

CITY OF SAN ANTONIO
MUNICIPAL COURT DEPARTMENT
Interdepartmental Correspondence

AGENDA ITEM NO. 39

TO: Mayor and City Council

FROM: Quentin B. Porter, Municipal Court Director

THROUGH: Terry M. Brechtel, City Manager

COPIES: File

SUBJECT: AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ACCEPT LINEBARGER GOGGAN BLAIR AND SAMPSON'S OFFER TO WITHDRAW IMMEDIATELY FROM THE CONTRACT FOR THE COLLECTION OF DELINQUENT ADJUDICATED CLASS C MISDEMEANOR FINES AND NEGOTIATE A CONTRACT WITH MUNICIPAL SERVICES BUREAU (MSB) FOR SAME

DATE: October 31, 2002

SUMMARY AND RECOMMENDATIONS:

This ordinance authorizes the City Manager to accept Linebarger Goggan Blair and Sampson offer to withdraw immediately from the contract with the City for the Collection of Delinquent Adjudicated Class C Misdemeanor Fines.

This ordinance also authorizes the negotiation of a professional services contract with Municipal Services Bureau for the same services as provided by the Linebarger firm.

Staff recommends approval of this ordinance.

BACKGROUND INFORMATION

On October 11, 2002, the City received a letter from Linebarger Goggan Blair and Sampson, LLP stating the following: "...please allow this letter to confirm our law firm's willingness to voluntarily withdraw from representing the City of San Antonio with respect to the contract to collect the City's municipal fees and fines as referenced above. If the City desires, we are willing to withdraw immediately or at such time the City deems appropriate."

On October 24, 2002 the Quality of Life Committee met and accepted staff's recommendation to prepare a Request for Ordinance to accept Linebarger Goggan Blair and Sampson's request to voluntarily withdraw from the collection contract of Municipal Court fees and fines. If this ordinance is approved, staff will notify the Linebarger firm to discontinue collection activity effective immediately.

In addition, staff will negotiate a contract with MSB and report to City Council within 30 days. The elements of the contract should include the initial guarantees made by MSB.

- Collection fee would remain at 30%
- Guaranteed collection rate of 16.5% prior to contract being awarded to the Linebarger firm
- Allow City to escrow 10% of their fee until collection rate is attained
- Contract with local minority law firm, Rene Escobedo
- Open a local call center and hire 50 employees
- Pay call center employees a living wage of \$8.50 per hour with benefits

The committee directed staff to provide information describing the Linebarger firm's performance since the effective date of the contract. Since being awarded the contract, the Linebarger firm has performed as follows:

- Opened a local call center and hired 21 out of 50 employees
- Contracted with local minority law firm, Escamilla and Poneck
- Paid call center employees a living wage of \$8.50 per hour
- Provided benefits to the employees
- Actual collections since August 19, 2002 are \$112,300

POLICY ANALYSIS

Municipal Services Bureau will assist Municipal Court with the enforcement of court orders associated with class C misdemeanor cases. MSB has the creative and innovative resources necessary to locate class C misdemeanor violators and obtain voluntary compliance with court orders. Staff will develop a Request for Proposal concurrently with the negotiations in case a contract with MSB is unsuccessful.

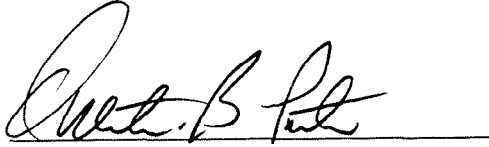
FINANCIAL IMPACT

Senate Bill 1778 amended Article 103.0031, Code of Criminal Procedure, by providing that a governing body of a municipality may enter into a contract with a private attorney or a public or private vendor for collection services for debts, fines, fees, restitution, or costs other than forfeited bonds. This statute also allows the governing body to offset associated costs by authorizing an additional collection fee in the amount of 30 percent on each debt or account that is more than 60 days past due and has been referred to the vendor for collection.

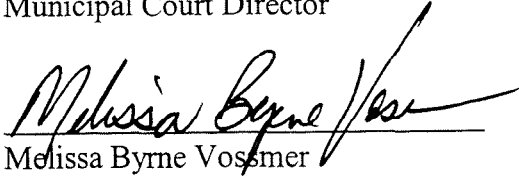
FY 2003 budget included \$800,000 additional fine revenue based on contract guarantees. Staff will accelerate negotiations with MSB in order to minimize the negative impact on projected fine revenue.

COORDINATION

This item was prepared in accordance with the Quality of Life Committee recommendations and conforms to the direction of the City Manager and City Attorney.



Quentin B. Porter
Municipal Court Director



Melissa Byrne Vossmer
Assistant City Manager

Approved by:



Terry M. Brechtel
City Manager