



City of San Antonio

Agenda Memorandum

File Number:20-2315

Agenda Item Number: 19.

Agenda Date: 4/16/2020

In Control: City Council A Session

DEPARTMENT: Municipal Courts

DEPARTMENT HEAD: Carla Obledo, Presiding Judge

COUNCIL DISTRICTS IMPACTED: Citywide

SUBJECT:

Approval of Interlocal Cooperation Contract with Texas Department of Public Safety to continue the Failure to Appear Program

SUMMARY:

This ordinance approves the execution of an Interlocal Cooperation Contract with the Texas Department of Public Safety ("TDPS") to continue the Failure to Appear Program and incorporate amendments made to Chapter 706 of the Texas Transportation Code by the Texas Legislature. The intent of the Failure to Appear Program is directed toward a system that requires both traffic and non-traffic violators to appear before the originating court for a final disposition or satisfy a judgment in a manner ordered by the Court.

BACKGROUND INFORMATION:

The City currently participates in a program with the Texas Department of Public Safety to deny renewal of the driver's license for failure to appear on certain traffic and non-traffic violations. The City has participated in this program since it was approved by City Council through Ordinance Numbers 2007-03-29-0354 and 2012-11-08-0882. During the 86nd Legislative Session, Section 706.006 of the Texas Transportation Code was amended and renamed the Failure to Appear and Failure to Pay administrative fee as a "reimbursement fee" and reduced the fee from \$30 to \$10 to remove the portion of the fee remitted to the state.

This proposed ordinance authorizes the execution of a new Interlocal Cooperation Contract by the City Manager with the required amendments. Other provisions of the program are as follows:

- Authorizes Texas DPS to contract with a private vendor to implement the Failure to Appear (FTA) System;
- Provides for the assessment of a reimbursement fee of \$10.00 for each offense;
- Establishes an immunity from suit and damages for the state and city;
- Requires the peace officer to give notice of the sanction at the time a citation is written;
- Requires the Court to submit clearance reports immediately, but no later than two business days, from the time and date that the Court receives appropriate payment or other information that satisfies the person's obligation to the Court;
- Requires the Court pay the Vendor a fee of \$6.00 per person for each violation which has been reported to the Vendor and for which the Court has collected the statutorily required \$10.00 reimbursement fee. In the event that the person has been acquitted of the underlying charge or is indigent, no payment will be made to the Vendor or required of the Court. If a reimbursement fee is collected, the City will retain \$4.00 to be deposited into the General Fund; and
- Applies to any offense for which a court has jurisdiction under Chapter 4, Code of Criminal Procedure.

The TDPS has contracted with OmniBase Services Incorporated in Austin, Texas to establish the FTA System. The private vendor will provide the necessary goods and services to establish an automated information system, whereby information regarding violators who failed to appear in court may be accurately stored and accessed by the TDPS.

ISSUE:

Approving this ordinance will continue to aid in the enforcement of Municipal Court judicial orders. Court staff has determined that implementing the Failure to Appear Program will enforce compliance, increase respect for the judicial system, and increase the collection of fines and fees.

ALTERNATIVES:

Absent approval of this ordinance, the City will not be able to continue to participate in the TDPS Failure to Appear Program, which denies renewal of a person's driver's license who fails to appear for a scheduled court date or fails to satisfy a court-ordered judgment requiring payment of a fine and court cost.

FISCAL IMPACT:

This ordinance approves the execution of an Interlocal Cooperation Contract with the Texas Department of Public Safety ("TDPS") to continue the Failure to Appear Program and incorporate amendments made to Chapter 706 of the Texas Transportation Code by the Texas Legislature. The intent of the Failure to Appear Program is directed toward a system that requires both traffic and non-traffic violators to appear before the originating court for a final disposition or satisfy a judgment in a manner ordered by the Court.

There is no additional cost to the City associated with approval of this item. A ten dollar (\$10) reimbursement fee will continue to apply to each applicable FTA offense. Six dollars (\$6) of each fee will be paid to OmniBase Services Incorporated; and four dollars (\$4) will be retained by the City. In FY 2019, the City paid OmniBase \$64,159 and retained \$44,124 which was deposited into the General Fund.

RECOMMENDATION:

Staff recommends approval of this ordinance.