



OFFICE OF THE
COUNTY JUDGE

DALLAM COUNTY, TEXAS

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DALLAM COUNTY COMMISSIONERS COURT
SPECIAL MEETING

Monday, January 23rd, 2023 AT 10:00 A. M.
DALLAM COUNTY COURTROOM
DALHART, TEXAS

AGENDA

REVIEW/DISCUSS AND TAKE NECESSARY ACTION ON:

1. Audience With Patrons
2. Discussion, Consideration and Action on Minutes of Previous Meeting
3. Consider and take action on termination of delinquent tax collection and representation contract(s) with Perdue Brandon Fielder Collins & Mott, LLP.
4. Discuss and approve a contingent fee contract with the Law Firm of McCreary, Veselka, Bragg and Allen, P.C. for the collection of delinquent taxes pursuant to Tex. Tax Code, sections 6.24(d) and 6.30. Specifically, the Commissioners' Court will discuss and consider whether McCreary, Veselka, Bragg and Allen, P.C. is a well-qualified law firm based on demonstrated competence, qualifications, and experience in collecting delinquent taxes, and whether the contract negotiated between Dallam County and McCreary, Veselka, Bragg and Allen, P.C. is for a fair and reasonable price as provided for in Texas Tax Code, section 6.30(c).

In Accordance with Texas Government Code, section 2254.1036(a)(1), the Dallam County Commissioners Court provides the following written notice to the public in connection with the above agenda item:

- a. Dallam County is pursuing the legal services of McCreary, Veselka, Bragg and Allen, P.C., a delinquent tax collection law firm, to collect delinquent taxes owed to Dallam County. The desired outcome of the legal services would be for Dallam County to collect the delinquent taxes that its taxing units are owed in as short a time period as is possible.
- b. McCreary, Veselka, Bragg and Allen, P.C. have been competently collecting delinquent taxes for over sixty-years, and currently represents hundreds of Texas taxing units in the collection of delinquent taxes. McCreary, Veselka, Bragg and Allen, P.C. is a competent, qualified, and experienced delinquent tax collection law firm.
- c. The relationship between the County and McCreary, Veselka, Bragg and Allen, P.C. tentatively began on December 12th, 2022, when the Dallam County Commissioners Court attempted to enter a contract with McCreary, Veselka, Bragg and Allen, P.C. A defect in the posting of public notice required by Texas

Government Code section 2254.1036 prevents that contract from being valid and enforceable. Therefore, it may be more accurate to say that the relationship between Dallam County and McCreary, Veselka, Bragg and Allen, P.C. will begin as of the signing and/or effective date of the contract proposed herein.

- d. The legal services desired by Dallam County that are the subject of the contract cannot be adequately performed by the attorneys and supporting personnel of Dallam County due to the high cost of implementing the appropriate infrastructure and technology and employing sufficient attorneys and staff to perform these activities.
- e. The legal services desired by Dallam County that are the subject of the contract cannot be reasonably obtained from attorneys in private practice under a contract providing for the payment of hourly fees without contingency because Dallam County does not have funds in its budget to pay the estimated hourly fees and other costs incurred to implement an effective delinquent tax collection program under a contract providing only for the payment of hourly fees and costs. Texas Tax Code, sections 6.30; 33.07; 33.08; and 33.11 allow a taxing unit to recover a penalty to defray the costs of collecting delinquent taxes, only if the taxing unit has entered into a contract with a private attorney pursuant to Texas Tax Code Section 6.30.
- f. To defray the cost of collecting delinquent taxes as provided by Texas Tax Code, sections 6.30; 33.07; 33.08; and 33.11, and to save money and ensure that the collection of delinquent taxes is diligently prosecuted throughout Dallam County, a contingent fee contract with McCreary, Veselka, Bragg and Allen, P.C. is in the best interests of the residents of Dallam County.

5. Adjourn



**WES RITCHEY
DALLAM COUNTY JUDGE**

**POSTED
January 19, 2023
4:30 P.M.**