

RESOLUTION NO. 23-R-28

A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF SCHERTZ, TEXAS AUTHORIZING A PROFESSIONAL SERVICES AGREEMENT WITH LINEBAGER GOGGAN BLAIR & SAMPSON, LLP.

WHEREAS, the City staff of the City of Schertz (the “City”) has determined that the City requires professional services relating to fines and fees collection services; and

WHEREAS, City staff has determined that Linebarger Goggan Blair & Sampson, LLP is uniquely qualified to provide such services for the City; and

WHEREAS, pursuant to Section 252.022(a)(4), the City is not required to seek bids or proposals with respect to a procurement for personal, professional, or planning purposes; and

WHEREAS, pursuant to Section 2254.1036 of the Texas Government Code, the City of Schertz City Council finds as follows:

1. There is a substantial need for the legal services to be provided pursuant to the Contract for Fines and Fees Collection Services;
2. These legal services cannot be adequately performed by the employees and supporting personnel of the City at a reasonable cost;
3. Linebarger Goggan Blair & Sampson, LLP has represented the City for the past eleven (11) years with competence and professionalism, in the collection of unpaid fines, fees and court costs beginning on March 2, 2012.
4. 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 the collection fee authorized by Tx Code of Criminal Procedure Art. 103.0031 and because the City of Schertz does not have the funds to pay the estimated amounts required under a contract only for the payment of hourly fees;
5. Linebarger Goggan Blair & Sampson LLP is well qualified and competent to perform the legal services required to comply with the terms of this contract.

WHEREAS, the City Council has determined that it is in the best interest of the City to contract with Linebarger Goggan Blair & Sampson, LLP pursuant to the Agreement attached hereto as Exhibit A (the “Agreement”).

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SCHERTZ, TEXAS THAT:

Section 1. The City Council hereby authorizes the City Manager to execute and deliver the Agreement with Linebarger Goggan Blair & Sampson, LLP in substantially the form set forth on Exhibit A.

Section 2. The recitals contained in the preamble hereof are hereby found to be true, and such recitals are hereby made a part of this Resolution for all purposes and are adopted as a part of the judgment and findings of the City Council.

Section 3. All resolutions, or parts thereof, which are in conflict or inconsistent with any provision of this Resolution are hereby repealed to the extent of such conflict, and the provisions of this Resolution shall be and remain controlling as to the matters resolved herein.

Section 4. This Resolution shall be construed and enforced in accordance with the laws of the State of Texas and the United States of America.

Section 5. If any provision of this Resolution or the application thereof to any person or circumstance shall be held to be invalid, the remainder of this Resolution and the application of such provision to other persons and circumstances shall nevertheless be valid, and the City Council hereby declares that this Resolution would have been enacted without such invalid provision.

Section 6. It is officially found, determined, and declared that the meeting at which this Resolution is adopted was open to the public and public notice of the time, place, and subject matter of the public business to be considered at such meeting, including this Resolution, was given, all as required by Chapter 551, Texas Government Code, as amended.

Section 7. This Resolution shall be in force and effect from and after its final passage, and it is so resolved.

PASSED AND ADOPTED, this 14th day of March, 2023.

CITY OF SCHERTZ, TEXAS

Ralph Gutierrez, Mayor

ATTEST:

Sheila Edmondson, City Secretary