

# Milam County Commissioner's Court

January 28, 2013

**AMENDED  
NOTICE OF MEETING OF THE  
COMMISSIONERS' COURT OF MILAM COUNTY, TEXAS**

Notice is hereby given that a meeting of the above named Commissioner's Court will be held on Monday, the 28<sup>th</sup> of January, 2013, at 10:00 a.m., in the Commissioner's Courtroom, Milam County Courthouse, 102 S. Fannin, Cameron, Texas, at which time the following agenda items will be covered:

Prayer –

Period of silence followed by presentation of any additional prayers and words of encouragement

(Please complete public participation form prior to meeting)

1. Call Meeting to Order and establish quorum
2. Pledge of Allegiance - U.S. Flag, Texas Flag, "Honor the Texas Flag, I pledge allegiance to thee, Texas, one State, Under God, one and indivisible"
3. Approve minutes of previous meetings
4. Public Participation (Please complete public participation form prior to meeting)
5. Approve Resale Resolution – Craig Morgan
6. Presentation of Tax Report – Craig Morgan
7. Take action on Coast to Coast RX Agreement – Christine Box
8. Discuss and Approve Amended Records Management Plan – Barbara Vansa
9. Approve nominations for the Milam County Historical Commission CLG Committee – Joy Graham
10. Approve Utility Installation on CR 133 – North Milam WSC
11. Consider/Adopt Fair Housing Resolution for 2013 TxCDBG-DR– Miranda Harris, Kerbow & Assoc
12. Consider/Adopt Authorized Signatories Resolution for 2013 TxCDBG-DR – Miranda Harris, Kerbow & Assoc
13. Consider/Adopt Section 504 Grievance Procedure for 2013 TxCDBG-DR – Miranda Harris, Kerbow & Assoc
14. Consider/Adopt Excessive Force Resolution for 2013 TxCDBG-DR – Miranda Harris, Kerbow & Assoc
15. Approve payment of bills
16. Adjourn to Executive Session to discuss Personnel matters
17. Reconvene following Executive Session; take appropriate action on Personnel matters.
18. Adjourn

Dated this the 24th day of January, 2013

Commissioners' Court of Milam County, Texas

By \_\_\_\_\_

David L. Barkemeyer, County Judge

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, and that I posted a true and correct copy of said Notice on the bulletin board at the Courthouse door of Milam County, Texas, at a place readily accessible to the general public at all times on the 24th day of January, 2013, and said Notice remained so posted continuously for at least 72 hours preceding the scheduled time of said Meeting.

Dated this the 24th day of January, 2013

County Clerk of Milam County, Texas

Barbara Vansa

By \_\_\_\_\_

Susanne Belner

Filed 24 day of Jan  
in 2013 At 10:53A M.  
BARBARA VANSA  
County Clerk, Milam County, Texas  
By \_\_\_\_\_  
Deputy

If, during the course of the meeting, discussion of any item on the agenda should be held in a closed meeting the Commissioners 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.

- Prayer
- Period of silence followed by any additional prayers and words of encouragement (Please complete public participation form prior to meeting)

# Item 1

- Call meeting to Order and establish quorum

## Item 2

- Pledge of Allegiance
- Texas Flag
  - “Honor the Texas Flag, I pledge allegiance to thee, Texas, one State, Under God, one and indivisible”

## Item 3

- Approve minutes of previous meetings

# Item 4

- Public Participation
  - Please complete public participation form prior to meeting

## RULES OF PROCEDURE, CONDUCT, AND DECORUM AT MEETINGS OF THE MILAM COUNTY COMMISSIONERS' COURT

- IV. The business of Milam County is conducted by and between the members of the Milam County Commissioners Court and by those members of the county staff, elected officials, department heads, consultants, experts and/or members of the public requested to be present and participate. While the public is invited to attend all meetings of the Commissioners Court (except Executive Sessions) the public's participation therein is limited to that of observers unless a member (or members) of the public is requested to address the Commissioners Court on a particular issue or (issues) or unless the member (or members) of the public completes a Public Participation Form and submits same to the County Judge's Secretary or county clerk prior to the time the Court Session is called to order. A sample of the Milam County Commissioners Court Public Participation Form is attached hereto as Exhibit "A".
- Each member of the public who appears before the Commissioners Court shall be limited to a maximum of five (5) minutes to make his/her remarks. Time for each speaker shall be maintained by the County Clerk or such other designated representative of the Commissioners Court.
  - Maximum discussion on any agenda item, regardless of the number of members of the public wishing to address the Commissioners Court on such agenda item (or items) shall be limited to thirty (30) minutes. In the event that more than six (6) members of the public wish to address a particular agenda item (or items), then only the first six (6) members of the public recognized to speak shall be divided equally between those members of the public wishing to speak for the agenda item (or items) and those members of the public wishing to speak against the agenda item (or items).
  - In matters of exceptional interest, the Court may, by the majority vote of the members of the Court in attendance at the meeting, either shorten or lengthen the time allocated for a particular member of the public, all members of the public and/or the amount of time allocated for all agenda items and/or a specific agenda item.
  - It is the intention of the Court to provide an open access to the citizens of Milam County to address the Commissioners Court and to express themselves on issues of county government. Members of the public are reminded that the Milam County Commissioners Court is a Constitutional Court, the Milam County Commissioners Court also possesses the power to issue a Contempt of Court Citation under Section 81.024 of the Texas Local Government Code. Accordingly, all members of the public in attendance at any Regular, Special and/or Emergency meeting of the Court shall conduct themselves with proper respect and decorum in speaking to, and/or addressing the Court; in participating in public discussions before the Court; and in all actions in the presence of the Court. Proper attire for men, women and children is mandatory. Those members of the public who are inappropriately attired and/or who do not conduct themselves in an orderly and appropriate manner will be ordered to leave the meeting. Refusal to abide by the Court's order and/or continued disruption of the meeting may result in a Contempt of Court Citation.
  - It is not the intention of the Milam County Commissioners Court to provide a public forum for the demeaning of any individual or group. Neither is it the intention of the Court to allow a member (or members) of the public to insult the honesty and/or integrity of the Court, as a body, or any member (or members) of the Court, individually or collectively. Accordingly, profane, insulting or threatening language directed toward the Court and/or any person in the Court's presence and/or racial, ethnic, or gender slurs or epithets will not be tolerated. Violation of these rules may result in the following sanctions:
    - Cancellation of a speaker's remaining time;
    - Removal from the Commissioners Courtroom;
    - A Contempt Citation; and/or
    - Such other civil and/or criminal sanctions as may be authorized under the Constitution, Statutes and Codes of the State of Texas.

# Item 5

- Approve Resale Resolution
  - Speaker
    - Craig Morgan

**STATE OF TEXAS**

**COUNTY OF MILAM**

**RESOLUTION REQUESTING A PUBLIC SALE  
OF PROPERTY ACQUIRED BY THE COUNTY OF MILAM, TEXAS  
AT A DELINQUENT TAX SALE**

**WHEREAS**, the following described properties were offered for sale by the Sheriff of Milam County, Texas at public auctions pursuant to judgments of foreclosure for delinquent taxes by the District Courts of Milam County; and

**WHEREAS**, the following described properties did not receive sufficient bids as set by law and were struck off to The County of Milam, Texas, Trustee, for the use and benefit of itself and the other taxing units which levied taxes on the properties, pursuant to Section 34.01 (j) Texas Tax Code; and

**WHEREAS**, TEX. TAX CODE § 34.05 (c) and (d) provides that a taxing unit may request that the Sheriff sell properties at a public sale to the highest bidder with no minimum bid required,

**THEREFORE, BE IT HEREBY RESOLVED** that The County of Milam, Texas, does hereby request the Sheriff of Milam County, Texas to conduct a public sale in the manner prescribed by the Texas Rules of Civil Procedure and § 34.05 (c) and (d) of the Texas Tax Code and sell the following described properties to the highest bidder for cash with a minimum bid of \$250.00 for each property.

**Properties to be sold:**

Tax Account No. 000000018046, .175 Acres, more or less, being tracts number 12 and 13 of a division of Lot number 35, out of the W. W. Lewis (Scott) League, City of Cameron, Milam County, Texas being that property more particularly described in Volume 1183, Page 201 of the Deed Records, Milam County, Texas (approximate situs address: 304 N. Vine)

Tax Account No. 000000022208, The Southwest part of Lot 5, Block 2, Section C, W.W. Lewis (Henderson-Arnold), City of Cameron, Milam County, Texas being that property more particularly described in Volume 1183, Page 199 of the Deed Records, Milam County, Texas (approximate situs address: 1302 West 7th Street)

Tax Account No. 000000023545, Land Only, being the East part of Blocks 116 and 117 (Part of streets), Davilla Subdivision, Milam County, Texas being that property more particularly described in Volume 1183, Page 102 of the Deed Records, Milam County, Texas (approximate situs address: FM 487)

Tax Account No. 000000011975, Lots 19 and 20, Block 42, West Cameron Addition, City of Cameron, Milam County, Texas being that property more particularly described in Volume 1186, Page 685 of the Deed Records, Milam County, Texas (approximate situs address: S. Jefferson)

**BE IT FURTHER RESOLVED** that the County Judge of Milam County, Texas, is authorized to execute any deed necessary to convey the property sold pursuant to this Resolution

**THIS RESOLUTION WAS ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2013,  
by the Commissioners Court of Milam County, Texas.

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County Judge

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Attested: County Clerk

# Item 6

- Presentation of Tax Report
  - Speaker
    - Craig Morgan

**MCCREARY, VESELKA, BRAGG & ALLEN, P.C.**  
**ATTORNEYS AT LAW**

**REPORT ON  
DELINQUENT PROPERTY  
TAX COLLECTIONS  
*for*  
**THE COUNTY OF MILAM****



**January 28, 2013**

**Harvey M. Allen  
Craig Morgan**  
Attorneys at Law

**Jane Moore  
Virginia Shuffield**  
Legal Assistants

● [www.mvbalaw.com](http://www.mvbalaw.com) ●

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**ATTORNEYS AT LAW**  
**904 S. Main, Suite 100**  
**Georgetown, Texas 78626**

CRAIG MORGAN  
ATTORNEY AT LAW

512-943-1678  
Fax: 512-943-3853  
cmorgn@mvalaw.com

January 28, 2013

Hon. Dave Barkemeyer  
County Judge, County of Milam  
102 S Fannin  
Cameron, Texas 76520

Re: Report on Delinquent Property Tax Collection Activity

Dear Judge Barkemeyer:

I am enclosing for you and the Commissioners a *Report on Delinquent Property Tax Collection Activity*. Our report details our activities undertaken to collect the delinquent taxes owed to The County of Milam. The report also explains the procedures we follow to insure that each property owner is notified of their tax delinquency, and the legal steps that will be taken when prompt payment of the taxes is not made.

We believe that our collection procedures provide The County of Milam and all taxing units for which the County Tax Office collects property taxes with maximum recovery of delinquent taxes in the shortest period of time possible. In addition to our collection activities, we will advise The County of Milam on any ad valorem tax matters.

We appreciate the opportunity to work for The County of Milam in the collection of its delinquent taxes, and invite your questions and comments in order that we may better serve your needs.

Sincerely,

Craig Morgan  
Attorney At Law  
512-943-1678  
cmorgan@mvalaw.com

**MCCREARY, VESELKA, BRAGG & ALLEN, P.C.**  
**REPORT ON DELINQUENT PROPERTY TAX**  
**COLLECTIONS**  
*for the*  
**COUNTY OF MILAM**

**EXECUTIVE SUMMARY**

McCreary, Veselka, Bragg & Allen (MVBA) collects the delinquent property taxes due to the County of Milam.

The MVBA delinquent tax collection program produces significant revenue which is vital to the financial health of the County of Milam. The revenue realized as a result of the efficient and effective collection of delinquent taxes by MVBA contributes to the financial stability of the County of Milam and is an important factor in allowing the County to meet its budgetary requirements.

Total revenue from property tax collections are comprised of three components. *Current tax collections*, the collection of the taxes assessed during the current fiscal year, *delinquent tax collections*, taxes collected from taxes assessed in prior fiscal years, and *penalties and interest* that are collected on delinquent taxes. MVBA's delinquent tax collection program not only results in the rapid recovery of delinquent taxes, but also enhances current tax collections. When property owners are aware that delinquent taxes are aggressively pursued, there is more incentive for property owners to pay their current taxes timely.

The following are some of the significant points contained in this report:

**TOTAL REVENUE FROM TAX COLLECTIONS EXCEED ANNUAL TAX LEVY**

- In the last three tax years, the County's total revenue from tax collections actually exceeded the amount of current taxes that were assessed in each tax year. The County has collected **101.88%** for the 2011 tax year (October 1, 2011 through September 30, 2012), **101.24%** for the 2010 tax year (October 1, 2010 through September 30, 2011), and **100.82%** for the 2009 tax year (October 1, 2009 through September 30, 2010). (*Chart 1*)
- Total Revenue is composed of current taxes and delinquent taxes, for all tax years, plus penalties and interest collected on the delinquent taxes.

**COLLECTION OF CURRENT TAX LEVIES TO DATE**

- As of December 31, 2012, the County has collected on cumulative basis from **98.89%** to **99.83%** of the taxes that were levied for the tax years 2011, 2010, 2009, and 2008. (*Chart 2*)



#### DELINQUENT TAX COLLECTIONS

- MVBA has collected **90.05%** of the 2010 taxes referred to MVBA in July 2011, **93.72%** of the 2009 taxes referred to MVBA in July 2010, **94.90%** of the 2008 taxes referred to MVBA in July 2009 and **95.12%** of the 2007 taxes referred to MVBA in July 2008. (Chart 3)

#### DELINQUENT TAX COLLECTION ACTIVITY

- MVBA has initiated extensive collection procedures to collect the County's delinquent taxes. During the period from July 1, 2011 through December 31, 2012, MVBA has:
  - Sent over **12,500** Delinquent Tax Notices,
  - Conducted thorough title examinations and address research,
  - Filed **350** Delinquent Tax Suits,
  - Recovered **177** Judgments, and
  - Posted for sale **99** properties

#### MVBA STAFF WORKING FOR MILAM COUNTY

Harvey Allen supervises collection efforts and confers with the County staff. Lee Gordon represents the County in Bankruptcy matters and on selected collection cases. Craig Morgan represents the County in the District Court of Milam County in collection cases and conducts tax sales on real property, and provides support and assistance to the MVBA legal assistants.

MVBA has two legal assistants, Jane Moore and Virginia Shuffield, who prepare delinquent tax accounts for research, initiate and monitor payout agreements, coordinate the MVBA's activities with the District Clerk and District Court, and respond to inquiries from property owners. MVBA's Round Rock office is available to the County by a toll-free phone number.

#### COLLECTION SERVICES PROVIDED AT NO COST

MVBA provides all aspects of the delinquent tax collection program for a contingent fee of the delinquent taxes, and penalties and interest collected. Our attorney fees are paid entirely by the delinquent property owners upon payment of the delinquent taxes pursuant to the provisions of the Texas Tax Code. **Therefore, all collection services are provided by MVBA at no cost.**



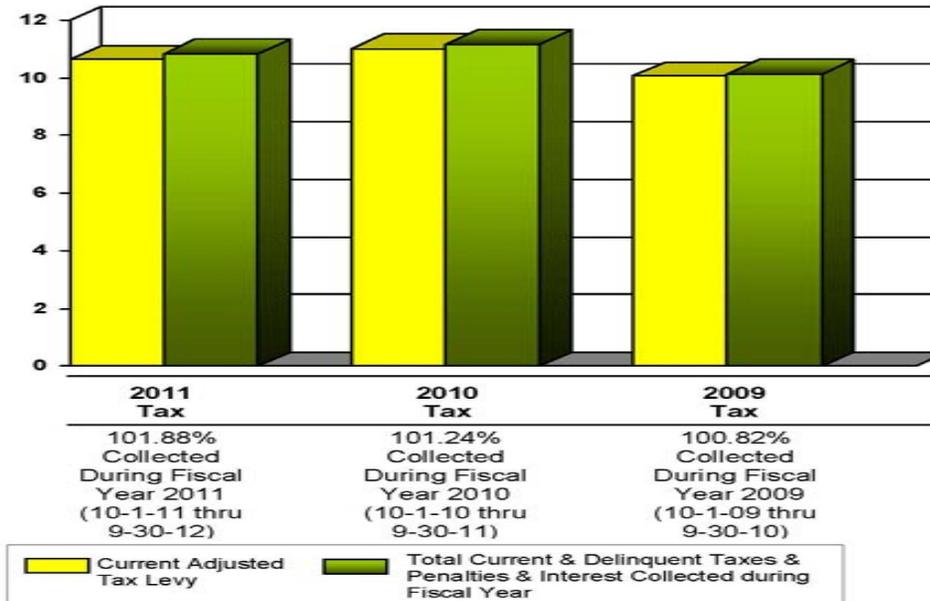
**TOTAL REVENUE FROM TAX COLLECTIONS**

**Chart 1** and Table below show the amount of adjusted current tax levies for the tax years 2011, 2010, and 2009, and the amount of tax collections, both current and delinquent, plus penalty & interest on delinquent taxes, that was collected in the respective fiscal years. The amounts shown are taken from the records of the Milam County Tax Office.

*The County historically collects over 100% of its tax levy each year.*

*In the fiscal year ending September 30, 2012, the County received \$172,878 in penalties and interest on delinquent taxes that were collected.*

**Chart 1**



TOTAL REVENUE DURING TAX YEARS FOR THE COUNTY OF MILAM						
Tax Year	Tax Year Ending	Adjusted Tax Levy	Total Current & Delinquent Tax Collections	Penalty & Interest Collected on Delinquent Taxes	Total Revenue From Tax Collections	Percent Collected (Total Revenue divided by Adjusted Tax Levy)
2011	9-30-2012	\$10,642,351	\$10,669,809	\$172,878	\$10,842,687	101.88%
2010	9-30-2011	\$11,033,275	\$11,048,067	\$122,413	\$11,170,480	101.24%
2009	9-30-2010	\$10,059,753	\$10,029,201	\$113,242	\$10,142,443	100.82%



**CURRENT TAX COLLECTIONS**

**Chart 2**  
**Original Tax Levy vs. Collection of Levy to Date**  
 Date of Analysis: December 31, 2012

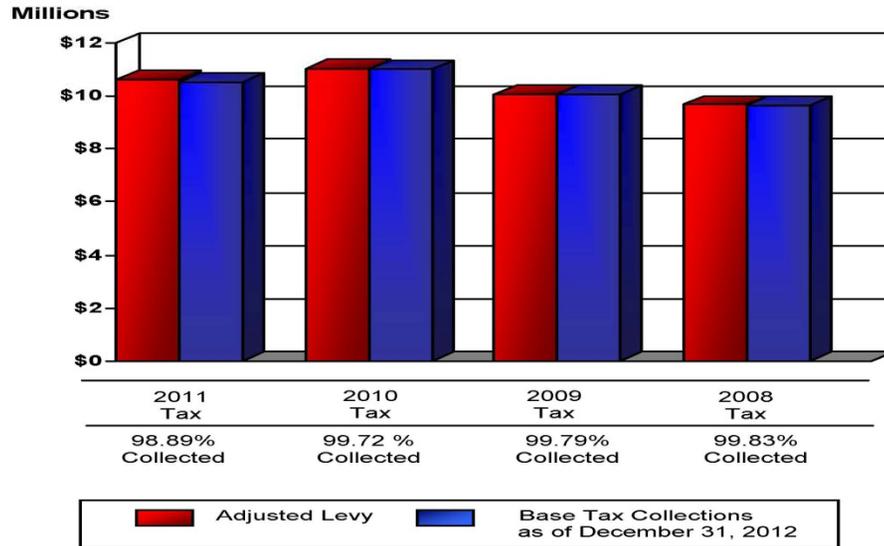


Chart 2 and the Table below show the amount of the adjusted tax levy for the past four years and the amount and percentage of each year's tax levy that has been collected on a cumulative basis through December 31, 2012. Amounts shown are *exclusive of penalties and interest*.

It is a historical reality that a small percentage of each year's tax levy will be uncollectible due to a number of reasons such as insolvent business personal property accounts, bankruptcies, and the fact that some property owners are judgment proof. Therefore, the cumulative percent collected, while extremely high, will never be one-hundred percent.

THE COUNTY OF MILAM COLLECTION OF TAX LEVY THROUGH 12-31-12 (CHART 2)				
Tax Year	Adjusted Tax Levy	Tax Remaining Due December 31, 2012	Cumulative Collection of Tax Levy December 31, 2012	Cumulative Percent Collected
2011*	\$10,642,351	\$118,487	\$10,523,864	98.89%
2010	\$11,033,275	\$31,124	\$11,002,151	99.72%
2009	\$10,059,753	\$21,595	\$10,038,158	99.79%
2008	\$9,676,860	\$16,071	\$9,660,789	99.83%

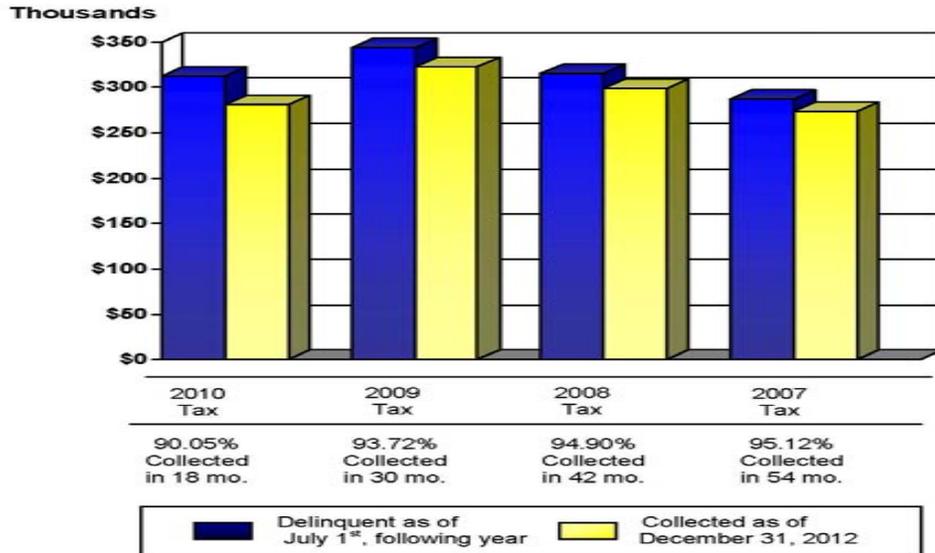
\* 2011 Delinquent Taxes were only referred to MVBA for collection on July 1, 2012.



**COLLECTION OF DELINQUENT TAXES**

**Chart 3**

**Original Delinquency vs. Delinquent Tax Collections**  
 Date of Analysis: December 31, 2012



**Chart 3** and the Table below show the amount of each year's tax levy which was still due on July 1<sup>st</sup> of the first year of delinquency and the cumulative amount which has been collected as of December 31, 2012. The percentages shown reflect the amount of the tax collected by MVBA for that particular tax year. Each year's delinquent taxes were referred to MVBA for collection on July 1<sup>st</sup> of the year in which they became delinquent. Amounts shown are *exclusive of penalties and interest.*

Chart 1 on the previous page reflects that for the tax year's 2010, 2009 and 2008 **less than one-half of one percent** of the adjusted tax levy remains outstanding for each of these tax years as of December 31, 2012.

THE COUNTY OF MILAM COLLECTION OF TAXES DELINQUENT THROUGH 12-31-12 (CHART 3)					
Tax Year	July 1 <sup>st</sup> Original Delinquency	Tax Remaining Due December 31, 2012	Cumulative Delinquent Tax Collections December 31, 2012	Cumulative Percent Collected	Months of Collection Activity
2010	\$312,890	\$31,124	\$281,766	90.05%	18
2009	\$343,777	\$21,595	\$322,182	93.72%	30
2008	\$315,352	\$16,071	\$299,281	94.90%	42
2007	\$287,629	\$14,035	\$273,594	95.12%	54



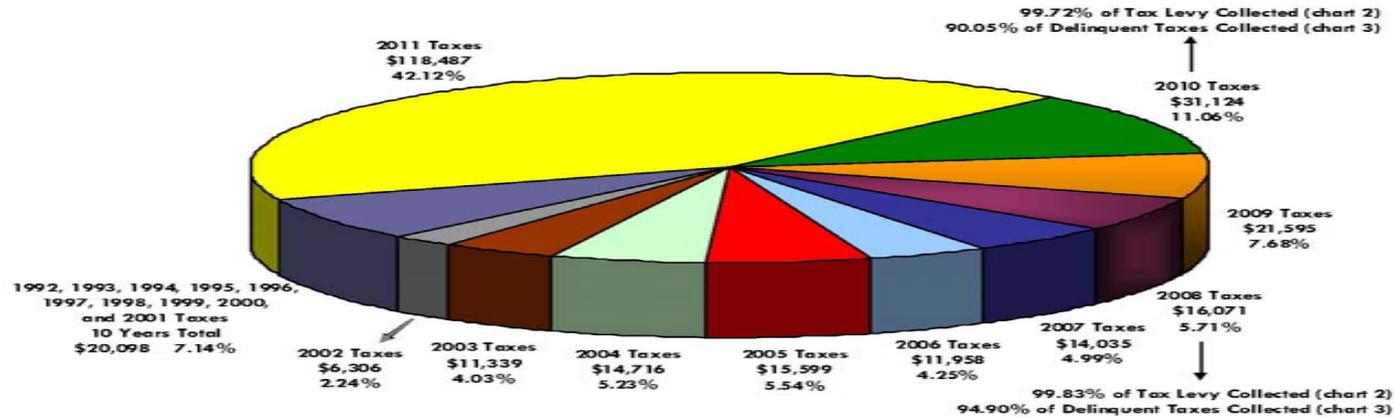
### ANALYSIS OF TOTAL BALANCE OF DELINQUENT TAXES

The total balance of delinquent taxes due for the tax years 2011 and prior was \$281,327 as of December 31, 2012, which is the **residual balance** of all property taxes assessed by the County over the past **twenty (20) years**. The County has collected from 98.89% to 99.83% of the tax levy for the tax years 2011, 2010, 2009, and 2008 (see Chart 2, pg. 4). For each of the last four years, MVBA has collected from 90.05% to 96.24% of the delinquent taxes referred to us (see Chart 3, pg. 5). It is these small percentage amounts that remain outstanding for each tax year which, in the aggregate, constitute the total delinquent tax balance.

**CHART 4** entitled Delinquent Taxes Due by Tax Year, reflects the amount of the tax levy for each tax year remaining outstanding, as of December 31, 2012, in comparison to the total delinquent taxes for all years. Over fifty-three percent (53.18%) of the delinquent taxes outstanding are for the tax years 2011 and 2010 of which most will be collected over the next two years.

The 2011 delinquent taxes were only referred to MVBA for collection on July 1, 2012.

**Chart 4**  
**Delinquent Taxes Due by Tax Year**  
**as of December 31, 2012**



**Total Delinquent Taxes for 2011 & Prior Tax Years: \$281,327**  
**as of December 31, 2012**



## DELINQUENT PROPERTY TAX COLLECTION ACTIVITY

July 1, 2011 through December 31, 2012

### TAXPAYER NOTIFICATION

Our experience has proven that the right notice to the right person at the right time results in the successful collection of delinquent taxes for our clients. It is for this reason that *McCreary, Veselka, Bragg & Allen, P.C.* has made written communication an integral part of our successful tax collection program. Before filing suit, we send a series of notices to inform property owners of their tax delinquency and to alert them of the action we will take to collect those taxes. Listed below are various types of notices that *MVBA* sends.

We collect a significant portion of delinquent taxes simply by giving the proper attention to address research. *MVBA* meticulously researches accounts with unclear or incorrect addresses using motor vehicle records, internet databases, telephone directories, city directories, utility records, voter registration records, assumed name files and the records of the Secretary of State. When *MVBA* acquires a new address, we immediately contact the property owner to document the tax delinquency. Additionally, we inform the Tax Office of the newly acquired address so that it may update the tax records.

July 1, 2011 through December 31, 2012	
Type of Notices	Number of Notices
<i>33.07 Notices</i> are sent by <i>MVBA</i> in May of each year informing property owners of the penalty to be added on current year taxes if not paid prior to July 1st.	2,709
<i>Initial Notices</i> are polite, but pointed, notices designed to remind the delinquent property owner of their tax liability and urging voluntary payment of the taxes due.	4,806
<i>Delinquent Notices</i> are more insistent notices requiring payment of the delinquent taxes and inform the property owner that a tax lien has attached to their property and they are personally liable for the tax.	3,198
<i>Demand Notices</i> are sent on selected accounts giving notice that if the taxes are not paid, a delinquent tax suit will be filed against the property owner and the property.	1,873
<b>TOTAL NOTICES</b>	<b>12,586</b>



## TITLE RESEARCH & ADDITIONAL NOTICES

Prior to initiating litigation, MVBA conducts thorough examination and verification of title and ownership of all delinquent property accounts. We diligently research all available title and property records, including deeds, deeds of trust and probate records in order to accurately identify all parties with a potential ownership interest in the subject property. All parties deemed to hold an interest in the property are informed of the potential legal action through written correspondence.

*Lienholder Notices* are sent to financial institutions, businesses and individuals with a lien on property on which taxes are in arrears. Lienholders are notified that MVBA is preparing to file a suit for delinquent taxes that may extinguish their interest in the property should those taxes remain unpaid.

*Foreclosure Notices* are sent to all parties with an interest in the property. This advises them that a delinquent tax suit will be filed to satisfy the tax delinquency through eventual sale of the property and may ultimately terminate their interest in the property.

*New Owner Notices* are sent to persons who MVBA has determined have recently acquired property on which there are delinquent taxes, and who have not received a prior tax notice.

*Suit Notices* are sent to property owners who have already been sued, informing them that unless the delinquent tax is satisfied, personal liability judgment will be rendered against them and their property.

Once judgment has been obtained in a delinquent tax suit, *Notices of Intent to Sell Property* are sent to notify property owners that their property may be sold in an upcoming tax sale unless the delinquent taxes and costs of sale are paid.

July 1, 2011 through December 31, 2012		
Type	Number of Notices	Number of Properties
Lienholder Notices	12	9
Foreclosure Notices	238	150
New Owner Notices	16	15
Default Payout Notices	62	45
Suit Notices	124	74
Notices of Intent to Sell Property	90	70



## LITIGATION

MVBA files delinquent tax suits when property owners and all other parties whom MVBA has determined to have an interest in the property fail to respond to the notices sent to them. Delinquent tax suits filed by MVBA seek a personal judgment against the property owner and foreclosure of the tax lien and sale of the property to satisfy the tax delinquency. When all delinquent taxes, penalties and interest, and all costs of court have been paid, the lawsuit is dismissed against both the property owner and the property.

July 1, 2011 through December 31, 2012		
Type	Number of Suits	Number of Properties
District Court Suits	350	475

## JUDGMENTS

When all Defendants have been properly served with citation, MVBA requests a hearing in the District Court for the entry of a judgment. All defendants to the lawsuit are notified of the hearing date as provided by law. At the hearing, MVBA obtains a judgment authorizing sale of the property for recovery of delinquent taxes, penalties and interest and court costs owed. Most judgments also provide for personal liability for the amounts due against the property owner(s). Abstracts of Judgments are filed against the property owner(s) creating a judgment lien against all of the property owner(s) non-exempt property. When the property owner pays the taxes, penalties, interest and court costs due after a judgment is entered and an abstract of judgment is filed, the judgment is released.

July 1, 2011 through December 31, 2012		
Type	Number of Judgments	Number of Properties
Judgments	177	225



### TAX SALES

Tax sales are conducted after judgments authorizing the foreclosure of the tax liens on property are obtained from the Court. MVBA prepares an Order of Sale for the District Clerk to issue, ordering the Sheriff to conduct a public sale of the property on the front steps of the Courthouse. MVBA has a Notice of Sale published in the local newspaper and delivers by certified mail a copy of the Notice of Sale to the property owner(s) and any lienholders on the property. MVBA prepares the "bid sheet" for distribution to potential buyers containing the minimum bid for the property as set by the provisions of the Texas Tax Code. On the day of the sale, MVBA assists the Sheriff in conducting the tax sale and collecting the proceeds of the sale. MVBA drafts the deeds for the signature of the Sheriff. We also complete the Sheriff's Return on the Order of Sale and provide instructions for the distribution of the proceeds of the tax sale to the District Clerk for payment of the court costs incurred and to the tax office to be applied to the tax delinquency.

Often, a property owner will pay the delinquent taxes prior to the sale date or enter into an acceptable installment payment plan. All installment payment plans are monitored for compliance. If a default is made on an installment payment plan, the property is again posted for sale.

There may be property that does not receive the minimum bid required at the tax sale. In such instances, pursuant to the provisions of the Texas Tax Code, the property is bid "in trust" to one of the taxing units which levies taxes on the property. After the deed is recorded conveying the property to the trustee taxing unit, "in trust", MVBA coordinates in the prompt resale of "trust" property.

July 1, 2011 through December 31, 2012				
Date of Sale	Properties Posted for Sale	Properties Paid/Payout	Properties sold to third parties	Properties Bid into Trust
October 4, 2011	19	10	5	4
December 6, 2011	11	6	3	2
March 6, 2012	16	11	2	3
June 5, 2012	15	11	1	3
October 2, 2012	30	24	3	3
December 4, 2012	8	2	5	1
<b>TOTAL</b>	<b>99</b>	<b>64</b>	<b>19</b>	<b>16</b>



### BANKRUPTCY LITIGATION

*McCreary, Veselka, Bragg & Allen's* bankruptcy department closely supervises those individuals and corporations that file for protection under the bankruptcy laws who owe taxes. Through our fully computerized bankruptcy tracking system, MVBA files and monitors all claims for taxes owed by the bankrupt debtor. Proofs of Claim are filed by MVBA to assert the amount of tax, penalty and interest due when the bankruptcy is filed. Administrative claims are filed to seek recovery of taxes that arise after the debtor has filed bankruptcy. Our attorneys review all Motions and Plans for Reorganization filed by the debtor or any other creditor with the Bankruptcy Court, aggressively assert the tax claims, and defend the tax liens of our clients to the fullest extent allowed under the Bankruptcy Code.

<b>July 1, 2011 through December 31, 2012</b>		
<b>Type</b>	<b>Number of Bankruptcies</b>	<b>Number of Properties</b>
Original Proofs of Claim	4	9
Objections to Chapter 11 Plan	1	5

# Item 7

- Take action on Coast to Coast RX Agreement
  - Speaker
    - Christine Box



*Milam County Indigent Health Care*  
**Coast 2 Coast RX**

**Free Discount Prescription Card Program**

**\*Royalty paid to County - \$1.25 per prescription filled. Can use in any other county or state and Milam County still gets reimbursed. Receives monthly savings reports.**

**\*Pharmacies are not obligated to accept the card**

**\*Over 60,000 Participating Pharmacies (All major chains and 95% of Independent pharmacies) Over 60,000 FDA Approved Medications (Brand & Generic)**

**\*Offers discounts for services IHC does not cover:**

**Dental – Mandatory Discount Guaranteed (up to 50%)**

**Vision – Mandatory Discount Guaranteed (up to 50%)**

**Hearing – Mandatory Discount Guaranteed (up to 50%)**

**Diabetic Supplies**

**Lab & Imaging Tests – (Hospital District patients have to pay for these)**

**Veterinary Services**

**Example: CVS-Saves \$20.00 from savings on prescriptions, then goes and spends the extra \$20 on other items in same store or goes out to eat afterwards. Spending the money within the community.**

**\* Requires absolutely no expense to the County, Coast2Coast handles all administration of the program: printing cards, send team to County to visit all pharmacies to educate. They supply cards and materials to local offices in the County (Libraries, Governmental Offices, Health Depts/Clinics, Senior Citizen organizations/hospitals, etc.**

**\* No applications, registration, approval process or waiting period. No restrictions, exclusions or limitations. No one is turned down regardless of age, health or pre-existing conditions – EVERYONE IS ELIGIBLE!**

# Item 8

- Discuss and Approve Amended Records Management Plan
  - Speaker
    - Barbara Vansa



**MILAM COUNTY CLERK  
RECORDS MANAGEMENT PLAN  
2012 – 2013 - 2014**

**AMENDMENT – January 23 2013**

---

**OPTIONAL BIDS / PROPOSALS**

**Option #3 – Furnish and install ½” sheetrock (taped, floated, textured, and painted) in lieu of peg board at west wall, front walls, and 19’ of east wall. Includes paint grade termination trim at 8” line above finished floor. \$1500.00**

---

January 23 2013 Discussion of Optional Bids / Proposals with EBCO’s Stan Bone, Judge Barkemeyer & County Clerk Barbara Vansa.

Stan mentioned his crew removed additional peg board due to the Asbestos Abatement and asked if we want the peg board put back or want the sheetrock same as the other walls in the construction.

Barbara stated the peg board is ok but since the other walls would be “new & clean” with the sheetrock I would prefer the sheetrock & that it all look the same.

Judge stated to Barbara ... you have the additional money in your account.

Barbara said YES for the sheetrock.

---

**THANKS to Commissioner Hollas & his guys who MOVED & REPLACED SHELVING FOR THE EMERGENCY EXIT IN EXISTING VAULT.**

---

Prepared by: \_\_\_\_\_  
County Clerk

---

Approved this the \_\_\_\_\_ January 2013.

\_\_\_\_\_  
Judge Barkemeyer

# Item 9

- Approve nomination for the Milam County Historical Commission CLG Committee
  - Speaker
    - Joy Graham

Please note there are six (6) people being nominated to serve three year terms:

The following people are nominated to serve on the Milam County Historical Commission's CLG Committee for a three year term beginning 2013, ending in 2015.

Mary Nell Neely - Gause,

Darlen Anglen - Gause

Dolores Sonntag - Rockdale

Gloria Thrasher - Rockdale

Judi Slusher - Rockdale

Lucile Estell - Rockdale

These people join the following CLG Members whose terms will expire on December 31, 2013.

They join Johnnielyn Brown - Rockdale

    Geri Burnett -      Rockdale

    Joy Graham -      Thorndale

whose terms expire on December 31, 2013.

*Joy Graham*, CLG Committee Chair

*Bit of History*

# Item 10

- Approve Utility Installation

UTILITY INSTALLATION REQUEST

Date 1-22-13

TO: Milam County Commissioners' Court

Formal notice is hereby given that North Milam Water Supply Corporation  
proposes to place a water line within the right-of-way of  
CR 133 County Road as follows:  
**Bore and encase a 2" PVC line in a 4" PVC casing**  
**From intersection of FM 1445, travel .2 mile south on CR 133**

**Richard Reid**

The location and description of the proposed line and appurtenances is more fully shown on the drawing attached hereto. The line will be constructed and maintained on the County right-of-way in accordance with current Milam County Specifications as directed by the County Commissioner.

Construction will begin on or after the ASAP day of January, 2013, and is estimated to be completed in 1 calendar days.

Firm North Milam WSC

By Robert Jekel

Title Manager

Address PO Drawer 150

Cameron, TX 76520-0150

Phone (254) 697-4016

APPROVAL

Date \_\_\_\_\_

This application is hereby approved subject to the following undertakings and restrictions.

It is expressly understood that the said County Commissioner's Court does not purport hereby to grant any right, claim, title, or easement in or upon this county road; and it is further understood that in the future, should Milam County, for any reason, need to work, improve, relocate, widen, increase, add to, decrease, or in any manner change the structure of this road or right-of-way, this line, if affected, will be moved at the direction of the County Commissioner and shall be relocated at the complete expense of the owner.

All work in the county right-of-way shall be performed in accordance with the Milam County Utility Specifications under the direction of the County Commissioner. This installation work shall not damage any part of the roadway and adequate provisions shall be made to cause a minimum of inconvenience to traffic and adjacent property owners.

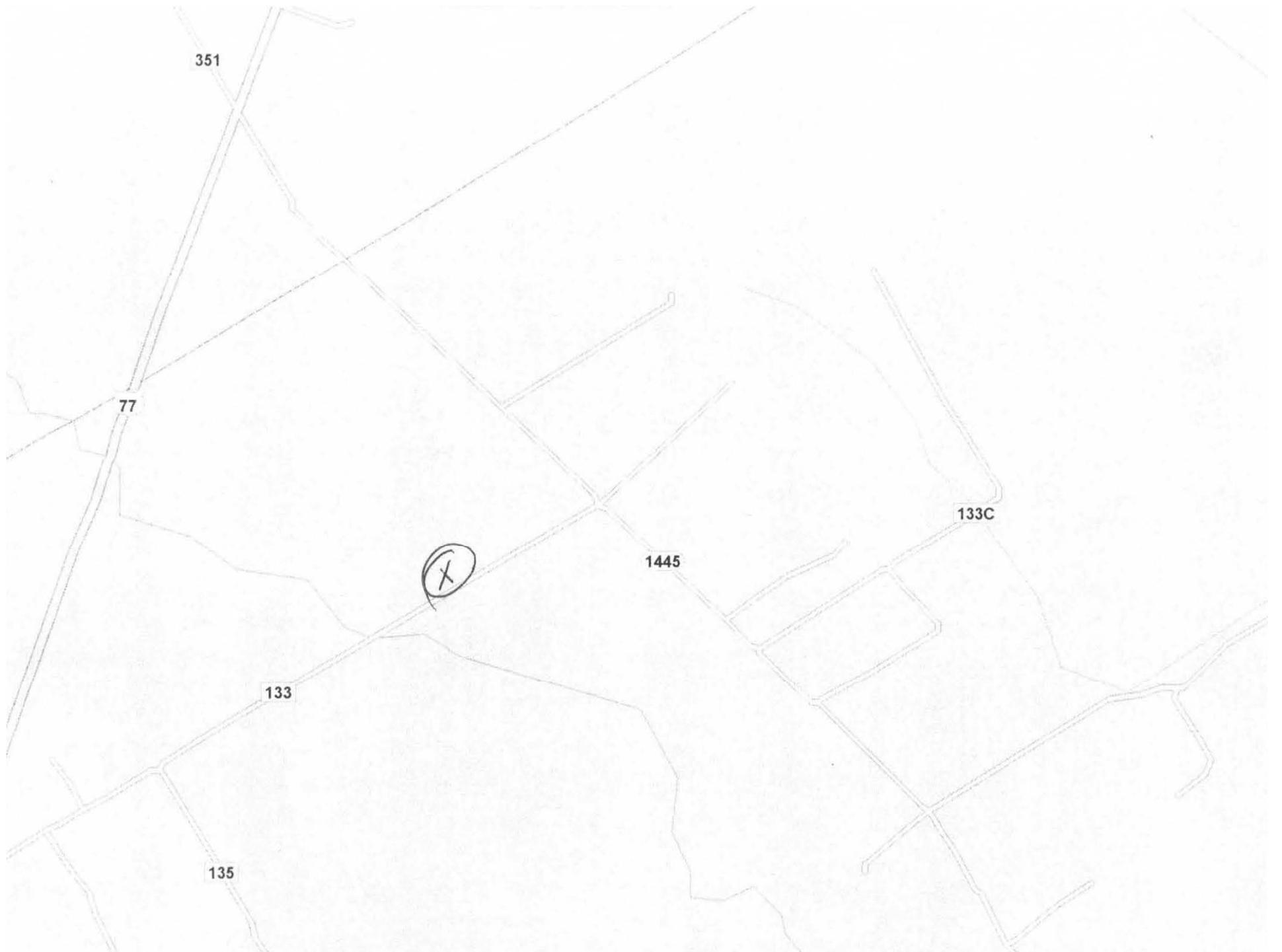
Approved: COUNTY OF MILAM  
COMMISSIONERS' COURT

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

Date: \_\_\_\_\_

MILAM COUNTY  
STANDARD SPECIFICATIONS  
FOR WORK IN COUNTY ROAD RIGHT-OF-WAY

1. No work shall be performed in the county right-of-way until after a permit has been approved by the Commissioners' Court. Permit will not be issued until proper bond is furnished.
2. All work in the county right-of-way shall be covered by a license or permit bond which indemnifies Milam County against any damages to the roadway, made payable to the County Judge, in accordance with the following schedule:
  - a. Minimum bond requirement - \$500.00
  - b. Each road bore - \$150.00
  - c. Each road cut - \$100.00
  - d. Paved road cut (if permitted) - \$200.00
  - e. Line parallel to road - \$1.50 per lineal foot. Bond term shall cover work period and 180 calendar days after completion of work.
3. All ground lines shall be installed a minimum of 30 inches deep.
4. All excavations within the right-of-way shall be backfilled by compacting in 6 inch horizontal layers. Roadway crossings from crown line to crown line shall be compacted to a 95% proctor density. All surplus material shall be removed from the right-of-way and excavation finished flush with surrounding area. Any later settlements shall be filled by hauling in material and refinishing flush with surrounding area.
5. Lines crossing under roadways shall:
  - a. Be placed at right angles thereto.
  - b. Be enclosed in a casing which extends from ditch line to ditch line.
  - c. Pipe used for casing shall be capable of supporting load of backfill plus road bed traffic; shall be continuous with no open joint from end to end; inside diameter shall be a minimum of 2 inches greater than the largest diameter of carrier pipe, joints or couplings; shall be bedded in backfill material which will not injure casing; shall be approved the County Commissioner before installation.
  - d. Be backfilled with road base material equal to that on road for top 8 inches of the ditch excavation.
6. No line shall be installed within 50 feet of either end of any bridge. No line shall be placed thru any culvert or within 10 feet to the closest point of same.
7. All lines parallel to roads shall be:
  - a. Placed as near the right-of-way line as possible.
  - b. Installed in or between ditch bottoms only with special permission of the County Commissioner.
  - c. Never installed in road bed.
8. Lines crossing under paved roads shall be placed by boring. Boring shall extend from ditch line to ditch line.
9. Paved roads which are impossible to bore because of rock may be open cut only with special permission of the County Commissioner. Such cuts shall provide a straight neat line on the pavement and be of the minimum width necessary to accommodate casing. Such cuts shall be backfilled with concrete. Concrete shall be placed only after the ditch and installation is inspected by the County Commissioner.
10. Overhead lines crossing roadways shall have a minimum clearance of 18 feet above the road surface.
1. Operations shall be performed in a manner that will keep all excavated material off the roadway. No equipment or procedure shall be used which will damage any road surface or structure. The cost of any repairs to road surface, road bed, structure, or right-of-way feature as a result of this installation shall be borne by the owner of this line.
2. Barricades, warning signs, light, and flagmen, as required, shall be provided by the contractor or owner.



# Item 11

- Consider/Adopt Fair Housing Resolution for 2013  
TxCDBG-DR
  - Speaker
    - Miranda Harris, Kerbow & Assoc

## RESOLUTION PROMOTING FAIR HOUSING

- WHEREAS Title VIII of the Civil Rights Act of 1968, as amended, prohibits discrimination in housing and declares it a national policy to provide, within constitutional limits, for fair housing in the United States; and
- WHEREAS The principle of Fair Housing is not only national law and national policy, but a fundamental human concept and entitlement for all Americans; and
- WHEREAS The National Fair Housing Law provides an opportunity for all Americans to recognize that complete success in the goal of equal housing opportunity can only be accomplished with the help and cooperation of all Americans.

NOW, THEREFORE, WE, the Commissioners Court of the County of Milam, hereby urge all the citizens of the locality to become aware of and support the Fair Housing law.

IN WITNESS WHEREOF we have affixed our signatures and seal on this the 28th day of January, 2013.

---

David L. Barkemeyer, County Judge

Attest:

---

Barbara Vansa, County Clerk

# Item 12

- Consider/Adopt Authorized Signatories Resolution for 2013 TxCDBG-DR
  - Speaker
    - Miranda Harris, Kerbow & Assoc

## RESOLUTION AUTHORIZING SIGNATURES

A RESOLUTION BY THE COMMISSIONERS COURT OF THE COUNTY OF MILAM, TEXAS, APPOINTING THE COUNTY JUDGE, COUNTY AUDITOR, AND COUNTY TREASURER AS THE AUTHORIZED SIGNATORIES FOR PAYMENT REQUESTS TO THE TEXAS GENERAL LAND OFFICE.

WHEREAS, the County of Milam, Texas has received a 2012 Texas Community Development Block Grant Disaster Recovery Program award to provide water system improvements, and;

WHEREAS, it is necessary to appoint person to execute certain documents for requesting funds from the Texas General Land Office.

NOW THEREFORE, BE IT RESOLVED BY THE COMMISSIONERS COURT OF THE COUNTY OF MILAM, TEXAS, AS FOLLOWS:

The County Judge, County Auditor, and County Treasurer be authorized to execute the State of Texas Purchase Vouchers and/or Request for Payment forms required for requesting Funds approved in the 2012 Texas Community Development Block Grant Disaster Recovery Program.

PASSED AND APPROVED BY THE COMMISSIONERS COURT OF THE COUNTY OF MILAM, TEXAS, ON JANUARY 28, 2013.

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David L. Barkemeyer, County Judge

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Barbara Vansa, County Clerk

# Item 13

- Consider/Adopt Section 504 Grievance Procedure for 2013 TxCDBG-DR
  - Speaker
    - Miranda Harris, Kerbow & Assoc

## SECTION 504 RESOLUTION

WHEREAS, it is hereby declared that the County of Milam establish local Section 504 Grievance Procedures; and

WHEREAS, it is further declared that establishment of such procedures requires the designation of a Coordinator; and

WHEREAS, it is the intent of the County of Milam to investigate complaints alleging discrimination by reason of disability;

NOW, THEREFORE, BE IT RESOLVED BY THE COMMISSIONERS COURT OF THE COUNTY OF MILAM, TEXAS:

1. That the County adopts the attached Section 504 Grievance Procedures;
2. That the County designates the County Judge as the County's Section 504 Coordinator.
3. That the Commissioners Court directs the Coordinator to receive and investigate complaints alleging discrimination by reason of disability.

PASSED AND APPROVED this 28th day of January, 2013.

---

David L. Barkemeyer, County Judge

ATTEST:

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Barbara Vansa, County Clerk

## Section 504 Grievance Procedure

The County of Milam has adopted an internal grievance procedure providing for prompt an equitable resolution of complaints alleging any action prohibited by the U.S. Department of Housing and Urban Development regulations (24 CFR Subpart A Sec. 8.4(a) implementing Section 504 of the Rehabilitation Act of 1973 as amended (29 USC 794). Section 504 states, in part that “No otherwise qualified handicapped individual shall, solely by reason of his handicap, be excluded from the participation in, denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance...”

Complaints should be addressed to: David L. Barkemeyer, County Judge, 100 South Fannin, Cameron, Texas 76520, who has been designated to coordinate Section 504 compliance efforts.

A complaint should be filed in writing or verbally, contain the name and address of the person filing it, and briefly describe the alleged violation of the regulations.

A complaint should be filed within ten (10) working days after the complainant becomes aware of the alleged violation. (Processing of allegations of discrimination occurring before this grievance procedure was in place will be considered on a case-by-case basis).

An investigation, as may be appropriate, shall follow a filing of a complaint. The investigation will be conducted by Judge David L. Barkemeyer. These rules contemplate informal but thorough investigations, affording all interested persons and their representatives, if any, an opportunity to submit evidence relevant to a complaint.

A written determination as to the validity of the complaint and description of resolution, if any, shall be issued by Judge David L. Barkemeyer. and a copy forwarded to the complainant no later than ten (10) working days after its filing

The Section 504 coordinator shall maintain the files and records of the County of Milam relating to the complaints files.

The complainant can request a reconsideration of the case in instances where he or she is dissatisfied with the resolution. The request for reconsideration should be made within ten working days to the County of Milam.

The right of a person to a prompt and equitable resolution of the complaint filed hereunder shall not be impaired by the person’s pursuit of other remedies such as the filing of a Section 504 complaint with the U.S. Department of Housing and Urban Development. Utilization of this grievance procedure is not a prerequisite to the pursuit of other remedies.

These rules shall be construed to protect the substantive rights of interested persons, to meet appropriate due process standards and assure that the County of Milam complies with Section 504 and HUD regulations.

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David L. Barkemeyer, County Judge

---

Attest: Barbara Vansa, County Clerk

# Item 14

- Consider/Adopt Excessive Force Resolution for 2013 TxCDBG-DR
  - Speaker
    - Miranda Harris, Kerbow & Assoc

**Resolution No. \_\_\_\_\_**

**Excessive Force Resolution**

A resolution establishing rules and regulations regarding the use of excessive force during nonviolent civil rights demonstrations, including physically barring entrance to a facility or location which is the subject of such demonstrations, and providing penalties for violations thereof: In the following County of Milam, State of Texas, as follows:

**ARTICLE I**

Section 1: It is the policy of the County of Milam to prohibit the use of excessive force by the law enforcement agencies within its jurisdiction against any individual engaged in non-violent civil rights demonstrations. The county also prohibits the physical barring of any entrance to, or exit from, such a facility within its jurisdiction.

**ARTICLE II**

Section 1 It is the policy of the county to enforce this policy to the full extent allowed by law.

**ARTICLE III**

Passed and adopted by the Commissioners Court of the County of Milam, State of Texas, on the 28th day of January, 2013.

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

Attest:  
\_\_\_\_\_  
County Clerk

# Item 15

- Approve payment of bills

# Prepaid General Fund Utilities

AT&T	\$374.80
Atmos Energy	\$2,819.78
Department of Information Resources	\$1,155.68
Reliant Energy Solutions	\$15,654.12
Verizon Southwest	\$218.85
Verizon Wireless	\$1,162.61

**Grand Total**

**\$21,385.84**

# Unpaid Bills to Approve Over \$2,500

## General Fund

Central Texas Hospital	\$9,056.71
Climate Control AC & Heating	\$8,332.04
COPSync Inc	\$15,865.20
Dell Marketing LP	\$3,548.97
Little River Healthcare	\$3,561.70
MCHC Preservation Trust Fund	\$10,000.00
Texas Assoc of Co Risk Mgt Pool	\$23,029.00
Texas Fleet Fuel	\$4,424.49
<b>General Fund Total</b>	<b>\$110,457.42</b>

# Unpaid Bills to Approve Over \$2,500

## R&B Fund, Pct. 1

No Bills Over \$2,500.00

R&B Fund, Pct. 1 Total

\$347.49

# Unpaid Bills to Approve Over \$2,500

## R&B Fund, Pct. 2

Caterpillar Financial Svces Corp	\$6,077.42
Derwood Cobb	\$4,060.00

**R&B Fund, Pct. 2 Total                    \$13,026.35**

# Unpaid Bills to Approve Over \$2,500

## R&B Fund, Pct. 3

Caterpillar Financial Svces Corp	\$3,339.89
Fence Builders of Texas	\$2,590.00
Texas Farm Services	\$16,000.00
Texas Fleet Fuel	\$4,504.88
Tx Dept of Transportation	\$17,000.00

**R&B Fund, Pct. 3 Total                    \$49,873.66**

# Unpaid Bills to Approve Over \$2,500

## R&B Fund, Pct. 4

Anderson Machinery Austin Inc	\$35,367.30
Joe L Valadez	\$2,663.74
Texas Fleet Fuel	\$3,430.34

**R&B Fund, Pct. 4 Total                    \$43,283.95**

# Unpaid Bills to Approve Over \$2,500

## Transaction Fees

Edoc Tec – Accting Office	\$3,950.00
McCreary, Veselka, Bragg & Allen PC	\$6,563.22

Transaction Fees Total	\$10,513.22
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Unpaid Bills to Approve

**Grand Total**

**\$233,165.41**

# Item 16

- Adjourn to Executive Session to Discuss Personnel matters

# Item 17

- Reconvene following Executive Session; take appropriate action on Personnel matters

# Item 18

- Adjourn