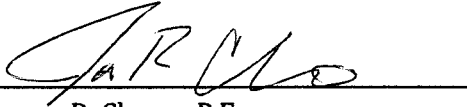




**CERTIFICATION**

I certify that a copy of December 21, 2020 agenda of items to be considered by the Board of Directors of the Lower Brushy Creek WCID was posted before 5:00 pm on December 14, 2020.

A handwritten signature in black ink, appearing to read 'J R Clarno', is written over a horizontal line.

James R. Clarno, P.E.  
General Manager

\* NOTE: The Board of Directors will be conducting a "Video Conference Open Meeting" as authorized by Governor Abbot on March 16, 2020.



4. Consider approval of financial reports
  - a. Checking Account Register for October 2020 and
  - b. Checking Account Register for November 2020.
5. Consideration and possible action to approve Task Order No. 2 to TerraSol, LLC for Spring Operation, Maintenance and Related Services for fertilizer and herbicide application, spot spraying, seed, sprigging and related work in the amount of \$87,407;
6. Consideration and possible action to approve Amendments to the Cooperative Agreements for the Lower Brushy Creek Site 20 Rehabilitation Project to extend the completion date to June 30, 2021:
  - a. Amendment No. 1 to the Cooperative Agreement LB20-RHB-ST-010-20 for State funds, and
  - b. Amendment No. 2 to the Cooperative Agreement LB20-FED-79015 for Federal funds.
7. Consideration and possible action regarding Lower Brushy Creek Watershed Site Nos. 12 and 22 Repair Project:
  - a. Approval of a construction *Contract Agreement* No. LBC-2021-02 with Solid Bridge Construction, LLC of Huntsville, Texas in the amount of \$1,057,616.00,
  - b. Approval of the *Appointment of Contracting Officer, and*
  - c. Approval of an *Amendment to the Professional Services Agreement* with CLARNO Consulting, LLC.
8. Consider and possible action regarding submission of a grant application to the Texas State Soil and Water Conservation Board for the upgrade of Sites 9, 29 and 30.
9. General Manager's Report
10. Director's Comments; and
11. 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)."

Minutes of the August 24, 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

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, August 24, 2020 on Zoom Videoconference. Board Members present included Scott Ging, Monica Masters, Allen Ray David and Mike Schneider. Others present included General Manager Jim Clarno, Board Attorney Ted Hejl, PR/Webpage Consultant Richard Stone and District Clerk Sue Lilly

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

There were no citizen's communications

General Manager, Jim Clarno, presented the proposed budget for FY 21 and Tax Rate for 2020. A discussion regarding the purchasing of water gauges for highest risk sites was recommended. There were no other budget comments or tax rate comments. Information from the Wilco website was shared discussed.

A public hearing on proposed budget for FY 21 and Tax Rate for 2020 was opened at 8:01a. There was no public presence. The public hearing on proposed budget for FY 21 and Tax Rate for 2020 was closed at 8:14a.

Clarno, presented for consideration and approval, the minutes from the following: Regular Board Meeting of June 8, 2020, Special Meeting of July 13, 2020 and Special Meeting of August 10, 2020. A motion to approve all the minutes was made by Treasurer Mike Schneider and seconded by Secretary Monica Masters with a vote of 5-0.

Clarno, presented for consideration and approval of the following financial reports: Checking Account registers for June and July, Financial Statement for June and July and Investment Report for Third Quarter of FY 2020. A motion to approve all the financial reports was made by Treasurer Mike Schneider and seconded by Vice President Scott Ging, with a vote of 5-0.

Clarno presented for consideration and possible action to approve of the second (and final) reading of the Proposed Budget for FY 21. A motion to approve the final reading of the Proposed Budget for FY 21 was made by Secretary Masters and seconded by Director Allen Ray David with a vote of 5-0.

Clarno presented for consideration and possible action to approve of the second (and final) reading of Ordinance #2020-01- An Order Levying Taxes for the Maintenance and Operation of the Lower Brushy Creek Water Control and Improvement District. A motion was made to approve by Director David, seconded by Vice President Ging with a vote of 5-0.

Clarno presented for consideration and possible action to enter into an agreement with Maxwell, Locke and Ritter, LLP to perform auditing services for FY 2020. A motion to approve was made by Secretary Masters, seconded by Treasurer Schneider with a vote of 5-0.

Clarno presented for consideration and possible action to enter into a Cooperative Agreement for Flood Control Structural Repairs with the Texas State Soil and State Conservation Board for repairs to Lower Brushy Creek Site 12 and 22 in the amount of \$1,169, 459.50. A motion to approve was made by Vice President Ging, seconded by Treasurer Schneider with a vote of 5-0.

Clarno presented for consideration and possible action to approve the Lower Brushy Creek Watershed Site 12 Release Agreement with Laverne Purcell, John Krenek and Carol Krenek. A motion to approve was made by Secretary Masters, seconded by Treasurer Schneider with a vote of 5-0.

Clarno presented by consideration and possible action to approve Board Officer Positions as the following: President: Ed Komondosky, Vice President: Scott Ging, Secretary: Monica Masters, Treasurer: Michael Schneider and Board Director: Allen David. A motion to approve was made by Secretary Masters, seconded by Ging with a vote of 5-0.

Clarno shared for consideration and discussion the General Managers Report in which he mentioned the NRCS office hours/closure and a site tour of Site 25 with some state representatives. October 19<sup>th</sup> will be next board meeting.

There were no other Directors Comments.

There being no further business, the meeting was adjourned without objection at 8:54 am.

Respectfully submitted:

---

Monica P Masters  
Secretary

Minutes of the October 19, 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

President Ed Komandosky called the Regular Meeting of the Board of Directors of the Lower Brushy Creek WCID to order at 7:36 am on Monday October 19, 2020 on Zoom Videoconference. Board Members present included Scott Ging, Monica Masters, Allen David and Mike Schneider. Others present included General Manager Jim Clarno, Board Attorney Ted Hejl, PR/Webpage Consultant Richard Stone and District Clerk Sue Lilly

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

There were no citizen's communications

General Manager, Jim Clarno, presented for consideration and approval the of the following financial reports: Checking Account registers for August and September, the preliminary Financial Statement for August and September and Investment Report for the Fourth Quarter of FY 2020. A motion to approve all the financial reports was made by Director Allen David and seconded by Secretary Monica Masters, with a vote of 5-0.

Clarno presented for consideration and possible action to approve a contract with TerraSol, LLC for FY 21 Operation, Maintenance and related services in the amount of \$179,750 in the agreement subject to their providing a bond. A motion to approve was made by Secretary Masters and seconded by Director David, with a vote of 5-0.



Clarno presented for consideration and possible action to approve Task Order No 1 for Fall Operation, Maintenance and related Services for shredding and installation of gates to TerraSol, LLC. A motion was made by Director David and seconded by Treasurer Mike Schneider, with a vote of 5-0.

Clarno presented for consideration and possible action to approve Take Order No 5 for FY 21 Dam Inspection Services to Freese & Nicols, Inc in the amount not to exceed the amount of \$33,000. A motion was made by Treasurer Schneider and seconded by Director David, with a vote of 5-0.

Clarno shared for consideration and discussion the General Managers Report and Update. A motion was made by Vice President Scott Ging and seconded by Secretary Masters, with a vote of 5-0.

There were no other Directors Comments.

There being no further business, the meeting was adjourned without objection at 8:45 am.

Respectfully submitted:

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Monica P Masters  
Secretary

Minutes of the November 2, 2020 Special 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

President Ed Komandosky called the Regular Meeting of the Board of Directors of the Lower Brushy Creek WCID to order at 7:31 am on Monday November 2, 2020 on Zoom Videoconference. Board Members present included Monica Masters, Allen David and Mike Schneider. Others present included General Manager Jim Clarno, Board Attorney Ted Hejl, PR/Webpage Consultant Richard Stone and a representative of a contracting company Nelson Hall.

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

There were no citizen's communications

General Manager, Jim Clarno, presented for consideration and possible action regarding the bids received on October 13, 2020 for the FY 21 Operation, Maintenance and Related Services to (1) remove the additional requirement for TerraSol, LLC to provide a bond, (2) reject all bids and require the General Manager to rebid the project or (3) other action desired by the Board. A motion to approve was made by Secretary Monica Masters and seconded by Director Allen David, with a vote of 4-0.

Clarno reported that there would be no Board Meeting scheduled for 11/19/2020.

There being no further business, the meeting was adjourned without objection at 8:30 am.

Respectfully Submitted:

---

Monica P Masters

Secretary

**LOWER BRUSHY CREEK WCID**  
**Account Register**  
**Period Ending October 31, 2020**

<b>Balance as of October 1, 2020</b>			
TexPool Acct		\$271,684.51	
City National Bank		<u>\$9,820.87</u>	
	<b>Total Funds Available</b>		<b>\$281,505.38</b>
<b>Income</b>			
10/29/20	TexPool	\$35,000.00	
10/30/20	TSSWCB - HWH Industrial	\$25,911.33	
10/30/20	TSSWCB - HWH Industrial	\$48,121.05	
Various	TexPool	\$12,956.87	
10/31/20	TexPool	<u>\$30.68</u>	
	<b>Total Income</b>		<b>\$122,019.93</b>
<b>Expenses</b>			
10/06/20	1656 Clarno Consulting	\$3,250.00	
10/09/20	1621 Monica Masters	\$100.00	
10/09/20	1634 Monica Masters	\$100.00	
10/09/20	1646 Monica Masters	\$200.00	
10/22/20	1658 Clarno Consulting	\$3,250.00	
10/29/20	TexPool	<u>\$35,000.00</u>	
	<b>Total Expenses</b>		<b>\$41,900.00</b>
<b>Balance as of 10/31/20</b>			
TexPool Acct		\$249,672.06	
City National Bank Acct		<u>\$111,953.25</u>	
	<b>Total Funds Available</b>		<b>\$361,625.31</b>

Prepared 12/14/20

**LOWER BRUSHY CREEK WCID**  
**Account Register**  
**Period Ending November 30, 2020**

**Balance as of November 1, 2020**

TexPool Acct	\$249,672.06
City National Bank	\$111,953.25
<b>Total Funds Available</b>	<b>\$361,625.31</b>

**Income**

11/02/20	TSSWCB - Clarno Consulting	\$1,291.20
11/11/20	Office Depot - refund	\$5.95
11/11/20	TSSWCB - HWH Industrial	\$34,312.05
11/11/20	TSSWCB - HWH Industrial	\$18,475.72
11/11/20	TSSWCB - Clarno Consulting	\$2,397.93
11/27/20	TSSWCB - Fred Richter	\$214.27
11/27/20	TSSWCB - Fred Richter	\$397.93
Various	Transfer from TexPool to Checking	\$10,000.00
11/30/20	TexPool	\$30,115.87
11/30/20	TexPool	\$26.54
	<b>Total Income</b>	<b>\$97,237.46</b>

**Expenses**

11/02/20	1665 Taylor Daily Press	\$1,909.50
11/03/20	1661 Clark L Jackson, PC	\$350.00
11/03/20	1663 Freese & Nichols	\$1,367.51
11/03/20	1664 Williamson County Appraisal Dist	\$654.00
11/03/20	1667 TML Intergovernmental Risk Pool	\$963.64
11/04/20	1669 Taylor Chamber of Commerce	\$200.00
11/05/20	1660 M&E Consulting	\$18,540.60
11/05/20	1666 RTC Connect LLC	\$1,000.00
11/05/20	1668 Larry Gaddes - Wilco Tax Office	\$4,266.08
11/09/20	1659 HWH Industrial	\$74,032.38
11/12/20	1670 Clarno Consulting LLC	\$3,689.13
11/25/20	1671 Clarno Consulting LLC	\$3,250.00
11/27/20	TexPool	\$10,000.00
11/03/20	CivCast - bid services	\$108.24
11/23/20	Office Depot	\$97.14
	<b>Total Expenses</b>	<b>\$120,428.22</b>

**Balance as of 11/30/20**

TexPool Acct	\$269,814.47
City National Bank Acct	\$68,620.08
<b>Total Funds Available</b>	<b>\$338,434.55</b>

Prepared 12/14/20

**LOWER BRUSHY CREEK WCID**  
**FY 21 OPERATIONS MAINTENANCE AND RELATED SERVICES**  
**TASK ORDER No. 2**

**DESCRIPTION OF TASK ORDER No. 2**

The **CONTRACTOR** is authorized to perform the following tasks pursuant to the terms and conditions of the **CONTRACT AGREEMENT**:

Bid Item 01-02	Removal of woody brush – 10 acres at \$250/acre	\$2,500
Bid Item 01-03	Spot spray – 38 acres at \$100/acre	\$3,800
Bid Item 01-06	Apply herbicide and fertilizer to all sites (except Site 20 and 23) 305.7 acres at \$210.00/acre	\$64,197
Bid Item 01-07	No-till seeding at various sites – 50 acres at \$125/acre	\$6,250
Bid Item 01-08	Sprigging Site 20 with Tifton 85 – 18.2 acres at \$300/acre	\$5,460
Bid Item 01-09	Clear beaver/nutria debris from principal spillways at Sites 2 and 10 2 each at \$500 per site	\$1,000
Bid Item 01-10	Allowance – as directed by General Manager	\$8,000
	<b>Total</b>	<b><u>\$87,407</u></b>

The **CONTRACTOR** may also consider this as it's **Notice to Proceed** with the work.

Approved this \_\_\_\_ day of December 2020.

**APPROVAL OF TASK ORDER No. 2**

**Lower Brushy Creek WCID (Owner)**

**TerraSol, LLC (Contractor)**

\_\_\_\_\_  
 James R. Clarno, P.E.  
 General Manager

\_\_\_\_\_  
 Ken Hall, Owner

**AMENDMENT NO. 1**

**COOPERATIVE AGREEMENT**

It is mutually understood and agreed by and between the Texas State Soil and Water Conservation Board, referred to as "TSSWCB"; and Lower Brushy Creek WCID, hereinafter referred to as the "SPONSOR", to amend said contract as follows:

**DELETE:**

**SECTION IV. TERM OF AGREEMENT:**

This Agreement begins upon the date the Agreement becomes executed by both parties and ends December 31, 2020 ("Initial Term"). This Agreement may be extended as needed, ("Extension"), provided both parties agree to extend prior to the expiration date. Any extensions shall be at the same terms and conditions, plus any approved changes. The Initial Term and all Extensions, if any, shall collectively become the total duration of the Agreement ("Term").

**INSERT:**

**SECTION IV. TERM OF AGREEMENT:**

This Agreement begins upon the date the Agreement becomes executed by both parties and ends **June 30, 2021** ("Extension"). This Agreement may be extended as needed, ("Extension"), provided both parties agree to extend prior to the expiration date. Any extensions shall be at the same terms and conditions, plus any approved changes. The Initial Term and all Extensions, if any, shall collectively become the total duration of the Agreement ("Term").

THIS AMENDMENT shall become effective on the date of approval by both the TSSWCB and the SPONSOR. All other terms and conditions not hereby amended are to remain in full force and effect.

TSSWCB

SPONSOR

**Texas State Soil and Water Conservation Board**

**Lower Brushy Creek WCID**

By: \_\_\_\_\_

By: \_\_\_\_\_

Title: Executive Director

Title: \_\_\_\_\_

Date: \_\_\_\_\_

Date: \_\_\_\_\_

**AMENDMENT NO. 2  
COOPERATIVE AGREEMENT  
Lower Brushy Creek Site 20 Rehabilitation – Federal Funds**

It is mutually understood and agreed by and between the TSSWCB and the Sponsor to amend said agreement as follows:

**DELETE:**

**SECTION IV. TERM OF AGREEMENT:**

This Agreement begins upon the date the Agreement becomes executed by both parties and ends December 31, 2020. This Agreement may be extended as needed, provided both parties agree to extend prior to the expiration date. Any extensions shall be at the same terms and conditions, plus any approved changes. The Initial Term and all Extensions, if any, shall collectively become the total duration of the Agreement ("Term").

**INSERT:**

**SECTION IV. TERM OF AGREEMENT:**

This Agreement begins upon the date the Agreement becomes executed by both parties and ends **June 30, 2021 ("Extension")**. This Agreement may be extended as needed, provided both parties agree to extend prior to the expiration date. Any extensions shall be at the same terms and conditions, plus any approved changes. The Initial Term and all Extensions, if any, shall collectively become the total duration of the Agreement ("Term").

THIS AMENDMENT shall become effective on the date of approval by both the TSSWCB and the Sponsor. All other terms and conditions not hereby amended are to remain in full force and effect.

TSSWCB

SPONSOR

**Texas State Soil and Water  
Conservation Board**

**Lower Brushy Creek WCID**

By: \_\_\_\_\_

By: \_\_\_\_\_

Title: Executive Director \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

Date: \_\_\_\_\_

**LOWER BRUSHY CREEK WATERSHED**  
**SITE NOS 12 and 22 REPAIR**  
**Preliminary Bid Summary**  
**December 8, 2020**

Bidder	Engineer's Estimate	Solid Bridge Construction	QA Construction Services, Inc.	Kwest Group. LLC	Leaday Construction LLC
		1204 Sam Houston Ave, #1 Huntsville, TX 77340	5811 Blue Bluff Road Austin, TX 78724	8305 Fremont Pike Perrysburg, OH 43551	802 Holston Hills Drive College Station, TX 77845
Bid Bond	n/a	yes	yes	yes	yes
Exhibits D-H	n/a	Yes	yes	yes	yes
Addenda 1 - 3	n/a	yes	yes	yes	yes
Site 12	\$617,688.50	\$ 565,007.00	\$ 608,284.00	\$ 586,542.00	\$ 630,356.20
Site 22	\$566,436.00	\$ 492,609.00	\$ 486,716.00	\$ 520,166.70	\$ 543,872.50
<b>Total Bid</b>	<b>\$1,184,124.50</b>	<b>\$ 1,057,616.00</b>	<b>\$ 1,095,000.00</b>	<b>\$ 1,106,708.70</b>	<b>\$ 1,174,228.70</b>

Bidder	ERS of MS, Inc.	CFG Industries, LLC	Chasco Constructors, Ltd	Serco Construction Group, Ltd.	Austin Filter Systems, Inc.
	1635 Lelia Dr, Suite 202 Jackson, MS 39216	22535 Magnolia Hills Dr. Magnolia, TX 77354	P.O. Box 1057 Round Rock, TX 78680	25915 Aldine Westfield Rd Spring, TX 77373	2812 N Bagdad Road Leander, TX 78641
Bid Bond	yes	yes	yes	yes	yes
Exhibits D-H	yes	yes	yes	yes	yes
Addenda 1 - 3	yes	yes	yes	yes	yes
Site 12	\$ 708,589.00	\$ 726,574.89	782,607.00	\$ 923,133.50	1,050,329.00
Site 22	\$ 558,678.00	\$ 564,764.70	766,738.00	\$ 849,602.50	1,030,043.00
<b>Total Bid</b>	<b>\$ 1,267,267.00</b>	<b>\$ 1,291,339.59</b>	<b>\$ 1,549,345.00</b>	<b>\$ 1,772,736.00</b>	<b>2,080,372.00</b>



**LOWER BRUSHY CREEK WATERSHED  
SITE NOS. 12 AND 22 REPAIR**

**CONTRACT AGREEMENT**

**THIS AGREEMENT**, made the 21<sup>st</sup> day of December, 2020, by and between the Lower Brushy Creek Water Control & Improvement District (hereinafter called OWNER) and Solid Bridge Construction, LLC (hereinafter called CONTRACTOR).

**WITNESSETH:**

**THAT WHEREAS:** in accordance with law, Owner has Contract Documents to be prepared and an Invitation to Bid to be published, for and in connection with the Lower Brushy Creek Watershed, Site Nos. 12 and 22 Repair (the Work); and

**WHEREAS**, Contractor, in response to the Invitation for Bid, has submitted to Owner, in the manner and at the time specified, a sealed bid in accordance with Instructions to Bidders; and

**WHEREAS**, Owner, in the manner prescribed by law, has publicly opened, examined, and canvassed the bids submitted, and has determined Contractor to be the lowest responsible Bidder for the Work and duly awarded to Contractor a contract therefor, for the sum or sums named in Contractor's Bid.

**NOW, THEREFORE**, in consideration of the compensation to be paid to Contractor and of the mutual agreements herein contained, the parties to these presents have agreed and hereby agree, Owner for itself and its successors and assigns, and its, his, or their executors and administrators, as follows:

**ARTICLE I.** Contractor shall perform all work, including the assumption of all obligations, duties and responsibilities necessary to the successful completion of the contract and the furnishing of all materials and equipment required to be incorporated in and form a permanent part of the work; tools, equipment, supplies, transportation, facilities, labor, superintendence and services required to perform the work; and bonds, insurance and submittals; all as indicated or specified in the contract documents to be performed or furnished by Contractor for the work included in and covered by Owner's official award of this contract to Contractor, such award being based on the acceptance by Owner of Contractor's bid.

**ARTICLE II.** Owner shall pay to Contractor for performance of the work embraced in this contract, and Contractor shall accept as full compensation therefor, the sum (subject to adjustment as provided in the contract documents) of one million, fifty-seven thousand, six hundred sixteen dollars (\$1,057,616.00) for all work covered by and included in the contract award and designated in the foregoing Article I; payment thereof to be made in current funds in the manner provided in the contract documents.

**ARTICLE III.** The Contractor shall complete all work within one hundred seventy-five (175) calendar days for work at Site No. 12 from the day from the date Contractor receives written Notice to Proceed for said work and within one hundred fifty (150) calendar days for work at Site No. 22 from the day from the date Contractor receives written Notice to Proceed for said work.

ARTICLE IV. The contract documents that comprise the Contract between Owner and Contractor, attached hereto and made a part hereof, consist of the following:

- (1) This Contract Agreement,
- (2) Contractor's Bid: Exhibits A – H,
- (3) Addendum Numbers 1 – 3,
- (4) Post-bid information and supplementary information submitted by Contractor prior to execution of this Contract Agreement,
- (5) Notice of Award,
- (6) PART II – General Conditions,
- (7) PART III – Supplemental Conditions,
- (8) PART IV – Specifications,
- (9) PART VI – Drawing Sheets,
  - Site 12 Repair (cover +10 sheets)
  - Site 22 Repair (cover + 9 sheets)
- (10) PART V – Prevailing Wage Rates Determination,
- (11) Notice(s) to Proceed,
- (12) Any modifications (change orders) duly delivered or supplemental agreements duly entered into after execution of this Contract Agreement, and
- (13) Notices of Final Completion and Acceptance.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement the day and year first above written.

**OWNER**  
**LOWER BRUSHY CREEK WCID**

**CONTRACTOR**  
**SOLID BRIDGE CONSTRUCTION, LLC**

By \_\_\_\_\_  
Edmond S. Komandosky, President  
Lower Brushy Creek WCID

By \_\_\_\_\_  
Title \_\_\_\_\_  
(CORPORATE SEAL)

Attest \_\_\_\_\_  
Monica P. Masters, Secretary

Attest \_\_\_\_\_

Address for giving notices:  
James R. Clarno, P.E. General Manager  
Lower Brushy Creek WCID  
108 Trinity Lane  
Georgetown, TX 78633

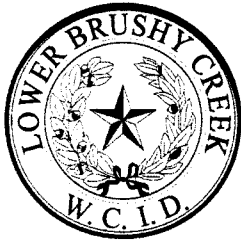
Address for giving notices:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

License No. \_\_\_\_\_

This action was authorized at an official Meeting of the Lower Brushy Creek WCID on December 21, 2020 in Taylor, Texas.

Agent for service of process:

\_\_\_\_\_  
(If CONTRACTOR is a corporation, attach evidence of authority to sign.)



## LOWER BRUSHY CREEK WCID

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

### MEMORANDUM

#### Board of Directors

*Edmond Komandosky*  
President

*Scott Ging*  
Vice President

*Monica P. Masters*  
Secretary

*Mike Schneider*  
Treasurer and  
Investment Officer

*Allen David*  
Director

#### General Manager

*James R. Clarno, P.E.*  
108 Trinity Lane  
Georgetown, TX 78633  
Cell: 512.388.3871  
Email: [jclarno.pe@att.net](mailto:jclarno.pe@att.net)

#### Board Attorney

*Ted W. Hejl*  
Hejl & Schroeder, PC  
P.O. Box 192  
311 Talbot Street  
Taylor, Texas 76574  
Office: 512.365.6348  
FAX: 512.365.2226

[www.lowerbrushycreekwcid.org](http://www.lowerbrushycreekwcid.org)

**TO:** James R. Clarno, P.E., General Manager  
Monica P. Masters, P.E, Board Secretary

**FROM:** Edmond S. Komandosky, President

**DATE:** December 21, 2020

**SUBJECT:** Appointment of Contracting Officer and Alternate  
Lower Brushy Creek Watershed, Site 20 Rehabilitation

James R. Clarno, P.E. is hereby designated as Contracting Officer for the subject project in Williamson County, Texas. He is hereby appointed with full authority to act for the Lower Brushy Creek Water Control & Improvement District (WCID or Contracting Local Organization) in arranging for and administering a contract for this rehabilitation project. Monica P. Masters, P.E. is hereby designated as Alternate Contracting Officer for this project with full authority to act for the WCID in James R. Clarno's absence.

You will work closely with the Texas State Soil and Water Conservation Board (TSSWCB) personnel and their agent, M&E Consulting, in performing your duties. M&E staff include their Construction Engineer and Construction Inspector. Your duties include, but are not necessarily limited to, the following:

1. Prepare and release the Invitation for Bids. Advertise the solicitation per State and local regulations. Ensure that any bidding requirements of the TSSWCB and WCID are followed.
2. Receive, protect, and open sealed bids. Prepare a recommendation to the Board of the WCID about the low qualified bidder. In making a determination of the low qualified bidder, you will evaluate the bidder's experience, equipment, financial status, and existing work commitments.
3. Prepare and execute the Notice of Award of the contract. You will then give the appropriate notices, review and approve contractor's post-bid and supplemental information. The Contract Agreement will be approved by the WCID Board and executed by the Board President.

Memorandum  
December 21, 2020  
Page Two

4. Approve all proposed subcontractors, construction schedule, accident prevention and safety plan, workweek, and other documents that the contractor must submit under the terms and conditions of the contract. Ensure TSSWCB input on technical items is obtained.
5. Require the contractor to perform in accordance with the approved construction schedule.
6. Determine that all work is being performed in accordance with contractual requirements and all required certifications are promptly furnished. When justified and recommended by the M&E's Construction Engineer, you may waive material certifications.
7. As necessary and subject to the concurrence required for modifications that might increase the contract price, issue written contract modifications and suspend and resume work orders, including those recommended by NRCS. Ensure availability of funds from funding agencies. Obtain WCID Board approval prior to increasing the contract price in excess of \$5,000. Obtain TSSWCB review and approval when required.
8. Consult appropriate TSSWCB, WCID Board, and/or WCID Board Attorney as needed prior to making a final decision on any dispute arising under the contract.
9. Ensure that the contractor is paid in accordance with the provisions of the contract. This includes obtaining approvals from TSSWCB as may be required.
10. Make timely decisions on contractual matters and take appropriate action.
11. Where conditions justify, and after consultation with appropriate TSSWCB, and/or WCID Board Attorney as needed, declare the contractor in default and terminate his/her right to proceed or terminate the contract for convenience.
12. Make all records dealing with the awarding and administering of the contract available for review by authorized representatives of the Federal and State/local government. Maintain all records as required for possible audit.
13. Make arrangements for final inspection of the completed work and work jointly with TSSWCB in conducting the final inspection. Obtain M&E Consulting's written engineering certification that all work was performed in accordance with the terms and conditions of the contract.
14. Provide written notice to the contractor of acceptance of the work.
15. Upon completion and acceptance of all work and prior to final payment, obtain written releases from the contractor as required in the contract. The amount of claims specifically excepted by the contractor is to be set forth in the release.

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16. Comply with all special requirements in District contracts and agreements with TSSWCB and other entities as related to this rehabilitation project.

Approved by the Board of Directors of the Lower Brushy Creek WCID on this the 21st day of December 2020.

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Edmond S. Komandosky  
President

cc: Steve Bednarz, TSSWCB Statewide Programs Engineer  
Tom Beach, M&E Construction Engineer  
Davin Collins, M&E Construction Inspector  
Monica P Masters, WCID Board Secretary



This AMENDMENT constitutes the entire AMENDMENT TO THE PROFESSIONAL SERVICES AGREEMENT between the OWNER and the ENGINEER and supersedes all prior written or oral understandings.

This AMENDMENT is executed in two counterparts and shall be effective as of January 1, 2021.

APPROVED on this 21<sup>st</sup> day of December 2020.

**LOWER BRUSHY CREEK WATER  
CONTROL & IMPROVEMENT DISTRICT**  
(the "OWNER")

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Edmond S. Komandosky, President  
Board of Directors

**ATTEST:**

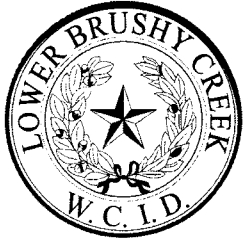
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By: Monica P. Masters, Secretary

**CLARNO Consulting, LLC**  
(the "ENGINEER")

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James R. Clarno, P.E., Principal



**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:** December 14, 2020

**SUBJECT:** General Manager's Report

**Administration**

- NRCS office is still closed to visitors, but NRCS and WCID may enter and use the office at any time.
- Completed WCID work on draft FY 20 Audit. Maxwell, Locke and Ritter expects that the final FY 20 Audit will be ready for presentation at the January Board.

**Dam Operation & Maintenance**

- FY 21 O&M contract with TerraSol, LLC was executed. They have completed shredding of all sites under Task Order No. 1 and will begin working on the replacement of 4 gates.
- Draft Task Order No. 2 for spring O&M will include herbicide and fertilizer application, spot spraying, removal of some woody brush, reseeding, sprigging and other related maintenance is on the Board agenda for December.

**Capital Improvements**

- Site 20 Rehab – Contractor has finished all lime processing, 60% of the rock rip-rap installation and placed much of the black dirt on the work areas. Pay Estimates 15 and 16 have been approved and processed. The construction meetings continue to be held by conference call. Expect to approve the project for Substantial Completion early next month and final Completion approximately 30 days later. Amendments to our agreements with the State Board extending the expiration dates till June are on the Board agenda for December.
- Site 12 and 22 Repair projects – Nine bids were received on December 8<sup>th</sup>. Four of the bids were below the engineers estimate. The low bidder, Solid Bridge Construction, LLC, has complete similar work in Ellis County and has been recommended for award by the engineer. The Contract Agreement is on the Board agenda for December. Repair work would begin next month. Other items on the December agenda relating to this project include the appointment of a Contracting Officer and an amendment to the CLARNO



President Komandosky and Members of the Board of Directors  
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Consulting, LLC agreement to match the change in the State Board's method of compensating the WCID for project management.

- Site 18 Upgrade project – Completed 60% review with State Board and engineer, Held meeting with landowners to give them an update on the scope and timing of the proposed work.

**Other**

- Meetings and related activities early next year:
  - Board meeting on January 18<sup>th</sup>.
  - Dam inspections scheduled for January 12<sup>th</sup>, 14<sup>th</sup> and 19<sup>th</sup>.