

RESOLUTION # 30-2001

**A RESOLUTION AUTHORIZING AN OVERDUE COLLECTION FEE IN
THE MUNICIPAL COURT OF THE CITY OF ABILENE.**

WHEREAS, the 77th Legislature amended Article 103.0031, Code of Criminal Procedure regarding collection contracts, and

WHEREAS, the City of Abilene contracts with Municipal Services Bureau (MSB) for collection of overdue Municipal Court fines, fees, and other costs, and

WHEREAS, the City currently pays Municipal Services Bureau for those services, and

WHEREAS, the amendment to Article 103.0031 allows the City to require the defendant to pay for collection costs.

**NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE
CITY OF ABILENE, TEXAS:**

PART 1. The City hereby authorizes the addition of collection fees in the amount of 30 percent on each debt or account receivable that is more than 60 days past due and has been referred to an attorney or a public or private vendor for collection.

PART 2. A defendant is not liable for the collection fees authorized under PART 1 if the court has determined the defendant is indigent, or has insufficient resources or income, or is otherwise unable to pay all or part of the underlying fine or costs.

PART 3. If a private attorney or private vendor collects from a person owing costs ordered paid by the court an amount that is less than the total costs owed by the person, including collection costs permitted under the attorney's or vendor's contract with the City Council, the amount of costs collected otherwise required to be sent to the comptroller and the amount permitted to be retained by the City are reduced by an equal percentage in order to fully compensate the attorney or vendor, not to exceed the percentage specified as allowable collection costs in the attorney's or vendor's contract with the City.


PART 4. That the City Manager is hereby authorized to amend the current contract with Municipal Services Bureau to incorporate the 30% collection fee.

PART 5. This additional fee is authorized to be collected by any successor in interest to the current MSB contract or to any new private attorney or private vendor.

PART 6. That this Resolution shall become effective October 1, 2001.

APPROVED AND ADOPTED this 9th day of August, 2001.

ATTEST:


Op Moore
City Secretary

Grady Barr
Mayor

APPROVED:

Sharon E. Hicks
City Attorney