

STATE OF TEXAS

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COUNTY OF HIDALGO

COMMISSIONERS COURT ORDER

On this, the 23rd day of January, 2018, the Commissioners' Court of Hidalgo County, Texas, convened in a Regular Meeting with the following members present:

- Ramon Garcia, County Judge;
- David L. Fuentes, Commissioner, Precinct 1;
- Eduardo "Eddie" Cantu, Commissioner, Precinct 2;
- Joe M. Flores, Commissioner, Precinct 3;
- Joseph Palacios, Commissioner, Precinct 4

when the following proceedings, among others, were had, to-wit:

Whereas, Hidalgo County has obtained information indicating that certain opioid manufacturers and their corporate affiliates, parents, subsidiaries, and such other defendants as may be added to the litigation (collectively, "Defendants") have engaged in false and fraudulent marketing resulting in addictions to opioids; and

Whereas, Hidalgo County has obtained information indicating that certain opioid manufacturers and their corporate affiliates, parents, subsidiaries, and such other defendants as may be added to the litigation (collectively, "defendants") have engaged in negligent and reckless promotion of opioid painkillers for inappropriate uses; and

Whereas, these actions, conduct and misconduct have resulted in significant costs to the County; and

Whereas, Hidalgo County is empowered to employ Counsel in Hidalgo County, and Hidalgo County has selected Watts Guerra LLP; Fibich, Leebron, Copeland & Briggs; the Gallagher Law Firm, LLP; and Juan Hinojosa to serve as Counsel and has submitted the terms and conditions of the attached Agreement for approval by the Court.

Now Therefore, in consideration of the above, the Commissioners Court of Hidalgo County, Texas hereby ORDERS as follows:

1. Commissioners Court grants an exemption from competitive bidding and proposal procedures in accordance with Texas Local Government Code Section 262.024(a)(4) providing that a contract for personal or professional service is exempt from the requirements established by Section 262.023 of the Local Government Code.
2. Commissioners Court approved the selection of Counsel and the terms and conditions of employment of such counsel as set out in the attached Professional Services Agreement.

3. The Hidalgo County Commissioners Court finds as follows:
 - a. There is a substantial need for the legal services;
 - b. The legal services cannot be adequately performed by the attorneys and supporting personnel of Hidalgo County or by the attorneys and supporting personnel of another governmental entity; and
 - c. The legal services cannot reasonably be obtained from attorneys in private practice under a contract providing only for the payment of hourly fees, without regard to the outcome of the matter, because of the nature of the matter for which the services will be obtained and because Hidalgo County does not have appropriated funds available to pay the estimated amounts required under a contract providing only for the payment of hourly fees; and
4. Commissioners Court authorizes the Hidalgo County Executive Office and/or its designee and Counsel to file such claims and litigation as the County deems necessary against Defendants and their corporate affiliates, parents, and subsidiaries, and such other defendants as may be added to the litigation. The lawsuit concerns the Defendants' wrongful conduct within Hidalgo County's jurisdiction, in violation of Texas laws and any other applicable common law or statutory causes of action that may exist and to prevent conduct that increases addiction and costs in Hidalgo County in violation of law.
5. The Hidalgo County Judge or his designee is authorized to execute an agreement with Counsel (hereinafter the "Agreement") containing terms and provisions substantially similar to those contained in the attached agreement because there is a substantial need for the legal services of Counsel that cannot adequately be performed by attorneys and supporting Hidalgo County or another public agency, nor can the legal services reasonably be obtained from attorneys in private practice under a contract providing only for payment of hourly fees without regard to the outcome of the matter because of the nature of the representation. The Agreement will be forwarded by the Hidalgo County Executive Office to the Comptroller for review and approval pursuant to the statutory guidelines.
6. All fees to be paid to Counsel are contingent upon the recovery of the penalties, attorneys' fees and costs as provided for in the Agreement and shall be paid only from such recovery and no money shall be due or paid from the General Fund or any special fund under the Agreement.
7. All Hidalgo County officials and employees are authorized to do any and all things necessary or convenient to accomplish the purposes of this order.

On Motion Duly Made and Seconded, the foregoing ORDER is duly ADOPTED, on this the 23rd day of January, 2018.

COUNTY OF HIDALGO, TEXAS

By:

Ramon Garcia
Ramon Garcia, County Judge

Eduardo Cantu
Eduardo Cantu, Commissioner Pct. 2

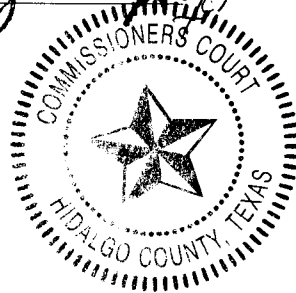
Joseph Palacios, Commissioner Pct. 4

David L. Fuentes
David L. Fuentes, Commissioner Pct. 1

Joe M. Flores
Joe M. Flores, Commissioner Pct. 3

ATTEST

Anton Benjardo Jr.
County Clerk



1/23/18 *ms*