

Notice and Agendas of Open and Closed Meetings of El Paso County Water Improvement District No. 1 (EPCWID) to be held at 13247 Alameda Avenue, Clint, Texas, October 11, 2023 at 9:00 a.m.

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 No. 1 (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

1. Call to order and establishment of a quorum.
2. Welcome of guests and public comments.
3. Minutes of September 13, 2023 meeting of the Board of Directors.
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**
 - b. **Recognition of Employee Appreciation Day**
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 and Consulting Fees Budget Report**
 - d. **Quarterly Investment Report**
 - e. **Budget for Fiscal Year 2023-2024**
6. Report and recommendations by Rose Rodriguez, Tax Collector, concerning adjustments and corrections, if any, to assessments, taxes, and charges by EPCWID:
 - a. **Review tax report and adjustments.**
 - b. **2013-2023 The City of El Paso on behalf of Public Service Board Assignments, 2013-2023 Lower Valley Water District Assignments and Report on tax suits.**
 - c. **Comparison of EPCWID tax assessments and collection during 2021 and 2022**
 - d. **Setting of assessments against irrigable land in EPCWID and setting of assessments against persons who use water, in accordance with Texas Water Code**
 - e. **Setting contract rate in 2023 for water supplied to tax exempt entities**
 - 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.**
7. General Manager's report concerning the following:
 - a. **Designation of District Records Management Officer required under Local Government Code § 203.025.**

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2023 OCT 06 AM 9:27

DELIA BRIONES
COUNTY CLERK
EL PASO COUNTY, TEXAS

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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. Water Master's reports and recommendations concerning the following:
 - a. Water use and availability**
10. Maintenance Manager's reports and recommendations concerning the following:
 - a. Drain maintenance program and water delivery system**
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**
12. Subdivision Plats within District Boundary requirement in License Manual (irrigable land exhibit):
 - 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**
13. Applications for Licenses and Memorandums of Understanding for Use of District Real Property:
 - 6 Applications 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**

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**
- 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**
- 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**

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**

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- 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**
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 Agreement:
- 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**
 - 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**
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. Grant 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**
 - b. Application to the Rio Grande Council of Government's FY2023 Regional Solid Waste Project Allocation for a Tire Amnesty**
20. Any or all of the items shown on the attached Closed Meeting Agenda.
21. Consideration of agenda items for next regular board meeting.
22. 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 EPCWID 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. 22O141 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. **Rogelio Trevizo vs. El Paso County Water Improvement District #1, Cause No. 2019DCV1164**
 - e. **Carlos Rangel, Plaintiff v. Pedro Sarinana and El Paso County Water Improvement District No. 1, Defendant, Cause No. 2022DCV0546**
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 11, 12, 13, 14, 15, 16, 17, 18 and/or 19.
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 EPCWID 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. **None.**

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.