



**ORDER ON PROFESSIONAL LEGAL SERVICES CONTRACT  
(Pursuant to Section 2254.1036 of the Government Code)**

WHEREAS, pursuant to Chapter 2254 of the Texas Government Code, the Hidalgo County Commissioners Court may enter into a contingent fee contract with a private attorney/firm for the rendition of professional legal services so long as the requirements of Chapter 2254 have been met; and

WHEREAS, the Commissioners Court of Hidalgo County has engaged the J. Ramirez Law Firm (the "Firm") for professional legal services to act as bond counsel for Hidalgo County; and

WHEREAS, the Commissioners Court desires that the Firm will perform all legal services necessary to perform said legal services as bond counsel;

NOW, THEREFORE, THE COMMISSIONERS COURT of HIDALGO COUNTY hereby finds the following:

1. The County requires legal services from bond counsel for which Firm would be retained to the extent the County may seek to issue limited tax bonds as authorized under the provisions of Section 1207.01 *et. seq.* of the Government Code and provisions of other Texas laws which authorize issuance of debt obligations by the County. In that regard, the County needs to engage the services of bond counsel who has demonstrated competence, qualifications and experience in the requested services.
2. The engagement of the Firm in a professional services contract for all necessary and related services of bond counsel, including but not limited to the issuance of debt obligation, will ensure that services are provided in the most cost effective and expeditious manner. The County will engage the Firm after determining negotiated fees are fair and reasonable. *See* GOVT. CODE § 2254.1036(1)(A). The engagement of bond counsel is reviewed on an annual basis by County and can be terminated with thirty (30) days written notice.
3. The County believes the Firm has the competency, qualifications, and experience necessary to fulfill this contract as required by Government Code § 2254.1036(1)(B). The Firm has been serving governmental bond issuers in Texas since 1987. The Firm has acted as bond counsel for Hidalgo County for over 20 years and has the demonstrated competence and qualifications necessary to perform the services requested.

4. The nature of any relationship between the County and the Firm is as follows. *See* GOVT. CODE § 2254.1036(1)(C). The Firm and attorney, Jesus Ramirez, has served as bond counsel for the County for over 20 years, and therefore, has an established relationship.
5. The specialized legal services required cannot be performed by the attorneys and supporting personnel of the County due to the respective qualifications, cost, infrastructure and technology needed to perform these services. *See* GOVT. CODE § 2254.1036(1)(D).
6. These legal services cannot be provided for on an hourly fee basis. *See* GOVT. CODE § 2254.1036(1)(E).
7. Engagement of the Firm for the requested professional legal services is in the best interests of the County. *See* GOVT. CODE § 2254.1036(1)(F). In HB 2826, the Texas Legislature expressly recognizes that the availability of bond counsel services is particularly limited given the competences, experience and legal knowledge that are required to be had in order for bond counsel to perform its services and issue the legal opinions required upon issuance of the bonds. The areas of legal practice which bond counsel typically is required to engage in order to perform its services include: election laws, Texas constitutional, statutory and common law as it relates to elections and bond elections; the legal authority of political subdivisions to enter legally enforceable obligations; and in particular, debt obligations; federal tax law and Internal Revenue Obligations, particularly as they relate to issuance of tax-exempt debt by political subdivisions; and U.S. Securities laws and their application and exemptions for political subdivisions.
8. The engagement of bond counsel on a contingency fee basis is in the best interest of the County and of its residents for the following reasons: (1) the County has the benefit of receiving and relying on the legal advice of a qualified and experience legal counsel; (2) the County is able to rely on the legal advice of bond counsel throughout all preparatory actions relating to issuance of a bond without having to pay significant fees during the process; (3) County decisions to postpone an action, including an election and issuance or sale of

the bonds does not result in paying additional legal fees; and (4) a contingency fee allows the County to pay for and capitalize fees for the bond counsel and all related fees out a debt fund rather than from the County's Maintenance and Operations Fund.

Passed and Adopted, this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

It is so ordered:

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**RICHARD F. CORTEZ**  
County Judge

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**DAVID L. FUENTES**  
County Commissioner, Pct. 1

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**EDUARDO "EDDIE" CANTU**  
County Commissioner, Pct. 2

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**JOE M. FLORES**  
County Commissioner, Pct. 3

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**ELLIE TORRES**  
County Commissioner, Pct. 4

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**Attest: ARTURO GUAJARDO, JR.**  
County Clerk