

ORDINANCE NO. G-10-24

AN ORDINANCE OF THE CITY OF PORT LAVACA AMENDING THE ORDINANCE CODIFIED AND DESCRIBED IN THE CITY OF PORT LAVACA'S CODE OF ORDINANCES AS CHAPTER 2, ADMINISTRATION, ARTICLE V, FINANCE, DIVISION 1. - GENERALLY, ADDING SECTION 2-126 FOR CREDIT CARD CONVENIENCE FEE; PROVIDING FOR PURPOSE OF ORDINANCE; PROVIDING FOR SEVERABILITY; PROVIDING A REPEALING CLAUSE; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the city incurs costs in the form of credit card surcharges when processing utility, fee, fine, or penalty payments made by credit cards; and

WHEREAS, Texas Local Government Code Section 132.002(b) provides the city council may authorize a municipal official who collects fees, fines, court costs, or other charges to: (i) accept payment by credit card of a fee, fine, court cost, or other charge; and (2) collect a reimbursement fee for processing the payment by credit card; and

WHEREAS, Texas Local Government Code Section 132.003 provides that in establishing a reimbursement fee the city council shall set the reimbursement fee in an amount that is reasonably related to the expense incurred by the municipal official in processing the payment by credit card; not to exceed five percent of the fee, fine, court cost, or other charge; and

WHEREAS, if, for any reason, a payment to the city by credit card is not honored by the credit card issuer, Texas Local Government Code Section 132.004 provides city council may impose a service charge, equal to the service charge fee charged for the collection of a check drawn on an account with insufficient funds; and

WHEREAS, city council deems it appropriate to impose the reimbursement charge and service charges authorized by Texas Local Government Code Chapter 132, to recoup the city's costs for processing payments by credit cards.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PORT LAVACA, TEXAS:

SECTION 1. The fees and any amendments to these fees thereafter, will be established in Appendix A, Fees, Rates and Charges of the City of Port Lavaca Code of Ordinances.

SECTION 2. If any provisions, sections, exceptions, subsections, paragraph, sentence, clause or phrase of this ordinance or the application of same to any person or set of circumstances, shall for any reason be held unconstitutional, void or invalid, such invalidity shall not affect the validity of the remaining provisions of this ordinance or their application to other persons or sets of circumstances and to this end all provisions of this ordinance are declared to be severable.

SECTION 3. All ordinances or parts of ordinances inconsistent with the terms of this ordinance are hereby repealed; provided however, that such repeal shall be only to the extent of such inconsistency and in all other respects this ordinance shall be cumulative of other ordinances regulating and governing the subject matter covered by this ordinance.

SECTION 4: This ordinance shall become effective February 2025.

FIRST READING this 9th day of December, 2024

Jack Whitlow, Mayor

SECOND AND FINAL READING this 13th day of January, 2025

Jack Whitlow, Mayor

APPROVED AND ADOPTED this 13th day of January, 2025.

Jack Whitlow, Mayor

ATTEST:

Mandy Grant, City Secretary

APPROVED AS TO FORM:

Anne Marie Odefey, City Attorney

RECORD OF VOTE

| | First Reading | Second and Final | Passed and Approved |
|---------------------|------------------|---------------------|------------------------|
| Councilman Aguirre | | | |
| Councilman Dent | | | |
| Councilman Tippit | | | |
| Councilwoman Padron | | | |
| Councilman Ward | | | |
| Councilman Burke | | | |

Record of approval by City Council: City Council Minute Records, Volume 3-I, Page _____.