

**Minutes of Regular Meeting
Board of Directors
El Paso County Water Improvement District No. 1
(EPCWID)
February 14, 2024**

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

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 January 17, 2024 meetings of the Board of Directors.

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 draft minutes of the special meeting held on January 17, 2024 are approved.

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

a. Ordering election of directors in divisions 1, 3 and 4.

After a motion by Larry Ceballos, seconded by Johnny Stubbs, 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 on Assignment of Board Director Secretary's election duties.

After a motion by George Brooks, 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)

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. Comparison Expenses and Revenue for 2022, 2023, and 2024.**
No action was taken on this item.
 - e. EPCWID FY 2022-2023 Audit.** No action was taken on this item.
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 adjustment- The tax report was reviewed, and the following are the tax adjustments for the month of January 2024:**

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:

WHEREAS: Rose Rodriguez, Tax Assessor/Collector for EPCWID1 recommends adjustments or corrections to the tax rolls reviewed during the month of January 2024;

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

- 1. Diaz Nemecio & Luz G to TDSP Health & Wellness Foundation, (\$82.00), 2022 and 2023**
 - 2. Abraham Sib to Avicon Contractors, (\$8.58), 2023**
 - 3. Rubio Celso & Kathy to Parklplace Boardwalk LLC, (\$1.22), 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 2022 and 2023.** No action was taken on this item.

7. General Manager's report concerning the following:

- a. **Status of Sediment Removal Projects- Franklin Canal and Riverside Canal.** No action was taken on this item.
- b. **Proposed Change to Purchase Order 28556 by increasing the amount of Sediment Removed from Franklin Canal and dollar amount by 25%.**

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 proposed change to Purchase Order 28556 is approved.

- c. **Rio Grande Compact meeting in El Paso, Texas, on Friday, April 26, 2024.** 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. 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.

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

RESOLVED: that the release date for the amount available for delivery has been changed from March 15, 2024 to March 8, 2024.

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

- a. **Application 3166, by ESCO Development, LLC, for Horizon Park Unit One Subdivision, being all of tracts 2A, 2A1, 3B1, 3B1A, 4C1L, 4C1LA, 4C1LB and 9A2, block 3, Socorro Grant, El Paso County, Texas, Submission of Irrigable Land Exhibit**

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

RESOLVED: that application 3166, by ESCO Development, LLC, for Horizon Park Unit One Subdivision, being all of tracts 2A, 2A1, 3B1, 3B1A, 4C1L, 4C1LA, 4C1LB and 9A2, block 3, Socorro Grant, El Paso County, Texas, Submission of Irrigable Land Exhibit for a submission of an irrigable land exhibit is approved.

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

- a. **License 1638, by El Paso Electric Company, for a renewal on a 1-year license to access EPCWID right of way, district wide, for operation and maintenance of existing El Paso Electric Company electrical system**

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 License 1638, by El Paso Electric Company, for renewal on a 1-year license to access EPCWID right of way, district wide, for operation and maintenance of existing El Paso Electric Company electrical system, 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.

b. 3 Applications for Lower Valley Water District

Application 3420, by Lower Valley Water District, for a 25-year license to place a 6-inch sanitary sewer line inside 12-inch steel casing across the Mesa Drain (a drainage canal), at North Loop Rd., at approximately station 436+50

Application 3421, by Lower Valley Water District, for a 25-year license to place a 6-inch sanitary sewer line inside a 12-inch steel casing across the Salitral Lateral (an irrigation lateral), at Estate Drive, at approximately station 121+64

Application 3422, by Lower Valley Water District, for a 25-year license to place a 6-inch sanitary sewer line inside a 12-inch steel casing across the Ysla Lateral (an irrigation lateral), at North Loop Rd., at approximately stations 379+68

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 3 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.

c. 3 Applications for Spectrum Gulf Coast, L.L.C.

Application 3439, by Spectrum Gulf Coast, L.L.C., for a 25-year license for an aerial fiber optic cable system crossing the Fabens Drain (a drainage canal), at Island Road, at approximate station 264+15

Application 3440, by Spectrum Gulf Coast, L.L.C., for a 25-year license for an aerial fiber optic cable system crossing the Island Drain (a drainage canal), at Island Road, at approximately station 269+72

Application 3441, by Spectrum Gulf Coast, L.L.C., for a 25-year license for an aerial fiber optic cable system crossing the Hansen Lateral (an irrigation lateral), at Island Road, at approximately station 192+46

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 3 Applications for Spectrum Gulf Coast, L.L.C., 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.

d. 2 Applications for El Paso Electric

Application 3465, by El Paso Electric, for a 50-year license to construct a three phase 14kv overhead power line crossing the Guadalupe lateral (an irrigation lateral), at Wingo Reserve Road, at approximately station 143+45

Application 3466, by El Paso Electric for a 50-year license to construct a three phase 14kv overhead power line crossing the Barrial lateral (an irrigation lateral), at Chicken Ranch Road, at approximately station 68+85

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 2 Applications for El Paso Electric, 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.

e. Application 3469, by Bowling Brothers Development Co, LLC, for 25-year license for surface use of approximately 0.75 acres of the Y-147 lateral (an irrigation lateral), from approximately station 80+68 to 86+68. No action was taken on this item.

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: **None.**
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.

a. Declaration of approximately 9 acres of surplus land for the Rio Intercepting Drain located near Bustamante WWTP

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 approximately 9 acres of the Rio Intercepting Drain located near Bustamante WWTP is declared surplus to the needs of EPCWID.

19. Grants Agreements involving District Real Property:

- a. **Termination of USBR Grant R19AP00150 for environmental work and concrete lining of the New Mexico portion of the upper La Union East Canal.**

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

RESOLVED: that the termination of USBR Grant R19AP00150 for environmental work and concrete lining of the New Mexico portion of the upper La Union East Canal is approved.

20. Any or all of the items shown on the attached Closed Meeting Agenda.

The Board then entered into a closed session at 11:28 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 12:31 p.m. with no action having been taken in the closed session.

Pursuant to Texas Government Code §551.074, the Board will conduct a closed meeting to deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of the below indicated officer(s) or employee(s) of EPCWID indicated below:

Mary Cortez, Chief Financial Officer - Annual Employment Agreement

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 Board of Directors approve the Annual Employment Agreement of Mary Cortez, Chief Financial Officer.

Lisa Aguilar, Chief Administrative Officer - Annual Employment Agreement

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 Board of Directors approve the Annual Employment Agreement of Lisa Aguilar, Chief Administrative Officer.

21. Consideration of agenda items for next regular board meeting.
22. **Adjournment.** On motion duly made, seconded and carried, the Board Meeting adjourned at 12:34 p.m.


Lorenzo C. Ceballos, Secretary

**Resolution of the Board of Directors of the El Paso County Water Improvement District
No.1 Ordering Election for May 4, 2024**

Whereas, EL PASO COUNTY WATER IMPROVEMENT DISTRICT NO. 1 (hereinafter referred to as “District”) is a political subdivision of the State of Texas, organized and existing under and by virtue of Article XVI, Section 59, of the Constitution of the State of Texas, and operating under Chapter 55 of the Water Code, as well as applicable parts of the Election Code and Chapter 49 of the Water Code; and

Whereas, Section 41.001(a)(2) of the Election Code establishes the first Saturday in May of even-numbered years as the date for elections for District Director positions; and

Whereas, the first Saturday of May in 2024 is May 4th; and

Whereas, the terms of Board Directors for District Divisions 1, 3, and 4 expire in 2024 upon final canvass of election results for the 2024 election.

NOW, THEREFORE, BE IT ORDERED by the Board of Directors of the District that:

1. An election shall be held on May 4, 2024, to elect Board Directors for District Divisions 1, 3, and 4.
2. Under § 49.103(h) of the Water Code, the Secretary of the Board or his designee/agent is authorized to post notice under Election Code § 2.052 (concerning unopposed candidacies) in the event it becomes applicable for any Director positions scheduled for election.
3. The District’s Chief Administrative Officer, whose office is located at El Paso County Water Improvement District No. 1, 13247 Alameda Avenue, Clint, Texas 79836, is designated early voting clerk for this election and is authorized, to the extent required and authorized by law, to designate two additional District employees as deputy early voting clerks to assist her in performing her duties as early voting clerk.
4. Early voting by personal appearance shall begin on April 22, 2024, and end on April 30, 2024. It shall be conducted weekdays (other than state and federal holidays) between the hours of 9:00 a.m. and 1:00 p.m. at El Paso County Water Improvement District No. 1, 13247 Alameda Avenue, Clint, Texas 79836.
5. Voting on May 4, 2024, shall be conducted at two designated polling places, which shall be at El Paso County Water Improvement District No. 1, 13247 Alameda Avenue, Clint, Texas 79836, and El Paso County Water Improvement District No.1, 7254 La Junta, Canutillo, Texas 79835.

District Board Resolution

The Board of Directors ("Board") of El Paso County Water Improvement District No. 1 ("District") resolves as follows:

Whereas, an election for Directors of the District Board is scheduled for May 4, 2024;

Whereas, the District must perform certain administrative duties with respect to conduct of the election, including duties related to voter registration and candidate filings for places on the ballot;

Whereas, the Board Secretary is the Board member with primary responsibility for performance of such duties;

Whereas, the Texas Election Code and the Texas Water Code authorize the District Board to delegate to a District employee such election administration duties as are otherwise assigned the Board Secretary; and

Whereas, the delegation of such election administration duties to a District employee would serve the interests of election administration efficiency;

NOW, THEREFORE, BE IT RESOLVED THAT:

Such election administration duties as are assigned by law to the Secretary of the District Board of Directors, including duties under § 52.002(4) of the Election Code, are hereby delegated to the District's Chief Administrative Officer for purposes related to the conduct of the May 4, 2024, election, who shall serve as the District's agent for purposes of fulfilling election duties under the Election Code, the Special District Local Laws Code, and the Water Code.

This delegation of election duties is effective until completion of all matters concerning the election of May 4, 2024, for District Board Director positions.

