



EL PASO COUNTY WATER CONTROL & IMPROVEMENT DISTRICT NO. 4

P.O. BOX 3880



117 E. MAIN ST.



FABENS, TX 79838-3880

(915) 764-2212



FAX (915) 764-4840



BOARD OF DIRECTORS REGULAR MEETING

TUESDAY, JANUARY 23, 2024 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 December 19, 2023.
6. Audience comments on Agenda items: 3-minute speaking time limit per person
7. Take up, consider and take action on semi-Annual Interest Payment of \$121,082.50 and Principal Payment of \$37,000.00 to USDA_RD and US Bank and Authorize the Transfer of Funds needed to complete 100% of the Payment due on February 15, 2024.
8. Take up, consider and take action on Semi-Annual Interest Payment of \$120,573.75 and Principal Payment of \$120,000.00 to the USDA_RD and US Bank and Authorize the Transfer of Funds needed to complete 100% of the Payment due on August 15, 2024.
9. Take up, consider and take action to approve the Purchasing Cooperative of America Interlocal Agreement.
10. Take up, consider and take action to allow the submittal of a Watersmart grant in the amount of \$200,000 for digital meters with the Bureau of Reclamation.
11. Take up, consider and take action to approve contract between GA Architects and El Paso County Water Control & Improvement District #4 for the Veterans Memorial Project for Architectural Services, Landscape Design and Engineering Services.
12. Take up, consider and take action to approve an additional \$38,916.21 to complete the CC Camp Well and standpipe project.
13. Take up, consider and take action to terminate the General Manager's employment.
14. Kemp Smith Update.
15. CDM Smith Update.
16. General Manager Report.
17. Audience comments on General Matters: 3-minute speaking time limit per person.
18. 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 551.074

Any final action as a result of this closed discussion will be held at the opening of the meeting or at any subsequent meeting.

19. Return to open session for possible discussion and action on executive session item(s).
20. Board member availability or date change for the February 27, 2024 Regular Meeting.
21. 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 at 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 to discuss the matter in executive session. If during the discussion of any agenda item, a matter is raised that is 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 posted for executive session. In no event; however, will the board take action on any agenda item in executive session.



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Jose Ramirez

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



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REGULAR MEETING MINUTES

Tuesday, January 23, 2024

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 Rodriguez	Mr. Moises Olmos Jr.
Ms. Estela Escobar	Ms. Alicia Carrillo
Mr. Fernie Escobar	Ms. Ana Sanchez
Ms. Josie Silva	Ms. Estella Ontiveros
Mr. Roberto Silva	Mr. Raul Lopez
Mr. Luz Marquez	Ms. Shiela Cordero
Mr. Ruben Villagran	Mr. Steven Soto
Mr. Jose T. Solis	

3. Pledge of Allegiance.

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

Discussion: No discussion.

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

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.



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5. Take up, consider and take action on Regular Meeting Minutes for December 19, 2023.

Discussion: No discussion.

Motion made by Mr. S. Madrid to approve Regular Meeting Minutes for December 19, 2023.

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.

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.

Mr. Moises Olmos Jr., speaking on agenda item #13, stated that management has shoddy bookkeeping and deficiencies in accounting that have never been addressed by the board. If management is replaced, he wants that person to be qualified.

Ms. Alicia Carrillo wants the general manager terminated today. She stated that the general manager has failed to perform all his duties to the Fabens District.

Mr. Raul Lopez stated that the board has the responsibility to fulfill their duties as board members elected to office. The issue, he said, is what is best for the district. Also, the board's job is to dismiss someone if they are not doing the job.

7. Take up, consider and take action on semi-Annual Interest Payment of \$121,082.50 and Principal Payment of \$37,000.00 to USDA-RD and US Bank and authorize the transfer of funds needed to complete 100% of the payment due on February 15, 2024.

Discussion: Mr. Ramirez explained to the board that 75% is paid through taxes and 25% comes from the general fund.

Motion made by Mr. S. Madrid to approve the semi-annual interest payment of \$121,082.50 and principal payment of \$37,000.00 to USDA-RD and US Bank and authorize the transfer of funds needed to complete 100% of the payment due on February 15, 2024.

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 Semi-Annual Interest payment of \$120,573.75 and principal payment of \$120,000.00 to the USDA-RD and US Bank and authorize the transfer of funds needed to complete 100% of the payment due on August 15, 2024.

Discussion: No discussion.

Motion made by Mr. S. Madrid to approve the semi-annual interest payment of \$120,573.75 and principal payment of \$120,000.00 to the USDA-RD and US Bank and authorize the transfer of funds needed to complete 100% of the payment due on August 15, 2024.

Seconded by Mr. J. Carrasco.



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<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.

9. **Take up, consider and take action to approve the Purchasing Cooperative of America Interlocal Agreement.**

Discussion: Mr. Ramirez explained to the board that the agreement with the Purchasing Cooperative of America will be used for the rehabilitation of the manholes. The contractor the district plans to use is a member. By using the cooperative, the district will not have to bid out the project.

Motion made by Mr. S. Madrid to approve the Purchasing Cooperative of America interlocal agreement. Seconded by Mr. J. Carrasco.

<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.

10. **Take up, consider and take action to allow the submittal of a Watersmart grant in the amount of \$200,000 for digital meters with the Bureau of Reclamation.**

Discussion: Mr. Ramirez explained to the board that if the \$200,000.00 grant is awarded, the district would have to match the grant with \$200,000.00 in matching funds. If awarded, the district should be able to replace all remaining digital meters and install the infrastructure to be able to read the meters at the office. The Rio Grande Council of Governments wrote the grant at no cost to the district.

Motion made by Mr. S. Madrid to allow the submittal of a Watersmart grant in the amount of \$200,000.00 for digital meters with the Bureau of Reclamation.

Seconded by Mr. J. Carrasco.

<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 contract between GA Architects and El Paso County Water Control & Improvement District #4 for the Veterans Memorial Project for Architectural Services, Landscape design and engineering services.**

Discussion: Mr. Sergio Estrada explained the recommended revisions to the contract and requested permission to execute the agreement; recommending to the board to motion to approve the contract in an amount not to exceed \$80,127.00 and subject to final review by legal counsel and the general manager.

Motion made by Mr. S. Madrid to approve contract between GA Architects and El Paso County Water Control and Improvement District #4 for the Veterans Memorial Project for architectural services, landscape design and engineering serviced not to exceed \$80,127.00.

Seconded by Mr. M. Madrid.



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<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.

12. Take up, consider and take action to approve an additional \$38,916.21 to complete the CC Camp well and standpipe project.

Discussion: Mr. Ramirez explained to the board that the invoice from Alpha Southwest (well driller) was more than was quoted; the district is currently working with Alpha on cost. The district also decided to make some changes to the original plan which includes utilizing the 25,000-gallon storage tank, booster pump and have Alpha Southwest do the electrical. The district also is requesting to have Entero Automation install the SCADA system and program the VFD's. The total amount being requested includes a 15% contingency for any other items that come up.

Motion made by Mr. S. Madrid to approve an additional \$38,916.21 to complete the CC Camp well and standpipe project.

Seconded by Mr. J. Carrasco.

<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. Take up, consider and take action to terminate the General Manager's employment.

Discussion: After entering executive session for attorney consultation, the board returned to open session and discussed (per the general manager's request) terminating the general manager's employment based on extended absences. Some board members suggested offering him an option and/or creating a policy to define termination due to absences. Board members then re-entered executive session a second time for further attorney consultation; after which a new motion was made.

Motion made by Mr. J. Carrasco not to terminate pending the creation of new policies and procedures for district employees and general manager within the next 90 days.

Seconded by Motion was not seconded.

Motion made by Mr. S. Madrid to terminate the general manager's employment with direction to legal counsel to extend a separation agreement.

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.

14. Kemp Smith Update

After the pledge of allegiance and prior to any agenda items, Mr. Sergio Estrada addressed the board and the public in order to remind them of what the duties are of all the parties present; the rules of decorum.



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15. CDM Smith Update

N/A

16. General Manager Update

- Collection rate for December 2023 was 99%, 41 cut offs and 18 remain unpaid.

Field Manager Update

- Water Loss for the end of year 2023 was 6%; a 2% drop from 2022.
- TDS 610/ Ph levels 7.2/ chlorine levels 1.25
- Major repairs: Hampton force line fix and Waste Plant 12" tee break; all work done in house.
- Leak at 200 block of Bryan; gas line hit, and district is awaiting results.

17. 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. Rosemary Gallo-Avitia wants to thank the board and water district employees for giving them information through the open records act that helped them formulate the questions for the meeting on January 16, 2024, regarding the proposed waste treatment plant.

Ms. Violeta Flores thanked the district for providing records that forwarded their cause through the open records act.

Ms. Linda Rodriguez, after being warned once about personal attacks and disregarding the warning, was asked to leave the meeting.

Ms. Ana Sanchez thanked the board and general manager for their support in opposition to the wastewater treatment plant.

Mr. Steven Soto thanked the two members who supported the cause against the construction of the wastewater treatment plant.

Ms. Alicia Carrillo is appalled and shocked at how the board members and attorney conduct themselves.

18. 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

Any final action as a result of this closed discussion will be held at the opening of the meeting or at any subsequent meeting.

Board convened into Executive Session at 7:12 pm

Time in Executive Session 31 minutes.

From 7:12 pm to 7:43 pm.

Motion made by Ms. T. Quiñonez to enter executive session.

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			



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Motion: Passed.

Executive Session.

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

B. Attorney Consultation Code 551.071

Any final action as a result of this closed discussion will be held at the opening of the meeting or at any subsequent meeting.

Board convened into Executive Session at 8:10 pm

Time in Executive Session 34 minutes.

From 8:10 pm to 8:44 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.

19. Return to open session at 7:43 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 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	X	_____	_____	_____
Mr. J. Carrasco	X	_____	_____	_____
Ms. T. Quiñonez	X	_____	_____	_____
Mr. M. Madrid	X	_____	_____	_____

Motion: Passed.

Return to open session at 8:44 p.m. for possible discussion and action on Executive Session item(s).

Motion made by Mr. S. Madrid 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.

20. Board member availability for the February 27, 2024, Regular Meeting

All board members present are available for the February 27, 2024, Regular Meeting.



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21. Motion to adjourn.

Discussion: No discussion.

Motion made by Mr. S. Madrid to adjourn.

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

Motion: Passed.

Meeting Adjourned at _____ p.m.



Signature

2-27-24

Date Approved