

Agenda Item Details

Meeting	Aug 13, 2024 - Bryan City Council Second Regular Meeting
Category	6. Statutory (Automatic Approval) Agenda - This agenda consists of items previously approved by Council action such as adoption of items that are part of an approved budget or capital improvement projects, first and only readings of ordinances, interlocal agreements, or action that is required by law or delegated to the City Manager. Items may be removed from the statutory agenda for separate consideration at the request of two Councilmembers.
Subject	H. Approval of an interlocal agreement with the Texas Department of Motor Vehicles (TxDMV) to provide Scofflaw services at no cost to the City
Type	Action (Statutory)
Preferred Date	Aug 13, 2024
Absolute Date	Aug 13, 2024
Fiscal Impact	No
Budgeted	No
Budget Source	There is no cost to the City as McCreary, Veselka, Bragg and Allen, P.C. (MVBA) (current vendor) will conduct the program on behalf of the City and will pay all costs associated with implementation.
Goals	Public Safety

Summary:

The Bryan Municipal Court has many outstanding cases pending in which the defendant has failed to appear as promised or had failed to pay. The Court has multiple tools at its disposal to gain compliance and resolve outstanding cases. One such tool is the Scofflaw program, which calls for the vehicle registration of an offender with an outstanding warrant to have the renewal denied until he/she resolves the case(s) with the Court. Utilizing the Scofflaw program to enforce the Court's outstanding warrants will be a helpful tool in gaining compliance.

Section 702.003(a) of the Texas Transportation Code states a county assessor-collector or the department may refuse to register a motor vehicle if the assessor-collector or the department receives under contract information from a municipality that the owner of the vehicle has an outstanding warrant from the municipality for failure to appear or failure to pay a fine on a complaint involving the violation of a traffic law. Section 702.003(b) states a municipality may contract with a county in which the municipality is located or the department to provide information to the county assessor-collector or department necessary to make a determination under Subsection (a). The Bryan Municipal Court has numerous outstanding cases in which this program potentially may help resolve.

The City of Bryan currently contracts with McCreary, Veselka, Bragg and Allen, P.C. (MVBA) for the collection of delinquent cases from the Bryan Municipal Court pursuant to Article 103.0031 of the Code of Criminal Procedure. MVBA has agreed to conduct the Scofflaw program on behalf of the City as part of the delinquent collection process. MVBA also agrees to provide the funds necessary to post the required bond with the DMV and pay

all costs associated with the file submissions required for inquiry, flagging, and clearances. As a result, there is no cost to the City and no additional cost to the defendant to participate in this program.

Staff Analysis and Recommendation:

Municipal Court staff, including Presiding Judge Thomas, respectfully requests the City Council to enter into the Interlocal Agreement with The Texas Department of Motor Vehicles (TxDMV); the term of the contract is five (5) years. Additionally, staff respectfully requests the City Council execute a Memorandum of Understanding with MVBA, allowing them to conduct the Scofflaw program on behalf of the City as part of the delinquent collection process. As a reminder, staff presented this proposal at the June 18, 2024, City Council workshop and received direction to move ahead with bringing forward this agenda item.

Options:

1. Enter into the Interlocal Agreement with The Texas Department of Motor Vehicles (TxDMV) for the Scofflaw program and execute a Memorandum of Understanding with MVBA, allowing them to conduct the program on behalf of the City.
2. Take no action and do not utilize the Scofflaw program to resolve Municipal Court cases, and provide staff direction.

Attachments:

1. Blank Scofflaw DMV contract
2. Scofflaw Memorandum of Understanding 2024

[Blank Scofflaw DMV contract.pdf \(2,084 KB\)](#)

[Scofflaw Memorandum of Understanding 2024.pdf \(138 KB\)](#)