

NOTICE OF MEETING OF THE  
COMMISSIONERS' COURT OF BURLESON COUNTY, TEXAS

Notice is hereby given that a REGULAR meeting of the above named Commissioners' Court will be held on the 28th day of March 2022, at 9:00 o'clock A. M., in the County Courthouse, Caldwell, Texas, at which time the following subjects will be discussed and appropriate action taken, to-wit: See ATTACHED AGENDA.

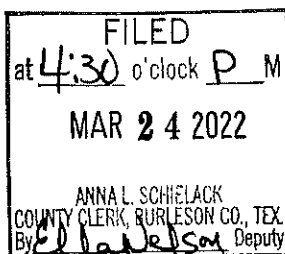
These subjects may or may not be discussed in the order shown. All items listed as part of the called "Consent Agenda Items" require no deliberation by the Court. Each Court member has the prerogative of removing an item from this agenda so that it may be considered separately.

Dated this the 24th day of March, 2022.

Commissioners' Court of Burleson County, Texas

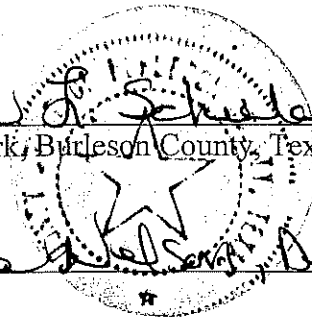
I, the undersigned, County Clerk, do hereby certify that the above Notice of Meeting of the above named Commissioners' Court, is a true and correct copy of said Notice, and that I posted a true and correct copy of said Notice on the bulletin board at the Courthouse door of Burleson County, Texas, at the place readily accessible to the general public at all times on the 24th day of March, 2022 and said Notice remained posted continuously for at least 72 hours proceeding the schedule time of said Meeting.

Dated this the 24th day of March, 2022.



Anna L. Schielack  
County Clerk, Burleson County, Texas

By: Ed Johnson Deputy



## COMMISSIONERS COURT AGENDA

March 28, 2022

- 1) Pledge of Allegiance
- 2) Prayer
- 3) Public Forum
- 4) Department Reports
- 5) CONSENT AGENDA ITEMS:
  - a. Accept donations:
    1. \$30 on behalf of Burleson Health Resource Center
    2. \$1,710 from United Way Brazos Valley for Caldwell Motel Fire Victims on behalf of Burleson Health Resource Center
- 6) Executive Session with County Attorney to discuss county business
- 7) Discuss and Act Upon approving a 15% contingent fee contract with Perdue Brandon Fielder Collins and Mott, LLP, pursuant to Section 6.30 of the Texas Property Tax Code, said contract being for the collection of delinquent property taxes owed to Burleson County and those taxing entities whose ad valorem taxes are collected through Burleson County that do not have a separate collection contract with another collection law firm, and notice of said contract is posted with the agenda in accordance with Section 2254 of the Texas Government Code
- 8) Discuss and Act Upon approving Contract for the Collection of Delinquent Taxes
- 9) Discuss and Act Upon approving Resolution to Consolidate Polling Places for the Special Election on May 7<sup>th</sup> and add a Temporary Early Voting Branch at the Snook ISD
- 10) Discuss and Act Upon approving Application for Pipeline Public Road Crossing Permit from Chesapeake Operating LLC on County Rd. 103
- 11) Discuss and Act Upon approving Deanville Water Supply Corporation's proposed 2: waterline in the ROW on County Rd. 324
- 12) Discuss and Act Upon approving reissuance of Requests for Qualifications for Development Engineer with responses due at 2:00 pm on April 20, 2022
- 13) Auditor's Report
  - a. Monthly Sales Tax \$99,306, up 17% over March 2021
- 14) Commissioner's Report
- 15) Authorize Payment of Bills
- 16) Adjourn

**MANDATORY NOTICE PURSUANT TO TEXAS GOVERNMENT CODE SEC. 2254.1036**

WHEREAS, Burleson County, 100 West Buck Street, Caldwell, Texas 78636 ("Burleson County"), will consider entering into a contingent fee contract with the law firm of Perdue, Brandon, Fielder, Collins & Mott, L.L.P. ("Firm") and hereby posts this notice pursuant to Sec. 2254.1036 of the Government Code.

WHEREAS, this notice shall be posted before or at the time of giving the written notice required by Government Code Sec. 551.041 for a meeting described by Sec. 2254.1036(a)(2) of the Government Code and shall announce the following:

A. Burleson County is pursuing a contract with the Firm for the collection of delinquent ad valorem taxes owed to the taxing entities whose ad valorem taxes are collected through Burleson County that do not have a separate collection contract with another collection law firm and through this contract Burleson County seeks to increase recovery of delinquent debts in as expeditious a manner as possible. GOVT. CODE § 2254.1036(a)(1)(A).

B. Burleson County believes the Firm has the competency, qualifications, and experience necessary to fulfill this contract. GOVT. CODE § 2254.1036(a)(1)(B). The Firm has collected delinquent government receivables for over 50 years, including the collection of delinquent ad valorem taxes. The Firm currently has 14 primary offices and multiple satellite offices throughout Texas, Oklahoma and Florida. It employs more than 350 individuals, including more than 50 attorneys. It uses a multi-office, fully integrated team approach allowing Burleson County access to all its offices and resources. Its collection team consists of long-term Firm employees, including attorneys, call center associates, paralegals, law clerks, legal secretaries, collection support personnel and information technology experts. The Firm utilizes proprietary collection software that can be tailored to meet any special need Burleson County may have. This proprietary software also automates many aspects of the collection process, such as: account/debtor research, mailings and phone calls, return mail and address updates, payment notification and processing and workflow.

C. The nature of any relationship between Burleson County and the Firm is as follows. GOVT. CODE § 2254.1036(a)(1)(C).

For over 17 years, the Firm has served as the delinquent ad valorem tax collection attorneys for Burleson County and the ad valorem taxing entities for which it collects.

D. Burleson County does not have adequate support staff, computer software/programming, or experience to internally conduct delinquent ad valorem tax collection services and acquiring these will result in substantial expense to Burleson County and the entities for which it collects. GOVT. CODE § 2254.1036(a)(1)(D).

E. Delinquent ad valorem tax collection services cannot be provided for an hourly fee. GOVT. CODE § 2254.1036(a)(1)(E). The Tax Code allows the assessment of a percentage-based fee to recover the costs of collecting delinquent ad valorem taxes. This percentage-based fee is assessed only against the delinquent taxpayer and not Burleson County or those taxpayers who pay their taxes in timely fashion. The collection of delinquent ad valorem taxes is a high-volume practice,

requiring a significant amount of research, mailing, and handling of outbound/inbound calls. An hourly fee for such work will likely exceed the amount of delinquent ad valorem taxes due. Moreover, Burleson County and the taxing entities for which it collects would have to bear the cost of the hourly fees and not the delinquent taxpayer, because the Tax Code does not expressly authorize Burleson County to pay for collection services based on an hourly fee.

F. Burleson County believes this contingent fee contract is in the best interest of itself and the taxing entities for which it collects. GOVT. CODE § 2254.1036(a)(1)(F). Under the contingent fee contract, the Firm will be paid the amount of the percentage-based collection fee, regardless of the number of hours the Firm spends researching, contacting and mailing to collect the delinquent debt. Additionally, the percentage-based collection penalty is a pass-through expense to the delinquent taxpayer and not an expense to Burleson County nor the taxing entities for which it collects.

Executed this the 25<sup>th</sup> day of March 2022

BURLESON COUNTY

By   
Keith Schroeder, County Judge