

**AN ORDER OF THE HIDALGO COUNTY COMMISSIONERS COURT
TRANSFERRING FUNDS FROM ROAD AND BRIDGE TO THE GENERAL FUND**

STATE OF TEXAS

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COUNTY OF HIDALGO

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WHEREAS, Chapter 41.005, of the Texas Government Code, states that the Hidalgo County District Attorney shall, after deducting a commission, pay the money collected for the state or county into the county treasury;

WHEREAS, Chapter 41.005, of the Texas Government Code, authorizes the Hidalgo County District attorney to retain a commission from money collected for the state or county;

WHEREAS, On or about October 18, 2012, the Auditor advised both the Hidalgo County District Clerk and Hidalgo County Clerk to cease the collection of the aforementioned commissions on behalf of the District Attorney, and further instructed the Clerks and IT department to deactivate the commission fee code so that the entirety of the commissions collected could be credited to the Road and Bridge Fund;

WHEREAS, Prior to October 26, 2012, the commission funds retained by the Hidalgo County District Attorney were placed in the County Treasury General Fund and reserved on behalf of the Hidalgo County District Attorney;

WHEREAS, the Auditor then made a journal entry on October 26, 2012, JE-24853, transferring the funds from the General Fund reserve account for the Hidalgo County District Attorney to the Road and Bridge Fund, without approval or authorization from the Commissioners Court.

WHEREAS, Under Section 154.003, of the Texas Local Government Code, the Hidalgo County District Attorney, who is paid an annual salary, shall charge and collect in the manner authorized by law all fees, commissions, and other compensation permitted.

WHEREAS, the commissions collected are disposed by the County Treasurer, under Section 113.021(b), of the Texas Local Government Code, in the proper fund to the credit of the person or department collecting the money.

THEREFORE, BE IT ORDERED BY THE COMMISSIONERS COURT OF HIDALGO COUNTY, TEXAS THAT: The collection of the commissions by the Hidalgo County District Clerk and Hidalgo County Clerk on behalf of the Hidalgo County District Attorney be reinstated; That the Funds transferred through journal entry JE-24853, to the Road and Bridge Fund be returned to the General Fund reserve fund account on behalf of the Hidalgo County District Attorney on this the ____ day of _____, 2013.

SIGNED AND DECREED on this the _____ day of _____, 2013.

Hon. Ramon Garcia, Hidalgo County Judge

Hon. A.C. Cuellar,
Commissioner, Precinct 1

Hon. Hector "Tito" Palacios,
Commissioner, Precinct 2

Hon. Joe M. Flores,
Commissioner, Precinct 3

Hon. Joseph Palacios,
Commissioner, Precinct 4