

**Minutes of Special Meeting
Board of Directors
El Paso County Water Improvement District No. 1
("EPCWID")
May 20, 2014**

DIRECTORS PRESENT	OTHERS PRESENT
Johnny Stubbs, President	Jesus Reyes, General Manager
Art Ivey, Vice-President	Phil Bowen, Attorney At Law
Indar Singh, Secretary	Jim Speer, Attorney At Law
Larry Ceballos, Director	Al Blair, District Engineer/Consultant
Miguel Teran, Director	Jay Ornelas, Assistant District Engineer
	Mary Cortez, Accountant
	Sharon Atilano, Administrative Assistant
	Robert Rios, Water Master
	Pete Rodriguez, Maintenance Manager
	Adolfo Martinez, IT Technician
	Rose Rodriguez, Tax Collector/Assessor/Office Manger
	Lisa Aguilar, HR Manager/Elections Officer
	Robert Kimpel, Visitor
	Rueben Chavez, Visitor
	Judy Ackerman, Rio Bosque
	John Sproul, Rio Bosque

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. Swearing in of unopposed re-elected directors.

Lisa Aguilar, Election Judge, 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. Second Amended and Restated Joint Confidentiality.

This item was tabled.

6. Approval of minutes of April 9, 2014 meeting of the Board of Directors.

Draft minutes of the Regular Meeting on April 9, 2014 of the Board of Directors were presented for approval.

After a motion by Art Ivey, 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 9, 2014 are approved.

7. Report and recommendations by Mary Cortez, Accountant, concerning financial information, expenditures, budget, and investment policy:
 - a. **February, March and April Reports for the month ending February 28, 2014, March 31, 2014 and April 30, 2014 were presented to the Board of Directors. No action was taken on this item.**
 - b. **\$500 Expenditure Report for the month of April 2014 was presented to the Board of Directors. No action was taken on this item.**
 - c. **Quarterly Investment Report.**

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

RESOLVED: that the Quarterly Investment Report is approved, a copy of which is attached hereto.

d. FY 2013-2014 Budget Amendment

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

RESOLVED: that the amendment of the fiscal year 2013-2014 budget presented at the May 20, 2014 meeting of the Board of Directors is approved, a copy of which is hereto attached.

8. 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 April to 2014 tax roll.

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:

WHEREAS: Rose Rodriguez, Tax Assessor/Collector/Office Manager for EPCWID recommends adjustments or corrections to the tax rolls for April 2014.

NOW, THEREFORE, BE IT RESOLVED: that the adjustments and corrections to the 2014; tax rolls for the month of April are approved as shown on the exhibit attached to these minutes.

- b. 2013 El Paso Public Service Board leases and assignments.** No action was taken on this item.
 - c. Comparison of EPCWID tax assessments and collection and during 2012 and 2013.** No action was taken on this item.
 - d. Report on tax suits and interventions filed by EPCWID.** No action was taken on this item.
9. General Manager's report concerning the following:
- a. Water allocation by United States Bureau of Reclamation.** No action was taken on this item.
 - b. Report on irrigation season 2014 and water release budget.** No action was taken on this item.
 - c. United States Department of Interior invitation to participate in U.S. Geological Survey study and appoint Technical Expert (Al Blair).** No action was taken on this item.
10. 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. **Reclassification of approximately 179 acres within Rio Bosque Park as irrigable land.**

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

RESOLVED: that the reclassification of approximately 179 acres within Rio Bosque Park as irrigable land is approved subject to the preparation and execution of a Contract To Classify Land within El Paso County Water Improvement District No. 1 as Irrigable Land and to Establish Covenants Running in Such Land, and the officers of EPCWID are authorized and directed to prepare such Contract, and to present the same for approval by the Board of Directors.

- d. **Consider Agreement for Engineering and other work related to Union Pacific Railroad's request to relocate existing irrigation canal siphons and culverts**

Director Miguel Teran left the room and announced that he would abstain from discussion of this item and any vote taken regarding the item, and he proceeded to sign an affidavit pursuant to Texas Local Government Code, §171.004.

After a motion by Indar Singh, seconded by Larry Ceballos, duly considered and carried by a majority vote of the Directors present, with Miguel Teran abstaining and leaving the room, it was:

RESOLVED: that the Board considered the original submittal of the Agreement for Engineering and other work related to Union Pacific Railroad's request to relocate existing irrigation canal siphons and culverts; the agreement was submitted to and reviewed by the Board. The Board approved the deletion of lines 12 and 13 and

substituted in place thereof the following line which states
whereas, UPRR is a corporation authorized to conduct
business in the State of Texas and with those changes and with
the requirement that an appropriate resolution be provided by
Union Pacific showing the authority of Chris Goble to sign the
agreement and the resolution to be approved by the Board,
that the President of the Board Mr. Johnny Stubbs shall be
authorized to execute it on behalf of the District. The Board of
Directors unanimously approves the agreement and the
resolution is so stated.

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

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

12. Water master's report and recommendations concerning the following:

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

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

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 District's irrigation allocation is set at 18 inches per acre of irrigable land for the 2014 irrigation season, including without limitation tax-exempt entities, and the tracts under 2 acres in size will receive four irrigations.

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 amount available to the City of El Paso is set at 2,529 acre feet under the 2001 Implementing Contract pursuant to section 9B.

14. Consideration of Applications to Use District Property or
Approval of Subdivision Plats meeting requirements of License Manual:
None

Letters of Approval or Termination under existing License Agreements or
Transfers of License: **None**

Letters of Approval under existing License Agreements or Transfers of
License: **None**

Requests for approval of Applications for Licenses for use of District
property:

- a. **Application 1591, by El Paso Water Utilities-Public Service Board, to construct a 60-inch storm water force main inside a 78-inch steel casing crossing the Franklin Canal at approximately Station 222+80 and San Marcial Street**

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

RESOLVED: that Application 1591, by El Paso Water Utilities-Public Service Board, to construct a 60-inch storm water force main inside a 78-inch steel casing crossing the Franklin Canal at approximately Station 222+80 and San Marcial Street 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.

- b. **Application 1619, by Time Warner Cable, Inc., for a 15 year license to construct a new cable television overhead line across the Y-147 Lateral and F.M. 76 (North Loop Road) at approximately station 7+99**

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

RESOLVED: that Application 1619, by Time Warner Cable, Inc for a 15 year license to construct a new cable television overhead line across the Y-147 Lateral and F.M. 76 (North Loop Road) at approximately station 7+99 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.

- c. Application 1620, by Time Warner Cable, Inc., for a 15 year license to construct a new cable television overhead line across the Franklin Canal and Texas Highway 20 (Alameda Avenue) at approximately station 976+50

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

RESOLVED: that Application 1620, by Time Warner Cable, Inc for a 15 year license to construct a new cable television overhead line across the Franklin Canal and Texas Highway 20 (Alameda Avenue) at approximately station 976+50 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.

- d. Application 1621, by Time Warner Cable, Inc., for a 15 year license to construct a new cable television overhead line across the Middle Drainage Canal and F.M. 1281 (Horizon Boulevard) at approximately station 588+80

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

RESOLVED: that Application 1621, by Time Warner Cable, Inc., for a 15 year license to construct a new cable television overhead line across the Middle Drainage Canal and F.M. 1281 (Horizon Boulevard) at approximately station 588+80 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.

- e. Application 1638, by El Paso Electric Company, for a license to access EPCWID right of way, district wide, for operation and maintenance of El Paso Electric electrical system

Director Miguel Teran left the room and announced that he would abstain from discussion of this item and any vote taken regarding the item, and he proceeded to sign an affidavit pursuant to Texas Local Government Code, §171.004.

After a motion by Indar Singh, seconded by Larry Ceballos, duly considered and carried by a majority vote of the Directors present, with Miguel Teran abstaining and leaving the room, it was:

RESOLVED: that Application 1638, by El Paso Electric Company, for a license to access EPCWID right of way, district wide, for operation and maintenance of El Paso Electric electrical system 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.

Approval of Construction Dewatering Licenses for conveying groundwater:
None

Contracts to classify Land within EPCWID No. 1 as Irrigable Land and to Establish Covenants Running with Such Land: **None**

License for use of District facilities for conveyance of treated wastewater: **None**

Letter of Approval of Maintenance Work under existing crossings or structures: **None**

Letter to City of El Paso regarding preliminary plat for subdivision: **None**

Letters of No Objection for utilities installed with Rights-of-Ways of Public Roads: **None**

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

a. Declaration as surplus land and authorization to sell a portion of the Clint Spur Drain in the old Clint yard

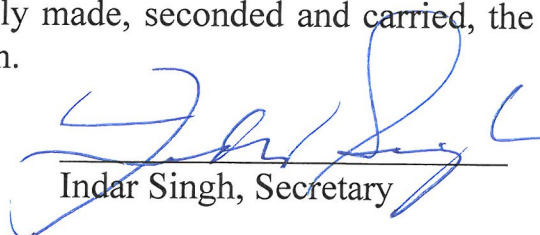
After a motion by Art Ivey, seconded by Indar Singh, duly considered and carried by unanimous vote of the Board it was:

RESOLVED: that the portion of the Clint Spur Drain in the old Clint yard is declared surplus to the needs of the District, and EPCWID shall sell such portion.

b. Offer by El Paso Water Utilities-Public Service Board to purchase Playa Drain. 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 10:22 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 11:31 a.m. with no action having been taken in the closed session.**

17. **Adjournment.** On motion duly made, seconded and carried, the Board Meeting adjourned at 11:42 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, **Miguel Teran**, 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 **20th** day of **May, 2014**, the following matter came before the Board for consideration:

10. District Engineer's report and recommendations concerning the following:

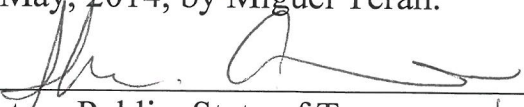
**d. Consider Agreement for Engineering and other work related to
Union Pacific Railroad's request to relocate existing irrigation canal
siphons and culverts**

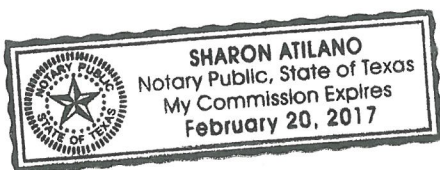
Since the matter involved a business entity or real property in which I have a substantial interest, as defined in Chapter 171 of the Texas Local Government Code, I abstained from participation in the matter. The nature and extent of the interest is the following:

**My company CPME may seek potential contracts with Union Pacific which
may involve the same subject matter.**

Signature: 

Subscribed and sworn to this 20th day of May, 2014, by Miguel Teran.


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

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

I, **Miguel Teran**, 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 **20th** day of **May, 2014**, the following matter came before the Board for consideration:

14. Applications to Use District Property or

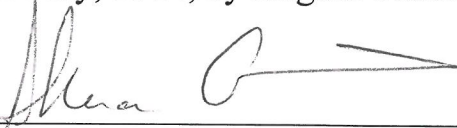
- e. Application 1638, by El Paso Electric Company, for a license to access EPCWID right of way, district wide, for operation and maintenance of El Paso Electric electrical system**

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 company CPME has contracts with El Paso Electric and may contract regarding the same subject matter.

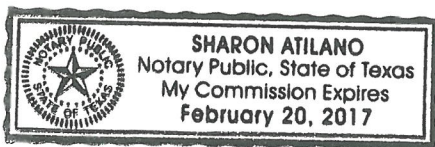
Signature: 

Subscribed and sworn to this 20th day of May, 2014, by Miguel Teran.



Notary Public, State of Texas

My commission expires: 2/20/2017



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/15/97

Approved