

ORDINANCE NO. 214

AN ORDINANCE PROVIDING FOR A FEE TO DEFRAY COSTS OF COLLECTING DELINQUENT FINES, FEES, COURT COSTS, AND OTHER DEBTS PURSUANT TO ARTICLE 103.0031 OF THE TEXAS CODE OF CRIMINAL PROCEDURE; AND PROVIDING FOR THE FOLLOWING: FINDINGS OF FACT; REPEALER; SEVERABILITY; EFFECTIVE DATE; PROPER NOTICE AND HEARING.

WHEREAS, Article 103.0031 of the Texas Code of Criminal Procedure authorizes the Town of Horizon City to contract with a private attorney for the collection of the delinquent fines, fees, court costs and other debts and to impose an additional fee; and

WHEREAS, under said article, the governing body of said Town is empowered to authorize the addition of 30% on each debt and account receivable, including fines and fees, and on each amount in cases in which the accused has failed to appear, when each is more than 60 days past due and has been referred for collection; and

WHEREAS, the Town of Horizon City wishes to defray its costs of collection that it incurs under a contract for collection of delinquent court fines and fees between said Town and a collection firm as authorized under the provisions of Article 103.0031, Texas Code of Criminal Procedure, and has determined that this action is in the public interest; and

WHEREAS, the Town of Horizon City has entered into a contract with Delgado Acosta Spencer Linebarger & Perez, LLP for such collection services.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE TOWN OF HORIZON CITY, TEXAS, THAT:

Pursuant to Sections 51.001 and 51.012 of the Texas Local Government Code, and Article 45.203 of the Texas Code of Criminal Procedure, the Horizon City Town Council hereby enacts and adopts this ordinance.

SECTION I. ESTABLISHMENT OF FEE

(a) A Collection fee is hereby authorized and imposed, as provided by Article 103.0031, Texas Code of Criminal Procedure, in the amount of 30% of debts and accounts receivable, such as unpaid fines, fees, court costs, forfeited bonds, and restitution ordered paid by a Municipal Court serving the City when such debt or account receivable is more than 60 days past due and has been referred to an attorney or private vendor for collection; and

(b) A collection fee is hereby authorized and imposed, as provided by Article 103.0031,

Texas Code of Criminal procedure, in the amount of 30% of amounts in cases in which the accused has failed to appear:

- (1) As promised under Subchapter A, Chapter 543, Texas Transportation Code, or other law;
- (2) In compliance with a lawful written order to appear issued under Article 14.06 (b), or other law;
- (3) In compliance with a lawful summons issued under Article 15.03(b). Texas Code of Criminal Procedure;
- (4) In compliance with a lawful order of a Court serving the City: or
- (5) As specified in a citation, summons, or other notice authorized by Section 682.002, Texas Transportation Code that charges the accused with a parking or stopping offense,

When such amounts are more than 60 days past due and have been referred to an attorney or private vendor for collection.

SECTION II. FINDINGS OF FACT

That this ordinance was duly enacted with all requisites and formalities incident thereto to the enactment of ordinance, and such is evidenced by the signatures below; and further that the foregoing recitals are incorporated into this ordinance by reference as findings of fact as if expressly set forth herein.

SECTION III. REPEALER

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

SECTION IV. 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.

SECTION V. PROPER NOTICE AND MEETING

It is 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. Notice was also provided as required by Chapter 52, Texas Local Government Code.

PASSED AND APPROVED this the 19th day of August 2014, by a vote of 7 (ayes) to 0 (nays) to 0 (abstentions) of the City Council of Horizon City, Texas.

Town of Horizon City


By: 
Walter L. Miller, Mayor

ATTEST:

By: 
Elvia Schuller, City Clerk



APPROVED AS TO FORM:


Elaine S. Hengen, Assistant City Attorney

First Reading: 8/12/2014
Second Reading: 8/19/2014