

**Minutes of Regular Meeting  
 Board of Directors  
 El Paso County Water Improvement District No. 1  
 (EPCWID)  
 October 11, 2023**

<b>DIRECTORS PRESENT</b>	<b>EMPLOYEES PRESENT</b>
<b>Johnny Stubbs, President (via zoom)</b>	<b>Jay Ornelas, PE General Manager</b>
<b>Art Ivey, Vice-President</b>	<b>Lisa Aguilar, Chief Administrative Officer</b>
<b>Larry Ceballos, Secretary</b>	<b>Mary Cortez, Chief Financial Officer</b>
<b>George Brooks, Assistant Secretary</b>	<b>Pete Rodriguez, Maintenance Manager</b>
<b>Miguel Teran, Director</b>	<b>Robert Rios, Water Master</b>
	<b>Cathy Oyston, Water Records/ Dispatcher Supervisor</b>
	<b>Rose Rodriguez, Tax Assessor Collector</b>
<b>LEGAL COUNSEL</b>	<b>Sonia Ontiveros, Tax Collector Assistant</b>
<b>Maria O'Brien, Attorney At Law (via zoom)</b>	<b>Claudia Ruiz, Administrative Assistant</b>
<b>Renea Hicks, Attorney At Law (via zoom)</b>	
	<b>GUESTS</b>
<b>DISTRICT ENGINEER</b>	<b>Robert Kimpel, Guest</b>
<b>Dr. Al Blair, PE District Engineer</b>	<b>Jerry Melendez, USBR</b>

1. Call to order and establishment of a quorum.

**There being a quorum of Directors present, the meeting was called to order by Vice-President Art Ivey 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 13, 2023 meetings of the Board of Directors.

After a motion by Johnny Stubbs, seconded by Miguel Teran, 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 September 13, 2023 are approved.**

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

**a. Texas Secretary of State Internet Posting Requirements for Political Subdivision**

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

**RESOLVED: that the Texas Secretary of State Internet Posting Requirements for Political Subdivision is approved.**

**b. Recognition of Employee Appreciation Day.** No action was taken on this item.

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. Quarterly Investment Report**

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

**RESOLVED: that the Quarterly Investment Report for period ending September 30, 2023 is approved.**

**e. Budget for Fiscal Year 2023-2024**

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 Budget for Fiscal Year 2023-2024 is approved.**

6. Report and recommendations by Rose Rodriguez, Tax Assessor Collector, 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 September:**

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:

**WHEREAS: Rose Rodriguez, Tax Assessor/Collector for EPCWID1 recommends adjustments or corrections to the tax rolls reviewed during the month of September 2023;**

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

**1. Carrasco Candelario & Luz B, (\$.78), 2023.**

**b. 2013-2023 The City of El Paso and it's Public Service Board Assignments, 2013-2023 Lower Valley Water District Assignments and Report on tax suits. No action was taken on this item.**

- c. **Comparison of EPCWID tax assessments and collection during 2021 and 2022.** No action was taken on this item.
- d. **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 Larry Ceballos, 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, 2023 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, 2024.**

- e. **Setting contract rate in 2023 for water supplied to tax exempt entities**

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

**RESOLVED: that the contract rate for the 2023 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.**

- f. **Delinquent taxes and associated penalties as authorized by Texas Tax Code §§ 33.07 and 33.08 and contract with Linebarger Goggan Blair & Sampson, LLP, pursuant to Texas Tax Code § 6.30 for the collection of delinquent taxes and associated penalties.**

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

**RESOLVED: that the delinquent taxes and associated penalties as authorized by Texas Tax Code §§ 33.07 and 33.08 and contract with Linebarger Goggan Blair & Sampson, LLP, pursuant to Texas Tax Code § 6.30 for the collection of delinquent taxes and associated penalties is approved.**

7. General Manager's report concerning the following:

**a. Designation of District Records Management Officer required under Local Government Code § 203.025.**

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

**RESOLVED: that the General Manager is designated as the District Records Management Officer required under Local Government Code § 203.025.**

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 3<sup>rd</sup> Party Construction in District Canals and Drains.** 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. Maintenance Manager's report and recommendations concerning the following:

**Drain maintenance program and water delivery system.** No action was taken on this item.

11. Water delivery allocations to EPCWID water users and water available by contract.

**a. Proposal to amend 2001 Third Party Implementing Contract for Income Averaging.** No action was taken on this item.

12. Subdivision Plats within District Boundary requirement in License Manual.

**a. Application 3418, by Yvonne C. Curry, for Upper Valley Ranch Unit Two Subdivision, being lot 1, block 1, Morce Farms, El Paso County, Texas, containing 25.692 acres**

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 application 3418, by Yvonne C. Curry, for Upper Valley Ranch Unit Two Subdivision, being lot 1, block 1, Morce Farms, El Paso County, Texas, containing 25.692 acres for a submission of an irrigable land exhibit is approved.**

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

**6 Application for Spectrum Gulf Coast, LLC**

**a. Application 3116, by Spectrum Gulf Coast, LLC, for a 25-year license for an aerial fiber optic cable system, crossing Alamo Alto Drain (a drainage canal), at Shafer Rd., at approximately station 228+96**

**b. Application 3121A, by Spectrum Gulf Coast, LLC, for a 25-year license for an aerial fiber optic cable system, crossing**

**River Drain (a drainage canal), at Riverside Rd., at approximately station 313+80**

- c. Application 3121B, by Spectrum Gulf Coast, LLC, for a 25-year license for an aerial fiber optic cable system, crossing San Elizario Lateral (an irrigation lateral), at Riverside Rd., at approximately station 338+90**
- d. Application 3124A, by Spectrum Gulf Coast, LLC, for a 25-year license for an aerial fiber optic cable system, crossing River Drain Outlet (a drainage canal), at Fabens Island Rd., at approximately station 63+93**
- e. Application 3124B, by Spectrum Gulf Coast, LLC, for a 25-year license for an aerial fiber optic cable system, crossing Riverside Canal Extension (an irrigation canal), at Fabens Island Rd., at approximately station 288+79**
- f. Application 3124C, by Spectrum Gulf Coast, LLC, for a 25-year license for an aerial fiber optic cable system, crossing I-243 Lateral (an irrigation lateral), at Fabens Island Rd., at approximately station 90+81**

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 6 Applications for Spectrum Gulf Coast, 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.**

#### **8 Applications for Lower Valley Water District**

- g. Application 3330, by Lower Valley Water District, for a 25-year license to place an 8-inch sanitary sewer line inside a 16-**

**inch steel casing crossing Clint Lateral (an irrigation lateral), at FM1110, at approximately station 151+75**

- h. Application 3331, by Lower Valley Water District, for a 25-year license to place an 8-inch sanitary sewer line inside a 16-inch steel casing crossing Mesa Drain (a drainage canal), at FM1110, at approximately station 422+55**
- i. Application 3332, by Lower Valley Water District, for a 25-year license to place an 8-inch sanitary sewer line inside a 16-inch steel casing crossing Salitral Lateral (an irrigation lateral), at Fenter Rd, at approximately station 182+32**
- j. Application 3333, by Lower Valley Water District, for a 25-year license to place an 8-inch sanitary sewer line inside a 16-inch steel casing crossing Salitral Lateral (an irrigation lateral), at FM1110, at approximately station 168+53**
- k. Application 3334, by Lower Valley Water District, for a 25-year license to place a 12-inch water line inside a 24-inch casing crossing Salitral Lateral (an irrigation lateral), at Fenter Rd., at approximately station 182+32**
- l. Application 3336, by Lower Valley Water District, for a 25-year license to place a 12-inch water line inside a 24-inch steel casing crossing Mesa Drain (a drainage canal), at FM1110, at approximately station 422+82**
- m. Application 3337, by Lower Valley Water District, for a 25-year license to place a 12-inch water line inside a 24-inch steel casing crossing Mesa Drain (a drainage canal), at Fenter Rd., at approximately station 392+36**
- n. Application 3346, by Lower Valley Water District, for a 25-year license to place a 6-inch potable water line inside a 12-inch steel casing crossing Ysla Lateral (an irrigation lateral) at Half Moon Pass, approximately station 36+09**

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

**RESOLVED: that the 8 Applications for Lower Valley Water District, 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.**

- o. Application 3412, by the City of El Paso through its El Paso Water Utilities Public Service Board, for a 25-year license to construct a 6-inch potable water by trench at tract 53-6A, owned by EPCWID adjacent to Winn Rd. at Rios yard**

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 Application 3412, by the City of El Paso through its El Paso Water Utilities Public Service Board, for a 25-year license to construct a 6-inch potable water by trench at tract 53-6A, owned by EPCWID adjacent to Winn Rd. at Rios yard 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.**

- p. Application 3430, by Spiess Construction, for a temporary construction license for a temporary materials yard, on the left bank of the Mesa Drain (a drainage canal), at approximately station 397+50**

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 Application 3430, by Spiess Construction, for a temporary construction license for a temporary materials yard, on the left bank of the Mesa Drain (a drainage canal), at approximately station 397+50 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.**

### **3 Application Conterra Networks**

- q. Application 3428, by Conterra Networks, for a 25-year license for an aerial fiber optic cable system, crossing Middle Drain (a drainage canal), at Horizon Blvd., at approximately station 558+48**
- r. Application 3433, by Conterra Networks, for a 25-year license for an aerial fiber optic cable system, crossing Montoya Main Lateral (an irrigation lateral), at Sunset Rd, at approximately station 219+23**
- s. Application 3434, by Conterra Networks, for a 25-year license for an aerial fiber optic cable system, crossing Bowman Lateral (an irrigation lateral), at North Loop Dr., at approximately station 31+34**

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

**RESOLVED: that the 3 Applications Conterra Networks 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. 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 Agreements:

- a. **License 3172-Application 3352, by the City of El Paso through its El Paso Water Utilities Public Service Board, to upgrade existing storm drainage system, Montoya Drain (a drainage canal), at approximately station 188+50**

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 License 3172-Application 3352, by the City of El Paso through its El Paso Water Utilities Public Service Board, to upgrade existing storm drainage system, Montoya Drain (a drainage canal), at approximately station 188+50 is approved upon the condition that the applicant meets all requirements of the approval letter, 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 approval letter, a copy of which is attached hereto.**

- b. **License 1990-Application 3341, by City of Socorro, to place a 6'x 6' concrete box culvert within the Ysla Lateral (an irrigation lateral), for a new roadway crossing on Half Moon Pass, approximately station 36+01**

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 License 1990-Application 3341, by City of Socorro, to place a 6'x 6' concrete box culvert within the Ysla Lateral (an irrigation lateral), for a new roadway crossing on Half Moon Pass, approximately station 36+01 is approved upon the condition that the applicant meets all requirements of the approval letter, including paying all fees and cost required by the approval letter 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 approval letter, a copy of which is attached hereto.**

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. Grants Agreements involving District Real Property:

- a. Grant Assistance Agreement No. R23AP00385 between EPCWID and USBR for WaterSMART (Sustain and Manage America's Resources for Tomorrow) Riverside Canal Concrete Lining Project Phase VI**

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 Grant Assistance Agreement No. R23AP00385 between EPCWID and USBR for WaterSMART (Sustain and Manage America's Resources for Tomorrow) Riverside Canal Concrete Lining Project Phase VI is approved.**


- b. Application to the Rio Grande Council of Government's FY2023 Regional Solid Waste Project Allocation for a Tire Amnesty**

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 Application to the Rio Grande Council of Government's FY2023 Regional Solid Waste Project Allocation for a Tire Amnesty is approved.**

12. Any or all of the items shown on the attached Closed Meeting Agenda.  
**No action was taken on this item.**

21. Consideration of agenda items for next regular board meeting.
22. **Adjournment.** On motion duly made, seconded and carried, the Board Meeting adjourned at 11:53 a.m.



Larry Ceballos, Secretary