

January 10, 2022
San Benito, Texas

The regular meeting of the Board of Directors of Cameron County Drainage District No. 3 convened on January 10, 2022, at 2:00 p.m., at the office of the District pursuant to notice duly given as required by law. Present were Ronaldo Garcia and Matthew McCarthy, Directors; Sonia Lambert, Manager; Freddie Ortega, Drain Supervisor; and B. R. Dossett, Attorney. President Garcia called the meeting to order and presided.

1. Minutes.
 - 1.1 November 4, 2021 Meeting. The Minutes of the November 4, 2021 meeting were presented and reviewed. The motion was made and seconded to approve the Minutes of the November 4, 2021 meeting. Following a discussion, the motion carried.
 - 1.2 November 8, 2021 Meeting. The Minutes of the November 8, 2021 meeting were presented and reviewed. The motion was made and seconded to approve the Minutes of the November 8, 2021 meeting. Following a discussion, the motion carried.
 - 1.3 December 13, 2021 Meeting. Not held.
2. Public Comment Period. No one appeared. No written comments were received.
3. Subdivisions.
 - 3.1 Riverside Gardens Subdivision, Section III, being a Re-Subdivision of Reserve "A" and Reserve "B" of Riverside Gardens Subdivision, Section II [Cabinet 1, Page/Slot 3508, Map Records of Cameron County, Texas], in Hicks Reserve Subdivision No. 1. Owner/Developer: Vista HC, Ltd. and Ranger Assets, Ltd. Engineer: Brown, Leal & Associates. The final plat was presented. It was noted that the license agreements for the road, potable waterline, and aerial electric line crossing of the La Paloma County Park Drain have been finalized and filed of record. The motion was made and seconded that the plat of Riverside Gardens Subdivision, Section III be approved. Following a discussion, the motion carried and President Garcia signed the plat.
 - 3.2 Las Villas Del Rio Subdivision—Guzman & Munoz Engineering & Surveying, Inc., being an 8.3 acre tract out of Block 257, San Benito Land & Water Company Subdivision [Volume 1, Page 25, Map Records]. No change in status. Removal from the Agenda was approved at the November 8, 2021 meeting.
 - 3.3 San Jose Nagel 7 Subdivision, being 29.76 acres (called 29.64 acres) consisting of 15.70 acres out of Block 99, 3.05 acres out of Block 100, 3.33 acres out of Block 119, and 2.18 acres out of Block 120, San Benito Irrigation Company Subdivision, and 5.38 acres out of Share 17, Espiritu Santo Grant. Owner/Developer: Christopher Stephen Nagel and Yahaira Jovanna Nagel. Engineer: Rios Surveying Company, LLC. Final plat presented. The motion was made and seconded that the plat of San Jose Nagel 7 Subdivision be approved. Following a discussion, the motion carried and President Garcia signed the plat.
 - 3.4 Petunia Acres Subdivision—Rios Surveying Company, LLC, being 2.0 acres out of Block 129, Espiritu Santo Irrigated Land Company Subdivision. Plat not presented. No action.
 - 3.5 Del Rio Subdivision Phases VI-VII—Moore Land Surveying, LLC, being 22.4 acres out of Blocks C & D, James Dickinson Subdivision. Plat not presented. No action.
 - 3.6 Vista Real Estate Subdivision—Rios Surveying Company, LLC, being 5.0 acres out of Block 157, San Benito Land & Water Company Subdivision. Plat not presented. No action.
 - 3.7 Titan Ranch Subdivision—Rios Surveying Company, LLC, being 7.35 acres out of

Block 90 [1200 ac. San Benito Manufacturing Company Tract], San Benito Irrigation Company Subdivision. Plat not presented. No action.

- 3.8 Hernandez Estates Subdivision, being 10.35 acres, consisting of 5.08 acres out of Block 84, 4.95 acres out of Block 89, and 0.32 acre out of Block 94, San Benito Irrigated Land Company Subdivision. Owner: Rafael Hernandez. Engineer: Rios Surveying Company, LLC. It was noted that a 70 foot strip along the south side of the subdivision has been dedicated to the Drainage District for the District's Drain A-11, on some maps labeled "Levee" Drain. The motion was made and seconded that the plat of Hernandez Estates Subdivision be approved. Following a discussion, the motion carried and President Garcia signed the plat.
- 3.9 East Treasure Haven Subdivision–Brown, Leal & Associates, being 14.64 acres out of Block 146, San Benito Land & Water Company Subdivision. Plat not presented. No action.
- 3.10 Alvarado Estates Subdivision–Altex Engineering, being 2.77 acres out of Block 153, San Benito Land & Water Company Subdivision. Plat not presented. No action.
- 3.11 Russell Ranch Subdivision, being 27.27 acres out of Lots 21, 22, 49, 51, 52, and 53, Resaca Front Subdivision [Volume 2, Page 21, Map Records]. Owner: UR Homes of Texas. Engineer: Moore Land Surveying, LLC. The motion was made and seconded that the plat of Russell Ranch Subdivision be approved. Following a discussion, the motion carried and President Garcia signed the plat.
4. Acceptance of Seep Ditch from Cameron County Irrigation District No. 2 in Blocks 209 and 215, San Benito Land & Water Co. No change in status. Still waiting on Rios Surveying to complete the survey. Three property owners have fenced to the edge of the water in the Irrigation District's Main canal.
5. Russell Main Drain: Private Road Crossing in Block 4, Parker Tract Subdivision Owned by Porfirio and Nicanor Vasquez and Respective Spouses. The owners still have not responded to the District's offer. The landowners want the Drainage District to install the boxes at no charge. The issue is moot because the District does not own equipment that can lift the box culverts.
6. Agreements/Rights-of-Way/Permits/Interlocal Cooperation Contracts.
 - 6.1 Drain 383: Request of Ciro and Rhonda Garza for Road Crossing. License Agreement not completed.
 - 6.2 Liberty Estates Phase II, being 10.64 acres out of Blocks 5, 6, 12, Cunningham's Subdivision of Block 35, SBL&WCo.:
 - (a) Conveyance of Seep Ditch on North Side of Lateral A to Drainage District –Status Report. No change in status.
 - (b) Upgrade of Underdrains–Status Report. The District's Engineer has not completed the plans for the underdrain. It was noted that the canal is presently dry.
 - (c) Upgrade of Road Crossings Downstream of Phases I & II. No change in status. The District's Engineer has not completed the plans.
 - 6.3 La Paloma County Park Drain: Riverside Gardens Subdivision, Section III (pertains to Agenda Item 3.1). The license agreements for a road crossing, a Military Highway Water Supply Corporation potable waterline crossing, and a Magic Valley Electric Coop aerial electric line crossing of the La Paloma County Park Drain have been finalized and filed of record.
 - 6.4 Drain C/Drain C Right: East Treasure Haven Subdivision–Request for Down Drain to Discharge into District's Drainage System (pertains to Agenda Item 3.9). The motion was made and seconded that the owner's request for owner to be allowed to construct one down drain be approved subject to finalizing a license agreement for

the down drain. Following a discussion, the motion carried.

6.5 Browne Drain No. 3: Request that License Agreement be Issued to Magic Valley Electric Cooperative for Aerial Electric Service Line for Blanca Flores, Block 291, SBIC. The motion was made and seconded that the owner's request for an aerial electric line crossing be approved subject to finalizing a license agreement for the aerial electric line crossing. Following a discussion, the motion carried.

6.6 Russell Main Drain in Share 14, Espiritu Santo Grant—Request for East Rio Hondo Water Supply Corp. Waterline Crossings for Potable Waterline Crossings. In pertinent part, from the east line of Share 14, the Russell Main Drain meanders westerly to a point near the southeast corner of Lot 18, San Jose Ranch Partition [Volume 13, Page 14, Map Records of Cameron County, Texas], at which point the Russell Main Drain turns and runs south, adjacent and parallel to the west line of Share 14 to a point on the south side of Iowa Gardens Road, at which point the Russell Main Drain turns and runs east on the south side of, adjacent and parallel to Iowa Gardens Road. ERHWSC is constructing a 16 inch diameter potable water transmission line generally adjacent and parallel to the west line of Share 14, Espiritu Santo Grant, south from its waterline on the south side of, adjacent and parallel to F.M. 510 to State Highway 100 (and beyond). Running north from State Highway 100, the waterline will:

- (a) cross the segment of the Russell Main Drain that is on the south side of, adjacent and parallel to Iowa Gardens Road (Crossing 1);
- (b) continue north, on the east side of, adjacent and parallel to Drainage District's 100 foot wide strip in which the Russell Main Drain is situated, crossing the segment of the Russell Main Drain lying between Drainage District's Russell Lateral No. 4 and Russell Lateral No. 5 (Crossing 2).

A branch of the waterline will run west on the north side of, adjacent and parallel to Iowa Gardens Road, crossing the Russell Main Drain (Crossing 3).

The motion was made and seconded that ERHWSC's request for the three waterline crossings of the Russell Main Drain be approved subject to finalizing a license agreement for the waterline crossings. Following a discussion, the motion carried.

6.7 Various Drains—Request of AEP for License for Fiber Optic Line Crossings of Various District Drains. The motion was made and seconded that AEP's request for fiber optic crossings of the District's drains be approved subject to finalizing a license agreement for the fiber optic line crossings. Following a discussion, the motion carried.

7. Donations: Drains in Territory North of Arroyo Gardens (Shares 12 and 22, Espiritu Santo Grant). No change in status since the last meeting.

8. Audit of Fiscal Year ended September 30, 2021. Buffo and Berkman, CPA will conduct the audit, but the audit has not commenced. The audit will not be completed by the February statutory deadline.

9. Reports.

9.1 Financial.

- (a) Financial Report for Month of November 2021. Presented and reviewed.
- (b) Financial Report for Month of December 2021. Presented and reviewed.
- (c) Quarterly Investment Report—4th Quarter 2021. Presented and reviewed. It was noted that the District has no certificates of deposit, and that all District funds are in interest-bearing checking accounts because the interest rate being paid on the District's interest-bearing checking accounts is greater than that paid on certificates of deposit.

- 9.2 Manager. All matters discussed under other Agenda items.
- 9.3 Attorney.
- (a) *Cameron County Drainage District No. 3 and Cameron County Irrigation District No. 2, et al. vs. City of San Benito.* No change in status.
- (b) Rules Revision. A draft of revised District Rules has been completed and submitted to Manager Lambert for her review and comment.
- 9.4 Engineer. Not present.
- 9.5 Drain Supervisor. Written report of work accomplished in the months of November and December 2021 presented.
- 9.6 City of San Benito. No one appeared on behalf of the City.

10. Payment of Accounts, Wages, and Directors' Services.

- 10.1 The motion was made and seconded that issuance of the following checks issued between the November 8, 2022 meeting and this meeting be ratified:

13597 : Walmart	Thanksgiving Hams	\$827.55
13598 : Walmart	Thanksgiving Hams-CCID	\$837.48
13599 : Texas Child Support SDU	Employee Wage Withholding-Child Support	\$422.77
13600 : Commercial Billing	Machine Repairs	\$475.12
13601 : Rio Grande Concrete	Drain Repairs	\$26.46
13602 : Rey's Tire Service	Flat Repairs	\$420.00
13603 : Tractor Supply	Tools	\$67.96
13604 : Texas Child Support SDU	Employee Wage Withholding-Child Support	\$422.77
13605 : AFLAC	Health Insurance	\$386.04
13606 : AutoZone	Machine Repairs	\$71.22
13607 : All Valley Key & Lock	Replacement Keys	\$303.10
13608 : Allstate Insurance Co.	Insurance	\$74.67
13609 : AT&T Mobility	Wireless Phone	\$191.90
13610 : Bell Fence Company	Fence Repair	\$124.00
13611 : Blue Cross & Blue Shield	Health Insurance	\$17,694.93
13612 : Cameron Appraisal District	Quarterly Assessment	\$12,247.75
13613 : Cameron County Irrigation Dist. #2	Reimbursement	\$16,790.34
13614 : East Rio Hondo Water Supply Corp.	Office/Shop/Warehouse: Water Bill	\$69.65
13615 : ESRI, Inc.	Arc GIS License	\$2,900.00
13616 : Firestone	Machine Repairs	\$3,692.03
13617 : Gigabit Communications	Uverse/Internet	\$200.00
13618 : Grajale's Tire Shop	Flat Repairs	\$35.00
13619 : H & V Equipment	Machine Repairs	\$14,203.32
13620 : Hollon Oil Company	Hydraulic Oil	\$3,188.55
13621 : Holt Company of Texas	Machine Repairs	\$1,136.62
13622 : JR ITSoftware Solutions	Software Monthly	\$749.98
13623 : John Deere Financial	Machine Repair	\$5,015.66
13624 : Sonia Lambert	Phone Allowance	\$125.00
13625 : Matt's Cash & Carry	Other Repairs	\$14.28
13626 : McCoys Lumber Co.	Drain Repairs	\$40.74
13627 : O'Reilly Auto Parts	Machine Repairs	\$1,887.28
13628 : Ortega, Federico	Phone Allowance	\$45.00
13629 : Pitney Bowes	Postage Meter Rental	\$178.68
13630 : Rio Grande Concrete	Machine Repairs	\$23.77
13631 : Rio Hondo Lumber & Supply	Tools	\$92.56
13632 : Rey's Tire Service	Flat Repairs	\$205.00
13633 : Southern Tire Mart	Machine Repairs	\$1,872.00
13634 : Nelda Solorio	Janitorial	\$275.65
13635 : Lucinda Trevino	Janitorial	\$275.65
13636 : Tractor Supply	Machine Repairs	\$114.78
13637 : Texas Child Support SDU	Employee Wage Withholding-Child Support	\$422.77
13638 : UniFirst	Uniforms	\$631.20
13639 : Utility Trailer Sales	Machine Repairs	\$2.77
13640 : Wilcac Life Insurance	Insurance	\$21.67
13641 : Wylie Case	Machine Repairs	\$3,697.80
13642 : David Ybarra	Janitorial	\$320.65
13643 : Sonia Lambert	Microsoft Fees	\$108.24
13644 : Cameron County Clerk	Deposit: Copies, Filing Fees, and Notices	\$300.00

13645 : Lincoln National Life	Life Insurance	\$767.52
13646 : Dainamik	GPS Monitoring	\$1,015.00
13647 : Walmart	Christmas Turkeys & Hams	\$1,170.30
13648 : Walmart	Turkeys & Hams-CCID#2	\$1,179.81
13649 : Texas Water Conservation Assoc. RMF	Insurance	\$6,650.00
13650 : Texas Child Support SDU	Employee Wage Withholding-Child Support	\$422.77
13651 : Texas SS Program	Administration Fee	\$35.00
13652 : Texas Child Support SDU	Employee Wage Withholding-Child Support	\$422.77
TOTAL		<u>\$104,893.53</u>

Following a discussion, the motion unanimously carried.

10.2 The motion was made and seconded that the following checks be issued:

13653 : AFLAC	Health Insurance	\$298.44
13654 : A4 Auto Supply	Auto Repairs	\$198.44
13655 : Allstate Insurance Co.	Insurance	\$74.67
13656 : AT&T Mobility	Wireless Phone	\$181.85
13657 : Blue Cross & Blue Shield	Health Insurance	\$17,084.76
13658 : Cameron County Irrigation Dist. #2	Reimbursement	\$11,903.47
13659 : East Rio Hondo Water Supply Corp.	Office/Shop/Warehouse: Water Bill	\$71.56
13660 : ESRI, Inc.	ARC GIS Credits	\$300.00
13661 : Firestone	Machine Repairs	\$1,101.10
13662 : First Community Bank	Petty Cash	\$395.76
13663 : Gateway Printing	Office Supplies	\$53.95
13664 : Gigabit Communications	Uverse/Internet	\$200.00
13665 : H & V Equipment	Machine Repairs	\$11,282.80
13666 : Hollon Oil Company	Hydraulic Oil	\$1,097.18
13667 : Holt Company of Texas	Machine Repairs	\$7,829.61
13668 : JR ITSoftware Solutions	Software Monitoring	\$499.99
13669 : John Deere Financial	Machine Repairs	\$1,301.96
13670 : Sonia Lambert	Phone Allowance	\$125.00
13671 : Lincoln National Life	Life Insurance	\$275.52
13672 : Linde Gas & Equipment	Tools	\$69.66
13673 : Matt's Cash & Carry	Tools	\$20.19
13674 : McCoy's	Machine Repairs	\$67.88
13675 : Nueces Power Equipment	Machine Repairs	\$58.64
13676 : O'Reilly Auto Parts	Auto Repairs	\$727.55
13677 : Ortega, Federico	Phone Allowance	\$45.00
13678 : Rio Grande Steel	Machine Repairs	\$214.82
13679 : Rio Hondo Lumber & Supply	Machine Repairs	\$34.08
13680 : Rey's Tire Service	Flat Repairs	\$515.00
13681 : Southern Tire Mart	Machine Repairs	\$3,808.22
13682 : South Texas Bolt & Supply	Machine Repairs	\$176.12
13683 : Nelda Solorio	Janitorial	\$220.52
13684 : Texas Comm. Environmental Quality	Stormwater Permit	\$100.00
13685 : Lucinda Trevino	Janitorial	\$220.52
13686 : TOPS-The Outdoor Power Store	Mower Repair	\$51.30
13687 : Tractor Supply Corp.	Machine Repairs	\$8.75
13688 : UniFirst	Uniforms	\$656.47
13689 : Utility Trailer Sales	Machine Repairs	\$99.98
13690 : Wilcac Life Insurance	Insurance	\$21.67
13691 : Wylie Case	Machine Repairs	\$1,286.05
13692 : David Ybarra	Janitorial	\$265.52
13693 : J & J Tire	Machine Repairs	\$267.84
13694 : Rey's Tire Service	Machine Repairs	\$210.00
13695 : Dossett Law Office	Legal Fees	<u>\$3,871.00</u>
TOTAL		<u>\$67,292.84</u>

Following a discussion, the motion unanimously carried.

11. Discuss and Take Action to Fill Vacancy on Board of Directors. Manager Lambert presented a letter from Randall McMurray resigning as a Director of the District effective December 1, 2021. He has moved out of the District and thus is no longer eligible to serve on the Board. The Board must appoint someone to fill his unexpired term, which ends May 15, 2024. A discussion followed. No action.

12. May 7, 2022 Election. The motion was made and seconded that this Election Order be adopted:

WHEREAS, in accordance with the Texas Water Code and the Texas Election Code, Cameron County Drainage District No. 3 shall hold an election on the first Saturday in May of even-numbered years, at which time the required number of Directors shall be elected to fill the vacancies then occurring on the Board of Directors as provided by law;

WHEREAS, such an election is necessary and should be held on May 7, 2022, in order that two (2) Directors may be elected to membership on the Board of Directors of Cameron County Drainage District No. 3 to fill the place of two (2) Directors now serving whose terms of office will expire on May 13, 2022;

WHEREAS, it is hereby determined and found that in accordance with standing order of this Board, written notice of the date, place, and subject of this meeting, including consideration of the setting of said election, was posted at the District's Office at a place convenient to the public, and posted on the District's website for the period of time and manner as is required by law;

NOW, THEREFORE, BE IT RESOLVED AND ORDERED by the Board of Directors of Cameron County Drainage District No. 3 that:

1. A regular election for the election of two (2) Directors to serve for a term of four (4) years beginning May 13, 2022: Place 1, Place 2
be and it is hereby called and ordered to be held in and for this District, in the manner prescribed by law, on the first Saturday of May, 2022, the same being May 7, 2022.
2. Said election be conducted during the hours of seven o'clock (7:00) a.m. to seven o'clock (7:00) p.m. at the office of the District at 26041 F.M. 510, San Benito, Texas, a place within the District and a place which the Board, after considering the requirements of Texas Election Code § 43.031, finds to be a proper place for conducting the election.
3. For the purpose of said election, all the area included within the boundaries of this District shall constitute one (1) election precinct.
4. Said election be held at the aforesaid voting place with the use of paper ballots.
5. The election shall be conducted by the following hereby designated and qualified officers:

Presiding Judge: Lawrence A. Drake, Jr.
1800 Russell Lane
San Benito, Texas 78586

Alternate Presiding Judge: Juan Garcia
28855 Line 12 Road
San Benito, Texas 78586

Such persons are designated only for this election. If the presiding judge is unable to serve at the election, the alternate presiding judge shall serve as the presiding judge for the election.

6. The presiding judge is authorized to appoint two (2) election clerks.
7. The presiding judge designated for said election shall also serve as the early voting ballot judge and the presiding officer of said early voting ballot board, and shall appoint no less than two (2) other duly qualified members as provided by Texas Election Code Chapter 87.
8. Early voting shall be held as provided by law and shall be conducted by the following hereby designated and qualified officers:

Clerk: David Ybarra an employee of the District
207 London Court
Brownsville, Texas

Deputy Clerk: Nelda Hernandez an employee of the District
2370 F.M. 732
San Benito, Texas 78586

- 8.1. The addresses the Voting Clerk may receive delivery by common or contract carrier are:

Mailing address: Early Voting Clerk
P.O. Box 937
San Benito, Texas 78586

Physical address: Office of Cameron County Drainage District No. 3
26041 F.M. 510
San Benito, Texas

- 8.2. Other contract information of Voting Clerk:

Phone No: (956) 399-7637

Email address: dybarracdd3@yahoo.com

9. Early voting by personal appearance for this said election shall be held at the same location the election is to be conducted as provided above, and said place of early voting shall remain open during the hours of eight o'clock (8:00) a.m. and five o'clock (5:00) p.m., which is at least nine (9) hours on each day of the early voting period, which shall begin on April 25,

2022, and continue through May 2, 2022, on each day that is not a Saturday, Sunday, or official State holiday. Applications for ballots by mail must be received no later than April 26, 2022.

- 9.1 The mailing address of the Clerk to which ballot applications and ballots voted by mail may be sent is: Early Voting Clerk
P.O. Box 937
San Benito, Texas 78586
- 9.2 The physical address of the Clerk to which ballot applications and ballots voted by mail may be delivered is:
Office of Cameron County Drainage District No. 3
26041 F.M. 510
San Benito, Texas 78586
- 9.3 A completed, scanned application for a ballot by mail containing an original signature shall be transmitted to: ccdRAIN_3@yahoo.com
10. Candidates shall file an application with the Secretary of the Board to have his or her name printed on the election ballot. Such application must be signed by the candidate or by at least ten (10) qualified electors of this District. The first day to file an application for place on the ballot is January 19, 2022, and must be filed no later than five o'clock (5:00) p.m. on February 18, 2022, as required by law:
 - 10.1 Mailing address: Secretary
P.O. Box 937
San Benito, Texas 78586
 - 10.2 Physical address: Office of Cameron County Drainage District No. 3
26041 F.M. 510
San Benito, Texas 78586
 - 10.2 Email Address: ccdRAIN_3@yahoo.com
11. Applications for a place on the ballot shall be substantially in the form prescribed by the Secretary of State, AWS-20- 7/2011. Said form adapted for this District is attached.
12. The Secretary of the Board of Directors shall conduct a drawing for the order in which names of the candidates for the above-mentioned election are to be printed on the ballot and shall post notice of the time and place of said drawing and mail notice of the date, hour, and place of the drawing to each candidate at the address stated on the application for a place on the ballot not later than the fourth (4th) day before the drawing in accordance with the terms and provisions of Section 52.094 of the Election Code.
13. Notice be given of this election by a method as prescribed by Section 4.003(1)(B) of the Texas Election Code.
14. A Writ of Election and notice of appointment shall be delivered as prescribed by Section 4.007, Texas Election Code to the Presiding Judge no later than March 4, 2022.
15. Notice of this election be given as prescribed by Section 85.007(c) Texas Election Code, by posting continuously for at least seventy-two (72) hours preceding the first hour that early voting is conducted in the same manner Notices of Meeting of the Board are posted.
16. It is further found and determined that notice of the date, place, and subject of this meeting was posted in accordance with the terms and provisions of Section 52.094(c) of the Election Code, and Section 551.043 of the Government Code for at least seventy-two (72) hours preceding the scheduled time of this meeting.

Following a discussion, the motion carried.

13. Adjournment. There being no further business, the meeting was adjourned.