

**Notice and Agendas of Open and Closed Meetings of El Paso County Water Improvement District No. 1 (EPCWID1) to be held at 13247 Alameda Avenue, Clint, Texas, August 10, 2022 at 9:00 a.m. MDT**

In accordance with the Texas Open Meetings Act, notice is hereby given that the Board of Directors of the El Paso County Water Improvement District (EPCWID) will meet in open and closed meetings at the above location, date, and time to consider and act upon the following:

**Open Meeting Agenda**

1. Call to order and establishment of a quorum.
2. Welcome of guests and public comments.
3. Minutes of June 8, 2022 and July 27, 2022 meetings of the Board of Directors.
4. Report and recommendations by Lisa Aguilar, Chief Administrative Officer/Election Officer, concerning office operations, and elections: **None**
5. Report and recommendations by Mary Cortez, Chief Financial Officer, concerning financial information, expenditures, budget, and investment policy:
  - a. **Financial Report (June and July)**
  - b. **\$500.00 Expenditure Report (June and July)**
  - c. **Legal & Consulting Fees Budget Report (June and July)**
  - d. **Quarterly Investment Report**
  - e. **Engagement Letter for Pena Briones McDaniel & Co PC**
6. Report and recommendations by Rose Rodriguez, Tax Assessor/Collector/Office Manager, concerning adjustments and corrections, if any, to assessments, taxes, and charges by EPCWID1:
  - a. **Review tax report and adjustments (June and July)**
  - b. **2013-2022 The City of El Paso on behalf of Public Service Board Assignments, 2013-2022 Lower Valley Water District Assignments and Report on tax suits (June and July)**
  - c. **Comparison of EPCWID1 tax assessments and collection during 2020 and 2021 (June and July)**
  - d. **Limitation on Collection of Taxes**
7. General Manager's report concerning the following:
  - a. **USBR award of grant in the amount of \$1 million for Riverside Canal phase IV concrete lining (District project was the only one selected in Texas)**
  - b. **El Paso Electric tour on August 12, 2022 Riverside Regulating property interested in solar panel project**
8. District Engineer's reports and recommendations concerning the following:
  - a. **Rio Grande Project Operating Agreement Accounting**
  - b. **Rio Grande Project Compact Accounting**

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IN MY OFFICE

2022 AUG 5 PM 9:00

DELIA BRIONES  
COUNTY CLERK  
EL PASO COUNTY, TEXAS

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- c. Rio Grande Project Water Supply and Water Allocations**
  - d. Status of 3<sup>rd</sup> Party Construction in District Canals and Drains**
9. Maintenance Manager's reports and recommendations concerning the following:
- a. Drain maintenance program and water delivery system**
10. Water Master's reports and recommendations concerning the following:
- a. Water use and availability**
11. Water delivery allocations to EPCWID1 water users and water available by contract: **None**
12. Subdivision Plats within District Boundary requirement in License Manual:
- a. Application 3179, by Wade A. Southern & Virginia S. Southern, for Southern Estate Subdivision, Tract 1-A, block 5, Upper Valley Surveys, in the City of El Paso, El Paso County, Texas, containing 86,942.15 or 1.996 acres**
  - b. Application 3186, by Icon Homes, for Socorro Estates Subdivision, being a portion of Tracts 16A and 16C, and all of Tract 16B, block 14, San Elizario Grant, City of San Elizario, El Paso County, Texas containing 5.045 acres**
13. Applications for Licenses for Use of District Real Property:
- a. Agreement and Stipulation Regarding Pipeline Easement and Eminent Domain Damages executed August 19, 1997 between EPCWID and El Paso Natural Gas Company**
  - b. Application 3044, by City of Socorro, for 25-year license for a free-span pedestrian bridge across Franklin Feeder Canal (an irrigation canal) at Passmore Rd., at approximately station 102+10**
  - c. Application 3045, by City of Socorro, for a 25-year license for a 48" RCP culvert, shared use path over culvert, within Upper Clint Lateral (an irrigation canal) at Passmore Rd., at approximately station 29+49.53**
  - d. Application 3149, by the City of El Paso through its El Paso Water for a 25-year license for a 5x5.5-foot cast in place, concrete culvert crossing Southside Feeder Lateral at Southside Rd., at approximately station 72+21**
  - e. Application 3150, by the City of El Paso through its El Paso Water for a 25-year license for a 24-inch R.C.P. culvert crossing Southside Feeder lateral at Southside Rd., at approximately station 116+25**
  - f. Application 3183, by the City of El Paso through its El Paso Water for a 25-year license for a 12-inch PVC water line crossing Southside Feeder Lateral at Southside Rd., at approximately station 72+21**

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- g. Application 3206, by Lower Valley Water District, for a 25-year license for an 8-inch water line inside a 16-inch steel casing installed by cut/trench method crossing the Franklin Canal (an irrigation canal) at Bovee Rd., approximately station 1044+74**
- h. Application 3198, by El Paso Electric Company, for a 50-year license for an overhead new installation 45' wood pole and anchors parallel to Franklin Canal (an irrigation canal) at Moon Rd., at approximately station 917+25.2**
- i. 19 Applications by MCImetro Access Transmission Services LLC**

**Application 3177, by MCImetro Access Transmission Services LLC, for a 25-year license for an aerial fiber optic cable system, crossing Ascarate Waste Way (an irrigation canal) at Alameda Ave., at approximately station 5+64.32**

**Application 3192, by MCImetro Access Transmission Services LLC, for a 25-year license for an aerial fiber optic cable system, crossing Nemexas Drain (an irrigation canal) at Country Club Rd., at approximately station 149+46.98**

**Application 3193, by MCImetro Access Transmission Services, LLC., for a 25-year license for an aerial fiber optic cable system, crossing Schultz lateral (an irrigation canal), at Country Club Rd., at approximately station 84+45.63**

**Application 3194, by MCImetro Access Transmission Services, LLC., for a 25-year license for a subsurface fiber optic cable system, crossing Middle Drain (an irrigation canal), at Zaragoza Rd., at approximately station 787+48.39**

**Application 3195, MCImetro Access Transmission Services, LLC., for a 25-year license for a subsurface fiber optic cable system, crossing Franklin Canal (an irrigation canal), at Zaragoza Rd., at approximately station 763+67.24**

**Application 3196, MCImetro Access Transmission Services, LLC., for a 25-year license for a subsurface fiber optic cable system, crossing Juan De Herrera Main Lateral (an irrigation canal), at Zaragoza Rd., approximately station 203+74.06**

**Application 3197, MCImetro Access Transmission Services, LLC., for a 25-year license for a subsurface fiber optic cable system, crossing Montoya Drain (an irrigation canal), at Country Club Rd., approximately station 222+49.38**

**Application 3200, by MCImetro Access Transmission Services, LLC., for a 25-year license for an aerial fiber optic cable system, crossing Mesa Spur Drain (an irrigation canal), at Nuevo Hueco Tanks Rd., at approximately station 314+51.35**

**Application 3201, by MCImetro Access Transmission Services, LLC., for a 25-year license for a subsurface fiber optic cable system, crossing Mesa Drain (an irrigation canal), at Nuevo Hueco Tanks Rd., at approximately station 769+58.94**

**Application 3202, by MCImetro Access Transmission Services, LLC., for a 25-year license for a subsurface fiber optic cable system, crossing Juan De Herrera Branch C (an irrigation canal), at Nuevo Hueco Tanks Rd., at approximately station 34+28.67**

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**Application 3204, by MCImetro Access Transmission Services, LLC., for a 25-year license for an aerial fiber optic cable system, crossing West Drain (an irrigation canal), at Country Club Rd., at approximately station 7+82.88**

**Application 3208, by MCImetro Access Transmission Services, LLC., for a 25-year license for a subsurface fiber optic cable system, crossing Jornada Lateral (an irrigation canal), at Alameda Ave., at approximately station 67+83.33**

**Application 3209, by MCImetro Access Transmission Services, LLC., for a 25-year license for a subsurface fiber optic cable system, crossing Juan De Herrera Branch A (an irrigation canal), at Zaragoza Rd., at approximately station 165+28.07**

**Application 3210, by MCImetro Access Transmission Services, LLC., for a 25-year license for a subsurface fiber optic cable system, crossing Juan De Herrera Branch B (an irrigation canal), at Zaragoza Rd., at approximately station 43+83.26**

**Application 3212, by MCImetro Access Transmission Services, LLC., for a 25-year license for an aerial fiber optic cable system, crossing Y-147 Lateral (an irrigation canal), at North Loop Rd., at approximately station 7+98.25**

**Application 3213, by MCImetro Access Transmission Services, LLC., for a 25-year license for an aerial fiber optic cable system, crossing Jornada Lateral (an irrigation canal), at Zaragoza Rd., at approximately station 113+74.14**

**Application 3214, by MCImetro Access Transmission Services, LLC., for a 25-year license for an aerial fiber optic cable system, crossing Ysla Lateral (an irrigation canal), at Moon Rd., at approximately station 72+02.84**

**Application 3215, by MCImetro Access Transmission Services, LLC., for a 25-year license for a subsurface fiber optic cable system, crossing Socorro Lateral (an irrigation canal), at Winn Rd., at approximately station 55+92.57**

**Application 3216, by MCImetro Access Transmission Services, LLC., for a 25-year license for a subsurface fiber optic cable system, crossing Franklin Drain (an irrigation canal), at Socorro Rd., at approximately station 236+12.07**

14. Sale of Surplus District Real Property under 49.226 of the Texas Water Code:

- a. **Consideration of bid(s) received for sale of approximately 1.27 acres of land located on the Clint Spur Drain, in block 19, San Elizario Grant, El Paso County, Texas**

15. Any or all of the items shown on the attached Closed Meeting Agenda.

16. Consideration of agenda items for next regular board meeting.

17. Adjournment.

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At any time during the open meeting, the Board of Directors may retire into a closed meeting to discuss the subjects shown on the Closed Meeting Agenda after the presiding officer publicly announces that a closed meeting will be held; and identifies the section or sections of Chapter 551 of the Texas Government Code under which the closed meeting is held.

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**Closed Meeting (Executive Session) Agenda**

1. Pursuant to Texas Gov. Code §551.071 the Board of Directors will conduct a private consultation with its attorneys seeking advice of such attorneys regarding the following pending or contemplated litigation; or settlement offer(s); or on the following matter(s) in which the duty of the attorneys to EPCWID1 under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflict with chapter 551 of the Texas Government Code:
  - a. **New Mexico Lower Rio Grande Water Rights Adjudication No. CV-96-888-SSI 97-104/107.**
  - b. **Status of State of Texas v State of New Mexico and State of Colorado, No. 22O141 Original in the United States Supreme Court and Intervention by the United States.**
  - c. **State of New Mexico ex rel. Office of The New Mexico State Engineer, Plaintiff-Appellee, v. Margie Garcia Oscar v. Butler, Rose Marie Arispe Butler and Sammie Singh, Defendants-Appellants, and Elephant Butte Irrigation District, et. al., Defendants No. A-1-CA-36269.**
  - d. **Albert Lopez & Lexby Lopez vs. City of El Paso, Texas, EPCWID#1, Mid-West Textile Company and Union Pacific Railroad Company, Cause No. 2017-DCV0065.**
  - e. **Rogelio Trevizo vs. El Paso County Water Improvement District #1, Cause No. 2019DCV1164.**
  - f. **ALLIANCE ESG, LLC d/b/a ALLIANCE ENVIRONMENTAL SERVICES GROUP and GERALD and CHRISTINE GOODWIN, Individually, Plaintiffs, vs. EL PASO COUNTY WATER IMPROVEMENT DISTRICT NO. 1, Defendant, Cause No. 2020DCV2782.**
  - g. **Julio F. Cervantes, Plaintiff v. El Paso County Water Improvement District No. 1 and Joshua Nathan Quinn, Defendant, Cause No. 722-00027-CV**
  - h. **Julio F. Cervantes, Plaintiff v. El Paso County Water Improvement District No. 1 and Lisa Aguilar, Defendant, Cause No. 722-00028-CV**
  - i. **Carlos Rangel, Plaintiff v. Pedro Sarinana and El Paso County Water Improvement District No. 1, Defendant, Cause No. 2022DCV0546**
2. Pursuant to Texas Government Code §551.072, the Board will conduct a closed meeting to discuss the licensing, sale, purchase, exchange, lease or value of real property as shown on the open meeting agenda under items 7, 8, 12, 13 and/or 14.
3. Pursuant to Texas Government Code §551.074, the Board will conduct a closed meeting to deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of the below indicated officer(s) or employee(s) of EPCWID1 indicated below:

**None**

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4. Pursuant to Texas Government Code §551.076, the Board will conduct a closed meeting to deliberate Security Devices or Security Audits.
5. Pursuant to Texas Government Code §551, the Board will conduct a closed meeting to receive advice regarding professional service contracts.

In accordance with §551.102, Texas Gov. Code, during the closed meeting there will be no final action, decision, or vote on any of the above closed meeting agenda items. The Board of Directors may move any of the closed meeting agenda items to the open meeting for consideration and action.