

**ORDINANCE NO. 1012**

**PROVIDING FOR A FEE, PURSUANT TO TITLE 11, OKLAHOMA STATUTES, SECTION 22-138 TO DEFRAY THE COSTS OF COLLECTING DELINQUENT RECEIVABLES**

**WHEREAS**, Title 11, Oklahoma Statutes, Section 22-138 authorizes the City of Clinton to contract with a collection agency for the collection of the fees listed above and to impose an additional fee in the amount of thirty-five (35%) percent on each debt or account receivable which has been referred to the agency for collection; and

**WHEREAS**, the City of Clinton 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**, the City of Clinton has also determined that the administration of this collection process is to be delegated to the City Manager to select and retain third party collection agents to provide services for the collection of debts and accounts receivables, i.e.: fines, fees, court costs, utilities, restitution, and other debts due the City of Clinton; and

**WHEREAS**, the City of Clinton deems it in the public interest to pass this Ordinance authorizing an additional fee for the collection of delinquent fines, fees, court costs, and other debts.

**NOW, THEREFORE BE IT ORDAINED BY THE CITY COUNCIL FOR THE CITY OF CLINTON, OKLAHOMA THAT:**

In accordance with Title 11, Oklahoma Statutes, Section 22-138, there is hereby imposed an additional fee of thirty-five percent (35%) on all debts and accounts receivable, *i.e.*: fines, fees, court costs, restitution, and other debts owed the City of Clinton that have been referred to a private firm selected by the City Manager for collection, subject to a contract between the City and the collection agent.

**WHEREFORE**, an emergency is hereby declared to exist, and this Ordinance shall be in full force and effect from and after its passage and proof of publication.

PASSED AND APPROVED on the \_\_\_\_ day of \_\_\_\_\_, 2021.

**CITY OF CLINTON, OKLAHOMA**

\_\_\_\_\_  
David D. Berrong,  
Mayor

ATTEST:

\_\_\_\_\_  
Amy E. Jones,  
City Clerk

directed by the municipal governing body or by the trustees of the public trust, as applicable.

C. As used in this section:

1. "Apparent owner" means the person whose name appears on the records of the municipality or municipal public trust as the person entitled to intangible property held, issued, or owning by the municipality or municipal public trust;

2. "Intangible property" means money, warrants, checks, drafts, deposits, interest, dividends, income, credit balances, customer overpayments, security deposits, refunds, credit memos, unpaid wages, unused airline tickets, unidentified remittances and other similar personal property;

3. "Last-known address" means a description of the location of the owner or apparent owner sufficient for the purpose of the delivery of mail;

4. "Municipal public trust" means any public trust of which one or more municipalities are the sole beneficiary or beneficiaries; and

5. "Owner" means a depositor in the case of a deposit, a beneficiary in case of a trust other than a deposit in trust, a creditor, claimant, or payee in the case of other intangible property, or a person having a legal or equitable interest in property subject to this act, or his or her legal representative. When used in this section, the term "owner" shall encompass both a single owner or multiple owners.

Added by Laws 2002, c. 119, § 1, eff. Nov. 1, 2002.

§11-22-137. Denial of excess leave due to extraordinary circumstances - Compensation.

If a municipal employee whose job duties include providing fire protection services or law enforcement services is unable to use excess leave in the time frame allowed by the municipality because the employee's request for leave is denied by the municipality and the denial of leave is due to extraordinary circumstances such that taking leave could pose a threat to public safety, health or welfare, the employee shall receive compensation at the employee's regular rate of pay for the amount of excess leave the employee is unable to use. Such compensation shall be paid at the end of the time period during which the excess leave was required to have been used.

Added by Laws 2006, c. 230, § 1, eff. July 1, 2006.

§11-22-138. Municipal collection agency contracts.

A. The governing body of a municipality may enter into a contract with a collection agency for the provision of collection services for one or more of the following items:

1. Debts and accounts receivable including, but not limited to, unpaid 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.

B. A governing body of a municipality that enters into a contract with a collection agency pursuant to this section may authorize the addition of a collection fee in an amount not to exceed thirty-five percent (35%) on each item described in subsection A of this section that has been referred by the municipality to the collection agency for collection. If a municipality enters into such contract with a collection agency and authorizes the collection fee, the court shall order defendants to reimburse the fee arising pursuant to paragraph 2 of subsection A of this section and such court-ordered fee may be collected as provided by law for the collection of any other civil debt or criminal action.

Added by Laws 2009, c. 258, § 1, emerg. eff. May 22, 2009.

§11-22-139. Designating personnel to attend armed security guard training program or reserve peace officer certification program.

A. The city council or board of trustees for a city or municipality may, through a majority vote of the council or board, designate city or municipality personnel who have been issued a handgun license pursuant to the Oklahoma Self-Defense Act to attend an armed security guard training program, as provided for in Section 1750.5 of Title 59 of the Oklahoma Statutes, or a reserve peace officer certification program, as provided for in Section 3311 of Title 70 of the Oklahoma Statutes, provided and developed by the Council on Law Enforcement Education and Training (CLEET). Nothing in this section shall be construed to prohibit or limit the city council or board of trustees of a city or municipality from requiring ongoing education and training.

B. Participation in either the armed security guard training program or the reserve peace officer certification program shall be voluntary and shall not in any way be considered a requirement for continued employment with the city or municipality. The city council or board of trustees of a city or municipality shall have the final authority to determine and designate personnel who will be authorized to obtain and use an armed security guard license or reserve peace officer certification in conjunction with their employment as city or municipality personnel.

C. The city council or board of trustees of a city or municipality that authorizes personnel to participate in either the armed security guard program or the reserve peace officer program may pay all necessary training, meal and lodging expenses associated with the training.

D. When carrying a firearm pursuant to this act, the person shall at all times carry the firearm on his or her person or the firearm shall be stored in a locked and secure location.