

Housing Rehab Program

ENTITY: City of Elsa

PROJECT: Approval for Assistance under the HOME Homeowner Occupied Housing Rehabilitation Program.

FUNDING YEAR: HOME 2009

SYNOPSIS:

The family is being recommended for applicant approval under the HOME Homeowner Occupied Housing Rehabilitation Program. The applicant has been on the Countywide Waitlist since September 2009, and has met all of the program requirements for assistance under the HOME Homeowner Housing Rehabilitation Grant Program. The following is a profile of the project

Dolores Barco

Family of three (3)	
Applicant's age is 85, son's age is 46 and daughter age is 53	
Title Search:	No Abstract & Liens
Flood Zone:	No – Zone X
Insurance:	N/A
Structures:	1
Taxes:	current
Assets & Deposits:	\$311.89
Debt to Income Ratio:	N/A
Pay Back:	No - Deferred Loan - Elderly
Number of Bedrooms:	2
Square Feet:	864
Total annual household income:	\$ 27,468.00
HUD Income Limits (family of 3):	\$ 33,500.00

Existing Dwelling: 3 bedrooms frame home, built in 1958.

RECOMMENDATION:

The HOME Staff recommends approval for assistance under the Housing Rehabilitation Program by the County Commissioner's Court.



JAN 25 2011

Ms. Diana Serna, Director
Urban County Program
1916 Tesoro Boulevard
Pharr, TX 78577

U.S. Department of Housing and Urban Development
San Antonio Field Office, Region VI
Office of Community Planning and Development
One Alamo Center
106 South St. Mary's Street, Suite 405
San Antonio, Texas 78205-3601
Phone (210) 475-6820 Fax: (210) 472-6825
www.hud.gov www.espanol.hud.gov

Dear Ms. Serna:

SUBJECT: Approval for Request for Exception – Conflict of Interest

We reviewed the County's Request for exception on the matter pertaining to a possible conflict of interest for Maria Dolores Barco, a Homeowner Housing Rehabilitation Program applicant who is the mother of Mr. Antonio Barco, Deputy Director for the Urban County Program. Our review of the documents and statements provided by the County determined that pursuant to 24 CFR Section 92.356(e)(2) an exception to the Conflict of Interest provisions of 24 CFR 92.356 is granted. Allowing the exception will enable Ms. Barco to receive only those same benefits that others of her group are entitled to and nothing more.

As a condition to this approval the County must provide the following information to this office.

- Copy of the County's response to Atlas & Hall, L.L.P. indicating compliance with Attorney's request as stated in paragraph b & c of their letter to County dated December 1, 2010. Include all supporting documentation provided to Attorney.

- A copy of the Hidalgo County Commissioner's Court Meeting Minutes that occurred on December 21, 2010.

Please provide information requested above within 30 days from the date of this Letter. If you have any questions or comments with respect to this letter, please contact David Rios, Community Planning and Development Representative at (210) 475-6800, ext. 2314.

Sincerely,

Elva F. Garcia
Director, Community Planning
and Development

Website: www.atlashall.com

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

P.O. BOX 3725 (78502-3725)
818 W PECAN BLVD.
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) 488-1896
FAX (956) 488-6482

December 1, 2010

Hidalgo County Urban County Program
Attn: Diana R. Serna, Director
1916 Tesoro Blvd.
Pharr, Texas 78577

Via Email
& United States Regular Mail

Re: Request by Hidalgo County's Urban County Program for Exception to Conflict of Interest Regulation, 24 C.F.R. § 92.356

Ladies and Gentlemen:

This opinion is being rendered pursuant to 24 C.F.R. § 92.536(d)(2) and at the request of the Hidalgo County Urban County Program ("UCP") relating to its request of the Department of Housing and Urban Development of the United States to grant UCP an exception to the provisions of paragraph (b) of 24 C.F.R. § 92.536 for the application of Ms. Maria Dolores Barco, mother of Hidalgo County Urban County Program Deputy Director, Mr. Antonio Barco.

In connection with the foregoing we have reviewed the Chapters 171 and 176 of the Texas Local Government Code and Chapters 572 and 573 of the Texas Government Code, copies of the conflict of interest provisions of the HOME Program Conflict of Interest policy, have verified with Mr. Valde Guerra, Chief Executive Officer of Hidalgo County, that Hidalgo County has no conflict of interest policies other than Chapters 171 and 176 of the Texas Local Government Code and have examined such other instruments and documents which we have deemed necessary or advisable to examine for the purpose of this opinion. With respect to such examination, we have assumed that the statements of fact made in all such documents and instruments are true, accurate and complete.

Based on the foregoing, and having due regard for such legal considerations as we deem relevant, and subject to the limitations and assumptions set forth herein, including without limitation the matters set forth in the last two (2) paragraphs hereof, we are of the opinion that:

1. To the best of our knowledge, the approval of the application of Ms. Maria Dolores Barco, mother of Hidalgo County Urban County Program Deputy Director, Mr. Antonio Barco, for the UCP Owner-Occupied Rehabilitation Program by the County of Hidalgo Commissioner's Court (the "Court") would not violate Texas state or local laws, assuming the following conditions or

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(iv)

actions are met and taken in connection with before application approval by the Court:

- a. Receipt by the UCP of the exception to 24 C.F.R. § 92.536(b) by the Department of Housing and Urban Development (the "Exception");
- b. Upon receipt of the Exception, Mr. Antonio Barco shall file with the official record keeper for the Court, before the vote or decision on the approval of Ms. Barco's application by the Court, an affidavit stating the nature and extent of his interest in the real property owned by Ms. Barco in accordance with Section 171.004 of the Texas Local Government Code, as amended and shall abstain from further participation in connection with this matter; and
- c. Ms. Maria Dolores Barco files (or has filed) an updated conflict of interest affidavit stating her relation to Hidalgo County Urban County Program Deputy Director, Mr. Antonio Barco not later than the seventh business day from the date Ms. Barco receives or received notification by the UCP to file an updated conflict of interest affidavit in accordance with Section 176.006(d) of the Texas Local Government Code, as amended.

In rendering the opinion, we have assumed (i) the due authorization, execution and delivery by all parties of all documents that we have examined, (ii) the genuineness of all signatures on conformed copies, (iv) the legal capacity of natural persons, (v) the conformity to authentic original documents of all documents submitted to us as copies, and (vi) the enforceability of all documents against all parties thereto other than the County.

The opinions expressed herein are subject to the following limitations, qualifications, assumptions and exceptions.

We are furnishing this letter solely for your benefit at the request of the UCP. This opinion is not to be used, circulated, quoted or otherwise referred to for any other purpose, nor is it to be relied upon by any other person or entity or by you in any other context without our express written consent.

This opinion is based on and is limited to the laws of the State of Texas, and the federal laws of the United States of America. Insofar as the foregoing opinion relates to matters of law other than the foregoing, no opinion is hereby given.

This opinion is as of the date hereof, and we undertake no obligation to supplement the opinions set forth herein as facts and circumstances come to our attention or changes in the law occur which could affect such opinions.

Very truly yours,

Atlas & Hall, LLP

ATLAS & HALL, LLP

AFFIDAVIT

STATE OF TEXAS §

COUNTY OF HIDALGO §

I, Antonio Barco, certify that my mother, Maria Dolores Barco, has applied for housing rehabilitation services with the County of Hidalgo Urban County Program (UCP), where I am employed as the Deputy Director. As such, I also certify that I have no interest in her property and will abstain from any participation in connection with this matter.

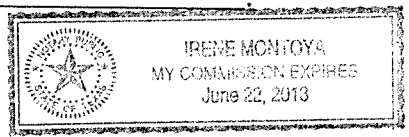
I understand that the UCP Owner-Occupied Rehabilitation Program is federally funded by the US Department of Housing and Urban Development. Furthermore, I certify, that all information provided to the UCP staff is true and correct and that any false information given may result in the termination of Ms. Maria Dolores Barco Owner-Occupied Rehabilitation Contract including re-payment in full of the funds granted for the rehabilitation of the home at Lot Five (5), Block number Two (2), NORTH ELSA SUBDIVION No. (7), Hidalgo County, Texas.

WARNING: SECTION 1001 OF TITLE 18, UNITED STATES CODE PROVIDES: "WHOEVER, IN ANY MATTER WITHIN THE JURISDICTION OF ANY DEPARTMENT OR AGENCY OF THE UNITED STATES KNOWINGLY AND WILLFULLY FALSIFIES, CONCEALS OR COVERS UP. A MATERIAL FACT, OR MAKES ANY FALSE, FICTITIOUS OR FRAUDULENT STATEMENTS OR REPRESENTATIONS, OR MAKES OR USES ANY FALSE WRITING OR DOCUMENT KNOWING THE SAME TO CONTAIN ANY FALSE, FICTITIOUS OR FRAUDULENT STATEMENT OR ENTRY, SHALL BE FINED NOT MORE THAN \$250,000 OR IMPRISONED NOT MORE THAN 5 YEARS, OR BOTH."
CERTIFICATION: I/We certify that the information provided to Urban County Program staff is true and correct and acknowledge my/our understanding that any intentional or negligent misrepresentation(s) of the information submitted to Urban County Program may result in civil

[Signature]
Antonio Barco

January 28, 2011
Date

This instrument was acknowledged before me on the 28 day of January, 2011 by Antonio Barco



[Signature]
Notary Public, State of Texas

Irene Montoya
Notary's Name (Printed)

June 22, 2013
Notary's Commission Expires

Conflict of Interest Affidavit Countywide

Instructions: Please check below if you are related to any of the individuals listed.

County Officials:

- Ramon Garcia, Hidalgo County Judge
- Joel Quintanilla, Commissioner - Pct. 1
- Hector "Tito" Palacios, Commissioner - Pct. 2
- Joe Flores, Commissioner - Pct. 3
- Joseph Palacios, Commissioner - Pct. 4
- _____, Pct.

Urban County Program Staff:

- Diana R. Serna, Director Other:
- Antonio Barco, Deputy Director
- Steve De La Garza, Compliance Division Manager

Please check the appropriate box below. If you are related to any of the listed above, please state how the individual is related to you, if he/she is providing you with any assistance, and if he/she has any interest on your property.

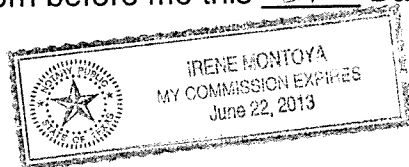
- I am not related to any of the listed elected officials or staff members.
- I am related to the elected official or staff member so designated.

Dalores Barco 1/31/11 _____
Signature Date Signature Date

STATE OF TEXAS
COUNTY OF HIDALGO

Dalores Barco, personally appeared before me and declared that he/she signed this affidavit in the capacity designated, if any, and further states that he/she has read the above document and the statements therein contained are true.

Solely described and sworn before me this 31 Day of January, 2011.



Irene Montoya
Notary Public, State of Texas