

## SMILEY ROAD WATER CONTROL AND IMPROVEMENT DISTRICT NO. 1

TO: THE BOARD OF DIRECTORS OF SMILEY ROAD WATER CONTROL AND IMPROVEMENT DISTRICT NO. 1 AND TO ALL OTHER INTERESTED PERSONS:

Notice is hereby given pursuant to VTCA, Government Code §551, that the Board of Directors of Smiley Road Water Control and Improvement District No. 1 will hold a regular meeting on **Wednesday, August 24, 2022 at 12:00 noon at BGE, Inc., 2595 Dallas Parkway, Suite 101, Frisco, TX 75034** for the following purposes:

1. Call to order;
2. Public communications and comments;
3. Review and approve Minutes of June 15, 2022 Board of Directors meeting;
4. Receipt and review annual financial report for fiscal year ended April 30, 2022;
5. Consider review and approve Agreement for Services with Assessments of the Southwest, Inc. for truth-in-taxation calculation services;
6. Confirm receipt of 2022 certified estimates prepared by Denton Central Appraisal District; consider authorizing tax rate calculation services; review tax rate recommendation from Financial Advisor; approve proposed tax rate for 2022; adopt Notice of Water District Hearing on Tax Rate; and authorize publication of same;
7. Consider review and approve Contract for Collection of Delinquent Property Taxes and related Resolution;
8. Consider review and acceptance of engineer's report including:
  - a. Status of construction projects within the District;
  - b. Authorizing preparation of construction plans/specifications for water, sewer, and drainage and paving improvements;
  - c. Consider approval/ratification of construction plans and specifications;
  - d. Consider approval/ratification of bid advertisements for construction projects;
  - e. Consider approval/ratification of award of contracts for construction projects;
  - f. Consider approval/ratification of contractor pay estimates, change orders; and
  - g. Consider acceptance of certificate of completion;
9. Hear report from developer and take any action in connection with plat approval, reimbursement agreements or assignments thereunder;
10. Review and approve bookkeeping and tax collection reports, and take any action on bookkeeping related matters including quarterly investment reports; investment recommendations; new account related matters; updated list of designated banks;

revisions to engagement letter for bookkeeping services; and authorize release of checks as noted on report;

11. Discuss tentative date for next meeting; and

12. Adjournment.

Dated: August 17, 2022.



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A handwritten signature in blue ink, appearing to read "Ross S. Martin", written over a horizontal line.

Ross S. Martin, Attorney for District

The Board of Directors may enter into Executive Session pursuant to Chapter 551, Subchapter D, Texas Government Code, to consult with attorney regarding pending or contemplated litigation, including settlement offers; deliberate regarding real property; personnel matters; and conference with employees.

## PUBLIC NOTICE

In Accordance with Texas Government Code, section 2254.1036(a)(1), Smiley Road Water Control and Improvement District No. 1, provides the following written notice to the public in connection with the above agenda item:

1. Smiley Road Water Control and Improvement District No. 1 (The District) is pursuing the legal services of McCreary, Veselka, Bragg and Allen, P.C., and Sawko and Burroughs, P.C. a delinquent tax collection law firm, to collect delinquent taxes owed to the taxing unit. The desired outcome of the legal services would be for the County to collect the delinquent taxes that its taxing units are owed in as short a time period as is possible.
2. McCreary, Veselka, Bragg and Allen, P.C. have been competently collecting delinquent taxes for over fifty-years, and currently represents hundreds of Texas taxing units in the collection of delinquent taxes. McCreary, Veselka, Bragg and Allen, P.C. is a competent, qualified, and experienced delinquent tax collection law firm.
3. The legal services desired by Smiley Road Water Control and Improvement District No. 1 that are the subject of the contract cannot be adequately performed by the attorneys and supporting personnel of the District because the filing of a delinquent tax suit or tax warrant requires an attorney licensed by the State Bar of Texas, and Smiley Road Water Control and Improvement District No. 1 does not have sufficient attorneys on its payroll to perform the work in house.
4. The legal services desired by Smiley Road Water Control and Improvement District No. 1 that are the subject of the contract cannot be reasonably obtained from attorneys in private practice under a contract providing for the payment of hourly fees without contingency because the District does not have funds in its budget to pay the estimated hourly fees and other costs incurred to implement an effective delinquent tax collection program under a contract providing only for the payment of hourly fees and costs. Texas Tax Code, sections 6.30; 33.07; 33.08 and 33.11 allow the District to recover a penalty to defray the costs of collecting delinquent taxes, only if the District has entered a contract with a private attorney pursuant to Tax Code, section 6.30.
5. To defray the cost of collecting delinquent taxes as provided by Texas Tax Code, sections 6.30; 33.07; 33.08 and 33.11, to save money and ensure that the collection of delinquent taxes is diligently prosecuted throughout Smiley Road Water Control and Improvement District No. 1, a contingent fee contract with McCreary, Veselka, Bragg and Allen, P.C. and Sawko and Burroughs is in the best interests of the residents of the Denton County, Texas.