

**Minutes of Regular Meeting
Board of Directors
El Paso County Water Improvement District No. 1
("EPCWID")
August 12, 2015**

DIRECTORS PRESENT	OTHERS PRESENT
Johnny Stubbs, President	Jesus Reyes, General Manager
Art Ivey, Vice-President	Al Blair, District Engineer/Consultant via telephone
Indar Singh, Secretary	Jim Speer, Attorney At Law
Larry Ceballos, Director	Jay Ornelas, Assistant District Engineer
Miguel Teran, Director	Mary Cortez, Chief Financial Officer
	Sharon Atilano, Administrative Assistant
	Phil Bowen, Attorney At Law
	Robert Rios, Water Master
	Pete Rodriguez, Maintenance Manager
	Lisa Aguilar, HR Manager
	Rose Rodriguez, Tax Assessor/Collector/Office Manager
	Cathy Oyston, Farm Tract Coordinator
	Reuben Chavez, Visitor
	Robert Kimpel, Visitor
	Christian Pfennig, Legacy Field Services

1. Call to order and establishment of a quorum.

There being a quorum of Directors present, the meeting was called to order by President Johnny Stubbs at 8:30 a.m., and the Directors then proceeded to consider the following:

2. Welcome of guests.

No action was taken on this item.

3. Approval of minutes of Regular Meeting held on July 8, 2015 of the Board of Directors.

Draft minutes of the Regular Meeting on July 8, 2015, of the Board of Directors were presented for approval.

After a motion by Larry Ceballos, seconded by Indar Singh, duly considered and carried by unanimous vote of the Board it was:

RESOLVED: that the draft minutes of the Regular Meeting held on July 8, 2015, are approved.

4. Report and recommendations by Mary Cortez, Accountant, concerning financial information, expenditures, budget, and investment policy:

- a. **July Report for the month ending July 31, 2015 were presented to the Board of Directors.** No action was taken on this item.
- b. **\$500 Expenditure Report for the month of July 2015 was presented to the Board of Directors.** No action was taken on this item.
- c. **Legal & Consulting Fees Budget Report.** No action was taken on this item.
- d. **2014-2015 Fiscal Year Budget Amendment.**

After a motion by Larry Ceballos, seconded by Miguel Teran, duly considered and carried by unanimous vote of the Board it was:

RESOLVED: that the 2014-2015 fiscal year budget amendment is approved.

- e. **Revision of items 12002 and 13002 shown on the EPCWID balance sheet for "Structure-Water."** No action was taken on this item.

5. Consideration of a letter proposed by the United States in the pending US Condemnation case proceeding allowing unopposed possession by the United States of Chicken Ranch Road, Silverman Road, Jess Harris

Road, and Lee Moor Road for the construction of temporary and permanent bridges.

After a motion by Indar Singh, seconded by Larry Ceballos, duly considered and carried by unanimous vote of the Board it was:

RESOLVED: that the proposed letter by the United States in the pending U.S. Condemnation case proceeding allowing unopposed possession by the United States of Chicken Ranch Road, Silverman Road, Jess Harris Road, and Lee Moor Road for the construction of temporary and permanent bridges is approved.

6. Recommendation of the Texas Commission on Environmental Quality (TCEQ) regarding EPCWID Auditor (2016-2017). **No action was taken on this item.**
7. Report and recommendations by Rose Rodriguez, Tax Assessor/Collector/Office Manager, concerning adjustments and corrections, if any, to assessments, taxes, and charges by EPCWID.

a. Review tax report and approval of adjustments.

The delinquency report was presented and reviewed by the Tax Assessor/Collector/Office Manager.

Adjustments and corrections for July to 2015 tax roll.

After a motion by Indar Singh, 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/Office Manager for EPCWID recommends adjustments or corrections to the tax rolls reviewed during the month of July 2015;

NOW, THEREFORE, BE IT RESOLVED: that the adjustments and corrections to the 2012 and 2014 tax rolls for

property owned by the State of Texas; is approved as shown on the exhibit attached to these minutes.

- b. 2013-2015 El Paso Public Service Board leases and assignments.** No action was taken on this item.
- c. Comparison of EPCWID tax assessments and collections during 2013 and 2014.** No action was taken on this item.
- d. Report on tax suits and interventions filed by EPCWID.** No action was taken on this item.

8. General Manager's report concerning the following:

- a. Update of allocation of project water.** No action was taken on this item.
- b. EPCWID policy regarding relations between EPCWID and any labor union.** No action was taken on this item.
- c. Conversion of the fiscal year of EPCWID from its present ending date of August 31, 2015 to a later date during each calendar year.**

After a motion by Miguel Teran, seconded by Indar Singh, duly considered and carried by unanimous vote of the Board it was:

RESOLVED: that the beginning of the fiscal year has been moved to November 1st and the ending of the fiscal year has been moved to October 31st.

9. 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. Status of 3rd Party Construction in District Canals and Drains.** 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 master's report and recommendations concerning the following:

Water use and availability. No action was taken on this item.

12. Water delivery allocations to EPCWID water users and water available by contract. **No action was taken on this item.**

13. Consideration of Applications to Use District Property or Approval of Construction Dewatering Licenses for Conveying Groundwater:

- a. **Application 1796, by Horizon Dewatering, L.L.C., a limited liability corporation in the State of Texas, for dewatering into Upper Clint Lateral near Vineyard Road and F.M. 258 for construction of underground utilities for Socorro Palms Apartments**

After a motion by Art Ivey, seconded by Indar Singh, duly considered and carried by unanimous vote of the Board it was:

RESOLVED: that Application 1796 by Horizon Dewatering, L.L.C., a limited liability corporation in the State of Texas, for dewatering into Upper Clint Lateral near Vineyard Road and F.M. 258 for construction of underground utilities for Socorro Palms Apartments is approved upon the condition that the applicant meets all requirements of the license, including paying all fees and costs required by the license and providing the District with three signed originals of the license to the District, both within 60 days hereafter, and the officers of EPCWID No. 1 are authorized and directed to execute such license, a copy of which is attached hereto.

Requests to Classify Land within EPCWID as Irrigable:

- b. **Application 1670, by Jack H. & Jeffery A. Blackwell, for classification of property located on Clayton Road (Tract 15T, Block 6, Upper Valley Survey) approximately (0.73 ac),**

City of El Paso, Texas, El Paso County, Texas, as irrigable lands.

After a motion by Larry Ceballos, seconded by Art Ivey, duly considered and carried by unanimous vote of the Board it was:

RESOLVED: that Application 1670 by Jack H. & Jeffery A. Blackwell for classification of property located on Clayton Road (Tract 15T, Block 6, Upper Valley Survey) at approximately (0.73 ac), in the City of El Paso, Texas, El Paso County, Texas as irrigable lands is approved and the officers of EPCWID No. 1 are authorized and directed to execute such contract, a copy of which is attached hereto and that the fees are grandfathered.

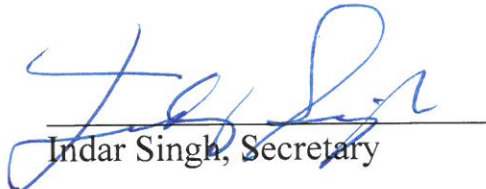
14. Status of and/or action on bids for purchases or sale and/or easements of real property:

Art Ivey left the room and abstained from any discussion on item 14(a).

- a. Consider offer from Ben Ivey to purchase portion of Mesa Spur Drain. **No action was taken on this item.**
- b. Lease agreement for utilization of drains by El Paso Public Service Board. **No action was taken on this item.**

15. Any or all of the items shown on the attached Closed Meeting Agenda. **The Board then entered into a closed session at 10:36 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 11:25 a.m. with no action having been taken in the closed session.**

16. **Adjournment.** On motion duly made, seconded and carried, the Board Meeting adjourned at 11:26 a.m.


Indar Singh, Secretary

**Affidavit of Abstention by Member of the Board of Directors of
El Paso County Water Improvement District No. 1**

I, Art Ivey, am a member of the Board of Directors of El Paso County Water Improvement District No. 1. At a meeting of such Board of Directors on the 12th day of August, the following matter came before the Board for consideration:

14(a) Consider offer from Ben Ivey
to purchase portion of mesa Spar
Drain.

Since the matter involved a business entity or real property in which I have a substantial interest, as defined in Chapter 171 of the Texas Local Government Code, I abstained from participation in the matter. The nature and extent of the interest is the following:

My cousin is Ben Ivey and I believe it
appropriate for me to recuse myself from
any discussion or action regarding this matter.

Signature: Art Ivey

Subscribed and sworn to this 12th day of August, 2015 by Art Ivey.



Sharon Atilano
Notary Public, State of Texas
My commission expires: 2/20/2017

BOARD POLICY
Affidavit and Abstention from Voting

(ADM/Affidavit 01-1997)

All members of the Board of Directors of the El Paso County Water Improvement District No. 1 will comply with the following statute regarding conflicts of interest:

V.T.C.A., Local Government Code, Sec. 171.004

Affidavit and Abstention from Voting Required

(a) If a local public official has a substantial interest in a business entity or in real property, the official shall file, before a vote or decision on any matter involving the business entity or the real property, an affidavit stating the nature and extent of the interest and shall abstain from further participation in the matter if:

- (1) in the case of a substantial interest in a business entity the action on the matter will have a special economic effect on the business entity that is distinguishable from the effect on the public; or
- (2) in the case of a substantial interest in real property, it is reasonably foreseeable that an action on the matter will have a special economic effect on the value of the property, distinguishable from its effect on the public.

(b) The affidavit must be filed with the official record keeper of the governmental entity.

(c) If a local public official is required to file and does file an affidavit under Subsection (a), the official is not required to abstain from further participation in the matter requiring the affidavit if a majority of the members of the governmental entity of which the official is a member is composed of persons who are likewise required to file and who do file affidavits of similar interests on the same official action.

/15/97

Approved