

**Hidalgo County Water Improvement District Number Three
Board of Directors' Meeting
April 20, 2022**

Call to Order:

President Othal Brand, Jr. called a regular meeting to order at Trophy Towers located at 4800 N. 23rd, McAllen, Texas 78504. The meeting began with a recitation of the pledge of allegiance. President Othal Brand, Jr. gave the prayer invocation.

Board Members Present:

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

Absent:

W.D. Moschel	Director
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Others Attending:

Frank Ferris	District Engineer
Randy Whittington	Attorney
Macarena Ortiz	Attorney
Jim Hall	Accountant
Raquel Espinoza	
Tomas De Leon	
Jose R. De Leon	
Mario Cruz	City of McAllen
Ron Whitlock	

Consideration and possible action regarding the approval of the Minutes for the Regular Board Meeting held on March 16, 2022.

A Motion was made by Chris Burns and seconded by Lance Neuhaus to approve the Minutes for the Regular Board Meeting held on March 16, 2022.

Motion Carried.

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

A discussion was held regarding the breakdown of the office construction expenses and the office canopy expense of \$15,000.00. The board directed that legal expenses relating to the PUC rate contest should be separated into a different account from other legal expenses. A Motion was made by Mark Freeland and seconded by Lance Neuhaus to approve the Accounts Payable Checks and the Financial Reports by Ewing & Lara.

Motion Carried

Pumping Figures for the Month

Carmen De Leon presented the monthly Water Report for April, 2022. The total pumped was 2,006.49 ac. ft. and 1,527.90 ac.ft. of that amount was pumped to the City of McAllen. Tomas De Leon reported that the District has been pumping water to farmers, the City of McAllen, and US Fish and Wildlife.

General report by President

National Guard will be stationed at the River Pump Station to keep guard on the flow of migrants crossing the river.

Engineering Report

Water Report

Engineer Frank Ferris informed the Board that there were no allocations for February or March periods. The usable Balance at the beginning of April is 4,739 acre feet which is 55% of the annual water right and 39% of the storage balance. The US share has fallen to 33.7% as of April 9, 2022. Irrigation demand has been strong. The District has been running two or three pumps at a time the past few weeks and has pumped 4,400 acre feet.

Electrical Improvements at Pump Stations.

Engineer Frank Ferris informed the Board that the plans for electrical improvements at the Pump Stations have been modified based on the improvements since 2019. He should have bids for review at the May meeting.

Consideration and possible action to appoint a replacement election judge and alternate election judge and to increase number of election clerks to be appointed by election judge, and to amend the election orders already issued to reflect the replacement judges, as applicable and necessary.

A Motion was made by Chris Burns and seconded by Lance Neuhaus to replace Judge Eugene Gutierrez who is caring for a sick family member and to appoint John Goolsby as Presiding Judge and Guadalupe Garcia as Alternate Judge for the May 7, 2022 election, to increase the number of election clerks to be appointed by the Presiding Judge from two to three, and to amend the existing election orders to reflect those replacement judges and changes in the number of clerks.

Motion Carried.

Consideration and possible action to exchange property with the City of McAllen on lateral adjacent to Bicentennial and Tamarack Avenue at Tamarack Bridge, Hidalgo County, Texas and to declare District's property as surplus and no longer needed by the District, if necessary, to proceed with the process of effectuating the exchange.

A Motion was made by Chris Burns and seconded by Lance Burns to declare certain property of the District described in the attachment to the minutes as surplus and no longer needed by District and to approve the exchange of the surplus property with the City of McAllen for a lateral adjacent to Bicentennial and Tamarack Avenue at Tamarack Bridge, Hidalgo County, and to, if necessary, to proceed with the process of effectuating the exchange. *(See Attachment A-Metes and Bounds Lateral M-3(Tamarack) .03 acre (1330.958 square feet of Land)*

Motion Carried.

Consideration and possible action regarding the approval of a license to the City of McAllen for a Pedestrian Trail at Main Canal and Highland Avenue, Hidalgo County, Texas.

A Motion was made by Chris Burns and seconded by Lance Neuhaus to table this item so the City of McAllen can file an application in accordance with the District's guidelines and present the application and drawings to the District's attorney and engineer for review and prepare a License.

Item Tabled.

Consideration and possible action to designate a records management officer and to establish a records management program pursuant to Chapter 203 of Texas Local Government Code.

A Motion was made by Chris Burns and seconded by Lance Neuhaus to designate Raquel Espinoza to serve as the District's record management officer, to establish and approve a records management program pursuant to Chapter 203 of Texas Local Government Code in the form attached to these minutes, and to direct Raquel Espinoza to file the appropriate documents with the Texas State Library and Archives.

Motion Carried.

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) candidate eligibility with respect to May 7, 2022 election of Directors.


CLOSED SESSION: PURSUANT TO ARTICLE 551.071 AND 551.072, TEXAS GOVERNMENT CODE.

The Board went into closed session from 1:21 p.m. to 2:45 p.m.

Adjourn

A Motion was made by Chris Burns and seconded by Lance Neuhaus to adjourn the Board Meeting at 2:50 p.m.

Motion Carried.



Othal Brand, Jr. President



Mark Freeland, Secretary