

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, March 15, 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

FILED FOR RECORD
IN MY OFFICE

2023 MAR 09 PM 3:42

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 February 8, 2023, meetings of the Board of Directors.
4. Report and recommendations by Lisa Aguilar, Chief Administrative Officer/Election Officer, concerning office operations and elections.
5. Report and recommendations by Mary Cortez, Chief Financial Officer, concerning financial information, expenditures, budget, and investment policy:
 - a. **Financial Report**
 - b. **\$500.00 Expenditure Report**
 - c. **Legal & Consulting Fees Budget Report**
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 adjustments**
 - b. **2013-2023 The City of El Paso on behalf of Public Service Board Assignments, 2013-2023 Lower Valley Water District Assignments and Report on tax suits**
 - c. **Comparison of EPCWID tax assessments and collection during 2021 and 2022**
7. General Manager's report concerning the following:
 - a. **MOU between CBP and EPCWID with a license to CBP's contractor to maintain approximately 21 miles along border fence from Wasteway 2 to Fabens Waste Channel**
8. District Engineer's reports and recommendations concerning the following:
 - a. **Rio Grande Project Operating Agreement Accounting**
 - 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 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**

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, March 15, 2023 at 9:00 a.m.

11. Water delivery allocations to EPCWID water users and water available by contract: **None**

12. Subdivision Plats within District Boundary requirement in License Manual: **None**

13. Applications for Licenses for Use of District Real Property:

a. 10 Applications by Conterra Ultra Broadband LLC,

Application 3252, by Conterra Ultra Broadband LLC, for a 25-year license for an aerial fiber optic cable system, crossing the Middle Drain (an irrigation canal) at Alameda Ave., at approximately station 354+47

Application 3253, by Conterra Ultra Broadband LLC, for a 25-year license for an aerial fiber optic cable system, crossing the Salitral Lateral (an irrigation canal) at Alameda Ave., at approximately station 2+03

Application 3254, by Conterra Ultra Broadband LLC, for a 25-year license for an aerial fiber optic cable system, crossing the Clint Lateral (an irrigation canal) at Alameda Ave., at approximately station 19+76

Application 3255, by Conterra Ultra Broadband LLC, for a 25-year license for an aerial fiber optic cable system, crossing the Green Lateral (an irrigation canal) at Alameda Ave., at approximately station 54+61

Application 3256, by Conterra Ultra Broadband LLC, for a 25-year license for an aerial fiber optic cable system, crossing the Green Lateral (an irrigation canal) at Alameda Ave., at approximately station 56+15

Application 3257, by Conterra Ultra Broadband LLC, for a 25-year license for an aerial fiber optic cable system, crossing the Clint Lateral (an irrigation canal) at Alameda Ave., at approximately station 380+36

Application 3261, by Conterra Ultra Broadband LLC, for a 25-year license for an aerial fiber optic cable system, crossing the Lee Lateral (an irrigation canal) at Alameda Ave., at approximately station 21+69

Application 3262, by Conterra Ultra Broadband LLC, for a 25-year license for a subsurface fiber optic cable system, crossing the Salitral Lateral (an irrigation canal) at Alameda Ave., at approximately station 602+60

Application 3263, by Conterra Ultra Broadband LLC, for a 25-year license for an aerial fiber optic cable system, crossing the Webb Lateral (an irrigation canal) at Alameda Ave., at approximately station 25+35

Application 3264, by Conterra Ultra Broadband LLC, for a 25-year license for a subsurface fiber optic cable system, crossing the Mesa Drain (an irrigation canal) at Alameda Ave., at approximately station 32+64

b. 2 Applications by Ultimate Concrete LLC

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, March 15, 2023 at 9:00 a.m.

Application 3298, by Ultimate Concrete LLC, for a temporary ingress and egress construction license to perform work on the border wall, within the Playa Lateral (an irrigation canal), at approximately station 66+15 to 341+98

Application 3306, by Ultimate Concrete LLC, for a temporary ingress and egress construction license to perform work on the border wall, within the Playa Intercepting Drain (an irrigation canal), at approximately station 0+00 to 62+03

c. Agreement for Engineering and Other Work Related to Union Pacific Railroad's Request to Relocate Existing Irrigation Canal Siphons and Culverts

d. 3 Applications by MCImetro Access Transmission Services, LLC

Application 3326, 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 838+35

Application 3327, by MCImetro Access Transmission Services, LLC, for a 25-year license for a subsurface fiber optic cable system, crossing the Bowman Lateral (an irrigation canal), at Franklin Dr., at approximately station 5+37

Application 3328, 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 Cadwallader Dr., at approximately station 551+51

e. 4 Applications by Lower Valley Water District

Application 3342, by Lower Valley Water District, for a 25-year license to install a new 8-inch sanitary sewer line, crossing the Juan De Herrera Lateral (an irrigation canal), at approximately station 365+46

Application 3343, by Lower Valley Water District, for a 25-year license to install a new 8-inch sanitary sewer line, crossing the Juan De Herrera Lateral (an irrigation canal), at approximately station 366+40

Application 3344, by Lower Valley Water District, for a 25-year license to install a new 8-inch sanitary sewer line, crossing the Juan De Herrera Lateral (an irrigation canal), at approximately station 357+00

Application 3345, by Lower Valley Water District, for a 25-year license to install a new 8-inch waterline, crossing the Juan De Herrera Lateral (an irrigation canal), at approximately station 357+00

Approval of Construction Dewatering Licenses for Conveyance Groundwater:

f. Application 3234, by El Paso Water, for a license for use of District facilities for conveyance of groundwater from construction dewatering into the Montoya Main Lateral at Bird Ave.

Letters of Approval and/or Amendments of existing License Agreement:

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, March 15, 2023 at 9:00 a.m.

- g. License 1300, by the City of El Paso, addition to license of all city streets crossing Rosinante Rd. across Montoya Main Lateral Branch “A”, Southside Rd. crossing the Southside Feeder Lateral within the city limits of El Paso**

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**

15. Grant Agreements involving District Real Property

- a. USBR \$3M Grant Application for Concrete Lining of 24,300 feet of Franklin Canal between (Total Project Cost of \$6.05M) Loop 375 to Franklin Feeder including a pedestrian trail.**
- b. USBR \$2M Grant Application for Concrete Lining of 11,000 feet of Riverside Canal (Estimated Total Project Cost of \$4.03M).**
- 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, Alamo Alto canal and drain 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.

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, March 15, 2023 at 9:00 a.m.

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 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:

Mary Cortez, Chief Financial Officer - Annual Employment Agreement

Lisa Aguilar, Chief Administrative Officer - Annual Employment Agreement
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.**

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, March 15, 2023 at 9:00 a.m.

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.