



LOWER BRUSHY CREEK WCID
Regular Called Meeting of the Board of Directors

Edmond S Komandosky, President
Scott Ging, Vice President
Monica P Masters, Secretary/Treasurer
Allen R David, Director
Laine Holman, Director

AGENDA

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 February 17, 2025 at 7:30 am** at the Greater Taylor Chamber of Commerce, 1519 North Main Street, Taylor, Texas 76574 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.

AGENDA

1. WELCOME, CALL TO ORDER, and DETERMINATION OF A QUORUM

2. CITIZENS COMMUNICATIONS: *Citizen Communications is an opportunity for the public to address the Board on agenda items or concerns not on the agenda (limited to 3 minutes each);*

3. CONSENT AGENDA: *The items on the consent agenda are considered routine by the District and will be enacted by one motion. There will be no separate discussion of the items unless requested by a Board member, in which event the item will be removed from the consent agenda and considered during the meeting.*

3a. Consider approval of the Minutes for the *Regular Called Meeting of January 27, 2025;*

3b. Consider approval of the Financial Reports

3c. Consider approval of the Quarterly Investment Report

4. ACTION ITEMS:

4a. Consider approval of the "Manual for Encroachments", prepared by K Friese and Associates;

4b. Consider execution and approval of TCDRS Employee benefits for LBCWCID staff, prepared by Kristina Fox, Employer Services Representative with TCDRS;

4c. Consider authorizing the Board President and General Manager to execute and take possible action regarding District Policies and Guidelines:

4c.1 *Rescinding and Removal of:* Order of Election for 2024 dated November 2023, O&M Guidelines dated July 2016 and Modification of Easements as amended in January 2025;

4c.2 Amend and Update: Director Election Guidelines dated November 2023;
4c.3 Review and take no action: Purchasing and Payment Policy dated March 2024, Financial and Investment Policy dated March 2024, and Director's Fees and Expense Reimbursement Policy dated March 2024.

5. AGENCY REPORTS:

6. GENERAL MANAGERS REPORT AND UPDATE:

7. EXECUTIVE SESSION PURSUANT TO CHAPTER 551, TITLE 5, TEXAS GOVERNMENT CODE:

Executive Session as authorized by Section 551.072 (Deliberations regarding Real Property) of Chapter 551, Title 5 of the Texas Local Government Code: proposed easement acquisition and land values associated with the LBC Site 18 Upgrade Project;

8. RECONVENE TO OPEN SESSION TO TAKE ACTION, IF ANY, ON MATTERS DISCUSSED IN EXECUTIVE SESSION:

9. DIRECTOR'S COMMENTS

10. ADJOURNMENT

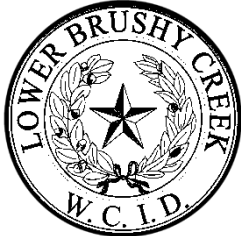
"The Lower Brushy Creek Water Control & Improvement District Board of Directors reserves the right to adjourn into executive session at any time during the meeting to discuss any of the matters listed above, as authorized by Texas Local Government Code Sections 551.071 (Consultation with Attorney), 551.072 (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 February 17, 2025 agenda of items to be considered by the Board of Directors of the Lower Brushy Creek WCID was posted on/or before 5:00 pm on February 12, 2025.

Sue Lilly

Sue Lilly, District Clerk



LOWER BRUSHY CREEK

Water Control Improvement District

MINUTES OF THE REGULAR CALLED MEETING OF THE BOARD OF DIRECTORS
January 27, 2025

CALL TO ORDER & DETERMINATION OF A QUORUM: President Ed Komandosky called the Regular Meeting of the Board of Directors of the Lower Brushy Creek WCID to order at 7:30am on Monday January 27, 2025 and announced that a Quorum was present.

ATTENDANCE: Board members present included Vice President Scott Ging, Secretary/Treasurer Monica Masters, Director Allen Ray David and Director Laine Holman. Others present included, General Manager Jim Clarno, Communication Consultant Richard Stone, District Clerk Sue Lilly, Allen Douthitt with Bott & Douthitt, PLLC, Board Attorney Mark Schroeder, Jimmy Romell with Maxwell, Locke and Ritter, LLP, Carolina Lara with K Friese and Assoc. and citizens Kay Pavlicek, Jeff Sciarretta and Josiah Sciarretta.

CITIZENS COMMUNICATIONS: Citizen Kay Pavlicek and Jeff Sciarretta asked questions and made comments regarding individual properties and neighboring properties in relation to easement concerns.

CONSENT AGENDA: General Manager, Jim Clarno, presented for consideration and approval of the following Consent Agenda items:

- 3a. Minutes for the Regular Called Meeting of the Board of Directors for November 18, 2024
- 3b. Financial Reports
- 3c. FY25 Investment Report

A motion to approve items 3a. Minutes for the Regular Called Meeting of the Board of Directors for November 18, 2024 and 3b. Financial Reports, as presented was made by Treasurer/Secretary Monica Masters. The motion was seconded by Director Allen Ray David and was carried unanimously.

Item 3c. FY25 Investment Report, was tabled, as it was not included in the Board Directors information packet.

ACTION ITEMS:

- 4a. Jimmy Romell, representative from Maxwell, Locke and Ritter, LLP, presented for consideration and approval of the Financial Statement, Supplemental Information and Audit for the fiscal year ending September 20, 2024 by Maxwell Locke and Ritter, LLP.

A motion to approve item 4a. Financial Statement, Supplemental Information and Audit for the fiscal year ending September 20, 2024, as presented was made by Director Allen. The motion was seconded by Director Laine Holman and was carried unanimously.

- 4b. Carolina Lara, with K Friese and Associates, presented for consideration and approval of the "Manual for Operation and Maintenance of Dams", including Exhibit D, prepared by K Friese and Associates.

A motion to approve item 4b. "Manual for Operation and Maintenance of Dams", including Exhibit D, as presented was made by Vice President Scott Ging. The motion was seconded by Director Allen and was carried unanimously.

- 4c. Carolina Lara presented for consideration and approval of approving of "Manual for Encroachments", prepared by K Friese and Associates.

A motion to table item 4c. "Manual for Encroachments", as presented was made by Director Holman. The motion was seconded by Treasurer/Secretary Monica Masters and was carried unanimously.

4d. Jim Clarno presented for consideration and approval of the lease agreement with North Forest Office Space.

A motion to approve item 4d. lease agreement with North Forest Office Space, as presented was made by Secretary/Treasurer Masters. The motion was seconded by Vice President Ging and was carried unanimously.

AGENCY REPORTS: Jess Anderson, a representative with NRCS, presented updates and general information on behalf of NRCS. **No actions were taken.**

GENERAL MANAGERS REPORT: Clarno presented the General Manager's Report and Update. **No actions were taken.**

EXECUTIVE SESSION PURSUANT TO CHAPTER 551, TITLE 5, TEXAS GOVERNMENT CODE: President Komandosky opened an Executive Session at 8:42am, as authorized by Section 551.072 (Deliberations regarding Real Property) and Section 551.074 (Deliberations regarding Personal Matters) of Chapter 551, Title 5 of the Texas Local Government Code: easements and land values associated with the LBC Site 18 Upgrade Project

RECONENE TO OPEN SESSION TO TAKE ACTION, IF ANY, ON MATTERS DISCUSSED IN EXECUTIVE SESSION:
The board adjourned from executive session at 9:04a. **No actions were taken.**

DIRECTORS COMMENTS: There were no other director's comments.

ADJOURNMENT: There being no further business, the meeting was adjourned without objection at 9:06 am.

Respectfully submitted

Monica P Masters/ Secretary

Lower Brushy Creek WCID February 17, 2025

- Review Cash Activity Report, including Receipts and Expenditures
 - ☑ Action Items:
 - Review December 31, 2024 Financial Statements.

**Lower Brushy Creek WCID
Cash Activity Report
November 30, 2024 - December 31, 2024**

<u>City National Bank</u>	
Operating Account	
Reconciled Cash Balance - November 30, 2024	28,652.74
Subsequent Activity	2,167.00
<u>Vendor</u>	<u>Memo</u>
<u>Amount</u>	
Debit Card Purchases December 2024	(833.00)
Miscellaneous income	3,000.00
	<u>2,167.00</u>
	Total Bookkeeper's Account Expenditures
Reconciled Balance - December 31, 2024	\$ 30,819.74

Lower Brushy Creek WCID
Cash/Investment Activity Report
November 30, 2024 - December 31, 2024

	Interest Rates	Balance 11/30/2024	Receipts	Subsequent Disbursements	Subtotal 12/31/2024	Projected Balance 12/31/2024
General Fund -						
City Not on Bank Account	n/a	\$ 28,652.74	\$ 3,000.00	\$ (833.00)	\$ 30,819.74	\$ 30,819.74
TexPool - General Operating	4.4769%	700,771.21	457,622.11	-	1,158,393.32	1,158,393.32
TexPool - Rainy Day Fund	4.4769%	224,048.60	867.87	-	224,916.47	224,916.47
Total - General Fund		953,472.55	461,489.98	(833.00)	1,414,129.53	1,414,129.53
Total - All Funds		\$ 953,472.55	\$ 461,489.98	\$ (833.00)	\$ 1,414,129.53	\$ 1,414,129.53

Lower Brushy Creek WCID
 SCHEDULE OF TEMPORARY INVESTMENTS
 October 1, 2024 - December 31, 2024

FUNDS	IDENTIFICATION	INTEREST RATE	INTEREST 10/1 - 12/31	BEG. BK VAL 10/1/2024	END. BK VAL 12/31/2024	BEG MKT VAL 10/1/2024	END MKT VAL 12/31/2024	G/L ACCOUNT
GENERAL FUND:								
	TexPool - Operating Account							
	Texas Local Government Investment Pool	4.4769%	8,575.56	701,458.51	1,158,393.32	701,458.51	1,158,393.32	1100
	TexPool - Rainy Day Fund							
	Texas Local Government Investment Pool	4.4769%	2,662.97	222,253.50	224,916.47	222,253.50	224,916.47	1101
TOTAL GENERAL OPERATING FUND			11,238.53	923,712.01	1,383,309.79	923,712.01	1,383,309.79	
TOTAL ALL FUNDS			11,238.53	923,712.01	1,383,309.79	923,712.01	1,383,309.79	

This quarterly report is in full compliance with the investment strategy as established for the Public Funds Investment Act (Chapter 2459, amending Chapter 2256); and Investment Policy and Strategies set forth by the District.

Murray's Bob
 Murray's Bob

Recap & Standings Report

WTAXSaas

Cycles: All Taxing Units: Coupland ISD... Deposit Date Range: 10/01/2024 to 12/31/2024 Sorted By: By Year, Descending Options: Separate Rollbacks, Include

Property Tax
 W13 (Lower Brushy Cr WC&ID)
 Taxing Unit Totals (IS,MO,SA)

2024 Fiscal Year: 10/01/2024 - 09/30/2025

	Original Roll	Uncollected	Orig. Adjustments	Adjusted Uncollected	Collections	Collected	P&I	Credits / Discounts Allowed	Atty. Fee Collected	Variance	Uncollected Balance YTD	YTD Collections
2026	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
2025	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
2024	1,023,634.61	0.00	1,023,615.98	1,023,615.98	509,693.04	0.00	1.32	0.00	0.00	0.43	513,922.05	509,693.93
2023	841,540.38	7,921.97	-668.60	7,253.37	1,426.90	434.23	0.00	470.06	0.00	0.00	5,826.47	1,426.90
2022	758,373.38	1,998.44	-334.96	1,663.48	-228.28	29.89	0.00	18.30	0.00	0.00	1,891.76	-228.28
2021	577,067.74	1,043.33	0.00	1,043.33	0.76	0.37	0.00	0.17	0.00	0.00	1,042.57	0.76
2020	484,724.15	1,012.52	0.00	1,012.52	0.00	0.00	0.00	0.00	0.00	0.00	1,012.52	0.00
2019	440,890.17	981.71	0.00	981.71	1.37	0.97	0.00	0.35	0.00	0.00	980.34	1.37
2018	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
2017	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
2016	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
2015	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
2014	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
2013	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
2012	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
2011	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
2010	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
2009	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
2008	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
2007	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
2006 & prior	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Summary												
Total Current	1,023,634.61	0.00	1,023,615.98	1,023,615.98	509,693.04	0.00	1.32	0.00	0.00	0.43	513,922.05	509,693.93
Total Delinquent	3,102,595.82	12,957.97	-1,003.56	11,954.41	1,200.75	465.46	0.00	488.88	0.00	0.00	10,753.66	1,200.75
Rollbacks		1,934.42	1,217.89	3,152.31	0.00	0.00	0.00	0.00	0.00	0.00	3,152.31	0.00
Taxing Unit Total	4,126,230.43	14,892.39	1,023,830.31	1,038,722.70	510,893.79	465.46	1.32	488.88	0.43	0.00	527,828.02	510,894.68
				Percentages								
% of Roll Collected - 2024 - 49.79%				Adjusted Original Roll -- \$1,023,615.98				Current YTD Collected -- \$509,693.93				
Tax Collections Compared to Current Taxes Billed 0% Collected												
All Collections Compared to Current Taxes Billed 0% Collected												
Combined Collections (Collections + P&I Collected) -- 511,359.25												

Lower Brushy Creek WCID
Accountant's Compilation Report
December 31, 2024

The District is responsible for the accompanying financial statements of the governmental activities of Lower Brushy Creek WCID, as of and for the 3 months ended December 31, 2024, which collectively comprise the District's basic financial statements – governmental funds in accordance with the accounting principles generally accepted in the United States of America. We have performed a compilation engagement in accordance with Statements on Standards for Accounting and Review Services promulgated by the Accounting and Review Services Committee of the AICPA. We did not audit or review the financial statements nor were we required to perform any procedures to verify the accuracy or completeness of the information provided by management. Accordingly, we do not express an opinion, a conclusion, nor provide any form of assurance on these financial statements.

The District has omitted the management's discussion and analysis, the Statement of Net Assets, and Statement of Activities that the Governmental Accounting Standards Board required to be presented to supplement the basic financial statements. Such missing information, although not a part of the basic financial statements, is required by the Governmental Accounting Standards Board who considers it to be an essential part of financial reporting for placing the basic financial statements in an appropriate operational, economic, or historic context.

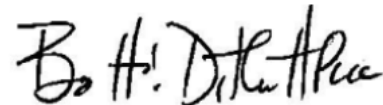
In addition, the District has elected to omit substantially all of the disclosures and the statement of cash flows required by accounting principles generally accepted in the United States of America. If the omitted disclosures and the statement of cash flows and the components required by GASB 34 were included in the financial statements, they might influence the user's conclusions about the District's financial position, results of operations, and cash flows. Accordingly, these financial statements are not designed for those who are not informed about such matters.

Accounting principles generally accepted in the United States of America require that budgetary comparison information be presented to supplement the basic financial statements. Such information is presented for purposes of additional analysis and, although not a required part of the basic financial statements, is required by the Governmental Accounting Standards Board who considers it to be an essential part of financial reporting and for placing the basic financial statements in an appropriate operational, economic, or historical context. Such information is the responsibility of management. The required supplementary information was subject to our compilation engagement. We have not audited or reviewed the required supplementary information and do not express an opinion, a conclusion, nor provide any assurance on such information.

Supplementary Information

The supplementary information contained in the schedules described in the Supplementary Information Index is presented for purposes of additional analysis and is not a required part of the basic financial statements. This information is the representation of management. The information was subject to our compilation engagement, however, we have not audited or reviewed the supplementary information and, accordingly, do not express an opinion, a conclusion, nor provide any form of assurance on such supplementary information.

We are not independent with respect to Lower Brushy Creek WCID.



February 17, 2025
Round Rock, TX

Bott & Douthitt, PLLC

Lower Brushy Creek WCID Governmental Funds Balance Sheet 12/31/2024

	Governmental Funds
	General Fund
Assets	
Cash and Cash Equivalents	
Cash	\$ 30,819.74
Cash Equivalents	1,383,309.79
Receivables	
Property Taxes	527,828.02
Total Assets	\$ 1,941,957.55
 Liabilities	
Accounts Payable	\$ 79,542.79
Total Liabilities	79,542.79
 Deferred Inflows of Resources	
Property Taxes	527,828.02
Total Deferred Inflows of Resources	527,828.02
 Fund Balance	
Fund Balances:	
Unassigned	1,334,586.74
Total Fund Balances	1,334,586.74
Total Liabilities, Deferred Inflows of Resources and Fund Balance	\$ 1,941,957.55

**Lower Brushy Creek WCID
Statement of Revenues,
Expenditures & Changes in Fund Balance-Governmental Funds
October 1, 2024 - December 31, 2024**

	Governmental Funds
	General Fund
Revenues:	
Property Tax Revenue, including penalties	\$ 511,359.25
Interest & Other Income	14,238.53
Total Revenues	525,597.78
Expenditures:	
Current-	
Operating Expenses -	
Dam Maintenance	14,287.14
Administrative Services -	
Insurance	3,454.16
Meals & Entertainment	33.34
Office Supplies	1,176.53
Travel & Mileage	1,500.00
Tax Appraisal Fees	10,162.00
Tax Collection Fees	8,651.17
Office Contract Labor	3,375.00
Postage/Delivery Charges	177.29
Rent Expense	3,063.44
Website Development	289.00
Miscellaneous Expense	980.40
Professional Fees -	
Legal Fees	15,663.91
Accounting Fees	6,600.00
Engineering Fees	16,420.94
USGS	10,625.00
General Manager	18,000.00
Other Consulting Fees	6,600.00
Total Expenditures	121,059.32
Excess/(Deficiency) of Revenues over Expenditures	404,538.46
Fund Balance, October 1, 2024	930,048.28
Fund Balance, December 31, 2024	\$ 1,334,586.74

Supplementary Information
Index

General Fund

- Budgetary Comparison Schedule
- Revenue & Expenditures: Actual + Budgeted

Lower Brushy Creek WCID
Budgetary Comparison Schedule-General Fund
December 31, 2024

	Current Month			Year to Date		
	Actual	Budget	Difference	Actual	Budget	Difference
Revenues:						
Property Taxes, including penalties	\$ 454,730.57	\$ 454,731.00	\$ (0.43)	\$ 511,359.25	\$ 511,359.00	\$ 0.25
Grant Income	-	-	-	-	-	-
Interest Income	3,759.41	2,500.00	1,259.41	11,238.53	7,500.00	3,738.53
Miscellaneous	3,000.00	1,250.00	1,750.00	3,000.00	3,750.00	(750.00)
Total Revenues	461,489.98	458,481.00	3,008.98	525,597.78	522,609.00	2,988.78
Expenditures:						
Administrative Expenses						
General Manager	6,000.00	6,500.00	500.00	18,000.00	19,500.00	1,500.00
District Clerk	825.00	2,166.67	1,341.67	3,375.00	6,500.00	3,125.00
Director Fees	-	935.00	935.00	-	2,805.00	2,805.00
Accounting Fees	2,200.00	2,417.00	217.00	6,600.00	7,250.00	650.00
Consulting fees	2,200.00	2,200.00	-	6,600.00	6,600.00	-
Other Professional Fees	-	333.33	333.33	-	1,000.00	1,000.00
Legal Fees	2,376.00	4,000.00	1,624.00	15,663.91	12,000.00	(3,663.91)
Advertising/Legal Notices	-	833.33	833.33	-	2,500.00	2,500.00
Bonds/Insurance	130.00	-	(130.00)	3,454.16	2,800.00	(654.16)
Dues/Subscriptions/Professional Development	-	166.67	166.67	-	500.00	500.00
Meals/Entertainment	-	166.67	166.67	33.34	500.00	466.66
Rent	1,028.00	1,125.00	97.00	3,063.44	3,375.00	311.56
Office Supplies	-	166.67	166.67	1,176.53	500.00	(676.53)
Postage/PO Box/Delivery Charges	-	41.67	41.67	177.29	125.00	(52.29)
Travel/Mileage	500.00	541.67	41.67	1,500.00	1,625.00	125.00
Website	289.00	100.00	(189.00)	289.00	300.00	11.00
Tax Appraisal Fees	10,162.00	10,400.00	238.00	10,162.00	1,400.00	(8,762.00)
Williamson County Tax Collector	-	-	10,400.00	8,651.17	9,000.00	348.83
Miscellaneous	884.40	1,208.33	323.93	980.40	3,625.00	2,644.60
Engineering Expenses						
Engineering/Surveying	9,984.50	30,833.33	20,848.83	16,420.94	92,500.00	76,079.06
USGS	10,625.00	10,500.00	(125.00)	10,625.00	10,500.00	(125.00)
Operating Expenses						
Dam Maintenance	14,287.14	12,083.33	(2,203.81)	14,287.14	36,250.00	21,962.86
Total Expenditures	61,491.04	86,718.65	35,627.61	121,059.32	221,155.00	100,095.68
Excess/(Deficiency) of Revenues over Expenditures	\$ 399,998.94	\$ 371,762.35	\$ 38,636.59	\$ 404,538.46	\$ 301,454.00	\$ 103,084.46

Lower Brushy Creek WCID Revenues & Expenditures - General Fund: Actual + Budgeted Fiscal Year 2024-2025

	FY 2025 Budget Approved 9/09/24	Actual Oct-24	Actual Nov-24	Actual Dec-24	Budget Jan-25	Budget Feb-25	Budget Mar-25	Budget Apr-25	Budget May-25	Budget Jun-25	Budget Jul-25	Budget Aug-25	Budget Sep-25	Actual + Budgeted	Variance
Revenues:															
Property Taxes	\$ 900,000	\$ 17,563	\$ 39,066	\$ 454,731	\$ 386,641	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 900,000	\$ 0
Grant Income	113,400	-	-	-	-	-	-	-	-	-	-	-	-	113,400	-
Interest Income	30,000	3,861	3,618	3,759	2,500	2,500	2,500	2,500	2,500	2,500	2,500	2,500	2,500	33,739	3,739
Other Income	15,000	-	-	3,000	1,250	1,250	1,250	1,250	1,250	1,250	1,250	1,250	1,250	14,250	(750)
Total Revenues	1,058,400	21,423	42,684	461,490	392,391	3,750	3,750	3,750	3,750	3,750	3,750	3,750	117,150	1,047,139	2,989
Expenditures:															
Administrative Expenses -															
General Manager	78,000	6,000	6,000	6,000	6,500	6,500	6,500	6,500	6,500	6,500	6,500	6,500	6,500	76,500	1,500
District Clerk	26,000	1,325	1,225	825	2,167	2,167	2,167	2,167	2,167	2,167	2,167	2,167	2,167	22,875	3,125
Director Fees	11,220	-	-	-	935	935	935	935	935	935	935	935	935	8,415	2,805
Accounting Fees	29,000	2,200	2,200	2,200	2,417	2,417	2,417	2,417	2,417	2,417	2,417	2,417	2,417	28,350	650
Audit Fees	11,500	-	-	-	11,500	-	-	-	-	-	-	-	-	11,500	-
Consulting Fees	26,400	2,200	2,200	2,200	2,200	2,200	2,200	2,200	2,200	2,200	2,200	2,200	2,200	26,400	-
Other Professional Fees	4,000	4,000	-	-	333	333	333	333	333	333	333	333	333	3,000	1,000
Legal Fees	48,000	9,248	4,040	2,376	4,000	4,000	4,000	4,000	4,000	4,000	4,000	4,000	4,000	51,664	(3,664)
Advertising / Legal Notices	10,000	-	-	-	833	833	833	833	833	833	833	833	833	7,500	2,500
Bonds/Insurance	2,800	3,324	-	130	167	167	167	167	167	167	167	167	167	3,454	(654)
Dues/Subscriptions/Prof. Dev.	2,000	-	-	-	167	167	167	167	167	167	167	167	167	1,500	500
Meals/Entertainment	2,000	-	33	-	167	167	167	167	167	167	167	167	167	1,533	467
Rent	13,500	1,007	1,028	1,028	1,125	1,125	1,125	1,125	1,125	1,125	1,125	1,125	1,125	13,188	312
Office Supplies	2,000	1,177	-	-	167	167	167	167	167	167	167	167	167	2,677	(677)
Postage/PO Box/Delivery Charges	500	74	103	-	42	42	42	42	42	42	42	42	42	552	(52)
Travel/Mileage	6,500	500	500	500	542	542	542	542	542	542	542	542	542	6,375	125
Website	1,200	-	-	289	100	100	100	100	100	100	100	100	100	1,189	11
Appraisal Fees	5,600	-	-	10,162	-	-	1,400	-	-	-	-	-	-	14,362	(8,762)
Williamson County Tax Collector	9,000	8,651	-	-	-	-	-	-	-	-	-	-	-	8,651	349
Miscellaneous	14,500	48	48	884	1,208	1,208	1,208	1,208	1,208	1,208	1,208	1,208	1,208	11,855	2,645
Engineering Expenses -															
Engineering/Surveying	370,000	5,474	963	9,985	30,833	30,833	30,833	30,833	30,833	30,833	30,833	30,833	30,833	293,921	76,079
USGS	42,000	-	-	10,625	-	-	10,500	-	-	10,500	-	-	-	42,125	(125)
Operating Expenses -															
Dam Maintenance	145,000	-	-	14,287	12,083	12,083	12,083	12,083	12,083	12,083	12,083	12,083	12,083	123,937	21,963
Dam Repairs	521,000	-	-	-	-	-	-	-	-	-	-	-	-	521,000	-
Dam Rehabilitation	270,000	-	-	-	-	-	-	-	-	-	-	-	-	270,000	-
Total Expenditures	1,651,720	41,228	18,340	61,491	77,718	65,818	77,718	65,818	65,818	77,718	65,818	65,818	868,718	1,351,624	100,096
Excess/(Deficiency) of Revenues over Expenditures	\$ (593,320)	\$ (19,805)	\$ 24,345	\$ 399,999	\$ 315,073	\$ (62,068)	\$ (73,968)	\$ (62,068)	\$ (62,068)	\$ (62,068)	\$ (62,068)	\$ (62,068)	\$ (751,568)	\$ (504,485)	\$ 103,085

\$ Accountant's R Port.



**POLICY FOR ENCROACHMENTS
WITHIN DISTRICT EASEMENTS OF FLOODWATER
RETARDING STRUCTURES**

**LOWER BRUSHY CREEK
WCID**

ADOPTED: JANUARY 2025

EFFECTIVE: MARCH 1, 2025

Table of Contents

Section 1	Introduction	1
Section 2	Inundation Area Policy and Procedures	5
Section 3	Access Area Policy and Procedure	13
Section 4	Structure Area Policy and Procedure.....	15
Section 5	Fees	17
Section 6	Glossary of Terms.....	18

Policy for Encroachments within District Easements

The Policy for Encroachment Within District Easements and Property of Lower Brushy Creek Dams is hereby approved and adopted on this the 27 day of January 2025.

This policy is effective on March 1, 2025 and supersedes all previous versions.

Approval and Implementation

The Policy for Encroachments within District easements of Floodwater Retarding Structures of Lower Brushy Creek Dams is hereby approved.

This plan is effective immediately and supersedes all previous editions.

Edmond S. Komandosky – LBC Board of Directors - President

Date

Monica P. Masters – LBC Board of Directors - Secretary/Treasurer

Date

Mark J Schroeder – LBC Board of Directors - Board Attorney

Date

Section 1 Introduction

1.1 – General

The Lower Brushy Creek Water Control Improvement District (District) is a governmental subdivision of the State of Texas and a public body corporate and politic.

The United States Congress passed the Flood Control Act of 1936 and directed US Department of Agriculture - Soil Conservation Service to develop their national, small watershed concept. In 1944 Congress passed Public Law 76-534 that authorized eleven watershed projects in the nation, and the construction of the small watershed dams began. The US Department of Agriculture - Natural Resources Conservation Service (NRCS), formerly the Soil Conservation Service (SCS), oversaw the design and construction of earthen flood control dams in Williamson and Milam Counties, Texas, and is considered the “Engineer-of-Record” for the structures. The District is the local sponsor of these dams.

These floodwater retarding structures, or dams, were constructed on private lands through easements held by the District. Most easements were prepared in the 1950’s through the 1970’s and are considered blanket easements, although some easements have been modified, partially released, or more clearly defined by metes and bounds descriptions and filed under separate instruments or on plats. Easements are perpetual. All easements are filed with the Williamson or Milam County Clerk’s office.

As part of a national inventory of dams, all the District’s structures are regulated by the Texas Commission on Environmental Quality (TCEQ), the agency that oversees dam safety in the state. Texas Administrative Code (TAC) Title 30, Part 1, Chapter 299: DAMS AND RESERVOIRS contains regulations pertaining to structures that satisfy specific size or hazard criteria.

When activity is contemplated which will impact a District Easement, the District shall be contacted to review the plans and their impact on the easement. All activities within District Easements are prohibited without an executed agreement with the District, reviewed on a case-by-case basis. District approval is at the discretion of the District Board of Directors. The District’s approval of any request for modification of any easement area will be contingent on the concurrence of the USDA-NRCS and/or TCEQ (as applicable).

The District will use the following Manual to control encroachments within the District Easements to preserve the functionality of the structures and maintain the flood storage as originally designed to protect residents upstream and downstream of the dams.

a. District Authority to Regulate Encroachments

The District has review and permitting authority associated with regulating Encroachments in the District’s easements to ensure its rights are fully protected or are otherwise remediated for the benefit of the District. The District easements authorize the District to utilize the land for the installation, operation, maintenance

and inspection of the dams and to prohibit Encroachments that limit the District's full enjoyment of the easement conveyed.

The District permit review also ensures compliance with the regulatory rules of the Texas Commission on Environmental Quality (TCEQ), including Title 30, Part 1, Chapter 299 of the Texas Administrative Code (TAC) as currently administered by the Dam Safety Section.

All activities that encroach in the District Easement Areas are prohibited without a permit or an executed agreement with the District. Such activities are reviewed on a case-by-case basis and approval is at District discretion. This includes, but is not limited to, activities of fill, excavation, trenching, aerial and sub-terranean Encroachments.

This policy is adopted by the Board of Directors in **January 2025** and is effective as of **March 1, 2025**. All new permit applications submitted after the effective date shall be subject to the new policy. Any permits submitted before the effective date may request to move forward under the new policy.

- b. Reservoir Water Levels:** Reservoir water levels naturally fluctuate depending on weather (e.g. floods and droughts). The water level can also be lowered by the Dam Owner at its discretion for any reasons deemed necessary, including for maintenance purposes.

1.2 – Easement Areas

The original “blanket” easements (typically granted before dam construction) generally grant the District the right to access the inundation and structure areas, the right to impound water (temporarily or permanently), and the right to construct, operate, and maintain the dam. The Easement Areas are subdivided for clarity and purpose and are defined below. (Subsequent easements may be specific to only one or multiple easement areas and contain specific language unique to that dam.)

a. Access Area

- i. An Access Area is an area where the District has the right to access, inspect, operate, maintain, repair, and modernize all elements related to the dam and associated Flood Pool. The original easements typically included rights to access across all lands abutting the parent Tract.
- ii. A newer site-specific easement typically has field notes, sketch descriptions, and specific language defining the easement.

b. Inundation (Flood Pool) Area

- i. An Inundation Area is defined by elevation which is provided in **Section 2.7** Dam Elevations Summary Table or as defined in the site-specific inundation easement. *(Note: This is not the 1% AEP floodplain, which is determined by the Federal Emergency Management Agency (FEMA)).*
- ii. Inundation Areas preserve the District's detention volume, permanent pools, sediment storage and ability to temporarily impound flood water during rain events. The dam may detain flood water beyond the Inundation Area limits in extreme rain events.
- iii. The newer site-specific Inundation Area easements typically have field notes, sketch descriptions, and specific language confirming the area restriction of the Inundation Area (typically based on an as-built elevation defined by survey). The dam may still detain flood water beyond the site-specific Inundation Area easement boundaries in extreme rain events.

c. Structure Area

- i. A Structure Area is an area preserving the District's rights and ability to operate, maintain, repair, and modernize all elements of the dam including the embankment, Spillways, and inlet / outlet works.
- ii. For original blanket easements, the Structure Area is the portion of the Tract encompassing the dam, Auxiliary Spillway (to the outlet channel), and Principal Spillway, including inlet and outlet works. The limits of the Structure Area are

defined as follows (see **Figure in Section 4**):

- (1) Fifty (50) foot offset from the toe of the dam embankments;
 - (2) Fifty (50) foot offset from the outermost edge of the Spillway embankments (top or toe of slope, whichever is furthest); and
 - (3) Fifty (50) foot offset from all sides of the Principal Spillway, inlet and outlet works.
- iii. Newer site-specific easements (or fee title property) are defined by field notes, sketch descriptions (or platted lot), and specific language defining the limits of the structure area.

1.3 – District Authority to Regulate Construction Activity Beyond Easements

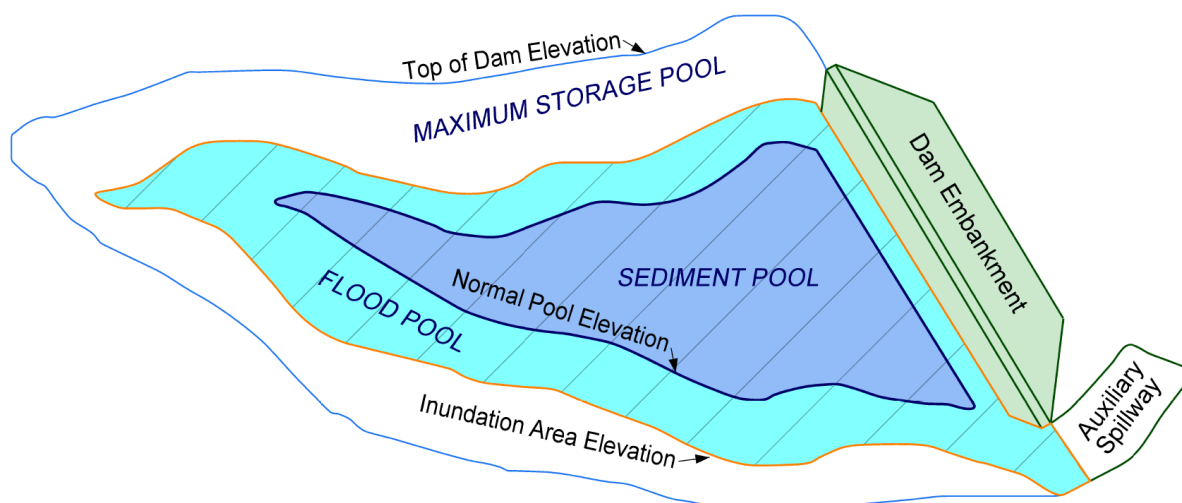
30 Tex. Admin. Code § 299.16(d), as amended, identifies activities near dams that may warrant evaluation by a professional engineer, registered in the State of Texas, at the request of the Dam Owner or the executive director of the TCEQ. The District reserves the right to request such an evaluation for all work that falls within the criteria listed below. Activities may be subject to any changes or amendments to Section 299.16(d), or any other law or regulation applicable to the District.

30 TAC § 299.16(d) (as of the Effective Date):

When a person proposes one of the following activities near the owner's dam, the owner or the executive director may request that the person have a professional engineer perform an evaluation to determine if the integrity of the dam would be compromised. If the person has a report prepared by a professional engineer, the person shall submit the evaluation report to the executive director and the owner for review and approval before any work is performed for a proposal to:

- (1) dredge the reservoir within 200 feet of the dam;*
- (2) install a utility line or pipeline in the dam or in the Spillways that requires significant excavation in the dam or Spillways;*
- (3) construct a road across the dam or Spillways or within 200 feet of the dam;*
- (4) drill oil or gas wells, perform horizontal drilling or fracturing, or perform oil or gas exploration within 500 feet of the dam and Spillways; or*
- (5) blast within 1/2 mile of the dam.*

Section 2 Inundation Area Policy and Procedures



2.1 – Policy

Inundation Areas preserve the District's detention volume, permanent pools, and ability to temporarily impound flood water during rain events. The dam may detain flood water beyond the Inundation Area limits in extreme rain events.

- a. Any Encroachment or fill within the Inundation Area including aerial and subterranean utilities requires the District's written approval before any activity starts (see **Section 2.2**).
- b. Construction of habitable structures within the Flood Pool Area, to top of dam elevations, is prohibited. All habitable structures must have first floor finished elevations above the top of dam elevation, at a minimum. In cases where dams need to be upgraded to meet TCEQ high hazard standards, first floor finished elevations may need to be higher.
- c. The District requires that fill and/or Encroachments of any kind be offset to preserve the flood storage capacity.
 - i. Compensatory Cut - required excavation of at least 25% greater volume than that of any fill and/or Encroachment placed in the Inundation Area.
 - ii. Compensatory Cut excavations must be made within the Flood Pool (between the Normal Pool and Inundation Area elevations). Reference **Section 2.7** for the Dam Elevations Summary Table.
 - iii. Cut and fill volume calculations shall consider any ponds in the Inundation Area as full (including water quality and/or detention) to either the Inundation Area elevation or the top of pond embankment, whichever is the highest.

- iv. Improvements and any minor structure or facility may be allowed within the Inundation Area (e.g. benches) at the discretion of the District. Any authorized minor structure or facility shall be anchored in place (with details provided in plan set) to prevent these from being carried away during storm events.
- d. The Normal Pool (non-flood water level) is controlled by the dam structure. Landowner(s) desiring an adjustment to the Normal Pool level must obtain written approval from all other Landowners who own land within the Normal Pool and submit written concurrence showing unanimous agreement before the District will consider the request.
- e. Landowner shall provide a recordable indemnification document in a form approved by the District's legal counsel, to be recorded with any platting or subdivision activity for property that is included within any of the District's easement rights.
 - i. The Applicant agrees that no construction of Habitable Structures will be allowed within the easement area. Construction outside the easement area will be under the authority of the appropriate City or County floodplain regulations.

2.2 – Encroachments in Inundation Areas

Approval of Encroachments in the Inundation Areas is authorized through an Encroachment Permit or Minor Encroachment Permit. Encroachment Permits are for projects that propose an Encroachment into the Inundation Area with more than 100 CY (cubic yards) of total fill (not net fill), see Encroachment Permit Application Procedures in **Section 2.3**. If the Encroachment into the District's Inundation Area is equal to or less than 100 CY of total fill (not net fill), please refer to the Minor Encroachment Permit Application Procedures in **Section 2.4**.

Submittal should take place as soon as practicable, usually in conjunction with other jurisdictional review processes. Note that District reserves the right to reject additional easements and/or any encroachments proposed within the Inundation Area if they limit the District's full enjoyment of the District easement or property.

For cut and fill projects within the inundation area, approval from both the WCID and the County will be required. For cut and fill projects outside (above) the inundation easement elevation, approval will only be required from the County.

2.3 – Inundation Encroachment Permit Procedures

Encroachment Permits are for projects that propose more than 100 CY of total fill (not net fill) within the District’s Inundation Area.

- a. **Contact District:** The Applicant should send an initial email to District providing project location, description, and any questions to verify permit type. Most topics can be handled via email; however, a District representative can meet to discuss the unique needs and special accommodations for an application that does not appear to conform with the standard Inundation Encroachment Permit process. Contact the District at info@lowerbrushycreekwcid.org.
- b. **Permit Application Submittal:** Each complete submittal package requires an Encroachment Permit Application Form and all documents listed in the Submittal Checklist (see the **District Forms** on the District’s website: www.lowerbrushycreekwcid.org). For reference, a sample project submittal package is provided in the **District Forms**. Applications shall be submitted via email at info@lowerbrushycreekwcid.org. Files larger than 20 MB cannot be emailed. The Applicant shall provide a link for downloads of larger files.
- c. **Fee Submittal:** The Applicant must pay the application fee within seven (7) business days from original submittal date. See **Section 5** for a breakdown of all fees. Payment remittance information can be found in the **District Forms**. Fees are non-refundable and non-transferrable.
- d. **Completeness Check:** The District representative(s) will review the application for completeness and notify the Applicant within seven (7) business days of either (1) outstanding submittal items or (2) complete submittal acknowledgement. Comments or acknowledgment will be released to the Applicant after the fee has been received.
- e. **Review and Approval:** The formal review of the permit application submittal will begin when the Encroachment Permit Application fees are received, and the submittal has been deemed complete.
 - i. The District representative(s) will review the permit application submittal and provide any comments within fifteen (15) business days.
 - ii. The Applicant should address the District’s comments and provide any additional information within thirty (30) calendar days.
 - iii. Upon resolution of all comments (or determination that there are no comments), the Applicant will be notified of Encroachment Permit approval.
- f. **Application Expiration:** If the District’s comments are not addressed in a timely manner, the permit application will expire six (6) months after initial submittal date or after three (3) rounds of comments, whichever comes first. After expiration, a new permit application and application fee will be required.
- g. **Construction Phase and Close Out:** After a permit is issued, improvements within the District’s Inundation Area may start construction. See **Sections 2.5 and 2.6** for construction and close out requirements, respectively.

2.4 – Minor Inundation Encroachment Permit Procedures

Minor Encroachment Permits are reserved for projects that propose 100 CY or less total fill within the District’s Inundation Area. Minor permit applications target smaller projects such as park trails, floating elements, flat work, and underground utilities. In these cases, compensatory cut is considered negligible and will be waived. Although the Minor Encroachment Permit Application is an expedited permit process with fewer requirements than a full Encroachment Permit, the application process should still take place as soon as practicable, usually in conjunction with other jurisdictional review processes.

- a. **Contact District:** The Applicant should send an initial email to the District providing project location, description, and any questions. A meeting may not be necessary as most topics can be handled via email; however, a District representative can be available as needed. Contact the District at info@lowerbrushycreekwcid.org.
- b. **Minor Permit Application Submittal:** The Applicant should submit the documentation listed in the Minor Encroachment Permit Submittal Checklist (see the **District Forms** on the District’s website: www.lowerbrushycreekwcid.org). Each submittal will be treated on a case-by-case basis, and additional information may be required. Application shall be submitted via email at info@lowerbrushycreekwcid.org.
- h. **Fee Submittal:** The Applicant must pay the application fee within ten (10) business days from original submittal date. See **Section 5** for a breakdown of all fees. Payment remittance information can be found in the **District Forms**. Fees are non-refundable.
- c. **Review and Approval:** The review of the Minor Encroachment Permit Application submittal will begin after fee payment has been received and the submittal is deemed complete.
 - i. The District will review the permit application submittal and provide comments within ten (10) business days. Comments will not be released to the Applicant until the fee has been received.
 - ii. The Applicant should address the District’s comments and provide any additional information within thirty (30) calendar days.
 - iii. Upon resolution of all comments (or determination that there are no comments), the Applicant will be notified of Minor Encroachment Permit approval.
- d. **Application Expiration:** If the District’s comments are not addressed in a timely manner, the permit application will expire four (4) months after initial submittal date or after two (2) rounds of comments, whichever comes first. After expiration, a new permit application and fee will be required.
- e. **Construction Phase and Close Out:** Upon resolution of all comments, the application will be approved, the District will issue a Minor Encroachment Permit approval letter, and improvements within District’s Inundation Area can start construction. See **Sections 2.5 and 2.6** for construction and close out requirements, respectively.

2.5 – Construction Requirements and Procedures:

When the Encroachment Permit is approved, the Applicant shall:

- a. Notify the District at least three (3) business days prior to initiating any construction work, including installation of erosion and sedimentation controls, within the District Inundation Area or Property. Applicant must provide an anticipated construction completion date within this communication and provide contractor contact information. Notification shall be made via email at info@lowerbrushycreekwcid.org.
- b. Provide a written Construction Progress Report (format template available in the **District Forms** on the District's website: www.lowerbrushycreekwcid.org) including at least three (3) construction progress photos shall be emailed to the District. The report should also provide any construction schedule updates.
 - i. Based on the duration of the encroaching construction, Construction Progress Reports must be provided in the following frequency:
 - (1) Quarterly: If project duration is longer than 1 year.
 - (2) Every 2 months: if project duration is 6 months to 1 year.
 - (3) Monthly: if project duration is shorter than 6 months.
 - ii. If Construction Progress Reports are not provided, the District reserves the right to perform a construction site visit at the expense of the Applicant. See Fee table in **Section 5**.
 - iii. The District reserves the right to request the Applicant to provide additional status updates during construction. The Applicant must provide a response within five (5) business days or the District will perform a construction site visit at the expense of the Applicant. See Fee table in **Section 5**.
- c. Provide all-weather access to the dam Structure Area at all times during construction.
 - i. If access points are temporarily altered or blocked during construction, an access plan shall be provided and approved by the District in writing prior to initiating construction. The District shall be provided:
 - (1) One (1) week notice for any access road closure lasting more than one day (24 hours)
 - (2) One (1) month notice for any road closure lasting more than one week
 - ii. Access point(s) may not be altered without prior District written approval. If an access path is going to be permanently altered by construction, refer to Access Area Policy (**Section 3**).
- d. **Permit expiration:** Construction must start within twelve (12) months of the effective date of the Encroachment Permit. The Applicant may request one twelve (12) month extension. The extension must be requested thirty (30) calendar days prior to the expiration date, but no further extensions will be granted. After expiration, a new permit application and application fee will be required.

2.6 – Construction Close-out Procedures:

After construction within the Inundation Area is completed, the Applicant must close out the permit with the District. To do so, the Applicant will provide all documents listed in the Permit Close-Out checklist available in the **District Forms** on the District's website: www.lowerbrushycreekwcid.org. In addition:

- a. Applicant must completely restore and revegetate the land affected by the construction. Vegetation coverage must be at least 80% for District's final acceptance.
- b. A final site inspection of the Encroachment area can be requested by the District. This will be handled on a case-by-case basis.
- c. The District will review the close-out documentation submittal and provide comments within ten (10) business days.
- d. The Applicant should address the District's comments and provide any additional information within 30 calendar days.
- e. After all information and final documentation is reviewed by the District and confirmed it meets policy requirements, the District will issue an official permit close-out letter.

2.7 – Dam Elevations Summary Table

Structure ID	Normal Pool / Principal Spillway Elevation (ft-msl)	Auxiliary Spillway Elevation (ft-msl)	Inundation Area Elevation (ft-msl)	Top of Dam Elevation (ft-msl)
Dam 2	511.6	521.7	523.7	526.7
Dam 3	490.8	505.6	507.6	511.8
Dam 4A	473.4	485.2	487.2	491.2
Dam 6	464.2	478.0	480.0	484.0
Dam 7	481.5	492.2	494.2	497.0
Dam 8	465.6	477.8	479.8	483.2
Dam 9	433.8	446.8	448.8	453.4
Dam 10	454.6	465.5	467.5	471.7
Dam 12	559.7	566.4	568.4	569.4
Dam 13	545.3	554.2	556.2	559.5
Dam 17	458.4	467.7	469.7	473.6
Dam 18*	496.4	510.0	512.0	514.8
Dam 20*	480.5	490.8	492.8	496.5
Dam 21	452.1	460.2	462.2	464.5
Dam 22	450.3	462.3	464.3	468.2
Dam 23	443.1	452.8	454.8	458.6
Dam 24	482.6	492.8	494.8	498.3
Dam 25*	596.8	609.8	611.8	614.0
Dam 29	560.2	572.1	574.1	577.4
Dam 30	519.0	529.2	531.2	534.5
Dam 31	493.6	507.1	509.1	513.6
Dam 32	520.8	529.4	531.4	535.2
Dam 33	476.2	485.6	487.6	490.9

* Indicates that the elevation is based on the original AS elevation and was not changed as a result of the rehabilitation.

2.8 – Inundation Area: Easement Release or Modification Procedure

Notification that the Landowner wants to pursue an Easement Release and/or Modification request should occur as soon as practicable, usually in conjunction with other jurisdictional review processes. All cut and fill activities must be completed within the Inundation Area prior to District approval and filing new easements / release of easements; therefore, typically the Application for an Inundation Easement Release or Modification takes place during (or after) the close out process of the Encroachment Permit. The new Inundation easement/area must be defined by metes and bounds and sketch developed by a licensed surveyor.

- a. **Contact District:** The Applicant should send an initial email to the District providing notification of the easement release and/or modification request and any questions. A preapplication meeting with District representatives is mandatory. Contact the District at info@lowerbrushycreekwcid.org.
- b. **Inundation Easement Release or Modification Request:** The Applicant should submit the documentation listed in the Application Form and Submittal Checklist, using either the “Blanket Easement Release or Modification Request” or the “Site-Specific Easement Release or Modification Request” from the **District Forms** (on the District’s website: www.lowerbrushycreekwcid.org). Each submittal will be evaluated on a case-by-case basis, and additional information may be required. Application shall be submitted via email at info@lowerbrushycreekwcid.org.
- c. **Fee Submittal:** The Applicant must pay the application fee within ten (10) business days from application date. See **Section 5** for a breakdown of all fees. Payment remittance information can be found the **District Forms**. Fees are non-refundable.
- d. **Review and Approval:** The review of the easement modification and/or release application will begin after fee payment has been received, and the submittal is deemed complete.
 - i. The District will review the application and provide comments within ten (10) business days. Comments will not be released to the Applicant until the fee has been received.
 - ii. The Applicant should address the District’s comments and provide any additional information within 30 calendar days. If the District’s comments are not addressed in a timely manner, the application will expire six (6) months after initial submittal date or after two (2) rounds of comments, whichever comes first.
- e. After application approval, District will draft all easement and release documents. After execution, new easements must be filed with land records in the office of the County Clerk of Williamson or Milam County. An electronic copy of the filed documents will be provided to the Applicant.

Section 3 Access Area Policy and Procedure

3.1 Policy

Access area portion of easements preserve the District's rights and ability to inspect, operate, maintain, repair and modernize all elements related to the dam and associated Flood Pool. Any modification, temporary or permanent, of District's access is regulated as follows:

- a. Any activity within District Easements or Property that will restrict access, in any way, to the District dams, Spillways, and/or pipe outlet works, either temporarily or permanently, requires District approval. Both ends of all dams must always be accessible.
- b. Access area and/or easement modification and/or release requests are reviewed on a case-by-case basis and approval is at the District 's discretion.
- c. If Landowner proposes to permanently modify an access point or path, a new access pass (and in some cases a new easement) must be provided at a location acceptable to the District:
 - i. Any new access easement must be defined by metes and bounds and sketch sealed by a licensed Texas surveyor.
 - ii. The new access path must be passable, provide all-weather access, be cleared of any vegetation, and be at least twenty (20) feet wide.
 - iii. New access easements will use the District standard access easement language.

3.2 Access Easement Release or Modification Procedure

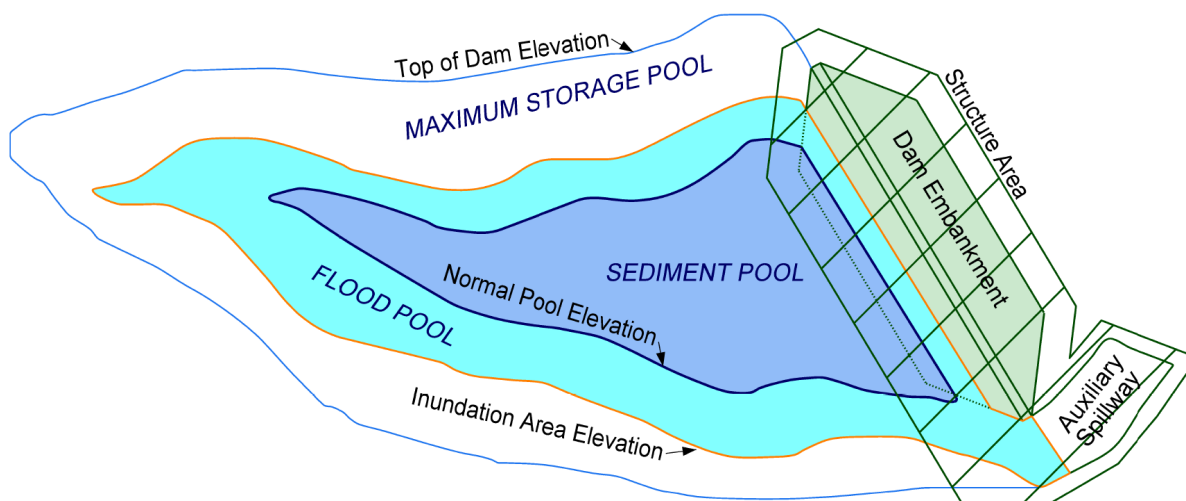
The Easement Release and/or Modification request should occur as soon as practicable, usually in conjunction with other jurisdictional review processes or changes to the Inundation Area. This section also covers partial releases of the District's blanket easement on non-adjacent or non-involved Tracts that have been previously subdivided from the original easement properties.

- a. **Contact District:** The Applicant should send an initial email to the District providing notification of the easement release and/or modification request and any questions. A preapplication meeting with District representatives is mandatory. Contact the District at info@lowerbrushycreekwcid.org.
- b. **Access Area Easement Release or Modification Request:** After the meeting, the Applicant should submit the documentation listed in the Application Form and Submittal Checklist using either the "Blanket Easement Release or Modification Request" or the "Site-Specific Easement Release or Modification Request" from the **District Forms** (on the District's website: www.lowerbrushycreekwcid.org). Each submittal will be evaluated on a case-by-case basis, and additional information may be required. Application shall be submitted via email at

info@lowerbrushycreekwcid.org.

- c. **Fee Submittal:** The Applicant must pay the application fee within ten (10) business days from application date. See **Section 5** for a breakdown of all fees. Payment remittance information can be found in the **District Forms**. Fees are non-refundable.
- d. **Review and Approval:** District will review the application package and provide any comments within ten (10) business days. Comments will not be released to the Applicant until the fee has been received. Applicant must address comments within thirty (30) calendar days. After all comments are addressed, the approval will require Board action.
- e. After application approval, District will draft all new easement and release documents. After execution, new easements must be filed with land records in the office of the County Clerk of Williamson or Milam County. An electronic copy of the filed documents will be provided to the Applicant.

Section 4 Structure Area Policy and Procedure



4.1 – Policy

Structure Areas and District-owned property preserve the District's rights and ability to operate, maintain, repair and modernize all elements of the dam including the embankment, Spillways, and outlet works.

- a. Activity within the Structure Area and/or District Property is **prohibited** without an executed agreement with the District.
- b. Requests for activity and/or Encroachments within the Structure Area or Property will be reviewed on a case-by-case basis as approved by the District Board of Directors.
- c. No dam (or its elements) shall be modified in any form for any reason without prior Board action and concurrence from TCEQ Dam Safety, as applicable.
- d. No new utilities or trenching operations of any kind are allowed within Structure Easements or District Property.
- e. Contact the District at info@lowerbrushycreekwcid.org for more information.

4.2 – Structure Easement Area Conversion to Fee Title

The District prefers to convert all Structure Easement Areas to fee title ownership conveyed to the District. To encourage this activity, no application fee is required for conversion from easement to fee title ownership.

- a. **Contact District:** The Applicant should send an initial email to the District indicating a desire to convert the easement along with any related questions. A meeting with District representatives is mandatory before proceeding. Contact the District at info@lowerbrushycreekwcid.org.

- b. **Conversion to Fee Title Request:** The Applicant should submit the documentation as requested by the District (see the **District Forms** on the District's website: www.lowerbrushycreekwcid.org). Each submittal will be evaluated on a case-by-case basis, and additional information may be required. All requested documentation shall be submitted via email at info@lowerbrushycreekwcid.org.
- c. **No fee is required.**
- f. **Review and Approval:** The District will review the application and provide comments within fifteen (15) business days. The District will also verify landownership information (note that verification may take longer than the review period). The Applicant should address the District's comments and provide any additional information within 30 calendar days. After all comments are addressed, the approval will require Board action.
- g. For Board approval, District will draft all new fee title and release documents. After approval and execution by the District, new fee title documents will be filed with the Official Real Property Records of the County by the District as necessary prior to any releases being filed. An electronic copy of the filed documents will be provided to the Applicant.

Section 5 Fees

The fees help the District recover expenses associated with the review and management of the activity impacting District Easements and Property. See **District Forms** on the District’s website: www.lowerbrushycreekwcid.org for payment remittance instructions and details.

Application Type / Fee Category	Description	Payment Due	Fee (\$)
Encroachment Permit (Inundation Area)	Encroaching into District’s easements with more than 100 CY of total fill	Within seven (7) business days from original submittal date	\$7,500
Minor Encroachment Permit (Inundation Area)	Encroaching into District’s easements with equal to or less than 100 CY of total fill	Within ten (10) business days from original submittal date	\$2,000
Inundation Easement Release or Modification	Survey field notes and sketch provided by Applicant	Within ten (10) business days from application date	\$6,000
Access Easement Release or Modification	Survey field notes and sketch provided by Applicant	Within ten (10) business days from application date	\$2,000
Partial Easement Release	Release of blanket easement on non-adjacent or non-involved Tracts	Prior to easement release	\$1,000
Structure Easement Area Conversion to Fee Title	Case-by-case	No payment due	\$0
Construction Inspection site visit (each time)	Site visit performed by the District when the Applicant fails to provide Construction Progress Reports	Within ten (10) business days from District’s site visit date	\$800

Administrative fees collected by the District in no way determines the amount of time NRCS has to review the proposed plan impacting the District Easements., nor do they have any bearing on the operations of NRCS or any other partner agency that may need to review the application. Administrative fees do not guarantee approval of the application.

Section 6 Glossary of Terms

The following terms will be used throughout this District Encroachment Policy:

1. Activity

Any manmade change, manipulation and/or modification to improved or unimproved real estate, including but not limited to, adding buildings or other structures, utilities, dredging, filling, grading, paving, excavation, solar farms or drilling operations. Temporary activities, including the storage of spoils, are also controlled. Also see **Encroachment**.

2. Applicant

The individual or company that has applied for the Encroachment on District Property or easements, or authorized representative thereof.

3. Compensatory Cut

The compensatory cut is defined as the required excavation of at least 25% greater volume than that of any fill and/or Encroachment placed in the Inundation Area. All excavations must be made within the Flood Pool (between the Normal Pool and Inundation Area elevations).

4. Conservation Pool Level

Principal Spillway elevation or low flow port elevation, whichever is lower. The Conservation Pool area is considered the permanent or normal pool elevation (before evaporation) or the maximum sedimentation area. In these structures, the conservation pool level is equal to the sediment pool elevation and typically the same as the principal spillway crest elevation. This area refers to water that lies below the maximum normal operating level. For reservoirs with a flood storage function, the maximum normal operating level also corresponds to the bottom of the flood pool.

5. Construction Progress Report

A written document that is provided to the District to inform on construction status and schedule. The document should a) certify that erosion control logs are in place per approved plans; b) list effort being performed inside the inundation area in the reported period; c) list effort anticipated to be performed inside the inundation area in the next reporting period; d) include pictures of the construction site as reference.

6. Dam Owner

Per Texas Administrative Code Chapter 299, the District is the owner of the dam embankment and related facilities.

7. District Forms

Available on the District’s website and includes, but is not limited to, application forms, submittal checklists, templates and payment remittance instructions.

8. District Property

A Tract which the District has fee-title ownership typically described by field notes and sketch or a platted lot.

9. Encroachment

Any changes to improved or unimproved Tracts, including but not limited to, adding buildings or other structures, utilities, roadways, trails, dredging, tilling, grading, paving, excavation, trenching or drilling operations. Temporary activities, including the storage of spoils, are also regulated. Also see **Activity**.

10. Flood Pool

Volume above the Normal Pool Elevation up to the Inundation Area Elevation. See figure (b) at the end of glossary.

11. Habitable Structure

Per TAC Title 16 Part 2, Chapter 25, Subchapter E, Rule 25.101(a)(3). *Structures normally inhabited by humans or intended to be inhabited by humans on a daily or regular basis. Habitable structures include, but are not limited to: single-family and multi-family dwellings and related structures, mobile homes, apartment buildings, commercial structures, industrial structures, business structures, churches, hospitals, nursing homes, and schools. Restroom facilities are not considered habitable structures.*

12. Normal Pool Elevation

Principal Spillway or low flow port elevation, whichever is lower. See figures (a) and (b) at the end of glossary.

13. Landowner

The individual or company that has land ownership rights to the underlying property the Dam and/or District Easements are located on.

14. Sediment Pool

Volume below Conservation Pool Elevation that is allocated for storage of sediment expected to be deposited over a certain period of time. Sediment reserve pool and conservation pool are not mutually exclusive. See Vertical Zones of a Dam figure (b).

15. Spillway

a. Principal Spillway

The main outlet (typically a riser structure combined with an outlet conduit) over or through which most impounded water releases past a dam. Some dams have more than one principal Spillway. See figures (a) and (b) at the end of glossary.

b. Auxiliary Spillway

A secondary outlet that typically consists of an earthen channel through the embankment and only engages during extreme rain events when the capacity of the Principal Spillway is exceeded. See figures (a) and (b) at the end of glossary.

16. Tract

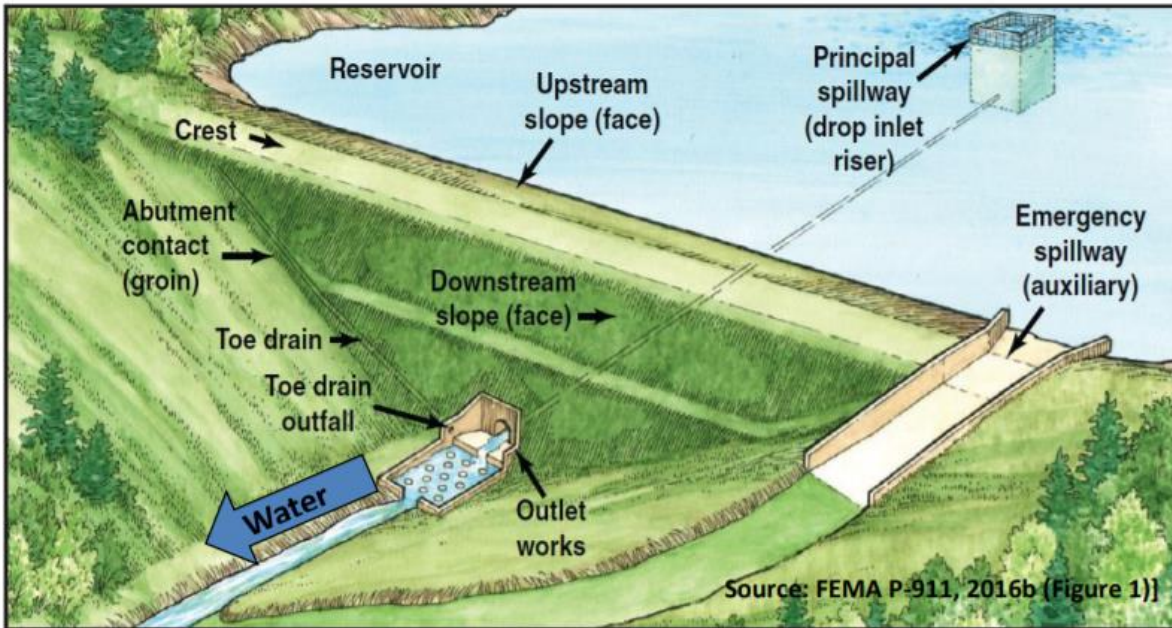
A piece of land that is designated or identified as a distinct unit for legal, administrative, or surveying purposes.

17. Top of Dam Elevation

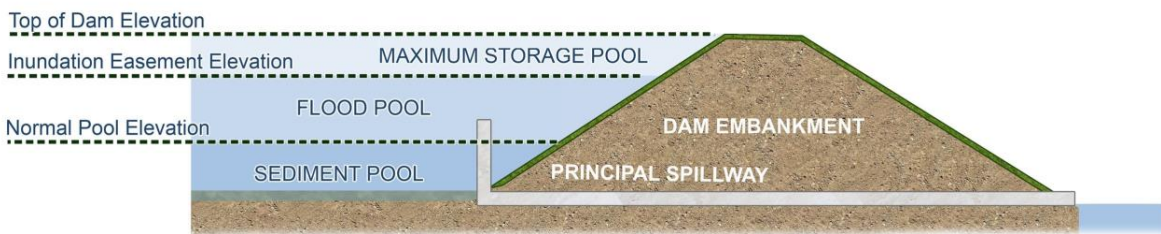
Elevation at the top of the dam embankment. See Vertical Zones of a Dam figure (b).

Figures

a. Typical Dam Cross-Section



b. Vertical Zones of a Dam Figure



VERTICAL ZONES OF A DAM

Texas County & District Retirement System
Preliminary Actuarial Study with Assumed Participation Date 02/01/2025
Lower Brushy Creek Water Control & Improvement District

			Plan 1 *	Plan 2	Plan 3	Plan 4
Benefit Provisions	Employee Deposit Rate	1	4%	5%	6%	7%
	Employer Matching Rate	2	250%	190%	145%	110%
	Monetary Prior Service Percentage	3	0%	0%	0%	0%
	Savings Rate	4	14.0%	14.5%	14.7%	14.7%
Eligibility Options	Vesting & Retirement at Age 60					
	10 Years	5	<input type="radio"/>	0.00%	<input type="radio"/>	0.00%
	8 Years	6	<input type="radio"/>	0.01%	<input type="radio"/>	0.01%
	5 Years	7	<input checked="" type="radio"/>	0.02%	<input checked="" type="radio"/>	0.02%
	Rule of 80	8	<input type="radio"/>	0.00%	<input type="radio"/>	0.00%
	Rule of 75	9	<input checked="" type="radio"/>	0.01%	<input checked="" type="radio"/>	0.01%
Other Options	30 Years at Any Age	10	<input type="radio"/>	0.00%	<input type="radio"/>	0.00%
	20 Years at Any Age	11	<input checked="" type="radio"/>	0.01%	<input checked="" type="radio"/>	0.01%
Other Options	Partial Lump Sum	12	<input type="checkbox"/>	0.03%	<input type="checkbox"/>	0.05%
Employer Contribution Rate	Normal Cost	13		7.92%	7.09%	6.09%
	Unfunded Accrued Actuarial Liability (UAAL)	14		0.10%	0.10%	0.10%
	Total	15		8.02%	7.19%	6.19%
Unfunded Accrued Actuarial Liability	UAAL Amount	16		\$455	\$460	\$460
	Amortization Period in Years	17		5 Years	5 Years	5 Years
Payment Upon Participation	Full UAAL Payoff Amount	18		\$486	\$492	\$491
	Actual Payment Amount	19		\$0	\$0	\$0
Elected Rate	Elected Rate	20		0.00%	0.00%	0.00%

Other Information from the Preliminary Actuarial Study

Number of employees eligible for TCDRS membership	2
Average length of service of these employees (including "other system service")	1.08
Average age of these employees	66
Annualized payroll for the eligible employees	\$109,200
Payroll increase assumption	0.0%

Group Term Life Coverage	GTL Election	21	<input type="radio"/>	None	0.00%	
		22	<input type="radio"/>	Employees Only	0.96%	
		23	<input checked="" type="radio"/>	Employees and Retirees	0.96%	
Estimated First Year Cost of Benefits**	Pension	24		\$8,758	\$7,851	\$6,759
	GTL	25		\$1,048	\$1,048	\$1,048
	Total	26		\$9,806	\$8,899	\$7,807

* Under IRS rules for employers that do not participate in Social Security, the plan option including a 4% employee deposit rate is unavailable.

** The cost of benefits will vary depending on actual payroll. This estimate is based on the annual reported payroll.

Lower Brushy Creek WCID Board of Directors Election Guidelines

The Lower Brushy Creek Water Control & Improvement District is governed by residents who are elected to a five-member Board of Directors. They are elected at-large and serve four-year, staggered terms. District elections occur every even-numbered year on the first Saturday in May.

The Board generally meets at 7:30 a.m. on the third Monday of each month in the Board Room of the Greater Taylor Chamber of Commerce, 1519 North Main Street, Taylor, Texas 76574. The public is always invited and encouraged to attend. Meeting agendas are posted at the District's office in

Hutto, on the district's website and at the Williamson County Clerk's office in Georgetown. Monthly meetings may occasionally change from the typical third Monday to the second or fourth Monday due to conflicts or holidays so check website for up-to-date information.

CURRENT BOARD OF DIRECTORS

Edmond S Komandosky, President

Term of Office: 06/2024 – 05/2028

Scott A Ging, Vice-President

Term of Office: 06/2022 – 05/2026

Monica P Masters, Secretary/Treasurer

Term of Office: 06/2024 – 05/2028

Laine Holman, Director

Term of Office: 02/2023 – 05/2026

Allen R David, Director

Term of Office: 06/2022 – 05/2026

Email for all Directors

info@lowerbrushycreekwcid.org

BOARD OF DIRECTORS ELECTIONS

House Bill 305 Election Disclosure: The following information related to the District's elections for members of the Board of Directors is being posted by the District pursuant to Section 2051.152 of the Texas Government Code (enacted by House Bill 305 during the 2019 Texas Legislative Session):

1. The date and location of the next election for members of the Board of Directors of the District:

Elections for directors of the District are conducted on the May uniform election date in even-numbered years. Accordingly, the next election for members of the Board of Directors of the District shall be conducted on the first Saturday in May 2026 which is May 2, 2026.

The election shall be conducted at the polling places established by Williamson County to serve the county's regular election precincts within the District, as required by Sections 42.0621 and 43.004 of the Texas Election Code. Similar to its most recent prior election, the District anticipates that Williamson County will authorize voters to vote at any of the voting locations established by Williamson County, and voters will not be limited to voting in the precinct where they are registered to vote.

2. The requirements and deadline for filing for candidacy of each elected office of the District:

In order to be qualified to serve as a director of a water control and improvement district, Section 51.072 of the Texas Water Code requires that a person be (1) be a resident of the state; (2) own land subject to taxation in the District or be a qualified voter in the District; and (3) be at least 18 years of age.

A person that desires to be a candidate for the director election must timely complete and submit a notarized application for a place on the ballot for the election. *Application for a Place on the Ballot for the General Election* (Form No 2-26 dated 09/2021) may be downloaded and printed from the Texas Secretary of State's website:

<https://www.sos.state.texas.us/elections/forms/index.shtml>

For the May 2, 2026 director election, the first day to file an application for a place on the ballot is Wednesday, January 14, 2026, the last day to file an application for a place on the ballot is Friday, February 13, 2026 and the deadline for write-in candidates is Tuesday, February 17, 2026.

Completed applications for a place on the ballot may be filed by mail to the District at the following address:

Lower Brushy Creek WCID, 351 Exchange Blvd, Suite 230, Hutto, TX 78634

or emailed to:

info@lowerbrushycreekwcid.org

Updated and adopted this 17th day of February 2025 and
Effective the 1st day of April 2025.

**LOWER BRUSHY CREEK WATER
CONTROL & IMPROVEMENT DISTRICT**

By: _____
Edmond S. Komandosky, President

ATTEST:

By: _____
Monica P Masters, Secretary