

**Minutes of Regular Meeting  
 Board of Directors  
 El Paso County Water Improvement District No. 1  
 (EPCWID)  
 May 11, 2022**

<b>DIRECTORS PRESENT</b>	<b>EMPLOYEES PRESENT</b>
<b>Art Ivey, Vice-President</b>	<b>Jesus Reyes, General Manager</b>
<b>Larry Ceballos, Secretary</b>	<b>Mary Cortez, Chief Financial Officer</b>
<b>George Brooks, Assistant Secretary</b>	<b>Lisa Aguilar, Chief Administrative Officer</b>
<b>Miguel Teran, Director</b>	<b>Rose Rodriguez, Tax Assessor/Collector/Office Manager</b>
	<b>Pete Rodriguez, Maintenance Manager</b>
<b>NOT PRESENT</b>	<b>Robert Rios, Water Master</b>
<b>Johnny Stubbs, President</b>	<b>Filberto Cortez, Licensing Manager</b>
	<b>Sharon Atilano, Licensing Assistant</b>
<b>LEGAL COUNSEL</b>	<b>Claudia Ruiz, Administrative Assistant</b>
<b>Phil Bowen, Attorney At Law</b>	<b>Cathy Oyston, Water Records/Dispatcher Supervisor</b>
<b>Maria O Brien, Attorney At Law</b>	<b>Omar Martinez, Grant Writer</b>
<b>Renea Hicks, Attorney At Law (via zoom)</b>	<b>David Ortega, Licensing Field Representative</b>
<b>DISTRICT ENGINEER</b>	<b>GUESTS</b>
<b>Dr. Al Blair, District Engineer</b>	<b>Robert Kimpel, Visitor</b>
	<b>Danny Chavez, HCCRD#1</b>
	<b>Jerry Melendez, USBR</b>
	<b>Mike Manis, ADB</b>

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 9:00 a.m., and the Directors then proceeded to consider the following.**

2. Welcome of guests. No action was taken on this item.
3. Minutes of April 13, 2022 regular meetings of the Board of Directors.

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

**RESOLVED: that the draft minutes of the special meeting held on April 13, 2022 are approved.**

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.

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

- b. 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.**

After a motion by Larry Ceballos, seconded by Miguel Teran, 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.**

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

**RESOLVED: that the Directors elect Larry Ceballos as Secretary of the Board of Directors of El Paso County Water Improvement District.**

5. Report and recommendations by Mary Cortez, Chief Financial Officer, concerning financial information, expenditures, budget, and investment policy:
  - a. **Financial Report.** No action was taken on this item.
  - b. **\$500.00 Expenditure Report.** No action was taken on this item.
  - c. **Legal & Consulting Fees Budget Report.** No action was taken on this item.
  
6. 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- The tax report was reviewed, and the following are the tax adjustments for the month of April:**

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

**WHEREAS: Rose Rodriguez, Tax Assessor/Collector/Office Manager for EPCWID1 recommends adjustments or corrections to the tax rolls reviewed during the month of April 2022;**

**NOW, THEREFORE, BE IT RESOLVED: that the following adjustment and correction have been reviewed, approved and are attached to these minutes:**

- 1. Payan Ramon to Lower Valley Water District, (\$7.12), 2021;**
- 2. City of El Paso, (\$1.00), 2021;**
- 3. City of El Paso, (\$36.25), 2021;**
- 4. City of El Paso, (\$9.50), 2021.**

**b. 2013-2022 The City of El Paso and it's Public Service Board Assignments, 2013-2022 Lower Valley Water District Assignments and Report on tax suits.** No action was taken on this item.

**c. Comparison of EPCWID1 tax assessments and collection during 2020 and 2021.** No action was taken on this item.

7. General Manager's report concerning the following:

- a. Report of Compact Meeting, Alamosa, Colorado.** No action was taken on this item.
- b. Farmers meeting, allocation, small tract schedule dates.** No action was taken on this item.
- c. Report on Riverside Canal concrete lining project.** No action was taken on this item.
- d. Resolution approving application to the U.S. Bureau of Reclamation FY2023 WaterSMART Drought Response Program to construct the Riverside Regulating Reservoir.**

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

**RESOLVED: (as shown in full on the attached exhibit).**

- 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.**

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

**RESOLVED: (as shown in full on the attached exhibit).**

- 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.**

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

**RESOLVED: (as shown in full on the attached exhibit).**

- 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.**

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: (as shown in full on the attached exhibit).**

- 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. No action was taken on this item.**

8. 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. **Rio Grande Project Water Supply and Water Allocations.** No action was taken on this item.
- d. **Status of 3<sup>rd</sup> Party Construction in District Canals and Drains.** No action was taken on this item.
- e. **District Policy regarding sale and 3rd party use of District property (TGC §551.072 item)** No action was taken on this item.

9. Maintenance Manager's report and recommendations concerning the following:

**Drain maintenance program and water delivery system.** No action was taken on this item.

10. Water Master's report and recommendations concerning the following:

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

11. Water delivery allocations to EPCWID water users and water available by contract.

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

**RESOLVED: that the District's initial irrigation allocation is 15 inches per acre of irrigable land for the 2022 irrigation season, including without limitation tax-exempt entities and the small tracts under 2 acres in size will receive three irrigations.**

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

**RESOLVED:** that the amount available for delivery to the City of El Paso in 2022 is set at 6,887-acre feet under paragraph 7B of the 2001 Rio Grande Project Implementing Third-Party Contract among the United States of America Department of the Interior Bureau of Reclamation, the El Paso County Water Improvement District No. 1, and the City of El Paso joined by its Public Service Board.

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**

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

**RESOLVED:** that 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, for submission of an irrigable land exhibit is approved.

13. Applications for License 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. No action was taken on this item.**
- 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**

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

**RESOLVED:** that 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 is approved upon the condition that the applicant meets all requirements, 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 are authorized and directed to execute such license, a copy of which is attached hereto.

- 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

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

**RESOLVED:** that 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 is approved upon the condition that the applicant meets all requirements, 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 are authorized and directed to execute such license, a copy of which is attached hereto.

- 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**

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

**RESOLVED: that 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 is approved upon the condition that the applicant meets all requirements, 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 are authorized and directed to execute such license, a copy of which is attached hereto.**

- 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**

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

**RESOLVED: that 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 is approved upon the condition that the applicant meets all requirements, 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 are authorized and directed to execute such license, a copy of which is attached hereto.**

- 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**

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

**RESOLVED: that 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 is approved upon the condition that the applicant meets all requirements, 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 are authorized and directed to execute such license, a copy of which is attached hereto.**

- 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**

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

**RESOLVED: that 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 is approved upon the condition that the applicant meets all requirements, 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 are authorized and directed to execute such license, a copy of which is attached hereto.**

- 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**

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

**RESOLVED: that 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 is approved upon the condition that the applicant meets all requirements, 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 are authorized and directed to execute such license, a copy of which is attached hereto.**

- i. Application 3159, by MCI metro 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**

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

**RESOLVED: that Application 3159, by MCI metro 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 is approved upon the condition that the applicant meets all requirements, 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 are authorized and directed to execute such license, a copy of which is attached hereto.**

**j. Contract 3168, by Spencer Construction LLC, for a Contract for Purchase of Non-Potable Raw Water for Use in Controlling Dust**

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

**RESOLVED: that Contract 3168, by Spencer Construction LLC, for a Contract for Purchase of Non-Potable Raw Water for Use in Controlling Dust is approved upon the condition that the applicant meets all requirements, 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 are authorized and directed to execute such license, a copy of which is attached hereto.**

14. Sale of Surplus District Real Property under 49.226 of the Texas Water Code:

**a. Consideration of offer by City of El Paso and its Public Service Board for a portion of the Franklin Drain. 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 9:57 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 11:10 a.m. with no action having been taken in the closed session.**

16. Consideration of agenda items for next regular board meeting.

17. **Adjournment.** On motion duly made, seconded and carried, the Board Meeting adjourned at 12:03 p.m.

  
Larry Ceballos, Secretary

## RESOLUTION OF THE BOARD OF DIRECTORS

### El Paso County Water Improvement District No.1

El Paso County Water Improvement District No. 1 resolves to authorize the General Manager or the District Engineer to submit and take any Administrative Action required to complete an application to the United States Bureau of Reclamation WaterSMART FY2023 Water and Energy Efficiency Grants program for a Grant totaling \$3,000,000 to conserve water and improve the District's water use efficiency by concrete lining a section of the Franklin Canal.

**Whereas**, the El Paso County Water Improvement District No.1 (the District) is a political subdivision of the State of Texas and was organized under Chapter 59, Article 16 of the Texas Constitution and operates under Chapter 55 and Chapter 49, in part, of the Texas Water Code;

**Now Therefore**, the Board of Directors of the District hereby resolve to support the District's application for a Grant and authorizes the General Manager or the District Engineer to submit and take any administrative action required to complete applications to the United States Bureau of Reclamation, including working with Reclamation to meet established deadlines for entering into a grant or cooperative agreement, and if the District is selected to receive a Grant, to negotiate an agreement to be approved by the District's Board of Directors. The District has the capability to provide the amount of funding and/or in-kind contributions specified in the Funding Plan in the application.

El Paso County Water Improvement District No.1

  
By: Arthur Ivey, Vice-President

## RESOLUTION OF THE BOARD OF DIRECTORS

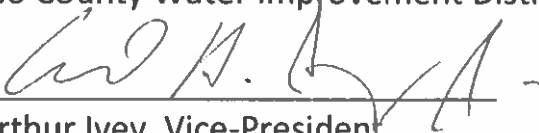
### El Paso County Water Improvement District No.1

El Paso County Water Improvement District No. 1 resolves to authorize the General Manager to submit and take any Administrative Action required to complete an application to the El Paso County American Rescue Plan Act Notice of Funding Opportunity for a Grant totaling \$1,000,000 to purchase major equipment and complete survey, engineering design, and environmental work for the Franklin Canal.

**Whereas**, the El Paso County Water Improvement District No.1 (the District) is a political subdivision of the State of Texas and was organized under Chapter 59, Article 16 of the Texas Constitution and operates under Chapter 55 and Chapter 49, in part, of the Texas Water Code;

**Now Therefore**, the Board of Directors of the District hereby resolve to support the District's application for a Grant and authorizes the General Manager to submit and take any administrative action required to complete applications to the El Paso County and its designees, including working with El Paso County and its designees to meet established deadlines for entering into a grant or cooperative agreement, and if the District is selected to receive a Grant, to negotiate an agreement to be approved by the District's Board of Directors. The District has the capability to provide the amount of funding and/or in-kind contributions specified in the Funding Plan in the application.

El Paso County Water Improvement District No.1

  
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By: Arthur Ivey, Vice-President

**RESOLUTION OF THE BOARD OF DIRECTORS**

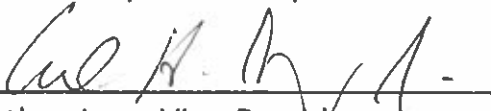
**El Paso County Water Improvement District No.1**

El Paso County Water Improvement District No. 1 resolves to authorize the General Manager or the District Engineer to submit and take any Administrative Action required to complete an application to the United States Bureau of Reclamation WaterSMART FY2023 Water and Energy Efficiency Grants program for a Grant totaling \$2,000,000 to conserve water and improve the District's water use efficiency by concrete lining a section of the Riverside Canal.

**Whereas**, the El Paso County Water Improvement District No.1 (the District) is a political subdivision of the State of Texas and was organized under Chapter 59, Article 16 of the Texas Constitution and operates under Chapter 55 and Chapter 49, in part, of the Texas Water Code;

**Now Therefore**, the Board of Directors of the District hereby resolve to support the District's application for a Grant and authorizes the General Manager or the District Engineer to submit and take any administrative action required to complete applications to the United States Bureau of Reclamation, including working with Reclamation to meet established deadlines for entering into a grant or cooperative agreement, and if the District is selected to receive a Grant, to negotiate an agreement to be approved by the District's Board of Directors. The District has the capability to provide the amount of funding and/or in-kind contributions specified in the Funding Plan in the application.

El Paso County Water Improvement District No.1

  
By: Arthur Ivey, Vice-President

**RESOLUTION OF THE BOARD OF DIRECTORS**

**El Paso County Water Improvement District No.1**

El Paso County Water Improvement District No. 1 resolves to authorize the General Manager or the District Engineer to submit and take any Administrative Action required to complete an application to the United States Bureau of Reclamation WaterSMART FY2023 Drought Response Program for a Grant totaling \$4,965,205 to mitigate drought and improve the District's water use efficiency by constructing the Riverside Regulating Reservoir.

**Whereas**, the El Paso County Water Improvement District No.1 (the District) is a political subdivision of the State of Texas and was organized under Chapter 59, Article 16 of the Texas Constitution and operates under Chapter 55 and Chapter 49, in part, of the Texas Water Code;

**Now Therefore**, the Board of Directors of the District hereby resolve to support the District's application for a Grant and authorizes the General Manager or the District Engineer to submit and take any administrative action required to complete applications to the United States Bureau of Reclamation, including working with Reclamation to meet established deadlines for entering into a grant or cooperative agreement, and if the District is selected to receive a Grant, to negotiate an agreement to be approved by the District's Board of Directors. The District has the capability to provide the amount of funding and/or in-kind contributions specified in the Funding Plan in the application.

El Paso County Water Improvement District No.1

  
By: Arthur Ivey, Vice-President