

ORDINANCE NO. 1372-2023

AN ORDINANCE AMENDING ARTICLE A.02 “SCHEDULE OF FEES AND CHARGES” UNDER SECTION A.02.001 “ESTABLISHED GENERALLY” SPECIFICALLY IN SUBSECTION (a) “ADMINISTRATIVE SERVICES” (2) “PAYMENTS BY CREDIT CARD OR ELECTRONIC MEANS” AT 3.7% FOR PROCESSING AND HANDLING FEES AND (3) “WEB-PROCESSED CONVENIENCE FEE” AT 3.7% FOR PROCESSING & HANDLING FEES AND A FLAT FEE OF \$1.95 FOR ECHECKS; REPEALING THE FORMER ORDINANCES IN CONFLICT THEREOF PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of River Oaks, Texas is a home rule city acting under its charter adopted by the electorate pursuant to Article XI, Section 5 of the Texas Constitution and Chapter 9 of the Local Government Code; and

WHEREAS, the City currently contracts credit card and web-processed payments with a 3% charge through an outside vendor for handling and processing payments, but with the disadvantage for customers not to be able to view their bill on the payment site; and

WHEREAS, the City Staff has done an analysis of the costs incurred for credit card charges and web-processed convenience fees through Tyler Technologies ERP Pro 9 Customer Relationship Management Suite for utility access bundling and finds that a 3.7% charge will cover the costs incurred by the City for credit card charges and web-processed convenience fees along with a flat fee of \$1.95 for EChecks using this Management Suite; and

WHEREAS, this Tyler Technologies application will allow for one-time payments, autopay, payment reminders, IVR (Interactive Voice Response) and EChecks that will provide customers to have so much more information available to them by viewing account transactions, usage consumption, bills, get email, text or calls about delinquent bills, disconnect status and/or leaks; and

WHEREAS, this Tyler Technologies Application will allow customers to also update account information, start water utility service, disconnect water service and requesting other service requests available after normal business hours for those customers not able to come in or call in during business hours; and

WHEREAS, on December 13, 2022 the City Council adopted Ordinance # 1367-2022 amending Article A.02 “Schedule of Fees and Charges” under Section A.02.001 “Established Generally” specifically in Subsection (a) “Administrative Services” (2) Payments by Credit Card or Electronic Means” and (3) Web processed Convenience Fee” to be effective as of March 1, 2023; and

WHEREAS, the Tyler Technology application allowing for one-time payments, autopay, payment reminders, IVR (Interactive Voice Response) and EChecks was delayed necessitating that the effective date of the new charges be extended from March 1, 2023 until June 1, 2023 to allow time for the application to go live; and

WHEREAS, the City Council supports the recommendation of City Staff to obtain the Tyler Technologies Suite that will better assist customers in viewing their account information at any time and in extending the effective date that the new charges will go into effect.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RIVER OAKS, TEXAS:

SECTION 1.

That Section A.02.001 “Established Generally” of the Code of Ordinances of the City of River Oaks, Texas is hereby amended to become effective as of June 1, 2023 to read as follows:

“(a) Administrative services.

- (1) Copies: \$0.12 for each copy.
- (2) Payments by credit card or electronic means: 3.7 percent (3.7%) processing or handling fee of the amount of the charge being paid to the on-line processing vendor.
 - (A) Credit card is defined in section 132.001 of the Local Government Code to mean a card, plate, or similar devise used to make purchases on credit or to borrow money.
 - (B) Payment by electronic means in accordance to Sec.132.001 of the Local Government Code means payment by telephone or computer but doesn't include payment in person or by mail.
- (3) Web-processed convenience fee: 3.7% for processing and handling of the amount of charge being paid to the on-line processing vendor.
 - (A) Web-processed convenience fee means the additional charge for processing and handling of payments to the city for fees, fines, court costs and other charges done online by using the Internet.
- (4) There will be a flat fee of \$1.95 for EChecks. EChecks is a **digital version of a paper check** and is also known as an electronic check, online check, internet check, and direct debit.
 - (B) **Exception:** The web-processed convenience fee paid to the City shall not apply when the convenience fee for processing and handling of court and utility payments are made through an outside on-line payment service who collects the fee from the customer and not the city as a part of the payment transaction."

SECTION 2.

The City Council shall periodically review the need for and the amount of fees for city services, uses, and activities and shall adopt or revise fees as the City Council determines is appropriate. In addition to the fees established in this ordinance, the City Council may adopt other ordinances from time to time establishing various fees for other city services, activities and uses.

SECTION 3.

This ordinance shall be cumulative of all provisions of ordinances of the City of River Oaks, Texas, except where the provisions of this ordinance are in direct conflict with the provisions of such ordinances, in which event the conflicting provisions of such ordinances are hereby repealed.

SECTION 4.

It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs, and sections of this ordinance are severable, and if any phrase, clause sentence, paragraph or section of this ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this ordinance, since the same would have been enacted by the City Council without the incorporation in this ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

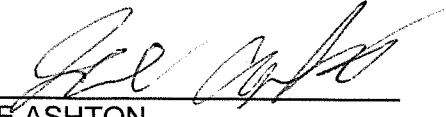
SECTION 5.

With the adoption of this Ordinance by a majority vote of the City Council, Ordinance # 1367-2022 as adopted on December 13, 2022 is hereby repealed in its entirety and replaced with Ordinance # 1372-2023 as adopted on March 14, 2023.

SECTION 6.

This ordinance shall be in full force and effect on June 1, 2023 from and after its passage and it is so ordained.

PASSED AND APPROVED ON THIS THE 14TH DAY OF MARCH 2023.



JOE ASHTON
MAYOR



CITY SECRETARY