



## **AGENDA MEMORANDUM**

Action Item for the City Council Meeting February 18, 2020

**DATE:** January 28, 2020

**TO:** Peter Zaroni, City Manager

**FROM:** Gilbert Hernandez, Director of Municipal Courts  
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<p><b>Resolution authorizing an Interlocal Cooperation Agreement with Texas Department of Public Safety for Failure to Appear Program.</b></p>
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**CAPTION:**

Resolution authorizing an interlocal agreement with the Texas Department of Public Safety for the Failure to Appear Program which denies the renewal of a driver's license of a person who fails to appear in Municipal Court for a complaint or citation or fails to pay or satisfy a judgment.

**SUMMARY:**

This resolution authorizes an interlocal agreement with the Texas Department of Public Safety and the agreement automatically renews on the anniversary date of execution for up to three additional years unless terminated earlier. The agreement is for the refusal or denial of the driver's license of a person who fails to appear for a complaint or citation or fails to pay or satisfy a judgment ordering payment of a fine and cost in a matter involving any offense that the Court has jurisdiction under Texas Code Criminal Procedure Chapter 4.

**BACKGROUND AND FINDINGS:**

The Texas Department of Public Safety (DPS) OMNIBASE program is a tool currently used by the Court to help violators resolve their violations. This program has been in effect since October 2012 and is authorized by Transportation Code Chapter 706.

The program authorizes the Court to report cases to the third-party vendor OMNIBASE and for DPS to deny the renewal of driver's licenses. The fee added to cases after a warrant is issued was \$30.00 up to December 31, 2019. The Court is responsible for distributing \$20.00 of the fee to the State, \$6.00 to the third party OMNIBASE, and \$4.00 is kept by the City.

As of January 1, 2020, the fee was reduced and now cases submitted to the vendor after January 1, 2020 will incur a \$10.00 fee. This will be distributed by \$6.00 of the fee to the third-party vendor and \$4.00 kept by the City. The State will no longer receive the \$20 portion on the Fail to Appear program added after January 1<sup>st</sup>.

When violators appear in court and resolve their violations, the hold on their driver's licenses are lifted.

**ALTERNATIVES:**

An alternative to approving this program would be to continue using the current tools of using the Collection Agency to work the collections on delinquent cases only.

This action benefits the City as it provides another means to help the court resolve cases. The \$10 fee will be paid by the customer and there is not a cost to the City.

**FINANCIAL IMPACT:**

In fiscal year 2019 the City kept a total of \$25,437 of this program; in fiscal year 2018 \$18,509; and in fiscal year 2017 \$18,383. The financial benefit to the City can be from \$18,000 to \$25,000 annually.

**Funding Detail:**

Fund:

Organization/Activity:

Mission Element:

Project # **(CIP Only)**:

Account:

**RECOMMENDATION:**

Staff recommends that the Council approve the resolution.

**LIST OF SUPPORTING DOCUMENTS:**

- Interlocal FTA Program Agreement
- Resolution- Failure to Appear