

MEMORIAL VILLAGES WATER AUTHORITY
8955 GAYLORD
HOUSTON, TEXAS 77024

In accordance with Chapter 551, Texas Government Code, and Section 49.063, Texas Water Code, both as amended, take notice that the Board of Supervisors of Memorial Villages Water Authority will meet in regular session, open to the public, at the Water Authority's Building, 8955 Gaylord, Houston, Texas, 77024, a location within the Authority, at 7:00 p.m. on **Tuesday, June 1, 2021**. At such meeting, the Board will consider the following:

1. Public Comments;
2. Approve minutes of the May 4, 2021 regular meeting;
3. Status report on Gaylord Water Plant project and take any necessary action,
4. Status report on Wastewater Treatment Plant Grit Classifier project and take any necessary action;
5. Status report on Well No. 5 and take any necessary action;
6. Executive session pursuant to Section 551.076 of the Open Meetings Act to discuss security devices or security audits;
7. Return to open session;
8. Authorize certification to EPA of completion of Risk and Resiliency Report;
9. Temporary Access Easement and Construction and Indemnification Agreement for 10 Farnham Park Drive;
10. Take action to approve a contingent fee contract with Perdue Brandon Fielder Collins and Mott, LLP pursuant to Section 6.30 of the Tax Code, said contract being for the collection of delinquent government receivables owed to Memorial Villages Water Authority and notice of said contract is posted with the agenda in accordance with Section 2254 of the Government Code. In addition, possible action regarding the written findings pursuant to Section 2254.1036(b) regarding a contingent fee contract with Perdue Brandon Fielder Collins & Mott, LLP;
11. Approve Consumer Confidence Report;
12. Consider and take any necessary action in connection with Authority Water and Sewer Rates;
13. Manager's Report including; monthly water samples, Wastewater Treatment Facility's monthly discharge compliance, Tax Recap, Investment Report on the Authority's investments, monthly Identity Theft Compliance Report, and any other matters concerning business of the Authority;
14. Authorize payment of bills;

Norton Rose Fulbright US LLP, attorneys for Authority

Persons with disabilities who plan to attend this meeting and would like to request auxiliary aids or services are requested to contact the Authority's office at (713) 465-8318 at least three business days prior to the meeting so that appropriate arrangements can be made.

If, during the course of the meeting covered by this Notice, the Board should determine that a closed or executive session of the Board should be held or is required in relation to any agenda item included in this Notice, then such closed or executive meeting or session, as authorized by the Texas Open Meetings Act, will be held by the Board at the date, hour, and place given in this Notice concerning any and all subjects for any and all purposes permitted by Sections 551.071-551.084 of the Texas Government Code and the Texas Open Meetings Act, including, but not limited to, Section 551.071 - for the purpose of a private consultation with the Board's attorney on any or all subjects or matters authorized by law.

Public Notice to Accompany Memorial Villages Water Authority Agenda Notice for Meeting June 1, 2021:

NOTICE PURSUANT TO GOVERNMENT CODE SEC. 2254.1036

WHEREAS, the Memorial villages Water Authority ("Authority"), 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 Authority pursuing a contract with the Firm for the collection of delinquent ad valorem taxes owed to the Authority and through this contract the Authority seeks to increase recovery of its delinquent debts in as expeditious a manner as possible. GOVT. CODE § 2254.1036(a)(1)(A).

B. The Authority 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 50 years, including the collection of delinquent ad valorem taxes. The Firm currently has 12 primary offices and multiple satellite offices throughout Texas, Oklahoma and Florida. It employs more than 400 individuals, including over 52 attorneys. It uses a multi-office, fully integrated team approach allowing the Authority 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 Authority 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 Authority and the Firm is as follows. GOVT. CODE § 2254.1036(a)(1)(C). The Firm has represented the Authority since 1998 in the collection of delinquent ad valorem taxes.

D. The Authority is unable to collect its delinquent ad valorem taxes. GOVT. CODE § 2254.1036(a)(1)(D). The Authority currently does not have adequate support staff, computer software/programming, or experience to internally conduct these collection services and acquiring these will result in substantial expense to the Authority.

E. These 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 debtor and not the Authority or taxpayers of the Authority. 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 amount of delinquent ad valorem taxes due. Moreover, the Authority will bear the cost of these hourly fees

and not the debtor, because the Tax Code does not expressly authorize the Authority to pay for collection services based on an hourly fee.

F. The Authority believes this contingent fee contract is in its best interest. 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 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 debtor and not an expense to the Authority or taxpayers in the Authority.

Posted May 28, 2021 at 11:00 AM.

By: TREY CANTU, GENERAL MGR