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

DEPARTMENT: **Police**

AGENDA DATE: **Introduction:** **September 11, 2012**
Public Hearing: **September 18, 2012**

CONTACT PERSON NAME AND PHONE NUMBER: **Assistant Chief Michelle Gardner/564-7301**
Lynly Leeper, Chief Budget Officer/541-4777

DISTRICT(S) AFFECTED: **All**

SUBJECT:
Approve an Ordinance amending Title 12 (Vehicle and Traffic), Chapter 12.21 (Photographic Traffic Signal Enforcement System), of the El Paso City Code by amending Sections 12.21.010 (Definitions) and 12.21.070 (Effect of Liability; Exclusion of Civil Remedy; Enforcement), to provide that an unpaid civil penalty may be enforced by refusing to allow the registration of the vehicle; the penalty is as provided in Section 12.21.020 of the City Code.

BACKGROUND / DISCUSSION:
Current City Code is being amended to provide enforcement authority for unpaid photographic traffic signal violations (red light camera violations) through refusal to allow registration of the vehicle. The City's agreement with the County Tax Office will be amended to facilitate enforcement of the penalty.

PRIOR COUNCIL ACTION:
N/A

AMOUNT AND SOURCE OF FUNDING:
N/A

BOARD / COMMISSION ACTION:
N/A

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

DEPARTMENT HEAD: Lynly G. Leeper

ORDINANCE NO. _____

AN ORDINANCE AMENDING TITLE 12 (VEHICLES AND TRAFFIC), CHAPTER 12.21 (PHOTOGRAPHIC TRAFFIC SIGNAL ENFORCEMENT SYSTEM), OF THE EL PASO CITY CODE BY AMENDING SECTIONS 12.21.010 (DEFINITIONS) AND 12.21.070 (EFFECT OF LIABILITY; EXCLUSION OF CIVIL REMEDY; ENFORCEMENT), TO PROVIDE THAT AN UNPAID CIVIL PENALTY MAY BE ENFORCED BY REFUSING TO ALLOW THE REGISTRATION OF THE VEHICLE; THE PENALTY IS AS PROVIDED IN SECTION 12.21.020 OF THE CITY CODE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EL PASO, TEXAS:

Section 1. That Section 12.21.010 (Definitions), of the El Paso City Code, is amended to add the following definition at the end of the existing definitions, to read as follows:

12.21.010 - Definitions

"Unpaid civil penalty" means a civil penalty assessed under this chapter that is not paid by the deadline established for making the payment as provided in this chapter; or if administratively adjudicated pursuant to section 12.21.040, not paid upon the finding of liability by the hearing officer; or if appealed pursuant to section 12.21.060, not paid upon the entry of an order or judgment finding liability by the municipal court.

Section 2. That Section 12.21.070 (Effect of liability; exclusion of civil remedy; enforcement), of the El Paso City Code, is amended to read as follows:

12.21.070 - Effect of liability; exclusion of civil remedy; enforcement

A. The imposition of a civil penalty under this chapter is not a conviction and may not be considered a conviction for any purpose.
B. No civil penalty may be imposed under this chapter on the owner of a motor vehicle if the operator of the vehicle was arrested or was issued a citation and notice to appear by a peace officer for a violation of Section 544.007(d) of the Texas Transportation Code recorded by the photographic traffic monitoring system.
C. The city attorney is authorized to file suit to enforce collection of a civil penalty assessed under this ~~article~~ chapter.
D. Any unpaid civil penalty assessed under this chapter may be enforced by refusing to allow the registration of the vehicle as provided by applicable state law.

Section 3. Except as amended herein, Title 12 (Vehicles and Traffic) shall remain in full force and effect.

ADOPTED this _____day of _____2012.

CITY OF EL PASO

_____
John F. Cook, Mayor

ATTEST:

_____
Richarda Duffy Momsen
City Clerk

APPROVED AS TO FORM:

_____
Nathan L. Brown
Assistant City Attorney

Scofflaw applied to Red Light Camera Violations

- Ordinance to Enforce Unpaid Civil Penalties (12.1)
- Interlocal with County Tax Assessor-Collector (12.2)
- Interlocal with TX Department of Motor Vehicles (12.4)

September 18, 2012

Lynly Leeper, Chief Budget Officer

Background

- June 2006 City Council awards Concessionaire agreement to RedFlex Traffic System for a Digital Automated Red Light Enforcement Program

- El Paso Police Department identifies intersections with high collision rates

  • 27 cameras installed at 18 intersections
  • 55% reduction in red light related crashes at these intersections since inception

Need for Scofflaw

- 38,726 scofflaws owing approximately $3M
- Statistically 75% of scofflaws will attempt to renew registration
- Approximately 29,000 flags will be placed
- Anticipate an estimated $2.86M recovery

Plan of Action

- Adopt Ordinance to allow for RLC violations to be collected through the scofflaw program
- Enter into inter-local agreements with TX DMV and County Tax Assessor/Collector to implement scofflaw
  - City to reimburse County for administrative costs
- Apply to unpaid violations that are more than 90 days old