



February 12, 2015

The El Paso Central Appraisal District Board of Directors held its regular meeting on Thursday, February 12, 2015 in the Conference Room of the El Paso Central Appraisal District at 5801 Trowbridge Drive, El Paso, Texas. As Chairman Romero was not present, the meeting was initiated by Vice-Chair Ann Morgan Lilly at 5:05 p.m. with the following members present:

Ed Archuleta  
Paul Pearson  
Ann Morgan Lilly

Dee Margo  
Vincent Perez  
Laure Searls

There was a quorum, with six members present. Mr. Joe Longoria and Ms. Carmen Hegeman, legal counsel, were in attendance for the entire meeting.

Mr. Gary Gandara joined the meeting at 5:06 p.m.  
Mr. Jerry Romero joined the meeting at 5:23 p.m.

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

#### **ACTION AGENDA ITEM I – APPROVAL AND SIGNING OF THE MINUTES**

Mr. Margo moved for approval of the January 8, 2015 minutes; Mr. Archuleta seconded. The vote was called and carried.

#### **AGENDA ITEM 2 – PUBLIC COMMENT**

Ms. Dinah Kilgore, Chief Appraiser, stated that no one had signed-up for public comment.

#### **ACTION AGENDA ITEM 4 – REVIEW OF FINANCIAL STATEMENT – DECEMBER 2014**

Ms. Rosa Goldmann, Chief Financial Officer, presented the financial report for December 2014. The financial report includes the balance sheets; the report of revenues, expenditures and changes in cash balance; actual-to-budget, investment report and the notes to the financial report. As requested by the Board at the August 2013 meeting, Ms. Goldmann presented a Power Point overview of EPCAD's financial picture for the stated month. She noted that as no funds had been used, the litigation reserve remained at \$600,000.00. A detailed report of the professional services line item was presented. Mr. Archuleta specified that this line item continue to be presented in this detailed fashion at each board meeting. Mr. Pearson requested

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clarification on the police officers expenditure. Ms. Kilgore explained that EPCAD has one officer on the premises at all times. The officers are scheduled to work in half-day shifts;

therefore, two officers rotate daily. Having police officers rather than using a private security firm has the added bonus of law enforcement when difficult situations arise. Mr. Margo asked what the final annual amount was for Wardlaw Appraisal Group. Ms. Goldmann responded \$320,000.00. Payments to Wardlaw Appraisal Group will be paid quarterly. All financial statements are on file and a matter of record in the District's accounting office.

Mr. Margo moved for approval. Mr. Gandara seconded the approval of the December 2014 financial statement as presented. The vote was called and the motion carried.

**AGENDA ITEM 5 – MONTHLY HEALTH BENEFITS USAGE REPORT – JANUARY 2015**

Ms. Gabrielle Melendez, Human Resource Manager, presented the Health Benefits Usage Report for January 2015.

The Year-to-Date Loss Fund for January 2015 was \$307,608.96, with the Year-to-Date paid Subject to-Loss Fund being \$140,650.28 leaving a positive balance of \$166,958.68.

**AGENDA ITEM 6 – TAXPAYER LIAISON REPORT – TRACY CARTER**

Ms. Carter reported that the State Comptroller had issued their Appraisal Review Board (ARB) survey results and distributed copies to the Board members. EPCAD's ARB received overall positive ratings: 96% agreed the ARB was courteous, attentive, knowledgeable and organized; 77% rated them as fair. The majority of responses regarding the time allowed for property owner and EPCAD evidence presentations agreed that ten to fifteen minutes was a reasonable amount of time. The ARB will convene February 23-26 to hear motions-to-correct.

Board members commented that EPCAD had the highest number of survey responses. Mr. Archuleta and Mr. Margo questioned whether commercial property hearings were limited to the same time frame. Ms. Kilgore informed them that the panel members are flexible to allow sufficient time for presentations and rebuttal depending on the complexity of the case; citing that many cases take 30 minutes and a particular case, last year, continued for four hours. Mr. Margo inquired whether responses had addressed the expertise, or lack-of, of ARB members, specifically pertaining to the commercial cases. He also asked if the results were divided into residential and commercial. Ms. Carter responded that the expertise question fell into the 'knowledgeable' category; and that responses were not categorized as commercial or residential. Mr. Archuleta questioned why EPCAD's response rate was so high in comparison to the rest of the State. Ms. Kilgore responded that Ms. Carter's diligence to motivate property owners to participate and assist them in using the electronic interface, encouraged them to give their feedback to the State and this shows in the numbers. Mr. Margo asked if the State can be encouraged to divide the comments between residential and commercial properties. Ms. Kilgore added that she would present the suggestion at the upcoming Texas Association of Appraisal Districts' (TAAD) conference.

### **AGENDA ITEM 7 – CHIEF APPRAISER REPORT – DINAH KILGORE**

Ms. Kilgore reported that the Comptroller's Property Value Study has been completed and EPCAD achieved 98%: 100% residential, 100% business personal property and 90% commercial. The Comptroller sent a field appraiser to do random sampling and stratification of values. All the school districts came within confidence level and the Comptroller has accepted the local value; however, almost all of the school districts were below 90% in the commercial values. Copies of the data are available on the Comptroller's website under property value and the school districts were notified directly. This information will be a topic of discussion when EPCAD staff visits with the entities' staff in March. The Methods and Procedures study is also being done. The Comptroller's field reviewer was on-site for the week of January 26-30. All departments, records, and data were reviewed. The results will be completed in September and subsequently the appraisal district will receive a preliminary report.

Ms. Kilgore continued with a legislative update. Two important deadlines are March 13: deadline to file bills and joint resolutions; and June 1: last day of session with an extension of June 21. The majority of appraisal bills concern exemptions. Senator Watson has submitted Senate bill 280; it deals with the equity issue; copies of which Ms. Kilgore had for the Board members. The bill restricts a person on an equity appeal to remain with market value and stay firm with the standards set by the Uniform Standards of Professional Appraisal Practice.

Chairman Jerry Romero joined the meeting at 5:23 p.m. Ms. Lilly turned the meeting over to him.

### **AGENDA ITEM 3 – BOARD OF DIRECTORS TRAINING WITH ATTORNEY**

Mr. Joe Longoria, general EPCAD counsel, presented an orientation of Board responsibilities in the form of do's and don'ts (see attachment). Mr. Longoria highlighted the differences between appraisal district boards and other public boards. He noted that the primary function of the EPCAD board as a decision-making body was to help the appraisal district appraise property at market value with two hammers: the hiring and firing of the chief appraiser; and the setting of the budget. He noted that the EPCAD board does not have any authority over appraisal functions. Mr. Longoria furthered that the EPCAD board no longer has the function of appointing ARB members; however, it does select the ARB chairperson and the secretary. The EPCAD board is required to adopt the written plan for the reappraisal with significant input from the Chief Appraiser. The other obligation of the Board is to select the Taxpayer Liaison Officer. The Board advises and consents authority to the Chief Appraiser to the appointment of the Agricultural Advisory Board; that board is comprised of private citizens who serve in coordination with the District in determining agricultural values. Mr. Longoria reviewed the Open Meetings and Public Information Acts, policies and ramifications of the same. He concluded with the Board's responsibility to establish general policies and the importance of being proactive as a body to address situations and contingencies that one hopes will never occur.

Mr. Archuleta posited that a great percentage of the county's population did not understand the relationship between the ARB and the EPCAD Board and the restrictions therein. Mr. Longoria

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agreed. Mr. Archuleta furthered as to why the informational meetings given by the Chief Appraiser and staff had not been presented at the board level. Ms. Kilgore responded that an invitation or request for EPCAD to do so had not been made. Mr. Archuleta expressed that he and Mr. Margo were inviting her to make an informational presentation to the El Paso Independent School District (EPISD) board to educate them of EPCAD's role and services. Mr. Margo suggested that Ms. Kilgore might in future contact the board member to avail them of information germane to that entity and the board member will schedule it on that board's agenda. Ms. Searls added that she felt it was the board member's role to convey information about the appraisal district's work to their respective entity. Ms. Kilgore added that she is always available to provide information to entities' staff and at their respective board meetings.

Mr. Longoria went over the Attorney General (AG) decision stating that appraisal district funds that are unused at the end of the fiscal year can be obligated for a specific purpose, such as: a litigation fund, for capital improvement, buying a new building. Mr. Romero asked if the obligation was done yearly or does it remain perpetually. Mr. Longoria responded that funds, such as the \$600,000.00 legal fund, can be re-obligated each year. Ms. Searls reiterated that the legal fund could be left and more funds obligated, in order to build a foundation. Mr. Longoria answered yes. He concluded that a Board of Directors' training video was accessible through the AG's website; and all new members needed to complete the training and receive the certificate within one year of being appointed.

The Board moved to go into Executive session at 6:09 p.m.

**AGENDA ITEM 8 – EXECUTIVE SESSION UNDER THE AUTHORITY OF TEX.GOV'T. CODE § 551.071 AND 551.074 TO DISCUSS LEGAL AND PERSONNEL MATTERS**

In accordance with the Open Meetings act, TEX.GOV.CODE § 551.071 & § 551.074 the Board of Directors went into Executive Session at 6:11 p.m. to discuss legal and personnel matters. No action was taken in Executive Session.

A.	BRUCE FOODS CORP	vs. EPCAD, Cause No.	2013DTX0973
B.	PETSMART INC AS LESSEE	vs. EPCAD, Cause No.	2012DTX03939
C.	KRG SUNLAND LP KRG SUNLAND II LP	vs. EPCAD, Cause No.	2014DTX0507
D.	LAKE FAIRWAY LLC	vs. EPCAD, Cause No.	2013DTX1020
E.	TERRACE HILL LLC F/K/A PHILLIP J. SALLEY TRUST	vs. EPCAD, Cause No.	2013DTX1028
F.	SRT-LA PRIVADA LLC	vs. EPCAD, Cause No.	2013DTX1022
G.	CATVONG LLC	vs. EPCAD, Cause No.	2014DTX0569
H.	SUN HOLLOW LLC	vs. EPCAD, Cause No.	2013DTX1021
I.	MFT-RIDGEMAR LLC	vs. EPCAD, Cause No.	2013DTX1019
J.	PASEO PARTNERS LP	vs. EPCAD, Cause No.	2011TX495
K.	CINCO BISCO LIMITED	vs. EPCAD, Cause No.	2013DTX1013
L.	SANTOS FAMILY ENTERPRISES LTD	vs. EPCAD, Cause No.	2014DTX0727
M.	WSL Holdings 2006 V El Paso LP	vs. EPCAD, Cause No.	2013DTX0855
N.	Gastroenterology Institute of El Paso LP	vs. EPCAD, Cause No.	2014DTX0618
O.	Hunt El Paso Investments LTD	vs. EPCAD, Cause No.	2012DTX03975

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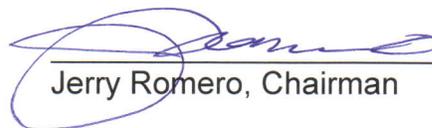
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| P. GOOD TIMES STORES   | vs. EPCAD, Cause No.   | 2012DTX03663   |
| Q. KRG SUNLAND LP KRG SUNLAND II LP  | vs. EPCAD, Cause No.   | 2013DTX0853    |
| R. 251 SHADOW MOUNTAIN LLC 7705 PHOENIX LLC & BARUCH II LLC  | vs. EPCAD, Cause No.   | 2013DTX1034    |
| S. MC DONALD'S CORP AS OWNER AND LESSEE DELAWARE GOLDEN ARCH LTD PARTNERSHIP MC DONALD'S RESTAURANT OF TX AND MC DONALD'S REAL ESTATE CO | vs. EPCAD, Cause No.   | 2013DTX0934    |
| T. LUJAN PROPERTIES LLC  | vs. EPCAD, Cause No.   | 2014DTX0621    |
| U. SOUTH EL PASO STREET PROPERTIES LLC   | vs. EPCAD, Cause No.   | 2013DTX1108    |
| V. PEACE PARTNERS CAR WASH LLC   | vs. EPCAD, Cause No.   | 2012DTX04247   |
| W. ROBERT R. MARBLE Trustee of the Robert E. Marble Trust  | vs. EPCAD, Cause No.   | 2012DTX03611   |
| X. FIRST NATIONAL BANK   | vs. EPCAD, Cause No.   | 2011DTX06207   |
| Y. Walgreens Co as Owner and Lessee  | vs. EPCAD, Cause No.   | 2011DTX01310   |
| Z. BROWN ALCANTAR & BROWN INC  | vs. EPCAD, Cause No.   | 2011DTX02955   |
| AA. Fountains at Farah   | vs. EPCAD, Cause No.   | 2014DTX0603    |
| BB. Western Refining Company, L.P.   | vs. EPCAD, Cause No.   | 2014-DCV-00446 |
| CC. 3815 Buckner E & F Investments, LLC, et al.  | vs. Appraisal Review Board of El Paso County, Texas, et al., Cause No. | 2014DTX0173    |

**ACTION AGENDA ITEM 9 – DISCUSSION & POSSIBLE ACTION REGARDING A – CC AS LISTED IN ITEM 8.**

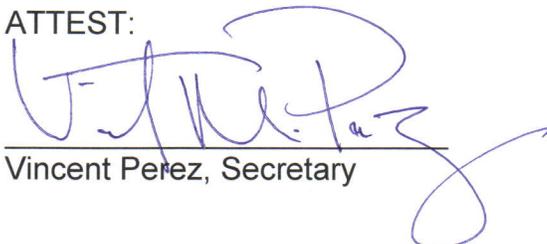
The Board came out of Executive Session at 7:02 p.m.; where no action was taken. Ms. Searls moved to approve A thru CC as listed in item eight, as recommended by staff. The motion was seconded by Mr. Gandara, the motion carried.

There being no further business to come before the Board, Mr. Gandara moved to adjourn, with a second by Mr. Perez. The meeting adjourned at 7:03 p.m. The following EPCAD Board of Directors' meeting will be held on the March 12, 2015.

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Jerry Romero, Chairman

ATTEST:

  
Vincent Perez, Secretary