

January 23, 2020
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: Sam Simmons, Brady Taubert, William Goad, Buck Rhyner, and Lupe Argullin. Also present was Sonia Lambert, General Manager, and Buddy Dossett, Attorney.

The Board entered into Executive Session at 9:02 a.m. pursuant to Section 551.071(1), Texas Gov't Code to provide legal advice in connection with the lawsuit styled and numbered Laura Gonzales vs. Cameron County Irrigation District No. 2; , Cause No. 2018-DCL-01574 (404th District Court, Cameron County, Texas), and related legal matters.

The Board returned to Open Session at 9:33 a.m. and took the following actions: A motion was made by William Goad, seconded by Brady Taubert, and upon unanimous vote, passed to acquire the services of Ricardo Navarro with Denton, Navarro, Rocha, Bernal, & Zech, P.C., to create a new employee policy manual or revise the existing employee policy manual. Motion carried.

A motion was made by Brady Taubert, seconded by Buck Rhyner, and upon unanimous vote, passed to adopt the following resolution ordering an election be held to fill the place of three (3) Directors now serving, whose terms are expiring:

RESOLUTION AND ELECTION ORDER

WHEREAS, in accordance with the Texas Water Code and the Texas Election Code, Cameron County Irrigation District No. 2 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 2, 2020 in order that three (3) Directors may be elected to membership on the Board of Directors of Cameron County Irrigation District No. 2 to fill the place of three (3) Directors now serving whose terms of office will expire on May 15, 2020;

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 said notice was 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 Irrigation District No. 2 that:

1. A regular election for the election of three (3) Directors, each to serve for a term of four (4) years beginning May 15, 2020, 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, 2020, the same being May 2, 2020.
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: Freddie Ortega
27141 Cemetery 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
207 London Court
Brownsville, Texas

Deputy Clerk: Vanessa Lopez
P.O. Box 975
Olmito, Texas

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 eight (8) hours on each day of the early voting period, which shall begin on April 20, 2020, and continue through April 29, 2020, on each day that is not a Saturday, Sunday, or official State holiday. The mailing address of the Clerk to which ballot applications and ballots voted by mail may be sent is P.O. Box 687, San Benito, Texas. A completed, scanned application for a ballot by mail containing an original signature shall be transmitted to: vlopezccid2@yahoo.com. Applications for ballots by mail must be received no later than April 20, 2020.

9. Any candidates may 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 and must be filed no later than five o'clock (5:00) p.m. on February 14, 2020, as required by law.
10. All said applications shall be substantially in the form prescribed by the Secretary of State, AWS-20- 7. The qualifications to serve as Director shall be provided with each application.
11. 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.

12. Notice be given of this election by a method as prescribed by Section 4.003 of the Texas Election Code.
13. Notice of this election be delivered as prescribed by Section 4.007, Texas Election Code to the Presiding Judge no later than March 5, 2020.
14. 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.
15. 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.

The Manager reported that the U.S. Border Patrol Management Acquisition Program Manager has threatened to file an action in federal district court to allow them to enter the District's property south of US 281 along the Low Line and the High Line to gain access to the pumping plant area to survey and assess the property for possible acquisition for the construction of the U.S. border wall. This is a result of the Manager denying the entry due to its location. The Manager has met with Baltazar Salazar, Assistant U.S. Attorney and asked for dust control and notification before entering the area. In addition, it was stressed to Mr. Salazar that this pumping plant is the only source of water to approximately 60,000 acres of farmland, 2 municipalities, and 1 rural water supplier and also that the IBWC has conceptually agreed (pending the memorandum of Agreement execution) to close the levee gap by going around the south side of the pumping plant and not in the area being surveyed. Most if not all the border fence is constructed on the levee. After much discussion, a motion was made by Buck Rhyner, seconded by Lupe Argullin, and upon unanimous vote, passed to authorize the Manager to sign the following Right of Entry in hopes that they determine that this area to be surveyed is not a suitable site for the border wall:

U.S. CUSTOMS AND BORDER PROTECTION

DEPARTMENT OF HOMELAND SECURITY

Right-of-Entry For Survey and Site Assessment

The undersigned, hereinafter called the "Owner", hereby grants to the United States of America, hereinafter called the "Government", a temporary right-of-entry upon Owner's property described below, hereinafter called the "Property." This right-of-entry is granted upon the following terms and conditions:

1. The Government's officers, employees, agents, and contractors shall have the right to enter upon the Property for the purpose of conducting environmental assessments and property surveys, including the right to temporarily store, move and remove necessary equipment and supplies; survey, stake out, appraise, bore and take soil and/or water samples, and perform any other such work which may be necessary and incidental to the Government's assessment of the Property for Border Infrastructure Projects in the

Rio Grande Valley Sector area of responsibility (the "Permitted Activities"). Provided, however, that Permitted Activities shall be conducted in a manner that will not interfere with the Owner's current use of the Property; the Owner shall notify the Government's agent/contractor on site if an interference with the "current use" arises; and both parties must attempt to agree on a feasible and convenient resolution.

2. This right-of-entry is irrevocable for a period of twelve (**12**) months from the date of this instrument.
3. The rights granted herein include the right of ingress and egress on other lands of the Owner not described below, provided such ingress and egress is necessary to access the Property and is not otherwise conveniently available to the Government.
4. All tools, equipment, and other property taken upon or placed upon the land by the Government shall remain the property of the Government and may be removed by the Government at any time within a reasonable period after the expiration of this right-of-entry.
5. If any action of the Government's officers, employees, agents, or contractors in the exercise of this right-of-entry results in damage to real property, an administrative claim can be made using a Standard Form (SF) 95 (Claim for Injury, Damage, or Death). The SF 95 must include supporting documentation and state a claim for monetary damages in a sum certain amount for any alleged loss or damage of property, and must be filed within two years after the claim accrues. Please submit the SF 95 and supporting documentation to the CBP Port of Entry or United States Border Patrol station nearest to where the alleged damages occurred.
6. The Property that is subject to this right-of-entry is located in the State of Texas, County of Cameron, and is shown on the attached Exhibit Map.
7. The Owner and Government have stipulated to the following:

(a) Within seven (7) days prior to entry onto the Property described below, the Government will notify the Owner through the following point of contact (POC) and phone number and/or email:

Primary POC: _Jorge Diego 956-626-6283_____

Alternate POC: _David Gomez 956-626-6282_____

The Government will also notify the POC if access to the Owner's gated-pumping plant, located within the Proposed Project Area on the map below, is necessary for that particular site visit. During the site visit, the Government will contact the POC listed above to allow entry through the gate entrance of the pumping plant.

(b) For purposes of dust control: 15mph is the maximum speed limit for Government vehicles when utilizing the Owner's access roads during site visits. To prevent dust clouds and particles from flying towards the pumping plant, the Government will limit traffic use when operating at, or within, the Owner's two (2) access roads—located to immediately east of the pumping plant ("Pumping Plant Area"). If the Government anticipates high traffic within the vicinity of the Pumping Plant Area for a particular visit, the Government is responsible for notifying the POC of the anticipated number of vehicles, the types of vehicle that will be operating at, or within, the Pumping Plant Area, and the purpose for the visit. If the POC and Government conceive that dust control may be an issue for that site visit, the parties must agree on the mitigation measures as to dust control for the visit.

8. I affirm that I have the authority to grant this right-of-entry onto the Property described below.

Dated this _____ day of _____, 20____

THE UNITED STATES OF AMERICA

Owner's signature

By: _____

Owner's printed name

Loren Flossman
Acquisition Program Manager
Wall Program Management Office
USBP Program Management Office
Directorate
U.S. Border Patrol

Owner's mailing address:

Home Telephone: _____

Work Telephone: _____

LEGAL DESCRIPTION

CAMERON COUNTY, TEXAS

Tract: RGV-HRL-7216

Owner: CAMERON COUNTY IRRIGATION DISTRICT NO. 2

Acres: 13.011

13.011 acres of land, more or less, out of Blanco-Las Tranquitas, as identified in Warranty Deed, Volume 51, Page 436 *et seq.*, recorded May 24, 1917 in Deed Records of Cameron County, Texas.

MAP or PLAT

Border Infrastructure Project-HRL-7200s

Exhibit "A"

RGV Sector / Cameron County



CAMERON COUNTY, TEXAS

Tract: RGV-HRL-7216

Owner: CAMERON COUNTY IRRIGATION DISTRICT NO. 2

Acreage: 13.011

* The case caption identifies acreage for the entire parent tract; access to the entire parent tract may be necessary to complete a survey of the proposed tract outlined in red on the map above. Motion carried. A copy of the right of entry and location map is filed in the supplement to Minute Book #21.

A motion was made by Buck Rhyner, seconded by Brady Taubert, and upon unanimous vote, passed to adjourn the meeting at 10:07 a.m.

Sam Simmons, President

William Goad, Secretary