

ORDINANCE NO. 2024-

- **AN ORDINANCE OF THE CITY OF DAWSON TEXAS REGARDING THE ADOPTION OF PAYMENT BY CREDIT DEBIT CARD POS IN THE CITY OF DAWSON 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 THE 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 COLLECT 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 CONCIL OF THE CITY OF DAWSON TEXAS (THE CITY) HEREBY FINDS AND DETERMINES THAT IT IS IN THE BEST INTERES 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 BILLS DEPOSITS PURCHASES PEANLTIES INSPECTIONS AND FEES ASSOCITATED WITH THE CITY UTILITY SERVECES 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 OFFICIAL IN PROCESSING THE PAYMENT BY CREDIT CARD.

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

- 1. ADOPTION OF RECITAL. THE RECITAL CONTAIN IN THE PREAMBLE TO THIS ORDINACE ARE TRUE AND CORRECT AND ARE RATIFIED ADOPTED AND MADE A PART OF THIS ORDINACE AS IF COPEID HEREIN VERBATIM.**

2. TERMS REGARDING USE OF CREDIT/DEBIT CARDS POS TO PAY CITY FEES FINES SERVECES AND CHARGES.

2.01. ALL SUMS DUE IN THE CITY INCLUDING BUT NOT LIMITED TO (A) ALL CITY FEES RELATED TO THE GENERAL FUND (B) ALL FINES AND ADMINISTRATIVE FEES FOREITURES PENALITIES COURT COSTS RETLATED TO DAWSON MUNICIPAL COURT AND (C) ALL BILLS DEPOSITS PURCHASES PENALITES COSTS AND INSPECTIONS AND FEES RELATED TO THE CITY UTILITY SRVICES MAY BE PAID BY THE USE OF CREDIT/DEBIT CARDS.

2.02. THE MAYOR SHALL ESTABLISH THE PROCEDURE FOR ACCEPTANCE OF CREDIT/DEBIT CARDS FOR THE AMOUNTS DUE TO THE CITY. THE MAYOR IS AUTHORIZED TO ENTER INTO AGREEMENTS WITH CREDIT/DEBIT CARD ISSUERS TO FACILITATE THE ACCEPTANCE OF CREDI/DEBIT POS CARD PAYMENTS BY THE CITY

2.03. A CREDIT/DEBIT CARD AGREEMENT MAY PROVIDE FOR THE ACCEPTANCE OF CREDIT CARD PAYMENTS FROM THE CREDIT CARD COMPANY AT A DISCOUNT FROM THE FACE AMOUNT OF THE PAYMENT OR FOR THE WITHHOLDING 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 EXPENSE 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 SURCHARGERS ARE PERMITTED BY THE OPERATING RULES AND REGULATIONS OF THE CREDIT CARD ISSUER.

20.0. ANY AGREEMENT WITH A CREDIT CARD ISSUER FOR THE ACCEPTANCE OF PAYMENTS VIA CREDIT SHALL CONTAIN A PROVISION THAT THE AGREEMENT MAY BE CANCELLED AN ANT TIME BY THE CITY.

20.6. 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 RECEIVED 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 PENALITES INTEREST AND COLLECTION FEES ON THE UNPAID AMOUNT SHALL BE DUE FROM THE PERSON MAKING THE PAYMENT BY THE

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 STAUATE OR ORDINANCE. THE CITY SHALL FOLLOW THE COLLECTION PROCEDURES FOR THE UNPAID AMONT THAT WOULD HAVE OTHERWISE BEEN APPLICABLE HAD THE CREDIT CARD PAYMENT NOT BEEN ATTEMPTED.

2.08. PROCESSING FEES. THE CITY COUNCIL FINDS THAT THE FOLLOWING PROCESSING FEES ARE REASONBLY 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 PENALITEIS COST AND ALL OTHER FEES ASSOCIATED THEREWITH EXCEPT REGARGING MUNICIPAL COURT A PROCESSING FEE OF \$1.00 SHALL BE CHARDED ON THE TOTAL BALANCE OWED IN EACH TRANSACTION CHARGED BY CREDIT/DEBIT CARD POS

3.02. FOR PAYMENT OF MUNICIPAL COURT CHARGES FINES FOREITURES FEES AND COSTS A PROCESSING FEE OF \$1.00 SHAL BE CHARGED ON THE TOTAL BALNCE OWED IN EACH TRANSACTION CHARGED BY CREDIT /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.

EFFECTIVE DATE. THIS ORDANACNCE SHALL BECOME EFFECTIVE ON ITS APPROVAL PASSAGE AND PUBLICATION OF THE CAPTION ONCE IN THE NEWSPAPER.

CONFLICTING ORDINANCES. ALL ORDINANCES AND PARTS OF ORDINANCESE IN CONFLICT WITH THIS ORDIANCE ARE REPEALED.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF DAWSON TEXAS THIS THE 10TH DAY OF DECEMBER 2024.

STEPHEN SANDERS, MAYOR

ATTEST: MARILYN SIMMONS, CITY SECRETARY

