

Notice and Agendas of Open and Closed Regular Meeting of El Paso County Water Improvement District No. 1 (EPCWID1) to be held at 13247 Alameda Avenue, Clint, Texas, and telephonically on Wednesday, September 15, 2021 at 9:00 a.m. MDT

**Telephonic Call in Number: 1-800-444-2801
Pass Code: 514 0173**

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 Agenda

1. Call to order and establishment of a quorum.
2. Welcome of guests and public comments.
3. Minutes of August 11, 2021 meeting of the Board of Directors.
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**
 - b. **\$500.00 Expenditure Report**
 - c. **Legal & Consulting Fees Budget Report**
 - d. **Budget for Fiscal Year 2021-2022**
 - e. **EPCWID Annual Audit Report for Fiscal Year 2020**
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. **Resolution approving application to the U.S. Bureau of Reclamation FY2022 Drought Response Program to make improvements to the Riverside Regulating Reservoir**

FILED FOR RECORD
IN MY OFFICE

2021 SEP 9 AM 9:28

DELIA BRIONES
COUNTY CLERK
EL PASO COUNTY, TEXAS

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- b. Resolution approving application to the Rio Grande Council of Government's FY2021 Regional Solid Waste Project Allocation for purchasing a small solid waste shredding machine**
 - c. President Joe Biden appoints former General Manager, Maria Elena Giner, of the Border Environment Cooperation Commission as United States Commissioner of International Boundary Water Commission**
 - d. USBR grant award for 75 thousand dollars, for concrete lining of Montoya Main and Montoya A Laterals**
 - e. Application 2249, by Lower Valley Water District, consider 2nd offer for portion of Dolan Drain, from heading to Skov Road, Block 12, Socorro Grant, approximately 13 acres of surplus land.**
 - f. Review and Update of Drought Policies regarding Use of District Rights-of-Ways**
 - g. Discuss the 2001 Implementing 3rd Party Contract and License 1900 for use of District's drains within the limits of the City of El Paso**
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: **None**
12. Subdivision Plats within District Boundary requirement in License Manual: **None**
13. Applications for Licenses for Use of District Real Property:
- a. Application 3026, by Zayo Group, for a 25-year-license to construct a subsurface fiber optic cable system across Franklin Canal (an irrigation canal) at the intersection of Delta, approximately station 174+82**
 - b. Application 3054, by Conterra Ultra Broadband LLC, for a 25-year-license to construct an aerial fiber optic cable system across Franklin Canal (an irrigation canal) at the NW intersection of Alameda Avenue & Nevarez Rd., approximately station 901+94.33**

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- c. Application 3055, by Transtelco, Inc., for a 25-year-license to construct an aerial fiber optic cable system across Franklin Canal (an irrigation canal) Northeast East of Ramos Court, approximately station 452+29.74**
- d. Application 3056, by Transtelco, Inc., for a 25-year-license to construct an aerial fiber optic cable system across Franklin Canal (an irrigation canal), South of N. Carolina Dr., approximately station 536+57.07**
- e. Application 3057, by Transtelco, Inc., for a 25-year-license to construct an aerial fiber optic cable system across Franklin Canal (an irrigation canal), at Alameda Avenue approximately station 609+66.3**
- f. Application 3058, by Transtelco, Inc., for a 25-year-license to construct an aerial fiber optic cable system across Franklin Canal (an irrigation canal), NW of Valdespino St. approximately station 679+99.22**
- g. Application 3059, by Transtelco, Inc., for a 25-year-license to construct an aerial fiber optic cable system across Franklin Canal (an irrigation canal), at N. Zaragoza Rd. approximately station 763+63.4**
- h. Application 3060, by Transtelco, Inc., for a 25-year-license to construct an aerial fiber optic cable system across Franklin Canal (an irrigation canal), at Alameda Avenue approximately station 794+41.66**
- i. Application 3061, by Transtelco, Inc., for a 25-year-license to construct a subsurface optic cable system across Southside Feeder Lateral (an irrigation canal), at Socorro Rd. approximately station 16+16.6**
- j. Application 3062, by Transtelco, Inc., for a 25-year-license to construct an aerial optic cable system across Southside Feeder Lateral (an irrigation canal), at Southside Rd. approximately station 45+40.72**
- k. Application 3063, by Transtelco, Inc., for a 25-year-license to construct an aerial optic cable system across Middle Drain (an irrigation canal), at N. Zaragoza Rd. approximately station 788+03.35**
- l. Application 3064, by Transtelco, Inc., for a 25-year-license to construct an aerial optic cable system across Jornado Lateral (an irrigation canal), at Old County Dr. approximately station 62+33.81**
- m. Application 3065, by Transtelco, Inc., for a 25-year-license to construct a subsurface optic cable system across Jornado Lateral (an irrigation canal), at Alameda Avenue approximately station 68+38.23**
- n. Application 3066, by Transtelco, Inc., for a 25-year-license to construct an aerial optic cable system across Jornado Lateral (an irrigation canal), at Davis Dr. approximately station 34+14.90**

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- p. Application 3067, by Transtelco, Inc., for a 25-year-license to construct an aerial optic cable system across Jornada Lateral (an irrigation canal), SW of intersection of New Haven and Roseway Dr. approximately station 0+88.41**
 - o. Application 3068, by Transtelco, Inc., for a 25-year-license to construct an aerial optic cable system across Juan De Herrera Main Lateral (an irrigation canal), SW of Indian Place approximately station 119+01.18**
 - p. Application 3069, by Transtelco, Inc., for a 25-year-license to construct an aerial optic cable system across Cinecua Lateral (an irrigation canal), at Yarbrough Dr. approximately station 00+84**
 - q. Application 3070, by Transtelco, Inc., for a 25-year-license to construct an aerial optic cable system across Irwin Lateral (an irrigation canal), at Yarbrough Dr. approximately station 0+82**
 - r. Application 3071, by Transtelco, Inc., for a 25-year-license to construct an aerial optic cable system across Playa Lateral (an irrigation canal), at Pecan Ct. approximately station 33+17.55**
 - s. Application 3072, by Transtelco, Inc., for a 25-year-license to construct an aerial optic cable system across Mesa Drain (an irrigation canal), at Caliche approximately station 1119+26.44**
 - t. Application 3073, by Transtelco, Inc., for a 25-year-license to construct an aerial optic cable system across Bowman Lateral (an irrigation canal), at North Loop Dr. approximately station 27+89.11**
14. Sale of Surplus District Real Property under 49.226 of the Texas Water Code: **None**
15. Any or all of the items shown on the attached Closed Meeting Agenda.
16. Consideration of agenda items for next regular board meeting.
17. 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) 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 COUNTY 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.