



**AGENDA**  
**REGULAR MEETING**  
**MONDAY, JUNE 8, 2020 @ 7:00 P.M.**  
**JOSEPHINE CITY HALL, 201 MAIN STREET, JOSEPHINE, TEXAS**

Joe Holt	Mayor
Doug Ewing	Place 1
Katrina Heifner-Donihoo	Place 2
Brad Ahlfinger	Place 3
Cedric Powell	Place 4
Jason Turney – Mayor Pro-Tem	Place 5

The City of Josephine reserves the right to realign the order of the Agenda at any time prior to adjournment. If during the course of the meeting covered by this notice, the City Council should determine that a closed or executive meeting or session of the City Council or a consultation with the attorney for the City should be held or is required, then such closed or executive meeting or session or consultation with attorney as authorized by the Texas Open Meeting Act, Texas Government Code §551.001 et seq. (the “Act”), will be held by the City Council at the date, hour and place given in this notice or as soon after the commencement of the meeting covered by this notice as the City Council may conveniently meet in such closed or executive meeting or session or consult with the attorney for the City concerning any and all subjects and all purposes permitted by the Act, including, but not limited to the following sanctions and purposes:

Texas Government Code Section

§551.071 – *Private consultation with the attorney for the City of Josephine*

§551.072 – *Discussing purchase, exchange, lease or value of real property*

§551.073 – *Discussing gifts and donations*

§551.074 – *Discussing personnel or to hear complaints against personnel*

§551.087 – *Discussing economic development negotiations*

1) CALL TO ORDER – ROLL CALL – PLEDGE OF ALLEGIANCE

2) INVOCATION

3) GENERAL DISCUSSION – CITIZEN PARTICIPATION

This period is reserved for citizens to discuss items not listed on the Agenda. Citizens may have three (3) minutes to address the Council, however, by law, no action or discussion may be taken on these items.

4) CONSENT AGENDA

*All items under Consent Agenda are routine by the City Council and will be enacted by one motion. There will not be separate discussion of these items. If discussion is desired, that item will be removed from the Consent Agenda and will be considered separately.*

1. Approval of City Council Meeting Minutes: May 11, 2020 Regular Meeting – Video Conference

**5) NEW BUSINESS**

- A) Fox, Byrd & Company – Clint Brunson will present the audit for the fiscal year ending 09/30/19
- B) Consider and act on a contingent fee contract with Abernathy, Roeder, Boyd & Hullett, PC pursuant to the Texas Tax Code, Section 6.30, and Government Code 2254.1036 – said contract being for the collection of delinquent government receivables owed to the City of Josephine
- C) Discuss and consider the recommendation from the Josephine Community Development Corporation to fill a vacancy on the board with Karolyn Nelms
- D) Discuss and consider adopting Ordinance No. 2020-06-08 to repeal Ordinance No. 2020-03-25 that ratified, renewed, and extended the declaration of the state of local disaster issued by the Mayor on March 18, 2020
- E) Report from the Water and Street Department
- F) Report from the Fire Department
- G) Report from the Police Department

**6) ITEMS FROM THE COUNCIL**

**7) REPORT FROM THE MAYOR**

**8) ADJOURNMENT**

I, PATTI BROOKS, CITY SECRETARY of the City of Josephine, Texas, do hereby certify that this notice was posted on the city website at: [www.cityofjosephinetx.com](http://www.cityofjosephinetx.com) and the front window of the City Hall on the 5<sup>th</sup> day of June 2020 and remained so posted for at least 72 continuous hours preceding the scheduled time of said meeting.

**APPROVED BY:**

**Joe Holt, Mayor**

**Patti Brooks, City Secretary**

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

WHEREAS, the City of Josephine ("City"), will consider entering into a contingent fee contract with the law firm of Abernathy, Roeder, Boyd & Hullett, P.C. ("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. The City is pursuing a contract with the Firm for the collection of delinquent property taxes owed to the City and through this contract the City seeks to increase recovery of its delinquent debts in as expeditious a manner as possible. GOVT. CODE § 2254.1036(1)(A).
- B. The City believes the Firm has the competency, qualifications, and experience necessary to fulfill this contract. GOVT. CODE § 2254.1036(1)(B). The Firm and its predecessor, Gay, McCall, Isaacks, & Roberts, PC, has collected delinquent government receivables for nearly 40 years, including the collection of delinquent taxes. The Firm is local, with an office in McKinney, Texas. It employs more than 50 individuals, including 19 attorneys. Its collection team consists of long-term Firm employees, including attorneys, paralegals, law clerks, legal secretaries, collection support personnel and information technology experts.
- C. The nature of any relationship between the City and the Firm is as follows. GOVT. CODE § 2254.1036(1)(C).
  - i. The Firm and its predecessor Gay, McCall, Isaacks & Roberts, PC, has represented the City in the collection of delinquent taxes for approximately twenty (20) years.
- D. The City is unable to perform this function and efficiently collect its own delinquent taxes. GOVT. CODE § 2254.1036(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(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 the debtor and not the City or taxpayers of the City. 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 will likely exceed amount of delinquent taxes due. Moreover, the City will bear the cost of these hourly fees and not the debtor, because the Tax Code does not expressly authorize the City to pay for collection services based on an hourly fee.
- F. The City 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 the City or taxpayers in the City.