

ORDINANCE NO. 2018-244

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE TOWN OF LIVONIA TO ACCESS A COLLECTION FEE ON DEBTS REFERRED TO A COLLECTION AGENCY

An ordinance establishing that the Town of Livonia, Louisiana authorizes the assessment of a collection fee on debts, accounts receivable, costs, fines and fees turned over to a collection agency.

WHEREAS, the Council recognizes that there are certain debts and accounts on which the Town of Livonia has been unable to collect funds due;

WHEREAS, the Council recognizes that there are certain fines, costs and fees ordered by Municipal Court which remain outstanding;

WHEREAS, the Council recognizes that as the governing authority for the Town of Livonia, there exists a duty to exercise due diligence in collecting public funds;

WHEREAS, the Council recognizes that the Town of Livonia is authorized by state law to contract with a collection agency for the collection of one or more of the following items:

1. Debts and accounts receivable including, but not limited to, unpaid utility fees, penalties, interest and other sums due the municipality, as applicable; or
2. Court penalties, costs, fines, and fees in cases in municipal court in which the accused has failed to appear or otherwise failed to satisfy a monetary obligation ordered by the court;

WHEREAS, the Council recognizes that a collection fee will be required to obtain the services of a collection agency to collect these sums, and desires to assess such a fee;

WHEREAS in case any one or more of the provisions of this ordinance shall for any reason be held to be illegal or invalid, such illegality or invalidity shall not affect any other provisions of said ordinance, but the same shall be construed and enforced as if such illegal or invalid provisions had not been contained therein. Any

constitutional or statutory provisions enacted after the date of this ordinance that validate or make legal any provisions thereof shall be deemed to apply hereto.

NOW, THEREFORE, BE IT ORDAINED by the Council of the Town of Livonia, State of Louisiana, in legal and regular and/or special session, acting as the “Governing Authority” of said Town, adopt the following ordinance to the Town of Livonia Code.

BE IT ORDAINED by the Council of the Town of Livonia, Louisiana:

SECTION I. The Town of Livonia hereby assesses a collection fee in an amount not to exceed twenty-five percent (25%) of the delinquent municipal debt when the Town of Livonia has entered into a contract with the Louisiana Municipal Advisory and Technical Services Bureau (“LaMATS”) for collection of the above listed items. This fee will be added to all sums submitted to the collection agency regardless of age.

SECTION II. BE IT FURTHER ORDAINED that if any provision or item of this Ordinance or the application thereof is held invalid, such invalidity shall not affect other provisions, items, or applications of this Ordinance which can be given affect without the invalid provisions, items or applications and to this end the provisions of this Ordinance are hereby declared severable.

SECTION III. BE IT FURTHER ORDAINED that all Ordinances or parts thereof in conflict herewith are hereby repealed.

Said Ordinance having been introduced on December 11, 2017, by James Bergeron, notice of public hearing have been published, said public hearing having been held, the title having been read and the Ordinance considered, a motion was made by G. Jarreau and seconded by LeBlanc, to adopt the Ordinance. A record vote was taken and the following results were had:

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| YEAS: | G. Jarreau, T. Jarreau, LeBlanc, Pourciau |
| NAYS: | None |
| ABSENT: | Bergeron |
| ABSTAIN: | None |

Whereupon, the Ordinance was declared adopted on this 8th day of January, 2018.

ATTEST and delivered to the Mayor
January 9, 2018
Donna Bergeron, MMC
Town Clerk, Livonia, Louisiana

APPROVED and delivered to the Clerk
January 9, 2018
Rhett Pourciau, MAYOR
Town of Livonia, Louisiana

Published in official journal on January 11, 2018.