



STATE OF TEXAS

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COUNTY OF HIDALGO

**COMMISSIONERS COURT ORDER**

On this, the 15<sup>th</sup> day of May, 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 found a substantial need to employ SPECIAL COUNSEL to assist CLIENT'S attorney in the prosecution of a cause of action we may have as a result of construction defects causing loss, and/or damage to the Judge Mario E. Ramirez, Jr. Juvenile Justice Center located at 1001 N. Doolittle Rd., Edinburg, Texas 78540; and

Whereas, Hidalgo County is empowered to employ Counsel in Hidalgo County, and Hidalgo County has selected The Snapka Law Firm, V. Gonzalez & Associates, P.C. and The Law Office of Felipe Garcia, P.C. 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 15<sup>th</sup> day of May, 2018.

COUNTY OF HIDALGO, TEXAS

By:

Ramon Garcia  
Ramon Garcia, County Judge

Eduardo Cantu  
Eduardo Cantu, Commissioner Pct. 2

Joseph Palacios  
Joseph Palacios, Commissioner Pct. 4

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

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

APPROVED BY  
COMMISSIONERS COURT  
ON 5/15/18 *ml*

Arturo Guajardo Jr.  
County Clerk  
