



**AGENDA
DRAINAGE DISTRICT
BOARD OF DIRECTORS
November 18, 2014
9:00 A.M.**

NOTICE is hereby given in accordance with Chapter 551, Texas Government Code, that a SPECIAL MEETING of the Drainage District #1 Board of Directors will be held at the Edinburg Council Chambers, 415 W. University Drive, Edinburg, Hidalgo County, Texas. Discussion and possible action relating to the following business will be transacted:

1. **Roll Call**
2. **Open Forum**
3. **Approval of Consent Agenda**
4. **AI-47338** A. Approval of Settlement Statement from Valley Land Title Co, on Parcel #3 in the amount of \$13,415.00 plus \$1,246.99 for closing fee regarding Faysville project.
B. Approval of Settlement Statement from Valley Land Title Co, on parcel #5 in the amount of \$139,775.00 plus \$2,235.34 for closing fees, regarding Faysville project.
5. **AI-47369** Bond Series 2013
Approval of the following Settlement Statements for parcels 41, 42, 43, 58 & 59 as they relate to the J-09 project. plus closing fee to Valley Land Title Co.
Parcel # 41, \$35,189.00 plus settlement fee of \$1,282.99
Parcel # 42, \$42,385.00 plus settlement fee of \$1,098.34
Parcel # 43, \$55,518.00 plus settlement fee of \$1,194.34
Parcel # 58 & 59, \$55,000.00 plus settlement fee of \$1,453.99
6. **AI-47377** Authorization to acquire LJ Drainage Project Improvement out of the 2013 Bond Series asset acquisition proceeds for Precinct #2; subject to Drainage District, Auditing and Legal review.
7. **AI-47375** A.) Requesting approval to rescind action taken on March 11, 2014; Agenda item no. AI-43463 (C) as it relates to advertising for RFB No. HCDD1-14-009-04-07 "Pipes & Box Culverts".

B.) Requesting approval to rescind action taken on June 17, 2014; Agenda item no. AI-44991 (B) as it relates to advertising for RFB No. HCDD1-14-017-07-16 "Pipes & Box Culverts".

C.) Requesting approval to advertise for RFB No. HCDD1-14-033-12-18 " Reinforced Concrete Pipe -Tongue & Groove, Reinforced Concrete Pipe-Rubber Gasket, Polyethylene & HP Storm Polypropylene Pipe"

D.) Requesting exemption from competitive bidding requirements under the Texas Local Government Code, Section 262.024 (a) (4) a professional services;

E.) Presentation of scoring grid (for the purpose ranking by HCDD1 Board of Directors) of firms graded and evaluated through the District's approved "Pool" of Professional Engineers in connection with Professional Engineering Services required for "Pct. 2 - Las Milpas Road Crossing SFWC East of Alamo Road".

FIRM NAME:	SCORE:	RANK:
R. GUTIERREZ ENGINEERING CORP.	97	
LNV ENGINEERS	96	
MELDEN & HUNT, INC.	95	

F.) Requesting approval for the Hidalgo County Drainage District No. 1 to negotiate Agreement for Professional Engineering Services with the number one ranked firm of _____; for the provision of Professional Engineering Services required for "Pct. 2 - Las Milpas Road Crossing SFWC East of Alamo Road".

2013 BOND SERIES

G.) Requesting approval of Change Order No. 5 with IPR South Central to extend contract time as it relates to Construction Contract No. TP07-13 "Pct. 2 Rado Drain Re-Route Project".

H.) Requesting approval of Change Order No. 1 with RDH Site & Concrete, LLC to extend contract time due to rain days as it relates to Construction Contract No. HCDD1-14-010-05-06 "Pct. 2 Rural Drainage Development - Seminole Valley Subdivision Area Drainage Improvements".

I.) Requesting approval to advertise for RFB No. HCDD1-14-032-12-17 Main Floodwater Channel "Weir No. 5" Slope Repair.

8. **AI-47433** Request approval to issue manual payment after review and audit procedures have been completed:

Application for Payment No. 4-Retainage Release in the amount of \$38,558.00 to FJW Construction LLC for Construction Contract No. HCDD1-13-023-11-19C-J09 Drain Improvements Ph.1 Construction.

9. **AI-47440** A. Request approval of a Resolution amending the delegating resolution previously approved on October 28, 2014.

B. Request approval of a Resolution amending terms of the 2007 series, Unlimited tax Improvement Bonds.

- 10. Closed Session:**
Board of Directors may go into Closed Session pursuant to Chapter 551, Texas Government Code, Sections 551.071 & 551.072 to discuss the following:

 - A. Real Estate Acquisition**
 - B. Pending and/or Potential Litigation**
- 11. Open Session:**

 - A. Real Estate Acquisition**
 - B. Pending and/or Potential Litigation**
- 12. Closed Session:**
Board of Directors may reconvene into Closed Session for the discussion regarding the agenda items listed
- 13. Open Session:**
Board of Directors may reconvene into Open Session for the discussion regarding the agenda items listed
- 14. Adjourn**

AI-47338

4.

DRAINAGE DISTRICT

Meeting Date: 11/18/2014

Submitted By: Sylvia Sanchez, DRAINAGE
DISTRICT

Department: DRAINAGE DISTRICT

Information

CAPTION

A. Approval of Settlement Statement from Valley Land Title Co, on Parcel #3 in the amount of \$13,415.00 plus \$1,246.99 for closing fee regarding Faysville project.

B. Approval of Settlement Statement from Valley Land Title Co, on parcel #5 in the amount of \$139,775.00 plus \$2,235.34 for closing fees, regarding Faysville project.

BACKGROUND

Form Review

Inbox	Reviewed By	Date
Budget & Management	Debbie Tamez	11/10/2014 10:45 AM
Final Approval	Monica Badillo	11/14/2014 05:07 PM
Form Started By: Sylvia Sanchez		Started On: 11/07/2014 10:08 AM
	Final Approval Date: 11/14/2014	

AI-47369

5.

DRAINAGE DISTRICT

Meeting Date: 11/18/2014

Submitted By: Sylvia Sanchez, DRAINAGE
DISTRICT

Department: DRAINAGE DISTRICT

Information

CAPTION

Bond Series 2013

Approval of the following Settlement Statements for parcels 41, 42,43,58 & 59 as they relate to the J-09 project. plus closing fee to Valley Land Title Co.

Parcel # 41, \$35,189.00 plus settlement fee of \$1,282.99

Parcel # 42, \$42,385.00 plus settlement fee of \$1,098.34

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Parcel # 58 & 59, \$55,000.00 plus settlement fee of \$1,453.99

BACKGROUND

Form Review

Inbox	Reviewed By	Date
Budget & Management	Debbie Tamez	11/12/2014 05:00 PM
Final Approval	Monica Badillo	11/14/2014 05:07 PM
Form Started By: Sylvia Sanchez		Started On: 11/12/2014 10:18 AM
	Final Approval Date: 11/14/2014	

AI-47377

6.

DRAINAGE DISTRICT

Meeting Date: 11/18/2014

Submitted By: Sylvia Sanchez, DRAINAGE
DISTRICT

Department: DRAINAGE DISTRICT

Information

CAPTION

Authorization to acquire LJ Drainage Project Improvement out of the 2013 Bond Series asset acquisition proceeds for Precinct #2; subject to Drainage District, Auditing and Legal review.

BACKGROUND

Form Review

Inbox	Reviewed By	Date
Budget & Management	Debbie Tamez	11/13/2014 03:57 PM
Final Approval	Monica Badillo	11/14/2014 05:07 PM
Form Started By: Sylvia Sanchez		Started On: 11/12/2014 04:54 PM
	Final Approval Date: 11/14/2014	

DRAINAGE DISTRICT**Meeting Date:** 11/18/2014Submitted By: Jaime Salazar, DRAINAGE
DISTRICT

Department: DRAINAGE DISTRICT

Information

CAPTION

A.) Requesting approval to rescind action taken on March 11, 2014; Agenda item no. AI-43463 (C) as it relates to advertising for RFB No. HCDD1-14-009-04-07 "Pipes & Box Culverts".

B.) Requesting approval to rescind action taken on June 17, 2014; Agenda item no. AI-44991 (B) as it relates to advertising for RFB No. HCDD1-14-017-07-16 "Pipes & Box Culverts".

C.) Requesting approval to advertise for RFB No. HCDD1-14-033-12-18 " Reinforced Concrete Pipe -Tongue & Groove, Reinforced Concrete Pipe-Rubber Gasket, Polyethylene & HP Storm Polypropylene Pipe"

D.) Requesting exemption from competitive bidding requirements under the Texas Local Government Code, Section 262.024 (a) (4) a professional services;

E.) Presentation of scoring grid (for the purpose ranking by HCDD1 Board of Directors) of firms graded and evaluated through the District's approved "Pool" of Professional Engineers in connection with Professional Engineering Services required for "Pct. 2 - Las Milpas Road Crossing SFWC East of Alamo Road".

FIRM NAME:	SCORE:	RANK:
R. GUTIERREZ ENGINEERING CORP.	97	
LNV ENGINEERS	96	
MELDEN & HUNT, INC.	95	

F.) Requesting approval for the Hidalgo County Drainage District No. 1 to negotiate Agreement for Professional Engineering Services with the number one ranked firm of _____; for the provision of Professional Engineering Services required for "Pct. 2 - Las Milpas Road Crossing SFWC East of Alamo Road".

2013 BOND SERIES

G.) Requesting approval of Change Order No. 5 with IPR South Central to extend contract time as it relates to Construction Contract No. TP07-13 "Pct. 2 Rado Drain Re-Route Project".

H.) Requesting approval of Change Order No. 1 with RDH Site & Concrete, LLC to extend contract time due to rain days as it relates to Construction Contract No. HCDD1-14-010-05-06 "Pct. 2 Rural Drainage Development - Seminole Valley Subdivision Area Drainage Improvements".

I.) Requesting approval to advertise for RFB No. HCDD1-14-032-12-17 Main Floodwater Channel "Weir No. 5" Slope Repair.

BACKGROUND

Attachments

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c o 5

Form Review

Inbox	Reviewed By	Date
Budget & Management	Debbie Tamez	11/13/2014 03:57 PM
Final Approval	Monica Badillo	11/14/2014 05:07 PM
Form Started By: Jaime Salazar		Started On: 11/12/2014 03:27 PM
	Final Approval Date: 11/14/2014	

CHANGE ORDER NUMBER ONE (1)

PROJECT: PCT2 Rural Drainage Development - Seminole Valley Subd Area Drainage Improvements

DATE OF ISSUANCE: _____ **EFFECTIVE DATE:** _____

OWNER: Hidalgo County Drainage District No. 1

CONTRACTOR: RDH Site & Concrete, LLC **ENGINEER:** R. Gutierrez Engineering Corporation
1201 E. Moore Rd #89 130 E. Park Ave.
Pharr, TX 78577 Pharr, TX 78577

You are directed to make the following changes in the Contract Documents.

- Description:**
1. Additional days for "Rain / Too Wet To Work" conditions
 2. additional days for conflict encountered in field
 3. Additional Manhole Type M 1 ea.
 - 4.
 - 5.
 - 6.

- Reason:**
1. 13 additional days for Rain / Too Wet to Work conditions
 2. 10 additional days for ordering, processing, and installing Type M manhole
 3. Required to resolve conflict with drain line encountered in the field
 - 4.
 - 5.
 - 6.

Attachments:

Change in Contract Price:		CHANGE IN CONTRACT TIME:	
Original Contract Price		Original Contract Time for	
\$	307,273.00	Substantial Completion:	30
			<small>calendar days or dates</small>
Net Changes from previous Change Order		Net change from previous Change Orders	
\$	0.00		0
			<small>calendar days</small>
Contract Price prior to this Change Order		Contract Time prior to this Change Order	
\$	307,273.00	Substantial Completion:	30
			<small>calendar days or dates</small>
Net Increase (decrease) of this Change Order		Net Increase (decrease) of this Change Order	
\$	7,500.00		23
			<small>calendar days</small>
Contract Price with all approved Change Orders	Net % increase (decrease) from original contract price.	Contract Time with all approved Change Orders	
\$	314,773.00	Substantial Completion:	53
	2.40 %		<small>calendar days or dates</small>

RECOMMENDED:
 By: Rain [Signature], P.E.
Engineer (Authorized Signature)
 Date: 11-13-14

APPROVED:
 By: _____
Owner (Authorized Signature)
 Date: _____

ACCEPTED:
 By: [Signature]
Contractor (Authorized Signature)
 Date: 11-13-2014

CHANGE ORDER NO. 1 TABULATION

PCT2 Rural Drainage Development - Seminole Valley Subd Area Drainage Improvements

Item Number	Original Plan Quantity	Change Order #1 Quantities	Unit	Item Description	Unit Price	Revised Unit Price	Original Contract Cost	Change in Contract Cost of C.O.#1	Revised Contract Cost after C.O.#1
SEMINOLE VALLEY SUBDIVISION AREA									
1	2,114.00	2114.00	SY	Cellulose Fiber Mulch Seeding (Permanent) (Rural) (Clay)	1.50	\$ 1.50	\$ 3,171.00	\$ -	\$ 3,171.00
2	25.00	25.00	MG	Vegetated Watering	20.00	\$ 20.00	\$ 500.00	\$ -	\$ 500.00
3	515.00	515.00	CY	Cement Stabilized Backfill	30.00	\$ 30.00	\$ 15,450.00	\$ -	\$ 15,450.00
4	1,361.00	1361.00	LF	Trench Excavation Protection	2.00	\$ 2.00	\$ 2,722.00	\$ -	\$ 2,722.00
5	27.00	27.00	CY	Concrete Riprap (CL B) (5")	130.00	\$ 130.00	\$ 3,510.00	\$ -	\$ 3,510.00
6	188.00	188.00	LF	Concrete Box Culvert (6-Ft x 2-Ft)	32.00	\$ 32.00	\$ 6,016.00	\$ -	\$ 6,016.00
7	64.00	64.00	LF	Reinforced Concrete Pipe (42-IN) (CL III) (SPL)	95.00	\$ 95.00	\$ 6,080.00	\$ -	\$ 6,080.00
8	1,252.00	1252.00	LF	Reinforced Concrete Pipe (60-IN) (CL III) (SPL)	180.00	\$ 180.00	\$ 225,360.00	\$ -	\$ 225,360.00
9	1.00	1.00	EA	Inlet (Complete) (Ty M w/Grate)	5,000.00	\$ 5,000.00	\$ 5,000.00	\$ -	\$ 5,000.00
10	1.00	1.00	EA	Junction Box (10-ft x 5-ft x/Grate)	9,000.00	\$ 9,000.00	\$ 9,000.00	\$ -	\$ 9,000.00
11	1.00	1.00	EA	Junction Box (10-ft x 5-ft)	9,000.00	\$ 9,000.00	\$ 9,000.00	\$ -	\$ 9,000.00
12	1.00	1.00	EA	Junction Box (16-ft x 5-ft)	12,000.00	\$ 12,000.00	\$ 12,000.00	\$ -	\$ 12,000.00
13	252.00	252.00	SY	Construction Exit (Ty II) (Install)	6.00	\$ 6.00	\$ 1,512.00	\$ -	\$ 1,512.00
14	252.00	252.00	SY	Construction Exit (Ty II) (Remove)	6.00	\$ 6.00	\$ 1,512.00	\$ -	\$ 1,512.00
15	144.00	144.00	LF	Temporary Sediment Control Fence	10.00	\$ 10.00	\$ 1,440.00	\$ -	\$ 1,440.00
16	40.00	40.00	LF	RCP Irrigation Pipe (36-IN)	100.00	\$ 100.00	\$ 4,000.00	\$ -	\$ 4,000.00
17	1.00	1.00	MO	Barricades, Signs and Traffic Handling	1,000.00	\$ 1,000.00	\$ 1,000.00	\$ -	\$ 1,000.00
18	0.00	1.00	EA	Manhole Type M	0.00	\$ 7,500.00	\$ -	\$ 7,500.00	\$ 7,500.00
Total Seminole Valley Subdivision Area							\$ 307,273.00	\$ 7,500.00	\$ 314,773.00

CONTRACT CHANGE ORDER

Contract No. 07129.01 Date November 13, 2014

Change Order No. 5 Project: Rado Drain Reroute

To: IPR SC, LLC. Location Edinburg, Texas

You are hereby requested to comply with the following changes from the contract plans and/or specifications:

Item No. (1)	Description of Changes- Quantities, Units, Unit Prices, Change in Completion Schedule, Etc. (2)	Decrease in Contract (3)	Increase in Contract (4)
1	Extension of contract time add 60 days		0
	Total Increase		0
	Net Increase in Contract Price		0

The sum of **\$0.00** is hereby **added to** the total contract price of **\$5,600,044.80** and the total adjusted contract price to date thereby is not changed. The time for completion of the contract is 355 calendar days + 60 calendar days (closeout documents) = 475 calendar days extending contract time to January 17, 2015. This document shall become an amendment to the contract and all provisions of the contract will apply hereto.

Accepted by: _____
IPR SC, LLC.

Date: _____

Recommended by: _____
Melden and Hunt, Inc.

Date: _____

Approved by: _____
HCDD #1, Chairman of the Board

Date: _____



11/13/2014

Attn: Fred Kurth
Melden & Hunt Inc.
115 West McIntyre
Edinburg, Texas 78541

RE: Hidalgo County Drainage District # 1 RADO Drain Reroute Rehab Project - Extension of Contract Days Request

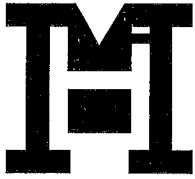
Mr. Kurth,

Inland Pipe Rehab South Central is requesting an extension of contract days for the above mentioned project. The extension IPR SC is requesting is 60 days, reasoning of request is to prepare closeout documents .

Regards,

A handwritten signature in cursive script that reads "Gerald Hoffpauir".

Gerald Hoffpauir - Sr. Project Manager IPR SC



TBPE Firm # F-1435
TBPLS # 10096900

MELDEN & HUNT INC.

CONSULTANTS • ENGINEERS • SURVEYORS
FRED L. KURTH • ALLAN F. BOOE • KELLEY A. HELLER-VELA • ROBERT TAMEZ

November 13, 2014

Godfrey Garza, Manager
Hidalgo County Drainage District No. 1
902 N. Doolittle Rd
Edinburg, Texas 78541

RE: Rado Drain

Dear Godfrey:

IPR SC, LLC. (contractor) is requesting an additional 60 calendar days to prepare final closeout documents for this project. Please be advised of the following information:

Original contract time ends:	May 26, 2014
Change Order #1 ends:	July 26, 2014
Change Order #2 ends:	Sept. 12, 2014
Change Order #3 ends:	Oct. 19, 2014
Change Order #4 ends:	Nov. 18, 2014
60 additional days with Change Order #5:	January 17, 2015

If you have additional questions, please contact me at my office at 381-0981

Sincerely,

Celestine Stewart
for

Fred L. Kurth, P.E.
President

cc: Attachments

AI-47433

8.

DRAINAGE DISTRICT

Meeting Date: 11/18/2014

Submitted By: Claudette Guerrero, DRAINAGE
DISTRICT

Department: DRAINAGE DISTRICT

Information

CAPTION

Request approval to issue manual payment after review and audit procedures have been completed:

Application for Payment No. 4-Retainage Release in the amount of \$38,558.00 to FJW Construction LLC for Construction Contract No. HCDD1-13-023-11-19C-J09 Drain Improvements Ph.1 Construction.

BACKGROUND

Attachments

PMT#4-RETAINAGE RELEASE FJW CONST

Form Review

Inbox	Reviewed By	Date
Budget & Management	Veronica Ortiz	11/14/2014 02:08 PM
Final Approval	Monica Badillo	11/14/2014 05:07 PM
Form Started By: Claudette Guerrero		Started On: 11/14/2014 02:01 PM
	Final Approval Date: 11/14/2014	

HIDALGO COUNTY DRAINAGE DISTRICT NUMBER ONE

502 NORTH DOUGLASS

EDINBURG, TEXAS 78542

(956) 292-7080

FAX (956) 292-7089



GODFREY GARZA, JR.
MANAGER

INVOICE PROCESSING CHECKLIST

Date Received: 10-13-14

Engineer/Firm Name: FJW CONSTRUCTION

Project Name/Number: J-09 DRAIN IMPROVEMENTS

Invoice No: #4-RET-RELEASE

Logged in and Scanned: 1030 10/13 By: ROSA ARCE Forwarded to: JOEY GARZA

Engineer	Name	Date	Comment
Scope of work reviewed			

Accounting	Name	Date	Comment
Encumbrance			
Purchase Order Attached			
Audit			
Final Approval for Agenda			

	Name	Date	Comment
Placed on Agenda			

Additional Comments: _____

APPLICATION AND CERTIFICATE FOR PAYMENT

TO OWNER: Hidalgo County Drainage District No. 1 902 N. Doolittle Rd Edinburg TX 78542	PROJECT: J-09 Drain Improvements Phase I Construction HCCD1-13-023-11-19C	APPLICATION #: 4-Ret Release APPLICATION DATE: 10/9/2014 PERIOD TO: 07/18/2014 PROJECT NO.: 1-13-023-11-19C P.O. No.: 624028 CONTRACT DATE: 11/19/2013 CONTRACT DAYS: 125 CONTRACT FIRST WORK DAY: 1/23/2014	Distribution to: <input checked="" type="checkbox"/> Owner <input type="checkbox"/> Const. Mgr <input type="checkbox"/> Architect <input type="checkbox"/> Contractor <input type="checkbox"/> Engineer
FROM CONTRACTOR: FJW Construction LLC 1100 E. Jasmine, Suite 102 McAllen TX 78501	ENGINEER: TEDSI Infrastructure Group Inc. 1201 E. Expressway 83 Mission, TX 78572	RECEIVED HIDALGO COUNTY DRAINAGE DISTRICT #1 OCT 13 2014 10:09 AM BY: ROSA ARCE 221.4400 Monds	
CONTRACT FOR: J-09 Drain Improvements Phase I Construction			

CONTRACTOR'S APPLICATION FOR PAYMENT

Application is made for payment, as shown below, in connection with the Contract. Continuation Sheet is attached.

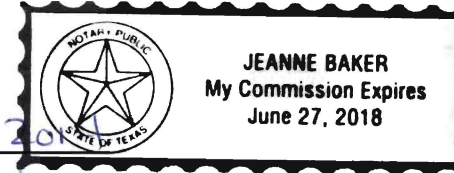
1. ORIGINAL CONTRACT SUM-----	\$	404,800.00
2. Net change by Change Orders-----	\$	7,780.00
3. CONTRACT SUM TO DATE (Line 1 +/- 2)	\$	412,580.00
4. TOTAL COMPLETED & STORED TO DATE-\$		412,580.00
A. MATERIALS ON HAND		
(Column G on Continuation Sheet)		
5. RETAINAGE:		
a. 10.0% of Completed Work	\$	
b. 10.0% of Stored Material	\$	
Total Retainage (Line 5a + 5b or Total in Column 1 of Continuation Sheet-----		
	\$	
6. TOTAL EARNED LESS RETAINAGE-----	\$	412,580.00
(Line 4 less Line 5 Total)		
7. LESS PREVIOUS CERTIFICATES FOR PAYMENT		
(Line 6 from prior Certificate)-----	\$	374,022.00
8. CURRENT PAYMENT DUE-----	\$	38,558.00
9. BALANCE TO FINISH, INCLUDING RETAINAGE	\$	
(Line 3 less Line 6)		

CHANGE ORDER SUMMARY	ADDITIONS	DEDUCTIONS
Total changes approved in previous months by Owner	\$10,780.00	\$3,000.00
Total approved this Month		
TOTALS	\$10,780.00	\$3,000.00
NET CHANGES by Change Order	\$7,780.00	

The undersigned Contractor certifies that to the best of the Contractor's knowledge, information and belief the Work covered by this Application for Payment has been completed in accordance with the Contract Documents, that all amounts have been paid by the Contractor for Work for which previous Certificates for Payment were issued and payments received from the Owner, and that current payment shown therein is now due.

CONTRACTOR:
 By: Bobby Whalley Date: 10/10/14

State of: TX
 County of: Hidalgo
 Subscribed and sworn to before me this 10 day of October, 2014



Notary Public: Jeanne Baker
 My Commission expires: 6/27/18

CERTIFICATE FOR PAYMENT

In accordance with Contract Documents, based on on-site observations and the data comprising application, the Architect certifies to the Owner that to the best of the Architect's knowledge, information and belief the Work has progressed as indicated, the quality of the Work is in accordance with the Contract Documents, and the Contractor is entitled to payment of the AMOUNT CERTIFIED.

AMOUNT CERTIFIED ----- \$ 38,558.00

(Attach explanation if amount certified differs from the amount applied for. Initial all figures on this application and on the Continuation Sheet that are changed to conform to the amount certified.)

ENGINEER: TEDSI Infrastructure Group Inc
 By: [Signature] Date: 10/11/2014

This Certificate is not negotiable. The AMOUNT CERTIFIED is payable only to the Contractor named herein. Issuance, payment and acceptance of payment are without prejudice to any rights of the Owner of Contractor under this Contract.

CONTINUATION SHEET

ATTACHMENT TO PAY APPLICATION

PROJECT: J-09 Drain Improvements Phase I Construction

APPLICATION NUMBER: 4-Ret Release

APPLICATION DATE: 10/9/2014

PERIOD TO: 07/18/2014

PROJECT NO: 1-13-023-11-19C

Item No.	Description of Work	UNIT PRICE	CONTRACT		SCHEDULED VALUE	Previous Application		Completed This Period		Completed To Date		% RET	Balance To Finish (F-L)	RET
			QTY	UNIT		QTY	AMOUNT	QTY	AMOUNT	QTY	AMOUNT			
BASE BID														
1	ROCK FILTER DAMS (INSTALL)	\$ 5,000.00	1	EA	\$ 5,000.00	1	\$ 5,000.00		\$ -	1	\$ 5,000.00	10%	\$ -	\$ 500.00
2	ROCK FILTER DAMS (REMOVE)	\$ 2,500.00	1	EA	\$ 2,500.00	1	\$ 2,500.00		\$ -	1	\$ 2,500.00	10%	\$ -	\$ 250.00
3	TEMPORARY SEDIMENT CONTROL FENCE	\$ 3.50	1336	LF	\$ 4,676.00	1336	\$ 4,676.00		\$ -	1336	\$ 4,676.00	10%	\$ -	\$ 467.60
4	PREPARING RIGHT OF WAY	\$ 10,000.00	3.83	AC	\$ 38,300.00	3.83	\$ 38,300.00		\$ -	3.83	\$ 38,300.00	10%	\$ -	\$ 3,830.00
5	EMBANKMENT (FINAL POSITION)	\$ 7.50	1200	CY	\$ 9,000.00	1200	\$ 9,000.00		\$ -	1200	\$ 9,000.00	10%	\$ -	\$ 900.00
6	DITCH EXCAVATION	\$ 7.00	7262	CY	\$ 50,834.00	7262	\$ 50,834.00		\$ -	7262	\$ 50,834.00	10%	\$ -	\$ 5,083.40
7	FLEXIBLE BASE (TY E GR 4)(FINAL POSITION)(COMPLETE IN PLACE)	\$ 32.00	180	CY	\$ 5,760.00	180	\$ 5,760.00		\$ -	180	\$ 5,760.00	10%	\$ -	\$ 576.00
8	DROP INLET	\$ 3,200.00	14		\$ 41,800.00	14	\$ 44,800.00		\$ -	14	\$ 41,800.00	10%	\$ -	\$ 4,180.00
9	JCT BOX (9'X17')	\$ 22,000.00	1	EA	\$ 22,000.00	1	\$ 22,000.00		\$ -	1	\$ 22,000.00	10%	\$ -	\$ 2,200.00
10	CONCRETE HEADWALL W/ WINGWALLS	\$ 7,500.00	1	EA	\$ 7,500.00	1	\$ 7,500.00		\$ -	1	\$ 7,500.00	10%	\$ -	\$ 750.00
11	GRATES	\$ 4,000.00	2	EA	\$ 8,000.00	2	\$ 8,000.00		\$ -	2	\$ 8,000.00	10%	\$ -	\$ 800.00
12	LADDER	\$ 2,000.00	2	EA	\$ 4,000.00	2	\$ 4,000.00		\$ -	2	\$ 4,000.00	10%	\$ -	\$ 400.00
13	RIPRAP (CONC)(CL C)	\$ 280.00	10	EA	\$ 2,800.00	10	\$ 2,800.00		\$ -	10	\$ 2,800.00	10%	\$ -	\$ 280.00
14	PVC PIPE (SCH 80)(4 IN)	\$ 9.00	2635	CY	\$ 23,715.00	2635	\$ 23,715.00		\$ -	2635	\$ 23,715.00	10%	\$ -	\$ 2,371.50
15	PVC PIPE (SCH 80)(6 IN)	\$ 14.00	750	LF	\$ 10,500.00	750	\$ 10,500.00		\$ -	750	\$ 10,500.00	10%	\$ -	\$ 1,050.00
16	PVC PIPE (SCH 80)(8 IN)	\$ 17.00	180	LF	\$ 3,060.00	180	\$ 3,060.00		\$ -	180	\$ 3,060.00	10%	\$ -	\$ 306.00
17	PVC PIPE (SCH 80)(12 IN)	\$ 34.00	520	LF	\$ 17,680.00	520	\$ 17,680.00		\$ -	520	\$ 17,680.00	10%	\$ -	\$ 1,768.00
ALTERNATE 1														
1	RCP (CL III) 48"DIAM	\$ 125.00	495	LF	\$ 61,875.00	495	\$ 61,875.00		\$ -	495	\$ 61,875.00	10%	\$ -	\$ 6,187.50
2	RCP (CL III) 60"DIAM	\$ 205.00	160	LF	\$ 32,800.00	160	\$ 32,800.00		\$ -	160	\$ 32,800.00	10%	\$ -	\$ 3,280.00
ALTERNATE 5														
1	SLUICE GATES (60" DIAM)	\$ 25,000.00	2	EA	\$ 50,000.00	2	\$ 50,000.00		\$ -	2	\$ 50,000.00	10%	\$ -	\$ 5,000.00
CHANGE ORDER 1														
1	DROP INLET GRATES	\$ 770.00	14	EA	\$ 10,780.00	14	\$ 10,780.00		\$ -	14	\$ 10,780.00	10%	\$ -	\$ 1,078.00
SUBTOTALS PAGE 2					\$ 412,580.00		\$ 415,580.00		\$ -		\$ 412,580.00		\$ -	\$ 41,258.00

FORM I.6
AFFIDAVIT AND WAIVER OF LIEN
CONTRACTOR

The State of Texas §
 §
County of Hidalgo §

**THIS AFFIDAVIT TO BE COMPLETED AND SUBMITTED UPON ACCEPTANCE
OF COMPLETED PROJECT BY OWNER AND PRIOR TO FINAL PAYMENT.**

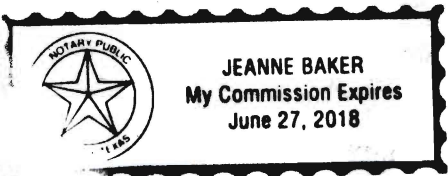
Bobby Whatley, the undersigned Principal of FJW Construction LLC, Contractor, personally appeared before me, the undersigned Notary Public in and for Hidalgo County, Texas, who being duly sworn by me states on oath that all product suppliers, subcontractors, payrolls, sales tax, privilege tax or license, old age benefits tax, state and federal unemployment insurance, and other liabilities in the performance of **Contract No. 13-023-11-19C J-09 Drain Improvements Phase I Construction**, Project, have been paid in full, and that the above named Contractor waives any claims and releases to Hidalgo County Drainage District No. 1, Owner, from any rights or claims (including lien rights) for debts due and owing by virtue of the furnishing of any labor, products, and supplies furnished for the Project.

The above named Contractor agrees to indemnify the Owner and save him harmless on account of any loss Contractor may sustain in reliance upon this Affidavit and Waiver of Lien including the amount of any lien Contractor may be compelled to pay all costs relating thereto and a reasonable attorney's fee.

CONTRACTOR: FJW CONSTRUCTION
Signature: Bobby Whatley Date: 10/10/14
Name / Title: Bobby Whatley, Executive Vice President
Address: 1100 E. Jasmine, Suite 102 McAllen, TX 78501
(Street, City, State, Zip)

Subscribed and sworn to before me this 10 day of Oct, 2014

By: Jeanne Baker, Notary Public in and for
Hidalgo County, Texas.
My commission expires 6/27/18.



FORM I.7
RELEASE AND WAIVER OF CLAIMS BY
SUBCONTRACTORS AND PRODUCT VENDORS

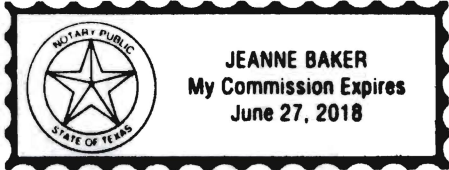
The State of Texas §
 §
County of Hidalgo §

**THIS AFFIDAVIT TO BE COMPLETED BY EACH SUBCONTRACTOR AND VENDOR
AND SUBMITTED PRIOR TO FINAL PAYMENT.**

Pedro A. Gutierrez Jr., the undersigned Principal of Total Commitment Construction Co., LLC Sub-Contractor / Vendor, personally appeared before me, the undersigned Notary Public in and for Hidalgo County, Texas, who being duly sworn by me states on oath that all bills for labor and products, subcontractors, payrolls, sales tax, privilege tax or license, old age benefits tax, state and federal unemployment insurance, and other liabilities in the performance of subcontract for furnishing labor or products in the construction of **Contract No. 13-023-11-19C J-09 Drain Improvements Phase I Construction**, Project, have been paid in full or that funds are in hand to discharge such liabilities when due, and that the above named Sub-Contractor / Vendor waives any claims and releases to Hidalgo County Drainage District No. 1, Owner, and FJW Construction, LLC, Contractor, from any rights or claims (including lien rights) for debts due and owing by virtue of the furnishing of any labor, products, and supplies furnished for the Project.

SUB-CONTRACTOR OR VENDOR: Total Commitment Construction Co., LLC
Signature: [Signature] Date: 10/10/2014
Name / Title: Pedro A. Gutierrez Jr - President
Address: 11435 N. Bryan Rd - Mission, TX 78573
(Street, City, State, Zip)

Subscribed and sworn to before me this 10 day of October, 2014
By: Jeanne Baker, Notary Public in and for
Hidalgo County, Texas.
My commission expires 6/27/18.



FORM I.7
**RELEASE AND WAIVER OF CLAIMS BY
SUBCONTRACTORS AND PRODUCT VENDORS**

The State of Texas §
§
County of Hidalgo §

**THIS AFFIDAVIT TO BE COMPLETED BY EACH SUBCONTRACTOR AND VENDOR
AND SUBMITTED PRIOR TO FINAL PAYMENT.**

Rufino Garza Jr, the undersigned Principal of L&R Precast Concrete Works, Sub-Contractor / Vendor, personally appeared before me, the undersigned Notary Public in and for Hidalgo County, Texas, who being duly sworn by me states on oath that all bills for labor and products, subcontractors, payrolls, sales tax, privilege tax or license, old age benefits tax, state and federal unemployment insurance, and other liabilities in the performance of subcontract for furnishing labor or products in the construction of **Contract No. _____ J-09 Drain Improvements Phase I Construction**, Project, have been paid in full or that funds are in hand to discharge such liabilities when due, and that the above named Sub-Contractor / Vendor waives any claims and releases to Hidalgo County Drainage District No. 1, Owner, and _____, Contractor, from any rights or claims (including lien rights) for debts due and owing by virtue of the furnishing of any labor, products, and supplies furnished for the Project.

SUB-CONTRACTOR OR VENDOR: L&R Precast Concrete Works

Signature: [Signature] Date: 10-13-14

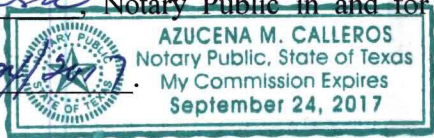
Name / Title: Rufino Garza Jr - President

Address: 3807 N Bentzen Palm Drive Mission, TX 78574
(Street, City, State, Zip)

Subscribed and sworn to before me this 13 day of October, 2014

By: [Signature], Notary Public in and for
Hidalgo County, Texas.

My commission expires Sept 12/17



J-09 Drain Improvements Phase I Construction
Hidalgo County Drainage District No. 1
Bid Number: HCDD1-13-023-09-25C

FORM I.7
**RELEASE AND WAIVER OF CLAIMS BY
SUBCONTRACTORS AND PRODUCT VENDORS**

The State of Texas §
§
County of Hidalgo §

**THIS AFFIDAVIT TO BE COMPLETED BY EACH SUBCONTRACTOR AND VENDOR
AND SUBMITTED PRIOR TO FINAL PAYMENT.**

I, Aide Lozano, the undersigned Principal of Emmsa Co.,
Sub-Contractor / Vendor, personally appeared before me, the undersigned Notary Public in and for Hidalgo
County, Texas, who being duly sworn by me states on oath that all bills for labor and products, subcontractors,
payrolls, sales tax, privilege tax or license, old age benefits tax, state and federal unemployment insurance,
and other liabilities in the performance of subcontract for furnishing labor or products in the construction of
Contract No. J-09 Drain Improvements Phase I Construction, Project, have been paid
in full or that funds are in hand to discharge such liabilities when due, and that the above named Sub-
Contractor / Vendor waives any claims and releases to Hidalgo County Drainage District No. 1, Owner, and
Total Commitment Co., Contractor, from any rights or claims (including lien rights) for debts due and
owing by virtue of the furnishing of any labor, products, and supplies furnished for the Project.

SUB-CONTRACTOR OR VENDOR: Emmsa Co.

Signature: Aide Lozano Date: 10/10/14

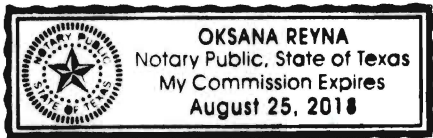
Name / Title: Admin Asst. - Aide Lozano

Address: 101 N Bicentennial Blvd McAllen TX 78501
(Street, City, State, Zip)

Subscribed and sworn to before me this 10th day of October, 2014.

By: Oksana Reyna, Notary Public in and for
Hidalgo County, Texas.

My commission expires August 25, 2018.



FORM I.7
**RELEASE AND WAIVER OF CLAIMS BY
SUBCONTRACTORS AND PRODUCT VENDORS**

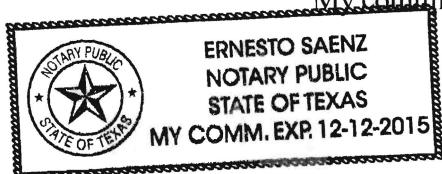
The State of Texas §
§
County of Hidalgo §

**THIS AFFIDAVIT TO BE COMPLETED BY EACH SUBCONTRACTOR AND VENDOR
AND SUBMITTED PRIOR TO FINAL PAYMENT.**

Edgar Morales, the undersigned Principal of Magic Valley Concrete Sub-Contractor / Vendor, personally appeared before me, the undersigned Notary Public in and for Hidalgo County, Texas, who being duly sworn by me states on oath that all bills for labor and products, subcontractors, payrolls, sales tax, privilege tax or license, old age benefits tax, state and federal unemployment insurance, and other liabilities in the performance of subcontract for furnishing labor or products in the construction of **Contract No.** _____ **J-09 Drain Improvements Phase I Construction**, Project, have been paid in full or that funds are in hand to discharge such liabilities when due, and that the above named Sub-Contractor / Vendor waives any claims and releases to Hidalgo County Drainage District No. 1, Owner, and Total Commitment Contractor, from any rights or claims (including lien rights) for debts due and owing by virtue of the furnishing of any labor, products, and supplies furnished for the Project.

SUB-CONTRACTOR OR VENDOR: Magic Valley Concrete
Signature: Edgar Morales Date: 10/10/14
Name / Title: Edgar Morales / CREDIT MGR
Address: 3609 W PALMA VISTA DR PALMVIEW, TX 78572
(Street, City, State, Zip)

Subscribed and sworn to before me this 10th day of October, 2014.
By: [Signature], Notary Public in and for
Hidalgo County, Texas.
My commission expires 12-12-2015.



FORM I.8
CONTRACTOR'S AFFIDAVIT AS TO STATUS OF LIEN

The State of Texas §
§
County of Hidalgo §

THIS AFFIDAVIT TO BE COMPLETED AND SUBMITTED UPON ACCEPTANCE OF COMPLETED PROJECT BY OWNER AND PRIOR TO FINAL PAYMENT.

Bobby Whatley, the undersigned Principal of FJW Construction, LLC, Contractor, personally appeared before me, the undersigned Notary Public in and for Hidalgo County, Texas, who being duly sworn by me states on oath that to the best of his knowledge and belief, except as listed below, the Releases and Waivers of Claim attached hereto include all subcontractors and vendor of labor, products, and equipment provided by all persons who may have liens against the property of Hidalgo County Drainage District No. 1, Owner, arising out of the construction of **Contract No. HCDD1-13-023-09-25C J-09 Drain Improvements Phase I Construction** Project. 11-19C

Exceptions: (If none, write "None".) Any exception listed shall be bonded by the Contractor to indemnify the Owner, and a copy of each bond shall be attached hereto.

1. none
- 2.
- 3.
- 4.

CONTRACTOR: FJW CONSTRUCTION

Signature: Bobby Whatley Date: 10/10/14

Name / Title: Bobby Whatley / Executive Vice President

Address: 1100 E. Jasmine, Suite 102 McAllen, Tx 78501
(Street, City, State, Zip)



Subscribed and sworn to before me this 10 day of Oct, 2014
By: Jeanne Baker, Notary Public in and for
Hidalgo County, Texas.
My commission expires 6/27/18.

CERTIFICATE OF CONSTRUCTION COMPLETION

This is to Certify that on the 6th day of August 2014 a Final Inspection was made of the project herein described.

CONTRACT: HCDD1-13-023-11-19C
PROJECT: J-09 Drain Improvements Phase I Construction
OWNER: Hidalgo County Drainage District No. 1
CONTRACTOR: FJW Construction, LLC.
ENGINEER: TEDSI Infrastructure Group Inc.

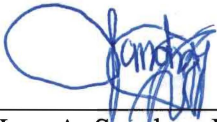
PROJECT DESCRIPTION

Drainage ditch, Excavation, Culverts, Concrete boxes, Inlets, Riprap, Flexible base and SW3P

Located in or near Hidalgo County Precinct 4

THIS IS TO CERTIFY:

1. That the work has been completed in accordance with the plans and specifications and all addenda, change orders, supplemental agreements thereto, and with the following exceptions: **NONE**
2. That the sum of **\$0.00**, deducted from the final payment of the Contractor is a fair and equitable settlement for the foregoing except work.
3. That the contractor has presented a "Certificate of Release" starting under oath, that all claims arising out of the performance of work have been fulfilled, and the Owner is released from all claims arising under or by virtue of said contract.
4. That the CONTRACTOR has presented in behalf of itself and its sureties, satisfactory evidence that it is bound to repair, replace, and make good any faulty workmanship and/or materials discovered in the work within a period of one year from this date, as provided in said contract.
5. Amount of Original Contract **\$404,800.00**
Present Amount of Contract **\$412,580.00**
Total Amount of earned to Date **\$412,580.00**
Less: previous payments **\$374,022.00**
Balance
Authorized deductions **0.00**
Amount of Final Payment **\$38,558.00**
6. That the final payment in the amount of **\$38,558.00** is now due and payable.



Jose A. Sanchez, P.E., Project Manager
TEDSI Infrastructure Group Inc.

10/11/2014

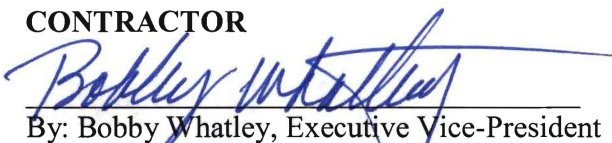
Date

CONCURRED BY:

CONCURRED BY:

CONTRACTOR

OWNER



By: Bobby Whatley, Executive Vice-President

By:

Date: 10/10/14

Date: _____

AI-47440

9.

DRAINAGE DISTRICT

Meeting Date: 11/18/2014

Submitted For: Bond Counsel

Submitted By: Lora Briones, DRAINAGE DISTRICT

Department: DRAINAGE DISTRICT

Information

CAPTION

A. Request approval of a Resolution amending the delegating resolution previously approved on October 28, 2014.

B. Request approval of a Resolution amending terms of the 2007 series, Unlimited tax Improvement Bonds.

BACKGROUND

Attachments

Resolution amending Delegating resolution

Resolution amending the terms of the 2007 series

Form Review

Inbox	Reviewed By	Date
Budget & Management	Veronica Ortiz	11/14/2014 04:46 PM
Final Approval	Monica Badillo	11/14/2014 05:07 PM
Form Started By: Lora Briones		Started On: 11/14/2014 03:00 PM
	Final Approval Date: 11/14/2014	

RESOLUTION AMENDING AN RESOLUTION AUTHORIZING THE ISSUANCE, SALE AND DELIVERY OF HIDALGO COUNTY DRAINAGE DISTRICT, TEXAS REFUNDING BONDS, SERIES 2014, DATED OCTOBER 28, 2014 AND DELEGATING CERTAIN AUTHORITY TO COUNTY OFFICIALS TO UNDERTAKE THE REFUNDING OF ALL OR SOME OF THE COUNTY'S OUTSTANDING UNLIMITED TAX BONDS, SERIES 2007 (THE "BONDS"), TO ALLOW THE DISTRICT TO FUND A REFUNDING ESCROW IN ACCORDANCE WITH THE PROVISIONS OF TEXAS GOVERNMENT CODE, SECTION 1207.00, ET SEQ., AND MAKING OTHER PROVISIONS INCIDENT THERETO

STATE OF TEXAS §

COUNTY OF HIDALGO §

DRAINAGE DISTRICT §

WHEREAS, the Commissioners Court, serving as the Board of Directors (the "Commissioners Court") of Hidalgo County, Texas (the "County"), has heretofore issued, sold, and delivered, and there are currently outstanding its Hidalgo County Drainage District Unlimited Tax Bonds, Series 2007, approved February 27, in the original principal amount of \$28,000,000 (the "Series 2007 Bonds"), of which the principal amounts maturing on or after September 1, 2017, can be redeemed, in whole or in part, on September 1, 2016, and on any date thereafter;

WHEREAS, the Commissioners Court desires to refund all or some of the maturities of the Series 2007 Bonds under the provisions of the Resolution authorizing the Series 2007 Bonds (the "Series 2007 Bonds Resolution") and in conformity with the provisions of Texas Government Code, Section 1207.00, et seq.;

WHEREAS, in order to accomplish the refunding of the Series 2007 Bonds, the Commissioners Court, as governing board of the District, adopted on October 28, 2014, a RESOLUTION AUTHORIZING THE ISSUANCE, SALE AND DELIVERY OF HIDALGO COUNTY DRAINAGE UNLIMITED TAX REFUNDING BONDS, SERIES 2014; DELEGATING CERTAIN AUTHORITY TO THE COUNTY JUDGE AND THE COUNTY EXECUTIVE OFFICER PURSUANT TO THE PROVISIONS OF TEXAS GOVERNMENT CODE, SECTIONS 1207.007 AND 1207.008; LEVYING A CONTINUING DIRECT ANNUAL AD VALOREM TAX; AUTHORIZING THE REFUNDING OF CERTAIN OUTSTANDING OBLIGATIONS; AUTHORIZING THE EXECUTION OF A BOND PURCHASE CONTRACT; APPROVING AN OFFICIAL STATEMENT, EXECUTION OF AN ESCROW AND TRUST AGREEMENT, AND MAKING OTHER PROVISIONS REGARDING SUCH BONDS AND MATTERS INCIDENT THERETO (THE "DELEGATION RESOLUTION");

WHEREAS, on even date hereof, the Commissioners Court adopted a RESOLUTION AMENDING A RESOLUTION AUTHORIZING THE ISSUANCE, SALE AND DELIVERY OF HIDALGO COUNTY DRAINAGE DISTRICT UNLIMITED TAX IMPROVEMENT

BONDS, DATED OCTOBER 28, 2007, IN THE ORIGINAL PRINCIPAL AMOUNT OF \$28,000,000 TO ALLOW THE DRAINAGE DISTRICT TO FUND A REFUNDING ESCROW IN ACCORDANCE WITH THE PROVISIONS OF TEXAS GOVERNMENT CODE, SECTION 1207.00, ET SEQ., AND MAKING OTHER PROVISIONS INCIDENT THERETO (“RESOLUTION AMENDING THE SERIES 2007 BONDS RESOLUTION”);

WHEREAS, the Commissioners Court desires to amend the Delegation Resolution to the extent that the Delegation Resolution incorporate the delegation of authority by the Commissioners Court to authorize the selection of and contract with an escrow agent under the terms of which all eligible securities under the provisions of Texas Government Code Section 1207.00, et seq., may be purchased and used to fund the refunding escrow to refund the Bonds;

NOW THEREFORE, IT IS HERERBY RESOLVED:

1. Delegation Resolution Is Hereby Amended

The Delegation Resolution is hereby amended as follows so that County officials who have been granted the authority to refund some or all of the Bonds within the limited parameters set out in the Delegation Resolution are given additional parameters with respect to the eligible securities which may be purchased with proceeds of the Refunding Bonds:

(a) Section 22 Tax Exemption. (b) Use of Gross Proceeds is amended as follows:

- (i) The Drainage District will use proceeds of the Bonds in the amount of \$ _____, and \$ _____ to be retained in the form of cash, to purchase State and Local Government Series (“SLGS”) securities of the U.S. Treasury Bureau of Public Debt, deposited to the escrow fund to refund the Refunded Obligations; or
- (ii) The Drainage District may use proceeds of the Bonds and the Drainage District’s available cash, if any, to acquire and deposit to the escrow fund, direct noncallable obligations of the United States, including obligations that are unconditionally guaranteed by the United States; noncallable obligations of an agency or instrumentality of the United States, including obligations that are unconditionally guaranteed or insured by the agency or instrumentality and that, on the date the governing body of the issuer adopts or approves the proceedings authorizing the issuance of refunding bonds, are rated as to investment quality by a nationally recognized investment rating firm not less than AAA or its equivalent; and noncallable obligations of a state or an agency or a county, municipality, or other political subdivision of a state that have been refunded and that, on the date the governing body of the issuer

adopts or approves the proceedings authorizing the issuance of refunding bonds, are rated as to investment quality by a nationally recognized investment rating firm not less than AAA or its equivalent, in principal amounts and maturities and bearing interest at rates sufficient to provide for the timely payment of the principal amount of the Bonds plus interest thereon to the date of maturity. Upon such deposit, such Bonds shall no longer be regarded to be Outstanding or unpaid. Any surplus amounts not required to accomplish such defeasance shall be returned to the County.]

PASSED AND APPROVED ON _____.

DRAINAGE DISTRICT OF
HIDALGO COUNTY

County Judge

ATTEST:

County Clerk

SEAL

ORDER AMENDING AN ORDER AUTHORIZING THE ISSUANCE, SALE AND DELIVERY OF HIDALGO COUNTY, TEXAS DRAINAGE DISTRICT NO. ONE UNLIMITED TAX IMPROVEMENT BONDS, SERIES 2007, DATED FEBRUARY 15, 2007, IN THE ORIGINAL PRINCIPAL AMOUNT OF \$28,000,000 TO ALLOW THE DRAINAGE DISTRICT TO FUND A REFUNDING ESCROW IN ACCORDANCE WITH THE PROVISIONS OF TEXAS GOVERNMENT CODE, SECTION 1207.00, ET SEQ., AND MAKING OTHER PROVISIONS INCIDENT THERETO

STATE OF TEXAS §

COUNTY OF HIDALGO §

HIDALGO COUNTY

DRAINAGE DISTRICT NO. ONE §

WHEREAS, the Commissioners Court (the “Commissioners Court”) of Hidalgo County, Texas (the “County”), acting as the board of directors of the Hidalgo County Drainage District No One., has heretofore issued, sold, and delivered, and there are currently outstanding its Limited Tax Improvement Bonds, Series 2007, dated February 15, 2007, in the original principal amount of \$28,000,000 (the “Series 2007 Bonds”), of which the principal amounts maturing on or after September 2, 2017, may be redeemed, in whole or in part, on September 1, 2016, and on any date thereafter;

WHEREAS, the Commissioners Court desires to refund all or some of the maturities of the Series 2007 Bonds under the provisions of the order authorizing the Series 2007 Bonds (the “Series 2007 Bonds Resolution”) and in conformity with the provisions of Texas Government Code, Section 1207.00, et seq.;

NOW, IT IS HEREBY ORDERED:

1. Defeasance

Section 27 Defeasance of the Series 2007 Resolution is hereby amended as follows:

Defeasance. The Drainage District may defease the provisions of this Resolution and discharge its obligations to the Registered Owners of any or all of the Bonds to pay the principal of and interest thereon in any manner permitted by law, including by depositing with the Paying Agent/Registrar or with the State Treasurer of the State of Texas either: (a) cash in an amount

equal to the principal amount of such Notes plus interest thereon to the date of maturity, or (b) pursuant to an escrow or trust agreement, cash and/or direct noncallable obligations of the United States, including obligations that are unconditionally guaranteed by the United States; [noncallable obligations of an agency or instrumentality of the United States, including obligations that are unconditionally guaranteed or insured by the agency or instrumentality and that, on the date the governing body of the issuer adopts or approves the proceedings authorizing the issuance of refunding bonds, are rated as to investment quality by a nationally recognized investment rating firm not less than AAA or its equivalent; and noncallable obligations of a state or an agency or a county, municipality, or other political subdivision of a state that have been refunded and that, on the date the governing body of the issuer adopts or approves the proceedings authorizing the issuance of refunding bonds, are rated as to investment quality by a nationally recognized investment rating firm not less than AAA or its equivalent.] in principal amounts and maturities and bearing interest at rates sufficient to provide for the timely payment of the principal amount of the Notes plus interest thereon to the date of maturity. Upon such deposit, such Notes shall no longer be regarded to be Outstanding or unpaid. Any surplus amounts not required to accomplish such defeasance shall be returned to the District.]

PASSED AND APPROVED ON _____.

HIDALGO COUNTY
DRAINAGE DISTRICT NO. ONE

County Judge

ATTEST:

County Clerk

SEAL

