

ORDINANCE NO. 03062018-01

AN ORDINANCE OF THE CITY OF FLORENCE, TEXAS, REGARDING THE ADOPTION OF PAYMENT BY CREDIT/ DEBIT CARD POS IN THE CITY OF FLORENCE, TEXAS, CONCERNING ALL CITY COURT FINES, ADMINISTRATIVE FEES, PENALTIES, COURT COSTS, AND OTHER FEES RELATED TO THE MUNICIPAL COURT AND GENERAL FUND, AND ALL BILLS, DEPOSITS, PURCHASES, PENALTIES, FEES AND INSPECTIONS ASSOCIATED WITH CITY UTILITY SERVICES; PROVIDING FOR CONFLICTING ORDINANCES; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Section 132.002, et seq, of the Texas Local Government Code provides, in part, that the City Council may authorize municipal officials who collects fees, fines, court costs, and other charges to accept payment thereof by credit/debit card POS, and to collect a fee for processing the payment; and

WHEREAS, the City Council of the City of Florence, Texas (the "City") hereby finds and determines that it is in the best interest of the City to adopt payment by credit/debit card payment POS of all City fees related to the General Fund and all City fees, charges, fines, court costs associated with the City Municipal Court, as well as all bills, deposits, purchases, penalties, inspections, and fees associated with the City's utility services; and

WHEREAS, the City Council further finds that it is in the best interest of the City to collect a fee for processing the payment by credit/debit card POS, and that the processing fees established herein are reasonably related to the expense incurred by the municipal officials in processing the payment by credit card.

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

1. **Adoption of Recital.** The recitals contained in preamble to this Ordinance are true and correct, and are ratified, adopted and made a part of this Ordinance as if copied herein verbatim.

2. **Terms Regarding Use of Credit/debit Cards POS to Pay City Fees, Fines, Services and Charges**

2.01. All sums due the City including, but not limited to (a) all City fees related to the General Fund (b) all fines, administrative fees, forfeitures, penalties, court costs related to Florence Municipal Court, and (c) all bills, deposits, purchases, penalties, costs, inspections and fees related to the City utility services may be paid by the use of credit/debit cards.

2.02. The Mayor shall establish the procedures for acceptance of credit/debit card payments for amounts due the City. The Mayor is authorized to enter into agreements with credit/debit card issuers to facilitate the acceptance of credit/debit POS card payments by the City.

2.03. A credit/debit card agreement may provide for the acceptance of the credit card payments from the credit card company at a discount from the face amount of the payment or for the withholding of administrative fees from the face amount of the payment. Such discounted fee is granted in exchange for the improved governmental cash flow, reduction of administrative expenses and increased public convenience as a result of credit card payments.

2.04. A surcharge fee equal or less to the administrative fees charged by the credit card issuer to the City shall be imposed upon any person making a payment by credit card, when such surcharges are permitted by the operating rules and regulations of the credit card issuer.

2.05. Any agreement with a credit card issuer for the acceptance or payments via credit shall contain a provision that the agreement may be canceled at any time by the City.

2.06. No person making payment by credit card to the City is relieved from liability for the underlying obligation except to the extent that the city actually receives final payment of the obligation in cash or its equivalent. If the credit card issuer or other guarantor of payment in the credit card transaction, the underlying obligation does not make final payment for the money due is not extinguished. All applicable penalties, interest and collection fees on the unpaid amount shall be due from the person making the payment by credit card.

2.07. Such penalties, interest and fees on an unpaid amount shall accrue from the date the unpaid obligation was first due under the applicable statute or ordinance. The City shall follow the collection procedures for the unpaid amount that would have otherwise been applicable had the credit card payment not been attempted.

3. Processing Fees. The City Council finds that the following processing fees are reasonably related to the expense incurred by the municipality in processing the payment by credit card, and that such payments do not exceed five percent of the total fine, fee or charge:

3.01. For payment of utility bills, deposits, penalties, costs and all other fees associated therewith, except regarding municipal court, a processing fee of \$1.00 shall be charged on the total balance owed in each transaction charged by credit card/debit card POS.

3.02. For payment of municipal court charges, fines, forfeitures, fees and costs, a processing fee of \$1.00 shall be charged on the total balance owed in each transaction charged by credit card/debit card POS.

3.03. For payment of General Fund fees and costs, a processing fee of \$1.00 shall be charged on the total balance owed in each transaction charged by credit card/debit card POS.

4. Effective Date. This ordinance shall become effective on its approval, passage and publication of the caption once in the newspaper.

5. **Conflicting Ordinances.** All ordinances and parts of ordinances in conflict with this ordinance are repealed.

FIRST READING-

PRESENTED, PASSED AND APPROVED on first reading this the 6 day of March 2018, by 5 votes yes and 0 votes no at a meeting of the City Council of the City of Florence, Texas.

CITY OF FLORENCE

BY: Mary Condon
Mary Condon, Mayor

ATTEST:

BY: Amy L Crane
Amy L Crane, City Secretary

SECOND READING

PRESENTED, PASSED AND APPROVED on second reading this the 19 day of March, 2018, by 4 votes yes and 0 votes no at a meeting of the City Council of the City of Florence, Texas.

CITY OF FLORENCE

BY: Mary Condon
Mary Condon, Mayor

ATTEST:

BY: Amy L Crane
Amy L Crane, City Secretary



CERTIFICATE OF ADOPTION

STATE OF TEXAS


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COUNTY OF WILLIAMSON

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I, Amy L Crane, being the current City Secretary of the City of Florence, Texas, do hereby certify that the attached is a true and correct copy of Ordinance No. 03062018-01, passed and approved by the City Council of the City of Florence, Texas, on the 19 day of March, 2018, and such Ordinance was duly adopted at a meetings open to the public and notice of said meetings, giving the date, place, and subject thereof, were posted as prescribed by Government Code Section 551.043.

Witness my hand and seal of office this 21 day of March, 2018.


Amy L Crane
City Secretary