

## **NOTICE OF REGULAR BOARD MEETING OF THE ECTOR COUNTY UTILITY DISTRICT**

Notice is hereby given that on the 14th day of June 2023; the Board of Directors of the Ector County Utility District of Ector County will hold a Regular Board Meeting at 2:30 P.M. in the District's Board Room located at 1039 N. Moss Avenue, Odessa, Ector County, Texas 79763. The subjects to be discussed are listed on the June 14th, 2023, regular meeting agenda. Public comment on individual agenda items is considered (limit 3 minutes per person).

### **SPECIAL PRESENTATIONS/REQUESTS/RESOLUTIONS**

1. To consider, discuss, and take any necessary action to approve minutes from May 10, 2023, board meeting.  
Margaret Burton- Secretary

### **CONTRACTS/ AGREEMENTS/ GRANTS**

2. To consider, discuss, and take any necessary action regarding Ector County Utility District's inclusion in an agreement between Ector County Government Purchasing Group and the HON Furniture Company, this is a furniture/office supply discount agreement being facilitated by Medical Center Hospital for several local government agencies  
Debi Hays – General Manager
3. To consider, discuss and take any necessary action regarding the RFQ / RFP for the addition to ECUD office space and authorize the general manager to sign all documents associated with this agenda item.  
Debi Hays- General Manager
4. To consider, approve and take any necessary action to approve a donation from William Fowler P.C. for office supplies.  
Debi Hays- General Manager
5. To consider, approve and take necessary action regarding the evaluation ranking engineers response, to the Request for Qualifications for Engineering Services for the building of the ECUD distribution project, and authorize the start of negotiation for the design, construction, and oversight of the project.  
Debi Hays- General Manager
6. To consider, approve and take any necessary action regarding the potential sale of property located at 9510 West Westridge, 4.26 acres more or less, E2 of Lot 13, Block 8, Westridge sub, Ector County, Texas account #35500.00700.0000 in accordance with Section 263.008 and all other applicable provisions of Title 8 of the Texas Government Code and authorize the ECUD General Manager to sign all associated documents.  
Debi Hays- General Manager

7. To consider, approve and take any necessary action regarding the amendment of ECUD By-laws pursuant to Article VIII Section 1 (Feb. 13, 2019). Under Article 11, Management of District, Ector County Utility District to add Sections 12,13, and 14 Collection of Unpaid Charges.  
Debi Hays- General Manager
8. To consider, approve and take necessary action regarding Ector County Utility District adding a seat belt policy to the ECUD employee policies to be in accordance with Executive Order 13513, 74 FR51225 (October 6, 2009) and in compliance with Section 602 (b) and 603 (b) of the Social Security Act (the Act) as added by section 9901 of the American Rescue Plan Act, Pub. L. No. 117-2 (March 11, 2021).  
Debi Hays- General Manager
9. To consider, approve and take necessary action regarding the adoption of the Ector County Employee Handbook, Acceptable Internet Use Policy, Anti- Discrimination and Harassment Policy, Family & Medical Leave Policy, Mobile Device Policy, Nepotism Policy, Social Media Use Policy, and Substance Abuse Policy. All prior adopted ECUD employee policies will take precedence over the adoption of Ector County above stated policies.  
Debi Hays- General Manager

#### **BUDGET/FINANCIAL**

10. To consider, discuss and take any necessary action to approve Accounts Payable for June 14, 2023, and review district financial statements and reports.  
Debi Hays- General Manager

#### **EXECUTIVE SESSION**

The District reserves the right to change the agenda item order.

If, during the course of the meeting covered by this notice, the Board of Directors is required, then such closed or executive meeting of session as Title 5, Chapter 551, Government Code of Texas will be held by the Board of Directors at the date, hour, and place given in this notice or as soon after the commencement of the meeting covered by this notice as the Board of Directors may conveniently meet in such closed or executive meeting or session concerning any and all subjects and for any and all purposes permitted by Section 551 of said Government Code, including, but not limited to:

- § 551.071 For the purpose of a private consultation with the board's attorney.
- § 551.072 For the purpose of discussing the purchase, exchange, lease, or value of real property
- § 551.073 For the purpose of discussing negotiated contracts for prospective gifts, or donations
- § 551.074 For the purpose of considering the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee.
- § 551.076 To consider the deployment, or specific occasions for implementation, of security personnel or devices or a security audit.

- § 551.084 For the purpose of excluding any witnesses from a hearing during examination of another witness.
- § 551.087 For the purpose of discussing economic development information received from a business seeking to locate in or near the District, and offers of a financial and other intentions to a business prospect.
- § 551.089 For the purpose of discussing security assessments of development of information resources technology, security personnel, critical infrastructure or security devices.


Should any final action, final decision, or final vote be required in the opinion of the Board of Directors with regard to any matter considered in such closed or executive meeting or session, then such final action, final decision, or final vote shall be at either:

- (a) The open meeting covered by the notice upon the reconvening of this public meeting; or
- (b) At a subsequent public meeting of the Board upon notice thereof; as the Board of Directors shall determine.

This notice was telephoned or mailed to all members of the news media who had previously requested such notice, and an original copy was posted on the bulletin boards at the first floor of Ector County Courtroom and the Ector County Utility District office on the 9<sup>th</sup> day of June 2023, at 12:54 A.M., said time being more than seventy-two (72) hours prior to the time at which the subject meeting will be convened and called to order.

  
 Margaret Burton  
 Secretary

Posted: 12:54 pm 6-9- 2023 at Ector County Courthouse

By:   
 Deputy County Clerk  
 Jennifer Martin, County Clerk  
 Ector County, Texas

Posted: 6-9-23  
 Time: 12:54 pm  
 Jennifer Martin, County Clerk  
 Ector County, Texas  
 By: Lexie Cole Deputy

# MINUTES OF THE BOARD MEETING OF THE ECTOR COUNTY UTILITY DISTRICT

June 14th, 2023

The Ector County Utility District Board of Directors met in a Regular Board Meeting session on June 14th, 2023, at 1039 N. Moss Avenue.

**Board Members Present:** President Tommy Ervin, Director Stephanie Shaw, Director Margaret Burton, Director Sheila Black.

**Board Members Delay:** Director Troy Walker

**Non-Board Members Present:**

Debi Hays – General Manager  
Johanna Lozano – ECUD  
Brandon Smith – Acoustic Leak Detection  
Andrew Simonsen- Kimley Horn  
Carl Adkins – visitor  
Lori Cavill - visitor  
Linda Williams- visitor

**Call to Order.** President Ervin introduced those in attendance and with a quorum present called the meeting to order at 2:30 p.m.

1. To consider, discuss, and take any necessary action to approve minutes from May 10, 2023, board meeting.

**Motion: After discussion among the board members, Director Burton made a motion to approve the minutes from May 10, 2023 seconded by Director Black, motion carries.**

**Director Shaw made a motion to go into Executive Session at 2:32 pm under code**

- § 551.071 For the purpose of a private consultation with the board's attorney.
- § 551.072 For the purpose of discussing the purchase, exchange, lease, or value of real property.
- § 551.073 For the purpose of discussing negotiated contracts for prospective gifts, or donations.
- § 551.074 For the purpose of considering the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee.

**, seconded by Director Black, motion carries.**

Board of Directors came out of Executive Session at 3:48 pm, no votes were taken during Executive Session.

Regular Board Meeting resumed at 3:49 pm.

2. To consider, discuss, and take any necessary action regarding Ector County Utility District's inclusion in an agreement between Ector County Government Purchasing Group and the HON Furniture Company, this is a furniture/office supply discount agreement being facilitated by Medical Center Hospital for several local government agencies.

**Motion: After discussion among the board members, Director Walker made a motion for Ector County Utility District to join in an agreement between Ector County Government Purchasing Group and the HON Furniture Company, this is a furniture/office supply discount agreement being facilitated by Medical Center Hospital for several local government agencies, seconded by Director Shaw, motion carries.**

3. To consider, discuss and take any necessary action regarding the RFQ / RFP for the addition to ECUD office space and authorize the general manager to sign all documents associated with this agenda item.

**Motion: After discussion among the board members, Director Walker made a motion to approve the RFQ / RFP for the addition to ECUD office space and authorize the general manager to sign all documents associated with this agenda item, seconded by Director Shaw, motion carries.**

**Motion amended – Director Walker amended his motion to award Tommy Hawkins to be the contractor to the addition to the office for Ector County Utility District, seconded by Director Shaw, motion carries.**

4. To consider, approve and take any necessary action to approve a donation from William Fowler P.C. for office supplies.

**Motion: After discussion among the board members, Director Shaw made a motion to approve a donation from William Fowler P.C. for office supplies, seconded by Director Walker, motion carries.**

5. To consider, approve and take necessary action regarding the evaluation ranking engineers response, to the Request for Qualifications for Engineering Services for the building of the ECUD distribution project, and authorize the start of negotiation for the design, construction, and oversight of the project.

**Motion: After discussion among the board members, Director Walker made a motion to approve and take any necessary action toward Kimley Horn for the**

**engineering services of the distribution project through ARPA, seconded by Director Burton, motion carries.**

6. To consider, approve and take any necessary action regarding the potential sale of property located at 9510 West Westridge, 4.26 acres more or less, E2 of Lot 13, Block 8, Westridge sub, Ector County, Texas account #35500.00700.0000 in accordance with Section 263.008 and all other applicable provisions of Title 8 of the Texas Government Code and authorize the ECUD General Manager to sign all associated documents.

**Motion: After discussion among the board members, Director Shaw made a motion to approve the potential sale of property located at 9510 West Westridge seconded by Director Walker, motion carries.**

7. To consider, approve and take any necessary action regarding the amendment of ECUD By-laws pursuant to Article VIII Section 1 (Feb. 13, 2019). Under Article 11, Management of District, Ector County Utility District to add Sections 12,13, and 14 Collection of Unpaid Charges.

**1<sup>st</sup> Motion: After discussion among the board members, Director Walker made a motion to approve example 1 as written, motion die for lack of second.**

**2<sup>nd</sup> Motion: After discussion among the board members and recommendations from general manager, Director Walker made a motion to accept Example 1 Section 12 and 13, and Example 3 Section 14, seconded by Director Burton, opposed by Director Shaw, motion carries 2/1.**

8. To consider, approve and take necessary action regarding Ector County Utility District adding a seat belt policy to the ECUD employee policies to be in accordance with Executive Order 13513, 74 FR51225 (October 6, 2009) and in compliance with Section 602 (b) and 603 (b) of the Social Security Act (the Act) as added by section 9901 of the American Rescue Plan Act, Pub. L. No. 117-2 (March 11, 2021).

**Motion: After discussion among the board members, Director Shaw made a motion to approve Ector County Utility District adding a seat belt policy to the ECUD employee policy, seconded by Director Walker, motion carries.**

9. To consider, approve and take necessary action regarding the adoption of the Ector County Employee Handbook, Acceptable Internet Use Policy, Anti- Discrimination and Harassment Policy, Family & Medical Leave Policy, Mobile Device Policy, Nepotism Policy, Social Media Use Policy, and Substance Abuse Policy. All prior adopted ECUD employee policies will take precedence over the adoption of Ector County above stated policies.


**Motion: After discussion among the board members, Director Shaw made a motion to approve the adoption of the Ector County Employee Handbook, all prior adopted**

**ECUD employee policies will take precedence over the adoption of the Ector County above-stated policies, seconded by Director Walker, motion carries.**

10. To consider, discuss and take any necessary action to approve Accounts Payable for June 14, 2023, and review district financial statements and reports.  
Debi Hays- General Manager

**Motion: After discussion among the board members and Brandon Smith's presentation, Director Shaw made a motion to approve Accounts Payable for June 14, 2023, seconded by Director Walker, motion carries.**

**Director Shaw made a motion to adjourn at 4:49 pm seconded by Director Burton, motion carries.**

  
Director Margaret Burton

## Article II

### Management Of District

SECTION 12. The district shall make all attempts to collect unpaid charges. Ector County Utility District has the right to use an external collection agency and delinquent accounts shall be reported to a credit bureau (Title VI of the Consumer Credit Protection Act Law 15 U.S.C. 1681).

SECTION 13. The owner of any property who rents property to another and such tenant carries ECUD water, wastewater or trash collection services in tenant's name, the owner of property is responsible for tenant's delinquent utility bill. ECUD utility services will not be provided until delinquent debt and any other incurred expenses have been paid. Incurred expenses shall include attorney fees, tapering fees, damages to ECUD equipment (meters, valves, plugs, any and all meter related equipment), and disconnect fees.

SECTION 14. Ector County Utility District as set out in Local Government Code Section 552.0025 (c) may impose a lien against an owner's property for delinquent utility bills for the use of Ector County Utility District services. This does not apply if the property is homestead protected by the Texas Constitution. The lien is perfected by recording a notice of lien, which may include penalties, interest and collection costs, in the real property records of the county clerk's office.