

NOTICE OF SPECIAL MEETING OF THE ECTOR COUNTY UTILITY DISTRICT

Notice is hereby given that on the 24th day of September 2022; the Board of Directors of the Ector County Utility District of Ector County will hold a Special Board Meeting beginning at 12:00 P.M., and immediately after the public hearing on the proposed tax rate in the District's Board Room.

The Special Meeting will commence at 12:00 P.M., and immediately after the public hearing on the proposed tax rate in the District's Board Room located at 1039 N. Moss Avenue, Odessa, Ector County, Texas 79763. The subjects to be discussed in the Special Meeting are listed below on the September 24, 2022 special meeting agenda. Public comment on individual agenda items will be considered (limit 5 minutes per person).

AGENDA

1. Call to Order.
2. Discuss and approve a final tax rate for 2022 Operations and Maintenance Tax.
3. Executive Session under 551.071 for a private consultation with the board's attorney to discuss threatened litigation.
4. Discuss and consider election complaint to cancel the November 8, 2022 Director's Election and to take the necessary steps related to the complaint.
5. Public comments and input on non-agenda items within the jurisdiction and responsibilities of the District (limit 5 minutes per person).
6. 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 21 day of September, 2022, at 10:59 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
~~Secretary President~~ Posted: 9-21, 2022 at Ector County Courthouse

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

**MINUTES OF THE BOARD OF DIRECTORS PUBLIC HEARING
AND SPECIAL BOARD MEETING
September 24, 2022**

The Board of Directors of the Ector County Utility District met in Public Hearing for the 2022 Tax Rate Operations and Maintenance at 12:00 pm on September 24,2022 at Kellus Turner Senior Center.

The Board of Directors of the Ector County Utility District met in Special Board Meeting session at 12:52 pm on September 24,2022 at District’s Board Room for Special Board Meeting.

Members Present at Public Hearing and Special Board Meeting: President Tommy Ervin, Director Margaret Burton, Director Stephanie Shaw, Director Will Kappauf

Members Absent: Director Walker

Non-Board Members Present for Tax Hearing at Kellus Turner Senior Center:

Bill Fowler – Legal Counsel
Sheila Black - visitor
John Kelley- visitor
Sherley Kelley- visitor
Jesse Christenson- visitor
Jeff Russell- visitor
Patti Kappauf- visitor
Carol Atkins – visitor

Non-Board Members Present for Special Meeting at District’s Board Room:

Bill Fowler – Legal Counsel
Sheila Black - visitor
John Kelley- visitor
Sherley Kelley- visitor
Jesse Christenson- visitor
Jeff Russell- visitor
Patti Kappauf- visitor
Silvia Rodriguez - visitor
Michael Gardner – Commissioner

Late Attendant:

Silvia Rodriguez - visitor

Call to Order. President Ervin introduced those in attendance and with a quorum present called the meeting to order at 12:02 p.m. at Kellus Turner.

Discuss and approve a final tax rate for 2022 Operations and Maintenance Tax.

Public Comments: Patti Kappauf stated; Dear Board, I'm here to speak about the O&M Tax Rate you have voted to adopt this year as you know the total amount of money that ECUD will collect for these O&M taxes is made of two parts the tax being discuss today and second the appraised value of property and we know its increase as they said because our property has being appraised higher each year, the district has annexed in new customers and so those folks bring taxes with them as well so this new rate will bring in over, well first these two things have resulted in ECUD collecting about \$2,500,000.00 in O&M Tax over the last 3 years, this new rate will bring over an additional \$ 1,000,000.00 this year along so even thought our rate isn't changing because of the increase values and increase population in the district it will bring in an addition about \$1,000,000,000.00, citing a memo on file ECUD dated August 12,2019 attorney Mr. Fowler explain our water bill went up tremendously in 2019 in order to get the \$46,700,000.00 million loan for the infrastructure projects, customers approach ECUD and request an evaluation of ways to reduce the impact of its action increasing customer water rates his recommendations and she quoted call an election to establish an O&M Tax will help reduce future water rates follows is the question today on September 24,2022 has the O&M Tax help to reduce water rates the board recently voted as Director Shaw said to decrease the base rate by \$10.00 per month this year from \$75.00 to \$65.00 which equals and they discussed losing about \$500,000.00 annually of current revenue. However if you are aware the city of Odessa has passed on the rate increase with the Board of Directors recently voted they have to accept and pay in protest hoping to get a refund in the future they recently voted not to pass that rate increase on to us I believe it was \$0.94 per 1,000.00 gallons; however if the rate is not lower and this cost are pass on to ECUD's customers it basically wipes out the \$10.00 decrease which is about to go in effect in our next water bill due date, so we are just getting that decrease and hopefully is not about to just go away, so I think we can say we are not seeing much relief in our water rates and we are seeing higher taxes each year this doesn't sound like a plan that has been effective and addressing the customers who fist requested relief in 2019 as a result I encourage and would very much appreciate ECUD making the financials public on their website as other taxing entities do so that we can be better informed on how our money is being spent.

Motion: After public comments and discussion among the board members Director Shaw made a motion at 12:30 p.m. to close the public hearing seconded by Director Kappauf, motion carries.

Board of Directors moved to ECUD Board Room located at 1039 N. Moss Ave

Board of Directors resume their Special Meeting at the Board Room at 12:52 pm on September 24,2022.

1. **Call to Order** President Ervin introduced those in attendance and with a quorum present called the meeting to order at 12:52 p.m.

2. Discuss and approve a final tax rate for 2022 Operations and Maintenance Tax.

Motion: After discussion among the board members Director Burton made a motion to approve a final tax rate for 2022 Operations and Maintenance Tax of \$.099289 seconded by Director Kappauf, motion carries.

3. Executive Session under 551.071 for a private consultation with the board's attorney to discuss threatened litigation.

Motion: Director Shaw made a motion at 12:55 pm to go into Executive Session under 551.071 for a private consultation with the boards attorney to discuss threatened litigation seconded by Director Burton, motion carries

Board of Directors came out of Executive Session at 2:24 pm.

Meeting resumed at 2:26 p.m.

4. Discuss and consider election complaint to cancel the November 8,2022 Director's Election and to take the necessary steps related to the complaint.

Public Comments by: John Kelly, Shirley Kelly, Jesse Christenson and Mike Gardner

Motion: After discussion among the board members and Bill Fowler, Director Kappauf made a motion to cancel the Director's Elections, motion dies for lack of second.

Motion: Director Burton made a motion to go ahead and hold the Election for November 8,2022 for the directors, motion dies for lack of second.

President Ervin requested legal counsel from Mr. Fowler since there were no seconds in the motions, Mr. Fowler stated that President Ervin would still have an election.

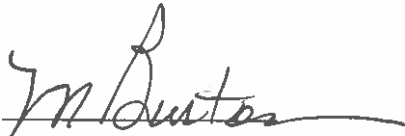
Motion: Motion dies for lack of second.

5. Public comments and input on non-agenda items within the jurisdiction and responsibilities of the District (limit 5 minutes per person).

Public Comments by: Patty Kappauf and Sherley Kelly

6. Adjourn.

Motion: Director Shaw made a motion to adjourn seconded by Director Burton.



Secretary,

Margaret Burton