

**January 26, 2011 CTRMA BOARD OF DIRECTORS MEETING
Summary Sheet**

AGENDA ITEM # 15

Discussion and possible action to request Williamson County to create a magistrate position devoted primarily to cases alleging nonpayment of tolls and associated administrative fees by users of toll roads in Williamson County.

Department: Operations/Law

Associated Costs: None

Funding Source: General Revenues

Board Action Required: Yes

Description of Matter: CTRMA's ability to prosecute complaints against non-paying users of the 183A Turnpike is restricted by the limited judicial and administrative resources available in Williamson County Justice of the Peace Court for Precinct Two. One possible solution that would provide additional resources to Judge Staudt and her staff is the creation of a criminal magistrate position to by the Williamson County Commissioners Court.

State law permits Williamson County to create a magistrate position. With the express authorization of the affected justice of the peace, a magistrate may exercise concurrent criminal jurisdiction over fine-only misdemeanor cases except where the defendant exercises his or her right to a trial on the merits.

The attached resolution requests that the Williamson County Commissioners Court and Williamson County judges consider and work with CTRMA to create a magistrate position to be primarily devoted to hearing toll non-payment cases in Williamson County. Details of this concept will need to be worked through in discussions with county officials, including the identification of necessary funding resources, so the resolution authorizes and directs the Executive Director to undertake those discussions and present a final proposal to this Board for its consideration.

Attached documentation for reference:

Draft Resolution

Contact for further information:

Andrew Martin, General Counsel

**GENERAL MEETING OF THE BOARD OF DIRECTORS
OF THE
CENTRAL TEXAS REGIONAL MOBILITY AUTHORITY**

RESOLUTION NO. 11-___

**Requesting Williamson County Create a Magistrate Position to Hear
Complaints Arising from Non-Payment of Tolls**

WHEREAS, use of the 183A Turnpike without paying the required toll is a Class C misdemeanor under state law prosecutable in a court of competent jurisdiction; and

WHEREAS, the Williamson County Justice of the Peace Court, Precinct Two, is a court where such offenses have been prosecuted, and additional judicial resources would increase the number of cases alleging non-payment of tolls that can be filed and processed in that court; and

WHEREAS, the Williamson County Commissioners Court has authority under state law to create a magistrate position that has the power, with the express authorization of the affected justice of the peace, to exercise certain concurrent jurisdiction with the justice of the peace in fine-only misdemeanor cases.

NOW THEREFORE, BE IT RESOLVED, that the Board of Directors requests that the Williamson County Commissioner's Court consider creating a magistrate position to assist in hearing claims alleging non-payment of tolls due for the use of toll roads in Williamson County; and

BE IT FURTHER RESOLVED, that the Board of Directors authorizes and directs its Executive Director to work with all appropriate officials in Williamson County on a proposal for consideration by this Board and Williamson County to establish a magistrate program devoted primarily to the offense of using a toll road without paying the required toll.

Adopted by the Board of Directors of the Central Texas Regional Mobility Authority on the 26th day of January, 2011.

Submitted and reviewed by:

Approved:

Andrew Martin
General Counsel for the Central
Texas Regional Mobility Authority

Ray A. Wilkerson
Chairman, Board of Directors
Resolution Number: 11-___
Date Passed: 1/26/11