

LETTER OF ENGAGEMENT FOR LEGAL SERVICES

C-14-009-02-18

This letter of engagement for Legal Services (The "Agreement") is entered into effective as of March 02, 2014 (the "Effective Date"), by and among the **County of Hidalgo, Texas** (the "County") and **Espinosa Law Firm, L.L.C.** (Attorneys).

WHEREAS, the Hidalgo County Civil Service Commission (the "Commission") has requested that the County, pursuant to Section 158.011, Texas Local Government Code, contract with licensed Texas attorneys to provide legal services to the Commission.

WHEREAS, the County has determined that the Attorney's have demonstrated competence to perform the services for fair and reasonable fees and the County has no objection to the Attorney's appointment as legal counsel for the Commission.

The terms and conditions of our engagement are as follows:

1. Our fees for legal services are based primarily on the hourly rates for each lawyer and legal assistant at the time the services are rendered. Our current rates for governmental entities are \$165.00 per hour for lawyers and \$60.00 per hour for legal assistants. The hourly rate is prorated for any portion of an hour based on "tenths of an hour." Attorneys may charge for time spent on conferences with individual Commission members, conferences with third parties, conferences with County staff or their representatives, preparation for meetings, research, rule development and analysis, and correspondence. The Attorneys will be reimbursed for reasonable expenses incurred during the course of Attorney's legal representation of the commission, including but not limited to, outgoing and incoming faxes, postage, copying costs, long distance telephone charges and mileage. See the attached fee schedule (Exhibit "A").
2. The scope of legal representation includes, but is not necessarily limited to, the following:
 - a) Advice regarding statutes, case law and regulations affecting the Commission and the Commission's responsibilities and powers under Subchapter A, Chapter 158, Texas Local Government Code;
 - b) Advice regarding Commission rules, and development of Commission rules;
 - c) Conferences with Commission members, County staff and third parties as needed;
 - d) Attendance and preparation for Commission meetings and workshops;
 - e) Advice to Commission regarding meetings, hearings and other matters pending before the Commission.
 - f) Other matters relating to the selection of County employees and the procedural and substantive rights, advancement, benefits, and working conditions of County employees;

- g) Other Civil Service Commission business deemed necessary by the Commission, Commissioners Court or County officials.

The County will pay Attorneys for the actual time spent on the scope of legal representation identified herein each month for services actually performed during the month.

- 3. It is our policy to invoice clients monthly for fees and out-of-pocket expenses. Each lawyer and legal assistant records the time required to perform services, and these time records are the basis for the invoice. These bills will generally describe services performed and the expenses incurred. Because of the detailed nature of our statements, our clients do not usually have any questions about them. However, if any question should arise, please call us promptly so we can discuss the matter.
- 4. We will be entitled to receive compensation from the County for all services rendered and all disbursements made, under the provisions of this agreement, up to the time of expiration or termination.
- 5. Although the Attorneys do not expect any conflicts to arise during Attorneys' representation of the Commission, Attorneys reserve the right to withdraw from representation of the Commission should any of the following occur:
 - a) Nonpayment of fee statement and/or serious past due accounts;
 - b) Resistance or refusal by the Commission to provide assistance to Attorneys in the performance of Attorneys' legal representation of the Commission;
 - c) In the Attorneys opinion, a conflict of interest arises during the legal representation which is/was not apparent at the outset of the legal representation; or
 - d) Any other situation, which compromises the Attorneys' ability to represent the Commission in a legal matter and/or compromises legal and ethical obligation to the State of Bar of Texas in general.
- 6. Circumstances may arise that will require us to withdraw from representation under the Texas Disciplinary Rules of Professional Conduct or other applicable professional standards. In such circumstances, as well as in the instances referred to above, we will cooperate in the transfer of the matter to other counsel of your choice.
- 7. Subject to any requirement for prior authorization by the county, Attorneys may request that other legal counsel assist Attorneys in fulfilling its legal obligations to the County.
- 8. This Agreement is for a two (2) year term from the Effective Date with the County's option to renew and extend for two (2) additional one (1) year terms under the same rates and

terms described herein.

8. Upon termination of our services, it is the responsibility of the County to request any documents from our files. We will retain documents for five (5) years and then destroy them in accordance with our record-retention policy then in effect.

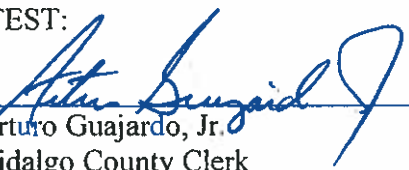
Executed and effective as of the Effective Date.

HIDALGO COUNTY, TEXAS


Ramon Garcia, County Judge

ATTEST:

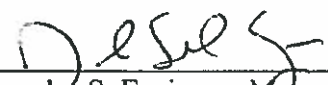
BY:


Arturo Guajardo, Jr.
Hidalgo County Clerk

Approved by Commissioners' Court
on 2-18-14 R0

ESPINOSA LAW FIRM, LLC

By:


Mercedes S. Espinosa, Manager

Date:

2-11-14

EXHIBIT "A"

PROPOSED LEGAL SERVICES RATE STRUCTURE
HIDALGO COUNTY
GOVERNMENT RATE

ESPINOSA LAW FIRM, L.L.C.
4300 N. McColl Road
McAllen, Texas 78504
956/686-6490 (Telephone)
956/686-6491 (Fax)

ATTORNEY, PARTNER.....	\$165.00/hour
ATTORNEY, ASSOCIATE.....	\$145.00/hour
LEGAL ASSISTANT.....	\$60.00/hour
OFFICE STAFF/SPECIAL PROJECTS.....	\$50.00/hour



**AGENDA
CC REGULAR
HIDALGO COUNTY
COMMISSIONERS COURT
MEETING
February 18, 2014
9:30 A.M.**

NOTICE is hereby given in accordance with Chapter 551, Texas Government Code, that a SPECIAL MEETING of the Commissioners' Court 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

All members of the Court were counted present for the exception of Commissioner Hector "Tito" Palacios.

2. Pledge of Allegiance

Judge Garcia led the Court and Audience in reciting the Pledge of Allegiance.

3. Prayer

Virginia Townsend led the Court and Audience in Prayer.

4. Approval of Consent Agenda

The Court moved to approve the Consent Agenda.

5. County Judge's Office:

A. AI-43189 Resolution in Honor of the Mission High School FFA Parliamentary Procedure Team for Winning the Silver Medal Emblem Award at the 86th Annual National FFA Convention

On motion by COMMISSIONER PCT. 3, JOE M. FLORES, seconded by COMMISSIONER PCT. 1, A.C. CUELLAR, JR., the Court made a UNANIMOUS vote of approval.

Vote: 4 - 0 - Unanimously

**B. AI-43188 1. Approval of appointment of interns from Business, Education, and Technology Academy in Edinburg:
Valeria Fernanda Sanches - Marentes
Samantha A. Mendoza**

On motion by COMMISSIONER PCT. 1, A.C. CUELLAR, JR., seconded by COMMISSIONER PCT. 3, JOE M. FLORES, the Court made a UNANIMOUS vote of approval.

Vote: 4 - 0 - Unanimously

2. Authorization for County Judge to sign Affiliation Agreement for Internship-Preceptorship Program

On motion by COMMISSIONER PCT. 1, A.C. CUELLAR, JR., seconded by COMMISSIONER PCT. 3, JOE M. FLORES, the Court made a UNANIMOUS vote of approval.

Vote: 4 - 0 - Unanimously

6. Executive Officer - Valde Guerra:

1. **AI-43158** Pct. #1 R&B (1200):
Approval of 2014 appropriation of funds into Precinct No.1 Road Maintenance (program 005) in the amount of \$35,935.43.

On motion by COMMISSIONER PCT. 4, JOSEPH PALACIOS, seconded by COMMISSIONER PCT. 1, A.C. CUELLAR, JR., the Court made a UNANIMOUS vote of approval.

Vote: 3 - 0 - Unanimously

17.



Purchasing Department - Marty Salazar:

Notes:

A. FOR ANY CONTRACT(S) AWARDED AND APPROVED UNDER THIS AGENDA, EXECUTED COPIES OF THE CONTRACT(S) WILL BE AVAILABLE ON THE COUNTY INTRA-NET WEBSITE AND WILL BE FOWARDED VIA E-MAIL, FAX OR HAND DELIVERED TO HIDALGO COUNTY AUDITOR'S OFFICE.

B. ANY AND ALL REQUESTS FOR PAYMENT(S) APPROVED WILL BE SUBJECT TO COUNTY AUDITORS PROCESSING PROCEDURES INCLUDING AUTHORITY FOR COUNTY TREASURER TO ISSUE PAYMENT(S)/CHECK(S).

A. Hidalgo County

1. **AI-42939** Requesting authority to publish an RFQ/P for a consultant for the procurement and purchase of electric energy provider for Hidalgo County when current agreement (through GLO's awarded provider, Reliant Energy) expires in 2015 with approval of procurement packet drafted by Purchasing (sent to V. Guerra/S. Cruz/J. Longoria for review and comment).

On motion by COMMISSIONER PCT. 1, A.C. CUELLAR, JR., seconded by COMMISSIONER PCT. 4, JOSEPH PALACIOS, the Court made a UNANIMOUS vote of approval.

Vote: 3 - 0 - Unanimously

Commissioner Joe Flores joined the meeting.

2. **AI-43156** Appointment and/or designation by Commissioner's Court to select/assign an evaluation committee to evaluate and score the request for proposals received for the RFP No.: 2014-028-02-12-CGA-Placement, Housing, Detention and Supervision of Hidalgo County Inmates".

The appointed persons will be Valde Guerra, Executive Officer, Sergio Cruz, Budget Officer, and members of the Sheriff's department and will be supervised by the Purchasing department.

On motion by COMMISSIONER PCT. 4, JOSEPH PALACIOS, seconded by COMMISSIONER PCT. 3, JOE M. FLORES, the Court made a UNANIMOUS vote of approval.

Vote: 4 - 0 - Unanimously

3. **AI-42940** Options for the procurement of publishing statutory and non-statutory advertisements:

A. Pursuant to AG-Opinion JC-0223, discussion and action for HCCC to define the term "newspaper of general circulation" as contained in the Texas Government Code statute 2051.044 more specifically to mean:

- a. A newspaper that reaches all areas of Hidalgo County? **YES X ; NO ___**
- b. A newspaper that publishes everyday so as to accommodate publication of Public Hearings (as statutes require CC) to encourage public involvement and also meet deadlines such as 14 days prior to said public hearings?**YES X ; NO ___**
- c. A newspaper that publishes on weekends to attempt to reach as many readers/residents/vendors/etc. to comply with statutory obligation to encourage competition in the procurement process. This requirement will also resolve those individuals that do not have internet or television exposure?**YES X ; NO ___**
- d. A newspaper that has web-page access on a continuous basis; **YES X ; NO ___**

On motion by COMMISSIONER PCT. 3, JOE M. FLORES, seconded by COMMISSIONER PCT. 4, JOSEPH PALACIOS, the Court made a UNANIMOUS vote of approval on Items (a) - (d).

Vote: 4 - 0 - Unanimously

B. If Item A approved as to definition of a "newspaper of general circulation", requesting exemption from competitive bidding requirements under Texas Local Government Code, Chapter/Section

262.024(a)(7), "an item that can be obtained from only one source" as various/numerous State/Local Statutes, Administrative, Election, Family, Tax Codes, Etc. (i.e. Tx. Gov't. Code 2051, Tx. Local Gov't. Code 262.055, Tx. Admin. Code. etc.) and all Other Applicable Laws that dictate publication in a newspaper;

On motion by COMMISSIONER PCT. 4, JOSEPH PALACIOS, seconded by COMMISSIONER PCT. 3, JOE M. FLORES, the Court made a UNANIMOUS vote of approval.

Vote: 4 - 0 - Unanimously

C. Requesting a "Sole Source Declaration" for The Monitor for the publication of statutory ads and/or notices qualifying under HCCC definition as a "newspaper of general circulation" and assigned NIGP commodity code #915-02;

On motion by COMMISSIONER PCT. 4, JOSEPH PALACIOS, seconded by COMMISSIONER PCT. 1, A.C. CUELLAR, JR., the Court made a UNANIMOUS vote of approval.

Vote: 4 - 0 - Unanimously

D. Authority to purchase ad and/or notice space from The Monitor (through the requisition and Purchase Order established protocol) for as long as The Monitor continues as said Sole Source Provider;

On motion by COMMISSIONER PCT. 3, JOE M. FLORES, seconded by COMMISSIONER PCT. 1, A.C. CUELLAR, JR., the Court made a UNANIMOUS vote of approval.

Vote: 4 - 0 - Unanimously

E. Authority to solicit sealed quotes (on a 12 month basis as it appears that the \$50K threshold will not be exceeded for NIGP commodity code 915-71-Advertising) for the publication of all non-statutory newspaper ads or notices for Hidalgo County in a newspaper that qualifies under Tx. Gov't. Code 2051.044 (& not containing HCCC definition) with Purchasing to develop and draft specifications.

On motion by COMMISSIONER PCT. 4, JOSEPH PALACIOS, seconded by COMMISSIONER PCT. 3, JOE M. FLORES, the Court made a UNANIMOUS vote of approval.

Vote: 4 - 0 - Unanimously

Mrs. Marty Salazar stated as a point of information that they will meet with The Monitor to negotiate a better rate.

4. AI-43155

A. Requesting exemption from competitive procurement requirements under Tx Local Gov't Code, Ch/Sec, 262.024(a)(4), a professional service;

APPROVED

On motion by COMMISSIONER PCT. 4, JOSEPH PALACIOS, seconded by COMMISSIONER PCT. 1, A.C. CUELLAR, JR., the Court made a UNANIMOUS vote of approval.

Vote: 4 - 0 - Unanimously



B. Acceptance and approval of a letter of engagement with the Espinoza Law Firm for the provision of legal services for the Hidalgo County Civil Service Commission with a term of two (2) years with Hidalgo County's sole option to renew/extend for an additional two (2), one (1) year terms under the same rates, terms and conditions.

On motion by COMMISSIONER PCT. 3, JOE M. FLORES, seconded by COMMISSIONER PCT. 4, JOSEPH PALACIOS, the Court made a UNANIMOUS vote of approval.

Vote: 4 - 0 - Unanimously

At this time, Commissioner Joe Flores stepped away from the meeting.

B.

Pct. #2

1. AI-42987

Consideration and approval of Interfocal Cooperation Agreement between Hidalgo County and Hidalgo County Drainage District No.1 for the purchase and authorized transfer and inclusion of an asset, an Excavator (2004 Volvo EC 330 Short Boom Excavator) to Hidalgo County Precinct No.2 inventory in the amount of \$47,996.80.

APPROVED

AI-43155

Purchasing Department 17. A. 4.

CC REGULAR

Meeting Date: 02/18/2014

Submitted For: Valde Guerra, HC Exec. Ofc. **Submitted By:** Marty Salazar, PURCHASING DEPT.

Department: PURCHASING DEPT.

Information

CAPTION

✓ A. Requesting exemption from competitive procurement requirements under Tx Local Gov't Code, Ch/Sect, 262.024(a)(4), a professional service;

✓ B. Acceptance and approval of a letter of engagement with the Espinoza Law Firm for the provision of legal services for the Hidalgo County Civil Service Commission with a term of two (2) years with Hidalgo County's sole option to renew/extend for an additional two (2), one (1) year terms under the same rates, terms and conditions.

BACKGROUND

Fiscal Impact

FISCAL YEAR: 2014

ACCT. #: 4-1100-415-50-190-001-0-333

FUNDS AVAILABLE Y/N?: Y

MATCHING FUNDS Y/N?: N

BUDGETARY IMPACT:

Funds available as of 2/13/14.

Attachments

Letter of Engagement for Legal Services for HC-Civil Serv

Mercedes Espinosa-Resume

Pilar Espinosa-Resume

INSURANCE

EXEMPTION 262.024

Form Review

Inbox	Reviewed By	Date
Purchasing Department	Marty Salazar	02/13/2014 04:25 PM
Budget & Management	Debbie Tamez	02/13/2014 04:30 PM
Glinda Pacheco	Glinda Pacheco	02/13/2014 05:04 PM
Auditor's Office	Monica Badillo	02/14/2014 04:27 PM
Form Started By: Marty Salazar		Started On: 02/12/2014 02:14 PM
	Final Approval Date: 02/14/2014	