

NOTICE OF REGULAR MEETING OF THE ECTOR COUNTY UTILITY DISTRICT

Notice is hereby given that on the 8th day of June 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 June 8th, 2022 regular meeting agenda:

AGENDA

1. Call to Order.
2. Consider and Approve a resolution setting a public hearing to annex those portions not already in the District of Sections 13, 14, 15, 16, 17 and 18, Block 43, T-2-S, T&P Ry. Co. Survey, Ector County, Texas into the District's boundaries.
3. Consider and Approve a special meeting later in June 2022 for Rate Changes based on the rate study discussed in 2021 (same fiscal year as now). Must be approved by July 1, 2022 to go into effect October 1, 2022, which is the beginning of ECUD's new fiscal year.
4. Discuss and Adopt Order calling an election November 8, 2022 to include all of Sections 34 and all of Section 35, excluding a 34.7 acre tract within 1,000 feet of I-20, Block 43, T-2-S, T&P Ry. Co., Survey, Ector County, Texas as property subject to the Operation & Maintenance Tax, requiring public notice and establish election procedures.
5. Discuss and Adopt Order calling an election on November 8, 2022 for the election of two directors, requiring public notice, and establishing election procedures.
6. Discuss and Approve any needed action to start the search for General Manager.
7. Discuss and Approve General Manager Job Description.
 - A. Identify process, committee, and ideal time for hire.
8. Discuss and Approve all bids submitted be sealed for the Board approval.
9. Discuss and Approve any needed actions to take professional service providers out to bid.
10. Discuss and Approve policy on new accounts with arrears owed.
11. Discuss and Approve locks on meters.
12. Discuss and Approve vision and dental coverage.
13. Discuss and Approve protection equipment for office personnel.
14. Discuss and Approve new hire for turn off and turn on.
15. Discuss and Approve ARPA Funds wit Precinct 1 Commissioner Mike Gardner via Teleconference.
 - A. Commissioner Gardner would like to address the entire board during this discussion.
16. Approval of Financial Reports.
17. Approval of Board Minutes.
18. Discussion Items:
 - A. **President's Report**
 1. Alley between 24th and 26th Streets N/S and Huntington Ave. & Redondo Ave. E/W
 2. Policy for Customer Refunds
 3. AVR Returned Checks
 4. Water Tap Fees
 5. Effective June 1, 2022, Employees can start telling customers that ECUD has a delinquency plan and will be enforced on June 15, 2022.
 6. How does the Board want to handle customers who want to open new accounts of the delinquent spouse or other household member.
 7. WOVFD filling swimming pools in ECUD.
 8. Forensic Financial Audit.

9. Meter Accuracy

B. Treasurer's Report

1. Review our bylaws which were restated in 2019 for the "officer" roles of the volunteer board members who are elected each October for a 12-month term. We are now into the 8th month after elections. The election for officers will occur again in October 2022.
 - a. President: meetings, discussions, agreements and presentation to outside entities without prior discussion of them with the ECUD Board during a scheduled Board meeting and being recorded in the minutes.
 - b. President: requests for compensation increase outside of the Board meetings
 - c. Treasurer: lack of access to financial records, meetings with persons such as President, CPA and/or the ECUD Attorney without notifying or inviting Treasurer to participate; Meetings beginning earlier than scheduled time with the Treasurer and with the CPA without warning or invite to the Treasurer; Audit access and participation blocked. CPA and auditor are within the same company.
 - d. Texas Water Development Board (WTDB) visit to audit
 2. Vacation policy for staff is not documented but paid out when staff leaves.
 3. Job description for the most recent new hire is needed as it was not submitted during the approval of the board to hire.
19. Public comments and input on non-agenda items within the jurisdiction and responsibilities of the District (limit 5 minutes per person).
20. Adjournment.

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. |
| § 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 3 day of June, 2022, at 1:57 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
President

Posted: June 3, 2022 at Ector County Courthouse

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

MINUTES OF THE BOARD OF DIRECTORS MEETING

June 08, 2022

The Board of Directors of the Ector County Utility District met in regular session on June 8, 2022, at 1039 N. Moss Avenue.

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

Members Absent: N/A

Non-Board Members Present:

Debi Hays- Ector County Judge
Dustin Fawcett- Ector County Judge Elect
Stephen Pamberton- Acoustic Leak Detector
Brandon Smith- Acoustic Leak Detector
Mike Atkins – IT Specialist
John Kelley- Guest
Sherley Kelley- Guest
Wina Garrett- Guest
Patty Kappauf- Guest
Mat Coley- Guest
Bill Fowler – Legal Counsel
Johanna Lozano - ECUD
Perla Flores – ECUD
Anthony Shackelford- ECUD
Maribel Valenzuela – ECUD
John Lee - ECUD

1. **Call to Order (presented by President Ervin):** President Ervin introduced those in attendance and with a quorum present called the meeting to order at 2:34 p.m.

2. Consider and Approve a resolution setting a public hearing to annex those portions not already in the District of Sections 13, 14, 15, 16, 17 and 18, Block 43, T-2-S, T&P Ry. Co. Survey, Ector County, Texas into the District's boundaries.

Motion: After discussion among the board members Director Kappauf made a motion to approve a resolution setting a public hearing to annex those portions not already in the District of Sections 13, 14, 15, 16, 17 and 18, Block 43, T-2-S, T&P Ry. Co. Survey, Ector County, Texas into the District's boundaries, set expected date July 13th, 2022, at 6:00 p.m. location to be determined, seconded by Director Shaw, motion passed.

3. Consider and Approve a special meeting later in June 2022 for Rate Changes based on the rate study discussed in 2021 (same fiscal year as now). Must be approved by July 1, 2022, to go into effect October 1, 2022, which is the beginning of ECUD's new fiscal year.

Motion: After discussion among the board members Director Kappauf made a motion to approve a special meeting on June 21, 2022, at 6:00 p.m. at Kellus Turner Community Center for Rate Changes based on the rate study discussed in 2021 (same fiscal year as now). Must be approved by July 1, 2022, to go into effect October 1, 2022, which is the beginning of ECUD's new fiscal year, seconded by Director Burton, motion passed.

4. Discuss and Adopt Order calling an election November 8, 2022, to include all of Sections 34 and all of Section 35, excluding a 34.7 acre tract within 1,000 feet of I-20, Block 43, T-2-S, T&P Ry. Co., Survey, Ector County, Texas as property subject to the Operation & Maintenance Tax, requiring public notice and establish election procedures.

Motion: After discussion among the board members Director Shaw made a motion to adopt an order calling an election at ECUD on November 8, 2022 to include all of Sections 34 and all of Section 35, excluding a 34.7 acre tract within 1,000 feet of I-20, Block 43, T-2-S, T&P Ry. Co., Survey, Ector County, Texas as property subject to the Operation & Maintenance Tax, requiring public notice and establish election procedures, seconded by Director Walker, motion passed.

5. Discuss and Adopt Order calling an election on November 8, 2022, for the election of two directors, requiring public notice, and establishing election procedures.

Motion: After discussion among the board members Director Walker made a motion to Adopt Order calling an election on November 8, 2022, for the election of two directors, requiring public notice, and establishing election procedures. Director Shaw, motion passed.

6. Discuss and Approve any needed action to start the search for General Manager.

Motion: After discussion among the board members Director Burton made a motion to table agenda item number 6 seconded by Director Shaw, Opposed by Director Kappauf and Director Walker, President Ervin voted as a tie breaker to table item # 6 as it will be 2/2, as per Director Kappauf that will be a conflict since President Ervin is acting as a General Manager, Legal Counsel Bill Fowler will research at the rules.

7. Discuss and Approve General Manager Job Description.

A. Identify process, committee, and ideal time for hire

Motion: After discussion among the board members Director Kappauf made to motion to approve General Manager Job Description as is, seconded by Director Walker, President Ervin and Director Kappauf stated they will look at the proposal and revised later. Opposed by Director Burton 3/1, motion passed.

8. Discuss and Approve all bids submitted be sealed for the Board approval.

Motion: After discussion among the board members Director Walker made a motion to table item number 8 seconded by Director Shaw, motion passed.

Board of Directors went into a break as of 4:28 p.m. – No votes were taken.

Resume board of directors meeting at 4:47 p.m.

9. Discuss and Approve any needed actions to take professional service providers out to bid.

Motion: After discussion among the board members Director Kappauf made a motion to table item number 9 seconded by Director Walker, motion passed.

10. Discuss and Approve policy on new accounts with arrears owed.

Motion: After discussion among the board members Director Shaw motion to table item number 10 but have John Lee write a policy to present on the next board meeting, seconded by Director Kappauf, motion passed.

11. Discuss and Approve locks on meters.

Motion: After discussion among the board members Director Shaw made a motion to withdraw item number 11, seconded by Director Kappauf, motion passed.

12. Discuss and Approve vision and dental coverage.

Motion: After discussion among the board members Director Walker made a motion to table item number 12, seconded by Director Kappauf, motion passed.

13. Discuss and Approve protection equipment for office personnel.

Motion: After discussion among the board members Director Kappauf made a motion to withdraw item number 13, seconded by Director Shaw, motion passed.

14. Discuss and Approve new hire for turn off and turn on.

Motion: After discussion among the board members Director Walker made a motion to withdraw item number 14, seconded by Director Kappauf, motion passed.

15. Discuss and Approve ARPA Funds wit Precinct 1 Commissioner Mike Gardner via Teleconference.

A. Commissioner Gardner would like to address the entire board during this discussion.

Motion: Discussion, no action taken.

Director Burton left board meeting at 6:30 p.m.

16. 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 passed.

17. Approval of Board Minutes.

Motion: Director Walker made a motion to approve the Board Minutes as written, seconded by Director Shaw, motion passed.

18. Discussion Items

A. President's Report

1. Alley between 24th and 26th Streets N/S and Huntington Ave. & Redondo Ave. E/W
2. Policy for Customer Refunds
3. AVR Returned Checks
4. Water Tap Fees
5. Effective June 1, 2022, Employees can start telling customers that ECUD has a delinquency plan and will be enforced on June 15, 2022.
6. How does the Board want to handle customers who want to open new accounts of the delinquent spouse or other household member.
7. WOVFD filling swimming pools in ECUD.
8. Forensic Financial Audit.
9. Meter Accuracy
10. Any Ector County Utility District Board of Directors reserves the right to change the agenda item order.
11. Contracts
12. 191.2 miles in our system as of today, 48,000 thousand connections
13. Billing date on AVR
14. Sections of pipelines
15. Leak on Alley 26 and Alturas
16. Theft on locations
17. Hydrants Replacement
18. NACERO
19. Public Private Partnership on Alternate Water Source
20. Acres on Trip Ave, Addis Property
21. Sureline will cover approximately 10,000 households
22. Douro T-shirts paid by President Ervin
23. Inventory investment from Western, Morrison, and Sims

B. Treasurer's Report

1. Review our bylaws which were restated in 2019 for the "officer" roles of the volunteer board members who are elected each October for a 12-month term. We are now into the 8th month after elections. The election for officers will occur again in October 2022.

- a. President: meetings, discussions, agreements, and presentation to outside entities without prior discussion of them with the ECUD Board during a scheduled Board meeting and being recorded in the minutes.
 - b. President: requests for compensation increase outside of the Board meetings
 - c. Treasurer: lack of access to financial records, meetings with persons such as President, CPA and/or the ECUD Attorney without notifying or inviting Treasurer to participate; Meetings beginning earlier than scheduled time with the Treasurer and with the CPA without warning or invite to the Treasurer; Audit access and participation blocked. CPA and auditor are within the same company.
 - d. Texas Water Development Board (WTDB) visit to audit
2. Vacation policy for staff is not documented but paid out when staff leaves.
 3. Job description for the most recent new hire is needed as it was not submitted during the approval of the board to hire.

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

Comments:

- Taxpayer Patty Daily, talked about investing too much too quick, get more connections to sell more water to increase revenue, board should consider reread rules and regulations, deposit should be refunded.
- Anthony Shackelford, ECUD employee discussed vacation policy, he stated that he's been employed by ECUD for 2 years and nothing is in place.

20. Adjournment.

Motion: At 8:19 p.m. Director Kappauf made a motion to adjourn the regular board meeting, Director Shaw seconded; motion passed.

Meeting adjourned at 8:19 p.m.

Director Tommy Ervin
President
June 8, 2022