

ORDINANCE

APPROVING A CONTRACT FOR THE COLLECTION OF DELINQUENT PROPERTY TAXES WITH THE LAW FIRM OF LINEBARGER GOGGAN BLAIR & SAMPSON, LLP FOR AN INITIAL FIVE YEAR TERM BEGINNING JANUARY 1, 2024 AND ENDING DECEMBER 31, 2028, WITH ONE (1) FIVE YEAR RENEWAL TERM AT THE CITY'S OPTION UPON CITY COUNCIL APPROVAL FOR AN ESTIMATED TOTAL COST OF \$15,000,000.00.

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WHEREAS, a Request For Proposals (“RFP”) seeking proposals to provide delinquent tax collection services to the City was issued by City Staff on April 17, 2023; and

WHEREAS, on June 1, 2023, one proposal was received in response to the RFP; and

WHEREAS, an evaluation team comprised of various members of City Staff has evaluated the Proposal received and has recommended that the Proposal of the law firm of Linebarger Goggan Blair & Sampson, LLP (“Respondent”) be accepted, and that the City enter into a Delinquent Tax Collection Services Contract with the Respondent for an initial five year term, with one (1) five year renewal term at the City's option, upon subsequent approval by the City Council; and

WHEREAS, after having provided adequate notice as required by Sec. 2254.1036 of the Texas Government Code, the Agreement for Delinquent Tax Collection Services with Linebarger Goggan Blair & Sampson, LLP is approved and the City Manager or his designee is authorized to execute this Agreement; and

WHEREAS, after exercising its due diligence the City finds that:

1. There is a substantial need for the legal services to be provided pursuant to the Agreement for Delinquent Tax Collection Services;
2. These legal services cannot be adequately performed by the attorneys and supporting personnel of the City at a reasonable cost;
3. These legal services cannot reasonably be obtained from attorneys in private practice under a contract providing only for the payment of hourly fees, without regard to the outcome of the matter, because of the nature of delinquent tax penalties provided by Texas Tax Code Sections 6.30, 33.07, 33.08, 33.11, and 33.48 and because the City does not have the funds to pay the estimated amounts required under a contract only for the payment of hourly fees;
4. Linebarger Goggan Blair & Sampson, LLP, is well qualified and competent to perform the legal services required to comply with the terms of this contract;

5. Linebarger Goggan Blair & Sampson, LLP has provided these specialized legal services to the City in the past and the City has been well satisfied with the quality and outcome of the legal services provided.
6. The contract with Linebarger Goggan Blair & Sampson, LLP is the result of an arm's length transaction between the City and Linebarger Goggan Blair & Sampson, LLP and is fair and reasonable.

WHEREAS, the City Council, upon consideration of and deliberation on such recommendation, desires to accept City Staff's recommendation; **NOW THEREFORE**,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO:

SECTION 1. The terms and conditions of the Delinquent Tax Collection Services Contract with the Respondent for an initial five year term beginning on January 1, 2024 and ending December 31, 2028, with one (1) five year renewal term at the City's option, upon subsequent approval by the City Council ("Contract"), are hereby approved.

SECTION 2. The City Manager or his designee is authorized to enter into and execute the Contract, under terms and conditions substantially in accordance with those set forth in **Attachment I** to this Ordinance.

SECTION 3. Funding in the amount of \$685,668.00 for this ordinance is available in Fund 11001000, Cost Center 8002080001 and General Ledger 5201040 as part of the Fiscal Year 2024 Adopted Budget approved by City Council.

SECTION 4. Funding in the amount of \$439,332.00 for this ordinance is available in Fund 3200XXXX, Cost Center 703200001 and General Ledger 5201040 as part of the Fiscal Year 2024 Adopted Budget approved by City Council.

SECTION 5. Additional funding is contingent upon City Council approval of the Fiscal Year 2025 and subsequent budgets that fall within the contract terms of this ordinance.

SECTION 6. Payment in the amount of \$15,000,000.00 is authorized to Linebarger Goggan Blair & Sampson, LLP and should be encumbered with a purchase order.

SECTION 7. The financial allocations in this Ordinance are subject to approval by the Deputy Chief Financial Officer, City of San Antonio. The Deputy Chief Financial Officer may, subject to concurrence by the City Manager or the City Manager's designee, correct allocations to specific Cost Centers, WBS Elements, Internal Orders, General Ledger Accounts, and Fund Numbers as necessary to carry out the purpose of this Ordinance.

SECTION 8. This Ordinance is effective immediately upon passage by eight affirmative votes; otherwise, it is effective on the tenth day after passage.

TR
12/7/2023
Item No. 23-195483

PASSED and APPROVED this 7th day of December, 2023.

M A Y O R
Ron Nirenberg

ATTEST:

APPROVED AS TO FORM:

Debbie Racca-Sittre, City Clerk

Andrew Segovia, City Attorney

TR
12/7/2023
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ATTACHMENT I