

**Minutes of Regular Meeting  
Board of Directors  
El Paso County Water Improvement District No. 1  
(EPCWID)  
June 8, 2022**

<b>DIRECTORS PRESENT</b>	<b>EMPLOYEES PRESENT</b>
<b>Johnny Stubbs, President</b>	<b>Jesus Reyes, General Manager</b>
<b>Art Ivey, Vice-President</b>	<b>Mary Cortez, Chief Financial Officer</b>
<b>Larry Ceballos, Secretary</b>	<b>Lisa Aguilar, Chief Administrative Officer</b>
<b>George Brooks, Assistant Secretary</b>	<b>Rose Rodriguez, Tax Assessor/Collector/Office Manager</b>
<b>Miguel Teran, Director</b>	<b>Pete Rodriguez, Maintenance Manager</b>
	<b>Filberto Cortez, Licensing Manager</b>
	<b>Sharon Atilano, Licensing Assistant</b>
	<b>Claudia Ruiz, Administrative Assistant</b>
<b>LEGAL COUNSEL</b>	<b>Cathy Oyston, Water Records/ Dispatcher Supervisor</b>
<b>Phil Bowen, Attorney At Law</b>	<b>Omar Martinez, Grant Writer</b>
<b>Maria O Brien, Attorney At Law</b>	<b>David Ortega, Licensing Field Representative</b>
<b>Renea Hicks, Attorney At Law (via zoom)</b>	
	<b>GUESTS</b>
<b>DISTRICT ENGINEER</b>	<b>Rodrigo Estrada, Congressman Tony Gonzalez</b>
<b>Dr. Al Blair, District Engineer</b>	<b>Robert Kimpel, Visitor</b>
	<b>BPA J. Cisneros, Border Patrol</b>
	<b>Woody Irving, U.S. Bureau of Reclamation</b>
	<b>Blanca Speer Appleubite, Visitor</b>

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 9:00 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 May 11, 2022 regular meetings 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 meeting held on May 11, 2022 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.
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 the following are the tax adjustments for the month of May:

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:

**WHEREAS: Rose Rodriguez, Tax Assessor/Collector/Office Manager for EPCWID1 recommends adjustments or corrections to the tax rolls reviewed during the month of May 2022;**

**NOW, THEREFORE, BE IT RESOLVED: that the following adjustment and correction have been reviewed, approved and are attached to these minutes:**

- 1. El Paso County as Trustee to City of Socorro, (\$154.83), 2022;**
  - 2. Reed Joseph W to City of El Paso as Trustee, (\$2.33), 2022;**
  - 3. Holguin Juan & Sylvia to Revive Community Church, (\$5.19), 2022.**
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- b. 2013-2022 The City of El Paso and it's Public Service Board Assignments, 2013-2022 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 2020 and 2021. No action was taken on this item.**
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- 7. General Manager's report concerning the following:**
- a. United States Bureau of Reclamation Water Smart grant \$200,000 for Telemetry upgrade supplies and material. No action was taken on this item.**
  - b. Member of Congress Tony Gonzales has selected the project on the Riverside Canal concrete lining phase VI (1 mile) for funding. No action was taken on this item.**
  - c. Application 3181, by El Paso Water, for a new bridge crossing Riverside Canal directly in front of the Robert Bustamante Treatment Plant. No action was taken on this item.**
  - d. Report on grant awards and pending applications. No action was taken on this item.**



- a. **Application 3044, by City of Socorro, for 25-year license for a free-span pedestrian bridge across Franklin Feeder Canal (an irrigation canal) at Passmore Rd., at approximately station 102+30 No action was taken on this item. No action was taken on this item.**
- b. **Application 3045, by City of Socorro, for a 25-year license for a 48” RCP culvert, shared use path over culvert, within Upper Clint Lateral (an irrigation canal) at Passmore Rd., at approximately station 29+26. No action was taken on this item.**
- c. **Application 3046, by City of Socorro, for an approval letter for a shared use path across the Franklin Drain (an irrigation canal) at Passmore Rd., at approximately station 131+96.61, provisional to License 1990. No action was taken on this item.**
- d. **Application 3161, by Spectrum Gulf Coast, L.L.C., for a 25-year license for an aerial fiber optic cable system crossing the I-243 Lateral (an irrigation canal), at approximately station 91+22**

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

**RESOLVED: that Application 3161, by Spectrum Gulf Coast, L.L.C., for a 25-year license for an aerial fiber optic cable system crossing the I-243 Lateral (an irrigation canal), at approximately station 91+22 is approved upon the condition that the applicant meets all requirements, 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 3178, by El Paso Electric Company, for a 25-year license for a 3 phase 14 KV overhead power line crossing the Montoya Lateral Branch A (an irrigation canal) at Montoya Rd., at approximately station 68+81**

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

**RESOLVED:** that Application 3178, by El Paso Electric Company, for a 25-year license for a 3 phase 14 KV overhead power line crossing the Montoya Lateral Branch A (an irrigation canal) at Montoya Rd., at approximately station 68+81 is approved upon the condition that the applicant meets all requirements, 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 3180, by MCImetro Access Transmission Services Corp., for a 25-year license for an aerial fiber optic cable system crossing the Franklin Canal (an irrigation canal) at Eucalyptus St., at approximately station 197+03.38

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

**RESOLVED:** that Application 3180, by MCImetro Access Transmission Services Corp., for a 25-year license for an aerial fiber optic cable system crossing the Franklin Canal (an irrigation canal) at Eucalyptus St., at approximately station 197+03.38 is approved upon the condition that the applicant meets all requirements, 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:

- a. Application 1797, by Ben L. Ivey LTD, consider 2nd offer for approximately 5.522 acres of the Mesa Spur Drain, Ysleta Grant, Block 1, Tract 1-A, City of El Paso, El Paso County, Texas.**

**Vice-President Art Ivey left the room and announced that he would abstain from discussion of this item and any vote taken regarding the item, and he proceeded to sign an affidavit pursuant to Texas Local Government Code, §171.004.**

After a motion by George Brooks, seconded by Miguel Teran, duly considered and carried by a majority vote of the Directors present, with Art Ivey abstaining and leaving the room, it was:

**RESOLVED: that the sale of a portion of the Mesa Spur Drain, for 5.5 acres, Ysleta Grant, block 1, tract 1-A, City of El Paso, El Paso County, Texas, from El Paso County Water Improvement District No. 1 to Ben L. Ivey LTD, is approved and the officers of El Paso County Water Improvement District No. 1 shall execute and deliver a deed to Ben L. Ivey LTD simultaneously with the payment by Ben L. Ivey, LTD of \$65,000 an acre.**


- b. Application 3173, by City of El Paso on behalf of Public Service Board, consider offer for a portion of the Franklin Drain within the City of El Paso**

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 sale of a portion of the Franklin Drain and the Deed Without Warranty from El Paso County Water Improvement District No. 1 to the El Paso Municipal Drainage Utility, by and through The El Paso Water Utilities Public Service Board, a component unit of the City of El Paso, a Texas municipal corporation, (a copy of which is attached to minutes) of this meeting is approved, and the officers of El Paso County Water Improvement District No. 1 shall execute and deliver**

**such Deed to the City of El Paso simultaneously with the payment by the City of El Paso of \$1,600,000.00.**

15. Any or all of the items shown on the attached Closed Meeting Agenda.  
**The Board then entered into a closed session at 10:02 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 11:37 a.m. with no action having been taken in the closed session.**
16. Consideration of agenda items for next regular board meeting.
17. **Adjournment.** On motion duly made, seconded and carried, the Board Meeting adjourned at 11:40 a.m.

  
Larry Ceballos, Secretary



**Affidavit of Abstention by Member of the Board of Directors of  
El Paso County Water Improvement District No. 1**

I, **Arthur Ivey**, am a member of the Board of Directors of El Paso County Water Improvement District No. 1. At a meeting of such Board of Directors on the 8th day of June, 2022 the following matter came before the Board for consideration:

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

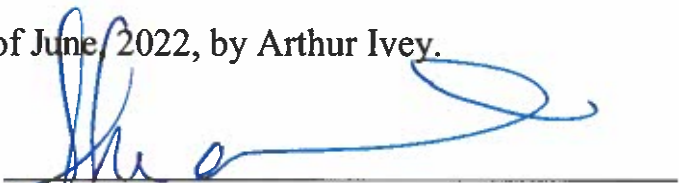
**a. Application 1797, by Ben L. Ivey LTD, consider 2nd offer for approximately 5.522 acres of the Mesa Spur Drain, Ysleta Grant, Block 1, Tract 1-A, City of El Paso, El Paso County, Texas**

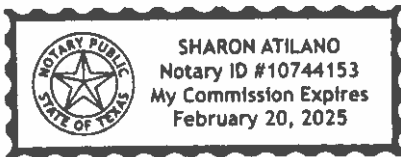
Since the matter involved a business entity or real property in which I have a substantial interest, as defined in Chapter 171 of the Texas Local Government Code, I abstained from participation in the matter. The nature and extent of the interest is the following:

**Applicant is a family relative.**

Signature: 

Subscribed and sworn to this 8th day of June, 2022, by Arthur Ivey.

  
Notary Public, State of Texas  
My commission expires: 2/20/2022



NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OF THE FOLLOWING INFORMATION FROM THIS INSTRUMENT BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVER'S LICENSE NUMBER.

**DEED WITHOUT WARRANTY**

Date: June 15, 2022

**Grantor:** El Paso County Water Improvement District No. 1  
13247 Alameda Avenue  
Clint, TX 79836

**Grantee:** El Paso Municipal Drainage Utility, by and through The El Paso Water Utilities Public Service Board, a component unit of the City of El Paso, a Texas municipal corporation  
154 Hawkins Blvd.  
El Paso, Texas 79925


**Consideration:** One million six hundred thousand dollars and zero cents (\$1,600,000.00)

**Property:** The property is described in the description shown in Exhibit "A" attached hereto and made a part here of this Deed.

Grantor for the above consideration, grants, sells, and conveys to Grantee the Property together with all and singular the rights and appurtenances thereto in any way belonging, to have and to hold it to Grantee and Grantee's heirs, successors, and assigns forever, without express or implied warranty. All warranties that might arise by common law and the warranties in §5.023 of the Texas Property Code (or its successors) are excluded. The property is conveyed subject to "as is" and "where is."

**Special Conditions:** The Grantee's use of the Property shall not interfere in any manner with the Grantor's ability to maintain and/or operate facilities used to convey and/or in the delivery of water using property other than the portion of the Franklin Drain as described in Exhibit "A".

**EL PASO COUNTY WATER IMPROVEMENT DISTRICT NO. 1**

By:   
Johnny Stubbs, President

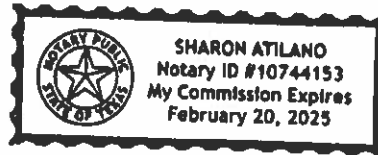
Attested:   
Lorenzo Caballos, Secretary

**STATE OF TEXAS**

**COUNTY OF EL PASO**

This instrument was acknowledged before me on the 15<sup>th</sup> day of June 2022 by Johnny Stubbs, President of El Paso County Water Improvement District No. 1, a political subdivision of the State of Texas organized and existing pursuant to Article XVI, Section 59, of the Constitution of the State of Texas, on behalf of said political subdivision.

**NOTARY IN AND FOR THE STATE OF TEXAS**



#### **EXHIBIT "A"**

**The portion of the Franklin Drain (herein known as "the Property") as described in the "Deed Without Warranty" dated January 19, 1996 from the United States of America to El Paso County Water Improvement District No. 1 (El Paso County Real Property Record Document 96004126) from the Bureau of Reclamation's 1960 Franklin Drain profile map starting at engineering station 425+00 feet at the upstream end of the Franklin Drain to the station of 236+62 feet located immediately south of Texas Farm to Market Road 258 (Socorro Road) The approximate length of the Property is 18,838 feet, the average width of the Property is  $\pm$  120 feet, and the approximate acreage of the Property is  $\pm$  51.9 acres.**