

**Notice is hereby given that a
REGULAR SCHEDULED MEETING
OF THE
MARLIN CITY COUNCIL**

will be held on **Tuesday, the 11th day of June 2024, at 6:00 P.M.**, in the
City Council Chambers, 101 Fortune Street, Marlin, Texas
at which the following subjects will be discussed:

1. Call to Order.
2. Roll Call.
3. Certify Posting.
4. Pledge & Invocation.
5. Conduct swearing in of newly appointed Councilmember for Pct. 4.
6. Issuance of a Proclamation to honor Outstanding Students/Athletes at Marlin High School.
7. Approval of the Council Meeting Minutes from the May 14, 2024 City Council Meeting.
8. **UPDATES/STATUS: City Business Not needing immediate discussion or action from City Council. (2-3 mins.)**
City Manager – Updates (City Manager)
Court – Update (Court Clerk Supervisor)
Police – Update (Chief Hommel)
Fire Department – Update (Chief Parker)
Finance Department – Update (Finance Director)
Water Department – Update (Water Office Supervisor)
Public Works – Update (Public Works Director)
Water Plant – Update (Water Plant Supervisor)
Marketing /EDC – Update (Tourism Dir.)
9.
 1. Take action to approve a 15% contingent fee contract with Perdue Brandon Fielder Collins and Mott, LLP, pursuant to Section 6.30 of the Texas Property Tax Code, said contract being for the collection of delinquent property taxes owed to the City of Marlin, and notice of said contingent fee contract is posted with the agenda in accordance with Section 2254 of the Texas Government Code (proposed contract attached).
 2. Take action to authorize the Mayor to send a Notice of Termination of Attorney-Client Relationship to existing collections firm.
10. Discussion and or take action City Manager applicants and the next steps in the interviewing/ hiring process.
11. Update on TWDB, CWSRF, & DWSRF Projects and city road projects including but not limited to Robert E. Lee from the MRB Group with a summary of the differences of the project.
12. Consider and or approve a resolution appointing Kayci Nehring (Falls County Tax Assessor Collector) to Calculate Effective Tax rate for 2024.
13. Consider and or approve an interlocal agreement for assessment and collection of taxes with Falls County.
14. Discussion and or take action to authorize the publication of notice or advertisement requesting bids or proposals for sludge removal services and related work at the Waste Water Treatment Plant.

15. Consider and adopt a resolution to approve and authorize the Mayor to execute a Payment Plan Agreement between the City of Marlin and Underwater Acoustics International, LLC, (UAI) to pay for survey and inspection and condition assessment services of two City of Marlin earthen dams.
16. Discussion and or take action on a recommendation of the MEDC (the Marlin 4-B Economic Development Corporation) regarding a proposed form Business Improvement Grant Application and related agreement as approved by the MEDC at their May 21st Meeting.
17. Discussion and or take action on Quote for repairs at the Park Street Lift Station.
18. Discussion on setting dates for Budget Workshops.
19. Discussion on ordinance to address hooved animals and exotic reptiles.
20. Consider and approve the appoint of Elizabeth Nelson to the Charter Commission.
21. Discussion and or take action on a resolution changing signatories on city bank accounts.
22. Future agenda items: Discuss and Consider items for placement on a future City Council Agenda.
23. Citizens Comments (3 mins.) on Agenda items. *Speaker shall address the presiding officer and not any individual council member, or staff member. Texas Open Meetings Act sec. 551.041, the council cannot discuss, deliberate, or take action on matters not listed on the agenda. City Council may refer speaker to City staff for research, resolution, or referral for future agenda. Tex. Penal Code 42.05 Any disruptive behavior by the speaker or audience member will subject the individual to removal from the meeting/city property and charge with the crime of Disruption of a lawful meeting. Comments can be e-mailed to citysecretary@marlintx.net by 4:00 pm on May 14, 2024.*
24. Adjourn.

We, the undersigned authority, do hereby certify that the above Notice of Meeting of the governing body of the City of Marlin is a true and correct copy of said Notice and that what is posted is a true and correct copy of said Notice in City Bulletin Board of City Hall in Marlin, Texas, a place convenient and readily accessible to the general public at all times, and said Notice was posted on 7th day of June , 2024 at 5:14pm and remained posted continuously for at least 72 hours preceding the scheduled time of said Meeting.



Dated this the 7th day of June 2024.

Susan Byrd, Mayor

This meeting shall be conducted pursuant to the Texas Government Code Section 551.001 et seq. At any time during the meeting the City Council reserves the right to adjourn into executive session on any of the above posted agenda items in accordance with the sections 551.071, and Section 1.05, Texas Disciplinary Rules of Professional Conduct (Consultation with Attorney), §551.072 (Deliberations about Real Property), §551.073 (Deliberations about Gifts and Donations), §551.074 (Personnel Matters), and/or §551.087 (Economic Development). All items listed above are eligible for Council discussion and/or action.

MANDATORY NOTICE PURSUANT TO TEXAS GOVERNMENT CODE SEC. 2254.1036

WHEREAS, the City of Marlin, 101 Fortune Street, Marlin, Texas ("City of Marlin"), will consider entering into a contingent fee contract with the law firm of Perdue, Brandon, Fielder, Collins & Mott, L.L.P. ("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(a)(2) of the Government Code and shall announce the following:

A. The CITY OF MARLIN is pursuing a contract with the Firm for the collection of delinquent ad valorem taxes owed to the taxing entities whose ad valorem taxes are collected through the CITY OF MARLIN and through this contract the CITY OF MARLIN seeks to increase recovery of delinquent debts in as expeditious a manner as possible. GOVT. CODE § 2254.1036(a)(1)(A).

B. The CITY OF MARLIN believes the Firm has the competency, qualifications, and experience necessary to fulfill this contract. GOVT. CODE § 2254.1036(a)(1)(B). The Firm has collected delinquent government receivables for over 50 years, including the collection of delinquent ad valorem taxes. The Firm currently has 14 primary offices and multiple satellite offices throughout Texas, Oklahoma and Florida. It employs more than 350 individuals, including more than 50 attorneys. It uses a multi-office, fully integrated team approach allowing the CITY OF MARLIN access to all its offices and resources. Its collection team consists of long-term Firm employees, including attorneys, call center associates, paralegals, law clerks, legal secretaries, collection support personnel and information technology experts. The Firm utilizes proprietary collection software that can be tailored to meet any special need the CITY OF MARLIN may have. This proprietary software also automates many aspects of the collection process, such as: account/debtor research, mailings and phone calls, return mail and address updates, payment notification and processing and workflow.

C. The nature of any relationship between the CITY OF MARLIN and the Firm is as follows. GOVT. CODE § 2254.1036(a)(1)(C).

The Firm has represented taxing entities in Falls County since 2014. The firm currently represents all taxing entities that have overlapping boundaries with the CITY OF MARLIN.

D. The CITY OF MARLIN does not have adequate support staff, computer software/programming, or experience to internally conduct delinquent ad valorem tax collection services and acquiring these will result in substantial expense to the CITY OF MARLIN and the entities for which it collects. GOVT. CODE § 2254.1036(a)(1)(D).

E. Delinquent ad valorem tax collection services cannot be provided for an hourly fee. GOVT. CODE § 2254.1036(a)(1)(E). The Tax Code allows the assessment of a percentage-based fee to recover the costs of collecting delinquent ad valorem taxes. This percentage-based fee is assessed only against the delinquent taxpayer and not the CITY OF MARLIN or those taxpayers who pay

their taxes in timely fashion. The collection of delinquent ad valorem 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 the amount of delinquent ad valorem taxes due. Moreover, the CITY OF MARLIN and the taxing entities for which it collects would have to bear the cost of the hourly fees and not the delinquent taxpayer, because the Tax Code does not expressly authorize the CITY OF MARLIN to pay for collection services based on an hourly fee.

F. The CITY OF MARLIN believes this contingent fee contract is in the best interest of itself and the taxing entities for which it collects. GOVT. CODE § 2254.1036(a)(1)(F). Under the contingent fee contract, the Firm will be paid the amount of the percentage-based collection fee, regardless of 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 delinquent taxpayer and not an expense to the CITY OF MARLIN nor the taxing entities for which it collects.

Executed this the 7th day of June 2024

City of Marlin

By 

SUSAN R. BYRD, Mayor