October 10, 2013

The El Paso Central Appraisal District Board of Directors held its regular meeting on Thursday, October 10, 2013, at 6:41 p.m., in the Conference Room of the El Paso Central Appraisal District at 5801 Trowbridge, with the following members present:

Gary Gandara          Ann Morgan Lilly
Patricia McLean, Secretary  Dee Margo
Ed Archuleta

Due to the absence of Chairman, Reymundo Sepulveda, Gary Gandara presided over the meeting.

There was quorum, with five members present. Mr. Joe Longoria, Mr. Robert Mott and Ms. Carmen Hegeman, Legal Counsel were present for the entire meeting.

First order of business was to recite the pledge of Allegiance to the flag of the United States of America.

AGENDA ITEM 1 – APPROVAL AND SIGNING OF MINUTES FOR SEPTEMBER 18, 2013

Ms. McLean made a motion to accept the September 18, 2013 minutes as presented. Mr. Margo seconded the motion. Motion passed unanimously.

AGENDA ITEM 2 – ELECTION OF BOARD OF DIRECTORS’ VICE-CHAIRMAN

Ms. McLean questioned the timing of this item. Ms. Kilgore stated that as Vice-Chairman Mr. Alfredo Borrego has resigned, Mr. Sepulveda requested that this item be placed on tonight’s agenda. Mr. Archuleta suggested that the Board wait until January, 2014, when the general election of officers will be held. Therefore, no action was taken on this matter.

AGENDA ITEM 3 – PUBLIC COMMENT

No public comment was made.

AGENDA ITEM 4 - REVIEW OF FINANCIAL STATEMENT – AUGUST, 2013

Ms. Rosa Goldman, Chief Financial Officer, presented the August, 2013 Financial Statement. All financial statements are on file and a matter of record in the District’s accounting office.
In addition to the regular financial statement as requested by the Board of Directors at the August 2013 meeting, Ms. Goldmann presented a Power Point overview of EPCAD's financial picture.

Mr. Archuleta asked if a pro-forma could be included to show basically what the year will be like, i.e., any expenditures coming up that are presently unknown which may effect the bottom line. Ms. Goldmann said this item presently exists, but has not been shown to the Board, since it wasn’t requested previously, but she will provide it from now on.

Ms. McLean made a motion to approve the August 2013 Financial Statement as presented. Mr. Margo seconded the motion. Motion passed unanimously.

AGENDA ITEM 5 - MONTHLY HEALTH BENEFITS USAGE REPORT – SEPTEMBER, 2013

Ms. Gabrielle Melendez, Human Resource Manager, presented the Health Benefits Usage Report for September, 2013. The Year-to-Date Loss Fund is $764,791.80, with the Year-to-Date Paid Subject to Loss Fund of $719,044.21, $15,747.59. The Specific Reimbursement Year-to-Date is $15,436.35 with the Aggregate Specific of $15,436.35 leaving EPCAD with a positive balance of $45,747.59.

AGENDA ITEM 6 – DISCUSSION & POSSIBLE ACTION REGARDING EPCAD’S 2014 HOLIDAY SCHEDULE

Ms. Kilgore advised that the 2013 holiday schedule contained thirteen (13) holidays and for 2014, EPCAD requests twelve (12) holidays as listed in the attachment to agenda item 6. New Year’s Eve day was removed from the 2014 list.

Mr. Archuleta made a motion to approve the 2014 Holiday Schedule as presented. Mr. Margo seconded the motion. Motion passed unanimously.

AGENDA ITEM 7 – DISCUSSION & POSSIBLE ACTION REGARDING CANCELLATION OF NOVEMBER MEETING

Ms. Kilgore explained that the November, 2013 meeting falls on November 14 when Ms. Kilgore, Ms. Goldmann and Mr. Stone have to attend a mandatory Public Funds Seminar in Dallas; therefore, Ms. Kilgore requested the cancellation of the November, 2013 meeting.

Ms. McLean moved to cancel the November meeting as requested. Ms. Morgan-Lilly seconded the motion. Motion passed unanimously.

AGENDA ITEM 8 – CHIEF APPRAISER REPORT

Ms. Kilgore directed the Board’s attention to envelopes given to each director that contain publications from around the state that have to do with the equity issue.
Ms. Kilgore brought up the flooding situation in the Lower Valley. She continued that there has been some misinformation about what the appraisal district can do. Ms. Kilgore said that EPCAD has sent appraisers out to visit the affected areas to document and take photos. There is nothing the appraisal district can do to change the 2013 values, as the Property Tax Code states appraisal districts have to appraise as of January 1 of each year.

In January, 2014, the EPCAD appraisers will re-visit the properties damaged by the flood to see if the damage is still the same or if anything has been repaired. If nothing has been repaired, then adjustments may be made to the value. Everybody will receive a notice of value. If there are more changes that the property owner feels they should receive, it will be re-addressed. If the damage has been repaired, there may not be any adjustments. The adjustments will become effective January, 2014.

Ms. Kilgore wanted the Board to know this situation is being addressed.

AGENDA ITEM 9 – TAXPAYER LIAISON REPORT (TRACY CARTER)

Ms. Tracy Carter, Taxpayer Liaison Officer, distributed to the Board members a comment report, compiled with the assistance of Aimee Raspopovich, Appraisal Review Board (ARB) Chairman, showing the different categories of Excellent, Good, Fair and Poor. This form is in both English and Spanish. This procedure has been done at EPCAD for several years and is a paradigm for other entities, in particular the State Comptroller’s Office.

In addition, Ms. Carter stated that she has been meeting with Judge Patrick Garcia in order to work out the process to appoint new Appraisal Review Board members to the ARB. Applications received for the ARB positions go directly to Ms. Carter who in turn forwards the same to Judge Garcia. EPCAD staff is not included in the process other than forwarding the applications.

AGENDA ITEM 10 – ADOPT A RESOLUTION ADDING EL PASO COMMUNITY COLLEGE TO BOARD OF DIRECTORS’ SELECTION METHOD

Ms. Kilgore read the resolution as follows:
STATE OF TEXAS

COUNTY OF EL PASO

RESOLUTION OF THE EL PASO CENTRAL APPRAISAL DISTRICT

JUNIOR COLLEGE DISTRICT ADDED AS A VOTING MEMBER OF THE APPRAISAL DISTRICT FOR SELECTING APPRAISAL DISTRICT DIRECTORS

WHEREAS, § 6.03 (c) TEX. TAX CODE, was amended by the Texas Legislature during the 83rd Regular legislative session to now include the junior college district as a voting member to select directors to serve on the appraisal district board.

WHEREAS, § 6.031(b-1) TEX. TAX CODE, was amended by the Texas Legislature during the 83rd Regular legislative session to read as follows: "If an appraisal district increases the number of members on the board of directors of the district or changes the method or procedure for appointing the members as provided by this section, the board of directors by resolution shall provide for the junior college districts that participate in the appraisal district to collectively participate in the selection of directors in the same manner as the school district that imposes the lowest total dollar amount of property taxes in the appraisal district among all of the school districts with representation in the appraisal district."

WHEREAS, § 6.031(b-1) TEX. TAX CODE, was amended by the Texas Legislature during the 83rd Regular legislative session to read as follows: "A resolution adopted under this section is not subject to rejection by a resolution opposing the change filed with the board of directors by a taxing unit under Subsection (a)."

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the El Paso Central Appraisal District that the procedure for appointing its members shall be changed to include junior college districts that participate in the appraisal district to collectively participate in the selection of directors in the same manner as the school district that imposes the lowest total dollar amount of property taxes in the appraisal district among all of the school districts with representation in the appraisal district.

BE IT FURTHER RESOLVED that the Chief Appraiser shall calculate the number of votes to which each junior college district is entitled and deliver written notice as required by TEX. TAX CODE ANN. 6.03 (e)(Vernon Supp. 2013).

This resolution is hereby adopted by a majority vote of the El Paso Central Appraisal District Board of Directors on this ______day of ____________________, 20______.

________________________________________
Chairman, Board of Directors

Attest: Secretary, Board of Directors  Date
Mr. Margo made a motion to adopt the resolution as presented. Ms. Morgan-Lilly seconded the motion. Motion passed unanimously. See copy of signed resolution attached.

AGENDA ITEM 11 – DISCUSSION & POSSIBLE ACTION REGARDING EXECUTIVE SESSION UNDER THE AUTHORITY OF TEX.GOVT. CODE § 551.071 AND 551.074 TO DISCUSSION LEGAL AND PERSONNEL MATTERS

In accordance with the Open Meetings act, TEX.GOVT.CODE § 551.071 & § 551.074 the Board of Directors went into Executive Session at 7:05 p.m. to discuss legal and personnel matters. The Board returned to open session at 8:35 p.m. No action was taken in Executive Session.

A. Discussion with attorney regarding changes in Appraisal Review Board (ARB)
B. Hotel Don Quixote Ltd., a Texas Limited Partnership vs El Paso CAD, Cause No. 2009TX944
C. Hotel Don Quixote Ltd., a Texas Limited Partnership vs. EPCAD, Cause No. 2010TX804
D. Hotel Don Quixote, Ltd., vs EPCAD, Cause No. 2011TX655
E. Hotel Don Quixote Ltd., A Texas Limited Partnership vs EPCAD, Cause No. 2012DTX03570
F. Hotel Don Quixote Ltd., a Texas Limited Partnership vs. EPCAD, Cause No.2013DTX0851
G. El Paso Central Appraisal District vs Hotel Don Quixote, Ltd., Cause No. 2009TX1050
H. Kohl's Illinois Inc. (Store #507 and Store #1356 vs EPCAD, Cause No.
I. 2012DTX03680
J. RKBT Enterprises Ltd., Western Technical Institute vs EPCAD, Cause No. 2010TX994.
K. HBW Partners 1 Ltd vs EPCAD, Cause No. 2010TX1172
L. NCT Inc., vs EPCAD, Cause No. 2010TX1358
M. MGD Group LLC vs EPCAD, Cause No. 2012DTX03372
N. Casa Properties vs EPCAD, Cause No. 2011DTX02514
O. James A. Dick Limited Partnership (7 Westport) vs EPCAD Cause No. 2010TX1183
P. James Dick Group, LP vs EPCAD, Cause No. 2011DTX00360
Q. James Dick Group, LP vs EPCAD, Cause No. 2012DTX03720
R. North Desert Investments, LLC vs EPCAD, Cause No. 2011DTX00356
S. North Desert Investments, LLC vs EPCAD. Cause No. 2012DTX03722
T. ELP Rio Grande Enterprise LLC vs EPCAD, Cause No. 2011TX070
U. EPT RA the Masters Community , LLC vs EPCAD, Cause No. 2010TX806
V. The Fountains at Farah, LP vs EPCAD, Cause No. 2011DTX05344
W. Hunt Communities GP, LLC vs EPCAD, Cause No. 2010TX045 Ignacio I Vasquez and Ignacio R. Vasquez vs EPCAD, Cause No. 2012DTX03693  *PID 359596 and 115530 from this lawsuit was presented at the September BOD for approval. The third property PID 90173 from this lawsuit was settled on September 19.

X. Kathuria Family Trust vs EPCAD, Cause No. 2011TX1101

Y. Pellicano Residential Partners Ltd., vs EPCAD, Cause No. 2010TX1171

Z. River Oaks Properties Ltd., vs EPCAD, Cause No. 2010TX222

AA. El Paso Central Appraisal District vs James Dick, LP, Cause No. 2011DTX3131

AGENDA ITEM 12 – DISCUSSION & POSSIBLE ACTION REGARDING A-AA ABOVE

Ms. Morgan-Lilly made a motion to approve items A-AA as recommended by legal counsel. Motion passed unanimously.

There being no further business to come before the Board, the meeting was adjourned at 8:36 p.m.

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Reymundo Sepulveda, Chairman

ATTEST:

Patricia McLean, Secretary
STATE OF TEXAS

COUNTY OF EL PASO

RESOLUTION OF THE EL PASO CENTRAL APPRAISAL DISTRICT

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BE IT FURTHER RESOLVED that the Chief Appraiser shall calculate the number of votes to which each junior college district is entitled and deliver written notice as required by TEX. TAX CODE ANN. 6.03 (e)(Vernon Supp. 2013).

This resolution is hereby adopted by a majority vote of the El Paso Central Appraisal District Board of Directors on this 10 th day of October, 2013.

[Signature]
Chairman, Board of Directors

[Signature]
Attest: Secretary, Board of Directors Date