

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

Notice is hereby given that on the 14<sup>th</sup> day of September 2022; the Board of Directors of the Ector County Utility District of Ector County will hold a Regular Board Meeting and a Directors' Workshop beginning at 1:30 P.M., until 2:30 P.M., in the District's Board Room.

The 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 September 14, 2022 regular meeting agenda. Public comment on individual agenda items will be considered (limit 5 minutes per person).

**AGENDA**

1. Call to Order.
2. Presentation by Kristina Fox, Texas County District Retirement System (TCDRS).
3. Consider and approve adoption of employee retirement plan.
4. Consider and approve a proposed tax rate for 2022 and scheduling a Public Hearing to adopt the 2022 Operations and Maintenance Tax rate.
5. Status Report on responses to request for qualifications for auditing services.
6. Status Report on selection of General Manager.
7. Discuss and approve Billing & Collection Manager duties.
8. Discuss and approve security of phone system and cameras.
9. Consider and Approve project completion requirements for payment where road construction is involved.
10. Discuss and approve miscellaneous customer charges, purchased water adjustment clause, water rate for customers outside the District's boundaries other water rate adjustments and elimination of energy surcharge.
11. Discuss and approve cost of purchased water from City of Odessa beginning October 1, 2022.
12. Discuss and approve October 5, 2021 Vendor check presentment error and make business decision(s) necessary to resolve the check presentment error.
13. Discuss and approve 2022-2023 Annual Budget.
14. Approval of Board Minutes.
15. Approval of Financial Reports.
16. Discussion Items: Treasurer's Report.
  - (i) Monthly billing report.
  - (ii) Updated financials from bookkeeper.
17. Discussion Items: President's Report
  - (i) Status Report on Tripp elevated storage tank and other improvements.
  - (ii) Do we need separate date and time for director's workshop?
  - (iii) How to accommodate new employees – remodel office/skid building?
  - (iv) Private & public access to WIFI?
18. Public comments and input on non-agenda items within the jurisdiction and responsibilities of the District (limit 5 minutes per person).
19. 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:

- § 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 day of September, 2022, at 10:00 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: 9-9, 2022 at Ector County Courthouse

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

# MINUTES OF THE BOARD OF DIRECTORS MEETING

September 14, 2022

The Board of Directors of the Ector County Utility District met in Regular Board Meeting session on September 14, 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 Present:**

Bill Fowler – Legal Counsel  
Kristina Fox- TCDRS  
Mike Gardner – Commissioner  
John Kelly- Guest  
Shirley Kelly- Guest  
Patti Kappauf – Guest  
Sheila Black- Guest  
Martin Leyva- Guest  
Penny Wilkerson- Guest  
Demetrio Galindo – ECUD  
Cody Cortez – ECUD  
Francisco Hinojos- ECUD  
Ramon Villa- ECUD  
Kevin Binkley- ECUD  
Perla Flores – ECUD  
John Lee – ECUD  
Anthony Shackelford – ECUD  
Maribel Valenzuela- ECUD  
Johanna Lozano - ECUD

1. **Call to Order.** President Ervin introduced those in attendance and with a quorum present called the meeting to order at 2:33 p.m.
2. Presentation by Kristina Fox, Texas County District Retirement System (TCDRS).
3. Consider and approve adoption of employee retirement plan.

**Public Comments:** Mike Gardner, Patti Kappauf and Martin Leyva

**Motion:** After discussion among the board members Director Shaw made a motion to table agenda item #3 seconded by Director Kappauf. Motion carries.

Director Kappauf added that once the budget is approved agenda item #3 can come in.

4. Consider and approve a proposed tax rate for 2022 and scheduling a Public Hearing to adopt the 2022 Operations and Maintenance Tax rate.

**Public comments:** Mike Gardner, John Kelly, Shirley Kelly, Penny Wilkerson, Patti Kappauf

**Motion:** After discussion among the board members and Bill Fowler, Director Walker made a motion to approve the proposed tax rate at \$0.099289 seconded by Director Kappauf, and Director Shaw opposed by Director Burton, motion carries.

**Motion:** After discussion among the board members Director Kappauf made a motion to schedule a Tax public hearing on September 24, 2022, at 12:00 p.m. at Kellus Turner Sherriff Annex seconded by Director Shaw. Motion carries.

5. Status Report on responses to request for qualifications for auditing services.

**Report:** Director Kappauf will provide responses to the questions asked to his email at [treasurer@ecudwestodessatx.org](mailto:treasurer@ecudwestodessatx.org). Director Kappauf will send questions to the board.

6. Status Report on selection of General Manager.

**Status Report:** After discussion among the board members President Ervin stated that the Indeed/ paper applications will close on September 30, 2022, followed by a meeting on October 3, 2022, at 6:00 p.m. to discuss General Manager applicants.

7. Discuss and approve Billing & Collection Manager duties.

**Motion:** After discussion among the board members, Director Kappauf made a motion to withdraw agenda item no. 7 seconded by Director Shaw. Motion carries.

**Items #8 and #9 were swapped.**

9. Consider and Approve project completion requirements for payment where road construction is involved.

**Public Comments:** Mike Gardner

**Motion:** After discussion among the board members Director Kappauf made a motion to withdraw agenda item no. 9 as this can be corrected by staff, President Ervin stated that he would address this with Kevin Binkley. Seconded by Director Shaw, motion carries.

Director Shaw left the meeting.

Director Kappauf made a motion to go into Executive Session under government code 551.076 and 551.089 seconded by Director Walker, motion carries

- 551.076 To consider the deployment, or specific occasions for implementation, of security personnel or devices or a security audit.
- 551.089 For the purpose of discussing security assessments of development of information resources technology, security personnel, critical infrastructure, or security devices.

At 5:18 p.m. board of directors came out of Executive Session; no votes were taken.

Regular board meeting resumed at 5:22 pm.

8. Discuss and approve security of phone system and cameras.

**Motion:** After discussion among the board members and Bill Fowler, Director Kappauf made a motion to give Mike Adkins with WestTech permission to procure bids to handle the Wi-Fi, server backup, phone system, etc. related it to security items and present for budget consideration seconded by Director Walker, motion carries

**Items # 10 and 11 were swapped.**

11. Discuss and approve cost of purchased water from City of Odessa beginning October 1, 2022.

**Discussion:** After a presentation from Chuck Loy and discussion among board members and Bill Fowler, Director Walker made a motion to absorb the price increase by the city and pay \$3.83 under protest and revisit next month \$444,727.000 and not charge customers seconded by Director Kappauf, motion carries.

**Motion:** After discussion among board members, President Ervin rephrased Director Walker's motion after seeking legal counsel from Bill Fowler and not to approve the cost of purchased water from the City of Odessa and pay it under protest seconded by Director Kappauf, motion carries.

**Director Walker left the meeting**

10. Discuss and approve miscellaneous customer charges, purchased water adjustment clause, water rate for customers outside the District's boundaries other water rate adjustments and elimination of energy surcharge.

**Public Comments:**

**Motion:** After discussion among the board members and Bill Fowler, Director Kappauf made a motion to table other water rate adjustments and elimination of energy surcharge seconded by Director Burton, motion carries.

12. Discuss and approve October 5, 2021, Vendor check presentment error and make business decision(s) necessary to resolve the check presentment error.

Public comments: Patti Kappauf thanked the board for charging what is owed.

**Motion:** After discussion among the board members Director Kappauf made a motion to cause the reversal of payments in our billing system referred to batch# 132, send notice to the customers to reverse it, send notice to customer no later than September 22,2022 informing them of the problem and wave only fees to current and for the next two billing cycles. Seconded by Margaret, motion carries.

13. Discuss and approve 2022-2023 Annual Budget.

**Motion: Motion:** After discussion among the board members Director Kappauf made a motion to approve the budget by amending removal of shed, seconded by Director Burton, motion carries.

14. Approval of Board Minutes.

**Motion:** Director Kappauf made a motion to approve the board minutes as written seconded by Director Burton, motion carries.

15. Approval of Financial Reports.

16. Discussion Items: Treasurer's Report.

- (i) Monthly billing report.
- (ii) Updated financials from Haynie & Company.

**Motion:** After discussion among the board members, Director Kappauf made a motion to approve the financial report as presented, seconded by Director Burton. Motion carries.

**Motion:** After discussion among the board members, Director Kappauf made a motion to approve the accounts payable including monthly deposits for TWDB to TexStar seconded by Director Burton, motion carries.

17. Discussion Items: President's Report

- (iii) Status Report on Tripp elevated storage tank and other improvements.
- (iv) Do we need separate date and time for director's workshop?
- (iii) How to accommodate new employees — remodel office/skid building?

- (iv) Private & public access to WIFI?
- (v) Hire 3 more field employees.

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

No public comments.

19. Adjourn

**Motion:** Director Kappauf made a motion to adjourn the Regular Board Meeting at 7:02 pm, seconded by Director Burton, motion carries.



Secretary,

Margaret Burton