



BOARD OF DIRECTORS REGULAR MEETING
TUESDAY, August 22, 2023 at 6:00 P.M.
117 EAST MAIN ST., IN FABENS, TEXAS

Zoom Meeting Link: <https://us02web.zoom.us/j/7098341122?pwd=N09xeTFNUTDBScDAxSnBxUT09>

The El Paso County W.C.I.D. #4 will convene as posted to consider and/or take action on the following agenda items: (Items do not have to be taken in the same order as shown on this meeting notice.)

AGENDA

1. Call meeting to order.
2. Roll Call and Determination of Quorum.
3. Pledge of Allegiance.
4. Take up, consider, and take action on meeting agenda.
5. Take up, consider and take action on Special Meeting Minutes from July 25, 2023.
6. Public Comments on Agenda Items-Each speaker is allowed 3 minutes and must comply with the Policies and Procedures for public comment at board meetings adopted on August 27, 2019.
7. Take up, consider and take action on the 2023 Proposed Tax Rate.
8. Take up, consider and take action on the renewal and possible amount change to the Certificate of Deposit #300012640.
9. Take up, consider and take action on investing into a money market account.
10. Take up, consider and take action to approve the 10-year lease agreement renewal with University Lands in the amount of \$6,000.
11. Take up, consider and take action to approve the Interlocal agreement with Lower Valley Water District for the servicing of out of district customers.
12. Take up consider and take action on legal and personnel issues related to the employment of the General Manager.
13. Kemp Smith Update.
14. CDM Smith Update.
15. General Manager Report.
16. Public comments on issues of general concern-Each speaker is allowed 3 minutes and must comply with the Policies And Procedures for Public Comment at board meetings adopted on August 27, 2019.
17. Executive Session.
Meeting to be closed under the following Texas Government Code of the Open Meetings Act for discussion as follows:
 - A. Attorney Consultation Code 551.071
 - B. Real Property Code 551.072
 - C. Personnel Matters Code 551.074Any final action as a result of this closed discussion will be held at the opening of the meeting or at any subsequent meeting.
18. Return to open session for possible discussion and action on executive session item(s).
19. Board member availability or date change for the September 26, 2023 Regular Meeting.
20. Adjourn.

I, the undersigned authority, hereby certify that the above Notice of Meeting of the Board of Directors of the El Paso County Water Control & Improvement District No. 4 is a correct copy of the Notice and that I posted the Notice at the Fabens Post Office and District Office Bulletin board located at 117 E. Main Street, Fabens, Texas 79838, and provided a notice to the El Paso County Clerk for posting in accordance with the Texas Open Meetings Act as required by law.

In this Notice of Open Meeting, the posting of an agenda item as a matter to be discussed in open session is not intended to limit or require discussion of that matter in open session if it is otherwise appropriate for discussion in executive session the Board may, as permitted by law, adjourn into executive session to deliberate on the matter.

The posting of an agenda item as a matter of law to be discussed in executive session is not intended to limit or require discussion of that matter in executive session. The Board may discuss in open session any matter for which notice has been given in this Notice of Open Meeting, including an agenda item in executive session.

Romie Martinez 
El Paso County Water Control & Improvement District #4
Interim General Manager



EL PASO COUNTY WATER CONTROL & IMPROVEMENT DISTRICT NO. 4

P.O. BOX 3880
(915) 764-2212



117 E. MAIN ST.



FAX (915) 764-4840



FABENS, TX 79838-3880

REGULAR MEETING MINUTES

Tuesday, August 22, 2023

1. **Call Meeting to Order.**

President Juana Gutierrez called meeting to order at 6:00 p.m.

2. **Roll Call & Determination of Quorum.**

		<u>Present</u>	<u>Absent</u>	<u>Comments</u>
Ms. Juana Gutierrez	President	X		
Mr. Samuel Madrid	Vice President	X		
Mr. Jorge Carrasco	Secretary	X		
Ms. Thelma Quiñonez	Member	X		
Mr. Martin Madrid	Member	X		

District Staff:

Ms. Romie Martinez	Interim General Manager
Ms. Patty Cruz	Office Manager

Consultants:

Mr. Sergio Estrada	Kemp Smith
--------------------	------------

Visitors:

Mr. Jose Ramirez	Ms. Estella Ontiveros
Ms. Rosemary Gallo-Avitia	Ms. Alicia Madrid
Mr. Roberto Silva	Mr. Luz Marquez
Ms. Josie Silva	Ms. Alicia Carrillo
Ms. Linda Rodriguez	

3. **Pledge of Allegiance.**

4. **Take up, consider and take action on meeting agenda.**

Discussion: No discussion.

Motion made by Mr. S. Madrid to approve meeting agenda.

Seconded by Mr. M. Madrid.

<u>Vote:</u>	<u>Aye</u>	<u>Nay</u>	<u>Abstain</u>	<u>Other</u>
Ms. J Gutierrez	X			
Mr. S. Madrid	X			
Mr. J. Carrasco	X			
Ms. T. Quiñonez	X			
Mr. M. Madrid	X			

Motion: Passed.

5. **Take up, consider and take action on Regular Meeting Minutes for July 25, 2023.**

Discussion: No discussion.

Motion made by Mr. S. Madrid to approve Regular Meeting Minutes for July 25, 2023.

Seconded by Mr. M. Madrid.

<u>Vote:</u>	<u>Aye</u>	<u>Nay</u>	<u>Abstain</u>	<u>Other</u>
Ms. J Gutierrez	X			
Mr. S. Madrid	X			
Mr. J. Carrasco	X			
Ms. T. Quiñonez	X			



EL PASO COUNTY WATER CONTROL & IMPROVEMENT DISTRICT NO. 4

P.O. BOX 3880
(915) 764-2212



117 E. MAIN ST.
FAX (915) 764-4840



FABENS, TX 79838-3880

Regular Meeting
August 22, 2023

Mr. M. Madrid

X

Motion: Passed.

6. **Public comments on Agenda Items- Each speaker is allowed 3 minutes and must comply with the Policies and Procedures for Public comment at Board Meetings, adopted on August 27, 2019.**

No public comments made.

7. **Take up, consider and take action on the 2023 Proposed Tax Rate.**

Discussion: Ms. Martinez asked the board to approve the proposed 2023 tax rate of 0.140707 which is a decrease of -0.017150 from the 2022 tax rate of 0.157857.

Motion made by Mr. M. Madrid to approve the 2023 Proposed Tax Rate of 0.140707.

Seconded by Mr. J. Carrasco.

Vote:

	<u>Aye</u>	<u>Nay</u>	<u>Abstain</u>	<u>Other</u>
Ms. J Gutierrez	X			
Mr. S. Madrid	X			
Mr. J. Carrasco	X			
Ms. T. Quiñonez	X			
Mr. M. Madrid	X			

Motion: Passed.

8. **Take up, consider and take action on the renewal and possible amount change to the Certificate of Deposit #300012640.**

Discussion: Certificate of Deposit #30001240, with a balance of \$386,942.09 at a .7% interest rate, is up for renewal on 9/1/23. The bank is offering a 4.5% rate for a 6-month renewal or a 4.0% rate for a one-year renewal. They have also suggested the balance be increased to \$500,000.00.

Motion made by Mr. S. Madrid to renew, for one year, at a 4.0% interest rate, and to increase the amount of Certificate of Deposit #300012640 from \$386,942.09 to \$500,000.00.

Seconded by Mr. J. Carrasco.

Vote:

	<u>Aye</u>	<u>Nay</u>	<u>Abstain</u>	<u>Other</u>
Ms. J Gutierrez	X			
Mr. S. Madrid	X			
Mr. J. Carrasco	X			
Ms. T. Quiñonez	X			
Mr. M. Madrid	X			

Motion: Passed.

9. **Take up, consider and take action on investing into a money market account.**

Discussion: WestStar Bank has offered a 5.3% interest rate if the district moves \$2,000,000.00 from our operating funds account into a money market account. Approximate interest earned per month would be \$8,712.33.

Motion made by Mr. S. Madrid to move \$2,000,000.00 from the operating funds account into a money market account with a 5.3% interest rate.

Seconded by Mr. J. Carrasco.

Vote:

	<u>Aye</u>	<u>Nay</u>	<u>Abstain</u>	<u>Other</u>
Ms. J Gutierrez	X			
Mr. S. Madrid	X			
Mr. J. Carrasco	X			
Ms. T. Quiñonez	X			
Mr. M. Madrid	X			

Motion: Passed.



EL PASO COUNTY WATER CONTROL & IMPROVEMENT DISTRICT NO. 4

P.O. BOX 3880
(915) 764-2212



117 E. MAIN ST.
FAX (915) 764-4840



FABENS, TX 79838-3880

Regular Meeting
August 22, 2023

10. Take up, consider and take action to approve the 10-year lease agreement renewal with University Lands in the amount of \$6,000.

Discussion: The district received a 10-year lease renewal notice from University Lands. The lease needs to be renewed as there are water lines, a tank and a booster station on the property. It was not included in the 2023 budget.

Motion made by Mr. S. Madrid to approve the 10-year lease agreement renewal with University Lands in the amount of \$6,000.00.

Seconded by Mr. M. Madrid.

<u>Vote:</u>	<u>Aye</u>	<u>Nay</u>	<u>Abstain</u>	<u>Other</u>
Ms. J Gutierrez	X	_____	_____	_____
Mr. S. Madrid	X	_____	_____	_____
Mr. J. Carrasco	X	_____	_____	_____
Ms. T. Quiñonez	X	_____	_____	_____
Mr. M. Madrid	X	_____	_____	_____

Motion: Passed.

11. Take up, consider and take action to approve the Interlocal agreement with Lower Valley Water District for the servicing of out of district customers.

No action taken.

12. Take up, consider and take action on legal and personnel issues related to the employment of the General Manager.

Discussion: Item discussed in executive session.

Motion made by Mr. S. Madrid authorizing legal counsel to move forward with the termination of the general manager but subject to terms and conditions which legal counsel is authorized to present to the general manager on behalf of the board.

Seconded by Mr. M. Madrid.

<u>Vote:</u>	<u>Aye</u>	<u>Nay</u>	<u>Abstain</u>	<u>Other</u>
Ms. J Gutierrez	X	_____	_____	_____
Mr. S. Madrid	X	_____	_____	_____
Mr. J. Carrasco	X	_____	_____	_____
Ms. T. Quiñonez	X	_____	_____	_____
Mr. M. Madrid	X	_____	_____	_____

Motion: Passed.

13. Kemp Smith Update

N/A

14. CDM Smith Update

N/A

15. General Manager Update

- The collection rate for July is 97% with 63 cut-offs; 19 remain unpaid.
- Advertisement for architect and engineer qualifications for the Veteran's Park Memorial grant has been posted in the El Paso Inc.
- The \$21 million dollar grant that the County wanted the District and Fabens ISD to cosign will more than likely not be needed as it was reported that only one grant would be awarded per state. The County of El Paso will attempt to join with others in one big consortium.
- The El Paso Electric Company and the County of El Paso are working together to build a Solar farm that will benefit Fabens ISD, El Paso County WCID#4 and the County of El Paso facilities.



EL PASO COUNTY WATER CONTROL & IMPROVEMENT DISTRICT NO. 4

P.O. BOX 3880
(915) 764-2212



117 E. MAIN ST.
FAX (915) 764-4840



FABENS, TX 79838-3880

Regular Meeting
August 22, 2023

- On August 16, 2023, Israel Martinez and Noe Apodaca passed the “D” wastewater licensing test. They will now work toward obtaining the “D” water licenses.
- On August 17, 2023, students from UTEP took water samples from well #7. The samples will be used in a graduate student’s thesis project as well as training for undergraduate students in hydro-geologic research.

16. Public comments on issues of general concern – Each speaker is allowed 3 minutes and must comply with the Policies and Procedures for Public comment at Board Meetings, adopted on August 27, 2019.

Mr. Marquez wants accountability regarding where the generators and money are going. He also wants information on previous generator purchases.

Ms. Ontiveros was disappointed the board president, at the previous meeting, had tested positive for COVID. Mr. Estrada explained that her comment was a personal statement against a board member which is not allowed; she was talking about issues that are not of general concern to the district. Ms. Quiñonez then requested Ms. Ontiveros be allowed to finish her comment. Ms. Ontiveros had wanted to be given the option to leave or be offered a mask by the district.

17. Executive Session.

Meeting to be closed under the following Texas Government Code of the Open Meeting Act for discussion as follows:

- A. Attorney Consultation Code 551.071**
- B. Personnel Matters Code 551.074**

Any final action on matters addressed in this closed discussion will be taken after the meeting is reopened to the public or at a subsequent meeting.

Board convened into Executive Session at 6:20 pm

Time in Executive Session 139 minutes.

From 6:20 pm to 8:39 pm.

Motion made by Mr. S. Madrid to enter executive session.

Seconded by Mr. M. Madrid.

<u>Vote:</u>	<u>Aye</u>	<u>Nay</u>	<u>Abstain</u>	<u>Other</u>
Ms. J. Gutierrez	X	_____	_____	_____
Mr. S. Madrid	X	_____	_____	_____
Mr. J. Carrasco	X	_____	_____	_____
Ms. T. Quiñonez	X	_____	_____	_____
Mr. M. Madrid	X	_____	_____	_____

Motion: Passed.

18. Return to open session at 8:39 p.m. for possible discussion and action on Executive Session item(s).

Motion made by Mr. J. Carrasco to return to open session.

Seconded by Mr. M. Madrid.

<u>Vote:</u>	<u>Aye</u>	<u>Nay</u>	<u>Abstain</u>	<u>Other</u>
Ms. J. Gutierrez	X	_____	_____	_____
Mr. S. Madrid	X	_____	_____	_____
Mr. J. Carrasco	X	_____	_____	_____
Ms. T. Quiñonez	X	_____	_____	_____
Mr. M. Madrid	X	_____	_____	_____

Motion: Passed.



EL PASO COUNTY WATER CONTROL & IMPROVEMENT DISTRICT NO. 4

P.O. BOX 3880
(915) 764-2212



117 E. MAIN ST.
FAX (915) 764-4840



FABENS, TX 79838-3880

Regular Meeting
August 22, 2023

19. Board member availability for the September 26, 2023, Regular Meeting

Board members discussed, during item #7, moving the next board meeting date up to September 19, 2023; all board members present will be available for date change.

20. Motion to adjourn.

Discussion: No discussion.

Motion made by Mr. J. Carrasco to adjourn.

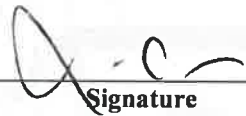
Seconded by Mr. S. Madrid.

Vote:

	<u>Aye</u>	<u>Nay</u>	<u>Abstain</u>	<u>Other</u>
Ms. J. Gutierrez	X			
Mr. S. Madrid	X			
Mr. J. Carrasco	X			
Ms. T. Quiñonez		X		
Mr. M. Madrid		X		

Motion: Passed.

Meeting Adjourned at 9:00 p.m.



Signature

10-24-23

Date Approved