



On Monday, April 13, 2020

Ed Komandosky, President
John Kitsmiller, Vice President
Scott Ging, Treasurer

Monica Masters, Secretary
Mike Schneider, Director

Notice is hereby given for a regular called meeting of the Board of Directors of the Lower Brushy Creek Water Control & Improvement District ("WCID") to be held on Monday, April 13, 2020 at 7:30 am on the Board Room of the Greater Taylor Chamber of Commerce located at 1519 North Main Street, Taylor, Texas 76574.

In accordance with the Governor's emergency proclamation suspending certain provisions of the Texas Open Meetings Act effective March 16, 2020 in response to the COVID-19 virus, all persons, including Board members and members of the public may participate in the meeting remotely by videoconferencing using the instructions below. Due to COVID-10 social gathering restrictions, members of the public may not physically enter the Greater Taylor Chamber of Commerce offices.

Zoom Videoconferencing Instructions:

- Log in at: <https://us04web.zoom.us/j/399996198>
- Meeting ID: 399 996 198

Citizens Communications:

- Members of the public that desire to provide public comment may do so during the Citizens Communications portion of the meeting (Agenda Item 2) and
- Member of the public will be muted during all other portions of the meeting.

The Board of Directors will meet, consider, deliberate and may take action on all agenda items.

AGENDA


1. Welcome, Call to Order, and determination of a Quorum;
2. Citizens Communications - *an opportunity for the public to address the Board on agenda items or concerns not on the agenda (limited to 3 minutes each);*
3. Consider approval of meeting minutes: *February 14, 2020 and February 24, 2020;*
4. Consider approval of financial reports:
 - a. *Checking Account Register for February and March,*
 - b. *Financial Statement for February and March and*
 - c. *Investment Report for Second Quarter of FY 20.*

7. Consideration and possible action to confirm the approval of Change Order 2 in the amount of \$10,320.00 for re-seeding and related work at Sites 29 and 32 to the contract with Hall Bros Construction, LLC for the FY 20 Winter Maintenance Program;
8. Consideration and possible action to approve the submittal of grant applications to the Texas State Soil and Water Conservation Board for state funding of:
 - a. Structural Repairs to Lower Brushy Creek Watershed Sites 6, 17, and 20 and
 - b. High Hazard Dam Upgrade to Upper Brushy Creek Watershed Site 25;
9. Consideration and possible action to approve Task Order No. 2 with Freese & Nichols, Inc. prepare an electronic *Emergency Action Plan* template and to complete Plans for the initial 12 sites;
10. Consideration and discussion of the General Manager's report and update;
11. Director's Comments; and
12. Adjournment.

"The Lower Brushy Creek Water Control & Improvement District Board of Directors reserves the right to adjourn into executive session at any time during the meeting to discuss any of the matters listed above, as authorized by Texas Local Government Code Sections 551.071 (Consultation with Attorney), 551.072 (Deliberations regarding Real Property), 551.073 (Deliberations regarding Gifts and Donations), 551.074 (Personnel Matters), 551.076 (Deliberations regarding Security Devices), and 551.087 (Deliberations regarding Economic Development Negotiations)."

CERTIFICATION

I certify that a copy of the April 13, 2020 agenda of items to be considered by the Board of Directors of the Lower Brushy Creek WCID was posted on April 8, 2020.



James R. Clarno, P.E.
General Manager

President Ed Komandosky called the Regular Meeting of the Board of Directors of the Lower Brushy Creek WCID to order at 7:35 am on Friday, February 14, 2020 in the Board Room of the Greater Taylor Chamber of Commerce, 1519 North Main, Taylor, Texas; 76574. Other Board members present included Treasurer Scott Ging, Director Michael Schneider and Secretary Monica Masters. Others present included General Manager Jim Clarno, Board Attorney Ted Hejl, Consultant Richard Stone, District Clerk Sue Lilly, and Bookkeeper Paula Marak. Also present were Karin Sladek, representative from Maxwell, Locke and Ritter; Jay Scanlon and Rojin Tuladher, representatives from Freese & Nichols; and a community member Herbert Brinkmeyer Jr.

Ed Komandosky announced that a quorum was present.

There were no Citizen's Communications.

The minutes of the December 9, 2019 meeting were presented for consideration. A motion was made by Treasurer Ging to approve the minutes as presented. The motion was seconded by Secretary Masters and approved by a vote of 4-0.

General Manager Clarno presented the Checking Account Register and Financial Statement for December 2019-January 2020 and the Investment Report for the first quarter of FY 20 for consideration. Clarno reported that the current balance in both WCID accounts was \$294,292.11. A motion was made by Director Schneider to approve the financial reports as presented. The motion was seconded by Treasurer Ging and approved by a vote of 4-0.

Karin Sladek of Maxwell, Locke and Ritter, LLP presented the FY 19 Audit Report for consideration and approval. Copies of the audit packets were provided and explained. There was some discussion about the value and depreciation of the individual dams. Karen Sladek stated that WCID is currently in compliance with audit guidelines, found no significant deficiencies and that adequate internal controls are in place. Secretary Masters suggested that a discussion take place at a future meeting about the valuation of the dams and the depreciation schedule. A motion was made by Secretary Masters to approve the FY 19 Audit Report as presented. The motion was seconded by Director Schneider and approved by a vote of 4-0.

Jay Scanlon, with Freese & Nichols, Inc, presented draft copies of the inspection report completed in December 2019 and reviewed slides of the dams. In summary, Freese & Nichols stated that LBCWCID "is going a great job maintaining the assets."

Clarno recommended that the Board consider and approve an Order calling an Election for 2 seats of the Board of Directors. The term for each member is 4 years and the election would take place on May 2, 2020. A motion was made by Secretary Masters to approve the Order of

Clarno stated that the consideration and possible action to the Ethics Policy and Director Election and Appointment Policy are currently pending. He recommend that the Board not take any action during the election cycle and to re- visit these items in June. Board Attorney Hejl and Clarno are currently working on preparing the items for future presentation and consideration. There were no objections to this suggestion.

Jim Clarno presented the General Manager's report and update. There was some discussion on the condition of Site 25 and the construction status of the repairs at Site 20

There were no Agency reports or updates

Ed Komandosky thanked consultant Richard Stone for educating the public and posting information about the WCID on Facebook, website, etc.

Another board meeting has been set for Monday, February 24th, 2020 to either draw for ballot position or cancel the May election.

There being no further business, President Ed Komandosky made a motion to adjourn the meeting at 9:07am. The motion was seconded by Secretary, Monica Masters and approved by a vote of 4-0.

Respectfully submitted:

Monica P Masters, Secretary

President Ed Komandosky called the Special Meeting of the Board of Directors of the Lower Brushy Creek WCID to order at 7:31 am on Monday, February 24, 2020 in the Board Room of the Greater Taylor Chamber of Commerce, 1519 North Main, Taylor, Texas 76574. Board members present included, Secretary Monica Masters, Treasurer Scott Ging and Director Mike Schneider. Others present included General Manager Jim Clarno, Board Attorney Ted Hejl, Communications Consultant Richard Stone, Ken and Nelson Hall with Hall Brothers Construction, and District Clerk, Sue Lilly.

President Komandosky announced that a quorum was present.

Consideration and possible acceptance of a Certification of Unopposed Candidates for the May 2, 2020 Election for Directors was presented by General Manager Clarno. A motion was made to approve the Certification of Unopposed Candidates by Treasurer Scott Ging. The motion was seconded by Director Mike Schneider and approved by a vote of 4-0.

Consideration and possible action to approve an Order of Cancellation for the May 2, 2020 Election for Directors was presented by Clarno. A motion was made to approve the Order of Cancellation by Treasurer Scott Ging. The motion was seconded by Director Mike Schneider and approved by a vote of 4-0.

Consideration and possible action to approve an agreement for FY 20 Winter Maintenance was presented by General Manager Clarno. Clarno stated that 3 newspaper advertisements were posted regarding the bid. The bid packages were mailed to 4 firms and LBCWCID received 2 bids for FY 20 Winter Maintenance. Clarno, recommended the bid award to Hall Bros Construction, LLC in the amount of \$92,820.00. A motion was made by Director Mike Schneider to award the contract to Hall Bros Construction, LLC. The motion was seconded by Secretary Monica Masters and approved by a vote of 4-0.

Jim Clarno presented the General Manager's report and update. In his report, Clarno:

- Updated the WCID calendar.
- Informed the board about new rules regarding TSSWCB requirements: All EAP's must be "approved" to receive construction grants
- Working on a fencing grant and bids for 2-3 sites
- Suggested a replacement of some gates
- Site 18 rehabilitation is under design and hopeful for completion early next year... but need to move forward with EAP

There were no Director's Comments and President Ed Komandosky made a motion to adjourn the meeting at 7:53am. The motion was seconded by Secretary Monica Masters and approved by a vote of 4-0.

Respectfully submitted:

