

## MEMORANDUM

To: Members of the City Commission

From: Lisa Agnor, City Manager

Date: March 22, 2016

Subject: Approval of a Resolution setting an additional fee for collection of costs on fines and fees in Municipal Court

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At the March 10, 2016 meeting, the Commission approved a contract with the law firm of McCreary, Vaselka, Bragg, and Allen, P.C., for the collection of delinquent municipal court fines and fees. The attached Resolution, prepared by the City Attorney, authorizes setting an additional collection fee for the contracted third party attorney for these services.

RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF MARSHALL, TEXAS, SETTING AN ADDITIONAL FEE FOR COLLECTION OF COSTS ON FINES AND FEES IN MUNICIPAL COURT; FINDING THAT THE MEETING AT WHICH THIS RESOLUTION WAS PASSED WAS CONDUCTED IN STRICT COMPLIANCE WITH THE TEXAS OPEN MEETINGS ACT; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH; AND ESTABLISHING AN EFFECTIVE DATE**

**WHEREAS**, the City of Marshall, Texas has entered into a contract with a private attorney to provide legal services related to the collection of debts and accounts receivable including, unpaid court fines, fees, court costs, forfeited bonds, and restitution and other amounts in accordance with Article 103.0031, Texas Code of Criminal Procedure (“Fines and Fees”); and,

**WHEREAS**, Article 103.0031, Texas Code of Criminal Procedure, authorizes the governing body of a city that contracts with a private attorney for the collection of Fines and Fees to impose an additional collection fee in the amount of thirty percent on each Fine and Fee that is more than sixty days past due and has been referred to the attorney for collection; and,

**WHEREAS**, the City Commission of the City of Marshall, Texas has determined that it is in the public interests to insure the prompt payment of delinquent Fines and Fees, as provided by Article 103.0031, Texas Code of Criminal Procedure,

**NOW THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF MARSHALL, TEXAS THAT:**

**Section 1.** That the findings set out in the preamble to this resolution are hereby in all things approved.

**Section 2.** In accordance with Article 103.0031, Texas Code of Criminal Procedure, there shall be imposed on debts and accounts receivable including, unpaid

court fines, fees, court costs, forfeited bonds, and restitution and other amounts in accordance with Article 103.0031, Texas Code of Criminal Procedure that are more than sixty days past due and have been referred to an attorney a collection fee of thirty percent of each said amount.

**Section 3.** That the meeting at which this resolution was passed was conducted in strict compliance with the Texas Open Meetings Act (Texas Government Code Chapter 551).

**Section 4.** That all other prior resolutions or portions of resolutions of the City of Marshall in conflict with the terms and provisions of this resolution are hereby repealed to the extent of such conflict only.

**Section 5.** That the repeal of any resolution or portion of a resolution by this resolution shall not affect the validity of any pending enforcement action or fees outstanding and due and payable for services rendered on or before the effective date of this resolution.

**Section 6.** That this resolution shall be effective on the \_\_\_\_ day of March, 2016.

PASSED AND APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

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ERIC NEAL  
CHAIRMAN OF THE CITY COMMISSION OF THE  
CITY OF MARSHALL, TEXAS

ATTEST:

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Deborah Manuel, Acting City Secretary