

**Minutes of Regular Meeting
Board of Directors
El Paso County Water Improvement District No. 1
("EPCWID")
May 9, 2018**

DIRECTORS PRESENT	OTHERS PRESENT
Art Ivey, Vice-President	Jesus Reyes, General Manager
Indar Singh, Secretary	Maria O' Brien, Attorney at Law
Larry Ceballos, Director	Phil Bowen, Attorney At Law
Miguel Teran, Director	Jim Speer, Attorney At Law
	Jay Ornelas, Assistant District Engineer
NOT PRESENT	Dr. Al Blair, District Engineer
Johnny Stubbs, President	Sharon Atilano, Engineering Assistant
	Adriana Avila, Receptionist
	Lisa Aguilar, Chief Administrative Officer
	Mary Cortez, Chief Financial Officer
	Rose Rodriguez, Tax Collector/Assistant Manager
	Robert Rios, Water Master
	Pete Rodriguez, Maintenance Manager
	Jerry Melendez, Visitor
	Robert Kimpel, Visitor
	Thomas Varlloury, Visitor

1. Call to order and establishment of a quorum.

There being a quorum of Directors present, the meeting was called to order by Vice-President Art Ivey 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. Swearing in of unopposed Re-elected Directors.

Lisa Aguilar, Chief Administrative Officer, administered the Oath of Office to Miguel Teran and Art Ivey.

4. Election of EPCWID Officers.

After a motion by Miguel Teran, seconded by Larry Ceballos, duly considered and carried by unanimous vote of the Directors, except for Johnny Stubbs, who did not vote on the motion, it was:

RESOLVED: that the Directors elect Johnny Stubbs as President of the Board of Directors of El Paso County Water Improvement District No. 1.

After a motion by Miguel Teran, seconded by Larry Ceballos, duly considered and carried by unanimous vote of the Directors, except for Art Ivey, who did not vote on the motion, it was:

RESOLVED: that the Directors elect Art Ivey as Vice-President of the Board of Directors of El Paso County Water Improvement District No. 1.

After a motion by Miguel Teran, seconded by Larry Ceballos, duly considered and carried by unanimous vote of the Directors, except for Indar Singh, who did not vote on the motion, it was:

RESOLVED: that the Directors elect Indar Singh as Secretary of the Board of Directors of El Paso County Water Improvement District No. 1.

5. Minutes of April 11, 2018 meeting of the Board of Directors.

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 April 11, 2018 are approved.

6. Report and recommendations by Mary Cortez, Chief Financial Officer, concerning financial information, expenditures, budget, and investment policy:

- a. **April Report for the month ending April 30, 2018 were presented to the Board of Directors.** No action was taken on this item.
- b. **\$500 Expenditure Report for the month of April 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.

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 adjustments by the Tax Assessor/Collector/Office Manager.**

WHEREAS: Rose Rodriguez, Tax Assessor/Collector/Office Manager for EPCWID recommends adjustments or corrections to the tax rolls reviewed during the month of April 2018;

NOW, THEREFORE, BE IT RESOLVED: that the adjustments and corrections to the 2017 tax roll for City of El Paso: Rio Grande Bosque Park % El Paso Water, have been reviewed during the month of April 2018 and are approved as shown on the exhibit attached to these minutes.

- b. **2013-2018 City of El Paso Public Service Board Assignments, 2013-2018 Lower Valley Water District Assignments and Report on tax suits and adjustments.** No action was taken on this item.
- c. **Comparison of EPCWID tax assessments and collections during 2016 and 2017.** No action was taken on this item.

8. General Manager's report concerning the following:

- a. Memorandum of Understanding El Paso County Water Improvement District #1 and El Paso County.** No action was taken on this item.
- b. Texas County & District Retirement System Plan/Participation Agreement.**

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

RESOLVED: that the Texas County & District Retirement System Plan/Participation Agreement is approved and attached hereto.

- c. Update on Grant Applications.** No action was taken on this item.

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 in this item.
- c. Rio Grande Project Water Supply and Water Allocations.** No action was taken on this item.
- d. 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. Applications for Licenses for Use of District Real Property:

- a. Application 1993, by El Paso Water Utilities- Public Service Board, for a 25 year license to cross Ascarate Wasteway at Alameda Avenue, approximately Station 6+64 with a 12-inch potable water line inside a 24-inch casing via open cut method.**

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

RESOLVED: that the Application 1993, by El Paso Water Utilities- Public Service Board, for a 25 year license to cross Ascarate Wasteway at Alameda Avenue, approximately Station 6+64 with a 12-inch potable water line inside a 24-inch casing via open cut method is approved upon the condition that the applicant meets all requirements of the license, including paying all fees and cost required by the license and providing the District with three signed originals of the license, 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.

Subdivision Plats within District Boundary:

- b. Application 2025, by Carlos X Garcia, for Vally Ranch Estates, being Tracts 16 and 18B, Block 22, San Elizario Grant, Town of Clint, El Paso County, Texas, containing 19.648 acres, Submissions of Irrigable Land Exhibit.**


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

RESOLVED: that Application 2025, by Carlos X Garcia, for Vally Ranch Estates, being Tracts 16 and 18B, Block 22, San Elizario Grant, Town of Clint, El Paso County, Texas, containing 19.648 acres, for the submission of irrigable land exhibit is approved.

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. **The Board then entered into a closed session at 10:04 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 10:56 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 10:57 a.m.



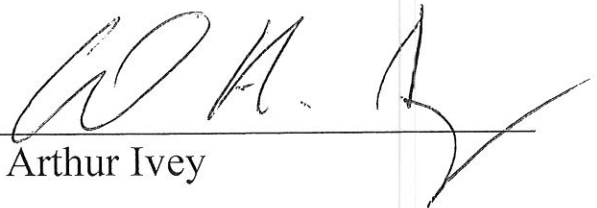
Indar Singh, Secretary

OATH OF OFFICE

In the name and by the authority of

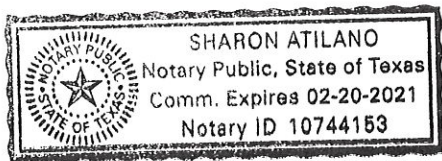
THE EL PASO COUNTY WATER IMPROVEMENT DISTRICT
NO. 1

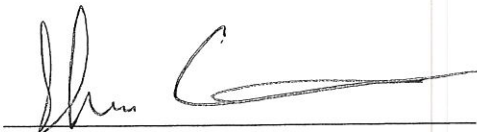
I, Arthur Ivey, do solemnly swear, that I will faithfully execute the duties of the office of Director Division #5 of the El Paso County Water Improvement District No.1, and will do the best of my ability to preserve, protect, and defend the policies of the El Paso County Water Improvement District No. 1, so help me God.


Arthur Ivey

SWORN TO and subscribed before me by Arthur Ivey on this
9th day of May, 2018.

GIVEN UNDER MY HAND and seal this 9th day of May,
2018.




Notary Public

OATH OF OFFICE

In the name and by the authority of

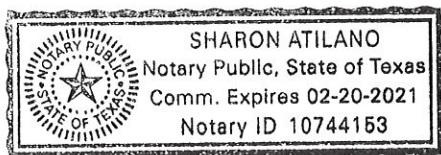
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NO. 1

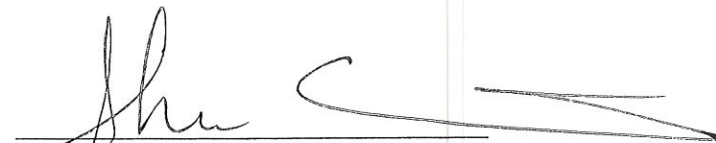
I, Miguel Teran, do solemnly swear, that I will faithfully execute the duties of the office of Director Division #2 of the El Paso County Water Improvement District No.1, and will do the best of my ability to preserve, protect, and defend the policies of the El Paso County Water Improvement District No. 1, so help me God.


Miguel Teran

SWORN TO and subscribed before me by Miguel Teran on this 9th day of May, 2018.

GIVEN UNDER MY HAND and seal this 9th day of May, 2018.



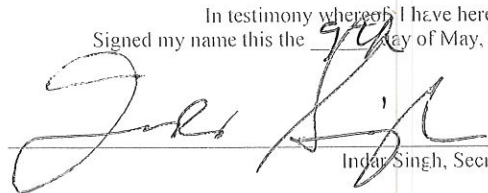

Notary Public

CERTIFICATE OF ELECTION



In the name and by the authority of the
El Paso County Water Improvement District No. 1
THIS IS TO CERTIFY, that at a general election held on
May 5, 2018
ARTHUR IVEY
Was duly elected
DIRECTOR DIVISION #5

In testimony whereof, I have hereunto
Signed my name this the 9th day of May, 2018

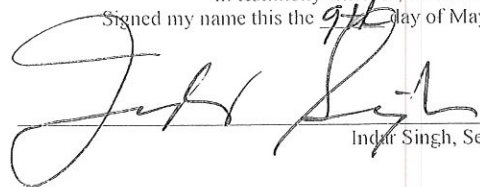

Indar Singh, Secretary

CERTIFICATE OF ELECTION



In the name and by the authority of the
El Paso County Water Improvement District No. 1
THIS IS TO CERTIFY, that at a general election held on
May 5, 2018
MIGUEL TERAN
Was duly elected
DIRECTOR DIVISION #2

In testimony whereof, I have hereunto
Signed my name this the 9th day of May, 2018


Indar Singh, Secretary



Plan Agreement

El Paso County Water Improvement District No. 1 - 1004

Effective Nov. 1, 2018

Basic Plan Options

Employee Deposit Rate:	4%
Employer Matching:	150%
Prior Service Credit:	0%

Retirement Eligibility

At Age 60 (Vesting):	8 years of service
Rule of:	75 years total age + service
At Any Age:	20 years of service

Optional Benefits

Partial Lump-Sum Payment at Retirement:	No
Group Term Life:	None

Retirement Plan Funding

Elected Rate:	N/A
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Total Contribution Rate

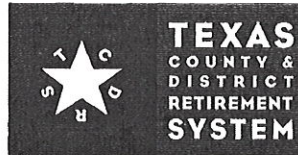
Retirement Plan Rate:	3.41%
Group Term Life Rate:	N/A
Total Contribution Rate:	3.41%

Certification

I certify that the plan agreement for the participation of El Paso County Water Improvement District No. 1 in TCDRS truly and accurately reflects the official action taken during properly posted and noticed meeting on 05/09/2018 (mm/dd/yy) by the Governing Board and such action is recorded in the official minutes.

Printed Name: ARTHUR H. JUEY, Jr. Title: Vice-President BOD

Authorized Signature: [Signature] Date: 05/09/2018



Participation Agreement

Welcome to TCDRS! By participating in this retirement system, you are providing your employees with reliable retirement, disability and survivor benefits in a responsible way.

One of the advantages of your TCDRS plan is that it is a qualified retirement plan and, as such, deposits into the plan are tax-deferred. In order to maintain your plan's qualified status under IRS rules, there are some important do's and don'ts that you, as the plan sponsor, need to be aware of. This participation agreement is designed to help ensure that you understand those IRS requirements, as well as your obligations as the sponsor of a TCDRS retirement plan.

Again thank you for choosing to be a part of TCDRS!

General conditions

- The Texas County & District Retirement System (TCDRS) is a qualified retirement plan under Section 401(a) of the Internal Revenue Code. The TCDRS Act (Chapters 841-845, Texas Government Code) and administrative rules adopted by the TCDRS Board of Trustees are the plan document.
El Paso County Water Improvement District No. 1 agrees to be bound to the terms of the plan, and any amendments to the plan, except to the extent that this participation agreement allows separate elections with respect to its employees.
- Information held by TCDRS that is identifiable with an individual member, including personal account information, benefit amounts and beneficiary designations, is confidential under the Texas Government Code.
- The information TCDRS provides the district is confidential and may be used for lawful purposes only as authorized under the Texas Public Information Act and the TCDRS Act.

Plan funding

- Each plan is funded independently by employee deposits, employer contributions and investment earnings.
- Funds are pooled for investment purposes. The TCDRS Board of Trustees allocates investment earnings to employers after statutory allocations to the employee and retiree funds have been made.
- The TCDRS Board of Trustees establishes the minimum required funding policy, including the amortization period for liabilities. Independent consulting actuaries hired by the board determine the minimum required employer contribution rate based on your level of benefits and the funding policy. This rate changes each year based on your plan of benefits, investment and other economic results, and demographic experience.
- Each employer is required to submit by the due date employer contributions based on the required rate as a percentage of payroll. The district cannot determine its own required rate, but may elect to contribute at an optional higher rate (also referred to as an elected rate). The district may also make lump-sum contributions to fund the plan.
- In the event the required rate exceeds 11%, the district waives the 11% limit on the rate of employer contributions. Such waiver remains effective with respect to future plan years until revoked by official action.
- Employer contributions are held in trust by TCDRS and may not be returned to the participating district. Employer assets can be used only to fund benefits for plan participants.
- The district is responsible for submitting all required employee deposits to TCDRS. All participating employees must contribute the same percentage of salary elected by the governing board.

- TCDRS must receive payment of all deposits and contributions by the due date or the district may be assessed a penalty.

Employee enrollment and separation of employment

- TCDRS participation is mandatory for all eligible, non-temporary employees, both full and part time, regardless of hours worked. The district is responsible for determining who should be enrolled in the plan.
- A bona fide separation of employment is one in which the employer/employee relationship is completely severed. There can be no expectation, understanding or agreement that the separation is temporary or that the person will be rehired in the future.
- Re-employment of a retiree or a former member who has withdrawn accumulated deposits when there has not been a bona fide separation of employment, and before there has been a break in service of at least one calendar month, causes the retirement annuity or distribution to be an impermissible in-service distribution of pension benefits. In this event, the membership will be restored, any retirement annuity will be cancelled and all payments incidental to the in-service distribution must be repaid to the system by the rehired employee and/or the employer. Failure to correct an in-service distribution may subject the parties to significant fees, penalties and additional taxes levied by the IRS.

Benefit elections and cost/benefit projections

- The district's governing board may adopt future plan changes based on selected optional benefits. The district reviews and may elect to change benefits each year; however, the district cannot lower benefits already earned by its employees.
- TCDRS can provide the district with cost and benefit projections. Projections of costs and benefits provided now or in the future are estimates, not guarantees.

Terminations

- A district may terminate participation in TCDRS, and TCDRS may terminate a district's participation if circumstances of the district render the retirement system an ineffective program for providing retirement, disability and survivor benefits to the employees of the district.
- Terminating participation in TCDRS does not terminate the district's obligation to fund the liability for benefits already earned by its employees who participate in the plan.
- Terminating your plan changes the way the plan's benefits are funded. As a result, terminating your plan can result in an immediate increase to your plan costs.
- Participation in TCDRS is subject to IRS and state guidelines, which can change at any time. If changes occur that exclude the employer's eligibility in the system, the employer will follow TCDRS' termination procedure.

Certification summary – authorized signature

I hereby acknowledge that we have been advised of the conditions governing the participation of _____ El Paso County Water Improvement District No. 1 _____ in the Texas County & District Retirement System, and that _____ El Paso County Water Improvement District No. 1 _____ will comply with these conditions. If the district violates the terms and conditions of this participation agreement and the IRS imposes a penalty upon TCDRS based on the district's violation, the district is liable to TCDRS for any fees and costs imposed by the IRS.

Authorized Signature

Printed Name

Date

Job Title