

## PUBLIC NOTICE

REGULAR MEETING OF THE BREWSTER COUNTY COMMISSIONERS COURT  
WEDNESDAY, NOVEMBER 20, 2019, AT 9:00 A.M.  
BREWSTER COUNTY COURTHOUSE, COMMISSIONERS COURTROOM  
6<sup>TH</sup> & AVE E  
ALPINE, TEXAS

## AGENDA

1. Invocation and Pledge of Allegiance
2. Minutes / additions / corrections / approval
3. Public Comment – Comments are limited to 5 minutes per person. Pursuant to the Texas Open Meetings Act, the Court is limited in its ability to respond to comments
4. Minutes / additions / corrections / approval
6. Recognitions & Announcements
7. Delinquent Property and Delinquent Fine & Fees Tax Collections / Presentation by Tax Collection Law Firms
  - A. Linebarger, Goggans, Blair & Sampson, LLP
  - B. Perdue, Brandon, Fielder, Collins & Mott, LLP
8. Delinquent Property and Delinquent Fine & Fees Tax Collections / Discuss and take action to employ Law Firm for Delinquent Property and Delinquent Fine & Fees Tax Collections / Discussion and appropriate action
9. Brewster County Tourism
  - A. 2019 Annual Visit Big Bend Report / Information only
  - B. Update on new website policy regarding properties delinquent in hotel occupancy Taxes / Information only
10. Presentation by US 67 Study Team, on update to TxDOT US 67 Corridor Master Plan for which a DRAFT of the plan is now available online for public comment until December 9<sup>th</sup>, 2019
11. Treasurer's Office

At 1:50 **FILED** o'clock P M  
Date 11/15/19  
*Berta Rios Martinez*  
BERTA RIOS-MARTINEZ  
County Clerk, Brewster County, TX  
By \_\_\_\_\_ Deputy

**A. Financial Reports / Updates, discussion, review and appropriate action concerning the following:**

<b>Combined Statement of Revenues &amp; Expenses</b>	<b>Payroll Reports</b>
<b>Check Register</b>	<b>Receipt File Listings</b>
<b>Personnel/Overtime Reports</b>	<b>Cash Reports</b>
<b>Other Financial Report as Requested by Commissioners</b>	<b>Grants Reports</b>

**B. U.S. Fixed Income Trust Investment Pools / Introductions & Presentation by Ken Couch, Director of Water Walker Investments / Discussion only**

**B. Other general administrative & procedural matters related to Treasurer's Office / Discussion and appropriate action for work of Treasurer's Office to go forward**

**12. Brewster County Auditor**

**A. General Bills / Discussion and appropriate action**

**B. Other general administrative and procedural matters related to Auditor's Office / Discussion and appropriate action for work of Auditor's Office to go forward**

**13. Officials' Monthly Reports**

**14. Road & Bridge Department / Community Facilities**

**A. Road & Bridge Superintendent's Report**

**General updates on maintenance and repairs for all county roads; road materials including, fuel, supplies including usage & inventories & future needs; equipment including heavy equipment, (maintenance repairs, future needs, replacement and additions), pickups, trailers and other light vehicles and accessories, and small equipment, (usage, future needs), equipment rentals; facilities (yards in Alpine, Marathon and S. County) and community facilities (assistance with maintenance and other related issues); assistance to other governmental entities and emergency responders; personnel issues, (vacancies, new hires, performance and safety); permits for boring or trenching for utilities across County Roads**

**B. Discussion and appropriate action for general work of Road & Bridge Department & Community Facilities to go forward**

**15. Community Facilities Report**

**A. General Report**

**B. Discussion and appropriate action for general work of Community Facilities to go forward**

**16. Emergency Management Department**

**A. General Report including:**

**Recent emergency responses; emergency planning update; recent work with cooperating emergency responders: (ESD #1, all VFD's and EMS); update on needs, programs, training, recent work with other governmental entities; equipment for emergency response and updates regarding needs, maintenance, repairs, replacement and additions; burn bans, emergency management issues related to public and private insurance coverage, personnel issues related to emergency response, matters related to pending & future Homeland Security & FEMA Grants / Discussion and appropriate action**

**B. Discussion and appropriate action for work of Emergency Management Department to go forward**

**17. Consider and act upon subdivision plat (Replat for Lajitas Lakeside Cottages)/ Discussion and appropriate action**

**A. Executive Session Pursuant to § 551.071, Government Code, VTCA, Consultation on a matter in which the duty of the attorney to the government body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with this chapter (Privileged Matters), Subdivision Plat of Lajitas Lakeside Cottages**

**Reconvene in Open Session**

**B. Discussion and appropriate action resulting from Executive Session**

**18. Schedule next Regular Commissioners Court Meeting on December 11, 2019, at 9:00 A.M.**

**19. Adjourn**

## NOTICE OF A PUBLIC MEETING

Notice is hereby given that a meeting of the Brewster County Commissioners Court will be held on Wednesday, Nov. 20<sup>th</sup> at 9:00 A.M. for the purpose of considering and taking action on all matters on the agenda for the meeting, including approval of an agreement with the law firm of Linebarger Goggan Blair & Sampson, LLP as special counsel to perform all legal services necessary to collect delinquent property taxes and authorizing the execution of such agreement.

The agreement to be considered is necessary for the delinquent taxes owed to Brewster County to be collected in the most effective manner. The County desires that such delinquent tax, penalties and interest be collected as provided in the Texas Tax Code.

The Linebarger Goggan Blair & Sampson, LLP firm is fully qualified to provide this representation, being the largest delinquent tax collection law firm in the State of Texas, as well as the United States and having been engaged in this specialized legal service for more than 40 years. In addition, the Linebarger Goggan Blair and Sampson, LLP firm possesses infrastructure and technology, such as call center technology, that the County, School does not currently possess.

Linebarger Goggan Blair & Sampson, LLP does not presently have a relationship with the county.

The specialized legal services required by this agreement cannot be adequately performed by the attorneys and supporting personnel of the County due to the high cost of implementing the appropriate infrastructure and technology and employing sufficient in- house attorneys and staff with the level of experience and competence necessary to perform these activities.

Linebarger will be compensated on a contingent fee basis as provided in the Texas Tax Code Sections 6.30, 33.07, 33.08, 33.11, and 33.48. These Texas Tax Code sections specifically provide for an additional penalty on delinquent taxes to compensate collection attorneys. A contract to pay inside or outside attorneys on an hourly basis would represent an additional cost to the County.

Entering into the proposed agreement is in the best interests of the residents of the County because the delinquent taxes will be professionally and competently collected without the additional costs to the County of implementing infrastructure and technology, and employing in-house personnel or paying outside counsel on an hourly fee basis which would otherwise be required.

FILED  
At 1:50 o'clock P M  
Date 11/15/19  
Berta Rios-Martinez  
BERTA RIOS-MARTINEZ  
County Clerk, Brewster County, TX  
By \_\_\_\_\_ Deputy



NOTICE PURSUANT TO GOVERNMENT CODE SEC. 2254.1036

WHEREAS, Brewster County ("COUNTY") will consider entering into a contingent fee contract with a law firm ("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(2) of the Government Code and shall announce the following:

A. COUNTY is pursuing a contract with a firm for the collection of delinquent property taxes owed to COUNTY and the taxing entities for which it collects ad valorem taxes, and through this contract Brewster County seeks to increase recovery of these delinquent debts as expeditiously as possible. GOVT. CODE § 2254.1036(1)(A).

C. The nature of any relationship between BREWSTER COUNTY and the chosen Firm is as follows. GOVT. CODE § 2254.1036(1)(C).

D. COUNTY is not set up to collect its delinquent taxes. GOVT. CODE § 2254.1036(1)(D). COUNTY currently does not have adequate support staff, computer software/programming, or experience to internally conduct these collection services and acquiring these will result in substantial expense to COUNTY.

E. These collection services cannot efficiently be provided for an hourly fee. GOVT. CODE § 2254.1036(1)(E). The Tax Code allows the assessment of a percentage-based fee to recover the costs of collecting delinquent taxes. This percentage-based fee is assessed only against parties delinquent in the payment of taxes to COUNTY and the entities for which COUNTY collects and not against COUNTY or its taxpayers who pay their ad valorem taxes in timely fashion. The collection of delinquent 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 would likely exceed the amount of delinquent taxes due. Moreover, COUNTY would bear the cost of these hourly fees and not the debtor, because the Tax Code does not expressly authorize the District to pay for collection services based on an hourly fee.

E. COUNTY believes this contingent fee contract is in its best interest. GOVT. CODE § 2254.1036(1)(F). Under the contingent fee contract, the Firm will be paid the amount of the percentage-based collection fee, regardless 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 debtor and not an expense to COUNTY or its taxpayers who are not delinquent in the payment of their ad valorem taxes.

Executed this the 15<sup>th</sup> day of November, 2019.

At 1:50 o'clock P M  
Date 11/15/19  
Berta Rios-Martinez  
BERTA RIOS-MARTINEZ  
County Clerk, Brewster County, TX  
By \_\_\_\_\_ Deputy

Eleazar R. Cano  
Eleazar R. Cano  
Brewster County Judge

by: Susan Bentley  
Executive Assistant  
for County Judge