

AN ORDINANCE 2014 - 05 - 29 - 0380

APPROVING ADDENDUM A-11 TO THE MASTER INTERLOCAL AGREEMENT WITH BEXAR COUNTY TO ESTABLISH A UNIFORM TRUANCY CASE MANAGEMENT PROGRAM.

\* \* \* \* \*

WHEREAS, HB 1479, passed by the 83rd Texas Legislature, established the City of San Antonio/Bexar County Joint Committee on Truancy ("Truancy Committee") to make recommendations for uniform and effective truancy policies throughout Bexar County; and

WHEREAS, the Truancy Committee recommends the inclusion of Addendum A-11 to the Master Interlocal Agreement between the City of San Antonio and Bexar County ("Addendum A-11"); and

WHEREAS, Addendum A-11 establishes a Uniform Truancy Case Management Program (the "Program") to include centralized filing for offenses brought under Texas Education Code Sections 25.094 (Failure to Attend School) and 25.093, (Parent Contributing to Nonattendance); and

WHEREAS, the Addendum also provides that funds collected pursuant to Texas Code of Criminal Procedure Articles 102.0174 and 102.015 will continue to be collected for the County's total consideration toward the City's administration of the Juvenile Case Management Program; and

WHEREAS, pursuant to the Addendum, the City's Presiding Judge of Municipal Court will administer the Program utilizing Bexar County Justices of the Peace designated by the County and City Municipal Court Judges, who will preside over cases using guidelines established as part of the Juvenile Case Management Program; NOW THEREFORE:

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO:

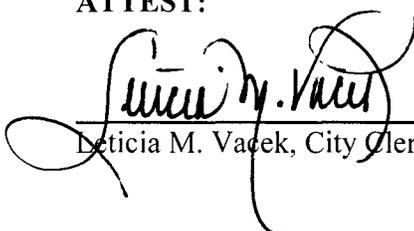
SECTION 1. City Council approves Addendum A-11 to the Master Interlocal Agreement between the City of San Antonio and Bexar County, a copy of which is included as ATTACHMENT I.

SECTION 2. This Ordinance shall be effective immediately upon receiving at least eight affirmative votes or, if receiving fewer affirmative votes, on the tenth day after passage.

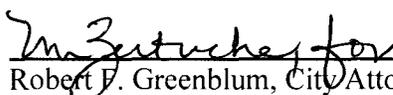
PASSED AND APPROVED this 29<sup>th</sup> day of May, 2014.

  
M A Y O R  
Julián Castro

ATTEST:

  
Leticia M. Vacek, City Clerk

APPROVED AS TO FORM:

  
Robert F. Greenblum, City Attorney

<b>Agenda Item:</b>	22 ( in consent vote: 6, 7, 8, 10, 12, 13, 14, 15, 16, 17, 20, 21, 22, 24A, 24B )						
<b>Date:</b>	05/29/2014						
<b>Time:</b>	11:33:53 AM						
<b>Vote Type:</b>	Motion to Approve						
<b>Description:</b>	An Ordinance authorizing the approval of Addendum A-11 to the Master Interlocal Agreement between the City of San Antonio and Bexar County establishing a Uniform Truancy Case Management Program. [John W. Bull, Presiding Judge, Municipal Courts]						
<b>Result:</b>	Passed						
Voter	Group	Not Present	Yea	Nay	Abstain	Motion	Second
Julián Castro	Mayor		x				
Diego Bernal	District 1		x				
Ivy R. Taylor	District 2		x				
Rebecca Viagran	District 3		x				
Rey Saldaña	District 4		x			x	
Shirley Gonzales	District 5		x				
Ray Lopez	District 6		x				
Cris Medina	District 7	x					
Ron Nirenberg	District 8		x				
Joe Krier	District 9	x					
Michael Gallagher	District 10		x				x

# **ATTACHMENT I**

**A-11 UNIFORM TRUANCY CASE MANAGEMENT PROGRAM**

**Article I**

**Waiver and Transfer of Jurisdiction**

- A. The COUNTY, through its justice courts and the CITY, through its municipal court, subject to a waiver of exclusive original jurisdiction by the juvenile court, may exercise jurisdiction for offenses brought under Section 25.094, Education Code (Failure to Attend School). The justice courts and the municipal court also have jurisdiction for offenses filed under Section 25.093, Education Code (Parent Contributing to Nonattendance).
- B. The Juvenile District Courts, in a separate document, will waive their exclusive original jurisdiction and transfer all cases in which a child is 12 years of age or older and is alleged to have engaged in conduct described in Section 51.03 (b) (2), Family Code for disposition in the manner provided by Section 54.021 (b), Family Code for a period of one year, as provided in Section 54.021 (a), Family Code. The COUNTY Justice of the Peace Liaison Judge and one or more justice courts, may preside over and dispose of juvenile cases in which municipal judges do not have geographical jurisdiction to ensure their timely resolution.
- C. The Juvenile District Courts waiver and transfer may be renewed on a yearly basis consistent with provisions of Section 54.021 (a) Family Code.
- D. CITY will administer and serve as the central point of filing for all offenses charged under Sections 25.093 and 25.094, Education Code, as well as all class C Misdemeanor offenses brought against juveniles, excluding traffic offenses.

**Article II**

**Juvenile Case Managers**

- A. The CITY will employ juvenile case managers in accordance with Art. 45.056, Code of Crim. Proc., to: assist the court in administering the court's juvenile docket; supervise the court's orders in juvenile cases; provide prevention services to a child considered at risk of entering the juvenile justice system; and provide intervention services to juveniles engaged in misconduct before offenses are filed.
- B. In accordance with Art. 45.056(e), Code of Crim. Proc., the juvenile case managers shall give priority to truancy cases filed under Sections 25.093 and 25.094, Education Code.
- C. The CITY will collect court costs to be deposited into its Juvenile Case Manager Fund, which has been created and maintained pursuant to Arts. 102.0174 and 102.015, Code of Criminal Proc., to finance the salary, benefits, training, travel expenses, office supplies, and other necessary expenses relating to the position of juvenile case managers employed under Article 45.056, Code of Crim. Proc. The Fund may not be used to supplement the income of an employee whose primary role is not that of a juvenile case

manager. The COUNTY'S consideration for the CITY'S administration of the Juvenile Case Manager Program will include transferring to the CITY'S Juvenile Case Manager Fund on October 15, 2014 the balance of the funds in the COUNTY'S Juvenile Case Manager Fund on October 1, 2014. The COUNTY shall continue to remit to the Comptroller's Office, in accordance with Art. 102.015(e)(2), fifty percent (50%) of the court costs the COUNTY justice court(s) collects pursuant to Art. 102.015. On a quarterly basis, the COUNTY will remit to the CITY for deposit in its Juvenile Case Manager Fund all funds deposited in COUNTY'S Juvenile Case Manager Fund collected pursuant to Arts.102.0174 and 102.015, less the funds forwarded to the Comptroller's Office under Art. 102.015(e)(2). All fines assessed and collected by municipal court for cases referred to, and accepted by, the CITY under Article I, Section D. shall be forwarded to the COUNTY on a quarterly basis for deposit in COUNTY'S general fund. The CITY shall provide the COUNTY with documentation of the amount of the funds generated under Arts. 102.0174 and 102.015 within forty-five (45) days of the end of each fiscal year of this Addendum together with documentation of costs and expenses pertaining to the CITY'S Juvenile Case Manager Program under Art. 45.056, Code of Criminal Proc. The CITY will also provide the COUNTY with a copy of its annual audit as it pertains to the revenues generated, and the costs and expenses paid, for the CITY'S administration of the Juvenile Case Manager Program.

- D. The COUNTY'S total consideration for the CITY'S administration of the Juvenile Case Management Program is: (i) transferring to the CITY'S Juvenile Case Management Fund on October 15, 2014 the balance of the funds in the COUNTY'S Juvenile Case Manager Fund on October 1, 2014, and thereafter remitting, on a quarterly basis, to CITY for deposit in its Juvenile Case Manager Fund those fees collected pursuant to Arts. 102.0174 and 102.015, less the fifty percent (50%) of fees collected under Art. 102.015 that the COUNTY forwards to the Comptroller's Office; (ii) COUNTY'S development, implementation, and maintenance of web-based case management software and interface(s) for utilization by independent school districts, charter districts, and CITY if the entity(ies) elects to electronically file offenses under Article I; and (iii) the benefit to the CITY of having a Justice of the Peace Liaison Judge available, as needed, to hear and adjudicate the juvenile offenses set out in Article I.

### **Article III** **Centralized Filing**

- A. The COUNTY and the CITY agree that all offenses accepted for intake enumerated in Article I above shall be filed and administered by the CITY which is to serve as the centralized filing point. City will provide access, as needed, to its systems solely to allow COUNTY Justice of the Peace Judges to hear and adjudicate juvenile cases pursuant to this Addendum, as enumerated in Article I.

The COUNTY shall make available and maintain its web-based case management system for use by independent school districts, charter school districts and the CITY if the entity(ies) elect to electronically file offenses under Article I C. CITY will provide juvenile case managers, administrative staff and other resources to manage offenses filed through the CITY acting as the central point of filing.

**Article IV**  
**Administration of Uniform Truancy Program**

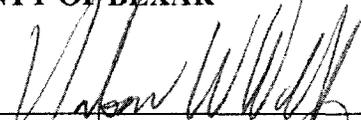
- A. COUNTY'S justice of the peace judges and the CITY'S municipal court judges will preside over cases using guidelines established as part of the Juvenile Case Management Program.
- B. The Presiding Judge of the CITY'S municipal court will administer the uniform case management program and assign judges as needed subject to the availability and/or desire to hear and preside over cases.
- C. In cases in which the municipal court judges do not have geographical jurisdiction, the COUNTY shall designate a COUNTY Justice of the Peace Truancy Court Liaison Judge to assist in hearing truancy/juvenile matters, as needed and, other justice of the peace judges, to ensure timely resolution of those cases.

**Article V**  
**Incorporation of Terms of Agreement**

- A. The terms of the Master Interlocal Agreement between City of San Antonio and Bexar County which commenced on October 1, 2013 ("Master ILA"), are automatically incorporated into this Addendum upon approval of this Addendum by the respective governing bodies of the CITY and COUNTY.

**APPROVAL OF A-11, UNIFORM TRUANCY CASE  
MANAGEMENT PROGRAM**

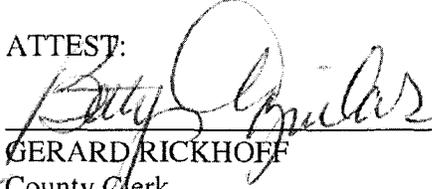
COUNTY OF BEXAR

By: 

NELSON W. WOLFF  
County Judge

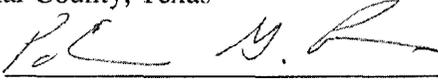
Date: 4/22/2014

ATTEST:

  
GERARD RICKHOFF  
County Clerk

APPROVED AS TO LEGAL FORM:

SUSAN D. REED  
Criminal District Attorney  
Bexar County, Texas

By: 

PATRICIA G. PROWSE  
Assistant Criminal District Attorney  
Civil Section

Date: \_\_\_\_\_

APPROVED AS TO FINANCIAL  
CONTENT:

Susan Yeatts  
SUSAN YEATTS  
County Auditor

Date: 4.22.2014

  
DAVID SMITH  
County Manager

Date: \_\_\_\_\_