



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

BOARD OF DIRECTORS REGULAR MEETING

TUESDAY, September 19, 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 Regular Meeting Minutes from August 22, 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 adoption of Resolution No. 2023-03 to adopt the tax rate of 0.140707.
8. Take up, consider and take action to approve a secondary 10-year lease agreement with University lands in the amount of \$6, 911.60 for pipeline running up to I-10 tank.
9. Take up, consider and take action to approve the Interlocal agreement with Lower Valley Water District for the servicing of out of district customers.
10. Discuss personnel matters regarding General Manager.
11. Kemp Smith Update.
12. CDM Smith Update.
13. General Manager Report.
14. 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.
15. 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.
16. Return to open session for possible discussion and action on executive session items(s).
17. Board member availability or date change for the October 24, 2023 Regular Meeting.
18. 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 a the 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



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REGULAR MEETING MINUTES Tuesday, September 19, 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:

Mr. Jose Ramirez	General Manager
Ms. Patty Cruz	Office Manager
Ms. Romie Martinez	Inventory Control Manager
Mr. Israel Martinez	Field Manager

Consultants:

Mr. Sergio Estrada	Kemp Smith
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Visitors:

Ms. Linda Madrid	Ms. Alicia Carrillo
Mr. Roberto Silva	Ms. Josie Silva
Mr. Luz Marquez	Mr. Raul Lopez

3. **Pledge of Allegiance.**

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

Discussion: No discussion.

Motion made by Mr. J. Carrasco to approve meeting agenda.

Seconded by Ms. T. Quiñonez.

Vote:

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

Motion: Passed.

5. **Take up, consider and take action on Special Meeting Minutes for August 22, 2023.**

Discussion: After a discussion between Ms. T. Quiñonez and Mr. M. Madrid regarding agenda item 16 for its lack of detail, Mr. Sergio Estrada, legal counsel offered two options: 1) they could propose how it should be worded, make a motion to amend meeting minutes as follows and put it up for a vote, or 2) table the meeting minutes until the next meeting and raise the amended motion at that time.

Motion made by Ms. T. Quiñonez to table the minutes to have an opportunity to amend.

Seconded by Mr. M. Madrid.

Vote:

	<u>Aye</u>	<u>Nay</u>	<u>Abstain</u>	<u>Other</u>
Ms. J Gutierrez		X		



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Mr. S. Madrid				
Mr. J. Carrasco		X		
Ms. T. Quiñonez	X			
Mr. M. Madrid	X			

Motion: Failed.

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 comment made.

7. **Take up, consider and take action on adoption of Resolution No. 2023-03 to adopt the tax rate of 0.140707.**

Discussion: No discussion.

Motion made by Mr. J. Carrasco to adopt Resolution No. 2023-03 to adopt the tax rate of 0.140707.

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				
Mr. J. Carrasco	X			
Ms. T. Quiñonez	X			
Mr. M. Madrid	X			

Motion: Passed.

8. **Take up, consider and take action to approve a secondary 10-year lease agreement with University Lands in the amount of \$6,911.60 for pipeline running up to I-10 tank.**

Discussion: No discussion.

Motion made by Mr. M. Madrid to approve a secondary 10-year lease agreement with University Lands in the amount of \$6,911.60 for pipeline running up to I-10 tank.

Seconded by Ms. T. Quiñonez.

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

Motion: Passed.

9. **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.

10. **Discuss personnel matters regarding General Manager**

Discussed in executive session.

11. **Kemp Smith Update**

N/A

12. **CDM Smith Update**

N/A



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13. General Manager Update

- There was no collection update as the board meeting took place prior to cut offs.
- Last month, graduate students from UTEP took samples from well #7. Dr. Engle sent a partial report on the tested water and in general it stated that the water quality is good.
- There was a total of three proposals submitted for qualifications from architects and engineers for the Veteran's Park Memorial. On August 29th, the proposals were scored by the scoring committee which consisted of Javier Paz from Commissioner Holguin's office, Veronica Myers, Director of El Paso County Parks and Recreation, David Sublasky, community member and Romie Martinez. The three proposals were submitted by The Dry Land, Materia Architecture Studio and GA Architects. GA Architects received the highest score, which was 93.5. The committee will be asking the board to allow the administration to negotiate a contract with GA Architects. Once that contract is finalized, we will submit it to EDA for review and approval. GA Architects can then begin the work.

Field Manager's Report

- Water Loss Report--- 32 million gallons pumped with a 4% water loss for the month of August: 8% water loss year to date.
- Lead Revised Review--beginning October of 2024 new national agenda for all water districts to report on lead service line requests. The district is responsible to report on each individual meter from tap to the entrance of the building including the meter. After October '24 the district is required to act and change out any lead lines in district as well as reach out to homeowners. Homeowners will be responsible for any lead lines on their property or in their homes and either replace lines or file an annual report with district if they chose not to replace.
- Starting September 1, 2023, TCEQ requires that any shortage of water must be reported ASAP.
- CC Camp Update
Pump house has been built; waiting on vertical pump quote; Scada from cemetery well will be used.
- Water line upgrade from 2" to 6" line from 3rd St to 1st St update
Anything built along railroad track now is charged a yearly rental fee so will look at other options.

14. 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.

Ms. Linda Rogriguez stated that the board should set an example by following policies and procedures and showing respect. She feels that legal counsel is a very unfair and unjust individual who should be professional and just. She also stated that he is only in it for the money.

Ms. Alicia Carrillo is disappointed in the Fabens Water Board, the attorney and the general manager. She has pictures of a meeting, three weeks prior, here at the district between the general manager, attorney and the board president, as well as two others; she believes the meeting was about the general manager keeping his job. Ms. Carrillo questioned the general manager as to why he was present and not at home dealing with



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his illness. She concluded that it was because he needed district insurance. She wants the board president to step down from the board, the attorney fired and the general manager to stay home.

Mr. Luz Marquez addressed the citizens, as he does not care much about the board or the administration. He says they started a fight a few years back and are making leeway. According to Mr. Marquez they have since removed Mario Aguirre, Magda Flores, Terrazas and Lala. Now he wants to remove Horacio because, according to Mr. Marquez, he is completely corrupt. In addition, he wants to remove the attorney as well. Mr. Marquez went on to say that his water bill went up the prior month and it should not be high because he doesn't use any water since he has a well at his house, which he stated is not illegal.

15. 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 6:14 pm

Time in Executive Session 43 minutes.

From 6:14 pm to 6:57 pm.

Motion made by Ms. T. Quiñonez 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				
Mr. J. Carrasco	X			
Ms. T. Quiñonez	X			
Mr. M. Madrid	X			

Motion: Passed.

16. Return to open session at 6:57 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				
Mr. J. Carrasco	X			
Ms. T. Quiñonez	X			
Mr. M. Madrid	X			

Motion: Passed.

17. Board member availability for the October 24, 2023, Regular Meeting

All board members present available for the October 24, 2023, Regular Meeting.

18. Motion to adjourn.

Discussion: No discussion.

Motion made by Mr. J. Carrasco to adjourn.



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Seconded by Mr. M. Madrid.

Vote:

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

Motion: Passed.

Meeting Adjourned at 7:17 p.m.



Signature

10-24-23

Date Approved