

3. Participating jurisdictions, contractors, subcontractors, and other participants must comply with regulations issued under these acts and with other Federal laws and regulations pertaining to labor standards and HUD Handbook 1344.1 (Federal Labor Standards Compliance in Housing and Community Development Program) as applicable. Participating jurisdictions must request recertification as to compliance with the provisions of this section before making any payment under such contract.
- b. *Volunteers.* The prevailing wage provisions of paragraph (a) of this section do not apply to an individual who receives no compensation or is paid expenses, reasonable benefits, or a nominal fee to perform the services for which the individual volunteered and who is not otherwise employed at any time in the construction work. See 24 CFR part 70.
- c. *Sweat equity.* The prevailing wage provisions of paragraph (a) of this section do not apply to members of an eligible family who provide labor in exchange for acquisition of a property for homeownership or provide labor in lieu of, or as a supplement to, rent payments.

### § 92.355 Lead-based paint

Housing assisted with HOME funds is subject to the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. 4821-4846), the Residential Lead-Based Paint Hazard Reduction Act of 1991 (42 U.S.C. 4851-4856), and implementing regulations at part 35, subparts A, B, J, K, M and N of this title.

[64 FR 50224, Sept. 15, 1999]

### § 92.356 Conflict of Interest

- a. *Applicability.* In the procurement of property and services by participating jurisdictions, State recipients, and subrecipients, the conflict of interest provisions in 24 CFR 85.36 and 24 CFR 84.42, respectively, apply. In all cases not governed by 24 CFR 85.36 and 24 CFR 84.42, the provisions of this section apply.
- b. *Conflicts prohibited.* No persons described in paragraph (c) of this section who exercise or have exercised any functions or responsibilities with respect to activities assisted with HOME funds or who are in a position to participate in a decisionmaking process or gain inside information with regard to these activities, may obtain a financial interest or benefit from a HOME-assisted activity, or have an interest in any contract, subcontract or agreement with respect thereto, or the proceeds thereunder, either for themselves or those with whom they have family or business ties, during their tenure or for one year thereafter.
- c. *Persons covered.* The conflict of interest provisions of paragraph (b) of this section apply to any person who is an employee, agent, consultant, officer, or elected official or appointed official of the participating jurisdiction, State recipient, or subrecipient which are receiving HOME funds.
- d. *Exceptions: Threshold requirements.* Upon the written request of the participating jurisdiction, HUD may grant an exception to the provisions of paragraph (b) of this

section on a case-by-case basis when it determines that the exception will serve to further the purposes of the HOME Investment Partnerships Program and the effective and efficient administration of the participating jurisdiction's program or project. An exception may be considered only after the participating jurisdiction has provided the following:

1. A disclosure of the nature of the conflict, accompanied by an assurance that there has been public disclosure of the conflict and a description of how the public disclosure was made; and
  2. An opinion of the participating jurisdiction's or State recipient's attorney that the interest for which the exception is sought would not violate State or local law.
- e. *Factors to be considered for exceptions.* In determining whether to grant a requested exception after the participating jurisdiction has satisfactorily met the requirements of paragraph (d) of this section, HUD will consider the cumulative effect of the following factors, where applicable:
1. Whether the exception would provide a significant cost benefit or an essential degree of expertise to the program or project which would otherwise not be available;
  2. Whether the person affected is a member of a group or class of low-income persons intended to be the beneficiaries of the assisted activity, and the exception will permit such person to receive generally the same interests or benefits as are being made available or provided to the group or class;
  3. Whether the affected person has withdrawn from his or her functions or responsibilities, or the decisionmaking process with respect to the specific assisted activity in question;
  4. Whether the interest or benefit was present before the affected person was in a position as described in paragraph (c) of this section;
  5. Whether undue hardship will result either to the participating jurisdiction or the person affected when weighed against the public interest served by avoiding the prohibited conflict; and
  6. Any other relevant considerations.
- f. *Owners and Developers.*
1. No owner, developer or sponsor of a project assisted with HOME funds (or officer, employee, agent or consultant of the owner, developer or sponsor) whether private, for profit or non-profit (including a community housing development organization (CHDO) when acting as an owner, developer or sponsor) may occupy a HOME-assisted affordable housing unit in a project. This provision does not apply to an individual who receives HOME funds to acquire or rehabilitate his or her principal residence or to an employee or agent of the owner or developer of a rental housing project who occupies a housing unit as the project manager or maintenance worker.

# 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
- Antonio Barco, Deputy Director
- Steve De La Garza, Compliance Division Manager
- Other: Angie Ramos

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.

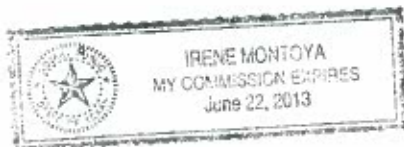
Santos Villanueva                      3/28/12  
Signature                                      Date                                      Signature                                      Date

STATE OF TEXAS  
COUNTY OF HIDALGO

Santos Villanueva, 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 28 Day of March, 2012

[Signature]  
Notary Public, State of Texas



**AFFIDAVIT**

**STATE OF TEXAS §**

**COUNTY OF HIDALGO §**

I, Angelita Ramos, certify that my cousin, Santos Villarreal, has applied for housing rehabilitation services with the County of Hidalgo Urban County Program (UCP), where I am employed as the Disaster Recovery Program Intake Clerk II. 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 Mrs. Santos Villarreal Owner-Occupied Rehabilitation Contract including re-payment in full* of the funds granted for the rehabilitation of the home at Lot Six (6), Block 79 Hargill townsite, 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 liability and/or criminal penalties including, but not limited to, fine or imprisonment or both under the provisions of Title 18, United States Code, Section 1001, et seq. and liability for monetary damages to Urban County Program staff, its agents, successors and assigns, insurers and any other person who may suffer any loss due to reliance upon any misrepresentation which I/we have made on this agreement and Contract.

Angelita Ramos  
Angelita Ramos

5/16/2012  
Date

This instrument was acknowledged before me on the 16<sup>th</sup> day of May, 2012 by Angelita Ramos.



[Signature]  
Notary Public, State of Texas

Tere Montoya  
Notary's Name (Printed)

June 27, 2013  
Notary's Commission Expires

# ATLAS, HALL & RODRIGUEZ, LLP

STARR COUNTY OFFICE  
200 N. Britton Ave  
Rio Grande City, Texas 78582-3843  
Tel. (956) 488-1896  
Fax (956) 488-6482

ATTORNEYS AT LAW  
P.O. BOX 3725 (78502-3725)  
818 W. PECAN BLVD. (78501-2418)  
McALLEN, TEXAS  
TEL. (956) 682-5501 FAX (956) 686-6109  
ATLASHALL.COM

CAMERON COUNTY OFFICE  
50 W. MORRISON RD., STE  
BROWNSVILLE, TEXAS 78520-  
TEL. (956) 574-9333  
FAX (956) 574-9337

May 16, 2012

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 re: Ms. Santos Villarreal 

Ladies and Gentlemen:

This opinion is being rendered pursuant to 24 C.F.R. § 92.356(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. § 92.356 for the application of Ms. Santos Villarreal, the first cousin of Hidalgo County Urban County Program Disaster Recovery Program Clerk, Angelita Ramos.

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, and the Owner-Occupied Rehabilitation Program 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. Santos Villarreal~~ first cousin of Hidalgo County Urban County Program Disaster Recovery Program Clerk, Angelita Ramos, 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 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. § 92.356(d) by the Department of Housing and Urban Development (the "Exception");
  - b. Upon receipt of the Exception, Ms. Angelita Ramos shall file with the official record keeper for the Court, before the vote or decision on the approval of Ms. Santos Villarreal's application by the Court, an affidavit stating the nature and extent of her interest in the real property owned by Ms. Santos Villarreal 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. Santos Villarreal files (or has filed) an updated conflict of interest affidavit stating her relation to Hidalgo County Urban County Program Disaster Recovery Program Clerk, Ms. Angelita Ramos not later than the seventh business day from the date Ms. Santos Villarreal 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 & Rodriguez, LLP*

ATLAS, HALL & RODRIGUEZ, LLP