

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, October 12, 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 Amended Agenda

FILED FOR RECORD
IN MY OFFICE

2022 OCT 7 AM 11:06

DELIA BRIONES
COUNTY CLERK
EL PASO COUNTY, TEXAS

1. Call to order and establishment of a quorum.
2. Welcome of guests and public comments.
3. Minutes of September 16, 2022 meeting of the Board of Directors.
4. Report and recommendations by Lisa Aguilar, Chief Administrative Officer/Election Officer, concerning office operations, and elections:
 - a. **Recognition of Employee Appreciation Day**
5. Report and recommendations by Mary Cortez, Chief Financial Officer, concerning financial information, expenditures, budget, and investment policy:
 - a. **Engagement Letter for FY2021-FY2022 audit by 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, elimination of collection of taxes pursuant to Texas Property Tax Code Sec. 33.05 (2)**
 - b. **Adjustment of assessments**
 - c. **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**
 - d. **Comparison of EPCWID1 tax assessments and collection during 2020 and 2021**
 - e. **Setting of assessments against irrigable land in EPCWID and setting of assessments against persons who use water, in accordance with Texas Water Code**
 - f. **Setting contract rate in 2022 for water supplied to tax exempt entities**
7. General Manager's report concerning the following:
 - a. **Award of grant application from American Rescue Plan Act submission by the County of El Paso EPCWID awarded \$640,000 for survey and engineering of Franklin canal (20 miles)**
 - b. **Award of grant application from the United States Bureau of Reclamation EPCWID awarded \$100,000 for seepage test of several canals environmental and economics study of the Riverside Regulating Reservoir**
8. District Engineer's reports and recommendations concerning the following:
 - a. **Rio Grande Project Operating Agreement Accounting**

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- b. **Rio Grande Project Compact Accounting**
 - c. **Rio Grande Project Water Supply and Water Allocations**
 - d. **Status of 3rd Party Construction in District Canals and Drains**
 - e. **Engineering projects related to grants and proposals**
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 3146, by Haciendas de Socorro, LLC, for Haciendas de Socorro Subdivision, being a portion of Tract 2-E, block 11, Socorro Grant, City of Socorro, El Paso County, Texas, containing 42.6027 acres, Submission of Irrigable Land Exhibit**
13. Applications for Licenses for Use of District Real Property:
- a. **Application 3175, Amendment for 2187, by Lower Valley Water District, for a 25-year license for an 8-inch PVC sanitary sewer line inside a 16-inch steel casing via boring method crossing the Salitral Lateral (an irrigation canal), at approximately station 580+11.2**
 - b. **8 Applications by MCImetro Access Transmission Services LLC**
 - Application 3232, by MCImetro Access Transmission Services, LLC, for a 25-year license for an aerial fiber optic cable system, crossing Montoya Lateral Branch "D" (an irrigation canal) at Country Club Rd., at approximately station 45+45.59**
 - Application 3236, 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 FM259 Canutillo La Union Ave., at approximately station 402+53.28**
 - Application 3237, by MCImetro Access Transmission Services, LLC, for a 25-year license for an aerial fiber optic cable system, crossing Canutillo Lateral (an irrigation canal) at FM259 Canutillo La Union Ave., at approximately station 89+99.85**
 - Application 3242, 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 Horizon Blvd., at approximately station 658+46.32**
 - Application 3243, by MCImetro Access Transmission Services, LLC, for a 25-year license for a subsurface fiber optic cable system, crossing Y-147 Lateral (an irrigation canal) at Horizon Blvd., at approximately station 68+50.30**

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Application 3244, by MCImetro Access Transmission Services, LLC, for a 25-year license for a subsurface fiber optic cable system, crossing Mesa Spur Drain (an irrigation canal) at Horizon Blvd., at approximately station 184+18.58

Application 3248, by MCImetro Access Transmission Services, LLC, for a 25-year license for an aerial fiber optic cable system, crossing Franklin Canal (an irrigation canal), at Yarbrough Dr., at approximately station 642+26.93

Application 3249, by MCImetro Access Transmission Services, LLC, for a 25-year license for a 25-year license for an aerial fiber optic cable system, crossing Juan De Herrera Main Lateral (an irrigation canal) at Rosedale Dr., at approximately station 17+60.68

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

- a. **Application 1797, by Ben L. Ivey LTD, for purchase of approximately 5.522 acres of surplus land, within the Mesa Spur Drain, Ysleta Grant, Block 1, Tract 1-A, City of El Paso, El Paso County, Texas**
- b. **Application 3260, by Maria Hernandez, for purchase of approximately 1.27 acres of surplus land within the Clint Spur Drain, San Elizario Grant, Block 19, 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.

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) Amended 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. 220141 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.