

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

Notice is hereby given that on the 9th day of November 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 November 9, 2022 regular 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 Engagement Agreement with Whitley Penn for 2021-2022 audit.
3. Annual Review and approve the District's Investment Policy and approve broker/dealers and financial institutions.
4. Approve Special Counsel Engagement Letter with attorney Randall Wilburn.
5. Consider and Approve pipeline and pump station easement and settlement agreement with Mojo Land & Development, Inc.
6. Consider and Approve Request for Qualifications (RFQ) for legal services.
7. Consider and Approve four (4) voluntary petitions for annexation into the District for Nevaeh Estates (12.25 acres) as an RV Park.
8. Consider and Approve Utility Service Agreement with JPB Investments, Inc., Nevaeh Properties, LLC, Nakia Ventures II, LLC, and Kaykiakas VI, LLC (Nevaeh Estates, 12.25 acres).
9. Consider and Approval of 2022-2023 Holiday Calendar.
10. Open sealed bids and Consider and Approve purchase of new Backhoe.
11. Consider and Approve hiring a General Manager.
12. Executive Session under Sections 551.071 for the purpose of a private consultation with the Board's attorney and Section 551.074 for the purpose of considering the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee regarding a complaint against the President.
13. Approval of Board Minutes.
14. Approval of Financial Reports.
15. Discussion Items: Treasurer's Report
 - (i) August 31, 2022 Financial Statements;
 - (ii) AVR Billing & Collections Reports.
16. Discussion Items: President's Report
 - (ii) 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.

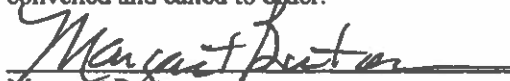
If, during the course of the meeting covered by this notice, the Board of Directors is required, then such closed or executive meeting of session as Title 5, Chapter 551, Government Code of Texas will be held by the Board of Directors at the date, hour, and place given in this notice or as soon after 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:

- § 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 4 day of November, 2022, at 11:39 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: 11-4, 2022 at Ector County Courthouse

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

**MINUTES OF THE BOARD MEETING OF THE ECTOR COUNTY
UTILITY DISTRICT
November 9th, 2022**

The Board of Directors of the Ector County Utility District met in Workshop Meeting session on November 9th, 2022, at 1039 N. Moss Avenue.

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

Non-Board Members Present:

Bill Fowler- legal counsel
Caron Adkins- visitor
Sheila Black - visitor
Patty Kappauf - visitor
John Kelley – visitor
Shirley Kelley – visitor
Savannah Morales – visitor
Carol Wilson - visitor
Gloria Ramos – visitor
Linda Williams – visitor
Norlene McBride – visitor
Perla Flores – 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 2:34 p.m.
2. Discuss and Approve Engagement Agreement with Whitley Penn for 2021-2022 audit.

Motion: After discussion among the board members, Director Shaw made a motion to approve and sign the approved engagement agreement letter seconded by Director Burton, motion carries.

3. Annual Review and approve the District’s Investment Policy and approve broker/dealers and financial institutions.

Motion- After discussion among the board members and Bill Fowler, Director Kappauf made a motion to approve investment policy as written seconded by Director Shaw and Director Burton, opposed by Director Walker, motion carries.

Public comment by Patti Kappauf

Motion: Director Kappauf made a motion to amend policy and make sure board members are in compliance.

4. Approve Special Counsel Engagement Letter with attorney Randall Wilburn.

Motion – After discussion among the board members and Bill Fowler, Director Kappauf made a motion to approve special counsel engagement letter with Randall Wilburn if needed as of December 1st, 2022 and give Director Shaw the authority to sign, seconded by Director Walker, motion carries.

Public Comment by Patti Kappauf

5. Consider and Approve pipeline and pump station easement and settlement agreement with Mojo Land & Development, Inc.

Motion- After discussion among the board members Director Kappauf made a motion to approve pipeline and pump station easement and settlement agreement with Mojo Land & Development, Inc, seconded by Director Burton, motion carries.

Public comments- Patti Kappauf and Shirley Kelley

6. Consider and Approve Request for Qualifications (RFQ) for legal services.

Motion: After discussion among the board members and Bill Fowler, Director Walker made a motion to table agenda item number 6 until the RFQ can be written by someone other than Bill Fowler, seconded by Director Kappauf, motion carries.

7. Consider and Approve four (4) voluntary petitions for annexation into the District for Nevaeh Estates (12.25 acres) as an RV Park.

Motion- After discussion among the board members Director Shaw made a motion to approve four voluntary petitions for annexation into the District for Nevaeh Estates (12.25 acres) as an RV Park seconded by Director Burton, motion carries.

Public comment by Patti Kappauf

8. Consider and Approve Utility Service Agreement with JPB Investments, Inc., Nevaeh Properties, LLC, Nakia Ventures II, LLC, and Kaykiakas VI, LLC (Nevaeh Estates, 12.25 acres).

Motion: After discussion among the board members Director Kappauf made a motion to approve Utility Service Agreement with JPB Investments, Inc., Nevaeh Properties, LLC, Nakia Ventures II, LLC, and Kaykiakas VI, LLC (Nevaeh Estates, 12.25 acres) seconded by Director Shaw, motion carries.

Public comment by Shirley Kelley

9. Consider and Approval of 2022-2023 Holiday Calendar.

Motion- Director Kappauf made a motion to approve 2022-2023 Holiday Calendar seconded by Director Shaw, motion carries.

Board members paused for a break; meeting resumed at 4:04 pm.

10. Open sealed bids and Consider and Approve purchase of new Backhoe.

Director Kappauf opened sealed bids

Permian Tractor Sales -	\$99,870.00
Warren CAT -	\$136,170.00
Yellow House Machinery	\$129,000.00

Motion: After discussion among the board members Director Kappauf made a motion to table agenda item number 10 next board meeting for staff recommendation, seconded by Director Shaw.

Public comments by John Kelley and Shirley Kelley

11. Consider and Approve hiring a General Manager.

Motion: After discussion among board members Director Walker made a motion to table agenda item number 11 seconded by Director Kappauf, motion carries.

Public comments by Patti Kappauf and John Kelley.

12. Executive Session under Sections 551.071 for the purpose of a private consultation with the Board's attorney and Section 551.074 for the purpose of considering the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee regarding a complaint against the President.

Motion: Director Shaw made a motion to withdraw item number 12, dies for lack of second.

13. Approval of Board Minutes.

Motion: After discussion among the board members Director Burton made a motion to approve September 14, 2022 board minutes as written seconded by Director Kappauf and Director Burton, opposed by Director Walker. motion carries.

Public comments by Patti Kappauf and Shirley Kelley

Motion: After discussion among the board members Director Kappauf made a motion to approve the September 24th, 2022 board minutes as written seconded by Director Shaw and Director Burton, opposed by Director Walker, motion carries.

Motion: After discussion among the board members Director Kappauf made a motion to approve the October 3rd, 2022 board minutes seconded by Director Shaw, motion carries.

Motion: After discussion among the board members Director Shaw made a motion to approve the October 12th, 2022 board minutes seconded by Director Burton, motion carries.

Motion: After discussion among the board members Director Shaw made a motion to approve the November 3rd, 2022 board minutes seconded by Director Kappauf, motion carries.

14. Approval of Financial Reports.

Motion: After discussion among the board members Director Shaw made a motion to approve Financial Reports as written seconded by Director Walker, motion carries

15. Discussion Items: Treasurer's Report (i) August 31, 2022 Financial Statements; (ii) AVR Billing & Collections Reports.

Public Comments by Patti Kappauf

16. Discussion Items: President's Report
(ii) Progress reports

- Batch #132
- Capital Improvements Projects
- Public comments order
- Raises for certain employees
- Target date for contractors to turn on the switch is December 1st, 2022

Public Comment by Patti Kappauf

17. Election of District officers.

President Ervin withdrew agenda item #17 as discussed last month.

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

Public Comments by Patti Kappauf, Troy Walker, and Shirley Kelley

19. Adjourn

Motion: Director Shaw made a motion to adjourn the Regular Board Meeting at 5:17pm seconded by Director


Margaret Burton
Secretary