

Notice and Agendas of Open and Closed Meetings of El Paso County Water Improvement District No. 1 (EPCWID) to be held at 13247 Alameda Avenue, Clint, Texas, January 18, 2023 at 9:00 a.m.

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 November 7, 2022, November 9, 2022, November 18, 2022 and December 7, 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 (November and December)**
 - b. **\$500.00 Expenditure Report (November and December)**
 - c. **Legal & Consulting Fees Budget Report (November and December)**
 - d. **Quarterly Investment Report**
 - e. **EPCWID Audit**
 - f. **Authorization for signature on all accounts with WestStar bank for Oscar David Ornelas, Jr., PE, General Manager**
6. Report and recommendations by Rose Rodriguez, Tax Assessor/Collector concerning adjustments and corrections, if any, to assessments, taxes, and charges by EPCWID:
 - a. **Review tax report and limitation on the collection of taxes for real-property that are delinquent for more than 20 years pursuant to Texas Property Tax Code Sec. 33.05 (2)**
 - b. **Adjustment of assessments (November 2022)**
 - 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 (November and December 2022)**
 - d. **Comparison of EPCWID tax assessments and collection during 2021 and 2022 (November and December)**
7. General Manager's report concerning the following:
 - a. **Date and Location for 1st Farmers Meeting Regarding 2023 Water Supply**
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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DELIA BRIONES
COUNTY CLERK
EL PASO COUNTY, TEXAS

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- c. Rio Grande Project Water Supply and Water Allocations**
 - d. Status of 3rd Party Construction in District Canals and Drains**
 - e. Engineering work 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 EPCWID water users and water available by contract: **None**
12. Subdivision Plats within District Boundary requirement in License Manual:
- a. Application 3290, by George M. Dipp, for 611 Meadowlark Subdivision, on Meadowlark Dr., a portion of tract D, Country Club Place, City of El Paso, El Paso County, Texas, containing 2.382 acres**
13. Applications for Licenses for Use of District Real Property:
- a. License 1638, by El Paso Electric Company, for a renewal on a 1-year license to access EPCWID right of way, district wide, for operation and maintenance of existing El Paso Electric Company electrical system**
 - b. 2 Applications by Lumen**
 - Application 3220, by Lumen, for a 25-year license for a subsurface fiber optic cable system, crossing the Mesa Drain (an irrigation canal), at Yarbrough Dr., at approximately station 1053+92**
 - Application 3221, by Lumen, for a 25-year license for a subsurface fiber optic cable system, crossing the Juan De Herrera Main Lateral (an irrigation canal), at Rosedale Dr., at approximately station 16+50**
 - c. 19 Applications by MCImetro Access Transmission Services LLC**
 - Application 3204A, by MCImetro Access Transmission Services, LLC., for a 25-year license for a subsurface fiber optic cable system, crossing the West Drain (an irrigation canal), at Country Club Rd., at approximately station 7+77.47**
 - Application 3207, by MCImetro Access Transmission Services, LLC., for a 25-year license for an aerial fiber optic cable system, crossing the Middle Drain (an irrigation canal), at Moon Rd., at approximately station 620+74.34**
 - Application 3271, by MCImetro Access Transmission Services, LLC., for a 25-year license for a subsurface fiber optic cable system, crossing the Mesa Drain (an irrigation canal), at Lafayette Dr., at approximately station 1068+53.66**
 - Application 3272, by MCImetro Access Transmission Services, LLC., for a 25-year license for a subsurface fiber optic cable system, crossing the Ysla Lateral (an irrigation canal), at North Loop Dr., at approximately station 210+48.11**

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Application 3273, by MCImetro Access Transmission Services, LLC., for a 25-year license for an aerial fiber optic cable system, crossing the Franklin Canal (an irrigation canal), at Alameda Ave., at approximately station 609+53.07

Application 3274, by MCImetro Access Transmission Services, LLC., for a 25-year license for a subsurface fiber optic cable system, crossing the Franklin Canal (an irrigation canal), at Concepcion St., at approximately station 314+76.69

Application 3276, by MCImetro Access Transmission Services, LLC., for a 25-year license for a subsurface fiber optic cable system, crossing the Franklin Canal (an irrigation canal), at Rosedale, at approximately station 588+59.59

Application 3279, by MCImetro Access Transmission Services, LLC., for a 25-year license for a subsurface fiber optic cable system, crossing the Ysla Lateral (an irrigation canal), at North Loop Dr., at approximately station 228+27.73

Application 3282, by MCImetro Access Transmission Services, LLC., for a 25-year license for an aerial fiber optic cable system, crossing the Y-65 Lateral (an irrigation canal), at Moon Rd., at approximately station 33+37.08

Application 3283, by MCImetro Access Transmission Services, LLC., for a 25-year license for an aerial fiber optic cable system, crossing the Y-65 Lateral (an irrigation canal), at North Loop Dr., at approximately station 34+41.77

Application 3286, by MCImetro Access Transmission Services, LLC., for a 25-year license for a subsurface fiber optic cable system, crossing the Middle Drain (an irrigation canal), at Ivey Dr., at approximately station 702+62.37

Application 3287, by MCImetro Access Transmission Services, LLC., for a 25-year license for a subsurface fiber optic cable system, crossing the Ysla Lateral (an irrigation canal), at Alameda Ave., at approximately station 1+21.97

Application 3288, by MCImetro Access Transmission Services, LLC., for a 25-year license for an aerial fiber optic cable system, crossing the Ysla Lateral (an irrigation canal), at Bauman Rd., at approximately station 241+99.92

Application 3289, by MCImetro Access Transmission Services, LLC., for a 25-year license for an aerial fiber optic cable system, crossing the Middle Drain (an irrigation canal), at Inglewood Dr., at approximately station 686+32.15

Application 3294, by MCImetro Access Transmission Services, LLC., for a 25-year license for a subsurface fiber optic cable system, crossing the Lowenstein Lateral (an irrigation canal), at Alameda Ave., at approximately station 1+09.25

Application 3295, by MCImetro Access Transmission Services, LLC., for a 25-year license for a subsurface fiber optic cable system, crossing the Lowenstein Lateral (an irrigation canal), at Carnes Rd., at approximately station 14+76.66

Application 3296, by MCImetro Access Transmission Services, LLC., for a 25-year license for a subsurface fiber optic cable system, crossing the Middle Drain (an irrigation canal), at Carnes Rd., at approximately station 726+54.78

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Application 3299, by MCImetro Access Transmission Services, LLC., for a 25-year license for an aerial fiber optic cable system, crossing the Borderland Spur Drain (an irrigation canal), at Borderland Rd., at approximately station 121+73.56

Application 3301, by MCImetro Access Transmission Services, LLC., for a 25-year license for an aerial fiber optic cable system, crossing the La Union East Lateral (an irrigation canal), at Borderland Rd., at approximately station 453+62.02

14. Sale of Surplus District Real Property under 49.226 of the Texas Water Code: **None**
15. Grants Agreements involving District Real Property
 - a. **USBR Grant for environmental and seepage studies for Riverside and Franklin canal systems and Riverside Reservoir**
 - b. **USBR Grant for concrete lining of 3,465 feet of a portion of Montoya Main Lateral**
 - c. **USBR and TWDB Grants allowing 3rd Party or Public use of District Real Property located on the La Union East, Riverside, Franklin, Montoya, Franklin Feeder, Tornillo canal systems**
16. Any or all of the items shown on the attached Closed Meeting Agenda.
17. Consideration of agenda items for next regular board meeting.
18. 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) 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 EPCWID 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., eendants No. A-1-CA-36269**
 - d. **Rogelio Trevizo vs. El Paso County Water Improvement District #1, Cause No. 2019DCV1164**
 - e. **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**
 - f. **Julio F. Cervantes, Plaintiff v. El Paso County Water Improvement District No. 1 and Joshua Nathan Quinn, Defendant, Cause No. 722-00027-CV**
 - g. **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, 14 and/or 15.
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 EPCWID indicated below: **None**
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. **None.**

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.