

**ORDINANCE NO. 1248**

**AN ORDINANCE OF THE CITY OF LLANO, TEXAS, ADOPTING THE PROVISIONS OF ARTICLE 103.0031 OF THE TEXAS CODE OF CRIMINAL PROCEDURE, IMPOSING A COLLECTION FEE OF THIRTY PERCENT (30%) TO DEFRAY THE COSTS OF COLLECTION OF FINES, FEES AND COSTS IMPOSED BY THE LLANO MUNICIPAL COURT; AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT ON BEHALF OF THE CITY TO ASSIST IN THE COLLECTION OF SUCH FINES, FEES AND COSTS; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the City of Llano finds it to be in the best interest of the public health, safety and welfare to retain the services of an independent person, firm or association to assist in the collection of municipal court fines, fees and costs and to impose the additional penalty to defray the costs of collection; and

**WHEREAS**, the City of Llano wishes to defray its costs of collection that it incurs under a contract for collection of delinquent court fines, fees and costs between said City and a collection firm as authorized under the provisions of Article 103.0031, Texas Code of Criminal Procedure; and

**WHEREAS**, under said article, the governing body of said City 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.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LLANO, TEXAS, SITTING AS THE GOVERNING BODY OF SAID CITY, THAT:**

Section 1: 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, or restitution ordered paid by a municipal court serving the city when such debt or account receivable is more then 60 days past due and has been referred to an attorney or private vendor for collection; and

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, Transportation Code, or other law;
- (2) in compliance with a lawful written notice 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, 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 2.** That the Mayor is hereby authorized to enter into a contract to employ and utilize the services of a firm to provide specific legal services and enforce the collection of the debts and accounts receivable on which the foregoing thirty percent (30%) collection cost accrues. Such contract is intended to be in accordance and compliance with Article 103.0031 of the Texas Code of Criminal Procedure, as amended.

**SECTION 3.** That should any sentence, paragraph, subdivision, clause, phrase or section of this ordinance be adjudged or held to be unconstitutional, illegal or invalid, the same shall not affect the validity of this ordinance as a whole, or any part of provision thereof other than the part so decided to be invalid, illegal or unconstitutional, and shall not affect the validity of the Code of Ordinances, as a whole.

**SECTION 4.** This ordinance shall take effect immediately from and after its passage and the publication of the caption, as the law in such cases provide.

DULY PASSED by the City Council of the City of Llano, Texas on the 23<sup>rd</sup> day of August, 2013.



APPROVED:

Mikel Virdell  
MAYOR

ATTEST:

Toni Milam  
CITY SECRETARY

APPROVED AS TO FORM:

CITY ATTORNEY