

February 9, 2023  
San Benito, Texas 78586

The Board of Directors of Cameron County Irrigation District #2 met in regular session in the office of the District upon the above date at 9:00 a.m.

The following Directors were present: Brady Taubert, William Goad, Buck Rhyner, and Lupe Argullin. Also present were Sonia Lambert, General Manager, Rick Martinez, Assistant Manager, and Buddy Dossett, Attorney.

There was no public comment.

A motion was made by Buck Rhyner, seconded by William Goad, and upon unanimous vote, passed to approve the minutes of the regular meeting of January 12, 2023.

The water report was made by William Goad, who reported that Falcon Reservoir contains 452,376 acre-feet of water of the normal conservation 2,646,817 acre-feet. The Amistad Reservoir contains 1,504,678 acre-feet of water of the normal conservation 3,275,532 acre-feet which 31.82% is U.S. total conservation capacity compared to 36.74% this time last year. As of February 9, 2023, District's usable and storage water balances are 59,992.0819 acre-feet. This time last year, usable and storage water balances were 54,627.3227.

The Manager reported that an appraiser for the Texas Water Conservation Association Risk Management Fund (TWCARMF), appraised the damages to the dozer from the District at \$30,948.97. Since the TWCARMF had paid the District \$69,000 for the loss of the dozer, which was later recovered, it is now owned by TWCARMF. TWCARMF has offered the sale of the dozer to the District for the difference of the \$69,600.00, less the damages of \$30,948.97 and the \$1,000.00 deductible for total sales price of \$37,651.33. After discussion, a motion was made by Buck Rhyner, seconded by William Goad, and upon unanimous vote, passed to authorize the purchase of the 2011 D6 Caterpillar, VIN# C6E33615, for \$37,651.33. Motion carried.

The Board reviewed the District's current Public Funds Investment Act Policy. No legislative changes have been made requiring a change to the policy. No action was taken.

A request was made by Mr. David Garza for assistance in the labor to install 1150 feet of 15" pvc pipe in Block 46 of the San Benito Land and Water Company Subdivision. A motion was made by William Goad, seconded by Buck Rhyner, and upon unanimous vote, passed to authorize the District's labor and use of equipment to install 1150 feet of 15" pvc pipe in Block 46 of the San Benito Land and Water Company Subdivision for Mr. David Garza. Motion carried.

The Manager discussed with the Board a request from the City of San Benito to install an 8" potable water line across the District's resaca, south of the Frontage Road along Expressway 83, in San Benito, TX, by boring a minimum of 10 feet below the flow line of the resaca. A motion was made by Buck Rhyner, seconded by William Goad, and upon unanimous vote, passed to authorize a license agreement to the City of San Benito allowing an 8" potable water line be installed by method of boring a minimum of 10 feet below the flow line of the resaca located south of the Frontage Road of Expressway

83, with the City of San Benito assuming all attorney's fees, filing fees, and a \$20.00 per linear foot fee for use of the easement. Motion carried.

The Board reviewed the District's projected water availability for 2023. The Manager informed the Board that an allocation of one irrigation per eligible acre was allocated January 17, 2023. No action was taken.

The Board entered into Executive Session at 9:15 a.m. pursuant to section 551.072 of the governmental code to deliberate the purchase, exchange, lease, or value of real property and section 551.071 to discuss with attorney pending litigation: a) Legal issues – i) City of San Benito's refusal to approve plats with District's sign-off paragraph; b) Real Estate – i) Request from Buck Rhyner to purchase property along resaca in Blocks 209 and 215 of the San Benito Land and Water Company Subdivision.

The Board returned to Open Session at 9:38 a.m. and took the following actions: a) no action; b) A motion was made by William Goad, seconded by Lupe Argullin, and upon unanimous vote, passed to authorize the sale of property along the resaca, for the exception of 30 feet adjacent to the resaca, along the 4.75 acres out of Blocks 209 and 215 out of the San Benito Land and Water Company Subdivision, Abstract 16, Tract 523, including property along the resaca and adjacent to the .35 of an acre previously sold to the neighbor to the east, (due to an erroneous survey), to Buck Rhyner for \$0.62 per square foot with the buyer paying for all the associated costs in the sale. Motion carried. Mr. Buck Rhyner signed an affidavit Regarding Conflict of Interest, exited the room and did not participate in the executive session or the open session regarding this item.

A motion was made by Buck Rhyner, seconded by William Goad, and upon unanimous vote, passed to approve the following bills:

<u>Ck#</u>	<u>Vendor</u>	<u>Amount</u>
21361	Cameron County Drainage District #3	\$7,500.00
21362	Dossett Law Office	\$400.00
21363	JR ITSoftware	\$1,120.00
21364	Sonia Lambert	\$45.00
21365	Linde Gas & Equipment, Inc.	\$153.10
21366	Texas Gas Service	\$461.36
21367	Texas Child Support	\$260.77
21368	Aflac	\$186.38
21369	City of San Benito	\$200.37
21370	Dearborn Life Insurance	\$159.90
21371	First Community Bank	\$288.21
21372	Hollon Oil Co.	\$419.40
21373	Home Depot Credit Service	\$112.14
21374	JR ITSoftware	\$1,040.00
21375	Military Highway Water	\$129.84
21376	**VOID**	\$0.00
21377	Rubicon Systems America	\$137.06
21378	TCEQ	\$3,364.00
21379	Texas S.S. Program	\$35.00
21380	Texas Child Support	\$260.77
21381	Utility Trailer Sales	\$347.15
21382	AT&T Mobility	\$65.62
21383	Autozone	\$317.33

21384	Alamo Iron Works	\$313.86
21385	3 Star Muffler Shop	\$650.00
21386	Boswell Elliff Ford	\$2,451.96
21387	Bill Bunton Auto Supply	\$47.50
21388	Cameron County Drainage District #3	\$7,500.00
21389	Core & Main	\$618.10
21390	Dossett Law Office	\$400.00
21391	Dropped Dead Pest Control	\$225.00
21392	Dainamik Business Solutions	\$980.00
21393	Firestone/Bridgestone	\$736.47
21394	Hollon Oil Co.	\$849.60
21395	Johnny's True Value	\$141.60
21396	JR ITSoftware	\$1,789.92
21397	Sonia Lambert	\$45.00
21398	McCoy's	\$391.14
21399	Mendez Tire Shop #2	\$50.00
21400	Office Depot	\$406.37
21401	O'Reilly Automotive, Inc.	\$3,172.07
21402	Orkin	\$211.00
21403	Ortega, Efrain	\$300.00
21404	Powerplan	\$405.26
21405	Pitney Bowes Services	\$178.68
21406	Quipco Global, Inc.	\$342.61
21407	Rio Hondo Lumber	\$11.44
21408	Rio Grande Steel, LTD	\$40.00
21409	Rey's Tire Service	\$90.00
21410	Sprint	\$169.95
21411	Southern Tire Mart	\$697.22
21412	Smartcom Telephone, LLC	\$635.48
21413	TWCA Risk Management Fund	\$2,562.00
21414	Triple S Steel	\$1,152.00
21415	Unifirst	\$608.40
21416	Utility Trailer Sales	\$69.95
21417	Verizon	\$857.94
21418	Waste Management of Texas	\$174.48
21419	Dossett Law Office	\$5,562.25

The Manager reported on the following items to the Board of Directors:

- a) January Maintenance Report – Includes 32 jobs performed by the crews for the month. In addition, the installation of the piping of Lateral G-2 continues.
- b) January Machine Locations– A report indicating work performed by the excavators and dozers for the month was presented to the Board.
- c) January Pumping Plants Reports – 1) Running standard operations; 2) General maintenance of plant and grounds; 3) Pumping for the month: Pump Station #1 – 12/31 – 3 p.m. Rate set at 50 CFS through 1/1- 3 p.m., 1/3 – 11 a.m. Cert at 50 CFS through 1/6- 11 a.m., 1/7 – 10 a.m. Rate increased to 100 CFS for 5 days, stopped 1/12- 10 a.m., 1/17 – 10 a.m. Cert at 50 CFS for 5 days through 1/22- 10 a.m., 1/23 – 2 p.m. Rate set at 100 CFS through rest of pumping period; Pump Station #2 – 1/28 – 10 a.m. Rate set at 12 CFS; 4) Rainfall: 0.00"; 5) Acre feet diverted: 2878.384; 6) Total No Charge Pumping: 71.736; 7) Average TDS readings: 843 p.p.m.
- d) January Financial Reports:
  - 1) M&O Account – The financial report was presented.
  - 2) Rehab Account – The financial report was presented.

- 3) Canal Rehab Account – The financial report was presented.
- 4) WaterSMART Account – The financial report was presented.
- e) Water Duty – was 29.01 acre-feet per acre for the month of January 2023 and 29.01 acre-feet per acre year to date.
- f) Sign/Land Leases – A report with a listing of all contracts and amounts due was presented to the Board.
- g) Legislative – SB 232 filed by Senator Chuy Hinojosa related to the removal from office of an officer of a political subdivision for commission of certain criminal offenses. HB 1637 filed by Representative Terry Canales relating to civil liability of irrigation districts for the recreational use of district land. This amendment adds a section that an irrigation district is not liable for injury to an individual arising from an act or omission of the district that constitutes recklessness or intentional misconduct, however opens the door for litigation. The Irrigation District is protected under the Tort Act.
- h) IBWC – The Manager will meet with IBWC Commissioner Giner to discuss current water issues and a White Paper on water deliveries to work towards a Minute to the 1944 Treaty.

Attorney's report:

- a) Special Purpose District Report – Due April 1, 2023.
- b) Customs Border Patrol – Has not returned the agreed to agreement for the renewal of the 20 year lease for a tower site, southeast of the District's pumping plant.
- c) State of Texas – Border wall – Consultant for the State of Texas has submitted to the District for review and comment, 65% plans for the open bridge over the High Line and Low Line Canals. The District's engineer will review and comment.

A motion was made by William Goad, seconded by Buck Rhyner, and upon unanimous vote, passed to adjourn the meeting at 9:52 a.m. Next regular meeting is scheduled for Thursday, March 9, 2023 at 9:00 a.m.

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Sam Simmons, President

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William Goad, Secretary