

**Notice and Agendas of Open and Closed Meetings of El Paso County Water Improvement District No. 1 (EPCWID1) to be held at 13247 Alameda Avenue, Clint, Texas, May 11, 2022 at 9:00 a.m. MDT**

In accordance with the Texas Open Meetings Act, notice is hereby given that the Board of Directors of the El Paso County Water Improvement District (EPCWID) will meet in open and closed meetings at the above location, date, and time to consider and act upon the following:

**Open Meeting Agenda**

FILED FOR RECORD  
IN MY OFFICE

2022 MAY 5 AM 9:30

DELIA BRIONES  
COUNTY CLERK  
EL PASO COUNTY, TEXAS

1. Call to order and establishment of a quorum.
2. Welcome of guests and public comments.
3. Minutes of April 13, 2022 meeting of the Board of Directors.
4. Report and recommendations by Lisa Aguilar, Chief Administrative Officer/Election Officer, concerning office operations, and elections:
  - a. **Swearing in of unopposed Re-elected Directors**
  - b. **Election of EPCWID Officers**
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**
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. **2013-2022 The City of El Paso on behalf of Public Service Board Assignments, 2013-2022 Lower Valley Water District Assignments and Report on tax suits**
  - c. **Comparison of EPCWID1 tax assessments and collection during 2020 and 2021**
7. General Manager's report concerning the following:
  - a. **Report of Compact Meeting, Alamosa, Colorado**
  - b. **Farmers meeting, allocation, small tract schedule dates**
  - c. **Report on Riverside Canal concrete lining project**
  - d. **Resolution approving application to the U.S. Bureau of Reclamation FY2023 WaterSMART Drought Response Program to construct the Riverside Regulating Reservoir**
  - e. **Resolution approving application to the U.S. Bureau of Reclamation FY2023 WaterSMART Water and Energy Efficiency Grants program to concrete line a section of the Riverside Canal**

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- f. **Resolution approving application to the U.S. Bureau of Reclamation FY2023 WaterSMART Water and Energy Efficiency Grants program to concrete line a section of the Franklin Canal**
  - g. **Resolution approving application to the El Paso County American Rescue Plan Act Notice of Funding Opportunity to purchase major equipment and complete survey, engineering design, and environmental work for the Franklin Canal.**
  - h. **License 3172, by the City of El Paso, for a 5-year license for use of District's Drains within the limits of the City of El Paso for conveyance of Storm Water and Groundwater, and Subsurface installation of Water or Sewer Pipeline Crossings**
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 3<sup>rd</sup> Party Construction in District Canals and Drains**
  - e. **District Policy regarding sale and 3<sup>rd</sup> party use of District property (TGC §551.072 item)**
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:
- a. **Application 3108, by Cuatro Land Holding LLC, for River View Estates Subdivision, being all of Tracts 15-C and 15-G, a portion of tract 15-D, block 13, Upper Valley Surveys, and lot 25, Block 1, Edmundo Kauffman Estates Replat "A", El Paso County, Texas**
13. Applications for Licenses for Use of District Real Property:
- a. **Application 3139, by Texas Department of Transportation, for a temporary ingress and egress construction easement along Franklin Canal (an irrigation canal) in the vicinity of Station 250+41 to 263+57**
  - b. **Application 3148, by MCImetro Access Transmission Service Corporation, for a 25-year license for a subsurface fiber optic cable system crossing the Montoya Lateral (an irrigation canal) at Country Club Rd, at approximately station 20+35.42**

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- c. **Application 3151, by MCImetro Access Transmission Service Corporation, for a 25-year license for a subsurface fiber optic cable system crossing the Montoya Main Lateral (an irrigation canal) at Country Club Rd., at approximately station 185+01.96**
  - d. **Application 3152, by MCImetro Access Transmission Service Corporation, for a 25-year license for a subsurface fiber optic cable system crossing the Montoya Drain (an irrigation canal) at Country Club Place, at approximately station 215+44.35**
  - e. **Application 3153, by MCImetro Access Transmission Service Corporation, for a 25-year license for a subsurface fiber optic cable system crossing the Franklin Canal (an irrigation canal) at Little Flower Rd., at approximately station 455+41.21**
  - f. **Application 3154, by MCImetro Access Transmission Service Corporation, for a 25-year license for a subsurface fiber optic cable system crossing the Alfalfa Lateral (an irrigation) at Woodridge Rd., at approximately station 5+47.23**
  - g. **Application 3155, by MCImetro Access Transmission Service Corporation, for a 25-year license for a subsurface fiber optic cable system crossing the Mesa Drain (an irrigation canal) at Carolina Drive, at approximately station 1126+03.06**
  - h. **Application 3158, by Texas Gas Service Company, a division of ONEGas, Inc., for a 25-year license to construct 2-inch PPE gas line encased in a 4-inch steel pipe on the Franklin Canal (an irrigation canal), at approximately station 1557+35.35**
  - i. **Application 3159, by MCImetro Access Transmission Service Corporation, for a 25-year license for a subsurface fiber optic cable system crossing the Franklin Canal (an irrigation canal) at Washington St., at approximately station 286+14.37**
  - j. **Contract 3168, by Spencer Construction LLC, for a Contract for Purchase of Non-Potable Raw Water for Use in Controlling Dust**
14. Sale of Surplus District Real Property under 49.226 of the Texas Water Code:
- a. **Consideration of offer by City of El Paso on behalf of Public Service Board for a portion of the Franklin Drain**
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, 8, 12, 13 and/or 14.
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.