

NOTICE OF REGULAR MEETING OF THE ECTOR COUNTY UTILITY DISTRICT

Notice is hereby given that on the 12th day of October 2022; the Board of Directors of the Ector County Utility District of Ector County will hold a Directors' Workshop beginning at 1:30 P.M., until 2:30 P.M., at 1039 N. Moss Avenue, Odessa, Texas 79763.

The Regular Board Meeting will commence 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 in the Workshop and Board Meeting are listed below on the October 12, 2022 regular meeting agenda. Public comment on individual agenda items will be considered (limit 5 minutes per person).

AGENDA

1. Call to Order.
2. Consider and approve customer payment plan to avoid termination of service.
3. Discuss and approve miscellaneous customer charges, purchased water adjustment clause, water rate for customers outside the District's boundaries, elimination of energy surcharge and other water rate adjustments and Cost of Purchased Water from City of Odessa beginning October 1, 2022 and Interim Rate for the water pass-through surcharge mechanism.
4. Board ratification to hire legal representation to defend election contest lawsuit.
5. Discuss and take all action necessary to cancel the O&M land election.
6. Discuss and Approve sending Requests for Qualifications for legal counsel.
7. Consider and approve all actions necessary to determine qualifications and award auditor contract effective for 2022 audited financials.
8. Approval of Board Minutes.
9. Approval of Financial Reports.
10. Discussion Items: Treasurer's Report
11. Discussion Items: President's Report
 - (i) General Manager search
 - (ii) Hiring three (3) field personnel
 - (iii) Progress reports
12. Election of District officers.
13. Public comments and input on non-agenda items within the jurisdiction and responsibilities of the District (limit 5 minutes per person).
14. Adjourn.

The Ector County Utility District Board of Directors 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:

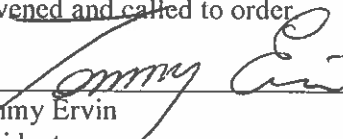
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| § 551.071 | For the purpose of a private consultation with the board's attorney. |
| § 551.072 | For the purpose of discussing the purchase, exchange, lease, or value of real property. |

- § 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:

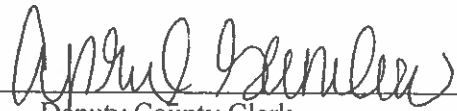
- (a) The open meeting covered by the notice upon the reconvening of this public meeting; or
- (b) At a subsequent public meeting of the Board upon notice thereof; as the Board of Directors shall determine.

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 17 day of October, 2022, at 10:21 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.




 Tommy Ervin
 President

Posted: October 7, 2022 at Ector County Courthouse

By: 

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

Posted: 10/7/2022
 Time: 10:21 AM
Jennifer Martin, County Clerk
 Ector County, Texas
 By:  Deputy

MINUTES OF THE BOARD MEETING OF THE ECTOR COUNTY UTILITY DISTRICT

October 12th, 2022

The Board of Directors of the Ector County Utility District met in Workshop Meeting session on October 12th, 2022, at 1039 N. Moss Avenue.

Members Present: President Tommy Ervin, Director Margaret Burton Director Stephanie Shaw Director Will Kappauf, Director Troy Walker.

Non-Board Members:

Bill Fowler - legal counsel
Mike Gardner – Commissioner
Sheila Black - visitor
Patti Kappauf - visitor
Carl Adkins – visitor
Sherly Kelly - visitor
Perla Flores - ECUD
Johanna Lozano - ECUD
Demetrio Galindo - ECUD
Cody Cortez – ECUD

1. **Call to Order.** President Ervin introduced those in attendance and with a quorum present called the meeting to order at 2:36 p.m.
2. Consider and approve customer payment plan to avoid termination of service.

Motion: After discussion among the board members Director Kappauf made a motion to approve customer payment plan to avoid termination of service seconded by Director Walker, motion carries.

3. Discuss and approve miscellaneous customer charges, purchased water adjustment clause, water rate for customers outside the District's boundaries, elimination of energy surcharge and other water rate adjustments and Cost of Purchased Water from City of Odessa beginning October 1, 2022 and Interim Rate for the water pass-through surcharge mechanism.

Motion: Director Walker made a motion to tabled agenda item number 3 until John and Anthony get something written seconded by Director Kappauf, motion carries.

4. Board ratification to hire legal representation to defend election contest lawsuit.

Motion: After discussion among the board members, Director Kappauf called the question, then Director Shaw made a motion to ratify the hiring of the legal representation of Randy Rouse to defend the election contest lawsuit seconded by Director Burton, opposed by Director Kappauf and Director Walker, President Ervin broke the tie by voting for the motion, motion carries.

Public Comments: Mike Gardner

5. Discuss and take all action necessary to cancel the O&M land election.

Public Comments: Patti Kappauf, Mike Gardner, Sherly Kelly, Mr. Fowler.

Motion: After discussion among the board members and Bill Fowler Director Walker made a motion to cancel the O&M land election November 8th, 2022 until further research and make sure numbers are right seconded by Director Kappauf, opposed by Director Shaw and Director Burton, President Ervin broke the tie by voting against the motion, and not to cancel the O&M land election.

6. Discuss and Approve sending Requests for Qualifications for legal counsel.

Discussion only, President Ervin will put together an RFQ for legal counsel by Monday October 17,2022, then he will send it to board members and no comments will be accepted.

7. Consider and approve all actions necessary to determine qualifications and award auditor contract effective for 2022 audited financials.

Motion: After discussion among the board members President Ervin stated that Haynie & Company will continue to be the CPA after September 30th,2022 from there the previous 12 months will be audited by the new firm. Director Kappauf mentioned they had received 3 bids, and based on qualifications, Director Kappauf made a motion to allow the district to proceed to negotiation with the firm Whitley Penn seconded by Director Shaw, motion carries.

Public Comments: No public comments

8. Approval of Board Minutes.

Motion: After discussion among the board members Director Kappauf made a motion to table the Sept 14,2022 Regular Board Meeting Minutes and Sept 24,2022 Special Board Meeting Minutes until investigation is complete if public comments can be added, seconded by Director Walker

Public Comments: Patti Kappauf

9. Approval of Financial Reports.

Board Members went into break

Motion: After discussion among the board members Director Kappauf made a motion to approve the check register including to date and authorization to sign the open accounts payable seconded by Director Walker, motion carries.

10. Discussion Items:

- I. Treasurer's Report
- II. Batch # 132
- III. Customer cut-offs

Director Shaw made a motion to go into Executive Session under 551.074 for the purpose of considering the appointment, employment, evaluation, reassignment duties, discipline, or dismissal of a public officer or employee at 4:17 pm. seconded by Director Burton, motion carries.

Regular Board Meeting resumed at 5:25 pm no votes were taken discussed personnel issues.

11. Discussion Items: President's Report

- (i) General Manager search – reviewed 18 candidates
- (ii) Hiring three (3) field personnel – physical and drug policy
- (iii) Progress reports
 - Water towers, pump stations and water lines should be completed by December 1, 2022
 - Director Kappauf will send engagement letters to the 3 auditors that submitted RFQ.

Public Comments: Patti Kappauf

12. Election of District officers.

Motion: After discussion among the board members and Bill Fowler, Director Kappauf made a motion to rollover the current positions Tommy Ervin as President, Stephanie Shaw as Vice President, Margaret Burton as Secretary, Will Kappauf as Treasurer for this fiscal year until the next October meeting seconded by Director Shaw, motion carries.

Public Comments: Patti Kappauf and Carl Adkins

13. Adjourn

Motion: Director Shaw made a motion to adjourn at 5:54 pm seconded by Director Walker, motion carries.

Public Comments: Patti Kappauf

A handwritten signature in black ink, appearing to read "Margaret Burton", written over a horizontal line.

Margaret Burton
Secretary