

AI-13628

4.

Mutual agreement

DRAINAGE DISTRICT

Date: 01/28/2009

Submitted By: Angela Garcia, BUDGET & MANAGEMENT

Department: BUDGET & MANAGEMENT

Information

CAPTION

Discussion, consideration, and approval of mutual service agreement between Hidalgo County (County) and Hidalgo County Drainage District No. 1 (HCDD1) for services to be provided by County and be reimbursed by HCDD1 as allowed under Section 2 of Interlocal Cooperation Agreement approved on April 22, 2008.

BACKGROUND

Fiscal Impact

Attachments

No file(s) attached.

Form Routing/Status

Form Started By: Angela
Garcia

Started On: 01/23/2009 04:56
PM

Final Approval Date: 01/23/2009

change orders

DRAINAGE DISTRICT

Date: 01/28/2009
Submitted By: Lora Briones, DRAINAGE DISTRICT
Submitted For: Lora Briones
Department: DRAINAGE DISTRICT

Information

CAPTION

- A. Request approval of Change Order No. 1 on the Contract with Ballenger Construction Company for the Construction of Levee DHS Segment 0-4A. Subject to Department of Homeland Security (DHS) concurrence.

- B. Request approval of Change Order No. 1 on the Contract with Ballenger Construction Company for the Construction of Levee DHS Segment 0-4C. Subject to Department of Homeland Security (DHS) concurrence.

- C. Request approval of Change Order No. 9 on the Contract with Ballenger Construction Company for the Construction of Levee DHS Segment 0-5. Subject to Department of Homeland Security (DHS) concurrence.

- D. Request approval of Change Order No. 1, No. 2, No. 5 and No. 6 on the Contract with Ballenger Construction Company for the Construction of Levee DHS Segment 0-6A. Subject to Department of Homeland Security (DHS) concurrence.

- E. Request approval of Change Order No. 1, No. 2, No. 5 and No. 6 on the Contract with SER Construction Partners, LTD. for the Construction of DHS Segment 0-6BC. Subject to Department of Homeland Security (DHS) concurrence.

- F. Request approval of Change Order No. 8 on the Contract with SER Construction Partners, LTD. for the Construction of DHS Segment 0-7. Subject to Department of Homeland Security (DHS) concurrence.

- G. Request approval of Change Order No. 7 on the Contract with Zachry Construction Corporation for the Construction of DHS Segment 0-8. Subject to Department of Homeland Security (DHS) concurrence.

- H. Request approval of Change Order No. 2, No. 5A, No. 7, No. 10 and No. 12 on the Contract with McAllen Construction, Inc. for the Construction of DHS Segment 0-9 Ph II. Subject to Department of Homeland Security (DHS) concurrence.

BACKGROUND

Fiscal Impact

Attachments

No file(s) attached.

Form Routing/Status

Route Seq	Inbox	Approved By	Date	Status
1	Budget & Management	Veronica Lopez	01/23/2009 04:41 PM	APRV
2	Final Approval		01/23/2009 05:21 PM	NEW

Form Started By: Lora Briones
Started On: 01/14/2009 05:43 PM

Final Approval Date: 01/23/2009

Payment Requests**DRAINAGE DISTRICT**

Date: 01/28/2009

Submitted By: Minerva Luna, DRAINAGE DISTRICT

Submitted For: Minerva Luna

Department: DRAINAGE DISTRICT

Information**CAPTION**

- A. Request approval of Payment Request No. 6 to Ballenger Construction Company for the Construction of Levee DHS Segment 0-5 (1.76 miles).
- B. Request approval of Payment Request No. 3 to Ballenger Construction Company for the Construction of Levee DHS Segment 0-6A (2.59 miles).
- C. Request approval of Payment Request No. 3 to SER Construction Partners, LTD. for the Construction of Levee DHS Segment 0-6B & 0-6C (1.38 miles).
- D. Request approval of Payment Request No. 3 to Zachry Construction Corporation for the Construction of Levee DHS Segment 0-8 (3.31 miles).
- E. Request approval of Payment Request No. 3 to McAllen Construction, Inc. for the Construction of Levee DHS Segment 0-9 Ph II (1.75 miles).
- F. Request approval of Payment Request No. 5 to Williams Brothers Construction Company, Inc. for the Construction of Levee DHS Segment 0-9 Ph I (2.33 miles).
- G. Request approval of Payment Request No. 5 to Williams Brothers Construction Company, Inc. for the Construction of Levee DHS Segment 0-10 (2.12 miles).
- H. Request approval to process manual checks to Ballenger Construction Company, SER Construction Partners, LTD., Zachry Construction Company, McAllen Construction, Inc. and Williams Brothers Construction Company, Inc. for the above mentioned projects pending the approval from County Auditor and pending the electronic transfer of funds from Department of Homeland Security (DHS).
- I. Request approval of Payment Request No. 7 to Ballenger Construction Company for the Construction of the Mission Levee Improvement Project, Banker Weir to Inspiration Rd.
- J. Request approval of Payment Request No. 6 to Ballenger Construction Company for the Construction of the Common Levee/Anzalduas Dike Improvements, Hidalgo Loop Levee to Anzalduas Dam Project.

K. Request approval to process manual checks for the above mentioned projects to Ballenger Construction Company pending completion of the auditing process.

BACKGROUND

Fiscal Impact

Attachments

No file(s) attached.

Form Routing/Status

Route Seq	Inbox	Approved By	Date	Status
1	Budget & Management	Veronica Lopez	01/23/2009 04:42 PM	APRV
2	Final Approval		01/23/2009 05:21 PM	NEW

Form Started By: Minerva Luna
Started On: 01/23/2009 10:00 AM

Final Approval Date: 01/23/2009

**L&G and D&B Invoices Dec
DRAINAGE DISTRICT**

Date: 01/28/2009
Submitted By: Minerva Luna, DRAINAGE DISTRICT
Submitted For: Minerva Luna
Department: DRAINAGE DISTRICT

Information

CAPTION

A. Request approval of payment of Invoices to L & G Engineering for professional engineering services in relation to the following DHS Levee Segments:

- 1. DHS Segment 0-4A Invoice 7433
- 2. DHS Segment 0-4C Invoice 7437
- 3. DHS Segment 0-5 Invoice 7434
- 4. DHS Segment 0-6A Invoice 7435
- 5. DHS Segment 0-6BC Invoice 7436
- 6. DHS Segment 0-8 Invoice 7439
- 7. DHS Segment 0-9 Ph I Invoice 7440
- 8. DHS Segment 0-9 Ph II Invoice 7441
- 9. DHS Segment 0-10 Invoice 7442

B. Request approval of payment of Invoices to Dannenbaum Engineering for professional engineering services in relation to the following DHS Segments:

- 1. DHS Segment 0-4A Invoice 4287XXD/20A/XV
- 2. DHS Segment 0-4A Invoice 4287XXD/20B/XV
- 3. DHS Segment 0-5 Invoice 441001/11/XV
- 4. DHS Segment 0-6A Invoice 441007/07/XV
- 5. DHS Segment 0-6B Invoice 441008/07/XV
- 6. DHS Segment 0-6C Invoice 441009/06/XV
- 7. DHS Segment 0-7 Invoice 441002/10/XV
- 8. DHS Segment 0-8 Invoice 441003/08/XV
- 9. DHS Segment 0-9 Ph I Invoice 441004/10A/XV
- 10. DHS Segment 0-9 Ph II Invoice 441004/10B/XV
- 11. DHS Segment 0-10 Invoice 441005/10/XV

C. Request approval to process manual checks to Dannenbaum Engineering and L&G Engineering pending approval from County Auditor and pending the electronic transfer of funds from Department of Homeland Security (DHS).

BACKGROUND

Fiscal Impact

Attachments

No file(s) attached.

Form Routing/Status

Route Seq	Inbox	Approved By	Date	Status
1	Budget & Management	Veronica Lopez	01/23/2009 04:42 PM	APRV
2	Final Approval		01/23/2009 05:21 PM	NEW

Form Started By: Minerva Luna
Started On: 01/23/2009 10:39 AM

Final Approval Date: 01/23/2009

AI-13616
corrections
DRAINAGE DISTRICT

8.

Date: 01/28/2009
Submitted By: Lora Briones, DRAINAGE DISTRICT
Department: DRAINAGE DISTRICT

Information

CAPTION

A. Request approval, as a matter of record, correction on agenda information previously approved.

<u>Agenda Date</u>	<u>Item No.</u>	<u>Invoice No.</u>	<u>Correct Invoice No.</u>
September 16, 2008	I. 1.	4487XX/14/XV	4287XX/14/XV
December 23, 2008	K. 6.	44009/05/XV	441009/05/XV

B. Request approval to submit Revised attachment "D" for DHS Segment Work Authorizations Nos. 26 -30, Supplementals Work Authorization No. 1 to Work Authorizations Nos. 26-30 and Work Authorization Nos. 32-36. Revisions are required to correct format error on the spreadsheets.

BACKGROUND

Fiscal Impact

Attachments

No file(s) attached.

Form Routing/Status

Route Seq	Inbox	Approved By	Date	Status
1	Budget & Management	Veronica Lopez	01/23/2009 04:44 PM	APRV
2	Final Approval		01/23/2009 05:21 PM	NEW

Form Started By: Lora Briones
Started On: 01/23/2009 01:01 PM

Final Approval Date: 01/23/2009

AI-13511

9.

Reject Bid No:08-026-12-30

DRAINAGE DISTRICT

Date: 01/28/2009

Submitted By: Jaime Salazar, DRAINAGE DISTRICT

Submitted For: Jaime Salazar

Department: DRAINAGE DISTRICT

Information

CAPTION

Requesting approval to reject all bids received for Bid No: 08-026-12-30 "54"RCP OUTFALL RE-ALIGNMENT".

BACKGROUND

Fiscal Impact

Attachments

No file(s) attached.

Form Routing/Status

Route Seq	Inbox	Approved By	Date	Status
1	Budget & Management	Veronica Lopez	01/21/2009 02:48 PM	APRV
2	Final Approval	Angela Garcia	01/23/2009 05:21 PM	APRV

Form Started By: Jaime Salazar
Started On: 01/20/2009 01:30 PM

Final Approval Date: 01/23/2009

**Work Authorizations
DRAINAGE DISTRICT**

Date: 01/28/2009
Submitted By: Lora Briones, DRAINAGE DISTRICT
Submitted For: Lora Briones
Department: DRAINAGE DISTRICT

Information

CAPTION

A. Request approval of the following Supplementals to Work Authorizations for Professional Engineering Services related to Preliminary, Final Design and Construction as they relate to DHS Segments:

- 1. Supplemental #16 and 17 to Work Authorization #3 DHS Segment 0-4B
- 2. Supplemental #7 and 8 to Work Authorization #12 DHS Segment 0-6A
- 3. Supplemental #13 and 14 to Work Authorization #9 DHS Segment 0-9A
- 4. Supplemental #11 and 12 to Work Authorization #10 DHS Segment 0-10A

B. Request approval of Revisions to Supplemental Agreements No. 5 and 7 of Work Authorization No. 7 for Engineering Services relating to Preliminary, Final Design and Construction for DHS Segment 0-7A

BACKGROUND

Fiscal Impact

Attachments

No file(s) attached.

Form Routing/Status

Route Seq	Inbox	Approved By	Date	Status
1	Budget & Management	Veronica Lopez	01/23/2009 04:44 PM	APRV
2	Final Approval		01/23/2009 05:21 PM	NEW
Form Started By: Lora Briones			Started On: 01/23/2009 02:05 PM	
Final Approval Date: 01/23/2009				

**Bank Depository Contract Project
DRAINAGE DISTRICT**

Date: 01/28/2009
Submitted By: Marty Salazar, PURCHASING DEPT.
Submitted For: Marty Salazar
Department: PURCHASING DEPT.

Information

CAPTION

- A. Presentation for discussion, consideration and action in connection with the option for Drainage District #1 to continue to participate in the procurement process for the selection of a bank depository and/or remittance processing (lockbox) bank or any other options available to Hidalgo County under Texas Local Government Code, Chapter 116; or, in the alternative,
- B. Hidalgo County Drainage District #1 to seek the selection of a depository bank pursuant to Water Code or applicable statutes.

BACKGROUND

Fiscal Impact

Attachments

Link: [back-up](#)

Form Routing/Status

Route Seq	Inbox	Approved By	Date	Status
1	Budget & Management	Veronica Lopez	01/23/2009 01:25 PM	APRV
2	Final Approval		01/23/2009 05:21 PM	NEW

Form Started By: Marty Salazar

Started On: 01/23/2009 10:22 AM

Final Approval Date: 01/23/2009

APPLICATION FOR DEPOSITORY BANK FOR FUNDS OF

HIDALGO COUNTY

General Information

Hidalgo County Commissioners Court, in complying with applicable Texas Statutes, is herein requesting applications from any banking corporation or financial institution to serve as a County Depository Bank. The county intends to designate one bank that will provide two (2) separate functions: (A) one operating bank, and (B) a remittance processing (lockbox) bank. "Operating Bank" means the bank will provide general banking services, including but not limited to the establishment of interest bearing checking accounts, other electronic transfers and electronic interchange data interchange. "Remittance Processing (Lockbox) Bank" means the bank will process ad valorem tax remittances for Hidalgo County. (See Lockbox Specifications)

The specific references governing these services are:

Local Government Code Chapters 116 & 117, "Depositories for County Public Funds," + Government Code Chapters 2256 & 2257, "Collateral for Public Funds."

The text of these governing statutes may be obtained on the Internet at:

www.capitol.state.tx.us/statutes/statutes.html

By submitting a proposal, Bank, acknowledges that it understands the aforementioned laws, which pertain to the safekeeping of county funds and will comply with these statutes.

Pursuant to the *Texas Local Government Code 116.021* and *Vernon's Texas Codes Annotated, Government Code, Title 10, Chapter 2257*, sealed proposals will be received by Hidalgo County Commissioner's Court, Edinburg, Hidalgo County, Texas on or before **10:00 A.M. on April 12, 2005** for the selection of a bank depository for the forthcoming four-year period commencing **May 10, 2005**. Applications may be submitted by any "bank" as defined by the *Texas Local Government Code 116.001*. There is no express or implied obligation for Hidalgo County to reimburse responding firms for any expenses incurred in preparing proposals in response to this request and Hidalgo County will not reimburse responding banks for these expenses.

The Hidalgo County Drainage District Number One Board Of Directors may, at their option, utilize the depository selected by Hidalgo County as the depository for Hidalgo County Drainage District Number One. Should the Board of Directors of Hidalgo County Drainage District Number One decide the bank selected as its depository is the same as the one selected by Hidalgo County, the bank selected shall offer Hidalgo County Drainage District Number One the same terms and provisions as it offers Hidalgo County under the depository agreement except as such provisions may differ in accordance with Texas Water Code Chapter 49 & 56.

There is no express or implied obligation for Hidalgo County to reimburse responding firms for any expenses incurred in preparing proposals in response to this request and Hidalgo County will not reimburse responding banks for these expenses.

§ 116.002. Money Affected

(a) This chapter applies to money collected or held by a district, county, or precinct officer in a county and by the officers of a defined district or subdivision in the county, including the funds of a municipal or quasi-municipal subdivision or corporation that has the power to select its own depository but has not done so. The money shall be deposited under this chapter, and the money shall be considered in fixing, and is protected by, a county depository's bond.

(b) Warrants, checks, and vouchers evidencing the money deposited in the county depository under Subsection (a) are subject to audit and countersignature as provided by law.

Acts 1987, 70th Leg., ch. 149, § 1, eff. Sept. 1, 1987.

[Sections 116.003 to 116.020 reserved for expansion]

SUBCHAPTER B. ESTABLISHMENT OF DEPOSITORY

§ 116.021. Depository and Subdepository Contracts

(a) The commissioners court of a county shall select by the process provided by this subchapter or by Subchapter C, Chapter 262, one or more banks in the county and enter a contract with each selected bank for the deposit of the county's public funds. The county shall contract with a bank under this section for a two-year or four-year contract term. On expiration of a contract under this section, the contract may be renewed for two years under terms negotiated by the commissioners court.

(b) If the contract is for a four-year term, the contract shall allow the county to establish, on the basis of negotiations with the bank, new interest rates and financial terms of the contract that will take effect during the final two years of the four-year contract.

(c) On the renewal of a contract, the county may negotiate new interest rates and terms with the bank for the next two years in the same way and subject to the same conditions as provided by Subsection (b).

(d) If for any reason a county depository is not selected under Subsection (a), the commissioners court, at any subsequent time after 20 days' notice, may select, by the process described by Section 116.024 or by negotiated bid, one or more depositories in the same manner as at the regular time.

(e) If the commissioners court selects a depository by the process provided by Subchapter C, Chapter 262, the depository may be selected by:

- (1) competitive bidding; or
- (2) another method under that subchapter that the county is qualified to use.

Acts 1987, 70th Leg., ch. 149, § 1, eff. Sept. 1, 1987. Amended by Acts 1991, 72nd Leg., ch. 527, § 2, eff. Sept. 1, 1991; Acts 1995, 74th Leg., ch. 65, § 1, eff. Aug. 28, 1995; Acts 2007, 80th Leg., ch. 899, § 1, eff. June 15, 2007.

§ 116.022. Notice

(a) Once each week for at least 20 days before the date to submit an application under Section 116.023(a), the county judge shall place over the judge's name in a newspaper of general circulation in the county a notice that the commissioners court intends to receive applications from which to select a depository bank. A notice shall also be posted at the courthouse door of the county.

(b) If a newspaper is not published in the county, the newspaper notice shall be placed in a newspaper published in the nearest county.

Acts 1987, 70th Leg., ch. 149, § 1, eff. Sept. 1, 1987. Amended by Acts 1995, 74th Leg., ch. 65, § 2, eff. Aug. 28, 1995; Acts 2007, 80th Leg., ch. 899, § 2, eff. June 15, 2007.

§ 116.023. Applications

(a) A bank in the county that wants to be a county depository must deliver its application to the county judge or a designated representative of the judge on or before a date set by the commissioners court that is no later than the 60th day before the date of the expiration of the existing depository contract.

(b) The application must state the amount of the bank's paid-up capital stock and permanent surplus, and the application must be accompanied by:

- (1) a statement showing the financial condition of the bank on the date of the application; and
- (2) a certified check or cashier's check for at least one-half percent of the county's revenue for the preceding year.

(c) The certified or cashier's check that accompanies an application is a good-faith guarantee on the part of the applicant that if accepted as a county depository it will execute the bond required under this chapter. If a bank is selected as a depository and does not provide the bond, the county shall retain the amount of the check as liquidated damages, and the

county judge shall readvertise for applications, if necessary, to obtain a depository for the county.

(d) A bank in the county that wants to be a county subdepository must comply with Subsections (a) and (b)(1). The subdepository's application must include a proposal outlining its security for the county public funds to be held in addition to revenue offers.

Acts 1987, 70th Leg., ch. 149, § 1, eff. Sept. 1, 1987. Amended by Acts 1989, 71st Leg., ch. 628, § 4, eff. Aug. 28, 1989; Acts 1991, 72nd Leg., ch. 527, § 3, eff. Sept. 1, 1991; Acts 2007, 80th Leg., ch. 899, § 3, eff. June 15, 2007.

§ 116.024. Selection of Depositories and Subdepositories

(a) At the meeting at which banks are to be selected as county depositories, the commissioners court shall:

- (1) enter in the minutes of the court all applications filed with the county judge;
- (2) consider all applications; and
- (3) select the qualified applicants that offer the most favorable terms and conditions for the handling of the county funds.

(b) The commissioners court may reject those applicants whose management or condition, in the opinion of the commissioners court, does not warrant placing county funds in their possession.

(c) After selecting one or more county depositories, the commissioners court shall immediately return the certified checks of the rejected applicants. The commissioners court shall return the check of a successful applicant when the applicant executes and files a depository bond that is approved by the commissioners court.

(d) The conflict of interests provisions of Section 131.903 apply to the selection of the depositories.

(e) After selecting one or more subdepositories, the commissioners court shall immediately notify each selected applicant of its selection. Within 15 days, the selected applicant must file a bond or other security as approved by the commissioners court.

Acts 1987, 70th Leg., ch. 149, § 1, eff. Sept. 1, 1987. Amended by Acts 1991, 72nd Leg., ch. 527, §§ 4, 5, eff. Sept. 1, 1991; Acts 1993, 73rd Leg., ch. 268, § 29, eff. Sept. 1, 1993; Acts 2007, 80th Leg., ch. 899, § 4, eff. June 15, 2007.

§ 116.025. Designation of Depository or Subdepository

When security is provided in accordance with Subchapter C¹ and is approved by the commissioners court, the commissioners court shall, by an order entered in its minutes, designate the bank as a depository or subdepository for the funds of the county. The designation is effective until the end of the 60th day after the date fixed for the next selection of a depository or subdepository.

Acts 1987, 70th Leg., ch. 149, § 1, eff. Sept. 1, 1987. Amended by Acts 1991, 72nd Leg., ch. 527, § 6, eff. Sept. 1, 1991.

¹ V.T.C.A., Local Government Code § 116.051 et seq.

§ 116.026. Applicants Outside County

If no bank located in the county applies to be designated as the county depository, the commissioners court may advertise, in the same manner provided by Section 116.022 for advertising for a depository within the county, for applications from banks in an adjoining county or any other county in this state.

Acts 1987, 70th Leg., ch. 149, § 1, eff. Sept. 1, 1987.

§ 116.027. Selection of Nonapplicant Depository

(a) If no application to be a county depository is submitted, or if all of the applications are declined, the commissioners court shall deposit the funds of the county with any one or more banks in the county or in the adjoining counties in the amounts and for the periods as the commissioners court considers advisable.

(b) A bank that receives deposits under this section shall provide security in the manner and form, and subject to the same conditions, as is required for a depository of county funds. The penalty of the security must at least equal the total amount of county funds deposited with the bank.

Acts 1987, 70th Leg., ch. 149, § 1, eff. Sept. 1, 1987.

[Sections 116.028 to 116.050 reserved for expansion]

SUBCHAPTER C. SECURITY FOR FUNDS HELD BY DEPOSITORY

§ 116.051. Qualification as Depository or Subdepository

Within 15 days after the date a bank is selected as a county depository or subdepository, the bank must qualify as the depository or subdepository by providing security for the funds to be deposited by the