

**NOTICE OF MEETING OF THE
COMMISSIONERS COURT OF HENDERSON COUNTY, TEXAS**

Notice is hereby given that a Regular Meeting of the above named Commissioners' Court
**will be held on the 21st day of November, 2023 at 9:00 a.m., in the Henderson County Annex,
Commissioners Court Courtroom located at 125 N. Prairieville Street,** in Athens, Texas at which time the
following subjects will be discussed, to wit:

Call to Order
Citizens Comments

1. Consider and Take Action on Minutes from previously held meeting of Commissioners Court on November 14, 2023.
2. Consider and Take Action on a Resolution requesting the Public Resale of Properties Bid in Trust to Henderson County, Texas at a Delinquent Tax Sale.
3. Consider and Take Action on a Resolution to Allow Online Auctions for Tax Foreclosure Sales and to Adopt Rules Governing Online Auctions.
4. Consider and Take Action on a Resolution Reaffirming and Adopting Imposition of Texas Tax Code Sections 33.07, 33.08, and 33.11 to Defray the Costs of Collections.
5. Consider and Take Action on a Resolution to Approve Amended Contract for the Collection of Delinquent Property Taxes and Legal Representation between the County of Henderson, Texas, and McCreary, Veselka, Bragg & Allen, P.C. (MVBA)
See the Public Notice on Page 2 of this Agenda required by Section 2254.1036 of the Texas Government Code.
6. Consider and Take Action on Resolution to authorize the Joint Primary of the Democratic and Republican Parties for 2024 Elections Cycle.
7. Consider and Take Action to designate Early Voting and Election Day Vote Center locations for the 2024 Election Cycle.
8. Consider and Take Action on Order of Creation for the formation of Emergency Service District No. 8.
9. Consider and Take Action to set a Public Hearing on a request to close Henderson County Road 4533, located in Precinct 4.
10. Receive Financial Reports.
11. Consider and Take Action on Payroll Distributions and Accounts Cash Sheet.
12. Consider and Take Action on submitted Contracts.
13. Consider and Take Action on request for Right-of-Way permits.
14. Consider and Take Action on submitted Budget Amendments.
15. Consider and Take Action on payment of Bills.
16. Consider and Take Action on submitted Plats.
17. Open and Consider Bids.
18. Convene into Executive Session pursuant to the Texas Government Code, Sec. 551.074 regarding Personnel Matters, namely, interview and discussion of applicants for the County Veteran Service Officer Position.
19. Reconvene into Open Session: Consider and Take Action on matters discussed in Executive Session.
20. Consider and Take Action to adjourn.

I, the undersigned, County Clerk, do hereby certify that the above Notice of Meeting of the above named Commissioners' Court is a true and correct copy of said Notice. I posted a true and correct copy of said Notice on the bulletin board at the Courthouse door of Henderson County, Texas, at a place readily accessible to the general public at all times on the **17th day of November, 2023**, and said Notice remained so posted continuously for at least 72 hours preceding scheduled time of said meeting.

Dated this, the 17th day of November, 2023

County Judge, Henderson County, Texas

County Clerk, Henderson County, Texas

By: _____

PUBLIC NOTICE

The Agenda for the meeting of the Commissioners Court of Henderson County on November 21, 2023, contains an agenda item for the consideration of an Amended Contract for the Collection of Delinquent Property Taxes and Legal Representation with the law firm of McCreary, Veselka, Bragg, and Allen, P.C. The County of Henderson, 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 Henderson, 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 Henderson, Texas, provides the following written notice to the public in connection with the above Agenda Item:

1. The County of Henderson, 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 Henderson County, Texas, on November 21, 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 1980. 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, and therefore not in the best financial interest of The County or the taxing units of Henderson 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 Henderson 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 Henderson County, and the residents of Henderson 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.