

JOHNSON COUNTY COMMISSIONERS COURT

APR 13 2020



Becky Ivey
County Clerk, Johnson County Texas
BY ma DEPUTY

RICK BAILEY
Commissioner Pct. #1

ROGER HARMON
County Judge

JERRY D. STRINGER
Commissioner Pct. #3

KENNY HOWELL
Commissioner Pct. #2

Carla Hester
Assistant to Commissioner's Court

LARRY WOOLLEY
Commissioner Pct. #4

STATE OF TEXAS

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§
§

ORDER #2020-26

COUNTY OF JOHNSON

ORDER PROVIDING FOR A FEE TO DEFRAY COSTS OF COLLECTING DELINQUENT FINES, FEES, COURT COSTS, AND OTHER DEBTS PURSUANT TO ARTICLE 103.0031 OF THE TEXAS CODE OF CRIMINAL PROCEDURE AND WRITTEN FINDINGS PURSUANT TO GOVERNMENT CODE §2254.1036

WHEREAS, Article 103.0031 of the Texas Code of Criminal Procedure authorizes Johnson County to contract with a private attorney for the collection of the fees listed above and to impose an additional fee in the amount of thirty percent on each debt or account receivable that is more than sixty days past due and which has been referred to an attorney for collection; and

WHEREAS, pursuant to Government Code §2254.1036, Johnson County finds the following to be true:

1. there is a substantial need for the legal services;
2. the legal services cannot be adequately performed by the attorneys and supporting personnel of Johnson County; and
3. the legal services cannot reasonably be obtained from attorneys in private practice under a contract providing only for the payment of hourly fees, without regard to the outcome of the matter, because of the nature of the matter for which the services will be obtained or because the political subdivision does not have funds to pay the estimated amounts required under a contract providing only for the payment of hourly fees.

WHEREAS, Johnson County has determined that it is in the public interest to ensure the prompt payment of delinquent court-imposed fines, fees, court costs, and other debts as provided by said statute; and

WHEREAS, Johnson County, pursuant to Article 103.0031, Texas Code of Criminal Procedure, has entered into a contract with a private firm, Perdue, Brandon, Fielder, Collins & Mott L.L.P. (Perdue), to provide services for the collection of debts and accounts receivables, i.e.: fines, fees, court costs, restitution, and other debts ordered to be paid by a Justice court serving Johnson County;

WHEREAS, Johnson County deems it in the public interest to pass this Order authorizing an additional collection fee for the collection of delinquent fines, fees, court costs, and other debts;

NOW THEREFORE BE IT RESOLVED BY THE COMMISSIONER'S COURT FOR JOHNSON COUNTY, TEXAS THAT:

SECTION 1. FINDINGS. The foregoing recitals are hereby found to be true and correct and are hereby adopted by Johnson County and made a part of this Order for all purposes and findings of fact.

SECTION 2. COLLECTION FEE. In accordance with Article 103.0031 of the Texas Code of Criminal Procedure, there is hereby imposed an additional fee of thirty percent (30%) on all debts and accounts receivable, i.e.: fines, fees, court costs, restitution, and other debts that are more than sixty (60) days past due and have been referred to a private firm (Perdue) for collection.


SECTION 3. EFFECTIVE DATE. This order shall be effective from and after its date of passage.

SECTION 4. AUTHORIZATION. Johnson County is hereby authorized to enter into a contract with the Perdue Firm to provide services for the collection of fines, fees, court costs, and other debts substantially in the form of the attached contract which is made a part of this order for all purposes.


SECTION 5. SEVERABILITY. If any provision of this Order is found to be invalid for any reason by a court of competent jurisdiction, the validity of the remaining provisions shall not be affected.

SECTION 6. OPEN MEETINGS. It is hereby found and determined that the meetings at which this order is considered are open to the public and that notice of the time, place and purpose thereof was given in accordance with the provisions of the Texas Government Code – Chapter 551, as amended, and that a quorum of the Commissioner’s Court was present.


PASSED AND APPROVED on the 13th day of April, 2020.



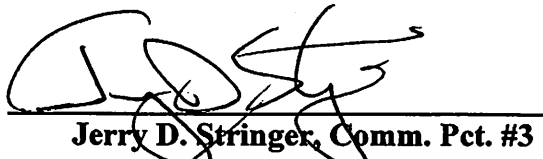
Roger Harmon, Johnson County Judge
Voted: yes, no, abstained




Rick Bailey, Comm. Pct. #1
Voted: yes, no, abstained



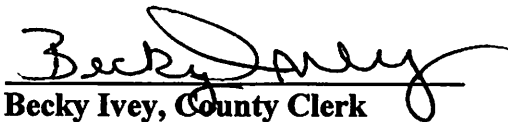
Kenny Howell, Comm. Pct. #2
Voted: yes, no, abstained



Jerry D. Stringer, Comm. Pct. #3
Voted: yes, no, abstained



Larry Woolley, Comm. Pct. #4
Voted: yes, no, abstained

ATTEST: 

Becky Ivey, County Clerk

