

# URBAN COUNTY PROGRAM

## Hidalgo County Commissioners' Court Regular Agenda Request Form

No. \_\_\_\_\_

Date: January 8, 2007

Meeting Date Request: January 16, 2007

Deadline for Action: January 16, 2007

Contact Person: Diana R. Serna, Director

Department: HOME Program

Phone: (956) 787-8127 Fax: (956) 787-5291

Diana R. Serna, Director: 

### Caption:

- A) Disclosure of Conflict of Interest for "Home Rehabilitation Program " applicant Hilda Flores
- B) Request for applicant approval under the HOME Homeowner Occupied Housing Rehabilitation Program, contingent upon HUD waiver approval

### Background:

The Hidalgo County Urban County Program HOME Division is considering providing assistance to Hilda Flores under the HOME Homeowner Housing Rehabilitation Program in order to rehabilitate applicants home. Ms. Flores is eligible for this assistance based on qualifying criteria set forth by both the U.S. Department of Housing and Urban Development and the Urban County Program. During application intake, however, it was disclosed that the Ms. Flores' deceased husband was Hidalgo County Precinct #3 Commissioner, Joe Flores, first cousin. As per HUD regulations (24 CFR Part 92.356(d)) the Urban County Program must publicly disclose this action as a conflict of interest and request a waiver from the U.S. Department of Housing and Urban Development. This action will be funded through the HOME Homeowner Housing Rehabilitation Program pending the approved waiver.

DEPUTY DIRECTOR:   
HOME MANAGER: \_\_\_\_\_  
FINANCE MANAGER: \_\_\_\_\_

### Please Initial for Approval:

Legal Council \_\_\_\_\_

Budget \_\_\_\_\_

Human Resources \_\_\_\_\_

Dept. / Fund No: \_\_\_\_\_

Amt. Expended: \$ \_\_\_\_\_

Funds /Staffing Budgeted : Yes \_\_\_ No

Amount Code: \_\_\_\_\_

Impact on Future Budget: Yes \_\_\_ No

### Action Taken by Commissioners' Court:

Approved \_\_\_\_\_ Tabled \_\_\_\_\_ Denied \_\_\_\_\_ Motion Made by \_\_\_\_\_ Seconded \_\_\_\_\_ Vote \_\_\_\_\_



## URBAN COUNTY PROGRAM

1916 TESORO BLVD. • PHARR, TEXAS 78577 • (956) 787-8127 FAX (956) 787-5291  
E-mail ucp@bizrgv.rr.com

November 27, 2006

Steve Crain  
Atlas & Hall, L.L.P.  
PO Box 3725  
McAllen TX 78502

RE: Conflict of Interest

Dear Mr. Crain:


The Urban County Program is respectfully requesting a legal opinion from Atlas & Hall in order to determine a possible conflict of interest regarding a Home Rehabilitation assistance applicant. During application intake Ms. Hilda Flores advised the UCP Rehabilitation Assistant that her deceased husband's was first cousin of the Hidalgo County Precinct #3 Commissioner, Joe Flores. The relation by cousin is due to the mother of the deceased and Commissioner Flores' father, were brother and sister.

Enclosed please find a copy of the executed Conflict of Interest Affidavit that was signed by the client on November 11, 2006. Also included is a copy of the HOME Final Rule in which the issue of conflict of interest is addressed as per Regulation 92.356 found on page 71.

We trust that the information provided at this time will meet the requirements of your assessment. The UCP HOME Division also requests any direction that you may offer in reference to valid and complete documentation pertaining to this issue should the enclosed not suffice.

Sincerely,

Steve de la Garza  
HOME Manager

Approved by: 

Website: www.atlashall.com  
E-mail: info@atlashall.com

**ATLAS & HALL, L.L.P.**  
ATTORNEYS AT LAW

P.O. BOX 3725 (78502-3725)  
818 W. PECAN  
McALLEN, TEXAS 78501  
TEL (956) 682-5501 FAX (956) 686-6109

STARR COUNTY OFFICE  
200 N. BRITTON AVE.  
RIO GRANDE CITY, TEXAS 78582  
TEL (956) 488-1856  
FAX (956) 488-2482

December 4, 2006

Steve De La Garza  
HOME Manager  
Urban County Program  
1916 Tesoro Blvd.  
Pharr, Texas 78577

Via Facsimile (956)787-5291

RE: Hilda M. Flores HOME Application

Dear Mr. De La Garza:

Your office has provided Atlas & Hall, L.L.P., with a letter dated November 27, 2006 wherein your office advises that your office's previous letter regarding Ms. Flores relationship to a County Commissioner were incorrect. Your office now advises that Ms. Flores deceased husband's mother was the sister of the County Commissioner's father.

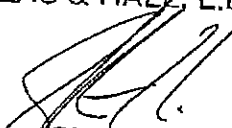
The relationship you describe would constitute a relationship between Ms. Flores deceased husband and the County Commissioner as related by the third degree of consanguinity, a relationship prohibited by Texas Government Code Section 573.02. However, since Ms. Flores was married to a deceased relative of the County Commissioner, her relationship to the County Commissioner would be one of affinity and the relationship to the County Commissioner, assuming Ms. Flores has living children from her marriage to the County Commissioner's relative, would be classified as one by the third degree of affinity.

Section 573.002 of the Texas Government Code only reaches the second degree of affinity, therefore Ms. Flores is not related to the County Commissioner within a prohibited degree as specified by Texas Government Code Section 573.002.

If you have any question, please do not hesitate to contact the undersigned.

Very truly yours,

ATLAS & HALL, L.L.P.,

By:   
Stephen L. Crain

SLC/mt

DEC 4 2006