

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

Notice is hereby given that on the 10<sup>th</sup> day of August 2022; the Board of Directors of the Ector County Utility District of Ector County will hold a Regular Board Meeting with a Directors' Workshop beginning at 1:30 P.M., until 2:30 P.M. 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 are listed on the August 10, 2022 regular meeting agenda. Public comment on individual agenda items is considered (limit 5 minutes per person).

### AGENDA

1. Call to Order.
2. Consider and approve Amendment No. 2 to PSC Operations contract.
3. Review and approve Procurement Policy.
4. Discuss and approve all actions to take Professional Services for Independent Financial Auditing out to bid, to be effective for the September 30, 2022 fiscal year end.
5. Discuss and approve all actions that are needed to require two signatures on all checks and disbursements from any account for ECUD funds.
6. Consider and approve posting on ECUD webpage annual audited financial statements beginning with September 30, 2011.
7. Consider and approve posting on ECUD website approved board minutes.
8. Consider and approve posting on ECUD website board meeting minutes, recording and director's packets for last five (5) years.
9. Presentation about the Texas Election code.
10. Consider, discuss, and take any necessary action regarding the November 8, 2022 election.
11. Consider and approve language in our policy(s) to ensure delinquent customer(s) cannot have water reconnected through a "loop hole" in our policies that allows them to have water restored without paying their past due balances(s).
12. Discuss and approve customer authorization to disclosure information maintained by Ector County Utility District.
13. Discuss and approve President's & Secretary required signatures on Rate order for Fiscal Year 2023.
14. Consider and approve Customer Class definitions.
15. Discuss and approve responsibility of John Lee, Billing and Collections Manager.
16. Discuss and approve hiring General Manager.
17. Discuss and approve General Manager's job description.
18. Discuss and approve next Budget Workshop date.
19. Consider and Approval Annexation Petition of Natalee Sanchez Suchil for Lot 1, Block 57, Western Hills Subdivision, 3<sup>rd</sup> filing and mobile home.
20. Approval of Board Minutes.
21. Approval of Financial Reports.
22. Discussion Items: Treasurer's Report.
  - (i) Director's Report presentation.
  - (ii) Update: Water Disconnection for nonpayment.
  - (iii) KPI format for monthly visibility to major customer service, billing and collections activities which drive ECUD's revenue.
23. Discussion Items: President's Report
  - (i) Naero-EH20.
  - (ii) Raise credit card limits on Demetrio Galindo and Paul Wilkerson.

- (iii) Guidance for purchases of \$1,000 to \$1,500 on small items (oil, filters, PVC, repair fittings, nuts and bolts).
- 24. Public comments and input on non-agenda items within the jurisdiction and responsibilities of the District (limit 5 minutes per person).

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.
- § 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.

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 5<sup>th</sup> day of August, 2022, at 12:35 P 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 Posted: 8:5, 2022 at Ector County Courthouse  
 Tommy Ervin  
 President

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

Posted on Door

8-5-22

PE.

# MINUTES OF THE BOARD OF DIRECTORS MEETING

August 10, 2022

The Board of Directors of the Ector County Utility District met in Special Meeting session on August 10, 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  
Shirley Kelly- Guest  
Patti Kappauf – Guest  
Matin Leyva – Guest  
Tisha Crow - Guest  
Lisa Sertuche – Elections Office  
Dave Clausen – PSC Operations  
CHC Gamily Prop  
Mike Gardner - Commissioner  
Billy Hall -  
Mark Matta- Odessa City Councilman  
Jeff Russell  
Sylvia Rodriguez- Guest  
Matt Stringer – Odessa headlines  
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.

**Agenda items 2, 3, 9 and 10 were shifted to accommodate the Texas Election Code presentation.**

## **2. Presentation about the Texas Election Code**

Lisa Sertuche from the Elections Office gave a presentation on how the November 08, 2022, Election needs to occur in order to be in compliance with the Texas Election Code.  
Mrs. Sertuche

Requirements in order to hold election, Video surveillance, ballot box inside of a cabinet with a key, 27 vote centers, license peace officer on election date, advisory from the Secretary of State website 2022-10, the cost would be between \$65,000 - \$70,000.

**Motion** : no votes were taken.

**3. Consider, discuss, and take any necessary action regarding the November 8, 2022, election.**

**Motion:** After discussion among the board members Director Kappauf made a motion to approve outsourcing of the November 8, 2022 elections to the Ector County Elections Administration Office to power our attorney to modify the existing Election Order including any and all cost, seconded by Director Walker, motion carries.

**4. Consider and approve Amendment No. 2 to PSC Operations contract.**

Dave Clausen from PSC Operations gave a presentation

**Motion:** After discussion among the board members Director Shaw made a motion to approve PSC Operations Contract for 5 years.

**5. Review and approve Procurement Policy.**

**Motion:** After discussion among the board members and Bill Fowler, Director Kappauf made a motion to approve Procurement Policy presented by Director Walker with revisions as follows, in for sentence add in Texas Local Government Code 252.022 and the second sentence of the second paragraph to incorporate the word inventory, seconded by Director Shaw, motion carries.

**6. Discuss and approve all actions to take Professional Services for Independent Financial Auditing out to bid, to be effective for the September 30, 2022, fiscal year end.**

**Motion:** After discussion among the board members Director Shaw made a motion to approve the request for qualification for professional financial audit services with the suggested edits made by the board and Bill Fowler that Director Kappauf will correct and add a summary of the ECUD District to write more information about our district and then circulate to the board before sending out to for qualifications, seconded by Director Walker, motion carries.

**Director Kappauf made a motion to go into executive session, seconded by Director Shaw at 5:07 p.m.**

§ 551.074 For the purpose of considering the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee.

**Board of Directors resume their regular Board Meeting at 6:21p.m.**

**Motion: no votes were taken.**

**7. Discuss and approve all actions that are needed to require two signatures on all checks and disbursements from any account for ECUD funds.**

**1<sup>st</sup> Motion:** After discussion among the board members Director Kappauf made a motion to add himself, Will Kappauf as a signature authority to bank accounts and that all checks or other forms of payment \$10,000 or above required either two signatures for checks or for fund transfer from a bank, written authorization from the transfer from a second signature authority specifically excludes the monthly transfer or payments from the 2019 Bond Series Payments seconded by Director Shaw, motion carries.

**8. Consider and approve posting on ECUD webpage annual audited financial statements beginning with September 30, 2011.**

**Motion:** After discussion among the board members and Bill Fowler, Director Walker made a motion to approve posting in ECUD'S Website audited financial statements for each period from 2016 to present, and as the next year is added will delete the earliest year, seconded by Director Burton, motion carries.

**9. Consider and approve posting on ECUD website approved board minutes.**

**Motion:** After discussion among the board members and Bill Fowler, Director Kappauf made a motion to approve the posting on ECUD website the approved board minutes, seconded by Director Shaw, motion carries.

**10. Consider and approve posting on ECUD website board meeting minutes, recording and director's packets for last five (5) years.**

**1<sup>st</sup> Motion:** After discussion among the board member Director Shaw made a motion to approve posting on ECUD website board meeting minutes and agendas, from 8/10/2022 moving forward, seconded by Director Burton, opposed by Director Kappauf, Director Walker, and President Ervin.

**2<sup>nd</sup> Motion:** After discussion among the board member Director Kappauf made a motion to approve posting on ECUD website board meeting minutes and agendas, for the past 24 months. Seconded by Director Walker, Opposed by Director Shaw, Director Burton and President Ervin.

**3<sup>rd</sup> Motion:** After discussion among the board member Director Walker made a motion to approve posting on ECUD website board meeting minutes and agendas for the past 12 months, seconded by Director Shaw, motion carries.

**11. Consider and approve language in our policy(s) to ensure delinquent customer(s) cannot have water reconnected through a "loophole" in our policies that allows them to have water restored without paying their past due balances(s).**

**Motion:** After discussion among the board members and John Lee, Director Kappauf made a motion to tabled agenda item number 11, seconded by Director Shaw.

**12. Discuss and approve customer authorization to disclosure information maintained by Ector County Utility District.**

Patti Daily made a comment if the board will opt a customer to private down were we only have to fill out the form if we want to be public information

**Motion:** After discussion among the board members and Bill Fowler, Director Shaw made a motion to

approve the customer authorization to disclosure information maintained by Ector County Utility District and posted to an exact address on our website and added as a bill comment for the next 3 months directing customers that would like to know more about the customer privacy to visit the address that is posted on our website, seconded by Director Kappauf, motion carries

**13. Discuss and approve President's & Secretary required signatures on Rate order for Fiscal Year 2023.**

**Motion:** After discussion among the board members Director Kappauf made a motion to approve President and Secretary signing the base rate and volumetric order as drafted by our attorney seconded by Director Shaw, motion carries.

**14. Consider and approve Customer Class definitions.**

**Motion:** After discussion among the board members and Bill Fowler, Director Kappauf made a motion to approve the customer classes and definitions, 1 changed to number 3 swapped out the definition to include 4 rules to 5 seconded by Director Shaw, motion carries.

**15. Discuss and approve responsibility of John Lee, Billing and Collections Manager.**

**Motion:** No votes were taken.

**16. Discuss and approve hiring General Manager.**

**Motion:** After discussion among the board members, Director Kappauf made a motion to approve hiring committee for the General Manager, that will include Director Shaw, Director Kappauf and President Ervin, seconded by Director Walker, motion carries.

**17. Discuss and approve General Manager's job description.**

**Motion:** After discussion among the board members and Bill Fowler, Director Kappauf made a motion to approve as amended the General Manager's job description, seconded by Director Walker, motion carries.

**18. Discuss and approve next Budget Workshop date.**

**Motion:** After discussion among the board members, Director Kappauf made a motion to approve Budget Workshop on August 25, 2022 from 4:00 pm to 6:00 pm. Seconded by Director Shaw, motion carries.

**19. Consider and Approval Annexation Petition of Natalee Sanchez Suchil for Lot 1, Block 57, Western Hills Subdivision, 3<sup>rd</sup> filing and mobile home.**

**Motion:** After discussion among the board members, Director Kappauf made a motion to approve the annexation petition of Natalee Sanchez Suchil for Lot 1, Block 57 Western Hills Subdivision, 3<sup>rd</sup> filing and mobile home seconded by Director Shaw, motion carries.

## 20. Approval of Board Minutes.

**Motion:** Director Kappauf made a motion to approve the July 13<sup>th</sup> Special Board Meeting minutes as written seconded by Director Shaw, motion carries.

**Motion:** Director Kappauf made a motion to approve the July 28,2022 Special Board Meeting and Budget Workshop minutes seconded by Director Shaw, motion carries.

## 21. Approval of Financial Reports.

**Motion:** After discussion among the board members Director Kappauf made a motion to approve the financial reports as written seconded by Director Walker, motion carries.

1. Discussion Items: Treasurer's Report.
  - (i) Director's Report presentation.
  - (ii) Update: Water Disconnection for nonpayment.
  - (iii) KPI format for monthly visibility to major customer service, billing and collections activities which drive ECUD's revenue.
  
1. Discussion Items: President's Report
  - (i) Naero-EH20.
  - (ii) Raise credit card limits on Demetrio Galindo and Paul Wilkerson.  
Guidance for purchases of \$1,000 to \$1,500 on small items (oil, filters, PVC, repair fittings, nuts and bolts).
  - (iii) ARPA funds, ECUD was awarded with \$10,000,000.00.
  - (iv) 2021 ECUD's property taxable values was \$942,xxx,xxx.xx right now ECUD's property taxable value is \$1,001,949.xxx.xx. worth of property in Ector County Utility District.
  - (v) Tax rates will go in effect in September.
  - (vi) Remodeling office space building
  - (vii) In God we trust and call 811 before you dig decals for ECUD's trucks.
  - (viii) Elections, qualifications for candidates

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

No public comments.

## 25. Adjourn

**Motion:** Director Kappauf made a motion to adjourn the Regular Board Meeting at 8:09 pm, seconded by Director Walker, motion carries.



Secretary,

Margaret Burton