



AGENDA PLACEMENT FORM

(Submission Deadline – Monday, 5:00 PM before Regular Court Meetings)

COMMISSIONERS COURT

Date: April 17, 2023

APR 24 2023

Meeting Date: April 24, 2023

Submitted By: CJO

Acknowledged

Department/Office: Treasurer

Signature of Director/Official: _____

Agenda Title:

Consideration of extension of First Financial Bank Depository Services Contract for a term beginning June 1, 2023 and ending on May 30, 2025 with Authorization for County Judge to Sign and...

Public Description (Description should be 2-4 sentences explaining to the Court and the public what action is recommended and why it is necessary):

Acknowledgement of Receipt of “Customer Declining to Use Positive Pay Services Form” Provided by First Financial Bank and Consideration of Whether or Not to Authorize Department Heads to Sign the Form

(May attach additional sheets if necessary)

Person to Present: Kathy Blackwell

(Presenter must be present for the item unless the item is on the Consent Agenda)

Supporting Documentation: (check one) PUBLIC CONFIDENTIAL

(PUBLIC documentation may be made available to the public prior to the Meeting)

Estimated Length of Presentation: 10 minutes

Session Requested: Action (Action Item, Workshop, Consent, Executive)

Check All Departments That Have Been Notified:

County Attorney IT Purchasing Auditor

Personnel Public Works Facilities Management

Other Department/Official (list) _____

Please Inter-Office All Original Documents to County Judge’s Office Prior to Deadline & List All External Persons Who Need a Copy of Signed Documents In Your Submission Email

CIF#:

**ACKNOWLEDGEMENT AND AGREEMENT IN REFERENCE TO
CUSTOMER DECLINING TO USE POSITIVE PAY SERVICES
OFFERED BY FIRST FINANCIAL BANK, N.A.**

Date: _____

Customer Name: _____ (referred to below as "you" or "your")

Checking Account Number(s): _____
(collectively, referred to below as "your Account(s)")

You acknowledge that there is a growing risk of fraud and other unauthorized transactions relating to checking accounts and that First Financial Bank, N.A. (referred to below as "FFB" or "we") has offered Positive Pay Services (the "Positive Pay Services") to you to help identify and limit fraud and other unauthorized transactions against your Account(s).

You further acknowledge that the following excerpt is set forth in section 30 of the Terms and Conditions of your Account(s), that such excerpt directly relates to your declining to use the Positive Pay Services being offered by FFB, and that you and FFB are bound to and by these Terms and Conditions:

(30) Security.

....

...you agree that if we offer you services appropriate for your account to help identify and limit fraud or other unauthorized transactions against your account, such as positive pay...and you reject those services, you will be responsible for any fraudulent or unauthorized transactions which could have been prevented by the services we offered, unless we acted in bad faith or to the extent our negligence contributed to the loss...

You further acknowledge that FFB has strongly encouraged you to use the Positive Pay Services. Despite this encouragement, FFB understands that you are declining to use the Positive Pay Services. As a result, you acknowledge that by declining to use the Positive Pay Services, you are accepting responsibility for fraudulent or unauthorized transactions as your responsibility is set forth in the above excerpt. You further acknowledge that for each item that is your responsibility according to the above excerpt, FFB will not be required to re-credit your Account(s) or otherwise have any liability for paying such item(s).

FFB has informed you that in order for FFB to continue checking account services on your Account(s) without the Positive Pay Services, you must, 1) specifically acknowledge important terms and conditions of your Account(s) as set forth above; and 2) agree that if the Terms and Conditions of your Account(s) are amended in the future, you and FFB will be bound to those amendments, which may include amendments to the above excerpt.

Acknowledged and Agreed by (if Company): _____
Company Name (Print)
By: _____
(Signature)
Name: _____
Title: _____

Acknowledged and Agreed by (if Individual): _____
(Signature)
Print Name: _____

Accepted: **FIRST FINANCIAL BANK, N.A.**

By: _____
Name: _____
Title: _____