

COURT ORDER

ORDER NO: 97 1683

DATE: AUG 26 1997

STATE OF TEXAS

COUNTY OF DALLAS

BE IT REMEMBERED at a regular meeting of Commissioners Court of Dallas County, Texas held on the 26th day of August, 1997, on motion made by Mike Cantrell, Dist.2, and seconded by John Wiley Price, Dist.3, the following order was adopted:

WHEREAS, HB 2185, as passed by the 75th Texas Legislature, signed by Governor George W. Bush and becomes effective September 1, 1997, and

WHEREAS, such Legislation amended Subchapter E, Chapter 116, Local Government Code, with an amendment to Section 116.120, relating to the collection of certain overdue county warrants or checks, and

WHEREAS, this Section applies only to a warrant or check issued by a County Treasurer in settlement of a claim against the County that has not been presented for payment, and

WHEREAS, a person attempting to recover funds from Dallas County for a check or warrant issued by the County Treasurer, may not charge the person to whom the check or warrant was issued and on whose behalf the attempted recovery is made, or that person's successors or assigns, a fee in an amount equal to more than 10% of the face value of the check or warrant, in accordance with this Statute, and

WHEREAS, the Legislation authorizes the County Treasurer to collect a reasonable research fee to determine if a claim submitted under the amended Law is valid and that said fee may include the cost of inquiries to depository banks, research of accounting records, and other similar actions in setting the fee and that the County Treasurer may require the fee to be paid before a claim may be processed or researched.

IT IS HEREBY ADJUDGED, DECREED AND ORDERED by the Dallas County Commissioners Court that in accordance with HB 2185, passed by the 75th Texas Legislature, the County Treasurer of Dallas County is hereby authorized to implement Section 116.120 of the Texas Local Government Code, effective September 1, 1997.

FURTHER, IT IS HEREBY ADJUDGED, DECREED AND ORDERED that the County Treasurer may charge a research fee of \$25.00 per check, plus any Stop Payment Fees, if required, in advance of any research of such warrants or checks from the person or the person's successors or assigns, attempting to collect said check(s) or warrant(s).

DONE IN OPEN COURT this 26th day of August, 1997.

SIGNED BY:

Judge Lee F. Jackson, County Judge; Jim Jackson, Comm. Dist. #1; Mike Cantrell, Comm. Dist. #2; John Wiley Price, Comm. Dist. #3; Kenneth A. Mayfield, Comm. Dist. #4.

RECOMMENDED FOR APPROVAL:

Bill Melton, County Treasurer

APPROVED AS TO LEGAL SUFFICIENT:

Gerald V. D'Alessio, Jr., Assist Dist. Attorney