

**Hidalgo County Water Improvement District Number Three  
Board of Directors' Meeting  
November 16, 2022**

**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. Vice- President Chris Burns gave the prayer invocation. Vice-President Chris Burns was appointed Secretary due to Mark Freeland being absent.

**Board Members Present:**

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

**Absent:**

Mark Freeland	Secretary
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**Others Attending:**

Macarena Ortiz	Attorney
Frank Ferris	Ferris & Flinn & Medina
Raquel Espinoza	
Tomas De Leon	
Jose R. De Leon	

**Consideration and possible action regarding the approval of the Minutes for the Regular Board Meeting on October 19, 2022.**

A Motion was made by Lance Neuhaus and seconded by Chris Burns to approve the minutes of the regular Board Meeting on October 19, 2022 subject to a correction on the dollar amount on the extension of the letter of credit that was renewed by Texas Regional Bank in the amount of \$800,000.00 in connection with the construction on Bicentennial Boulevard pipeline in the City of McAllen, Hidalgo County, Texas.

Motion Carried.

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

A Motion was made by Chris Burns and seconded by W.D. Moschel to approve the financial reports and the account payable checks.

Motion Carried

**General Report by President**

No General Report by the President was presented.

**Engineering Report**

*Wednesday, November 16, 2022 at 12:00 p.m.*

Engineer Frank Ferris reported that the usable balance is currently 4,200 acre-feet, being 49 percent of the annual water right, and 35 percent of the storage balance. An additional 3 percent allocation is anticipated for the October period. The U.S. share has risen to 31.6 percent as of November 5, 2022.

### **Airport Bypass**

Engineer Frank Ferris showed the board photos of the airport pipe installation project and discussed the progress being done at the airport bypass.

### **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. The District has enough water to activate the accounts up to 3 percent of irrigation by the Texas Watermaster.

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) Cause No. C-1601-22-1 styled "McAllen Public Utility vs Othal Brand, Jr., in his official capacity, et al'".**

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

The Board went into closed session from 12:35 p.m. through 2:11 p.m.

No action taken.

### **Adjourn**

A Motion was made by Lance Neuhaus and seconded by Chris Burns to adjourn the Board Meeting at 2:13 p.m.

Motion Carried.



Othal Brand, Jr. President

Chris Burns, Acting Secretary

Wednesday, November 16, 2022 at 12:00 p.m.