

**ORDINANCE NO. O-2010-186**

**AN ORDINANCE OF THE CITY OF MAGNOLIA, TEXAS 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; APPROVING THE TERMS OF A CONTRACT WITH PERDUE, BRANDON, FIELDER, COLLINS & MOTT L.L.P.; AND AUTHORIZING THE MAYOR TO EXECUTE SAID CONTRACT.**

\* \* \* \* \*

**WHEREAS**, Article 103.0031 of the Texas Code of Criminal Procedure authorizes the City of Magnolia to contract with a private attorney for the collection of the fees listed above and to impose an additional fee in the amount of thirty percent on each debt or account receivable that is more than sixty days past due and which has been referred to an attorney for collection; and

**WHEREAS**, the City of Magnolia as determined that it is in the public interest to ensure the prompt payment of delinquent court-imposed fines, fees, court costs, and other debts as provided by said statute; and

**WHEREAS**, the City of Magnolia, pursuant to Article 103.0031, Texas Code of Criminal Procedure, desires to enter into a contract with a private firm, Perdue, Brandon, Fielder, Collins & Mott L.L.P. (Perdue), to provide services for the collection of debts and accounts receivables, i.e.: fines, fees, court costs, restitution, and other debts ordered to be paid by a court serving the City of Magnolia;

**WHEREAS**, the City of Magnolia deems it in the public interest to pass this ordinance authorizing an additional collection fee for the collection of delinquent fines, fees, court costs, and other debts;

**NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MAGNOLIA, TEXAS THAT:**

**SECTION 1. FINDINGS.** The foregoing recitals are hereby found to be true and correct and are hereby adopted by the City of Magnolia and made a part of this ordinance for all purposes and findings of fact.

**SECTION 2. COLLECTION FEE.** In accordance with Article 103.0031 of the Texas Code of Criminal Procedure, there is hereby imposed an additional fee of thirty percent (30%) on all debts and accounts receivable, i.e.: fines, fees, court costs, restitution, and other debts that are more than sixty (60) days past due and have been referred to a private firm (Perdue) for collection.

**SECTION 3. EFFECTIVE DATE.** This ordinance shall be effective from and after its date of passage.

**SECTION 4. AUTHORIZATION.** The City of Magnolia is hereby authorized to enter into a contract with the Perdue Firm to provide services for the collection of fines, fees, court costs, and other debts substantially in the form of the attached contract which is made a part of this ordinance for all purposes; and further, that the Mayor is authorized to execute said contract on city's behalf. This ordinance repeal any part of or any ordinance in conflict with this ordinance.

**SECTION 5. SEVERABILITY.** If any provision of this ordinance is found to be invalid for any reason by a court of competent jurisdiction, the validity of the remaining provisions shall not be affected.

**SECTION 6. OPEN MEETINGS.** It is hereby found and determined that the meetings at which this ordinance is considered are open to the public and that notice of the time, place and purpose thereof was given in accordance with the provisions of the Texas Government Code – Chapter 551, as amended, and that a quorum of the City Council was present.

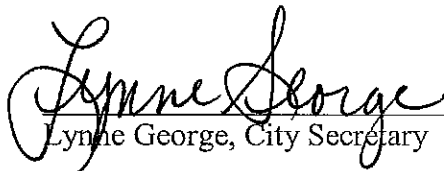
**PASSED AND APPROVED** on the 12th day of October, 2010.

City of Magnolia, Texas

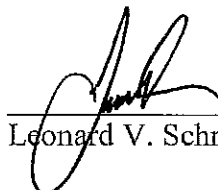


Todd Kana, Mayor

ATTEST:

  
Lynne George, City Secretary

APPROVED AS TO FORM:

  
Leonard V. Schneider, City Attorney