

ATLAS, HALL & RODRIGUEZ, LLP

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

scrain@atlashall.com
(956) 632-8221 Direct Line

January 27, 2017

Secretary of Housing and Urban Development
451 7th Street, SW
Washington, DC 20410

RE: Request for Exception to Conflict of Interest in Accordance with 24 CFR
Section 570.611 City of Progreso- Street Improvements Contract No. 5016-
65-5000-2000 UCP-ML

TO WHOM IT MAY CONCERN:

This firm represents the Commissioners Court of Hidalgo County, Texas. We have received and reviewed the bid submitted for the City of Progreso-Street Improvements Contract No. 5016-65-5000-2000 UCP-ML Project (the "Bid") regarding a possible conflict of interest. According to the information provided by Ms. Diana Serna, Director of the Hidalgo County Urban County Program (the "Program") the principal of the low bidder OG Construction Company, L.L.C., is the son of the Hidalgo County Judge Ramon Garcia, the chief elected official of Hidalgo County, Texas.

We have reviewed 24 CFR 570.611 with respect to the information Ms. Serna provided. Taking the information from the Program to be true, Texas Local Government Code Chapter 171 applies to this situation.

Chapter 171 of the Local Government Code (copy attached hereto), specifically Section 171.002 provides a local public official is considered to have a substantial interest under this section if a person related to the official in the first degree by consanguinity or affinity, as determined under Chapter 573, Government Code, has a substantial interest under this section.

The County Judge and his son are related in the first degree thus the County Judge has a substantial interest in the Bid.

Local Government Code Section 171.004 requires the local public official who has a substantial interest to file before a vote or decision on any matter involving the business entity, (which in this case is the low bidder), an affidavit stating the nature and extent of the interest and shall abstain from further participation in the matter if in the case of a

AUSTIN OFFICE
11940 JOLLYVILLE RD., STE 125-S
AUSTIN, TEXAS 78759
TEL. (512) 583-0579
FAX (512) 717-5163

BROWNSVILLE OFFICE
P.O. BOX 6369 (78523-6369)
50 W. MORRISON RD., STE A
BROWNSVILLE, TEXAS 78520-7262
TEL. (956) 574-9333
FAX (956) 574-9337

UVALDE OFFICE
124 N. EAST STREET
UVALDE, TEXAS 78801-5312
TEL. (830) 278-3100
FAX (844) 272-4209

Correspondence
January 27, 2017
Page 2

substantial interest in a business entity the action on the matter will have a special economic effect on the business entity that is distinguishable from the effect on the public.

Local Government Code Section 171.007 provides Chapter 171 preempts the common law of conflict of interest as applied to local public officials.

Texas Local Government Code Section 176.003 provides a local government officer shall file a conflicts disclosure statement with respect to a vendor if the vendor enters into a contract with the local governmental entity or the local governmental entity is considering entering into a contract with the vendor and the vendor has a family member of the officer receiving taxable income that exceeds \$2,500.00 during the 12-month period preceding the date that the officer becomes aware that the local governmental entity is considering entering into a contract with the vendor.

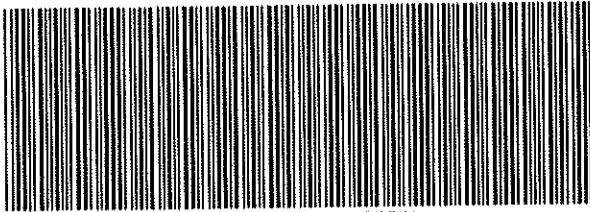
The requirement of filing an affidavit by the County Judge with the official record keeper of the governmental entity and the requirement of Local Government Code section 176.003 is public disclosure of the conflict.

Based upon the above, we are of the opinion that if County Judge Ramon Garcia complies with the requirements of Texas Local Government Code Chapter 171 and Texas Local Government Code 176.003 there is no conflict of interest under applicable Texas Law with respect to the low bidder being awarded the Bid although the principal of the low bidder is the son of County Judge Ramon Garcia.

We express no opinion as to the laws of any jurisdiction other than the State of Texas and undertake no obligation to advise of facts that occur with respect to this Opinion arising after the date of this Opinion.

Very truly yours,

ATLAS, HALL & RODRIGUEZ, LLP



VG-120-2017-2780454

Hidalgo County
Arturo Guajardo Jr.
County Clerk
Edinburg, Texas 78540

Document No: 2780454

Billable Pages: 1

Recorded On: January 20, 2017 03:56 PM

Number of Pages: 2

*****Examined and Charged as Follows*****

Total Recording: 36.00

*****THIS PAGE IS PART OF THE DOCUMENT*****

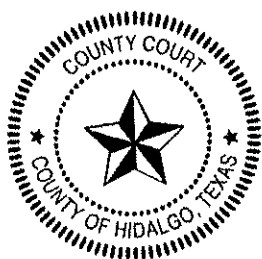
Any provision herein which restricts the Sale, Rental, or use of the described REAL PROPERTY because of color or race is invalid and unenforceable under federal law.

File Information:

Document No: 2780454
Receipt No: 20170120000338
Recorded On: January 20, 2017 03:56 PM
Deputy Clerk: Imelda Leal
Station: CH-1-CC-K12

Record and Return To:

O.G. Construction Co LLC
222 West University
original return to customer
Edinburg TX 78539



STATE OF TEXAS
COUNTY OF HIDALGO

I hereby certify that this Instrument was FILED in the File Number sequence on the date/time printed hereon, and was duly RECORDED in the Official Records of Hidalgo County, Texas.

Arturo Guajardo Jr.
County Clerk
Hidalgo County, Texas



Hidalgo County Clerk
Arturo Guajardo Jr.
P.O. Box 58
Edinburg, Texas 78540
Main: (956) 318-2100 Fax: (956) 318-2105

ORIGINAL COPY

Receipt No: 20170120000338
Date: 01/20/2017
Time: 03:56PM
Deputy Clerk: Imelda Leal
Station: CH-1-CC-K12

Issued To: O.G. Construction Co LLC
222 West University
Edinburg , TX 78539

Recording Fees

Item No.	Item	Document No.	Serial No.	Amount
1	Real Property Recordings	2780454		\$36.00
2	Real Property Recordings	2780455		\$36.00

Collected Amounts

Item No.	Payment	Amount
1	Cash 956-383-7441	\$80.00

Total Received: 80.00
Order Total: \$72.00
Change Due: \$8.00

Thank you.

CONFLICT OF INTEREST QUESTIONNAIRE
For vendor doing business with local governmental entity

FORM CIQ

This questionnaire reflects changes made to the law by H.B. 23, 84th Leg., Regular Session.
This questionnaire is being filed in accordance with Chapter 176, Local Government Code, by a vendor who has a business relationship as defined by Section 176.001(1-a) with a local governmental entity and the vendor meets requirements under Section 176.006(a).
By law this questionnaire must be filed with the records administrator of the local governmental entity not later than the 7th business day after the date the vendor becomes aware of facts that require the statement to be filed. See Section 176.006(a-1), Local Government Code.
A vendor commits an offense if the vendor knowingly violates Section 176.006, Local Government Code. An offense under this section is a misdemeanor.

OFFICE USE ONLY	
Date Received	

1 Name of vendor who has a business relationship with local governmental entity.

O.G. Construction Co., LLC

2 Check this box if you are filing an update to a previously filed questionnaire. (The law requires that you file an updated completed questionnaire with the appropriate filing authority not later than the 7th business day after the date on which you became aware that the originally filed questionnaire was incomplete or inaccurate.)

3 Name of local government officer about whom the information is being disclosed.

Ramon Garcia

Name of Officer

4 Describe each employment or other business relationship with the local government officer, or a family member of the officer, as described by Section 176.003(a)(2)(A). Also describe any family relationship with the local government officer. Complete subparts A and B for each employment or business relationship described. Attach additional pages to this Form CIQ as necessary.

A. Is the local government officer or a family member of the officer receiving or likely to receive taxable income, other than investment income, from the vendor?

Yes No

B. Is the vendor receiving or likely to receive taxable income, other than investment income, from or at the direction of the local government officer or a family member of the officer AND the taxable income is not received from the local governmental entity?

Yes No

5 Describe each employment or business relationship that the vendor named in Section 1 maintains with a corporation or other business entity with respect to which the local government officer serves as an officer or director, or holds an ownership interest of one percent or more.

None

6 Check this box if the vendor has given the local government officer or a family member of the officer one or more gifts as described in Section 176.003(a)(2)(B), excluding gifts described in Section 176.003(a-1).

7 [Signature]
Signature of vendor doing business with the governmental entity

1/20/17
Date

LOCAL GOVERNMENT OFFICER CONFLICTS DISCLOSURE STATEMENT

FORM CIS

(Instructions for completing and filing this form are provided on the next page.)

This questionnaire reflects changes made to the law by H.B. 23, 84th Leg., Regular Session.

This is the notice to the appropriate local governmental entity that the following local government officer has become aware of facts that require the officer to file this statement in accordance with Chapter 176, Local Government Code.

OFFICE USE ONLY

Date Received

1 Name of Local Government Officer

Ramon Garcia

2 Office Held

County Judge

3 Name of vendor described by Sections 176.001(7) and 176.003(a), Local Government Code

O.G. Construction Co., LLC

4 Description of the nature and extent of each employment or other business relationship and each family relationship with vendor named in item 3.

Vendor is son of said Local Officer

5 List gifts accepted by the local government officer and any family member, if aggregate value of the gifts accepted from vendor named in item 3 exceeds \$100 during the 12-month period described by Section 176.003(a)(2)(B).

Date Gift Accepted _____ Description of Gift _____

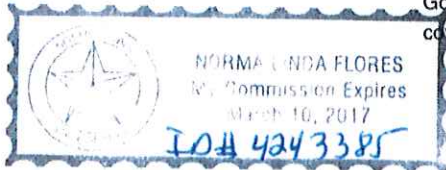
Date Gift Accepted _____ Description of Gift _____

Date Gift Accepted _____ Description of Gift _____

(attach additional forms as necessary)

6 AFFIDAVIT

I swear under penalty of perjury that the above statement is true and correct. I acknowledge that the disclosure applies to each family member (as defined by Section 176.001(2), Local Government Code) of this local government officer. I also acknowledge that this statement covers the 12-month period described by Section 176.003(a)(2)(B), Local Government Code.



Ramon Garcia

Signature of Local Government Officer

AFFIX NOTARY STAMP / SEAL ABOVE

Sworn to and subscribed before me, by the said Ramon Garcia, this the 20th day of Jan, 20 17, to certify which, witness my hand and seal of office.

[Signature]
Signature of officer administering oath

Norma L Flores
Printed name of officer administering oath

Notary
Title of officer administering oath