



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, December 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 the meeting agenda.
5. Take up, consider and take action on Regular Meeting Minutes from October 24, 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 Employee Health, Dental, Disability and Life Insurance for the year 2024.
8. Take up, consider and take action to have Pena, McDaniel & Company conduct the 2023 Financial Audit.
9. Take up, consider and take action to approve the proposed salary raises for the Budget year 2024.
10. Take up, consider and take action on the required USDA-RD Annual Deposit of \$7,965.00 on the short-lived Asset.
11. Take up, consider and take action to approve end of the year bonuses for employees.
12. Take up, consider and take action on 2024 Budget
13. Take up, consider and take action on support for the Fabens Take Charge Group.
14. Take up, consider and take action on the Board Packet Delivery Method.
15. Take up, consider and take action to approve a resolution authorizing an application to the Texas Commission on Environmental Quality for the approval of water and wastewater projects and the issuance of bonds to finance said projects and purposes.
16. Take up, consider and take action to contract with Jones-Heroy & Associates, Inc. to prepare the application to TCEQ for approval of the \$9,027,000 bond issue.
17. Kemp Smith Update.
18. CDM Smith Update.
19. General Manager Report.
20. 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:
21. 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.
22. Return to open session for possible discussion and action on executive session item(s).
23. Board member availability for January 23, 2024, Regular Meeting.
24. 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.



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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.

JRMarty

for

Jose Ramirez

El Paso County Water Control & Improvement District #4

Interim General Manager



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REGULAR MEETING MINUTES Tuesday, December 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:

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

Consultants:

Mr. Sergio Estrada	Kemp Smith
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Visitors:

Mr. Rafael Ramirez	Ms. Lily Terrazas
Ms. Alicia Carrillo	Ms. Estella Ontiveros
Ms. Linda Rodriguez	Mr. Raul Lopez
Ms. Josie Silva	Ms. Ana Sanchez
Mr. Roberto Silva	

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.

<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 October 24, 2023.**

Discussion: No discussion.

Motion made by Mr. S. Madrid to approve Regular Meeting Minutes for October 24, 2023.

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			



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Ms. T. Quiñonez
Mr. M. Madrid

X			
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.

Ms. Ontiveros observed that the agenda skipped the minutes for November. She stated that the correction from her previous speech was never addressed.

Ms. Rodriguez stated that the raises to be addressed in agenda item #9 should be based on each employee's performance. The general manager is not entitled to a raise based on his year-long absence; she feels he should have been terminated. Ms. Rodriguez added that the board president should take control of the meetings. Regarding agenda item #11, she stated that it is the responsibility of the general manager to deliver the board packets.

Ms. Carrillo asked how a raise, to be addressed in agenda item #9, can be approved for the general manager who was absent for a year due to his illness. She expressed another concern, his absence from the meeting again due to his illness. Hoping for an increase in pay for employees of not more than 3%, she stated that she has not seen any capital projects in the last two years. The board, she feels, only thinks about itself and not the low-income taxpayers. Regarding agenda item #11, she is hugely disappointed that in the prior 25 years a bonus was never given to water employees. She feels that giving a bonus and raise is ridiculous; employees are not deserving of a bonus.

Mr. R. Ramirez, regarding agenda item #9, suggested to the board that they should disperse the raises equally as opposed to giving a percentage to each employee based on their pay.

Mr. Lopez spoke on agenda items #9 and #11. He stated that employee raises should be based on performance and evaluations; cannot be rewarded with a raise/bonus if an employee is not doing their job. Mr. Lopez also commented that the actions of the board need to be in the best interest of the community.

7. Take up, consider and take action on Employee Health, Dental, Disability and Life Insurance for the year 2024.

Discussion: Ms. Cruz presented the 2024 renewal rates for employee health, dental, disability and life insurance for board approval.

Motion made by Mr. S. Madrid to approve the renewal of employee health, dental, disability and life insurance for 2024.

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.

8. Take up, consider and take action to have Peña, McDaniel & Company conduct the 2023 Financial Audit.

Discussion: Ms. Martinez requested the board's approval to have Peña, McDaniel & Company conduct the 2023 Financial Audit.

Motion made by Mr. S. Madrid to approve having Peña, McDaniel & Company conduct the 2023 Financial Audit.

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 proposed salary raises for the budget year 2024

Discussion: Ms. Martinez asked the board to approve salary raises of either 4%, 5%, 6% or 7% for all employees. Item discussed in executive session.

Motion made by Mr. S. Madrid to approve the proposed salary raises of 7% for the budget year 2024, to include everyone but the general manager.

Seconded by Ms. Gutierrez.

<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 on the required USDA-RD Annual Deposit of \$7,965.00 on the short-lived asset.

Discussion: Ms. Martinez requested the board's approval for the required USDA-RD annual deposit of \$7,965.00 on the short-lived asset account.

Motion made by Mr. S. Madrid to approve the required USDA-RD annual deposit of \$7,965.00 on the short-lived asset account.

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 end-of-the-year bonuses for employees.

Discussion: Ms. Martinez requested the board approve year-end bonuses for employees. Item discussed in executive session.

Motion made by Mr. Carrasco to approve end-of-the-year bonuses of \$1,000.00 for each employee.

Seconded by Mr. S. 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.



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12. Take up, consider and take action on 2024 budget.

Discussion: Ms. Martinez presented the board with two options for the 2024 budget. The first option had a net income of \$101,124.00. The second option, which includes an estimate for computer upgrades, had a net income of \$25,899.00.

Motion made by Mr. S. Madrid to approve option #2 of the 2024 budget as presented with a net income of \$25,899.00.

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 on support for the Fabens Take Charge Group.

Discussion: Ms. Sanchez and Mr. R. Ramirez, representing the Fabens Take Charge Group opposing the construction of the proposed LVWD wastewater treatment plant, requested the board's support for their cause.

Motion made by Mr. S. Madrid to not support the Fabens Take Charge Group.

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.

14. Take up, consider and take action on Board Packet delivery method.

Discussion: Item discussed in executive session.

Motion made by Mr. J. Carrasco to have the board packet delivered electronically to the iPad or be ready at the office for pick up by a board member.

Seconded by Mr. S. 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.

15. Take up, consider and take action to approve a resolution authorizing an application to the Texas Commission on Environmental Quality for the approval of water and wastewater projects and the issuance of bonds to finance said projects and purposes.

Discussion: Mr. Rudy Segura, bond counsel and Ms. Ester Young, financial advisor, presented to the board the need for TCEQ approval of water and wastewater projects since the district is going through the open market for bond issuance.

Motion made by Mr. S. Madrid to approve a resolution authorizing the filing of an application to the Texas Commission on Environmental Quality for the approval of water and wastewater projects and the issuance of bonds to finance said projects and purposes.



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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.

16. Take up, consider and take action to contract with Jones-Heroy & Associates, Inc. to prepare the application to TCEQ for approval of the \$9,027,000 bond issue.

Discussion: Mr. Rudy Segura and Ms. Ester Young recommended the board contract with Jones-Heroy & Associates, Inc to prepare the application to TCEQ for approval of the \$9,027,000.00 bond issue.

Motion made by Mr. S. Madrid to contract with Jones-Heroy & Associates, Inc. to prepare the application to TCEQ for approval of the \$9,027,000.00 bond issue.

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.

17. Kemp Smith Update

Mr. Estrada reminded district staff that the only real interaction with the board should be through the general manager, assistant general manager or the board president. Board members are allowed to reach out to staff, but staff are not obliged to respond to them if attending to other duties. Their main job description is carrying out their job for the betterment of the district.

18. CDM Smith Update

N/A

19. General Manager Update

- No cut offs in October.
- November collection rate was 98%, 37 cut offs, 15 remain unpaid.
- The Bureau of Reclamation has posted the Water Smart Grant application for 2024; deadline is February.
- 2024 calendar is included in board packet.

Field Manager Update

- Water Loss for October and November 12%; trending toward 6% for the year
- Update on benefits of digital meters and data logs
- Hampton Lift Station update
- General Manager's request for the relining of 10 manholes; due to vibration the one's closest to the railroad tracks have the most problems and will be relined first.

20. 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.



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Ms. Terrazas worked at LVWD for 25 years and stated that a local agreement was entered into around 2008 or 2010 between LVWD and El Paso County WCID #4 to bring water and wastewater services to Mesa del Norte.

Ms. Ontiveros is still waiting for corrections to be addressed.

Ms. Carrillo stated that the town of Fabens has concerns and wants to know what is happening to the general manager.

Mr. R. Ramirez stated that the previous speakers are only speaking for a small number of people and not the whole community of Fabens.

21. 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 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 7:51 pm.

Time in Executive Session 36 minutes.

From 7:51 pm to 8:27 pm.

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

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.

22. Return to open session at 8:27 p.m. for possible discussion and action on Executive Session item(s).

Discussion: Refer to items 9, 11 and 14.

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

Seconded by Mr. S. 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.

23. Board member availability for the January 23, 2024, Regular Meeting

All board members present will be available for the January 23, 2024, Regular Meeting.



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24. Motion to adjourn.

Discussion: No discussion.

Motion made by Mr. S. Madrid.

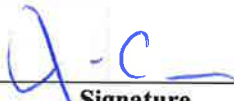
Seconded by Mr. J. Carrasco.

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.

Meeting Adjourned at 9:05 p.m.



Signature

1-23-24

Date Approved