

# City of Sullivan City

## Special Called Meeting Board of Commissioners Monday, August 31, 2020 – 6:00 p.m. VIRTUAL MEETING NOTICE

**NOTICE IS HEREBY GIVEN** in accordance with the order of the Office of the Governor issued March 16, 2020; the City Council of the City of Sullivan City will conduct a Regular Called Meeting virtually in order to advance the public health goal of limiting face-to-face meetings to slow the spread of the COVID 19 (Coronavirus). There will be no physical public access to this meeting; however, there will be a broadcast of the meeting via <http://facebook.com/cityofsullivancity>.

**Notice :** If during the course of this meeting, the Commission should determine that a closed or executive session is required, then such closed or executive session is authorized by Article 6252-17 Revised Civil Statue of Texas, Section 2(e), 2(g). Notice of the closed or executive session will be given after commencement of the meeting covered by this notice. Should any final action, final decision, or final vote be required in the opinion of the Commission with regard to any item during the meeting then such final action, final decision, or final vote shall be made during the open meeting covered

At this meeting the City Commission may deliberate on and take any action deemed appropriate by the City Commission on the following subjects:

### AGENDA

1. **Call meeting to order**
2. **Pledge of Allegiance and Invocation**
3. **Roll Call, Establish Quorum and Possible Action on Excusing any absent Council Member**
4. **Certification of Posting**
5. **Executive Session: Pursuant**
  - a. Discussion on Hurricane Hanna Insurance Settlement
6. **Return From Executive Session:**
  - a. Discussion on Hurricane Hanna Insurance Settlement
7. **New Business:**
  - a. Presentation on City Hall Renovations from ARKiiFORM, LLC and 4MA Construction, LLC
  - b. Presentation on Audit for Fiscal Year Ending 2019 by Oscar Gonzalez, CPA
8. **Discussion, Consideration, and Possible Action**
  - a. Approval of Renovations of repairs for City Hall
  - b. Approval of Audit for Fiscal Year Ending 2019
  - c. Discussion on 2020 Tax Rate
  - d. Discussion, and Action on Approval of Interlocal Agreement between City of Sullivan City and County of Hidalgo, Texas
  - e. Discussion and Approval of Resolution 2020-13 A Resolution to Appoint Signatory
  - f. Discussion and Possible Action on Proposal from Republic Services for Emergency Management Services
  - g. Discussion, Consideration, and Possible Action on TML Health Benefits Insurance Rates
  - h. Discussion and Possible Action to Terminate Contact with Linebarger, Goggan, Blair & Sampson, for Delinquent Tax Collections.
  - i. Discussion and Possible Action to engage the firm of Perdue, Brandon, Fielder Collins& Mott, L.L.P. for Delinquent Tax Collection and Delinquent Municipal Court Fine/Fee Collections.
  - j. Discussion and Possible Action on converting 529 El Faro Rd. Property from Residential to Commercial

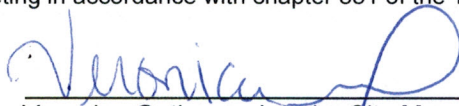
### 9. **Public Comments**

The public will be permitted to offer public comments via email at [citysecretary@sullivancity.org](mailto:citysecretary@sullivancity.org) up to ten (10) minutes before the start of the meeting (6:20 p.m.).

### 10. **Adjournment**

### CERTIFICATION OF POSTING

I, the undersigned authority, certify that I posted a true and correct copy of the Notice of this Agenda at Sullivan City Temporary Location Bulletin Board located at 371 E. Expressway 83, at the City Website page at [www.sullivancity.org](http://www.sullivancity.org), and at the Sullivan City Post Office, and at the City of Sullivan City Facebook Page which are places convenient and readily accessible to the general public at all times, and said notice was posted **August 28 , 2020 at 4:00 p.m.** and remained so posted continuously for at least 72 hours prior to said meeting in accordance with chapter 551 of the Texas Government Code.



Veronica Gutierrez, Interim City Manager / City Secretary



**Public Notice:**

NOTICE PURSUANT TO GOVERNMENT CODE SEC. 2254.1036

WHEREAS, the City of Sullivan City ("City"), will consider entering into contingent fee contracts with the law firm of Perdue, Brandon, Fielder, Collins & Mott, L.L.P. ("Firm") and hereby posts this notice pursuant to Sec. 2254.106 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. The City is pursuing contracts with the Firm for the collection of delinquent ad valorem taxes and delinquent fines/fees owed to the City and through these contracts the City seeks to increase recovery of its delinquent debts in as expeditious a manner as possible. GOVT. CODE § 2254.1036(a)(1)(A).

B. The City believes the Firm has the competency, qualifications, and experience necessary to fulfill these contracts. GOVT. CODE § 2254.1036(a)(1)(B). The Firm has collected delinquent government receivables for 50 years, including the collection of delinquent ad valorem taxes and delinquent fines/fees. The Firm currently has 12 primary offices and multiple satellite offices throughout Texas, Oklahoma and Florida. It employs more than 400 individuals, including over 52 attorneys. It uses a multi-office, fully integrated team approach allowing the City 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 the City 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 the City and the Firm is as follows. GOVT. CODE § 2254.1036(a)(1)(C).

The Firm has formerly represented the City from December 5, 2008 to January 24, 2011 in the collection of delinquent fines/fees.

D. The City is unable to collect its delinquent ad valorem taxes and delinquent court fines/ fees. GOVT. CODE § 2254.1036(a)(1)(D). The City 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 the City.

E. These collection services cannot be provided for an hourly fee. GOVT. CODE § 2254.1036(a)(1)(E). The Tax and Criminal Codes allow the assessment of a percentage-based fee to recover the costs of collecting delinquent ad valorem taxes and delinquent fines/fees. This percentage-based fee is assessed only against the debtor and not the City or taxpayers of the City. The collection of delinquent ad valorem taxes and delinquent fines/fees 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 amount of delinquent ad valorem taxes and court fines/fees due. Moreover, the City will bear the cost of these hourly fees and not the debtor, because the Tax and Criminal Codes do not expressly authorize the City to pay for collection services based on an hourly fee.

F. The City believes these contingent fee contracts are in its best interest. GOVT. CODE § 2254.1036(a)(1)(F). Under the contingent fee contracts, 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 the City or taxpayers in the City.