

**Minutes of Regular Meeting
Board of Directors
El Paso County Water Improvement District No. 1
("EPCWID")
August 8, 2018**

DIRECTORS PRESENT	OTHERS PRESENT
Johnny Stubbs, President	Jesus Reyes, General Manager
Art Ivey, Vice-President	Maria O' Brien, Attorney at Law
Larry Ceballos, Director	Phil Bowen, Attorney At Law
Miguel Teran, Director	Jim Speer, Attorney At Law
	Jay Ornelas, Assistant District Engineer
NOT PRESENT	Dr. Al Blair, District Engineer
Indar Singh, Secretary	Sharon Atilano, Engineering Assistant
	Adriana Avila, Receptionist
	Lisa Aguilar, Chief Administrative Officer
	Mary Cortez, Chief Financial Officer
	Rose Rodriguez, Tax Assessor/Collector/Office Manager
	Robert Rios, Water Master
	Pete Rodriguez, Maintenance Manager
	Jerry Melendez, USBR Visitor
	Jesus Placencia, Arcadis, Vistor
	Clinton Sqearingen, Arcadis, Visitor
	Jose Padilla, Linebarger Goggan Blair and Sampson, Presenter
	David Flores, Linebarger Goggan Blair and Sampson, Presenter

1. Call to order and establishment of a quorum.

There being a quorum of Directors present, the meeting was called to order by President Johnny Stubbs at 8:30 a.m., and the Directors then proceeded to consider the following:

2. Welcome of guests. **No action was taken on this item.**
3. Minutes of June 13, 2018 meeting of the Board of Directors.

After a motion by Art Ivey, seconded by Larry Ceballos, duly considered and carried by unanimous vote of the Board the following resolution was adopted:

RESOLVED: that the draft minutes of the Regular Meeting held on June 13, 2018 are approved.

4. Report and recommendations by Mary Cortez, Chief Financial Officer, concerning financial information, expenditures, budget, and investment policy:

- a. **June and July Reports for the month ending June and July, 2018 were presented to the Board of Directors.** No action was taken on this item.
- b. **\$500 Expenditure Report for the month of May was presented to the Board of Directors.** No action was taken on this item.
- c. **Legal & Consulting Fees Budget Report.** No action was taken on this item.
- d. **Quarterly Investment Report.**

After a motion by Art Ivey, seconded by Larry Ceballos, duly considered and carried by unanimous vote of the Board, the following resolution was adopted:

RESOLVED: that the Quarterly Investment Report for the period ending July, 2018 is approved.

- 5 Report and recommendations by Rose Rodriguez, Tax Assessor/Collector/Office Manager, concerning adjustments and corrections, if any, to assessments, taxes, and charges by EPCWID.

a. Review tax report and adjustments by the Tax Assessor/Collector/Office Manager.

After a motion by Art Ivey, seconded, by Larry Ceballos, duly considered and carried by unanimous vote of the Board, the following resolution was adopted:

WHEREAS: Rose Rodriguez, Tax Assessor/Collector/Office Manager for EPCWID recommends adjustments or corrections to the tax rolls reviewed during the months of June and July 2018;

NOW, THEREFORE, BE IT RESOLVED: that the adjustments and corrections to the 2017 tax roll for US Fidelity Trust Company Trustee, Morales Jose G & Segovia Wendy J P, Delgado Gurrola Lorena, Garcia Maria Elena & Luis Carlos, Arpero Epifano & Epifano Jr, and Ramirez Fernando & Santibanez Maria de Jesus have been reviewed during the month of August 2018 and are approved as shown on the exhibit attached to these minutes.

- b. 2013-2018 City of El Paso Public Service Board Assignments, 2013-2018 Lower Valley Water District Assignments and Report on tax suits and adjustments. No action was taken on this item.**
- c. Comparison of EPCWID tax assessments and collections during 2016 and 2017. No action was taken on this item.**

6. General Manager's report concerning the following:

- a. License for public roads crossing District property within the City of Socorro. No action was taken on this item.**
- b. TWBD Agricultural Water Conservation Grants status. No action was taken on this item.**
- c. Discuss sale of old Clint Yard and Clint Spur Drain.**

After a motion by Larry Ceballos, seconded by Art Ivey, duly considered and carried by unanimous vote of the Board, the following resolution was adopted:

RESOLVED: that the sale of the old Clint Yard and Clint Spur Drain is approved.

d. Renewal of contract with Linebarger Goggan Blair & Sampson, LLP.

After a motion by Art Ivey, seconded by Larry Ceballos, duly considered and carried by unanimous vote of the Board, the following resolution was adopted:

RESOLVED: (as shown in full on the attached exhibit)

e. Revision of resolution for the grant application to the U.S. Bureau of Reclamation Water and Energy Efficiency Grant Program requesting funds to concrete line a section of the Riverside Canal

After a motion by Art Ivey, seconded by Miguel Teran, duly considered and carried by unanimous vote of the Board, the following resolution was adopted:

RESOLVED: (as shown in full on the attached exhibit)

f. Standing Order regarding Reservation of Rights to Water Allocations in Irrigable Land Deeds

After a motion by Larry Ceballos, seconded by Art Ivey, duly considered and carried by unanimous vote of the Board, the following resolution was adopted:

RESOLVED: that the Standing Order regarding Reservation of Rights to Water Allocations in Irrigable Land Deeds is approved as shown on the exhibit attached to these minutes.

7. District Engineer's report and recommendations concerning the following:

- a. **Rio Grande Project Operating Agreement Accounting.** No action was taken on this item.
 - b. **Rio Grande Compact Accounting.** No action was taken in this item.
 - c. **Rio Grande Project Water Supply and Water Allocations.** No action was taken on this item.
 - d. **Status of 3rd Party Construction in District Canals and Drains.** No action was taken on this item.
8. Maintenance Manager's report and recommendations concerning the Following:
- Drain maintenance program and water delivery system.** No action was taken on this item.
9. Water Master's report and recommendations concerning the following:
- Water use and availability.** No action was taken on this item.
10. Water delivery allocations to EPCWID water users and water available by contract. **No action was taken on this item.**
11. Subdivision Plats within District Boundary:
- a. **Application 1818, by Paso Del Norte Land Investments, L.P., for Valencia Estates Unit II, Tract 28 and a portion of Tracts 21 and 22, Block 27, and Tract 15B, Block 28, San Elizario Grant, City of San Elizario, El Paso County, Texas, containing 29.7067 acres, Submission of Irrigable Land Exhibit.**

After a motion by Art Ivey, seconded by Larry Ceballos, duly considered and carried by unanimous vote of the Board, the following resolution was adopted:

RESOLVED: that, Application 1818, by Paso Del Norte Land Investments, L.P., for Valencia Estates Unit II, Tract 28 and a portion of Tracts 21 and 22, Block 27, and Tract 15B, Block 28, San Elizario Grant, City of San Elizario, El Paso County, Texas, containing 29.7067 acres, for which an

irrigable land exhibit has been submitted, is hereby approved.

- b. Application 1955, by Socorro Partners 1, LTD, for Valle Vista Subdivision, being a portion Tracts 7 and 8, Block 35, San Elizario Grant, El Paso County, Texas, containing 115.004 acres, Submission of Irrigable Land Exhibit.**

After a motion by Larry Ceballos, seconded by Art Ivey, duly considered and carried by unanimous vote of the Board, the following resolution was adopted:

RESOLVED: that, Application 1955, by Socorro Partners 1, LTD, for Valle Vista Subdivision, being a portion Tracts 7 and 8, Block 35, San Elizario Grant, El Paso County, Texas, containing 115.004 acres, for which an irrigable land exhibit has been submitted, is hereby approved.

- c. Application 2032, by T4S, LTD, for Vista Bonita Estates Subdivision Unit 1, being Tract 5, Block 24, San Elizario Grant, El Paso County, Texas, containing 68.954 acres, Submission of Irrigable Land Exhibit.**

After a motion by Art Ivey, seconded by Larry Ceballos, duly considered and carried by unanimous vote of the Board, the following resolution was adopted:

RESOLVED: that, Application 2032, by T4S, LTD, for Vista Bonita Estates Subdivision Unit 1, being Tract 5, Block 24, San Elizario Grant, El Paso County, Texas, containing 68.954 acres, for which an irrigable land exhibit has been submitted, is hereby approved.

Applications for Licenses for Use of District Real Property:

- d. Application 1959, by Socorro Partners 1, LTD, for a 25 year license for proposed roadway crossing San Elizario Main Lateral at Chicken Ranch Road with a single barrel 6' X 4' concrete box culvert at approximately Station 289+90 for ingress and egress into Villa Vista Subdivision.**

After a motion by Larry Ceballos, seconded by Art Ivey, duly considered and carried by unanimous vote of the Board, the following resolution was adopted:

RESOLVED: that the Application 1959, by Socorro Partners 1, LTD, for a 25 year license for proposed roadway crossing San Elizario Main Lateral at Chicken Ranch Road with a single barrel 6' X 4' concrete box culvert at approximately Station 289+90 for ingress and egress into Villa Vista Subdivision is approved upon the condition that the applicant meets all requirements of the license, including paying all fees and cost required by the license and providing the District with three signed originals of the license, both within 60 days hereafter, and the officers of EPCWID No. 1 are authorized and directed to execute such license, a copy of which is attached hereto.

- e. Application 1990, by City of Socorro, for a 25 year license for all City Streets crossing EPCWID facilities, within the City limits of Socorro, Texas.

After a motion by Art Ivey, seconded by Larry Ceballos, duly considered and carried by unanimous vote of the Board, the following resolution was adopted:

RESOLVED: that the Application 1990, by City of Socorro, for a 25 year license for all City Streets crossing EPCWID facilities, within the City limits of Socorro, Texas is approved upon the condition that the applicant meets all requirements of the license, including paying all fees and cost required by the license and providing the District with three signed originals of the license, both within 60 days hereafter, and the officers of EPCWID No. 1 are authorized and directed to execute such license, a copy of which is attached hereto.

- f. Application 2047, by Lower Valley Water District, for a 25 year license to cross Salitral Lateral adjacent to FM 1110, Clint Cut-Off Road, approximately Station 167+86 with a 12-inch potable water line via horizontal directional drilling method.**

After a motion by Larry Ceballos, seconded by Art Ivey, duly considered and carried by unanimous vote of the Board, the following resolution was adopted:

RESOLVED: that the Application 2047, by Lower Valley Water District, for a 25 year license to cross Salitral Lateral adjacent to FM 1110, Clint Cut-Off Road, approximately Station 167+86 with a 12-inch potable water line via horizontal directional drilling method is approved upon the condition that the applicant meets all requirements of the license, including paying all fees and cost required by the license and providing the District with three signed originals of the license, both within 60 days hereafter, and the officers of EPCWID No. 1 are authorized and directed to execute such license, a copy of which is attached hereto.

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

- a. Old Clint Yard and Portion of Clint Spur Drain.** No action was taken for this item.
- b. Application 1999, by Catholic Properties, Declaration of surplus land and authorization to sell portion of Jornada Lateral from Zaragoza Road to tail end, all within Mount Carmel Cemetery**

After a motion by Art Ivey, seconded by Larry Ceballos, duly considered and carried by unanimous vote of the Board, the following resolution was adopted:

RESOLVED: that the portion of Jornada Lateral from Zaragoza Road to tail end, all within Mount Carmel Cemetery is declared surplus and is approved for authorization to sell said portion of Jornada Lateral and;

the Board hereby resolved that upon the successful execution of the attached deed and easement, and no sooner than October 1, 2018, the property described in the February 7, 1957 Contract and Grant of Right-of-Way Between United States and the Roman Catholic Church is consisting of approximately 570 feet of the Jornada Lateral, as shown in Exhibit A attached to this resolution, is permanently abandoned as of the date that Jornada Waste Way and all interest of El Paso County Water Improvement District No. 1 in the property shall revert back to the Roman Catholic Church its successors or assigns.

13. Any or all of the items shown on the attached Closed Meeting Agenda. The Board then entered into a closed session at 9:51 a.m. regarding the items to be considered in closed session as shown on the Notice of Public Meeting. The Board subsequently returned to the open session at 11:22 a.m. with no action having been taken in the closed session.

14. **Adjournment.** On motion duly made, seconded and carried, the Board Meeting adjourned at 11:35 a.m.


Larry Ceballos, Secretary

RESOLUTION

R E C I T A L S:

WHEREAS, the El Paso County Water Improvement District No. 1, has contracted with private legal counsel to enforce collection of delinquent property taxes pursuant to TEX. TAX CODE § 6.30;

WHEREAS, such private legal counsel is entitled to 15% of the delinquent taxes, penalty and interest which are collection subject to the contract; and

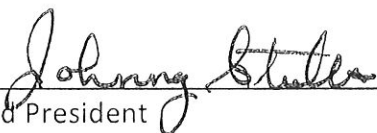
WHEREAS, El Paso County Water Improvement District No. 1, wishes to defray its costs of collection of delinquent taxes, as authorized by TEX. TAX CODE § 33.07, AND §33.08;

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE EL PASO COUNTY WATER IMPROVEMENT DISTRICT NO. 1:


1. That the Recitals set forth hereinabove are correct.
2. That pursuant to Section 33.07 of the Code, an additional penalty and delinquent taxes for tax years 2018 and subsequent years therefore is hereby approved and imposed in the amount of fifteen percent (15%) of the delinquent tax, penalty and interest if that tax becomes delinquent on or after February 1 of a year but not later than May 1 of that year and that remains delinquent on July 1 of the year in which that tax becomes delinquent.
3. That pursuant to Section 33.08 of the Code, an additional penalty on delinquent taxes for tax years 2018 and subsequent years thereafter is hereby approved and imposed in the amount of fifteen percent (15%) of the delinquent tax, penalty and interest if that tax becomes delinquent on or after June 1 under Section 26.07(f), 26.15(e), 31.03, 31.031, 31.032, or 31.04 of the Code.

PASSED AND APPROVED this 8th day of August 2018.

El Paso County Water Improvement District No. 1


Board President

ATTEST:


Board Secretary

RESOLUTION OF THE BOARD OF DIRECTORS

El Paso County Water Improvement District No.1

El Paso County Water Improvement District No. 1 resolves to authorize the General Manager or the District Engineer to submit and take any Administrative Action required to complete an application to the United States Bureau of Reclamation WaterSMART Water and Energy Efficiency Grants program for a Grant totaling \$1,000,000 to conserve water and improve the District's water use efficiency by concrete lining a portion of the Riverside Canal.

Whereas, the El Paso County Water Improvement District No.1 (the District) is a political subdivision of the State of Texas and was organized under Chapter 59, Article 16 of the Texas Constitution and operates under Chapter 55 and Chapter 49, in part, of the Texas Water Code;

Now Therefore, the Board of Directors of the District hereby resolve to support the District's application for a Grant and authorizes the General Manager or the District Engineer to submit and take any administrative action required to complete applications to the United States Bureau of Reclamation, including working with Reclamation to meet established deadlines for entering into a grant or cooperative agreement, and if the District is selected to receive a Grant, to negotiate an agreement to be approved by the District's Board of Directors. The District has the capability to provide the amount of funding and/or in-kind contributions specified in the Funding Plan in the application.

El Paso County Water Improvement District No.1


By: Johnny Stubbs, President

DISTRICT STANDING ORDER

El Paso County Water Improvement District No. 1 (District) adopts the following standing order pursuant to the authority granted by Section 55.371(3)-(4) of the Texas Water Code:

Part 1. Definitions: For purposes of this order, the following definitions apply:

1.1 “Irrigable land” means land in the District that is subject to assessment under Section 55.354(a) of the Texas Water Code, applicable Reclamation law, and classified by the District as SCC land.

1.2 “SCC land” means land the District classifies as land “Subject to Construction Charges” under paragraph 5 of the contract of January 17, 1920, between the United States of America and the District.

1.3 “Reservation” means a provision in a deed associated with a land sale transaction in which an owner of irrigable land transfers their ownership interest in the their land but reserves all rights-to-water and/or revenue from the District associated with the land being transferred, including but not limited to, the right to receive, use, transfer, assign, lease, forbear, contract, execute agreements, and/or receive revenue for District water allocations associated with the land being transferred. Such Reservation and the associated rights-to-water must comply with all applicable District policies, orders, rules, and State of Texas and federal laws.

Part 2. Requirements for Reservations: An owner of irrigable land may not make a Reservation unless the District determines that each of the following conditions is satisfied:

2.1 The irrigable land owner seeking to make the Reservation has paid in full all assessments due the District under Section 55.354 of the Texas Water Code, as well as any other fees, charges, or other payments due and owing the District;

2.2 The irrigable land owner seeking to make a Reservation expressly agrees to pay all District assessments under Section 55.354 of the Texas Water Code associated with the irrigable land being transferred;

2.3 The deed for the irrigable land as to which the Reservation is made includes a provision expressly reciting that the person or entity making the Reservation assumes full responsibility for paying any future assessments by the District as to the land subject to the deed, as well as assessments or charges for water allocations associated with the Reservation; and

2.4 At least fourteen days before the deed is officially recorded, the land owner seeking to make the Reservation has provided the District written notice of such intention, accompanied by a copy of the deed to be associated with the land transfer transaction.

Part 3. Review of Action on Reservation

3.1 A Reservation shall not be effective unless and until the District has provided written approval of such Reservation.

3.2 The District’s Tax Collector is responsible for review and approval of a Reservation under this order. A written approval under 3.1 shall be delivered by first class US Mail to the grantors and grantees in the land transfer transaction in which the Reservation is included, using addresses reflected in District records, and is effective upon deposit in the mail.

Approved and Effective: August 8, 2018

Resolution of Board of Directors regarding February 7, 1957 Contract and Grant of Right-of-Way between United States and the Roman Catholic Church

The Board hereby resolved that upon the successful execution of the attached deed and easement, and no sooner than October 1, 2018, the property described in the February 7, 1957 Contract and Grant of Right-of-Way between United States and the Roman Catholic Church is consisting of approximately 570 feet of the Jornado Lateral, as shown in Exhibit A attached to this resolution, is permanently abandoned as of the date that Jornado Waste Way and all interest of El Paso County Water Improvement District No. 1 in the property shall revert back to the Roman Catholic Church as successors or assigns.