

THE STATE OF TEXAS §

COUNTY OF CAMERON §

BE IT REMEMBERED on the 14th day of MAY 2002, there was conducted a SPECIAL Public Meeting of the Honorable Commissioners' Court of Cameron County, Texas, at the Courthouse thereof, in the City of Brownsville, Texas, for the purpose of transacting any and all business that may lawfully be brought before the same.

THE COURT MET AT:

5:00 P.M.

PRESENT:

GILBERTO HINOJOSA
COUNTY JUDGE

PEDRO "PETE" BENAVIDES
COMMISSIONER PRECINCT NO. 1

CARLOS H. CASCOS, C.P.A
COMMISSIONER PRECINCT NO. 2

COMMISSIONER, PRECINCT NO. 3

RICHARD VALDEZ
COMMISSIONER, PRECINCT NO. 4

JOE G. RIVERA
COUNTY CLERK

Mary Robles Deputy Clerk

ABSENT:

DAVID A. GARZA

The meeting was called to order by Judge Hinojosa at 5:11 P.M.

The Court considered the following matters as posted and filed for Record in the Office of the County Clerk on

May 10, 2002, at 10:08 A.M.:

PRESENTATION

(1) PUBLIC HEARING TO HEAR TESTIMONY IN FAVOR AND/OR AGAINST THE CREATION OF OLMITO IRRIGATION DISTRICT NO. 20

Upon motion by Commissioner Benavides, seconded by Commissioner Cascos and carried unanimously, the Public Hearing to hear testimony in favor and/or against the creation of the Olmito Irrigation District No. 20 was opened for public comment.

Judge Hinojosa reported that the Olmito Irrigation District No. 20 was in the process of being created by numerous homeowners from the Community of Olmito, Texas, with the primary purpose of banning together to purchase water to fill a resaca. He stated that his Office had assisted the homeowners in putting together the petition and going through the logistics.

Mr. Bill Schnabl, Olmito resident, presented a petition and explained that a well would be drilled to supply water to the resaca. He requested that the Court approve the creation of the Olmito Irrigation District No. 20.

Mr. Mike Myers, Brownsville Public Utilities Board (PUB) representative, requested that the voting on the creation of the Olmito Irrigation District No. 20 be postponed for one (1) week. He stated that PUB's attorneys wanted to review the documents to verify the jurisdiction to be given to the entity and how it would work. He added that PUB was part of the Southmost Regional Water District that overlapped the same territory, and that they wanted to assure that the documents would work for both entities without conflict.

Judge Hinojosa explained that the public could speak on the pros and cons regarding the formation of the Irrigation District and/or address the issues presented by Mr. Myers.

Mr. Schnabl stated that the resaca had been without water for two (2) years and that something needed to be done quickly, adding that the persons present were in favor of forming the Irrigation District. He requested Court approval at this time and noted that his opposition to any delays.

Ms. Elva Gracia, Olmito resident, questioned PUB's involvement.

Mr. Myers stated that the issue was that the Attorneys wanted time to review the authority that the proposed Irrigation District would have to make sure that no conflict would exist with the Southmost Regional Water District.

Commissioner Cascos stated that the way the Irrigation District would work would be by pumping water to fill the resaca, that the tax payers would be the residents adjacent to the resaca and suggested that the formation be approved. He suggested that the PUB's Attorneys take some type of legal action should there be the need.

Mr. Doug Wright, Commissioners' Court Legal Counsel, stated that by Statute an Appeal through the District Courts was required once the Order was entered.

Commissioner Cascos questioned if there was documentation that defined the boundaries and asked Mr. Myers what documents would be reviewed to determine any legal issues.

Mr. Remi Garza, Administrative Assistant, stated that the submitted petition listed the individual properties to be included and a map.

Mr. Myers questioned whether the pumping of water would be limited.

Mr. Garza responded that the limit was not indicated in the creation of the Irrigation District, and that all the information was based on Statutes. He stated that the petition included the purpose the Irrigation District would serve and the project's initiation cost.

Commissioner Valdez stated that this was only the creation of the Irrigation District and that in order to obtain water they would have to go through the appropriate agencies.

Commissioner Benavides stated that all the habitation had been affected, that discussions took place during four (4) to five (5) meetings, and that the matter should not be delayed.

Judge Hinojosa asked Mr. Myers when he became aware of the matter.

Mr. Myers stated that he had received a call about thirty (30) minutes earlier, requesting that he attend the meeting to convey the message from the PUB's attorneys to the Court, adding that they were not against helping the public but were wanting to get all legal comments regarding the formation of the Irrigation District to assure that all were served.

Commissioner Cascos suggested going forward, depending on the remainder of the Public Hearing and that if any legal matters were observed, that the PUB's attorneys take the necessary legal measures.

Judge Hinojosa explained that the process to form the Irrigation District had been taking place for the past two (2) to three (3) months, and that the individuals organizing the formation of the Irrigation District nor his Office were contacted by the attorneys. He stated that if there was a problem it was due to someone in the PUB's Office that had not exercised due diligence in requesting information.

Mr. Jose Perez, Olmito resident, noted that he was in favor of the formation of the Irrigation District and expressed his concerns of the need to establish the Board that would determine what was to be done and to whom questions could be directed.

Ms. Adela Garza, Olmito resident, asked where PUB had been until today and stated that although water taxes were paid accordingly the resident had to deal with no water, foul odor, and an empty resaca.

Mr. Doug Wright, Commissioners Court Legal Counsel, noted that testimony consistent to the Statute's requirements had not been heard and reviewed the Statute. He noted the need for the Court to make a finding of need for the formation of the Irrigation District, the finding of need of whether it would be a public utility or a benefit to the land of the District, and the feasibility.

Mr. Schnabl noted that the major benefit to the public from the proposed Irrigation District would be the increase of property value. He stated that a well would be drilled at a cost of approximately \$25,000.00 to \$30,000.00 and that a certain water level of the resaca, that was beneficial to the area residents, would be maintained. Mr. Schnabl stated that the feasibility was very good. Mr. Schnabl explained that water of about 2400 parts per one million of combined salts, that could support wildlife and human consumption, could be found at one hundred and thirty feet (130') deep.

Ms. Silvia Mancha, Olmito resident, stated that the restoration of the resaca was needed, not only because it was unsightly but for being a hazard as well.

Mr. Schnabl stated that when the problem was first encountered a review was made to verify what District supplied water to the area, it was believed that the area pertained to District No. 6, but after reviewing with the Water Master, it was informed that the area was not within a District. He noted an additional need to be that the Fire Department relied on the resaca to pump water.

Upon motion by Commissioner Benavides, seconded by Commissioner Cascos and carried unanimously, the Public Hearing to hear testimony in favor and/or against the creation of the Olmito Irrigation District No. 20 was closed

The Order and Petition are as follows:

APPROVED this 11th day of June 2002.

GILBERTO HINOJOSA
COUNTY JUDGE

ATTEST:

JOE G. RIVERA
COUNTY CLERK AND EX-OFFICIO CLERK
OF THE COMMISSIONERS' COURT OF
CAMERON COUNTY, TEXAS.