

The Honorable Renato Cuellar, County Judge, called the Commissioners' Court meeting to order whereupon the following proceedings were had, to wit:

**ITEM 1. DISCUSSION AND POSSIBLE ACTION ON THE CHANGES
REQUIRED IN ORDER
TO COMPLY WITH THE TWDB INTERPRETATIONS TO MEET THE
STATE
MODEL STANDARDS**

ITEM 2. DISCUSSION AND POSSIBLE ACTION ON THE TWDB REPORT

Judge Cuellar opened up the meeting by stating that the interested parties had requested an audience during last week's Commissioners' Court meeting. Being that their request was not made on a timely basis, they were allowed to speak without the Commissioners present. He mentioned that they had attended a meeting in Austin with the Texas Water Development Board and as a result he would be sending a letter to Mr. William B. Madden, Chairperson of the Texas Water Development Board (TWDB), which he proceeded to read and is herein marked as Exhibit A-1. He then continued by reading the County's strategy to comply, which is a part of the aforementioned exhibit. He continued by reported that the Texas Water Development Board has made a provision and allowed Mr. Anaya to translate to the people present and he would like to extend the same courtesy. Mr. Eddie Anaya came before the Court thanked the County Judge for being there during the TWDB hearing and proceeded to address the audience by translating the letter that the County Judge had just read along with the five steps.

The County Judge continued by indicating that he also had a letter from Valley Interfaith, which is included and is marked Exhibit A-2. Judge Cuellar continued by reading this letter into the minutes. He announced that if any mistakes have been made it is due to misinterpretation. He indicated that TWDB had called his office wanting to meet with him with regards to any problems that might be occurring. He added that the meeting was held and they left without letting the County Judge know if there were any problems. He then called Mr. Pederson and asked him to please outline any problems and Mr. Pederson indicated that he would be coming down to make some inspections. Judge Cuellar stated that he accompanied Mr. Pederson on some of the inspections, after which they had another meeting, where Mr. Pederson indicated that he would be sending a letter before the meeting of March 12. This letter was received fifteen minutes prior to this Commissioners' Court meeting. He then asked if the Commissioners had any questions and Commissioner Garces indicated that he wanted to hear the public comments.

Eddie Anaya came before the Court and again thank the Commissioners' Court for calling this emergency meeting and thanked the County Judge for attending the meeting in Austin with the TWDB. He mentioned that they were not able to voice their concerns to the Commissioners at the previous meeting, but referred to the letter, from Valley Interfaith, that was read into the record by the County Judge. Mr. Anaya announced that as a result of the misinterpretation or violation of the Model Subdivision rules, the TWDB had taken action to halt several projects; more specifically the South Tower Estates project in Alamo. He mentioned that the residents from South Tower Estates have been working for eight years in trying to get this project approved and the TWDB had given them thirty days to correct the problems or else future projects would be halted. He mentioned that it was a very serious problem that needed to be addressed, because this was jeopardizing over \$170 million which had been targeted towards water and sewer projects throughout Hidalgo County. He then asked that the Valley Interfaith leaders be recognized, most of whom had driven to Austin to attend the meeting. Mr. Anaya announced that they were requesting that this Commissioners' Court pass a resolution regarding the specific points that were addressed in their letter, along with a thirty day timeline, so that they could make sure that when they go back to the TWDB in April, they have concrete evidence to prove that they are addressing the problems that are at hand. He continued by saying that they would also like for an independent review board be implemented, they can look at the problems and address the issues in order to expedite and resolve them. He also added that they would like for the Commission to pass a resolution in order to start working in finding a solution to this problem. Mr. Anaya noted that Valley Interfaith has been working for the past fifteen years in not only helping in writing legislation, but also in lobbying for it and this organization would not want all their work to be done in vain and they will be working diligently in order to see that this problem is resolved as quickly as possibly.

Commissioner Rosel stated that this Commission has always encouraged the public to get involved in the process and he wanted to congratulate the Valley Interfaith organization. He then addressed the letter from Valley Interfaith and felt that this problem should be addressed at the Precinct level. The Commissioner also mentioned that in their letter they were requesting code enforcement, which was something that this Commissioners' Court has been trying to do at the State level, but the County has not authority to regulate what is built on the lots in order to have disciplined growth in the rural areas. The County Judge indicated that he felt that what needed to be addressed was the present problem and a task force was down here and he was awaiting a report from them. He did say that they had the suggestions that were made from both the County and Valley Interfaith, but they would not know about the timeline, because they did not how bad the problem is. He continued by saying that this Commissioners' Court will not approve any more plats until they meet the specifications that are put out by the Water Development Board. They were then going to look around and find out which of the developers have not sold lots that

don't meet the specifications and they will be told to get in line and the County will come in and make available, if people don't have the money to meet these specifications in the plats that have been approved. He felt that the Water Development Board was very supportive and what they did was delay request for more money, but left the door open so that these entities will proceed as per regulations. Commissioner Garces commented with regards to a suggested review board, inclusive of a certified engineer, he recommended that maybe there be somebody from the Texas Water Development Board to ensure that they interpret what they are doing correctly, or maybe somebody from the Attorney General's Office. Mr. Anaya indicated that they would like to see an independent certified engineer, on this review board, with no conflict of interest and a County Inspector and maybe three other individuals from the community. He then referred to Commissioner Rosel's comments with regards to control in the building; he felt that this was an instance where they County and the organization had total control and they could show this by resolving some of the problems that presently exist. He felt that if there was a loss in the future it would be financially and through man-hours. He noted that Janie Cuellar would also like to address the Court and Ms. Cuellar asked Judge Cuellar that in reference to his letter, she felt that it seemed that he would be addressing the present problem, but she also wanted to know how it would be addressed in the future. The County Judge indicated that they were going to be doing this by not approving any more plats unless the developers meet the requirements and this would be followed in the future. He did make it known that there were a lot of people in the legislature who could care less about this problem, and everyone in court knew this and the thing was not to concentrate on who to lay blame on, but on getting this situation resolved. He was going to ask this Commissioners' Court to approve the letter that he was sending to the Texas Water Development Board and get the ball rolling, but they still had to wait on the report from the Attorney General's Office. Mr. Anaya indicated that they were presently asking for a resolution, weekly meetings to determine the status of the problem, and the amending of the Valley Interfaith checklist, as stated in their letter, to the proposed resolution. He felt that these were viable points and these seven points have been discussed with Mr. Seinberg and Mr. Craig Pederson and they indicated that these seven points were incorporated in their checklist and if a resolution was approved they could go back to their communities and indicate that action was being taken by the County. The County Judge pointed out that his letter addressed some of the items on their letter, but he felt that they had to begin somewhere. Commissioner Rosel clarified that what was being requested at this time was for a formal resolution that they would comply with the request by the Texas Water Development Board and the County Judge stressed that they should approve the letter to begin the process. Mr. Anaya said that they would also want to make sure that this item will be on the Commissioners' Court agenda for Tuesday. Commissioner Garces indicated that maybe incorporating the seven steps into a resolution once the report from the Attorney General's Office is addressed would probably be in order. Mr. Anaya reiterated what he had previously said about the State stating that they would be incorporating the

seven points, the proposed resolution and the placing of this item on the following week's agenda. A discussion ensued regarding to the problem with the misinterpretation of the rules and the effect this would have on the County. Commissioner Arcaute brought up the issue of hiring more inspectors and asked how this was going to solve the current problem. Commissioner Handy then noted that she had had meetings with Valley Interfaith on a monthly basis and she felt that not only did they need additional inspectors, but it would help if the inspectors were familiar with the area that they were inspecting. Commissioner Garces informed the Commission and the audience that he had kept a record of how many subdivisions were being approved since the last revision and he found that they were approving from fourteen to twenty subdivisions every week and currently it was only one or two per week. His question was did they really need additional inspectors or did they need to elevate their standards of hiring these inspectors. The County Judge stated that presently they may need the additional staff to address the present problem, and he felt that the main question regarding his issue was how long would they need them and Commissioner Rosel concurred. Mr. Anaya communicated to the Commission that he did not feel that TWDB wanted to halt any monies from this area, since they have been very cooperative and generous with this County. He did say that the idea behind the rules was that whenever a subdivision would be platted, recorded and then eventually constructed, that developers would have no means of eliminating ways to keep people from connecting or building an outhouse in the back or connecting to a water service. He felt that the whole idea was not to have colonias without water or sewer facilities, as was done in the past. Roberto Loreda, the Mayor for the City of San Juan, addressed the Court by saying that they did have a representative at the meeting in Austin, and they were also concerned about this problem and he wanted to announce that they would assist in anything the County felt they could help with. The County Judge indicated that the Cities of Weslaco, Donna and Mercedes had also offered assistance. Mr. Anaya then wanted to clarify that there would be a resolution on Tuesday's meeting and the County Judge stated that anything on the agenda could be discussed. Commissioner Rosel pointed out that the resolution would have to be drawn up by someone and it was his understanding that Mr. Anaya would draw something up. Judge Cuellar stressed that it would have to be review by Legal Counsel. Commissioner Rosel asked the County Judge what today's action called for and Judge Cuellar indicated that he wanted to approve his letter to the Texas Water Development Board. Judge Cuellar asked Steve Crain, the County Legal Counsel if this was in order and Mr. Crain replied that his only concern with a resolution was that they did not have the report from the Attorney General's Office. He mentioned that he hesitating in approving a resolution that would go beyond what the County Judge had in his letter because they did not have the report yet. Commissioner Garces then asked Mr. Anaya to translate the concerns of the Legal Counsel to the audience and proceeded to inform the audience of these concerns. Mr. Anaya explained that a resolution could always be amended and Mr. Crain again reiterated his concern with the report and he felt that they needed to establish the exact issues

that the Attorney General's Office had and then address those. Commissioner Rosel asked what the intent of this Commissioners' Court would be after reviewing the report, which he felt was correcting the problem. Mr. Crain did not have a problem with a generic resolution, but he did have a problem in going into specific details on what actions they would and would not take. He continued by suggesting that they go ahead and take action to approve the letter, since this letter had been presented to TWDB as action that this County will take and make this into a form of a resolution for Tuesday's meeting. He did feel that they could take care of this action today in approving of the letter. Janie Cuellar again stressed that they would like to have this item on next week's agenda and that the end result they are hoping to accomplish are water and sewer for everyone regardless of the interpretation. Commissioner Arcaute questioned difference between the action that was called for today and the action that Valley Interfaith wanted taken on next week's agenda and Ms. Cuellar pointed out that their action today only addressed immediate problems and the one they were wanting for Tuesday addressed future problems. A discussion ensued with Commissioner Arcaute indicating that the Attorney General's Office had the final say-so and Mr. Anaya argued that in this case it was the Texas Water Development Board that had the final say-so. A motion was made by Commissioner Handy to approve the letter dated March 10th, 1998, addressed to Mr. William B. Madden, Chairperson of the Texas Water Development Board,, from the Office of the County Judge with reference to Hidalgo County strategy to comply with the model subdivision ordinance; step #1 - immediate compliance and enforcement with the Hidalgo County Subdivision Regulations; step #2 - to inform the public on the compliance of the County Subdivision Regulations; step #3 - to seek compliance on all recorded plats since the amendment of the Hidalgo County Subdivision Regulations on March 25, 1997; step #4 - provide for the compliance of the water and wastewater provision of the Subdivision Regulation on all recorded lots presently occupied; and step #5 - to increase the capacity of the County to enforce the provisions of the Subdivision Regulations. Commissioner Garces seconded the motion and noted that a copy of this letter be sent to all entities so that they are aware of what the County is doing. Commissioner Rosel had a question on the increase of staff as proposed in step #5, he felt that they should hire eight inspectors who will be out in the County correcting the problems instead of limiting them to the individual precincts. Mr. Crain added that the explanations under each of the steps may change and he recommended that their resolution adopt the steps but not the explanations. After further discussion the motion was put to a vote and it carried unanimously.

MOTION CARRIED.

(See Exhibits A-1 & A-2)

The County Judge indicated that the Planning Department be informed that anybody that has made a request to have a plat approved, has to get a set of the new rules as put out the Texas Water Development Board and until they meet these specification that this Commissioners' Court is not going to consider approving anymore plats.

There being no further business to come before the Court, a motion was made by Commissioner Handy and seconded by Commissioner Garces that said meeting of Commissioners' Court be hereby adjourned.

MOTION CARRIED.