

RESOLUTION # _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MISSION, TEXAS, APPROVING A PROFESSIONAL SERVICES CONTRACT WITH LINEBARGER GOGGAN BLAIR & SAMPSON, LLP FOR DELINQUENT TAX COLLECTION SERVICES, UNDER A CONTINGENT FEE CONTRACT, SUBJECT TO APPROVAL BY THE OFFICE OF THE ATTORNEY GENERAL OF TEXAS, PURSUANT TO CHAPTER 2254 OF THE TEXAS GOVERNMENT CODE.

WHEREAS, the City of Mission (the “City”) has a substantial need of the legal services of counsel to represent it in delinquent tax collection services; and

WHEREAS, the City now desires to enter into a contingent fee contract for legal services with Linebarger Goggan Blair & Sampson, LLP to represent the City in collection of delinquent ad valorem taxes; and

WHEREAS, Subchapter C of Chapter 2254 of the Texas Government Code (“Chapter 2254”) requires that a political subdivision of the State of Texas, including the City, may enter into contingent fee contracts for legal services only after: (i) the governing body of the political subdivision has provided written notice to the public stating certain provisions enumerated within Chapter 2254; (ii) the governing body of the political subdivision approved such contract in an open meeting called, in part or in whole, for the purposes of considering such contract; (iii) the governing body of the political subdivision stated in writing certain findings made by the governing body upon the approval of such contract; and

WHEREAS, before the contingent fee contract for legal services is effective and enforceable, the City must receive approval of the contract by the Office of the Attorney General of Texas or the contract is otherwise allowed under Chapter 2254, as amended; and

WHEREAS, after having provided adequate notice as required by Sec. 2254.1036 of the Texas Government Code, the Agreement for Delinquent Tax Collection Services with Linebarger Goggan Blair & Sampson, LLP is approved and the Mayor is authorized to execute this Agreement; and

WHEREAS, the City Council finds and determines that the adoption of this resolution is in the best interests of the residents of the City.

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

Section 1. The recitals contained within this resolution are hereby found to be true, and such recitals are hereby made a part of this resolution for all purposes and adopted as part of the findings of City Council.

Section 2. The City of Mission by and through its City Council hereby finds that, after exercising its due diligence:

- A. There is a substantial need for the legal services to be provided pursuant to the Agreement for Delinquent Tax Collection Services;
- B. These legal services cannot be adequately performed by the attorneys and supporting personnel of the City of Mission at a reasonable cost;
- C. These legal services cannot reasonably be obtained from attorneys in private practice under a contract providing only for the payment of hourly fees, without regard to the outcome of the matter, because of the nature of delinquent tax penalties provided by Texas Tax Code Sections 6.30, 33.07, 33.08, 33.11, and 33.48 and because the City of Mission does not have the funds to pay the estimated amounts required under a contract only for the payment of hourly fees;
- D. Linebarger Goggan Blair & Sampson, LLP, is well qualified and competent to perform the legal services required to comply with the terms of this contract;
- E. Linebarger Goggan Blair & Sampson, LLP has an excellent long-standing reputation of representing clients with competence and professionalism, in the collection of delinquent property taxes in the community for nearly 40 years.
- F. The contract with Linebarger Goggan Blair & Sampson, LLP is the result of an arm's length transaction between the City of Mission and Linebarger Goggan Blair & Sampson, LLP and is fair and reasonable.

Section 3: Based on the findings by the City Council described above, the City Council hereby authorizes the City Manager to execute a Contract for the Collection of Delinquent Taxes between Linebarger Goggan Blair & Sampson, LLP and the City of Mission, Texas, effective only upon approval by the Office of the Attorney General of Texas or as otherwise allowed under Chapter 2254, as amended.

Section 4. It is officially found, determined, and declared that the meeting at which this resolution is adopted was open to the public and public notice of the time, place, and subject matter of the public business to be considered at such meeting, including this resolution, was given, all as required by Chapter 551 as amended, Texas Government Code.

Section 5. Linebarger Goggan Blair & Sampson, LLP will be paid the amount of the percentage-based collection fee upon the recovery, if any, of delinquent ad valorem taxes owed to the City.

Section 6. This Resolution shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Mission, and it is accordingly so resolved.

PASSED AND APPROVED this 8th day of May, 2023.

Norie Gonzalez Garza, Mayor

ATTEST:

Anna Carrillo, City Secretary

APPROVED AS TO FORM:

Victor A. Flores, City Attorney