

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

DEPARTMENT: Police
Office of Management and Budget

AGENDA DATE: 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:

That the Mayor be authorized to sign a Second Amendment to the Interlocal Agreement between the City of El Paso ("The City"), the County of El Paso ("COUNTY"), and the El Paso County Tax Assessor-Collector (COUNTY TAX ASSESSOR-COLLECTOR) in which the COUNTY TAX ASSESSOR-COLLECTOR will refuse to register or reregister vehicles that have outstanding and/or unpaid civil penalties related to and/or associated with the automatic photo red light violations that match the current owner of record for the automotive vehicle and the vehicle flagged. In lieu of this new task, the CITY shall pay to the COUNTY fifteen percent (15%) of the collected city fine for each refusal to register or reregister a motor vehicle which results in full payment of the corresponding red light camera violation.

Furthermore, the CITY shall pay to the COUNTY twenty dollars (\$20) or 15% of the fee collected, whichever is greater, collected from motor vehicle owners, for each refusal to register or reregister a motor vehicle which results in full payment of the corresponding warrants as authorized in Tex. Transp. Code § 702.003(e-1). Once collected by the CITY, this fee is passed through to the COUNTY in consideration for its work on identifying outstanding warrants and referring those individuals back to the CITY for payment.

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

DEPARTMENT HEAD:



RESOLUTION

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

That the Mayor be authorized to sign a Second Amendment to the Interlocal Agreement between the City of El Paso ("The City"), the County of El Paso ("COUNTY"), and the El Paso County Tax Assessor-Collector (COUNTY TAX ASSESSOR-COLLECTOR) in which the COUNTY TAX ASSESSOR-COLLECTOR will refuse to register or reregister vehicles that have outstanding and/or unpaid civil penalties related to and/or associated with the automatic photo red light violations that match the current owner of record for the automotive vehicle and the vehicle flagged. In lieu of this new task, the CITY shall pay to the COUNTY fifteen percent (15%) of the collected city fine for each refusal to register or reregister a motor vehicle which results in full payment of the corresponding red light camera violation.

Furthermore, the CITY shall pay to the COUNTY twenty dollars (\$20) or 15% of the fee collected, whichever is greater, collected from motor vehicle owners, for each refusal to register or reregister a motor vehicle which results in full payment of the corresponding warrants as authorized in Tex. Transp. Code § 702.003(e-1). Once collected by the CITY, this fee is passed through to the COUNTY in consideration for its work on identifying outstanding warrants and referring those individuals back to the CITY for payment.

ADOPTED THIS ____ DAY OF _____ 2012.

THE CITY OF EL PASO

John F. Cook
Mayor

ATTEST:

Richarda Duffy Momsen
City Clerk

APPROVED AS TO FORM:

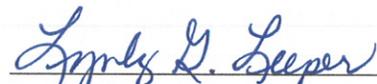


Nathan Brown
Assistant City Attorney

APPROVED AS TO CONTENT:

Richarda Duffy Momsen
City Clerk

APPROVED AS TO CONTENT:



Lynly G. Leeper
Chief Budget Officer

STATE OF TEXAS)
)
COUNTY OF EL PASO)

**SECOND AMENDMENT TO THE
INTERLOCAL AGREEMENT**

This Interlocal Agreement (the "Agreement") is entered into this ___ day of September, 2012, by and between the **CITY OF EL PASO** (the "City"), the **COUNTY OF EL PASO** (the "County"), and the **El Paso County Tax Assessor-Collector**, (the "County Tax Assessor-Collector").

WHEREAS, Texas Government Code Chapter 791 authorizes local governments and political subdivisions, including the City and the County, to contract with each other to perform governmental functions and services; and

WHEREAS, the County and the City are local governments as defined in the Texas Government Code, § 791.003(4), and have the authority to enter into an 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, the Texas Transportation Code § 707.017 allows the County Tax Assessor-Collector to refuse to register a motor vehicle if the owner of a motor vehicle is delinquent in the payment of a civil penalty for a red light camera violation; and

WHEREAS, the City will provide information to the County in regards to the owner of a motor vehicle who is delinquent in the payment of a civil penalty for a red light camera violation so as to effectuate Texas Transportation Code § 707.017; and

WHEREAS, the Texas Transportation Code § 702.003 allows a County Tax Assessor-Collector, upon receipt of information from a City, to assist that City 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, the Texas Transportation Code § 702.003 allows a City to contract with the County 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, the County, the City, and the County Tax Assessor-Collector have previously entered into an interlocal agreement which was signed on February 24, 2004, and later amended on July 23, 2007, which relates to motor vehicle registration refusal pursuant to the Texas Transportation Code § 702.003.

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 which relates to motor vehicle registration refusal pursuant to Section 702.003 of the Texas Transportation Code and first amended July 17, 2007, which relates to consideration and payment, be amended to read as follows. All other

provisions of the Interlocal Agreement and its First Amendment shall remain in full force and effect:

2. DUTIES OF THE CITY AND ITS SUBCONTRACTORS.

2.1 Cases with an **outstanding warrant for the owner of a motor vehicle** for failure to appear or failure to pay a fine on a traffic law criminal complaint.

2.1.1 The City may contract with the Department to provide information to the Department to enable the County Tax Assessor-Collector to identify flagged vehicle owners to determine which vehicle owners have an outstanding warrant from the City for failure to appear or failure to pay a fine on a complaint that involves a violation of a traffic law pursuant to the Act. The City will in all instances ensure that all provisions of the Act are adhered to as well as all other applicable laws of the State of Texas. The City shall consult and coordinate with the County Tax Assessor-Collector regarding the number of vehicles which it sends to the Department to be flagged at one time.

2.1.2 The City may interface its criminal traffic violation records system directly with the County's Scofflaw system to provide information to the County Tax Assessor-Collector to identify flagged vehicle owners to determine which vehicle owners have an outstanding warrant from the City for failure to appear or failure to pay a fine on a complaint that involves a violation of a traffic law pursuant to the Act. The City will in all instances ensure that all provisions of the Act are adhered to as well as all other applicable laws of the State of Texas.

2.1.3 The City shall notify the County Tax Assessor-Collector when a traffic law matter is cleared regarding a person:

- a) Against whom a judgment has been entered and who has paid the municipal court the full amount of the fine and court costs; or
- b) Who has perfected an appeal of the case for which the arrest warrant was issued; or
- c) Whose charge for which the arrest warrant was issued has been dismissed; or
- d) Whose charge for which the arrest warrant was issued has been cleared through judicial action or clerical correction; or
- e) Who has posted a bond and requested a hearing for the charge on which the arrest warrant was issued,

2.1.4 The City shall notify the Department pursuant to its agreement with the Department regarding a person:

- a) Against whom a judgment has been entered and who has paid the municipal court the full amount of the fine and court costs; or
- b) Who has perfected an appeal of the case for which the arrest warrant was issued; or

- c) Whose charge for which the arrest warrant was issued has been dismissed; or
- d) Whose charge for which the arrest warrant was issued has been cleared through judicial action or clerical correction; or
- e) Who has posted a bond and requested a hearing for the charge on which the arrest warrant was issued.

2.2 Cases where there is a **delinquent red light camera civil penalty** imposed against the owner of a motor vehicle pursuant to Texas Transportation Code Chapter 707.

2.2.1 The City may contract with the Department to provide information to the Department to enable the County Tax Assessor-Collector to identify flagged vehicle owners to determine which vehicle owners have a delinquent red light camera civil penalty pursuant to Chapter 707. The City will in all instances ensure that all provisions of the Chapter are adhered to as well as all other applicable laws of the State of Texas. The City shall consult and coordinate with the County Tax Assessor-Collector regarding the number of vehicles which it sends to the Department to be flagged at one time.

2.2.2 The City may interface its red light camera civil penalty records system directly with the County's Scofflaw system to provide information to the County Tax Assessor-Collector to identify flagged vehicle owners to determine which vehicle owners have a delinquent red light camera civil penalty pursuant to Chapter 707. The City will in all instances ensure that all provisions of the Chapter are adhered to as well as all other applicable laws of the State of Texas.

2.2.3 The City shall notify the County Tax Assessor-Collector when a red light camera traffic matter is cleared regarding a person:

- a) Who has paid the full amount of the civil penalty and late payment penalty, if applicable; or
- b) Who has perfected an administrative adjudication hearing on the red light camera traffic matter; or
- c) Whose red light camera traffic matter has been dismissed; or
- d) Whose red light camera traffic matter has been cleared through judicial action or clerical correction; or
- e) Who has perfected an appeal to municipal court on the red light camera traffic matter.

2.2.4 The City shall notify the Department pursuant to its agreement with the Department regarding a person:

- a) Who has paid the full amount of the civil penalty and late payment penalty, if applicable; or
- b) Who has perfected an administrative adjudication hearing on the red light camera traffic matter; or
- c) Whose red light camera traffic matter has been dismissed; or
- d) Whose red light camera traffic matter has been cleared through judicial action or clerical correction; or

- e) Who has perfected an appeal to municipal court on the red light camera traffic matter.

2.3 The City shall provide necessary notice forms that a criminal or civil traffic law matter is cleared for presentation to the County Tax Assessor-Collector pursuant to Sections 2.1.3 and 2.2.3 above on a form that is acceptable to the County.

2.4 The City shall provide to the County instruction sheets in a form acceptable to the County and maps for the County to distribute to flagged motor vehicle owners necessary to accomplish the purposes of this Agreement.

2.5 The City shall provide a telephone number or the location of an office where individual inquiries and complaints can be made regarding denial of registration by the County Tax Assessor-Collector due to criminal or civil traffic law matters, as well as to explain the procedures necessary resolve the criminal or civil traffic violation in order to obtain valid registration.

2.6 The City shall conduct a publicity campaign to explain when registration and re-registration will be denied and the procedures necessary to obtain valid registration.

2.7 The City shall identify, by name, address, and telephone number, an individual or individuals who shall have authority on behalf of the City to coordinate, direct and supervise this Agreement.

3. DUTIES OF THE COUNTY TAX ASSESSOR-COLLECTOR.

3.1 The County Tax Assessor-Collector, and his subcontractors, shall:

3.1.1 Review the Department motor vehicle registration system and/or the County's Scofflaw system for criminal and civil traffic violation flags for all individuals who attempt to register any vehicle without the three-part renewal form issued by the State of Texas.

3.1.2 Refuse to register or reregister all motor vehicles which are flagged in the Department motor vehicle registration system and/or the County's Scofflaw system as having outstanding City warrants for traffic violations or delinquent red light camera civil penalties.

3.1.3 Distribute the instruction sheet to flagged motor vehicle owners that will explain the steps necessary to resolve their outstanding criminal and civil traffic violations and to obtain vehicle registration, and a map showing directions to the appropriate City offices if said instructions and map are furnished by the City.

3.1.4 Distribute an instruction sheet with a telephone number and office address to individuals who want to complain about registration denial if said instructions and address are furnished by the City.

3.2 The County Tax Assessor-Collector, and his subcontractors, shall register or reregister a motor vehicle upon receipt of notice from the City that the motor vehicle owner's criminal or civil traffic law matter is cleared pursuant to Sections 2.1.3 and 2.2.3 above.

3.3 The County Tax Assessor-Collector shall have the sole authority and prerogative to register or re-register a motor vehicle where there has been a valid transfer of title.

5. CONSIDERATION AND PAYMENT,

5.1 Cases with an **outstanding warrant for the owner of a motor vehicle** for failure to appear or failure to pay a fine on a traffic law criminal complaint.

5.1.1 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 County shall be compensated by the City in an amount that is the greater of:

Fifteen percent (15%) 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; OR

The Twenty and No/100 Dollars (\$20.00) fee assessed and collected by the City for every person who has an outstanding warrant for failure to appear or failure to pay a fine on a complaint that involves the violation of a traffic law pursuant to Texas Transportation Code Section 702.003(e-1).

5.1.2 Within 30 days of the end of each month without demand, the City shall submit a report regarding and pay to the County, the amount of Section 702.003(e-1) fees that were collected in the immediately preceding month.

5.1.3 Thereafter, within 30 days after each January 1st, April 1st, July 1st, and September 1st the City shall submit a report reconciling the \$20.00 Section 702.003(e-1) fees paid to the County in the preceding three months and Fifteen percent (15%) of collected City fines and bonds for each registration refusal by the Tax Assessor-Collector during the same time period. The report submission shall include payment of any additional amounts owed to the County pursuant to Section 5.1.1 above.

5.2 Regarding cases where there is a **delinquent red light camera civil penalty** imposed against the owner of a motor vehicle pursuant to Texas Transportation Code Chapter 707, 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 refused vehicle registration or re-registration due to a delinquent red light camera penalty payment. The City shall pay to the County 15%

(fifteen percent) of the collected delinquent red light camera civil penalty **and late payment penalty, if any**, for each refusal to register or reregister a motor vehicle which results in full payment of the delinquent red light camera civil penalty and late payment penalty, if any. The amount owed to the County will be paid without demand within 30 days of receipt of the itemized list.

5.3 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.

5.4 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.

IN WITNESS WHEREOF, the City has executed this Agreement in the City of El Paso on the _____ day of September, 2012.

THE CITY OF EL PASO:

John F. Cook
Mayor

ATTEST:

Richarda Duffy Momsen,
City Clerk

APPROVED AS TO FORM:



Nathan Brown
Assistant City Attorney

Signatures Continue on Following Page

IN WITNESS WHEREOF, the County has executed this Agreement in the City of El Paso on the _____ day of September, 2012.

COUNTY OF EL PASO:

Veronica Escobar
County Judge

ATTEST

County Clerk Delia Briones

APPROVED AS TO FORM:

EL PASO COUNTY TAX ASSESSOR-
COLLECTOR

Assistant County Attorney

Victor Flores



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