

**Minutes of Regular Meeting
 Board of Directors
 El Paso County Water Improvement District No. 1
 (EPCWID)
 October 12, 2022**

DIRECTORS PRESENT	EMPLOYEES PRESENT
Johnny Stubbs, President	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, Tax Assessor/Collector/Office Manager
Miguel Teran, Director	Pete Rodriguez, Maintenance Manager
	Filberto Cortez, Licensing Manager
	Sharon Atilano, Licensing Assistant
	Claudia Ruiz, Administrative Assistant
LEGAL COUNSEL	Cathy Oyston, Water Records/Dispatcher Supervisor
Phil Bowen, Attorney At Law	Omar Martinez, Grant Writer
	Sonia Ontiveros, Tax Collector Assistant
DISTRICT ENGINEER	David Ortega, Field Representative
Dr. Al Blair, District Engineer	Enrique Perez, Supervisor
	Rene Carmona, Supervisor
	GUESTS
	Robert Kimpel, Visitor
	Jaime Cisneros, Border Patrol
	Jerry Melendez, USBR

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 September 16, 2022 special meeting of the Board of Directors.

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 draft minutes of the Special meeting held on September 16, 2022 are approved.

4. Report and recommendations by Lisa Aguilar, Chief Administrative Officer/Election Officer, concerning office operations, and elections:

a. Recognition of Employee Appreciation Day. No action was taken at this item.

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

a. Engagement Letter for FY2021-FY2022 audit by Pena Briones McDaniel & Co PC.

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 Engagement Letter for FY2021-FY2022 audit by Pena Briones McDaniel & Co PC 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, elimination of collection of taxes pursuant to Texas Property Tax Code Sec 33.02 (2)

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 EPCWID1 recommends adjustments or corrections to the tax rolls for properties with delinquent taxes for 20 or more years as allowed under Texas Property Tax Code Section 33.05(c);

NOW, THEREFORE, BE IT RESOLVED: that the following adjustments and corrections have been reviewed, approved and are attached to these minutes.

- b. Adjustment of assessments- No action was taken at this item.**
- c. 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.**
- d. Comparison of EPCWID1 tax assessments and collection during 2020 and 2021. No action was taken on this item.**
- e. Setting of assessments against irrigable land in EPCWID and setting of assessments against persons who use water, in accordance with Texas Water Code.**

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: that the tax assessment against all irrigable land for the year from January 1 through December 31, 2022 is set at \$25.00 per acre of irrigable land; that the water assessment for both allocated and non-allocated water is set at \$10.00 per acre-foot of water; and that the accounting service charge for

irrigable land account shall be \$20.00 per owner. These assessments are due upon receipt of EPCWID notices and become delinquent on February 1, 2023.

f. Setting contract rate in 2022 for water supplied to tax exempt entities

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 the contract rate for the 2022 calendar year for the water furnished to irrigable, tax-exempt land except the Public Service Board and the Lower Valley Water District is set at \$45.00 per acre foot.

7. General Manager's report concerning the following:

- a. **Award of grant application from American Rescue Plan Act submission by the County of El Paso EPCWID awarded \$640,000 for survey and engineering of Franklin canal (20 miles). No action was taken on this item.**
- b. **Award of grant application from the United States Bureau of Reclamation EPCWID awarded \$100,000 for seepage test of several canals environmental and economics study of the Riverside Regulating Reservoir. 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.
- e. **Engineering projects related to grants and proposals.** 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.

- a. **Application 3146, by Haciendas de Socorro, LLC, for Haciendas de Socorro Subdivision, being a portion of Tract 2-E, block 11, Socorro Grant, City of Socorro, El Paso County, Texas, containing 42.6027 acres, Submission of Irrigable Land Exhibit**

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 the Application 3146, by Haciendas de Socorro, LLC, for Haciendas de Socorro Subdivision, being a portion of Tract 2-E, block 11, Socorro Grant, City of Socorro, El Paso County, Texas, containing 42.6027 acres, Submission of Irrigable Land Exhibit is approved.

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

- a. **Application 3175, Amendment for 2187, by Lower Valley Water District, for a 25-year license for an 8-inch PVC sanitary sewer line inside a 16-inch steel casing via boring method crossing the Salitral Lateral (an irrigation canal), at approximately station 580+11.2**

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 3175, Amendment for 2187, by Lower Valley Water District, for a 25-year license for an 8-inch PVC sanitary sewer line inside a 16-inch steel casing via boring method crossing the Salitral Lateral (an irrigation canal), at approximately station 580+11.2, 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. **8 Applications by MCImetro Access Transmission Services LLC**

Application 3232, by MCImetro Access Transmission Services, LLC, for a 25-year license for an aerial fiber optic cable system, crossing Montoya Lateral Branch "D" (an irrigation canal) at Country Club Rd., at approximately station 45+45.59

Application 3236, by MCImetro Access Transmission Services, LLC, for a 25-year license for an aerial fiber optic cable system, crossing Nemexas Drain (an irrigation canal) at FM259 Canutillo La Union Ave., at approximately station 402+53.28

Application 3237, by MCImetro Access Transmission Services, LLC, for a 25-year license for an aerial fiber optic cable system, crossing Canutillo Lateral (an irrigation canal) at FM259 Canutillo La Union Ave., at approximately station 89+99.85

Application 3242, by MCImetro Access Transmission Services, LLC, for a 25-year license for a subsurface fiber optic cable system, crossing Mesa Drain (an irrigation canal) at Horizon Blvd., at approximately station 658+46.32

Application 3243, by MCImetro Access Transmission Services, LLC, for a 25-year license for a subsurface fiber optic cable system, crossing Y-147 Lateral (an irrigation canal) at Horizon Blvd., at approximately station 68+50.30

Application 3244, by MCImetro Access Transmission Services, LLC, for a 25-year license for a subsurface fiber optic cable system, crossing Mesa Spur Drain (an irrigation canal) at Horizon Blvd., at approximately station 184+18.58

Application 3248, by MCImetro Access Transmission Services, LLC, for a 25-year license for an aerial fiber optic cable system, crossing Franklin Canal (an irrigation canal), at Yarbrough Dr., at approximately station 642+26.93

Application 3249, by MCImetro Access Transmission Services, LLC, for a 25-year license for a 25-year license for an aerial fiber optic cable system, crossing Juan De Herrera Main Lateral (an irrigation canal) at Rosedale Dr., at approximately station 17+60.68

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 8 applications by MCImetro Access Transmission Services LLC, are 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.

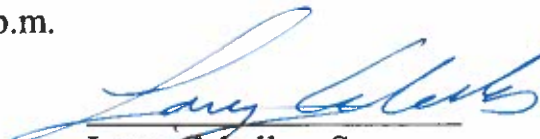
14. Sale of Surplus District Real Property under 49.226 of the Texas Water Code.

- a. **Application 1797, by Ben L. Ivey LTD, 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. No action was taken on this item.**

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.

- b. **Application 3260, by Maria Hernandez, for purchase of approximately 1.27 acres of surplus land within the Clint Spur Drain, San Elizario Grant, Block 19, El Paso County, Texas. No action was taken on this item.**

15. Any or all of the items shown on the attached Closed Meeting Agenda. **The Board then entered into a closed session at 10:37 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 12:13 p.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 12:14 p.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 12th day of October, 2022 the following matter came before the Board for consideration:

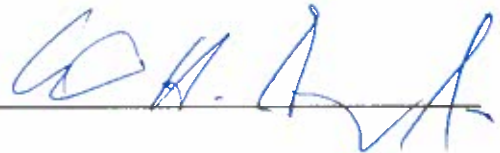
14. Sale of Surplus District Real Property under 49.226 of the Texas Water Code:

a. Application 1797, by Ben L. Ivey LTD, for purchase of approximately 5.522 acres surplus land, within 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 12th day of October, 2022, by Arthur Ivey.

Notary Public, State of Texas

My commission expires: 2/20/2025

