

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

DEPARTMENT: Municipal Clerk

AGENDA DATE: September 4, 2012

CONTACT PERSON NAME AND PHONE NUMBER: Richarda Duffy Momsen
(915) 541-4127

DISTRICT(S) AFFECTED: All

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.

Approve an Amendment to the current Interlocal Agreement with the El Paso County Tax Assessor for denial of vehicle registration to defendants with outstanding warrants.

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?

The change is to the assessment of the fee. Previously the City paid the fee to the County. State law now allows the City to adopt an ordinance to impose a \$20.00 fee upon the defendant to be passed on to the County Tax Assessor as a fee for the work of his office in denying the registration.

PRIOR COUNCIL ACTION:

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

Yes. The original agreement was approved by Council on February 24, 2004.

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?

This item is funded by the \$20.00 fee collected from the defendant and then passed on to the County.

BOARD / COMMISSION ACTION:

Enter appropriate comments or N/A

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

DEPARTMENT HEAD:



(If Department Head Summary Form is initiated by Purchasing, client department should sign also)

Information copy to appropriate Deputy City Manager

AN ORDINANCE AMENDING TITLE 12 (VEHICLES AND TRAFFIC) AND CHAPTER 12.08 (ADMINISTRATION AND ENFORCEMENT) TO CREATE SECTION 12.08.191 (REFUSAL TO REGISTER MOTOR VEHICLES DUE TO OUTSTANDING WARRANTS FEE) OF THE EL PASO CITY CODE, TO PROVIDE THAT DUE TO THE COUNTY TAX ASSESSOR COLLECTOR'S ABILITY TO REFUSE MOTOR VEHICLE REGISTRATION DUE TO OUTSTANDING WARRANTS FOR FAILURE TO APPEAR OR FAILURE TO PAY A FINE ON A COMPLAINT THAT INVOLVES THE VIOLATION OF A TRAFFIC LAW, THE CITY OF EL PASO IS ESTABLISHING A FEE TO PAYABLE BY THE OWNER OF THAT MOTOR VEHICLE THAT WILL BE FORWARDED TO THE COUNTY TAX ASSESSOR COLLECTOR FOR THEIR ADMINISTRATIVE COSTS .

WHEREAS, pursuant to Tex. Transp. Code § 702.003 (a), a Municipality may contract with a County to have the County Tax Assessor Collector refuse to register a motor vehicle if the owner has outstanding warrants, with that Municipality, for failure to appear or failure to pay a fine on a complaint that involves the violation of a traffic law; and

WHEREAS, the City of El Paso has previously contracted with the County of El Paso, Texas to have the county tax assessor collector refuse to register a motor vehicle if the owner has outstanding warrants with the City of El Paso, for failure to appear or failure to pay a fine on a complaint that involves the violation of a traffic law; and

WHEREAS, pursuant to Tex. Transp. Code § 702.003 (e-1), a Municipality, that has contracted with a County to have the County Tax Assessor Collector refuse to register vehicles that have outstanding warrants with that Municipality, for failure to appear or failure to pay a fine on a complaint that involves the violation of a traffic law, to collect an additional twenty dollar (\$20) fee from an owner of a vehicle that has an outstanding warrant from the municipality for failure to appear or failure to pay a fine on a complaint that involves the violation of a traffic law; and

WHEREAS, this regulation would allow the City of El Paso to avail itself to collect this permitted fee;

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

Section 1. That Title 12 (Vehicles and Traffic), Chapter 12.08. (Administration and Enforcement), Section 12.08.191 (Refusal to Register Motor Vehicles Due to Outstanding Warrants) of the El Paso City Code is created to read as provided herein.

12.08.191 Refusal to Register Motor Vehicles Due to Outstanding Warrants Fee

The City of El Paso is imposing an additional twenty dollar (\$20) fee to a person who has an outstanding warrant from the City of El Paso for failure to appear or failure to pay a fine on a complaint that involves the violation of a traffic law, who attempts to register or reregister their motor vehicle with the County Tax Assessor Collector. This fee will only be used to reimburse the County Tax Assessor-Collector or department for its expenses in refusing to register or reregister a vehicle whose owner has an outstanding warrant from the City of El Paso for failure to appear or failure to pay a fine on a complaint that involves the violation of a traffic law. The fee will apply to each individual warrant that is outstanding.

Section 2. Except as herein amended, Title 12 of the El Paso City Code shall remain in full force and effect.

Section 3. This ordinance shall take effect on ___ day of _____, 2012.

ADOPTED this _____ day of _____, 2012.

CITY OF EL PASO

John F. Cook
Mayor

ATTEST:

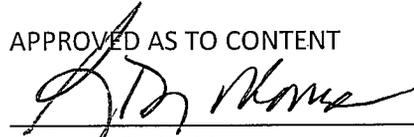
Richarda Duffy Momsen
City Clerk

APPROVED AS TO FORM:



Nathan Brown
Assistant City Attorney

APPROVED AS TO CONTENT



Richarda Duffy Momsen
City Clerk