

Public Records/ River Rock Trails Plat Proceedings (2023 – 2025)

Compiled By: Adrienne Balkum

Source Materials: Rockwall County Commissioners Court and City of McLendon-Chisholm public records

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About This Document

This exhibit compiles publicly available meeting transcripts, agenda items, and recorded statements made during Rockwall County Commissioners Court and City of McLendon-Chisholm proceedings related to the River Rock Trails development. The materials are presented in chronological order and reproduced without alteration, except for formatting and emphasis added for readability. Inclusion of any statement does not reflect the editorial position of this publication. These records are provided to allow readers to review the public record directly and evaluate the statements and decision-making process for themselves.

Formatting Note: Highlighted passages reflect statements referenced or discussed in the accompanying article for ease of review. No language has been altered.

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The effort to block the River Rock Trails development did not begin at McLendon-Chisholm City Hall—it began at Rockwall County Commissioners Court. On June 6, 2023, a preliminary plat request listed for “approval with conditions” instead became an outright denial, despite acknowledged regulatory pathways for sewer, fire protection, and phased compliance. The record shows that before McLendon-Chisholm took any action, County officials had already assembled a 59-item deficiency list, directed the developer toward annexation, and moved to deny the plat under a broad interpretation of “health and safety.”

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June 6, 2023 — Rockwall County Commissioners Court

Agenda Item: Request for approval with conditions of the Preliminary Plat for River Rock Trails Phase 1A

Presiding: Frank New Commissioners: John Stacy, Dennis Bailey, Dana Macalik, Cliff Sevier

Applicant Representatives: Jeff Miles, Josh Luke (DMDS / River Rock Trails)

County Engineer: Connor Roberts (Freese and Nichols)

Governing Body: Rockwall County Commissioners Court

Judge Frank New asked, “Why don't you hook up to existing sewer? He explained he has a fundamental health and welfare issue dumping massive amounts of treated sewer water into a creek that is going to flow into Lake 13.”

Jeff Miles a DMDS Engineer Consultant for River Rock Trails said, “The wastewater is miles away from their site. They are not sure they have the capacity to serve them. They started the process 3 to 4 years ago on a sewer permit for wastewater treatment plant, worked with TCEQ, proper notifications.”

Judge Frank New said, “You are doing this out of order here. Go talk to McLendon-Chisholm I'm sure they will be happy to annex you and service you.”

Judge Frank New continued to define what he means by safety is police, ambulance and fire.

Jeff Miles said, “We would rather hook up to the sewer if we can. Building a plant is very expensive.”

Josh Luke JBI Partners another representative for River Rock shared, “The streets will be public and maintained by the district. Planning to build a wider street.”

[Staff did explain the process of preliminary plat; then a development permit; next comes construction plans and then a final plat. Freese and Nichols engineer for the County named Connor shared a memo of 59 items.]

Jeff Miles a DMDS Engineer Consultant for River Rock Trails said, “This area is served under McLendon-Chisholm Fire Service Area. They plan to approach the city (McLendon-Chisholm) just like the Wildwood Project. An interlocal agreement.” He mentioned, “The process of TCEQ approval, because it is a MUD the MUD has a vote to approve the Fire plan, vote, implement with the MUD and then they can charge fees to the residents to pay for the fire service.”

County Lawyer asked, “What is that structure? How it is styled? Is it a development agreement? What is it called?”

Jeff Miles a DMDS Engineer Consultant for River Rock Trails said, “Fire Service Agreement. *[Gave example of Montgomery County]* They would like to supply funding to supplement police. The MUD hires off duty

sheriff deputies to patrol they are open to a development agreement. This development project is going to be a 20 to 30 year development.”

Commissioner Dennis Bailey said to Connor, “What I'm beginning to hear now from some of the questions is that you were instructed to if they (DMDS) do not conform to our regulations to write it up?”

Judge Frank New makes a motion to deny the application based on the differences listed here and that it is not safe, orderly and healthy development of the unincorporated area of the county. Reading 232.101 of the local government code.

Commissioner John Stacy seconded his motion.

Commissioner Dennis Bailey said, “Calling out a preliminary plat that it is not safe. There are so many steps that go beyond that. I would rather stay here and invite them to the microphone and say I can do this or that or not. If your position Frank if they don't meet 100% of the regulations that we have established then you are going to close the door.”

Judge Frank New said, “We deny this. Then go back to discussions with developer that would be good for them, good for the county and everybody involved.”

Commissioner Dana Macalik asked, “Then why would we do approve with conditions?”

Judge Frank New said, “Too many things are unknown that directly relate to health and safety and orderly development.”

Commissioner John Stacy said, “There is enough deficiencies.”

[Expressed concerned about the shot clock]

Commissioner John Stacy said, “We are not saying they can't come back. There is really only two actions. You approve or tell them to keep working on it.”

MOTION: To deny conditions of the Preliminary Plat for River Rock Trails Phase 1A. It passed 3 to 2.

July 13, 2023 – McLendon-Chisholm City Council Meeting

Agenda Item: Petition for Consent to Addition of Land to a Municipal Utility District for River Rock Trails Municipal Utility District No. 2.

Presiding: Keith Short Council: Adrienne Balkum, Jennifer Hoffman, Bryan McNeal, Floyd McLendon, Dan Tucker

Applicant Representatives: Elizabeth Veale Coats/Rose Law Firm; (DMDS / River Rock Trails)

City Staff: Konrad Hildebrandt, City Administrator; Michael Halla City Attorney

Governing Body: McLendon-Chisholm City Council

Resolution 2023-07 a resolution of the City Council of the City of McLendon-Chisholm, Texas, consenting to the addition of certain land into River Rock Trails Municipal Utility District No. 2; and providing an effective date.

MOTION: Approve A Resolution Adding Land To The Existing MUD With The Condition Of A Fire District Contract Which Will Include A Substation And Additional Individual Funding For Fire Service. Motion passed 3 to 2.

October 24, 2023 — McLendon-Chisholm City Council Meeting

Agenda Item: River Rock Development [Located in ETJ] Draft Development Agreement (First Reading) and Overall Presentation

Presiding: Keith Short Council: Adrienne Balkum, Jennifer Hoffman, Bryan McNeal, Floyd McLendon, Dan Tucker

Applicant Representatives: Jeff Miles (DMDS / River Rock Trails)

City Staff: Konrad Hildebrandt, City Administrator; Michael Halla City Attorney

Governing Body: McLendon-Chisholm City Council

Staff Report: *Principals for the River Rock Development (DR Horton) will make an overall presentation of their development and also present two (2) agreements (enclosed) for fire/ems protection and an overall development agreement. This development is in our Extra-Terrestrial Jurisdiction (ETJ) and will be completed (with or without an agreement). These two development agreements allow the city to have some say in the overall final product and provide additional and ongoing increased revenue to the city.*

EXCERPTS from 1 of 2 Development Agreements presented in Agenda Packet drafted for discussion:

- **The City shall be responsible for issuing building permits and conducting home construction inspections.** The City agrees that it will have sufficient personnel to timely issue building permits and conduct inspections in accordance with Owner's pace of development of the Property. The City agrees that it will contract with a third-party inspector, as needed, to assist with the building permit and inspection processes. The City agrees that the fees charged for building permits and inspections will be the same fees charged to in-city developments for building permits and inspections.
- **The City may charge reasonable development review fees for review of engineering and development plans, at the same rates charged to in-city developments.** Review of plans will be conducted within a reasonable period of time. Inspections of water, sewer, drainage and road infrastructure will be arranged by Owner with the MUDs. The City acknowledges and agrees that it will not own and of the water, sewer, drainage or road infrastructure within the MUDs, will not conduct any inspections of such infrastructure, and will not charge any development inspection fees. **Upon the City's request, Owner agrees to provide the City with inspection reports and testing reports for their records.**
- **The City will work with the County in good faith to amend the existing Interlocal Cooperation Agreement between Rockwall County and the City of McLendonChisholm, dated November 12, 2013 (the "County ILA"), to clarify which entity's standards apply to the Property and which entity has jurisdiction over various aspects of development of the Property.** The City agrees that the amendment to the County ILA shall be completed within three (3) months of the effective date of the Development Agreement, unless additional time, not to exceed an additional three (3) months, is approved in writing by Owner. Notwithstanding the foregoing, the City agrees that the Development Agreement shall become null and void ab initio and the City shall immediately take action to remove the Property from its ETJ if the City has not finalized an amendment to the County ILA to Owner's satisfaction within six (6) months of the effective date of the Development Agreement.
- **The City shall provide trash collection and recycling services to the customers** within the Property at the same level of service and in a manner consistent with such service as provided by the City within the City's corporate boundaries. The residents within the Property shall be charged the same rates for trash collection services as the City charges its customers located within the City's corporate boundaries.
- **The City shall provide animal control services to the customers** within the Property at the same level of service and in a manner consistent with such service as provided by the City within the City's corporate boundaries. The residents within the Property shall be charged the same rates for animal control services as the City charges its customers located within the City's corporate boundaries.

– FIRE PROTECTION AND EMERGENCY MEDICAL SERVICES –

- The City agrees that before the Agreement becomes effective, the MUDs must develop a joint fire plan in accordance with Section 49.351, Texas Water Code, and the rules of the Texas Commission on Environmental Quality (“TCEQ”), submit the joint fire plan to the TCEQ for its approval, obtain TCEQ approval, and the MUDs must each call an election and obtain voter approval of the joint fire plan and the Agreement.
- The Agreement will take effect on the first day of the month following the adoption of an order by each MUD canvassing the results of the elections to approve the joint fire plan and the Agreement.
- The initial term shall be 5 years, with automatic 1 year renewal terms.
- In the event the joint fire plan is not approved by the TCEQ and the voters by December 31, 2025, the City shall have the right to terminate the Agreement at any time up to the Effective Date. After the Effective Date, any party may terminate the Agreement after the initial 5 year term by giving written notice 30 days prior to the next termination date.
- During the term of the Agreement, the City will provide fire protection and emergency medical services to the persons, buildings and property located within the MUDs, including any land added to the MUDs via annexation, upon notification to the City of final action by either of the MUDs to annex any land. The City will provide fire protection and emergency medical services to residents and property in the MUDs in the same manner and with the same standard of care as it would to those residences and structures in other areas of City coverage.
- The MUDs will pay the City \$15 per month for each residential property within the MUDs and for each 2,000 square feet of building floor area for every improved nonresidential property.
- The \$15 per month fees shall remain in place for 5 years from the effective date of the Agreement. The monthly fee may then increase annually in accordance with CPI adjustments.
- The MUDs will dedicate, or cause the Developer or other landowner to dedicate, a public safety site from which fire protection and emergency medical services will be provided by the City, the size of which shall be no greater than 1.5 acres located in a mutually agreed upon location within the MUDs’ boundaries (the “Station Site”).
- The City and the MUDs shall design a permanent fire station to be located on the Station Site to serve the MUDs (the “Fire Station”). The City shall competitively bid for the design and construction of the Fire Station up to a maximum of 9,000 square feet in size. The MUDs, or Developer on behalf of the MUDs, will agree to fund up to a total of \$5,400,000.00 toward the design and construction of the Fire Station, including furniture, fixtures and operations equipment (the “Fire Station Contribution”). The City shall commence construction of the Fire Station no later than the date of the issuance of the 1,500th building permit in the MUDs. Construction shall be completed within 24 months of commencement. “Commence construction” shall mean the issuance of a land disturbance or grading permit for the construction of the Fire Station. The MUDs, or Developer on behalf of the MUDs, shall deliver to the City \$3,600.00 per building permit for the first 1,500 building permits obtained within the MUDs in order to pay the City the Fire Station Contribution. In the event the actual cost of construction of the Fire Station is less than the Fire Station Contribution, the City agrees to remit to the MUDs, or the Developer on behalf of the MUDs, the difference between the Fire Station Contribution and the actual cost of the Fire Station. If the total actual cost of construction

of the Fire Station exceeds the Fire Station Contribution, such amounts shall be the City's sole responsibility.

MOTION: No Action Was Taken.

Council Member Bryan McNeal asked Jeff Miles, "You're wanting to take this out of the County so I want to know have you you currently presented this to the county I'm assuming at one point?"

Jeff Miles a DMDS Engineer Consultant for River Rock Trails answered, "Yeah we've submitted some plans to the county the first set set of plans and what really triggered this was in the summer when the state legislature confirmed the census and your population grew and your ETJ went from half mile to one mile."

Jeff Miles a DMDS Engineer Consultant for River Rock Trails answered, "So now that it's one mile it's like well we were only dealing with a small portion of the project in McLendon-Chisholm now we're dealing with a much bigger part of the project in McLendon-Chisholm and at that point we decided to stop with the county and decided to say could is this a possibility to go ahead and let's just go ahead and work with McLendon-Chisholm exclusively."

Jeff Miles a DMDS Engineer Consultant for River Rock Trails answered, "We're not trying to get out of the county. We're still going to be in the county we're paying County taxes all those kinds of things what we're looking for is that just like being any other City a developer that would come into your city they would solely work with McLendon-Chisholm they typically would not go to the county for any approvals so this would be a similar situation. It just happened we're just going to continue to stay in the ETJ and not come into the city."

Council Member Bryan McNeal asked Jeff Miles, "My part two of that then is when you were presenting this to the county what what was their reaction or what did the county tell y'all on the presentations or how are they looking at this?"

Jeff Miles a DMDS Engineer Consultant for River Rock Trails answered, "Yeah I mean they had their questions. You know and concerns about traffic and water and all those normal things. That you would be concerned about within a subdivision ordinance. You know the county has a new subdivision ordinance that they're getting used to we're getting used to and so we weren't looking to circumvent."

Jeff Miles a DMDS Engineer Consultant for River Rock Trails answered, "We're going to follow their subdivision ordinance, but what we saw very clearly was that their subdivision ordinance and your subdivision ordinance didn't match very well and we were going to come we're going to eventually come over and have this conflict between the two."

Council Member Dan Tucker said: "I have a question question on the total number of units that you'll have between the two MUDs."

Jeff Miles a DMDS Engineer Consultant for River Rock Trails answered, "You know it's it's an estimate right now but we're probably going to have somewhere between 5,000 and 6,000 units between the two between the two total."

Council Member Dan Tucker asked, "What your anticipation in terms of of sewage and hooking up to any kind of sewage lines out of Rockwall or anywhere else?"

Jeff Miles a DMDS Engineer Consultant for River Rock Trails answered, "So we do have a permitted wastewater treatment plant on the property it's been permitted by TCEQ. We've met with North Texas

Municipal Water District (NTMWD) to talk about regionalization. We're in favor of regionalization where we can do it."

Jeff Miles a DMDS Engineer Consultant for River Rock Trails answered, "They try to help facilitate that, but they don't build lines to our property. I wish they would so we've talked to the city of Rockwall had a long conversation with them but the line that is down Buffalo Creek is not big enough for our project and it's at capacity even though they're improving it at some point they say it's still going to be at capacity."

Jeff Miles a DMDS Engineer Consultant for River Rock Trails answered, "We are now talking to the city of Fate and Royce City to see if we could get into their wastewater treatment plant which is north of ours, but I think the way this is probably going to go eventually we may go to that plant but I think we'll start with our development with our own plant and at some point be able to lift our Sewer back over to their plant."

Council Member Dan Tucker asked: "What's the distance between your plant and theirs would be?"

Jeff Miles a DMDS Engineer Consultant for River Rock Trails answered, "About four miles 4 and miles route in order to transfer waste."

Council Member Dan Tucker said: "Oh it's a very expensive proposition."

Jeff Miles a DMDS Engineer Consultant for River Rock Trails answered, "Yes sir very expensive. North Texas Municipal Water District and we met and Scott Muckensturm with Blackland (WSC) was there as well. We had a a good meeting with them. They recognize that this area needs a regional sewer solution, but they tell us that it's going to take the cities that are in this Basin to come to them to get them to do a study and so forth."

Jeff Miles a DMDS Engineer Consultant for River Rock Trails answered, "We're willing to pay our fair share of that if there's others, but we can't wait for them to provide the final solution we've got to get going our development but ultimately we could hook up to any kind of regional solution."

Council Member Bryan McNeal asked Jeff Miles, "What were the total acres again?"

Jeff Miles a DMDS Engineer Consultant for River Rock Trails answered, "1,867."

Council Member Bryan McNeal asked Jeff Miles, "You said 5,000 to 6,000 more homes on 1867 acres. So my guess is what are those lot sizes?"

Jeff Miles a DMDS Engineer Consultant for River Rock Trails answered, "They're going to vary. They're going to be all the way 40 foot wide 50 foot wide 60 foot wide probably some 70 foot wide."

Mayor Keith Short said, "Thank you very much for your presentation like we said today's a first reading so there's no decision being made tonight on that so thank you for your time."

November 14, 2023 — McLendon-Chisholm City Council Meeting

Agenda Item: Discuss/Action regarding proposal and term sheet for Fire Protection and Emergency Medical Services for River Rock Trails. [Requested by City Administrator Hildebrandt and Fire Chief Simmons]

Presiding: Adrienne Balkum Council: Jennifer Hoffman, Bryan McNeal, Floyd McLendon, Dan Tucker

Not Present: Mayor Keith Short

Applicant Representatives: Jeff Miles (DMDS / River Rock Trails); Josh Bethke with Coats Rose MUD attorney.

City Staff: Konrad Hildebrandt, City Administrator; Michael Halla City Attorney

Governing Body: McLendon-Chisholm City Council

EXCERPTS from 1 of 2 Development Agreements presented in Agenda Packet drafted for discussion:

Konrad Hildebrandt City Administrator said, "Chief Simmons was part of this as well this is between the city and River Rock Trails development DR Horton. Exactly similar to the the agreement that you did on (Wildwood) Poetry Road, but we added a fire station construction for us. If you looked at the staff report it shows the articulated items of benefit to the city. Let me tell you those real quick."

Staff Report: First year 200 homes - \$36,000; up to buildout of 6,000 homes - \$1,080,000 annually – payable to the City of MC, TX.

Fiscal Impact: First year 200 homes - \$36,000; up to buildout of 6,000 homes - \$1,080,000 annually – payable to the City of MC, TX.

Background:

This agreement shall contain some of the following:

- 5-year term with automatic 1 year renewal terms.
- City shall provide fire protection and emergency medical services to persons, buildings, and property located within the MUD.
- The city shall provide all personnel.
- MUD shall pay the city \$15 per month for each residential property and for each 2,000 square foot non-residential property.
- This monthly fee may increase annually per CPI adjustments.
- MUD shall dedicate a public safety site for fire and EMS – no greater than 1.5 acres.
- MUD shall design a home with an oversized garage sufficient to house a fire engine and fire station and dedicate this structure to the city of MC.

Konrad Hildebrandt City Administrator said, "The (Fire) Chief is here if you want to have some specific questions it's kind of going that way here in the Metroplex instead of the traditional fire stations that are needed in a residential area to house the central station within a home structure in a neighborhood. So on the outside it looks and it's landscape that looks like a house, but with a big facility to hold the storage there to hold the engine and other equipment that the fire station needs so it'll fit better within the neighborhood."

Konrad Hildebrandt City Administrator said, "And it has good ingress and or we will when we identify the spot but what's identified currently it has good ingress and egress to go not just in that are but all around that area you also looked at an estimated 200 homes in the first year being constructed that would be about \$36,000 up to a buildout of 6,000 homes."

Konrad Hildebrandt City Administrator said, "Which would be a little over \$1 million annually paid to the city for this development and like I said at the start you've already passed one for (Wildwood) Poetry homes, but

this mirrors that and our city attorney has looked at this. Our fire chief has looked at this and have approved in what in the things that they feel like they need. Especially the fire chief. It meets those things for this development.”

Konrad Hildebrandt City Administrator said, “I say it's it's a positive it's a win-win for both organizations it provides the fire and EMS coverage that is required in the MUDs, but it also helps the city in paying for that service out there and bringing in additional revenue into the city.”

Mayor Pro Tem Adrienne Balkum asked Josh Bethke with Coats Rose MUD attorney, “Has there been a determination of where the fire station is going to be located in the first phase? Has that been determined yet?”

Josh Bethke with Coats Rose MUD attorney answered, “So a specific location has not been determined yet but it would be in the first phase of development and be constructed concurrently with the first phase of development so that it is able to serve the entire community.”

MOTION*: Motion For The Proposal To Be Accepted As Provided For Fire Protection Emergency Medical Services For River Rock Trails. Motion passed unanimously.

**The official city minutes online is not correct. You have to listen to the audio to confirm Agenda Item 6.6. (<https://www.youtube.com/live/uj4R-Z02dkM?si=sutE6zkkUtQuWec>)*

January 9, 2024 — McLendon-Chisholm City Council Meeting

Agenda Item: Discussion and action regarding the Development Agreement between the City of McLendon-Chisholm and DMDS Land Company, LLC.

Presiding: Keith Short Council: Adrienne Balkum, Jennifer Hoffman, Floyd McLendon, Dan Tucker

Not Present: Bryan McNeal

Applicant Representatives: Jeff Bethke Coats/Rose Law Firm; Jeff Miles (DMDS / River Rock Trails)

City Staff: Konrad Hildebrandt, City Administrator; Michael Halla City Attorney

Governing Body: McLendon-Chisholm City Council

Background: This development is in city’s ETJ and will be completed with or without an agreement. This development allows the city to have some say in the overall final product and provide additional and ongoing increased revenue to the City.

MOTION: Approval Of Development Agreement Between The City And DMDS Subject To Amending The 4.4 And Article 5. Motion passed Unanimously.

Konrad Hildebrandt City Administrator said, “Remember City Council has previously reviewed the proposed development agreement at a first reading at your October 24 2023 City Council meeting. You discussed and participated in over 20 bulleted items that was discussed at that meeting those items and responses to those items have been incorporated in the agreement that you have in front of you.”

Konrad Hildebrandt City Administrator said, “Excuse me principles for the River Rock Trails Development are here tonight for any questions between their team. I bet they can answer any question that you can throw at them anyway and they've created a final agreement for your review. And this enclosed development agreement has previously been reviewed the few times with our City attorney, as well as, City staff.

Konrad Hildebrandt City Administrator said, “The development is in our extraterritorial jurisdiction (ETJ) and not in our city boundaries and the project will be completed with or without an agreement in staff's opinion. The development agreement allows the city to have at least some say and some benefit into the direction of

the overall final product and provide additional and ongoing increased revenue to the city. So with that mayor City attorney has something to say and developers are there if you have questions to walk through it if you want.”

Michael Halla City Attorney said, “Just a couple of quick things Mayor as we've heard Council member Tucker say many times and he's correct it's better to have some say than no say because this is LGC 212.172 (b)(3) and 8 allow us to have some control over land use by contract and then so that's one thing that I think is very important to mention. And then second, I know there was one question about the annexation language.”

Michael Halla City Attorney said, “I don't know if there were other questions but that's the one, I remember from the audience the annexation language in a way is superfluous because annexation got to be done by ordinance so that means it's a legislative act so it in a way it doesn't really matter what the language of the agreement is.”

Michael Halla City Attorney said, “No one can force the city council by contract by agreement by any way to Annex or not Annex property. So the way we can do it as General Law. The only way we can do it now as General Law is by the volunteer petition of a property owner completely and totally up to it doesn't matter what's in that agreement it's completely and totally up to council.”

Michael Halla City Attorney said, “Whether or not they want to by ordinance approve that petition or not so again I want to address that concern that that's not really a concern because you can't agree to annexation in the development agreement the same way you cannot agree to zoning because that's a legislative act zoning by contract is specifically illegal so by the same way analogy here that's why the the annexation link is not really a concern all right.”

Mayor Keith Short asked, “I'll entertain a motion no motion going once going twice sometimes I feel like the auctioneer only I can't do all that stuff they do when they talk 90 miles an hour.”

Mayor Pro Tem Adrienne Balkum said, “I do make a motion to approve with some conditions.”

Mayor Pro Tem Adrienne Balkum said, “One of the things that I wanted to talk about is with our attorney and then of course Asa (City Planner) if you would like to contribute is that the interlocal agreements that was referenced from it was dated back in 2013 and so one of the things that I believe that we need to start revisiting some things to go through the bullet points about updating that information. And I wanted to find from our attorney is do you think that that is prudent to do? Should that be done at the city level since there's also platting, building permits and inspections and all that because is that something that we should be concerned with?”

Michael Halla City Attorney answered, “Yeah, I actually that's a good question because 2013 I remember I could be wrong but it was let's see maybe somewhere around 2020. I thought we had somebody from County that came in and wanted to talk to us about an agreement. Now 242.001 requires the cities and counties to have an agreement in place. It requires us. I always want us to have control of plats in our ETJ.”

Michael Halla City Attorney said, “I want our subdivision ordinance to be enforced in our ETJ that protects the citizens okay. That is not there for the benefit of the ETJ people it's there for the benefit of the citizens that protects them. I don't want the county to have that responsibility or that ability. I mean, yes, there's money. There's plat fees and you know application fees and things like that. So it does bring money into the City.”

Michael Halla City Attorney said, "Most importantly we are protecting ourselves. We're not relying on the County to do that so if we don't have an agreement in place then it's from 2013 like I said. I thought we can maybe we didn't vote on it, but I thought we did three or four years ago maybe 2020 something like that."

Michael Halla City Attorney advised, "I would want the latest version. I would say approve the agreement subject to the latest version of the interlocal being in there and I would think if they're doing a development agreement with us and they're saying hey look we're going to rely upon you. They would want us to be in control of all that as well."

Michael Halla City Attorney said, "I mean, but I would if I'm them. I would want us to be in control of as well so I would think both sides want us to be control of plats in the ETJ so that's a good question. And yeah, I would subject to the most recent agreement with the county."

Josh Bethke with Coats Rose MUD attorney said, "So I'm Josh Bethke with Coat Rose the attorney that represents the MUDs here as well as the developers that are party to this agreement. So a couple of things that I wanted to address. One of the things you mentioned about annexation wholly agree with that 100%. I think there was someone maybe a little bit of confusion thinking that the language in here was a requirement on the city to Annex the property into the corporate limits."

Josh Bethke with Coats Rose MUD attorney said, "What it does and what the intention is and you touched on it a little bit there is that that what it states is that this developer signing this petition constitutes signing this development agreement constitutes a petition for future voluntary annexation into the corporate limits of the city without that petition language in this agreement."

Josh Bethke with Coats Rose MUD attorney said, "It would be several years down the line. You'd have to go knocking on doors to get people to sign petitions to bring the property into the into the corporate limits of the city so the big kind of I think big thing for the city here is that it's kind of free tax base once the property is fully developed developers out of the picture that language in here allows for you guys to have a mechanism for annexation but not a requirement for annexation."

Michael Halla City Attorney said, "I just wanted to add too that's fine with us. The reason why is we're not going to take any of this property in until all this MUD reimbursements done. The reason why is because if they're \$20 million outstanding and they annex to and we accept it. We're now on the hook for that \$20 million so the fact that they've got to get reimbursed first does not hurt us at all we want them to be reimbursed first. That's their thing out there."

Michael Halla City Attorney said, "Their deal we don't want to end up taking on any of that debt. So it's clearly in the agreement says look this is a petition which and he's right it may never happen if the petition language went in there this a petition, but only after soon as it paid off 100% boom it triggers the petition totally up to council."

Mayor Pro Tem Adrienne Balkum said, "So just having the language in there is is good because so you know like 20 years from now like oh wait a minute we probably should have thought about that?"

Michael Halla City Attorney answered, "Exactly."

Josh Bethke with Coats Rose MUD attorney said, "Correct and it prevents you from having to knock on thousands of doors later if the city wanted to annex the property in the future so it does kind of leave the door open at the city's discretion. To touch back on kind of the question that I stood up for originally related to the interlocal agreement."

Josh Bethke with Coats Rose MUD attorney said, "We do have language in the development agreement that contemplates the reworking of that interlocal agreement and so I'm not sure if that meets kind of what you're looking for. It essentially kind of gives two options is what we're looking for either to amend the interlocal agreement between the city and the county to kind of clear up some of these things that are outdated obviously this is from 2013 both sides have had updated subdivision regulations and things like that since then."

Josh Bethke with Coats Rose MUD attorney said, "Either that or an alternative solution of an agreement between the county and the city that simply just states that this agreement this 2013 agreement as amended in the future and here you know hereafter doesn't apply to this property and instead it would just be the terms and conditions of this development agreement the subdivision regulations as amended by this development agreement and all the exhibits related to this development agreement as well and so to your point."

Josh Bethke with Coats Rose MUD attorney said, "Yes we do want everything to be running through the city rather than having some things go through the city some things go through the county and it creates a revenue stream for the city as well to have all of our platting and permitting and inspections and everything going through the city so that is our intention."

Mayor Pro Tem Adrienne Balkum said, "Yeah because in the language I was talking about we have to get this done in 120 days or it could have been I think it may have been 30 or no I'm pretty sure it was like 120 days. So is that going to be an issue with working with our attorney and us to you know get it within that timeframe? Is that reasonable?"

Josh Bethke with Coats Rose MUD attorney said, "Yeah I mean we've proposed. I've proposed a draft of an agreement between the city and the county. I know I've sent that to Konrad. I don't know if it's made it your to your desk as well or if it's made it to the county at all."

Josh Bethke with Coats Rose MUD attorney said, "I do believe it has also gone to the county I'm not sure the exact status of that, but that would be kind of the alternative. We're certainly open to extend we can help facilitate that it really is an agreement between the city and the county. So there's not a whole lot that we can do in that sense."

Josh Bethke with Coats Rose MUD attorney said, "We can certainly help point out the inconsistencies and things like that I know our development team has already gone through the 2013 agreement and marked it up as far as you know who who governs this and who governs that as it relates to the property. So we're certainly you know willing to help out as much as we can."

Mayor Pro Tem Adrienne Balkum asked City Attorney said, "Halla, would that be a difficult thing for us to we all work together with the county and nail that in probably in a month's time so they can get it on their agenda? I don't know what the process is like?"

Michael Halla City Attorney answered, "I don't know how often they meet you know to get it on the agenda it may take a little longer. It is always always always always always always always always better for the city and counties to work together. Now I don't know the way I understand it is there's been one commissioner that has said that whatever we submitted that they're not in favor of it again that's not the whole, uh excuse me, the Judge."

Michael Halla City Attorney answered, "But that's not the whole I know that, but that's just kind of where we are I haven't seen it. I don't know what the issues are. What the problems are. So just I'm trying to do my best to answer your question how quickly can we can we get it I think if it's the 120 days. I mean I would hope that's reasonable I mean. I wanted to work with the County."

Michael Halla City Attorney answered, "I mean it's tough going through life not working with the county you know so yes that's a good thing to do. Can we get it done in 120? I would think so, but I mean the County is gonna you know they're going to have a say in that and you want them to have a say in that so that I can only answer for our standpoint."

Mayor Keith Short said, "Tonight our County Commissioner (Dennis Bailey) for our area is in attendance tonight. How hard, if we could meet the parameters of putting whatever language we need to put into it how often do you meet to where we could get it to you guys and possibly get it on the agenda? So the same time we do you just meet during the day? Okay how soon does it need to be submitted to you guys okay so pretty much the same same as what we're doing okay?"

Commissioner Dennis Bailey said, "Two weeks from today."

Josh Bethke with Coats Rose MUD attorney said, "And then if I might add just as further protection really for both parties under the term provisions of this agreement we do have some language in here that states that if this either an amendment to the interlocal agreement or this side agreement kind of option b if those don't happen we've got six months in here actually rather than 120 days if it doesn't happen within the six month time frame."

Josh Bethke with Coats Rose MUD attorney said, "Then this development agreement is void from the beginning it never happened and so that's really to protect my client but also to protect the city that if we haven't figured out who's governing what then there's no reason for this agreement necessarily. There are obviously other benefits on both sides of the table in this agreement but that's you know one of the main things there."

Mayor Pro Tem Adrienne Balkum said, "I don't really want to waste any more time because there is a timeline of stuff that's happening in related to our water."

Josh Bethke with Coats Rose MUD attorney said, "Understood."

Mayor Pro Tem Adrienne Balkum said, "What other things are you waiting on with North Texas Water District to work with the waste/water? What's the process that you're in right now did you just send a letter in did they give you approval or are you at the beginning stage?"

Jeff Miles a DMDS Engineer Consultant for River Rock Trails said, "Yes that's all related to water so we're coming to Blackland on the water we're building a six mile water line, building two pump stations, we're getting about 80 Parcels or easements to be able to do that and that's in process. We've got 3/4s of the easements done and they are Blackland Engineers designing the connection point to the North Texas Water Main which is out on Highway 34 and that's in process right now. Regarding the Wastewater, we're going to have a on property plant."

Jeff Miles a DMDS Engineer Consultant for River Rock Trails said, "I've met with Commissioner Bailey. We've met with more Texas Municipal Water District to ask him if they would try to help us regionalize that where we didn't have to build a plant and we would take a line somewhere else to an existing plant for existing trunk main. I've met with a city of Rockwall to see if they would let us get into the Buffalo Creek line they said no. There's no capacity for us."

Jeff Miles a DMDS Engineer Consultant for River Rock Trails said, "I've sent letters to fate and Royce City about going to their wastewater treatment plant which is north of us. And there's been no response on that. They don't seem to have any kind of interest we went back to North Texas said look we're trying to work with part your partners here and they go well our hands are tied you have to have somebody to sponsor you to

do that and then basically they said you've got an approved permit you can build your wastewater treatment plant.”

Jeff Miles a DMDS Engineer Consultant for River Rock Trails said, “We have no problem with that we just always like to regionalize. They handed us a document that basically is agreement with them to regionalize our sewer which what that means is when there's sewer capacity somewhere in the area that we will consider taking our plant offline running a sewer line down to connect to it we've looked at it.”

Jeff Miles a DMDS Engineer Consultant for River Rock Trails said, “Josh looked at it made a few changes we haven't sent it back to them yet, but we're okay and believe in the agreement that's a consideration tonight says that. Hey if there's opportunity to regionalize to take our plant off and connect that we would do that.”

Jeff Miles a DMDS Engineer Consultant for River Rock Trails said, “So it has to be obviously economically feasible to do the other development that's happened probably in the last two months we're working with the group out of San Antonio to actually treat the water to even a much higher standard than what TCEQ requires and US reuse that water for irrigation on our property and others in the area. So that's an infancy discussion right now but that could be a possibility as well.”

Mayor Pro Tem Adrienne Balkum said, “Well I'm glad you bring that up because I want to make sure that we are not leaving anything off the table and specifically making sure that we are putting some language in there in case because we are there is a regional deficiency out here lack of water and also you know the water wastewater and so I know that's something that's going to be a very big conversation in the next year or two years.”

Mayor Pro Tem Adrienne Balkum said, “So I think that if I can get Halla to contribute if you would like to say like you know as far as like the language is concerned for us to discuss further regarding the regionalization portion. I mean can we include that in this motion to amend?”

Josh Bethke with Coats Rose MUD attorney said, “I will draw your attention real quick sorry to the the last sentence in 3.2 last couple I believe sentences here is kind of where we discussed the intention to regionalize and examine the feasibility of regionalization and as Jeff mentioned we do have that agreement that we're still kind of working with them for the future regionalization just in the meantime given the the kind of lack of resources in the area.”

Josh Bethke with Coats Rose MUD attorney said, “We the district does already have a discharge permit that's approved by the TCEQ and so that's the the current plan is to move forward down that route with the intention looking longer term as well while we continue moving forward.”

Mayor Pro Tem Adrienne Balkum said, “I'm going to amend my motion to for approval of the development agreement between the city of McLendon-Chisholm and DMDS Land Company LLC subject to amending 4.4 and article 5.”

MOTION: Approval Of Development Agreement Between The City And DMDS Subject To Amending The 4.4 And Article 5. Motion passed Unanimously.

January 23, 2024 — McLendon-Chisholm City Council Meeting

Agenda Item: Discussion and action regarding the Development Agreement between the City of McLendon-Chisholm and DMDS Land Company, LLC.

Presiding: Adrienne Balkum Council: Jennifer Hoffman, Bryan McNeal, Floyd McLendon, Dan Tucker

Not Present: Mayor Keith Short

Applicant Representatives: Jeff Bethke Coats/Rose Law Firm; Jeff Miles (DMDS / River Rock Trails)

City Staff: Konrad Hildebrandt, City Administrator; Michael Halla City Attorney

Governing Body: McLendon-Chisholm City Council

Background: The Development Agreement incorporates the ILA with the DA approval. (Thus the Consent Agenda). However, this ILA needs to be separately approved. (ILA Agreement Attached).

Mayor Pro Tem requested for agenda item to be removed from consent agenda.

Konrad Hildebrandt City Administrator said, "At our last city council meeting on January 9th 2024 the City Council approved a development agreement with the DR Horton River Rocks proposed development section 4.4 of that agreement is in your staff report basically it's a section that stated the city agrees to work with the county in good faith to either one amend the existing interlocal cooperation agreement between Rockwall County in the City that's dated November 12, 2013 which I advise that we do that. And we are going to start doing that however but also number two approve a separate agreement that to allow basically the city to oversee this one development completely under the city's jurisdiction."

Konrad Hildebrandt City Administrator said, "In your packet, you have that agreement so in 4.4 says you will work with the county to to pass this agreement and we had a county commissioner here last City council meeting and he he wants a signed agreement before he takes it back he's simultaneously having a County Commission meeting I believe today as well. But he's waiting for a signed agreement even though the development agreement is passed that states that you will ask him to sign this agreement and this agreement basically states that the city enter into development agreement check."

Konrad Hildebrandt City Administrator said, "And then the parties hereby agree that the ETJ agreement should not apply to the property despite the fact property is on or is on or will be located wholly within the ETJ of the city and the parties further agree that the city shall have exclusive jurisdiction to regulate the development of the property in accordance with the terms of the development agreement so basically that subdivision agreement that we have with the county the 2013 of how we have always done it we're saying through this agreement that or the county saying and agreeing with us that we will give River Rock Trails proposed development."

Konrad Hildebrandt City Administrator said, "The city will be the only one that will oversee. This helps us in our our overall and um obtaining of water it helps us they also put in the development agreement of building permits as we get B to 500 building permit fees and we have to do the inspections and the plan review and all those other things but the city generates the revenue from those type of things as well."

Konrad Hildebrandt City Administrator said, "So kind of a revenue source over the next 10 to 15 years as they start building homes there's that as well as the other things that were in the agreement that you reviewed and approved last time so this is basically asking the county to say all right for this one and only this one we're going to skip from that original 2013 agreement and we're going to let you oversee have complete jurisdiction over the development of the River Rocks Trails else proposed to go and this will."

Mayor Pro Tem Adrienne Balkum said, "I think Mr. Halla actually commented as well on this subject matter and at length to talk about that it's better for the City to have jurisdiction not to say that the county is not going to be working with us because they too have information that they want us to include in in these items

and when we go through it.”

Mayor Pro Tem Adrienne Balkum said, “So we have approximately three months to address that as far as the jurisdiction is concerned to meet those standards and I want to address that item one in the ILA which is attached in the packet highlight. I highlighted something that I want you to hear the words is that the development of the property the parties hereby agree that the ETJ agreement shall not apply to the property despite the fact that the property is or will be located wholly within the ETJ of the city.”

Mayor Pro Tem Adrienne Balkum said, “The parties further agreed that the city shall have exclusive jurisdiction to regulate the development of the property in accordance with the terms development agreement including the city's authority to approve subdivision plats and to issue related permits within the the property and so one of the things that Mr. Halla was preferencing at our last meeting is the importance of of our involvement of overseeing that and having a say with this particular development and so it's important that we are involved in that but we are working thankfully our commissioner was here. He gave the impression I felt that it was in good faith that he's willing to work with the city so that's that's a bonus. So we have some time for that so is there anything else Mr Halla that that should be addressed as far as one of the benefits of having this this agreement pass?”

Michael Halla City Attorney shared, “No I think you've pretty much covered it um in addition to all the fees would be coming to us uh it's our subdivision ordinance that controls in the ETJ we decide obviously what our subdivision ordinance is and we control those plats and our ETJ so as council member Tucker and I agree with him completely it's better to have some control over ETJ than none.”

Mayor Pro Tem Adrienne Balkum said, “And just to answer one question is that this is not inside the city limits and we need to address the you know it is a MUD and there is debt and I think it's what till 2040 or something before they even finish paying off all the all the cost for that is that right?”

Konrad Hildebrandt City Administrator said, “I believe it's either a 20 year or 25 year old bond or year old year bond. So after that bond is paid off all their debt is paid off the city will have the exclusive right to annex if they desire.”

Konrad Hildebrandt City Administrator said, “No one's forced to annex anything, but the city has the right to as a one property entity instead of going to 5,000 home owners asking if they want to be annexed in the city the development agreement states that it will be it'll come as one body over if the council wants to. It's no requirement to have it. So it could remain in our ETJ in the county forever and ever if that's what the council deems.”

Michael Halla City Attorney shared, “The term of the agreement actually says that the agreement itself counts as their petition to annex once all their debts paid.”

Council Member Bryan McNeal said, “I have a question so like I just want to make sure are you saying that the county has told us that they want the city to oversee this and then part two if that is the case. If I was the city I would want to annex this land and then we can force them to follow the comprehensive plan. If not this is going to be a wildfire of DR Horton homes in McLendon-Chisholm.”

Council Member Bryan McNeal said, “From what I understand in my talks that I've had with the County is that that is a no. They do not want the city to oversee this so I just want to make sure if you're telling me I would like to know who said that from the county because the information that I've got was this the county does not want the city to oversee this.”

Konrad Hildebrandt City Administrator said, “Council member McNeal it's a true story there's no one at the county that said we want the city to do it potentially yet because they've never seen it. It hasn't been in a

public meeting yet. It's going to be proposed we had a commissioner (Dennis Bailey) here that said I will take it but I want a signed (ILA proposal) copy by from the city asking us before I take it."

Council Member Bryan McNeal said, "But didn't DR Horton present to the county on this same stuff and the counties turned them away twice?"

Council Member Dan Tucker answered, "They did."

Mayor Pro Tem Adrienne Balkum stated, "We're referring to the ILA item."

Konrad Hildebrandt City Administrator said, "They can come and it can be presented to them and they can formally say no. If they want to however per state law and and in my personal opinion they're spending over \$30 million to bring water to the subdivision they don't have to ask anybody how to develop out there they can do whatever they want to do. So they're going to develop is my opinion of this because they're spending an awful lot of money to bring water in here for this development."

Konrad Hildebrandt City Administrator said, "And if the county and the city don't want to be in the same sandbox it's my opinion that they're going to do it anyway. Just because of the sheer amount of money that they're spending to bring water in here. So they can I mean and but they have to follow the guidelines of the county and the city per our 2013 (ILA) agreement."

Council Member Bryan McNeal said, "So then I would fall back on if we annex the land we force them to do the comprehensive plan."

Konrad Hildebrandt City Administrator said, "Well they're not asking to annex it until they pay off their debt."

Michael Halla City Attorney shared, "We wouldn't want to annex them we would be responsible for their debt."

Mayor Pro Tem Adrienne Balkum stated, "Yeah, correct we wouldn't want to annex them we would be responsible for their debt because they need to pay for their own thing."

Mayor Pro Tem Adrienne Balkum stated, "I want to make a correction. I meant to say the Rockall County interlocal agreement that I brought that up at the last meeting because it was outdated. We need to revisit it and so that's what's going to take approximately three months. Per our attorney's advice and also we will be working on that with the county to make sure to include what their concerns are to make sure that we are including that in this agreement."

Mayor Pro Tem Adrienne Balkum stated, "As far as the highlighting exactly what we need to accomplish that's going to be at the next County meeting because we need to hear feedback from the Commissioner's Court to go over that and we have that time. If it does not get approved at the Commissioner's Court then it could I mean depending on the timeframe. It doesn't right. It just squashes because that's the way it's written in this particular agreement."

Konrad Hildebrandt City Administrator said, "Yeah if they say no then the agreements we don't have an approved agreement. We said in our development agreement we do what we could to discuss it with the county. We're planning on doing that. We have an agreement for them for the county."

Council Member Bryan McNeal said, "Is there a meeting coming up with the county and the City on February 2nd? There might be something coming up I think and that would be the time to me that the city should take their plan to the county and work that out. I just...I'm not okay with us saying that the city will oversee this at all."

Council Member Bryan McNeal said, "And I hear what you're trying to say with the amount of money they're spending for water but we're going to sell out our city for that and I'm not going to be okay with. I think that we should align ourselves with the county and in my conversations that I've had with the county the County Judge. There are ways that we can do this and have a say with. I understand it's the ETJ, but I don't agree."

Council Member Bryan McNeal said, "And I've never agreed with they're the ETJ they can do what they want that there may be some truth to that, but it's not all the way true and I think that we should not find ourselves another Trilogy and really trying to be adamant and do our due diligence to do what we can because if it's true that we did poll the community and they want less density that ain't going to be less density that is going to be far from it."

Mayor Pro Tem Adrienne Balkum stated, "This is an interlocal agreement that has to be worked on with in good faith with the county. So by passing this we are going to be working with them (County) to include their concerns. That's the important part about this is to make sure that we are doing that. That's part of the relationship that we have, but the city should have jurisdiction on you know building permits, the plats all that stuff."

Mayor Pro Tem Adrienne Balkum stated, "And yes we do have subdivision regulations and I will tell you that there's quite a number of ordinances out there in my personal opinion that should be updated reviewed and also you know we need to take time to to improve those things. So those changes will be coming I believe I think that we can work on that."

Council Member Bryan McNeal said, "Then I would think that can we not go back as a city to the county and maybe have that sit down before we vote on something like this? I mean I hear what you're saying and I understand what you're saying on it being an interlocal agreement, but to me if there's we work with that party before we start voting on something because. I'm personally not going to be comfortable with that."

Mayor Pro Tem Adrienne Balkum said, "By getting this, taking action this is serious we are going the next step we go and meet with them (County) it's like it's kind of like a back and forth. They're going to bring points up then we take it back we work on that's why I said it was going to take about three months to get all this stuff done."

Council Member Bryan McNeal said, "Okay then, just give me some clarification what I heard was Konrad saying that this agreement is going that if we vote on it this is saying the city will oversee that and I am not going to vote on that. That is not what we should be doing."

Council Member Bryan McNeal said, "We should be aligning ourselves with the county and working together. Because there can be some ways that we can work this out and if there's going to be a development we do it the right way. It is what my thing is. Did I misunderstand that? That's what this vote is that the city will have oversight?"

Konrad Hildebrandt City Administrator said, "Correct. The City would have complete jurisdiction of the development, but that's not to say as Mayor Pro Tem said we can't sit down with the county and say what are your thoughts and what do you think we should do?"

Konrad Hildebrandt City Administrator said, "And our subdivision (ordinances), but the development agreement also says they (DR Horton) have to follow our subdivision ordinance and there's certain areas of subdivision ordinance that in the development agreement as well so it gives the city the overall jurisdiction just for this one development. But it doesn't say you can't, I mean what the city does is based on the development agreement."

Council Member Bryan McNeal said, "But if we were the oversight then we could tell the county to pound sand and not listen to them is what my at the end of the day if we are the oversight then we don't have to listen to the county we can say we're going to work with them that doesn't mean we have to."

Konrad Hildebrandt City Administrator said, "I think it's based on the development agreement that the council's approved."

Mayor Pro Tem Adrienne Balkum said, "So hold on a second so a few couple years ago the county did come to us because of a lawsuit that occurred because they did not update their subdivision regulations. So in 2021 they did update that because it just needed to be. Yes, the county did."

Mayor Pro Tem Adrienne Balkum said, "You can look it up on it's 2021 was the one it was passed or I'm sorry approved and passed. So with us I don't think anyone from the city side is wanting to exclude the county. We actually had a very decent conversation on that day (January 9, 2024 City Council Meeting) and we want the commissioner."

Mayor Pro Tem Adrienne Balkum said, "We want the Commissioner's Court to engage us on what that is. I don't want anybody thinking that's bad faith at all. I mean we are including them that's why we're getting this done so that that we can go to them include this, the concerns so that it's listed there."

Council Member Bryan McNeal said, "Sorry from my conversation I've heard there's something coming up on February 2nd in that the county is asking the city to bring this plan. Unless I was misinformed and I also meet with people, but I was under the understanding that the County Judge is asking for the plan and if I feel like if we're voting on that before we talk to somebody. I don't know I'm like a transparency guy and I don't feel this is really transparent. I feel like it's voting something before we talk about something."

Mayor Pro Tem Adrienne Balkum said, "Are you sure it wasn't something to submit to them by February 2nd?"

NOTE: Council Member Bryan McNeal begins to text Rockwall County Judge New to inquire the "workshop date".

Mayor Pro Tem Adrienne Balkum asked City staff, "Did you schedule a meeting with the judge? Asa (City Planner), did you schedule a meeting? Shelly, did you schedule a meeting?"

Council Member Bryan McNeal said, "I have there is a workshop on February 2, 2024 at 9:00 am. and there it has not been asked yet but it is going to be 2:31:38 asked at McLendon-Chisholm bring that. So it just hasn't come to the pipeline yet but there is a workshop being scheduled and already put together. So again I think that would be a wise thing to take that and then that is the show of good faith of working together and then they can give us some guidance."

Council Member Bryan McNeal said, "I mean that's talking to the County Judge. That's talking to the commissioner and then they come back or whoever is at that workshop comes back and then we can have a follow suit on that. And again talk to me like I'm a rookie right now because I'm just, I'm just asking questions."

Mayor Pro Tem Adrienne Balkum asked, "So what's the workshop with the County?"

Council Member Bryan McNeal said, "It is with the County yes."

Council Member Floyd McLendon said, "Okay so how I'm understanding both sides Council Member McNeal your concern is that we will unilaterally move without the county is that correct?"

Council Member Bryan McNeal said, "I don't want to say we will, but we could."

Council Member Floyd McLendon said, "Your concern. Okay so we agree on that. Should the city fail to enter into the county ILA agreement or the county separate agreement within the timeframe the city agrees that this agreement shall automatically terminate. So there has to be a relationship that both sides to agree on. If we don't agree then this is going to be terminated. And I think that answers your your concern."

Konrad Hildebrandt City Administrator said, "Can I just add one quick little thing. After our last January 9th (City Council) meeting I submitted this to the Commissioner (Dennis Bailey) that was here. He responded that says I'm not going to take it to the commission unless it's signed by the city."

Council Member Bryan McNeal said, "So then let's take it to the workshop on February 2nd. I mean this is something we don't have to vote on can we not I feel like maybe tabling this and getting a little more information allowing us as council members to get a little more information and then we can revisit it that gives us time to see what this workshop's about on February 2nd. I'll be happy to do that due diligence and find out exactly the meats and potatoes of it and submit that or even be there and be a part of it."

Konrad Hildebrandt City Administrator said, "That's 100% a council decision."

Mayor Pro Tem Adrienne Balkum asked, "(Council Member) Paul, you have a question?"

Council Member Paul Day asked City Administrator, "What's the harm in waiting? And pursuing the avenue that (Council Member) Bryan is bringing up?"

Konrad Hildebrandt City Administrator said, "I'm not sure if there's any harm. I'm just saying that it's on your agenda tonight because the commissioner (Dennis Bailey) said they aren't going to review it until he receives a city signed one. So if they've changed their mind and said instead of signing it come to a workshop. It's your choice whether you want to do it, but it's here tonight because he said if I don't get a signed agreement. I'm not going to take it to the to the commission to review."

Council Member Floyd McLendon said, "He also stated too that he (Commissioner Bailey) would make sure that it was on the agenda like once we once we signed it."

Council Member Paul Day asked, "So there is there any issue with respect to timeliness?"

Michael Halla City Attorney answered, "As a matter of fact he was here when we talked about that and my advice was it was going to take a month. To a month and a half. One reason was I knew I was stuck in trial all last week. And so that even carried over till Monday so I knew I was going to be delayed and couldn't there was at least a week week and a half I was going to be delayed."

Michael Halla City Attorney answered, "Then just the simple fact of certain sometimes certain governmental entities have requirements on when things have to be submitted to be on the agenda and if you don't submit it by the agenda deadlines that it doesn't get on there. Even and it's sometimes beyond 72 hours. Commissioner Bailey confirmed that they had their meetings I think on Tuesday the same nights we do and they have the same thing."

Michael Halla City Attorney answered, "It's the Wednesday prior so there are also I said hey knowing that there going to be some time constraints and things like that so I would give it a month month and a half. I would have a very difficult time if and I totally believe Konrad."

Michael Halla City Attorney answered, "I believe him 100% so but I would think that would answer your question. Is if a judges tells we're going to have a signed agreement and then they but let's have a

workshop and then they screw us over because we're trying to come to the workshop and we don't vote on this. That would look really bad for the county."

Council Member Bryan McNeal said, "But there's no harm. Literally Konrad said, there's no harm so even if we waited whether the workshop was happening or not."

Michael Halla City Attorney answered, "No, I'm saying look we have at least there's two council members here that you know are a little bit (concerned). We do have time on this. I made it very clear to the commissioner this will take a month, a month and a half."

Michael Halla City Attorney answered, "You know having a workshop maybe that does change it. My point there mentioning what he said I find it very very unlikely a commissioner is going to say, hey, I needed a signed copy and then the council doesn't vote on it for the purpose that we've all heard publicly and it's recorded to show up for the workshop to talk to them and then the county you know gets mad about having unsigned copy."

Michael Halla City Attorney answered, "I think that scenario is very unlikely. I think showing up knowing that we've already got time showing up for the workshop that absolutely unequivocally indicates an intent to work with the county seeing what we can work out and that sounds like that's great for everybody."

Mayor Pro Tem Adrienne Balkum asked, "So we didn't get an official invitation yet or anything like that. I'm going with what our word was whenever he (Commissioner Bailey) was here. That's why this item is on this agenda."

Michael Halla City Attorney answered, "That's true but the beauty of that too is we can have it on there. I don't believe that commissioner Bailey's expecting anything ASAP and so we we could have it on our next agenda if the council feels that strongly about it they could call a special meeting 72 hours notice that's all you need."

Michael Halla City Attorney answered, "So there there are lots of lots of options my concern is I hear you know two of the five council members here express concerns and maybe have delay. I want to throw that out there and and I would rather the council take extra time to make a decision they feel comfortable with then feel rushed to make them it's totally council's decision."

Michael Halla City Attorney answered, "I have no input. No say whether you should sign this or not. That's a policy decision. My concern has always been prior to making a decision have I given you all the information that you need the information I'm stressing now is we do we do not need to rush this."

Mayor Pro Tem Adrienne Balkum said, "Well we definitely need to get official information from the county exactly from all of them. That we can be able to consider for the interlocal agreement. Which by the way I hope that everybody agrees it's like this has been outdated we need to do our job and improve that. You know so we are staying on top of it. I mean, I don't want this to kind of go out the window like oh okay we forget about this and then everybody else is waiting on us because we didn't do the administrative work that is necessary."

Council Member Dan Tucker said, "Let me just highlight one thing and I agree with Councilman O'Neal (McNeal) on this one. DR Horton went to the County Commissioner's Court and they presented to them the same project. This is back earlier in the year and the court had Freese and Nichols (County Engineer) do a look at their project and in accordance with their their subdivision regulations and Freese and Nichols found that DR Horton was negligent or deficient at least in 59 different areas."

Council Member Dan Tucker said, "They had a number of concerns and they did not approve this project. So to the degree that we think that we're going to be able to look that closely I mean we definitely need to be speaking to County on this one in my opinion on this. This needs to be kicked back to the county and have it done under their subdivision regulations. Versus our own."

Council Member Dan Tucker said, "Now that would ultimately upset some people because of the revenue source. They would have dominion over the revenue source. However they could also assess impact fees which our city cannot assess any impact fees associated with a new project like this. Whereas the County can. They can also implement higher standards for Open Space Management which we in our own DA (Development) agreement it's minimal."

Council Member Dan Tucker said, "It's absolutely minimal basically we allow them the freewill. Whatever they want to do virtually. Very minimal and what happened with Commissioner's Court was that Dr Horton came up they didn't want to obligate themselves to addressing different infractions in their subdivision rules."

Council Member Dan Tucker said, "So what they did was they came to McLendon-Chisholm because they figured they could do an end run and marry up with us and ultimately get us to sign an agreement we already did sign the DA agreement already."

Council Member Dan Tucker said, "I mean this should have been done first the interlocal agreement and then the DA agreement should have been signed in accordance with that but we're just doing it backwards. Yeah, DR Horton is doing an end run around the county because they don't want to pay the money spend the time and probably have this whole project deferred thinking that we can come to McLendon-Chisholm and thinking kind of hoodwink us and get away with it. That's really the premise behind this whole thing."

Council Member Bryan McNeal said, "Absolutely 100% agree with that and I have the 59 deficiencies from the county that they kicked it out with. I have that list and I will be happy to send that out."

Mayor Pro Tem Adrienne Balkum asked, "Who is the inspectors for the county?"

Council Member Dan Tucker answered, "It was Freese and Nichols (County Engineer) are the ones who are their consultants."

Mayor Pro Tem Adrienne Balkum asked, "Who would be on the ground to do the inspections?"

Council Member Dan Tucker said, "You'd have to talk the County on that. I have no idea. But Freese and Nichols are high-end consultants."

Mayor Pro Tem Adrienne Balkum said, "I don't disagree with Freese and Nichols. I don't have any issue with us having to review the 59 items. I think it's great. Awesome. I think there is a little bit of confusion. I read the information that for the the fact that the 2013 that that you know I did actually take the time to read where it was and it was brought up. I was like oh my goodness we should be reviewing this and that's why I mentioned it at the last meeting."

Mayor Pro Tem Adrienne Balkum said, "We need to do our due diligence about that. I'm expressing that again Commissioner Bailey was here. We were going to in good faith go over these items and make sure to include it because the subdivision regulations are supposed to whoever has the highest one is that's where it's the go to whenever it's the land that's right on the skirt of of the ETJ. It would go back to the the city. It is it is always prudent."

Mayor Pro Tem Adrienne Balkum said, "Yes to review who should have the jurisdiction in this particular case we in my personal opinion that the city should have the jurisdiction on the subdivision regulations all that. I actually looked at the subdivision regulations for the county, which by the way is quite lengthy but it's not as detailed in my opinion. What did you think Asa? Because I gave you the link to to look at the County subdivision regulations and then ours is quite you know direct about what those subdivision regulations are."

Mayor Pro Tem Adrienne Balkum said, "Whereas the county you have to click more link. Click more links and make references and stuff of what they want the 60 foot Right-of-Way. We want to have a higher standard. They have 50 in some in some parts. So I mean I think that we have a better aspect on meeting certain steps on improvements."

Mayor Pro Tem Adrienne Balkum said, "I think we should have the jurisdiction on it but that's again. I'm not against the County's input. I think it's important that we work with the county I want to include items that they will say that hey we need to include this in our agreement. I'm okay with that."

Council Member Dan Tucker said, "I would say that if DR Horton is ready to go back to the county and address the 59 issues and they satisfy those issues they can come on back to McLendon-Chisholm. I think that's it's a higher standard that we're going to provide for them in my mind. Knowing having read some of those issues."

Council Member Floyd McLendon said, "This goes a little bit deeper, because I disagree with with you and Council Member McNeal. And the reason being is when we talk about local government like us having the authority to govern our city I don't agree with going to a higher government."

Council Member Dan Tucker said, "We're governing the ETJ. What are you talking about?"

Council Member Floyd McLendon said, "My point is we are going to work with the county on this issue, but to say that we need to give up our jurisdiction and give that to the county. I disagree with that. Right? So you govern at the lowest level."

Council Member Bryan McNeal said, "I don't think that's been said that we're giving anything up. I think what we're saying is we want some more time to research everything I don't think I have said give it up. I don't think Councilman Tucker said give it up. Nor Council Member Day. I think what we have said is we need more time let's just look at it."

Council Member Bryan McNeal said, "There's 59 things that they went to the county the county kicked it to the curb twice now they're here. Like council member Tucker said trying to hoodwink you know McLendon-Chisholm in some things and it's not giving up jurisdiction. It's partnering up with the county."

Council Member Bryan McNeal said, "It's partnering up with our local governments, as well, even though they are a higher up and making this the right move. I, at the end of the day if it comes back and it says hey then we vote on it and if the vote goes towards the city overseeing it. Then it goes over that way, but I think there's nothing wrong with us just waiting."

Mayor Pro Tem Adrienne Balkum said, "Well I just think that we need to go with what we ended up agreeing to at the last meeting that we were going to prepare this. We're going have something signed. Let's take this to a vote. So I can't motion, because I'm the chair at this moment. So another council member needs to motion for this agenda item."

Council Member Floyd McLendon said, "I motion for the Interlocal Cooperation Agreement Between Rockwall County and the City of McLendon Chisholm, Texas (Dr. Horton River Rocks development)"

MOTION: Motion Died For Lack Of Second.

February 2, 2024 — Rockwall County Commissioners Court Workshop Meeting

Agenda Item: Discussion of the Rockwall County Subdivision and Land Development Regulations, including Rockwall County's apportionment of county infrastructure costs under Chapter 232, Local Government Code, and all related issues; (Judge New)

Presiding: Frank New
Commissioners: John Stacy, Dennis Bailey, Dana Macalik

Not Present: Cliff Sevier

Applicant Representatives: David Booth (DMDS / River Rock Trails)

County Engineer: Connor Roberts (Freese and Nichols)

Governing Body: Rockwall County Commissioners Court

Note: Rules of Decorum were waved. No invocation and no pledges.

Judge Frank New reads the agenda item, "Discussion of the Rockwall County Subdivision and land development regulations, including Rockwall County's apportionment of county infrastructure costs under chapter 232, Local Government Code and all related issues. Connor (County Engineer), please. Please come up."

Connor Roberts County Engineer said, "Thank you judge. Thank you court. We appreciate you having us out this morning. Happy New year. Hope your January went well. It seemed to fly by for us certainly. Well, judge, thanks for the introduction. Today, I've got a presentation that covers some of the other agenda topics. So if I go out of order, just stop me and we'll we can always come back. And however you'd like to run it, just let me know."

Connor Roberts County Engineer said, "A couple items on on the agenda today. I'd like to give a quick update on our on-call contract and the ILAs (Interlocal Agreements). I'd like to do a little bit of a follow up on the December 12, 2023 meeting, and how we have tackled some of those items to date and how we have a couple more to to take a look at."

Connor Roberts County Engineer said, "And then, of course, we'll move into our apportionment discussion here and all related to our subdivision regulations. It is a brief presentation today. It's meant to be conversational, as always, so feel free to interject if you'd like. **We're approaching the the expiration of our on call contract.** However, we do have some budget left, so we'll continue with that. And, judge, we can talk with you offline."

Connor Roberts County Engineer said, "Since our meeting in December, we have a couple more applications in. We're through that completeness check portion of the of the review cycle with those, so no completed applications as of yet. Just working through some of those items. A little bit of an update. I understand that we have an ILA on the agenda for later, so we can always come back to that."

Connor Roberts County Engineer said, "And Commissioner Stacey has made me aware of (city of Fate's) ILA, so I'll connect with him today on that item. As we move forward. I won't spend too much time on this as it's a later agenda item. As it relates to the December 12 workshop, we had a couple items."

Connor Roberts County Engineer said, "I wanted to just give you an update on those, let you know that we've been working on them. **What you see on screen is that application checklist that we were tasked with creating.** We've coordinated with Carissa and Ron. I think we have that in a good spot. I think it might be time for us to get maybe an updated handbook in front of you for your consideration, and I can work on getting that distributed to you for any questions or comments."

Connor Roberts County Engineer said, "We discussed a little bit of the warranty bond upping that percentage. You'll see the red line there. Again, I think we have a couple things that are ready for your consideration, both in the handbook and in the actual subdivision regulations. So I can work with Ron to get those in front of you in a more formal capacity, perhaps a memo to outline those edits to help you understand what those were and where they came from."

Connor Roberts County Engineer said, "Commissioner Stacy brought back up the subdivisions along county lines back in December. I think we've drafted an additional section that 5.11 as a new section that we feel addresses that. And again, I think that's something we can loop into a memo or something of that nature for your consideration, formal consideration. We talked about water provider. Notice that was an item that the judge brought up."

Connor Roberts County Engineer said, "I think we have some language to support that and grounds to require that. Again, something that we can probably include in a handbook and that we did discuss. One thing I don't have draft language quite yet, but we did discuss the concept of tree mitigation and things like that in floodplains. I think we're still working on how we're going to integrate that into what capacity."

Connor Roberts County Engineer said, "So stay tuned. We'll get you some language to review on that as well. Just want to let you know that we haven't haven't forgotten about that. All right. And with that we go into the really the apportionment discussion. Unless there's any other comments on those items."

Commissioner Dana Macalik asked, "Can we can we get a copy of this? What you've just shown?"

Connor Roberts County Engineer said, "Yes."

Connor Roberts County Engineer said, "So this is a concept that we've we've sort of tiptoed on and touched around in some of our other workshops. This is not a new section. You know, I've presented this in the past. This is 232.110. It's the apportionment of county infrastructure costs. And just as a reminder, there is a standing to require the developer bear a portion of the cost to county infrastructure improvements."

Connor Roberts County Engineer said, "And so that's, that's what we're talking about today in this item is what does that phrase county infrastructure talk about? Just a little bit of an update. We've been kicking this around internally as well. And I know most of you have got, uh, experience on the municipal side of things, and councils or other forms of it, taking a look at really what is that proportionality. And a lot of times it comes in through impact fees."

Connor Roberts County Engineer said, "And I don't have the answer for you today, but I do have sort of other groups at our firm that are working on grappling with the applicability of the concept of impact fees to county infrastructure, and how can we potentially apply that? And is there actually standing for us to do that? So I'm just letting you know, that's kind of where we're at with this discussion internally when it comes to at least roadways. It is a concept that's based in a different local government chapter. That's chapter 395."

Connor Roberts County Engineer said, "That does discuss, financing capital improvements that usually will require a, a CIP or capital improvements plan. Those are probably terms that you're familiar with. But how we actually can extrapolate that to a county, if at all, is still something that we're working on. I think it there's a couple other individuals that are probably better suited to speak to it, maybe at a later time from our firm once we get that better framed after today's conversation especially. And with that, I really just I'll pause here. I think this is where I'm going to turn it sort of back to the court to discuss."

Connor Roberts County Engineer said, "We've hashed out county maintained roads and county maintained infrastructure. So that's culverts and things like that as, as sort of shoe ins. Right. If we want to label them

as county infrastructure. But there are other topics that we've touched on as a group, whether it's parks and schools or emergency protection, that I think will be somewhat of a policy decision on the court. And that's what we're kind of here to talk about today. And, and we're here to help in any way that we can answer questions or if we can't answer anything, of course, we'll get back to you as we usually do."

Judge Frank New said, "So let me take the first swing at this piñata that's dangling in front of us. Infrastructure is something that the state is hesitant to define. I would even argue that they are mostly silent on the matter. So that leaves it up to the county. We determine in my very simple definition of what is infrastructure. Anything that protects or maintains the quality of life of the citizens of Rockwall County."

Judge Frank New said, "I consider infrastructure, what we have is a somewhat of a gold rush of people coming out into the county and building developments. And I want to be very clear, they're not building developments. They fall under our development agreement. What they are building is cities. They are building full sized cities. Now, what they're not offering is city services or city amenities. So they build the cities, they have the density, the numbers of cities. I mean, we've got a plat we're going to look at later today, if it's built as platted, will be the second largest city in the county."

Judge Frank New said, "So what we have is essentially what amounts to a city that's not offering city services. I have a duty to protect the quality of life of the citizens of Rockwall County. I have a duty to protect the existing citizens. I have a duty to protect new citizens that are coming in. So it has been my stance that if you're going to build a city, you're going to have to pay for the city infrastructure."

Judge Frank New said, "Now you apportion that out to your citizens. So apportionment is not anything new to developers. I mean, if every cost gets assigned, divvied up and handed to their residents, in this case, future residents. My stance is the developer needs to pay for it. I mean, we have municipal utility districts (MUD). The first word right out of the gate "municipal"."

Judge Frank New said, "That's a city. You are selling bonds that your citizens are going to have to pay for to get municipal services. They stopped short, in my opinion, of providing those services. Then it is left to the rest of the county or the rest of the school district to now come in and finance those services, or allow that there's going to be a subset of citizens who aren't going to have the same services and the same quality of life as the rest of us. I can't handle either one of those options."

Judge Frank New continues, "I mean, the option needs to be if you're going to build a city and we are looking at cities, you need to provide city services. So this is a loophole that the Texas Legislature created. They can solve. They have very little appetite to solve it. So the onus is upon us to protect our citizens quality of life. And I am not being overly dramatic."

Judge Frank New said, "We are going to look up and there are going to be, right now we have 10 cities in Rockwall. Will you throw in the MUDs? We're going to get to 15 cities. And we are we are going to have a reduction in the existing citizens quality of life, or we're going to have the hard choice of increasing taxes on existing citizens to pay for it. So as you sit and look at these, I mean, you've got parks, schools, fire."

Judge Frank New said, "I've got a long list here of what I consider infrastructure. And if you take my definition of what protects or promotes your quality of life. Schools right out of the gate. The number one determinant of your property value. I mean, we have great schools. People move here because of our low crime, open space, great schools. The cost of your home is, for most people, their biggest retirement. They use the sale of their home for retirement."

Judge Frank New said, "The school is what determines the value of that home more than any other entity. What school district we're in, how the rating of the school is? What is the student to teacher ratio? Are the

students being educated in a nice state-of-the-art facility, or are they being educated in a metal building behind the school?"

Judge Frank New said, "With people building again what amounts to new cities in our county and using our existing schools. Their schools where we have, you know, a third of the students in fairly new schools being educated in a metal building behind the school. Three years ago, the voters passed a \$500 million dollar school bond. The voters in Rockwall ISD. That's a big bond."

Judge Frank New said, "I can tell you there's a bigger, bigger one coming. The next one is going to be north of a billion. And then three or four years later, there's going to be another one coming. And they're not going to go down. They're going to keep going up. And if we don't solve this problem, we're still going to be educating students in metal buildings behind the school because we get overrun."

Judge Frank New continued, "As I was out campaigning for this job, I had the the privilege of doing several meet and greets with some, school board candidates. And they said, we use Templeton. They are the best at figuring projections, for population growth."

Judge Frank New said, "And, you know, they can hit it right on the head. And I can't remember the exact number they said that Templeton projected, but it was something silly, like they project 6,000 new homes in the next 5 years. I said you've missed it. And Templeton's projections only looks at the city. They look inside the city limits. They never take into account their algorithm people building new cities."

Judge Frank New continued, "So when you build a new city, that's what overruns us. And I told him, I said, you've missed it by quite possibly a factor of ten. I've seen plats that if they're all I've seen, approved plans, that people have rights. That you're 6,000 is not the number. I assure you, 6,000 is not the number. So we have an opportunity to fundamentally change. The way schools are funded."

Judge Frank New said, "The State of Texas wants to take over maintenance and operations (M&O) of schools. That's that's their desired goal to take over the M&O. And I encourage that. But I'm also a realist. You have M&O and you have I&S. And for those of you that aren't dealing with the budgets, maintenance and operations interest and sinking. And let me say it even simpler way. Payroll and debt is what you have. You have payroll. You have debt. They (State of Texas) want to take over payroll."

Judge Frank New said, "I think they would, and I think they would immediately drive the M&O rates down. Now, I'm not a foolish person. I know if they drive the M&O rates down, well, that's great. And then they'll just point at the local school districts and say, you know, you guys are spending too much money. Spending too much money. Never mind it's the state that mandates how you educate the students."

Judge Frank New said, "It's the state that mandates that you must educate the students. Well, all we're really going to do is move from the M&O over to now instead of a bond. Every 5 years, we're going to do a bond every year. Every other year, we're going to move the M&O. They compress that rate. The debt is going to go up, and then the state will beat their chest and say it's local government that's causing the problem. They drove the rate down and we drove the debt up."

Judge Frank New continued, "There's another way. The other way is to make development pay for itself. I claim schools as county infrastructure. There's some legislation where the state has indicated that they believe schools are infrastructure. You look at government code 2267.002 Declaration of Public Purpose."

(Judge New omits the correct chapter name "PUBLIC AND PRIVATE FACILITIES AND INFRASTRUCTURE")."

Judge Frank New said, "The legislature finds that there is a public need for timely acquisition, design, construction, improvement, renovation, expansion, equipping, maintenance, operation, implementation and installation of educational facilities. I agree. And they go on to say technology and other public infrastructure. So our state legislature recognizes it as infrastructure. I agree with them."

Judge Frank New continues, "Of course we have roads. We have ambulance, fire, police. We have all the what happens if you call 911? I mean, that's a pretty, pretty simple. We should be able to answer that question pretty simply. I worked really hard to get a bill through the House this last year, only to die in the Senate. That brought that simple thing forward, made the developers come to us and tell us your safety plan. What happens when your future citizens dial 911?"

Judge Frank New continues, "Because as we sit here today, they rely on help from the county. They rely on help from the cities, which is to say they rely on the kindness of other citizens. Now there is a pushback. There are people that are getting tired of the fact that they're a good neighbor being taken advantage of."

Judge Frank New said, "The city of Rockwall, who provides animal control for just about the entire county. We have an interlocal agreement with them. Many other cities have an interlocal agreement. They won't go into MUDs. So if you're in a MUD, you have a rabid dog on your street. You pick up the phone. I don't know what happens when you call the county. We say we'll call the city. The city says that's in the MUD. We're not going there. What happens? Well, the person lives in what looks and feels like a city."

Judge Frank New continues, "They live in a city that they are taxed for city services. They are just not receiving the city services. So it is my job to protect them and make developers provide those cities. If you're going to build a city, you're going to provide the city services. So we have fire police, we have jail, we have transportation, star transit. We have water, sewer, broadband, electric, natural gas, open space."

Judge Frank New continues, "I apologize that I put open space so far down on the list. I wrote these down as they occurred to me. That should have been higher up on the list, so I'll adjust that going forward. Drainage. Animal control inspection. Dispatch 911 services. Those are all city issues. I mean, and when you move into these cities and I'm going to start giving these cities names, I'm no longer going to allow them to be called a development, whatever MUD."

Judge Frank New continues, "I'm going to give them names and I'm going to be real creative. I hadn't decided yet what I'm going to call them, but I'm going to start naming these cities. If I think you guys can sense my my frustration of where we're at. You just can't overrun cities. And as I sit and look at this, when people move in to what looks like a city, what feels like a city, they have an expectation that they're in a city."

Judge Frank New continues, "Now, what they don't have is representation. There's no mayor, there's no city council, there's MUD directors that in the vast majority of the cases, do not live in the neighborhood that live somewhere else. You can call. But are they going to come mow the grass in the right-of-way? Are they going to come pick up the trash on the street? Are they going to come get rid of the rabid dog?"

Judge Frank New continues, "No, you have no representation yet. The State of Texas is the strong arm that collects those taxes year after year after year to no end. It ends when the board of directors that live somewhere else determines it ends. They have the authority. To keep doing. Keep more debt. More debt, more debt. They have been given that authority. So they could go out into areas that don't have infrastructure already."

Judge Frank New said, "Our county is 12 miles by 12 miles. I mean, you can point any direction. It's not that far. The fact that one person moves in to a trailer, establishes residency and what I believe is an illegal vote

creates a MUD district. Sells the last one was sneaking up on a billion dollars worth of bonds. Packed people in so much that that it's you and 6,306 of your closest friends all jammed in there together.”

Judge Frank New said, “There's an expectation that you have city services. But you're not going to get them. You're paying for them, but you are not going to get them. This is it is immoral. That we allow this to happen to citizens. It is immoral that we ask our neighbors to come over and pay for it, or accept a reduction in their quality of life. The State of Texas Local Government Code allows counties some leeway on development. Plats and subdivisions of land within the unincorporated area of the county to promote the health, safety, morals or general welfare of the county and the safe, orderly and healthful development of the unincorporated areas of the county. Safe, orderly, healthful morals. We're allowing something that goes against all of those.”

Judge Frank New said, “So here's my stance. I'm realized I'm a little long winded. I hope you all can see my passion for this. And my reasoning for this. I am not anti-development. I am anti promising something you're not delivering. I am anti allowing you to diminish the quality of life of our citizens. I am anti people building cities in our county and people being taxed without representation. Just fundamental.”

Judge Frank New said, “We have fought wars in this country for that exact thing. Taxation without representation. So my thoughts. And if I get my way and we're not voting today, as I said, workshop rules of decorum are out the door. We can talk, quite honestly and openly about this. And I don't expect to get it resolved today. I expect we'll probably have to have another workshop before we bring this to the court for a vote. But that that is where I stand. I'll be quiet and quit sucking all the oxygen out of the room.”

Commissioner Dennis Bailey asked the engineer, “Question. Connor. Freese and Nichols is not in a position to support these issues today?”

Connor Roberts County Engineer said, “That's a good question, Commissioner. And I think this is how I'll answer that. I think there are a couple of things that we as a group have already got consensus on roadways and drainage. Right. Those are the things that I think are firm. And even then there's discussion to be had. You know, I sort of teased the impact fees. I think that would be a great topic to have some of the subject matter experts at my firm come and actually dive into that deeper. So that I don't misspeak on it, frankly.”

Connor Roberts County Engineer said, “And, when it comes to drainage, you know, a lot of our developments, maintain a lot of that drainage internally and don't may not actually have that external impact on county infrastructure. You know, all things considered, of course, there are potential exceptions to that.”

Connor Roberts County Engineer said, “And that's where we'll step in to handle that. I do think that when it comes to issues beyond that, I think it is a policy decision on the on the court. In our involvement in identifying that actual apportionment cost is going to be difficult for us just simply because that's not our sort of realm of. Right. And so I'm glad you asked. That's kind of how we've viewed this internally is, you know, as you're consulting engineer, we're here to help.”

Commissioner Dennis Bailey asked the county engineer, “That's why Judge New wants to bring this to a workshop for discussion. One of my questions and probably the most recent, individual on the court that has had city responsibilities. I served as mayor back in 1983. That's thirty some odd years ago. However long it is. You do the math on that. A lot has changed since then.”

Commissioner Dennis Bailey said, “Some of the ideas that we set forward in those earlier discussions about the development of the city were exactly where you are today. Okay. However, there is that big blue book over there, the Texas Local Government Code. (Commissioner) Dana, does a city include in their impact

fees and their able to have impact fees. Correct. We all agree on that. Do they include the bricks and mortar of building a school in their impact fees?"

Commissioner Dana Macalik answered, "Not necessarily, as I recall. Maybe there's some indirect indirect. But no, that is not something that is has a direct impact. No pun intended."

Commissioner Dennis Bailey asked Frank New, "Frank, you've been involved in impact fees also. Did the city of Heath include?"

Judge Frank New answered, "It did not did not."

Commissioner Dennis Bailey continued, "It does not mean why you why you want to go there. No, I'm just saying they are not there."

Judge Frank New interrupted, "In Texas."

Commissioner Dennis Bailey continued, "Yeah. But hey, I don't want to live anywhere else. So I want to stay here and change or affect the legislature to be more responsible as to the growth in the state. They certainly have issues that they deal with in municipalities. There's a new section or a different section where they deal with growth in the unincorporated areas. And then there's this third thing that an interlocal agreement must be approved between a city that has ETJ area based on the population that ebbs and flows."

Commissioner Dennis Bailey said, "However it comes. But in the ETJ areas, you must have an interlocal agreement. That's exactly where the representation part of this falls. If you have somebody that is in an ETJ area, I agree. They don't know who supports them or votes for them. That's the creation of an ILA. So they do have representation. Because the city and the county must agree on what enforcement will happen in that ETJ area. So to say that there is no representation."

Commissioner Dennis Bailey said, "Everybody that wants to do anything and we have many, many citizens that come in here and talk to us about representation, whether they're in a city. We have people coming in here that live in a city saying, what's the sheriff's office going to do about that? We have through representation the jail system that we have and we have the courts that we represent and deal with. So I take a strong opposition to your position that there is no representation because that's not true."

Judge Frank New clarifies, "Let me clarify that just a little bit. So they are not without county representation. I represent everybody in the county. But when you build what looks like a city, your expectation is you have a mayor and city council that you elect. Not MUD directors who live in a high rise in Dallas. You have an expectation that you can elect your neighbors as mayor and council. You are, in fact, without representation in regards to that MUD tax you're paying, you have no. You cannot vote your way out of a MUD tax."

Commissioner Dennis Bailey replied, "Hey, that's obvious when you buy."

Judge Frank New answered, "One hundred percent, you get a stack. This this big? That that you signed somewhere."

Commissioner Dana Macalik interrupted, "And as a realtor. As a realtor, I'm going to say, I would say that a good majority I can't say exactly what percentage, but I think it's a larger percentage. They truly don't understand what the legality of the MUD is and that it is a lifetime. Okay. And and what that percentage is when they until they get their first tax bill."

Commissioner Bailey asked Dana, "So what's the disclaimer on the document that they signed. Does it actually explain does it say buyer beware?"

Commissioner Dana answered: "No it doesn't say buyer beware. Not exactly like that. But it does. **It does bring out municipal utility district.** It is kind of like he said, there's a whole lot of those buyer beware on that, on all those documents."

Judge Frank New said, "You sign your life away and you can't even if you sign a document, you can't get past the fact if you're moving into a city that has 6,000 homes, **your expectations are that you've moved into a city.** And there's no way around that. You move into a dense area like that."

Commissioner Dana Macalik added, "It's more about their expectations of the services they're going to receive."

Judge Frank New said, "One hundred percent. I move into a city in new homes. I have representation, I have city services. And that's not the case. You still have county services, which, you know, I go back, you know, we've got some developments that I look at, and I send plats over to the sheriff and say, in order to maintain our citizens current level of service from just the Sheriff's department."

Judge Frank New said, "What is this going to cost us? Not in payroll, just in vehicles, tasers, batons, weapons, ammo. Just the hard cost that we have to have every time we get a new deputy. There's some of these. It's millions we need in order to just maintain the level of service, not to increase it. It's going to cost the citizens of the county. Sometimes it's \$8 million dollars, sometimes it's \$4 million dollars, but it's millions just to maintain the level of service because somebody built a city."

Commissioner Dennis Bailey interrupted, "And they're playing ad valorem taxes."

Judge Frank New said, "They are paying ad valorem taxes one hundred percent, one hundred percent. And and, and and we are their representative. But what what they're also paying and **again this gets me back to the morals.** They're paying that MUD tax. Municipal utility district. They are not receiving municipal level services."

Judge Frank New said, "They are receiving county level services. You know, you look at the fire departments, they judge and I've got papers here. **Or are you urban or rural?** It determines how many people you have to have there at all times. And it goes up drastically. I mean, it's, you know, you have to have four people with their hands on the truck at all times. Then you have to have fifteen to go out and fight the fire."

Commissioner Dana Macalik said, "There's even clarification from the, from the, the emergency management side as far as the ambulance service too. That all has they have, you know, different little not a different set of rules, but they have different expectations depending on where you reside."

Commissioner Dennis Bailey said, "**We have complete oversight throughout the county.**"

Judge Frank New said, "We do in complete representation? What we don't have is again city representation into. You and I can disagree. They have built the city. You're building a city."

Commissioner Dennis Bailey said, "And I somewhat don't disagree with that, Frank."

Judge Frank New said, "All right. I may name one after you just so you get around to naming."

Commissioner Dana Macalik said, "But I also think that it is. I mean, we're here to talk about Rockwall because we all live in Rockwall, and we care about Rockwall and our citizens and this quality of life, etc. But this is not something that is new in, in several different counties in Texas, especially ones that are within an

hour of Rockwall County right now that are, that are dealing with the same issues that we're sitting here talking about. And they are they're trying to do all of the the exact same discussions, and they're trying to look at ways to ban them, you know, to block these because of the issues that the that the judge has, has described here. And, and it's a it's more of a this is a statewide issue, guys.”

Judge Frank New said, “Colony Ridge has has everybody's attention. Yeah. Uh, outside of Houston, just because they look and, you know, we're going to have 40,000 homes here. Well, I can tell you, every county is fighting this battle. You know, I get on Twitter and there's real estate guys that say, hey, you want to know the next frontier where you can make money bone up on your knowledge of ETJ's. Developers are just they - they've spotted it. They know where they're going and they know where the gaps are, and I'm okay with that. **Until you build a city and you overrun my citizens infrastructure and diminish their quality of life, then I have an obligation to stand up.** Um, and that that's where we're at today. I'm standing up.”

Commissioner Dana Macalik: “And I can't solve it today.”

Judge Frank New said, “Can't solve it today. **I can point at it and call it immoral.** And I can tell you what it is and I can tell you what it's doing.”

Commissioner Dennis Bailey said, “So my rebuttal to that is we do receive ad valorem taxes and that is **what we fund all of the responsibilities that a county has to do. And so there is ample money there for it as these numbers grow.** And and I am not a person for total growth. Okay. Let me say that.”

Commissioner Dennis Bailey said, “**What I want to do is to be sure what the municipalities want happens in their corporate city limits as well as the ETJ area, that they have a responsibility to come to us and negotiate that.** So, uh, you know, that's that's my position, uh, on it.”

Commissioner John Stacy said, “So I just wish the people of Rockwall County would have elected a judge that's passionate about something. Um. So go through your list one by one. I have some comments to make as we go through, the list that you develop. So I know open space is down, down. So we won't take it in any order of importance.”

Judge Frank New said, “I'm going to move open space to the top.”

Commissioner John Stacy said, “So open space. So. So let's start there. I have a question. Yes, sir. Are cities allowed to charge fees for parks?”

Connor Roberts (Freese and Nichols) said, “There is a parkland dedication typically. So it's either through the construction or in lieu of pay.”

Commissioner John Stacy said, “But I'm saying but cities are allowed to fee because Rockwall does fate does does I. Almost positive he does. I didn't even have to ask. I'm pretty sure they do. So that is something that municipalities have the ability to, to tax, to take a fee or a tax. It's, it's from the developer, from the people buying the homes that they basically pass on to the people and manage a fund for parks and open space type concepts.”

Commissioner John Stacy said, “So I developed that fee in (city of) Fate for their parks, which basically all we did was take what Rockwall did and then changed it to Fate. No, but it's pretty close. Um, but we took the Rockwall ordinances on the park fees, and now that we have Joe Burger Park in South Fate, that was funded a little bit by bonds, but it was purchased out of the park fund. Then we have Robert Smith Family Park in the north side that are regional parks, and then we have a central park in downtown that they're building.”

Commissioner John Stacy said, "So when the developer comes in, they have to pay for a local park, and then they have to pay for a regional park. So we've created all these zones. I'm just telling you that to say open space is important. If we're looking at a concept of acknowledging municipal services and potentially going down the road of an impact fee, maybe doing open space zoning and zones and districts throughout the county when folks pay is something that we might be able to defend saying, okay, well, you are impacting this area and this is your impact to the county for this, that or the other."

Commissioner John Stacy said, "I know there's a whole open space plan. I'm ignorant to it, but I'm just saying, as we start looking at the parallels of what your kind of brainstorming back to us, I think parks and Open space kind of falls along something that mirrors what cities and municipalities can do."

Judge Frank New said, "Yeah. Let me just say briefly, the Open Space Alliance plan does have maps and they have identified causeways, reservoirs, they've identified floodplains."

Commissioner John Stacy said, "So then then then you can actually look at that plan and fund it through apportionment is my point. What's your next one?"

Judge Frank New answered, "Schools."

Commissioner John Stacy said, "Okay. We're gonna have to take that to the side. What's your next one?"

Judge Frank New answered, "Roads."

Commissioner John Stacy, "Roads are roads. Obviously road impacts make sense? Yep. Uh, yes."

Commissioner Dennis Bailey said, "County roads."

Judge Frank New answered, "Well, so tell me, what's the difference between a county and a city road?"

Commissioner Dennis Bailey said, "Who has the responsibility for maintenance? Now tell me, if somebody builds a city inside the county. Who has responsibility for those roads?"

Commissioner Dennis Bailey said, "It depends on that development agreement. Whether or not the developer takes on the responsibility to continue to maintain that road."

Commissioner John Stacy said, "According to our subdivision regulations, that the people that live there own the roads are all private roads."

Commissioner Dennis Bailey said, "Yeah. And and it's, it's it's our position or I'm thinking that we have written into our subdivision rules and regulations that we don't accept any more roads."

Judge Frank New answered, "So very, very important part of it. So that answers my next question that I have to ask is all right. Who owns it? Who makes them own it? And the answer is we do. We're the ones that say we're not taking it. We're not taking it. But you. That's your problem with county roads."

Commissioner Dennis Bailey said, "But that doesn't have anything to do with County roads."

Judge Frank New answered, "It doesn't, but it sets a nice precedent of we're not taking it and paying for it. We're going to make you take it and pay for it."

Commissioner Dennis Bailey said, "I support that."

Judge Frank New answered, "Yes, one hundred percent. But that gives us kind of an option where **we can do that with other things**. We can say, you all right. You you have indicated that you have this level of service. You provide it. So, uh, where was I? ESC, EMT, emergency services Corporation, emergency management."

Commissioner John Stacy said, "I think that when you look at, uh, the different cities and the fact that have to pay into that, I would say that it would be incumbent upon us within the development agreement to say, if you're going to have twenty thousand people there, **then you need to pay your proportionate of the ambulance services**. So I do agree, because of how the county is set up. We pay half and then all the other entities pay the other half. So that would make that would make sense to me. What's your what's your next one?"

Commissioner Dennis Bailey asked, "How do we pay half of that?"

Judge Frank New answered, "Through the ESC the county pays half the member cities."

Commissioner Dennis Bailey asked, "Where does the money come from?"

Judge Frank New answered, "Our money comes from the taxpayers."

Commissioner Dennis Bailey said, "Okay."

Judge Frank New answered, "One hundred percent. But just our half. So the cities realize that they are using a disproportionate cost is the reason they fund the second half. You put thirty thousand people out here, they are going to use a disproportionate cost but aren't going to fund any extra."

Commissioner Dennis Bailey said, "And I'd recommend that the representation that the county has on the ESC fights for equal proportionality of those fees. Why do we have to pay half?"

Judge Frank New answered, "Why does the county have to pay half? Yeah, I mean, that's a good question. I truly don't know the answer. The reason I pay half is the good old because we always have is, is when I sit down in this chair, we were paying half and we're still paying half."

Commissioner Dennis Bailey said: "So let's talk about let's talk about proportionality as it relates to that okay."

Commissioner John Stacy said, "Fire. House Bill 1916 based around fire and police. So, um, if they have private roads. **Who has the ability to write tickets for people that are speeding on a private road?**"

Sheriff Garrett answered, "No."

Commissioner John Stacy said, "That is correct. It is a private road. It is the same way. If someone made a driveway to their country. Five to twenty acre family lot, that's how they're treated. But yet you're going to put twenty thousand, fifteen thousand people in a neighborhood. Who are they going to call for speeding, for issues, for policing? **The legislature already knows this. MUDs can create security and police.**"

Commissioner John Stacy said, "**So I just think that keeping that onus on the district is super important to say you are going to police your roads and you are going to provide fire to your folks, and that is going to be something that you want to do. Now, to be fair, there has not been a proposal brought to us that hasn't included fire.** They say I'm just trying to be fair. The entities that have come to us since we've said in these chairs have all worked through some sort of fire plan, whether we agree with it, whether we flushed it out. So I'm saying they're also acknowledging that it's important."

Judge Frank New said, "They have acknowledged. Now, I think and again, it's my opinion that they're making a effort to check a box. And that is all. When again, when you're building a city inside that city should be a firehouse with fire men and or women and fire trucks and all the implements needed to put out fires in that city. And they're not doing that. They're making a deal with somebody up the road who's got mutual aid agreements with somebody else and comes and everybody comes, and the entirety of the county pays for it, including the county."

Commissioner Dennis Bailey asked, "So can I ask you a question? So if we have gated communities. Those are private streets. So who writes tickets? It has to be a private. Yeah, correct. Yeah. What's the responsibility for the sheriff? To private streets. We, um. There are, um. Well. Hey, McLendon-Chisholm's here. There are a number of cities or streets in McLendon-Chisholm that are privately owned that we don't do maintenance with."

Mayor Pro Tem Adrienne Balkum answered from the pew, "That's true."

Commissioner Dennis Bailey asked the Sheriff, "Yeah. So can you issue a ticket?"

Sheriff answered, "No. We can patrol, but we don't enforce the traffic laws on private streets."

Judge Frank New asked, "Did we finish fire?"

Commissioner John Stacy answered, "Yes."

Commissioner Dennis Bailey said, "That's the only point I want to make."

Judge Frank New said, "Well, let's move on to jail."

Commissioner John Stacy said, "That one I recognize. And we can take that in conjunction with police slash sheriff. No, no, no. I agree. And is that that I think if we were, if we were to state, which I don't want to characterize it this way of of of Commissioner Bailey pushing back against your infrastructure list. This is one I think I more agree with Bailey because it is in the county at valorem tax."

Commissioner John Stacy said, "It is part of, I mean, we're not going to charge a MUD for a district court. We're not going to charge a MUD for, for for that sort of county infrastructure. But, um, so so I'm just saying that one I kind of don't see so much of, hey, that's really on them, that's really on the county. Now, I have a whole thing about your orderly stuff that I'm going to get to. As far as orderly development, I'm just going through your list one by one. I just think that one really falls on the county all the time."

Judge Frank New said, "Okay."

Commissioner John Stacy said, "That's just my opinion. I mean, I'm just one person."

Commissioner Dennis Bailey said, "Can we charge municipalities to stay there?"

Commissioner John Stacy pondered, "So you could if they have a police force and they're getting, you could actually charge the MUD to house their prisoners."

Judge Frank New asked, "What if they don't have a police force?"

Commissioner John Stacy said, "Well, we can get there. So a jail contract would make sense. But not necessarily a broad jail."

Judge Frank New said, "Water?"

Commissioner John Stacy said, "One hundred percent. I agree with you one hundred percent. Those are also impact fee available with wastewater and water."

Judge Frank New said, "Uh, we'll just continue with utilities. Broadband electric, natural gas."

Commissioner John Stacy said, "Okay. That's where I kind of go sideways. Um, those are really weird because this city. That no one is going to build a subdivision that doesn't have internet anymore for marketability. I would hope. Okay. But I don't feel that it's the government's job to make sure someone has internet."

Judge Frank New said, "The state of Texas may disagree."

Commissioner John Stacy said, "I disagree with the state of Texas."

Judge Frank New said, "As do I, as do I, but it is one of the things where they've actually taken a stand and said broadband is a critical infrastructure when when you shut down the schools, kids didn't have access to be able to do their homework."

County Attorney Victor Carrilo interjected, "Mr. Stacey, if I can interject. And in my prior role, I was I was involved with a charter school system that's statewide. We happened to have had a couple of schools built in Colony Ridge. The broadband infrastructure at that time, which was last year, is horrible there. So when the statement is made, the developers aren't going to go in and build out something without providing internet. Well, at least there, which is a huge development that has occurred just by way of background."

Commissioner John Stacy said, "Okay. No, and that's fair, but I'm just saying that's one of those that because what is the city going to do? I mean, a city doesn't mandate broadband. At least they didn't when I was on planning and zoning and in the city, as you know, recently, as a year ago or whatever. I guess we've been here a year, about two years ago when I was in city government. But I do think that that's something that we should consider. I just don't know if that works into infrastructure proportionate. It's definitely infrastructure. I just don't know if it falls under infrastructure proportionate."

Commissioner Dennis Bailey said, "Yeah, and I spent forty years in that industry."

Commissioner John Stacy said, "But to your point, if the state of Texas considers it infrastructure, then I'm all for having a conversation if we could consider it. So I'm just saying like those just stood out to me when you read your list."

Commissioner Dennis Bailey said, "Going for wireline to wireless. Change the entire world."

Judge Frank New said, "Electric natural gas. And clearly we would not let somebody build a home. If they said, I'm I don't have electric and I don't have a way to heat it."

Commissioner John Stacy said, "Correct. I think it should be considered. I just don't know if it falls under proportionate. It is something that is absolutely necessary. But because I don't know, that's the one that and the schools do too. But I want to have a separate school sidebar. Um, because you're right, you have to have them. You have to have it. But is there any fee that any city can charge for?"

Judge Frank New said, "I would argue. And again, this is Rockwall County being the tip of the spear. Uh, I would argue I see a movement afoot with what the state legislature is doing. We're going to have to and I would advocate if we can get this done at the county."

Judge Frank New said, "My very next step would be to go on a speaking tour to all the cities and say your rough proportionality should include schools. We should no longer allow the developers to come in and put the burden on the rest of the citizens."

Commissioner John Stacy said, "We're talking about gas and electric now. Schools are separate."

Judge Frank New said, "Sorry, I got back on my soapbox. I'll get off again. All right. Okay. Drainage. Animal control? Residential building inspection."

Commissioner John Stacy said, "Yes, someone has to pay for it. Someone has to do it."

Judge Frank New said, "Dispatch. 911 services. GIS."

Commissioner John Stacy said, "Yes. The other thing you did not include is trash. Refuse."

Judge Frank New said, "How come the rest of you didn't come up with things to add?"

Commissioner Dennis Bailey said, "That was brought out. Yeah, a couple days ago."

Commissioner John Stacy said, "So let's go to the schools. The schools are a municipal government, you vote on a board. They're a governmental entity. And and so when. Yeah. I'm sorry, I didn't mean to use the word, but I'm just saying they are a local government entity. I agree with your passion for representation, but the schools are represented here in this context. Now, I also know with you that there isn't a school district that I am aware of that says, look at this land in the county."

Commissioner John Stacy said, "We need to account for twenty thousand people living here in our building plan. So I'm more along the lines of if someone's going to bring that development forward. You go to the school board and you say, what does this do to you? You need to go talk to the developer about your needs. And if they can't, then we can go and under 232 and say, this is out of order, you are overrunning a public infrastructure. And for that reason, we can't let you come in."

Judge Frank New said, "Uh, agreed. In my mind, the way it works is an interlocal agreement between the school and us. And we heretofore have not done but could do."

Commissioner John Stacy said, "And I just, I just kind of wanted to flush that out a little bit. Because right now, in the city of Fate, there are ten board of directors of MUDs that are up for re-election because the City of Fate, I think, has 8 MUDs or nine MUDs within it. Currently because of the efforts of Allen Robbins. So I'm going to give him a good shout out. He has seven local people running for those ten seats. So for MUDs that have been around since the nineties, for the first time in the history of Rockwall County, we might actually have local people representing the MUD board has never happened."

Commissioner John Stacy said, "So that's kind of an exciting development. But what does that even mean? They what power do they have? All the debt has been issued. Everything has already been done even before it. So while we get some local representation you don't have it. But I could only imagine how frustrating it would be if you lived in a city, in a county, like what's happening in Kaufman County, what's happening around Katy, Texas, and Ellis County, because it looks and feels like a city and it ain't a city. So who do you turn to? They turn to us. We're their local officials. So the one spot that I completely agree with you is it would be our job to stop the mess before the mess gets started."

Judge Frank New said said, "Protect the quality of life of our citizens and our future citizens."

Commissioner Dennis Bailey said, “And to impose our subdivision ordinances.”

Judge Frank New said, “Correct. Which is what we're doing. We are about to codify our what is infrastructure.”

Commissioner Bailey said, “So we've kind of had a hybrid of these developments that come about. That part of the city's. Part of them are in the county. There's all kinds of mix and matches that goes along. We've not had one that's truly maybe in unincorporated area one hundred percent. I don't know.”

Judge Frank New said, “Wildwood.”

Commissioner Dennis Bailey said, “Wildwood is an example. Yes it is.”

Commissioner John Stacy said, “I have a question for you. Since you've been patiently standing at the microphone, stand by. So I've been on capital impact advisory committees. I've been on planning and zoning and the City of Fate. I've gone through three studies on impact fees. They require a lot of planning and a lot of money put into them to create an impact fee.”

Commissioner John Stacy said, “How in the world can a county that can't create a floodplain (FLUP), cannot produce a future land use plan, cannot zone? How can we even create a wastewater plan? How can we create a water plan? How can we say this roadway was in our list? So now you have to pay your fifty percent based upon this amount of money when our roadways are county state for these sorts of things. Um, so I like the idea of going down the road of an impact fee, but we don't even have the authority. Like it's not even close to be able to say, okay, this is what our wastewater infrastructure is going to look like.”

Commissioner Dennis Bailey said, “You have no zoning rights.”

Commissioner John Stacy said: “Yeah. Correct. And so so when we do it in the like, like I said, I mean, I, I live in the city of Fate. And when we've done it, we look at our comprehensive plan, we look at our future land use plan. And we say, well, we're going to need a big old sewer line to go here. If this becomes commercial, we're going to need this to go here. And you put the cost of all that on a table and you divide it out and you say, it's in our five year plan, and you go and the impact fees are great. But without that level of planning, I don't know how we can get there. We can create maybe something similar to it, but I don't know.”

Commissioner John Stacy said, “That's where I know you said it. And I apologize because I've been in the weeds on impact fees before and just I'm having a hard time seeing how we could get there and create a proportionality there. It almost seems like the county is ad hoc where it's like, well, you're going to do this. Well, this is we've got to add all this up and look at all this. And this is what this is all going to cost. Like, I don't know that we can do something as similar to because impact fees are great. But you you do know you were in the city. The impact fee is a negotiation ploy. You start you start putting the impact fees on there so that you can negotiate with the developers to get impact fee reimbursements and get better deals out of what's happening. That's how they're utilized.”

Connor Roberts (Freese and Nichols) said, “Right? I think it's a great point. I'm glad you brought it back up, Commissioner, because I want to make sure that we understand this is something that, you know, our role in this is to is to brainstorm, right? That's what our workshops are for. And so when we talk about apportionment, all we can do is take a look at, well, what do cities do. And that's why I wanted to bring this slide back up because I wanted to make sure everyone understood.”

Connor Roberts (Freese and Nichols) said, “We're talking about this is the sort of the municipal go by, so we're by. No, I didn't want to misinform and say, oh, yeah, I think we for certain, for certain can do this here.”

That's not what I'm trying to say today. I think what I'd like to do is discuss further on our side to understand where does that authority lie? Because you're absolutely right. There are land assumptions.”

Connor Roberts (Freese and Nichols) said, “There's the CIP. You know, you've been on that board. It's an extensive project that our firm works with other municipalities to do on a on a semi-frequent basis. And it's the sort of the ambiguity of two thirty two one one that now makes us start to question and ask internally. Connor Roberts (Freese and Nichols) said, “Okay, well, if we can do that, how does that look? Well, let's look at what we've been doing forever in cities and okay. Does it does it look something like this. That's I wanted to make sure thanks for the clarification. Because I think it's important to note that we're not right now in this instance saying, hey, here's, exactly what we can do. I just think it's something worth bringing up to.”

Commissioner Dennis Bailey said, “So in a in a proportionality. The developer would fund one hundred percent of that.”

Connor Roberts (Freese and Nichols) asked, “Of what? Commissioner? I just wanna make sure I understand.”

Commissioner Bailey said, “If there is no water. The developer has to fund one hundred percent.”

Connor Roberts (Freese and Nichols) said, “It's the proportionality impact of the development.”

Commissioner Dana Macalik said, “Nothing is there.”

Connor Roberts (Freese and Nichols) said, “I understand. In the current instance without anything there. Is that what you're getting at, Commissioner?”

Commissioner Bailey said, “Yeah.”

Connor Roberts (Freese and Nichols) said, “Right. And I see where you're coming from.”

Commissioner Dennis Bailey said, “So you know. There are other requirements. And hey, we heard a lot of, uh. good candidates. The other night, uh, talking, uh, and I want to go back to my issue with the restricting of development agreements and MUDs. And I have always been in a position to say you must address this at a legislative issue, period, because there are certain rights that they do have that have been interpreted, you know, along the way. It's not spelled out, Frank. It's not. Not to the tune of of what we want at all. But, um, our representatives. Need to be held accountable.”

Commissioner Dennis Bailey said, “Both as the House Representative and the Senate Representative. I exposed to several of you as to what I thought the intent of 1916 Senate Bill was. And that was nothing more than to force it over to the Senate. We had representation on the Sunset Review Committee. We had representation on the Sunset Review Committee, which was specific towards TCEQ right, and no changes got made.”

Commissioner Dennis Bailey said, “So, I want to push as hard as we can. There are laws and rules and I'll abide by those. You're wanting to set some new rules, and I don't disagree with you, Frank. And we'll see what the legislature does. But you know what if the rules and regulations that we are placing on our subdivision laws are not proven to be unconstitutional. Then they can do whatever they want to. That's the bottom line, folks. So let's change it.”

Judge Frank New said, "I agree with that. I agree with that one hundred percent. The change has to come there. The fundamental ultimate change. What I disagree with is I can't sit here and do nothing. I have some rocks and I have a sling, and I'm going to pick them up and I'm going to shoot them."

Commissioner Dana Macalik said, "Well, at least it's not a toothpick now."

Judge Frank New said, "So I've got more than a toothpick now. So I have got to fight, fight the battle. Because when I go up to Austin and I've had this conversation many times that you guys are tone deaf. Counties and cities around here fighting for our lives. I am fighting for the very soul of Rockwall County. The Senate approved over one hundred districts with little to no discussion at the last session. And I say over one hundred because I got so mad when I sat there and counted them. I had to get up and go for a walk. And it is not right. It is tone deaf. We are fighting tooth and nail here. And I'm not going to stop. It is not in me to stop the fight and wait on help when I know help, help ain't coming."

Commissioner Bailey said, "Yeah. And, John, you mentioned the other day at the close of our, Commissioners Court that we just recently got approval from the Texas Association of Counties and Commissioner."

Commissioner John Stacy said, "County judges and commissioners passed a resolution to go down to Austin and start fighting for MUDs that the infrastructure can come through the counties."

Commissioner Bailey said, "And another Tool for you to be able to use. Let's abide by the law and let's go change the law."

Judge Frank New said, "I agree with that. But again, I can't, I can't. We have a multi-front battle that we're fighting. Battle is in Austin, but the battle is also here. I'm not going to drop my weapons here, uh, and wait on Austin because, uh, and I'm not being overly dramatic. In two or three years, it could be game over for Rockwall County, I understand."

Commissioner John Stacy said, "Connor, we have court on February 13th. Are we going to have subdivision regulations to vote on with the read copies that you've shown us with the red lines?"

Connor Roberts County Engineer said, "I can make that happen. Certainly."

Commissioner John Stacy said, "Yeah, that would be great. You can talk to Mr. Carrillo about getting that to happen."

Judge Frank New said, "Let's go back. Was that all the infrastructure? You had your questions?"

Commissioner John Stacy said, "Oh, that is all the questions I have for you. I just wanted to flush out your list a little bit and get a little bit better understanding of how you wanted to attempt to mess with it. So yeah, because there's no denying what infrastructure is in. To your point, infrastructure is all of that. But there has been a division whether, you know, like like can can a school district do something? They can, but a city can't compel a school district to do it."

Commissioner John Stacy said, "So while the school district exists as a local government, does that fall under 232, or is it the school district's job to come forward and say, this is a big problem? Yeah, that's what that's kind of what I'm getting to. But there's no doubt that schools are infrastructure. There's no doubt that quality schools is what keeps home values up. Like nothing you're saying isn't false. It's all true."

Commissioner John Stacy said, "The question comes in to we have to be extremely pragmatic so that what we're doing can actually work. I am, I am some I'm over here, but I'm somewhere in between the two of y'all

and where and where you're getting to because I don't mind being on the front lines. I know it's a multi level thing. I don't mind being cavalier, but I also want to be extremely purposeful in my cavalier activity. I don't want to just start throwing rocks.”

Commissioner John Stacy said, “I'm not, I'm not Frank knew he wants to start throwing rocks at everybody. Um, not to mischaracterize you, but you're here to defend yourself. Um, I want to be extremely focused and purposeful, and I want to think about us not shooting shotguns, but shooting rifles. I want to aim, and I want to shoot over and over again as to as many targets as we can. That's just my analogy that I'm going to throw to.”

Commissioner John Stacy said, “I don't want to throw rocks, I want to shoot bullets, and I want to aim, and I want to make it on purpose. And I don't care that someone says no one's ever aimed at that target before. I'll aim at it. I'll go fight that fight. But I just I just want it to be very, very on purpose. Which is why I wanted you to go through your list again.”

Commissioner Dana said, “No, I pretty much agree with with with both of of Commissioner Bailey and Stacey. I do think that we're going to have a different, um, climate at the next legislative session. One, because of the TAC and what they're doing. But I believe that there are a number of other counties, more than just what we've known in the in the past six months. For me, they are they are putting together opposition right now. And we're going to I think we're going to have a bigger voice. And our legislators both from our, our district, but from the other districts as well, they're going to have to listen.”

Judge Frank New said, “I have a list of twenty that have reached out since our presentation at TAC.”

Commissioner Dennis Bailey said, “So it all boils down to private property rights.”

Judge Frank New said, “The citizens outside of this development have property rights as well. The remainder of the county. We all have property rights. You can't diminish our rights as a business plan.”

Commissioner Dana Macalik said, “So one question I would have is as far as some of the major, the small cities as, as the judge has, has referred to that have put in MUDs and put in communities. Um, and we'll talk about Colony Ridge specifically. Um, do we have, um, can we look at what their, their fees were and how they, uh, you know, those occurred with the, the developer or developers that are inside that?”

Connor Roberts County Engineer said, “You're speaking of the ones that are have already been established?”

Commissioner Dana Macalik said, “Yeah.”

Connor Roberts County Engineer said, “I think that's part I just want to remind everyone that's part of our role in this is, you know, you guys have asked us to be creative with how we approach this. That's kind of why we're, you know, we kind of throw things up on the wall internally at freeze and try and see what we can do to bring it up. So I think that's another great angle.”

Commissioner Dana said, “Because I don't want us to just take the position that because we've always done it that way.”

Judge Frank New said, “We're okay being the tip of the spear here. Um, okay.”

Commissioner Dennis Bailey said, “All right. Being the the pioneer.”

Commissioner Dennis Bailey said, "One last question of you, though, is, uh, you have sent, as we are discussing, county infrastructure, you have recently sent correspondence to Mr. Merritt indicating that you have fully approved of the Wildwood construction."

Connor Roberts County Engineer said, "We did release a letter that we feel it meets the technical requirements of the subdivision regulations. Yes, sir. That's correct. We did release that to Ron."

Commissioner Dennis Bailey said, "And so it's our move then next. To put that on an agenda and approve it."

Judge Frank New said, "It is uh, and to apply our 232.110 apportionment of county infrastructure, which that that is the impetus that brought us here today to try to figure out what is infrastructure, what what are we going to hand them. So that that's why we should probably have this discussion at the very next court."

David Booth DR Horton spoke up, "My project can't wait. We're the developer of the Wildwood subdivision. Um, as Connor said, our engineering plans are approved. I'm the one that bought that project. I've got a responsibility to our company. And, um, you know, we've met all the requirements. I think we could make a case that we're under the old subdivision ordinance, but best we can, we're trying to comply with the new subdivision ordinance, and we're ready to develop. We've got customers that want our product. And, uh, you know, we're just we're ready to go. And I guess I feel like there's roadblocks that keep being put in front of us. And so far we've met all those roadblocks. We've complied with it."

Judge Frank New said, "I think the final step again is our apportionment of county infrastructure, which is what we're trying to work out today. Ideally, we get it to our next meeting, so we determine exactly what kind of invoice we're going to give Wildwood. What what is their portion of county infrastructure. So that that's exactly what what we're trying to ferret out today."

David Booth DR Horton said, "We we had an agreement. We've got an agreement with this, the county to address the roadway that's out there, because it was in horrible shape before we got there. I've got video of it. Um, we worked with the commissioners court and we have an agreement in place. Um, so I think we've already been there."

Judge Frank New said, "We've been there with with phase one that was platted, you know, they didn't phase two, where we're in phase two."

David Booth DR Horton said, "Yeah, that was over the whole project."

Judge Frank New said, "So phase one was the whole project?"

David Booth DR Horton said: "No, the agreement was over the whole project."

Judge Frank New said, "Okay, well, we will take a look. I'll have legal counsel take a look at that agreement. Um, the way I understand it, phase two is independent of phase one and goes by the new rules. So, um, that I said, that's the way I understand it. So again, I'll have legal counsel look at it. But we are trying to move forward. You're technically complete with your application. We are trying to get to the point of what it means to be a good neighbor. So we're trying to get to the point of your apportionment of county infrastructure, and we're trying to get there quickly and hopefully at our next meeting we have that ironed out."

Commissioner Dennis Bailey asked, "And so in the workshop, I'd like to ask Felicia to post the Wildwood project on the web for approval. And we can have the 232 proportionate. Prior to the having of the up or down vote for the Wildwood. But we but we need we need to get it on there."

Judge Frank New said, "Okay, I agree with that."

Commissioner Dana Macalik said, "So of course, with that date being the thirteenth of February and we're on the second today, Connor we probably are going to need something from you sometime. Middle part of next week."

Connor Roberts County Engineer said, "We'll get moving on it."

Commissioner Dana Macalik said, "Going to need something from Connor for them to give us Freese and Nichols to give us the their assessment of the fees and so forth."

February 2, 2024 — Rockwall County Commissioners Court Workshop Meeting

Agenda Item: Discussion of and presentation of: a) City of McLendon-Chisolm's proposed Interlocal Cooperation Agreement with Rockwall County, and b) Development Agreement with DMDS Land Company, LLC relating to the development of River Rock Trails Municipal Utility Districts 1 & 2, and all related issues; (Commissioner Bailey)

Presiding: Frank New
Commissioners: John Stacy, Dennis Bailey, Dana Macalik,

Not Present: Cliff Sevier

City Representatives: Adrienne Balkum, McLendon-Chisholm Mayor Pro Tem

Applicant Representatives: Josh Bethke with Coats Rose MUD attorney. (DMDS / River Rock Trails)

County Engineer: Connor Roberts (Freese and Nichols)

Governing Body: Rockwall County Commissioners Court

NOTE: Rules of Decorum were waved. No invocation and no pledges.

Judge Frank New said, "Agenda item number 4. Discussion of and presentation of a City of McLendon-Chisholm's proposed Interlocal Cooperation agreement with Rockwall County and Development agreement with DMDS Land Company, LLC relating to the development of River Rock Trails. Municipal Utility Districts 1 and 2, and all related issues."

Commissioner Dennis Bailey said, "Okay. Thank you. Judge. I had attended the January 9, 2024 (City Council) meeting at McLendon-Chisholm and the vote that was taken on the agenda item and vote was taken to approve a development agreement. That was between the what are they called DMDS and the city. I think there was also some motion that was made that, uh, said, hey, this also relates to an interlocal agreement that must be, uh, agreed to with the county. So when, on the 10th, I guess it was."

Commissioner Dennis Bailey said, "When we had our Road Consortium Meeting, I asked Judge New, if he had said that, hey, we're going to have a workshop, and we're just waiting for Freese and Nichols to get back to us and give us a date and time. And I said, well, can I place this on that workshop also? He (Frank New) agreed."

Commissioner Dennis Bailey said, "And so the city's vote was that they had a consent item and it related to the ILA (Interlocal Agreement) that was up for the council's discussion. And I had received some communication from the city saying, hey, or are you going to require us to sign the development agreement and also to have assigned it a agreement? And my answer was yes. And the purpose for me doing that was that we currently have an ILA agreement with McLendon-Chisholm. And the wording in that says that it will continue to renew annually unless either party says, hey, we want to make some changes to it."

Commissioner Dennis Bailey said, "So I wanted to see how committed that the city council of McLendon-Chisholm was about approving the ILA and the development agreement prior to me putting this on an agenda item. That's how we got to this particular point. And so there were several other conversations that went on and I then sent an email both to Konrad (City Administrator) yeah and DMDS the corporation and says you guys can come make a presentation. And so that's why we're here today. And I'll ask, uh, either of you, whichever order you want to go, to present to the court."

Judge Frank New said, "Well, while they're coming up, let me, uh, if you would, a quick clarification. So you wanted them to approve the ILA and the development agreement? You you didn't want them or instruct them to approve this specific development agreement? Just whatever development agreement they approve?"

Commissioner Dennis Bailey said, "They had already approved a development agreement."

Judge Frank New asked, "I just wanted to clarify for you what I want."

Commissioner Bailey said, "Yeah, what I know I did not and and, uh, and we've had some conversation with other individuals, uh, that said, my only commitment is city tell us what you want. Uh, because there has been communication already between the city and the county or a member of the county court that says, no, I'm not going to agree to this. So here's your day in court. Okay. Thank you."

Josh Bethke with Coats Rose MUD attorney said, "Just introduce myself, Josh Bethke with Coats Rose. I'm an attorney that represents municipal utility districts (MUD) in the North Texas area. Really, all over the state of Texas. So we've got two MUDs we're talking about here, uh, with the River Rock trails development as River Rock Trails, Municipal Utility District 1 and 2. Collectively, it's about 1,800 acres. A little bit more than that. So the MUDs were originally created back in 2012. And bear with me."

Josh Bethke with Coats Rose MUD attorney said, "I'm just going to kind of lay out some facts as to kind of how we got here today. Because really, we're talking about a lot of jurisdictional issues and kind of who's going to be governing. And we've talked a lot about representation today for the members in the community as well. So, when the census came out a couple years ago, city's population grew, which extended their ETJ. And so now the ETJ goes over part of our property, not the entirety of the property."

Josh Bethke with Coats Rose MUD attorney said, "And so what we've done is we've been working with the city to come to an agreement, to come to a development agreement, part of which, uh, they have the or let me back up. Part of the development agreement would be for us to have the city expand their ETJ and include all of the property in the ETJ so that we're not dealing with part in, part out. Do we go to the county? Do we go to the city? What is the ILA say? And so then it came to be that now we're subject to this interlocal agreement between you all and the city."

Josh Bethke with Coats Rose MUD attorney said, "That agreement is from November 12, 2013. It a lot of inconsistencies that are in that agreement as far as who has jurisdiction. It references subdivision ordinances on both sides of parties. Those are all not really. They don't mesh essentially with the ILA. Your current subdivision ordinances. City's current subdivision ordinances don't really align with what that interlocal agreement says."

Josh Bethke with Coats Rose MUD attorney said, "So the interlocal agreement that, Commissioner Bailey is talking about that was presented to you all, essentially states that that interlocal agreement from 2013 shall not govern our property and instead the terms of our development agreement with the city and their subdivision ordinances, as modified by negotiation, shall apply to the property."

Josh Bethke with Coats Rose MUD attorney said, "Essentially, the goal is to clarify who has jurisdiction, who are we going to be going through for permitting, platting, um, all of those types of things. So our development agreement has been approved by the city. We've reached an agreement with them. We, the ILA, has also been approved by the city. And so that's kind of what brought us here. And happy to have the city also speak to their involvement, their concurrence with that. And also happy to address any questions that you guys might have about the MUDs."

Judge Frank New asked, "Yeah. So I have several, but I would like to hear the city's, uh, concurrence with the development agreement and their desire to redo the interlocal agreement."

Mayor Pro Tem Adrienne Balkum said, "Hello, Judge and Commissioners. I'm Mayor Pro Tem Adrienne Balkum from the city of McLendon-Chisholm. And quality of life is a big thing that's here in city of

McLendon-Chisholm. And we want to make sure that we're protecting our open spaces and our land use. And one of the things that we like to promote is our comprehensive plan. And there's a lot of action items in our comprehensive plan that it takes that we need to actually be involved in these agreements."

Mayor Pro Tem Adrienne Balkum said, "So one of the things that I want to address with you all is that there's been lots of changes. 2013 was the last ILA that was done. There's been multiple things that have occurred. In 2015, there was an Open Space Alliance handbook that kind of just addressed the open spaces, the trails. And I think it was called the regional Velo web. It's on page 101. It talks about trails and connectivity. And I understand the goal."

Mayor Pro Tem Adrienne Balkum said, "Unfortunately, it did not address, really the McLendon-Chisholm area there's like kind of like a push pin that shows Sonoma Verde kind of like a a park area and trail system. It doesn't connect with the rest of the city. A number of things that came up in discussion is like, okay, so far as jurisdiction goes, like who does what?"

Mayor Pro Tem Adrienne Balkum said, "And regarding the inspections, it just led to other questions that we haven't really fully addressed and I'm glad that we have an opportunity to be able to communicate with you. We really need to get input from the county, so that we are meeting the opportunity to make sure that we are implementing the trail system, okay, that it started at the county level, and we need to be able to get input."

Mayor Pro Tem Adrienne Balkum said, "As far as the actual approval process, what happened was, is that the what we said or the motion was approval of the development agreement between the city of McLendon-Chisholm and DMDS, subject to amending 4.4, which is the ILA. In the ILA, it talks about that if you want to make any amendments or changes, we have to do it in writing. Okay. So we need to start somewhere."

Mayor Pro Tem Adrienne Balkum said, "And that was the goal was to get it here so that we can have a formal discussion, get input from the Commissioners Court on some things that we can be able to have jurisdiction on. And we kind of heard some talk today on what you can and can't do based on the law. But there's things that the city can do."

Mayor Pro Tem Adrienne Balkum said, "As far as regulations are concerned. Oh, and I also got confirmation from our attorney just a while ago to confirm that we can restrict weight limits on the roadways. So the roads itself is going to be maintained from this development, and we also want to make sure that we're meeting our personal standards, our subdivision regulations, in addition to that, making sure that we're meeting our Master Thoroughfare Plan."

Mayor Pro Tem Adrienne Balkum said, "I know that was briefly mentioned, but we actually have some changes that we need to address in the ILA. We're open to, to amending it, but we need to get somewhere started, and that's why we wanted to come here, to get on the agenda. I didn't plan on having it for a workshop, but I think it's a great conversation that we've had thus far because we're learning things that you can can't do, and hopefully we'll be able to take that back and return to council to address some of the concerns that we can put in this upcoming ILA."

Mayor Pro Tem Adrienne Balkum said, "But we have to get this addressed because it's in our backyard, this development, and we have learned some things. I'm a person that lives in Sonoma Verde. Um, we have construction vehicles that have damaged our roads. I'm sure that you're familiar with Edwards Road. It's pretty much a pothole maze. And, so we kind of learned a little bit things to make sure that we, we will address construction vehicles, that weight of those vehicles that shouldn't be happening on the actual roads itself, that to go in and enter the subdivisions itself."

Mayor Pro Tem Adrienne Balkum said, "And so we need to think practical ways to be able to address that. But mainly we want to make sure that we can start that conversation to address that. But, uh, as far as getting to an agreement, we have not done that. And so we're hoping to be able to take some input today,

and then we can be able to apply that, um, in a future ILA and maybe get it on the agenda here from the commissioners court. Like what what you consider is important. So is there any questions about that?"

Commissioner John Stacy asked, "I have a really quick question. Was the ILA approved by McLendon-Chisholm City Council, the ILA part?"

Mayor Pro Tem Adrienne Balkum answered, "No, sir. It was not."

Commissioner John Stacy said, "Well, he said it was. I'm just curious of where those facts came from."

Mayor Pro Tem Adrienne Balkum answered, "I think there was a misunderstanding."

Commissioner John Stacy said, "Okay. Fair enough."

Mayor Pro Tem Adrienne Balkum answered, "The ILA was not approved. We need to have it on the agenda again, because there seemed to be a misunderstanding that somehow we were supposed to get input from the workshop. And, um, again, I was blindsided, I apologize. I wasn't aware that there was going to be a workshop. Um, and if there if I knew that there was going to be a workshop, I would have been happy to mention it at the (City Council) meeting. Um, but I think that the communication is needed. I think that we need to be able to make sure that we get the input."

NOTE: This is the second time that people in the back kept saying they could not hear Mayor Pro Tem and were swapping out the microphones.

Commissioner Dana Macalik said, "We're not hearing you real well. They're not. They're not hearing you real well. So not out of here, but online. In regards to the January 9th meeting, I think you were talking your council meeting. What kind of process did you guys go through in order to make the approval of the project? Well, we had you been working for a while on this?"

Mayor Pro Tem Adrienne Balkum answered, "Yes. It's been about a year. And our agreement."

Commissioner Dana Macalik said, "So you'd been working on the agreement. You'd had the agreement for a while?"

Mayor Pro Tem Adrienne Balkum answered, "Yes. And the number one thing, I'm very big on public safety. And one of the things that we have absolutely, 100% percent agreed that there we have Fire District 22. Fire district 22 is the largest fire district here in the county, and we wanted to make sure to address fire services. And DR Horton has agreed to a fire district contract. That, and I was bold to say that. I motioned for the fire station to actually be built in (the MUD District Phase 1a) addition to that, for funding for personnel."

Commissioner Dana Macalik said, "That has been in the agreement?"

Mayor Pro Tem Adrienne Balkum answered, "Absolutely. So that addresses one of the things that's required for the district itself."

Commissioner Dana Macalik said, "Okay."

Judge Frank New asked, "Why doesn't McLendon-Chisholm annex this property if they're in your ETJ? Why don't you annex them and become part of the city?"

Mayor Pro Tem Adrienne Balkum answered, "Number one reason is because it's a MUD and it has debt, and the city is not interested in taking on potential debt. That could be, you know, we just need to we need to make sure that this developer makes sure that they pay all their debt."

Josh Bethke with Coats Rose MUD attorney said, "Part of the development agreement does contemplate, or it gives the city the right, but not necessarily, the obligation to annex this property once the debt is paid off. So again, that's another reason why we've been trying to work with the city so that everything kind of meshes with city subdivision ordinances and kind of how they would want the development to look if it were in their city limits, because the intention would be that they do have that right to do that in the future. Part of the development agreement is that the development agreement itself constitutes a voluntary petition for annexation into the corporate limits of the city. Should the city choose to act on that once the debt is paid off."

Judge Frank New asked, "Did we put a timeline on that, or is that just an open ended when, whenever, when and if the debt is paid off?"

Josh Bethke with Coats Rose MUD attorney said, "When if the debt is paid off. Yes."

Judge Frank New asked, "And so you you handle MUDs throughout North Texas. Tell me, what's the oldest one that still has debt? What is the oldest debt that you're aware of?"

Josh Bethke with Coats Rose MUD attorney said, "So debt is issued on a twenty five year debt schedule usually. So it'd be twenty five years from the last time we've issued bonds. Typically it just ranges in the size of the development. If it's a very large development, it obviously takes longer to issue the debt to get there."

Judge Frank New asked, "Can the debt be reissued?"

Josh Bethke with Coats Rose MUD attorney said, "Debt can be reissued."

Judge Frank New asked, "Who determines that for a MUD?"

Josh Bethke with Coats Rose MUD attorney said, "Board of directors of the MUD."

Judge Frank New asked, "Board of directors determines if that is reissued?"

Josh Bethke with Coats Rose MUD attorney said, "Correct, back to your point. Sorry to cut you off there. As far as the board of directors goes, um, talking about representation, it the purpose of the board of directors is very similar to, uh, you all as a commissioners court, very similar to a city council. They are elected positions. You mentioned that a good number of them in the Fate area are being elected every even numbered year, every single director in the state of Texas, about half of them are probably up for re-election."

Josh Bethke with Coats Rose MUD attorney said, "It's on the citizens within the community to, petition for that or to sign up, fill out an application for a place on the ballot and run for it. And so we encourage residents to run for the MUD boards for them to represent their communities. We have some districts where people are interested, some districts where we don't hear anything from."

Judge Frank New asked, "Does the MUD Board have the authority to retire the debt? To no longer pay the debt?"

Josh Bethke with Coats Rose MUD attorney said, "Well, we've got obligations to the bondholders. And so, um, they could not just terminate the debt no."

Judge Frank New answered, "Okay. Um, so I have a lot more. That was my main question, but I have a lot of questions that are going to stem from that. But again, as everyone seen today, I tend to suck the oxygen out of the room. So I'm going to attempt to not do that before I at least let their commissioner and others have a say. So. So fire away, Commissioner."

Commissioner Dennis Bailey asked, “So, uh, my whole intent today was to give you an opportunity to visit with the Commissioners Court about what the city is wanting to do with their ETJ, as well as a development agreement you have. Already our, subdivision rules and regulations. Those have been approved.”

Commissioner Dennis Bailey asked, “There was an addition that we would be considering today this 232.110. So that is something that's on the table also. So you know what our rules and regulations are. So you could be able to take what we want and what you want and go to negotiate with the county on a change in the ILA.”

Mayor Pro Tem Adrienne Balkum answered, “I appreciate that because what my intent was. Just for clarification. So there's no misunderstanding. Yes, the item was on the consent agenda, but I personally requested from the council, because I was actually running the meeting at the time and requested for that item to be pulled from the consent agenda, because I wanted that to be a discussion item. Because I didn't want anyone to misunderstand the purpose or the intent and all that. So, I hope that we'll be able to bring it back to council to address that, in addition to, um, letting them know, like, hey, there's some things that we can talk about at the next official regular commissioners court meeting.”

Josh Bethke with Coats Rose MUD attorney said, “I apologize for the miscommunication on that. I saw it was on the consent agenda, and I've not heard the second half of that, so my apologies.”

Commissioner Bailey asked, “Yeah. Hey. No problem.”

Commissioner John Stacy asked, “So, um, so you said this was a jurisdictional issue. You stated that what we're trying to do. And if I'm not stating it correctly, please correct me is to extend the ETJ over the entire project.”

Josh Bethke with Coats Rose MUD attorney said, “That's correct.”

Commissioner John Stacy asked, “But the interlocal agreement doesn't say that. So at what point is the because you said this is a jurisdictional issue. Some of it's in the ETJ, some of it's not in the ETJ. And you're hoping by entering interlocal agreement we extend the ETJ over the entire property. So can you explain what you meant when you stated that?”

Josh Bethke with Coats Rose MUD attorney said, “Sure. So to clarify, it's not the ILA that would have anything to do with the ETJ expansion. Part of our agreement, in our development agreement with the city is for us to subsequently submit a petition to voluntarily have the city expand their ETJ to include all the property so the landowners would actually submit that petition to the city. The city would then have to take action on it. They've agreed conceptually to that concept in the terms of the development agreement, but it still takes council action for them to actually amend their ETJ boundary.”

Josh Bethke with Coats Rose MUD attorney said, “There are provisions in the local government code that allow for cities to do that based on consent of the landowner for petitioning of the landowner. So that's the process that we're looking at trying to go through. And then because of that ETJ expansion, it now puts all of our property, subject to that ILA, between the two entities, which we are not a party to that agreement, but it certainly affects our development because there are certain inconsistencies in that agreement that don't align with both sides subdivision ordinances.”

Josh Bethke with Coats Rose MUD attorney said, “And so it creates this conflict of who's governing what? And that was why we proposed two solutions, with the city. The two solutions are to enter into an interlocal agreement between the city and the county that simply states this interlocal agreement from 2013 does not apply to the property, and the property will be solely governed based on the terms of the development agreement and our discussions with the city essentially taking the county out of it.”

Josh Bethke with Coats Rose MUD attorney said, “And none of the infrastructure is going to be maintained by the county anyway. And so it would be going all through the city for all processes. The secondary

option would be for the city and the county to come to an amendment to that 2013 ILA. That brings it back up to date and clarifies some of those inconsistencies. Um, that would also allow us to move forward with our development.”

Mayor Pro Tem Adrienne Balkum said, “In addition, I just want to make sure to in the development agreement itself, there's a section on there that talks about this whole jurisdictional issue so that we address that. If you look at the actual imagery, there's like a large curve that literally goes right through the middle. And, you know, at the end of the day, we don't want to have any accidents. We're like, oh, okay. Well the county does this.”

Mayor Pro Tem Adrienne Balkum said, “Remember we always had like road issues where it's halfway in in the county, halfway in the city, like who who's supposed to be maintaining it. It just leads into like, hey, you know what? The entire thing will be under our jurisdiction. It does not mean that we're this is going to be inside the city limits. It's a total different subject matter, which again, that's talking about annexation. But I just want to make sure that it's clear this is just trying to make it clean.”

Council Member Bryan McNeal from the back of the room interrupted, “So judge, question judge. If I can for a second. So I'm Bryan McNeal. I'm a city council member in McLendon-Chisholm. I reside at 1217 Livorno Drive. So I come at this a little differently. Um, so I always ask everybody and I do this a lot in council. Break it down to me as if I'm a 5th grader. I'm a retired marine, so I don't comprehend great with crayons and paper. Um, where my concerns have been a lot on this is we have not really ever taken anything to the people. Um, at least from a city point of view, um, I can probably say maybe they brought it to the county commissioners that I know of twice.”

Council Member Bryan McNeal said, “Uh, so I'm sure those have been posted, but we as a city council have not given this to the people. Now, maybe there's not a legal obligation for us to do so, but I would argue that there should be a moral obligation for us to do so. Because if the citizens do not have a say and I go back to exactly your opening statement, judge, your job is to protect the citizens of the county. Our job should echo that, to protect the citizens of the city. And if we're not giving them an input that is equal to this.”

Council Member Bryan McNeal said, “And being that this is such a large development, we are doing our citizens a disservice. And what's going to happen is the good members or the citizens that live here now will move away. And the ones that are coming into these types of developments are going to overrun this city, then they're going to overrun the county. And Rockwall will not be the I think you said 13 by 13 gem of Texas anymore. So I think if we as a council are not giving the citizens an opportunity to come up and talk, then all the ILAs and the development agreements and all that, that should not even have been done until the citizens had some input. That's my stance.”

Judge Frank New said, “All right. Thank you. And you somewhat preempted mine and commissioners Macalik, she said. That's the question I was going to ask. This question I was going to ask is, quite simply, what do the citizens of McLendon-Chisholm think about this? Not only the ILA, but the development agreement?”

Mayor Pro Tem Adrienne Balkum answered, “Well, that's a great question. We currently have, um, an opportunity for people to come up to citizen comments and say things. We often get people from the county that complain about items in the county. Uh, that's been issues with environmental issues. And when they come to us in our city, we have an engineer and fire chief that often has to come and do inspections and things of that nature, and it's at our cost. We're having to deal with that.”

Mayor Pro Tem Adrienne Balkum said, “And so as far as understanding, like their input and all that, this is in the ETJ, this is we need as a council member, we have to protect our land. We are doing that. We are using the laws that are available to us. It is our job to protect, you know, you know, public safety. We are addressing that. We are addressing the fire district issue number one out the gate. No development in the ETJ should be without a fire contract. We have the largest fire district. And so we're we are following the

input of our fire chief and our staff to make sure we're accommodating that. We haven't even addressed the public's safety, our police and our sheriff."

Mayor Pro Tem Adrienne Balkum said, "I would love to be able to get input from from Sheriff Garrett. Uh, and I think that that's going to be a future conversation that we need to address, because guess what? It's in the ETJ. They're going to be using our roads. That's why it's important about the subdivision regulations. That's why we need to be involved."

Mayor Pro Tem Adrienne Balkum said, "And correct me if I'm wrong, I have an email that confirms that as far as actual reviewing the, residential inspections, y'all don't do that. You only do commercial and multifamily. Is that correct? You don't do residential inspections, correct? Okay. Thank you, Mr. Merritt (County Environmental Health Coordinator confirmed correct). But the city does, and they are agreeing and their development agreement. Please hold us accountable. Please. We want to meet standards. Quality standards they don't want to do they don't want to have a bad product. That's going to affect the type of demographic that's going to come out here. So we are trying to do our best to hold the developer accountable. We're willing to do that. We have the processes in place to be able to do that."

Josh Bethke with Coats Rose MUD attorney said, "And if I may add on the on the question regarding citizen involvement, um, the development agreement itself specifically has been on two, potentially three agendas there, open meetings, obviously city council meetings. I've attended several meetings, um, of the city of McLendon-Chisholm. They have very strong community involvement at these meetings. We spend the first hour of these, city council meetings listening to all the members of the public address various items that are on the agenda."

Josh Bethke with Coats Rose MUD attorney said, "So there are there's no requirement for any sort of public hearing specifically on the approval of a development agreement under the law today. The citizens have had ample opportunity, in my opinion, to address the city council with any concerns that they might have with the development."

Josh Bethke with Coats Rose MUD attorney said, "We've gone through with presentations before we even brought the actual terms of the development agreement or I mean, the full on development agreement, we came with just a term sheet, spoke on the terms. We then provided a full, um, detailed draft of the agreement, came and spoke on that. Then we had then a third time came and spoke on it again with some comments. They've approved it subject to some conditions. We've worked with their attorneys to resolve those conditions. And so I believe that there has been ample opportunity for community involvement."

Council Member Bryan McNeal from the back of the room interrupted, "I actually disagree."

Mayor Pro Tem Adrienne Balkum continued, "Road issues and that it's been the number one thing that our citizens don't want. They don't want to see potholes. They want somebody to fix it and fix it now. They are tired of waiting and waiting for (more) excuses oh, it's the weather, you know. And at the end of the day, we are wanting to step up and getting it done. We just recently have a road list that was done from Kimley-Horne that is supposed to be presenting the cost factor and all that."

Mayor Pro Tem Adrienne Balkum said, "You guys....excuse me that was disrespectful. Y'all have had a list of things that y'all want to accomplish about roads. You all have roads that that need to be repaired, and it's millions of dollars. And it's not just new roads. You're having to maintain old roads and it's you're going to have to gut those things out. It's already millions of dollars. It was like six that you mentioned."

Mayor Pro Tem Adrienne Balkum said, "And so at the end of the day, what we want to do is make sure that we are meeting the codes correctly and meeting our road standards. We have engineering standards. And apparently I'm just learning that the at the at the county level, there is none or there is a reflection back to a different statewide standard. I'm not really sure that hasn't been cleared, but I know that for McLendon-Chisholm we do have that."

Commissioner John Stacy asked, "And your code of ordinances, chapter ten is subdivision regulations for the city of McLendon-Chisholm. Yes, sir. You argued very passionately. I really appreciated it that you are going to use your tools to regulate this subdivision, because we necessarily can't as the county, and that you have more tools available to you. Why does the development agreement modify all of your subdivision regulations? If your intent was to use your subdivision regulations to represent the people of McLendon-Chisholm on this product being in your ETJ."

Mayor Pro Tem Adrienne Balkum said, "There's items still that's needed to be addressed. I think it was like a twenty we said fifteen foot setback. We would I would like to see that to go to twenty foot on some items. In addition to that, we have a development that's, that's off of, it's actually Sonoma Verde. And we have special requirements on that and that development agreement. So we are wanting to be congruent."

Mayor Pro Tem Adrienne Balkum said, "So that's another thing that needs to be brought up. Why it needs to be consistently uh, to kind of just flow um back there. Now keep in mind there's going to be more changes. We have to do our due diligence. We have a new city planner that just got hired on about a couple months ago, and so there's some things that will be coming soon to address those issues."

Judge Frank New said, "I can tell you, if we approve this interlocal agreement and I apologize, I'm trying to find it right in front of me. Oh, there we go. I had to get to the marked up version. Uh, bear with me just a second, because I need to."

Council Member Bryan McNeal interrupted again, "Judge while you're looking. If you're alright, if I can make a comment."

Judge Frank New said, "Uh, I've already found it. If we go ahead to approve this interlocal agreement, the development agreement that you've signed is approved."

Mayor Pro Tem Adrienne Balkum continued, "No sir. We haven't got there yet. We need to have that discussion about the ILA. We have items."

Judge Frank New continued, "Outside of the ILA, the development agreement. Is it your understanding that the development agreement is approved? The development agreement is approved. The only thing that derails it is if we don't approve this interlocal agreement. It is contingent upon this approval to your satisfaction."

Josh Bethke with Coats Rose MUD attorney said, "Sort of. There are provisions in the development agreement that contemplate two different scenarios. Either this ILA that's before you, which is the two page agreement simply stating that the 2013 agreement does not apply. The second option is to come to the table between the city and the county to amend that 2013 ILA. If either of those things don't happen within certain time frames as contemplated under the development agreement, then the development agreement does not."

Judge Frank New said, "So going back to to your, you know, wanting to to go by the comprehensive plan and have the setbacks and the widths. This agreement I'm looking at, they have marked through compliance with zoning regulations and or proposed zoning for subdivisions within the city limits. Not applicable. Proposed uses."

Judge Frank New said, "Satisfying zoning use regulations mark through all lots meet minimum lot size requirements. All lot meets minimum frontage depth and width requirements. Building setback lines meet front, rear and side yard setbacks. Meets minimum dwelling size requirements. Meets fifteen percent lot coverage requirement. Meets off street and covered parking requirements. They mark through all of that."

Judge Frank New said, "So what you have approved what you would like to see once you sign this. And that's the conversation that I've had many times with McLendon-Chisholm over the years. Once you sign it, you've signed it. And what it says negotiating past that point is a futile effort. You're counting on the developer to be kind. At that point, they will show you a concept plan and say, look at this now agree to all

these now agree we don't have any lot width, depth setback or lot size restrictions. And if you sign that this pretty concept plan.”

Mayor Pro Tem Adrienne Balkum continued, “And as I said, the approval of development agreement between the city and DMDS subject to amending the 4.4 and article 5, we needed to have a discussion here at the County court level to be able to address some of these issues so that we are meeting. We are having a good conversation to make sure that we're meeting what we need to meet here in this County to continue the quality of life that we want here.”

Commissioner Stacy said, “So our current Ila that we've offered to you, has that been reviewed by City Council? We have an updated ILA that went out. Connor. When did that go out? Like last year. I'm just asking, but yeah so so last year. So has that review happened? And what do you think about the ILA that was written by Freese and Nichols and presented to the city? The city of fate passed theirs.”

Mayor Pro Tem Adrienne Balkum said, “Right. We need a presentation to be honest with you. And in addition to that, with this particular development, it's so large that we need to address public safety and as well as the trail system is very important to us. We need to include all those different things.”

Mayor Pro Tem Adrienne Balkum said, “And as well as the issues with, uh, the I think how did I describe that something about the sewer treatment plant that's on the backside of the property on the north end. So we needed to address all these different issues to make sure that we are having the studies addressed, to make sure that we're meeting the TCEQ standards. I think we have like a type one, but they're trying to go for a type two if I'm correct.”

Council Member Bryan McNeal interrupts again, “Hey, Judge, let me ask you a question.”

Frank New answered, “You've been very patient.”

Council Member Bryan McNeal said, “No problem. Um. Appreciate you. This development has come to the Commissioners Court before. Correct? I'm just going to take us back in time a little bit here. And if I'm not mistaken, the Commissioner's court has said no to this development. If I'm not mistaken, twice.”

Council Member Bryan McNeal said, “Is that correct?”

Judge Frank New said, “That is accurate.”

Council Member Bryan McNeal said, “Okay, so once the ETJ changed because of the population, developers come and knock on the city's door, which tries to supersede a decision made by the county. And I get different levels of government, but my still go back to basics here.”

Council Member Bryan McNeal said, “If the County Commissioner said no. And from what I understand, there were 59 reasons why wouldn't the same 59 reasons still apply to the city? I'm assuming that would be correct. And what I don't understand, honestly, is check some other stuff real quick. I apologize on my notes. I still think, and I'll fall back on. I believe some of the comments from the podium here.”

Council Member Bryan McNeal said, “Yes, there are times that the citizens do get to come up and talk. But I would also argue that we don't make it easy enough for the citizens to know what they're coming up to talk about sometimes. That is something we can address better as a council. But I can assure you, when they're speaking at citizens comments, we can't have, you know, we can't sit there and talk back and forth, which not to sound rude here I am very abrasive and I apologize.”

Council Member Bryan McNeal said, “That would mean your opinion in this particular point wouldn't even matter, because if I'm not allowing the citizens to come up and speak where I can talk back with them on an item, which means it would have to be an agenda item, not in citizens comments. Still not giving them the service that I'm supposed to do because that's not my chair, it's theirs. That's just the way I see it.”

Council Member Bryan McNeal said, "And I can tell you right now, I'm not going to be okay with this development if the city cannot work with the county and if the city wants to oversee it, man, we're going to give them the farm, because it's already been pointed out by Commissioner Stacy just now. I mean, you got solid interlocal agreements that the county can put in place, and we want to override it because, I don't know, maybe we want water systems, maybe we want their millions that I can assure you they're going to want back. And my citizens are going to have to go to them, and they're going to have to pay for it."

Commissioner Dennis Bailey said, "Let me correct one statement. The Commissioners Court has never denied the application for River Rock. We have always brought up additional requirements, and we need to go back and look at our subdivision rules and regulations. And so there's always been negotiation between Freese and Nichols along this same line. But to my knowledge, we have never."

Judge Frank New said, "Correct, we did not approve the application. Maybe a better way to say that."

Commissioner Dennis Bailey said, "No, that's we did not deny it."

Judge Frank New said, "We did not approve it or deny it."

Commissioner John Stacy said, "We did have to deny it once the first time it came through. It was officially denied because we didn't want the shot clock issues to happen. And then. And that did happen. I don't know that we did it twice, but we did it once."

Commissioner Dennis Bailey said, "Yes."

Commissioner John Stacy said, "And then I want to clear up. It doesn't mean that there's 59 discrepancies. Just so you know, they could have fixed a lot of them. Yeah. I'm just letting you know to be completely fair and transparent."

Council Member Bryan McNeal in the back of the room said, "I could be wrong."

Commissioner John Stacy said, "Yeah. No, no. You're good. There might not be 59 technical deficiencies anymore. I don't know that to be true or false."

Mayor Pro Tem Adrienne Balkum said, "I have that right here, sir. Like the 59 items that was introduced back in June (2023). And I do appreciate the due diligence on that and what Freese and Nichols did. And then, uh, they have taken it and have looked at every single item. I have actually looked at all and cross-referenced it myself. As far as an update goes, they have updated it and it was requested of them and they followed up on Monday, January 29th, five sixteen. And it you know, there's obviously there's a red riding which is which is their response. And then we have Freese and Nichols, and then they followed up with how they were able to answer that question. All that that's in the list of 59 items. So there is not 59 items that are still outstanding."

Commissioner John Stacy said, "And I would believe you, I think that is probably a pretty fair statement."

Commissioner Dennis Bailey said, "So my position on this is why doesn't the city, the ILA that we're currently under today and whether or not this most recent one was approved or not approved. It clearly states in there that the city should object to rules and regulations or changes that you want to be made. So why doesn't the city submit an ILA to the county so that we then could go to Freese and Nichols and say, hey, take a look at this?"

Mayor Pro Tem Adrienne Balkum continued, "Sir, that's what my goal is to try to do in the future. I would like to be able to put that again on the agenda. To address that. I'm going to be able to take some notes that I have. I've listened to some of the things that we talked about today. I want to be able to address that with the City Council, so that we can also add that in the ILA. So they can be just for this particular development. I'm sure that we'll probably have some other things that will come up from other parts of the county. But at this time, I think this is kind of, uh, It's definitely an encouragement. But to that we are

talking about it. But I think it's prudent that we need to address it now because the growth is here. We are behind on infrastructure improvements and we need to take it, you know, do something about it now.”

Commissioner Dennis Bailey said, “Yeah. So the ILA that the developer helped write is not in agreement with the city council?”

Mayor Pro Tem Adrienne Balkum continued, “Correct.”

Commissioner Dennis Bailey said, “And so why won't you bring that forward and make the changes to the ILA that they gave you and said, hey, no, we're not going to we're not going to allow you to change the lot sizes and the street widths and the amount of trails and all that kind of stuff. Tell us what you want.”

Mayor Pro Tem Adrienne Balkum continued, “Commissioner, I will I will do that. Just like I said, I'm we. We did not expect a workshop. We were we weren't informed about that until literally at the council meeting. Um, we want the intent. Originally, the reason why it was put on the agenda is because when you were present on January 9th, we were following through to try to get something started so that we can be able to have a discussion here at Commissioners court to get input from y'all to make sure that we are, you know, working in good faith.”

Judge Frank New said, “So, um, just one thing to kind of wrap this up or an attempt to.”

Commissioner John Stacy said, “I have one more thing to say. If you if you have a wrap up.”

Judge Frank New said, “Fire away.”

Commissioner John Stacy said, “Okay, here's the preemptive wrap up. Okay. So so sorry. I'll let you land the plane in just a second. So everyone up here has set on a city council at one point or time. We have been elected a representative of the city. I do not want. And I'm going to pick on him for a second. I don't want the city of Heath to tell the city of Royse City how to do business. I don't want the city of Rockwall tell the city of fate how to do business, and I don't want the county commissioners court to tell me how to do business.”

Commissioner John Stacy said, “Amen.”

Commissioner John Stacy said, “That is not. Cities exist for a reason. I just want to ask you, as a duly elected representative of the City of McLendon-Chisholm, how could you ever agree to section 7 of your subdivision regulations being changed to say, all inspections of construction and verification of compliance to these plans and specifications shall be conducted by a MUD engineer or his representative on behalf of River Rock Trails MUD 1 and MUD 2, as applicable. Then strike out the city staff under the direction of City Engineer.”

Commissioner John Stacy said, “Why in the world would you not want the city to look at what was being constructed in this huge subdivision? That is just a question that I have. No, there is. If this was put in front of me as a city council member, I would ask the developer to leave the meeting. I'm just telling you, I'm being completely honest. I would say you need to get up and leave.”

Commissioner John Stacy said, “And if you don't believe it, as a city council member, I have asked developers to leave meetings before. So I'm just saying, why in the world would you modify section 7 of your subdivision regulations that says a city engineer will not inspect the construction, but in fact, the MUD or their representative will do all of it and not while it happened, but not until it's finished and completed.”

Mayor Pro Tem Adrienne Balkum said, “We will be involved in as far as inspections (goes). It is mentioned that the parties further agree that the city shall have exclusive jurisdiction to regulate the development of the property in accordance with the Terms of Development Agreement, including the city's authority to approve subdivision plats and to issue related permits within the property that's in one of the items. One.

We will do what we can to make sure to add more clarity so that we will have more authority to make sure that there is more stop.”

Commissioner John Stacy said, “But you can't inspect a street. It says it. You strike out every ability to be able to even inspect a street anytime, it says the city can look at a construction plan, it struck out and says, no, you can't. Only the MUD can tell you if they built the streets right. If you're going to eventually annex it, don't you want a city engineer to look at the street construction and tell you if it's done correctly.”

Mayor Pro Tem Adrienne Balkum continued, “The street construction, all this is what we're talking about. We want to make sure that our roads are being inspected by our staff.”

Commissioner John Stacy said, “But it says you're not there.”

Josh Bethke with Coats Rose MUD attorney said, “There MUD owned roads. The MUD will.”

Commissioner John Stacy said, “I agree that they're MUD owned roads. And I agree where your position is. You own them. You build them. But it's also a petition for annexation. And why would I'm asking as a representative of the city, why would they not want to look at them?”

Josh Bethke with Coats Rose MUD attorney said, “Yes, sir. I understand the question. And in the terms of the development agreement itself, it does give the city the right to also inspect the infrastructure.”

Commissioner John Stacy said, “But so why did you want it struck out of the. This is your draft, the MUD's draft of the ordinances that were passed. It looks like back in July 23, 2007. You're trying to change something that was written in 2007 that McLendon-Chisholm has had for that's before my my 15 year old son was born. So that's 16 years ago. They've been living under this regulation. And your draft says, no, you aren't. But then you say, over here, well, you could, but they have no authority.”

Commissioner John Stacy said, “So if you're building a street that doesn't come up to whatever engineering standards they want, they can look at it, but they have given away all of their authority to enforce, to say, I know I'm going to eventually take the road. I'll give you the example. Our private roads and our subdivision regulations have standards that we get to monitor, even though they're private, because we could eventually take them in.”

Commissioner John Stacy said, “So you're going to it says that you can and might annex this and you can do parts and parcels annexation for commercial purposes. For some reason you want to split the sales tax, but you can bring in commercial stuff too. Under this development agreement. But then you don't know if you bring in those roads, if they're built to your standards. I just don't understand why a representative of the people would, would give away the authority of their government to inspect a road that just doesn't. I'm just saying that makes no sense to me. And I don't mean to be passionate, but I am all about being a servant of the people. And that's not being a servant of the people. That's being a servant of a MUD.”

Council Member Bryan McNeal interrupted, “Commissioner. Stacy. I'll actually. Commissioner Stacy I'll tell you. I'll tell you. The honest and real answer to that is because you want to give them the control. If the city is going to agree to that, you're giving the developer the control and you're taking it right out of your pocket. You're taking it right out of people's hands and they get no voice. And that's just the honest, hard truth. And until you get up there and you sit up there and you admit stuff like that, then we're going to have these circles and we're going to have these talks. When you give a developer that kind of control, your city has nothing. Why would you ever agree to letting the developers come in and be the inspector of what we're supposed to protect for the citizens? If you can give me a good answer, you might get a maybe, but you'll never get a yes.”

Josh Bethke with Coats Rose MUD attorney said, “For the entity that is owning and maintaining the infrastructure to be inspecting the infrastructure, that's, I mean, across the whole state of Texas.”

Commissioner John Stacy said, “I agree with you. That is true.”

Josh Bethke with Coats Rose MUD attorney said, "Across the whole state. There's nothing that we're doing any different because we're a MUD. Blackland Water Supply Corporation. They're the water provider. They'll be reviewing all the water plans and everything as well. So it's not just that the MUD is solely responsible and we're trying to grab control. There's a definitely a huge misconception, I think, in the general public."

Josh Bethke with Coats Rose MUD attorney said, "And I don't mean to be disrespectful to the Commissioners here, but the general public sees MUD as this big bad thing. I mean, we're trying to work with the City to provide and resolve all of these concerns that have been discussed today. We're going to build a fire station. We're going to be contributing dollars and creating a revenue stream for the City for building inspections and building permits. We're trying here to work with the City."

Mayor Pro Tem Adrienne Balkum continued, "There's also, again, we were talking about the subdivision regulations. We have the engineering standards. It's not that they're not willing to work with us and they will work with us as far as like governance. We just got through talking about it early this morning about what y'all can and can't do. So we want to make sure that it is building to our standards, our subdivision regulations. We can be able to discuss that further with the developer."

Mayor Pro Tem Adrienne Balkum continued, "And in addition to that, yes, they're paying for this. Not the City, not the County. They're going to be repairing the roads inside. That's been a number one issue with these developments. There's not a maintenance plan that continuously. Hey, you know what? When we have a crack in the in the road, who's going to be paying for it?"

Mayor Pro Tem Adrienne Balkum continued, "Everybody else is looking to the City and the County to make sure that they're that someone else is paying for it. And this particular development, they've already said the whole purpose of the whole MUD is one of the things they're going to do is to take care and manage their own road maintenance."

Judge Frank New said, "Let me, uh, attempt to land this plane. We finally found something that Commissioner Stacey is just as passionate about as I am. I am making notes. Um, the pickle we're in and the pickle you are in is. You have agreed to a development agreement that gives away all of your rights. If we agree to this interlocal agreement by de facto, your agreement is approved. So I can't support the interlocal agreement as it comes today based on this development agreement."

Mayor Pro Tem Adrienne Balkum said, "We did not come today with a development agreement."

Judge Frank New continued, "I know we're not we're not voting today. I just out of transparency I want to let you know my stance. And I was pretty straightforward with Konrad (City Administrator) and said if if DR Horton wants McLendon-Chisholm to be the sole platting authority, they need to figure out a way to be annexed."

Mayor Pro Tem Adrienne Balkum said, "With all due respect, judge, the whole purpose of us getting to the court was to get started in this discussion. It wasn't to say, okay, this is it. We needed your input. You know the County best on the backside. And overall. I didn't know how many roads needed to be repaired. I wasn't sure about the weight limit on the roads. Do y'all require a special construction road? Which, by the way, I'm totally advocating for. I've already mentioned it to developers."

Mayor Pro Tem Adrienne Balkum continued, "Y'all need to figure out a road to be able to have these large construction vehicles to go down, because I've seen those problems just on Edwards Road alone. We don't want the construction vehicles going from the backside of Sonoma Verde to go up north to this development. So we need to be strategic, but at the same time, we need to address the issues that we know that are common knowledge here so that we can put that information in these agreements."

Judge Frank New said, "Got it. So we will consider the conversation started. Yes. And then I will take some executive action. And at 11:52 am we are adjourned."

Mayor Pro Tem Adrienne Balkum said, "Thank you sir. Thank you."

March 12, 2024 – McLendon-Chisholm City Council

Agenda Item: Review and action regarding approval of a resolution of the City Council of the City of McLendon-Chisholm, Texas, consenting to the addition of certain land into River Rock Trails Municipal Utility District No. 2; and providing an effective date.

Presiding: Adrienne Balkum Council: Paul Day, Bryan McNeal, Floyd McLendon, Dan Tucker

Not Present: Mayor Keith Short

Applicant Representatives: Jeff Bethke Coats/Rose Law Firm; Jeff Miles (DMDS / River Rock Trails)

City Staff: Konrad Hildebrandt, City Administrator; Michael Halla City Attorney

Governing Body: McLendon-Chisholm City Council

Josh Bethke with Coats Rose MUD attorney said, "Good evening Council. Josh Bethke with Coats Rose MUD attorney. I represent the MUDs that are out there. We've been kind of coming back and forth with you guys for several months now. Just to kind of give a little bit of history back in September our landowner submitted a petition to annex some property into MUD to was about 640 acres that you guys consented to at the time. I believe also back then I probably explained to you guys that we were going through the process of shifting the boundaries between the two MUDs. Collectively it's a 1,867 acres as you guys know."

Josh Bethke with Coats Rose MUD attorney said, "So we've just simply moving boundaries between the two MUDs. This is a 40.82 acre track that's currently in MUD 1 that we're wanting to move over into MUD 2 under the applicable provisions under the local government code."

Josh Bethke with Coats Rose MUD attorney said, "Since the property that particular tract is currently in the ETJ of the city the developer land owner cannot annex the property into MUD 2 without the city's consent and so it was contemplated under the development agreement that we've worked out with you guys section 1.1 it was actually supposed to have been acted on at the same time as the development agreement and so really just looking for the approval from the city in accordance with the development agreement and kind of the plan that we've been discussing for the past several months. Happy to answer any questions."

Mayor Pro Tem Adrienne Balkum said to City Attorney, "Do you want to jump in real quick. Do you want to give any information on your end?"

Bethke is speaking back forth with the city attorney Michael Halla and said, "Well you and I have been emailing about the development agreement we're talking about the the consent to the annex of the 40 acres which is contemplated under 1.1 of the development agreement. Voted on the development agreement but there was supposed to be a separate action item for the approval of the consent resolution for the annexation. Correct but there was no separate action taken by the board."

Mayor Pro Tem Adrienne Balkum said, "Any other questions?"

Council Member Paul Day asked, "Sir thank you for coming out and waiting so patiently. Today I had difficulty going through the packet and trying to locate the exact location parcel in question. Is there any way that we can get that information looking at exhibit E which is where you have your trails? There's a couple other maps, but that's the easiest one to get to because it's at the end is there any way where you can identify those in a convenient and easy way so the public can see it?"

Josh Bethke with Coats Rose MUD attorney said, "Yes, if you're looking at the development agreement. I don't believe there was Maps or anything included with the agenda item for today but yeah so if I may approach I'm happy to kind of point out where it's at. Current ETJ line is right here and so we're talking about a 40 acre track that's kind of in this general vicinity it's in centralized currently it's in MUD one it's just we're simply just shifting the boundaries for development purposes to have this property be in MUD 2 instead of MUD 1. It's currently in a MUD we just want to move from MUD 1 to MUD 2."

Council Member Dan Tucker said, "So you're just doing a swap of some sort?"

Josh Bethke with Coats Rose MUD attorney said, "Correct. It's not anything that's actually required it's just simply that the developer wants to move it from one MUD to the other just for phasing of development purposes. So that the actual boundary lines between the two MUDs collectively it'll essentially be about 900 acres, 910 acres in one and 950 acres in the other to make it a little bit even distribution between the two MUDs the plan of development and everything like that that's discussed under the development agreement doesn't change any of this. So it's just simply Shifting the boundaries between the two districts."

Council Member Dan Tucker said, "Okay thank you."

City Council Member Bryan McNeal said, "Thank you for coming out and staying so late sure I apologize we should have make sure we did you before we went that is a oversight. My question is try not to make this thing have crazy feedback. So I'm just going to act like I'm new on this. So we're doing the. You have the petition to move some land around. I understand that part with the development agreement being in there. This was voted on I was not here on the development agreement night."

City Council Member Bryan McNeal said, "So my concern is if these items are in here again with it being lined out this is the biggest worry for me is there's so much lined out in this development agreement the city has. There's really just no say in this development agreement or this some of it. I'll just point out. The lot sizes are lined out and listed as not applicable. The lot width lined out. Not applicable. Lot depth lined out. Not applicable. Lot shape. lined out. Building lines. Lined out. Less landscaping."

City Council Member Bryan McNeal said, "What I thought was very interesting tonight is Councilman Day mentioned roads and one of the things that's also lined out is. Instead of being a 7 inch concrete pavement. It's a 6 inch. We'd almost be in years down the road maybe facing the same things we're facing now. I guess what I'm trying to get at is with this development agreement in here."

City Council Member Bryan McNeal said, "If this Council votes yes on 6.1 is that pushing that development agreement back in or was that already voted on and there's nothing. It doesn't matter. But I'm still just blown away that there's so much lined out and this was passed through anyways. I think we should. I would say this is a way to stop that. Then we stop it now and figure out how to redo this development agreement to be more in line with the city having some oversight that's my thoughts."

Josh Bethke with Coats Rose MUD attorney said, "Happy to let your attorney speak on the validity of the agreement. The agreement was approved at a prior Council subject to a couple of conditions which we had met. It is now uh ready for execution the action that we're asking for today has nothing to do with the approval that was previously approved by the city."

Josh Bethke with Coats Rose MUD attorney said, "It does not open the development agreement back up we're simply asking the city to act as they had already have promised to under the development agreement and without an action from the city that they would be in breach of that particular provision under the development agreement."

Council Member Bryan McNeal said, "Okay, correct. Not arguing that."

Josh Bethke with Coats Rose MUD attorney said, "Sure."

Council Member Bryan McNeal said, "Um what I'm saying is the developer agreement is not good without the ILA? Correct?"

Josh Bethke with Coats Rose MUD attorney said, "Correct."

Council Member Bryan McNeal said, "So, if we said no. Then we're just making sure. That we're making sure that this is going to come back to a point where we can sit down and redo this development

agreement because I don't think it's a good development agreement for me personally. So I can't speak for other council members, I wasn't here that night. I would have been a no. So what I can say is looking at it now and knowing that this development agreement may have been passed, but it's no good without the ILA.”

Josh Bethke with Coats Rose MUD attorney said, “It's currently effective without the ILA.”

Council Member Bryan McNeal said, “For this land swap.”

Josh Bethke with Coats Rose MUD attorney said, “There's triggers. It is for all purposes under the development agreement it is currently effective until the triggers regarding the ILA if those don't occur by the certain deadlines contemplated under the development agreement then the development agreement essentially becomes null and void but currently as it stands right now we're asking you guys to act under the valid development agreement that is in place yes.”

Council Member Bryan McNeal said, “Halla, can you give me a little more insight on that too? I think they're going by none of them at all. I mean this thing is so lined out. I mean I may have misread it, but if I was a kid I don't even have a playground or open space. I just. It's only inevitable until it's not right. I mean what about the ones that have been denied. What about the ones that have had to do a little bit better.”

Council Member Bryan McNeal said, “I mean I keep hearing the comparison of even back when it was Huffines Trilogy. You know we started at 3,000 and apartments and satellites flying overhead or whatever and they got it down to 1700. So I think there's work that can still be done but this much lined out is just not it's not there's that's not to me doing justice. Even though it's in the ETJ. The city and the citizens will take that hit. And that it's just that's just how it is.”

– City attorney spoke. No audio. –

Council Member Bryan McNeal said, “Oh I would I would differ. It will affect the citizens. So they're I'm assuming one of the shiny objects was a fire station correct?”

Josh Bethke with Coats Rose MUD attorney said, “The terms of the development agreement is unrelated to that.”

Council Member Bryan McNeal, “I understand. I'm just asking the fire department is on the table I'm assuming? Okay I put MCFD on that fire department house gets on fire someone passes away? Who do they sue? If they wanted to sue somebody? Who are they going to sue? I'm just asking who get sued in that McLendon-Chisholm? The Developer?”

Council Member Bryan McNeal said, “I'm just asking. Okay but it's still it's optics. It's still my City's name on there and we're responsible it's just a lot but I get I understand where he's coming from and he is right that's not what's on the agenda so I did get off track and I apologize. I'll get back on course no he he's been out here since.”

Michael Halla City attorney said, “He's trying to answer your question.”

Council Member Bryan McNeal, “But I don't. I...that's just me getting off course and that's my fault. I apologize we'll stay on course with what you're here to do for your vote. No, I apologize.”

Mayor Pro Tem Balkum said, “I'm thankful that you did explain there's about three different things to this complex development process. The one thing I think that there's a probably a very concerned issue is that somehow there's a belief out there that a negotiation could cause for the development agreement for a reduction of the homes. The amount of homes that can be reduced.”

Mayor Pro Tem Balkum said, “At the end of the day, we need to do better as a City to explain the process of a MUD and like understanding the process that you have to go through to create a district, a municipal

utility district and the process, of like you know getting into an development agreement because in this particular case you started many many years ago. This didn't happen like yesterday or last year or anything like that and so that part about negotiating any type of housing density is NOT on the table. Is that correct?"

Josh Bethke with Coats Rose MUD attorney said, "Correct." And to give further explanation. I'm an attorney that represents 300 plus MUDs in the North Texas area. These particular districts were created in 2012. They have been sitting out here. What is happening now is we are trying to reach an agreement where we have said this what our plan is for this development."

Josh Bethke with Coats Rose MUD attorney said, Here is a way to create a revenue stream for the City. As your attorney pointed out, we don't have to involve this city. But our intention is to work with the city. You can have an inspection right, this was not the type of development agreement that we could reduce the housing density or that it was open for negotiation. This is going outside. Off the topic of the purpose of discussion tonight."

Council Member Bryan McNeal said, "Now lets stay on topic. Since it is late. There is people here."

Mayor Pro Tem Adrienne Balkum said, I would request the Council to make a motion at this point for 6.1. Is there any motion?"

Council Member Paul Day said, "Well prior to making a motion. I did have one final question for the attorney if that's okay. Sir, I have taken the time to review the documents that you sent very carefully I read it believe it or not every word in here. This is a very big deal."

Council Member Paul Day said, "The section 4.4 on that ILA, as you know. I'm quite certain that you're aware that we have not come to an agreement with the county on an ILA. My understanding of this is that starts a clock. Six months am I right? So is taking an action pursuing to the development agreement not premature given that we don't have an agreement yet with the county in your opinion?"

- Josh Bethke with Coats Rose MUD attorney spoke. No audio.-

Council Member Paul Day said, "And so I'm sitting here looking at Article Five term term and termination and it makes it very clear that the ILA is is the Cornerstone for this entire thing. It seems that the cart is before the horse to me why would you want to push this right here and right now knowing that you don't know what the future is going to give you."

Council Member Paul Day said, "So they're seeking this with respect to simplification is that what you're saying? And you certified that title is held identically for both parcels title is held identically for both parcels by the same owner but is it identically held I want to make sure it's the same owners yes? Okay not a subcorporation. Thank you."

MOTION: Approve The Resolution Of The City Council Of The City Of Mclendon-Chisholm Texas Consenting To The Addition Of Certain Land Into River Rock Trails Municipal Utility District Number Two And Providing An Effective Date. Motion failed. 3 to 2.

Video link of the meeting: <https://www.youtube.com/live/K3NZzzSwAh4?si=ZezqO9XIAmvBrEyJ>

April 23, 2024 — Rockwall County Commissioners Court Workshop Meeting

Agenda Item: Discuss/Act on the final plat for the Wildwood Phase II Project, and all related issues; (Judge New)

Presiding: Frank New
Commissioners: John Stacy, Dennis Bailey, Dana Macalik

Not Present: Cliff Sevier

Applicant Representatives: David Booth (DMDS / River Rock Trails)

County Health Coordinator: Ron Merritt

Governing Body: Rockwall County Commissioners Court

Ron Merritt said, "I'm going to defer questions to Commissioner Bailey that he may have of me. We are just here for the final plat. To get it through."

Commissioner Dennis Bailey said, "My concern throughout this process still is that no negotiations have come through me as to the changing of the position on our approval or disapproval of the previous plat. Why did the court disapprove this phase 2 plat. A month or so ago? What were the reasons that it was denied?"

Commissioner John Stacy said, "I thought reasons were given? It was denied because we wanted to look at the hydrologic study and the impact from the discharge. I believe that was what was cited in the denial."

Commissioner Dana Macalik said, "Or they were going to perform that."

Judge Frank New said, "Yes, provide us a hydrologic analysis."

Commissioner Dennis Bailey said, "I'm not sure that was the case at the point of when I presented the Court a letter (County Engineer) Freese and Nichol's letter that all technical aspects have been approved and I presented 2 letters from TCEQ showing that they have been approved the location of their waste water treatment plant were included in that. I'm not totally sure that it was based on a hydrologic drainage study. What was our legal advice bring to the Commissioner's Court to approve or disapprove?"

Judge Frank New said, "You got the same advice I had. I sent that under client/attorney privilege, but you are asking for it to be read into the record. So if you want it to be read into the record."

Commissioner Dennis Bailey said, "What were the recommendations from our legal counsel? Go ahead Craig."

County Attorney Craig said, "I am not legal counsel on this. We went and sought advice from outside counsel and I will say once we read those recommendations into the record if you choose to do so even a thumbs up or thumbs down. We no longer enjoy attorney/client privilege on those communications to the extent of divulging those in open court. I would advise that."

Commissioner Dennis Bailey said, "I don't want them read into the records either. However, I think we have heard from legal counsel their position. I'm going to move to approve the Wildwood Phase 2 Project final plat."

Commissioner John Stacy said, "I'm going to seconded it to open it into discussion. I have some questions for the applicant."

David Booth (DR Horton Homes) said, "I just wanted to say that a request for a hydrological study was requested from us. We turned it in about 11 days ago to Connor Roberts with Freese and Nichols. I followed up with him last week. I believe it was yesterday he has a point of clarification question and we answered that last night. Gave the affirmative answer that everything is working as planned out there. I will say the discharge pipe that is being questioned was built in Phase 1. It is not part of Phase 2."

David Booth (DR Horton Homes) said, "It is my understanding that Freese and Nichols approved our engineering plans back on December 15, 2023. And Commissioner Bailey is referencing this letter that basically approved our engineering plans at that time. Every since then we have been trying to get released for construction."

David Booth (DR Horton Homes) said, "It is my understanding under the new subdivision regulations engineering plans are approved by Ron. And the final plat is approved after we do the development. So we are anxious to get started. We asked for your approval if you have any questions happy to answer them."

Commissioner John Stacy said, "I do have a couple of questions you may have answered it with Connor. Is this letter from April 1 that you are referring to from Middleton and Associates? On the hydrologic study?"

David Booth (DR Horton Homes) said, "There has been several technical memos."

Commissioner John Stacy said, "The technical memo says the discharge will go to detention pond A. Then it goes into an existing creek so are you saying the discharge from the treatment plant going to on site? Is that what this is saying?"

David Booth (DR Horton Homes) said, "The discharge from the sewer plant actually doesn't go into the pond as it is being referenced here. It actually goes around the pond and there is a discharge point that was approved by the TCEQ at the southwest corner of the subdivision. I think what Connor was asking hey does maybe twofold, does the pond adequate for detention purposes? And where does it go?"

David Booth (DR Horton Homes) said, "It eventually goes into the floodplain. And as far as the discharge goes our engineer clarified it is only .67 cfs. It is not a continuous flow. And the route that we have it going is a channel that is adequate to handle that flow. So I think we answered all the questions of Connor Roberts. We just ask for approval. We are ready."

Commissioner John Stacy said, "So this technical memo on the detention pond it doesn't answer any questions about the treatment plant because the treatment plant is going on the route that the TCEQ approved. You said you gave him a hydrologic study?"

David Booth (DR Horton Homes) said, "Correct. We have responded to every request from Connor Roberts ever since December 13, 2023. We have responded timely. And I think we have answered all of his questions. Additional questions keep appearing. And we respond. We are at nauseam point on this."

Commissioner John Stacy said, "Okay so again I was just thinking this technical memo was discussed that it didn't make sense. But now it makes sense. It is not addressing the discharge. You're saying the discharge is going to follow the route that the TCEQ has already previously approved."

David Booth (DR Horton Homes) said, "Okay. I'm not an engineer. And you are not an engineer."

Commissioner John Stacy said, "I'm not."

David Booth (DR Horton Homes) said, "Our engineer has answered Connor Roberts questions in an affirmative manner. Our plans were approved on December 15, 2023. That discharge is part of Phase 1. We are seeking a Phase 2 engineering plans. It is my understanding that it does not go to the Commissioners Court. Because we are not engineers. We are happy to answer any additional questions that Connor Roberts has but I have a project that is way out of schedule. And I need to get going on it. Does anyone else have any questions?"

Judge Frank New said, "I have one and I'm not an engineer either. You have done the calculations. We got discharge for phase 1 and discharge for phase 2. When you do the calculations does it look like the accumulative effect of phase 1 and phase 2. And are they going into the same creek or are they going into separate creeks?"

David Booth (DR Horton Homes) said, "Basically it is just a study that whatever we release from that site post development is the same rate as predevelopment flows. Again I am not an engineer. That's what I have learned in my 30 years of experience. I think we have addressed the concerns. If God forbid something happens as we develop we are big boys we handle the issues as they come."

David Booth (DR Horton Homes) said, "We have had 3 or 4 engineers review this matter and everybody has come up with the same conclusion that plans are adequate to handle the situation. So if that is a concern I think we have studied it so much we have relieved the concern. I don't know what else to do at this point."

Commissioner John Stacy, "Well I am not saying you are right or you are wrong. All I am saying is that it is disingenuous to say that you have given us a hydrologic study when you haven't studied all the discharge."

David Booth (DR Horton Homes) said, "We have studied all the discharge. Our engineer specifically responded to the discharge. It is .67cfs. It is not a continuous flow. The pump only comes on when the water levels within the station signal the pump. The question was does the wastewater treatment plant discharge stay within the confines of the existing ditch? You're factoring in surrounding run off particularly during a heavy rain event. And our engineer basically answered yes. It has been asked and it has been answered."

Judge Frank New said, "So in regards to that and I could be wrong. There was further questions of where those calculations. Where did you get those? Where in the creek did you measure those? I have seen what is called the manning equation that shows how you calculate it. I got that from your engineer. Or he got it from the TCEQ. My question is I understand that you are looking at the depth, the width which is going to allow you to calculate the flow that will stay within that width. Where along the lines was that calculated? I would like to send Ron out to verify. To run some measurements. He is not an engineer."

David Booth (DR Horton Homes) said, "I'm not sure what are you are asking Judge."

Judge Frank New said, "The calculations that you came to get the flow rate. Where along the line whatever this unnamed creek is. Where did you take those measurements? To come up with the calculations that it could handle the flow that you are sporadically going to be putting into it."

David Booth (DR Horton Homes) said, "It was calculated by the discharge pump. It is .67cfs a very precise calculation."

Judge Frank New said, "But at some point said that it was sufficient that the creek can handle that where did we get that calculation from? Where do we take the measurements at the creek that says it will handle .67?"

David Booth (DR Horton Homes) said, "From our engineers study of the situation and countless other engineers viewed this question."

Judge Frank New said, "I have not seen those. Maybe you sent them. Here is my thing. I know you are frustrated and I sympathize with you. Because you got new people up here that are trying to impose what I call generally called the will of the people. I just want to make sure you are not flooding your neighbor. I have not seen anything."

David Booth (DR Horton Homes) said, "If we felt that we are flooding our neighbor we wouldn't be doing this project."

Judge Frank New said, "Okay, fine, but. I need calculations. It is my job."

David Booth (DR Horton Homes) said, "Guys, we have been at this for four months now."

Judge Frank New said, "Right."

David Booth (DR Horton Homes) said, "Prior to that it took us 9 months to get our plans approved by Connor Roberts. Which is way out of the norm. For any municipality. We don't want to be adversarial here. We have done everything that we are supposed to do. We just need approval of our plans. You are not an engineer. Ya'll aren't engineers. I'm not an engineer. I'm telling you 3 or 4 engineers have looked at this situation and they have signed off on it. Connor Roberts (County Engineer) seems to be dreaming up questions left and right. We respond timely. He does not. Yeah, I'm crazy frustrated. This is not the way to do business."

Art Anderson DR Horton's Attorney said, "I represent DR Horton. I understand the frustration of in terms of hydrology I am the least likely guy that knows much about that. What happened was what we were asked to do additional hydraulic analysis. We did. That was on the 11th. I think it was in response to the prior request. We submitted that two weeks ago. It basically met all the requirements we don't get a response to that until yesterday. You can understand why David is frustrated right? We provided this two weeks ago and we get a request yesterday."

Art Anderson DR Horton's Attorney said, "There were two questions does the WWTP discharge stay within the confines of the existing ditch after factoring in surrounding runoff during particularly a heavy rain event? Our engineers had scrambled yesterday yes it does. They provided that to their engineers yesterday."

Art Anderson DR Horton's Attorney said, "The second question does the pond have capacity from the WWTP discharge or is their potential for uncontrolled overtopping that might have negative impact to surrounding property near the existing creek downstream? Protecting your neighbors. The same answer was yes. Yes the pond has capacity for that. Our engineers had to scramble right to basically come up with the calculations that was all correct. It was sent to the county engineers yesterday. So I hope you can understand our frustration."

Judge Frank New said, "Yeah, I certainly can. Can I get those calculations? And we have a motion and a second. It is not contingent on those but can you send it to me? Thank you. I would like to see the calculations."

Ron Merritt said, "I'm just gonna say where this comes out this discharge is not going to a pond. It comes out of a huge treatment plant. Under the ground it comes out of pipe that sticking up about that high that I got a video of. Then it releases down into is not even a ditch it's just a little swell between two properties and goes on down and around. I'm not an engineer but in my way of thinking if it comes during a heavy rain and that thing is a pumping it is coming out of that ditch. That's what I have seen with my own eyes. In my own personal opinion. To say there is a ditch it is not a ditch."

MOTION: Approve Final Plat For The Wildwood Phase I Project. Motion passed. 3 to 1. Judge New voted Against the Final Plat.

June 25, 2024 — Rockwall County Commissioners Court

Agenda Item: Discuss/Act on approving the preliminary plat for River Rock Trails, Phase 1A, located in Rockwall County, and all related issues; (Commissioner Bailey – Judge New)

Presiding: Frank New
Commissioners: John Stacy, Dennis Bailey, Dana Macalik

Not Present: Cliff Sevier

Applicant Representatives: David Booth (DMDS / River Rock Trails)

County Health Coordinator: Ron Merritt

Governing Body: Rockwall County Commissioners Court

At the June 25, 2024 Commissioners Court meeting, McLendon-Chisholm Mayor Bryan McNeal publicly pledged City support for denying River Rock Trails' preliminary plat and announced plans to terminate the City's fire service agreement with the MUDs if the Court voted against the project. His remarks did not address engineering compliance or statutory plat criteria, but instead framed the issue as a political and cultural opposition to the developer. The Court subsequently denied the preliminary plat.

Public Comments

Speaker: Mayor Bryan McNeal

Date: June 25, 2024

Meeting: Rockwall County Commissioners Court

Good morning Judge New, Commissioners what an honor it is to speak before you all who I have looked up to for mentorship, guidance, advice and especially friendship. I and like all of you and my fellow members of council have received many emails came speaking out against the River Rock Trails preliminary plat phase 1. Let me be clear as I go into this. My allegiance is to the people. I represent McLendon-Chisholm. It is not to the MUDs, not to the developers and certainly not DR Horton. With that allegiance in mind to assure this court if it commits to denying this plat the City of McLendon-Chisholm will stand with you in the protection of your and our great county.

As we move forward in our strategic plan 2050 I am guided by the formation of seven cities working together as one. This thirteen by thirteen county is small and with that comes a gift that we all have in this small county. We have community, we have neighbors we have parades in our towns and streets. We have committees where we all sit together, have faith we have prayer groups. What we have is what I call as America as it gets. It is uncanny to me that DR Horton can be called the America's builder. As it has grown in stature as the builder has grown in arrogance.

After all wouldn't you agree the height of arrogance for them to come to our homes and tell us how we are going to do things whether we like it or not. And if they don't like what they are told they take their toys and go home and they leave our ETJ. They don't get their way so they ignore the community around them and destroy what many have loved about places such as McLendon-Chisholm and other areas of Rockwall County. That doesn't sound like the America I know. Sounds like we care more about money than we do people.

What comes with that do what we want anyway attitude well for one an overload of infrastructure, traffic, demands on utilities, schools become more crowded and most importantly crime. See when DR Horton builds these communities they don't care about the aftermath after they leave. You don't have to do a quick Google search to see the product built by DR Horton to know it will only be a problem by someone. But it won't be Dr. Horton. You will see no cooperation from them. You will not see conversations to want to work towards a resolution. You will only see a commitment to do what they want to do, when they want to do it and how they want to do it as well.

In the end they do not care about the people they don't care about the many lawsuits they have against them or the class action suits. And why not because they have made their money and they

feel as though they are the untouchable builder.

But this time they came to our home and one thing they should of checked at the door is that I serve the people, the council members that I have serve the people and my knowledge of all of you and your oath is to the people. So Judge and Commissioners know I'm willing to fight along with you if you need an ally and a friend.

I'm looking at talking to other cities and joining the lawsuits that challenges the state's passing the most recent bill allowing the developers to just leave the ETJ because they don't get their way.

Enclosing my final message to DR Horton I plan on going to my council and encouraging them to not provide fire services to MUD 1 & 2 as the cart was certainly placed before the horse with this one. As if we were hoodwinked in some regards with the past council. I will recommend we terminate any contract that is not a viable option for our city and our city's resources. This contract was just executed only a few months ago and River Rock will not damaged in any way by our termination. So I'm going to be working with (City) Council to bring this up at our next council meeting to have that contract terminated. Commissioners, Judge New this is your house and know I will protect it with you.

**To listen to the audio to confirm public forum where a parade of speakers outside the city limits speaking against DR Horton and for the Commissioners to deny the preliminary plat. (https://rockwall-tx.granicus.com/player/clip/1594?view_id=3&redirect=true)*

Public Comments

Speaker: Commissioner Candidate Lorne Liechty

Date: June 25, 2024

Meeting: Rockwall County Commissioners Court

I'm here as president of the Rockwall Open Space and that is the basis of which I'm speaking. You are looking at a lot of things with respect to the River Rock Development. I just wanted to deal with this just with one. Item 56 of the Letter from Freese and Nichols deals with compliance with Open Spaces it was an objection when this was responded to I believe in May of 2023. Open spaces are significant to any county development. I would point out to section 110 of your subdivision regulations says that quote to the greatest extent possible all plats and development plans should be designed in a way that promote the stated objectives of the plan. That's the open space master plan. And allow for its future implementation.

Those objectives that are supposed to be promoted are three.

- 1) preserve quality storm water corridors including creeks, channels, floodplains, tributaries, and easements;
- 2) identify and preserve potential locations of major open space and/or public amenities that should be developed in the future. In other words a large park.
- 3) to protect and establish corridors essential for county wide open space connectivity for non motorized mobility such as walking and biking trails.

Those are the three objectives that any subdivision has to promote to the greatest extent possible. This property is identified in the County's open space master plan as a significant property which allows the promotion of all three of these objectives.

This plan is very complicated. It's gonna be. I do want to say that as noted in their letter and the responses that you all received. We have met with them. They have been cooperative with us and discussed open spaces with us. I just want to make sure to state that for the record.

However, any plan we do is going to be very complicated not because I want to complicate it because this is a very significant property from an open space standpoint. I did a presentation to you all last October so you may remember some of that. The applicant has requested that be open space compliance to be determined during the final engineering construction.

That is what they said in the response to this letter. I believe that means they want the plat approved and will work it out later. I would suggest that is not the best way to proceed. I think it is important that the open space plan for this property be determined and finalized before the plat is approved.

Our committee, our open space alliance has been working for months on this. I have met with Judge New to explain in what we are doing and lay out what we are doing. We have a four page subcommittee report which we prepared in dealing with this property that we are going to take in front of the open space alliance board at the next meeting. Until those open spaces are finalized I would suggest that this should not be approved. I know I am over my three minutes but I wanted to let you know the open space alliance opinion on this. Thank you very much.

**To listen to the audio to confirm public forum where a parade of speakers outside the city limits speaking against DR Horton and for the Commissioners to deny the preliminary plat. (https://rockwall-tx.granicus.com/player/clip/1594?view_id=3&redirect=true)*

Commissioner Dennis Bailey said, "I'm going to begin by making a motion. That we deny the acceptance of River Rock Trails Phase 1A Preliminary Plat 1A."

Commissioner Stacy said, "I will second that motion."

Commissioner Dennis Bailey said, "That's where I would like to make some additional comments. When you purchase a home you are going to live in one of three different regulatory areas. One you are either going to live in a city. Where there is an enormous amount of restrictions that has to take place in order to take place to build anything. They got sign ordinances, zoning, they can tell you where you can have commercial buildings where your residents are."

Commissioner Dennis Bailey said, "What size lots that your homes can be in. So that is the most restrictive area that you can be in when you purchase in a city or in municipality. It is called an incorporated area. You also then are allowed to purchase in an ETJ area which is an extraterrestrial jurisdiction. In that particular area there has been recent legislation that has changed what a developed area that developers can opt out of a city. So there is a lot of moving parts in the legislature."

Commissioner Dennis Bailey said, "If you build in an ETJ area there must be an agreement between the Rockwall county and a city to have an interlocal agreement. So you got some protection there also, but when you purchase land in unincorporated part of the county you have the least most least restrictions that can be imposed. Now we all go by the Texas local government code. And many of you sent emails in referencing those particular codes and saying quoting certain sections that are in there."

Commissioner Dennis Bailey said, "That local government code is written by the Texas Legislators. They makes the rules that go into the Texas local government code. Rockwall County has asked our legislators multiple times to restrict the powers given to TCEQ that has authority to allowed municipal utility districts (MUDs). We have asked and received no traction at all. TCEQ is obviously a Texas commission on

environmental quality. You have a lot of concern on this particular commissioners court about what is being done in and around your properties. And we have tried to hire attorneys to look at other things.”

Commissioner Dennis Bailey said, “I have personally have been opposed to that because I think our own district attorney’s office but in certain cases we need to go out and hire specialists to be able to look at these particular laws. So if you think that we are there to or we are here and elected by you to get additional tax revenue you are wrong. You are absolutely wrong.”

Commissioner Dennis Bailey said, “I know every person up here. And including Cliff who is not here today. That is not part of our budget is growth. We have to fight off growth. There were several comments that were made and some emails that we have received. One had to deal with water restrictions. One particular lady set the record straight that Backland WSC will be servicing the water for the DR Horton project.”

Commissioner Dennis Bailey said, “And they have an agreement with the Texas Municipal Water District to be able to furnish them water for River Rock. Some questions came in about will they have to hire more fire departments and police. I think the mayor addressed that early on his comments that DR Horton has said that they will pay for those and contract them out. I’m proud to say that the City is saying hey we are not going to let them use our sources to continue with that. There is a lot that we can do and we will try our best. This is probably going to be litigated because of private property rights that the landowner has verses what we can tell them to do in the unincorporated area. I kinda wanted to address a few of those things.”

Commissioner Dana Macalik said, “Well said Commissioner Bailey. I loved all the comments that you came to us today. I heard a lot about responsible development and addressing the growth. Many of you may or may not know that the Commissioners Court earlier this year to implement to embark on a strategic plan for Rockwall County. I am earmarked myself as to represent the Commissioners Court in this.”

Commissioner Dana Macalik said, “I have seen many of you in some of the stakeholder engagement meetings. I will say that the overall and resounding content I am hearing and we have seen preliminary comments that Rockwall County does want to continue with the quality of life that brought you here. That brought me here.”

Commissioner Dana Macalik said, “Guys, I have been here since 1961. I have seen this county change tremendously. It is going to change because people want to come and live in Rockwall County. But we have the opportunity in some cases as Commissioner Bailey mentioned legislatively we do not have the control of currently. We do have the opportunity to look at what available land there is and making sure that we are looking at ways we can acquire it and use it for the developments and to support the quality of life that you are looking for.”

Commissioner Dana Macalik said, “And I here you very loud and clear. I think responsible development. I liked the comment that someone said that they did not want us to look like our neighbor in Kaufman County. For example the Forney municipality. And I think that is important because you have hit on all the parts that are incredibly important as we grow. Rockwall County will be over 250,000 at build out somewhere be around 2050. And the size of our county is still 149 square miles. You do the math. That will put us well over 2,000 people per square mile.”

Commissioner Dana Macalik said, “I want you to know that I take this very seriously. At the same time I recognize until we can make some changes with the legislators. There are some things that this court doesn’t have the power to do. There are some things that we do and we are working on it.”

Commissioner Dana Macalik said, “And as Commissioner Bailey has said and the Judge knows there will be litigation guys. There will probably be litigation and we are aware of that. But we believe in you. I believe

in you anyway. I want to maintain the quality of life for Rockwall County that what we can do. That's all that I have to say."

Commissioner John Stacy said, "I do have a lot of thoughts and a lot of comments. Knowing where this is going. I reserve all of those comments for another future endeavor. Which I am sure will be coming down the road over this development so I do not want to put no comments on record at this time."

Judge Frank New said, "So I do want to add some comments. It was turned down for reasons of deficiencies that we have a list that is too long to go into. I will like to read you my favorite one though they want to dump chemically treated sewer into a protected wetland. That's my favorite one. Add to the list of what we are going to figure out later."

Judge Frank New said, "Just to add to Commissioner Bailey and Macalik the solution for this comes in Austin. It comes at the Texas State Legislature. We made a run last year and unfortunately sir you said the legislature didn't get through and got replaced. That's incorrect. He did get that through. We got it through the House and then it got over to the Senate in committee to died in calendars. Senate took no action."

Judge Frank New said, "I will speak more to the root cause of that in that. So many of you I told you the story going down and testifying in that committee and sitting next to a lobbyist who was a nice lady who was kind enough to point out all the other people in the room that were lobbyists. There was about 200 people in the room and all about 7 were lobbyists. Austin is a wash with developers and builder money. I just want that to just soak in for a minute. Austin is a wash with developers money. So whenever they can have 193 lobbyists there to speak and we can only muster 7 people to speak."

Judge Frank New said, "Well the world looks like to the legislators that the developers right and the constituents just don't care that much. So I will admit to a rookie mistake I thought if we bracketed a bill and kept it exclusive to Rockwall County that the builders and the developers wouldn't stand up against us. That they would let little Rockwall County through and they didn't. I was hopeful because they didn't stand up against us. I truly thought we were going to get this bracket bill through."

Judge Frank New said, "Which is all that I was asking for was that MUD districts come present to the County their safety plan. I will summarize the bill it was house bill 1916 is what happens when I call 911? Who is putting out the fire? What police force is coming? Who is getting the stray dog that is running down the street? Where is the sewer? Where is the drainage? Where?"

Judge Frank New said, "Just all the things if you move into an area that has thousands of homes. You believe you are living in a City. And your expectation is you get city level services. Well the developer in this case weren't providing it. So I drew the line at safety. We drew the line at safety. You will at least have to come up with a safety plan. Seems reasonable. So we got it through the House. Without any fanfare. The builders and developers didn't push back."

Judge Frank New said, "What I know now in my second year as your County Judge the reason they didn't push back. They knew it was going to the Senate and die. They didn't need to waste any effort. It would literally go to the Senate and die. It sat there. It didn't even get a vote. So lesson learned."

Judge Frank New said, "This next go around we are not bracketing Rockwall County alone. It is going to be a coalition. We are sneaking up on 20 counties. I'm going down to a judges meeting next month. It is a training meeting and I am going down there for the sole agenda of pulling other people in."

Judge Frank New said, "My goal is to come back with 30 counties. So this next section we are going to lock arms and go down and flex them our muscle and see if we can at least to require the developers make a safe neighborhood. I gotta tell ya I am going to count on you guys to help me and help me make up for my

rookie mistake of just trying to be quiet and to go out on my own try to slip through the cracks. We are going to go down, we are going to be loud and we are going to be proud. And we need to count on you guys to join us. Down in Austin. Stand strong and tell the legislators what we demand. **And safety is not asking too much.**

Mayor Bryan McNeal from the back of the room, **"I'll stand with you Judge."**

Judge Frank New said, "Thank you Mr. Mayor. Thank you Mr. Mayor. I think with that being said I think we are all in agreement I just wanted to say the reason why we are voting this down is the long list of deficiencies. I read my favorite one."

Judge Frank New said, "Once again you want to dump chemically treated sewer into a wetland that pretty much says all that you need to know. Right there. But there is plenty more there is drainage issues there is a ton of issues. With that being said we have a motion by Commissioner Bailey, a second by Commissioner Stacy the motion is to deny the application."

MOTION: Deny Preliminary Plat For River Rock Trails, Phase 1A, Motion passed unanimously with those present.

July 9, 2024 — Rockwall County Commissioners Court

Agenda Item: Discuss/Act on approving the preliminary plat for River Rock Trails, Phase 1B, located in Rockwall County, and all related issues; (Commissioner Bailey – Judge New)

Presiding: Frank New Commissioners: John Stacy, Dennis Bailey, Dana Macalik, Cliff Sevier

Applicant Representatives: David Booth (DMDS / River Rock Trails)

County Health Coordinator: Ron Merritt

Governing Body: Rockwall County Commissioners Court

Public Comments

Speaker: Mayor Bryan McNeal

Date: July 9, 2024

Meeting: Rockwall County Commissioners Court

I was at a water meeting this morning actually. Imagine that. Good morning Judge, Commissioners I am not normally prepared like I normally am so I am going to shoot from the hip just a little bit. June 5, 1989, an unknown individual stood in front of 59 tanks leaving Tiananmen Square. I think we have all seen that picture. Ya'll are that person for us when it comes to the DR Horton development. Now I'm going to go to my quick notes. May 10, 2024, December 4, 2023, February 14, 2024, September 2022 those are just some lawsuits you can go google facing DR Horton that they are currently ongoing."

This person says my DR Horton home is practically falling apart after months of moving in. This law firm there are several controversies surrounding DR Horton. One of the biggest names in America's home building. Several lawsuits filed against this company alleging construction, object defects, warranty breaches and other issues. In Dallas, they are facing a lawsuit and looking to strike a deal. Just so that they can keep going.

It's like they are okay to build these bad products because they are going to pay their way out of it. There reason I bring it up is not really so much about their workmanship but as us as elected officials – health, safety and welfare that's what our job is to the people. I know when I took my oath it says to the people, to the constitution. It didn't say to DR Horton or any other developer. I heard infrastructure at here and I know we are all somewhat hands tied to do all we can.

I have learned more diving head first in the last weeks that I would know about Oncor, water, and dams. But I do know people. I do know heart. And at some point we have to be that person who stands in front of the 59 tanks that says not today. Not on our watch. I would say even if we lost at the end of the day. They will all see that we fought for them and that is what matters."

**To listen to the audio (https://rockwall-tx.granicus.com/player/clip/1598?view_id=3&redirect=true)*

Commissioner Dennis Bailey, "Thank you Judge I have a motion that I want to make. My is to deny preliminary plat for River Rock Trails, Phase 1B, located in Rockwall County based on July 1, 2024 letter by Freese and Nichols. Freese and Nichols have reviewed the application for technical correctness with Rockwall County Subdivision and Land Regulations and other applicable state and federal requirements. The letter indicates a comprehensive list of many technical deficiencies with the plan set for the application per RCSLDR 2.11."

Commissioner Cliff Sevier said, "I second."

Judge Frank New said, "I would like to make just a couple comments. It fills my heart to hear the citizens come and speak Mike Evans mentioned 'morals'. The laws in the state of Texas allows us to act for our citizens based on morals. We have the authority that has been long standing in the state of Texas and we have gotten away from it. Just as my prayer indicated we wandered so far off the track that we don't know how to get back. But I'm determined to get us back. Mayor McNeal talked about the health and safety and welfare of the citizens. Again Texas laws allow us to advocate for the health, safety and welfare of the citizens."

Judge Frank New said, "Melinda mentioned sacred and faith that makes me so happy. I can not tell you how that makes my heart swell. This is a moral battle for the future of Rockwall County. Is what this is. I think you got some people willing to fight up here. At some point I am going to call all you guys to come with me to Austin and we are going to make the same arguments standing out at the Capitol.

Judge Frank New said, "And we are going to take our stand on the grounds of faith, moral grounds. There is evil in this world and when you see it the greatest defense that you have is point at it and call it by name. By what they are attempting to do in this development is immoral and it is evil. Thank you guys it is truly does my heart good to hear I'm not the only one person standing in front of the 52 tanks. That we have a whole team standing out here. So we got a motion by Commissioner Bailey, a second by Commissioner Sevier and this motion is to deny."

MOTION: Deny Preliminary Plat For River Rock Trails, Phase 1B, Motion passed unanimously.

July 9, 2024 — McLendon-Chisholm City Council

Agenda Item: Discuss and consider repealing the Fire Protection Agreement between the City of McLendon-Chisholm and River Rock Trails Municipal Utility Districts of Rockwall County. (Mayor McNeal)

Presiding: Bryan McNeal Council: Paul Day, Jerry Brewer, Michael Easter, Floyd McLendon, Dan Tucker

City Representatives: Konrad Hildebrandt, Fire Chief Jim Simmons

Governing Body: McLendon-Chisholm City Council

Prior to the agenda was motioned to vote to open up for a discussion Mayor Bryan McNeal gave a speech.

Mayor Bryan McNeal, "So with this one this service contract I was reminded today what we should already know up here on the dais. It is to protect the health, safety and welfare of our community. Which I spoke on earlier.

We do not serve the developers. When we took the oath it was to the people. They like to come into our home and tell us what we will and won't do. Yes we do respect the law. But with that comes a moral obligation. As I said in Commissioners Court we must lead and stand up against evil.

Our citizens are at risk with this agreement as it stands. The contract is provide money to a private interest and that is just wrong. I spoke at the Commissioners Court and two weeks ago on this topic. It's just not a good look for McLendon-Chisholm or Rockwall County.

I am reminded of the June 5, 1989 I think we have all seen that picture of an unknown individual stood in front of 59 tanks leaving Tiananmen Square. So the City of McLendon-Chisholm is going to stand in front of those tanks. We are going to say no to this contract as it will hurt our citizens today."

Council Member Michael Easter said, "I think one of the speakers, Ms. Stibbens brought up an important point that it was part of our ETJ and I think it was a material condition. Since they are not in our ETJ that it doesn't seem appropriate to use the McLendon-Chisholm's resident resources to provide a benefit for entities that are not in our ETJ. And I don't if we can consider following this agreement because it is a material condition that has changed. And so for that reason I think it would be appropriate to not go down that road. I will leave it that."

Council Member Floyd McLendon asked staff, "Is MUD 1 and MUD 2 in our Fire District?"

Konrad Hildebrandt City Administrator said, "Yes they are."

Council Member Floyd McLendon asked Fire Chief Jim Simmons, "So if we were to deny this contract are you still going to respond to emergency services out there? I would love to get your opinion."

Fire Chief Jim Simmons said, "This was requested by previous council. We discussed a public safety agreement. It is common in the state of Texas for MUD districts to work out a public safety agreement that is outside our city limits. The contract is a standard TCEQ requirement of a public safety contract. When we were tasked with Konrad when local developers comes up with a fire protection agreement. When this was started a long while back we reviewed surrounding Metroplex areas to see what their contracts look like. The most recent was Royce City that is about \$20 per month that includes police and fire."

Fire Chief Jim Simmons said, "So we started through this process to make sure this was not a burden on the City. And I understand there is some tension between the ETJ area and the city limits. So we are started negotiating and talking how this particular station how this will not be a burden to the citizens."

Fire Chief Jim Simmons said, "Having a developer at the time agreed to pay for building a substation that will be turned over to the city. Some upfront money and a public safety tax that was just fire protection. \$15

a month per home. And every 2,000 square feet of open space they would be required to pay a public safety fee to the City. This contract was agreed upon.”

Fire Chief Jim Simmons said, “Our city attorney, city staff, previous council and myself reviewed the contract and we brought it before for council approval. Without a contract it still doesn’t change my plate we service all of Fire District 22 because we have contracts with the County to go into the unincorporated area or whether they are not in the ETJ or not. We do provide them fire protection services.”

Fire Chief Jim Simmons said, “Doesn’t matter which way the council goes it doesn’t effect me whatsoever. At the time when we did this contract our goal was to make sure we didn’t put a burden on the citizens inside the city limits.”

Fire Chief Jim Simmons said, “It would be an asset and benefit to everybody at buildout. Substation funding, public safety tax, equipment, personnel funding to be able to have public safety staff out there. This would have funded out right completely. Regardless of what happens, it was approved by council. We did it. So whether the council chooses to approve it or not doesn’t change what we are going to be doing.”

Council Member Floyd McLendon asked, “So you referenced burden if we decline this contract with that development how will that work for you?”

Fire Chief Jim Simmons said, “So we have a County contract to serve the unincorporated area. We receive about \$127,000 from the County. We have the largest fire district in the County. I guess highest paid in the county now when it comes to fire protection money from the County. It would just fall under that plan.”

Fire Chief Jim Simmons said, “Whatever those numbers are I don’t have them in front of me. We just did another review, but whatever that number is we would come up to it. So one of the things that we initiated with County is some changes is the amount of money they are allowing to the fire departments. From conversations with some county commissioners anything that came up like a developer came up.”

Fire Chief Jim Simmons said, “They tell that developer you need to go talk to the city of. Whatever city. Because they knew it was a way for us to make sure that the city services that we were providing out there is not going to put a burden on them. Basically, make them pay upfront. We don’t need you. You need us. We started that process years ago.”

Council Member McLendon said, “I would like to see the difference in the financials with/without the agreement. How many departments respond to Fire District 22 right now?”

Fire Chief Simmons said, “Us. It’s our fire district.”

Council Member McLendon said, “I know that you are the primary responder. How many fire departments will respond?”

Fire Chief Simmons said, “It depends on the call. If it is a structure fire. 3 engines. A ladder truck and EMS. So it may be two or 3 departments.”

Mayor Bryan McNeal said, “Per TCEQ they need a fire service contract and if it is denied then it is denied.”

Fire Chief Simmons said, “If the city chooses to back out of it they can go to Forney, or Terrell. They could go to Royce City. They can go to another city. And they will be their primary contract, but since they are in the county there will be calls coming from our district. It’s the response time and the closeness. It effects the ISO rating. If they went down the same path like we did they could go to Royce City and offer a new station within their MUD district. Great.”

Council Member Paul Day said, “I probably would have voted no on this. \$15 is not enough. I don’t see how this transfer would have been a benefit to the city.”

Mayor Pro Tem Dan Tucker said, “I reviewed the numbers from Councilmen Day its subsidizing with the sheer amount of 6,000 residents. I don’t see this as a revenue stream. It would be a detriment to the City. I don’t have a problem with them going to Royse City. I actually voted for this previously and after reviewing this I’m not in favor of this.”

MOTION: Repeal Fire Protection Agreement Between The City Of Mclendon-Chisholm And River Rock Trails Municipal Utility Districts Of Rockwall County. Motion passed 4 to 1. Council Member Floyd McLendon voted against.

To listen to the audio (<https://www.youtube.com/live/xeqqPDYezCY?si=B1pkNHpuDJ7R58Yh>)

August 13, 2024 – Rockwall County Commissioners Court

Agenda Item: Discuss/Act on approving language for statutory denial letters regarding previous denials of preliminary plats for River Rock Trails, Phase 1A (June 25, 2024) and 1B (July 9, 2024), and all related issues; (Commissioner Bailey – Judge New)

Presiding: Frank New Commissioners: John Stacy, Dennis Bailey, Dana Macalik, Cliff Sevier

Applicant Representatives: David Booth (DMDS / River Rock Trails)

County Health Coordinator: Ron Merritt

Governing Body: Rockwall County Commissioners Court

On August 13, 2024, Rockwall County Commissioners Court unanimously authorized outside legal counsel to draft statutory denial letters for River Rock Trails’ preliminary plats, which had already been denied on June 25 and July 9. The action did not revisit the merits of the applications or introduce new findings, but formalized the denials after the fact through counsel-drafted correspondence.

MOTION: The motion was made by Commissioner Dennis Bailey, seconded by Commissioner John Stacy with the Court voting 5-0 in favor of approving language for statutory denial letters regarding previous denials of preliminary plats for River Rock Trails, Phase 1A (June 25, 2024) and 1B (July 9, 2024).

September 10, 2024 – Rockwall County Commissioners Court

Agenda Item: Discuss/Act on approving River Rock Trails, Phase 1A and 1B Preliminary Plats, and all related issues; (Commissioner Bailey – Environmental Health)

Presiding: Frank New Commissioners: John Stacy, Dennis Bailey, Dana Macalik, Cliff Sevier

Applicant Representatives: Josh Luke with JBI Partners; David Booth (DMDS / River Rock Trails)

County Health Coordinator: Ron Merritt

Governing Body: Rockwall County Commissioners Court

At the September 10, 2024 Commissioners Court meeting, River Rock Trails’ preliminary plats returned for review due to state-mandated timelines triggered by a wastewater application. Despite acknowledgments that required materials had been submitted and that no negotiations or workshops had occurred, the Court relied on unresolved technical concerns presented without the County engineer present. Commissioners confirmed the developer had not been formally presented with certain requirements, and the Court unanimously denied both plats.

Judge Frank New said, “On the agenda item to discuss/act on approving River Rock Trails Phase 1A and 1B Preliminary Plats and all related issues Commissioner Bailey.”

Judge Frank New said, “This is back before us today because in my opinion wastewater treatment plant application that was filled out. The applicant has started a wastewater treatment plant that is in relation to

Phase 1A and Phase 1B. They have already been denied for reasons by this court. But when they reapplied it essentially kicked in the shot clock for when they applied for the waste water treatment plant. It kicked in the shot clock where we have to review again Phase 1A and 1B, because we don't have time to not review it."

Judge Frank New said, "Understand we have until next Commissioners Court to review the wastewater treatment plant. But if we wait until the next court via the state rules and regulations these would be approved by default. So this is the state of Texas an unintended consequences is what this is."

Judge Frank New said, "I understand the shot clock, but this really when something is denied it can go away forever or it can come by whenever the applicant decides. So we have to be vigilant if it comes back and we act on it. It is automatically approved. Is the applicant here who would like to speak?"

Josh Luke with JBI Partners said, "Just as Judge spoke. We have replied 1A and 1B we have submitted items that were required and asked for we have previously provided comments and we are here to answer any questions as they come up."

Judge Frank New said, "Commissioners any questions? I know that last time you guys weren't present and no one from the applicant was here. So we didn't have the opportunity to ask questions. We got a pretty fairly substantial list some things have been satisfied some things as Commissioner Stacy mentioned at the previous agenda item is really just ministerial. But some things are fairly substantial in my opinion. One of the most substantial is drainage studies, floodplain studies that is in the process."

Judge Frank New said, "I need to know what you are doing to the neighbors. I need to know what impact this has. We have done your calculations this ISWM starts with the assumptions we have storm drains and we do not and I would say on this piece of property. I don't even know that if we have bar ditches there. I don't know how other than just gravity, topographical, how we get water from one party to the next property into the proper reservoir. In my mind it is a pretty substantial item that we need cleared up so we can determine what the mediation is so that you don't flood your neighbors."

Josh Luke with JBI Partners said, "The flood study has been provided to County per your engineer to review."

Judge Frank New said, "Okay"

Commissioner Cliff Sevier asked, "What date did they do that?"

Josh Luke with JBI Partners said, "They got with the full application."

Commissioner Cliff Sevier said, "Our stuff says that the flood study will be submitted prior to the final plat. It is on page 66."

Judge Frank New said, "Everything we have says that you're preparing for a flood study for this water shed that includes a timing study to determine if retention is required. We request this be a condition of approval."

Josh Luke with JBI Partners said, "The flood study has been submitted. It is very difficult to review a flood study in the amount of time to the court by the state of Texas. Yes, it has been provided. We have not received comments from your engineer related to that. We asked for approval with that as a condition related to that flood study."

Judge Frank New said, "I'm going to go do something that is going to aggravate everybody here. The list was too long to even go over. Welp today we are going over it. Get comfortable. So there are several items

on the list and this is specific to 1A and we will get to 1B. Some of these have been resolved. One of the deficiencies was subdivision containing more than 31 family to two families dwelling units have been platted. And Subdivision containing more than thirty (30) one-family or two-family dwelling units shall have a platted and constructed secondary ingress and egress to a public street per Section 5.2.2.F.2.a. of the Subdivision Regulations.”

Judge Frank New said, “So I do believe they are working on confirming a second ingress and egress. Then under preliminary sanitary sewer plans offsite improvements required to service this Phase 1A shall be required for installation and dedication within the limitations of this plat to ensure that adequate wastewater is available to serve the proposed development per Section 5.9.1. of the Subdivision Regulations. The applicant has applied but the technical doesn’t have an approved wastewater plant to service this but in the process.”

Judge Frank New said, “So under Existing Drainage Area Sheet(s). Revise symbols within the legend to match the plan details and add the Time of Concentration (TOC) path to confirm compliance with Section 5.7.1. of the Subdivision Regulations. Applicant Response #1 Comment: Legend has been revised. Through experience of past projects picking up large offsite undeveloped areas, we have found that using a slightly higher C value than stated in iSWM, and using a 20 minute TOC, ensures that we are being conservative in the amount of runoff being accounted for in the design of our drainage systems. That is our existing section and the applicants response to it. But again, my stance is stated two or three times today the iSWM calculations assume a functioning storm drain. We do not have a functioning storm drains in the County.”

Judge Frank New said, “Again under Existing Drainage Area Sheet(s) specify the citation of runoff coefficients and intensity calculations, as well as the “f” subscript in the Drainage Theory Rational Method formula to confirm compliance with Section 5.7.1. of the Subdivision Regulations. Applicant Response #1 Comment: Section 5.7.1 states the drainage design is to be in accordance with generally accepted engineering standards.”

Judge Frank New said, “Since Rockwall County does not have specified engineering standards, we have chosen to follow the iSWM Technical Manual for the drainage design standards. This manual is widely accepted as the standard practice across cities in the DFW metroplex. The iSWM manual has been cited as our criteria for the runoff coefficients and intensities used. Again, agreed cities use that manual. Cities have storm drains. We do not. I consider that insufficient.”

Judge Frank New said, “Again under Existing Drainage Provide a table showing the TOC calculations, and show TOC paths on the plan sheets to confirm compliance with Section 5.7.1. of the Subdivision Regulations. Applicant Response #1 Comment: A 20 min time of concentration was used to be conservative on the amount of offsite flow we are proposing to accept.”

Judge Frank New said, “Again next Provide pervious and impervious calculations to confirm compliance with Section 5.7.1. of the Subdivision Regulations. Applicant Response #1 Comment: The iSWM manual uses a 0.30 runoff coefficient for 0.65 runoff coefficient for single family residential lots that are approximately 1/8 of an acre. We have prepared an exhibit of a typical lot and how the developed runoff coefficient was derived.”

Judge Frank New said, “Next item. Label the points of interest or analysis to compare pre- and post-development drainage to confirm compliance with Section 5.7.1. of the Subdivision Regulations. Additionally, show where the drainage ultimately reaches. to confirm compliance with Section 5.7.1. of the Subdivision Regulations. Applicant Response #1 Comment: Please clarify the nature of this comment and what additional information needs to be provided. The drainage ultimately reaches the NRCS Lake No. 13. FNI Response #1 Comment: Commentary on the Existing Drainage Area Sheets is recognized as suitable for resolution during the Construction Plan set review. It is recommended that the Commissioners Court

specify that the above commentary be resolved at time of Construction Plan review as a condition with any action taken on this Preliminary Plat.”

Judge Frank New said, “Next brings us to Proposed Drainage Area Sheet(s). Drainage Areas OS-A1 and OS-A2 drain into FM 548; provide sufficient detail to illustrate no adverse effects are anticipated within FM 548 to confirm compliance with Section 5.7.1. of the Subdivision Regulations. Applicant Response #1 Comment: The drainage design for the areas draining to FM548 are included in the construction plan set for the TxDOT Driveway Permit.”

Judge Frank New said, “A proposed drainage area map has not been included that is used to compare pre and post-development drainage; provide to confirm compliance with Section 5.7.1. of the Subdivision Regulations. Applicant Response #1 Comment: The existing drainage area map shows our pre development drainage and the proposed drainage area map shows our post development drainage. We request this be a condition of approval to be resolved during final engineering construction set.”

Judge Frank New said, “Specify the citation of runoff coefficients and intensity calculations, as well as the “f” subscript in the Drainage Theory Rational Method formula to confirm compliance with Section 5.7.1. of the Subdivision Regulations. Applicant Response #1 Comment: Section 5.7.1 states the drainage design is to be in accordance with generally accepted engineering standards. Since Rockwall County does not have specified engineering standards, we have chosen to follow the iSWM Technical Manual for the drainage design standards. This manual is widely accepted as the standard practice across cities in the DFW metroplex. The iSWM manual has been cited as our criteria for the runoff coefficients and intensities used.”

Judge Frank New spends a lengthy time going down this list of the originally 59 List. And the engineer provided him this information and is not present.

Commissioner Dennis Bailey asked, “Have you Judge (New) met with the developer and discussed these items that are on the list?”

Judge Frank New said, “No sir.”

Commissioner Dennis Bailey said, “So we don't understand have they been presented with these 16 items of apportionment that we had approved?”

Judge Frank New said, “I don't believe they have been officially presented with that. It would come from us and environmental services. Right now we have communications between our engineers and their engineers.”

Commissioner Dennis Bailey said, “Yea, but I understand your position on this subdivision. Have you shown the same response to this applicant as you did with the previous applicants. You already said you did not deal with them. But you haven't done any negotiations with DR Horton folks? As a result of the following letters from Freese and Nichols.”

Judge Frank New said, “I have not. In regard to be this specific development I have not dealt with them in regards to other developments.”

Commissioner Dennis Bailey said, “But you have not done any negotiations with the DR Horton folks as a result of the following letters with Freese and Nichols?”

Judge Frank New said, “I have not. We have had meetings regarding this did have meetings and I did ask in those meetings that told the developer when this was brand new and they could have a voice when we presented this and when did they want it present it? At which point they said do you want this upfront or at

the end as part as construction? They (DR Horton) said they wanted it upfront. I said I would probably agree with that if I were in your shoes. I would want to know the cost upfront.”

Judge Frank New said, “And then they went and negotiated with (city of) McLendon-Chisholm at which point I stepped back and stopped all negotiations because one of the things I campaigned on and I am happy to report is working. I wouldn't allow a developer to use us as a negotiating weapon against a city. So whenever they started with McLendon-Chisholm. I stepped back so there is no further. So now they have come back and I had not reengaged that conversation.”

Commissioner John Stacy said, “Just to clarify how many meetings have you had with Providence Academy?”

Judge Frank New answered, “Zero. Stacy has taken the lead on that.”

Commissioner Dennis Bailey said, “The items we have before us clearly they have not met in my opinion.”

Judge Frank New said, “Correct.”

Commissioner Dennis Bailey said, “I just want to emphasize your negotiation with this particular developer, as it relates to open space plan, Freese and Nichols referenced. Have you received an open space plan from the Committee?”

Judge New answered, “I have received communications from the head of the committee and keeping me up to date on their communications with the developer.”

Commissioner Dennis Bailey, “Have you exposed that from the court?”

Judge Frank New, “I have not. Certainly could.”

Commissioner Dennis Bailey, “Why?”

Judge Frank New said, “Because it is one item that is not resolved in my opinion and add it to the list of 50 other items. That is not resolved. I did read in to the record that they are working with something to be in compliance with are open space master plan.”

Commissioner Dennis Bailey said, “I don't have any questions in reference to the DR Horton Phase 1A.”

Judge Frank New said, “The 1A and 1B are about to get mixed together. There is so much back and forth mixed together here. They are on our agenda as 1A and 1B.”

Commissioner Dennis Bailey asked, “Are you referring to the September 6, 2024 letter?”

Judge Frank New said, “Yes that is correct.”

Commissioner Dennis Bailey asked, “Have they addressed 1B?”

Judge Frank New said, “There's been conversations between our engineer and their engineer in regards to 1B. In regards to the waste water treatment plant. Which we will see that application next meeting. We will review the application for the waste water treatment plant as we sit here today. And because of the state shot clock they do not have a waste water treatment plant. There is no sewer.”

David Booth (DR Horton) said, "I want to clarify a couple of things that were said. We do have a discharge permit from the TCEQ. The item that is going to be heard in the future weeks is a plat for the wastewater plant itself the location. Couple of the comments that you read we haven't received those from your engineer. The County pays Freese and Nichols and pays them alot of money to review our stuff. We never got those comments back. The tail end of your speech there we didn't get those comments back. We addressed.

Judge Frank New said, "Did your engineering firm get the comments?"

David Booth (DR Horton) said, "They did not. They are right there and they told me they did not."

Judge Frank New said, "Which ones did you not get?"

David Booth (DR Horton) said, "The one about wetlands. That's not on my paperwork that I received from them. I got a handbook here that Rockwall County came up with. As a developer we have got to follow THIS handbook. It is a development application handbook. And it has steps in here for the process of a preliminary plat and we have met every single one of these steps. One of the things that's required preliminary drainage plan. I liked to stress that it's preliminary. I think some of the comments you've made imply that we have to get to final engineering plans before you can approve our preliminary plat. That's not the case."

David Booth (DR Horton) said, "We asked to meet with the engineer with Freese and Nichols and they refused. That it wasn't practical. Not possible. So we got comments from them and we addressed all the comments. Ya'll denied the plat because you thought things were still open. We further went back and addressed the comments again. We never got a response from them."

David Booth (DR Horton) said, "And you are right you got 15 days to approve this plat. We never got anything back from them. We didn't receive notification that this hearing was today. So I feel like you are giving the impression that we are not responding. That we are not accurately answering questions. All these items that you keep referring to these myriad of items a 50 page or 58 item list."

David Booth (DR Horton) said, "There is communication back and forth, but we resolved all this. Maybe not to your satisfaction. But you are not the engineer. I'm not the engineer. I don't want to talk about iSWM and all this stuff. I want to focus on what's required. And I want you to use your engineer that Rockwall County is paying Freese and Nichol's for their input. Why isn't Freese and Nichols here? We can't get a response out of them. We can't get the comments from them. With that I just ask you to approve it. We meet all the requirements. I'm not sure what next step to take."

Judge Frank New said, "You and I disagree. Respectfully, that you meet all the requirements. I respect your right to disagree as you respect my rights to disagree. I did see communication that I'm including in between our engineers and your engineers."

David Booth (DR Horton) said, "We did not get anything about the wetlands. We did a wetlands study."

Judge Frank New said, "I have seen it. But give it to me again."

David Booth (DR Horton) said, "I would rather give it to your engineer. He is going to know what it refers to."

Judge Frank New said, "And that is where I got it. It is a big thick document. But I can tell you it is insufficient. You have not filled out the application. What you have is an engineering firm that provides a narrative in this case is this is what we could do and this is what we historically done in other developments. And in this case we'll ask for a variance for this. That's not an application. That is not an approval."

Judge Frank New said, "That is a big thick narrative that appears to be the whole purpose was to hope no one reads it to get to the end because there is no application. It talks about you could fill out the application and if you do here are some items that you would use unless something has changed. The thing that I got from my engineer and who got from your engineer that there was truly no application that has been processed. Again a narrative of what they would do a process of start of filling out the application."

David Booth (DR Horton Developer) said, "That is an inaccurate statement. I'm not an engineer. And you are not an engineer. Let's let the engineers work on that."

Judge Frank New, "But I am actually. I read the document. There is nothing that states..."

David Booth (DR Horton Developer) said, "All I'm saying is there is a check list. We submitted everything. We answered all the questions from your engineer. Maybe not to your satisfaction. But I believe we have answered it to the satisfaction of Freese and Nichols. And you can disagree with that. It can't be a subjective process here."

Judge Frank New said, "I agree. So when the applicant answered to a deficiency we request a variance that is not subjective. That is still work to be done."

David Booth (DR Horton Developer) said, "Can you encourage Freese and Nichols to reach out to us? Can you encourage to meet with us?"

Judge Frank New said, "We most certainly can. And Commissioner Bailey inferred from the conversation earlier I would be happy to meet with you guys. But if we are talking about engineering I agree the engineers need to talk to the engineers. But ultimately the engineer's report is going to come before this court and we are going to have a decision to make."

Judge Frank New said, "And it is going to be is this development in compliance with our subdivision regulations? And as we sit here right now it is my stance it is not. I can encourage them to get with your engineering firm but I got communications where they been in communications with each other. If there is."

David Booth (DR Horton Developer) said, "We have not received any response to the latest application we made. We didn't even get notified that this meeting was today. They are not here."

Judge Frank New said, "Sure that is a decision that I make. That we don't need them here."

David Booth (DR Horton Developer) said, "You had an agenda item to talk about technical items. Why wouldn't you have them here?"

Judge Frank New said, "Because I have the list of technical deficiencies. We paid them."

David Booth (DR Horton Developer) said, "You have a history there. Before I resolve an issue I would bring your engineer here."

Judge Frank New said, "We are not going to have engineering deficiencies resolved during court. That's going to be resolved after court."

David Booth (DR Horton Developer) said, "I agree. I think we resolved them. I can't resolve them if your engineer won't communicate with us."

Judge Frank New, "Now I think you are being unfair and mischaracterizing, because again I got email communications."

David Booth (DR Horton Developer) said, "Well I think you have mischaracterize me by going to another city in negotiating in bad faith."

Judge Frank New, "I said you went there and I wasn't going to continue negotiations if you are negotiating with the City. That's what I would prefer. Go to the City to get the city services. I'm going to step back. Which is the proper thing to do?"

David Booth (DR Horton Developer) said, "I look forward to a vote."

Commissioner Dennis Bailey, "Can I offer something up? Once we get a final report and this appears to be a final report from Freese and Nichols. As it relates to our subdivision rules and regulations, but at some point in time can we commit to the DR Horton folks the developer to meet with them to discuss the deficiencies that are still on this list. And try to work that out?"

Judge Frank New, "I, yes. We can do that. If you want to have a workshop we can do it right in the open. Everybody can hear and be involved."

Commissioner Dennis Bailey said, "Absolutely."

Commissioner Dana Macalik said, "I would add to that list for Freese and Nichols to be present as well."

Judge Frank New said, "100 %."

Commissioner Dennis Bailey said, "Did you ask Freese and Nichols not to come today?"

Judge Frank New said, "I did not. I didn't ask them to come."

Commissioner Dennis Bailey said, "It was curious that Connor said he would not be able to be here today. So where is Daniel?"

Judge Frank New said, "Valid question. The work was done here. (Holds 59 itemized list) And you did a..."

Commissioner Dennis Bailey said, "Nothing was done between the June report and the September 6 letter. I don't know I have the previous letters that went out. June 10th. Yeah. So I don't know if anything happened in that interim. Just commit to sitting down in an open meeting."

Judge Frank New said, "Workshop. I would agree with that."

Commissioner Dana Macalik asked, "Does that effect the shot clock?"

Judge Frank New said, "It certainly could. Which is the problem we are in right now. If we are not in here talking about this right now."

Commissioner Dennis Bailey said, "It is my opinion that we must vote today."

Judge Frank New said, "Oh we will. That's what I'm saying if we are not talking about this today right now. It gets approved by default."

Commissioner Dennis Bailey said, "That's correct."

Commissioner Cliff Sevier said, "If we have the workshop. And we come up with some of these items that it hypothetically doesn't pass. But in the workshop we come up with some solutions for this and we already denied do they have to reapply?"

Judge Frank New said, "They will not. It is my understanding that we deny it they can remedy any of the situations and reapply when they feel they can remedy."

Commissioner Dennis Bailey said, "That is incorrect."

Commissioner Cliff Sevier said, "So they do have to reapply?"

Judge Frank New said, "It's technically not a reapplication because the shot clock is essentially is paused and they can restart it at any time."

Commissioner Dennis Bailey said, "Yeah, that's the way I understand it."

Commissioner Cliff Sevier said, "I think that will be the best solution."

Judge Frank New said, "Yep. Yeah I would be open to that. So let me get back to summarizing this."

Judge New continued reading from Freese and Nichols list.

Judge Frank New said, "I skipped plenty. So that is me being self aware that nobody likes to hear me sit up here and read. I just needed to get these into the record. So with that any questions or comments? So we have on the agenda to discuss and approve River Rock Trails, Phase 1A and 1B Preliminary Plats, and all related issues based on the list that I just read that is specifically on the list for 1A is also valid for 1B I am going to make a motion to deny this plat of River Rock Trails, Phase 1A and 1B Preliminary Plats."

Commissioner Dennis Bailey said, "One comment. Freese and Nichols has pointed out several deficiencies in some cases they have said they would accept certain things. But they have not clearly come back to us with everything has been dotted and eyes crossed. I'm a little bit disappointed that Freese and Nichols was not here. And they did not send a representative to explain some of these issues in further detail. They haven't given us a go ahead. So I'm there."

Judge Frank New said, "Okay."

Commissioner Cliff Sevier said, "I would like to echo. With the amount of items we had in question definitely Freese and Nichols should have been here to help us through it. To help DR Horton understand exactly what they need to do if there is more that needs to be done? It is something that we need to take note of that they need to be here next time."

Judge Frank New said, "I agree with that. And I can require them to be here."

Commissioner Dennis Bailey said, "How did we ever think that by hiring a civil engineer one person could take care of this? We need to contract that out."

Commissioner Dana Macalik said, "I just want to echo Commissioner Sevier and Commissioner Bailey's concerns that Freese and Nichols who we have engaged is not here today. I have received this on Friday. Sometime late Friday afternoon."

Judge Frank New said, "I could accept that. I could of told them you must be here. I thought the list was sufficient. I have not see any changes since we voted this down."

Commissioner Dana Macalik said, “I also have concerns because of all these deficiencies one we have heard from the applicant that they have not been communicating with them. That concerns me. I counted 11 different times that they do it is recommended that the Commissioners Court specify that the above commentary be resolved at the time of construction plan. Reviewed as a condition. They said this 11 times that I can count. And several that are similar to that but in different context so. I agree a meeting. A workshop or whatever we decide to is needed because this is maybe the first of several that we may be getting. Need to have better lines of communication.”

MOTION: To deny Preliminary Plat for River Rock Trails Phase 1A and 1B. It passed unanimously.

September 24, 2024 – Rockwall County Commissioners Court

Agenda Item: Discuss/Act on approving River Rock Trails WWTP Preliminary Plat, Initial Review, and all related issues; (Judge New – Environmental Health)

Presiding: Frank New
Commissioners: John Stacy, Dana Macalik, Cliff Sevier

Not Present: Dennis Bailey

Applicant Representatives: Josh Luke with JBI Partners

County Health Coordinator: Ron Merritt

Governing Body: Rockwall County Commissioners Court

Public Comments

Speaker: Mayor Bryan McNeal

Date: September 24, 2024

Meeting: Rockwall County Commissioners Court

As I was walking up, I wish y'all could play like Eye of the Tiger or something. That'd be kinda cool. So, good morning Commissioners, Judge. Hope this day finds you well and more importantly from the folks in McLendon-Chisholm. How about that ring yesterday? So all kidding aside, I come to you again for one, to thank you for your service to the county and the precincts in which you all serve. But let's focus on the county. There's no doubt that our county is growing and the forecast is already saying a full build out of Rockwall county could hit 300,000 residents. Wow. Now, I'm not a math whiz, but I understand the 13 by 13 square miles. I understand road crowding, I understand crowded shopping, I understand schools being overcrowded. I understand for sure water infrastructure and to a point we're just not ready.

What boggles my mind even the most is how a developer only sees dollars and not the cost of the people. So let's try and look at that cost. 6,000 homes is the number I'm gonna use today, although we know it's probably quite greater than that. But is the dollar more important than the wastewater treatment plant that has a runoff? Let's revisit that wastewater as I am also, no math whiz, I'm also not an environmental specialist, but I'm pretty sure that is not going to be something I would want to be around.

I would want kids around animals, nature and the natural course of how vegetation grows. And I'm not sure if there is an odor, but when I think of waste, I guess that's just one of those things that's on the tip of my nose. The small size of the lots and the high demand of the infrastructure surrounding where they will build will be a direct impact of the city of McLendon-Chisholm. And more so put a strain on an already crowded road and roads, and I have no doubt will damage the roads that are already in need of great attention and repair in McLendon-Chisholm. So in my true fashion, I reached out to the citizens of McLendon-Chisholm through one of my videos. I have 65 responses from emails, messages, phone calls, texts, and I'm pretty sure one of those was even by pigeon.

Here's the thing. I would almost say to a point by truly being connected to the people, yes, they're opposed to mass development, but i think it's greater. I think it's actually about fear. The fear that a family moved here to provide a quiet life to raise their kids. That seems shattered. Now, the fear that crime may increase, which when you look at the increase in population in a small size like that, it surely does. I'm pretty certain that the sheriff is already looking at what it will take to manage for that county's growth. I could probably think of 9 million reasons. Why would be a guess as to why that is not good for the county?

I urge the commissioners to stand their ground. The citizens are watching, they wanna see you fight for them, and I promise you this, they will have your back and they will cheer you on. And we know you all have that character to bring it to the table. We have no doubt that any of you would walk a mile to avoid a fight. But when one starts, you won't back down an inch. The fight is at our door and in our county, don't back down on that inch. As I mentioned last time I spoke with you on this topic, I stand with you. I stand in support of you, and I'll walk into the firefight alongside you.

To be honest, if our efforts even were to fail, I can assure you of this. I would rather fight for what I believed and was right for the people that we took an oath to serve than sit on the sidelines and watch the people I should care for, protect, defend, and serve. Because the oath is always about the health, safety, and welfare of those behind me and that you are facing. I'm proud to know each of you. I won't back down an inch, and I know you won't either. The fight is on. Ding ding.

Judge Frank New asked, "Mr. Merritt, do you want speak to this or no?"

Ron Merritt said, "No."

Judge Frank New said, "Is the applicant here that would like to speak to this morning?"

Josh Luke with JBI Partners said, "Judge. Commissioners? Good morning. We are here seeking approval with the conditions that were listed within the engineer report for this plat. I'm here to answer any questions if you have any.

Commissioner John Stacy said, "I had a question. Um, item 13, um, have y'all done a LOMAR for this particular, uh, part of the development?"

Josh Luke with JBI Partners said, "A LOMAR has not been processed at this time."

Commissioner John Stacy said, "Okay."

Commissioner John Stacy said, "Uh, it is part of our flood study, which has been submitted with the overall development. Uh, but a LOMAR has not been proposed because we are not currently planning on filling any of those areas within the flood plain.

Commissioner John Stacy said, "Okay. Thank you."

Judge Frank New said, "Any further questions? I know we've asked, um, for a hydrologic impact analysis. Are you the firm that would do that?"

Josh Luke with JBI Partners said, "Yes, sir."

Judge Frank New said, "Are we in the process of doing that? The process of coming up with a hydrologic impact analysis, essentially what all this extra water is going to do to your neighbor?"

Josh Luke with JBI Partners said, "So the, the flood study that."

Judge Frank New said, "No, there, there's a flood study, but then there's also the hydrologic impact analysis."

Josh Luke with JBI Partners said, "Correct."

Judge Frank New said, "Um, so are, are you doing a flood study?"

Josh Luke with JBI Partners said, "The flood study has already been provided to your consulting engineer."

Judge Frank New said, "Okay. But have we done the hydrologic impact?"

Josh Luke with JBI Partners said, "A downstream hydrologic impact as well as timing study was also submitted? Yes, sir. As part of that flood study."

Judge Frank New said, "Got it."

Josh Luke with JBI Partners said, "And I understand that's still in review. At this stage, typically the preliminary plat will go through and then that stuff is worked out during the civil plans, construction sets, and then the final plat as well. Um, yeah, at this point we're just at the preliminary plat stage, so obviously adjustments can be needed and warranted if any deficiencies are noted."

Judge Frank New said, "Got it. Any further questions? All right. Thank you Josh."

Commissioner John Stacy said, "Judge, I just wanted to talk a little bit to the court itself about where we are in this process and just kind of put some stuff on the record. Um, so on this particular plat, they are, um, asking us to. So they have all these conditions. And if you look at the conditions, probably over, if there were 90 or so, have been probably remedied. Um, but this isn't a straight one for one grade on conditions and, and otherwise, with what we're being asked to see and what is before us, um, it's more of a weighted grade."

Commissioner John Stacy said, "So I will try to keep my comments particular to this one, and then I, and then I'll talk a little bit about the next agenda item shortly. Um, if you were to look at our subdivision regulations on page 117, it says specifically that there shall not be platted in the floodplain without a LOMAR. It's plain language. There's no development, no platting, nothing in a floodplain. And then you say, well, how do we have that ability? Well, it comes from the local government code 232.030."

Commissioner John Stacy said, "If you were to take your local government code book when the three of us first got elected, the red book, and you read section 232, and then you take the new blue book and read it, you will see that it's being gutted. The legislature has taken away a lot of authority and a lot of power from local municipalities."

Commissioner John Stacy said, "But one thing they haven't touched is 232.030, which derive back to the water code section 16, which gives all local municipalities the ability to restrict land development and occupancy in flood prone areas that adopts permanent land use and control measures with enforceable provisions in flood floodplain areas that guide development of proposed future construction were practical, were practical away from locations that are threatened by flood hazards."

Commissioner John Stacy said, "The federal government has conveyed the authority of floodplain management to local municipalities. And in our subdivision regulations, it says there is to be no development in a floodplain without a LOMAR. They haven't done a LOMAR. So they're asking us to

approve something that is completely against our subdivision regulations here, regardless of the conditions and other things that are happening. If they don't have a water treatment plant, we can't approve 1A and 1B because you can't plat those without a water treatment plant. We're in a cycle."

Commissioner John Stacy said, "They're asking us to do something we legally cannot do. And in threatening lawsuits and trying to bully us into approving a development that is completely outta cycle and is actually, we, we don't, if we grant these authorities, it's on us to control the floodplains. It's on us to monitor this stuff. We're not even talking about **dumping treated sewer water into a federally protected wetland.**"

Commissioner John Stacy said, "**We're simply talking about developing a floodplain that is against our subdivision regulations.** And then we're talking about not having a water treatment plant and then trying to plat houses without a plan to treat the sewer. This isn't all created equal. We can get 95 of these hundreds done, but these last few are huge and they're big, and it's on us, it's been conveyed to us in the water code and local government code 232.030 that it's on the county to control these areas and seek FEMA and floodplain remediation if we are to even allow stuff."

Commissioner John Stacy said, "So when you look at 232 it has gutted everything. We have shot clocks. We have the inability to do certain things. They have never deviated from floodplain management. It is 100% the responsibility of the five of us to look at that. And that's just what I wanted to say, just kind of on the record that I don't have any questions, but **they float these two together and I just believe they're asking us to do something we're not legally allowed to do.**"

Judge Frank New said, "Uh, I would like to add on to that a little bit. So I've been to a couple, more than a couple, but two of the contested hearings I've gone to on behalf of other entities, uh, in front of the TCEQ, I asked two different set of people, representatives from the TCEQ, both attorneys and engineers, whenever they're approving wastewater treatment plants, who does the flood study? Now, I was asking that question before I learned the language, the, what I was really wanting was a hydrologic impact analysis."

Judge Frank New said, "But when I'd ask who determines what kind of negative or positive effect this is going to have on the neighbors downstream, does the TCEQ do that? Two separate instances. Two separate groups of people both said **no, the TCEQ doesn't**, we don't get involved in. So we approve the plant. It's really not their concern. What it does downstream. And when I ask, okay, if you don't, who does both answer? I don't know. I would suppose the county does that."

Judge Frank New said, "**And one of these rare occasions, I agree with them. I believe it is the county's duty to the county's responsibility, to take control of flooding or at least make a good faith attempt to prevent flooding. And, you have to have the data to do that. You have to have a LOMAR.** We have to know what kind of impervious cover we're gonna have. We have to know where this flows and what, what trouble we're causing to our neighbors."

Judge Frank New said, "Like say TCEQ says, they don't get involved in that, and they suspect the county's responsible. I agree with them. I agree with Commissioner Stacy. It is, uh, not only a responsibility, it's a requirement. We, we, we have to get involved. So that, that's my statement Commissioners. Any other questions, concerns?"

Commissioner Cliff Sevier said, "You both said it very well. All right. Thank you. Well, I'll entertain a motion and we will attempt to use our new voting machine here. Okay?"

Commissioner John Stacy said, "All right, Judge, I make a motion that we deny the River Rock Trails WWTP, preliminary plat **based upon the conditions listed in a Freese and Nichols letter on September 17th, 2024.**"

Judge Frank New said, "All right. I have a motion by Commissioner Stacey to deny before we make a second."

County Attorney said, "I would suggest that you, instead of using the word deny, you use the word disapprove because that's what the law requires."

Commissioner John Stacy said, "Okay. I'll disprove it. I apologize for the language. Based upon the letter of the September 17th, 2024 Freese and Nichols."

Judge Frank New said, "Got an amended motion by commissioner Stacy."

Commissioner Cliff Sevier said, "Is that good?"

Commissioner John Stacy said, "Yes."

Judge Frank New said, "Second. Got a second by Commissioner Sevier. All in favor? And this is a vote to disapprove. So all in favor say aye. And register your vote. Aye. Aye. Aye. Any opposed?"

MOTION: To disapprove the River Rock Trails WWTP, preliminary plat based upon the conditions listed in a Freese and Nichols letter on September 17th, 2024. It passed. It is passed by a total of those that are here.

September 24, 2024 — Rockwall County Commissioners Court

Agenda Item: Discuss/Act on approving River Rock Trails Phase 1B Preliminary Plat, Version #2 Review, and all related issues; (Judge New – Environmental Health)

Presiding: Frank New Commissioners: John Stacy, Dana Macalik, Cliff Sevier

Not Present: Dennis Bailey

Applicant Representatives: Josh Luke with JBI Partners

County Health Coordinator: Ron Merritt

Governing Body: Rockwall County Commissioners Court

Judge Frank New said, "That brings us to agenda item number seven, discuss an act on approving River Rock Trails Phase 1B Preliminary Plat version number two, review and all related issues. Mr. Merritt, would you like to, it's, it's, it was presented to you? Got it. Sir, would the applicant like to welcome back Josh."

Josh Luke with JBI Partners said, "Here to answer any questions y'all may have?"

Judge Frank New said, "Is, does anybody have any questions?"

Commissioner John Stacy said, "I don't have any questions."

Judge Frank New said, "All right. Thank you, sir. Alright, Commissioners. Uh, if nobody has any questions, we've all had time to review it multiple times, I'll, I'll entertain a motion if somebody is so inclined."

Commissioner John Stacy said, "I will make a motion we disapprove River Rock Trails Phase 1B based upon a letter from Freese and Nichols and all conditions listed from September 16th, 2024."

Judge Frank New said, "Got a motion by Commissioner Stacy."

Commissioner Dana Macalik said, "I'll second that motion. So again, this is a vote to disapprove. So all those in favor say aye. Aye. Aye. And register your votes. Those opposed?"

MOTION: To disapprove the River Rock Trails Phase 1B based upon a letter from Freese and Nichols and all conditions listed from September 16th, 2024. It is passed by a total of those that are here.

October 8, 2024 — Rockwall County Commissioners Court

Agenda Item: Discuss/Act/Presentation of Open Space regarding River Rock Trails, and all related issues; (Judge New)

Presiding: Frank New Commissioners: Dana Macalik, Cliff Sevier

Not Present: Dennis Bailey, John Stacy

Representatives: Candidate Lorne Liechty, Open Space Alliance

Governing Body: Rockwall County Commissioners Court

- Presentation and Discussion with Lorne Liechty, Open Space Alliance -

Judge New and Commissioners, and I appreciate you taking the time to consider this important topic this morning. Believe it or not, I figured out how to do slides, and I didn't even have to ask Cyndi Brown to do 'em for me. That, in my opinion, was a huge step forward in my technical development. Okay. I have here, before I get started, I'm Lorne Liechty. I am president of the Rockwall county Open Space Alliance. We have with us here in the, uh, room, two other members, uh, of our board, uh, the founder, Nell Wellborn. I'm having a senior moment, Nell Wellborn and Cyndi Brown, who's also on our board. And, uh, we came because we view this as a really important topic as, as I know you do.

Before I get started, I wanna hand out to each of you, an analysis that was done. I didn't see this in your packet. If it's already there, I apologize. But this is an analysis that was done by the Open Space Alliance on August 9th. Um, I'm also gonna take the liberty to give one to your attorney here, **because you may have some act on this too at some point.** There you go. This was analysis that was done on August 9th. We'll get into the substance of that, but you'll probably wanna look at it as we go, go through this. Okay. So, the Open Space Alliance, as I said, I'm the president of the Rockwall County Open Space Alliance. What is it? It's a 501c3 entity that was formed in 2016 to support the full implementation of the Open Space master plan, uh, which was adopted by Rockwall County in 2015.

Our mission statement is very simple. Now I gotta where I know how to use these slides. Right. Our mission statement is very simple. It's save open spaces in Rockwall County before it's too late. The benefit of the open space master plan is that we took time back in 2015 to look at where we are going as a county, recognizing the, the fact that our open spaces were diminishing and to try and set goals and evaluations for future developments within the county. And goals for the for the county wide open space plans. **The purpose of this presentation is to provide input from the open space alliance regarding the compliance of the proposed River Rock Trails development with the open space master plan.** You may remember that, uh, I was here in October 24th, 2023, almost a year ago presenting and some thoughts on this development because it is a huge development that's gonna have, if it happens. It will have a huge impact on our county.

Since then, we've worked very hard on this. **Let me emphasize the role of the Open Space Alliance is advisory.** Okay. It's advisory only. And you all have asked us to look at this, and we're very happy to do so. **The responsibility for taking action lies with the commissioner's court.** Let's talk real briefly about the **legal basis for what we're doing here today.** Okay. I'm already one slide behind. The purpose of this presentation is to pry this input, um, on where we're going with this. The legal basis for this is section 232.101 of the Texas local government code.

It says that a commissioner's court may adopt rules governing plats and subdivisions of land within unincorporated area of the county to promote the health, safety, morals, or general welfare of the county, and the safe, orderly, and healthful development of the unincorporated areas of the county. What we're talking about today is the unincorporated areas of the county with River Rock Trails.

Well, as you would expect, Rockwall County being a leader in everything we do, we adopted those regulations and we adopted those subdivision regulations the most recent on March 23, 2021, with some subsequent amendments. Since those regulations specifically reference, uh, the open space master plan open spaces.

And that's in section 1.10 of the regulations, again, our legal authority. It says, among other things, that **to the greatest extent possible, all plats and development plans should be designed in a way to promote the stated objectives of the plan.** That's the open space master plan and to allow for its future implementation. So the plan sets out three objectives. It says, again here, references 110 says the promote the stated objectives of the plan. Those three objectives are quite simple.

First, to identify and preserve potential locations for a major open space and or public amenity that could be developed in the future. Second, to protect and establish corridors essential for countywide open space connectivity for non-motorized mobility. I just, every time I read this, I smile. 'Cause it's just, it's, it's so, such a complicated statement and way of saying we want trails, hike and bike trails. That's what people want. And third, to preserve stormwater characters corridors. So those are the three objectives that your subdivision regulations say any development plat is supposed to promote. Okay.

We'll be referring to those as we go. So, as I said, we are here to discuss, the boy, I'm working on my slides here. Y'all. We're here to discuss River Rock Trails and that let's give a little information about River Rock Trails. Lemme do that. This is a large development in the southeast quadrant of the county, specifically in precinct three. The total acreage is 1,870 acres based upon our calculations of the plats that have been submitted, about 1,221 is that developable for residential acreage, about 532 is the estimated open space acreage.

The developer, proposes to put in 6,307 lots on this property. Okay. **We are here to address if this is done, how they meet the open space requirements of the subdivision regulations.** Um, I'm not exactly sure where this is in the process, but I know that plats for phases 1A and 1B, and I believe for, um, a water treatment facility had been submitted. I don't think any of those have been approved yet.

But I think it's important that we look at this because as the developer wants to continue with this, **it's important that we set out standards for what we want as a county regarding these open spaces.** So, um, when the plats were submitted, the county's consultant Freese and Nichols submitted a response letter **pointing out some deficiencies.** It focused on section 1.10, which we mentioned a minute ago. **And it said that the developer needs to address how the subdivision is designed in a way that promotes the stated objectives of Rockwall County open space master plan per section 1.10.** Um, and that's what we're here to talk about. The developer recognizes this obligation. And part of what they have submitted is a trails and open space exhibit for their development. As you'll see there, um, it sets out green areas, the dark green areas and then there's some lighter green areas as open spaces.

There are places designated as open spaces by the develop for the developer, and there are spaces designated as potential recreation areas by others. All of that green space adds up to about 520 30 acres. The dark green areas, again, **focus on potential recreational areas for others.** And that's what we're gonna spend some time talking about this morning. The property, it's really important that we note that this, when you talk about meeting the objectives of the plan, we always gotta tie to that.

And it's really significant that this property is identified specifically in our open space master plan as being a significant open space property. Okay. That page that you're looking at **right now is an open space opportunity.** This is page 68 from the open space master plan. And if you look down in the bottom right hand corner, I don't know how to, can you see that arrow there? Yeah. Right there.

That little, oblong area right there. That's the area we're talking about right here. And it's identified as you see in the, the chart down below as an open space opportunity. So when this plan was done in 2015, the people, the, that took the time to do it identified all these open space areas, and this is one of them.

And you can see within that little circle, you can see that little lake in there, the **NRCS lake**, which we'll talk about also in a minute. So that area around there, this is an opportunity. That area around the lake seems really important. The, we're gonna talk about some of these specific ones. Trail opportunities. Okay, this, again, is a page from the master plan.

One of the three objectives is to promote trails. And as you'll see here, the master plan designates what I can, what I call connecting trails. These are not trails that are shown as being in any particular development, but one of the goals we have is to try and connect, different parts of our county by hiking and biking trails. And this shows where some of those areas of connectivity could be and where they would set.

And as I've told many people, my goal is to go from the southwest most corner of this county where I live, right there on Terry Park to the northeast most corner, on, in Royce City, all on a bicycle or walking without having to travel on a road. If we could ever get there, it would be a huge win for the county. But this shows what was thought as where those trails are. And again, if you look at the right hand, bottom right hand corner, you'll see that two of those intermediate trail connectors go right through this property.

So again, emphasizing the importance of this property and its implications under the master plan. By the way, some of these, exhibits are also on your the handout I gave you **the analysis we did**. So that's the second one. The trail opportunities. First was the open area around the lake, and the third is the watersheds. **We have to protect watersheds.** And this property is within the big Brushy Creek watershed.

So again, we have to develop, the property has to be developed in a way to protect that. There's a lot of ways that and opportunities for development of this property in an open space standpoint. **We are here to give you our recommendations.** And if you want to look at that little analysis I gave you, you'll find that that's, we're gonna be referring to it a lot here.

So let's talk about these recommendations. We've told you who we are. We've told you why we're here, and **now we're gonna talk about what we recommend.** And let me say before I get started into this, I recognize fully that this is requires a lot of work by the county. I mean, we can sit here and draw lines and talk about areas and things we'd love to see. But this is all really hard work. And if when we step forward and move it, move forward, we're gonna have to do a lot of that hard work. But that's what we're here for and that's what the people of Rockwall County want. So let's get into this.

Let's talk about, again, **how do we meet the three objectives of the open space master plan by development of this property?** Let's talk about objective number one. Objective one, number one. And this is, I'm sorry. When I did my slides, I had trouble moving 'em around, so you'll have to forgive me. This is slightly different order than I referred to previously, but this is the same three objectives. Objective number one is to preserve, preserve storm water quality.

And as you'll see in the handout that I gave you, I've given some very detailed explanations of what the Open Space Alliance thinks should be done. But real briefly, in kind of bullet bullet point form here, **we believe that the developers should provide drainage or hydrology studies to show, to make sure that the storm water quality will be maintained and what, what happens with water flow from this property when it's developed.** 'Cause anytime you put a lot of concrete down, you're gonna, it's gonna affect significantly what happens to water flows.

Second, the property should be developed in a way to prevent or mitigate any possible adverse drainage impact, which ties into the studies.

And third, and critical to everyone is we don't want that it should be developed in so. Such a way that there's no pollution or contamination from onsite sewer systems that will be developed there. It's my understanding, this has been a MUD has been approved. So there will be an onsite sewer system. So we can't let that contaminate the property below or above us.

As our Judge has said on many occasions, be a good neighbor. One of the things that requires is don't pollute the your neighbor's property. And all of this, I'm sure is consistent with what the developer wants to do. We just need to make sure it's done. Excuse me a minute. Okay. So let's go to objective number two of the plan to identify and preserve locations for a major open space.

This is something that's been talked about by the open space alliance and by this county since we began working on this. I was just talking to Commissioner Sever prior to this, and he said, you know, we've talked a lot of times about buying property, but it's so expensive and it is really expensive, and it's getting more expensive.

We've got a way to make a huge step forward if this property is developed by working with the developer to create this major open space amenity. Okay, here are the recommendations of the Open Space Alliance. And we think these are consistent with the master plan. And frankly, I think these are consistent with the discussions we've had with the developer. 'Cause we've met out there twice with them.

First, the developer should donate the flood plain area around NRCS lake 13. If you go back, let me try now it's gonna get really scary here, but if you go back on these, these slides, you see the one I've just pulled up there, you see where the lake is below that, we've had discussions and surrounding it. We've had discussions. There's floodplain that, that should be donated because it will allow a development. And I hate to use the term park, because we don't have a park development.

So let's just call it like the plan does an open space amenity where people can get out and enjoy the beautiful weather, sit by the water, probably do some fishing, etc. It's not a real deep lake, so don't get your hopes up. But yeah, it's, there's a lot that you can do there.

Commissioner Cliff Sevier asked, "What is that one? That's one of our conservation lake."

Yes, sir. It's, yes, that's it.

So what we've talked with the developer about is to donate the land around there. And the developer has sent us a map that shows 191 acres that they think would be ripe for conveying to the county. The developer has said that if it's not conveyed to the county, it would probably go to the HOA.

In our opinion, on the hope and space alliance. That would be a mistake. The best thing would be for the county to take it. I don't think it would be developed to the extent it could be if it was taken by the HOA. The developer has told us they're willing to do this. That's a huge step.

Again, this goes back to the, what it's gonna take to get this work done. It's easy to say, wow, give us 191 acres of a lake and floodplain, but then to develop it into something that the people can use is gonna take money and it's gonna take a lot of effort. But again, that's where we're at. I think in a kind of a critical defining point right now in where our county's going.

Second, to develop this open space amenity, we recommend that the developer help design the open space amenity. Again, this is a discussion we've had with them and this is laid out again in more detail in the analysis i gave you. This is a discussion we've had with them where they said they would be happy to help us design it.

How can that be done? Well, it can be done in several ways. One would be that the developer could use their planner to come up with a plan that's subject to approval by the county. Developer could pay for a planner. We wanna use a lot of ways you can do it, but we think the developer should help us plan that. That's part of their development responsibility in our opinion.

Third, the property. This probably goes without saying, but we wanted to say it. The property should be maintained in its existing condition until it's conveyed. And what we're trying to avoid here is that there be any significant tree removal or other changes to the property. If you, if you ever have a chance to look at this and you go down, you go around that lake, I guess it's to the southwest of the lake.

There is a lot of wooded area. I mean, big tall hardwoods, a lot of trees in there. Really important to maintain so that we can utilize that and use it for things like equestrian trails and other things like that. Native trails, camping areas, possibly even a lot of things could be done. So we want the property be to be maintained until it's donated.

Next item. We think the developer should pay for trails within this open space amenity. I'll admit we have not discussed with this with them yet, but if the property, here's our reasoning. If the property were conveyed to the HOA or retained by the developer and used for the community, the trails would be built by the HOA or the developer. We think it's no different here. And that's what we think should happen. And, finally, for developing this major open space, any blackland prairies that are out there should be maintained in our current condition.

We don't know that there are any, but there's so little of that property that's developed. It's a definite, land type and soil type that's in this region. And there's so little of it that remains undeveloped. Uncultivated, if there is any, it should be preserved. Okay, so that is item two.

So let's go to objective three of the plan. Objective three is to protect and establish trail corridors. Again, if you'll remember on the map I showed you a minute ago. This property is bisected by a couple trail corridors, a north south connector and an east west connector. We need to preserve those in order to comply with the objectives of the plan. So what do we recommend on that?

Our recommendation is first of all the county and the developer agree on locations for those connectivity points. Okay? This is a big project. It's something we've just started in the last year working on the Open Space Alliance. And hopefully we'll bring you something soon to consider where we're going to all the different cities in Rockwall County asking them for their trail plans so that we can figure out where connectors are built. So you can connect Royce City to Fate, to McLendon-Chisholm to Heath, to Terry Lane. Okay? And we've gotta figure out all those things.

Right now, I know Cyndi Brown, who's sitting here, has been meeting with the various city officials getting their plans and it's actually sparked them to try and reduce some of their plans. And there was a meeting as recently as last week where Fate and Royce City got together to discuss this exact issue. And Cyndi was there about doing these connections. So building these points of connectivity into this project is important because, again, the master plan shows that's where they go. So we gotta agree upon the locations where those points of connectivity go.

Second, regarding trails, the developer should provide easements to preserve this connectivity. Again, that's just kind of goes without saying, but we need to say it.

Third, the developer should provide for connecting trails on the property. So again, if those trails are being, the connection points are being built on this property we think the developers should pay for those trails.

Fourth, the developers should construct trails at its cost within the development for use by the residents of this development. And frankly, they, that's what they plan to do anyway. So it's kind of stating the obvious, but again, they think that's a good idea.

Communities that are built today now all want trails. People living there want 'em. So, but we need to state that's what's necessary to comply with our open space master plan and section 1.10 of the subdivision regulations.

Next, we have to establish trail standards for what they are. I don't think those exist right now in the county, but we need to do it.

Our recommendation is, other than places like in that heavily wooded area where you might wanna have equestrian trails or native trails, things of that nature for different type. We think those trails throughout the community and the connection points should be concrete.

We think they should be a minimum of eight feet wide and along primary or large roadways or what not, 10 feet wide, because there'll be more traffic. You gotta have the ability to go back and forth, people to pass and people to meet. So the county should establish those, trail standards and adopt them that to be applicable to this development.

Finally, the developer, should provide that. The HOA main maintains the trails on this property. Again, i've been involved in multiple HOAs. There's never enough money. There's never enough planning. There's usually a shortage of long-term capital improvement planning. But I think to do something like this and on a property this significant, it should be provided that the HOA being the obvious candidate would be responsible for maintenance of trails after they've built and should provide for assessment sufficient to do that in their capital budgeting.

So those are our recommendations on how this property can comply with the three objectives of the open space master plan, which again, under section 1.10 of our subdivision regulations the development is required to do.

Now, just veer off a little bit here with me. This is a really nice development. They're a really nice piece of property. First of all those pictures you see where I've had the language that's a picture over the lake on that property. It's a beautiful piece of property. Two photos here. The one up the left photo is actually another lake on the western side of the property. You'll see the wildlife there the birds. On the right, you'll see a field with the big utility poles through it.

One of the things that we've recommended in here is the trails that we work with the utility providers and the developer to make sure that their easements under that, because those can be great sources points of connectivity to allow trails under those utility lines and allow us to connect other points of the county. And that's, again, from this property. Another photo. There's a beautiful sunset on this property. Here's a photo of a crop being grown.

And why did I put that in? I'll tell you, because I grew up on a farm and I grew crops, and we still own my mom's land. And I'll tell you, I hate that our county is losing farmland. Don't know what we can do about it other than try and slow it and maintain what we do, but, and encourage farming on in our county. But that's what that property looks like right now. There's another picture over the lake.

In conclusion, this property has significant open space opportunities for Rockwall County. We have to do everything we can to maximize the benefits for the county and for its residents. So where does that leave us? Okay, well that leaves us right here.

One, we as an Open Space Alliance recommend to the county that the commissioner's court that it enforced the requirements of the county subdivision regulations that any subdivision plan or plat presented with respect to this property must be designed in a way to promote and implement the objectives of the open space master plan to the greatest extent possible.

Two, we recommend that this analysis we've given you should be submitted to the county's engineers to make sure that it's complies. And we think it does, but complies with what the engineering requirements are for subdivisions and get comments there.

And three, the reason I gave a copy to your counsel is that you, I, we think the court commissioner's courts should seek advice of counsel to determine the exact proper action to be taken to adopt this as a requirement for this property and this development if it's going to occur. We've talked about this for a long time.

I know the developer wants to get moving and they wanna develop their property. I don't have a crystal ball. I don't know where that's going, but I do know this. The time to act is now. We've been talking about open spaces Cliff, since what, 2008? Nine, yeah, 2008. And we adopted a plan in 2015. This is a very significant property. Talking is great. I love doing a presentation a year ago. I don't wanna do another presentation like this. I want us to take action. And I think we've outlined what that should be. I'll tell you this, the open space alliance is excited about this, and we will, we stand ready to help you in any way that you would like us to.

Thank you very much for allowing me to make this presentation, and I'll answer any questions you might have.

Judge Frank New asked, "Who has questions?"

Commissioner Cliff Sevier asked, "Lorne, I have general questions. It's not about what you just presented in 2015, they gave us. You gave the court a booklet of the open space that was approved. Now a lot of people have changed, and I'm quite sure that those booklets are not all in everybody's office. Is there a way to get five of them reprinted for the court? The master, a cd. Oh, you can we get a copy to where we can get it to the, all the new court? I don't think everybody asked."

Commissioner Dana Macalik said, "I have it."

Judge Frank New said, "I have it and the executive summary."

Commissioner Dana Macalik said, "I do have that."

It's, it's a good point, Cliff. I've printed it out. I've read it cover to cover a couple times. It's something I'm real passionate about. It's about this thick. Yeah. But it's really important again, that the county had the foresight when they adopted the subdivision regulations to insert this section 1.10. And that was great. Move on your, your part of that commissioner's court. But now we have to make sure we comply with it. And the only way we comply with it is, as you suggested to for the commissioners to have a copy of it and look at it and implement it. Other questions?

Commissioner Dana Macalik said, "Okay. I have a couple. I think some of the ones would probably be answered by our engineering group that you recommended. The first one, as far as preserving the quality stormwater, corridors and you talked about the developer providing the drainage study. I'm just wondering if there would be any appetite for an independent study to be done for that, that particular one. And it's just a, something I wrote down as you were talking."

Judge Frank New said, "I have tremendous appetite for that. Just, just so you know, having set through several TCEQ mediations. There are no measurements done of the existing waterways. The, the, the creeks that they don't know how deep the lakes are. They don't know how full the lakes are. They don't know how wide the creeks are. It's all done via modeling. And it is just somebody plugging numbers into an equation and says, our model says, we can dump 7 million gallons into this creek. And that, that baffles me."

Judge Frank New said, "The TCEQ just last week said through a half a day mediation with them, where it'll be the third time that i've gotten them to say, we truly don't care. I mean, they don't say that, but they say it. It's not up to us. We just need to know if the waterway will handle it. Not what it does after that. **So I think it's incumbent upon us to actually do, to do this thing.**"

Commissioner Dana Macalik said, "And I agree, especially when we're looking at 6,300 lots, that will be a part of this development too. So that was kind of one of my questions, but again, it's something that we could talk about. Another question, Lorne, that I had was in regards to the NRCS Lake, I know that I looked, I've looked at it and I'm beginning to get involved in that in our conservation lakes based on Commissioner Bailey stepping off at the end of the year. And I just wondered, have we, has any discussion been made with that lake as far as the condition of that lake or because of many of 'em we've already been told. Are way past outta day servicing?"

Well, I think there's two issues. One is the condition of the lake and the other's condition of the dam. We've talked to the developer about this. I have not examined it. You know, or had the guy from the monitors own gotten. But they have told us that they did tests and the water and it normal space is about four to six feet deep. So it's not real deep. It's not a deep and a lot of that is 'cause silting s comes in and that's what the I idea was built. One, if you really wanna look down the road, things that would, you could do that would be really, great for this lake would be to dredge some of that out. And make it bigger and allow it to a longer lifespan.

Commissioner Dana Macalik said, "I suspect that, that that'll be one of the, maybe the action steps. So that's good. And then a question I had, and I do understand that the trails that you're recommending for them to be, with concrete and so forth, but a lot of the connectivity that I've seen in other states, not necessarily in the state of Texas, but that have a lot of open space, a lot of times those trails are just, they're just dirt. And it kind of creates that. And so I'm not saying that I love the ideal of the connectivity of the whole, of the whole county that you're talking about, but I could see this being kind of a cool thing for it to maybe not, not be that it's just a, it's just a thought because that is going to entail a maintenance expense. Which kind of leads me to one more question, and this is the big one."

Before you add that, can I just interject something here? Commissioner, you're right. There's some places where that's done very well. In fact, the city of Rockwall built a park, but just down just a mile or so from here. They did that. And it's no concrete trails. They did a great job. Very, uh, kind of a wilderness park. So there are places for both maybe some."

Commissioner Dana Macalik said, "And that's my thought. But I do not know this answer, Judge, in regards to the actual Municipal Utility District and the fees that are taken for infrastructure, primarily, if we chose to have something as opposed to an HOA would, some of the amounts, and **I don't know that it would be totally fair, but for the 6,300 residents that live in that. Would we be able to have some of those MUD fund taxes to help compensate with the expenses? I don't know legally if that's something that even can be done,** but I wrote that down. Thought that could be a way to really help this as well."

I think it's something that would be great to look at. Yeah. I don't know that.

Commissioner Dana Macalik said, "Okay. Good. Excellent presentation. Loved it."

Judge Frank New said, "So I have one, conclusion of a question. **Is this the official recommendation of the open space office?**"

Yes. This, the analysis I handed out was passed on August 9th at our last meeting. We had put together a subcommittee that got together. And we, again, **the developer was, kind enough to take us out and take us a tour of the property.** We went around some of these things we've discussed with them. **We haven't sent this to them.** I think the big issues they would, wouldn't surprise them of, obviously there's always differences of opinion.

And to your point, Judge New with engineering studies. Any attorney knows that without attributing any ill will to either party two parties, differing engineers come to different conclusions. And the same thing here. They might look at things and say, well, there's a tweak here where we didn't mean that or we didn't, but I don't think anything in here would surprise them too much from what we talked about. But yes, **this was a formal recommendation from the Open Space Alliance to the Rockwall County Commissioner's Court.** Okay.

Judge Frank New said, "So with that being said, I'm going to make a motion that we accept the recommendation of the Open Space Alliance. We give that to our engineering firm to use in any future development discussions with the developer of River Rock."

Commissioner Dana Macalik said, "I will second that motion."

Judge Frank New said, "All right. Got my motion. Got a second. Are there any further questions? All right. All in favor, please register to vote. It passes three to zero."

MOTION: *To accept the recommendation of the Open Space Alliance. It passed unanimously of those 3 present.*

November 26, 2024 — Rockwall County Commissioners Court

Agenda Item: Discuss/Act on amending the Rockwall County Subdivision and Land Development Regulations and the Rockwall County Development Handbook, and all related issues; (Judge New - Environmental Health)

Presiding: Frank New Commissioners: Dana Macalik, Cliff Sevier, Dennis Bailey, John Stacy

County Representatives: Carissa Houser, Chief Assistant Environmental Health Coordinator's Office

Governing Body: Rockwall County Commissioners Court

A local developer, Ryan Joyce, told the Court the newly added county "apportionment" fees don't just affect builders—they reduce what landowners can get paid for their property. Using a \$250,000 lot example, he argued the added fee stack changes the economics so drastically that a landowner's per-acre value drops from roughly \$55,000 to under \$12,000. He also criticized the process: the fee list was "rattled off" in court without being published in advance, leaving landowners and applicants reacting in real time.

Public Comments

Speaker: Ryan Joyce

Date: November 26, 2024

Meeting: Rockwall County Commissioners Court

Good morning Judge, Commissioners. My name is Ryan Joyce. I appreciate your time this morning, especially with the holidays approaching. So, first off, I wanna wish all of y'all a wonderful Thanksgiving and hope that you enjoy your time that you spend with your families. As we talk about families, I wanted to talk a little bit about my father-in-law. My father-in-law, was a dairy farmer for 26 years. So for 26 years, he woke up at four o'clock in the morning, seven days a week, even Christmas day, Thanksgiving day, every holiday that you can imagine. And he went and milked

cows. He went about his chores throughout the day. And in the evening time, he went and milked cows again. Several years ago, he sold out of the dairy business. And what he was left with was the land after he paid off all of his loans. After he paid off all of his cows. After he paid off all of his equipment. He was left with the land.

At the last commissioner court meeting, there was 16 items that were added as county fees onto a newly platted lot within the county. And so what I've handed you today with the help of my youngest son here is you know we're developers. We own a development company just for, for full disclosure. We've looked at property out in the county before for development purposes. And so our clients and the people that we sell lots to have said hey, if you develop a one acre or an acre and a half lot in the county it's gonna be worth \$250,000. We'll buy it from you for \$250,000. So all throughout this county, you have landowners just like my father-in-law, who have put years and years worth of their blood, sweat, tears and sacrifices into their property.

And so then the developer comes along and says, hey, I wanna buy that property. We have some clients that are interested in purchasing these lots, so I'm gonna sell you my property. What will you pay me for? And so this top box you see here is a calculation. So what we did is, we took the lot value of \$250,000 per lot. We took out a modest 20% margin. Now that's before taxes. That's before we pay our staff. That's before everything. So we're not putting 20% in our pockets. We have a company to run our average development cost, infrastructure costs for roadways, water grading work. Drainage work is about a \$100,000 a lot. So we take that off the margin and we're left with a value of land per lot of \$108,000.

Now, to develop an acre and a half lot in the county requires about 1.95 acres of land. So if we take that \$108,000 per lot and we divide it by 1.95, we're left with a per acre value for the land of \$55,000 per acre. That's what we can pay the landowner. Now, the lower box.

Now let's look at the county fees that were added at the last commissioner's court hearing. Start with the same lot price. Because we can't magically change appraisal values overnight. We can't just suddenly say, well, now a lots worth more than it was yesterday. We still take out our 20% margin.

We still take out our a \$100,000 development cost. The fees that were added by our calculation are gonna add about \$60,000 per lot. Now, when you include carry cost and interest cost, over the timeframe that it takes to sell all those lots, we've placed the value of those fees at \$85,000 per lot. That leaves a land value per lot of \$23,000. If you look right up above, you notice that land value per lot without the county fees was \$108,000. So now we're at a \$23,000 valuation per lot. It takes the same 1.9 acres of land to create an acre and a half lot. So now our land value per acre is just under \$12,000.

So the actions of the commissioner's court at the last session. What they have done is they have reduced the overall land value of citizens that have lived here in Rockwall that have owned land in Rockwall. That have put their blood, sweat, tears and sacrifices into that property. It's reduced it from 55,000 to just under 12,000.

Now, I know what you can say, hey, you're a developer. You make a ton of money. Don't take a 20% margin. I have taxes. I have to pay. I have payroll taxes I have to pay. I have employees that live in this county that I have to pay. And of course, I have investors that I have to pay also. So when you look at that 20%, yeah, it looks great, but that's not all going in my pocket. Maybe, maybe we end up with 5% or 6% of that at the end of the day and we're talking about risking millions of dollars to earn 5% or 6%.

At the end of the day, I urge you as a court to take a look at what you did at the last commissioner's hearing and also what you're planning to do today. None of these things have been published. Last week, there was a rattling off of 16 different items and fees associated with them that were never published. Never allowed the public to take a look at them. It was brought up here in this courtroom. Additionally, item 16 on the agenda tonight, there's nothing published about it other than what it, what it states. So I asked you to look out for the landowners of this county. I ask you to look out for the citizens of this county that have put their blood, sweat, and tears into their property and the devaluations that are occurring on that because of your actions. Again, I thank you for your time. I hope you have a wonderful holiday season, and I appreciate your time today. Thank you.

Judge Frank New said, "The Commissioners Court begins discussing number 16. Discuss an act on amending the Rockwall County subdivision and land development regulations the Rockwall County development handbook and all related issues. Ms. Carissa Houser."

Carissa Houser, Chief Assistant Environmental Health Coordinator's Office said, "So what we have for you today is subdivision and land development regulations. There are some proposed changes that we can go over on that one. The development handbook also has changes that are being proposed today. And so from the start of the subdivision and land development regulations. I have some page numbers here that I'll direct you to. I do want to make it clear that the page numbers given today are just for reference of what you have in front of you. Once the proposed changes are approved page numbers will change. So I just wanted to preference that. And also on page 85, there is already red language in that section. That is not a proposed change that was already in the subdivision regulations. I don't know why it's still red other than just to call attention to it."

Carissa Houser, Chief Assistant Environmental Health Coordinator's Office said, "The first thing that we started with deny. And changing the word deny in our sub and our sub regs book to saying the word disapprove. So that way we're following the language that was approved for denying or disapproving a plat or applications. And if I need to, I can read those page numbers off that has the word deny on that page if we need to read that into."

Judge Frank New said, "So I don't believe we need to. There are numerous prepared, but it's due to the state legislature saying you will, you send a letter to approve or disapprove. As we're aware, somebody trying to do a development may yeah use a loophole where we deny their application. And they can say, well, you didn't disapprove it."

Carissa Houser, Chief Assistant Environmental Health Coordinator's Office said, "Yeah. So I wanted to make that change. So we do follow that language as well. So if you go to page 43. This is section 3.1.6. That is going to be related to, um, a section that is added 3.1.6 is an additional section. This is one that is labeled general approval criteria. And this follows with the 232.001, the infrastructure cost, the apportionment cost. And so now we've added that verbiage in there. There's also a reference to a couple of sections where it's mentioned. And then it's a was a reference to a checklist as well. So we'll go over the checklist for that one. Also, so we needed to add that language in there so that we could do, um, the apportionment fees."

Commissioner Dana Macalik said, "Carissa, can I ask just a clarification for me on that? So that would be the, our last meeting, the infrastructure calculation methodology, some portion of that."

Carissa Houser, Chief Assistant Environmental Health Coordinator's Office said, "A portion of that is being added into here. Okay. Yes, ma'am. Okay. Yes. And then if we go to the next section that's in the subdivision land regulations is section 7.7.3. Starting on page 139. This is about our OSSF language. I'm going to skip that part right now."

Judge Frank New said, "Before you do tell the people at home what OSSF means."

Carissa Houser, Chief Assistant Environmental Health Coordinator's Office said, "Sure. It's a onsite sewage facility (OSSF). Layman terms, septic system or what they used to be called back then. So it is your onsite, sewage facility is what that stands for. Like I said, I'm gonna come back to that, just because I'm going to ask you for an approval of language. And we'll, we'll circle back to that one. Let me get to that one. Okay. The next one on my list is updating an existing OSSF system. There was not a clear designation of what an existing is. The addition being made to this is to clarify what year starts and going backwards is an existence system. Um, the other one that's being added to that one is about a failing, um, existing system to line up with the accordance of our chapter 2.85 rule that we follow for OSSFs. That it has to be, replaced with an approved system. Um, do we wanna add that into the proposed changes with which section is seven? Eight, seven."

County Attorney said, "Since that's just a recitation of current state law and current county policy. It's not a change?"

Carissa Houser, Chief Assistant Environmental Health Coordinator's Office said, "Correct. Not a change, it's clarification. Yes."

City Attorney said, "Okay. And so when the commissioner makes the motion, if he can reference, just 7.7.3c, to basically take out of the approval, is that what you're talking about?"

Carissa Houser, Chief Assistant Environmental Health Coordinator's Office said, "We're taking c out to be with the approval just to do language. And then k I'm asking if we can go ahead and approve that to change in the subdivision regulations."

County Attorney said, "Did you say k?"

Carissa Houser, Chief Assistant Environmental Health Coordinator's Office said, "K."

County Attorney said, "Let me look."

Carissa Houser, Chief Assistant Environmental Health Coordinator's Office said, "It's already in there as existing, but it's clarifying what the title is."

County Attorney said, "Yes, that's fine. Okay. The language is just gonna pull up that one section."

Carissa Houser, Chief Assistant Environmental Health Coordinator's Office said, "The one section?"

County Attorney said, "Yes."

Carissa Houser, Chief Assistant Environmental Health Coordinator's Office said, "Yeah. Okay. Awesome. Alright, so that completes the subdivision regulations book. We're gonna go on to the handbook. This is our application handbook. Several changes are being made or proposed in that one. If you'll go to page four of the handbook. So this one is in addition to our subdivision application form."

Carissa Houser, Chief Assistant Environmental Health Coordinator's Office said, "If you'll notice on page four, we've now added the checkbox that the receipt from development coordinator showing apportionment of county infrastructure fees have been paid. And a note that apportionment fees must be paid prior to the final plat approval, referring to page 11 for the apportionment details."

Carissa Houser, Chief Assistant Environmental Health Coordinator's Office said, "So that is being added to that one, that page. Any questions on that one? Alright. And then if you do go ahead and go to page 11, you'll see we've added in the apportionment costs of or the apportionment of county infrastructure costs per the TLGC section 232.110."

Carissa Houser, Chief Assistant Environmental Health Coordinator's Office said, "The county requires the, including under an agreement with chapter 242 that we can assess these fees. That is the list that was approved at last court. I would like to point out that there are not any dollar amounts listed in this list. I will say that that was done intentionally because that calculation is not done by our department. It's done through the County engineer. So that was why that has been left out. And going to page 19 in the handbook."

Commissioner Dana Macalik, "Just a real quick question on, I understand what your, what your justification of being, being left out, but for our counsel, is this something that is going to cause some, some individuals that are applying for one. It's gonna cause more calls to you and your department as well, but as, is there some verbiage that we could put in there to kind of address any concerns that people have? 'Cause we're, we're not maybe being as transparent?"

County Attorney said, "I mean, yes, when you, when you're talking about the handbook, that's not, uh, it doesn't rise to the same level as the regulations themselves. The handbook is more of a guide. It's sort of like the attorney general's handbook on public information and open meetings act. It's not the law, it just makes it easier for people. And so I mean, that could be amended anyway that the court desires. It's not, subject to the strict kind of regulations that go along with changing the subdivision regulations themselves."

County Attorney said, "And so that would be, I mean, you can change it the way that it is. And if that does cause problems, it's really easy to come back and add that back in or change it later. Or if you want to do a pause on that and wait till the next court for the changes in the handbook that could be addressed you know, more directly with other things. But as, as long as the county staff is comfortable that it's not doesn't seem like it's gonna lead to confusion or problems with administration, then it's not gonna create a legal problem."

Commissioner Dana Macalik said, "That's all I really was wondering about. Thank you."

Carissa Houser, Chief Assistant Environmental Health Coordinator's Office said, "Okay, so we are on page 19 now. This is adding in the checkbox for site development permit application form. This is now including a floodplain development permit. In the subdivision regulations. There is talk about needing a floodplain development permit when wanting to build inside the floodplain. We did not have that in the handbook to be able to reference back and forth to that. So this is an addition for that a permit is required for all construction or development within the floodplain areas or areas of special flood hazard with jurisdiction of Rockwall County. So that is just a check that's a checkbox of a form that will be required. Comments on that we question. Okay. All right."

Carissa Houser, Chief Assistant Environmental Health Coordinator's Office said, "We're gonna move to page 21. This is just adding in an asterisk to the application form there that, um, states that additional costs to cover third party review effort may be required for commercial and multifamily building permits, costs will be provided following submittal of all required documents."

Carissa Houser, Chief Assistant Environmental Health Coordinator's Office said, "And according with Texas local government code section 232.901, it's just making them aware that if we're going to be the site and civil reviewers there, it will be a fee assessed. We do not know what that fee is upfront, because that is determined by the size of the pro, the project pages, etc. And we'll be told at a later time. So just making it just clear that there will be more fees assessed."

Carissa Houser, Chief Assistant Environmental Health Coordinator's Office said, "Going to page 30 now. So page 30 is our onsite sewage facility, OSSF permit checklist. When we were looking at this checklist here, it has a lot of information that was on there that was required to be submitted to us in our department. We were wanting to make this one more of a simplification checklist."

Carissa Houser, Chief Assistant Environmental Health Coordinator's Office said, "We are already regulated by chapter TAC 3285. And so a lot of these requirements are already listed in that, and designers are already held responsible to show this information. The installers are already responsible for getting us this information. So we changed it to appropriate information as determined by the development coordinator to prove compliance with all applicable OSSF regulations. So this, like I said, this is just cleaning up and taking out language that was just kind of more than necessary. All right."

Carissa Houser, Chief Assistant Environmental Health Coordinator's Office said, "And then page 32, this is our culvert driveway and right of way improvement permit checklist. I noticed that what was not on this checklist is that culverts must be approved by Rockwall County Road and Bridge Department and/or the Texas Department of Transportation (TxDOT)."

Carissa Houser, Chief Assistant Environmental Health Coordinator's Office said, "Depending on the right of way authority, it just says that existing and proposed culvert or drainage improvements must be made of 10 or concrete or no plastic or PVC allowed. It didn't give specific direction that they are required to pull a permit for culverts. And so that is just an addition to that page to make sure that they know that there is a permit involved for that one. And any questions on that one? Okay."

Carissa Houser, Chief Assistant Environmental Health Coordinator's Office said, "Next page over 33. This is in addition to the handbook. This is our floodplain development permit checklist and it has the list of everything that we are going to need to receive before we can approve development in a floodplain, approve or disapprove development in the floodplain."

Carissa Houser, Chief Assistant Environmental Health Coordinator's Office said, "It's asking for a site development permit with an application fee, complete site development, permit application signed by the property owners and or their designated representative, a brief letter stating the work or improvements being performed within the designated floodplain."

Carissa Houser, Chief Assistant Environmental Health Coordinator's Office said, "They'll be required to provide us a hard copy of the site plan showing the location of the existing structures, water bodies adjacent road for dimensions and proposed development or lot dimensions."

Carissa Houser, Chief Assistant Environmental Health Coordinator's Office said, "They'll also be required development plans drawn to scale, specifications, including where applicable details for anchoring structures, proposed elevations of the lowest floor, including the basement if applicable, types of water resistant materials used below the first floor."

Carissa Houser, Chief Assistant Environmental Health Coordinator's Office said, "Details of flood proofing the utilities located at the first floor. Details of enclosure below the first floor as applicable. They'll also be required to submit plans showing the extent of the watercourse relocation and or landform alterations with the top of new fill elevation specified."

Carissa Houser, Chief Assistant Environmental Health Coordinator's Office said, "And then they will also be required to provide us with a flood study demonstrating that the development will not flood downstream neighbors and potentially create unsafe and unhealthy conditions. That will all be required to even start that process. Questions on that one? Good. Okay."

Carissa Houser, Chief Assistant Environmental Health Coordinator's Office said, "All right, then we're gonna go just the next page 34. This one is being added to give a little bit better direction, or it's not a little bit better. We're trying to give better direction on the requirements of the commercial review process, we have had several commercial projects given to us, and they all just came at the same time."

Carissa Houser, Chief Assistant Environmental Health Coordinator's Office said, "We have switched the reviewer that is doing those site and civil reviews for us. There was some language confusion, confusion of the applicants, and we wanna just clarify that what they need to provide for commercial buildings. This was a merriment of the construction plan under the subdivision application list, as well as the existing commercial multifamily building permit list."

Carissa Houser, Chief Assistant Environmental Health Coordinator's Office said, "It added what applications page, you know, they needed to start at that we have to have by the property owner or a representative. It is now adding in that we needed a recorded copy of the deed. It changed the language of needing a hard copy. We do accept electronic copies now. And so we only need one hard copy and then an electric copy, electronic copy that we can send off for review. It's also adding in location of any OSSF, including accurate and complete disposal area. And then down in title block information."

Carissa Houser, Chief Assistant Environmental Health Coordinator's Office said, "What has been added is the property boundary with bearings, distance and dimensions of each property line, existing and proposed structures, existing and proposed utility easements, the name of the existing and proposed public right-of-way or ways the location of the a hundred year floodplain."

Carissa Houser, Chief Assistant Environmental Health Coordinator's Office said, "Based on the current FEMA firm, maps and base elevation, the size of each lot square feet and acres, each lot using a septic system must have a minimum one and a half acres. We have also added in a fire district approval level letter, we have added in that a will serve letter from utility providers, electric, water. Sanitary sewer, if not served by OSSF."

Carissa Houser, Chief Assistant Environmental Health Coordinator's Office said, "We've added in platting, final plat or preliminary plat approval must be done. Site addressing must be done. OSSF design, unless served by a centralized sanitary sewer system, has been added a drainage report, including all hydraulic and hydrologic and hydraulic models, including detailed water discharge flow analysis at peak times and average rates to demonstrate that the next page development will not flood downstream neighbors and potentially create an unsafe and unhealthy condition."

Carissa Houser, Chief Assistant Environmental Health Coordinator's Office said, "We have added that into, so there's some language that was taken out existing proposed structures existing proposed utility easements, but all of that is now, it's put into a one section of what has to be on the plans being provided. Any questions on that one? Okay."

Carissa Houser, Chief Assistant Environmental Health Coordinator's Office said, "Alright. That completes that one. And then so if we do this one here approving these subdivision and land regulations, changes to the book changes to the handbook as well."

Carissa Houser, Chief Assistant Environmental Health Coordinator's Office said, "I'm asking for approval for the language that is in there. And then on the OSSF section back in the subdivision regulations book. I'm asking that we are starting the process to revise our order. And so I would like approved language that i can then add into the proposed order that we all are on clear definitions and directions that we want to go."

Judge Frank New said, "Does anybody have any questions? Anybody?"

Commissioner Dana Macalik said, "No. Great job. Very thorough."

Judge Frank New said, "Thank, and this is just as a general overview, this is coming because, you know, historically you heard us talk a lot about commercial. Historically, it was rare to get commercial out in the county. Well, well now with legislative changes, you know, the idea in the past was the cities would keep growing and the county land would become less and less. Well, now that's not the case."

Judge Frank New said, "Their development that's coming into the county and had meetings with more than one developer who's frustrated and say, you know, when we work at the cities. They do this and they do this and they do this this quick and they do this this way. And, and I'm unapologetic. We're the county. We're, we're not the city. We're not structured to facilitate that kind of growth. The cities are."

Judge Frank New said, "So you're gonna have to bear with us as we kind of recalibrate here and get used to the new reality. And that is it's kind of the wild west. So we're attempting to react to some legislative changes that were made two sessions ago. So does anybody have any questions? If not, I'll entertain a motion."

Commissioner John Stacy said, "All right. I move that the proposed amendments to the Rockwall County subdivision and land development regulations and development handbook be adopted and approved, accept for the proposed changes to section 7.7.3c and further remove that the language in that section, 7.7.3c, be approved for final application to TCEQ for OSSF regulation approval."

Judge Frank New said, "Got a motion by Commissioner Stacy."

Commissioner Dana Macalik said, "I'll second it."

Judge Frank New said, "Got a second by Commissioner Macalik, are there any further questions or comments? If you'll register your votes? It passes five to zero. Thank you Carissa, for all the hard work. Thank you. That's been more than a minute's worth of work. You've been doing. Thank you."

MOTION: *To move that the proposed amendments to the Rockwall County subdivision and land development regulations and development handbook be adopted and approved, accept for the proposed changes to section 7.7.3c and further remove that the language in that section, 7.7.3c, be approved for final application to TCEQ for OSSF regulation approval. It passed unanimously.*

February 13, 2025 — Rockwall County Commissioners Court

Agenda Item: Discuss/Act on approval of outside counsel agreement with Andy Taylor & Associates, P.C., to handle appeal judgment in Cause No: 1-24-0256, Rockwall County, Texas, et. al v. Rockwall County MUD No. 10, et. al., and all related issues; (Judge New)

Presiding: Lorne Liechty Commissioners: Bobby Gallana, John Stacy

Not Present: Frank New, Dana Macalik

County Representatives: Carissa Houser, Chief Assistant Environmental Health Coordinator's Office

Governing Body: Rockwall County Commissioners Court

At the February 13, 2025 Commissioners Court meeting, a representative for Horizon Lakes (Rockwall County MUD No. 10) urged the Court to delay action on the County's outside-counsel item and meet directly to discuss concerns, describing continued litigation as "frivolous." Immediately afterward, McLendon-Chisholm Mayor Bryan McNeal praised the Court's recent coordinated trip to Austin and framed the County's approach as a unified moral mission—"many cities, one county, one voice"—encouraging officials to "walk into the firefight" together. The Court later moved forward with retaining outside appellate counsel after executive session discussion.

Public Comments

Speaker: Colin Huffines

Date: February 13, 2025

Meeting: Rockwall County Commissioners Court

Hello, my name is Colin Huffines and I'm the project manager of the Horizon Lakes development, otherwise known as Municipal Utility District 10 in Rockwall County. I'm speaking on item 12 on the agenda today. I'm asking you not to take an action to actually in fact, delay the agenda item until the facts can be revealed and everyone can be educated on the development that is coming in to Rockwall County in the city of McLendon-Chisholm. This job is one I'm very proud of and one my family is very proud of.

We have a legacy of real estate development here in North Texas. We consider ourselves the best. We consider ourselves the best at bringing in amenities, a sense of community, a sense of place that other developers look over, do not prioritize and do not really fulfill their promises within development agreements and other sorts of, I don't know, constraints, covenants, development agreements and contracts.

I ask y'all that. We talk, sit down, come to our communities, come see our amenity centers and really make informed decisions when it comes to taking legal action. That would be somewhat say frivolous. Some recently, we completed and resolved a settlement agreement with the city of Heath. Everybody is happy. Legal items have been totally put by the wayside. Peace pipes have been smoking. The development is continuing. We have a builder lineup that is legendary.

We have Toll Brothers homes, which is famous for their million dollar custom homes in and around Rockwall and the country. We have Castle Rock famous for delivering over \$600,000 and \$700,000 in starting value of their home prices. We also have Pulte famous for their customization and upgrades internally. The builder lineup that we are bringing in the amenity package that we are delivering in this community is second to none and will absolutely put McLendon-Chisholm on the map.

We are not looking for any infighting. In fact, this city of McLendon-Chisholm has approved the development agreement. The council is looking forward to this development coming in, and at the end of the day, we look forward to working with everybody and basically, hopefully that we can find a way to move forward without, I guess any more legal action. My number is (214) 532-9326.

I'm available anytime to tours our other communities to sit down and talk about the facts of this job and to really make sure that everybody is placated and satiated. We don't really have an ask. We don't have anything. I mean, we are willing to concede and give up on items that may be a concern. Please, I just ask, we sit down and talk before we continue frivolous litigation. Thank you.

Public Comments

Speaker: Bryan McNeal

Date: February 13, 2025

Meeting: Rockwall County Commissioners Court

So, well, you threw me off this morning since the Judge and Dana are not here. So, good morning commissioners, Lorne for stepping in and being the judge today. I wanted to come this morning to say publicly to say thank you. This past week, every one of you traveled to Austin as a unit helping to lead the charge in what was shaped for some time.

Now, when I first decided to run for mayor, many of you were also running for seats as commissioners, and we were already communicating in how we can work together. Those that were not up for a reelection, were also communicating with me on how if i were to be elected, how we can all work together to protect our county teamwork in all things. That was the charge and challenge.

Even then. Many times I took criticism for making the statement that while I know I serve the people of McLendon-Chisholm, I must be aware that I will impact my neighbors in this county with every decision I make. See, we are unique. We are not the county size of Dallas, Tarrant, Collin and Harris. We are small enough that we share the same churches, places to eat, shop, and that our kids even have shared some of the same schools.

So when it comes to a county like ours, we should be setting the example and how to lead from the front. This past week, Rockwall County Republicans, women, American Legion Council Members, Rockwell Chamber, Children's Advocacy Center and of course the mayors from each city came down and made one voice in Austin. I want to urge you to continue to nurture and maintain a very important, important tool that you carry with you in and outta this building each day.

And that tool is your heart. Having a heart for people hasn't always been a priority in our profession of serving people, because maybe from time to time we find ourselves caught up in the day-to-day hustle of choices, decisions, and items on our agendas. And that is simply because we're human. But at the end of the day, we should be wanting to make a difference in a person's life and the choices we make.

'Cause Chat GPT can't get us what we need, but heart can be an authentic can in doing so, we can look at those that are impacted by the choices we make and say, we are gonna work to make things right. To make the right decisions for you because we care. It goes back to the best tool you have your heart. Isaiah 68, then I heard a voice of the Lord, whom shall I send? Then I said, here I am.

Send me. We should hear God's voice calling us no matter what that task is. We should stand up like a warrior for God. Don't be afraid, but be brave like David, be courageous like Daniel. Be strong like Samson and be a leader like Moses. God does not call a qualified. He qualifies the called. And if you're a call called, then you are already qualified. So don't be afraid. If God is with you and he has put you up with the task, then God is gonna walk you through that task. So put on that full armor and push on.

Let's continue to work together and make choices that help people, serve people, hear people, and serve with our hearts and let them know we care. And most of all, let's continue to be a unified front

that we have become in this county. And not only be the example to those that we serve within our 13 by 13 square mile county, but also that our neighbor counties can look on and join our fight to make sure local governments do not lose.

That means I always have said many cities, one county, one voice. How amazing would it be able to say many cities, many counties, one voice, thank you for all you do have done and continue to do. I'm proud to serve and walk amongst you all. And with that, be safe and God bless.

Commissioner Lorne Liechty said, "Alright. Item number 12. I'm going to delay until after our executive session. I wanna discuss that in executive session, which we have the right to do."

February 25, 2025 – Rockwall County Commissioners Court

Agenda Item: Discuss/Act on approval of outside counsel agreement with Andy Taylor & Associates, P.C., to handle appeal judgment in Cause No: 1-24-0256, Rockwall County, Texas, et. al v. Rockwall County MUD No. 10, et. al., and all related issues; (Judge New)

Presiding: Frank New Commissioners: Lorne Liechty, Dana Macalik, Bobby Gallana, John Stacy

County Representatives: Carissa Houser, Chief Assistant Environmental Health Coordinator's Office

Governing Body: Rockwall County Commissioners Court

On February 25, 2025, the Rockwall County Commissioners Court voted 4–1 to approve an outside counsel agreement with Andy Taylor & Associates, P.C. to pursue an appeal in Rockwall County, Texas et al. v. Rockwall County MUD No. 10. During discussion, the lawsuit was described from the bench as "collateral damage." The approval followed weeks of public objections from the MUD's developer, who argued that the election challenge was factually flawed, that ballot language mirrored state law, and that two cities had already approved the development through executed agreements. Commissioner Lorne voted against authorizing the litigation.

Public Comments

Speaker: Colin Huffines

Date: February 25, 2025

Meeting: Rockwall County Commissioners Court

Hello, Judge New. My name is Colin Huffines. And while I'm not as cool as officer Eduardo, I am from a family legacy that spans almost a hundred years of doing business here in North Texas. We specialize today in master plan communities. And the master plan that I wanted to talk about is Horizon Lakes, otherwise known as Municipal District 10. The history and related items that I would like to talk about on agenda item 19 is that a suit was issued against our MUD district for two reasons.

One, that the alleged voter was a felon. And the second point being that the ballot language is inconsistent with state law. Both of these are false. These ballot language comes directly from the water code, and it's been used to form thousands of MUD districts across the state of Texas.

Secondly, the voter pleaded out 10, 11 days after the actual election. So he was totally legal to vote. Y'all are, the facts have been misconstrued and to have truths have been told this case, this court case and litigation needs to end. It's frivolous, it's unnecessary.

You're waging a war against two cities that are approving this MUD district. This development we are calling it Horizon Lakes. This is gonna be an incredibly valuable and expensive community that consists of over 150 acres of open space. 174 acre lots for custom home builders. An evaluation that is only gonna bring in the best of the best to this county, McLendon-Chisholm and I have, or the

MUD district, and also the, the development known as Horizon Lakes have an executed development agreement.

And we have outside agreements with the city of Heath. You can talk to both mayors and existing and city council members. This job is desired by both sovereign cities. The density on this job is not to be under or overestimated. The facts are that we have almost two houses per acre. This is not a high density job. We are not DR Horton. We are not developers that are to be fought against.

We are the best in the business. We're bringing in a \$15 million amenity center, trails and master plan trail system of variable widths, spanning up to five and six miles. A programmed lake stocked tanks with fish. Let's see, what else is there? Small boat access.

And in summary, I'm asking you, what are you fighting for? What do you have against our community? What do you have against high value homes that are in your backyard with low density? I ask you to vote against anything related to item agenda item 19. Thank you.

Judge Frank New said, "Discuss/act on approval of outside counsel agreement with Andy Taylor & Associates, P.C., to handle appeal judgment in Cause No: 1-24-0256, Rockwall County, Texas, et. al v. Rockwall County MUD No. 10, et. al., and all related issues."

Judge Frank New said, "This is our, uh, collateral damage lawsuit against mud 10."

Commissioner John Stacy said, "Judge, I'd like to make a motion that we approve the outside counsel agreement included in the agenda."

Judge Frank New said, "All, got a motion by Commissioner Stacey."

Commissioner Dana Macalik said, "I'll second that motion."

Judge Frank New said, "Got a second by Commissioner Macalik. Any further questions or comments? If you'll register your votes now please. It passes four to one with Commissioner Lorne voting against."

MOTION: To approve the outside counsel agreement. It passed 4 to 1.

March 25, 2025 — Rockwall County Commissioners Court

Agenda Item:

- Discuss/ Act on River Rock Trails Preliminary Plat for Phase 1A; and all related issues; (Environmental Health Coordinator);
- Discuss/Act on River Rock Trails Preliminary Plat for Phase 18; and all related issues; (Environmental Health Coordinator);
- Discuss/ Act on River Rock Trails Preliminary Plat for the Wastewater Treatment Plant; and all related issues; (Environmental Health Coordinator)
- Discuss/ Act on River Rock Trails Preliminary Plat for Remainder of River Rock Trails; and all related issues; (Environmental Health Coordinator)
- Discuss/Act on county procedures for appeal to Commissioners Court of infrastructure apportionment determinations, and all related issues; (Commissioner Liechty)

Presiding: Frank New Commissioners: Lorne Liechty, Dana Macalik, Bobby Gallana, John Stacy

County Engineer: Connor Roberts (Freese and Nichols)

Applicant Representatives: David Booth, Jeff Miles, Josh Luke (DMDS / River Rock Trails)

Governing Body: Rockwall County Commissioners Court

Public Comments

Speaker: Bryan McNeal

Date: March 25, 2025

Meeting: Rockwall County Commissioners Court

Good morning Judge. Commissioners, awesome recognition. Commissioner Stacy. Um, man, well done, ladies. Well done and well deserved. Um, not a part of the speech because I didn't know that, but I'm here to talk about, DR Horton. Okay.

DR. Horton has continued to state that they have a contract with the city of McLendon-Chisholm. Simply put, I'm gonna make it very clear. The city of McLendon-Chisholm does not recognize this contract with DR Horton River Rock.

On July 9, 2024, myself and council made it very clear by vote of 4 to one, that we will not honor this contract for Fire EMS. It was stated then that DR Horton left the ETJ and left a burden on the citizens of McLendon-Chisholm to subsidize the fire protection on our dime.

I represent the people who are here now, not those that are yet to come. I have a stack full of emails that I brought with me for DR Horton. The claim to be America's home builder is appalling that they choose to never wanna work with the cities in which they develop.

I'm sure they're having their little snarks and smiles behind me right now, because that's just how they show to be. They come in and they say, this is how we'll do it, and this is how you're gonna get it. There's not an ounce of teamwork or negotiation to come with it, as it has shown that not one time has DR Horton reached out to my office with all the items that you would see on your agenda and our agendas.

You would think that would at least wanna come and talk. But yet they don't. It is not hard to google or youtube the name of DR Horton and see an endless list of issues and complaints that typically, generally normally fall back on the cities so much.

In fact, the past Mayor and Mayor Pro Tem McLendon-Chisholm voted to take all the oversight away from the city on paper, to which a workshop here at this commissioner's court pointed that out.

So, let this be notification that this contract McLendon-Chisholm side, we have done this on July 9th, DR Horton, a city speaks only through ordinances, resolutions, and minutes. City of Austin versus

Whittington, citing DR Horton versus Mills county. We're done. We don't have a contract with them, the door open if they want to come and talk. Thank you.

Judge Frank New said, "Brings us to agenda item number eight, discuss and act on river rock trails. Preliminary plat for phase one a and all related issues."

Connor Roberts (County engineer Freese and Nichols) said, "So just a quick reminder for those of you that don't know, Freese and Nichols serves as the county's technical reviewer for most things, platting and construction plan related. So, you'll notice the letters that are in your packet are from myself issued to Carissa on the county staff. So this is sort of how our cadence goes back and forth in terms of our reviews. Just a quick reminder, this is the fifth formal iteration of the phase one a plats. And Judge, I don't know if you'll notice a lot of the commentary and issues per prevail along the all four plat applications. How would you like me to address 'em?"

Judge New said, "We're doing, trying to keep them silo. Unfortunately, since they're on the agenda item as separate issues."

Connor Roberts (County engineer Freese and Nichols) said, "A court has acted on this in the past, uh, a few times. Actually. You'll notice in the comment letter, the initial date of our letter is March 17th. That's when the packet's due. You will see a revised highlight march 20th. That's in relation to a, um, response that the applicant team provided. As it relates to the overall drainage study. They provided that to us on the 17th. So obviously could not get that turned around in time for the packet."

Commissioner Lorne Liechty asked, "When will that letter be sent? Today?"

Connor Roberts (County engineer Freese and Nichols) said, "I believe it was shared with you."

Commissioner Lorne Liechty said, "Yeah, I've seen it. Okay. When will it be sent?"

Connor Roberts (County engineer Freese and Nichols) said, "Sent to whom?"

Connor Roberts (County engineer Freese and Nichols) said, "That was, that is one thing. I'm not sure if it was Freese and Nichol's responsibility to send that if it was the county's responsibility. We were advised not to send that quite yet. Um, but I, well, should be in your, in your communications ahead of the meeting."

Judge New said, "I would say once you send that to our environmental Coordinator, then she will send that to the okay."

Connor Roberts (County engineer Freese and Nichols) said, "Understood. Yes. Yes. And it has been shared with all the county staff, just so you know, as well as yourselves."

County Attorney asked, "Can you send that back, uh, with today's date?"

Connor Roberts (County engineer Freese and Nichols) said, "I sure can. So with that Judge, there's no formal presentation really on my end. I'm just here to help out as best i can. Just a reminder, I'm, I serve as a county land use and city land use planner. So I have a team of technical reviewers behind me that help us review for technical compliance with the county subdivision regulations. So with that through osmosis, I'll answer as best I can and help you out."

Commissioner John Stacy asked, "I'm looking through the letter dated March 20th. In the past, you, your company has made mention of infrastructure, and I don't see any mention of it in your letter."

Connor Roberts (County engineer Freese and Nichols) said, "So what, again, through the different cadence and iterations of the applications as they come in, that was something that was locked in on the phase 1 B application. So you see that on the general conditions and disclaimers of the phase 1 B application. But since the phase 1 A had been previously acted on."

Connor Roberts (County engineer Freese and Nichols) said, "What we basically do, just again, just to remind everyone, we take what was previously acted on by the court and then reassess those conditions that might have been associated with it as additional iterations come through. So that's all. You'll notice the phase one b packet is a little bit larger. A few more exhibits related to that item specifically. But again, we've sort of taken a holistic approach to the development."

Jeff Miles a DMDS Engineer Consultant for River Rock Trails said, "I guess we'd like to copy of that March 20th letter. I got one that's March 17th. So I don't know if it says anything differently in there, but we need a copy of that. I believe Connor and our engineer are in agreement on all the items that he had in his letter. And we've met all the technical requirements of your platting and your subdivision regulations. So with that, we ask your approval."

Commissioner Lorne Liechty said, "First of all, thank you all for working with us. I disagree that all the technical requirements have been met. I don't know that I could, this is the place to go into that. I am concerned about two real big issues that I just want to mention. It doesn't limit my view on this, but it's, it influences it. One is water."

Commissioner Lorne Liechty said, "We were provided with a letter from Blackland water supply, who's I think president is here. That, in my opinion, is not a commitment to serve water. It's a commitment or it's a letter that says they can provide it if certain conditions are met. Then there was an agreement that was also forwarded to us from the North Texas Municipal Water District (NTMWD), an agreement with Blackland, which provides an annual maximum supply of water of 302,490 gallons per year, which I calculate to be about 824,223 gallons a day, which I don't think is adequate to serve your facility."

Commissioner Lorne Liechty said, "And I understand in the letter that we got from Blackland that it said you're gonna be doing a lot of improvements and from you have agreements with them where you're gonna be doing improvements, but they're not done yet. And so I don't know that the water is served technically."

Commissioner Lorne Liechty said, "There's also an email from North Texas Municipal Water Supply, which was sent by Blackland, which says essentially our contract speaks for itself and references the annual maximum amount of water that they will provide. And then goes on to say, I dunno if I can find this little email goes on to say, it is not appropriate for us to provide a letter speaking to specific retail customer decisions. So I'm concerned about water real big that it's not, we're not there."

Commissioner Lorne Liechty said, "Second, we heard this morning from the Mayor of McLendon-Chisholm, who says that there's not a fire protection agreement between you and the developer and the city of McLendon-Chisholm. And the whole basis for our ability to make rules here is that we can make rules based upon the health, safety, morals, or general welfare of the community. Nothing more significant in safety, I don't think. Then fire protection. And we heard the mayor of McLendon-Chisholm say there is not fire protection agreement. So, with all due respect, and I don't want to get into, point by point with you, but I don't know that you have met all the technical requirements."

Jeff Miles a DMDS Engineer Consultant for River Rock Trails said, "I'll let Scott can provide more detail on the water, but just in general, we have two plats that are coming before you. 1A and 1B, 400 plus or minus lots. There's plenty of water that NTMWD has to serve, that they're not gonna commit to something that we're not developing at this point. We're not gonna develop all the water improvements before we actually have a development that's ready to go concurrently. That's when we build those water improvements."

Jeff Miles a DMDS Engineer Consultant for River Rock Trails said, "There is existing capacity right now in Blackland system to be able to serve our project, including our first 400 lots. So the water we're talking about with the new take point with NTMWD and, the developer building on behalf of Blackland and then turning over to Blackland for them to operate is for a longer term project. That includes this development and other potential developments right in that same area."

Jeff Miles a DMDS Engineer Consultant for River Rock Trails said, "So this is normal course of business that we're not gonna go build \$35 million \$40 million worth of water before we go get a plat approved. So that's normal course of development. So I disagree with what you're saying. You can have your opinion on that, but I disagree as far as the agreement for the emergency services and fire. We do have a valid agreement. As much as they say it's not, we'll let the attorneys fight that out. Because we've been advised by our attorney there is a valid agreement."

Jeff Miles a DMDS Engineer Consultant for River Rock Trails said, "But even if you say we don't have a valid agreement, the county's required to serve that area through McLendon-Chisholm because that's their fire district. And I don't think you want us to do that because we're paying them (City) money and we're building them a fire station."

Jeff Miles a DMDS Engineer Consultant for River Rock Trails said, "But if we don't have an agreement with them, the county still has an obligation to serve, just like you're serving High Point and every other development that is out in the county. So we sweetened the deal by actually building facilities, paying them monthly fees to be able to have a higher level of service. But if nobody wants to have that, then we'll just rely on the county's agreement to have McLendon-Chisholm serve that area. Thank you."

Judge Frank New said, "I would like to say the county's agreement excludes muds, um, the, the, the ESC has made that determination."

Jeff Miles a DMDS Engineer Consultant for River Rock Trails said, "Can we have a copy of that agreement please? And sent to us sure."

Judge Frank New said, "That it says excludes MUDs. Sure, sure. I, will find that information."

Scott Muckensturm Blackland WSC General Manager said, "As Jeff said, or DR Horton said the current P1 A and B will be facilitated through our current contract with Rockwall. So we can facilitate that, that build initially the long term will be our new agreement with NTMWD and they will not single out developments based off, they're not gonna get in the political aspect of what's going on. I talked to RJ Muraski and they won't do that."

Scott Muckensturm Blackland WSC General Manager said, "The assurance is through our current contract, and so over a period of time, the allocation of water from NTMWD will be as we grow, then that contract inherently will be amended to, to take care of that. So we're going down south to 34. There is available water down on 34 to facilitate the growth within our district, not just for DR Horton, but for also our current customers, as well as any other growth within, that part of our district."

Commissioner Lorne Liechty said, "I'd like to make a motion that we disapprove the preliminary plat application for Phase 1A based upon local government code section 232.101a, which authorizes the county to create rules which reads to promote the health, safety, morals, or general welfare of the county, and the safe, orderly, and healthful development of the unincorporated area of the county and other local government code provisions and the Developer's failure to comply with all the rules and requirements set forth in the Rockwall County subdivision land development regulations, including without limitation:

- 1). All matters specified in the letters from Freese and Nichols incorporated to the developer dated March 17th, 2025, and the revised letters to be dated March 25th, 2025, which have not been satisfied as of this date;
- 2) Issues and the basis specified in section 3.20.4 of the county subdivision regulations, including without limitation that the subdivision does not have adequate access to water and that the proposed development may endanger public health, safety, or welfare;
- 3) The failure of the subdivided of this property to satisfy the requirements of sec section 232.03, two of the local government code;
- 4) nonpayment of apportionments as required by section 232.10 a of the local government code and section 3.6 of the subdivision regulations for non-compliance with open space requirements of section one point 10 of the subdivision regulations. And that the commissioner's court does hereby authorize its counsel to send a letter to the developer with respect to this disapproval as required by law.”

Judge Frank New said, “Got a motion by Commissioner Lorne. Seconded by Commissioner Stacy, any further questions or comments? The motion to **disapprove** is on the table if everybody will register their votes. It passes five to zero.”

MOTION: To disapprove the preliminary plat application for Phase 1A. It passed unanimously.

Next [9. Discuss/act on River Rock Trails preliminary plat for phase 1; and all related issues; (environmental health coordinator)]

Connor Roberts (County Engineer Freese and Nichols) said, “Thank you, Judge. Commissioners, very similar to last item. This is would be the second sort of sub phase of Phase 1. You'll notice the recommendation letter in there or our determination letter. I should say a few more exhibits associated with that as it relates to the markup and the apportionment discussion that came along with Phase 1B. So, again, happy to answer any questions.”

David Booth (DR Horton Developer) said, “Just one quick comment. I still don't understand Connor's sending y'all correspondence, but **he's not copying us**. So when we're held to the letter of answering to a letter by Connor, we can't respond 'cause we don't have it. So I just think it's a very inefficient way to go through this process.

Commissioner Lorne Liechty says, “**I'm not an engineer, but I think the letter you, you won't object to the revised letter. Just my guess.**”

David Booth (DR Horton Developer) added, “Well, and you're not an engineer, **that's why Freese and Nichols is hired. They're reviewing it from a technical standpoint.** The water issue, the fire issue, the subdivision regulation compliance. If we follow the subdivision regulations, then **why is it a health safety and welfare? Why is that a concern?**”

Commissioner Lorne Liechty said, “Because **for the reasons I outlined.**”

David Booth (DR Horton Developer) said, “We're following the subdivision regulations. He does agree.”

Commissioner Lorne Liechty said, “Well, that's not how i take his letter to read. If you read his letter, there are a number of issues specified that have not been satisfied as of today.”

David Booth (DR Horton Developer) said, "And we had a meeting where we went through that letter another copy of that letter, and we found out that 99% of those items said they're gonna be addressed in the engineering plans. Are you saying that we need to address 'em now and not in the engineering plan? I know you're not the technical reviewer here he is, but i'd like your opinion on that question."

Commissioner Lorne said, "Yeah, I'm saying in my opinion, they haven't been satisfied and I don't wanna approve a plat until all the requirements are met."

David Booth (DR Horton Developer) said, "I just wanna point to Connor and have him respond to that question if I could. Do we meet the requirements for a preliminary plat? 'Cause you're the technical reviewer here."

Connor Roberts (Freese and Nichols) said, "I appreciate the question from Mr. Booth and yes, I would concur that what we did when we got these applications, version number one, we cast a wide net. We identified issues, but at the end of the day, it is a preliminary document. The county's regulations do require preliminary studies and things of that nature, which we, the review team have deemed as satisfactory at this moment."

Connor Roberts (Freese and Nichols) said, "That's why you'll see that we haven't particularly removed some of those initial items that are on there, but we have acquiesced and committed to in writing that we do feel that the construction plan set is the appropriate time to handle some of these. So, and that's in relation to really all four plat items."

Commissioner Lorne Liechty said, "And I plan to make another motion strikingly similar to my last one. And what you'll say here is that I reference items in your letter that have not been satisfied to date. If items are satisfied, they're satisfied."

Judge Frank New said, "I would state we are, we're in somewhat of a novel territory here. I mean, we have a developer attempting to build a city out in the county, and we have a county that's ill-equipped to handle things that normally a city handles. And, and it has budget implications. We're having to come up with an entire development department to handle situations like this. So we're in somewhat of a new territory. And I understand historically when you're dealing with cities, you do that."

Judge Frank New said, "There's things that aren't addressed in the preliminary plat that you address later in a construction or engineering set or in a final plat. This is new territory for the county. This is new territory for this developer. Building a city out in the county is a new thing. Nobody done that. So the county, again, we're in new, new territory as well. So we're gonna proceed slowly and we're gonna proceed for the benefit of the citizens, uh, very, very cautiously."

Connor Roberts (Freese and Nichols) said, "And Judge, could I just one more, one more thing on that. And absolutely what you said earlier, this that's correct. The preliminary plat lies with you as a body to act on. So just our role in this, just a reminder, is just to provide our technical recommendation. So you're absolutely right. This is your item to consider. And so I would just recommend that any deficiency that is identified, I would recommend that my team, the applicant's team, your team, get on the right page about how can we go about rectifying that issue. That's what we would ask. It's the technical review team, and I know we'll have that opportunity as we always have. So just anything else I can provide."

Commissioner Lorne Liechty said, "I'd like to make a motion that we disapprove the River Rock Trails Preliminary Plat for Phase 1B based upon the local government code section 232.101a, which authorizes county to adopt rules, um, for, to promote the health, safety, morals, or general welfare of the county with the safe, orderly, and healthful development of the unincorporated areas of the county and other local

government code provisions and the developer's failure to comply with the rules and requirements of the Rockwall County subdivision and land development regulations, including without limitation:

- 1) All matters specified in the Freese and Nichols letters to the developer dated March 20th, 2025, as those letters were revised dated March 25th, 2025, which have not been satisfied as of this date.
- 2) Two issues and basis specified in section 3.2.4 of the County subdivision regulations, including without limitation, the subdivisions not have adequate access to water and the proposed development may endanger public health, safety, or welfare.
- 3) Item three, failure of the subdivided of this property to satisfy the requirements of section 232.032 of the local government code.
- 4) Non-payment of apportionments is required by section 232.10 a of the local government code in section 3.6 of the subdivision regulations.
- 5) And non-compliance with open space requirements of section 1.10 of the subdivision regulations.

And that the Commissioner's Court does hereby authorize its counsel to send a letter to the developer with respect to this disapproval as required by law.

MOTION: To disapprove the River Rock Trails Preliminary Plat for Phase 1B. It passed unanimously.

Judge Frank New said, "It passes five to zero. All right."

[Discuss/ act on River Rock Trails preliminary plat for the wastewater treatment plant; and all related issues; (environmental health coordinator)]

Judge Frank New said, "That brings 10. Discuss/act on River Rock Trails preliminary plat for the wastewater treatment plant; and all related issues. Back to you Connor."

Connor Roberts (Freese and Nichols) said, "Thank you, Judge. Thank you Court. Similar to the last two items, this is an application for a Preliminary Plat for the wastewater treatment plan site as it relates to two phases, 1A, 1B, and the future of the development."

Connor Roberts (Freese and Nichols) said, "This is the second iteration the court has seen this application. That's why you'll see that version two listed there. We'll point out just a couple technical items, on through the review that are related to the Preliminary Plat details themselves. I think that's something that probably could be cleaned up just quickly from the applicant. All other conditions are relatively similar to our previous recommendations."

Commissioner John Stacy said, "I have a question."

Connor Roberts (Freese and Nichols) said, "Sure, please."

Commissioner John Stacy said, "Item number 13. You're citing section 5.82c and 722g. But then you state that it, it's supposed to be, that, that it can be done during the construction plan. Technically, when should we be trying to get a LOMAR if there is development in a floodplain? Should we not put that to some sort of platting? Why are we waiting? Why is Freese and Nichols recommendation for the construction set? When I think when I read our subdivision regulations, it points to platting and not construction?"

Connor Roberts (Freese and Nichols) said, "It's a great question. So a LOMAR letter of map provision issued by FEMA, really comes after an improvement is made. So you get your CLOMER based on the details. Once those are installed, you actually get the LOMAR. So they wouldn't be able to issue the LOMAR for something that doesn't really exist. And since this is a preliminary stage, there, there really is no improvement to base it on."

Connor Roberts (Freese and Nichols) said, "So really what we would recommend, and again, remember, the applicant wouldn't be able to subdivide property. This preliminary plat does not subdivide property. The final plat ultimately is what would subdivide property."

Commissioner Stacy: "So that's what you're saying, 5.82c is stating shall not be platted until they've received the letter of map revision is saying that would be, take us from the preliminary plat stage to the final plat stage. Which in the middle is a construction."

Connor Roberts (Freese and Nichols) said, "That is correct."

Commissioner Stacy said, "It also says in 794 that the Commissioner's Court shall approve of the flood study for any potential development with inside a floodplain. Why isn't that part of your technical analysis that you write in this letter?"

Connor Roberts (Freese and Nichols) said, "So again, I think, and maybe it's just a misstep on, on when we, as the technical reviewers, you know, are providing the review and documentation for you to consider. So in our eyes and how this is how we typically approach things at the preliminary phase, it's, it's more of a proof of concept approach. So there, there actually is no development in the floodplain currently. And, and so what we've taken a look at is the overall drainage study, the addendum provided by the applicant dated March 17th."

Connor Roberts (Freese and Nichols) said, "That accounts for, for upstream and downstream impacts. We see the proof of concept there and uh, that's kind of how I'll word it on with the understanding that as things get sured up through the construction plan review, which is an extensive review, is what we would anticipate. That is what would end up fueling, uh, any sort of permitting, uh, through external agency, including this, this loaner process."

Commissioner John Stacy said, "So, so I just, uh, I am no engineer. I never claimed to be an engineer. I never took an engineering class. So what I'm saying is commentary. But it is rather strange that inside a floodplain we're putting a wastewater treatment plant discharging water, creating flood of some sort. I get that it can be engineered. I'm just saying from a, from a commentary standpoint, they're going into a flood plain. You're taking all the water and discharging it out of that floodplain, and we're somehow claiming we're doing nothing."

Commissioner John Stacy said, "That just seems illogical. I'm not saying it's wrong, and I'm not saying it's right. I'm just saying it seems somewhat illogical and I think we need to spend some time at least getting me to understand how that's, how's that possible that, that we can do that. And, and again, we don't have to do that today. We don't have to legislate today. I just feel that that seems very illogical and odd to me that That would be the plan and that we wouldn't need anything until after it's built and going."

Commissioner John Stacy said, "Then we would say, okay, cool, let's do a flood study. Let's, shouldn't there be some, again, I'm not speaking technically, I'm just making commentary. Shouldn't there be a lot more work satiated in the beginning because it's a wastewater treatment plant going into a floodplain and discharging water. I just feel like your commentary of waiting for construction seems odd. Now, it could be odd."

Commissioner John Stacy said, "We could, our hands could be tied and that could be how it works. I'm stating commentary. I'm not trying to state an argument or a legal argument or a technical analysis. It just feels strange that we're in the floodplain doing this and you say, wait till it's built before we study it. Shouldn't we study it before we start discharging the water?"

Connor Roberts (Freese and Nichols) said, "Understood. Commissioner, I do wanna make one clarification. I do believe the discharge of the treatment plant is a factor considered in the overall drainage study, and I'll let the applicant speak closer to that. But that is my understanding of the study that was provided. So it it's not something that we're just completely dismissing. I understand."

Connor Roberts (Freese and Nichols) said, "It feels a little, little odd. I know that we want the answer now, right? And then and ideally that would be great. I just, I hope you guys understand that it's, it's sort of our typical approach. It's what we've done in the past that these are sort of the proof of concept stages. We move forward and obviously we'll affirm, uh, strict compliance as we move forward."

Judge New asked, "So typically, how many cities developed out in the county? Have you done the technical compliance review for?"

Connor Roberts (Freese and Nichols) said, "We've reviewed several muds in our time. Me, our team specifically has helped rockwall county with a few at this point."

Judge Frank New said, "But as far as typical goes, this is not a right, not standard type endeavor."

Connor Roberts (Freese and Nichols) said, "Understood."

Judge Frank New said, "Would the applicant like to add anything again? We're on, we're on agenda item 10, wastewater treatment."

Jeff Miles a DMDS Engineer Consultant for River Rock Trails said, "Right. Just to answer the question, I've got the experts over here that did the flood study, the water from the wastewater plant, which is a very minute amount of water compared to a rainstorm, is including that study. We'd be happy to provide that entire study for your review and meet with you separately if you'd like to go through it. I'd be happy to do that."

Commissioner John Stacy said, "I would. I wanna understand that part of it. It gives me a lot of pause."

Jeff Miles a DMDS Engineer Consultant for River Rock Trails said, "Okay. And regarding the LOMER, what Connor says is exactly right. The procedures that the National Flood Insurance Program has put together is we go step-by-step. They've actually, the National Flood Insurance Program sets rules of what we can and cannot do in the floodplain. The county as the floodplain administrator follows those rules."

Jeff Miles a DMDS Engineer Consultant for River Rock Trails said, "The engineers are aware of the rules and the process that he laid out is the exact process the LOMAR is issued once the construction work is done. So two other items. I know your motion may include in this one not meeting open space requirements."

Jeff Miles a DMDS Engineer Consultant for River Rock Trails said, "How are we supposed to meet the open space requirements? We have received your report from the commission that approved the Open Space Alliance action on the piece of property that we are proposing to donate to them, as well as, the discussions regarding trails. None of those affect phase 1A or 1B or anything else that we're developing."

Jeff Miles a DMDS Engineer Consultant for River Rock Trails said, "At this point in time, we have tried to meet with the open space alliance and we'll continue to try to meet the open space alliance, um, uh, to start discussing future phases. So I'm not sure exactly what we need to do now to be able to try to meet that particular thing."

Commissioner Lorne Liechty said, "Well, first of all, Jeff, you met with us and I appreciate that and I've told you that before. It was a great meeting. Um, you should meet with them. When I say this doesn't meet the requirements, I know in your letters, I think if I remember right, it said that there's no open spaces impacted, but I know that open space analysis says there should be access to trails throughout the development. Okay. And I didn't see anything in here for these 400 and how 40, how many homes that would've provided for that."

Jeff Miles a DMDS Engineer Consultant for River Rock Trails said, "We're providing open spaces, we're gonna build sidewalks and connections over that are all in the engineering plans. They, which is the next step of review. So that's all part of the next process."

Commissioner Lorne Liechty said, "Maybe we need to talk and understand better, but I didn't see it in these plans or in this."

Jeff Miles a DMDS Engineer Consultant for River Rock Trails said, "They wouldn't be in this plan. They would be in the next step in the engineering plans. And then the other thing regarding apportionment, I know that you're gonna talk about that later on your agenda today."

Jeff Miles a DMDS Engineer Consultant for River Rock Trails said, "However, there's nothing in your subdivision regulations to say apportionment has to be worked out before a preliminary plat is approved. In fact, your consultant has said that the apportionment fees ought to be paid before the final plat. So he's, your consultant has said that as well."

Commissioner Lorne Liechty said, "Well, it's interesting point because section 3.1.6 of our subdivision regulations, and I know you disagree with me on this, but it says, in addition to the individual approval criteria listed per subdivision type, the subdivider or developer shall pay the apportionment of county infrastructure costs as authorized by TLGC 232 1.10, and Section 5.10 of these regulations prior to approval of a plat filed with the county. And then it talks about apportionment of costs. And I know that you've sent a letter disagreeing with our apportionment and that's, we're gonna talk about procedures for appeal of that. But the way I read this, you need to pay those in advance."

Jeff Miles a DMDS Engineer Consultant for River Rock Trails said, "So why would, as a business person, just like we were talking about the water, why would we go pay fees to the County before we got a plat approved in the tune of millions of dollars? That makes no sense to me. When they use the word prior to a plat being filed with the county. We take that as a final plat being recorded at the county of record, which is not done until the end of the project."

Judge Frank New said, "Any further questions? Any further comments? If not, I entertain a motion."

Commissioner Lorne Liechty said, "I make a motion that we disapprove the preliminary plat for wastewater treatment plant based upon local government code section 232.101a, which authorizes county rules to promote the health, safety, morals, and general welfare of the county and the safe, orderly, and healthful development of the unincorporated area of the county and other local government code provisions and the developer's failure to comply with the rules and regulations in the Rockwall County subdivision land development regulations, including without limitation:

- 1) All matters specified in the Freese and Nichols letters to the developer dated March 17th, 2025. And as those letters are revised dated March 20th, 2025, which have not been satisfied as of this date.
- 2) Issues and basis, uh, specified in section 3.2.4 of the county's subdivision regulations.
- 3) Failure of the subdivided of this property to satisfy the requirements of section 232.32 of the local government.
- 4) Non-payment of proper apportionments as required by section 232.110a of the local government code and section six of the subdivision regulations and;
- 5) Non-compliance with open space requirements of section one point 10 of the subdivision regulations.

And that the commissioner's court does hereby authorize its counsel to send a letter to the developer with respect to the disapproval of this as required by law.”

MOTION: To disapprove the Preliminary Plat for wastewater treatment plant. It passed unanimously.

Judge Frank New said, “Passes five to zero.”

[11. Discuss/ act on river rock trails preliminary plat for remainder of river rock trails; and all related issues; (environmental health coordinator)]

Judge Frank New said, “That brings us to agenda item number 11, discuss and act on River Rock Trails, preliminary plat for remainder of River Rock Trails and all related issues.”

Connor Roberts (Freese and Nichols) said, “This is, uh, you'll see the, the area associated with this plat is really the whole property. It's my understanding this remainder tract is a effort to confirm that the remainder of the tracts, closes and its legal description, and that it's, uh, not a illegal subdivision by meets and bounds as could be construed by platting a portion of a larger tract. So I believe that was born out of some early commentary from us as it relates to Phase 1A and 1B, uh, where a portion of a larger tract was outside of the plat boundary.”

Connor Roberts (Freese and Nichols) said, “We've considered that to be a subdivision by meets and bounds. The remainder tract is my understanding, is a effort to sure that up and that it could be evolved over time as future phases are developed and revised. I'll let the applicant also speak to that just to make sure that's the right understanding. But again, here to answer any questions.”

Judge Frank New asked, “Any questions for Connor? Would the applicant like to make a statement? Nope.”

Commissioner Lorne Liechty asked, “Given the fact that the first three preliminary plats have been disapproved, um, does the developer or applicant want us to consider this fourth one?”

Applicant said, “Yes.”

Commissioner Lorne Liechty asked, “Okay.”

Judge Frank New said, “Any further questions? I will entertain a motion.”

Commissioner Lorne Liechty asked, “I will make a motion that regarding item number 11, make a motion to disapprove the preliminary plat for the remainder of River Rock Trails based upon local government code section 232.101a, which authorizes county rules to promote the health, safety, morals, or general welfare of the county and the safe, orderly, and healthful development of the unincorporated areas of the county, and other local government code provisions and the developer's failure to comply with the rules and regulations

of the Rockwall County subdivision and land development, regulation regulations, including without limitation:

- 1) All matters specified in the Freese and Nichols incorporated letters to developer dated March 17th, 2025. And as that letters are revised dated March 25th, 2025 of 2025, uh, that have not been satisfied as of the date.
- 2) Issues in basis specified in section 3.2.4 of the county's subdivision regulations.
- 3) Failure non-payment of apportionments as required by section 232.110 a of the local government code and section three six of the subdivision regulations.
- 4) Non-compliance with open space requirements of section 1.10 of the subdivision regulations, um, and failure of the
- 5) Failure of the subdivided of this property to satisfy the requirements of section 232.032 of the local government code.

And that the Commissioner's Court does hereby authorize its counsel to send a letter to the developer with respect to this disapproval as required by law.

MOTION: *To disapprove the preliminary plat for the remainder of River Rock Trails. It passed unanimously.*

Judge Frank New said, "Motion passes five to zero."

[19. Discuss/act on county procedures for appeal to commissioners court of infrastructure apportionment determinations, and all related issues; (Commissioner Liechty)]

Judge Frank New said, "I know I promised we go to lunch after this and I hate to go back on my word, but I want to jump to agenda item number 19 real quick and, and wrap that one up before we go to lunch. So we're gonna move from 11 to 19 and we're gonna discuss an act on county procedures for appeal to Commissioner's Court of infrastructure, apportionment determinations, and all related issues. Commissioner Liechty."

Commissioner Lorne Liechty said, "In the responses to the preliminary plats that have been submitted, as you know, we made apportionment **an apportionment of costs was sent out as permitted by state law and that was sent from our Environmental Health Department. The developer has objected to those apportionments and has notified us that they want to appeal them if we don't agree with their conclusions.**"

Commissioner Lorne Liechty said, "Section 232.110 of the local government of code provides that if a developer disputes the determinations that it may appeal to the Commissioner's Court of the county and this is to be based upon procedures adopted by the commissioner's court. **As of this date, the commissioner's court has not adopted procedures,** which would be served in the case of such an appeal 'cause I don't think we've ever had an appeal before."

Commissioner Lorne Liechty said, "So we have asked our counsel to prepare procedures for subdivision proportionality appeal. And this will be in actually in addition to our subdivision regulation section 6.2.7. These were passed out to you and circulated with your packet. Our attorney has reviewed them and I don't know if you would like to speak to this or not, Chris, he's saying, shaking his head no, he does not want to. Um, you all have seen this. This is what we're talking, and I wanna make one change to this."

Commissioner Lorne Liechty said, "So I make a motion that we approve the procedures for subdivision proportionality appeal and the attendant amendment to section 6.2.7 of the Rockwall County subdivision regulations as presented by our counsel, Chris Bowers, with one change section 6.2.7.a1 at the end of it, **where it says, within 30 days of the receipt of a written appeal, I want to say comma, or with respect to**

appeals filed prior to the adoption of these procedures within 30 days after the approval of these procedures.”

Judge Frank New said, “Okay, have a motion by Commissioner Liechty.”

Commissioner Bobby Gallana said, “Second.”

Judge Frank New said, Seconded by Commissioner Gallana. Any further questions or comments. If you'll register your votes now. It is approved five to zero. All right.”

MOTION: To approve approve the procedures for subdivision proportionality appeal and the attendant amendment. It passed unanimously.

April 22, 2025 — Rockwall County Commissioners Court

Agenda Item:

- Discussion of 89th Legislative Session Update/Overview County-related bills, and all related issues; (Commissioners Court);
- Discuss/ Act on calling Special Session meeting to hear appeal from DR Horton on River Rock Trails infrastructure cost apportionment, and all related issues; (Judge New)

Presiding: Frank New Commissioners: Lorne Liechty, Dana Macalik, Bobby Gallana, John Stacy

Governing Body: Rockwall County Commissioners Court

The April 22, 2025 legislative discussion revealed a growing disconnect between how Rockwall County leaders describe “local control” and how that authority is being exercised in practice. While Commissioners warned against Austin consolidating power, recent development disputes—most notably River Rock Trails—show the County asserting city-like regulatory influence while simultaneously acknowledging it lacks the structure and clarity to manage those responsibilities consistently.

Commissioner Bobby Gallana said, “Yeah. I feel like it's least three fourths of my life right now, which is good. It's okay. But I'll just highlight a couple of bills give a general update. I know that Commissioner Macalik has some bills that she would like to update some specifics on as well. House Bill 3892 by Representative Bell, is a bill that we need to be against.”

Commissioner Bobby Gallana said, “It limits county regulation of, uh, subdivisions. Can't regulate property size, can't regulate number of homes on a lot, can't regulate setbacks. Just anything you can think of. We can't manage that. And not that we want to be overbearing, but you know, like I've said before, every county in Texas has a little bit of a different style and we want to be able to keep ours here in Rockwall County. Now, what's important to us, this bill has a hearing tomorrow at 8:00 am. Land and Resource Management.”

Commissioner Bobby Gallana said, “So if anybody's listening online or here, you can tune in and watch that online. And please reach out to our representative and our senator and let know your dissatisfaction with HB 3892.”

Commissioner Bobby Gallana said, “SB 2354 by Representative Creighton is equally terrible. It eliminates our authority to review plats and property development in the county and gives it to a third party. So just imagine this. Why do they want a third party to come in to review our plats and our property development? Who do you think will eventually own those companies? So, we'll, we'll be out of the loop.”

Commissioner Bobby Gallana said, “Developers will have free reign, uh, as to what they want to do. So we, we want to be able to keep some of that local decision making here, where when you as a constituent don't like something, you can come right to us and express your dissatisfaction with us. And, um, and you can speak to us with your votes if you don't like what our actions are.”

Commissioner Bobby Gallana said, "This will take away some of that and give it to a third party. So this has a hearing on the 24th, which is Thursday and also in land and resource management. So tune into that if you can. Again, SB 2354, please reach out to Senator Hall, Representative Pearson, and let him know that SB 2354 is not something we wanna see happen."

Commissioner Dana Macalik said, "And I'm gonna kind of follow along with that. I've got two senate bills that we oppose and they really support the strategic plan and the wording that we have in the strategic plan. And I'll start there's just two I'm gonna go over today. One is Senate Bill 840. It is relating to certain municipal regulations, obviously counties as well for certain mixed use and multi-family residential projects and conversion of certain commercial buildings to mixed use and multi-family residential occupancy."

Commissioner Dana Macalik said, "So we are opposing that. It again, it supports our strategic plan, which was about density. And this bill, if it passes, it will cause our strategic plan not to be able to address our vision for our citizens to have less dense communities that they live in. And I think because it talks about the certain commercial buildings also that's gonna be taking away then for some of the economic development opportunities that either municipalities or if it's in the county, we would be able to address. That does have a hearing tomorrow. April 23 it's local government. I also think, it is Land and Resource Management."

Commissioner Dana Macalik said, "And then the next one is on the same that supports the strategic plan or against it, we oppose it. It's Senate Bill 878. It's relating to the limitations of the use of public money that's under certain economic development agreements or programs that are adopted by certain political subdivisions. It'll target Chapter 380, which is agreements that are the lifeblood of economic development initiatives."

Commissioner Dana Macalik said, "It'll hinder not only our Rockwall EDC, but as we move into other areas of the county, such as where the Outer Loop could possibly go that's in the county that would hinder us from Chapter 380 agreements as well. So, while we support transparency. We certainly do not want to have these companies not be able to have negotiating opportunities."

Commissioner Dana Macalik said, "So those are two right there that I'd like to tell you about. And then the only other, just info for everyone in here is that this week is the last week for house bills to be passed and to be considered, they have to be considered and passed by the end of this week."

Commissioner Dana Macalik said, "The Senate, they will have through the first full week of May before they will be dying. Anything that doesn't make it in those time periods, they typically die. So I wanted to share that with everyone. And I think that's all I have. Thank you."

Commissioner John Stacy said, "Is the land and resource management, is that a subcommittee or is that an actual committee?"

Commissioner Bobby Gallana said, "In the house it's an actual committee. Land and Resource Management."

Commissioner John Stacy said, "Okay. I just wanted to make sure."

Commissioner Bobby Gallana said, "So it's getting a true committee hearing. It's getting a true committee hearing. And then 2354 in the senate, is actually gonna go to local government now. So, which is an actual committee and which is another actual committee and not a subcommittee as well. So these are both, and because of the timeline, um, things are gonna happen really fast."

Commissioner John Stacy said, "Until they suspend the rules."

Commissioner Bobby Gallana said, "And yes. And that will happen, but they're gonna try to speed things up and it's gonna be, breakneck speed for a while. So we we'll keep you updated as much as possible, but please get involved."

Commissioner Dana Macalik said, "And overall, I mean, I know that several of my peers here on the court know, but there are a total of 36 bills that we're, that our group are watching very, very closely. And of those 10 of 'em are in the senate and 26 of 'em are in the house. And we only support two out of those 36. So there are 34 bills that the county as well as municipalities are opposing because it does take away local control."

Judge Frank New said, "Let me talk about one of 'em. We support House Bill 602. Quite simply says that a director of a Municipal Utility District (MUD) board has to live in the district. Now, that seems like such a simple thing. But it is not right now. It's in land and resource where it's sitting."

Judge Frank New said, "At the urging of Commissioner Stacy, I sent an email to everybody on the committee just asking their stance. And I've gotten one response that was talking about everything except their stance on it. But they did tell me that there's been several amendments that the bill's been changed. You can't find those anywhere published for us to consume or see if we like the amendments or don't like the amendments. Yeah. Committee substitutes. They're not published."

Judge Frank New said, "So it well, in my fear is we, I sit here and say, I am for House Bill 602, and I am, as it's written, I have no idea what the committee substitute says. I don't know how it changes it. I don't know if it changes it, if it makes it better if it says they have to live in the district, but not really. So it is as Commissioner Gallana said, it's a full-time job just keeping on, staying on top of what's going on."

Commissioner Bobby Gallana said, "So, yeah. I wanna say one other thing. Just so you know what the temperament of the house and the senate is on why this local control attack is what I call it is really happening. And it's because comments are being made. Like this one, zoning and regulation are just on loan from the state."

Judge Frank New said, "Well, many people have made that. I would say the factory setting right now. Our state is the factory setting legislature is they have all the power. They've loaned power to the federal government that they can take back. And they've loaned power to the local governments that they can take back. And they are in the process of consolidating that power back at the state."

Commissioner Bobby Gallana said, "Yeah. So again, reach out to your local representative and senator and tell 'em that you don't like the fact that they think that local control is on loan from the state and that they can take that away at any time. They don't like it when Washington does that to them. So why should they do that to us?"

Commissioner Lorne Liechty said, "Judge, if i could, and this is something new, this wasn't something you heard before this session?"

Judge Frank New said, "I would say going back three sessions, they whispered it. They didn't say it out loud last session. They said it out loud, but didn't put any energy or effort behind it. This session, they're saying it out loud and putting energy and effort behind it. And that's what I mean by energy and effort. They're actually actively attempting to consolidate power in Austin, uh, as we speak. So it, it's been a three session just getting louder."

Commissioner Lorne Liechty said, "Louder, louder, louder."

Judge Frank New said, “Right. More active. I truly fear what's gonna happen this session. And if we somehow survive next session is gonna be a mess.”

Commissioner Lorne Liechty said, “Right. My point is, this has become a talking point. Yes. And it's, as you said, the factory language. And for anyone who's listening, uh, the, the bill that, Commissioner Gallana mentioned Senate Bill 2354, right now, we are in the middle of a very intense, uh, conversation and, uh, project that you called **River Rock Trails.**”

Commissioner Lorne Liechty said, “There's gonna be a hearing on this, on the apportionments associated with it later this week. Um, and the reason that that was disapproved in my opinion, is because this court is actively involved. And if we reviewed the plat and if plat review and approval was passed to a third party, that would end. So it, that's, that's how critical it is and how critical it is. These bills are not just statewide, but for our county. So contact your rep and senator and speak out. 'Cause we're all on this one. I think we're all on the same page.”

Discuss/Act on calling Special Session meeting to hear appeal from DR Horton on River Rock Trails infrastructure cost apportionment, and all related issues; (Judge New)

*On April 22, 2025, DR Horton's infrastructure cost apportionment dispute surfaced again—this time explicitly framed as an appeal request. The agenda item referenced calling a special-session meeting to hear DR Horton's appeal regarding River Rock Trails' county infrastructure apportionment. **No motion was made and no hearing date was stated on the record.** Judge Frank New simply noted that no action would be taken because the Court already had a special session scheduled.*

April 24, 2025 — Rockwall County Commissioners Court Special Meeting

Agenda Item: Appeal hearing regarding Apportionment costs for River Rock Trails, and DR Horton Appeal dated March 4, 2025, and all related issues; (Judge New)

Presiding: Frank New Commissioners: Lorne Liechty, Dana Macalik, Bobby Gallana, John Stacy

County Representatives: County Attorney Daniel Ray

Applicant Representatives: Art Anderson (Winstead, PC); Jeff Miles (DMDS / River Rock Trails)

Governing Body: Rockwall County Commissioners Court

Public Comments

Speaker: Mayor Bryan McNeal

Date: April 24, 2025

Meeting: Rockwall County Commissioners Court

Good afternoon Judge. Commissioners.

Thank y'all for hosting, this today. I just didn't come with anything prepared as I normally do, because I just wanted to actually speak from the heart this time. The City of McLendon-Chisholm is growing. It is probably one of the most opened areas in Rockwall County that has the opportunity for development to come.

And contrary to popular belief, I'm actually not opposed to development. I'm just pro smart development. **And this is just not smart development. This overruns the infrastructure. It impacts the ETJ, it impacts the city.** And when you start doing that, as we have learned with our county size, if it hurts one city, it's probably gonna hurt all the cities.

While I do respect the American dream for people to make a living and make money, I also respect the opportunity to sit down and work out things and talk about things. I can tell you this many times. DR Horton has reached out to me none. Zero, not one, not one opportunity to say, hey, here's what we would like to do. Could we meet in the middle? It's great that they want to help build a water, area

for Blackland. I respect that too. But that doesn't help the county. That helps blackland and their development. Of course, they need to do that because if they don't have that, then they don't have water.

So for them to offer that as a thing that they're offering, that's a necessity that you have to provide at this point, which you're not providing, is relief of traffic. Um, relief of the overrunning of our schools, the relief of overrunning of shopping centers, just the small things. I don't know what the wait time is every day at Zanata, but I can assure you, you'd probably go add another hour or two to it, because if it's 6,000 plus homes in my head, an average of three cars, I can do the math real quick. That's another 18,000 cars, and we're just not there. We're not ready for it. Come to the table. That's all they gotta do. They can come to talk to you. They can come to talk to me. I bet we can find a collaborative way to work together.”

Judge Frank New said, “Appeal hearing regarding apportionment costs for River Rock Trails and DR Horton appeal dated March 4th, 2025. I'd like to kind of go over the rules. This is the, first ever in the state of Texas appeal hearing of apportionment costs. So, once again, Rockwall County's breaking new ground. So the conduct of the hearing, shall proceed as follows, the applicant's representative shall present the applicant's position by presenting testimony, evidence, and argument. In support of that position, the Commissioner Court engineering representative, or his or her designee shall present the Commissioner's Court engineering representative's position by presenting testimony, evidence, and argument in support of that position.”

Judge Frank New said, “And the applicant's representative shall rebut the points made by Commissioner's Court engineering representative by presenting testimony, evidence, and argument in rebuttal to the position of the Commissioner's Court engineering representative. During this rebuttal, the applicant's representative cannot present new testimony, evidence, or argument that does not rebut the position of the Commissioner's Court engineering representative. Now, there are time limitations.”

Judge Frank New said, “Each side shall have up to 15 minutes to present its case if there is only one item being appealed and there is more than one item being appealed, and an additional 10 minutes for each additional item being appealed up to a maximum of 45 minutes to present its case. The applicant shall have five minutes to present its rebuttal if there is only one item being appealed, and an additional two minutes for each additional item being appealed up to a maximum of 15 minutes. So each side will roughly have 45 minutes, and then the applicant will have 15 minutes for a rebuttal. So, is the applicant ready? Thank you. Please proceed, sir. Thank you.”

Art Anderson DR Horton's Attorney said, “I'm Art Anderson. I'm with the Winstead Law Firm in Dallas representing the applicant and the developer. I did have a question. In most of these hearings, I actually have been in an apportionment hearings before. So, uh, this is one of the first, but not the first, in Texas, most of the time the rules allow cross-examination of the opposing party's witnesses. And so I initially just wanted to request if the County will allow cross examination of its witnesses in this case or not?”

Judge Frank New answered, “Yeah, certainly will.”

Art Anderson DR Horton's Attorney said, “Okay. I'm not certain there will be, 'cause I don't know what's gonna be said, but just wanted to be sure. Do each of you have a copy of the exhibits? And there're basically things that everybody's already seen, but I'd like to kind of go through those to start out with. I think the other thing that's important to point out in a case like this, because it's really not set forth in the statute, but the burden of proof under the case laws on the county.”

Art Anderson DR Horton's Attorney said, “So you don't, typically it's the plaintiff is the one who has the burden of proof. If it's a constitution, if it's proven to be an exaction, which I think that it is here, then the

burden of proof as to whether or not there's this nexus and rough proportionality goes to the county. So not sure if it'll make a difference or not, but just wanted to make sure everybody knew that. So our exhibits are relatively straightforward.”

Art Anderson DR Horton's Attorney said, “The first one is the statute itself. And so I think a critical piece here is if you look under 232.101a, that the only time there can be an apportionment under the statute is if it deals with county infrastructure improvements. So virtually all of the items on the county's list in its regulations, other than roads, and I'm not saying the roads are properly calculated here, but as a type of exaction, none of them meet that standard, right? Because school buildings are not county infrastructure, broadband's not a county infrastructure.”

Art Anderson DR Horton's Attorney continued, “So that was the intent when the legislature passed this, it's modeled on section 212.904, the local government code. Then it deals with infrastructure, which we know what that is, right? It's roads, drainage, you know things like that, waterline, sewer lines.”

Art Anderson DR Horton's Attorney said, “The second piece of it is it has to be roughly proportionate as approved by a professional engineer. So the only item that's in the county's list that has a report or a study or a prove up is the road item. That's one out of 16 items.”

Art Anderson DR Horton's Attorney said, “So clearly the legislature was saying that this has to be an infrastructure improvement, concrete, pipes, however you want to define it. So the only witness we're gonna call is gonna be a PE dealing with the road issues, because I think it's pretty clear that NONE of the other 15 are county infrastructure and so the county's not authorized to impose an exaction for those items.”

Art Anderson DR Horton's Attorney said, “The other item I'd like to show, you know, I think y'all are aware under E that if there's an appeal the developer prevails is entitled to attorney's fees and cost. And under G well let's go back. So F says that the section does not diminish or modify the procedures by chapter 395. That involves impact fees.”

Art Anderson DR Horton's Attorney said, “So a lot of the exactions that are being considered here would be considered to be impact fees that are NOT authorized by statute. And that's what chapter 395 of the local government code is. And then G it says the section does not increase or expand and shall not be interpreted to increase or expand the authority of a county to regulate plats or subdivisions under this chapter.”

Art Anderson DR Horton's Attorney continued, “So that, where that plays in, as y'all know, the county commissioners met about two weeks ago and denied four preliminary plats that have been submitted. A list of reasons were provided by your counsel and one of them involved not paying the proportionality fees.”

Art Anderson DR Horton's Attorney said, “And we really don't know what those are right now anyway. But what that means is that the county CANNOT make that a requirement of a plat approval is separate and apart. And so if you look at exhibit two, that y'all are familiar with this 'cause y'all passed it, but in this is the county's subdivision regs under section five 10.1 a that lists the 16 items.”

Art Anderson DR Horton's Attorney said, “So we do have time limits, but I think we can dispose of most of these relatively quickly. And then just the next part is exhibit three was the appeals request. Four is the county's response.”

Art Anderson DR Horton's Attorney said, “And then the last one is a response that we made March 4th, 2025 to those items. I think it's important to point out, I think one of the speakers said, you know, whether DR Horton has attempted to cooperate or work with the local jurisdictions. I think there's zero doubt that

they have spent significant time and effort to do that. They've met with the county folks, they've met with the folks from different cities, the utility providers.”

Art Anderson DR Horton's Attorney said, “They've spent significant amount of money and a significant amount of time and effort to try to address the county concerns. So I wanna point out that in exhibit five, which addresses each of the items, there was an offer that was made to make a contribution without waiving our legal rights to object to it, to FM 548, which is the report by your professional engineer that was prepared in course with the statute.”

Art Anderson DR Horton's Attorney said, “And there was also an offer at that time with regards to police, which is exhibit five, the second page. So the road was an offer to contribute, \$338,867 that the county had requested. And then for the sheriff piece it was an initial offer of \$529,424. The county did not accept those offers, and the county has rejected our plats. So those offers are no longer on the table.”

Art Anderson DR Horton's Attorney said, “So going through the subdivision regs, I mean, yeah, the items that are there, all of them, I won't repeat for each one, but the only one that can potentially relate to what the statute allows is roads. None of the rest of them are county infrastructure. Okay. They're not owned by the county.”

Art Anderson DR Horton's Attorney said, “Most almost all of them have separate political subdivisions such as schools, right? So the county had a report that said we'd like for you to pay about \$35,000 per lot per house to the schools. Well, there were so many problems with that. It's, you know, unbelievable in terms of how schools are funded by our legislature, how they're bonded. There's no individual assessment of that. Nobody has determined the actual impact.”

Art Anderson DR Horton's Attorney said, “I got two different school districts. Should it be for one, not for the other? There's no substantiation. More importantly, there's no professional engineering report of that issue, which is required by the statute. You know, counties and school districts are separate subdivisions under our constitution. They have separate powers. If the school district wants to impose, a development fee, they can, I guess they could attempt to do that.”

Art Anderson DR Horton's Attorney said, “But again, that's something for the schools, not for the county. The schools have a board of trustees counties have a county commissioner's court. Again, there's no individual assessment which is required. It's not just taking a bunch of data from somewhere. You have to do an individual assessment and is irrelevant really 'cause there's no professional engineering report. But clearly for legal reasons, that's invalid with regards.”

Art Anderson DR Horton's Attorney said, “The number two is roads. Again, this is a state road's NOT a county road. County doesn't own it. It's simply not county infrastructure and our witness will address the issue of proportionality. But if you look at the TIA that was submitted to the county as part of this development, there is sufficient capacity in the FM 548, which I think is the road today to handle the additional trips from the development.”

Art Anderson DR Horton's Attorney said, “Now, it should be noted that the dedication of the right-of-way for the road is considered to be an exaction. Legally we're not objecting to doing that making that dedication. So that's a value of approximately \$50,000 to a \$100,000 for that right-of-way dedication. But again, we're not, um, disputing that.”

Art Anderson DR Horton's Attorney said, “Police, again, it's not infrastructure, you know, our deputies and stuff like that. And y'all know this, these costs are not paid by the developer on the front end. They are paid by taxes and as growth happens, property tax revenues go up. And that's typically how for most of these

things that these things are paid for. There's a lot of active growth throughout the state and governmental entities handle it and the schools handle it."

Art Anderson DR Horton's Attorney said, "And the sheriff or city, whoever's doing that also handles it. But it's not infrastructure. Not prepared by a professional engineer. So therefore, it cannot be authorized. There's also no statute that authorizes this type of fee, dispatch and 911 radio communications. It's my understanding the county withdrew those two items as exactions that they were requesting. I think that's what the report said."

Art Anderson DR Horton's Attorney said, "Water, sewer, electric, open space, drainage. Again none of these involve county infrastructure and are not legally valid. There's also no prepared professional engineering report justifying any of those exact exactions. We agree with the county engineer that these will be addressed at the time of final plat construction plans. And it's kind of important to remember right now we're at the preliminary plat."

Art Anderson DR Horton's Attorney said, "So basically it's to show, more conceptually what's gonna be out there. And as you prepare construction plans, you do the engineering, you basically delve deeper into those types of issues. And that's where those things are determined. And I think that's what you're County engineer indicated was the appropriate way to approach that. We agree with that. Ambulance, fire, broadband, natural gas, area controlled trash. Again, none of those involve county infrastructure, not legally valid. We've provided proof of service on those items. Um, that's basically the legal arguments."

[Sounds of a thunderstorm coming through.]

Art Anderson DR Horton's Attorney asked, "Can you please, give your name for the record?"

Jeff Miles (DMDS / River Rock Trails) said, "Jeff Miles."

Art Anderson DR Horton's Attorney asked, "And what do you do for a living?"

Jeff Miles (DMDS / River Rock Trails) said, "I'm an engineering consultant."

Art Anderson DR Horton's Attorney asked, "And who do you work for?"

Jeff Miles (DMDS / River Rock Trails) said, "I work for myself, Miles Consulting, LLC."

Art Anderson DR Horton's Attorney asked, "Are you licensed by the state?"

Jeff Miles (DMDS / River Rock Trails) said, "Yes, I'm licensed."

Art Anderson DR Horton's Attorney asked, "And are you considered to be a professional engineer?"

Jeff Miles (DMDS / River Rock Trails) said, "Yes, I'm professional engineer licensed by the state of Texas."

Art Anderson DR Horton's Attorney asked, "So you would meet the criteria then under the statute? You are licensed by the Texas, you're a professional engineer?"

Jeff Miles (DMDS / River Rock Trails) said, "I am."

Art Anderson DR Horton's Attorney asked, "So you would qualify to provide testimony and evidence with regards to county infrastructure issues under the statute, correct?"

Jeff Miles (DMDS / River Rock Trails) said, "Yes."

Art Anderson DR Horton's Attorney asked, "And do you have an engineering focus?"

Jeff Miles (DMDS / River Rock Trails) said, "Yes. Uh, civil engineering for land development projects."

Art Anderson DR Horton's Attorney asked, "And over your career, how many subdivision plats have you been involved with?"

Jeff Miles (DMDS / River Rock Trails) said, "Um, probably over a thousand in a 35 year career."

Art Anderson DR Horton's Attorney asked, "So we're gonna focus on the road piece, as you heard me. Um, basically present at the beginning, roads theoretically can be considered county infrastructure, correct?"

Jeff Miles (DMDS / River Rock Trails) said, "Correct."

Art Anderson DR Horton's Attorney said, "And for this case, was a traffic impact analysis prepared for the development?"

Jeff Miles (DMDS / River Rock Trails) said, "It was."

Art Anderson DR Horton's Attorney said, "Was it submitted to the county?"

Jeff Miles (DMDS / River Rock Trails) said, "Um, not sure the county ever asked for it, quite frankly, so I don't recall."

Art Anderson DR Horton's Attorney said, "But you got one."

Jeff Miles (DMDS / River Rock Trails) said, "We've got one May of 2024. We did one."

Art Anderson DR Horton's Attorney said, "What's the name of the perimeter road to the first two phases of the development?"

Jeff Miles (DMDS / River Rock Trails) said, "Yeah, it's, uh, farm to market road 548."

Art Anderson DR Horton's Attorney said, "And does perimeter road means it's adjacent?"

Jeff Miles (DMDS / River Rock Trails) said, "It's adjacent."

Art Anderson DR Horton's Attorney asked, "And does the county have subdivision regs that basically address the platting and construction of perimeter roads for a development?"

Jeff Miles (DMDS / River Rock Trails) said, "They do."

Art Anderson DR Horton's Attorney said, "And FM 548, is that a county road or a state road?"

Jeff Miles (DMDS / River Rock Trails) said, "State of Texas road."

Art Anderson DR Horton's Attorney said, "In your opinion, can the county require fees from a developer to improve a state road?"

Jeff Miles (DMDS / River Rock Trails) said, "No."

Art Anderson DR Horton's Attorney said, "Have you ever seen this situation before?"

Jeff Miles (DMDS / River Rock Trails) said, "No."

Art Anderson DR Horton's Attorney said, "How many lanes are in the existing road?"

Jeff Miles (DMDS / River Rock Trails) said, "Two lanes."

Art Anderson DR Horton's Attorney said, "Alright, so let's focus real quick on the right of way. How much right of way is shown? It's being dedicated by the plats?"

Jeff Miles (DMDS / River Rock Trails) said, "Uh, 1.1 acres."

Art Anderson DR Horton's Attorney said, "Okay. Now according to the TIA, what is the capacity of the existing roadway?"

Jeff Miles (DMDS / River Rock Trails) said, "It's uh, 875 vehicles per hour per lane."

Art Anderson DR Horton's Attorney said, "Okay. That means that 875 vehicles could travel on each lane and still be safe."

Jeff Miles (DMDS / River Rock Trails) said, "Correct within an hour timeframe. Yes."

Art Anderson DR Horton's Attorney said, "So according to the TIA, what's the peak hour number of vehicular trips generated by the 418 houses?"

Jeff Miles (DMDS / River Rock Trails) said, "115, uh, trips, uh, going westbound in the morning towards state highway 205 and then 127 trips, uh, vehicles per hour going eastbound from 205 back towards the neighborhood in the evening."

Art Anderson DR Horton's Attorney said, "And from a traffic impact methodology, the peak hour is typically when you would have the most cars coming out of the development?"

Jeff Miles (DMDS / River Rock Trails) said, "Correct."

Art Anderson DR Horton's Attorney said, "And so in your opinion, is there sufficient capacity in the existing two lanes of roads to handle the trips from this development?"

Jeff Miles (DMDS / River Rock Trails) said, "Yes. Like I said, the capacity is 875 vehicles per hour per lane each direction. And we are roughly 13% to 14% of that total."

Art Anderson DR Horton's Attorney said, "And would the construction of additional lanes be required from this development?"

Jeff Miles (DMDS / River Rock Trails) said, "No."

Art Anderson DR Horton's Attorney said, "We pass the witness (Jeff Miles)."

County Attorney Daniel Ray said, "Can you tell the court how many houses are planned for the full build out of the development?"

Jeff Miles (DMDS / River Rock Trails) said, "It's unknown at this time, but we've projected, uh, over 6,000."

County Attorney Daniel Ray said, "Okay. And so the first two phases, phase one A and one B are just over 400 houses, correct?"

Jeff Miles (DMDS / River Rock Trails) said, "Correct."

County Attorney Daniel Ray said, "So the eventual build out will be 15 times that amount?"

Jeff Miles (DMDS / River Rock Trails) said, "Correct."

Rockwall County Attorney Mr. Ray: Okay. Is that road, able to handle the traffic, the expected traffic from 15 times the amount of houses? They're in one A and one B?

Jeff Miles (DMDS / River Rock Trails) said, "No, it is not."

County Attorney Daniel Ray said, "Okay. Um, pass the witness (Jeff Miles)."

Art Anderson DR Horton's Attorney said, "So you've seen the engineering report by the county's witness, correct?"

Jeff Miles (DMDS / River Rock Trails) said, "Correct."

Art Anderson DR Horton's Attorney said, "And it's only focused on the proportionality and the impact on FM 548 from the 418 houses for the first two phases? So you know, Mr. Ray was talking about development of the entire property, correct?"

Jeff Miles (DMDS / River Rock Trails) said, "Correct."

Art Anderson DR Horton's Attorney said, "The proportionality appeal that we're addressing here and what the county addressed in their report focuses just on the 418 houses and their impact on the roadway system. Is that correct?"

Jeff Miles (DMDS / River Rock Trails) said, "That's correct."

Art Anderson DR Horton's Attorney said, "Okay. And so at some point it's like most roads you get enough development, there will be road improvements that will result as part of that. Is that fair?"

Jeff Miles (DMDS / River Rock Trails) said, "That's correct."

Art Anderson DR Horton's Attorney said, "Okay. No further questions."

County Attorney Daniel Ray said, "I have one, uh, follow up Judge. Um, are you (Jeff Miles) here today to provide, uh, testimony on any of the other, uh, 15 items in the county's apportionment letter? Other than the, uh, road section?"

Art Anderson DR Horton's Attorney said, "No. The only thing he's qualified to testify under the statute is on roads, and that would apply to the county as well."

County Attorney Daniel Ray said, "No further questions here."

Judge Frank New said, "Alright, Mr. Anderson. Uh, it's still in your court. You've got plenty of time left."

Art Anderson DR Horton's Attorney said, "I told you I'd be efficient and hopefully I have been. And I mean, I think we all know this, that this is really a legal issue. It's really not a proportionality issue with the roads. Could be one except it shouldn't, but it's cleared none of the other 15 items are county infrastructure, which is what the statute addresses."

Art Anderson DR Horton's Attorney said, "None of them have any support by professional engineer. Um, that I think that's the clear legal piece of this. You know, if we have additional questions or need to address things, we will, but I think that that's where we are."

Judge Frank New, "All right. Does anybody have any questions?"

Commissioner Lorne Liechty said, "I've got at least one. In paragraph one of your response letter that you sent back, it says that DR Horton will work with the school districts including reserving regarding reserving needed school sites within the larger development at the appropriate time, and will oversize infrastructure where needed to serve the school sites. Has the applicant reached any agreement with the school districts regarding its contribution for schools? It's oversizing of infrastructure or other things, other items?"

Art Anderson DR Horton's Attorney said, "Not as far as I know."

Jeff Miles (DMDS / River Rock Trails) said, "The sites haven't been identified."

Art Anderson DR Horton's Attorney said, "Yeah. I think it's too early in the process for a development like this. That would come a little bit later in the process when the school district will say, we'd like to have a site here. Here's what, how, what we'd like to build. Do we want elementary school? Do we want a high school? You know, it's, it's a coordinated effort. It benefits the development right. To have schools nearby and it benefits the school district to have a developer who works with them. That's what this developer does all over the state."

Commissioner Lorne Liechty said, "Alright. Well, I appreciate the response, but, I'm not gonna argue those points with you, but the answer is, I take it is no, there's been no agreements with the schools. Yeah?"

Art Anderson DR Horton's Attorney said, "With with the explanation I give, nobody would have an agreement with the schools at this part in the development."

Commissioner Lorne Liechty said, "Okay. Well, I don't know if that's true or not. I've seen a lot of plat where they show school sites."

Art Anderson DR Horton's Attorney said, "When you're in a position where it makes sense and the school district. The school district usually approaches the developer first and says, we'd like to have a school in this particular location and here's what we like to have. And that's where they kind of work together and they work it out."

Commissioner Lorne Liechty said, "Oh, have they had those discussions has a school district approached them?"

Art Anderson DR Horton's Attorney said, "Not as far as I know. Again, that's the school districts will work that out. Their political subdivision, they know how to locate properties and plan for growth. That's what they do."

Commissioner Lorne Liechty said, "Okay. Um, another question. I think this, these two plats show 418 homes, if I remember right. I think that's plats phase one A and one B that should be about correct. And then as, um, Mr. Miles identified, they're planning to build about over 6,000 total. Not that don't have a certain number yet, but in this entire property, um, could you give us a projected build out time on that? Uh, like

how long will it take based on your projections, which I would imagine you have your big company, um, because it affects a lot of this infrastructure. So do you have any projections about the time over which these first 418 will be built out and the remaining, uh, 5,800 or whatever it would be would be built out?"

Art Anderson DR Horton's Attorney said, "Well, the real challenge to answer that question is we need to get (preliminary) plats approved and the plats were denied."

Commissioner Lorne Liechty said, "So, well, you can answer from whenever they would be approved, assuming they would be, if you, I'm just asking, trying to get a feel for how long it's gonna take to build this out."

Art Anderson DR Horton's Attorney said, "If you can predict when that is for me?"

Commissioner Lorne Liechty said, "Okay. So you're not gonna answer that question."

Art Anderson DR Horton's Attorney said, "Well, I did. How can i give you a date? How can I give you a date when you, when the county tell me is not approving plats?"

Commissioner Lorne Liechty said, "I asked."

Art Anderson DR Horton's Attorney said, "We can't develop until that happens."

Commissioner Lorne Liechty said, "How long it take to build this out over time there? I've never looked at DR. Horton's projects, but I would imagine a company like that projects how long it'll take to sell out these homes."

Art Anderson DR Horton's Attorney asked David Booth (DR Horton), "Hey, David, do you have a range? At buildout. It could be a, this could be a 15 year project, 20 year project. 15 to 20 maybe years."

Commissioner Lorne Liechty said, "So there were a list of these 16 items in the County health letter or from the Environmental Health Coordinator. It looks like most of those were not asking for money. Um, it looks like water, sewer, broadband, electric, ESC and EMI, fire, natural gas, drainage, animal control, trash and refuse dispatch. And 911, GIS service and radio communications, at least at this point, we're not asking for an apportionment."

Commissioner Lorne Liechty said, "And I think the key language it, or at least significant language is in the statute, is that the developer bear a portion of the cost of county infrastructure improvements by the making of dedications, the payment of fees or the payment of construction costs. And I think those items, there was nothing, if I read the letter right, there was nothing in there requiring the payment of fees, the payment of construction costs or the developer's portion of costs. They dealt with things like, uh, for example, ESC and EMT. We wanted proof of service fire. We wanted proof of service. Uh, water and sewer had said resolved through project design. Do you agree with me on that? That we're not asking for money on those things?"

Art Anderson DR Horton's Attorney said, "Yeah, I agree with you. I don't think the county should have any of those items in the ordinance anyway. But the other ones, and I think most of 'em have been addressed by you, do a will serve letter or anything else, but they're really not appropriate for a proportionality appeal. I don't know why the county included them."

Commissioner Lorne Liechty said, "Okay. But my point is they're not asking for money at this time, uh, as far as I can tell. And I think that's what the statute deals with."

Art Anderson DR Horton's Attorney said, "Yeah. So proportionality, appeal concerns, that sort of thing. That's why they're really not appropriate to even be in the ordinance."

Commissioner Lorne Liechty said, "Okay. Um, well I had another question, but I think you already answered it Mr. Anderson. So for right now, that's it from me."

Judge Frank New said, "Does anybody else have any questions?"

Art Anderson DR Horton's Attorney said, "We rest."

Judge Frank New said, "Alright. Uh, Mr. Ray."

County Attorney Daniel Ray Closing:

Alright. I have handed out to the court, two sets of documents. One is a brief, it's about 44 pages of content that goes into all of the different elements in the county's initial letter. And then the response letter from DR Horton that we're calling the appeal letter. The second document is a list of, or is a, printout of all of the exhibits that are cited. There's 17 exhibits cited in the county's brief. 15 of those are in that packet. The other two were extremely long. And so we will provide those in electronic format rather than in hard format.

If you take a step back and boil this down to what we're really talking about, I think it's been very clear from Mr. Anderson that the real underlying issue is an issue of legal authority. And most of the brief, goes into detail on legal authority related to each of the items that were in the county's initial letter.

It would take, a long time to go over each of those elements in that are explained in the 44 pages. I'm gonna go over a couple of highlight, high points, so that they're clear on the record for anybody who wants to come watch this later on.

First of all, some real very brief background about why we're here. Initially, DR Horton approached the County and started the platting process for the River Rock Trails MUD. In November (2024), of last year, DR Horton formally asked for a proportionality, determination from the county.

About a month later, December 13th, the county sent over its letter, which is in both of the sets of paperwork that you have in front of you. The exhibits from DR Horton. And from the county. And as part of the county's response, there were 16 infrastructure improvements listed, specifically, and I know that you've all seen the letter, we've discussed this in open court.

The letter response, from DR Horton addressed each one of those. And each one of the responses, were different, one from another. But the most often repeated item, came down to a lack of authority. The alleged lack of authority, based on, DR Horton's reading, of the meaning of the statute.

What this comes down to is a difference in interpretation of a couple of words in the statute, specifically county infrastructure. Mr. Anderson is correct that most counties do not, or have not historically, read that the same way that the county's interpreted it.

And our brief, goes into detail about why, the county's position is what it is, why we think that infrastructure in the county does include those items. And we do have a relatively pure legal disagreement here about what it means, when you say county infrastructure. Their understanding, as Mr. Anderson made very clear is that, that means infrastructure that's owned by the county.

The county leadership in the at least in the department that initially sent out that apportionment letter disagrees with that position. And, we believe, the county employees who are, who sent that letter, and who have been dealing with this development for a while now, believe that that means infrastructure that is in the county geographically.

And the brief goes into detail by citing different sections of different codes, not just the local government code, but other codes as well that go, that have other, definitions and descriptions. Also goes into detail on case law that has interpreted some of those items. And I think for it's probably the right time to tell you that in the past that there really haven't been any cases, from courts of appeals in Texas that have interpreted those two exact words.

But the section of the Texas local government code that allows counties to exact apportionment costs is relatively new. Uh, it's only a few years old. But if you look back at the legislative history, and some of this is cited in our brief, but, when the legislature passed that a few years ago, they did that to mirror image, another statute that had been on the books for much longer.

It's almost exactly word for word the same statute. And what that statute did was allow cities to exact fees, not impact fees, but apportionment, fees that are similar. And so for about 15 years, 14 years, cities could apportion costs, from development, but counties could not.

And when the legislature, put the law into place that was cited, earlier, by Mr. Anderson, which is local government code 232.110 it did not specifically define that term about what counts as county infrastructure.

It didn't narrow the scope. And so we're in a position where because it's not defined in the law specifically, it's not defined or it's not interpreted by a court of appeal and there is no AG opinion that addresses the meaning of that term.

There's a legitimate difference in interpretation here. We believe that the county's interpretation is not just defensible, but what the legislature intended. There, if you, in you read the statute to mean only infrastructure that's owned by the county, that's very narrow.

I mean, we all know, uh, that the counties, owned infrastructure is gonna come down to buildings and roads that are owned by the county, which is usually not nearly as extensive even as all the cities within the county.

But if under that interpretation, there would be no government, that would have the ability to exact apportionment costs from developments. And we don't believe that's what the law was intended to say. We understand obviously that there's a difference of opinion here on that.

But, we believe that the brief goes over that in relatively, deep detail and we cite, other case law from Texas case law from the US Supreme court regarding the extent of municipal power other parts of the Texas codes that are relevant.

I'm not gonna go into a whole lot of detail there other than to say, yeah, we definitely disagree about the meaning of those two words. I will go into a little bit more detail about some of the specific, items that Mr. Anderson brought up.

Number one is the school apportionment fees. The county believes and I think it's clear through the county's actions to date, that the county believes that the county infrastructure does include the school district.

In part, because the local government code section, the 232.110 does not nearly define county infrastructure. And the schools that we're talking about here are within the geographic bounds of the county. One thing that I do, take some exception to in **Mr. Anderson's telling of where those numbers came from.**

Those were not made up by the county. In the initial letter that came from the development office, there was a stated amount of \$15 -almost \$16 million for the first two phases of the project. That was based on an exhibit that's in your packet.

Note: School District emails included in the packet were assumptions.

Exhibit three that's from the school district. It's an older, it's an email that relates to the calculation of student yield, expected student yield from houses in the Royce City ISD. And the expected, student yield, at least in that email was 0.5 students per house. I mean, the county has an obligation to be reasonable.

I think, uh, one student for every two houses is an extremely reasonable number. Some school districts that have calculated that number for bonding purposes over the past few years or the past 10 years, have come in at much higher numbers. But it's very reasonable to take a middle of the road number of 0.5 students per house more of a bedroom community like the eastern half of Rockwall County.

The number, which is \$75,591 per student did come directly from the superintendent of the Royce City ISD, the former superintendent, the one there's a different person in that office now. But that email is in your packet. And I'm gonna in the interest of time, I'm just gonna hit the high points of a couple of these other items.

We did discuss, road infrastructure. There's obviously been some agreement to participate in the road structure or the payment for the roads that are adjacent to the development the county on that section and several other sections. There was references in the appeal letter, to lack of county authority to do it in the order in which it's being done.

In the section two of the brief, which is one of the longer sections of the brief, we break down why, **the county's proposed order is number one different from DR Horton's proposed order and why the county's proposed order of payment versus the timing of platting, either approval or filing. While we believe that the county's, letter and stance on that complies with state law and why that's reasonable, I want to talk about, two other specific issues.**

Obviously there's been a lot of letters attached, that are either **will serve letters or can serve letters.** But, the two big issues that I'd like to talk about quickly are the issue with the fire and the EMS contract. There's obviously a disagreement about **whether there is a valid contract in place between DR. Horton and McLendon-Chisholm.**

And then I want to talk about the water contract, and whether or not, the water contracts that at least that we've seen so far, uh, from, uh, Blackland and from, North Texas amount to a will serve letter. And I wanna go through why we believe that they do not, um, rise to the level of an appropriate will serve letter.

But first fire and EMS this is in section three of the brief. We believe that this section, this area, equates to a serious deficiency in the submissions. Emergency services are literally lifesaving infrastructure. The county does not own the fire department, but the county does pay contractually,

pay money to pay for fire and EMS services. There's disagreement apparently based on comments that were made in court.

I believe by DR Horton's witness (Jeff Miles) here, a couple of sessions ago about whether or not there is a valid contract with McLendon-Chisholm. We have, uh, included in the agreement, exhibit 9 and 10, and those are, exhibits related to the initial contract that was signed by McLendon-Chisholm, and then a secondary, exhibit that shows that at least the city council that's there now believes that they have walked that contract back.

There have been statements made in court, that DR. Horton believes that was ineffective, but there hasn't been any reasoning presented, to show why they think that contract is still in place. Section three of the brief, goes into deep detail about why, the county has legal authority to ask for that service or proof that service is going to be there.

As it stands right now, everything that has been presented to the county comes along the lines of emergency services is that there was a contract, and at least one party to the contract believes that that contract is no longer valid. And I will point out, just to get a little into the weeds on this one specific section the McLendon-Chisholm agreement has conditions precedent in the contract, that are required for, the contract to become effective and to be valid and enforceable.

One of those is that, there must be TCEQ approval of a joint fire plan which hasn't occurred yet. The other one is that the MUD, well, the other issue is that the MUD was or the agreement with the MUD was repealed before those conditions precedent became effective.

We believe that the city's action to repeal, slammed the door on the effectiveness of that. I understand that there may be litigation between DR. Horton and the city of McLendon-Chisholm. But as it stands right now, the county doesn't have any effective, will serve letter or any sort of evidence of a contractual, uh, relationship with any other, fire or EMS group.

Before I talk about water, let me talk about law enforcement funding very quickly. There was a section four of the brief, goes into law enforcement services. The county's apportionment is based on the number of people who are likely to live in that subdivision. The section four of the brief goes over the math about why we believe that two law enforcement officers is not enough to handle the number of houses that are gonna be built out there.

And that future tax income in subsequent years is not enough to pay for the actual burden. It takes a while to bring new officers on. It takes about a year and a half from the beginning to the end, from the time that there's a need identified to when people, are actually full on deputies. And that is part of the length of the hiring process. But from the beginning to the end of that process, that's one period of time.

The time that it takes for the county to actually add those people to be paid for in the next upcoming budget is another whole extended period of time. And so based on the number of houses that we're expecting in this development, at least a full build out just for 6,000 houses having two deputies up front is still gonna create a massive lag issue with the ability to bring on officers and the ability to tax these new properties to pay for those people.

Another, lag issue, uh, in addition to the time required to, um, put out on a job notice and hire people. And the other timing issues that we talked about with taxing and adding things to the upcoming year's budget is the fact that these houses don't get taxed right away.

They're not gonna be taxed until after they're done with construction, at least not the taxes that would be necessary to pay for additional deputies at the sheriff's office. So you have three different time lag issues that is a major point of disagreement on, when that payment should come and how much it should be. And we go into a great level of detail in section four about why the county's position is different from DR Horton's. I'm gonna go ahead and skip to the last issue I'm gonna talk about at least here, which is the water supply, and that's section five of the brief.

There are several exhibits that go along with that, exhibit 14, 15, and 16. Um, but what it really comes down to, if you boil all of that down the **county does have authority to ensure that new developments are gonna have water.** There's a disagreement here, obviously about whether or not that's appropriate for the apportionment process or if it comes with the platting process with the preliminary or final plat or engineering. Leading up to the final plat, section six of the brief, goes into detail about why we believe it's appropriately part of the apportionment process.

The county's not asking for money, like with many of the other utility items, what we are asking for is a will serve letter. And those three letters that are 14, 15, and 16 in your packet, do not add up to a will serve letter. They add up to a can serve letter but that can serve is dependent on a bunch of other things happening, some of which we just don't have any evidence to show will necessarily happen. Obviously, Blackland does want to do this. There's no question about that.

The question is whether or not they can show that they have contractual rights with North Texas MWD, and in turn, whether or not NTMWD has the subscription rights to that water from the Sabine River Authority. And the things that have been provided to the county so far do not show that.

In fact, they show, about as close to the opposite as you can get. **They do show that Blackland obviously has enough water,** you know, subscribe to enough water to support the people that are there now. Apparently the idea here is that, DR Horton will pay for all the costs to get them up to speed up to the level where they have a new take point or a new pipe, that comes off of NTMWD water supply, which comes from Sabine River Authority. **But what the documents do not show is that there is a contract that makes that 100% reliable.**

And if the county court approves of the opposition here position and allows this development to become final and move forward. **There is at least currently in the paperwork that the county has no guarantee that there's gonna be enough water for that development.** There's a guarantee that they'll be able to provide the water that they're currently subscribed to, but that is nowhere near, 6,500 houses worth of additional water, much less other development that comes in residential portions that may be built out there.

And I know that water is the main issue that every development is talking about. Every county in this, in this whole state is dealing with is the lack of water. I've dealt with that, every single day for about two years, for other clients that I've got, including negotiations with the Sabine River Authority. And the documents that I've seen here are in section five of the water supply or of the brief, we go into a lot of detail about **why a can serve letter in this position is not the same as a will serve. And what the county has asked for is a binding commitment.**

And the documents that are in front of you just don't add up to a binding commitment because there's no formal contract that ensures that this development will be served either from North Texas to Blackland or from Sabine River Authority to North Texas. That's not to say they can't get it. I hope that they can get it and time will tell. But right now everybody wants more water. **Everybody needs more water.** The counties, around you and to some extent in this county, there's groups and neighborhoods running up against the limits of their subscription amounts.

I'm sure that you've all heard news about construction moratoriums based specifically on the lack of water. Some of those are in this general service area, the water that comes from this watershed. And this watershed is part of Rockwall counties in one watershed, parts in a different watershed, everybody has over subscription and under supply.

The section of the brief though goes line by line through all of the documents that are included in that section, 14, 15, and 16, and explains why the county believes that there is not enough here to rise to the level of a will serve. And because of that, we believe that the county has an obligation to not move forward with a final approval whether that's approval in the form of an order in response to this hearing or eventually approval related to the final plat.

And that's one of our areas of disagreement is whether or not this is appropriate for today's hearing or eventually for a final plat. We believe that legally, Rockwall counties on solid ground, even though it is not a path that many other counties have taken, since this law came to pass, six years ago based on the other, statutes that we've provided in explaining the letter and the other case law.

And we would ask the county to the commissioner's court to enter an order after considering all of the documents and testimony and evidence that are presented today, upholding the previous position that the county's taken on the apportionment issue in particular and just to remind the court that is a completely separate issue from the issues surrounding the disapproval of the preliminary plat and ongoing negotiations related to platting this apportionment. And the exact meant arguments are statutorily separate. And there is bleed over.

Obviously, that is the main point of disagreement is when those issues should come up. But we would urge the commissioner's court to read through the brief and the exhibits that we've provided most of which are the same exhibits that were provided by DR Horton's counsel and to enter an order upholding the county's previous position and denying DR Horton's appeals on 14 of the 16 points.

Judge New asked, "Does anybody have any questions for Mr. Ray? Okay. Hearing none, Mr. Anderson, you've got 15 minutes to rebut."

Art Anderson DR Horton's Attorney closing:

Thank you. Um, you know, it's interesting, I've been to several hearings here where the county has complained and probably rightfully so, about not having as many powers, for example, as home rural cities have with regards to protecting the police power, and how the legislature has addressed those over time and that it's probably a legitimate concern. I think it's important to keep in mind that that is a fact. The constitution and the state statutes have greatly limited the powers of counties in general law towns to act without having expressed authority.

And I'm not saying it's a good thing, I'm just saying it is what it is. And the brief, which I just got, so I had to skim through it, it wasn't provided to me ahead of time. The 40 pages, again, goes way beyond what the statute and the constitution allow the county to do. And I appreciate it. It's well crafted. I usually don't spend that much time writing a brief like that one.

But the real crux of the issue, I think is to just read 232.11a. And I'll be honest with you, I really don't like it when lawyers say, I've done all these cases and I know how it's gonna end up and all that, but unfortunately, I'm gonna say it. So I've had, you know, four cases before the Texas Supreme Court dealing with governmental powers.

I probably have 20 court of appeals cases on infrastructure. So I have a pretty good idea. The courts know what infrastructure means. Okay? And probably another 35 or 40 court of appeals cases, and this one's really simple, it's county infrastructure. Infrastructure means pipelines and or water lines. It's streets and in drainage, all those sorts of things that happened with the development. Okay?

County infrastructure is simple, and I appreciate the strained attempt to try to make it something that it's not. And I appreciate where he wants to go think it shows a lot of creativity. But my experience is when you go before a court, they usually just look at what the worst common meaning is.

The county is. You infrastructure is streets, culverts, water lines, sewer lines, okay? That if y'all, if you look at your traditional subdivision regs, that's what y'all deal with. That's what y'all regulate. The reason it's county infrastructure is not city infrastructure, right?

Cities within their corporate limits can own and have dedicated all those types of improvements. That's, that's the distinction there. But the real critical piece here, I think is if you look at the statute. It involves a condition of approval for a property development project that the developer bear a portion of the cost of county infrastructure improvements by the making of dedications.

The payment of fees or the payment of construction cost, the developer's proportion of the cost may not exceed the amount required for infrastructure improvements that are roughly proportionate to the proposed development as approved by a professional engineer who holds a license issued under chapter 1001 occupations code. And it's retained by the county.

And so the rebuttal basically is, and I kind of skimmed this brief 'cause i didn't have it ahead of time, the county doesn't dispute that in order to have a valid, proportionality appeals proposal like has been in this case, it's gotta be prepared by a professional engineer.

That kind of relates back to the infrastructure, right? If, you're gonna have a civil engineer that typically does construction drawings for streets and utility lines and stuff like that, you have a civil engineer do it. So the legislature said you actually have to have an engineer to do those things.

I looked through the brief. I don't think they're the county's disputed that there, there are no professional engineering reports here except for the one on streets. And again, that one's not an individualized assessment. It's gotta be individualized.

Their report basically says, we looked at the subdivision ordinance and or regulations. It requires typically on a perimeter street that the developer dedicate and pay to construct two lanes. So the way that this usually happens for a proportionality appeal, it's not intended to be the sort that the county uses to extract things. It was intended to be a shield by the developer.

So let's take streets the engineer says you need for your development to dedicate two lanes and build two streets. Okay? That's just because that's what the subdivision regulations say. It's not an individual assessment for this particular developer and the number of trips that he's generated, it's the general applicability of a subdivision reg.

The way it typically happens, the developer then comes up and says, whoa, you know, let's, let's pretend it's one house, my one house, 'cause we've had this before. My one house doesn't generate the need for me to dedicate 50 feet of right of way and build an extra road extra lane. That's how this process typically works.

So the county's kind of flipped that and is trying to use it again, like I say, more than a sword, but a shield. But you still gotta comply with the statute and just haven't done it. I mean, there's just no professional engineering reports here.

And that's the whole reason this statute to set the way up. It is infrastructure improvements as part of a development that are basically a professional engineer. And I will admit they had a professional engineer do their street report. We disagreement for the reasons we talked about, but, and Jeff Miles obviously is an engineer, but the other 15, I mean there's just no question. There's just isn't that y'all can't impose those. I don't even see why there's a question there.

So that I really should keep it to that. But just a couple of comments that were made. Um, but again, I do honest with you, I don't know about this fire contract with the city. Um, my understanding of contract law is pretty basic 'cause that's not what I do.

But typically one party can't just terminate a contract. You know, I mean I grew up in West, Texas, your word was your bond, if you will both want to terminate, you can terminate, but one party just can't terminate because they want to. That's not how it works here in Texas.

The you know, I have other stuff written down, but I think that's kind of the main thing. I mean, it just, there there may be other issues here and I think Commissioner Lorne is correct. You know, he says, well, you don't have to pay a fee. Well, that's kind of my point. You know, that's what the statute is for.

If you have to construct, dedicate or pay a fee and if it's, you know, make sure you can get electricity to the site or you know what, make sure you have animal control or whatever. Those are not proportionality appeal items. Okay. And frankly, every development has to go through those and make sure they work or they can't develop. Okay.

So if if there's no water, it, it won't happen. The, the retail provider under state law says that there is nothing personal against council there. But that's not really their call. If the retail water provider has the CCN and if he says I can serve it, I can serve it.

I think all the discussion beyond the parcels that we're talking about here is irrelevant, should be disregarded. I know it's important. I'm not saying it's not important for the county. So please don't, you know, make it look like I'm not saying that long term there are things to be worked out. I'm just saying legally from where we are today and what the statute requires and what the appeal is before you, then I don't think that the county has proven up.

The county over here, has proven up or made its burden to show that it legally can require those 16 items. Uh, I'm not sure what else to say 'cause it's so crystal clear and there's lots of case law on what infrastructure means. That's not a real difficult term for people to figure out. So if anybody has questions, but I'm not gonna through you know a 44 page brief. I'm not gonna go respond to every item that's in there."

Judge Frank New said, "Does anybody have any questions, Mr. Anderson? Nope. No questions. Okay. Thank you."

Judge Frank New said, "At 2:16pm we are adjourned."

April 29, 2025 — Rockwall County Commissioners Court

Agenda Item: Discuss/Act on Order regarding Apportionment costs for River Rock Trails, and DR Horton Appeal dated March 4, 2025, and all related issues; (Judge New)

Presiding: Frank New Commissioners: Lorne Liechty, Dana Macalik, Bobby Gallana, John Stacy

Governing Body: Rockwall County Commissioners Court

Public Comments

Speaker: Mayor Bryan McNeal

Date: April 29, 2025

Meeting: Rockwall County Commissioners Court

Good morning Judge. Commissioners. Um, always a pleasure. DR Horton, America's builder. This is certainly something that isn't adding up as America's builder come to the table to talk to the city of McLendon-Chisholm. Not since I've been mayor.

I bring this up for the simple reason they don't wanna work with the cities. Nor do they even wanna work with the county. That can be said, because the last time we were here to discuss DR Horton, what did they say? They said it's all a moot point and they don't really need to speak on anything because you can't make us.

Is the definition of America's builder? I say it is appalling at best. You know, the first time I ever spoke in front of this commission was actually by the exit door. And I would have to raise my hand for a turn to speak as an attorney with DR Horton and the past Mayor Pro Tem of McLendon-Chisholm spoke in unison as they pushed forward in a workshop to have DR Horton to be allowed so much. In fact, the document that was being submitted by them was disgusting at best to the citizens of McLendon-Chisholm and the impact it was sure to have.

I would say to DR Horton, shame on you. **You are not America's builder.** That is a title you long ago gave up. Why not now more than ever, revamp yourselves. Find a way to reinvent yourselves to be better in the communities in which you wanna be a part of by becoming America's partner in home building.

But let me tell you why they won't and why they should not be claiming to be America's builder. Counties across America after they build, **have to be involved in lawsuits because of enforcement of building codes and standards.**

So my warning to the council, if they build, you should go over it with the fine tooth comb at every turn, every house, every fiber, every piece of wood, plumbing, electrical shingles, to even the doorknob because if you don't, they will have failed the future residents of this county by not making sure the home was safe.

Why is that important? DR Horton is in lawsuits currently alleged violations of codes that were potentially endangering the safety and structural integrity of the homes. Tons of construction defect claims from poor workmanship, failure to control humidity and proper installation of systems that lead to moisture problems.

The list goes on from South Carolina to Alabama, Louisiana, even Texas. Personally, I believe the counties and states should join up together in lawsuits. **This subpar building puts people at risk lives.** It doesn't take much to google DR Horton to see a list that is endless of issue after issue. Issue. Simply put, they don't care it's dollars over people.

What they didn't bank on was account a county commission like yourselves that are charged with the health, safety, and welfare of the people and that y'all protect them. I represent a small city in Rockwall county, but I took this charge and fight knowing that DR Horton was knocking. I find it odd they stopped knocking after the elections left and came to the county. I might ask again, stay in the fight DR Horton, come to the table. It seems you would wanna be working with the cities of the counties. I mean, isn't that the definition of America's builder? Thank you.

Judge Frank New said, "Number two, discuss and act on order regarding apportionment costs for River Rock Trails and DR Horton appeal dated March 4th, 2025 in all related issues. And at this point I'm gonna suggest we move into executive session. I'm hearing no objection. I would, you know, always offer the commissioner's court of Rockwall county reserves the right to adjourn into executive session."

Judge and Commissioners went into Executive Session.

Executive Session: No Action Was Taken.

May 12, 2025 — Rockwall County Commissioners Court Special Meeting

Agenda Item: Discuss/ Act on Order regarding Apportionment costs for River Rock Trails, and DR Horton Appeal dated March 4, 2025, and all related issues; (Judge New)

Presiding: Frank New Commissioners: Dana Macalik, Bobby Gallana, John Stacy

Not Present: Lorne Liechty

Governing Body: Rockwall County Commissioners Court

Judge Frank New said, "At this point I'm gonna take us into Executive Session to Discuss/act on order regarding apportionment costs for River Rock Trails, and DR Horton appeal dated March 4, 2025, and all related issues."

Judge Frank New said, "At 10:08 am we're gonna reconvene into open session."

Judge Frank New said, "And I will tell you no action taken in executive session."

Judge and Commissioners went into Executive Session.

Executive Session: No Action Was Taken.

June 3, 2025 — Rockwall County Commissioners Court Special Meeting

Agenda Item:

- Discuss/act on River Rock Trails preliminary plat resubmittal for Phase 1a, and all related Issues;
- Discuss/act on River Rock Trails preliminary plat resubmittal for Phase 1b, and all related Issues;
- Discuss/act on River Rock Trails preliminary plat resubmittal for the wastewater treatment Plant, and all related issues;
- Discuss/act on River Rock Trails preliminary plat resubmittal for remainder tract of River Rock Trails, and all related issues; (Commissioner Liechty – Environmental Health - County Engineer)

Presiding: Frank New Commissioners: Dana Macalik, Bobby Gallana, John Stacy, Lorne Liechty

County Representatives: County Attorney Daniel Ray

Applicant Representatives: Art Anderson (Winstead, PC); Jeff Miles (DMDS / River Rock Trails)

Governing Body: Rockwall County Commissioners Court

Public Comments

Speaker: Mayor Bryan McNeal

Date: June 3, 2025

Meeting: Rockwall County Commissioners Court

Good morning Commissioners and honorable Judge New. I wish I could just come down here and not have to speak on DR Horton, but yet here we are.

So if you'll indulge me, i'm forced to talk about DR Horton. This has become a shampoo bottle of sorts. It seems like it's a wash, rinse, and repeat with you and your company and the representatives you send down here each time you have the presumably self-appointed title of America builder. But in fact, **you are simply America's home building bully.**

You have had more opportunities to come to the table and resolve this dispute we clearly have and find solutions yet, nope. You seek to prove a point to the County of Rockwall and the citizens of McLendon-Chisholm, **which explains, of course, you did not even know what the right thing to do is or even how to define it.**

So lemme give you some examples to the court and I hope you pay attention, because **this is why you do not have a fire contract in my city.**

Commissioners and judge, I think it is relevant to point out how **duplicitous Horton is.** They claim we are breaching the contract on one hand. Yet you may not be aware, DR Horton has a MUD on Poetry Road within our ETJ. Did you know that MUD has the very same agreement with McLendon-Chisholm where they pay us for emergency services? **Did you know they are not meeting those terms of that agreement?** Currently they are to pay the city of McLendon-Chisholm without notice. Yet that isn't the case.

Let me explain this. **The only payments that we have received have been substantially late. In fact, almost a full year. And that is with the city reaching out and reminding them numerous times. Speaking of, let me remind DR Horton. Now the city hasn't received the last check either.**

Based off past experiences, **I'm pretty sure my staff will have to continue to reach out on late payments.** And I assure you of this, DR Horton wouldn't tolerate late payments. A private business wouldn't tolerate late payments yet. Here we are. DR Horton, would you hold those accountable for late payments?

But here's **DR Horton crying foul against the city** for allegedly breach in a contract a year ago. Let that sink in. By the way, the alleged breach, if it indeed occurred, was a year ago or more.

However, after the elections in McLendon-Chisholm in 2024, you DR Horton chose to leave the city and come down here to the county. I'm guessing that election didn't go the way you'd hoped because my first action is you have been notified a number of times was to terminate the contract. And on July 9th in 2024 and a four one vote, we did just that.

Now, let me again cite this for reference in how cities communicate. We speak through ordinances, resolutions and minutes. It's that simple. I cite Austin v. Whittington and I also cite Horton v. Mills county. Now I'm not an attorney, but that is basically in layman's terms saying from me to you, we voted no, no more contract. I also believe you have had numerous conversations through email with our city attorney advising you of this.

You are told by our City Administrator at the time, Konrad Hildebrand, that we voted to terminate. I believe even this very court has told you. I have told you. The only thing lacking at this point is the Pony Express smoke signals in a pigeon bringing it to you also per three of the contract. The agreement is not yet effective.

There are certain things which must occur, but note again, we terminated what would be almost two years prior to any effective date and for over a year, we have been, as stated moments ago, no contract. But you keep screaming. Yes, there is.

So this brings us to the climax of our point as when we voted to terminate the agreement, we did so one and a half years prior to it being effective. What have you done during that time? DR Horton, I feel very confident that your attorney advised you of your duty under law to mitigate any damages that you may have, which when you had a year's notice and chose to sit on your hands, I don't see how personally you have any damages.

Did you contact anyone else about fire protection? If so, who, when gimme their information. I'm sure that we and the court would like to hear it. You've had plenty of time to go talk to someone else and arrange a fire protection in general.

You may not know this, but cities have no obligation to provide services to anyone in the ETJ. Lastly, if the unforeseen circumstances significantly alter the original purpose of the contract, making it pointless or impossible to achieve, the doctrine of frustration of purpose might apply.

Lemme elaborate that for you. I have an obligation and an oath to the residents and the citizens of McLendon-Chisholm. So again, pick up the phone, reach out, call someone like, I don't know, maybe the mayor of McLendon-Chisholm. I can assure you that I would be on that call like white on rice, on a paper plate in a snowstorm.

The problem is you just won't call. I will leave my card on the podium. I'll be returning to the city hall from here where I'll be signing a letter to send to the TCEQ advising them of all these things that have taken place since July 9th, 2024, as well as the Texas Attorney General's office of the timeline of all these events and request any assistance on these matters that they have seemed to disregard and ignored an action from a city's Council, Commissioner and Judge. I thank you for your time.

Judge Frank New said, "We'll move on to agenda item number two. And just so everybody's aware, we're gonna go through item 2, 3, 4, and 5 and see the presentation from the applicant if they so desire. And then we're gonna go into executive session before we make decisions on those. So that brings us to agenda item two, discussing act on River Rock Trails, preliminary plat resubmittal for phase 1a and all related issues. Commissioner Liechty."

Commissioner Lorne Liechty said, "Yeah, for what it's worth, I don't know, um, why I'm named. I didn't sponsor this. But I guess it's 'cause it's in my precinct. We've had a long discussion on this beginning in March. As you all know, we had four plats that were submitted. And on March 25th, our commissioner's court disapprove those four plats for reasons that were specified in the resolutions and reasons that were given to the developer. Subsequently, we had an apportionment hearing."

Commissioner Lorne Liechty said, "There was one of the issues in the initial disapproval was apportionment and we had an apportionment hearing in April and we issued a ruling on that. The subsequent to that ruling being issued the developer has resubmitted the four plats that were disapproved on March 25th for phases one a and one b, the wastewater treatment plant, and the remainder tract. So that's what we're gonna be considering in these next five items. And at this point, that's my summary."

Judge Frank New said, "Got it. Thank you, sir. Would the applicant like to make a presentation?"

Art Anderson DR Horton's Attorney said, "Thank you Judge. Art Anderson representing the applicant. We received an email Friday night from your counsel asking us to provide dozens of documents and a significant amount of information by five o'clock yesterday. Less than one business day. So we scrambled, to basically, provide as much information as we could. I provided that to Mr. Ray."

Art Anderson DR Horton's Attorney said, "I asked that they forward all that to you. I guess I wanna make sure that they got all sets of information that we sent. They, okay. And just for the record, so that we have it here, I'm going to basically just give copies of what we sent. Um, I think it's kind of self-explanatory, so I don't wanna waste people's time. I will say that I was extremely surprised to get that email Friday night and to have this documentation made available by Monday at five when we asked for that information over three weeks ago."

Art Anderson DR Horton's Attorney said, "And I was told that it would be provided three weeks ago and it was not. I think that that's unreasonable. I think it's inconsiderate. I think it violates the statute. There are four reasons given for denial. Those reasons don't meet the statute. We ask repeatedly, give us the specifics of how the plats don't meet the requirements of the statute and give me the specifics on the denial. And that was never done."

Art Anderson DR Horton's Attorney said, "My assumption is from the email that of the four reasons for denial, the open space provision. We showed how we'd meet the open space plan. That that is no longer a concern. It is not a valid reason for denial the proportionality appeal we had. Right? So that has been done. The other two, I think I've addressed each of those. Think it's important for everybody to understand. This is the preliminary plat."

Art Anderson DR Horton's Attorney said, "So a lot of the information that's requested is not a requirement at the preliminary plat stage, according to your ordinances, it's the item, you know, for example, the well serve letter, that's not a preliminary plat item. That's at the time of construction plans. So from the standpoint of what's required by the statute and what's required for preliminary plat, we've met all of those items."

Art Anderson DR Horton's Attorney said, "And, I will tell you, our engineering team and our client has jumped through hoops. Every time that a request has been made to provide information or to respond to any concerns that the county has had from a technical planning standpoint, in accordance with your subdivision regs. So I'm not gonna go through, you know, the correspondence. It speaks for itself. If you have any questions, happy to answer 'em."

Judge Frank New said, "Does anybody have any questions in regards to phase one a?"

Art Anderson DR Horton's Attorney said, "I'm not gonna bother getting up again. There reason for denial are the same in each one right. And so some of these, like the wastewater treatment plat, why that would have a concern regarding the open space plat doesn't make any sense, right? So anyway, those items, they're the same for each four are comments applied to each four."

Judge Frank New said, "Got it. Thank, thank you."

Commissioner Lorne Liechty said, "I do. First of all, thanks for the changes that you guys did make from our last motion for disapproval. Two things, I want to address or ask you about at this point, Mr. Anderson. You say that the open space requirements have been met, okay? And yet we got a letter from your client that says, first of all, the County has no ability to require open spaces."

Commissioner Lorne Liechty said, "And two, that while they will cooperate, they quote, reserve the right to discontinue dedication and construction of open spaces, hike and bike trails, and related open space improvements at any time. That letter went on to say that in fact, the applicant doesn't own the property that is being is the subject of the proposed open space amenity."

Commissioner Lorne Liechty said, "So my guess my question to you, Mr. Anderson, is that if the developer reserves the right to discontinue any dedication or construction of open spaces, hike and bike trails and related open space improvements at any time, how can you say that they have met the requirements of our subdivision regulations?"

Art Anderson DR Horton's Attorney said, "So we've got two things going on, right? We've got two phases there to be developed immediately. My understanding is that those will comply if we've got a lot of acreage that's left. I think the plan is to comply, but I don't know if what the county will do with regard to the plan."

Art Anderson DR Horton's Attorney said, "It's pretty amorphous, right? And if the County is not legally able to enforce the plan we're just reserving our legal rights. So, I mean, I think the intent is and there's been lots of discussions we've had frankly, there's been very little feedback by y'all to what we've submitted on open space. But I think we have indicated that, we'll, the current intent is to comply. But y'all need to find the specifics. We asked for that."

Commissioner Lorne Liechty said, "We did a detailed analysis that was approved by the Court last fall and that's been sent to your client. In fact, that's a basis a lot of this letter, I think, and I've said it before and I'll say it again. I've met with Mr. Miles several times on this. He seems willing to try and work with us, but I just don't get how legally when we're being told that we don't have a right to require any of it, and b, you reserve the right at any time to stop how it can, we can take it to mean that in fact you're complying with our requirements?"

Art Anderson DR Horton's Attorney said, "And, and again, we're at the preliminary plat phase. All that stuff's gotta be addressed out as the development goes on."

Commissioner Lorne Liechty said, "Okay. The second comment I'd make at this point. I don't remember exactly how you put it, but something to the effect that these things need to be worked out after their preliminary plat is approved."

Commissioner Lorne Liechty said, "But for what it's worth, section 3.2.4 of our subdivision regulations says that the Commissioner's Court shall use the following criteria to either approve or disapprove the preliminary plat, and then it gives four items. The second of which is that the subdivision has adequate access to water and wastewater facilities, which was one of the things was in the letter you felt came too late. And I appreciate your comment."

Commissioner Lorne Liechty said, "Another item is that the proposed development doesn't endanger public health, safety or welfare. And in your email response that I came yesterday. I think is what you put up there, I think you indicated something to the effect that we have never raised this or we didn't raise it in our response to you. But in fact in our March 25th Commissioner's Court meeting, it was stated very clearly that the failure to have emergency services and fire protection was a big issue."

Commissioner Lorne Liechty said, "So, I mean, I think that's always been an issue for us and it's always been a concern. So those are the only two things I have at this point."

Judge Frank New said, "Does anybody else have any questions?"

Commissioner Bobby Gallana said, "Well, I think you answered it basically, but, I asking Art these questions. But I'm a little. Obviously there is some hesitation on the Court's part to trust anything that's going on with you guys right now. And then for you to come back and say, well, with open space. We don't agree that you have the right to require this, but we agree to it, but yet we're gonna hold out that later we can change our minds. How, how can you expect the court to agree to something like that?"

Art Anderson DR Horton's Attorney said, "I think we do intend to comply. We just don't know exactly what the specifics are gonna be in the future. We actually have land that, frankly, could for future phases, could be good open space land. But until we get there, we don't know. I mean, right now the specifics are two phases. Develop residential subdivisions, there's a lot of land that's left, some of which will be I think, good open space land. We just don't know what that is yet. We're just not there. That's why it's a remainder track. It's released. Whichever one on your agenda is the remainder track, that's the one where all this has to be teed up."

Commissioner Dana Macalik said, "My question is I, and again, I think, Commissioner Lorne Liechty you addressed it, but the Mayor of McLendon-Chisholm that spoke in regards to the fire protection emergency services, I'm still just a little unclear because I think we thought that was. I was not aware of that they had discontinued their services with you guys. Can you speak to that?"

Art Anderson DR Horton's Attorney said, "Sure. I mean, we've got a valid contract. A lot of my practice is when people promise something and then unilaterally break their promise, our view, and we've got an attorney's opinion letter is part of that, says that that Contract's still in effect."

Art Anderson DR Horton's Attorney said, "And again, these are items that you have to get teed up when you get into the final plat stage, those sorts of things. It happens all the time. You know, firming up where your water's gonna come from. I mean, these are things that you have to firm up before you get to that final process."

Commissioner Dana Macalik said, "But those are things that this court is responsible for making decisions that are gonna support."

Art Anderson DR Horton's Attorney said, "I get that, you know, I'm trying to stay out of the legalese as much as I can. There's four denial reasons. None of them had anything to do with emergency service. One was does it comply with engineering comments? Yes. Number two, adequate water supply. Blackland (WSC) has done a will serve letter that says yes. You know, three was proportionality appeal. I don't think that's an issue. And then four open space. So three and four, the email that we got. Right. And I did not address either one of those. So, you know, the EMT stuff, of course, it gets worked out with every development."

Commissioner Dana Macalik said, "It's, well, it just concerns me, some of the allegations that the Mayor made, he sounded like he'd been trying to meet with you guys and there had not been any meetings. And then the concern is that there is as far as from a financial standpoint, they believe that they haven't been

paid. And, and so, and, and they sent a letter back, you know, over a month, a year and half ago that said they were terminating it. So that causes me a little bit of concern. And I know it could be changed legally as well.”

Art Anderson DR Horton's Attorney said, “Yeah, and I don't have firsthand knowledge of that. So I'm gonna ask Jeff Miles since I see him over there on the side, who's got more working knowledge than that.”

Jeff Miles (DMDS / River Rock Trails) said, “Yeah, Jeff Miles, representing DR Horton homes have been involved this project for at least five years now. So, couple things, open space. We did meet with Commissioner Lorne Liechty and prior to him being a Commissioner and the open space group.”

Jeff Miles (DMDS / River Rock Trails) said, “We toured our property that basically out of our 1800 acres was about 190 acres or so. We showed that boundary of that property on the preliminary plat for the remainder track that's being considered today as an open space reserve. Okay. So that is on the preliminary plat, the remainder preliminary plat shown as an open space reserve. So we're planning on making that.”

Jeff Miles (DMDS / River Rock Trails) said, “We also, in addition, let me finish. In addition to doing that, wrote a report provided that, over after the end of March meeting. That stated how our phase 1A and 1B in our mind met the trail requirements there, an one a and one b. This 190 acre open space that's of interest, that does not affect phase one a and one b. Okay.”

Jeff Miles (DMDS / River Rock Trails) said, “It does not affect the wastewater treatment site. There were three points in the report that the open space committee made that we addressed succinctly in this letter back to the county on how we met those different criteria. One was reservation of open spaces. Okay.”

Jeff Miles (DMDS / River Rock Trails) said, “Number two was the trails and we showed how we are in phase one a and one b on constructing trails and where those are gonna go. And we addressed that in the report. So I think we addressed the open space correctly as far as the statement of reserving the right. You know, that at the end of the day thing, you may change your plan and that may not be agreeable to us to change your plan. So we can't just wholly tell you that if you change your plan that we agree to that.”

Commissioner Lorne Liechty said, “I mean, all due respect, Jeff and I agree we had met out there. I thought it was actually a very productive meeting. But I don't understand how that everything you said. I don't understand how that fits into a letter that says, at the present, however, the applicant is willing to work with the county on open space, but in the future, the applicant reserves the right to discontinue all this work.”

Commissioner Lorne Liechty said, “And then later on in that same letter, it says, oh, by the way, the current landowner is DMDS land company, LLC which has apparently no relationship to the developer. It says the two entities are not partners, subsidiaries or related companies, and essentially tells us we need to go cut a deal with them. Those things don't line up. And, and I don't know that this is, I mean, that, that's just what I see here.”

Commissioner Lorne Liechty said, “Can I go ahead and then the, again, to the comment that you made Mr. Anderson was to say that this was not raised in those reasons. In fact, section 3.2.4 was specifically raised in those letters. And in section 3.2.4, it talks about water, adequate water and the preliminary plat not endangering public health, safety or welfare.”

Commissioner Lorne Liechty said, “I went back and checked the minutes of our meeting of March 25th and the minutes of that meeting, not only did the Mayor of McLendon-Chisholm come in and say, we don't have an agreement with you with River Rock Trails, but I specifically mentioned that that was a point of concern. So I think to say that this is something that we, is a surprise to you or is no longer on the table, I don't think that's a little bit duplicitous and not really reflecting reality.”

Art Anderson DR Horton's Attorney said, "So I appreciate Jeff, you know have more firsthand knowledge than I do on the parks. You, you need to look exactly at the denial letter. Okay. And it's not duplicitous. There are four items, okay. Regardless of what's talked about at meetings, what's, people may have expressed concerns under the statute sheet."

Art Anderson DR Horton's Attorney said, "The county's required to give disapproval reason, reasons, and they're supposed to be specific. They county did not do a good job of that at all. But there were four reasons. One, compliance with the Freese and Nichols review comments, met all of those Freese and Nichols. EMT, the other stuff's not part of that. Number two, adequate water supply, right? That one's in there. It's not an EMT deal, it's not police services, etc."

Art Anderson DR Horton's Attorney said, "There was one question about do you have sufficient water supply for, you know, fire flow? The letter says, yes, they do three proportionality, appeal four, okay. Is the open space. So when it is not duplicitous comments that are made, I don't wanna say they're irrelevant, but under the statute, it's y'all's responsibility, not ours, to specifically state what those reasons are. And those were the four reasons, and we tried like heck to get specificity on those. Never got it after being promised we would."

Art Anderson DR Horton's Attorney said, "And so it's not duplicitous that fact that there are comments made in a hearing or a meeting if they're not reflected in the formal denial letters in accordance with chapter 232. I hate to say it's irrelevant, but it's irrelevant in terms of what are the criteria that you have to use to approve the plat."

Art Anderson DR Horton's Attorney said, "So, and, and nothing personal, but you know, nobody's ever accused me of duplicity. I would appreciate it would not do that, because that's the reasoning behind what i said about what was being required and what not. There's a process, there's a statute, we followed the process. The county did not, but the four denial reasons we met clearly."

Commissioner Lorne Liechty said, "Well, first of all, Art, I've known you since 1984. I apologize for calling you duplicitous. I didn't mean it to be an insult. Please forgive me. Secondly, that letter item two was not water. If i remember that letter, I was just looking, I don't have it here in front of me, but if I remember it, item two was section 3.2.4 of the subdivision regulations, which included water and also includes, its a dangerous situation."

Art Anderson DR Horton's Attorney said, "No, it is specifically first water."

Commissioner Lorne Liechty said, "Could I get a, do you have a copy of my letter there? I can go get it. I hate to get hung up on this."

Judge Frank New said, "What is DMDS's relationship?"

Jeff Miles (DMDS / River Rock Trails) said, "Yeah, so that's, I was gonna explain that. DMDS owns the property. They're a ranching and farming operation that's owned the property for years. DR Horton has the property under contract to purchase from them over a period of years. Many years to purchase it. So they're not purchasing all 1,867 acres at one time. They're gonna purchase it in chunks over time. The land that we're talking about that is the open space."

Jeff Miles (DMDS / River Rock Trails) said, "The clarification on that is what we will do is facilitate and we could put that in a letter. And maybe we should have facilitate a transaction where that land is conveyed from DMDS to the County. Okay. So DR Horton, that's part of the property that they're not going to purchase is that lake and all that downstream area of the lake. So, does that make sense?"

Judge Frank New said, "Yeah, it does. Last fall, part of the soil conservation lake that's encompassed by this land that DMDS owns and DR Horton is contracting to buy was transferred to an attorney with Coats and Rose. Who put that land in its personal name."

Jeff Miles (DMDS / River Rock Trails) said, "He's the trustee actually."

Judge Frank New said, "It's just weird that there's these big plats, then there's this one that is."

Jeff Miles (DMDS / River Rock Trails) said, "That's the MUD Director's lot. So that's what that is. That could be moved around anywhere."

Judge Frank New said, "Got it. So his lot is essentially in the middle of the lake?"

Jeff Miles (DMDS / River Rock Trails) said, "Um, yeah, it is, but that's that's how that was done. So that lot can be moved outta of the middle of the lake and moved somewhere else."

Judge Frank New said, "Okay."

Jeff Miles (DMDS / River Rock Trails) said, "Well that, so that's not a problem."

Judge Frank New said, "Neither here, nor there's just."

Jeff Miles (DMDS / River Rock Trails) said, "Again, we've shown this reservation. This reserved area on the plat. It's called out, you know, for potential future open space. It does not affect phase one a or one b. However, we're doing trails in phase one a and one b, and we meet the three point criteria that was in the open space letter that was given to us by Commissioner Lorne Liechty which was acted upon by this court. Does that answer?"

Commissioner Dana Macalik said, "Yeah, I think so. The 190 acres, it's not going to be on any of the materials that we've been provided."

Jeff Miles (DMDS / River Rock Trails) said, "So we have four plats. It's on the remainder plats. I'm assuming you have a copy of this. 'Cause this is what Commissioner Liechty was reading from is the April 28th, 2025 report about how we meet the open space. We didn't get any comments back to this. We essentially took the, August 9th, 2024 analysis that the County did."

Jeff Miles (DMDS / River Rock Trails) said, "And then responded to their analysis on how we meet these criteria and gave maps and other information in this report. So we never received anything back, so we're assuming that everybody was good with that. And that included the 190 acres and also included a plan master trail plan and a trail plan for specifically for phase one a and one b. So that's in that report."

Jeff Miles (DMDS / River Rock Trails) said, "As far as the comment, and I know Commissioner Liechty, had issue with the you know, reserve, the right to discontinue dedication construction to open spaces. Again, we've given you a plan, we showed you what we're gonna do here. We're gonna continue to work on it."

Jeff Miles (DMDS / River Rock Trails) said, "However, we don't know what could change in the way of your requirements or your wants in open spaces. So we can't wholeheartedly just give you carte blanche and say, yeah, we're good with any changes that you make in the future. So that's all we're trying to say there."

Commissioner Bobby Gallana said, "Just a question about DMDS. They're not the original landowner?" They bought the land and then are parceling it out to you? Is that how

Jeff Miles (DMDS / River Rock Trails) said, "Yeah, they've bought the land in two big chunks."

Commissioner Bobby Gallana said, "And there's no relationship to DR Horton?"

Jeff Miles (DMDS / River Rock Trails) said, "There's no relation to the home building company. Their last name is Horton. They're the sons of the founder of DR Horton. Mr. Horton who passed away last year."

Commissioner Bobby Gallana said, "Right."

Jeff Miles (DMDS / River Rock Trails) said, "They have a large farming and ranching operation. They're not connected to the home building company at all. As far running the..."

Commissioner Bobby Gallana said, "This is not a typical operation. Where they buy the giant parcel of land and then piece meal sell it to you over time as you're ready to develop?"

Jeff Miles (DMDS / River Rock Trails) said, "They might sell it to DR Horton. They may sell it to some other builder."

Commissioner Bobby Gallana said, "And could do so with this property still as well?"

Jeff Miles (DMDS / River Rock Trails) said, "What's that?"

Commissioner Bobby Gallana said, "They don't necessarily have to sell the rest of the land to you. To someone else?"

Jeff Miles (DMDS / River Rock Trails) said, "No, they don't. We have it all under contract right now, but if, you know, if the contract ends, then no. Could be Lennar Homes. It could be, and I don't wanna name any names, but it could be any home builder, any developer that's out there."

Judge Frank New said, "I have a quick question about the parcel of land for the MUD director. Is that pretty common to do that?"

Jeff Miles (DMDS / River Rock Trails) said, "Yes, it is."

Judge Frank New said, "A MUD director, a piece of land somewhere. Is that done to satisfy some legal requirement?"

Jeff Miles (DMDS / River Rock Trails) said, "It is a legal requirement that's a state statute that the MUD director has to have a parcel within the MUD."

Judge Frank New said, "Not that they have to live there they just have to."

Jeff Miles (DMDS / River Rock Trails) said, "No sir. They don't live there."

Judge Frank New said, "Okay. Any other questions? Would you like to, and I'm playing a little loose here. I think I told you my intentions are to go through these and then go into executive session and then come back to these. Is there anything else?"

Jeff Miles (DMDS / River Rock Trails) said, "I think the fire, you know, the fire agreement is between McLendon-Chisholm and our MUDs. We have two MUDs out there. River Rock Mud one and River Rock Mud two. As far as notice that they canceled that I didn't receive notice. I don't believe our attorney, the

MUD attorney from Coates Rose who wrote that letter, you guys have a copy of that stating the reasons why that agreement is valid.”

Jeff Miles (DMDS / River Rock Trails) said, “We never did get a phone call and say, hey, we want to, we don't like the agreement, we wanna renegotiate the agreement. They just took some action on it. We don't believe that's a valid action. We still have a contract that's in place. We're running through the steps of that agreement.”

Jeff Miles (DMDS / River Rock Trails) said, “We have submitted to TCEQ for a fire plan, where a portion of the district's tax can be used to pay for fire protection if we want. Right now, the agreement is where the residents pay a monthly fee. That's the current agreement.”

Jeff Miles (DMDS / River Rock Trails) said, “That agreement is exactly like the Poetry Road MUD agreement, except that we're gonna build a fire station, within our development as part of that agreement. And, quite frankly, we don't feel like we need to go back and try to renegotiate an agreement that was just done because the mayor of McLendon-Chisholm changed. That's our feeling. And, that's our legal our council's legal opinion as well.”

Commissioner Dana Macalik said, “Okay. Because your council did in the May 30th letter that they gave us in regards to MUD one and MUD two and the Fire protection. They have copies of the agenda and the minutes of that agenda on July 9th that the Mayor just spoke about. It was in my paperwork from Coats.

Jeff Miles (DMDS / River Rock Trails) said, “That actually was from your attorney.”

Commissioner Dana Macalik said, “Okay. Okay. Then it came.”

Jeff Miles (DMDS / River Rock Trails) said, “Okay, so the Coat Rose letter came out, um, yesterday. Yeah, we were scrambling.”

Commissioner Dana Macalik said, “It's dated May 30th, so yeah, so, but it does say that in the minutes said, discuss it, consider repealing the Fire Protection agreement between the City of McLendon-Chisholm and River Rock Trails Municipal Utility Districts of Rockwall County. And then they talk about. It says Mayor McNeal spoke to why he's supposed to continue with the agreement. And he points out that River Rock recently left the ETJ and continuing at this point is not to the benefit of our citizens. Council Member McLendon says he would like to see the difference in the financials.”

Commissioner Dana Macalik said, “Anyway the Mayor called for a motion and the motion to repeal the agreement between the City of McLendon-Chisholm and River Rock Trails Municipal Utility Districts was made by Mayor Pro Tem Tucker, who I see here in the audience this morning. And it was seconded by Council Member Brewer and it passed four to one. So I mean we, i, it's, i was given this information, so sure. Obviously i believe that if that's what that communication is, and then based on what i heard the mayor saying this morning, that somewhere there's a big miscommunication.”

Jeff Miles (DMDS / River Rock Trails) said, “Well, they don't have a unilateral right to terminate agreement. So that's our attorney's opinion. So that might be, have to be taken elsewhere to make that decision or discussed, but there's not a unilateral right to terminate that agreement. So it doesn't say anywhere in that agreement that they can do that.”

Jeff Miles (DMDS / River Rock Trails) said, “I do have a question of the Commissioners and Judge. What's the County's obligation, regardless of McLendon-Chisholm agreement? What is the County's obligation to provide emergency services and fire services, EMS and fire services in the County for residents that live in the county?”

Judge Frank New said, "We don't offer services for MUDs. MUDs are municipal utility districts that have to have their own fire. We do contract with the cities and have them cover unincorporated areas of the county, which in, when you start building you're no longer in the unincorporated area of the county."

Jeff Miles (DMDS / River Rock Trails) said, "So we've requested from the county and have not received one thing in public opens request that says exactly what you just told me. We have found a Commissioner court hearing, where Commissioner Stacey stated that they will continue to provide services, but they just don't wanna pay for the services. So that's a distinction and a difference than what you just said. 'Cause what you just told me is you're not gonna cover it at all or be part of any coverage."

Jeff Miles (DMDS / River Rock Trails) said, "My understanding is you're going to cover it, you just don't want to pay for it. So you want somebody else to pay for it, and that's okay. We're okay. We're open to have an agreement with the County to pay for those services out there. But my understanding is you have an interlocal agreement."

Jeff Miles (DMDS / River Rock Trails) said, "We've asked this also from McLendon-Chisholm that hadn't been provided to us in an open records act that has passed due, that hasn't been given to us, that there's an interlocal agreement between McLendon-Chisholm and the County to cover an area called Fire District 22. And we're within that Fire District 22, the county's maps show we're in that area of Fire District 22. There's not a donut hole in there for our MUDs."

Jeff Miles (DMDS / River Rock Trails) said, "And that that area is going to be covered by McLendon-Chisholm, the City. Which prior to that was a volunteer fire department in 2018, actually we wish was still there because we could go talk to them and really help them out to get equipment and everything else."

Jeff Miles (DMDS / River Rock Trails) said, "However, now we have a city that's taken away what we believe is fire coverage on our property in the County, that we believe they have an obligation to cover over there, regardless of whether our MUD has a contract or not, and that they're using that to try to negotiate with us on land use and other things, and has nothing to do with their ETJ."

Commissioner John Stacy said, "Can I just say something really quick since he pointed me out?"

Judge Frank New said, "Oh yeah. Since your name was invoked. Yes, please."

Commissioner John Stacy said, "Um, in accordance with your counsel, things that are discussed and not voted on are irrelevant."

Jeff Miles (DMDS / River Rock Trails) said, "Okay."

Judge Frank New said, "Um, you and I disagree on that. So the County pays the cities what I would call a minimal amount. And I'll just be honest we don't pay near enough. They service the areas that are essentially historically, farms, ranches, unbuilt areas."

Jeff Miles (DMDS / River Rock Trails) said, "They serve High Point? They serve High Point, neighborhood?"

Judge Frank New said, "I don't know if they do or not."

Jeff Miles (DMDS / River Rock Trails) said, "I mean, someone calls 911 who shows up out there? Nobody's gonna show up?"

Judge Frank New said, "I have no idea. I have no idea. But in a Municipal Utility District, I believe the onus is upon you to provide that. Now, we don't provide it. We don't run fire trucks. We just contract out and pay

people a nominal amount to go out into the unincorporated areas and essentially work brush fires and farm fires and ranch fires. Not urban areas, 6,000 homes, 400 homes, however many homes. I mean that, that requires a different level of fire service that."

Jeff Miles (DMDS / River Rock Trails) said, "Let's distinct between fire service and EMS. Doesn't a county have an EMS agreement with Rockwall EMS?"

Judge Frank New said, "The county does."

Jeff Miles (DMDS / River Rock Trails) said, "Okay. And so they're covering that area today, whether we have one house out there or 6,000 houses, right?"

Judge Frank New said, "That that is correct. It's different than fire."

Jeff Miles (DMDS / River Rock Trails) said, "We would like copies of these documents that we've asked for in open records act that we haven't received. We're requesting copies of what we've asked for. Okay."

Judge Frank New said, "Any further questions?"

Commissioner Lorne Liechty said, "Um, I want to get back and I was not able to find the letter. I apologize again. It seems like I'm apologizing all morning, but I did find the minutes of the meeting and that letter was based upon those minutes. And what item two said is the issues and bases specified in section 3.2.4 of the county subdivision regulations, including without limitation that the subdivision doesn't have adequate access to water and that the proposed development may endanger public health, safety and welfare. So it was not just item two was not just a said water only, it said referenced the entire section 3.2.4. It did specifically mention water. It also specifically mentioned an endangerment to public health, safety and welfare. Okay."

Art Anderson DR Horton's Attorney said, "It it actually states more than that. It says the requirements in section 232.032 at the Texas Local government code, which says a subdivided having an approved plat for a subdivision shall furnish a certified letter from the utility provider stating that water is available to the subdivision, sufficient in quality and quantity to meet the minimum state standards and consistent with the certification that the water of that quality and quantity will be made available to the point of delivery to all lots in the subdivision."

Art Anderson DR Horton's Attorney said, "So the whole focus on that disapproval item was water. And when it relates back to endangered public health, safety and welfare, that relates back to the water requirement plus we asked, we said, if you can't tell us specifically which item in your, in your subdivision ordinance or regulations, if you're referring to endangered public health, safety, or welfare that we're violating. And there was no answer. I disagree that it only referred to water. And I guess that's just something you and I'll disagree on. Again, we asked for the specifics."

Commissioner Lorne Liechty said, "In the County public health, safety and welfare, and in that meeting we specifically mentioned the, the failure of the con, the breach or the, the failure of the contract, whatever the term is, or revocation of the contract with McLendon-Chisholm and the fact that that left the subdivision without adequate fire safety, which endangers the public health, safety and welfare."

Art Anderson DR Horton's Attorney said, "If there's non-compliance with the binding agreement potentially."

Judge Frank New said, "Yeah. Does anybody else have any questions? Any further questions? All right, thank you Art. All right. At this point, the commissioner's into executive session."

Judge Frank New said, "All right, at 1:53 pm we're gonna reconvene an open session pursuant to the Open Meetings Act, chapter 551 Texas Government Code section 551.001. The Commissioner's Court will reconvene an open session and take any action necessary on matters discussed in executive session. **And I will tell you no action taken.** This brings us back to agenda item number two, which is discuss and act on River Rock Trails preliminary plat resubmittal for phase one a and all related issues.

Below are the motions made on ALL 4 agenda items with details which unanimously were disapproved by the Commissioners Court.

Commissioner Lorne Liechty said, "I make a motion that the Commissioner's Court adopt an order that was presented to you disapproving the application for the river rock trails phase one, **a preliminary plat version six, number six.** This we're talking about one a, right?"

Judge Frank New said, "Yes sir. We are on one a."

Commissioner Lorne Liechty said, "Um, **version number six based upon the provisions of section 232.101a** of the Texas Local Government Code, which authorizes Rockwall County to adopt rules governing plats and subdivisions of land within the unincorporated area of the county to promote the health, safety, morals, or general welfare of the county and the safe, orderly, and healthful development of the unincorporated area of the county and other provisions of the Texas local government code and the applicant developer's failure to comply with all the rules and requirements set forth in the Rockwall County subdivision and land development regulations, including without limitation the following:

1. Issues and basis specified in section 3.2.4 of the Rockwall County subdivision and land development regulations including without limitation;
 - a. that the proposed subdivision **does not have adequate access to water necessary to serve the proposed development and to provide water for fire protection** and;
 - b. that the proposed development represented in **the preliminary plat may endanger public health, safety and welfare, including without limitation the failure of the developer applicant to provide evidence of fire protection services and emergency medical services available to the proposed development,** which issues and basis for disapproval were addressed in an email from the county's legal counsel to develop our applicant in an email sent May 30th, 2025 and were the subject of responsive emails and document production on May 2nd, 2025;
2. The failure of the applicant subdivided to satisfy the requirements of section 232.032 of the Texas Local Government Code.
3. The **failure of the applicant developer to comply with open space requirements** of section 1.10 of the Rockwall County subdivision and land development regulations.

And in addition to adopting the proposed order, **I further move that the court authorized its counsel to send a letter to the developer with respect to this disapproval** as required by law and attaching the order adopted by the court."

Judge Frank New said, "Got a motion by Commissioner Lorne Liechty."

Commissioner John Stacy said, "I'll second."

Judge Frank New said, "We got a second by Commissioner Stacy. Are there any further questions or comments if you'll register your votes now please? It passes five to zero. That brings us to agenda item

number three, discuss an act on river rock trails preliminary plat resubmittal for phase one b and all related issues.”

Commissioner Lorne Liechty said, “Judge, I'd like to make a motion. I make a motion that the commissioner's court adopt an order presented to it disapproving the application for the River Rock Trails phase one b preliminary plat version number four, based upon the provisions of section 232.101 a of the Texas Local Government Code, which authorizes Rockwall County to adopt rules governing plats and subdivisions of land within the unincorporated area of the county to promote the health, safety, morals, or general welfare of the county and the safe, orderly, and healthful development of the unincorporated area of the county and other provisions of the Texas Local Government Code and the applicant developers' failure to comply with all the rules and requirements set forth in the Rockwall county subdivision and land development regulations, including without limitation the following:

1. Issues and basis specified in section 3.2.4 of the Rockwall County subdivision and land development regulations including without limitation;
 - a. that the proposed subdivision does not have adequate access to water necessary to serve the proposed development and to provide water for fire protection and;
 - b. that the proposed development represented in the preliminary plat may endanger public health, safety and welfare, including without limitation the failure of the developer applicant to provide evidence of fire protection services and emergency medical services available to the proposed development, which issues and basis for disapproval were addressed in an email from the county's legal counsel to develop our applicant in an email sent May 30th, 2025 and were the subject of responsive emails and document production on May 2nd, 2025;
2. The failure of the applicant subdivided to satisfy the requirements of section 232.032 of the Texas Local Government Code.
3. The failure of the applicant developer to comply with open space requirements of section 1.10 of the Rockwall County subdivision and land development regulations.

And in addition to adopting the proposed order, I further move that the court authorized its counsel to send a letter to the developer with respect to this disapproval as required by law and attaching the order adopted by the court.”

Judge Frank New said, “We have a motion by Commissioner Lorne Liechty.”

Commissioner John Gallana said, “I'll second.”

Judge Frank New said, “Any further questions or comments if you'll register your votes now it passes five to zero.” That brings us to agenda item number four, discuss and act on river rock trails, preliminary plat resubmittal for wastewater treatment plant, and all related issues.”

Commissioner Lorne Liechty said, “Judge, I'd like to make a motion. I make a motion that the commissioner's court or adopt an order presented to it disapproving the application for the commissioner for the river rock trails wastewater treatment plan. Preliminary plat version number three, based upon the provisions of section 232.101 a of the Texas Local Government Code which authorizes Rockwall County to adopt rules governing plats and subdivisions of land within the unincorporated area of the county to promote the health, safety, morals, or general welfare of the county and the safe, orderly, and healthful development of the unincorporated areas of the county and other provisions of the Texas Local Government Code and

the applicant developer's failure to comply with all rules and requirements set forth in the Rockwall County subdivision and land development regulations including without limitation the following:

All matters specified in the letter from Freese and Nichols, incorporated to Erica Bridge's PE Rockwall County Engineer dated May 29th, 2025 with respect to the preliminary plat, this preliminary plat, which are conditions to approval of this preliminary plat, but which have not been satisfied as of this date, including without limitation;

1. that the proposed subdivision creates a landlocked lot with no frontage to any public streets in violation of RCSLDR, section three b and related commentary from Freese and Nichols incorporated.
2. Issues in base specified in section 3.2.4 of the Rockwall County subdivision and land development regulations including without limitation that the proposed development represented in the preliminary plat may endanger public health, safety and welfare.
3. The failure of the applicant subdivided to satisfy the requirements of section 232.032 of the Texas Local Government Code.

And in addition to adopting the proposed order, I further move that the court authorized its counsel to send a letter to the developer with respect to this disapproval as required by law and attaching the orders, the order adopted by the court.”

Commissioner Lorne Liechty said, “I make a motion that the commissioner's court adopt an order presented to it, disapproving the application for the River Rock Trails remainder track preliminary plat version number two, based upon the provisions of section 232.101 a of the Texas Local Government Code, which authorizes Rockwall County to adopt rules governing plats and subdivisions of land within the unincorporated area of the county to promote the health, safety, morals, or general welfare of the county and the safe, orderly, and healthful development of the unincorporated area of the county and other provisions of the Texas Local Government code and the applicant developers failure to comply with all the rules and requirements set forth in the Rockwall County subdivision and land development regulations, including without limitation the following:

1. Issues in basis specified in section 3.2.4 of the Rockwall County subdivision and land development regulations.
2. The failure of the applicant's subdivided to satisfy the requirements of section 232.032 of the Texas Local Government Code.
3. The failure of the applicant developer to comply with open space requirements of section 1.10 of the Rockwall County subdivision and land development regulations.

And in addition to adopting the proposed order, I further move that the court authorize its counsel to send a letter to the developer with respect to this disapproval as required by law and attaching the order adopted by this court.”

MOTION: To disapprove the preliminary plat for the remainder of River Rock Trails plat for Phase 1A, Phase 1B, wastewater treatment plant and remainder track. Each agenda item all passed unanimously to disapprove.

June 24, 2025 — Rockwall County Commissioners Court

Executive Session Agenda Item: Pending or Contemplated Litigation and Attorney-Client Information: (1) Discuss potential settlement related to damaged property of Donald Franks. (2) "DR Horton v. Rockwall County"

Presiding: Frank New Commissioners: Dana Macalik, Bobby Gallana, John Stacy, Lorne Liechty

County Representatives: County Attorney Daniel Ray

Governing Body: Rockwall County Commissioners Court

Public Comments

Speaker: Mayor Bryan McNeal

Date: June 24, 2025

Meeting: Rockwall County Commissioners Court

Good morning Judge. Commissioners, uh, seems like McLendon-Chisholm always finds a way to shine in Rockwall County, no matter if it's the stench from a main sewer line break or a blog.

But good morning. I wanted to first say thank you to each of you, your leadership shows, and each of you as individuals, as well as a collective team, no matter when aligned or when at difference, you seem to give the example that we should all follow. With that, with teamwork and respectful communication, we can all find paths that deliver for everyone. With that said, I wanted to give an update from the sewer line break that was discovered on last Tuesday, the 17th of June. As you know, once we had eyes on the break, we took immediate and swift action.

Our first discussion was to get the word out to the people in a true team move. All staff was making calls and working to see the fastest path and stopping the flow, and then repairing it. This was done in an expeditious manner and resulted in the line, stopped within the hour crews digging and repairing. And within four hours from the find of the break, we were repaired. The next phase was making sure we now were on the cleanup by 7:00 pm enviro serve was on site and were dropping hose in the area to suck up any contamination. Myself and both Chief Simmons and chief style were on site until after midnight, and we were backed by 5:00 am to know the status and what was done at this point.

Over 50,000 gallons of waste had been removed yesterday, the micro backs and micro blaze had begun being deployed. This is the science side of it, and most importantly, the true full cleanup. The process is a few weeks, and we just completed week one of a week, a three week process. Next week, we will have several trucks on site to deploy more of these micro backs into the area. They'll actually create a dam, unlike the other one, to cause what they call a flood of the soil. But it is truly to set up a flush of the system.

The micro backs will deploy into the water, and it will actually eat all the bad bacteria. It's fighting bacteria with bacteria. The following week will be another flush and another area long, and each time they will do spot treatments. The good news is this will be a full cleanup and will be safe also. No water supply was ever at risk. All water is safe. Nature will also help in the breakdown as well. And we will do another release to the public so they know exactly what has taken place as I am always for transparency.

Lastly, I wanna thank the swift action by judge new in support of anything we would need in McLendon-Chisholm, the Commissioners for being there. Commissioner Liechty for coming on site and taking a tour and being briefed directly on the impact to McLendon-Chisholm, the Rockwall County Office of Emergency Management for coming on site to help walk the creeks and roads to find all paths that were impacted. The Rockwall County Sheriff's Office for deploying one of its deputies with the drones. So we could see areas that we were not able to get to.

And enviro serve Inframark and Double R for all being on this in a very rapid response to the Mayors of Heath and Rockwall in offering anything they could to assist. But most importantly, I wanna thank the staff of McLendon-Chisholm, our City Manager, staying on this and checking through the night up to, and making sure that we were all fed our McLendon-Chisholm Fire Department providing traffic control so that we could concentrate on the repair and cleanup, both Chief Simmons and chief style, our Mayor Pro Tem Jerry Brewer, for being on site.

All our council was briefed through the process and they all offered to assist in any way they could. This is what teamwork is, is about working towards solutions and finding paths to work together for the good of the people. We have the honor to represent anything else is the actual real smoke and mirrors. Thank you.

Judge and Commissioners went into Executive Session.

Executive Session: No Action Was Taken.

July 8, 2025 — Rockwall County Commissioners Court

Executive Session Agenda Item: Pending or Contemplated Litigation and Attorney-Client Information: (1) DR Horton v. Rockwall County

Presiding: Frank New Commissioners: Dana Macalik, Bobby Gallana, John Stacy, Lorne Liechty

Governing Body: Rockwall County Commissioners Court

Public Comments

Speaker: Mayor Bryan McNeal

Date: July 8, 2025

Meeting: Rockwall County Commissioners Court

Good morning. I wanted to take a moment this morning to speak on a few things, and I apologize in advance if I go over the time by a few minutes so I'll talk faster real quick.

I'm proud to say that we have completed phase two of the cleanup on our sewer line break, and the process is running smooth and as expected, phase three in the final part of this process, we'll begin actually this week.

The soil will then be tested again and results will sent be sent to TCQ and we feel we will be in the all clear with the area being fully treated and cleaned.

Next up, I attended the TML legislation update and I can tell you this, **there is still much needed work while we were able to have impact as a collective body.** I can tell you the one thing I picked up in the many visits to Austin is we have to start yesterday for tomorrow, not today. We are already too late.

As it is, it is paramount that **we remain focused in united as cities and cities with the county to keep the channels effectively communicated.**

With those in Austin. I remain committed to continue to be on the front lines and working to protect not only the city I represent, but assisting in the overall impact of positive outcomes to the rest of the cities and the counties we all call home.

I apologize, I'm tired, so if I sound not as enthusiastic, I apologize. The next one is a two part one, I see the renovation plans for the sheriff sheriff's office. I also see the strategic plan parts on the

agenda today. Now, pause with me just for a second. We have all seen the tragedy unfold in the hill country.

We've all seen the devastation, the loss of life, and the heartache has been felt by all while. **We may be united as a county in the efforts to send relief of some sort from our county to them.** Let me ask this. Do we want to be a what if or am I glad we prepared response?

The sheriff's office, I would venture to say, gets the majority of the calls in this county, and that's just a guess, but I can assure you this, they deal with the most issues that we are glad they are there for, and **yet we want to possibly debate about how to get them more with less.** What message does that send to those that are on the streets daily dealing with what we only wanna read about?

If it were me up there, I bet I would figure it out and make sure that those see that, see, the worst in society are taken care of. While I do respect the budget, is I have to handle one myself. I know when it comes to first responders, i typically find myself not questioning the outcome. I try to find a way to make it happen.

I also recall pretty much all the commissioners at the strategic planning 2050 meetings and workshops. I recall the sheriff at these meetings as well, and it seemed everyone valued the input. And most of the time there were more reasons when it came to the sheriff and the input on crime and safety.

And yet here we are trying to figure out how to finish a project for them. **One of the things I know they asked for also is an Intel Analyst.** And I think that's a huge importance to go back to.

I'm glad we were prepared and not what if, back to the tragedy in the Hill Country, I'm proud to say that the Rockwall County is showing up big.

What started as a quick hit with a letter from myself to the Mayor of Kerrville, ended up talking to the Battalion Chief on the ground there by the name of Jaron Floyd, then Julie, with the EOC, coordinating with the Salvation Army in Kerrville. We've worked with Lowe's, Home Depot, Walmart, Baylor Scott, and Royse City, Royse City Fire Department, Rockwall County, or Rockwall County, Rockwall Fire Department, Heath, DPS, City of Heath, Rockwall County Officer Emergency Management. Commissioners, Judge, City of McLendon-Chisholm, McLendon-Chisholm Fire Department have all helped in an effort.

And we will be departing tomorrow at zero five from the McLendon-Chisholm Fire Department to show Kerrville that Rockwall County hears you. And we are coming to bring you some sort of relief. This is the County I know. This is the county I love and admire. Let's continue to pray for the Hill Country. The family's impacted the first responders as we step off early tomorrow. Please keep us in your prayers. Thank you.

Judge and Commissioners went into Executive Session.

Executive Session: No Action Was Taken.

July 22, 2025 — Rockwall County Commissioners Court

Executive Session Agenda Item: DMDS / DR Horton v. Rockwall County, et al;

Presiding: Frank New Commissioners: Dana Macalik, Bobby Gallana, John Stacy, Lorne Liechty

Governing Body: Rockwall County Commissioners Court

Public Comments

Speaker: Colin Huffines

Date: July 22, 2025

Meeting: Rockwall County Commissioners Court

Good morning. It's a great day in Rockwall County. I'm the project manager, Horizon Lakes, as some of y'all know. The greatest and best development in Rockwall County, in McLendon-Chisholm off of FM 550. A quick construction update. We are wrapping up grading on the first phase of this project. We have utilities about to start in the next probably three weeks and then paving scheduled for early September. This job is rocking and rolling.

We've moved over a a million and a half yards, cubic yards of dirt. And this project couldn't be more exciting. In fact, it's so exciting that tomorrow we have our groundbreaking at 10:00 am right off FM 550 at our construction entrance.

A lot of the other politicians will be there. We're excited for photo ops. Couple other news people will be doing little tidbits and write-ups. We'll have a little, you know, breakfast tacos and a nice tent. I know it might be hot, it's July. But, yeah, we're very excited for our photo op and welcome all of y'all.

Sorry frank, I don't have any swag bags for you. And, yeah, the rest of the County Commissioners, you're definitely welcome. So look forward to seeing y'all tomorrow. Alright, thank you very much.

Judge and Commissioners went into Executive Session.

Executive Session: No Action Was Taken.

August 12, 2025 — Rockwall County Commissioners Court

Executive Session Agenda Item: Pending or Contemplated Litigation and Attorney-Client Information: (1) DMDS/DR Horton v. Rockwall County, et al;

Presiding: Frank New Commissioners: Dana Macalik, Bobby Gallana, John Stacy, Lorne Liechty

Governing Body: Rockwall County Commissioners Court

Judge and Commissioners went into Executive Session.

Commissioner Lorne Liechty said, "Judge, I have a couple motions regarding item 23 a. I'd like to make a motion to approve Rockwall County paying the fees and expenses of the county's legal counsel in the lawsuit brought by DMDS Land Company and DR Horton versus Rockwall County. To the extent such fees and expenses are appropriately allocated to the defense of the County Judge and County Commissioners in their individual capacities in such litigation."

Judge Frank New said, "Have a motion by Commissioner Liechty."

Commissioner Gallana said, "Second."

Judge Frank New said, "Second by Commissioner Gallana. If you'll register your votes now it passes five to zero."

Motion After Executive Session: Motion to approve Rockwall County paying fees and expenses of the County's legal counsel in DMDS/DR Horton lawsuit AND in their individual capacities. Passed unanimously.

August 14, 2025 — Rockwall County Commissioners Court Special Meeting

Agenda: Discuss/ Act on the proposed FY2026 1st draft budget, and all related issues

Executive Session Agenda Item: DMDS / DR Horton v. Rockwall County, et al;

Presiding: Frank New Commissioners: Dana Macalik, Bobby Gallana, John Stacy, Lorne Liechty

Governing Body: Rockwall County Commissioners Court

Commissioner Lorne Liechty said, "Legal services. This is on page three. Okay. We show legal services of \$300,000. \$300,000 for next year budgeted. And we've already spent \$306,000 this year, year-to-date. As everyone in the County, everyone knows this Court. We are currently involved in two new lawsuits that we were not involved in last year, last fiscal year, or when the budget was done last fiscal year."

Commissioner Lorne Liechty said, "And we've asked our counsel to come up with estimates for what that's gonna cost? But we need to budget that item here. So I don't think we have that number yet, but we need to make sure that, it's, it factored in here, because I'm assuming the \$300,000 is based on our general counsel's expense or what?"

County staff said, "I think Judge New said \$300,000. If you recall, the Andy Taylor bill was \$50,000 for the one, one and done on that appeal."

Commissioner Lorne Liechty said, "Right. I understand."

County staff said, "So I think he was taking that into account, on the annual cost, because that was a, that will go away expense."

Commissioner Lorne Liechty said, "Right. Yep. So, but this year to date is through what date?"

County staff said, "Hmm? Did it print a, uh, August 11th."

Commissioner Lorne Liechty said, "Through August 11th. Okay. So it's very current. So, 9 of the 11 months have gone and we've spent \$306,000. And if you take out the fifty, that's \$256,000. So we're gonna hit \$300,000 anyway just in normal fees. I'd like it, if we could get a number on what the legal fees are to date, because we have to balance for account for next year. And, like I said, we don't have an estimate yet. We've asked for an estimate from our counsel as to the cost for the DR Horton. But I'm just putting a note out there right now, that \$300,000 is probably too low there and we need to add that in."

Judge Frank New said, "I agree. We probably should at least add 50 into that, but knowing the estimate will give us actual dollar amount to add into that."

Commissioner Lorne Liechty said, "Yep."

Commissioner Dana Macalik said, "Can I just ask a question? Guys, you recall when we were putting together the professional fees, we also factored in some legal fees that would be coming out of that as well. And I'm not talking this year. I'm talking the last year."

Commissioner Lorne Liechty said, "So the next line item, you mean the 150,000?"

Commissioner Dana Macalik said, "Yes, sir. Yes, sir."

Commissioner Lorne Liechty said, "Okay. I don't know what, what that is."

Commissioner Bobby Gallana said, "That's my question."

Judge Frank New said, "What, what all comes out of professional fees? Is that engineering services?"

Rockwall County Staff said, "The annual audit, the architect it, you know, the if you pay for somebody to design something, that's not a project. The engineering goes to another line. We can pull up the transaction ledger. My mind's gone blank for a minute."

Judge Frank New said, "Well, it, it, it looks just based on what we've spent so far this year, that \$150 is the correct amount. But yeah, I would like to know."

Commissioner Lorne Liechty said, "Yeah, yeah. Good to know what it is. My concern was legal, and again, I don't have a number to put in there, but my guess is \$300,000 is too low. And I will be happy to well, we just asked him a couple days ago if he'd give us an estimate. So we don't well, we need to get that number figured out."

Commissioner Bobby Gallana said, "Commissioner Liechty, did you ask for a breakdown of what we're paying the general counsel just to be in the courtroom?"

Commissioner Lorne Liechty said, "We, that's what I asked for just a second ago, but maybe I wasn't clear. Yeah. Lisa, could you give us an up to date on what we've paid? Um, uh, the Smith Ray Firm?"

Commissioner Bobby Gallana said, "Yeah. I'd like to know what we're paying for them to be general counsel sitting in the room here. What's the name and what we're paying in fees for other stuff raised somewhere in there. Is that possible? Okay."

Rockwall County Staff said, "Yeah. I've been tracking your, is it River Rock? The DR Horton lawsuit? Yeah. I've been. Anything, with a River Rock name gets tagged to one spreadsheet. The last I checked on Daniel Ray's firm was \$187,000."

Commissioner Bobby Gallana said, "But, and that's just general for being counsel, court counsel?"

Rockwall County Staff said, "We track every one of your attorneys, so, uh, uh, we'll, uh, I've got that. I mean, we can send it."

Commissioner Dana Macalik said, "And I'm, yeah, because that \$187 you're talking about did not include any July expenses based on what you sent me. That was through June."

Rockwall County Staff said, "Looks like it's your health authority gets paid out. Professional fees. Patella, Brown and Hill, which is your annual audit. Looks like some of hilltop securities when you have to have your arbitrage reports done. I think there's a few in here that probably got were, will need to be reversed. Uh, 'cause there's a few, uh, engineer looking expenses, but just at a glance. But those are the kind of things in there. Your financial fees, no legal, no engineer. So accounting, health authority and I don't know why my brain keeps going on. It's like this one topic I've just stunted on. Anyways, I'll check on that. Okay. What i'm seeing in a glance is there may be some in there that are not coded exactly how I would code them, so, okay."

Commissioner Lorne Liechty said, "Anything else on the legal fees or anybody? Okay."

Executive Session Agenda Item:

Advice of Counsel: (1) DMDS Land & DR Horton v. Rockwall County, et al. (2) Suster Law Group Legal Services Agreement Amendment

Presiding: Lorne Liechty Commissioners: Dana Macalik, Bobby Gallana, John Stacy

Not present: Frank New

Governing Body: Rockwall County Commissioners Court

Commissioners went into Executive Session.

Executive Session: No Action Was Taken.

August 27, 2025 – Rockwall County Commissioners Court Special Meeting

Executive Session Agenda Item: DMDS / DR Horton v. Rockwall County, et al;

Presiding: Frank New Commissioners: Dana Macalik, Bobby Gallana, John Stacy, Lorne Liechty

Governing Body: Rockwall County Commissioners Court

Commissioner Lorne Liechty said, “Do we want to jump back up to legal services?”

Commissioner John Stacy said, “Well, I don't think we have our estimate yet, do we, Lorne?”

Commissioner Lorne Liechty said, “I got an estimate from Daniel for the normal, what I would call corporate representation. He gave me, he said that he thought \$300,000 was appropriate for that line item, which is what we had in the budget. But what we don't have, and I've requested is from Chris Bowers, a projection on the two lawsuits that we're involved in and what that'll cost us.”

Commissioner Lorne Liechty said, “So, well, I don't think. I think they're both in the same line item. Right. So I don't know that we're able to, but I know in the line item that was there, \$300,000 was the number we had budgeted, I think. This is \$400 – \$409. And so, that's not gonna be adequate because it doesn't include the funds for the **two lawsuits that were, where that were developers have sued us.**”

Judge Frank New said, “So, in my mind and tell me again, we can wait on the information from Chris Bowers, but in my mind, \$400 is a pretty accurate number. So we've spent roughly \$350 this year, and \$50 of that goes to our collateral elections lawsuit that we prepaid. So it won't, won't be this year.”

Commissioner Lorne Liechty said, “Right. We won't spend that again.”

Judge Frank New said, “We won't spend that again, but we will spend I think, an additional 50. So I think four gets me to a number I think we're safe at. Would you agree with that or do you want more information?”

Commissioner Lorne Liechty said, “I probably want more information before I lock it in. I would normally think that a hundred would go real fast in this, but I would, we gotta get an estimate from chris and we also have to take into consideration. i don't know how much this, i think i'm gonna wait to say anything further.”

Judge Frank New said, “Thank you.”

Commissioner Dana Macalik said, “I would prefer to just hold off on this one right now.”

Judge Frank New said, “Yeah.”

Commissioner Lorne Liechty said, “I'm okay with that. Can we put this into the executive session for our next?”

Judge Frank New said, "Yeah. We certainly don't wanna give away any legal Commissioner's Court. Yeah. Any legal."

Commissioner Lorne Liechty said, "Yep. We certainly can. Yeah. He just said, but I this point. I don't think I'm prepared to do anything other than give the estimate from Daniel Ray. And that's not a complete number. So I don't know what does. Alright. Right."

Commissioner Dana Macalik said, "Frank, can I ask you a question?"

Judge Frank New said, "Sure."

Commissioner Dana Macalik said, "If we're gonna talk about an executive session, we can't do that today 'cause we don't have our we legal."

Judge Frank New said, "We could, but I would want our lawyers here to have the conversation."

Commissioner Dana Macalik said, "That's what I'm asking. So, okay."

Judge Frank New said, "Um, no, we, we would do it maybe our next meeting."

August 28, 2025 — Rockwall County Commissioners Court Special Meeting

Agenda: Discuss/Act on the FY2026 draft budget, and all related issues

Executive Session Agenda Item: Pending or Contemplated Litigation and Attorney-Client Information;

Presiding: Frank New Commissioners: Dana Macalik, Bobby Gallana, John Stacy, Lorne Liechty

Governing Body: Rockwall County Commissioners Court

September 2, 2025 — Rockwall County Commissioners Court

Agenda: Discuss/Act on the FY2026 draft budget, and all related issues;

Executive Session Agenda Item: Pending or Contemplated Litigation and Attorney-Client Information;

Presiding: Frank New Commissioners: Dana Macalik, Bobby Gallana, John Stacy, Lorne Liechty

Governing Body: Rockwall County Commissioners Court

Commissioner Dana Macalik said, "And then, you know, the elephant in the room for me anyway, is our legal services to discuss that."

Judge Frank New said, "We, we, we will take that out."

Commissioner Dana Macalik said, "We, yeah, we owe it it to the people."

Judge Frank New said, "Yeah. Yep."

Commissioner Lorne Liechty said, "Yeah. One more thing. And legal services. I think we're gonna discuss an executive session today."

Judge Frank New said, "Yeah. I'm gonna take this into executive session shortly."

Commissioner Lorne Liechty said, "So, um, we do need to discuss it big because it's a big number."

Judge and Commissioners went into Executive Session.

Executive Session: No Action Was Taken.

September 9, 2025 — Rockwall County Commissioners Court

Executive Session Agenda Item: Pending or Contemplated Litigation and Attorney-Client Information: (1) DMDS/DR Horton v. Rockwall County, et al;

Presiding: Frank New Commissioners: Dana Macalik, Bobby Gallana, John Stacy, Lorne Liechty

Governing Body: Rockwall County Commissioners Court

Judge and Commissioners went into Executive Session.

Executive Session: No Action Was Taken.

September 16, 2025 — Rockwall County Commissioners Court Special Meeting

Agenda: Discuss/Act on adopting the Rockwall County Budget for FY2026

Executive Session Agenda Item: a) Pending or Contemplated Litigation and Attorney-Client Information (551.071): DR Horton lawsuits, Attorney contracts

Presiding: Frank New Commissioners: Dana Macalik, Bobby Gallana, John Stacy, Lorne Liechty

Governing Body: Rockwall County Commissioners Court

Commissioner Lorne Liechty said, "And so here's what I am going to propose. I'll explain it to you first and then I'll make my motion. Okay. We have been dealing with issues regarding our legal services and the legal expenses we're facing right now. We've got updated information on that and I am going to make a proposal we have on that. I don't see this really as an option unless we wanted to take the approach Commissioner Gallana suggested last at our last meeting."

Commissioner Lorne Liechty said, "I think we need to, we need to specify what we're gonna spend for legal services, because we're facing litigation as everybody knows. So I'm gonna make a motion to deal with that. And then the other motion I'm gonna make is regarding our contingency, which is right now, I think 623 or 632 something like that. But which we did 632, we've did 632 I think. So, which we've all discussed was we all felt comfortable in general at one of our meetings we had with a \$600,000 contingency."

Commissioner Lorne Liechty said, "So with those two things in mind, I am going to, and again, with the understanding of what I'm doing here, is trying to set a base. Anything we do after that will have to work against that base."

Commissioner Lorne Liechty said, "So I'm gonna make a motion that line item 4093 on three on the budget summary sheet here, 40409 in your thick budget that we increase, we changed the \$425,000 to \$355,000."

Commissioner Lorne Liechty said, "And that is based upon information that we received from our counsel, uh, and to estimate that."

Commissioner Lorne Liechty said, "And then I would like to secondly make a motion that we reduce our contingency to \$600,000 from \$632 by doing those two things. We have given ourselves another \$70,000 from the change to legal services and another \$32,000 here by changing the contingency. So we are now, our net effect on contingency would not be negative \$75,000. It would actually be, be positive about \$27,000, something like that. I don't have the exact number."

Judge Frank New said, "Okay."

Commissioner Lorne Liechty said, "But, but that's my motion."

Judge Frank New said, "Alright. So we have a compound motion by Commissioner Liechty to reduce legal to \$355 and reduce contingency to \$600."

Commissioner Lorne Liechty said, "To reduce the increase in legal services to 355."

Judge Frank New said, "So, do we have a second?"

Commissioner Bobby Gallana said, "I will second for discussion."

Judge Frank New said, "We have a second by commissioner Gallana. Now, discussion. Go, go ahead. I do you want to, I think we all have questions. So everybody just, we're all going go ahead. Go ahead, go for it."

Commissioner John Stacy said, "I'm actually okay with the motion. I have some additional thoughts on it. I don't know. I appreciate what you're doing with setting the contingency. I think it's an important thing to do, but also as we go through and tinker with this. The contingency is going to kind of spurred out anyway."

Commissioner Lorne Liechty said, "Well, and and this is, I'll respond. This is what I meant by I wanna set a base, because when we talked previously and we all said we thought \$600,000 was an adequate contingency, what, by making this motion now, if, for example, the first three items which are not included in the net effect, if we're going to make changes there. We need to find where that money's coming from. And, and I don't do this to trap anyone. That's not the intent. I just view these two items. Legal services I think we have to do. And the contingency change, I think we can do. So that's what i mean by I want to set a base any further changes, any further discussion. We just gotta figure out if we're gonna increase it, where that money's coming from."

Commissioner John Stacy said, "Yeah. And that's why I agree in principle with exactly what you're doing, because it's definitely been my intention the entire time to make sure that contingency never drops below 600 in any of the iterations I've set and done in Excel, in my office. And, I do agree with you that we have to make sure that we're setting that baseline on the lawsuits. 'Cause again, we're being sued. We're not suing anybody. And it's our job to defend the people of Rockwall County against that suit. So what do you have, Bobby?"

Commissioner Bobby Gallana said, "Yeah, I don't have a big disagreement with what you're doing. I get that that helps us kind of move forward with those two positions. I don't love the amount of legal expenses we have. I understand that we've been sued, as Commissioner Stacy said, but we, we still need to be responsible and man, that it's, it's getting a little concerning to start saying things like, well, we've got our legal expenses and so we can't do some other things. And, and then how much farther does that go as we go down this legal path? I hope not very much farther."

Commissioner Lorne Liechty said, "I agree. It's very concerning. Yeah. But I don't want to jump off into the, the ditch to discuss those lawsuits."

Commissioner Bobby Gallana said, "We don't either."

Commissioner Lorne Liechty said, "I don't know that we have much choice. I don't."

Commissioner Bobby Gallana said, "I agree. We probably don't. Now I agree. We probably don't. I still am after some of those things in the top though, and i believe there's still a path to achieve those. We haven't started talking about any of these funds or what our, my conversation was with the county clerk on some of her funds and ability to get."

Commissioner Lorne Liechty said, "Yeah."

Commissioner Bobby Gallana said, "Where we're going. So I think we can still find the money. So I'm okay with where you're at and."

Commissioner Lorne Liechty said, "And I recognize we would be doing that. Yeah. And then i'm not trying to avoid any of those discussions, but we're kind of at that short end of the budget project right now."

Judge Frank New said, "Commissioner Macalik?"

Commissioner Dana Macalik said, "I am gonna support also where you're, where what you've recommended. I still have, I don't know. I still have concerns that the legal services bringing 'em down to where, where we're at right now. I'm not certain that that's the, do I know. Don't take this the wrong way. Commissioner Lorne, I know this is your business, so I understand. But our legal all over not just for, uh, the lawsuit that we're talking about."

Commissioner Lorne Liechty said, "Yeah."

Commissioner Dana Macalik said, "We have our, we have the legal and that amount is also taking into account for our current legal services that we have here on the court, right? Or is that just we."

Commissioner Lorne Liechty said, "We had budgeted 300 in the original budget package, right? So I think it was 300, right? Judge? So this, then it would increase that legal budget to 655. And as we discussed in our last meeting where we discussed this, and as I told commissioner bobby in that meeting, I am very supportive of the idea of trying to figure out ways to save legal fees. And if we can do that by adjusting who sits in that chair during our meetings or other things, i'm open to all those discussions and we'll be commit to each of you that i will help work to find that solution."

Commissioner Dana Macalik said, "Okay."

Commissioner Lorne Liechty said, "But right now we have to deal with the budget. And right now we got what we've got."

Judge Frank New said, "Agreed. So, I just need to a little clarification, help my memory. 'Cause as you can imagine, I'm in the middle of a tornado of budget paperwork that I'm trying to work on. So reducing from 425 to 355, was that our most recent pricing exercise where we had our law firms reduce duplication of efforts?"

Commissioner Lorne Liechty said, "Yes. That's based upon an a revised budget that was sent by Arnold at our what's the name of the firm? Suster, um, Daniel Ray's firm, whatever the name of it is. But Arnold at Daniel Ray's firm went through and redid that, and I think Felicia sent that to everybody. And I sent, without going into all the details the number that is based upon for FY 25-26 Arnold confirmed to me in an email."

Judge Frank New said, "Got got it. I just wanna make sure this is not a reduction in legal services. This is just a reduction in duplication of legal services. Um, yeah. So I would support that as well. And I will tell you, I've not given up on driving the tax rate further down. So just, that's my shot across the bow. While, we're looking, I'm gonna stay focused on that rate. Yep. That doesn't surprise anyone. So are there any further questions? If not, we have a motion by commissioner lick de we had the second by Commissioner Gallana, if you'll register your votes now, that passes five to zero."

Judge Frank New said, "So we've set the base of the contingency at 600 and the, the additional legal to handle the, the two lawsuits where we were sued at \$355. And Commissioner Stacy is correct. That contingency will continue as we find savings. It just automatically lands in contingency. So we'll have to, uh, continually go back there and pull that money out and, and allocate it, uh, elsewhere. So, all right."

MOTION: Compound Motion By Commissioner Liechty To Reduce Legal To \$355,000 And Reduce Contingency To \$600,000. Motion Passed Unanimously.

September 18, 2025 – Rockwall County Commissioners Court Special Meeting

Agenda: Discuss/Act on adopting the Rockwall County Budget for FY2026 and take record vote, and all related issues

Executive Session Agenda Item: DMDS / DR Horton v. Rockwall County, et al;

Presiding: Frank New Commissioners: Dana Macalik, Bobby Gallana, John Stacy, Lorne Liechty

Governing Body: Rockwall County Commissioners Court

September 23, 2025 – Rockwall County Commissioners Court

Executive Session Agenda Item: a) Pending or Contemplated Litigation and Attorney-Client Information (551.071)

Presiding: Frank New Commissioners: Dana Macalik, Bobby Gallana, John Stacy, Lorne Liechty

Governing Body: Rockwall County Commissioners Court

Judge and Commissioners went into Executive Session.

Executive Session: No Action Related To D R Horton.

October 14, 2025 – Rockwall County Commissioners Court

Executive Session Agenda Item: a) Pending or Contemplated Litigation and Attorney-Client Information (551.071):

Presiding: Frank New Commissioners: Dana Macalik, Bobby Gallana, John Stacy, Lorne Liechty

Governing Body: Rockwall County Commissioners Court

Judge and Commissioners went into Executive Session.

Executive Session: No Action Related To D R Horton.

October 28, 2025 – Rockwall County Commissioners Court

Executive Session Agenda Item: Pending or Contemplated Litigation and Attorney-Client Information (551.071): Discussion of DR Horton litigation.

Presiding: Frank New Commissioners: Dana Macalik, Bobby Gallana, John Stacy, Lorne Liechty

Governing Body: Rockwall County Commissioners Court

Judge and Commissioners went into Executive Session.

Executive Session: No Action Was Taken.

November 12, 2025 – Rockwall County Commissioners Court

Executive Session Agenda Item: Pending or Contemplated Litigation and Attorney-Client Information (551.071): Discussion of DR Horton Litigation and Municipal Utility Districts

Presiding: Frank New Commissioners: Dana Macalik, Bobby Gallana, John Stacy, Lorne Liechty

Governing Body: Rockwall County Commissioners Court

Judge and Commissioners went into Executive Session.

Executive Session: No Action Was Taken.

November 14, 2025 — Rockwall County Commissioners Court Special Meeting

Executive Session Agenda Item: a) Pending or Contemplated Litigation and Attorney-Client Information (551.071): Discussion of DR Horton Litigation and Municipal Utility Districts.

Presiding: Frank New Commissioners: Dana Macalik, Bobby Gallana, John Stacy, Lorne Liechty

Governing Body: Rockwall County Commissioners Court

Judge and Commissioners went into Executive Session.

Executive Session: No Action Was Taken.

November 25, 2025 — Rockwall County Commissioners Court

Executive Session Agenda Item: a) Pending or Contemplated Litigation and Attorney-Client Information (551.071): Discussion of DR Horton Litigation and Municipal Utility Districts.

Presiding: Frank New Commissioners: Dana Macalik, Bobby Gallana, John Stacy, Lorne Liechty

Governing Body: Rockwall County Commissioners Court

Judge and Commissioners went into Executive Session.

Executive Session: No Action Was Taken.

December 9, 2025 — Rockwall County Commissioners Court

Executive Session Agenda Item: a) Pending or Contemplated Litigation and Attorney-Client Information (551.071): Discussion of DR Horton Litigation and Municipal Utility Districts.

Presiding: Frank New Commissioners: Dana Macalik, Bobby Gallana, John Stacy, Lorne Liechty

Governing Body: Rockwall County Commissioners Court

Judge and Commissioners went into Executive Session.

Executive Session No Action Was Taken.

December 17, 2025 — Rockwall County Commissioners Court

Executive Session Agenda Item: a) Pending or Contemplated Litigation and Attorney-Client Information (551.071): Discussion of DR Horton Litigation and Municipal Utility Districts.

Presiding: Frank New Commissioners: Dana Macalik, Bobby Gallana, John Stacy, Lorne Liechty

Governing Body: Rockwall County Commissioners Court

Judge and Commissioners went into Executive Session.

Executive Session: No Action Was Taken.