

RESOLUTION NO. 11-07

A RESOLUTION AMENDING TAX CONTRACT TO ALLOW EARLY COLLECTION OF DELINQUENT PERSONAL PROPERTY ACCOUNTS IN ACCORDANCE WITH TEXAS PROPERTY TAX CODE SECTION 33.11; GRANTING AUTHORITY TO THE MAYOR TO EXECUTE SAID RESOLUTION, AND AUTHORIZING CITY SECRETARY TO AUTHENTICATE MAYOR'S SIGNATURE TO SAID RESOLUTION. GRANTING AUTHORITY TO THE CITY MANAGER TO EXECUTE ANY AND ALL OTHER INSTRUMENTS REQUISITE IN IMPLEMENTING SAID RESOLUTION, AND AUTHORIZING CITY SECRETARY TO AUTHENTICATE CITY MANAGER'S SIGNATURE TO ANY AND ALL OTHER INSTRUMENTS REQUISITE IN IMPLEMENTING SAID RESOLUTION.

A regular meeting of the City Council of the City of Commerce, Texas, was held in Commerce, Texas, at City Hall on the 15th day of March 2011, at 6:00 p.m.; a majority of Council Members being present and constituting a quorum, the following resolution was adopted;

WHEREAS, the City Council of the City of Commerce hereby deems it necessary to amend the delinquent tax contract to allow early collection of delinquent personal property accounts in accordance with Texas Property Tax Code Section 33.11;

BE IT RESOLVED that said contract be amended and is hereby amended by the City of Commerce, Texas.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Commerce, Texas that said contract be and is hereby amended and implemented for the City of Commerce, Texas.

BE IT FURTHER RESOLVED, that the Mayor of the City of Commerce, Texas, be authorized and he is hereby authorized to execute said resolution.

BE IT FURTHER RESOLVED, that the City Secretary be authorized and she is hereby authorized to authenticate the signature of the Mayor to said resolution.

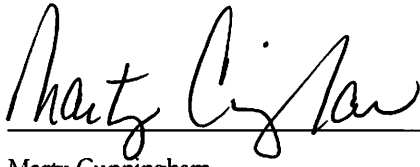
BE IT FURTHER RESOLVED, that the City Manager of the City of Commerce, Texas, be authorized and he is hereby authorized to execute on behalf of the City of Commerce any and all instruments requisite to implementing said resolution.

BE IT FURTHER RESOLVED that the City Secretary be authorized and she is hereby authorized to attest to the signature of the City Manager to any and all instruments requisite to implementing said resolution.

PASSED BY THE GOVERNING BODY of the City of Commerce, Texas, at a regular meeting of the City Council of the City of Commerce, Texas, on the 15th day of March 2011.

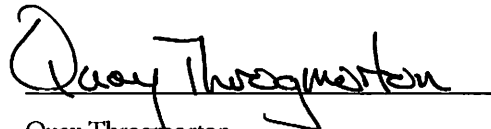
ATTEST:

CITY OF COMMERCE, TEXAS



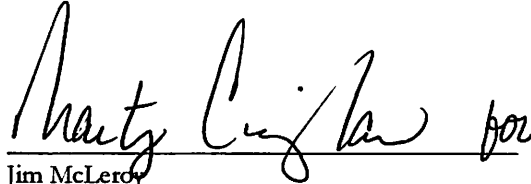
Marty Cunningham
City Secretary

(Seal)



Quay Throgmorton
Mayor

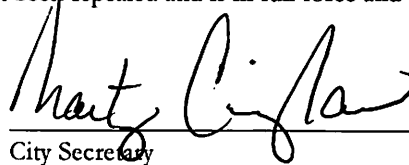
APPROVED AS TO FORM:



Jim McLeroy
City Attorney

I, Marty Cunningham, City Secretary of the City of Commerce, Texas, do hereby certify that the above is a true and correct copy of a Resolution, and that the same has not been repealed and is in full force and effect.

(seal)



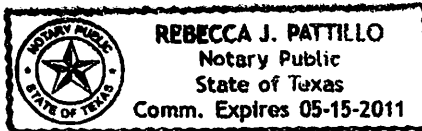
City Secretary
City of Commerce, Texas

Sworn to and subscribed before me, on this the 30th day of March, 2011 to certify which witness my hand and seal of office.

(seal)



Notary Public
State of Texas



II.
EFFECT OF THE AMENDMENT

By execution of this Amendment No. 2, the Contract is amended. No other sections, provisions, clauses or conditions of the Contract are waived or changed hereby and they shall all remain in full force and effect throughout the term of the Contract and any duly authorized extensions.

IN WITNESS WHEREOF, by their signatures below, the duly authorized representatives of the City of Commerce and of Linebarger Goggan Blair & Sampson, LLP do hereby agree and append this Amendment No. 2 to the Contract dated August 7, 1990.

EXECUTED THIS the 15 day of March, 2011.

CITY OF COMMERCE

BY:



~~Quay Throgmorton~~ Marc Clayton
Mayor Interim City Manager

**LINEBARGER GOGGAN BLAIR
& SAMPSON, LLP**

BY:

DeMetris A. Sampson
Partner

STATE OF TEXAS

COUNTY OF HUNT

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**AMENDMENT NO. 2
TO THE CONTRACT ("Contract") BETWEEN
THE CITY OF COMMERCE AND
LINEBARGER GOGGAN BLAIR & SAMPSON, LLP**

WHEREAS, on August 7, 1990, the City of Commerce (hereinafter "CITY") approved a Contract between the CITY and the law firm of Linebarger Goggan Blair & Sampson, LLP (hereinafter FIRM"); and

WHEREAS, Texas Property Tax code Section 33.11 was amended by the Seventy Ninth Legislature by Act effective September 1, 2005, to provide that certain taxes may incur an additional penalty to defray costs of collection;

NOW THEREFORE, by execution of this Amendment No. 2, the Contract is amended hereby as set forth below.

**I.
PURPOSE**

The following language is hereby substituted for Section I of the Contract:

CITY agrees to employ and does hereby employ FIRM to enforce by suit or otherwise the collection of all delinquent taxes, penalty and interest, on behalf of the **CITY OF COMMERCE**, with the **CITY OF COMMERCE**, owing to the **CITY OF COMMERCE**, provided taxes owed to the Client shall become subject to this agreement upon the following, dates, whichever occurs first:

- (a) On February 1 of the year in which the taxes become delinquent if a previously filed tax suit is then pending against the property subject to the tax;
- (b) On the date any lawsuit is filed with respect to the recovery of the tax if the tax is delinquent and is required to be included in the suit pursuant to TEXAS PROPERTY TAX CODE § 33.42(a);
- (c) On the date of filing any application for tax warrant where recovery of the tax or estimated tax is sought and where the filing of an application for tax warrant by the FIRM is at the request of Client's Tax Assessor-Collector
- (d) On the date of filing any claim in bankruptcy where recovery of the tax is sought; or
- (e) In the case of tangible personal property, on the 60th day after the February 1 delinquency date; or
- (f) On July 1 of the year in which the taxes become delinquent.