

NOTICE PURSUANT TO GOVERNMENT CODE SEC. 2254.1036

WHEREAS, the County of Collin (“County”), wishes to renew its 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 County is pursuing a renewal of its contract with the Firm for the collection of delinquent property taxes owed to the County and through this contract the County seeks to increase recovery of its delinquent debts in the most effective and efficient manner. The desired outcome is the efficient collection of delinquent property taxes, penalties, and interest. GOVT. CODE § 2254.1036(1)(A).
- B. The County believes the Firm has the qualifications, competency, and experience necessary to fulfill the contract. GOVT. CODE § 2254.1036(1)(B). The Firm’s predecessor, Gay, McCall, Isaacks, & Roberts, PC, collected delinquent government receivables for nearly 40 years, and represented the County in delinquent tax matters, and the Firm has continued that tradition since Gay, McCall, Isaacks, & Roberts, PC, joined in July 2018. 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 County 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 County in the collection of delinquent taxes for many years.
- D. The County is unable to perform this function and efficiently collect its own delinquent taxes. GOVT. CODE § 2254.1036(1)(D). The services involve filing a high volume of cases each month and performing the services in-house would require the taxing units to invest in additional technology, personnel, and other resources to provide adequate support services incidental to the legal services.
- 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 (Texas Tax Code Sections 6.30, 33.07, 33.08, 33.11, and 33.48). This percentage-based fee is assessed only against the debtor and not the County or taxpayers of the County. 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 and represent an additional cost to the County. The Tax Code does not expressly authorize the County to pay for collection services based on an hourly fee.
- F. The County 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 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 County or taxpayers in the County. This contract will allow the Taxing Entities to recover delinquent property taxes, penalties and interest that are essential revenue.

Posted by the Commissioners Court of Collin County the 22nd day of April, 2021 for the Commissioners Court meeting to be held at 1:30 P.M. on April 26, 2021.