

ACTION FORM BRYAN CITY COUNCIL

DATE OF COUNCIL MEETING: February 11, 2014		DATE SUBMITTED: January 29, 2014	
DEPARTMENT OF ORIGIN: Community Development Services		SUBMITTED BY: Alsie Bond	
MEETING TYPE:	CLASSIFICATION:	ORDINANCE:	STRATEGIC INITIATIVE:
<input type="checkbox"/> BCD	<input type="checkbox"/> PUBLIC HEARING	<input type="checkbox"/> 1ST READING	<input type="checkbox"/> PUBLIC SAFETY
<input type="checkbox"/> SPECIAL	<input type="checkbox"/> CONSENT	<input type="checkbox"/> 2ND READING	<input checked="" type="checkbox"/> SERVICE
<input checked="" type="checkbox"/> REGULAR	<input checked="" type="checkbox"/> STATUTORY		<input type="checkbox"/> ECONOMIC DEVELOP.
<input type="checkbox"/> WORKSHOP	<input type="checkbox"/> REGULAR		<input type="checkbox"/> INFRASTRUCTURE
			<input checked="" type="checkbox"/> QUALITY OF LIFE
AGENDA ITEM DESCRIPTION: Consideration of a resolution to establish the fee for registration and implementation of the Credit Access Business Ordinance, which amended Chapter 18 (Businesses) of the Bryan Code of Ordinances by adding Article III, entitled "Credit Access Businesses," regulating credit access businesses from engaging in abusive and predatory lending practices.			
SUMMARY STATEMENT: The purpose of the proposed resolution is to establish the fee for the registration and certificate process as established in the Credit Access Business Ordinance adopted on February 3, 2014. The proposed fee of \$50.00 is being used by other Texas cities that have passed a credit access business ordinance, including Austin, Dallas, Denton, and Houston; the El Paso registration fee is \$390.00. Currently, there are nine (9) cities that have passed this type of ordinance, which provides for parameters to limit extensions of consumer credit and imposing recordkeeping requirements.			
Registration and fees will be collected by Development Services, which currently has staff that processes registration and fee applications for other City ordinances. Staff from Community Development will provide oversight of the implementation of the ordinance and subsequent fee resolution under the guidance of the City Manager, with direction from City Council.			
STAFF ANALYSIS AND RECOMMENDATION: Staff recommends approval of this item. The approval of the fee resolution provides staff with City Council direction on the first step of implementing the ordinance. The proposed resolution provides for an application, \$50 fee, and certificate of registration. The established ordinance will assist in reducing the opportunity for credit access businesses to engage in abusive and predatory lending practices.			
OPTIONS (In Suggested Order of Staff Preference):			
<ol style="list-style-type: none"> 1. Approve the proposed fee resolution 2. Approve the proposed fee resolution with changes, which may require consideration at a future City Council meeting 3. Do not approve the proposed fee resolution and provide direction to staff 			
ATTACHMENTS:			
<ol style="list-style-type: none"> 1. Proposed fee resolution 			
FUNDING SOURCE: While specific funding is not necessary, staffs resources will be needed to administer certificates of registration, collect fees and applications, perform records reviews, and other duties and responsibilities as may be necessary and appropriate to administer the new ordinance related to the proposed fee			

resolution.

APPROVALS: Joey Dunn, 1-29-14; Hugh R. Walker, 01/29/2014

APPROVED FOR SUBMITTAL: CITY MANAGER Kean Register, 02-03-2014

APPROVED FOR SUBMITTAL: CITY ATTORNEY Janis Hampton, 02/03/14

Revised 05/2013

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRYAN, TEXAS, ESTABLISHING A FEE SCHEDULE FOR THE AMENDMENT TO CHAPTER 18 OF THE BRYAN CODE OF ORDINANCES, "BUSINESSES", BY THE ADDITION OF ARTICLE III, ENTITLED "CREDIT ACCESS BUSINESSES", REGULATING CREDIT ACCESS BUSINESSES BY PROVIDING FOR A REGISTRATION PROGRAM, RESTRICTING EXTENSIONS OF CONSUMER CREDIT MADE BY CREDIT ACCESS BUSINESSES AND IMPOSING RECORDKEEPING REQUIREMENTS ON CREDIT ACCESS BUSINESSES; FINDING AND DETERMINING THAT THE MEETINGS AT WHICH SAID RESOLUTION PASSED ARE OPEN TO THE PUBLIC AS REQUIRED BY LAW; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Bryan, Texas (City) is a home rule municipality which is duly incorporated and chartered under the constitution and laws of Texas; and

WHEREAS, on February 3, 2014, the City Council adopted Ordinance No. 2032, amending Chapter 18 (Businesses) of the City of Bryan Code of Ordinance by the addition of Article III, Entitled Credit Access Businesses; and

WHEREAS, in addition to reviewing applications for registration of a credit access business for accuracy and completeness, the City will assist credit access businesses through the registration process to ensure compliance with the City's Code of Ordinances; and

WHEREAS, it is reasonable for the users of such services to be assessed a fee rather than the City's taxpayers as a whole to reimburse the City for actual costs incurred in reviewing applications and verifying compliance; and

WHEREAS, it is necessary from time to time to review and update this fee.

NOW THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BRYAN, TEXAS:

A fee of fifty dollars (\$50.00) is established for each physically separate credit access business within the city limits of Bryan, Texas and,

This resolution shall be effective _____, 2014. This document was passed and approved at a public meeting in compliance with the Texas Open Meetings Act.

APPROVED AND AOPTED at a regular meeting of the City Council of the City of Bryan, Texas, on this ____ day of _____, 2014.

ATTEST:

CITY OF BRYAN:

Mary Lynne Stratta, City Secretary

Jason P. Bienski, Mayor

APPROVED AS TO FORM:

Janis K. Hampton, City Attorney