



RESOLUTION NO. 2021-078

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FARMERS BRANCH, TEXAS, AUTHORIZING A COLLECTION FEE IN THE AMOUNT OF 30% TO BE CHARGED PURSUANT TO TEXAS CODE OF CRIMINAL PROCEDURE ART. 103.0031(b) ON DELINQUENT DEBTS AND ACCOUNTS RECEIVABLE ASSESSED BY THE CITY OF FARMERS BRANCH MUNICIPAL COURT; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Farmers Branch wishes to defray its costs of collection that it incurs under a contract for collection of delinquent court fines and fees between the 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 City Council 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 City Council of the City of Farmers Branch, Texas, finds it to be in the public interest to authorize the imposition of the above-described collection fee.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FARMERS BRANCH, TEXAS, 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 the amount due on each of the following items when such amounts are more than 60 days past due and have been referred to an attorney or private vendor for collection:

- A. Debts and accounts receivable, such as unpaid fines, fees, court costs, forfeited bonds, and restitution ordered to be paid by the City of Farmers Branch Municipal Court; and
- B. 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 notice to appear issued under Article 14.06(b), Texas Code of Criminal of Criminal Procedure, 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 the City of Farmers Branch Municipal Court; 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.

SECTION 2. Upon the effective date of this Resolution, any prior resolution establishing a collection fee pursuant to Article 103.0031, Texas Code of Criminal Procedure, or its processor statute is hereby repealed; provided, however, such prior resolution shall continue to survive for purposes of the assessment and collection of any collection fees authorized pursuant to such prior resolution that were assessed prior to the effective date of this resolution on delinquent accounts receivable in accordance with applicable law.

SECTION 3. This Resolution shall become effective immediately upon its passage.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF FARMERS BRANCH, TEXAS, THIS 1ST DAY OF JUNE 2021.

ATTEST:

APPROVED:

Amy Piukana, City Secretary

Robert C. Dye, Mayor

APPROVED AS TO FORM:

Peter G. Smith, City Attorney
(kbl:5/20/21:122400)