

# Agenda of Regular Meeting

## The Board of Trustees Caldwell ISD

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A Regular Meeting of the Board of Trustees of Caldwell ISD will be held Monday, April 25, 2022, beginning at 6:00 PM in the Central Administration Building.

The subjects to be discussed or considered or upon which any formal action may be taken are listed below. Items do not have to be taken in the same order as shown on this meeting notice. Unless removed from the consent agenda, items identified within the consent agenda will be acted on at one time.

- A. Call to Order
- B. Pledge and Prayer
- C. Recognize Students & Staff
- D. Public Input
- E. Superintendent's Report (Information Only)
  - a. COVID-19 Update
  - b. Enrollment Report
  - c. Recognition
  - d. Announcements
- F. Informational Reports
  - a. Construction Update
  - b. Status Report from Tax Collections Law Firm, John Banks
  - c. Finance Reports
- G. New Business (Action Items)
  - a. Accept the Softball and Baseball Turf Projects
  - b. Consider and Approve TEKS Certification for 2022-2023
  - c. Consider and Approve Auxiliary Payscale
  - d. Consider and Approve TASB Risk Management Fund Membership
  - e. Consider and Approve the Superintendent Evaluation Protocol
  - f. Approve Designated Tax Rate Calculation Officer Resolution 2022-2023
  - g. Consider/Take Action in Compliance with Section 2254 of the Texas Government Code to Approve a 15% Contingent Fee Contract with Perdue Brandon for the Collection of Delinquent Property Tax

h. Consider and Approve Purchase Over \$50,000

H. Consent Agenda

a. Meeting Minutes

I. Executive Session (Closed)

*The board may go into a closed session according to the guidelines found in Board Policy BEC Legal and Texas Education Code, Chapter 551.*

a. Personnel Update

*TEC 551.047*

b. Discuss Probationary Teacher Contract Renewal/Termination

*TEC 551.047*

J. Action Items Resulting From Executive Session

a. Possible Action Regarding Probationary Teacher Contract Renewal/Termination

*TEC 551.047*

K. Adjourn

L. Mandatory Notice Pursuant to *Texas Government Code Sec. 2254.1036*

**MANDATORY NOTICE PURSUANT TO TEXAS GOVERNMENT CODE SEC. 2254.1036**

WHEREAS, Caldwell Independent School District, 203 N. Gray, Caldwell, Texas 77836 (“Caldwell ISD”), 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. CALDWELL ISD is pursuing a contract with the Firm for the collection of delinquent ad valorem taxes owed to CALDWELL ISD and through this contract CALDWELL ISD seeks to increase recovery of delinquent debts in as expeditious a manner as possible. Govt. Code § 2254.1036(a)(1)(A).

B. CALDWELL ISD 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 over 50 years, including the collection of delinquent ad valorem taxes. The Firm currently has 14 primary offices and multiple satellite offices throughout Texas, Oklahoma and Florida. It employs more than 350 individuals, including more than 50 attorneys. It uses a multi-office, fully integrated team approach allowing CALDWELL ISD 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 CALDWELL ISD 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 CALDWELL ISD and the Firm is as follows. Govt. Code § 2254.1036(a)(1)(C).

For over 18 years, the Firm has served as the delinquent ad valorem tax collection attorneys for CALDWELL ISD.

D. CALDWELL ISD does not have adequate support staff, computer software/programming, or experience to internally conduct delinquent ad valorem tax collection services and acquiring these will result in substantial expense to CALDWELL ISD. Govt. Code § 2254.1036(a)(1)(D).

E. Delinquent ad valorem tax 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 delinquent taxpayer and not CALDWELL ISD or those taxpayers who pay their taxes in timely fashion. 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 the amount of delinquent ad valorem taxes due. Moreover, CALDWELL ISD and the taxing entities for which it collects would have to bear the cost of the hourly fees and not the delinquent taxpayer, because the Tax Code does not expressly authorize CALDWELL ISD to pay for collection services based on an hourly fee.

F. CALDWELL ISD believes this contingent fee contract is in the best interest of itself and the taxing entities for which it collects. 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 of 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 delinquent taxpayer and not an expense to CALDWELL ISD.

Executed this 25 day of April 2022.