

**MINUTES OF THE REGULAR MEETING OF
THE BOARD OF DIRECTORS OF
CAMERON COUNTY DRAINAGE DISTRICT NO. 5
June 14, 2022**

The meeting was convened at 9:30 A.M. on June 14, 2022, in accordance with the notice posted at the offices of the District at 221 East Filmore, Harlingen, Texas.

Present at the meeting were Directors John L. McCarty, Jerry Wade, and Steve Jennings. Others in attendance were Engineer Jack L. Brown, Attorney Buddy R. Dossett, Manager Alan Moore, and Assistant Manager Rolando Vela.

- Item 1 Pledge of Allegiance
- Item 2 After discussion, motion was made by Jerry Wade, seconded by John L. McCarty and passed that the **Minutes of the Regular Meeting of May 24, 2022**, be approved.
- Item 3 No one was present to discuss items not on the agenda.
- Item 4 After discussion, the following action was taken on subdivision plats:
- SMT Harlingen II Land LLC Subdivision** (A Subdivision plat of 1.000 acres situated in the City of Harlingen, being a part or portion out of Block 1, Howards Dixieland Heights) – Motion was made by John L. McCarty, seconded by Jerry Wade and passed to approve and sign this subdivision plat.
- Item 5 FOIA Policy – Motion was made by Jerry Wade, seconded by John L. McCarty and passed, to approve the following Freedom of Information Act Policy:

The Public Information Act

Texas Government Code, Chapter 552, gives you the right to access government records; and an officer for public information and the officer's agent may not ask why you want them. All government information is presumed to be available to the public. Certain exceptions may apply to the disclosure of the information. Governmental bodies shall **promptly** release requested information that is not confidential by law, either constitutional, statutory, or by judicial decision, or information for which an exception to disclosure has not been sought.

Rights of Requestors

You have the right to:

- Prompt access to information that is not confidential or otherwise protected;

- Receive treatment equal to all other requestors, including accommodation in accordance with the Americans with Disabilities Act (ADA) requirements;
- Receive certain kinds of information without exceptions, like the voting record of public officials, and other information;
- Receive a written statement of estimated charges, when charges will exceed \$40, in advance of work being started and opportunity to modify the request in response to the itemized statement;
- Choose whether to inspect the requested information (most often at no charge), receive copies of the information or both;
- A waiver or reduction of charges if the Cameron County Drainage District #5 determines that access to the information primarily benefits the general public;
- Receive a copy of the communication from the Cameron County Drainage District #5 asking the Office of the Attorney General for a ruling on whether the information can be withheld under one of the accepted exceptions, or if the communication discloses the requested information, a redacted copy;
- Lodge a written complaint about overcharges for public information with the Office of the Attorney General. Complaints of other possible violations may be filed with the District Attorney of the County of Cameron where the Cameron County Drainage District #5 is located. If the complaint is against the District Attorney, the complaint must be filed with the Office of the Attorney General.

Responsibilities of Governmental Bodies

All governmental bodies responding to information requests have the responsibility to:

- Establish **reasonable procedures** for inspecting or copying public information and inform requestors of these procedures;
- Treat **all** requestors uniformly and shall give to the requestor all reasonable comfort and facility, including accommodation in accordance with ADA requirements;
- Be informed about open records laws and educate employees on the requirements of those laws;
- Inform requestors of the estimated charges greater than \$40 and any changes in the estimates above 20 percent of the original estimate, and **confirm that the requestor** accepts the charges, has amended the request, or has sent a complaint of overcharges to the Office of the Attorney General, in writing before finalizing the request;
- Inform the requestor if the information cannot be provided promptly and set a **date and time to provide** it within a reasonable time;
- Request a **ruling from the Office of the Attorney General** regarding any information the governmental body wishes to withhold, and send a copy of the request for ruling, or a redacted copy, to the requestor;
- **Segregate** public information from information that may be withheld and provide that public information **promptly**;

- Make a good faith attempt to **inform third parties** when their proprietary information is being requested from the governmental body;
- Respond in writing to all written communications from the Office of the Attorney General regarding charges for the information. Respond to the Office of the Attorney General regarding complaints about violations of the Act.

Procedures to Obtain Information

- Submit a request by mail, fax, email or in person according to a governmental body's reasonable procedures.
- Include enough description and detail about the information requested to enable the governmental body to accurately identify and locate the information requested.
- Cooperate with the governmental body's reasonable efforts to clarify the type or amount of information requested.

A. Information to be released

- You may review it promptly, and if it cannot be produced within 10 working days the public information officer will notify you in writing of the reasonable date and time when it will be available.
- Keep all appointments to inspect records and to pick up copies. Failure to keep appointments may result in losing the opportunity to inspect the information at the time requested.

Cost of Records

- **You must respond to any written estimate of charges within 10 business days of the date the governmental body sent it or the request is considered automatically withdrawn.**
- If estimated costs exceed \$100.00 (or \$50.00 if a governmental body has fewer than 16 full time employees) the governmental body may require a bond, prepayment or deposit.
- You may ask the governmental body to determine whether providing the information primarily benefits the general public, resulting in a waiver or reduction of charges.
- Make a timely payment for all mutually agreed charges. A governmental body can demand payment of overdue balances exceeding \$100.00, or obtain a security deposit, before processing additional requests from you.

B. Information that may be withheld due to an exception

- By the 10th business day after a governmental body receives your written request, a governmental body must:
 1. Request an Attorney General opinion and state which exceptions apply;
 2. Notify the requestor of the referral to the Attorney General; and
 3. Notify third parties if the request involves their proprietary information.

- Failure to request an Attorney General opinion and notify the requestor within 10 business days will result in a presumption that the information is open unless there is a compelling reason to withhold it.
- Requestors may send a letter to the Attorney General arguing for release, and may review arguments made by the governmental body. If the arguments disclose the requested information, the requestor may obtain a redacted copy.
- The Attorney General must issue a decision no later than the 45th working day from the day after the attorney general received the request for a decision. The attorney general may request an additional 10 working day extension.
- Governmental bodies may not ask the Attorney General to "reconsider" an opinion.

To request information from this governmental body, please contact:

You may send your request

- By mail to: Administrative Assistant, 221 East Filmore Ave, Harlingen, TX 78550
- By e-mail to: vrubio@hidcc1.org
- In person at: Administrative Assistant, 221 East Filmore Ave, Harlingen, TX 78550

For complaints regarding failure to release public information, please contact the Cameron County District Attorney at 956-544-0849:

- You may also contact the Office of the Attorney General, Open Government Hotline, at 478-6736 or toll-free at 1-877-673-6839.
- For complaints regarding overcharges, please contact the Office of the Attorney General's Cost Rules Administrator at 512-475-2497.

If you need special accommodation pursuant to the Americans With Disabilities Act (ADA), please contact our Veronica Larraga at 956-423-6411.

Item 6 Motion was made by Jerry Wade, seconded by John L. McCarty and passed to adopt the following District logo:



Item 7 Harlingen Area Chamber of Commerce – After discussing how becoming a member would be beneficial to the District’s constituents, and would help with public outreach and education, motion was made by Jerry Wade, seconded by John L. McCarty and passed to approve a one year membership with the Harlingen Area Chamber of Commerce.

- Item 8 Motion was made by Jerry Wade, seconded by John L. McCarty and passed to offer \$5,000 per acre for detention basin.
- Item 9 Presentation of Cybersecurity Training by TML, all directors and employees were present.
- Item 10 Motion was made by Jerry Wade, seconded by John L. McCarty and passed, to approve the following claims:

CONSTRUCTION & MAINTENANCE FUND

Ck No. 6664	John L. McCarty	\$ 415.58
Ck No. 6665	Jerome Wade	277.05
Ck No. 6666	Steven Jennings	415.58
Ck No. 6667	Brown, Leal & Associates	350.00
Ck No. 6668	Buddy R. Dossett	525.00
Ck No. 6669	Harlingen Irrigation District No. 1	2,083.33
Ck No. 6670	Veronica Larraga	1,668.44
Ck No. 6671	Rolando Vela	3,333.33
Ck No. 6672	Cameron Appraisal District	9,415.00
Ck No. 6673	Gabriel Elizondo Photography & Design	550.00
Ck No. 6674	Scheibe Consulting, LLC	1,697.50
Ck No. 6675	La Feria Irrigation District No. 3	3,081.30
Ck No. 6676	Harlingen Area Chamber of Commerce	1,000.00
Ck No. 6677	Harlingen Irrigation District No. 1	37,873.41
Ck No. 6678	Alan Moore	16.00
Ck No. 6679	WM Corporate Services, Inc.	508.76
Ck No. 6680	Eloy S. Macias, Jr.	<u>1,000.00</u>
TOTAL CONSTRUCTION & MAINTENANCE FUND		<u>\$ 64,210.28</u>

- Item 11 District Engineer's Report:
 - (A) FIF Project (North Main Drain) – Engineer Brown reported that Scheibe Consulting has environmental study under contract.
- Item 12 District Attorney's Report:
 - (A) Attorney Dossett reported we are waiting on director bonds.
 - (B) North Main Drain (McMillan Property)– Motion was made by Jerry Wade, seconded by John L. McCarty and passed to offer \$10,000, up to \$15,000 for 6.288 acres.
- Item 13 General Manager's Report:
 - (A) Status Reports:
 - i) 2018 EWP (Repairs on North Main Drain Slope) – Brown, Leal & Associates is waiting to hear from Engineer Rolando Rubiano.
 - ii) FIF Projects – Still working on environmental.
 - iii) Combes Detention – Attorney Dossett is working on a license for pipe for Unity Park.

iv) Manager Moore reported that Rhyner Construction is cleaning out and shaping Youngblood detention on North Main Drain.

Item 14 There were no non-action items discussed.

There being no further business, the meeting was adjourned at 11:55 a.m. on June 14, 2022.

Jerome Wade, Secretary

ATTEST:

Steve Jennings, President