

HIDALGO COUNTY WATER IMP. DISTRICT NO. 3

**1325 Pecan Blvd
McAllen, Texas 78501
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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 O'CLOCK PM ON WEDNESDAY, OCTOBER 18, 2023. THIS AGENDA AND WRITTEN NOTICE IS POSTED IN ACCORDANCE WITH THE APPLICABLE PROVISIONS OF CHAPTER 551, TEXAS GOVERNMENT CODE, INCLUDING THE ACCESSIBILITY REQUIREMENTS OF SECTION 551.043, TEXAS GOVERNMENT CODE. IF, DURING THE COURSE OF THE MEETING, THE BOARD OF DIRECTORS DETERMINES THAT A CLOSED MEETING SHOULD BE CONVENED REGARDING AN ITEM ON THE AGENDA AND THAT SUCH CLOSED MEETING IS AUTHORIZED BY AN APPLICABLE PROVISION OF CHAPTER 551, TEXAS GOVERNMENT CODE, INCLUDING BUT NOT LIMITED TO EITHER SECTION 551.071 OR SECTION 551.072, TEXAS GOVERNMENT CODE, THE PRESIDENT OR OTHER PRESIDING OFFICER SHALL ANNOUNCE THE CONVENING OF THE CLOSED SESSION, INCLUDING THE TIME AND SUBJECT OF THE CLOSED SESSION AND THE STATUTE UNDER WHICH THE CLOSED SESSION AND THE STATUTE UNDER WHICH THE CLOSED MEETING IS PERMITTED, AND, UPON CONCLUSION OF SUCH CLOSED SESSION, THE PRESIDENT OR OTHER PRESIDING OFFICER SHALL ANNOUNCE THE TIME OF RECONVENING IN OPEN SESSION.

Call to Order:

- Pledge of Allegiance
- Prayer

- 1) Consideration and possible action to approve the Minutes for the Regular Board Meeting on September 20, 2023.
- 2) Consideration and possible action regarding the Financial Reports and the approval of accounts payable checks.
- 3) Consideration and possible action regarding the renewal of the District's contract with Ron Lewis & Associates.
- 4) Engineering Report:
 - 1) a. Report on District allocation in the Falcon & Amistad Reservoir System.
 - 2) Report on Las Milpas Rd. Project.
 - 3) Report on HCRMA Project.
- 5) Consideration and possible action to declare as surplus property and no longer needed by the District, Lateral "U" across a 3.723 acre tract of land out of Lot 14, Ebony Heights Citrus Groves, Unit No.1 Subdivision, Hidalgo County, Texas.
- 6) Consideration and possible action to declare as surplus property and no longer needed by the District a 1.608 acre tract of land, Lateral "G", being out of a part or portion of Lots 9 and 10, Section 5, Hidalgo Canal Company, Hidalgo County, Texas.
- 7) Consideration and possible action to declare as surplus property and no longer needed by the District, a 0.588 tract of land, Lateral "F" being out of a part or portion Lot 10, and Lot 15, Section 5, Hidalgo Canal Company Subdivision Hidalgo County, Texas.
- 8) Consideration and possible action to approve construction plans for the relocation of Lateral F across Lot 10 and Lot 15, Section 5 Hidalgo Canal Company Subdivision, Hidalgo County, Texas.
- 9) Consideration and possible action to declare as surplus property and no longer needed by the District certain easements across O.L.S. Parish Hall Subdivision, Hidalgo County, Texas.
- 10) Consideration and possible action to approve Retiree Haven No. 2 Lot 82A and Lot 97A Sub. Hidalgo, County, Texas.
- 11) Consideration and possible action and to declare as surplus property and no longer needed by the District, a 0.65 acre tract of land, Lateral "G" being out of a part or portion of Lots 11 and 12, Section 5, Hidalgo Canal Company Subdivision, Hidalgo County, Texas.
- 12) Consideration and possible approval of the district map and legal description for filing with Hidalgo County Clerk and TCEQ as required by S.B. 1056.
- 13) Consideration and possible action for the District's Board of Directors to approve and authorize President Othal Brand, Jr. together with the District's legal counsel and engineer, to negotiate a proposed consolidation agreement and to merge with Santa Cruz Irrigation District No. 15.
- 14) Consideration and possible action authorizing President Othal Brand, Jr. and General Manager to sell surplus water for prices not less than the prevailing market price in the Rio Grande Valley Region.
- 15) Consideration and possible action to approve of a proposal from Brierley Associates for plan, design and construction of a boring project.
- 16) Executive Session pursuant to Sections 551.071(1) and 551.072 (2), *Texas Government Code*, to consult with attorney for Hidalgo County Water Improvement District No. 3 regarding matters, including each of those matters described below, in which the duty of the attorney for the District under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with Chapter 551 of the Texas Government Code and to seek the advice of the attorney for the District regarding (i) a 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", (ii) legal issues relating to proposed consolidation agreement between Hidalgo County Water Improvement District No. 3 and Santa Cruz Irrigation District No. 15, (iii) a pending lawsuit in 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) a pending McAllen Public Utility petition filed with the Public Utility Commission of Texas appealing wholesale water rates of Hidalgo County Water Imp. District No. 3, (v) a pending lawsuit in Cause No. C-1601-22-1 styled "McAllen Public Utility vs. Othal Brand, Jr., in his official capacity, *et al*" and pending interlocutory appeal in Case No. 13-23-00020-CV in the 13th Court of Appeals, and (vi) contemplated litigation relating to compliance with City of McAllen payment obligations pursuant to *Permanent Water Supply and Delivery Contract*, as amended, between Hidalgo County Water Improvement District No 3 and City of McAllen.
- 17) Adjourn.