

COUNTY of HIDALGO



HIDALGO COUNTY AUDITOR'S OFFICE
Hidalgo County Administration Building
2808 South Business Highway 281
Edinburg, Texas 78539-6243
PHONE: (956) 318-2511
FAX: (956) 318-2577
WEBSITE: www.co.hidalgo.tx.us/auditor

EDINBURG, TEXAS 78539

April 19, 2017

The Honorable Ramon Garcia, Hidalgo County Judge
The Honorable David Fuentes, Commissioner, Precinct No. 1
The Honorable Eduardo "Eddie" Cantu, Commissioner, Precinct No. 2
The Honorable Jose M. Flores, Commissioner, Precinct No. 3
The Honorable Joseph Palacios, Commissioner, Precinct No. 4

RE: Certification of Revenue

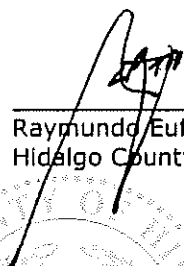
Dear Judge and Commissioners:

Pursuant to Local Government Code § 111.0707 SPECIAL BUDGET FOR REVENUE FROM INTERGOVERNMENTAL CONTRACTS:

The county auditor shall certify to the commissioners court the receipt of all revenue from intergovernmental contracts that is available for disbursement in a fiscal year but not included in the budget for that fiscal year. On certification, the court may adopt a special budget for the limited purpose of spending the revenue from intergovernmental contracts for its intended purpose.

I, Ray Eufrazio, County Auditor of Hidalgo County, certify to the Hidalgo County Commissioners Court the revenue from the intergovernmental contract between Hidalgo County and the City of McAllen, Texas for the road improvement project to Mile 5 (Taylor Road to FM220) in the amount of \$65,262.50. These funds may now be made available by creating a new special budget or amending a current budget for its intended purposes.

CERTIFIED BY:


Raymundo Eufrazio, CPA
Hidalgo County Auditor

4/19/17
Date



HIDALGO COUNTY DISTRICT JUDGES

LUIS M. ENOLETERRY
JUDGE, 12TH D.C.

RODOLFO DELGADO
JUDGE, 15TH D.C.

J. R. "BOBBY" FLORES
JUDGE, 13TH D.C.

ROSE GUERRA REYNA
JUDGE, 20TH D.C.

JUAN R. PARTIDA
JUDGE, 27TH D.C.

MARIO E. RAMIREZ, JR.
JUDGE, 32ND D.C.

MICHAEL GONZALEZ
JUDGE, 37TH D.C.
OVERSEER

LETICIA LOPEZ
JUDGE, 39TH D.C.

L. KENO VASQUEZ
JUDGE, 36TH D.C.

ISRAEL RAMON, JR.
JUDGE, 43RD D.C.

RENEE R. BETANCOURT
JUDGE, 44TH D.C.

HIDALGO COUNTY texas

DEPARTMENT OF BUDGET & MANAGEMENT
2818 S. Business Hwy. 281
Edinburg, Texas 78539
Office: (956) 292-7025 • Fax: (956) 292-7034
www.co.hidalgo.tx.us/budget



Memorandum

To: Ray Eufrazio, CPA, County Auditor

From: Sergio Cruz, Budget Officer *SC*

Date: Wednesday, April 12, 2017

Subject: Certification of Revenues Pct 4 Revenue

Cc: Linda Fong, 1st Assistant County Auditor
Maria Lucio, Executive Assistant Pct 4
Becky Luna, Director of Accounting
Nereyda Gonzalez, Financial Accounting Supervisor

Please let this memo serve as a request for Certification of Revenue in reference to the the ICA with City of McAllen for revenue earned by Pct 4 for the road improvement to Mile 5(Taylor-Ware) in the amount of \$65,262.50.

The following unearned revenue accounts are currently active for the projects:

- 7-1200-223-00-124-087-0-000 (R&B PCT4-UNEARNED REV-M5 RD(TAYLOR-WARE) (Receipt#195627)


Thank you for your prompt attention to this matter. If you have any questions, please do not hesitate to call me at (956) 292-7025 ext. 5424.

Nereyda Gonzalez


From: Alfredo Esparza [alfredo.esparza@co.hidalgo.tx.us]
Sent: Wednesday, April 12, 2017 3:47 PM
To: ray.eufracio@auditor.co.hidalgo.tx.us
Cc: linda fong; Maria Lucio; becky.luna@auditor.co.hidalgo.tx.us; nereyda gonzalez
Subject: Certification of Revenues Pct. 4 Revenue
Attachments: Certification of Revenues Pct. 4 Revenue.pdf

HIDALGO COUNTY texas

DEPARTMENT OF BUDGET & MANAGEMENT
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--

Alfredo Esparza
Budget Clerk II
County of Hidalgo Texas
Department of Budget & Management
2818 S. Bus. Hwy 281
Edinburg ,TX 78539
Phone: 956-292-7025 Ext: 5409
alfredo.esparza@co.hidalgo.tx.us

AI-59386

Budget and Management 40. A. 0.

CC - REGULAR

Meeting Date: 05/02/2017

Submitted For: Lulu Lucio, COMM. PCT. #4

Submitted By: Merlen P. Munoz, BUDGET & MANAGEMENT

Department: COMM. PCT. #4

Information

CAPTION

Pct 4 Rd. Maint (1200):

A. Approval of certification of revenues as certified by the County Auditor for revenues received from the City of McAllen for the road improvements to Mile 5 Road(Taylor-Ware).

B. Approval of 2017 appropriation of funds into Pct 4 Rd. Maint in the amount of \$65,262.50.

BACKGROUND

ICA approved 12/8/15 AI-52537

Fiscal Impact

CALENDAR YEAR: 2017

ACCT. #: 7-1200-431-00-124-007-0-XXX

FUNDS AVAILABLE Y/N?: Y MATCHING FUNDS Y/N?: N

BUDGETARY IMPACT:

Funds available pending certification of revenues from the Auditor's Office.

Monies for the ICA for Mile 5 (Taylor-Ware) receipted under
Acct#7-1200-223-00-124-087-0-000 (Receipt#195627)

Attachments

Appropriation

Form Review

Inbox	Reviewed By	Date
Budget & Management	Veronica Ortiz	04/12/2017 03:37 PM
Final Approval		
Form Started By: Merlen P. Munoz		Started On: 04/12/2017 03:25 PM

DATE: April 12, 2017

2017
Appropriation

DEPARTMENT HEAD: Sergio Cruz, Budget Officer



DEPARTMENT NAME: Department of Budget & Management for Pct 4 Rd Maint

ACCOUNT NUMBER: 7-1200-431-00-124-007-0-XXX

Contact Person: Merlen Munoz Ph#: (956) 292-7025 ext. 5403

SUBJECT: **Budget Amendments** (increase (decrease)) in accordance with Local Government Code, Chapter 111, § 111.070, Item C (2).

Honorable Commissioners' Court of Hidalgo County:

I would like to request the following Budget Amendments (increase (decrease)) in accordance with Local Government Code, Chapter 111, § 111.070, Item C (2).

INCREASE ACCOUNT NUMBER(S)	ACCOUNT (OBJECT) NAME	AMOUNT
7 7 -1200-431-00-124-007-0- 610	PCT4 RD MAINT GENERAL SUPPLIES	65,262.50
7 7 -1200-337-00-124-009-0-000	R&B Pct 4 ICA McAllen M5(Taylor-Ware) Revenues	65,262.50
TOTAL BUDGET INCREASE (DECREASE)		65,262.50

REASON:

To appropriate funding for revenues for various ICA with City of Mcallen for the M5(Taylor-Ware). Monies currently under an unearned revenue account until posted by the Auditor's Office.

DEPARTMENT HEAD SIGNATURE

APPROVED COMMISSIONERS' COURT

DATE

ATTEST COUNTY CLERK

Account Number	Description	Budget	Pre Encumbrance Encumbrance	Pre Actual Actual	Avail/Rec
7-1347-431-00-124-169-0-721	CO2015A-PCT4 MILE 5 RD(TAYLOR-W	39,858.55	23,542.83	18,315.62	.00
7-1347-431-00-124-169-0-841	CO2015A-PCT4 MILE 5 RD(TAYLOR-W	279,009.85	184,800.47	114,209.38	.00
Totals		318,868.40	188,343.40	130,525.00	.00

\$ 130,525.00 Project Expenditures as of period 13, 2016.

50% Percentage of expenditures used to determine certifiable revenues

65,262.50 Certifiable Revenue Amount

65,262.50 Revenue Amount that will be certified on 5/2/2017 with Commissioners' Court approval (see AI-59386)



OFFICIAL HIDALGO COUNTY RECEIPT
OFFICE OF THE COUNTY TREASURER
NORMA G. GARCIA

Receipt No: 195627

Received From: CITY OF MCALLEN PCT. 4

Date 02/29/16

1	0000477621	IMPRVMTS MILE 5 FROM TAYLOR RD TO FM2220 6-1200-223-00-124-087-0-000	335,935.00
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Total: 335,935.00

Check Total	335,935.00
Cash Total	.00
Credit Total	.00
Other Total	.00

HIDALGO COUNTY texas

JOSEPH PALACIOS

1051 N. Doolittle Rd.
Edinburg, Texas 78542
Office: (956) 383-3112
Fax: (956) 381-5905



COUNTY COMMISSIONER, PCT. NO. 4

Memorandum

To: Norma Garcia, County Treasurer
From: Hidalgo County Pct. # 4
Date: Friday, February 12, 2016
Subject: Pct. 4 Receipt- City of McAllen

Please let this memo serve as a request for a receipt from your office in relation to the City of McAllen check # 477621 for the amount of \$335,935.00 for Improvements to Mile 5 from Taylor Road to FM 2220 (Ware Road).

Please deposit the check into the following account:
6-1200-223-00-124-087-0-000

Thank you for your prompt attention to this matter. If you have any questions, feel free to contact me at anytime (956) 383-3112 ext. 4019.

STATE OF TEXAS §
COUNTY OF HIDALGO §

FILED
AT 2:30 P.M. OF CLERK R. M.
JAN 12 2016
COUNTY CLERK, COUNTY OF HIDALGO, TEXAS
[Signature]

**INTERLOCAL COOPERATION AGREEMENT BETWEEN THE
COUNTY OF HIDALGO AND CITY OF McALLEN, TEXAS
CONCERNING CERTAIN IMPROVEMENTS TO
MILE 5 FROM TAYLOR ROAD TO FM 2220 (WARE ROAD)**

THIS agreement is made on this the 8th day of December, 2015 by and between the City of McAllen, Texas hereinafter referred to as the "City" and the County of Hidalgo, Texas hereinafter referred to as "County", pursuant to the provisions of the Texas Interlocal Cooperation Act, as follows:

WITNESSETH:

WHEREAS, the City is a home rule municipality located in Hidalgo County, Texas;

WHEREAS, the County is a county in the State of Texas; and

WHEREAS, the City and County desire to cooperate in making needed road improvements to Mile 5 from Taylor Road to FM 2220 (Ware Road) as outlined in Exhibit A (the "Project"); and

WHEREAS, the City and County agree it is essential to develop this very important corridor, which is in much need of improvements, specifically in need of added capacity for increased safety; and

WHEREAS, the County will be the fiduciary agent for this Project and will act as project development lead;

WHEREAS, the City and County desire to proceed and complete the Preliminary Engineering, Environmental, Public Involvement and Schematic Design, of the Road (the "Phase I");

WHEREAS, the City and County will cooperatively seek to fund the construction and ROW costs of this Project through the Hidalgo County Metropolitan Planning Organization (HCMPO) and TxDOT;

WHEREAS, the total Phase I project development cost is estimated to be \$681,870.00 of which the County will contribute an estimated amount of \$225,985.00;

WHEREAS, the City desires to cooperate by contributing a total sum not to exceed the amount of \$455,885.00 to the County toward the project development activities; and

WHEREAS, the County and City are authorized to enter into this Agreement pursuant to the Interlocal Cooperation Act, Texas Government Code 791.001 et. Seq.

which authorizes local governments to contract with each other to perform governmental functions and services under the terms of the Act; and

WHEREAS, the City agrees County will act as project sponsor to develop the Phase I of the project development, which includes the Preliminary Engineering, Environmental, Public Involvement and Schematic Design services of the Road within the City limits.

NOW, THEREFORE, County and City, in consideration of the mutual covenants expressed hereinafter, agree to enter into this agreement as follows:

1. The County agrees to complete Phase I of the project development, which includes the Preliminary Engineering, Environmental Assessment, Public Involvement & Schematic services more particularly described in that portion of Exhibit B attached hereto and made a part hereof for all purposes that relates to said Phase I.
2. The road at various points passes through the jurisdiction of City and County and forms a connecting link or integral part of the County road system.
3. The City shall pay County as its contribution for Phase I of the Project the sum of \$385,935.00 at time of execution of this Agreement.
4. City, pursuant to Tex. Trans. Code 251.012, authorizes County to perform the work and services described herein within its corporate city limits.
5. Each party agrees to conform to its own applicable purchasing laws, regulations, policies, and procedures with respect to the portion of the work under this Agreement performed by each party.
6. **Conflict of Applicable Law:** Nothing in this Agreement shall be construed so as to require the commission of any act contrary to law, and whenever there is any conflict between any provision of their Agreement and any present or future law, ordinance, or administrative, executive or judicial regulation, order or decree, or amendment thereof, contrary to which the parties have no legal right to contract, the latter shall prevail, but in such event the affected provision or provisions of the Agreement shall be modified only to the extent necessary to bring them within the legal requirements and only during the time such conflict exists.
7. **No Waiver:** No waiver by any party hereto of any breach of any provision of the Agreement shall be deemed to be a waiver of any preceding or succeeding breach of the same or any other provision hereof.
8. **Entire Agreement:** This Agreement contains the entire contract between the parties hereto and each party acknowledges that neither has made (either directly or through any agreement or representative) and representation or agreement in connection with this Agreement not specifically set forth herein.

This Agreement may be modified or amended only by agreement in writing executed by the CITY and County, and not otherwise.

9. **TEXAS LAW TO APPLY; THIS AGREEMENT SHALL BE CONSTRUED UNDER AND IN ACCORDANCE WITH THE LAWS OF THE STATE OF TEXAS, AND ALL OBLIGATION OF THE PARTIES CREATED HEREUNDER ARE PERFORMABLE IN HIDALGO COUNTY, TEXAS. THE PARTIES HEREBY CONSENT TO PERSONAL JURISDICTION IN HIDALGO COUNTY, TEXAS.**

10. **Notice:** Except as maybe otherwise specifically provided in this Agreement, all notices, demands, requests or communication required or permitted hereunder shall be in writing and shall either be (i) personally delivered against a written receipt, or (ii) sent by registered or certified mail, return receipt requested, postage prepaid and addressed to the parties at the addresses set forth below, or at such other addresses as may have been theretofore specified by written notice delivered in accordance herewith:

If to City: City of McAllen
Attention: Hon. Jim Darling
1300 Houston Avenue
McAllen, Texas 78501

With copy to: City of McAllen
Attention: Kevin D. Pagan, City Attorney
1300 Houston Avenue
McAllen, Texas 78501

If to County: Hidalgo County, Texas
Attention: Hon. Ramon Garala, County Judge
302 W. University Drive
Edinburg, Texas 78539

With copy to: Hon. Joseph Palaolos, Commissioner Pol. #4
1051 N. Doolittle Road
Edinburg, Texas 78539

11. Each notice, demand, request or communication which shall be delivered or mailed in the manner described above shall be deemed sufficiently given for all purposes at such time as it is personally delivered to the addressee, or, if mailed, at such time as it is deposited in the United States mail.
12. **Additional Documents:** The parties hereto covenant and agree that they will execute such other and further instruments and documents as are or may become necessary or convenient to effectuate and carry out the terms of this agreement.
13. **Successors.** This Agreement shall be binding upon and inure to the benefit of the parties hereto and their respective heirs, executors, administrators, legal representatives, successors, and assigns where permitted by this Agreement.

14. **Assignment:** This Agreement shall not be assignable.
15. **Headings.** The headings and captions contained in this Agreement are solely for the convenience reference and shall not be deemed to affect the meaning or interpretation of any provision of paragraph hereof.
16. **Gender and Number.** All pronouns used in this Agreement shall include the other gender, whether used in the masculine, feminine or neuter gender, and singular shall include the plural whenever and as often as may be appropriate.
17. **Authority to Execute.** The execution and performance of this Agreement by the City and County have been duly authorized by all necessary laws, resolutions or corporate action, and this Agreement constitutes the valid and enforceable obligations of the City and County in accordance with its terms.
18. **Governmental Purpose.** Each party hereto is entering into the agreement for the purpose of providing for governmental services or functions and will pay for such services out of current revenues available to the paying party as herein provided.
19. **Commitment of Current Revenues Only.** In the event that during any term hereof, the governing body of any party does not appropriate sufficient funds to meet the obligations of such party under this Agreement, then any party may terminate this Agreement upon ninety (90) days written notice to the other party. Each of the parties hereto agrees, however, to use its best efforts to secure funds necessary for the continued performance of this Agreement. The parties intend this provision to be a continuing right to terminate this Agreement at the expiration of each budget period of each party hereto pursuant to the provisions of Tex. Loc. Govl. Code Ann. §271.908

WITNESS THE HANDS OF THE PARTIES effective as of the day and year first written above.

COUNTY OF HIDALGO

By: *Ramon Garcia*
 Ramon Garcia, County Judge

ATTEST
Ariuro Gualardo, Jr.
 Ariuro Gualardo, Jr., County Clerk

APPROVED BY
 COMMISSIONERS' COURT
 ON: 12/18/15

CITY OF MCALLEN

BY: Jim Darling
Hon. Jim Darling, Mayor



ATTEST:

Paul Lane
City Secretary

APPROVED AS TO FORM:

ATLAS, HALL, & RODRIGUEZ, LLP.

By: [Signature]
Stephen L. Crain

STATE OF TEXAS
COUNTY OF HIDALGO

§
§
§

FILED
AT 2:30 P.M. JAN 12 2016
COUNTY CLERK

APPROVAL OF
INTERLOCAL COOPERATION AGREEMENT
PROJECT

In accordance with Texas Government Code §791.014, Hidalgo County, Texas, acting by and through the Hidalgo County Commissioners Court, has been advised of a proposed project regarding certain road improvements to Mile 6 from Taylor Road to FM 2220 (Ware Road), a section which is in part within the city limits of McAllen and in part within County Jurisdiction through an Interlocal Cooperation Agreement to be entered into with the City of McAllen, Texas, and Hidalgo County.

By vote on Dec 8, 2015, the Hidalgo County Commissioners Court has approved the Project identified above.

Ramon Garcia
By: Ramon Garcia, County Judge

ATTEST

Adolfo Quijano, Jr.
Adolfo Quijano, Jr., County Clerk

APPROVED BY
COMMISSIONERS' COURT
ON: 12/8/15

APPROVED AS TO FORM:

ATLAS, HALL & RODRIGUEZ, LLP,

By: Stephen L. Orain
Stephen L. Orain

