

HIDALGO COUNTY WATER IMP. DISTRICT NO. 3
1325 Pecan Blvd
McAllen, Texas 78501
(956) 686-8303
Fax (956) 686-1022

Othal Brand Jr.-President
Chris Burns-Vice President
Mark Freeland, Secretary

W.D. Moschel-Member
Lance Neuhaus-Member

BOARD OF DIRECTORS' MEETING
***** AGENDA *****

TAKE NOTICE THAT A REGULAR BOARD MEETING OF THE BOARD OF DIRECTORS OF HIDALGO COUNTY WATER IMPROVEMENT DISTRICT NO. 3 WILL BE HELD AT THE DISTRICT OFFICE AT 1325 PECAN BLVD, MCALLEN, TEXAS 78501, AT 12:00 P.M. on WEDNESDAY, JANUARY 18, 2023. The agenda is posted in accordance with the accessibility requirements of Section 551.043 of the Texas Government Code. IF DURING THE COURSE OF THE MEETING, THE BOARD OF DIRECTORS SHOULD DETERMINE THAT A CLOSED SESSION OR MEETING IS AUTHORIZED BY SECTIONS 551.071, AND 551.072 OF THE GOVERNMENT CODE, VERNON'S TEXAS CODE, ANNOTATED, NOTICE OF CLOSED OR EXECUTIVE SESSION WILL BE GIVEN AFTER THE COMMENCEMENT OF THE MEETING COVERED BY THE NOTICE PURSUANT TO SECTION 551.101 OF THE TEXAS GOVERNMENT CODE.

Call to Order:

- Pledge of Allegiance
- Prayer

- 1) Consideration and possible action regarding the approval of the Minutes for the Special Board Meeting on January 11, 2023.
- 2) Consideration and possible action regarding the approval of the Minutes for the Regular Board Meeting on December 14, 2022.
- 3) Consideration and possible action regarding the financial reports and the approval of accounts payable checks.
- 4) General Report by President.
- 5) Engineering Report
- 6) Consideration and possible action to review the District Investment Policy.
- 7) Consideration and possible action to allocate water to active accounts.
- 8) Consideration and possible action to install a pipeline across Lot 11, Section 2, utilizing 25 foot right-of-way reserved in Volume Y pg. 27, Hidalgo County Deed Records, and determination of contribution by requestor.
- 9) Consideration and possible action to approve Uvalde Villas Subdivision out of Lots 8-16 Hollenbeck Subdivision and Southeast ¼ of Lot 15 Section 7 Hidalgo Canal Company Subdivision, City of McAllen, Hidalgo County, Texas.
- 10) Consideration and possible action regarding District interest in 5.03 acres out of Lot 7 Section 2, Hidalgo Canal Company Subdivision, City of McAllen, Hidalgo County, Texas.
- 11) Executive Session pursuant to Sections 551.071 and 551.072, Texas Government Code, to consult with Attorney and to deliberate regarding (i) pending eminent domain proceeding in Cause No. CCD-0517-D styled "Hidalgo County Water Improvement District No. 3 vs. Hidalgo County Irrigation District No. 1" or the acquisition of an easement interest in real property from Hidalgo County Irrigation District No. 1, (ii) petition for review in Supreme Court of Texas relating to order granting plea to jurisdiction in Cause No. CCD-0517-D, (iii) Cause No. C-0937-20-A styled "Hidalgo County Irrigation District No. 1 vs. City of McAllen vs. Hidalgo County Water Improvement District No. 3", (iv) McAllen Public Utility petition filed with the Public Utility Commission of Texas appealing wholesale water rates of Hidalgo County Water Improvement District No.3, and (v) Cause No. C-1601-22-I styled "McAllen Public Utility vs. Othal Brand, Jr., in his official capacity, *et al*".
- 12) Adjourn

**Hidalgo County Water Improvement District Number Three
Board of Directors' Meeting
January 18, 2023**

Call to Order:

President Othal Brand, Jr. called regular meeting to order at the District Office located at 1325 Pecan Blvd, McAllen, Texas 78501. The meeting began by reciting the pledge of allegiance. Secretary Mark Freeland gave the prayer invocation.

Board Members Present:

Othal Brand, Jr.	President
Chris Burns	Vice-President
Mark Freeland	Secretary
WD Moschel	Director
Lance Neuhaus	Director

Absent:

None

Others Attending:

Macarena Ortiz	Attorney
Jim Hall	Ewing & Lara
Frank Ferris	Ferris & Flinn & Medina
Raquel Espinoza	
Tomas De Leon	
Jose R. De Leon	
Emilia Luebbert	

Consideration and possible action regarding the approval of the Minutes for the Special Board Meeting on January 11, 2023.

A Motion was made by Chris Burns and seconded by Lance Neuhaus regarding the approval of the Minutes for the Special Board Meeting on January 11, 2023.

Motion Carried.

Consideration and possible action regarding the approval of the Minutes for the Regular Board Meeting on December 14, 2022.

A Motion was made by Lance Neuhaus and seconded by Chris Burns regarding the approval of the Minutes for the Regular Board Meeting on December 14, 2022 with added wording to reflect that Board Member Mark Freeland abstained to the approval of the Minutes because he was not present at the Board Meeting.

Motion Carried.

Consideration and possible action regarding the financial reports and the approval of the account payable checks.

Wednesday, January 18, 2023 at 12:00 p.m.

A Motion was made by Lance Neuhaus and seconded by Chris Burns to approve the financial reports and the accounts payable checks.

Motion Carried

General Report by President

President Othal Brand, Jr. informed the Board about the Association of Water Board Directors of Texas that is dedicated to the betterment of operations and management of Texas Water Districts through education, unification and advocacy.

President Othal Brand, Jr. informed the board of directors about their qualification and encouraged them to apply for membership. The cost of the membership dues is \$750.00.

President Othal Brand, Jr. attended the inauguration ceremony of Texas Governor Greg Abbott, and Lieutenant Governor Dan Patrick in Austin on Tuesday, January 17, 2023.

Engineering Report

Engineer Frank Ferris reported the District began the month with a Usable Balance of 4.856 acre feet, 57 percent of the annual water right, and 40 percent of the Storage Balance. An additional 3.7 percent allocation was granted for the December period. The US share is steady at 32 percent as of December 31, 2022.

Main Canal Piping at Airport

Engineer Frank Ferris showed the board pictures of the work being done at the airport bypass. The contractor working on the north well will have to redo the work done as the wall forms are not square. He also mentioned that construction is almost ready to pour the Main Canal Headwall slab.

Consideration and possible action to review the District Investment Policy.

A Motion was made by Chris Burns and seconded by Lance Neuhaus to review the District Investment Policy to reflect that President Othal Brand, Jr. and one Board Member, Vice-President Chris Burns will be designated to executed investment transactions on behalf of the District.

Motion Carried.

Consideration and possible action to allocate water to active accounts.

A Motion was made by Lance Neuhaus and seconded by Chris Burns to approve another allocation by filling all the accounts to (3) three irrigations and to deplete the account until the District has another allocation to refill.

Motion Carried.

Consideration and possible action to install a pipeline across Lot 11, Section 2, utilizing 25 foot right-of-way reserved in Volume Y pg. 27, Hidalgo County Deed Records, and

Wednesday, January 18, 2023 at 12:00 p.m.

determination of contribution by requestor.

The property owner provided details regarding the irrigation needs of her property. The District provided another feasible solution to irrigate the property and the installation of the pipeline is no longer needed.

No Action Taken.

Consideration and possible action to approve Uvalde Villas Subdivision out of Lots 8-16, Hollenbeck Subdivision and Southeast ¼ of Lot 15 Section 7 Hidalgo Canal Company Subdivision, City of McAllen, Hidalgo County, Texas.

A Motion was made by Chris Burns and seconded by Lance Neuhaus to approve and appraisal of the District's Right-of-Way at Lateral J out of Lots 8-16 of Hollenbeck Subdivision and Southeast ¼ of Lot 15 Section 7 Hidalgo Canal Subdivision, City of McAllen, Hidalgo County, Texas, at the Developer's expense of \$1,500.00. Due to the fact that there is no record indicating that the District released Lateral J in the past, the item will be placed on the next agenda for the Board to consider whether the property should be declared as surplus property and no longer needed by the District.

Motion Carried.

Consideration and possible action regarding District interest in 5.03 acres out of Lot 7 Section 2, Hidalgo Canal Company Subdivision, City of McAllen, Hidalgo County, Texas.

A Motion was made by Lance Neuhaus and seconded by Chris Burns to authorized Engineer Frank Ferris to send a letter to the property owner stating that the District claims a 20 foot right-of-way along 10th Street, inside a 5.03 acre-tract of land out of Lot 7 Section 2 Hidalgo Canal Company Subdivision, City of McAllen, Hidalgo County, Texas.

Motion Carried.


Executive Session

The Board did not enter into close session.

Adjourn

A Motion was made by Lance Neuhaus and seconded by Chris Burns to adjourn the Board Meeting at 2:00 p.m.

Motion Carried.



Othal Brand, Jr. President



Mark Freeland, Secretary