

**Minutes of Regular Meeting  
Board of Directors  
El Paso County Water Improvement District No. 1  
(EPCWID)  
February 8, 2023**

<b>DIRECTORS PRESENT</b>	<b>EMPLOYEES PRESENT</b>
<b>Johnny Stubbs, President (via zoom)</b>	<b>Jay Ornelas, PE General Manager</b>
<b>Art Ivey, Vice-President</b>	<b>Lisa Aguilar, Chief Administrative Officer</b>
<b>Larry Ceballos, Secretary</b>	<b>Mary Cortez, Chief Financial Officer</b>
<b>George Brooks, Assistant Secretary</b>	<b>Rose Rodriguez, Tax Assessor Collector</b>
<b>Miguel Teran, Director</b>	<b>Pete Rodriguez, Maintenance Manager</b>
	<b>Robert Rios, Water Master</b>
	<b>Sharon Atilano, Licensing Manager</b>
<b>LEGAL COUNSEL</b>	<b>David Ortega, Field Representative</b>
<b>Phil Bowen, Attorney At Law</b>	<b>Claudia Ruiz, Administrative Assistant</b>
<b>Maria O'Brien, Attorney At Law (via zoom)</b>	<b>Cathy Oyston, Water Records/ Dispatcher Supervisor</b>
<b>Renea Hicks, Attorney At Law (via zoom)</b>	
	<b>GUESTS</b>
<b>DISTRICT ENGINEER</b>	<b>Jaime Cisneros, Border Patrol</b>
<b>Dr. Al Blair, District Engineer</b>	<b>Jerry Melendez, Reclamation</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 January 18, 2023 meeting 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 January 18, 2023 are approved.**

4. Report and recommendations by Lisa Aguilar, Chief Administrative Officer/Election Officer, concerning office operations, and elections:

**None**

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, 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 January:**

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:

**WHEREAS: Rose Rodriguez, Tax Assessor/Collector for EPCWID1 recommends adjustments or corrections to the tax rolls reviewed during the month of January 2023;**

- d. **Status of 3<sup>rd</sup> Party Construction in District Canals and Drains.**  
No action was taken on this item.
- e. **Engineering work related to grants and proposals.** 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. **None.**

12. Subdivision Plats within District Boundary requirement in License Manual.

- a. **Application 3167, by ESCO Development, LLC, for Valle Nuevo Unit One Subdivision, a portion of tracts 1B, 1B1, 1C, 1D, 1D3, 1H, 2A, 2C1, 4A2B, 4B2, 4C, 6A, 6B, and 6C, block 6, Socorro Grant, City of Socorro, El Paso County, Texas, containing 55.32 acres**

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 Application 3167, by ESCO Development, LLC, for Valle Nuevo Unit One Subdivision, a portion of tracts 1B, 1B1, 1C, 1D, 1D3, 1H, 2A, 2C1, 4A2B, 4B2, 4C, 6A, 6B, and 6C, block 6, Socorro Grant, City of Socorro, El Paso County, Texas, containing 55.32 acres, submission of an irrigable land exhibit is approved.**

- b. Application 3259, by Socorro Capristo Reza, for Capristo Subdivision, block 13, Tract 8-B, Socorro Grant, City of Socorro, El Paso County, Texas, containing 13.45 acres**

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 3259, by Socorro Capristo Reza, for Capristo Subdivision, block 13, Tract 8-B, Socorro Grant, City of Socorro, El Paso County, Texas, containing 13.45 acres, submission of an irrigable land exhibit is approved.**

- c. Application 3281, by McNutt Land Partners LLC, for Monte Vista No. 4 Replat "B" Subdivision, tracts 18, 19, and the east ½ of tract 20 Monte Vista No. 4, City of El Pas, El Paso County, Texas, containing 2.7772 acres**

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

**RESOLVED: that application 3281, by McNutt Land Partners LLC, for Monte Vista No. 4 Replat "B" Subdivision, tracts 18, 19, and the east ½ of tract 20 Monte Vista No. 4, City of El Pas, El Paso County, Texas, containing 2.7772 acres, submission of an irrigable land exhibit is approved.**

13. Applications for License for Use of District Real Property:

- a. Application 3149A, by El Paso Water, for a 25-year license to place Southside Feeder Lateral underground in 36-inch pvc irrigation pipe for roadway crossing on Southside Road, at approximately station 71+68**

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 Application 3149A, by El Paso Water, for a 25-year license to place Southside Feeder Lateral underground in 36-inch pvc irrigation pipe for roadway crossing on Southside Road, at approximately station 71+68 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 are authorized and directed to execute such license, a copy of which is attached hereto.

**b. 2 Applications by CenturyLink Communications, LLC**

**Application 3220, by CenturyLink Communications, LLC for a 25-year license for a subsurface fiber optic cable system, crossing the Mesa Drain (an irrigation canal), at Yarbrough Dr., at approximately station 1053+92**

**Application 3221, by CenturyLink Communications, LLC for a 25-year license for a subsurface fiber optic cable system, crossing the Juan De Herrera Main Lateral (an irrigation canal), at Rosedale Dr., at approximately station 16+50**

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:** that the 2 Applications by CenturyLink Communications, LLC, are 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 are authorized and directed to execute such license, a copy of which is attached hereto.

**c. Applications by MCImetro Access Transmission Services LLC**

**Application 3275, by MCImetro Access Transmission Services, LLC, for a 25-year license for a subsurface fiber optic cable system, crossing the Y-197 Lateral (an irrigation canal), at North Loop Dr., at approximately station 0+14**

**Application 3293, by MCImetro Access Transmission Services, LLC, for a 25-year license for a subsurface fiber optic cable system, crossing the Middle Drain (an irrigation canal), at Presa Pl., at approximately station 753+97**

**Application 3300, by MCImetro Access Transmission Services, LLC., for a 25-year license for an aerial fiber optic cable system, crossing the La Union East Lateral (an irrigation canal), at Westside Dr., at approximately station 434+99**

**Application 3314, by MCImetro Access Transmission Services, LLC., for a 25-year license for an aerial fiber optic cable system, crossing the Ysla Lateral (an irrigation canal), at Bauman Rd., at approximately station 241+47**

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: that the 4 applications by MCImetro Access Transmission Services LLC, are 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 are authorized and directed to execute such license, a copy of which is attached hereto.**

**d. 2 Applications by El Paso Electric Company**

**Application 3309, by El Paso Electric Company, for a 50-year license for a three-phase overhead power line, crossing the Mesa Drain (an irrigation canal), at Nuevo Hueco Tanks Road, at approximately station 761+41**

**Application 3310, by El Paso Electric Company, for a 50-year license for a three-phase overhead power line, crossing the Juan De Herrera Lateral Branch “C” (an irrigation canal), at Nuevo Hueco Tanks Road, at approximately station 34+37**

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: that the 2 applications by El Paso Electric Company, are 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 are authorized and directed to execute such license, a copy of which is attached hereto.**

**Approval of Construction Dewatering Licenses for Conveyance Groundwater:**

- e. Application 3339, by Texas Gas Service, a division of One Gas, for a license for use of District facilities for conveyance of groundwater from construction dewatering into the River Spur Drain at Herring Rd.**

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 application 3339, by Texas Gas Service, a division of One Gas, for a license for use of District facilities for conveyance of groundwater from construction dewatering into the River Spur Drain at Herring Rd., 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 are authorized and directed to execute such license, a copy of which is attached hereto.**

Letters of Approval under existing License Agreements:

- f. License 1990- Application 3340, by The City of Socorro, for a new public roadway, crossing Juan De Herrera Main Lateral (an irrigation canal), at Barbara Avenue, at approximately station 357+01**

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: that Application 3340, under existing license agreement License 1990 by The City of Socorro, for a letter of approval for a new public roadway, crossing Juan De Herrera Main Lateral (an irrigation canal), at Barbara Avenue, at approximately station 357+01 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 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. **None**

15. Grants Agreements involving District Real Property

- a. USBR Grant for environmental and seepage studies for Riverside and Franklin canal systems and Riverside Reservoir.** No action was taken on this item.
- b. USBR Grant for concrete lining of 3,465 feet of a portion of Montoya Main Lateral.** No action was taken on this item.
- c. USBR and TWDB Grants allowing 3<sup>rd</sup> Party or Public use of District Real Property located on the La Union East, Riverside, Franklin, Montoya, Franklin Feeder, Tornillo canal systems.** No action was taken on this item.



16. 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 11:51 a.m. with no action having been taken in the closed session.**
17. Consideration of agenda items for next regular board meeting.
18. **Adjournment.** On motion duly made, seconded and carried, the Board Meeting adjourned at 12:14 p.m.

  
Larry Ceballos, Secretary



January 2023

Tax Assessment and Water Delivery Charges Adjustments

Date	Owner #	Owner Name	Land #	Tax Assessment	Water Delivery - Allotment	Water Delivery - Non-Allotment	Accounting Service Charge (ASC)	Penalty & Interest (P&I)	Total	Tax Years and Explanation
1	1/26/2023	00800434	City of El Paso Trustee (Struck off June 5, 2018)	76023143	\$ -	\$ -	\$ -	\$ (4.69)	\$ (4.69)	The AG opined that penalties and interest should stop at the time that government entity acquires the property for a public purpose and P&I should not continue to accrue during the time the government entity owns it. Tex. Atty Gen. Op. GA-0973 (2012). The taxes that were assessed prior to the struck-off date, including all penalties and interest, should remain on the tax rolls and the lien for those taxes will remain on the property until such time that the property is resold at tax sale to a private individual or entity*. <u>Need to adjust P&amp;I accordingly for tax years 2003 to 2017.</u>
2	1/26/2023	00800434	City of El Paso Trustee (Struck off June 5, 2018)	76043381	\$ -	\$ -	\$ -	\$ (17.58)	\$ (17.58)	The AG opined that penalties and interest should stop at the time that government entity acquires the property for a public purpose and P&I should not continue to accrue during the time the government entity owns it. Tex. Atty Gen. Op. GA-0973 (2012). The taxes that were assessed prior to the struck-off date, including all penalties and interest, should remain on the tax rolls and the lien for those taxes will remain on the property until such time that the property is resold at tax sale to a private individual or entity*. <u>Need to adjust P&amp;I accordingly for tax years 2003 to 2017.</u>
3	1/27/2023	00800434	City of El Paso Trustee (Struck off March 3, 2009)	80864291	\$ (0.31)	\$ -	\$ (12.00)	\$ (33.51)	\$ (45.82)	The AG opined that penalties and interest should stop at the time that government entity acquires the property for a public purpose and P&I should not continue to accrue during the time the government entity owns it. Tex. Atty Gen. Op. GA-0973 (2012). The taxes that were assessed prior to the struck-off date, including all penalties and interest, should remain on the tax rolls and the lien for those taxes will remain on the property until such time that the property is resold at tax sale to a private individual or entity*. <u>1.) Need to adjust P&amp;I accordingly for tax years 2003 to 2008); 2.) Property was struck off 03/03/09 therefore need to remove 2009 Tax Assessment, Accounting Service Charge &amp; Penalty &amp; Interest.</u>
4	1/27/2023	00800434	City of El Paso Trustee (Struck off March 5, 2018)	73080508	\$ (0.69)	\$ -	\$ (12.00)	\$ (4.94)	\$ (17.63)	The AG opined that penalties and interest should stop at the time that government entity acquires the property for a public purpose and P&I should not continue to accrue during the time the government entity owns it. Tex. Atty Gen. Op. GA-0973 (2012). The taxes that were assessed prior to the struck-off date, including all penalties and interest, should remain on the tax rolls and the lien for those taxes will remain on the property until such time that the property is resold at tax sale to a private individual or entity*. <u>1.) Need to adjust P&amp;I accordingly for tax years 2003 to 2008); 2.) Property was struck off 03/06/18 therefore need to remove 2018 Tax Assessment, Accounting Service Charge &amp; Penalty &amp; Interest.</u>

5	1/30/2023	00800434	City of El Paso Trustee (Struck off October 1, 2013)	85142027	\$ (3.09)	\$ -	\$ -	\$ (12.00)	\$ (57.41)	\$ (72.50)	The AG opined that penalties and interest should stop at the time that government entity acquires the property for a public purpose and P&I should not continue to accrue during the time the government entity owns it. Tex. Atty Gen. Op. GA-0973 (2012). The taxes that were assessed prior to the struck-off date, including all penalties and interest, should remain on the tax rolls and the lien for those taxes will remain on the property until such time that the property is resold at tax sale to a private individual or entity*. 1.) <u>Need to adjust P&amp;I accordingly for tax years 2003 to 2012</u> ; 2.) <u>Property was struck off 10/01/2013 therefore need to remove 2013 Tax Assessment, Accounting, Service Charge &amp; Penalty &amp; Interest.</u>
6	1/30/2023	00800434	City of El Paso Trustee (Struck off November 2, 2021)	91011454	\$ -	\$ -	\$ -	\$ -	\$ (2.31)	\$ (2.31)	The AG opined that penalties and interest should stop at the time that government entity acquires the property for a public purpose and P&I should not continue to accrue during the time the government entity owns it. Tex. Atty Gen. Op. GA-0973 (2012). The taxes that were assessed prior to the struck-off date, including all penalties and interest, should remain on the tax rolls and the lien for those taxes will remain on the property until such time that the property is resold at tax sale to a private individual or entity*. <u>Need to adjust P&amp;I accordingly for tax years 2007 to 2021</u> .
7	1/30/2023	00800434	City of El Paso Trustee (Struck off November 2, 2021)	91011455	\$ -	\$ -	\$ -	\$ -	\$ (25.83)	\$ (25.83)	The AG opined that penalties and interest should stop at the time that government entity acquires the property for a public purpose and P&I should not continue to accrue during the time the government entity owns it. Tex. Atty Gen. Op. GA-0973 (2012). The taxes that were assessed prior to the struck-off date, including all penalties and interest, should remain on the tax rolls and the lien for those taxes will remain on the property until such time that the property is resold at tax sale to a private individual or entity*. <u>Need to adjust P&amp;I accordingly for tax years 2007 to 2021</u> .
				<b>Total Adjustments</b>	<b>\$ (4.09)</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ (36.00)</b>	<b>\$ (146.27)</b>	<b>\$ (186.36)</b>	

\*Provided by Jose Padilla, Attorney at Law, Linebarger Goggan Blair & Sampson, LLP Law Firm and Delgado, Acosta Spence, Linebarger & Perez, LLP Law Firm.