

**HOUSE OF REPRESENTATIVES  
COMPILATION OF PUBLIC COMMENTS**

Submitted to the Committee on Natural Resources  
For SB 1056

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Hearing Date: May 16, 2023 8:00 AM

Jesse Barba  
self  
McAllen, TX

My name is Jesse Barba. I submit my testimony in support of the bill. I ran as a candidate for the board of directors of HCWID3 in May 2022.

The Board, however, prefers to choose its electorate and its candidates. The Board has been working for years to systematically remove unhelpful property owners who could dislodge their influence. If one could see a “before and after” of a neighborhood, one could notice the stark changes to the voting rights restricted to former voters of HCWID.

For example, the neighborhood south of Harvey to Redwood in McAllen, there were 85 properties “in” District in 2010. As of 2022, only 32 of those properties remained eligible to vote in District elections. The pretext is that these persons were not drawing on District water. The District ostensibly wanted to allocate more water to irrigation and not reserve it for residences. In reality, the District does not need to choose. The RGV is not in drought and under forced allocation rules. Even if we were, the District would prioritize farmers -- residences would have to wait by policy. The allocation was a mere pretext.

In an analysis of the entire District’s property owners taken prior to the 2022 election, at least 50% of the voters had been removed from their ability to vote in the District – MANY over their objections. Today, there are probably less than 150 registered voters in HCWID3. (It is hard to know. Despite statutory requests for the registered voters in the District, the Board refused to produce this information to the candidates.) The excluded members of the District paid taxes and property rights to draw water. Nevertheless, they are pushed out, without compensation, some because of their voting habits against the Board’s preferred candidates.

The Board also disqualifies undesirable candidates. In the last contest, the Board ADMINISTRATIVELY disqualified a challenger and did not place him on the ballot. The Board contrived documentation to make it appear that the challenger did not meet the property owning qualifier and offered a deed outside of the chain of title to prove up their assertion. Despite numerous attempts to prove up the legality of ownership, the Board asserted that only litigation would reverse their decision on disqualification. It was an expensive proposition, one a lay citizen could not easily undertake against a well-financed District, and it could not resolve prior to the election. As a result, the remaining two District challengers were unable to mount a full slate in a three-slate election. The Board’s machination had worked. It was mathematically impossible to win the election. The incumbents would retain control.

The State should absolutely reform HCWID3.

Kevin Pagan  
Self - Attorney  
McAllen, TX

Mr. Chairman, members of the Committee. It is my privilege to testify before you here today and I thank you for the opportunity. By way of brief background, I moved to the RGV in 1986 after graduating from SMU law school. I have practiced law in the Valley for the entire 36 years of my career. For 29 of those 36 years, I have represented local governments, including cities, special districts, and, yes, even a water district. And for 27 of those years, I served as legal counsel to the City of McAllen, among others.

In that latter capacity, I have had the opportunity to testify before this committee, and other related committees, on this very topic several times. On each occasion, I have expressed my opinion, and I express it here again today, that Water District #3 is an unnecessary and costly layer of government that has, long ago, outlived its usefulness. [As Mr. Vega has ably testified], the District today is essentially engaged in one activity – taking water out of the Rio Grande River and pumping it a few miles along a canal into a holding reservoir owned by the City of McAllen. As shown on the District’s 2022 budget document, other than pumping water for the City of McAllen (and, apparently, selling off capital assets), they do not anticipate earning any but the tiniest of revenue from any other source. They certainly do not pump or distribute any significant amounts of water to agricultural interests within the boundaries of the District, which, Mr. Chairman, is what they were established more than one hundred years ago to do.

I ask the committee to think about that – it has been just over 100 years since this District was formed. Those of us that are familiar with the Valley for just the last 40 years or so can attest to the fact that the reason this District has outlived its purpose and usefulness is due to the explosive growth and urbanization, especially in the City of McAllen, during that time. It is certainly not the “fault” of the current District #3 board members that this has occurred, and in fact, its not a negative at all – its just a reality.

For years, we have probably all heard the “buggy whip” story. During the olden days, everybody needed a buggy whip for their horse-drawn carriages. But along came the automobile, and fairly quickly, carriages were a thing of the past, and with them, the buggy whip factories – except so the old story goes, some of the buggy whip manufactures (supposedly) convinced the people in Washington DC to subsidize their clearly dying business and, therefore, taxpayers propped up the buggy whip business for decades after there was no longer a need for them. I don’t know if the story is true (all due respect it sounds like something they would do in Washington), but my point is simply this – this District provided a vital and invaluable service -as have all the dozen or so Districts here in the Valley – for years. But for this District that time has passed, and change is needed.

Kevin Pagan  
Self Attorney  
McAllen, TX

I support the passage of 1056. I only want to make one point about the structure of this District. And I have one request. Please Mr. Chairman, members, do not assume that any of these problems can possibly be resolved at the ballot box by the voters of McAllen making changes in the board of directors of the District. That “remedy” if it ever existed, has become impossible. I mentioned that I worked for the City of McAllen for 27 years – however, in January of last year, Mr. Chairman, I “retired” from the City and now am in the private practice of law and run the business office at my church. This spring, I decided, along with another colleague of mine and the former Mayor of McAllen, Jim Darling, to run for the three seats that were up on the District board. We thought we might be able to effect change at the District with three new members on the board.

Well, Mr. Darling was not allowed by the Board President to run, and myself and my colleague lost. I received 16 votes, and my colleague 26. That sounds really bad, Mr. Chairman, (and its certainly not impressive), but you should know that the winning candidates received about 60 votes.

You heard that correctly Mr. Chairman, there were about 90 total votes cast in this election. And no, it is not apathy on the part of the voters of McAllen – it is because the overwhelming majority of them are not allowed to vote. Those 90 votes, Mr. Chairman, believe it or not, actually represents nearly 30% of the total registered, eligible voters in the District. There are (apparently) about 335 persons eligible to vote, of which only about 194 live in the City of McAllen, the remainder (or nearly 45%) live in one subdivision in the City of Hidalgo, a City which does not even receive water from the District. (More about that interesting fact in a moment.) And I say apparently, because although I requested a list of registered voters when I filed to run, I was never provided one by the District (which runs its own elections) and had to create it from other sources.

How did this happen? The boundaries of District #3, from its inception, cut a huge swath through the middle of McAllen and encompassed nearly one third of the present boundaries of the City. In just that area alone, Mr. Chairman, and including those original portions of Hidalgo, I would roughly estimate that there are 70 to 80 thousand residents. And, of course, every single resident of McAllen is impacted by the District’s policies, because the cost the McAllen PUB charges for water is directly impacted by the District’s pricing.

But this District, which can unilaterally raise the cost of water, which can greatly impact development in the City by how it handles real estate it owns (or purports to own), and which extracts astronomical sums for so-called crossing fees from the taxpayers, is accountable to a grand total of 194 hand-picked voters in the City, and 335 total. And that number continues to decline.