

CITY OF EL PASO, TEXAS
AGENDA ITEM DEPARTMENT HEAD'S SUMMARY FORM

DEPARTMENT: Municipal Clerk
AGENDA DATE: 07-17-07
CONTACT PERSON/PHONE: Richarda Momsen
DISTRICT(S) AFFECTED: All Districts

SUBJECT:

APPROVE a resolution / ordinance / lease to do what? **OR AUTHORIZE** the City Manager to do what? Be descriptive of what we want Council to approve. Include \$ amount if applicable.

That the Mayor be authorized to sign an amendment to the Interlocal Governmental Agreement, by and between the City of El Paso and the County of El Paso, which was signed on February 24, 2004 and which relates to motor vehicle registration refusal pursuant to Section 702.003 of the Texas Transportation Code.

BACKGROUND / DISCUSSION:

Discussion of the what, why, where, when, and how to enable Council to have reasonably complete description of the contemplated action. This should include attachment of bid tabulation, or ordinance or resolution if appropriate. What are the benefits to the City of this action? What are the citizen concerns?

This interlocal agreement allows the City an additional enforcement tool for active arrest warrants, compelling those who want to register their vehicle to pay their outstanding warrants. This amendment represents a change in the terms of compensation from \$3.46 per denial of registration to 10% of City fines collected, paid to the County of El Paso.

PRIOR COUNCIL ACTION:

Has the Council previously considered this item or a closely related one?

Yes in February 2004 Council approved the initial interlocal agreement.

AMOUNT AND SOURCE OF FUNDING:

How will this item be funded? Has the item been budgeted? If so, identify funding source by account numbers and description of account. Does it require a budget transfer?

From collected Municipal Court warrant fines and fees allocated in the operating revenue accounts 404040 to 404063.

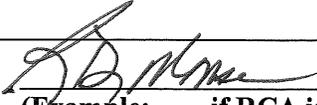
BOARD / COMMISSION ACTION:

Enter appropriate comments or N/A

CITY CLERK DEPT.
07 JUL 11 PM 5:54

*****REQUIRED AUTHORIZATION*****

LEGAL: (if required) _____ **FINANCE:** (if required) _____

DEPARTMENT HEAD:  _____
(Example: if RCA is initiated by Purchasing, client department should sign also)
Information copy to appropriate Deputy City Manager

APPROVED FOR AGENDA: _____

CITY MANAGER: _____ **DATE:** _____

CITY CLERK DEPT.
07 JUL 10 AM 9:23

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign an amendment to the Interlocal Governmental Agreement, by and between the City of El Paso and the County of El Paso, which was signed on February 24, 2004 and which relates to motor vehicle registration refusal pursuant to Section 702.003 of the Texas Transportation Code.

ADOPTED this 17th day of July, 2007.

THE CITY OF EL PASO

John F. Cook, Mayor

APPROVED AS TO FORM:



A.M. Avila
Assistant City Attorney

ATTEST:

Richarda Duffy Momsen
City Clerk

STATE OF TEXAS § AMENDMENT TO
 § INTERLOCAL AGREEMENT
COUNTY OF EL PASO §

This Amendment to Interlocal Agreement is made and entered into this 17th day of July, 2007, by and between the County of El Paso, hereinafter referred to as "County", with the agreement, consent, and participation of the El Paso County Tax Assessor-Collector, hereinafter referred to as the "County Tax Assessor-Collector", and the City of El Paso, Texas, a home-rule municipal corporation hereinafter referred to as "City", under the authority and in accordance with the Interlocal Cooperation Act, as set out in Chapter 791, Texas Government Code, and as authorized by Texas Transportation Code, Chapter 702.

WITNESSETH:

WHEREAS, Texas Government Code, Chapter 791, authorizes local governments of the state to enter into contracts for governmental functions and services to increase their efficiency and effectiveness; and

WHEREAS, the County and the City are local governments as defined in Texas Government Code, Section 791.003(4), and have the authority to enter into and interlocal agreement, and have each previously entered into such an agreement by the action of its governing body in the appropriate manner prescribed by law; and

WHEREAS, Transportation Code §702.003 allows a county tax assessor-collector, upon receipt of information from a municipality by and through the Texas Department of Transportation motor vehicle registration system, to assist a municipality in the enforcement of outstanding warrants of arrest for the failure to appear or pay a fine on a complaint involving certain traffic offenses by refusing to register or reregister a motor vehicle; and

WHEREAS, Transportation Code §702.003 allows a municipality to contract with the Texas Department of Transportation (hereafter "the Department") to provide the necessary information to a county for the above determination by the county tax assessor-collector to deny motor vehicle registration or re-registration to certain persons; and

WHEREAS, such a consolidated effort in the effectuation of Texas Transportation Code, Chapter 702, are in each party's best interest and that of the public and that this agreement will increase the effective and efficient functioning of each party; and

WHEREAS, the County and the City have previously entered into an interlocal agreement which was signed on February 24, 2004 and which relates to motor vehicle registration refusal pursuant to Section 702.003 of the Texas Transportation Code, and

WHEREAS, the provisions of said agreement specify that on or before July 15 of any year during the term of this Agreement, either party may request a modification in the consideration paid under the terms of this Agreement and that said modification, if any, shall take effect on October 1st of the next contract year.

NOW THEREFORE, in consideration of the terms and conditions herein which fairly compensate the performing party, it is mutually agreed that language of the interlocal agreement, between the City of El Paso and the County of El Paso, which was signed on February 24, 2004 and which relates to motor vehicle registration refusal pursuant to Section 702.003 of the Texas Transportation Code, be amended and that paragraph 5 be modified to read as follows:

“5. CONSIDERATION AND PAYMENT.

The County Tax Assessor-Collector shall present an itemized list to the City within 10 days of the end of each month during the term of this Agreement providing the name, address, and license plate number of each motor vehicle owner for which the County Tax Assessor-Collector refuses vehicle registration or re-registration. Pursuant to this Agreement, the City shall pay to the County 10% (ten percent) of the collected City fine or City bond for each refusal to register or reregister a motor vehicle which results in full payment of the corresponding warrants. The amount owed to the County will be paid without demand within 30 days of receipt of the invoice.

Given the incalculable value of the many factors involved in providing the services contracted for, the City and County hereby affirm and agree that the stated compensation for these services is considered to be fair and reasonable compensation and does not represent a sharing of revenue between the parties. It is also affirmed and agreed that the services provided, and the compensation for those services, fulfill an important public service for both parties in that they encourage compliance with the law.

On or before July 15 of any year during the term of this Agreement, either party may request a modification in the consideration paid under the terms of this Agreement. Said modification, if any, shall take effect on October 1st of the next contract year. If the County and the City cannot reach an agreement on the amount of consideration to be paid, then either party may terminate the agreement in accordance with Section 6.”

Except as herein amended, the interlocal agreement which was signed on February 24, 2004 and which relates to motor vehicle registration refusal pursuant to Section 702.003 of the Texas Transportation Code, shall remain in full force and effect.

IN WITNESS WHEREOF this Amendment to the aforesaid Interlocal Agreement has been executed on behalf of the County of El Paso, the El Paso County Tax Assessor-Collector, and the City of El Paso in the manner provided by law.

ATTEST

THE COUNTY OF EL PASO

County Clerk

By _____
County Judge Anthony Cobos
Date: _____

ATTEST

THE CITY OF EL PASO

City Clerk

By _____
Mayor, John F. Cook
Date: _____

APPROVED AS TO FORM:

**EL PASO COUNTY TAX ASSESSOR-
COLLECTOR**

Assistant County Attorney

Victor A. Flores
Date: _____

Assistant City Attorney