

## COMMISSIONER'S COURT OF MILAM COUNTY, TEXAS

AGENDA FOR MONDAY, May 10, 2021

Notice is hereby given that the Milam County Commissioners Court will convene on Monday, May 10, 2021, beginning at 10:00 a.m. The Court will convene in person at the Milam County Courthouse in the Milam County Courtroom located at 102 S. Fannin Ave., Cameron, Texas. Due to the COVID-19 pandemic and concerns for public health and safety the meeting will also be broadcast by Facebook Live. Public attendance will be limited due to COVID-19 spacing requirements and admittance will be done on a first come, first serve basis.

If you would like to make a public comment on any of the agenda items and you are unable to attend in person, please call 254 697 7000 before 10:00 a.m. May 10, 2021 and we will make arrangements for you to participate by phone. If you would like to attend and speak in person, space providing, you may register with Ms. Denise Wallace at the County Judge's office before 10:00 a.m. Monday, May 10, 2021.

To join by Facebook Live navigate to the Moving Milam Forward Facebook Page which is located at <https://www.facebook.com/live/producer/934846117015797>

The following items will be addressed:

1. The Court will convene and a quorum will be established.
2. Prayer.
3. Pledge of Allegiance to the American Flag and to the Texas Flag.
4. Discuss the minutes of previous Commissioner's Court meetings and take any necessary action regarding approval, correction and/or changes of the minutes.
5. Discuss and take any necessary action regarding the COVID-19 pandemic in Milam County, including:
  - a. The status of the Milam County vaccination clinics;
  - b. The status of the Milam County COVID-19 testing; and
  - c. The prognosis for additional vaccinations and testing.
6. Discuss and take any necessary action regarding the presentation of the 2020 financial audit of the Adult Probation Office.
7. Discuss and take any necessary action regarding Milam County cleanup activities.
8. Discuss and take any necessary action regarding an update on the Milam County Annex renovation.
9. Discuss and take any necessary action regarding an update for the Milam County Medical Task Force.

10. Discuss and take any necessary action regarding a proposed interlocal agreement between Milam County precincts three and four and the City of Rockdale regarding road maintenance and repairs.
11. Discuss and take any necessary action regarding the approval of a Pitney Bows postage machine contract with the Milam County Clerk's office.
12. Discuss and take any necessary to approve a resolution authorizing the Milam County Sheriff's Office Criminal Interdiction Project be submitted and operated for 2022.
13. Discuss and take any necessary action regarding a proposed resolution to approve a new contract and consummate a new contract with McCreary, Veselka, Bragg & Allen (the Firm) increasing the contingent fee recovery from 15% to 20% for delinquent taxes, penalties and interest and requiring the firm to prosecute Health & Safety Code violators pursuant to Chapter 342 and 343 of the Texas Health and Safety Code.
14. Utility Installations/Easements:
  - a. Discuss and take necessary action regarding several requests from BEC Communications, (Division of Bartlett Electric) for permission to install fiber over and under numerous Milam County roads as follows:
    - i. County Road 301 – overhead, crossing located 0.4 miles northeast of FM 1712.
    - ii. County Road 303 – overhead, crossing located 0.3 miles northeast of FM 487.
    - iii. County Road 335 – overhead, crossing located .04 miles north of CR 333.
    - iv. County Road 407 – overhead, beginning approximately 0.5 miles north of FM 487 ending 139 feet south of FM 418.
    - v. County Road 412 – overhead, crossing located 56 feet east of CR 414.
    - vi. County Road 412 – underground, crossing CR 412 twenty-one feet south of FM 487.
    - vii. County Road 413 – overhead, crossing located 0.2 miles south of CR 412.
    - viii. County Road 414 – overhead, crossing located 215 feet south of CR 412.
    - ix. County Road 415 – overhead, crossing located 28 feet south of FM 487.
    - x. County Road 426 – overhead, crossing located 21 feet south of FM 487.
  - b. Discuss and take any necessary action regarding several requests from Southwest Milam Water Supply Corporation for permission to install underground water lines on County easements as follows:
    - i. County Road 412 W – at the intersection of CR 412 W and CR 413. Bore is for new water service. 4-inch PVC casing entire right of way, minimum 36 inches deep.
    - ii. County Road 323 – 0.1 mile south of the intersection of CR 323 and CR 325. Bore is for new water service. 4-inch PVC casing entire right of way, minimum 36 inches deep.
    - iii. County Road 313 – 0.4 miles west of the intersection of CR 313 and Hwy 77. Bore is for new water service. 4-inch PVC casing entire right of way, minimum 36 inches deep.
    - iv. County Road 313 – water line will be installed in the right of way alongside County Road 313 on the north side from the intersection of CR 313 and Hwy 77 for 0.4 miles for new water service.
15. Discuss and take any necessary action regarding a request for permission to enter and a waiver of all claims for Mr. Wesley Rasco on County Road 353 for the purpose of road repairs

and maintenance.

16. Commissioner Hubnik:

- a. Discuss and take any necessary action to purchase:
  - i. a used belly dump trailer(s) and tractor(s);
  - ii. Bob tail truck; and
  - iii. Hydraulic dump trailer.
- b. Discuss and take necessary action to install a no parking sign on County Road 402 on Lake and Davilla to prevent parking alongside the road while fishing.

17. Discuss and take any necessary action to pay the bills of Milam County, Texas.

18. Discuss and take any necessary action to adjourn the Milam County Commissioners Court.

Dated this the 7th day of May 2021:

Commissioner's Court of Milam County, Texas  
 Judge Steve Young Digitally signed by Judge Steve Young  
 Date: 2021.05.07 07:19:23 -05'00'

By: \_\_\_\_\_

Steve Young, Milam County Judge

I, the undersigned County Clerk, do hereby certify that the Notice of convening of the Milam County Commissioners Court is a true and correct copy of said Notice. Further, the Notice is published on the Courthouse door and the County Clerk's Office of Milam County, Texas and at other place(s) readily accessible to the general public at all times on the 7th day of May 2021. The notice remained posted continuously for at least 72 hours preceding the scheduled time of said Court.

Dated this 7th day of May 2021.

County Clerk of Milam County, Texas

By: Jodi Morgan  
 Jodi Morgan, Milam County Clerk

Filed 7 day of May  
 in 2021, At 8A M.  
 JODI MORGAN  
 County Clerk, Milam County, Texas  
 By: Jodi Morgan  
 Deputy



**JODI MORGAN**  
County Clerk

If during the course of the meeting, discussion of any item on the agenda should be held in a closed meeting the Commissioner's Court will conduct a closed meeting in accordance with the Texas Open Meetings Act, Government Code, Chapter 551, Subchapters D and E. Before any closed meeting is convened, the presiding officer will publicly identify the section or sections of the Act authorizing the closed meeting. All final votes or decisions will be taken in open meeting.

Agenda Item(s): Discuss and approve a contingent fee contract with the Law Firm of McCreary, Veselka, Bragg and Allen, P.C. for the collection of delinquent taxes pursuant to Tex. Tax Code, sections 6.24(d) and 6.30. Specifically, the Commissioners Court will discuss and consider whether McCreary, Veselka, Bragg and Allen, P.C. is a well-qualified law firm based on demonstrated competence, qualifications and experience in collecting delinquent taxes, and whether the contract negotiated between Milam County and McCreary, Veselka, Bragg and Allen, P.C. is for a fair and reasonable price as provided for in Texas Tax Code, section 6.30(c).

**In Accordance with Texas Government Code, section 2254.1036(a)(1), the Milam County Commissioners Court provides the following written notice to the public in connection with the above agenda item:**

1. Milam County is pursuing the legal services of McCreary, Veselka, Bragg and Allen, P.C., a delinquent tax collection law firm, to collect delinquent taxes owed to the taxing units for whom Milam County collects. The desired outcome of the legal services would be for Milam County to collect the delinquent taxes that its taxing units are owed in as short a time period as is possible.
2. McCreary, Veselka, Bragg and Allen, P.C. have been competently collecting delinquent taxes for over fifty-years, and currently represents hundreds of Texas taxing units in the collection of delinquent taxes, including Milam County. McCreary, Veselka, Bragg and Allen, P.C. is a competent, qualified, and experienced delinquent tax collection law firm.
3. The relationship between McCreary, Veselka, Bragg and Allen, P.C. and Milam County began in or prior to 1997 when Milam County entered into a contract with McCreary, Veselka, Bragg and Allen, P.C. to provide delinquent tax collection services pursuant to Section 6.30 of the Texas Tax Code. That attorney-client relationship has continued through the present.
4. The legal services desired by Milam County that are the subject of the contract cannot be adequately performed by the attorneys and supporting personnel of Milam County due to the high cost of implementing the appropriate infrastructure and technology and employing sufficient attorneys and staff to perform these activities.
5. The legal services desired by Milam County that are the subject of the contract cannot be reasonably obtained from attorneys in private practice under a contract providing for the payment of hourly fees without contingency because Milam County does not have funds in its budget to pay the estimated hourly fees and other costs incurred to implement an effective delinquent tax collection program under a contract providing only for the payment of hourly fees and costs. Texas Tax Code, sections 6.30; 33.07; 33.08 ; and 33.11 allow a taxing unit to recover a penalty to defray the costs of collecting delinquent taxes, only if the taxing unit has entered into a contract with a private attorney pursuant to Tax Code, section 6.30.
6. To defray the cost of collecting delinquent taxes as provided by Texas Tax Code, sections 6.30; 33.07; 33.08; and 33.11, to save money and insure that the collection of delinquent taxes is diligently prosecuted throughout Milam County, a contingent fee contract with McCreary, Veselka, Bragg and Allen, P.C. is in the best interests of the residents of Milam County.

**STATE OF TEXAS:**

**COUNTY OF MILAM:**

**BE IT REMEMBERED**, that on Monday, the 10<sup>th</sup> day of May A.D. 2021, the Commissioners' Court of Milam County, Texas, convened in Regular Session in the Commissioners' Courtroom, Milam County Courthouse, 102 S. Fannin, Cameron Texas, with the following members of the Court present, to-wit:

Commissioners Court is now live stream through Facebook at <https://www.facebook.com/live/producer/934846117015797>

**STEVE YOUNG, MILAM COUNTY JUDGE  
HENRY HUBNIK, COMMISSIONER PRECINCT NO.1  
DONALD SHUFFIELD, COMMISSIONER PRECINCT NO. 2  
ART NEAL, COMMISSIONER PRECINCT NO. 3  
JEFF MUEGGE, COMMISSIONER PRECINCT NO. 4  
JODI MORGAN, COUNTY CLERK**

**SUPPORTING DOCUMENTS MAY BE VIEWED ON THE WEBSITE**  
[WWW.MILAMCOUNTY.NET](http://WWW.MILAMCOUNTY.NET) , in the minutes in the Commissioners Court book located in the County Clerk's office, or online at <https://milam.tx.publicsearch.us/>

**And the proclamation having been made the Court was in session, the following business came on to be considered:**

- 1. CALL MEETING TO ORDER AND ESTABLISH QUORUM – 10:00 A.M.**
- 2. PRAYER**
- 3. PLEDGE OF ALLEGIANCE TO THE AMERICAN FLAG AND THE TEXAS FLAG**

**4. DISCUSS THE MINUTES OF PREVIOUS COMMISSIONER COURT MEETINGS AND TAKE ANY NECESSARY ACTION REGARDING APPROVAL, CORRECTION AND/OR CHANGES OF THE MINUTES**

**Motion by Commissioner Muegge to approve the minutes from the previous Commissioner's Court, Seconded by Commissioner Neal and approved unanimously.**

***April 26, 2021 Regular Minutes***

**5. Discuss and take any necessary action regarding the COVID-19 pandemic in Milam County, including:**

- a) The status of the Milam County vaccination clinics;**
- b) The status of the Milam County COVID-19 testing; and**
- c) The prognosis for additional vaccinations and testing.**

**6. Discuss and take any necessary action regarding the presentation of the 2020 financial audit of the Adult Probation Office.**

***See attached documentation, also filed in County Clerk's Office***

**7. Discuss and take any necessary action regarding Milam County cleanup activities.**

***8 clean up projects right now***

**8. Discuss and take any necessary action regarding the update on the Milam County Annex renovation.**

***EBCO selected as general contractor***

***Drafted a contract and sent to EDA on May 3, 2021 for approval***

***Commissioner Shuffield- Was Asbestos Abatement Included?***

***Judge Young- Not sure that it was***

9. Discuss and take any necessary action regarding an update for the Milam County Medical Task Force.

***Met May 5, 2021***

***Collier Perry appointed Chairman***

***Michelle Morgan to assist with paperwork***

***Next Meeting May 11,2021***

***Will Interview AMR & PHI***

10. Discuss and take any necessary action regarding a proposed interlocal agreement between Milam County precincts three and four and the City of Rockdale regarding road maintenance and repairs.

***Motion by Commissioner Muegge to approve the Interlocal Agreement between Milam County Precinct 3 & 4 and the City of Rockdale regarding road maintenance and repairs, Seconded by Commissioner Neal and approved unanimously.***

11. Discuss and take any necessary action regarding the approval of a Pitney Bows postage machine contract with the Milam County Clerk's office.

***Motion by Commissioner Muegge to approve the contract with Pitney Bowes and Milam County Clerk's Office regarding a postage machine, Seconded by Commissioner Shuffield and approved unanimously***

12. Discuss and take any necessary to approve a resolution authorizing the Milam County Sheriff's Office Criminal Interdiction Project be submitted and operated for 2022.

***Motion by Commissioner Shuffield to approve the resolution authorizing Milam County Sheriff's Office a Criminal Interdiction Project, Seconded by Commissioner Neal and approved unanimously.***

- 13. Discuss and take any necessary action regarding a proposed resolution to approve a new contract and consummate a new contract with McCreary, Veselka, Bragg & Allen (the Firm) increasing the contingent fee recovery from 15% to 20% for delinquent taxes, penalties and interest and requiring the firm to prosecute Health & Safety Code violators pursuant to Chapter 342 and 343 of the Texas Health and Safety Code.**

**Motion by Commissioner Neal to approve the resolution of a new contract and to contract with McCreary, Veselka, Bragg & Allen to increase the contingent fee recovery from 15% to 20% for delinquent taxes, penalties and interest and requiring the firm to prosecute Health & Safety Code violators pursuant to Chapter 342 and 343 of the Texas Health and Safety Code, Seconded by Commissioner Muegge and approved unanimously**

**14. Utility Installations/Easements:**

- a) Discuss and take necessary action regarding several requests from BEC Communications, (Division of Bartlett Electric) for permission to install fiber over and under numerous Milam County roads as follows:**

- 1. County Road 301 – overhead, crossing located 0.4 miles northeast of FM 1712.**
- 2. County Road 303 – overhead, crossing located 0.3 miles northeast of FM 487.**
- 3. County Road 335 – overhead, crossing located .04 miles north of CR 333.**
- 4. County Road 407 – overhead, beginning approximately 0.5 miles north of FM 487 ending 139 feet south of FM 418.**
- 5. County Road 412 – overhead, crossing located 56 feet east of CR 414.**
- 6. County Road 412 – underground, crossing CR 412 twenty-one feet south of FM 487.**
- 7. County Road 413 – overhead, crossing located 0.2 miles south of CR 412.**
- 8. County Road 414 – overhead, crossing located 215 feet south of CR 412.**



9. County Road 415 – overhead, crossing located 28 feet south of FM 487.
10. County Road 426 – overhead, crossing located 21 feet south of FM 487.

**Motion by Commissioner Muegge to approve the request from Bartlett Electric Communications to install fiber over and under the roads listed above in item 14A, Seconded by Commissioner Neal and approved unanimously**

**b) Discuss and take any necessary action regarding several requests from Southwest Milam Water Supply Corporation for permission to install underground water lines on County easements as follows:**

1. County Road 412 W – at the intersection of CR 412 W and CR 413. Bore is for new water service. 4-inch PVC casing entire right of way, minimum 36 inches deep.
2. County Road 323 – 0.1 mile south of the intersection of CR 323 and CR 325. Bore is for new water service. 4-inch PVC casing entire right of way, minimum 36 inches deep.
3. County Road 313 – 0.4 miles west of the intersection of CR 313 and Hwy 77. Bore is for new water service. 4-inch PVC casing entire right of way, minimum 36 inches deep.
4. County Road 313 – water line will be installed in the right of way alongside County Road 313 on the north side from the intersection of CR 313 and Hwy 77 for 0.4 miles for new water service.

**Motion by Commissioner Muegge to approve the request from Southwest Milam Water Supply Corporation to install underground water lines on County Easements as listed in item #14b, Seconded by Commissioner Hubnik and approved unanimously**

15. Discuss and take any necessary action regarding a request for permission to enter and a waiver of all claims for Mr. Wesley Rasco on County Road 353 for the purpose of road repairs and maintenance.

**Motion by Commissioner Neal to approve the request for permission to enter and a waiver of claims for Wesley Rasco on County Road 353 for road repairs and maintenance, Seconded by Commissioner Hubnik and approved unanimously**

16. Commissioner Hubnik:

- a) Discuss and take any necessary action to purchase:
1. a belly dump trailer(s) and tractor;
  2. Bob tail truck; and
  3. Hydraulic dump trailer.

**Motion by Commissioner Hubnik to purchase the following items listed in item #16A, Seconded by Commissioner Muegge and approved unanimously**

- b) Discuss and take necessary action to install a no parking sign on County Road 402 on Lake and Davilla to prevent parking alongside the road while fishing.

**Motion by Commissioner Hubnik to install a no parking sign on County Road 402 on Lake and Davilla to prevent parking alongside the road while fishing, Seconded by Commissioner Muegge and approved unanimously**

17. DISCUSS AND TAKE ANY NECESSARY ACTION TO PAY THE BILLS OF MILAM COUNTY

**Motion by Commissioner Muegge to pay the bills in the amount of \$268,058.01, Seconded by Commissioner Hubnik and approved unanimously.**

18. ADJOURN- **Motion by Commissioner Neal to adjourn at 10:56a.m., Seconded by Commissioner Muegge and carried unanimously.**

**The above and foregoing Minutes for Monday, May 10, 2021 having been examined and approved in Open Court this \_\_\_\_\_ day of \_\_\_\_\_ 2021.**

\_\_\_\_\_  
**County Judge**

**State of  
Texas:  
County of Milam:**

**I, Jodi Morgan, County Clerk, Milam County, Texas, attest that the foregoing is a true and correct accounting of the Commissioners' Court authorized proceedings for May 10, 2021.**

\_\_\_\_\_  
**County Clerk and Ex-Officio Member of  
Commissioners' Court, Milam County, Texas**

**STATEMENT OF APPROVAL**

\_\_\_\_\_  
**Commissioner PCT #1**

\_\_\_\_\_  
**Commissioner PCT #2**

\_\_\_\_\_  
**Commissioner PCT #3**

\_\_\_\_\_  
**Commissioner PCT #4**