

PUBLIC NOTICE

The Agenda for the meeting of the Commissioners Court of Cherokee County on February 28, 2023, contains an agenda item for the consideration of an Amended Contract for the Collection of Delinquent Property Taxes with the law firm of McCreary, Veselka, Bragg, and Allen, P.C. The County of Cherokee, Texas, currently has a contingent fee contract for the same services with McCreary, Veselka, Bragg, and Allen, P.C. Specifically, at its meeting, the Commissioners Court will discuss and consider if McCreary, Veselka, Bragg, and Allen, P.C. is a well-qualified law firm based on demonstrated competence, qualifications, and experience in collecting delinquent property taxes and providing legal representation to the County of Cherokee, Texas, and if the contingent fee provided for in the Amended Contract is for a fair and reasonable price. In Accordance with Texas Government Code, Section 2254.1036(a)(1), the County of Cherokee, Texas, provides the following written notice to the public in connection with the above Agenda Item:

1. The County of Cherokee, Texas, ("The County") intends to enter into an Amended Contract with the law firm of McCreary, Veselka, Bragg and Allen, P.C. ("MVBA") for the Collection of Delinquent Property Taxes and Legal Representation at the meeting of the Commissioners Court of Cherokee County, Texas, on February 28, 2023. The desired outcome of the Amended Contract will be to provide for the continued efficient and effective collection of the delinquent property taxes that are owed to the taxing units for which The County collects property taxes and obtain legal representation for The County.
2. McCreary, Veselka, Bragg and Allen, P.C. ("MVBA") has been competently collecting delinquent taxes for The County since at least 1996. In the years that MVBA has represented The County, MVBA has demonstrated that it is competent, qualified, experienced, and effective in the collection of delinquent property taxes for the County for the statutory contingent fee provided for by Sections 6.30, 33.07, 33.08, and 33.11 of the Texas Tax Code.
3. Texas Tax Code, Section 6.30 provides that a Commissioners' Court may contract with a private attorney to collect delinquent taxes for a contingent fee not to exceed 20 percent of the amount of the delinquent taxes and accrued statutory penalty and interest collected. This contingent fee is added to the amount paid by the delinquent property owners. The delinquent property owners pay for the collection services provided by MVBA. Therefore, the delinquent tax collection services provided by MVBA pursuant to the contingent fee contract are without cost to The County or the taxing units for which The County collects property taxes. There is no provision in the Texas Tax Code that will allow recovery of fees where the delinquent tax collection services are being provided either by an attorney on the staff of The County or by a private attorney billing at an hourly rate. Accordingly, the costs of providing delinquent tax collection services by County employees is not in the County budget. Neither is the cost of procuring such services from private attorneys on an hourly fee basis. to The County by an attorney on the staff of The County or by a private attorney charging on an hourly basis is not in The County budget, and therefore not in the best financial interest of The County or the taxing units of Cherokee County. Texas Tax Code Sections 6.30, 33.07, 33.08 and 33.11 allow The County to recover a penalty to defray costs of collecting delinquent taxes, only if The County has entered a contract with a licensed attorney pursuant to Tax Code Section 6.30.

4. To offset the cost of collecting delinquent taxes as provided by Texas Tax Code, Sections 6.30; 33.07; 33.08 and 33.11; and to ensure that the collection of delinquent property taxes is diligently prosecuted throughout Cherokee County, a contingent fee contract with McCreary, Veselka, Bragg and Allen, P.C. is in the best interest of the County, the taxing units located in Cherokee County, and the residents of Cherokee County, Texas.
5. Except for the contingent fee for delinquent tax collections as provided for by paragraph 3. and 4. above, there is no additional charge by MVBA for the legal representation of The County provided for by the Amended Contract.