

CITY OF WEST LAKE HILLS

ORDINANCE No. 445

REPEAL OF CIVIL PENALTY FOR PASSING A STOPPED SCHOOL BUS

AN ORDINANCE OF THE CITY OF WEST LAKE HILLS, TEXAS (“CITY”), REPEALING ORDINANCE NO. 310, CIVIL PENALTY FOR PASSING A STOPPED SCHOOL BUS; PROVIDING FOR THE FOLLOWING: FINDINGS OF FACT; REPEAL OF ORDINANCE NO. 310; REPEALER; SEVERABILITY; EFFECTIVE DATE; AND PROPER NOTICE & MEETING.

- WHEREAS**, the City Council of the City of West Lake Hills (“City Council”) finds that on October 28, 2015 the City Council adopted Ordinance 310 creating a program pursuant to the authority granted under Section 542.202 of the Texas Transportation Code, which allowed the City to provide for civil enforcement of 545.006 of the Texas Transportation Code which creates a criminal offense for passing a stopped school bus; and
- WHEREAS**, the City Council finds that said program was to be referred to as the School Bus Safety/Stop Arm Enforcement Program (“Program”) and be administered as by Dallas County School District doing business as Texserve as outlined in an interlocal agreement between the City of West Lake Hills and Dallas County Schools; and
- WHEREAS**, the City Council finds that on November 7, 2017 Dallas County voters elected to discontinue operations of Dallas County Schools; and
- WHEREAS**, the City Council finds that the Dissolution Committee for the former Board of Dallas County School Trustees (the “Committee”) asserts that the Program has been suspended; and
- WHEREAS**, the City Council finds that even though the Committee’s General Counsel issued a statement that DCS is “the party that holds the exclusive statewide license to market and use the AlertBus technology,” and that “to date, the Committee has not authorized the issuance of any citations nor collection of any citation payments within the State of Texas” unauthorized entities are issuing citations to alleged violators and claiming the right to operate and support the Program; and
- WHEREAS**, the City Council finds that unauthorized entities are attempting to operate the program and the Program is not being operated in accordance with the interlocal agreement with Dallas County Schools; and
- WHEREAS**, the City Council finds that continued, vigorous enforcement of the criminal

violation for passing a stopped school bus by the West Lake Hills Police Department will not be effected by this actions; and

WHEREAS, pursuant to Texas Local Government Code Section 51.001, the City has general authority to adopt an ordinance or police regulation that is for the good government, peace or order of the City and is necessary or proper for carrying out a power granted by law to the City; and

WHEREAS, the City Council finds that the repeal of the ordinance establishing Civil Penalty For Passing A Stopped School Bus is reasonable, necessary, and proper for the good government of the City of West Lake Hills.

NOW, THEREFORE, BE IT ORDAINED by the City Council of West Lake Hills, Texas:

1. FINDINGS OF FACT

The foregoing recitals are incorporated into this Ordinance by reference as findings of fact as if expressly set forth herein.

2. REPEAL OF ORDINANCE NO. 310

Ordinance No. 310, Civil Penalty For Passing A Stopped School Bus, codified as Chapter 16, Article 16.08 is hereby repealed in its entirety.

3. REPEALER

All ordinances, resolutions, or parts thereof, that are in conflict or inconsistent with any provision of this Ordinance are hereby repealed to the extent of such conflict, and the provisions of this Ordinance shall be and remain controlling as to the matters regulated, herein.

4. SEVERABILITY

Should any of the clauses, sentences, paragraphs, sections or parts of this Ordinance be deemed invalid, unconstitutional, or unenforceable by a court of law or administrative agency with jurisdiction over the matter, such action shall not be construed to affect any other valid portion of this Ordinance.

5. EFFECTIVE DATE

This Ordinance shall be effective immediately upon passage and publication.

6. PROPER NOTICE & MEETING

It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public, and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Texas Government Code, Chapter 551.

PASSED & APPROVED this, the 9th day of May 2018, by a vote of 5 (ayes) to 0 (nays) to 0 (abstentions) of the City Council of West Lake Hills, Texas.

CITY OF WEST LAKE HILLS:

by: Linda Anthony
Linda Anthony, Mayor

ATTEST:

Lacie Hale
Lacie Hale, City Secretary

