



LOWER BRUSHY CREEK WCID
Regular called meeting of the Board of Directors
On Monday, June 8, 2020 at 7:30 am

Ed Komandosky, President
John Kitsmiller, Vice President **Monica Masters, Secretary**
Scott Ging, Treasurer **Mike Schneider, Director**

Notice is hereby given for a regular called meeting of the Board of Directors of the Lower Brushy Creek WCID to be held on **Monday, June 8, 2020 at 7:30 am** via **Zoom** for the purpose of considering the following agenda items. The Board of Directors will meet, consider, deliberate and may take action on all agenda items.

You may view, listen and/or participate in this meeting by logging to the **Zoom** website as follows:

- Log in at: <https://us04web.zoom.us/j/88132614749>
- Meeting ID: 881 3261 4749
- Password: 593555

Board Packet

- | | | |
|----|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------|
| 1. | Agenda | 2 pages |
| 2. | Consider approval of meeting minutes: <i>April 13, 2020 Regular Called Meeting</i> | 3 pages |
| 3. | Consider approval of financial reports: | |
| | a. <i>Checking Account Register for April and May, and</i> | 1 page |
| | b. <i>Financial Statement for April and May;</i> | 1 page |
| 4. | Consideration and possible action to approve an <i>Ethics Policy</i> ; | 3 pages |
| 5. | Consideration and possible action to approve <i>Assurances Relating to Real Property Acquisition</i> as required by the Texas State Soil and Water Conservation Board for the: | |
| | a. Lower Brushy Creek Watershed Site No. 12 Repair Project and | 5 pages |
| | b. Lower Brushy Creek Watershed Site No. 22 Repair Project; | 5 pages |
| 6. | Consideration and possible direction regarding the: | |
| | a. Site 12 access to Purcell property, | 3 pages |
| | b. Draft FY 21 Goals/Strategic Plan, | 5 pages |
| | c. Draft FY 2021 Budget | 4 pages |
| 7. | Consideration and discussion of the General Manager's report and update; | 2 pages |



Revised

LOWER BRUSHY CREEK WCID
Regular called meeting of the Board of Directors
On Monday, June 8, 2020 at 7:30 am

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 WCID to be held on **Monday, May June 8, 2020 at 7:30 am** via **Zoom** for the purpose of considering the following agenda items. The Board of Directors will meet, consider, deliberate and may take action on all agenda items.

You may view, listen and/or participate in this meeting by logging to the **Zoom** website as follows:

- Log in at: <https://us04web.zoom.us/j/88132614749>
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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: *April 13, 2020 Regular Called Meeting;*
4. Consider approval of financial reports:
 - a. *Checking Account Register for April and May, and*
 - b. *Financial Statement for April and May;*
5. Executive Session. *The Lower Brushy Creek WCID will conduct a closed executive meeting under Section 551.074 of the Texas Government Code to deliberate the appointment of a public officer, a member of the Board of Directors of the Lower Brushy Creek WCID;*
6. Reconvene in open session to take action, if any, regarding the personal matters (appointment of a public officer);
7. Consideration and possible action regarding the May 2, 2020 General Election
 - a. Statement of Officers administered to the re-elected and appointed Directors, and
 - b. Oath of Office administered to the newly re-elected and appointed Directors;
8. Consideration and possible action to appoint Board Officers;
9. Consideration and possible action to approve an *Ethics Policy*;
10. Consideration and possible action to approve an agreement for FY 20 Summer Maintenance;

11. Consideration and possible action to approve *Assurances Relating to Real Property Acquisition* as required by the Texas State Soil and Water Conservation Board for the:
 - a. Lower Brushy Creek Watershed Site No. 12 Repair Project and
 - b. Lower Brushy Creek Watershed Site No. 22 Repair Project;
12. Consideration and possible direction regarding the:
 - a. Site 12 access to Purcell property,
 - b. Draft FY 21 Goals/Strategic Plan,
 - c. Draft FY 2021 Budget and
 - d. Proposed FY 2020 Tax Rate.
13. Consideration and discussion of the General Manager's report and update;
14. Director's Comments; and
15. 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 June 8, 2020 agenda of items to be considered by the Board of Directors of the Lower Brushy Creek WCID was posted on June 3, 2020.



James R. Clarno, P.E.
General Manager

**Minutes of the April 13, 2020 Meeting of the
Board of Directors of the Lower Brushy Creek WCID**

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 included on the posted agenda. Due to COVID-19 social gathering restrictions, members of the public and the board may not physically enter the Greater Taylor Chamber of Commerce offices. Therefore, the meeting took-place on Zoom Videoconferencing. Meeting ID 399 996 198

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 Monday, April 13, 2020 on Zoom Videoconferencing Meeting ID 399 996 198. Board members present included: President Ed Komandosky, Treasurer Scott Ging, and Secretary Monica Masters. Others present included General Manager Jim Clarno, Board Attorney Ted Hejl, PR/Webpage Consultant Richard Stone, and District Clerk Sue Lilly.

Ed Komandosky announced that a quorum was present and called the meeting to order.

A review of the Governor's Executive Order was announced by General Manager Jim Clarno. As per the Executive Order, this meeting is being recorded and will be available on the WCID web site along with the approved minutes.

Clarno also stated that the LBCWCID dams are defined as critical infrastructure – therefore all construction, maintenance and administration are allowed activities.

There were no Citizen's Communications.

The minutes of the February 14, 2020 and February 24, 2020 meetings were presented for consideration. A motion was made by Treasurer Scott Ging to approve the minutes as presented. The motion was seconded by Secretary Monica Masters and approved by a vote of 3-0.

General Manager Jim Clarno presented the February and March 2020 Checking Account Registers, the Financial Statements for February and March 2020 and the

Investment Report for the second quarter of FY 2020. Clarno, reported that the current balance in the WCID account was \$365,269.52. A motion was made by Secretary Monica Masters to approve the financial reports as presented. The motion was seconded by Treasurer Scott Ging and approved by a vote of 3-0.

Director, Mike Schneider joined the Board Meeting at 7:54a.

Jim Clarno presented for consideration and action to accept the resignation from Vice President of the LBCWCID, John Kitsmiller. Discussion of the process included: accepting John's resignation, directing the General Manager to place advertisements in the Taylor Daily Press and a notice on the LBCWCID website for the opening position and to make applications available to the current board prior to the June 8, 2020 meeting for a vote. A motion was made by Secretary Monica Masters as presented. The motion was seconded by Director Mike Schneider and approved by a vote of 4-0.

Clarno presented for consideration and action to approve a Public Information Program for the WCID. PR/Webpage Consultant Richard Stone presented the program for consideration for the FY 21 budget. It was suggested to amend the cost estimate to not exceed \$10,000 over a 2 year period with an additional consideration of an allowance of \$1200 for 100 WCID hats/caps for landowners for promotional purposes. A motion was made by Treasurer Scott Ging as presented, with no objection of the amendment. The motion was seconded by Director Mike Schneider and approved by a vote of 4-0.

Clarno presented for consideration and possible action to approve 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 Brothers Construction, LLC for the FY 2020 Winter Maintenance Program. The Board approved an agreement at the last board meeting and approved Change Order 1 to change fertilizer and application rates. Change Order 2 adds reseeding at Sites 29 and 32, as part of the grant work. The work was included in the original grant amount. It was suggested that the approval be contingent on a meeting with General Manager Jim Clarno and Treasurer Scott Ging to discuss the seed application method.

A motion was made by Secretary Monica Masters as presented with the additional contingent approval. The motion was seconded by Treasurer Scott Ging and approved by a vote of 4-0.

Clarno presented for consideration and possible action to approve the submittal of grant application to the Texas State Soil and Water Conservation Board for state funding of structural repairs to Lower Brushy Creek Watershed Sites 6, 17 and 20, as well as High Hazard Dam Upgrade to Upper Brushy Creek Watershed Site 25. With approval from SWCD, the targeted time frame will be FY 22/23. A motion was made by Director Mike Schneider as presented. The motion was seconded by Secretary Monica Masters and approved by a vote of 4-0.

Clarno presented for consideration and possible action to approve Take Order No.2 with Freese & Nichols, Inc, in which they would prepare an electronic Emergency Action Plan template and complete plans for the initial 5 dam sites. Jim updated the board that an approved EAP for Site 18 will need completed before getting a grant offer. The strategic plan discussed in July included building templates this year. The breach maps are already completed. A review of the scope and budget would be reviewed. Turkey Creek sites will be added in the fall, when we get breach maps from M&E. This was approved without objection.

Clarno presented the General Manager's report and update. In his report, he reported that :

- The scheduled May 11, 2020 election has been cancelled, not needed.
- The next regular scheduled board meeting will be on June 3, 2020 to discuss summer maintenance, draft budget and grants.

There were no Director's Comments.

Ed Komandosky dropped off the zoom conference at 8:29a

There being no further business, Treasurer Scott Ging, made a motion to adjourn the meeting at 8:30am. The motion was seconded by Secretary Monica Masters and approved by a vote of 3-0.

Respectfully submitted:

Monica P Masters
Secretary

LOWER BRUSHY CREEK WCID

Account Register
Period ending March 31, 2020

Balance as of April 1, 2020

TexPool Acct		\$320,561.20	
City National Bank Acct		\$44,708.32	
Total Funds Available			\$365,269.52

TexPool Income

various	TexPool	Tax Revenue - April	\$2,532.49
04/30/20	TexPool	Interest Posted - April	\$117.13
various	TexPool	Tax Revenue - May	\$4,494.20
05/31/20	TexPool	Interest Posted - May	\$71.17
Total TexPool income			\$7,214.99

City National Bank Income

04/06/20	TSSWCB - Fred Richter	Site 20 Rehab - loss of crops	\$931.84
04/06/20	TSSWCB - Clarno Consulting	Site 20 Rehab - Feb and March	\$4,596.13
04/07/20	TexPool - transfer	Transfer from TexPool to CNB checking	\$10,000.00
05/20/20	TexPool - transfer	Transfer from TexPool to CNB checking	\$10,000.00
05/27/20	TSSWCB - HWH Industrial	Site 20 Rehab - Pay Est 10 (fed share)	\$18,819.72
Total City National Bank Income			\$44,347.69

Total Income **\$51,562.68**

TexPool Expense

04/07/20	TexPool - transfer	Transfer from TexPool to CNB checking	\$10,000.00
05/20/20	TexPool - transfer	Transfer from TexPool to CNB checking	\$10,000.00
Total TexPool Expense			\$20,000.00

City National Bank Expenses

04/01/20	Debit Card - Minuteman Press- GT	Copy of NRCS brochure	\$2.50
04/09/20	1599 Clark L. Jackson	Bookkeeping - March	\$350.00
04/13/20	Debit Card- Home Depot	Locks for gates	\$113.47
04/13/20	1595 HWH Industrial	Site 20 Rehab - Pay Estimate 9	\$41,143.58
04/14/20	1596 Freese & Nichols	Task Order 1 - annual inspections	\$5,225.53
04/15/20	1597 TX Assoc of Watershed Sponsors	Annual dues	\$250.00
04/17/20	1591 Sue Lilly	Contract Labor- March	\$360.00
04/24/20	Debit Card - Milam County	Copies from Clerk's office	\$1.00
04/24/20	Debit Card - Milam County	Copies from Clerk's office	\$4.00
04/24/20	1600 Clarno Consulting, LLC	Salary and Mileage- March	\$3,250.00
04/24/20	1602 Clarno Consulting, LLC	Site 20 Rehab - Feb and March	\$4,596.13
04/29/20	1598 Hejl and Schroeder	Legal Fees - March	\$600.00
04/30/20	Debit Card- USPS	Postage for Board mailout	\$8.70
04/30/20	1542 Monica Masters	Board Meeting per diem	\$100.00
04/30/20	1555 Monica Masters	Board Meeting per diem	\$100.00
04/30/20	1585 Monica Masters	Board Meeting per diem	\$200.00
04/30/20	1603 Charles Richter	Site 20 Rehab - loss of crops	\$931.84
05/05/20	1601 RTS Connect	Consulting - April	\$1,000.00
05/27/20	1607 Michael Schneider	Board Meeting per diem	\$100.00
05/27/20	1612 Clark L. Jackson	Bookkeeping - April	\$350.00
05/28/20	1606 Scott Ging	Board Meeting per diem	\$100.00
05/28/20	1611 Sue Lilly	Contract Labor - April	\$162.00
05/28/20	1614 Clarno Consulting, LLC	Salary and Mileage - April	\$3,250.00
05/29/20	1610 RT, Connect	Consulting - May	\$1,000.00
05/29/20	1613 Freese & Nichols	Task Order 2 - EAP template	\$621.25
City National Bank Expenses			\$63,820.00

Total Expenses **\$83,820.00**

Balance as of May 31, 2020

TexPool Acct		\$307,776.19	
City National Bank Acct		\$25,236.01	
Total Funds Available			\$333,012.20

Revised 6/3/20

LOWER BRUSHY CREEK WCID
Financial Statement
For the period ending May 31, 2020

ADMINISTRATIVE INCOME AND EXPENSES	Oct-Nov	Dec-Jan	Feb-Mar	Apr-May	Total to Date	FY 2020 Budget (Approved)	% of Budget
<u>INCOME</u>							
Tax Income	\$25,757.80	\$316,236.31	\$82,533.30	\$7,026.69	\$431,554.10	\$439,454.38	98.20%
TSSWCB Grants							
Maintenance Grants		\$20,515.95			\$20,515.95	\$220,500.00	9.30%
Repair Grants					\$0.00	\$1,575,000.00	0.00%
Rehabilitation Grants	\$114,696.25	\$171,789.13	\$155,192.26	\$24,347.69	\$466,025.33	\$1,040,000.00	44.81%
Total TSSWCB Grant Income	\$114,696.25	\$192,305.08	\$155,192.26	\$24,347.69	\$486,541.28	\$2,835,500.00	17.16%
Other Income							
Williamson County					\$0.00	\$0.00	
Permits, fees and interest	\$15.49	\$364.37	\$853.92	\$188.30	\$1,422.08	\$500.00	284.42%
Total Other Income	\$15.49	\$364.37	\$853.92	\$188.30	\$1,422.08	\$500.00	284.42%
TOTAL INCOME	\$140,469.54	\$508,905.76	\$238,579.48	\$31,562.68	\$919,517.46	\$3,275,454.39	28.07%
<u>EXPENSES</u>							
Administrative Expenses							
General Manager	\$9,750.00	\$28,000.00	\$9,750.00	\$6,500.00	\$54,000.00	\$61,000.00	88.52%
District Clerk		\$162.00	\$828.00	\$522.00	\$1,512.00	\$12,000.00	12.60%
Directors Fees		\$900.00	\$600.00	\$600.00	\$1,700.00	\$7,500.00	22.67%
Professional Services - Accounting	\$3,615.26		\$1,750.00	\$700.00	\$6,065.26	\$4,000.00	151.63%
Professional Services - Auditing			\$8,500.00		\$8,500.00	\$13,500.00	62.96%
Professional Services - Communications	\$2,000.00	\$1,000.00	\$3,000.00	\$2,000.00	\$8,000.00	\$12,000.00	66.67%
Professional Services - Engineering/Surveying			\$18,903.41		\$18,903.41	\$2,000.00	945.17%
Professional Services - Legal	\$1,583.20		\$800.00	\$600.00	\$2,983.20	\$10,000.00	29.83%
Advertising/Legal Notices	\$598.50		\$189.00		\$787.50	\$1,000.00	78.75%
Bonds/Insurance	\$962.36	\$452.00			\$1,414.36	\$1,500.00	94.29%
Dues/Subscriptions/Prof Development	\$200.00		\$180.00	\$150.00	\$630.00	\$2,500.00	25.20%
Meals/Entertainment		\$181.08	\$169.82		\$350.90	\$500.00	70.18%
Office Supplies		\$2,608.61	\$162.16	\$120.97	\$2,891.74	\$600.00	481.96%
Postage/Delivery Charges			\$110.00	\$8.70	\$118.70	\$300.00	39.57%
Travel/Mileage					\$0.00	\$3,500.00	0.00%
Website	\$512.94	\$191.75			\$704.69	\$1,600.00	44.04%
Williamson Central Appraisal District		\$654.00	\$654.00		\$1,308.00	\$3,800.00	34.42%
Williamson County - Election Office					\$0.00	\$18,000.00	0.00%
Williamson County - Tax Collector/Assessor		\$3,956.94			\$3,956.94	\$4,200.00	94.21%
Misc. (5% contingency)		\$100.00			\$100.00	\$8,250.00	1.21%
Total Administrative Expenses	\$19,222.26	\$37,806.38	\$45,596.39	\$11,301.67	\$113,926.70	\$167,750.00	67.91%
Project Expenses							
Dam Maintenance		\$23,070.50			\$23,070.50	\$251,000.00	9.19%
Dam Repairs					\$0.00	\$1,650,000.00	0.00%
Dam Rehabilitation	\$268,881.27	\$171,832.13	\$122,005.68	\$46,671.55	\$609,390.63	\$1,040,000.00	58.60%
Other Projects				\$5,846.78	\$5,846.78	\$135,000.00	4.33%
Total Project Expenses	\$268,881.27	\$194,902.63	\$122,005.68	\$52,518.33	\$638,307.91	\$3,076,000.00	20.75%
TOTAL EXPENSES	\$288,103.53	\$232,709.01	\$167,602.07	\$63,820.00	\$752,234.61	\$3,243,750.00	23.19%



LOWER BRUSHY CREEK WCID BOARD APPROVED POLICY

CODE OF ETHICS POLICY

Purpose and Policy.

The Texas Water Code Section 49.199 requires the Lower Brush Creek Water Control and Improvement District to adopt a written Code of Ethics for District Directors, District Officers, District employees, and persons who are engaged in handling investments for the District. The following Code was adopted by the Board of Directors of the Lower Brush Creek Water Control and Improvement District.

All members of the Board of Directors, District Officers, and District employees of the Lower Brushy Creek Water Control and Improvement District shall comply with State laws regarding conflicts of interest and ethics. Such laws include Texas Government Code Chapter 171 regarding regulation of conflicts of interest, the Texas Water Code Section 49.052 regarding disqualification of Directors, and the Texas Government Code Section 572.051 regarding standards of conduct.

In addition, the following standards of conduct is adopted for District Directors, District Officers, and District employees:

- (1) No District Director, District Officer, or District employee shall accept or solicit any gift, favor, or service that might reasonably tend to influence the District Director, District Officer or District employee in the discharge of official duties or that the District Director, District Officer, or District employee knows or should know is being offered with the intent to influence the District Director, District Officer or District employee's official conduct;
- (2) No District Director, District Officer, or District employee shall accept other employment or engage in a business or professional activity that the District Director, District Officer, or District employee might reasonably expect would require or induce the District Director, District Officer, or District employee to disclose confidential information acquired by reason of the position;
- (3) No District Director, District Officer, or District employee shall accept other employment or compensation that could reasonably be expected to impair the District

Director, District Officer, or District employee's independence of judgment in the performance of the District Director, District Officer, or District employee's official duties;

(4) No District Director, District Officer, or District employee shall make personal investments that could reasonably be expected to create a substantial conflict between the District Director, District Officer or District employee's private interest and the public interest; or

(5) No District Director, District Officer, or District employee shall intentionally or knowingly solicit, accept, or agree to accept any benefit for having exercised the District Director, District Officer, or District employee's official powers or performed the District Director, District Officer, or District employee's official duties in favor of another.

(6) District Directors, District Officers, and District employees agree to conduct themselves in a professional manner consistent with sound business and ethical practices, and the public interest shall be considered in all actions;

(7) District Directors, District Officers, and District employees shall avoid the appearance of impropriety to ensure and maintain public confidence in the District;

(8) The Board of Directors shall control and manage the District's affairs fairly, impartially, and without discrimination.

(9) District Directors, District Officers, and District employees shall utilize District time, property, facilities, or equipment only for official District business, unless such use is reasonable and incidental and does not result in any direct cost to the District, interfere with the District Director, District Officer or District employee's official duties, and interfere with District functions;

(10) No District Director, District Officer, or District employee shall engage in any political activity while on District time or utilize District resources for any political activity.

All District Directors, District Officers and District employees must abide by all applicable federal and Texas laws and administrative rules. This ethics policy does not supersede any applicable federal or Texas law or administrative rule.

Complaints and Enforcement

Any alleged violation of this Policy by a District employee other than the District Manager shall be reported to the District's Manager, who is hereby authorized to take any and all appropriate action in response to the conduct, including disciplinary action or termination.

Any alleged violation of this Policy by the District's Manager shall be reported to the Board of Directors of the District for consideration and appropriate disciplinary action.

Any alleged violation of this Policy by a District Director shall be submitted in writing to the remaining members of the Board of Directors of the District, which allegation shall describe all relevant facts and circumstances. In the event the District Manager receives a written complaint that any conduct by a District Director violates this Policy, then such complaint shall be forwarded to the remaining members of the Board of Directors for review and consideration at a special or regular meeting of the Board of Directors. Upon receipt of such a complaint, the Board of Directors shall take appropriate action based on the allegations, including without limitation, the following:

- i. The Board of Directors may request that the District Director alleged to have breached this Policy respond to the allegations and take action or make findings based on the District Director's response or lack thereof;
- ii. The Board of Directors may appoint a committee and/or special counsel to conduct an investigation regarding the allegation and subsequently present a report to the Board of Directors regarding its findings and recommendations;
- iii. The Board of Directors may adopt an order making findings regarding the allegations, including a finding that the allegation has no merit, that the District Director has violated this Policy, or that the Director is disqualified from serving as a Director of the District; or
- iv. The Board of Directors may refer the matter to any other entity having jurisdiction.

The standards of conduct and complaint process set forth in this Policy shall apply only to conduct occurring after the effective date of this Policy. Any conduct, or complaints relating to conduct, occurring prior to the effective date of this Policy shall be reviewed under, and subject to, the rules and ethics complaint procedures in effect at the time of the alleged conduct giving rise to the complaint.

APPROVED AND ADOPTED this ____ day of _____, 2020.

By: _____
Edmond S Komandosky, President

ATTEST:

By: _____
Monica P Masters, Secretary

ASSURANCES RELATING TO REAL PROPERTY ACQUISITION

-
- A. **PURPOSE**— This form is to be used by sponsor(s) to provide the assurances to the Natural Resources Conservation Service of the U.S. Department of Agriculture which is required in connection with the installation of project measures which involve Federal financial assistance furnished by the Natural Resources Conservation Service.

-
- B. **PROJECT MEASURES COVERED**—

Name of project Lower Brushy Creek Site 12 Repairs

Identity of improvement or development Lower Brushy Creek Watershed

Location Southeast Williamson County south of CR 466 and east of CR 463

- C. **REAL PROPERTY ACQUISITION ASSURANCE**—

This assurance is applicable if real property interests were acquired for the installation of project measures, and/or if persons, businesses, or farm operations were displaced as a result of such installation; *and* this assurance was not previously provided for in the watershed, project measure, or other type of plan.

If this assurance was not previously provided, the undersigned sponsor(s) hereby assures they have complied, to the extent practicable under State law, with the requirements of the Uniform Relocation Assistance and Real Property Acquisition Policies Act (42 U.S.C. 4601-4655), as implemented in 7 C.F.R. Part 21. Any exceptions taken from the real property acquisition requirements under the authority of 42 U.S.C. 4655 because of State law have been or is hereby furnished to the Natural Resources Conservation Service along with the opinion of the Chief Legal Officer of the State containing a full discussion of the facts and law furnished.

- D. **ASSURANCE OF ADEQUACY OF REAL PROPERTY RIGHTS**—

The undersigned sponsor(s) hereby assures that adequate real property rights and interests, water rights if applicable, permits and licenses required by Federal, State, and local law, ordinance or regulation, and related actions have been taken to obtain the legal right to install, operate, maintain, and inspect the above-described project measures, except for structures or improvements that are to be removed, relocated, modified, or salvaged before and/or during the installation process.

This assurance is given with the knowledge that sponsor(s) are responsible for any excess costs or other consequences in the event the real property rights are found to be inadequate during the installation process.

Furthermore, this assurance is supported by an attorney's opinion attached here to that certifies an examination of the real property instruments and files was made and they were found to provide adequate title, right, permission and authority for the purpose(s) for which the property was acquired.

If any of the real property rights or interests were obtained by condemnation (eminent domain) proceedings, sponsor(s) further assure and agree to prosecute the proceedings to a final conclusion and pay such damages as awarded by the court.

LOWER BRUSHY CREEK WCID

(Name of Sponsor)

This action authorized
at an official meeting
of the

By: _____

Board of Directors of the Lower Brushy Creek WCID

Title: Edmond S. Komandosky, President

on the _____ day of _____, 2020

Date: _____

at the Greater Taylor Chamber of Commerce

State of Texas

Attest: _____

(Name)

Monica P. Masters, Secretary

(Title)

HEJL & SCHROEDER, P.C.
ATTORNEYS AT LAW
311 TALBOT STREET
P.O. BOX 192
TAYLOR, TEXAS 76574

TED W. HEJL
MARK J. SCHROEDER

(512) 365-6348
(512) 365-2226 FAX

June 1, 2020

Mr. Edmond Komandosky
Lower Brushy Creek WCID
505 West University, Suite C
Georgetown, Texas 78626

Re: Opinion letter regarding LBCWCID Site 12 Repair

Dear Ed:

Jim Clarno, General Manager, requested that I review the information and attachments sent to me by him regarding the Site 12 Repair to determine if the Lower Brushy Creek Water Control and Improvement District ("LBCWCID") has adequate land rights to proceed with a bid and award construction phases for the LBCWCID Site 12 repair project.

Mr. Clarno included in his request the assurances relating to real property acquisition required for the Site 12 repair. The required assurances must be supported by an attorney's opinion certifying an examination of the real property instruments and files stating the instruments provide adequate title, right, permission and authority for the purposes for which the property was acquired.

The original easements granted to the Brushy Creek Water Control and Improvement District No. 1 (now Upper and Lower BCWCID), were granted from the following persons under the easements noted for each:

- Easement dated July 2, 1965, from Mollie Samuelson recorded in Volume 479, Page 646, Document No. 19652576DR, of the Deed Records of Williamson County, Texas.
- Easement dated July 26, 1965, from Carl O. Samuelson and wife, Wilma Nell Samuelson recorded in Volume 483, Page 33, Document No. 19654160DR, of the Deed Records of Williamson County, Texas.
- Easement dated July 23, 1965, from Reuben V. Mathais and wife, Helen I. Mathias recorded in Volume 483, Page 37, Document No. 19654162DR, of the Deed Records of Williamson County, Texas.

All of the above referenced easements grant authority to the LBCWCID to use the land referenced in the easements for the installation, operation, maintenance and inspection of the described works and measures for the storage of waters that may be temporarily retarded, or temporarily or permanently impounded by any dam or other reservoir structure described in the easement referenced as being Flood Water Retarding Structure Number 12 in Lower Brushy Creek Subwatershed according to the plat of the site prepared by Soil Conservation Service, United States Department of Agriculture of record in Vol. 3, Page 3, Plat Records, Williamson County, Texas, incorporated by reference in the easement.

The easements further granted to the LBCWCID the right to use the land at any time or any part of the land, as well the right of ingress and egress at any time over and upon the land described within the Easement and any adjoining land owned by the Grantor.

Mr. Clarno also included with his letter the tax map showing the location of Site 12 which includes the underlying WCAD parcel numbers. The WCAD website search of the parcel numbers allowed identification of current owners of the property acquired by them subject to the above referenced easement(s).

You have not required title insurance policies and my examination of the records is based upon my review of the title records on the Williamson County Clerk's website but is not certified as an abstract of title or title insurance policy. I did not obtain title assurance under a Downdate Statue Report or an Owner's Policy of Title Insurance by a title company, but I examined the Clerk's website of the public real property records to determine conveyances from the WCAD parcel owners. My examination of the records without title policy assurances show that Site 12 matches the WCAD parcel owners and is owned by the following persons: Randy N. Rife; John David Krenek and Carol Sims; Edward Patrick O'Neill; Hyunwoo Kim; Kevin D. Wells; Juan Loreda, et al; Andrew Gonzales; and the parties listed on the WCAD map attached to this email who acquired title from Open Acres Ranch, LP. If you require title assurances by a title company, please let me know. NOTE: The Assurances require notice from the LBCWCID and the proper notice letters will need to be sent to the owners acquiring interest from Open Acres Ranch, L.P.

Mr. Clarno also represented all Site 12 repair would be completed on the original easement property. Consequently, based upon the information stated above, I find that the easement instruments provide adequate title right, permission and authority for which the property is required to complete the Site 12 repair.


Very truly yours,

HEJL & SCHROEDER, P.C.

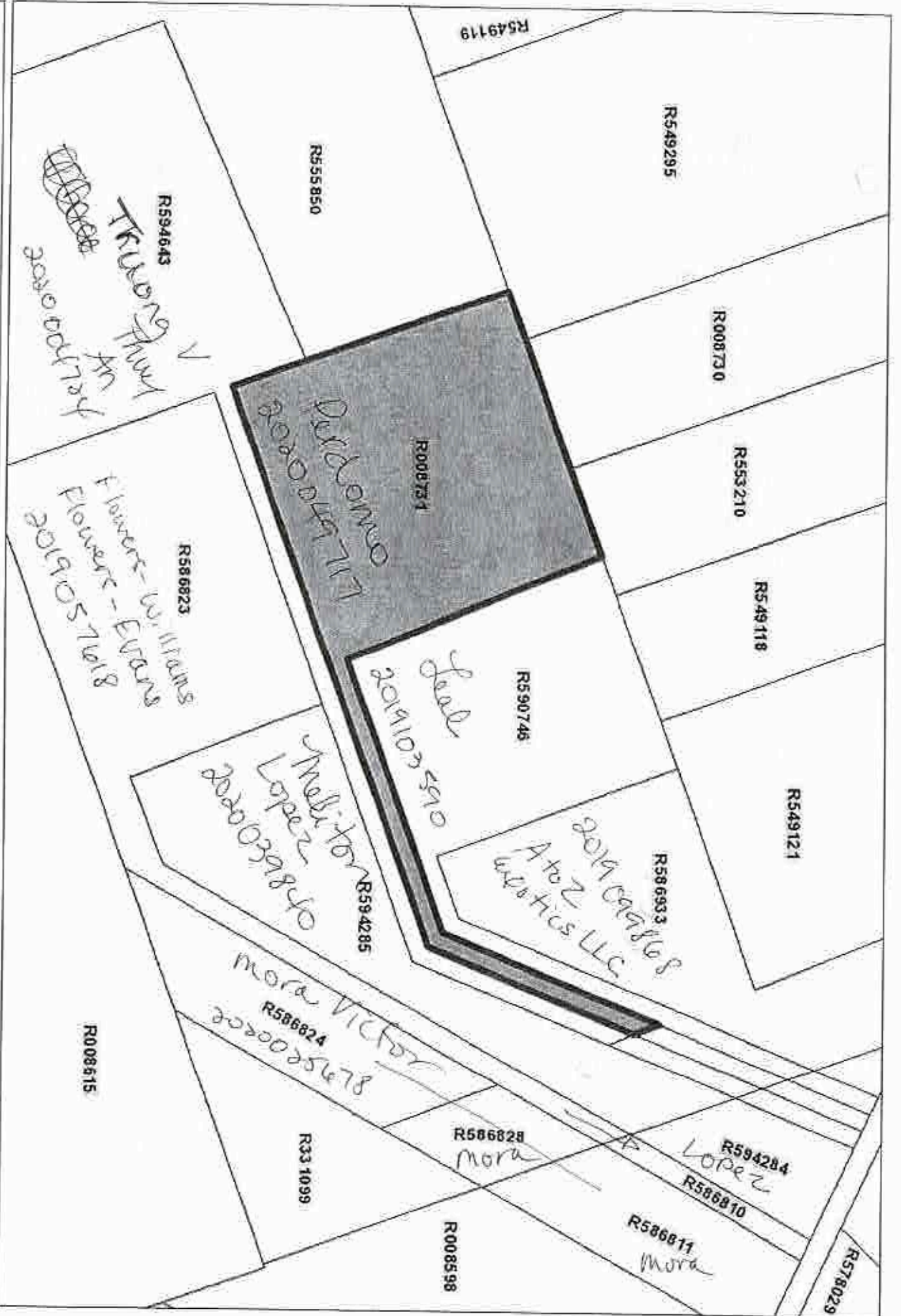


Ted W. Hejl

TWH:jk

c:  Jim Clarno, P.E., General Manager

This map is a user generated table output from an internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.



ASSURANCES RELATING TO REAL PROPERTY ACQUISITION

-
- A. **PURPOSE**— This form is to be used by sponsor(s) to provide the assurances to the Natural Resources Conservation Service of the U.S. Department of Agriculture which is required in connection with the installation of project measures which involve Federal financial assistance furnished by the Natural Resources Conservation Service.
-

B. **PROJECT MEASURES COVERED**—

Name of project Lower Brushy Creek Site 22 Repairs

Identity of improvement or development Lower Brushy Creek Watershed

Location Southeast Williamson County west of CR 438 and south of CR 434

C. **REAL PROPERTY ACQUISITION ASSURANCE**—

This assurance is applicable if real property interests were acquired for the installation of project measures, and/or if persons, businesses, or farm operations were displaced as a result of such installation; and this assurance was not previously provided for in the watershed, project measure, or other type of plan.

If this assurance was not previously provided, the undersigned sponsor(s) hereby assures they have complied, to the extent practicable under State law, with the requirements of the Uniform Relocation Assistance and Real Property Acquisition Policies Act (42 U.S.C. 4601-4655), as implemented in 7 C.F.R. Part 21. Any exceptions taken from the real property acquisition requirements under the authority of 42 U.S.C. 4655 because of State law have been or is hereby furnished to the Natural Resources Conservation Service along with the opinion of the Chief Legal Officer of the State containing a full discussion of the facts and law furnished.

D. **ASSURANCE OF ADEQUACY OF REAL PROPERTY RIGHTS**—

The undersigned sponsor(s) hereby assures that adequate real property rights and interests, water rights if applicable, permits and licenses required by Federal, State, and local law, ordinance or regulation, and related actions have been taken to obtain the legal right to install, operate, maintain, and inspect the above-described project measures, except for structures or improvements that are to be removed, relocated, modified, or salvaged before and/or during the installation process.

This assurance is given with the knowledge that sponsor(s) are responsible for any excess costs or other consequences in the event the real property rights are found to be inadequate during the installation process.

Furthermore, this assurance is supported by an attorney's opinion attached here to that certifies an examination of the real property instruments and files was made and they were found to provide adequate title, right, permission and authority for the purpose(s) for which the property was acquired.

If any of the real property rights or interests were obtained by condemnation (eminent domain) proceedings, sponsor(s) further assure and agree to prosecute the proceedings to a final conclusion and pay such damages as awarded by the court.

LOWER BRUSHY CREEK WCID

(Name of Sponsor)

This action authorized at
an official meeting of the

By: _____

Board of Directors of the Lower Brushy Creek WCID

Title: Edmond S. Komandosky, President

on the _____ day of _____, 2020

Date: _____

at the Greater Taylor Chamber of Commerce

City of Georgetown

State of Texas

Attest: _____

(Name)

Monica P. Masters, Secretary

(Title)

HEJL & SCHROEDER, P.C.
ATTORNEYS AT LAW
311 TALBOT STREET
P.O. BOX 192
TAYLOR, TEXAS 76574

TED W. HEJL
MARK J. SCHROEDER

(512) 365-6348
(512) 365-2226 FAX

June 1, 2020

Mr. Edmond Komandosky
Lower Brushy Creek WCID
505 West University, Suite C
Georgetown, Texas 78626

Re: Opinion letter regarding LBCWCID Site 22 Repair

Dear Ed:

Jim Clarno, General Manager, requested that I review the information and attachments sent to me by him regarding the Site 22 Repair to determine if the Lower Brushy Creek Water Control and Improvement District ("LBCWCID") has adequate land rights to proceed with a bid and award construction phases for the LBCWCID Site 22 repair project.

Mr. Clarno included in his request the assurances relating to real property acquisition required for the Site 22 repair. The required assurances must be supported by an attorney's opinion certifying an examination of the real property instruments and files stating the instruments provide adequate title, right, permission and authority for the purposes for which the property was acquired.

The original easements granted to the Brushy Creek Water Control and Improvement District No. 1 (now Upper and Lower BCWCID), were granted from the following persons under the easements noted for each:

- Easement dated October 2, 1959, from Wilson H. Fox and wife, Hilda Fox recorded in Volume 436, Page 75, Document No. 19608763DR, of the Deed Records of Williamson County, Texas (1959 Easement).
- Easement dated June 3, 1960, from Wilson H. Fox and wife, Hilda Fox recorded in Volume 438, Page 334, Document No. 196009962DR, of the Deed Records of Williamson County, Texas (1960 Easement).

Note: The 1960 easement differs from the 1959 easement in that the responsibility of Grantor for ordinary maintenance and repairs of any dam or reservoir structure located on the described premises that could be accomplished by use of ordinary farm equipment was deleted. Further, the 1960 easement deleted warranties regarding title to the land. Nothing, however, is stated in the 1960 easement that it was given in correction of the 1959 easement. The distinction between the two in so far as the proposed Site 22 repair is immaterial.

- Easement dated October 5, 1959, from Seth Ward Lehmberg and wife, Rose Mary Lehmberg recorded in Volume 436, Page 87, Document No. 19608769DR, of the Deed Records of Williamson County, Texas.
- Easement dated November 24, 1959, from Buelah Bozarth recorded in Volume 436, Page 65, Document No. 19608758DR, of the Deed Records of Williamson County, Texas.

All of the above referenced easements grant authority to the LBCWCID to use the land referenced in the easements for the installation, operation, maintenance and inspection of the described works and measures for the storage of waters that may be temporarily retarded, or temporarily or permanently impounded by any dam or other reservoir structure described in the easement referenced as being Flood Water Retarding Structure Number 22 in Lower Brushy Creek Subwatershed according to the plat of the site prepared by Soil Conservation Service, United States Department of Agriculture on file in the office of Grantee, incorporated by reference in the easement.

The easements further granted to the LBCWCID the right to use the land at any time or any part of the land, as well the right of ingress and egress at any time over and upon the land described within the Easement and any adjoining land owned by the Grantor.

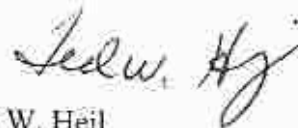
Mr. Clarno also included with his letter the tax map showing the location of Site 22 which includes the underlying WCAD parcel numbers. The WCAD website search of the parcel numbers allowed identification of current owners of the property acquired by them subject to the above referenced easement(s).

You have not required title insurance policies and my examination of the records is based upon my review of the title records on the Williamson County Clerk's website but is not certified as an abstract of title or title insurance policy. I did not obtain title assurance under a Downdate Statue Report or an Owner's Policy of Title Insurance by a title company, but I examined the Clerk's website of the public real property records to determine conveyances from the WCAD parcel owners. My examination of the records without title policy assurances show that Site 22 matches the WCAD parcel owners and is owned by the following persons: Judy Malish; Joseph Larry Drayer and Anna Lee Drayer; and Glen E. Cook and Susan Rooke. If you require title assurances by a title company, please let me know.

Mr. Clarno also represented all Site 22 repair would be completed on the original easement property. Consequently, based upon the information stated above, I find that the easement instruments provide adequate title right, permission and authority for which the property is required to complete the Site 22 repair.

Very truly yours,

HEJL & SCHROEDER, P.C.

A handwritten signature in dark ink, appearing to read "Ted W. Hejl", written in a cursive style.

Ted W. Hejl

TWH;jk

c. ✓ Jim Clarno, P.E., General Manager



LOWER BRUSHY CREEK WCID

c/o USDA - Natural Resources Conservation Service
505 West University Avenue, Suite C
Georgetown, Texas 78626

To: Members of the Board
From: Jim Clarno *JCC*
Date: June 3, 2020
Subject: Purcell access road across Site 12

Background:

- The original land rights map shows a proposed raised road across the upper (south) end of Site 12 as part of the project costs. The road would provide access to the property which belonged to Aaron Kriedel. No details were included except for elevations of the road and culvert - no pipe diameter was shown.
- The dam construction of the dam was completed in 1966. The key elevations at this site were:

○ Top of dam	570.5
○ Aux spillway	566.4
○ Principal spillway	559.7
○ Top of access road	559.3
○ Flow line of culvert under access road	554.5

The access road was below the normal pool elevation of the dam and the culvert would not be adequate to convey large rainfall events without overtopping the road.

- The file includes from a letter from Ms. Laverne Purcell (the daughter of Aaron Kriedel) regarding a February 1988 meeting that was held on site and a request for technical assistance to USDA. A major rainfall event had caused the road to be overtopped and severely eroded. A couple more letters, etc. are in the file but no clear indication what, if anything, was done during that time frame.
- Again in about 2000, the road was again overtopped and severely eroded. Ms. Purcell contacted Judge Miles to seek WCID assistance.

- As the original WCID was dissolved in 2002 and the new WCIDs came into existence, Judge Miles withheld \$10,000 from each of the new WCIDs to address this issue.
- The file also includes a letter from the Ms. Purcell dated May 2002 rejecting an offer from Judge Miles for \$10,000 to repair the most recent damage as well as a memo from Bill Owen of UDSA estimating the cost of the repair. It is not clear what, if anything, happened after that.
- In late 2014, Terry Poldrak called me. He had been asked by Ms. Purcell to repair the access road. I went to the site with Connie Ramirez of NRCS. The original culvert installed in 1966 had rusted out and caved in. There was also a large wash out on the downstream side of the dam in the area of that original culvert. There were also four large corrugated culverts that had been installed at a later date (presumably in 2002) located west of the original culvert and at elevations considerably higher than the original culvert. We met with Poldrak but Ms. Purcell did not call or follow-up that fall so nothing more was done.
- In the spring of 2015, I worked with Ms. Purcell and Terry Poldrak and we came to an agreement that the WCID would reimburse ½ the cost of the repairs to the road and the relocation and lowering of the culverts. She had Poltrak repair the road and sent us an invoice for \$1,120 as our half of the cost. She did not ask Poltrak to relocate or lower the culverts.
- The current owner of the Samuelson tract would like to do the following:
 - Repair, widen and raise the road to serve both the Purcell and the Krenek tracts. Krenek needs access to the pasture in the southeast corner of his property and there is no other way to get there when the water level in the lake is at or above normal pool level. Ms. Purcell will not give Krenek permanent access using her road.
 - Our consultants have determined that the culverts will not carry much flow as they do not have adequate water level over the inlets, so Krenek would like to relocate and lower the culverts.
 - Krenek and Purcell have each offered to put \$10,000 into the proposed improvements and have asked the WCID for an additional \$10,000.

Recommendation:

It is my recommendation that we pay 1/3 of the cost of the road repair and widening and relocating the culverts upto \$10,000 if both Purcell and Krenek agree that the WCID will have no further liability for the road and/or drainage under the road. A contract would be required to record this.

LOWER BRUSHY CREEK WCID

2020 Recommended Goals/Strategic Plan

Note: black indicates July 2019 recommendations
 red or deleted indicates June 2020 recommendations

1. Emergency Action Plans

- a. Develop electronic EAP template – ~~under contract with FNI~~
- b. Breach maps
 - Completed 5 (sites > 18, 20, 25, 29 and 32)
 - Year one 8 in Turkey Creek Basin - ~~under contract with M&E~~
 - Year two/three 10 remaining (sites > 12, 13, 17, 21, 22, 23, 24, 30, 31 and 33)
- c. EAP's (for all sites ~~or only high and significant?~~)
 - Completed 2 (sites > 20 and 32) – ~~conversion under contract with FNI~~
 - Year one 3 sites with completed breach maps – ~~under contract with FNI~~
 - Year two up to 8 in Turkey Creek Basin (sites > 2, 3, 4A, 6, 7, 8, 9 and 10)
 - Year three/four up to 10 remaining (sites 12, 13, 17, 21, 22, 23, 24, 30, 31 and 33)
- d. Education of Taylor and County officials about development within breach zones
- e. ~~Work with Wilco GIS and FNI on coordination of breach and backwater mapping~~

2. Maintenance

- a. Annual maintenance and inspection –
 - Shred late fall and early summer – ~~completed in fall~~, bids to be received for summer on June 5th
 - Annual inspection following fall shredding – ~~done Dec 2019 by FNI, again in 2020?~~
 - Fertilize/pre-emergent in spring – ~~completed in spring 2020~~
- b. Deferred maintenance work within easements
 - Brush (inside fence) done
 - Brush (plunge pools and just outside fence), ~~as needed~~
 - Replace remaining fences, as needed
 - Repair minor wave erosion, cattle trails, etc. as needed
 - Harden plunge pools, as needed
- c. Deferred maintenance work outside easements
 - Upgrade entrance gates to 14' 16"
 - Signs and WCID locks at all entrance gates –locks ongoing, signs scheduled for fall – see attached draft
 - Improve access roads, as needed

3. Repairs

- a. State Board funding repairs approved to Sites 12 and 21 (5% local match required)
- b. State Board funding application submitted for repairs to Sites 6, 17 and 21 (5% local match required)
- c. ~~Federal funding for Site 25 repairs (?? local match required)~~
- d. Detailed inspection of sites for additional repair needs – completed in Dec 2019 by FWI, again in 2020?
- e. Require project sign at all construction sites – see attached draft

4. Rehabilitation of high hazard sites

- a. Complete – Site 32
- b. Under contract - Site 20
- c. State Board funding approved for upgrade of Site 18 (2% local match required)
- d. State Board funding application submitted for upgrade of Site 25 (2% local match required)
- e. Request funding from NRCS for *Breach Analysis* of Sites 2, 3, 6, 7, 9, 10 and 17
- f. Request NRCS to schedule 5-year structural inspection of all 23 sites – done
- g. Request *Preliminary Engineering/Environmental* for Sites 25 and 29

5. Rainfall and Water Level Monitoring

- a. Possible funding from USGS and TWDB for rainfall and water level monitoring of Sites 18, 20, 25 and 32
- b. ~~Request FEMA grant to add rainfall and water level monitoring at Sites 18, 20 and 32~~
- c. Consider additional requests as TWDB and FEMA funds and local match are available for significant and high hazard dams

6. Administration and Office

- a. Acquire NRCS computer and internet service at office – computer bought, internet service pending opening of office
- b. Organize and scan files and maps - done
- c. Policies – record retention, ???
- d. Part time Board Secretary beginning next fall – done
- e. Annual newsletter or other way to educate residents – Board approved Richard Stone proposal in April
- f. Support for appointment of General Manager to TWDB for the “Flood District” position on Lower Brazos Flood Planning Committee



Upper Brushy Creek WCID



SARA – old version



SARA – current version

NO TRESSPASSING

FLOOD CONTROL DAM

Operated & Maintained By:



Lower Brushy Creek


WCID

Before Beginning any Activity

Please Contact 1-512-517-7596

PLEASE KEEP GATE CLOSED

Project Sign Detail

				LOWER BRUSHY CREEK WCID	1
				<i>Your District Taxes at Work</i>	2
				Lower Brushy Creek Watershed Site xx Repair	3
				State funds amount 1	4
				Local funds <u>amount 2</u>	5
				Total amount 3	6
				<u>Engineer</u> <u>State Funding</u> <u>Local Funding</u> <u>Contractor</u>	7
M&E Consulting, Tx State Soil & Water Lower Brushy Name					8
Heidenheimer, TX Conservation Board. Creek WCID City/State					9

Specifications

1. Sign dimensions – overall 8' 0" x 4' 0"
2. Sign background - white
3. Sign lettering – all letters black
 - Line 1 6.0 inch
 - Line 2 4.0 inch
 - Lines 3-6 4.0 inch
 - Line 7 4.0 inch
 - Lines 8-9 3.5 inch
4. WCID logo – 13 inches – WCID will provide electronic copy
5. Posts
 - 2 each 4" x 4"
 - Minimum depth in the ground - 2' 6"
 - Minimum height above ground to the bottom of the sign - 5' 0"

**LOWER BRUSHY CREEK WCID
PROPOSED FY 21 BUDGET
As of June 8, 2020**

Williamson Central Appraisal District
Tax Year 2020 Preliminary Appraisal Roll Information
As of April 15, 2020

Lower Brushy Creek WCID FY 2020 Tax Rate		\$0.02/\$100.00
	Total taxable value within Lower Brushy Creek WCID	Tax Revenue
Total Certified Taxable Value 100% Receivable	\$2,395,924,329.00	\$479,184.87
Total taxable value still being evaluated by Williamson Central Appraisal Review Board Estimated 70% Receivable	\$74,123,776.00	\$10,377.33
Total Expected FY 2020 Tax Revenue		\$489,562.19

LOWER BRUSHY CREEK WCID
PROPOSED FY 21 BUDGET
As of June 8, 2020

ADMINISTRATIVE INCOME AND EXPENSES	FY 19 Budget (Approved)	FY 20 Budget (Approved)	FY 21 Budget (Draft)
<u>ADMINISTRATIVE INCOME</u>			
Tax Income	\$0.00	\$489,562.19	\$475,000.00
Other Income			
Williamson County	\$45,000.00	\$0.00	\$0.00
Permits, fees and interest	\$0.00	\$500.00	\$1,800.00
Total Other Income	\$45,000.00	\$500.00	\$1,800.00
TOTAL ADMINISTRATIVE INCOME	\$45,000.00	\$490,062.19	\$476,800.00
<u>ADMINISTRATIVE EXPENSES</u>			
Administrative Expenses			
General Manager (incl accounts payable)	\$18,000.00	\$61,000.00	\$36,000.00
District Clerk (15 hours/week @\$20.00/hour)	\$0.00	\$12,000.00	\$15,000.00
Directors Fees (12 regular + 3 special meetings)	\$3,000.00	\$7,500.00	\$7,500.00
Professional Services - Accounting	\$3,000.00	\$4,000.00	\$4,800.00
Professional Services - Auditing (regular + federal grants)	\$12,000.00	\$13,500.00	\$14,000.00
Professional Services - Communications	\$0.00	\$12,000.00	\$22,000.00
Professional Services - Engineering/Surveying	\$3,000.00	\$2,000.00	\$2,000.00
Professional Services - Legal	\$6,000.00	\$10,000.00	\$10,000.00
Advertising/Legal Notices	\$1,000.00	\$1,000.00	\$2,000.00
Bonds/Insurance	\$1,500.00	\$1,500.00	\$1,800.00
Dues/Subscriptions/Prof Development	\$1,500.00	\$2,500.00	\$2,500.00
Meals/Entertainment	\$300.00	\$500.00	\$500.00
Office Supplies	\$250.00	\$600.00	\$800.00
Postage/Delivery Charges	\$100.00	\$300.00	\$400.00
Travel/Mileage	\$300.00	\$3,500.00	\$3,500.00
Website	\$2,000.00	\$1,600.00	\$2,400.00
Williamson Central Appraisal District	\$0.00	\$3,800.00	\$4,000.00
Williamson County - Election Office	\$12,000.00	\$18,000.00	\$0.00
Williamson County - Tax Collector/Assessor	\$0.00	\$4,200.00	\$4,800.00
Misc. (5% contingency)	\$3,050.00	\$8,250.00	\$7,000.00
TOTAL ADMINISTRATIVE EXPENSES	\$67,000.00	\$167,750.00	\$141,000.00

LOWER BRUSHY CREEK WCID
PROPOSED FY 21 BUDGET
As of June 8, 2020

GRANT INCOME AND PROJECT EXPENSES	FY 19 Budget (Approved)	FY 20 Budget (Approved)	FY 20 Budget (Proposed)
<u>GRANT INCOME</u>			
TSSWCB Maintenance Grants			
Annual Maintenance (90% state/10% local)	\$0.00	\$60,000.00	\$81,000.00
Annual Maintenance (5% admin fee)	\$0.00	\$3,000.00	\$4,050.00
Deferred Maintenance (90% state/10% local)	\$157,500.00	\$150,000.00	\$180,000.00
Deferred Maintenance (5% admin fee)	\$0.00	\$7,500.00	\$18,000.00
Total TSSWCB Maintenance Grants	\$157,500.00	\$220,500.00	\$283,050.00
TSSWCB Repair Grants			
Site 12 - construction ¹ (95% state/5% local)	\$0.00	\$600,000.00	\$570,000.00
Site 12 - project management/land rights	\$0.00	\$30,000.00	\$40,000.00
Site 22 - construction ¹ (95% state/5% local)	\$0.00	\$900,000.00	\$627,000.00
Site 22 - project management/land rights	\$0.00	\$45,000.00	\$40,000.00
Total TSSWCB Repair Grants	\$0.00	\$1,575,000.00	\$1,277,000.00
TSSWCB Rehabilitation Grants			
Site 20 - rehabilitation (100% federal and state/0% local)	\$1,000,000.00	\$1,000,000.00	\$50,000.00
Site 20 - project management/land rights	\$0.00	\$40,000.00	\$6,000.00
Site 18 - Upgrade to High Hazard ² (98% state/2% local)			\$882,000.00
Site 18 - project management/land rights			\$40,000.00
Total TSSWCB Rehabilitation Grants	\$1,000,000.00	\$1,040,000.00	\$978,000.00
TOTAL GRANT INCOME	\$1,157,500.00	\$2,835,500.00	\$2,538,050.00
<u>PROJECT EXPENSES</u>			
Dam Maintenance			
Annual Maintenance (shred twice, fertilize, pre-emergent)	\$0.00	\$66,000.00	\$90,000.00
Gates, entrances, locks and signage	\$0.00	\$20,000.00	\$20,000.00
Deferred maintenance (incl 10% match)	\$165,000.00	\$165,000.00	\$200,000.00
Total Dam Maintenance	\$165,000.00	\$251,000.00	\$310,000.00
Dam Repairs			
Site 12 - construction (incl 5% local match)	\$0.00	\$630,000.00	\$600,000.00
Site 12 - project management/legal/land rights	\$0.00	\$30,000.00	\$40,000.00
Site 22 - construction (incl 5% local match)	\$0.00	\$945,000.00	\$660,000.00
Site 22 - project management/legal/land rights	\$0.00	\$45,000.00	\$40,000.00
Total Dam Repairs	\$0.00	\$1,650,000.00	\$1,340,000.00
Dam Rehabilitation			
Site 20 - rehabilitation (incl 0% local match)	\$1,000,000.00	\$1,000,000.00	\$50,000.00
Site 20 - project management/legal/land rights	\$0.00	\$40,000.00	\$5,000.00
Site 18 - upgrade (incl 2% local match)			\$900,000.00
Site 20 - project management/legal/land rights			\$40,000.00
Total Dam Rehabilitation	\$1,000,000.00	\$1,040,000.00	\$995,000.00
Other Projects			
Inspection of all dams	\$0.00	\$45,000.00	
Breach maps for 8 dams in Turkey Creek basin	\$0.00	\$90,000.00	
Emergency Action Plans			\$60,000.00
Breach maps for 6 additional dams			\$60,000.00
Total Other Projects	\$0.00	\$135,000.00	\$120,000.00
TOTAL PROJECT EXPENSES	\$1,165,000.00	\$3,076,000.00	\$2,765,000.00

Notes: 1. Construction assumed to take 6-8 months and be completed within FY 21
2. Construction assumed to take 18 months and be started in 3rd quarter of FY 21

LOWER BRUSHY CREEK WCID
PROPOSED FY 21 BUDGET
As of June 8, 2020

BUDGET SUMMARY	
<u>BEGINNING BALANCE</u>	
City National Bank - approximate	\$2,000.00
TexPool	\$200,000.00
BEGINNING BALANCE (10/01/20)	\$202,000.00
<u>INCOME</u>	
Tax Income	\$475,000.00
TSSWCB Maintenance Grants	\$283,050.00
TSSWCB Repair Grants	\$1,277,000.00
TSSWCB Rehabilitation Grants	\$978,000.00
Other Income	\$1,800.00
TOTAL INCOME	\$3,014,850.00
<u>EXPENSES</u>	
Administrative	\$141,000.00
Dam Maintenance	\$310,000.00
Dam Repairs	\$1,340,000.00
Dam Rehabilitation	\$995,000.00
Other Projects	\$120,000.00
TOTAL EXPENSES	\$2,906,000.00
ENDING BALANCE (09/30/21)	\$310,850.00




LOWER BRUSHY CREEK WCID

c/o USDA - Natural Resources Conservation Service
505 West University Avenue, Suite C
Georgetown, Texas 78626

MEMORANDUM

TO: President Komandosky and
Members of the Board of Directors

FROM: Jim Clarno 

DATE: June 1, 2020

SUBJECT: General Manager's Report

Administration

- NRCS office is still closed to visitors. One NRCS staff person and one from the WCID may enter and use the office at a time.
- Letters to landowners providing basic information about the WCID dams and asking for updated contact information has been mailed.

Dam Operation & Maintenance

- Hall Bros Construction, LLC completed the Winter Maintenance. It included herbicide and fertilizer application at all sites, spot spraying of mesquite and other brush, reseeding at Sites 29 and 32 and other minor work.
- We have beaver problems at Sites 2 and 10. The principal spillway at each site are partially plugged. Hall Bros have provided assistance to partially open Site 10. Russell Schmidt has been to the site and will take steps to reduce or eliminate the beaver population there.
- With the CORID-19 impacts and limitations, we did not prepare a grant application for FY 20 funds for re-fencing in the spring. We anticipate requesting grant funds to do this in the fall.
- Bids are due on Friday, June 5th for summer maintenance which will include shredding all sites and adding/replacing gates.

Capital Improvements

- Freese & Nichols has completed a draft electronic template for Emergency Action Plans and submitted it for our review and comment.
- M&E Consultants has completed field survey work for the 8 dams in the Turkey Creek basin as part of their Task Order No. 1 but due to other deadlines has not progressed on preparing breach mapping for those sites.
- Site 20 Rehab - Contractor has submitted an updated schedule. Contractor anticipates project completion in late August or early September depending on the weather. . Pay

Estimate No. 10 has been approved and processed. under review. The April and May construction meetings were held by conference call.

- Site 12 and 22 Repair projects – Draft final plans have been reviewed and comments sent to the engineer. Field work to clear the site for cultural resources was scheduled for June 1st. Ted Hejl has prepared legal opinions that the WCID has adequate land rights to proceed with construction.
- Site 18 Upgrade project – 30% plans are complete and a meeting with the engineer and the Stater Board is being scheduled.
- Grant application was submitted to the State Board for the repair of wave erosion and other improvements at Sites 6, 17 and.
- Grant application was submitted to the State Board for the upgrade of Site 25.

Other

- USGS is submitting Sites 18, 20, 25 and 32 for possible installation of rainfall and water level gauges using TWDB funding. The latest cost estimate for new gauges was \$28,500 each. If the installation is approved, the WCID will be obligated to provide the annual maintenance fee of about \$8,500 each. .
- Conference calls were scheduled with the Wilco Emergency Management Director, the Wilco GIS Manager and Freese & Nichols to coordinate the EAPs and mapping.