

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, September 13, 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 SEP 08 AM 8:19

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 August 9, 2023 meeting 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**
 - d. **Engagement Letter for FY2022-FY2023 audit by Pena Briones McDaniel & Co PC**
6. Report and recommendations by Rose Rodriguez, Tax 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: **None**
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**
9. Water Master's reports and recommendations concerning the following:
 - a. **Water use and availability**
10. Maintenance Manager's reports and recommendations concerning the following:
 - a. **Drain maintenance program and water delivery system**
11. Water delivery allocations to EPCWID water users and water available by contract.

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12. Subdivision Plats within District Boundary requirement in License Manual (irrigable land exhibit):

- a. **Application 3353, by Sadova Properties, LLC, for Sadova Subdivision, being all of tracts 4-A-1, 4-A-2, 4-B and 4-D, block 14, Ysleta Grant surveys, City of El Paso, County of El Paso, Texas, containing 5.8567 acres**
- b. **Application 3363, by Hueco Bolson Land Investments, Ltd, for Hueco Bolson Subdivision, being all tract 5A and tract 5A2, block 16, upper valley surveys, City of El Paso, El Paso County, Texas, containing 43.4289 acres**
- c. **Application 3364, by Valley Chile Properties LLC, Series M., for Silverwood Subdivision Replat "A", being a replat of a portion of lots 10 and 11, Silverwood Subdivision, City of El Paso, El Paso County, Texas and a portion of tract 18A1A. block 4, upper valley surveys, City of El Paso, El Paso County, Texas, containing 1.7500 acres**
- d. **Application 3372, by Residencias Del Cielo, for Residencias Del Cielo Subdivision, being all of tracts 1-D-1, 1-O, 1-Q, 1-P-1, 1-D-1-E, and a portion of 1-P-3, block 10, upper valley surveys, City of El Paso, El Paso County, Texas, containing 73.48 acres**
- e. **Application 3374, by Coronado Building Company, for Masoud Acres Subdivision, being tracts 15-C-2 and 15-G-1, block 13, upper valley surveys, El Paso County, Texas, containing 4.98 acres**

13. Applications for Licenses and Memorandums of Understanding for Use of District Real Property:

- a. **Application 3028, by Texas Gas Service Company, a division of ONE Gas, Inc., for a 25-year license to construct a 6-inch polyethylene pipe encased in an 10-inch steel casing to convey natural gas crossing the Middle Drain (a drainage canal) at Tanton Road, at approximately station 448+46**
- b. **Application 3297, by City of El Paso through its El Paso Water Utilities Public Service Board, for a 25-year license to construct expansion of Knowles Lift Station on portion of left bank of Mesa Drain (a drainage canal), at approximately station 1033+50**
- c. **6 Applications by WANRack, LLC**
 - Application 3408, by WANRack, LLC, for a 25-year license for a subsurface fiber optic cable system, crossing the Franklin Canal (an irrigation canal) at Herring Rd., at approximately station 1299+84**
 - Application 3409, by WANRack, LLC, for at 25-year license for a subsurface fiber optic cable system, crossing the Franklin Canal (an irrigation canal) at San Elizario Rd., at approximately station 1243+74**
 - Application 3410, by WANRack, LLC, for a 25-year license for a subsurface fiber optic cable system, crossing the Middle Drain (a drainage canal) at San Elizario Rd., at approximately station 255+90**

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Application 3413, by WANRack, LLC, for a 25-year license for a subsurface fiber optic cable system, crossing the Barrial Lateral (an irrigation lateral) at San Elizario Rd., at approximately station 53+43

Application 3414, by WANRack, LLC, for a 25-year license for a subsurface fiber optic cable system, crossing the Barrial Lateral (an irrigation lateral) at Socorro Rd., at approximately station 00+25

Application 3416, by WANRack, LLC, for a 25-year license for a subsurface fiber optic cable system, crossing the River Spur Drain (a drainage canal) at Socorro Rd., at approximately station 112+68

d. 2 Applications by El Paso Water

Application 3423, by City of El Paso through its El Paso Water Utilities Public Service Board for a Temporary Construction Easement on the Montoya Main Lateral (an irrigation canal), at approximately station 52+69

Application 3424, by City of El Paso through its El Paso Water Utilities Public Service Board for a Temporary Construction Easement on the Montoya Drain (a drainage canal), from approximately station 328+25 to 343+25

14. Letters of No Objection for Natural Gas Service installed with the Rights-of-Ways of Public Roads. **None.**

15. Approval of Construction Dewatering Licenses for Conveyance Groundwater. **None.**

16. Letters of Approval and/or Amendments of existing License Agreement. **None.**

17. Agreement to classify Non-irrigable land as irrigable land. **None.**

18. Sale of Surplus District Real Property under 49.226 of the Texas Water Code. **None.**

19. Grant Agreements involving District Real Property:

- a. Engineering feasibility letter for TWDB Contract No. 2013582447 for Agricultural Water Conservation Fund Construction Project Grant between EPCWID and TWDB for design and construction of concrete lining of a portion of the Franklin Canal adjacent to the El Paso Zoo.**

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

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

22. 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., defendants No. A-1-CA-36269**
 - d. **Rogelio Trevizo vs. El Paso County Water Improvement District #1, Cause No. 2019DCV1164**
 - e. **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, 15, 16, 17, 18 and/or 19.
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.