



COURT OF APPEALS
EIGHTH DISTRICT OF TEXAS
EL PASO, TEXAS

THE CITY OF EL PASO, TEXAS,	§	No. 08-13-00187-CV
Appellant,	§	Appeal from the
v.	§	County Court at Law No. 3
HIGH RIDGE CONSTRUCTION, INC.,	§	of El Paso County, Texas
Appellee.	§	(TC# 2011DCV00361)
	§	

CONCURRING OPINION

While I concur with the result, I respectfully disagree with the premise that the weatherization project, the focus of this case, is of no direct benefit to the City. As a city representative twenty-five years ago, I arranged for fans to be given to residents of the tenements in El Paso's second ward. I think that was a direct benefit to the City. Likewise, the services provided here for the benefit of low- and moderate-income persons by making their homes energy efficient, and have a significant impact on water conservation for the evaporative coolers typically used on low- and moderate-income apartments. Indeed, it was not that long ago that the City gave direct cash rebates for replacing evaporative coolers with refrigerated air conditioning to conserve water. Almost two-years ago, I wrote, in a different vein: "Without water, the prospect of economic growth in El Paso is simply dust." *See* Chris Roberts, (2012, Aug. 6) "EL PASO CITY REP. COURTNEY NILAND'S PUSH TO SELL PSB LAND QUESTIONED," *El*

Paso Times, pp A1. I think such a conservation service is a direct benefit to the City. I concur.

July 31, 2014

DAVID WELLINGTON CHEW, Senior Judge

Before Rodriguez, J., Barajas, C.J., and Chew, C.J. (Senior Judges)

Chew, C.J. (Senior Judge), sitting by assignment (concurring opinion), joined by Barajas, C.J. (Senior Judge), sitting by assignment