

**Minutes of Special Meeting
Board of Directors
El Paso County Water Improvement District No. 1
(EPCWID)
September 15, 2021**

DIRECTORS PRESENT	EMPLOYEES PRESENT
Johnny Stubbs, President (via tele-conference)	Jesus Reyes, General Manager
Art Ivey, Vice-President	Mary Cortez, Chief Financial Officer
Larry Ceballos, Secretary	Lisa Aguilar, Chief Administrative Officer
George Brooks, Assistant Secretary	Rose Rodriguez, Office Manager/Tax Collector
Miguel Teran, Director	Robert Rios, Water Master
	Pete Rodriguez, Maintenance Manager
	Bert Cortez, Licensing Manager
LEGAL COUNSEL	Sharon Atilano, Licensing Assistant
Jim Speer, Attorney At Law	Claudia Ruiz, Administrative Assistant
Phil Bowen, Attorney At Law	Cathy Oyston, Water Records/Dispatcher Supervisor
Maria O'Brien, Attorney At Law (via zoom)	
Renea Hicks, Attorney At Law (via zoom)	GUESTS
	Alfonso Herrera, USBP
	Larry Vasquez, USBR
DISTRICT ENGINEER	Rene Vallejo, Visitor
Dr. Al Blair, District Engineer	Robert Kimpel, Visitor
	Michael O'Donnell, Bixler
	Elisa Vallejo, Visitor
	Edward Espinoza, Bixler

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 9:10 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 August 11, 2021 meeting of the Board of Directors.

After a motion by George Brooks, 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 August 11, 2021 are approved.

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.** No action was taken on this item.
 - b. **\$500.00 Expenditure Report.** No action was taken on this item.
 - c. **Legal & Consulting Fees Budget Report.** No action was taken on this item.
 - d. **Budget for Fiscal Year 2021-2022**

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

RESOLVED: that the Budget for Fiscal Year 2021-2022 is approved.

e. EPCWID Annual Audit Report for Fiscal Year 2020

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

RESOLVED: that EPCWID Annual Audit Report for Fiscal Year 2020 is approved.

6. 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- The tax report was reviewed, and there were no tax adjustments for the month of August.** No action was taken on this item.
 - b. **2013-2020 The City of El Paso on behalf of Public Service Board Assignments, 2013-2020 Lower Valley Water District Assignments and Report on tax suits.** No action was taken on this item.
 - c. **Comparison of EPCWID1 tax assessments and collection during 2019 and 2020.** No action was taken on this item.
7. General Manager's report concerning the following:
 - a. **Resolution approving application to the U.S. Bureau of Reclamation FY2022 Drought Response Program to make improvements to the Riverside Regulating Reservoir**

After a motion by Miguel Teran, 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).

b. Resolution approving application to the Rio Grande Council of Government's FY2021 Regional Solid Waste Project Allocation for purchasing a small solid waste dump trailer

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

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

c. President Joe Biden appoints former General Manager, Maria Elena Giner, of the Border Environment Cooperation Commission as United States Commissioner of International Boundary Water Commission. No action was taken on this item.

d. USBR grant award for 75 thousand dollars, for concrete lining of Montoya Main and Montoya A Laterals. No action was taken on this item.

e. Application 2249, by Lower Valley Water District, consider 2nd offer for portion of Dolan Drain, from heading to Skov Road, Block 12, Socorro Grant, approximately 13 acres of surplus land. No action was taken on this item.

f. Review and Update of Drought Policies regarding Use of District Rights-of-Ways

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

RESOLVED: that the review and updates of the Drought Policies regarding Use of District Rights-of-Ways is approved.

- g. Discuss the 2001 Implementing 3rd Party Contract and License 1900 for use of District’s drains within the limits of the City of El Paso. No action was taken on this item.**
8. 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 on 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.**
9. Maintenance Manager’s report and recommendations concerning the following:

Drain maintenance program and water delivery system. No action was taken on this item.
10. Water Master’s report and recommendations concerning the following:

Water use and availability. No action was taken on this item.
11. Water delivery allocations to EPCWID water users and water available by contract. **No action was taken on this item.**
12. Subdivision Plats within District Boundary requirement in License Manual: **None**
13. Applications for License for Use of District Real Property:
 - a. Application 3026, by Zayo Group, for a 25-year-license to construct a subsurface fiber optic cable system across Franklin Canal (an irrigation canal) at the intersection of Delta, approximately station 174+82**

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

RESOLVED: that Application 3026, by Zayo Group, for a 25-year-license to construct a subsurface fiber optic cable system across Franklin Canal (an irrigation canal) at the intersection of Delta, approximately station 174+82 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 are authorized and directed to execute such license, a copy of which is attached hereto.

- b. Application 3054, by Conterra Ultra Broadband LLC, for a 25-year-license to construct an aerial fiber optic cable system across Franklin Canal (an irrigation canal) at the NW intersection of Alameda Avenue & Nevarez Rd., approximately station 901+94.33**

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

RESOLVED: that Application 3054, by Conterra Ultra Broadband LLC, for a 25-year-license to construct an aerial fiber optic cable system across Franklin Canal (an irrigation canal) at the NW intersection of Alameda Avenue & Nevarez Rd., approximately station 901+94.33 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 are authorized and directed to execute such license, a copy of which is attached hereto.

- c. **Application 3055, by Transtelco, Inc., for a 25-year-license to construct an aerial fiber optic cable system across Franklin Canal (an irrigation canal) Northeast East of Ramos Court, approximately station 452+29.74**

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

RESOLVED: that Application 3055, by Transtelco, Inc., for a 25-year-license to construct an aerial fiber optic cable system across Franklin Canal (an irrigation canal) Northeast East of Ramos Court, approximately station 452+29.74 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 are authorized and directed to execute such license, a copy of which is attached hereto.

- d. **Application 3056, by Transtelco, Inc., for a 25-year-license to construct an aerial fiber optic cable system across Franklin Canal (an irrigation canal), South of N. Carolina Dr., approximately station 536+57.07**

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

RESOLVED: that Application 3056, by Transtelco, Inc., for a 25-year-license to construct an aerial fiber optic cable system across Franklin Canal (an irrigation canal), South of N. Carolina Dr., approximately station 536+57.07 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 are authorized and

directed to execute such license, a copy of which is attached hereto.

- e. Application 3057, by Transtelco, Inc., for a 25-year-license to construct an aerial fiber optic cable system across Franklin Canal (an irrigation canal), at Alameda Avenue approximately station 609+66.3**

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

RESOLVED: that Application 3057, by Transtelco, Inc., for a 25-year-license to construct an aerial fiber optic cable system across Franklin Canal (an irrigation canal), at Alameda Avenue approximately station 609+66.3 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 are authorized and directed to execute such license, a copy of which is attached hereto.

- f. Application 3058, by Transtelco, Inc., for a 25-year-license to construct an aerial fiber optic cable system across Franklin Canal (an irrigation canal), NW of Valdespino St. approximately station 679+99.22**

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

RESOLVED: that Application 3058, by Transtelco, Inc., for a 25-year-license to construct an aerial fiber optic cable system across Franklin Canal (an irrigation canal), NW of Valdespino St. approximately station 679+99.22 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 are authorized and directed to execute such license, a copy of which is attached hereto.

- g. Application 3059, by Transtelco, Inc., for a 25-year-license to construct an aerial fiber optic cable system across Franklin Canal (an irrigation canal), at N. Zaragoza Rd. approximately station 763+63.4**

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

RESOLVED: that Application 3059, by Transtelco, Inc., for a 25-year-license to construct an aerial fiber optic cable system across Franklin Canal (an irrigation canal), at N. Zaragoza Rd. approximately station 763+63.4 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 are authorized and directed to execute such license, a copy of which is attached hereto.

- h. Application 3060, by Transtelco, Inc., for a 25-year-license to construct an aerial fiber optic cable system across Franklin Canal (an irrigation canal), at Alameda Avenue approximately station 794+41.66**

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

RESOLVED: that Application 3060, by Transtelco, Inc., for a 25-year-license to construct an aerial fiber optic cable system across Franklin Canal (an irrigation canal), at Alameda Avenue approximately station 794+41.66 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 are authorized and directed to execute such license, a copy of which is attached hereto.

- i. Application 3061, by Transtelco, Inc., for a 25-year-license to construct a subsurface optic cable system across Southside Feeder Lateral (an irrigation canal), at Socorro Rd. approximately station 16+16.6**

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

RESOLVED: that Application 3061, by Transtelco, Inc., for a 25-year-license to construct a subsurface optic cable system across Southside Feeder Lateral (an irrigation canal), at Socorro Rd. approximately station 16+16.6 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 are authorized and directed to execute such license, a copy of which is attached hereto.

- j. Application 3062, by Transtelco, Inc., for a 25-year-license to construct an aerial optic cable system across Southside Feeder Lateral (an irrigation canal), at Southside Rd. approximately station 45+40.72**

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

RESOLVED: that Application 3062, by Transtelco, Inc., for a 25-year-license to construct an aerial optic cable system across Southside Feeder Lateral (an irrigation canal), at

Southside Rd. approximately station 45+40.72 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 are authorized and directed to execute such license, a copy of which is attached hereto.

- k. Application 3063, by Transtelco, Inc., for a 25-year-license to construct an aerial optic cable system across Middle Drain (an irrigation canal), at N. Zaragoza Rd. approximately station 788+03.35**

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

RESOLVED: that Application 3063, by Transtelco, Inc., for a 25-year-license to construct an aerial optic cable system across Middle Drain (an irrigation canal), at N. Zaragoza Rd. approximately station 788+03.35 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 are authorized and directed to execute such license, a copy of which is attached hereto.

- l. Application 3064, by Transtelco, Inc., for a 25-year-license to construct an aerial optic cable system across Jornado Lateral (an irrigation canal), at Old County Dr. approximately station 62+33.81**

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

RESOLVED: that Application 3064, by Transtelco, Inc., for a 25-year-license to construct an aerial optic cable system

across Jornada Lateral (an irrigation canal), at Old County Dr. approximately station 62+33.81 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 are authorized and directed to execute such license, a copy of which is attached hereto.

- m. Application 3065, by Transtelco, Inc., for a 25-year-license to construct a subsurface optic cable system across Jornada Lateral (an irrigation canal), at Alameda Avenue approximately station 68+38.23**

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

RESOLVED: that Application 3065, by Transtelco, Inc., for a 25-year-license to construct a subsurface optic cable system across Jornada Lateral (an irrigation canal), at Alameda Avenue approximately station 68+38.23 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 are authorized and directed to execute such license, a copy of which is attached hereto.

- n. Application 3066, by Transtelco, Inc., for a 25-year-license to construct an aerial optic cable system across Jornada Lateral (an irrigation canal), at Davis Dr. approximately station 34+14.90**

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

RESOLVED: that Application 3066, by Transtelco, Inc., for a 25-year-license to construct an aerial optic cable system across Jornado Lateral (an irrigation canal), at Davis Dr. approximately station 34+14.90 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 are authorized and directed to execute such license, a copy of which is attached hereto.

- o. Application 3067, by Transtelco, Inc., for a 25-year-license to construct an aerial optic cable system across Jornado Lateral (an irrigation canal), SW of intersection of New Haven and Roseway Dr. approximately station 0+88.41**

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

RESOLVED: that Application 3067, by Transtelco, Inc., for a 25-year-license to construct an aerial optic cable system across Jornado Lateral (an irrigation canal), SW of intersection of New Haven and Roseway Dr. approximately station 0+88.41 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 are authorized and directed to execute such license, a copy of which is attached hereto.

- p. Application 3068, by Transtelco, Inc., for a 25-year-license to construct an aerial optic cable system across Juan De Herrera Main Lateral (an irrigation canal), SW of Indian Place approximately station 119+01.18**

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

RESOLVED: that Application 3068, by Transtelco, Inc., for a 25-year-license to construct an aerial optic cable system across Juan De Herrera Main Lateral (an irrigation canal), SW of Indian Place approximately station 119+01.18 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 are authorized and directed to execute such license, a copy of which is attached hereto.

- q. Application 3069, by Transtelco, Inc., for a 25-year-license to construct an aerial optic cable system across Cinecue Lateral (an irrigation canal), at Yarbrough Dr. approximately station 00+84

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

RESOLVED: that Application 3069, by Transtelco, Inc., for a 25-year-license to construct an aerial optic cable system across Cinecue Lateral (an irrigation canal), at Yarbrough Dr. approximately station 00+84 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 are authorized and directed to execute such license, a copy of which is attached hereto.

- r. Application 3070, by Transtelco, Inc., for a 25-year-license to construct an aerial optic cable system across Irwin Lateral (an irrigation canal), at Yarbrough Dr. approximately station 0+82

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

RESOLVED: that Application 3070, by Transtelco, Inc., for a 25-year-license to construct an aerial optic cable system across Irwin Lateral (an irrigation canal), at Yarbrough Dr. approximately station 0+82 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 are authorized and directed to execute such license, a copy of which is attached hereto.

- s. **Application 3071, by Transtelco, Inc., for a 25-year-license to construct an aerial optic cable system across Playa Lateral (an irrigation canal), at Pecan Ct. approximately station 33+17.55**

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

RESOLVED: that Application 3071, by Transtelco, Inc., for a 25-year-license to construct an aerial optic cable system across Playa Lateral (an irrigation canal), at Pecan Ct. approximately station 33+17.55 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 are authorized and directed to execute such license, a copy of which is attached hereto.

- t. **Application 3072, by Transtelco, Inc., for a 25-year-license to construct an aerial optic cable system across Mesa Drain (an irrigation canal), at Caliche approximately station 1119+26.44**

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

RESOLVED: that Application 3072, by Transtelco, Inc., for a 25-year-license to construct an aerial optic cable system across Mesa Drain (an irrigation canal), at Caliche approximately station 1119+26.44 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 are authorized and directed to execute such license, a copy of which is attached hereto.

- u. Application 3073, by Transtelco, Inc., for a 25-year-license to construct an aerial optic cable system across Bowman Lateral (an irrigation canal), at North Loop Dr. approximately station 27+89.11**

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


RESOLVED: that Application 3073, by Transtelco, Inc., for a 25-year-license to construct an aerial optic cable system across Bowman Lateral (an irrigation canal), at North Loop Dr. approximately station 27+89.11 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 are authorized and directed to execute such license, a copy of which is attached hereto.

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

15. Any or all of the items shown on the attached Closed Meeting Agenda.
The Board then entered into a closed session at 10:48 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 12:06 p.m. with no action having been taken in the closed session.

17. Consideration of agenda items for next regular board meeting.
18. **Adjournment.** On motion duly made, seconded and carried, the Board Meeting adjourned at 12:16 p.m.



Larry Ceballos, Secretary

RESOLUTION OF THE BOARD OF DIRECTORS

El Paso County Water Improvement District No. 1

WHEREAS, The El Paso County Water Improvement District No. 1 finds it in the best interest of the citizens of El Paso County, that the Solid-Waste Dump Trailer project be operated for 2022; and

WHEREAS, El Paso County Water Improvement District No. 1 designates the Chief Administrative Officer as the project's authorized official. The authorized official is given the power to apply for, accept, reject, alter or terminate the project on behalf of the applicant.

NOW THEREFORE, BE IT RESOLVED that El Paso County Water Improvement District No. 1 approves submission of the application for Solid-Waste Dump Trailer project to the Rio Grande Council of Governments.

El Paso County Water Improvement District No.1


By: Arthur Ivey, Vice-President

Passed and Approved this 15th (Day) of September (Month), 2021 (Year)