

CITY OF EL PASO, TEXAS
AGENDA ITEM
DEPARTMENT HEAD'S SUMMARY FORM

AGENDA DATE: May 10, 2022
PUBLIC HEARING DATE: Not Applicable

CONTACT PERSON(S) NAME AND PHONE NUMBER:

Lilia Worrell, Director of El Paso Municipal Court, (915) 212-5822
Claudia A. Garcia, Interim Director of Purchasing & Strategic Sourcing, (915) 212-1218

DISTRICT(S) AFFECTED: All

STRATEGIC GOAL: No. 2 – Set the Standard for a Safe and Secure City

SUBGOAL: 2.7 – Maximize Municipal Court efficiency and enhance customer experience.

SUBJECT:

That after having provided adequate notice as required by Sec. 2254.1036 of the Texas Government Code, the Agreement for Delinquent Court Fines and Fees Services, pursuant to Solicitation 2022-0007R Collection Services for Delinquent Fines and Fees - Municipal Court, is awarded to Delgado Acosta Spencer Linebarger & Perez, LLP and that the City Manager, or his designee, is authorized to execute the Agreement and any related documents with Delgado Acosta Spencer Linebarger & Perez, LLP required to effectuate this award.

BACKGROUND / DISCUSSION:

Since 2003, the Municipal Court has contracted with an outside collection agency as approved by the Texas Code of Criminal Procedures, Section 103.0031. The Court refers delinquent Class C warrants, warrant fees, and parking citations to the agency for collection. Each vendor submitted a minimum recovery rate for each account category, as well as a penalty fee associated with each category of accounts if the vendor fails to meet the guaranteed recovery rates.

It is important to note that no City money is paid to the collection agency. Section 103.0031 of the Texas Code of Criminal Procedure authorizes municipalities to pass on to the defendants and vehicle owners a 30% collection fee when an outside collection agency or firm is used.

SELECTION SUMMARY:

N/A

CONTRACT VARIANCE:

N/A

PROTEST

No protest received for this requirement.

PRIOR COUNCIL ACTION:

N/A

AMOUNT AND SOURCE OF FUNDING:

N/A

HAVE ALL AFFECTED DEPARTMENTS BEEN NOTIFIED? YES NO

PRIMARY DEPARTMENT: Municipal Court

SECONDARY DEPARTMENT: Purchasing & Strategic Sourcing

*****REQUIRED AUTHORIZATION*****

DEPARTMENT HEAD:

 *Annabelle Carson on behalf of*

Lilia Worrell – Director of El Paso Municipal Court

**COUNCIL PROJECT FORM
(REQUEST FOR PROPOSAL)**

*******POSTING LANGUAGE BELOW*******

Please place the following item on the **REGULAR** agenda for the Council Meeting of **MAY 10, 2022**.

Strategic Goal 2: Set the Standard for a Safe and Secure City

The linkage to the Strategic Plan is subsection: 2.7 – Maximize Municipal Court efficiency and enhance customer experience.

Award Summary:

That after having provided adequate notice as required by Sec. 2254.1036 of the Texas Government Code, the Agreement for Delinquent Court Fines and Fees Services, pursuant to Solicitation 2022-0007R Collection Services for Delinquent Fines and Fees - Municipal Court, is awarded to Delgado Acosta Spencer Linebarger & Perez, LLP and that the City Manager, or his designee, is authorized to execute the Agreement and any related documents with Delgado Acosta Spencer Linebarger & Perez, LLP required to effectuate this award.

*******ADDITIONAL INFO BELOW*******

RESOLUTION

WHEREAS, there is a substantial need for the legal services to be provided pursuant to the Agreement for Delinquent Court Fines and Fees Services;

WHEREAS, these legal services cannot be adequately performed by the attorneys and supporting personnel of the City of El Paso at a reasonable cost;

WHEREAS, these legal services cannot reasonably be obtained from attorneys in private practice under a contract providing only for the payment of hourly fees, without regard to the outcome of the matter, because of the nature of delinquent court fines and fees penalties provided by Texas Code of Criminal Procedure 103.0031 and because the City of El Paso does not desire to allocate the additional funds to pay the estimated amounts required under a contract only for the payment of hourly fees;

WHEREAS, Delgado Acosta Spencer Linebarger & Perez, LLP, is well qualified and competent to perform the legal services required to comply with the terms of the contract;

WHEREAS, Delgado Acosta Spencer Linebarger & Perez, LLP has provided these specialized legal services to the City of El Paso in the past and has been well satisfied with the quality and outcome of the legal services provided, and;

WHEREAS, the contract with Delgado Acosta Spencer Linebarger & Perez, LLP is the result of a procurement issued by the City of El Paso and to which Delgado Acosta Spencer Linebarger & Perez, LLP submitted a proposal to provide the requested services; and

WHEREAS, the parties agree that the contract for delinquent court fines and fees penalties is fair and reasonable.

NOW, THEREFORE, BE IT RESOLVED BY CITY COUNCIL OF THE CITY OF EL PASO:

That after having provided adequate notice as required by Sec. 2254.1036 of the Texas Government Code, the Agreement for Delinquent Court Fines and Fees Services, pursuant to Solicitation 2022-0007R Collection Services for Delinquent Fines and Fees - Municipal Court, is awarded to Delgado Acosta Spencer Linebarger & Perez, LLP and that the City Manager, or his designee, is authorized to execute the Agreement and any related documents with Delgado Acosta Spencer Linebarger & Perez, LLP required to effectuate this award.

(SIGNATURE PAGE FOLLOWS)

APPROVED this _____ day of _____, 2022.

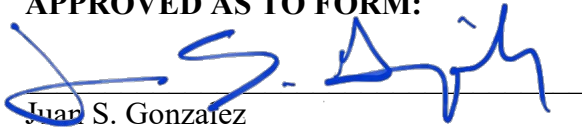
THE CITY OF EL PASO:

Oscar Leaser,
Mayor

ATTEST:

Laura D. Prine
City Clerk

APPROVED AS TO FORM:



Juan S. Gonzalez
Senior Assistant City Attorney

APPROVED AS TO CONTENT:

Claudia A. Garcia

Claudia Garcia, Interim Director
Purchasing and Strategic Sourcing

NOTICE OF A PUBLIC MEETING

Notice is hereby given that a meeting of the City of El Paso City Council will be held on Tuesday, April 26th, 2022 at 9:00 AM for the purpose of considering and taking action on all matters on the agenda for the meeting, including approval of an agreement with the law firm of Delgado Acosta Spencer Linebarger & Perez, LLP as special counsel to perform all legal services necessary to collect delinquent court fines and fees and authorizing the execution of such agreement.

The agreement to be considered is necessary for the collection of delinquent fines and fees owed to the City of El Paso to be collected in the most effective manner. The City of El Paso desires that such delinquent court fines and fees be collected as provided in the Texas Code of Criminal Procedure.

The Delgado Acosta Spencer Linebarger & Perez, LLP firm is fully qualified to provide this representation, being partner with the largest delinquent court fines and fees law firm in the State of Texas, and having been engaged in this specialized legal service for more than 40 years. In addition, the Delgado Acosta Spencer Linebarger & Perez, LLP firm possesses infrastructure and technology, such as call center technology, that the City of El Paso does not currently possess.

Delgado Acosta Spencer Linebarger & Perez, LLP has and continues to represent the City of El Paso with competence and professionalism, in the collection of delinquent property taxes as well as court fines and fees.

The specialized legal services required by this agreement cannot be adequately performed by the attorneys and supporting personnel of the City of El Paso due to the high cost of implementing the appropriate infrastructure and technology and employing sufficient in-house attorneys and staff with the level of experience and competence necessary to perform these activities.

Delgado Acosta Spencer Linebarger & Perez, LLP will be compensated on a contingent fee basis as provided in the Texas Code of Criminal Procedure 103.0031. These Texas Code of Criminal Procedure sections specifically provide for an additional penalty on delinquent court fines and fees to compensate collection attorneys. A contract to pay inside or outside attorneys on an hourly basis would represent an additional cost to the City of El Paso.

Entering into the proposed agreement is in the best interests of the residents of the City of El Paso because the delinquent court fines and fees will be professionally and competently collected without the additional costs to the City of El Paso of implementing infrastructure and technology, and employing in-house personnel or paying outside counsel on an hourly fee basis which would otherwise be required.