

DATE: February 8, 2021

TO: City Clerk

FROM: Mayor Oscar Leeser

ADDRESS: 300 N. Campbell, 2<sup>nd</sup> Floor TELEPHONE (915) 212-0021

Please place the following item on the (Check one): CONSENT X REGULAR \_\_\_\_\_

Agenda for the Council Meeting of February 16, 2021

Item should read as follows: Appointment of Veronica Carbajal to the Regional Renewable Energy Advisory Council  
by Mayor Oscar Leeser

**BOARD COMMITTEE/COMMISSION APPOINTMENT/REAPPOINTMENT FORM**

NAME OF BOARD/COMMITTEE/COMMISSION: Regional Renewable Energy Advisory Council

NOMINATED BY: Oscar Leeser DISTRICT: Mayor

NAME OF APPOINTEE Veronica Carbajal  
(Please verify correct spelling of name)

E-MAIL ADDRESS: N/A

BUSINESS ADDRESS: N/A

CITY: \_\_\_\_\_ ST: TX ZIP: \_\_\_\_\_ PHONE: \_\_\_\_\_

HOME ADDRESS: N/A

CITY: N/A ST: TX ZIP: N/A PHONE: N/A

DOES THE PROPOSED APPOINTEE HAVE A RELATIVE WORKING FOR THE CITY? YES: \_\_\_\_\_ NO X

IF SO, PLEASE PROVIDE HIS OR HER NAME, CITY POSITION AND RELATIONSHIP TO THE PROPOSED APPOINTEE:

HAS APPOINTEE BEEN A MEMBER OF OTHER CITY BOARDS/COMMISSIONS/COMMITTEES? IF SO, PLEASE PROVIDE NAMES AND DATES: FAIR HOUSING TASK FORCE: VOTING MEMBER 2012-14; EX-OFFICIO MEMBER 2014-15

LIST ALL REAL ESTATE OWNED BY APPOINTEE IN EL PASO COUNTY (BY ADDRESS):  
N/A

WHO WAS THE LAST PERSON TO HAVE HELD THIS POSITION BEFORE IT BECAME VACANT?

NAME OF INCUMBENT: Fredrick Dalbin

EXPIRATION DATE OF INCUMBENT: 3/3/2020

REASON PERSON IS NO LONGER IN OFFICE (CHECK ONE): TERM EXPIRED: \_\_\_\_\_  
RESIGNED X  
REMOVED \_\_\_\_\_

DATE OF APPOINTMENT: 2/16/2021

TERM BEGINS ON : 2/16/2021

EXPIRATION DATE OF NEW APPOINTEE: 3/3/2022

PLEASE CHECK ONE OF THE FOLLOWING: 1<sup>st</sup> TERM: X

2<sup>nd</sup> TERM: \_\_\_\_\_

UNEXPIRED TERM: \_\_\_\_\_

# Verónica Carbajal

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## Background:

Verónica is a fourth generation *fronteriza*. She was born in El Paso, just blocks from where her great-grandparents started their family in the Chamizal neighborhood, and raised in Juarez, down the street from where her great-grandparents moved in order to fulfill their dream of owning a home. Like her great-grandfather, grandfather and thousands of border residents, Verónica and her mother commuted from Juarez to El Paso, where she attended school and her mom worked. Her values have been shaped by her ancestors' teachings and her upbringing by a single, working class mom. Verónica has devoted her life to social justice, particularly, environmental justice, fair and affordable housing, historic and cultural preservation, and animal rights. She is a lawyer and a children's book author.

## Education:

**The University of Texas School of Law**, Austin, TX

J.D., 2004

- Scholarship recipient 2001-2004
- Texas Hispanic Journal of Law and Policy, Submissions Editor, 2003-2004; Staff, 2002-2003
- Immigration Clinic, Spring 2004

Brown University, Providence, RI

- Andrew W. Mellon Minority Undergraduate Fellowship
- Honors Environmental Studies Thesis: *Chicanas and Environmental Justice*
- Universidad de las Americas, Puebla, MEX, Semester Abroad, Fall 1996

**Languages:** Fluent in Spanish

## Awards and Bar Associations:

- Named a Rising Star by *Texas Super Lawyers*, 2010
- Impact Award recipient by the Texas Bar Poverty Law Section, 2015
- Charter Member of the George McAlmon American Inns of Court

## Work History:

**Texas RioGrande Legal Aid, Inc. (TRLA)**, El Paso, TX: June 2004 – Present

*Staff Attorney*

*Team Manager: Homelessness Prevention and Rapid Rehousing*

*Group Coordinator: Community Preservation and Empowerment*

Duties include:

- Casehandling: the direct provision of legal advice and legal services ranging from limited services to litigation in administrative tribunals and state and federal court to thousands of families.
- Managerial: supervising the work of team managers, staff attorneys, and paralegals; developing intake protocol; identifying priorities for the following teams: Colonias and Real Estate, Community Development, and Environmental Justice; and developing training and outreach materials including CLE's, manuals and brochures.
- Practice areas: Environmental Justice; Real Estate, including traditional loans, wrap around loans, and contracts for deed; Landlord/Tenant including subsidized housing, private rentals, and mobile home parks; Fair Housing/Discrimination; Disaster Assistance; and Community Development

**Mithoff & Jacks, L.L.P.**, Austin, TX: May 2002 – February 2004

*Law Clerk:* Prepared case pleadings and filings, conducted legal research, and translated documents, primarily for environmental toxic tort cases.

**University of Texas School of Law**, Austin, TX: January 2003 - October 2003

*Research Assistant, Prof. Karen Engle:* Conducted research for law review articles.

**American Civil Liberties Union, Texas Chapter**, Austin, TX: May 2001 – August 2001

*Volunteer Intern:* Conducted research on international human rights.

**Paso del Norte Clean Cities Coalition**, El Paso, TX: February 1999 - August 2001

*Air Quality Program Outreach Coordinator:* Oversaw binational, bilingual air quality and vehicle maintenance outreach programs; received DOE Clean Cities Inc. 2000 Public Outreach Award.

**Environmental Defense**, El Paso, TX: June 1998 - February 1999

*Intern/Consultant:* Translated a book, a strategic plan and manuals for binational air quality program.

**Childhood Lead Action Project–Lead Poisoning Advocacy**, Providence, RI: Feb. 1997 - May 1997

*Intern:* Prepared and documented meetings, staffed the office, and organized press conferences.

**Office of Student Life, Brown University**, September 1995- May 1996

*Residential Counselor:* Provided counseling and organized activities for a first-year unit.

**Environmental Studies Diversity Working Group, Brown University**, Sept. 1995 - May 1996

Coordinated the Center for Environmental Studies' recruitment and retention of students of color.

**Undergraduate Teaching Research Assistant**, Brown University, June 1995 - September 1995

*Research Assistant:* Revised curriculum for environmental studies introductory course.

**Brown Annual Fund**, Brown University: February 1995 - May 1995

**University Food Services**, Brown University: September 1994 - February 1995

## **Volunteer Work:**

**George McAlmon Inns of Court**, El Paso, Texas  
Associate, 2016 to present

**City of El Paso Fair Housing Task Force**, El Paso, Texas  
*Voting Member*, 2012 to 2014; *Ex-officio member*, 2014 to 2015

**Brown University Alumni Association**  
*Area Chair for Midland-Amarillo-El Paso*, 2007-2011; *Volunteer*, 1998 to 2017

**Paso del Norte Civil Rights Project**, El Paso, TX  
*Local Board member*, 2008 to 2012

**Texas Civil Rights Project**, Austin, TX  
*State Board Member*, 2012 to 2012

**El Paso Times Judicial Candidates Endorsements**, El Paso, TX  
Primary and general election of 2014 and 2018

**Green Hope Project, Inc.**, El Paso, TX  
*Board member*, 2019 to 2020

## **Small Business Owner:**

**Muneca's Books, LLC.** Self-published author of bilingual books for children.

## **Notable Casework:**

### **Community Development**

*Co-Counsel, Duranguito*: 2016 to 2020

Represented tenants living in the Duranguito neighborhood against their slumlord and obtained emergency repairs and monetary compensation, as well as relocation to public housing and the closing of the tenement. Currently represent two current tenants and two former tenants in the litigation brought by the City regarding its use of 2012 Quality of Life Bonds. The trial court ruled the City could not build a sports arena with bond money. The Third Court of Appeals reversed the ruling. The tenants filed a brief in support of their petition for review before the Texas Supreme Court. Key issues: Does the bond ordinance allow the City to build a sports arena? Does the bond ordinance allow the City to prioritize building a multipurpose performing arts center at the expense of another bond projects, the Mexican American Cultural Center?

## **Environmental Justice**

*Lead Counsel, ASARCO, SOAH Docket 582-05-0593: 2005 to 2014*

ASARCO operated a copper smelter in El Paso, Texas for over 100 years, until it shut down in 1999. Advocacy included the following. TRLA was one of several legal teams to represent Protestants in contesting the company's state air permit renewal in a hearing before the State Office of Administrative Hearings, which resulted in a recommendation by the Administrative Law Judges that the permit should be denied, but which was granted by the Texas Commission on Environmental Quality (TCEQ). The company filed for bankruptcy and decided not to reopen, shortly after the Environmental Protection Agency (EPA) requested a new source application. Once the remediation of the site began in 2009, the Ex-ASARCO Workers, represented by TRLA, were one of a couple of stakeholders to consistently advocate for environmental and health concerns related to the plant's operations. TRLA prepared and submitted comments to the remediation plans (aided by renowned expert Wilma Subra), organized meetings with lead environmental agencies, including EPA Region VI Director and key staff, oversaw two EPA technical assistance grants (TASC), conducted worker interviews that led to additional soil and water sampling, held press conferences, and more. TRLA advocated for the workers whose health was severely affected by their exposure to toxins at the plant, including contacting key health and environmental organizations, retrieving medical records from ASARCO, helping coordinate a continuing medical education course for local doctors regarding occupational exposure, and informing the work of political leaders on this issue as called upon.

*Lead Counsel: El Paso Electric. Co., SOAH Docket 582-13-1520, 2012-2014*

Represented Far East El Paso Citizens United (FEEPCU) as the only organization to challenge El Paso Electric Company's air permit for a new power plant in the Montana Vista *colonia*. Montana Vista has thousands of residents, most of whom are poor and lack basic infrastructure. The community is located outside the city's zoning power and is surrounded by small and large polluters, including the Magellan Terminal, which has 18 fuel storage tanks. TRLA represented FEEPCU before the State Office of Administrative Hearings: hired 2 experts and reviewed their pre-filed testimony, participated in depositions and discovery, participated in 3 day administrative hearing, submitted briefs and reply briefs, and other litigation matters. TRLA also represented the organization in challenging the company's greenhouse gas permit before the EPA and hired an expert and submitted comments. The organization also intervened before the Public Utility Commission (PUC). FEEPCU and the company reached a settlement that includes the creation of a Citizens Advisory Panel, \$100,000 investment in community projects, \$50,000 for energy efficiency projects for residents, and an agreement that the company will not expand operation at the plant past the 4 permitted turbines, with the exception of solar energy. TRLA also represented FEEPCU before Ft. Bliss (U.S. ARMY), which planned to build a waste incinerator next to the new power plant. After comments were submitted by the community, Ft. Bliss decided on a different location.

*Co-Counsel, Familias Unidas del Chamizal: 2017 to present*

Represent the organization in its efforts to save the abandoned Salazar Community owned by the Housing Authority of the City of El Paso and commenting on the City of El Paso's Housing Plan and Analysis of Impediment. Manage attorneys working on complaints related to the EPISD Bus Hub relocated to Bowie High School, EPISD school closures of Burleson and Beall Elementaries, and issues related to air pollution and safety hazards from nearby recycling facilities.

## **Fair Housing**

*Lead Counsel*, 2012-2015: *Chavez v. Aber*, 122 F.Supp.3d 581 (W.D. Tex. 2015).

Represented tenant, a minor, with mental health disabilities against private landlord for denying tenant use of emotional support animal because of the dog's breed. Represented tenant in Justice Court, State Court and brought affirmative lawsuit in federal court for violations of the Fair Housing Act, which resulted in the second published opinion regarding a pit bull dog as a support animal and settlement.

*Co-Counsel*, 2008-2009: *Maria C. Mora, et al v. City of El Paso, Texas, Defendant, Cause No. EP08CV0466 (W.D.Tex.-El Paso Div. (Martinez).*

Co-counseled with the Paso del Norte Civil Rights Project and represented a homeowner in a federal lawsuit against the City of El Paso under the Fair Housing Act (FHA) and Americans with Disabilities Act (ADA) after the City rebuilt the home with a city loan and failed to comply with accessible housing rules. Settlement resulted in cash settlement for homeowner.

## **Real Estate**

*Lead Counsel*, 2012 to 2018: *Reyes v. Annette Burrus, 2012-DCV-03532 (346<sup>th</sup> Dist. Court); Burrus v. Reyes, 08-12-00200-CV (8COA), Burrus v. Reyes, 516 S.W.3d 170 (Tex. App. – El Paso 2017, pet. denied).* Represented homeowners against seller in an oral contract for deed case in Tornillo, Texas. Filed lawsuit and temporary restraining order against seller and company representing Dollar General after homeowners found out that the land and mobile home that they had paid for, occupied and built on for 17 years had been sold without their knowledge or consent. Settlement with Dollar General resulted in cash proceeds for clients and attorney's fees. Seller, with Dollar General, obtained injunction to stop distribution of settlement proceeds. Homeowners appealed before the Eighth Court of Appeals and won. Jury awarded homeowners monetary damages and attorney's fees against seller. Court of appeals affirmed the jury award.

*Lead Counsel*, 2012-2014: Represented homeowner who bought a home with a loan from the City of El Paso. Home had to be demolished after repair work showed foundation was improperly set. Homeowner was responsible for mortgage on home and rent since home was uninhabitable. Researched legal options for client and worked with Habitat for Humanity for the rebuilding of the home at zero cost to homeowner.

*Lead, co-Counsel, and manager*, 2012 to the present. Represented hundreds of homebuyers with contract for deed transactions, including participation in programs run by the Texas Department of Housing and Community Affairs.

## **Wraparound Real Estate**

*Lead Counsel*, 2012 to present. Represented over 100 homebuyers in wraparound mortgages. Wraparound real estate sales are when a seller provides seller-financing (acts like a bank) and does not pay off the first lien on the house when the buyer decides to buy the property. Ideally, the buyer's payments to the seller are used to pay the first lien and their own debt to the seller. Unfortunately, wrap sales can be used to defraud buyers when the seller pockets the money instead of paying the first lien. Our approach has been to file administrative complaints with the Attorney General and the Texas Department of Savings and Lending, along with civil lawsuits to shut down the worst actors. Almost all homebuyers kept their homes or received money damages or their equivalent.

## **Subsidized Housing**

*Lead Counsel, 2006.* Represented Katrina evacuee in state lawsuit challenging the Housing Authority of the City of El Paso's (HACEP) application of its abandonment policy.

*Lead Counsel, 2008.* Represented tenant in eviction and fair housing complaint against HACEP. Conciliation resulted training by the Department of Housing and Urban Development (HUD) for HACEP staff and hiring of additional staff.

*Lead Counsel, 2009-2010.* Represented HACEP public housing tenants facing termination for chronic late payments. Agreement with HACEP resulted in the housing authority not terminating hundreds of families and changing their lease to clarify when rent payments are considered late.

*Lead Counsel, 2011-2012.* Lead TRLA team that represented HACEP public housing and Section 8 participants that were terminated from housing and rendered homeless for allegedly violating the housing authority's policy regarding criminal activity. HACEP hired former police officers to investigate these cases, which resulted in dozens of tenants being forced to sign "voluntary termination agreements" and pay alleged overpayments or face incarceration. TRLA represented dozens of tenants, which resulted in reinstatement of benefits for tenants, a change in HACEP's policy regarding criminal investigations, cash settlements for tenants, and attorney's fees. At TRLA's request, HACEP sent out letters to approximately 100 more families that were affected by these investigations and offered to reinstate their benefits.

### **Homelessness Prevention and Rapid Rehousing**

*Manager, 2009-2011:* Set up and managed Homelessness Prevention and Rapid Rehousing (HPRP) team in El Paso, funded with HUD stimulus grant. Oversaw team consisting of one attorney, one paralegal, and one secretary; worked with HPRP partners, and conducted legal research. Over the course of 22 months, the HPRP team in El Paso provided legal services to over 350 household.

### **Disaster Assistance**

*Co-Counsel, 2006-2007:* Mowad Floods

Represented nearly 30 families (homeowners and tenants) before the City of El Paso after the Mowad community flooded and the City announced a voluntary buy-out program. TRLA, using the Uniform Relocation Act (URA), negotiated replacement home values, challenged appeals, and guided residents through the process. Also represented families before the Federal Emergency Management Agency (FEMA).

*Co-Counsel, 2006-2007:* *Ramirez, et al v. City of El Paso, Cause No. 2006-5702 (41<sup>st</sup> Dist. Court)*, Represented 7 Mowad families (homeowners) in a state court lawsuit against the City of El Paso for constructive eviction, due process and equal protection violations, and violations of the URA. Settlement resulted in residents being able to remain in their homes until their participation in the buyout was complete.

*Lead Counsel, 2007-2010:* *Bustillos and Campos v. City of El Paso, 2007-4560 (34<sup>th</sup> Dist. Court)* Represented 2 Mowad families (tenants) in a state court lawsuit against the City of El Paso for improperly denying them relocation assistance per the URA and due process and equal protection laws. City lost plea to the jurisdiction and appealed. Briefed and argued the issue before the Eighth Court of Appeals and won. Settlement resulted in cash settlement for tenants and attorney's fees.