



City of Killeen

Legislation Text

File #: RS-24-054, Version: 1

Consider a memorandum/resolution authorizing an Interlocal Agreement with Department of Public Safety (DPS) for Failure to Appear Program.

DATE: March 19, 2024

TO: Kent Cagle, City Manager

FROM: Kris B Krishna, Executive Director of Municipal Court

SUBJECT: Interlocal Agreement with Texas Department of Public Safety

BACKGROUND AND FINDINGS:

The Failure to Appear Program, permitted under Texas Transportation Code 706.002, allows the Department of Public Safety (DPS) to contract with a political subdivision to provide information necessary for the department to deny renewal 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 of the court. The DPS contracts with a third-party vendor to oversee this automated system.

This contract requires an interlocal agreement in compliance with Chapter 791, Government Code and the Texas Transportation Code 706.008. The contract is subject to the ability of the parties to pay the third-party vendor services required under the contract. An interlocal agreement with the DPS is currently in place. The agreement was originally signed in 2004 and then amended in 2012 in compliance with changes implemented with the 82nd Legislative Session; and then amended in 2020 in compliance with the changes implemented in the 86th Legislative Session.

Due to changes occurring in the 88th Legislative Session, DPS revised the Failure to Appear Interlocal Cooperation Contract (ICC) to conform with the legislative mandates. The first change is to the language and restructuring of the original ICC to provide clarity regarding responsibilities held by each party. Next, the inclusion of indigency into the program as mandated by House Bill 291. Finally, language to account for future changes to the current statute ensuring the ICC remains in compliance with the latest legal requirements until a revised ICC is available. These changes require a new contract to be entered into by both parties.

THE ALTERNATIVES CONSIDERED:

Do not enter into an amended interlocal agreement with the Texas Department of Public Safety; or
Enter into an amended interlocal agreement with the Texas Department of Public Safety.

Which alternative is recommended? Why?

Staff recommends entering into an amended interlocal agreement with the Texas Department of Public Safety

to deny renewal 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. This is an effective tool used by municipal courts to gain compliance from defendants who would otherwise ignore a complaint, citation, or order of the court. This Municipal Court clears approximately 7,300 cases each year as a result of utilizing this program.

CONFORMITY TO CITY POLICY:

The interlocal agreement conforms to City policy and Government Code, Chapter 791 and the Texas Transportation Code 706.008.

FINANCIAL IMPACT:

What is the amount of the revenue/expenditure in the current fiscal year? For future years?

There will be a \$10.00 fee assessed on every case that is reported to the DPS as delinquent. The defendant is required to remit payment of the \$10.00 fee prior to releasing the hold on their driver's license; \$4.00 of the fee is retained by the city. The estimated annual revenue is \$29,200.

Is this a one-time or recurring revenue/expenditure?

Recurring revenue

Is this revenue/expenditure budgeted?

Yes, this revenue is budgeted in the General Fund Fines Revenue account 010-0000-351.01-01.

If not, where will the money come from?

N/A

Is there a sufficient amount in the budgeted line-item for this revenue/expenditure?

Yes

RECOMMENDATION:

Staff recommends authorizing the City Manager or his designee to enter into an interlocal agreement with the Texas Department of Public Safety to deny the renewal of the driver's license of any person who fails to appear or fails to satisfy a judgment of the court.

DEPARTMENTAL CLEARANCES:

Purchasing
Finance
Legal

ATTACHED SUPPORTING DOCUMENTS:

2024 Interlocal Agreement

2020 Interlocal Agreement
Transportation Code
House Bill 291
Presentation