

Notice and Agendas of Open and Closed Special Meeting of El Paso County Water Improvement District No. 1 (EPCWID1) to be held at 13247 Alameda Avenue, Clint, Texas, and telenhonicallv on Wednesday, April 14, 2021 at 9:00 a.m. MDT

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2021 APR 8 PM 4:24

Telephonic Call in Number: 1-800-444-2801

Pass Code: 514 0173

DELIA BRIONES
COUNTY CLERK
EL PASO COUNTY, TEXAS

In accordance with the Texas Open Meetings Act (Texas Government Code Chapter 551), notice is hereby given that, acting pursuant to Texas Government Code Chapter 551, as well as the March 16, 2020, order of the Governor of Texas suspending certain provisions of the Open Meetings Act, the EPCWID1 Board of Directors will convene in open session at the above specified date and time for a special meeting to be conducted by telephone or in person at the above location.

Open Meeting Amended Agenda

1. Call to order and establishment of a quorum.
2. Welcome of guests and public comments.
3. Minutes of March 10, 2021 meeting of the Board of Directors.
4. Report and recommendations by Lisa Aguilar, Chief Administrative Officer/Election Officer, concerning office operations, and elections:
 - a. **Discuss and approve 457 retirement broker recommendation by CAO.**
5. Report and recommendations by Mary Cortez, Chief Financial Officer, concerning financial information, expenditures, budget, and investment policy:
 - a. **Financial Report**
 - b. **\$500.00 Expenditure Report**
 - c. **Legal & Consulting Fees Budget Report**
 - d. **Quarterly Investment Report**
6. Report and recommendations by Rose Rodriguez, Tax Assessor/Collector/Office Manager, concerning adjustments and corrections, if any, to assessments, taxes, and charges by EPCWID1:
 - a. **Review tax report and adjustments**
 - 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**
 - c. **Comparison of EPCWID1 tax assessments and collection during 2019 and 2020**
7. General Manager's report concerning the following:
 - a. **Farmer's zoom meeting scheduled for April 15, 2021 at 1:00 p.m.**
 - b. **Project updates on Riverside Canal, Franklin Canal, and Island Main**
 - c. **Lower Valley Water District proposed dewatering projects**

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- d. Consider offer from Lower Valley Water District to purchase 1 acre of the Franklin Drain next to Mauro Rosas Park**
8. District Engineer's reports and recommendations concerning the following:
 - a. Rio Grande Project Operating Agreement Accounting**
 - b. Rio Grande Project Compact Accounting**
 - c. Rio Grande Project Water Supply and Water Allocations**
 - d. Status of 3rd Party Construction in District Canals and Drains**
9. Maintenance Manager's reports and recommendations concerning the following:
 - a. Drain maintenance program and water delivery system**
10. Water Master's reports and recommendations concerning the following:
 - a. Water use and availability**
11. Water delivery allocations to EPCWID1 water users and water available by contract.
12. Subdivision Plats within District Boundary requirement in License Manual:
 - a. Application 2290, by EPWCV, LLC, for Village at Westside Crossing Phase One Subdivision, being a portion of Tracts 1H, Block 10, Upper Valley Grant Surveys, City of El Paso, El Paso County, Texas, containing 60.8344 acres, Submission of Irrigable Land Exhibit**
 - b. Application 3003, by Del Rio Engineering, Inc, for Sunset Valley Estates Unit II Subdivision, being a portion of Tracts 1-A, 1-C, 1-C-1, 1-D, 2-A, 2-C, 2-E Block 10, & a Portion of Tracts 5-A, 5-D, 5-D-1, 6-A, 6-B, 6-B-1, 7-B, 7-B-1, Block 11, Socorro Grant Surveys, El Paso County, Texas, containing 25.676 acres, Submission of Irrigable Land Exhibit**
 - c. Application 3008, by Daniel Alderete for Diamantina VII Subdivision, being a portion of Lots 1 and 2, Block 1, Smith Subdivision, City of El Paso, Texas, containing 2.2773 acres, Submission of Irrigable Land Exhibit**
 - d. Application 3013, by Tropicana Building II, LLC, for Green Acres Subdivision Replat "A", being replat of all of Blocks 5 and 6; a portion of Lot 1, Block 2; all of Lots 5 through 15, a portion of Lots 3 and 4, Block 3; a portion of Lots 1 and 2, Block 4, a portion of Lots 5, 6, 7, and 8, Block 7; a portion of Lot 10, Block 9; all of Lots 1 through 6, and a portion of Lot 7, Block 10; all of Sienna Way and Sorchum Lane right of ways; and a portion of Oleaster Drive, Sorrel Drive, and Tamarix Lane right of ways, Green Acres Subdivision, City of El Paso, El Paso County, Texas, containing 27.04 acres, Submission of Irrigable Land Exhibit**
13. Applications for Licenses for Use of District Real Property:

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- a. **Application 3004, by Conterra Ultra Broadband, LLC, for a 20-year license to construct a subsurface fiber optic cable system across Southside Feeder Lateral (an irrigation canal) at Americas Avenue, LP 375, approximately Station 10+64 via horizontal directional drilling**
 - b. **Application 3010, by El Paso Electric Company, for a 50-year license to cross the Franklin Canal at approximately station 1089+30 at Tanton Road to construct a three (3) phase (14kV) overhead power line**
 - c. **Application 3011, by El Paso Electric Company, for a 50-year license for an existing three (3) phase (14kV) overhead power line parallel and adjacent on the Franklin Canal right bank, approximately station 1079+65 to 1089+60 near Passmore Road**
 - d. **Application 3012, by El Paso Electric Company, for a 50-year license to cross the Franklin Canal at approximately station 1083+71 at Passmore Road to construct a three (3) phase (14kV) overhead power line**
14. Agreement to classify Non-irrigable Land as Irrigable Land:
- a. **Application 3015, by Ronald G. and Maria J. Franco, for classification of Lots 3-7, Block 10, Clint Townsite Subdivision, approximately (0.34 ac), in the Town of Clint, El Paso County, Texas, as irrigable lands**
15. Sale of Surplus District Real Property under 49.226 of the Texas Water Code:
- a. **Declaration of surplus land and authorization to sell portion of Mesa Spur Drain, from the heading to east end of the limits of the City of El Paso, approximately 2,000 linear feet**
16. Any or all of the items shown on the attached Closed Meeting Agenda.
17. Consideration of agenda items for next regular board meeting.
18. Adjournment.

At any time during the open meeting, the Board of Directors may retire into a closed meeting to discuss the subjects shown on the Closed Meeting Agenda after the presiding officer publicly announces that a closed meeting will be held; and identifies the section or sections of Chapter 551 of the Texas Government Code under which the closed meeting is held.

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Closed Meeting (Executive Session) Amended Agenda

1. Pursuant to Texas Gov. Code §551.071 the Board of Directors will conduct a private consultation with its attorneys seeking advice of such attorneys regarding the following pending or contemplated litigation; or settlement offer(s); or on the following matter(s) in which the duty of the attorneys to EPCWID1 under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflict with chapter 551 of the Texas Government Code:
 - a. **New Mexico Lower Rio Grande Water Rights Adjudication No. CV-96-888-SSI 97-104/107.**
 - b. **Status of State of Texas v State of New Mexico and State of Colorado, No. 220141 Original in the United States Supreme Court and Intervention by the United States.**
 - c. **State of New Mexico ex rel. Office of The New Mexico State Engineer, Plaintiff-Appellee, v. Margie Garcia Oscar v. Butler, Rose Marie Arispe Butler and Sammie Singh, Defendants-Appellants, and Elephant Butte Irrigation District, et. al., Defendants No. A-1-CA-36269.**
 - d. **Albert Lopez & Lexby Lopez vs. City of El Paso, Texas, EPCWID#1, Mid-West Textile Company and Union Pacific Railroad Company, Cause No. 2017-DCV0065.**
 - e. **Rogelio Trevizo vs. El Paso County Water Improvement District #1, Cause No. 2019DCV1164.**
 - f. **ALLIANCE ESG, LLC d/b/a ALLIANCE ENVIRONMENTAL SERVICES GROUP and GERALD and CHRISTINE GOODWIN, Individually, Plaintiffs, vs. EL PASO WATER IMPROVEMENT DISTRICT NO. 1, Defendant, Cause No. 2020DCV2782.**
2. Pursuant to Texas Government Code §551.072, the Board will conduct a closed meeting to discuss the licensing, sale, purchase, exchange, lease or value of real property as shown on the open meeting agenda under items 7, 12, 13, 14 and/or 15.
3. 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 EPCWID1 indicated below:

None
4. Pursuant to Texas Government Code §551.076, the Board will conduct a closed meeting to deliberate Security Devices or Security Audits.
5. Pursuant to Texas Government Code §551, the Board will conduct a closed meeting to receive advice regarding professional service contracts.

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In accordance with §551.102, Texas Gov. Code, during the closed meeting there will be no final action, decision, or vote on any of the above closed meeting agenda items. The Board of Directors may move any of the closed meeting agenda items to the open meeting for consideration and action.