

**THE STATE OF TEXAS**                   §  
  §       **KNOW ALL MEN BY THESE**  
  §       **PRESENTS:**  
**COUNTY OF FORT BEND**           §

**RESOLUTION BY THE  
FORT BEND COUNTY COMMISSIONERS COURT  
AUTHORIZING THE EXECUTION OF AN  
AMENDMENT FOR CONTINGENT FEE LEGAL SERVICES<sup>1</sup>  
TO THE AGREEMENT FOR COLLECTION SERVICES  
DELINQUENT EMERGENCY MEDICAL SERVICE ACCOUNTS AND  
JUSTICE OF THE PEACE COURT FEES AND FINES  
WITH LINEBARGER GOGGAN BLAIR & SAMPSON, LLP**

**RECITALS**

WHEREAS, on or about October 27, 2011, Fort Bend County and Linebarger Goggan Blair & Sampson, LLP entered into the Agreement for Collection Services Delinquent Emergency Medical Service Accounts and Justice of the Peace Court Fees and Fines;

WHEREAS, the Agreement has automatically renewed under the same terms and conditions since the original execution, except as amended by written agreement, on or about October 13, 2015;

WHEREAS, pursuant to changes to Texas Government Code section 2254.1036, on approval of a contingent fee contract, the governing body of a political subdivision shall state certain findings in writing; and

WHEREAS, there is a substantial need for the legal services described in Texas Code of Criminal Procedure Art. 103.0031 and Texas Local Government Code Section 140.9 to be provided by Linebarger Goggan Blair & Sampson, LLP, based on the representations by the Fort Bend County District Clerk and the Fort Bend County Sheriff;

WHEREAS, this Contingent Fee Contract for Legal Services has been reviewed by the Fort Bend County Attorney, who is unopposed to this request and that due to existing staffing and current funding, the services proposed to be performed by Linebarger cannot be adequately performed by the attorneys and supporting personnel of County; in spite of the high level of quality service generally provided by the Fort Bend County Attorney's Office;

WHEREAS, 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 matter for which the services will be obtained; namely that a contingency fee for collections is explicitly

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<sup>1</sup> In satisfaction of Texas Government Code section 2254.1036 (a) (2)

authorized by Texas Code of Criminal Procedure Art. 103.0031 and Texas Local Government Code Section 140.009; and

WHEREAS, Linebarger Goggan Blair & Sampson, LLP has been providing customized collection programs for public sector clientele for over 45 years now and for Fort Bend County since 2011; and

WHEREAS, Linebarger Goggan Blair & Sampson, LLP has a documented history of competence, qualifications, and experience in the performance of the legal services required to comply with the terms of the contract and this Proposed Amendment.

NOW THEREFORE, BE IT RESOLVED BY THE COMMISSIONERS COURT OF FORT BEND COUNTY, TEXAS:

#### Section 1

That all of the recitals contained in the preamble of this resolution are found to be true and are adopted as findings of fact by this governing body and as part of its official record.

#### Section 2

Fort Bend County has posted the Written Notice of Contingent Fee Contract for Legal Services Agreement required by Texas Government Code 2254.1036 (a)(1) and said notice is incorporated herein and made a part hereof for all purposes. A substantial copy of the proposed Amendment to the Agreement for Collection Services Delinquent Emergency Medical Service Accounts and Justice of the Peace Court Fees and Fines to add the additional services is attached hereto and made a part hereof for all purposes. Fort Bend County has also posted the required notice for the Fort Bend County Commissioners Court regularly scheduled meeting in which the Contingent Fee Contract for Legal Services Agreement will be considered and said notice is incorporated herein and made a part hereof for all purposes.

#### Section 3

That the requirements of Texas Government Code Section 2254.1038<sup>2</sup> do not apply to the proposed Amendment because Amendment is a contract for the collection of an obligation as defined by Texas Government Code Section 2107.001 that is delinquent.

#### Section 4

That upon affirmative vote of this Commissioners Court, the Fort Bend County Judge is hereby authorized to execute an Amendment to Agreement with Linebarger Goggan Blair & Sampson, LLP for Collection Services Delinquent Emergency Medical Service Accounts

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<sup>2</sup> Sec. 2254.1038. POLITICAL SUBDIVISION: ATTORNEY GENERAL REVIEW OF CONTRACT. (a) Before a contingent fee contract for legal services approved under Section 2254.1036 is effective and enforceable, the political subdivision must receive attorney general approval of the contract.

and Justice of the Peace Court Fees and Fines to add legal services and collections described in Texas Code of Criminal Procedure Art. 103.0031 and Texas Local Government Code Section 140.009. Linebarger Goggan Blair & Sampson, LLP will be paid on a contingency fee as allowed by Texas law and as specified in the Amended Agreement.

PASSED AND APPROVED, this the \_\_\_\_\_ day of \_\_\_\_\_.

\_\_\_\_\_  
KP George  
Fort Bend County Judge

ATTEST:

\_\_\_\_\_  
Laura Richard  
County Clerk

\_\_\_\_\_  
Date