

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

SPECIAL MEETING MINUTES Tuesday, February 1, 2022

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		
Ms. Thelma Quiñonez	Vice President	X		
Ms. Magda C. Flores	Secretary	X		
Mr. Jorge Carrasco	Member	X		
Mr. Samuel Madrid	Member	X		

District Staff:

Mr. Jose Ramirez.	General Manager
Ms. Patty Cruz	Office Manager
Ms. Romie Martinez	Inventory Control Manager
Ms. Laura Olivas	Office Clerk

Consultants:

Mr. Sergio Estrada	Legal Council, Kemp Smith, LLP
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Visitors:

Mr. Joaquin Mendoza	Ms. Jeanette Ribail
Mr. Rafael Ramirez	Mr. Luz Marquez
Mr. Esteban Olivas	Mr. Ismael Ortiz
Mr. Roman Guerrero	Ms. Alicia Castillo
Mr. Vicente Telas	Mr. Martin Madrid

3. Pledge of Allegiance.

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

Discussion: There is a correction on Agenda item #10, the Semi-Annual Interest payment should read \$126,177.50 instead of \$126,414.75.

Motion made by Ms. Flores to approve the Agenda as corrected.

Seconded by Mr. Madrid.

Vote:

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

Motion: Passed



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5. Take up, consider and take action on Budget Workshop Special Meeting Minutes for December 28, 2021.

Discussion: No discussion

Motion made by Ms. Flores to approve the Budget Workshop Special Meeting Minutes for December 28, 2021.

Seconded by Mr. Madrid.

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

Motion: Passed

6. Take up, consider and take action on Regular Meeting Minutes for December 28, 2021.

Discussion: Need to make correction on Agenda to state Regular Meeting Minutes instead of Special Meeting Minutes for December 28, 2021.

Motion made by Ms. Flores to approve the Regular Meeting Minutes for December 28, 2021.

Seconded by Mr. Carrasco.

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

Motion: Passed

7. Audience comments on Agenda items: 3-minute speaking time limit per person.

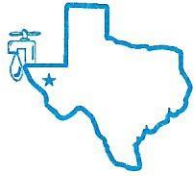
No Audience comments.

8. Audience comments General Matters: 3-minute speaking time limit per person.

Mr. Luz Marquez stated that he was disturbed after coming across a document that Mr. Ramirez conjured up which stated that the district or its agents have the right to enter customers premises for the purpose of examining, repairing, altering or removing property to determine how the water is being used. He feels it goes against the Fourth Amendment of the Constitution. Mr. Marquez feels that the digital meters the district is trying to install will only save a gallon a meter. He questioned where all the reject water from the RO system is going since he states it takes four gallons of water to clean one gallon of water. He stated that it is all a fleecing of the citizens of Fabens and that it is going to stop.

Mr. Martin Madrid spoke about the May 2019 committee formed to review the General Manager candidates which he states the decision was overturned at a Board meeting in a clear move of manipulation, favoritism, nepotism, corruption and conflict of interest. He then proceeded to read a letter of resignation from an ex-employee.

Ms. Alicia Carrillo stated that she is very appalled and very disappointed in the Board members, Jose Ramirez and Romie. She questioned the Board as to why they are letting everything get out of hand and why they agree to everything Mr. Ramirez says when they don't understand what he clearly says. She was upset about the policy passed by the Board on not being able to give up the three minutes of speaking time to another person and says they will do their homework on it because "it is not right".



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Mr. Joaquin Mendoza stated that as an employee of El Paso County WCID #4 he feels that Mr. Ramirez is doing a good job and things have changed for the better since he came in. He stated that since August of last year there has been a change in the work environment, it is a good working environment now. He is very pleased working for Mr. Ramirez, Ms. Martinez and all his coworkers. He feels the false accusations need to stop.

9. Take up, consider and take action on semi-annual interest payment of \$126,658.75 and principal payment of \$35,000.00 to USDA-RD and US Bank and authorize the transfer of funds needed to complete 100% of the payment due on February 15, 2022.

Discussion: No discussion.

Motion made by Flores to authorize the transfer of funds needed to complete the payment due on February 15, 2022 in the amount of 126,658.75 on semi-annual interest and principal payment in the amount of \$35,000.00 to USDA-RD and US Bank.

Seconded by Mr. Madrid.

Vote:

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

Motion: Passed

10. Take up, consider and take action on semi-annual interest payment of \$126,177.50 and principal payment of \$115,000.00 to the USDA-RD and US Bank and authorize the transfer of funds needed to complete 100% of the payment due on August 15, 2022.

Discussion: No discussion.

Motion made by Ms. Flores to approve the semi-annual interest payment of \$126,177.50 and principal payment of \$115,000.00 to the USDA-RD and US Bank and authorize the transfer of funds needed to complete 100% of the payment due on August 15, 2022.

Seconded by Mr. Carrasco.

Vote:

	<u>Aye</u>	<u>Nay</u>	<u>Abstain</u>	<u>Other</u>
Ms. J Gutierrez	X			
Ms. T. Quiñonez		X		
Ms. M. Flores	X			
Mr. I Martinez	X			
Mr. J. Carrasco	X			

Motion: Passed.

11. Take up, consider and take action on extending the COVID-19 pay for those employees that have not used the 10 days.

Discussion: Mr. Ramirez communicated with the board that there are two employees that have not used their time for the Family 1st Corona Virus Act passed in December 2020. Since the virus is still very active he is asking the board to allow those two employees to be able to use their time if they test positive or are exposed to someone testing positive so long as they provide proof. This will not apply to new employees.

Motion made by Mr. Madrid to approve extending the COVID-19 pay for those two employees that have not used the 10 days.

Seconded by Ms. Flores.



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

Motion: Passed.

12. Kemp Smith Update

Discussed in Executive Session

13. CDM Smith Update

N/A

14. General Manager Update

1. Collection rate for November was 99 %, 16 Cutoff's, 2 remain unpaid
December was 99%, 27 Cut-offs 1 remain unpaid

2. We have been selected for further consideration for funding from EDA for the Veterans Park Memorial. The amount available is \$900,000.00. The RCOG, the County and our staff met last Thursday to review the questions that we need to answer in order to be considered for selection. We will be meeting again this week to finalize the answers. The due date for our responses is February 22, 2022. (Show letter item 14.4)

3. We met with Commissioner Holguin regarding the infrastructure funding that was passed by Congress. The county received part of this funding for Water and Wastewater infrastructure, they have already distributed the first round of these funds to several entities. Mr. Juarez has sent the list of our projects to the County so that we can be considered for future infrastructure funding.

4. We will be submitting our proposed projects to the TWDB for this next round of funding. I spoke to Mr. Juarez regarding the re-submission of these projects, and he assured me that we will not need to change much information. There will be no charge for re-submitting.

5. Due to complaints and issues with the answering service, we will be cancelling the service and will have the office staff alternate answering the on-call phone. The phones are currently being transferred to the answering service after 4:30 P.M. and are transferred back at 8:00 A.M. The answering service receives the afterhours calls, and they call the on-call phone. Going forward, the office staff will be answering the afterhours calls, and if an emergency arises, they will call the field staff that are on call.

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

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



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Board convened into Executive Session at 6:41 p.m.
Time in Executive Session 54 minutes.
From 6:28 p.m. to 7:25 p.m.

16. Return to open session at 7:25 p.m. for possible discussion and action on Executive Session item(s).

17. Board member availability for the February 22, 2022 Regular Meeting

All Board members available for the Regular Meeting on February 22, 2022 with the exception of Mr. Madrid.

18. Motion to adjourn.

Discussion: No discussion.

Motion made by Ms. Flores.

Seconded by Mr. Madrid.

Vote:

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

Motion: Passed.

Meeting Adjourned at 7:31 p.m.

Margaret C. Flores
Signature

2/22/22
Date Approved