contract performance, or relevant experience could be deemed a violation of this rule if the Vendor is participating in, or considering participating in, an Active Solicitation. Prohibited communications include those initiated by the Vendor (or others on behalf of the Vendor), as well as Vendor responses to communications initiated by other parties.

Whether a violation of the Restricted Contact Period has occurred for an Active Solicitation is subject to the discretion of the Purchasing Director and the Commissioners Court. Vendors (including any employees, agents, representatives, or any other individuals or entities acting on their behalf) that are found to have violated the Restricted Contact Period will be automatically disqualified from any Active Solicitations at the time of the violation and may be subject to debarment or contract voidance per Section 20 below. Disqualification, debarment, and/or contract voidance under this Section shall apply to those

individuals or entities that committed the violation, as well as any individual or entity on whose behalf the violation occurred. A Procurement Professional who is found to have violated the Restricted Contact Period will be removed from all Active Solicitations and will be subject to discipline at the discretion of the Purchasing Director and the Commissioners Court, which may include termination of employment. If you are unsure whether a potential contact or communication violates the Restricted Contact Period, contact your Contact Person, the County Purchasing Department, or the Purchasing Director before that contact or communication occurs.

Weekly Notification. Notice of Active Solicitations subject to the Restricted Contact Period shall be provided weekly by the Purchasing Department to all Procurement Professionals and Elected Officials in a format similar to Appendix A attached hereto (the "Restricted Contact List"). Procurement Professionals and Elected Officials (except for the Contact Person and Designated Representatives) shall refrain from contacting Vendors regarding any Active Solicitation on the Restricted Contact List during the Restricted Contact Period. (This prohibition also includes any Procurement Professionals and Elected Officials with actual knowledge that a Vendor is involved, whether currently or prospectively, in an Active Solicitation, regardless of whether the Active Solicitation is on the Restricted Contact List.) The Restricted Contact List shall also be posted weekly online on the County Purchasing website at www.dallascounty.org/departments/purchasing.

Communications Between Vendors and Procurement Professionals. Communications between Vendors and Procurement Professionals related to an Active Solicitation will be in writing and posted online at www.dallascounty.org/departments/purchasing subject to the discretion of the Purchasing Director. By way of example and not limitation, communications between Vendors and Procurement Professionals during an Active Solicitation regarding proprietary details, trade secrets, Vendor-specific solicitation response clarifications, or any other information which may give an unfair competitive advantage to other Vendors if made publicly available may be deemed confidential by the Purchasing Director and not be posted online.

(Ord. No. 2015-1455, 10-6-2015)

Sec. 71-87. – Anti-Lobbying.

Prior to engaging in any Lobbying Activities related to bidding or contracting with the County, Lobbyists should voluntarily file a Lobbyist Registration Form with the County Administrator and provide a copy to any and all Elected Officials or County employees the Lobbyist intends to contact (the "Lobbyist Registration Form"). For purposes of this Code of Ethics, an individual is considered a Lobbyist (and therefore is engaging in Lobbying Activities) when that individual (or that individual's employer, entity, firm, association, or group) receives compensation, directly or indirectly, whether paid, received, or reimbursed, to communicate with an Elected Official or Procurement Professional on behalf of a Vendor in return for, or in connection with, that compensation.

Lobbyist Registration Form. The Lobbyist Registration Form shall include, but is not limited to, such information as the name of the Lobbyist (including the individual's name as well as the names of any individual, entity, firm, association, or group he or she is employed with and/or representing), the Lobbyist's client(s), the issue(s)/subject(s) which the Lobbyist anticipates discussing, and the Elected Official(s) and/or Purchasing Professional(s) that the Vendor intends to visit. The Lobbyist must submit a new form each time prior to engaging in any lobbying activity regarding bidding or contracting with the County, whether that activity is by person, through email, by phone, or otherwise. The Lobbyist Registration Form is available online at www.dallascounty.org/departments/comcrt/documents/lobbyist_form.pdf and can be submitted by mail or in person to the County Administrator at 411 Elm Street, 2nd Floor, Dallas, TX 75202 or electronically to Darryl.Martin@dallascounty.org. All received forms will be forwarded to the Commissioners Court and posted online at www.dallascounty.org/departments/comcrt/LobbyistRegistration.php.

Lobbyist Restricted Contact. Lobbyists for Vendors shall not contact Procurement Professionals or Elected Officials regarding any Active Solicitation during the Restricted Contact Period except for the Contact Person or the Contact Person's Designated Representatives.

Violations. Lobbyists who, on a Vendor's behalf, contact a Procurement Professional or Elected Official regarding an Active Solicitation during the Restricted Contact Period (except for the Contact Person or the Contact Person's Designated Representatives) will be considered in violation of this Code of Ethics, and the Vendor will be automatically disqualified from any Active Solicitation(s) at the time of the violation and may be subject to debarment or contract voidance as per Section 20 below.

(Ord. No. 2015-1455, 10-6-2015)

Sec. 71-88. – Impartial Decision-Making and Perception.

It is the duty of Procurement Professionals and Elected Officials to discharge their duties impartially so as to assure fair competitive access to governmental procurement by responsible Vendors and to provide the greatest value possible to the County. Vendors, Procurement Professionals, and Elected Officials shall conduct themselves in such a manner as to foster public confidence in the integrity of the County and the County Purchasing Department. It is the goal of the County to avoid not only actual impropriety in the procurement process, but also any appearance of impropriety.

(Ord. No. 2015-1455, 10-6-2015)

Sec. 71-89. – Undue Influence.

Vendors, Procurement Professionals, and Elected Officials will not use arbitrary or unfair leverage or influence to cause a result (a) that is not in the best interest of the County or (b) to further the private interest of a Procurement Professional or Elected Official. Vendors, and any of their respective relatives (as defined herein), significant others/partners, other close personal relations, business partners, staff, or other agents acting on their behalf, that participate, on behalf of any Procurement Professional or Elected Official, in the development, preparation, or evaluation of any Active Solicitation, shall not be eligible to submit a proposal or bid on that Active Solicitation.

(Ord. No. 2015-1455, 10-6-2015)

Sec. 71-90. – Equal Opportunity.

Procurement Professionals and Elected Officials shall select Vendors on the basis of appropriate and fair criteria that afford all Vendors equal opportunity to compete for County contracts. It is the duty of Procurement Professionals and Elected Officials to use their best efforts to ensure that all segments of society are able to participate in County contracting processes by demonstrating support for, and encouraging the participation of, small, disadvantaged, and minority and women-owned businesses.

Title VI. Vendors, Procurement Professionals, and Elected Vendors shall comply with Title VI of the Civil Rights Act of 1964 and related statutes, which ensure that no person shall, on the grounds of race, religion (where the primary objective of the financial assistance is to provide employment per 42 U.S.C. § 2000d-3), color, national origin, sex, age, or disability, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any County contracts, programs, or activities.

(Ord. No. 2015-1455, 10-6-2015)

Sec. 71-91. – Confidential Information.

During any contract or procurement process, certain confidential or proprietary information may be disclosed. Confidential Information includes any information that is disclosed from one party to another that is either (a) marked as being “confidential” or “proprietary,” (b) otherwise reasonably identifiable as being confidential or proprietary information, or (c) under the circumstances of the disclosure should be reasonably considered as confidential or proprietary information. Confidential Information includes, but is not limited to, responses to Active Solicitations and the evaluation process thereof.

Treatment and Protection. Vendors, Procurement Professionals, and Elected Officials shall take all measures necessary to ensure that any Confidential Information provided during any contract or procurement process is held in strict confidence, and is not disclosed unless necessary for the furtherance of the procurement or contracting process or otherwise required by law, rule, regulation, subpoena, or other court authority or governmental action. Confidential Information shall not be used for the actual or anticipated personal gain of any Procurement Professionals or Elected Officials.

(Ord. No. 2015-1455, 10-6-2015)

Sec. 71-92. – Professional Conduct.

Vendors, Procurement Professionals, and Elected Officials shall maintain high standards of honesty, integrity, and impartiality throughout the solicitation and contracting process, and shall conduct all contract and solicitation-related activities in accordance with any governing laws, regulations, and this Code of Ethics.

(Ord. No. 2015-1455, 10-6-2015)

Sec. 71-93. – Responsibility.

Vendors, Procurement Professionals, and Elected Officials must ensure that they, along with their agents, representatives, employees, and other representative individuals or entities, conduct themselves in compliance with this Code of Ethics to the best of their ability. Lack of knowledge will not be considered a defense to a violation of the Code of Ethics.

(Ord. No. 2015-1455, 10-6-2015)

Sec. 71-94. – Duty to Report.

It is the duty and obligation of Vendors, Procurement Professionals, and Elected Officials to report any potential or suspected Code of Ethics violations, whether personal or by a third party, to the County Purchasing Director or to the Civil Division of the County District Attorney’s Office. Your report should include a reference to the Active Solicitation number at issue (if applicable). To report a potential violation by mail, send any relevant information to the Purchasing Director at 900 Jackson Street, 6th Floor, Suit 680, Dallas, TX 75202 or to the District Attorney’s Office, Civil Division at 411 Elm St., 5th floor, Dallas, TX 75202. You can also report by visiting any of the offices above, calling the Purchasing Office at (214) 653-7431 or the District Attorney’s Office at 214-653-7358, or emailing the Purchasing Director at Michael.Frosch@dallascounty.org. If you become aware of a potential or suspected violation and fail to report it, you may be subject to discipline under this Section.

(Ord. No. 2015-1455, 10-6-2015)

Sec. 71-95. – Protest Procedures.

Vendors aggrieved in connection with a specific solicitation, evaluation, or the award of any bid, purchase order, or contract, may formally protest to the Purchasing Director only if the Vendor has reason

to believe that, with respect to a specific solicitation, (a) there was a material violation of state or federal statutory requirements, County Purchasing Department rules and regulations, or this Code of Ethics (including the Restricted Contact Period), or (b) the procurement process gave an unfair advantage or unfair disadvantage to one or more Vendors. Procurement processes that may give an unfair advantage or disadvantage to one or more Vendors include, but are not limited to, the following:

- i. The specification unfairly limits competition for no legitimate purpose;
- ii. The contract award is compromised by improprieties in post-award negotiations;
- iii. The evaluation factors or criteria are applied in a manner that is different than disclosed in the solicitation; and
- iv. There are irregularities in the receipt or opening of solicitation responses.

Protests must be in written form and must contain the following information (if applicable):

- i. The protesting Vendor's name, address, telephone number, fax number, and email address;
- ii. The identifying number of the solicitation and/or contract;
- iii. The date the Vendor become aware of the facts forming the basis of the protest;
- iv. A detailed statement of the factual grounds for the protest, including copies of any relevant documents or evidence and the statute, rule, or regulation that was violated, if applicable; and
- v. A sworn certification that the protest is brought in good faith and for good cause. If a protest is based on an ambiguity or a problem in a solicitation, and is made after the solicitation response deadline, it must also include a certification that the protesting Vendor was not aware of the ambiguity or problem (and did not have an opportunity to ask for clarification or a correction) before the solicitation response deadline.

Protests must timely raise all claims and describe the evidence supporting those claims with specificity. Any claims that are not timely raised may be deemed waived. In the event of a protest during a solicitation response period, a protesting Vendor who wishes to continue in the solicitation process during such protest must still submit a bid or proposal according to the rules set forth in the solicitation.

Protests, including any protest appeals requests, must be sent by mail or email to the Dallas County Purchasing Director at 900 Jackson Street, 6th Floor – Suite 680, Dallas, TX 75202 or Michael.Frosch@dallascounty.org. Mail-in requests must be postmarked and email requests must be received by the Purchasing Director no later than (a) five (5) business days after the date that the protesting Vendor knew or should have known of the facts giving rise to the protest, or (b) before the contract is awarded, if the Vendor is aware of the facts giving rise to the protest prior to the contract award, whichever is earlier.

It is the responsibility of the Vendor to ensure that solicitation protests are delivered to the Purchasing Director within the time period stated herein. Protests that are late or delivered to an incorrect address or individual, or that otherwise do not comply with these rules (including providing the sworn certification as described above), will be declared invalid.

Written Decision. All protests will be initially reviewed by the Purchasing Director, who must rule on the protest and provide a written decision, including the reasons for the decision and the decision date, to the protesting Vendor within ten (10) business days (the "Written Decision"). Any appeal of the Written Decision must be made within five (5) business days of the receipt thereof.

Appeals Process. Appeals of the Written Decision should be sent to the Purchasing Director at the address above, who shall notify the Appeals Committee, consisting of the County Administrator, the County Auditor, and the County Budget Director. The Purchasing Director shall serve as staff to the Appeals Committee and will be present at the Appeals Hearing. The protesting Vendor shall be notified of the time and place of the Appeals Hearing and will be provided an opportunity to present arguments. The documentary evidence at the Appeals Hearing is limited to the documentary evidence submitted for the original protest unless, for good cause shown, the Appeals Committee grants authority for the protesting Vendor to provide additional documentary evidence. The protesting Vendor shall seek approval to submit additional documentary evidence for good cause as soon as possible, but no later than (a) five (5) days before the hearing, or (b) within seventy-two (72) hours from when the protesting Vendor knew or should have known about the additional evidence, whichever period is shorter. The request should include copies of the additional documents that the protesting Vendor seeks authority to use at the hearing. The Appeals Committee may appoint an independent hearing examiner to conduct the hearing and provide a written recommendation, if needed. A written final decision, including the reasons for the final decision and the decision date, will be provided to the protesting Vendor within ten (10) business days of the Appeals Hearing (the "Final Decision"). Requests for an appeal of the Final Decision must be mailed or emailed to the Purchasing Director within five (5) business days of the Final Decision, who will notify the Commissioners Court of the request.

A Commissioners' Hearing may take place at the discretion of the Commissioners Court. A single vote of a Commissioner on the Commissioners Court is required for a Hearing to be granted. The Commissioners may, at any time during the process, review the written record of the previous decisions on the matter. All decisions of the Commissioners Court, including whether to allow a Commissioners' Hearing, are final.

Right to Appear before the Commissioners Court. All individuals and entities have the right to an appearance before the Commissioners Court subject to the rules of the Court, this Code of Ethics, and, during an Active Solicitation, the Restricted Contact Period provisions in Section 6 herein. However, a protesting Vendor does not have an automatic right to a Commissioners' Hearing on any protest appeal under this Code of Ethics, which will be granted only at the discretion of the Commissioners Court.

Notification. Protest hearings are open to the public. Public notification of any hearings, including Appeals Hearings and Commissioners' Hearings, shall be posted on the Dallas County Purchasing website at www.dallascounty.org/departments/purchasing.

Solicitations and Contracts Pending. Filing a protest under this Section will not trigger an automatic stay of any procurement process or contract award. It is in the discretion of the Purchasing Director and the Commissioners Court whether to stay any procurement process or contract award with respect to any Vendor protest. Whether a stay is granted shall not compromise any protesting Vendor's right to the protest procedures outlined herein.

Records. Records of all protests, including the protest filed, related evidence, and any Written and Final Decisions (including the outcome of any Commissioners' Hearing, if applicable) will be maintained by the Purchasing Department for a period of no less than four (4) years.

(Ord. No. 2015-1455, 10-6-2015)

Sec. 71-96. – Training.

Procurement Professionals shall participate in regular training courses to ensure their knowledge and understanding of this Code of Ethics, as well as to enhance their skills, learn best practices, and better perform their duties related to contracting and contract solicitation.

(Ord. No. 2015-1455, 10-6-2015)

Sec. 71-97. – Notice and Affidavit of Compliance.

A copy of this Code of Ethics shall be included with each public solicitation request. Vendors that submit a response to an Active Solicitation must include an Affidavit of Compliance with this Code of Ethics in order for the response to be eligible. Upon contract award, Vendors shall include a copy of this Code of Ethics as an attachment to any subcontract awarded under a County contract. Procurement Professionals will be required to sign an Acknowledgement of this Code of Ethics, which will be kept in the employee's file, and once a year, or upon any updates or revisions, whichever is sooner, this Code of Ethics will be sent by the Purchasing Department to all Dallas County employees and Elected Officials in a broadcast email. Copies of this Code of Ethics shall be available on the County Procurement website at www.dallascounty.org/departments/purchasing and at the County Purchasing Department at 900 Jackson Street, 6th Floor, Suite 680, Dallas, TX 75202.

(Ord. No. 2015-1455, 10-6-2015)

Sec. 71-98. – Affidavit of Compliance.

Vendors that participate in a solicitation will be required to submit an Affidavit of Compliance with this Code of Ethics as part of the finalization of any bid or proposal. Vendors who choose not to submit an Affidavit of Compliance will not be eligible to compete for a contract award, and any of the Vendors' submitted bids or proposals on that solicitation will be deemed ineligible.

(Ord. No. 2015-1455, 10-6-2015)

Sec. 71-99. – Audit.

Procurement Professionals shall develop regular internal and external audit programs to ensure compliance with this Code of Ethics.

(Ord. No. 2015-1455, 10-6-2015)

Sec. 71-100. – Vendor Disqualification, Debarment, and Contract Voidance.

The Commissioners Court and the Purchasing Director may disqualify or debar a Vendor, its partners, principals, members, directors, officers, responsible managing employees, agents, successors-in-interest, and other affiliates from bidding on or entering into contracts with the County (including participating as a sub-consultant or sub-contractor, or providing goods, services, materials, equipment, or other benefits to any County project). Successors-in-interest include, but are not limited to, any person with interlocking management or ownership, identity of interests among relatives (as defined herein), shared facilities and equipment, common use of employees, or a business entity organized subsequent to the debarment or other action under this Section that has the same or similar management, ownership, or principal employees as the debarred Vendor.

Disqualification. A Vendor may be disqualified from submitting a bid or proposal on and/or competing for any Active Solicitation(s). Vendor's disqualification includes any Related Solicitations.

Debarment. A Vendor may be debarred from participating in the County procurement process and from signing any new contracts with the County for a period of no more than three (3) years per violation. If a Vendor has been disqualified more than three times in a three year period, the Vendor will be automatically debarred provided that the Vendor is given written notice and an opportunity for a hearing in advance of the debarment.

Contract Voidance. Any contracts awarded to a Vendor who is subsequently disqualified or debarred are voidable at the discretion of the Commissioners Court.

Grounds. The following actions constitute a nonexclusive list that may be grounds for disqualification, debarment, or avoidance of a contract:

- i. Unsatisfactory performance of a contract or a history of unsatisfactory performance;
- ii. Continued acceptance of goods, services, or Vendor performance under the contract that may constitute a hazard to health, safety, welfare, or property;
- iii. Failure to provide contracted services or failure to comply with the terms and conditions of any contract;
- iv. Refutation of an offer by failure to provide bonds, insurance, or other required certificates within a reasonable time period;
- v. Unwillingness to honor a binding bid;
- vi. Knowingly and intentionally providing false information, whether during the procurement process or otherwise;
- vii. Violation of the Restricted Contact Period;
- viii. Violation of any other statute, rule, regulation, or order related to gifts, gratuities, favors, or bribes;
- ix. Debarment by any other local, state, or federal governmental entity;
- x. Violation of this Code of Ethics;
- xi. A finding of guilt, whether by verdict or plea or nolo contendere, to a felony or Class A or B misdemeanor for any violation involving charges of fraud, bribery, collusion, larceny, theft of services, coercion, conspiracy, payment of kickbacks, violation of antitrust laws, or any charges involving moral turpitude, or any other criminal act based on an intent to commit fraud in the procurement or performance of any governmental contract or to defraud any governmental entity in the provision of goods or services; or
- xii. Commission of any of the above acts in any other contracting or procurement process with any other governmental entity.

While these actions may be grounds for disqualification or debarment, the Commissioners Court and the Purchasing Director may decide to disqualify or debar a Vendor or other individual for any reason at any time.

Notice. The Purchasing Director will notify the Vendor by the most expeditious method available, including, but not limited to, telephone, e-mail, and fax, of the potential disqualification, debarment, or contract avoidance. In addition to the most expeditious method, the Purchasing Director shall also notify the Vendor in writing via certified mail, return receipt requested.

Debarment/Disqualification Procedure. The Purchasing Director will notify the Vendor that (a) the Vendor is subject to being disqualified or debarred; (b) the basis for the potential disqualification or debarment, which shall be in terms sufficient to apprise the Vendor of the conduct or transaction(s) upon which the disqualification or debarment is based; (c) the effective date of the potential disqualification or debarment, which may be immediately, and if applicable, the duration of the debarment; and (d) that the Vendor has seventy-two (72) hours to respond from the time of notice, upon which, if no response has been received by the Purchasing Director, no further action may be taken by the Vendor and the disqualification or debarment shall be in effect. The Vendor is presumed to have received notice upon receipt of fax or email confirmation or receipt returned by U.S. mail, whichever period is shorter. The

Vendor response, if any, should include a response to each reason for the disqualification or debarment that the Purchasing Director cites in the notice and shall include all facts and evidence that the Vendor believes are relevant, including any supporting documentation. The Purchasing Director will review the Vendor's response, if any, and shall determine within three (3) business days of the response deadline if the disqualification or debarment shall be in effect (the "Final Decision"). The Purchasing Director will notify the Vendor of the Final Decision by the most expeditious method available, and in writing via certified mail, return receipt requested.

Contract Voidance Procedure. The Purchasing Director (with the Commissioners Court's approval) will notify the Vendor that (a) it is being investigated for a potential contract voidance; (b) the basis for the contract voidance, which shall be in terms sufficient to apprise the Vendor of the conduct or transaction(s) upon which the contract voidance is based; and (c) that the Vendor has ten (10) business days to respond from the time of notice, upon which, if no response has been received by the Purchasing Director, no further action may be taken by the Vendor, and the contract will be void. The Vendor is presumed to have received notice upon receipt of fax or email confirmation or receipt returned by U.S. mail, whichever period is shorter. The Vendor response, if any, should include a response to each reason for the contract voidance that the Purchasing Director cites in the notice and shall include all facts and evidence that the Vendor believes are relevant, including any supporting documentation. The Purchasing Director and the Commissioners Court will review the Vendor's response, if any, and shall determine within fourteen (14) business days of the response deadline if the Vendor's contract should be voided (the "Final Decision"). The Purchasing Director will notify the Vendor of the Final Decision by the most expeditious method available, and in writing via certified mail, return receipt requested.

Appeals Process. Vendors who submit an initial response to a disqualification, debarment, or contract voidance notice may appeal any Final Decision within five (5) business days after notice of the Final Decision is received. All appeals under this Section shall be subject to the Appeals Process as described in Section 15 above.

Appeal requests should include the following information:

- i. The Vendor's name, address, telephone number, fax number, and email address;
- ii. The Vendor's response to each complaint or allegation forming the basis of the disqualification, debarment, or contract voidance, including all facts and evidence that the Vendor believes are relevant and any supporting documentation;
- iii. Any mitigating circumstances, including impossibility, force majeure, or mutual mistake;
- iv. Any remedial measures taken by the Vendor, including immediately identifying and remedying the cause of the failure to perform, disciplinary actions against responsible individuals, or cooperation with County investigations; and
- v. A sworn certification that the appeal is brought in good faith and that the factual statements in the appeal are true and correct.

Failure to file a timely, compliant appeal of any disqualification, debarment, or contract voidance (including providing the sworn certification as described above) waives any right to an appeal.

(Ord. No. 2015-1455, 10-6-2015)

Sec. 710-101. – Violations of the Code of Ethics.

Whether a violation of this Code of Ethics has occurred will be determined by the Purchasing Director and the Commissioners Court, subject to the Appeals Process as stated below.

Vendors. A Vendor that is alleged to have violated the Code of Ethics will be (a) disqualified, debarred, and/or have its contract(s) voided as set forth in Section 20, or (b) subject to other disciplinary action deemed in the best interest of the County.

Procurement Professionals. A Procurement Professional who is found to have violated the Code of Ethics will be removed from all Active Solicitations and subject to discipline at the discretion of the Purchasing Director and the Commissioners Court.

Elected Officials. Elected Officials who are found to have violated the Code of Ethics with respect to an Active Solicitation must recuse themselves from that Active Solicitation and may be subject to any other actions authorized by state and local rules as the Commissioners Court deems advisable.

Appeals Process. Any appeals regarding violations of this Code of Ethics and/or any disciplinary actions taken as a result thereof shall be subject to the Appeals Process as described in Section 15 above. Appeals must be made within five (5) business days of receipt of notice of the decision, action, or inaction giving rise to the appeal.

(Ord. No. 2015-1455, 10-6-2015)

Sec. 71-102. – Questions Regarding the Code of Ethics.

If a Vendor has a question regarding any provision in this Code of Ethics unrelated to an Active Solicitation, the Vendor should contact the Purchasing Director. If a Vendor has a question regarding or relating to an Active Solicitation, the Vendor should contact the Contact Person or the Designated Representatives as per the Active Solicitation requirement. Questions from Procurement Professionals and Elected Officials regarding any provision in this Ethics Code should be directed to the Dallas County District Attorney's office, Civil Division or the Purchasing Director.

(Ord. No. 2015-1455, 10-6-2015)

Sec. 71-103. – Other Laws/Policies.

If a conflict exists between this Code of Ethics and any federal or state statute, the stricter of the two provisions prevails. If this Code of Ethics conflicts with any County purchasing processes or purchasing ethics rules, the provisions in this policy control, including but not limited to any conflict with:

- i. Gift Policy, Dallas County Code, Section 86-752;
- ii. Conflicts of Interest, Dallas County Code, Section 74-742 and 86-758;
- iii. Personal Financial Reporting, Dallas County Code, Section 74-742.1 and 86-759;
- iv. Dallas County Transparency Policy; and
- v. Procurement requirements, Dallas County Code.

Compliance with this Code does not abrogate the duty of Vendors, Procurement Professionals, and Elected Officials to comply with the County Code and the Transparency policy, to the extent it does not conflict with this Code of Ethics.

(Ord. No. 2015-1455, 10-6-2015)

Sec. 71-104. – Remedies Cumulative.

The remedies provided for in this Code of Ethics are cumulative, and no action taken by the County constitutes an election by the County to pursue any remedy to the exclusion of any other remedy, whether provided by law, equity, statute, federal/state grant, or in any contract with the Vendor. This Code of Ethics is intended to be in addition and supplementary to other local, state, or federal law or grant requirements and shall not be construed to repeal any provisions of the Dallas County Code.

(Ord. No. 2015-1455, 10-6-2015)

Sec. 71-105. – No Waiver.

The County's failure to exercise or delay in exercising any right, power or privilege under this Code of Ethics shall not operate as a waiver; nor shall any single or partial exercise of any right, power or privilege, by the County, preclude any other or further exercise thereof.

(Ord. No. 2015-1455, 10-6-2015)

Sec. 71-106. – Severability.

If any provision or any part of a provision of this Code of Ethics is determined to be superseded, invalid, illegal, or otherwise unenforceable pursuant to any applicable legal requirements, such determination shall not impair or otherwise affect the validity, legality, or enforceability of the remaining provisions or parts of a provision of this Code of Ethics, which shall remain in full force and effect as if the unenforceable provision or part were deleted.

(Ord. No. 2015-1455, 10-6-2015)

Sec. 71-107. – Effective date.

This Code of Ethics takes effect on 10-6-2015. The provisions of this Code apply to: a) transactions entered into after the effective date; b) events occurring after the effective date; c) renewals or extensions of current contracts after the effective date; and d) events occurring before the effective date, which give rise to a duty to report by any current Vendors, Procurement Professionals, or Elected Officials, as set forth in Sections 4 and 14.

(Ord. No. 2015-1455, 10-6-2015)

Secs. 71-108—71-120. - Reserved.

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ARTICLE I. - IN GENERAL

Secs. 74-1—74-30. - Reserved.

ARTICLE II. - COMMISSIONERS COURT²

DIVISION 1. - GENERALLY

Secs. 74-31—74-50. - Reserved.

DIVISION 2. - COUNTY JUDGE³

Sec. 74-51. - Absence.

- (a) Occasions arise which require the county judge to be absent from the commissioners court.
- (b) On such occasions the commissioners court has authorized that the member of the commissioners court with the longest tenure will execute any and all legal documents on behalf of the county in the absence of the county judge.

(Admin. Policy Manual, § E(3.00))

Secs. 74-52—74-70. - Reserved.

DIVISION 3. - MEETINGS AND AGENDAS⁴

Sec. 74-71. - Meetings.

- (a) **Time; recording of proceedings.** The county commissioners court convenes in a session on the first and third Tuesday of each month at 9:00 a.m, except the Court will only meet the first Tuesday in July. Throughout the session, the court recorder records the official actions of the court via audio and video.
- (b) **Place.** The county commissioners court convenes in the commissioners courtroom located in the administration building. In the event of an emergency rendering the administration building unsuitable, the court will convene in the at 2121 Panoramic Circle in Dallas as its first alternate meeting location. In the event the Panoramic location is also unsuitable, the court will convene in the Wade Juvenile Center as the second alternate meeting location. In the event both alternate

¹ **State Law reference—** Organization of county government, V.T.C.A., [Local Government Code § 81.001](#) et seq.; county officers and employees, V.T.C.A., [Local Government Code § 151.001](#) et seq.; removal of county officers, filling vacancies, V.T.C.A., [Local Government Code § 87.001](#) et seq.

² **State Law reference—** Commissioners court, V.T.C.A., [Local Government Code § 81.001](#) et seq.; financial disclosure by county judge, county commissioners, county attorney, V.T.C.A., [Local Government Code § 159.001](#) et seq.; conflicts of interest, V.T.C.A., [Local Government Code § 171.001](#) et seq.

³ **State Law reference—** County judge, presiding officer, V.T.C.A., [Local Government Code § 81.001](#).

⁴ **State Law reference—** Public Meetings Act, V.T.C.A., [Government Code § 551.001](#) et seq.; county meetings, V.T.C.A., [Local Government Code § 81.005](#).

locations are not suitable, a notice will be posted at each of the designated locations of a suitable location (if possible).

- (c) **Requests to appear.** Requests to appear in court session before the county commissioners court must be made to the clerk of the court prior to 4:00 p.m. Monday preceding the desired meeting. Each request must be accompanied by a person's name, address, telephone number and subject.
- (d) **Presentations; scheduling; time limits.** Presentations will be scheduled for the session if the subject to be discussed is directly related to an item on the agenda, as determined by the presiding officer or a majority of the members of the court. If a request is not timely submitted, a person must have unanimous consent of the commissioners court to suspend this rule and may not request such a suspension more than once during each 90-day period. The presiding officer or a majority of the members of the court may recognize speakers during the discussion of individual briefing agenda items for information concerning that item.
 - 1) Each individual appearing before the court shall be limited to a maximum of three minutes. Maximum discussion on any one topic shall be limited to 30 minutes regardless of the number of speakers and each speaker shall be limited to one appearance in any calendar month.
 - 2) Time shall be maintained by the clerk of the court. In matters of exceptional interest, the court may, by unanimous decision of those members in attendance, either shorten the time that individuals will be permitted to speak, increase the time allowed for the topic, and/or allow a speaker to have more than one appearance and/or presentation in a calendar month.
 - 3) It is not the intention of the commissioners court to provide a public forum for the demeaning of an individual or organization, and failure to comply with this requirement shall subject the speaker to forfeiture of his remaining time before the court.
 - 4) It is the intention of the commissioners court to provide an open access to the citizens of the county to speak on issues of the county government.
 - 5) When requests to appear before the commissioners court during a court session have been made to the clerk of the court, the commissioners court administrator's office will be informed.
- (e) **Citizen and visitor attendance.** Citizens and other visitors are welcome to attend all public meetings of the commissioners court and will be admitted to the commissioners' courtroom up to the fire safety capacity of the room.
- (f) **Interruptions and/or disruptions prohibited.** Citizens and other visitors attending commissioners court meetings shall preserve order and decorum and shall neither, by conversation or otherwise, delay or interrupt the proceedings nor refuse to obey the orders of the presiding officer or rules of the commissioners court. Any person making personal, impertinent, profane or slanderous remarks or who becomes boisterous while addressing and/or attending the commissioners court meeting shall be removed from the commissioners' courtroom if security is so directed by the presiding officer. If the presiding officer fails to act, any member of the commissioners court may move to require enforcement of the rules, and the affirmative vote of a majority of the commissioners court shall require the presiding officer to act.
- (g) **Removal of persons that are disruptive.** Unauthorized remarks from the audience, stamping of feet, whistles, yells, and similar demonstrations shall not be permitted. The presiding officer may direct security to remove offenders from the courtroom. If the presiding officer fails to act, any

member of the commissioners court may move to require enforcement of the rules, and the affirmative vote of a majority of the commissioners court shall require the presiding officer to act.

- (h) **Placards, banners, or signs prohibited.** No placards, banners, or signs will be permitted in the commissioners' courtroom or in any other room in which the commissioners court is meeting. This does not prohibit displays and visual aids used in connection with a presentation to the commissioners court.
- (i) **Removal from court meeting.** Any person ordered to be removed from a commissioners court meeting under the provisions of this section shall be barred from further attendance of that session of the commissioners court meeting and may be barred from addressing and/or attending any commissioners court meeting for up to a six-month period. Any second violation within a year of the first shall result in a one-year suspension from attendance.
- (j) **Violators may be held in contempt.** A person that is found to be in violation of these rules by order of the presiding officer or an affirmative vote of the commissioners court may be held in contempt as allowed by [Local Government Code, ch. 81.023](#). The punishment for contempt is a \$25.00 fine or 24 hours in jail. For an individual's first time to be held in contempt they shall be fined and for all additional times they will be subject to confinement in jail.
- (k) **Violators subject to arrest and prosecution.** Persons removed from a commissioners court meeting for failure to adhere to these rules shall be subject to arrest and prosecution for violation of the [Penal Code chs. 38.13, 42.01](#) or [42.05](#).

(Ord. No. 98-2334, 12-8-1998; Ord. No. 2003-552, 4-1-2003; Ord. No. 2008-1336, 7-22-2008; Ord. No. 2015-1134, 7-7-2015; Ord. No. 2016-0060, 1-19-2016; Ord. No. 2019-1197, 11-5-2019)

Sec. 74-72. - Agenda; items for briefing.⁵

- (a) As items are received by the electronic agenda management system, they will be:
 - (1) Questioned in order to get background data and pertinent information to the commissioners court; and
 - (2) Sent to a resource department such as the Office of Budget and Evaluation, Human Resources / Civil Service Department, Legal Department, etc. to analyze, make recommendations or comments;
- (b) The office or department making the request will be available to appear before the commissioners court.
- (c) All items requiring a decision or action by the commissioners court in the regularly scheduled sessions shall be directed to the commissioners court administrators office after, if necessary, being analyzed by appropriate resource departments.
- (d) All items for the desired court agenda must be received by the commissioners court administrator's office by 4:00 p.m. two Fridays before the desired court meeting date. However, special attention will be given to emergency matters if the item meets one or more of the following conditions:
 - (1) the item is time sensitive,
 - (2) the delay will result in the County being in violation of a local, state, or federal law, or

⁵ **Editor's Notes:** This section has been updated to reflect new agenda practices as part of the transition from a paper process to an electronic agenda management system.

- (3) the County will incur costs or liability as a result of the delay.
- (e) All agenda memoranda and reports must address the following points of interest when applicable:
 - (1) Background of issue:
 - a. Establish the purpose/origin of issue.
 - b. Discuss previous history/action that has recently been taken.
 - c. Discuss what needs to be done.
 - (2) Impact on operations and maintenance: What options/alternatives does the county have? Does the issue:
 - a. Increase/improve service?
 - b. Increase productivity?
 - c. Require additional staff?
 - d. Require additional space?
 - e. Require the reordering of priorities?
 - f. Represent a change in existing policy?
 - g. Result in any cost-savings?
 - (3) Legal information (when applicable): Identify/address all relevant legal issues.
 - (4) Financial impact/considerations:
 - a. Identify all costs.
 - b. Explain how costs were derived.
 - c. Discuss whether costs represent one-time expenditures or annually recurring costs.
 - d. Quantify anticipated cost-savings/increases in productivity.
 - e. Discuss method for deriving cost-savings/productivity increases.
 - f. Identify funding source.
 - (5) Project schedule/implementation: Identify who/what department will be responsible for completing a project/resolving an issue and develop a schedule/identify a date for completing a project/resolving an issue.
 - (6) Administrative Plan Compliance.
 - (7) SBE information (when applicable): Outline all relevant SBE information.
 - (8) Recommendation: State the recommended course of action. If, for instance, memoranda are of an informational nature only, then they should state at the conclusion that no further action is needed. The recommendation will generate a court order to be considered for action by the commissioners court.

(Ord. No. 98-2334, 12-8-1998; Ord. No. 2003-552, 4-1-2003; Ord. No. 2008-1336, 7-22-2008; Ord. No. 2015-1134, 7-7-2015; Ord. No. 2016-0060, 1-19-2016; Ord. No. 2019-1197, 11-5-2019)

Sec. 74-73. – Agendas and orders.

Items approved during a regular session of commissioners court will have a related court order with a corresponding number generated by the County Clerk's Office within three business days following the end of the session in which it was approved.

(Ord. No. 98-2334, 12-8-1998; Ord. No. 2003-552, 4-1-2003; Ord. No. 2008-1336, 7-22-2008; Ord. No. 2015-1134, 7-7-2015; Ord. No. 2016-0060, 1-19-2016)

Sec. 74-74. – Pulling agenda items.

A member of the Commissioners Court shall have the right to delay an court order until the next regularly scheduled court meeting, unless a majority of the court finds the matter is time sensitive, or the delay will result in the County being in violation of a local, state, or federal law, guideline or the County will incur costs or liability as a result of the delay, however, the same item shall not be delayed from further approval either by the same member or another member of the court, unless the subsequent delay is approved by a majority of the Court.

(Ord. No. 2015-1134, 7-7-2015; Ord. No. 2019-1197, 11-5-2019)

Secs. 74-75—74-90. - Reserved.

DIVISION 4. - AMENDING CODE⁶

Sec. 74-91. - First presentation to the commissioners court.

Proposed amendments to this Code will first be presented to the commissioners court during a regular commissioners court session by the commissioners court administration.

(Ord. No. 2016-1209, 10-4-2016)

Sec. 74-92. - Review and comment period for proposed policy.

After, and if, the court is in agreement on the proposed policy and the proposed policy has an organizational wide impact, it will be circulated by the commissioners court administration to all the county elected officials and department heads for comments. This review and comment period will be a minimum of 30 days.

(Ord. No. 2016-1209, 10-4-2016)

Sec. 74-93. - Second presentation; approval of order.

The second presentation of the proposed policy will occur after the expiration of the review and comment period, if applicable. Commissioners court administration shall place the proposed policy on the commissioners court agenda as a court order for formal approval by the court. The commissioners court administration will present comments received from elected officials and department heads and note any changes to the proposed policy as a result of the review and comment period.

(Ord. No. 2016-1209, 10-4-2016)

Sec. 74-94. - Formal approval; incorporation into Code.

(a) After formal approval, the new policy will be incorporated into this Code.

⁶ **Editor's note**— Ord. No. 2016-1209 , adopted Oct. 4, 2016, amended div. 4 in its entirety to read as herein set out. Former div. 4, §§ 74-91—74-94, pertained to similar subject matter, and derived from Admin. Policy Manual, § E(2.11)—(2.14).

- (b) Commissioners court administration is responsible for incorporating material into this Code. The commissioners court administration is available to assist departments with preparing appropriate language, format, and style for proposed Code changes.

(Ord. No. 2016-1209, 10-4-2016)

Secs. 74-95—74-130. - Reserved.

ARTICLE III. - PUBLIC RECORDS⁷

Sec. 74-131. - Texas Public Information Act.

The commissioners court complies with the Texas Open Records Act as set forth in V.T.C.A., [Government Code ch. 552](#).

(Ord. No. 2000-116, § 4.00, 1-18-2000)

Sec. 74-132. - Policy.

- (a) A public records policy will provide for a procedure by which public records may be inspected efficiently, safely and without delay.
- (b) In accordance with the Public Information Act, each governmental body is required to make available all public information. Certain information is excepted from the disclosure requirement of the act, and may be generally classified as follows:
 - (1) Confidential records by law;
 - (2) Information in personnel files if disclosure would constitute a clearly unwarranted invasion of personal privacy;
 - (3) Litigation involving the political subdivision;
 - (4) Certain information related to law enforcement;
 - (5) Birth and death records;
 - (6) Audit working papers of the state auditor;
 - (7) Information that would give advantage to competitors or bidders;
 - (8) Information pertaining to the location or purchase price of real or personal property for public purposes prior to public announcement of the project;
 - (9) Drafts and working papers for proposed legislation;
 - (10) Matters attorneys are prohibited to disclose per state bar ethics rules or evidentiary rules;
 - (11) Private correspondence and communications of an elected official that if disclosed would be an invasion of privacy;
 - (12) Trade secrets obtained from a person that is confidential by statute or judicial decision, and commercial and financial information, the disclosure of which would cause substantial competitive harm to the person from which it was obtained;

⁷ **State Law reference—** Public Records Act, V.T.C.A., [Government Code § 552.001](#) et seq.; county public records, V.T.C.A., [Local Government Code § 191.001](#) et seq.

- (13) Information agencies use relating to the regulation or supervision of financial institutions or securities;
- (14) Geological and geophysical data and data including wells;
- (15) Student records at educational institutions funded wholly or in part by state revenue;
- (16) Home addresses and telephone numbers, social security numbers and information revealing the existence of family members of current or former employees of a governmental body, peace officers or security officers;
- (17) Information contained or derived from triplicate prescription forms filed with the department of public safety pursuant to V.T.C.A., [Health and Safety Code § 481.075](#) of the Texas Controlled Substances Act;
- (18) Photographs of peace officers or security officers;
- (19) Test items developed by an educational institution funded wholly or in part by state revenue;
- (20) Records of a library or library system, supported in whole or in part by public funds, that identify a person who requested, obtained, or used library material or a service; and
- (21) Information relating to a governmental body's economic development negotiations with a business prospect, until an agreement is made.

(Ord. No. 2000-116, §§ 4.01, 4.02, 1-18-2000)

Sec. 74-133. - Responsibilities.

In accordance with the Public Information Act, the legal custodian must provide the public information requested or, if unavailable, state in writing when it will be available. If a request has been received for information that the attorney general has previously ruled is excepted from disclosure, then the information can be withheld. If there is no ruling that the information is excepted, one must be requested from the attorney general within ten business days of the receipt of the request.

(Ord. No. 2000-116, § 4.03, 1-18-2000)

Sec. 74-134. - Procedures.

Upon receipt of a request to view or have copied information which may be excepted from disclosure, a department head, official or county employee should forward the request to the civil section of the district attorney's office immediately.

(Ord. No. 2000-116, § 4.04, 1-18-2000)

Sec. 74-135. - Fees.

- (a) The Public Information Act states that the county clerk and district clerk shall not charge more for copies than the actual cost of the copies, unless a certified record is requested, the cost of which is set by law.
- (b) All other reproductions should be charged at a rate determined by the general services commission.

(Ord. No. 2000-116, §§ 4.10, 4.11, 1-18-2000)

Sec. 74-136. – Conducting County Business on Personal Electronic Devices.

- (a) It is recommended that County employees, department heads, and elected officials do not conduct official County business on their personal electronic devices including, but not limited to, utilizing county email, discussion official county business via text message, or using personal electronic devices to make County related telephone calls. As such, the County shall not reimburse employees for use of their personal electronic devices to conduct official County business. Elected officials, department heads, and supervisors should not require employees to use their personal electronic devices.
- (b) Should an essential County employee or department head need to conduct official County business using a personal electronic device, the County will issue the individual a County owned cellular telephone based on a demonstrated need and the approval process as detailed in Section 114-182 of this Code.
- (c) Should a County employee choose to conduct official County business on their personal electronic device, the employee will be required to download the County Mobile Device Management client in order to secure and ensure the availability of the County data. Further, the County employee shall be required to sign an acknowledgement and agree that the county data may be remotely removed from their personal electronic device if there is a business necessity.
- (d) In the event a County employee's personal electronic device that contains the County's Mobile Device Management client is lost, stolen, or misplaced, the employee's supervisor, department head, or elected official must be notified immediately so that appropriate steps can be taken to remove the County data from that device.
- (e) All County employees are advised that if an employee chooses to use their personal electronic device to conduct official County business, they become a temporary custodian of the public information received, created, or maintained on their device for purposes of compliance with the Texas Public Information Act. All County employees using their personal electronic devices to conduct official County business are required to:
 - (1) Forward all public information in whatever form to the Public Information Officer for Dallas County or their elected official, or
 - (2) Preserve all the public information on their personal electronic device for the applicable records retention period under Texas law; and
 - (3) Provide all public information relating to official County business in whatever form maintained on their personal electronic devices to the Public Information Officer for Dallas County or their elected official upon request in order for the County to comply with the Texas Public Information Act.
- (f) If an employee chooses to use their personal electronic device to conduct official County business and is required to download the County Mobile Device Management client, the employee is required to inform all other employees of the new County issued telephone number to be used for conducting official County business and the employee shall have an ongoing duty to forward any communications received on their personal device or telephone number to the County issued telephone within the County Mobile Device Management client.
- (g) County employees who fail to comply with subsection (e) above may be subject to disciplinary action up to and including termination, monetary fines, and potential civil or criminal liability pursuant to the Texas Public Information Act.

(Ord. No. 2021-0822, 8-17-2021)

Secs. 74-137—74-170. - Reserved.

ARTICLE IV. - COUNTY BUILDINGS AND FACILITIES⁸

DIVISION 1. - GENERALLY

Sec. 74-171. - Naming a building, building areas or property.

- (a) The county commissioners court is responsible by state law and county policy for the care and custody of all county property, which includes the authority to name any county facility or property in whole or in part.
- (b) A county building or property may be named for an elected official. This official's service record should be clearly outstanding and their accomplishments distinctive.
- (c) Law enforcement buildings may be named to honor an officer killed in the line of duty.
- (d) A conference room or other special area or feature within a major county building or property may be named for a county volunteer, or employee who has made a substantial or unique contribution to the county. To maintain the honor of having a room or area named, a minimum number of requests will be granted per building/property.
- (e) In special circumstances, such as those associated with a financial contribution to a specialized cause, project or event, a portion of a building or property such as, a conference or courtroom may be named after a citizen. In such cases, this individual must have an outstanding background and accomplishments that would distinguish their service from others.
- (f) All requests shall be submitted to the commissioners court administration for briefing to the commissioners court. The administrator will review and to the extent possible validate the request. Meeting the proposed policy requirements does not guarantee that a request will be granted. The commissioners court will review the information presented in each request and then determine the appropriateness.
- (g) Requests for naming county property may be initiated by:
 - (1) Any member of the commissioners court;
 - (2) Any county board or commission;
 - (3) The elected official or department head responsible for the building or room.

The general public must contact one of the above individuals to have a request formally submitted.

- (h) Requests should include:
 - (1) The address or location of the property;
 - (2) Justification for naming or changing the property, building, room, etc.;
 - (3) A brief biographical sketch and general background of the honoree, including a detailed recitation of the honoree's contributions to the department or county;
 - (4) A description of how the name should appear, so a general cost estimate may be developed;
 - (5) Evidence that the individual's background and character would not be inconsistent with the county's purpose and image.
- (i) Persons, boards or committees submitting requests should do so in as confidential manner as possible to preserve the dignity of the recommended individual and his or her family, in the event the request is not granted.
- (j) If a named county structure is removed, demolished or destroyed, the previous site will remain without a name, unless otherwise directed by commissioners court.

⁸ **State Law reference—** County public buildings, V.T.C.A., [Local Government Code § 291.001](#) et seq.

(Ord. No. 2004-1960, 10-26-2004)

Secs. 74-172—74-190. - Reserved.

DIVISION 2. - USE OF FACILITIES⁹

Sec. 74-191. - County buildings; generally.

- (a) There shall be no public solicitation within the hallways, offices or other areas of the county government facilities unless approved by the commissioners court.
- (b) There shall be no intercounty, interoffice or employee solicitation unless approved by the commissioners court.
- (c) If approved by the commissioners court, solicitation of employees during normal working hours shall be scheduled with the elected official or the department head involved.
- (d) No signs, posters, handbills or notices shall be posted in, on or about the county government facilities without the prior written approval of the commissioners court. Individuals responsible for posting signs, posters, handbills or notices are responsible for the removal of same. The facilities management department shall remove any unauthorized sign, poster, handbill or notice. This division does not prohibit the posting of general and routine information material on bulletin boards in employee work areas or official posting areas for legal documents. No union or employee association signs, posters, handbills or notices shall be posted in, on, or about the county government facilities without the prior written approval of the county director of human resources/civil service. Upon review and approval the materials to be posted will be forwarded to the various departments for posting on nonwork related bulletin boards only.
- (e) All requests for use of buildings and grounds, except those involving the sixth floor exhibit, as provided in section 74-271—74-273(a) must be initially filed with the commissioners court administrator.
- (f) County buildings, equipment, and supplies shall not be used in support of political campaigns. (See also section 86-754(b).) There shall be no campaign fundraising, advertising, rallies, press conferences, or campaign meetings in county buildings. Nothing in this policy prohibits a Dallas County elected official from holding a press conference to express his or her personal opinions on non-partisan issues.
- (g) County property other than buildings such as the downtown plazas and public sidewalks surrounding county buildings (outdoor public areas) are available for use by the general public as long as such use does not disrupt or interfere with the conduct of county business.

(Admin. Policy Manual, § E(5.00—5.04); Ord. No. 2002-214, 1-29-2002)

Sec. 74-192. - County buildings and grounds; special use.

- (a) Any entity established by constitutional, statutory or governmental action and civic organizations when acting in furtherance of established county projects, programs and/or goals may be granted special use of county facilities.
- (b) Any request for special use of county facilities shall be in writing and include a description of the intended use. All one-time special use requests will be subject to the approval of the county administrator after notification of commissioners court. Any special use of a reoccurring (longer than one day or regularly occurring) nature is subject to the approval of the commissioners court.

⁹ **State Law reference—** County use fees, authorized, V.T.C.A., [Local Government Code § 316.001](#) et seq.; private operation on county property prohibited, V.T.C.A., [Local Government Code § 291.006](#).

- (c) No food or beverage will be allowed in the carpeted areas of the county facilities by special use groups unless they have prior approval of facilities management.
- (d) Groups making arrangements to use county facilities will be responsible for any damages and will be required to sign a building user agreement and submit the required security deposit before using county facilities.
- (e) Groups (non-county departments) using county facilities during other than normal working hours will pay the additional cost to the county for the special use according to sections 74-244 and 74-245 of this Code.
- (f) No alcohol is allowed on county property at any time, except for social events at the Old Red Building and 6th Floor Museum facilities when food and alcohol are customarily served, such as in a wedding party and organizational evening social for example.

(Admin. Policy Manual, § E(5.05—5.09); Ord. No. 2009-0777, 4-28-2009)

Sec. 74-193. - Frank Crowley Courts Building elevator usage policy.

The commissioners court hereby approves the Frank Crowley Courts Building elevator usage policy identifying the individuals authorized to use the restricted-use elevators. The following individuals shall be allowed to have card access to the restricted-use elevators:

- (1) Officials authorized to park in the underground parking garage (includes visiting judges).
- (2) Assistant criminal district attorneys and investigators.
- (3) Public defender's attorneys and investigators.
- (4) Sheriff's property room employees and criminal court bailiffs.
- (5) District and county clerk employees limited to criminal court supervisors and managers unless otherwise approved by the commissioners court.
- (6) Security and fire marshal.
- (7) Facilities management limited to supervisors and managers and personnel assigned to or dispatched to the criminal court unless otherwise approved by the commissioners court.

(Ord. No. 2005-1915, 10-4-2005)

Secs. 74-194—74-210. - Reserved.

DIVISION 3. – ACCESS¹⁰

Sec. 74-211. - To county property and work areas.

- (a) Solicitation by organizations as described in section 74-861 et seq., is only permitted in nonwork areas. Nonwork areas include the area outside and surrounding county facilities, the general public areas of county facilities, and general public county cafeterias and lunchrooms. Departmental lunch and/or break rooms are considered work areas. Solicitation of employees assigned to work in public areas is prohibited during their regularly scheduled work.
- (b) The county human resources/civil service department, in consultation with any involved departments, will answer any questions as to whether or not an area is permissible for solicitation purposes.

¹⁰ **State Law reference—** County buildings, V.T.C.A., [Local Government Code § 291.001](#) et seq.

(Admin. Policy Manual, § E(21.03, 21.04))

Sec. 74-212. - Posting of notices.

Associations and organizations as described in section 74-861 et seq., shall submit all notices to the county human resources/civil service department along with a request for distribution. After review by the human resources/civil service department to ensure appropriateness, the information will be distributed to departments for posting on nonwork related bulletin boards only.

(Admin. Policy Manual, § E(21.05))

Sec. 74-213. - Use of county facilities for meetings.

The use of any county facility or meeting room by associations or organizations as described in section 74-861 et seq., will be subject to approval by the commissioners court. Requests for use of facilities will be treated like any other request by a noncounty group under the terms and conditions of the county building use policy.

(Admin. Policy Manual, § E(21.06))

Sec. 74-214. - Access microchips/cards to tenants of leased county-owned buildings.

- (a) The access microchips/cards will be used to provide tenants and their clients access to the building after hours, on weekends and/or any other time when the county offices are closed.
- (b) The county shall issue access microchips/cards to the property manager of the county-owned buildings based on a ratio of one card for each 500 square feet of office space leased.
- (c) Then the tenant will be required to pay the county a nonrefundable fee of \$10.00 for additional and/or lost access microchips/cards required by the tenant.
- (d) Defective access microchips/cards will be replaced free of charge, unless defection was the result of negligence or carelessness on the part of the user.
- (e) The county will require authorized tenants and employees to complete and sign the access microchip/card application (AMA) form when assigning an access microchip/card.
- (f) It will be the tenant's sole responsibility to contact the county property manager for issuance of access microchips/cards.
- (g) Upon expiration and/or termination of the lease, the tenant shall be required to complete the AMA form to delete each microchip/card and to return each access microchip/card to the county.
- (h) Access microchips/cards may be purchased by check or cash. If the tenant desires to pay cash, only exact change will be accepted.

(Admin. Policy Manual, § E(22.00—22.07))

Secs. 74-215—74-240. - Reserved.

DIVISION 4. - RENTAL, LEASES

Sec. 74-241. - When in county's best interest.

The county may lease or rent county property when the commissioners court determines such use is in the best interest of the county. A rental fee will be charged to any entity interested in renting any of Dallas

County's facilities, except for accredited schools using facilities for educational purposes such as mock trials.

(Admin. Policy Manual, § E(5.10); Ord. No. 2009-0777, 4-28-2009)

Sec. 74-242. - Requests.

Any request for rental of county facilities shall be in writing and include a description of the intended use. The commissioners court must approve the following: a) filming in any county building - a copy of the film script must be submitted with the rental request, b) building uses of more than three days, and c) rental of the county administration building.

(Admin. Policy Manual, § E(5.11); Ord. No. 2009-0777, 4-28-2009)

Sec. 74-243. - Rental provisions.

Rental of a county facility may be granted only when the following items have been provided:

- (1) Approval by the primary occupant of the facility or space;
- (2) An approved signed building user permit agreement;
- (3) When the use may result in property damage, a reasonable damage deposit adequate to protect the county; and
- (4) When the use is for commercial purposes, a \$1,000,000.00 liability/personal injury policy payable to the county will be provided.

(Admin. Policy Manual, § E(5.12); Ord. No. 2009-0777, 4-28-2009)

Sec. 74-244. - Fees.

Fees for building rental of three days or less will be: a) \$75.00 per day for all other non-profit organization, b) \$150.00 per day for profit organization, and c) \$100.00 per day for all central jury rooms. A damage deposit of \$1,000.00 is applicable to all of the above rental agreements. Fees for rental of space over three days will be the additional cost, plus a market rate daily rental fee.

(Admin. Policy Manual, § E(5.13); Ord. No. 2009-0777, 4-28-2009)

Sec. 74-245. - Rental fees for filming.

Rental of county facilities for filming will require \$25,000.00 damage deposit. A fee of \$2,000.00 per film day is the rate for the rental of the county administration building and a \$1,000.00 per film day for rental of all other county buildings (except jails) for 30 days or less. Rental rates for 31 days or more will be \$750.00.00 per film day. The foregoing rental fees will not be charged the press filming in the open or public areas of county facilities as long as the filming lasts less than four hours. Such filming by the press will be permitted so long as it does not interfere with the public conducting governmental business or obstruct or block the open or public areas of county facilities.

(Admin. Policy Manual, § E(5.14); Ord. No. 2009-0777, 4-28-2009)

Sec. 74-246. - Right to deny approval.

The county reserves the right to deny approval to any request for use of county property which, in the opinion of the county, may disrupt or hamper normal business activity or offend public visitors.

(Admin. Policy Manual, § E(5.15); Ord. No. 2009-0777, 4-28-2009)

Secs. 74-247—74-270. - Reserved.

DIVISION 5. - SIXTH FLOOR EXHIBIT ACCESS

Sec. 74-271. - Goal of division.

The goal of this division is to protect and preserve the integrity of the Sixth Floor Exhibit. This is a site of international historic significance and interest. Every accommodation possible will be made to the media and filmmakers in their efforts to provide information without interfering with others. No request for access will be granted, however, when, in the judgment of the executive director or his designee, granting access would result in undesirable exploitation of this historic resource.

(Admin. Policy Manual, § E(5.16))

Sec. 74-272. - Requests.

Request for access to the Sixth Floor shall be directed to the executive director of the county historical foundation or designee who shall determine if the request conforms with the guidelines of this division, and if the request conforms, access may be granted by the executive director or designee.

(Admin. Policy Manual, § E(5.17))

Sec. 74-273. - Filming, recording and video taping.

- (a) Filming, recording and video taping for news stories, features and travelogues that are accomplished with self-contained, handheld equipment may be permitted access to the Sixth Floor if the activity will not disrupt the quiet enjoyment of the exhibit by patrons.
- (b) Requests for filming, recording and video taping must come from bona fide organizations making the request on behalf of their own organizations which is evidenced by generally recognized credentials which shall satisfy the executive director or his designee as to authenticity and validity.
- (c) Interviews with visitors are not permitted on the Sixth Floor. Exit interviews, conducted in the visitors center, may be permitted by the executive director or his designee.
- (d) Live broadcasts shall not be permitted on or from the Sixth Floor.
- (e) All requests other than those involving filming, recording and video taping for news stories, features and travelogues which are covered by sections 74-271—74-273(d), will be referred to and reviewed by the historical foundation board of directors for consideration and recommendation to the county commissioners court who shall approve or deny the request. All Sixth Floor use requests covered by this subsection shall also be subject to and governed by the provisions of sections 74-243—74-245.

(Admin. Policy Manual, § E(5.18—5.22))

Secs. 74-274—74-290. - Reserved.

DIVISION 6. - AUTOMATIC TELLER MACHINE

Sec. 74-291. - Provided as service to county employees.

Automatic teller machines (ATM's) are provided by the county in county facilities generally as a service to county employees and the general public.

(Ord. No. 2000-379, 2-22-2000)

Sec. 74-292. - Paid with earnings credits; amendment of division.

The county ATM's, furnished through the depository bank, will be paid with earnings credits through the county depository bank through at least the 1997-2001 depository bank contract. Following negotiations for the 2001-2005 bank depository contract, the commissioners court may determine to continue paying for automatic teller machines (ATM's) through earnings credits at the depository bank, to eliminate ATM's from county facilities, or to find another negotiated method by which ATM's are provided in county facilities.

(Ord. No. 2000-379, 2-22-2000)

Sec. 74-293. - Qualifications for consideration of installation.

To qualify for consideration of installation of an automatic teller machine (ATM), a county facility should have the usage anticipation of a minimum dollar volume of \$500,000.00 annually and a transaction volume of 12,000 annually per machine. Such volumes would require approximately 250—500 employees or visitors to the facility monthly to validate installation. Other considerations for installation include the location of a cafeteria in the facility, the proximity of restaurants and fast food facilities, as well as other ATM's within a one mile radius of the facility.

(Ord. No. 2000-379, 2-22-2000)

Sec. 74-294. - Requests for installation; procedures.

All requests for installation of automatic teller machines (ATM's) in county facilities should be directed to the county treasurer, 303 Records Building, 509 Main Street, Dallas, Texas 75202, for review of anticipated compliance with county stated ATM policy. Following review, the county treasurer will provide a proposal to the commissioners court with recommendation either for or against the implementation. Installation of an automatic teller machine (ATM) in a county location will be scheduled only after approval by the commissioners court. A monthly report will be maintained on all transactions and volume per machine to determine if such machines continue to meet the requirements of the county ATM policy.

(Ord. No. 2000-379, 2-22-2000)

Sec. 74-295. - Subject to removal.

If the ATM does not meet the contractual requirements on a continuing basis, it shall be subject to removal in accordance with any contractual obligations.

(Ord. No. 2000-379, 2-22-2000)

Secs. 74-296—74-320. - Reserved.

DIVISION 7. - APPLIANCES AND EQUIPMENT

Sec. 74-321. - Chillers/refrigerant.

(a) The county chillers/refrigerant policy covers the installation of any new chillers with CFC refrigerants.

- (b) New chillers with CFC refrigerants that are not compatible with the HCFC, such as R-22 and R-123 or HFC's such as 134, are not acceptable for installation in county buildings or property.
- (c) Chillers that operate with only R-111 are not acceptable for installation in county buildings or property.

(Admin. Policy Manual, § D(17.00—17.02))

Secs. 74-322—74-340. - Reserved.

DIVISION 8. - BUILDING DESIGN, CONSTRUCTION, IMPROVEMENT AND MAINTENANCE¹¹

Sec. 74-341. - Purpose of division.

The purpose of this division is to establish a policy for the design, construction, improvement and maintenance to county-owned or county-operated facilities and to define the management responsibilities for the implementation of the policy between the engineering and project management and facility management departments.

(Ord. No. 82-734, § I, 5-3-1982)

Sec. 74-342. - Design and construction.

It is the policy of the county to design and construct public buildings in a cost effective manner based upon legitimate needs for building space and in accordance with the Texas Engineering Practices Act, Vernon's Ann. Civ. St. art. 3271a dealing with public work construction. In order to implement this policy the following procedures shall apply:

- (1) Upon initiation of a request by an appropriate authority and/or other requirement for construction of new facilities or alterations or improvements of an existing facility, the facilities director and engineering and project management department shall be consulted where these modifications involve major architectural, structural, mechanical or electrical alterations or installations. A recommendation to include construction methods, cost estimates and schedules for accomplishment of the work, shall be submitted to the space utilization committee and to the commissioners court for briefing and approval prior to proceeding with design and/or construction. The submittal shall include a recommendation establishing the responsibility for the project as being that of engineering and project management and/or facilities management. Project responsibility shall generally be based upon the following criteria:
 - a. Project cost or size and/or construction methods required.
 - b. Time constraints and availability of work force.
 - c. Design requirements, i.e., special architectural, structural, mechanical-electrical or equipment requiring architectural/engineering contracts.
 - d. Funding or budgetary considerations.
 - e. Legal considerations, i.e., compliance with building and zoning code requirements.
- (2) On projects to be undertaken by facilities management for in-house construction, the engineering and project management department shall provide technical assistance as necessary. On projects that require design modifications of architectural, structural, mechanical or electrical elements, the engineering and project management department shall, through architectural/engineering contracts, have detailed drawings and specifications prepared therefor.

¹¹ **State Law reference—** Texas Engineering Practices Act, Vernon's Ann. Civ. St. art. 3271a.

Construction for projects of this type will normally be accomplished through the competitive bidding process and managed by the engineering and project management department.

- (3) On all projects for which the engineering and project management department has the responsibility for management of design and construction, the following procedures shall apply:
- a. The engineering and project management department shall, through conferences with the user and facilities management, determine and define the scope and estimated cost of the program required prior to initiation of an architectural/engineering contract. The scope of the program shall then be briefed with the space utilization committee, with a recommendation for scope and cost of the construction from program. Moreover, the engineering and project management department shall secure and maintain a completed questionnaire, facsimile attached, and brochure on all architectural/engineering firms in the county, to be updated at least every two years. After approval of the scope of the project by the space committee, the director of engineering and project management, facilities management director, and the commissioners court administrator (and historical commission's chairperson on historically related projects) shall review the questionnaires and recommend the three most qualified firms based on interviews, related, experience and references, in rank order to the commissioners court. The commissioners court will select a firm and consider the space committee's scope recommendations if they involve unbudgeted funds.
 - b. Upon selection and execution of an architectural/engineering contract, the following procedures shall be implemented to ensure adequate review of design development drawings, detailed construction drawings and specifications as well as progress during construction.
 1. A review conference with the architect/engineer or the design development program shall be held prior to authorization of detailed construction drawings. The date provided for review shall include cost estimates. The engineering and project management department shall arrange a review conference to include the building construction engineer, project architect and a member of the facilities management department, designated by the facilities manager. Conference minutes and review comments shall be provided to the architect/engineer and other attendees by the project architect.
 2. After authorization to proceed with detailed drawings, review conferences shall be held with the attendees noted in this section, at 60 percent and 100 percent design phases. The engineering and project management department project architects, shall make arrangements for these conferences. Minutes and review comments shall be provided to the architect/engineer and other attendees. The using department should be invited to any or all review conferences, as appropriate.
 3. Upon approval of detailed drawings and specifications by the space committee, the architect/engineer will prepare the necessary bid documents. Copies of approved detailed drawings and specifications will be provided to the facilities management department for information and record use.
 4. The director of engineering and project management, during the course of construction, shall provide the facilities management department access to the construction for periodic observation of construction methods and materials. Job site visitations shall be arranged by the engineering and project management department project architects.
 5. Requests for changes in the construction by the user and/or recommendations and comments resulting from job site visitations by the facilities management shall be directed to the director of engineering and project management in writing. Routine or technical changes requested will result in actions taken by the director of engineering and project management by way of response provided the user and facilities management in writing. Major scope changes shall be briefed with the space committee.

6. Upon certification as to substantial completion by the architect/engineer, the engineering and project management department building construction division shall arrange for a final acceptance inspection of the facility to include the user representative and members of the facilities management department, architect/engineer and contractor representatives. All discrepancies noted shall be corrected prior to final acceptance. The facilities management director and the director of public works shall perform an inspection for adequacy of the intended use of the facility. Upon written concurrence as to acceptability of the facility by the architect/engineer, user, facilities manager and director of engineering and project management, a recommendation to the commissioners court shall be made for final acceptance prior to final payment to the contractor.
 7. Architects/engineers shall be required to provide to the county all original drawings corrected for as-built conditions. As-built drawings, equipment submittals, warranties, equipment operating and instruction manuals and other required data shall be submitted by the engineering and project management department to the facilities management department as soon as practicable after completion of the construction.
 8. The engineering and project management department shall furnish the facilities management department with a listing of contractors, subcontractors or suppliers as necessary to be used for call-back on warranty items.
 9. The engineering and project management department shall include in all construction contracts requiring elevator installations, a requirement for inspection by either the facilities management department's elevator maintenance contractor or an independent elevator inspector/contractor prior to certification of acceptance of any elevator system installation.
- (4) On all projects for which the facilities management department has the responsibility for management of design and construction, the following procedures will apply:
- a. The director of facilities management shall, through conferences with the users, determine and define the scope and estimated cost of the project. Consultation on design issues shall be provided by the engineering and project management department, as needed.
 - b. The design and scope of the project will then be briefed with the space utilization committee. Upon concurrence by the committee and funds being provided by the commissioners court, the facilities management director will proceed with construction of the project.
 - c. Requests or recommendations changing the design, as approved by the committee, particularly those increasing the costs, must be approved by the space utilization committee, and the commissioners court if they exceed the budgeted funds, prior to being implemented by the facilities management director.
 - d. The director of facilities management shall prepare all necessary work schedules, material requisitions and bid specifications for any contract related work in order to complete the project.
 - e. Upon substantial completion of the project, the facilities management director will arrange for an inspection of the work by a designated member of the space utilization committee to certify completion in accordance with approved designs.

(Ord. No. 82-734, § II, 5-3-1982)

Sec. 74-343. - Maintenance.

It is the policy of the county to maintain all buildings in a cost effective manner which will maximize their useful life. In order to implement this section, the following procedures will apply:

- (1) The director of facilities management is responsible for all building maintenance responsibilities including daily operation, preventative maintenance, routine and major repair work, etc.
- (2) Building maintenance work will be on a regular schedule, with established maintenance schedules in writing.
- (3) Electrical, engineering and mechanical work will be on a regular and as needed basis, with preventative maintenance schedules in writing to maximize the useful life of equipment and structures.
- (4) Carpentry jobs will be accomplished in a manner to control cost and maximize the useful life of furniture and fixtures.
- (5) Painting of all county building interiors (and exteriors where appropriate) shall be done on a routine basis, with written schedules as to frequency and color.
- (6) Janitorial services will be provided in all county-owned and county-operated buildings. Where service contracts are utilized, all contract conditions should be managed/supervised routinely with special emphasis on daily inspections and departmental reporting of contract violations. Moreover, an annual cost/benefit analysis should be performed comparing in-house versus contract services.

(Ord. No. 82-734, § III, 5-3-1982)

Sec. 74-344. - Exceptions.

Nothing in this division should be construed to prevent a county official from taking action to preserve the public safety or welfare within county buildings, particularly in the event of an emergency. Rather this division is to be strictly followed in the execution of routine and normal responsibilities of the offices involved.

(Ord. No. 82-734, § IV, 5-3-1982)

DALLAS COUNTY
ARCHITECT-ENGINEER QUESTIONNAIRE

DATE _____ / _____ / _____

1. FIRM NAME:		2. ESTABLISHED		3. TYPE OF ORGANIZATION:			(Check One)
		YEAR	STATE	<input type="checkbox"/>	Individual	<input type="checkbox"/>	Corporation
				<input type="checkbox"/>	Partnership	<input type="checkbox"/>	Joint Venture
				<input type="checkbox"/>	Other (explain in item 22)		
4. FORMER FIRM NAME(S): (If any and year(s) established)				5. HOME OFFICE BUSINESS ADDRESS AND PHONE NO:			
6. PRESENT BRANCH OFFICE(S): (ADDRESS-TELEPHONE NO. AND PERSON IN CHARGE)							

7. PRINCIPALS OF FIRM: (NAME AND HOME ADDRESS)	8. ASSOCIATE MEMBERS OF FIRM: (NAME AND CATEGORY)
9. OTHER KEY PERSONNEL OF FIRM: (NAME & CATEGORY)	
10. NUMBER OF PERSONNEL IN YOUR PRESENT ORGANIZATION: (*Including Total of Items 7, 8 and 9)	

Arch.*	Engineers*				Drafts- men	Spec. Writers	Estima- tors	Inspec- tors	Survey- ors	Balance*	Total	
A.	B. Mech.	C. Elec.	D. Civil	E. Other	F.	G.	H.	I.	J.	K.	L.	
11. NUMBER OF PERSONNEL IN YOUR ORGANIZATION DURING LAST 5 YEARS Maximum No.											Year	Normal Strength

12. OUTSIDE ASSOCIATES AND CONSULTANTS USUALLY EMPLOYED BY YOUR FIRM (Furnish a separate complete questionnaire for each firm listed below if not on file with county)	
A. CATEGORY OF WORK:	B. NAME OF FIRM OR INDIVIDUAL AND ADDRESS:

13. INDICATE IN ORDER OF PRECEDENCE, (Using 1., 2., 3.), THE TYPES OF PROJECTS IN WHICH YOUR FIRM SPECIALIZES:	
14. INDICATE THE SCOPE OF SERVICES PROVIDED BY YOUR FIRM WITHOUT ASSOCIATES OR CONSULTANTS ON TYPES OF PROJECTS INDICATED IN ITEM 13. (i.e. Architectural, Mechanical, Electrical, Structural, etc.)	

15. PERSONAL HISTORY STATEMENT OF PRINCIPALS AND ASSOCIATES WITHIN YOUR FIRM (Furnish complete data but keep to essentials)					
A. NAME (Last-First-Middle Initial)	DATE OF BIRTH	YEARS OF EXPERIENCE	PRINCIPAL THIS FIRM	PRINCIPAL OTHER FIRM	OTHER THAN PRINCIPAL
EDUCATION (College, degree, year, specialization)		MEMBERSHIP IN PROFESSIONAL ORGANIZATIONS:			
REGISTRATION (Type, Year, State)		TYPES OF EXPERIENCE OTHER THAN PRINCIPAL: (Be brief)			
B. NAME (Last-First-Middle Initial)	DATE OF BIRTH	YEARS OF EXPERIENCE	PRINCIPAL THIS FIRM	PRINCIPAL OTHER FIRM	OTHER THAN PRINCIPAL
EDUCATION (College, degree, year, specialization)		MEMBERSHIP IN PROFESSIONAL ORGANIZATION:			
REGISTRATION (Type, Year, State)		TYPE OF EXPERIENCE OTHER THAN PRINCIPAL: (Be brief)			
C. NAME (Last-First-Middle Initial)	DATE OF BIRTH	YEARS OF EXPERIENCE	PRINCIPAL THIS FIRM	PRINCIPAL OTHER FIRM	OTHER THAN PRINCIPAL

Items 18 and 19. (Photos of models, renderings, sketches, etc. NOT desired.) Size of photos not to exceed 8½" × 11". On back of each photo give the following information:	
(1) Name of your firm;	
(2) Name and address of client;	
(3) Type of construction;	
(4) Location of structure;	
(5) Cost of specific structure.	
Photos of electrical or mechanical facilities or other components of a decided engineering character are not necessary. Submittal of firm's brochures with this Questionnaire is also optional.	
21. If space provided on the form is not sufficient for entries, or if you wish to furnish additional information, it may be inserted here or on reverse side of this page, or on separate sheets, with appropriate references.	

22. PURPOSE OF SUBMITTING THIS QUESTIONNAIRE (Check A or B, Not Both)		
<input type="checkbox"/>	A.	I/We wish to be considered for Architectural or Engineering services with the <input type="checkbox"/> design, <input type="checkbox"/> inspection, <input type="checkbox"/> supervision. (Check applicable box or boxes) of construction projects for Dallas County Departments.
<input type="checkbox"/>	B.	This completed Questionnaire is submitted as evidence of employment as outside associate or consultant. (See Item 12)
		NAME OF FIRM ASSOCIATED WITH:

	AS OF THIS DATE: _____ / _____ / _____ 20 _____ the foregoing is a true statement of facts.
NAME OF FIRM SUBMITTING QUESTIONNAIRE NAME AND TITLE OF PERSON SIGNING SIGNATURE:	

(a)	Form to be completed by typewriter. Completed forms may be reproduced in any quantity deemed necessary to meet distribution requirements. Submit original and two copies of the completed form to the Purchasing Department.
(b)	It will be to a firm's advantage to maintain its experience record on a current basis. This may be accomplished by periodically forwarding current data on revised sheets of this questionnaire.

Secs. 74-345—74-370. - Reserved.

DIVISION 9. - FACILITY SPACE UTILIZATION AND MAINTENANCE

Subdivision I. - In General

Secs. 74-371—74-390. - Reserved.

Subdivision II. - Space Utilization

Sec. 74-391. - Submission of request.

A department requiring space submits a request to the space utilization committee.

(Admin. Policy Manual, § E(9.00))

Sec. 74-392. - Evaluation of request; recommendation.

The space utilization committee evaluates the request and makes a recommendation to the commissioners court as to need and funding source, as well as potential cost.

(Admin. Policy Manual, § E(9.01))

Sec. 74-393. - Specific requirements.

The requesting department presents their specific requirements to the facilities maintenance department.

(Admin. Policy Manual, § E(9.02))

Sec. 74-394. - Location search.

Facilities maintenance will do a preliminary search to locate appropriate space based on stated requirements. Locations will be discussed with the department to ensure that all requirements are being met.

(Admin. Policy Manual, § E(9.03))

Sec. 74-395. - Negotiation of lease.

After departmental review, facilities maintenance will negotiate a lease for the space, making certain that all necessary clauses are included and that costs are appropriate.

(Admin. Policy Manual, § E(9.04))

Sec. 74-396. - Community assessment.

For community supervision and corrections leases, or like agencies, facilities maintenance will perform a community assessment based on approved guidelines and prepare a report.

(Admin. Policy Manual, § E(9.05))

Sec. 74-397. - Recommendation on specific leased space.

The recommendation on specific leased space will be made to the space utilization committee by facilities maintenance, including a review of the lease and the community assessment, where applicable.

(Admin. Policy Manual, § E(9.06))

Sec. 74-398. - Final determination on request.

Based on the space utilization committee's review, a recommendation will be made to the commissioners court, with recommended funding source. The commissioners court will make the final determination on the space request.

(Admin. Policy Manual, § E(9.07))

Secs. 74-399—74-420. - Reserved.

Subdivision III. - Maintenance and Repair

Sec. 74-421. - Corrective maintenance.

Any action required to restore equipment, building and grounds to normal conditions and to operate as designed is corrective maintenance.

(Admin. Policy Manual, § E(10.00))

Sec. 74-422. - Procedures.

- (a) *Categories enumerated.* All maintenance requests will initially be assigned by the originator into three major categories:
 - (1) Urgent/A: Corrective actions of such a nature that failure to take immediate action will jeopardize the operation of the county's primary functions and service.
 - (2) Routine/B: Corrective actions which should be performed at the first opportunity, but do not affect the county's primary functions and service.
 - (3) Deferred/C: Corrective actions which are routine in nature and in no way affect the primary function of the county. These actions will be scheduled as opportunity permits. Examples of such items include bulletin boards, mounting pictures, etc.
- (b) *Recordkeeping.* The maintenance request will be assigned a consecutive number as received, dated and logged in the M&R log for recordkeeping and work scheduling. Ultimate priority will be assigned by the building superintendent.
- (c) *Description of repair or work needed form.* The description of repair or work needed form (Exhibit EB) consists of an original and two copies. The upper portion of the form should be filled in completely including date, time and location of the problem and classification.

(Admin. Policy Manual, § E(10.01—10.06))

Secs. 74-423—74-440. - Reserved.

DIVISION 10. - SMOKING AND TOBACCO USE POLICY¹²

Sec. 74-441. - Purpose of division.

The policy and procedures outlined in this division are designed to ensure that the county will achieve compliance with all appropriate city ordinances that may regulate smoking and/or use of tobacco products in public buildings.

(Admin. Policy Manual, § E(11.00); Ord. No. 95-659, 6-13-1995; Ord. No. 97-1669, 8-26-1997)

Sec. 74-442. - 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:

Public service area means any area to which the general public routinely has access for county services or which is designated a public service area by the department director.

Workplace means any indoor area where an employee works for an employer, including an administrative area but excluding an enclosed room with only one regular occupant.

(Admin. Policy Manual, § E(11.09—11.10))

Sec. 74-443. - Responsibilities.

- (a) Each elected official or department head will be responsible for implementing these policies within locations/areas for which they are accountable.

¹² **State Law reference—** Smoking tobacco, V.T.C.A., [Penal Code § 48.01](#).

- (b) Each elected official or department head shall be responsible for coordinating with facilities management for the placement of proper signs at building entrances, in restrooms and in other designated locations.
- (c) Facilities management shall ensure the uniformity of all signs.
- (d) Any elected official or department head who authorizes or knowingly permits smoking or use of tobacco products in a county building will be responsible for all legal and financial consequences of behavior outside county policy.

(Admin. Policy Manual, § E(11.05—11.08); Ord. No. 95-659, 6-13-1995; Ord. No. 97-1669, 8-26-1997)

Sec. 74-444. - Policy of county.

- (a) All county buildings (owned or leased) will be designated non-smoking and tobacco-free facilities.
- (b) All county buildings shall be posted with no smoking and tobacco-free signs.
- (c) There shall be no smoking or use of tobacco products on county property within 25 feet of any public entrance to a county facility.
- (d) No employee, elected official, or department head shall smoke or use tobacco in areas designated as non-smoking and tobacco-free by court order, city ordinance, administrative action or managerial directive. Any employee violating this policy will be subject to county disciplinary action as well as prosecution under applicable sections of the appropriate city ordinance.
- (e) Any conference room, meeting room, or public service area owned, operated or managed by the county shall be nonsmoking.
- (f) All public areas and workplace areas for all the county buildings are designated as nonsmoking, and no smoking signs shall be installed throughout all buildings limiting smoking to private single occupancy offices and county jail inmate housing.
- (g) All designated nonsmoking areas shall be posted with no smoking signs as specified by the ordinance.
- (h) An outside smoking area will be designated away from building entrances for each county facility.
- (i) Restrooms normally accessible to the general public in county-owned, county-operated or county-managed facilities shall be designated nonsmoking areas.
- (j) No employee shall smoke in areas designated as nonsmoking by ordinance, administrative action or managerial directive. Any employee violating this division will be subject to county disciplinary action as well as prosecution under applicable sections of the ordinance.

(Admin. Policy Manual, § E(11.01—11.04, 11.11—11.15); Ord. No. 95-659, 6-13-1995; Ord. No. 97-1669, 8-26-1997)

Secs. 74-445—74-470. - Reserved.

DIVISION 11. - PARKING POLICY

Sec. 74-471. - Elected officials.

- (a) Elected officials may park in any county-owned parking lot free of charge.
- (b) Each elected official is assigned a space convenient to their office location.
- (c) When parking in a county-owned lot other than a primary assigned space, the official shall sign his name and office on the back of the parking ticket. The official will present his official "elected official"

identification card (which is available through the office of security and emergency management) and the parking ticket to the parking attendant when leaving the lot.

- (d) The parking attendant will match the name and office to the identification card and allow the elected official to leave the parking facility without charge.

(Admin. Policy Manual, § E(12.00—12.04); Ord. No. 2008-741, 4-15-2008)

Sec. 74-472. - Boards and committees.

- (a) The county will reimburse or validate parking for all members of boards and committees established by the county commissioners court that park to attend regularly scheduled and/or called meetings.
- (b) A handbook with the names of appointed members of boards and committees is available for membership verification. The commissioners court administrator's office may be contacted at 214-653-7327.

(Admin. Policy Manual, § E(12.05, 12.06); Ord. No. 2008-741, 4-15-2008)

Sec. 74-473. - Employees.

County employees attending committee meetings, departmental meetings, and/or similar type county functions authorized by an elected official or department head are eligible to receive reimbursement or parking validation privileges when using a county parking facility.

(Admin. Policy Manual, § E(12.06(a); Ord. No. 2008-741, 4-15-2008)

Sec. 74-474. - Procedure.

- (a) The county board, committee members or employees attending regularly scheduled and/or called meetings at the downtown facilities will be reimbursed when the request is properly approved by the appropriate elected official or department head and documented by paid receipts.
- (b) The actual parking expenses incurred on lots operated with drop boxes where no receipt is available will be reimbursed to a maximum of \$10.00 a day or an amount certified by the department head as reasonable and necessary, based on approved requests for reimbursement.
- (c) In lieu of parking reimbursement, the employee's parking may be validated by printing their name, department and the signature of the elected official or department head on the back of parking ticket which the employee will present along with their county ID to the parking attendant upon leaving the lot or garage.

(Admin. Policy Manual, § E(12.07, 12.08); Ord. No. 2008-741, 4-15-2008)

Sec. 74-475. - Parking for interns and volunteers.

- (a) Parking in county-owned parking facilities will be provided at no cost to unpaid interns and volunteers that have been approved by the commissioners court and that are serving in programs approved by the commissioners court.
- (b) Interns and volunteers are extended this courtesy only during their scheduled work hours at the county and only in the most economical parking facility that the county provides. Parking areas will be designated by the parking contract manager of the department of public works.
- (c) Parking for meetings and gatherings of volunteers and interns is not approved under this division.

- (d) To be eligible for free parking the intern or volunteer must:
 - (1) Be nonpaid;
 - (2) Be serving in a commissioners court approved intern or volunteer program; and
 - (3) Have had their name and work schedule provided to the parking garage operator in facilities management.

(Admin. Policy Manual, § E(12.11—12.14); Ord. No. 97-2427, 12-9-1997)

Sec. 74-475.5. - Parking for unpaid legal interns.

The commissioners court does hereby approve parking at no cost in the appropriate county parking facility for unpaid legal interns (one per court) while providing support for various courts in the county.

(Ord. No. 2003-1288, 7-22-2003)

Sec. 74-476. - Special events.

- (a) The commissioners court may approve a special event parking rate or waive the parking fee for any the county parking facility.
- (b) Special events include elections meetings, Democratic and Republican party meetings, other governmental activities and instances where agencies and authorized groups are using the county parking facilities after hours, weekends and on holidays.
- (c) The parking rate for use of county parking facilities for special events will be determined by the facility management department, based on fair market value.
- (d) In addition, the commissioners court may approve free parking in county parking facilities for county employees and their families attending the county department activities required as part of an employee's job duty outside normal working hours.
- (e) Unless funding is provided elsewhere, no free parking will be permitted in the George Allen, Sr. Underground Parking Garage until the Series 1968 parking revenue bonds are repaid.
- (f) Each person attending the special event or activity will be required to write on the back of their ticket: the department name, event, date and time, and/or to stamp each ticket with an appropriate stamp as approved by the public works department.
- (g) All free parking and special event parking rates will be authorized by the commissioners court concurrent with approval for use of a county facility.

(Admin. Policy Manual, § E(12.15—12.21))

Sec. 74-477. - Assigned parking spaces.

- (a) A policy is established whereby, to the extent it is practical and economically feasible, the county will provide an assigned parking space for elected officials and their first assistants, department heads and their first assistants, employees assigned a county vehicle, employees provided a car allowance, and other key personnel as approved by the commissioners court.
- (b) Six spaces will be reserved on the second level of Garage C of the Lew Sterrett Justice Center for use by the press. The press will be allowed parking at no charge.
- (c) Grand jurors will be provided free parking in the Lew Sterrett Justice Center Parking Garage C.

- (d) Police from the various cities in the county while on official business will be provided parking free of charge so long as a reciprocal agreement between the county and the city is in effect which extends the same, or similar, courtesy to the county.
- (e) The sheriff's department/drug interdiction unit will be provided free parking in the Lew Sterrett Justice Center Parking Lots up to the number of assigned vehicles to that section.
- (f) The following number of access cards will be authorized to access the Lew Sterrett Justice Center Parking Lot B:

(1)	Sheriff	79
(2)	Communications and central services	2
(3)	Jail chaplain	3
(4)	Adult probation	2
(5)	Facilities management	3
(6)	Jail health	3
(7)	Commissioners court	9
(8)	Data services	2
(9)	District clerk	1
(10)	County clerk	1

- (g) It is understood that the main use of Parking Lot B will be for come and go, or passive users. The county will authorize more vehicles or employees to access this lot than available spaces as it is understood that only on rare occasions will more than 108 vehicles require the use of this lot at the same time. Persons that are authorized to use Parking Lot B and cannot do so due to it being filled to capacity will utilize other parking at the Lew Sterrett Justice Center and submit a request for reimbursement as authorized under county policy.
- (h) Lew Sterrett Justice Center Parking Lot B will have the closest ten spaces marked as reserved for shortterm parking only (pickup and delivery). Additional spaces will be reserved for persons in the county sheriff's office of the rank of captain or higher that are authorized access to Parking Lot B. No other spaces will be reserved or assigned.
- (i) The county's facilities management department is responsible for managing the issuance and control of access cards for Parking Lot B and is to ensure that this lot is utilized consistent with the directions of the commissioners court.

(Admin. Policy Manual, § E(12.22—12.30))

Sec. 74-478. - Payroll deductions for county employees parking.

- (a) All current county employees enrolled in the rideshare program in county-owned parking facilities will reenroll with the parking operators at the parking facilities.
- (b) A separate deduction is set up for each different parking garage.
- (c) Drivers and riders will share in the payroll deduction.
- (d) Deductions taken each pay period are payment for the next two weeks following payday.
- (e) The deductions will be for two weeks only. No deductions for partial periods will be processed by the payroll system. Fees collected for new participants will be handled by the garage operator. The amount collected will be based on the first available pay period for the deduction.
- (f) There are no refunds for people who choose to terminate employment before the end of the period previously paid or reduced rates for sick time or vacations.
- (g) All changes, deletions and new additions will be processed through the parking operator. These changes will then be processed by auditor's office.
- (h) The auditor's office will distribute the payroll deduction register to the parking operators by payday.
- (i) Changes received by the earned date of the pay period will be processed for that pay period.

(Admin. Policy Manual, § E(13.12—13.21); Ord. No. 2003-1223, 7-15-2003)

PARKING FACILITY						
FRANK CROWLEY GARAGE						
	LOT A		GARAGE C		GARAGE D	
	Monthly	Biweekly Per Emp	Monthly	Biweekly Per Emp	Monthly	Biweekly Per Emp
Employee only	\$45.00	\$20.77	\$40.00	\$18.46	\$40.00	\$18.46
Employee + 1 rider	27.50	6.35	25.00	5.77	25.00	5.77
Employee + 2 riders	18.75	2.88	17.50	2.69	17.50	2.69
Employee + 3 riders	10.00	1.16	10.00	1.16	10.00	1.16

	Frank Crowley Lot F	George Allen, Sr. Underground Garage	Bill Decker Corrections Center
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	Monthly	Biweekly Per Emp	Monthly	Biweekly Per Emp	Monthly	Biweekly Per Emp
Employee only	\$30.00	\$13.85	\$70.00	\$32.31	\$20.00	\$9.23
Employee + 1 rider	N/A	N/A	45.00	10.39	10.00	2.31
Employee + 2 riders	N/A	N/A	32.50	5.00	5.00	0.77
Employee + 3 riders	N/A	N/A	20.00	2.31	5.00	0.77

County Parking Garage Deduction Authorization

Please Type or Print

The undersigned driver and rider(s) hereby submit this application to participate in the Dallas County Parking/Ride-Share Program and authorizes a biweekly payroll deduction from his/her paycheck for parking at the rate approved by Commissioners Court. The participants understand it is their responsibility to notify the Parking Garage Operator of any changes in the number of participants. All changes will be forwarded to the County Auditor and will be effective on the next pay period (Code Sec.74-501 to 508, 74-478).

Driver Print Name _____

Employee ID _____

Department _____ Card # _____ (assigned)

Signature _____ Date _____

The undersigned will be car pooling with the driver above.

1. Print Name _____ Employee ID _____

Department _____ Work Phone # _____

Signature _____ Date _____

2. Print Name _____ Employee ID _____

Department _____ Work Phone # _____

Signature _____ Date _____

3. Print Name _____ Employee ID _____

Department _____ Work Phone # _____

Signature _____ Date _____

OFFICE USE ONLY

Transaction Type:

Add _____ Change _____ Delete _____

Effective Date _____ End Date _____

Monthly Deduction Amount (Rate) _____

Authorization _____ Date Authorized _____

Distribute as Follows

White – County Auditor

Canary – Employee

Pink - Operator

County Parking Garage Deduction Authorization

Secs. 74-479—74-500. - Reserved.

DIVISION 12. - RIDESHARE PROGRAM

Sec. 74-501. - Participant requirements.

In order to participate in the county rideshare program, all occupants of the vehicle shall be county employees, and shall enter the same county-owned parking facility unless riders are dropped off at another location before entering the parking facility.

(Admin. Policy Manual, § E(13.00); Ord. No. 2003-1223, 7-15-2003)

Sec. 74-502. - For regular full-time employees.

The rideshare program is limited to regular full-time employees who are employed by the county on a continuing basis without limitations as to duration of employment.

(Admin. Policy Manual, § E(13.01); Ord. No. 2003-1223, 7-15-2003)

Sec. 74-503. - Completion of prescribed forms by participants.

Participants shall complete forms prescribed by the county's operators and present such forms to the operators during the payment cycle.

(Admin. Policy Manual, § E(13.02))

Sec. 74-504. - Location of rideshare area; other procedures.

Location of the designated rideshare area for each parking facility and other procedures must be obtained from the county's operators.

(Admin. Policy Manual, § E(13.03))

Sec. 74-505. - Payments.

- (a) Under the terms of the contract, prorated payments will only be accepted when an employee enrolls in the county rideshare program.
- (b) If the employee is going on vacation, administrative leave, sick leave, etc., the total biweekly payment will still be required for the period the employee will not be using the parking facilities. If a participant is ultimately unable to pay their portion due to unpaid leave of absence the other participant(s) are responsible for the total cost for the period.

(Admin. Policy Manual, § E(13.04, 13.05); Ord. No. 2003-1223, 7-15-2003)

Sec. 74-506. - Access cards.

Only one access card can be issued for the participants in the rideshare program. When the primary employee of the car pool or van pool is going to be absent, it will be the responsibility of the primary rider to notify the other riders and give them access to the card.

(Admin. Policy Manual, § E(13.06, 13.07); Ord. No. 2003-1223, 7-15-2003)

Sec. 74-507. - Parking permits.

At the Bill Decker Corrections Center, the parking operator issues county employee parking permits. When the primary rider of the car pool or van pool is going to be absent, it will be the responsibility of the primary rider to notify the other riders and give them access to the parking permit.

(Admin. Policy Manual, § E(13.08))

Sec. 74-508. - Parking spaces.

Parking spaces for rideshare participants are limited, therefore participation will be on a first come, first served basis. The parking operators have the right to set the limit on the amount of space available in each garage based on monthly and daily parking needs.

(Admin. Policy Manual, § E(13.09))

Sec. 74-509. - Violation; penalties.

Employees who violate the terms and conditions of this division will be subject to disciplinary action as follows:

- (1) First violation: warning from the parking operator and notification to department head.
- (2) Second violation: three-day suspension from work.
- (3) Third violation: one-year parking privilege suspension.

(Admin. Policy Manual, § E(13.10))

Sec. 74-510. - Parking rates.

The parking rates for the rideshare program shall be as established by the commissioners court.

(Admin. Policy Manual, § E(13.11))

Secs. 74-511—74-540. - Reserved.

ARTICLE V. - INTERNAL ORGANIZATIONAL GUIDELINES

DIVISION 1. - GENERALLY

Secs. 74-541—74-600. - Reserved.

DIVISION 2. - FACSIMILES

Sec. 74-601. - General statements and policy.

- (a) The county utilizes facsimile machines in the daily operation of county government in order to provide and receive information in a timely and cost efficient manner.
- (b) All requests to purchase a fax machine will be reviewed by communications and central services on a case-by-case basis for need, location, telephone line and costs, and type and size of equipment.

(Admin. Policy Manual, § E(16.00, 16.01))

Sec. 74-602. - Location.

Fax machines will be placed in county buildings for maximum use and cost effectiveness. Departments will share fax machines to the greatest extent possible. Fax machines shall be located only in county buildings where needed and business activity warrants as determined by section 74-606(c).

(Admin. Policy Manual, § E(16.02))

Sec. 74-603. - Interdepartmental fax use.

- (a) Fax machines in remote locations may be used for intradepartmental and interdepartmental communication when it is more cost effective and/or when time constraints require a fax of information rather than sending it by courier or other means.
- (b) Fax communication between offices in close proximity will not be utilized unless extenuating circumstances warrant.

(Admin. Policy Manual, § E(16.03, 16.04))

Sec. 74-604. - Personal fax use.

- (a) The county does not permit employees to send or receive personal related fax transmissions on county fax machines. Exceptions to this subsection may be granted if extenuating circumstances warrant and full costs are recovered as set out in this section.
- (b) All fax transmissions on county fax machines will be reimbursed to the county for telephone costs at \$2.00 per page fee. Any personal use of fax machines will be with the permission of the employee's elected official or department head.
- (c) It is the responsibility of the individual to make reimbursement to the county in a timely manner. All payments shall be sent to the auditor's office. Telephone cost reimbursement will be charged in the same manner as outlined in the telecommunications chapter (see section 114-163(c)).

(Admin. Policy Manual, § E(16.05—16.07))

Sec. 74-605. - Long distance fax.

- (a) When possible, long distance fax should be programmed to be sent and received during nonworking hours to reduce long distance expenses and operate on a more cost effective basis. Long distance telephone charges are substantially reduced after 5:00 p.m. and before 8:00 a.m., as well as on weekends.
- (b) If long distance fax must be sent, authorization codes will be required as any other long distance telephone call. For outlying areas not within the central county telephone system, authorization codes are not needed. Long distance telephone calls must be recorded in telephone logs (see the telecommunications chapter, section 114-161(b)).
- (c) All long distance telephone charges are monitored and printed out on a monthly basis for audit review. Any long distance fax will show up on the monthly telephone audit by authorization code and on the monthly billing statement.

(Admin. Policy Manual, § E(16.08—16.10))

Sec. 74-606. - Procedures for purchase of a fax machine.

- (a) All fax machine requests shall be sent to the budget office during the budget cycle.
- (b) When the budget office receives the fax requests, they are documented and forwarded to communications and central services for analysis.
- (c) Communications and central services will review the request based upon the following criteria:
 - (1) Determine the need for a fax machine (minimum 30-day survey of what would have been faxed) to include:
 - a. The types of documents that will be sent and received;
 - b. The volume of documents sent and received;
 - c. The time of day the records would have been transmitted;
 - d. Identify all feature requirements necessary to provide maximum cost effectiveness;
 - (2) Telephone and long distance costs for faxing;
 - (3) Identify if the fax will generate revenue;
 - (4) The location within county buildings and the number of departments that will use the fax machine;
 - (5) Fax machine acquisition and operational cost.
- (d) Based on the criteria of subsection (c) of this section, communications and central services will provide a specific recommendation to the budget office. In turn, the budget office will identify a funding source and brief the commissioners court for a final decision.
- (e) If the fax request is approved, the requesting department shall submit a requisition to purchasing for a fax machine and to communications and central services for the telephone line.
- (f) Purchasing will acquire fax machines based on current fax contract as approved by the commissioners court.

(Admin. Policy Manual, § E(16.11—16.16))

Secs. 74-607—74-630. - Reserved.

DIVISION 3. - LITIGATION/LEGAL REPRESENTATION

Sec. 74-631. - Policy.

- (a) Within each department or major segment of the county, the elected official/department head is responsible for coordinating any lawsuits involving their department with appropriate legal counsel. The responsibilities of this person would include:
 - (1) Ensure notice of receipt of suit papers is made to the commissioners court and district attorney's office;
 - (2) Cause the suit papers and supporting file to be promptly furnished to the appropriate counsel;
 - (3) Provide additional information relevant to the case, upon request; and
 - (4) Assist counsel in arranging for dispositions to be taken and to help with other discovery measures, upon request.
- (b) It is the policy of the commissioners court that no fee for legal aid shall be paid by the county unless the specific case is officially cleared with the commissioners court in the form of a court order authorizing the employment of outside legal assistance.

(Admin. Policy Manual, § E(7.00, 7.01))

Sec. 74-632. - Procedures.

- (a) Upon receipt of summons and complaint (in person or by mail) the receiver shall immediately telephone the commissioners court and the district attorney's office to report the suit.
- (b) It is the elected official/department head's responsibility to determine whether the commissioners court has authorized outside representation or will rely on the district attorney's office.
- (c) Once representation is determined, the suit papers shall be forwarded (hand carrying is preferable) and the official file relating to the suit shall be forwarded to the appropriate counsel. The suit papers shall not be delayed in forwarding while waiting to assemble or to obtain the work file. The file can be forwarded a short time later if necessary.
- (d) Upon completion of the lawsuit (after trial or appellate stages) the outside counsel or the district attorney's office will submit a final report to the commissioners court and the elected official/department head, outlining the results of the action against the county. This final report is in addition to interim reports which may be rendered from time to time during the pending of the lawsuit.

(Admin. Policy Manual, § E(7.02—7.05))

Secs. 74-633—74-650. - Reserved.

DIVISION 4. - DUES AND SUBSCRIPTIONS

Sec. 74-651. - Policy.

Expenditures for dues and subscriptions for professional associations, organizations or publications are authorized if the expenditure meets the following criteria:

- (1) The organization, association joined, etc., is directly related to the departmental function.
- (2) The membership or subscription provides direct or indirect benefits to the entire office and the related newsletters or magazines are available and accessible so employees can take advantage of them.
- (3) The department head approves all such expenditures to eliminate duplication and ensure maximum utilization.
- (4) Funds are available within the operating category of the department's budget.
- (5) An itemized list of all requested dues and subscriptions for the next fiscal year shall be included in each department's annual budget submission.

(Admin. Policy Manual, § E(8.00))

Sec. 74-652. - Procedures.

- (a) Payments for authorized dues and subscriptions will be submitted directly to the auditor on a request for payment form no. 255 (Exhibit DN).
- (b) The auditor will certify that the criteria for authorization is met and approve payment.
- (c) If the criteria for authorization is not met, the request will be placed on the commissioners court briefing agenda for final consideration by the commissioners court.

(Admin. Policy Manual, § E(8.01—8.03))

Secs. 74-653—74-670. - Reserved.

DIVISION 5. - SELF-INSURANCE PROGRAM

Sec. 74-671. - Adopted.

The county commissioners court adopted a self-insurance policy to provide fire, burglary, theft and mysterious disappearance coverage for all officials and employees. The insurance covers personal liability for loss of public funds in the department heads/elected officials' custody when the loss is not a result of malicious, willful and/or negligent acts.

(Admin. Policy Manual, § E(14.00))

Sec. 74-672. - Coverage.

The self-insurance program provides coverage for all officials and employees that conduct business in accordance with policies and procedures approved by the commissioners court, civil service commission and the county auditor.

(Admin. Policy Manual, § E(14.01))

Sec. 74-673. - Procedures.

- (a) All claims under the self-insurance program are filed directly with the county auditor. Contact the county auditor's office at 653-6472 for additional information.
- (b) The auditor will review all claims and make recommendations to the commissioners court for action.
- (c) The county auditor may request that the district attorney and/or director of personnel review and make recommendations to determine adherence to approved policies and state law before recommending approval or disapproval of coverage.
- (d) If the county's operating policy and/or the law are not followed the auditor will not recommend payment of the claim.

(Admin. Policy Manual, § E(14.02—14.05))

Secs. 74-674—74-690. - Reserved.

DIVISION 6. - CASH COLLECTION AND DEPOSIT

Sec. 74-691. - Receipts.

Official receipts shall be written or generated immediately for all collections made in the official capacity of the various offices of the county. Receipts may be in the form of prenumbered autographic receipts or prenumbered book bound receipts, cash register receipts or machine validated receipts issued, cash register totals, validating machine totals or other approved procedures for establishing accountability.

(Admin. Policy Manual, § E(14.06))

Sec. 74-692. - Out of balance conditions; notice.

The county auditor's office will be notified immediately (within one day) of any out of balance conditions for purposes of identifying and substantiating any shortages which may subsequently require indemnification.

(Admin. Policy Manual, § E(14.07))

Sec. 74-693. - Deposits.

Deposits are to be made intact with the county treasurer using prescribed forms and in accordance with the schedule as provided by state statutes or other schedules that may be promulgated for the various offices (e.g., daily for downtown offices, twice or thrice weekly for certain outlying offices).

(Admin. Policy Manual, § E(14.08))

Sec. 74-694. - Division provisions constitute minimal requirements for indemnification.

The procedures of this division are established as the minimal policy requirements for indemnification coverage under the self-insurance policy adopted by the commissioners court.

(Admin. Policy Manual, § E(14.09))

Sec. 74-695. - Employee incentive program rescinded.

The employee incentive program is hereby rescinded.

(Admin. Policy Manual, § E(15.00))

Secs. 74-696—74-720. - Reserved.

DIVISION 7. - FLAG POLICY¹³

Sec. 74-721. - Purpose of division.

The policy and procedures outlined in this division are designed to ensure that the county employees will have a ready reference on the procedures to follow when flying county-owned flags.

(Admin. Policy Manual, § E(17.00))

Sec. 74-722. - Policy and procedures.

- (a) Outdoor flags shall be flown from sunrise to sunset, unless properly illuminated.
- (b) Only flags that are approved as all-weather flags shall be flown under conditions of severe weather.
- (c) The county security office, after notification by a concerned individual, shall lower county flags in the following instances:
 - (1) Upon the death of a county employee as a result of the performance of his county duties;
 - (2) Upon the death of an elected county official;
 - (3) Upon the death of any public safety officer based within the county whose death is a result of the performance of his official duties;
 - (4) Upon the death of a state or federal official who represents the county; or

¹³ **Federal law reference**— Position and manner of display of flag, 4 USC 7.

- (5) Upon the death of other individuals as designated by the commissioners court.
- (d) The office of the commissioners court administrator shall be notified as soon as practical of the flying of county flags at half-mast.
- (e) All customs and rules, as delineated in the document "Our Flag," published by the federal government, as authorized by HCR 361 100th US Congress (available in the security office, and law library) shall be adhered to as county policy. All county personnel assigned to the care of county flags shall familiarize themselves with this document.

(Admin. Policy Manual, § E(17.01—17.05))

Secs. 74-723—74-740. - Reserved.

DIVISION 8. - CONFLICT OF INTEREST¹⁴

Sec. 74-741. - Purpose of division.

- (a) It is possible that the private financial interests and investment holdings of county officials and employees and their families could constitute a conflict of interest in the performance of their official duties if circumstances arose in which the official or employee were to take actions, make decisions, or give opinions or assistance concerning matters which affect their personal financial interests.
- (b) In such a case, a breach of public trust could occur in that personal financial interests could influence the official's or employee's action, decision or opinion rather than solely having the interests of the county as the motivating factor in the decision making process.

(Admin. Policy Manual, § E(18.00, 18.01))

Sec. 74-742. - Policy.

- (a) In order to avoid potential conflicts of interest or the appearance of conflicts of interest, no officer or employee of the county shall:
 - (1) Have a substantial interest, investment, ownership or other involvement in any entity or firm which supplies goods or services to the county;
 - (2) Accept from or give to any entity, firm or person doing or seeking to do business directly or indirectly with the county, including agents or representatives of such entity, firm or person, any personal gift; loan of any type; entertainment; trips, services, or money in any amount;
 - (3) Receive directly or indirectly any pecuniary interest from a contract or other agreement entered into by the county;
 - (4) Engage in any other business to an extent which interferes with their performance of duties as a county official or employee; or
 - (5) Use in any matter their public office or position for personal gain including the acceptance or dispensing of any special favors, privileges or benefits.
- (b) The county officials or employees having reservations or questions regarding possible conflicts of interest should request a legal opinion from the district attorney's office.
- (c) The county officials and employees may be requested to submit an annual conflict of interest-disclosure statement (Exhibit EC) to the commissioners court.

¹⁴ **State Law reference—** Conflict of interest, V.T.C.A., [Local Government Code § 171.001](#) et seq.

- (d) All elected officials and employees of the county will comply with V.T.C.A., [Penal Code ch. 36](#) that requires that no gift be given as a consideration for some exercise of official discretion. County employees shall not accept gifts from contractors, vendors or other persons who are employed by or who deal with the county. These rules do not apply to gifts exempted by V.T.C.A., [Penal Code § 36.10](#), calendars, folders, pens, notepads and similar articles that bear the donor's advertising, nor do they apply to purely personal gifts between relatives and friends.
- (e) All elected officials and candidates required to file financial disclosure statements by V.T.C.A., [Local Government Code § 159.001](#) et seq., shall file an annual financial statement with the county clerk, including the reporting of gifts, as required by that statute.
- (f) All elected county officials shall comply with V.T.C.A., Election Code title 15 and all state-mandated reporting of gifts.
- (g) The county officials or employees having reservations or questions regarding possible conflicts of interest should request a legal opinion from the district attorney's office.
- (h) Nothing in this division shall prohibit the solicitation and or acceptance of contributions and or gifts as authorized by the Texas Election Code.

(Admin. Policy Manual, § E(18.02—18.09); Ord. No. 2014-0604, Exh. A, 4-29-2014)

Sec. 74-742.1. - Personal financial disclosure reporting.

- (a) The county commissioners court by the adoption of this section extends personal financial disclosure reporting to the county sheriff, county tax assessor/collector, county clerk, district clerk, county treasurer, county auditor, all constables, and county employees occupying the positions identified in the list below, including under any revised or modified title:

EMPLOYEE PERSONAL FINANCIAL
DISCLOSURE REPORTING LIST

- (1) Commissioners court administrator/county administrator.
- (2) Assistant county administrator(s).
- (3) Assistant administrator for governmental affairs.
- (4) Chief information officer.
- (5) Homeland security/emergency management coordinator.
- (6) Director of health and human services.
- (7) Director of human resources/civil service.
- (8) Director of The Institute of Forensic Sciences/chief medical examiner.
- (9) Director of juvenile services.
- (10) Budget officer.
- (11) Director of public works & engineering.
- (12) Public defender director.
- (13) Veterans services officer.
- (14) Director of operations.
- (15) Fire marshal.
- (16) Director of planning/development.
- (17) Director of facilities management.

- (18) Purchasing agent.
 - (19) Director of security.
 - (20) Director of criminal justice.
 - (21) Head M/WBE officer.
 - (22) Any other department head, director, or county administrator position created after the date of this order.
- (b) Such financial disclosure reporting shall be the same in all regards as that required by V.T.C.A., [Local Government Code ch. 159, subch. A](#) of the Local Government Code. The personal financial statement required under this section shall include all information required to be disclosed under V.T.C.A., [Government Code § 572.023](#) utilizing the categories described in V.T.C.A., [Government Code § 572.022](#), as amended or revised from time to time.
 - (c) The financial disclosure statement shall be filed with the county clerk in the form of the personal financial statement adopted by the Texas Ethics Commission under V.T.C.A., [Government Code ch. 572](#), as amended or revised from time to time. The form is currently available as Form PFS at http://www.ethics.state.tx.us/filinginfo/pfsforms_ins.html, which web address may change.
 - (d) All persons subject to financial disclosure pursuant to this section shall file the personal financial statement no later than April 30 of each year by 5:00 p.m., with the county clerk. The timeliness of filing shall be governed by V.T.C.A., [Local Government Code § 159.0341](#) and V.T.C.A., [Government Code § 572.029](#), as they are amended or revised from time to time.

(Ord. No. 2003-1944, 10-21-2003; Ord. No. 2014-0604, Exh. A, 4-29-2014)

Sec. 74-743. - Confidentiality.

All information protected by state statute concerning county business must be held in strict confidence and must not be discussed with others on or off the job except for purposes of necessary county business.

(Admin. Policy Manual, § E(18.10))

Secs. 74-744—74-760. - Reserved.

DIVISION 9. - TRAINING

Sec. 74-761. - Purpose of division.

The county commissioners court has allocated funds for use by county departments which have identified specialized training needs for the professional development of their staff. These funds are separate and apart from allocations available for the county training fund.

(Admin. Policy Manual, § E(19.01); Ord. No. 2005-029, 1-4-2005)

Sec. 74-762. - Procedures.

- (a) A request for classroom training form (Exhibit ED) should be filed by the department with the director of the human resources/civil service department, providing the following information:
 - (1) Basic information (who, what, where, when, etc.);
 - (2) Description of the curriculum to be offered with sample course material;
 - (3) Description of the direct relevance of the training to the individual's job activity;

- (4) Description of the certification implications, if any, of the training; and
- (5) Statement of qualifications of the instructors and estimate of class size.
- (b) The human resources/civil service department will verify each request, and provide assurances that:
 - (1) The requested training is not available, or could not be made available, closer to Dallas or at less expense;
 - (2) The employee to be trained has and will follow extremely prudent practices in spending public dollars, i.e., will comply with appropriate travel procedures, seek out discounts, etc.;
 - (3) The training appears to conform to the definition of classroom training and is not considered a conference;
 - (4) Funds remain in the classroom training budget; and
 - (5) No more than \$750.00 per individual per request is involved.
- (c) The commissioners court approval will be required after a full briefing well in advance of the intended training. This funding source will not be available for last minute emergency requests as these will be deemed to be poorly planned and therefore subject to improvement by more careful analysis. A request for classroom training must be submitted no less than four weeks prior to the date of the training.
- (d) The human resources/civil service department must be provided with a comprehensive trip report subsequent to the training; such report to include an assessment of the training by the department head after discussions with the individual and review of the training materials. The report must be filed prior to reimbursement requests being approved and prior to any other application for classroom training funding. The report will be made available to the commissioners court in conjunction with the next similar request for training by the same department.

(Admin. Policy Manual, § E(19.02—19.05); Ord. No. 2005-029, 1-4-2005)

Sec. 74-763. - County training fund.

Each year during the budget hearing process, the county commissioners court allocates training funds for use by county departments. The general guidelines for the use of these funds are listed below.

- (1) The requesting county department must submit a training request to the office of budget and evaluation. The office of budget and evaluation will review the request, make a recommendation and prepare a briefing to commissioners court.
- (2) Training will be at the discretion of the commissioners court. The commissioners court may approve training such as:
 - a. Continuing education required by Texas Statutes;
 - b. Training related to earning or maintaining job related certifications;
 - c. Training required for compliance with federal, state or local regulations;
 - d. Training required for compliance with grant requirements;
 - e. Conferences which the requesting department and commissioners court deem appropriate and necessary for county personnel to attend.
- (3) Training must be job related.
- (4) No monetary advances will be made for ground transportation, mileage, per diem, meals, etc.
- (5) Training will be conducted subject to a prudent standard.
- (6) Reimbursement will not be made for the following travel/training expenditures:

- a. Liquor/entertainment;
 - b. First class air travel;
 - c. Extra expenses caused solely by companion travel;
 - d. Expense in excess of daily per-diem rate set by county-wide policy.
- (7) Signed "Report of Travel/Training Expenses and Request for Reimbursement" must be submitted at the time reimbursement is requested. Reimbursement requests must be made within a 30-day period after the expense has occurred.
 - (8) To be pre-paid, air travel for training should be booked through the county travel agent, after receiving approval from the commissioners court and after confirming through the ORACLE system that funds are available. Once the county department receives the itinerary from the travel agent, a copy should be routed to the auditor's office along with a completed "Request for Payment" form. This documentation will provide the auditor with the necessary back-up support for payment.
 - (9) Training fees may be pre-paid from the training fund, after commissioners court has approved it. The county department must send a "Request for Payment" form along with a completed conference application to the auditor's office.

(Ord. No. 2005-029, 1-4-2005)

Secs. 74-764—74-780. - Reserved.

DIVISION 10. - COMPUTER SOFTWARE

Sec. 74-781. - Policy.

- (a) Computer software is generally licensed with specific restrictions regarding use and duplication. Violation of another's copyright, in certain circumstances, may be considered a criminal offense.
- (b) It is the county's policy to honor license agreements, and use of unauthorized software will not be tolerated.
- (c) Appropriate measures must be taken to ensure that employees are aware of and abide by this division. Each user may use only legitimate, licensed or authorized software.
- (d) Although it is the responsibility of each individual employee to comply with this procedure, each department head must ensure that their employees understand the components of this division.
- (e) Each department head must review this division with their employees, either individually or at a group meeting, at least annually.
- (f) This division covers all software used on all equipment, including personal computers, networks and other computers.

(Admin. Policy Manual, § E(20.00—20.05))

Sec. 74-782. - Procedures.

- (a) When ordering copyrighted software, the ordering department head will review the requisition to determine that the appropriate number of licensed copies are being purchased to address the intended use. This number will vary depending upon the terms of the individual licensing agreement, as some allow for multiple users (e.g., specific number of local area network (LAN) users), while others are intended for a single user.

- (b) Any employee who suspects that a licensing agreement is being breached must inform their department head. It is the responsibility of the department head, in conjunction with data services, to determine whether a breach has indeed occurred and take appropriate action.
- (c) Should a situation arise where a licensing agreement has not been complied with, the responsible department head will establish and expedite a specific timely plan to achieve compliance. For example; if the purchase of more software is required, a request would be submitted to the computer governance committee within ten working days.
- (d) Violations of this division shall be considered sufficient grounds for disciplinary action up to and including termination.

(Admin. Policy Manual, § E(20.06—20.09))

Secs. 74-783—74-800. - Reserved.

DIVISION 11. - ELECTRONIC COMMUNICATIONS

Subdivision I. - In General

Sec. 74-801. - Purpose of division.

The purpose of this division is to address the legal and legitimate use of the county's electronic communication and Internet access resources. This division will address the standards of acceptable use.

(Ord. No. 2000-1462, 7-25-2000; Ord. No. 2000-1883, 9-19-2000)

Sec. 74-802. - Objectives of division.

The objectives of this division are to define:

- (1) The resources included under electronic mail and Internet access;
- (2) Standards of conduct that are acceptable when using available resources;
- (3) Define the guidelines for use of the county system.

(Ord. No. 2000-1462, 7-25-2000; Ord. No. 2000-1883, 9-19-2000)

Sec. 74-803. - Statement of policy.

- (a) The county electronic mail and Internet system is provided to county employees, contractors, vendors and other persons or firms designated by authorized county officials for the purpose of county business. The electronic mail and Internet system is owned by the county. The county reserves the right to monitor any messages, attachments or access of electronic mail and/or Internet sites on the electronic mail and Internet system, subject to state and federal law. Users of the county electronic mail and Internet system will be subject to administrative and/or criminal actions if policy violations occur.
- (b) This division is designed to create a recognized legally acceptable exception, known as the "employee consent exception," to the Federal Wiretap Statute, 18 USCA 2510 (1986). This exception requires the county to establish a written policy concerning the interception of business communication.

(Ord. No. 2000-1462, 7-25-2000; Ord. No. 2000-1883, 9-19-2000)

Sec. 74-804. - County computer network system.

- (a) The technology of a computer network system is defined as all computers, both hardware and software, the LAN (local area network) and all transmitted information. Transmitted information includes, but is not limited to, electronic mail, web browsing, file transfer protocol and any information retrieved via the Internet. The Internet is an electronic superhighway connecting thousands of computers and users all around the world. The Internet includes both the Internet and intranet applications. Access to electronic mail enables communication with people all over the world; information and news from around the world, as well as the opportunity to correspond with the providers of this information; discussion groups on a wealth of topics; and access to many county databases.
- (b) With such access to computers and people all over the world, there exists an availability of material that will have no business value to the county. Therefore, the county has taken all reasonable precautions to restrict access to inappropriate materials. However, on a global network it is impossible to control all materials, and an industrious user may discover inappropriate information. The county firmly believes that the valuable information and interaction available on this worldwide network far outweigh the possibility that users may procure material that is not consistent with the business goals of the county.

(Ord. No. 2000-1462, 7-25-2000; Ord. No. 2000-1883, 9-19-2000)

Sec. 74-805. - Standard of conduct.

Use of the computer technology of the county is a privilege, not a right, extended to some employees. Each user has the privilege to make use of authorized hardware and software in order to facilitate his/her employment and for other activities with prior approval of the department head or elected official. Transmission and viewing of any material in violation of any federal or state regulation is strictly prohibited. This includes, but is not limited to, plagiarizing copyrighted material, threatening or obscene materials, or materials protected by trade secret or that are classified government information. Moreover, the viewing, transfer, solicitation, use or storage of pornography or other sexually harassing information is strictly prohibited except in the pursuit of bonafide law enforcement investigations. Initiation of electronic mail and the Internet for commercial ventures, religious or political causes or other non-county sanctioned activities is also prohibited.

(Ord. No. 2000-1462, 7-25-2000; Ord. No. 2000-1883, 9-19-2000)

Secs. 74-806—74-830. - Reserved.

Subdivision II. - Guidelines

Sec. 74-831. - Employee responsibility for misuse; monitoring and privacy.

- (a) All county policies and regulations apply to the use of the electronic mail and Internet network to support the business goals of the county. When the county incurs a cost due to employee negligence or misuse, the employee will be responsible for reimbursement of that cost.
- (b) The county reserves the right to monitor all activity and contents of any county-owned communication system. Employee passwords do not guarantee privacy. Employees deleting electronic mail should know that it will not totally purge the message from the system. Computer servers often retain electronic mail for months, and electronic tracing information remains indefinitely. Further, electronic mail could be subject to the Texas Public Information Act.

(Ord. No. 2000-1462, 7-25-2000; Ord. No. 2000-1883, 9-19-2000)

Sec. 74-832. - County goal.

The county recognizes that the electronic communications available on the Internet are an increasingly important part of the daily lives of many employees and can help individuals and families keep up with daily schedules, personal communication, and other important information. The goal of the county when making this system available to employees is to enhance the effectiveness of employees in their work but also to recognize that this technology will be used as routinely as the telephone.

(Ord. No. 2000-1462, 7-25-2000; Ord. No. 2000-1883, 9-19-2000)

Sec. 74-833. - Personal communications.

Similar to its policies regarding telephone use, the county expects users of the county electronic network to limit personal communications to those that are necessary, do not incur a charge to the county, do not involve operating a profit-making enterprise on county time, and do not take away from the time required to be devoted to county business. Routine and occasional personal communications, consistent with departmental policies, may be made on break times or in such a way that they do not interfere with the performance of job duties. However, such personal communication shall not be considered private and may be monitored by the county. No employee shall have an expectation of privacy when using the county's electronic mail and Internet system.

(Ord. No. 2000-1462, 7-25-2000; Ord. No. 2000-1883, 9-19-2000)

Sec. 74-834. - Business, political or religious communications.

A county network user should not give their county electronic mail address to any person or organization for purposes of receiving business, political, or religious communications. A county network user who receives such communications or any inappropriate non-county electronic message should respond to the sender asking to have such messages terminated or redirected to a non-county address.

(Ord. No. 2000-1462, 7-25-2000; Ord. No. 2000-1883, 9-19-2000)

Sec. 74-835. - User regulations.

The following county network user regulations shall be observed:

- (1) Use of personal codes is not authorized and is strictly prohibited.
- (2) No expectation of privacy exists for personal electronic communications.
- (3) Users are bound by federal, state and local laws relating to civil rights, harassment, copyright, licensing, security and other statutes relating to electronic media. Illegal activities will be referred to the appropriate law enforcement agency.
- (4) Users must recognize that information distributed through the county's computing and networking facilities is a form of publishing, and some of the same standards apply.
- (5) Anything generated at the county that is available on the Internet represents the county and not just an individual. Even with disclaimers, the county is represented by its employees, and appropriate professional language, behavior and style is warranted.
- (6) Users may not use the network system in such a way that would disrupt or degrade the county network.
- (7) Users may not reveal the home address or phone number for any person.

(Ord. No. 2000-1462, 7-25-2000; Ord. No. 2000-1883, 9-19-2000)

Subdivision III. - Building and Computer Access Termination

Sec. 74-836. - Applicability of subdivision.

This policy applies to all individuals employed by Dallas County or contracted to perform services for Dallas County regardless of their employment status.

(Ord. No. 2006-902, 5-16-2006)

Sec. 74-837. - Purpose of subdivision.

The purpose of this policy is to ensure that when a person terminates their relationship with Dallas County and is no longer authorized to access Dallas County facilities and/or IT computer or network resources, access to county buildings and the county's computer resources is discontinued and data and e-mail files, while meeting the Texas State Library's record retention rules, are moved promptly from the production system to tape back ups.

(Ord. No. 2006-902, 5-16-2006)

Sec. 74-838. - Objectives of subdivision.

The objectives of this subdivision are to ensure that:

- (1) Upon termination of employment or contract assignment with the county that all access to county facilities and the county's computer resources is immediately discontinued.
- (2) Guidelines are established that will determine the proper handling of electronically stored data.
- (3) All responsible parties take action to ensure that such access is terminated and essential data is stored or discarded in accordance with the record retention rules as filed with or provided by the Texas State Library.

(Ord. No. 2006-902, 5-16-2006)

Sec. 74-839. - Building access termination.

Building access termination will occur as stated in subsection 74-840(b)3. It is the responsibility of the department head/designee to ensure that all access cards are returned to the chief of security. Although access for entry to the building will cease, failure on behalf of the department head/designee to collect the access cards may result in a cause for a security concern. Should the access card not be returned, the department head/designee shall notify the chief of security via e-mail containing all pertinent information for tracking and follow up purposes.

(Ord. No. 2006-902, 5-16-2006)

Sec. 74-840. - Statement of policy.

- (a) When a person terminates their relationship with Dallas County and is no longer authorized access to Dallas County facilities and/or IT computer or network resources, the e-mail, e-mail archive, and all individual data files created or stored by that person will be made available to their department head/designee for a period not less than 120 days. The 120-day period will begin when IT notifies the department head/designee in accordance with subsection 74-840(c) that the account access has been terminated and the department head/designee has been given access to the account.
- (b) Department head/designee responsibility:

- (1) County employees. Notify the auditor's office via a Notice of Separation Form, Exhibit A, e-mailed to the payroll hotline (payrollhotline@dallascounty.org) that access to county facilities and the county's IT resources should be discontinued for the terminated individual.
- (2) Contractors. Notify the auditor's office via a Contractor Notice of Separation Form, Exhibit B, e-mailed to the payroll hotline (payrollhotline@dallascounty.org) that access to county facilities and the county's IT resources should be discontinued for the specified contractor.
- (3) Upon receipt of this notification, the auditor's office will compile a spreadsheet on a biweekly basis of such individuals and forward it to the following individuals for the purpose of discontinuing said access:

Position/Title	Purpose
Network/Server Manager	Termination of IT accounts (i.e. Groupwise, Mainframe, JIS, AIS, Novell, Civil Court etc)
Chief of Security	Security Purposes and collection of Access and County Identification Cards
Data Center Manager	Termination of Building Access and maintenance of Access Database
Oracle System Administrator	Termination of Oracle Access

- (4) Move data stored on the local hard drive to the terminated individual's personal space on the network drive.
 - (5) Identify all data required for ongoing county business operations.
 - (6) Obtain copies of the record retention rules as filed with or provided by the Texas State Library by accessing the Records Management Publication section of the Texas State Library's website (<http://www.stsl.state.tx.us>) or by contacting the records management officer.
 - (7) Move data requiring retention to a shared network data storage area.
- (c) IT department responsibility.
- (1) Provide notification via e-mail to the department head/designee of successful card key and e-mail account termination and provide them with access to the ex-user's e-mail account and data files.
 - (2) Every 30 days:
 - a. Do a full backup of the stored network data files.
 - b. Do a full backup of personal e-mail files.
 - c. Do a full backup of all archived e-mail data.
 - (3) Store the 30-day backups at a secure off-site facility.
 - (4) Maintain a physical log of the backups that identify tapes by date.
 - (5) Print a summary log of servers and files backed up to store with each 30-day tape set.
 - (6) Maintain facilities to restore backups for individual file recovery.

- (7) Retain backups in accordance with State Retention Guidelines.
- (8) Ensure that there have been at least two full backups since the person's last system access and the day the files are to be removed.
- (d) At the end of the 120-day period IT will remove from all Dallas County IT systems:
 - (1) All e-mail stored in the terminated individual's e-mail account.
 - (2) All e-mail stored in the e-mail archives.
 - (3) Data files stored or created on that person's personal network space (home drive).
 - (4) All data stored on the local hard drive.

(Ord. No. 2006-902, 5-16-2006)

Sec. 74-841. - Policy exceptions.

- (a) E-mail, archived e-mail or any data files that are part of an ongoing lawsuit, pending lawsuit, criminal or civil investigation will not be removed from the system but will be archived per the requirements.
- (b) E-mail, archived e-mail or any data files that are uniquely identified and marked by the departing individual for retention per state and local laws or policy will not be removed. Such files will be archived by the department head/designee per the relevant law or policy.
- (c) Any other exceptions shall be approved by order of the commissioners court.

(Ord. No. 2006-902, 5-16-2006)

Secs. 74-842—74-860. - Reserved.

DIVISION 12. - EMPLOYEE ASSOCIATIONS, LABOR UNIONS, AND OTHER BONA FIDE ORGANIZATIONS¹⁵

Sec. 74-861. - Activities not to be on county time, work areas or equipment and supplies.

All activities of employee associations, labor unions and other bona fide organizations are to be conducted on noncounty time, in nonwork areas, and with out the use of county equipment or supplies.

(Admin. Policy Manual, § E(21.00))

Sec. 74-862. - Solicitation.

- (a) It is permissible for the representatives of employee associations, labor unions and other bona fide organizations to talk to employees, and pass out information, recruiting leaflets or literature.
- (b) Such organizations may solicit only during nonwork hours. Work hours include the normal workday including any break periods. Solicitation is permissible before and after work and during lunch periods as long as such solicitation is not disruptive and does not interfere with county operations.

(Admin. Policy Manual, § E(21.01, 21.02))

¹⁵ **State Law reference—** Employee-employer labor relations, V.T.C.A., [Labor Code § 101.001](#); collective bargaining and strikes, V.T.C.A., [Government Code § 617.001](#) et seq.

Secs. 74-863—74-880. - Reserved.

DIVISION 13. - SUPPLY REQUISITION SYSTEM

Sec. 74-881. - 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:

Office supplies means supplies used in the daily operation of county business. Supplies include both small durable items, such as pencil sharpeners, staplers or bulletin boards, and consumable items such as calendars, paper or pens.

(Admin. Policy Manual, § I(1.00))

Sec. 74-882. - Responsibility of supply department.

The supply department is responsible for ordering and stocking office supplies. Furthermore, the supply department will only stock supplies that are on the standard supply list.

(Admin. Policy Manual, § I(1.01))

Sec. 74-883. - Orders by departments.

Departments may order any supplies as listed on the standard office supply list which is available upon request from the supply department.

(Admin. Policy Manual, § I(1.02))

Sec. 74-884. - Amendment of standard supply list.

The standard supply list may be amended at any time to add or delete types or brands of supplies.

(Admin. Policy Manual, § I(1.03))

Sec. 74-885. - Charging of departments through revolving fund.

Individual departments are charged for supplies through a revolving fund. Each month the supply department forwards a report to the auditor's office detailing each department's purchases. The auditor makes the appropriate reduction in the purchaser's budget.

(Admin. Policy Manual, § I(1.04))

Sec. 74-886. - Requisition procedures.

- (a) When requisitioning office supplies, a requisition on storekeeper form no. 4 (Exhibit IA) must be prepared and submitted to the supply department.
- (b) The requisition on storekeeper form should be completed using blue or black ink (do not use red ink) and include the following information:
 - (1) Department name and number;
 - (2) Signature for departmental approval;

- (3) Date;
 - (4) Quantity of the items ordered;
 - (5) Unit, i.e., is it ordered by the single unit or by the dozen, package or roll;
 - (6) Stock number;
 - (7) Name and description of items ordered;
 - (8) Signature of receiver; and
 - (9) Signature of deliverer.
- (c) When ordering supplies it is important to provide the quantity and stock number as shown on the standard supply list.
 - (d) The white copy of the requisition on storekeeper form should be presented to the supply department. The yellow duplicate is the requesting department's receipt.
 - (e) When ordering rubber stamps, however, present both the white and the yellow duplicate copy of the requisition on storekeeper form no. 4 (Exhibit IA), along with two copies of the stamp requested shall be provided.
 - (f) If the request is for a signature stamp, two original signatures in black ink on unlined paper shall be provided.
 - (g) When a department needs nonstandard supplies that are not stocked by the supply department, the requesting department must order the items through the purchasing department using a requisition on the county purchasing department form no. 1 (Exhibit DA).
 - (h) Unused supplies may be returned for credit within 60 days of issue. A copy of the original requisition on storekeeper form with the department name and number must be returned with the items to ensure proper credit.

(Admin. Policy Manual, § I(1.06—1.13))

Secs. 74-887—74-910. - Reserved.

DIVISION 14. - MAIL ROOM OPERATIONS

Sec. 74-911. - Provision of centralized operation.

It is the policy of the county to provide all county offices and departments with a centralized mail room operation. The mail room will provide postage on all outgoing mail and packages and route all in-house mail to the appropriate departments.

(Admin. Policy Manual, § I(2.00))

Sec. 74-912. - Separation of in-house from outgoing mail.

All in-house mail shall be carefully separated from outgoing mail. All in-house mail must be clearly marked as such. This prevents in-house mail from being run through the postage machine.

(Admin. Policy Manual, § I(2.01))

Sec. 74-913. - Sealing of heavy envelopes.

All heavy envelopes must be sealed before they are brought to the mail room.

(Admin. Policy Manual, § I(2.02))

Sec. 74-914. - Sorting and distributing of mail.

All in-house mail delivered to the mail room will be sorted and distributed to the appropriate departmental mail boxes on a continuous basis.

(Admin. Policy Manual, § I(2.03))

Sec. 74-915. - Stamping of outgoing mail; charging.

All outgoing mail delivered to the mail room is stamped with the correct postage which is then charged to the mailing department on the basis of the revolving fund.

(Admin. Policy Manual, § I(2.04))

Sec. 74-916. - Qualifying for pre-sort postage rate.

In order for mail to qualify for the pre-sort postage rate the following procedures must be followed:

- (1) City of Dallas mail must be separated from out-of-town mail and placed into bundles by ZIP code 750, 751 and 752.
- (2) Mail should be delivered to the mail room as early in the day as possible. Departments with large volumes should deliver to the mailroom several times during the day.
- (3) All mail must be delivered to the mailroom prior to 2:00 p.m.

(Admin. Policy Manual, § I(2.05))

Sec. 74-917. - Same day mailing.

Mail delivered to the mail room after 2:00 p.m. will be mailed the same day, but will not be sorted to qualify for the pre-sort postage rate.

(Admin. Policy Manual, § I(2.06))

Secs. 74-918—74-940. - Reserved.

DIVISION 15. - PRINTING

Subdivision I. - In General

Secs. 74-941—74-960. - Reserved.

Subdivision II. - County Print Shop

Sec. 74-961. - For in-house printing.

The county operates a centralized print shop for all in-house printing requirements.

(Admin. Policy Manual, § I(3.00))

Sec. 74-962. - Review of printing requests.

All printing requests should be reviewed by the requesting department to determine whether the job can be performed in-house or must be sent to a commercial printer. The print review committee, comprised of the purchasing agent, the print shop manager, the assistant administrator and the records coordinator, will also review all printing orders.

(Admin. Policy Manual, § I(3.01))

Sec. 74-963. - Types and sizes of paper stock.

The county print shop provides the following types and sizes of paper stock:

- (1) Envelopes:
 - a. Standard size no. 10;
 - b. Standard size no. 10 with window;
 - c. Standard size no. 10 (25 percent rag);
 - d. Size no. 10 brown Kraft;
 - e. Size no. 11 brown Kraft;
 - f. Odd-size envelopes such as used by the county treasurer and the election department (3 5/8 inches × 6½ inches, or 3 1/8 inches × 5½ inches).
- (2) Index cards: 90-pound white and colors (cut to three inches × five inches, four inches × six inches, five inches × eight inches, 6¾ inches × 9¾ inches, eight inches × eight inches, 8½ inches × 11 inches).
- (3) Paper 20-pound white and colors (salmon, buff, blue, pink, green, canary, cherry, goldenrod, gray, ivory, orchid, pumpkin and tan):
 - a. Eight and one-half inches × 11 inches;
 - b. Eight and one-half inches × 14 inches;
 - c. Eleven inches × 17 inches.
- (4) Manuscript covers: 25 percent rag.
- (5) NCR paper (no carbon required):
 - a. Eight and one-half inches × 11 inches (two, three, four, five or six-part);
 - b. Eight and one-half inches × 14 inches (two, three, four, five or six-part).
- (6) Vellum cover stock.
- (7) Crack and Peel (stick-on paper).
- (8) Certificate-grade papers.

(Admin. Policy Manual, § I(3.02))

Sec. 74-964. - Services.

The county print shop offers the following services:

- (1) Folding:
 - a. Letter fold (paycheck stuffers);

- b. Book fold;
 - c. Pamphlet fold;
 - d. Magazine fold.
- (2) Cut: Any paper less than 26½ inches × 37 inches to any size requested.
- (3) Stitch (staple):
 - a. Magazine stitch;
 - b. Corner stitch;
 - c. Book stitch;
 - d. Infinite variable stitch.
- (4) Pads.
- (5) Collate: 25-station collator (more pages by special arrangement).
- (6) Shrink-wrap: All completed printing is shrink-wrapped to maintain cleanliness.
- (7) Some design and art work, and all photography in preparation to producing the printed material.
- (8) Maintain a master file of all printing produced in the print shop.
- (9) Emergency printing: one-day service upon request.
- (10) Engraving: plastic signs, name tags.
- (11) All darkroom photography pertaining to printing.
- (12) Photographic signs: used by district attorney for courtroom presentations or police uses.
- (13) Specialized signs: large poster-size for governmental use.
- (14) Graphs and charts: pie, bar, production-monitor graphs.
- (15) Generic business cards: any department.
- (16) Two-color and three-color work by special request.
- (17) All general printing.
- (18) Envelopes with return address, forwarding address, windows, brown Kraft.
- (19) Create some art work from verbal description.
- (20) Printing from concept to finished product.
- (21) Ink colors: black, gold, green, brown, blue, red, yellow, magenta, process blue.

(Admin. Policy Manual, § I(3.03))

Sec. 74-965. - Minimum and maximum orders.

Orders must be a minimum of 500 or more and cannot exceed 100,000 impressions.

(Admin. Policy Manual, § I(3.04))

Sec. 74-966. - Ordering forms.

When ordering forms the master copy must be submitted. The print shop will not print off a Xerox copy, but must use the typed original.

(Admin. Policy Manual, § I(3.05))

Sec. 74-967. - Services not provided.

The print shop does not provide the following services:

- (1) Typeset full pages or retype forms;
- (2) Print on shiny paper;
- (3) Number forms;
- (4) Print bumper stickers;
- (5) Print personalized desk pads unless ordered by the commissioners court;
- (6) Print snap out forms;
- (7) Print personal business cards; or
- (8) Deviate from letterhead stationery format unless ordered by the commissioners court.

(Admin. Policy Manual, § I(3.06))

Sec. 74-968. - Request procedures.

- (a) When requesting printing from the county print shop, an in-house printing work order form (Exhibit IB) must be submitted to the communications and central services department for review by the print review committee before it is forwarded to the county print shop.
- (b) The following information is required for in-house printing work order form:
 - (1) Department name and number;
 - (2) Date;
 - (3) Name of contact person and telephone number;
 - (4) Name of the form and/or form number;
 - (5) Exact amount of sheets to be printed and the exact size if required (for multiple part forms, specific the number of sets);
 - (6) Circle the appropriate information pertaining to your order;
 - (7) Any additional instructions if required; and
 - (8) Attach a sample.

Each job must be on a separate work order form.

- (c) The white and yellow copies shall be sent to the communications and central services department.
- (d) All departments will be charged for any printing done in-house. Charges will vary depending on the actual costs.
- (e) In-house print orders are delivered to the supply department. The requesting department should pick up print orders when notified by supply department staff.
- (f) For additional information for in-house printing the county print shop may be called at 521-1490 or 521-1491 or the communications and central services department may be called at 653-6080.

(Admin. Policy Manual, § I(3.07—3.12))

Secs. 74-969—74-990. - Reserved.

Subdivision III. - Outside Vendors

Sec. 74-991. - Print orders.

- (a) When a department or the print review committee determines that the county print shop cannot print specific items, a requisition on the county purchasing department form no. 1 (Exhibit DA) must be submitted to the purchasing department with a clear sample attached.
- (b) All special requirements must be indicated on the requisition. These include, but are not limited to:
 - (1) Proof approval;
 - (2) Deadlines; and
 - (3) Special procedures.
- (c) All printing jobs produced outside of the county will be delivered as requested on the requisition.

(Admin. Policy Manual, § I(3.13—3.15))

Secs. 74-992—74-1010. - Reserved.

DIVISION 16. - LETTERHEAD STATIONERY AND FORMS

Sec. 74-1011. - Letterhead stationery format.

- (a) The commissioners court has established letterhead formats for elected officials, appointed officials, and county and district courts.
- (b) All letterhead stationery will be printed at the print shop. All letterhead stationery must be printed on standard 20 pound bond paper, using standard county print shop inks. All letterhead stationery must use blue or black ink colors for the county or state seal. Print size must be standard with all personal identities, the same cap size as the position title. Type styles used will be those available at the county print shop unless camera ready copy is provided by an elected official.
- (c) Letterhead stationery must include the following elements depending on the type of department:
 - (1) Appointed officials and departments:
 - a. Dallas County seal;
 - b. Department name;
 - c. Telephone number;
 - d. Address line at bottom of page.
 - (2) Elected officials:
 - a. Dallas County seal;
 - b. Official's name and office;
 - c. Telephone number;
 - d. Address.
 - (3) County courts:
 - a. Dallas County seal;
 - b. Formal court title;
 - c. Name and title;

- d. Telephone number;
 - e. Address.
- (4) District courts:
 - a. State seal;
 - b. Formal court title;
 - c. Name and title;
 - d. Telephone number;
 - e. Address.
- (d) Only elected officials have flexibility in the style of their letterhead stationery. They have the option to decide where their name, title, office, county or state seal, phone number and address will be placed. They must use the standard 20 pound bond paper and standard county print shop inks.
- (e) Stationery orders are submitted to communications and central services and reviewed by the print review committee for conformity to policy, prior to forwarding the orders to the county print shop. All exceptions to the policy must be approved by the commissioners court.

(Admin. Policy Manual, § I(4.00—4.04))

Sec. 74-1012. - Personalized memo pads.

Personalized memo pads will be printed for any elected official, department head or chief deputy, provided that the cost of producing a print master is reimbursed to the county by the requestor. The requestor should contact the county print shop for current cost, and submit payment to the county auditor. Proof of this payment is required with the initial order of memo pads.

(Admin. Policy Manual, § I(4.05))

Sec. 74-1013. - Forms.

- (a) All administrative and civil forms, printed either in-house by the county print shop or printed by an outside vendor, must be on letter size paper (8½ inches x 11 inches).
- (b) Forms used by the criminal courts should be letter size whenever possible, with legal size paper used only when absolutely necessary.
- (c) All forms should be standardized and nonpersonalized.

(Admin. Policy Manual, § I(4.05, 4.06, 4.08))

DIVISION 17. - INFORMATION TECHNOLOGY SECURITY POLICY

Sec. 74-1014. - Purpose.

The county provides employees (users) with electronic access, which may include use of computer resources, Network connections, email, and the use of the internet or intranet. Policies created by the county shall govern all use of county applications, data, network, internet or intranet, and messaging systems. The intent of this county information technology security policy is to provide procedures and rules for the acceptable usage of the county technology assets, and the disciplinary and legal ramifications for any misuse.

(Ord. No. 2009-0822, 5-5-2009; Ord. No. 2012-0754, 5-1-2012)

Sec. 74-1015. - Authority.

The oversight of the use of the county computer system by users is assigned by the county commissioners court to the county office of information technology.

(Ord. No. 2009-0822, 5-5-2009; Ord. No. 2012-0754, 5-1-2012)

Sec. 74-1016. - 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:]

Computer network resources includes, but is not limited to, computers, computer equipment, computer assisted services, software, and computer accounts.

Computer system includes computer resources and computer networks.

Confidential information includes information that is private, or held in confidence, and of which may be privileged and protected from disclosure by applicable laws and rules.

Elected official is any individual elected to a county, district, or precinct office, including any judge, justice of the peace, or other elected judicial officer.

Information resources is data or information, software, and hardware that render data or electronic information available to users.

Misuse means any activity of a user or other person who engages in activities using electronic resources which violate county policies, guidelines, procedures, and rules.

Network means a group of computers, servers, and peripherals that share information electronically, typically connected to each other by either cable, or wireless technologies.

Network system administrator or *server administrator* means the county chief information officer (CIO), or an employee or user specifically designated by the CIO, whose responsibilities shall include system, site, or network administration. Network system administrators perform functions including, but not limited to, installing or removing hardware or software; managing computers or networks; and maintaining the operations for the county computer system.

Office of information technology includes information technology personnel or technology personnel of any elected official or public official of the county.

Peripherals means special purpose devices attached to a computer or computer system, such as printers, scanners, plotters, or similar devices.

Privileged information includes certain classes of information that are confidential and protected from disclosure by applicable laws and rules.

Public official means any individual appointed by an elected official, as authorized by law.

Sensitive information means information maintained by the county that requires special precautions to ensure its accuracy and integrity. Loss, misuse, modification, or unauthorized access to sensitive information can adversely affect the privacy, security, and the integrity of the information depending on the level of sensitivity, and the nature of the information.

Server means a computer that contains information, or an application shared by other computers on a network.

Software is a general term used to describe a collection, in whole or in part, of computer programs, procedures, and documentation that perform specific tasks on a computer system. Said term includes application software, such as word processors, which perform productive tasks for users; and system software, such as operating systems, which interface with hardware to provide the necessary services for application software, and middleware.

User means any individual, except any personnel or staff of the office of information technology, as defined above, who connects or accesses, uses, or attempts to access or use the county computer system, either by a direct connection, or by another network, computer, or other electronic resource.

(Ord. No. 2009-0822, 5-5-2009; Ord. No. 2012-0754, 5-1-2012)

Sec. 74-1017. - Electronic mail information.

The county electronic mail ("email") system is designed to facilitate the performance of county business by enhancing business communications, and reducing paperwork. A user of the county email system or any other county electronic information system shall adhere to the following:

- (1) The county electronic email system is intended for business use only. Users should keep personal email usage to a minimum, and in a manner that does not interfere with users' job performances, responsibilities, or functions.
- (2) All information that is created, retained, archived, sent, or received via the county electronic email system, including email messages and attachments, are subject to the control, management, and preservation by county subject to the provisions of section 74-1023. Users shall have no expectation of privacy regarding email. The county and each elected and authorized public official reserve the right to use, disclose, access, read, review, monitor, and copy all messages, and files maintained on the county's computer network resources by their respective employees, at any time, and without any notice to users, and without users consent, except for users and information subject to section 74-1023. This section shall not be intended to prevent incidental access to an elected or public official's data, information, or records by either the county's office of information technology or any of its personnel for the purpose of ensuring the proper functioning of the county computer system and the security of any elected or public official's data, information, or records.
- (3) Users may use email to communicate classified information internally, and all emails must be marked with the appropriate data classification. "Classified data," such as privileged or confidential data should only be minimally distributed on a need-to-know basis. Extreme care shall be taken by all users to ensure that the correct email addresses are used for intended recipients.
- (4) Users shall attach their names, position and department to all email messages they send electronically. No emails shall be sent when the senders' identities are not displayed.
- (5) Confidential information shall not be sent to external email addresses unless encrypted.
- (6) Each elected official, public official, authorized department head, or authorized supervisor may have access to their respective employees' emails to further county business goals without notice to users, and without users' consent. Users may not allow anyone to have access to users' electronic information without permission from users' elected or public officials, or authorized department heads, or authorized supervisors.
- (7) Users shall exercise sound and reasonable judgment when distributing messages. Messages containing confidential data should be carefully guarded and protected. Users shall also abide by federal and state laws; copyright laws; the County Code, rules and policies; ethics rules; and any and all other applicable laws, rules, or policies.
- (8) Email messages shall contain professional and appropriate language at all times. Users are prohibited from sending abusive, harassing, intimidating, threatening, discriminatory, or otherwise offensive messages by emails. Users should notify their supervisors immediately upon receiving any offensive email, which shall not be forwarded, except in the course of conducting a county investigation.
- (9) All messages archived in the county computer system shall be characterized as information that is within the control and management of the designated elected official, or statutorily authorized public official, including the preservation of information created or received. Users shall be

responsible for verifying and understanding the county email policies, the county departmental policies, and the county retention policies.

- (10) Users shall not misuse, or abuse emails by copying, or downloading copyrighted materials, viewing, sending, or downloading pornographic materials except for any official criminal investigation authorized by the sheriff or the district attorney, or any other material that is inappropriate and in violation of any county policies, rules, or applicable laws.
- (11) Upon leaving, resignation, retiring, termination, or separation for any reason of users' employment or association with the county, users shall not access, delete, copy, transfer, or download any information from or by the county computer system, and any autoforwarding rules from the county's computer system shall be disabled. The confidentiality status of any information shall survive users' resignation, retirement, termination, or separation from the county.

(Ord. No. 2009-0822, 5-5-2009; Ord. No. 2012-0754, 5-1-2012)

Sec. 74-1018. - Network, internet, and intranet.

- (a) *Personal responsibility.* By accepting an account (user ID), or using an account to access the county network, users agree to adhere to all county policies regarding appropriate use in compliance with county policies, rules, and applicable laws. Users further agree to report any misuse or county policy violations to their respective supervisors, or the county office of information technology, or the county fraud hotline.
- (b) *Permitted use and term.* The use of the county computer network resources is a privilege, and is not a right. Use of said network and its access extends throughout users terms of employment, providing users do not violate the county policies regarding the network use. County department heads shall be responsible for the identification and evaluation of both appropriate and inappropriate use of the county network, the internet, and the intranet.
- (c) *Availability of network, internet, or intranet access.* The county reserves the right to suspend access to users at anytime, and without any notice for any technical, policy, security, or other violation concerns by users, and termination of employment may result.
- (d) *Privacy.* Network resources are provided as a tool for county business. The county reserves the right to monitor, inspect, copy, review, delete, or store, at any time, without notice, and without users' consent, any and all usage of the network, including but not limited to, all files, software, communications, and other electronic data transmitted, received, or stored in connection with county network usage. Except as provided in section 74-1023, any and all electronic data is the property of the county by the control, management, and preservation of information by the respective elected official, or the statutorily authorized public official. Users shall have no expectation of privacy when using the county network.
- (e) *Downloading files or software.* Users shall not download application files or software from the internet without written authorization. The office of information technology must be contacted and will coordinate any and all download of application files, or software, from the internet.
- (f) *Prohibited activities.* Users shall be prohibited from using the county electronic information system, network, internet or intranet access for the following activities:
 - (1) Downloading software without the prior written approval of the office of information technology;
 - (2) Printing or distributing copyrighted materials in violation of applicable policies, rules, or laws;
 - (3) Using software that is not licensed by the manufacturer, or approved by the county office of information technology;
 - (4) Sending, printing, or otherwise disseminating county proprietary data, or other information deemed confidential by county to unauthorized persons;

- (5) Operating a business, soliciting money for personal gain, or otherwise engaging in any commercial activity outside the scope of employment;
- (6) Making offensive or harassing statements based on race, religion, national origin, veteran status, ancestry, disability, age, sex, or sexual orientation;
- (7) Sending or forwarding messages that discloses confidential information, or accessing, transmitting, receiving, or seeking confidential information without proper authorization;
- (8) Sending or soliciting sexually oriented messages or images;
- (9) Except for any official criminal investigation authorized by the sheriff or the district attorney, users shall not attempt to access or visit internet sites featuring pornography, terrorism, espionage, theft, or illegal drug activities;
- (10) Gambling, or engaging in any other criminal activity in violation of local, state, or federal laws;
- (11) Participating in activities, including the preparation or the dissemination of content, which could damage the county's professional image, reputation, or its financial stability;
- (12) Except for any proxy rights authorized by any elected official or public official, users shall not permit or grant the use of an email or system account to another employee or any users outside the county. Users shall not permit another person to use an account or password to access the county network or the internet, including, but not limited to, someone whose access has been denied, or terminated;
- (13) Using another user or employee identification, or impersonating another person while communicating or accessing the county network; and
- (14) Intentionally introducing a virus, harmful component, corrupted data, or maliciously tampering with any county computer system.

(Ord. No. 2009-0822, 5-5-2009; Ord. No. 2012-0754, 5-1-2012)

Sec. 74-1019. - Computer software usage, maintenance and equipment.

- (a) Users shall use software strictly in accordance with software license agreements, and the county rules, and policies.
 - (1) County software shall not be removed from the premises, or copied for personal use, except that laptop computers and other portable equipment loaded with software may be taken offsite for official county use.
 - (2) No other hardware, application, or software of any type, including file sharing or freeware, shall be used, installed, copied, or downloaded onto the county computer system by user, as defined above, except by or with the approval of the office of information technology.
 - (3) Except for any personnel or staff of the office of information technology, as defined above, any request for new software and computer resources shall be made through the office of information technology, in accordance with county rules and policies.
 - (4) County will approve all hardware and software used in the course of county business only, and said hardware and software shall be the sole property of the county.
 - (5) Users will not provide unauthorized users' access or use of county software, either in any county office location, or at the homes of said users.
 - (6) Any user, who knowingly installs, makes, acquires, or uses unauthorized copies of software not licensed to the county, shall be subject to disciplinary action, including, but not limited to, termination of employment.
 - (7) Users shall not disable any anti-virus software that has been installed and configured on the county computer system by the office of information technology.

- (8) No file sharing or freeware software of any kind shall be installed on any county computer without approval from the office of information technology.
- (b) Maintenance of the county computer system shall be performed by the office of information technology. Requests for any repairs, upgrades, or additions of any computer, or any internal or external components shall be made through the office of information technology, and in accordance with county policies, procedures, and rules.
- (c) Except for any personnel or staff of the office of information technology, as defined above, only the office of information technology and its personnel will connect computer resources to the county network. No computer hardware, or software, including, but not limited to, network hubs, switches, routers, print servers, laptops, or probes will be connected to the county network without prior approval by the office of information technology.
- (d) Personal computer devices such as a palm pilot, pocket personal computer (PC), or any other personal digital assistant (PDA) shall not be connected to the county computer system without approval from the office of information technology.
- (e) Telecommunications equipment and services shall be procured and configured through the county telecom department. Users shall contact the county service desk if repairs, maintenance, relocation of telecommunication equipment, or telecommunication services are required.

(Ord. No. 2009-0822, 5-5-2009; Ord. No. 2012-0754, 5-1-2012)

Sec. 74-1020. - Data classification and retention.

- (a) *[Classifications.]* The county adheres to four data classifications: "confidential;" "privileged;" "sensitive;" and "unclassified." While the county may have the custody of information by the control, management, and preservation of said information by respective elected officials, or statutorily authorized public officials, users shall carry the responsibility of securing said information. For any and all local government record, the statutory custodian is the appointed or elected official or the public official who, by applicable laws and county policies, is in charge of the office that creates or receives said information. The responsibility of the data custodian shall not be delegated.
 - (1) *Confidential.* Information that is private, or held in confidence, and of which may be privileged and protected from disclosure by applicable laws and rules.
 - (2) *Sensitive.* Information that requires special precautions to assure its accuracy and integrity will be classified as sensitive. Sensitive information may require the use of error checking, verification procedures, and access control to protect it from unauthorized modification or deletion. Examples of sensitive information are:
 - *Financial information.* The county's payroll information, tax information, and other disbursement information are examples of sensitive financial information requiring special precautionary controls.
 - *Operation information.* Information held by the county to assist it to perform or exercise its functions or powers in making decisions or recommendations affecting members of the public, such as county's rules, guidelines, practices, and precedents relating to county decisions and recommendations.
 - (3) *Privileged.* Certain classes of information that are confidential, and protected from disclosure by applicable laws and rules.
 - (4) *Unclassified.* Information that is not classified as "confidential," "sensitive," or "privileged." The terms confidential, sensitive, and privileged shall not be mutually exclusive. Information may be confidential (private, or held in confidence, and of which may be privileged and protected from disclosure by applicable laws and rules), and sensitive (requires a higher level of integrity assurance), and privileged (certain classes of information that are confidential and protected from disclosure by applicable laws and rules).

- (b) *Data retention.* All county data will be retained in accordance with required retention periods. It is the responsibility of the data custodian to notify the office of information technology of classified electronic data and retention requirements.

In accordance with the county records management program, all county emails will be retained for 90 days unless prescribed by state retention requirements found in the Texas Administrative Code, Section 6.94(e), as amended, or the state approved record management programs for county and the departments of county.

It is the responsibility of the users of the county electronic mail system, with the guidance and training from the county records management officer to manage and classify email messages according to state or county approved retention schedules. All emails that are not classified by users will be deleted after 90 days.

In certain situations where a user is placed on hold status, the user will be notified and the user's electronic information will be placed in a "no deletion" category.

(Ord. No. 2009-0822, 5-5-2009; Ord. No. 2012-0754, 5-1-2012)

Sec. 74-1021. - Physical security.

County laptops or computers left unattended in the office environment must always be properly secured and safeguarded.

County computer network equipment not located in county data centers shall be maintained in a secured location. Computer network equipment located in storage rooms or closets, that allow public access, shall have locks on all doors.

(Ord. No. 2009-0822, 5-5-2009; Ord. No. 2012-0754, 5-1-2012)

Sec. 74-1022. - Enforcement; compliance and noncompliance.

County management personnel shall enforce that users comply with all county policies, guidelines, and procedures, and shall immediately report any violation to their respective county supervisor, pursuant to the chain of command, department head, CIO, elected officer, or public official.

Any violation of county policies, guidelines, procedures, rules, or applicable state or federal laws may result in disciplinary actions, including cancellation of users' computer system privileges, law enforcement investigations, termination, and civil and criminal penalties.

(Ord. No. 2009-0822, 5-5-2009; Ord. No. 2012-0754, 5-1-2012)

Sec. 74-1023. - Individual elected official's and public official's electronic information remains within that respective official's control, management, and preservation.

Notwithstanding anything elsewhere in this policy to the contrary, the following provisions will at all times govern information maintained by individual elected officials and public officials using county information technology resources:

- (1) Pursuant to the Texas Government Code, a governmental body or an elected official may determine a time for which information that is not currently in use will be preserved, subject to applicable rules and laws governing the destruction, and other disposition of state and local government records or public information, including information stored in a computer that serves county offices.

- (2) Elected officials authorized by statute shall have the sole control, management, and preservation of information received or possessed by such elected officials.
- (3) Neither the county commissioners court nor an office created by it to manage the county computer system may deprive elected officials of this statutory authority.
- (4) An elected official or a public official may adopt email or network access policies at variance with those set forth in this policy only after consultation with the office of information technology and confirmation by the office of information technology that such variances will not jeopardize the proper functioning of the county computer network and the security of that elected official or public official's data, information, and records.

Data, information, and records subject to the custody and control of an elected official or public official may not be viewed, copied, deleted, or modified in any manner, except by that elected official or public official, nor may the public official's or elected official's custody and control of such data, information, or records be interfered with in any manner, except with the express written consent of that elected official or public official, or as authorized by a validly issued subpoena, warrant, court order, or other legal process pursuant to applicable laws. This section shall not be intended to prevent incidental access to an elected official's data, information, or records by either the county information technology department, or any of its personnel, for the purpose of ensuring the proper functioning of the county computer system and the security of any elected official's data, information, or records.

(Ord. No. 2012-0754, 5-1-2012)

Sec. 74-1024. - Reserved.

Sec. 74-1025. - Criminal justice information systems access for persons who are not peace officers.

- (a) Dallas County has applied the rules contained with the CJIS security policy to access the TLETS (Texas Law Enforcement Telecommunications System) and associated systems which include the Texas Crime Information Center (TCIC), National Crime Information Center (NCIC), and the Texas Computerized Criminal History (CCH) file and others.
- (b) Dallas County in its sole discretion shall make a determination based upon Texas Commission on Law Enforcement Officer Standards and Education (TCLEOSE) peace officer criminal history screening rules (Title 37, Texas Administrative Code, Chapter 217) to determine eligibility for systems access for all county IT staff, contractors and vendors.
- (c) Dallas County shall require all contractors and/or vendors entering into business with the county which will require access to systems processing, storing or transmitting Criminal Justice Information (CJI) to include the CJIS Security Addendum in accordance with the Federal Bureau of investigation CJIS Policy 5.1 Section 5.1.1.5 as part of any and all contracts with the county.

(Ord. No. 2013-0600, 4-2-2013)

APPENDIX A

Dallas County Computer User Access Policy Guidelines

This policy and its guidelines govern the use of computers and related communication devices operated by county users for connection to the county network. The purpose of these guidelines is to help maximize the effective use of the county computer system, and to permit the freedom of use consistent with federal and state laws, county policies and rules, and to maintain a productive and efficient working environment.

County users who have access, and use county computer systems, shall follow this policy and its guidelines, which highlights the policies and procedures in sections 74-1014 through 74-1023, concerning the use, security, and maintenance of the county computer system.

1. Users shall utilize and access the county computer system for the purpose of their job requirements.
2. Users shall not install any software, hardware, or applications for any purpose, on any county computer, network, or resource, without the approval of the county office of information technology.
3. Users shall not utilize the internet in any manner that shall interfere with users' job performance, responsibilities, or function.
4. Users shall not use the county computer system to send electronic information for any unauthorized, inappropriate, or malicious purpose.
5. Users shall not connect any other electronic computer or network device to the county computer system, except as approved by the office of information technology.
6. Users shall report any inappropriate activity or behavior or the misuse of the county computer system to users' supervisors, or to the office of information technology.
7. Users shall not share their passwords with anyone unless as approved by users' supervisors, or solely for the purpose of completing a necessary task in a Severity 1 situation.
8. If any user suspects that their computer or workstation may be infected by any malicious or unauthorized code, especially a virus, said user shall notify the county service desk immediately.
9. Users shall log off of their computers or workstations before leaving their offices each day.
10. Users shall not attempt to repair or reinstall any components, application, or software on the county computer system.
11. Users are responsible for storing or archiving electronic information and other important documents in case of computer or desktop failures.
12. County laptops or computers may be used by users off site to conduct county business. Users shall adopt reasonable security precautions to protect county laptops or computers, and county data, and shall promptly return to the county the county laptops or computers upon cessation of business demand for such off-site. When traveling by borrowed or hired vehicle, plane, or ship, users shall always carry county laptops or computers on their person, and shall not leave such laptops or computers in any trunk of any hired vehicle, nor shall users check-in any laptop or computer as baggage. When traveling in users' vehicles, users should place county laptops and computers in the trunks of their cars, or store out of sight, for safety and protection.
13. Each laptop or computer is assigned to an individual employee (the user), and should not be transferred to another employee or user, without first notifying the office of information technology.
14. Certain items, such as magnetic elements, plants, and water-based items, should not be placed on, or near the county computer system.
15. Except as provided in sections 74-1022.1 and 74-1023, users understand that all electronic information contained within the county computer system, including emails, is the property of the county via the control, management, and preservation of said information.
16. Users shall lock access to users' computers by utilizing a password protected screen saver each time users' computers or workstations are unattended.

(Ord. No. 2009-0822, 5-5-2009; Ord. No. 2012-0754, 5-1-2012)

Secs. 74-1026—74-1040. - Reserved.

DIVISION 18. - INFORMATION TECHNOLOGY INCIDENT RESPONSE PLAN

Sec. 74-1041. - Overview.

The Dallas County Computer Incident Response Plan is designed to provide a general guidance to county staff, both technical and managerial, to:

- Enable quick and efficient recovery in the event of security incidents which may threaten the integrity and/or confidentiality of ESI (Electronic Stored Information);
- Respond in a systematic manner to incidents and carry out all necessary steps to handle an incident;
- Prevent or minimize disruption of mission-critical services
- Minimize loss or theft of confidential data
- Identify and track user accounts and/or data for Discovery

The plan identifies and describes the roles and responsibilities and outlines steps to take upon discovery of or possibility of unauthorized access to confidential data.

(Ord. No. 2007-2525, 12-18-2007)

Sec. 74-1042. - Computer incident response team.

The incident response plan has been established to provide a quick, effective and orderly response to any threat to confidential data or Discovery request. The Computer Incident Response Team (CIRT) mission is to prevent a serious loss of information assets or public confidence by providing an immediate, effective and skillful response to any unexpected event involving computer information systems, networks or databases. The team is responsible for investigating suspected security incidents in a timely manner and reporting findings to management and the appropriate authorities as required and ensuring ESI is identified, preserved and collected in support of legal request.

(Ord. No. 2007-2525, 12-18-2007)

Sec. 74-1043. - Terminology [definitions].

IDS. Intrusion detection system.

Alert. Abbreviated from IDS alert. Refers to an alert generated by the IDS software signaling a network event believed to represent either anomalous or malicious traffic.

Event. Refers to any observable occurrence in a system and/or network. Examples of events include: the system boot sequence; a system crash; and packet flooding within a network.

Incident. Refers to an adverse event in an information system and/or network or the threat of the occurrence of such an event. An incident implies harm or the attempt to harm. Used, in the context of CIRT, interchangeably with "computer security incident." The notification of an incident can come from an alert or by human-generated message.

Authorized submitter. Designated Dallas County Human Resources, or legal representative with the authority to authorize requests for investigations.

Qualified party. An individual or individuals who by virtue of employment, contract, or other binding ways and means are designated or accepted as a legitimate source of claims and/or notification of alerts and/or incidents.

CIRT. Computer incident response team.

Investigation Refers to an event requiring assistance and/or coordination by CIRT in matters such as acceptable usage policy (AUP) violations, loss of equipment, or information to be gathered or contained in support of legal subpoenas, search warrants, court orders, etc., are considered investigations.

eDiscovery. Electronic discovery refers to discovery in litigation cases which deals with information in electronic form or ESI.

ESI. Electronically stored information is any data or information stored in an electronic format such as email, network files, databases, tape drives or voicemail.

(Ord. No. 2007-2525, 12-18-2007)

Sec. 74-1044. - Roles and responsibilities.

Position	Roles and Responsibilities
Information Technology Security Officer	<ul style="list-style-type: none"> • Initiate Incident Response Plan
	<ul style="list-style-type: none"> • Determine nature and scope of the incident or request
	<ul style="list-style-type: none"> • Escalate to executive management as appropriate
	<ul style="list-style-type: none"> • Contact other government departments or agencies as appropriate
	<ul style="list-style-type: none"> • Monitor and report progress of investigation
	<ul style="list-style-type: none"> • Ensure evidence gathering and preservation is appropriate
	<ul style="list-style-type: none"> • Provide guidance throughout the investigation on issues relating to privacy of customer and employee personal information
	<ul style="list-style-type: none"> • Assist in developing appropriate communication to impacted parties
	<ul style="list-style-type: none"> • Assist the need to change privacy policies, procedures and/or practices as a result of the breach
	<ul style="list-style-type: none"> • Prepare and provide a written summary of the incident and corrective action taken
Dallas County Service Desk	<ul style="list-style-type: none"> • Central point of contact for all computer incidents
	<ul style="list-style-type: none"> • Notify IT Security Officer to activate Incident Response Plan

	<ul style="list-style-type: none"> • Complete Incident Identification form (Attachment One) and attach to Service Desk ticket
Computer Incident Response Team	<ul style="list-style-type: none"> • Document the types of data or personal information that may have been breached
	<ul style="list-style-type: none"> • Coordinate investigation, as required, with all support and end user personnel
	<ul style="list-style-type: none"> • Collect all pertinent information regarding the incident
	<ul style="list-style-type: none"> • Complete Incident Response Forms, as appropriate, and attach to Service Desk ticket
	<ul style="list-style-type: none"> • Coordinate and collect data for legal investigations/request
Network Architecture	<ul style="list-style-type: none"> • Analyze network traffic for signs of external attack
	<ul style="list-style-type: none"> • Run tracing tool and event loggers
	<ul style="list-style-type: none"> • Look for signs of firewall breach
	<ul style="list-style-type: none"> • Contact external internet service provider for assistance as appropriate
	<ul style="list-style-type: none"> • Take necessary action to block traffic from suspected intruder
Operating Systems Architecture	<ul style="list-style-type: none"> • Ensure all service packs and patches are current on mission-critical computers
	<ul style="list-style-type: none"> • Ensure backups are in place for all critical systems
	<ul style="list-style-type: none"> • Examine system logs of critical systems for unusual activity
Business Applications	<ul style="list-style-type: none"> • Monitor business applications and services for signs of attack
	<ul style="list-style-type: none"> • Review audit logs of mission-critical servers for signs of suspicious activity
	<ul style="list-style-type: none"> • Contact CIRT with any information relating to a suspected breach

Internal Auditing	<ul style="list-style-type: none"> • Review systems to ensure compliance with information security policy and controls
	<ul style="list-style-type: none"> • Perform appropriate audit test work to ensure mission-critical systems are current with service packs and patches
	<ul style="list-style-type: none"> • Report any system control gaps to management for corrective action

(Ord. No. 2007-2525, 12-18-2007)

Sec. 74-1045. - Notification process.

Legal and HR request can only be made by authorized submitters. Request will be made directly to the information security officer.

Dallas County employees will report any suspected security related incidents via the Dallas County Service Desk number 214-653-7900. The service desk will engage the IT security officer. (Additional notification will be dependent on the severity level assigned)

(Ord. No. 2007-2525, 12-18-2007)

Sec. 74-1046. - Caller verification.

After the call has been completed and the required incident information has been captured, but prior to action taken in response to the incident, CIRT will verify the identity of the caller as a qualified party and/or the information provided to ensure the legitimacy of all claims and protect the confidentiality of the requestor.

(Ord. No. 2007-2525, 12-18-2007)

Sec. 74-1047. - Information verification.

Before any information can be used during an incident investigation, CIRT will verify the authenticity of the security claim and ensure that the information provided is correct. Information referred to CIRT that falls outside the scope of CIRT will be redirected to the appropriate Dallas County department.

Any and all information concerning the incident will be provided on a need to know basis only as designated by the Dallas County IT Security Team, district attorney or human resources. The incident information to be provided will be limited to only that necessary to respond to the incident and will be designated confidential. All recipients will be made aware of the prohibition on redistribution.

(Ord. No. 2007-2525, 12-18-2007)

Sec. 74-1048. - Validation/initial analysis and assessment.

CIRT will collect and review all of the information pertaining to the incident or investigation in order to understand and determine the impact, severity, and potential implications for Dallas County. Information available with regards to the incident must be vetted against the different severity levels.

(Ord. No. 2007-2525, 12-18-2007)

Sec. 74-1049. - Severity level definitions.

The table below provides severity level definitions and related actions:

Severity	Definition	Related Actions
1	<u>Major impact.</u> Significant impact to Dallas County; the problem is of major impact and highly visible to Dallas County and/or their business operations; there is no workaround that has been implemented available.	Requires escalation to the Dallas County CIO, appropriate executive management and/or other government agencies within 15 minutes of validation.
	•Breach of privacy information has been confirmed.	
	•Validated IDS events and reported incidents may fall into this category depending upon impact and visibility.	Conclusion report within five business days.
	•Impact to Dallas County operational ability	
2	<u>High impact.</u> A large percent of Dallas County is affected; the problem is of high impact and highly visible to Dallas County and/or its business operations; a tried and proven workaround is available.	Requires escalation to the Dallas County CIO, appropriate executive management and/or other government agencies within 15 minutes of validation.
	•Breach of privacy information is probable, but not confirmed or denied.	
	•Validated IDS events and reported incidents may fall into this category dependant upon impact and visibility.	Conclusion report within five business days.
	•Validated virus outbreaks	
	•Impact to Dallas County Operations	

3	<u>Moderate impact.</u> A small percent of Dallas County is affected and/or the problem has limited visibility. The system may remain operational, however, in a degraded manner, and/or a tried and proven workaround is available.	May require escalation. Does not require a conclusion report.
	•Breach of privacy information is possible, but unlikely and is not confirmed or is denied.	
	•Reported incidents that have not been validated.	
	•Reported incidents that have been validated as moderate.	
	•Validated IDS alerts - once validated, the severity may be raised depending upon impact.	
	•HR/Acceptable usage reports investigations.	
	•Requests for non-incident related data discovery, forensic acquisition, and/or forensic investigations.	
	•Legal related investigations.	
4	Dallas County can still achieve full functionality and normal performance, as long as the work around is followed.	Does not require escalation. Does not require a conclusion report.
	•All IDS alerts initially are assigned a Severity 4. The severity level can be changed based on impact assessment and findings. If the severity is increased, the incident receives attention based on the new severity assignment.	
	•IDS false positives.	
5	IDS alerts reported initially as Severity 4 and have been researched and identified as posing no threat to Dallas County are redirected to the IT operations team to provide further analysis as appropriate.	Does not require escalation. Does not require a conclusion report.

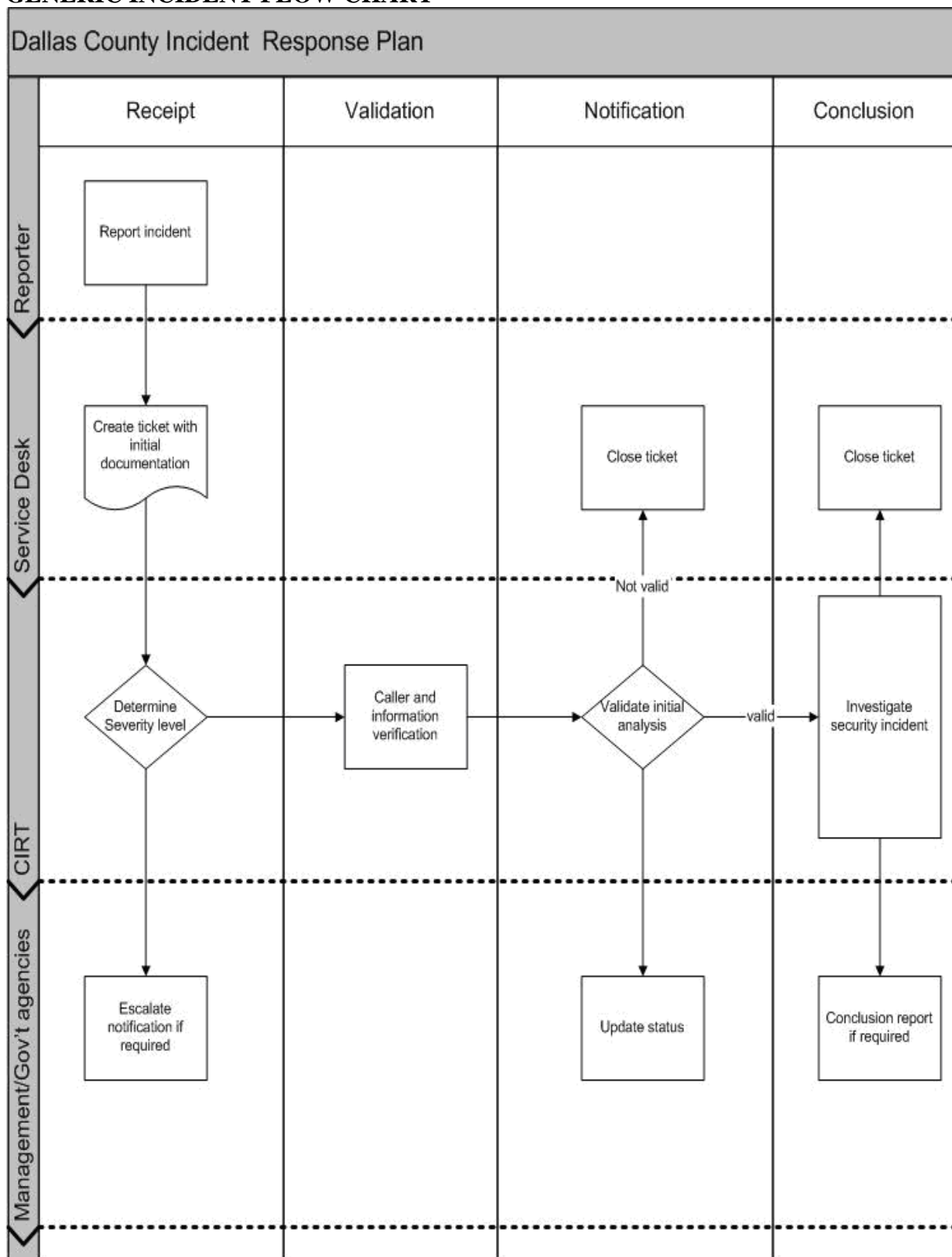
	No breach of privacy information possible.	
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(Ord. No. 2007-2525, 12-18-2007)

Dallas County Contact Information

Position	Name(s)	Phone Number	Email address
Chief Information Officer (CIO)	Robert Clines	214-653-7339	rclines@dallascounty.org
Information Technology Security Officer	Randy Guin	214-653-6547	rguin@dallascounty.org
Assistant Chief of Information Technology Operations	Rodney Christain	214-653-6341	rchristian@dallascounty.org
Assistant Chief of Information Technology Applications	Gwen Hurd	214-653-7809	ghurd@dallascounty.org
Assistant Chief of Information Technology Program Management	Melvin Randle	214-653-7570	mrandle@dallascounty.org
Information Technology Operations Manager	Wayne Henderson	214-653-6072	whenderson@dallascounty.org
Internal Audit	Brian Stevens	214-653-6472	bstevens@dallascounty.org

GENERIC INCIDENT FLOW CHART



Attachment One

Incident Identification

Date Updated: _____

General Information			
Incident Detector/Requestor Information:			
		Date and Time	
Name:	_____	Detected/Request:	_____
Title/Department:	_____		_____
		Location Incident	
Phone:	_____	Detected From:	_____
Email:	_____		_____
	_____		_____

Incident Summary				
		Severity level		
Type of Incident Detected:		1 2 3 4 5		
• Denial of Service	• Unauthorized Use	• Espionage	• Probe	• Hoax
• Malicious Code	• Unauthorized Access	• Other _____		
Incident Location:	_____			

Site:	_____	
-------	-------	--

Site Point Of Contact:	_____	_____
Phone:	_____	_____
Email:	_____	
Notification list:	_____	

Additional Information:	_____	

Attachment Two

Incident Survey

Date Updated: _____

Location(s)/List of affected systems/personnel: _____

Date and time incident handlers arrived at site: _____

Describe affected information system(s): _____

Is the affected system connected to a network? YES NO

Is the affected system connected to a modem? YES NO

Describe the physical security of the location of affected information systems (locks, security alarms, building access, etc.):

Attachment Three

Incident Containment

Date Updated: _____

Isolate Affected Systems:

IT Security Officer approved removal from network?	YES NO
If YES, date and time systems were removed:	_____
If NO, state reason: _____	

Backup Affected Systems:

Successful backup for all systems?	YES NO
Name of person(s) performing backup:	_____

Date and time backups started:	_____
Date and time backups complete:	_____

Attachment Four

Incident Eradication

Date Updated: _____

Name of person(s) performing forensics/corrective action on system(s):

Was the vulnerability identified: YES NO

Describe: _____

Secs. 74-1050—74-1070. - Reserved.

DIVISION 19. - INFORMATION TECHNOLOGY SOCIAL NETWORKING WEBSITE POLICY¹⁶

Sec. 74-1071. - Definitions.

A social networking website, such as My Space, Facebook, or Twitter, is defined as any website used to build an online community of people wishing to share information.

(Ord. No. 2010-0643, 4-13-2010)

Sec. 74-1072. - Purpose.

Social networking websites are becoming widely used methods of communications increasing information technology risks and noncompliance with records management rules. The purpose of this division is to provide general guidelines for the use of social websites for communication Dallas County matters.

(Ord. No. 2010-0643, 4-13-2010)

Sec. 74-1073. - Social website request.

- (a) A department head or an elected official may submit a request to use one or more social networking websites to the office of information technology.
- (b) Access to the social networking website from county computers will be limited to employees designated to support the site.

(Ord. No. 2010-0643, 4-13-2010)

Sec. 74-1074. - Guidelines and responsibilities.

- (a) The department head or elected official making the request will be the person responsible for all the information the department or office posted on such websites.
- (b) Any information or posts that qualify as other than transitory information shall be documented and maintained according to the Texas State Library and Archive Commission.
- (c) Each social website account must clearly indicate Dallas County and the county department or office using the account.
- (d) The initial page or "home page" must state:
"This site is used for informal transient mass communication and exchange of ideas by Dallas County. Any Public Information Act requests to Dallas County must be made via the County's place of business address, email, phone or fax numbers. For reliable information regarding Dallas County business, please to Dallas County's official website: www.dallascounty.org."
- (e) Links and/or instructions directing people to the correct location to conduct formal business with Dallas County must be posted. The link to www.dallascounty.org is required at a minimum.

¹⁶ **Editor's note—** Ord. No. 2010-0643, adopted April 13, 2010, set out provisions intended for use as Div. 18. Inasmuch as there were already provisions designated as such, these provisions have been included as Div. 19, §§ 74-1071—74-1076, at the editor's discretion.

(Ord. No. 2010-0643, 4-13-2010)

Sec. 74-1075. - Acceptable use of social websites.

The department's or office's social networking websites must be used only for posting materials on behalf of Dallas County and not for personal postings.

(Ord. No. 2010-0643, 4-13-2010)

Sec. 74-1076. - Procedure to request use of social websites.

The form [below] entitled "social network website request" is the form to be used in requesting and justifying the use and access of social websites. The completed form and any supplemental material should be directed to the office of information technology for briefing to the commissioners court.

Social Network Website Request

1) Office or Department:

2) Purpose or Reason:

3) Name of Websites (Facebook, MySpace, Twitter, etc):

4) Cost: _____ Fund _____

5) Implementation Date: _____

6) Employees' Requiring Access:

a. _____

b. _____

c. _____

d. _____

Request by:

Name _____

Title _____

Date _____

(Ord. No. 2010-0643, 4-13-2010)

Secs. 74-1077—74-1100. - Reserved.

DIVISION 20. - INFORMATION TECHNOLOGY CHANGE MANAGEMENT POLICY

Sec. 74-1101. - Introduction.

The information resources (IR) infrastructure at Dallas County (county) is expanding and continuously becoming more complex. There is more dependency upon the network; increased county hardware; upgraded and expanded administrative systems; and additional application programs. As the interdependency between the IR infrastructure grows, it is essential to have a strong change management process implemented by the county.

From time to time, each IR element requires an outage for planned upgrades, maintenance, or fine-tuning. Additionally, unplanned outages may occur that may result in upgrades, maintenance, or fine-tuning. Consequently, managing these changes is a critical part of providing a robust and valuable IR infrastructure.

(Ord. No. 2012-1542, 9-18-2012)

Sec. 74-1102. - Purpose.

The purpose of this county information technology (IT) change management policy is to achieve and facilitate IT changes in a rational and predictable manner so that county staff, personnel, and clients can plan accordingly. Changes require serious forethought, careful monitoring, follow-up evaluations and supplemental support to reduce and avoid negative impact to end-users and to increase the value of IR.

(Ord. No. 2012-1542, 9-18-2012)

Sec. 74-1103. - Audience.

The county change management policy applies to all individuals that install, operate, and/or maintain IR.

(Ord. No. 2012-1542, 9-18-2012)

Sec. 74-1104. - 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:]

Change:

- (1) Any implementation of new functionality.
- (2) Any scheduled interruption of service.
- (3) Any repair of existing functionality.
- (4) Any removal of existing functionality.

Emergency change. Will result when an unauthorized immediate response to imminent critical system failure is needed to prevent widespread service disruption. Changes of this nature will be documented and presented post-event as part of the review process.

Scheduled change. Formal notification received, reviewed, and approved by the review process in advance of the change being made.

Unscheduled change. Formal notification not being received reviewed and approved by the formal review process in advance of any change. Unscheduled changes will only be acceptable in the event of a system failure or the discovery of any security vulnerability. Changes of this nature will be documented and presented post-event as part of the review process.

Change management. The process of controlling modifications to hardware, software, firmware, and documentation to ensure that IR are protected against improper changes before, during, and after system implementation.

Customer. Any county employee, business partner, or vendor approved to access or use county IR.

Production. Information resources used to deliver IT services to county end users for the purposes of conducting and facilitating day-to-day business.

(Ord. No. 2012-1542, 9-18-2012)

Sec. 74-1105. - Change management policy.

- (a) Every change to a county production IR such as operating systems, computing hardware, networks, and applications are subject to the change management policy and must follow the change management procedures.
- (b) A change management committee, appointed by the county IT leadership, will meet regularly to review any change requests and to further ensure that change reviews and communications are satisfactorily performed.
- (c) A formal change request must be submitted for any and all changes, whether scheduled or unscheduled.
- (d) All scheduled change requests must be submitted in accordance with the change management procedures to allow the change management committee time to review the request, determine and review potential adverse impacts, and to make a decision of either approving or delaying the request.
- (e) Any scheduled change request must receive formal change management committee approval before proceeding with the change.
- (f) The appointed leader of the change management committee may deny a scheduled or unscheduled change for reasons including, but not limited to, inadequate planning, inadequate back-out plans, considerations of the timing of the change that may negatively impact a key business process such as year-end accounting, or assessment of adequate resources readily available to facilitate the change.
- (g) Customer notification must be completed for each scheduled or unscheduled change following the steps contained in the change management procedures.
- (h) A change review must be completed for each change, whether scheduled or unscheduled, and whether successful or unsuccessful.
- (i) A change management log must be maintained for all changes. The log must include, but is not limited to, the following:
 - (1) Date of submission and date of change.
 - (2) Requestor and implementer contact information.
 - (3) Change description.

- (4) Indication of success or failure.
- (j) All changes to county information systems must comply with an IR change management process that meets the standards outlined above.

(Ord. No. 2012-1542, 9-18-2012)

Sec. 74-1106. - Disciplinary actions.

Violation of county policies, guidelines, procedures, and applicable state and federal laws may result in disciplinary actions, including the cancellation of the end-user's computer system privileges, the initiation of a law enforcement investigation, progressive discipline up to and including termination of employment and the imposition of civil and/or criminal penalties where adjudged.

(Ord. No. 2012-1542, 9-18-2012)

Secs. 74-1107—74-1120. - Reserved.

DIVISION 21. - INFORMATION TECHNOLOGY BACKUP AND DISASTER RECOVERY PLAN (DRP) POLICY

Sec. 74-1121. - Introduction.

Electronic backup of the county information technology systems is a county business requirement that enables the recovery of county data and applications in the instances including but not limited to natural disasters, information technology systems disk drive failures, espionage, or information technology systems operation errors.

(Ord. No. 2012-1740, 10-16-2012)

Sec. 74-1122. - Purpose.

The purpose of the county backup and disaster recovery plan (DRP) policy is to establish county rules and procedures for the backup and storage of county electronic information.

(Ord. No. 2012-1740, 10-16-2012)

Sec. 74-1123. - Audience.

The county backup and DRP policy applies to all individuals that are employed by the county and who are responsible for the installation and support of any information resources (IR) of the county.

(Ord. No. 2012-1740, 10-16-2012)

Sec. 74-1124. - 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:]

Backup. Any electronic copy of files and applications made to avoid loss of data and to facilitate recovery in the event of any information technology system failure.

Data custodian. The person(s) within the county that has the custody and control of any or all of the following: (1) data, (2) electronic information, (3) software, and/or (4) hardware.

Electronic information. Data that is in a digitized format.

Hardware. Tangible objects that can be physically touched by a person, such as disks, monitors, keyboards, and computers and printers used to support the county IR infrastructure.

Information resources (IR). Data or information, and software and hardware that render data or electronic information available to users.

Office of information technology. Includes any county information technology personnel or any information technology personnel of any elected official or any public official of the county. Information technology systems: are defined as information resources (IR) systems.

Offsite storage. Data storage in a geographically different location from the Dallas County Data Center that does not share the same disaster threat event.

Software. A general term used to describe a collection, in whole or in part, of computer programs, procedures, and documentation that perform specific tasks on a computer system. Said term includes but is not limited to application software such as word processors, which perform productive tasks for users, and system software including but not limited to operating systems, which interface with hardware to provide the necessary services for application software and middleware.

User. Any individual, who connects, accesses, uses, or attempts to access or use the county computer system, whether by a direct connection, or by another network, computer, or other electronic resource(s).

Vendor. Any person or entity including but not limited to corporations, partnerships, and limited liability companies that provide goods and/or services in transactions with the county.

(Ord. No. 2012-1740, 10-16-2012)

Sec. 74-1125. - Backup procedures.

- (a) The frequency and extent of backups must be in accordance with the importance of the electronic information and/or data, and the acceptable risks as determined by the custodian of said electronic information and/or data.
- (b) County IR backups will not be used to satisfy records retention requirements. Backups are solely for data and system(s) recovery.
- (c) The county IR backup and DPR process for each system must be documented and will be periodically reviewed by the county's auditor office.
- (d) Any vendor(s) providing any offsite backup storage of electronic information and/or data for the county must be reviewed and approved by the county information technology department to handle the highest level of information stored or backed-up and said vendor(s) must secure the confidentiality of said electronic information and/or data.
- (e) Physical access controls implemented at any offsite backup storage location must meet or exceed the physical access controls of the location of the source systems.
- (f) Backups must be periodically tested by the office of information technology to ensure recoverability by the county.
- (g) Access and procedures between county and any offsite backup storage vendor(s) must be reviewed at least annually by the county's auditor office.
- (h) Backup tapes must have at a minimum the following identifying criteria that can be readily recognized by labels and/or a bar-coding system as follows:
 - (1) System name.

- (2) Creation date.
- (3) Dallas County contact information.

(Ord. No. 2012-1740, 10-16-2012)

Sec. 74-1126. - Disciplinary actions.

Violation of county policies, rules, guidelines, procedures, and applicable Texas state and federal laws may result in disciplinary actions, including but not limited to cancellation of the end-user(s) computer system privileges, the initiation of law enforcement investigation, progressive discipline up to and including termination of employment, and/or the imposition of civil and/or criminal penalties where adjudged.

(Ord. No. 2012-1740, 10-16-2012)

Secs. 74-1127—74-2000. - Reserved.

ARTICLE VI. - COUNTY FUNDED WEBSITES

Sec. 74-2001. - County official name display policy for the Dallas County funded websites.

- (a) *Purpose of policy.* [The purpose of the policy is] to establish Dallas County uniform rules for the display of an elected and county officials name on the publicly funded Dallas County website (dallascounty.org)
- (b) *Policy.*
 - (1) This policy applies to all Dallas County officials publishing information on websites supported by public funds.
 - (2) Display of an elected official and/or department head's name on a publicly funded website rules:
 - a. *Order.* Name will be displayed to the right or under the elected official's title.
 - b. *Size.*
 - 1. The font size of the elected official's name will not exceed the font size of their title.
 - 2. The font size of the title and name will be proportional to other text on the page. In cases of fonts over 24 points, then the title and name should not exceed 24 points.
 - c. *Color.*
 - 1. The color of the elected official's name will be the same as the color of their title.
 - 2. Color scheme should be in keeping with the general design and color scheme of the page (i.e., blue print, blue title and name).

Examples:

Commissioner, Precinct #1, John Smith

or

Commissioner, Precinct #1
John Smith

(Ord. No. 2005-2192, 11-8-2005)

Secs. 74-2002—74-2020. - Reserved.

ARTICLE VII. - PRESS CONFERENCES AND MEDIA INQUIRIES

Sec. 74-2021. - Department heads, employees and board and committee appointees media contacts policy.

- (a) The purpose of this policy is to establish guidelines regarding the holding of press conferences, responding to media inquiries and contacting the media. This policy applies to all department heads reporting directly to the commissioners court and their employees and board and committee members appointed directly by the commissioners court.
- (b) Prior to inviting members of the press to a press conference or agreeing to participate in a pre-scheduled televised, radio or other media-related interview, department heads and board and committee members shall notify the county administrator who will forward such information on to members of the commissioners court and other interested parties.
- (c) Employees of departments that report to the commissioners court shall not contact or respond to contact by media on matters of county business without the approval of their department head. The department shall immediately notify the county administrator of any approved media contact and the subject matter of the contact. The county administrator will forward such information on to members of the commissioners court and other interested parties.
- (d) Elected officials and departments that do not report to the commissioners court are requested to inform the county administrator of any media contact and/or participation that may be related to county business. The county administrator will share such information with the members of the commissioners court and other interested parties to help those involved be aware of events that impact the operation of the county.

(Ord. No. 2005-2368, 12-6-2005; Ord. No. 2007-1889, 9-25-2007)

Chapter 78 – Hospital District

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ARTICLE I. - IN GENERAL

Secs. 78-1—78-30. - Reserved.

ARTICLE II. - PURCHASING²

DIVISION 1. - GENERALLY

Sec. 78-31. - Control and responsibility.

- (a) The ultimate control and responsibility for the county hospital district purchasing lies with the county commissioners court pursuant to V.T.C.A., [Health and Safety Code § 281.049](#). It has, by court order, established purchasing policies and delegated the enforcement and administration of such policies to the hospital district board of managers. The purchasing department staff has primary responsibility for purchasing goods and services from all funding sources not specifically excluded by the Fiscal Manual, including bond funds. Those exclusions include, but are not limited to, the check request and petty cash policies.
- (b) The board of managers may contract for auditors, legal counsel, consultants, and other property and services by the methods and procedures it deems appropriate under the circumstances allowed by law.
- (c) Exceptions to the article must be authorized by the chief operating officer or the chief executive officer and be filed with the board of managers at its next meeting. Exceptions will be included in the minutes of the board, and the chief executive officer will maintain year-to-date totals on such exceptions.

(Ord. No. 99-1076, 6-8-1999)

Sec. 78-32. - Compliance with article provisions.

- (a) Compliance with purchasing policies by hospital employees shall be monitored and enforced by the purchasing department staff during the normal course of business. Instances of intentional and unintentional noncompliance shall be filed with the compliance officer at least monthly.
- (b) Compliance with purchasing policies by the purchasing department staff shall be monitored during regularly scheduled audits. These audit reports shall be filed with the board of managers.

(Ord. No. 99-1076, 6-8-1999)

Sec. 78-33. - Purchasing requisitions.

- (a) All purchases of equipment, supplies and services must be initiated by the completion of a properly authorized purchasing requisition. The check request policy 8311-6-01 is an exception to this article provision.

¹ **State Law reference**— County Hospital Authority Act, V.T.C.A., [Health and Safety Code § 264.001](#) et seq.; Dallas County Hospital District, V.T.C.A., [Health and Safety Code § 281.057](#).

² **State Law reference**— Authority to adopt purchase and expenditure procedures, V.T.C.A., [Health and Safety Code § 281.049](#).

- (b) Any exceptions to this article must be approved by the chief operating officer or chief executive officer and filed with the board of managers at its next meeting. All exceptions shall be noted in the board of managers minutes, and the chief executive officer shall maintain a list of such exceptions.

(Ord. No. 99-1076, 6-8-1999)

Sec. 78-34. - Emergency purchases.

- (a) An emergency purchase may arise when there is an immediate need for supplies or equipment and the delay resulting from the normal purchasing process would jeopardize patient care and/or hospital operation.
- (b) Emergency purchases during normal business hours shall be placed by the purchasing department staff upon receipt of a purchasing requisition documenting the nature of the emergency. Telephone or facsimile bids shall be taken, and the order shall be placed with the vendor quoting the lowest price meeting all specifications, including delivery. After normal working hours, emergency purchases may be authorized by a department director. A requisition signed by the director requesting and receiving emergency supplies must be forwarded to the vice-president of materials management on the next working day for entering into the purchasing system. Emergency purchase requisitions in excess of \$15,000.00 shall be authorized by a vice-president. Exceptions for emergency purchases will be included in the minutes of the board of managers, and the chief executive officer will maintain a year-to-date total on such exceptions.

(Ord. No. 99-1076, 6-8-1999)

Sec. 78-35. - Requirements.

- (a) The purchasing department is responsible for coordinating all purchase descriptions, specifications or statements of work with the user department.
- (b) The purchase descriptions, specifications and statements of work shall be prepared in a manner which maximizes competition among vendors, does not discriminate for or against any product or vendor, excludes personal preference, and clearly specifies the functional and categorical needs of the user department.
- (c) The purchasing manager and/or the vice-president of materials management is responsible for determining the appropriateness of specifications and compliance with the purchasing policies.

(Ord. No. 99-1076, 6-8-1999)

Sec. 78-36. - Minority and small business development.

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

Minority business means a business concern:

- (1) Which is at least 51 percent owned by minority persons, or in the case of publicly owned businesses, at least 51 percent of stock is owned by one or more minorities.
- (2) Whose management and daily operations are controlled by one or more of the minority individuals who own it.

Minority persons include Black, Hispanics, Asian-Pacific Americans, Asian-Indian Americans and Native Americans.

Small business means a business with 50 employees or less and/or less than \$1,000,000.00 in annual gross sales.

Woman-owned business means a business concern:

- (1) Which is at least 51 percent owned by women, or in the case of any publicly owned business, at least 51 percent of the stock owned by one or more women.
 - (2) Whose management of daily business operations is controlled by one or more of the women who own it.
- (b) *Policy.* It is the policy of the county hospital district to provide opportunities for minority-owned, woman-owned and small businesses to participate in the procurement activities. The district is committed to seeking out, identifying and assisting minority and small businesses in becoming familiar with the district's requirements for goods and services. The district, its contractors and subcontractors shall not discriminate on the basis of race, color, religion, national origin, sex, age or physical handicap in the award and/or performance of contracts.

(Ord. No. 99-1076, 6-8-1999)

Sec. 78-37. - Group purchasing.

- (a) As an alternative to conducting its own competitive process, the county hospital district (DCHD) may utilize group purchasing contracts, provided that contracts by the group purchasing organization are awarded as a result of a competitive invitation for bid (IFB) or request for proposal (RFP) process. The DCHD shall not enter into any agreement providing for exclusive purchasing arrangements with a group purchasing organization.
- (b) This article allows the DCHD to purchase through a group purchasing organization providing the group purchasing organization (GPO) is among the top ten national or regional GPO's based on dollar volume of contracts in force, has at least 100 member hospitals or health systems and awards contracts through a competitive process.
- (c) Annually the board will be informed of the districts's GPO activities for the prior year, as well as an estimate of the current year's activities.

(Ord. No. 99-1076, 6-8-1999)

Sec. 78-38. - Shared government services.

- (a) Government surplus supplies or equipment may be purchased for hospital district use without competitive bids.
- (b) Goods or services may be purchased from contracts established by other political subdivisions as well as the state.
- (c) Such purchases shall be made only after considering current market prices, acceptability of the product or service and the need for the product or service by the hospital district.

(Ord. No. 99-1076, 6-8-1999)

Sec. 78-39. - Architectural and engineering vendors.

The selection of architectural and engineering vendors will be made by the vice-president of facilities development in accordance with the policies of this article and reported to the board of managers as a matter of information.

(Ord. No. 99-1076, 6-8-1999)

Sec. 78-40. - Product evaluation; supplies and equipment.

- (a) *Purpose.* The purpose of this section is to set forth a policy statement governing the evaluation of supplies and equipment.
- (b) *Policy.* Evaluations of supplies and equipment shall be coordinated through the purchasing department.
- (c) *Procedure.*
 - (1) Supply and/or equipment evaluations will be prepared in writing by the evaluating department. If necessary, biomedical engineering will further evaluate each item involved.
 - (2) Upon completion, the evaluations will be submitted to the purchasing department.
 - (3) Product evaluation forms supplied by the vendors and manufacturers will not be used by Parkland Health & Hospital System.
 - (4) The value analysis method and procedure will be followed.

(Ord. No. 99-1076, 6-8-1999)

Sec. 78-41. - Bond requirements for construction contracts.

Contracts entered into by the county hospital district shall contain requirements sufficient to cover any financial liability incurred by the hospital district if a contractor withdraws their bid or proposal or fails to perform in accordance with his contract. These conditions include the following:

- (1) For contracts under \$25,000.00, the invitation for bids or request for proposals may require the contractor to furnish a good and sufficient bid bond or cashier's check in the amount of five percent of the total contract price but not less than \$1,500.00. This is to be furnished with the response. In addition, the invitation for bids or request for proposals may provide that no money is paid to the contractor until completion and acceptance of the work.
- (2) The invitation for bids or request for proposals for contracts over \$25,000.00 shall require the vendor to furnish a good and sufficient bid bond or cashier's check in the amount of five percent of the total contract price. This is to be furnished with the response or contract.
- (3) For contracts over \$25,000.00, the prime contractor shall be required to furnish a good and sufficient performance bond in the amount of 100 percent of the total contract price. This is to be done at the award of the contract. Failure to do so shall cause the hospital district to file a claim against the bid bond.
- (4) For contracts over \$25,000.00, a payment bond in the amount of 100 percent of the contract price shall be required for the prime contractor. This is to be done at the execution of the contract. Failure to do so shall cause the hospital district to file a claim against the bid bond.
- (5) For contracts between \$25,000.00 and \$50,000.00, a performance bond may not be required if a single payment is stipulated to be made upon completion and acceptance of the work. This determination is at the discretion of the hospital district.
- (6) All bonds must be executed with a surety company authorized to do business in the state and approved by the hospital district.
- (7) Cashier's checks/bid bonds will be returned as soon as possible after the prime contractor has executed the contract. If no award has been made within 90 days of the bid or proposal opening date, vendors may demand the return of their checks/bonds. If a vendor has been notified that he is one of two vendors selected to execute the contract if the prime contractor defaults on that

contract, he may not demand the return of his check/bond until the prime contractor executes the contract.

(Ord. No. 99-1076, 6-8-1999)

Sec. 78-42. - Vendor relations.

- (a) *Purpose.* The purpose of this section is to set forth a policy statement governing relationships between vendors, employees and the hospital district.
- (b) *Policy.*
 - (1) *Employees.*
 - a. As employees of a public/governmental institution, DCHD employees, including house staff officers, are subject to all laws and regulations, including the state penal code, with respect to relationships with vendors and suppliers.
 - b. It shall be the policy of the hospital district that employees shall not accept individual gratuities from vendors.
 - (2) *Institutional.*
 - a. Vendor samples shall not be accepted by any hospital staff member until approved by the purchasing department staff.
 - b. All information pertinent to IFBs, RFPs, contract award or product evaluation shall be provided to vendors by the purchasing department staff only and in accordance with purchasing department procedures and the state Public Information Act.
 - c. Drug and pharmaceutical samples must be approved by the state department of pharmacy services.

(Ord. No. 99-1076, 6-8-1999)

Sec. 78-43. - Capital equipment acquisition by supply purchase.

- (a) *Purpose.* The purpose of this section is to establish the guidelines and conditions under which capital equipment may be acquired at a discounted cost as a result of contracting for disposable supplies.
- (b) *Policy.* Each request will be reviewed and considered on its individual merits, based on certain standard financial comparisons.
- (c) *Procedure.*
 - (1) All requests for products in this category shall be submitted to the purchasing department with a memorandum which fully discloses the nature of the proposed equipment acquisition and type of supply required. The equipment shall be specified on an equipment requisition, and the supplies shall be specified on a purchasing requisition. If the request involves the trade-in of existing hospital owned equipment, a properly completed property transfer record shall be included in the request packet.
 - (2) The purchasing department will process the request in accordance with established purchasing procedures.
 - (3) Prior to actual release of the IFB or RFP, the vice-president of materials management will review the request packet, including the purchasing department's recommendation.
 - (4) The IFB or RFP may require:
 - a. Purchase of disposables only;

- b. Purchase of both disposables and equipment;
- c. Purchase of disposables with equipment leased;
- d. Purchase of disposables with equipment provided by the vendor at no charge.

The area vice-president will submit a comparative financial analysis accompanied by the purchasing department's recommendation to the chief operating officer for contract award approval.

(Ord. No. 99-1076, 6-8-1999)

Secs. 78-44—78-60. - Reserved.

DIVISION 2. - COMPETITIVE BID PROCEDURE

Sec. 78-61. - Generally.

Except as otherwise authorized by the purchasing policies of this article, all purchases shall be made by competitive bids. Purchases greater than \$50,000.00 shall be made by an invitation for bids and advertised.

(Ord. No. 99-1076, 6-8-1999; Ord. No. 2012-2135, 12-18-2012)

Sec. 78-62. - Sealed bids.

- (a) A purchase by competitive sealed bidding shall be initiated by an invitation for bids (IFB), which shall include the purchase description, specifications or statement of work, and all contractual and other terms and conditions applicable to the purchase.
- (b) Notice of the IFB shall be given in accordance with the advertising requirements of these purchasing policies.
- (c) The IFB shall be mailed in response to all requests, and copies shall be made available to the public in the purchasing department. All amendments to the IFB shall require acknowledgment by bidders and shall be mailed to all persons to whom the original IFB was mailed or who received a copy from the purchasing department.
- (d) Bids shall be opened publicly in the presence of one or more witnesses at the time and place designated in the IFB. The amount of each bid and the name of each bidder shall be recorded, and the record and each bid shall be open to public inspection under the supervision of a purchasing department representative. Bids received in the office designated by the IFB after the exact time and date set for public opening are late bids and shall be returned unopened. Bids may be modified or withdrawn prior to public opening by any method authorized by the IFB.
- (e) Bids shall be evaluated without discussion solely on the basis of price and the price-related factors set forth in the IFB, and shall be unconditionally accepted without alteration or correction (unless correction for mistakes is authorized under this article).
- (f) The award shall be made by written notice to the lowest responsive and responsible bidder.
 - (1) A "responsive" bidder means a person who has submitted a bid that conforms in all material respects to the IFB.
 - (2) A "responsible" bidder means a person who has the capability in all respects to perform the contract requirements fully and satisfactorily and with the integrity and reliability that will ensure good faith performance.

(Ord. No. 99-1076, 6-8-1999)

Sec. 78-63. - Procedures for purchases less than \$50,000.00.

The following procedures will be followed for documenting competition for purchases less than \$50,000.00.

- (a) \$0.01—\$2,499.99. If an M/WBE firm is available, two phone or written quotes will be obtained (one of which must be an M/WBE firm) and documented in the procurement file; otherwise, one phone or written quote is acceptable.
- (b) \$2,500.00—\$9,999.99. A minimum of three phone or written quotes will be obtained (one of which must be an M/WBE firm) and documented in the procurement file. If the above requirements cannot be satisfied, a justification must be provided as to why three quotes could not be obtained.
- (c) \$10,000.00—\$24,999.99. A minimum of four written quotes will be obtained (two of which must be from M/WBE firms) and documented in the procurement file. If the minimum number of quotes cannot be obtained, an explanation must be furnished and kept in the procurement file with the purchase order.
- (d) \$25,000.00—\$49,999.99. A minimum of five written quotes will be obtained (three of which must be from M/WBE firms) and documented in the procurement file. If the minimum number of quotes cannot be obtained, an explanation must be furnished and kept in the procurement file with the purchase order.
- (e) Regardless of value of items requested, all requisitions and purchase orders must have supporting price documentation. Documentation can include but not be limited to: price lists, catalog pricing, telephone documentation, vendor quote sheet, etc. A price list or catalog price does not exclude the requirement for obtaining more than one quote.

(Ord. No. 99-1076, 6-8-1999; Ord. No. 2012-2135, 12-18-2012)

Sec. 78-64. - Solicitations.

For invitations for sealed bids, bids must be solicited from a minimum of five vendors. In keeping with good faith efforts to promote opportunities for minority-owned businesses, every effort will be made to solicit responses from at least two minority vendors.

(Ord. No. 99-1076, 6-8-1999; Ord. No. 2012-2135, 12-18-2012)

Sec. 78-65. - Notice and advertising.

- (a) A notice of a proposed invitation for bids or request for proposals with an estimated value of \$50,000.00 or more shall be published at least 14 days prior to the closing date. The advertisement shall be published in the Dallas Morning News and/or other publications approved by the board. Perishable foods are excepted. The notice shall include:
 - (1) The purchase description, specifications or statement of work describing the items to be purchased, or a statement of where such information may be obtained;
 - (2) The time and place for the bid opening;
 - (3) The official or employee to whom the bids or proposals are to be sent;
 - (4) The invitation for bids or request for proposals number; and
 - (5) The type of bond, if required.
- (b) All items that are not routinely advertised, such as perishable foods, will be advertised at least semiannually. The advertisement shall include:
 - (1) A list of goods and services that are purchased and are not routinely advertised; and

- (2) Instructions on how potential vendors may contact the hospital district in order to seek application to be listed as a potential vendor.

(Ord. No. 99-1076, 6-8-1999; Ord. No. 2012-2135, 12-18-2012)

Sec. 78-66. - Exceptions to the competitive process.

The following purchases of goods and services are exempt from the competitive process:

- (1) Skin, marrow, blood and blood products, heart valves and other human organs.
- (2) Purchases for items approved for processing in accordance with the check request policy 8311-6-01.
- (3) Emergency purchases for the protection of human life or hospital property in accordance with policy 8311-2-08.
- (4) Land or right-of-way.
- (5) Perishable foods that are purchased by telephone or facsimile quote on a daily basis.
- (6) Certain professional services including physician/professional medical services, or consultants, where obtaining these services through the competitive process is not practical.
- (7) Sole source procurements. A sole source procurement is one where there is only one acceptable product or vendor of a particular good or service. Examples of sole source procurements include:
 - a. Patient care devices such as implants, heart valves, bone screws, prosthetics, etc.
 - b. Items with documented size, weight or other physical restrictions.
 - c. Additions or modifications to existing systems or equipment where there are no substitute or interchangeable components, software, etc.
 - d. Limitations imposed by copyrights, patents, warranty, service or other agreements.
- (8) All sole source purchases must be documented and justified based on objective and rational clinical or business needs and approved by the area vice-president and vice-president for materials management. This documentation will be maintained in purchasing department records and available for review. Sole source purchases will be reported to the board of managers at their next regular meeting.

(Ord. No. 99-1076, 6-8-1999)

Sec. 78-67. - Public bid opening.

- (a) All bids shall be opened, recorded and read publicly at a specified time and place as described in the advertisement and posting. Proposals responding to RFPs will not be available until after the award.
- (b) After a contract is awarded, all information contained in any bid or proposal shall be made available for public review. The exception is proprietary information in proposals excepted from disclosure under the Texas Public Information Act. The term "public" in this article refers to any and all persons requesting the information in writing and/or paying all expense fees quoted by the DCHD to receive copies.
- (c) The purchasing department shall file with the board of managers a location where all bids will be received and opened. Bid openings shall, to the extent practical, be opened on a regular day and time. Proposals will be received and opened at a particular time, but not subject to a public opening.

(Ord. No. 99-1076, 6-8-1999)

Secs. 78-68—78-90. - Reserved.

DIVISION 3. - REQUESTS FOR PROPOSALS

Sec. 78-91. - Circumstances for use of procedure.

When it is not practical to procure products or services by competitive sealed bidding, and as authorized by this article, the county hospital district may utilize request for proposals (RFP) under full and open competition permitting all responsible offerors to submit competitive sealed proposals. An RFP may be used for the purchase of insurance, programs requiring professional services, high technology systems and other intangibles, as approved by the chief operating officer or a senior vice-president.

(Ord. No. 99-1076, 6-8-1999)

Sec. 78-92. - Content; notice.

Purchases based on competitive sealed proposals shall be initiated by an RFP, which shall include the purchase description, specifications or statement of work, and other terms applicable to the purchase. The RFP shall specify all evaluation factors (including price) and subfactors, which shall be objective to the maximum practical extent, and the relative importance of each and whether or not award will be made without discussions. Notice of the RFP shall be given in accordance with the advertising requirements of this article, and copies of the RFP shall be made available to the public in the purchasing department. All amendments to the RFP shall require acknowledgment by offerors and shall be mailed to all persons to whom the original RFP was mailed or who receive a copy from the purchasing department.

(Ord. No. 99-1076, 6-8-1999)

Sec. 78-93. - Reception of proposal.

Any proposal received in the office designated in the RFP after the exact time and date set for receipt of proposals is a late proposal and shall be returned unopened. In extenuating circumstances, and providing no proposals have been opened, a late proposal may be accepted at the discretion of the senior vice-president responsible for procurement. The reasons for accepting a late proposal will be documented, and the documentation shall be maintained in the purchasing records. Proposals shall be opened so as to preclude disclosure of contents to competing offerors and shall not be publicly disclosed prior to award. Offerors shall be permitted to mark each part in the proposals they contend contain information exempt from disclosure after award under the Texas Public Information Act.

(Ord. No. 99-1076, 6-8-1999)

Sec. 78-94. - Discussions; modifications.

If written or oral discussions are conducted with one offeror, they will be conducted with all offerors within the competitive range (i.e., the most highly rated proposals having a reasonable chance for award). Unless prohibited by the RFP, and if discussions are conducted, offerors may modify their proposals at any time before the time and date set forth in a written notice to all offerors in the competitive range by which a final modification to the proposal (i.e., a best and final offer) may be submitted.

(Ord. No. 99-1076, 6-8-1999)

Sec. 78-95. - Evaluation; award.

- (a) Evaluation of proposals shall be based solely on the evaluation factors contained in the RFP. If award is to be made based on a proposal that does not offer the lowest price, written justification for the award decision must be maintained in the purchasing department files and be available for review.
- (b) Award shall be made to the responsible offeror whose proposal is determined in writing to be most advantageous to the county hospital district, taking into consideration price and the other evaluation factors set forth in the RFP, or allowed by law. A responsible offeror means a person who has the capability, in all respects, to perform the contract requirements fully and satisfactorily, and with the integrity and reliability that will ensure good faith performance.

(Ord. No. 99-1076, 6-8-1999)

Sec. 78-96. - Solicitations.

Proposals must be solicited from a minimum of five vendors. In keeping with good faith efforts to promote opportunities for minority-owned businesses, every effort will be made to solicit responses from at least two minority vendors.

(Ord. No. 99-1076, 6-8-1999)

Secs. 78-97—78-120. - Reserved.

DIVISION 4. - CONTRACT AWARD APPEAL

Sec. 78-121. - Notice; appeal reviews.

Contracts are awarded to the vendor meeting requirements whose bid or proposal for products and/or services and cost is the most advantageous to the hospital district. Price shall be a factor in the award, but not the only factor. Other evaluation factors in the solicitation may include acceptability, service, quality, delivery and other factors. If the vendor recommended to receive the award is not the lowest offeror, each lower priced offeror is given notice of the proposed award and an opportunity to meet with the vice-president over purchasing to present information concerning the low offeror's responsiveness to the specifications and/or needs of the hospital district. Notice of appeal must be submitted within three working days of the contract award. If after this meeting further action is required, the vendor may continue the appeal process. Appeal reviews are conducted in the following order:

- (1) The senior vice-president with responsibility for purchasing or designee, and the director of legal affairs or designee.
- (2) The hospital district board of managers.

Appeal decisions rendered by the board of managers are final.

(Ord. No. 99-1076, 6-8-1999)

Sec. 78-122. - Users of appeal process not to be penalized; contingency awards.

- (a) It is the policy of DCHD that a vendor who utilizes this appeal process shall not be subject to retaliation for taking such action.
- (b) The hospital district reserves the right to award a contested bid or proposal on a contingency basis prior to conclusion of the appeal process, if it is deemed to be in the best interest of the hospital district. A contingency award permits performance to begin and will provide for a payment of reasonable termination costs if the award is invalidated on appeal.

(Ord. No. 99-1076, 6-8-1999)

The Dallas County Administrative Code contains the employment policies and procedures for Dallas County. It is not to be construed as a contract of employment or to contain any provision guaranteeing a specific term or tenure or employment. The Dallas County Commissioners Court and/or Civil Service Commission may, at any time, unilaterally implement changes in employment conditions, rescind or add to any of the policies, benefits or practices contained within the Dallas County Administrative Code.

Chapter 82

PERSONNEL BENEFITS, PAYROLL AND COMPENSATION*

***Cross references:** Any order providing for salaries or employee benefits not codified in this Code, or otherwise related to employees saved from repeal, § 1-8(a)(5); administration, ch. 2; financial matters, ch. 70; personnel and employment, ch. 86; sheriff's department civil service rules and regulations, app. A; employment, app. A, ch. II, § 2.00; compensation, app. A, ch. III, pt. I § 3.00; leave policies, app. A, ch. IV, § 4.00 et seq..

State law references: County officers and employees, V.T.C.A., Local Government Code § 151.001 et seq.; salary reduction agreements, V.T.C.A., Local Government Code § 155.043; medical insurance coverage, V.T.C.A., Local Government Code § 157.001 et seq.; child care services, V.T.C.A., Local Government Code § 157.061 et seq.

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DALLAS COUNTY CODE
Chapter 82

ARTICLE I. GENERAL

Sec. 82-1. Introduction.

All employee benefits and programs covered throughout this chapter are applicable to all Dallas county employees as outlined in Article XI. Group Health Insurance.

Secs. 82-2--82-30. Reserved.

ARTICLE II. PAYROLL WORK WEEK, PAY DEPOSITS/COMPUTATION, WORK SCHEDULES, AND TELECOMMUTING PROGRAMS*

*State law references: Personnel and payroll, V.T.C.A., Local Government Code § 151.903.

Sec. 82-31. Payroll Workweek, Payroll Deposits/Computation (This section reflects recent court approved policy language: Court Order #2011 1463 – August 30, 2011).

- (a) All county employees will be paid on a bi-weekly basis.
- (b) Bi-weekly paydays will be every other Friday except where such date falls on an officially designated holiday in which case the payday will be on the last working day before such date. Direct deposit or a debit pay card is required as a condition of employment (Court Order 2003-1785).
- (c) Advanced delivery of the county pay deposits will not be permitted. The county treasurer's office should be contacted for incorrect pay deposits or debit pay card amounts.
- (d) The computation of pay for a partial pay period will be based on the standard of 2,080 annual working hours.
- (e) Pay due will be determined by multiplying the hourly rate by the number of hours worked in the pay period involved for employees entering or terminating county employment. The employee's wages for time lost will be reduced by the number of hours lost multiplied by the hourly rate.
- (f) County employees who are required to work in excess of the standard workweek (40 hours) shall be compensated as stated in Article IV of this chapter.

(Ord. No. 2000-1341, §§ 1.00--1.10, 7-11-2000)

Sec. 82-32. Work hours scheduling. (This section reflects recent court approved policy language: Court Order #2024 0879 – August 20, 2024).

- (a) *Work Schedule.* Each elected official or department head must approve and establish authorized work schedules for each employee. Supervisors shall utilize the scheduling and timekeeping systems approved by the Dallas County Commissioners Court. All employees' work hours, exempt and non-exempt, will reflect the employees' established work schedule.
- (b) *Office hours.* An elected official/department head, with the approval of the commissioners court, has the right to establish and schedule reasonable work hours, rules and working conditions in a manner most advantageous to the county in accomplishing its service and work requirements. Compensatory time and overtime are also scheduled by the elected official/department head according to appropriate county policies. County offices, excluding 24-hour operations, are expected to remain

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open between the hours of 8:00 a.m.--4:30 p.m. and remain open during the noon hour. Employees should verify office hours and work hours with their supervisor.

- (c) *Breaks and lunch periods.* An elected official/department head may also establish breaks and lunch periods for their employees. Employees may be granted one paid break of ten minutes for each four hours worked. An unpaid meal period may be 30 minutes to an hour depending on the work schedule approved by the elected/appointed official/department head. Lunch periods are in addition to the regular eight-hour work period and shall not be combined with breaks. Employees are not paid during their lunch period; therefore, they should be completely relieved of all duties and be free to leave their post of duty.
- (d) *Flex time.* The commissioners court encourages elected officials/department heads to implement flexible schedules, if feasible, and when it can be done without impacting service delivery or incurring additional expenses. However, elected officials/department heads are not mandated to grant flexible schedules, and each request will be evaluated on a case-by-case basis. Such a request requires:
 - (1) Written authorization/approval from the elected official/department head.
 - (2) The employee to submit HR/CS Form 100 to the employee's supervisor for approval. The HR/CS Form 100 will be maintained in the employee's departmental personnel file.
- (e) *Workweek.* The county's official workweek begins Saturday at 12:01 a.m. and ends the following Friday at midnight.
- (f) *Hours worked less 40.* Any nonexempt employee who does not work a full 40-hourworkweek shall utilize paid leave accruals to make up the difference between actual hours worked and 40 hours. An employee shall use previously earned compensatory time before using accrued vacation or sick leave. Employees not eligible for approved leave and unable to consistently work a full workweek are subject to loss of full-time status as well as disciplinary measures.
- (g) *Other.* Each elected official/department head is responsible for ensuring that all reporting of time worked, accruals, and use of leave complies with county policies. Employees are not permitted to remain on the county's payroll if they are not on an approved leave of absence (with or without pay). Supervisors are responsible for accurate time reporting. Not reporting time accurately is considered falsifying an official document. Disciplinary action, up to and including termination, may be taken against employees and supervisors who falsify county documents related to work hours.

(Ord. No. 2000-1341, §§ 1-11--1-15D, 7-11-2000; Ord. No. 2009-0091, 1-13-2009, Ord. No. 2011 1463, 8-30-2011, Ord. No. 2024-0879, 08-20-2024)

Sec. 82-33. Telecommuting program (This section reflects recent court approved policy language: Court Order #2011 1463 – August 30, 2011; Court Order #2020 0259; 03-20-2020).

- (a) Dallas County permits employees to telework when approved by the employee's elected official/department director. With a thoughtful plan in place, telework can benefit not only the employee but also the supervisor, the team, and Dallas County.
- (b) Telework permits an employee to work at an alternate site, such as a home, a satellite office, or a library. An elected official/department director who determines it is advantageous to allow an employee to work at an alternate site may approve:

- (1) **Occasional telework:** Occasional telework is infrequent and not regularly scheduled. Written approval, such as an email, must be provided by the elected official/department director (or a designee).

Occasional telework may be used when an employee has:

- A personal need at home, such as meeting a service technician;
- A temporary workplace disruption, such as office remodeling or inclement weather; or
- Another circumstance that supports the need to telework.

Occasional telework may not exceed ten consecutive workdays.

- (2) **Regular telework:** Regular telework arrangements are for ongoing telework and must be supported by a completed Telecommuting Request Form (HR/CS #106) that specifies the requirements and details of the arrangement. The telework arrangement can last for a defined period or continue indefinitely, with regular review. The employee's elected official/department director must approve this assignment.

Regular telework may be used when:

- A lack of work space, a disaster, or an epidemic virus exists;
- The elected official/department director determines that the arrangement will result in improved productivity and employee engagement; or
- The elected official/department director determines that the telework arrangement benefits the attainment of operating goals.

- (c) Telecommuting may be appropriate for high-performing employees whose job responsibilities are suited for such arrangements. Telecommuting requests are considered on an individual basis. When evaluating whether a position is suitable for telecommuting, a manager should evaluate whether the job tasks can be performed independently and away from the workplace setting and whether an employee's absence from the workplace would interrupt office operations. When evaluating whether an employee is eligible for a telecommuting assignment, a manager should consider whether the employee is:

- (1) A high performer, as evidenced by performance evaluations;
- (2) Able to communicate effectively with clients, stakeholders, and team members;
- (3) Able to manage time effectively;
- (4) Able to work independently; and
- (5) Free from significant disciplinary actions.

(d) A telecommuting employee:

- (1) Must abide by this Policy and the employee's Telecommuting Request Form as well as all other Dallas County policies; and
- (2) Remains subject to all Dallas County performance standards and policies as well as any additional requirements imposed by the elected official/department director.

(Ord. No. 2009-0091, 1-13-2009; Ord. No. 2011-1463, 8-30-2011; Ord No. 2020-0259, 03-20-2020; Ord. No. 2021-0881, 09-07-2021)

Sec. 82-34. Lactation (This section reflects recent court approved policy language: Court Order #2016 0755 – June 21, 2016).

- A. Dallas County supports the practice of expressing breast milk, recognizes that its employees are entitled to do so at their workplaces, and will make reasonable accommodations for the needs of an employee who express milk during the course of a work day/shift.

Accordingly, Dallas County shall:

1. Provide reasonable amount of break time for an employee to express breast milk each time the employee needs to do so;
 2. Provide a place, other than a multi-user bathroom, that is shielded from view and free from intrusion from other employees and the public where the employee can express breast milk; and
 3. Not suspend or terminate the employment of or otherwise discriminate against an employee because the employee expresses breast milk at the employee's workplace.
- B. A Dallas County employee shall inform her supervisor of her space and scheduling needs so that appropriate and reasonable accommodations can be made. To the extent feasible, a Dallas County employee should use the time normally allotted for breaks and lunch periods to express breast milk. If the employee uses a break time that would otherwise be compensated, she will be compensated in the same way that other employees are compensated for that break time. If the employee uses a break

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time that would otherwise not be compensated, she will not be compensated for that break time.

Sec. 82–35. Breast-Feeding (This section reflects recent court approved policy language: Court Order #2016 0755 – June 21, 2016).

Dallas County recognizes the health advantages of breast-feeding for children and mothers and desires to provide a supportive environment. Therefore, a mother is entitled to breast-feed her baby in any Dallas County location in which the mother is authorized to be.

(Ord. No. 2016-0755, 06-21-2016)

Secs. 82-36--82-60. Reserved.

ARTICLE III. EMERGENCY AND INCLEMENT WEATHER CONDITIONS (This section reflects recent court approved policy language: Court Order #2024 0879– August 20, 2024).

Sec. 82-61. Emergency conditions.

- (a) *Authority to close government operations.* The county commissioners court has the authority to close general government operations due to emergency conditions. Such action, unless specifically stated, does not close essential, emergency, residential and detention operations. The county fire marshal, under the direction of the county judge, is responsible for communicating with elected officials/department heads and media outlets if there are office closings or delayed openings due to inclement weather. Whenever possible, notification will be made before 6:00 a.m. to the designated radio and television stations.
- (b) *Employee time off with pay when the county is closed.* With the approval of the commissioners' court, regular employees of general government operations may be allowed approved time off with pay for those scheduled hours they would have worked had the county been in operation. If an employee is not aware that the county is closed and reports for work, additional pay or compensatory time for hours worked during this period is not authorized. Approved time off with pay is not considered time worked, and such time off shall not be used to determine eligibility for overtime.
- (c) *Employee time off with pay when the county is open.* When an elected county official closes his or her office due to inclement weather or other circumstances for a period that is normally a part of a regular work period, and intends to compensate those employees, the Office of Budget and Evaluation will: (1) notify commissioners court of the department that closed, (2) the reason(s) the department closed, and (3) the cost of the department closure during the first posted meeting after the closure.
- (d) *Vacation, sick or holiday leave during periods of closure.* Employees on vacation, sick leave or holiday leave during periods of closure are still recorded as using accrued leave.
- (e) *Time off with pay not authorized for home workers.* Employees authorized to work at home shall not be authorized time off with pay for times the county is closed by the commissioners court.

(Admin. Policy Manual, § B(1.16--1.19), Ord. No- 2012-0145, 01-24-2012, Ord. No. 2024-0879, 08-20-2024)

Sec. 82-62. Emergency service, residential and/or detention operations.

- (a) Employees in essential, emergency, residential and/or detention (EERD) operations are required to work as scheduled to meet the needs of the operation and/or emergency condition. Essential, emergency, residential and/or detention departments include, but are not limited to building security, facilities management, road and bridge operations, fire marshal, juvenile residential operations, sheriff detention and patrol services. Individual expectations or duties during emergency conditions will be communicated to employees during their departmental orientation.

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- (b) Essential, emergency, residential and/or detention employees' compensation during emergency conditions or during periods that general government operations are closed is the same as during non-emergency conditions. Essential, emergency, residential, and/or detention employees who do not report to work as scheduled during emergency conditions are subject to disciplinary action, and time off may be charged as leave without pay. The elected official/department head may allow payment during this period not worked as approved time off with pay. Compensatory time accruals shall be deducted before other forms of paid leave.

(Admin. Policy Manual, § B(1.20, 1.21)) (Ord. No. 2023-1318, 11-07-2023, Ord. No. 2023-1316, 11-07-2023, Ord. No 2024-0879, 08-20-2024)

Secs. 82-63--82-80. Reserved.

ARTICLE IV. OVERTIME/COMPENSATORY TIME*

DIVISION 1. GENERALLY

Sec. 82-81. Policy statement.

Compensatory time refers to compensation, granted as future time off with pay, for instances when a nonexempt employee works beyond 40 hours (overtime) in an established work week. Whether compensation for overtime is made by payroll payment or compensatory time is at the discretion of the employing department. Supervisors may allow nonexempt employees to earn compensatory time off in lieu of overtime pay in accordance with the provisions of this policy and the Fair Labor Standards Act (FLSA). Compensatory time is earned at one and one-half time the overtime hours worked. Supervisors may assign overtime or compensatory time to meet essential operating needs of the county. It should only be assigned for those situations where the supervisor is convinced the work is essential in order to meet life, health, or safety standards or in emergency scenarios. Due to cost considerations and other factors, supervisors should be judicious in their utilization of overtime. If overtime is required, the supervisor must carefully follow the guidelines outlined in this article regarding the accrual, utilization and recording of overtime for county employees.

(Ord. No. 2000-736, § 1.22, 4-11-2000; Ord. No. 2008-460, 2-26-2008, Ord. No. 2024-0879, 08-20-2024)

Sec. 82-82. Compliance with applicable law.

The county complies with all provisions of the Fair Labor Standards Act and applicable state statutes which govern most of the overtime/compensatory time off issues discussed in this article. This article will address overtime/compensatory time off for nonexempt employees as defined by the Fair Labor Standards Act.

(Ord. No. 2000-736, § 1.23, 4-11-2000, Ord. No. 2024, Ord. No.2024-0879, 08-20-2024)

Sec. 82-83. Supervisor's responsibility.

Supervisors are responsible for ensuring compliance with the FLSA and should ensure that an eligible employee is compensated with overtime pay or compensatory time. It is imperative that supervisors be aware of the workload of each of his employees, and in cases where extraordinary amounts of time worked over 40 hours is being spent on the job, determine whether or not job expectations, productivity, staffing or other resource problems exist. If so, the manager should take corrective actions.

Each elected official/department head is held accountable for the utilization and accrual of overtime and compensatory time in their department. This accountability includes ensuring that employees do not accrue excessive amounts of overtime/compensatory time and that if accrued, it is not carried forward year after year. The county's goal is to compensate employees for overtime or compensatory time at the same pay rate at which it is accrued. Therefore, all accruals should be limited and the scheduling or pay for accruals should be within the same (1) pay period, (2) month, (3) quarter, or (4) fiscal year in which it is earned.

Whenever possible, the scheduling of compensatory time should be taken as soon as possible. Supervisors shall require employees to use compensatory time to limit

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compensatory time accruals, require use of compensatory time in lieu of vacation accruals, and substitute use of compensatory time in lieu of sick leave.

(Ord. No. 2000-736, § 1.24, 4-11-2000; Ord. No. 2008-460, 2-26-2008, Ord. No.2024-0879, 08-20-2024)

Sec. 82-84. Maintenance of time and attendance records.

Each department shall keep a record of each employee's hours worked in a manner approved by the commissioners court and administered by the county auditor's office.

(Ord. No. 2000-736, § 1.25, 4-11-2000)

Sec. 82-85. On call status.

Each department is responsible for recording time utilized for on-call positions.

- (1) On call status is a condition where an employee is subject to call to duty but is not actually performing work. An employee who is required to remain on County premises, or so close thereto that the time cannot be used effectively for personal purposes, is working while on call. An employee who is not required to remain on County premises but is merely required to provide a means of contact with county officials is not working while on call. The determination is made on the degree of restricted activity, and not on the basis of location.
- (2) All hours worked by staff must be recorded in the timekeeping system.

(Ord. No. 2024-0879, 08-20-2024)

Secs. 82-86--82-110. Reserved.

DIVISION 2. NONEXEMPT EMPLOYEES

Sec. 82-111. Policy of Division.

Nonexempt employees mean those employees subject to the minimum wage and overtime/compensatory time off provisions of the Fair Labor Standards Act. All positions in the county have been designated as either nonexempt or exempt. This designation is noted on the employee's job description under the title: FLSA Code. These designations are subject to change based on reviews by the human resources/civil service department.

(Ord. No. 2000-736, § 1.26, 4-11-2000; Ord. No. 2008-460, 2-26-2008, Ord. No.2024-0879, 08-20-2024)

Cross references: Definitions generally, § 1-2.

Sec. 82-112. Accrual for overtime/ FLSA compensatory time.

The county does not permit voluntary or unauthorized overtime work. Accrual of overtime for nonexempt employees:

- (1) Must be approved in advance by the employee's supervisor; however, if worked, it must be compensated, whether approved or not, if the work was known or should have been known by the supervisor. Failure of the employee to seek approval prior to working overtime may subject the employee to disciplinary action, up to and including termination.
- (2) Is compensated at the premium rate of time and one half for all approved hours worked in excess of the employee's regular 40-hour workweek. (For example: Employee B works ten hours a day Monday--Wednesday and eight hours a day on Thursday and Friday. Employee B's time sheet will show a total of 46 hours worked during the week. Since all 46 hours represent hours actually worked, Employee B would have worked six hours more than his regularly scheduled 40 hours. Therefore, the overtime would accrue at time and a half for a total of nine hours (six hours \times 1.5 = nine hours).
- (3) If at all possible, the supervisor shall schedule the employee to take time off within a workweek when it seems likely an employee will work more than 40 hours to avoid the accrual of overtime.

(Ord. No. 2000-736, § 1.27, 4-11-2000; Ord. No. 2008-460, 2-26-2008, Ord. No.2024-0879, 08-20-2024)

Sec. 82-113. Utilization/payment for overtime/compensation time.

It is the policy of the county to provide compensatory time off instead of overtime pay. In some circumstances, employees may be paid for work over 40 hours. The options listed below shall be utilized to compensate overtime worked:

- (1) Compensatory time off (preferred method) in lieu of overtime pay may be utilized to compensate an employee who works overtime. Supervisors should grant the employee's request to utilize compensatory time off as soon as practical, provided that use of such leave time does not adversely affect the operation of the department.
 - a. Employees are encouraged to request compensatory time use;
 - b. Elected officials/department heads shall require that employees use their compensatory time.
- (2) Overtime may be paid to nonexempt employees required to work more than 40 hours in the official workweek, provided that all of the following conditions are met:
 - a. Compensatory time would adversely affect the operations of the department;
 - b. Overtime is approved in advance by the level of supervision designated by the elected official/department head;

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- c. The county auditor certifies funds availability for the specified tasks in advance; and
 - d. The employee must be classified as a regular, full-time employee who is nonexempt and any other non-classified employee performing in a similar nonexempt position.
- (3) Nonexempt employees who separate from service or attain a position with an exempt status are entitled to be paid for all compensatory time accrued after April 14, 1986. The pay will be at their regular rate of pay earned during the period immediately prior to separation, or attainment of an exempt status, or at the average regular rate of pay over the previous three years, whichever is greater.
 - (4) Nonexempt employees who transfer (lateral transfer, promotion, and/or demotion, etc.) from one department to another shall be paid for all overtime/FLSA compensatory time accrued with funds from the department's budget from which the employee is leaving. Such vacancy cannot be filled until all time has been paid, except those vacancies of positions required to meet mandatory staffing ratios in 24-hour-a-day operations.

Department is defined as the consolidated budgetary group for a department head or elected official. (Examples include sheriff's department, juvenile department, health and human services department, etc.).

- (5) Nonexempt employees who are promoted or demoted within a department shall be paid for all accrued overtime/FLSA compensatory time from the department's budget.
- (6) Any balance of compensatory time accrued prior to April 15, 1986, by a nonexempt employee at time of separation or attainment of exempt status will be forfeited and is not eligible for payment.
- (7) While the county must pay out FLSA compensatory amounts in excess of 240 hours for civilian nonexempt employees and 480 hours for law enforcement employees in accordance with the Fair Labor Standards Act, the departments are required to keep FLSA compensatory time below 120 hours (80 overtime hours worked) for civilian nonexempt employees and 240 hours (160 overtime hours worked) for law enforcement employees. The commissioners court will review each department's compensatory time accruals and utilization during each budget cycle.

(Ord. No. 2000-736, § 1.28, 4-11-2000; Ord. No. 2000-1341, § 1.28, 7-11-2000; Ord. No. 2008-460, 2-26-2008, Ord. No.2024-0879, 08-20-2024)

Secs. 82-114--82-130. Reserved.

DIVISION 3. EXEMPT EMPLOYEES

Sec. 82-131. Policy of division.

Exempt employees are not subject to overtime/compensatory time off provisions of the Fair Labor Standards Act. When setting salaries for exempt positions, considerations are given to the scope and time commitment of the positions as opposed to the number of tasks completed and hours worked. Therefore, there are no provisions in the Dallas County Code that guarantee exempt employees will be granted any time off for hours worked in excess of 40. Exempt employees are expected to work the required number of hours in order to perform their job assignments, even if that requirement exceeds 40 hours per week.

(Ord. No. 2000-1341, § 1.29, 7-11-2000; Ord. No. 2006-1746, 10-3-2006)

Sec. 82-132. Work schedules.

Exempt employees shall report all hours worked and adhere to an established work schedule approved by the elected official/department head. Exempt employees' work schedules shall average a minimum of 40 hours per week, including use of accrued leave time. All time worked shall be recorded in the official time and attendance system.

(Ord. No. 2000-1341, § 1.30, 7-11-2000; Ord. No. 2006-1746, 10-3-2006)

Sec. 82-133. Accrual of compensatory time.

Effective February 15, 2000, employees whose positions are classified as exempt are not eligible to accrue compensatory time. They are expected to meet the time needs of the position, which includes working over 40 hours in a workweek when required.

(Ord. No. 2000-1341, § 1.31, 7-11-2000; Ord. No. 2006-1746, 10-3-2006, Ord. No.2024-0879, 08-20-2024)

Sec. 82-134. Administrative time off.

Periodically, elected officials/department heads may grant administrative time off for exempt employees. Such time off must be approved by the elected official/department head. In order to approve such leave, the elected official/department head must ensure the exempt employee's most current 12-month average weekly work schedule exceeds 40 hours. For exempt employees whose tenure is less than 12 months, their average weekly hours worked shall be determined by the average hours worked over the number of weeks worked for the county. If this criterion is met, the elected official/department head may, at his/her discretion, approve the time off. Under no circumstances will this time be granted on an hour-for-hour basis and the total amount of time granted shall not exceed 15 workdays in a 12-month period except by formal approval by the commissioners court.

Any exempt employee who is not approved for administrative time off by the elected official/department head may be subject to disciplinary action.

Elected official/department heads should carefully monitor the amount of administrative leave time granted to each exempt employee to ensure against abuse and the leave is being granted fairly. The county departments and/or commissioners court.

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(Ord. No. 2000-736, § 1.33, 4-11-2000; Ord. No. 2006-1746, 10-3-2006, Ord. No.2024 0879, 08-20-2024)

Sec. 82-135. Exempt employee premium payment plan.

In the event the County experiences an extraordinary event that causes or requires excluded exempt employees to work in excess of the customary hours in a payroll period, a department director or an elected official may submit a request to activate the Exempt Employee Premium Payment Plan ("EEPPP") to the County Administrator in accordance with this section. An "Extraordinary Event" is defined as an unforeseen circumstance, event, or series of events that impacts public health, public safety, or critical County operations. The EEPPP is subject to the following procedures and conditions:

- (a) The request to activate the EEPPP must be submitted in writing by the department director or elected official to the County Administrator.
- (b) The submitting department director or elected official shall provide: (1) written justification to activate the EEPPP, (2) a sufficient description of the extraordinary event, and (3) include a beginning and ending date.
- (c) The form of the written request shall be promulgated and determined by County Administration.
- (d) Activation of the EEPPP shall be contingent upon the availability of adequate budget and funds for the compensation payments.
- (e) The exempt employee must be pay grade K equivalent or below to be considered eligible for the EEPPP.
- (f) The exempt employee must work an average of 20 hours per pay period over their regular hours for 30 days to be eligible for the EEPPP.
- (g) The County Administrator shall timely review the request for an EEPPP activation.
- (h) The County Administrator shall notify the department director or elected official of the approval or disapproval of the request to activate the EEPPP in writing.
- (i) If approved by the County Administrator, the department director or elected official shall notify the Budget Officer, the Director of Human Resources, the County Auditor, and the payroll manager immediately upon each EEPPP activation or extension by providing a copy of the written approval of the County Administrator or extension authorization and any supporting documentation.
- (j) Payment shall be made at 1.5 times the employee's regular hourly rate of pay for any hours worked in excess of regular hours during the pay period during the EEPPP activation.
- (k) If the County Administrator approves an EEPPP activation, the County Administrator shall notify the Commissioners Court at their next regularly scheduled meeting.

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- (l) All hours worked in excess of regular hours in the pay period and compensated as a result of a EEPPP activation for an extraordinary event shall be recorded in the payroll system using the code designated by the County Auditor.
- (m) The payroll section shall maintain a record of all hours worked and payments made in connection with each EEPPP activation.

(Ord. No. 2021-0311, 03-23-2021)

Secs. 82-136--82-170. Reserved.

ARTICLE V. AUTOMATED TIME AND ATTENDANCE ENTRY SYSTEM (This section reflects recent court approved policy language: Court Order #2024 0879 – August 20, 2024).

Sec. 82-171. Purpose of article.

The purpose of this article is to provide time and attendance reporting procedures for all county employees. All county employees are required to record their daily attendance. The county time and attendance tracking system includes three time entry methods: time clocks, on-line entry, and mobile devices. Employees shall use the time entry method approved by the commissioners court and designated by their elected official or department head.

(Ord. No. 2000-1615, 8-14-2000, Ord. No.2024 0879, 08-20-2024)

Sec. 82-172. Nonexempt employee responsibilities.

- (a) The county requires that every employee work 40 hours every week. Vacation leave, sick leave, authorized holidays, authorized time off, and accrued compensatory time count toward this 40-hour per week requirement. Except for the lunch period explained in subsection (c) of this section, employees are expected to be working for the benefit of the county from the time the employee's shift begins until the employee's shift ends.
- (b) Nonexempt employees are strictly prohibited from working more than 40 hours per week, without prior approval from their supervisor. Work time must be recorded on the county's time and attendance system. An employee is never to work without recording time. If an employee is ever asked to work without recording work time, the elected official or department head must be notified immediately. If the matter is not resolved by the department, the employee must immediately notify the county human resources department.
- (c) Each elected official or department head will designate a 30-minute, 45-minute or one-hour lunch period for his nonexempt employees. The elected official or department head may not set the lunch period within the two hours after the employee's regular shift begins or in the two hours before the employee's regular shift ends. Whatever lunch period the elected official or department head designates for his employees will not be work time. The time and attendance system will automatically deduct the designated lunch period from the hours actually worked by the employee, and the employee will not be paid for this time.
- (d) An employee is not allowed to work during his meal period. An employee shall notify a supervisor prior to working through a meal period. The supervisor is required to record that meal period as time worked in the time and attendance system. Working the required meal period without prior approval on more than three occasions or failing to report the work done during the meal period may subject the employee and the employee's supervisor to disciplinary action, up to and including termination.

(Ord. No. 2000-1615, 8-14-2000, Ord. No.2024-0879, 08-20-2024)

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Sec. 82-173. Exempt employee responsibilities.

Exempt employees are expected to record the start and end of their workday on the time and attendance system in accordance with departmental policy.

(Ord. No. 2000-1615, 8-14-2000)

Sec. 82-174. General provisions.

- (a) Employees leaving the premises during working hours for reasons other than county business shall clock out when leaving and clock in when returning to work.
- (b) Employees who do not record hours worked by the payroll deadline due to lack of preplanning for vacation, sick time, errors or accidental omissions must notify their supervisor as soon as possible.
- (c) Employees who forget to record their time shall notify their supervisor. Employees who fail to record their time on more than three occasions within a four-week period shall be subject to disciplinary action up to and including termination.
- (d) Any time worked and paid leave accrued must be entered into the approved time and attendance tracking system before the payroll deadline. Time and leave accruals entered after the payroll deadline will roll over to the subsequent payroll period for payment.
- (e) Employees shall not correct or edit another employee's time records. Errors in the time record shall be reported to the supervisor for correction.
- (f) Tampering, altering and/or falsifying information on an employee's own or another employee's time record shall result in disciplinary action that may include termination, as well as possible criminal charges.

(Ord. No. 2000-1615, 8-14-2000, Ord. No. 2024-0879, 08-20-2024)

Sec. 82-175. Supervisory responsibilities.

- (a) Supervisory responsibilities fall to the elected official, department head or their designee.
- (b) Supervisors are responsible for informing their employees about which time entry method (time clocks, mobile devices, on-line entry) they shall use to record their time and attendance. Supervisors shall educate their employees about how to use the time entry method they are assigned and about the time and attendance policies for their department.
- (c) Supervisors are responsible for ensuring employee time records are accurate and that no abuses occur. Only supervisors have the authority to correct employee time record errors or omissions.
- (d) Supervisors are responsible for recording employee vacation and sick time and for entering time for employees who are working outside their department work area.
- (e) Supervisors are responsible for checking daily start times, meal periods, end times, vacation time, sick time, compensatory time and overtime to ensure employees are in compliance with their shift work schedule and the county's overtime policies.
- (f) Supervisors are responsible for promptly documenting actions warranting discipline

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and for promptly reporting possible fraud to the county auditor.

- (g) Supervisors are responsible for approving employee time records for their department every Monday by 10:00 a.m.
- (h) Supervisors are responsible for reporting lost, stolen or damaged key cards and arranging for replacement key cards.

(Ord. No. 2000-1615, 8-14-2000, Ord. No.2024-0879, 08-20-2024)

Sec. 82-176. Time clock utilization.

- (a) Employees, who are designated by their department to use time clocks to record their time and attendance, are assigned an identification card. Employees shall be given a key card by their department supervisor which serves as time clock activation. Employees shall use their key cards at the time clocks designated by their supervisor.
- (b) Employees shall use their key card upon entering their work area and when they are ready to immediately begin work. (For example, employees are not permitted to leave their cars parked outside the door to clock in and then return to park their cars.) Employees shall clock in no sooner than six minutes before their scheduled shift start time. Employees shall clock out no later than six minutes after their scheduled shift end time. Exceptions can be made to this section if the supervisor has given prior approval to work overtime. The supervisor will make a manual override to the system to approve overtime/compensatory time.
- (c) Employees shall only clock in and out with their own key cards. Using another employee's key card is prohibited. Employees who violate this subsection shall be subject to disciplinary action up to and including termination.
- (d) Employees shall report lost, stolen or damaged cards to their supervisor. Employees shall pay \$10.00 for a replacement key card to the county auditor's office.

(Ord. No. 2000-1615, 8-14-2000)

Sec. 82-177. On-line and mobile device entry utilization.

Employees who are designated by their department to use on-line entry shall record their work time and attendance on-line from their personal computer or mobile device each day.

(Ord. No. 2000-1615, 8-14-2000, Ord. No.2024-0879, 08-20-2024)

Secs. 82-178--82-210. Reserved.

ARTICLE VI. PAYROLL ACTIONS (This section reflects recent court approved policy language: Court Order #2011 1463 – August 30, 2011).

***State law references:** Authorized deductions, V.T.C.A., Local Government Code § 155.001 et seq.

DIVISION 1. GENERALLY

Secs. 82-211--82-230. Reserved.

DIVISION 2. ADJUSTMENTS

Sec. 82-231. Processing deadline.

In order for requests for payroll actions to be processed, all essential paperwork must be completed and submitted to the auditor's office by noon two Fridays preceding the commissioners court meeting at which time the requests are to be approved. For example, to get an item on the commissioners court for Tuesday the 20th, the request must be in by Friday the 9th.

(Ord. No. 2000-1341, § 2.00, 7-11-2000)

Sec. 82-232. Change in positions

Any change of an employee's salary (promotion, demotion, reclassification, etc.), position change or changes in status from part-time to full-time or exempt to non-exempt will be authorized only on the first day of the county pay period (Saturday).

(Ord. No. 2000-1341, § 2.01, 7-11-2000; Ord. No. 2001-1506, 8-14-2001; 2011-1463, 08-30-2011)

Sec. 82-233. Adding new employees. (This section reflects recent court approved policy language: Court Order #2011 1463 – August 30, 2011).

The following forms are required to add a new hire employee to the county's system. These forms are normally completed on/before and collected at the New Employee Orientation Program class:

- (1) Human resources department requirements;
 - a. Employee acknowledgement form;
- (2) Auditor's department requirements;
 - a. The new employee and position change form no. 6-1 which is often referred to as the personnel court order is submitted separately to the county auditor by the hiring department;
 - b. Employment eligibility verification form I-9;

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- c. Election pursuant to Open Records Act;
 - d. Acknowledgment;
 - e. Time and attendance form.
- (3) Treasurer department requirements;
- a. Federal withholding allowance certificate form W-4;
 - b. Texas County and District Retirement System New Employee Information and Beneficiary Designation Form;
 - c. Employee benefits information packet receipt;
 - d. New employee information (retirement enrollment);
 - e. Direct Deposit Authorization;
 - f. Public Agency Retirement System (PARS) Form – completed by part-time, temporary employees only.
- (4) Security and emergency management requirements:
- a. Identity and access card.

(Ord. No. 2000-1341, § 2.02, 7-11-2000; Ord. No. 2001-1506, 8-14-2001)

Sec. 82-234. Salary change.

To change an employee's salary use a new employees and position change form.

(Ord. No. 2000-1341, § 2.03, 7-11-2000)

Sec. 82-235. Position change with salary change.

To change an employee's position and salary use a new employee and position change form and include a time and attendance information form.

(Ord. No. 2000-1341, § 2.04, 7-11-2000; Ord. No. 2001-1506, 8-14-2001)

Sec. 82-236. Lateral transfer within same department (no salary change).

To change an employee's position within the same department with no salary change, use a new employee and position change form and include a time and attendance information form. If you have numerous changes, a spreadsheet capturing the required information may be used. For a sample form of the spreadsheet, contact the Auditor's department.

(Ord. No. 2000-1341, § 2.05, 7-11-2000; Ord. No. 2001-1506, 8-14-2001; Ord. No. 2008-943, 5-13-2008)

Sec. 82-237. Transfer from one department to another.

To transfer an employee from one department to another use a new employee and position change form and include a time and attendance information form.

(Admin. Policy Manual, § B(2.06); Ord. No. 2001-1506, 8-14-2001)

Sec. 82-238. Reemployment with the county

To rehire a previous employee, a New Employee and Position Change form no. 6-1 should be completed by the department; also include a time and attendance information form.

(Admin. Policy Manual, § B (2.07); Ord. No. 2001-1506, 8-14-2001)

Sec. 82-239. Terminations (This section reflects recent court approved policy language: Court Order #2011 1463 – August 30, 2011).

- (1) When an employee terminates, a notice of separation form (no. 6-5) should immediately be submitted by email to the county auditor, treasurer and human resources/civil service department to ensure that the employee is removed from the system and that benefits are terminated.
- (2) The department shall process or notify the auditor's office of the employee's termination. Failure to timely notify will result in the deduction of the full insurance premium or accrual amount (county plus employee) from the department's discretionary spending account (DDA).
- (3) All terminations, voluntary or involuntary, except those resulting from a reduction -in-force, shall be final and constitute a break in service. A civil service employee terminated as a result of reduction-in-force may retain his original hire date if rehired within one year. See Termination policy for employees terminated as a reduction-in-force in Chapter 86, Article 4.
- (4) The elected official/department head has final discretion regarding termination in the case where an employee submits a letter of resignation, then prior to his/her termination date wishes to withdraw the resignation to remain employed.
 - a) The effective termination date is the date the employee indicates in the resignation notice (written/verbal) or earlier depending upon the elected official/department head decision to accept resignation immediately and terminate the employee as a matter of security and/or safety. If the elected official/department head terminates the employee immediately or earlier than the resignation date given due to security and/or safety concerns, the elected official/department head may at their discretion authorize severance up to a maximum of two weeks or the resignation date given (whichever is less) provided the employee is leaving in good standing. Good Standing is defined as "given at least a two-week proper notice in writing and NOT resigning in lieu of termination."

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- b) A letter of resignation cannot be withdrawn by either party after the effective date of termination on the employee's resignation notice or elected official's/department head's decision to immediately terminate the employee.
- c) When a resignation is given, all applicable paperwork must be processed immediately.

(Admin. Policy Manual, § B(2.08); Ord. No. 2001-1506, 8-14-2001; Ord. No. 2006-160, 1-24-2006; Ord. No. 2015-0798, 6-9-2015)

Sec. 82-240. Change the number of federal withholding exemptions.

To change the number of federal withholding exemptions, contact the County Treasurer for a federal withholding allowance certificate form no. W-4.

(Admin. Policy Manual, § B(2.09); Ord. No. 2001-1506, 8-14-2001)

Sec. 82-241. Changes in personnel data related to payroll. (This section reflects recent court approved policy language: Court Order #2011 1463 – August 30, 2011).

Most changes may be made by the employee through Employee Self Service Module (Oracle). Name changes will require legal documentation (marriage license, divorce decree, etc.). You will be required to submit proof of this legal change to the Auditor's Office. When an employee changes their last name, use a request for personnel action form no. 6-A and attach required legal documentation.

(Admin. Policy Manual, § B(2.10); Ord. No. 2001-1506, 8-14-2001)

Secs. 82-241--82-260. Reserved.

DIVISION 3. PAYROLL OPTIONS* (This section reflects recent court approved policy language: Court Order #2011 1463 – August 30, 2011).

***State law references:** Cafeteria plan program, V.T.C.A., Local Government Code § 155.042.

Sec. 82-261. Payment Methods.

The commissioners court has approved two payroll deposit options for county employees. Employees must participate in one of these options as a condition of employment.

- (1) *Direct deposit.* Payroll direct deposit provides county employees with the option to have their pay automatically deposited into their financial institution each pay period.

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- (2) *Debit Pay Card.* Payroll debit pay card provides county employees with the option to have their pay automatically deposited on a debit card each pay period.

State law references: Electronic funds transfer, V.T.C.A., Local Government Code § 156.001 et seq.

(Ord. No. 2000-1341, §§ 2.11--2.15, 7-11-2000)

State law references: Payroll deduction for savings bond, V.T.C.A., Government Code § 608.001 et seq.; deductions authorized for county employees, V.T.C.A., Local Government Code § 155.001 et seq.

Sec. 82-262. Formulas. (This section reflects recent court approved policy language: Court Order #2011 1463 – August 30, 2011).

- (a) *Gross pay (bi-weekly).* The following formula will be used to calculate gross pay for all county nonexempt employees: Gross Pay Biweekly = hourly rate multiplied by hours worked. For Exempt employees, Gross pay (bi-weekly) = Annual salary divided by 26. Annual salary = monthly multiplied by 12.
- (b) *Overtime pay- hours worked in excess of forty.* Overtime pay is calculated at the rate determined by the following formula: Hourly rate multiplied times 1.5 multiplied times the number of overtime hours worked = overtime pay.
- (c) *Holiday hours.* Elected officials/departments heads will ensure that holiday hours are recorded for pay purposes as leave without pay if the employee was not employed for the entire pay period preceding the pay period in which the holiday occurs or if the employee did not work or was not on paid leave the day before and the day after the holiday.

(Ord. No. 2000-1341, §§ 2.16--2.18, 7-11-2000)

Sec. 82-263. Deductions. (This section reflects recent court approved policy language: Court Order #2011 1463 – August 30, 2011).

- (a) *Allowable deductions.* [Allowable payroll deductions are as follows:
 - (1) Payment to a credit union;
 - (2) Payment of membership dues in a labor union or a bona fide employees association;
 - (3) Payment of fees for parking in a county-owned facility;
 - (4) Payment to a charitable organization; and
 - (5) Payment relating to an item not listed in this subsection, if the commissioners court determines that the payment serves a public purpose.

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- (b) *Requests.* A request for a payroll deduction must:
- (1) Be in writing;
 - (2) Be submitted to the county auditor; or county treasurer's office, depending on the deduction;
 - (3) State the amount to be deducted and the entity to which the amount is to be transferred;
 - (4) Will remain in effect until the county auditor/county treasurer receives written notice of revocation signed by the employee; and
 - (5) May not exceed the amount stated in the request.
- (c) *Labor union or employees' association membership fees.* The commissioners court, upon a written request signed by at least 25 percent of the county employees eligible for membership who wish to join a labor union or bona fide employees association, may authorize payroll deduction to be made from the employee's salary for membership dues.
- (d) *Administrative costs.* The credit union, labor union or employees association, and other associations as deemed necessary by the commissioners court or state law, shall pay any administrative costs for making the deductions. The county auditor, budget officer and data services director shall calculate the amount of the administrative costs for approval by the commissioners court.
- (e) *County ride share; parking.* For county ride share, see sections 74-501 through 74-508, parking. There will be no refunds for payroll deductions for parking for terminated employees. There will be no refunds for payroll deductions for parking for employees who relocate within the county due to promotions or transfers.
- (f) *Criteria for implementation of deductions for parking.* For the full text of the criteria for the implementation of payroll deductions for county employees parking see section 74-478.
- (g) *Frequencies.*

Deduction Description	Frequency
Dental pre-tax	Biweekly
Flex dependent	Biweekly
Flex medical	Biweekly
Health pre-tax	Biweekly
Health post-tax	Biweekly
Dependent life post tax	Biweekly
Optional Life pre-tax	Biweekly

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Optional Life post-tax	Biweekly
Basic Life employee	Biweekly
County parking-Crowley	Biweekly
County parking-Decker	Biweekly
County parking-Govt. Center	Biweekly
Parking Crowley Lot A	Biweekly
Parking Lot 5	Biweekly
Credit union	Employee choice
Deferred Compensation 457B	Employee choice
Charitable deduction	Employee choice
Sheriff's Association	Biweekly
Texas Police Association	Biweekly
Dallas Sheriff's Union	Biweekly
Public Agency Retirement System (PARS); part-time temporary only	Biweekly
Federal tax withholding	Biweekly
Medicare withholding	Biweekly
Social Security withholding	Biweekly
TCDRS Retirement-EE contribution	Biweekly
Bankruptcy garnishment	Biweekly
Child support garnishment	Biweekly
Federal tax levy (IRS)	Biweekly
Student loan garnishment	Biweekly
Child support voluntary	Biweekly

(Ord. No. 2000-946, 5-9-2000; Ord. No. 2000-1341, §§ 2.19--2.25, 7-11-2000; Ord. No. 2003-2199, 12-2-2003)

State law references: Deductions from wages, V.T.C.A., Government Code § 155.001 et seq.

Secs. 82-264--82-290. Reserved.

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ARTICLE VII. APPROVED TIME OFF GUIDELINES FOR VARIOUS LEAVES (FMLA, LOA, WORKERS' COMPENSATION, JURY, MILITARY, ETC.), INCLUDING LEAVE CALCULATION, ELIGIBILITY, AND APPLICABLE PREMIUM DEDUCTIONS.—(This section reflects recent court approved policy language: Court Order #2011 1463 – August 30, 2011).

15*State law references: Deductions from compensation, V.T.C.A., Local Government Code § 5.001 et seq.

DIVISION 1. GENERALLY

Secs. 82-291--82-310. Reserved.

DIVISION 2. LEAVE*

***State law references:** Leave of absence for military service, V.T.C.A., Government Code § 431.005.

Subdivision I. In General

Sec. 82-311. Notification of absence. (This section reflects recent court approved policy language: Court Order #2011 1463 – August 30, 2011).

Regular attendance is important to the overall operation of the department. If, for any reason, an employee is unable to report for work, notification shall be made to the employee's immediate supervisor at the earliest time possible in accordance with the notification or call-in procedures established by the department. Based on prior or timely notification, the department shall determine an employee's eligibility to receive paid leave or future employment status.

(Admin. Policy Manual, § B (3.00))

Sec. 82-312. Leave Accrual Calculation (vacation/sick) and Eligibility

- (a) Effective date of employment for calculating accrued leave means the day from which an employee becomes a regular full-time employee with benefits.
- (b) Effective date of an employee's termination will be the last actual day the employee worked for the county or the last day of any authorized leave time approved by commissioners court. The leave time must be court ordered through commissioners court. Any accrued leave benefits that are eligible for payment as of the employee's termination date will be paid on the employee's last paycheck.
- (c) Vacation and sick leave accrual will be calculated from the start of the employee's first full pay period as a full time regular employee only.
- (d) Regular part-time, temporary full-time or temporary part-time employees do not receive paid sick leave or vacation leave benefits.
- (e) Employees will accrue vacation and sick leave benefits for all or a prorated part of

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any pay period for which they are in a paid assignment status after they become an eligible employee (see subsection (d) of this section). Employees on workers compensation or unpaid leave do not accrue leave benefits.

(Admin. Policy Manual, § B(3.01--3.06); Ord. No. 2001-1506, 8-14-2001)

Sec. 82-313. Change in family status for leave of absence.

- (a) The act of going out on leave of absence (LOA) and the act of returning from a leave of absence constitutes a change in family status under section 125 of the IRS code. Employees will be required to complete a family status change form upon return to work.
- (b) In order to reenter the benefits plan (pre-tax funding) upon returning to work, the employee must have completed and filed with the Human Resources/Civil Service department, a family status change form.
- (c) Terminated employees who reenter the plan during the same plan year must reenter exactly the same coverage they had at the time of termination or enter the plan on a post-tax basis.
- (d) For the purpose of insurance premiums and dependent care spending accounts, upon taking the leave without pay, the employee can make changes to his elections as a result of lifestyle change event. Upon resumption of full-time work, the employee can make another change to his elections as a result of a lifestyle change event.
- (e) The following are considered changes in family status under section 125 of the IRS code:
 - (1) Legal marital status;
 - (2) Number of dependents;
 - (3) Employment status;
 - (4) Residence or work site;
 - (5) Unmarried dependent status.

(Admin. Policy Manual, § B (2.40--2.43))

Secs. 82-314--82-330. Reserved.

Subdivision II. Family and Medical Leave (FMLA)* (This section reflects recent court approved policy language: Court Order #2011 1463 – August 30, 2011).

*Federal law reference--Family and Medical Leave Act, 29 USC 2601 et seq.

Sec. 82-331. Family and Medical Leave Act (FMLA) - Benefit coverage while on FMLA

Medical coverage and other benefit options (dental coverage, life, AD&D, dependent life) will continue during FMLA leave unless an employee chooses not to retain health coverage, if any, and other optional benefits during FMLA leave. In such a case, when the employee returns from leave, coverage will be reinstated at the same benefit levels as prior to taking leave, without any qualifying period, or physical examination.

For a full review of the FMLA, see Secs 82-601 through 82-608.

(Admin. Policy Manual, § B (2.26))

Sec. 82-332. Decision deadline for maintaining leave of absence coverage.

Eligible employees who qualify for entitlement under FMLA must make a decision to maintain medical coverage and other benefit options (dental coverage, life, AD&D, dependent life) within 30 days prior to the onset of leave (when the leave is foreseeable) or within 30 days of the onset of the actual FMLA leave. While out on a FMLA leave of absence, an employee may choose to change his benefit options such as dropping dependents or cancelling their benefit coverage altogether.

(Admin. Policy Manual, § B (2.27))

Sec. 82-333. Payment of monthly premiums while on Family and Medical Leave

Employees will be required to pay their share of the monthly premiums based on their election:

- (1) Through payroll deduction when the FMLA leave is substituted paid leave;
- (2) Prepayment payroll deduction at the employee's option (pre-tax); or
- (3) By making biweekly premium payments payable to the county on payday.

(Admin. Policy Manual, § B (2.28))

Sec. 82-334. Coverage to cease upon late payment.

If an employee chooses to make monthly premium payments and the employee's premium payment is more than 30 days late, coverage will cease as of the last day for which premiums were paid. In such a case, coverage will be reinstated when the employee returns from leave at the same benefit levels as prior to taking leave without any qualifying period, physical examination, exclusion of preexisting conditions, etc.

(Admin. Policy Manual, § B (2.29))

Sec. 82-335. Failure to return from leave.

If an employee notifies the county of his intent not to return from FMLA leave or fails to return from leave, coverage will cease and the employee will be notified of his rights under COBRA. The COBRA event does not occur until the employee in a FMLA status fails to return to work at the appointed time. Therefore, any coverage not continued during FMLA status will not be eligible to be continued under COBRA. COBRA requires continuation of coverage that is in effect on the day of the COBRA event.

(Admin. Policy Manual, § B (2.30))

Sec. 82-336. Recovery of premiums.

The county will recover premiums it paid for maintaining group health plan coverage during FMLA leave when circumstances allow for their recovery as provided under the FMLA entitlement provisions.

(Admin. Policy Manual, § B (2.31))

Sec. 82-337. County's continuation of contribution.

Although the FMLA mandates only continued group health plan coverage, the county will continue its contribution, if any, to the Flexible Spending Accounts (FSA) during the period of FMLA leave since the county's contribution is provided as paid medical coverage.

(Admin. Policy Manual, § B (2.32))

Sec. 82-338. Suspended flexible spending account guidelines. (This section reflects recent court approved policy language: Court Order #2011 1463 – August 30, 2011).

The following guidelines apply to suspended flexible spending accounts while on FMLA:

- (1) If the employee chooses to stop his/her contribution during the period of leave, contributions will begin again when the employee returns from leave.
- (2) No changes in the amount contributed can be allowed unless consistent with qualifying life event (For example in the case of a birth, one can increase the amount.)
- (3) Reimbursements will be made only for expenses incurred during the time contributions are made. Advance payments can continue to be made.
- (4) If an employee chooses to continue to make contributions during the leave without pay on a post-tax basis, the pre-tax election will be continued upon resumption of full-time work.
- (5) If an employee chooses, a prepayment payroll deduction (pre-tax) can be arranged.

(Admin. Policy Manual, § B(2.33))

Secs. 82-339--82-470. Reserved.

Subdivision III Leave of Absence* (LOA)

(This section reflects recent court approved policy language: Court Order# 2009 2090; and Court Order #2011 1463 – August 30, 2011)

***Editor's note:** Ord. No. 2004-2097, adopted Nov. 16, 2004, amended art. VII, div. 2, subdiv. VII in its entirety to read as herein set out. Prior to amendment, art. VII, div. 2, subdiv. VII, §§ 82-471--82-474, pertained to certain leave without pay and derived from the Administrative Policy Manual, § B (3.31--3.34); and Ord. No. 2002-1977, adopted Oct. 29, 2002.

Federal law reference-- Family and Medical Leave Act, 29 USC 2601 et seq.

Sec. 82-471. Administrative discretion; guidelines.

A leave of absence (LOA) is an officially approved temporary suspension of employment designed to allow the county to meet its critical business functions while assisting employees who encounter special circumstances that necessitate a limited period of time away from the job, excluding Family and Medical Leave (FMLA) and Military Leave.

- (1) It is generally discouraged because it deprives a department of needed staffing. However, a reasonable request for such leave will be carefully considered;
- (2) It shall not extend beyond 90 continuous days;
- (3) An authorized LOA is a matter of administrative discretion and no employee may demand that such leave be granted; and
- (4) Elected official/department heads may grant such leave however, notification to commissioners court via court order (New Employee and Position Change Form) is required;
- (5) All approved LOAs shall be for a maximum period of 90 continuous days. Use of all or any number of the 90 days exhausts the employee's LOA possibilities for the next 24 months. (For example: If an employee is granted a 90 day LOA and only takes 15 of those 90 days prior to return to work, the employee cannot at a later date, take the other 75 days nor will the employee be eligible for another LOA for two years from LOA return date).

Sec. 82-472. Employee eligibility.

Only full-time regular, non-grant funded employees with more than 6 months of continuous service are eligible to request a leave of absence.

- (1) If the elected official/department head elects to grant a leave of absence to employees in their first six months of regular, full-time employment or to grant funded employees, the elected official/department head must submit a request for an exception to commissioners court for authorization.
- (2) The elected official/department head should forward the written request to human resources/civil service department for briefing to the commissioners court.

(Ord. No. 2004-2097, 11-16-2004)

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Sec. 82-473. Reasons for granting.

An employee may be granted a leave of absence for the following reasons:

- (1) For the recovery from an illness or disability not believed to be of a permanent or disqualifying nature, after the exhaustion of family and medical leave;
- (2) When return to work would threaten the health of others;
- (3) When the service to be performed would contribute to the public welfare;
- (4) To provide necessary care for a family member or designated care recipient as defined in the county's sick leave policy under Section 82-493; or
- (5) To participate in a training program or obtain educational achievement that will increase job ability or qualify an employee for advancement within the county.

(Ord. No. 2004-2097, 11-16-2004; Ord. No. 2015-0381, 03-24-2015)

Sec. 82-474. Time limitations.

The following time limitation guidelines shall apply to an authorized leave of absence:

- (1) Such leave granted by the elected official/department head shall not exceed 90 continuous calendar days and can only be granted every 24 months from the date the last leave ended. **For example,**

Employee A's Family and Medical Leave ended on May 1st and she requested an additional 90 days to complete her recuperation. The department head approved the additional 90 days which began on May 1st and ended on August 1st. Once the 90 days leave period is exhausted on August 1st, the employee will not be eligible for leave of absence for 24 months from the August 1st date.

- (2) The time period of 90 days of leave of absence is continuous and is counted as a single period of time whether the employee is out continuously all 90 days or is out for any period of time during the 90 day period. The emphasis is on the time period and not the number of days utilized by the employee. **For example,**

Employee B's Family and Medical Leave ended on May 1st and the employee requested additional leave for medical treatments that would require him to be absent from work for one day per week from May 1st to July 15th. The department head approves the leave of absence for this period. However, if the employee needs additional time after July 15th, the department head has the authority to extend the leave of absence through August 1st. On August 1st, the leave of absence will end even though the employee may have only used 13 days during the 90-day period.

Sec. 82-475. Leave of Absence Terms and Conditions.

The following terms and conditions shall apply:

- (1) It may be paid or unpaid, depending on the employee's leave accrual balances, compensatory time balance, workers' compensation and 52e status, etc.
 - a. Paid leave continues to accrue while employees are on paid leave due to vacation, sick leave, and compensatory time.
 - b. Paid leave does not accrue while on workers compensation or unpaid leave.
- (2) Employees shall be required to use appropriate accrued leave balance(s) time during the leave, and the time shall run concurrently. Compensatory accruals shall be used before other forms of paid leave. For example, if the employee is out due to his, or a qualifying dependent's, illness (see sick leave policy), then the employee shall utilize sick, holiday credit, vacation leave, and compensatory time. However, if the employee takes a leave of absence to attend college, the employee shall only utilize vacation and compensatory time accruals.
- (3) Medical coverage and other benefit options elected by the employee will continue as long as the employee is on paid leave of absence. If on unpaid leave of absence, employees must pay their premiums as well as their dependent's premiums to maintain medical coverage and other benefit options such as dental, life, AD&D, and dependent life.
- (4) Unpaid leave of absence will result in a "break in service" for purposes of participation and vesting under the Texas County and District Retirement System (TCDRS).
- (5) A leave of absence must be taken after Family and Medical Leave (if applicable);
- (6) Employees are not allowed to work another job while on a leave of absence, unless specifically approved by the elected official/department head;
- (7) Employees are subject to the same code of conduct and can be terminated for violation of the codes or departmental policies;
- (8) Employees must work cooperatively with the department;
- (9) Employees must provide all required documentation, and
- (10) Employees must return to county employment within 48 hours, or two working days should the circumstances for which they were granted the leave of absence change.

(Ord. No. 2004-2097, 11-16-2004, Ord. No. 2024-0879, 08-20-2024)

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Sec. 82-476. Submitting a request; authorization.

To request a leave of absence the following procedures shall be followed:

- (1) The employee must timely complete and submit the "Request for Leave of Absence Form, (HR/CS #30) to the elected official or department head for consideration as soon as he knows of the need for the leave or within 48 hours after learning of the need for the leave. If there is an emergency, the employee shall notify the supervisor on the next working day or follow the notification rules of his department.
- (2) The elected official/department head has the right to initiate a leave of absence for an employee when in its sole judgment, such a leave is appropriate.
- (3) If the leave of absence is not approved by the elected official or department head, the absence may subject the employee to disciplinary action, up to and including termination for violation of the county attendance policy.

Sec. 82-477. Department's response to request.

The elected official/department head shall:

- (1) Respond in writing to the employee via the Request for Leave of Absence Form (HR/CS #30) or Leave of Absence Request and Primary Caregiver Medical Certification form (HR/CS #33) indicating whether the leave request is granted or denied.
- (2) Complete and submit a personnel court order to the Auditor's Office for processing to human resources/civil service and commissioners court if the employee's request for leave of absence is approved. Leave of absence is not authorized until a personnel court order has been submitted to and approved by commissioners court. Requests to commissioners court for a leave of absence of 90 days will be processed as routine county business.
- (3) Place the employee on leave effective the first day of the absence if the leave request is approved.
- (4) If a leave request is denied by the elected official/department head, a copy of the request and the proposed response to the employee indicating why the leave request is being denied must be forwarded to the director of human resources/civil service for review to ensure compliance and consistency with county policies and procedures.

(Ord. No. 2015-0381, 03-24-2015)

Sec. 82-478. Status of position while on leave of absence.

- (a) A position will be held open for an employee during an authorized leave of absence; however, if the position is eliminated due to a reduction in force or other significant business reasons, the county cannot guarantee reinstatement at the end of the leave period.
- (b) A leave of absence, paid or unpaid, as well as any and all unpaid time, will not be

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counted as time worked for purposes of merit increases, step increases, promotional increases, etc. This provision also applies to employees who are on workers' compensation and/or 52e. However, if the county makes salary/benefit modifications to all employees or to employees in the injured or absent employee's specific job category, then the employee may be impacted by these changes, if all specified requirements are met.

Sec. 82-479. Payroll and recordkeeping. (This section reflects recent court approved policy language: Court Order #2011 1463 – August 30, 2011).

- a. The payroll division of the auditor's office will monitor all leave time and notify the human resources/civil service department of possible non-compliance with policy. The human resources/civil service department will work with the department to resolve any non-compliance issues; however, if it is unable to do so, commissioners court will be briefed for final resolution.
- b. Due to the inability of the auditor's office to pay employees for extended periods of time away from the job without a court order, even those with accrual balances, a department's failure to timely process a personnel court order may result in the employees not being paid timely.
- c. The department has the responsibility for ensuring that all leave time taken by their employees are in compliance with policy and must notify the Human Resource/Civil Service department and the Auditor's office immediately of any leave not in compliance with policy.

(Ord. No. 2004-2097, 11-16-2004)

Sec. 82-480. Return from leave of absence.

At the end or expiration of the approved leave of absence, the employee has the following options:

- (1) Return to work as scheduled on or before the end of the 90-day leave of absence period. When returning to work after a leave of absence, the following guidelines shall apply:
 - a. Employee shall provide the supervisor two business days notice of intent to return to work, if feasible;
 - b. Employee must provide fitness for duty certification from his physician stating the employee is able to return to work and perform all job duties with or without accommodations, if the leave was due to the employee's own illness;
 - c. Employee must receive medical clearance from the county's employee health center, if the employee (excludes Sheriff's Department law enforcement employee) has been absent from work more than 45 days due to an illness or injury.

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If a law enforcement employee of the Sheriff's Department has been absent from work more than 30 days due to an illness or injury, then the employee must receive medical clearance from the county's employee health center.

- d. If an employee is injured on the job, and at the end of the leave of absence the employee is unable to perform the essential functions of his position with or without accommodations but is able to perform "light duty assignments"; then:

1. at the discretion of the elected official/department head, "light duty assignments" may be provided for up to 45 days; however,
2. at the end of the 45 days, if the employee is still not able to perform the essential functions of his position with or without accommodations, the employee will be terminated, unless the elected official/department requests and receive approval for an extension of the leave from commissioners court.

For example, employee "A" was injured on the job while restraining a youth in the detention center. The employee was released to return to work with restrictions that prevent him from working in detention. The department head may assign the employee to a clerical position for up to 45 days.

Once the 45 day light duty assignment has ended, if the employee remains unable to perform the essential functions of his position with or without accommodations, he will be terminated unless additional leave time has been requested by the department head and approved by commissioners court.

3. at the end of a leave of absence when an employee is unable to return to work and perform the essential functions of his position must be reviewed by the human resources/civil service director for compliance with the Americans with Disabilities Act (ADA).

- (2) If an employee is unable to return to work at the end of the leave of absence and requires additional leave, the employee may request an exception to policy to the elected official/department head and commissioners court. If the employee's injury or illness is not an on-the-job injury/illness, and the employee is not able to perform the essential functions of his position with or without accommodations, the following guidelines shall apply:

- a. "Light duty assignments" are not available to employees for non-work related illnesses or injuries;
- b. The elected official/department head chooses not to request an extension of the leave, or if requested, commissioners court does not approve an extension of the leave of absence, the employee will be terminated; and
- c. Employees who are unable to return to work and perform the essential functions of their positions with or without accommodations are

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encouraged to contact their departmental HR representative or the county's HR/civil service department to apply for other positions within their department or the county and/or the county's long-term disability insurance program. **For example,**

Employee "B" was injured while off-duty while playing football. The employee was released to return to work with restrictions that prevent him from working as a Building Mechanic. Light duty assignments are not available for non-work related illnesses or injuries. The employee must receive approval for an extension of leave from the elected official and commissioners court or be terminated.

- d. Under no circumstances shall the leave granted as an exception to this policy by commissioners court and/or the sheriff's department civil service commission exceed an additional 90 days or until the end of grant funding (if applicable), whichever comes first.
- (3) If the employee does not return to work on or before the end of the 90-day leave of absence period and does not request a leave of absence extension, the employee's termination will be considered a voluntary resignation with no right to appeal, if covered under the civil service system. The following guidelines shall apply to resignations.
- a. Ensure the employee has resigned with no intent to seek an exception to policy and request a written resignation letter from the employee;
 - b. Forward a general notice of separation along with a copy of the separation notice to the employee with a written request to return all county equipment, keys, etc. in the employee's possession; and
 - c. Process the Notice of Separation form via the human resources/civil service department, payroll hotline, and county treasurer's office.

(Ord. No. 2004-2097, 11-16-2004)

Sec. 82-481. Right of appeal.

If a non-probationary, civil service covered employee is terminated under this policy, he may utilize the grievance process, provided that he meets the filing deadline. Such appeals should be filed with the secretary to the civil service commission. Sheriff's department employee appeals should be filed with the sheriff's department legal advisor.

(Ord. No. 2004-2257, 12-14-2004)

Subdivision IV. Other Approved Nonpaid Leave*

*Federal law reference--Family medical leave, 29 USC 2801 et seq.

Sec. 82-482. Payment of premiums.

Full-time, regular employees who are on nonpaid status (other than entitlement under the Family and Medical Leave Act) must pay for their premiums as well as their dependent's premiums to maintain medical coverage and other benefit options: dental coverage, life, AD&D and dependent life.

(Admin. Policy Manual, § B(2.34))

Sec. 82-483. Decision deadline. (This section reflects recent court approved policy language: Court Order #2011 1463 – August 30, 2011).

Employees who go on a nonpaid status must make a decision to select COBRA within 60 calendar days of the onset of their unpaid status; no medical coverage will be provided until written authorization is granted by the employee and the first month's premium is paid to Dallas County's Third Party COBRA Administrator. These employees will be required to elect continuation of health coverage under COBRA to continue medical coverage. The COBRA benefit period will run concurrently with the individual's leave without pay (LWOP) period.

(Admin. Policy Manual, § B (2.35))

Sec. 82-484. Life, AD&D and dependent life.

Life, AD&D and dependent life will cease as of the end of the month in which the nonpaid status begins. Employees who wish to maintain life insurance will need to contact the insurance carrier regarding conversion to an individual policy. Employees must contact the insurance carrier within 30 calendar days of the onset of their unpaid status.

(Admin. Policy Manual, § B (2.36))

Sec. 82-485. Discontinuance of coverage.

If an employee chooses to discontinue health coverage during the nonpaid status, upon return to work, he will be subject to plan provisions including the exclusion for preexisting conditions.

(Admin. Policy Manual, § B (2.37))

Sec. 82-486. Benefit elections.

Upon return to work, the benefit elections which were in place at the onset of leave will continue for the remainder of the plan year. Coverage will begin on the first of the month following 30 days back at work.

(Admin. Policy Manual, § B(2.38))

Sec. 82-487. Flexible spending accounts; guidelines.

The following guidelines apply to flexible spending accounts while on leave:

- (1) Once contributions have stopped, the eligibility to participate in this program for the remainder of the year ceases. A new election can be made at the next plan year.
- (2) If an employee continues to make the contributions during the leave without pay on a post-tax basis, the pre-tax election can be continued upon resumption of full-time work.
- (3) No changes in the amount contributed can be allowed. The plan document allows changes to the unreimbursed healthcare spending account only in the event of termination or death. Leave without pay is neither.
- (4) Reimbursement will be made only for expenses incurred during the time contributions are made. Advance payments can continue to be made.

(Admin. Policy Manual, § B (2.39))

Secs. 82-488--82-489. Reserved.

Subdivision V. Sick Leave* (This section reflects recent court approved policy language: Court Order# 2009 1225-July 7, 2009.)

***State law references:** Sick leave, V.T.C.A., Local Government Code § 157.071 et seq.

Sec. 82-490. Purpose.

- (a) Paid sick leave is provided to continue the salary of eligible employees who are absent from work because of illness, injury, disability, or medical appointments. Eligible employees may use sick leave for illness of, injury to, or need to obtain medical or dental consultation for the employee and/or other eligible family members. Employees are encouraged to conserve sick leave usage in the event of long-term or catastrophic illness.
- (b) This policy provides uniform guidelines for the accrual and use of sick leave. Employees are encouraged to review the Family and Medical Leave Policy and the Leave of Absence Policy for guidelines related to the use of sick leave while off work on these programs.

Sec. 82-491. Eligibility for Sick Leave Accruals.

- (a) Dallas county provides sick leave for all regular, full-time employees as follows.
 - (1) Sick leave accrues at the rate of 3.692 hours per pay period or 96 hours per year and is calculated from the start of the employee's first full pay period as a regular, full-time employee. Sick leave will accrue while the employee is on paid leave for sick leave, vacation, compensatory time

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taken, or paid leave of absence. Sick leave does not accrue while the employee is on Workers Compensation or Leave of Absence without pay.

- (2) Sick leave may accrue to an employee without limitation.

(Admin. Policy Manual, § B (3.07, 3.09); Ord. No. 2001-1506, 8-14-2001)

Sec. 82-492. Notification of absence due to illness.

- (a) Attendance is important to all departmental operations. All employees must notify their immediate supervisor on each day of absence or in accordance with the notification or call-in procedures established by the department. Payment of sick leave may be denied and/or disciplinary action taken if proper notification is not received by the specified time.
- (b) Each department reserves the right to require employees to provide a note from the treating physician anytime abuse is suspected and if there is a pattern or history of absenteeism; or, after more than three consecutive days absence to support the use of sick leave whether it is for the employee or other eligible family member. See the Family and Medical Leave Policy found at section 82-601 to 82-607 for more details regarding extended absences due to illness.
- (c) Paid sick leave may be denied if sufficient medical documentation is not provided as requested. Physician statements found to be false shall be grounds for disciplinary action. Failure to report for work for three (3) consecutive days of absence without notice to the supervisor is considered job abandonment and is grounds for immediate termination at the discretion of the supervisor.

Sec. 82-493. Utilization of Sick Leave.

Sick leave must be accrued before it can be taken and may be authorized when:

- (1) An employee is physically unable to perform job duties because of an illness or injury.
- (2) An employee is the primary caregiver for a member of the immediate family who is ill or incapacitated. For purposes of this policy, immediate family members are defined as husband, wife, child, stepchild, brother, sister, nephew, niece, stepbrother, stepsister, parent, stepparent, grandparent, grandchild, uncle, aunt, or any person serving as parent/guardian; or any relative living in the same household or a designated care recipient. A "designated care recipient" for this section is defined as one individual designated by the employee who is ill or incapacitated, unable to provide self-care, and is recommended by a physician to have a primary caregiver. Employee must complete and submit a Leave of Absence Request and Primary Caregiver-Medical Certification Form to his or her supervisor.

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- (3) Medical, dental, and optical appointments cannot be scheduled outside of normal work hours. Employees are encouraged to schedule planned medical appointments outside normal work hours, if possible, or in a manner that minimizes disruption of work operations such as early morning or late afternoon.
- (4) An employee who is not eligible for salary continuation under the workers' compensation program, may use sick leave to supplement workers' compensation. In no instance shall the combination of sick leave and workers' compensation benefits exceed the employee's gross pay.
- (5) An employee has exhausted all salary continuation under the workers' compensation program; sick leave may be used in an amount to supplement workers' compensation. In no instance shall the combination of sick leave and workers' compensation benefits exceed the employee's gross pay.
- (6) An employee who has completed six months or more service from effective date of employment and who is sick, injured or has a major operation may, with the approval of the employee's elected official/department head, borrow sick leave not to exceed three days. Upon termination (except in the case of death) a deduction for unearned sick leave will be made from the employee's paycheck(s).

(Admin. Policy Manual, § B(3.10--3.18); Ord. No. 2001-1506, 8-14-2001; Ord. No. 2015-0381, 03-24-2015)

Sec. 82-494. Extended Sick Leave.

- (a) **Family and Medical Leave.** Employees who are absent from work due to personal illness, the illness or injury of a covered military service member, or the illness of a minor child, parent or spouse for more than three (3) consecutive days or three (3) days over a three month period may be eligible for family and medical leave. To initiate protections afforded by family and medical leave, employees are required to provide satisfactory documentation of a serious health condition by submitting medical certification from the treating health care provider (FMLA) and the family and medical leave request form. Sick leave shall be used concurrently with family and medical leave *Other* forms of paid leave (vacation, holiday credit, personal day) shall be used concurrently as well. *For example, the employee takes family and medical leave due to the chronic illness of a parent. If paid leave accruals are available, the employee would be required to exhaust all sick leave, vacation leave, holiday credit and personal day before moving to a without pay status.* Under no circumstances shall an employee be placed in a leave of absence without pay status (LWOP) while paid time is available. See Family and Medical Leave Policy found at Section 82-601 to 82-608 for more details.
- (b) **Leave of Absence.** If approved for leave of absence, sick leave may be used if the employee is out due to his or a qualifying family member's illness. Sick leave shall run concurrently with leave of absence in this case. A leave of absence up to 90 continuous days may be granted at the discretion of the elected official/department

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head. See the Leave of Absence and Return to Work Policy found at Section 82-471 to 82-478 for more information.

- (c) **Long Term Disability.** The county provides long-term disability coverage for regular, full-time employees who are absent from work for more than six months. Employees who have long term illnesses should contact the benefits section of the human resources/civil service department for specific details.
- (d) **Termination.** Employees who are absent from work for any reason for more than six (6) months in a twelve month period shall be terminated unless exceptions have been granted by commissioners court or the Sheriff's Department Civil Service Commission.

Sec. 82-495. Exclusions.

- (a) Any periods of incapacity that result from involvement in illegal activities, the excessive use of alcohol or drugs, or use of illegal substances will not be allowable for sick leave purposes, unless the employee is under the treatment of a licensed physician or on an inpatient basis in a medically approved hospital/treatment facility.
- (b) Illness occurring while on vacation shall not be paid as sick leave unless the illness is a qualifying event as provided in the Family and Medical Leave Policy.
- (c) Sick leave shall not be used in conjunction with a disciplinary suspension without pay.

Sec. 82-496. Payroll and Recordkeeping.

Accruals and expenditures of sick leave are calculated and maintained by the county auditor's office. For payroll purposes, sick leave shall be expended in no less than one-tenth hour increments. Usage of sick leave shall be reported via the county time and attendance tracking system. Under no circumstances shall an employee be placed in a leave of absence without pay status while paid time is available. Supervisors are responsible for approving all sick leave reporting for their departments. However, the supervisors' approval does not excuse the absence unless the absence is related to family and medical leave.

(Ord. No.2024 0879, 08-20-2024)

Sec. 82-497. Employee Status Changes.

- (a) Regular full-time employees who transfer to designated part-time positions shall be allowed to retain their sick leave accruals in the time and attendance system and utilize such leave consistent with the sick leave policy.
- (b) This policy does not apply to employees who retire and who are re-employed. There can be no break in service.

Sec. 82-498. Sick leave termination benefits.

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Employees who leave county employment are subject to sick leave termination benefits as follows:

- (1) Any employee who leaves the employment of the county for any reason other than reduction-in-force shall lose all right to accrued sick leave, except as provided in subsection (b) of this section.
- (2) Employees who terminate their employment after five complete years of continuous service with the county shall be paid a percentage of the balance of their accrued, but unused, sick leave as follows:

At Least (Years)	But Less Than (Years)	Percent of Final Daily Rate To Be Used
5	10	5
10	15	10
15	20	15
20	25	20
25	30	25
30	35	30
35	40	35
40	45	40
45	50	45
50	51 Plus	50

- (3) An employee who dies as a direct result of an on-the-job injury or illness will have his total accumulated sick leave paid to his beneficiary or estate. Beneficiary will be the same as that stated on the employee's county life insurance enrollment form on file in the auditor's office.

(Ord. No. 2000-1464, §§ 3.19--3.21, 7-25-2000)

Sec. 82-499. Abuse of Sick Leave.

- (a) Extensive and/or questionable use of sick leave shall be reviewed by the employee's supervisor and/or department head in a timely manner. If the finding of the review indicates misuse, disciplinary action or termination of employment may be recommended. See the Attendance Policy found at Section 86-391 to 86-400 for more information.
- (b) Each department reserves the right to substitute other forms of paid leave in lieu of sick leave in cases of questionable use. Compensatory time balances shall be used before any other paid leave accrual or personal day.

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(Ord. No.2024-0879, 08-20-2024)

(This section reflects recent court approved policy language: Court Order# 2009 1225-July 7, 2009.)

Subdivision VI. Vacation Leave

Vacation Leave provides periodic leave to ensure employees are energized and motivated to perform their job duties at an optimal level. While the main purpose of vacation leave is for rest and relaxation, the leave may also be used for personal business or obligations that promote work/life balance.

***State law references:** Vacation leave, V.T.C.A., Local Government Code § 157.072.

Sec. 82-500. Eligibility.

The county provides vacation leave for all regular, full-time employees. Vacation leave is accrued but cannot be used during the first six months of employment.

Sec. 82-501. Vacation leave accruals.

The following guidelines apply to vacation leave accruals:

- (1) Accrual is based on the number of years of continuous service. The most recent hire date for continuous unbroken service will be used to calculate the length of service.
- (2) Employees are not required to use all vacation leave and may carry over or retain a maximum of two weeks in addition to their normal annual accrual. Regular, full-time employees shall be entitled to vacation leave as follows:

Years of Service	Bi-weekly Accrual	Annual Accrual	Maximum Accrued Hours
0 to 6 years	3.077 hours	80 hours	160 hours
7 years to 15 years	4.615 hours	120 hours	200 hours
16 years and over	6.154 hours	160 hours	240 hours

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Sec. 82-502. Scheduling and Usage of Vacation Leave.

- (a) All vacation leave must be requested and scheduled in advance according to departmental procedures. Departments are encouraged to make every effort to accommodate the employee's leave request. However, vacation leave is subject to the approval of the employee's supervisor based upon the operational needs of the workgroup or department. The supervisor's approval of unplanned vacation leave or vacation leave taken in lieu of sick leave accruals does not excuse the absence and may be considered in the employee's attendance record.
- (b) Employees of more than six months of employment will be eligible to expend only the amount of vacation leave they have accumulated as of the last day of the preceding pay period. Additionally, vacation leave may be used for the following purposes:
 - (1) Absences due to inclement weather conditions;
 - (2) In conjunction with family and medical leave;
 - (3) In conjunction with approved bereavement leave;
 - (4) In conjunction with approved military leave;
 - (5) Other periods of absence for personal reasons;
 - (6) Vacation leave up to a maximum of 40 hour per week may be used to supplement workers' compensation.
 - (7) Non-family and medical leave personal illness when there are no available sick leave accruals. However, the department reserves the right to deny such usage where excessive tardiness and absenteeism are present.
- (c) Other than family and medical leave, the department reserves the right to deny such use.
- (d) Employees of more than six months will be eligible to expend only the amount of vacation leave they have accumulated as of the last day of the preceding pay period that they are requesting leave; however, vacation time may be advanced to the employee not to exceed three days upon approval of the elected official/department head. Should the employee leave the employment of the county before earning credit for the advanced vacation time, appropriate deductions for the time will be made from the employee's final county paycheck.

Sec. 82-503. Exclusions.

- (a) Vacation leave shall not be used in conjunction with a disciplinary suspension without pay.
- (b) Holidays occurring while on vacation leave shall not be counted as part of the vacation leave.
- (c) Illnesses occurring while on vacation leave shall be paid as vacation leave unless the illness is a qualifying event as provided in the Family and Medical Leave Policy. To be charged to family and medical leave, medical documentation shall be required and the leave paid as sick leave provided sick leave accruals are available.

Sec. 82-504. Payroll and Recordkeeping.

Accruals and expenditures of vacation leave are calculated and maintained by the county auditor's office. Usage of vacation leave shall be reported by the county time and attendance tracking system. Supervisors are responsible for approving all vacation leave reporting for their department and must ensure accruals are available.

(Ord. No.2024-0879, 08-20-2024)

Sec. 82-505. Coordination with Other Leave.

- (a) Employees are required to use vacation leave concurrent with family and medical leave and leave of absence, *For example, the employee requests to take family and medical leave due to the serious health condition of a spouse. If paid leave accruals are available, the employee will be required to use these accruals while on leave before moving to without pay status.*
- (b) The department shall require employees who accrue compensatory time to use available compensatory time before other forms of accrued paid leave.
- (c) See the Workers' Compensation Policy, Family and Medical Leave Policy, Leave of Absence Policy, and the Military Leave Policy for specific information regarding the use of paid leave under these respective policies.

(Ord. No.2024-0879, 08-20-2024)

Sec. 82-506. Employee Status Changes.

- (a) Regular, full-time county employees who transfer to designated part-time positions will be allowed to retain their vacation leave balances in the time and attendance system and to utilize such leave consistent with leave policy for time taken off during their regularly scheduled work hours.
- (b) This policy does not apply to county employees who retire and then return to county employment. There can be no break in service.

(Admin. Policy Manual, § B (3.22--3.24); Ord. No. 2001-1506, 8-14-2001; Ord. No. 2004-

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2252, 12-14-2004)

Sec. 82-507. Termination benefits.

- (a) Regular, full-time county employees shall be entitled to payment for vacation that has accrued as outlined in section 82-501.

(Ord. No. 2000-1464, §§ 3.36--3.38, 7-25-2000; Ord. No. 2014-1719)

Secs. 82-508--82-509. Reserved

Subdivision VII. Military Leave*

***State law references:** Military leave of absence, V.T.C.A., Government Code § 431.005.

Sec. 82-510. Policy.

- (a) *Generally.* In compliance with the Uniformed Services Employment and Reemployment Rights Act (USERRA), any regular, full-time employee of the county who is a member of a reserve unit of the armed forces, and who is called for temporary active duty, shall be granted up to 15 working days per federal fiscal year (October through September) without loss of salary or reduction in vacation or sick leave. In all cases, a copy of the military orders must be submitted for approval by the elected official/department head, unless the employee is prevented by military necessity. Paid leave will not be granted for voluntary services. If military leave is granted to category D employees, it will not extend beyond the funding source.
- (b) *Covered employees.* The following regular, full-time employees are covered by the USERRA:
 - (1) Those engaged in voluntary or involuntary duty in a uniformed service, which includes the U.S. Army, Navy, Air Force, Marines, Coast Guard, Army National Guard, and Air National Guard;
 - (2) Those called to active duty, active duty for training, inactive duty training, or full-time National Guard duty, those absent from work for a medical examination to determine eligibility for duty; and funeral honors; or
 - (3) Any other category of persons deemed covered by the President of the United States.

(Admin. Policy Manual, § B (3.35); Ord. No. 2001-1989, 10-16-2001; Ord. No. 2001-2182, 11-13-2001)

Sec. 82-511. Armed forces active duty.

- (a) Every regular, full-time employee of the county who is a member of a reserve unit of the armed forces called to active duty, is entitled to the following additional benefits:
 - (1) If the employee will be absent for 30 days or less, the employee's insurance cost for employee and/or dependent coverage cannot exceed the amount paid prior to the scheduled leave;

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- (2) If 31 or more days, the employee may elect to:
 - a. Use all accrued vacation and compensatory time to remain on the payroll until such leave is exhausted. Only non-exempt employees are eligible to utilize accrued compensatory time.
 - b. Use a pre-determined amount of accrued vacation leave and compensatory time to fund their health insurance premiums and/or bridge the gap between their military and county salary. Only non-exempt employees are eligible to utilize accrued compensatory time.
 - c. Maintain health insurance coverage for their dependents through COBRA at active employees rates up to 24 months after the absence begins or for the period of service, if less.

(b) In addition:

- (1) Active duty time will count as time in grade and position as though there was no break in service for eligibility for step increases or merit increases.
- (2) Vacation and sick leave will not accrue during the employee's absence; however, upon the employee's return, vacation and sick leave, which are based on length of employment with the county, will be calculated for future accruals as though the employee had not been on military leave.
- (3) Employee may apply for retirement credit for the time spent on active duty, provided the employee is eligible for re-employment rights and he/she returns to work within the prescribed time limits.
- (4) No waiting period or pre-existing clause if coverage would have been provided had the employee not been on military leave. Exception: may exclude any illness incurred in or aggravated during performance of military services.
- (5) Employees should carefully review their summary plan documents for health, life, and all disability coverage for all exclusions based on the act of war clauses.

(Ord. No. 2001-1989, 10-16-2001; Ord. No. 2001-2182, 11-13-2001; Ord. No. 2005-070, 1-11-2005)

Sec. 82-512. Actions required to receive additional benefits.

In order to receive the additional benefits described in section 82-511, the employee must:

- (1) Present a copy of the military orders, along with the military leave request form to their departmental human resources representative or the auditor's office, prior to the employee's departure unless prevented by military necessity;
- (2) Notify the county auditor's office immediately if there are changes; and
- (3) Comply with all applicable county policies and guidelines of the Uniformed Services Employment and Reemployment Act.

(Ord. No. 2001-1989, 10-16-2001; Ord. No. 2001-2182, 11-13-2001)

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Sec. 82-513. Military service re-employment.

(a) *Generally.*

- (1) An employee returning from military service must meet the following criteria to be eligible for reinstatement:
 - a. The employee or appropriate military officer must have provided the notification of military service as outlined in the military leave policy.
 - b. At the time of military discharge, the employee generally has no more than five years of total absences from the county for all military service.
 - c. The employee was honorably discharged from military service.
 - d. The employee complies with the requests for documentation to establish any of the above criteria. However, re-employment may not be denied if documentation is not readily available. If later documentation is received that shows re-employment requirements were not met, the department may terminate, although the termination may not be retroactive.
 - e. The employee returns to employment or applies for re-employment within the time frames specified below or circumstances beyond the employee's control made it impossible to report back to work within the time frames specified herein.
- (2) The length of an employee's military service determines the time period for seeking re-employment following military discharge. If military service was for:
 - a. Less than 31 days, the employee must return to work on the first regularly scheduled workday that begins within eight hours after returning home, unless other arrangements are approved by the elected official/department head.
 - b. 31 days to 180 days, the employee must submit an application for re-employment no later than 14 days after discharge. An application for re-employment may be a written or verbal notice to the elected official/department head or their designee.
 - c. 181 days or more, the employee must submit an application for re-employment within 90 days after military discharge.
- (3) An employee who is hospitalized or convalescing from a service-related injury or illness may report back to work or apply (depending on their length of service) at the end of the period of hospitalization or convalescing, not to exceed two years.

(b) *Position upon re-employment.*

- (1) Generally, if the period of military service was for:
 - a. Less than 91 days, the employee must be placed in the position that he/she would have held if continuous employment had not been interrupted by military service, provided he/she is qualified for that position. If the employee is not qualified to perform the duties of the position after reasonable efforts by the department to qualify the

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employee, the employee must be reinstated into the position he/she held when military leave began.

- b. 91 days or more, the employee must be placed in the position that he/she would have held if continuous employment had not been interrupted by military service, or a position of like seniority, status and pay, the duties of which the employee is qualified to perform. If the employee is not qualified to perform the duties of the position, reasonable efforts will be made by the department to qualify the employee. If the employee is still not able to qualify for the position, he/she must be reinstated into the position held at the time military leave began, or to an alternative position in the department that he/she is qualified to perform with similar seniority, status and pay.
 - (2) When an employee incurs or aggravates a disability during the period of military service, reasonable efforts will be made by the department to accommodate the disability. However, if the disability renders the employee unable to return to the position they would have held if their continuous employment had not been interrupted by military service, they will be placed in any other position in the department equivalent in seniority, status and pay. The employee must be qualified to perform or become qualified to perform with reasonable efforts by the department, or the nearest approximation to such a position in terms of seniority, status, and pay consistent with circumstances of the employee's case.
 - (3) The department is not required to reinstate an employee if circumstances have changed and re-employment would be impossible, unreasonable or present an undue hardship. Please contact the human resources/civil service department for review if the option to not re-employ is being considered.
- (c) *Benefits after re-employment.*
- (1) An employee who is re-employed following military leave is entitled to the seniority and other rights and benefits determined by seniority that he/she would have had if employment had not been interrupted by military service. Thus, in determining the employee's wage, leave accrual or retirement credits, the department should contact the auditor's and treasurer's offices for specific information. Any employee who is considering drawing down his or her retirement should be counseled by a retirement representative in the treasurer's office concerning the repercussions of this decision.
 - (2) Health insurance benefits discontinued during military leave for an employee and his/her eligible dependents must be reinstated as if employment had not been interrupted. There will be no lapse in coverage, no waiting periods or exclusions for pre-existing conditions, other than waiting periods or exclusions that would have applied if there had been no absence for military service. Returning employees will have their insurance eligibility reinstated the first of the month of their return. While returning employees will be reinstated beginning the first of the month of their return, the employees will begin paying for their benefits beginning with the first paycheck of the month following their return.

Returning employees who do not apply for reinstatement with the 120-day period following their date of release from active duty will be re-enrolled and begin paying for insurance on the first of the month following their application. They will be subject to all applicable policy requirements and exclusions.

- (3) An employee who returns to work after a military leave that is more than 30 days but less than 180 days, may not be discharged without cause for six months following re-employment. If the military leave was for more than 180 days, the protection against discharge other than for cause, is increased to one year.

(Ord. No. 2002-110, 1-15-2002; Ord. No. 2005-1006, 5-24-2005)

Sec. 82-514. Disaster Leave.

In accordance with Texas Government Code Section 437.202, an employee who is a member of the Texas military forces, a reserve component of the armed forces, or a member of a state or federally authorized urban search and rescue team who is called to support a declared disaster shall be entitled to a paid leave of absence from the person's duties for each day the person is called to active duty during the disaster, not to exceed seven workdays in a fiscal year ("Disaster Leave"). Disaster Leave is in addition to the paid leave provided for authorized training or duty otherwise authorized or ordered. During Disaster Leave, the employee shall not be subjected to loss of time, personal time, sick leave, or vacation time.

(Ord. No. 2021-0878, 09-07-2021)

Subdivision VIII. Other Leave (Approved Time Off)

Sec. 82-515. With pay.

- (a) Time off, in reasonable amounts, is only authorized for the following reasons:
 - (1) Jury duty;
 - (2) Commissioners court approved closings; and
 - (3) Whereas it is the desire of the commissioners court to provide quality and immediate health care services to employees, approved time off with pay will be granted in reasonable amount for regular, full-time employees to attend the county employee health center.
- (b) Each elected official/department head will be responsible for developing departmental policies consistent with the intent of the court in conjunction with policies which will not interfere with the daily, efficient operation of the department.

(Admin. Policy Manual, § B (3.29, 3.30); Ord. No. 2002-299, 2-12-2002)

Sec. 82-516. Jury duty

- (a) Serving on a jury is a civic duty and as such is fully recognized and supported by the county. Therefore, leave time for jury duty will be granted in reasonable amounts as approved time off with pay (coded as jury duty in the time and attendance system). When employees are summoned for jury duty, the following guidelines shall apply:
 - (1) The employee shall immediately notify the supervisor and provide a copy of the jury summons notice.
 - (2) If selected to serve on the jury, the employee shall verbally notify the supervisor.
 - (3) The employee shall report for jury duty each day as instructed by the court.
 - (4) At the completion of the process, the employee will provide the supervisor with documentation from jury services that he/she participated/served in the jury process.
- (b) If the employee is released from jury service during normal working hours, the employee should either report to work immediately or contact his/her supervisor for further instructions. When requesting an employee to return to work, the supervisor should consider the number of work hours remaining in the day and the amount of travel time required. Failure to return to work or to contact the supervisor may result in the employee being required to utilize accrued leave time and disciplinary action, up to and including termination.

(Ord. No. 2002-299, 2-12-2002)

Sec. 82-517. Grand Jury Duty (This section reflects recent court approved policy language: Court Order #2011 1463 – August 30, 2011).

- (a) Serving on a grand jury is only recognized and supported by the county if the summons is from a federal court. Serving on a county grand jury is voluntary and if an employee chooses to do so then the department has the option to:
 - (1) Allow the employee to use accrued vacation leave;
 - (2) Work with the employee to make up any lost hours while serving on the grand jury; or
 - (3) Request a leave of absence through commissioners court.

Sec. 82-518. Witness duty.

- (a) Testifying as a witness is a civic duty and is supported by the county. Reasonable leave time for witness duty will be granted as approved time off with pay, not to exceed eight hours or one work day per calendar year.
- (b) When an employee is summoned as a witness, the employee shall immediately notify the supervisor and provide a copy of the court order, subpoena, or summons. The following guidelines shall apply:
 - (1) Witness leave is appropriate for duty with a federal, state, or local court.

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- (2) Leave for witness duty must be requested in advance as soon as the employee receives the summons or subpoena.
 - (3) Time to appear in court when the appearance is part of the employee's regular job duties will be approved as regular time worked.
 - (4) Time spent by employees testifying as expert witnesses will be governed by their department's procedures. Employees who receive compensation from their court for their appearance shall in no instance receive dual compensation from the county.
 - (5) Time to appear in court when the employee is a party to the action is the individual employee's responsibility and will not be covered under this policy. However, employees may use accrued vacation or compensatory time for this purpose if time is available.
- (c) The person responsible for time and attendance entry in the department will enter the pay code for jury duty with a comment code of "Witness."
 - (d) The employee should contact his/her supervisor for instructions regarding return to work when court is adjourned or when excused during normal working hours. Employees may be required to submit proof of attendance from the court to the supervisor upon completion of the witness duty. Failure to return to work or contact the supervisor may result in the employee being required to utilize other accrued leave time and disciplinary action, up to and including termination.
 - (e) All other witness duty not specifically addressed in this policy must be done on the employee's own time or must be charged to vacation, compensatory time, or leave without pay.

(Ord. No. 2004-206, 2-3-2004)

Sec. 82-519. Bereavement Leave. (This section reflects court approved policy language: Court Order #2008-0157-January 22, 2008 and Court Order #2008-1128-June 10, 2008 and Court Order #2011-1463 – August 30, 2011 and Court Order #2024-0879 – August 20,2024).

The County recognizes that a death in the family creates some very difficult times for an employee. In an effort to support the employee during this time and to specify the guidelines involved with granting leave to an employee during this time, the following policy guidelines shall apply:

- (a) An elected official/department head may grant a regular, full-time employee up to the following number of days off, depending on family ties:
 - (1) Up to 5 working days (40 hours) of leave time off for bereavement leave if the relative who dies is a: mother, father, spouse, child, sister, brother, grandchild, grandparent, or someone who has acted as the employee's parent(s);
 - (2) up to 3 working days (24 hours) of leave time off for aunts, uncles, nieces, nephews, stepparents, stepchild, step-brother/sister, in-laws or for any relative living in the same household;

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- (3) One day of leave for cousins; and
- (4) For funerals of other relatives, friends, and acquaintances not included above, the employee shall utilize compensatory time or vacation time accruals.
- (b) The guidelines specify up to the maximum number of days or hours; however, due to business necessity, the elected official/department head may require the employee to return sooner;
- (c) Such leave shall be charged to the employee's sick leave accruals;
- (d) If additional time off is requested, the elected official/department head or their designee, at their discretion, may grant additional time off; however, this additional time off must be charged to the employee's compensatory accruals - vacation accruals or taken off as leave without pay if the employee has no such accruals; and
- (e) An elected official/department head may, at their discretion, request verification of the absence (i.e., death certificate, newspaper article, etc.).

(Ord. No.2024 0879, 08-20-2024)

Subdivision IX. Catastrophic Sick and Vacation Leave

Sec. 82-520. Policy.

This policy is adopted by the Dallas County Commissioners Court pursuant to the authority in Subchapter E, Section 157.071 *et. al.* of the Texas Local Government Code, to provide for a sick and vacation leave pool. This policy will enable County employees to voluntarily donate accrued sick and vacation leave to a pool for the use of and to help alleviate the financial hardship caused to an employee if the employee's or the employee's "eligible family member's" catastrophic illness or injury forces the employee to exhaust all paid leave time earned and subsequently lose compensation from the County. This policy is not intended to and does not provide for paid leave after the exhaustion of the employee's FMLA or Leave of Absence; rather, all sick pool leave must run concurrent with either approved unpaid FMLA or an unpaid Leave of Absence.

This policy does not supersede nor replace other disability or retirement programs or policies. The availability of a catastrophic sick and vacation pool will not delay or prevent the County from taking adverse or disciplinary action against an employee when such action is warranted. No inducement, discipline, promise or threat of inducement or discipline shall be used to encourage or discourage participation.

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Sec. 82-521. Definitions.

- (a) Administrator -- the Dallas County Director of Human Resources or his/her designee OR the person(s)/panel designated by Commissioners Court to administer this policy.
- (b) Catastrophic Illness or Injury – A catastrophic illness or injury is a serious debilitating illness, injury, impairment, or physical or mental condition that is:
 - (1) terminal, life-threatening, and/or very severe; and
 - (2) present for a minimum of thirty consecutive calendar days; and
 - (3) forces the employee to exhaust all of his/her accrued leave; and
 - (4) involves:
 - a. A period of illness or injury or treatment connected with inpatient care (e.g. overnight stay) in a hospital, hospice, or residential medical care facility for ten or more consecutive days; or
 - b. A period of illness or injury requiring absence from work of ten or more consecutive work days, and that also involves continuing treatment by (or under the supervision of) a licensed physician; or
 - c. A period of illness or injury that is long-term due to a condition for which treatment may be ineffective (e.g., stroke, cancer, terminal disease, etc.) and requires absence from work for ten or more consecutive work days; or
 - d. An absence of at least ten consecutive work days to receive multiple treatments (including any period of recovery there from) either for restorative surgery after an accident or other injury, or for a chronic condition, e.g., cancer or kidney disease.
 - (5) Examples of catastrophic illness/injuries generally considered include, but are not limited to: cancer, AIDS, myocardial infarction, stroke, chronic obstructive pulmonary disease, chronic liver disease and cirrhosis, chronic kidney disease and other major illnesses and injuries as determined by a licensed physician, including physical and/or mental health condition or been exposed to contagious disease that may jeopardize other employees by continuing to work.
- (c) Catastrophic Sick and Vacation Pool – is the combined sick and vacation leave donated by employees for allocation to eligible employees/recipients based on a catastrophic illness or injury.
- (d) Donor -- an employee who voluntarily provides a written request for transfer of his/her sick or vacation leave to the pool.
- (e) Dependent – an eligible family member as outlined under Section 82-605(c) of the Dallas County Code, as defined under the Family Medical Leave Act.
- (f) Eligible Employee/Recipient – a non-elected district, county, or precinct full-time employee paid from the general fund of the County or from special funds or grants paid through the County with twelve (12) or more months of continuous service with Dallas County and by virtue of their employment status, earns sick and/or

vacation leave and whom the Administrator (or Commissioners Court) has approved to receive sick leave from the pool.

- (g) Licensed Physician -- A medical doctor (MD) or a doctor of osteopathy (DO) who is authorized to practice in the United States, licensed in the State of Texas, and who is performing within the scope of his or her practice as defined under applicable law.
- (h) One Day of Leave -- is eight (8) hours of accrued sick or accrued vacation leave earned by the employee.
- (i) Open Enrollment Period -- The open enrollment period for the Sick Leave Pool will be on a semi-annual basis. Contributions can be made in October and April.

Sec. 82-522. Procedures.

(a). Administrator

- (1) The Administrator processes Catastrophic Sick and Vacation Pool contributions that are received during the open enrollment periods. For employees who are terminating, resigning, and retiring, and wish to donate sick and/or vacation leave, the employee must submit the catastrophic leave pool donation form to the Payroll Division prior to the effective date of termination, resignation, or retirement. The department must submit the notice of separation form prior to the effective date of termination, resignation, or retirement. Employees not terminating, resigning or retiring will only be able to join and contribute to the Catastrophic Sick and Vacation Pool during the open enrollment periods in October and April of each fiscal year.
- (2) Upon receipt of a request for leave from the Catastrophic Sick and Vacation Pool ("Catastrophic Leave"), the administrator reviews each request on an individual basis, including the physician's certification form to determine whether or not the condition is catastrophic based on the definition defined by this policy.
- (3) The administrator may require the employee to provide additional information or documentation and/or may consult with a medical expert such as the Employee Health Center Physician to determine whether the condition is severe enough to be considered catastrophic for the employee to qualify for leave from the catastrophic leave pool.
- (4) If the Administrator is uncertain whether a particular employee is eligible for an award of Catastrophic Leave, the Administrator may request the Dallas County Employee Health Center Physician determine in conjunction with the treating physician if the illness or injury is considered catastrophic. If considered catastrophic, the Administrator will award the leave based on policy.
- (5) The administrator approves or denies the request for the use of catastrophic leave from the pool. Once it has been confirmed that the leave is catastrophic,

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the Administrator in conjunction with the Payroll Division determines the amount of leave to be granted, which will be in pay period increments. The leave being granted starts the beginning of the pay period after leave has been approved.

- (6) The administrator shall send written notice of the approval or denial of the request, via memo or email, to the employee, the Elected Official/Department Head (if applicable), and the Payroll Division of the County Auditor's Office. If catastrophic leave is approved, the notice should include the amount of sick pool leave approved.
- (7) If the employee is not eligible to contribute to the Catastrophic Sick and Vacation Pool, the Administrator will send a notice to the employee with an explanation of the eligibility criterion and the reason the proposed contribution does not meet the criterion.
- (8) After determining that an employee is eligible and before awarding any Catastrophic Leave, the Administrator or Payroll must:
 - a. divide the number of hours in the Catastrophic Leave Pool by three (3) to determine the maximum number of hours of Catastrophic Leave that may be awarded to that employee;
 - b. determine the amount of Catastrophic Leave that should be awarded to the employee based on the circumstances of the application and the date the employee will exhaust any FMLA or Leave of Absence. Catastrophic Leave cannot be granted beyond the date the employee will exhaust any FMLA or Leave of Absence;
 - c. award the employee the lessor of the amount that could be awarded, if it exceeds one-third of the total amount of time in the pool or 60 days (480 hours) for employee, 30 days (240 hours) for eligible FMLA/LOA family members. The maximum leave allowed cannot exceed the lesser of one-third of the total amount of time in the pool or 60 days (480 hours) for employee or 30 days (240 hours) for dependent;
 - d. decrease the balance in the Catastrophic Leave Pool by the number of hours of catastrophic leave awarded to the employee from the Catastrophic Leave Pool.
- (9) If catastrophic leave is awarded, the administrator may award this leave based on the attached Vacation and Sick Leave Pool Contribution table for that fiscal year. The maximum amount an individual may withdraw for Catastrophic Leave in a fiscal year is 60 days (480 hours) if the Catastrophic Illness or Injury involves the employee; or 30 days (240 hours) if the Catastrophic Illness or Injury involves an eligible FMLA/LOA family member, assuming they meet the policy requirements.
- (10) The catastrophic leave pool will be administered on a first-come, first-served basis, determined by the date or time when all necessary information, certifications, and releases have been provided.

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- (11) The administrator will administer adjudication and/or clarification of this policy and will advise elected officials/department heads, supervisor, department representative, and recipients of the guideline of the policy when issues arise.
- (12) The administrator will notify payroll if any recipient loses it rights to access the Catastrophic Leave Pool.
- (13) The administrator will assist the Payroll Division of the Auditor's Office (if needed) in maintaining records of leave contributions, requests, denials and approvals made under this policy and forward in a timely manner, all approved requests of donors and recipients to the Payroll Office of the Auditor.
- (14) Only the administrator will publicize the program and the need for donors. Such publicizing will be done upon establishment of the pool and periodically thereafter. Frequency of publicizing will depend upon the balance of sick leave in the pool and the current and/or projected need by the recipients. Publicizing will be done in a manner that is cost effective, as determined by the Administrator.
- (15) All decisions made by the Administrator (in conjunction with the Employee Health Center Physician) in regard to an employee's eligibility to receive catastrophic sick leave will be final.
- (16) All decisions made by the Administrator in regard to an employee's eligibility to donate sick and vacation leave will be final.

(b). Contributions/Donations

- (1) An employee must have been employed full-time by Dallas County for at least twelve consecutive months, contribute a minimum of 1 day (8 hours) of sick or vacation time to the pool, and have at least 10 days (80 hours) of combined sick or vacation time remaining after his/her contribution **this section does not apply to donors who are terminated, resigning, or retiring in order to donate.**
- (2) An employee may contribute a maximum of 5 days or 40 hours combined accrued sick or vacation leave in increments of 1 day or 8 hours each fiscal year. An employee cannot donate compensatory time.
- (3) Contributions must be made:
 - a) during the open enrollment periods; OR
 - b) when an employee terminates, resigns or retires from the County. The employee may donate additional sick and vacation hours up to a maximum combined total of 80 hours (10 days) of accrued leave in increments of 1 day or 8 hours to the pool for a total of 15 days or 120 hours for the fiscal year to take effect immediately before the effective date of termination, resignation, or retirement **(section 1 does not apply to donors who are terminated, resigning, or retiring in order to donate);** OR,

- c) during one supplemental two week open enrollment period in the fiscal year (TBD) if requested by the Administrator, to replenish the pool and authorized by Order of the Commissioners Court.
- (4) Contributions to the Catastrophic Sick and Vacation Pool are strictly voluntary; however, in order to be “eligible” to participate in the Catastrophic Leave Pool, the Commissioners Court in adopting this policy requires that an employee “donate” a minimum of eight (8) hours of sick/vacation leave combined.
- (5) Any employee electing to contribute sick or vacation time to the Catastrophic Leave Pool shall complete the “Catastrophic Leave Pool Donation Form,” and submit it to the HR department for review and approval and submission to the Auditor’s Office Payroll Division.
- (6) Sick or vacation leave donated will be deducted from the contributing employee’s sick or vacation leave balance by the Auditor’s Office Payroll Division. An appropriate notation will be made on the donor’s sick or vacation leave record that the leave was donated to the Catastrophic Leave Pool.
- (7) Donated leave time is permanent and cannot be reversed, revoked or refunded to the employee. The leave contributed by an employee becomes the property of the County’s Catastrophic Leave Pool and cannot be returned in the event the employee dies, retires, resigns, is terminated, is placed on temporary suspension or otherwise fails to maintain his or her membership in the Catastrophic Leave Pool from year to year.
- (8) Enrollment and contribution to the Catastrophic Leave Pool is not a guarantee that a contributing employee will receive any time from the pool should such employee have a need to make application for Catastrophic Leave at a later date.

(c) Requesting Catastrophic Pool Leave

- (1) An employee requesting Catastrophic Leave from the Pool must: a) have a Catastrophic Illness or injury (or eligible FMLA family member with a catastrophic illness or injury); b) be employed as a fulltime non-probationary employee continuously for 12 months; c) have contributed at least eight (8) hours of accrued sick or vacation leave (see Sick and Vacation Leave Contribution Table); d) must be meeting job performance requirements, based on their most recent performance appraisal, and (e) have approved FMLA or LOA for the days which they seek Catastrophic Leave, to be eligible for pool leave.
- (2) Employee must have exhausted all accrued paid leave (sick, vacation, compensatory time, personal day, etc.) to which the employee is otherwise entitled before being eligible to use leave from the catastrophic leave pool.
- (3) The employee must be absent from work due to a catastrophic illness or injury of himself/herself or an “eligible family member” as defined in the policy as a catastrophic illness or injury to request and receive catastrophic leave, which can begin no earlier than the 11th day of absence.

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- (4) Employees must be on an approved Family Medical Leave (unpaid) or Leave of Absence (unpaid).
- (5) The maximum leave the employee will be able to withdraw, if approved by the administrator is set forth in the contribution table.
- (6) An eligible employee electing to apply for use of time from the Catastrophic Leave Pool must complete a "Catastrophic Leave Pool Request Form" and have the treating physician complete the "Catastrophic Leave Pool Medical Certification Form." Both forms must be completed and submitted together to the Administrator for review. The Form must include a certification from the physician that the employee or Dependent as defined in this policy has or had an illness or injury that is catastrophic as also defined in this policy and a statement of the diagnosis, prognosis, and anticipated recovery time for the illness or injury. Failure to submit a completed form or both forms will cause a delay and possible denial of your request. If an employee is unable to request leave from the Catastrophic Leave Pool due to his/her catastrophic illness, the Elected Official/Department Head may submit the request on the employee's behalf.
- (7) If the initial medical record information supplied is not adequate, the employee must provide further sufficiently detailed medical record information and a medical release for medical information to the Administrator, if requested. The Administrator may require an independent medical examination. Failure to comply with a request for additional medical information may result in delay or denial of the application.
- (8) An employee who has been granted and exhausted available Catastrophic leave pool time is not eligible for additional Catastrophic leave pool time until two (2) years has elapsed from the last Catastrophic leave pool day for which that employee was paid.
- (9) Sixty days (480 hours) is the lifetime maximum that may be withdrawn from the pool for the employee and eligible dependent combined; with the lifetime maximum for the dependent not to exceed 30 days (240) hours.
- (10) The leave recipient may use catastrophic leave time in the same manner as sick leave earned by the recipient in the course of employment, for the catastrophic injury or illness for which it was approved.
- (11) Employees returning to work after being off on Catastrophic Pool Leave must provide the Administrator a written release from their physician documenting their ability to return to work (with or without restrictions) as well as obtain clearance from the Dallas County Employee Health Center Physician.
- (12) The employee must notify the Administrator in writing (via certified mail) and via phone within 48 hours if they begin receiving or are notified that they will begin receiving (whichever comes first): a) disability payments (including social security, long term, or short term) or other voluntary supplemental insurance payment to replace lost income; or b) pay, reimbursement, or recovery for loss of

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work time or damages from a third party as a result of the catastrophic illness or injury.

(d) Payroll Division Auditor's Office

- (1) Upon receipt of notification of approval of catastrophic leave granted to the employee, the Payroll Division will credit the approved amount of time granted to the recipient from the catastrophic leave pool with an appropriate notation made on the recipient's sick leave record that the leave was received from the Catastrophic Leave Pool.
- (2) Payroll will track the catastrophic leave used by the employee and notify Human Resources, the department and the employee when the employee is close to exhausting the paid leave.
- (3) If the employee returns to work prior to exhausting the leave, Payroll will credit back the unused balance to the Catastrophic Leave Pool and maintain a record of such.
- (4) As the employee must have used all available earned leave or compensatory time prior to utilizing Catastrophic pool leave, Payroll will ensure that the employee continues to accrue any applicable leave while on Catastrophic Pool Leave (unless the employee does not return to work).
- (5) A holiday within the leave period is not counted as catastrophic leave.
- (6) An employee absent on sick leave assigned from the county sick leave pool is treated for all purposes as if the employee were absent on earned sick leave. Employees on catastrophic leave continue to accrue leave.
- (7) Employees must exhaust all accrued leave with pay entitlements before they use Catastrophic Leave, including the leave earned while on Catastrophic Leave. If the employee accrues vacation or sick leave while on Catastrophic Leave, Payroll will deduct the accrued vacation or sick leave prior to deducting hours from the Catastrophic Leave allotted the employee.
- (8) The estate of a deceased employee is not entitled to payments for unused catastrophic leave acquired by the employee from the Catastrophic Leave Pool.

(e) Return of Unused Catastrophic Leave to the Catastrophic Leave Pool/Termination of Catastrophic Leave.

- (1) Catastrophic Leave must be used only for the reason requested and approved. Employees shall immediately notify the Administrator if there is any change in the nature or severity of the illness or injury that modifies their need for Catastrophic Leave. Use of Catastrophic Leave for purposes other than Catastrophic Illness or Injury may result in termination. The grant of time for Catastrophic Leave shall terminate upon the earliest of the following:

- a. The date the employee is able to return to work.

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- b. The date the employee's FMLA or LOA runs out (catastrophic leave must run concurrently with a grant of unpaid FMLA or unpaid LOA);
 - c. The exhaustion of the specific amount of time that the Administrator granted to the employee, unless the Administrator has granted the employee additional Catastrophic Leave time and, in such case, upon the exhaustion of any additional Catastrophic Leave time that was granted to the employee;
 - d. The effective date of the employee's termination, retirement, or resignation;
 - e. The employee has used the maximum amount of Catastrophic Leave time allowable under this policy; or
 - f. The Administrator determines that the employee is no longer eligible to receive any further or additional Catastrophic Leave time (including if the employee fails to cooperate with requests for medical information, submits false information, remains off work because the employee is not following the doctor's prescribed treatment, or is abusing sick leave pool hours).
- (2) The Payroll Division must track each employee receiving catastrophic leave. Any balance of catastrophic leave: 1) remaining after the employee has used the Catastrophic Leave; or 2) which is no longer needed or justified due to the Catastrophic Illness or Injury, must be canceled and returned to the Catastrophic Sick and Vacation Pool. This action should also be taken if, anytime within the period following the date the award was initially used, any of the following situations is met:
- a. The Administrator determines that the employee is no longer eligible for Catastrophic Leave;
 - b. employee is deceased;
 - c. employee terminates employment; or
 - d. employee retires.

(f) Exclusion and Limitation

- 1) The following are not eligible to access the Catastrophic Leave Pool:
- a. Employees who are off without pay because of a disciplinary or unlawful action.
 - b. Employees who have been officially disciplined for sick leave abuse within the 12 months preceding the date of the catastrophic leave being granted.
 - c. Employees who have committed fraud or misrepresentation in the request or use of catastrophic leave.
 - d. Employees with a Catastrophic Illness or Injury requiring intermittent leave of 24 hours or less per week.
 - e. Employees on active duty in any Military force.
 - f. Employees confined in correctional institution (jail, prison, boot camp, detention center, house arrest, etc.).
 - g. Full-time grant funded employees are not entitled to Catastrophic Leave beyond the termination date of the funding sources for the position.
 - h. Employees who go from full-time to part-time will no longer be eligible for catastrophic leave.

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2) The following treatments/conditions/illnesses/injuries are not eligible for Catastrophic Leave:

- a. Routine medical, vision and/or dental care for an employee or eligible family member;
- b. Elective cosmetic surgery or procedures;
- c. A broken limb;
- d. Weight loss surgery or treatment;
- e. Stress related illnesses;
- f. Colds, flu, and allergies;
- g. Minor surgery with no complications such as appendectomy or tonsillectomy;
- h. Carpal tunnel syndrome;
- i. Addiction treatment, including drug or alcohol rehab treatment;
- j. Bereavement;
- k. Pregnancy, unless a serious complication from pregnancy that requires hospitalization for ten or more days;
- l. The birth of a child, which is considered normal regardless of the method of delivery and will not be considered for Catastrophic Leave;
- m. A catastrophic injury that occurred during the course of employment with another employer;
- n. Employees off work because of an on the job injury (Worker's Compensation) **if they are currently receiving workers comp benefits**;
- o. A disability under the Americans with Disabilities Act ("ADA") that would render the employee incapable of performing the essential functions of their job, even with a reasonable accommodation;
- p. A disability under the ADA that does not prevent the employee from performing the essential functions of their job, with reasonable accommodations, unless the disability is also a Catastrophic Illness or Injury and reasonable accommodation requires time off for more than ten continuous days in-patient treatment in a hospital, hospice, or residential medical care facility. All ADA disabilities qualifying for reasonable accommodations may not qualify as a Catastrophic Illness or Injury. The maximum amount of Catastrophic Leave an individual requiring such an ADA reasonable accommodation is allowed is thirty (30) days, depending on their length of service with the County as set forth in this policy.

3) Any vacation or travel (100 or more miles) resulting in an absence of 48 hours or more from the employee's primary residence registered with Dallas is not eligible for leave from the Catastrophic Leave Pool, unless the purpose of the trips is only for necessary medical treatment or care (dual purposes may not be covered). The employee should notify the Administrator immediately of any such planned trips/travel away from the employee's current primary residence during the period for catastrophic leave, for a determination as to whether the leave remains covered by this policy. The Administrator may require documentation from the primary care physician regarding the medical necessity for the trip/travel.

- 4) If the employee, for any reason, terminates or ends employment with the County while on Catastrophic Leave, the employee is not entitled to payment for any Catastrophic Leave awarded that is unused.

(g) Coordination With Other Benefits (including exclusions)

- (1) *Worker's Compensation.* Employees off work because of an on the job worker's compensation injury are not eligible for catastrophic leave **if they are currently receiving workers comp benefits.**
- (2) *Family Medical Leave.* All eligible events that qualify for Family and Medical Leave (FML) may not qualify as a Catastrophic Illness or Injury; however, a Catastrophic Illness or Injury may qualify as FML. If the employee is eligible for Family and Medical Leave, all days away from work as a result of Catastrophic Illnesses or Injuries will be counted against the employee's Family and Medical Leave entitlement. The catastrophic leave will terminate at the same time as the FMLA leave, unless the employee has obtained a Leave of Absence which would allow the employee to continue to receive catastrophic leave.
- (3) *Short and Long Term Disability and Supplemental Benefits.* Catastrophic Leave will not be granted if an employee is receiving short term or long term disability benefits, including social security disability benefits or supplemental benefits.
- (4) *Grievance Policy.* Denial of catastrophic leave is not grounds for filing a grievance and is specifically excluded from the civil service grievance appeal process. Catastrophic leave is not a right and is awarded based on availability of catastrophic leave in the Catastrophic Sick and Vacation Pool and the eligibility of the employee as determined by the Administrator.

(h) Recordkeeping and Confidentiality

- (1) The Administrator must maintain a confidential record of all Catastrophic Sick and Vacation Pool records in accordance with the law.
- (2) Applications for Catastrophic Leave and all documents related to the application, including the notice of an award or denial, must be treated as confidential at all times. All notices to be sent to any person involved in the process (such as the Administrator) must be sent in envelopes clearly labeled "confidential" and directed to the attention of the intended receiver.
- (3) The applications for award for Catastrophic Leave and all supporting documentation must be kept in a separate file for confidential medical information. The employee must approve and sign a form to authorize the release of medical information and other documents before any information can be released. If the employee is medically unable to sign the required release form, the next of kin or person who is legally authorized to do so must sign the form before any documentation can be released.

(i) Annual Reporting

- (1) The Administrator must submit an annual fiscal year report obtained from the County Payroll to the Commissioners Court on the usage and status of the Catastrophic Sick and Vacation Pool. The annual reports will include:
 - a. the total number of hours contributed;
 - b. the total number of hours awarded;
 - c. the total number of awarded hours that were used;
 - d. the total number of applications for Catastrophic Leave received;
 - e. the total number of applications approved;
 - f. the total number of applications denied; and
 - g. the remaining hours in the pool.

(j) Miscellaneous

- (1) No advances on sick leave or vacation accruals will be granted to allow an employee to meet the minimum required to request catastrophic leave.
- (2) Catastrophic Leave granted from the Catastrophic Leave Pool Program will be counted only for approved workdays.
- (3) An employee may not provide or receive remuneration or any gift in exchange for a sick pool donation.
- (4) Dallas County will have a right of reimbursement from the proceeds of any full or partial recovery for lost wages, whether by settlement, judgment, or otherwise (supplemental disability, etc.), recovered by the employee for any days that were covered by Catastrophic Leave. This reimbursement provision includes, but is not limited to, any recovery from any individual or group automobile or liability insurance policy, including any uninsured/underinsured motorist coverage and any personal injury protection coverage you or a covered dependent may have.

(k) Grandfathered Employees

Employees with a pre-existing Catastrophic Illness or Injury who: 1) are out on FMLA or a LOA before initial enrollment period start date; 2) are considered an “eligible employee/recipient,” by the sick leave pool donation requirements; and 3) do not have any sick or vacation time to donate or will not have at least 10 days (80 hours) of combined sick or vacation time remaining after his/her contribution, will be grandfathered in and will not have to donate leave to be eligible for contributions from the sick leave pool. All other eligibility requirements apply. This provision does not apply to an eligible FMLA family member with a catastrophic illness or injury. The grandfathered employee is eligible for a maximum of 30 days (240 hours) from the Catastrophic Sick and Vacation Pool.

(l) Modification/Termination of policy

Commissioners Court reserves the right to modify or terminate the Catastrophic Leave Pool Program/Policy at any time with or without notice (within the constraints of the law).

(m) Designation of Administrator

The Dallas County Commissioners Court designates the Director of Human Resources to act as the Administrator of the Catastrophic Sick and Vacation Pool program.

TABLE INSET:

SICK AND VACATION LEAVE CONTRIBUTION TABLE			
Donations	Required Years of Service	Maximum Awarded for Employee	Maximum Awarded for Dependent
8 hours of Sick/ Vacation time	1 year	48 hours of Sick (6 days)	24 hours of Sick (3 days)
16 hours of Sick/ Vacation time	1 year	96 hours of Sick (12 days)	48 hours of Sick (6 days)
24 hours of Sick/ Vacation time	1 year	144 hours of Sick (18 days)	72 hours of Sick (9 days)
32 hours of Sick/ Vacation time	1 year	192 hours of Sick (24 days)	96 hours of Sick (12 days)
40 hours of Sick/ Vacation time	1 year	240 hours of Sick (30 days)	120 hours of Sick (15 days)
48 hours of Sick/ Vacation time	5 years	288 hours of Sick (36 days)	144 hours of Sick (18 days)
56 hours of Sick/ Vacation time	5 years	336 hours of Sick (42 days)	168 hours of Sick (21 days)
64 hours of Sick/ Vacation time	5 years	384 hours of Sick (48 days)	192 hours of Sick (24 days)
72 hours of Sick/ Vacation time	5 years	432 hours of Sick (54 days)	216 hours of Sick (27 days)
80 hours of Sick/ Vacation time	5 years	480 hours of Sick (60 days)	240 hours of Sick (30 days)
Maximum Lifetime Leave Allowed	60 days (480 hours) is the lifetime maximum that may be withdrawn from the pool for the employee and eligible dependent combined; with the lifetime maximum for the dependent not to exceed 30 days or 240 hours.		

(Ord. No. 2017-0525, 4-18-17; Ord No. 2017-1270, 10-03-2017)

Secs. 82-523--82-550. Reserved.

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ARTICLE VIII. WORKERS' COMPENSATION* (This section reflects recent court approved policy language. Court Order# 2012 0237 February 7, 2012.)

***State law references:** Workers' compensation, V.T.C.A., Labor Code § 401.001 et seq.

Sec. 82-551. Policy statement.

- (a) The county is committed to providing a safe working environment for its employees and will make every reasonable effort to ensure that employees are not injured while performing their job duties. If an employee is injured, the county will comply with all requirements of the Texas Workers' Compensation Act and will assist the employee with his/her recuperation and return to work efforts.
- (b) Safety must be an integral part of each job in the county. Employees are expected to work safely and follow applicable safety policies and procedures. Failure to do so will result in disciplinary action up to and including termination.

(Ord. No. 2000-889, § 4.00, 5-2-2000; Ord. No. 2004-1803, 10-5-2004)

Sec. 82-552. Benefits.

Any county employee (except those described in section 82-553 below) who is disabled as a result of an injury or occupational disease that arises out of the course and scope of employment shall access the following benefits under V.T.C.A., Labor Code ch. 408:

- (1) Lifetime medical benefits associated with the injury;
- (2) Weekly income benefit payments beginning on the eighth day of disability and continuing until the employee is released to return to work or reaches maximum medical improvement;
- (3) Temporary Income Benefit (TIB) payments for the first seven days if the disability continues for more than 14 days;
- (4) Impairment income benefits if the injury results in an impairment rating as stipulated in the Act;
- (5) Supplemental income benefits if the injury results in an impairment rating as stipulated in the Act;
- (6) Lifetime income benefits for injuries described in the Act; or
- (7) Death benefits if the compensable injury results in death.

(Ord. No. 2000-889, § 4.01, 5-2-2000; Ord. No. 2004-1803, 10-5-2004)

Sec. 82-553. Law enforcement officials.

County employees who are designated as law enforcement officials will receive benefits pursuant to article III, section 52E, of the state constitution as follows:

Sec. 52e. Payment of medical expenses of law enforcement officials. Text of section adopted in 1967 as proposed by Acts 1967, 60th Leg., p. 2969, S.J.R. No. 6.

Sec. 52e. Each county in the State of Texas is hereby authorized to pay all medical expenses, all doctor bills and all hospital bills for sheriffs, deputy sheriffs, constables, deputy constables and other county and precinct law enforcement officials who are injured in the course of their official duties; providing that while said sheriff, deputy sheriff, constable, deputy constable or other county or precinct law enforcement official is hospitalized or incapacitated that the county shall continue to pay his maximum salary; providing, however, that said payment of salary shall cease on the expiration of the term of office to which such official was elected or appointed. Provided, however, that no provision contained herein shall be construed to amend, modify, repeal or nullify article 16, section 31, or the Constitution of the State of Texas.

(Ord. No. 2000-889, § 4.02, 5-2-2000; Ord. No. 2004-1803, 10-5-2004)

Sec. 82-554. Denial of benefits.

Under V.T.C.A., Labor Code §§ 406.032 and 408.103(e), the county may deny or terminate the employee's workers' compensation benefits if the employee:

- (1) Was intoxicated at the time of the injury (intoxication is defined by the workers' compensation commission in appeals panel decision no. 950553 as "the state of not having normal use of mental or physical faculties resulting from the voluntary introduction into the body of a controlled substance";
- (2) Willfully attempted to injure himself or unlawfully attempted to injure another person;
- (3) Was injured by an act of a third person because of a personal reason and not directed at the employee because of employment;
- (4) Was injured through voluntary participation in an off-duty recreational, social or athletic activity that did not constitute part of the employee's work-related duties, unless the activity is a reasonable expectancy of or is expressly or impliedly required by the employment;
- (5) Was injured out of an act of God, unless employment exposed the employee to a greater risk of injury from an act of God than ordinarily applies to the general public;
- (6) Was injured as a result of the employee's horseplay;
- (7) Fails or refuses to comply with or follow the treating physician's instructions or advice regarding treatment of his injured condition; or
- (8) Refuses, when allowed by the treating physician, to perform modified duty or a different job with the county that is, in the opinion of the treating physician,

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within his physical capability and for which the employee is qualified or will be trained.

(Ord. No. 2000-889, § 4.03, 5-2-2000; Ord. No. 2004-1803, 10-5-2004; Ord. No. 2012-0237, 2-7-2012)

Sec. 82-555. Consequences of misrepresentation.

The county's workers' compensation program is totally funded by the taxpayers of the county. As such, the county takes a very aggressive role in monitoring its claims and expenses to ensure employees are complying with this article. In addition to the possibility of having workers' compensation benefits terminated or denied, employees who do not comply with this article, or who misrepresent their injury or recuperation progress, or who falsify county documents related to this article are subject to disciplinary actions up to and including termination and possible criminal charges.

(Ord. No. 2000-889, § 4.04, 5-2-2000; Ord. No. 2004-1803, 10-5-2004)

Sec. 82-556. Departmental responsibilities.

Each elected official/department head plays a key role in effectively implementing the county's workers' compensation program. Specifically, each department shall take responsibility for:

- (1) Providing a safe work environment for all employees in order to prevent injuries;
- (2) Ensuring the employee receives prompt medical attention should an injury occur in the work place;
- (3) Reporting all injuries within 24 hours to the risk management section of the human resources/civil service department and ensuring compliance by following the step-by-step procedures outlined in departmental procedures;
- (4) Completing all required forms (including accurate time sheets) in order for the county to comply with the Texas Workers' Compensation Act;
- (5) Staying in contact with the employee if the employee is not able to immediately return to the work place; and
- (6) Providing modified duty to the employee, when feasible and necessary, to allow the employee to return to work as soon as possible.

(Ord. No. 2000-889, § 4.05, 5-2-2000; Ord. No. 2004-1803, 10-5-2004)

Sec. 82-557. Departmental compliance.

The county requires all supervisors to follow outlined policies and procedures. Failure to comply with these guidelines may result in serious consequences for the county; therefore, and when appropriate, elected officials/department heads may take disciplinary action up to and including termination.

(Ord. No. 2000-889, § 4.06, 5-2-2000; Ord. No. 2004-1803, 10-5-2004)

Sec. 82-558. Workers' compensation and other employee benefits.

When accessing workers' compensation benefits, the injured employee and supervisor must be aware of how the employee's status may impact other county benefits and applicable policies. They include, but are not limited to, the following:

- (1) *Reporting lost time.* Each time an employee is absent from work due to a workers' compensation injury, the employee must provide documentation from his health care provider to his supervisor not less than every three weeks. This includes intermittent lost time.
- (2) *Workers' compensation and family and medical leave.* Workers' compensation and family and medical leave will run concurrently. Employees who are injured under workers' compensation and remain off duty for more than three working days or who will require ongoing medical treatment, shall be placed on family and medical leave utilizing the same criteria as outlined in the county's family and medical leave policy. Supervisors/managers are responsible for ensuring that injured employees are placed on family and medical leave.
- (3) *Insurance benefits.* Employees on workers' compensation leave are required to pay for all applicable monthly insurance costs. Various leave accruals may be used to pay for the benefit premiums, until such accruals are exhausted and the employee reaches leave without pay status (LWOP), at which time the employee will be required to pay the premium out-of-pocket to continue benefits. Employees may elect to suspend coverage; however, they will be subject to the 30-day waiting period. If an employee elects to maintain coverage and fails to pay the premiums, all insurance will be canceled. If coverage is reinstated when the employee returns to work, the employee will be subject to the 30-day waiting period.
- (4) *Accrual of leave.* Employees, including probationary employees who are off work and receiving weekly workers' compensation payments, shall not continue to earn vacation leave, sick leave or holiday pay during such period. Probationary employees may have their probationary period extended for such period of absence from work due to a workers' compensation injury/illness. However, this extension is at the discretion of the elected official/department head.
- (5) *Salary/benefit modifications.* Employees who are on leave, including workers' compensation, are not eligible to receive salary increases such as merit increases, step increases, promotional increases, etc., until the employee has met all requirements for such increases, including the actual work experience criteria. However, if the county makes salary/benefit modifications to all county employees or to employees in the injured employee's specific job category, then the employee may be impacted by these changes, if he meets all specified requirements.

(Ord. No. 2000-889, § 4.07, 5-2-2000; Ord. No. 2002-1977, 10-29-2002; Ord. No. 2004-1803, 10-5-2004)

Sec. 82-559. Reporting a workers' compensation injury.

Managers and supervisors have a responsibility to report all job-related injuries within 24 hours.

(Ord. No. 2000-889, § 4.08, 5-2-2000; Ord. No. 2004-1803, 10-5-2004, Ord. No. 2024-0879, 08-20-2024)

Sec. 82-560. Recording of time.

Each elected official/department head is responsible for ensuring that all reporting of time worked, accrual and use of leave, complies with county policies. Employees are not permitted to remain on the county's payroll if they are not on an approved leave of absence (with or without pay), which includes FMLA. Supervisors are responsible for accurate time reporting. The law requires that what is reported must be paid. Not reporting time accurately is considered falsifying an official document. Disciplinary action, up to and including termination, may be taken against employees and supervisors who falsify county documents related to work hours.

- (a) When an employee loses time on the date of injury due to seeking medical attention, supervisors should code the employee's time as regular time. Any subsequent lost time would be coded as WC70 or WC100 time.
- (b) If employees must attend on-going medical treatment before reaching maximum medical improvement (MMI) for a compensable injury after return to work, the supervisor may document the incremental time for each week and report the aggregate on a supplemental report to the risk management office. Medical appointments should be scheduled for those hours when the employee is not scheduled to work, if possible.
- (c) After reaching maximum medical improvement (MMI), time away from work to attend medical treatment shall be charged as compensatory leave followed by other paid leave accruals before moving to leave without pay.

Example: Jack reaches MMI. He must visit his doctor periodically. He schedules a visit that requires him to leave work two hours early. The time is coded as compensatory, sick, vacation, or LWOP.

(Ord. No. 2000-889, § 4.09, 5-2-2000; Ord. No. 2004-1803, 10-5-2004, Ord. No. 2024-0879, 08-20-2024)

Sec. 82-561. County procedures for filing and reporting workers' compensation claims.

When a job related injury occurs, the supervisor and employee must call the appropriate injury reporting hotline.

(Ord. No. 2000-889, § 4.10, 5-2-2000; Ord. No. 2004-1803, 10-5-2004)

Sec. 82-562. Submitting supplemental reports.

The supervisor must report intermittent lost time, return to work, termination or death are listed as follows:

- (1) If the employee begins losing time from work after initial filing of a workers' compensation claim, the supervisor must complete a supplemental report of injury and forward to the risk management office within 24 hours. The supervisor forwards the new employee and change form to the auditor's office to initiate FMLA status.
- (2) If the employee returns to work, the supervisor must complete a supplemental report of injury indicating the date the employee's returned to work, whether or not it is full or light duty, including a copy of the release from the medical provider and forward to the risk management office within 24 hours. Personnel action forms returning the employee must be forwarded to the auditor's office for regular pay to resume.
- (3) If an employee is terminated, resigns or dies during the course of the injury, the supervisor must complete a supplemental report and forward to the risk management office within 24 hours. A notice of separation form should be completed and forwarded to the appropriate offices.

All supplemental reports must be faxed to the risk management office within 24 hours.

(Ord. No. 2000-889, § 4.11, 5-2-2000; Ord. No. 2004-1803, 10-5-2004)

Sec. 82-563. Salary continuation.

- (a) *Generally.* Unless otherwise prohibited by county policy, in addition to workers compensation payments, the county may provide salary continuation to eligible employees who are injured and disabled in the course and scope of their employment with the county. Salary continuation payments may be made to eligible county employees whose receipt of workers' compensation payments does not equal 70 percent of their gross pay. The amount of salary continuation payments cannot exceed the difference between the employee's workers' compensation payments and 70 percent of their gross pay. For example, if the employee's workers' compensation payment does not equal 70 percent of their gross pay, salary continuation can be paid in addition to their workers' compensation payment to equal but not exceed 70 percent of their gross pay.
- (b) *Eligible employees.* Salary continuation is paid only to regular, full-time employees who have completed their probationary period and become disabled due to an injury or illness that arises out of the course and scope of their employment with the county. Temporary or part-time employees are not eligible to receive salary continuation payments. Probationary employees may have their probationary period extended for such period of absence from work due to a workers' compensation injury/illness. However, this extension is at the discretion of the elected official/department head. Law enforcement officials are covered from the initial date of employment, per section 82-553.
- (c) *Continuation payments.* Salary continuation is an employee benefit, and not an employee right. In order to receive it, the employee must follow all guidelines outlined in this article. Salary continuation payments:
 - (1) Will be paid for a total of up to 13 weeks per injury, per a 12-month period, depending on the type of injury (see subsection (c)(2) of this section). However, in no event, shall salary continuation payments be continued after an employee's weekly workers' compensation payments have ceased;

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- (2) Are paid based upon guidelines set forth by the official disability guidelines. For example, for knee surgery, the normal recovery time under the official disability guidelines is two to three weeks, therefore salary continuation payments for knee surgery shall not exceed three weeks;
 - (3) Shall cease once an employee retires, dies, terminates employment, funding source ends, or the employee reaches maximum medical improvement, whichever comes first;
 - (4) Will terminate for category D employees when the funding source for his/her position terminates. If salary continuation is paid to category D employees, it will be paid for the stipulated time period or until their funding source has ended, whichever comes first;
 - (5) May be increased to reflect any salary increases caused by the adjustment to an approved county salary schedule made effective during such period, if the employee meets all criteria;
 - (6) Shall not be made beyond the scheduled, effective date if an employee, after having given/received notice of retirement, resignation, termination, reduction-in-force or discharge, is injured on the job, unless expressly approved by the commissioners court; and
 - (7) Will be paid to law enforcement officials until the employee has either returned to work or until the expiration of the term of office for the elected official for whom they work, whichever comes first. This benefit is administered in accordance with article 3, section 52E of the state constitution (see section 82-553) and all other applicable laws and statutes.
- (d) *Forfeiture.* An employee shall forfeit all rights to any employee salary continuation payments to which he would otherwise have been entitled due to his injury or illness, if the employee:
- (1) Engages in work, either part-time or full-time, for pay, or as a volunteer, or on behalf of himself or any other person, firm or corporation while receiving injured employee salary continuation payments;
 - (2) Resigns, is terminated, dies or the funding source ends;
 - (3) Falsifies or misrepresents his injured condition or physical capacity or disability as worse than it, in fact, is;
 - (4) Refuses to return to regular or modified duty when released to do so by the treating physician;
 - (5) Fails to provide documentation from a certified physician for all time lost from work, including intermittent periods of lost time;
 - (6) Fails to comply with the Texas Workers' Compensation Act pertaining to injured employees;
 - (7) Fails to comply with all reporting requirements;
 - (8) Fails to follow all required policies and procedures;

- (9) Fails to submit to a required medical examination and treatment at the county's request and expense by a physician chosen or approved by the commissioners court; and
 - (10) Does not comply with or meet the guidelines outlined in section 82-554.
- (e) *Utilization of other types of leave.* In instances where an employee is not eligible for, or has exhausted, all salary continuation prior to being able to return to work, the employee will receive all appropriate workers' compensation benefits and may elect (by completing and submitting auditor's election form) to utilize other leave as follows:
- (1) Compensatory time in any amount not to exceed 40 hours per week while off work for a workers' compensation injury.
 - (2) Vacation leave in any amount not to exceed 40 hours per week while off work due to a workers' compensation injury; and
 - (3) Sick leave in an amount to supplement their workers' compensation to equal their gross pay received prior to injury.
- (f) *Leave of absence without pay.* An employee who has used all his accrued sick leave, vacation leave and injured employee salary continuation plan benefits before returning to work may be granted a leave of absence without pay for a reasonable period upon recommendation of the employee's elected official/department head and approval by the commissioners court. If leave without pay is granted, it will not extend beyond the end of their funding sources.

(Ord. No. 2000-889, §§ 4.20--4.25, 5-2-2000, Ord. No.2024-0879, 08-20-2024)

Sec. 82-564. Return to work.

- (a) *Guidelines.* It is the policy of the county, with the cooperation of all departments, to return all injured/ill employees to work as soon as feasible. If an employee is unable to return to his regular job duties, the county will make every reasonable effort to assign the employee to modified or different job duties. However, priority is given to placing employees who have sustained a compensable workers' compensation injury or illness. An employee who is able to return to work will do so under the following circumstances:
- (1) Full medical release with no restrictions: The employee returns to work and is able to perform his regularly assigned job duties.
 - (2) Full medical release with permanent restrictions: The employee returns to work and is able to perform modified job duties. If feasible, the department may:
 - a. Retain the employee in his position by accommodating all medical restrictions;
 - b. Transfer the employee to another position;
 - c. Contact the human resources/civil service department for assistance in possibly placing the employee in another county department; or
 - d. Terminate the employee if unable to accommodate.

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- (3) Temporary medical restrictions: The employee is able to return to work with temporarily modified job duties. If feasible, the department may:
 - a. Temporarily modify the employee's job duties, not to exceed 90 days;
 - b. Reassign the employee to another position in the department;
 - c. Contact the human resources/civil service department for assistance in temporarily placing the employee in another county department; or
 - d. Terminate the employee if unable to accommodate.
- (b) *Placement of employee.* Placement of an employee is not automatic or guaranteed. The following conditions apply:
 - (1) A vacancy must exist;
 - (2) The employee must meet the qualifications;
 - (3) The hiring department may require the employee to compete for a position; and
 - (4) The employee may be terminated if unable to locate another position in the department or county.
- (c) *Pay while performing modified or permanently reassigned duties.* The employees shall continue to earn his base salary while performing modified job duties. If the employee is temporarily placed in another department, the hiring department will continue to pay the employee's salary. However, an employee shall not temporarily fill a position and earn their same base salary for more than 90 days without the commissioners court approval. If the temporary assignment exceeds 90 days, the salary paid will be commensurate with the tasks assigned. Law enforcement officials with work related injuries will be subject to provisions outlined in section 82-553.
- (d) *Pay while performing modified or temporarily reassigned duties.* Employees shall earn their base salary while performing modified or temporarily reassigned job duties. If the employee is temporarily placed in another department, the hiring department will continue to pay the employee's salary. The goal is to get the employee back to work as soon as the treating physician allows. Under no circumstances will a position be held open or temporarily filled for a period longer than 90 days without approval from the commissioners court. Prior to the expiration of the 90-day period, the department must notify the commissioners court if it plans to extend this temporary position. Law enforcement officials with work related injuries will be subject to provisions outlined in section 82-553.
- (e) *Requirements for return-to-work from a workers' compensation injury.* Prior to reinstatement following a workers' compensation injury in which the employee has lost time:
 - (1) An employee must submit a certificate/letter from the treating physician which states the injured employee is physically able to return to work. The employee is encouraged to take a copy of their job description (which can be obtained upon request from the County Human Resources/Civil Service Department) to their treating physician for review; and
 - (2) The treating physician must complete the county form P/CS form 200 highlighting any limitations to which the employee must adhere. The employee

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and supervisor must strictly adhere to these limitations. Failure to do so may result in disciplinary action being taken, up to and including termination.

- (f) *Other requirements.* Supervisors should be aware that the Workers' Compensation Act coordinates with a number of federal and state statutes, including the Americans with Disabilities Act and the Family and Medical Leave Act. If the supervisor has questions regarding this policy, he should immediately contact the human resources/civil service department.
- (g) *Requirements for return to work from a non work related injury/illness.* Employees who become ill or are injured away from the workplace are subject to the guidelines outlined in the county's Family and Medical Leave Act along with subsections (e)--(g) of this section.
- (h) Employee Return to Work – Sheriff's department employees.

See Appendix A: Sheriff's Department Civil Service Commission Rules and Regulations – Chapter 2.68 (Employee return to work after an illness/injury).

(Ord. No. 2000-889, §§ 4.26--4.32, 5-2-2000)

Note: Sections 82-559--82-562 may be referred to for all reporting procedures.

Secs. 82-565--82-600. Reserved.

ARTICLE IX. FAMILY AND MEDICAL LEAVE* (This section reflects recent court approved policy language. Court Order# 2012 0237 February 7, 2012; Court Order #2014 0835 June 17, 2014; Court Order #2017-0771; Court Order #2023- 0278, Court Order #2024 0879, August 20, 2024)

*Federal law reference--Family and Medical Leave Act, 29 USC 2601 et seq.

Sec. 82-601. Purpose of article.

(a) The purpose of this article is to comply with the Family and Medical Leave Act of 1993 (FMLA) and the National Defense Authorization Act for FY2008, balance the demands of the workplace with employees' medical and family needs, and accomplish these purposes in a manner that accommodates the interests of the county. Should any discrepancy exist between this policy and the FMLA, the FMLA controls.

(b) This article outlines the responsibilities of employees to ensure compliance with the FMLA.

(c) The county requires all managers/supervisors and employees to follow these policies and procedures. Failure to comply may result in serious consequences for the county, and when appropriate, elected officials/department heads may take disciplinary action, up to and including termination, if an employee fails to comply.

(Ord. No. 2000-485, § 5.00, 3-7-2000; Ord. No. 2002-1977, 10-29-2002; Ord. No. 2009-0883, 5-12-2009, Ord. No. 2023-0278, 03-07-2023)

Sec. 82-602. Summary of benefits.

If the employee complies with the obligations outlined in this article, the county will:

(1) Provide an eligible employee up to 12 weeks of family and medical leave, including military family leave, within a 12-month period measured forward from the first date an employee takes FMLA leave.

The 12 weeks of family and medical leave for part-time eligible employees shall be determined on a proportional basis.

(2) Provide eligible employees up to 26 weeks of leave in a single 12-month period to care for an injured or ill covered military servicemember;

(3) Return the employee to the same or equivalent position with equivalent pay, benefits, and working conditions when the employee returns to work after the leave;

(4) Continue to contribute to group health benefits at the same level during the leave unless the employee cancels health insurance coverage; and

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(5) Continue to contribute to benefits other than health insurance if the benefits would be maintained while the employee is on other forms of leave.

(Ord. No. 2000-485, § 5.01, 3-7-2000; Ord. No. 2002-1977, 10-29-2002; Ord. No. 2009-0883, 5-12-2009, Ord. No. 2023-0278, 03-07-2023)

Sec. 82-603. Key employees.

In some situations, in order to prevent substantial and grievous economic harm to county operations, key salaried employees may be denied reinstatement after family and medical leave. Key salaried employees are defined by the FMLA as the top ten percent of all wage earners in an organization. When an elected official/department head receives a leave request from an employee and has reason to believe the employee may fall into this category, the elected official/department head should contact the human resources/civil service department for assistance.

(Ord. No. 2000-485, § 5.02, 3-7-2000; Ord. No. 2002-1977, 10-29-2002; Ord. No. 2009-0883, 5-12-2009, Ord. No. 2023-0278, 03-07-2023)

Sec. 82-604. Eligibility.

(a) *Eligible employees.* An employee who is eligible for family and medical leave is an employee who:

- (1) Has been employed by the county for at least 12 months in the last 7 years (Employment periods before a separation that is older than 7 years will not count towards eligibility unless the break in service is due to fulfillment of the employee's Uniformed Services Employment and Reemployment Rights Act ("USERRA") service obligations.);
- (2) Has worked at least 1,250 hours during the 12-month period preceding the commencement of the leave (A person re-employed following military service shall have the hours that would have been worked for the county but for the USERRA service obligations added to any hours actually worked during the previous 12-month period to meet the 1,250-hour requirement.); and
- (3) Works at a location where Dallas County employs at least 50 employees within 75 miles of that worksite as of the date when the employee gives notice of the need for leave.

(b) *Qualifying reasons for leave.* The county is required to grant leave to eligible employees for:

- (1) The birth of a child and to bond with the newborn child within one year of birth or the placement with the employee of a child for adoption or foster care and to bond with the newly placed child within one year of placement. (Eligible

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spouses who work for Dallas County are limited to a combined total of 12 workweeks of leave in a 12-month period to share for the birth of a child and bonding with the newborn child and the placement of a child with the employee for adoption or foster care and bonding with the newly placed child. Each spouse may be eligible for additional leave for other reasons. For example, if both spouses individually took six weeks off in connection with the birth of their child, they could each take an additional six weeks in the same 12-month period for a serious personal health problem.);

(2) Caring for an eligible family member with a serious health condition.

(a) Family members for whom the employee may take family and medical leave include:

(i) Spouse: a husband or wife as defined or recognized in the state where the individual was married, including in a common law marriage. Spouse also includes a husband or wife in a marriage that was validly entered into outside of the United States, if the marriage could have been entered into in at least one state.

(ii) Parent: a biological, adoptive, step, or foster parent or an individual who had day-to-day responsibility to care for and financially support the employee when the employee was a child ("Parent" does not include parents-in-law.); and

(iii) Son or daughter: a biological child, adopted child, foster child, stepchild, legal ward, or a child of a person standing in loco parentis (in place of parent), who is either under age 18 or age 18 or older and incapable of self-care because of a mental or physical disability at the time FMLA leave is to begin.

(b) A serious health condition is an illness, injury, impairment, or physical or mental condition that involves inpatient care or continuing treatment by a health care provider.

(3) An employee's own serious health condition that makes the employee unable to perform job functions, including incapacity due to pregnancy and for prenatal medical care.

(4) Any qualifying exigency arising out of the fact that the employee's spouse, son, daughter, or parent is a military member on covered active duty or call to covered active-duty status. The qualifying exigency must be one of the following:

- (a) Short-notice deployment;
- (b) Military events and related activities;
- (c) Childcare and school activities;
- (d) Financial and legal arrangements;

- (e) Non-medical counseling;
- (f) Rest and recuperation;
- (g) Post-deployment activities;
- (h) Parental care; and
- (i) Additional activities not encompassed in the other categories, but agreed to by Dallas County and the employee, including the timing and duration of the leave.

(5) To care for a covered servicemember with a serious injury or illness if the employee is the spouse, son, daughter, parent, or next of kin of the servicemember (referred to as military caregiver leave).

(a) An eligible employee is limited to a *combined* total of 26 workweeks of leave for **any** FMLA-qualifying reasons during the single 12-month period. If two employees who are legal spouses wish to take leave, the employees are limited to a combined leave of 26 weeks in a single 12-month period to care for a covered military servicemember.

(b) “Covered servicemember” means:

(i) a current member of the Armed Forces (including a member of the National Guard or Reserves) who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness; or

(ii) a covered veteran, per the FMLA, who is undergoing medical treatment, recuperation, or therapy for a serious injury or illness.

(c) “Next of kin” of a covered servicemember means the nearest blood relative other than the servicemember’s spouse, parent, son, or daughter in the following order of priority: Blood relatives who have been granted legal custody of the covered servicemember by court decree or statutory provisions, brothers and sisters, grandparents, aunts and uncles, and first cousins unless the covered servicemember has specifically designated in writing another blood relative as his nearest blood relative for purposes of military caregiver leave.

(d) *Defined leave time.* The defined 12-month period, as applicable to this article, will be calculated by taking the 12 consecutive calendar months measured forward from the date family and medical leave begins. Only 12 weeks of family and medical leave will be granted per a consecutive 12-month period except for military caregiver leave where 26 weeks of leave during a 12-month period will be granted.

(e) *Intermittent and reduced leave schedule.* Leave may be taken on an intermittent or reduced leave schedule when necessary. Intermittent leave is

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taken in separate periods of time due to a single illness or injury or for a qualifying exigency rather than for one continuous period of time. Reduced schedule leave means the employee works fewer hours than normally scheduled. In order to accommodate the employee's need to take intermittent leave or be placed on a reduced leave schedule, the following shall apply:

- (1) The employee may be temporarily transferred to another position to better accommodate the arrangement;
- (2) The employee shall make a reasonable effort to schedule medical care so as not to disrupt unduly Dallas County's operations;
- (3) The county is only required to grant this arrangement after the birth or placement of a child for adoption or foster care if the elected official/department head approves;
- (4) An employee may not be required to take more leave than necessary to address the circumstance that precipitated the need for the leave; and
- (5) Any employee required to work mandatory overtime who is unable to work overtime due to FML reasons will have FMLA hours deducted based on the required mandatory hours to be worked.

(Ord. No. 2000-485, § 5.03, 3-7-2000; Ord. No. 2002-1977, 10-29-2002; Ord. No. 2009-0883, 5-12-2009, Ord. No. 2023-0278, 03-07-2023)

Sec. 82-605. Requirements.

(a) *Medical leave.* If the employee is requesting leave due to the employee's own or a covered family member's serious health condition, the employee must supply appropriate medical certification to the third-party administrator. The county may also require a second opinion or third opinion at the county's expense. In the event of a third opinion, the third opinion will be binding. The county may request recertification of a medical condition:

- (1) Every 30 days in connection with an absence by the employee unless the employee's medical certification indicates that the minimum duration of the condition is more than thirty days. If so, the county must wait until that minimum duration expires before requesting a recertification unless paragraph (2) of this section applies. In all cases, the county may request a recertification every six months in connection with an absence by the employee;
- (2) In less than 30 days if:
 - (a) the employee requests an extension of leave;

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- (b) the circumstances surrounding the leave change (for example, the employee has been absent continuously, but the medical certification provides for intermittent leave for 1 to 2 episodes of 2 days each quarter);
- (c) Dallas County receives information that casts doubt upon the continuing validity of the certification; or
- (d) Dallas County receives information that casts doubts upon the employee's stated reason for the absence.

(b) *Certification.* It is the employee's responsibility to provide the third-party administrator a complete and sufficient medical certification, certification of the qualifying exigency, or certification for the serious injury or illness of the covered servicemember. Failure to provide the requested certification in the allotted time may result in a delay or denial of the family and medical leave and subject the employee to disciplinary action, up to and including termination for violation of the attendance policy.

(c) *Employee's obligation to provide notice of the need for leave.* An employee is responsible for notifying the manager/supervisor and third-party administrator of an injury or illness that will prevent the employee from working on a continuous basis for more than 3 days **or** that will require periodic absences for treatment or recovery from a serious health condition over the course of several weeks.

(1) Unforeseeable Leave. If the event is unplanned, such as a sudden illness or injury of the employee or an eligible member of the employee's family, the employee or a responsible party shall notify the county as soon as possible and practical.

(2) Foreseeable Leave. If the event is planned, such as surgery or childbirth, then the employee shall make every reasonable effort to provide the county with at least 30 days' notice of the dates the employee will be absent from work.

(d) *Supervisor's role.* If an employee is out for more than three working days for a medical reason and has not requested family and medical leave by the fourth day or if an employee is periodically out for three or more working days in a 3- month period for a medical reason and has not requested family and medical leave, the supervisor shall immediately contact the third-party administrator to report the absences.

(e) *Leave limits.* Whether paid or unpaid, an eligible county employee is entitled to a total of 12 weeks of family and medical leave or 26 weeks of military caregiver leave during a consecutive 12-month period. An employee shall be required to use compensatory time leave balances prior to utilizing other paid leave accruals during the leave. For example, if the leave is due to the illness or injury of the employee, family member, or covered military servicemember, all leave balances

shall be used before moving to an unpaid leave status. If the leave is due to a qualifying exigency arising out of the fact that the employee's spouse, son, daughter, or parent is a covered military member on active duty (or has been notified of an impending call or order to active duty) in support of a contingency operation, the employee shall use vacation, compensatory time, and personal day before moving to unpaid leave status. Family and medical leave is only paid during the portion of leave for which the employee has paid accruals. An employee on paid leave will continue to accrue vacation and sick leave.

(f) *Workers' compensation and family and medical leave.* A workers' compensation injury which results in a serious health condition requiring the employee to be off work for more than three days or requiring continuous treatment for which the employee will be absent from work will be designated as family and medical leave if the employee is eligible for family and medical leave. If workers' compensation payments are appropriate, the payments will be made in full compliance with all applicable laws. Please refer to the county's workers' compensation policy Chapter 82 Article VIII. Workers' Compensation for more information.

(g) *Pay increases and family and medical leave.* Only paid time covered under family and medical leave shall count as time worked for purposes of merit increases, step increases, promotional increases, etc. Any and all unpaid time will not be counted as time worked.

(h) *Insurance coverage; payments.* While an employee is out on family and medical leave, the county will continue to provide group health benefits to the employee at the same coverage level, provided the employee continues to pay the employee's portion of the premium through payroll deductions via sick, vacation, and compensatory leave accruals. Once the employee has exhausted all such accruals, in order to continue the employee's insurance benefits, the employee must continue to make timely payments directly and as specified by the Auditor's Office. If the employee's insurance is canceled due to nonpayment or late payment while on FMLA, the employee may be eligible for COBRA.

(1) The FSA Dependent Care contributions will automatically stop while an employee is out on unpaid FMLA. FSA Dependent Care contributions will reinstate upon return to work.

(2) If the employee fails to pay all owed insurance premiums on a timely basis as specified by the Auditor's Office, the insurance coverage will be terminated; and,

(3) Written notice will be mailed by the County Auditor to the employee and the elected official/department head at least 15 days before coverage is to cease advising that coverage will be dropped on a specific date. Coverage may cease retroactively to the end of the month if any premiums were paid provided the 15-day notice was given. The County will recover

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the employee's share of any premium payments missed by the employee for any FMLA leave period during which the County maintains health coverage by paying the employee's share after the premium payment was missed.

(4) If an employee is able to return to work, but fails to do so, the employee may be required to reimburse the county for the premiums the county paid on the employee's behalf during the employee's unpaid family and medical leave. The only exceptions to this requirement are the employee's failure to return to work as a result of a documented serious health condition affecting the employee, a family member, or a covered servicemember which would otherwise entitle the employee to leave under FMLA or other circumstances beyond the employee's control.

- (i) *Return to work.* If an employee has been out on medical leave due to the employee's own health condition, the third-party administrator shall require a fitness for duty release from the employee's healthcare provider prior to allowing the employee to return to work. The fitness for duty release must be received no less than 48 hours prior to the return-to-work date.
- (j) *Violation of rights.* Dallas County may not interfere with an individual's FMLA rights or retaliate against someone for using or trying to use FMLA leave, opposing any practice made unlawful by the FMLA, or being involved in any proceeding under or related to the FMLA. If an employee believes the employee's rights under the Family and Medical Leave Act have been violated, the employee should contact the human resources/civil service department.

(Ord. No. 2000-485, §§ 5.04--5.11, 3-7-2000; Ord. No. 2002-1977, 10-29-2002; Ord. No. 2009-0883, 5-12-2009; Ord. No. 2014-0835, 06-17-2014; Ord. No. 2017-0771, 06-06-2017, Ord. No. 2023-0278, 03-07-2023, Ord. No.2024-0879, 08-20-2024)

Secs. 82-606--82-639. Reserved.

ARTICLE X. EMPLOYEE RETIREMENT*

***State law references:** Texas county and district retirement system, V.T.C.A., Government Code § 841.001 et seq.

Sec. 82-640. Retirement.

The county does not have a policy relative to continued employment and an employee's age.

(Admin. Policy Manual, §A (4.27)); (Ord. No. 2012-0237; 02-07-2012)

Sec. 82-641. Membership required; exception.

- (a) The following employee classifications are participants in any or all of the following: the Texas County and District Retirement System (TCDRS), the Public Agency Retirement System (PARS) and the Social Security System and Medicare System.

Employee Classification	TCDRS	PARS	SS	MED
Fulltime Regular	✓		✓	✓
Fulltime Temporary		✓		✓
Part time Regular	✓		✓	✓
Part time Temporary		✓		✓

- (b) To be eligible to return to employment in any of the four categories, employees who have retired from Dallas County and are eligible to receive monthly annuities from the Texas County and District Retirement System (TCDRS) must have a break in service which will equal at least one month without a deposit into TCDRS; e.g., if retirement date is July 31, retiree receives final county check on the first date in August. Dallas County will not report August deposits to the retirement system until September, so earliest return date is October 1.
- (c) Each TCDRS member contributes seven percent of his gross salary each pay period, which will be matched by a rate approved by the commissioners' court. Contributions earn interest after the first year while on deposit or in accordance with state law.
- (d) Each PARS member contributes 6.2 percent of his gross salary each pay period, with a contribution of 1.3 percent by Dallas County. Plan assets will be invested, as determined by the county treasurer.

(Admin. Policy Manual, § B(6.00); (Ord. No. 2006-029, 1-3-2006; Ord. No. 2008-0041, 01-08-2008; Ord. No. 2012-0237, 02-07-2012)

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Sec. 82-642. Minimum requirements for retirement benefits.

A. The minimum requirements for benefits under the Texas County and District Retirement System are ten years of service and 60 years of age. After ten years of service, a member may terminate employment with the county, leave the accumulated balance in the system and, at the age of 60, start receiving monthly checks. If the employee's length of service, plus the employee's age, total 80 or more, the employee is eligible to retire.

B. The retiree must be vested in one of the five cooperative retirement plans that coordinate with Dallas County's Retirement Plan for eligibility vesting purposes. However, the county will not subsidize the cost until the employee has vested through service in Dallas County's Retirement Plan.

(Admin. Policy Manual, § B(6.01); Ord. No. 2008-0041, 01-08-2008)

Sec. 82-643. Thirty years of service.

Any member who has 30 years of creditable service may retire at any age. The amount of a member's retirement check is based on the amount credited to his account and on the age and sex of both the member and the beneficiary. Should a member cease to be an employee of the county, except by death or retirement, he shall, upon application, be paid in full the amount of accumulated deposits, plus any interest earned, standing to their credit. A member who wishes to change his beneficiary should notify the treasurer's office.

(Admin. Policy Manual, § B(6.02))

Sec. 82-644. Leaving contributions in the system; retrieval of prior service credit.

Employees who are terminating may leave their contributions in the retirement system, and if they return to the county employment within five years, they will be eligible to retrieve prior service credit for retirement purposes.

(Admin. Policy Manual, § B(6.03))

Sec. 82-645. Information handbooks.

Texas County and District Retirement System Information handbooks are available in the county treasurer's office.

(Admin. Policy Manual, § B(6.04))

State law references: Texas county and district retirement system, V.T.C.A., Government Code § 841.001 et seq.

Sec. 82-646. Medical and dental coverage. (This section reflects recent court approved policy language: Court Order #2008 1754-September 16, 2008).

(a) *[Failure to give proper notice of retirement; deduction of insurance premiums.]* An employee who fails to give two weeks' written notice of his/her retirement whose insurance premiums or accrual amounts are paid on their behalf shall have the full insurance premium (county's plus employee's cost) deducted from his/her last pay check.

(b) *Eligibility.*

(1) Retirees are eligible for medical and dental coverage if they are enrolled in medical and dental coverage through the county and do not have a break in coverage, meaning that:

- a. The retiree is enrolled in a county medical plan as an active, regular employee or has COBRA coverage through a county medical plan on the day prior to their retirement date; and
- b. The retiree enrolls for county retiree medical coverage within 31 days of their retirement date; and
- c. The retiree is continuously covered by a county group retiree medical plan and does not have a break in coverage for any reason, including nonpayment of premiums.

(2) If the retiree drops county group retiree medical or dental plan coverage for any reason, the retiree will not be allowed to re-enter a medical plan or dental plan as a retiree in the future, including during annual enrollment. For example, if the retiree drops medical coverage but continues dental coverage, the retiree will not be allowed to elect medical coverage in the future. The employee will be allowed to return to a County Group Retiree-Only Health Benefits Plan when he/she leaves fulltime employment, provided the employee now retiree has no break in benefit coverage.

If an eligible surviving spouse and/or children currently enrolled in a County Group Retiree-Only Health Benefit Plan drops county group retiree medical or dental plan coverage for any reason other than becoming a fulltime county employee with active benefits, the surviving spouse and/or children will not be allowed to re-enter a medical plan or dental plan as a eligible surviving spouse and/or children in the future, including during annual enrollment. The employee/eligible spouse and/or children will be allowed to return to a County Group Retiree-Only Health Plan when he/she leaves fulltime employment, provided the employee/surviving spouse and/or children have no break in benefit coverage.

(3) Retirees over 65 years of age are only eligible to enroll in County Group Retiree-Only Health Benefit Plans for Retirees and Surviving Spouse/Dependents over the age of 65. Eligible retirees who are enrolled in a County Group Retiree-Only Health Benefit Plan, their eligible non-Medicare dependents can only enroll in the Retiree-Only eligible Plan for non-Medicare Dependents.

(c) *Eligible dependents.*

- (1) If the retiree is eligible for retiree medical or dental coverage, their dependents may also be eligible for medical or dental coverage through the county plans, if they meet all of the following requirements:
 - a. The dependent meets the requirements of either a lawful spouse or eligible child as defined in the underlying plan's summary plan description; and
 - b. For medical coverage: The dependent is enrolled in medical coverage through the county and does not have a break in coverage, meaning that:
 1. The dependent is enrolled in a county medical plan on the retiree's last day as an active, regular employee or has COBRA coverage through a county medical plan on the day prior to their retirement date; and
 2. The retiree enrolls the dependent(s) when the retiree enrolls for county retiree medical coverage within 31 days of their retirement date; and
 3. The dependent is continuously covered by a county group medical plan and does not have a break in coverage for any reason, including nonpayment of premiums. See the "premium payments" section below for more information.
 - c. For dental coverage: The dependent is enrolled in dental coverage through the county and does not have a break in coverage, meaning that:
 1. The dependent is enrolled in a county dental plan on the retiree's last day as an active, regular employee or has COBRA coverage through a county dental plan on the day prior to the retirement date; and
 2. The retiree enrolls the dependent(s) when the retiree enrolls for county retiree dental coverage within 31 days of the retirement date; and
 3. The dependent is continuously covered by a county dental plan and does not have a break in coverage for any reason, including nonpayment of premiums. See the "premium payments" section below for more information.
- (2) In addition to the eligible dependents described above. The retiree may be able to add new dependents to the medical or dental plans if they meet the requirements in the "change in status events" section [subsection (d)] below.

(d) *Change in status events.*

- (1) Once the retiree enrolls for retiree medical or dental coverage, the retiree may not change benefit choices, including adding or dropping dependent coverage, until the next annual enrollment period unless the retiree or dependent experiences a qualified change in status event. Refer to the plan

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document or summary plan description for the underlying medical or dental plan for a list of the qualified change in status events and a description of the requirements.

- (2) If the retiree does experience a qualified change in status event, the retiree may make a new election for coverage as long as the election is consistent with the qualified change in status event. To be considered consistent, the qualified change in status event must result in either becoming eligible for or losing eligibility for coverage under the plan. The change must correspond with the specific eligibility gain or loss.
- (3) In order for a new dependent to be covered, the retiree must enroll the new dependent within 31 days after the date of the qualified change in status event. Benefits will begin on the first day of the month following notification of status change. The retiree must satisfy all other eligibility and enrollment requirements of the county retiree medical or county dental plans in which the retiree is enrolled. Refer to the underlying plan document for specific enrollment deadlines and instructions. If the retiree misses the plan's enrollment deadlines, the retiree cannot make any changes, regardless of the type of change in status event that occurred.
- (4) Note that the act of retiring does not constitute a qualified change in status event for the retiree. Thus, the retiree may not add new dependents to the plan at the time of the retirement. However, if the spouse retires, the act of retiring could be a qualified change in status event, allowing the spouse to enroll in the county plans, if the spouse loses his or her coverage as a direct result of retirement.
- (5) The opportunity to add new dependents to the plan due to qualified change in status events applies only to the retiree and their eligible dependents. Once the retiree is deceased, no new dependents may be added to the plan due to a change in status event, even if that event appears to otherwise satisfy the plan's requirements. See the section on "dependents of deceased retirees" below [subsection (e)] for more information.

(e) *Dependents of deceased retirees.*

- (1) The surviving spouse and eligible child(ren) of a deceased retiree are eligible to continue coverage, if they meet all of the following requirements:
 - a. The surviving spouse and/or eligible child(ren) is/are enrolled in coverage through the county at the time of the retiree's death;
 - b. The surviving spouse and/or eligible child(ren) meet(s) all other eligibility requirements of the plan; and
 - c. The surviving spouse and/or eligible child(ren) do(es) not have a break in coverage, including nonpayment of premium.
- (2) If a surviving spouse or dependent drops county group retiree medical plan or county dental plan coverage for any reason, that dependent will not be allowed to re-enter the applicable plan in the future.

- (3) After the retiree's death, no new dependents are eligible for coverage at any time. For example, if a surviving spouse remarries, the new spouse is not eligible for retiree medical or dental coverage.
 - (4) A surviving spouse or dependent over 65 years of age are only eligible to enroll in County Group Retiree-Only Health Benefit Plans for Retirees and Surviving Spouse/Dependents over the age of 65.
- (f) *Annual enrollment.*
- (1) The county will hold an annual enrollment period each plan year. during the annual enrollment period, the retiree may change choices in retiree medical and dental coverage, cancel coverage for dependents, or make no changes. enrollment changes made during the annual enrollment period will be effective on January 1 following the annual enrollment period.
 - (2) The retiree may not add dependents to retiree medical or dental plan coverage during annual enrollment. Dependents are eligible only if they were covered by the plan at the time of their retirement, or if they experience a qualified change in status event as described in the "change in status events" section [subsection (d)] above.
- (g) *Premium payments.*
- (1) Once the retiree elects retiree medical or dental plan coverage, the retiree must continue to pay the monthly premiums for themselves and any dependents in a timely manner, following the retiree billing rules communicated by the plan administrator, in order to continue eligibility. If the retiree discontinues premium payments for any reason, eligibility will end for the retiree and any covered dependents, and the retiree cannot elect coverage again at a later date.
 - (2) As health care costs increase, required premium payments for retiree medical and dental coverage may also increase. The county reserves the right to change required premium payments or modify plan benefits offered at any time.
- (h) *If the retiree medical plans end or are modified.* The county reserves the right to change, suspend, or end the retiree medical and dental plans at any time, in whole or in part. In the event that the retiree medical and dental plans are discontinued or terminated, benefits would be paid only for services received up to the date of plan termination. The retiree will be notified if the retiree medical and dental plans are amended or terminated.

(Admin. Policy Manual, § B(6.05); Ord. No. 2005-248, 2-1-2005; Ord. No. 2005-2149, 11-1-2005; Ord. No. 2006-160, 1-24-2006)

State law references: Preexisting conditions, V.A.T.S. Insurance Code, art. 26.90.

Subdivision X.

Sec. 82-647. Temporary Isolation Leave Policy.

With COVID-19 continuing to spread at an alarming rate throughout Dallas County, Dallas County will provide up to 48 hours of Temporary Isolation Leave to those employees who are fully vaccinated and required to isolate with a confirmed COVID-19 test result.

A person is considered fully vaccinated against the virus that causes COVID-19 as follows:

- (1) two weeks after their second dose in a 2-dose series, such as the Pfizer or Moderna vaccines;
- (2) two weeks after a single-dose vaccine, such as the Johnson & Johnson's Janssen vaccine; or
- (3) as may be defined by the CDC. It should be noted that although not in the current definition for "fully vaccinated," Dallas County also recommends that persons receive a booster dose in accordance with the latest CDC guidance. On December 16, 2021, CDC also endorsed updated recommendations made by the Advisory Committee on Immunization Practices (ACIP) for the prevention of COVID-19, expressing a clinical preference for individuals to receive an mRNA COVID-19 vaccine over Johnson & Johnson's COVID-19 vaccine.

Employees covered by Sec. 82-796 Quarantine Leave for Peace Officers and Detention Officers are not eligible for this benefit.

This Temporary Isolation Leave is in effect from the pay period beginning January 28, 2022 through February 25, 2022.

If it is determined that an employee should isolate, the individual shall receive:

- All employment benefits, including leave accrual, pension benefits, and health benefit plan benefits, for the duration of the leave;
- No reduction in the individual's sick leave balance, vacation leave balance, compensatory time, or other paid leave balance until the 48 hours of Temporary Isolation Leave provided by this policy is exhausted.

An employee's designated supervisor shall be notified by the employee if the employee must isolate with confirmed COVID-19, in accordance with recommendations provided by the Centers for Disease Control and Prevention.

The Temporary Isolation Leave is subject to the following procedures and conditions:

- An employee shall notify the employee's supervisor of a qualifying event in accordance with departmental sick leave policies.
- An employee must provide evidence of a COVID-19 test result obtained at a testing site (drive-through, hospital, pharmacy, etc.) that offers PCR or antigen testing and cannot be an at-home test.
- **The Temporary Isolation Leave shall be coded in the payroll system as Sick Leave-CARES.**

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- The payroll section shall maintain a record of payments made in connection with the Temporary Isolation Leave.
- Temporary Isolation Leave hours are not accruals and expire at the end of the authorized time period.

(Ord. No. 2022-0102, 01-25-2022)

Secs. 82-648--82-680. Reserved.

ARTICLE XI. GROUP HEALTH AND LIFE INSURANCE (This section reflects recent court approved policy language. Court Order# 2012 0237 February 7, 2012.)

Sec. 82-681. General information.

- (a) A group health insurance plan offered by the county is provided for the benefit of all regular, full-time county employees who work a minimum of 40 hours per week. **Medical insurance coverage is a condition of employment for each regular, full-time employee. This means the employee must participate in one of the county medical plans or produce proof of medical coverage from another medical plan.**
- (b) Employees desiring to have medical coverage for their dependents may do so by making application to their department human resources representative or the county human resources/civil service department. Upon approval, all applicable deductions for dependent coverage will be made from the employee's paycheck. Additional information and claims forms may be acquired through department human resources representatives or the county human resources/civil service department.
- (c) Employees failing to give two weeks' written notice of his/her resignation whose insurance premiums are paid on their behalf shall have the full insurance premium (county plus employee cost) deducted from their last paycheck.
- (d) Employees who resign or terminate from the county, medical coverage will cease on the last day of the month the employee was employed. All eligible employees will be notified of their rights under COBRA by the county's cobra administrator. COBRA is a continuation of the medical coverage that was in effect at the time of the employee's termination. The employee may convert their life insurance coverage by contacting human resources/civil service department for the appropriate paperwork.

(Ord. No. 91-1788, §§ 7.00--7.02, 10-8-1991; Ord. No. 2000-848, §§ 7.00, 7.01, 4-25-2000; Ord. No. 2006-160, 1-24-2006; Ord. No. 2010-0212, 4-2-2010)

Sec. 82-682. Comparison of benefits; health insurance.

Comparison of benefits and health insurance may be obtained from the county human resources/civil service department.

(Ord. No. 91-1788, § 7.03, 10-8-1991)

Sec. 82-683. Life insurance.

The county provides term life insurance for all regular, full-time employees, and the premium is paid for by the county. Optional life insurance, on a contributory basis, is available at time of employment. Information regarding amounts of insurance may be obtained from the county human resources/civil service department.

(Ord. No. 99-376, § 7.04, 2-23-1999)

Sec. 82-684. Long term disability.

The county provides long term disability coverage for all regular, full-time employees. It is designed to protect an employee's pay in case of a long term illness. Specific details can be obtained from the benefits section of the human resources/civil service department.

(Admin. Policy Manual, § B(7.06))

Secs. 82-685--82-720. Reserved.

ARTICLE XII. MISCELLANEOUS BENEFITS, AWARDS, AND PROGRAMS (This section reflects recent court approved policy language. Court Order# 2012 0237 February 7, 2012.)

DIVISION 1. GENERALLY

Sec. 82-721. General information.

- (a) The county is constantly striving to attract and retain qualified applicants in order to provide quality service to its taxpayers. One of the most important elements in achieving this goal is the provision of attractive benefits.
- (b) Toward this end, the county annually monitors the local labor market as well as national trends in the provision of both compensation and benefits. This survey of benefits may result in adjustments in the county benefit program to the extent that it will benefit both the employee and the county.

(Admin. Policy Manual, § B(8.00, 8.01))

Secs. 82-722—82-740. Reserved.

DIVISION 2. HOLIDAYS*

***Cross references:** Holidays re law enforcement and detention officers salary plan, § 82-903.

Sec. 82-741. Designated holidays.

Each year during the budget process, the county commissioners court reviews and adopts holidays for the employees of the county. Employees of the county will observe the holidays designated by official action of the county commissioners court. Court orders with these holiday designations may be acquired from the clerk of the court. Generally, the holidays consist of the following and others that may be designated:

New Year's Day
Martin Luther King, Jr. Birthday
Memorial Day
Independence Day
Labor Day
Thanksgiving Day
Day After Thanksgiving
Christmas Day
Day After Christmas
Personal Day (see Sec. 82-771)

(Ord. No. 2000-1463, § 8.02, 7-25-2000)

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Sec. 82-742. Observance.

Employees in regular, full-time positions are eligible to receive eight hours of pay for a holiday. Regular, full-time employees working ten-hour shifts must use another form of accrued leave to be paid for the additional two hours. Part-time, temporary, extra help and seasonal employees are not eligible for paid holidays. Holidays will be observed as follows:

- (1) Holidays that fall on Saturday will be observed on the Friday preceding the holiday;
- (2) Holidays that fall on Sunday will be observed on the Monday following the holiday; and

(Ord. No. 2000-1463, § 8.03, 7-25-2000)

Sec. 82-743. Compensation for holiday pay.

In order for an employee to receive pay for a holiday, the employee:

- (1) Must work a complete pay period before being eligible to earn or receive holiday pay.
- (2) Must work or be paid leave the day before and the day after a holiday.

(Ord. No. 2000-1463, § 8.04, 7-25-2000)

Sec. 82-744. Holiday pay for nonexempt employees.

Holidays (8 hours) will be paid in addition to time worked on the actual holiday for all non-exempt county employees.

(Ord. No. 2000-1463, § 8.05, 7-25-2000) **(This section reflects recent court approved policy language: Court Order #2008 460-February 26, 2008).**

Sec. 82-745. Holiday pay and other leave.

If an employee is on leave without pay, leave of absence, FMLA (unpaid), workers' compensation or salary continuance, the employee will not be eligible to earn or receive holiday pay.

(Ord. No. 2000-1463, § 8.06, 7-25-2000) **(This section reflects recent court approved policy language: Court Order #2008 460-February 26, 2008).**

Sec. 82-746. Holiday pay and terminating or retiring employees.

If an employee terminates or retires in a pay period which ends with a holiday, the employee shall receive eight hours of pay for the holiday.

(Ord. No. 2000-1463, § 8.08, 7-25-2000)

Secs. 82-747--82-770. Reserved.

DIVISION 3. PERSONAL DAY

Sec. 82-771. Personal Day granting conditions.

In addition to the holidays listed in section 82-741, during the budget process each year, the commissioners court may grant an additional personal holiday (eight hours) with the following stipulations:

- (1) Must be a regular, full-time employee;
- (2) Must be employed by the county for more than six months.
- (3) Must be taken in a full day increment;
- (4) Can be taken on any day of the year with supervisory approval; and
- (5) If the personal day is not taken during the effective calendar year, the personal day shall be forfeited.

Contact the departmental human resources representative to find out the most recent holiday schedule.

(Ord. No. 2000-1463, § 8.09, 7-25-2000; Ord. No. 2002-558, 3-26-2002)

Secs. 82-772--82-790. Reserved.

DIVISION 4. LONGEVITY PAY*

***Cross references:** Longevity pay guidelines and career change re law enforcement and detention officers salary plan, §§ 82-905, 82-906.

Sec. 82-791. Guidelines. (This section reflects recent court approved policy language: Court Order# 2010 0075-January 12, 2010.)

Longevity pay is additional compensation paid to full-time licensed peace officers. The following guidelines shall apply to eligible employees:

- (1) After 12 months of service in a regular, full-time position, the employee shall receive \$5.00 a month for each year as a licensed peace officer with the county, up to and including 25 years.
- (2) After 12 months of service in a regular, full-time position has been completed, longevity pay shall commence at the beginning of the fiscal year (October 1). For example, a licensed peace officer whose appointment begins on September 15, 1999, will be eligible for longevity pay on October 1, 2000; however a licensed peace officer whose appointment begins on October 15, 1999, will not be eligible for longevity pay until October 1, 2001.
- (3) Part-time licensed peace officers are not eligible for longevity pay.
- (4) Licensed peace officers who return to the county in a regular, full-time position after having a break in service shall receive credit for years of service prior to the separation in the calculation of longevity pay.

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- (5) Twelve (12) months of service is defined as 2,080 hours of actual work or applicable approved time off with pay (vacation, sick leave, etc., that is allowed for calculating longevity pay) in a regular, full-time position with Dallas County.

(Ord. No. 2000-1463, § 8.10, 7-25-2000)

Sec. 82-792. Career change.

Licensed peace officers who are placed or choose to move into a civilian position will not be eligible for longevity pay. If the employee returns to a licensed peace officer position, his previously calculated longevity pay will be restored. The auditor's office shall determine and process longevity pay for eligible employees.

(Ord. No. 2000-1463, § 8.11, 7-25-2000)

DIVISION 5. SPECIAL DUTY PAY

(This section reflects recent court approved policy language: Court Order# 2011 559 March 22, 2011; Court Order #2011 1463, August 30, 2011; Court Order #2012 0235, February 7, 2012; Court Order 2017-1271, October 3, 2017).

Sec. 82-793. 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:

- *Direct contact* means immediate, proximate, operating by an immediate connection, instead of operating through a medium.
- *Regular* means on a consistent, normal and/or routine basis at least four (4) or more hours (50%) per eight (8) hour workday.
- *Secured or detention facility* means a location that relieves a person of their rights of freedom including, but not limited to, jails and detention facilities **behind a secure, key-locked door requiring access authorization by security not self-access by entering a code or key and normally where inmates and juveniles have frequent access to or is detained.**
- *Service* means the act or function of providing essential services to inmates or juveniles.
- *Special Duty Pay may be awarded* when an employee has regular **(defined above) direct (not incidental)** direct contact with confined individuals or provide a service to or for confined individuals in the regular course of a work day. Detention, security and supervisory positions are excluded from receiving special duty pay.

(Admin. Policy Manual, § B(2.45))

Cross references: Definitions generally, § 1-2.

Sec. 82-794. Effective date.

In an effort to retain competent staffing in certain work environments, the county will provide special duty pay effective November 1, 1998, to eligible employees in designated positions.

(Admin. Policy Manual, § B(2.44); Ord. No. 2006-1222, 7-11-2006)

Sec. 82-795. Eligibility criteria.

- (a) A position must meet the following criteria to be certified as eligible to receive special duty pay:
 - (1) It must be a regular, full-time clerical position located in a secured or detention facility **(defined above)**; and
 - (2) The position must require the employee to have regular direct contact **(defined above)** with confined individuals or provide a service to or for confined individuals in the regular course of a work day.
- (b) Detention, security and supervisory positions are excluded from receiving special duty pay.
- (c) An employee must physically work a full pay period to receive special duty pay for the month.
- (d) If an employee leaves a position which is eligible to receive special duty pay and moves to a position not eligible to receive special duty pay (which includes transfers, demotions or promotions), the employee's special duty pay terminates.
- (e) If a position identified as eligible to receive special duty pay is transferred out of one secured or detention facility to another or to a different location (cost center, department, etc.), the position must be recertified by the human resources/civil service department as eligible to receive special duty pay.
- (f) Regular, full-time employees temporarily assigned to a designated special duty pay position must work a full pay period to receive special duty pay.
- (g) Employees become eligible to receive this additional compensation when the new hire personnel action is effective or the first day of a pay period for any payroll not distributed when not part of the new hire process (with no retroactive adjustments). The special duty pay will be paid after each eligible pay period.
- (h) For purposes of calculating salaries, special duty pay is added or subtracted after the applicable calculations have been completed. (For example, if an employee is promoted from a grade five non-special duty pay position to a grade six position which is eligible to receive special duty pay, the promotional increase is first calculated and then the \$50.00 special duty pay is added to the new promotional salary.)
- (i) Effective October 1, 2000, the biweekly compensation will be \$23.08. As with all compensation matters, the provisions of and the amount is subject to the commissioners' court appropriating funds for this purpose during the budgetary process each year.

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- (j) If a department identifies a position that may be eligible to receive special duty pay, the department will submit a special duty request form to the human resources/civil service department who will complete a review and notify the requesting department of the findings. If the position is certified as eligible to receive special duty pay, the requesting department submits a new employee and position change (personnel court order) form no. 6-1 to the county auditor.

(Ord. No. 2000-1341, §§ 2.46--2.55, 7-11-2000; Ord. No. 2006-1222, 7-11-2006; Ord. No. 2017-1271, 10-03-2017)

Sec. 82-796. Quarantine Leave for Peace Officers and Detention Officers

In accordance with Texas Local Government Code Section 180.008, Dallas County will provide for its peace officers and detention officers who are ordered to quarantine or isolate due to a possible or known exposure to a communicable disease while on duty. If it is determined that a peace officer or detention officer should quarantine or isolate, the individual shall receive:

- All employment benefits and compensation, including leave accrual, pension benefits, and health benefit plan benefits for the duration of the leave;
- Reimbursement for reasonable costs related to the quarantine, including lodging, medical, and transportation; and
- No reduction in the individual's sick leave balance, vacation leave balance, holiday leave balance, or other paid leave balance.

An employee's designated supervisor or the county's health authority shall determine if the employee is required to quarantine or isolate due to a possible or known exposure to a communicable disease while on duty, in accordance with recommendations provided by the Centers for Disease Control and Prevention.

(Ord. No. 2021-0820, 08-17-2021)

Sec. 82-797. Mental Health Leave for Peace Officers

- (a) This section has been adopted In accordance with Texas Government Code Section 614.015. Dallas County will provide mental health leave for its peace officers who experience traumatic events while in the scope of employment.
- (b) The elected official/department director or a designee shall determine if a peace officer is eligible for mental health leave due to a traumatic event while on duty.
- (c) A peace officer is granted and may use mental health leave when the peace officer:
1. Responds directly to a major disaster, which may include weather-related events involving multiple casualties, explosions with multiple casualties, or search and recovery missions involving multiple casualties;

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2. Responds directly to an incident involving multiple casualties (such as a shooting or traffic accident);
3. Experiences the line of duty death or suicide of a department member;
4. Responds directly to an incident involving the death of a child resulting from violence or neglect; or
5. Witnesses an officer-involved shooting.

(d) An eligible employee may take up to 40 hours (five days) mental health leave per event, not to exceed 80 hours (ten days) during a twelve-month period. An eligible employee may take mental health leave without a deduction in salary or other compensation.

(e) The information regarding mental health leave will be kept confidential as required by applicable federal and state laws.

(Ord. No. 2021-1023, 10-05-2021)

Secs. 82-798—82-810. Reserved.

DIVISION 6. SERVICE AWARDS POLICY

Sec. 82-811. Program generally.

- (a) To recognize all regular, full-time county employees by the authorized presentation of service awards for the completion of predetermined periods of continuous county service.
- (b) Regular, full-time county employees who have completed the required continuous county service will be eligible to receive service awards as authorized by the commissioners court.

(Admin. Policy Manual, § B(8.12, 8.13); Ord. No. 2002-1243, 7-9-2002; Ord. No. 2002-1349, 7-30-2002)

Sec. 82-812. Eligibility.

Service awards will be presented to each county employee upon the completion of five years (60 months) and each additional five years (60 months) of continuous county service as a regular, full-time employee. Plain service pins shall be awarded to employees with five years of continuous service. Service pins with various stones shall be awarded to employees with continuous service at five (5) year increments. Upon completion of thirty-five years of service, a watch or thirty-five (35) pin may be awarded.

(Admin. Policy Manual, § B(8.14); Ord. No. 2002-1243, 7-9-2002; Ord. No. 2002-1349, 7-30-2002)

Sec. 82-813. Presentation.

Service awards may be presented annually to employees who will be eligible for such awards during that fiscal year.

(Admin. Policy Manual, § B(8.15); Ord. No. 2002-1243, 7-9-2002; Ord. No. 2002-1349, 7-30-2002)

Sec. 82-814. Continuous service defined.

Continuous service is uninterrupted active employment. Such things that constitute a break in service are termination, retirement, unapproved leave of absence without pay, any break in service where retirement contributions are withdrawn, and layoff due to reduction-in-force where separation has been for more than one year. Court approved leave such as workers compensation and leave of absence shall be counted as continuous service for the purpose of calculating time for service awards. Military duty as described in section 82-511, Armed forces active duty, may be counted toward continuous service for the purpose of service awards.

(Admin. Policy Manual, § B(8.16); Ord. No. 2002-1243, 7-9-2002; Ord. No. 2002-1349, 7-30-2002; Ord. No. 2009-0467; 3-10-2009)

Cross references: Definitions generally, § 1-2.

Sec. 82-815. Special service award.

Retiring law enforcement personnel with 30 years or more continuous service as a law enforcement officer may be presented a special service award of their assigned badge at the time of retirement.

(Admin. Policy Manual, § B(8.17); Ord. No. 2002-1243, 7-9-2002; Ord. No. 2002-1349, 7-30-2002)

Sec. 82-816. Commissioners court service recognition award.

Dallas county employees upon reaching their 25th service anniversary will be recognized publically by a formal court order resolution. Employees, their friends and family, are invited to attend the public meeting where their service and successes are celebrated with a commissioners court resolution.

Secs. 82-817--82-840. Reserved.

DIVISION 7. TRANSPORTATION PROGRAM*

***Editor's note:** Ord. No. 2003-1950, adopted Oct. 21, 2003, amended div. 6 of this article to read as herein set out. Prior to amendment, div. 6, §§ 82-841--82-847, pertained to the monthly bus pass program and derived from the Admin. Policy Manual, §§ B(8.19)--B(8.25).

Sec. 82-841. Participation authorized.

The commissioners court is committed to the utilization of public transportation for employees who commute to work. Each year the human resources/civil service department will review the annual transportation program with the commissioners court during the annual budget cycle, develop/modify all policies and procedures related to the program, and communicate those [policies and procedures] to employees.

(Ord. No. 2003-1950, 10-21-2003; Ord. No. 2012-0237, 2-7-12)

Secs. 82-842--82-910. Reserved.

DIVISION 8. RESERVE DEPUTY AND VOLUNTEER FIREFIGHTER MEDICAL PAYMENT PROGRAM

Sec. 82-911. Policy; eligibility.

- (a) The county will provide for a medical payment program for eligible reserve deputies and volunteer firefighters who are injured in the course and scope of their assigned duties. Eligible individuals include:
 - (1) *Reserve deputy*: Must be appointed and duly bonded and current on all required training and/or certifications.
 - (2) *Volunteer firefighter*: Must be on the volunteer roster and current in all required training and/or certifications.
- (b) The county will provide for payment of eligible medical expenses up to a limit set by commissioners court.

(Ord. No. 2006-710, 4-18-2006)

Secs. 82-912--82-940. Reserved.

ARTICLE XIII. SALARY PLANS*

***State law references:** Salary grievances committee for county officers, V.T.C.A., Local Government Code §§ 152.014--152.017.

DIVISION 1. GENERALLY

Secs. 82-941--82-960. Reserved.

DIVISION 2. JUDICIAL SUPPORT PERSONNEL SALARY PLAN

Sec. 82-961. Implementation.

- (a) Employees of the county prior to the implementation of this plan who become covered by the judicial support personnel salary plan shall initially be placed in the step or position salary rate closest to their current salary or according to their experience and qualifications, assuming such employee qualifies for such salary according to the provisions of the plan.
- (b) After an employee's salary has been moved to the proper step or position salary rate, their salary shall be adjusted by the policies, procedures and guidelines of the plan.
- (c) On the implementation of this plan any employee whose salary is above the maximum salary for their position shall not be eligible for a salary increase of any kind until such time as their salary is within the approved salary range/rate and is otherwise allowed by this plan. This subsection does not apply to the additional compensation paid in accordance with subsections 82-965(d) and 82-966(a).
- (d) Any criminal district court coordinator whose salary is above the maximum of a court coordinator V (the maximum of the court coordinator salary range) but subsequently becomes covered by the policies, procedures and guidelines of the plan pursuant to subsection (c) of this section shall be designated as a court coordinator V and compensated as such without regard to education and experience requirements set forth in the plan.
- (e) No employee's salary will be reduced upon the implementation of this plan, and an employee whose salary is above the maximum salary for their position is not covered by the policies, procedures and guidelines of the plan until their salary is within the approved salary range/rate.
- (f) Court coordinators below a court coordinator III will be moved to that level and will receive credit on a one-year for one-year basis of their prior service as a court coordinator with the county toward their eligibility to move to a court coordinator IV.

(Ord. No. 99-076, §§ 1-1--1-6, 1-12-1999)

Sec. 82-962. Administration.

- (a) The judicial support personnel salary plan will be administered by the following five-member panel of judges selected from the participating courts:
 - (1) Two county criminal judges;
 - (2) Two criminal district judges; and
 - (3) One juvenile judge.
- (b) This panel is called the judicial support personnel panel, referred to in this division as the JSP panel.
- (c) Each court section will select their representatives to the JSP panel. Each judge serving on the JSP panel shall serve until a successor is selected by judges of the courts which the panel members represent.
- (d) Decisions of the JSP panel shall be by majority vote of the judges on the panel.
- (e) Review and approval of the individual hiring, promotion and salary adjustment decisions made by judges under this plan are the responsibility of the JSP panel which will then submit all of its decisions on personnel actions to the commissioners court for filing and payroll action on all personnel actions consistent with the rules of this plan. Copies of certificates of completion verifying that a coordinator has completed the required continuing education courses shall accompany any decisions of the JSP panel submitted to the commissioners court approving the promotion of a court coordinator to the next salary level. The certificates of completion are considered records of the judiciary and all copies shall be returned to the court the coordinator serves upon approval by the commissioners court of the personnel action. No copies of the certificates shall be made or retained by the commissioners or any other county department or employee unless specifically authorized by the judge of the court the coordinator serves.
- (f) Salary adjustments under the plan will be effective on the first day of the month following formal action by the JSP panel and the commissioners court.
- (g) Any salary increase may be delayed by the JSP panel.
- (h) Adjustments to the salary rates established in this plan will be proposed by the JSP panel periodically based on evaluation of labor market competitiveness and will be subject to approval by the commissioners court. The salary rates of court coordinators who have been placed on the salary schedule established in subsection 82-964(d) and staff attorneys in subsection 82-965(c) shall be increased at the same time and in the same amounts as increases in the county exempt salary schedule, except for the staff attorney judicial law clerk who shall be increased at the same rate and time as the district attorney salary schedule.
- (i) In the absence of a specific policy in the plan, the county policies and procedures shall apply.
- (j) Judicial support personnel eligibility for overtime pay shall be determined by the requirements of the Fair Labor Standards Act.

- (k) All judicial support personnel determined to be exempt shall not be eligible for overtime pay or the accrual and use of compensatory time as allowed by article IV, division 3 of this chapter.
- (l) All judicial support personnel determined to be nonexempt are eligible for overtime pay or compensatory time as allowed by article IV, division 2 of this chapter.
- (m) All judicial support personnel shall be entitled to the same fringe benefits incidental to employment as those typically provided to other county employees (FICA, retirement, health and life insurance, sick leave, vacation leave, termination benefits, holiday pay, credit union and deferred compensation). All decisions about these benefits will be made in accordance with county policies by the commissioners court.
- (n) All judges who participate in the plan shall provide equal employment opportunities to applicants and shall treat personnel under the plan without regard to race, color, creed, gender, age, national origin, disability or political affiliation.
- (o) All judicial support personnel shall be considered "employees at will" who hold their positions solely at the discretion of the judge that appointed them.
- (p) Disciplinary action shall be at the sole discretion of the judge/department head and may consist of a written or oral reprimand, suspension with or without pay, or dismissal. Disciplinary action by a department head may be appealed to the appointing judge.
- (q) Causes for discipline shall include, but are not limited to, those causes listed in article VII of chapter 86 of this Code, discourteous treatment of the public or fellow employees and willful noncompliance with state bar standards or the Code of Judicial Conduct.
- (r) **If the majority of the judges in a court section choose to join the judicial support personnel salary plan, then all of the courts in that section are covered by the plan. After a court section joins the plan, enforcement of all judicial personnel requirements of the plan shall be applied by the JSP panel to all courts covered by the plan.**
- (s) Members may be added to the JSP panel to represent additional sections of courts that join the plan in the future.
- (t) Amendments to this plan may only be made with the concurrent approval of the JSP panel and the commissioners court.
- (u) No judicial support personnel shall be prohibited from running for political office or seeking political appointment if it does not interfere with the person's job performance or utilize court staff on court time, or court supplies, equipment, funds or facilities. No judicial support personnel shall be discriminated against for engaging in allowed political activities or choosing not to. This section shall not be construed to deny any judicial support personnel any civil or political liberties guaranteed by the United States or Texas Constitutions.

(Ord. No. 99-076, §§ 2-1--2-21, 1-12-1999; Ord. No. 2006-2179, 12-5-2006, Ord. No. 2024 0879, 08-20-2024)

Sec. 82-963. Judicial support personnel.

- (a) The following judicial support personnel are covered by this judicial support personnel salary plan:
 - (1) Criminal district court coordinators;
 - (2) Court coordinators for the district courts giving preference to criminal cases;
 - (3) County criminal court coordinators;
 - (4) County criminal court of appeals coordinators;
 - (5) Juvenile district court coordinators;
 - (6) Criminal district court staff attorneys and law clerk; and
 - (7) Criminal magistrates and juvenile referees.
- (b) Additional employees may be added when other court sections join the plan or as otherwise necessary.

(Ord. No. 99-076, §§ 3-1, 3-2, 1-12-1999)

Sec. 82-964. Court coordinators.

- (a) All court coordinators for court sections participating in the plan shall comply with the qualifications and salary rates established in the plan.
- (b) Minimum qualifications for court coordinators are as follows:
 - (1) A four-year college degree from a post-secondary institution that has been accredited to grant degrees by one of the regional institutional accrediting agencies in the United States, as recognized by the United States Department of Education. A degree in criminal justice, public administration or a related field is highly desirable. A combination of education and related experience may be used to meet this qualification requirement, with two years of related experience being equal to one year of college.

Education obtained outside the United States must be converted to the equivalent U.S. educational level by a recognized accrediting agency or organization in the United States.
 - (2) Strong organizational, interpersonal and communication skills.
 - (3) Extensive knowledge of or demonstrated ability to learn statutes, rules and procedures governing administration of court processes and services.
 - (4) Independent judgment, initiative and discretion are crucial.
 - (5) Managerial experience in the private or public sector is preferable.
- (c) To be considered related, experience must be from the following agencies and jobs:
 - (1) District or county clerk's office as at least a court clerk;
 - (2) Legal assistant or paralegal in a private law firm;

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- (3) The district attorney's office as a clerk, paralegal, legal secretary, or legal assistant;
 - (4) Community supervision and corrections department as a community supervision officer, court clerk, paralegal, legal secretary, or legal assistant;
 - (5) The local, state, or federal public defender's office as a court clerk, paralegal, legal secretary, or legal assistant; or
 - (6) Trial or appellate court as a court clerk, paralegal, legal secretary, or legal assistant.
 - (7) The state or federal attorney general's office, as a court clerk, paralegal, legal secretary, or legal assistant;
 - (8) A law enforcement division reporting to the state or federal attorney general's office in a clerical/administrative capacity directly supporting legal counsel in preparing court cases;
 - (9) A clerical/administrative assistant who works directly supporting legal counsel in preparing court cases in a public entity directly;
 - (10) Legal assistant, law clerk, or paralegal in the legal division of a company/agency/organization.
- (d) The qualifications for court coordinators are as follows: (refer to the current judicial salary schedule for salary amount).

Title/Level	Minimum Qualifications
Court coordinator I (entry)	Four-year college degree from an accredited college or university, or eight years of related experience.
Court coordinator II (entry)	Coordinator I qualifications; and either a Masters Degree from an accredited college or university, or three additional years of related experience which can include three years' experience as a coordinator I.
Court coordinator III	Three years' experience as a court coordinator II; and successful completion of college for New Court Professionals by the Texas Center for the Judiciary and attendance of at least one program sponsored by an organization listed in Rule 6b or Rule 2c of the Rules of Judicial Education or other programs approved by the court of criminal appeals education committee for the continuing education of court coordinators.
Court coordinator IV	Four years' experience as a court coordinator III; and successful completion of Court Professionals Conference by the Texas Center for the Judiciary; and attendance of at least two programs sponsored by an organization listed in Rule 6b or Rule 2c of the Rules of Judicial Education or other programs approved by the court of criminal appeals education committee for the continuing education of court coordinators.

Court coordinator V	Three years' experience as a court coordinator IV; and attendance of at least three educational programs sponsored by an organization listed in Rule 6b or Rule 2c of the Rules of Judicial Education or other educational programs approved by the Court of Criminal Appeals Education Committee for the continuing education of court coordinators.
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- (e) An applicant for a court coordinator position who does not meet the minimum qualifications for court coordinator I may be employed as a court coordinator (probationary) if they can reasonably obtain the minimum qualifications for a court coordinator within 24 months, and the JSP panel finds that there are not other satisfactory applicants who meet the minimum qualifications. The salary of an applicant under this rule shall be 85 percent of the salary of a court coordinator I as set out in the current judicial salary schedule, until such time as the person meets the requirements of a court coordinator I.
- (f) All persons hired as a court coordinator under this plan will initially be employed as court coordinator I or court coordinator II based on qualification, except that a person previously employed as a court coordinator for a Dallas County Court may be re-employed within 12 months from their date of separation at the same salary the person was earning at the time of separation.
- (g) A court coordinator that transfers from another county court shall be placed in the appropriate step under the plan according to qualifications and experience. This subsection also applies to grant funded court coordinators who move from one position to another.

(Ord. No. 99-076, §§ 4-1--4-7, 1-12-1999; Ord. No. 2004-2054, 11-9-2004; Ord. No. 2005-2370, 12-6-2005; Ord. No. 2006-2179, 12-5-2006; Ord. No. 2023-0986, 09-05-2023)

Sec. 82-965. Staff attorneys' office.

- (a) All staff attorneys and the judicial law clerk shall be compensated on the same basis and grade as other county attorneys on the exempt salary schedule performing the same level and complexity of work. When the comparable grades and salaries on the attorney salary schedule are adjusted by the county, the salary for the affected staff attorney positions under this plan will be automatically adjusted.
- (b) With the recommendation of the JSP panel, the position of staff attorney may be filled at a lower grade than is authorized.
- (c) Staff attorneys shall be qualified as follows; see attorneys salary schedule for compensation:

Title	Grade	Minimum Qualifications
Chief staff attorney	Attorney VI	1. Licensed to practice law in the state. 2. Five years' criminal law experience.

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		3. Strong written and oral communication skills.
		4. Extensive legal research and writing skills.
		5. A comprehensive knowledge of statutory and case law dealing with court administration and the trial and appeal of a criminal case.
		6. Some supervisory experience with the proven ability to supervise professionals.
		7. Prior work experience in a court environment is desirable, but not required.
		8. A commitment to the judicial system and the ability to remain impartial confidentiality of matters pending before the courts.
Senior staff attorney	Attorney V	1. Licensed to practice law in the state. 2. Four years' criminal law experience.
		3. Extensive research and writing skills.
		4. Familiarity with the state court system and court administration.
		5. Extensive knowledge of all aspects of criminal law and procedure.
		6. Some supervisory experience or work experience in a court environment preferred.
		7. Strong sense of ethics and ability to remain impartial.
Staff attorney	Attorney III	1. Licensed to practice law in the state. 2. One year experience in the area of criminal law or two years' experience in a judicial law clerk position handling criminal matters.
		3. Strong legal research and writing skills.
		4. A working knowledge of statutory and case law dealing with the trial and appeal of a criminal case.
		5. The ability to reason logically and analytically and the ability to comprehend and analyze complex legal issues.
		6. The ability to exercise discretion, confidentiality, impartiality and honesty in handling matters before the court.
Judicial law clerk	(Attorney) 1	1. Graduate of A.B.A. accredited law school.
		2. Familiarity with state court system preferred.
		3. Strong legal research and writing skills.

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		4. Training in the use of personal computers and computer research helpful.
		5. License to practice law in state preferred, but not required.

- (d) Staff attorneys who perform the duties of a criminal magistrate are eligible for additional compensation as requested by the criminal district judges and approved by the commissioners court on a case-by-case basis.
- (e) Appointment to the position of judicial law clerk is for a period of one year only. The incumbent may be retained for a second year upon recommendation of the chief staff attorney and by mutual agreement of the appointee and the criminal district court judges. To be eligible for retention for a second year the incumbent must be licensed to practice law in the state.
- (f) The JSP panel may fill a staff attorney position at a salary lower than that authorized by the plan. Upon completion of the person's second year in the position, the salary must be raised to the amount authorized for the position in subsection (c) of this section.

(Ord. No. 99-076, §§ 5-1--5-6, 1-12-1999)

Sec. 82-966. Criminal court magistrates and juvenile referees.

- (a) Criminal court magistrates and juvenile referees are paid the same as justices of the peace in the county. The chief criminal court magistrate's compensation is higher than the salary of a justice of the peace per court order 95-1923.
- (b) Criminal court magistrates working on a part-time basis shall receive an hourly salary equivalent to the hourly compensation paid justices of the peace in the county.
- (c) Any salary increase for justices of the peace in the county shall result in a corresponding salary increase for the criminal court magistrates and juvenile court referees and a corresponding hourly salary increase for criminal court magistrates working on a part-time basis.

(Ord. No. 99-076, §§ 6-1--6-3, 1-12-1999)

Secs. 82-967--82-979. Reserved

DIVISION 3. LAW ENFORCEMENT AND DETENTION OFFICERS SALARY PLAN

Sec. 82-980. General plan provisions.

- (a) *Positions covered under plan.* The county positions covered under this plan are those previously covered by the sheriff's commissioned officer salary schedule, sheriff's detention service officer salary plan, constable commissioned officer salary schedule and detention service supervisors and detention service managers covered by the exempt salary schedule. Grand jury bailiffs and assistant fire marshals are included in this plan since they have been covered by the sheriff's commissioned officer salary schedule.
- (b) *Scheduled salary increase.* All employees covered by this plan shall receive the scheduled 2.5 percent salary increase on January 1, 1998, and then shall, on their anniversary date of employment or promotion to their current grade, be assigned to the appropriate grade in the law enforcement and detention officer salary schedule (Attachments A and B) for their position and be placed initially in the closest higher step except that:
 - (1) DSO's on step 1, 2 or 3 and any employee above the maximum of the salary range in which they were placed prior to January 1, 1998, shall not receive the 2.5 percent increase.
 - (2) Any employee whose salary on January 1, 1998, after the 2.5 percent increase, equals the salary amount of the highest step earned by the employee's months of service in that grade shall be placed in that step with no change in salary.
 - (3) Any employee whose salary on January 1, 1998, after the 2.5 percent increase exceeds the amount of the highest step earned by the employee's months of service in that grade shall, on the anniversary date, be placed in the earned step with no change in salary until advancement to a higher step is earned or the salary schedule is revised to provide a higher salary for the current step.
- (c) *Deputies.* All certified deputies will be placed on their anniversary date in the next higher step in the deputy salary range. All non-certified personnel occupying a deputy position who are in the process of obtaining their certification as a deputy shall be placed in the deputy recruit salary range, based on their months of service as a recruit.
- (d) *Salaries less than minimum; increase.* All employees covered by this plan whose salary is effective January 1, 1998, is less than the minimum of their salary range (step 1) shall be increased to the salary of step 1 effective January 1, 1998 rather than on their anniversary date in 1998. All employees who are advanced to the minimum of the salary range effective January 1, 1998, shall advance to step 2 on their anniversary date in 1999 and shall advance further in accordance with the provisions of this plan.
- (e) *Advance due to satisfactory performance.* Beginning January 1, 1999, all covered employees will advance in their salary range based on satisfactory job performance and on the completion of the necessary months of service established for each step in the law enforcement and detention officer salary schedule, except for those

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transitional employees whose months of service in grade exceed the requirement for the next step above the one in which they are initially placed. Such transitional employees shall, on their anniversary date in their current position, annually advance to the next step until such time as their position in the salary range corresponds to the step earned by their months of service in their current position.

- (1) Only paid time covered under family and medical leave shall count as time worked for purposes of merit increases, step increases, promotional increases, etc. Any and all unpaid time will not be counted as time worked. Once family and medical leave has been exhausted, all other time (paid or unpaid) taken during the applicable 12-month period will not be counted as time worked for these purposes. These provisions also apply to employees who are on workers' compensation.
 - (2) However, if the county makes salary/benefit modifications to all employees or to employees in the injured or absent employee's specific job category, then the employee may be impacted by these changes, if he meets all specified requirements.
- (f) *Detention service officer or detention service supervisor.* A detention service officer or detention service supervisor who is appointed to a deputy recruit position whose current salary exceeds the range for a deputy recruit shall not have their salary adjusted until such time as they complete the 12 months of service as a deputy recruit. When they have completed 12 months as a recruit they will be placed at the minimum salary for a deputy. If their salary at that time exceeds the minimum salary of the deputy salary range, they shall be placed at the minimum of the range without a salary decrease and will then advance to the higher steps based on the completion of the necessary months of service required for each step. In this case the deputy's salary will not be decreased and will only be increased at such time as they advance to a step that offers a higher salary.
- (g) *Sheriff, constable or fire marshal.* The sheriff, constable or fire marshal may delay indefinitely any step increase based on a non-satisfactory performance evaluation or disciplinary action. Such delay will not affect the employee's anniversary date and eligibility for future salary. Back pay will not be awarded for any period in which a step increase is delayed due to a non-satisfactory performance evaluation or disciplinary action.
- (h) *Hiring at entry step.* All employees are hired at the entry step in the salary range.
- (i) *Hiring anniversary date.* An employee hired before the 16th of a month will have an anniversary date of the first of that month, and those employees hired after the 16th of the month will have an anniversary date of the 16th of that month.
- (j) *Promotions.* All promotions shall include a ten percent increase and be accomplished by placement in the closest step in the promotional grade which meets or exceeds the ten percent increase in salary. Promotion to corporal shall be limited to five percent and to the closest higher step.
- (k) *Demotions.* Demotions shall include at least a ten percent salary decrease and will be accomplished by placement in the closest step in the lower range which is at or below the ten percent salary reduction. Demotion from corporal shall be limited to five percent and to the closest lower step.

- (l) *Initial in-hire rate for deputies.* Deputy recruit, step 1, is the initial in-hire rate for new deputies who are not certified by the state commission on law enforcement standards and education, and step 1a is a mid-probation rate. Promotion of a deputy recruit, step 1a, to a deputy is subject to satisfactory performance and obtainment of full certification as a law enforcement officer and six months of service as a deputy recruit 1. A deputy recruit will occupy an authorized deputy position. Deputy, step 1, is the minimum salary of the regular deputy salary range and is the initial in-hire step for new deputies who are already certified by the state as a law enforcement officer and meet all other requirements for the deputy recruit and deputy position.
- (m) *Assistant chiefs and chief deputy sheriffs; chief deputy constable.* Assistant chiefs and chief deputy sheriffs will be eligible for a standard merit allocation consistent with the county's merit plan. The merit pay ranges for those positions will be adjusted at the same time as law enforcement salary structure adjustments. A chief deputy constable will be compensated consistent with the salary authorized by the assigned pay grade.
- (n) *Minimum requirements for education and experience.* Minimum requirements for education and experience and education incentive pay for all positions covered by the law enforcement and detention officer salary plan are described in section 82-980.
- (o) *Overtime for certain positions.* The positions of detention service officer, detention service supervisor, deputy and sergeant are eligible to be paid overtime pay for time worked in excess of a 40-hour workweek as long as such payment and time worked is consistent with other county policies and procedures and all state and federal laws relating to overtime, overtime pay and compensatory time. Positions other than those of the sheriff and constables that are compensated under the law enforcement and detention officer salary plan are eligible for overtime based on their eligibility under the Fair Labor Standards Act (i.e., assistant fire marshals have been determined as being employees exempt from overtime).
- (p) *Part-time or temporary detention service officers and/or deputies.* Persons working on a part-time or temporary basis in the positions of detention service officer and/or deputy shall be paid at the minimum salary authorized for these positions. Hospital guards are not covered by this plan.
- (q) *Plan not a contract.* This law enforcement and detention officer salary plan, salary schedules and the future pay increases referred to in this plan do not constitute a contract and are subject to annual appropriation and the availability of funds in the same manner as all other county benefits and salaries.
- (r) *Effect of plan on longevity pay.* Nothing in this plan affects law enforcement longevity pay.

(Ord. No. 98-251, §§ 1--18, 2-10-1998; Ord. No. 2002-1977, 10-29-2002; Ord. No. 2004-1790, 10-5-2004; Ord. No. 2015-0556, 04-21-2015, Ord. No. 2024-0879, 08-20-2024)

Sec. 82-981. Minimum requirements for law enforcement and detention officer positions and educational incentive pay. (This section reflects recent court approved policy language: Court Order #2009 0097-January 13, 2009; and Court Order #2012 0237 - February 7, 2012).

- (a) Minimum requirements for education and experience for all positions covered by the law enforcement and detention officer salary plan are outlined on the applicable job description approved by the Civil Service Commissions. Contact the human resources/civil service department for the most recent job description. College degrees and college hours completed are accepted from post-secondary institutions that have been accredited to grant degrees by one of the regional institutional accrediting agencies in the United States, as recognized by the U. S. Department of Education. Education obtained outside of the United States must be converted to the equivalent U.S. level by a recognized, accrediting agency or organization in the United States. Positions under the Law Enforcement and Detention Officer Salary Plan are:

- (1) Detention service officer, supervisor, manager, commander.
- (2) Deputy sheriff recruit.
- (3) Deputy I (sheriff).
- (4) Deputy II (sheriff).
- (5) Deputy III (sheriff).
- (6) Deputy IV (sheriff).
- (7) Deputy V (sheriff).
- (8) Assistant chief and chief deputy -- appointed by the sheriff.
- (9) Deputy constable recruit.
- (10) Deputy constable I.
- (11) Deputy constable II.
- (12) Deputy constable III.
- (13) Deputy constable IV.
- (14) Communications Technician.
- (15) Communications Supervisor.

Any employee covered by the law enforcement and detention officer salary plan who has made formal application for promotion prior to the adoption of this plan will not be required to meet the additional minimum requirements for that promotional opportunity.

- (b) All detention service officers, deputies and communications technicians shall be eligible to receive education incentive pay of \$25.00 per month for each 30 hours of accredited college hours successfully completed with a grade of C or above, not to exceed \$100.00 per month. All Officers covered by this plan, who have successfully completed an Associates Degree/Bachelors Degree from an accredited

college/university is eligible to receive \$50.00/\$100.00. The two (2) years of continuous active military service with honorable discharge, substituted for 30 college hours, are not eligible for the education incentive. College hours eligible to be included in this educational incentive program are those courses completed from a post-secondary educational institution that has been accredited to grant degrees by one of the regional institutional accrediting agencies in the United States, as recognized by the U.S. Department of Education and is part of a degree plan to obtain an associate's or bachelor's degree. College hours for elective subjects above the degree plan requirements are not eligible, and no credits in physical education are eligible except as part of a completed associate's or bachelor's degree. To begin to receive education incentive pay the employee must provide the sheriff a certified copy of their transcript and sign a personnel form swearing that the information contained on the transcript is accurate to the best of their knowledge. Education completed outside the United States will not be accepted unless it has been converted to the equivalent U.S. educational level by a recognized accrediting agency or organization in the United States. If the employee has not yet earned a degree, the certified copy of the transcript should be accompanied by a degree plan or the human resources/civil service department will review all courses before credit will be given for any elective courses. These documents must be attached to a personnel action form and processed through the county's standard payroll review and approval process. Each employee's education incentive pay will begin when the new hire personnel action is effective or the first day of a pay period for any payroll not distributed when not part of the new hire process (with no retroactive adjustments). Detention service supervisors, detention service managers, corporals, sergeants, lieutenants, captains and communications supervisors are not eligible for education incentive pay.

- (c) When an employee is receiving education incentive pay and is promoted to a position that is not eligible for education incentive pay, the ten percent minimum salary increase for purposes of promotion will be based on the employee's total prior pay, including the employee's regular salary and the education incentive pay.
- (d) When an employee is demoted from a position that is not eligible for education incentive pay to a position that is eligible for education incentive pay, the employee is then eligible to receive education incentive pay.
- (e) If for any reason the minimum requirements for education and experience for all positions covered by this plan are not used or are not able to be used, all education incentive pay will be suspended until such time as these minimum requirements are utilized.

(Ord. No. 98-251, §§ 1--5, 2-10-1998; Ord. No. 2004-1790, 10-5-2004; Ord. No. 2006-1222, 7-11-2006; Ord No. 2019-0986, 09-17-2019)

DIVISION 4. BILINGUAL INCENTIVE PAY PROGRAM

Sec. 82-982. Purpose.

The purpose of this policy is to provide guidelines for the bilingual incentive pay policy; hereinafter referred to as "Language Pay" for employees who will be required to use their additional language skills to perform their job; thus, adding value to County related business by providing assistance to customers on **a regular basis** while ensuring that speak, reading, and/or written communication to non-English speaking citizens and employees is accurate and clear. This policy applies to Eligible Employees Only (See Table 1 Eligibility Criteria's for Bilingual and Sign Language Pay Incentive).

Sec. 82-983. Definition.

Bilingual Employee -- the ability of a person to communicate through language proficiency (speak and or read, and write) in another language other than English.

- a) **Eligible Employees** – See Table 1 Eligibility Criteria's for Bilingual Pay Incentive Pilot Program.
- b) **Excluded Employees** – See Table 1 Eligibility Criteria's for Bilingual Pay Incentive Pilot Program.
- c) **Language Skill Assignment Pay** -- the pay rate to compensate employees for language proficiency. Language Skill Assignment Pay will only be allowed for one language skill.
- d) **Language Skills Assignment Pay Questionnaire HR 2016-02** -- form to be completed by the department that is used to describe, support, and justify the need for a language skills position for a particular area/department.
- e) **Language Skills Position** -- Number of eligible positions requested by the Elected Official /Department Head, recommended by HR, approved by Commissioners Court and designated by the Auditors' Office for a department requiring the use of these language skills (other than English) on a regular basis for which by the employee will be compensated.
- f) **Language Skills Proficiency Test Request Form HR 2016-01** -- form to be completed by the HR representative and submitted to HR Employment Division for Scheduling of proficiency testing.
- g) **Language Skills Testing** – proficiency testing administered by a Dallas County approved vendor.
- h) **Proficiency** -- the ability of a person to speak and or read, and write in a language (other than English) effectively and appropriately in a business/office environment.
- i) **Regular Basis** -- Frequently and continuously throughout the day, estimated on average to be at least 20% (8 hours) or more of the employee's work week. The frequency of use must be due to necessity for service to the public, (i.e., not selecting to in another language when the resident or customer can speak English.)

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Sec. 82-984. General Administration.

Applicability.

Eligible employees in language skill positions who demonstrate through proficiency language skills testing the necessary proficiency in a second language other than English will receive additional compensation (See Table 1 Eligibility Criteria's for Bilingual Pay Incentive Pilot Program). The language for which additional pay is requested must be one that is commonly spoken in the Dallas County area and which is necessary for Dallas County to provide services essential to its successful performance of official functions.

A. Eligibility Requirement.

1. Recommendation of a position as a Language Skills Position, by the Department after assessing the organizational/business bilingual needs of the Department in performing its official functions, the Department must determine that there is a need for bilingual skills in a particular language, for the position and submit the Language Skills Proficiency Test Request Form. The recommendation must include a **Good Faith Compliance, Certification and Recertification Form** (hereafter called the "Certification Form"), by the supervisor/manager of the department, affirming that the employee provides proficient bilingual skills services to constituents on a Regular Basis in compliance with the requirements outlined in the Language Skills policy;
2. Human Resources approval of the department's recommendation of the position as a language skills pay position based on policy criterion; and,
3. Satisfaction of the following criterion by the employee:
 - a. Position whose job responsibilities are such that proficiency of a language other than English is necessary on a regular basis and beneficial for the department in order for the department to meet their public service responsibility and perform their essential functions resulting in a positive impact on the department's delivery of service. The Department must provide the "Certification Form" affirming that the employee provides proficient bilingual skills services to constituents on a regular basis in compliance with the requirements outlined in the language skills policy.
 - b. Has direct public contact on a regular basis with residents or customers who do not speak English. Fifty percent of the job duties must require working with the public;
 - c. Use the language skill on a Regular Basis during daily work week. Language Skills Pay is not available for positions that may use language skills on **an incidental or occasional basis**. The employee must use the language skill on a Regular Basis during his/her work week;
 - d. Is reasonably available to residents/customers needing assistance to translate from English to another language or from another language to English when called upon to do so; and

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- e. Demonstrate proficiency (speaking only or speaking, reading, and writing) in a foreign language other than English. The employee must take and pass a proficiency test with a minimum score of 70% in on or more areas (speaking only or speaking, reading, and writing). Passing the bilingual proficiency test does not guarantee that an employee will receive Language Pay, rather they must pass the test in order to be eligible. A department may seek a waiver of the requirement that the employee pass each area (oral/communication, read, and write) of the bilingual proficiency test, from the Commissioners Court, for good cause shown.
4. The maximum number of county-wide bilingual positions authorized under this program will be determined by Commissioners Court as a pilot or non-pilot project and will be based on the number of authorized active positions within the department. For example: County has 6000 authorized active position with the HR department having 20 of these positions. With a maximum allocation of 300 positions county-wide, the HR department would be authorized .99 positions or 1 position rounded to the nearest whole number.
5. The department may exceed the number of positions they were allocated as long as the maximum number of positions (300 for example) is not exceeded and a business need has been established based on the language skills policy. For example, HR is allocated one position; however, based on the language skills policy is not authorized a position; therefore, one position is still available to be used by another department with a definitive need based on policy; however, does not have any allocations left.

b. Responsibilities.

1. The Elected Official/Department Heads (or designated representatives) are responsible for determining a definitive need for and identifying the number of language skills positions needed within their department based on the number of positions allocated by submitting the Language Skills Assignment Pay Questionnaire 2016-02 to HR with description and justification for the departments' need. The supervisor/manager will confirm via the "Certification Form" that the employee provides proficient bilingual skills services to constituents on a Regular Basis in compliance with the requirements outlined in the language skills policy. The Department's language skills position selection must be based on a good faith assessment of the bilingual business and organizational needs of the Department without preference or favoritism given to any employee and in compliance state and federal law, including non-discrimination laws."
2. The Human Resources Department will evaluate and validate the number of positions requested based on the number of positions allocated and make a recommendation to approve/deny, using the eligibility criteria as outlined in the policy and on the questionnaire, which is based on the function/duties of the Department (i.e. provides services directly to clients/constituents), frequency which the position requires the use of a bilingual skills on a Regular Basis; the amount of public contact the position requires (50% or more, direct or call in combined) and whether any other employees (exempt from language pay) are

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able to provide the language services. The HR Department will, audit and monitor the program, and employees to ensure compliance to policy.

3. If Human Resources validate more than one request for a section, since the availability of Language Pay for eligible positions in each Department is limited, the eligible employee who scores the highest overall score in that section will qualify for the first available Language Pay position. The next highest scoring Eligible Employee, in the section, will qualify for the next available Language Pay position. If there is a tie between eligible employees for Language Pay, in a section, consideration is given to: the position the Department considers the most pressing, the frequency which the position requires bilingual skills, and the amount of public contact the position requires. If after the above there is still a tie preference is given on seniority basis. Language Pay is tied to the position, not to the employee.
4. If approved by Commissioners Court, the Auditors' Department will designate skills pay positions based on the number of approved positions per department.

Sec. 82-985. Compensation – Language Skills Assignment Pay.

1. Eligible employees meeting the eligibility requirement in this policy will receive **\$1,200 annually** for passing the speaking, reading, and writing proficiency tests administered by Dallas County's approved vendor for a foreign language other than English.
2. Eligible employees meeting the eligibility requirement in this policy will receive **\$800.00 annually** for passing the speaking proficiency tests administered by Dallas County's approved vendor, if the Department indicates that it only needs the employee to pass the speaking proficiency test when it submits the Language Skills Assignment Pay Questionnaire with a description of its needs.

Sec. 82-986. Testing Procedure.

- a. The Human Resources Department will coordinate, schedule, and/or proctor all Language Skills Testing for all County employees, including tests results and follow-up.
- b. For testing to determine eligibility for language pay and based on the number of authorized language skill position, the Elected Official/Department Head will submit the names of employees to be tested to the HR department on the Language Skills Proficiency Test Request Form (HR 2016-01).
- c. The selected employee eligible for bilingual incentive pay will complete the "Bilingual Testing Request Form" provided by Universe Technical Translation Inc. (UTT). The form will then be sent to UTT by the employee for processing and the vendor will provide the employee a link with instructions for online payment. The employee has 24 hours to cancel prior to schedule start date and time to cancel testing. Time and date will be determined by the employee and vendor. Payment instructions and cancelation instruction are on the form.

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- d. All language skills testing cost will be paid by the employee. Employees who fail to pass the initial testing will be provided one additional opportunity to test within 30 days **OR** the Elected Official/Department Head may elect to submit an alternate for initial testing. All subsequent testing will be at the employee's expense. Employees who do not pass after a second test must wait one year before being eligible to re-test. For the initial testing (1st test), the Elected Official/Department Head may elect to approve the reimbursement to the employee for the cost of the testing with funds from the Departments Discretionary Account (DDA) or other funding source identified provided the reimbursement meets the guidelines of the DDA, other funding source and the Auditor's department requirements.
- e. Employees will not be required to retest/requalify to continue to receive the language skills proficiency pay. The department will verify via an updated "Certification Form" that the employee continues to provide proficient bilingual skills services to constituents on a Regular Basis in accordance with the requirements outlined in the language skills policy. The "Certification Form" should be sent to the HR department no later than September 1st prior to the beginning of the next Fiscal Year (October).
- f. Testing will be scheduled during the employees normal work hours whenever possible. When operational needs necessitate scheduling the initial test time outside the employees regular work schedule, the test time will be counted as time worked.
- g. Each County department will have a point of contact to act as a representative with Human Resources to identify and communicate to Human Resources which employee(s) are designated to be tested, preferably their HR Representative.
- h. Tests may be conducted by telephone for speaking and reading tests and via fax and email for written tests. Tests conducted via telephone, fax, or email must be conducted at Dallas County Human Resources office and will be proctored by Human Resources in accordance with Paragraph a of this subsection. Tests will be recorded for quality purposes.
- i. Employees who fail to take a test at the scheduled date and time (i.e. late arrival, no show, etc.) will be required to pay cost of the missed test. Cancelation and contact information is indicated on the payment form.
- j. New tests will not be required when an employee transfers to a position requiring the same use of a skilled language based on policy guidelines, if the re-evaluation of the position was preformed within the time period mentioned in this policy (i.e. September 1st prior to the next Fiscal Year). That employee will continue to receive the incentive pay provided the employee meets the test requirement for the position. If, however, there is a break in an employee holding a Language Skills Assignment Pay position with the County for two years or more, that employee must retake the Language Skills Testing for language skills pay (cost will be paid by the employee as outlined in this policy).

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Sec. 82-987. Employee Performance Responsibilities.

1. All employees accepting Language Pay will be required to utilize their bilingual and/or communication skills when requested and as needed during the course and scope of their duties.
2. Employees who fail to utilize their bilingual skills when required will be deemed ineligible to receive incentive pay.
3. Employees are required to maintain acceptable proficiency in bilingual communication skills (speak and/or read, and write) as long as they are receiving Language Pay for such skills.
4. Any employee receiving Language Pay is expected to assist other non-bilingual employees in the translation of documents and assistance with the public. Assistance may be required for other departments or areas that extend beyond the employee's normal scope of responsibilities.
5. An employee receiving Language Pay may be asked to retake the proficiency test, if issues arise with the employee's proficiency performance or other good cause shown.

Sec. 82-988. Modification/Termination.

1. An eligible employee who qualified for Language Pay will no longer receive Language Pay if: a) the employee no longer uses the language skills on a Regular Basis in the scope of employment; b) the employee is demoted, transferred, or promoted to a position that has not been designated as a skills pay position by the auditor; c) the employee is not available to interpret and/or translate when needed; or d) the Department requests that the bilingual skills pay position designation be removed from the employee's position or e) the Commissioners Court decides to discontinue Language Pay for the position
2. The Commissioners Court reserves the right to modify or terminate the bilingual incentive pay policy with or without notice.

Sec. 82-989. Non-Language Pay Employees.

Bilingual employees that work for Dallas County departments, not receiving Language Pay will not be subject to discipline for declining to use bilingual skills in the course of employment (excludes employees of elected officials). Requests can be made for their bilingual assistance in a language other than English, but the request may be declined. This provision does not apply to exempt salaried employees who are ineligible for Language Pay.

Sec. 82-990. Audit.

1. The employees in positions designated as bilingual will be reviewed annually by the Department to determine if the policy criteria for the position are still being met and to ensure that there is a continued business need for the

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position for the employee to continue receiving Language Pay. The HR department will accept the supervisor/manager confirmation via “Certification Form” that the employee continues to provide proficient bilingual skills services to constituents on a regular basis in compliance with the requirements outlined in the language skills policy, unless it has a good cause basis not to accept the Certification Form. The Department must notify Human Resources within thirty (30) days if the position no longer qualifies for Language Pay. The Department can also survey clients/constituents to obtain feedback regarding services provided as a result of having a bilingual skill position for that area/section being served, to include with its updated Certification Form.

2. The Human Resources Department may periodically conduct a random sample of the Language pay positions throughout the year and screen incumbents to ensure the continued need for bilingual skills and those employees remain proficient in those skills.

Sec. 82-991. Administration.

The Human Resources Department will administer adjudication and/or clarification of this policy, including approval of the bilingual skills pay positions.

TABLE I

Eligibility Criteria’s for Bilingual Incentive Pay Program

Eligible	Not Eligible
1) Full time and Part time employees eligible for benefits.	P/T employees not eligible for benefits.
2) Employees who pass speaking only or speaking, reading and writing of bilingual proficiency testing (70% or better)(speak and or write and read) as administered by our approved vendor.	Not able to pass the bilingual proficiency testing by a vendor not authorized by Dallas County Commissioners Court.
3) Employees who occupies a designated bilingual skills position as identified by the Elected Official/Department Head, recommended by the HR Department and designated by the Auditors’ Office.	Employees who do not occupy a designated bilingual skills positions.
4) Employee in designated position whose job responsibilities are such that proficiency of a language other than English is necessary on a regular basis and beneficial for the department in order for the department to meet their public service	<p>The position doesn’t add value to the department; it’s not needed, beneficial or necessary.</p> <p>Passing the bilingual proficiency test does not guarantee that an employee will receive Language Pay, rather they must pass the</p>

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responsibility and perform their essential functions resulting in a positive impact on the department's delivery of service.	test in order to be eligible.
5) Employees, whose use of their bilingual skills are required on a regular and continuous basis in the scope of their employment and which skills are necessary to provide services and essential to successful performance of official functions. "Customer Contact."	It is not available for positions that may use bilingual skills on an incidental or occasional basis in the scope of their employment ("Customer Contact") and/or employee refuses to utilize their bilingual skills when requested and as needed or when required to do so.
6) Bilingual Incentive pay will only be for one (1) foreign language.	Bilingual Incentive pay will not be offered for two or more foreign language.
7) Testing and incentive pay will depend on availability of funds.	Budget constraints do not allow incentive pay.
8) Employee who will be able to test and pass (with a score of 70% each tested area) with a 30 day waiting (study) period if approved for retesting by the Elected Official /Department Head or his/her representative. The cost for bilingual skills testing will be covered by the employee or by the department if approved by Commissioners Court.	Not approved for testing by the Elected Official/Department Head or his/her representative.
9) Non-exempt employees only, unless the majority of functions performed by this section/area are exempt in nature.	Exempt Employees, unless the majority of functions performed by this section/area are of an exempt nature (psychologist for example) and requires privacy or the constituents/clients serviced require regular use of bi-lingual skills throughout the day.
10) Employee in Non-supervisory positions only.	Supervisor, Managers and above.
11) Employee who can take and past skills test at the scheduled date and time.	Employees who fail to take a test at the scheduled date and time.
12) Positions that are needed, beneficial and/or necessary with skills demonstrated on a regular basis throughout the day.	Has been determined the position is no longer needed, beneficial or necessary. If skills are not demonstrated throughout the week (ex: 2-3 times per hour, not 2-3 times a day).
13) Employee who is designated in a bilingual skills position.	If employee is transferred or promoted to another area, not designated as a bi-lingual skills position.
14) Language Pay for eligible positions in each Department is limited to positions designated as such by the Elected Official/Department Head and recommended by the HR Department	The positions which are not listed as "high priority" will not be tested, until such time as all the "high priority" positions have either qualified or been disqualified for Language Pay and the Department is

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and designated by the Auditors' Office as "high priority" will be tested first.	eligible for another Language Pay position.
15) To continue to receive the language skills proficiency pay the department will verify via memo for filing that the employee continues to provide proficient bilingual skills services to constituents on a regular basis in compliance with the requirements outlined in the language skills policy.	A department who does not provide the verification via memo for filing that the employee continues to provide proficient bilingual skills services to constituents on a regular basis in compliance with the requirements outlined in the language skills policy the employee will lose the incentive pay.
16) Employees whose job duties require them to work with the public at least Fifty percent of the time.	Employees who do not have job duties that require them to work Fifty percent of the time with the public.
17) Employees are required to maintain acceptable proficiency in bilingual communication skills for which the employee is currently receiving incentive pay for as long as they are receiving Language Pay.	Employees who are receiving bilingual pay and are not required to maintain acceptable proficiency in bilingual communication skills for which the employee is currently receiving incentive pay for as long as they are receiving Language Pay.
18) Employees who are receiving Language Pay are expected to assist other non-bilingual employees in the translation of documents and assistance with the public. Assistance may be required for other departments or areas that extend beyond the employee's normal scope of responsibilities.	Employees who are not receiving Language Pay will not be expected to assist other non-bilingual employees in the translation of documents and assistance with the public. Those employees who do not receive bilingual pay will not be required to offer assistance to other departments or areas that extend beyond the employee's normal scope of responsibilities (excludes employees of elected officials).
19) An employee receiving Language Pay may be asked to retake the proficiency test, if issues arise with the employee's proficiency performance or other good cause shown.	

Bilingual incentive pay is a customer/constituent service driven incentive plan.

(Ord. No. 2017-0094, 01-17-2017)

DIVISION 5. SALARY EQUITY ADJUSTMENT PAY PLAN

82-992. Definition.

Salary Equity Adjustments are salary changes up to maximum-in-hire (based on the employee's qualification and tenured experience at Dallas County) that is outside the other normal salary programs such as promotions, reclassifications, lateral transfers, etc. Salary Equity Adjustments are used to correct inappropriate salary differences between employees. Salary Equity Adjustment increases are not meant to replace or supplement merit and structure increases, nor are they given solely on the basis of performance or increased workload. **Salary Equity Adjustments reviews and increases are not an entitlement of the employee nor are they a requirement by the County.**

82-993. Purpose.

The purpose of this policy is:

- (1) To correct internal salary disparities between employees in the same department, job title and job grade with equivalent experience.

For example: The minimum requirement for a Clerk I, job grade 05 is a High School Diploma and zero (0) years' of experience for minimum-in-hire salary and three (3) years' experience for maximum-in-hire salary.

Jane Doe was hired three (3) years ago as a Clerk I, job grade 05. She has a High School Diploma and no experience. She qualified for the minimum of the salary range, in compliance with the Compensation policy. Currently Jane Doe has three years' experience.

John Doe was recently hired as a Clerk I, job grade 05. He has a High School Diploma and three (3) years of work experience. John Doe qualifies for maximum-in-hire salary.

Under this policy, the HR Department will re-review Jane Doe's qualifications and will award her three (3) years of work experience and any additional education obtained while employed at Dallas County to bring her to the maximum in hire salary matching John Doe's salary.

- (2) To correct an unacceptable salary inequity between an employee's salary and the average salary of similar positions in the market when it has been determined that the position(s) is/are not able to be filled at the current pay rate (hard-to-fill positions). Salary Equity Adjustment for these "hard-to-fill" positions can be administered at any time with approval from Commissioners Court.

82-994. Eligibility Requirements.

To be eligible for an equity increase, an employee must meet the following criteria:

- (1) Be a full-time employee.

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- (2) Be on active pay status.
- (3) Have been employed a minimum of two (2) years with Dallas County in their current position.
- (4) Salary does not exceed maximum-in-hire.
- (5) Experience accepted must be obtained as an employee with Dallas County.
- (6) Education must be obtained from an accredited institution (College, University, Trade School, Technical Certification, etc.).
- (7) Granted only every even year if approved by Commissioner Court beginning FY2020.

Exclusions for the equity increase:

- (8) Salary exceeds maximum-in-hire.
- (9) Must not have been given a disciplinary action within the last 12 months that resulted in a loss of pay (i.e. suspension, demotion, etc.).

82-995. Salary Administration/Determination.

- (1) During the budget process for FY2020 or before and every two years thereafter (FY2022, 2024, etc.) and if approved by Commissioner Court, the HR/Civil Service Department will review employees who are below maximum-in-hire for additional experience and education obtained while employed with Dallas County to determine their salary equity adjustment eligibility.
- (2) Documentation (i.e. college transcript, licensing, etc.) for eligible employees must be submitted by the department and received in HR on/before September 30th prior to the upcoming Fiscal Year.
- (3) HR will determine the salary equity pay amount based on the employee's qualifications earned on/before September 30th.
- (4) Salary Equity Adjustment payout will occur in January of the Fiscal Year, allowing ample time for review and processing.
- (5) Materials received after September 30th will not be reviewed or considered.

Article XIII. – SALARY AND INCENTIVE PLANS

DIVISION 5. - Continuing Education/Self-Education Policy

Sec. 82-996. Policy Statement and program overview

Dallas County values the professional and personal development of its employees, so it has adopted the following policy pertaining to continuing education.

Dallas County offers a Continuing Education/Self-Education Program that is designed to provide qualified employees the opportunity to enhance their skills. All eligible Dallas County employees working in departments that report to the Commissioners

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Court are allowed to spend up to five hours each workweek engaging in education and development as an employee benefit. An elected official may opt into the Continuing Education/Self-Education policy by notifying the Director of Human Resources.

The specific program must be approved in advance and in accordance with the program guidelines.

Sec. 82-997. Program Requirements.

An employee may utilize the program for the following purposes:

1. Professional Development

To participate in conferences, workshops, seminars, webinars, and courses to update job skills, learn about office technology, and study ways to improve workplace communication and efficiency.

2. Occupational Certification and Licensure

To comply with the laws, standards, and certifications that allow an employee to remain licensed and work within a profession.

3. College Credit and Degrees

To earn college credits an employee can apply towards a degree or continuing education classes to start a career in a field of interest that is job related.

Sec. 82-998. Eligibility

To participate in the Dallas County Continuing Education/Self-Education Program, an employee must:

- Work full-time;
- Have been employed for at least six months without interruption before enrolling in a course as part of a degree program;
- Maintain quality performance and conduct standards; and
- Work in a department reporting to the Dallas County Commissioners Court or in a department reporting to an elected official who has opted into the program.

Sec. 82-999. Requirements

An employee must submit a request in accordance with program guidelines prior to starting any coursework or learning activity.

The department director or elected official will determine how the benefit will be taken so it does not disrupt the routine operations of the department.

Continued participation in this program is contingent upon the successful completion of previously approved courses/learning activities.

The employee must promptly inform the department director or elected official and Human Resources if the employee no longer wishes to participate in the Dallas County Continuing Education/Self-Education Program. All professional training will be recorded on each employee's learning history transcript.

Secs. 82-1000. Reserved

ARTICLE XIV. CHARITABLE CAMPAIGNS*

***State law references:** Charitable deductions authorized, V.T.C.A., Local Government Code § 155.001.

Sec. 82-1001. Authority.

The county may conduct a combined charitable campaign once each year to allow its employees to voluntarily make contributions to certain eligible nonprofit organizations in accordance with the V.T.C.A., Local Government Code §§ 155.001--155.003 and the commissioners court Order No. 2000-844 and its successors. This campaign will comply with all state and federal laws and rulings concerning the conduct of combined workplace charitable campaigns.

(Ord. No. 2000-844, 4-25-2000)

Sec. 82-1002. Administration.

The county may contract with a third party to conduct the administration of the campaign, including training of volunteers, development of materials, scheduling of employee information presentations and employee designation of recipients of donations, and receipt of funds from the county and distribution of funds to all eligible organizations in accordance with rules established in the administrative contract. All costs of this contract will be covered by a deduction from the aggregate amount donated by the county employees each year, and a budget will be approved in advance by the county commissioners court. There will be a maximum established for this annual budget in the administrative contract.

(Ord. No. 2000-844, 4-25-2000)

Sec. 82-1003. Employee committee.

Each year, the commissioners court may select an employee committee of 11 members after receiving nominations from elected officials and department heads. The employee committee will be responsible for reviewing all proposals received from interested agencies once each year. The annual eligibility determination period will be specified by the commissioners court. Following the guidelines for eligible organizations, the employee committee will recommend a list of participating agencies to the commissioners court. The commissioners court will formally approve an annual list of eligible entities after receiving a

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recommendation from the employee committee.

(Ord. No. 2000-844, 4-25-2000)

Sec. 82-1004. Eligible organizations.

- (a) To be eligible for participation in the county employees charitable campaign, a charitable organization must be one that:
- (1) Is organized for charitable purposes under the Texas Nonprofit Corporation Act (Vernon's Ann. Civ. St. art. 1396-1.01 et seq.) or holds a certificate of authority issued under that act;
 - (2) Is exempt from taxation under section 501(a) of the Internal Revenue Code of 1986 as an organization described in section 501(c)(3) of that code and to which contributions are deductible for income tax purposes under section 170 of that code;
 - (3) Complies with all applicable federal nondiscrimination laws, including 42 USC ch. 21;
 - (4) Complies with all state statutes and rules relating to charitable organizations and has been in continuous operation for at least three years;
 - (5) Is not a private foundation;
 - (6) Is governed by a voluntary board of citizens that meets at least twice each year to set policy and manage the affairs of the organization;
 - (7) Has an established physical presence in the county in the form of an office or service facility that is available to members of the public and staffed at least 15 hours a week (physical presence cannot be established solely through an 800 telephone number or the U.S. Postal Service);
 - (8) Predominantly provides services closely related to county functions, including health care services, public health, mental health and mental retardation services, juvenile and criminal rehabilitation, civil and criminal justice, law enforcement, trail and park development, litter control, housing and homeless assistance, job training, drug abuse treatment and prevention, senior citizen services, animal control and shelters, and services for abused and neglected children including adoption and foster care;
 - (9) Does not provide any abortion services;
 - (10) Does not provide any reproductive counseling services or distribute reproductive materials to juveniles without prior parental notification and consent;
 - (11) If the organization's annual budget:
 - a. Does not exceed \$100,000.00, provides a completed Internal Revenue Service Form 990 and an accountant's review that offers full and open disclosure of the organization's internal operations; or
 - b. Exceeds \$100,000.00, provides a completed Internal Revenue Service Form 990 and is audited annually in accordance with generally accepted auditing standards of the American Institute of Certified

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Public Accountants; and

- (12) Does not spend more than 25 percent of its annual revenue for administrative and fundraising expenses.
- (b) The county employee charitable campaign committee may recommend and the commissioners court may grant a charitable organization temporary exemption from the 25 percent requirement if the committee finds that:
 - (1) The organization's administrative and fundraising expenses are reasonable under the circumstances; and
 - (2) The organization has a practical plan to reduce its administrative and fundraising expenses to 25 percent of this annual revenue within the next three years.

(Ord. No. 2000-844, 4-25-2000)

The Dallas County Administrative Code contains the employment policies and procedures for Dallas County. It is not to be construed as a contract of employment or to contain any provision guaranteeing a specific term or tenure or employment. The Dallas County Commissioners Court and/or Civil Service Commission may, at any time, unilaterally implement changes in employment conditions, rescind or add to any of the policies, benefits or practices contained within the Dallas County Administrative Code.

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Chapter 86

PERSONNEL AND EMPLOYMENT*

***Cross references:** Any order providing for salaries or employee benefits not codified in this Code, or otherwise related to employees saved from repeal, § 1-8(a)(5); administration, ch. 2; financial matters, ch. 70; personnel benefits, payroll and compensation, ch. 82; sheriff's department civil service rules and regulations, app. A; employment, app. A, ch. II, § 2.00; compensation, app. A, ch. III, pt. I, § 3.00 et seq.; leave policies, app. A, ch. IV, § 4.00 et seq.; personnel conduct and affairs, app. A, ch. V, § 5.00 et seq.; employees retirement system and group insurance, app. A, ch. VI, § 6.00 et seq.

State law references: County personnel and employment, V.T.C.A., Local Government Code §§ 151.001--180.003.

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Secs. 86-2--86-30. Reserved.

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- Sec. 86-93. Job posting.
- Sec. 86-94. Request to post.
- Sec. 86-95. Recruitment process--Recruiting strategy.
- Sec. 86-96. Application process--Completion and submission.
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- Sec. 86-98. Selection process.
- Sec. 86-99. Qualification review by Human Resources/Civil Service.
- Sec. 86-100. Completing the Hiring Process.
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- Sec. 86-102. Purpose. (Internship)
- Sec. 86-103. Application.
- Secs. 86-104--86-109. Reserved.

Division 2. Education Review by Human Resources

- Sec. 86-110. Verification of education/certification/license qualifications.
- Secs. 86-111--86-130. Reserved.

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- Sec. 86-132. Departments not reporting directly to commissioners court.
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- Sec. 86-162. Application
- Sec. 86-163. Prohibited according to applicable law.
- Sec. 86-164. Immediate family members enumerated.
- Sec. 86-165. Additional persons classified as immediate family.
- Sec. 86-166. Becoming relatives after employment; restrictions.
- Sec. 86-167. Consequences for violations.
- Sec. 86-168. Exceptions to policy.
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- Sec. 86-192. Policy provisions.
- Sec. 86-193. Evaluation of criminal records.
- Sec. 86-194. Consequences for providing inaccurate or fraudulent information.
- Sec. 86-195. Procedures for requesting criminal history check.
- Sec. 86-196. Confidentiality of background information.
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- Sec. 86-222. Pre-exam requirements.
- Sec. 86-223. Scheduling.
- Sec. 86-224. Dissemination of results; pass slips.
- Sec. 86-225. Confidentiality of information.
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Division 7. Probationary Period

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Sec. 86-242. New Hire Probationary Review - Evaluations

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Sec. 86-342. Intent.

Sec. 86-343. Justifications.

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Sec. 86-363. Resolution of Arrest/Charge/Warrant.

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- Sec. 86-375. Probationary employees.
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- Sec. 86-378. Merit and lump sum allocations.
- Sec. 86-379. Merit/lump sum increase procedures.
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Sec. 86-522. Salary determination.

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- Sec. 86-1121. Complaints Regarding Policy.
- Sec. 86-1122. Questions Regarding Policy.

ARTICLE I. IN GENERAL

Sec. 86-1. Definitions. (This section reflects court approved policy language: Court Order #2009 2290 – December 15, 2009; Court Order #2011 1463 – August 30, 2011; Court Order #2017-0089, January 17, 2017; Court Order #2018 1438, December 4, 2018)

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

Class means and consists of all jobs regardless of department locations that are sufficiently alike in duties and responsibilities to be called by the same descriptive title, to be accorded the same pay scale under like conditions, and to require substantially the same education, experience and skills on the part of the incumbents.

Classification means a hierarchical structure of jobs, usually arranged into classes or pay grades according to a job evaluation.

Classified employee means as follows:

- (1) *Category A employee* includes, but is not limited to, administrative secretary, executive secretary, administrative assistant, deputy constables hired after August 19, 2003, positions in information technology reporting to the CIO and performing information technology job duties, chief deputy or first assistant of the county judge, county commissioners and elected officials. These job titles and others designated by commissioners court do not fall under the jurisdiction of the civil service system. Additionally, Category A classified employees are excluded from coverage afforded in employment procedures relating to job posting, reduction-in-force, double-fill, reinstatement, reemployment, dismissals, right of appeal, and grievance system procedures of this Code.
- (2) *Category B employee* includes department heads who report to the Commissioners Court, assistant department heads in departments that report to the Commissioners Court, assistant public defenders, employees who were hired after June 7, 2011 into Information Technology positions in the Information Technology Department at grade IT11 or higher and, employees who were hired or promoted after December 4, 2018 into positions on the E Schedule grade K or higher, ET Schedule grade KM or higher, Engineering Schedule grade PE 11 or higher, or the Open Pricing Schedules E1 and E2.

Category B employees are excluded from coverage afforded in reduction-in-force, double-fill, reinstatement, reemployment, dismissals, right of appeal, and grievance system procedures.

Other than a department head, a Category B employee who: (1) held a Category B position as of December 4, 2018; (2) has five or more years of continuous service; (3) held a Category C position immediately before accepting a Category B position; and (4) is terminated for reasons other

than just cause, shall be given the opportunity to accept a demotion to the employee's prior Category C position, provided that such a vacancy exists. If no vacancy exists, then the Reduction-In-Force Reinstatement policy (Section 86-628) will apply.

- (3) *Category C employee* includes all other regular, full-time employees as defined in the V.T.C.A., Local Government Code §§ 158.001--158.040 who are paid from county funds. Category C employees are covered by all sections of this Code.
- (4) *Category D employee* includes all regular, full-time employees paid from other than county funds, such as grants, contracts, etc. Category D employees are covered by all sections of this Code, except that they are not eligible for a grievance determination that awards back pay and/or reinstatement beyond the termination date of the funding sources.

Continuous service means uninterrupted active employment. Such things that constitute a break in service are termination, retirement, leave of absence without pay, any break in service where retirement contributions are withdrawn, and layoff due to reduction-in-force where separation has been for more than one year. Military duty as described in section 82-511, Armed forces active duty, may be counted toward continuous service for the purpose of sick or vacation accruals or service awards.

Effective date of employment means the day from which an employee's time in grade and length of service is calculated in order to accumulate leave.

Effective date of termination means the last actual day the employee worked for the county or the last day of any authorized leave time approved by commissioners court. The leave time must be court ordered through commissioners court. Any accrued leave benefits that are eligible for payment as of the employee's termination date will be paid on the employee's last paycheck. (See also subsection 82-498 and section 82-507).

Employee means a person who obtains a position by appointment and who is not authorized by statute to perform governmental functions involving an exercise of discretion in the person's own right, unless the person is included by a local civil service rule under section 86-51. The term does not include deputy constables or elected officials.

Employee classification means:

- (1) The following four definitions of employees, to be used for payroll as well as civil service purposes:
 - a. *Regular full-time employee*: An individual employed by the county on a continuing basis without limitation as to duration of employment and has a regularly assigned work schedule of 40 hours per week or more, less authorized leave without pay.
 - b. *Temporary full-time employee*: An individual employed by the county to perform a job for a limited period of time, generally not to exceed 1,000 hours and who has a regularly assigned work schedule of 40 hours per week or more. Temporary employees are generally not eligible for paid leave (vacation, sick, holiday), or insurance benefits. Specific benefits should be reviewed for

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individual employee eligibility.

Note: Exempt employees who occupy court approved positions under a **Job Sharing** arrangement shall be included under this definition and paid on a salaried basis equivalent to the percentage of time they are scheduled to work. Unless it is court approved, the salary for the positions included in a job sharing arrangement shall not exceed the salary for the full time position they are replacing.

- c. *Regular part-time employee:* An individual employed by the county on a continuing basis, without limitation as to duration of employment and who has a regularly assigned work schedule of less than 40 hours per week. Part-time-employees are generally not eligible for paid leave (vacation, sick, holiday), or insurance benefits. Specific benefits should be reviewed for individual employee eligibility.
 - d. *Temporary part-time employee:* An individual employed by the county to perform a job for a limited period of time, generally not to exceed 1,000 hours, and who has a regularly assigned work schedule of less than 40 hours per week. Part-time-employees are generally not eligible for paid leave (vacation, sick, holiday), or insurance benefits. Specific benefits should be reviewed for individual employee eligibility.
- (2) The four classifications in subsection (1) of this definition can be combined in the following manner to classify employees:
- a. Regular, full-time employee;
 - b. Temporary, full-time employee;
 - c. Regular, part-time employee;
 - d. Temporary, part-time employee.
- (3) Departments will determine and identify on all required forms or electronic entries, which one of the four classifications to which the employee belongs.

Initial Employment probationary period for civilian employees means the period of time consisting of the first six months of employment with the county, beginning with the employee's date of employment as a regular, full-time employee. For licensed law enforcement personnel, it consists of the first twelve months of employment. During this initial probationary period, employees must demonstrate their ability to satisfactorily perform the assigned job duties. For Sheriff's Department law enforcement personnel, please refer to Sections 2.07 and 2.41 of the Sheriff's Department Civil Service Commission Rules and Regulations. **(This section reflects court approved policy language: Court Order #2009 2290 – December 15, 2009).**

Excluded employee means all the county elected officials and employees who do not meet the definition of the term "employee" in the V.T.C.A., Government Code § 158.001, or by the state attorney general's opinions, are excluded from the civil service system. Additionally, all temporary, full-time employees; regular part-time employees; or

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temporary, part-time employees are excluded from the system. The term does includes deputy constables hired after August 19, 2003 who are excluded from the civil service system.

Inactive employee means an employee who is on approved leave of absence without pay in excess of 31 continuous days, but not to exceed 180 days, and who does not accrue length of service credit for benefit purposes. Leave of absence creates a delay in merit increase and retirement vesting.

Termination of employment means the discontinuance of an employee's service with the county as a result of resignation, dismissal, reduction-in-force, retirement or death.

(Admin. Policy Manual, § A(2.00--2.07, 2.09--2.12); Ord. No. 2003-1467, 8-19-2003; Ord. No. 2006-029, 1-3-2006; Ord. No. 2008-0162, 1-22-2008; Ord. No. 2008-1745, 9-16-2008; Ord. No. 2009-0205, 1-27-2009)

Cross references: Definitions generally, § 1-2.

Secs. 86-2--86-30. Reserved.

ARTICLE II. CIVIL SERVICE*

***State law references:** County civil service, V.T.C.A., Local Government Code § 158.001 et seq.

DIVISION 1. GENERALLY

Sec. 86-31. Purpose of article.

The civil service system is a systematic method of appointing employees to office and promoting them for competency and performance. This article is designed to delineate and clarify the procedures for administering the civil service system on a day-to-day basis for those employees who fall under the jurisdiction of the system. (See article I of this chapter).

(Admin. Policy Manual, § A(1.00))

Sec. 86-32. Nondiscriminatory intent of genderized language.

In this article the pronouns "he," "him," "his" or "their" are used to signify both male and female individuals, are used only to condense the language of this text, and are not to be construed to be discriminatory.

(Admin. Policy Manual, § A(1.01))

Sec. 86-33. Violation of article provisions.

The rules in this article are presently in force for all employees under the civil service system which have been approved by the county civil service commission. Violations of this article will result in disciplinary action ranging from verbal counseling to termination depending on the severity of the violation.

(Admin. Policy Manual, § A(1.06))

Secs. 86-34--86-50. Reserved.

DIVISION 2. CIVIL SERVICE COMMISSION*

***Cross references:** Boards, committees, commissions, § 2-31 et seq.; civil service commission rules of practice, § 86-1007.

State law references: Civil service commission, V.T.C.A., Local Government Code §§ 158.008, 158.009.

Sec. 86-51. Authority and function of commissioners court.

The commissioners court is the legally authorized, elected body of five officials (one county judge and four commissioners) who manage the county's governmental entity. The commissioners court is authorized under V.T.C.A., Government Code §§ 158.001--158.015 to establish a three-member civil service commission, with one member designated to act as chairperson, which shall make, publish and enforce rules relating to:

- (1) The definition of a county employee;
- (2) Selection and classification of county employees;
- (3) Competitive examination;
- (4) Promotions, seniority and tenure;
- (5) Layoffs and dismissals;
- (6) Disciplinary actions;
- (7) Grievance procedures and other procedural and substantive rights of employees; and
- (8) Other matters having to do with selection of employees and their advancement, rights, benefits and working conditions.

(Admin. Policy Manual, § A(1.02, 1.03))

Sec. 86-52. Established; composition.

The county civil service commission was established on April 3, 1975, under authority of section 86-51. The three-member commission shall be comprised of members of the county commissioners court. Present members of the commission are on file with the clerk of commissioners court and the county human resources/civil service department. The secretary to the commission is the county director of human resources/civil service.

(Admin. Policy Manual, § A(1.04))

Sec. 86-53. Meetings.

Meetings shall be on a once monthly, or as needed basis; shall comply with V.T.C.A., Government Code § 552.001 et seq., Open Meetings. Two commission members shall be present to constitute a quorum.

(Admin. Policy Manual, § A(1.05))

Sec. 86-54. Appointment of director of human resources/civil service department.

The civil service commission, with the approval of the commissioners court, shall appoint a director of human resources/civil service who shall be responsible for recommending the implementation of pertinent human resources/civil service rules and regulations to the civil service commission and for administering those approved rules, through his staff, on a day-to-day basis.

(Admin. Policy Manual, § A(1.07))

Secs. 86-55--86-90. Reserved.

ARTICLE III. EMPLOYMENT PRACTICES*

*State law references: County employment authority, V.T.C.A., Local Government Code § 151.001 et seq.

DIVISION 1. HIRING POLICY (This section reflects court approved policy language: Court Order #2012 0614 – April 10, 2012).

*Editor's note: Court Order No. 2001-655, adopted April 3, 2001, amended the employment hiring policy in its entirety, in effect superseding provisions formerly set out as art. III, div. 1, §§ 86-91--86-106, of this chapter, which derived from the Administrative Policy Manual, § A(5.01--5.18). See the Code Comparative Table for a detailed analysis of inclusion of Ord. No. 2001-655.

Sec. 86-90. Policy of Dallas County.

Dallas County values the diverse backgrounds, experiences, knowledge and skills of all individuals, including applicants and employees. Treating individuals with dignity and respect is one of our core values. Our goal is to create and foster a work environment that offers equal employment opportunities and fair treatment to all applicants and employees without regard to race, religion, color, national origin, sex (including pregnancy), age, disability, sexual orientation, transgender, gender identity, gender expression, or political affiliation. This policy includes, but is not limited to, all decisions relating to the employment process (recruiting and hiring), employment actions, compensation, benefits, disciplinary actions, application of policies and procedures and other terms or conditions of employment.

(Ord. No. 2009-0241, 2-3-2009)

Sec. 86-91. Purpose.

The purpose of this policy is to ensure that hiring departments utilize sound, consistent and effective personnel selection methods to identify the best suited applicants to fill vacant positions in the county. This policy complies with applicable federal, state and local laws and statutes.

(Ord. No. 2001-655, §§ 5.00, 5.01, 4-3-2001; Ord. No. 2001-1889, 10-2-2001; Ord. No. 2009-0241, 2-3-2009)

Sec. 86-92. Creation of a position.

- (a) There are two legal county entities involved in the creation of a position in Dallas County. They are:
 - (1) Dallas County Commissioners Court – approves departmental requests for new positions; and
 - (2) Dallas County Civil Service Commission – approves the classification, compensation (job grade), and job description of positions for their

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inclusion in the County's Compensation System.

- (b) The county defines its organizational structure by positions. Employees carry out the functions and duties of the position, therefore:
 - (1) Every full-time, part-time and temporary employee in the county must be assigned to a position with an assigned position number;
 - (2) There must be at least one funding source for each position and if there is more than one funding source used, the sum of the proportions of all funding sources must total 100 percent; and
 - (3) The county uses an integrated HR/payroll/finance system as a mechanism for position control. In the system, each position has a job title, job code, job grade, job location, and an assigned position number.
- (c) When creating a county position, the requesting elected official/department head should follow this process:
 - (1) Initiate a position request with the office of budget and evaluation (OBE);
 - (2) OBE reviews and makes recommendation to Commissioners Court;
 - (3) If Commissioners Court approves the recommendation, OBE then forwards the briefing, court order, and any other applicable information submitted by the department to the Human Resources/Civil Service Department (HR);
 - (4) HR works with the requesting department and forwards recommendation on job description, compensation (job grade), and placement in the county's job classification system to the civil service commission; and
 - (5) If approved by the Civil Service Commission, the Auditor's Office assigns a position number to the position allowing the requesting department to post and/or hire applicants.

(Ord. No. 2001-655, § 5.02, 4-3-2001; Ord. No. 2001-1889, 10-2-2001; Ord. No. 2009-0241, 2-3-2009)

Sec. 86-93. Job posting.

Once a position has been created in the county's classification system, all positions (except those defined as category A positions) must be posted or announced through the Dallas County iRecruitment System. The hiring process, a completely automated process (iRecruitment), is designed to provide managers/supervisors or designees the ability to post their vacant positions and receive applications utilizing a paperless process with limited external intervention. Effective January 1, 2009, all departments are required to utilize this hiring system or will work with HR to implement as soon as feasible.

The type of recruiting strategy will determine the length of time a position will be posted. The following guidelines shall apply:

- (1) If the hiring department is interested in recruiting internal and external applicants, the hiring department shall:
 - a. Post non-exempt and exempt positions for the standard posting minimum period of ten or fifteen working days, respectively; or
 - b. Request a reduced number of posting days from HR with the minimum being five working days; or
 - c. Post hard-to-fill and/or other professional positions until filled (typically up to 30 days);
- (2) If the department is only interested in recruiting county employees, the position vacancy will be posted on the iRecruitment Internal Site only for:
 - a. Dallas County employee applicants for a minimum of five (5) working days; or
 - b. Departmental applicants for a minimum of three (3) working days.

(Ord. No. 2001-655, § 5.03, 4-3-2001; Ord. No. 2001-1889, 10-2-2001; Ord. No. 2009-0241, 2-3-2009)

Sec. 86-94. Request to post.

To post a position, a manager/supervisor/hiring representative must have the iRecruitment Manager responsibility to access the iRecruitment Module and create and submit a job posting through the iRecruitment System. After submission, the following process shall take place:

- (1) Auditor's Office verifies the availability of funds, existence of the position number and termination status of last incumbent.
- (2) Human resources/civil service department reviews the job title, salary range, location, and closing date. Only job duties and job qualifications approved by the Civil Service Commission shall be included in the job posting as a requirement.

(Ord. No. 2001-655, § 5.04, 4-3-2001; Ord. No. 2001-1889, 10-2-2001; Ord. No. 2009-0241, 2-3-2009)

Sec. 86-95. Recruitment process - Recruiting strategy.

The human resources/civil service department and the hiring department may recruit qualified applicants through a variety of sources such as local newspapers and other publications, job fairs and career days. The hiring department may request

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additional recruiting efforts by contacting the human resources/civil service department's recruiter. In addition:

- (1) Hiring departments are encouraged to recruit for their positions. When discussing career opportunities with potential applicants, the hiring department shall direct applicants to apply via the county's online recruitment system (iRecruitment).
- (2) HR will work directly with departments when requiring documents with an original signature (e.g., the Sheriff's Department).
- (3) Other factors to be considered:
 - a. Americans with Disabilities Act (ADA). The county's employment and selection process will provide reasonable accommodations to persons with disabilities, in accordance with the Americans with Disabilities Act of 1990 (ADA). Requests for employment accommodation may be made to the employee relations specialist in the human resources/civil service department.
 - b. Minimum age requirements. Persons 16 to 18 years of age may be hired in non-hazardous positions. Occupations declared to be hazardous to persons between 16 and 18 years of age by the Department of Labor include: motor vehicle driver and outside helper, operating power-driven machines, elevators and power-driven hoisting equipment, chain saws, circular saws and guillotine shears, and roofing, and excavation labor. Persons under the age of 16 years will not be employed by the county, unless they are hired through programs approved by commissioners court (i.e., summer youth, work-study, etc.). All appointees shall have attained the minimum age of 16 years and must be able to provide a proof of age certificate (either state issued driver's license or identification card, or birth certificate).
 - c. Selective Service. Every male who is 18 years old, but has not yet attained the age of 26 years old, seeking employment with the county, shall submit documentation verifying his registration or exemption from registration with the Federal Selective Service System.
 - d. Residency requirements. All department heads appointed by and reporting directly to commissioners court and who have a full-time employment date of May 1, 1991, or after, must reside in Dallas County. (See section 86-131 for specific details).
 - e. Nepotism. Applicants who have immediate family members presently working in a department will not be allowed to work in the same department. (See Division 4: Nepotism, for specific details.)

- f. Verification of employment eligibility. Dallas County employs only U.S. citizens and lawfully authorized non-U.S. citizens. All new employees must show employment eligibility verification and complete the Employment Eligibility Verification Form I-9, as required by U.S. Citizenship and Immigration Services, to be in compliance with the Immigration Reform and Control Act of 1986.
- i. I-9 Form: An I-9 Form must be completed within three business days of the employee's hire date. In the event an employee is unable to provide evidence of employment eligibility within the time limits required by law, the employee either will not be hired or will be terminated. Employees who are not eligible to continue employment due to an expired work authorization date will be terminated.
- ii. Original documents from either list A, or list B and C must be reviewed in the presence of the employee. Photocopied, altered, or laminated documents cannot be accepted. For a list of acceptable documents (as indicated on Form I-9) please visit <http://www.uscis.gov/i-9>. To improve the accuracy and integrity of I-9 information, Dallas County uses an electronic employment verification system called E-Verify.
- g. Criminal charges/outstanding warrants. An applicant or current employee (e.g., seeking promotional, transfer, reassignment opportunities) who has criminal charges pending or who has any outstanding warrant(s) is ineligible for the employment action with Dallas County. For the purpose of this policy intent, minor traffic violations are not considered a misdemeanor criminal charge; however, an outstanding warrant resulting from a minor traffic violation or other criminal charges shall cause the applicant (to include current employees) to be ineligible for employment consideration and/or continued employment (as related to current employees) until the pending criminal charges/outstanding warrants have been resolved through the applicable court system. The individual(s) must provide proof of payment to the department who must provide proof of payment of the fines or proof of payment arrangement for the violation(s) to the human resources/civil service department.
- h. Other outstanding/unresolved issues. An applicant under consideration for hire or current employee (e.g., seeking promotional, transfer, reassignment opportunities) who owes any unpaid fees, fines and/or taxes (e.g., delinquent property taxes) to the county shall cause the individual to be ineligible for employment consideration and/or continued employment (as related to current employees) until he/she has paid the fees and/or fines, or has entered into a payment agreement and/or is current

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with the payments. The individual(s) must provide proof of payment to the department who must provide proof of payment or proof of payment arrangements to the human resources/civil service department.

- i. Employees returning to work for Dallas County. Employees returning to work for the county after voluntarily or involuntarily leaving will be treated as a new hire subject to all requirements and new hire processes, unless other specific policies apply. Retired employees wishing to return to work must attest in writing that prior to the date of retirement, there was no pre-arranged agreement made for the retiree's return to work. (See *Section 86-572 – Reemployment Policy*).

(Ord. No. 2001-655, § 5.05, 4-3-2001; Ord. No. 2001-1889, 10-2-2001; Ord. No. 2009-0241, 2-3-2009; Ord. No. 2012-0614, 04-10-12)

Sec. 86-96. Application process--Completion and submission.*

An applicant must complete and submit an online application (iRecruitment System) to be considered for employment. The information submitted by the applicant in the online application system is utilized by the Human Resources/Civil Service department to ensure all applicants or employees under consideration for hire (promotional, transfer or reassignment opportunities) meet the minimum qualifications. The following applies to the benefits provided to hiring departments by the online application system:

- (1) All online applications and/or resumes of candidates are immediately available for review by managers/supervisors 24 hours/7 days a week. Managers/supervisors can search for and select specific applicants and advance the selected applicant(s) through the application process to eventual hire.
- (2) If a hiring department has several positions posted and determines that an applicant meets the minimum qualifications for position(s) other than the position for which he/she has applied, the hiring department shall notify the applicant to apply for the other posted position(s) through iRecruitment.
- (3) The human resources/civil service department offers on-going training to managers/supervisors on the county's iRecruitment System. Managers/supervisors or designees are encouraged to attend training sessions to ensure proficient utilization of the system.

(Ord. No. 2001-655, § 5.06, 4-3-2001; Ord. No. 2001-1889, 10-2-2001; Ord. No. 2003-058, 1-14-2003; Ord. No. 2009-0241, 2-3-2009)

Sec. 86-97. Interview Process.

Interviewing and selecting the right candidate is important and ultimately the responsibility of each hiring department. A well-planned interview and selection process seeks information about the applicant's background and ability to perform a job. The hiring department must ensure that all county policies and procedures related to hiring are followed. The following guidelines shall apply specifically to the hiring department:

- (1) Reviewing applications. The hiring department shall carefully and consistently search via iRecruitment and review all applications to select applicants for interviews. Once the hiring manager/supervisor or designee has selected the applicant(s) for interview, the application and registration assessment in iRecruitment should be printed for utilization in the interview process.
- (2) Scheduling interviews. When an applicant is contacted for an interview, he/she should have completed an application for the position through iRecruitment or must do so prior to the interview. The hiring manager/supervisor or designee shall inquire about information provided on the application and registration assessment that may need clarification and advise the applicant to update the necessary field(s) in iRecruitment before coming in for the interview. Applicants should be encouraged to especially review work history to ensure all previous employers are listed.
- (3) Preparing for interviews. The elected official/department head or designee should prepare for the interview by:
 - a. Obtaining a copy of the job description and reviewing the job's essential functions, required skill levels and minimum qualifications;
 - b. Preparing a set of job-related interview questions that are asked of all applicants; and
 - c. Contacting the employment section of the human resources/civil service department if review or assistance with developing interview questions is needed.
- (4) Conducting interviews. The elected official/department head or designee shall conduct the interview(s). The interviewer should first review the application and registration assessment carefully with the applicant to ensure completeness and accuracy of relevant information (i.e., work history, education, criminal history, registration assessment, etc.). Any and all information the hiring manager/ supervisor and applicant would like to have considered as part of the qualification process shall be discussed and finalized during this stage of the hiring process. Equal Employment Opportunity (EEO) guidelines must be adhered to in the interview process. The guidelines are:
 - a. All interview questions must be job-related questions. Based on

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an applicant's response to the core questions, the interviewer may ask follow-up questions. The human resources/civil service department recommends the utilization of the interview and evaluation worksheet to document specific facts concerning the applicant's qualifications and rationale for selection;

- b. The contents of the application (employment dates, job titles and detailed descriptions of job duties for current/previous employers, pursuits and completion of education, and all other pertinent information) shall be reviewed and discussed, and if necessary, updated/entered into the iRecruitment system by the candidate prior to the department representative creating a job offer. In situations where an applicant has held more than two positions with a company, it is the responsibility of the interviewer to discuss the position with the applicant and provide a breakdown of the dates and job duties for each position;
- c. When it appears an applicant may be a finalist for the position, the hiring manager/supervisor should ask the applicant to complete the background release form as well as to obtain his/her high school diploma and official college transcripts. Internal applicants may be requested to sign a release of personnel records form which authorizes release of personnel information (e.g., performance evaluations, attendance records, etc.) to the hiring manager/supervisor.

(5) Testing. At the request of the department, if testing is required, applicants under consideration for a position will be required to satisfy all applicable performance tests. The Civil Service Commission shall be the final judge of the scope and content of such tests. All performance tests should be reviewed by the human resources/civil service department prior to being administered.

- a. Applicants -- Keyboarding/ten-key. Test scores for applicants will remain on file for six months and may be considered when an applicant applies for future job vacancies during this period;
Note: Former Dallas County employees will be required to retest, unless separation was due to a reduction-in-force.
- b. Current employees--Keyboarding/ten-key
 - 1. An employee's qualifying test scores can be utilized indefinitely (if the test score is available) when applying for other clerical or administrative positions; and
 - 2. New tests will not be required when an employee transfers to a position requiring the same or less keyboarding/ten key requirements.
- c. Dallas County only accepts keyboarding/ten-key test scores administered by the human resources/civil service department

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(employment division).

- (6) Reference Checks. Hiring managers/supervisors should check (at a minimum) references with the current and former supervisors of the candidate(s) (to include current and former employees) under consideration for hire. Reference information must be documented, provided to HR/CS and retained with other recruitment and selection documents. The goal of the reference check seeks to:
 - a. Verify name and title of person providing the reference;
 - b. Verify employment dates;
 - c. Verify position title;
 - d. Confirm any information and details on the application materials;
 - e. Ask questions that may predict a candidate's performance;
 - f. Verify beginning and ending salaries; and
 - g. Learn new information about a candidate.
 - h. Documented information must be signed and dated by the individual who obtains such information.

Note: Internal applicants may be requested to sign a release of personnel records form which authorizes release of personnel information (e.g., performance evaluations, attendance records, reason for leaving, etc.) to the hiring manager/supervisor. Department records shall not be released unless specifically authorized by the employee.

Sec. 86-98. Selection Process.

The information obtained in the application, the interview, any selection tests, and employment references will allow the hiring manager to assess candidates' suitability for the position. The following steps will assist the hiring department and the human resources/civil service department in assessing candidates under consideration for employment.

- (1) Application Review by Hiring Department. Due to the cost involved to conduct background investigations hiring departments must carefully review all information presented in the application and registration assessment with the applicant during the interview process prior to creating a job offer (request for salary analysis) through iRecruitment to HR. If corrections (to include information related to the applicant's work history, education, assessment tests, criminal history, professional training, if applicable) are required of the applicant, the hiring manager/supervisor must ensure the corrections are made during this stage of the hiring process. Once the qualification process has been completed and the background investigation has been initiated, no other additional information will be considered.

- (2) Submitting all applicable information to HR (Creating the initial job offer). The hiring department must submit all applicable information/documentation for the selected candidate to the HR department. It is the responsibility of the hiring manager/ supervisor or designee to obtain required documents verifying education (i.e., certified/official transcripts, bar card, etc.) and ensure the completion of the registration assessment, application assessment, and other information related to work history, education, and training prior to creating the initial job offer.
- a. Submission of required documents. The hiring department shall submit all required educational documentation (i.e., official high school diploma and/or official college transcripts, certifications, etc.) and background release form to HR after creating a job offer. For information regarding what HR considers when reviewing education documentation, see Section 86-99.
 - b. If HR determines the candidate meets the minimum qualifications for the position vacancy, the background investigation process is initiated. If HR determines that the candidate does not meet the minimum qualifications, the hiring department will be contacted to review the candidate's qualifications. The hiring manager/supervisor may reject the candidate and terminate the offer in iRecruitment, or may choose to under fill the position. See *section 86-311 (Under Fill Policy) for additional information.*

(Ord. No. 2001-655, § 5.09, 4-3-2001; Ord. No. 2001-1889, 10-2-2001; Ord. No. 2003-058, 1-14-2003; Ord. No. 2004-1790, 10-5-2004; Ord. No. 2009-0241, 2-3-2009; Ord. No. 2012-0614, 04-10-12) Editor's note: Ord. No. 2009-0241, adopted Feb. 3, 2009, amended the Code by redesignating former § 86-99 as 86-97.

Sec. 86-99. Qualification review by Human Resources/Civil Service

The human resources/civil service department will evaluate all applications received for position vacancies once the initial job offer has been created and submitted to HR through the Recruitment platform. Once it has been determined the applicant meets the minimum qualifications, the HR Department will submit required background information to the county's third party vendor and upon receipt of the results compare both the information provided by the applicant and third party vendor. The evaluation will be based on the following:

- (1) Review of Documentation. After HR has determined that the applicant meets the minimum qualifications based on the information presented on the online application, the application and appropriate forms will be sent to the County's background investigation third party vendor for a background investigation.
- a. Background investigations are conducted on all applicants (i.e., social security number, employment, motor vehicle record (if applicable), and criminal history). If all pertinent information has

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been previously collected and verified on an employee who is being promoted to another position, depending on the time and the position requirements, another criminal history check and motor vehicle check (if applicable) may be conducted. (See article III, division 5 of this chapter for specific details).

- b. If the vendor is unable to verify essential information, HR will work with the hiring department to obtain the information from the applicant. For example, in regard to work history, the applicant must provide documentation (e.g., on company letterhead/stationery, company paycheck stubs, tax returns, social security wage statements, etc.). For additional information related to background investigations, please refer to section 86-191 (Employment Background Investigation Policy).

- (2) Review of education and work experience. Candidate must meet the minimum qualifications as outlined in the job description related to the position's education/specialized training and/or work experience requirements. If an applicant does not meet the educational requirement, then HR will consider the following:

- a. When experience is substituted for education: The candidate's current/previous work experience may be evaluated as a possible creditable substitute in lieu of the educational requirement beyond a high school diploma/GED. In these cases, two years of experience would equate to one year of education at the secondary/undergraduate levels (e.g., a bachelor's degree equals eight years of experience. A graduate (e.g., master's) degree equates to two additional years of work experience, above a related bachelor's degree. A doctoral degree equates to two additional years of work experience above a related master's degree. HR will evaluate work experience to determine whether its level of difficulty and responsibility in relation to the posted position is creditable.

For example, a human resources analyst position requires a four-year college degree in human resources, business or related field. If a candidate possesses an associate degree, then the associate degree plus four years of directly related work experience is required, i.e., the difference between the associate degree and the bachelor's degree requirement equates to four years of experience. The candidate's work experience will be evaluated to determine if the level of responsibility and complexity is creditable as a substitute for the college degree.

If an applicant does not meet the work experience requirement, then HR will consider the following:

- b. When education is substituted for experience: The candidate's accredited college courses may be substituted in lieu of the

required work experience if the college courses are comparable and/or related to the level and type of work experience required for the position. The substitution will be granted on a one to two ratio (i.e., one year of college [30 accredited college hours] to two years of work experience). For example, if a case manager position requires a bachelor's degree in psychology, sociology or related field, plus two years work-related experience and the applicant possesses a master's degree in psychology, but has no work-related experience, then the master's degree may be accepted in lieu of the two years' work experience.

- c. The HR Department uses the Experience Equivalency Requirement Table in determining the level and type of Dallas County experience used as comparable work experience to qualify the applicant. This experience must be within five (5) grade levels of the position the applicant is being selected for to be considered comparable work experience (see Table) to qualify the applicant up to maximum in hire. For fairness and consistency with other court approved salary plans, experience that is within eight (8) grade levels below the position the applicant is being selected for can be used to qualify the applicant for the minimum of the salary range only for the position being selected for. Experience more than eight (8) grade levels below the position the applicant is being selected from must be approved by Commissioners Court. Non-Exempt experience will not be awarded for position at the Director or Assistant Directors levels.

Example#1: an employee is being promoted from a job grade C to job grade H. The job grade H requires a BS + 3 years' experience to get minimum and 7 years' experience to get C. HR will consider the 8 years of the candidate's work experience to qualify the individual at maximum in hire.

Example#2: an employee is being promoted from a job grade C to job grade H. The job grade H requires a BS + 3 years' experience to get minimum and 7 years' experience to get maximum in hire. The employee has a BS + 1 year at a job grade C, 1 year at a job grade A and 5 years at a job grade 09. HR will consider the 1-year grade C experience, the 1-year grade A experience and only 1-year of the grade 09 experience to qualify the individual at the minimum in hire only. This employee cannot qualify for maximum in hire with his/her combined 7 years' experience because experience greater than 5 grade levels were considered.

- (3) Review of volunteer work experience. Comparable work experience as a volunteer or unpaid intern will be considered during the evaluation of qualifications. An internship paid or unpaid, that is required to fulfill a

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diploma/degree plan will not be considered in evaluating qualifications. A paid internship that is not required to fulfill a diploma/degree plan will be considered as paid work experience in evaluating qualifications. **See Sec. 86-102 regarding Dallas County Internship Policy.**

- (4) Work Experience Outside of the US. Work experience obtained outside of the United States will be reviewed and approved by the director of human resources/civil service on a case-by-case basis. Applicants must be able to provide documentation (e.g., company paycheck stubs, etc.) to validate work experience obtained outside the United States.
- (5) Falsification of records. All required documentation must be provided, and the authenticity of such documentation verified by the hiring department prior to an applicant being employed by the county. Any applicant who provides false or inaccurate information or documentation when applying for a posted position shall be disqualified from consideration for that position. External/internal applicants shall also be disqualified from employment consideration for any other county position for a minimum period of one year from the date of the application. Any material misrepresentation of facts or failure to report pertinent data on the application form by internal employees shall be just cause for dismissal.
- (6) Submission for Exceptions. A department may request an exception to the hiring policy from commissioners court when:
 - a. An applicant does not meet the minimum qualifications and is not eligible for an under-fill status for a vacant position. The elected official/department head must submit the justification for the request to the human resources/civil service department for submission to commissioners court for its approval.
 - b. An applicant provides false or inaccurate information/documentation when applying for a posted position he/she would be disqualified from consideration for that position. If a candidate provides false or inaccurate information or documentation when applying for a posted position which causes HR to disqualify the candidate, and the hiring department remains interested in hiring the candidate, the hiring department may request an exception to hire the applicant by submitting the request to the human resources department for submission to commissioners court for its approval.
- (7) Completion of Salary Analysis. Upon satisfactory completion of the background investigation and evaluation of education/work experience and all other applicable qualification factors, a salary analysis will be conducted. The salary analysis involves the following:
 - (a) The human resources/civil service department will provide the hiring manager/supervisor with a salary range (minimum salary and

maximum in-hire salary) he/she can offer the candidate through the Recruitment platform.

- (b) The hiring manager/supervisor may make an offer of employment contingent upon satisfactory completion of the pre-employment physical and, if applicable, drug test results.
- (c) Hiring departments should refrain from discussing the salary to be offered, if above the minimum, until salary verification is received from the human resources/civil service department.

Experience Equivalency Requirement Table

This table will be the guide for: 1) Human Resources when considering a candidate's level of experience for jobs/promotions in Dallas County; 2) County departments in determining their plan of actions for promoting and mentoring an employee towards career advancement; and, 3) employees seeking promotional opportunities. **This table is not used for positions under Court Ordered Pay Plans (i.e. Judicial Salary Plan, Law Enforcement Pay Plan, etc.), professional positions where a degree is mandatory (i.e. Accountant, Psychologist, etc.).**

For Hiring or Promotion to a:	Candidate must have, as a minimum, work related experience equivalent to or above a (see below):***	
Grade 9 position	Grade 4	level and above in Dallas County
Grade 10, A, AM, CC, PE01	Grade 5	level and above in Dallas County
Grade 11, B, BM, DD, PE02	Grade 6	level and above in Dallas County
Grade 12, C, CM, EE, PE03	Grade 7	level and above in Dallas County
Grade 13, D, DM, FF, PE04	Grade 8, AA	level and above in Dallas County
Grade 14, E, EM, GG, PE05	Grade 9, BB	level and above in Dallas County
Grade 15, F, FM, PE06	Grade 10, A, AM, CC, PE01	level and above in Dallas County
Grade 16, G, GM, PE07	Grade 11, B, BM, DD, PE02	level and above in Dallas County
Grade H, HM, PE08	Grade 12, C, CM, EE, PE03	level and above in Dallas County
Grade I, IM, PE09	Grade 13, D, DM, FF, PE04	level and above in Dallas County
Grade J, JM, PE10	Grade 14, E, EM, GG, PE05	level and above in Dallas County
Grade K, KM, PE11	Grade 15, F, FM, PE06	level and above in Dallas County
Grade L, LM, PE12	Grade 16, G, GM, PE07	level and above in Dallas County
Grade M, MM, PE13	Grade H, HM, PE08	level and above in Dallas County
Grade N, NM, PE14	Grade I, IM, PE09	level and above in Dallas County
Grade O, OM, PE15	Grade J, JM, PE10	level and above in Dallas County
Grade P, PM, PE16	Grade K, KM, PE11	level and above in Dallas County

*****Work Related experience within 5 grade levels of the position being selected for is considered comparable work experience to qualify for maximum in hire; experience greater than 5 grade levels of the position being selected for but less than 9 grade**

levels is considered comparable work experience in certain instances. Experience greater than 5 grade levels of the position being selected for but less than 9 grade levels is considered comparable work experience in certain instances. Experience greater than 5 grade levels of the position being selected for but less than 9 grade levels will be used to qualify an employee for the minimum of the salary range for positions outside the employee's current department or for supervisory/management positions within the employee's current department. Experience greater than 5 grade levels of the position being selected for but less than 9 grade levels will be used to qualify an employee for the max-in-hire salary amount for a non-supervisory/management position within the employee's current department.

(Ord. No. 2001-655, § 5.07, 4-3-2001; Ord. No. 2001-1889, 10-2-2001; Ord. No. 2003-058, 1-14-2003; Ord. No. 2005-2452, 12-20-2005; Ord. No. 2009-0241, 2-3-2009; Ord. No. 2017-0963; 08-01-2017; Ord. No. 2017-1060, 08-15-2017; Ord. No. 2022-0679, 06-21-2022)

Editor's note: Ord. No. 2009-0241, adopted Feb. 3, 2009, amended the Code by redesignating former § 86-97 as § 86-98, in effect repealing § 86-98, which pertained to application process--distribution and receipt, and derived from Ord. No. 2001-655, § 5.08, adopted April 3, 2001; Ord. No. 2001-1889, adopted Oct. 2, 2001; Ord. No. 2003-058, adopted Jan. 14, 2003. Said ordinance also amended the Code.

Sec. 86-100. Completing the Hiring Process.

Once the human resources/civil service department has determined that a candidate is eligible for hire with Dallas County, the following steps shall be completed:

- (1) Making a formal Job Offer in the Recruitment platform. Upon notification of an eligible salary range, it is the responsibility of the hiring department to ensure the following steps occur in the Recruitment platform at least fourteen business days prior to the selected applicant's start date:
 - (a) The hiring department must initiate the final job offer to the selected applicant; and
 - (b) The selected applicant must accept the offer in the Recruitment platform.

(Example: If a selected applicant is scheduled to begin employment on Monday, November 10th, then the hiring department must have initiated the job offer and the selected applicant must have accepted the job offer in the Recruitment platform by the previous Tuesday, October 27th.)

- (2) Physical examination. A pre-employment physical examination is required for all applicants applying for safety sensitive positions or for positions for which federal or state regulations require pre-employment physical examinations. The physical examination measures whether the applicant meets the physical requirements of the job. The offer of employment is contingent on the candidate passing the physical examination. See Article

III, Division 6, Section. 86-221 (physical examinations) for specific details.

Sec. 86-101. Forms distribution.

After completion of applicable forms and the employee physical, if required:

- (1) The hiring department submits the new employee and position change form (Court Order) no later than fourteen days prior to the start date, in order to allow the auditor's office a full week to process the court order and place it on commissioners court's agenda on the next available Tuesday. (Note: The effective date of the new employee and position change form (court order) must fall within the immediate preceding, current or subsequent pay period of the form.)
- (2) Upon the submission of these forms, the auditor's office and the human resources/civil service department proceed with a series of final checks, approvals and signatures; and
- (3) Having been approved by the director of human resources/civil service and the county auditor, the personnel court order is forwarded to the clerk of the commissioners court and prepared for the court's consideration and final action.
- (4) The human resources/civil service department forwards the following forms to the auditor's office, treasurer's office, or other applicable departments after the completion of New Employee Orientation (NEO):
 - a. Employment eligibility verification form I-9;
 - b. Employee's withholding allowance certificate form W-4;
 - c. Texas County and district retirement system member information form;
 - d. Dallas County benefits enrollment worksheet;
 - e. Election to withhold personal information;
 - f. Dallas County identification badge form; and
 - g. Emergency notification form.
- (5) Hiring selection files. The hiring department shall maintain confidential files of the selection process and retain all material related to the position vacancy for three years in accordance with the records retention schedule.

Editor's note: Ord. No. 2009-0241, adopted Feb. 3, 2009, amended the Code by redesignating former § 86-100 as § 86-99.

Editor's note: See the editor's note to § 86-99.-655, § 5.13, 4-3-2001; Ord. No. 2001- 1889, 10-2-2001; Ord. No. 2022-0950, 09-06-2022)

All new and former employees must serve a probationary period of six months during which their work performance and general suitability for the department are carefully evaluated. For licensed law enforcement personnel, it consists of the first twelve months of employment. *For Sheriff's Department law enforcement personnel, please refer to Sections 2.07 and 2.41 of the Sheriff's Department Civil Service Commission Rules and Regulations.*

- (1) It is recommended that the supervisor conduct at least two written performance evaluations during the probationary period. The evaluation should take place:
 - a. No later than the midpoint of the probationary period; and
 - b. No later than 30 days before the completion of the probationary period.
- (2) In addition to these evaluations, the supervisor should conduct an evaluation at any time there is a question concerning the employee's quality of performance or suitability for the department. If at any time during the probationary period, the employee's performance or general suitability for employment in the department is found to be unsatisfactory, the employee will be released as provided in section 86-971.
- (3) Employees who do not receive their formal performance appraisals timely are encouraged to discuss it with their supervisors or to immediately contact their department's human resources representative or the central human resources department.

(Ord. No. 2001-655, § 5.12, 4-3-2001; Ord. No. 2001-1889, 10-2-2001)

Internship Policy.

Sec. 86-102. Purpose

Each department, at the discretion of the elected official/department head, may offer internship opportunities for students and others interested in learning more about the office or department's specific areas of specialization. Such internships may be paid or unpaid as each department defines and develops its own internship program. However, due to some federal oversight of internship programs by the Department of Labor, general provisions and guidelines are provided in this policy section.

Sec. 86-103. Policy Application

Internships are designed to provide an opportunity to others to learn more about the office or departmental operational functions and to observe how theoretical concepts are applied on a day-to-day basis. An internship may be paid or unpaid.

- a) **Unpaid Internships** - the department shall ensure the intern is not displacing a regular employee; there is no guarantee of a job at the end of the internship; the un-paid internship does not provide a financial benefit to the office or department; the intern understands that he/she is not entitled to wages during the internship; the training provided is beneficial to the intern, and is similar to training provided or given in an educational environment.

If all factors listed in the above paragraph (e.g. Unpaid Internship) are met, an employment relationship does not exist under the Fair Labor Standards Act (FLSA), and the Act's minimum wage and overtime provisions do not apply to the intern.

- (b) **Paid Internships** – the department should review all proposed paid internships with the Human Resources/Civil Service Department prior to offering such internships or programs to ensure all pay and benefit issues are addressed.

Whether paid or unpaid, each department is responsible for ensuring its internship program complies with this policy and with other agreements that may be applicable to the internships (contracts with colleges, universities, etc.) In addition, all interns (paid or unpaid):

- (1) Must be at least 15 years of age or have completed his/her freshman year of high school;
- (2) Shall be subject to background checks;
- (3) Shall be required to sign all applicable documents related to their internship at Dallas County; and
- (4) Shall be required during the internship to comply with Dallas County Employee Code of Conduct.

(Ord. No. 2014-0835, 06-17-2014)

Secs. 86-104 -- 86-109 Reserved.

DIVISION 2. Educational Review by Human Resources

Sec. 86-110. Verification of educational/certification/license qualifications.

All information provided on employment application will be verified. The candidate is responsible for submitting all required educational documents such as a high school/GED diploma, certified college transcript to verify the number of college hours completed, and/or award of a college degree, or professional/technical

certifications and licenses to the hiring department. The hiring department is responsible for forwarding all educational/professional training documents to HR. When verifying educational credentials of candidates for positions prior to submission to HR, the department must be aware of the following guidelines:

- (1) High school diplomas must be accredited by a nationally or regionally known accrediting organization in the United States. GED diplomas must be administered and awarded through the Department of Education and State GED testing facilities in the United States.
- (2) Candidates who cannot obtain a copy of their high school diploma, who did not obtain a high school diploma/GED, or who's HS/GED diploma cannot be verified as being from an accredited school or accrediting agency recognized by the Texas Education Agency (TEA), may meet this requirement if they have enrolled in and completed at least three (3) core college hours (e.g. English, math, social sciences) with a grade C or better from an accredited institution of higher education as described in number (3) (below). Human Resources/Civil Service will not accept developmental, non-pertinent courses (no Physical Education (PE) or craft classes), in lieu of a high school diploma. Regular credit classes (other than PE or craft classes) will be granted credit as for any other candidate.
- (3) College degrees or college hours completed are only accepted from post-secondary educational institutions that have been accredited to grant degrees by one of the national or regional accrediting agencies in the United States, as recognized by the United States Department of Education. An official transcript that contains the institution's official seal must be provided as proof; and
- (4) Education obtained outside the United States must be converted, at the candidate's expense, to the equivalence of the United States educational level by a recognized accrediting agency or organization in the United States.

Secs. 86-111--86-130. Reserved.

DIVISION 3. RESIDENCY.

Sec. 86-131. Requirement for full-time department heads reporting to Commissioners Court.

All regular, full-time department heads that are appointed by, and report directly to, the commissioners court and have a full-time employment date of May 1, 1991, or after, must reside in the county. This policy applies to the budget officer, the commissioners court administrator, the elections administrator, the director of health and human services, the director of the human resources/civil service department, the chief medical examiner, the director of the office of security and emergency management, the

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director of public works, the public defender, the purchasing agent, fire marshal and assistant fire marshals, and the veteran services officer.

(Admin. Policy Manual, § A (6.00); Ord. No. 2005-1839, 9-27-2005)

Sec. 86-132. Departments not reporting directly to commissioners court.

All other departments are encouraged, by the commissioners court, to adopt and enforce like rules for employment consideration within their office.

(Admin. Policy Manual, § A (6.01); Ord. No. 2005-1839, 9-27-2005)

Sec. 86-133. Initial consideration for county employee applicants.

Qualified applicants who are currently county employees and residents of the county are to be given initial consideration for all available positions. Based upon the quality of applications received, the elected official/department head may elect to extend recruitment efforts to applicants residing outside of the county.

(Admin. Policy Manual, § A (6.02); Ord. No. 2005-1839, 9-27-2005)

Sec. 86-134. Exception to the residence requirement.

An exception to the residence requirement may be granted by the Commissioners Court at the time of employment. Such exception may be temporary or permanent.

(Ord. No. 2005-1839, 9-27-2005)

Editor's note: Ord. No. 2005-1839, adopted Sept. 27, 2005, repealed provisions formerly set out as § 86-194 of the Code and added new provisions as § 86-194. Former § 86-194 pertained to job offers to non-county residents and derived from the Administrative Policy Manual, § A (6.03).

Sec. 86-135. Failure to comply.

Any employee covered by this policy who fails to comply with the residence requirement will be subject to disciplinary action.

(Admin. Policy Manual, § A (6.06); Ord. No. 2005-1839, 9-27-2005)

Editor's note: Ord. No. 2005-1839, adopted Sept. 27, 2005, repealed provisions formerly set out as § 86-195 of the Code and renumbered provisions formerly set out as § 86-196 as § 86-195 as herein set out. Former § 86-195 pertained to the three-month grace period and derived from the Administrative Policy Manual, § A (6.04, 6.05).

Sec. 86-136. Advertising and posting residency requirement.

All affected positions will be advertised and posted with the residency requirement.

(Admin. Policy Manual, § A (6.08); Ord. No. 2005-1839, 9-27-2005)

Editor's note: Ord. No. 2005-1839, adopted Sept. 27, 2005, repealed provisions formerly set out as § 86-197 of the Code and renumbered provisions formerly set out as §§ 86-198--86-200 as §§ 86-196--86-198. Former § 86-197 pertained to address changes and derived from the Administrative Policy Manual, § A (6.07).

Sec. 86-137. Retention of exemptions.

Employees hired prior to May 1, 1991, who occupy a position with a residence requirement, and are terminated, but subsequently reemployed, shall not retain their exemption to the residence requirement.

(Admin. Policy Manual, § A (6.09); Ord. No. 2005-1839, 9-27-2005)

Note: See the editor's note following § 86-136.

Sec. 86-138. Required for all positions having requirement for employees hired prior to May 1, 1991.

Effective January 1, 1997, any employee hired prior to May 1, 1991, who attains a position having a residence requirement, will be subject to the residence requirement.

(Admin. Policy Manual, § A (6.10); Ord. No. 2005-1839, 9-27-2005)

Note: See the editor's note following § 86-136.

Secs. 86-139--86-160. Reserved.

DIVISION 4. NEPOTISM*

*State law references: Nepotism, V.T.C.A., Government Code § 573.001 et seq.

Sec. 86-161. Policy Statement.

The purpose of this policy is to reduce potential conflicts or perceptions of favoritism that may occur with the hiring of immediate family members in the workplace. The following language will clearly define Dallas County's policy regarding the standards for hiring relatives or employees related by blood, marriage or adoption.

Sec. 86-162. Application.

This policy only applies to department heads appointed by the commissioners court and individuals who are supervised directly or indirectly by those department heads or their designees.

Sec. 86-163. Prohibited according to applicable law.

The hiring of employees shall not violate the laws against nepotism as contained in the state law or other applicable laws. This policy applies to all applicants and employees (regular full-time, temporary full-time, regular part-time or temporary part-time capacity) to include applicants/temporary employees provided through temporary employment agencies. Sheriff's employees should consult the Sheriff's Department Civil Service Rules and Regulations for departmental guidance.

(Admin. Policy Manual, § A(2.13))

Sec. 86-164. Immediate family members enumerated.

Applicants who have any of the following immediate family members (related by blood, marriage or adoption) presently working for the county will not be allowed to work in the same department: parent husband, wife, child, stepchild, brother, sister, nephew, niece, stepbrother, stepsister, half-brother, half-sister, stepparent, cousin, grandparent, grandchild, uncle, aunt and any person serving as parent/guardian, or any relative living in the same household.

For example, John has applied for a security officer position in the Office of Security and Emergency Management Department. His stepmother has a nephew currently employed in the department. John cannot work in the Security and Emergency Management Department because he currently has a cousin (by marriage) currently employed in the department.

(Admin. Policy Manual, § A(2.14))

Sec. 86-165. Additional persons classified as immediate family.

Applicants and employees who have any of the following family members (related by blood, marriage or adoption) currently working for the county may work in the same department but may not work in the same section or division, nor may a supervisory relationship exist; parent-in-law, daughter-in-law, son-in-law, brother-in-law, and sister-in-law. A section or division is defined as a formal organizational structure or unit that has been formally established by the office of budget and evaluation.

For example, John has applied for a position in the Juvenile Detention Center of the Juvenile Department. His sister-in-law is currently employed at the LETOT Center of the Juvenile Department. John may be employed to work in the Juvenile Department because he and his sister-in-law would be employed in a different division of the department where no supervisory relationship exists.

(Admin. Policy Manual, § A(2.15); Ord. No. 2003-1097, 6-24-2003)

Sec. 86-166. Becoming relatives after employment; restrictions.

Employees who become relatives (by blood, marriage or adoption) after employment are treated in accordance with section 86-164 through 86-165. If the department head is unable to make an acceptable accommodation (e.g. move to a different section or division), the department head shall notify the employee(s) in writing that one of the employees must separate from the county within sixty (60) days. The employees shall make the decision about who will separate from county service. In the event the employees do not agree, the employee with the least seniority shall be separated from Dallas County.

(Admin. Policy Manual, § A(2.16); Ord. No. 2003-1097, 6-24-2003)

Sec. 86-167. Consequences for violations.

It is the employee's responsibility to conform to this policy and failure to do so will result in termination.

Sec. 86-168. Exceptions to policy.

Exceptions to this policy must be briefed and approved by commissioners court as outlined below:

- a) Written justification for the exception must be submitted to the human resources/civil service director for review; and
- b) The written justification must include a formal organization chart(s) that identifies the placement of employees in regards to the exception; and
- c) The human resources/civil service director will submit the request for exception to commissions court for review and approval; and

- d) If commissioners court approves the exception, any further movement/changes of the employees' status with the department (e.g. transfer, promotion, demotion, reclassification, etc.) must be briefed to commissioners court through Human Resources/Civil Service for review and approval; and
- e) The Human Resources/Civil Service Department will follow-up annually with departments who have been granted an exception to ensure continuing compliance.

(Ord. No. 2003-1097, 6-24-2003)

Secs. 86-169--86-190. Reserved.

DIVISION 5. EMPLOYMENT BACKGROUND INVESTIGATION

Sec. 86-191. Policy statement.

A pre-employment "verification of facts" background investigation will be conducted on applicants (external and internal) who have been offered positions with the county. In addition, the county may also periodically update the criminal histories and driver's license status of current employees. This policy shall apply to all county departments unless the department is specifically exempted from the policy, such as the sheriff's department.

(Ord. No. 2002-671, 4-9-2002; Ord. No. 2007-672, 3-27-2007)

Sec. 86-192. Policy provisions.

The primary purpose of the background investigation is to verify the accuracy of information provided by the applicant in the hiring/selection process and to evaluate the applicant's qualifications for employment. Complete and accurate disclosure of information is the sole responsibility of the individual seeking employment. The minimal information that may be verified includes:

- (1) Employment history. Employment history of the selected applicant shall be checked. Areas of inquiry will include dates of employment, job titles, last salaries, reason for leaving, and rehire status for all names under which applicant has worked. If work experience is not verifiable or if applicants own their own business, they must provide documentation (e.g., tax returns, tax statements, proof of tax payments, social security wage statements, etc.).
- (2) Educational background. A selected candidate must provide verification of their educational credentials as listed on the employment application in iRecruitment. Areas of verification will include high school diploma/GED certification, college degrees, trade school certification, and professional licenses. All applicants who have completed college credit hours but have not received a college degree will be required to provide an official college transcript from each educational institution listed on the employment application if college credit is desired. An official document (i.e., transcript) portrays the institution's official seal.
- (3) Driver's license. If applicable to position sought, a driver's license and driving record check shall be conducted.
- (4) Criminal history or convictions. In accordance with applicable laws, background investigations for criminal convictions shall be conducted. A criminal history may not automatically disqualify an applicant for employment as each situation will be evaluated on a case-by-case basis utilizing the factors outlined in the section below.

(Ord. No. 2002-671, 4-9-2002; Ord. No. 2007-672, 3-27-2007; Ord. No. 2009-0241, 2-3-2009)

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Sec. 86-193. Evaluation of criminal records.

- (a) When making a determination on whether to hire an applicant with a criminal record, the hiring managers/supervisors should consider the following factors:
- (1) Nature of the position. Is the position a safety sensitive position? Does it require independent interaction with the public (home visits, etc.)? Does it interact with children, the elderly, handicapped? Does it handle funds? Does it require driving?
 - (2) Type, frequency and severity of the violation. Was it a misdemeanor or a felony? If so, what was the nature of the offense? How many convictions are there? Does it relate to your position?
 - (3) Time lapse since last offense. How long has it been since the offense and the completion of the sentence?
 - (4) Evidence of successful rehabilitation. Has the applicant maintained stability in employment, pursuit of education, etc.? Have there been other offenses committed by the applicant? Was the applicant successful with probation or deferred adjudication?
 - (5) Qualifications of the applicant. How strong are the qualifications as they relate to the position? After your assessment of all data collected throughout the hiring process (application, interviews, reference checks, criminal history), is this person the best suited applicant for the position?
- (b) Other provisions.
- (1) Minor traffic violations should not be considered as criminal charges.
 - (2) An applicant with outstanding warrants of any kind should cause the applicant to be ineligible for employment until the warrant is resolved. See Section 86-95(3) g and h.
 - (3) Former county employees who were terminated due to violation of the drug and alcohol policy have specific restrictions on rehiring. Please refer to the drug and alcohol policy, Article VI, Division 4, for additional information.

(Ord. No. 2002-671, 4-9-2002; Ord. No. 2007-672, 3-27-2007)

Sec. 86-194. Consequences for providing inaccurate or fraudulent information.

- (a) Any applicant who knowingly provides misleading, erroneous, or willfully deceptive information to the county on an employment application, any hiring-related document, during any employment interview, or at any time during the selection interview process may immediately be eliminated from further consideration for employment. This information may include, but is not limited to the following:

- (1) Criminal information or deferred adjudication with the exception of cases sealed with an order directing nondisclosure that was not listed on the employment application, pending criminal charges, outstanding warrants of any kind or convictions that surface as a result of the background investigation.
 - (2) Educational degrees, high school diplomas, licenses, or certifications found to be false or that cannot be verified, such as those from non-accredited institutions.
 - (3) Issues that surface involving dishonesty, theft, or endangerment of persons in the workplace.
 - (4) Extensive, excessive, or serious driving violations that would provide evidence of a habitual history or pattern of potentially dangerous behavior.
- (b) If the criminal history provided by the applicant does not match the information obtained on the registration assessment, the applicant shall be given an opportunity to explain any inaccuracies. If a satisfactory explanation is not given to the elected official/department head, the applicant will not be considered further by the department for the position.
- (c) If a candidate provides false or inaccurate information or documentation when applying for a posted position which causes HR to disqualify the candidate, and the hiring department is interested in hiring the candidate, the hiring department may request an exception to hire the applicant by submitting the request to the human resources department for submission to commissioners court for its approval.

(Ord. No. 2002-671, 4-9-2002; Ord. No. 2007-672, 3-27-2007)

Sec. 86-195. Procedures for requesting criminal history check.

Each department shall require the selected applicant to complete the background investigation release form and forward the release form along with a copy of the employment application to the human resources/civil service department. The human resources/civil service department will coordinate the request with the county's selected third party vendor.

(Ord. No. 2002-671, 4-9-2002; Ord. No. 2007-672, 3-27-2007)

Sec. 86-196. Confidentiality of background information.

All information obtained during the background investigation is considered strictly confidential. Every effort must be made to protect the privacy of individuals involved in the employment process in accordance with federal and state guidelines. To the extent possible, access to such information will be restricted to designated representatives in

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the human resources/civil service department and managerial personnel who have a legitimate, work-related reason for having such access.

(Ord. No. 2002-671, 4-9-2002; Ord. No. 2007-672, 3-27-2007)

Sec. 86-197. Signature on employment applications.

All applicants selected for interviews must have completed and submitted a county employment application which includes the notification and authorization to conduct background investigations. Submitting the employment application online will be considered an electronic signature.

(Ord. No. 2002-671, 4-9-2002; Ord. No. 2007-672, 3-27-2007)

Sec. 86-198. Record retention.

All documents or records collected or produced as a result of background investigations must be maintained in a separate departmental file (not the personnel files) for a period of two years from the creation or receipt of the document or record, whichever is later.

(Ord. No. 2002-671, 4-9-2002; Ord. No. 2007-672, 3-27-2007)

Sec. 86-199. Criminal record and driver's license check for current employees.

- (a) A background investigation shall be conducted on employees who are promoted or laterally transferred to another department, unless such employees have had a background investigation within the last 24 months. Employees who are moving into safety-sensitive positions may require background investigations more frequently.
- (b) Periodic updates of criminal history records may also be conducted for current employees.
- (c) Departments that have safety-sensitive positions and/or positions requiring employees to drive either a county vehicle or utilize their own vehicles on a routine basis to conduct county business may include periodic criminal and driver's license checks as a standard part of their business process. All requests submitted for criminal background investigations on current employees must be forwarded to the county human resources department and must include a written justification for such a review. Background investigations will not be conducted by the third party administrator unless authorized by the human resources department.
- (d) All county employees will be held to the same standards and expectations as applicants. Failure to continuously meet those expectations may lead to disciplinary action, up to and including termination.

(Ord. No. 2002-671, 4-9-2002; Ord. No. 2007-672, 3-27-2007)

Secs. 86-200--86-220. Reserved.

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DIVISION 6. PHYSICAL EXAMINATIONS*

*Editor's note: Court Order No. 2001-1059, adopted June 5, 2001, amended the employment physicals policy in its entirety, in effect superseding provisions formerly set out as art. III, div. 3, §§ 86-161--86-172, of this chapter, which derived from the Administrative Policy Manual, § A(5.28--5.42). See the Code Comparative Table for a detailed analysis of inclusion of Ord. No. 2001-1059.

Federal law reference--Americans With Disabilities Act, 42 USC 12101 et seq.

Sec. 86-221. Required for Certain Applicants.

A pre-employment physical examination is required for an applicant applying for a safety sensitive position for a position for which federal or state regulations require pre-employment physical examinations.

(Ord. No. 2001-1059, §§ 5.28, 5.29, 6-5-2001; Ord. No. 2004-616, 4-6-2004; Ord. No. 2008-1479, 8-12-2008; Ord. No. 2009-0241, 2-3-2009; Ord. No. 2022-0950, 09-06-2022)

Sec. 86-222. Process.

(a) After making a conditional job offer, the department will schedule the pre-employment physical with the employee health center. Departmental personnel should not receive medical information or discuss medical conditions or medical history with individuals.

(b) The health center will notify the department that an individual has passed or failed the examination and provide information regarding necessary restrictions on the individual's work or duties and necessary accommodations.

(c) If the health center places an individual on a medical hold, the individual will be allowed a reasonable period of time to clear the medical hold. If an individual cannot clear this hold, the health center will notify the department.

(Ord. No. 2001-1059, § 5.30, 6-5-2001; Ord. No. 2009-0241, 2-3-2009; Ord. No. 2022-0950, 09-06-2022)

Sec. 86-223. Scheduling.

The hiring manager/supervisor or designee will schedule the employment physical with the employee health center. Upon acceptance of contingent job offers, the hiring department will provide the necessary forms and instructions. The following guidelines will govern scheduling of employment physicals:

- (1) The hiring manager/supervisor or designee must call the employee health center between the hours of 8:00 a.m. and 12:00 noon to make appointments for physicals.

- (2) Appointments for physicals will be made for the earliest date possible.
- (3) Selected candidates should have the history side of their report of medical history form and appropriate employment forms completed prior to arrival for examination.
- (4) All appointments are scheduled by the employee health center and persons arriving late, or without completed medical history forms and appropriate employment forms may not be seen, and may be rescheduled by the employee health center. Staff at the employee health center will notify the elected official/department head of the day of the new appointment before the end of the business day.
- (5) If a selected candidate is placed on medical hold and additional information or documentation is required, the candidate shall deliver such information/ documentation directly to the employee health center anytime during normal working hours. Selected candidates/rehires should not provide such information to the hiring department. Hiring departments are prohibited from receiving and/or discussing the medical conditions/history of candidates/rehires or current employees.

(Ord. No. 2001-1059, § 5.31, 6-5-2001; Ord. No. 2009-0241, 2-3-2009)

Sec. 86-224. Dissemination of results; pass slips.

Upon successful completion of the physical examination, a pass slip will be given to the selected candidate/rehire for delivery to the elected official/department head.

Selected candidates/rehires placed on medical hold are told by the examining physician in employee health center what is necessary to pass the employment physical. The names of those placed on medical hold are given to the administrator of employee health center who advises the elected official/department head and the auditor's office by the end of the business day. Any employee already working when placed on medical hold will be sent home immediately (or returned to the previously held position if employee was being promoted to a job that requires a different health clearance) and not allowed to return to work until the medical issue is resolved and clearance is provided by the employee health center.

(Ord. No. 2001-1059, § 5.33, 6-5-2001; Ord. No. 2009-0241, 2-3-2009)

Sec. 86-225. Confidentiality of information.

The manager/supervisor or elected official/department head must not discuss medical information/medical condition with the selected candidate/rehire/employee. If a selected candidate/rehire/employee is placed on medical hold and the department wants to consider withdrawing the employment offer, the department should immediately contact the director of human resources/civil service, due to Americans with Disabilities issues.

(Ord. No. 2001-1059, § 5.34, 6-5-2001; Ord. No. 2009-0241, 2-3-2009)

Secs. 86-226--86-240. Reserved.

DIVISION 7. PROBATIONARY PERIOD*

*State law references: Probationary period, V.T.C.A., Local Government Code § 158.010.

Sec. 86-241. Initial Employment Probationary Period.

The county is committed to hiring talented employees and providing those employees sufficient time to meet performance expectations.

- (1) Initial Employment Probation. The initial employment probationary period for civilian employees is the first six months of employment with the county, beginning with the employee's date of employment as a regular, full-time employee. For licensed law enforcement personnel, the probationary period is the first twelve months of employment. During this initial probationary period, the employee must demonstrate the ability to satisfactorily perform the assigned job duties. Also, the employee does not have civil service coverage or appeal rights during this period. Newly hired employees shall be informed of the initial employment probationary period when they begin employment.
- (2) Transfer into a civil service position. A non-civil service employee who moves to a civil service position must satisfactorily complete an initial six-month probationary period or twelve-month probationary period for licensed law enforcement personnel to gain civil service coverage or appeal rights to the Dallas County Civil Service Commission or the Sheriff's Department Civil Service Commission, whichever is applicable.
- (3) Failure to Complete Initial Employment Probationary Period. A probationary employee must have an overall performance rating of at least Meets Expectations for satisfactory completion of the employment probationary period. An employee's failure to satisfactorily complete the initial employment probationary period will result in dismissal without right to appeal.

Sec. 86-242. New Hire Probationary Review- Evaluations

- (1) It is recommended that a supervisor conduct at least two written performance evaluations during the probationary period. The evaluations should occur:
 - a. No later than the midpoint of the probationary period; and
 - b. No later than 30 days before the completion of the probationary period.
- (2) Additionally, the supervisor should conduct an evaluation when concerns arise regarding the employee's performance.

- (3) An employee who does not receive a formal performance appraisal timely is encouraged to discuss the matter with the employee's supervisor or next level manager. Should the employee require additional assistance, the employee is to contact a departmental human resources representative or the Dallas County Human Resources/Civil Service Department.

- (4) See the Performance Appraisal Process (Article IV, Division 5) for additional information. The New Hire Probationary Review form will be located on the Dallas County Human Resources/Civil Service Department's intranet site under the category "HR Forms."

Secs. 86-243--86-290. Reserved.

DIVISION 8. FILLING POSITIONS

Subdivision I. In General

Secs. 86-291--86-310. Reserved.

Subdivision II. Under Filling

Sec. 86-311. Hiring below the minimum salary rate.

An elected official/department head may hire employees and pay them below the minimum salary rate for the position, if the elected official/department head believes the employee will be able to meet the minimum qualifications for the position within a defined period, which typically should not exceed 12 months.

(Ord. No. 2000-173, § 3.15, 1-25-2000)

Sec. 86-312. Hiring process.

When filling a position below the minimum salary rate:

- (1) The department will submit to the human resources/civil service department a written request, along with the employee's application and resume, stating the reason for the action.
- (2) The human resources/civil service department will review the information and provide the department, in writing, a salary quote for the applicant. The salary grade is normally reduced by one grade for each requirement not met by the applicant.
- (3) The department will submit all appropriate paperwork to the auditor's office.

(Ord. No. 2000-173, § 3.16, 1-25-2000)

Sec. 86-313. Salary rates.

Employees hired below the minimum salary rate will:

- (1) Remain at the rate hired until they meet the minimum qualifications for the position (skills, knowledge, education, experience, licensing, certification, etc.). Such employees are eligible only for a salary structure increase if the salary schedules on which their position is placed is increased.
- (2) Only be eligible for merit increases, provided that such increases do not place the employee at/or above the minimum salary rate for the position's regular grade.
- (3) Once the employee meets all minimum qualifications for the position, the department shall submit documentation of such completion to the human resources/civil service department. The human resources/civil service department will then conduct an analysis of the employee's qualifications and notify the department in writing of the new salary range. To expedite

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the review, the department should attach a copy of the employee's previous application.

(Ord. No. 2000-173, § 3.17, 1-25-2000)

Sec. 86-314. Failure to meet qualifications.

If the employee does not meet the required qualifications within the period designated by the elected official/department head, typically not to exceed 12 months, the elected official/department head may take the following actions:

- (1) Demote the employee to a suitable vacant position for which the employee qualifies and the elected official/department head approves;
- (2) Transfer the employee to a vacant position in the department for which the employee qualifies and the elected official/department head approves;
or
- (3) Terminate the employee.

(Ord. No. 2000-173, § 3.18, 1-25-2000)

Secs. 86-315--86-340. Reserved.

Subdivision III. Double-Filling

Sec. 86-341. Definitions.

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

Double-fill means when, for a period of time, two individuals are being paid to perform the same job and both individuals are permanent employees (i.e., one individual replacing another). Double-fill is distinguished from an extra help situation in which a temporary employee is used to fill in for a permanent employee.

(Admin. Policy Manual, § A(3.32))

Cross references: Definitions generally, § 1-2.

Sec. 86-342. Intent.

- (a) The policy of this subdivision is intended to preclude virtually all double-fill situations except in very specific extenuating circumstances. Managers are expected to be capable of anticipating retirements and to provide for brief vacancies by cross-training staff in multiple assignments.
- (b) Courts with small staff and specialized positions (e.g., coordinators) must make use of court managers, coordinators for other judges, and possibly court clerks, to sustain their operations during the periods of salary encumbrance.

(Admin. Policy Manual, § A(3.35, 3.36))

Sec. 86-343. Justifications.

The following possible justifications for double-fill have been offered:

- (1) Double-fill for training: an overlap of an old employee and a new employee in the same job.
- (2) Double-fill for medical emergency: a replacement for an individual with an unexpected emergency which is of such a serious nature that their return to work is undetermined.
- (3) Double-fill for benefit runoff: hiring a new individual into a slot which is encumbered for a period of time while either:
 - a. The departing incumbent takes vacation and/or comp time prior to their termination date; or
 - b. The budgeted salary for the slot is being used to pay termination benefits for an individual who terminated with a payoff of unused vacation or comp time.
- (4) Double-fill for military leave: mandatory active duty status that extends 180 calendar days or more.

(Admin. Policy Manual, § A(3.33))

Sec. 86-344. Policy.

The double-fill policy is as follows:

- (1) Double-fill for training: not allowed under any circumstances;
- (2) Double-fill for medical emergency: may be approved by the commissioners court on a case-by-case basis, based on specific circumstances as recommended by the human resources department;
- (3) Double-fill for benefit runoff: may be approved by the commissioners court on a case-by-case basis under the following conditions:
 - a. The first two weeks of benefit runoff must be absorbed by the department in the same manner as they would handle any routine two-week vacation; and
 - b. The budget office will determine that all of the following conditions apply:
 1. The department has taken all reasonable steps to predict the vacancy and utilize existing staff to cover the period of benefit runoff;
 2. An unacceptable diminution of service will occur if the position is vacant for the period of salary encumbrance; and

3. The position in question possesses a unique specialty that makes it unlikely that anyone other than the new incumbent can perform the task satisfactorily; or
- (4) Double-fill for military leave: may be approved by the commissioners court on a case-by-case basis based on specific circumstances as recommended by the human resources department.

(Admin. Policy Manual, § A(3.34))

Sec. 86-345. Procedure for requesting.

The following procedure should be followed to double-fill a position:

- (1) Submit a written request to the budget office as soon as reasonably possible;
- (2) Upon receipt of the request, a representative of the budget office will contact the requester to obtain additional information, if applicable; and
- (3) The budget office will submit the request along with a recommendation to the commissioners court.

(Admin. Policy Manual, § A(3.37))

Sec. 86-346. Temporary Authority for Hiring Practices.

In the event the County experiences extraordinary market pressure on the ability to staff and maintain an effective workforce, the Human Resources Director may seek temporary authority to alter Dallas County's employment practices.

This temporary authority is subject to the following procedures and conditions:

- (d) The Human Resources Director must seek this temporary authority via a written request to the County Administrator that justifies the need and that include beginning and ending dates not to exceed six (6) months.
- (e) The County Administrator shall timely notify the Human Resources Director whether the request is granted. If the County Administrator approves the temporary authority, the County Administrator shall notify the Commissioners Court at the next regularly scheduled meeting.
- (f) The temporary authority may be used to suspend, amend, or revise employment practices prescribed in Dallas County Code Chapter 86 – Personnel and Employment, Article III – Employment Practices, Division 1, Hiring Policy; Division 2, Education Review by Human Resources; Division 5, Employment Background Verification Policy; Division 6, Physical Examinations; and Filling Positions.

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- (g) The temporary authority does not extend to positions subject to the Law Enforcement and Detention Officers Salary Plan or the Judicial Support Personnel Salary Plan.
- (h) The Human Resources Department shall maintain a record of all temporary adjustments made in connection with this policy and shall notify the Civil Service Commission and the Commissioners Court of any adjustments on a quarterly basis.

(Ord. No. 2022-0763, 08-02-2022; Ord. No. 2023-0147, 02-07-2023)

Sec. 86-359. Reserved.

DIVISION 9. ARRESTS and CONVICTIONS POLICY (CURRENT EMPLOYEES)

Sec. 86-360. Purpose of Policy

Dallas County has a vested interest in its public accountability, public image, and the continuing ability of its employees to perform all assigned job duties. Thus, all Dallas County employees are expected to conduct themselves in a manner deserving of the public's trust. The purpose of this policy is to establish guidelines to be used when an employee has been involved in a criminal matter that may be inconsistent with:

- (1) The employee's ability to continue effectively performing his or her job duties;
- (2) The County's employment policies;
- (3) The County's commitment to provide a safe work environment; or
- (4) The County's positive image and public trust.

Sec. 86-361. Policy Application

This policy applies to all Dallas County employees, and it outlines the County's policy related to the reporting of, resolution of, and actions that may be taken as a result of an arrest, warrant, or criminal conviction. Misdemeanor traffic offenses payable by fine *only* are excluded unless the employee's job duties include operating a County vehicle. If so, the employee should refer to Section 90-173 for driver competency guidelines. *Some County departments may have additional and/or different guidelines to meet specific needs; therefore, employees should also check with the specific department.*

Sec. 86-362. Reporting Requirements

An employee, who knows of an outstanding warrant, is arrested on a misdemeanor or felony charge, is convicted of a criminal offense, or is granted deferred adjudication/probation shall notify his immediate supervisor of the warrant, arrest, deferred adjudication/probation, or conviction by the end of the next business day. If the employee cannot personally notify his or her supervisor, the employee may have another person do so and then follow up personally as soon as the employee can. Failure to inform the supervisor within the designated time period may result in disciplinary action up to and including immediate termination. *Some County departments may have additional and/or different guidelines to meet specific needs; therefore, employees should also check with the specific department.*

Sec. 86-363. Resolution of Arrest/Charge/Warrant

Depending on the circumstances of the arrest, charge, or warrant, the employee may not be permitted to work until such matters are resolved. See Section 86-364. The employee may be placed on leave of absence status until the employee is cleared or

convicted of the charge **or** until an internal investigation into the alleged violation concludes. If a decision is made to place on a Leave of Absence, please review with the Human Resources Director as soon as possible. For specific details, refer to the Employee Investigations Policy (Section 86-984) and Section 86-364.

An employee who knows or has reason to believe that he or she has an outstanding warrant must immediately notify the employee's supervisor in accordance with Section 86-362. The employee may not continue working until the warrant has been resolved.

To resolve warrant-related issues, an employee may be placed on leave for a limited period of time as determined by the elected official/department head. The recommended time frame is three business days. An employee may be allowed to utilize paid leave time (excluding sick leave) while taking steps to resolve the warrant; however, if no paid leave time is available (excluding sick leave), then the employee will not be paid and the time will be coded as Leave of Absence Without Pay.

An employee must present documentation that a warrant has been resolved to the elected official/department head and Human Resources/Civil Service Department.

Sec. 86-364. Disciplinary Action for Arrests, Convictions, or Warrants

Dallas County may take disciplinary action, up to and including termination, at any time in response to an employee's arrest, conviction, or warrant.

(a). Factors that will be considered in determining the appropriate disciplinary action include:

- (1) Severity of the alleged act or conviction;
- (2) Relevance of the arrest, warrant, or conviction to the employee's job duties; and
- (3) Impact of the arrest, warrant, or conviction on the County's integrity and public image.

(b). In all cases, disciplinary action must be supported by information obtained from witness reports, police reports, or court records. Decision-makers are required to consult with the Human Resources/Civil Service Department and/or the Civil Division of the District Attorney's Office before taking any disciplinary action.

Sec. 86-365. Confidentiality of Information

All information obtained for investigative purposes will be treated as confidential to the extent possible under federal and state guidelines.

(Ord. No. 2013 1428, 9-3-2013)

Secs. 86-366--86-370. Reserved.

ARTICLE IV. EMPLOYMENT POLICY*

*Federal law reference--Employment discrimination, 42 USC 2000e et seq.

State law references: Employment equal opportunity, V.T.C.A., Labor Code § 21.01 et seq.

DIVISION 1. COMPENSATION POLICY*

***State law references:** Compensation, V.T.C.A., Local Government Code § 153.001 et seq.; employment contracts, V.T.C.A., Local Government Code § 151.902.

Dallas County's Compensation Policy outlines the administrative process, procedures, and guidelines used to assist Human Resources in achieving and maintaining consistent, equitable, and effective administration related to evaluating and compensating employees based on their education and experience in accordance with Dallas County's philosophy.

Sec. 86-371. Starting salary.

No starting salary, other than the minimum salary of the proposed classification, will be mentioned to prospective employees during interviewing by the departmental personnel.

(Admin. Policy Manual, § A(5.19))

Sec. 86-372. Salaries above minimum.

Any starting salary above the minimum must be cleared through the auditor's office for availability of budget funds, and the human resources/civil service department for compliance with compensation policies prior to an offer being made to a prospective employee.

(Admin. Policy Manual, § A(5.20))

Sec. 86-373. Payment above maximum or below minimum pay grade.

Employees who meet the minimum qualifications for their position shall not be paid below the minimum of the pay grade, nor shall any employee be paid above the maximum of the pay grade.

(Admin. Policy Manual, § A(5.21))

Sec. 86-374. Entry salary at the minimum of the applicable job grade

(a) *For new nonexempt/exempt employees; exception.* All new nonexempt/exempt employees will enter at the minimum of the applicable grade unless otherwise approved

in advance by the human resources/civil service department up to the maximum in hire as authorized by the commissioners court.

(Admin. Policy Manual, § A(5.22, 5.23))

Sec. 86-375. Probationary employees. (This section reflects court approved policy language: Court Order #2009 2290 – December 15, 2009; and Court Order #2014 1396 – October 7, 2014).

- (a) A regular, full-time employee (hired 1-1-1992 and after) who is approved for a starting salary above the minimum of the salary range as provided in sections 86-373 and 86-374 may be compensated at a probationary salary below that which is approved by the human resources/civil service department.
- (b) The department head/elected official may, at his/her discretion and up to one (1) year of employment of the employee in the position, increase the salary of the employee up to the amount (or relative position) previously quoted by the human resources/civil service department on the official salary analysis. *For Sheriff's Department law enforcement personnel, please refer to Sections 2.07 and 2.41 of the Sheriff's Department Civil Service Commission Rules and Regulations.*
- (c) The adjustment to a probationary employee's salary is separate and in addition to any structure or merit increase allocations.
- (d) The required paperwork for the adjustment can be submitted any time by the department up to the employee's one year of employment in the position but no later than 60 days after the employee's completion of one year of employment in the position with Dallas County, by submitting a discretionary increase request to the county auditor's department, effective immediately, with no retroactive adjustment.

Sec. 86-376. Determination and approval of starting rate above minimum.

- (a) *Generally.* Determination and approval of an applicant's starting rate above the minimum is based on the level of experience and education the applicant or employee has above the minimum requirements for the position.
- (b) *Exceptions.* All part-time/temporary positions will be compensated at the minimum of the range, unless:
 - (1) Commissioners court approves a higher salary as an exception; or
 - (2) Commissioners court has approved the position as a select position, which would allow the department to hire up to maximum in-hire or other options previously approved by the court. A select position is a position deemed critical to the operation of the program, difficult to fill due to the dynamics of the local market, and requiring a specialized skill, trade, technical or medical background. A current list of such positions is retained in the Human Resources/Civil Service Department.
 - (3) Commissioners court has approved converting a regular, full-time position to one or more part-time positions. If the position is vacant at the time of conversion, the guidelines in Sections 86-376 (a) and (b1-2) are applicable. If the position is occupied when the conversion occurs, current

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occupants of the position *may* retain their current salaries. The final pay decision regarding retention of pay will be made by the elected official/department head. Other applicable guidelines include the following:

- a. It is recommended that no more than two part-time positions be created in the conversion; and
 - b. The cost of the part-time positions cannot exceed the budgeted cost for the full-time position, minus benefits.
- (c) *Criteria for determination.* Salary determination for part-time/temporary positions as defined in subsection (b) of this section will be made utilizing the same criteria applied to regular full-time positions. These positions may pay up to the maximum in hire salary based on the applicant's education and experience. Any request for salaries above the maximum in hire for select part-time/temporary positions must be approved in advance by the commissioners court.
- (d) *Review of select position during budget process.* Select positions as defined in subsection (b) of this section will be reviewed by the commissioners court during the annual budget process to determine if each position continues to meet the established criteria.

(Admin. Policy Manual, § A(5.27); Ord. No. 2007-1529, 7-31-2007)

Sec. 86-377. Merit/Lump Sum Awards plans (This section reflects recent court approved policy language: Court Order# 2012 1227 August 7, 2012.)

Dallas County has adopted merit/lump sum awards as part of the overall compensation program. The purpose of merit/lump sum pay is to elicit, recognize, and reward exceptional job performance. Any funding allocated for merit/lump sum increases shall be disbursed based on the policies and procedures outlined by the Commissioners at the time of the allocation. Merit/lump sum increases should be based solely on job performance. Factors that should not be considered for merit/lump sum increases include length of service, market comparability, and cost of living. All merit/lump sum increases are subject to Commissioners Court approval.

Sec. 86-378. Merit and Lump Sum Allocations

Merit and lump sum allocations are based on the authorized number of regular, full-time employees in a department on a date designated by the commissioners court. The merit and lump sum allocation percentage, additional eligibility criteria, and administration guidelines will be established each year during the budget process by the commissioners court, if merit/lump sum awards have been allocated. Lump sum awards are for employees at or over the maximum of their salary range. Employees on disciplinary probation or leave without pay status will not be eligible for a merit/lump sum increase until they return to a normal status. Grant employees are eligible for merit/lump sum increases only if funds are available in the grant to fund the increase. Part-time or extra help employees are not eligible for merit/lump sum awards.

Sec. 86-379. Merit/lump sum increase procedures

- (a) The auditor's office will generate a merit/lump sum allocations worksheet. The worksheet will identify those employees eligible for a merit/lump sum increase.
- (b) The auditor's department will forward the merit/lump sum allocations worksheets to the departments.
- (c) The merit/lump sum plans eligibility criteria and administration guidelines will be used to determine merit increases for all employees.
- (d) After recording actual employee increases on the merit/lump sum allocations worksheets, the worksheets will be forwarded back to the auditor's office, with the signature of the authorized official.

Sec. 86-380. Reserved.

DIVISION 2. GENERALLY

Sec. 86-381. Retirement.

The county does not have a policy relative to continued employment and an employee's age.

(Admin. Policy Manual, § A(4.27))

Secs. 86-382--86-390. Reserved.

DIVISION 3. ATTENDANCE REQUIREMENTS*

***State law references:** Authority to establish hours of work, V.T.C.A., Local Government Code § 157.021 et seq.

Sec. 86-391. Policy statement.

Each authorized position created and funded in the county is based on demonstrated need to provide quality services to the citizens of the county. Employees are required to report to work as scheduled and on time. Supervisors are encouraged to monitor employee attendance records and to counsel with them immediately to correct attendance problems.

(Ord. No. 2000-174, § 2.17, 1-25-2000)

Sec. 86-392. Excessive absences.

When an employee is absent, it causes hardship and disruption to the office. Absences are considered excessive when an employee is absent from work for more than six days or a total of 48 hours during a 12-month period and one or more of the following:

- (1) The absences are frequently unplanned and/or indicate a pattern.
- (2) Other employees must frequently perform the tasks of the absent employee.
- (3) Office productivity and the quality of services offered is negatively impacted.
- (4) The employee's absentee rate is so high the employee's services are of little or no value to the department.

These six days do not include time taken off for planned and approved sick and vacation leave that is taken in compliance with applicable notification policies, death in the family, work-related injuries, jury or military duty or disability resulting in hospital confinement, emergency care, or recuperation for an out-patient procedure.

For example:

- (1) An employee takes time off for a doctor's appointment after properly notifying his supervisor. The time off will not count toward the 48 hours referenced above.
- (2) An employee's child is sick and the employee plans to stay home with the child. The employee properly notifies his supervisor. If the employee presents a doctor's note indicating that the employee's absence was medically necessary, the time off will not count toward the 48 hours referenced above. If the employee does not present a doctor's note the time off will count toward the 48 hours referenced above.

(Ord. No. 2000-174, § 2.18, 1-25-2000; Ord. No. 2018-0661, 6-5-2018)

Sec. 86-393. Absences and family and medical leave.

Absences due to injuries or illnesses resulting in family and medical leave being utilized will not be counted as excessive until the employee has exhausted all family and medical leave and either continues to lose time or is not able to return to work.

(Ord. No. 2000-174, § 2.19, 1-25-2000)

Federal law reference--Family and Medical Leave Act, 29 USC 2601 et seq.

Sec. 86-394. Factors to consider.

In dealing with attendance problems, especially those involving a physical or mental incapacity to report for work, the elected official/department head shall consider all of the facts and circumstances of each particular case, including the employee's:

- (1) Tenure with the county;
- (2) Overall attendance record prior to these absences;
- (3) Performance/productivity records;
- (4) Reasons for missing work; and
- (5) Prospect for future improvement and maintenance of an acceptable attendance record.

In the interest of fairness, the elected official/department head may choose to make exceptions to the guidelines outlined in this section, depending on these factors.

(Ord. No. 2000-174, § 2.20, 1-25-2000)

Sec. 86-395. Consequences.

- (a) After any absence incurred by the employee which meets the guidelines outlined in section 86-392, the manager may discuss the absence with the employee. Managers are encouraged to utilize the following guidelines if it appears attendance may be a problem:

- (1) Meet with the employee and conduct a counseling session when the employee has incurred six absences (see subsections (d) and (e) of this section);
- (2) Issue a written warning when the employee has incurred the seventh absence;
- (3) Suspend the employee when the eighth absence has been incurred (suspension of an exempt employee should be reviewed with the human resources/civil service department and/or the civil section of the district attorney's office); and
- (4) Review for termination after the ninth absence.

- (b) Absences may also reduce or prevent awarding of merit increases. Promotions may also be denied.
- (c) Employees who are absent from work for more than three days may be required by the elected official/department head to produce a statement indicating that he has visited a physician, especially if there are problems with job attendance.
- (d) The elected official/department head may choose to make exceptions to these guidelines after considering the factors for consideration outlined in this division. The elected/appointed official, however, must ensure that cases involving similar circumstances are not treated differently.
- (e) Elected officials/department heads may also contact the human resources/civil service department and the county's employee assistance program for additional strategies for resolving attendance issues.

(Ord. No. 2000-174, § 2.23, 1-25-2000)

Sec. 86-396. Tardiness.

Employees are expected to report to work on time. Each elected official/department head shall determine what constitutes being late for work as well as what constitutes excessiveness in this area for their offices. The policy contained in this section should be communicated to their employees.

(Ord. No. 2000-174, § 2.24, 1-25-2000)

Sec. 86-397. Request for leave.

All leave requests must be processed according to policies and procedures established by each elected official/department head. If an employee's request for leave is denied and the employee takes the time off anyway, this action is considered insubordination and is subject to appropriate disciplinary action (see discipline/disciplinary action, article VII of this chapter).

(Ord. No. 2000-174, § 2.25, 1-25-2000)

Sec. 86-398. Notification of absence or tardiness.

Elected officials/department heads must inform each employee of their office protocol for notifying the appropriate manager when the employee is going to be absent or tardy for work. Notification does not excuse the tardiness. If the employee is unable to report to work as scheduled, the employee must follow the office protocol. Failure to notify the supervisor according to office protocol when absent shall be considered abandonment of the job and is grounds for termination at the discretion of the supervisor.

(Ord. No. 2000-174, § 2.26, 1-25-2000)

Sec. 86-399. Consequence of failure to notify when absent and excessive tardiness.

- (a) Excessive tardiness and/or failure to report or notify per office policy may result in disciplinary actions being taken, up to and including termination. Merit awards

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may also be reduced or not granted and promotions may be denied.

(b) Managers are encouraged to utilize the following guidelines if it appears excessive tardiness may be a problem:

- (1) Meet with the employee and conduct a counseling session after the sixth tardy.
- (2) Issue a written warning when the employee has incurred the seventh tardy.
- (3) Suspend the employee when the eighth tardy has been incurred, and
- (4) Review for termination after the ninth tardy.

(Ord. No. 2000-174, § 2.27, 1-25-2000; Ord. No. 2002-1344, §§ 2.27, 2.28, 7-30-2002)

Sec. 86-400. Rewarding good attendance.

For employees who are absent less than three days in a 12-month period, elected officials/department heads are encouraged to implement strategies to reward these employees. Some strategies may include, but are not limited to:

- (1) Issuing personal letters of commendation to be included in the employee's personnel file.
- (2) Using DDA awards with the criteria and award being outlined in advance.
- (3) Paying for or reimbursing for attendance at requested, job-related seminars or professional meetings.

(Ord. No. 2000-174, § 2.29, 1-25-2000)

Secs. 86-401--86-410. Reserved.

DIVISION 4. JOB EVALUATION

Subdivision I. In General

Secs. 86-411--86-430. Reserved.

Subdivision II. Reclassification

Sec. 86-431. Definitions.

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

Reclassification means a significant change in the job content of a classification including responsibilities, level of knowledge and accountability, such that it affects the assigned total point evaluation of the classification.

(Admin. Policy Manual, § A(4.00))

Cross references: Definitions generally, § 1-2.

Sec. 86-432. Evaluations.

Job evaluations are the sum total of established measurable job factors. The result of an evaluation is the assignment of a total point evaluation. Such evaluations are measured in banded groups of points that can be correlated to a specific job grade assignment.

(Admin. Policy Manual, § A(4.01))

Sec. 86-433. Job grade assignments.

Since job grade assignments are correlated to banded groups of points, changes in total point evaluations may or may not result in the reassignment of a job grade unless the point change is a significant increase or decrease.

(Admin. Policy Manual, § A(4.02))

Sec. 86-434. Review schedule.

All requests for reclassification will be reviewed at mid year. Exceptions to this subdivision will be evaluated on an as needed basis.

(Admin. Policy Manual, § A(4.03))

Sec. 86-435. Review requests.

- (a) Reclassification requests should be submitted to the human resources/civil service department. All recommendations are prepared by the compensation

division of the human resources/civil service department. Recommendations are subject to the approval of the civil service commission.

- (b) All requests for reclassification consideration should be a result of business necessity without consideration to the performance or merit of the incumbent in the position at the time of the request.

(Admin. Policy Manual, § A(4.04, 4.05))

Sec. 86-436. Minimum qualifications.

Employees who occupy a job classification at the time of a reclassification will be subject to meeting the minimum qualifications of the new job classification in order to remain incumbent in such job.

(Admin. Policy Manual, § A(4.06))

Sec. 86-437. Employment procedures.

- (a) Positions occupied at the time of a reclassification shall not be subject to the human resources employment process as described in article III of this chapter, employment practices.
- (b) Positions that are vacant at the time of a reclassification shall be subject to the human resources employment process as described in article III of this chapter, employment practices.

(Admin. Policy Manual, § A(4.07, 4.08))

Sec. 86-438. Probationary period.

Employees who occupy a job classification at the time of a reclassification will not be subject to a new probationary period.

(Admin. Policy Manual, § A(4.09))

Sec. 86-439. Salary administration (Reclassification) (This section reflects recent court approved policy language: Court Order# 2011 815 May 3, 2011; and Court Order #2015-0380 March 24, 2015)

An employee who is an incumbent in a job grade at the time the position is reclassified, the following guidelines shall apply:

- (a) **Position is reclassified to a lower salary grade.** If the incumbent's current salary is within the range of the newly proposed salary grade, the incumbent may retain the current salary or have the salary reduced at the discretion of the elected official/department head and with the concurrence of Commissioners Court. The incumbent's salary shall not fall below the minimum or above the maximum of the new salary range.
- (b) **Position is reclassified to a higher salary grade.** If the incumbent's current salary is within the range of the newly proposed salary grade, the incumbent may receive at the discretion of the elected official/department head and with the concurrence of Commissioners Court a 5% salary increase or up to maximum

inhire based on qualifications, whichever is greater. The incumbent's salary shall not fall below the minimum or above the maximum of the new salary range.

Secs. 86-440--86-460. Reserved.

DIVISION 5. ANNUAL PERFORMANCE APPRAISAL PROCESS

The annual performance appraisal process ensures continuous performance improvement for Dallas County and every employee. The process provides the information required to encourage and drive high performance, identify training and development needs, and validate personnel decisions related to promotions, succession planning, and terminations. The county is committed to ensuring performance appraisals are conducted on every employee on an annual basis, using the approved appraisal document.

Dallas County has adopted the following Mission, Vision, and Values statements to be included in evaluations:

Mission: Deliver exceptional services that promote a thriving community.

Vision: Improving People's Lives.

Values:

- **Professionalism** – Displaying ethical and productive teamwork holding ourselves accountable to the highest standards our community deserves.
- **Customer Focus** – Providing a positive customer experience by addressing their needs with competence, effective communication, and respect.
- **Diverse and Inclusive** – Fostering an environment that embraces our differences and honors our shared humanity thereby modeling an organization that reflects the community we serve.

Sec. 86-461. Goals and Objectives of the Performance Appraisal Process.

- (a) The appraisal process is intended to:
 - (1) Establish and reinforce organizational performance standards and expectations;
 - (2) Ensure comprehensive, consistent and accurate evaluations of employee performance throughout the organization; and
 - (3) Document employee performance across the organization.
- (b) The key objectives of the process are to:
 - (1) Generate discussion and a two-way exchange of information between performer and supervisor;
 - (2) Bridge any gaps in perception between what the supervisor thinks and the employee thinks; and

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- (3) Encourage and/or discourage future actions, habits, and behaviors related to performance.
- (c) The performance appraisal process provides advantages to an employee by:
 - (1) Setting clear and specific performance standards to guide employee behavior;
 - (2) Providing an overall assessment of performance by the employee's supervisor; and
 - (3) Setting expectations to improve future performance results.
- (d) The performance appraisal process provides advantages to a supervisor by:
 - (1) Providing a way to outline and enforce performance expectations, improve opportunities, and future goals and objectives;
 - (2) Providing information to assist in validating personnel decisions related to merit increases, promotions, succession planning, and disciplinary actions; and
 - (3) Providing a legal defense against unfounded grievances, EEOC complaints, and unemployment compensation claims.

Sec. 86-462. Procedures for Administering a Performance Appraisal to a Non-Probationary Employee

- (a) The immediate supervisor should evaluate and document the employee's job performance annually (at a minimum) using the standard Dallas County appraisal form;
- (b) The supervisor should ask an employee to prepare a self-appraisal, and the supervisor should complete a draft appraisal form. Then, the supervisor should meet with the employee to compare and discuss the results of the appraisal.
- (c) Following the meeting with the employee, the supervisor should review and consider the employee's self-appraisal and any additional notes taken during the meeting, determine if any revisions should be made to the appraisal, prepare the final appraisal, and provide the employee with a copy of the final appraisal.
- (d) The employee should be given 72 hours to respond in writing to the final appraisal (optional for employee), sign it, and return it.
- (e) The supervisor should then obtain the final signature from the next level of management (if applicable), forward a copy of the final appraisal to the employee along with the employee's response, and place the final appraisal in the employee's departmental personnel file.
- (f) The process, procedures, and forms, along with step-by-step instructions, are located via the HR intranet site under "HR Forms."

Sec. 86-463. Performance appraisal rating categories.

- (a) Generally, employees are evaluated on two, interdependent dimensions of performance, behavior and results:

- (1) S.M.A.R.T. (Specific, Measurable, Action-Oriented, Realistic, Time-Based) Goals & Objectives;
- (2) Core Values & Key Competencies.

Both dimensions carry equal weight.

(b) The appraisal document is comprised of seven (7) sections.

- (1) Department's Objectives & Key Results (OKRs);
- (2) S.M.A.R.T. Employee's Goals/Objectives & Key Results;
- (3) Core Values & Key Competencies;
- (4) Overall Assessment Rating;
- (5) Overall Performance Comments;
- (6) Self-Development Plan; and
- (7) Signatures of Acknowledgement.

A three (3) level rating scale will be used to determine performance for each employee.

Secs. 86-465--86-490. Reserved.

DIVISION 6. PROMOTIONS

Sec. 86-491. Policy statement.

- (a) *Generally.* The county encourages all employees to further their professional growth through the pursuit of opportunities for advancement, including promotions. A promotion is the advancement (movement) of an employee from a lower salary grade to a higher salary grade. The promotion shall be classified as either regular or temporary.
- (b) *Regular promotion.* A regular promotion occurs when an employee is selected to fill a position, normally through a competitive process, with the expectation the employee will continue in the position for an indefinite period of time. Employees who are interested in applying for county positions should follow the procedures outlined in section 86-94. When filling such a position, the department should follow the procedures outlined in sections 86-91--86-109.
- (c) *Temporary promotion.* A temporary promotion occurs when an employee is selected to fill a position for a defined period of time. The temporary appointment shall last a minimum of 60 days. The elected official/department head may make the appointment without going through the competitive process or post the position intradepartmental based on the procedures outlined in sections 86-91--96-109. Job experience acquired in a temporarily promoted position that was not done through the competitive process shall not be considered applicable job experience for any future regular promotion to that position. A temporary promotion may not exceed six months without the commissioners court approval.

(Ord. No. 2000-173, § 3.07, 1-25-2000)

Sec. 86-492. Promotional increases.

Salary ranges for all promotional increases (including temporary) are as follows:

- (1) Calculated by the human resources/civil service department;
- (2)
 - a. For a minimum of five percent; or a maximum of five percent per pay grade of advancement, not to exceed a maximum of 20 percent; or the maximum in hire salary, (based on qualifications), whichever is greater for regular temporary promotional increases;
 - b. For Temporary promotional increases involving under-fill status, salary will be determined based on a 5% increase per grade up to a max of 10% not to exceed the max of the range; and
- (3) Must be utilized by the elected official/department head to determine the actual salary paid from within the approved range.

(Ord. No. 2000-173, § 3.08, 1-25-2000, Ord No. 2017-0567, 04-18-2017)

Sec. 86-493. Increase limitations.

The following limitations apply to all promotional salary increases:

- (1) Any assignments to perform the duties of a higher level position of less than 30 days are not eligible for a promotional salary increase;
- (2) A regular or temporarily promoted employee's salary increase shall not exceed the maximum salary range for the assigned pay grade;
- (3) A regular or temporarily promoted employee's salary shall not be less than the minimum salary range for the assigned pay grade, unless the position is being under filled at a lower pay grade as outlined in section 86-311; and
- (4) A temporarily promoted employee who is not selected to fill the position shall have his salary reduced to the employee's salary prior to the temporary promotion, which shall include any general salary or merit adjustment that position would have received during the temporary promotion. A merit adjustment must have been awarded and processed while the employee was in the position to which he was temporarily promoted.

(Ord. No. 2000-173, § 3.09, 1-25-2000)

Sec. 86-494. Notification.

Any employee who is accepted for a promotional transfer between departments shall give his elected official/department head two weeks' prior notice before transferring between departments unless a mutual agreement of lesser or greater notice is made between the affected elected officials/department heads.

(Ord. No. 2000-173, § 3.10, 1-25-2000)

Sec. 86-495. Performance probation.

An employee who earns a regular promotion shall be placed on six months' performance probation from the effective date of the promotion. During this period:

- (1) The employee must satisfactorily demonstrate his ability to perform the duties required;
- (2) The supervisor shall ensure the employee receives proper training;
- (3) The supervisor shall advise the employee of his progress and complete three-month and six-month appraisals; and
- (4) Failure of the employee to satisfactorily complete the six-month performance probation period will result in the employee being:
 - a. Demoted to the employee's old position and salary, provided that such a position exists and the elected official/department head approves;
 - b. Transferred to another suitable position within the department for which the employee qualifies, provided that such a position exists

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and the elected official/department head approves; or

- c. Termination if no suitable positions are vacant.

(Ord. No. 2000-173, § 3.11, 1-25-2000)

Sec. 86-496. Compensation after performance probationary period.

Upon successful completion of the probationary period, if the employee was compensated below the maximum salary previously calculated by the human resources/civil service department, the department may have the discretion to:

- (1) Increase the employee's salary to the maximum amount/position of the salary range he was eligible for as previously calculated by the human resources/civil service department;
- (2) Grant all increases in one or two increments no later than the employee's anniversary date in the position;
- (3) Grant all increases after the successful completion of the probationary period or no later than the employee's anniversary date in the position; and
- (4) The required paperwork for the adjustment must be submitted within 30 days after the successful completion of the employee's probationary period and/or 12-month anniversary date in the position by submitting the discretionary increase form to the auditor's office.

For example: An employee is hired on January 15th at less than ten percent of the calculated maximum salary. The employee successfully completes his six months probationary period on July 15th and the department increases the employee's salary by five percent. No later than January 15, the employee's anniversary date of one year, the department may increase the employee's salary by the remaining five percent.

(Ord. No. 2000-173, § 3.12, 1-25-2000)

Sec. 86-497. Impact on structure and merit increases.

A discretionary increase shall have no impact on a structure increase or an employee's eligibility for merit increase, provided that the employee meets all other qualifications as stipulated by the court. Contact the human resources/civil service department on most recent county policy regarding this issue. The employee must be actively employed in the position at the time of the discretionary increases.

(Ord. No. 2000-173, § 3.13, 1-25-2000)

Secs. 86-498--86-520. Reserved.

DIVISION 7. DEMOTIONS

Sec. 86-521. 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:

Demotion means a change from a higher grade to a lower grade as a result of:

- (1) The inability of the employee to fulfill the functions of the job;
- (2) The employee's request for such change;
- (3) Disciplinary action;
- (4) A reduction-in-force (RIF); or
- (5) Significant changes as the result of organizational/program changes.

The above are examples and are not intended to be all inclusive.

(Ord. No. 2000-1461, § 3.19, 7-25-2000; Ord. No. 2017-0963; 08-01-2017)

Cross references: Definitions generally, § 1-2.

Sec. 86-522. Salary determination.

An employee who has been demoted will have his new salary determined by the elected official/department head, with the commissioners court's approval based on the following (whichever is greater):

- (1) For involuntary demotions related to disciplinary actions, the employee's salary will be placed at the same relative position in the new salary range that he/she was paid prior to the demotion (for example, if an employee's position in the range is at maximum in hire prior to the demotion, the employee's salary will be placed at the maximum in hire of the pay range for the reduced grade).
- (2) For involuntary demotions related to disciplinary actions, the employee returns to the position and salary held prior to the promotion, plus any merit increase approved by the elected official/department head prior to the demotion.
- (3) The employee's salary with regards to a reduction-in-force will be determined according to the reduction-in-force policy, section 86-627, pertaining to the demotion option.
- (4) For voluntary demotions not related to disciplinary action will be determined in accordance with the compensation policy for new hires.

(Ord. No. 2000-1461, § 3.20, 7-25-2000; Ord. No. 2017-0963; 08-01-2017)

Sec. 86-523. Probationary period.

An employee who is promoted and does not successfully complete the probationary period in the new position may be:

- (1) Demoted to the employee's previous position grade, provided that such a position exists and the elected official/department head approves;
- (2) Transferred/demoted to another suitable position within the department for which the employee qualifies, provided that such a position exists and the elected official/department head approves; or
- (3) Terminated if no suitable positions are vacant.

(Ord. No. 2000-1461, § 3.21, 7-25-2000)

Sec. 86-524. Demotion Salary.

A demotion may result in an employee's salary being decreased, increased or remaining the same. The employee's reduced salary may not fall below the minimum or above the maximum of the new salary range. An employee whose salary remained the same or increased as a result of a (voluntary) demotion **must remain in the demoted position for at least one year**. If promoted in less than one year back to the same job grade and title, the employee's salary reverts back to the salary held prior to the demotion plus merit/structure given after the demotion. If promoted after the 12 month period, his/her salary will be determined in accordance with the promotion policy. For example, a Clerk II, grade 06, salary of \$12.42 per hour voluntarily demotes to a Clerk I, grade 05, but gets a salary increase to \$14.13 per hour based on experience and in parity with a new hire. This employee later promotes (less than one year) back to the same job title and grade (Clerk II, job grade 06), employee's salary reverts back to \$12.42 per hour plus any merit/structure increase. If promoted after 12 month period back to a Clerk II, job grade 06, the employee's salary will be determined in accordance with the promotion policy (i.e., a minimum of \$14.13 + 5% or \$14.83 to a max in hire of \$15.25, based on education/experience).

(Ord. No. 2000-1461, § 3.22, 7-25-2000; Ord. No. 2017-0963; 08-01-2017)

Secs. 86-525--86-550. Reserved.

DIVISION 8. SEPARATION FROM EMPLOYMENT

Subdivision I. In General

Secs. 86-551--86-570. Reserved.

Subdivision II. Resignation

Sec. 86-571. Good standing.

- (a) An employee who desires to resign in good standing with the county shall submit his written resignation to his supervisor and elected official/department head except for good cause shown, and give at least two weeks' notice of his intention to leave the organization.
- (b) An employee who fails to give two weeks' written notice of his/her resignation and whose insurance premiums are paid on his/her behalf shall have the full insurance premium or accrual amount (county plus employee cost) deducted from the last pay check.

(Admin. Policy Manual, § A(4.20); Ord. No. 2006-160, 1-24-2006)

Sec. 86-572. Reemployment. (This section reflects recent court approved policy language: Court Order# 2016 1327 October 18, 2016.)

Employees who leave Dallas County employment and wish to return will be hired under the following guidelines:

- (a) All terminations, voluntary or involuntary, except those resulting from a reduction-in-force, shall be final and constitute a break in service. To avoid a break in service the employee may choose to elect to use his/her vacation (exempt) or vacation/comp-time (non-exempt) accruals in lieu of a payout to seek other employment with Dallas County. If seeking employment with other Dallas County departments, the employee must notify the Auditors' Office immediately upon notice of termination to avoid unnecessary accrual payouts, termination of health insurance, and break in service. The employee must secure employment with Dallas County no later than the last day of the pay period which includes paid vacation to avoid a break in service and change in vacation accrual earn-rate. Contact the Auditors for this date. Additionally, if the employee failed to notify the Auditor's Office and received a vacation payout and finds other employment with Dallas County within the timeframe indicated above, the employee can reimburse the County to avoid a break in service and change in vacation accrual earn-rate. However, if a payout for sick leave due to termination or failure to notify the Auditor's Office timely of your intent to continue employment results in the employee's sick leave being paid out, all sick leave earned will be forfeited with no buy-back opportunity available. If the employee is unsuccessful in securing employment, the date of separation will be the last day worked. A **civil service employee** terminated as a result of reduction-in-force

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may retain his original hire date if rehired within one year.

- (b) All former employees (except for Reduction-In-Force) will be hired and processed the same as any other new hire/applicant in terms of qualifications, compensation, and benefits;
- (c) The salaries for former employees (except those terminated under the reduction-in-force policy) who return within one year will be determined as follows:
 - 1. At the previous salary, if previous salary was less than or equal to maximum in-hire; or
 - 2. Up to maximum in-hire salary, if the employee's previous salary exceeded maximum in-hire; or
 - 3. In accordance with the hiring rules for the salary schedules/pay plans specifically applicable to the employee's job code (i.e. Judicial Salary Plan, Law Enforcement Pay Plan).
- (d) In reduction-in-force reemployment cases (for civil service covered employees), a former employee may be reinstated in the same job code and at the same salary. For specifics, refer to the Reduction-in Force policy (Section 86-627- 628).
- (e) (1) An individual who leaves employment with Dallas County for any reason is prohibited from rehire if the individual (1) receives any funds from TCDRS post-employment (whether by monthly annuity or withdrawal) **and** (2) had an agreement or arrangement with an elected official or department head at the time the individual left employment that the individual would be rehired.

(2) If no such arrangement exists, prior to returning to employment with Dallas County, both the individual and the individual's former and proposed department head or elected official must attest in writing that no agreement or arrangement for the individual's return to work existed as of the last date of the individual's employment.

(3) An individual who leaves employment with Dallas County and who receives funds from TCDRS is ineligible for rehire for 60 days after the last date of employment. The 60-day period covers the remainder of the month in which the separation occurred **plus** one full calendar month since the last date of the individual's employment.

(Admin. Policy Manual, § A(4.18, 4.19); Ord. No. 2006-659, 4-11-2006; Ord. No. 2011-815 05-03-2011; Ord. No. 2015-0868, 06-23-2015; Ord. No 2016-1327 10-18-2016; Ord. No. 2023-1136, 10-03-2023)

Secs. 86-573--86-590. Reserved.

Subdivision III. Dismissal

Sec. 86-591. For just causes; enumeration.

An employee may be dismissed from the county without prior notice for just cause including, but not limited to:

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- (1) Incompetence;
- (2) Offensive conduct;
- (3) Insubordination;
- (4) Conviction of a felony;
- (5) Conviction of a misdemeanor involving moral turpitude;
- (6) Failure to report for work without reporting the reason for absence to his immediate supervisor within 24 hours of his normal working shift;
- (7) Gross or repeated neglect of duty; or
- (8) Other conduct inconsistent with the interest of the county.

(Admin. Policy Manual, § A(4.21))

Sec. 86-592. Notice.

The employee shall be furnished a written notice of termination at the time of termination, or the earliest possible time after the date of dismissal. Such notice shall specify the cause for termination, with a copy to the human resources/civil service department. If the notice cannot be presented in person to the employee, it should be sent certified mail to the employee's last known address within such time limits.

(Admin. Policy Manual, § A(4.22))

Sec. 86-593. Informing elected official/department head by supervisor.

The supervisor shall inform his elected official/department head of his intention to dismiss an employee, specifying the causes and do so only with the elected official/department head's approval, unless the elected official/department head has previously given the supervisor termination authority.

(Admin. Policy Manual, § A(4.23))

Sec. 86-594. Predetermination conference.

Employees who are being dismissed are entitled to a predetermination conference with their elected official/department head to be told the reasons for termination.

(Admin. Policy Manual, § A(4.24))

Sec. 86-595. Grievance system.

- (a) If a non-probationary, regular employee feels he is being unjustly terminated, he may utilize the grievance system, provided that he meets the filing deadline (see chapter 86, article VIII of this Code). Utilizing the grievance system will not alter an employee's termination date (i.e., an employee may be terminated and then file a grievance).
- (b) If a grievance is upheld, the category C employee may be reinstated and may be granted back pay depending upon the determination of the grievance. Category D employees are not eligible for a grievance determination that awards back pay and/or reinstatement beyond the termination date of the funding source. The process for filing a grievance dismissal is outlined in chapter 86, article XIII of this Code.

(Admin. Policy Manual, § A(4.25, 4.26))

Secs. 86-596--86-620. Reserved.

DIVISION 9. REDUCTION-IN-FORCE (This section reflects recent court approved policy language: Court Order# 2012 1049 June 19, 2012.)

Sec. 86-621. 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:

Reduction-in-force means a decrease in the number of authorized employees resulting from a discontinuance of services, organizational changes or change in fund authorization, and is not to be considered a disciplinary action.

(Admin. Policy Manual, § A(3.23))

Cross references: Definitions generally, § 1-2.

Sec. 86-622. Changes in position authorization.

Changes in position authorization required in a reduction-in-force will be determined by the commissioners court and will be initiated by the ordered reduction of budgeted funds, or the reduction of positions authorized in a specific department.

(Admin. Policy Manual, § A(3.24))

Sec. 86-623. Referral for reassignment.

Employees occupying positions to be deleted due to a reduction-in-force in one county department/section shall be referred for reassignment to other position openings for which they are qualified in the same or other sections/departments by coordinating this action with the human resources/civil service department.

(Admin. Policy Manual, § A(3.25))

Sec. 86-624. Retention.

Retention of employees will be based on job performance. Those employees who have demonstrated excellence in job performance shall be given preference in retention. When levels of job performance are equal, then length of service shall be the determining factor. If job performance documentation does not exist, then tenure (length of service) shall be the determining factor.

(Admin. Policy Manual, § A(3.26))

Sec. 86-625. Length of service calculated in layoff ratings.

Length of service of an employee for inclusion in layoff ratings shall be based upon the number of calendar months of continuous county service in the affected employee's current classification. Periods of absence on leave without pay shall not be credited as county service. Length of service in the class for which the layoff is computed shall include service in any other class to be equal to, or greater than the employee's current classification. An employee who resigns from the county service, or

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is dismissed, (for cause) shall lose all seniority credited to him/her prior thereto, and subsequent reinstatement or reemployment of the employee shall not restore the seniority so lost. Any employee laid off shall, after timely reinstatement, (one year), regain the seniority credit he possessed at the time of layoff.

(Admin. Policy Manual, § A(3.27))

Sec. 86-626. Job performance determining factor in layoff ratings; appeal.

Job performance shall be the determining factor in a layoff rating. The resulting layoff rating shall be the combination of performance ratings derived from documented performance reports in an employee's current classification. Employees may appeal assigned layoff ratings to their department head or civil service commission as outlined in the rules governing grievances.

(Admin. Policy Manual, § A(3.28))

Sec. 86-627. Reduction-In-Force (RIF) Demotion Option (This section reflects recent court approved policy language: Court Order# 2011 815 May 3, 2011.)

- (a) A regular employee shall, in lieu of being laid off, be allowed to accept a demotion within the same department to a position at a lower job grade or class, providing the demotion does not require any other employee within the same job grade or class who has a layoff rating at least as high as that of the other employee to be laid off.
- (b) Subsection (a) of this section does not apply to employees whose positions are funded by a grant. Employees in grant-funded positions are excluded from bumping employees in regular, full-time positions funded from the general fund but are permitted to bump employees within the same grant.
- (c) A rifted employee's transfer or demotion will not affect the merit date.
- (d) Under this policy, the salary of an employee who accepts a demotion in lieu of termination shall be determined by the department head/elected official but shall not be 1) greater than their current salary, greater than the maximum of the prescribed salary range of their new position OR 2) may be determined in accordance with the compensation policy for new hires, whichever is greater. The employee must meet the qualifications for the new position.
- (e) All employees accepting a demotion in lieu of layoff shall be eligible to receive promotional increases greater than what is allowable under promotional policies, but not to exceed their salary at time of demotion.

(Admin. Policy Manual, § A(3.29--3.31)); (Ord. No. 2017-0963, 08-01-2017)

Sec. 86-628. Reinstatement (This section reflects recent court approved policy language: Court Order# 2011 815 May 3, 2011.)

- (a) If an employee is terminated or accepts a demotion in lieu of termination due to a reduction-in-force, the employee will be reinstated based on the following criteria:
 - (1) a vacancy must exist in the same office/department from which the employee was terminated or demoted;
 - (2) must return to work for the county within one year (two years for deputy sheriffs) from the date of termination or must return to the same job code held within one year (two years for deputy sheriffs) from the date of demotion;
 - (3) employees impacted by a reduction-in-force who accepted a demotion in lieu of termination on/before 5/21/2012 shall have until 5/20/2013 to return to the same job code held prior to the demotion (5/20/2014 for deputy sheriffs). For example: Employee A previously accepted a demotion in lieu of termination on November 1, 2011. Based on this policy decision, the employee's reinstatement privileges will not end until May 21, 2013 for a total of 18 months. However, should this occur again in the future, the employee will only have reinstatement rights for a period of one (1) year from date of impact.
 - (4) must be re-hired or reinstated into the same job code held at the time of the termination or demotion;
 - (5) was covered under a civil service system when the reduction-in-force took place; and
 - (6) meets all current job qualifications for the job code.
- (b) All employees being reinstated under this policy will be subject to restoration of benefits and their salary level at time of separation or demotion, if applicable.
- (c) When more than one laid-off or demoted employee qualifies for reinstatement under this section, the preference shall be given to the person laid off or demoted last.
- (d) A reinstated regular, full-time employee who has successfully completed the initial probationary period and is returning into his/her previously held job code **will not** be required to serve an employment probationary period or a performance probationary period. Such reinstatement must occur during the designated time period. If an employee is reinstated or promoted to a different position in the same or another department, then a performance probationary period **will** be required. For more information about employment probationary periods, please refer to Section 86-241 through 242 of the Dallas County Code (and Sections 2.07 and 2.41 of the Sheriff's Department Civil Service Commission Rules and Regulations for Sheriff's Department law enforcement personnel).

(Admin. Policy Manual, § A(4.14--4.17))

Sec. 86-629. Separation without prior notice.

If an employee is to be removed due to a reduction in force and an elected official or department head has determined that such employee poses a security risk to the county, such employee may be terminated immediately without prior notice. The elected official or department head desiring immediate termination of such positions, shall submit the position name and title, along with an explanation of the security risk to human resources/civil service, for commissioners court approval. Upon approval by the commissioners court, such employees may be paid up to two weeks of administrative leave for separation from the county without notice.

(Ord. No. 2003-1850, 10-7-2003)

Secs. 86-630--86-650. Reserved.

DIVISION 10. NOTIFICATION OF EMPLOYEE EMERGENCIES

Sec. 86-651. Contact persons.

Utilizing the county's emergency notification form P/SC 160 or other departmental emergency contact form, county employees may provide their manager or supervisor with the name, address and telephone numbers of individuals their department should contact in case of an emergency. This optional form will be maintained in the employee's departmental personnel file.

EMERGENCY NOTIFICATION FORM

Employee's Name:			
(Last)	(First)	(MI)	
Employee's Address:			
(Street No. and Name)	(City)	(State)	(ZIP Code)
Home Telephone Number: _____ Pager/Cellular Number: _____			

<i>Please contact the following person(s) in case of an emergency:</i>			
Contact Person:			
	(Last)	(First)	(MI)
Relationship:			
Address:			
	(Street No. and Name)	(City) (State)	(ZIP Code)
Telephone Number: _____ (Home) Telephone Number: _____ (Work)			
Telephone Number: _____ (Pager/Cellular Number) _____			
Contact Person:			
	(Last)	(First)	(MI)
Relationship:			
Address:			
	(Street No. and Name)	(City) (State)	(ZIP Code)
Telephone Number: _____ (Home) Telephone Number: _____ (Work)			
Telephone Number: _____ Pager/Cellular Number _____			
I authorize Dallas County to notify the aforementioned individuals in the event of an emergency			
(Employee's Signature)			(Date)
P/SC FORM 160 02/00			

(Ord. No. 2000-890, § 2.30, 5-2-2000)

Secs. 86-652--86-670. Reserved.

DIVISION 11. PERSONNEL FILES*

***State law references:** Public Records Act, V.T.C.A., Government Code § 552.001 et seq.

Sec. 86-671. Confidentiality.

All personnel files are classified as confidential, and every effort will be made to maintain that confidentiality within applicable state and federal statutes.

(Ord. No. 2000-173, § 17.00, 1-25-2000)

Sec. 86-672. Access.

An employee does not have unrestricted access to his personnel files. An employee may request the right to view his personnel files in accordance with the following procedures:

- (1) Submit a written request to the auditor's office, treasurer's office, human resources/civil service department or the employee's department.
- (2) A designated person within the office receiving the request will review the employee's personnel file within two days of receipt to determine if any information needs to be removed from the file prior to the employee viewing it. (Example: information that would violate the privacy rights of a third party or information related to litigation.)
- (3) The employee will be contacted within two days of his request to schedule a time during normal business hours to review the file in the presence of a designated representative.

At his own expense, an employee may receive copies of any records from his personnel file which are not restricted from disclosure by law. There will be no charge for reasonable requests.

(Ord. No. 2000-173, § 17.01, 1-25-2000)

Sec. 86-673. Outside request to access files.

Any request for access to an employee's file not made by the employee requires the following:

- (1) Submission of a written request; and
- (2) Review of the written request by the civil section of the district attorney's office prior to release.

The written request must be immediately forwarded to the civil section of the district attorney's office for review due to strict time constraints for objecting to such requests for information.

(Ord. No. 2000-173, § 17.02, 1-25-2000)

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Sec. 86-674. Questions.

For any questions regarding this division, contact the human resources/civil service department at (214) 653-7638.

(Ord. No. 2000-173, § 17.03, 1-25-2000)

Sec. 86-675. Changes in names, addresses and telephone number and number of dependents.

- (a) The county employees are required to notify their department within a 30-day period if the employee makes changes in his name, address, or telephone number. The employee should:
 - (1) Obtain personnel action form 6-A from the departmental human resources representative;
 - (2) Complete the form; and
 - (3) Return them to the departmental human resources representative who will then forward form 6-A to the county auditor and county treasurer offices to update the employee's official file.
- (b) If an employee wants to change the number of his dependents for federal withholding purposes, the employee should obtain a W-4 form from the departmental representative, complete the form and return it to the departmental representative who will then forward the W-2 form to the county treasurer's office to update the employee's official file.

(Admin. Policy Manual, § A(10.00, 10.00(A))

Secs. 86-676--86-710. Reserved.

DIVISION 12. EQUAL EMPLOYMENT OPPORTUNITY*

*Federal law reference--Employment discrimination, 42 USC 2000e et seq.

State law references: Employment discrimination, V.T.C.A., Labor Code § 21.01 et seq.

Sec. 86-700. Policy of Dallas County. (This section reflects recent court approved policy language: Court Order# 2011 776 April 26, 2011.)

Dallas County values the diverse backgrounds, experiences, knowledge and skills of all individuals, including applicants and employees. Treating individuals with dignity and respect is one of our core values. Our goal is to create and foster a work environment that offers equal employment opportunities and fair treatment to all applicants and employees without regard to race, color, national origin, religion, sex (including pregnancy), age, disability, sexual orientation, transgender, gender identity, gender expression, or political affiliation. This policy includes, but is not limited to, all decisions relating to the employment process (recruiting and hiring), employment actions, compensation, benefits, disciplinary actions, application of policies and procedures and any other terms or conditions of employment.

(Admin. Policy Manual, § A(3.00); Ord. No. 2009-0241, 2-3-2009)

Sec. 86-701. Bona fide occupational qualifications.

The equal employment opportunity policy, however, is not to be construed to prohibit the county from recognizing bona fide occupational qualifications, as defined by the Labor Code, reasonably necessary to the normal operation of the particular position.

(Admin. Policy Manual, § A(3.01))

Sec. 86-702. Lateral transfers. (This section reflects court approved policy language: Court Order #2009 2290 – December 15, 2009; Court Order #2015 1118 – August 18, 2015; Court Order #2017-0963 – August 1, 2017).

- (a) A lateral transfer is defined as the movement into a job in the same or different department that has the same pay grade and different job title (Accounting Clerk I, grade 06, DA's Office and a Clerk II, grade 06, PD's Office) OR same pay grade and same job title (Clerk II, grade 6, DA's Office and Clerk II, grade 06, PD's Office).

An employee transferring laterally within the same job grade and same job title (Clerk II, grade 06, to Clerk II, grade 06) within the same or different department and different job duties will have his/her salary determined in accordance with the compensation policy for new hires and a change in performance review date.

An employee transferring laterally with the same job grade and different job title, his/her salary will be determined in accordance with the compensation policy for new hires and will receive a change in performance review date.

Also, generally, an employee may not grieve a lateral transfer.

- (b) New employees who have not completed their employment probationary period may not transfer between departments, without prior approval from the affected elected officials/department heads.
- (c) A lateral transfer of an employee from one department to another within the same job classification (Clerk II, job grade 06, DA's Office to Clerk II, job grade 06, PD's Office) is generally discouraged unless it is of benefit to both the county and the employee in order to improve productivity or morale.
- (d) Any non-probationary employee requesting a lateral transfer between departments must notify the human resources/civil service department (via Employee Position Change form) in order to be considered for a transfer with approval of the commissioners court.
- (e) Any non-probationary employee that is accepted for a lateral transfer between departments shall give his supervisor/department head two weeks prior notice before transferring between departments unless a mutual agreement of lesser or greater notice is made between the two affected department heads.

(Admin. Policy Manual, § A(3.02--3.06))

Secs. 86-703--86-710. Reserved.

ARTICLE V. TRAVEL POLICY*

*State law references: Travel and per diem, V.T.C.A., Local Government Code § 152.001 et seq.

Sec. 86-711. Travel and mileage reimbursement policy. (This section reflects recent court approved policy language (Section k): Court Order# 2012 0235 February 7, 2012 and Court Order #2012 0972 (b) and (f)).

- (a) Travel funds will be allocated to departments annually based on need and with general approval through the budget process, with grant awards or through department discretionary account (DDA) guidelines. If possible, attendance at local offerings is encouraged, out-of-state and out-of-county seminars and technical meetings shall be kept to a minimum. Where practical, attendance should be limited to one individual per department, per seminar or trip.
- (b) Even though travel funds have been appropriated in the fiscal budget, prior approval of the commissioners court must be obtained for conference and out-of-county business travel *including travel paid from DDA, but not paid from legislative travel*, subsection (j) of this section. See subsection (i) of this section. *All requests for travel including DDA funds must receive prior approval by the Commissioners Court before the date of travel.* A travel request form, as provided by the office of budget and evaluation, must indicate a business justification for the requested travel. The request must be submitted to the office of budget and evaluation with the signoff of the department head or elected official in order to be placed on the Commissioners Court's agenda. The office of budget and evaluation shall provide notice to the Commissioners Court of all travel requests approved by department heads and elected officials.
- (c) DDA funded travel for conference or business meetings is reimbursed by submitting requests for payment and expense reports to the auditor's office with appropriate receipts attached. Appropriate signoff in the department is required.
- (d) Travel funds will be allocated annually in the accounts as provided in subsections (e) through (j) of this section for stated purposes only. Any other use of such funds will require approval and transfer by the commissioners court into the appropriate line item for which travel expenditures are requested. Object codes for travel expenditures are as provided in subsections (e) through (j) of this section. Mileage reimbursements for use of personal automobiles will be allowed under these conditions:
 - (1) Official county business only;
 - (2) Must be of benefit to the citizens of the county;
 - (3) Must not be for political, commuting or personal reasons;
 - (4) Employee or official does not receive a car allowance.

Officials' and employees' compensation and mileage reimbursement is provided to cover the cost of using their personal vehicle on county business. This reimbursement is specifically intended to cover the officials' or employees' cost to ensure their personal and third party liability. Each official or employee shall contact their vehicle insurance provider to ensure that they are properly insured.

- (e) 1070 auto mileage: To reimburse county employees on a per mile basis (current rate equivalent to the maximum rate allowed by the Internal Revenue Service) incurred as a requirement of their job and as a result of driving a personal automobile daily for county business. These positions are designated by the human resources/civil service department as "daily job-required" use of a personal vehicle. The mileage rate method provides reimbursement for actual expenses such as gasoline, oil, repairs, insurance, tires, license plates or similar items. Reimbursements are paid through the payroll system on paychecks coded as nontaxable earnings. Expenditures from this account are excluded for any out-of-county travel, unless out-of-county travel is normal and routine business activity for a department.
- (f) 2230-DDA spendable balance: To reimburse county employees for travel funded through the department's DDA account for out-of-pocket expenses such as hotel bills, meals, tips and conference registration fees associated with professional development. DDA travel is dependent on funds available and *does require approval* by the commissioners court (see DDA guidelines).
- (g) 2980 auto expense incidental: To reimburse county employees for mileage (current rate is maximum rate allowed by the Internal Revenue Service), plus parking and toll charges that result from driving a personal automobile occasionally for county business. Incidental travel is dependent on funds available and does not require specific approval by the commissioners court. The mileage rate method provides reimbursement for actual expenses such as gasoline, oil, repairs, insurance, tires, license plates or similar items. Reimbursements are made to individuals on an as-approved basis.
- (h) 4010 business travel: To reimburse county employees for out-of-pocket expenses such as hotel bills, meals, tips and other non-transportation related expenditures incurred while performing direct county business of a routine nature, limited department allocations are approved by the budget process. Use for charges appropriated in the department budget, specifically approved by the commissioners court through the budget process (not DDA funded) or other funding sources such as grants. Charges not included are legislative travel, mileage and DDA. Business and grant-funded travel requires preapproval by the commissioners court on form 251 and is subject to funds available. Fraudulent requests for reimbursement will result in disciplinary action and/or prosecution.
- (i) 4210 conference travel: To reimburse county employees for direct and out-of-pocket expenses incurred while attending a conference, professional development seminar, trade school or college which has received prior approval and will enhance the employee's capability to fulfill their job function. This account will pay for transportation, registration, and tuition fees, hotel charges, meals, tips and other related reimbursable expenses associated with professional development activity. Use for charges appropriated in the department budget, specifically approved by commissioners court through the

budget process (not DDA funded). Charges not included are legislative travel, mileage and DDA.

- (j) 4110 legislative travel: To reimburse county employees for direct and out-of-pocket expenses for commissioners court requested travel required on legislative matters. This would include appearances before any committee or other related activity including, but not limited to, sessions of the state legislature, meetings for the legislative agenda, meetings of the county judges and Commissioners Association of Texas, Conference of Urban Counties, Texas Association of Counties and National Association of Counties.
- (k) Out of County travel without any cost is not required to be briefed to the Commissioners Court.
- (l) The auditor's office will review all transactions submitted in the form of detailed vouchers and receipts for reimbursements during the normal audit process. Itemized receipts are required for food with daily cap at per diem rates. Receipts for lodging and air transportation are required as part of the reimbursement document. Acknowledgment of county-paid air transportation is also required.
- (m) Guidelines for travel arrangements are as follows:
 - (1) All travel will be planned with maximum economy and efficiency.
 - (2) All travel arrangements should be made at least seven days and when possible, 21 days in advance.
 - (3) Travel must be for official county business only.
 - (4) Travel must be to the benefit of the citizens of the county.
 - (5) Under no condition will travel be for personal reasons.
 - (6) The county may prepay conference registration fees upon the commissioners court approval. When fees are paid out of DDA funds, commissioners court approval is not required. Payment is made to the sponsoring organization, not to the employee. Request for payment of conference fees should be made on request for payment form as provided by the auditor's office. Lodging charges may be prepaid with copy of itinerary and confirmation from the hotel. Payment is made to the hotel.
 - (7) Travel must occur as close to the start and end of event as practicable.
- (n) Guidelines for travel reimbursements. Actual charges (within established limits) while on county business will be reimbursed when the request is approved by the employee's elected official or department head. In order to be reimbursed for expenses incurred while on official county business, a report of travel expenses form, as provided by the auditor's office, must be submitted to the auditor's office within 30 days following the travel period. Exceptions must be submitted to the commissioners court for approval.
 - (1) *Transportation.*
 - a. Mileage: Reimbursement rate maximum rate allowed by the

Internal Revenue Service. Mileage is calculated from the first business stop. Payments are treated as nontaxable reimbursements when fully documented and submitted to the county. The appropriate form, either report of travel expenses form for out-of-county travel or the report of personal automobile mileage used in county business form for in-county travel must be prepared by the traveler, approved by the department head and submitted to the auditor. The total miles subject to reimbursement shall be calculated from the first business stop after leaving home to the last business stop before returning home, less any personal nonbusiness miles driven during the course of the day. If the total miles driven to the first business stop exceed the total miles from the employee's residence to the official station of duty, reimbursement shall be calculated from the station of duty to the business stop.

- b. Parking: Actual parking expenses incurred while on county business will be reimbursed when the request is approved on the report of travel expenses form by the employee's elected official or department head and submitted with a receipt. Parking expenses incurred in lots operated with drop boxes where no receipt is available or using parking meters will be reimbursed to a maximum of \$7.00 a day.
- c. Vehicle rental: Rental cars will only be authorized when it is operationally required, or when the cost of public transportation would exceed the cost of a rental vehicle. The maximum reimbursement will be based on a sub-compact for up to two county approved travelers, compact for three county approved travelers, and mid-size for four county approved travelers. Full size will be used for over four travelers.
- d. Taxi, subway, bus, etc.: No receipts are required for reimbursement of expenses up to \$5.00, otherwise receipts are required.

- (2) *Hotel/lodging.* An itemized receipt for lodging must accompany any request for reimbursement. Hotel/lodging reimbursements will be capped at the rate set by the U.S. General Services Administration (GSA) for the city traveled to. Hotel/lodging expenses in adjacent counties will not be reimbursed.

An exception to maximum room rate will be granted for:

- a. Annual conferences or court required if the elected official/department head certifies that the rate paid was the lowest available rate as provided by the sponsoring group's housing policy for assignment of rooms.
- b. Fugitive officers in the sheriff's office will refer to the federal IRS hotel rates as updated annually for maximum reimbursement amount.

- c. Hotel/lodging expenses incurred as a result of legislative travel to Austin, Texas during a legislative session.
- (3) *Meals and Incidental Expenses:* Reimbursement for meals is based on the Meals and Incidental Expenses (M&IE) rate as set by GSA for the city traveled to. For travel requiring an overnight stay, the full M&IE per diem reimbursement may be requested for each full day spent. Half of the allowable per diem may be requested on a day in which the employee traveled to or from the destination. For example, a three-day trip in which the employee traveled on the first and third day would qualify for half of the allowable M&IE reimbursement on the first and third day (travel days) and the full M&IE reimbursement on the second day (full day).
- (4) *Miscellaneous.*
 - a. Reimbursements for faxes are authorized. Receipts or itemized statements are required.
 - b. Reimbursements for long distance business telephone calls are authorized. Personal long distance charges on the hotel/motel bills are not eligible for reimbursement.
 - c. Charges for personal items on hotel/motel bills are not eligible for reimbursement.
 - d. The Assistant County Administrator for Governmental Affairs will receive half day reimbursements under section (n)(3) for both travel and full days during a Texas Legislative Session.
- (o) The commissioners court may approve requests to allow exceptions to travel policy if these policies impose an unreasonable hardship on the traveler.
- (p) Expenses incurred by or as a result of an accompanying spouse or other individual not employed by the county will not be reimbursed.
- (q) If, in the course of official county business or business travel, an individual or individuals provide valuable assistance to the county at no cost, reimbursement of a reasonable amount will be allowed for the purchase of a meal for the assisting individual or individuals. The name, title and affiliation of the assisting individuals must be specified on the travel expense report submitted to the auditor in order to be reimbursed.
- (r) Department heads and elected officials who have employees that require a county credit card for business travel must submit a request to the commissioners court. If approved, the purchasing director will submit an application, receive and issue the card to the employee. The employee will be required to sign a statement acknowledging the limitations/responsibilities of use of the card. Employees shall ensure the card is only used for the specific purposes approved by the commissioners court and will develop a control ledger that is reconciled to monthly statements. The reconciliations, along with receipts for the purchases, must be forwarded to the county auditor monthly, along with a request for payment, which has been approved by the department head or elected official. Under no circumstances shall the county credit card be used for noncounty business. Any misuse of the county credit card shall result in

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immediate cancellation of the card as well disciplinary action, up to and including termination of the employee. Cards used by employees who are terminating their employment must be returned to the purchasing department. The card may be assigned to an individual, but is the responsibility of both the employee and the department head.

- (s) The request for reimbursement (as provided by the Auditor's Office) must include the following:
 - (1) Points of origin and destination;
 - (2) Reason for travel;
 - (3) Dates of travel;
 - (4) All reimbursable expenses including transportation costs, lodging costs, meals and incidental expenses, mileage, registration fees, etc.;
 - (5) Time of departure and return to home station;
 - (6) Names of accompanying county employee travelers;
 - (7) Funding source and court approval reference, if applicable.
- (t) Any additional requirements for grant funded travel will supersede the requirements of this policy.

(Ord. No. 2000-1342, §§ 1.00--1.20, 7-11-2000; Ord. No. 2008-567, 3-18-2008; Ord. No. 2008-742, 4-15-2008; Ord. No. 2008-1287, 7-8-2008; Ord. No. 2008-2150, 11-11-2008; 2009-0876, 5-12-2009; Ord. No. 2010-0780, 5-4-10; Ord. No. 2012-0972; 6-5-12; Ord. No. 2012-0235, 2-7-12; Ord. No. 2018-0585, 5-15-2018)

State law references: Travel expenses of county officer or employees, V.T.C.A., Local Government Code § 152.011.

Sec. 86-712. - Reserved

(Ord. No. 2000-1342, §§ 1.21--1.23, 7-11-2000; Ord. No. 2018-0585, 5-15-2018)

Sec. 86-713. - Reserved

(Ord. No. 2000-1342, §§ 1.24--1.26, 7-11-2000; Ord. No. 2018-0585, 5-15-2018)

State law references: Airline fares account, V.T.C.A., Government Code § 2171.055.

Sec. 86-714. Auto allowances.

- (a) Based on specific business requirements, the commissioners court may authorize a position to receive a monthly auto allowance.
- (b) Those positions receiving auto allowances will not receive any additional allowance or reimbursement except for other expenses incurred while on official business outside of the county.
- (c) Employees who receive a monthly auto allowance and travel out of the county for county business shall deduct 30 miles from their mileage reimbursement request

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for each one-way trip when using their personal auto for county business. This stipulation affects only employees who receive a monthly auto allowance.

- (d) Any employee with an auto allowance may agree to eliminate their auto allowance and receive instead the per mile reimbursement.
- (e) An employee's auto allowance will not be maintained in the case of a position change is to a position that is not authorized an auto allowance. Officials' and employees' compensation if it is to a position that previously had an auto allowance, and if it is necessary to allow the employee to receive the minimum promotional salary increase required by county policy. Officials' and employees' compensation and auto allowance are provided to cover the cost of using their personal vehicle on county business. This reimbursement is specifically intended to cover the officials' or employees' cost to ensure their personal and third party liability. Each official or employee shall contact their vehicle insurance provider to ensure that they are properly insured.

(Ord. No. 2000-1342, §§ 2.00--2.05, 7-11-2000; Ord. No. 2018-0585, 5-15-2018)

Secs. 86-715--86-750. Reserved.

ARTICLE VI. EMPLOYEE STANDARDS OF CONDUCT (This section reflects recent court approved policy language: Court Order# 2011 1179 – July 5, 2011.)

DIVISION 1. GENERALLY

Sec. 86-751. Employee conduct.

Each employee covered by this policy is employed to fulfill specific job duties and expectations to support the mission and values of their department and Dallas County and is expected to act and perform those tasks in a manner deserving of public trust. The following list is not all-inclusive but is intended to illustrate some of the minimum employee expectations and standards for acceptable workplace conduct and performance.

An employee who contributes to the success of the County's mission:

- Performs assigned duties and responsibilities with the highest degree of public trust;
- Devotes full efforts to job responsibilities during work hours;
- Meets and exceeds established job performance expectations;
- Reports to work as scheduled and follows the office/department policies related to established work schedule, including the use of leave and late or early arrivals and departures;
- Maintains the qualifications, certification, licensure, and/or training requirements identified for their positions;
- Demonstrates respect for the county and towards co-workers, supervisors, managers, customers, employees, vendors and taxpayers;
- Uses county equipment, time, and resources judiciously and as authorized;
- Supports efforts that ensure a safe, healthy and productive work environment;
- Utilizes leave and related employee benefits in the manner for which they were intended;
- Resolves work-related issues and disputes in a professional manner and through established county processes;
- Makes work-related decisions and takes actions that are in the best interest of the county;
- Complies with the letter and spirit of all federal, state, local rules and regulations, the Dallas County Code and departmental policies and procedures;

- Reports circumstances or concerns that may affect satisfactory work performance to management, including any inappropriate (fraudulent, illegal, unethical) activities of others;
- Respects the privacy of county employees and taxpayers and demonstrates a high level of confidentiality when processing and engaging in any official county business;
- Works cooperatively as a team to promote positive, cooperative, and harmonious work environment while achieving departmental goals and objectives;
- Adheres to all policies related to prohibitions against coming to work under the influence, in possession of, or utilization of drugs and alcohol while at work;
- Complies with all county policies related to prohibitions of harassment of any type, discrimination, hostile work environment, or unprofessional conduct, including the use of abusive language, profanity and disorderly conduct; and
- Always represents the county in a professional manner.
- Sets a high standard in professional appearance.

When an employee's behavior and/or job performance is non-compliant, negative and counterproductive, managerial staff is expected to quickly, effectively, consistently and fairly move to correct the behavior in accordance with the County's Corrective Action System. An employee who fails to meet these expectations and standards is subject to corrective action, up to and including termination.

(Admin. Policy Manual, § C(8.00))

Sec. 86-752. Gifts.

Gifts shall not be accepted from contractors, vendors or other persons who are employed by or who deal with the county. This section does not apply to calendars, folders, pens, notepads and similar articles that bear the donor's advertising, nor does it apply to purely personal gifts between relatives and friends.

(Admin. Policy Manual, § C(8.01))

Sec. 86-753. Confidentiality.

All information concerning county business must be held in strict confidence and must not be discussed with others on or off the job except for purposes of necessary county business.

(Admin. Policy Manual, § C(8.02))

Sec. 86-754. Use and conduct of county-owned property.

- (a) The utmost care shall always be exercised in using the county property to minimize damage to equipment and waste of supplies. An employee of the county shall not participate in bidding on the county equipment sales.

- (b) Intentional or negligent damage or any personal use of county equipment or property will be grounds for disciplinary action or dismissal depending on severity of the incident.

(Admin. Policy Manual, § C(8.03, 8.04))

Sec. 86-755. Vending machines in county facilities or on county property.

- (a) Any and all requests for a vending machine must be submitted to facilities management for approval by the commissioners court. No vending machine shall be allowed in a county facility or on county property without prior approval of the commissioners court.
- (b) Vending machines that are accessible to the general public will be provided by the county's contractor for vending services.
- (c) Vending machines that are not available for public access and are for the exclusive use of county employees, may be leased by an association of employees from the county contractor. If the county contractor declines to lease a vending machine, facilities management will coordinate with purchasing for another vendor to lease the vending machine. Any and all revenue generated by these vending machines shall be used for the support of the vending services and other matters that are for the benefit of all employees that use the vending service. Any vending review which finds that revenue is used for an employee's personal benefit or gain will result in the removal of the vending machine.
- (d) Any and all vending machines not in compliance with county policy are subject to removal by order of facilities management.

(Ord. No. 2003-1373, 8-5-2003)

Sec. 86-756. Office donations.

No employee shall be forced to contribute or make donations to any fund or collection. Before any office collection may be started, it must be approved by the elected official/department head.

(Admin. Policy Manual, § C(8.05); Ord. No. 2003-1373, 8-5-2003)

Sec. 86-757. Outside employment.

- (a) No employee shall engage in any other employment during the hours he is scheduled to work for the county; nor shall an employee work outside such hours of his employment with the county in a manner, or to an extent, that conflicts with the county's interest or public image or that adversely affects his availability and usefulness as an employee to the county.
- (b) All employees who are considering employment or who already hold outside employment shall notify their supervisor of the details of the job, the name of their secondary employer, and obtain their elected official/department heads' (i.e., the county's) approval.
- (c) Supervisors who feel an employee's outside employment conflicts with the county's principles as set forth in subsection (a) of this section shall notify his

elected official/department head. The elected official/department head shall make the final decision.

- (d) Any employee who feels approval of an outside job is being unreasonably withheld is entitled to use the grievance procedure as a recourse.

(Admin. Policy Manual, § C(8.06--8.09); Ord. No. 2003-1373, 8-5-2003)

Sec. 86-758. Conflicts of interest.

- (a) In order to avoid potential conflicts of interest or the appearance of conflicts of interest, no officer or employee of the county shall:
 - (1) Have a substantial interest, investment, ownership or other involvement in any entity or firm which supplies goods or services to the county;
 - (2) Accept from or give to any entity, firm or person doing or seeking to do business directly or indirectly with the county, including agents or representatives of such entity, firm or person, any personal gift; loan of any type; entertainment; trips, services, or money in any amount;
 - (3) Receive directly or indirectly any pecuniary interest from a contract or other agreement entered into by the county;
 - (4) Engage in any other business to an extent which interferes with their performance of duties as a county official or employee; or
 - (5) Use in any matter their public office or position for personal gain including the acceptance or dispensing of any special favors, privileges or benefits.
- (b) The county officials or employees having reservations or questions regarding possible conflicts of interest should request a legal opinion from the district attorney's office.
- (c) The county officials and employees may be requested to submit an annual conflict of interest-disclosure statement (Exhibit EC) to the commissioners court.
- (d) All elected officials and employees of the county will comply with V.T.C.A., Penal Code ch. 36 that requires that no gift be given as a consideration for some exercise of official discretion. County employees shall not accept gifts from contractors, vendors or other persons who are employed by or who deal with the county. These rules do not apply to gifts exempted by V.T.C.A., Penal Code § 36.10, calendars, folders, pens, notepads and similar articles that bear the donor's advertising, nor do they apply to purely personal gifts between relatives and friends.
- (e) All elected officials and candidates required to file financial disclosure statements by V.T.C.A., Local Government Code § 159.001 et seq., shall file an annual financial statement with the county clerk, including the reporting of gifts, as required by that statute.
- (f) All elected county officials shall comply with V.T.C.A., Election Code title 15 and all state-mandated reporting of gifts.

- (g) The county officials or employees having reservations or questions regarding possible conflicts of interest should request a legal opinion from the district attorney's office.
- (h) Nothing in this division shall prohibit the solicitation and or acceptance of contributions and or gifts as authorized by the Texas Election Code.

(Admin. Policy Manual, § E(18.02--18.09); Ord. No. 2003-1373, 8-5-2003; Ord. No. 2014-0604, 04-29-2014)

Cross references: Conflicts of interest re general government operations policy, internal organizational guidelines, § 74-741 et seq.

Sec. 86-759. Personal financial disclosure reporting.

- (a) The county commissioners court by the adoption of this section extends personal financial disclosure reporting to the county sheriff, county tax assessor/collector, county clerk, district clerk, county treasurer, county auditor, all constables, and county employees occupying the positions identified in the list below, including under any revised or modified title:

**EMPLOYEE PERSONAL FINANCIAL
DISCLOSURE REPORTING LIST**

- (1) Commissioners Court Administrator/County Administrator.
- (2) Assistant County Administrator(s).
- (3) Assistant Administrator for Governmental Affairs.
- (4) Chief Information Officer.
- (5) Homeland Security/Emergency Management Coordinator.
- (6) Director of Health and Human Services.
- (7) Director of Human Resources/Civil Service.
- (8) Director of The Institute of Forensic Sciences/Chief Medical Examiner.
- (9) Director of Juvenile Services.
- (10) Budget Officer.
- (11) Director of Public Works & Engineering.
- (12) Chief Public Defender Director.
- (13) Veterans Services Officer.
- (14) Director of Operations.
- (15) Fire Marshall.
- (16) Director of Planning/Development.
- (17) Director of Facilities Management.

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- (18) Purchasing Agent.
 - (19) Director of Security.
 - (20) Director of Criminal Justice.
 - (21) Head M/WBE Officer.
 - (22) Any other department head, director, or county administrator position created after the date of this order.
- (b) Such Financial Disclosure Reporting shall be the same in all regards as that required by V.T.C.A., Local Government Code ch. 159, subch. A of the Local Government Code. The Personal Financial Statement required under this Order shall include all information required to be disclosed under Section 572.023 of the Texas Government Code utilizing the categories described in Section 572.022 of the Texas Government Code, as amended or revised from time to time.
- (c) The financial disclosure statement shall be filed with the Dallas County Clerk in the form of the Personal Financial Statement adopted by the Texas Ethics Commission under chapter 572 of the Texas Government Code, as amended or revised from time to time. The form is currently available as Form PFS at http://www.ethics.state.tx.us/filinginfo/pfsforms_ins.html, which web address may change.
- (d) All persons subject to financial disclosure pursuant to this Order shall file the Personal Financial Statement no later than **April 30th** of each year by 5:00 pm, with the County Clerk. The timeliness of filing shall be governed by Section 159.0341 of the Local Government Code and Section 572.029 of the Government Code, as they are amended or revised from time to time.

(Ord. No. 2003-1944, 10-21-2003; Ord. No. 2014-0604, 04-29-2014)

Cross references: Elected officials and candidates required to file financial disclosures, §§ 74-742(e), 86-758(e).

Secs. 86-760--86-780. Reserved.

DIVISION 2. DISCRIMINATION, HARASSMENT, and RETALIATION POLICY

Sec. 86-781. Dallas County Policy Statement and Purpose.

- (a) This Policy defines discrimination, harassment, and retaliation in the workplace, outlines responsibilities for reporting and preventing such conduct, and explains the procedures for investigating and resolving discrimination, harassment, and retaliation complaints.
- (b) Dallas County prohibits all forms of unlawful discrimination, harassment, and retaliation and charges all employees with the responsibility for ensuring that the workplace is free from such conduct. This means that all employees must avoid any action, conduct, or behavior that could be viewed as unlawful discrimination, harassment, or retaliation and report any suspected discrimination, harassment, or retaliation. Any employee who violates this Policy may be subject to disciplinary action, up to and including termination.

(Admin. Policy Manual, § C(8.10 – 8.15)

(Ord. No. 2021 0077, 01-19-2021)

Sec. 86-782. Definitions and Examples.

- (a) *Complainant* means an employee or applicant who makes a report of discrimination, harassment, or retaliation to a supervisor, manager, or the Director of the Dallas County Human Resources/Civil Service Department/Director's designee.
- (b) *Supervisor or Manager* means an individual vested with the authority to control the working conditions or tangible job benefits of another employee.
- (c) *Unlawful discrimination* occurs when an employer fails or refuses to hire, discharges, or otherwise discriminates against an individual with respect to the compensation, terms, conditions, or privileges of employment because of protected characteristics, such as the individual's race, religion, color, sex, national origin, age, veteran status, pregnancy, leave status, or disability.
- (d) *Unlawful retaliation* refers to an adverse action taken against an employee because the employee engaged in activity protected by law, such as participating in an investigation related to discrimination, taking leave protected by the Family and Medical Leave Act, or reporting in good faith a violation of law by Dallas County to an appropriate law enforcement authority.
- (e) *Unlawful harassment* is unwelcome conduct based on a characteristic protected by law. Harassment is unlawful where (1) enduring the offensive conduct becomes a condition of continued employment or (2) the conduct is

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severe or pervasive enough to create a work environment that a reasonable person would consider intimidating, hostile, or abusive.

Sexual harassment is a type of unlawful harassment and refers to unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:

- (1) Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment;
- (2) Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or
- (3) Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

Conduct considered harassment could include;

- Making derogatory or abusive statements, comments, slurs, noises, or gestures based on an individual's protected characteristic;
- Stereotyping, mocking, ridiculing, or mimicking an individual's culture, accent, appearance, or customs;
- Posting, circulating, or displaying written or graphic material (including cell phone pictures) that denigrates or shows hostility or aversion toward an individual or group based on a protected characteristic;
- Using sexually suggestive language or engaging in offensive touching, such as patting, pinching, or rubbing;
- Making unwelcome request for sexual favors, sexual advances, or requests for "dates"; and
- Implying, by words or actions, that an employee must tolerate or submit to sexual advances or offensive, inappropriate, or abusive conduct.

Cross references: Definitions generally, § 1-2.

(Ord. No. 2011 776, 04-26-2011; Ord. No. 2021 0077, 01-19-2021)

Sec. 86-783. Complaint Reporting, Investigation, and Resolution Procedures.

- (a) Any employee who believes the employee or any other employee or applicant has been subjected to unlawful discrimination, harassment, or retaliation by a manager, supervisor, co-worker, vendor, customer, or

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other third party must report the alleged violation *immediately* to a supervisor or manager, elected official/department, or the Director of the Dallas County Human Resources Department/Director's designee.

- (b) All complaints of discrimination, harassment, and retaliation shall be taken seriously and addressed within a reasonable timeframe. After receiving a complaint, the recipient shall notify the Dallas County Human Resources Director/Director's designee. Upon receipt, the Human Resources Director/Director's designee shall promptly investigate and address the matter. This process may include interviews, a review of relevant documents, and temporary measures deemed necessary to protect employees or to preserve evidence, such as investigatory leave reassignment.
- (c) If it is determined that a Policy violation occurred, Dallas County will take appropriate actions designed to stop the inappropriate conduct and avoid its repetition. The Human Resources Director/Director's designee shall advise the complainant, the accused, and other relevant parties of any findings, taking care to preserve confidentiality to the extent possible.
- (d) An employee may not retaliate against another employee for participating in the investigation.

(Admin. Policy Manual, § C(8.22))

(Ord. No. 2021 0077, 01-19-2021)

Sec. 86-784. Manager's and Supervisor's responsibilities.

- a. Managers and supervisors shall take the initiative in preventing discrimination, harassment, and retaliation by:
 - (1) Modeling appropriate professional behavior in accordance with this Policy;
 - (2) Actively monitoring the work environment for indications of discrimination, harassment, and retaliation;
 - (3) Ensuring that each employee is aware of this Policy and of the procedure to report suspected incidents of discrimination, harassment, and retaliation;
 - (4) Ensuring that an employee does not suffer retaliation for reporting allegations of violations of this Policy or for cooperating in an investigation into alleged Policy violations;
 - (5) Taking appropriate disciplinary action when an investigation substantiates an allegation;
 - (6) Immediately reporting all complaints to the Dallas County Human Resources Director/Director's designee; and

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- (7) Attending discrimination, harassment, and retaliation training at least once per year and ensuring subordinate employees attend such training at least once per year.
- b. Any manager or supervisor who fails to comply with these responsibilities may be subject to disciplinary action, up to and including termination.

(Admin. Policy Manual, § C(8.23, 8.24))

(Ord. No. 2011 1462, 08-30-2011; Ord. No. 2021 0077, 01-19-2021)

Sec. 86-785. Employees' responsibilities.

- a. A county employee shall take the initiative in preventing unlawful discrimination, harassment, and retaliation by:
 - (1) Acting in a professional manner and in accordance with this Policy and all Dallas County policies designed to prevent lawful but inappropriate workplace conduct (such as bullying or commenting up—on an employee's gender identity);
 - (2) Ceasing any conduct if told by a supervisor, manager, or co-worker that such conduct is offensive or otherwise inappropriate;
 - (3) Cooperating in any investigation into alleged violations of this Policy;
 - (4) Immediately reporting perceived violations of this Policy to: a supervisor or manager, an elected official or department head, or the Director of the Dallas County Human Resources Department/Director's designee.
- (b) Any employee who fails to comply with these responsibilities may be subject to disciplinary action, up to an including termination.

(Admin. Policy Manual, § C(8.25--8.28))

(Ord. No. 2011 776, 4-26-2011; Ord. No. 2011 1462, 8-30-2011; Ord. No. 2021 0077, 01-19-2021)

Secs. 86-786--86-810. Reserved.

DIVISION 3. WHISTLEBLOWER POLICY*

***State law references:** Protection for reporting violations, V.T.C.A., Government Code § 554.001 et seq.

Sec. 86-811. Compliance.

The county will comply with the law known as the Whistleblower Act which prohibits retaliation against public employees who report official wrongdoing. The act states that "a state or local governmental entity may not suspend or terminate the employment of, or take other adverse personnel action against, a public employee who in good faith reports a violation of law by the employing governmental entity or another public employee to an appropriate law enforcement authority." (V.T.C.A., Government Code § 554.002(a)). For more information call the human resources/civil service department (214) 653-7638.

(Admin. Policy Manual, § C(8.50))

Secs. 86-812--86-830. Reserved.

DIVISION 4. DRUG AND ALCOHOL POLICY*

***Editor's note:** Ord. No. 2007-912, adopted May 1, 2007, amended Div. 4 in its entirety to read as herein set out. Former Div. 4, §§ 86-831--86-885, pertained to similar subject matter and derived from Ord. No. 2004-1425, adopted Aug. 17, 2004; and Ord. No. 2004-2302, adopted Dec. 21, 2004.

Federal law reference--Drug Free Workplace Act, 41 USC 701 et seq.

State law references: Policy for elimination of drugs in the workplace, V.T.C.A., Labor Code § 411.091 et seq.

Subdivision I. In General

Sec. 86-831. Objectives of county: application of and compliance with division provisions.

- (a) The objective of the county is to provide a drug-free and alcohol-free workplace which will help ensure a safe and productive workplace. In order to further this objective, this division's policy regarding alcohol and drugs in the workplace has been established.
- (b) This division applies to all employees or volunteers regardless of rank or position within the county. Any reference to an employee or group of employees should be interpreted to include any volunteers working for or representing the county including, but not limited to, sheriff's department reserve and posse members.

(Ord. No. 2007-912, 5-1-2007)

Sec. 86-832. Guidelines.

- (a) Employees are expected and required to report to work on time and in the appropriate mental and physical condition to fully perform their job duties. Employees are prohibited from possessing, purchasing, manufacturing, distributing, using, selling or being under the influence of drugs, alcohol and/or abusing prescription or over the counter drugs while on county premises or while representing the county off premises.
- (b) Employees who violate these guidelines are subject to appropriate disciplinary action, up to, and including termination.

(Ord. No. 2007-912, 5-1-2007)

Sec. 86-833. 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:

Alcohol means the intoxicating agent in beverage alcohol, ethyl alcohol or other low molecular weight alcohols, including methyl and isopropyl alcohol.

Drugs and controlled substances mean substances regulated under V.T.C.A., Health and Safety Code chs. 481--485 including, but not limited to, marijuana, hashish, cocaine, heroin, morphine, codeine, opiates, amphetamines, barbiturates and hallucinogens.

Prescription drugs means drugs currently prescribed for the employee by a licensed physician and taken as prescribed. They shall not be considered a drug under this division. However, if an employee is taking medication and knows or has reason to believe the medication may cause the employee to act in a manner consistent with being under the influence of drugs and/or alcohol, the employee must immediately notify the supervisor. The supervisor may require the employee to provide documentation from the doctor stating that such use will not impair the employee's ability to perform safety-sensitive functions. As a precaution, employees occupying safety-sensitive positions should always inquire of their doctor and/or pharmacy about the possible side effects of any medications (prescribed or over the counter).

Split-sample collection means the collection of urine into a specimen container capable of holding at least 60 milliliters. The specimen, in the presence of the donor is poured into two specimen bottles. Thirty milliliters shall be poured into one bottle, to be used as the primary sample. At least 15 milliliters shall be poured into the other bottle, to be used as the split sample.

Under the influence of drugs and/or alcohol means:

- (1) An employee tested positive for alcohol in excess of a concentration of 0.04 or greater grams of alcohol when measured per 210 liters of breath, 100 milliliters of blood, or 67 milliliters of urine; or
- (2) An employee had a positive drug test; and/or
- (3) Documented specific instances of drug or alcohol abuse obtained by personal observations and corroborated by a trained supervisor or an elected official/department head. This may include observing actual use of drugs or alcohol, and/or physical signs of behavior which would include, but are not limited to, slurred speech, odor of alcohol on breath, glazed and/or blood shot eyes, inability to walk a straight line, staggering, drowsiness, incoherent conversation, physical or verbal altercation, inability to perform job functions, and/or an accident or injury or history of accidents or injuries in which the actions of the employee apparently caused or cannot be discounted as having caused the accident or injury.

(Ord. No. 2007-912, 5-1-2007)

Cross references: Definitions generally, § 1-2.

Sec. 86-834. Exceptions.

Employees working in an official undercover capacity within the guidelines of the sheriff's department general orders and standard operating procedures are an exception to this division.

(Ord. No. 2007-912, 5-1-2007)

Sec. 86-835. Safety sensitive positions.

Employees occupying safety-sensitive positions, as defined under the department of transportation rules, are prohibited from using alcohol during the four hours prior to performing safety-sensitive functions, from using alcohol during the first eight hours following an accident, or until a post-accident alcohol test is administered. Drug tests will be administered within 32 hours of an accident.

(Ord. No. 2007-912, 5-1-2007)

Sec. 86-836. Consequences.

Employees who violate this division are subject to appropriate disciplinary action, up to and including termination as follows:

- (1) *Refusal to test.* An employee who refuses to submit to drug or alcohol testing will be immediately terminated from employment with the county. Any one of the following constitutes a refusal to test:
 - a. A direct refusal to test.
 - b. Failure to provide adequate breath, blood or other specimens of the human body for alcohol and drug testing without a valid medical explanation. If an employee is unable to provide a urine sample or adequate urine amount, he shall be given no more than 24 ounces of fluids for a period of up to two hours. If the employee is still unable to provide an adequate specimen, the insufficient specimen will be discarded and testing will be discontinued. The medical review officer will be contacted to determine whether or not the sample will be taken by saliva, blood or hair. The medical review officer will also determine if the employee's inability to provide a sample is genuine or constitutes refusal to test.
 - c. Tampering with or attempting to adulterate the specimen or collection procedures.
 - d. Leaving the scene of an accident or injury without a valid reason before a drug and/or alcohol test is administered.
- (2) *Convictions outside the workplace.* Any employee charged with or convicted, placed on probation, or granted deferred adjudication of a drug or alcohol infraction shall notify the county by contacting the employee's supervisor and department head in writing no later than five days after such charge or conviction, probation or deferred adjudication. The county will take the following actions within 30 days of receiving notice with respect to the employee:
 - a. *Charges:*
 1. Remove the employee from safety sensitive duties until resolution of the charge.

- b. *Convictions:*
 - 1. Appropriate disciplinary action, up to and including termination; and/or
 - 2. Require the employee to satisfactorily participate in and complete a drug/alcohol abuse assistance or rehabilitation program approved for such purpose.
 - c. Failure to notify the supervisor within five days of the charge or conviction will result in disciplinary action up to, and including, termination.
- (3) *Workers' compensation/salary continuation.* If an employee tests positive for drugs and/or alcohol after an accident or injury, the county will not pay salary continuation or workers' compensation to that employee.
- (4) *Future employment with the county.* Employees who test positive for drugs and/or alcohol or refuse to test will be prohibited from holding future safety-sensitive positions in the county. They will also be prohibited from holding nonsafety-sensitive positions for a period of two years from the date of the positive test results or refusal to test.

(Ord. No. 2007-912, 5-1-2007)

Sec. 86-837. Testing compliance.

All testing conducted in the county will be in compliance with all federal and state statutes and will be conducted by certified laboratories. All specimens collected must be accompanied by a properly executed chain of custody. All test results are considered confidential in nature and only those who have a need to know will have access to such information. Violation of this section will result in disciplinary action being taken, up to and including termination.

(Ord. No. 2007-912, 5-1-2007)

Sec. 86-838. Reporting.

Although test results are considered confidential, the county will be required to comply with federal, state and local regulations regarding the reporting of positive test results to certain agencies and licensing authorities. For example, the sheriff's department will contact appropriate agencies to report employees who test positive for drug and/or alcohol.

(Ord. No. 2007-912, 5-1-2007)

Sec. 86-839. Coding of employee's time.

All time spent in conjunction with the actual testing procedures will be considered on-duty and will be paid. For specific details on how time must be coded, please consult the section of this division pertaining to actual type of testing.

(Ord. No. 2007-912, 5-1-2007)

Sec. 86-840. Types of testing.

The county conducts drug and alcohol testing under five distinct circumstances:

- (1) Reasonable cause testing for all employees;
- (2) Required preemployment testing for applicants/employees being hired into safety-sensitive positions;
- (3) Required random testing for employees occupying safety-sensitive positions;
- (4) Required post accident testing for employees occupying safety-sensitive positions; and
- (5) Required preduty testing for all employees not currently occupying, but are being hired, promoted, demoted or transferred to safety-sensitive positions.

(Ord. No. 2007-912, 5-1-2007)

Sec. 86-841. Reasonable cause testing.

- (a) Reasonable cause testing will occur when one supervisor or other county official has reasonable cause to believe the employee is under the influence of drugs or alcohol on the job. Reasonable cause to believe the employee is under the influence of drugs or alcohol exists when an employee exhibits patterns of behavior which suggest impairment from drug or alcohol use or when job performance or safety is affected. For specific observable behaviors, see the definition for the term "under the influence" located in section 86-833.
- (b) The employee's supervisor will refer the employee for drug and/or alcohol testing. The supervisor must obtain the approval of his elected official/department head or his designee prior to referring any employee for drug and/or alcohol testing. The director of human resources/civil service, the county's risk manager, and the civil section of the district attorney's office are also available for consultation prior to an employee being referred for testing.
- (c) Under reasonable cause testing supervisors may also require drug and alcohol testing following an automobile accident and/or job-related injury if the employee is exhibiting observable behaviors as defined in section 86-833.
- (d) Sheriff's department personnel may be subject to additional requirements under the general orders of the sheriff's department regarding proper procedures for documenting and/or investigating any actions taken under this policy. Sheriff's department employees relieved from their duty under this division are to report to the internal affairs division immediately or if after regular business hours, at 8:00 a.m. the following business day.

(Ord. No. 2007-912, 5-1-2007)

Sec. 86-842. Reasonable cause testing methodology and procedures.

All drug and alcohol testing will be conducted by a certified laboratory and in compliance with applicable federal and state statutes. For reasonable cause testing, the following procedures should be followed:

- (1) A supervisor observes the incident or behavior as outlined in section 86-833;
- (2) Supervisor advises employee of intent to test under reasonable cause;
- (3) Supervisor notifies the director of human resources/civil service of action to be taken;
- (4) Supervisor or designee drives and/or escorts employee to the county's employee health center or designated medical facility, clinic or collection site for testing;
- (5) Alcohol test result will be determined while the employee is at the testing facility; however, a drug test result may not be confirmed for up to five days;
- (6) Pending the result of the drug test, the employee will not be allowed to return to work. The employee will be placed on administrative leave with pay until drug test result is received.

(Ord. No. 2007-912, 5-1-2007)

Sec. 86-843. Consequences of positive test results.

In the case of a positive test result from reasonable cause testing:

- (1) *Alcohol.*
 - a. If the alcohol test result shows an alcohol concentration level of 0.02 to 0.039 when measured per 210 liters of breath, 100 milliliters of blood, or 67 milliliters of urine, then the supervisor must:
 1. Ensure the employee is safely transported home;
 2. Place the employee on leave without pay and not allow him to return to work for a 24-hour period;
 3. Take disciplinary action which shall involve at least a written warning to the employee upon return to work. Stronger disciplinary action may be taken in compliance with the county's disciplinary policy if the supervisor deems it appropriate; and
 4. Provide information to the employee regarding the county's employee assistance program.
 - b. If the alcohol test result shows an alcohol concentration level of 0.04 percent or greater grams of alcohol when measured per 210 liters of breath, 100 milliliters of blood, or 67 milliliters of urine, then the supervisor must:

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1. Ensure the employee is safely transported home;
2. Notify the employee, in writing, of his termination from the county; and
3. Notify the designated department representative who will provide the employee with referral information regarding local substance abuse professionals. In order to maintain strict confidentiality, one designated department representative in the county's human resources/civil service department handles all matters pertaining to drug and alcohol testing.

(2) *Drugs.*

- a. If the supervisor has reasonable cause to believe an employee is under the influence of drugs, then the supervisor must:
 1. Transport the employee to the nearest county approved drug test facility;
 2. After testing, ensure the employee is safely transported home; and
 3. Suspend the employee with pay until the result of the drug test has been received.
- b. If the drug test result is positive:
 1. Medical review officer will contact the employee to discuss the positive test result. The employee may request the split specimen be tested at a different DHHS-certified laboratory for presence of the drug(s) for which a positive result was obtained in the test of the primary specimen. (The medical review officer (MRO) is a licensed physician responsible for interpreting the results of drug tests. The MRO is hired by the certified laboratory under contract with the county).
 2. Medical review officer shall honor such a request if it is made within 72 hours of the employee having been notified of a verified positive test result.
 3. The split sample testing shall be at the employee's expense.
 4. Medical review officer will notify the designated county representative of the positive drug test result and the intention of the employee to request the second sample be tested.
 5. Designated county representative will notify the supervisor.
 6. Supervisor will then immediately notify the employee that he is being suspended without pay pending the 72-hour appeal process or until receipt of the result of the split-sample second test result. If the split-sample second test result comes back negative, the first test result will be

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rendered negative, and the employee will be reimbursed for the expense of the split sample and reinstated, with back pay. However, if the employee fails to request the testing of the split-sample or if the split-sample second test result comes back positive, the employee will immediately be terminated from employment with the county.

7. Designated county representative will be notified and he will provide the employee with referral information regarding local substance abuse professionals.

(Ord. No. 2007-912, 5-1-2007)

Secs. 86-844--86-860. Reserved.

Subdivision II. Safety-Sensitive Positions

Sec. 86-861. Additional guidelines.

In addition to the policies outlined in subdivision I of this division which apply to all the county employees, the county has established further guidelines for employees occupying safety-sensitive positions which are contained in this subdivision. The provisions of this subdivision are in compliance with the U.S. Department of Transportation's (DOT) rules regarding controlled substances and alcohol use and testing procedures for transportation work place drug and alcohol testing programs that were published February 15, 1994.

(Ord. No. 2007-912, 5-1-2007)

Sec. 86-862. Definitions.

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

DOT regulated safety sensitive positions means any position that requires an employee or applicant to possess a commercial driver's license and operate a commercial vehicle as defined by the DOT. The term "commercial motor vehicle" means a self-propelled or towed vehicle, other than a farm vehicle with a gross weight, or gross weight rating of less than 48,000 pounds, that is used on a public highway to transport passengers or cargo if the vehicle or combination of vehicles has a gross weight, registered weight or gross weight rating of more than 26,000 pounds; the vehicle is designed to transport more than 16 passengers, including the driver, or the vehicle is used to transport hazardous materials in a quantity requiring placarding by a regulation issued under the Hazardous Materials Transportation Act.

Non-DOT regulated safety-sensitive positions means any other position designated by commissioners court as safety-sensitive.

The specific positions defined as safety-sensitive positions in the county, as of the adoption of this policy, are listed in the table following section 86-863. This list is subject to change, without prior notice, at the discretion of the commissioners court

and/or federal statute. Employees and managers should check with the human resources/civil service department for the most recent list of safety-sensitive positions.

(Ord. No. 2007-912, 5-1-2007)

State law references: Definitions generally, § 1-2.

Sec. 86-863. Preemployment testing.

- (a) In addition to reasonable cause testing for all county employees as outlined in subdivision I of this division, employees not currently occupying safety-sensitive positions and/or applicants applying for safety-sensitive positions are also required to take a drug prescreening test prior to being hired into such a position. If evidence of the use of illegal drugs by an applicant is discovered either through testing or other means, the employment process will be suspended. If an applicant refuses to take the drug test, the employment process will be suspended. If an applicant attempts to substitute or contaminate his drug screen specimen, the employment process will be suspended. Applicants will be barred in the future from being hired into safety-sensitive positions with the county as a result of a positive test result but are eligible to be hired into non-safety sensitive county positions 30-days from the date of test or refusal to test.
- (b) Employees/applicants include only those employees who are not currently occupying a safety-sensitive position, as well as those who are hired, promoted, demoted or transferred to safety-sensitive positions. In prescreening for hiring, all applicants and employees will only be tested for drugs. Current employees should be aware that if they are tested for drugs in the prescreening process for a safety-sensitive position and the results are positive, the employee is subject disciplinary action up to, and including, termination.
- (c) Classification of safety-sensitive positions. Safety sensitive positions are generally those positions that require close interacting with children, carrying weapons, handling prisoners or driving a vehicle as an essential part of the job.

(Ord. No. 2007-912, 5-1-2007; Ord. No. 2023-0917, 08-15-2023)

Sec. 86-864. Testing methodology and procedures for preemployment/preduty testing.

The preemployment testing will consist of a drug test only. When the applicant goes for testing, the following documents/forms are required:

- (1) A valid photo identification (driver's license);
- (2) A social security card;
- (3) A drug test authorization form; and
- (4) A chain of custody form.

(Ord. No. 2007-912, 5-1-2007)

Sec. 86-865. Steps involved in pre-employment/testing.

The supervisor and applicant/employee must follow these procedures:

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- (1) Pre-employment offer is made to the applicant by the hiring authority.
- (2) Designated department representative is notified of the preemployment offer and begins a mandatory background check involving only issues related to drug testing and CDL.
- (3) Hiring authority contacts the county employee health center to schedule a date for a new employee physical. The date for the physical must be at least three days from the date of the drug test. This will allow the results of the drug test to be known prior to the applicant taking his physical.
- (4) Applicant receives instructions from the hiring authority to go for the preemployment drug test at the designated medical facility, clinic or collection site.
- (5) Employee/applicant is also given a tentative date for the physical, pending a negative result from the drug test.
- (6) Employee/applicant takes the required identification, chain of custody and drug test authorization forms to the designated medical facility, clinic or collection site and is given the drug test.
- (7) If the preemployment drug test result is negative:
 - a. Medical review officer (MRO) notifies the designated department representative of the negative result.
 - b. Designated department representative begins a mandatory background check involving only issues related to drug testing and CDL. The designated department representative will check the applicant's past two years of work history in a safety-sensitive position. The applicant cannot have any of the following: alcohol tests with a 0.04 percent or greater, a positive drug test, and/or any refusal to submit to a drug test.
 - c. Designated department representative notifies the hiring authority and the employee health center that the applicant can continue with the employment process.
 - d. Hiring authority contacts the applicant to continue with the physical.
- (8) If the preemployment drug test is positive:
 - a. Health center notifies the applicant of the positive result.
 - b. Health center notifies the designated department representative of the positive result.
 - c. Designated representative will then cancel the scheduled employment physical.

(Ord. No. 2007-912, 5-1-2007)

Sec. 86-866. Steps involved in preduty testing.

The supervisor and employee must follow these procedures:

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- (1) Employee receives instructions from the hiring department to go for the preduty drug test at the designated medical facility, clinic or collection site.
- (2) Employee takes the required identification and drug test authorization form to the designated medical facility, clinic or collection site and is given the test.
- (3) Employee continues to work in current position until drug test results are known.
- (4) If the preduty drug test result is negative:
 - a. Designated medical facility notifies the county representative of the negative result.
 - b. Designated county representative notifies the hiring department representative of the negative results.
 - c. Hiring department representative contacts the employee to continue with the preduty process.
- (5) If the preduty drug test is positive:
 - a. Medical review officer notifies the employee of the positive result. The employee may request that the MRO direct the split specimen be tested in a different DHHS-certified laboratory for the presence of drug(s) for which a positive result was obtained in the test of the primary specimen.
 - b. Medical review officer honors such a request if it is made within 72 hours of the employee having been notified of a verified positive test result.
 - c. The split sample testing shall be at the employee's expense.
 - d. Medical review officer notifies the designated county representative of the positive result.
 - e. Designated county representative contacts the department representative.
 - f. Employee's current supervisor then immediately suspends the employee without pay pending the 72-hour appeal process or until the split-sample second test has been received. If the split-sample second test result comes back negative, the first test will be rendered negative, and the employee will be reimbursed for the expense of the split sample and reinstated, with back pay. However, if the employee fails to request the testing of the split-sample or if the split sample second test result comes back positive, the employee will immediately be terminated from employment with the county.

(Ord. No. 2007-912, 5-1-2007)

Sec. 86-867. Random drug and alcohol testing.

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- (a) Employees who work in safety-sensitive positions are also subject to random drug and alcohol testing. The county's testing administrator will use an unbiased, random selection process to select and request an employee to be tested. The percentage of DOT employees to be tested will be at the rate of 50 percent per year for drugs and 25 percent per year for alcohol. Non-DOT employees will be tested at a rate of 25 percent per year for drugs and 12.5 percent per year for alcohol.
- (b) The county may modify the random percentage in the future according to changes in DOT requirements. The following procedures will be followed:
 - (1) Individuals are randomly selected by the county's third party testing vendor.
 - (2) Testing personnel will arrive unannounced at the work site. If an employee is selected for random drug and/or alcohol testing, he must take the appropriate tests. Refusal to test will be considered insubordination, and the employee will be immediately terminated.
 - (3) Employees for testing will provide valid identification (driver's license) and social security number prior to testing.
 - (4) Results of the alcohol test are provided at the time of testing; however, a drug test may not be confirmed for up to five days.

(Ord. No. 2007-912, 5-1-2007)

Sec. 86-868. Results of random drug testing.

Any action taken by the county will depend on the results of the employee's drug and/or alcohol test as follows:

- (1) *Alcohol.*
 - a. If the alcohol test result shows an alcohol concentration level of 0.02 to 0.039 when measured per 210 liters of breath, 100 milliliters of blood, or 67 milliliters of urine, then:
 - 1. The employee shall be safely transported home.
 - 2. The employee will remain off work, without pay, for at least 24 hours before he can return to work.
 - 3. The medical review officer will notify the designated county representative of the positive result.
 - 4. After the employee returns to work, he is given, at a minimum, a written warning. Stronger disciplinary action may be taken in compliance with the county's disciplinary policy if the supervisor deems it appropriate.
 - b. If the alcohol test result is 0.04 percent or greater, then:
 - 1. The employee shall be safely transported home.
 - 2. The employee shall be notified, in writing, of his

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termination from the county.

3. The designated county representative shall be notified, and such representative will provide the employee with referral information regarding local substance abuse professionals.

(2) *Drugs.* If the drug test result is positive, then:

- a. Medical review officer will notify the employee of the positive result of the drug test. The employee may request the MRO to direct the split specimen be tested at a different DHHS-certified laboratory for the presence of the drug(s) for which a positive result was obtained.
- b. Medical review officer will honor such a request if it is made within 72 hours of the employee having been notified of a positive test result.
- c. The split sample testing shall be at the employee's expense.
- d. Medical review officer will notify the designated county representative regarding the positive drug test result.
- e. Designated county representative will notify the supervisor of the employee's positive drug test result.
- f. Employees who test positive for drugs in violation of this division will be immediately suspended without pay pending the 72-hour appeal process or until the receipt of the result of the split-sample second test result. If the split-sample second test result comes back negative, the first test result will be rendered negative, and the employee will be reimbursed for the expense of the split sample and reinstated, with back pay. However, if the employee fail to request the testing of the split-sample or if the split-sample second test result comes back positive, the employee will immediately be terminated from employment with the county.
- g. Designated county representative will be notified, and he will provide the employee with referral information regarding local substance abuse professional referrals as required by federal regulation.

(Ord. No. 2007-912, 5-1-2007)

Sec. 86-869. Post accident testing.

Following an accident involving a county employee driving a commercial motor vehicle, the county shall test the driver for drugs and/or alcohol as soon as practicable, if:

- (1) The accident involved a fatality;

- (2) The driver receives a citation under state or local law for a moving traffic violation arising from the accident and the accident involved:
 - a. One or more of the individuals, including the employee, being required to receive medical attention; or
 - b. One of more of the motor vehicles being towed away from the scene of the accident; or
- (3) The employee is exhibiting behaviors consistent with those outlined in section 86-833.

(Ord. No. 2007-912, 5-1-2007)

Sec. 86-870. Testing requirements.

- (a) Each employee involved in a DOT-recordable accident will provide an alcohol test within eight hours of the accident and a drug test within 32 hours. If these time frames cannot be met, documentation regarding the lack of compliance must be made.
- (b) An employee who is seriously injured and cannot provide a specimen at the time of the accident may be required to provide the necessary authorization for the county to obtain the medical reports and other documents that would indicate whether there were alcohol or drugs in his system.

(Ord. No. 2007-912, 5-1-2007)

Sec. 86-871. Consequences of post accident testing.

In the case of a positive test result from post accident testing:

- (1) *Alcohol.*
 - a. If the alcohol test result shows an alcohol concentration level of 0.02 to 0.039 when measured per 210 liters of breath, 100 milliliters of blood, or 67 milliliters of urine, then the supervisor must:
 - 1. Ensure the employee is safely transported home;
 - 2. Place the employee on leave without pay and not allow him to return to work for a 24-hour period;
 - 3. Take disciplinary action, which shall involve at least a written warning to the employee upon return to work. Stronger disciplinary action may be taken in compliance with the county's disciplinary policy if the supervisor deems it appropriate; and
 - 4. Provide information to the employee regarding the county's employee assistance program.
 - b. If the alcohol test result shows an alcohol concentration level of 0.04 percent or greater grams of alcohol when measured per 210 liters of breath, 100 milliliters of blood, or 67 milliliters of urine,

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then the supervisor must:

1. Ensure the employee is safely transported home;
2. Notify the employee, in writing, of his termination from the county; and
3. Notify the designated department representative who will provide the employee with referral information regarding local substance abuse professionals. In order to maintain strict confidentiality, one designated department representative in the county's human resources/civil service department handles all matters pertaining to drug and alcohol testing.

(2) *Drugs.*

- a. If the supervisor has reasonable cause to believe an employee is under the influence of drugs, then the supervisor must:
 1. Transport the employee to the nearest county approved drug test facility;
 2. After testing, ensure the employee is safely transported home; and
 3. Suspend the employee with pay until the result of the drug test has been received.
- b. If the drug test result is positive:
 1. Medical review officer will contact the employee to discuss the positive test result. The employee may request the split specimen be tested at a different DHHS-certified laboratory for presence of the drug(s) for which a positive result was obtained in the test of the primary specimen. (The medical review officer (MRO) is a licensed physician responsible for interpreting the results of drug tests. The MRO is hired by the certified laboratory under contract with the county).
 2. Medical review officer shall honor such a request if it is made within 72 hours of the employee having been notified of a verified positive test result.
 3. The split sample testing shall be at the employee's expense.
 4. Medical review officer will notify the designated county representative of the positive drug test result and the intention of the employee to request the second sample be tested.
 5. Designated county representative will notify the supervisor.
 6. Supervisor will then immediately notify the employee that he is being suspended without pay pending the 72-hour appeal process or until receipt of the result of the split-

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sample second test result. If the split-sample second test result comes back negative, the first test result will be rendered negative, and the employee will be reimbursed for the expense of the split sample and reinstated, with back pay. However, if the employee fails to request the testing of the split-sample or if the split-sample second test result comes back positive, the employee will immediately be terminated from employment with the county.

7. Designated county representative will be notified and he will provide the employee with referral information regarding local substance abuse professionals.

(Ord. No. 2007-912, 5-1-2007)

Sec. 86-872. Recordkeeping.

DOT records regarding the county's alcohol and drug testing program will be kept by the human resources/civil service department, and all reports will be prepared, maintained and submitted in accordance with DOT rules. All other records will be kept by our third party testing administrator.

(Ord. No. 2007-912, 5-1-2007)

Sec. 86-873. Training.

- (a) All supervisors of safety-sensitive employees covered by DOT regulations are required to attend training which covers the physical, behavioral, speech, and performance traits which indicates the use of drugs or alcohol.
- (b) All supervisors of non-DOT regulated safety-sensitive employees and all other supervisors are strongly encouraged to attend the above training.
- (c) All employees covered by this division will be provided with educational materials that provide information regarding the alcohol and drug testing policy, including the department of transportation requirements if a commercial driver's license is required.

(Ord. No. 2007-912, 5-1-2007)

Sec. 86-874. Various departmental responsibilities.

Different county departments will assume various roles in implementing this division. They include:

- (1) Elected officials and department heads will be responsible for assisting in identifying jobs where applicants and employees are required to possess a commercial driver's license and/or occupy safety-sensitive positions.
- (2) Supervisors and managers are responsible for documenting poor performance, for recognizing and reporting reasonable cause when they believe the employee is under the influence of drugs and/or alcohol, and for carrying out procedures outlined in this division.
- (3) The human resources/civil service department is responsible for:

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- a. Ensuring that all job descriptions, postings and advertisements for safety-sensitive positions reflect the commercial driver's license and drug and/or alcohol testing requirements;
 - b. Verifying that all applicants and employees who are subject to testing prior to being hired, promoted, demoted or transferred to safety-sensitive positions have complied with all testing requirements prior to a safety-sensitive appointment;
 - c. Ensuring compliance with DOT required training for employees and supervisors;
 - d. Assisting departments in complying with this division; and
 - e. Maintaining all appropriate records.
- (4) The employee health center or a designated medical facility or clinic will act as the collection site for all drug and alcohol testing. Their responsibilities include:
- a. Obtaining a signed consent form from the applicant or employee for drug and alcohol testing in a designated laboratory;
 - b. Arranging transportation of the specimen to the laboratory;
 - c. Coordinating collections with third party contractors;
 - d. Ensuring compliance with federal requirements for drug and alcohol testing as outlined by DOT;
 - e. Receiving test results in accordance with legally and medically approved procedures, methods and techniques;
 - f. Communicating test results to the designated human resources representative immediately upon receipt from the laboratory;
 - g. Maintaining records of all examinations, tests and results in the employee's medical files and for ensuring privacy and confidentiality in accordance with federal requirements;
 - h. Preparing and maintaining the annual calendar year summary of the results of the county's alcohol and drug testing programs as required by DOT rules; and
 - i. Coordinating the random portion of the testing by notifying departments of those employees who must report for testing.

(Ord. No. 2007-912, 5-1-2007)

Sec. 86-875. Employee assistance program.

All county employees who believe they may have a problem with substance abuse should immediately contact the county's employee assistance program. This is a free, confidential service provided by the county to its employees. The human resources/civil service department shall be contacted for the most current telephone number.

(Ord. No. 2007-912, 5-1-2007)

Sec. 86-876. Questions.

If any employee has any questions regarding this division, he should call the human resources/civil service department at (214) 653-6515.

(Ord. No. 2007-912, 5-1-2007)

Secs. 86-877--86-880. Reserved.

Subdivision III. Random Drug Testing Procedures

Sec. 86-881. Objective of subdivision.

The objective of the county random drug testing procedure is to outline the responsibilities of each impacted department implementing the random testing section of this division. Employees assigned to safety-sensitive jobs are deemed to have consented to random drug and alcohol testing as a condition of hiring and continued employment in the county.

(Ord. No. 2007-912, 5-1-2007)

Sec. 86-882. Department responsibilities.

Each department with safety-sensitive positions shall:

- (1) Designate a contact person who will coordinate all testing activities with the human resources/civil service department's safety officer and the testing administrator by:
 - a. Provide the human resources/civil service department with a list of safety-sensitive employees by location, name/telephone number of supervisor, shift and what is deemed to be the most appropriate time for testing;
 - b. Provide testing facilities, which allow employees access to drinking water;
 - c. Ensure that randomly selected employees are at the designated locations with appropriate identification (driver's license and social security number) when notified by the testing administrator that testing will take place; and
 - d. Maintain and provide an updated list of safety-sensitive employees to human resources/civil service on a monthly basis.
- (2) Ensure the confidentiality of all test results.
- (3) Ensure compliance with this subdivision.

(Ord. No. 2007-912, 5-1-2007)

Sec. 86-883. Human resources/civil service.

The human resources/civil service department has responsibility for the following activities:

- (1) Maintaining a list of all safety-sensitive employees by name, social security number, work shift and work location and providing updates to the testing administrator on a monthly basis;
- (2) Coordinating and assisting the testing administrator with random testing at county locations;
- (3) Maintaining employee files on all testing results and ensuring that all policies and procedures are followed;
- (4) Informing the department while ensuring confidentiality of all test results; and
- (5) Providing appropriate training on the provisions of this division.

(Ord. No. 2007-912, 5-1-2007)

Sec. 86-884. Testing administrator responsibilities.

The testing administrator's tasks include:

- (1) Randomly selecting work locations and employees in safety-sensitive positions for drug and/or alcohol testing;
- (2) Providing a list of employees to be tested to the department upon their arrival at the worksite in order to conduct testing;
- (3) Providing employees selected for testing a chain of custody form and standard written instructions setting forth their responsibilities;
- (4) Ensuring that when the sample is collected, all appropriate lab procedures will be followed; and
- (5) Ensuring sufficient quantity of specimen is collected (if the employee is unable to provide the minimum quantity of specimen, the testing administrator will instruct the employee to drink no more than 24 ounces of fluids and after a period, not to exceed two hours, another attempt will be made to collect a sufficient sample).

The medical review officer will be contacted for further instructions on what other collection technique to utilize if the employee is unable to give a sample (see section 86-836). The medical review officer will refer the individual for a medical evaluation to develop pertinent information concerning whether the individual's inability to provide a specimen is genuine or constitutes a refusal to test.

(Ord. No. 2007-912, 5-1-2007)

Sec. 86-885. Questions.

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If there are any questions regarding this subdivision, please call the human resources/civil service department at (214) 653-6585.

(Ord. No. 2007-912, 5-1-2007)

Secs. 86-886--86-900. Reserved.

DIVISION 5. POLITICAL ACTIVITY*

***State law references:** Political activities of county elections administrators, restricted, V.T.C.A., Election Code § 31.035; coercion of police officer or firefighter in connection with political campaign, V.T.C.A., Local Government Code § 180.001.

Sec. 86-901. Voting encouraged.

The county employees are encouraged to vote on election day for the person or party of their choice.

(Admin. Policy Manual, § A(13.00))

Sec. 86-902. Campaigning in uniform or while using county equipment.

The county employees will not be allowed to perform or be involved in political campaigning or related activities during their working hours, while in county uniform, or while using county vehicular equipment.

(Admin. Policy Manual, § A(13.01))

Sec. 86-903. Required political participation to retain or obtain employment.

Additionally, no category B or C or D county employee shall be required to participate in political campaigns, or related activities, as a condition to obtain or retain employment.

(Admin. Policy Manual, § A(13.02))

Sec. 86-904. Retribution for refusal to participate.

No category B, C or D county employee shall be disciplined, terminated or deprived of their rights for refusal to participate in political activities, to participate in political campaigns, or related activities as a condition to obtain or retain employment.

(Admin. Policy Manual, § A(13.03))

Sec. 86-905. Utilizing grievance system.

Any employee who feels he has been disciplined, terminated or deprived of his rights because of actions specified in section 86-904 may utilize the grievance system.

(Admin. Policy Manual, § A(13.04))

Sec. 86-906. Approved time off granted for voting.

Approved time off, in reasonable amounts, may be granted for voting in national, state, county and city elections.

(Admin. Policy Manual, § A(13.05))

Sec. 86-907. Early voting encouraged.

County employees are encouraged to participate in the early voting process if the use of this method will reduce time away from work.

(Admin. Policy Manual, § A(13.06))

Sec. 86-908. Candidate for public office.

A full-time employee of the county elections office may not:

- (1) Be a candidate for a public office or an office of a political party, hold a public office, or hold an office of or position in a political party. At the time an employee becomes a candidate or accepts an office or position, the employee shall terminate his/her employment in the county elections office; nor
- (2) Make a political contribution, political expenditure, or publicly support or oppose a candidate for public office or a measure to be voted on at an election. The offense will be considered a class A misdemeanor, and upon final conviction, the employee shall be terminated.

A "candidate" means a person who has taken affirmative action, as described by the law regulating political funds and campaigns, for the purpose of gaining nomination or election.

(Ord. No. 2003-2275, 12-16-2003)

Secs. 86-909. County employees must resign to run for certain elected offices.

A county employee must resign to run for the following elected offices in Dallas County: Constable, County Clerk, County Commissioner, County Judge, County Treasurer, Criminal District Attorney, District Clerk, Judge of a County Court at Law, Judge of a County Court of Criminal Appeals, Judge of a County Criminal Court, Judge of a County Probate Court, Judge of a Criminal District Court, Judge of a District Court, Judge of a Family District Court, Justice of the Court of Appeals, Justice of the Peace, Sheriff, and Tax Assessor Collector.

A county employee's action in becoming a "candidate" for an office listed above serves as that person's resignation of employment. "Candidate" has the same meaning as in Section 251.001(1) of the Texas Election Code.

This section only applies to employees and department heads appointed by the Commissioners Court and individuals who are supervised directly or indirectly by those department heads or their designees.

(Ord. No. 2013 1008, 06-11-2013)

Secs. 86-910—86-930. Reserved.

DIVISION 6. CLOTHING AND UNIFORMS

Sec. 86-931. Uniforms provided for certain employee groups.

It shall be the policy of the county commissioners court to provide uniforms at county expense for the following employee groups:

- (1) Sworn law enforcement officers of the sheriff's office;
- (2) Detentions bureau personnel of the sheriff's office;
- (3) Building security guards;
- (4) Road and bridge crews;
- (5) Facilities management: all employees except clerical and executive;
- (6) A.R.C.: all employees except clerical;
- (7) Public works: sign crew;
- (8) Health and disease control: animal wardens;
- (9) Deputy constables: one uniform per officer, per year.

All other departments having court approval to wear uniforms shall provide the uniform at the employee's expense.

(Admin. Policy Manual, § A(14.00))

Sec. 86-932. Jail nurses' uniform allowance.

Jail nurses shall be provided a uniform allowance of \$100.00 per year, and shall maintain their own uniforms (both laundering and mending).

(Admin. Policy Manual, § A(14.01))

Sec. 86-933. Continuation of uniform funding.

Continuation of uniform funding for authorized uniformed departments shall be limited to:

- (1) New employees;
- (2) Two-year replacements for law enforcement; and
- (3) Yearly replacement for road and bridge/maintenance and all other designated employees.

(Admin. Policy Manual, § A(14.02))

Sec. 86-934. Criteria for determining need.

All other departments not listed in this division and wishing to utilize uniforms must have the written approval of the commissioners court prior to issuing uniforms. In reviewing uniform requests, the commissioners shall use the following criteria in

determining need:

- (1) Identification: to separate county employees from the general citizenry in public places; to provide a uniform appearance.
- (2) Authority: to provide the employee with a symbol of authority necessary to the execution of job duties.
- (3) Safety: to provide safe clothing for employees working in hazardous situations.

(Admin. Policy Manual, § A(14.03))

Secs. 86-935--86-940. Reserved.

DIVISION 7. ROMANTIC/SEXUAL RELATIONSHIPS

Sec. 86-941. Purpose.

The purpose of this division is to establish a policy to prevent a conflict of interest of adverse impact on supervision, productivity, safety or security when supervisors, managers, and co-workers engage in romantic/sexual relationships. For the county's specific policy on prohibition against unlawful harassment, see section 86-781 et seq.

(Ord. No. 2002-300, 2-12-2002)

Sec. 86-942. Supervisory staff (elected officials, department heads, managers and supervisors).

- (a) All elected officials, department heads, managers, and supervisors in the county are expected to conduct themselves in a professional manner reflective of the county's basic principles and organizational values. When a manager or supervisor has a romantic and/or sexual relationship with an employee over whom that supervisor or manager has the authority to influence salary, promotions, merit pay, assignments, overtime, developmental opportunities (training, conferences, etc) or disciplinary matters, this type of relationship may negatively impact business operations. This impact may include, but is not limited to: (1) charges of sexual harassment, (2) overt or covert favoritism or perceptions of favoritism that adversely affect the morale and productivity of the work unit, and/or (3) creating an environment where the supervisor can lose the respect and credibility of subordinates, thus reducing the supervisor's effectiveness. Supervisory staff shall be held accountable for issues affecting the workplace which stem from these types of relationships.
- (b) Romantic and/or sexual relationships are not allowed between supervisory personnel and an employee while the employee is subject to the supervisor's authority. One party to a relationship will not be placed under the authority of the other party to the relationship. A supervisor/manager and an employee who engage in a romantic and/or sexual relationship must report the relationship to their elected official or department head. The elected official or department head is responsible for taking appropriate action in such situations.

(Ord. No. 2002-300, 2-12-2002)

Sec. 86-943. Co-workers.

- (a) Romantic/sexual relationships between co-workers, if not handled appropriately, can be divisive and cause friction in the workplace.
- (b) When a romantic and/or sexual relationship between co-workers creates an adverse effect on productivity, safety, security, or involves an identifiable conflict of interest that may detrimentally impact business operations, the elected official or department head has the responsibility to correct the adverse effects. This may include transferring one or both parties to different work units in the same department, working with the county's human resources/civil service department to transfer one or both parties to positions in other county departments, if

possible, or appropriate disciplinary action may be taken in accordance with sections 86-971--86-972.

(Ord. No. 2002-300, 2-12-2002)

Sec. 86-944. Review.

Elected officials and department heads are encouraged to review all matters pertaining to this policy and these situations with the human resources/civil service department and/or the civil section of the district attorney's office prior to taking actions. Employees are also encouraged to immediately review any concerns they may have with the human resources/civil service department.

(Ord. No. 2002-300, 2-12-2002)

Sec. 86-945. Reserved.

DIVISION 8. ELECTRONIC COMMUNICATIONS*

***Cross references:** Computer services, § 70-591 et seq.; computer software, § 74-781 et seq.; electronic communications re general government operations policy, internal organizational guidelines, § 74-801 et seq.

Subdivision I. In General

Sec. 86-946. Purpose of division.

The purpose of this division is to address the legal and legitimate use of the county's electronic communication and Internet access resources. This division will address the standards of acceptable use.

(Ord. No. 2000-1462, 7-25-2000; Ord. No. 2000-1883, 9-19-2000)

Sec. 86-947. Objectives of division.

The objectives of this division are to define:

- (1) The resources included under electronic mail and Internet access;
- (2) Standards of conduct that are acceptable when using available resources;
- (3) Define the guidelines for use of the county system.

(Ord. No. 2000-1462, 7-25-2000; Ord. No. 2000-1883, 9-19-2000)

Sec. 86-948. Statement of policy.

- (a) The county electronic mail and Internet system is provided to county employees, contractors, vendors and other persons or firms designated by authorized county officials for the purpose of county business. The electronic mail and Internet system is owned by the county. The county reserves the right to monitor any messages, attachments or access of electronic mail and/or Internet sites on the electronic mail and Internet system, subject to state and federal law. Users of the county electronic mail and Internet system will be subject to administrative and/or criminal actions if policy violations occur.
- (b) This division is designed to create a recognized legally acceptable exception, known as the "employee consent exception," to the Federal Wiretap Statute, 18 USCA 2510 (1986). This exception requires the county to establish a written policy concerning the interception of business communication.

(Ord. No. 2000-1462, 7-25-2000; Ord. No. 2000-1883, 9-19-2000)

Sec. 86-949. County computer network system.

- (a) The technology of a computer network system is defined as all computers, both hardware and software, the LAN (local area network) and all transmitted information. Transmitted information includes, but is not limited to, electronic

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mail, web browsing, file transfer protocol and any information retrieved via the Internet. The Internet is an electronic superhighway connecting thousands of computers and users all around the world. The Internet includes both the Internet and intranet applications. Access to electronic mail enables communication with people all over the world; information and news from around the world, as well as the opportunity to correspond with the providers of this information; discussion groups on a wealth of topics; and access to many county databases.

- (b) With such access to computers and people all over the world, there exists an availability of material that will have no business value to the county. Therefore, the county has taken all reasonable precautions to restrict access to inappropriate materials. However, on a global network it is impossible to control all materials, and an industrious user may discover inappropriate information. The county firmly believes that the valuable information and interaction available on this worldwide network far outweigh the possibility that users may procure material that is not consistent with the business goals of the county.

(Ord. No. 2000-1462, 7-25-2000; Ord. No. 2000-1883, 9-19-2000)

Sec. 86-950. Standard of conduct.

Use of the computer technology of the county is a privilege, not a right, extended to some employees. Each user has the privilege to make use of authorized hardware and software in order to facilitate his/her employment and for other activities with prior approval of the department head or elected official. Transmission and viewing of any material in violation of any federal or state regulation is strictly prohibited. This includes, but is not limited to, plagiarizing copyrighted material, threatening or obscene materials, or materials protected by trade secret or that are classified government information. Moreover, the viewing, transfer, solicitation, use or storage of pornography or other sexually harassing information is strictly prohibited except in the pursuit of bonafide law enforcement investigations. Initiation of electronic mail and the Internet for commercial ventures, religious or political causes or other non-county sanctioned activities is also prohibited.

(Ord. No. 2000-1462, 7-25-2000; Ord. No. 2000-1883, 9-19-2000)

Subdivision II. Guidelines

Sec. 86-951. Employee responsibility for misuse; monitoring and privacy.

- (a) All county policies and regulations apply to the use of the electronic mail and Internet network to support the business goals of the county. When the county incurs a cost due to employee negligence or misuse, the employee will be responsible for reimbursement of that cost.
- (b) The county reserves the right to monitor all activity and contents of any county-owned communication system. Employee passwords do not guarantee privacy. Employees deleting electronic mail should know that it will not totally purge the message from the system. Computer servers often retain electronic mail for months, and electronic tracing information remains indefinitely. Further, electronic mail could be subject to the Texas Public Information Act.

(Ord. No. 2000-1462, 7-25-2000; Ord. No. 2000-1883, 9-19-2000)

Sec. 86-952. County goal.

The county recognizes that the electronic communications available on the Internet are an increasingly important part of the daily lives of many employees and can help individuals and families keep up with daily schedules, personal communication, and other important information. The goal of the county when making this system available to employees is to enhance the effectiveness of employees in their work but also to recognize that this technology will be used as routinely as the telephone.

(Ord. No. 2000-1462, 7-25-2000; Ord. No. 2000-1883, 9-19-2000)

Sec. 86-953. Personal communications.

Similar to its policies regarding telephone use, the county expects users of the county electronic network to limit personal communications to those that are necessary, do not incur a charge to the county, do not involve operating a profit-making enterprise on county time, and do not take away from the time required to be devoted to county business. Routine and occasional personal communications, consistent with departmental policies, may be made on break times or in such a way that they do not interfere with the performance of job duties. However, such personal communication shall not be considered private and may be monitored by the county. No employee shall have an expectation of privacy when using the county's electronic mail and Internet system.

(Ord. No. 2000-1462, 7-25-2000; Ord. No. 2000-1883, 9-19-2000)

Sec. 86-954. Business, political or religious communications.

A county network user should not give their county electronic mail address to any person or organization for purposes of receiving business, political, or religious communications. A county network user who receives such communications or any inappropriate non-county electronic message should respond to the sender asking to have such messages terminated or redirected to a non-county address.

(Ord. No. 2000-1462, 7-25-2000; Ord. No. 2000-1883, 9-19-2000)

Sec. 86-955. User regulations.

The following county network user regulations shall be observed:

- (1) Use of personal codes is not authorized and is strictly prohibited.
- (2) No expectation of privacy exists for personal electronic communications.
- (3) Users are bound by federal, state and local laws relating to civil rights, harassment, copyright, licensing, security and other statutes relating to electronic media. Illegal activities will be referred to the appropriate law enforcement agency.
- (4) Users must recognize that information distributed through the county's computing and networking facilities is a form of publishing, and some of the same standards apply.

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- (5) Anything generated at the county that is available on the Internet represents the county and not just an individual. Even with disclaimers, the county is represented by its employees, and appropriate professional language, behavior and style is warranted.
 - (6) Users may not use the network system in such a way that would disrupt or degrade the county network.
 - (7) Users may not reveal the home address or phone number for any person.
- (Ord. No. 2000-1462, 7-25-2000; Ord. No. 2000-1883, 9-19-2000)

DIVISION 9. EMPLOYEE ASSOCIATIONS, LABOR UNIONS, AND OTHER BONA FIDE ORGANIZATIONS*

***Cross references:** Employee associations, labor unions, and other bona fide organizations re general government operations policy, internal organizational guidelines, § 74-861 et seq.

State law references: Employee-employer labor relations, V.T.C.A., Labor Code § 101.001; collective bargaining and strikes, V.T.C.A., Government Code § 617.001 et seq.

Sec. 86-956. Activities not to be on county time, work areas or equipment and supplies.

All activities of employee associations, labor unions and other bona fide organizations are to be conducted on noncounty time, in nonwork areas, and with out the use of county equipment or supplies.

(Admin. Policy Manual, § E(21.00))

Sec. 86-957. Solicitation.

- (a) It is permissible for the representatives of employee associations, labor unions and other bona fide organizations to talk to employees, and pass out information, recruiting leaflets or literature.
- (b) Such organizations may solicit only during nonwork hours. Work hours include the normal workday including any break periods. Solicitation is permissible before and after work and during lunch periods as long as such solicitation is not disruptive and does not interfere with county operations.

(Admin. Policy Manual, § E(21.01, 21.02))

Cross references: Access to property by such organization, § 74-211 et seq.

Secs. 86-958--86-970. Reserved.

(The section below reflects new approved policy language: Court Order# 2011-1179, July 5, 2011.)

ARTICLE VII. CORRECTIVE ACTION MODEL

Sec. 86-971. Purpose.

The Dallas County Corrective Action Model is designed to assist managers and employees in the resolution of issues related to job performance or non-compliant behavior. The basic tenets of the corrective action model are: (1) an employee will be told when such a problem exists (2) the supervisor will clearly communicate the expectation(s) or standard(s) in order for the employee to correct the problem and (3) the corrective action taken will be appropriate for the behavioral or job performance problem identified.

Corrective action is intended to be a positive framework for helping employees improve their performance and sustain it over time. The goal of this model is to guide employees back to satisfactory job performance, to what is expected, to the standard; to help them succeed. In situations where that goal cannot be attained, the model also provides standard processes for the employee's termination from the organization.

Sec. 86-972. Policy.

This policy, representing the Corrective Action Model, is intended to establish a fair and consistent process for corrective action throughout the County. The recommended process has four major purposes:

- (1) to ensure that the employee knows his/her performance and/or non-compliant behavior is unacceptable and understands why it is unacceptable;
- (2) to clarify what the supervisor's performance expectations are and what needs to change in order for the problem to be corrected;
- (3) to administer corrective action appropriate to the performance problem and/or offense; and
- (4) to provide a record of corrective action taken by supervisors to resolve performance problems.

Supervisors are encouraged to resolve behavior and job performance issues with the employee through coaching and support when possible. When an issue is identified, it is recommended that the supervisor first consider the following questions:

- (1) Does the employee know and clearly understand department/county expectations and/or the job tasks?
- (2) Has the employee been sufficiently trained on policies, procedures, work processes and job tasks?

- (3) Does the employee have the proper tools and resources to perform the job?
and
- (4) Has sufficient supervisory support been provided to the employee?

Sec. 86-973. Consequences for Failure to Meet Performance Expectations.

Employees are responsible for following county/departmental policies, procedures, and work rules and for sustaining optimal work performance. For the purpose of this policy, the following rules shall apply:

- (1) All employees shall be subject to corrective action for conduct or behavior that is determined not to be in the best interest of, or benefit to, the county. (Refer to 86-751, Employee Standards of Conduct)
- (2) Except for dismissals during the probationary period as provided in section 86-242, written warnings, suspensions, demotions or dismissals administered to civil service covered employees shall be subject to provisions of Article VIII of this Chapter, Grievance Procedures.
- (3) Cause for corrective action (performance coaching, record of counseling, written warning, suspension, demotion or dismissal) shall include, but not be limited to, the following offenses:
 - (a) Poor job performance or incompetency; unsatisfactory performance of assigned tasks;
 - (b) Poor attendance: excessive absence and/or tardiness;
 - (c) Insubordination: willful failure to perform assigned tasks;
 - (d) Dishonesty: stealing county property or funds, misuse of county property or funds, or any falsifying act detrimental to the county or its employees;
 - (e) Failure to notify immediate supervisor of an absence;
 - (f) Conviction of a felony or a criminal offense involving moral turpitude that is detrimental to or impacts the employee's employment with the county;
 - (g) Misuse of leave privileges;
 - (h) Disturbance: fighting or otherwise disrupting the harmonious relations between employees;
 - (i) Work related use or possession of alcohol or drugs: being under the influence or possession of intoxicating beverages or controlled substances such as narcotics or drugs of any kind;

- (j) Harassment of any type, discrimination or other prohibited conduct;
- (k) Use of abusive language, profanity, and disorderly conduct;
- (l) Threatening, coercing or intimidating other employees;
- (m) Discovery that criteria utilized in the hiring process was false or purposefully misleading; any material misrepresentation of facts or failure to report pertinent data on the application form by internal employees;
- (n) Failure to maintain required licenses and certifications related to job duties;
- (o) Gross or repeated neglect of duty;
- (p) Any intentional or negligent damage or personal use of county equipment or property will be grounds for action depending on severity of the incident; or
- (q) Other conduct inconsistent with the interest of the county.

(Admin. Policy Manual, § A(11.00--11.04); Ord. No. 2000-1287, §§ 11.00--11.02, 6-27-2000; Ord. No. 2001-2359, 12-11-2001; Ord. No. 2011-1179, 7-5-11)

Sec. 86-974. Due Process.

Civil Service covered employees: Employees covered under Dallas County's Civil Service System are entitled to be notified of unacceptable conduct, behavior and/or job performance. This notification provides the employee with an opportunity to respond to the supervisor's initial observations and assessment. Supervisors should refer to the following suggested guidelines in exercising reasonable managerial discretion:

(a) Coaching and Counseling

- (1) Meet with the employee to discuss the nature of the job performance or non-compliant behavioral problem;
- (2) Encourage the employee to respond and listen to his/her assessment of the situation;
- (3) Work with the employee to identify solutions for correcting the problem, decide on a solution, and gain the employee's agreement to make the necessary changes.
- (4) Make a notation of the meeting, what was discussed, what was decided/agreed upon, and when and if any documents were shared; and
- (5) Monitor the employee's performance for follow-up.

(b) Written Warning, Suspension, Demotion, Dismissal

- (1) Meet with the employee and provide him/her with a detailed, written statement about the job performance or non-compliant behavioral problem and provide a summary of the evidence;
- (2) Allow the employee up to 24 hours to provide a written response to that written statement;
- (3) Carefully review the employee's statement and follow-up on the details provided, such as dates, other witnesses, other verifying documents, etc.;
- (4) If you determine that formal corrective action is required, identify the appropriate corrective action to take (See 86-976);
- (5) Prepare a proposed Statement of Corrective Action (SOCA), including the employee's response, witness statements (if applicable), other supporting documents (See 86-977), and contact the Human Resources Department /Employee Services Section for review **prior** to issuing the Statement of Corrective Action;
- (6) After consultation with HR revise the Statement of Corrective Action if necessary and schedule a meeting time with the employee to share the SOCA with the employee; and
- (7) Monitor the employee's performance for follow-up or take the appropriate action.

Non-civil service covered employees: For employees not covered under Dallas County's Civil Service System, to maintain consistency with best employment practices, Dallas County recommends the same course of action as that identified for Civil Service covered employees. Note: Non-civil service employees should check with their departments or county human resources to determine if their department has a grievance appeal process.

Sec. 86-975. Levels of Corrective Action

Employee actions that fail to meet performance expectations and standards, is non-compliant with Employee Standards of Conduct [see 86-751], **or** found to be in violation of the rules [see 86-973 (c)], shall be subject to the corrective action policy. The suggested levels of the corrective action model are: performance coaching, record of counseling, written warning, suspension without pay/final warning, demotion, and dismissal.

The Human Resources/Civil Service Department should be consulted before corrective action is administered, except for level one (performance coaching) and level two (record of counseling) below. An explanation of each recommended level of corrective action follows:

- (1) **Level One: Performance Coaching** sessions should take place between supervisors and employees when less serious and/or recently identified performance problems are observed. When coaching, the supervisor should make every effort to determine the cause and to work with the employee to resolve the problem, and the employee should be made fully aware that the problem must be corrected. Performance coaching discussions shall be documented and the documentation shall be retained in the department by the supervisor.
- (2) **Level Two: Record of Counseling** is used when the employee has committed a minor violation or act and/or has failed to correct an identified problem after coaching or other verbal reminders. A Record of Counseling is considered non-disciplinary in nature and is not subject to appeal. It sets the stage for formal action if the problem is not corrected. A completed Record of Counseling form (HRCS004) is maintained in the employee's department file. **Note:** In some cases, the supervisor may repeat the Record of Counseling step one or more times before proceeding to higher levels.
- (3) **Level Three: Written Warning** represents the initial step of formal discipline. Written Warnings are used for repeated failure to correct minor offenses already addressed in level one (Performance Coaching) **or** level two (Record of Counseling) **or** when an employee has committed an infraction more serious in nature than what would normally be addressed by coaching or counseling. A Statement of Corrective Action (SOCA) is administered to notify the employee of the unacceptable work performance, conduct or behavior and should include a review of any prior efforts to correct the problem. (See Section 86-977) for specific details regarding the contents of the Statement of Corrective Action.) The original, signed SOCA document (HRCS005) is then forwarded to county human resources/civil service and a copy is placed in the employee's departmental file. Written Warnings are subject to appeal and Civil Service covered and other eligible employees should be informed of appeal rights when the SOCA is administered. **Note:** In some cases, the supervisor may repeat the Written Warning step one or more times before proceeding to level four, Suspension without Pay / Final Warning.
- (4) **Level Four: Suspension Without Pay / Final Notice** is an involuntary unpaid leave of absence administered for significant performance deficits or misconduct, **or** for repeated failure to correct lesser conduct or performance issues identified at the lower corrective action levels. Advancement through lower corrective action levels is not required for severe non-compliance, actions, or offenses. A Statement of Corrective Action (SOCA) is administered. (See Section 86-977 for specific details regarding the contents of the Statement of Corrective Action.) The original, signed SOCA document (HRCS005) is forwarded to county human resources/civil service; a copy is placed in the employee's departmental file; and, a copy is forwarded to the Auditor's Office. Suspensions are subject to appeal and Civil Service covered and other eligible employees should be informed of appeal rights when the SOCA is administered.

- (a) Suspensions for non-exempt employees shall be for a set period ranging from one day to two weeks depending on the type of offense. If an exempt employee is suspended for reasons other than a major safety violation, the suspension cannot be for a period of less than one week, and shall be handed out in increments of workweeks, beginning the first day of the employee's normally scheduled workweek. Suspensions for a major safety violation may be for any period of time. A major safety violation is any action which poses a reasonable chance of causing injury to persons and/or damage to property. A suspended employee will not be eligible to use accrued leave during the suspension nor accrue additional leave benefits.
 - (b) An employee may be placed on administrative leave of absence during an investigation or review into suspected or alleged improprieties. With prior approval of commissioners court, such leave may be with pay. An employee will continue to receive and access all benefits while on paid leave of absence and leave will continue to accrue. (See Employee Investigations Policy, Section 86-984, for more information.)
 - (c) An employee suspended without pay after the completion of an investigation or review by an elected official/department head or designee will not continue to receive or have access to benefits and will be processed as though the employee is on leave of absence without pay. (For example: no pay for holidays, no leave accruals, no subsidy to pay insurance premiums, etc.). The suspended employee will be responsible for the entire insurance premium during his/her period of absence, including the county's portion.
 - (d) A suspended employee reinstated to employment by the elected official/department head following a sustained corrective action will not be eligible to receive back pay or benefits. Note: A sustained corrective action is one that has been through the appeal process with a final decision issued by the appropriate deciding body, such as civil service commissions, elected/appointed officials, etc.
 - (e) A suspended employee whose corrective action is not sustained following an investigation or review shall be reinstated. The appropriate deciding body (civil service commissions, elected officials/department heads, etc.) may then petition commissioners court for back pay and all applicable benefits.
- (5) **Level Five: Demotion** results in a reduction in the employee's salary and pay grade as a direct result of the employee's continued failure to correct performance issues previously identified at the lower corrective action levels. Factors to review when considering a Demotion may include, but are not limited to, the ability of the employee to correct the problem, the overall employment record of the employee, the ability of the employee to contribute in another capacity to the department, and the length of service of the employee. A Statement of Corrective Action (SOCA) is administered. (See Section 86-977 for specific details regarding the contents of the Statement of

Corrective Action.) The original, signed SOCA document (HRCS005) is forwarded to county human resources/civil service and a copy is placed in the employee's departmental file. A personnel court order is processed and forwarded to the county auditor. Demotions are subject to appeal and Civil Service covered and other eligible employees should be informed of appeal rights when the SOCA is administered.

- (6) **Level Six: Dismissal** is an involuntary termination of the employment relationship and shall be used when the employee has either committed a major offense and/or violation, **or** after other efforts to cause the employee to take corrective action have been ineffective at the lower corrective action levels. Advancement through lower level steps is not required for major offenses and/or violations. The final Statement of Corrective Action document is forwarded to county human resources/civil service and a copy of the document is placed in the employee's departmental file. A Notice of Separation form (CA PR 5) is completed and forwarded to the county auditor. Dismissals are subject to appeal and Civil Service covered and other eligible employees should be informed of appeal rights when the SOCA is administered.

(Admin. Policy Manual, § A(11.05--11.19); Ord. No. 2000-1287, §§ 11.03--11.12, 6-27-2000; Ord. No. 2001-2359, 12-11-2001; Ord. No. 2009-0090, 1-13-2009; Ord. No. 2011-1179, 7-5-11)

Sec. 86-976. Determination of Corrective Action Level

The particular corrective action taken in any case will be determined by a number of factors, such as severity of the offense and prior history of the employee. Lower level action steps may be skipped or bypassed depending on the severity of the action or offense. To determine the appropriate corrective action level, the supervisor should refer to the following suggested guidelines in exercising reasonable managerial discretion:

- (1) Determine the seriousness of the non-compliant behavior or job performance;
- (2) Review the work history and current corrective action record of the employee;
- (3) Assess the ability of the employee to correct the behavior or job performance;
- (4) Review actions taken in similar situations with other employees; and
- (5) Determine what affect the proposed action will have on the workgroup or department.

If the supervisor determines that the unacceptable behavior and/or performance warrants a Statement of Corrective Action document, the supervisor should:

- (1) Prepare the Statement of Corrective Action (SOCA), form HRCS005
- (2) Meet with the employee to provide the Statement of Corrective Action; and

- (3) Inform the employee of his/her right to appeal the corrective action. (Refer to Grievance Policy, Section 86-1001 for appeal proceedings.)

Sec. 86-977. Statement of Corrective Action

Written Warnings, Suspensions without Pay, Demotions, and Dismissals shall be in writing using a Statement of Corrective Action Form (SOCA), delivered to the employee at the time corrective action is administered, or at the earliest possible time immediately after corrective action has been taken. A Statement of Corrective Action form shall advise the employee of the following:

- (1) Reason for the corrective action (to include policy or rule violation, if applicable, and a summary of the evidence);
- (2) Previous corrective actions taken;
- (3) Current corrective action taken;
- (4) Statement of future expectations and consequences; and
- (5) Right to Appeal (if applicable).

Corrective Action Probationary Period

An employee may be placed on probation for a defined period of time (for example, 60-90 days) for significant performance deficiencies within the employee's ability to correct. In that situation, a Performance Improvement Plan (PIP) should be drafted, in tandem with a Statement of Corrective Action, that presents a carefully planned and timed, final opportunity for the employee to make the correction required. The PIP shall include:

- (1) A detailed assessment and outline of the primary performance areas that need improvement;
- (2) A statement of performance expectations that must be delivered on a consistent basis;
- (3) An action plan for improving/correcting performance including specific and measurable goals relevant to the job and specific support the supervisor will provide to assist the employee in accomplishing the goals;
- (4) Clearly established performance objectives, feedback guidelines and timelines for monitoring progress toward those objectives, (e.g. follow-up meetings weekly, biweekly or monthly), and consequences for failure to accomplish the performance improvement plan.

The PIP plan should be attached to the Statement of Corrective Action for review by Human Resources prior to taking the action with the employee.

Sec. 86-978. Authority to Suspend, Demote, or Terminate

Only elected officials, department heads or their designees have the authority to suspend, demote, or terminate an employee. Supervisors and managers shall review

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these planned actions with the elected official/department head or their designees before discussion with the employee.

Elected officials under investigation by one or more law enforcement agencies must submit for review and approval any employee corrective action to the human resources director and the chief of the civil division of the Dallas County Criminal District Attorney's Office. The human resources civil service department is available to assist employees and the managerial staff in resolving corrective action issues.

(Admin. Policy Manual, § A(11.05--11.19); Ord. No. 2000-1287, §§ 11.03--11.12, 6-27-2000; Ord. No. 2001-2359, 12-11-2001; Ord. No. 2009-0090, 1-13-2009; Ord. No. 2011-1179, 7-5-11)

(The section below reflects new approved policy language: Court Order# 2009 1225-July 7, 2009.)

CITIZEN COMPLAINTS AGAINST LAW ENFORCEMENT OFFICERS

Sec. 86-979. Scope.

This policy applies to all law enforcement positions within Dallas County and relates only to complaints made by the public.

Sec. 86-980. Written complaint signed by complainant.

Complaints against law enforcement officers must be in writing and signed by the person making the complaint before the elected official and/or department head will consider them.

Sec. 86-981. Written complaint provided to the employee.

A copy of the signed complaint shall be given to the officer or employee within a reasonable amount of time not to exceed five (5) business days after the complaint is formally filed.

Sec. 86-982. Disciplinary action.

(a) Disciplinary action shall not be taken against the employee if a copy of the signed complaint has not been provided to the employee.

(b) The officer or employee shall not be indefinitely suspended or terminated from employment based on the complaint unless:

- (1) The complaint has been investigated, and
- (2) There is evidence to prove the allegation of misconduct.

Sec. 86-983. Sheriff's Department Guidelines.

See sheriff's department civil service rules and regulations found at Appendix A, Article 5.05 for guidance.

Sec. 86-984. Employee Investigations. (This section reflects court approved policy language: Court Order #2010 1153 - July 13, 2010; Court Order #2011 1179 – July 5, 2011; Court Order #2020-0907).

I. Administrative

- A. If an elected official/department head deems it necessary to conduct an administrative investigation of an employee suspected of an alleged violation of a county policy, or federal and/or state law, the elected official/department head may place the employee on a leave of absence with pay for investigative purposes. Such leave, however, is granted under strict guidelines which the department must comply. They include:
 - (1) The employee's temporary removal from the workplace is necessary or in the best interest of the county;
 - (2) The outcome of the investigation may in all probability result in disciplinary action more severe than *a written warning*;
 - (3) The department has determined it is necessary to temporarily move the employee out of his/her current position and it is not feasible to allow the employee to temporarily work in another capacity within the department during the investigation; and
 - (4) The director of human resources concurs with the department's assessment of the situation and the director is not able to temporarily place the employee in *another* county department during the investigation.
- B. When the elected official/department head has determined the investigation will exceed two weeks; the elected official/department head shall request a leave of absence with pay from commissioners court through the director of human resources. For investigations not exceeding two weeks, the elected official/department head need not seek approval from commissioner's court.
- C. If during the leave of absence with pay, but before the completion of the investigation, the elected official/department head determines the finding of a violation of county policy, federal and/or state law is *probable*, the elected official/department head may then place the employee on leave of absence without pay. Prior to taking such action, the department shall consult with the director of human resources.
- D. Reasons for Immediate Removal for Administrative Investigations. The County may immediately remove an employee from the workplace without prior notice when it is deemed to be in the best interest of the county and/or the employee. Immediate removal may occur if the employee's continued presence:

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- (1) May be harmful to the employee and others;
- (2) Creates a problem with an internal investigation;
- (3) May hamper an investigation being conducted by law enforcement;
- (4) May hamper the department's ability to do its job;
- (5) May create negligence in regards to the county's duties to the public and/or other employees; and
- (6) May involve an investigation for alleged criminal conduct that is related to the nature of the employee's ability to perform his/her assigned job responsibilities or to the county's mission.

**These are general guidelines and may not include all circumstances. Each instance will be reviewed on a case-by-case basis.*

II. Alleged Criminal Conduct

- A. An elected official/department head may also immediately remove an employee from the workplace without providing advance notification when the alleged criminal conduct impacts the employee's ability to do his/her job or represents a risk to the county.
- B. The process for placing such an employee on leave is the same as outlined under the Administrative Section (I). The department must immediately submit a request for a leave of absence with pay for investigative purposes to commissioners court through the human resources/civil service department.
- C. Regardless of the status of any criminal investigation *or legal action* in process, Dallas County may determine at any time to take disciplinary action against the employee under county policies, e.g., Standards of Conduct, up to and including termination. Such action is based on the facts or evidence of conduct that prompted the criminal investigation or legal action/process. Prior to taking such action, each elected official/department head shall review such action with the director of human resources and/or the civil section of the district attorney's office.

III. Conducting an Investigation

With the numerous county policies and state/federal statutes related to employees, it is recommended that when a department begins an investigation of an employee that may result in disciplinary action being taken that is beyond a written warning, the department should contact the human resources/civil service department for assistance or go to the following website: (<http://www.dallascounty.org/department/HR/employeerelations.html>) to review the most recent general guidelines and procedures for conducting an investigation. Law enforcement personnel should consult their department's general orders, code of conduct, or other administrative document(s) related to rules/guidelines applicable to law enforcement personnel.

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IV. Employee's Responsibility during an Investigation

When an employee is being paid while on a leave of absence with pay for investigative purposes, the employee will:

- (1) Be available to the department during normal business hours or as designated by the department;
- (2) Be cooperative with the county during the investigation;
- (3) Maintain confidentiality as instructed; and
- (4) Not work another job during regularly assigned work hours as designated by the department. Law enforcement personnel may have additional restrictions regarding outside employment and should check with their department.

Secs. 86-985--86-1000. Reserved.

ARTICLE VIII. GRIEVANCE PROCEDURES*

***State law references:** Grievances, V.T.C.A., Local Government Code § 160.001 et seq.

Sec. 86-1001. Purpose of article.

The purpose of the grievance procedure is to resolve all grievances between the county and its employees covered under the civil service system grievance process as quickly as possible and at as low an administrative level as possible, so as to assure efficient work operations and maintain employee morale.

(Admin. Policy Manual, § A(12.00); Ord. No. 2001-1954, 10-9-2001; Ord. No. 2017-0770, 06-06-2017)

Sec. 86-1002. Eligibility.

The following civil service grievance procedure does not apply to a County employee whose job classification is coded as A or B under the County's job classification system. All category C or D regular, full-time employees, per Section 86-1, may process an employment grievance pursuant to these rules. All category C and D probationary civil service employee may file a grievance on defined items, except those relating to his/her performance rating or dismissal.

(Admin. Policy Manual, § A(12.01); Ord. No. 2001-1954, 10-9-2001; Ord. No. 2017-0770, 06-06-2017)

Sec. 86-1003(a). Civil Service Commission Jurisdiction Over Grievances.

After exhaustion of review steps available within a Department, the Civil Service Commission has jurisdiction to hear a grievance filed by an eligible employee (as set in forth in section 86-1002) that is based on one or more of the following:

- a) termination;
- b) demotion;
- c) suspension; or
- d) decrease in pay.

Admin. Policy Manual, § A(12.02); Ord. No. 2001-954, 10-9-2001; Ord. No. Ord. No. 2017-0770, 06-06-2017)

Sec. 86-1003(b). Application for Discretionary Review.

Any adverse employment action taken by management, other than those listed in Section 86-1003(a), are only appealable through the chain of command provided within the Department in which the employee works, unless an Application for Discretionary Review ("Application") is granted by the Civil Service Commission. Such matters may include, but are not limited to: improper application of rules, regulations, and procedures; unfair treatment, including retaliation; discrimination because of race, religion, color, creed, gender, age, national origin, disability, sexual orientation, or political affiliation; improper application of fringe benefits or improper working conditions.

An applicant must provide, and the Civil Service Commission may only grant an Application for Discretionary Review, if an applicant: 1) files an Application in accordance with the deadlines in Section 86-1004(a); 2) certifies that the matter has proceeded through the chain of command and it was not resolved administratively by the Department (see sections 86-1004 through 86-1005, where applicable) and attaches any written determination of the Department's actions received by him/her, if applicable; 3) attaches a completed formal grievance form, which includes the information set forth in Section 86-1004(b); 4) sets forth, in specific detail, how he or she has been actually harmed a tangible way, i.e., suffered some actual damages(s) ("actual damage" means a loss or injury that has actually occurred); and 5) seeks an appropriate remedy within the Civil Service Commission authority.

The Application will be submitted to the Commission by the Civil Service Secretary. The Secretary will provide a recommendation to the Commission, when submitting the Application, whether the Application should be granted or denied, based on the Secretary's review of the Application.

The Commission will decide whether to grant the Application, by written submission, at a regularly scheduled Civil Service meeting. The Commission may consider the Secretary's recommendation when deciding whether to grant or deny the grievance. If the Application is granted, the grievance shall be set for hearing with the Civil Service Commission in accordance with this article. If the Application is denied, the grievance shall be dismissed. The decision of the Commission, whether to grant or deny an Application, is wholly within the discretion of the Commission and is final, not subject to administrative appeal.

The grievant and the Department representative will receive written notification of the Commission's decision from the Secretary.

(Admin. Policy Manual, § A(12.02); Ord. No. 2001-1954, 10-9-2001; Ord. No. 2011-0776, April 26, 2011; Ord. No. 2017-0770, 06-06-2017)

Sec. 86-1004. Time limits for filing and response.

- (a) To be considered, a grievance must be filed in writing within **seven calendar days** from its occurrence, or from the date of receipt of written notification of disciplinary action, exclusive of holidays, unless the employee was unable to do so due to an emergency (see Section 86-1007(i)(2), definition of "emergency"). Grievances under Sec. 86-1003(a) or grievance alleging

harassment, retaliation, or discrimination because of race, religion, color, creed, gender, age, national origin, disability, sexual orientation, or political affiliation should be initially filed with the first level of supervision above the employee's supervisor who has caused the action, with a copy to the employee's immediate supervisor and the Human Resources/Civil Service Department. All other grievances should be initially filed with the employee's immediate supervisor.

The preceding time limits apply to Applications to the Civil Service Commission, which must be received in the same time limit that a grievance to the Civil Service Commission must be received.

(b) A formal grievance form (exhibit AT) or Application **MUST** contain the following information:

- (1) The disciplinary action challenged or action grieved (see Section 86-1003(a) or section 86-1003(b), if an Application);
- (2) The date and a brief explanation of the incident(s) causing the disciplinary action or the grieved action;
- (3) The specific section or sections of 86-1003, under which the grievant is grieving;
- (4) The factual basis for the grievance, setting forth in specific detail all the facts in support of why the action is not justified/unfair. **Conclusory allegations not supported by detailed facts are insufficient.**
- (5) Certification that the grievant has proceeded through the chain of command and the action grieved is a final Department action;
- (6) If an Application, a detailed statement explaining how the grievant has been actually harmed in a tangible way, i.e., suffered some actual damage(s);
- (7) The relief/remedy sought;
- (8) The signature of the aggrieved employee; and,
- (9) An attestation that the statements in the grievance (and Application, if applicable) are true and correct and filed in good faith.

Section 86-1004(b)(1) through (9) are jurisdictional. Failure to provide the information in Section 86-1004(b)(1) through (9) may result in the Secretary of the Commission rejecting the grievance, per section 86-1007(f).

- (c) A copy of the grievance should be retained by the employee and a copy should be filed with the human resources/civil service department. All copies should note the date the grievance was received by the supervisor.
- (d) The supervisor shall then investigate the grievance and make a written determination within seven calendar days, exclusive of county holidays, from receipt of the grievance. The written determination shall inform the employee of the next management level and the filing time limit for an appeal.
- (e) If the employee is not satisfied with the determination of the grievance, the

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employee shall have seven calendar days, exclusive of county holidays, to make a written appeal to the next level of supervision.

- (f) The preceding time limits, seven calendar days exclusive of county holidays for investigation and determination, and seven calendar days exclusive of county holidays for appeal, shall be used consistently for each succeeding higher level of management the grievance is filed with, unless there is a mutually agreed time extension between the aggrieved party and management for fact-finding purposes, emergencies, etc.
- (g) If the employee fails to meet the filing time limits, the grievance will be considered null and void.
- (h) If the supervisor fails to meet the time limits, the employee may then file with the next higher level of management without waiting for a determination.
- (i) In order to expedite the grievance process, if succeeding levels of management are aware of all facts contained in a grievance and concur with the preceding supervisor's determination, they may elect to allow the grievance to be forwarded to the next higher level of management by initiating their concurrence on the grievance.
- (j) Date and time of response by the supervisor and the employee must be noted on the grievance to assure verification of compliance with the time limits.

(Admin. Policy Manual, § A(12.03--12.12); (Ord. No. 2001-1954, 10-9-2001; Ord. No. 2017-0770, 06-6-2017)

Sec. 86-1005. Order of Appeals.

A grievance must be appealed through the chain of command in the following order:

- (1) Grievant's immediate supervisor; unless the grievant is directed against the immediate supervisor.
- (2) Elected official/department head or division head, unless the grievance is directed against the elected official/department head.
- (3) Civil Service Commission (or specifically designated board or panel appointed by the civil service commission). Only the Civil Service Commission may award back pay, with the consent of the Commissioners Court.

(Admin. Policy Manual, § A(12.13--12.22); Ord. No. 2001-1954, 10-9-2001; Ord. No. 2017-0770, 06-6-2017)

Sec. 86-1006(a). EEOC Complaints.

Nothing in this procedure shall preclude any employee from pursuing a discrimination complaint with the Equal Employment Opportunity Commission (EEOC) or the Texas Commission of Human Rights (TCHR). Employees have the right to file charges of discrimination with the EEOC or the TCHR before, during, or after the filing of a grievance.

Ord. No. 2001-1954, 10-9-2001; Ord. No. 2017-0770, 06-6-2017)

Sec. 86-1006(b). Human Resources Report.

Nothing in the procedure shall preclude any employee from making a report of discrimination, harassment, or retaliation to the Dallas County Human Resources Department, regardless of whether the employee has any grievance or appeal right.

Note 1: All allegations of harassment because of race, religion, color, creed, gender, age, national origin, disability, sexual orientation, transgender, gender identity, gender expression, veteran status, or political affiliation must be immediately reported to the immediate supervisor, elected official or department head, and/or the director of the county human resources/civil service department, regardless of whether it is grievable, pursuant to the County's harassment policy, Dallas County Code, Section 86-781.

Sec. 86-1007. Civil service commission rules of practice. (This section reflects recent court approved policy language: Court Order# 2011 1462—August 30, 2011.)

- (a) *Scope of rules.* These rules shall govern the review of an administrative action by the county civil service commission in all grievance proceedings, except as hereinafter stated.
- (b) *Construction of rules.* "He" "him" "his" or "their" are used to signify both male and female individuals.
- (c) *Definitions.*

Calendar days means all days in a month, including weekends and holidays.

Commission refers to the county civil service commission.

Grievant refers to the employee or his representative.

Department refers to the county department or office that took the action being grieved.

Secretary or *secretary to the commission* refers to the individual responsible for scheduling and coordinating the civil service meetings. This individual is the director of human resources/civil service.

- (d) *Filing of grievance.* Grievance hearings scheduled before the commission shall be initiated by a grievance (or Application, if granted) filed with the secretary after exhaustion of appeals through the department's chain of command. (Please refer to sections 86-1001 through 86-1005 for additional information.) A grievance/application must be submitted on the form adopted by the Commission for this purpose and shall contain the information in Section 86-1004(b). Failure to include the information in 86-1004(b) may result in the grievance/application being dismissed for lack of jurisdiction. The Secretary or the Secretary's designee shall date stamp when the grievance (or Application) was received.
- (e) *Amendment of Grievance.* At any time before the deadline in Section 86-1004(a), and before the grievance is submitted to the Commission for decision, the grievant may file an amended formal grievance form (See Section 86-1004) or Application.
- (f) *Rejection of Grievance by Secretary.* The Secretary shall review all grievances to determine whether the employee has timely filed an appeal, whether the action appealed is grievable, and whether the employee has complied with the Section 86-1004(b) requirements. A grievance or (or Application) may be rejected by the Secretary of the Commission if he/she determines the Commission does not have jurisdiction over the grievance (or Application) because the grievant failed: 1) to comply with procedural deadlines; 2) to provide the information set forth in Section 86-1004(b); or 3) to plead a grievance which falls within sections 86-1003(a) or 86-1003(b). However, in the case of an action that is not final (i.e., has not proceeded through chain of command), the grievance shall be stayed until such action becomes final. The Commission, the grievant, and the Department's representative will receive written notification of the determination, along with notice of appeal rights and the address to mail the appeal.

If a case is rejected by the Secretary, the grievant can appeal the Secretary's decision, to reject the grievance, within fourteen calendar days of the date written notification of the Secretary's decision is mailed or within seven (7) calendar days from the date a certified postal receipt was signed by the grievant or his or her agent, whichever is earlier. The scope of the appeal is limited to whether the grievant satisfied the procedural prerequisites or set forth a grievable grievance and will be determined by written submission of the grievance record. The Secretary shall provide the Commission with the grievance record, which consists of the Section 86-1004(b) formal grievance form (and Application, if applicable), with any attachments thereto, as well as the written notification of the Secretary rejecting the grievance.

The grievant has the burden of establishing jurisdiction in his/her Section 86-1004(b) formal grievance form submission. For good cause shown, the Commission may allow the grievant to supplement his/her Section 86-1004(b) formal grievance form (or Application). The request to supplement must be sworn and attached to the grievant's appeal of the Secretary's decision to reject the grievance. "Good Cause" herein means: 1) an emergency whereby the grievant was unable to provide the information in the Section 86-1004(b) formal grievance form (see Section 86-1007(i)(2), definition of "emergency"); or 2) the information supplemented was not known, and could not have reasonably been

discovered, prior to the submission of the Section 86-1004(b) formal grievance form (or Application).

The Commission will decide whether to grant the supplementation, upon submission, when it decides the appeal of the Secretary's decision to reject the grievance. The Commission shall determine by vote whether to allow supplementation, if applicable, and whether to sustain or overturn the decision of the Secretary, in whole or in part. If the decision of the Secretary is overturned, the grievance shall be set for hearing with the Commission in accordance with this article. If the decision of the Secretary is sustained, the grievance shall be dismissed for lack of jurisdiction.

- (g) *Scheduling of Grievance Hearings.* Grievances are scheduled according to the date received, except grievances appealing terminations, which are given priority over all other types of pending grievances.
- (h) *Notification.* The grievant will be notified of the hearing date, time and location, at the last known address listed with Dallas County Human Resources or the Secretary. The grievant will receive a minimum of 14 calendar days prior notification of the scheduled hearing date, unless there is a mutual agreement for a lesser time period between the Secretary and the grievant. This time frame does not apply to postponements.

It is the duty of the grievant to keep his/her address current with the Secretary. If the grievant has no known representative and is not able to be contacted by phone and/or email, any notice that is returned "undeliverable" or "unclaimed" will cause the appeal to be forfeited if the grievant fails to appear at the scheduled hearing date.

- (i) *Postponements.*

(1) Any first request for continuance of the hearing may be granted by the Secretary upon (i) a showing of good cause or (ii) the agreement of the parties, as evidenced by the written agreement of both parties. The Department and the grievant may be granted one postponement each.

(2) All other requests for continuance of the hearing may be granted by the Secretary if an emergency and made in writing, as soon as practicable. The requesting party must submit the request in writing within three working days of when the party had actual knowledge of the emergency, to the Secretary. The request must clearly outline the emergency that has created the need to request a postponement (attorney availability, illness, etc.). An emergency is a sudden, urgent, unexpected occurrence or occasion requiring immediate action by one party. An emergency includes unsafe weather conditions where the County Judge has suspended services, medical emergencies of a party or a dependent or immediate family member of a party. An emergency is not a scheduling conflict by either party, transportation issues, child care, unpreparedness or the sudden failure of a representative to appear.

(3) In the event either party to the grievance objects to the postponement on the basis of an emergency, the decision of whether or not to grant then

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continuance will be determined by the Commission at the scheduled hearing. At the scheduled hearing, the requesting party will present his/her request for postponement to the Commission for a final determination. If the decision is to postpone the hearing, the grievance will be heard at a later date.

(4) **Waiver of Back Pay.** In cases involving terminations or appeals requesting back pay, any motion for continuance made by or on behalf of the grievant must contain a waiver of back pay, if any is subsequently awarded, from the originally scheduled hearing date from which the grievant sought a continuance.

(j) ***Dismissal of Grievance.*** At any time before a decision is rendered, a grievance may be dismissed by:

(1) The Commission if it determines it does not have jurisdiction over the grievance, including for failure of the grievant to comply with procedural deadlines or plead a grievance which falls within sections 86-1003(a) or 86-1003(b);

(2) The Commission if the grievant is not present at the time of the hearing;

(3) The Commission if the matter has been rendered moot; or

(4) The grievant, who may withdraw the grievance at any time.

The dismissal or withdrawal shall be entered into the record.

(k) ***Representation/Attendance.*** The parties to the grievance must appear and present their position. The Department must be present at the hearing through the elected official, department head, or other designee. The grievant must be present at the hearing.

The grievant must notify the secretary if he/she has a representative or attorney and the representative's/attorney's name, address, telefax, email, and telephone number. Notification should occur at the time of filing the grievance, or as soon thereafter as possible. The grievant's representative may not appear without the grievant unless requesting an emergency continuance on behalf of the grievant.

Either the department's representative or attorney may present the Department's case, but both will not be allowed to participate in the presentation of information. The same rule will apply to the grievant, his representative, or attorney.

(l) ***Hearing materials.*** The materials furnished for a hearing shall be directly related to the disciplinary action taken and shall include:

(1) Notice of warning form and/or notice of separation form regarding the disciplinary action taken (dismissal, demotion, suspension, reprimand, warning);

(2) Copy of formal grievance filed;

- (3) Department's response to grievance;
- (4) Previous performance evaluation(s) for the grievant;
- (5) Employment application of the grievant (if applicable).
- (6) Any prior disciplinary actions taken against the grievant;
- (7) Grievant's response/challenge to Department's action.

All documentation must be submitted to the secretary who will then distribute to the appropriate parties. Neither the grievant nor the affected department representative may submit documentation to the commission members prior to the scheduled hearing.

Documentation such as character letters will not be accepted by the civil service commission members.

- (m) *Omissions.* A party that fails to submit in writing any part of his/her documentation to the Secretary before the deadline date for submission of hearing materials may have the omitted portion entered into the record at the hearing, with Commission approval, for good cause shown.
- (n) *Quorum.* Two Commissioners constitute a quorum which allows a hearing to proceed. Each party to the grievance shall be informed when only two commissioners (quorum) will be in attendance for the hearing. Either party to the grievance may request to delay the hearing until all three commissioners are present.
- (o) *Burden of proof.* The Department has the burden of proving that any disciplinary action taken listed under Section 86-1003(a) was taken for good cause. The employee has the burden of proof on any other complaint about the actions of management.
- (p) *Open meetings/The Rule.* The grievant shall be allowed to decide if the hearing will be open or closed to the public. If the grievant decides to have a closed hearing, the following persons are authorized to be present:
 - (1) Commission members.
 - (2) Secretary to the Commission.
 - (3) Grievant.
 - (4) Grievant's representative/attorney.
 - (5) Human resources/civil service department's representative.
 - (6) Department's attorney.
 - (7) Department's representative.
 - (8) Legal counsel for the commission.
 - (9) Court reporter/recorder.

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Either party may also invoke "The Rule," at the commencement of the proceedings, which means that all witnesses, excluding the department representative and the grievant, will not be allowed to remain in the hearing and no witness shall discuss their testimony with other witnesses.

- (q) *Time.* There is no time limitation on the presentation of evidence at the grievance hearing; however, the Commission has the discretion to exercise reasonable controls over proceedings, including the time prescribed to each side. Evidence should be presented in the most efficient and expedient manner in conformity with these rules.
- (r) *Witnesses Request/Subpoena/Oath.* The grievant, Department, or their representatives will be allowed to present pertinent evidence and call witnesses to testify on their behalf. Witnesses may voluntarily appear or be subpoenaed to appear at a grievance hearing.

The Chairman of the Commission upon the request of the grievant, the grievant's representative, the County's attorney, or the County's attorney's designee shall: 1) administer oaths; and 2) issue subpoenas and subpoenas duces tecum for the attendance of witnesses and for the production of documentary material. Documentary material may include any books, records, documents, papers, or accounts that the requester considers relevant to the case. No party will be permitted more than six (6) subpoenas for witnesses without showing good cause. A party seeking more than six (6) subpoenas, for a witness to testify, must provide a sworn declaration with the following:

1. The subject matter on which the witness is expected to testify;
2. Explanation as to why the witnesses' testimony is necessary to prove or refute allegations in the grievance or the Department's action made the basis of the grievance; and
3. Explanation as to why the witnesses' testimony would not be duplicative of the expected testimony of other witnesses called to testify.

The request to subpoena a witness or documents must be made in writing to the Secretary to the Civil Service Commission at least 15 days before the date of the scheduled hearing.

The request to subpoena a witness must be made in writing to the Secretary to the Civil Service Commission at least 15 days before the date of the scheduled hearing.

All witnesses appearing at a grievance hearing shall attend the proceeding until discharged by the commission or the party requesting the witness. Time away from the workplace to participate as a witness in a grievance hearing shall be paid leave for county employees. No action will be taken to prevent an employee from testifying on behalf of a grievant and no act of retaliation will be taken against any witness who testifies in a grievance hearing.

Subpoenaed witnesses who are unable to be present at the civil service commission meeting shall notify the secretary to the civil service commission as soon as possible before the scheduled hearing date.

A person or employee who fails to appear as subpoenaed commits a misdemeanor offense punishable by a fine up to \$1000, confinement in the county jail for not more than 30 days, or both.

An oath administered under this provision has the same force and effect as an oath administered by a magistrate in judicial capacity.

Note: Under the Texas Penal Code § 37.02, a person commits perjury if, with intent to deceive and with knowledge of the statement's meaning, he makes a false statement under oath or swears to the truth of a false statement previously made and the statement is required or authorized by law to be made under oath (Tex. Loc. Govt. Code Section 158.0095(c) provides, "An oath administered under this section has the same force and effect as an oath administered by a magistrate in the magistrate's judicial capacity.").

- (s) *Testimony by affidavit.* Generally, witnesses must be physically present and subject to examination and cross-examination. However, upon agreement of both parties or permission of the Commission for good cause shown, witness testimony by affidavit will be permitted. Because the affidavits will not be subject to cross examination, the weight given each affidavit will be within the discretion of the commission.
- (t) *Procedure.* Both parties will have an opportunity to provide an opening statement, present and cross-examine witnesses and make a closing argument. The party with the burden of proof will proceed first and present its witnesses first. If the Department terminated, demoted, suspended, or decreased an employee's pay, it has the burden of proof and is required to present its witnesses first in order to justify the disciplinary action taken.
- (u) *Additional testimony.* If necessary for the administration of justice, the commission may permit additional evidence to be offered at any time prior to a decision being rendered.
- (v) *Commission to render decision.* The Commission may recess to deliberate in executive session. If an executive session is held, the Commission shall reconvene in open session and make a decision. Upon conclusion of the proceeding, the commission shall render its decision in writing.
- (w) *Decisions.* The decision of the commission will either (i) sustain the disciplinary action taken by the department; (ii) modify/reduce the disciplinary action taken by the department; or (iii) overturn the disciplinary action taken by the department and grant the relief sought by the grievant, in whole or in part. However, the Commission may not enhance the Department's initial disciplinary action. Category D employees cannot be awarded back pay or reinstatement beyond the termination date of the funding sources. In the event there is a split decision within the quorum, the party with the burden of proof will not have met its burden

of proof and the grievant shall prevail. Decisions pertaining to demotions, suspensions or terminations shall be given in writing.

Department heads and elected officials must comply with the Commission ruling.

- (x) *Back Speculative, or damages which have not occurred, are not sufficient Pay.* *Back Pay* means payments of all back wages, minus any amount paid at termination for compensatory time and/or vacation/sick balances, but shall not include pay for any overtime hours not actually worked by the employee. Actions overturned by the Commission that result in a back pay award may be adjusted to account for delays occasioned by the grievant or his representative/attorney, offsets for other earnings/income during the period of suspension or termination, or any other adjustment the Commission deems just.
- (y) *Appeal.* Action taken by the commission which results in a demotion, suspension or termination, may be appealed to a district court within 30 days after written notification of the commission's decision. The date of decision is the day that the Commission issues a Decision Letter.

(Admin. Policy Manual, § A(12.24--12.53); Ord. No. 2000-380, 2-22-2000; Ord. No. 2007-2466, 12-11-2007; Ord. No. 2011-1462, 8-30-11; Ord. No. 2017-0770; 06-06-2017)

Cross references: Civil service commission, § 86-51 et seq.

Secs. 86-1008--86-1040. Reserved.

For Office Use Only

Date Rec'd _____

Rec'd by _____

Dallas County

Application for Discretionary Review Form¹



Please type or print clearly using ink. All Applications for Discretionary Review under the Civil Service System will be resolved as quickly as possible and at the lowest administrative level possible without regard to race, color, religion, sex, national origin, age or disability.

The Commission will decide whether to grant the Application, by written submission, at a regularly scheduled Civil Service meeting. If the Application is granted, the grievance shall be set for hearing with the Civil Service Commission in accordance with Dallas County Code Chapter 86-1001, *et. al.* If the Application is denied, the grievance shall be dismissed. The decision of the Commission, whether to grant or deny an Application, is wholly within the discretion of the Commission and is final, not subject to administrative appeal. See Dallas County Code, Sections 86-1001 to 86-1007.

**Human Resources/Civil Service Department
Records Building
500 Elm Street, Suite 4100 (Floor 4R)
Dallas, Texas 75202
(214) 653-7638 (phone)
Althea.chaderton@dallascounty.org**

Form DCP/CS.001.2 05/2017

¹ To be used to apply for review of any other adverse management action other than terminations, demotions, suspensions, or decreases in pay.

Grievant Information

Name (Last)		First	MI
Department	Job Title		Hire Date: MO DAY YR
Home Address	Work Telephone:	Home Telephone:	
	Cell Telephone (optional):	Email Address:	
Manager/Supervisor's Name		Manager/Supervisor's Telephone Number:	
Next Level Manager/Supervisor's Name		Next Level Manager/Supervisor's Telephone Number:	

AN APPLICATION FOR DISCRETIONARY REVIEW MUST CONTAIN THE APPLICABLE INFORMATION IN DALLAS COUNTY CODE, SECTION 86-1004(b). Failure to provide this information may result in your Application being dismissed for lack of jurisdiction.

A. Scope of Application for Discretionary Review Procedures: *An Application for Discretionary Review may be filed on an adverse employment action taken by management, which may include but is not limited to the following grounds. Indicate the basis for your Application and review. See Sections 86-1003(b) through 86-1007 of the Dallas County Code for additional information.*

- ☐ Improper applications of rules, regulations, and procedures
- ☐ Unfair treatment, including retaliation
- ☐ Discrimination based on race, religion, color, creed, gender, age, national origin, disability, sexual orientation or political affiliation (**circle specific item grieved**)
- ☐ Improper application of fringe benefits or Improper working conditions (**circle specific item grieved**)
- ☐ Other: _____ (explain)

(86-1004(b)(1), (3))

B. Explain fully how you have been actually harmed in a tangible way, *i.e.*, suffered some actual damage(s) (“actual damage” means a loss or injury that has actually occurred):

C. Have you appealed the matter through your chain of command in accordance with Dallas County Code 86-1004 to 86-1005? ☐ Yes ☐ No. If No, your Application will not be considered. If yes, what was the outcome:

D. Attach the following:

- A completed Grievance Form (excluding Section A); and
- Any written determination of the Department's actions received by you on the matter you are attempting to grieve, if applicable (evidencing appeal through chain of command).

Filing Instructions: In order for your Grievance to be given consideration, it and all subsequent appeals must be filed in writing within seven (7) calendar days from the occurrence of the alleged wrongful action or

decision, exclusive of county holidays.

You must file the Application for Discretionary Review with your appropriate level of management within the seven (7) calendar days, with a copy to the Human Resources/Civil Service Department. Failure to file with the next level of management could render your Application for Discretionary Review null and void. If you are unsure where to file, please contact Human Resources at (214) 653-7638 or althea.chaderton@dallascounty.org.

THE APPLICANT HAS THE BURDEN OF ESTABLISHING JURISDICTION IN HIS/HER APPLICATION SUBMISSION (including attached Grievance Form). See Dallas County Code, 86-1003(a), 86-1004(b).

By signing this document, I attest that I have proceeded through the chain of command, the matter was not resolved administratively by the department, and I am grieving a final department action. I also certify that the statements in the Application, and any attached supplement, are true and correct and filed in good faith.

Employee's Signature

Date::

For Office Use Only

Date Rec'd _____

Rec'd by _____

Dallas County

Formal Grievance Form²



Please type or print clearly using ink. All grievances under the Civil Service System will be resolved as quickly as possible and at the lowest administrative level possible without regard to race, color, religion, sex, national origin, age or disability.

Human Resources/Civil Service Department
Records Building
500 Elm Street, Suite 4100 (Floor 4R)
Dallas, Texas 75202
(214) 653-7638 (phone)
Althea.chaderton@dallascounty.org

² For appealing terminations, demotions, suspensions, or decrease in pay, only; however, this form should also be completed and attached with an Application for Discretionary Review.

Grievant Information

Name (Last)		First	MI
Department	Job Title		Hire Date: MO DAY YR
Home Address	Work Telephone:	Home Telephone:	
	Cell Telephone (optional):	Email Address:	
Manager/Supervisor's Name		Manager/Supervisor's Telephone Number:	
Next Level Manager/Supervisor's Name		Next Level Manager/Supervisor's Telephone Number:	

Lawyer or Other Representative Information (if applicable):

Name:

Address:

Contact Telephone Number:

Email Address:

Name of the individual and/or department against whom the grievance is filed:

A GRIEVANCE MUST CONTAIN THE INFORMATION IN DALLAS COUNTY CODE, SECTION 86-1004(b). Failure to provide this information may result in your grievance being dismissed for lack of jurisdiction.

A. Action challenged: *A grievance may be filed on one or more of the following grounds. Indicate the basis for your grievance and review Sections 86-1003(a) through 86-1007 of the Dallas County Code for additional information.*

- ☐ Termination (86-1003(a)(a));
- ☐ Demotion (86-1003(a)(b));
- ☐ Suspension (86-1003(a)(c)); or
- ☐ Decrease in Pay (86-1003(a)(d)).

(86-1004(b)(1), (3))

If the grievance does not fall within one of the above, you may file an Application for Discretionary Review for other adverse management action. See Sections 86-1003(b).

B. Please provide details on the basis for the grievance. Conclusory allegations without factual support are insufficient and may result in your grievance being dismissed for lack of jurisdiction.

(1) Date of Occurrence? _____ *(A grievance must be filed in writing within seven calendar days from its occurrence, or from the date of receipt of written notification of disciplinary action, exclusive of holidays, unless the employee was unable to do so due to an emergency (see Section 86-1007(i)(2), definition of "emergency").*

(2) Person(s) responsible for action being grieved (identified in Section A)?

(3) Name(s) of supervisor(s) involved in action grieved?

(4) A brief explanation/description of the incident/action causing the grieved action, including the location of the incident/action and the identity of all persons involved and a brief description of how they were involved?

(5) The factual basis for the grievance, including setting forth in specific detail why the action was not justified or was unfair. If applicable, list the sections and specific provisions or policies alleged to have been violated and attach any relevant documents you have in support of the allegation). Conclusory allegations are insufficient. Attach additional sheets, if necessary.

(86-1004(b)(2), (4))

C. Remedy Requested. *What do you want to happen; In your opinion how can the allegations be corrected?*

(86-1004(b)(7))

D. Witness(es): *(Identify other individuals who may have witnessed the actions being alleged, including contact information.)*

1.

2.

3.

4.

5.

Filing Instructions: *In order for your grievance to be given consideration, it and all subsequent appeals must be filed in writing within seven (7) calendar days from the occurrence of the alleged wrongful action or decision, exclusive of county holidays.*

You must file the grievance with your appropriate level of management within the seven (7) calendar days, with a copy to the Human Resources/Civil Service Department. Failure to file with the next level of management could render your grievance null and void. If you are unsure where to file, please contact Human Resources at (214) 653-6044 or Jose.Melendez@dallascounty.org.

THE GRIEVANT HAS THE BURDEN OF ESTABLISHING JURISDICTION IN HIS/HER GRIEVANCE FORM SUBMISSION. See Dallas County Code, 86-1003(a), 86-1004(b).

By signing this document, I attest that I have proceeded through the chain of command and am grieving a final department action. I also certify that the statements and facts alleged herein, and in any attachment or supplement, which is hereby incorporated by reference, are true and correct and made in good faith.

Employee's Signature

Date::

Name (Last)	First	Date Rec'd
		Rec'd by

Notification of Appeal to Next Level of Management

<input type="checkbox"/> I do not agree with the decision and wish to appeal to the next level Date appeal was delivered to department: Name of manager appeal delivered to:	<input type="checkbox"/> I am satisfied with management's decision
--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	--------------------------------------------------------------------

Reason(s) for appeal and unresolved issue(s) *Attach any supportive documentation you have to support the allegation.*

Filing Instructions: *In order for your appeal to be given further consideration, it and all subsequent appeals must be filed in writing within seven (7) calendar days from the occurrence of the alleged wrongful action or decision, exclusive of county holidays.*

You must file the appeal with your appropriate level of management within the seven (7) calendars days, with a copy to the Human Resources/Civil Service Department. Failure to file with the next level of management could render your grievance null and void. If you are unsure where to file, please contact Human Resources at (214) 653-7638 or Jose.Melendez@dallascounty.org.

By signing this document, I attest that the statements in the Application, and any attached supplement, are true and correct and filed in good faith.

Employee's Signature:

Date:

Name (Last)	First	Date Rec'd
		Rec'd by

Notification of Appeal to Next Level of Management

<input type="checkbox"/> I do not agree with the decision and wish to appeal to the next level Date appeal was delivered to department: Name of manager appeal delivered to:	<input type="checkbox"/> I am satisfied with management's decision
--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	--------------------------------------------------------------------

☐ I request a Civil Service Commission Hearing

Reason(s) for appeal and unresolved issue(s) *Attach any supportive documentation you have to support the allegation.*

Filing Instructions: *In order for your appeal to be given further consideration, it and all subsequent appeals must be filed in writing within seven (7) calendar days from the occurrence of the alleged wrongful action or decision, exclusive of county holidays.*

You must file the appeal with your appropriate level of management within the seven (7) calendars days, with a copy to the Human Resources/Civil Service Department. Failure to file with the next level of management could render your Application for Discretionary Review null and void. If you are unsure where to file, please contact Human Resources at (214) 653-7638 or althea.chaderton@dallascounty.org .

<i>By signing this document, I attest that the statements in the Application, and any attached supplement, are true and correct and filed in good faith.</i> Employee's Signature:	Date:
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For Human Resources Use Only

Application for Discretionary Review No. <input type="checkbox"/> Eligible for Civil Service Commission Hearing	Date Received:
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ARTICLE IX. EQUAL EMPLOYMENT OPPORTUNITY PLAN*

***Editor's note:** Ord. No. 2009-0241, adopted Feb. 3, 2009, amended Art. IX in its entirety to read as herein set out. Former Art. IX, §§ 86-1041--86-1055, pertained to Affirmative Action Plan, and derived from Admin. Policy Manual, §§ A(15.00)--(15.34); Ord. No. 2001-1338, adopted July 17, 2001; Ord. No. 2004-1516, adopted Aug. 31, 2004.

State law references: Discrimination, V.T.C.A., Civil Practice and Remedies Code § 106.001 et seq.

Sec. 86-1041. Philosophy. (This section reflects recent court approved policy language: Court Order #2011 776, April 26, 2011.)

Dallas County values the diverse backgrounds, experiences, knowledge and skills of all individuals, including applicants and employees. Treating individuals with dignity and respect is one of our core values. Our goal is to create and foster a work environment that offers equal employment opportunities and fair treatment to all applicants and employees without regard to race, religion, color, national origin, sex (including pregnancy), age, disability, sexual orientation, transgender, gender identity, gender expression, or political affiliation. This policy includes, but is not limited to, all decisions relating to the employment process (recruiting and hiring), employment actions, compensation, benefits, disciplinary actions, application of policies and procedures and any other terms or conditions of employment.

(Ord. No. 2009-0241, 2-3-2009)

Sec. 86-1042. General policy. (This section reflects recent court approved policy language: Court Order #2011 776, April 26, 2011.)

- (a) To provide an atmosphere of equality of opportunity for all applicants to, and employees of, the county in all phases of employment, activities, including recruitment, hiring, job assignment, supervision, training, upgrading, transfers, compensation, benefits, educational opportunities, recreational activities or facilities, regardless of race, religion, color, national origin, sex (including pregnancy), age, disability, sexual orientation, transgender, gender identity, gender expression, or political affiliation., except where gender may be a bona fide occupational qualification and except where state or federal law may place minimum or maximum age limitations on employees.
- (b) It is the responsibility of all county officials, supervisors and employees to conform to both the letter and spirit of such executive orders as may be legally enforced from time to time and all related civil rights orders and laws. The head of each department will be responsible for developing, coordinating and monitoring the equal employment opportunity programs, including the equal employment opportunity plan for the county. It is the responsibility of each

elected official and department head to provide the supportive personnel functions, including the maintenance of appropriate records required to execute the equal employment opportunity programs.

(Ord. No. 2009-0241, 2-3-2009)

Sec. 86-1043. The equal employment opportunity commission.

The 1964 Civil Rights Act, as amended, prohibits discrimination in the hiring of employees and in the terms and working conditions of employment. The equal employment opportunity commission has the principal function of receiving and investigating complaints under the Civil Rights Act of 1964, as amended.

(Ord. No. 2009-0241, 2-3-2009)

Sec. 86-1044. County equal employment opportunity plan recruitment. (This section reflects recent court approved policy language: Court Order #2011 776, April 26, 2011.)

- (a) All recruitment practices will be reviewed by the human resources/civil service department to ensure that minorities and women in the county are notified regarding job opportunities and are encouraged to apply.
- (b) Each department head shall communicate periodically to the human resources/civil service department all sources of recruitment, and the human resources/civil service department by letter, will communicate to each source the county's policy on equal employment opportunity. The letter shall follow the general form set out at the end of this section.
- (c) The human resources/civil service department is a clearing house for applicants. The civil service commission is authorized to appoint a director of human resources/civil service for the county to assist in carrying out these duties. The director of human resources/civil service shall be directly responsible and shall answer to the civil service commission.
- (d) In order to ensure that all applicants are given consideration, the director of human resources/civil service will:
 - (1) Advertise in minority news media and thereby notify the minority community that the county is an equal opportunity employer; and
 - (2) Solicit assistance in recruitment from well known and predominantly minority and women's groups.
- (e) Each department head shall notify the human resources/civil service department of all job openings by creating and submitting a vacancy through the iRecruitment system to initiate the recruitment/selection process.
- (f) The program shall ensure that minorities and women are included in all phases of county employment with an absence of discrimination.
- (g) Recruitment shall include only job qualifications. Although the potential employee must be able to do the job today, emphasis shall be placed on the potential of the applicant to fill the position.
- (h) Adequate recruitment and interview records shall be maintained.

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- (i) All advertising for job openings in magazines, newspapers or other advertising media shall contain the statement: "an equal opportunity employer."
- (j) Sample letter; recruitment.

TO WHOM IT MAY CONCERN:

The County of Dallas, Texas, has always considered itself an Equal Employment Opportunity employer.

Positions in the county will be filled by qualified individuals without regard to race, religion, color, national origin, sex (including pregnancy), age, disability, sexual orientation, transgender, gender identity, gender expression, or political affiliation.

It is our understanding that you, as a potential source of recruitment for county employees, will also adhere to this equal employment opportunity when referring applicants to the county.

Sincerely,

(Ord. No. 2009-0241, 2-3-2009)

Sec. 86-1045. Benefits. (This section reflects recent court approved policy language: Court Order #2011 776, April 26, 2011.)

Benefits will be offered to employees as they qualify, regardless of race, religion, color, national origin, sex (including pregnancy), age, disability, sexual orientation, transgender, gender identity, gender expression, or political affiliation.

(Ord. No. 2009-0241, 2-3-2009)

Sec. 86-1046. Promotional opportunities. (This section reflects recent court approved policy language: Court Order #2011 776, April 26, 2011.)

- (a) All employees are eligible for promotion on an equal opportunity basis.
- (b) Promotions will be based on performance, skill and potential job performance, and shall not be based on race, religion, color, national origin, sex (including pregnancy), age, disability, sexual orientation, transgender, gender identity, gender expression, or political affiliation.
- (c) Each department will develop career ladders, indicating entry levels and positions into which an employee could be promoted, to permit movement of capable lower level employees to higher positions.
- (d) Each department shall make available counseling for career development.
- (e) Promotional opportunities shall be posted on bulletin boards in the department and the human resources/civil service department via the iRecruitment system during periods of recruitment.

- (f) Any employee in a department may apply for a promotional opportunity, and there shall be no restrictions on the opportunity to apply.
- (g) If an employee feels that he cannot apply for a promotion through his supervisor, he may bypass the supervisor and go directly to the head of the department or the elected official responsible for such department for consideration of promotional opportunity.
- (h) Only job qualifications shall be considered in connection with promotional opportunities.
- (i) Employee performance evaluations will be required on all individuals seeking promotion.
- (j) Adequate justification must be given to employees who are passed over for promotion.

(Ord. No. 2009-0241, 2-3-2009)

Sec. 86-1047. Internal dissemination of article.

Each department head will take steps to ensure compliance with the equal employment opportunity plan, as amended, by disseminating this article to all employees under their supervision in order to ensure that females and minority employees are given opportunities to compete for vacancies and promotions.

(Ord. No. 2009-0241, 2-3-2009)

Sec. 86-1048. Transfers.

Employees will be considered for other positions within the department or other departments provided they are eligible for transfer. Employees must meet all requirements or meet the minimum requirements specified for the job and have the potential to be trained for the position.

(Ord. No. 2009-0241, 2-3-2009)

Sec. 86-1049. Salary rates. (This section reflects recent court approved policy language: Court Order #2011 776, April 26, 2011.)

Departmental training programs will be carried out to develop the potential of all employees. An inventory of employees attending training programs will be maintained by each department. Opportunity for training shall be without race, religion, color, national origin, sex (including pregnancy), age, disability, sexual orientation, transgender, gender identity, gender expression, or political affiliation.

(Ord. No. 2009-0241, 2-3-2009)

Sec. 86-1050. Training. (This section reflects recent court approved policy language: Court Order #2011 776, April 26, 2011.)

Departmental training programs will be carried out to develop the potential of all employees. An inventory of employees attending training programs will be maintained by each department. Opportunity for training shall be without race, religion, color, national origin, sex (including pregnancy), age, disability, sexual orientation, transgender, gender identity, gender expression, or political affiliation. (Admin. Policy Manual, § A(15.28))

Sec. 86-1051. Social and recreational activities. (This section reflects recent court approved policy language: Court Order #2011 776, April 26, 2011.)

Social and recreational activities shall be open to all personnel regardless of race, religion, color, national origin, sex (including pregnancy), age, disability, sexual orientation, transgender, gender identity, gender expression, or political affiliation.

(Ord. No. 2009-0241, 2-3-2009)

Sec. 86-1052. Departmental Meetings.

- (a) Periodic meetings of department head personnel under each elected official will be held to discuss the equal employment opportunity plan in order to keep supervisory personnel aware of their responsibilities. Minutes of these meetings are to be kept on file by each department head.
- (b) Employees will be made aware of this article during interviews and training sessions.

(Ord. No. 2009-0241, 2-3-2009)

Sec. 86-1053. Goals.

The goals for the future of the county will be to continue specific training programs and institute other training programs to upgrade, where possible, all employees and to provide a safe, nondiscriminatory working environment. Each department shall make every effort, within county budgetary limits, to eliminate all dead-end jobs if, in fact, any such jobs exist.

(Ord. No. 2009-0241, 2-3-2009)

Sec. 86-1054. Termination of employment. (This section reflects recent court approved policy language: Court Order #2011 776, April 26, 2011.)

- (a) Termination of employment shall not be based on race, religion, color, national origin, sex (including pregnancy), age, disability, sexual orientation, transgender, gender identity, gender expression, or political affiliation.
- (b) If an employee is terminated by someone other than the department head or

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elected official, the employee shall be entitled to an employment review with the department head, if the employee requests such a review.

(Ord. No. 2009-0241, 2-3-2009)

Sec. 86-1055. Exit interview process.

- (a) *Purpose.* The purpose of the exit interview process is to obtain information from departing employees that may be used to improve the county's work procedures, supervisory/management practices, working conditions, and training efforts.
- (b) *Procedure.* All employees leaving the county shall be extended the opportunity to complete an exit interview questionnaire. Whenever an employee submits his/her resignation or is terminated, the following procedures shall be followed.
 - (1) All county departments shall notify the human resources/civil service department via the Notice of Separation (Form 6-5) when an employee ceases employment.
 - (2) An exit interview questionnaire and self-addressed, stamped envelope will be mailed by the human resources/civil service department to the employee's home address.
 - (3) County departments are encouraged to conduct face-to-face exit interviews with their departing employees to also ascertain how the job and work environment might be improved. Basic guidelines governing departmental exit interviews are as follows:
 - a. The department's interview generally should be conducted by the level of supervision above the employee's immediate supervisor and held on the individual's last scheduled work day. The exit interview questionnaire and separation checklist may serve as a basis for the discussion.
 - b. During the course of the exit interview, it shall be the department's responsibility to retrieve county ID cards, access key cards, property and materials.
- (c) *Confidentiality.* To the extent permitted by law, information obtained by the human resources/civil service department from the exit interview questionnaire is confidential. Summary information will be provided to county departments and/or commissioners court upon request.

(Ord. No. 2009-0241, 2-3-2009)

Secs. 86-1056--86-1080. Reserved.

ARTICLE X. SAFETY POLICY

Sec. 86-1081. Purpose.

The county is committed to protecting the safety and health of its employees. Safety is an integral part of every job in the county and managers are encouraged to include safety as a factor in all job performance evaluations. Safety is a shared responsibility between the elected officials/department heads and employees and to that end, the county has developed general safety guidelines for management and employees.

(Ord. No. 2003-059, § 1.01, 1-14-2003)

Sec. 86-1082. Responsibilities.

- (a) *Executive safety committee.* The executive safety committee, which consists of elected officials, department heads, and managers, is responsible for reviewing the county's safety program and making recommendations on program improvements. Implementation and administration of the safety program is the responsibility of management (elected officials/department heads and managers).
- (b) *Management.* Management shall:
 - (1) Constantly be on the alert to observe and correct all safety deficiencies as soon as possible;
 - (2) Ensure that all employees are properly trained to safely perform their job tasks;
 - (3) Ensure that all employees possess and properly use all appropriate equipment necessary to perform their job tasks;
 - (4) Require their safety officer to contact the county's safety officer in human resources to conduct office safety audits and reviews;
 - (5) Uniformly enforce all safety rules and policies;
 - (6) Counsel employees and take appropriate actions related to any failure to work safely;
 - (7) Recognize employees for working safely;
 - (8) Ensure all occupational injuries and illnesses are reported immediately; and
 - (9) Investigate all accidents and near misses in their area(s), identifying the causes and taking corrective measures to prevent recurrence.

Note: Failure to follow safety or fire protection instructions/regulations and to work safely will be cause for disciplinary action up to and including termination. Each employee has personal responsibility for keeping informed on applicable safety regulations and instructions and for complying with good safety practices.

- (c) *Employees.* Employees shall:
 - (1) Abide by all safety rules established by management;

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- (2) Immediately report any on-the-job injury to their supervisor, regardless of the severity of the injury;
- (3) Provide timely updates on the status of the injury to their supervisor;
- (4) Provide all requested information to the supervisor and the risk management office, in a timely manner;
- (5) Contact the supervisor at least once a week, or more often if directed by the supervisor, when off work;
- (6) Return to work as soon as released by their treating physician;
- (7) Report any unsafe acts or unsafe conditions observed to their supervisor, so they can take appropriate action. Employees are also to report to their supervisors any non-work injuries or illness that could affect their performance, health or safety on the job; and
- (8) Suspend any operation or deactivate any equipment (except fire protection equipment) in case of imminent danger to life or health of anyone. Suspended operations will not resume until the hazard has been removed or until approval to resume has been given by the department head or his or her designee.

(Ord. No. 2003-059, § 1.02, 1-14-2003)

Sec. 86-1083. General safety rules.

- (a) The use of prohibited substances on the job, or reporting to work under the influence of prohibited substances, is strictly prohibited. The county's drug and alcohol policy [article VI, division 4 of this chapter] should be consulted for specific guidelines.
- (b) Protective equipment must be worn, and it must be worn appropriately, such as strapping on air packs during emergency drills, when required for specific jobs. Any deficiency in the required protective equipment must be reported to the supervisor immediately. Examples; workers exposed to flying objects will wear eye protection. Approved safety toe footwear will be worn at all times on jobs requiring them. Hearing protection will be worn during the use of any power equipment.
- (c) Only authorized employees shall operate machinery or equipment. Employees shall not operate a machine unless all guards are in good working order. Questionable equipment should immediately be brought to the supervisor's attention.
- (d) Employees shall not ignore, remove, deface, or destroy any warning signs or interfere with any form of accident prevention device.
- (e) Employees shall be informed and observe safe practices.
- (f) Employees shall not engage in "horseplay".
- (g) Employees shall refrain from smoking in "no smoking" areas.
- (h) Employees shall refrain from operating, modifying, adjusting or using equipment in an unauthorized manner.

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(Ord. No. 2003-059, § 1.03, 1-14-2003)

Sec. 86-1084. Request for assistance.

Managers and employees who have questions or require information on safety issues in the county should contact the county's safety officer in the human resources/civil service department.

(Ord. No. 2003-059, § 1.04, 1-14-2003)

Secs. 86-1085--86-1100. Reserved.

ARTICLE XI. AMERICANS WITH DISABILITIES ACT ACCOMMODATION POLICY

Sec. 86-1101. Policy statement.

It is the policy of the county to comply with all state and federal laws concerning the employment of persons with a disability. To that end, the county will not discriminate against a qualified individual with a disability in regard to recruitment, selection, discharge, assignment, training, promotion, compensation, transfer, benefits, or other terms and conditions of employment. Further, the county is committed to providing reasonable accommodations to its employees and applicants for employment in order to ensure full access to equal employment opportunities. The human resources/civil service department is responsible for the implementation of this policy including the resolution of reasonable accommodation, safety, and undue hardship issues.

(Ord. No. 2004-126, 1-20-2004)

Sec. 86-1102. Scope.

This policy provides procedures to follow when requesting a reasonable accommodation under the Americans with Disabilities Act and the Americans with Disabilities Act Amendments Act of 2008.

(Ord. No. 2004-126, 1-20-2004; Ord. No. 2009-0883, 5-12-2009)

Sec. 86-1103. Definitions.

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

Direct threat to safety means a significant risk to the health or safety of the disabled person or others that cannot be eliminated by reasonable accommodation. The obligation of the county to accommodate is limited in this situation. However, a medical opinion for the specific individual would be required.

Disability should be interpreted broadly and refers to a physical or mental impairment that substantially limits one or more major life activities. An individual who has such impairment, has a record of such impairment, or is regarded as having such impairment is a "disabled individual." Physical or mental impairment does not include impairments that are transitory and minor. Mitigating measures that work to relieve, lessen, or improve an impairment shall not be considered when determining whether an impairment substantially limits a major life activity except for ordinary eyeglasses or contact lenses.

Essential job functions mean those job duties that are so fundamental to the position that the individual cannot do the job without performing them. A function can be essential if the position exists specifically to perform that function; there is limited

number of other employees who could perform the function; or the function is specialized and the individual was hired based on the ability to perform it.

Major life activities includes, but is not limited to, activities such as caring for oneself; performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, lifting, bending, breathing, learning, reading, concentrating, thinking, communicating, and working. A major life activity includes the operation of a major bodily function such as functions of the immune system, normal cell growth, digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine, digestive, and reproductive functions. The definition includes any impairment that is episodic or in remission provided it would substantially limit a major life activity when active.

Mitigating measures not considered in disability analysis include but is not limited to medications; medical supplies, equipment, or appliances; low-vision devices; prosthetics; hearing aids, cochlear implants; mobility devices, and oxygen therapy equipment or supplies.

Qualified individual with a disability means an individual with a disability is qualified if (1) he satisfies the requisite skill, experience, education, and other job-related requirements of the position; and (2) he can perform the essential functions of the position, with or without reasonable accommodation.

Reasonable accommodation means any change in the work environment or in the way things are customarily done that would enable a qualified individual with a disability to perform the essential functions of the position/job.

Regarded as having an impairment, is defined as individuals who have established that they have been subjected to an action prohibited under the Americans with Disabilities Act (e.g. failure to hire, etc.) because of an actual or perceived impairment unless the impairment is transitory and minor. Individuals covered under the Americans with Disabilities Act under the "regarded as" definition are not entitled to reasonable accommodation.

Transitory impairments means impairments having an actual or expected duration of less than six months.

Undue hardship means any reasonable accommodation action requiring significant difficulty or expense to the county. The county is not required to provide accommodations of this type. However, undue hardship will be determined on a case by case basis. Factors to be considered will include, but not be limited to, the nature and cost of the accommodation; the overall financial resources of the county/department; and the impact of the accommodation on the county/department.

(Ord. No. 2004-126, 1-20-2004; Ord. No. 2009-0883, 5-12-2009)

Sec. 86-1104. Procedure to request reasonable accommodation.

Any employee may request an accommodation by contacting the immediate supervisor. Any applicant for employment may request reasonable accommodation by contacting the employment specialist in the human resources/civil service department. Accommodation requests shall be handled as follows:

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- (1) *Reasonable accommodation form.*
 - a. The applicable department shall provide persons requesting accommodation with a reasonable accommodation request form. The requestor must complete the form in full and submit it to the immediate supervisor.
 - b. The accommodation request form shall include the name, address, and telephone number of the requestor. It must also include the specific limitations and the type of accommodation requested with a detailed explanation of how the accommodation will allow the person to perform the essential duties of the job.
- (2) *Determination of disability.*
 - a. When a disability or need for a reasonable accommodation is not otherwise obvious, the county shall require the employee or applicant to provide reasonable documentation about the disability and his/her functional limitations. Documentation shall not be required when a disability is already known or obvious to the person who received the request for accommodation. An authorization of release of medical information to the human resources/civil service department and/or employee health center physician will be necessary to determine disability status. The authorization of release of medical information form must be completed by the employee and submitted along with the request for reasonable accommodation to the immediate supervisor.
 - b. The civil section of the district attorney's office may be contacted to assist in determining disability status, if appropriate.
- (3) *Interactive process.* Once an employee has requested an accommodation and medical documentation has been received, if applicable, all parties (employee, supervisor, and human resources/civil service representative) shall begin an interactive process to determine what, if any, accommodation(s) should be provided. This process shall include the following steps:
 - a. Review the particular position/job involved and determine its purpose and its essential functions.
 - b. Consult with the employee with the disability to find out his/her specific physical or mental abilities and limitations as they relate to the essential job functions. Identify the barriers to job performance and assess how these barriers could be overcome with an accommodation.
 - c. In consultation with the employee, identify potential accommodations and assess how effective each would be in enabling the employee to perform essential job functions. If an appropriate accommodation is not identified, the human resources representative may contact outside technical resources for further assistance.
 - d. Select the accommodation that best meets the need of the

employee and the department/county. If there are several effective accommodations that would effectively assist the employee, consider the employee's preference.

- (4) *Providing the accommodation.* An accommodation can be provided by the department where no supporting medical information is required, where the department has the necessary funds, or where otherwise feasible. The human resources/civil service department shall brief the commissioners court for approval for accommodations that cannot be provided by the department budget.
- (5) *Denial of accommodation.* An accommodation may not be possible if there is an undue hardship for the county/department or the requested accommodation would pose a direct threat to the health and safety of the individual or others in the workplace. If an accommodation is not possible, the employee who is denied the accommodation must be informed of the reasons for denial. Additionally, category C and D (see section 86-1, definitions) employees may appeal the denial of accommodation via the grievance system procedures. Reasons for denial may include but not be limited to the following:
 - a. Requested accommodation would require removal of an essential job function.
 - b. Medical documentation is inadequate to establish the employee has a disability or needs a reasonable accommodation.
 - c. Providing the requested accommodation would result in an undue hardship.
 - d. The requested accommodation would not be effective and would require a lowering of a performance standard.
 - e. Requested accommodation would be cost prohibited.

(Ord. No. 2004-126, 1-20-2004; Ord. No. 2009-0883, 5-12-2009)

Sec. 86-1105. Confidentiality.

Medical information obtained as part of an accommodation request is considered strictly confidential and will be shared with supervisors and managers only on a need to know basis. All related information shall be filed in a separate file.

(Ord. No. 2004-126, 1-20-2004)

Sec. 86-1106. Questions in regard to policy.

For any questions regarding this policy, contact the human resources/civil service department at (214) 653-7638.

(Ord. No. 2004-126, 1-20-2004)

GRAPHIC LINK: ADA ACCOMMODATION REQUEST FORM**GRAPHIC LINK: ADA ACCOMMODATION POLICY--AUTHORIZATION FOR RELEASE OF MEDICAL INFORMATION**

ARTICLE XII. RELIGIOUS ACCOMMODATION POLICY

Sec. 86-1107. Policy statement.

Dallas County is committed to diversity and equal opportunity in employment. This commitment includes embracing religious diversity. Dallas County prohibits discrimination against employees and applicants for employment based on religious beliefs, practices, and affiliations. In addition, Dallas County provides accommodation for an individual's sincerely held bona fide religious beliefs and practices unless providing an accommodation would result in undue hardship to Dallas County. The Human Resources/Civil Service Department is responsible for the implementation of this policy, including the resolution of reasonable accommodation and undue hardship issues.

Sec. 86-1108. Definitions.

Reasonable refers to an accommodation that does not create an undue hardship to Dallas County.

Accommodation is a modification or adjustment to the work environment or the application process that allows an applicant for employment or an employee to practice his or her religious beliefs.

Bona fide religious belief or practice is a belief, practice, or observance, including moral or ethical beliefs as to what is right and wrong, that is sincerely held with the strength of traditional religious views.

Undue hardship means more than a minimal cost or burden on Dallas County.

Sec. 86-1109. Procedure to request a religious accommodation.

Any employee or applicant for employment may request a religious accommodation by contacting Human Resources at EmployeeRelations-HR@dallascounty.org.

Requests for religious accommodations will be considered based on the totality of the circumstances. The individual requesting the accommodation must participate in and cooperate in the process.

Sec. 86-1110. Confidentiality.

The confidentiality of a religious accommodation request and all documents, correspondence, interviews, and discussions relating to the request will be maintained on a need-to-know basis to the extent permitted by law. Any person who knowingly and intentionally makes an unauthorized disclosure of confidential information under this policy is subject to disciplinary action.

Sec. 86-1111. Questions regarding policy.

For any questions regarding this policy, contact the Human Resources/Civil Service Department at 214-653-7638 or EmployeeRelations-HR@dallascounty.org.

Revised: 11-01-2022

ARTICLE XIII. PREGNANT WORKERS FAIRNESS ACT (PWFA) ACCOMMODATION POLICY

Sec. 86-1112. Policy statement.

Dallas County is committed to diversity and equal opportunity in employment. This commitment includes protecting the rights of pregnant employees. Dallas County prohibits discrimination against employees and applicants for employment based on pregnancy or a condition related to the employee's pregnancy, including but not limited to, lactation or the need to express breast milk for a nursing child and a right not to be retaliated against for exercising rights under the PWFA. In addition, Dallas County provides accommodation without regard to disability status for an employee's pregnancy or any condition related to the employee's pregnancy unless providing an accommodation would result in undue hardship to Dallas County. The Human Resources/Civil Service Department implements this policy, including resolving reasonable accommodation and undue hardship issues.

Sec. 86-1113. Definitions.

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

Reasonable accommodation is a change to existing facilities or job restructuring, part-time or modified work schedules, reassignment to a vacant position, acquisition or modification of equipment or devices, appropriate adjustment or modifications of examinations, training materials or policies, the provision of necessary aids, and other similar accommodations that do not create undue hardship for Dallas County.

Undue hardship is a significant difficulty or expense for Dallas County.

Interactive process refers to a discussion between the employee and Dallas County about accommodations.

Sec. 86-1114. Reasonable Accommodations.

Dallas County will provide accommodations for an employee's physical or mental condition related to, affected by, or arising out of pregnancy, childbirth, or related medical conditions, even if the employee is not experiencing a pregnancy-related disability. Reasonable accommodations may include, but are not limited to:

- Ability to sit or to drink water;
- Closer parking;
- Flexible hours;
- Appropriately sized uniforms and safety apparel;
- Additional break time to use the bathroom, eat, and rest;
- Leave to recover from childbirth, with or without pay;
- Excusal from strenuous activities or activities that involve exposure to compounds not safe for pregnancy;

Revised: 11-01-2022

- Modification of equipment or seating;
- Temporary transfer to a less strenuous or hazardous position, including light duty;
- Job restructuring; and
- Assistance with manual labor.

Sec 86-1115. Other Protections for Pregnant Employees.

The accommodations available under this policy are in addition to all other protections, accommodations, and rights available to employees under Dallas County's FMLA, disability accommodation, lactation, and equal employment opportunity policies. Nothing in this policy precludes pregnant employees from accessing benefits and protections available under other county policies in addition to a reasonable accommodation under this policy.

Sec 86-1116. Prohibitions for Supervisors.

1. Supervisory employees may not require a pregnant employee to take leave if another reasonable accommodation that facilitates continued work can be provided.
2. Supervisory employees may not fail to make a reasonable accommodation unless the accommodation would impose an undue hardship on the county's operations.
3. Supervisory employees may not require an employee to accept an accommodation other than a reasonable accommodation arrived at through the interactive process.
4. Supervisory employees may not deny employment opportunities to an employee if the denial is based on the county's need to make reasonable accommodations.
5. Supervisory employees may not take adverse action in terms, conditions, or privileges of employment because the employee requested or used a reasonable accommodation.
6. Supervisory employees may not retaliate against an employee who has filed a complaint regarding the county's alleged failure to comply with Article XIII.

Sec 86-1117. Procedure to Request PWFA Accommodation.

Any employee may request PWFA accommodation by contacting the third-party administrator (Sedgwick). Sedgwick can be contacted at 1-888-436-9530 or at <https://timeoff.yorkrisk.com>. An employee must cooperate fully in the process and work with the employee's medical provider to provide Sedgwick with all required documentation.

Sec 86-1118. Temporary Elimination of Essential Job Functions

Dallas County will accommodate a pregnant employee even if the employee cannot perform the essential functions of the position so long as:

1. any inability to perform an essential function is for a temporary period;

2. the essential function could be performed in the near future; and
3. the inability to perform the essential function can be reasonably accommodated.

Sec. 86-1119. Procedure to Request PWFA Accommodation.

Any employee or applicant for employment may request a PWFA accommodation by completing the request form located on the Dallas County website under benefits or contacting Human Resources at PWFA@dallascounty.org.

Requests for PWFA accommodations will be considered based on the totality of the circumstances. The individual requesting the accommodation must participate and cooperate in the process.

Sec. 86-1120. Confidentiality.

The confidentiality of a PWFA accommodation request and all documents, correspondence, interviews, and discussions relating to the request will be maintained on a need-to-know basis to the extent permitted by law. Any person who knowingly and intentionally makes an unauthorized disclosure of confidential information under this policy is subject to disciplinary action.

Sec. 86-1121. Complaints regarding policy.

Complaints about suspected violations of this policy should be sent to Dallas County Human Resources Employee Relations/Civil Service by emailing EmployeeRelations-HR@dallascounty.org or by calling 214-653-7638.

Sec. 86-1122. Questions regarding policy.

For any questions regarding this policy, contact Dallas County Human Resources at 214-653-7638 or PWFA@dallascounty.org.

(Ord. No. 2023-0774, 06-20-2023)

The Dallas County Administrative Code contains the employment policies and procedures for Dallas County. It is not to be construed as a contract of employment or to contain any provision guaranteeing a specific term or tenure or employment. The Dallas County Commissioners Court and/or Civil Service Commission may, at any time, unilaterally implement changes in employment conditions, rescind or add to any of the policies, benefits or practices contained within the Dallas County Administrative Code.

Chapter 90 – Property Management

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ARTICLE I. - IN GENERAL

Secs. 90-1—90-30. - Reserved.

ARTICLE II. - COUNTY VEHICLES AND EQUIPMENT

DIVISION 1. - GENERALLY

Secs. 90-31—90-50. - Reserved.

DIVISION 2. - ACQUIRING

Sec. 90-51. - Acquiring vehicles.

- (a) The purchasing department shall order no vehicle without written verification from the manager of the ASC shop attesting that the vehicle's specifications are appropriate for the vehicle's authorized use.
- (b) All departments shall submit to the manager of the ASC shop a vehicle utilization form (exhibit CJ) prior to ordering any previously authorized vehicle for purchase. The vehicle request form describes the vehicle's intended use and desired specifications.
- (c) All sheriff's department staff officers, ranked captain and above, shall be assigned mid-size vehicles as will all other departmental administrative placement vehicles requested in the future. The manager of the ASC shop shall define mid-size vehicle.
- (d) Exceptions to subsection (c) of this section shall be permitted only with the written authorization of the manager of the ASC shop and based on his evaluation of the nature of the job assignment and use of the vehicle.
- (e) All vehicles shall be utilized only in the capacity for which they are requested, authorized by the ASC shop and purchased. No vehicle may be transferred from the division for which it was requested, authorized, and purchased without the written authorization of the manager of the ASC shop and approval by the commissioners court.
- (f) The exception to subsection (e) of this section is the vehicles assigned to the fugitive, warrant execution, civil, criminal investigation, and patrol divisions of the sheriff's department; however, the sheriff's department is required to notify the manager of the ASC shop in writing of all transfers within the divisions identified in this subsection.

(Ord. No. 2000-1342, §§ 6.00—6.05, 7-11-2000)

Sec. 90-52. - Procedures for acquiring replacement vehicles.

- (a) Departments will submit vehicle replacement requests to the ASC shop by April 1 of each fiscal year.
- (b) The ASC shop fleet manager will review all vehicle replacement requests and provide the budget office with a list of recommended replacement vehicles.
- (c) The budget office will make recommendations to the commissioners court based on the fleet manager's vehicle replacement list. After the commissioners court approval, the budget office will open

¹ **State Law reference—** Sale or lease of real property, V.T.C.A., [Local Government Code § 263.001](#) et seq.; disposition of certain real or personal property, V.T.C.A., [Local Government Code § 263.051](#) et seq.

a contingency account only accessible by the ASC shop for the recommended, and commissioners court approved, replacement vehicles.

- (d) The ASC shop will code requisitions as to the department receiving the vehicle so that expenditures can be tracked by department.
- (e) The department should then submit a purchase requisition for equipment with a statement referring to attached detailed specifications to the ASC shop.
- (f) The ASC shop will then submit both the purchase requisition and the bid specifications to the purchasing department.
- (g) The purchasing agent will solicit bids based on specifications submitted by the ASC shop after the specifications have been approved by the commissioners court.
- (h) From the bids received, the ASC shop will recommend the best and lowest bid which meets all the specifications.

(Ord. No. 2000-1342, §§ 6.06—6.13, 7-11-2000)

Sec. 90-53. - Procedures for new or additional vehicles.

- (a) Departments requesting new or additional vehicles should submit their requests using a program improvement request-miscellaneous form (exhibit CI) directly to the budget office. A vehicle utilization form (exhibit CJ) available from the ASC shop fleet manager must be included.
- (b) The budget office will compile all requests for new or additional vehicles and forward to the fleet manager for recommendation on vehicle size, specification and estimated costs.
- (c) If the commissioners court approves the request, and a new item is scheduled to be purchased, the department will contact the ASC shop to develop bid specifications for the equipment.
- (d) The department should then submit a purchase requisition for equipment with a statement referring to attached detailed specifications to the ASC shop.
- (e) The ASC shop will then submit both the purchase requisition and the bid specifications to the purchasing department.
- (f) The purchasing agent will solicit bids based on specifications submitted by the ASC shop after the specifications have been approved by the commissioners court.
- (g) From the bids received, the purchasing department, in conjunction with the ASC shop will recommend the best and lowest bid which meets all specifications.

(Ord. No. 2000-1342, §§ 6.14—6.20, 7-11-2000)

Sec. 90-54. - Receipt of new vehicles.

- (a) The purchasing agent arranges in conjunction with the ASC shop, and the distributor or manufacturer on an agreed time and place for delivery.
- (b) When the equipment is delivered, the ASC shop will inspect the equipment to ensure compliance with bid specifications.
- (c) The ASC shop will assign a vehicle number and notify the department that the equipment is available.
- (d) The department is responsible for filing a record of material received (RMR) form no. 10 (exhibit DC) with the auditor.
- (e) The department must obtain title and license tag from the purchasing department.

- (f) The ASC shop will provide county vehicles with a certificate of insurance, gas log, and a copy of the equipment log book.

(Ord. No. 2000-1342, §§ 6.21—6.26, 7-11-2000)

Sec. 90-55. - Procedures for replacing certain vehicles for the sheriff's department.

- (a) The sheriff's department may need to purchase certain vehicles for law enforcement purposes that do not fit into the traditional procedures for new or replacement vehicles listed in sections 90-51, 90-52 or 90-53. The intent of this section is to formalize the process for acquiring these vehicles in a cost-efficient manner.
- (b) These procedures will only apply to vehicles to be purchased with forfeiture funds.
- (c) The sheriff's department will identify a need for a vehicle replacement and notify the purchasing department in writing of the need.
- (d) The purchasing department will consult with the sheriff's department and county fleet manager to determine which method will be utilized to purchase the vehicle. The available methods are: sealed bid, interlocal/cooperative purchasing agreements, and state-licensed motor vehicle auction.
- (e) If a state-licensed motor vehicle auction is to be utilized, the purchasing department will prepare a court order for the next available commissioners court formal agenda to authorize the purchase. The county fleet manager and a representative from the sheriff's department will attend the preview day of the auction to evaluate the vehicles available.
 - (1) In general, suitable vehicles will be those with relatively low mileage and/or still under warranty with an expected life span of two years. Suitability will be jointly determined by the county fleet manager and the sheriff's department.
 - (2) The county fleet manager will recommend a maximum bid amount based on pricing research. At no time will the maximum bid amount exceed \$15,000.00.
 - (3) The purchasing department will place all bids at the auction up to the limit identified.
 - (4) If the county is the winning bidder, the purchasing department will make arrangements to purchase the vehicle utilizing forfeiture funds and will request that the county treasurer and county auditor immediately issue and release a check for the purchased vehicles.
- (f) If a sealed bid is to be utilized, the purchasing department will prepare the specifications and follow the procedures outlined in V.T.C.A., Local Government Code chapter 262 and Dallas County Code chapter 94.
- (g) If an interlocal/cooperative purchasing agreement is to be utilized, the purchasing department will follow the procedures outlined in V.T.C.A., Government Code chapter 791 and Dallas County Code chapter 94.

(Ord. No. 2006-228, 1-31-2006)

Secs. 90-56—90-90. - Reserved.

DIVISION 3. - HOME STORAGE²

Sec. 90-91. - Eligibility.

² **Editor's note**— Ord. No. 2008-1744, adopted Sept. 16, 2008, amended Div. 3 in its entirety to read as herein set out. Former Div. 3, §§ 90-91—90-93, pertained to similar subject matter, and derived from Ord. No. 2007-811, adopted April 17, 2007.

All vehicles shall be stored at a designated worksite location unless the commissioners court has approved home storage or remote storage for such vehicle.

(Ord. No. 2008-1744, 9-16-2008)

Sec. 90-92. - 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:

Home storage privileges means allowing the employee to use a county-owned vehicle to commute from home to work duty. At no time shall a county-owned vehicle be used for any personal use.

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.

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

(Ord. No. 2008-1744, 9-16-2008)

Sec. 90-93. - Regulations.

- (a) All remote or home storage vehicle assignments must be approved by commissioners court order for each individual employee and vehicle.
- (b) No elected official or 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 (by a specific commissioners court order).
- (c) 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 without the express consent of commissioners court (by specific commissioners court order).
- (d) The elected official or department head desiring a remote or home storage vehicle must submit to OBE the justification for the assignment of a remote or home storage vehicle for briefing to the commissioners court.
- (e) Typically, employees who are subject to 24/7 recall to duty and whose vehicles require special equipment will be eligible to be considered by assignment of a remote or home storage vehicle.
- (f) As of May 31, 2015, the following divisions, positions and specified number of vehicles are authorized continual home or remote storage privilege when incumbents in these positions change:

Department	Position Title
Constables	All deputies
Public works	All authorized site inspectors
Facilities	Director Deputy director Maintenance manager

	Maintenance supervisors Contracts coordinators
Security and emergency management	Chief of security Assistant chief of security Emergency management planner/trainer
Fire marshal	Fire marshal Assistant fire marshals
Crime lab	Chief of physical evidence Intoxilyzer supervisor
Medical examiner	Field agent (vehicle on rotation basis)
Criminal investigation	(1) Lieutenant, (2) Senior sergeant and (8) Detectives
Physical evidence	(1) Lieutenant, (1) Sergeant and (5) Deputies
Intelligence section	(1) Lieutenant and (7) Detectives
Auto theft task force	(1) Captain, (1) Sergeant and (4) Deputies
Sheriffs department civilian equivalent to captain rank and above	(1) Chief financial officer, (1) Data management manager and (1) Support services division manager

- (h) In addition to the positions listed in subsection 90-93(f) above there may be other positions that the commissioners court has authorized remote or home storage. In these cases where there is a formal record of the commissioners court action these employees will be covered under these rules as are the employees identified in subsection 90-93(f).

(Ord. No. 2008-1744, 9-16-2008; Ord. No. 2015-0726, 5-26-2015)

Sec. 90-94. - Special requirement for all operators of remote or home storage vehicles.

- (a) All vehicles approved for remote or home storage shall 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 Purchasing Department, OBE, and county auditor office will have unrestricted access to the GPS and any of its data. As any other authorized equipment for county vehicles the GPS system shall be installed and maintained by the ASC. The initial and future cost of law enforcement GPS will be paid from the department's drug forfeiture funds other department's funding will be addressed on a case by case bases.
- (b) Employees that are authorized remote or home storage 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.
- (c) At the end of each month the mileage log will be turned in to the employees 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, address it with the employee and provide a copy of the discrepancy to the OBE and auditor's office. Mileage logs shall be retained for a minimum of two years.

(Ord. No. 2008-1744, 9-16-2008)

Sec. 90-95. - Car allowance in lieu of a county vehicle.

- (a) Any employee as of September 30, 2008 with a home storage vehicle, that was officially approved by the commissioners court, shall be eligible for a car allowance in lieu of their use of a county vehicle.
- (b) The eligibility for a car allowance under this section must meet the following conditions:
 - (1) The vehicle must not be equipped with specialty items that can not be reasonably purchased, installed, replaced and maintained by an employee in a personal vehicle.
 - (2) The vehicle can be taken out of the department's inventory without adversely affecting the department's performance.
 - (3) The car allowance will be discontinued when the current incumbent leaves their position and replaced with mileage reimbursement. Unless specifically authorized by commissioners through a court order the car allowance will not be available to the person replacing the prior incumbent.
- (c) The car allowance will be set at an amount to cover the employee's cost of business travel plus an amount to cover the value of any intended personal benefit that they derived from their authorized non business use of such county vehicle. The car allowance provided to similar positions in the same department should be considered.

(Ord. No. 2008-1744, 9-16-2008)

Secs. 90-96—90-120. - Reserved.

DIVISION 4. - OPERATION

Subdivision I. - In General

Sec. 90-121. - Necessary for operation of county business.

The county will own and operate vehicles necessary for the execution of county business, most of which are special purpose vehicles such as buses, trucks, road equipment and law enforcement-related automobiles.

(Ord. No. 2000-1342, § 3.00, 7-11-2000)

Sec. 90-122. - Marking.

County-owned vehicles will be white (except for patrol vehicles which may have black hoods and trunks) and clearly marked with the county seal, department name and vehicle number assigned by the automobile service center (ASC) shop. However, by specific commissioners court approve, a sheriff, district attorney and/or constables may be authorized to use unmarked vehicles as needed for law enforcement purposes.

(Ord. No. 2000-1342, § 3.01, 7-11-2000; Ord. No. 2008-1744, 9-16-2008)

Sec. 90-123. - Denial of use.

The county provides county-owned and county-maintained vehicles to certain individuals whose job requirements depend heavily on vehicle use. However, the commissioners court maintains the option to deny use and/or require the marking of a county vehicle assigned to any individual at any time including when such individual fails to utilize the vehicle in the manner specified by this division. Denial of use of a vehicle will normally be accompanied by:

- (1) Replacement of the vehicle with a per-mile reimbursement for use of a personal vehicle; and
- (2) Request for disciplinary action by the individual's supervisor; and
- (3) Removal of the vehicle from the department's inventory with notice to the department that the offending employee's action was so serious that they are denied right of use of any county vehicle and will not be eligible for mileage reimbursement for the use of their personal vehicle.

(Ord. No. 2000-1342, § 3.02, 7-11-2000; Ord. No. 2008-1744, 9-16-2008)

Sec. 90-124. - Use of vehicles without emergency gear as police vehicles.

In particular, 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 emergency operation has been authorized by a supervisor; and
- (3) When safe operation of the vehicle in emergency mode is possible.

(Ord. No. 2000-1342, § 3.03, 7-11-2000; Ord. No. 2008-1744, 9-16-2008)

Sec. 90-125. - 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 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.

(Ord. No. 2000-1342, § 3.04, 7-11-2000; Ord. No. 2008-1744, 9-16-2008)

Sec. 90-126. - Forfeiture of county's liability protection.

Individuals who operate county-owned vehicles outside the policy limitations prescribed in the this Code and specifically article II of this chapter will automatically forfeit the county's liability protection and will be held personally liable for any damage or injury resulting from such vehicle use.

(Ord. No. 2000-1342, § 3.05, 7-11-2000; Ord. No. 2008-1744, 9-16-2008)

Sec. 90-127. - Emergency lights or sirens.

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

(Ord. No. 2000-1342, § 3.06, 7-11-2000; Ord. No. 2008-1744, 9-16-2008)

Sec. 90-128. - Labels, emblems, logos, symbols, flags or other similar items.

Unless ordered by the commissioners 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 across departments and precincts.

(Ord. No. 2000-1342, § 3.07, 7-11-2000; Ord. No. 2008-1744, 9-16-2008)

Sec. 90-129. - Personal use.

Except for reasonable travel to and from lunch, county-owned vehicles shall not be used for any personal use including, but not limited to, use for personal errands going to the store or dry cleaners, taking and/or picking up children at school or day care or any other non-county use), for travel to and from an after hours non-county job, etc. or for transporting other employees or individuals for non-county activities such as, but not limited to, travel to and from work.

(Ord. No. 2000-1342, § 3.08, 7-11-2000; Ord. No. 2008-1744, 9-16-2008)

Sec. 90-130. - Safe operation.

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

(Ord. No. 2000-1342, § 3.09, 7-11-2000; Ord. No. 2008-1744, 9-16-2008)

Sec. 90-131. - Storage.

County-owned vehicles shall be stored in accordance with section 90-91 et seq. of this Code.

(Ord. No. 2000-1342, § 3.10, 7-11-2000; Ord. No. 2008-1744, 9-16-2008)

Sec. 90-132. - Servicing and maintenance.

County-owned vehicles are to be serviced and maintained with county-owned equipment and gasoline. No county-owned gasoline will be furnished for privately-owned vehicles under any condition.

(Ord. No. 2000-1342, § 3.11, 7-11-2000; Ord. No. 2008-1744, 9-16-2008)

Sec. 90-133. - 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, property accident report Form No. 2-A (Exhibit CE); and
- (3) Equipment log book.

(Ord. No. 2000-1342, § 3.12, 7-11-2000; Ord. No. 2008-1744, 9-16-2008)

Sec. 90-134. - Employee liability.

All county employees who operate county-owned vehicles are encouraged to obtain an endorsement on their personal auto insurance policy to provide for liability coverage while operating county vehicles. 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.

(Ord. No. 2000-1342, § 3.13, 7-11-2000; Ord. No. 2008-1744, 9-16-2008)

Sec. 90-135. - Monitoring fluid levels and tire pressure.

It will be the responsibility of each department to initiate measures which will ensure that fluid levels and tire pressure in vehicles are monitored on a regularly scheduled basis.

(Ord. No. 2000-1342, § 3.14, 7-11-2000; Ord. No. 2008-1744, 9-16-2008)

Sec. 90-136. - Departmental maintenance responsibility.

It will be the responsibility of the department to ensure that vehicles are serviced, fueled, repaired and cleaned as needed.

(Ord. No. 2000-1342, § 3.15, 7-11-2000; Ord. No. 2008-1744, 9-16-2008)

Sec. 90-137. - 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. See sections 90-271—90-274(c) for specific instructions.

(Ord. No. 2000-1342, § 3.16, 7-11-2000)

Sec. 90-138. - Approval of purchase or assignment of equipment.

The commissioners court must approve the purchase or assignment of all equipment by way of a budget appropriation or approved transfer.

(Ord. No. 2000-1342, § 3.17, 7-11-2000)

Sec. 90-139. - Servicing private vehicles.

No privately-owned vehicle will be serviced at any county repair shop under any condition.

(Ord. No. 2000-1342, § 3.18, 7-11-2000)

Sec. 90-140. - Constable vehicle equipment.

Emergency equipment for constables' vehicles shall be new or like new. All equipment, new or otherwise, shall be in good electrical, mechanical and operational condition, and must conform to an approved equipment list developed and distributed by the radio communications manager. Any equipment which does not conform with the approved equipment list may not be purchased or installed on a county constable vehicle.

(Ord. No. 2000-1342, § 3.19, 7-11-2000; Ord. No. 2008-1122, 6-10-2008)

Sec. 90-141. - Donated equipment.

Donated equipment will be allowed, provided that it is fully operational, in good condition and exactly matches the equipment outlined on the approved equipment list. Acceptance of any donated equipment shall be in accordance with all established county policies and procedures.

(Ord. No. 2000-1342, § 3.20, 7-11-2000)

Sec. 90-142. - Reserved.³

Sec. 90-143. - Use of vendors for installation, deinstallation and maintenance.

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

(Ord. No. 2000-1342, § 3.22, 7-11-2000)

Sec. 90-144. - Funding of replacement of major system components.

Replacement of any major system components (e.g., siren amplifiers, speakers, lighting, etc.) shall be funded from the respective constable's DDA.

(Ord. No. 2000-1342, § 3.23, 7-11-2000)

Sec. 90-145. - Adding of audible and visual emergency equipment.

³ **Editor's note**— Ord. No. 2008-1122, adopted June 10, 2008, repealed § 90-142, which pertained to funding of constable DDA emergency equipment purchase and installation costs, and derived from Ord. No. 2000-1342, § 3.21, adopted July 11, 2000.

Constables who elect to add audible and visual emergency equipment to their respective vehicles will be required to submit their precinct's pursuit/emergency response policy to the commissioners court prior to equipment installation.

(Ord. No. 2000-1342, § 3.24, 7-11-2000)

Sec. 90-146. - 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 commissioners 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 their 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 commissioners 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 coverages 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 administrator.

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

(Ord. No. 2010-0779, 5-4-2010)

Sec. 90-147. - Out of county usage.

County-owned autos may not be taken across the county lines except by express approval by order of the commissioners court.

(Ord. No. 2009-1727, 9-22-2009)

Secs. 90-148—90-170. - Reserved.

Subdivision II. - Safe Operation

Sec. 90-171. - Instruction of operators; safe driving record required.

- (a) 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.
- (b) All personnel, 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.

(Ord. No. 2000-1342, §§ 10.00, 10.01, 7-11-2000)

Sec. 90-172. - Procedures; responsibilities.

- (a) Elected officials or department heads shall conduct an initial driver's license check and/or background check on each employee or applicant for employment in these job categories before the employee is authorized to operate county or personal equipment or vehicles on behalf of the county.
- (b) If the driver's license check and/or background check indicates that the employee or applicant does not possess the proper license or is not a safe and competent driver or has a history of unsafe operation of equipment, the employee shall not be employed and/or authorized to operate county or personal equipment and/or vehicles.
- (c) Competency shall be evidenced by the employee possessing a valid driver's license for the vehicle type being operated and training and/or experience in the operation of equipment being operated. The employee's driving record shall be free of excessive violations. The driving record shall be indicative of an individual who has not shown carelessness nor disregard for traffic laws, rules or regulations in the operation of vehicles. The guidelines of section 90-173 shall be used to determine if the employee or prospective employee is a competent driver.

(Ord. No. 2000-1342, §§ 10.02—10.04, 7-11-2000)

Sec. 90-173. - Driver competency guidelines.

- (a) During the two-year period immediately prior to the current or latest driver's license check, the employee or applicant for employment must not:
 - (1) Have more than one license;
 - (2) Have had any license suspended, revoked or canceled;
 - (3) Have been convicted of driving while intoxicated (DWI);
 - (4) Have been convicted driving under the influence of drugs (DUID);
 - (5) Have been convicted of blood/breath test refusal (BBTR) if required and refused;
 - (6) Have been convicted of failure to stop and render aid (FSRA);
 - (7) Have been convicted of a felony involving use of a motor vehicle;
 - (8) 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
 - (9) 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.
- (b) 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.

(Ord. No. 2000-1342, §§ 10.05, 10.06, 7-11-2000)

Secs. 90-174—90-190. - Reserved.

Subdivision III. - Maintenance

Sec. 90-191. - Policy and purpose of subdivision.

The policy and purpose of this subdivision is to:

- (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.

(Ord. No. 2000-1342, §§ 4.00, 4.01, 7-11-2000)

Sec. 90-192. - Preventive maintenance program; driver responsibilities.

- (a) The basis for prolonging the life of a vehicle is a good preventive maintenance program. The driver is responsible for:
 - (1) Daily inspections;
 - (2) Keeping track of mileage daily; and
 - (3) Determining when the vehicle is due for the next scheduled preventive maintenance procedure.
- (b) Each vehicle has a notebook with a monthly mileage and fuel report (exhibit CH). This must be filled out, signed each day, and sent to the fleet manager within five days of the close of the month.
- (c) Each vehicle notebook contains a preventive maintenance schedule for the driver and maintenance mechanic to use as a reference to fulfill the preventive maintenance requirements on the vehicle.
- (d) There will be 12 monthly calendars for use by the driver and maintenance mechanic. When the driver sees he is down to the last calendar, it is his responsibility to get a new set from the fleet manager for his notebook.

(Ord. No. 2000-1342, § 4.02, 7-11-2000)

Sec. 90-193. - Discipline policies.

- (a) If an employee is negligent in taking care of his vehicle, he will be given a written warning by the fleet manager of the ASC shop.
- (b) If an employee is found negligent for the second time, he will be given a written warning by the fleet manager with copies going to his supervisor.
- (c) If an employee is found negligent for the third time, he will be evaluated by his supervisor with car impoundment possible, as advised by the commissioners court.
- (d) If this does not stop the misuse of county vehicles, the matter will be presented to the commissioners court for their decision on transfer of the vehicle.
- (e) The county sheriff's department will use its own disciplinary policies, inasmuch as the policies of the sheriff's department exceed these disciplinary policies.
- (f) Maintenance policies and schedules will be used for all vehicles, including those assigned to the sheriff's department.

(Ord. No. 2000-1342, §§ 4.03—4.08, 7-11-2000)

Sec. 90-194. - Equipment.

- (a) *Generally.*
 - (1) Repairs of all equipment will be channeled through the county automotive service center (ASC) shop at 738 Fort Worth Avenue, phone numbers: 214-741-2190 or 214-748-3417.
 - (2) When possible, the department should call the ASC shop before bringing equipment in for service.

- (3) Employees delivering equipment to the ASC shop are required to wait in designated areas and refrain from disturbing shop personnel and operations by limiting conversation and telephone use.
 - (4) Equipment in the maintenance cycle will be prioritized as follows:
 - a. Public safety equipment (patrol, fire);
 - b. Essential services where alternate equipment is not available within the department;
 - c. Vehicles scheduled for preventive maintenance (delivered on time); and
 - d. All others.
 - (5) Operable equipment should be delivered to the ASC shop by the responsible department. Should a county vehicle become inoperable, refer to the instructions in the equipment log book.
- (b) *Driveable condition.*
- (1) Equipment in need of service but driveable shall be maintained as follows:
 - a. The ASC shop should be contacted before equipment is delivered to the ASC shop to determine available time for repair.
 - b. The driver will fill out a vehicle and equipment repair request (exhibit CF) containing the following information:
 1. Vehicle number;
 2. Department name and phone number;
 3. Detailed information on the symptoms and possible repairs required; and
 4. Signature and department phone number of the individual submitting the equipment for repair.
 - c. The ASC shop will notify the department when equipment repairs/services are completed.
- (c) *Inoperable condition.*
- (1) Monday through Friday from 7:00 a.m. to 4:00 p.m.:
 - a. Call the ASC shop and provide vehicle number and name of individual placing the call;
 - b. Describe the vehicle location;
 - c. Indicate if the vehicle has been in an accident and refer to accident procedures;
 - d. The ASC shop will dispatch a wrecker to pick up the vehicle; and
 - e. As soon as possible, the driver should come to the ASC shop and complete a vehicle and equipment repair request. No work will commence on the equipment until this form has been completed. If the driver is injured, or otherwise unable to complete the form, the supervisor will complete the form.
 - (2) Evenings and weekends:
 - a. Contact the sheriff's dispatch (214-749-8641), who will contact the wrecker company contractor;
 - b. If the vehicle has been involved in an accident, refer to the accident procedures, sections 90-271—90-274(c); and
 - c. As soon as possible (i.e., the next working day) the driver should return to the ASC shop and fill out a vehicle and equipment repair request (exhibit CF) to commence repairs to the vehicle. No work will begin until this form is completed. If the driver is injured, or otherwise unable to complete the form, the supervisor will complete the form.

(Ord. No. 2000-1342, §§ 4.09—4.16, 7-11-2000)

Sec. 90-195. - Extensive vehicle repairs.

- (a) When the scope of repairs is beyond the ASC shop capacity, the ASC shop will obtain three estimates, recommend the lowest and best bid and submit them to the purchasing department.
- (b) The purchasing department will award the bid and issue a purchase order.
- (c) The delivery and pickup of equipment for outside work will be the responsibility of the ASC shop.
- (d) Once the work is completed, the ASC shop will thoroughly inspect the vehicle to ensure proper repairs were made according to purchase order instructions. The ASC shop will then issue a record of material received (RMR) form no. 10 (exhibit DC) to the county auditor so that payment can be made and departmental charges levied.

(Ord. No. 2000-1342, §§ 4.17—4.20, 7-11-2000)

Sec. 90-196. - Tire repair or replacement.

- (a) All flat tire repairs and front end alignment will be made by an authorized contractor via the ASC.
- (b) The individual requiring service must first obtain a tire authorization form (exhibit CG) from the ASC shop prior to contacting the vendor. Service will not be provided by the contractor without this approval.
- (c) Once approval is obtained, the department should proceed to the vendor or location for repair or replacement.
- (d) 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.
- (e) A copy of the invoice will be returned to the ASC shop by the vendor.

(Ord. No. 2000-1342, §§ 4.21—4.25, 7-11-2000)

Sec. 90-197. - Scheduling preventive maintenance.

- (a) Each vehicle has a piece of tape secured to the dashboard indicating the mileage the vehicle should reach before being scheduled for preventive maintenance (i.e., oil change, lubrication, etc.)
- (b) When the mileage has been reached or is within days of being reached, the driver should call the ASC 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.

(Ord. No. 2000-1342, §§ 4.26—4.28, 7-11-2000)

Sec. 90-198. - Fueling vehicles.

- (a) Only unleaded fuel is available at the ASC shop location. Alternative fuels such as CNG and diesel shall be obtained at the road and bridge districts or authorized fueling sites, as approved by the commissioners court.
- (b) The drivers are responsible for maintaining adequate fuel levels in their vehicles.
- (c) Gas tickets are available at the pump and must be completed with all requested information by the driver.

- (d) The white copy should be left in the ticket book for the ASC shop's use upon completion of fill up. The driver should take the pink copy for his records.
- (e) The appropriate information should then be recorded in the gas log report located in the vehicle.
- (f) The monthly mileage and fuel report (exhibit CH) must be sent to the fleet manager by the fifth working day of the next month.
- (g) Failure to submit this report will result in no service to this vehicle until the report is submitted.

(Ord. No. 2000-1342, §§ 4.29—4.35, 7-11-2000)

Sec. 90-199. - Fuel credit cards.

- (a) When feasible, all gasoline should be obtained from the ASC shop.
- (b) When it is not feasible to obtain gasoline at the ASC shop, drivers may use the fuel credit card assigned to each vehicle to purchase gasoline as follows:
 - (1) Vehicles regularly used within the county:
 - a. Fuel credit cards will be limited to the purchase of regular unleaded gasoline (87 octane) from self-service pumps only;
 - b. All oil will be obtained from the ASC shop or road and bridge districts; and
 - c. Credit cards may not be used for nonfuel items such as food.
 - (2) Vehicles regularly used outside the county:
 - a. At the request of the department head to the ASC shop, a nonrestricted fuel credit card may be issued for vehicles regularly traveling outside the county; and
 - b. All gasoline purchased on this card must be regular unleaded (87 octane) from a self-service pump.
- (c) When possible, this fuel credit card should be used in place of other credit cards an employee may have.
- (d) The ASC shop will coordinate initial distribution of fuel credit cards, replacement of lost cards and assignment of new cards.
- (e) If a card is lost or stolen, it is the driver's responsibility to immediately notify the credit card company to cancel the card. Also, the driver must immediately notify the ASC shop by the next business day.
- (f) Failure to use a fuel credit card according to these procedures without prior approval of a department head or the ASC shop will subject the driver to reprimand and/or disciplinary action.

(Ord. No. 2000-1342, §§ 4.36—4.41, 7-11-2000)

Secs. 90-200—90-220. - Reserved.

DIVISION 5. - REPLACEMENT

Sec. 90-221. - Vehicle and equipment coverage.

- (a) 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.

- (b) This section excludes the road and bridge district's dump bed trucks and heavy equipment and the fugitive vehicles that will be replaced at 80,000 miles and reassigned to other departments for their use.

(Ord. No. 2000-1342, §§ 8.00, 8.01, 7-11-2000)

Sec. 90-222. - Evaluation of requests; recommendations.

- (a) The fleet manager will evaluate all vehicle replacement requests based on mileage, age, maintenance records and cost efficiency.
- (b) Based on the fleet manager's evaluation, vehicles that meet the following requirements will be recommended for replacement to the commissioners court:
 - (1) One hundred fifty thousand miles;
 - (2) Ten years old;
 - (3) Maintenance records; and
 - (4) Cost efficiency.

(Ord. No. 2000-1342, §§ 8.02, 8.03, 7-11-2000)

Sec. 90-223. - Scheduled procedures.

In order for the county to effectively replace motor vehicles at 150,000 miles, the following maintenance schedule will be used:

- (1) All vehicles will be evaluated April 1 of 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 all vehicles meeting the 150,000 mile criteria.

(Ord. No. 2000-1342, § 8.04, 7-11-2000)

Secs. 90-224—90-240. - Reserved.

DIVISION 6. - COMMERCIAL DRIVER'S LICENSE⁴

Sec. 90-241. - 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.

⁴ **State Law reference—** Commercial driver's license, V.T.C.A., [Transportation Code § 522.001](#) et seq.

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:

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

(Ord. No. 2000-1342, §§ 9.05—9.07, 7-11-2000)

Sec. 90-242. - Proper licensing required.

- (a) The Federal Commercial Motor Vehicle Safety Act of 1986 (CMVSA) (Title XII, P.L. 99-570), enacted by Congress on October 18, 1986, makes it illegal for an operator of a commercial motor vehicle to have more than one driver's license. It also requires the U.S. Secretary of Transportation to develop uniform standards for testing and licensing of operators of commercial motor vehicles.
- (b) In compliance with the federal law, the 1989 session of the state legislature passed HB1935 which brought the state into compliance. The legislature thereby established the commercial driver license (CDL) Act, V.T.C.A., Transportation Code § 522.001 et seq.
- (c) All operators of the county-owned vehicles must possess the proper license issued by the state for the vehicle they operate.
- (d) All the county employees who are authorized to operate privately-owned vehicles on county business must possess the proper license issued by the state for the vehicle they operate.

(Ord. No. 2000-1342, §§ 9.01—9.04, 7-11-2000)

Sec. 90-243. - Endorsements.

Any operator of a vehicle classified in the following categories must have the appropriate endorsement as follows:

- (1) Double/triple trailer (class A only);
- (2) Passenger (can be class B or C);
- (3) Tank vehicle (class A, B or C);
- (4) Hazardous materials (class A, B or C).

(Ord. No. 2000-1342, § 9.08, 7-11-2000)

Sec. 90-244. - Exemptions.

A commercial vehicle does not include the following:

- (1) A vehicle that is controlled or operated by a farmer, which is used to transport agricultural products, farm machinery or farm supplies to or from a farm used within 150 miles of the person's farm and which is not used in the operation of a common or contract motor carrier;
- (2) A firefighting or emergency vehicle necessary to the preservation of life or property or the execution of emergency governmental functions, whether operated by an employee of a political subdivision or by a volunteer firefighter;

- (3) A military vehicle, when operated for military purposes by military personnel, including any active duty military personnel, members of the reserves and national guard on active duty, including personnel on full-time national guard duty, personnel engaged in part-time training, and national guard military technicians; or
- (4) A recreational vehicle that is driven for personal use.

(Ord. No. 2000-1342, § 9.09, 7-11-2000)

Sec. 90-245. - Human resources/civil service department responsibility.

- (a) The human resources/civil service department shall be responsible for verifying that persons at time of hire possess a valid and proper license. No physical examinations will be scheduled prior to verification of the proper license.
- (b) Each department is responsible for verifying possession of the proper license at initiation of work with the department and periodically checking to verify that proper licenses are maintained.
- (c) 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.
- (d) The personnel department will update position descriptions to include the new commercial driver's license (CDL) requirement.
- (e) Failure to possess and maintain valid and proper licenses may result in reassignment of duties and/or disciplinary action up to and including termination.
- (f) All vehicle operators hired after April 1, 1992, must possess the proper license prior to employment and in accordance with the new commercial driver's license (CDL) regulation.

(Ord. No. 2000-1342, §§ 9.10—9.15, 7-11-2000)

Secs. 90-246—90-270. - Reserved.

DIVISION 7. - VEHICLE ACCIDENTS⁵

Sec. 90-271. - 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 to the sheriff's dispatch who will notify the appropriate areas. See section 90-273.

(Ord. No. 2000-1342, § 5.00, 7-11-2000)

Sec. 90-272. - 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, and, if so, telephone the sheriff's dispatch for any emergency services that may be required.

⁵ **State Law reference—** Motor vehicle accidents and reports, V.T.C.A., [Transportation Code § 550.001](#) et seq.

- (2) Request the other driver to remain at the accident scene until investigation of the accident is completed.
- (3) Advise the supervisor of the accident as quickly as possible.
- (4) Take the auto, equipment, property accident report form no. 2-A (exhibit CE) from the glove compartment 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) Report the accident to the proper jurisdictional authorities (local city police, sheriff's department, or state department of public safety) so the proper authorities may, if they deem necessary, make an accident investigation.
- (6) Do not make any statements concerning liability or fault to the other driver or witnesses.
- (7) 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.
- (8) Cooperate fully and as requested by an official investigating officers or authorities.
- (9) Complete the accident report and deliver it to the supervisor no later than 10:00 a.m. of the next regular working day.

(Ord. No. 2000-1342, §§ 5.01—5.09, 7-11-2000)

Sec. 90-273. - Supervisor's responsibility.

- (a) Upon notification of an accident involving a county vehicle or equipment, the civil section of the district attorney's office should be telephoned at 214-653-7358 and/or the ASC shop, 214-748-3417 or 214-741-2190, 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.
- (b) Photographs should, when possible, be taken with a Polaroid camera so that the photographs may be attached to the auto, equipment, property accident report which is sent to the civil section of the district attorney's office.
- (c) A copy of the auto, equipment, property accident report shall also be sent to the county auditor's office and the fleet manager.
- (d) The county sheriff's department should be telephoned to report the accident and request that personnel be dispatched to obtain a report of the details of the accident. 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 sheriff's office 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.
- (e) The supervisor will send the employee to the sheriff's office to give a sworn statement that provides all facts and necessary information.
- (f) Upon return to the department or office, an auto, equipment, property accident report form must be filled out by the employee and submitted to the county auditor's office within 24 hours and the civil section of the district attorney's office and the fleet manager.
- (g) If the county employee is unable to complete the auto, equipment, property accident report within 24 hours, it shall be the responsibility of the supervisor to complete and forward the report to the county auditor and the district attorney (civil section) within this same time frame.
- (h) A copy of the investigative officer's report should be obtained and submitted as soon as possible.

- (i) The ASC shop will be responsible for repair of the vehicle. See division 4, subdivision III of this article on vehicle maintenance.

(Ord. No. 2000-1342, §§ 5.10—5.18, 7-11-2000)

Sec. 90-274. - Witness to accident.

- (a) Accidents occurring on county property or near or within sight of county equipment or construction shall be reported by witnessing employees.
- (b) A witnessing employee shall complete an auto, equipment, property accident report form no. 2-A (exhibit CE) indicating the location of the accident, witnesses, damages, etc.
- (c) The report shall be submitted to the district attorney's civil section.

(Ord. No. 2000-1342, §§ 5.19—5.21, 7-11-2000)

Secs. 90-275—90-310. - Reserved.

ARTICLE III. - PERSONAL PROPERTY⁶

DIVISION 1. - GENERALLY

Sec. 90-311. - General policy statement.

It is the policy of the county commissioners court that all personal property be accounted for and controlled in a manner to ensure the safeguard of public assets. The acquisition, transfer and disposition of property must be approved by the commissioners court in order for proper managerial control to be vested with the governing body.

(Admin. Policy Manual, § F(1.00))

Sec. 90-311.5. - Property capitalization.

The county sets a capital limit of \$5,000.00 for all county property except TDH grant purchases. Grant award conditions include a \$1,000.00 capital limit.

(Ord. No. 2002-301, 2-12-2002)

Sec. 90-312. - Definitions.

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

Department means the organizational unit which has a need for, utilizes or transfers personal property.

Disposition means the act of assigning an item to an inventory account or the act of destroying or selling an item.

⁶ **State Law reference—** Sale or lease of property, V.T.C.A., [Local Government Code § 263.001](#) et seq.

Item means an object of personal property which must be specifically approved through a budget appropriation by the commissioners court for acquisition, transfer and/or disposition.

New item means an item which has been approved for purchase, generally for use in a new or expanded program.

Personal property means any equipment or furniture which is purchased at a cost of \$5,000.00 or more or TDH grant purchases of \$1,000.00 or more. These items are often referred to as "capital items."

Personal asset life is defined in accordance with state developed guidelines for asset lives with modifications as necessary for adaptation to county needs.

Replacement item means an item which has been approved due to the wear and tear, age, obsolescence, etc., of the item which is to be replaced.

Surplus means an inventory account in which property is recorded, pending possible service, sale or distribution, or scrapping.

Transfer means the act of both relocating an item in terms of organizational responsibility, as well as the act of revising the inventory records.

(Admin. Policy Manual, § F(1.01—1.04, 1.06—1.08); Ord. No. 97-2088, 10-21-1997; Ord. No. 2002-301, 2-12-2002)

Sec. 90-313. - Management guidelines.

The management of personal property within the county shall adhere to guidelines as follows:

- (1) The commissioners court must approve the purchase of all items by way of a budget appropriation and/or expenditure of funds.
- (2) All items shall be purchased at the best possible price, with the maximum amount of competition possible and suitable for its intended use.
- (3) The transfer of property, either interdepartmental, or from surplus must be approved by the commissioners court.
- (4) All items approved for replacement purposes will result in the used item being transferred to surplus for disposition. (This does not require court authorization.)
- (5) All items of property shall be stored in a safe place and protected against misuse, theft and vandalism.
- (6) It is the sole responsibility of the elected official/department head to which property is assigned to maintain a proper accounting of all property through proper inventory records.
- (7) Thefts of property shall be reported to law enforcement authorities and the county auditor immediately by the department head.
- (8) Property shall be deleted from inventory records only through commissioners court approval prior to and as a result of:
 - a. A recommendation to sell;
 - b. Certification as scrap by the scrap committee consisting of the county auditor, purchasing agent, budget director and facilities management director, or their designees.

(Admin. Policy Manual, § F(1.09—1.17))

Secs. 90-314—90-330. - Reserved.

DIVISION 2. - ADMINISTRATION

Subdivision I. - In General

Sec. 90-331. - Enforcement generally.

The enforcement of this article is vested in numerous county offices and departments. In order to clearly reflect the departmental responsibility for purposes of accountability, the provisions of this article shall apply.

(Admin. Policy Manual, § F(3.00))

Sec. 90-332. - Budget office.

The budget office is responsible for evaluating all requests for personal property and making recommendations to the commissioners court. In all cases the department's request, in addition to the staff recommendation, should be clearly delineated. The recommendation should be based on the cost effectiveness of the request, and on the items' intended use. Where possible, surplus items will be recommended in lieu of new purchases.

(Admin. Policy Manual, § F(3.01))

Secs. 90-333—90-350. - Reserved.

Subdivision II. - Purchasing Agent

Sec. 90-351. - Duties and responsibilities.

- (a) The purchasing agent is requested to seek the lowest possible price, through the promotion of the maximum level of competition, for all items approved by the commissioners court. In addition, state statutes specify that the purchasing agent control the property inventory system. Therefore, the purchasing agent is requested to enforce the above-stated policy, particularly in terms of transfers, sale and destruction of property.
- (b) According to the statutes, the purchasing agent is responsible to ensure that the property inventory records are up to date and accurate in all respects.

(Admin. Policy Manual, § F(3.02, 3.03))

Secs. 90-352—90-370. - Reserved.

Subdivision III. - Facilities Management Department

Sec. 90-371. - Duties and responsibilities.

- (a) The facilities management department is responsible for the physical transport of all property as approved by the commissioners court, as well as the safe storage of all surplus property.
- (b) The facilities management department is also responsible for preparing the preliminary recommendation on vehicle replacements for the annual budgetary process. This information should include maintenance cost, use, useful life, depreciated values, etc., on all county vehicles.

(Admin. Policy Manual, § F(3.04, 3.05))

Sec. 90-372. - County auditor.

- (a) The county auditor is requested to monitor the enforcement of this article and make any appropriate reports to the commissioners court.
- (b) In addition, by law, the auditor is responsible for auditing the physical inventory of property and controlling the expenditure of funds for property acquisition as approved by the commissioners court.

(Admin. Policy Manual, § F(3.06, 3.07))

Sec. 90-373. - All departments.

All department heads and elected officials are responsible for maintaining property assigned to their department, proper inventory records, and making appropriate reports as required. They are further charged with the responsibility of following this article's provisions as the situation demands.

(Admin. Policy Manual, § F(3.08))

Secs. 90-374—90-390. - Reserved.

DIVISION 3. - ACQUISITION/DISPOSITION PROCESS

Subdivision I. - In General

Sec. 90-391. - Part of annual budget process.

The acquisition and disposition of personal property is in a large part a product of the annual budget process. Therefore, the initial step in acquiring an item is a request in the annual budget. Items not budgeted, for which there is an actual need, should also result in a request to be submitted to the budget office. The steps in this process are described in this division.

(Admin. Policy Manual, § F(2.00))

Secs. 90-392—90-410. - Reserved.

Subdivision II. - Acquisition

Sec. 90-411. - Submission of request.

Departmental requests are submitted to the budget office, as part of the annual budget process, or for critical midyear unbudgeted items. The estimated costs and reasons for acquisition should also be included. Please use budget adjustment form no. 281 (exhibit FA).

(Admin. Policy Manual, § F(2.01))

Sec. 90-412. - Evaluation of requests; recommendation.

The budget office will evaluate the requests. All requests for office file cabinets, microfilm equipment and copiers must be reviewed and approved by the records coordinator. The budget office will provide the commissioners court with a recommendation. Surplus will be scheduled for use where feasible.

(Admin. Policy Manual, § F(2.02))

Sec. 90-413. - Notice to department.

Subsequent to action by the commissioners court, the department will be notified by the budget office.

(Admin. Policy Manual, § F(2.03))

Sec. 90-414. - Approval; requisition.

If the court approves the request, and a new item is scheduled to be purchased, the department should submit a requisition to the purchasing agent after ascertaining that a fund transfer has occurred.

(Admin. Policy Manual, § F(2.04))

Sec. 90-415. - Soliciting bids or quotations; issuance of purchase orders.

The purchasing agent will solicit bids or quotations, depending on the applicable statutes, and either recommend contract awards to the commissioners court or issue purchase orders, depending on the size of the expenditure.

(Admin. Policy Manual, § F(2.05))

Sec. 90-416. - Consultation with department.

In the case of the bid evaluation on significant acquisitions, the department will be consulted as part of the evaluation process.

(Admin. Policy Manual, § F(2.06))

Sec. 90-417. - Property processing.

As property is delivered, it is processed according to county policies and procedures.

(Admin. Policy Manual, § F(2.07))

Secs. 90-418—90-440. - Reserved.

Subdivision III. - Disposition ⁷

Sec. 90-441. - Transfer of property to surplus.

Property items must be transferred to surplus in all cases where:

- (1) A replacement item has been funded, purchased and delivered;
- (2) A reduction in force has been approved by the court resulting in an excess of property, as compared to the size of the departmental work force; or
- (3) Damage to the item prevents its use.

(Admin. Policy Manual, § F(2.08))

⁷ **State Law reference—** Disposition of salvage or surplus property, V.T.C.A., [Local Government Code § 263.151](#) et seq.

Sec. 90-442. - Transport of items to storage; evaluation for reuse.

Items will be physically transported to a storage location by the facilities management department and evaluated for possible reuse by the purchasing agent, county auditor and facilities management director.

(Admin. Policy Manual, § F(2.09))

Sec. 90-443. - List of surplus property; monthly update.

The purchasing agent will maintain a list of surplus property with proper coding in terms of condition, and make it available to the budget office for possible reuse recommendation purposes. This list shall be updated monthly, so that a current list is available at all times.

(Admin. Policy Manual, § F(2.10))

Sec. 90-444. - Property to be sold at auction or by sealed bid.

The purchasing agent, county auditor, budget director and facilities management director (i.e., scrap committee) will jointly recommend property to be sold at auction or through sealed bid and secure the court's specific action prior to selling any property.

(Admin. Policy Manual, § F(2.11))

Sec. 90-445. - Destruction as scrap.

Other items will be evaluated by the scrap committee described in section 90-444, and be destroyed upon their certification as scrap after approval by the commissioners court.

(Admin. Policy Manual, § F(2.12))

Sec. 90-446. - Transfers to surplus; use of proper form.

The report of property transfer form no. 280 (exhibit FB) shall be used for all such transfers to surplus.

(Admin. Policy Manual, § F(2.13))

Secs. 90-447—90-470. - Reserved.

DIVISION 4. - INVENTORY AND THEFT POLICY

Sec. 90-471. - Proper identification of property.

It is the policy of the commissioners court that all property is properly identified by property number, description and location, and that the inventory policy of this division is implemented in order to standardize procedures in instances of theft/loss of any property assigned to the various departments.

(Admin. Policy Manual, § F(4.00))

Sec. 90-472. - Procedures.

- (a) County department heads and/or elected officials shall notify immediately the sheriff's office and the county auditor of the theft/loss of any property assigned to their department and belonging to the county.
- (b) A copy of the police/sheriff's report shall be submitted to the county auditor as soon as completed, along with a letter from the department head explaining the circumstances of the loss.
- (c) Upon receipt of the information described in this section, and after expiration of a reasonable period of time to allow for the recovery of the stolen property, the county auditor and purchasing agent will remove the items from the inventory records.
- (d) In those instances where the total value to be removed from inventory is \$1,000.00 or greater, approval of the commissioners court will be required before the items can be removed from the inventory records.
- (e) The commissioners court administrator will be notified in all cases where property items are removed from the inventory records.

(Admin. Policy Manual, § F(4.01—4.05))

Secs. 90-473—90-490. - Reserved.

DIVISION 5. - OFFICE FURNITURE

Sec. 90-491. - Objective of division.

Dependent on the position of the county officials and departments, it is the commissioners court policy to standardize the size, type and quantity of office furniture (exhibit FC).

(Admin. Policy Manual, § F(5.00))

Sec. 90-492. - Standards and criteria for purchase and allocation.

- (a) The commissioners court establishes the standards and criteria for the purchase and allocation of county office furniture.
- (b) The commissioners court must approve all purchases of supplies, material and equipment.
- (c) The purchasing agent is responsible for implementing the office furniture standards as defined by the commissioners court (exhibit FC).
- (d) Furniture standards will be revised periodically to reflect major design or building changes. All departments will be advised of the revised standard furniture policy. All county property policies and procedures are applicable to this division.

(Admin. Policy Manual, § F(5.01—5.04))

Sec. 90-493. - Exceptions.

Exceptions to this division must be justified and will be briefed to the commissioners court as with all equipment requests.

(Admin. Policy Manual, § F(5.05))

Secs. 90-494—90-510. - Reserved.

DIVISION 6. - PERSONAL PROPERTY REPAIR/REPLACEMENT

Sec. 90-511. - County policy.

The county will provide to all its employees and formally approved volunteers partial cost reimbursement for the cleaning, repairing, or replacing of specified clothing and personal items (including personal vehicles) which become accidentally lost or damaged while carrying out, in a proper manner, assigned job duties and responsibilities which are involved in the restoration of civil order or management of crisis situations.

(Admin. Policy Manual, § F(6.00))

Sec. 90-512. - Purpose of division.

The purpose of this division is to:

- (1) Recognize that items of employee/volunteer owned clothing and personal property, including personal vehicles, do occasionally become damaged or lost while restoring civil order or managing a crisis situation; and
- (2) Make a partial reimbursement of costs incurred to clean, repair or replace the items damaged or lost. This section is not intended to compensate anyone for loss, damage, soiling or normal wear and tear of their personal property which is sustained in any circumstance other than those listed in this division and expanded in the accompanying administrative procedures.

(Admin. Policy Manual, § F(6.01))

Sec. 90-513. - Application of division provisions.

This division applies to full-time and part-time county employees and formally approved volunteers.

(Admin. Policy Manual, § F(6.02))

Sec. 90-514. - Eligibility of claimant.

- (a) To be eligible for consideration for reimbursement, a claimant must be properly dressed, as determined by departmental policy, for the type of work being undertaken or must be responding to an emergency situation.
- (b) To be eligible for consideration for reimbursement, the claimant must substantiate that the damage or loss was caused through no fault of the employee/volunteer as well as substantiate that the claim is in fact legitimate and covered under county policy.
- (c) The damage or loss must occur accidentally during an identifiable incident, and it requires preparation of a written report and supervisory review. The incident report should mention in sufficient detail all pertinent facts and other information required to fully support the claim. The human resources/civil service department shall be contacted for the personal property repair/replacement claim form (exhibits D and E).

(Admin. Policy Manual, § F(6.03—6.05))

Sec. 90-515. - Items not covered.

Claims for repair or replacement of items, such as dentures, which may be covered by workers' compensation or other existing county paid insurance are not covered under this division.

(Admin. Policy Manual, § F(6.06))

Sec. 90-516. - Written request; approval.

A written request for reimbursement must be approved by the claimant's department head who is either an elected official or who directly reports to the commissioners court. In the case of the sheriff's organization, approval rests with the chief deputy accountable for the claimant's bureau.

(Admin. Policy Manual, § F(6.07))

Sec. 90-517. - Evaluation of damaged or soiled clothing.

Each damaged or soiled article of clothing must be evaluated by a dry cleaners or tailor to see if it can be restored prior to consideration for replacement. If two restorative remedies appear to be equally satisfactory, the lesser costing solution shall be selected.

(Admin. Policy Manual, § F(6.08))

Sec. 90-518. - Vehicle damage; repair estimates.

When a personal vehicle is damaged in the course of county business due to the actions of a passenger such as a witness or person in custody, the uninsured cost to clean and/or repair such damage will be eligible for reimbursement if a claim is timely filed with two estimates. The repair estimates must be submitted with the personal property repair/replacement claim form (exhibit FD).

(Admin. Policy Manual, § F(6.08(a)))

Sec. 90-519. - Restoration costs equaling or exceeding value of item.

If valid cost estimates for restoration equal or exceed the adjusted value of an article, no attempt at cleaning or repairing the article should be made. A claim for replacement funds should be filed.

(Admin. Policy Manual, § F(6.09))

Sec. 90-520. - Unsuccessful repair or cleaning; claim for replacement.

If cleaning or repair of a damaged item is not successful, a second claim for replacement funds can be requested.

(Admin. Policy Manual, § F(6.10))

Sec. 90-521. - Determination of reimbursement amount.

The amount of a reimbursement requested will be determined by the claimant and claimant's supervisors who keep in mind:

- (1) The article's age;
- (2) Its physical condition prior to the incident; and
- (3) The maximum specified reimbursable amount for the item as per the cost schedule of clothing and personal items (exhibit FE) and the claims adjustment table (exhibit FF).

(Admin. Policy Manual, § F(6.11))

Sec. 90-522. - Submission of reimbursement requests.

All requests for reimbursement must be submitted to the commissioners court administrator and the budget officer for evaluation and approval. This must be done within a reasonable time period not to exceed ten working days from the time of the incident which precipitated the claim. Articles of damaged personal property must be presented for examination, if available.

(Admin. Policy Manual, § F(6.12))

Sec. 90-523. - Damaged items to remain property of claimant; exception.

All damaged items remain the property of the claimant unless replacement funds are paid. The county, at its option, may retain possessions of all articles for which replacement funds are paid.

(Admin. Policy Manual, § F(6.13))

Sec. 90-524. - Determination of costs for items of clothing and firearms.

- (a) Items of clothing which are not specifically listed on the cost schedule are to be compared to the most similarly listed item for costing purposes. If no similar item is listed, a claim can still be filed and supplemental cost data will be utilized during evaluation.
- (b) A maximum claim limit is established at \$200.00 for clothing and qualified personal property and \$300.00 for firearms per person, per incident, unless specifically approved by the commissioners court.
- (c) The loss of a firearm is not reimbursable unless it is actually taken during a criminal incident or situation. Repair of damaged firearms is not covered under this division.

(Admin. Policy Manual, § F(6.14—6.16))

Sec. 90-525. - Maximum reimbursable costs; review.

Maximum reimbursable costs for listed items will be periodically reviewed by the purchasing department and recommended for approval by the commissioners court. The trade association International Fabricare Institute's concept for adjusting values for consumer textile products will be adopted for use in equitably valuing claims.

(Admin. Policy Manual, § F(6.17))

Secs. 90-526—90-560. - Reserved.

ARTICLE IV. - REAL PROPERTY⁸

DIVISION 1. - GENERALLY

Sec. 90-561. - Leasehold/building improvements.

Land is recorded at market value and it is not subject to depreciation. The county's leasehold/building improvements capitalization threshold is \$100,000.00.

(Ord. No. 2002-301, 2-12-2002)

Sec. 90-562. - Software capitalization.

Software capitalization includes purchased or county developed software with combined cost of \$100,000.00 or more or an individual cost of \$5,000.00 or more are considered capital items.

(Ord. No. 2002-301, 2-12-2002)

Sec. 90-563. - Personally-owned property or belongings of an employee or an elected official.⁹

This policy is designed to protect the county against claims for damage or loss in connection with the voluntary use of personally-owned property or belongings in the workplace. For their own convenience, employees and elected officials may bring personally-owned property or belongings to county workplaces. The county does not assume—and specifically disclaims—responsibility for any personally-owned property or belongings located on its premises or that is carried, worn, or otherwise used by employees and elected officials during the course of their work for the county. Employees and elected officials who choose to bring personally-owned property or belongings to work do so at their own risk.

(Ord. No. 2014-1703, 12-16-2014)

Secs. 90-564—90-580. - Reserved.

DIVISION 2. - SALE/LEASE OF REAL PROPERTY¹⁰

Sec. 90-581. - Policy established.

The following policy for the sale or lease of real property under V.T.C.A., [Local Government Code ch. 263](#) is established.

(Admin. Policy Manual, § F(7.00))

⁸ **State Law reference**— Public buildings and works, V.T.C.A., [Local Government Code § 291.001](#) et seq.

⁹ **Editor's note**— Ord. No. 2014-1703 , adopted Dec. 16, 2014, enacted provisions intended for use as § 90-561. Inasmuch as there were already provisions so designated, said ordinance has been codified herein as § 90-563 at the discretion of the editor.

¹⁰ **State Law reference**— Rental of public buildings and works, V.T.C.A., [Government Code § 1473.054](#); sale or lease of real property, V.T.C.A., [Local Government Code § 263.001](#).

Sec. 90-582. - Appointment of commissioner.

The commissioners court, pursuant to V.T.C.A., Local Government Code § 263.001, shall appoint a commissioner to sell or lease real property owned by the county.

(Admin. Policy Manual, § F(7.01))

Sec. 90-583. - Notice of intent.

Before a sale or lease is made, the commissioners court shall approve and publish a notice of its intent to sell or lease, as appropriate, the real property. The notice shall:

- (1) Be published in English in a newspaper of general circulation in the county and, if the real property is located in another county, in a newspaper of general circulation in that other county;
- (2) Be published on two dates, with the date of the second publication occurring before the 14th day of the award of the sale or lease is made;
- (3) Include a description of the real property including its location;
- (4) Include a description of the procedure by which sealed bids or sealed proposals for the sale or lease may be submitted; and
- (5) Include a specification as to whether payment must be in money or whether an exchange of real estate or other proposals will be considered.

(Admin. Policy Manual, § F(7.02))

Sec. 90-584. - Presale requirements.

Before selling property under this division the commissioners court shall:

- (1) Obtain an appraisal of the property's fair market value; and
- (2) Determine a minimum bid amount, based on the appraisal. The minimum bid amount shall not be less than the fair market value of the property as established by the appraisal. Bids must be for money only unless proposals suggesting exchange of real estate or other offers have been solicited.

(Admin. Policy Manual, § F(7.03))

Sec. 90-585. - Rejection of bids.

The commissioners court shall retain the right to reject any and all bids submitted.

(Admin. Policy Manual, § F(7.04))

Secs. 90-586—90-610. - Reserved.

DIVISION 3. - ACQUISITION

Subdivision I. - In General

Secs. 90-611—90-630. - Reserved.

Subdivision II. - Rejection of Unsolicited Conveyance

Sec. 90-631. - Execution and filing of affidavit.

- (a) The public works department shall submit the attached form court order, see exhibit A and the affidavit of rejection, see exhibit B, or a form substantially similar thereto, to reject any and all unsolicited conveyance deeds.
- (b) The director of public works or his designee will execute the affidavit on behalf of the county.
- (c) The public works department will file the executed affidavit in the deed records of the county.
- (d) Failure to file the affidavit of rejection in the deed records of the county shall not be construed as de facto acceptance of any unsolicited deed by the county.

(Ord. No. 97-1130, 6-10-1997)

EXHIBIT A COURT ORDER

ORDER NO. _____

DATE: _____

STATE OF TEXAS	§	
COUNTY OF DALLAS	§	

BE IT REMEMBERED, at a regular meeting of the commissioners court of Dallas County, Texas, held on the _____ day of _____, _____ on motion made by _____, and seconded by _____, the following order was adopted:

WHEREAS, this matter was briefed to the Dallas County commissioners court on (date); and

WHEREAS, pursuant to Commissioners Court Order No. _____ - _____ dated (date), the Dallas County commissioners court adopted a policy to dispose of unsolicited conveyance deeds from property owners to the county in exchange for the payment and full release of all outstanding ad valorem property tax, penalty, interest, attorney's fees and other governmental charges; and

WHEREAS, an unsolicited conveyance deed has been filed in the real property records of Dallas County, Texas.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED by the commissioners court of Dallas County, Texas, that the attached affidavit of rejection of alleged deed without warranty be filed in the real property records of Dallas County, rejecting the deed without warranty from _____ dated _____ / _____ / _____, recorded in Volume _____, Page _____, real property records of Dallas County, Texas, in accordance with the policy adopted by the commissioners court in Court Order No. _____ - _____.

DONE IN OPEN COURT this the _____ day of _____ / _____ / _____, _____.

_____ (Name), County Judge	_____ (Name), District 1	_____ (Name), District 2
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_____ (Name), District 3	_____ (Name), District 4
Recommended by: _____ (Name), P.E. Director of Public Works	

(Ord. No. 97-1130, exh. A, 6-10-1997)

EXHIBIT B

STATE OF TEXAS	§	
	§	KNOW ALL PERSONS BY THESE PRESENTS:
COUNTY OF DALLAS	§	

AFFIDAVIT OF REJECTION OF ALLEGED DEED WITHOUT WARRANTY

Before me personally appeared _____ and upon his/her oath duly deposed and stated as follows:

1. My name is _____. I am over 18 years of age, have never been convicted of a felony, and am competent to make this affidavit. I have personal knowledge of all facts stated herein.
2. I am employed as _____. In the regular course and scope of my duties, I supervise transfers, assignments, purchases, abandonments or other dispositions of real property on behalf of Dallas County, Texas. The commissioners court of Dallas County, Texas, has conferred the authority to the department of public works to supervise the disposition of property to and from Dallas County, Texas.
3. Attached to this affidavit is an instrument denominated "deed without warranty" filed in volume _____, page _____ in the real property records of Dallas County, Texas. Such instrument purports to convey an interest in the property referenced in exhibit A thereto and incorporated by reference therein (the "property").

4. Dallas County, Texas, has not tendered or paid any consideration whatsoever for the property referenced in the alleged deed without warranty. There was no consideration for the alleged transfer.
5. Dallas County, Texas, has not bargained, compromised, settled, foreclosed or acquired any right, title or interest in the property.
6. The recitals in the alleged deed without warranty of the alleged consideration and the alleged "full payment and release of all ad valorem property tax, etc." are incorrect and inaccurate. Dallas County, Texas, by and through the public works department, has not requested or agreed to any of the terms set forth in the alleged deed without warranty.
7. Dallas County, Texas, expressly disapproves, declines and rejects the representations, warranties and alleged transfer of the property in the alleged deed without warranty.
8. This affidavit of rejection of alleged deed without warranty shall be filed in the real property records of Dallas County, Texas, and shall be public notice that the terms of the alleged consideration, payment and transfer of the property should be considered null and void and that the property does not vest in Dallas County, Texas.
9. This affidavit of rejection of alleged deed without warranty further expressly rejects any alleged right, title or interest in the possession or fee interest in the property as a result of the alleged deed without warranty.

Further Affiant Sayeth Not.

	<p>_____</p> <p>Name:</p> <p>Title:</p> <p>County of Dallas</p>
--	-----------------------------------------------------------------

SUBSCRIBED AND SWORN to before me this _____ day of _____ / _____
/ _____, _____.

	<p>_____</p> <p>Notary Public in and for the State of Texas</p>
	<p>_____</p> <p>Notary's Name Printed</p>
	<p>_____</p> <p>Commission Expires</p>

After Recording Return to:

County
411
Dallas,
Attn: Director of Public Works

of
Street,
Texas

4th

Dallas
Floor
75202-3389

(Ord. No. 97-1130, exh. B, 6-10-1997)

Secs. 90-632—90-650. - Reserved.

ARTICLE V. - INDEPENDENT APPRAISAL SERVICES POLICY

Sec. 90-651. - Scope of article.

The purpose of this article is to establish procedures and criteria for the employment of state certified general real estate appraisers to independently value real property for governmental purposes and/or to provide expert testimony on behalf of the county in accordance with applicable appraisal standards, the constitution and laws of the state, and all applicable federal laws and regulations. Such employment shall, in conformity with V.T.C.A., [Government Code § 2254.003](#), be on the basis of demonstrated competency to perform the services and for a fair and reasonable fee.

(Ord. No. 99-628, § I, 3-30-1999)

Sec. 90-652. - Definitions.

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

Independent appraiser means an individual who performs the professional service of evaluating real estate for a fee and operates independently without influence, guidance or control of others.

Professional appraisal organization means an organization which requires its members to meet specific minimum standards of education, completion of specified appraisal courses, written examinations and the submission and approval of an extensive and detailed demonstration appraisal report.

Professional designation means a title conferred upon an individual by a professional appraisal organization, signifying the attainment of a specific level of proficiency in appraising various types of real estate. Professional designations normally relate to the type of property which the appraiser is qualified to appraise.

(Ord. No. 99-628, § II, 3-30-1999)

Sec. 90-653. - Qualifications.

To be considered for employment by the county, the independent appraiser must meet the following qualifications:

- (1) Be a state certified general real estate appraiser certified by the state appraiser licensing and certification board.
- (2) Be currently engaged in the profession of appraising real estate for a fee.
- (3) Have a minimum of five years' appraisal experience.
- (4) Have experience as an expert witness in eminent domain proceedings in the state.

(Ord. No. 99-628, § III, 3-30-1999)

Sec. 90-654. - Documentation of qualifications.

- (a) All independent appraisers desiring to be considered for appraisal work with the county will be required to submit the form entitled, "Application for Independent Fee Appraiser" to the department of public works.
- (b) The department of public works will forward all applications to the appraiser selection committee for consideration and inclusion on the approved independent appraiser list.
- (c) All independent appraisers listed on the approved independent appraiser list will be requested to update their qualifications periodically and furnish copies of their state certification renewals.
- (d) All independent appraisers will be required, as a condition of being considered for employment, to furnish the county with an authorization for the release of prior work history information.

(Ord. No. 99-628, § IV, 3-30-1999)

Sec. 90-655. - Appraiser selection committee.

- (a) *Composition; establishment.* A committee composed of the following membership will be established on a permanent basis:
 - (1) Senior property appraiser (chairperson);
 - (2) Purchasing agent (or designee);
 - (3) Director of planning and development;
 - (4) Minority business officer;
 - (5) Senior design civil engineer; and
 - (6) Assistant district attorney (advisory, nonvoting member).
- (b) *Responsibilities.* The committee will be responsible for the following:
 - (1) Reviewing all new applications as provided by the department of public works.
 - (2) Interviewing applicants as determined necessary.
 - (3) Establishing, maintaining and updating the approved independent appraisers list.
 - (4) Affording applicants and previously qualified appraisers an opportunity to update their appraisal experience.
 - (5) Selecting and providing the public works department with the name of the appraiser and alternate appraiser matched to each appraiser assignment under the guidelines of section 90-656.
 - (6) Review recommendations from the district attorney and/or public works department to remove appraisers from the county's approved appraiser list.

(Ord. No. 99-628, §§ V, VI, 3-30-1999)

Sec. 90-656. - Selection of appraisers; awarding of contracts.

- (a) Appraisers shall be evaluated and selected on the basis of the following 100 point criteria:
 - (1) *Experience.*
 - a. Experience in appraising similar properties for government purposes 40

- b. Experience in the particular market or neighborhood 10
- c. Experience as an expert witness in eminent domain proceedings 10
- (2) *Current and/or prior work with county.*
 - a. Number of parcels currently under contract with the county 10
 - b. Prior work performance in meeting contractual requirements appraisal organization 10
- (3) *Designations.* Designation from a nationally recognized appraisal organization 5
- (4) *Female/minority participation* 15

Total 100

- (b) Upon selection of an appraiser by the appraiser selection committee, the department of public works can immediately begin to negotiate a fee with the selected appraiser. If it is not possible to successfully negotiate an appropriate fee and contract schedule with the selected/highest ranked appraiser, the negotiations will be terminated and negotiations may then be commenced with the second appraiser selected by the appraiser selection committee. If it is not possible to successfully negotiate an appropriate fee and contract schedule with the second appraiser, the negotiations will be terminated and the department of public works will resubmit the appraisal request to the appraiser selection committee for the selection of additional appraisers or cancel the appraisal request.
- (c) If a fee is negotiated under the guidelines of subsection (b) of this section, then the commissioners court will be briefed on the negotiated fee. This briefing shall also discuss the extent to which the selected appraiser has had other appraisal contracts with the county over the past 12 months, should the court concur with the proposed appraiser and fee, a court order authorizing the contract will be scheduled for the formal court agenda.

(Ord. No. 99-628, § VII, 3-30-1999)

Sec. 90-657. - Responsibilities of the department of public works.

The department of public works will be responsible for:

- (1) Coordinating district attorney requirements for specific appraisal assignments.
- (2) Submitting appraisal requests to the appraiser selection committee.
- (3) Negotiating fees with appraisers recommended by the appraiser selection committee, or as authorized by the commissioners court.
- (4) Securing authority from the commissioners court to award a contract upon notification of the recommendation of the appraiser selection committee.
- (5) Management of the contract.
- (6) Informing the contracted appraiser to proceed with appraisal work.
- (7) Monitoring contract terms and performance.
- (8) Receiving appraisal reports.
- (9) Initiating payment to the independent appraiser upon completion of the contract.
- (10) Maintaining current knowledge of appraisal fees paid by the county and other governmental organizations to be used in ascertaining that fees charged to the county are fair.

(Ord. No. 99-628, § VIII, 3-30-1999)

Sec. 90-658. - Exceptions.

- (a) Former county employees will not be considered as being qualified for performing as independent fee appraisers within one year following the termination of their employment.
- (b) The district attorney will select the appraiser from the approved independent appraiser list as an expert witness for those cases in which the county commissioners court has authorized condemnation proceedings and forward his recommendation to the department of public works who will negotiate a fair fee and submit the district attorney's final recommendation to the commissioners court for their approval.

(Ord. No. 99-628, § IX, 3-30-1999)

Sec. 90-659. - Performance evaluation.

Each appraisal submitted by an independent fee appraiser will be reviewed by the senior property appraiser for technical accuracy, compliance with contractual requirements and professional standards as follows:

- (1) A standard checklist will be prepared in sufficient detail to present an overview of the appraisal evaluated.
- (2) The checklist for each appraisal received will be completed and provided to the appraiser selection committee for filing and consideration in retaining a specific appraiser on the approved list and/or in making future awards.
- (3) The district attorney will brief the appraiser selection committee with regard to performance of those independent appraisers who testify as expert witnesses at special commissioner's hearings and/or trials.
- (4) Appraisals or expert witness testimony which has been determined unacceptable by the committee will be grounds for removal of the appraiser from the county's approved appraiser list for 13 months, at which time the appraiser may reapply to be considered as an eligible appraiser.

(Ord. No. 99-628, § X, 3-30-1999)

Sec. 90-660. - Effective date and applicability of article.

This article shall become effective upon approval by the county commissioners court. It supersedes the policy approved by Court Order No. 93-1459, dated August 31, 1993. This article takes precedence over any other prior county policies found to be in conflict. Where this article is in conflict with state or federal law, the state or federal law takes precedence.

(Ord. No. 99-628, § XI, 3-30-1999)

Chapter 94 – Purchasing and Contract Management

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Chapter 94 - PURCHASING AND CONTRACT MANAGEMENT POLICY¹

ARTICLE I. - IN GENERAL

Secs. 94-1—94-30. - Reserved.

ARTICLE II. - PURCHASING

DIVISION 1. - GENERALLY

Sec. 94-31. - Appointment and authority of purchasing agent.

- a) The purchasing agent is appointed by the Commissioners Court as defined in [Local Government Code ch. 262.0115](#). The purchasing agent works directly with the commissioners court. The commissioners court signs contracts and approves all purchases.
- b) The purchasing agent's authority is derived directly and indirectly from the state statutes and policies set forth by the commissioners court.

(Admin. Policy Manual, § D(1.00, 1.01); Ord. No. 2017-0074, 1-17-2017)

Sec. 94-32. - Statement of general policy.

It is the policy of the county that all county purchasing be conducted strictly on the basis of economic and business merit to best promote the interests of the citizens of the county.

(Admin. Policy Manual, § D(1.00, 1.01); Ord. No. 2017-0074, 1-17-2017)

Secs. 94-33—94-50. - Reserved.

DIVISION 2. - ADMINISTRATION

Sec. 94-51. – Purchasing Manual²

- a) The purchasing agent shall prepare for approval by Commissioners Court a “Purchasing Manual” to be a general guideline for Dallas County employees addressing purchasing requirements and general operating procedures.
- b) The Purchasing Manual shall be dated for the applicable fiscal year, renewed or approved by the Commissioners Court prior to the start of each fiscal year, and have any changes from the prior year noted at the beginning of the document.

(Admin. Policy Manual, § D(1.00, 1.01); Ord. No. 2017-0074, 1-17-2017)

¹ **Editor's note**— Ord. No. 2017-0074, adopted Jan. 17, 2017, amended Chapter 94 in its entirety to read as herein set out. Former Chapter 94, laid out policies and procedures now included in the Purchasing Manual, and was derived from Admin. Policy Manual, § D(1.03).

² **Editor's note**— The Purchasing Manual can be found at the [Dallas County Purchasing Department website](#).

Chapter 98 – Records Management Program

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ARTICLE I. - IN GENERAL

Sec. 98-1. - Definitions.

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

Essential record means any record that is necessary to the resumption or continuation of operations of the county in an emergency or disaster, to the recreation of the legal and financial status of the district, or to the protection and fulfillment of obligations to the people of the county.

Official county record means all documents, papers, letters, books, maps, photographs, sound or video recordings, microfilm, magnetic tape, electronic media, or other information recording media, regardless of physical form or characteristic are the records of the county and regardless of whether public access to it is open or restricted under the laws of the state, created or received by officials or employees pursuant to law or in the transaction of public business are official county records. These records shall be created, maintained and disposed of in accordance with county policy and state law.

Permanent record means any record that has a permanent retention period on the retention/disposition schedule.

Retention/disposition schedule means a list of records maintained by the county, their retention periods, and other information on disposition. This schedule must be approved by the state library as meeting all state requirements for retaining records.

Retention period means the minimum time that must pass after the creation, recording, receipt of a record, or the fulfillment of certain actions associated with a record, before it is eligible for destruction.

(Admin. Policy Manual, § H(1.07—1.11))

Sec. 98-2. - Part of communications and central services department; responsible officer.

The records management program is part of the communications and central services department that reports to the commissioners court. The county records management officer is responsible for the records management program.

(Admin. Policy Manual, § H(1.00))

Sec. 98-3. - Application of management techniques.

The county records management program is involved with the application of management techniques to the creation, distribution, use, retention, storage, retrieval, protection, preservation and final disposition of all records generated within the daily operations of the county.

(Admin. Policy Manual, § H(1.01))

Sec. 98-4. - Purpose.

¹ **State Law reference**— Public Records Act, V.T.C.A., [Government Code § 552.001](#) et seq.; county records, V.T.C.A., [Local Government Code § 191.001](#) et seq.; management and preservation of records, V.T.C.A., [Local Government Code § 203.001](#) et seq.

The purpose of the records management program is to provide accurate and complete recorded information in the most cost effective, systematic and efficient manner for the operation of the county business consistent with the requirements of the V.T.C.A., Local Government Code chs. 201—205, Local Government Records Act, and accepted records management practice.

(Admin. Policy Manual, § H(1.02))

Sec. 98-5. - Primary functions.

The primary functions of the records management program include, but are not limited to, consulting with county departments concerning all aspects of records management including the following:

- (1) Files management;
- (2) Records center operations;
- (3) Records appraisal and preservation;
- (4) Retention/disposition schedules;
- (5) Vital records protection;
- (6) Micrographics and electronic information management;
- (7) Forms management; and
- (8) Reprographics management.

(Admin. Policy Manual, § H(1.03))

Sec. 98-6. - Records management officer.

- (a) *Naming.* Under the Texas Local Government Records Law, the county has named a county records management officer responsible for the records of all county departments and all elected offices as designated. Elected officials who designate themselves as the records management officer for their office will cooperate with the commissioners court and the county records management officer on records management issues that are common to all county offices.
- (b) *Duties and responsibilities.* The records management officer will ensure that the maintenance, destruction, microfilming, electronic storage and disposition of records of the county or an individual office are carried out in accordance with the requirements of the Local Government Records Act. Some of the responsibilities of the county records management officer are to:
 - (1) Administer the records management program and provide assistance in its implementation;
 - (2) Plan, formulate and prescribe record disposition policies, systems, standards and procedures;
 - (3) Cooperate with all departments to identify essential records and establish a disaster plan;
 - (4) Ensure the preservation of records with permanent retention;
 - (5) Establish standards for filing and storage equipment;
 - (6) Provide feasibility studies for uniform filing systems and forms control;
 - (7) Preparation of a records management manual and file user guides;
 - (8) Monitor records retention schedules and administrative rules issued by the state library for compliance with state regulations;
 - (9) Disseminate information concerning state laws and administrative rules to the records personnel in all county departments;

- (10) Instruct personnel in the records management program policies and procedures; and
- (11) Direct records inventories and prepare record retention/disposition schedules.

(Admin. Policy Manual, § H(1.04—1.06))

Secs. 98-7—98-40. - Reserved.

ARTICLE II. - PUBLIC RECORDS²

DIVISION 1. - GENERALLY

Sec. 98-41. - County records as public property.

All records are the property of the county. No official or employee, by virtue of his position, has any personal or property right to such records even though he may have developed or compiled them. The unauthorized destruction, removal from files, or use of such records is prohibited.

(Admin. Policy Manual, § H(1.12))

Sec. 98-42. - Public access.

The county records are public records as defined by V.T.C.A., [Government Code § 552.001](#) et seq. The public is entitled to full and complete disclosure of any nonconfidential records under the Open Records Act. Open records requests shall be dealt with in accordance with the policy found in section 74-131 of this Code.

(Admin. Policy Manual, § H(1.13))

Sec. 98-43. - File management.

- (a) Of all the service activities of the county, the storage and retrieval of records are two of the greatest consumers of space, salaries and equipment. Time, effort and money are wasted unless records can be produced when they are required.
- (b) The county records management program provides assistance to all county departments with the storage of active and inactive records. The records management program assists with developing records classification and filing systems, determining the best physical location of active records, establishing standards for records equipment and supplies, and selecting the best storage medium for the application.
- (c) All requests for filing equipment are submitted to the budget office during the annual budget cycle. All requests for filing equipment submitted to the budget office are reviewed by the records management program for recommendation and analysis to determine the need, type of equipment, quantity and cost analysis for filing systems.

(Admin. Policy Manual, § H(2.00—2.02))

Secs. 98-44—98-60. - Reserved.

² **State Law reference—** Public records act, V.T.C.A., [Government Code § 552.001](#) et seq.

DIVISION 2. - RECORDS CENTER OPERATIONS

Sec. 98-61. - Policy.

- (a) The records management program maintains a low-cost storage facility to store, control and protect inactive county records with retention that have not yet expired. Records are stored in standard record boxes on open steel shelving. Fourteen times as many records can be stored at the records center for the same cost as storing records in the county office space. Records should be sent to the records center for storage when they are no longer needed for current business.
- (b) It is the policy of the county to operate a cost efficient records center, to free existing office space and filing equipment, and to store inactive records until their retention has expired and the records can be destroyed in accordance with county policy and state law.
- (c) The records center houses records for any county department. The records center staff acts as caretakers for the records, but legal ownership is retained by the department that sends them. Files can only be recalled and checked out to the department that has legal ownership.
- (d) The records center staff will pick up and deliver records to and from all county departments.
- (e) For security reasons the records center is closed to the public, and county employees should make an appointment with the records center staff or the county records management officer. All employees who enter the records center must show a county identification badge or drivers license and sign a visitors log.

(Admin. Policy Manual, § H(3.00—3.04))

Sec. 98-62. - Request to transfer records.

- (a) The records center staff will pick up and transfer inactive county records to the records center on a daily basis. Prior to the transfer of records to the records center, a request to transfer records form no. RM-01 (exhibit HA) must be submitted to the county records management officer. Each department is responsible for packing their own boxes for storage.
- (b) The request to transfer records form no. RM-01 is a three-part form. The form should be completed with the following information:
 - (1) The date;
 - (2) Department name and subdepartment, if applicable;
 - (3) Name of person requesting to transfer records;
 - (4) The address where the records are located;
 - (5) Telephone number of the contact person;
 - (6) Title and/or description of each record series to be transferred (example: civil case papers, civil docket);
 - (7) The inclusive dates of each record series (example: 6/1983—2/1987);
 - (8) The dates when the records series were microfilmed, if applicable;
 - (9) The exact number of boxes to be transferred.
- (c) The requesting department will keep one copy and submit the original and one copy to the county records management officer, who will determine if the records should be transferred to the records center. Only official county records with unexpired retention periods will be approved for transfer to the records center.

(Admin. Policy Manual, § H(3.05—3.07))

Sec. 98-63. - Storage requirements.

- (a) All records transferred to the records center for long-term storage must be properly labeled and placed in standard record center boxes. The boxes are specifically designed for records center open style shelving. By using records center boxes the maximum storage space is utilized in the most cost efficient capacity. Records center boxes can be obtained from county supply.
- (b) Each department is responsible for packing their own boxes. Each box should be the same type of files and should have the same retention period; in other words, the records should be for the same year and be the same type of record.

(Admin. Policy Manual, § H(3.08, 3.09))

Sec. 98-64. - Retrieval of records.

- (a) To request a record from the records center, a records center - records request form no. RM-03 (exhibit HC) should be submitted to the records center staff. The record will be delivered the following business day.
- (b) The records center - records request form is a three-part form. The top and left-hand sections of the form should be completed by the department requesting records. The requesting department should submit the original and one copy to the records center staff.
- (c) The requesting department should provide the following information on the records center - records request form:
 - (1) Date of request;
 - (2) The department name and section;
 - (3) The name of the person requesting the record;
 - (4) A telephone number; and
 - (5) The record title, description and date of the records.
- (d) The records center staff will complete the rest of the information on the records center - records request form, including:
 - (1) Location at the records center;
 - (2) Date searched;
 - (3) Date delivered;
 - (4) Date refiled; and
 - (5) Any notes or references about the record, i.e., whether it was found or missing, etc.
- (e) After the request form is submitted, the records center staff will deliver the record the following business day before 3:30 p.m.
- (f) Same day service is available in the event of an emergency that requires that a record be located and delivered on the same day.
- (g) The records center staff will take telephone requests. The records center staff will complete a records center - record request form and give a copy to the department when the records are delivered.
- (h) All requests for records must come from the department that has legal ownership of the record. Each department should handle requests from the public for their records.

(Admin. Policy Manual, § H(3.11—3.18))

Sec. 98-65. - Tracking system.

- (a) The records center has a tracking system of all boxes and their storage locations at the records center. In addition, the system tracks all records removed from and returned to the records center.
- (b) When a record has been checked out for longer than 30 days, the requesting department will be reminded to return the record.

(Admin. Policy Manual, § H(3.19, 3.20))

Secs. 98-66—98-90. - Reserved.

DIVISION 3. - RECORDS APPRAISAL, PRESERVATION AND PROTECTION

Sec. 98-91. - Policy.

- (a) Archival records are inactive records with historical, legal, fiscal and/or administrative value that must be maintained and preserved permanently.
- (b) The records management program protects, preserves and makes accessible all records with archival value to the public and county employees.

(Admin. Policy Manual, § H(4.00, 4.01))

Sec. 98-92. - Regional historical resource depository.

In order to preserve archival records, the county has the option to transfer historically valuable records to the state library regional historical resource depository (RHRD) located at the Dallas Public Library-Texas/Dallas History and Archives Division.

(Admin. Policy Manual, § H(4.02))

Sec. 98-93. - Appraisal of records.

- (a) The records management program appraises all county records for archival value and determines if the records can be transferred to the RHRD. If records management determines that the record can be transferred, and the official and/or department head agrees, the records consultant from the local records division will be contacted.
- (b) The state records consultant will make the final decision if the records of archival value will be transferred to the RHRD. Should the state records consultant decide to transfer the records to the RHRD, the official and/or department head will sign legal custody of the records to the state library prior to the transfer of the records.
- (c) The records management program maintains a listing of records transferred to the RHRD.

(Admin. Policy Manual, § H(4.03—4.05))

Secs. 98-94—98-110. - Reserved.

DIVISION 4. - RETENTION/DISPOSITION SCHEDULES

Sec. 98-111. - Policy.

The records management program provides legal retention/disposition schedules that authorizes and provides for the transfer and disposition for all records generated by the county as required under the Texas Local Government Records Act.

(Admin. Policy Manual, § H(5.00))

Sec. 98-112. - Final disposition of county records.

- (a) The final disposition of county records is a vital function of the records management program. The final disposition usually is destruction of the records, but could include transfer of historically valuable records to the regional historical resource depository for preservation.
- (b) The records management program ensures that only records that have expired retention are destroyed as specified by state statute and only after the legal custodian has approved destruction.
- (c) A county record may be destroyed at the end of the retention period if the record is listed within the county retention/disposition schedule, as filed and approved by the state library or if the records management officer files with, and is approved by, the state library, a destruction request for a record not listed.
- (d) Any record that has been microfilmed or stored electronically and meets all archival standards for quality as defined by the state statute and American National Standards Institute (ANSI) can be destroyed.

(Admin. Policy Manual, § H(5.01—5.04))

Sec. 98-113. - Records that cannot be destroyed.

The following records cannot be destroyed:

- (1) A record that is in litigation cannot be destroyed until the litigation is settled;
- (2) A record with a permanent retention that has not been microfilmed or stored electronically; or
- (3) A record requested under the Open Records Act cannot be destroyed until the request has been resolved.

(Admin. Policy Manual, § H(5.05))

Sec. 98-114. - Destruction methods.

- (a) A public record can be destroyed by burning, shredding, pulping, burial in a landfill or by recycling.
- (b) The county may use shredding and sale to a recycler as the methods of destroying public records.

(Admin. Policy Manual, § H(5.06, 5.07))

Sec. 98-115. - Destruction of nonrecord material.

- (a) Material that is not included in the definition of an official county record in section 98-1 may be disposed of at the discretion of the legal custodian or creator of the record without written approval from the records management officer.
- (b) Examples of material that are not considered official county records include, but are not limited to, the following:

- (1) Reference manuals, brochures, pamphlets, magazines, publications from professional organizations, newsletters, newspapers, public telephone directories; and
- (2) Multiple copies of correspondence, duplicate copies of records used for reference purposes and draft copies of documents.

(Admin. Policy Manual, § H(5.08, 5.09))

Sec. 98-116. - Personal liability.

An elected official, the records management officer or any other employee of the county cannot be held personally liable for the destruction of a local government record if the destruction is in compliance with the records management policy and the Local Government Records Act.

(Admin. Policy Manual, § H(5.10))

Sec. 98-117. - Penalty for illegal destruction of records.

Any person who knowingly or intentionally destroys an official county record in violation of the records management policy and state law is committing an offense punishable as a class A misdemeanor, and in some circumstances a third degree felony.

(Admin. Policy Manual, § H(5.11))

Sec. 98-118. - Destruction form.

- (a) When the legal retention period has expired for records, a record destruction notice form no. RM-04 (exhibit HD) must be completed and approved by the elected official or department head that has legal ownership of the records and the records management officer prior to destruction.
- (b) If the records to be destroyed are at the records center, the county records management officer will complete the record destruction notice form and send it to the appropriate department for approval. If the records to be destroyed are in the department, the department will complete the form and submit it to the records management officer.
- (c) The following information is required on the record destruction notice form to authorize the legal destruction of county records:
 - (1) The department name;
 - (2) Name and title of the person who prepared the form;
 - (3) The address and telephone number of the department;
 - (4) The elected officials or department heads' title, signature and date;
 - (5) The method of destruction;
 - (6) The date on or after the proposed destruction date;
 - (7) Check if the record has been microfilmed or stored electronically, or if it has been microfilmed, and check whether the master negative is stored off-site; and
 - (8) A list the records, including:
 - a. The retention item number for the record from the county retention/disposition schedules;
 - b. The records title;
 - c. The inclusive dates (month and year);

- d. The cumulative volume of the records in cubic feet; and
 - e. Indicate if the records have been audited by the audit department.
- (d) The records will be destroyed by either shredding and/or selling to a recycler. A staff person from the originating department may be present when the records are sold for scrap and/or may assist with the shredding of their records.

(Admin. Policy Manual, § H(5.12—5.15))

Sec. 98-119. - Destruction log.

The records management program maintains a destruction log of approved destructions that includes the records title, retention schedule item number, inclusive dates, cubic feet of records, and the date and method of destruction.

(Admin. Policy Manual, § H(5.16))

Secs. 98-120—98-150. - Reserved.

ARTICLE III. - VITAL RECORDS PROTECTION

Sec. 98-151. - Need established.

Vital records contain information needed to establish or continue the county's business in the event of a disaster. The records management program is involved with the identification, protection and disaster recovery policy and procedures for the county's vital records.

(Admin. Policy Manual, § H(6.00))

Sec. 98-152. - Safeguarding techniques.

Safeguarding vital records includes protecting them against the ordinary hazards of fire, water, mildew, light, dust, insects, rodents, chemicals and excessive humidity. Vital records must also be protected against human hazards such as theft, misplacement and unauthorized access. Disasters such as earthquakes, windstorms, explosions, bombings, nuclear fallout and radiation must also be considered. Although all hazards cannot be eliminated, the objective is to reduce them to an acceptable level.

(Admin. Policy Manual, § H(6.01))

Sec. 98-153. - Active and inactive.

- (a) Vital records can be active or inactive records. Active vital records must be available to frequent reference. Protection of active vital records usually involves duplicate copies, because protection of single copies is difficult, if not impossible.
- (b) Inactive vital records are less difficult to protect because they are stored in the records center and not referenced often.

(Admin. Policy Manual, § H(6.02, 6.03))

Sec. 98-154. - Protection.

The county provides protection for many vital records by microfilming the originals and keeping microfilm copies in off-site archival storage. Other types of original records are protected by placing the original records in fireproof vaults for on-site storage.

(Admin. Policy Manual, § H(6.04))

Secs. 98-155—98-190. - Reserved.

ARTICLE IV. - MICROGRAPHICS AND ELECTRONIC INFORMATION MANAGEMENT

Sec. 98-191. - Definitions.

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

Density means the degree of blackness in the dark images of a photograph that gives the contrast between the image and the background.

Diazo film means a nonsilver film and thus less expensive. Diazonium salts are used with a dye to make up the light sensitive coating on polyester base film. It is used to produce duplicate rolls of microfilm from the silver negative for daily use. Diazo film does not require the methylene blue test because the sodium thiosulfate solution is not used during processing.

Methylene blue test means a test which is the only way to determine if the silver halide film is properly processed by performing such test within 14 days of processing. The methylene blue test will determine the exact amount of sodium thiosulfate solution on the film. The county requires that independent laboratories perform methylene blue tests on silver film produced by microfilm service bureaus.

Reduction ratio means the ratio between the size of the original document and the microfilm image.

Resolution means the sharpness of an image, whether the edge is clear or fuzzy. This is determined in lines per millimeter that are discernible in an image. The reduction ratio and the resolution are checked by a technical target sheet (exhibit HE).

Silver halide film means the most commonly used type of film and the only film approved as archival quality by ANSI. When properly processed and stored, silver film is guaranteed to last over 100 years. It is used to film archival records and records with longterm retention that can be destroyed after microfilming.

(Admin. Policy Manual, § H(7.03—7.08))

Sec. 98-192. - Policy.

- (a) Microfilming county records with permanent or longterm retention, i.e., at least 20 years or longer, provides several benefits that include the following:
 - (1) Provides a security copy;
 - (2) Ensures file integrity;
 - (3) Saves office space;
 - (4) Provides uniform size for filing and indexing; and
 - (5) Preserves records with permanent retention.

- (b) The records management program provides cost analysis and assistance with microfilm operations and equipment in order to provide the most effective maintenance and storage of county records. Records may be alternatively stored by electronic means where authorized by statute.
- (c) The records management officer can assist with specifications and requirements to ensure that microfilm projects compile with standards set by state law, the American National Standards Institute (ANSI), and the Association of Information and Image Management (AIIM).

(Admin. Policy Manual, § H(7.00—7.02))

Sec. 98-193. - Microfilm formats.

The county uses various microfilm formats. These include, but are not limited to, the following:

- (1) *Sixteen millimeter film.* Sixteen millimeter film is the most commonly used film size. It resembles the 16 millimeter film used for home movies. Sixteen millimeter can be either placed in open reels, cartridges and/or cut and jacketed, and placed in the micro jackets.
- (2) *Thirty-five millimeter film.* Thirty-five millimeter film is required for large size documents such as engineering drawing, blueprints, maps, etc. It can be placed in open reel or cut and placed in aperture cards.
- (3) *Open reel microfilm.* Open reel microfilm is when the processed film is wound onto a spool. This format is used to store the original or negative for off-site archival storage. Both 16 millimeter and 35 millimeter can be placed in open reels.
- (4) *Cartridge.* Cartridge is a 16 millimeter film diazo copy placed in a container that encloses the film. It is designed to be inserted into readers and reader/printers.
- (5) *Microfilm jacket.* Microfilm jacket is a transparent plastic carrier with a single or multiple sleeve or pocket made to hold microfilm in flat strips, and is a four-inch x six-inch size. Sixteen millimeter silver film is cut into strips and inserted into the jacket. This allows for the jackets to be updated. The jackets are used as the master negative to produce diazo copies for use. The original jacket must be protected like all silver film.
- (6) *Aperture cards.* Aperture cards are tabulating cards that have a rectangular opening in which a frame or strip of microfilm is inserted.

(Admin. Policy Manual, § H(7.09))

Sec. 98-194. - Certification.

- (a) All county records that are microfilmed or electronically stored must be certified as true and correct and an exact copy of the original record. The certification is required in order to destroy the original records and/or to use the microfilm or electronic record in a court of law.
- (b) The following sequence should be followed when microfilming county records for archival purposes:
 - (1) At the beginning of each roll of film shall appear a technical target, in a format approved by ANSI as adequate to enable laboratory measurements of density, resolution and reduction ratios (see exhibit HE);
 - (2) Followed by a target sheet indicating roll number;
 - (3) Followed by 12 linear inches of exposed and processed blank film (this is to be able to test film for thiosulfate solution with the methylene blue test);
 - (4) Followed by a single filmed technical target;
 - (5) Followed by a second target sheet indicating roll number and record title; and

- (6) Followed by the records.
- (c) At the end of each roll of film shall appear a certificate stating that the records are a true, correct and exact copy of the original and signed by the elected official/department head (exhibit HF). This shall be followed by a target sheet indicating the end of the roll.
- (d) When using a microfilm jacket - microfiche system, the original silver halide film must be in an open reel format, and an additional silver halide film negative is cut and jacketed for producing microfiche.

(Admin. Policy Manual, § H(7.10—7.14))

Sec. 98-195. - Off-site storage of original microfilm.

In order to maintain archival quality film, the original or master silver halide negative must be stored in an archival environment. Diazo film does not require archival climate controls. The county requires that the master silver negatives are stored off-site in archival storage vaults.

(Admin. Policy Manual, § H(7.15))

Sec. 98-196. - Microfilm viewers and other equipment.

- (a) The records management program provides information on determining the readers and reader/printers required for the various microfilm formats used within the county. All requests for microfilm equipment must be reviewed by the records management program for need, format and cost analysis.
- (b) When data is stored by electronic medium in lieu of microfilm, as authorized by statute, appropriate public viewing terminals shall be provided.

(Admin. Policy Manual, § H(7.16, 7.17))

Secs. 98-197—98-230. - Reserved.

ARTICLE V. - FORMS MANAGEMENT

Sec. 98-231. - Purpose of article.

- (a) Nearly three-fourths of all county records are forms, which serve as the chief means of communicating information in a methodical, standardized and repetitive way. On the form the static or constant information is preprinted, and only the variable information is written or typed.
- (b) Forms management involves procedures for ordering, designing, procuring, storing, distribution, reviewing and disposing of each type of form used by the county.
- (c) Forms are easier to prepare than reports, letters and other means of recording information, but this ease of use can lead to the creation of unnecessary forms. Also, the cost of printing forms is less than five percent of the cost of processing and filing the form.
- (d) The purpose of the forms management program is to reduce labor, material and storage costs associated with forms. This is accomplished by weighing the work implications of each form before it is created.

(Admin. Policy Manual, § H(8.00—8.03))

Sec. 98-232. - Objectives.

- (a) *Generally.* The objectives of forms management are to:
 - (1) Ascertain that each form fulfills a basic requirement of an approved operating procedure;
 - (2) Design each form so that it will perform its purpose efficiently and effectively;
 - (3) Specify the most economical method of printing; and
 - (4) Establish a system of stock control and replenishment that will make forms available, when needed, in economical quantities.
- (b) *Design standardization.* Standards of layout and construction will ensure a format that is easy to read, arranged and spaced to accommodate desired entries and to meet the needs of writing, transmitting and filing methods. Form size, typography and design, including color and kind of paper and carbons, are determined accordingly.
- (c) *Registration and identification.* Each request for a new, revised or reprinted form must be analyzed by the records management program. Essential data on numbering and identification, previous and proposed revisions, volume, use, production and distribution should be available on all county forms. Title, number, and approval or edition date are assigned as positive identification to each form.
- (d) *Paper size.* The use of letter size paper (8½-inch × 11-inch) is required for all administrative, fiscal and civil court forms. District courts are encouraged to use letter size paper whenever possible as it is more cost efficient and utilizes less space than legal size paper (8½-inch × 14-inch).

(Admin. Policy Manual, § H(8.04—8.07))

Sec. 98-233. - Procedures.

- (a) The records management program will assist all departments with form design, standardization, registration and identification.
- (b) The records management program will review all forms ordered from the county print shop and the purchasing department to make sure that the forms comply with the following county policy:
 - (1) Standardization;
 - (2) Registration and identification; and
 - (3) Paper size.
- (c) Forms should be nonpersonalized whenever possible.
- (d) When a form is revised, it is the responsibility of the department to submit a clean copy of the revised form with the print order.
- (e) Procedures for ordering printing are outlined in section 74-941 et seq.
- (f) If a department determines that a form cannot comply with the form policy, the records management program must be notified in order to make a recommendation to the commissioners court.

(Admin. Policy Manual, § H(8.08—8.13))

Sec. 98-234. - Reprographics management.

- (a) *Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Reprographics management means the application of management techniques and controls to copying practices, procedures and equipment to provide the most effective and economical creation of copies of information. Reprographics management determines how copier equipment is used, identifies the requirements for duplicate records, and provides control over copier purchasing and production costs.

(b) *Results.* Reprographics management should provide the following:

- (1) Testing and evaluation of equipment and supplies;
- (2) Establishment of operation guidelines;
- (3) Procurement and placement of equipment;
- (4) Equipment replacement based on usage, need and reliability;
- (5) Efficient and economical method of supply reorder;
- (6) Ongoing monitoring of usage and problems;
- (7) Timely resolution of problems; and
- (8) Accurate and timely records of usage, cost and service.

(c) *Evaluation of copiers and locations.* The records management program works closely with the budget office and purchasing department to evaluate the types of copiers and features needed county-wide. The records management program helps determine the best copier location for maximum efficiency of usage and overall cost to the county.

(d) *Requests for copiers; approvals.* All copier requests are submitted to the budget office during the budget cycle. The budget office in turn sends the requests to the records management program to analyze for need, location and final recommendation. The commissioners court makes the final approval for copiers based on these recommendations.

(e) *Evaluation; cost justification criteria.* Every request for a copier is evaluated and cost justified based on the following criteria:

- (1) The intended use of the copier;
- (2) The intended operators of the copier;
- (3) Equipment now being used; and
- (4) Volume anticipated.

(Admin. Policy Manual, § H(9.00—9.05))

Chapter 102 – Road and Bridge District

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ARTICLE I. - IN GENERAL

Sec. 102-1. - Purpose of chapter.

The purposes of this chapter are as follows:

- (1) To ensure that the county roadwork operations are in strict compliance with the laws of the state;
- (2) To ensure that uniform and equitable policies and practices are applied county-wide;
- (3) To protect the interests of the county taxpayers as well as to preserve a viable county wide roadwork system; and
- (4) To define the responsibilities of county officials in carrying out this chapter.

(Admin. Policy Manual, § L(1.00); Ord. No. 2006-1171, 6-27-2006)

Sec. 102-2. - Definitions.

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

Improvements means widening, resectioning, overlays and other projects designed to upgrade the existing function of the facility.

Maintenance means scarifying, stabilizing, grading, patching, seal coating, striping, mowing and other repairs.

Perform means the work is performed by county employees or independent contractors under contract with the county.

Financial participation means in lieu of performing the work and being reimbursed for part of the cost the county makes a financial payment to the entity in an amount allowed by this article.

(Admin. Policy Manual, § L(1.02, 1.03); Ord. No. 2006-1171, 6-27-2006)

Sec. 102-3. - Types of projects.

The county is legally authorized to expend road and bridge funds to support the following types of projects only:

- (1) Type A: Improvements and maintenance of roads and bridges located within the unincorporated portions of the county that are on public right-of-way. This includes roads within court-approved subdivisions in which the improvements and rights-of-way have been dedicated to the county and accepted by the commissioners court.
- (2) Type B: Improvements and maintenance of thoroughfares and bridges of major cross-county importance which are either existing or proposed. The Regional Thoroughfare Plan for North Central Texas Council of Governments will be used as a guide to determine which thoroughfares are of major cross-county importance.
- (3) Type C: Improvements and maintenance of thoroughfares which are affected by state highway programs, planning and policies, including right-of-way, curb and gutter, and storm sewer projects

¹ **State Law reference—** County roads and bridges, V.T.C.A., [Transportation Code § 251.001](#) et seq.

that participate with state department of highways and public transportation as designated by the state as being part of the state highway system.

- (4) Type D: Improvements and maintenance of road and bridge projects on county-owned property.
- (5) Type E: Improvements and maintenance of streets, alleys, roads, bridges and drainage facilities for a local governmental entity as defined under V.T.C.A., Government Code ch. 791.

(Admin. Policy Manual, § L(1.01); Ord. No. 2006-1171, 6-27-2006)

Sec. 102-4. - Administration.

The administration of all the county road and bridge district projects shall conform to all applicable state statutes and to the attorney general's opinions that opine and define the authority of the commissioners court to participate in such projects, as requested by the commissioners court.

(Admin. Policy Manual, § L(1.04); Ord. No. 2006-1171, 6-27-2006)

Sec. 102-5. - Projects within other jurisdictions.

- (a) The county is legally authorized to perform and or participate financially in road work within the boundaries of incorporated cities and towns and other special purpose districts within the county through the Interlocal Cooperation Act and in certain other circumstances as defined by the attorney general.
- (b) The Interlocal Cooperation Act authorizes the county to financially participate in and or perform Type E projects as defined in section 102-3. The county may participate in these projects at the request of a city or other jurisdiction, pursuant to a written contract, provided that funds are available if the participation is strictly a financial contribution or payment for the full value or cost of the work performed has been made to the county.
- (c) Where a project has been identified and requested by a city for the county to perform interim or permanent improvements, the city shall share in the total cost of the project by:
 - (1) Providing for 100 percent of the costs related to traffic control installations, signals, signs, etc., and any new sidewalks as required by the city; and
 - (2) Providing for up to 50 percent of the actual project costs of additional right-of-way, utility adjustments and construction for improvements, annual maintenance or minor maintenance in response to a priority request by a city or emergency conditions when requested by other governmental entities.
- (d) Where the county's participation is a financial contribution it shall not exceed 50 percent of items described in subsection (c)(2) above.
- (e) No written contract or prior approval is required for minor maintenance in response to emergency road conditions or for purposes of natural disaster relief requested by other governmental jurisdictions; however, cost participation for such work shall be in accordance with section 102-6.

(Admin. Policy Manual, § L(1.05—1.08); Ord. No. 2006-1171, 6-27-2006)

Sec. 102-6. - Funding.

- (a) Type A roads and bridges improvements and maintenance shall receive 100 percent county funding.
- (b) Type B and C roads and bridges improvements and maintenance shall receive:

- (1) Not to exceed 50 percent county funding of the actual project costs of additional right-of-way, utility adjustments and construction for improvements, annual maintenance or minor maintenance in response to a priority request by a city or emergency conditions when requested by other governmental entities; and
- (2) One hundred percent city funding of all other costs.
- (c) Type D improvements and maintenance shall receive 100 percent county funding.
- (d) Type E improvements and maintenance shall receive 100 percent city or other jurisdictions funding.
- (e) Requests for other funding arrangements may be brought to the commissioners court for approval at any time.

(Admin. Policy Manual, § L(1.09—1.13); Ord. No. 2006-1171, 6-27-2006)

Sec. 102-7. - Contracts.

- (a) Contracts executed for the purpose of providing financial participation or to directly perform road and bridge district services for maintenance and improvement projects on type B, C and E projects shall meet the following criteria:
 - (1) To be approved by the governing bodies of both entities;
 - (2) Be signed by the chief executive officer of both entities;
 - (3) Provide a description of the work to be performed or financial participation to be made; and
 - (4) Identify the level of financial participation to be made by the county or the amount of reimbursement to be made by the entity. Normally, cash payment will be the method of financial participation by the county or reimbursement by the contracting entity, although it is not the exclusive method for consideration.
- (b) The contract shall require the encumbrance of the total estimated amount of the project in an escrow account by the contracting jurisdictions.
- (c) All projects shall be billed either monthly or on completion of the work, as directed by the commissioner of the district in which the work is performed. All invoices are due upon receipt. Escrowed funds are to be paid over to the county or entity on a monthly basis under the same terms. A copy of each invoice is to be sent to the county auditor as it is prepared for accounts receivable control.
- (d) The contract shall be certified as consistent with policy by the county director of public works.

(Admin. Policy Manual, § L(1.14—1.17); Ord. No. 2000-045, 1-4-2000; Ord. No. 2006-1171, 6-27-2006)

Sec. 102-8. - Public works department responsibility.

The director of public works shall be responsible to the commissioners court for any technical assistance necessary for any of the various type projects being considered, and will review and approve or provide plans for the work to be performed by the county. For projects to be performed by the county the public works department shall provide for inspection and/or testing of the work and materials when required and shall provide a field survey crew to set construction stakes for alignment and grades as required.

(Admin. Policy Manual, § L(1.18); Ord. No. 2006-1171, 6-27-2006)

Sec. 102-9. - Unincorporated areas and county-owned property.

It is the policy of the county that road improvement projects within the unincorporated areas and on county-owned property be specifically approved by the commissioners court. The application of this section will be the responsibility of each individual commissioner who will cause to be placed on the commissioners court agenda all road and bridge district improvements in the unincorporated areas and on county property.

(Admin. Policy Manual, § L(1.19); Ord. No. 2006-1171, 6-27-2006)

Sec. 102-10. - Equipment replacement.

- (a) *Purpose.* The purpose of this section is to establish criteria and procedure for review of equipment replacement requests.
- (b) *Scope.* All equipment replacement requests will be submitted to the budget office. The submittal will include the rationale for replacement. The public works department or designated representative will provide an objective third party review of the requests and provide the budget office with a recommended list for replacement.
- (c) *Criteria.* The following criteria will be used for evaluating equipment:
 - (1) Age, five years;
 - (2) Maintenance costs, equal to or exceeding 60 percent of replacement cost; or
 - (3) Mileage/hours, 150,000 miles or 5,000 hours.
- (d) *Inspection and evaluation.* Each piece of equipment will be inspected and evaluated for replacement. The thresholds described in subsection (c) of this section will be the starting point to determine if the replacement is warranted.

(Admin. Policy Manual, § L(3.00—3.03); Ord. No. 2006-1171, 6-27-2006)

Sec. 102-11. - Equipment acquisition/disposal.

The public works department will coordinate the acquisition/disposal of equipment in accordance with procedures and policies currently adopted by the commissioners court.

(Admin. Policy Manual, § L(3.04); Ord. No. 2006-1171, 6-27-2006)

Sec. 102-12. - Modification of work during periods of excess air pollution.

When an air pollution warning is forecast at level red or higher for the next day, the road and bridge district may elect to modify the work assignments and/or working hours for the following day. The intent is to reduce to optimal extent the production of ozone causing emissions before 10:00 a.m. The road and bridge superintendent may consult with public works and any partner cities involved in the work. The superintendent will then make a recommendation to the commissioner on how to proceed.

(Ord. No. 2000-1524, 8-1-2000; Ord. No. 2006-1171, 6-27-2006)

Secs. 102-13—102-40. - Reserved.

ARTICLE II. - FINANCIAL ACCOUNTABILITY

Sec. 102-41. - Uniform unit costs for reimbursements.

Reimbursement made to the county by jurisdictions contracting for roadwork services are based upon actual unit costs for labor, (engineering, if applicable) materials and equipment, as determined by the county auditor and approved by the commissioners court.

(Admin. Policy Manual, § L(1.20))

Sec. 102-42. - Accounts receivable.

- (a) For all projects within cities and special purpose districts in which reimbursement to the county has been contractually committed, the appropriate road and bridge district official shall notify the department of public works immediately upon completion of the project (or monthly, if a continuing project) of the actual amount payable to the county, and authorize the issuance of the invoice.
- (b) All executed contracts shall be maintained on file in the department of public works with periodic checks made to determine project progress and/or completion. In the event of a discovery of a project which has not been properly billed, an inquiry to the appropriate commissioner and notification of the county auditor shall be made.
- (c) The county auditor is responsible for monitoring the receipt of reimbursements and identifying accounts which become delinquent 60 days following the issuance of the invoice. Should an account become delinquent, the county auditor shall notify the commissioners court, the county treasurer and the director of public works.
- (d) It is the policy of the county that until delinquent accounts are paid in full, no new or additional road projects shall be authorized regardless of type (i.e., maintenance and improvements on type B, C or E projects) and that all roadwork for jurisdictions with delinquent accounts is specifically prohibited until such accounts are paid in full.
- (e) Moreover, the county auditor shall withhold and report to the commissioners court any payments due other jurisdictions having delinquent accounts until payment in full is made to the county. If delinquent accounts are not paid within 120 days, the county treasurer shall report the delinquency to the commissioners court for the purpose of considering litigation.

(Admin. Policy Manual, § L(1.21—1.25))

Secs. 102-43—102-70. - Reserved.

ARTICLE III. - STREET NAME POLICY²

DIVISION 1. - GENERALLY

Sec. 102-71. - Purpose and scope of article.

- (a) *Purpose.* The purpose of this article is to establish a street name policy and provide street naming guidelines.
- (b) *Scope.* All name requests for roadways, including requests for name changes, shall be submitted to the county public works department.

(Admin. Policy Manual, § L(2.00, 2.01))

² **State Law reference—** Road names and address numbers, V.T.C.A., [Transportation Code § 251.013](#).

Sec. 102-72. - Definitions.

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

Directional prefix means an indicator of direction in which a roadway passes from an established base line. In the street name "North Franklin Road," north is the directional prefix.

Directional suffix means an indicator of address location, by indicating the side of the street the address is located. In the address "137 Franklin Road N," N is the directional suffix.

Functional classification means categorizing roadways by describing them in terms of accomplishing the competing aims of access and movement. Local roadways solely provide access to residential lots. Collectors collect traffic from neighborhoods and lead vehicles out to major and/or minor arteries which surround those areas. Arteries then carry traffic to freeways and/or expressways, which primarily provide movement to locations in the larger region.

Label means the portion of a street name that attaches a creative identity to a roadway. In the street name "Franklin Road," Franklin is the label.

Major roadway means those roadways on the county's thoroughfare plan.

Minor roadway means those roadways not on the county's thoroughfare plan.

Name means the street label, plus the street type. (It does not include the prefix or suffix.)

Roadway means any official vehicular course for travel, regardless of length or service characteristics; a generic term for any street, boulevard, loop, etc.

Type means the portion of a street name indicating the kind of roadway being referred to. In the street name "Franklin Road," the term "road" is the type.

(Admin. Policy Manual, § L(2.13))

Sec. 102-73. - Original street naming.

The initial assignment and review of street names for new streets is accomplished through the subdivision review process. The applicant proposes street names for all new streets reflected on a preliminary plat. Any duplicate or sound alike street names for new streets are rejected during the review of the preliminary plat. Any inappropriate street names must be replaced with acceptable street names prior to the submission of the final plat.

(Admin. Policy Manual, § L(2.02))

Sec. 102-74. - Name change request; initiation.

(a) A street name change request may be initiated for dedicated streets only by an abutting property owner, a county department or an elected official serving the community. An application shall be filed with the county director of public works. The application shall include the following:

- (1) The location and extent of the street to be renamed;
- (2) The reasons for the name change;
- (3) The existing and proposed street names;
- (4) The roadway's relationship to the official county thoroughfare plan; and
- (5) Petition indicating at least 51 percent of abutting lot owners are in favor.

(b) The public works department will perform a preliminary review of the request for:

- (1) Completeness of application;
 - (2) Merits and feasibility of the name change; and
 - (3) Alternative street names.
- (c) An appropriate application fee will be charged the applicant if not exempted by the county commissioners court. Also, additional fees will be charged to cover costs for new signage and record changes as a result of the name changes.

(Admin. Policy Manual, § L(2.03—2.05))

Sec. 102-75. - Application fees; street name change.

- (a) An applicant who submits a request to change the name of a street shall pay to the county the following fee, provided that the street to be renamed is:
 - (1) Less than one-fourth mile \$500.00
 - (2) More than one-fourth mile, but less than one-half mile 700.00
 - (3) More than one-half mile, but less than one mile 900.00
 - (4) More than one mile (each quarter mile) 200.00
- (b) The fees required for new street identification signs are:
 - (1) Seventy-five dollars for each blade set to be replaced; and
 - (2) Any charges for changes on Interstate guide signing by the state department of highways and public transportation shall be determined at the time of installation.
- (c) The fees required for each change of address record for 911 purposes are:
 - (1) One hundred dollars for each address change up to ten; or
 - (2) Over ten address changes, \$500.00, plus \$50.00 for each address change.
- (d) No fee is required for street name change applications and change of address records filed under this article by any governing body.

(Admin. Policy Manual, § L(2.06—2.09))

Sec. 102-76. - Name change request evaluation.

- (a) For a dedicated street, the public works department shall notify affected county departments and other affected agencies of the request. Ten working days shall be allowed for review and response.
- (b) The public works department will prepare a staff recommendation which shall be placed on the briefing agenda of the commissioners court. If approved in concept, a court order will be prepared for enacting the name change.

(Admin. Policy Manual, § L(2.10, 2.11))

Sec. 102-77. - Notification of name change.

The following departments and agencies must be notified of any street name changes:

- (1) Auditor
408 Records Building, 75202

- (2) Commissioners Court Administrator
411 Elm Street, 2nd Floor, 75202
- (3) Dallas County Historical Commission
411 Elm Street, 75202
- (4) TXU Customer Extension and Electric Services
Manager 1506 Commerce Street, Room 13E; 75201
- (5) Fire Marshal
10056 Marsh Lane, B102, 75229
- (6) TXU Communications Department
2601 Logan Street; 75215
- (7) Public Works
411 Elm Street, 4th Floor, 75202
- (8) Road and Bridge Districts:
- | | | | | | | |
|--------------------------------------|---|---|------|---------|--------|-------|
| District | 1 | - | 2311 | Joe | Field, | 75229 |
| District | 2 | - | 715 | Rowlett | Rd., | 75043 |
| District | 3 | - | 1506 | Langdon | Rd., | 75239 |
| District 4 - 4403 W. Illinois, 75211 | | | | | | |
- (9) Sheriff's Department
1512 E. Langdon Rd., 75239
- (10) Southwestern Bell
2401 East Randallmill Road, Suite 311.41
Arlington, 76011
- (11) U.S. Postal Service System
Manager Address Information
401 DFW Turnpike, Room 732; 75260-2550
- (12) Contiguous municipalities, where appropriate.

(Admin. Policy Manual, § L(2.12))

Sec. 102-78. - Consistency with adjacent jurisdictions.

A roadway which extends from a city into the county should, if possible, have the same street name in each jurisdiction. Any shared name for the roadway shall be consistent with the earlier street name by which it was known, unless this will create duplication in either jurisdiction.

(Admin. Policy Manual, § L(2.14))

Sec. 102-79. - Street name link with subdivision name.

A street name applied to a minor roadway within a subdivision may correspond to the subdivision name to foster a sense of location. Example: If a subdivision's name were Indian Run, names which might form a logical link could include Apache Road, Cherokee Trail, Mohican Drive, etc.

(Admin. Policy Manual, § L(2.15))

Sec. 102-80. - Street name link to specific tract, tenant, or product name.

A street name request which constitutes a commonly used identification of a particular tract, tenant, or product name to the exclusion of the remaining tracts or tenants is not permitted. Example: A firm named Goodcar Tire Company submits a request to rename Butterfield Road, the roadway on which it and other businesses are located, to Goodcar Street. This request is inappropriate; Goodcar is uniquely identified (and thus advertised) to the exclusion of other businesses.

(Admin. Policy Manual, § L(2.16))

Secs. 102-81—102-100. - Reserved.

DIVISION 2. - REQUEST REQUIREMENTS

Sec. 102-101. - Length of name.

A street name shall not exceed 14 characters in length, including blanks, unless the label portion plus the abbreviated street type does not exceed 14 characters, including blanks. Examples: Whispering Lake Drive, unacceptable as the label by itself equals 15 characters; Appledale Street, acceptable if the street type is abbreviated (Appledale St.); Red Wing Drive, acceptable in its entirety.

(Admin. Policy Manual, § L(2.17))

Sec. 102-102. - Street name intelligibility.

A hyphenated or apostrophized street name, or a request of three or more words, shall not be permitted. Examples: O'Henry Drive, unacceptable; Land O' Lake Lane, unacceptable; Old Gate Inn Lane, unacceptable.

(Admin. Policy Manual, § L(2.18))

Sec. 102-103. - Directional prefixes and suffixes.

Neither a directional prefix or suffix shall be a part of any request.

(Admin. Policy Manual, § L(2.19))

Sec. 102-104. - Historic names.

A street name shall be considered historic, and thus protected from name changes, if it possesses historic value, based on satisfying one of the following criteria:

- (1) The commemoration of a person and his specific contributions to the cultural, economic, social, religious or political heritage of the county;
- (2) The commemoration of sites or locales of significant historic events or of specific contributions to the cultural, economic, social, religious or political heritage of the county. Example: Bryan Street in downtown Dallas was named for John Neely Bryan, the founder of Dallas; or Swiss Avenue was named for colonists who settled that area in 1870; or
- (3) Original or traditional names of streets which were named after family members or others associated with a given locale. Example: Audelia Road was named for the daughter of James E. Jackson, who owned a store at the corner of Audelia Road and Forest Lane.

(Admin. Policy Manual, § L(2.20))

Sec. 102-105. - Special exceptions to article.

From time to time, in the opinion of the commissioners court, special circumstances may surround a street name change request, thereby allowing the commissioners court discretion in changing the name of a street in accordance with this article.

(Admin. Policy Manual, § L(2.21))

Sec. 102-106. - Specific highways and their valid abbreviations.

The following are specific highways and their valid abbreviations:

<i>Highways</i>	<i>Abbreviated Label/Type</i>
Interstate 20	IH 20 Frwy
Interstate 30	IH 30 Frwy
Interstate 45	IH 45 Frwy
Lyndon B. Johnson	LBJ Frwy
Thornton Freeway	RL Thornton Frwy
Central Expressway	Central Exwy
Loop 12	Buckner Blvd
Loop 12	Northwest Hwy
Loop 12	Walton Walker Blvd
Loop 12	Ledbetter Dr
State Highway 66	State Hwy 66
State Highway 183	Carpenter Frwy
U.S. Hwy. 35	Stemmons Frwy
U.S. Hwy. 67 E	RL Thornton Frwy

U.S. Hwy. 67 S	Marvin D Love Frwy
U.S. Hwy. 75	Central Exwy
U.S. Hwy. 77 N	Harry Hines Blvd
U.S. Hwy. 175	Hawn Frwy

(Admin. Policy Manual, § L(2.22))

Sec. 102-107. - Official street types and their abbreviations.

The following are official street types and their abbreviations:

<i>Street Type</i>	<i>Standard Abbreviation</i>
Access Road	ACRD
Alley	AL
Arcade	ARC
Boulevard	BLVD
Branch	BR
Bridge	BRDG
Bypass	BYP
Causeway	CSWY
Center	CTR
Circle	CIR
Common	COM

Connection	CONN
Court	CT
Cove	COVE
Crescent	CRES
Crossing	CRSG
Drive	DR
Expressway	EXWY
Extension	EXT
Freeway	FRWY
Highway	HWY
Lane	LN
Loop	LOOP
Mall	MALL
Motorway	MTWY
Oval	OVAL
Overpass	OVPS
Park	PARK
Parkway	PKWY
Pass	PASS

Path	PATH
Pike	PKE
Place	PL
Plaza	PLZ
Point	PT
Ramp	RAMP
Road	RD
Row	ROW
Rue	RUE
Service Road	SERV
Square	SQ
Street	ST
Terrace	TER
Throughway	THWY
Trafficway	TFWY
Trail	TRL
Tunnel	TUN
Turnpike	TPKE
Underpass	UNP

Walk	WALK
Way	WY

(Admin. Policy Manual, § L(2.23))

ARTICLE IV. - ORPHAN ROAD POLICY

Sec. 102-131. - Definition.

Orphan road means all or part of a street or road right-of-way which is outside the incorporated limits of a municipality (or municipalities) and the incorporated area of the municipality (or municipalities) abuts or extends into the right-of-way. These roadway segments have, in effect, been "orphaned" by the abutting city (or cities) that they serve in that they have been left unincorporated. Thus the county has primary responsibility for maintenance, operation, enforcement, police and/or emergency services within these unincorporated rights-of-way.

(Ord. No. 2002-637, 4-2-2002; Ord. No. 2006-1171, 6-27-2006)

Sec. 102-132. - Policy intent.

- (a) The county contends that full responsibility for maintenance, operation, enforcement, police and emergency services for these roadway segments should rest with the city (or cities) adjoining these segments. Generally, the major traffic usage of these segments is for access to property within the adjoining city (or cities) as with typical city streets. The adjoining city (or cities) is (are) responsible for providing emergency services, police and fire protection to the properties abutting the orphan road segment. In most instances these orphan segments are isolated and significantly distant from the truly unincorporated areas of the county, where the county provides the only services. These segments could be more easily and quickly served by city police, fire and other service providers who have responsibility in the immediate area than by the county. Parking controls, control of access, speed limits and other aspects of traffic operations are typically influenced by abutting property development and usage which is under the control of the city (or cities).
- (b) Orphan road segments often cause confusion, uncertainty and, sometimes, critical delay in determining proper jurisdiction and in providing necessary services to the public. It is with the intent of improving these circumstances and the overall delivery of services to the citizens that the county desires to eliminate orphan roads from the county's road inventory. This policy is established to encourage municipalities adjacent to these orphan road segments to annex the rights-of-way and to assume full responsibility for providing services therein.

(Ord. No. 2002-637, 4-2-2002; Ord. No. 2006-1171, 6-27-2006)

Sec. 102-133. - Policy statement.

- (a) The county encourages all cities adjacent to orphan roads in the county to develop, commit to and submit a plan to the county for completing the annexation of the orphan road segments and assuming full responsibility for these roadways. In instances where two cities abut the same orphan road

segment, the county encourages the two cities to jointly develop a plan for the annexation of that segment. The county offers its assistance to the cities in developing such plans.

- (b) The county, at the discretion of the commissioners court, may give additional selection value to projects in cities that have submitted a specific plan for the annexation of orphan roads when the county selects, approves and schedules projects for funding in the county's major capital improvement program (MCIP). Such preference may also be given in approving projects for road and bridge district participation (type "B" work).
- (c) The county, at the discretion of the commissioners court, may also refuse to participate in discretionary projects, such as road and bridge district projects or MCIP projects, in a city that elects not to pursue the annexation of orphan road segments that abut its boundaries. Failure to notify the county of the city's intent to annex and/or failure to submit a plan for annexation in a timely manner shall be construed by the county as the city's election not to pursue annexation.
- (d) The county, at the discretion of the commissioners court, may select specific orphan road segments for improvement when a city commits to annexation of the segment upon completion of the project. However, the specific plan for annexation of orphan roads submitted by the city will not be limited to annexation upon completion of improvements by the county. The county improvements may be made as road and bridge projects or as MCIP projects (subject to other MCIP criteria including regional thoroughfare plan designation and city cost participation).
- (e) This policy application is prospective and projects selected by the county and approved by the commissioners court prior to the date of the adoption of this policy shall not be impacted by this policy.
- (f) The county shall provide written notification of the adoption of, and future revisions of, this policy to the cities abutting orphan road segments.
- (g) The county director of public works shall maintain a listing of orphan roads and the city or cities they abut and shall provide updates to the commissioners court and to the cities as changes occur. The listing and changes to the listing shall be based on municipal boundary and annexation information provided to the county public works by the cities as required by Local Government Code, § 242.001(c).

(Ord. No. 2002-637, 4-2-2002; Ord. No. 2006-1171, 6-27-2006)

Chapter 106 – Security and Emergencies on County Property

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Chapter 106 - SECURITY AND EMERGENCIES ON COUNTY PROPERTY

ARTICLE I. - IN GENERAL

Secs. 106-1—106-30. - Reserved.

ARTICLE II. - SECURITY

DIVISION 1. - GENERALLY

Sec. 106-31. - Safety of county buildings and residents.

The county ensures the safety and security of county buildings and residents by maintaining a security department within the communications and central services department.

(Admin. Policy Manual, § K(1.00))

Sec. 106-32. - Responsibility of security department.

It is the responsibility of the security department to intervene in felony and misdemeanor crimes and in investigations. Felony arrests are limited to those activities necessary for detention prior to transferring the matter to the sheriff's department.

(Admin. Policy Manual, § K(1.01))

Secs. 106-33—106-50. - Reserved.

DIVISION 2. - BUILDING AND FACILITIES SECURITY

Sec. 106-51. - Facility objective.

The facility security objective is to maintain the proper environment in all county facilities suitable to provide services in a reasonably accessible manner.

(Ord. No. 93-150, 2-2-1993)

Sec. 106-52. - Building access and control.

- (a) *Policy.* The commissioners court of the county is responsible for ensuring the safety and security of all employees, citizens and visitors who enter or work in a county building or facility. A key component to a safe environment is the responsible control of access to our facilities.

This policy outlines security measures specifically designed to govern access control to county buildings, property, facilities and government centers. This policy applies protocols for compliance and is established to minimize the risk associated with intentional or unintentional acts or breaches of access against the county. This policy includes every government center or county property with the exception of those under the control of the sheriff's department, juvenile detention or the district attorneys office.

- (b) *Goal.* The goal of this policy is to increase the safety and security of all county buildings/government centers, and to properly control, direct or restrict access to controlled or sensitive areas. All persons coming in contact with county security personnel shall be treated with proper consideration and respect

without regard to the individual's race, color, religion, national origin, sex, sexual orientation, age, physical disability, mental disability, or other characteristics protected by federal or state law.

- (c) *Eligibility.* All personnel under county jurisdiction include temporary and/or contractor personnel, part time employees, full time employees, and all elected and appointed officials to include visiting or associate judges, as well as district court and state court judges and staff.

(1) *Guidelines.*

- a. Control procedures. In order to effectively manage access control to county facilities and government centers and to protect the safety of all employees and the visiting public, the following procedures will be adhered to:
 1. All personnel shall be issued an ID card upon hire. An ID card shall consist of a photo ID for identification, and includes an access card for approved access to each facility as designated by county policy.
 2. Only one ID/access card shall be issued to all elected officials, appointed officials and/or county employees.
 3. Employees (not in uniform), vendors, and other ID holding personnel must display their ID cards on their outer-most garment of clothing, or be prepared to provide the ID card if challenged.
 4. It is not permitted to share ID cards, or to "piggy back" or "tail gate" into any building or secured area.
 5. The county court administrator has sole approval authority and ability to grant access to secured, sensitive or controlled areas.
 6. The issued ID card shall contain sufficient information to identify the individual (name, photograph, department), and shall be color coded.
 7. County security shall be notified without delay of all separations or terminations of employees or temporary workers in order to deactivate the card. The employee/temporary employee's supervisor is responsible for collecting the ID/Access card upon separation and returning the card to county security without delay.
 8. If county security requests to see an employee's ID, the employee must display their badge to the officer without delay.

- (2) *Access card issuance.* Requests for new ID cards must be accompanied by an "access application form" provided at new employee orientation by county human resources. All requests for the production of a new access card or modification of an existing card shall be provided by:

- a. Human resources or the employees supervisor for new employees.
- b. Employees supervisor for transferred employees or for current employees requiring access modification.
- c. Relationship manager for vendor/contractors

It is the responsibility of the county security to enter the new employee's data into the access control system following the guidelines of the system and this policy. In order to change the access of the current employee, the employee must obtain written authorization from the supervisor/department head and take that authorization to the county security badging office for modification and to verify the accuracy of the employee requesting the modification. Requests for modifications that would allow an employee to access sensitive, controlled or restricted areas must be authorized by the county court administrator or his/her designee.

(3) *Resignations and terminations.*

- a. County security shall be notified in writing, where possible, of a termination or separation slated to take place. As this is a sensitive area for human resources, management, and the

employee, caution should be used in the handling and timing of the deactivation of terminated employees ID/access card.

- b. Once a termination or separation has taken place, the ID/access card shall be collected by HR/management. The ID/access card shall be returned to county security and all access shall be removed and if applicable the card destroyed.
- c. If the terminated/separated employee did not have his/her card on their person at the time of termination/separation then HR/management shall ask that the ID/access card be mailed back to county security. Security shall be notified immediately in this case, and will immediately remove access associated with the card.
- d. If HR/management was unable to retrieve the card for any reason, county security shall be notified, and the above steps shall be followed without delay.
- e. Terminated employees shall not be allowed back into the workspace following the termination for any reason.

(4) Lost or stolen ID/access cards/badges.

- a. Lost or stolen ID/access cards must be reported to county security immediately.
- b. Lost or stolen ID/access cards shall have all access removed immediately. The "tracking" feature shall be enabled on any lost/stolen cards in hopes that any attempted unauthorized use can be tracked and discovered by county security personnel and/or CCTV.
- c. If an ID/access card that was lost is later found, it should be turned into county security immediately. No employees may possess more than one ID/access card.
- d. The ID/access card is the property of county and not that of the employees.

- (d) *Controlled access areas.* Some buildings have areas that are considered sensitive, controlled or restricted due to safety and security considerations. Additionally, access to these areas in some instances allows persons to bypass the screening process. This includes areas designated as judges parking garages or areas, judges elevators, judges tunnels or additional areas that have been identified as restricted for security purposes.

(1) Guidelines.

- a. *Control procedures.* In order to effectively manage access to sensitive, controlled or restricted areas as identified, the following procedures will be adhered to:
 - 1. Areas restricted for use by judges include the judges parking garage and the judges elevators in select buildings and facilities.
 - 2. Access to any judges garage, elevators or other restricted areas or entry points are limited to the following personnel:
 - i. Judges and associate judges, while the associate judge is in active service to the county.
 - (a) Judges will have the ability to provide, in addition to themselves, controlled area access to their court administrator/coordinator, and their court reporter for a total of three.
 - (b) Judges may, at their discretion, choose to issue controlled access authority to another position in lieu of one of the identified positions.
 - (c) Judges who wish to have additional personnel beyond the positions specifically authorized (in subsections (a) and (b) above), will be required to submit a request for such, in writing, to the county administrator through the security department.
 - ii. ADA's, security and law enforcement personnel, which includes investigators with peace officer authority or authorized access pursuant to a court order.

- iii. Facilities and operations personnel.
 - iv. The county judge and staff, county commissioners and staff, county court administrator and assistant county court administrators.
- 3. Only elected officials or employees assigned a parking stall in any judges garage parking will be authorized access through that judges garage vehicle entry door or associated entry points.
- 4. Only those persons specifically assigned a parking stall will have access to any judges garage. Only one stall per person will be assigned. Exceptions to this requirement will be authorized by the county administrator or the commissioners court.
- 5. Other areas within county buildings are also restricted to authorized personnel, including but not limited to areas within HHS and SWIFS.
- 6. Use of, or access to these controlled/restricted areas by unauthorized personnel is not allowed.
- 7. Access to restricted areas will be granted only to personnel specifically authorized by this policy, or at the direction of the county administrator.
- b. *Screening operations.* At county locations that include court operations, or are "prohibited places" pursuant to V.T.C.A., [Penal Code ch. 46](#), have screening points have been established to ensure for proper screening of personal property for weapons and contraband. County employees are not exempted from the screening requirements unless they are specifically authorized to do so by law or court order, or have been authorized access through a judges access point.
 - 1. Prohibited items and contraband include the following items;
 - i. Any type of club or baton intended for personal defense.
 - ii. Any type of explosive device, including bullets or ammunition, fireworks and toy caps.
 - iii. Firearms of any kind. This includes airsoft weapons, bb/pellet guns, and toy or replica weapons whether loaded or unloaded. CHL holders may not bring firearms past the screening points into access controlled buildings.
 - iv. Knives. No knife or cutting instrument of any type that has a blade in excess of two inches. This includes box cutters, folding blade knives or non-metallic knives.
 - v. Pepper, OC, or defensive spray or chemical dispensing devices.
 - vi. Any stun gun, Taser or ECW (electronic control weapon).
 - vii. Fashion chains (wallet/key attachments).
 - viii. Knuckles (brass, wood, spiked or metallic).
 - ix. No flammable liquids.
 - x. Alcoholic beverages.
 - xi. Any item that is reasonably determined to be unnecessary for the normal conduct of county business that could be considered a threat or used to facilitate a disturbance to normal operations.
 - xii. Beverages must be in a closed container, such as a water bottle, travel mug or other container that includes a lid or sealed top. No open cups, mugs or containers will be allowed to pass through screening.
 - 2. All persons entering a location identified as a "prohibited place" or a court, will be screened/searched for weapons. Any person not wanting to utilize the convenience of walk-through metal detectors and X-ray machines may be individually searched by

visual observation and handheld metal detectors. However, unless such individual has a medical or occupational requirement the individual screening will only be performed when it does not cause an inconvenience to others. This may cause such individual during peak traffic periods to wait 30 minutes or more before they can be individually screened.

3. Any persons found on county property in possession of an illegal weapon, other than properly certified law enforcement personnel with adequate identification, will have such weapon confiscated with that individual potentially being subject to arrest. Persons in possession of unauthorized items that are not illegal will be barred from entry to the building until such items are removed.
4. Generally, screening points identified as 'high volume' locations will have "employee only" screening lines available to facilitate the rapid screening of employees at identified times.
5. Law enforcement personnel/peace officers, prosecutors (ADA's), and judges who are properly credentialed or in uniform at the time of screening are exempt from sections a through f, provided they are on official business and not personal business. Pursuant to Court Order 2006-0616, public defenders and their investigators are authorized to bypass screening while on duty and properly credentialed.
6. Employees of the DA's office, the sheriff's department, or any other county entity who are not exempted pursuant to a legal authority as described above, are subject to clearing through screening points, and are not exempted from the screening process.
7. Employees who have received medical advice or a requirement to avoid the equipment involved in the screening process may request an expedited screening SKIP/PASS ID card through the badging office.
8. Employees and citizens will in general be required to remove hats when passing through the screening system. Exceptions and reasonable accommodation may be made in instances where due to medical circumstances, a wig or hat is affixed to the person, and cannot be immediately or easily removed. In such circumstances, the hand wand will be used to clear the person.
9. In any circumstance where a citizen requests special assistance or reasonable accommodation to pass through screening, which could include but not be limited to, persons in wheel chairs, who have pacemakers or who have prosthetic devices, the hand wands may be utilized in lieu of the pass through magnetometer.
10. For any persons donning religious head coverings and other garments the following will be the standard procedure: An individual wearing a religious head covering or other religious apparel should be allowed to walk through a metal detector without removing that head covering or apparel. If the metal detector beeps, the individual should be given time to remove all other metallic objects from his person. If the individual sets off the metal detector for a second time, a hand wand, if available, should be used to screen the individual. If no metal detector or hand wand is available, or the metal detector or hand wand beeps while screening over the head covering or religious apparel, the screener should respectfully escort the individual to a private room, if available, in order to pat down the head covering or religious apparel. Before doing so, the screener must explain, in advance, the reasons for patting the religious garb in order to minimize any misunderstanding. If a security concern continues to exist only after the former procedures have been completed, the screener is justified in summoning a supervisor/peace officer to the scene. The supervisor will then request the individual to remove his or her religious apparel in a private room and, if possible, by a member of the same gender.
11. County facilities with perimeter security (George Allen and Frank Crowley Courts Buildings) will be open for employees and the public from 7:00 a.m. to 5:00 p.m.,

Monday through Friday. Any official and employee in these facilities before or after normal hours must have county identification.

12. Officials and employees with county identification and card keys may enter the county buildings necessary for them to perform their duties before and after normal business hours.
13. Officials and employees with county identification and without card keys may enter the county building necessary for them to perform their duties before and after normal business hours by scheduling such access with county security.
14. Anyone without county identification will not be allowed access into county facilities other than during normal business hours.
15. No person will be allowed unauthorized access into any county facility. Persons gaining unauthorized access will be escorted from the facility and, if conditions warrant, arrested.
16. Employees using a card key to enter any county building will be required to prohibit any access other than their own. If any employee observes any unauthorized access, they must notify security at once.
17. Departments and/or individuals desiring building access during other than normal business hours that do not have the ability, must schedule such access with county security.

There are no exceptions to any section of this policy unless approved by the county administrator or as directed by the commissioners court.

(2) *Badging office hours.*

- a. Monday mornings are scheduled for new hire employees only from 9:00 a.m. to 11:00 am.
- b. Monday afternoons from 12:00 p.m. to 2:45 p.m. are scheduled for employees that are having access control issues with their ID/access cards.
- c. Wednesdays and Thursdays from 9:00 a.m. to 2:45 p.m. is set aside for employees that need assistance with their ID/access cards, appointments are preferred due to high volume of personnel in the county.
- d. The badging office is closed on Fridays except in instances where special arrangements for assistance have been made.
- e. The badging office number is 214-653-7935.

(Ord. No. 93-150, 2-2-1993; Ord. No. 2008-1029, 5-27-2008; Ord. No. 2016-0218, 2-16-2016)

Secs. 106-53—106-70. - Reserved.

DIVISION 3. - PARKING SECURITY

Sec. 106-71. - George L. Allen, Sr. Courts Building.

- (a) Parking space is located on the level below ground under the George L. Allen, Sr. Courts Building. This space is for the exclusive use of county judges, elected officials and the sheriff's department and staff. Each space has a number and is assigned to one person. Each person assigned a space is issued a sticker with a number to correspond with the space he is assigned. The sticker must be displayed on the rider side of the windshield. Stickers will be issued to the proper person by the building superintendent. There are two loading zone spaces also, which are clearly marked.

- (b) Security will be responsible for policing the parking area and loading zones to prevent automobiles without proper markings from utilizing the designated spaces or loading zones. Illegal cars will be towed by wrecker. When in doubt, security will run a check through the sheriff's department to make sure of the rightful owner. If the car belongs to a county official, security will make every effort to contact the owner before the car is towed. After a car has been impounded, it will be necessary for the owner to redeem the car at his expense.

(Admin. Policy Manual, § K(1.02, 1.03))

Sec. 106-72. - Access drive parking.

- (a) Parking space is located on the east and west ends of the George L. Allen, Sr. Courts Building. There are three spaces in each access drive that are designated parking for the press only. These six spaces are the only area to be used by the press. Other spaces will be used by various county employees who display an access drive sticker on the rider side of the windshield. Access drive stickers can be obtained from the building superintendent.
- (b) Security will be responsible for policing these lanes on a regular basis to prevent unauthorized personnel from parking. In case of a violation the car will be towed after precautions have been taken to prevent the towing of a county official's automobile. After a car has been impounded it will be necessary for the owner to redeem the car at his expense.

(Admin. Policy Manual, § K(1.04, 1.05))

Sec. 106-73. - Administration Building.

- (a) Designated parking spaces are located adjacent to and behind the Administration Building. These spaces are clearly marked to accommodate the designated people only.
- (b) Security will police these areas on a regular basis to prevent unauthorized personnel from parking. In case of violation the auto will be towed after precautions have been taken to prevent towing of a county official's auto by error.
- (c) In dealing with persons whose cars have been towed, the officers will conduct themselves in the proper manner becoming an officer. The officer will inform the person where their car can be obtained. The officer will not discuss the cost for release of the car, but rather furnish the person with a telephone number of the towing service. In directing the towing process, if the owner returns before the car is raised from the ground, the officer will direct the wrecker driver to release the auto.
- (d) After a car has been impounded, it will be necessary for the owner to redeem the car at his expense. Automobiles can only be released by authorization of the security chief.

(Admin. Policy Manual, § K(1.06—1.09))

Secs. 106-74—106-80. - Reserved.

DIVISION 4. - LAW LIBRARY TRESPASS POLICY

Sec. 106-81. - Policy goal.

The purpose of this policy is to provide a pleasant atmosphere that facilitates the process of legal research and study. The Law Library is intended for use by persons engaging in law-related research or study. The county believes that patrons of the Law Library have the right to use the Law Library materials and services without being disturbed or impeded by other Law Library users; that patrons and staff have the right to a secure and comfortable environment; and that patrons and staff have the right to materials

and facilities that are in good condition. Thus, violations of the rules set forth below, section 106-84, may result in a trespass warning.

(Ord. No. 2015-1230, § A, 9-8-2015, Ord. No. 2017-1115, 9-5-2017)

Sec. 106-82. - Role of Library Director.

The Law Library Director ("Library Director") shall have the authority to request the issuance of a trespass warning ("warning"), for the violations/conduct set forth in section 106-84, from county security or the county sheriff's department. The Library Director will recommend the term of the warning, to the issuing officer, pursuant to the guidelines set forth in section 106-86. The Library Director should give the individual who is to be issued the Warning an opportunity to provide a verbal explanation. Dallas County will enforce this policy in a fair, consistent, and impartial manner.

(Ord. No. 2015-1230, § B, 9-8-2015, Ord. No. 2017-1115, 9-5-2017)

Sec. 106-83. - Notice of trespass policy.

Posted notice of the trespass policy in section 106-84, in a conspicuous location at the Law Library, shall constitute sufficient notice of Law Library rules that may result in a warning. The Law Library, however, will endeavor to give a person a minimum of one written or verbal warning, and an opportunity to comply, before issuing a warning for a class I or class II offense (see section 106-84). Depending on the nature, frequency, or seriousness of the offense, a warning may not be possible.

(Ord. No. 2015-1230, § C, 9-8-2015, Ord. No. 2017-1115, 9-5-2017)

Sec. 106-84. - Trespass policy.

It is the policy of the county that a trespass warning may be issued for the county Law Library for content neutral conduct under the following conditions:

- (1) The person is at the Law Library for purposes other than to read, study, or otherwise use the Law Library materials; use the Internet for legal research (including Westlaw searches); attend a Law Library event; make copies of documents; or receive or send faxes (class I offense).

To establish this requirement, the person must: 1) admit to being at the Law Library for purposes other than to utilize it for its intended services; or 2) be observed failing to utilize the Law Library for its intended purpose after being put on notice (verbally or written) that they must be using the Law Library for the intended purpose to remain on the property and having had an opportunity to do so. The Law Library patron not using the Law Library's materials, facilities, and services, for the purposes stated in this section, should be asked to leave, unless in the judgment of the Library Director a warning should be issued.

If a warning is issued, an officer must state the facts giving rise to the conclusion that the person is at the Law Library for purposes other than to utilize the Law Library for its intended purpose.

- (2) The person continues to violate the following rules at the Law Library after being given a minimum of one verbal or written warning to desist or discontinue the conduct and an opportunity to correct the behavior (class I offenses):
 - a. Eating and drinking;
 - b. Soliciting, panhandling, petitioning, interviewing, or survey-taking;
 - c. Littering or throwing things;
 - d. Smoking or other tobacco use (including electronic cigarettes);

- e. Bringing pets or animals other than service animals necessary for disabilities, into the library, except as authorized by appropriate Law Library personnel;
 - f. Engaging in loud, boisterous, or disruptive behavior;
 - g. Engaging in obscene language or gestures;
 - h. Running;
 - i. Entering an unauthorized area without permission of an authorized Law Library personnel;
 - j. Using cell phones, pagers, and other electronic devices in a manner that disturbs others. All phones and other audible electronic devices must have ringers turned off (or to a non-audible vibrate) and calls should be made/taken in the lobby or out of doors. Text messaging and other silent/non-audible cell phone functions are permitted;
 - k. Entering without a shirt or other covering of upper/lower bodies or without shoes or other footwear;
 - l. Offensive bodily hygiene that interferes with others use of the library or with the library's staff performance of their duties;
 - m. Using Law Library furniture for purposes other than for which the furniture was designed (e.g., two people sitting in a chair designed for one or sitting on a Law Library table);
 - n. Misuse of the Law Library restrooms or water fountains (including bathing, shaving, or washing clothes); or
 - o. Disruption of Law Library business by engaging in conduct which serves no legitimate purpose and interferes with:
 - 1. The ability of patrons to use the Law Library; or
 - 2. Law Library's staff ability to perform their jobs.
- (3) The person continues to violate the following rules at the Law Library after being given a minimum of one verbal or written warning to desist or discontinue the conduct and an opportunity to correct the behavior (class II offenses):
- a. Pushing or shoving;
 - b. Using abusive, profane, or threatening language with staff or patrons, including but not limited to discriminatory language based upon race, color, religion, sex, national origin, age, or disability;
 - c. Being under the influence of alcohol or drugs to the extent that the person is unable to exercise care for their safety or the safety of others or Law Library property;
 - d. Harassment of staff or patrons. Harassment/harass means a systematic pattern of conduct directed at a specific person at the Law Library, that the perpetrator knows is unwanted by that person, and may cause emotional distress in such person and serves no legitimate purpose, including but not limited to:
 - 1. Unnecessary and prolonged staring, in a manner that reasonably can be expected to disturb the subject, with the intent to harass;
 - 2. purposefully following others around the library, in a manner that reasonably can be expected to disturb the subject, with the intent to harass.
- Stalking, sexual harassment, or harassment based on race, gender, age, disability, nationality, religion, or ethnicity will be considered to be a class III violation.
- (4) The person engages in any of the following conduct (class III offenses):
- a. Vandalizing, tampering with, or damaging Law Library materials or property (includes but is not limited to folding or marking the pages of Law Library books, modifying or damaging Law

Library computers hardware or software (including system configuration), intentionally misplacing or misfiling Law Library books, etc.);

- b. Public lewdness or indecent exposure;
- c. Selling or possessing illegal drugs;
- d. Stealing Law Library material;
- e. Viewing material deemed to be obscene, child pornography, or harmful to minors, as those terms are defined in the Children's Internet Protection Act and the Texas Penal Code;
- f. Using Law Library computers to:
 - 1. Propagate computer worms or viruses;
 - 2. Gain access to files or passwords belonging to other individuals or computer networks; or
 - 3. Transmit materials in violation of U.S. or state regulations;
- g. Fighting or challenging to fight;
- h. Physically abusing or assaulting a patron or staff;
- i. Conduct resulting in harm or bodily injury to a patron or staff; or
- j. Stalking, sexually harassment, or harassment of staff or patrons based on race, gender, age, disability, nationality, religion, or ethnicity. Sexual harassment means the unwanted sexual attention of a persistent or offensive nature made by a person who knows, or should know, that such attention is unwanted, including the making of unwanted sexual advances and/or remarks, offensive touching, or obscene remarks. Sexual harassment includes:
 - 1. Persistently paying unwanted romantic attention to another at the Law Library, including unwanted romantic advances, after being given a warning to desist such conduct; or
 - 2. Making unsolicited and invasive comments regarding the sexual activities or involvement of another person at the Law Library, which the commenter knows or should know the subject would find offensive or which invades a person's privacy interests, after being given a warning to desist such conduct.

Stalking means the willful and repeated following, watching, and/or harassing of another person:

- 1. For no legitimate purpose, after being put on notice to discontinue the conduct; or
- 2. Prohibited by a protective order issued by a court of competent jurisdiction.

For a warning based on harassment or stalking of a staff member or patron, an officer must state the specific facts giving rise to the conclusion that the person was stalking or harassing a patron or staff.

- (5) The person has committed any violation of federal, state, or local law (including a city ordinance) at the Law Library that:
 - a. Results in a class C misdemeanor citation (class II offense);
 - b. Results in a class A or B misdemeanor complaint/charge (class III offense); or
 - c. Results in a felony charge (class III offense).

(Ord. No. 2015-1230, § D, 9-8-2015, Ord. No. 2017-1115, 9-5-2017)

Sec. 106-85. - Effect of a warning.

The person issued a warning shall not enter the Law Library for the period of time specified in the warning. Any person who re-enters the Law Library during the term of the warning shall be considered a trespasser and may be prosecuted for criminal trespass. See V.T.C.A., Penal Code § 30.05.

(Ord. No. 2015-1230, § E, 9-8-2015)

Sec. 106-86. - Guidelines.

- (a) A warning for any conduct listed in section 106-84 can be issued at the request of the Library Director, pursuant to the following guidelines, based on the classification of the offense, unless concern for the safety of person or property requires otherwise:

Description of Conduct (within a 24 month period)	Duration of Exclusion
Class I offenses:	
First trespass warning	0—30 days
Second trespass warning	30—60 days
Third trespass warning	90 days—1 year
Class II offenses:	
First trespass warning	60—120 days
Second trespass warning	150 days—1 year
Third trespass warning	1 year—permanent
Any class II offense resulting in minor/de minimus harm to persons or property, first trespass warning	180 days
Any class II offense involving serious bodily injury or the threat of serious bodily injury to a person or property, and threat of similar future conduct	1 year—permanent
Class III offenses:	
First trespass warning	180 days—1 year

Second trespass warning	240 days— permanent
Serious bodily injury or the threat of serious bodily injury to a person or to property, and threat of similar future conduct	permanent

The Library Director may add additional days to the exclusionary period of repeat offenders who commit successive offenses, within different classifications with 24 months, if such successive Warnings are not otherwise addressed by the guidelines enumerated under Section 106-86(4)a. The Library Director can add up to 60 days to the maximum exclusionary period for the offense. For example, if the person commits a Class II offense and then a Class I offense within 24 months, the maximum penalty is 90 days (30 days + 60 days).

- (b) In determining the duration of the exclusion, in accordance with the guidelines set forth in subsection (a) and (b)(where applicable):
 - (1) The seriousness of the offense should be considered. The duration of the exclusion should be related in severity to the seriousness of the offense; and
 - (2) The specific provisions prevail over the general provisions. For example, if a person destroyed a Law Library book with a value under \$50.00, section 106-84(4)a, specific provisions regarding tampering/damaging Law Library property, class III offense guidelines, would prevail over the general guidelines under section 106-84(5)a., for a class C misdemeanor for criminal mischief under V.T.C.A., Penal Code § 28.03, involving pecuniary loss under \$50.00, a class II offense.
- (c) An officer, at his discretion, can issue a longer period of exclusion, outside of the guidelines set forth in subsections (a) and (b), if he reasonably believes a person poses a serious threat of bodily injury or property damage to Law Library staff/patrons or materials/property. The officer should state the facts which, taken together with serious threat of bodily injury or property damage.
- (d) The warning should be limited to the Law Library. The Warning should describe the area or building from which the person is to be excluded so that a reasonable person may understand the specific area to which the person may not return.
- (e) The Warning should state the specific provision of the Law Library Trespass Policy violated, the facts in support of the violation, the duration of the exclusion, and should be served on the person by certified mail return receipt or hand delivery.

(Ord. No. 2015-1230, § F, 9-8-2015)

Sec. 106-87. - Documentation.

The Law Library shall maintain an “incident log” of all verbal/oral and written warnings to patrons and visitors. The log should include the date of the incident, the name of the patron or visitor (if known), the rule violated, a brief description of the facts, and the warning given or action taken. The Law Library shall maintain these records for a minimum of three years.

(Ord. No. 2015-1230, § G, 9-8-2015)

Sec. 106-88. - Appeal process.

- (a) Any person who is issued a warning, for the Law Library, may file an appeal. The warning should be appealed on the trespass administrative appeal form pursuant to the Guidelines for Filing an Appeal of a Trespass Warning with Dallas County as follows:
- (1) A first appeal should be made to the director of planning and development (via certified mail or hand delivery), at the Dallas County Administration Building, 411 Elm Street, 3rd floor, Dallas, Texas 75202, within 14 days of receiving the warning . If the suspension is for 60 days or less, an informal hearing can be requested with the Director of Planning & Development ("Planning Director"). If the suspension is for 61 days or more, a formal hearing can be requested before the Planning Director. If a hearing is not requested, the appeal will be determined on the written submission of documents.
 - (2) An appeal of the first appeal decision must be made to the county administrator (via certified mail or hand delivery), at the Dallas County Administration Building, 411 Elm Street, 2nd floor, Dallas, Texas 75202, within ten days of receiving the first appeal. The second appeal can be reviewed by the Dallas County Administrator or designated to a Dallas County Assistant Administrator for review. The decision of the county administrator/assistant administrator shall be final.
- (b) The trespass administrative appeal form and the Guidelines for Filing an Appeal of a Trespass Warning with Dallas County can be found on the county website at (<https://www.dallascounty.org/departments/plandev/law-library/>) or requested at (600 Commerce Street, Suite 760, Dallas, TX 75202).
- (c) The first appeal should contain a brief description of the reasons for the appeal and why the warning should be modified or overturned. The first appeal should be based on the premise that the warning was not consistent with this policy, was unjustified, violates some law or right, the person in receipt of the warning received a favorable disposition of the charges/citation that gave rise to the warning, and/or for other good cause shown.
- (d) The first appeal should be set for hearing, where applicable, within 10-30 business days of receipt of the appeal and a decision made within 48 hours of the hearing, unless emergency review is requested. If the first appeal is by written submission of documents, the decision should be made within 5-7 business days of receipt of the appeal. Emergency review is available in cases where an individual will suffer immediate harm if not allowed back into the Law Library. An appeal accepted for emergency review should be set for hearing within 5-10 business days of acceptance and a decision made within 48 hours of the hearing.
- (e) The second appeal, if any, is based on the record and there is no hearing. Upon notice of a second appeal, the Planning Director shall provide the Dallas County Administrator/Assistant Administrator with the full record from the first appeal. The review shall be based on substantial evidence (see Burden of Proof, Section 106-881). The Dallas County Administrator/Assistant Administrator shall issue his/her written decision on the second appeal within 10 days of receiving the first appeal.

(Ord. No. 2015-1230, § H, 9-8-2015, Ord. No. 2017-1115, 9-5-2017)

Sec. 106-881. – Hearing Procedures.

The person to whom a Warning is issued may appeal an exclusion of 60 days or less through an informal hearing or an exclusion of 61 days or more through a formal hearing, on the trespass administrative appeal form. If an informal or formal hearing is requested, the person issued the warning shall be notified of the informal or formal hearing date at least seven business (7) days before the hearing. For good cause, the individual or Library Director can request, in writing, an extension of the hearing date, which may be granted at the sole discretion of the Planning Director. Only one extension will be granted, irrespective of which party acts for the extension. The request for an extension must be in writing and received 48 hours prior to the scheduled time for the hearing.

Informal Hearing. For warnings less than 60 days, if requested, an informal hearing should be scheduled with the Planning Director for the purpose of allowing the person issued the warning to present their case

and arguments regarding the warning before the Planning Director rules on the first appeal. The Library Director should provide the trespass warning and other public supporting documents concerning the trespass, from Dallas County Security and the Law Library, to the Planning Director, who will make such documents available to the person issued the warning for inspection and copying before the hearing. The person may bring witnesses to the hearing with them to present their case, but the Department does not have to be present; however, the Planning Director may, at his/her discretion, require the presence of the Department and/or ask questions of the Library Director and/or staff or any other person deemed to have relevant information, including when there is a factual dispute concerning the action made the basis of the warning. The person issued the warning must notify the Planning Director, at a minimum, seventy-two (72) hours before the hearing if they are bringing any witnesses or representatives with them and the identity of the witnesses or representatives (including address and telephone number). The informal hearing will take place in the office of the Planning Director or another place designated by him/her.

Formal Hearing. For warnings 61 days or more, if requested, a formal hearing should be scheduled by the Planning Director for the purpose of allowing the person issued the warning to present their case and arguments regarding the trespass warning to the Planning Director, before he/she rules on the first appeal. The person issued the warning should be allowed to present testimony and evidence and may call witnesses and question witnesses of the other party. The Planning Director does not have the subpoena power to compel the attendance of a witness. The Law Library and the person issued the warning are responsible for securing the attendance of their witnesses. The Planning Director shall conduct the hearing as he/she deems necessary, provided that he/she shall allow each side a fair opportunity to represent their arguments. The hearing shall be held at a Dallas County facility, as determined to be in the best interest of the parties, in the sole discretion of the Planning Director. The person issued the warning and the Library Director must notify the planning Director, at a minimum of four days before the hearing, if he/she will be represented by counsel or other representative and the identity (including address and telephone number) of any witnesses they plan to bring. The Library Director or his/her designee, must also appear at the hearing. The parties may question each other's witnesses. Each side will have 30 minutes to present their case and question any witnesses, unless good cause exists to extend the time. The right to question a witness may be restricted if the questioning is incompetent, irrelevant, immaterial, and unduly repetitious. The time limitations do not apply to a permanent ban from the Law Library.

Code of Conduct at Hearing. Parties and witnesses shall preserve order and decorum and should not engage in disruptive or disorderly conduct during a hearing. Asking questions merely to embarrass, badger, or bully a witness is prohibited.

Failure to Appear. If the individual issued the warning fails to attend a scheduled hearing, or provide good cause why they cannot attend, the Planning Director shall dismiss the appeal and affirm the warning.

Burden of Proof. The burden of proof is on the Department to establish that there was substantial evidence to issue the warning. "Substantial evidence" is more than a mere scintilla. It means there is relevant evidence that a reasonable mind might accept as adequate to support a conclusion.

Issuance of Opinion. Within forty-eight (48) hours after the formal or informal hearing, the Planning Director shall issue a written decision stating the reasons therefore, and cause the decision to be sent or delivered to the person issued the warning, the Dallas County Sheriff's Department, the Library Director, and Dallas County Security. The issues for the decision, after considering all arguments and documents, shall include the following:

- Whether the warning was issued for a reason set out in Section 106-84;
- Whether the period of exclusion comports with section 106-86;
- Whether the facts underlying the warning are credible; and
- Whether the duration of the warning is appropriate under the facts and circumstances.

(Ord. No. 2017-1115, 9-5-2017)

Sec. 106-89. - Notices.

- (a) The trespass policy in sections 106-84 and 106-85 and the guidelines in sections 106-86 through 106-881 should be posted in a conspicuous place in the Law Library (e.g., at the entrance or at the circulation desk), along with an e-mail link to information on the appeal process.
- (b) The warning shall include the website at which to obtain the trespass administrative appeal form along with the Guidelines for Filing an Appeal of a Trespass Warning with Dallas County, and the address at which to request the forms.
- (c) If a warning is appealed, copies of all appeal decisions should be sent to the person appealing (by certified mail or e-mail, if provided), the county sheriff's department, the Library Director, and county security, by the decision-maker.

(Ord. No. 2015-1230, § I, 9-8-2015)

Sec. 106-90. - Application.

This policy applies to situations where a trespass warning may be issued to a Law Library patron or visitor. This policy is not exclusive and does not supersede or supplant the Law Library's right to enforce or take other actions for violation of Law Library rules or policies, excluding criminal trespass warnings.

(Ord. No. 2015-1230, § J, 9-8-2015)

Secs. 106-91—106-100. - Reserved.

ARTICLE III. - EMERGENCIES

DIVISION 1. - GENERALLY

Secs. 106-101—106-120. - Reserved.

DIVISION 2. - ELEVATORS

Sec. 106-121. - Malfunctioning with people aboard.

- (a) Facilities management should be contacted for all malfunctioning elevators in the downtown and outlying areas. They will call security immediately who will immediately go to that unit to assist the persons inside the car and let them know the elevator company is on the way. Security will stay with that elevator until the elevator company arrives. Only under threat of fire or the car falling should anyone other than the elevator people try to remove persons from the cars.
- (b) For all buildings in the outlying areas the maintenance division will assist the persons stranded in the malfunctioning elevator until the elevator company arrives.

(Admin. Policy Manual, § K(2.00, 2.01))

Sec. 106-122. - Empty cars; not functioning properly.

- (a) Security is dispatched immediately to the malfunctioning elevator to check all switches and make every effort to start the elevator functioning properly. If they cannot get the elevator to function properly, security will call the contracts manager to call the elevator company to send a repairman to repair the elevator. If the contracts manager is not in the office, security will leave word with:
 - (1) Facilities building superintendent;
 - (2) Clerk;

- (3) Secretary; or
- (4) Administrative assistant.

This person is responsible for calling the elevator company immediately.

- (b) If the call is for an outlying elevator, the contract manager calls the elevator repair company for service repairs. If the contracts manager is not in, the facilities office staff will be responsible for calling in the repair order.

(Admin. Policy Manual, § K(2.02, 2.03))

Sec. 106-123. - After office hours.

- (a) After office hours all calls going out shall be routed through the security booth. The security officer will go to the elevator (if it is a downtown elevator), check all switches and make every effort to start the unit to function properly.
- (b) If security cannot repair the car, they will call the elevator company. If an elevator is not working in the outlying buildings, security will call the elevator repair company directly without checking out the unit.
- (c) However, security will ask the person reporting the malfunctioning elevator if they checked all the appropriate switches in the car or if they checked to make sure nothing is lodged in the door track.
- (d) If someone is stranded on the elevator (after hours), security will inform the elevator repair company.
- (e) Security will keep a written record of all after hour calls.

(Admin. Policy Manual, § K(2.04—2.08))

Secs. 106-124—106-140. - Reserved.

DIVISION 3. - FIRE SAFETY

Sec. 106-141. - Installation of systems policy.

The county has installed and continues to install fire safety systems in county buildings to provide for the safety and security of county personnel, county property and all citizens.

(Admin. Policy Manual, § K(3.00))

Sec. 106-142. - Fire safety equipment defined.

For the purpose of this division, the term "fire safety equipment" refers to any and all items that could have relation to fire safety. The term includes all components of the fire system (smoke detectors, pull-stations, horn/strobe warning units, and control panels), portable fire extinguishers, fire hoses and cabinets, exits, exit lights, sprinkler heads, sprinkler piping and sprinkler control valves.

(Admin. Policy Manual, § K(3.01))

Sec. 106-143. - Fire alarm activation.

- (a) Activation of a fire alarm requires evacuation of the building.
- (b) Any visible smoke or fire requires notification of the fire department.

- (c) Evacuation of the building should follow the steps listed in the fire evacuation procedure sheet (exhibit KA).
- (d) The fire marshal's office must be notified on all fire alarms in county buildings. For downtown buildings, security should also be notified.
- (e) Approval may be given to security in downtown buildings or to building managers in other county buildings to silence alarms. Only the fire marshal's office can reset an alarm panel.
- (f) In the event of evacuation, reentry should not be made until authorized by the fire marshal's office.

(Admin. Policy Manual, § K(3.02—3.07))

Sec. 106-144. - Reporting damaged or missing equipment.

- (a) Any apparent damaged malfunctioning or missing device should be immediately reported to the county fire marshal's office at 904-3010. The caller should be prepared to supply a specific location for the damaged device. The fire marshal's office must visually inspect the location and device prior to turning in a work request for repair to facilities management. If the damaged device is causing damage to the building or environment, as in the case of a damaged sprinkler head, immediate action may be taken by either security or maintenance personnel prior to notifying the fire marshal's office.
- (b) If a fire alarm system, a sprinkler system or a standpipe system will be out of service overnight for routine maintenance, alteration or repair, the fire marshal's office must be notified. The fire marshal's office will then make the notifications required by fire codes and insurance companies.

(Admin. Policy Manual, § K(3.08, 3.09))

Sec. 106-145. - Use of fire suppression equipment.

- (a) Portable fire extinguishers are intended to be used by any person, county employee and/or private citizen, to extinguish small fires. Prior to use, the fire department must be notified.
- (b) Instructions for use are displayed on the front of each portable extinguisher. The instructions are:
 - (1) Pull (remove) the pin that prevents the handles from being squeezed together;
 - (2) Aim at the base of the fire; and
 - (3) Starting at approximately 12 feet away and advancing toward the fire, squeeze the handles together and use a sweeping, back and forth motion to apply the agent to the fire. An extinguisher shall always be used in a defensive manner, protecting the user regardless of its effect in extinguishing the fire.
- (c) Warning: Portable fire extinguishers expel a chemical that may be irritating to some people. Do not remain in an area where chemical has been discharged. Portable fire extinguishers will only extinguish very small fires and should not be used on a fire that could not be extinguished with two gallons of water. If any doubt exists concerning extinguishment do not use the portable extinguisher, notify the fire department and evacuate.
- (d) After the fire is out, the debris shall be soaked with water prior to its removal and the fire marshal's office shall be contacted.
- (e) Fire hoses in county buildings are not intended for use by building occupants. The fire department recommends that only personnel trained in hose use attempt to use fire hoses. The fire hoses in building hose cabinets should only be used by detention service officers, maintenance employees, security officers or the fire department.

(Admin. Policy Manual, § K(3.10—3.13))

Sec. 106-146. - Inspection of portable fire extinguishers.

Extinguishers in all county buildings will be maintenance inspected annually as part of the annual building inspection by the fire marshal's office. Maintenance inspection is a thorough check of the extinguisher. It is intended to give maximum assurance that an extinguisher will operate effectively and safely. It includes a thorough examination and any necessary repair or replacement. An annual maintenance inspection is required by the National Fire Protection Association and the city fire code.

(Admin. Policy Manual, § K(3.14))

Sec. 106-147. - Spare extinguisher pool for outlying buildings.

A supply of spare extinguishers will be maintained at the fire marshal's office. The fire marshal's inspector will, during his inspections, draw from this pool to replace extinguishers which need recharging. Extinguishers needing recharge may be brought to the fire marshal's office and exchanged for one from the spare pool.

(Admin. Policy Manual, § K(3.15))

Sec. 106-148. - Recharging and replacing of extinguishers.

- (a) The fire marshal's office is to be notified when two or more extinguishers need servicing or replacing. It shall be the responsibility of the person having daily operating control of the facility to notify the fire marshal's office of the size and type of the extinguishers needing service or replacement, and the location of these extinguishers.
- (b) Placement and installation of new extinguishers will be the responsibility of the fire marshal's office.
- (c) Complaints or concerns regarding fire extinguisher service should be forwarded to the fire marshal's office. It shall be the responsibility of the fire marshal's office to oversee the service provided by the extinguisher company.

(Admin. Policy Manual, § K(3.16—3.18))

Sec. 106-149. - Servicing of kitchen fixed-system extinguishers.

The yearly servicing of fixed-system extinguishers will be conducted by licensed outside service companies and supervised by a representative of the fire marshal's office.

(Admin. Policy Manual, § K(3.19))

Secs. 106-150—106-170. - Reserved.

DIVISION 4. - INCLEMENT WEATHER

Sec. 106-171. - Closing of county buildings.

- (a) The decision to close or delay opening of county buildings due to inclement weather will be made by the county judge and/or commissioners court after consultation with the county emergency management coordinator (county fire marshal). The decision will be relayed via an established telephone notification pyramid system from the county judge through the department heads to the employees. The telephone pyramid list is updated annually each fall by the fire marshal's office to ensure accuracy, and distributed to all departments. Changes in the contact person and/or telephone numbers should be made immediately to the fire marshal's office.

- (b) The decision to close or delay openings will also be announced between 6:00 a.m. and 7:00 a.m. on the following media stations. If weather conditions allow an earlier decision, media contacts will be made earlier.
 - (1) Radio stations:
 - KRLD 1080 AM
 - KLIF 1190 AM
 - KVIL 1150 AM and 103.7 FM
 - KCMZ 1480 AM and 107.5 FM
 - WBAP 820 AM
 - KKDA 730 AM and 104.5 FM
 - KESS 1270 AM
 - (2) Television stations:
 - KDFW Channel 4
 - KXAS Channel 5
 - WFAA Channel 8
- (c) Immediately after the decision has been made by the county judge or commissioners court, the information is released to department heads and the news media. Employees should not place phone calls to the fire marshal's office and the sheriff's office as such calls tie up emergency phone lines.
- (d) Employees should be familiar with the pay policy during emergency conditions as detailed in section 82-61.

(Admin. Policy Manual, § K(4.00—4.04))

Secs. 106-172—106-190. - Reserved.

DIVISION 5. - BOMB THREATS

Sec. 106-191. - General policy.

- (a) Threats in all county buildings must be treated as legitimate until a search has been completed and a determination is made by the fire marshal's office that the threat is a hoax.
- (b) The county will use its own search team. This team is under the direction of the fire marshal's office.
- (c) The purpose of this procedure is to provide an orderly sequence of actions to be taken by anyone receiving a bomb threat.

(Admin. Policy Manual, § K(6.00, 6.02, 6.03))

Sec. 106-192. - Procedures.

- (a) The person receiving a call should:
 - (1) Remain calm; do not panic.
 - (2) Obtain as much information as possible in a logical sequence by completing the bomb threat checklist (exhibit KC). If the form is unavailable, use the five "W's" and "H": who, what, when, where, why and how.
 - (3) Notify the immediate supervisor and department head of the threat.
 - (4) Notify the fire marshal's office at 904-3010 of the threat. Give the name of the caller, name and address of the building, and the time the bomb is set to detonate, if available.

Note: The fire marshal's office may be contacted through the sheriff's office at 749-8640 after office hours.

- (b) No search activity, such as touching any suspicious or unfamiliar objects, is to be conducted without the direction of the fire marshal or his designee. Search of the building will be under the control and guidance of the fire marshal's office.
- (c) Evacuation of the building will be ordered by the fire marshal.
- (d) Notification of appropriate departments and the bomb search team will be made by the fire marshal.
- (e) The fire marshal's office will assist with bomb threat searches in jails when requested by the sheriff's office.
- (f) The sheriff's department, bailiffs, constables and security may be requested to assist the fire marshal's office with the security of a building.

(Admin. Policy Manual, § K(6.04—6.09))

Secs. 106-193—106-210. - Reserved.

DIVISION 6. - CHEMICAL SPILLS¹

Sec. 106-211. - Policy.

- (a) The county desires to comply with all federal and state laws pertaining to the usage and release of hazardous chemicals. The employee's safety is of utmost concern.
- (b) The Texas Hazard Communication Act requires the county to provide a current material safety data sheet on all hazardous chemicals, and this information must readily be available upon request for review by employees.

(Admin. Policy Manual, § K(7.00, 7.01))

Sec. 106-212. - Procedures.

- (a) The county fire marshal's office shall have the responsibility for chemical release cleanup and disposal on county property.
- (b) No employee is to be involved in cleanup/disposal of any toxic, corrosive, flammable or unknown chemical unless they have been properly trained and have approved protective equipment.
- (c) All chemical releases shall be reported immediately to the county fire marshal's office who will determine danger and cleanup procedure. The Institute of Forensic Sciences will assist the fire marshal by providing technical assistance and equipment.
- (d) Employees will evacuate the area until fire marshal personnel arrive. The area of evacuation will be determined by knowledge of the chemical at time of release.
- (e) The county fire marshal will notify proper federal, state and city agencies when required to do so by statute.

¹ **Federal law references**— Solid waste disposal, 42 USC 6901 et seq.; Hazardous Materials Transportation Act, 49 USC 1801 et seq. **State Law reference**— Hazardous materials, reporting, V.T.C.A., [Government Code § 411.018](#).

- (f) Reentry into the work area will not be permitted until the fire marshal's office has so authorized.
- (g) Any employee working in facilities where used motor oil and/or used oil from filters is present, must comply with regulations posted in garages on November 4, 1992, by the county fire marshal.

(Admin. Policy Manual, § K(7.02—7.08))

Secs. 106-213—106-240. - Reserved.

ARTICLE IV. - OZONE ALERT

Sec. 106-241. - Purpose of article.

High levels of ozone, which typically occur when certain types of emissions interact with high levels of sunlight and high temperatures, pose a serious threat to a community's health. Fortunately, since approximately 91 percent of the emissions that cause ozone in the Dallas-Ft. Worth area originate from cars, trucks, planes, small gasoline-powered engines, paints and solvents, it is possible to control some of the conditions that cause these dangerous ozone levels. Accordingly, this article shall govern the operation of the county on days in which a state air control board-issued ozone alert is in effect.

(Admin. Policy Manual, § K(5.00))

Sec. 106-242. - Notification.

- (a) The commissioners court administrator is designated to serve as the county's point of contact when the state air control board issues an ozone alert. It will be his responsibility to immediately initiate the ozone alert notification process (exhibit KB) once he has received word that an ozone alert has been issued.
- (b) Upon receiving word that an ozone alert has been issued, all county departments and elected officials shall inform their employees and immediately begin to implement the special ozone alert operating procedures.

(Admin. Policy Manual, § K(5.01, 5.02))

Sec. 106-243. - Operating procedures.

- (a) On days that ozone alerts are in effect:
 - (1) County employees shall be encouraged to ride mass transit or carpool to work.
 - (2) County departments and elected officials shall seek to limit their driving during the workday by rescheduling their meetings to later in the afternoon or to another day, by coordinating and consolidating their trips to pick up mail supplies, etc.
 - (3) County departments and elected officials shall seek to park as many county vehicles as possible in covered, shaded areas.
 - (4) The county fire marshal will not issue open burning permits for the county's unincorporated areas.
 - (5) County refueling facilities, except for public safety-related vehicles (sheriff, fire marshal, constable) in an emergency or for vehicles fueled by compressed natural gas (CNG), shall be closed until 2:00 p.m. Similarly, employees with county gasoline credit cards shall also not refuel their non-CNG powered vehicles until after 2:00 p.m. Vehicles needing fuel before 2:00 p.m. should obtain it the day the ozone alert is issued (i.e., the day before the ozone alert goes into effect).

- (6) County employees will not engage in mowing, burning brush or trash, painting, using solvents or operating small gasoline-powered engines until after 10:00 a.m.
 - (7) County employees, to the extent practical and/or possible, will not perform any maintenance/construction work until after 10:00 a.m.
 - (8) Elected officials and department heads may allow previously designated nonessential employees who can work a 10:00 a.m.—6:30 p.m. shift to do so, provided that the department/office still has sufficient staff on duty during the normal 8:00 a.m.—4:30 p.m. workday to adequately serve the public.
- (b) Also, depending upon the anticipated severity of the ozone level, the commissioners court may alter the hours of the normal workday for nonessential personnel when an ozone alert is in effect.

(Admin. Policy Manual, § K(5.03, 5.04))

Chapter 110 – Street Rights-of-Way and Other Real Estate Acquisitions

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ARTICLE I. - IN GENERAL

Secs. 110-1—110-30. - Reserved.

ARTICLE II. - RIGHTS-OF-WAY AND REAL PROPERTY ACQUISITIONS²

Sec. 110-31. - Right-of-way and real property acquisitions in general.

- (a) *Generally.* The county is authorized by the constitution and statutes of the state to acquire real property or real property interests for various public purposes including roads, streets, highways and parks upon payment of adequate or just compensation. The general county real estate policy (hereinafter "policy"), is intended to establish the process to be followed in the acquisition of private property for public purposes in accordance with state law and state department of transportation (hereinafter "TxDOT") as well as federal laws and regulations, which govern on federally funded projects. This policy will also address the process for the exchange, sale, or conveyance of county owned real estate, to the private sector, governmental entities or third party owner(s). It will further establish a process to handle the relocation of private owners, businesses and private enterprises displaced by the activities of acquiring property for a county project or other governmental purpose.
- (b) *Administration.* The county policy will be administered by the property division of the county public works department (hereinafter "division"). The policy will be administered in a consistent and fair means within the rights of all persons under Title VIII of the Civil Rights Act of 1964 (Title VI) and 1968 (Title VIII), (P.L. 90-284).
- (c) *Definitions.* The following definitions are abbreviated in some instances.

Advertising sign means an outdoor sign or display designed, intended, or used to advertise or inform, generally of two types, on-premise and off-premise signs.

Appraisal. means a written statement or report independently prepared by a qualified appraiser setting forth the appraiser's opinion of value of an adequately described property as of a specific date supported by relevant market information either as a severed tract of land or as a prorata portion of the whole property, the value of the property remaining without consideration of the area to be acquired prior to the acquisition,

¹ **Editor's note**— Court Order No. 2001-1036, adopted May 29, 2001, changed the title of ch. 110 from "Streets and Other Right-of-Way" to "Street Rights-of-Way and Other Real Property Acquisitions."

Cross reference— Any order dedicating, establishing, naming, locating, relocating, opening, paving, widening, repairing or vacating any street saved from repeal, § 1-8(a)(8); any order establishing the grade of any street or sidewalk saved from repeal, § 1-8(a)(9); community development, ch. 18; environment, ch. 34; floods, ch. 42; parks and open space, ch. 50; road and bridge district, ch. 102; street name policy, § 102-71 et seq.

State Law reference— County roads and bridges, V.T.C.A., [Transportation Code § 251.001](#) et seq.; funds for county roads, V.T.C.A., [Transportation Code § 256.001](#) et seq.

² **Editor's note**— Court Order No. 2001-1036, adopted May 29, 2001, amended art. II of this chapter in its entirety to read as herein set out. Prior to amendment, former art. II, §§ 110-31, 110-32, pertained to rights-of-way acquisition and derived from Court Order No. 78-1284, §§ I, II, adopted Oct. 30, 1978; and Court Order No. 81-496, adopted March 16, 1981.

State Law reference— Procurement of professional and consulting services, V.T.C.A., [Government Code § 2254.001](#) et seq.; right of way acquisition, V.T.C.A., [Local Government Code § 262.024](#).

the value of the property remaining after the acquisition as if the new improvement was constructed and an opinion of the just compensation (adequate compensation) to which the owners are entitled.

Appraised value means an individual estimate of value of a specific tract of land established by a qualified appraiser, which is supported and documented by market research, exhibits and analysis.

Approved value means the recommended value of the review board representing the concurrence of a professional appraiser to the board based on their evaluation of the appraiser's solution to the appraisal problem. Such approved value is the county's determination of just compensation to be paid to the owners.

Assistant director means the assistant director of public works, property division.

Bisected improvement means a building or structure that is severed by the proposed right-of-way line.

Category I bisected improvement means a building or structure that is severed by the right-of-way line in such a manner that it would not be economical to reconstruct that portion outside the right-of-way to restore utility or constitutes a hazard to the project or public. Such a structure will be appraised as whole and the entire structure will either be acquired by the county or retained by the grantor. Requires special provisions in the instrument of conveyance and temporary right to enter upon the remaining property for the sole purpose of the removal of the structure, if demolished.

Category II bisected improvement means a building or structure that is severed by the right-of-way line in such a manner that would permit that portion outside the right-of-way to be economically reconstructed. This requires special provisions in the instrument of conveyance and may require the temporary right to enter upon the remaining property for the sole purpose of bisecting or temporary or permanent construction.

Commissioners court means the county commissioners court comprised of the county judge and each of the commissioners from each of the four county road and bridge districts.

Construction (temporary easement) means temporary use and possession of real property for a specified period of time for storage access or other specifically described temporary occupancy.

County means the County of Dallas, Texas.

Damages means the loss in value to the remaining property caused by the new facility. The loss in value must be an actual loss in value to the property itself and not to the operation of a business or due to the owner's inconvenience or preferences. That loss, which is recognized by persons that buy such property, should not be estimated, but determined by comparing the value of remainder after with the value of remainder before (see market value definition).

Department means the county public works department.

Depreciation means a loss of utility (value) from any cause. An effect caused by deterioration and/or obsolescence.

Director means the director of the county public works department.

Division means the property division of the county public works department.

Donation means the transfer of real property to the county by a landowner without payment of just compensation by the county. Such donation is a continuing offer until specifically accepted by the commissioners court. Property owners whose real property is to be acquired for a highway project may make a gift of the property, or any part of it, or of any of the compensation paid for it, to the acquiring agency.

Drainage easement means the acquisition of permanent real property interest to give the county the right to direct the flow of natural drainage water and/or storm runoff across land at a specific location. Conveys a part of the ownership title to the real property limited to those rights specially described in the easement.

Driveway adjustment means written permission by property owner granting access to the county or its agents to transition the existing driveway to the newly constructed street grade.

Eminent domain means the right of government to take or acquire private property for a public use upon the payment of just compensation.

Enhancement (as a result of county transportation; general enhancements) means the benefits which accrue to the community at large, to the area adjacent to the improvement, or to other property similarly situated as that taken, but which property is not taken, is not compensable.

Enhancement, special means those enhancements which accrue directly and solely to the advantage of the property remaining after a partial taking.

Environmental due diligence means the initiation of appropriate inquiry to find out as much as can be determined whether a property is environmentally damaged or has the potential for such damage.

Expert witness means one who is permitted by a court to testify as to their opinion of value or other items due to their qualifications, knowledge, helpfulness and foundation data.

Hardship acquisition means advance acquisition of a parcel at the owner's request due to the owner's personal need to dispose of the property as soon as possible. Must be acquired by negotiation rather than eminent domain.

Improvements means buildings or other relatively permanent structures or developments located on or attached to land, i.e., fences, landscaping, irrigation systems, etc.

Just compensation (aka adequate compensation) means the payment of the market value of the real estate which was taken plus the reduction in value to the remaining property, if any, with such reduction offset by any special enhancement. In condemnation, the amount of the loss for which a property owner has established a claim to compensation.

Market value means the price which the property would bring when it is offered for sale by one who desires, but is not obliged to sell, and is bought by one who is under no necessity of buying it, taking into consideration all of the uses to which it is reasonably adaptable and for which it either is or in all reasonable probability will become available within the reasonable future.

Noncompensable items mean items that must not be included in the value such as personal property, cost to move personal property, circuity of travel, loss of business, etc.

Off-premise sign means a sign advertising activities not conducted upon the property where it is located.

On-premise sign means a sign advertising the sale or lease of property upon which it is located or a sign advertising activities conducted upon the property it is located.

Police power refers to the power exercised by a local government to enforce regulations passed for the health, safety and welfare of the public. Such police powers include zoning and control the flow of traffic in order to provide for the safe and efficient use of the facility. Unless a police power constitutes a "taking" of property under the state constitution, such regulation is non-compensable in the determination of just compensation.

Protective acquisition means advance acquisition of a parcel at the county's request to reduce right-of-way costs due to impending development of the subject or the surrounding property.

Proximity damage means a reduction in value to improvements caused by their location too close to an activity that is not compatible to their use.

Remainder interests mean the ownership of those property rights that remain with the owner after the acquisition of a portion of the property, i.e. acquisition of easements.

Reserved property rights means property rights which the owner reserves for their own use and does not transfer to the county, such as the right to maintain a water line or to use surface and or subsurface on land conveyed or transferred to the county.

Retention value means the value assigned to improvements located wholly or partially within the area to be acquired that are to be retained by the owner and removed from the right-of-way at the owner's expense. The amount to be deducted from the amount to be paid the owner when owner chooses to retain

any or all of his improvements, which is the value to the acquiring agency expected if such improvement were sold at public auction.

Right-of-way means a general term denoting land, property or interest therein, and improvements located thereon, usually a strip of land acquired for a public use, i.e., a transportation project.

Right-of-way line means a legally established line, which indicates the boundary between the street, road, or highway facility and adjacent property owner's holdings.

Old right-of-way line means the right-of-way line existing prior to acquisition of the area acquired.

New right-of-way line means the right-of-way line that denotes the boundary of the remaining property and the area acquired.

Salvage value means the amount of money a purchaser will pay for an improvement in place but to be removed from the property after purchase.

Superfund Amendment and Reauthorization Act of 1986 (SARA) means the United States federal statute that defines who is liable for the clean-up of hazardous waste that has contaminated the environment.

Technical expert means one who is qualified to be an expert in the valuation of a certain product other than real estate such as machinery, minerals, cost of special improvements, etc.

Temporary easement means the right to use and possession of a given tract of land for the purpose and period of time for the specific use as stated in the instrument of conveyance.

TxDOT means the state department of transportation.

Updated appraisal reports means a reinvestigation and analysis of all available market data, arriving at a conclusion of current market value or value made at some specified date. Brought up to date. Current.

(d) *Applicable laws/statutory authority for right-of-way acquisition.*

- (1) *Generally.* The county is a subdivision of the state and has no powers except those granted to it by the state constitution and statutes. The power given to the county is shown in Vernon's Ann. Texas Constitution Article 5, § 18 which established the county commissioners court and gave it the power and jurisdiction over all county business, "as is conferred by this Constitution and the laws of the state, or as may be hereafter prescribed".
- (2) *Statutory authority regarding the acquisition of right-of-way and other public land widely separated in different codes.* Regarding the acquisition of land for roadway purposes the following generally sets forth the county's authority.
 - a. *Incorporated county roads.* Statutory authority is found in V.T.C.A., [Transportation Code §§ 251.003 and 251.051](#). These sections give the county the authority to lay out, open, discontinue, close, abandon, vacate or alter a public road and make and enforce all necessary rules and orders for construction and maintenance. The county's general eminent domain authority is granted in V.T.C.A., [Local Government Code § 261.001](#). This acquisition authority by condemnation applies to land, an easement in land, or a right-of-way if the acquisition is necessary for the construction of a jail, courthouse, hospital, library or "another public purpose authorized by law."
 - b. *State highways.* The county is authorized to acquire state highway right-of-way when requested by V.T.C.A., [Transportation Code § 224.002](#). County authority for the acquisition by eminent domain, of state right-of-way as may be determined as being necessary by the TxDOT is found in V.T.C.A., [Transportation Code § 224.003](#).
 - c. *Within municipalities.* Authority also exists for county acquisition of street right-of-way and road construction within a municipality with the approval of its governing body by V.T.C.A., [Transportation Code § 251.012](#). County authority to acquire streets within a municipality through eminent domain, with the approval of the governing body, is authorized by V.T.C.A., [Transportation Code § 251.010](#).

- (e) *Conflict of interest.* The commissioners court has adopted a comprehensive conflict of interest policy pursuant to Court Order Nos. 82-1148 and 94-1327. The county comprehensive conflict of interest policy, as amended, is supplemented in entirety by the following:

No employee of the county public works department hereinafter "department", shall have any interest, direct or indirect in real property involved or related to a county project, TxDOT project or any governmental project for which he or she is associated, involved or has knowledge of as negotiator, appraiser, review appraiser and/or estimator evaluator. All information involving the acquisition of real property by the county is confidential and shall only be released in accordance with the Open Record Act provisions. No employee of the department shall use or provide internal information in a way that would affect, impact, increase or decrease the value, use, acquisition, sale or exchange of real estate. Any county real estate information, values, minimum bid amounts, tax valuation or other internal property knowledge used for the benefit of a relative, relation, partner, acquaintance, or business associate shall be considered a violation of the county comprehensive conflict of interest policy supplemented herein. Violation of this section of the policy will be sufficient cause for disciplinary action including termination.

- (f) *Record maintenance.* All information and documentation involving appraisal, negotiation and relocation of property owners and/or businesses related to a real estate transactions shall be kept in the division as follows:

- (1) All records involving appraisals and real estate transactions will be kept confidential. The parcel diary and file for each transaction shall be available for inspection only by personnel authorized by the director or state or federal officials in the exercise of their duties as a funding agent or in strict compliance with the Texas Open Records Act.
- (2) All legal case files and all real estate files involved in litigation are strictly confidential and are not to be released except as required by court order. All information and documentation as a result of acquisition by eminent domain shall be maintained in a separate file. All documents, including court judgments, evidencing ownership of real property by county shall be promptly recorded by the division staff in the office of the county clerk, and shall be retained in perpetuity.
- (3) Records containing information concerning the eligibility for and payment of relocation assistance may be inspected by the affected individual or his/her agent, authorized in writing by the director, pursuant to the appeals process under the county relocation policy, see exhibit B, section XIII (D), (E) of Court Order No. 2001-1036.³
- (4) All records, not otherwise specified, will be retained in an active status for three years and then remain in an inactive status for not less than five years. For federally funded projects, records will be retained for at least three years following the submission of the project's final expenditure to TxDOT. All deeds, permanent easements and judgments shall be recorded in the office of the county clerk.

(Ord. No. 2001-1036, 5-29-2001)

Sec. 110-32. - Right-of-way and real property required by the county.

- (a) *Appraisal process.*

- (1) *Generally.* The state constitution states that no person's property will be taken, damaged or destroyed or applied to a public use without prior payment of adequate compensation, unless by the owners consent. The U.S. Constitution requires that a property owner be paid just compensation for a government taking of private property. Adequate compensation and just compensation describe the same amount. This amount is to be established by an approved

³ **Editor's note—** Exhibit B of Court Order 2001-1036 has not been included within this Code, but may be found attached to said order on file with the commissioners court.

appraisal of the property required. On conveyances, sales or exchange of county owned property, state statutes require the county establish the fair market value pursuant to an appraisal of the property and the appraisal is conclusive of the fair market value of the interest being conveyed, sold, or exchanged.

- a. *Donations.* An appraisal is not required if a property owner donates the required property and releases in writing the county, from furnishing an appraisal. An appraisal, however, may be required to compensate the property owner for improvements in the "donated" area.
 - b. *Minimum value properties.* An appraisal is not necessary if the assistant director of the division, (hereinafter "assistant director"), determines that the valuation process is uncomplicated, there are no damages and the fair market value can be reasonably estimated to be \$2,500.00, or less, based on a review of available data.
 - c. *Detailed appraisal.* A detailed appraisal shall be prepared for all other acquisitions which shall reflect federal and state law and all state and local standards and nationally recognized appraisal standards including:
 1. Uniform Standards of Professional Appraisal Practice, Appraiser Qualifications Board (AQB) of the Appraisal Foundation.
 2. Criteria under state law and state appraiser licensing and certification board rules.
 3. Uniform Appraisal Standard for Federal Land Acquisition.
- (2) *Qualifications.* The department appraisers (i.e. staff appraisers) are required to be certified by the state appraiser licensing and certification board. The independent fee appraisers contracted by the department are required to be certified by the state. Real estate appraising is listed as a professional service under V.T.C.A., Government Code art. 2254, the Professional Services Procurement Act. All employment of real estate appraisers will be in strict conformity with its provisions. The division shall maintain a list of approved independent fee appraisers to be contracted on projects in accordance with the county policy for selection of independent appraisal services dated May 30, 1999 (see chapter 90, article V, sections 90-651 through 90-660 of this Code) and the county indefinite quantity contract outsource policy dated July 19, 1999 (see chapter 110, article III, sections 110-61 through 110-65 of this Code).
- (3) *Appraisal standards.* As a minimum the appraisal shall contain the following:
- a. The purpose of the appraisal or definition of the estate and fair market value, statement of assumptions and limiting conditions affecting the appraisal;
 - b. An accurate description of the physical characteristics of the property being appraised (and in the case of a partial taking, an adequate description of the remaining property), a statement of knowledge of the known and observed encumbrances, if any, title information, current zoning, current use and title information, and an analysis of highest and best use;
 - c. Execution of all relevant approaches to establish fair market value consistent with professional appraisal practices shall include an analysis that will support the opinion of value;
 - d. A description of comparable sales which includes all relevant physical, legal, economic factors, parties to the transaction, (verified by a party to transaction), source/method of financing, and at least a five-year sales history of the property;
 - e. An opinion of the fair market value of the real property to be acquired either independently or as a pro-rata share of the whole, which ever is applicable; for a partial acquisition such appraisal shall contain an opinion or statement of damages, if any, and enhancements, if any, to the remainder (before and after valuation analysis);
 - f. The effective date of valuation, date of appraisal, signature and certification of the appraiser.
- (4) *Types of determination of value.*

- a. *Project summary.* A detailed estimate of value developed by staff appraisers based on the final plan detailing the entire requirements for rights-of-way, and any other governmental purposes, including fee take, permanent easements, temporary or construction easements, slope easements and drainage easements for each parcel, including the land unit value, an estimate (not a appraisal) of the value of the taking, the value of the improvements in the take area and the compensation of any damages.
- b. *Memorandum of value estimate.* If the project summary or a site investigation indicates that: the probable value of the land and improvements to be acquired is \$2,500.00, or less, sufficient market data is available in the vicinity of the land in question, and/or the acquisition will result in no damages to the remainder; the assistant director may determine that an appraisal is not required. The appraiser will prepare the memorandum of value estimate using the form exhibit A.* A discussion of the steps taken to arrive at the final compensation shall be provided in the summary of comments, conclusions and recommendations part of the form, which includes a statement, that it is "not an appraisal". ¹
- c. *Short form summary report.* Short form or summary report is an appraisal that establishes the appraiser's opinion of the fair market value of the area to be acquired, and a supportable opinion that the remaining property is not reduced in value or damaged. This form excludes from the appraisal report an opinion of value for the remaining property both prior to and after acquisition and from which right-of-way is to be acquired. Such opinion of no damages shall only be made after inspection of the property and the formation of an opinion that the remaining property is not considered to be damaged. Such opinion shall be, at a minimum, based on the following criteria:
 1. Property area is not reduced below the size required by zoning ordinance for highest and best use on which value is established.
 2. No dimension of the property is reduced below that required by zoning ordinance.
 3. The positions of existing structures on the remainder do not violate any zoning requirements.
 4. In the case of use areas such as parking, driveways, storage, and other similar uses, where a portion of these facilities are taken and sufficient unused areas exists in the remainder for these facilities to be effectively rebuilt.
 5. Access is not materially or substantially impaired.

The appraisal shall contain a listing of the items considered and information determined in the formation of the opinion. In the event that the property so appraised becomes the subject of Eminent Domain an appraisal of the remaining property both before and after the acquisition shall be made to verify and prove that no damages exist.
- d. *Long form/narrative appraisal.* This type of report will be the basis for just compensation to be paid for the property and includes a determination of the fair market value of the area to be acquired and also includes the requirement to determine an opinion of value using all three approaches to value for the remaining property from which right-of-way is to be acquired and may be considered to be damaged on the basis of the criteria listed in subsection (a)(4)c. of this section.
- e. *Dual appraisal.* When the value of the land to be acquired or the combination of the value for the land, improvements, and damages exceeds \$500,000.00, the assistant director may elect to require two appraisals. At least one of the appraisers must be a non-county fee appraiser certified by the state appraiser licensing and certification board while the other appraiser may be a county staff appraiser.
- f. *Appraisal review.* The department shall have an appraisal review process which shall comply with the following minimum standards or requirements:

1. A qualified reviewing appraiser shall examine all appraisals to assure that they meet applicable appraisal and legal requirements and shall, prior to acceptance, seek necessary corrections or revisions.
 2. The review appraiser is responsible for recommending the fair market value or just compensation as established in the appraisal report for the property to be taken. The review will be thorough, comprehensive, and prepared in accordance with appraisal review procedures.
 3. If the review appraiser approves the fair market value or just compensation as found in the appraisal report the recommended value of the property shall be set forth in a signed statement that identifies the appraisal report reviewed and explains the basis for such recommendation or approval. Any damages or benefits to any remaining property shall also be described in the statement.
 4. If the reviewing appraiser is unable to approve or recommend approval of an appraisal as an adequate basis for the establishment of the offer of just compensation, and it is determined that it is not practical to obtain an additional appraisal, the reviewing appraiser, with the assistant director's approval, may develop appraisal documentation to support an approved or recommended value.
 5. An approved value sheet requesting approval of just compensation will be prepared. This form along with the appraisal report will be submitted to the review board for final approval.
- g. *Interoffice determination of value for in-house evaluations.* An interoffice determination of value for in-house evaluations is a type of report with limited research and analysis which is not considered an appraisal.

(b) *Review board.*

- (1) *Generally.* The purpose of the review board is to evaluate the estimates of value submitted on each parcel, tract or property to be exchanged, sold, conveyed, or acquired, for a county project or other government need by individual appraisers in an effort to ensure that all pertinent data has been considered and that the estimates of value are consistent throughout the project and in compliance with applicable standards and statutes. The review board will evaluate the appraiser's individual approaches and estimates of value to assure that the property owners are offered just compensation (based on current market value) for their property needed for county/government purposes. If the review board concurs with the appraiser's estimate of value and approach to value, it will recommend approval of the value to be offered to the property owner. In cases where the review board does not concur with the appraiser's appraisal value the review board will substantiate and document the reason for the non-concurrence and recommend the value to be approved based on the details of the evaluation. However, if the review board believes that the appraisal value may be less than the appraisal value submitted, it may recommend that another appraisal be performed.
- (2) *Review board membership.* Review board membership shall be comprised of the assistant director (chairman), senior acquisition manager and project manager. In cases of absence, the chairman may permit substitutions. The senior property appraiser and the appraiser performing the specific appraisal shall be required to attend the review board meeting to provide technical advise and assistance to the board.
- (3) *Basis of determining approved value.* The review board shall insure that the approved value reflects the current market value of the land to be acquired or transacted, plus the value of all the improvements lying within the property to be transacted, the values of the parts of bisected improvements which lie within the area to be acquired or transacted, plus the loss of values to the remaining land and improvements offset by any special enhancement which may be suffered as a result of the acquisition/transaction. The review board will ensure that no approved value is set or adjusted following its evaluation and review of all information submitted by the appraiser which is less than \$500.00.

- (4) *Retention value.* The review board shall establish the reasonable value to be assessed for improvements which the property owner is permitted to retain after the acquisition/transaction. The retention value is the amount the improvements are estimated to generate if sold at public auction but in no case shall the value be set at less than \$1.00.
- (5) *Final approval.* The review board shall on the basis of a majority vote set the approved value which shall be recommended to the director for final approval signified by signature of the approved value sheet. Just compensation to be offered to the property owner shall be the total amount on the approved value sheet, which shall not be less than the appraisal value.

(Ord. No. 2001-1036, 5-29-2001)

Sec. 110-33. - Property acquisitions.

- (a) *Generally.* Establishment of an approved value by the review board for identified parcels or tracts of real estate required for a county project or other government need, shall be the authority from the commissioners court for the property acquisition staff of the department to proceed with the acquisition.
- (b) *Negotiation process.* The property acquisition staff will thoroughly review and document the engineering plans, cross-sections, construction details, and drainage features associated with the parcel or tract to be acquired. The acquisition agent shall review the appraisal report or other information related to the fair market value placed on the parcels or tract to be acquired. The acquisition agent will also review and document the title information with particular emphasis on liens and other encumbrances against the property to be acquired.
 - (1) The acquisition agent will coordinate the entire process with the property owner, i.e. appraisal, acquisition, closing and relocation).
 - (2) The acquisition agent will present himself or herself to the property owner with the utmost courtesy and respect, showing understanding and sensitivity to the property owner's needs.
 - (3) The acquisition agent, during the initial contact with the property owner, will inform the owner of the reason and necessity for the particular project, explaining how the project will benefit the public.
 - (4) To the greatest extent possible, the acquisition agent shall make the written offer of just compensation to the property owner in person. In the event this is not possible, the written offer of just compensation shall be deposited in the United States mail certified, return receipt requested. Whenever a written offer of just compensation is made by mail, staff shall make a personal contact as soon as possible thereafter.
 - (5) The acquisition agent shall give to the landowner a copy of the appraisal report(s) used as a basis of the formation of the offer and receive an acceptance form signed by the owner. Such appraisal receipt shall be maintained as part of the permanent parcel record.
 - (6) The acquisition agent will maintain vigilant contact with the property owner and provide responses to any inquiries posed by the property owner. If the property owner disagrees with the offer of just compensation or any part of the appraisal report the acquisition agent shall request that the property owner submit relevant market valuation information which shall be reviewed by the county's appraisal staff to determine what effect if any it will have on the fair market value for the property to be acquired or just compensation. The review of the information furnished by the landowner shall state if any change is recommended in the offer to be made and shall be forwarded to the assistant director, property acquisition manager and negotiator for further action. In the event that a new offer is recommended the information shall be presented to the review board for its consideration and action.
 - (7) All contacts with the property owner(s) or representative shall be recorded in a parcel diary. This parcel diary shall remain confidential along with all records involving the appraisal and real estate transaction.

- (c) *Offer letter.* All offers to purchase real estate for a county project or other government need shall be a written offer to the owner(s) or their authorized representative. If the property owner desires to use a representative to handle all transactions such authorization must be in writing, executed by the owner. Every written offer shall include the following:
- (1) The name of the property owner(s) of record.
 - (2) A statement indicating the reason for the acquisition of the real property.
 - (3) The amount being offered for the real property including the amount attributable to damages, if any. In the event the offer includes the acquisition of improvements or structures and the owner is given the option to retain, then retention value will also be given.
 - (4) A complete legal description of the real property to be acquired.
 - (5) A statement that the just compensation of the offer is based on the fair market value established by a real estate appraisal or a memorandum of value estimate.
 - (6) A listing of improvements, structures and/or fixtures being acquired as real property. In the event tenant owned improvements exist and the fee owner has disclaimed any interest, the improvements being acquired from the tenant will also be listed along with a statement indicating the tenant is being compensated for the items listed.
 - (7) A statement regarding eligibility for relocation assistance benefits, if applicable. In the case of a residential owner-occupant, the maximum replacement housing entitlement shall be stated along with the additional information required to be included in the relocation offer.
 - (8) A statement of any conditions stipulated in the offer, which must be complied with prior to final acceptance.
 - (9) The name and telephone number of the acquisition agent that the owner may contact for additional information.
 - (10) Any other pertinent information required.
- (d) *Final offer letter.* Having exercised all available efforts to acquire a parcel of land by negotiations on a friendly basis and negotiations remain at an impasse, the assistant director shall make a written final offer letter to the property owner by depositing it in the United States postal office, certified, return receipt requested with restrictive endorsements. The property owner shall have ten days from the date of said final offer letter in which to respond to the final written offer. If an agreement has not been reached within the ten-day time period, the director shall recommend that the commissioners court initiate eminent domain proceedings.
- (e) *Administrative settlements.* The county may consider payment of an administrative settlement in excess of the approved value of just compensation to a property owner if such action is in the best interest of county and the general public.
- (1) *Director's authority.* When it is not possible to acquire a parcel or tract of land at the approved value and the property owner(s) or their representatives submits a reasonable settlement offer which is less than the property owner's opinion of the market value amount for the property the director after thorough evaluation of all pertinent issues and consultation may amend the approved value by a sum that is reasonable, prudent and in the public interest, not to exceed \$5,000.00 per parcel. The director shall prepare a written justification which shall include consideration of appraisals, recent court awards, estimated trial costs or valuation problems for the settlement which shall become a permanent addition to the parcel acquisition file. However, the number of parcels affected by this authority shall not exceed one-third of the total number of parcels on any given county project.
 - (2) *Commissioner court authority.* The commissioner court may authorize payment to a property owner which exceeds the approved value or the amended approved value established by the director if it is determined that such action is reasonable, prudent in the public interest and will avoid higher costs expected if acquisition is accomplished through condemnation when

consideration is given to recent court awards, estimated trial cost or valuation problems, including the high risk of exposure due to damages to remainder and or due to proximity damages.

In determining whether or not an administrative settlement will be awarded, the department will present to commissioners court its recommendation regarding settlement based on its thorough review of all pertinent information including, but not limited to:

- a. Appraiser's opinion of value;
 - b. Just compensation as recommended by the reviewing appraiser;
 - c. The acquisition representative's recorded information;
 - d. The opinion of legal counsel;
 - e. Recent court awards in the same project;
 - f. Estimated trial cost;
 - g. Valuation problems of either the area acquired or any potential damages to the remaining land; and
 - h. Any relevant additional market valuation data indicating a change in just compensation.
- (f) *Donations.* The county may accept the donation of real property which has been identified as necessary for a transportation project or other county/government need. The property owner(s) making the donation must sign a donation document waiving his/her right to have the property appraised and receive just compensation.
- (1) All offers for donation shall not contain any conditions which will equate to compensation for the donated property.
 - (2) The county shall advise property owner in writing prior to his signing a donation document of the property owner's right to have the property appraised and an offer of just compensation made on the basis of approved appraised value. Property owner who donates property is entitled to be compensated for any improvements in the take.
 - (3) The acquisition agent must insure that all properties to be donated in fee title or easement shall have no financial encumbrances, liens, delinquent taxes or other title encumbrances (i.e. tenant leases). The department shall prepare a title report or obtain title commitment to insure and clear any existing encumbrances.
 - (4) The commissioners court must formally approve all offers of donation. The action to accept a donation does not automatically relieve the county's responsibility to provide relocation assistance to the owner or tenant occupying the property.
- (g) *Condemnation.*
- (1) *Generally.* In the event that an agreement or settlement cannot be reached with the affected property owner, eminent domain action to acquire the property for a public use and purpose as authorized by the commissioners court shall be implemented in accordance with the statute giving the county authority to acquire by eminent domain and V.T.C.A., Property Code tit. 4, ch. 21. Possession and use of the property shall pass to the county upon payment of the amount of the award of special commissioners to the clerk of the court for the benefit of the property owner. Title to the property will pass to the county upon entry of a non-appealable judgment. When county acquires real property by agreement or by eminent domain within the limits of a municipality, it shall do so only with the prior consent of the municipality's governing body.
 - a. Prior to initiating eminent domain proceedings within the governmental jurisdiction of the city wherein the real property is located, county must first obtain inter-agency approval authorizing county to acquire the property by eminent domain within the municipality or town.

- b. The division shall furnish a current list of all ownership, liens or other encumbrances necessary for the county to acquire clear title to the property and necessary information to achieve service of process.
 - c. The division shall submit a court order to the commissioners court stating that a public necessity exists.
 - d. The civil section of the district attorney's office, hereinafter "district attorney's office", shall file such case in a court of competent jurisdiction and request that three special commissioners be appointed and a hearing be held to determine the amount of just compensation to which the land owner shall be entitled.
 - e. Payment of the sum of money as awarded by the special commissioners shall be paid into the registry of the court for the benefit of the landowners, at which time county shall have possession of the property.
- (2) *Notice of hearing.* Notices of hearings of special commissioners will be served by officers of the court from the county sheriff's department, constable's office or members of the property division, or as otherwise authorized by V.T.C.A., Property Code, ch. 21 depending on the circumstances.
- (3) *Appraiser testimony.* The appraiser(s) whose opinion has been relied upon for the determination of the offer amount will testify at hearings of the special commissioners involving those properties they appraised. In the event that such appraiser is not available, fails or refuses to testify the district attorney may request that either the staff review appraiser can testify to his opinion of value or a subsequent independent fee appraiser may be employed. In the event that the valuation of any appraisal is changed, a new offer will be made and the appraisal furnished to the landowner prior to any special commissioners hearing.
- (4) *Commissioners award.*
- a. The district attorney's office shall deliver a copy of the award of special commissioners to public works. It shall attach a recommendation as to the acceptance or appeal of the award. In the event that the district attorney's office recommends acceptance of the award and the director approves such recommendation, no objections will be filed. In the event that either the director or district attorney's office recommends the filing of objections such recommendation shall be submitted to the commissioners court for its consideration. All actions shall be accomplished to allow for the filing of objections within the statutory limit of 21 days from the date the commissioners award is signed by the judge.
 - b. In the event that no objections are filed by either party, the award of special commissioners shall become the judgment of the court and is unappealable.
 - c. If objections are filed, the case shall be docketed and tried as any other civil action, including the appellant process. A decisions regarding a request for jury trial to determine the issues of the right to acquire the property for a public purpose and the determination of just compensation shall be jointly determined by the director and district attorney's office.
- (5) *Jury trials.*
- a. Unless otherwise requested by the office of the district attorney, an independent appraiser may be used to establish value and to provide testimony at jury trials. The independent appraiser may be employed for the purpose of inspection, photographing and otherwise documenting the condition of the property at such time subsequent to a special commissioners hearing and filing of an appeal to the award. Such appraiser may be employed at a later time to produce a full appraisal report based upon the earlier documentation.
 - b. No action as shown herein shall in any way prohibit or prevent the eligibility of the land owner to relocation benefits to which such land owner would be eligible based upon the final determination of just compensation.

- c. The department will furnish and fund all required support to the district attorney's office, necessary for the presentation of evidence reflecting the county testimony as to the fair market value or just compensation to be paid.
- (6) *Property acquisition from elected county official, county employees or others.* Eminent domain proceedings will be required in all cases in which it is found that an elected county official or an employee who is directly associated with the acquisition of property has an interest in the property to be acquired. In addition, eminent domain proceedings may be required in those cases when, in the judgment of the director, a conflict of interest may exist. Anytime the department recommends the purchase of property from a county employee, the implementing court order will clearly state that the seller is a county employee and will further state the capacity in which this employee works for the county. In those cases where the condemnation procedure is not used, the department will ask for a review of its recommendation by a panel of three county personnel who are not employed in the department. The director shall be authorized to impanel department heads, administrators of the commissioners court or representatives designated by department heads, to serve in "friendly condemnation panel". One of the three members of the friendly condemnation panel shall serve as chairperson who shall insure that a written record of the proceeding is prepared.
- (7) *Donation/dedication.* Eminent domain proceedings or friendly condemnation will not be employed in cases where an elected county official or county employee elects to donate property that has been designated for right-of-way.
- (h) *Clearing right-of-way.*
 - (1) *Structures.* The department of public works shall be responsible for sale or removal of structures not reacquired or retained by the prior owner. Sales shall be by sealed bids, advertised as required by law, which will be opened and awarded in open court. When it is determined that a structure has no apparent salvage value, authorization may be given to city (where the structure is located) and/or county forces to demolish the structure, provided no direct costs are involved in the demolition. Demolition of structures may be included as part of the right-of-way clearing in the construction contract. All other circumstances involving the removal of structures from the right-of-way will require the approval of the commissioners court.
 - (2) *Fencing.* Fence removal, construction or relocation performed as part of clearing of right-of-way shall be performed on an annual time and materials contract, and each job shall be supported by cost estimates in advance of the work. Funds may be encumbered and expended for this purpose without individual approval of each situation.
- (i) *Relocation.*
 - (1) *Application.* This relocation policy is applicable only to those parcels wherein county has agreed or is specifically required to comply with the relocation requirements of the Federal Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended, 42 U.S.C.A. 4601, et seq., as implemented by 49 CFR 24. All other relocation shall be in compliance with V.T.C.A., Property Code § 21.043.
 - (2) *Generally.* During the acquisition of real property for a county project or other government need it may become necessary to displace private owners, individuals, families, businesses, farms and non-profit organizations. Further, the county may be involved in a cooperative project with the state department of transportation, hereinafter "TxDOT", or other projects eligible for federal-aid funding. As such V.T.C.A., Property Code, § 21.046, provides for relocation payments and advisory assistance to persons displaced by the acquisition of real property for any program or project undertaken by any state agency or political subdivision of the state. The act directs each agency to formulate the rules and regulations necessary to carry out the provisions of the act and authorized payments and expenditures not in excess of those authorized by or under the Federal Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 and amendments thereto.

The Federal Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended, and the Amended Relocation Policy as shown in Exhibit B* of Court Order No. 200-1036 are made a part hereof by reference.

- (j) *Right-of-way acquisition policy (indefinite delivery quantity contract)*. See chapter 110, article III, right-of-way acquisition services, sections 110-61 through 110-65.

(Ord. No. 2001-1036, 5-29-2001)

Sec. 110-34. - Title requirements and procedure for title examination, escrow and closing.

- (a) *Owner's policy of title insurance, title commitments, title reports*. The county will obtain a title commitment and purchase a title insurance policy for all lands acquired having an appraised value greater than \$25,000.00, (except donated parcels or temporary easements). Title reports will be used on all parcels having an appraised value of less than \$25,000.00, donated parcels, and temporary easements. The title report may be prepared by a county staff abstractor, a local abstractor, a local abstracting firm, or an abstractor's certificate may be obtained from a title company. Title reports, title commitments, title insurance policies, title company closing procedures and escrow services are outlined in subsection (b) through (o) of this section.
- (b) *Mortgages and liens*. Where title insurance or a title report procedure is used, the county will not accept title to property subject to an outstanding mortgage or lien (except on temporary easements). This fact is to be shown in the owner title policy by inserting the word "none" after the exception for liens. If title insurance is being obtained the title company shall be responsible to withhold funds sufficient to clear any remaining interests at the time of closing the transaction and such amounts shall be shown in the title company's closing statement. Any form of release may be used that meets the requirements of the title company.
- (c) *Leases and private easements*. As a matter of policy, all easements, which are not compatible with the county's purpose for acquiring the real estate, are to be extinguished through the easement owner. Releases, quitclaim deeds, or other documents that meet the requirements of the title company are to be obtained for all leasehold interests. The only exception is for mineral leases, as outlined in subsection (h)(6) of this section.
- (d) *Public utility easements*. Easements held by public utility owners for utility and roadway purposes need not be acquired provided joint use is compatible and provided the utility owner will join the county in execution of a joint use agreement.
- (e) *Current and delinquent taxes*.
- (1) *Past due or delinquent taxes*. When whole property takings are acquired by negotiation, payment is to be made of all past due or delinquent taxes using funds withheld from the compensation due the owner at the time of closing. If the property owner will not agree to such payment, it will be necessary to institute eminent domain proceedings to acquire the property and to join all taxing agencies claiming delinquent taxes. The determinative date for deciding whether or not taxes are delinquent will be the date the eminent domain proceedings are filed. On whole property takings when the amount of delinquent taxes exceeds the amount of compensation to be paid the owner, it will be necessary to secure releases from all taxing agencies for payment of delinquent taxes on a pro rata basis (or to obtain a partial release as to the take area). If any one of the agencies refuses this plan for pro rata payment of delinquent taxes, or to execute a partial release, it will be necessary to condemn the parcel with all taxing agencies claiming delinquent taxes being made party to the suit. On whole property takings all taxing agencies will be joined as parties in the eminent domain proceedings.
- (2) *Partial property takings acquired by negotiation*. On partial property takings acquired by negotiation, current and delinquent taxes are excepted. The county will make payment to the property owner without regard to delinquent taxes. When it is necessary to condemn a partial

taking, all taxing agencies claiming delinquent taxes will be made party to the suit. See exception in subsection (h)(4) of this section.

- (3) *Current taxes.* On whole property takings the current taxes shall be prorated between the buyer and seller at the closing of the transaction. On partial property takings the current taxes owed by the landowner are to be prorated by the tax official of the taxing authority pursuant to subsection (e)a. of this section.
 - a. V.T.C.A., Tax Code, § 26.11 provides for complete tax proration by all taxing agencies on all acquisitions by governmental agencies or any other body politic having the power of eminent domain. Whenever the county or a state or city purchases or condemns land for a public purpose, including, but not limited to, parks, state or county/highway right-of-way, current taxes owed by the landowner are to be prorated by the responsible tax official of the taxing authority or agency involved on the basis of the months the land remained in private ownership or control, such date to be determined by the date of conveyance to the county or date of possession.
 - b. Date of possession on parcels acquired through condemnation proceedings will be the date that the special commissioners award is deposited in the registry of the court, or if no deposit is made prior to the date the judgment is rendered, the date of the judgment shall constitute the date of taking.
 - c. The principles outlined herein apply to all agencies authorized to collect ad valorem taxes on real property.
- (f) *Minerals.* Surface rights to oil, gas or sulphur will be acquired to prevent the use of the surface of the public use to extract or remove the oil, gas or sulphur.
- (g) *Curative work.*
 - (1) *Generally.*
 - a. It is the responsibility of the property owner to clear up any questions that may exist regarding title to his or her property so that clear title can be conveyed to the county. However, county personnel may give as much assistance as possible in such matters in the interest of good public relations and in order to expedite right-of-way acquisition.
 - b. The county, at its sole cost and expense, shall be responsible for obtaining the necessary releases, consents, affidavits, disclaimers, and other curative documents from current lienholders, holders of abstract of judgments, judgments, mechanic liens, state/federal liens, etc. of record in order to obtain the right- of-way free and clear of all liens. See subsection (p) of this section for additional information regarding payments.
 - (2) *Real property held in trust.* Pursuant to V.T.C.A., Government Code § 2252.092, the county must receive from the trustee a copy of the trust agreement identifying the true owner of the property held in trust prior to any purchase or sale.
- (h) *Acceptable title commitment and title policy exceptions.*
 - (1) Liens, defects and encumbrances. The title commitment and policy must indicate that the property is free of all liens, defects, and encumbrances subject to certain listed exceptions. The county will not accept an exception, which indicates a lien, exists against the property conveyed. See subsection (b) of this section.
 - (2) Restrictive covenants. The county will accept an exception showing that certain restrictive covenants exist if it is determined that the restriction will not effect county use of the property. However, it will be necessary that every restrictive covenant affecting the property be examined by the title company to determine whether there are reversionary or reverter provisions that would produce a loss or derogation of title. In such case, the title company shall be instructed to bring such matters to the attention of the department so that necessary curative work may be requested from owner. Exceptions as to restrictive covenants involving a loss or derogation of title are not permitted. See subsection (g) of this section.

- (3) Survey exception. The county will accept the standard exception as to survey. That exception provides for "any discrepancies, conflicts or shortages in area or boundary lines or any encroachments or protrusions, or any overlapping of improvements" which a correct survey would show. In this connection, careful effort should be made to check owners in possession against record titleholders and authorized lessees or tenants. Assistant director may require title company to except its boundary exception in those cases where it would be in the best interest of county.
- (4) Taxes and assessments. The county assumes no obligation for the collection of current taxes. When a property owner desires that prorated current taxes be paid out of the proceeds due from the county, the procedure will be as outlined in subsection (e) of this section. In such event, the title company is authorized to withhold such pro rata taxes from the owner's compensation and forward such taxes to the collecting agency. Delinquent taxes may be excepted only in the case of a partial taking. On a partial taking, the commitment and policy will include an exception as follows: "All standby fees, taxes and assessments by any taxing authority current and delinquent".
- (5) Easement exceptions. An exception may be taken to an easement right held by a public utility authorized to use the public right-of-way by statute. The county accepts such easements if there is to be joint usage of the property by the county and the utility owner. Any easement, which would interfere with the right-of-way being used for roadway or other county purposes, will not be accepted. The determination as to acceptability will depend on each individual case. In all cases the commitment and policy are to (1) give the name of the easement holder and (2) identify by general language the purpose of the easement and whether or not it is compatible with county operations. If no easement is to be excepted the title company is to complete the commitment form by inserting the word "none" in the space provided for the listing of easement exceptions. See subsections (c) and (d) of this section.
- (6) Leases and/or mineral exceptions. An exception in respect to mineral interests will be accepted under certain conditions. This exception generally deals with the oil, gas, and sulphur reservations or leasehold or other mineral interests as provided in the deed of conveyance or conveyance of an easement for right-of-way purposes. Although in such case the county has not taken these minerals in its acquisition from the property owner, the property owner has waived all rights of ingress and egress for the purpose of mining and developing those minerals. All eminent domain cases will contain language that the landowner shall have no right to enter upon the property for the removal or extraction of any minerals retained. However, the owner may still make a subsurface directional drill underneath the property from adjoining property where otherwise permitted for the purpose of obtaining such minerals. Any permissible directional drilling shall not interfere with the use of such property for roadway or other county governmental purposes.
- (7) Rights of parties in possession. An exception regarding rights of parties in possession will be accepted provided that the county will (1) make a careful on-the-ground inspection of the parcel site with respect to occupancy, (2) sign any necessary waiver of inspection required by the title company and (3) ascertain that there are no parties in adverse possession of the property when the title commitment is submitted. This exception applies only to one or more persons who are actually physically occupying the property and where there are no recorded documents evidencing their claim to such property.
- (8) Homestead or community property or survivorship rights, if any, of any spouse of any insured.
- (9) Any title or rights asserted by anyone, including, but not limited to persons, the public, corporations, governments or other entities:
 - a. To tidelands or land comprising the shores of beds of navigable or perennial rivers and streams, lakes, bays, gulf or oceans; or
 - b. To lands beyond the line of the harbor or bulkhead lines as established or changed by any government; or
 - c. To filled-in lands, or artificial islands; or
 - d. To statutory water rights, including riparian rights; or

- e. To the area extending from the line of mean low tide to the line of vegetation, or the right of access to that area or easement along and across that area.
- (i) *Selection of title companies and abstracting firms.* The department will select title companies and/or abstracting firms according to their schedules, project location, interest, cooperation and previous work history in performing the work for the county. An effort will be made to distribute the work among a wide cross section of county companies.
- (j) *Procuring title data.*
 - (1) *Generally.*
 - a. The county will secure the services of a title company and or abstracting company and furnish such title or abstracting company with sufficient preliminary title data so that it can determine the property descriptions of the parent tracts out of which parcels are to be procured. The county will provide, when available, a metes and bounds description and survey plat of the property to be acquired. A preliminary right-of-way map is also available, if requested, to assist the title company or abstracting company in determining the requirements.
 - b. Information derived by the county in its field contacts with regard to parties in possession, adverse possessors, leasehold interests, tenants, results of survey, and any information not normally reflected in the public deed records will be transmitted to the title company by written correspondence to assist the title company in locating all title defects, which the owner will be required to cure if not permitted as an exception in the title commitment and policy. From the aforementioned material the title company will be requested to furnish the county with preliminary information relative to present ownership's and property legal descriptions of the parent tracts. When furnishing this information, the title company will also furnish data relative to liens, easements, etc.
 - (2) *Purchase of title insurance and title insurance policies.* Instructions for purchasing title insurance on county roadway projects are to be applied separately to each authorized project having a separate general expenditure authorization. The department will send a letter to the title company specifying any special requirements and conditions regarding the issuance of title commitments and title insurance policies. The following guidelines shall apply:
 - a. The title commitment will reflect all of the real property that was acquired in the same title chain. If there are separate title chains, each commitment would have to be researched back to a common source of title.
 - b. Parcels referred to herein are the county numbered parcels.
 - c. A separate (state established) basic premium may be charged for each policy issued but no charges for additional chains of title are to be made in any case.
 - d. The department will negotiate the lowest possible escrow fee with the title company. Escrow fees are outlined in subsection (m) of this section.
- (k) *Commitments for title insurance.*
 - (1) *Generally.* After receipt of the title commitment from the title company, the department will prepare the necessary instruments of conveyance and all other documents needed to clear title, i.e., partial releases, affidavits, etc. After the preparation of these instruments and prior to their execution, they are submitted to the property supervisor for examination to ensure correctness. A complete property description of the county's taking shall be included in the owner's title policy commitment.
 - (2) *Negotiated parcels.* When a parcel is being acquired by negotiation, the title commitment will be issued by the title company within a reasonable amount of time upon receipt of the department's written request, field note description and survey plat of the property to be acquired by the county. All title commitments for negotiated parcels are to be prepared on forms for the writing of title insurance in the state, issued by the state department of insurance, and submitted to the

department in duplicate. Where there is more than one property interests to be acquired in a given parcel, e.g., there is a fee interest plus a separate leasehold interest(s) or there are various undivided interests, the title company will issue one commitment listing each interest separately, i.e., owner of fee estate, easement estate, leasehold estate, et al.

- (3) *Eminent domain.* When it becomes apparent that a parcel must be acquired through eminent domain proceedings, the department will advise the title company that the property will be acquired in such a manner. The title company will, at this time, make a recheck of the records and furnish the department with an updated commitment.
- (l) *Owner policy of title insurance.* Title Insurance policies are to be prepared in the manner prescribed by the state department of insurance. Since title is vested in the county through purchase and eminent domain proceedings, the name of the insured should be the County of Dallas, unless otherwise directed by the department. Policies will be written in the amount of the cash consideration paid for each parcel; the total consideration for contiguous parcels as received in the deed in cases of negotiation; in the amount of the value of the part taken, where appropriate, or in the amount of the final judgment in cases of eminent domain proceedings. The title company will issue the title policy to the county upon receipt of a county warrant for the title policy premium and related closing costs associated with the acquisition. In the event that the right-of-way is acquired for the state the title policy will be issued to insure the state.
- (m) *Fees for title services.*
 - (1) The county shall pay the title policy premium established by the state department of insurance for the issuance of title insurance. Such fee shall include title examination, five-year sales data, closing the transaction, securing and disbursing money and final search of title.
 - (2) On partial and or whole property takings, the department will negotiate the lowest possible escrow fee with the title company. On partial takings a reduced rate is negotiated, as the county acquisition agents are responsible for performing all curative work. The department provides the title company with the original executed conveyance documents and all curative documents required by the title company on schedule "C" of the commitment.
 - (3) On whole property takings the escrow fee is higher because the title company is responsible for performing all curative work. Care should be exercised to insure that the property owner is not charged with any closing expense incidental to the transaction other than those set forth under subsection (g) of this section.
 - (4) In determining the premium rates where one owner owns more than one parcel or several owners are involved in one purchase, the instructions in subsection (j) of this section must be followed.
 - (5) If the department requests a title company to furnish tax information when title insurance is ordered, the title company may be reimbursed for the documented costs of the required tax certificates. Tax certificates are required on whole property takings only. Unless otherwise specified by the department a tax certificate is not required on a partial taking. The title company's request for reimbursement must include documentation to support its cost for the certificates.
- (n) *Closing by title company.*
 - (1) The department will transmit the original closing documents, i.e., deeds, easements, releases, resolutions, and other documents required on schedule "C" of the commitment to the title company for their preparation in closing the transaction. The department will obtain approval of the commissioners court for authorization to disburse the funds to the title company for the account of the property owner for payment of the necessary land, improvements and damages, if any, for each parcel. The county's warrant will be mailed by us mail directly to the title company for the account of the property owner. The title company will deposit the county's warrant and will issue or deliver a new warrant to the property owner at the time of closing.
 - (2) The property supervisor or his or her designee will be the county's representative during the closing of the transaction. The department when submitting the original closing documents to the title company will provide the title company with the property owner's name or contact person and

telephone number. The title company is responsible for contacting the property owner and arranging the closing of the transaction. Costs of courier services will be kept at a minimum and should be used by the title company in the case of distantly located owners or when time is of the essence.

- (3) The title company, upon receipt of the county's warrant, will immediately take steps to see that the transaction will be promptly closed and that an appropriate title insurance policy is issued. See also subsection (o) and (p) of this sections.
- (o) *Title company's closing statement.* The title company will fax copies of the seller's and purchaser's closing statement to the property supervisor for review and approval prior to closing. Upon acceptance by the property supervisor, the property supervisor will execute and return the county's closing statement via fax and mail the original via U.S. mail to the title company. The title company, when requesting payment for title insurance policy services, will furnish the county with a closing statement detailing the disposition of the proceeds from the county's warrant. If all of the proceeds of the warrant are not at first disposed of and some money is retained in trust, then this statement is to so state. Subsequently, when all of the money is disposed of, the statements must show the amounts paid for settlement of liens, mortgages, taxes, etc., and the net amount paid to the grantor with a total equal to the amount of the county warrant. These statements must also show the right-of-way project/account number, parcel number, project limits, county warrant number and amount, and the closing date. The title company shall provide a signed copy of the seller's and purchaser's closing statement to the former owner or grantor and to the department, unless otherwise directed by the department.
- (p) *Recording of legal instruments.* All instruments conveying any real property interest to the county will be recorded in the county clerk office, immediately following the closing transaction. On county acquired right-of-way, the county pays the costs of recording such instruments. The title company will include these costs in their billing for incurred title expenses on the county's closing statement. Recording cost for curative work caused by errors in the documents in the property owner's chain of title, shall be the responsibility of the property owner. The title company will include these costs in their billing for incurred title expenses on the seller's closing statement. See subsection (g) of this section for additional information.
- (q) *Title reports and their usage.*
 - (1) Title reports will be prepared on all donated parcels, temporary easements, or parcels which have an appraised value of less than \$25,000.00, however, the assistant director has the sole discretion to purchase a title insurance policy on parcels which have an appraised value of less than \$25,000.00.
 - (2) The title search will commence with the current owner (as referenced in the preamble of the field note description), and or the last record owner owning the fee simple estate to the property.
 - (3) On whole property takings or partial property takings where a fee taking or permanent easement is required that includes a temporary easement, the title report will include the names of the owner(s) of record and all persons or entities owning or claiming any interest of record in such parcel (excluding taxes due as of the date of the report), the date of recording of such interest, a description of the estate or interest owned or claimed (when possible) as disclosed of record, and the names of persons or entities, as disclosed of record, from whom deeds or releases should be obtained to cure all defects in title, the clearance of which would result in fee title, i.e. Deeds of trust, mechanic's liens, state and federal tax liens, and all other restrictive covenants, liens or judgments that affect the property. The address of the current owner(s) shall be included when available. If the title report contains outstanding encumbrances and liens, it will be necessary to secure full or partial releases covering all of these. Taxes will be handled as outlined in subsection (e) of this section.
 - (4) On partial property takings where only a temporary easement is required, a "name search only" will be performed. The department will not clear title encumbrances on takings involving only a temporary easement.

- (5) The department will be responsible for obtaining the necessary information from the property owner to complete the applicable grantors clauses, i.e., marital status of each individual, if the property to be conveyed is their separate or community property, and or the proper legal capacity of the record owner(s), i.e., trustee, guardian, attorney-in-fact, etc. If it is necessary to use abbreviations, only those commonly recognized or legal (Latin) terms may be used.
- (6) The acquisition agent, on their initial visit with the property owner, is responsible for confirming with the property owner that the information in the title report is correct and that no transaction has occurred involving the property since the date of the title report.

(Ord. No. 2001-1036, 5-29-2001)

Secs. 110-35—110-60. - Reserved.

ARTICLE III. - RIGHT-OF-WAY ACQUISITION SERVICES⁴

Footnotes:

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Sec. 110-61. - Scope of article.

The purpose of this article is to establish procedures and criteria for the employment of an outsource firm to provide right-of-way acquisition services for governmental purposes on behalf of the county in accordance with applicable county standards, rules, regulations, the constitution and laws of the state and all applicable federal laws and regulations. Such employment shall include but not be limited to title services, appraisal services, negotiations, closing services and condemnation support. This article applies to professional service contracts for right-of-way acquisition by outsource firms.

(Ord. No. 99-771, § I, 4-20-1999)

Sec. 110-62. - Selection criteria.

- (a) The procurement of right-of-way services shall conform to V.T.C.A., [Government Code § 2254.001](#) et seq. for professional services. The firm selected for these services shall be selected on the basis of demonstrated competence, qualifications, and not to exceed fee for the services to be performed. After selection, an indefinite quantity contract shall be executed at a not to exceed price with the most highly qualified firm.
- (b) The following selection criteria are defined to provide a systematic and impartial evaluation and documentation for use in the selection of a right-of-way acquisition firm. These criteria represent the basic standards to be considered in the selection process:
 - (1) *Qualifications, experience and capabilities.*
 - a. Experience and demonstrated knowledge of services requested include experience and qualifications of project manager, key personnel and project teams (subcontractors/consultants).

⁴ **State Law reference—** Procurement of professional and consulting service, V.T.C.A., [Government Code § 2254.001](#) et seq.; right-of-way acquisition, V.T.C.A., [Local Government Code § 262.024](#).

- b. Experience with other similar projects for work performed in the state.
 - c. History of meeting deadlines.
 - d. Education and training of project managers and team.
- (2) *Time factors.*
- a. Personnel to be assigned to the project.
 - b. Proposed approach/attention to critical issues and resources committed.
 - c. Time frame and bar graph schedule for a typical project based on 100 parcels (60 residential, 20 vacant and 20 commercial with one commercial bisection).
- (3) *Women and minority participation.*
- a. The consultant's use of women and minority-owned business enterprises.
 - b. List of all women and minority-owned firms that will be involved in the project and nature of their involvement.
 - c. Women and minority interest/ownership of firm.
 - d. Assignment of qualified women and minority employees to project.
 - e. Demonstration of hiring practices which provide opportunities for work experience and encourage the professional development of women and minority employees.
- (4) *Data to be considered.* The following data shall be provided by the firm and will also be given consideration in the selection process:
- a. Firm's current contracts.
 - b. Firm's knowledge and experience of right-of-way acquisition in the state and local communities.
 - c. Current litigation, including litigation against the county; includes subcontractor/consultant litigation against the county.
 - d. Administration and management plan.

(Ord. No. 99-771, § II, 4-20-1999)

Sec. 110-63. - Right-of-way services procurement process.

- (a) *Procedure.* The director of public works will evaluate the pending workload in the property division and ascertain the need to solicit proposals for the needed right-of-way services. These services shall apply to federally funded projects, state department of transportation (TxDOT) projects, county thoroughfare bond projects, in-house or road and bridge district projects and other interdepartment projects.
- (1) The property division will identify the projects, parcels, and/or a combination of the same that cannot be completed by in-house staff and will require outsource assistance.
 - (2) The property division will coordinate with the county purchasing department and brief the commissioners court for authority to advertise for proposals.
 - (3) Funding for these services will be identified from the transportation bond program or will be provided by the county department and/or entity requesting assistance.
 - (4) The county public works department will provide project management and administration activities for all contracted right-of-way services.
 - (5) Procurement will be in accordance to:
 - a. V.T.C.A., Government Code § 2254.001 et seq.;

- b. Constitution and laws of state;
 - c. Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended;
 - d. County policies and procedures.
- (6) *Project announcement:* When the in-house workload is such that efficient acquisition of right-of-way is not possible due to pending workload, the public works department will brief the commissioners court providing a list of projects or parcels which require outsource services to include a defined scope of work for the various elements necessary to accomplish the services. After approval by the commissioners court of the project scope of work, the purchasing department shall have advertisements placed in local newspapers for a period of not less than two weeks. The announcements will request that all proposals be returned to the purchasing department.
- (7) *Processing proposals:* Upon receipt of proposals, within the specified time required, a tabulation will be made by the purchasing department on a standard form of the firms which have responded which will be distributed to the public works department and the evaluation committee. The evaluation committee shall consist of members appointed by the director of public works and will include assistant directors, project managers, the commissioners court administrative planning and development coordinator, a representative of the purchasing department, and the coordinator for minority/women business enterprises.

Each member of the evaluation committee independently shall evaluate each firm, utilizing the criteria outlined in section 110-62, as well as exhibit A, Right-of-Way Contractor Rating Form. The evaluator is expected to research the information submittal by each responding firm prior to assessing that firm's ranking. Rating forms from each member will be tabulated and retained for record purposes and for subsequent submission to the commissioners court. The coordinator for minority/women business enterprises shall review all submitted data with regard to item III of exhibit A.

(b) *Selection of Firms.*

- (1) *Factors.* The criteria established in section 110-62, selection criteria, shall be utilized in rating firms on the right-of-way services rating form, with emphasis on the following factors:
- a. Previous experience on similar projects.
 - b. Current firm's workload and availability.
 - c. Demonstrated ability to perform required services within a county time schedule.
- (2) *Additional factors.* In addition, consideration is given to the following:
- a. Firms, employees of firm, subconsultant/subcontractor involved in litigation with the county or representing clients in an issue in litigation are disqualified for the term of the litigation.
 - b. Firms owned or headed by a former county employee are disqualified for a period of one year after their departure from county employment.
 - c. Firms which have actively and successfully recruited a professional employee of the county are disqualified for a period of one year.
- (c) *Recommendations for approval of firms.* After the evaluation committee completes the task of rating firms and the director of public works has reviewed and approved the ratings, a complete listing of firms responding to the announcement (including a tabulation of the committee's ratings), along with a recommendation for selection of a successful firm will be submitted to the commissioners court by the public works department for award. The recommendation to the commissioners court shall include a complete and detailed statement of the scope of services to be provided along with source of funding and any other pertinent information.

(Ord. No. 99-771, § III, 4-20-1999)

Sec. 110-64. - Contract considerations.

- (a) *Basis for negotiations.* The intent of this article is to provide expedient right-of-way procurement services to advance the county transportation bond projects or other similar projects to construction. The firm to be selected to provide right-of-way acquisition services will be awarded an indefinite quantity contract, for a term of one year with option of extending contract for an additional one year, provided that both parties concur. This will apply to the extent that the contracted firm maintains the capabilities required to expedite the services as determined from its performance. The county shall have the authorization to distribute remaining projects or parcels to the next qualified firm. The commissioners court will authorize work orders specifying a variety of projects requiring, but not limited to, the services outlined in section 110-63, to be awarded to the firm under contract with the county. The commissioners court will specify a minimum amount to award upon execution of a right-of-way acquisition services contract, or establish a minimum amount of work to be available for outsourcing, whichever is deemed appropriate. The county shall not issue a work order known to have a completion schedule longer than the remaining term of the contract, including extensions.
- (b) *Award of contract.*
- (1) Upon approval by the commissioners court of the selected firm, an indefinite quantity contract will be executed with the most qualified firm. If, in the opinion of the director of public works, a contract cannot be executed with the highest ranked firm, negotiations will be formally terminated with that firm and initiated with the second most qualified firm, and so forth until a fair and reasonable contract can be awarded, within established budgetary limitations and acceptable to the committee, and the public works department. The evaluation committee, after review of the initial failure to award a contract to the top two ranked firms, may decide to request that the request for proposal is readvertised.
 - (2) The county may elect to designate or specify in the announcement for right-of-way acquisition services (request for proposals), the estimated right-of-way acquisition budget or specify the time frame to complete the project.
 - (3) For all projects or phases of projects where the scope of work has been clearly and fully defined, with a definite time frame and approved by the commissioners court, contracts will be awarded based upon a not to exceed negotiated fee rate per parcel for right-of-way acquisition services.
 - (4) Reimbursable fees shall be determined based upon the not to exceed product of negotiated hourly rate costs times actual units expended and subject to confirmation by an audit of the firm's financial records. Reimbursable expenses for subconsultant or subcontract services shall be determined on invoice costs, plus ten percent. Subconsultant or subcontract services agreements shall be subject to audit and subject to approval of the county public works department. All the county right-of-way acquisition services contracts will contain maximum "not to exceed" total fees based on unit line item prices submitted in the proposal, plus special services fees and reimbursable expenses.
 - (5) The attached contract format (exhibit B) shall be utilized to the maximum extent possible on right-of-way acquisition services contracts for the county public works department.

(Ord. No. 99-771, § IV, 4-20-1999)

Sec. 110-65. - Minority/woman-owned business involvement evaluation.

- (a) *Compliance with policy.* The proposing firm shall comply fully and totally with the county minority/woman-owned business involvement policy. This policy was adopted August 25, 1986, by Court Order No. 86-1198 and amended May 11, 1987, by Court Order No. 87-833 and February 28, 1988, by Court Order No. 88-334. All proposals (RFPs) for right-of-way acquisition services in response to project announcements shall include the appropriate forms with complete data regarding minority/women participation. Copies of the minority/women-owned business involvement policy, necessary forms and information may be obtained from:

Dallas County Minority/Women Business Coordinator
 500 Main Street, 6th Floor, No. 613
 Dallas, Texas 75202

- (b) *Minority/women participation.* The following criteria are defined to provide a systematic and impartial evaluation and documentation of the degree or extent to which minority/women participation in the project will be achieved:
- (1) Minority/women ownership/interest in the right-of-way acquisition firm. Percent of ownership and position in active operations or management of the firm shall be given.
 - (2) List of all other minority/women-owned firms that will be involved in the project and nature and extent of their involvement. This list shall provide percent of ownership, position and extent of management in operations of the firm.
 - (3) Assignment of qualified minority/women employees to the project. This shall include these employees of the firm and other firms involved in the project.

(Ord. No. 99-771, § V, 4-20-1999)

EXHIBIT A
RIGHT-OF-WAY CONTRACTOR RATING FORM

I.	Qualifications, Experience and Capabilities		
	A.	Experience and demonstrated knowledge of services requested, include experience and qualifications of project manager, key personnel and project team (subcontractor/consultant) assigned to project.	10 points
	B.	Experience with similar projects for work performed in the State of Texas.	10 points
	C.	History of meeting deadlines.	10 points
	D.	Education and training of project manager and team.	10 points
II.	Time Factors		
	A.	Personnel assigned to the project.	15 points
	B.	Proposed approach, attention to critical issues and resources committed.	15 points
	C.	Time frame and bar graph schedule for completion of typical project, (based on 100 parcels (60 residential, 20 commercial, and 1 commercial bisection).	15 points
III.	Female and Minority Participation		

A.	Certified M/WBE firm.	6 points
B.	M/WBE involvement as subconsultants, subcontractors or suppliers.	6 points
C.	Female and minority employees assigned to project.	3 points
	TOTAL	100 points

(Ord. No. 99-771, exh. A, 4-20-1999)

**EXHIBIT B
DALLAS COUNTY
RIGHT-OF-WAY ACQUISITION SERVICES
CONTRACT INDEFINITE QUANTITY**

KNOW ALL MEN BY THESE PRESENTS, this Contract is made and entered into as of the _____ day of _____, _____, and through the period of _____, _____, through _____, _____, by and between the COUNTY OF DALLAS (hereinafter referred to as "county") acting by and through the commissioners court of Dallas County, Texas, and _____ (hereinafter referred to as "contractor") with offices located at: _____

WITNESSETH:

WHEREAS, the county intends to contract for professional services for one year with the option to extend for a second year, providing both parties concur. County estimates a minimum of five projects or a minimum of 50 parcels comprising a mix of projects will be available annually; and

WHEREAS, the county desires to contract with contractor for complete right-of-way acquisition services as detailed in subsequent "work order(s)" (attachment 1) that may be issued under this contract; and

WHEREAS, the contractor has agreed to provide professional services as directed;

NOW THEREFORE, the county and contractor, in consideration of the terms, covenants and conditions herein contained, do hereby contract as follows:

**ARTICLE 1
SCOPE OF SERVICES AND COMPENSATION**

- 1.1. As an independent contractor in its relationship with the county, the contractor shall perform all right-of-way acquisition services for any work order as authorized by the commissioners court. The indefinite quantity contract is to be used for a variety of right-of-way acquisition services/projects. The services may range from, but not be limited to, administration, appraisal, negotiation, title services/closing services, and condemnation testimony and support.
- 1.2. The county shall compensate the contractor in accordance with the schedule of rates detailed in subsection 1.3, compensation for services, of this contract, requirements of the request for proposal and the particulars contained in the authorized work order. In the event of a conflict, the terms and conditions of the authorized work order shall govern.

1.3. Compensation for services.

1.3.1. Basic services. The contractor's services under this contract for the purposes of payments will be negotiated separately for each work order issued and will be a lump sum or not-to-exceed contract. The type of fee basis used will be according to the requirements of each project in accordance to the per parcel schedule below:

1.3.2. Schedule of right-of-way services.

	ACTIVITY	FEE RATE/PARCEL	NO. UNITS	TOTAL
	<i>Administration</i>	<u> /PARCEL </u>	<u> </u>	<u> </u>
	<i>Appraisal:</i>			
	Industrial	<u> /PARCEL </u>	<u> </u>	<u> </u>
	Commercial	<u> /PARCEL </u>	<u> </u>	<u> </u>
	Residential	<u> /PARCEL </u>	<u> </u>	<u> </u>
	Undeveloped	<u> /PARCEL </u>	<u> </u>	<u> </u>
	<i>Negotiation:</i>			
	Industrial	<u> /PARCEL </u>	<u> </u>	<u> </u>
	Commercial	<u> /PARCEL </u>	<u> </u>	<u> </u>
	Residential	<u> /PARCEL </u>	<u> </u>	<u> </u>
	Undeveloped	<u> /PARCEL </u>	<u> </u>	<u> </u>
	<i>Condemnation Support:</i>			
	Appraisal	<u> /PARCEL </u>	<u> </u>	<u> </u>
	Negotiation	<u> /PARCEL </u>	<u> </u>	<u> </u>
	<i>Title</i>			
	Research	<u> /PARCEL </u>	<u> </u>	<u> </u>

	Insurance	<u> </u> /PARCEL	<u> </u>	<u> </u>
	<i>Closing Services</i>	<u> </u> /PARCEL	<u> </u>	<u> </u>

1.3.3. Reimbursable charges. In addition to the basic services fees, reimbursable charges may be authorized, including:

- A. Additional meetings/presentations where the county has requested the contractor's attendance will be compensated at a rate of _____ per hour. Chargeable time shall be computed from the time the contractor arrives at a prescribed meeting location through termination of meeting (minimum one hour), with no additional cost for travel expense.
- B. Assistance to the county as expert witness in any litigation with third parties and condemnation proceedings will be compensated based on an hourly rate for each hour in which the contractor's preparation and presence is required. Chargeable time shall be computed from the time the contractor arrives and departs the meeting and/or the actual documented time (time sheet) spent to prepare for such litigation, including travel costs. The total cost to the county shall not exceed _____ at _____ hourly rate.
- C. Special contract services, when required and approved by the county, will be compensated at the invoice cost to the contractor, plus ten percent.

The cost to the county shall not exceed \$ _____

TOTAL: \$ _____

ARTICLE 2 CONTRACTOR SERVICES

2.1. Basic services.

The contractor's basic services consist generally of the phases described in this article, and include completed services. All contractor's subcontractors/subconsultants shall be subject to approval of the county through its director of public works. No subcontractor, subconsultant and key personnel having been submitted under qualifications, experience and capabilities part of this contract shall be replaced. The county reserves the right to replace any employee or key personnel deemed inappropriate. The contractor shall perform all work in a manner satisfactory and acceptable to the county, represented by its director of public works or his designee, referred to in this contract as "director." The performance schedule, as set out in section 2.8, administration and management, is agreed to by contractor, and the contractor agrees to use its best efforts to complete all services in accordance with such performance schedule. All services shall be performed to the highest professional standard. The contractor understands that no service under this contract or subsequent work orders shall be performed until the contractor receives a written notice to proceed. The contractor shall add the following to all correspondence to be used under this contract: "that it has been hired by Dallas County to provide right-of-way acquisition services related to (name of project/parcel no.) project, but the contractor has no authority to bind the county and that no offer or value shall be binding until approval by the Dallas County Commissioners Court." All offer letters, permission letters or other related correspondence shall be in the contractor's letterhead.

2.2. Specifications of proposal; scope.

This specification describes right-of-way services to include, but not limited to: administration, title services, appraisal services, negotiation, closing services and condemnation support. The contractor shall:

- 2.2.1. Be a firm or corporation regularly engaged in the real estate business, providing real estate services, and licensed to do business in the state.
- 2.2.2. Provide state certified appraisers in the state with a minimum of three years' experience in partial taking appraisal and partial taking appraisal review in the state. The county shall approve all appraisers to be used on county projects.
- 2.2.3. Provide licensed negotiators who are familiar with appraisal review reports and have a minimum of two years' experience in right-of-way negotiations.
- 2.2.4. Provide a project office located in the county, including a toll free telephone number or accept collect calls. The project office shall be in operation prior to any negotiations with property owners and remain in operation until the specified right-of-way services are complete. Office hours shall be at a minimum 8:00 a.m. until 5:00 p.m., Monday through Friday, with the exception of observed county holidays.
- 2.2.5. Provide all services to acquire instruments of conveyance providing superior title in the name of the county.
- 2.2.6. Maintain a complete set of project right-of-way plans, plats and property field note description at the project office location.
- 2.3. Description of services.

The contractor shall provide a nonfee, nonoffice title company, authorized to do business in the state, in good standing, and tax bond.

- 2.3.1. Title services shall include, but not be limited to, the following:

- A. Secure preliminary title commitment or preliminary title search from the title company that will be providing title insurance.
- B. Provide title insurance for all parcels acquired, ensuring clear title.

- 2.4. Appraisal services.

2.4.1. The contractor shall provide state certified land appraisers with qualifications and experience in right-of-way acquisition in the state.

2.4.2. The contractor shall ensure that the appraiser or appraisal firms used under this contract shall have no conflict of interest or pending litigation against the county.

2.4.3. Appraisal services are subject to the approval of the county and/or the city and the state department of transportation, depending on the type of project included in the work order.

2.4.4. The contractor shall prepare a preappraisal contact form for each parcel on forms provided by the county. If the appraisal report is not approved by the county or any of the approving authorities, the contractor shall require reappraisals as required to fulfill this requirement. Any delays to the delivery schedule will be at the contractor's expense.

2.4.5. The contractor shall secure permission, in writing, from the owner to enter the property from which the land is to be acquired. If the contractor, after diligent effort, is unable to secure the necessary letter of permission in writing from the property owner, the contractor shall notify the county in writing for record purposes only. The contractor's requirement to complete an appraisal shall not terminate due to failure to obtain letters of permission.

- 2.4.6. The contractor shall maintain permission letters with the appraisal reports.

2.4.7. The contractor shall prepare a complete appraisal report for each parcel to be acquired. These reports shall conform to the county policies and procedures and the Uniform Standards of Professional Appraisal Practices, which will be furnished to the contractor by the property division of the county public works department.

2.4.8. The contractor shall contact property owners or their designated representative to offer an opportunity to accompany the appraiser on the appraiser's inspection of the subject property and maintain a record of such contact in the file.

2.4.9. The contractor shall appear as an expert witness in eminent domain proceedings and be available for prehearing or pretrial meetings as directed by the county district attorney's office (civil section).

2.4.10. The contractor shall coordinate with the review appraiser (see section 2.4.7) regarding corrections and/or additional information which may be required.

2.4.11. The appraiser shall be selected from the county's list of state approved fee appraisers. The county shall approve all individual appraisers or appraised firms to be used in this contract. The appraiser list will be available at the preproposal conference and provided to the successful proposer.

2.4.12. The contractor shall notify the county public works department of underground tanks and other forms of environmental contamination found on the right-of-way to be acquired which could require environmental mediation.

2.4.13. Appraisal review.

- A. Prior to submittal, the contractor shall review all appraisal reports for each parcel to ensure that all supporting documentation supports the conclusion reached and are in compliance with the county policies and procedures and the Uniform Standards of Professional Appraisal Practices.
- B. The county appraisal review board will review all appraisal reports for consistency of values and prepare the approved value form or related forms for submittal as required. If required by the type of project in the work order, the county will submit the county approved appraisal report to the city and/or the state department of transportation for their approval. The contractor shall require its appraisal to address any actionable comments.
- C. The contractor and/or his appraiser shall be required to attend the county appraisal review board meeting.

2.4.14. The deliverables contractor shall ensure that all original data, electronic media, appraisal reports, photographs and negatives shall be delivered and become the property of the county without future demand by the contractor upon the completion and approval of the appraisal services part of the contract.

2.5. Negotiation.

All offer letters shall be in the contractor's letterhead and contain the nonbinding clause in section 2.1.

The contractor shall:

2.5.1. Be familiar with the appraisal and appraisal review reports.

Note: On congestion mitigation air quality (CMAQ) projects the contractor shall ensure that no negotiations are initiated with property owners until all appraisals have been approved by the county, the city (where the parcel is located) and the state DOT.

2.5.2. Analyze each preliminary title report to determine potential problems, proposed methods to cure title deficiencies and perform title curative work.

2.5.3. Prepare the offer letter, memorandum of agreement on the contractor's letterhead and other required county documents, based upon the appraised fair market value.

2.5.4. Contact each property owner or owner's designated representative, in person where practical, to present the offer, maintain followup contacts and secure the necessary documentation upon acceptance of the offer for closing. The contractor shall include a nonbinding statement in section 2.1 on all verbal or written correspondence with a property owner.

2.5.5. Provide a copy of the appraisal report for the affected property to the property owner or authorized representative at the time of the offer. Maintain a record of the receipt of the appraisal by the property owner in the file.

- 2.5.6. Respond to the property owner's inquiries verbally and in writing.
- 2.5.7. Maintain negotiator contact reports for each parcel on the county provided form.
- 2.5.8. Prepare all documents necessary for signatures to consummate each parcel. All documents will be provided by the county.
- 2.5.9. The contractor will submit the signed documents to the county property division for payment to the title company for the purchase of each parcel.
- 2.5.10. Maintain parcel files of original documentation related to the purchase of the real property.
- 2.5.11. Provide a recommendation for an administrative settlement process in accordance with the county policies and procedures.
- 2.5.12. Notify all property owners of their eligibility for relocation assistance and provide them with a relocation assistance brochure by certified mail. The county will provide the state DOT relocation brochures to the contractor.
- 2.5.13. The contractor shall contact the county in writing regarding all parcels it has failed to negotiate via friendly negotiations.
- 2.5.14. The contractor shall prepare a final offer letter (forms to be provided by the county) to be mailed certified allowing ten days for a response.

2.6. Closing services.

The contractor shall attend all closings.

2.6.1. The contractor's title company shall record all deeds and deliver the filed original deed to the county public works department.

2.7. Condemnation support.

2.7.1. The contractor shall submit to the county public works department, the necessary documents for filing condemnation. The property division will prepare the county commissioners court order authorizing condemnation proceedings.

2.7.2. The contractor shall assist the county district attorney's office (civil section) in all special commissioner's hearings.

2.7.3. The contractor shall coordinate the hearing date between all affected parties.

2.7.4. The contractor shall locate property owners and other interest holders and assist the county in providing service of notice of hearing to all defendants.

2.7.5. The contractor shall appear as an expert witness when requested to do so.

2.8. Administration and management.

2.8.1. The contractor shall prepare all correspondence and related electronic media on WordPerfect 6.1 for Windows. The contractor shall deliver all original correspondence, documents and electronic media (3½-inch diskettes) to the county public works department without further demands and restrictions.

2.8.2. The contractor shall maintain a fully functional office in the county and maintain all project files at this location during the term of the contract, after which they will be delivered to the county public works department.

2.8.3. All project files shall be set up and maintained in accordance to the county audit file standards, and made accessible for interim audits as may be required during the term of the contract.

2.8.4. The contractor shall prepare a request for payment utilizing standard payment submission forms provided by the county with supporting documentation.

2.8.5. The contractor shall maintain records of all payments and provide a project financial ledger including amounts, date paid and balance. This accounting information shall be maintained in LOTUS 123, Release 5 for Windows.

2.8.6. The contractor shall provide monthly summaries of project expenses including amounts authorized, amounts paid and budget forecasting.

2.8.7. The contractor shall provide a performance schedule of all major project components showing the scheduled start and end dates. (GANTT charts).

2.8.8. The contractor shall maintain and provide a progress report every two weeks of the current status of all parcel and project activities, showing via use of GANTT charts and bar graphs, the proposed schedule and the actual progress.

ARTICLE 3 RESPONSIBILITIES OF COUNTY PUBLIC WORKS

3.1. Provision of project management; review.

The county, through its public works department, shall provide project management for this contract. In this capacity, the public works department shall review all right-of-way acquisition documents prior to final approval. A review turnaround time of 30 days will be strived for, but in no case shall review time be longer than 45 days.

3.2. Forms.

The county shall provide all necessary standard forms.

3.3. Right-of-way maps; field notes.

The county shall provide right-of-way maps of the project and plats, along with field note descriptions for each parcel to be acquired.

3.4. Survey and staking services.

The county shall provide survey and staking services, if necessary, for each parcel.

3.5. Processing and issuing requests for payment of purchase prices.

The county will process and issue all requests for payment of agreed purchase prices for each parcel, relocation payment and incidental expenses involved in the transfer of property to the county.

3.6. Final approval for appraisals, payments and title reports.

The county will provide final approval for all appraisals, payments and title reports.

ARTICLE 4 WORK ORDERS

4.1. Generally.

Work performed by the right-of-way acquisition contractor will be authorized by the county by a written work order issued prior to the work being performed. Each such work order shall be incorporated into and made a part of this contract. In no event shall the cumulative total cost authorized in all work orders exceed the maximum amount payable established in article 1, scope of services and compensation.

4.2. Time constraints.

Time is of the essence as to the completion date in each work order. Any work order issued during the effective term of this contract and not completed within that period shall be completed by the contractor within the time specified in the work order, time being of the essence. This contract shall survive the termination date as to such orders and shall govern the county and contractor's rights and obligations with respect to that order, to the same extent as if the order was completed during the term of the contract,

specifically including all insurance and indemnification provisions contained in this contract. Such continuation of the contract shall terminate when either the county commissioners court shall accept the project as substantially complete or written notice is given to contractor by the county director of public works that the contractor's services are no longer required under the work order, whichever shall first occur.

4.3. Preparation; inclusions; agreement; approval.

Each work order shall be prepared by the county and shall list the project and location of the work to be performed, a description of the work to be performed, any items to be furnished by the county and a maximum completion date for the work. Upon receipt of the proposed work order, the contractor shall furnish to the county a schedule for the work, suggested personnel required for the timely completion of the work based on the county's maximum completion date, itemized projected cost of the work order based on the negotiated rates for the schedule of services as shown in section 1.3, compensation for services, and a total, not-to-exceed, cost of the work order. The county may accept or reject, in whole or in part, such submission. In the event of rejection the parties agree to negotiate in good faith the work order items to reach agreement as to each item. Once agreement has been reached attachment 1 to exhibit B, the work order form, will be completed and signed by the contractor. Such work order shall be signed by the county public works department as recommended for approval. The work order will then be submitted to the county commissioners court for its consideration. The work order is contingent upon and not effective until approved by a formal order of the county commissioners court and notice to proceed has been issued by the public works department. Upon approval of the commissioners court, the work order shall be executed and delivered to the contractor.

4.4. Refusal to negotiate or failure to sign.

If a negotiated work order cannot be agreed upon, the county shall furnish the contractor a work order based on the county's last negotiated position. The contractor must sign and return the work order within seven days after its receipt to signify acceptance. Refusal to negotiate a work order by rejection of, or failure to sign, within seven days shall terminate negotiations with the contractor and allow the county, in its sole discretion, to negotiate such project with the next most qualified proposer in compliance with V.T.C.A., Government Code § 2254.004. If the work order is accepted by the proposer, it will be submitted to the county commissioners court for its consideration.

4.5. Issuance requirements.

Work orders will be issued at the sole discretion of the county. There may be no work orders issued under this or any subsequent contract. There is no limit, other than the total not to exceed amount as shown in article 1, compensation, on the number of work orders that may be issued. There is no guarantee of the issuance of any work orders or any amount of work under this contract.

Notice: Each work order is not effective, and the contractor shall not commence any work contained therein, until and unless the work order has been approved by formal court order of the county commissioners court and notice to proceed has been issued by the public works department. The county shall not be liable for, nor will it pay for any amount of work commenced prior to the approval of the work order by the county commissioners court and notice to proceed has been issued by the public works department.

ARTICLE 5 AMENDMENTS

5.1. Modification of work order.

Either the contractor or the county may initiate a written request for a modification of work order when, in the opinion of the requesting party, the needs and conditions of the project warrant a modification. Upon receipt of a request by either party, the contractor and the county shall review the conditions associated with the request and determine the necessity of a modification. When both parties agree that a modification is warranted, the contractor and the county shall negotiate the specific modifications and any changes in the cost, total not to exceed amount for the contract, unit prices for any item not previously agreed upon or completion dates resulting from the modification.

5.2. Fee/time increases.

Any other provision of this contract notwithstanding, it is specifically understood and agreed that the contractor shall not be authorized to undertake any services pursuant to this contract, or any modification to a work order requiring the payment of any cost stipulated in article 1, scope of services and compensation, of this contract or extension of time of completion without having first obtained specific authorization from the county in the form of a formal order of the county commissioners court authorizing a modification to work order, and without a written authorization to proceed from the county department of public works.

5.3. Approval of modification.

Approval of a modification shall be in the form of a written modification of work order which clearly defines the changes to the previously approved work order. Such written modification shall be approved by the contractor, authorized by the county commissioners court by a formal order and a written notice to proceed issued by the county department of public works.

ARTICLE 6 OWNERSHIP OF DOCUMENTS

6.1. County proprietorship.

All contractor's work product under this contract including, but not limited to, appraisal reports, analysis, calculations, estimates, photographs, investigations, studies, electronic file/computer generated media and other documents, completed or partially completed, shall be the property of the county to be used as the county desires, without restriction. The contractor specifically waives and releases any proprietary rights or ownership claims therein and is relieved of liability connected with any future use by the county. Copies may be retained by the contractor. The contractor shall be liable to the county for any loss or damage to such documents while they are in the possession of or while being worked upon by the contractor or anyone connected with the contractor, including agents, employees, consultants or subcontractors. All documents so lost or damaged shall be replaced or restored by the contractor without cost to the county.

ARTICLE 7 PROGRESS

7.1. Production tracking system.

The contractor shall develop and maintain a production reporting system tracking all critical events, both scheduled and actual, for each parcel on the project.

7.2. Reports on production; project meeting.

The contractor shall report on the complete status of right-of-way production on the project at least twice a month, relating current status to overall project schedule, noting exceptions and suggesting actions required to correct schedule exceptions. At least once a month, a project meeting shall be held with the county property division and appropriate contractor personnel.

7.3. Preparation and presentation of relevant information.

The contractor shall prepare and present such information as may be pertinent and necessary, or as may be requested by the county, in order to evaluate features of the work.

7.4. Conferences.

At the request of the county or the contractor, conferences will be held at a location designated by the county. Conferences shall also include evaluation of the contractor's services and work when requested by the county. The contractor will not be reimbursed for any travel expense for progress reports.

7.5. Review of work schedule; corrective action.

Should the county determine that the progress in production of work does not satisfy the work schedule, the county will review the work schedule with the contractor to determine the corrective action needed. Some work performed under the contract is subject to review by the Federal Highway Administration.

7.6. Advising county of events of significant impact on progress.

The contractor shall promptly advise the county in writing of events which have a significant impact upon the progress of the work including, but not limited to:

7.6.1. Problems, delays, adverse conditions which will materially affect the ability to attain program objectives, prevent the meeting of time schedules and goals, or preclude the attainment of project work units by established time periods. This disclosure shall be accompanied by a statement of the action taken or contemplated.

7.6.2. Favorable developments of events which enable the contractor to meet the work schedule goals sooner than anticipated.

ARTICLE 8 CONTRACTOR RESOURCES

8.1. Warranty of sufficient personnel and all other goods and services.

The contractor warrants that the firm has adequate qualified personnel in its employment and all required transportation, equipment, materials, supplies and any and all other goods and services for performance of services required under this contract, including any work order, or will be able to obtain such personnel, transportation, equipment, materials, supplies, and any and all other goods and services from sources other than the county. Unless otherwise specified, the contractor for the compensation received shall furnish all personnel, transportation, equipment, materials supplies, and any and all other goods and services required to perform the work authorized in this contract at its sole cost and expense. All employees of the contractor or of any subcontractor shall have all required licenses, knowledge and experience as will enable them to perform the duties assigned to them. The contractor contracts and agrees that any employee of the contractor or any subcontractor who, in the opinion of the county, is incompetent or whose conduct becomes detrimental to the work or whose conduct reflects adversely on the county shall immediately be removed from association with the project.

ARTICLE 9 SUBCONTRACTS

9.1. Prohibited without county approval; limits.

The contractor shall not subcontract or otherwise transfer any portion of the work authorized by the county without prior approval in writing by the county. Under no circumstances shall the contractor subcontract more than 50 percent of this contract.

9.2. Subcontractor requirements and responsibilities.

Subcontractors shall comply with the provisions of this contract and all work orders. No subcontract will relieve the contractor of its responsibility under this contract.

ARTICLE 10 SUCCESSORS AND ASSIGNS

10.1. Binding nature of agreement; assignment, subcontract or transfer of interest in agreement.

The county and the contractor each binds itself, its successors, executors, administrators, assigns and subcontractors in respect to all covenants of this agreement. The contractor shall not assign, subcontract or transfer its interest in this agreement without the prior written agreement of the county.

ARTICLE 11
RESPONSIBILITY FOR WORK, INDEMNIFICATION AND INSURANCE

11.1. Approval and acceptance of contractor work by county not a release of responsibility and liability.

Approval and acceptance of a contractor's work by the county shall not constitute nor be deemed a release of the responsibility and liability of the contractor, its employees, subcontractors, agents and consultants for the accuracy and competency of their work; nor shall such approval and acceptance be deemed to be an assumption of such responsibility by the county for any defect, error or omission in the work prepared by the contractor, its employees, subcontractors, agents or consultants. In this regard, the contractor shall defend, hold harmless and indemnify the county for damages resulting from such defects, errors or omissions and shall secure, pay for and maintain in force during the term of this contract sufficient professional liability or errors and omissions insurance in an amount of not less than \$250,000.00 single limit with certificates of insurance evidencing such coverage to be provided to the county. Such certificates of insurance shall specifically name the county as a loss payee. The contractor shall provide errors and omissions insurance for an additional five years following completion of the contract, including any authorized extensions.

11.2. Indemnification by contractor of county officers.

To the fullest extent allowed by law, the contractor agrees to indemnify and hold harmless the county, the county commissioners, the county judge, the county's elected officials, the director, employees, agents and representatives (referred to in this article as "indemnities") against all claims, demands, actions, suits, losses, damages, liabilities, cost and/or expense of every kind and nature including, but not limited to, court cost, litigation expense and attorneys' fees), paying the same as they accrue, and all recoverable interest thereon, incurred by or sought to be imposed on indemnities because of injury (including death) or damage to property (whether real, personal or inchoate), arising out of or in any way related (whether directly or indirectly, causally or otherwise) to:

- (1) The performance of, attempted performance of, or failure to perform, operation or work under this contract by indemnities, the contractor, its subcontractors and/or any other person or entity;
- (2) The condition of the real property, including any improvements, on which the operations or work are being performed;
- (3) The selection, provision, use or failure to use, by any person or entity, or any tools, supplies, materials, equipment or vehicles (whether owned or supplied by county, contractor, or any other person or entity) in connection with such work or operations; or
- (4) The presence on county real property, including any improvements located thereon, of the contractor, its subcontractors, employees, suppliers, vendors or any other person acting on behalf of the contractor.

This indemnification shall apply, whether or not any such injury or damage has been, or is alleged to have been, caused, in whole or part, by the negligence or fault of any indemnitee, or on any theory of liability, including negligence, intentional wrongdoing, strict product liability or breach of nondelegatable duty. The contractor further agrees to defend (at the election of any indemnitee) against any claim, demand, action or suit for which indemnification is provided.

11.3. Contractor bears entire risk of loss or injury to employees and vendors.

Without in any way limiting or restricting the indemnification and defense agreement stated in this article, the contractor agrees that it is the intention of the parties hereto that the contractor and its insurers bear the entire risk or loss or injury to any of contractor's employees, "borrowed servants," agents, representatives, subcontractors, vendors, materialmen, or any other person present on the premises or performing any other act or service on the contractor's behalf or at its request, whether or not any such loss or injury is caused, in whole or part, by and negligence or fault of any indemnitee, and without seeking any contribution therefor from any indemnitee or its insurers.

11.4. Minimum insurance coverages.

The contractor, at the contractor's sole cost, shall additionally purchase and maintain in force the following minimum insurance coverages during the term of this contract or as otherwise provided in this contract. Such insurance shall be in the amount and in full compliance with the terms and conditions of this section.

11.5. Terms and conditions.

Within ten days after the effective date of this contract, the county requires and the contractor agrees that the following insurance coverage will be met and in effect for the life of the awarded contract, prior to any delivery of merchandise and/or performance of work. The contractor agrees to furnish and maintain in effect, for the duration of this contract and any renewal, the insurance listed in this section from an insurance company acceptable to the county and authorized to do business in the state. The contractor will submit verification of coverages to the county public works department.

11.5.1. Workers' compensation insurance or self-insured employee coverage as required by state or federal law, meeting the acceptability requirements as established by the Texas Workers Compensation Act, V.T.C.A., Labor Code § 401.001 et seq.

11.5.2. Comprehensive general liability insurance, including contractual liability covering, but not limited to, the liability for injury or death of the contractor's or county's employees and third parties, extended to include personal injury coverage, and for damage to the county's existing property and property of third parties, with the minimum limits for each occurrence of \$300,000.00.

11.5.3. Comprehensive automotive and truck liability insurance covering contractor or employee owned, hired and nonowned vehicles, with the minimum limits of \$300,000.00 per occurrence for bodily injury and property damages.

11.6. Insurance contracts; required provisions.

The contractor agrees that, with respect to the insurance referenced in section 11.4, all insurance contracts will contain and state, in writing, the following required provisions:

11.6.1. Name the county and its officers, employees and elected representatives as additional insureds (as the interest of each insured may appear) as to all applicable coverage.

11.6.2. Provide for 45 days' notice to the county for cancellation, nonrenewal or material change.

11.6.3. Provide for an endorsement that the "other insurance" clause shall not apply to the county where the county is an additional insured on the policy.

11.6.4. Provide for notice to the county at the address shown by registered mail.

11.6.5. The contractor agrees to waive subrogation against the county, its officers and employees for injuries, including death, property damage or any other loss.

11.6.6. The contractor shall provide that all provisions of this contract concerning liability, duty and standard of care, together with the indemnification provisions, shall be underwritten by contractual liability coverage sufficient to include obligation within applicable policies.

11.7. Change of insurance coverage.

The contractor shall notify the county in the event of any change in coverage and shall give such notices not less than 45 days prior to the change, which notice must be accompanied by a replacement certificate of insurance.

11.8. Nothing herein to relieve contractors from full liability for damages and accidents.

Approval, disapproval or failure to act by the county regarding any insurance supplied by the contractor shall not relieve the contractor of full responsibility or liability for damages and accidents as set forth in this contract. Neither shall bankruptcy, insolvency or denial of liability by any insurance company exonerate the contractor from liability.

11.9. Submission deadline for verification of insurance coverage.

Within ten days after the effective date of this contract and prior to, and as a condition precedent to the commencement of any work or delivery, the contractor agrees to submit verification of the insurance coverage in the type, amount and meeting all conditions as contained in this contract, showing the county as the certificate holder (general liability insurance).

ARTICLE 12 DISPUTES

12.1. Resolution procedures.

The director of the county department of public works shall act as the referee in all disputes under the terms of this contract between the parties hereto. If the director or the contractor are unable to reach an acceptable resolution of disputes concerning the work to be performed under this contract, the director and the contractor shall negotiate in good faith toward resolving such disputes. The director shall present unresolved disputes arising under the terms of this contract to the commissioners court. The decisions of the commissioners court, as it pertains to unresolved disputes, shall be final and binding. Violation or breach of contract terms by the contractor may be grounds for termination. Should such disputes be irreconcilable, the county shall terminate the contract for default. Any additional or increased cost arising from the termination shall be paid by the contractor.

ARTICLE 13 REMEDIES

13.1. Violation or breach of contract; payment by contractor.

Violation or breach of contract by the contractor shall be grounds for termination of the contract. Any increased cost to the county arising from the contractor's default, breach of contract or violation of terms shall be paid to the county by the contractor upon demand. This agreement shall not be considered as specifying the exclusive remedy for any default, but all remedies existing at law and in equity may be availed of by either party and shall be cumulative.

ARTICLE 14 TERMINATION

14.1. Conditions which may cause.

This contract may be terminated before the completion date established in article 29 as a result of any of the following conditions:

14.1.1. By mutual consent and agreement of both parties hereto.

14.1.2. By the county, by notice in writing to the contractor as consequence of failure by the contractor to perform the services set forth in this contract in a satisfactory manner and within the limits provided, in the sole judgment of county, with proper allowances being made for circumstances beyond the control of the contractor.

14.1.3. By either party, upon the failure of the other party to fulfill its obligations as set forth in article 2, contractor services, or article 4, work orders, by giving written notice one to the other establishing the effective date of termination.

14.1.4. By the county, without cause for reasons of its own and not subject to the mutual consent of the contractor, upon not less than 30 days' written notice to the contractor.

14.1.5. By expiration of the term and satisfactory completion of all services and obligations described in this contract.

14.2. Costs due to contractor on completed work.

Should the county terminate this contract as provided in this article, no costs other than costs due and payable at the time of termination shall thereafter be paid to the contractor. In determining the value of the

work performed by the contractor prior to termination, the county shall be the sole judge. Payment for work at termination will be based on work complete at that time, including partially completed appraisals, subject to the conditions established in the following sections.

14.3. Partially completed appraisals.

In the case of partially completed appraisals, eligible costs will be calculated based on the ratio of actual number of hours of work expended documented to the satisfaction of the county multiplied by the fee rate for the parcel authorized in attachment 1 to exhibit B, work orders, incurred to the date of termination remaining unpaid.

14.4. Default or termination.

If the contractor defaults in performance of this contract or if the county terminates the contract for fault on the part of the contractor, the county will give consideration to the actual services performed to the date of default with the condition that the contractor shall first submit all data, records, files and other pertinent information in accordance with article 6, ownership of documents, of the contract. The cost to the county of employing another firm to complete the required work, the time required to do so and other factors which affect the value to the county of the work performed to the date of default may, at the sole discretion of the county, be offset against the amount of compensation, if any, to be paid.

14.5. Completion of work by county; liability of contractor for county costs.

If the termination of this contract is due to the failure of the contractor to fulfill its obligations, the county may take over the project and prosecute the work to completion by contract or otherwise. In such case, the contractor shall be liable to the county for any additional cost occasioned the county thereby.

14.6. Transition of services.

At the termination of the contract between the county and the contractor, the contractor shall furnish to the county a listing of current records pertaining to any outstanding obligations or other records or information required by the contract, including any work order or request in writing by the county in either printed or electronic format, or both. The contractor agrees to furnish such information in an electronic form which is compatible with the county's computer system and/or the computer system of any subsequent vendor or contractor of the county selected for continuation of the services as described, in whole or part, in this contract, including any work order, or as may be added by amendment. The contractor agrees to cooperate with any subsequent vendor or contractor of the county and to use its best efforts to ensure a transition of services without interruption or degradation of service. This section will survive the termination of this contract and shall be a continuing obligation until the transition of services is complete. All items listed or required in this section shall be furnished by the contractor to the county without additional cost or expense to the county.

ARTICLE 15 COMPLIANCE WITH LAWS

15.1. Generally.

The contractor shall comply with all federal, state and local laws, statutes, ordinances, rules and regulations and the orders and decrees of any courts or administrative bodies or tribunals in any matter affecting the performance of this contract, including, without limitation, workers' compensation laws, minimum and maximum salary and wage statutes and regulations, licensing laws and regulations and nondiscrimination laws and regulations. When required, the contractor shall furnish the county satisfactory proof of compliance therewith. The contractor shall be required to obtain permission, as required by the county rules and regulations, to enter upon private property to perform the work.

ARTICLE 16 NONCOLLUSION

16.1. Generally.

The contractor warrants that it has not employed or retained any company or persons, other than bona fide employees working solely for the contractor, to solicit or secure this contract and that it has not paid or agreed to pay any company or person, other than a bona fide employee working solely for the contractor, any fee, commission, percentage, brokerage fee, gifts or any other consideration contingent upon or resulting from the award or making of this contract. For breach or violation of this warranty, the county shall have the right to annul this contract without liability or to deduct, at its discretion, from the contract price or compensation, or otherwise recover, the full amount of such fee, commission, percentage, brokerage fee, gift or contingent fee.

ARTICLE 17 MINORITY AND WOMEN BUSINESS ENTERPRISES

17.1. Compliance.

The contractor agrees to comply with the provisions of exhibit B to the request for proposals, minority/women business specifications for RFPs [not printed in this volume but on file in the county offices].

ARTICLE 18 INDEPENDENT CONTRACTOR

18.1. Generally.

The contractor, at all times, shall be an independent contractor. The contractor shall be fully responsible for all acts and omissions of its employees, subcontractors and their suppliers, and shall be specifically responsible for sufficient supervision and inspection to ensure compliance in every respect with the contract requirements. There shall be no contractual relationship between any subcontractor or supplier of the contractor and the county by virtue of this contract. No provision of this contract shall be for the benefit of any other party than the county and contractor.

ARTICLE 19 NOTIFICATION

19.1. Generally.

When notice is permitted or required by this contract, it shall be in writing and shall be presumed delivered when delivered in person or three days subsequent to the date placed, postage prepaid, in the U.S. mail, certified or registered, return receipt requested, and addressed to the parties at the following addresses:

All notifications shall be made in writing to the following addresses:

For the contractor:	For the county:
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

Either party hereto may from time to time designate another and different address for receipt of notice by giving notice of such change of address.

ARTICLE 20 INCORPORATED DOCUMENTS

20.1. Generally.

The following document is incorporated by reference as if fully reproduced in this section: Policy for Procurement of Right-of-Way Acquisition Services for Dallas County.

ARTICLE 21
ORDER OF PRECEDENCE

21.1. Resolution of inconsistencies.

In the event of any inconsistency between the provisions of this agreement, the inconsistency shall be resolved by giving precedence in the following order:

- (1) The work orders;
- (2) This contract; and
- (3) The documents listed in article 20, incorporated documents.

ARTICLE 22
CONFIDENTIALITY

22.1. Nondisclosure of information.

All information furnished to the contractor by the county, the contractor's work product, in any form, parcels, projects that are the subject of this contract and all other items developed by the contractor shall not be disclosed to any third party without the prior written consent of the county.

ARTICLE 23
NONDISCRIMINATION

23.1. By contractor.

As a condition of this contract, the contractor will take all necessary action to ensure that, in connection with any work under this contract, it will not discriminate in the treatment or employment of any individual or groups of individuals on the grounds of race, color, religion, national origin, age, sex or physical handicap unrelated to job performance, either directly, indirectly, or through contractual or other arrangements. In this regard, the contractor shall keep, retain and safeguard all records relating to this contract or work performed under such contract for a minimum of three years, with full access allowed to authorized representatives of the county upon request for purposes of evaluating compliance with this and other provisions of this contract.

ARTICLE 24
ASSIGNMENT

24.1. Generally.

The parties each hereby bind themselves, their successors, assigns and legal representatives to each other with respect to the terms of this contract. The contractor shall not assign, sublet or transfer this contract or any interest in this contract without prior written authorization of the county commissioners court.

ARTICLE 25
SIGNATORY WARRANTY

25.1. Generally.

The undersigned signatory for the contractor hereby represents and warrants that he is an officer of the organization for which he has executed this contract and that he has full and complete authority to enter into this contract on behalf of the firm. The execution of such contract is the act of the contractor and has been delivered and, subsequent to execution by the county, constitutes a legal, valid and binding obligation

of the contractor, its successors and assigns and shall inure to the benefit of the executing parties and their respective heirs, personal representatives, successors and assigns.

ARTICLE 26 MISCELLANEOUS GENERAL PROVISIONS

26.1. Applicable law.

This contract and all matters pertinent thereto shall be construed and enforced in accordance with the laws of the state and venue shall be in the county. Notwithstanding anything in this contract to the contrary, this lease is expressly made subject to the county's sovereign immunity, V.T.C.A., Civil Practice and Remedies Code title 5, and all applicable state and federal laws.

26.2. Entire agreement.

This contract, including all work orders, all exhibits and addendum, constitutes the entire agreement between the parties hereto and may not be modified except by an instrument in writing executed by the parties hereto as provided in this contract.

26.3. Severability.

If any provision of this contract shall be held invalid, void or unenforceable, the remaining provisions of this contract shall not be affected or impaired, and such remaining provisions shall remain in full force and effect.

26.4. Default; waiver; mitigation.

It is not a waiver of default if the nondefaulting party fails to declare immediately a default or delays in taking any action. Pursuit to any remedies set forth in this contract does not preclude pursuit of other remedies in this contract or provided by law. The contractor shall have a duty to mitigate damages.

26.5. Rights and remedies cumulative.

The rights and remedies provided by this contract are cumulative, and either party's using any right or remedy will not preclude or waive its right to use any other remedy. These rights are in addition to any other rights the parties may have by law, statute, ordinance or otherwise.

26.6. Headings.

The titles which are used following the number of each section or subsection of this article are only for convenience in locating various provisions of this contract and shall not be deemed to affect the interpretation or construction of such provision.

26.7. Number and gender.

Words of any gender used in this contract shall be held and construed to include any other gender. Words in the singular shall include the plural and vice versa, unless the text clearly requires otherwise.

26.8. Counterparts.

This agreement may be executed in multiple counterparts, each of which shall be deemed an original, but all of which shall constitute one and the same instrument.

26.9. Funding.

Notwithstanding any provisions contained in this contract, this contract is expressly contingent upon the availability of funding for each item and obligation contained in this contract for the term of the agreement and any extension thereto. The contractor shall have no right of action against the county if the county is unable to fulfill its obligations under this contract as a result of lack of sufficient funding for any item or obligation from any source utilized to fund this contract or failure to budget or authorize funding for this contract during the current or future fiscal years. If the county is unable to fulfill its obligations under this contract as a result of lack of sufficient funding or if funds become unavailable, the county, at its sole

discretion, may, subsequent to execution by the county, provide funds from a separate source or terminate this contract.

ARTICLE 27 FINANCIAL INTEREST PROHIBITED; CONFIDENTIALITY

27.1. By contractor.

The contractor covenants and represents that the contractor, its officers, employees, agents, consultants and subcontractors, will have no financial interest, direct or indirect, in the purchase or sale of any property, business or related venture associated with any land parcel under this contract.

27.2. By county.

The contractor understands that no officer or employee of the county shall have any financial interest, direct or indirect, in any contract with the county, or be financially interested, directly or indirectly, in the sale to the county of any land, property, tract, parcel or services, except on behalf of the county as an officer or employee. Any violation of this prohibition, with the express knowledge of the person or corporation contracting with the county shall render the contract involved voidable by the commissioners court.

27.3. Nondisclosure.

The contractor's reports, evaluation, electronic files/computer media and all other documentation and work developed by the contractor shall not be disclosed to any third parties without the prior approval of the director of public works.

ARTICLE 28 ENFORCEMENT; VENUE; GOVERNING LAWS AND NOTICES

28.1. Generally.

This contract shall be enforceable in the county, and if legal action is necessary by either party with respect to the enforcement of any or all of the terms or conditions in this contract, exclusive venue for the same shall lie in the county. This contract shall be governed by and construed in accordance with the laws and court decisions of the state.

28.2. Notices and correspondence.

All notices and correspondence to the county by the contractor shall be mailed or delivered as follows:

Dallas					County
Director		of	Public		Works
411	Elm	Street,	Fourth		Floor
Dallas, Texas 75202-3389					

(Contractor)

(Street Address, No P.O. Box)

(City, State, ZIP Code)

ARTICLE 29 TERM

29.1. Generally.

Unless sooner terminated in accordance with the applicable provisions of this contract, or extended by mutual agreement approved by the county commissioners court, the term of this contract shall be from the date of award and execution by the county commissioners court and continue one year with the option of extending the contract for an additional one year, provided that parties concur, or until the final completion of the project and all services in connection therewith and resolution of any outstanding project-related claims or disputes.

29.2. Schedule; personnel.

The contractor understands that the project performance schedule related to each work order is of critical importance and agrees to undertake all necessary efforts to expedite the right-of-way acquisition services required in this contract, so that the project can be let as scheduled. In this regard, the contractor shall proceed with sufficient qualified personnel and resources necessary to fully and timely accomplish all services required under this contract in the highest professional manner. Under no circumstances shall the contractor replace any key person, employee or subcontractor/consultant originally submitted for the purposes of securing this contract without prior approval of the county.

IN WITNESS WHEREOF, THE COUNTY OF DALLAS has caused this contract to be signed by its county judge, duly authorized to execute the same in its behalf by Court No. _____, approved by the commissioners court on (date), and, signing by and through its duly authorized representative, thereby binding the parties hereto, their successors, assigns and representatives for the faithful and full performance of the terms and provisions of this contract.

CONTRACTOR:	COUNTY OF DALLAS, TEXAS

By: _____ Name/Title	By: _____ (name), County Judge
Date: _____	Date: _____
	APPROVED AS TO FORM:
	By: _____ Assistant District Attorney
	Date: _____

(Ord. No. 99-771, exh. C, 4-20-1999)

ATTACHMENT 1 TO EXHIBIT B INDEFINITE QUANTITY RIGHT-OF-WAY ACQUISITION SERVICES WORK ORDER

CONTRACTOR:

WORK ORDER NO. _____ COURT ORDER NO. _____ DATE _____ /
 _____ / _____

SCOPE: _____

TOTAL BASIC FEE (BASED ON ATTACHED SCHEDULE)	\$ _____
TOTAL REIMBURSABLE CHARGES (BASED ON ATTACHED SCHEDULE)	\$ _____
LUMP SUM TOTAL WORK ORDER NOTICE TO PROCEED	\$ _____
BEGINNING WORK ORDER _____ (date) _____	COMPLETION _____ (date) _____

General Provision: Terms and conditions of contract between Dallas County and _____
 (contractor) approved by Commissioners Court Order No. _____ dated _____ /
 _____ / _____ remain in effect. This work order incorporation by reference the request
 for proposal and contractor's proposal response dated _____ / _____ / _____.

Recommended By: _____
 (name)
 Director of Public Works

APPROVED BY:	ACCEPTED BY:
_____ (name) County Judge	_____ Contractor's Name/Title

SCHEDULE OF RIGHT-OF-WAY SERVICES

	ACTIVITY	FEE RATE/PARCEL	NO. UNITS	TOTAL
Administration:		_____/PARCEL	_____	_____
Appraisal:				

	Industrial	<u> /PARCEL </u>	<u> </u>	<u> </u>
	Commercial	<u> /PARCEL </u>	<u> </u>	<u> </u>
	Residential	<u> /PARCEL </u>	<u> </u>	<u> </u>
	Undeveloped	<u> /PARCEL </u>	<u> </u>	<u> </u>
Negotiation:				
	Industrial	<u> /PARCEL </u>	<u> </u>	<u> </u>
	Commercial	<u> /PARCEL </u>	<u> </u>	<u> </u>
	Residential	<u> /PARCEL </u>	<u> </u>	<u> </u>
	Undeveloped	<u> /PARCEL </u>	<u> </u>	<u> </u>
Condemnation Support:				
	Appraisal	<u> /PARCEL </u>	<u> </u>	<u> </u>
	Negotiation	<u> /PARCEL </u>	<u> </u>	<u> </u>
Title				
	Research	<u> /PARCEL </u>	<u> </u>	<u> </u>
	Insurance	<u> /PARCEL </u>	<u> </u>	<u> </u>
Closing Services		<u> /PARCEL </u>	<u> </u>	<u> </u>

Reimbursable charges: In addition to the basic services fees, reimbursable charges may be authorized including:

- A. Additional meetings/presentations where the county has requested the contractor's attendance will be compensated at the rate of _____ per hour. Chargeable time shall be computed from the time the contractor arrives at the prescribed meeting location through termination of the meeting (minimum one hour) with no additional cost for travel expense.

- B. Assistance to the county as expert witness in any litigation with third parties and condemnation proceedings will be compensated based on an hourly rate for each hour in which contractor's preparation and presence is required. Chargeable time shall be computed from the time the contractor arrives and departs the meeting and/or the actual documented time (time sheet) spent to prepare for such litigation, including travel costs. The total cost to the county shall not exceed _____ at _____ hourly rate.
- C. Special contract services, when required and approved by the county, will be compensated at the invoice cost to the contractor plus ten percent.

The cost to the county shall not exceed _____ .

TOTAL _____

(Ord. No. 99-771, exh. A, 4-20-1999)

Secs. 110-66—110-90. - Reserved.

ARTICLE IV. - TAKINGS IMPACT ASSESSMENT POLICY

Sec. 110-91. - Purpose.

The purpose of this policy is to establish guidelines and procedures for Takings Impact Assessment (TIA), pursuant to the provisions of V.T.C.A., Ch. 2007. This policy will be applicable to all county departments who submit items for consideration and formal action by the commissioners court.

(Ord. No. 2006-1454, 8-22-2006)

Sec. 110-92. - Background.

In 1995, the Texas Legislature passed Senate Bill 14, the Private Real Property Rights Preservation Act, which is codified in Chapter 2007 of the Texas Government Code. Beginning September 1, 1997, counties must begin complying with these provisions. Section 2007.043 of the Act requires that every county action, including every regulation, policy, guideline, court resolution or order, be analyzed to determine whether the action may result in a "taking" of private real property. This may be done one of two ways:

- (1) By determining that the action is not a taking because it falls within one of several predetermined categories of actions that by their nature will have no adverse effect on private real property, or
- (2) By performing a takings impact assessment (TIA). Even if a TIA has been performed, an affected property owner can sue, within 180 days, to validate the action and/or declare a taking, if they can prove that the action reduced the value of their property by 25 percent or more.

(Ord. No. 2006-1454, 8-22-2006)

Sec. 110-93. - Procedure.

Each item submitted for inclusion on the official commissioners court agenda for action by the commissioners court shall determine if a private real property interest is involved. If the answer to this inquiry is yes, the department will complete and have attached a completed "Takings Impact Assessment Checklist." This checklist has been designed to insure that TIAs are properly performed in compliance with statutory requirements. This checklist will then become part of the court record and maintained by the county clerk.

(Ord. No. 2006-1454, 8-22-2006)

Sec. 110-94. - TIA waiver.

In consideration of expediting and shortening the approval process for platting or any other commissioners court action that may result in a taking, the real property owner may elect to waive the rights granted under the Private Real Property Right Preservation Act, by executing a "Waiver of Takings Impact Assessment (TIA)". The waiver must be notarized and included with the proposed final action submitted to the commissioners court, if the developer elects to exercise this option.

(Ord. No. 2006-1454, 8-22-2006)

Chapter 114 - Telecommunications

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ARTICLE I. - IN GENERAL

Secs. 114-1—114-30. - Reserved.

ARTICLE II. - TELEPHONE SERVICES

DIVISION 1. - GENERALLY

Sec. 114-31. - Statement of policy.

- (a) It is the policy of the county commissioners court that all telephone system purchases, rental and repairs be conducted strictly on the basis of economic and business merit through the telecommunications department. This department is responsible for the review analysis and control of all telecommunications services as they relate to the county.
- (b) In an effort to avoid violation or appearance of a violation of this policy, it is prohibited for any employee, department head or elected official to seek directly from any vendor the addition or change in telephone services without prior approval by the commissioners court.

(Admin. Policy Manual, § G(1.00, 1.01); Ord. No. 2001-1695, 9-11-2001)

Sec. 114-32. - Relationship with vendors.

- (a) It is the responsibility of the telecommunications department to serve as the county's liaison between telecommunications vendors and the county.
- (b) When approached by sales representatives of telecommunications equipment and/or services, all departments should courteously refer them to the telecommunications department. All vendors shall be received promptly and courteously by the telecommunications department.
- (c) When necessary for vendors to meet with departments pertaining to special needs, the telecommunications department will arrange the interview.
- (d) All correspondence with vendors should originate in the telecommunications department. When necessary for departments to correspond with telecommunications vendors on technical matters, copies of that correspondence should be sent to telecommunications for review and approval.

(Admin. Policy Manual, § G(1.02—1.05); Ord. No. 2001-1695, 9-11-2001)

Secs. 114-33—114-50. - Reserved.

DIVISION 2. - SERVICE REQUESTS

Sec. 114-51. - Moves, adds, changes.

Department representatives should submit a fully completed telecommunications requirements form to the telecommunications department.

(Admin. Policy Manual, § G(2.00); Ord. No. 2001-1695, 9-11-2001)

Sec. 114-52. - Required information.

The request must include the following information:

- (1) Complete address with suite numbers and floor.
- (2) Contact name and callback number.
- (3) Actions (move, add, software change).
- (4) Type of equipment (single line/multi-line telephone line only, miscellaneous).
- (5) Department name and number.
- (6) Reason or justification for requests.
- (7) Grant number or special project information if funds used are other than county funding.

(Admin. Policy Manual, § G(2.01); Ord. No. 2001-1695, 9-11-2001)

Sec. 114-53. - Response by telephone coordinator.

- (a) Upon receipt of the request from the department, telecommunications will contact the department representative within ten days to acknowledge request, verify information, determine if the request is necessary and survey work necessary to complete request.
- (b) The telecommunications department will determine installation costs and monthly increases and will submit the "telecommunications request" that includes cost information and a recommendation to the commissioner's court for briefing. Requests that total more than \$500.00 will be briefed prior to beginning for formal approval.

(Admin. Policy Manual, § G(2.02, 2.03); Ord. No. 2001-1695, 9-11-2001)

Sec. 114-54. - Approval.

Upon the court's approval, telecommunications will prepare a purchase requisition and obtain a purchase order number from the purchasing department.

(Admin. Policy Manual, § G(2.04); Ord. No. 2001-1695, 9-11-2001)

Sec. 114-55. - Contact of appropriate vendor.

Telecommunications will contact the appropriate vendor and place the service order (providing P.O. number). The vendor will provide the due date to telecommunications who then notifies the department representative of the date.

(Admin. Policy Manual, § G(2.05); Ord. No. 2001-1695, 9-11-2001)

Sec. 114-56. - Completion of work order.

The department representative will advise the telecommunication department when the work order is complete. The telecommunication department will submit a record of materials received (RMR) to the auditor's office.

(Admin. Policy Manual, § G(2.06); Ord. No. 2001-1695, 9-11-2001)

Sec. 114-57. - Signing off on vendor's work.

It is the responsibility of the department representative to sign off on the vendor's work order when the job is completed.

(Admin. Policy Manual, § G(2.07); Ord. No. 2001-1695, 9-11-2001)

Secs. 114-58—114-90. - Reserved.

ARTICLE III. - EQUIPMENT

DIVISION 1. - GENERALLY

Sec. 114-91. - Miscellaneous equipment.

- (a) Any telecommunications equipment other than telephone sets, telephone switches, telephone line modules, bells, volume control handsets, etc. are considered miscellaneous equipment. Examples are telephone answering machines, telephone/personal computer modems, headsets or any telecommunications item not specified as standard equipment.
- (b) Telecommunications is responsible for reviewing any and all requests for miscellaneous equipment that are required to be installed as part of the county's telecommunications systems. Telecommunications will consider only purchase and installation of miscellaneous equipment that is required to conduct county business and /or will enhance the overall operation efficiency for the department. Requests for miscellaneous equipment for personal use will be considered but must meet the above operational efficiency criteria.

(Admin. Policy Manual, § G(3.00, 3.01); Ord. No. 2001-1695, 9-11-2001)

Secs. 114-92—114-110. - Reserved.

DIVISION 2. - REPORTING MALFUNCTIONING EQUIPMENT

Sec. 114-111. - To telecommunications department.

To report telephone repair problems, the department representative shall call the telecommunications department help desk and report the problem:

Help desk: The help desk number is (214) 653-6555.

(Admin. Policy Manual, § G(4.00); Ord. No. 2001-1695, 9-11-2001)

Sec. 114-112. - Information required.

The department representative should provide the following information regarding the trouble:

- (1) Department/department number.
- (2) Contact name/callback number.
- (3) Location/address.
- (4) Description of trouble.
- (5) Type of telephone.
- (6) Telephone/extension number.
- (7) Office hours.

(Admin. Policy Manual, § G(4.01); Ord. No. 2001-1695, 9-11-2001)

Sec. 114-113. - Ascertaining timely completion of repairs.

In order to document timely completion of all telephone repairs, the department representative must sign and date the telecommunication service ticket once the repair is completed.

(Admin. Policy Manual, § G(4.02); Ord. No. 2001-1695, 9-11-2001)

Secs. 114-114—114-140. - Reserved.

ARTICLE IV. - USE OF DEVICES¹

DIVISION 1. - GENERALLY

Secs. 114-141—114-160. - Reserved.

DIVISION 2. - LONG DISTANCE

Sec. 114-161. - Authorization codes.

- (a) To make a business related long distance call from the downtown, Lew Sterrett, Bill Decker, Harry Hines and Forensic Sciences locations requires the use of an authorization code assigned to a department. These codes are controlled by the telecommunications department and issued only to county employees who have a need to make business related long distance calls.
- (b) Telecommunications controls and issues all long distance authorization codes. It is the responsibility of the elected official, appointed official or department head to approve the assignment of codes for their staff. The codes are used by the auditor to track and properly charge back long distance telephone bills.
- (c) All long distance calls should be logged on the long distance telephone log sheet (form T-01, see exhibit A). The telephone log sheet will include:
 - (1) Department.
 - (2) Phone number.
 - (3) Month.
 - (4) Date.
 - (5) Caller.
 - (6) Phone number called.
 - (7) Firm/person called.
 - (8) Time of call.
- (d) These forms are available at the supply department and require no requisition of issuance. These forms are to be filled out by all individuals who make long distance calls. At the end of the month these forms should be copied for the departmental file and the original submitted to the auditor attached to the monthly billing statement.

¹ **Editor's note**— Ord. No. 2014-0680, adopted May 13, 2014, changed the title of Art. IV from "Use of System" to "Use of Devices."

(Admin. Policy Manual, § G(5.00—5.02); Ord. No. 2001-1695, 9-11-01)

Sec. 114-162. - Cancellation.

- (a) When an employee who has been issued an authorization code terminates employment or transfers to another department, the department telephone representative should contact the telecommunications department in writing to cancel the authorization code.
- (b) This should be done as soon as possible to alleviate the possibility of long distance calls being charged to a department after an employee terminates or transfers.

(Admin. Policy Manual, § G(5.03); Ord. No. 2001-1695, 9-11-2001)

Sec. 114-163. - Personal long distance, directory assistance and other toll calls.

- (a) The county does not allow employees to make personal long distance telephone calls on the county long distance network.
- (b) Only during emergency situations will the county allow an employee to make personal long distance telephone calls on the county long distance network with the elected/appointed official or department heads approval.
- (c) All personal telephone calls made on the county telephone system will be reimbursed to the county for the cost of the toll call plus 35 percent surcharge to cover administrative and indirect expenses. An additional three percent will be added for the prevailing tax rate.
- (d) It is the responsibility of the individual to make reimbursement to the county in a timely manner. All money should be sent to the auditor's office.
- (e) A user of a mobile telephone may, with permission from the elected official/department head, and by arrangement with the county auditor, pay directly to the mobile telephone service company any charges and taxes as they become due for personal calls charged during the current billing period and forward only the net amount owed by the county to the county auditor for payment.
- (f) If an employee wishes to make a long distance call, such employee shall dial as follows:
 - (1) On the downtown PBX system:
 - a. Long distance:
 - 1. Direct dialing: 16 + authorization code + 9 + 1 + area code + number
 - 2. Operator assisted: 16 + authorization code + 9 + 0 + area code + number
 - b. Directory assistance:
 - 1. Local: 9 + 214-555-1212
 - 2. Long distance: 16 + authorization code + 9 + 1 + area code + 555-1212
 - (2) From PBX system outside downtown:
 - a. Long distance:
 - 1. Direct dialing: 8 + 16 + authorization code + 9 + 1 + area code + number
 - 2. Operator assisted: 8 + 16 + authorization code + 9 + 0 + area code + number
 - b. *Directory assistance:*
 - 1. Local: 8 + 16 + authorization code + 9 + 1411
 - 2. Long distance: 8 + 16 + authorization code + 9 + 10288 + 1 + area code + 555-1212

- (3) From key system (TIE, Norstar, IT):
 - a. Long distance:
 - 1. Direct dialing: 1 + area code + number
 - 2. Collect/operator assisted: 0 + area code + number
 - b. Directory assistance:
 - 1. Local: 1411
 - 2. Long distance: 1 + area code + 555-1212
- (4) Metro call: 9 + 817 + number
- (6) 800 call: 9 + 1-800 + number
- (7) For any other information on long distance or directory assistance calling: 653-7100

(Admin. Policy Manual, § G(5.04—5.08); Ord. No. 2001-1695, 9-11-2001)

Secs. 114-164—114-180. - Reserved.

DIVISION 3. - MOBILE

Sec. 114-181. - Requests; reviewing.

All requests for mobile devices (cellular phones, smart phones, iPhones, MiFi, tablets, wireless data cards, microcell routers) will be made using a Dallas County Telecommunications Requirement form. The form can be found at Communications and Central Services website http://www.dallascounty.org/departments/comm/comm_index.php and under IT Services <http://www.dallascounty.org/itservices/forms.html>. Fax forms to (214) 653-6464 or email to telecomservices@dallascounty.org. For all requests and quotes on Windows/Network based tablets and iPads contact the IT Service Desk at 214-653-7900.

- (a) All requests submitted must include the following information:
 - (1) Requesting department name and department number.
 - (2) To whom the mobile device will be issued (complete name).
 - (3) Mobile device type.
 - (4) Explanation why the mobile device is needed, include the job duties of the employee for which the device is requested. This explanation should clearly delineate why other means of communication cannot satisfy operational requirements.
 - (5) An estimate of monthly utilization (i.e., 100 minutes, 200 minutes, etc). Requests for utilization in excess of 250 minutes must include detailed justification for this level of usage.
 - (6) Justification for any ancillary equipment that may be requested. Devices will include an AC charger. All other equipment (cigarette lighter adapters, carrying cases, belt clips, etc.) is extra.
 - (7) Funding code and/or grant funded.
 - (8) Elected official/department head signature.
 - (9) If the employee to whom a mobile phone is issued was previously issued a county pager, that pager will be turned in unless otherwise approved. If a request is made for both a phone and pager, or the department is requesting to retain the pager, a specific detailed justification for needing both must be included on the request.
 - (10) Any special applications needed and the cost of that application, if any.

(Ord. No. 95-968, 6-13-1995; Ord. No. 2014-0159, 2-4-2014)

Sec. 114-182. - Demonstration of need; guidelines for mobile device recommendations.

The telecommunications department will review each request using the criteria listed below. After evaluation, each request with a recommendation will be forwarded to the office of budget and evaluation. The office of budget and evaluation will evaluate the request using the duties and responsibilities of the position for which the mobile device is requested. If approved by office of budget and evaluation, they will submit a briefing to commissioners court. After a request is approved and briefed, telecommunications will order the equipment and will notify the requesting department when devices are ready for pickup. The criteria for reviewing requests are as follows:

(a) Job function/operational requirements.

- (1) Duties involve frequent travel and/or routinely take the employee into the field or otherwise away from routine telephone, Internet and radio communications. Such person must be contacted on a recurrent basis and must respond in an expeditious time frame.
- (2) Duties are such that the employee must be contacted and respond within a short period to provide directions or authorize action.
- (3) Employee must be contacted after normal business hours or on weekends and employee will not have ready access to other means of communications.
- (4) Rate plan will be assigned based on the information submitted on the telecommunications request. (Note: Telecommunications will monitor utilization and change plans as necessary to insure the most economic rates are used.)

(Ord. No. 95-968, 6-13-1995; Ord. No. 2014-0159, 2-4-2014)

Sec. 114-183. - Mobile device usage.

- (a) Employees are prohibited from downloading and installing unapproved and unauthorized software applications on county mobile devices (74-1018(f) of this Code). All county-owned/issued mobile devices are required to have the Dallas County MDM (mobile device management) client.
- (b) In the event a county mobile device is lost, stolen or misplaced, telecommunications must be notified immediately so that appropriate steps can be taken to terminate service for that device.
- (c) Mobile devices issued by the county are county property. Employees must comply with requests to make their county-issued device available for any reason, including upgrades, replacement, or inspection. Employees who leave the county for any reason must turn in their county-issued mobile device.
- (d) County-issued mobile devices are to be used only for business purposes. Although occasional brief personal usage is permitted, personal usage that exceeds the standard (monthly utilization) will result in the employee reimbursing the county for any costs or charges (cost of call plus 35 percent administrative fees and three percent tax) relating to personal use of the device (any call that cannot be documented as to its business purpose will be treated as a personal/unauthorized call). See section 114-184.
- (e) Employees provided with county mobile devices are responsible for the safe keeping of the device.
- (f) Employees are responsible for the cost of replacing a lost or stolen device. Replacement cost will be \$50.00 or the cost of the device, whichever is greater.
- (g) When driving a county vehicle, mobile device usage is prohibited. Employees are to pull off the road safely and park in a safe location before texting and/or receiving or placing a phone call. Employees may talk on mobile devices with a hands-free adaptor.

(Ord. No. 95-968, 6-13-1995; Ord. No. 2014-0159, 2-4-2014; Ord. No. 2014-0680, 5-13-2014)

Sec. 114-184. - Examples of reimbursement.

- (a) Personnel that exceed the monthly allotted minutes because of personal use (i.e., calls, text messages, data) are responsible for reimbursing the county for overage charges.
- (b) For purpose of the following examples, the monthly rate includes 200 minutes of airtime at no charge:
 - (1) *Example 1:* 125 minutes county business use, plus 50 minutes personal use = 175 minutes total. There shall be no cost to the employee, as there was no additional charge to the county for personal use.
 - (2) *Example 2:* 175 minutes county business use, plus 50 minutes personal use = 225 minutes total. The employee would reimburse the county only for the 25 minutes that were charged to the county over the plan's free time; it does not matter whether or not the personal calls were the last 25 minutes used or not.
 - (3) *Example 3:* 200 text messages county business use, plus 30 text messages personal use = 230 text messages total. The employee would reimburse the county only for the 30 text messages for personal use.
 - (4) *Example 4:* Data usage that exceeds the plan allowance of 5GB will be billed for an additional 1GB. The employee would reimburse the county for only the data usage for personal use.
- (c) Reimbursement of all personal use charges will be subject to the 35 percent administrative fee, and three percent tax as specified in this chapter.

(Ord. No. 95-968, 6-13-1995; Ord. No. 2014-0680, 5-13-2014)

DIVISION 4. - PERSONAL DIGITAL ASSISTANT (PDA)

Sec. 114-185. - Requests; reviewing.

- (a) All requests for a PDA shall be made in writing and addressed to the budget office. All requests for a PDA shall include a brief statement regarding need, level of service requested (cellular service, direct connect and/or e-mail), the job duties of the individual making the request and shall be signed by the department head or elected official.
- (b) The budget office will review each request. After evaluation, the budget office will present the request to the commissioners court with a recommendation.

(Ord. No. 2007-671, 3-27-2007)

Sec. 114-186. - Demonstration of need.

Needs have typically been demonstrated in the following areas:

- (1) *Security and emergency management.* Equipment used when employee needs to contact or be contacted immediately during natural disasters, crises or special events and is required to be accessible at all times.
- (2) *Immediate remote access.* Equipment used when immediate remote access to data (e-mail) is essential for the purposes of conducting county business while away from the primary workstation.

(Ord. No. 2007-671, 3-27-2007)

Sec. 114-187. - Purchase orders; PDA service guidelines.

- (a) Upon approval by the commissioners court, the Office of Communications and Central Services will initiate a purchase requisition, and the purchasing department will issue a purchase order for the equipment and/or service through the county's then approved service provider.
- (b) PDA devices will be placed in service with the least expensive basic monthly rate plan and reviewed after 90 days by the Office of Communications and Central Services to measure for cost effectiveness and report to the budget office. Before any rate plan change, the history of use will be reviewed with the budget office to determine feasibility.
- (c) If a PDA device has been requested when cellular service has previously been approved, the budget office will determine whether combining PDA and cellular service would be more cost beneficial than granting separate PDA and cellular service.
- (d) Cellular service provided with a PDA will be subject to the guidelines outlined in division 3, Cellular, sections 114-183 and 114-184.

(Ord. No. 2007-671, 3-27-2007)

DIVISION 5. - PAGER

Sec. 114-188. - Requests; reviewing.

- (a) All requests for pagers will be made by submitting a Dallas County Telecommunications Requirement form. The form can be found at Communications and Central Services website http://www.dallascounty.org/departments/comm/comm_index.php and under IT Services <http://www.dallascounty.org/itservices/forms.html>. Fax forms to (214) 653-6464 or email to telecomservices@dallascounty.org or delivery to 600 Commerce Street, 7th floor, Suite 750, Dallas 75202.

Pager batteries are not supplied by telecommunications. Replacement batteries are the responsibility of the departments.

- (b) Each request submitted must include the following information:
 - (1) Requesting department name and department number.
 - (2) To whom the pager will be issued.
 - (3) Explanation why the pagers are needed and include employee job duties for which the pager is requested.
 - (4) Indicate pager type alpha or digital.
 - (5) Indicate if associated with a call group to ensure correct pager type.
 - (6) Justification for pager requested.
 - (7) Funding code or grant funded.
 - (8) Elected official/department head signature.

(Ord. No. 2014-0159, 2-4-2014)

Sec. 114-189. - Procedures; guidelines for pager recommendations.

The telecommunications department will review each request using the criteria listed below. After evaluation of each request, the request will be briefed in commissioners court. If it is not recommended, the

requesting department will be notified. After approval and briefing, telecommunications will order the equipment and notify the requesting department when [the equipment is] available for pickup.

- (1) Duties are such that a pager is more convenient and economical than the use of a mobile device.
- (2) Duties are such that the employee must be contacted and respond within a reasonable amount of time to provide directions, information and or assistance.

(Ord. No. 2014-0159, 2-4-2014)

Sec. 114-190. - Replacement of pagers.

(a) *Damaged pagers.*

- (1) Deliver all damage pagers to telecommunications at 600 Commerce Street, 7th floor, Suite 750, Dallas 75202.
- (2) Replacements for damaged pagers will be issued the same day if in stock and if not in stock a replacement will have to be ordered.
- (3) Telecommunications will inform the user when to pick-up the pager or will notify the department when pager is ready for pick-up.

(b) *Lost pagers.*

- (1) Lost pagers are the responsibility of the employee unless a written statement from the employee's manager is submitted stating the pager was lost in the performance of official duties. The following information must be included:
 - a. Employee name, department and pager number.
 - b. Date pager lost.
 - c. Job function performing when pager was lost.
 - d. If the pager is not lost in the performance of official duties, the employee will incur the cost of pager and should follow the procedures listed below:
 1. Get cost of pager and payroll deduction form from telecommunications ((214) 653-7200 or telecomservices@dallascounty.com).
 2. Complete the payroll deduction form and submit by inter-office mail or personal delivery; no emails to the auditors office. Deduction will be taken from pay check based on date of receipt. If the form [is] received within the current pay period, [the amount] will be deducted then or on the next pay period.
 3. Bring a copy of the payroll deduction form to telecommunications with a date stamp from the auditors office and a new pager will be issued.
 4. Maintain receipt in case the pager is found.
 5. If a lost pager is found, bring the payroll deduction form and pager to telecommunications to have the payroll office issue a refund; may not always be a refund.

(Ord. No. 2014-0159, 2-4-2014)

Secs. 114-191—114-220. - Reserved.

ARTICLE V. - VOICE MAIL

Sec. 114-221. - As a tool.

- (a) Voice processing (interactive voice response) and voice mail are to be utilized by the county to serve the taxpayers and make the most effective use of available personnel.
- (b) Voice processing applications allow callers to receive access to pertinent, frequently used and standardized information utilizing employee assistance when necessary. Typical information provided by voice processing includes hours of operation; office location; fees, documents and steps required to conduct specific business; as well as other standardized information.
- (c) Voice mail applications allow callers to leave messages when employees are away from their work station or on the phone. Voice mailboxes allow employees to retrieve messages and assemble specific information and answers to questions before returning calls.
- (d) These policies and procedures relate to the deployment of voice mail to county officials and departments. Voice processing applications will be implemented to the greatest extent possible to maximize reasonable use of technology and minimize utilization of personnel, where possible.

(Admin. Policy Manual, § G(7.01—7.04))

Sec. 114-222. - Criteria for evaluating requests.

Each request for voice mail will be measured against standard criteria and according to the following guidelines:

- (1) Demonstrated need according to the county voice mail criteria (exhibit GB);
- (2) Analysis of the application by the telecommunications coordinator, the department head, the county's voice processing vendor, and the county's telecommunications vendor, where applicable;
- (3) Available voice mail equipment in the specific PBX switch site serving the department making the request;
- (4) Availability of voice mail capacity in the voice processing system; and
- (5) Approval by the commissioners court.

(Admin. Policy Manual, § G(7.05))

Sec. 114-223. - Requests.

All voice mail requests will be submitted on the county telephone request order form (exhibit GC), signed by the department head with a completed voice mail analysis log (exhibit GD), and routed to the telecommunications coordinator. The request will be evaluated based on the criteria in the county voice mail guidelines (exhibit GB). After evaluation, a recommendation will be made to the commissioners court.

(Admin. Policy Manual, § G(7.06))

Sec. 114-224. - Limitations.

- (a) Voice mail will not be assigned to any extension or individual whose primary responsibility is department telephone coverage.
- (b) Voice mail will not be assigned to any extension number that functions as a referral point for voice processing menus.

- (c) Any voice mailbox assigned to an individual responsible for directly responding to the public will give the caller the option to obtain live assistance and not be forwarded to another voice mailbox.

(Admin. Policy Manual, § G(7.07—7.09))

Sec. 114-225. - Training.

When a voice mailbox has been assigned to an employee, the employee must attend a scheduled voice mail training session and/or complete a voice mail tutorial. The employee assigned a voice mailbox will be supplied with a manual and appropriate materials to record an appropriate greeting and mailbox instructions for proper and effective use of the system.

(Admin. Policy Manual, § G(7.10))

Sec. 114-226. - Abuse.

The telecommunications coordinator will have the option of recommending restricting or revoking a voice mailbox for any individual mailbox user who abuses the privileges of voice mail as evidenced by:

- (1) Complaints from the public or county staff about an individual extension or department not returning phone calls;
- (2) Individuals who go on vacation and do not change their voice mail greeting to indicate absence;
or
- (3) Inappropriate greeting or recording in voice mailbox.

(Admin. Policy Manual, § G(7.11))