



**NOTICE OF
SPECIAL MEETING OF THE TOWN COUNCIL
HICKORY CREEK TOWN HALL
1075 RONALD REAGAN AVENUE, HICKORY CREEK, TEXAS 75065
MONDAY, JANUARY 29, 2024, 6:00 PM**

AGENDA

Call to Order

Roll Call

Pledge of Allegiance to the U.S. And Texas Flags

Invocation

Items of Community Interest

Pursuant to Texas Government Code Section 551.0415 the Town Council may report on the following: expressions of thanks, congratulations, or condolence; an honorary or salutary recognition of an individual; a reminder about an upcoming event organized or sponsored by the governing body; and announcements involving an imminent threat to the public health and safety of people in the municipality or county that has arisen after the posting of the agenda.

Public Comment

This item allows the public an opportunity to address the Town Council. To comply with the provisions of the Open Meetings Act, the Town Council cannot discuss or take action on items brought before them not posted on the agenda. Please complete a request if you wish to address the Town Council. Comments will be limited to three minutes. Open Forum is for information only. No charges and/or complaints will be heard against any elected official, board member, the Town, or employee of the Town that are prohibited by law.

Consent Agenda

Items on the Consent Agenda are considered to be self-explanatory and will be enacted with one motion. No separate discussion of these items will occur unless so requested by at least one member of the Town Council.

1. December 2023 Council Meeting Minutes
2. December 2023 Financial Statements

- [3.](#) Consider and act on an ordinance of the Town Council of the Town of Hickory Creek, Texas ordering an election to be held on May 4, 2024, for the purpose of electing a Mayor and Town Council Members to Place 2 and Place 4.
- [4.](#) Consider and act on a resolution of the Town Council of the Town of Hickory Creek, Texas, hereby authorizing the Mayor of the Town of Hickory Creek, Texas, to execute an agreement by and between the Town of Hickory Creek, Texas and Halff Associates, Inc. concerning an agreement for professional engineering services for Sycamore Bend Road Repair.
- [5.](#) Consider and act on a resolution of the Town Council of the Town of Hickory Creek, Texas, hereby authorizing the Mayor of the Town of Hickory Creek, Texas, to execute an agreement by and between the Town of Hickory Creek, Texas and Halff Associates, Inc. concerning an agreement for professional engineering services for Storm Water Management reporting and permit compliance.
- [6.](#) Consider and act on a resolution of the Town Council of the Town of Hickory Creek, Texas, hereby authorizing the Mayor of the Town of Hickory Creek, Texas, to execute an agreement by and between the Town of Hickory Creek, Texas and Vested Networks concerning phone systems.

Regular Agenda

- [7.](#) Presentation of the 2022-2023 Fiscal Year Audit from Carl Deaton of Hankins, Eastup, Deaton, Tonn, Seay & Scarborough.
- [8.](#) Consider and act on approval of the Hickory Creek Police Department Annual Racial Profiling Report for 2023.
- [9.](#) Consider and act on submitting an application for Texas Department of Transportation Green Ribbon Funding 2024.
- [10.](#) Consider and act on a resolution of the Town Council of the Town of Hickory Creek, Texas, hereby authorizing the Mayor of the Town of Hickory Creek, Texas, to execute an agreement by and between the Town of Hickory Creek, Texas and Thousand Hills Church concerning a license for use of real property.
- [11.](#) Consider and act on allocating funds for spray foam installation in the town hall facility.
12. Receive update from John Smith, Town Manager, concerning broadband and discuss the same.

Executive Session

In accordance with Texas Local Government Code, Chapter 551, the Town Council will convene into executive session to discuss the following matters.

Section 551.071

Consultation with Attorney on matters in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas

clearly conflicts with the Texas Open Meetings Act, or on matters pertaining to pending or contemplated litigation.

Section 551.072

Deliberate the purchase, exchange, lease or value of real property if deliberation in an open meeting would have a detrimental effect on the position of the governmental body in negotiations with a third person.

13. Discussion regarding certain real property generally located, North of Interstate 35E, Lake Lewisville Bridge, South of FM 2181, East of Ronald Reagan Avenue and West of Interstate 35E.

Reconvene into Open Session

14. Discussion and possible action regarding matters discussed in executive session.

Future Agenda Items

The purpose of this section is to allow each Council Member the opportunity to propose that an item be added as a business item to any future agenda. Any discussion of, or a decision about, the subject matter shall be limited to a proposal to place the subject on the agenda for a subsequent meeting.

Adjournment

The Town Council reserves the right to adjourn into executive session at any time during the course of this meeting to discuss any of the matters listed above, as authorized by the Texas Government Code, Chapter 551.

This facility is wheelchair accessible and accessible parking spaces are available. Requests for accommodations or interpretive services must be made 48 hours prior to the meeting. Please contact Town Hall at 940-497-2528 or by fax 940-497-3531 so that appropriate arrangements can be made.

I, Kristi Rogers, Town Secretary, for the Town of Hickory Creek certify that this meeting notice was posted on the bulletin board at Town Hall, 1075 Ronald Reagan Avenue, Hickory Creek, Texas on January 25, 2024 at 3:30 p.m.

A handwritten signature in black ink, appearing to read "Kristi D. Rogers", written over a horizontal line.

Kristi Rogers, Town Secretary
Town of Hickory Creek

**SPECIAL MEETING OF THE TOWN COUNCIL
HICKORY CREEK TOWN HALL
1075 RONALD REAGAN, HICKORY CREEK, TEXAS
MONDAY, DECEMBER 18, 2023**

MINUTES

Call to Order

Mayor Clark called the meeting to order at 6:00 p.m.

Roll Call

The following members were present:

Mayor Lynn Clark

Mayor Pro Tem Paul Kenney

Councilmember Randy Gibbons

Councilmember Chris Gordon

Councilmember Ian Theodore

The following member was absent:

Councilmember Richard DuPree

Also in attendance:

John M. Smith, Jr., Town Manager

Kristi K. Rogers, Town Secretary

Carey Dunn, Chief of Police

Trey Sargent, Town Attorney

Pledge of Allegiance to the U.S. And Texas Flags

Mayor Clark led the Pledge of Allegiance to the U.S. and Texas Flags.

Invocation

Councilmember Theodore gave the invocation.

Presentation of Awards

1. Ceremonial Oath of Office and Presentation of Badge to Officer Derek Thacker.

Chief Dunn administered the Oath of Office to Officer Derek Thacker.

Proclamations

2. Denton County Commissioners Court Proclamation celebrating the 60th Anniversary of the Town of Hickory Creek

Mayor Clark read the Denton County Commissioners Court Proclamation celebrating the 60th Anniversary of the Town of Hickory Creek.

Items of Community Interest

Thanks to town staff for planning and executing an amazing event, Holiday in the Park, held December 1, 2023.

Mayor Clark and a team of volunteers raised \$3,579.00 ringing the bell for the Salvation Army Mayors Red Kettle Challenge held Saturday, December 9, 2023.

Public Comment

Linda Figart, 199 Country Lane, stated she currently does not have an attorney engaged. During the Halff presentation at the last council meeting, council could see for the first time the Town is planning a road expansion on her private property. There are portions of her property the Town has indicated they would claim utilizing prescriptive use and she urges the Town to go to court and perfect that before pouring expensive concrete. An additional portion of her property does not fall under possible prescriptive easement which the Town needs for the road expansion. She and her husband would like to sell an easement to the Town at a very reasonable rate. She urges the Town Council not to allow the taking of private property for public use for free.

Consent Agenda

3. November 2023 Council Meeting Minutes
4. November 2023 Financial Statements
5. Consider and act on a resolution of the Town Council of the Town of Hickory Creek, Texas hereby authorizing the Mayor of the Town of Hickory Creek, Texas to execute an amendment to an interlocal agreement between the Town of Hickory Creek, Texas and the City of Corinth concerning animal shelter services.
6. Consider and act on a resolution of the Town Council of the Town of Hickory Creek, Texas hereby authorizing the Mayor of the Town of Hickory Creek, Texas to execute an agreement concerning issuance of license to MDM, Charters, Inc.
7. Consider and act on a resolution of the Town Council of the Town of Hickory Creek, Texas hereby authorizing the Mayor of the Town of Hickory Creek, Texas to execute an agreement by and between the Town of Hickory Creek and RS2 Hospitality Group, Inc. concerning lease of Town property for office space.

Motion made by Councilmember Gordon to approve consent agenda items 3-7 as presented, Seconded by Councilmember Theodore.

Voting Yea: Mayor Pro Tem Kenney, Councilmember Gibbons, Councilmember Gordon, Councilmember Theodore. Motion passed unanimously.

Regular Agenda

8. Interview for Arts and Culture Board Place 7 and consider and act on an appointment.

Town of Hickory Creek

December 18, 2023

Page 3

The Town Council interviewed Chandra Govite for the Arts and Culture Board.

Motion made by Councilmember Theodore to appoint Mr. Govite to the Arts and Culture Board, Seconded by Mayor Pro Tem Kenney.

Voting Yea: Mayor Pro Tem Kenney, Councilmember Gibbons, Councilmember Gordon, Councilmember Theodore. Motion passed unanimously.

9. Consider and act on a preliminary plat of the Lakesound Addition, Block A, Lot 2: being 2.3575 acres out of the H.H. Swisher Survey - Abstract No. 1220, Town of Hickory Creek, Denton County Texas. The property is located at 3550 FM 2181.

John Smith, Town Manager, and Bryan Burger, Burger Engineering, provided an overview of the Chick-Fil-A project and answered questions from the Town Council.

Motion made by Mayor Pro Tem Kenney to approve a preliminary plat of the Lakesound Addition, Block A, Lot 2: being 2.3575 acres out of the H.H. Swisher Survey - Abstract No. 1220, Town of Hickory Creek, Denton County Texas. The property is located at 3550 FM 2181., Seconded by Councilmember Theodore.

Voting Yea: Mayor Pro Tem Kenney, Councilmember Gibbons, Councilmember Gordon, Councilmember Theodore. Motion passed unanimously.

10. Consider and act on a site and landscape plan of the Lakesound Addition, Block A, Lot 2: being 2.3575 acres out of the H.H. Swisher Survey - Abstract No. 1220, Town of Hickory Creek, Denton County Texas. The property is located at 3550 FM 2181.

John Smith, Town Manager, provided an overview of the site and landscape plan.

Motion made by Councilmember Gordon to approve a site and landscape plan of the Lakesound Addition, Block A, Lot 2: being 2.3575 acres out of the H.H. Swisher Survey - Abstract No. 1220, Town of Hickory Creek, Denton County Texas. The property is located at 3550 FM 2181, Seconded by Mayor Pro Tem Kenney.

Voting Yea: Mayor Pro Tem Kenney, Councilmember Gibbons, Councilmember Gordon, Councilmember Theodore. Motion passed unanimously.

11. Consider and act on a final plat of the Lakesound Addition, Block A, Lot 2: being 2.3575 acres out of the H.H. Swisher Survey - Abstract No. 1220, Town of Hickory Creek, Denton County Texas. The property is located at 3550 FM 2181.

Brad Slate, Owner/Operator of Chick-Fil-A, provided an overview of the new location and answered questions from the Town Council.

Motion made by Mayor Pro Tem Kenney to approve a final plat of the Lakesound Addition, Block A, Lot 2: being 2.3575 acres out of the H.H. Swisher Survey - Abstract No. 1220, Town of Hickory Creek, Denton County Texas. The property is located at 3550 FM 2181, Seconded by Councilmember Theodore.

Voting Yea: Mayor Pro Tem Kenney, Councilmember Gibbons, Councilmember Gordon, Councilmember Theodore. Motion passed unanimously.

12. Consider and act on an ordinance of the Town Council of the Town of Hickory Creek, Texas, amending the Code of Ordinances of the Town of Hickory Creek, Texas, Chapter 8: Offenses and Nuisances, by amending Article 8:08: Firearms.

John Smith, Town Manager, provided an overview of the amendment due to a request from the Corps of Engineers and answered questions from the town council.

Motion made by Councilmember Gordon to approve an ordinance of the Town Council of the Town of Hickory Creek, Texas, amending the Code of Ordinances of the Town of Hickory Creek, Texas, Chapter 8: Offenses and Nuisances, by amending Article 8:08: Firearms, Seconded by Councilmember Gibbons.

Voting Yea: Mayor Pro Tem Kenney, Councilmember Gibbons, Councilmember Gordon, Councilmember Theodore. Motion passed unanimously.

13. Consider and act on allocating funds for spray foam installation in the town hall facility.

No action taken.

Executive Session

In accordance with Texas Local Government Code, Chapter 551, the Town Council convened into executive session at 6:52 p.m. to discuss the following matters.

Section 551.071

Consultation with Attorney on matters in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with the Texas Open Meetings Act, or on matters pertaining to pending or contemplated litigation.

Section 551.072

Deliberate the purchase, exchange, lease or value of real property if deliberation in an open meeting would have a detrimental effect on the position of the governmental body in negotiations with a third person.

14. Deliberate the purchase, exchange, lease or value of real property located generally in northwest Hickory Creek.

Reconvene into Open Session

The Town Council reconvened into open session at 7:24 p.m.

15. Discussion and possible action regarding matters discussed in executive session.

Motion made by Councilmember Gordon to approve that the Town Administrator has the ability to negotiate an offer for real property as discussed in executive session, Seconded by Councilmember Theodore.

Voting Yea: Mayor Pro Tem Kenney, Councilmember Gibbons, Councilmember Gordon, Councilmember Theodore. Motion passed unanimously.

Future Agenda Items

The following items were requested: allocating funds for spray foam installation and an update regarding broadband.

Adjournment

Motion made by Mayor Pro Tem Kenney to adjourn the meeting, Seconded by Councilmember Theodore.

Voting Yea: Mayor Pro Tem Kenney, Councilmember Gibbons, Councilmember Gordon, Councilmember Theodore. Motion passed unanimously.

The meeting did then stand adjourned at 7:25 p.m.

Approved:

Attest:

Lynn C. Clark, Mayor
Town of Hickory Creek

Kristi K. Rogers, Town Secretary
Town of Hickory Creek

Town of Hickory Creek
Balance Sheet
As of December 31, 2023

	Dec 31, 23
ASSETS	
Current Assets	
Checking/Savings	
BOA - Animal Shelter Fund	26,205.31
BOA - Drug Forfeiture	93,436.08
BOA - Drug Seizure	11.18
BOA - General Fund	462,600.72
BOA - Parks and Recreation	82,224.71
BOA - Payroll	260.00
BOA - Police State Training	5,189.54
Logic 2020 CO's	1,481,053.49
Logic Animal Shelter Facility	10,268.23
Logic Coronavirus Recovery Fund	741,502.47
Logic Harbor Ln-Sycamore Bend	86,164.35
Logic Investment Fund	10,509,609.68
Logic Turbeville Road	101,709.93
Total Checking/Savings	13,600,235.69
Accounts Receivable	
Municipal Court Payments	4,760.00
Total Accounts Receivable	4,760.00
Total Current Assets	13,604,995.69
TOTAL ASSETS	13,604,995.69
LIABILITIES & EQUITY	0.00

Town of Hickory Creek
Profit & Loss
December 2023

	Dec 23
Ordinary Income/Expense	
Income	
Ad Valorem Tax Revenue	
4002 M&O	947,648.58
4004 M&O Penalties & Interest	705.06
4006 Delinquent M&O	2,923.26
4008 I&S Debt Service	476,393.22
4010 I&S Penalties & Interest	482.75
4012 Delinquent I&S	1,928.59
	1,430,081.46
Total Ad Valorem Tax Revenue	1,430,081.46
Building Department Revenue	
4102 Building Permits	56,668.20
4104 Certificate of Occupancy	1,000.00
4106 Contractor Registration	525.00
4112 Health Inspections	920.00
4122 Septic Permits	425.00
4124 Sign Permits	150.00
4132 Alarm Permit Fees	150.00
	59,838.20
Total Building Department Revenue	59,838.20
Franchise Fee Revenue	
4220 Solid Waste	5,129.68
	5,129.68
Total Franchise Fee Revenue	5,129.68
Interest Revenue	
4330 General Fund Interest	4.25
4332 Investment Interest	55,733.55
	55,737.80
Total Interest Revenue	55,737.80
Miscellaneous Revenue	
4502 Animal Adoption & Impound	2,060.00
4508 Annual Park Passes	425.00
4510 Arrowhead Park Fees	995.00
4526 Mineral Rights	132.08
4530 Other Receivables	143.54
4536 Point Vista Park Fees	260.00
4550 Sycamore Bend Fees	1,020.00
	5,035.62
Total Miscellaneous Revenue	5,035.62
Municipal Court Revenue	
4602 Building Security Fund	1,392.59
4604 Citations	45,669.92
4606 Court Technology Fund	1,147.81
4608 Jury Fund	27.98
4610 Truancy Fund	1,399.24
4612 State Court Costs	23,865.66
4614 Child Safety Fee	50.00
	73,553.20
Total Municipal Court Revenue	73,553.20
Sales Tax Revenue	
4702 Sales Tax General Fund	175,653.66
4706 Sales Tax 4B Corporation	25,093.38
4708 Sales Tax Mixed Beverage	3,359.41
	204,106.45
Total Sales Tax Revenue	204,106.45
Total Income	1,833,482.41
Gross Profit	1,833,482.41
Expense	
Capital Outlay	
5026 Fleet Vehicles	45,225.77
	45,225.77

Town of Hickory Creek

Profit & Loss

December 2023

01/22/24

Accrual Basis

	<u>Dec 23</u>
Total Capital Outlay	45,225.77
General Government	
5202 Bank Service Charges	25.00
5206 Computer Hardware/Software	12,228.48
5208 Copier Rental	299.85
5212 EDC Tax Payment	25,094.38
5216 Volunteer/Staff Events	3,193.97
5218 General Communications	471.00
5222 Office Supplies & Equip.	109.93
5224 Postage	538.12
5228 Town Council/Board Expense	191.28
Total General Government	42,152.01
Municipal Court	
5312 Court Technology	495.00
5318 Merchant Fees/Credit Cards	66.40
5322 Office Supplies/Equipment	3.99
5326 Training & Education	150.00
5332 Warrants Collected	-3,292.50
Total Municipal Court	-2,577.11
Parks and Recreation	
5408 Tanglewood Park	11.38
Total Parks and Recreation	11.38
Parks Corps of Engineer	
5432 Arrowhead	1,449.22
5434 Harbor Grove	1,244.60
5436 Point Vista	1,257.81
5438 Sycamore Bend	2,051.92
Total Parks Corps of Engineer	6,003.55
Personnel	
5502 Administration Wages	34,819.70
5504 Municipal Court Wages	6,497.49
5506 Police Wages	87,274.24
5507 Police Overtime Wages	6,564.40
5508 Public Works Wages	19,695.93
5509 Public Works Overtime Wage	915.85
5510 Health Insurance	15,285.10
5514 Payroll Expense	2,402.22
5516 Employment Exams	195.00
5522 Workman's Compensation	2,794.08
Total Personnel	176,444.01
Police Department	
5602 Auto Gas & Oil	4,396.54
5606 Auto Maintenance & Repair	13,238.04
5612 Computer Hardware/Software	12,297.16
5616 Drug Forfeiture	508.59
5626 Office Supplies/Equipment	15.96
5630 Personnel Equipment	3,443.28
5636 Uniforms	200.95
5648 K9 Unit	637.63
Total Police Department	34,738.15
Public Works Department	
5706 Animal Control Supplies	135.55
5708 Animal Control Vet Fees	2,760.36
5710 Auto Gas & Oil	1,472.39
5714 Auto Maintenance/Repair	1,553.78
5716 Beautification	1,019.75
5718 Computer Hardware/Software	127.44

Town of Hickory Creek

Profit & Loss

December 2023

	<u>Dec 23</u>
5720 Dues & Memberships	110.00
5722 Equipment	158.72
5728 Equipment Supplies	252.38
5732 Office Supplies/Equipment	7.98
5734 Communications	367.11
5742 Uniforms	444.89
5748 Landscaping Services	3,405.16
Total Public Works Department	11,815.51
Services	
5802 Appraisal District	4,128.66
5804 Attorney Fees	2,516.75
5814 Engineering	1,988.74
5818 Inspections	10,270.00
5822 Legal Notices/Advertising	75.18
5824 Library Services	140.90
5826 Municipal Judge	1,150.00
5830 Tax Collection	2,979.00
Total Services	23,249.23
Special Events	
6012 Special Events	3,475.73
Total Special Events	3,475.73
Utilities & Maintenance	
5902 Bldg Maintenance/Supplies	908.51
5904 Electric	2,185.03
5906 Gas	300.87
5908 Street Lighting	4,130.58
5910 Telephone	489.05
5912 Water	2,382.05
Total Utilities & Maintenance	10,396.09
Total Expense	350,934.32
Net Ordinary Income	1,482,548.09
Net Income	1,482,548.09

Town of Hickory Creek

Budget vs. Actual Year to Date 24.99%

October through December 2023

	Oct - Dec 23	Budget	% of Budget
Ordinary Income/Expense			
Income			
Ad Valorem Tax Revenue			
4002 M&O	995,775.19	1,664,029.00	59.8%
4004 M&O Penalties & Interest	893.82	2,500.00	35.8%
4006 Delinquent M&O	1,814.57	1,000.00	181.5%
4008 I&S Debt Service	500,695.28	836,526.00	59.9%
4010 I&S Penalties & Interest	562.09	1,500.00	37.5%
4012 Delinquent I&S	1,121.92	500.00	224.4%
Total Ad Valorem Tax Revenue	1,500,862.87	2,506,055.00	59.9%
Building Department Revenue			
4102 Building Permits	184,734.20	275,000.00	67.2%
4104 Certificate of Occupancy	4,250.00	6,000.00	70.8%
4106 Contractor Registration	1,350.00	2,500.00	54.0%
4108 Preliminary/Final Plat	850.00	0.00	100.0%
4110 Prelim/Final Site Plan	0.00	0.00	0.0%
4112 Health Inspections	5,520.00	10,000.00	55.2%
4122 Septic Permits	1,275.00	1,100.00	115.9%
4124 Sign Permits	150.00	1,000.00	15.0%
4126 Special Use Permit	0.00	200.00	0.0%
4128 Variance Fee	0.00	1,500.00	0.0%
4130 Vendor Fee	0.00	75.00	0.0%
4132 Alarm Permit Fees	150.00	500.00	30.0%
Total Building Department Revenue	198,279.20	297,875.00	66.6%
Franchise Fee Revenue			
4214 Electric	142,286.70	155,000.00	91.8%
4216 Gas	0.00	90,000.00	0.0%
4218 Telecom	8,529.16	45,000.00	19.0%
4220 Solid Waste	15,531.65	50,000.00	31.1%
Total Franchise Fee Revenue	166,347.51	340,000.00	48.9%
Interest Revenue			
4330 General Fund Interest	13.43	25.00	53.7%
4332 Investment Interest	163,561.09	60,000.00	272.6%
Total Interest Revenue	163,574.52	60,025.00	272.5%
Interlocal Revenue			
4402 Corp Contract Current Year	0.00	58,788.00	0.0%
Total Interlocal Revenue	0.00	58,788.00	0.0%
Miscellaneous Revenue			
4502 Animal Adoption & Impound	7,625.40	18,000.00	42.4%
4506 Animal Shelter Donations	200.00	1,000.00	20.0%
4508 Annual Park Passes	550.00	30,000.00	1.8%
4510 Arrowhead Park Fees	7,718.00	40,000.00	19.3%
4512 Beer & Wine Permit	30.00	150.00	20.0%
4516 Corp Parks Fund Reserve	0.00	0.00	0.0%
4518 Drug Forfeiture	0.00	60,000.00	0.0%
4520 Drug Seizure	0.00	0.00	0.0%
4524 Fund Balance Reserve	0.00	2,654,385.00	0.0%
4526 Mineral Rights	132.08	1,000.00	13.2%
4530 Other Receivables	22,605.43	75,000.00	30.1%
4534 PD State Training	0.00	0.00	0.0%
4536 Point Vista Park Fees	1,621.00	12,000.00	13.5%
4546 Street Improv Restricted	0.00	0.00	0.0%
4550 Sycamore Bend Fees	8,220.00	25,000.00	32.9%
4554 Building Security Fund Res	0.00	0.00	0.0%
4556 Court Tech Fund Reserve	0.00	0.00	0.0%
4558 Harbor Lane/Sycamore Bend	0.00	0.00	0.0%
4560 2020 CO Proceeds	0.00	1,100,000.00	0.0%
4562 Coronavirus Local Recovery	0.00	200,000.00	0.0%
4564 Task Force Forfeiture	0.00	0.00	0.0%

Town of Hickory Creek
Budget vs. Actual Year to Date 24.99%
October through December 2023

	Oct - Dec 23	Budget	% of Budget
4566 Interlocal Agreements	0.00	198,135.00	0.0%
4568 Opiod Settlements	0.00	0.00	0.0%
Total Miscellaneous Revenue	48,701.91	4,414,670.00	1.1%
Municipal Court Revenue			
4602 Building Security Fund	4,107.75	18,023.00	22.8%
4604 Citations	129,887.90	550,000.00	23.6%
4606 Court Technology Fund	3,388.81	15,936.00	21.3%
4608 Jury Fund	82.42	200.00	41.2%
4610 Truancy Fund	4,120.94	0.00	100.0%
4612 State Court Costs	70,614.32	311,060.00	22.7%
4614 Child Safety Fee	125.00	800.00	15.6%
Total Municipal Court Revenue	212,327.14	896,019.00	23.7%
Sales Tax Revenue			
4702 Sales Tax General Fund	565,440.89	2,100,000.00	26.9%
4706 Sales Tax 4B Corporation	80,777.27	300,000.00	26.9%
4708 Sales Tax Mixed Beverage	9,991.35	35,000.00	28.5%
4710 Hotel Occupancy Tax	2,450.11	0.00	100.0%
Total Sales Tax Revenue	658,659.62	2,435,000.00	27.0%
Total Income	2,948,752.77	11,008,432.00	26.8%
Gross Profit	2,948,752.77	11,008,432.00	26.8%
Expense			
Capital Outlay			
5010 Street Maintenance	0.00	25,000.00	0.0%
5012 Streets & Road Improvement	122,990.88	500,000.00	24.6%
5022 Parks and Rec Improvements	0.00	2,300,000.00	0.0%
5024 Public Safety Improvements	0.00	0.00	0.0%
5026 Fleet Vehicles	55,829.83	60,000.00	93.0%
5032 Broadband Initiative	0.00	200,000.00	0.0%
5032 Denton County TRIP22	118,148.00	1,100,000.00	10.7%
Total Capital Outlay	296,968.71	4,185,000.00	7.1%
Debt Service			
5110 2015 Refunding Bond Series	0.00	316,450.00	0.0%
5112 2015 C.O. Series	0.00	271,800.00	0.0%
5114 2020 C.O. Series	0.00	254,450.00	0.0%
Total Debt Service	0.00	842,700.00	0.0%
General Government			
5202 Bank Service Charges	55.00	200.00	27.5%
5204 Books & Subscriptions	0.00	300.00	0.0%
5206 Computer Hardware/Software	18,925.77	75,000.00	25.2%
5208 Copier Rental	1,001.94	3,600.00	27.8%
5210 Dues & Memberships	562.70	3,500.00	16.1%
5212 EDC Tax Payment	80,780.24	300,000.00	26.9%
5214 Election Expenses	0.00	15,000.00	0.0%
5216 Volunteer/Staff Events	3,850.33	8,000.00	48.1%
5218 General Communications	10,391.97	32,000.00	32.5%
5222 Office Supplies & Equip.	150.12	3,000.00	5.0%
5224 Postage	2,041.32	6,200.00	32.9%
5226 Community Cause	210.56	3,000.00	7.0%
5228 Town Council/Board Expense	545.68	10,000.00	5.5%
5230 Training & Education	28.01	1,500.00	1.9%
5232 Travel Expense	109.73	2,000.00	5.5%
5234 Staff Uniforms	0.00	800.00	0.0%
5236 Transfer to Reserve	0.00	0.00	0.0%
Total General Government	118,653.37	464,100.00	25.6%
Municipal Court			
5302 Books & Subscriptions	92.03	75.00	122.7%

Town of Hickory Creek
Budget vs. Actual Year to Date 24.99%
October through December 2023

	Oct - Dec 23	Budget	% of Budget
5304 Building Security	4,031.51	18,023.00	22.4%
5312 Court Technology	1,204.07	15,963.00	7.5%
5314 Dues & Memberships	55.00	150.00	36.7%
5318 Merchant Fees/Credit Cards	1,076.15	2,500.00	43.0%
5322 Office Supplies/Equipment	45.17	1,000.00	4.5%
5324 State Court Costs	88,842.33	311,060.00	28.6%
5326 Training & Education	150.00	500.00	30.0%
5328 Travel Expense	0.00	500.00	0.0%
5332 Warrants Collected	-6,131.25	2,500.00	-245.3%
Total Municipal Court	89,365.01	352,271.00	25.4%
Parks and Recreation			
5402 Events	658.75	1,500.00	43.9%
5408 Tanglewood Park	4,036.14	45,000.00	9.0%
5412 KHCB	0.00	500.00	0.0%
5414 Tree City USA	400.00	500.00	80.0%
5416 Town Hall Park	0.00	0.00	0.0%
Total Parks and Recreation	5,094.89	47,500.00	10.7%
Parks Corps of Engineer			
5432 Arrowhead	3,472.72	38,500.00	9.0%
5434 Harbor Grove	1,359.72	10,000.00	13.6%
5436 Point Vista	6,916.99	15,000.00	46.1%
5438 Sycamore Bend	8,226.59	43,500.00	18.9%
Total Parks Corps of Engineer	19,976.02	107,000.00	18.7%
Personnel			
5502 Administration Wages	102,837.13	435,826.00	23.6%
5504 Municipal Court Wages	19,989.98	87,736.00	22.8%
5506 Police Wages	250,875.95	1,230,354.00	20.4%
5507 Police Overtime Wages	13,766.57	20,000.00	68.8%
5508 Public Works Wages	58,961.53	275,624.00	21.4%
5509 Public Works Overtime Wage	1,592.66	4,500.00	35.4%
5510 Health Insurance	37,492.23	255,054.00	14.7%
5512 Longevity	14,180.00	13,950.00	101.6%
5514 Payroll Expense	7,177.76	25,000.00	28.7%
5516 Employment Exams	520.00	2,500.00	20.8%
5518 Retirement (TMRS)	67,668.61	316,117.00	21.4%
5520 Unemployment (TWC)	28.49	2,500.00	1.1%
5522 Workman's Compensation	51,790.08	48,996.00	105.7%
Total Personnel	626,880.99	2,718,157.00	23.1%
Police Department			
5602 Auto Gas & Oil	15,318.56	37,000.00	41.4%
5606 Auto Maintenance & Repair	25,927.87	25,000.00	103.7%
5610 Books & Subscriptions	252.71	500.00	50.5%
5612 Computer Hardware/Software	31,002.99	75,500.00	41.1%
5614 Crime Lab Analysis	617.44	6,500.00	9.5%
5616 Drug Forfeiture	31,065.50	0.00	100.0%
5618 Dues & Memberships	0.00	500.00	0.0%
5626 Office Supplies/Equipment	298.98	2,000.00	14.9%
5630 Personnel Equipment	23,831.75	40,000.00	59.6%
5634 Travel Expense	570.40	2,000.00	28.5%
5636 Uniforms	2,810.07	10,000.00	28.1%
5640 Training & Education	2,820.00	8,500.00	33.2%
5644 Citizens on Patrol	0.00	250.00	0.0%
5646 Community Outreach	618.13	3,000.00	20.6%
5648 K9 Unit	700.40	5,000.00	14.0%
5650 Task Force Forfeiture	0.00	10,000.00	0.0%
Total Police Department	135,834.80	225,750.00	60.2%
Public Works Department			
5702 Animal Control Donation	640.00	1,000.00	64.0%
5704 Animal Control Equipment	97.85	1,000.00	9.8%

Town of Hickory Creek
Budget vs. Actual Year to Date 24.99%
October through December 2023

	Oct - Dec 23	Budget	% of Budget
5706 Animal Control Supplies	839.53	5,000.00	16.8%
5708 Animal Control Vet Fees	4,909.64	15,000.00	32.7%
5710 Auto Gas & Oil	4,647.48	20,000.00	23.2%
5714 Auto Maintenance/Repair	3,341.53	10,000.00	33.4%
5716 Beautification	2,387.93	150,000.00	1.6%
5718 Computer Hardware/Software	382.32	2,000.00	19.1%
5720 Dues & Memberships	110.00	350.00	31.4%
5722 Equipment	158.72	5,000.00	3.2%
5724 Equipment Maintenance	5,959.03	4,000.00	149.0%
5726 Equipment Rental	0.00	1,000.00	0.0%
5728 Equipment Supplies	919.08	5,000.00	18.4%
5732 Office Supplies/Equipment	146.36	800.00	18.3%
5734 Communications	1,100.63	3,800.00	29.0%
5738 Training	260.00	800.00	32.5%
5740 Travel Expense	28.15	3,000.00	0.9%
5742 Uniforms	768.75	2,800.00	27.5%
5748 Landscaping Services	9,197.82	90,000.00	10.2%
Total Public Works Department	35,894.82	320,550.00	11.2%
Services			
5802 Appraisal District	4,128.66	17,500.00	23.6%
5804 Attorney Fees	6,054.25	60,000.00	10.1%
5806 Audit	0.00	15,000.00	0.0%
5808 Codification	0.00	2,000.00	0.0%
5812 Document Management	0.00	750.00	0.0%
5814 Engineering	37,397.63	175,000.00	21.4%
5816 General Insurance	49,959.60	50,276.00	99.4%
5818 Inspections	16,815.00	32,500.00	51.7%
5820 Fire Service	242,673.00	970,692.00	25.0%
5822 Legal Notices/Advertising	75.18	4,000.00	1.9%
5824 Library Services	393.60	1,200.00	32.8%
5826 Municipal Judge	3,460.00	13,800.00	25.1%
5828 Printing	411.93	2,500.00	16.5%
5830 Tax Collection	2,979.00	3,000.00	99.3%
5832 Computer Technical Support	44,615.46	45,000.00	99.1%
5838 DCCAC	0.00	7,228.00	0.0%
5840 Denton County Dispatch	0.00	38,508.00	0.0%
5844 Helping Hands	0.00	200.00	0.0%
5846 Span Transit Services	0.00	5,000.00	0.0%
5848 Recording Fees	0.00	750.00	0.0%
Total Services	408,963.31	1,444,904.00	28.3%
Special Events			
6012 Special Events	7,884.93	30,000.00	26.3%
Total Special Events	7,884.93	30,000.00	26.3%
Utilities & Maintenance			
5902 Bldg Maintenance/Supplies	16,979.31	150,000.00	11.3%
5904 Electric	7,448.05	27,000.00	27.6%
5906 Gas	529.60	2,500.00	21.2%
5908 Street Lighting	12,163.39	40,000.00	30.4%
5910 Telephone	10,782.15	35,000.00	30.8%
5912 Water	10,262.50	16,000.00	64.1%
Total Utilities & Maintenance	58,165.00	270,500.00	21.5%
Total Expense	1,803,681.85	11,008,432.00	16.4%
Net Ordinary Income	1,145,070.92	0.00	100.0%
Net Income	1,145,070.92	0.00	100.0%

Town of Hickory Creek
Expenditures over \$1,000.00
December 2023

Type	Date	Num	Name	Amount
Ordinary Income/Expense				
Expense				
Capital Outlay				
5026 Fleet Vehicles				
Bill	12/06/2023	Invoice...	Utility Associates, Inc.	33,873.00
Check	12/12/2023	5273	Blackbeard Marine	2,929.64
Check	12/20/2023	Debit	Enterprise Fleet Management	4,346.03
Bill	12/22/2023	Invoice...	Main Street Signs & Graphics	3,199.40
Total 5026 Fleet Vehicles				44,348.07
Total Capital Outlay				44,348.07
General Government				
5206 Computer Hardware/Software				
Bill	12/05/2023	Invoice...	Granicus	8,280.00
Bill	12/18/2023	Invoice...	CivicsPlus	3,570.00
Total 5206 Computer Hardware/Software				11,850.00
5212 EDC Tax Payment				
Check	12/08/2023	Debit	Hickory Creek Economic Development	25,093.38
Total 5212 EDC Tax Payment				25,093.38
5216 Volunteer/Staff Events				
Check	12/13/2023	Debit	Costco	3,039.62
Total 5216 Volunteer/Staff Events				3,039.62
Total General Government				39,983.00
Personnel				
5510 Health Insurance				
Check	12/04/2023	Debit	Renaissance Life & Health Insurance	1,307.77
Check	12/20/2023	Debit	Cigna	21,055.74
Check	12/20/2023	Debit	Cigna	-7,223.52
Total 5510 Health Insurance				15,139.99
5522 Workman's Compensation				
Check	12/08/2023		TMLIRP	2,789.08
Total 5522 Workman's Compensation				2,789.08
Total Personnel				17,929.07
Police Department				
5602 Auto Gas & Oil				
Check	12/27/2023	Debit	WEX Bank	4,396.54
Total 5602 Auto Gas & Oil				4,396.54
5606 Auto Maintenance & Repair				
Bill	12/18/2023	R.O.# ...	Christian Brothers Automotive	1,231.58
Bill	12/18/2023	Invoice...	Discount Tire	1,104.64
Bill	12/18/2023	R.O.# ...	Christian Brothers Automotive	2,082.59
Bill	12/22/2023	R.O.# ...	Christian Brothers Automotive	6,877.19
Total 5606 Auto Maintenance & Repair				11,296.00
5612 Computer Hardware/Software				
Bill	12/05/2023	Invoice...	GTS Technology Solutions	5,263.04
Bill	12/22/2023	Invoice...	GTS Technology Solutions	6,205.32
Total 5612 Computer Hardware/Software				11,468.36
5630 Personnel Equipment				
Bill	12/22/2023	Invoice...	Sterling Associates, Inc.	3,400.00
Total 5630 Personnel Equipment				3,400.00

Town of Hickory Creek
Expenditures over \$1,000.00
December 2023

Type	Date	Num	Name	Amount
Total Police Department				30,560.90
Public Works Department				
5710 Auto Gas & Oil				
Check	12/27/2023	Debit	WEX Bank	1,472.39
Total 5710 Auto Gas & Oil				1,472.39
5714 Auto Maintenance/Repair				
Bill	12/18/2023	Invoice...	Discount Tire	1,128.96
Total 5714 Auto Maintenance/Repair				1,128.96
5716 Beautification				
Bill	12/18/2023	Invoice...	Pole Covers	1,019.75
Total 5716 Beautification				1,019.75
5748 Landscaping Services				
Bill	12/15/2023	Invoice...	D & D Commercial Landscape Management	3,405.16
Total 5748 Landscaping Services				3,405.16
Total Public Works Department				7,026.26
Services				
5802 Appraisal District				
Bill	12/18/2023	Invoice...	DCAD	4,128.66
Total 5802 Appraisal District				4,128.66
5804 Attorney Fees				
Check	12/01/2023		Law Office of Dorwin L. Sargent III, PLLC	1,831.75
Total 5804 Attorney Fees				1,831.75
5814 Engineering				
Bill	12/18/2023	Invoice...	Half Associates, Inc.	1,557.49
Total 5814 Engineering				1,557.49
5818 Inspections				
Bill	12/05/2023	Invoice...	Build by I-Codes	7,870.00
Bill	12/05/2023	Novem...	Finney Code Consultants, LLC	1,900.00
Total 5818 Inspections				9,770.00
5826 Municipal Judge				
Check	12/01/2023		The Law Office of Cynthia Burkett	1,050.00
Total 5826 Municipal Judge				1,050.00
5830 Tax Collection				
Deposit	12/19/2023		Deposit	2,979.00
Total 5830 Tax Collection				2,979.00
Total Services				21,316.90
Utilities & Maintenance				
5904 Electric				
Check	12/26/2023	Debit	Hudson Energy Services, LLC	2,185.03
Total 5904 Electric				2,185.03
5908 Street Lighting				
Check	12/26/2023	Debit	Hudson Energy Services, LLC	3,880.56
Total 5908 Street Lighting				3,880.56
5912 Water				
Check	12/04/2023	Debit	L.C.M.U.A.	1,012.84

3:02 PM

01/22/24

Accrual Basis

Town of Hickory Creek
Expenditures over \$1,000.00
December 2023

<u>Type</u>	<u>Date</u>	<u>Num</u>	<u>Name</u>	<u>Amount</u>
Total 5912 Water				1,012.84
Total Utilities & Maintenance				7,078.43
Total Expense				168,242.63
Net Ordinary Income				-168,242.63
Net Income				-168,242.63



TOWN OF HICKORY CREEK
 ATTN KRISTI K ROGERS
 1075 RONALD REAGAN AVE
 HICKORY CREEK TX 75065-7633

MONTHLY STATEMENT OF ACCOUNT

ACCOUNT: 1668276015

ACCOUNT NAME: 2020 CERTIFICATES OF OBLIGATIONS

STATEMENT PERIOD: 12/01/2023 - 12/31/2023

LOGIC MONTHLY SUMMARY: THE AVERAGE MONTHLY RATE WAS 5.5411%. THE AVERAGE WEIGHTED AVERAGE MATURITY WAS 53 DAYS AND THE NET ASSET VALUE FOR 12/29/23 WAS 1.000254.

MONTHLY ACTIVITY DETAIL

TRANSACTION DATE	DESCRIPTION	CONFIRMATION NUMBER	TRANSACTION AMOUNT	BALANCE
	BEGINNING BALANCE			453,959.24
12/28/2023	TRANSFER FROM 1668276001	6159838	1,024,334.32	1,478,293.56
12/29/2023	MONTHLY POSTING	9999888	2,759.93	1,481,053.49
	ENDING BALANCE			1,481,053.49

MONTHLY ACCOUNT SUMMARY

BEGINNING BALANCE	453,959.24
TOTAL DEPOSITS	1,024,334.32
TOTAL WITHDRAWALS	0.00
TOTAL INTEREST	2,759.93
ENDING BALANCE	1,481,053.49
AVERAGE BALANCE	586,131.41

ACTIVITY SUMMARY (YEAR-TO-DATE)

ACCOUNT NAME	DEPOSITS	WITHDRAWALS	INTEREST
2020 CERTIFICATES OF OBLIGATIONS	1,024,334.32	1,465,945.25	44,440.70



TOWN OF HICKORY CREEK
 ATTN KRISTI K ROGERS
 1075 RONALD REAGAN AVE
 HICKORY CREEK TX 75065-7633

MONTHLY STATEMENT OF ACCOUNT

ACCOUNT: 1668276007

ACCOUNT NAME: ANIMAL SHELTER FACILITY

STATEMENT PERIOD: 12/01/2023 - 12/31/2023

LOGIC MONTHLY SUMMARY: THE AVERAGE MONTHLY RATE WAS 5.5411%. THE AVERAGE WEIGHTED AVERAGE MATURITY WAS 53 DAYS AND THE NET ASSET VALUE FOR 12/29/23 WAS 1.000254.

MONTHLY ACTIVITY DETAIL

TRANSACTION DATE	DESCRIPTION	CONFIRMATION NUMBER	TRANSACTION AMOUNT	BALANCE
	BEGINNING BALANCE			10,220.14
12/29/2023	MONTHLY POSTING	9999888	48.09	10,268.23
	ENDING BALANCE			10,268.23

MONTHLY ACCOUNT SUMMARY

BEGINNING BALANCE	10,220.14
TOTAL DEPOSITS	0.00
TOTAL WITHDRAWALS	0.00
TOTAL INTEREST	48.09
ENDING BALANCE	10,268.23
AVERAGE BALANCE	10,220.14

ACTIVITY SUMMARY (YEAR-TO-DATE)

ACCOUNT NAME	DEPOSITS	WITHDRAWALS	INTEREST
ANIMAL SHELTER FACILITY	0.00	0.00	520.05



TOWN OF HICKORY CREEK
 ATTN KRISTI K ROGERS
 1075 RONALD REAGAN AVE
 HICKORY CREEK TX 75065-7633

MONTHLY STATEMENT OF ACCOUNT

ACCOUNT: 1668276016

ACCOUNT NAME: CORONAVIRUS LOCAL RECOVERY FUNDS

STATEMENT PERIOD: 12/01/2023 - 12/31/2023

LOGIC MONTHLY SUMMARY: THE AVERAGE MONTHLY RATE WAS 5.5411%. THE AVERAGE WEIGHTED AVERAGE MATURITY WAS 53 DAYS AND THE NET ASSET VALUE FOR 12/29/23 WAS 1.000254.

MONTHLY ACTIVITY DETAIL

TRANSACTION DATE	DESCRIPTION	CONFIRMATION NUMBER	TRANSACTION AMOUNT	BALANCE
------------------	-------------	---------------------	--------------------	---------

	BEGINNING BALANCE			738,029.19
12/29/2023	MONTHLY POSTING	9999888	3,473.28	741,502.47
	ENDING BALANCE			741,502.47

MONTHLY ACCOUNT SUMMARY

BEGINNING BALANCE	738,029.19
TOTAL DEPOSITS	0.00
TOTAL WITHDRAWALS	0.00
TOTAL INTEREST	3,473.28
ENDING BALANCE	741,502.47
AVERAGE BALANCE	738,029.19

ACTIVITY SUMMARY (YEAR-TO-DATE)

ACCOUNT NAME	DEPOSITS	WITHDRAWALS	INTEREST
CORONAVIRUS LOCAL RECOVERY FUNDS	0.00	146,404.53	37,845.25



TOWN OF HICKORY CREEK
ATTN KRISTI K ROGERS
1075 RONALD REAGAN AVE
HICKORY CREEK TX 75065-7633

MONTHLY STATEMENT OF ACCOUNT

ACCOUNT: 1668276009

ACCOUNT NAME: HARBOR LANE - SYCAMORE BEND

STATEMENT PERIOD: 12/01/2023 - 12/31/2023

LOGIC MONTHLY SUMMARY: THE AVERAGE MONTHLY RATE WAS 5.5411%. THE AVERAGE WEIGHTED AVERAGE MATURITY WAS 53 DAYS AND THE NET ASSET VALUE FOR 12/29/23 WAS 1.000254.

MONTHLY ACTIVITY DETAIL

TRANSACTION DATE	DESCRIPTION	CONFIRMATION NUMBER	TRANSACTION AMOUNT	BALANCE
	BEGINNING BALANCE			85,760.75
12/29/2023	MONTHLY POSTING	9999888	403.60	86,164.35
	ENDING BALANCE			86,164.35

MONTHLY ACCOUNT SUMMARY

BEGINNING BALANCE	85,760.75
TOTAL DEPOSITS	0.00
TOTAL WITHDRAWALS	0.00
TOTAL INTEREST	403.60
ENDING BALANCE	86,164.35
AVERAGE BALANCE	85,760.75

ACTIVITY SUMMARY (YEAR-TO-DATE)

ACCOUNT NAME	DEPOSITS	WITHDRAWALS	INTEREST
HARBOR LANE - SYCAMORE BEND	0.00	0.00	4,363.84



TOWN OF HICKORY CREEK
 ATTN KRISTI K ROGERS
 1075 RONALD REAGAN AVE
 HICKORY CREEK TX 75065-7633

MONTHLY STATEMENT OF ACCOUNT

ACCOUNT: 1668276001

ACCOUNT NAME: INVESTMENT FUND

STATEMENT PERIOD: 12/01/2023 - 12/31/2023

LOGIC MONTHLY SUMMARY: THE AVERAGE MONTHLY RATE WAS 5.5411%. THE AVERAGE WEIGHTED AVERAGE MATURITY WAS 53 DAYS AND THE NET ASSET VALUE FOR 12/29/23 WAS 1.000254.

MONTHLY ACTIVITY DETAIL

TRANSACTION DATE	DESCRIPTION	CONFIRMATION NUMBER	TRANSACTION AMOUNT	BALANCE
	BEGINNING BALANCE			10,205,371.78
12/26/2023	ACH DEPOSIT	6159750	1,280,000.00	11,485,371.78
12/28/2023	TRANSFER TO 1668276015	6159838	1,024,334.32 -	10,461,037.46
12/29/2023	MONTHLY POSTING	9999888	48,572.22	10,509,609.68
	ENDING BALANCE			10,509,609.68

MONTHLY ACCOUNT SUMMARY

BEGINNING BALANCE	10,205,371.78
TOTAL DEPOSITS	1,280,000.00
TOTAL WITHDRAWALS	1,024,334.32
TOTAL INTEREST	48,572.22
ENDING BALANCE	10,509,609.68
AVERAGE BALANCE	10,320,941.55

ACTIVITY SUMMARY (YEAR-TO-DATE)

ACCOUNT NAME	DEPOSITS	WITHDRAWALS	INTEREST
INVESTMENT FUND	4,966,000.00	2,309,934.32	515,611.73



TOWN OF HICKORY CREEK
 ATTN KRISTI K ROGERS
 1075 RONALD REAGAN AVE
 HICKORY CREEK TX 75065-7633

MONTHLY STATEMENT OF ACCOUNT

ACCOUNT: 1668276002

ACCOUNT NAME: TURBEVILLE RD IMPROVEMENT FUND

STATEMENT PERIOD: 12/01/2023 - 12/31/2023

LOGIC MONTHLY SUMMARY: THE AVERAGE MONTHLY RATE WAS 5.5411%. THE AVERAGE WEIGHTED AVERAGE MATURITY WAS 53 DAYS AND THE NET ASSET VALUE FOR 12/29/23 WAS 1.000254.

MONTHLY ACTIVITY DETAIL

TRANSACTION DATE	DESCRIPTION	CONFIRMATION NUMBER	TRANSACTION AMOUNT	BALANCE
------------------	-------------	---------------------	--------------------	---------

	BEGINNING BALANCE			101,233.50
12/29/2023	MONTHLY POSTING	9999888	476.43	101,709.93
	ENDING BALANCE			101,709.93

MONTHLY ACCOUNT SUMMARY

BEGINNING BALANCE	101,233.50
TOTAL DEPOSITS	0.00
TOTAL WITHDRAWALS	0.00
TOTAL INTEREST	476.43
ENDING BALANCE	101,709.93
AVERAGE BALANCE	101,233.50

ACTIVITY SUMMARY (YEAR-TO-DATE)

ACCOUNT NAME	DEPOSITS	WITHDRAWALS	INTEREST
TURBEVILLE RD IMPROVEMENT FUND	0.00	0.00	5,151.16

**TOWN OF HICKORY CREEK
ORDINANCE NO. 2024-01-____**

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF HICKORY CREEK, TEXAS, ORDERING AN ELECTION TO BE HELD ON MAY 4, 2024 FOR THE PURPOSE OF ELECTING A MAYOR AND TOWN COUNCIL MEMBERS TO PLACE 2 AND PLACE 4; AUTHORIZING A JOINT ELECTION WITH OTHER DENTON COUNTY POLITICAL SUBDIVISIONS; PROVIDING FOR A FILING PERIOD; PROVIDING FOR PRECINCTS; PROVIDING FOR APPOINTMENT OF AN EARLY VOTING CLERK; PROVIDING FOR EARLY VOTING LOCATIONS; PROVIDING FOR AN ELECTION DAY POLLING PLACE; PROVIDING FOR CANCELLATION OF ELECTION; PROVIDING FOR THE PUBLICATION AND POSTING OF NOTICE OF THIS ELECTION; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Town of Hickory Creek, Texas is a Type “A” General Law Municipality located in Denton County, Texas, created in accordance with the provisions of the Texas Local Government Code and operating pursuant to the enabling legislation of the State of Texas; and

WHEREAS, the general election for the Town of Hickory Creek, as set forth by the Texas Election Code, is required to be held on May 4, 2024 for the purpose of electing a Mayor and Town Council Members Place 2 and Place 4; each term being for a period of (2) two years.

WHEREAS, in accordance with Section 271.002 of the Texas Election Code, the Town election will be conducted with other political subdivisions of Denton County Texas.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF HICKORY CREEK, TEXAS, THAT:

**SECTION 1
ELECTION ORDERED**

An election is hereby ordered to be held on Saturday, May 4, 2024 for the purpose of electing a Mayor and Town Council Members to Place 2 and Place 4; each term being for a period of (2) years.

**SECTION 2
FILING PERIOD**

The filing period for an application on the ballot is January 17, 2024 - February 16, 2024.

**SECTION 3
PRECINCTS**

The election precinct for said election shall be the regular precinct of Denton County (Precinct 3158) to the extent that they are within the corporate limits of the Town of Hickory Creek.

SECTION 4
EARLY VOTING CLERK

In accordance with Sections 31.097 and 271.006 of the Texas Election Code, the following named person is hereby appointed as the Early Voting Clerk of the purposes of conducting said election:

Frank Phillips, Early Voting Clerk
Denton County Elections
P.O. Box 1720
Denton, Texas 76202
Elections@dentoncounty.com

SECTION 5
EARLY VOTING LOCATIONS

Early voting by personal appearance of Hickory Creek residents shall be conducted beginning April 22, 2024 and continue through April 30, 2024. The main early voting location shall be located at: Denton County Elections, 701 Kimberly Drive, Denton, Texas 76208. Additional early voting locations shall be determined per the Joint Election Agreement and Contract for Election Services with the Denton County Elections Administrator.

SECTION 6
ELECTION DAY POLLING PLACE

The polling place for all of Precinct 3158 within the corporate limits of the Town of Hickory Creek will be located at: Town of Hickory Creek Town Hall, 1075 Ronald Reagan Avenue, Hickory Creek, Texas 75065.

SECTION 7
CANCELLATION OF ELECTION

If only one person who has qualified to appear on the ballot for each office, and no write-in candidates have submitted their names to be placed on the list for write-in candidates, the Town Council may declare the candidates elected to office and cancel the election called herein.

SECTION 8
NOTICE AND PUBLICATION

Notice of the Election shall be given by posting a notice of election in both English and Spanish at Town of Hickory Creek located at 1075 Ronald Reagan Avenue, Hickory Creek Texas, on the bulletin board not later than twenty-one days prior to the date upon which the election is to be held, and by publication of said notice at least once in the official newspaper of the Town, being a newspaper of general circulation within the Town, the date of said publication to be not less than ten (10) days nor more than thirty (30) days prior to the date set for the elections. Upon publication of the election notice, the Town Secretary shall secure a publisher's affidavit.

SECTION 9
NECESSARY ACTIONS

The Mayor, Town Council, and Town Staff, in consultation with the Town Attorney, are hereby authorized and directed to take any and all actions necessary to comply with the provisions of the Code in carrying out and conducting the Election, whether or not expressly authorized herein.

SECTION 10
EFFECTIVE DATE

This Ordinance shall become effective immediately upon its passage and approval.

AND IT IS SO ORDAINED.

PASSED AND APPROVED by the Town Council of the Town of Hickory Creek, Texas, this the 29th day of January, 2024.

Lynn C. Clark., Mayor
Town of Hickory Creek

ATTEST:

Kristi K. Rogers, Town Secretary
Town of Hickory Creek

APPROVED AS TO LEGAL FORM

Dorwin L. Sargent, III, Town Attorney
Town of Hickory Creek

**TOWN OF HICKORY CREEK, TEXAS
RESOLUTION NO. 2024-01-__**

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF HICKORY CREEK, TEXAS, HEREBY AUTHORIZING THE MAYOR OF THE TOWN OF HICKORY CREEK, TEXAS, TO EXECUTE AN AGREEMENT BY AND BETWEEN THE TOWN OF HICKORY CREEK, TEXAS AND HALFF ASSOCIATES, INC. CONCERNING AN AGREEMENT FOR PROFESSIONAL ENGINEERING SERVICES FOR SYCAMORE BEND ROAD REPAIR; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Town of Hickory Creek (the “Town”), Texas is a Type A General Law Municipality located in Denton County, Texas, created in accordance with the provisions of the Texas Local Government Code and operating pursuant to enabling legislation of the State of Texas; and

WHEREAS, the Town Council has been presented with a proposed Agreement by and between the Town of Hickory Creek, Texas and Halff Associates, Inc. (hereinafter the “Agreement”) concerning Sycamore Bend Road Repair, a copy of which is attached hereto as Exhibit “A” and incorporated herein by reference; and

WHEREAS, upon full review and consideration of the Agreement, and all matters attendant and related thereto, the Town Council is of the opinion that the terms and conditions thereof should be approved, and that the Mayor shall be authorized to execute it on behalf of the Town of Hickory Creek.

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Hickory Creek, Texas:

Section 1: That the Mayor of the Town of Hickory Creek, Texas, is hereby authorized to execute on behalf of the Town of Hickory Creek, Texas, the Agreement attached hereto as Exhibit A.

Section 2: This Resolution shall take effect immediately upon its passage.

PASSED AND APPROVED by the Town Council of the Town of Hickory Creek, Texas this 29th day of January, 2024.

Lynn C. Clark, Mayor
Town of Hickory Creek, Texas

ATTEST:

Kristi Rogers, Town Secretary
Town of Hickory Creek, Texas

APPROVED AS TO FORM:

Dorwin L. Sargent, III, Town Attorney
Town of Hickory Creek, Texas

Town of Hickory Creek, Texas
Task Order Authorization Agreement
For
Professional Engineering Services with Halff Associates, Inc.

EXHIBIT A

Sycamore Bend Road Repair
FY 2024 Task Order Authorization
January 24, 2024

Scope of Work:	<p>Halff will provide professional services for Design, Coordination, Bidding and Construction Administration for the Sycamore Bend Road Repair project that will repair failing subgrade and pavement in an area between Maynard Drive/Secretariat Drive and Sycamore Cove Drive.</p> <p><u>Project Description</u></p> <p>The Sycamore Bend Road Repair project includes the removal and replacement of subgrade material, pavement, driveway, sidewalk and other flatwork of Sycamore Bend Road from 70 feet south of the Maynard Drive/Secretariat Drive intersection to the Sycamore Cove Drive intersection, approximately 160 linear feet.</p> <p>Assumptions:</p> <ol style="list-style-type: none">1. Design Surveys, Subsurface Utility Engineering (SUE) Services, and Geotechnical Engineering Services are not included in this task order authorization and have either previously been performed or will be considered additional services as needed2. Right-of-Way and Easement Documentation, Floodplain Analysis, Drainage Studies, and Environmental Services will not be necessary for this project and are not included in this task order authorization.3. The Town will directly contract with a geotechnical firm for the geotechnical materials testing and/or construction observations. The section and recommendations contained in the geotechnical report shall be utilized without modification by the Engineer.4. Construction staking, management and inspection are not included in this task order authorization.5. Halff will provide a Traffic Control and Sequencing Plan following TMUTCD established minimums. Contractor will be responsible for submitting the final Traffic Control Plan for Town approval.6. The design provided will assume the original Contractor for the Sycamore Bend Road project built the road and adjacent grading to the same lines and grades specified in the original plan set and as per the original Contractor's provided As-Built Redline Drawings. <p><u>Work Plan</u></p> <ol style="list-style-type: none">A. Site Visit and Field Assessment - Halff shall conduct one (1) site visit and perform field assessment of the corridor to verify existing features, above ground utilities, and confirm pavement and flatwork repair limits.B. Construction Plans – Halff shall develop construction plans for review, bidding, construction, inspection and record keeping. In general, construction plans shall be consistent with normal practices for projects of this nature. Preliminary design and Final design construction plans shall be prepared and
-----------------------	--

**Town of Hickory Creek, Texas
Task Order Authorization Agreement
For**

EXHIBIT A

Professional Engineering Services with Halff Associates, Inc.

	<p>will include the following plan sheets:</p> <ul style="list-style-type: none">• Cover Sheet and Sheet Index• General Notes and Legend Sheet• Project Layout Sheet (Scale: 1"=50')• Typical Sections Sheet• Demolition Plan Sheet (Scale: 1" = 20')• Paving Plan and Profile Sheet(s) (Scale: 1" = 20')• Grading Plan Sheet(s) (Scale: 1" = 20')• Erosion Control Plan Sheet(s) (Scale: 1" = 20')• Traffic Control and Sequence Plan Sheet (Scale: 1" = 50')• Pavement Markings and Signage Plan Sheet (Scale: 1" = 20')• Detail Sheets• Cross Sections <p>C. Design and Review – The design of the project shall be in accordance with the Town of Hickory Creek ordinances, standard details, and good Engineering practices. Preliminary plans shall be prepared and submitted at a 90% milestone followed by final plans prepared and submitted at a 100% milestone. During development of the plans, Halff shall attend up to two (2) meetings. Halff shall, in company with the Town, perform at least one plans-in-hand review meeting and one (1) miscellaneous meeting, as needed.</p> <p>D. Specifications and Opinion of Probable Construction Costs (OPCC) – Halff shall prepare a project manual and technical specifications required for bidding and constructing the project at the 90% and 100% milestones. The project manual will be provided in the Town’s standard format. Only specifications amending or supplementing NCTCOG specifications need be furnished. Project manual, specifications, bid items and quantities shall be furnished on hard copy and by electronic file. Estimates of probable cost will be developed at each milestone submittal.</p> <p>E. Bidding – During the bidding phase, Halff will prepare bid documents and assist the Town in advertising the project for bid. Halff will address technical questions and prepare up to one (1) addenda and issue to the bidders. Halff shall also attend and prepare agenda for a pre-bid meeting facilitated by the Halff. Halff shall attend the bid opening meeting. Halff will tabulate bids and provide a reference summary letter to award the contract.</p> <p>F. Construction Administration – Halff assumes the construction phase for the project will last no more than five (5) months, and the following scope represents effort expected for that duration. If the construction phase lasts longer or requires more effort than assumed, additional construction administration services can be provided to the Town on an hourly basis as needed and requested.</p> <ul style="list-style-type: none">• Attend one (1) pre-construction meeting.• Halff shall attend five (5) monthly progress meetings, as required, and document each meeting with written minutes. Halff shall visit the project site at the request of the Town, maximum two (2) site
--	---

**Town of Hickory Creek, Texas
Task Order Authorization Agreement
For**

EXHIBIT A

Professional Engineering Services with Halff Associates, Inc.

	<p>visits as construction proceeds to observe and report on the progress and quality of the executed work. In performing these services, Halff will endeavor to protect the Town against defects and deficiencies in the work of the Contractor. However, Halff cannot guarantee the performance of the Contractor, nor be responsible for the actual supervision of the construction operations or for the safety measures that the Contractor takes or should take.</p> <ul style="list-style-type: none"> • Review up to six (6) shop drawings and Contractor submittals. • Review laboratory test reports on materials and equipment. • Review up to five (5) monthly payment applications and one (1) retaining pay application submitted by the Contractor. • Prepare and negotiate up to one (1) Change Order between the Contractor and the Town. • Prepare record drawings from information supplied by the Contractor, incorporating all changes and known variations. Record drawings shall be delivered in a digital format to the Town. <p>G. Reimbursable Expenses – All direct non-labor expenses, including services of special professionals (if authorized by Town in writing), printing and reproduction costs, messenger and overnight delivery charges, and travel subsistence for staff when required for the proper execution of the work.</p> <p><u>Exclusions</u></p> <p>Other services, not included in this task order authorization, will be negotiated with the Town as needed. Compensation will be based upon a mutually agreed lump sum fee or an hourly rate. Additional services shall be considered any services not specifically listed in this “Scope of Work” section of Exhibit A of this task order authorization. Available additional services can be found in the next section.</p>
<p>Additional Services Available:</p>	<ul style="list-style-type: none"> • Design Survey (Boundary and Topographic) Services • Subsurface Utilities Engineering (SUE) Services • Additional Geotechnical Investigation Services • Construction Engineering and Inspection Services • Right of Way and Easement Services • Drainage Modeling, Design, and Permitting Services • Environmental Services <p>If during the design any of the above services listed are deemed a requirement for completion of the design or project, they can be detailed, provided and negotiated for an additional fee.</p>
<p>Deliverables:</p>	<ol style="list-style-type: none"> 1. Preliminary (90%) Design Package: Three (3) sets of half-size preliminary plans, one (1) preliminary project manual, one (1) preliminary construction cost estimate. 2. Final (100%) Design Package: Up to six (6) sets of half-size final plans and

**Town of Hickory Creek, Texas
Task Order Authorization Agreement**

EXHIBIT A

**For
Professional Engineering Services with Halff Associates, Inc.**

	up to three (3) final project manuals for bidding and construction. One (1) final construction cost estimate.
Items Furnished by Town:	<ol style="list-style-type: none"> 1. All available as-builts, record drawings and other records of the area from the Town. 2. Town review comments on preliminary plans and project manual.
Schedule:	<ul style="list-style-type: none"> - Completion/furnishing 90% preliminary plans, specifications, bid quantities and construction cost estimate: 60 calendar days from date of written authorization to begin the work. - Completion/ furnishing 100% final plans, specifications, bid quantities and construction cost estimate: 15 calendar days from date of receipt of 90% Preliminary Town Comments. - Bidding Services: In accordance with the Town’s advertisement schedule. - Construction Administration Services: In accordance with construction schedule (estimated to be 150 calendar days total). - Closure: 30 calendar days from the date of construction completion.
Fees:	<ol style="list-style-type: none"> 1. Construction Plans, Specifications and Estimates (PS&E) - \$18,000 2. Bidding and Construction Phase Services - \$20,500 <p>Total Fee: \$38,500.00</p> <p>This is a <u>(Cost Plus Maximum)</u> Fee and will be billed monthly on an hourly basis. Direct costs (mileage, copies, etc) are included in this fee and are charged at actual invoice cost times a multiplier of 1.1. Services will be billed in accordance with the Rate Schedule and the Unit Pricing Schedule included in the master agreement. The maximum amount of this Task Order will not be exceeded without written authorization from the Town.</p>

Halff Associates is performing the services above under the terms and conditions described in the **Agreement for Professional Engineering Services on a Task Order Basis**, dated March 12, 2012, between Halff Associates and the Town of Hickory Creek. Halff Associates will bill the above described services under project number AVO 37638.124, Phase 000300.

**Town of Hickory Creek, Texas
Task Order Authorization Agreement
For**

EXHIBIT A

Professional Engineering Services with Halff Associates, Inc.

Submitted:

Approved:

HALFF ASSOCIATES, INC.

TOWN OF HICKORY CREEK, TEXAS

By: _____

By: _____

Signature

Signature

Jacob T. Hays, PE

Printed Name

Printed Name

Public Works Team Leader

Title

Title

Date

Date

**TOWN OF HICKORY CREEK, TEXAS
RESOLUTION NO. 2024-01-__**

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF HICKORY CREEK, TEXAS, HEREBY AUTHORIZING THE MAYOR OF THE TOWN OF HICKORY CREEK, TEXAS, TO EXECUTE AN AGREEMENT BY AND BETWEEN THE TOWN OF HICKORY CREEK, TEXAS AND HALFF ASSOCIATES, INC. CONCERNING AN AGREEMENT FOR PROFESSIONAL ENGINEERING SERVICES FOR STORM WATER MANAGEMENT REPORTING AND PERMIT COMPLIANCE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Town of Hickory Creek (the “Town”), Texas is a Type A General Law Municipality located in Denton County, Texas, created in accordance with the provisions of the Texas Local Government Code and operating pursuant to enabling legislation of the State of Texas; and

WHEREAS, the Town Council has been presented with a proposed Agreement by and between the Town of Hickory Creek, Texas and Halff Associates, Inc. (hereinafter the “Agreement”) concerning Storm Water Management Reporting and Permit compliance, a copy of which is attached hereto as Exhibit “A” and incorporated herein by reference; and

WHEREAS, upon full review and consideration of the Agreement, and all matters attendant and related thereto, the Town Council is of the opinion that the terms and conditions thereof should be approved, and that the Mayor shall be authorized to execute it on behalf of the Town of Hickory Creek.

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Hickory Creek, Texas:

Section 1: That the Mayor of the Town of Hickory Creek, Texas, is hereby authorized to execute on behalf of the Town of Hickory Creek, Texas, the Agreement attached hereto as Exhibit A.

Section 2: This Resolution shall take effect immediately upon its passage.

PASSED AND APPROVED by the Town Council of the Town of Hickory Creek, Texas this 29th day of January, 2024.

Lynn C. Clark, Mayor
Town of Hickory Creek, Texas

ATTEST:

Kristi Rogers, Town Secretary
Town of Hickory Creek, Texas

APPROVED AS TO FORM:

Dorwin L. Sargent, III, Town Attorney
Town of Hickory Creek, Texas

Town of Hickory Creek, Texas
Task Order Authorization Agreement
For
Professional Engineering Services with Halff Associates, Inc.

EXHIBIT A

MS4 – Year 5 Annual Report &
2024-2029 SWMP Preparation
FY 2024 Task Order Authorization
January 15, 2023

Scope of Work:	<p>Halff’s proposed services will include the annual report (Year 5) for Hickory Creek’s MS4 Storm Water Management Program that will achieve administrative compliance with the General Permit to Discharge under the Texas Pollutant Discharge Elimination System. Services will also include preparation of the updated, 2024-2029 MS4 Stormwater Management Program (SWMP) for the Town to achieve administrative compliance with the 2024-2029 general permit, TXR040000.</p> <p>The tasks outlined in this scope are intended to assist the Town in the preparation of the TCEQ required annual reports on the Storm Water Management Program (SWMP). These reports provide annual updates to the TCEQ in the format required by the MS4 permit. Halff will assist the Town in preparing and submitting the annual reports using the following approach:</p> <ol style="list-style-type: none">1. <u>Prepare Year 5 Annual Report for January 1, 2023 – December 31, 2023</u> (Permit # – TXR040000) (Due March 31, 2024) Halff will review the current SWMP and MS4 permit to evaluate all progress towards the Minimum Control Measure (MCM) measurable goals and to identify which measurable goals still need to be completed. Halff will meet with the Town to discuss the previous Year 4 Annual Report, Best Management Practices (BMPs), timeline of activities, program goals, and annual reporting requirements. The primary goal of this meeting will be to discuss progress achieved during reporting Year 5 (2023) towards the measurable goals of each MCM and Best Management Practices (BMP) from the current SWMP. Halff will prepare the Year 5 Annual Report based on this information.2. <u>NOI and SWMP Revision</u> (due 180 days after TCEQ permit is approved, anticipated to be July 22,2024) – Halff will assist the Town in the preparation of the TCEQ required Notice of Intent (NOI) and the revision of the Town’s current Storm Water Management Program (SWMP) using the MCM and scheduled of BMPs developed. Following the review meeting with the Town, Halff will prepare a draft SWMP and NOI. Halff will schedule a conference call/in-person meeting to discuss any Town Comment. Halff will amend the draft SWMP and prepare a final SWMP and NOI for the Town to submit. Following the written instructions from the TCEQ’s Office of Chief Clerk, Halff will provide notice that the Town will need to publish. Halff will attend up to one (1) public meeting if public meetings are directed by the TCEQ executive director. This scope of work does not include the implementation of the SWMP activities nor the annual reporting required. Halff will assist the Town in developing implementation strategies, a basic timeline for each storm water related activity, and a reference for responsible parties involved.
-----------------------	--

**Town of Hickory Creek, Texas
Task Order Authorization Agreement
For**

EXHIBIT A

Professional Engineering Services with Halff Associates, Inc.

Additional Services Available:	<u>Notice of Change</u> – As an additional service, if it is required to address and document changes to the SWMP measurable goals, Halff will prepare and submit to TCEQ a Notice of Change (NOC) document on behalf of the Town.
Deliverables:	<ol style="list-style-type: none"> 1. 3 copies of the draft Year 5 Annual Report. Submit 1 hard copy to TCEQ Austin , 1 hard copy to TCEQ field office in Tarrant County, and 1 hard copy to the Town of Hickory Creek 2. Electronic deliverables – Year 5 Annual Reports 3. Digital copies of the draft MCMs and schedule of BMPs 4. Digital copies of the final Notice of Intent and a SWMP provided to the Town for submittal to TCEQ.
Items Furnished by Town:	<ol style="list-style-type: none"> 1. Documentation related to recent SWMP progress towards measurable goals, etc. from January 1, 2023 to December 31, 2023
Schedule:	<ul style="list-style-type: none"> - Year 5 Annual Report complete by the permit deadline (March 31, 2024) to avoid Year 5 penalties. - Draft revised MCM and schedule of BMPs to Town (Late May 2024). Town feedback on draft by Mid-June 2024. - Final NOI and SWMP submitted to Town for signature (Mid-July 2024). - Anticipated SWMP submittal date to TCEQ is July 22, 2024.
Fees:	<ol style="list-style-type: none"> 1. Review, prepare, and submit MS4 Year 5 Annual Report - \$7,000 2. Review, prepare, and submit Revised NOI, SWMP, MCM and BMP schedule - \$28,000 <p>Total Fee: \$35,000.00</p> <p>This is a (<u>Cost Plus Maximum</u>) Fee and will be billed monthly on an hourly basis. Direct costs (mileage, copies, etc) are included in this fee and are charged at actual invoice cost times a multiplier of 1.1. Services will be billed in accordance with the Rate Schedule and the Unit Pricing Schedule included in the master agreement. The maximum amount of this Task Order will not be exceeded without written authorization from the Town.</p>

Halff Associates is performing the services above under the terms and conditions described in the **Agreement for Professional Engineering Services on a Task Order Basis**, dated March 12, 2012, between Halff Associates and the Town of Hickory Creek. Halff Associates will bill the above described services under project number AVO 37638.324.

**Town of Hickory Creek, Texas
Task Order Authorization Agreement
For
Professional Engineering Services with Halff Associates, Inc.**

EXHIBIT A

Submitted:

Approved:

HALFF ASSOCIATES, INC.

TOWN OF HICKORY CREEK, TEXAS

By: _____

By: _____

Signature

Signature

Jacob T. Hays, PE

Printed Name

Printed Name

Public Works Team Leader

Title

Title

Date

Date

This document is a **draft proposed permit**. This document is not considered the final permit, and is subject to change prior to final issuance.

Texas Commission on Environmental Quality



GENERAL PERMIT TO DISCHARGE UNDER THE TEXAS POLLUTANT DISCHARGE ELIMINATION SYSTEM

under provisions of
402 of the Clean Water Act
and Chapter 26 of the Texas Water Code

This permit supersedes and replaces
TPDES General Permit No. TXR040000, issued January 24, 2019

Small (Phase II) Municipal Separate Storm Sewer Systems located in the state of Texas may discharge directly to surface water in the state only according to requirements and conditions set forth in this general permit, as well as the rules of the Texas Commission on Environmental Quality (TCEQ or Commission), the laws of the State of Texas, and other orders of the TCEQ. The issuance of this general permit does not grant to the permittee the right to use private or public property for conveyance of stormwater and certain non-stormwater discharges along the discharge route. This includes property belonging to but not limited to any individual, partnership, corporation, or other entity. Neither does this general permit authorize any invasion of personal rights nor any violation of federal, state, or local laws or regulations. It is the responsibility of the permittee to acquire property rights as may be necessary to use the discharge route.

This general permit and the authorization contained herein shall expire at midnight, five years after the permit effective date.

EFFECTIVE DATE:

ISSUED DATE:

For the Commission

**TCEQ GENERAL PERMIT NUMBER TXR040000
RELATING TO DISCHARGES FROM
SMALL MUNICIPAL SEPARATE STORM SEWER SYSTEMS**

Table of Contents

Part I. Definitions..... 7

Part II. Permit Applicability and Coverage 13

Section A. Small MS4s Eligible for Authorization under this General Permit..... 13

1. Small MS4s Located in an Urban Area with a Population of at Least 50,000 People 13

2. Designated Small MS4s 13

3. Regulated Portion of Small MS4 13

Section B. Categories of Regulated Small MS4s..... 14

Section C. Available Waivers from Coverage 14

1. Waiver Option 1: 15

2. Waiver Option 2:..... 16

Section D. Allowable Non-Stormwater Discharge..... 16

Section E. Limitations on Permit Coverage 17

1. Discharges Authorized by Another TPDES Permit 17

2. Discharges of Stormwater Mixed with Non-Stormwater 17

3. Compliance with Texas Surface Water Quality Standards 17

4. Discharges to the Edwards Aquifer Recharge Zone 18

5. Discharges to Specific Watersheds and Water Quality Areas 19

6. Protection of Streams and Watersheds by Home Rule Municipalities 19

7. Indian Country Lands 19

8. Endangered Species Act..... 19

Section F. Obtaining Authorization 19

1. Application for Coverage 19

2. Application Deadlines..... 20

3. Late Submission of the NOI..... 20

4. Contents of the NOI..... 20

5. SWMP General Requirements..... 21

6. Changes to the NOI Submitted and SWMP..... 22

7. Notice of Change (NOC) 23

NEW Level Categories

NEW

- 8. Change in Operational Control of a Small MS4.....23
- 9. Notice of Termination (NOT)23
- 10. Signatory Requirement for NOI, NOT, NOC, and Waiver Forms24
- 11. Electronic Reporting Waiver24
- 12. Fees24
- 13. Permit Expiration24
- 14. Suspension of Permit Coverage25
- Section G. Permitting Options.....25
 - 1. Authorization Under the General Permit25
 - 2. Alternative Coverage Under an Individual TPDES Permit26
- Part III. Impaired Water Bodies and Total Maximum Daily Load (TMDL) Requirements...26
 - Section A. Discharges to Water Quality Impaired Water Bodies with an Approved TMDL
26
 - 1. Targeted Controls27
 - 2. Measurable Goals.....27
 - 3. Identification of Benchmarks27
 - 4. Annual Report.....28
 - 5. Impairment for Bacteria28
 - 6. Monitoring or Assessment of Progress.....30
 - 7. Observing No Progress Towards the Benchmark.....31
 - Section B. Discharges Directly to Water Quality Impaired Water Bodies Without an
Approved TMDL.....31
 - 1. Discharging a Pollutant of Concern.....31
 - 2. Impairment for Bacteria31
 - 3. Annual Report.....31
- Part IV. Stormwater Management Program (SWMP).....32
 - Section A. SWMP Review32
 - Section B. SWMP Updates Required by TCEQ32
 - Section C. Developing a Stormwater Management Program (SWMP).....32
 - 1. SWMP Development and Schedule32
 - 2. Contents of the SWMP.....33
 - 3. Legal Authority33
 - 4. Resources35
 - 5. Effluent Limitations.....35

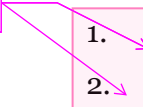
NEW

From Part II D4 to NEW Header: Part III

NEW

- 6. Enforcement Measures35
- 7. General Requirements35
- Section D. Minimum Control Measures (MCMs).....36
 - 1. Public Education and Outreach36
 - 2. Public Involvement/Participation 40
 - 3. Illicit Discharge Detection and Elimination (IDDE)42
 - 4. Construction Site Stormwater Runoff Control49
 - 5. Post Construction Stormwater Management in New Development and Redevelopment 54
 - 6. Pollution Prevention and Good Housekeeping for Municipal Operations56
 - 7. Industrial Stormwater Sources70
 - 8. Authorization for Construction Activities where the Small MS4 is the Site Operator71
- Part V. Recordkeeping and Reporting 72
 - Section A. Recordkeeping..... 72
 - Section B. Reporting..... 72
 - 1. General Reporting Requirements 72
 - 2. Annual Report..... 73
- Part VI. Standard Permit Conditions 74
- Part VII. Authorization for Municipal Construction Activities – Applicable only if the Optional 8th MCM is Selected 76
 - Section A. Eligible Construction Sites 76
 - Section B. Discharges Eligible for Authorization 76
 - 1. Stormwater Associated with Construction Activity 76
 - 2. Discharges of Stormwater Associated with Construction Support Activities 76
 - 3. Non-Stormwater Discharges 77
 - 4. Other Permitted Discharges 77
 - Section C. Limitations on Permit Coverage 77
 - Section D. Stormwater Pollution Prevention Plan (SWP3) Requirements 77
 - Section E. Contents of SWP3..... 78
 - 1. Site Description..... 78
 - 2. Structural and non-structural controls..... 79
 - 3. Stabilization Practices..... 79
 - 4. Structural Control Practices 80
 - 5. Permanent Stormwater Controls..... 81

NEW



- 6. Other Controls 81
- 7. Effluent Limitations..... 81
- 8. Approved State and Local Plans 81
- 9. Maintenance 81
- 10. Inspections of Controls..... 81
- 11. Observation and Evaluation of Dewatering Controls84
- 12. Pollution Prevention Measures.....85
- Section F. Stormwater Runoff from Concrete Batch Plant85
 - 1. Benchmark Sampling Requirements.....85
 - 2. BMPs and SWP3 Requirements for Concrete Batch Plants86
 - 3. Concrete Truck Wash Out Requirements.....89
- Section G. Effective Date of Coverage 90
- Section H. Deadlines for SWP3 Preparation and Compliance 90
- Section I. Plan Review and Making Plans Available 90
- Section J. Keeping Plans Current 90
- Section K. Delegation of Signatory Authority 90
- Section L. Additional Retention of Records..... 91

NEW

Part I. Definitions

Arid Areas – Areas with an average annual rainfall of less than ten inches.

Benchmarks – A benchmark pollutant value is a guidance level indicator that helps determine the effectiveness of chosen best management practices (BMPs). This type of monitoring differs from “compliance monitoring” in that exceedances of the indicator or benchmark level are not permit violations, but rather indicators that can help identify problems at the Municipal Separate Storm Sewer System (MS4) with exposed or unidentified pollutant sources; or control measures that are either not working correctly, whose effectiveness need to be re-considered, or that need to be supplemented with additional BMP(s).

Best Management Practices (BMPs) – Schedules of activities, prohibitions of practices, maintenance procedures, structural controls, local ordinances, and other management practices to prevent or reduce the discharge of pollutants. BMPs also include treatment requirements, operating procedures, and practices to control runoff, spills or leaks, waste disposal, or drainage from raw material storage areas.

Catch Basins – Storm drain inlets and curb inlets to the storm drain system. Catch basins typically include a grate or curb inlet that may accumulate sediment, debris, and other pollutants.

Classified Segment – A water body that is listed and described in Appendix A or Appendix C of the Texas Surface Water Quality Standards, at 30 Texas Administrative Code (TAC) § 307.10.

Clean Water Act (CWA) – The Federal Water Pollution Control Act or Federal Water Pollution Control Act Amendments of 1972, Pub.L. 92-500, as amended Pub. L. 95-217, Pub. L. 95-576, Pub. L. 96-483, and Pub. L. 97-117, 33 U.S.C. 1251 et. seq.

Common Plan of Development or Sale – A construction activity that is completed in separate stages, separate phases, or in combination with other construction activities. A common plan of development or sale is identified by the documentation for the construction project that identifies the scope of the project, and may include plats, blueprints, marketing plans, contracts, building permits, a public notice or hearing, zoning requests, or other similar documentation and activities.

Construction Activity – Soil disturbance, including clearing, grading, excavating, and other construction related activities (e.g., stockpiling of fill material and demolition); and not including routine maintenance that is performed to maintain the original line and grade, hydraulic capacity, or original purpose of the site (e.g., the routine grading of existing dirt roads, asphalt overlays of existing roads, the routine clearing of existing right-of-ways, and similar maintenance activities). Regulated construction activity is defined in terms of small and large construction activity.

Small Construction Activity is construction activity that results in land disturbance of equal to or greater than one acre and less than five acres of land. Small construction activity also includes the disturbance of less than one acre of total land area that is part of a larger common plan of development or sale if the larger common plan will ultimately disturb equal to or greater than one and less than five acres of land.

Large Construction Activity is construction activity that results in land disturbance of equal to or greater than five acres of land. Large construction activity also includes the disturbance of less than five acres of total land area that is part of a larger common plan of development or sale if the larger common plan will ultimately disturb equal to or greater than five acres of land.

Construction Site Operator – The entity or entities associated with a small or large construction project that meet(s) either of the following two criteria:

- (a) The entity or entities that have operational control over construction plans and specifications (including approval of revisions) to the extent necessary to meet the requirements and conditions of this general permit; or
- (b) The entity or entities that have day-to-day operational control of those activities at a construction site that are necessary to ensure compliance with a stormwater pollution prevention plan (SWP3) for the site or other permit conditions (for example they are authorized to direct workers at a site to carry out activities required by the SWP3 or comply with other permit conditions).

Control Measure – Any BMP or other method used to prevent or reduce the discharge of pollutants to water in the state.

Conveyance – Curbs, gutters, man-made channels and ditches, drains, pipes, and other constructed features designed or used for flood control or to otherwise transport stormwater runoff.

Discharge – When used without a qualifier, refers to the discharge of stormwater runoff or certain non-stormwater discharges as allowed under the authorization of this general permit.

Edwards Aquifer – As defined in 30 TAC § 213.3 (relating to the Edwards Aquifer), that portion of an arcuate belt of porous, water-bearing, predominantly carbonate rocks known as the Edwards and Associated Limestones in the Balcones Fault Zone trending from west to east to northeast in Kinney, Uvalde, Medina, Bexar, Comal, Hays, Travis, and Williamson Counties; and composed of the Salmon Peak Limestone, McKnight Formation, West Nueces Formation, Devil's River Limestone, Person Formation, Kainer Formation, Edwards Formation, and Georgetown Formation. The permeable aquifer units generally overlie the less-permeable Glen Rose Formation to the south, overlie the less-permeable Comanche Peak and Walnut Formations north of the Colorado River, and underlie the less-permeable Del Rio Clay regionally.

Edwards Aquifer Recharge Zone – Generally, that area where the stratigraphic units constituting the Edwards Aquifer crop out, including the outcrops of other geologic formations in proximity to the Edwards Aquifer, where caves, sinkholes, faults, fractures, or other permeable features would create a potential for recharge of surface waters into the Edwards Aquifer. The recharge zone is identified as that area designated as such on official maps located on the TCEQ website or in the offices of the TCEQ.

Final Stabilization – A construction site where any of the following conditions are met:

- (a) All soil disturbing activities at the site have been completed and a uniform (for example, evenly distributed, without large bare areas) perennial vegetative cover with a density of 70 percent (%) of the native background vegetative cover for the area has been established on all unpaved areas and areas not covered by permanent structures, or equivalent permanent stabilization measures (such as the use of riprap, gabions, or geotextiles) have been employed.
- (b) For individual lots in a residential construction site by either:
 - (1) The homebuilder completing final stabilization as specified in condition (a) above; or
 - (2) The homebuilder establishing temporary stabilization for an individual lot prior to the time of transfer of the ownership of the home to the buyer and after informing the homeowner of the need for, and benefits of, final stabilization.

- (c) For construction activities on land used for agricultural purposes (for example pipelines across crop or range land), final stabilization may be accomplished by returning the disturbed land to its preconstruction agricultural use. Areas disturbed that were not previously used for agricultural activities, such as buffer strips immediately adjacent to a surface water and areas which are not being returned to their preconstruction agricultural use must meet the final stabilization conditions of condition (a) above.
- (d) In arid, semi-arid, and drought-stricken areas only, all soil disturbing activities at the site have been completed and both of the following criteria have been met:
 - (1) Temporary erosion control measures (e.g., degradable rolled erosion control product) are selected, designed, and installed along with an appropriate seed base to provide erosion control for at least three years without active maintenance by the operator, and
 - (2) The temporary erosion control measures are selected, designed, and installed to achieve 70 percent (%) vegetative coverage within three years.

General Permit – A permit issued to authorize the discharge of waste into or adjacent to water in the state for one or more categories of waste discharge within a geographical area of the state or the entire state as provided by Texas Water Code (TWC) § 26.040.

Groundwater Infiltration – For the purposes of this permit, groundwater that enters a municipal separate storm sewer system (including sewer service connections and foundation drains) through such means as defective pipes, pipe joints, connections, or manholes.

High Priority Facilities – High priority facilities are facilities with a high potential to generate stormwater pollutants. These facilities must include, at a minimum, the MS4 operator's maintenance yards, hazardous waste facilities, fuel storage locations, and other facilities where chemicals or other materials have a high potential to be discharged in stormwater. Among the factors that must be considered when giving a facility a high priority ranking are: the amount of urban pollutants stored at the site, the identification of improperly stored materials, activities that must not be performed outside (for example, changing automotive fluids, vehicle washing), proximity to water bodies, proximity to sensitive aquifer recharge features, poor housekeeping practices, and discharge of pollutant(s) of concern to impaired water(s).

Hyperchlorinated Water – Water resulting from hyperchlorination of waterlines or vessels, with a chlorine concentration greater than 10 milligrams per liter (mg/L).

Illicit Connection – Any man-made conveyance connecting an illicit discharge directly to a municipal separate storm sewer.

Illicit Discharge – Any discharge to an MS4 that is not entirely composed of stormwater, except discharges pursuant to this general permit or a separate authorization and discharges resulting from emergency fire-fighting activities.

Impaired Water – A surface water body that is identified as impaired on the latest U.S. Environmental Protection Agency (EPA) approved Clean Water Act (CWA) § 303(d) List or waters with an EPA approved or established TMDL that are found on the latest EPA approved *Texas Integrated Report of Surface Water Quality for CWA Sections 305(b) and 303(d)* which lists the category 4 and 5 water bodies.

Implementation Plan (I-Plan) – A detailed plan of action that describes the measures or activities necessary to achieve the pollutant reductions identified in the total maximum daily load (TMDL).

Indian Country – Defined in 18 U.S.C. § 1151 as:

- (a) All land within the limits of any Indian reservation under the jurisdiction of the United States (U.S.) Government, notwithstanding the issuance of any patent, and including rights-of-way running through the reservation;
- (b) All dependent Indian communities within the borders of the U.S. whether within the original or subsequently acquired territory thereof, and whether within or without the limits of a state; and
- (c) All Indian allotments, the Indian titles to which have not been extinguished, including rights-of-way running through the same. This definition includes all land held in trust for an Indian tribe.

Indicator Pollutant – An easily measured pollutant, that may or may not impact water quality that indicates the presence of other stormwater pollutants.

Industrial Activity – Any of the ten categories of industrial activities included in the definition of “stormwater discharges associated with industrial activity” as defined in 40 Code of Federal Regulations (CFR) § 122.26(b)(14)(i)-(ix) and (xi).

Infeasible – For the purpose of this permit, infeasible means not technologically possible, or not economically practicable and achievable in light of best industry practices. The TCEQ notes that it does not intend for any small MS4 general permit requirement to conflict with state water right laws.

Maximum Extent Practicable (MEP) – The technology-based discharge standard for MS4s to reduce pollutants in stormwater discharges that was established by the CWA § 402(p). A discussion of MEP as it applies to small MS4s is found in 40 CFR § 122.34.

MS4 Operator – For the purpose of this permit, the public entity or the entity contracted by the public entity, responsible for management and operation of the small municipal separate storm sewer system that is subject to the terms of this general permit.

Municipal Separate Storm Sewer System (MS4) – A conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains):

- (a) Owned or operated by the U.S., a state, city, town, borough, county, parish, district, association, or other public body (created by or pursuant to state law) having jurisdiction over the disposal of sewage, industrial wastes, stormwater, or other wastes, including special districts under state law such as a sewer district, flood control district or drainage district, or similar entity, or an Indian tribe or an authorized Indian tribal organization, or a designated and approved management agency under the CWA § 208 that discharges to surface water in the state;
- (b) That is designed or used for collecting or conveying stormwater;
- (c) That is not a combined sewer; and
- (d) That is not part of a publicly owned treatment works (POTW) as defined in 40 CFR § 122.2.

Non-traditional Small MS4 – A small MS4 that often cannot pass ordinances and may not have the enforcement authority like a traditional small MS4 would have to enforce the stormwater management program. Examples of non-traditional small MS4s include counties, transportation authorities (including the Texas Department of Transportation), municipal utility districts, drainage districts, military bases, prisons, and universities.

Notice of Change (NOC) – A written notification from the permittee to the executive director providing changes to information that was previously provided to the agency in a Notice of Intent.

Notice of Intent (NOI) – A written submission to the executive director from an applicant requesting coverage under this general permit.

Notice of Termination (NOT) – A written submission to the executive director from a permittee authorized under a general permit requesting termination of coverage under this general permit.

Outfall – A point source at the point where a small MS4 discharges to Waters of the U.S. and does not include open conveyances connecting two municipal separate storm sewers, or pipes, tunnels, or other conveyances that connect segments of the same stream or other Waters of the U.S. and are used to convey Waters of the U.S. For the purpose of this permit, sheet flow leaving a linear transportation system without channelization is not considered an outfall. Point sources such as curb cuts; traffic or right-of-way barriers with drainage slots that drain into open culverts, open swales, or an adjacent property, or otherwise not actually discharging into Waters of the U.S. are not considered an outfall.

Permittee – The MS4 operator authorized under this general permit.

Point Source – (from 40 CFR § 122.22) any discernible, confined, and discrete conveyance, including but not limited to, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, landfill leachate collection system, vessel or other floating craft from which pollutants are or may be discharged. This term does not include return flows from irrigated agriculture or agricultural stormwater runoff.

Pollutant(s) of Concern (POCs) – For the purpose of this permit, includes biochemical oxygen demand (BOD), sediment or a parameter that addresses sediment (such as total suspended solids (TSS), turbidity or siltation), pathogens, oil and grease, and any pollutant that has been identified as a cause of impairment of any water body that will receive a discharge from an MS4. (Definition from 40 CFR § 122.32(e)(3)).

Redevelopment – Alterations of a property that changed the “footprint” of a site or building in such a way that there is a disturbance of equal to or greater than one acre of land. This term does not include such activities as exterior remodeling, routine maintenance activities, and linear utility installation.

Semiarid Areas – Areas with an average annual rainfall of at least ten inches, but less than 20 inches.

Small Municipal Separate Storm Sewer System (MS4) – A conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, manmade channels, or storm drains):

- (a) Owned or operated by the U.S., a state, city, town, borough, county, district, association, or other public body (created by or pursuant to State law) having jurisdiction over disposal of sewage, industrial wastes, stormwater, or other wastes, including special districts under state law such as a sewer district, flood control district or drainage district, or similar entity, or an Indian tribe or an authorized Indian tribal organization, or a designated and approved management agency under CWA § 208;
- (b) Designed or used for collecting or conveying stormwater;
- (c) Which is not a combined sewer;
- (d) Which is not part of a POTW as defined in 40 CFR § 122.2; and

- (e) Which was not previously regulated under a National Pollutant Discharge Elimination System (NPDES) or a Texas Pollutant Discharge Elimination System (TPDES) individual permit as a medium or large municipal separate storm sewer system, as defined in 40 CFR §§ 122.26(b)(4) and (b)(7).

This term includes systems similar to separate storm sewer systems at military bases, large hospitals or prison complexes, and highways and other thoroughfares. This term does not include separate storm sewers in very discrete areas, such as individual buildings. For the purpose of this permit, a very discrete system also includes storm drains associated with certain municipal offices and education facilities serving a nonresidential population, where those storm drains do not function as a system, and where the buildings are not physically interconnected to a small MS4 that is also operated by that public entity.

Stormwater and Stormwater Runoff – Rainfall runoff, snow melt runoff, and surface runoff and drainage.

Stormwater Associated with Construction Activity – Stormwater runoff from an area where there is either a large construction or a small construction activity.

Stormwater Management Program (SWMP) – A comprehensive program to manage the quality of discharges from the MS4.

Structural Control (or Practice) – A pollution prevention practice that requires the construction of a device, or the use of a device, to capture or prevent pollution in stormwater runoff. Structural controls and practices may include but are not limited to wet ponds, bioretention, infiltration basins, stormwater wetlands, silt fences, earthen dikes, drainage swales, vegetative lined ditches, vegetative filter strips, sediment traps, check dams, subsurface drains, storm drain inlet protection, rock outlet protection, reinforced soil retaining systems, gabions, and temporary or permanent sediment basins.

Surface Water in the State – Lakes, bays, ponds, impounding reservoirs, springs, rivers, streams, creeks, estuaries, wetlands, marshes, inlets, canals, the Gulf of Mexico inside the territorial limits of the state (from the mean high water mark (MHW) out 10.36 miles into the Gulf), and all other bodies of surface water, natural or artificial, inland or coastal, fresh or salt, navigable or nonnavigable, and including the beds and banks of all water courses and bodies of surface water, that are wholly or partially inside or bordering the state or subject to the jurisdiction of the state. Waters in treatment systems which are authorized by state or federal law, regulation, or permit, and which are created for the purpose of waste treatment are not considered to be water in the state.

Total Maximum Daily Load (TMDL) – The total amount of a substance that a water body can assimilate and still meet the Texas Surface Water Quality Standards.

Traditional Small MS4 – A small MS4 that can pass ordinances and have the enforcement authority to enforce the stormwater management program. An example of traditional MS4s includes cities.

Urban Area – A statistical geographic entity consisting of a densely settled core created from census blocks and contiguous qualifying territory that together have at least 2,000 housing units or 5,000 persons as defined and used by the U.S. Census Bureau in the 2020 Decennial Census.

Urbanized Area (UA) – A retired statistical geographic entity type consisting of a densely settled core created from census tracts or blocks and adjacent densely settled territory that together have a minimum population of 50,000 people which was used by the U.S. Census Bureau in the 2000 and the 2010 Decennial Census.

**NEW
Definition**

Waters of the United States – Waters of the United States or Waters of the U.S. means the term as defined in 40 CFR § 122.2.

Part II. Permit Applicability and Coverage

This Comprehensive General Permit provides authorization for stormwater and certain non-stormwater discharges from small (Phase II) municipal separate storm sewer systems (MS4) to surface water in the state. The general permit contains the required permit terms and conditions along with clear, specific, and measurable requirements applicable to all small MS4s that are eligible for coverage under this general permit (see 40 CFR § 122.28(d)(1)).

Section A. Small MS4s Eligible for Authorization under this General Permit

Discharges from a small MS4 must be authorized if any of the following criteria are met and may be authorized under this general permit if coverage is not otherwise prohibited.

1. Small MS4s Located in an Urban Area with a Population of at Least 50,000 People

Operators of small MS4s that are fully or partially located within an urban area with a population of at least 50,000 people, as determined by the 2000, 2010, or 2020 Decennial Censuses by the U.S. Census Bureau, must obtain authorization for the discharge of stormwater runoff and are eligible for coverage under this general permit unless otherwise prohibited.

NOTE: Urban areas with a population of at least 50,000 people were referred to as Urbanized Areas in the 2000 and 2010 Decennial Censuses by the U.S. Census Bureau. The term Urbanized Area was retired in the 2020 Decennial Census by the U.S. Census Bureau.

2. Designated Small MS4s

A small MS4 that is outside an urban area with a population of at least 50,000 people that is *designated* by TCEQ based on evaluation criteria as required by 40 CFR §§ 122.32(a)(2) or 122.26(a)(1)(v) and adopted by reference in 30 TAC § 281.25, is eligible for coverage under this general permit. The criteria that the executive director may consider is as follows:

- The location of the discharge with respect to Waters of the U.S. as defined at 40 CFR § 122.2;
- The size of the discharge;
- The quantity and nature of the pollutants discharged to Waters of the U.S.; and
- Other relevant factors.

Following designation, operators of small MS4s must obtain authorization under this general permit or apply for coverage under a TPDES individual stormwater permit within 180 days of notification of their designation.

3. Regulated Portion of Small MS4

The portion of the small MS4 that is required to meet the conditions of this general permit are those portions that are located within the urban area with a population of at least 50,000

Updated language throughout the general permit: "urban area with a population of at least 50,000 people..."

Updated language for small MS4

Enhanced considerations

people as defined and used by the U.S. Census Bureau in the 2000, 2010, or 2020 Decennial Censuses, as well as any portion of the small MS4 that is designated by TCEQ.

For the purpose of this permit, the regulated portion of a small MS4 for a transportation entity is the land owned by the permittee within the urban area with a population of at least 50,000 people which functions as or is integral to a transportation system with drainage conveyance. Non-contiguous property that does not drain into the transportation drainage system is not subject to this general permit.

Enhanced Section

Section B. Categories of Regulated Small MS4s

This general permit defines small MS4 operators by the following categories, or levels, based on the population served by the MS4 within the 2020 urban area with a population of at least 50,000 people. The level of an MS4 is based on population in the most recent Decennial Census at the time of permit issuance. A national Census held during a permit term will not affect the level of an MS4 until the next permit renewal.

For the purpose of this section, “serve a population” means the residential population within the *regulated* portion of the small MS4 based on the population data from the 2020 Decennial Census, except for non-traditional small MS4s listed in Level 2b below.

The level of a small MS4 may change during the permit term based on the MS4 operator acquiring or giving up regulated area(s), such as by annexing land or if land is annexed away. However, the level of a small MS4 will not change during the permit term based on other population fluctuations.

- Level 1: Operators of traditional small MS4s that serve a population of less than 10,000 within an “urban area with a population of at least 50,000 people”.
- Level 2a: Operators of traditional small MS4s that serve a population of at least 10,000 but less than 40,000 within an “urban area with a population of at least 50,000 people”.
- Level 2b: Operators of all non-traditional small MS4s such as counties, drainage districts, transportation entities, military bases, universities, colleges, correctional institutions, municipal utility districts and other special districts regardless of population served within the “urban area with a population of at least 50,000 people”, unless the non-traditional MS4 can demonstrate that it meets the criteria for a waiver from permit coverage based on the population served.
- Level 3: Operators of traditional small MS4s that serve a population of at least 40,000 but less than 100,000 within an “urban area with a population of at least 50,000 people”.
- Level 4: Operators of traditional small MS4s that serve a population of 100,000 or more within an “urban area with a population of at least 50,000 people”.

Updated Small MS4 Levels: Level 2a and Level 2b

Section C. Available Waivers from Coverage

The TCEQ may waive permitting requirements for regulated small MS4 operators if the criteria are met for Waiver Option 1 or Option 2 below. To obtain Waiver Option 1 or Option 2, the MS4 operator must submit the request on the appropriate waiver form submitted electronically via the NPDES Electronic Reporting Tool for MS4s (NeT-MS4) online electronic permitting (e-permitting) system available through the TCEQ website, unless the MS4 operator requested and obtained an Electronic Reporting Waiver as described in Part II.F.11. MS4 operators that are granted an Electronic

Online tool available

NEW:
Note

Reporting Waiver shall submit the request for a waiver from permit coverage on a paper Waiver Option 1 or Option 2 form, as applicable, provided by the executive director.

NOTE: To obtain Waiver Option 2, the MS4 operator must contact the executive director and coordinate the activities required to meet the waiver conditions prior to preparing and submitting the Waiver Option 2 form.

Provisional coverage begins upon electronic submittal of the appropriate waiver form that is administratively complete via the NeT-MS4 online e-permitting system available through the TCEQ website. Alternatively, for paper applications with an approved Electronic Reporting Waiver provisional coverage begins 30 days after an administratively complete paper waiver form is postmarked for delivery to TCEQ.

Following review of the small MS4's waiver form, the executive director may:

- (1) determine that the waiver form is technically complete and approve the waiver by providing a notification and a waiver number;
- (2) determine that the waiver form is incomplete and deny the waiver until a technically completed waiver form is submitted; or
- (3) deny the waiver and require that permit coverage be obtained by submitting an application.

If the conditions of an approved waiver are not met by the MS4 operator, then the MS4 operator must submit an application for coverage under this general permit or a separate TPDES individual permit application.

At any time, TCEQ may require a previously waived MS4 operator to comply with this general permit or another TPDES permit if circumstances change so that the conditions of the waiver are no longer met. Changed circumstances can also allow a regulated MS4 operator to request a waiver at any time.

The TCEQ can request to review any waivers granted to MS4 operators to determine whether any of the information required for granting the waiver has changed, at any time. At a minimum TCEQ will review all waivers when MS4 operators submit their renewal waiver applications.

For the purpose of obtaining an Option 1 or Option 2 Waiver, the population served refers to:

- the residential population within the regulated portion of the small MS4 for
 - traditional small MS4s, and
 - certain non-traditional small MS4s with a residential population (such as counties and municipal utility districts), or
- the number of people using the small MS4 on an average operational day for certain non-traditional small MS4s without a residential population.

1. Waiver Option 1:

The small MS4 serves a population of less than 1,000 within an urban area with a population of at least 50,000 people and meets the following criteria:

- (a) The small MS4 is not contributing substantially to the pollutant loadings of a physically interconnected MS4 that is regulated by the NPDES / TPDES stormwater program (40 CFR § 122.32(d)); and
- (b) If the small MS4 discharges any pollutant(s) that have been identified as a cause of impairment of any water body to which the small MS4 discharges, stormwater controls

are not needed based on waste load allocations that are part of an EPA approved or established Total Maximum Daily Load (TMDL) that addresses the pollutant(s) of concern (POCs).

2. Waiver Option 2:

The small MS4 serves a population under 10,000 within an urban area with a population of at least 50,000 people and meets the following criteria:

- (a) The TCEQ has evaluated all Waters of the U.S., including small streams, tributaries, lakes, and ponds, that receive a discharge from the small MS4;
- (b) For all such waters, the TCEQ has determined that stormwater controls are not needed based on waste load allocations that are part of an approved or established TMDL that addresses the POCs or, if a TMDL has not been developed or approved, an equivalent analysis that determines sources and allocations for the POCs;
- (c) The TCEQ has determined that future discharges from the small MS4 do not have the potential to exceed Texas Surface Water Quality Standards, including impairment of designated uses, or other significant water quality impacts, including habitat and biological impacts; and
- (d) For the purpose of Waiver Option 2, the POCs include biochemical oxygen demand (BOD), sediment or a parameter that addresses sediment (such as total suspended solids (TSS), turbidity or siltation), pathogens, oil and grease, and any pollutant that has been identified as a cause of impairment of any water body that will receive a discharge from the small MS4.

Section D. Allowable Non-Stormwater Discharge

The following non-stormwater sources may be discharged from the small MS4 and are not required to be addressed in the small MS4's Illicit Discharge and Detection or other minimum control measures, unless they are determined by the permittee or TCEQ to be significant contributors of pollutants to the small MS4, or they are otherwise prohibited by the MS4 operator:

1. Water line flushing (excluding discharges of hyperchlorinated water, unless the water is first dechlorinated and discharges are not expected to adversely affect aquatic life);
2. Runoff or return flow from landscape irrigation, lawn irrigation, and other irrigation utilizing potable water, groundwater, or surface water sources;
3. Discharges from potable water sources that do not violate Texas Surface Water Quality Standards;
4. Diverted stream flows;
5. Rising ground waters and springs;
6. Uncontaminated ground water infiltration;
7. Uncontaminated pumped ground water;
8. Foundation and footing drains;
9. Air conditioning condensation;
10. Water from crawl space pumps;
11. Individual residential vehicle washing;

12. Flows from wetlands and riparian habitats;
13. Dechlorinated swimming pool discharges that do not violate Texas Surface Water Quality Standards;
14. Street wash water excluding street sweeper wastewater;
15. Discharges or flows from emergency fire-fighting activities (emergency fire-fighting activities do not include washing of trucks, runoff water from training activities, test water from fire suppression systems, and similar activities);
16. Other allowable non-stormwater discharges listed in 40 CFR § 122.26(d)(2)(iv)(B)(1);
17. Non-stormwater discharges that are specifically listed in the TPDES Multi-Sector General Permit (MSGP) TXR050000 or the TPDES Construction General Permit (CGP) TXR150000;
18. Discharges that are authorized by a TPDES or NPDES permit or that are not required to be permitted; and
19. Other similar occasional incidental non-stormwater discharges such as spray park water, unless the TCEQ develops permits or regulations addressing these discharges.

Section E. Limitations on Permit Coverage

1. Discharges Authorized by Another TPDES Permit

Discharges authorized by an individual or other general TPDES permit may be authorized under this TPDES general permit only if the following conditions are met:

- (a) The discharges meet the applicability and eligibility requirements for coverage under this general permit;
- (b) A previous application or permit for the discharges has not been denied, terminated, or revoked by the executive director as a result of enforcement or water quality related concerns. The executive director may provide a waiver to this provision based on new circumstances at the regulated small MS4; and
- (c) The executive director has not determined that continued coverage under an individual permit is required based on consideration of an approved TMDL model and TMDL Implementation Plan, anti-backsliding policy, history of substantive non-compliance or other 30 TAC Chapter 205 considerations and requirements, or other site-specific considerations.

2. Discharges of Stormwater Mixed with Non-Stormwater

Stormwater discharges that combine with sources of non-stormwater are not eligible for coverage by this general permit, unless either the non-stormwater source is described in Part II.D of this general permit or the non-stormwater source is authorized under a separate TPDES permit.

3. Compliance with Texas Surface Water Quality Standards

Discharges to surface water in the state that would cause, has the reasonable potential to cause, or contribute to a violation of Texas Surface Water Quality Standards (30 TAC Chapter 307) or that would fail to protect and maintain existing designated uses are not eligible for coverage under this general permit except as described in Part III. The executive director may require an application for a TPDES individual permit or alternative general

permit to authorize discharges to surface water in the state if the executive director determines that an activity will cause has the reasonable potential to cause, or contribute to, a violation of Texas Surface Water Quality Standards or is found to cause, have the reasonable potential to cause, or contribute to the impairment of a designated use of surface water in the state. The executive director may also require an application for a TPDES individual permit based on factors described in Part II.G.2.

4. Discharges to the Edwards Aquifer Recharge Zone

Discharges of stormwater from regulated small MS4s, and other non-stormwater discharges, are not authorized by this general permit where those discharges are prohibited by 30 TAC Chapter 213 (Edwards Aquifer Rule). New discharges located within the Edwards Aquifer Recharge Zone, or within that area upstream from the recharge zone and defined as the Contributing Zone, must meet all applicable requirements of, and operate according to, 30 TAC Chapter 213 (Edwards Aquifer Rule) in addition to the provisions and requirements of this general permit.

For existing discharges, the requirements of the TCEQ approved Water Pollution Abatement Plan (WPAP) under the Edwards Aquifer Rule are in addition to the requirements of this general permit. BMPs and maintenance schedules for structural stormwater controls, for example, may be required as a provision of the rule. All applicable requirements of the Edwards Aquifer Rule for reductions of suspended solids in stormwater runoff are in addition to the effluent limitation requirements found in Part VII.E.7. of this general permit.

The permittee's TCEQ approved WPAPs that are required by the Edwards Aquifer Rule must be referenced in the SWMP. Additional TCEQ approved WPAPs received after the SWMP submittal must be recorded in the annual report required by this general permit for each respective permit year. For discharges originating from the small MS4 permitted area and located on or within ten stream miles upstream of the Edwards Aquifer recharge zone, applicants must also submit a copy of the MS4 Notice of Intent (NOI) to the appropriate TCEQ Regional Office with each WPAP application.

Counties: Comal, Bexar, Medina, Uvalde, and Kinney

Contact:

TCEQ, Water Program Manager

San Antonio Regional Office

14250 Judson Road

San Antonio, Texas 78233-4480

(210) 490-3096

Counties: Williamson, Travis, and Hays

Contact:

TCEQ, Water Program Manager

Austin Regional Office

12100 Park 35 Circle, Bldg. A, Rm 179

Austin, Texas 78753

(512) 339-2929

5. Discharges to Specific Watersheds and Water Quality Areas

Discharges of stormwater from regulated small MS4s and other non-stormwater discharges are not authorized by this general permit where prohibited by 30 TAC Chapter 311 (relating to Watershed Protection) for water quality areas and watersheds.

6. Protection of Streams and Watersheds by Home Rule Municipalities

This general permit does not limit the authority of a home-rule municipality established in Texas Statute.

7. Indian Country Lands

Stormwater runoff from small MS4s that occur on Indian Country lands are not under the authority of the TCEQ and are not eligible for coverage under this general permit. If discharges of stormwater require authorization under federal NPDES regulations, authority for these discharges must be obtained from EPA.

8. Endangered Species Act

Discharges that would adversely affect a listed endangered or threatened species or its critical habitat are not authorized by this general permit. Federal requirements related to endangered species apply to all TPDES permitted discharges, and site-specific controls may be required to ensure that protection of endangered or threatened species is achieved. If a permittee has concerns over potential impacts to listed species, the permittee shall contact TCEQ for additional information prior to submittal of the NOI. If adverse impact is determined after submittal of the NOI, the permittee shall contact TCEQ immediately to determine corrective action.

Section F. Obtaining Authorization

Tightened language

1. Application for Coverage

Applicants seeking authorization to discharge under this general permit must prepare a SWMP as described in Part II.F.5 and Part IV prior to submitting a complete NOI for coverage as described in Part II.F.4 to the executive director. The NOI must be submitted electronically via the NeT-MS4 online e-permitting system available through the TCEQ website, unless the MS4 operator requested and obtained an Electronic Reporting Waiver as described in Part II.F.11. MS4 operators that are granted an Electronic Reporting Waiver shall submit the request on a paper NOI form provided by the executive director.

Following review of the NOI, the executive director may: 1) determine that the submission is complete and approve the NOI; 2) determine that the NOI is incomplete, deny coverage, and require that a new complete NOI be submitted; 3) determine that the NOI needs revisions, provide a written description of the required revisions along with any compliance schedule(s), and approve the NOI after revisions are complete; or 4) deny coverage under this general permit and provide a deadline by which the small MS4 operator must submit an application for a TPDES individual permit.

Following approval of the NOI by the executive director, either with or without changes, the applicant is authorized to discharge upon notification by TCEQ. Denial of coverage under this general permit is subject to the requirements of 30 TAC § 205.4(c).

NEW: Condensed information regarding deadlines

2. Application Deadlines

Application deadlines are as follows:

- (a) Small MS4s Located in a 2000 or 2010 urban area with a population of at least 50,000 people (Previously Regulated Small MS4s)
 - (1) Operators of small MS4s described in Part II.A.1 that applied for authorization under the 2019 TPDES Small MS4 General Permit TXR040000 based on the 2000 and 2010 urban areas with a population of at least 50,000 people shall submit an NOI within 180 days following the effective date of this general permit.
 - (2) Operators of small MS4s described in Part II.A.1 that did not submit an application for authorization under the 2019 TPDES Small MS4 General Permit TXR040000 and were required to obtain permit coverage based on the 2000 and 2010 urban areas with a population of at least 50,000 people shall submit an NOI immediately.
- (b) Designated and Newly Regulated Small MS4s Located in a 2000, 2010, or 2020 urban area with a population of at least 50,000 people as defined by the U.S. Census Bureau
 - (1) Following designation, operators of small MS4s described in Part II.A.2 shall develop and maintain a SWMP and submit an NOI, or apply for coverage under a TPDES individual permit, within 180 days of being notified in writing by the TCEQ of the need to obtain permit coverage.
 - (2) Operators of small MS4s newly regulated under this general permit due to a change in ownership or operational control shall develop and maintain a SWMP and submit an NOI, or apply for coverage under a TPDES individual permit, within 180 days of obtaining ownership or operational control of a small MS4 in a regulated area.
 - (3) Operators of small MS4s newly regulated under this general permit due to the new or expanded urban areas with a population of at least 50,000 people in the 2020 Decennial Census shall develop and maintain a SWMP and submit an NOI, or apply for coverage under a TPDES individual permit, within 180 days following the effective date of this general permit.
- (c) Individual Permit Alternative

If an operator of a small MS4 described in Part II.A.1 of this general permit elects to apply for a TPDES individual permit, the application must be submitted within 90 days following the effective date of this general permit.

Updated language

3. Late Submission of the NOI

If an NOI is submitted by a small MS4 operator after the deadlines established in Part II.F.2, then this general permit provides authorization only for discharges that occur after permit coverage is obtained. The TCEQ reserves the right to take appropriate enforcement actions for any unpermitted discharges.

4. Contents of the NOI

The NOI must contain the following minimum information:

- (a) MS4 Operator Information
 - (1) The name, mailing address, electronic mail (email) address, telephone number, and facsimile (fax) number of the MS4 operator; and

- (2) The legal status of the MS4 operator (for example, federal government, state government, county government, city government, or other government).

(b) Site Information

- (1) The name, physical location description, and latitude and longitude of the approximate center of the regulated portion of the small MS4;
- (2) County or counties where the small MS4 is located;
- (3) An indication if all or a portion of the small MS4 is located on Indian Country Lands;
- (4) The name, mailing address, telephone number, email (if available) and fax number of the designated person(s) responsible for implementing or coordinating implementation of the SWMP;
- (5) A signature and certification on the NOI, according to 30 TAC § 305.44, that a SWMP has been developed according to the provisions of this general permit;
- (6) The name of each classified segment that receives discharges, directly or indirectly, from the small MS4. If one or more of the discharge(s) is not directly to a classified segment, then the name of the first classified segment that those discharges reach must be identified;
- (7) The name of any MS4 receiving the discharge prior to discharge into Waters of the U.S.;
- (8) The name of all surface water(s) receiving discharges from the small MS4 that are on the latest EPA-approved CWA § 303(d) List of impaired waters;
- (9) An indication of whether the small MS4 discharges within the Recharge Zone, the Contributing Zone or the Contributing Zone within the Transition Zone of the Edwards Aquifer; and
- (10) Any other information deemed necessary by the executive director.

NEW:
additional
items

(c) General Characteristics

- (1) An indication of the activities/BMPs and measurable goals to be implemented in the SWMP for each MCM;
- (2) An indication of the activities/BMPs and measurable goals to be implemented in the SWMP for impaired water bodies, if applicable;
- (3) For small MS4 operators participating in a coalition to implement a shared SWMP:
 - a. The names of all participating small MS4 operators;
 - b. An indication of which small MS4 operator is responsible for each activity/BMP and measurable goal to be implemented in the SWMP;
- (4) Any other information deemed necessary by the executive director.

5. SWMP General Requirements

A SWMP must be developed for eligible discharges that will reach Waters of the U.S., including discharges from the regulated small MS4 to other MS4s or to privately-owned separate storm sewer systems that subsequently drain to Waters of the U.S. **The SWMP must**

be developed according to the requirements of Part IV of this general permit prior to submitting an NOI to obtain authorization to discharge.

The SWMP must include, as appropriate, the months and years in which the permittee will undertake required actions, including interim milestones and the frequency of the action throughout the permit term.

New elements in the SWMP must be completely implemented within five years of the effective date of this general permit, or within five years of being designated for those small MS4s which are designated following their permit authorization issuance. Previously regulated MS4s shall assess existing SWMP elements set forth in the previous permit term, modify as necessary, and develop and implement new elements, as necessary, to continue reducing the discharge of pollutants from the small MS4 to the maximum extent practicable (MEP).

6. Changes to the NOI Submitted and SWMP

Changes to the NOI and SWMP that are made after TCEQ approval of the NOI may be made by submittal and approval of a Notice of Change (NOC) unless the changes are non-substantial. Changes may be made as follows:

(a) Changes to the SWMP that do not require an NOC

The following changes may be implemented without submitting an NOC. The changes may be made immediately following revision of the SWMP.

Minor modifications to the SWMP that include administrative or non-substantial changes as follows:

- (1) A change in personnel, or a reorganization of departments responsible for implementing the SWMP or portions of the SWMP;
- (2) Minor clarifications to the existing BMPs;
- (3) Correction of typographical errors; or
- (4) Other similar administrative or non-substantive comments.

(b) Changes to the NOI and SWMP that require an NOC

Modifications to the NOI and SWMP that include, but are not limited to, the following changes require submittal of an NOC. The changes may be implemented once the permittee receives TCEQ approval of the NOC.

- (1) Changing one or more contacts listed in the NOI or updating their contact information;
- (2) Adding components, controls, or requirements to the SWMP;
- (3) Adding areas such as by annexing land, or otherwise acquire additional land that expands the boundary of the small MS4, or subtracting areas, such as by de-annexing lands;
- (4) Adding impaired water bodies that are identified pursuant to Part III.;
- (5) Adding more frequent monitoring or reporting by the permittee; or
- (6) Replacing a BMP specifically identified in the NOI and SWMP with an alternative BMP, (for example, replacing a structural BMP with a non-structural BMP would

be considered a replacement). The SWMP must include documentation for changes as described below:

- a. For changes to BMPs for impaired water bodies with a TMDL, document the following:
 - (i) an analysis of why the BMP is ineffective or infeasible (including cost prohibitive);
 - (ii) expectations of the effectiveness of the replacement BMP; and
 - (iii) an analysis of why the replacement BMP is expected to achieve the goals of the BMP to be replaced.
- b. For all other BMP changes, document the reason for the change.

7. Notice of Change (NOC)

If the small MS4 operator becomes aware that it failed to submit any relevant facts, or submitted incorrect information in the NOI, the correct information must be provided to the executive director in an NOC within 30 days after discovery. If any information provided in the NOI changes, an NOC must be submitted within 30 days from the time the permittee becomes aware of the change. The NOC must be submitted electronically via the NeT-MS4 online e-permitting system available through the TCEQ website, unless the MS4 operator requested and obtained an Electronic Reporting Waiver as described in Part II.F.11. MS4 operators that are granted an Electronic Reporting Waiver shall submit the request on a paper NOC form provided by the executive director.

Update

Any revisions that are made to the SWMP must be made in accordance with Parts II.F.6 and Part IV.A-B. Changes that are made to the NOI and SWMP following NOI approval must be made using an NOC form, in accordance with Part II.F.6.

8. Change in Operational Control of a Small MS4

If the operational control of the regulated small MS4 changes, the previous small MS4 operator must submit a Notice of Termination (NOT) and the new small MS4 operator must prepare a SWMP and submit an NOI. The NOT and NOI must be submitted concurrently not more than ten calendar days after the change occurs. Existing permittees who are expanding coverage of their MS4 area (e.g., city annexes part of unincorporated county MS4) are not required to submit a new NOI but must submit an NOC and update the SWMP in accordance with Part II.F.7 and Part IV.C.1.(c).

9. Notice of Termination (NOT)

A permittee may terminate coverage under this general permit by submitting an NOT **electronically via the NeT-MS4 online e-permitting system** available through the TCEQ website, unless the permittee requested and obtained an Electronic Reporting Waiver as described in Part II.F.11. Permittees that are granted an Electronic Reporting Waiver shall submit the request on a paper NOT form provided by the executive director.

Authorization to discharge terminates immediately following confirmation of receipt of the electronic NOT form by the TCEQ or at midnight on the day that a paper NOT is postmarked for delivery to the TCEQ. An NOT must be submitted within 30 days after the small MS4 operator obtains coverage under an individual permit.

10. Signatory Requirement for NOI, NOT, NOC, and Waiver Forms

All NOI, NOT, NOC, Waiver Option 1 or Option 2, and Electronic Reporting Waiver forms must be signed and certified consistent with 30 TAC § 305.44(a) and (b) (relating to Signatories to Applications).

NEW

11. Electronic Reporting Waiver

To request a waiver from electronic reporting, small MS4 operators must contact the TCEQ Stormwater Team to obtain the Request for Electronic Reporting Waiver Form (TCEQ-20754). This form must be submitted along with submittal of a paper application (NOI, NOT, NOC, Waiver Option 1 and 2) for authorization under this general permit.

A waiver from electronic reporting may be granted to small MS4 operators in limited cases, such as for lack of internet access, or when additional training to submit applications electronically is needed. Electronic Reporting Waivers are not transferrable and expire on the same date as the authorization to discharge except for waivers granted to small MS4 operators who need additional training to submit applications electronically which will expire after one year.

12. Fees

An application fee of \$400.00 must be submitted with each NOI. A fee is not required for submission of the following forms: Waiver Option 1, Waiver Option 2, NOT, or NOC.

A permittee authorized under this general permit must pay an annual Water Quality fee of \$100.00 as authorized under TWC § 26.0291 and 30 TAC Chapter 205 (relating to General Permits for Waste Discharges).

13. Permit Expiration

- (a) This general permit is effective for five years from the permit effective date. Authorizations for discharge under the provisions of this general permit will continue until the expiration date of the general permit. This general permit may be amended, revoked, or canceled by the commission or renewed by the TCEQ for an additional term not to exceed five years.
- (b) If the executive director proposes to reissue this general permit before the expiration date, the general permit will remain in effect until the date on which the commission takes final action on the proposal to reissue this general permit. For existing permittees, general permit coverage will remain in effect after the expiration date of the existing general permit, in accordance with 30 TAC Chapter 205. No new NOIs will be accepted, and no new authorizations will be processed under the general permit after the expiration date.
- (c) Following issuance of a renewed or amended general permit, all permittees, including those covered under the expired general permit, may be required to submit an NOI according to the requirements of the new general permit or to obtain a TPDES individual permit for those discharges. The renewed permit will include a deadline to apply for coverage, and authorization for existing permittees will be automatically extended until the deadline to apply for coverage, or until an application is submitted for renewal, whichever occurs first.

- (d) If TCEQ does not propose to reissue this general permit within 90 days before the expiration date, permittees must apply for authorization under a TPDES individual permit or an alternative general permit. If the application for an individual permit is submitted before the expiration date of this general permit, authorization under this expiring general permit remains in effect until the issuance or denial of an individual permit.

14. Suspension of Permit Coverage

The executive director may suspend an authorization under this general permit for the reasons specified in 30 TAC § 205.4(d) by providing the discharger with written notice of the decision to suspend that authority, and the written notice will include a brief statement of the basis for the decision. If the decision requires an application for an individual permit or an alternative general permit, the written notice will also include a statement establishing the deadline for submitting an application. The written notice will state that the authorization under this general permit is either suspended on the effective date of the commission's action on the permit application, unless the commission expressly provides otherwise, or immediately, if required by the executive director.

Section G. Permitting Options

1. Authorization Under the General Permit

An operator of a small MS4 is required to obtain authorization either under this general permit, or under a TPDES individual permit if the MS4 is located in an urban area with a population of at least 50,000 people or designated by the TCEQ as per Part II.A.2. Multiple small MS4s with separate operators must individually submit an NOI to obtain coverage under this general permit, regardless of whether the systems are physically interconnected, located in the same urban area with a population of at least 50,000 people, or are located in the same watershed.

Coalition Participants

Multiple small MS4s that are physically interconnected, located in the same urban area with a population of at least 50,000 people, or are located in the same watershed may combine or share efforts as a coalition in meeting one or more of the BMP requirements described in the general permit. Each regulated small MS4 will be required to submit an individual NOI and be issued a distinct permit authorization number. MS4 operators in a coalition that share SWMP development and implementation responsibilities must meet the following conditions:

- (a) The SWMP must clearly list the name and permit number for each MS4 operator that chooses to contribute to development or implementation of the SWMP, and provide written confirmation that the contributing MS4 operator(s) has/have agreed to contribute. If a contributing small MS4 has submitted an NOI to TCEQ, but has not yet received written notification of approval, along with the accompanying permit authorization number, a copy of the submitted NOI form must be made readily available or be included in the SWMP.
- (b) Each permittee is entirely responsible for meeting SWMP requirements within the boundaries of its small MS4. Where a separate MS4 operator is contributing to implementation of the SWMP, the SWMP must clearly define each minimum control measure and the component(s) each entity agrees to implement, within which MS4 area(s) each entity agrees to implement and clearly identify the contributing MS4

REVISED: MS4s may combine or share efforts necessary to meet the SWMP requirements of the general permit, but each MS4 must be separately authorized

operator. The obligation and written acceptance for each coalition participant shall be described and maintained as part of the SWMP.

2. Alternative Coverage Under an Individual TPDES Permit

A small MS4 operator eligible for coverage under this general permit may alternatively be authorized under a TPDES individual permit according to 30 TAC Chapter 305 (relating to Consolidated Permits). The executive director may require a small MS4 operator, authorized by this general permit, to apply for a TPDES individual permit because of: the conditions of an approved TMDL or TMDL implementation plan (I-Plan); a history of substantive non-compliance; or other 30 TAC Chapter 205 considerations and requirements; or other site-specific considerations. The executive director shall deny or suspend a facility's authorization for disposal under this general permit based on a rating of "unsatisfactory performer" according to commission rules in 30 TAC § 60.3, Use of Compliance History. An applicant who owns or operates a facility classified as an "unsatisfactory performer" is entitled to a hearing before the commission prior to having its coverage denied or suspended, in accordance with TWC § 26.040(h).

MOVED: From subsection to header Part III

Part III. Impaired Water Bodies and Total Maximum Daily Load (TMDL) Requirements

Discharges of the POCs to impaired water bodies for which there is a TCEQ and EPA approved TMDL are not eligible for this general permit unless they are consistent with the approved TMDL. A water body is impaired for purposes of the permit if it has been identified, pursuant to the latest TCEQ and EPA approved CWA § 303(d) List or the *Texas Integrated Report of Surface Water Quality for CWA Sections 305(b) and 303(d)* which lists the category 4 and 5 water bodies, as not meeting Texas Surface Water Quality Standards.

The permittee shall check annually, in conjunction with preparation of the annual report, whether an impaired water body within its permitted area has been added to the latest EPA approved CWA § 303(d) List or the *Texas Integrated Report of Surface Water Quality for CWA Sections 305(b) and 303(d)* which lists the category 4 and 5 water bodies. Within two years following the approval date of the new list(s) of impaired waters, the permittee shall comply with the requirements of Part III.B (with the exception of 1.(c), and shall identify any newly listed waters in the annual report (consistent with Part V.B.2.f) and SWMP (consistent with Part IV.C.2.f).

The permittee shall control the discharges of POCs parameters to impaired waters and waters with approved TMDLs as provided in Sections A and B below, and shall assess the progress in controlling those pollutants.

Section A. Discharges to Water Quality Impaired Water Bodies with an Approved TMDL

If the small MS4 discharges to an impaired water body with an approved TMDL, where stormwater has the potential to cause or contribute to the impairment, the permittee shall include in the SWMP controls targeting the POCs along with any additional or modified controls required in the TMDL and this section.

The SWMP and required annual reports must include information on implementing any targeted controls required to reduce the POCs as described below:

NEW: Revised description**1. Targeted Controls**

The SWMP must include a detailed description of all targeted controls to be implemented, including at a minimum, expanding or modifying the following:

- (a) existing Public Education and Outreach and Public Involvement/Participation programs to reduce the discharge of POCs,
- (b) existing Illicit Discharge Detection and Elimination program to specifically address the POCs, and
- (c) existing ordinances or other regulatory mechanisms to require the reduction or control of POCs, enforcement procedures for noncompliance, and develop additional ordinances, or other regulatory mechanisms, as necessary.

2. Measurable Goals

For each targeted control, the SWMP must include a measurable goal and an implementation schedule describing activities/BMPs to be implemented during each year of the permit term.

3. Identification of Benchmarks

The SWMP must identify a benchmark for the POCs. Benchmarks are designed to assist in determining if the BMPs established are effective in addressing the POCs in stormwater discharge(s) from the MS4 to the MEP. The BMPs addressing the POC must be re-evaluated on an annual basis for progress towards the benchmarks and modified as necessary within an adaptive management framework. These benchmarks are not numeric effluent limitations or permit conditions but intended to be guidelines for evaluating progress towards reducing pollutant discharges consistent with the benchmarks. The exceedance of a benchmark is not a permit violation and does not in itself indicate a violation of instream water quality standards.

The benchmark must be determined based on only one of the following options:

- (a) If the small MS4 is subject to a TMDL that identifies a Waste Load Allocation(s) (WLA) for permitted MS4 stormwater sources, then the SWMP may identify it as the benchmark. Where an aggregate allocation is used as a benchmark, all affected MS4 operators are jointly responsible for progress in meeting the benchmark and shall (jointly or individually) develop a monitoring/assessment plan as required in Part III.A.6.

- (1) When TCEQ revises a TMDL WLA identified by the MS4 to decrease the load, permittees must revise the SWMP and submit an NOC to identify the revised WLA within 90 days of TCEQ publishing the change.
- (2) When TCEQ revises a TMDL WLA identified by the MS4 to increase the load, permittees are not required to update the SWMP or submit an NOC to identify the revised WLA until the next permit term.

Added language

- (b) Alternatively, if multiple small MS4s are discharging into the same impaired water body with an approved TMDL, with an aggregate WLA for all permitted stormwater MS4s, then the MS4s may combine or share efforts to determine an alternative sub-benchmark value for the POCs (e.g., bacteria) for their respective small MS4. The SWMP must clearly define this alternative approach and must describe how the sub-benchmark value would cumulatively support the aggregate WLA. Where an aggregate benchmark has been broken into sub-benchmark values for individual

MS4s, each permittee is only responsible for progress in meeting its sub-benchmark value.

4. Annual Report

The annual report must include an analysis of how the selected activities/BMPs will be effective in contributing to achieving the benchmark value.

5. Impairment for Bacteria

If the POC is bacteria, the permittee shall implement BMPs addressing the below areas, as applicable, in the SWMP and implement as appropriate. If a TMDL I-Plan is available, the permittee must do one of the following: (1) refer to the I-Plan for appropriate BMPs, or (2) implement alternative equivalent BMPs. The SWMP and annual report must include the selected BMPs. Permittees may not exclude BMPs associated with the minimum control measures (MCMs) required under 40 CFR § 122.34 from their list of BMPs.

The BMPs shall, as appropriate, address the following including Table 1.:

(a) Sanitary Sewer Systems

- (1) Make improvements to sanitary sewers to reduce overflows;
- (2) Address lift station inadequacies;
- (3) Improve reporting of overflows; and
- (4) Strengthen sanitary sewer use requirements to reduce blockage from fats, oils, and grease.

(b) On-site Sewage Facilities (for entities with appropriate jurisdiction)

- (1) Identify and address failing systems; and
- (2) Address inadequate maintenance of on-site sewage facilities (OSSFs) (i.e., septic systems).

(c) Illicit Discharges and Dumping

Place additional effort to reduce waste sources of bacteria, for example, from OSSFs, grease traps, and grit traps.

(d) Animal Sources

Expand existing management programs to identify and target animal sources such as zoos, pet waste, and horse stables.

(e) Residential Education

Increase focus to educate residents on:

- (1) Bacteria discharging from a residential site either during runoff events or directly;
- (2) Fats, oils, and grease clogging sanitary sewer lines and resulting overflows;
- (3) Maintenance and operation of decorative ponds; and
- (4) Proper disposal of pet waste.

Table 1: Required BMPs for Bacteria Impaired Water Bodies with an Approved TMDL

Activity/BMP	Measurable Goal
Sanitary Sewer Systems as described by Part III.A.5.(a).	<p>Conduct review of 100% of the sanitary sewer system to identify areas for improvement within the first two years of the permit term. Initiate all feasible improvement projects by the end of the permit term.</p> <p>Conduct weekly lift station inspections at 100% of the MS4 owned and operated lift stations each year.</p> <p>Investigate and address 100% of sanitary sewer overflow complaints identified through the public reporting mechanism implemented by the MS4 each year.</p> <p>Strengthen sanitary sewer use requirements to reduce blockage from fats, oils, and grease by reviewing and updating ordinances or other regulatory mechanisms and inspection programs at least one time annually.</p>
On Site Sewage Facilities (OSSFs) as described by Part III.A.5.(b).	<p>Identify 100% of OSSFs in the MS4 area and determine if they are failing. Maintain an inventory of 100% of the identified OSSFs and their status each year.</p> <p>Review and update this inventory at least one time each year to address changes or additions.</p> <p>Investigate and address 100% of OSSF complaints identified through the public reporting mechanism implemented by the MS4 each year.</p>
Illicit Discharges and Dumping as described by Part III.A.5.(c).	<p>Ensure 100% of procedures and ordinances or other regulatory mechanisms established for BMPs in MCM 3: Illicit Discharge Detection and Elimination address discharges that may contribute bacteria including from OSSFs, grease traps, and grit traps.</p>
Animal Sources as described by Part III.A.5.(d).	<p>Implement at least one of the following:</p> <ul style="list-style-type: none"> • Provide and maintain at least one pet waste station in 100% of public parks or similar greenspaces in the MS4 area each year. • Assess and address, if feasible, 100% of complaints received about feral hogs within the MS4 area each year. If infeasible to address the complaint, maintain documentation of the reason. • Develop and distribute educational materials related to animal sources of bacteria to reach 75% of the target audiences identified by the MS4 in MCM 1: Public Education and Outreach each year.

NEW: BMPs and measurable goals for bacteria impaired water that must be implemented by MS4s discharging to these water bodies.

Activity/BMP	Measurable Goal
Residential Education as described by Part III.A.5.(e).	<p>Each year, implement one additional BMP from MCM 1: Public Education and Outreach and Table 4 and ensure one BMP implemented as required for MCM 1: Public Education and Outreach focus on the following:</p> <ul style="list-style-type: none"> • Bacteria discharging from a residential site either during runoff events or directly; • Fats, oils, and grease clogging sanitary sewer lines and resulting overflows; • Maintenance and operation of decorative ponds; and • Proper disposal of pet waste.

6. Monitoring or Assessment of Progress

The permittee shall develop a Monitoring/Assessment Plan to monitor or assess progress in achieving benchmarks and determine the effectiveness of BMPs, and shall include documentation of this monitoring or assessment in the SWMP and annual reports. In addition, the SWMP must include methods to be used.

- (a) The permittee may use either of the following methods to evaluate progress towards the benchmark and improvements in water quality in achieving the water quality standards as follows:

(1) Evaluating Program Implementation Measures

The permittee may evaluate and report progress towards the benchmark by describing the activities and BMPs implemented, by identifying the appropriateness of the identified BMPs, and by evaluating the success of implementing the measurable goals.

The permittee may assess progress by using program implementation indicators such as: (1) number of sources identified or eliminated; (2) decrease in the number of illegal dumpings; (3) increase in illegal dumping reporting; (4) number of educational opportunities conducted; (5) reductions in sanitary sewer overflows (SSOs); or (6) increase in illegal discharge detection through dry screening, etc.

(2) Assessing Improvements in Water Quality

The permittee may assess improvements in water quality by using available data for segment and assessment units of water bodies from other reliable sources, or by proposing and justifying a different approach such as collecting additional instream or outfall monitoring data, etc. Data may be acquired from TCEQ, local river authorities, partnerships, or other local efforts as appropriate.

- (a) Progress towards achieving the benchmark shall be reported in the annual report. Annual reports shall report the benchmark and the year(s) during the permit term that the MS4 conducted additional sampling or other assessment activities.

7. Observing No Progress Towards the Benchmark

If, by the end of the third year from the effective date of the permit, the permittee observes no progress toward the benchmark either from SWMP implementation or water quality assessments as described in Part III.A.6, the permittee shall identify alternative focused BMPs that address new or increased efforts towards the benchmark or, as appropriate, shall develop a new approach to identify the most significant sources of the POCs and shall develop alternative focused BMPs for those sources (this may also include information that identifies issues beyond the MS4's control). These revised BMPs must be included in the SWMP and subsequent annual reports.

Where the permittee originally used a benchmark value based on an aggregated WLA, the permittee may combine or share efforts with other MS4s discharging to the same watershed to determine an alternative sub-benchmark value for the POCs for their respective small MS4s, as described in Part III.A.3(b) above. Permittees must document, in their SWMP for the next permit term, the proposed schedule for the development and subsequent adoption of alternative sub-benchmark value(s) for the POCs for their respective MS4s and associated assessment of progress in meeting those individual benchmarks.

Section B. Discharges Directly to Water Quality Impaired Water Bodies Without an Approved TMDL

The permittee shall also determine whether the permitted discharge is directly to one or more water quality impaired water bodies where a TMDL has not yet been approved by TCEQ and EPA. If the permittee discharges directly into an impaired water body without an approved TMDL, the permittee shall perform the following activities:

1. Discharging a Pollutant of Concern

- Condensed Language
- (a) The permittee shall determine whether the small MS4 may be a source of the POCs by referring to the CWA § 303(d) List and then determining if discharges from the MS4 would be likely to contain the POCs at levels of concern.
 - (b) If the permittee determines that the small MS4 may discharge the POCs, the permittee shall ensure that the SWMP includes focused BMPs, along with corresponding measurable goals, that the permittee will implement, to reduce, the discharge of POCs that contribute to the impairment of the water body.
 - (c) In addition, the permittee shall submit an NOC to amend the SWMP in accordance with Part II.F.6 to include any additional BMPs to address the POCs. This requirement does not apply to BMPs implemented to address impaired waters that are listed after a small MS4's permit authorization pursuant to Part III.

2. Impairment for Bacteria

Where the impairment is for bacteria, the permittee shall identify potential significant sources and develop and implement focused BMPs for those sources. The permittee may implement the BMPs listed in Part III.A.5 and Table 1, or proposed and approved alternative BMPs as appropriate.

Enhanced language

3. Annual Report

The annual report must include information on compliance with the Discharges Directly to Water Quality Impaired Water Bodies Without an Approved TMDL section, including results of any sampling conducted by the permittee.

Part IV. Stormwater Management Program (SWMP)

To the extent allowable under state and local law, a SWMP must be developed, implemented, and enforced according to the requirements of Part II.F.5 and Part IV of this general permit for stormwater discharges that reach Waters of the U.S., regardless of whether the discharge is conveyed through a separately operated storm sewer system. The SWMP must be developed, implemented, and enforced to reduce the discharge of pollutants from the small MS4 to the MEP, to protect water quality, and to satisfy the appropriate water quality requirements of the CWA and the TWC.

A permittee that implements activities/BMPs and measurable goals consistent with the provisions of this general permit fulfills the requirements to reduce pollutants to the MEP and will be deemed in compliance with Part IV of this permit. This general permit does not extend any compliance deadlines set forth under the 2019 TPDES Small MS4 General Permit TXRo40000.

NEW

Section A. SWMP Review

The permittee shall participate in an annual review of its SWMP in conjunction with preparation of the annual report required in Part V.B.2. Results and date(s) of the review shall be documented in the annual report.

Section B. SWMP Updates Required by TCEQ

Changes may be made to the SWMP during the permit term. The TCEQ may notify the permittee of the need to modify the SWMP to be consistent with the general permit, in which case the permittee will have 90 days to finalize such changes to the SWMP, unless otherwise directed by TCEQ.

Section C. Developing a Stormwater Management Program (SWMP)

1. SWMP Development and Schedule

(a) Existing Regulated Small MS4s

Permittees who were regulated under the 2019 TPDES Small MS4 General Permit TXRo40000, shall develop and update the SWMP under this general permit prior to submittal of the NOI for coverage.

Existing small MS4 operators shall ensure full implementation of any new elements in the revised SWMP as soon as practicable, but no later than five years from the permit effective date. Permittees authorized under any previous TPDES Small MS4 General Permit TXRo40000 shall continue to implement existing elements in their latest TCEQ approved SWMP until the renewal NOI has been approved.

(b) Designated and Newly Regulated Small MS4s

Small MS4 operators that operate either:

- a designated small MS4 as per Part II.A.2, or
- a newly regulated small MS4 under this general permit,

must develop a SWMP under this general permit prior to submittal of the NOI for coverage and achieve full implementation of the SWMP as soon as practicable, but no later than five years from designation or obtaining ownership or operational control of a newly regulated small MS4, as applicable.

(c) **Transfer of Ownership, Operational Authority, or Responsibility**

The permittee that has been transferred ownership, operational authority, or responsibility of an MS4 area located in an urban area with a population of at least 50,000 people or designated by TCEQ shall implement the SWMP:

- (1) on all new areas added to its portion of the small MS4 (or where the permittee becomes responsible for implementation of stormwater quality controls) as expeditiously as possible, but no later than three years from addition of the new area. Implementation may be accomplished in a phased manner to allow additional time for controls that cannot be implemented immediately; and
- (2) within ninety (90) days of a transfer of ownership, operational authority, or responsibility for SWMP implementation, the permittee shall have a plan for implementing the SWMP in all affected areas. The plan must include schedules for implementation, and information on all new annexed areas. Any resulting updates required to the SWMP shall be submitted in the annual report.

2. Contents of the SWMP

At a minimum, the permittee shall include the following information in its SWMP:

- (a) A description of MCMs with measurable goals, including, as appropriate, the months and years when the permittee will undertake required actions, including interim milestones and the frequency of the action for each required MCM and if selected, the optional 8th MCM described in Part IV.D;
- (b) A measurable goal that includes the development of ordinances or other regulatory mechanisms allowed by state, federal and local law, providing the legal authority necessary to implement and enforce the requirements of this permit, including information on any limitations to the legal authority;
- (c) The measurable goals selected by the permittee must be clear, specific, and measurable (40 CFR §122.34);
- (d) A summary of written procedures (e.g., periodic review of ordinances or other enforcement mechanisms, tracking of SWMP implementation by relevant departments, etc.) describing how the permittee will implement the provisions in Parts III and IV of this general permit;
- (e) A description of a program or a plan of compliance with the impaired water bodies and TMDL requirements in Part III; and
- (f) Identification of any impaired waters that have been added in accordance with Part III.

3. Legal Authority

- (a) Traditional small MS4s, such as cities:
 - (1) Within two years from the permit effective date, the permittee shall review and revise, if needed, its relevant ordinance(s) or other regulatory mechanism(s), or shall adopt a new ordinance(s) or other regulatory mechanism(s) that provide the

permittee with adequate legal authority to control pollutant discharges into and from its small MS4 in order to meet the requirements of this general permit.

- (2) To be considered adequate, this legal authority must, at a minimum, address the following:
 - a. Authority to prohibit illicit discharges and illicit connections;
 - b. Authority to respond to and contain other releases e.g., control the discharge of spills, and prohibit dumping or disposal of materials other than stormwater into the small MS4);
 - c. Authority to require compliance with conditions in the permittee's ordinances, permits, contracts, or orders;
 - d. Authority to require installation, implementation, and maintenance of control measures;
 - e. Authority to receive and collect information, such as stormwater plans, inspection reports, and other information deemed necessary to assess compliance with this permit, from operators of construction sites, new or redeveloped land, and industrial and commercial facilities;
 - f. Authority, as needed, to enter and inspect private property including facilities, equipment, practices, or operations related to stormwater discharges to the small MS4;
 - g. Authority to respond to non-compliance with BMPs required by the small MS4;
 - h. Authority to assess penalties, including monetary, civil, or criminal penalties; and
 - i. Authority to enter into interagency or interlocal agreements or other maintenance agreements, as necessary.
- (b) Non-traditional small MS4s, such as counties, drainage districts, transportation entities, municipal utility districts, military bases, prisons, and universities:
 - (1) Where the permittee lacks the authority to develop ordinances or to implement enforcement actions, the permittee shall exert enforcement authority as required by this general permit for its facilities, employees, contractors, and any other entity over which it has operational control within the portion of the urban area with a population of at least 50,000 people under the jurisdiction of the permittee. For discharges from third party actions, the permittee shall perform inspections and exert enforcement authority to the MEP.
 - (2) If the permittee does not have inspection or enforcement authority and is unable to meet the goals of this general permit through its own powers, then, unless otherwise stated in this general permit, the permittee shall perform the following actions in order to meet the goals of the permit:
 - a. Enter into interlocal agreements with municipalities where the small MS4 is located. These interlocal agreements must state the extent to which the municipality will be responsible for inspections and enforcement authority in order to meet the conditions of this general permit; or

- b. If it is not feasible for the permittee to enter into interlocal agreements, the permittee shall report discharges or incidents that it cannot itself enforce against to an adjacent MS4 operator with enforcement authority or the appropriate TCEQ Regional Office. In determining feasibility for entering into interlocal agreements, the permittee shall consider all factors, including, without limitations, financial considerations and the willingness of the municipalities in which the small MS4 is located.

4. Resources

It is the permittee's responsibility to ensure that it has adequate resources and funding to implement the requirements of this general permit.

5. Effluent Limitations

The controls and activities/BMPs included in the SWMP constitute effluent limitations for the purposes of compliance with state rules. This includes the requirements of 30 TAC Chapter 319, Subchapter B (Hazardous Metals), which lists the maximum allowable concentrations of hazardous metals for discharge to water in the state.

6. Enforcement Measures

Permittees with enforcement authority (i.e., traditional small MS4s) shall develop a standard operating procedure (SOP) to respond to violations to the extent allowable under state and local law. When the permittee does not have enforcement authority over the violator, and the violations continue after violator has been notified by the permittee, or the source of the illicit discharge is outside the small MS4's boundary, the permittee shall notify either the adjacent MS4 operator with enforcement authority or the appropriate TCEQ Regional Office.

7. General Requirements

Permittees shall provide information in the SWMP documenting the development and implementation of the program. At a minimum, the documentation must include:

- (a) A list of all small MS4 operators contributing to the development and implementation of the SWMP, including a clear description of the role and responsibilities of each small MS4 operator, if applicable;
- (b) A list of any public or private entities assisting with the development or implementation of the SWMP, including a clear description of the relationship, role, and responsibilities of each entity, if applicable;
- (c) A list of all activities/BMPs and measurable goals for each of the MCMs;
- (d) A schedule for the implementation of all SWMP requirements. The schedule must include, as appropriate, the months and years in which the permittee will undertake required actions, including interim milestones and the frequency of the action throughout the permit term;
- (e) A description of how each measurable goal will be evaluated; and
- (f) A rationale statement that addresses the overall program, including how the activities/BMPs and measurable goals were selected.

NEW: Clarified that permittees must include in their SWMP documentation for the role, responsibilities, and relationship between the permittee and other entities or other MS4 operators contributing to the development and implementation of the SWMP.

Added language

Section D. Minimum Control Measures (MCMs)

Operators of small MS4s seeking coverage under this general permit shall develop, implement, and maintain a SWMP that includes the following eight MCMs, as applicable.

- MCMs 1-6 apply to all small MS4s regardless of their level as described in Part II.B.
- MCM 7 only applies to Level 4 small MS4s and MCM 8 is optional.
- Specific program elements under each MCM shall be implemented by all MS4 operators, unless otherwise noted as applicable for certain levels of small MS4s.

Existing permittees shall assess program elements that were described in their previous TCEQ approved SWMP. Permittees must modify their SWMP as necessary to develop and implement new elements or revise existing BMPs to comply with the requirements in this general permit and continue reducing the discharge of pollutants from the small MS4 to the MEP.

Permittees shall provide justification within the SWMP for any requirements that were not implemented because they were not applicable as described in each MCM. For example, where a small MS4 operator does not have OSSFs in their MS4 area, the requirement to inspect these facilities is not applicable to that small MS4 operator.

1. Public Education and Outreach

(a) The small MS4 operator shall implement a public education and outreach program to distribute educational materials to the community and conduct equivalent outreach about the impacts of stormwater discharges on water bodies and the steps that the public can take to reduce pollutants in stormwater runoff.

- (1) The public education and outreach program shall at a minimum include the following target audiences, as applicable:
- a. *Traditional MS4s* and counties shall address the residents being served;
 - b. *Non-traditional MS4s* (other than counties) shall address the community served by the MS4 as listed below:
 - (i) Universities shall target the faculty, other staff, and students;
 - (ii) Military bases shall target military personnel (and dependents), and employees (including contractors);
 - (iii) Prison complexes or other multi-building complexes shall target staff and contractors;
 - (iv) Municipal Utility Districts and other special districts shall target staff and contractors; and
 - (v) Transportation authorities shall address staff, contractors, and users.
 - c. Small MS4 operators shall address additional target audiences within the small MS4 service area (such as but not limited to, those listed in Table 2) as listed below:
 - (i) Levels 1, 2a, and 2b: No requirement for additional audiences;
 - (ii) Level 3: A minimum of one additional audience; or
 - (iii) Level 4: A minimum of two additional audiences.

NEW: Condensed language

NEW: Requirement for permittees to address specific target audiences for their Public Education and Outreach program

NEW

Table 2: Additional Target Audiences

Additional Target Audiences
Schools, educational organizations, or youth service and youth groups
Businesses, including commercial facilities, home-base and mobile businesses
Institutions or formal organizations such as churches, hospitals, and service organizations
Developers or construction site operators
Homeowner or neighborhood associations
Industrial facilities
Visitors/tourists

- (2) Small MS4 operators shall target specific pollutant(s) in the permittee’s education program (such as, but not limited to, those listed in Table 3). Each small MS4 shall have a minimum of one target pollutant for each target audience from Part IV.D.1(a)(1).a-c of this permit. Small MS4s may implement more than one target pollutant where desired or appropriate to address pollutants in stormwater discharges to the MEP. The target pollutant must be appropriate for the target audience. The same pollutant may be used for more than one target audience and the target pollutant(s) may change annually as needed.

Table 3: Pollutants and Sources

Pollutants and Sources
Grass clippings and leaf litter
Fertilizer and pesticides
Litter, trash containment, balloon releases
Dumping of solid waste
Illegal disposal of household hazardous waste
Pet waste
Failing septic systems
Swimming pool discharge, including saltwater pools
De-icing/rock salt usage/ storage
Oil, grease, fluids from vehicles
Sediment runoff from construction activities
Unauthorized discharge of restaurant waste
Vehicle washing
Washwater/grey water

NEW: Added a requirement for permittees to address specific pollutants and sources in their Public Education and Outreach program

(3) Small MS4 operators must use appropriate educational resources as BMPs (materials, events, activities, etc.) in conjunction with the selected pollutants for the selected audiences. The message delivered by these BMPs must be applicable to the target audience and relate to the target pollutant (such as a newsletter article about updated illegal dumping and discharge ordinances distributed to auto mechanic businesses or a hazardous household waste disposal flyer when applying for trash or recycling services). BMPs which are ongoing throughout the year or permit term may be counted as one annual BMP. Permittees shall explain how each BMP relates to the target pollutant and target audience. Small MS4 operators may change BMPs during the permit cycle if determined appropriate through annual reviews and a different BMP may be more effective for the small MS4's target pollutant or target audience. Any changes shall be reflected in the SWMP and explained in the annual report.

a. If the permittee has a public website, the permittee shall post its SWMP and the annual reports required under Part V.B.2 or a summary of the annual report on the permittee's website.

- (i) The SWMP must be posted no later than 30 days after the NOI or NOC approval date; and
- (ii) The annual report no later than 30 days after the due date.

b. Over the permit term, small MS4 operators shall implement a minimum number of public education and outreach BMPs from Table 4, as follows:

- (i) Level 1: three BMPs;
- (ii) Levels 2a and 2b: four BMPs; or
- (iii) Levels 3 and 4: five BMPs.

NEW: Confirm MS4 Level requirements.

Table 4: Required Public Education and Outreach BMPs

Activity/BMP	Measurable Goals
Information on the MS4 operator's website.	Maintain a webpage with current and accurate information and working links. <ul style="list-style-type: none"> • All links shall be checked, and the page shall be updated as necessary at a minimum of once annually. • Must be maintained for the full year, each year.

NEW: Included table of BMPs to associate with each MCM

Activity/BMP	Measurable Goals
Social media posts, social media campaign.	<p>Post a minimum of four times each year on a minimum of one social media platform.</p> <ul style="list-style-type: none"> • The message shall address ways attendees can minimize or avoid adverse stormwater impacts or practices to improve the quality of stormwater runoff. • The messages shall be seasonally appropriate. • Must make a minimum of one post per quarter and all quarterly posts must be visible by attendees for the full year, each year.
Maintain or mark storm drains and inlets with, “No Dumping – Drains to Creek” or a similar message.	<p>Placard, stencil, or paint a minimum of 10% of all known stormwater inlets in the MS4 area each year.</p> <p>Where all known stormwater inlets have been marked, inspect, and maintain the markers for a minimum of 15% of all known stormwater inlets in the MS4 area each year.</p>
Media/advertising campaign/public service announcements in areas of high visibility: Billboard/poster; Bus shelter/bench; radio/television/movie theatre; and kiosks.	<p>Develop topics that address activities or pollutants of concern.</p> <p>Advertisement must be active for a minimum of three weeks each year; or must have an estimated public exposure for the duration of the advertising campaign that is equal to twice the population for the small MS4 area (based on the most recent U.S. Census Bureau decennial population value for the small MS4 area).</p>
Publish articles in local newspaper or newsletter, may be electronic.	<p>Develop article topics that are group specific and address activities or pollutants of concern at a seasonally appropriate time.</p> <p>A minimum of two articles must be published or emailed to target audience groups each year.</p>
Fact sheets/brochures/ utility bill inserts/door hangers.	<p>Develop material topics that are group specific and address activities or pollutants of concern.</p> <p>The number of fact sheets, brochures, bill inserts, door hangers, or handouts distributed each year shall at a minimum be enough to reach at least 75% of the intended audience.</p>
Permanent stormwater related signage.	<p>Place signage in a location where the message is relevant, and highly visible to target audience.</p> <p>Signage will count as an annual BMP for the year it was put in place and for each subsequent year of this permit cycle as long as each of those years, the permittee inspects and maintains, as necessary, 100% of the signage once annually.</p>

Activity/BMP	Measurable Goals
Promote, host, or develop educational meetings, seminar, or trainings.	Hold, host, or promote a minimum of two events annually. <ul style="list-style-type: none"> • The events shall address ways attendees can minimize or avoid adverse impacts to stormwater or practices to improve the quality of stormwater runoff. • These events may address different pollutants and audiences.
Targeted education campaign via mail, email, or in person.	Minimum of one campaign annually or with a specific event to reach at least 75% of the intended audience. (Examples: Sediment control with small building permit; leaf litter email during street sweeping season, or education brochure to all businesses conducting certain activity)

- c. Small MS4 operators shall create or support the public education and outreach BMP(s) in Part IV.D.1.(a)(3). To be considered support given to the coordinating groups, the small MS4 operator shall at minimum conduct the following or similar:
 - (i) Plan, or assist with planning, the distribution of materials;
 - (ii) Coordinate volunteers;
 - (iii) Contribute supplies, materials, tools, or equipment;
 - (iv) Provide assistance from MS4 staff to distribute the materials; or
 - (v) Provide financial support.
- d. Small MS4 operators may partner with other MS4 operators to maximize the program and cost effectiveness of the required outreach.

NEW

2. Public Involvement/Participation

All permittees, except prisons/correctional facilities, shall involve the public, and, at minimum, comply with any state and local public notice requirements in the planning and implementation activities related to developing and implementing the SWMP. The small MS4 operator must create opportunities, or support activities that are coordinated by citizen groups, for residents and others to become involved with the SWMP. The activities/BMPs must demonstrate an impact on stormwater runoff by improving water quality.

- (a) Over the permit term, small MS4 operators shall implement a minimum number of public involvement/participation activities and measurable goals from Table 5 as follows:
 - (1) Level 1 small MS4: two BMPs;
 - (2) Levels 2a and 2b small MS4: three BMPs; or
 - (3) Levels 3 and 4 small MS4: four BMPs.

NEW: Confirm MS4 Level requirements.

Table 5: Public Involvement/Participation BMPs

Activity/BMP	Measurable Goals
Stream/lake or watershed clean-up events; litter/trash clean-up events such as Texas Stream Team, Adopt-A-Highway, Adopt-A-Spot, Adopt-A-Street, Adopt-A-Stream, etc.	<p>Host at a minimum two events annually.</p> <ul style="list-style-type: none"> • To be considered an event, the land area cleaned must be a minimum of: <ul style="list-style-type: none"> ○ two acres, ○ 400 yards of stream/streambank/riparian area, or ○ two miles of roadside • These may be combined (such as one acre of land and 200 yards of stream).
Habitat improvement; Tree planting; Invasive Vegetation removal; Stream restoration.	<p>Host at a minimum two events annually.</p> <ul style="list-style-type: none"> • To be considered an event, the project must be a minimum of 0.5 acres or 25 yards. • An event may take place in streams, parks, areas adjacent to public waterways, or other green space. • An event may be a combination of locations and areas.
Volunteer water quality monitoring.	<p>Host a minimum one event annually.</p> <p>To be considered an event, the monitoring must be conducted at minimum once each year.</p>
Stormwater related speaker series.	<p>Provide a minimum of two sessions each year. These may be different speakers or audiences.</p>
MS4 area-wide stormwater survey for input on program implementation.	<p>Provide a minimum of one public survey annually for input on the program implementation to be distributed to reach at least 75% of the intended audience.</p>
Hold events to train residents, or work a project for homeowner associations (HOAs), or other public groups to cover stormwater topics such as: Building rain barrels; Fertilizer application training; Rain garden/bio retention creation or maintenance; How to recognize illicit discharge activities and communicate observations to appropriate MS4 staff.	<p>Provide at minimum one project or training annually.</p>

Activity/BMP	Measurable Goals
Educational display/booth at a school, public event, or similar event to provide information or displays that work to improve public understanding of issues related to water quality.	Provide one booth or display at minimum annually. The booth or display must be staffed during the time which the event is open to the public.
Public meeting for input on the program implementation such as a city council meeting, board meeting, or stakeholder meeting.	Host a minimum of one meeting annually for input on the program implementation to be advertised to reach at least 75% of the intended audience.

NEW

- (b) Small MS4 operators shall create or support the public involvement/participation BMP(s) in Part IV.D.2.(a). To be considered support given to the coordinating groups the small MS4 operator shall at minimum conduct the following or similar:
 - (1) Plan, or assist with planning, the event or activity;
 - (2) Contribute supplies, materials, tools, or equipment;
 - (3) Provide assistance from MS4 staff during the activity;
 - (4) Provide assistance with recruiting volunteers for events;
 - (5) Make a space available for projects, meetings, or events;
 - (6) Advertisement for the events;
 - (7) Supply disposal services;
 - (8) Arrange land or stream access;
 - (9) Provide financial support; or
 - (10) Provide donations of goods and services such as food.
- (c) Small MS4 operators may partner with other MS4 operators to maximize the program and cost effectiveness of the required public involvement/participation activities.

3. Illicit Discharge Detection and Elimination (IDDE)

(a) Program Development

- (1) All permittees shall develop, implement, and enforce a program to investigate, detect, and eliminate illicit discharges into the small MS4. The program must include a plan to detect and address non-stormwater discharges, including illegal dumping to the small MS4.

The Illicit Discharge Detection and Elimination (IDDE) program must include the following:

- a. A current and accurate MS4 map (see Part IV.D.3.(c)(1));

NEW:
Clarified that illegal dumping must be addressed in the required items (Part IV.D.3.)

**NEW: IDDE
Program
development
standards**

- b. Methods for informing and training MS4 field staff (see Part IV.D.3.(c)(2));
- c. Methods for facilitating public reporting of illicit discharges and illegal dumping (see Part IV.D.3.(c)(3));
- d. **Procedures for responding to illicit discharge, illegal dumping, and spills (see Part IV.D.3.(c)(4));**
- e. Procedures for tracing the source of an illicit discharge and illegal dumping (see Part IV. D.3.(c)(5));
- f. Procedures for removing the source of the illicit discharge and illegal dumping (see Part IV.D.3.(c)(5));
- g. **Conduct inspections in response to complaints including follow-up inspections, and procedures for inspections (see Part IV.D.3.(c)(6));**
- h. For Levels 2, 3 and 4, if applicable, procedures to prevent and correct any leaking on-site sewage disposal systems that discharge into the small MS4;
- i. For Level 4, procedures for identifying priority areas within the small MS4 likely to have illicit discharges and illegal dumping, and a list of all such areas identified in the small MS4 (see Part IV.D.3.(e)(1));
- j. **For Level 4, dry weather field screening to detect illicit discharges and illegal dumping (see Part IV.D.3.(e)(2)); and**
- k. For Level 4, procedures to reduce the discharge of floatables in the small MS4 (see Part IV.D.3.(e)(3)).

- (2) For non-traditional small MS4s, if illicit connections, illegal dumping, or illicit discharges are observed related to another operator's MS4, the permittee shall notify the other MS4 operator within 48 hours of discovery. If notification to the other MS4 operator is not practicable, then the permittee shall notify the appropriate TCEQ Regional Office of the possible illicit connection, illegal dumping, or illicit discharge.
- (3) If another MS4 operator notifies the permittee of an illegal connection, illegal dumping, or illicit discharge to the small MS4, then the permittee shall follow the requirements specified in Part IV.D.3.(c)(5).

(b) Allowable Non-Stormwater Discharges

Non-stormwater discharges listed in Part II.D do not need to be considered by the permittee as an illicit discharge requiring elimination unless the permittee or the TCEQ identifies the discharge as a significant source of pollutants to the small MS4.

(c) Requirements for All Permittees

All permittees shall meet all the following requirements, including Table 6.

(1) MS4 Mapping

All permittees shall maintain a current and accurate MS4 map, which must be located on site and available for review by TCEQ. The MS4 map must show at a minimum the following information:

- a. The location of all small MS4 outfalls that are operated by the permittee and that discharge into Waters of the U.S.;

- b. The location and name of all surface waters receiving discharges from the small MS4 outfalls; and
 - c. Priority areas identified under Part IV.D.3.(e)(1), if applicable.
- (2) Education and Training
- All permittees shall implement a method for informing or training all the permittee's field staff that may come into contact with or otherwise observe an illicit discharge, illegal dumping, or illicit connection to the small MS4 as part of their normal job responsibilities. Training program materials and attendance lists must be maintained onsite and made available for review by the TCEQ.
- (3) Public Reporting of Illicit Discharges and Spills
- All permittees shall publicize and facilitate public reporting of illicit discharges, illegal dumping, or water quality impacts associated with discharges into or from the small MS4. The permittee shall provide a central contact point to receive reports; for example, by including a telephone number for complaints and spill reporting.
- (4) All permittees shall develop and maintain onsite procedures for responding to illicit discharges, illegal dumping, and spills.
- (5) Source Investigation and Elimination
- a. Minimum Investigation Requirements – Upon becoming aware of an illicit discharge or illegal dumping, all permittees shall conduct an investigation to identify and locate the source of such illicit discharge or illegal dumping as soon as practicable.
 - (i) All permittees shall prioritize the investigation of discharges based on their relative risk of pollution. For example, sanitary sewage may be considered a high priority discharge.
 - (ii) All permittees shall report to the TCEQ immediately upon becoming aware of the occurrence of any illicit flows believed to be an immediate threat to human health or the environment.
 - (iii) All permittees shall track all investigations and document, at a minimum, the date(s) the illicit discharge or illegal dumping was observed; the results of the investigation; any follow-up of the investigation; and the date the investigation was closed.
 - b. Identification and Investigation of the Source of the Illicit Discharge –All permittees shall investigate and document the source of illicit discharges and illegal dumping where the permittees have jurisdiction to complete such an investigation. If the source of illicit discharge or illegal dumping extends outside the permittee's boundary, all permittees shall notify the adjacent permitted MS4 operator or the appropriate TCEQ Regional Office.
 - c. Corrective Action to Eliminate Illicit Discharge
- If and when the source of the illicit discharge or illegal dumping has been determined, all permittees shall immediately notify the responsible party of the problem, and shall require the responsible party to perform all necessary corrective actions to eliminate the illicit discharge and illegal dumping.

- (6) Inspections – The permittee shall conduct inspections, in response to complaints, and shall conduct follow-up inspections to ensure that corrective measures have been implemented by the responsible party.

The permittee shall develop written procedures describing the basis for conducting inspections in response to complaints and conducting follow-up inspections.

Table 6: Required IDDE BMPs

Activity/BMP	Measurable Goals
Maintain a current and accurate MS4 map as described in Part IV.D.3.(c)(1).	Review and update, as necessary, at least one time annually to include features which have been added, removed, or changed.
<p>Conduct training for all the permittee’s field staff as described in Part IV.D.3.(c)(2).</p> <p>Training may be conducted in person or using self-paced training materials such as videos or reading materials.</p>	Conduct a minimum of one training annually for 100% of MS4 field staff that may come into contact with or otherwise observe an illicit discharge, illegal dumping, or illicit connection to the small MS4 as part of their normal job responsibilities.
Maintain and publicize a public reporting method for the public to report illicit discharges, illegal dumping, or water quality impacts associated with discharges into or from the small MS4 such as a reporting hotline, online form, or other similar mechanism as described in Part IV.D.3.(c)(3).	<p>Maintain a minimum of one public reporting mechanism 100% of the time during the permit term.</p> <p>Publicize the public reporting mechanism a minimum of two times annually in a method designed to reach at least 75% of the intended audience.</p> <p>In addition, if the MS4 operator has a public website, the public reporting mechanism must be publicized on the public website 100% of the time during the permit term.</p>
Develop and maintain procedures for responding to illicit discharges, illegal dumping, and spills as described in Part IV.D.3.(c)(4).	Review and update the procedures at least one time annually to address changes and make improvements to the established procedures where applicable.

Activity/BMP	Measurable Goals
Source investigation and elimination of illicit discharges and illegal dumping as described in Part IV.D.3.(c)(5).	<p>Respond to 100% of known illicit discharges and illegal dumping incidents each year to investigate sources (or some Level 2b MS4s must notify the appropriate agency with the authority to act).</p> <p>Each year, respond to 100% of high priority discharges each year, such as sanitary sewer discharges within 24 hours (or some Level 2b MS4s must notify the appropriate agency with the authority to act).</p> <p>For 100% of known illicit discharges or illegal dumping incidents where the small MS4 does not have jurisdiction, notify the adjacent MS4 operator or the applicable TCEQ regional office each year.</p> <p>Notify TCEQ immediately of 100% of illicit flows believed to be an immediate threat to human health or the environment throughout the permit term.</p>
Corrective action to eliminate illicit discharges and illegal dumping as described in Part IV.D.3.(c)(5).	<p>For 100% of illicit discharges or illegal dumping where a source has been determined, notify the responsible party of the problem within 24 hours.</p> <p>Require the responsible party to perform all necessary corrective actions to eliminate the illicit discharge.</p>
Inspection Procedures as described in Part IV.D.3.(c)(6).	Review and update the procedures at least one time annually to address changes and make improvements to the established procedures where applicable.
Inspections in response to complaints as described in Part IV.D.3.(c)(6).	<p>Conduct inspections in response to 100% of complaints each year according to the established procedures (or some Level 2b MS4s must notify the appropriate agency with the authority to act).</p> <p>Conduct follow up inspections in 100% of cases each year where necessary as described in the established procedures (except for some Level 2b MS4s without the appropriate authority to act).</p>

(d) Additional Requirements for Levels 3 and 4 small MS4s

In addition to the requirements described in Parts IV.D.3.(c), permittees who operate Levels 3 or 4 small MS4s shall meet the following requirements, including those described in Table 7.

Source Investigation and Elimination

Permittees who operate Levels 3 or 4 small MS4s shall upon being notified that the discharge has been eliminated, conduct a follow-up investigation or field screening, consistent with Part IV.D.2.(e)(2), to verify that the discharge has been eliminated.

NEW

Follow-up investigations shall be completed within five business days, on average. The permittee shall document its follow-up investigation. The permittee may seek recovery and remediation costs from responsible parties consistent with Part IV.C.3, and require compensation-related costs. Resulting enforcement actions must follow the procedures for enforcement action in Part IV.C.3 and 6. If the suspected source of the illicit discharge is authorized under an NPDES/TPDES permit or the discharge is listed as an authorized non-stormwater discharge, as described in Part II.D, no further action is required.

Table 7: Additional Required IDDE BMPs for Levels 3 and 4 small MS4s

Activity/BMP	Measurable Goals
Conduct follow-up investigations or field screenings when notified that a discharge has been eliminated.	Conduct follow-up investigations or field screening in response to 100% of notifications each year. Complete the follow-up investigations within five business days, on average.

(e) Additional Requirements for Level 4 Small MS4s

In addition to the requirements described in Parts IV.D.3.(c)-(d) above, permittees who operate Level 4 small MS4s shall meet the following requirements including Table 8:

(1) Identification of Priority Areas

Permittees who operate Level 4 small MS4s shall identify priority areas likely to have illicit discharges or illegal dumping, shall document the basis for the selection of each priority area, and shall create a list of all priority areas identified. This priority area list must be available for review by the TCEQ.

(2) Dry Weather Field Screening

By the end of the permit term, permittees who operate Level 4 small MS4s shall develop and implement a written dry weather field screening program to assist in detecting and eliminating illicit discharges and illegal dumping to the small MS4. Dry weather field screening program must consist of (1) field observations; and (2) field screening as described below.

For dry weather field screening, at a minimum, the permittee shall:

- a. Conduct dry weather field screening in priority areas as identified by the permittee in Part IV.D.3.(e)(1). By the end of the permit term, all of those priority areas, although not necessarily all individual outfalls, must be screened.
- b. Field observation requirements – The permittee shall develop written procedures for observing flows from outfalls when there has been at least 72 hours of dry weather. The written procedures must include the basis used to determine which outfalls will be observed. The permittee shall record visual observations such as odor, color, clarity, floatables, deposits, or stains.
- c. Field screening requirements – The permittee shall develop written procedures to determine which dry weather flows will be screened, based on

results of field observations or complaint from the public or the permittee’s trained field staff. At a minimum, when visual observations indicate a potential problem such as discolored flows, foam, surface sheen, and other similar indicators of contamination, the permittee shall conduct a field screening analysis for selected indicator pollutants. The basis for selecting the indicator pollutants must be described in the written procedures. Screening methodology may be modified based on experience gained during the actual field screening activities. The permittee shall document the method used.

(3) Reduction of Floatables

The permittee shall implement a program to reduce the discharge of floatables (for example, litter and other human-generated solid refuse) in the small MS4. The permittee shall include source controls at a minimum and structural controls and other appropriate controls where necessary.

The permittee shall maintain two locations where floatable material can be removed before the stormwater is discharged to or from the small MS4. Floatable material shall be collected at the frequency necessary for maintenance of the removal devices, but not less than twice per year. The amount of material collected shall be estimated by weight, volume, or by other practical means. Results shall be included in the annual report.

Table 8: Additional Required IDDE BMPs for Level 4 small MS4s

Activity/BMP	Measurable Goals
Identification of priority areas as described in Part IV.D.3.(e)(1).	Develop and maintain a list of 100% of the priority areas identified by the small MS4 operator each year. At a minimum, small MS4 operators must consider the following in developing the priority areas: <ul style="list-style-type: none"> • Sanitary sewer lines • Industrial areas • Commercial areas • Areas with history of past illicit discharges or illegal dumping Review and update the list at least one time annually to include new, removed, or changed areas based on the criteria established by the small MS4 for identifying priority areas.

Activity/BMP	Measurable Goals
<p>Dry weather field screening as described in Part IV.D.3.(e)(2).</p>	<p>Develop and implement written procedures to determine which dry weather flows will be screened, based on results of field observations or complaint from the public or the permittee’s trained field staff.</p> <p>Review and update the procedures at least one time annually to address changes and make improvements to the established procedures where applicable.</p> <ul style="list-style-type: none"> • New Level 4 small MS4s shall develop the procedures within one year of obtaining their authorization under this general permit. <p>Develop and implement written procedures for observing flows from outfalls when there has been at least 72 hours of dry weather.</p> <p>Review and update the procedures at least one time annually to address changes and make improvements to the established procedures where applicable.</p> <p>New Level 4 small MS4s shall develop the procedures within one year of obtaining their authorization under this general permit. Conduct dry weather field screening in 100% of the priority areas as identified by the permittee in Part IV.D.2.(e)(1) by the end of the permit term with interim milestones established for screening each year.</p>
<p>Floatable Reduction as described in Part IVI.D.3.(e)(3).</p>	<p>Develop and implement at least two source controls each year to address floatables such as, but not limited to, establishing and maintaining waste collection sites, clean-up events, and anti-littering campaigns.</p> <p>Develop and implement at least two structural controls each year such as, but not limited to, inlet protections, boom sites, hazardous materials traps, trash racks, outfall netting, and catch basins.</p> <p>Annually maintain at least two locations where floatable material can be removed before the stormwater is discharged to or from the small MS4. These locations may be the same as the areas where source controls and structural controls are implemented.</p> <p>Floatable material shall be collected at the frequency necessary for maintenance of the removal devices, but not less than two times per year.</p>

4. Construction Site Stormwater Runoff Control

(a) Requirements and Control Measures

All permittees shall develop, implement, and enforce a program requiring operators of small and large construction activities to select, install, implement, and maintain

stormwater control measures that prevent illicit discharges to the MEP. The program must include the development and implementation of an ordinance or other regulatory mechanism, as well as sanctions to ensure compliance to the extent allowable under state, federal, and local law, to require erosion and sediment control.

If TCEQ waives requirements for stormwater discharges associated with small construction from a specific site(s), the permittee is not required to enforce the program to reduce pollutant discharges from such site(s).

(b) Requirements for All Permittees

All permittees shall meet the following requirements including Table 9.

- (1) All permittees shall require that construction site operators implement appropriate erosion and sediment control BMPs. The permittee's construction program must ensure erosion and sediment controls, soil stabilization, and BMP requirements are effectively implemented for all small and large construction activities discharging to its small MS4 **consistent with the TPDES CGP, TXR150000.**

Added
language

- (2) Prohibited Discharges - The following discharges are prohibited:

- a. Wastewater from washout of concrete and wastewater from water well drilling operations, unless managed by an appropriate control;
- b. Wastewater from washout and cleanout of stucco, paint, from release oils, and other construction materials;
- c. Fuels, oils, or other pollutants used in vehicle and equipment operation and maintenance;
- d. Soaps or solvents used in vehicle and equipment washing; and
- e. Discharges from dewatering activities, including discharges from dewatering of trenches and excavations, unless managed by appropriate BMPs.

- (3) Construction Plan Review Procedures

To the extent allowable by state, federal, and local law, all permittees shall maintain and implement site plan review procedures that describe which plans will be reviewed as well as when an operator may begin construction. For those permittees without legal authority to enforce site plan reviews, this requirement is limited to those sites operated by the permittee and its contractors and located within the permittee's regulated area. The site plan procedures must meet the following minimum requirements:

- a. The site plan review procedures must incorporate consideration of potential water quality impacts.
- b. The permittee may not approve any plans unless the plans contain appropriate site-specific construction site control measures that, at a minimum, meet the requirements described in the TPDES CGP, TXR150000.

The permittee may require and accept a plan, such as a stormwater pollution prevention plan (SWP3), that has been developed pursuant to the TPDES CGP, TXR150000.

- (4) Construction Site Inspections and Enforcement

To the extent allowable by state, federal, and local law, all permittees shall implement procedures for inspecting large and small construction projects. Permittees without legal authority to inspect construction sites shall at a minimum conduct inspection of sites operated by the permittee or its contractors and that are located in the permittee's regulated area.

- a. The permittee shall conduct inspections based on the evaluation of factors that are a threat to water quality, such as: soil erosion potential; site slope; project size and type; sensitivity of receiving water bodies; proximity to receiving water bodies; non-stormwater discharges; and past record of non-compliance by the operators of the construction site.
- b. Inspections must occur during the active construction phase.
 - (i) All permittees shall develop and implement updated written procedures outlining the inspection and enforcement requirements. These procedures must be maintained on-site or in the SWMP and be made available to TCEQ.
 - (ii) Inspections of construction sites must, at a minimum:
 1. Determine whether the site has appropriate coverage under the TPDES CGP, TXR150000. If no coverage exists, notify the permittee of the need for permit coverage;
 2. Conduct a site inspection to determine if control measures have been selected, installed, implemented, and maintained according to the small MS4's requirements;
 3. Assess compliance with the permittee's ordinances and other regulations; and
 4. Provide a written or electronic inspection report.
- c. Based on site inspection findings, all permittees shall take all necessary follow-up actions (for example, follow-up-inspections or enforcement) to ensure compliance with permit requirements and the SWMP. These follow-up and enforcement actions must be tracked and documentation maintained for review by the TCEQ.

For non-traditional small MS4s with no enforcement powers, the permittee shall notify the adjacent MS4 operator with enforcement authority or the appropriate TCEQ Regional Office.

(5) Information Submitted By the Public

All permittees shall develop, implement, and maintain procedures for receipt and consideration of information submitted by the public.

(6) MS4 Staff Training

All permittees shall ensure that all staff whose primary job duties are related to implementing the construction stormwater program (including permitting, plan review, construction site inspections, and enforcement) are informed or trained to conduct these activities. The training may be conducted by the permittee or by outside trainers.

Table 9: Required Construction Site Stormwater Runoff Control BMPs

Activity/BMP	Measurable Goals
Develop and maintain an ordinance or other regulatory mechanism as described in Part IV.D.4.(a).	Review and update the ordinance or other regulatory mechanism at least one time during the permit term to address changes and make improvements to the ordinance where applicable.
Prohibit discharges as described in Part IV.D.4.(b)(2).	<p>Develop and maintain an ordinance or other regulatory mechanism to prohibit these discharges.</p> <p>Review and update the ordinance or other regulatory mechanism at least one time during the permit term to address changes and make improvements to the ordinance where applicable.</p>
Maintain and implement site plan review procedures that describe which plans will be reviewed as well as when an operator may begin construction as described in Part IV.D.4.(b)(3).	<p>Review and update site plan review procedures at least one time annually to address changes and make improvements to the established procedures where applicable.</p> <p>Implement site plan review procedures for 100% of new construction site plans received each year.</p>
Implement procedures for inspecting large and small construction projects as described in Part IV.D.4.(b)(4).	Review and update inspection procedures at least one time annually to address changes and make improvements to the established procedures where applicable.
Conduct construction site inspections as described in Part IV.D.4.(b)(4).	<p>Conduct inspections at 80% of active construction sites annually according to the established procedures (or some Level 2b small MS4s must notify the appropriate agency with the authority to act).</p> <p>Each year, conduct follow up inspections in 100% of cases where necessary as described in the established procedures (except for some Level 2b small MS4s without the appropriate authority to act).</p>
Develop, implement, and maintain procedures for receipt and consideration of information submitted by the public as described in Part IV.D.4.(b)(5).	<p>Review and update procedures for the receipt and consideration of information submitted by the public at least one time annually to address changes and make improvements to the established procedures where applicable.</p> <p>Maintain one webpage, hotline, or similar method for receipt of information submitted by the public throughout the permit term.</p>

Activity/BMP	Measurable Goals
<p>Conduct training for all the MS4 staff whose primary job duties are related to implementing the construction stormwater program as described in Part IV.D.4.(b)(6).</p> <p>Training may be conducted in person or using self-paced training materials such as videos or reading materials.</p>	<p>Conduct a minimum of one training annually for 100% of MS4 staff whose primary job duties are related to implementing the construction stormwater program.</p>

(c) Additional Requirements for Levels 3 and 4 small MS4s

In addition to the requirements described in Parts IV.D.4.(b) above, permittees who operate Levels 3 or 4 small MS4s shall meet the following requirements including Table 10.

Construction Site Inventory

Permittees who operate Levels 3 or 4 small MS4s shall maintain an inventory of all TPDES permitted active public and private construction sites in the small MS4 area, that result in a total land disturbance of one or more acres or that result in a total land disturbance of less than one acre if part of a larger common plan or development or sale. Notification to the small MS4 must be made by submittal of a copy of an NOI or a small construction site notice, as applicable. The permittee shall make this construction site inventory in the small MS4 area available to the TCEQ upon request for review.

Table 10: Additional Required Construction Site Stormwater Runoff Control BMPs for Levels 3 and 4 Small MS4s

Activity/BMP	Measurable Goals
<p>Maintain a Construction Site inventory as described in Part IV.D.4.(c).</p>	<p>Maintain an annual inventory of 100% of TPDES permitted active public and private construction sites in the small MS4 area, that result in a total land disturbance of one or more acres or that result in a total land disturbance of less than one acre if part of a larger common plan or development or sale.</p> <ul style="list-style-type: none"> • New Levels 3 or 4 small MS4s shall develop the inventory within one year of obtaining their authorization under this general permit.

5. Post Construction Stormwater Management in New Development and Redevelopment

(a) Post-Construction Stormwater Management Program

All permittees shall meet the requirements below including Table 11.

- (1) All permittees shall develop, implement, and enforce a program, to the extent allowable under state, federal, and local law, to control stormwater discharges from new development and redeveloped sites that discharge into the small MS4 that disturb one acre or more, including projects that disturb less than one acre that are part of a larger common plan of development or sale. The program must be established for private and public development sites. The program may utilize an offsite mitigation and payment in lieu of components to address this requirement.
- (2) All permittees shall use, to the extent allowable under state, federal, and local law and local development standards, an ordinance or other regulatory mechanism to address post-construction runoff from new development and redevelopment projects. The permittees shall establish, implement, and enforce a requirement that owners or operators of new development and redeveloped sites design, install, implement, and maintain a combination of structural and non-structural BMPs appropriate for the community and that protects water quality. If the construction of permanent structures is not feasible due to space limitations, health and safety concerns, cost effectiveness, or highway construction codes, the permittee may propose an alternative approach to TCEQ.

(b) Requirements for All Permittees

All permittees shall meet all the following requirements including Table 11.

- (1) All permittees shall document and maintain records of enforcement actions and make them available for review by the TCEQ.
- (2) Long-Term Maintenance of Post-Construction Stormwater Control Measures

All permittees shall, to the extent allowable under state, federal, and local law, ensure the long-term operation and maintenance of structural stormwater control measures installed through one or both of the following approaches:

 - a. Maintenance performed by the permittee. (See Part IV.D.6)
 - b. Maintenance performed by the owner or operator of a new development or redeveloped site under a maintenance plan. The maintenance plan must be filed in the real property records of the county in which the property is located. The permittee shall require the owner or operator of any new development or redeveloped site to develop and implement a maintenance plan addressing maintenance requirement for any structural control measures installed on site. The permittee shall require operation and maintenance performed is documented and retained on site, such as at the offices of the owner or operator, and made available for review by the small MS4.

Table 11: Required Post Construction Stormwater Management in New Development and Redevelopment BMPs

Activity/BMP	Measurable Goals
Develop and maintain an ordinance or other regulatory mechanism as described in Part IV.D.5.(a)(2).	Review and update the ordinance or other regulatory mechanism at least one time during the permit term to address changes and make improvements to the ordinance where applicable.
Document and maintain records of enforcement actions and make them available for review by the TCEQ as described in Part IV.D.5.(b)(1).	Maintain records of 100% of enforcement actions taken each year. Make 100% of enforcement records available to TCEQ for review within 24 hours of request.
Ensure the long term operation and maintenance of structural stormwater control measures installed as described in Part IV.D.5.(b)(2).	Maintain 100% of stormwater control measures each year where the MS4 operator is responsible for maintenance. Each year, require 100% of the owners or operators of any new development or redeveloped sites to develop and implement a maintenance plan addressing maintenance requirement for any structural control measures installed on site. Require the site owner or operators to maintain documentation onsite of 100% of the maintenance performed and made available for review by the small MS4 operator or TCEQ within 24 hours of the request.

(c) Additional Requirements for Level 4 small MS4s

In addition to the requirements described in Parts IV.D.5.(b)(1)-(2), permittees who operate Level 4 small MS4s shall meet the following requirements including Table 12.

- (1) Inspections – Permittees who operate Level 4 small MS4s shall develop and implement an inspection program to ensure that all post construction stormwater control measures are operating correctly and are being maintained as required consistent with its applicable maintenance plan. For small MS4s with limited enforcement authority, this requirement applies to the structural controls owned and operated by the small MS4 or its contractors that perform these activities within the small MS4’s regulated area.
- (2) Inspection Reports – The permittee shall document its inspection findings in an inspection report and make them available for review by the TCEQ.

Table 12: Additional Required Post Construction Stormwater Management in New Development and Redevelopment BMPs for Level 4 Small MS4s

Activity/BMP	Measurable Goals
Develop and implement an inspection program as described in Part IV.D.5.(c)(1).	Develop and implement an inspection program to ensure that 100% of post construction stormwater control measures in the small MS4 area are operating correctly

Activity/BMP	Measurable Goals
	<p>and are being maintained as required consistent with its applicable maintenance plan each year.</p> <p>For small MS4s with limited enforcement authority, this requirement applies only to 100% of the structural controls owned and operated by the small MS4 or its contractors that perform these activities within the small MS4's regulated area each year.</p> <p>New Level 4 small MS4s shall develop the inspection program within one year of obtaining their authorization under this general permit.</p>
Maintain Inspection Reports as described in Part IV.D.5.(c)(2).	<p>Document inspection findings in an inspection report for 100% of inspections performed each year.</p> <p>Make 100% of inspection reports available to TCEQ staff for review within 24 hours of request.</p>

6. Pollution Prevention and Good Housekeeping for Municipal Operations

(a) Program Development

All permittees shall develop and implement an operation and maintenance program (O&M), including an employee training component that has the ultimate goal of preventing or reducing pollutant runoff from municipal activities and municipally owned areas including but not limited to: park and open space maintenance; street, road, or highway maintenance; fleet and building maintenance; stormwater system maintenance; new construction and land disturbances; municipal parking lots; vehicle and equipment maintenance and storage yards; waste transfer stations; and salt/sand storage locations.

(b) Requirements for All Permittees

All permittees shall meet the requirements described below including Table 13.

(1) Permittee-owned Facilities and Control Inventory

All permittees shall develop and maintain an inventory of facilities and stormwater controls that it owns and operates within the regulated area of the small MS4. The inventory must include all applicable permit numbers, registration numbers, and authorizations for each facility or controls. The inventory must be available for review by TCEQ and must include, but is not limited, to the following, as applicable:

- a. Composting facilities;
- b. Equipment storage and maintenance facilities;
- c. Fuel storage facilities;
- d. Hazardous waste disposal facilities;
- e. Hazardous waste handling and transfer facilities;
- f. Incinerators;

- g. Landfills;
 - h. Materials storage yards;
 - i. Pesticide storage facilities;
 - j. Buildings, including schools, libraries, police stations, fire stations, and office buildings;
 - k. Parking lots;
 - l. Golf courses;
 - m. Swimming pools;
 - n. Public works yards;
 - o. Recycling facilities;
 - p. Salt storage facilities;
 - q. Solid waste handling and transfer facilities;
 - r. Street repair and maintenance sites;
 - s. Vehicle storage and maintenance yards; and
 - t. Structural stormwater controls.
- (2) Training and Education
- All permittees shall inform or train appropriate employees involved in implementing pollution prevention and good housekeeping practices. All permittees shall maintain a training attendance list for review by TCEQ when requested.
- (3) Disposal of Waste Material – Waste materials removed from the small MS4 must be disposed of in accordance with 30 TAC Chapters 330 or 335, as applicable.
- (4) Contractor Requirements and Oversight
- a. Any contractors hired by the permittee to perform maintenance activities on permittee-owned facilities must be contractually required to comply with all of the stormwater control measures, good housekeeping practices, and facility-specific stormwater management operating procedures described in Parts IV.D.6.(b)(2)-(6).
 - b. All permittees shall provide oversight of contractor activities to ensure that contractors are using appropriate control measures and SOPs. Oversight procedures must be maintained on-site and made available for inspection by TCEQ.
- (5) Municipal Operation and Maintenance Activities
- a. Assessment of permittee-owned operations
- All permittees shall evaluate operation and maintenance (O&M) activities for their potential to discharge pollutants in stormwater, including but not limited to:
- (i) Road and parking lot maintenance, including such areas as pothole repair, pavement marking, sealing, and re-paving;

- (ii) Bridge maintenance, including such areas as re-chipping, grinding, and saw cutting;
- (iii) Cold weather operations, including plowing, sanding, and application of deicing and anti-icing compounds and maintenance of snow disposal areas; and
- (iv) Right-of-way maintenance, including mowing, herbicide and pesticide application, and planting vegetation.

b. All permittees shall identify pollutants of concern that could be discharged from the above O&M activities (for example, metals; chlorides; hydrocarbons such as benzene, toluene, ethyl benzene, and xylenes; sediment; and trash).

NEW

c. All permittees shall develop and implement a set of pollution prevention measures that will reduce the discharge of pollutants in stormwater from the above activities. **These pollution prevention measures must include at least two the following:**

- (i) Replacing materials and chemicals with more environmentally friendly materials or methods;
- (ii) **Tracking application of deicing and anti-icing compounds;**
- (iii) **Using suspended tarps, booms, or vacuums to capture paint, solvents, rust, paint chips and other pollutants generated by regular bridge maintenance; and**
- (iv) Placing barriers around or conducting runoff away from deicing chemical storage areas to prevent discharge into surface waters.

d. Inspection of pollution prevention measures - All pollution prevention measures implemented at permittee-owned facilities must be visually inspected to ensure they are working properly. The permittee shall develop written procedures that describes frequency of inspections occurring at least one time annually and how they will be conducted. A log of inspections must be maintained and made available for review by the TCEQ upon request.

(6) Structural Control Maintenance

If BMPs include structural controls, maintenance of the controls must be performed by the permittee and consistent with maintaining the effectiveness of the BMP. The permittee shall develop written procedures that define the frequency of inspections occurring at least one time annually and how they will be conducted.

Table 13: Required Pollution Prevention and Good Housekeeping for Municipal Operations BMPs

Activity/BMP	Measurable Goals
Permittee-owned Facilities and Control Inventory as described by Part IV.D.6.(b)(1).	<p>Develop and maintain an annual inventory for 100% of the small MS4 owned and operated facilities and controls in the small MS4 area.</p> <p>Review and update the inventory at least one time annually to address changes or additions to the facilities and controls where applicable.</p>
Training and Education as described in Part IV.D.6.(b)(2). Training may be conducted in person or using self-paced training materials such as videos or reading materials.	<p>Conduct a minimum of one training annually for 100% of employees involved in implementing pollution prevention and good housekeeping practices.</p> <p>For small MS4s which use only contractors to implement pollution prevention and good housekeeping practices, ensure training of 100% of applicable contract staff is conducted at least one time annually using contract language or another similar method.</p>
Disposal of Waste Material as described in Part IV.D.6.(b)(3).	<p>Ensure that 100% of waste from the MS4 is disposed of in accordance with 30 TAC Chapters 330 or 335, as applicable each year.</p>
Contractor Requirements and Oversight as described in Part IV.D.6.(b)(4).	<p>Each year, ensure that 100% of contractors hired by the MS4 to perform maintenance activities on permittee-owned facilities is contractually required to comply with all of the stormwater control measures, good housekeeping practices, and facility-specific stormwater management operating procedures described in Parts IV D.6.(b)(2)-(6).</p> <p>Provide oversight of 100% of contractor activities to ensure that contractors are using appropriate control measures and SOPs each year.</p> <p>Oversight procedures must be maintained on-site 100% of the time and made available for review by TCEQ within 24 hours of request.</p>

Activity/BMP	Measurable Goals
Assessment of permittee-owned operations as described in Part IV.D.6.(b)(5)a.	<p>Evaluate 100% of O&M activities for their potential to discharge pollutants in stormwater annually including but not limited to:</p> <ul style="list-style-type: none"> • Road and parking lot maintenance, including such areas as pothole repair, pavement marking, sealing, and re-paving; • Bridge maintenance, including such areas as re-chipping, grinding, and saw cutting; • Cold weather operations, including plowing, sanding, and application of deicing and anti-icing compounds and maintenance of snow disposal areas; and • Right-of-way maintenance, including mowing, herbicide and pesticide application, and planting vegetation.
Identify pollutants of concern as described in Part IV.D.6.(b)(5)b.	<p>Identify pollutants of concern that could be discharged from all of the O&M activities described in Part IV.D.6.(b)(5)b and maintain a list of 100% of the pollutants identified.</p> <p>Including for example, metals; chlorides; hydrocarbons such as benzene, toluene, ethyl benzene, and xylenes; sediment; and trash.</p> <p>Review and update the pollutants of concern list at least one time annually to address changes or additions to the O&M activities where applicable.</p>

Activity/BMP	Measurable Goals
Pollution Prevention Measures as described in Part IV.D.6.(b)(5)c.	<p>Develop and implement a set of pollution prevention measures that will reduce the discharge of pollutants in stormwater from the permittee-owned operations. Implement at least two of the following pollution prevention measures:</p> <ul style="list-style-type: none"> • Replace at least 50% of the MS4's materials and chemicals with more environmentally friendly materials or methods by the end of the permit term; • Track 100% of the application of deicing and anti-icing compounds in the MS4 area and record the amount of compound used for each application annually; • Use suspended tarps, booms, or vacuums to capture paint, solvents, rust, paint chips and other pollutants during 80% of regular bridge maintenance each year; and • Place barriers around or conduct runoff away from 100% of deicing chemical storage areas to prevent discharge into surface waters each year.
Inspection of Pollution Prevention Measures as described in Part IV.D.6.(b)(5)d.	<p>At least one time annually, visually inspect 100% of pollution prevention measures implemented at permittee-owned facilities to ensure they are working properly.</p> <p>Develop and maintain written procedures that describe the frequency of inspections and how they will be conducted.</p> <p>Review and update the inspection procedures at least one time annually to address changes or additions to the pollution prevention measures.</p> <p>Maintain a log of 100% of the inspections conducted annually and make the log available for review by the TCEQ within 24 hours of a request.</p>
Structural Control Maintenance as described by Part IV.D.6.(b)(6).	<p>At least one time annually, perform maintenance of 100% of the structural controls which require maintenance. Maintenance must be consistent with maintaining the effectiveness of the BMP.</p> <p>The permittee shall develop and maintain written procedures that define the frequency of inspections and how they will be conducted.</p> <p>Review and update the maintenance procedures at least one time annually to address changes or additions to the pollution prevention measures.</p>

(c) Additional Requirements for Levels 3 and 4 small MS4s:

In addition to the requirements described in Part IV.D.6.(b) above, permittees who operate Levels 3 or 4 small MS4s shall meet the following requirements including Table 14.

(1) Storm Sewer System Operation and Maintenance

- a. Permittees who operate Levels 3 or 4 small MS4s shall develop and implement an O&M program to reduce to the MEP the collection of pollutants in catch basins and other surface drainage structures.
- b. Permittees who operate Levels 3 or 4 small MS4s shall develop a list of potential problem areas. The permittees shall identify and prioritize problem areas for increased inspection (for example, areas with recurrent illegal dumping).

(2) Operation and Maintenance Program to Reduce Discharges of Pollutants from Roads

Permittees who operate Levels 3 or 4 small MS4s shall implement an O&M program that includes at least one of the following: a street sweeping and cleaning program, or an equivalent BMP such as an inlet protection program, which must include an implementation schedule and a waste disposal procedure. The basis for the decision must be included in the SWMP. If a street sweeping and cleaning program is implemented, the permittee shall evaluate the following permittee-owned and operated areas for the program: streets, road segments, and public parking lots including, but not limited to, high traffic zones, commercial and industrial districts, sport and event venues, and plazas, as well as areas that consistently accumulate high volumes of trash, debris, and other stormwater pollutants.

- a. Implementation schedules – If a sweeping program is implemented, the permittee shall sweep the areas in the program (for example, the streets, roads, and public parking lots) in accordance with a frequency and schedule determined in the permittee’s O&M program **to address at a minimum 75% of the areas in the program annually.**
- b. For areas where street sweeping is technically infeasible (for example, streets without curbs), the permittee shall focus implementation of other trash and litter control procedures, or provide inlet protection measures to minimize pollutant discharges to storm drains and creeks.
- c. Sweeper Waste Material Disposal – If utilizing street sweepers, the permittee shall develop a procedure to dewater and dispose of street sweeper waste material and shall ensure that water and material will not reenter the small MS4.

NEW

(3) Mapping of Facilities

Permittees who operate Levels 3 or 4 small MS4s shall, on a map of the area regulated under this general permit, identify where the permittee-owned and operated facilities and stormwater controls are located.

(4) Facility Assessment

Permittees who operate Levels 3 or 4 small MS4s shall perform the following facility assessment in the regulated portion of the small MS4 operated by the permittee:

- a. Assessment of Facilities' Pollutant Discharge Potential – The permittee shall review the facilities identified in Part IV.D.6.(b)(1) once per permit term for their potential to discharge pollutants into stormwater.
- b. Identification of *high priority* facilities – Based on the assessment above, the permittee shall identify as *high priority* those facilities that have a high potential to generate stormwater pollutants and shall develop and maintain a list of these facilities. Among the factors that must be considered in giving a facility a high priority ranking are the amount of urban pollutants stored at the site, the identification of improperly stored materials, activities that must not be performed outside (for example, changing automotive fluids, vehicle washing), proximity to water bodies, proximity to sensitive aquifer recharge features, poor housekeeping practices, and discharge of POCs to impaired water(s). High priority facilities must include, at a minimum, the permittee's maintenance yards, hazardous waste facilities, fuel storage locations, and any other facilities at which chemicals or other materials have a high potential to be discharged in stormwater.
- c. Documentation of Assessment Results – The permittee shall document the results of the assessments and maintain copies of all site evaluation checklists used to conduct the assessments. The documentation must include the results of the permittee's initial assessment, and any identified deficiencies and corrective actions taken.

(5) Development of Facility-Specific Procedures

Permittees who operate Levels 3 or 4 small MS4s shall develop facility-specific stormwater management SOPs. The permittee may utilize existing plans or documents that may contain the following required information:

- a. For each high priority facility identified in Part IV.D.6.(c)(4)b, the permittee shall develop a SOP that identifies BMPs to be installed, implemented, and maintained to minimize the discharge of pollutants in stormwater from each facility.
- b. A hard or electronic copy of the facility-specific stormwater management SOP (or equivalent existing plan or document) must be maintained and be available for review by the TCEQ. The SOP must be kept onsite when possible and must be kept up-to-date.

(6) Stormwater Controls for High Priority Facilities

Permittees who operate Levels 3 or 4 small MS4s shall implement the following stormwater controls at all high priority facilities identified in Part IV.D.6.(c)(4)b. A description of BMPs developed to comply with this requirement must be included in each facility specific SOP:

- a. General good housekeeping – Material with a potential to contribute to stormwater pollution must be sheltered from exposure to stormwater.
- b. De-icing and anti-icing material storage – The permittee shall ensure, to the MEP, that stormwater runoff from storage piles of salt and other de-icing

and anti-icing materials is not discharged; or shall ensure that any discharges from the piles are authorized under a separate discharge permit.

- c. Fueling operations and vehicle maintenance – The permittee shall develop SOPs (or equivalent existing plans or documents) that address spill prevention and spill control at permittee-owned and operated vehicle fueling, vehicle maintenance, and bulk fuel delivery facilities.
- d. Equipment and vehicle washing – The permittee shall develop SOPs that address equipment and vehicle washing activities at permittee-owned and operated facilities. The discharge of equipment and vehicle wash water to the small MS4 or directly to receiving waters from permittee-owned facilities is not authorized under this general permit. To ensure that wastewater is not discharged under this general permit, the permittee’s SOP may include installing a vehicle wash reclaim system, capturing and hauling the wastewater for proper disposal, connecting to sanitary sewer (where applicable and approved by local authorities), ceasing the washing activity, or applying for and obtaining a separate TPDES permit.

(7) Inspections

Permittees who operate Levels 3 or 4 small MS4s shall develop and implement an inspection program, which at a minimum must include periodic inspections of high priority permittee-owned facilities. The results of the inspections and observations must be documented and available for review by the TCEQ.

Table 14: Additional Required Pollution Prevention and Good Housekeeping for Municipal Operations BMPs for Levels 3 and 4 Small MS4s:

Activity/BMP	Measurable Goals
Storm Sewer System Operation and Maintenance Program as described by Part IV.D.6.(c)(1)a.	Develop and implement an O&M program to reduce to the MEP the collection of pollutants in catch basins and other surface drainage structures each year. Implement at least two of the following: <ul style="list-style-type: none"> • Inspect at least 25% of the small MS4 owned and operated detention basins each year. • Inspect at least 25% of the small MS4 owned and operated stormwater inlets each year. • Inspect and clean at least 25% of the small MS4 owned and operated drainage system each year. • Collect and dispose of or recycle used oil and other household hazardous waste (HHW) from the public in at least three events each year.
Storm Sewer System Operation and Maintenance Problem Areas as described by Part IV.D.6.(c)(1)b.	Develop a list of 100% of the identified potential problem areas. Identify and prioritize problem areas for increased inspection (for example, areas with recurrent illegal dumping). Review and update the list of potential problem areas at least one time annually to address changes or additions to the list.

Activity/BMP	Measurable Goals
<p>Operation and Maintenance Program to Reduce Discharges of Pollutants from Roads as described by Part IV.D.6.(c)(2).</p>	<p>Implement at least one of the following:</p> <ul style="list-style-type: none"> • A street sweeping and cleaning program to address 75% of the small MS4 area each year and sweeping 100% of the MS4 area at least two times by the end of the permit term, or • An inlet protection program addressing 100% of the small MS4 area by the end of the permit term, which must include an implementation schedule and a waste disposal procedure.
<p>Mapping of Facilities as described by Part IV.D.6.(c)(3).</p>	<p>On a map of the area regulated under this general permit, identify where 100% of the permittee-owned and operated facilities and stormwater controls are located.</p> <p>Review and update the map at least one time annually to address changes or additions to the facilities and controls.</p>
<p>Assessment of Facilities' Pollutant Discharge Potential as described by Part IV.D.6.(c)(4)a.</p>	<p>Review 100% of the facilities identified in Part IV.D.6.(b) at least one time per permit term for their potential to discharge pollutants into stormwater.</p>
<p>Identification of high priority facilities as described by Part IV.D.6.(c)(4)b.</p>	<p>Based on the assessment in Part IV.D.6.(c)(4)a., the permittee shall identify as <i>high priority</i> those facilities that have a high potential to generate stormwater pollutants. A list of 100% of the identified facilities must be developed and maintained each year.</p> <p>Review and update the list of high priority facilities at least one time annually to address changes or additions to the facilities.</p>
<p>Documentation of Assessment Results as described by Part IV.D.6.(c)(4)c.</p> <p>The documentation must include:</p> <ul style="list-style-type: none"> • the results of the permittee's initial assessment, and • any identified deficiencies and corrective actions taken. 	<p>Document the results of all the assessments and maintain copies of 100% of the site evaluation checklists used to conduct the assessments each year.</p>

Activity/BMP	Measurable Goals
Development of Facility-Specific SOPs as described by Part IV.D.6.(c)(5).	<p>Develop facility-specific stormwater management SOPs for 100% of the MS4 owned and operated facilities. A description of 100% of the BMPs developed to comply with Part IV.D.6.(c)(6) must be included in each facility-specific SOP.</p> <p>Review and update the facility-specific SOPs at least one time annually to address changes or additions to the facilities.</p> <p>If requested, SOPs must be made available to TCEQ within 24 hours of the request for review.</p>
Stormwater Controls for High Priority Facilities, General Good Housekeeping as described by Part IV.D.6.(c)(6)a.	Shelter from exposure to stormwater 100% of material with a potential to contribute to stormwater pollution each year.
Stormwater Controls for High Priority Facilities, De-icing and anti-icing material storage as described by Part IV.D.6.(c)(6)b.	<p>Ensure that 100% of stormwater runoff from storage piles of salt and other de-icing and anti-icing materials is not discharged each year.</p> <p>Or ensure that 100% of discharges from the piles are authorized under a separate discharge permit each year.</p>
Stormwater Controls for High Priority Facilities, Fueling and vehicle maintenance as described by Part IV.D.6.(c)(6)c.	<p>Develop and implement SOPs that address spill prevention and spill control at 100% of permittee-owned and operated vehicle fueling, vehicle maintenance, and bulk fuel delivery facilities each year.</p> <p>Review and update the facility specific SOPs at least one time annually to address changes or additions to the facilities.</p>

Activity/BMP	Measurable Goals
Stormwater Controls for High Priority Facilities, Equipment and vehicle washing as described by Part IV.D.6.(c)(6)d.	<p>Develop and implement SOPs that address equipment and vehicle washing activities at 100% of the permittee-owned and operated facilities where washing occurs.</p> <p>To ensure that wastewater is not discharged under this general permit, the permittee's SOP must include one or more of the following:</p> <ul style="list-style-type: none"> • installing a vehicle wash reclaim system, • capturing and hauling the wastewater for proper disposal, • connecting to sanitary sewer (where applicable and approved by local authorities), • ceasing the washing activity, or • applying for and obtaining a separate TPDES permit. <p>Review and update the facility specific SOPs at least one time annually to address changes or additions to the facilities.</p>
Inspections as described by Part IV.D.6.(c)(7).	<p>Develop and implement an inspection program, which at a minimum must include inspections of 100% of high priority permittee-owned facilities one time per year.</p> <p>The results of 100% of the inspections and observations must be documented and available for review by the TCEQ each year.</p>

(d) Additional Requirements for Level 4 small MS4s:

In addition to all the requirements described in Parts IV.D.6.(b)-(c) above, permittees who operate Level 4 small MS4s shall meet the following requirements including Table 15.

(1) Pesticide, Herbicide, and Fertilizer Application and Management

- a. Landscape maintenance – The permittee shall evaluate the materials used and activities performed on public spaces owned and operated by the permittee such as parks, schools, golf courses, easements, public rights of way, and other open spaces for pollution prevention opportunities. Maintenance activities for the turf landscaped portions of these areas may include mowing, fertilization, pesticide application, and irrigation. Typical pollutants include sediment, nutrients, hydrocarbons, pesticides, herbicides, and organic debris.
- b. The permittee shall implement the following practices to minimize landscaping-related pollutant generation with regard to public spaces owned and operated by the permittee:

- (i) Educational activities, permits, certifications, and other measures for the permittee’s applicators and distributors;
 - (ii) Pest management measures that encourage non-chemical solutions where feasible. Examples may include:
 - (a) Use of native plants or xeriscaping;
 - (b) Keeping clippings and leaves out the small MS4 and the street by implementing mulching, composting, or landfilling;
 - (c) Limiting application of pesticides and fertilizers if precipitation is forecasted within 24 hours, or as specified in label instructions; and
 - (d) Reducing mowing of grass to allow for greater pollutant removal, but not jeopardizing motorist safety.
 - c. The permittee shall develop schedules for chemical application in public spaces owned and operated by the permittee that minimize the discharge of pollutants from the application due to irrigation and expected precipitation; and
 - d. The permittee shall ensure collection and proper disposal of the permittee’s unused pesticides, herbicides, and fertilizers.
- (2) Evaluation of Flood Control Projects

The permittee shall assess the impacts of the receiving water(s) for all flood control projects. New flood control structures must be designed, constructed, and maintained to provide erosion prevention and pollutant removal from stormwater. The retrofitting of existing structural flood control devices to provide additional pollutant removal from stormwater shall be implemented to the MEP.

Table 15: Additional Required Pollution Prevention and Good Housekeeping for Municipal Operations BMPs for Level 4 Small MS4s:

Activity/BMP	Measurable Goals
Pesticide, Herbicide, and Fertilizer applicator and distributor measures as described by Part IV.D.6.(d)(1)b.(i).	Require 100% of pesticide, herbicide, and fertilizer applicators and distributors working in the public spaces owned and operated by the permittee, including contract workers, to demonstrate at least one of the following each year: <ul style="list-style-type: none"> • Training in application or distribution • Permit to apply or distribute • Certification for application or distribution

Activity/BMP	Measurable Goals
Landscape maintenance as described by Part IV.D.6.(d)(1)a.	<p>Evaluate at least one time each year the materials used, and activities performed on 100% of the public spaces owned and operated by the permittee for pollution prevention opportunities such as:</p> <ul style="list-style-type: none"> • parks, • schools, • golf courses, • easements, • public rights of way, and • other open spaces.
Non-chemical solutions as described by Part IV.D.6.(d)(1)b.(ii).	<p>Utilize at least one of the following non-chemical solutions each year in 100% of the public spaces owned and operated by the permittee:</p> <ul style="list-style-type: none"> • Use of native plants or xeriscaping in 10% of each public space's landscaping area; • Keep clippings and leaves out the small MS4 and the street by implementing mulching, composting, or landfilling; • Limit application of pesticides and fertilizers if precipitation is forecasted within 24 hours, or as specified in label instructions; or • Reduce mowing of grass frequency to allow for greater pollutant removal, but not jeopardizing motorist safety. <p>If it is not feasible for the small MS4 operator to implement at least one of these measures in one or more public spaces owned and operated by the permittee, written documentation of the reason must be maintained and made available to the TCEQ upon request.</p>
Schedules for chemical application as described by Part IV.D.6.(d)(1)c.	Develop and implement chemical application schedules for use in 100% of applicable public spaces owned and operated by the permittee each year. Schedules must minimize the discharge of pollutants from the chemical application due to irrigation and expected precipitation.
Collection and disposal of pesticides, herbicides, and fertilizers as described by Part IV.D.6.(d)(1)d.	Ensure collection and proper disposal of 100% of the permittee's unusable pesticides, herbicides, and fertilizers each year.

Activity/BMP	Measurable Goals
Evaluation of Flood Control Projects as described by Part IV.D.6.(d)(2).	Assess the impacts of the receiving water(s) for 100% of the flood control projects each year. 100% of new flood control structures must be designed, constructed, and maintained to provide erosion prevention and pollutant removal from stormwater. The retrofitting of 20% of the existing structural flood control devices each year to provide additional pollutant removal from stormwater shall be implemented unless infeasible. <ul style="list-style-type: none"> • If it is not feasible for the small MS4 operator to retrofit 20% of the existing control devices each year, written documentation of the reason must be maintained and made available to the TCEQ for review upon request.

7. Industrial Stormwater Sources

Permittees operating a Level 4 small MS4 shall meet the requirements below including Table 16.

- (a) Permittees who operate Level 4 small MS4s shall identify and control pollutants in stormwater discharges to the small MS4 from the permittee’s landfills; other treatment, storage, or disposal facilities for municipal waste (for example, transfer stations and incinerators); hazardous waste treatment, storage, disposal and recovery facilities and facilities that are subject to Emergency Planning and Community Right-to-Know Act (EPCRA) Title III, Section 313; and any other industrial or commercial discharge the permittee determines are contributing a substantial pollutant loading to the small MS4.
- (b) The program must include priorities and procedures for inspections and for implementing control measures for such industrial discharges.

Table 16: Required Industrial Stormwater Sources BMPs for Level 4 Small MS4s

Activity/BMP	Measurable Goals
Industrial facilities as described by Part IV.D.7.(a).	Identify and control pollutants in stormwater discharges to the small MS4 from 100% of the permittee’s landfills; other treatment, storage, or disposal facilities for municipal waste (for example, transfer stations and incinerators); hazardous waste treatment, storage, disposal and recovery facilities and facilities that are subject to Emergency Planning and Community Right-to-Know Act (EPCRA) Title III, Section 313; and any other industrial or commercial discharge the permittee determines are contributing a substantial pollutant loading to the small MS4.

Activity/BMP	Measurable Goals
Inspections as described by Part IV.D.7.(b).	<p>Inspect 100% of small MS4 owned and operated facilities described by Part IV.D.7.(a) at least one time annually.</p> <p>Inspect 100% of industrial facilities permitted under the TPDES MSGP, TXR050000 and located within the small MS4 area at least one time annually.</p>
Priorities and Procedures as described by Part IV.D.7.(b).	<p>Develop and implement SOPs for 100% of inspections of facilities as described by Part IV.D.7.(b) and industrial facilities permitted under the TPDES MSGP, TXR050000 and within the small MS4 area.</p> <p>Review and update the facility inspection SOPs at least one time annually to address changes or additions.</p>

8. Authorization for Construction Activities where the Small MS4 is the Site Operator

The development of this MCM for construction activities, where the small MS4 is the construction site operator, is optional and provides an alternative to the MS4 operator seeking coverage under TPDES CGP, TXR150000 for each construction activity. Permittees that choose to develop and implement this MCM will be authorized to discharge stormwater and certain non-stormwater from construction activities only where the MS4 operator meets the definition of a construction site operator. This MCM only authorizes the small MS4 operator and does not provide authorization for other construction site operators at a municipal project.

When developing this measure, permittees are required to meet all requirements of, and be consistent with the following: (1) applicable effluent limitation guidelines for the Construction and Development industry (40 CFR Part 450), (2) TPDES CGP TXR150000, (3) Part IV.D.4 and Part VII of this general permit.

The authorization to discharge under this MCM is limited to the small MS4's regulated area, such as the portion of the small MS4 located within an urban area with a population of at least 50,000 people or the area designated by TCEQ as requiring coverage. However, an MS4 operator may also utilize this MCM over additional portions of their small MS4 that are also in compliance with all of the MCMs listed in this general permit.

This MCM must be developed as a part of the SWMP. If this MCM is developed after submitting the initial NOI, an NOC must be submitted notifying the executive director of this change, and identifying the geographical area or boundary where the activities will be conducted under the provisions of this general permit.

Utilization of this MCM does not preclude a small MS4 from obtaining coverage under the TPDES CGP, TXR150000, or under a TPDES individual permit.

Controls required under this MCM must be implemented prior to discharge from a municipal construction site into surface water in the state.

The MCM must include:

- (a) A description of how construction activities will generally be conducted by the permittee taking into consideration local conditions of weather, soils, and other site-specific considerations;

- (b) A description of the area that this MCM will address and where the permittee's construction activities are covered (for example within the boundary of the urban area with a population of at least 50,000 people, the corporate boundary, a special district boundary, an extra territorial jurisdiction, or other similar jurisdictional boundary);
- (c) Either a description of how the permittee will supervise or maintain oversight over contractor activities to ensure that the SWP3 requirements are properly implemented at the construction site; or how the permittee will make certain that contractors have a separate authorization for stormwater discharges;
- (d) A general description of how a SWP3 will be developed for each construction site, according to Part VII of this general permit; and
- (e) Records of municipal construction activities authorized under this optional MCM, in accordance with Part VII of this general permit.

Part V. Recordkeeping and Reporting

Section A. Recordkeeping

1. The permittee shall retain all records, a copy of this TPDES general permit (maintained physically or electronically), and records of all data used to complete the application (NOI) for this general permit, for a period of at least three years, or for the remainder of the term of this general permit, whichever is longer. This period may be extended by request of the executive director at any time.
2. The permittee shall submit the records to the executive director only when specifically asked to do so. The SWMP required by this general permit must be retained at a location accessible to the TCEQ for review upon request.
3. The permittee shall make the NOI and the SWMP available to the public at reasonable times during regular business hours, if requested to do so in writing. Copies of the SWMP must be made available within ten working days of receipt of a written request. Other records must be provided in accordance with the Texas Public Information Act. However, all requests for records from federal facilities must be made in accordance with the Freedom of Information Act.
4. The period during which records are required to be kept shall be automatically extended to the date of the final disposition of any administrative or judicial enforcement action that may be instituted against the permittee.

Section B. Reporting

1. General Reporting Requirements

(a) Noncompliance Notification

According to 30 TAC § 305.125(9), any noncompliance which may endanger human health or safety, or the environment, must be reported by the permittee to the TCEQ.

Report of such information must be provided orally or by fax to the TCEQ Regional Office within 24 hours of becoming aware of the noncompliance. A written report must be provided by the permittee to the appropriate TCEQ Regional Office and to the TCEQ Enforcement Division (MC-224) within five working days of becoming aware of the noncompliance. The written report must contain:

- (1) A description of the noncompliance and its cause;
- (2) The potential danger to human health or safety, or the environment;
- (3) The period of noncompliance, including exact dates and times;
- (4) If the noncompliance has not been corrected, the anticipated time it is expected to continue; and
- (5) Steps taken or planned to reduce, eliminate, and prevent recurrence of the noncompliance, and to mitigate its adverse effects.

(b) Other Information

When the permittee becomes aware that it either submitted incorrect information or failed to submit complete and accurate information requested in an NOI, NOT, NOC, Option 1 Waiver, Option 2 Waiver, or any other report, the permittee shall promptly submit the facts or information to the executive director.

UPDATE

2. Annual Report

The small MS4 operator shall submit a concise annual report to the executive director by **March 31st of each year for the previous calendar year.**

For permittees authorized under the 2019 TPDES Small MS4 General Permit, the first annual report for this general permit, that is due on March 31, 2025, shall address the period beginning on the day after the last day of the permittee's reporting period (fiscal year, calendar year, or permit year) under the general permit issued January 4, 2019, and shall end on December 31, 2024.

The small MS4 operator shall make a copy of the annual report readily available for review by TCEQ personnel upon request.

The annual report must include:

- (a) The status of the compliance with permit conditions, an assessment of the appropriateness of the identified activities/BMPs, progress towards achieving the statutory goal of reducing the discharge of pollutants to the MEP, the measurable goals for each of the MCMs, and an evaluation of the success of the implementation of the measurable goals;
- (b) A summary of the results of information collected and analyzed, during the reporting period, including monitoring data used to assess the success of the program at reducing the discharge of pollutants to the MEP;
- (c) If applicable for receiving water bodies, a summary of any activities taken to address the discharge to impaired water bodies, including a summary of the small MS4s BMPs used to address the pollutant of concern, and if sampling was conducted include the sampling results;
- (d) A summary of the stormwater activities the small MS4 operator plans to undertake during the next reporting year;
- (e) Proposed changes to the SWMP, including changes to any activities/BMPs or any identified measurable goals that apply to the program elements;

- (f) A description and schedule for implementation of additional activities/BMP's that may be necessary, based on monitoring results, to ensure compliance with applicable TMDLs and implementation plans. For water bodies that are listed as impaired after discharge authorization pursuant to Part III., include a list of such water bodies and the pollutant(s) causing the impairment, and a summary of any actions taken to comply with the requirements of Part III.;
- (g) Notice that the small MS4 operator is relying on another government entity to satisfy some of its permit obligations (if applicable);
- (h) The number of construction activities where the small MS4 is the operator and authorized under the optional 8th MCM, **including the total number of acres disturbed;** and
- (i) The number of construction activities that occurred within the jurisdictional area of the small MS4 (as noticed to the permittee by the construction operator), and that were not authorized under the optional 8th MCM.

Small MS4s authorized under the 2019 TPDES Small MS4 General Permit must prepare an annual report whether or not the NOI has been approved by the TCEQ. If the permittee has either not implemented the SWMP or not begun to implement the SWMP because it has not received approval of the NOI, then the annual report may include that information.

The annual report must be signed (in accordance with 30 TAC § 305.128 relating to Signatories to Reports) and submitted using the online electronic reporting system, NeT - MS4, available through the TCEQ website unless the permittee requests and obtains an Electronic Reporting Waiver. If the permittee obtains an Electronic Reporting Waiver, the annual report must be submitted with the appropriate paper annual report forms provided by the executive director and submitted to the following locations:

NEW

- Original – TCEQ Austin Headquarters Office c/o the Stormwater Team (MC-148), and
- Copy – The TCEQ Regional Office that serves the area of the regulated small MS4.

If permittees share a common SWMP (*i.e.*, coalitions), they shall contribute to a single system-wide annual report for all participating members and the designated coalition participant shall submit the annual report. At a minimum, each permittee shall sign and certify the annual report in the NeT-MS4 electronic system in accordance with 30 TAC § 305.128 (relating to Signatories to Reports). If the coalition participant designated to submit the annual report changes during the permit term, all participating members must submit an NOC to update the designated member.

Part VI. Standard Permit Conditions

- A. The permittee has a duty to comply with all permit conditions. Failure to comply with any permit condition is a violation of the general permit and statutes under which it was issued, and is grounds for enforcement action, for terminating coverage under this general permit, or for requiring a discharger to apply for and obtain a TPDES individual permit.
- B. It shall not be a defense for the permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

- C. The permittee shall take all reasonable steps to minimize or prevent any discharge in violation of this permit which has a reasonable likelihood of adversely affecting human health or the environment.
- D. Authorization under this general permit may be suspended or revoked for cause. Filing a notice of planned changes or anticipated non-compliance by the permittee does not stay any permit condition. The permittee shall furnish to the executive director, upon request and within a reasonable timeframe, any information necessary for the executive director to determine whether cause exists for modifying, revoking, suspending, reissuing, or terminating authorization under this general permit. Additionally, the permittee shall provide to the executive director, upon request, copies of all records that the permittee shall maintain as a condition of this general permit.
- E. The permittee shall, at all times, properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used to achieve compliance with the conditions of this permit and with the condition of the permittee's SWMP. Proper O&M also includes adequate laboratory controls and appropriate quality assurance procedures. Proper O&M requires the operation of backup or auxiliary facilities or similar systems, installed only when the operation is necessary to achieve compliance with the conditions of this permit.
- F. Inspection and entry shall be allowed under the TWC Chapters 26-28, Health and Safety Code §§ 361.032-361.033 and 361.037, and 40 CFR § 122.41(i). The statement in TWC § 26.014 that commission entry of a facility shall occur according to an establishment's rules and regulations concerning safety, internal security, and fire protection is not grounds for denial or restriction of entry to any part of the facility or site, but merely describes the commission's duty to observe appropriate rules and regulations during an inspection.
- G. The discharger is subject to administrative, civil, and criminal penalties, as applicable, under the TWC, Chapters 26 - 28, and the Texas Health and Safety Code, Chapter 361 for violations including but not limited to the following:
1. Negligently or knowingly violating CWA §§ 301, 302, 303, 306, 307, 308, 318, or 405, or any condition or limitation implementing any sections in a permit issued under CWA § 402; and
 2. Knowingly making any false statement, representation, or certification in any record or other document submitted or required to be maintained under a permit, including monitoring reports or reports of compliance or noncompliance.
- H. All reports and other information requested by or submitted to the executive director must be signed by the person and in the manner required by 30 TAC § 305.128 (relating to Signatories to Reports).
- I. Authorization under this general permit does not convey property or water rights of any sort and does not grant any exclusive privilege.
- J. Nothing in Part II of the general permit is intended to negate any person's ability to assert the force majeure (act of God, war, strike, riot, or other catastrophe) defenses found in 30 TAC § 70.7.



NEW

K. This permit does not transfer liability for the act of discharging without, or in violation of, a NPDES or a TPDES permit from the operator of the discharge to the permittee(s).

Part VII. Authorization for Municipal Construction Activities – Applicable only if the Optional 8th MCM is Selected

The small MS4 operator may obtain authorization under TPDES CGP, TXR150000 to discharge stormwater runoff from each construction activity performed by the small MS4 operator that results in a land disturbance of one acre or more of land or less than one acre of land, if the construction activity is part of a larger common plan of development or sale that would disturb one acre or more. Alternatively, the small MS4 operator may develop the SWMP to include the optional 8th MCM listed in Part IV.D.8 of this general permit if the eligibility requirements in Part VII.A. below are met.

Even if a small MS4 operator has developed the optional 8th MCM, the small MS4 operator may apply under TPDES CGP TXR150000 for authorization for certain municipal construction activities including those activities that occur during periods of low potential for erosion (for which no SWP3 must be developed).

Condensed language

Section A. Eligible Construction Sites

Discharges from construction activities within the regulated area where the small MS4 operator meets the definition of construction site operator are eligible for authorization under this general permit. Discharges from construction activities outside of the regulated area, where the small MS4 operator meets the definition of construction site operator, are only eligible for authorization under this general permit in those areas where the small MS4 operator meets all the requirements of Parts IV.D.1-8. of this general permit.

Section B. Discharges Eligible for Authorization

1. Stormwater Associated with Construction Activity

Discharges of stormwater runoff from small and large construction activities may be authorized under this general permit.

2. Discharges of Stormwater Associated with Construction Support Activities

Discharges of stormwater runoff from construction support activities, including concrete batch plants, asphalt batch plants, equipment staging areas, material storage yards, material borrow areas, and excavated material disposal areas may be authorized under this general permit provided:

- (a) The activity is located within a one-mile distance from the boundary of the permitted construction site and directly supports the construction activity;
- (b) A SWP3 is developed according to the provisions of this general permit and includes appropriate controls and measures to control sediment and erosion and discharge of pollutants in stormwater runoff from the supporting construction activity site;
- (c) The construction support activity either does not operate beyond the completion date of the construction activity or obtains separate TPDES permit authorization for discharges as required; and
- (d) The discharge of stormwater from concrete production facilities meets the requirements in Section F below.

3. Non-Stormwater Discharges

This general permit authorizes the following non-stormwater discharges from construction sites authorized under this general permit:

- (a) Discharges from emergency fire-fighting activities (emergency fire-fighting activities do not include washing of trucks, runoff water from training activities, test water from fire suppression systems, and similar activities);
- (b) Uncontaminated fire hydrant flushings (excluding discharges of hyperchlorinated water, unless the water is first dechlorinated and discharges are not expected to adversely affect aquatic life), which include flushings from systems that utilize potable water, surface water, or groundwater that does not contain additional pollutants (uncontaminated fire hydrant flushings do not include systems utilizing reclaimed wastewater as a source water);
- (c) Water from the routine external washing of vehicles, the external portion of buildings or structures, and pavement, where detergents and soaps are not used and where spills or leaks of toxic or hazardous materials have not occurred (unless spilled materials have been removed; and if local state, or federal regulations are applicable, the materials are removed according to those regulations), and where the purpose is to remove mud, dirt, or dust;
- (d) Uncontaminated water used to control dust;
- (e) Potable water sources including waterline flushings (excluding discharges of hyperchlorinated water, unless the water is first dechlorinated and discharges are not expected to adversely affect aquatic life);
- (f) Uncontaminated air conditioning condensate; and
- (g) Uncontaminated groundwater or spring water, including foundation or footing drains where flows are not contaminated with industrial materials such as solvents.

4. Other Permitted Discharges

Any discharge authorized under a separate TPDES or TCEQ permit may be combined with discharges from construction sites operated by the small MS4, provided the discharge complies with the associated permit.

Section C. Limitations on Permit Coverage

Discharges that occur after construction activities have been completed, and after the construction site and any supporting activity site have undergone final stabilization, are not eligible for coverage under Part VII of the general permit.

Section D. Stormwater Pollution Prevention Plan (SWP3) Requirements

Operators of municipal construction activities that qualify for coverage under this general permit and that discharge stormwater associated with construction activities into surface water in the state must:

- (a) Develop a SWP3 according to the provisions of this general permit that covers the entire site and begin implementation of that plan prior to commencing construction activities;
- (b) Post a signed copy of the applicable TCEQ approved site notice form in a location at the construction site where it is readily available for viewing prior to commencing

construction activities and maintain the notice in that location until completion of the construction activity and final stabilization of the site;

- (c) Ensure the project specifications allow or provide that adequate BMPs may be developed and modified as necessary to meet the requirements of this general permit and the SWP3;
- (d) Ensure all contractors are aware of the SWP3 requirements, are aware that municipal personnel are responsible for the day-to-day operations of the SWP3, and who to contact concerning SWP3 requirements; and
- (e) Ensure that the SWP3 identifies the municipal personnel responsible for implementation of control measures described in the plan.

Section E. Contents of SWP3

The SWP3 must include, at a minimum, the information described in this section.

1. Site Description

A site description, or project description, which must include:

- (a) A description of the nature of the construction activity, potential pollutants and sources;
- (b) A description of the intended schedule or sequence of major activities that will disturb soils for major portions of the site;
- (c) The number of acres of the entire construction site property and the total number of acres of the site where construction activities will occur, including off-site material storage areas, overburden and stockpiles of dirt, and borrow areas;
- (d) Data describing the soil type or the quality of any discharge from the site;
- (e) A map showing the general location of the site (*e.g.*, a portion of a city or county map);
- (f) A detailed site map indicating the following:
 - (1) Drainage patterns and approximate slopes anticipated after major grading activities;
 - (2) Areas where soil disturbance will occur;
 - (3) Locations of all major structural controls either planned or in place;
 - (4) Locations where temporary or permanent stabilization practices are expected to be used;
 - (5) Locations of construction support activities, including off-site activities that are authorized under the permittee's NOI, including material, waste, borrow, fill, or equipment storage areas;
 - (6) Surface waters (including wetlands) either at, adjacent, or in close proximity to the site;
 - (7) Locations where stormwater discharges from the site directly to a surface water body or an MS4; and
 - (8) Vehicle wash areas.
- (g) The location and description of asphalt plants and concrete plants (if any) providing support to the construction site and that are also authorized under this general permit;

- (h) The name of receiving waters at or near the site that will be disturbed or that will receive discharges from disturbed areas of the project; and
- (i) A copy of Part VII of this TPDES general permit.

2. Structural and non-structural controls

The SWP3 must describe the structural and the non-structural controls (BMPs) that will be used to minimize pollution in runoff. The description must identify the general timing or sequence for implementation and the party responsible for implementation. At a minimum, the description must include the following components:

Erosion and Sediment Controls

- (a) Erosion and sediment controls must be designed to retain sediment on-site to the MEP with consideration for local topography and rainfall.
- (b) Control measures must be properly selected, installed, and maintained according to the manufacturer's or designer's specifications. If periodic inspections or other information indicates a control has been used incorrectly, or that the control is performing inadequately, the operator must replace or modify the control.
- (c) Sediment must be removed from sediment traps and sedimentation ponds no later than the time that design capacity has been reduced by 50%.
- (d) If sediment escapes the site, accumulations must be removed at a frequency to minimize further negative effects and, whenever feasible, prior to the next rain event.
- (e) Controls must be developed to limit offsite transport of litter, construction debris, and construction materials by stormwater runoff.

3. Stabilization Practices

The SWP3 must include a description of interim and permanent stabilization practices for the site, including a schedule of when the practices will be implemented. Site plans must ensure that existing vegetation is preserved where possible.

- (a) Stabilization practices may include but are not limited to: establishment of temporary vegetation, establishment of permanent vegetation, mulching, geotextiles, sod stabilization, vegetative buffer strips, protection of existing trees and vegetation, and other similar measures.
- (b) The following records must be maintained and either attached to or referenced in the SWP3 and made readily available upon request to the parties in Part VII.J of this general permit:
 - (1) The dates when major grading activities occur;
 - (2) The dates when construction activities temporarily or permanently cease on a portion of the site; and
 - (3) The dates when stabilization measures are initiated.
- (c) Stabilization measures must be initiated immediately in portions of the site where construction activities have temporarily or permanently ceased, and will not resume for a period exceeding 14 calendar days, except as provided in (1) and (2) below.
 - (1) Where the initiation of stabilization measures by the 14th day after construction activity temporarily or permanently ceased is precluded by snow cover or frozen

ground conditions, stabilization measures must be initiated as soon as practicable.

- (2) Where the initiation of stabilization measures by the 14th day after construction activity has temporarily or permanently ceased is precluded by seasonably arid conditions, stabilization measures must be initiated as soon as practicable. These conditions exist in arid areas, semiarid areas, and areas experiencing drought conditions.

4. Structural Control Practices

The SWP3 must include a description of any structural control practices used to divert flows away from exposed soils, to limit the contact of runoff with disturbed areas, or to lessen the off-site transport of eroded soils.

(a) Sites with a drainage area of ten or more acres:

- (1) A sediment basin is required, where feasible, for a common drainage location that serves an area with ten or more acres disturbed at one time. A sedimentation basin may be temporary or permanent, but must provide sufficient storage to contain a calculated volume of runoff from a 2-year, 24-hour storm from each disturbed acre drained. When calculating the volume of runoff from a 2-year, 24-hour storm event, it is not required to include the flows from off-site areas and flow from on-site areas that are either undisturbed or have already undergone final stabilization, if these flows are diverted around both the disturbed areas of the site and the sediment basin. Capacity calculations must be included in the SWP3.
- (2) Where rainfall data is not available or a calculation cannot be performed, the sedimentation basin must provide at least 3,600 cubic feet of storage per acre drained until the site reaches final stabilization.
- (3) If a sedimentation basin is not feasible, then the permittee shall provide equivalent control measures until the site reaches final stabilization. In determining whether installing a sediment basin is feasible, the permittee may consider factors such as site soils, slope, available area, public safety, precipitation pattern, site geometry, site vegetation, infiltration capacity, geotechnical factors, depth to groundwater, and other similar considerations. The permittee shall document the reason that the sediment basins are not feasible, and shall utilize equivalent control measures, which may include a series of smaller sediment basins.
- (4) Perimeter Controls – At a minimum, silt fences, vegetative buffer strips, or equivalent sediment controls are required for all down slope boundaries of the construction area, and for those side slope boundaries deemed appropriate as dictated by individual site conditions.

(b) Controls for sites with drainage areas less than ten acres:

- (1) Sediment traps and sediment basins may be used to control solids in stormwater runoff for drainage locations serving less than ten acres. At a minimum, silt fences, vegetative buffer strips, or equivalent sediment controls are required for all down slope boundaries of the construction area, and for those side slope boundaries deemed appropriate as dictated by individual site conditions.
- (2) Alternatively, a sediment basin that provides storage for a calculated volume of runoff from a 2-year, 24-hour storm from each disturbed acre drained may be

utilized. Where rainfall data is not available or a calculation cannot be performed, a temporary or permanent sediment basin providing 3,600 cubic feet of storage per acre drained may be provided. If a calculation is performed, then the calculation shall be included in the SWP3.

5. Permanent Stormwater Controls

A description of any measures that will be installed during the construction process to control pollutants in stormwater discharges that will occur after construction operations have been completed must be included in the SWP3. Permittees are only responsible for the installation and maintenance of stormwater management measures prior to final stabilization of the site.

6. Other Controls

- (a) Off-site vehicle tracking of sediments and the generation of dust must be minimized.
- (b) The SWP3 must include a description of construction and waste materials expected to be stored onsite and a description of controls to reduce pollutants from these materials.
- (c) The SWP3 must include a description of pollutant sources from areas other than construction (including stormwater discharges from dedicated asphalt plants and dedicated concrete plants), and a description of controls and measures that will be implemented at those sites to minimize pollutant discharges.

7. Effluent Limitations

The federal Effluent Limitations Guidelines at 40 CFR § 450.21 apply to all regulated construction activities under the optional 8th MCM, where the small MS4 is the operator.

8. Approved State and Local Plans

- (a) The permittee shall ensure the SWP3 is consistent with requirements specified in applicable sediment and erosion site plans or site permits, or stormwater management site plans or site permits approved by federal, state, or local officials.
- (b) All SWP3s must be updated as necessary to remain consistent with any changes applicable to protecting surface water resources in sediment erosion site plans or site permits, or stormwater management site plans or site permits approved by state or local official for whom the permittee receives written notice.

9. Maintenance

All erosion and sediment control measures and other protective measures identified in the SWP3 must be maintained in effective operating condition. If through inspections the permittee determines that BMPs are not operating effectively, maintenance must be performed before the next anticipated storm event or as necessary to maintain the continued effectiveness of stormwater controls. If maintenance prior to the next anticipated storm event is impracticable, maintenance must be scheduled and accomplished as soon as practicable.

10. Inspections of Controls

- (a) Inspection Requirements. Personnel provided by the permittee must inspect disturbed areas of the construction site that have not been finally stabilized, areas used for

Condensed language

storage of materials that are exposed to precipitation, discharge locations, and structural controls for evidence of, or the potential for, pollutants entering the drainage system. Personnel conducting these inspections must be knowledgeable of this general permit, familiar with the construction site, and knowledgeable of the SWP3 for the site. Sediment and erosion control measures identified in the SWP3 must be inspected to ensure that they are operating correctly. Locations where vehicles enter or exit the site must be inspected for evidence of off-site sediment tracking.

Clarified inspection frequency format

(b) Inspection Frequency.

- (1) Inspections must be conducted at least once every 14 calendar days and within 24 hours of the end of a storm event of 0.5 inches or greater.
 - a. If a storm event produces 0.5 inches or more of rain within a 24-hour period (including when there are multiple, smaller storms that alone produce less than 0.5 inches but together produce 0.5 inches or more in 24 hours), you are required to conduct one inspection within 24 hours of when 0.5 inches of rain or more has fallen. When the 24-hour inspection time frame occurs entirely outside of normal working hours, you must conduct an inspection by no later than the end of the next business day.
 - b. If a storm event produces 0.5 inches or more of rain within a 24-hour period on the first day of a storm and continues to produce 0.5 inches or more of rain on subsequent days, you must conduct an inspection within 24 hours of the first day of the storm and within 24 hours after the last day of the storm that produces 0.5 inches or more of rain (i.e., only two inspections would be required for such a storm event). When the 24-hour inspection time frame occurs entirely outside of normal working hours, you must conduct an inspection by no later than the end of the next business day.
- (2) Where sites have been finally or temporarily stabilized or where runoff is unlikely due to winter conditions (e.g., site is covered with snow, ice, or frozen ground exists), inspections must be conducted at least once every month.
- (3) In arid or semi-arid, or drought-stricken areas, inspections must be conducted at least once every month and within 24 hours after the end of a storm event of 0.5 inches or greater.
- (4) As an alternative to the above-described inspection schedule of once every 14 calendar days and within 24 hours of a storm event of 0.5 inches or greater, the SWP3 may be developed to require that these inspections will occur at least once every seven calendar days. If this alternative schedule is developed, then the inspection must occur on a specifically defined day, regardless of whether or not there has been a rainfall event since the previous inspection.
- (5) The inspections may occur on either schedule provided that the SWP3 reflects the current schedule and that any changes to the schedule are conducted in accordance with the following provisions: the schedule may be changed a maximum of one time each month, the schedule change must be implemented at the beginning of a calendar month, and the reason for the schedule change must be documented in the SWP3 (e.g., end of “dry” season and beginning of “wet” season).
- (6) In the event of flooding or other adverse conditions that prohibit access to the inspection sites, inspections must be conducted as soon as access is practicable.

- (d) Utility line installation, pipeline construction, and other examples of long, narrow, linear construction activities may provide inspection personnel with limited access to the areas described in Part VII.E.10.(a) above.
- (1) Inspection of these areas could require that vehicles compromise temporarily or even permanently stabilized areas, cause additional disturbance of soils, and increase the potential for erosion. In these circumstances, controls must be inspected at least once every 14 calendar days and within 24 hours of the end of a storm event of 0.5 inches, but representative inspections may be performed.
 - (2) For representative inspections, personnel must inspect controls along the construction site for 0.25 miles above and below each access point where a roadway, undisturbed right-of-way, or other similar feature intersects the construction site and allows access to the areas described in Part VII.E.10.(a) above.
 - (3) The conditions of the controls along each inspected 0.25 miles portion may be considered as representative of the condition of controls along that reach extending from the end of the 0.25 miles portion to either the end of the next 0.25 miles inspected portion, or to the end of the project, whichever occurs first.
- (e) Requirements for inspections may be temporarily suspended for adverse conditions. Adverse conditions are conditions that are either dangerous to personnel (e.g., high wind, excessive lightning) or conditions that prohibit access to the site (e.g., flooding, freezing conditions). Adverse conditions that result in the temporary suspension of a permit requirement to inspect must be documented and included as part of the SWP3. Documentation must include:
- (1) the date and time of the adverse condition,
 - (2) names of personnel that witnessed the adverse condition, and
 - (3) a narrative for the nature of the adverse condition.
- (f) The SWP3 must be modified based on the results of inspections, as necessary, to better control pollutants in runoff. Revisions to the SWP3 must be completed within seven calendar days following the inspection. If existing BMPs are modified or if additional BMPs are necessary, an implementation schedule must be described in the SWP3 and wherever possible those changes implemented before the next storm event. If implementation before the next anticipated storm event is impracticable, these changes must be implemented as soon as practicable.
- (g) A report summarizing the scope of the inspection, the date(s) of the inspection, and major observations relating to the implementation of the SWP3 must be made and retained as part of the SWP3. Major observations should include: The locations of discharges of sediment or other pollutants from the site; locations of BMPs that need to be maintained; locations of BMPs that failed to operate as designed or proved inadequate for a particular location; and locations where additional BMPs are needed.
- Actions taken as a result of inspections must be described within, and retained as a part of, the SWP3. Reports must identify any incidents of non-compliance. Where a report does not identify any incidents of non-compliance, the report must contain a certification that the facility or site is in compliance with the SWP3 and this permit. The report must be signed by the person and in the manner required by 30 TAC § 305.128 (relating to Signatories to Reports).

- (h) The names and qualifications of personnel making the inspections for the permittee may be documented once in the SWP3 rather than being included in each report.

NEW

11. Observation and Evaluation of Dewatering Controls

- (a) Personnel provided by the permittee must observe and evaluate dewatering controls at a minimum of once per day on the days where dewatering discharges from the construction site occur. Personnel conducting these evaluations must be knowledgeable of this general permit, the construction activities at the site, and the SWP3 for the site. Personnel conducting these evaluations are not required to have signatory authority for reports under 30 TAC § 305.128 (relating to Signatories to Reports).
- (b) Requirements for Observations and Evaluations
- (1) A report summarizing the scope of any observation and evaluation must be completed within 24-hours following the evaluation. The report must also include, at a minimum, the following:
 - a. date of the observations and evaluation;
 - b. name(s) and title(s) of personnel making the observations and evaluation;
 - c. approximate times that the dewatering discharge began and ended on the day of evaluation, or if the dewatering discharge that continues after normal business hours, indicate that the discharge is continuous (this information can be reported by personnel initiating the dewatering discharge);
 - d. estimates of the rate (in gallons per day) of discharge on the day of evaluation;
 - e. whether or not any indications of pollutant discharge were observed at the point of discharge (e.g., foam, oil sheen, noticeable odor, floating solids, suspended sediments, or other obvious indicators of stormwater pollution); and
 - f. major observations, including: the locations of where erosion and discharges of sediment or other pollutants from the site have occurred; locations of BMPs that need to be maintained; locations of BMPs that failed to operate as designed or proved inadequate for a particular location; and locations where additional BMPs are needed.
 - (2) Actions taken as a result of evaluations, including the date(s) of actions taken, must be described within, and retained as a part of, the SWP3. Reports must identify any incidents of non-compliance. Where a report does not identify any incidents of non-compliance, the report must contain a certification that the facility or site is in compliance with the SWP3 and this permit. The report must be retained as part of the SWP3 and signed by the person and in the manner required by 30 TAC § 305.128 (relating to Signatories to Reports).
 - (3) The names and qualifications of personnel making the evaluations for the permittee may be documented once in the SWP3 rather than being included in each report.

12. Pollution Prevention Measures

The SWP3 must identify and ensure the implementation of appropriate pollution prevention measures for all eligible non-stormwater components of the discharge.

Section F. Stormwater Runoff from Concrete Batch Plant

Discharges of stormwater runoff from concrete batch plants at construction sites authorized under this general permit may be authorized under the provisions of this general permit provided that the requirements in this section are met. If discharges of stormwater runoff from concrete batch plants are not covered under this general permit, then discharges must be authorized under an alternative general permit or an individual permit. This general permit does not authorize the discharge or land disposal of any wastewater from concrete batch plants at construction sites authorized under this general permit. Authorization for these wastes must be obtained under an individual permit or an alternative general permit.

1. Benchmark Sampling Requirements

- (a) Small MS4 operated concrete batch plants authorized under this section must sample the stormwater runoff from the concrete batch plants according to the requirements of this section of the general permit, and must conduct evaluations of the effectiveness of the SWP3 based on the following benchmark monitoring values:

Table 17. Benchmark Monitoring

Benchmark Parameters (*1)	Benchmark Value	Sampling Frequency (*2)(*3)	Sample Type (*4)
Oil and Grease	15 mg/L	1/quarter	Grab
Total Suspended Solids	50 mg/L	1/quarter	Grab
pH	6.0-9.0 S.U. ¹	1/quarter	Grab
Total Iron	1.3 mg/L	1/quarter	Grab

¹Standard Units (S.U)

- (*1) Analytical data intended for compliance with benchmark monitoring requirements must be analyzed by a National Environmental Laboratory Accreditation Program (NELAP) accredited laboratory based on state rules located in 30 TAC Chapter 25. Analysis must be performed using sufficiently sensitive methods for analysis that comply with the rules located in 40 CFR §§ 136.1(c) and 122.44(i)(1)(iv).
- (*2) When discharge occurs. Sampling is required within the first 30 minutes of discharge. If it is not practicable to take the sample, or to complete the sampling, within the first 30 minutes, sampling must be completed within the first hour of discharge. If sampling is not completed within the first 30 minutes of discharge, the reason must be documented and attached to all required reports and records of the sampling activity.
- (*3) Sampling must be conducted at least once during each of the following periods. The first sample must be collected during the first full quarter that a

stormwater discharge occurs from a concrete batch plant authorized under this general permit.

- January through March
- April through June
- July through September
- October through December

For projects lasting less than one full quarter, a minimum of one sample shall be collected, provided that a stormwater discharge occurred at least once following submission of the small MS4 NOI.

(*4) A grab sample shall be collected from the stormwater discharge resulting from a storm event that is at least 0.1 inches of measured precipitation that occurs at least 72 hours from the previously measurable storm event. The sample shall be collected downstream of the concrete batch plant, and where the discharge exits any BMPs utilized to handle the runoff from the batch plant, prior to commingling with any other water authorized under this general permit.

- (b) The permittee shall compare the results of sample analyses to the benchmark values above, and must include this comparison in the overall assessment of the SWP3's effectiveness. Analytical results that exceed a benchmark value are not a violation of this permit, as these values are not numeric effluent limitations. Results of analyses are indicators that modifications of the SWP3 should be assessed and may be necessary to protect water quality. The operator must investigate the cause for each exceedance and must document the results of this investigation in the SWP3 by the end of the quarter following the sampling event.

The small MS4 operator's investigation must identify the following:

- (1) Any additional potential sources of pollution, such as spills that might have occurred;
- (2) Necessary revisions to good housekeeping measures that are part of the SWP3;
- (3) Additional BMPs, including a schedule to install or implement the BMPs; and
- (4) Other parts of the SWP3 that may require revisions in order to meet the goal of the benchmark values.

Background concentrations of specific pollutants may also be considered during the investigation. If the operator is able to relate the cause of the exceedance to background concentrations, then subsequent exceedances of benchmark values for that pollutant may be resolved by referencing earlier findings in the SWP3. Background concentrations may be identified by laboratory analyses of samples of stormwater runoff on to the permitted facility, by laboratory analyses of samples of stormwater runoff from adjacent non-industrial areas, or by identifying the pollutant is a naturally occurring material in soils at the site.

2. BMPs and SWP3 Requirements for Concrete Batch Plants

The following are required for concrete batch plants in addition to other SWP3 requirements listed in this section:

- (a) Description of Potential Pollutant Sources – The SWP3 must provide a description of potential sources (activities and materials) that may reasonably be expected to affect the quality of stormwater discharges associated with concrete batch plants authorized under this permit. The SWP3 must describe practices that that will be used to reduce the pollutants in these discharges to assure compliance with this general permit, including the protection of water quality, and must ensure the implementation of these practices. The following must be developed, at a minimum, in support of developing this description:
- (1) Drainage – The site map must include the following information:
 - a. The location of all outfalls for stormwater discharges associated with concrete batch plants that are authorized under this permit;
 - b. A depiction of the drainage area and the direction of flow to the outfall(s);
 - c. Structural controls used within the drainage area(s);
 - d. The locations of the following areas associated with concrete batch plants that are exposed to precipitation: vehicle and equipment maintenance activities (including fueling, repair, and storage areas for vehicles and equipment scheduled for maintenance); areas used for the treatment, storage, or disposal of wastes listed in the TPDES CGP TXR150000; liquid storage tanks; material processing and storage areas; and loading and unloading areas; and
 - e. The locations of the following: any bag house or other dust control device(s); recycle or sedimentation pond, clarifier or other device used for the treatment of facility wastewater (including the areas that drain to the treatment device); areas with significant materials; and areas where major spills or leaks have occurred.
 - (2) Inventory of Exposed Materials – A list of materials handled at the concrete batch plant that may be exposed to stormwater and that have a potential to affect the quality of stormwater discharges associated with concrete batch plants that are authorized under this general permit.
 - (3) Spills and Leaks – A list of significant spills and leaks of toxic or hazardous pollutants that occurred in areas exposed to stormwater and that drain to stormwater outfalls associated with concrete batch plants authorized under this general permit must be developed, maintained, and updated.
 - (4) Sampling Data – A summary of existing stormwater discharge sampling data must be maintained, if available.
- (b) Measures and Controls - The SWP3 must include a description of management controls to regulate pollutants identified in the SWP3’s “Description of Potential Pollutant Sources” from Part VII.F.2.(a) of this permit, and a schedule for implementation of the measures and controls. This must include, at a minimum:
- (1) Good Housekeeping – Good housekeeping measures must be developed and implemented in the area(s) associated with concrete batch plants.
 - a. Operators must prevent or minimize the discharge of spilled cement, aggregate (including sand or gravel), settled dust, or other significant materials from paved portions of the site that are exposed to stormwater.

Measures used to minimize the presence of these materials may include regular sweeping or other equivalent practices. These practices must be conducted at a frequency that is determined based on consideration of the amount of industrial activity occurring in the area and frequency of precipitation, and shall occur at least once per week when cement or aggregate is being handled or otherwise processed in the area.

- b. Operators must prevent the exposure of fine granular solids, such as cement, to stormwater. Where practicable, these materials must be stored in enclosed silos, hoppers or buildings, in covered areas, or under covering.
- (2) Spill Prevention and Response Procedures – Areas where potential spills that can contribute pollutants to stormwater runoff, and the drainage areas from these locations, must be identified in the SWP3. Where appropriate, the SWP3 must specify material handling procedures, storage requirements, and use of equipment. Procedures for cleaning up spills must be identified in the SWP3 and made available to the appropriate personnel.
 - (3) Inspections – Qualified facility personnel (for example, a person or persons with knowledge of this general permit, the concrete batch plant, and the SWP3 related to the concrete batch plant(s) for the site) must be identified to inspect designated equipment and areas of the facility specified in the SWP3. The inspection frequency must be specified in the SWP3 based upon a consideration of the level of concrete production at the facility, but must be a minimum of once per month while the facility is in operation. The inspection must take place while the facility is in operation and must, at a minimum, include all areas that are exposed to stormwater at the site, including material handling areas, above ground storage tanks, hoppers or silos, dust collection or containment systems, truck wash down and equipment cleaning areas. Follow-up procedures must be used to ensure that appropriate actions are taken in response to the inspections. Records of inspections must be maintained and be made readily available for review upon request by the agencies and officials in Part VII.J of this general permit.
 - (4) Employee Training – An employee training program must be developed to educate personnel responsible for implementing any component of the SWP3, or personnel otherwise responsible for stormwater pollution prevention, with the provisions of the SWP3. The frequency of training must be documented in the SWP3, and at a minimum, must consist of one training prior to the initiation of operation of the concrete batch plant.
 - (5) Record Keeping and Internal Reporting Procedures – A description of spills and similar incidents, plus additional information that is obtained regarding the quality and quantity of stormwater discharges, must be included in the SWP3. Inspection and maintenance activities must be documented and records of those inspection and maintenance activities must be incorporated in the SWP3.
 - (6) Management of Runoff – The SWP3 shall contain a narrative consideration for reducing the volume of runoff from concrete batch plants by diverting runoff or otherwise managing runoff, including use of infiltration, detention ponds, retention ponds, or reusing of runoff.
- (c) Comprehensive Compliance Evaluation – At least once per year, one or more qualified personnel (for example, a person or persons with knowledge of this general permit, the concrete batch plant, and the SWP3 related to the concrete batch plant(s) for the site)

shall conduct a compliance evaluation of the plant. The evaluation must include the following:

- (1) Visual examination of all areas draining stormwater associated with regulated concrete batch plants for evidence of, or the potential for, pollutants entering the drainage system. These include but are not limited to: cleaning areas, material handling areas, above ground storage tanks, hoppers or silos, dust collection or containment systems, and truck wash down and equipment cleaning areas. Measures implemented to reduce pollutants in runoff (including structural controls and implementation of management practices) must be evaluated to determine if they are effective and if they are implemented in accordance with the terms of this permit and with the small MS4's SWP3. The operator shall conduct a visual inspection of equipment needed to implement the SWP3, such as spill response equipment.
- (2) Based on the results of the evaluation, the following must be revised as appropriate within two weeks of the evaluation: the description of potential pollutant sources identified in the SWP3 (as required in Part VII.F.2(a), "Description of Potential Pollutant Sources"); and pollution prevention measures and controls identified in the SWP3 (as required in Part VII.F.2.(b) "Measures and Controls"). The revisions may include a schedule for implementing the necessary changes.
- (3) The permittee shall prepare and include in the SWP3 a report summarizing the scope of the evaluation, the personnel making the evaluation, the date(s) of the evaluation, major observations relating to the implementation of the SWP3, and actions taken in response to the findings of the evaluation. The report must identify any incidents of noncompliance. Where the report does not identify incidences of noncompliance, the report must contain a statement that the evaluation did not identify any incidence(s), and the report must be signed according to 30 TAC § 305.128, relating to Signatories to Reports.
- (4) The Comprehensive Compliance Evaluation may substitute for one of the required inspections required in Part VII.F.2.(b)(3) of this general permit.

3. Concrete Truck Wash Out Requirements

This general permit authorizes the wash out of concrete trucks at construction sites authorized under this general permit, provided the following requirements are met. Authorization is limited to the land disposal of wash out water from concrete trucks. Any other direct discharge of concrete production wastewater must be authorized under a separate TCEQ general permit or individual permit.

- (a) Direct discharge of concrete truck washout water to surface water in the state, including discharge to storm sewers, is prohibited by this general permit.
- (b) Concrete truck washout water shall be discharged to areas at the construction site where structural controls have been established to prevent direct discharge to surface waters or to areas that have a minimal slope that allow infiltration and filtering of wash out water to prevent direct discharge to surface waters. Structural controls may consist of temporary berms, temporary shallow pits, temporary storage tanks with slow rate release, or other reasonable measures to prevent runoff from the construction site.
- (c) Wash out of concrete trucks during rainfall events shall be minimized. The direct discharge of concrete truck washout water is prohibited at all times, and the operator

shall insure that its BMPs are sufficient to prevent the discharge of concrete truck washout as the result of rain.

- (d) The discharge of wash out water shall not cause or contribute to groundwater contamination.
- (e) The SWP3 shall include concrete wash out areas on the associated map.

Section G. Effective Date of Coverage

Construction activities may not commence under this section until the small MS4 NOI is approved in writing by the TCEQ. Following approval of the NOI, operators of construction activities eligible for coverage under this general permit are authorized to discharge stormwater associated with construction activity immediately upon posting the signed applicable TCEQ approved construction site notice form required under this MCM.

Section H. Deadlines for SWP3 Preparation and Compliance

The SWP3 must:

1. Be completed and initially implemented prior to commencing construction activities that result in soil disturbance;
2. Be updated as necessary to reflect the changing conditions of new contractors, new areas of responsibility, and changes in BMPs; and
3. Provide for compliance with the terms and conditions of this general permit.

Section I. Plan Review and Making Plans Available

The SWP3 must be retained onsite at the construction site or made readily available at the time of an onsite inspection to: the executive director; a federal, state, or local agency approving sediment and erosion plans, grading plans, or stormwater management plans; and to local government officials.

Section J. Keeping Plans Current

The permittee shall amend the SWP3 whenever either of the following occurs:

1. There is a change in design, construction, operation, or maintenance that has a significant effect on the discharge of pollutants and that has not been previously addressed in the SWP3; or
2. Results of inspections or investigations by site operators, authorized TCEQ personnel, or a federal, state or local agency approving sediment and erosion plans indicate the SWP3 is proving ineffective in eliminating or significantly minimizing pollutants in discharges authorized under this general permit.

Section K. Delegation of Signatory Authority

If signatory authority is delegated by an authorized representative, then a Delegation of Signatory form must be submitted as required by 30 TAC § 305.128 (relating to Signatories to Reports) using the **State of Texas Environmental Electronic Reporting System (STEERS)**, TCEQ's online permitting system, unless the permittee requested and obtained an Electronic Reporting Waiver. A new Delegation of Signatory form must be submitted if the delegation changes to another individual or position during the permit term.

NEW: requirement for permittees implementing optional MCM 8 to submit Delegation of Signatory forms electronically in STEERS unless an electronic reporting waiver is obtained.

Section L. Additional Retention of Records

The permittee shall retain the following records for a minimum period of three years from the date that final stabilization has been achieved on all portions of the site. Records include:

1. A copy of the SWP3; and
2. All reports and actions required by this section, including copies of the approved TCEQ construction site notice forms.

**TOWN OF HICKORY CREEK, TEXAS
RESOLUTION NO. 2024-01-___**

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF HICKORY CREEK, TEXAS, HEREBY AUTHORIZING THE MAYOR OF THE TOWN OF HICKORY CREEK, TEXAS, TO EXECUTE AN AGREEMENT BY AND BETWEEN THE TOWN OF HICKORY CREEK AND VESTED NETWORKS CONCERNING PHONE SYSTEMS; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Town of Hickory Creek (the “Town”), Texas is a Type A General Law Municipality located in Denton County, Texas, created in accordance with the provisions of the Texas Local Government Code and operating pursuant to enabling legislation of the State of Texas; and

WHEREAS, the Town Council has been presented with a proposed agreement by and between the Town of Hickory Creek, Texas and Vested Networks (hereinafter the “Agreement”) concerning phone systems, a copy of which is attached hereto as Exhibit “A” and incorporated herein by reference; and

WHEREAS, upon full review and consideration of the Agreement, and all matters attendant and related thereto, the Town Council is of the opinion that the terms and conditions thereof should be approved, and that the Mayor shall be authorized to execute it on behalf of the Town of Hickory Creek.

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Hickory Creek, Texas:

Section 1: That the Mayor of the Town of Hickory Creek, Texas, is hereby authorized to execute on behalf of the Town of Hickory Creek, Texas, the Agreement attached hereto as Exhibit A.

Section 2: This Resolution shall take effect immediately upon its passage.

PASSED AND APPROVED by the Town Council of the Town of Hickory Creek, Texas this 29th day of January, 2024.

Lynn C. Clark, Mayor
Town of Hickory Creek, Texas

ATTEST:

Kristi Rogers, Town Secretary
Town of Hickory Creek, Texas

APPROVED AS TO FORM:

Dorwin L. Sargent, III, Town Attorney
Town of Hickory Creek, Texas



Gov | Med | Edu
Service Proposal

> Not the contract <

Date: January 19, 2024

Business Name:	Town Of Hickory Creek	Rep:	Evan Huff
Service Address:	1075 Ronald Reagan Ave	Phone:	972-924-0324
City, State, Zip:	Hickory Creek, TX 75065	Email:	ehuff@vestednetworks.com

Contact Name:	John Smith	Main #	940-497-2528
Contact Email:	john.smith@hickorycreek-tx.gov	Cell #	

Partner:	MiTech Services	Contact:	Aaron Appleby	Email:	aaron@ststexas.com
-----------------	-----------------	-----------------	---------------	---------------	--

Complete Business Voice Service & Solution					
Qty	Item	Description	Term	Price	Total
1	Site Hosting	NOVA Cloud PBX w/ All Features , Usage & Service	60mo	\$ 15.00	\$ 15.00
17	PBX Stations	(Standard) Hosted User Seat / Extension		\$ 18.50	\$ 314.50
1	PBX Stations	(Conference) Hosted User Seat / Extension		\$ 20.00	\$ 20.00
1	FAX Stations	NOVA vFAX+ (Fax2Email, Email2Fax & Portal Fax) w/ Store&Fwd ATA if needed		\$ 20.00	\$ 20.00
Equipment & Onboarding Included (w/ 36-60mo term)		Yealink IP Phones NOVA Softphone App Managed Network Firewall ~ Equipment (17x GRP2615, 1x GAC2500) Warranty Included w/ Service Onsite Install w/ Zero/minimal down time. Personalized Setup Ongoing Support			
Recommended Add-On Solutions		Main ISP > Options for the main internet (+) Backup ISP is advised for stability and redundancy. Vested LTE > We have cellular LTE internet options for primary or backup. Vested Managed ISP > We can shop great internet service & help eliminate account & support headaches!			
NOTES		<u>Sign before January 31st and receive the first 3 months at 0\$!! Huge Savings !!</u> <u>36mo Reg Price = \$25/user Paying full-term up front: 60mo = \$15/user // 36mo = \$20/user</u>			

This Proposal is confidential and proprietary, valid for 30 days from Proposal date.	Services - Subtotal :	\$ 369.50
Customer install includes built-in trial during porting process > Customer Initial _____	Sales Tax :	EXEMPT
Early Termination Fee from current carrier? No [X] Yes [] If Yes, Vested will pay customer up-to \$ _____ > Customer Initial _____	E-911/Location Service :	\$ 4.25
This Vested Service Proposal is NOT the final contract or financially binding. This gets onboarding process started, and final contract will follow if needed.	Total Services MRC :	\$ 373.75

Vested Networks 0-Down powered by partner finance service agreement. A \$100 doc fee assessed at startup.

- Customer Acceptance -	
Signature:	Date:
Printed Name:	Title:
Federal Tax ID (EIN):	

By signing this quote, customer is agreeing to the Vested TOS (<https://vestednetworks.com/terms-of-service/>)

CMBL ID: 1822818846400 | HUB ID: 517215 | USAC SPIN ID: 143052055 | Form 499 Filer ID : 833606 | FCC FRN ID: 0026955260

Thank you for letting us serve you! - Visit us at vestednetworks.com



IMPORTANT: DO NOT CANCEL current phone service!!!

Please wait until you receive notice that your numbers have completed the porting process and are fully active with Vested Networks. Canceling ahead of time will cause you to lose your phone number(s). Avoid the headache and wait for further instructions.

~!~ Upon port completion, Vested Networks porting team will test all numbers and notify about next steps. ~!~

I, * John Smith (Authorized User), certify that I am an authorized representative of Town Of Hickory Creek (Business Name), and have the authority to port my telephone number(s) to Vested.

CUSTOMER INFORMATION

> Consult your sales rep or the Vested Networks porting team before filling this out.

Business Name : (via Bill Copy)		Service Address :	1075 Ronald Reagan Ave, Hickory Creek, TX 75065
Main Number :	940-497-2528	Email :	john.smith@hickorycreek-tx.gov

*** Authorized User Signature ***

*** Print Name ***

*** Date ***

By signing above, I understand that I am granting Vested Networks the authority to communicate with my current telephone service provider as well as complete any and all paperwork on my behalf in order to port my phone number(s) away from my current telephone service provider to Vested Networks. I understand that either my electronic or written signature of this request may be accepted. I agree to send Vested Networks a current telephone bill copy as described at the top of this form. I understand that, while not common, my current telephone service provider may assign a charge for porting away, and that I will be responsible to handle any such charges through dispute or payment. I understand that I will be informed if my number is not portable to Vested Networks. I understand that the standard porting time is between five (5) to fifteen (15) business days, and that porting of my number is dependent upon release of my number(s) from my current carrier.

PHONE NUMBER INFORMATION

> What numbers do you want to port or move to Vested Networks?
 > Have more numbers than will fit? Save your fingers! Email to porting@vestednetworks.com

>> Example Label & Number Format: (Main Number) 999-888-7777 <<

(Label) #1		(Label) #21	
(Label) #2		(Label) #22	
(Label) #3		(Label) #23	
(Label) #4		(Label) #24	
(Label) #5		(Label) #25	
(Label) #6		(Label) #26	
(Label) #7		(Label) #27	
(Label) #8		(Label) #28	
(Label) #9		(Label) #29	
(Label) #10		(Label) #30	
(Label) #11		(Label) #31	
(Label) #12		(Label) #32	
(Label) #13		(Label) #33	
(Label) #14		(Label) #34	
(Label) #15		(Label) #35	
(Label) #16		(Label) #36	
(Label) #17		(Label) #37	
(Label) #18		(Label) #38	
(Label) #19		(Label) #39	
(Label) #20		(Label) #40	

AFTER PORT COMPLETE NOTICE: Cancel old phone service immediately!

Failure to cancel after the port has completed may result in additional charges from the previous phone service carrier. Vested Networks is not responsible for these additional charges.



Purchase Order

Town Of Hickory Creek

1075 Ronald Reagan Ave, Hickory Creek, TX 75065

940-497-2528

DATE: 1/19/24

INVOICE #: 45310

BILL TO

Town Of Hickory Creek
1075 Ronald Reagan Ave
Hickory Creek, TX 75065
940-497-2528
John Smith
john.smith@hickorycreek-tx.gov

PAYEE

Navitas Credit Corp
203 Fort Wade Road
STE 300
Ponte Vadra, FL 32081

VENDOR

Vested Networks, LLC.
809 Office Park Cir
STE 100
Lewisville, TX 75057

PAYMENT TERMS

DESCRIPTION	AMOUNT
Vested Networks phone solution. 1x Site Hosting w/ 1x PBX Stations w/ 1x Fax Solutions	\$373.75
TOTAL MONTHLY COMMITMENT FOR : 60mo	\$373.75

Authorized Signature	Name / Title	Date
----------------------	--------------	------



SMS/MMS 10DLC Activation Information

Business Name: Town Of Hickory Creek Main Number: 940-497-2528

(* = Required Fields) -- All information needs to match what's registered on the SOS as filed with the IRS.

>> Legal & Registered Company Information <<

Legal Company Name *	Town Of Hickory Creek	DBA or brand name *	Town Of Hickory Creek
Company Type *	Government	Country of Registration *	USA
TaxID / EIN *	0	EIN Issuing Country	USA
Verticle Type *	Government Services and Agencies	Website / Online Presence *	https://www.hickorycreek-tx.gov/
Alt ID Number Type		DUNS / GIIN / LEI Number	

>> Contact & Address Information <<

Contact Name *	John Smith	Contact Email *	john.smith@hickorycreek-tx.gov
Address/Street *	1075 Ronald Reagan Ave	Country *	USA
City, State & Zip Code *	Hickory Creek, TX 75065		

>> (*) Required Information -for- Publically Traded Company <<

Stock Symbol	Stock Exchange
--------------	----------------

>> (*) Required Information -for- Sole Proprietor <<

Reference ID	First Name
Mobile Phone	Last Name

** All of the above fields are required for a business to be eligible for a SMS brand and campaign.*

** If any fields are missing an additional fee may be incurred when vetting and verifying the business for 10DLC messaging. Businesses are limited to 45 SMS enabled numbers per campaign. Additional campaigns will require an addendum to this form.*

To be in compliance with the new 10DLC terms and conditions, a business is required to provide your customers an option to opt-out of receiving further SMS/MMS communications.

Failing to adhere to 10DLC messaging guidelines could result in fines of up to \$10,000 per violation.

Town Of Hickory Creek will be the liable party and take ownership of any fines, penalties, and fees.

The above mentioned party accepts the terms associated with 10DLC messaging and agrees to the Code of Conduct and will not engage in any restricted messaging use cases.

Signature: _____

Date: _____



Grandstream **GRP2624**

- Built-in Bluetooth, WiFi & Dual Gig PoE
- HD Audio, Handset & Speakerphone for crystal clear audio
- Supports 5-way audio conferencing for easy conference calls
- Enterprise-level security and encryption



Grandstream **GRP2615**

- Built-in Bluetooth, WiFi & Dual Gig PoE
- HD Audio, Handset & Speakerphone for crystal clear audio
- 40 built-in digital BLF keys
- Enterprise-level security and encryption



Grandstream **DP730**

- Wide area range to roam
- 2.4 inch color LCD with 3 custom soft keys
- 40-hour talk time and 500-hour standby time
- Built-in push-to-talk, proximity & accelerometer sensors for custom gestures & alerts



Grandstream **GAC2500**

- Built-in 7-way voice conference bridge
- Runs Android 4.4 + Google Play Store w/ 4.3" touch screen
- Built-in Bluetooth, WiFi & Gig PoE
- HD Audio Speakerphone for crystal clear audio
- Daisy-chain support to combine two GAC2500 together



TOWN OF HICKORY CREEK

FINANCIAL STATEMENTS
AND
ACCOUNTANTS' OPINION

SEPTEMBER 30, 2023

TOWN OF HICKORY CREEK

TABLE OF CONTENTS

	<u>Page No.</u>
Independent Auditors' Report.....	1
Management's Discussion and Analysis.....	6
Basic Financial Statements:	
Government-wide Financial Statements:	
Statement of Net Position.....	14
Statement of Activities.....	16
Fund Financial Statements:	
Governmental Fund Financial Statements:	
Balance Sheet.....	18
Reconciliation of the Governmental Funds Balance Sheet to the Statement of Net Position.....	21
Statement of Revenues, Expenditures and Changes in Fund Balances	22
Reconciliation of the Governmental Funds Statement of Revenues, Expenditures, and Changes in Fund Balances to the Statement of Activities.....	24
Statement of Revenues, Expenditures and Change in Fund Balance – Budget and Actual – General Fund.....	26
Notes to Financial Statements	27
Required Supplementary Information:	
Schedule of Changes in Net Pension Liability and Related Ratios – Texas Municipal Retirement System.....	52
Schedule of Employer Contributions – Texas Municipal Retirement System.....	54
Schedule of Changes in Total OPEB Liability and Related Ratios – Texas Municipal Retirement System.....	56
Notes to Required Supplementary Information.....	57
Combining and Individual Fund Statements and Schedules:	
Statement of Revenues – General Fund – Budget and Actual.....	60
Statement of General Fund Expenditures – Budget and Actual.....	61
Statement of Revenues, Expenditures and Change in Fund Balance – Budget and Actual – Debt Service Fund	64
Schedule of Delinquent Taxes Receivable.....	66
Statement of Revenues, Expenditures and Change in Fund Balance – Economic Development Corporation.....	68
Statement of Revenues, Expenditures and Change in Fund Balance – Public Improvement District No. 1.....	69
Statement of Revenues, Expenditures and Change in Fund Balance – Public Improvement District No. 2.....	70
Statement of Revenues, Expenditures and Change in Fund Balance – Public Improvement District No. 3.....	71
Independent Auditors' Report on Compliance and on Internal Control Over Financial Reporting Based on an Audit of Financial Statements Performed in Accordance with Government Auditing Standards	72

Members:
AMERICAN INSTITUTE OF
CERTIFIED PUBLIC
ACCOUNTANTS
TEXAS SOCIETY OF CERTIFIED
PUBLIC ACCOUNTANTS

**HANKINS, EASTUP, DEATON,
TONN, SEAY & SCARBOROUGH**
A Limited Liability Company

CERTIFIED PUBLIC ACCOUNTANTS

902 NORTH LOCUST
P.O. BOX 977
DENTON, TX 76202-0977
TEL. (940) 387-8563
FAX (940) 383-4746

Independent Auditors' Report

Honorable Mayor and Town Council
Town of Hickory Creek, Texas

Opinion

We have audited the accompanying financial statements of the governmental activities, the discretely presented component units and each major fund of the Town of Hickory Creek as of and for the year ended September 30, 2023 and the related notes to the financial statements, which collectively comprise the Town of Hickory Creek's basic financial statements as listed in the table of contents.

In our opinion, the financial statements referred to above present fairly, in all material respects, the respective financial position of the governmental activities, the discretely presented component units and each major fund of the Town of Hickory Creek as of September 30, 2023, and the respective changes in financial position for the year then ended in accordance with accounting principles generally accepted in the United States of America.

Basis for Opinion

We conducted our audit in accordance with auditing standards generally accepted in the United States of America. Our responsibilities under those standards are further described in the Auditor's Responsibilities for the Audit of the Financials section of our report. We are required to be independent of the Town of Hickory Creek and to meet our other ethical responsibilities in accordance with the relevant ethical requirements relating to our audit. We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our audit opinion.

Responsibilities of Management for the Financial Statements

Management is responsible for the preparation and fair presentation of the financial statements in accordance with accounting principles generally accepted in the United States of America, and for the design, implementation, and maintenance of internal control relevant to the preparation and fair presentation of financial statements that are free from material misstatement, whether due to fraud or error.

In preparing the financial statements, management is required to evaluate whether there are conditions or events, considered in the aggregate, that raise substantial doubt about the Town of Hickory Creek's ability to continue as a going concern for twelve months beyond the financial statement date, including any currently known information that may raise substantial doubt shortly thereafter.

Auditor's Responsibility for the Audit of the Financial Statements

Our objectives are to obtain reasonable assurance about whether the financial statements as a whole are free from material misstatement, whether due to fraud or error, and to issue an auditor's report that includes our opinions. Reasonable assurance is a high level of assurance but is not absolute assurance and therefore is not a guarantee that an audit conducted in accordance with general accepted auditing standards will always detect a material misstatement when it exists. The risk of not detecting a material misstatement resulting from fraud is higher than for one resulting from error, as fraud may involve collusion, forgery, intentional omissions, misrepresentations, or the override of internal control. Misstatements are considered material if there is a substantial likelihood that, individually or in the aggregate, they would influence the judgment made by a reasonable user based on the financial statements.

In performing an audit in accordance with generally accepted auditing standards, we:

- Exercise professional judgment and maintain professional skepticism throughout the audit.
- Identify and assess the risks of material misstatement of the financial statements, whether due to fraud or error, and design and perform audit procedures responsive to those risks. Such procedures include examining, on a test basis, evidence regarding the amounts and disclosures in the financial statements.
- Obtain an understanding of internal control relevant to the audit in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the Town of Hickory Creek's internal control. Accordingly, no such opinion is expressed.
- Evaluate the appropriateness of accounting policies used and the reasonableness of significant accounting estimates made by management, as well as evaluate the overall presentation of the financial statements.
- Conclude whether, in our judgment, there are conditions or events, considered in the aggregate, that raise substantial doubt about the Town of Hickory Creek's ability to continue as a going concern for a reasonable period of time.

We are required to communicate with those charged with governance regarding, among other matters, the planned scope and timing of the audit, significant audit findings, and certain internal control-related matters that we identified during the audit.

Required Supplementary Information

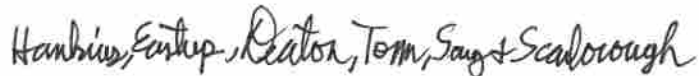
Accounting principles generally accepted in the United States of America require that the management's discussion and analysis on pages 6 through 12 and the Texas Municipal Retirement System schedules on pages 52 through 56 be presented to supplement the basic financial statements. Such information is the responsibility of management and, 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 historical context. We have applied certain limited procedures to the required supplementary information in accordance with auditing standards generally accepted in the United States of America, which consisted of inquiries of management about the methods of preparing the information and comparing the information for consistency with management's responses to our inquiries, the basic financial statements, and other knowledge we obtained during our audit of the basic financial statements. We do not express an opinion or provide any assurance on the information because the limited procedures do not provide us with sufficient evidence to express an opinion or provide any assurance.

Other Information

Our audit was conducted for the purpose of forming opinions on the financial statements that collectively comprise the Town of Hickory Creek's basic financial statements. The combining and individual fund financial statements and schedules listed in the table of contents are presented for purposes of additional analysis and are not a required part of the basic financial statements. Such information is the responsibility of management and was derived from and relates directly to the underlying accounting and other records used to prepare the basic financial statements. Such information has been subjected to the auditing procedures applied in the audit of the basic financial statements and certain additional procedures, including comparing and reconciling such information directly to the underlying accounting and other records used to prepare the basic financial statements or to the basic financial statements themselves, and other additional procedures in accordance with auditing standards generally accepted in the United States of America. In our opinion, the combining and individual fund financial statements and schedules are fairly stated in all material respects in relation to the basic financial statements as a whole.

Other Reporting Required by *Government Auditing Standards*

In accordance with *Government Auditing Standards*, we have also issued our report dated December 8, 2023 on our consideration of the Town of Hickory Creek, Texas's internal control over financial reporting and on our test of its compliance with certain provisions of laws, regulations, contracts, and grant agreements and other matters. The purpose of that report is to describe the scope of our testing of internal control over financial reporting and compliance and the results of that testing, and not to provide an opinion on internal control over financial reporting or on compliance. That report is an integral part of an audit performed in accordance with *Government Auditing Standards* in considering the Town of Hickory Creek, Texas's internal control over financial reporting and compliance.



Hankins, Eastup, Deaton, Tonn, Seay & Scarborough, LLC
Denton, Texas
December 8, 2023

This page left blank intentionally.

MANAGEMENT'S DISCUSSION & ANALYSIS

TOWN OF HICKORY CREEK

MANAGEMENT'S DISCUSSION AND ANALYSIS SEPTEMBER 30, 2023

As management of the Town of Hickory Creek, we offer readers of the Town of Hickory Creek's financial statements this narrative overview and analysis of the financial activities of the Town of Hickory Creek for the year ended September 30, 2023. We encourage readers to consider the information presented here in conjunction with the Town's basic financial statements.

Financial Highlights

- The assets and deferred outflows of resources of the Town of Hickory Creek exceeded its liabilities and deferred inflows at September 30, 2023 by \$24,079,943. Of this amount, \$9,561,776 may be used to meet the government's ongoing obligations to citizens and creditors.
- The Town's total net position increased by \$5,801,679 during the fiscal year from the results of current year operations.
- As of September 30, 2023, the Town of Hickory Creek's governmental funds reported combined ending fund balances of \$12,916,586, an increase of \$2,208,307 in comparison with the beginning of the period. Approximately 75 percent of this total amount, \$9,718,590, is available for spending at the government's discretion (*unassigned fund balance*).
- At the end of the current period, unassigned fund balance for the general fund of \$9,718,590 was 163.5 percent of total general fund expenditures.

Overview of the Financial Statements

The management discussion and analysis are intended to serve as an introduction to the Town of Hickory Creek's basic financial statements. The Town of Hickory Creek's basic financial statements comprise three components: 1) government-wide financial statements, 2) fund financial statements, and 3) notes to the financial statements. This report also contains other supplementary information in addition to the basic financial statements themselves.

Also included as a discretely presented component unit are the Hickory Creek Economic Development Corporation, which was formed on July 1, 2003 as the result of a successful 4B sales tax election, the Hickory Creek Public Improvement District No. 1, which was created on March 31, 2012 to finance certain public improvements within the District, the Hickory Creek Public Improvement District No. 2, which was created on September 18, 2012, to finance certain public improvements within the District, and the Hickory Creek Public Improvement District No. 3, which was created May 21, 2019, to finance certain public improvements within the District.

Government-wide Financial Statements. The government-wide financial statements are designed to provide readers with a broad overview of the Town of Hickory Creek's finances, in a manner similar to a private-sector business.

The statement of net position presents information on all of the Town of Hickory Creek's assets, deferred outflows of resources, deferred inflows of resources and liabilities, with the difference reported as net position. Over time, increases or decreases in net position may serve as a useful indicator of whether the financial position of the Town of Hickory Creek is improving or deteriorating.

The statement of activities presents information showing how the Town's net position changed during the most recent period. All of the current period's revenues and expenses are taken into account regardless of when cash is received or paid. Thus, revenues and expenses are reported in this statement for some items that will only result in cash flows in future fiscal periods (e.g., uncollected taxes and earned but unused vacation leave). Both the statement of net position and the statement of activities are prepared utilizing the accrual basis of accounting as opposed to the modified accrual basis used in prior reporting models.

TOWN OF HICKORY CREEK

MANAGEMENT'S DISCUSSION AND ANALYSIS SEPTEMBER 30, 2023

In the Statement of Net Position and the Statement of Activities, the Town is divided between two kinds of activities:

- **Governmental activities.** All of the Town's basic services are reported here, including the police, fire, library, community development, public works, park services, municipal court, and general administration. Property taxes, sales taxes, and franchise fees finance most of these activities.
- **Business-type activities.** The Town may charge a fee to customers to help it cover all or most of the cost of certain services it provides. The Town had no business-type activities during the current period.

Fund Financial Statements. A fund is a grouping of related accounts that is used to maintain control over resources that have been segregated for specific activities or objectives. Fund financial statements provide detailed information about the most significant funds, not the Town as a whole. Some funds are required to be established by state law or bond covenants. However, the Town Council may establish other funds to help it control and manage money for particular purposes or to show that it is meeting legal responsibilities for using certain taxes, grants and other money. All of the funds of the Town of Hickory Creek are considered governmental funds.

Governmental Funds. All of the Town's basic services are reported in governmental funds, which focus on how money flows into and out of those funds and the balances left at period-end that are available for spending. These funds are reported using an accounting method identified as the modified accrual basis of accounting, which measures cash and all other financial assets that can readily be converted to cash. The governmental fund statements provide a detailed short-term view of the Town's general operations and the basic services it provides. Governmental fund information helps the reader determine whether there are more or fewer financial resources that can be spent in the near future to finance the Town's programs. By comparing information presented for governmental funds with similar information presented for governmental activities in the government-wide financial statements, readers may better understand the long-term impact of the government's near-term financing decisions. The relationship or differences between governmental activities (reported in the Statement of Net Position and the Statement of Activities) and governmental funds are detailed in a reconciliation following the fund financial statements.

The Town of Hickory Creek maintains three individual governmental funds. Information is presented separately in the governmental fund balance sheet and in the governmental fund statement of revenues, expenditures, and changes in fund balances for the general fund, debt service fund and capital projects fund, each of which are considered to be major funds.

Fiduciary Funds. Fiduciary funds are used to account for resources held for the benefit of parties outside the government. Fiduciary funds are not reflected in the government-wide financial statement because the resources of those funds are not available to support the Town of Hickory Creek's own programs. The accounting used for fiduciary funds is much like that used for proprietary funds. The Town of Hickory Creek does not currently have any fiduciary funds.

Notes to the Financial Statements. The notes provide additional information that is essential to a full understanding of the data provided in the government-wide and funds financial statements.

Other Information. In addition to the basic financial statements and accompanying notes, this report also presents certain required supplementary information highlighting budgetary information for the general fund.

TOWN OF HICKORY CREEK

MANAGEMENT'S DISCUSSION AND ANALYSIS
SEPTEMBER 30, 2023

Government-wide Financial Analysis

The Town's combined net position was \$24,079,943 as of September 30, 2023. The Town first implemented GASB Statement No. 34, *Basic Financial Statement – and Management's Discussion and Analysis – for State and Local Governments*, in fiscal year 2004. The following analysis presents both current and prior year data and discusses significant changes in the accounts. This analysis focuses on the net position (Table 1) and general revenues (Table 2) and changes in net position (Table 3) of the Town's governmental activities.

The largest portion of the Town's net position reflects its investment in capital assets (e.g., land, buildings, machinery, equipment, and infrastructure), less any related debt used to acquire those assets that is still outstanding. The Town uses these capital assets to provide services to citizens; consequently, these assets are not available for future spending. Although the Town's investment in its capital assets is reported net of related debt, it should be noted that the resources needed to repay this debt must be provided from other sources, since the capital assets themselves cannot be used to liquidate these liabilities.

Table 1
Net Position

	Governmental Activities	
	2022	2023
Current and other assets	\$ 11,308,046	\$ 13,462,864
Capital assets	17,512,797	20,680,482
Total assets	28,820,843	34,143,346
Deferred outflows of resources	643,750	1,075,346
Long-term liabilities outstanding	10,306,425	10,411,822
Other liabilities	558,733	502,161
Total liabilities	10,865,158	10,913,983
Deferred inflows of resources	321,171	224,760
Net Position:		
Net investment in capital assets	11,317,619	12,137,133
Restricted for:		
Street improvements/maintenance	227,563	1,578,015
Tree mitigation fees	-	570,625
Court security and technology	136,904	156,326
Parks	94,362	76,068
Unrestricted	6,501,816	9,561,776
Total net position	<u>\$ 18,278,264</u>	<u>\$ 24,079,943</u>

TOWN OF HICKORY CREEK

MANAGEMENT'S DISCUSSION AND ANALYSIS
SEPTEMBER 30, 2023

The following table provides a summary of the Town's operations for the years ended September 30, 2022 and 2023.

Table 2
Changes in Net Position

	Governmental Activities	
	2022	2023
Revenues:		
Program Revenues:		
Charges for services	\$ 2,568,422	\$ 4,975,899
Operating grants and contributions	653,393	6,804
Capital grants and contributions	-	2,108,236
General Revenues:		
Property taxes	2,277,689	2,436,023
Sales taxes	2,009,756	2,213,113
Other taxes	335,437	384,046
Investment earnings	80,568	529,781
Miscellaneous	9,318	56,909
	<u>7,934,583</u>	<u>12,710,811</u>
Expenses:		
Administration	1,247,325	1,200,293
Police	1,755,010	2,140,986
Fire	972,692	970,692
Municipal court	317,786	433,292
Public works	1,609,056	1,919,901
Debt service - interest and fees	261,942	243,968
	<u>6,163,811</u>	<u>6,909,132</u>
Sale of assets	22,185	-
Change in net position	1,792,957	5,801,679
Net position - October 1 (beginning)	16,485,307	18,278,264
Net position - September 30 (ending)	<u>\$ 18,278,264</u>	<u>\$ 24,079,943</u>

TOWN OF HICKORY CREEK

MANAGEMENT'S DISCUSSION AND ANALYSIS SEPTEMBER 30, 2023

Financial Analysis of the Government's Funds

Governmental Funds. The focus of the Town's governmental funds is to provide information on near-term inflows, outflows, and balances of spendable resources. Such information is useful in assessing the Town's financing requirements. In particular, unreserved fund balance may serve as a useful measure of government's net resources available for spending at the end of the period.

As of the end of the current period, the Town's governmental funds reported combined ending fund balances of \$12,916,586, an increase of \$2,208,307 in comparison with the beginning of the period. Approximately 75.2 percent of this total amount (\$9,718,590) constitutes unassigned and assigned fund balance, which is available for spending at the Town's discretion. The remainder of fund balance is not available for new spending because it has already been committed or restricted 1) to pay for capital improvements (\$1,578,015), 2) to pay for court security and technology costs (\$156,326), 3) to liquidate prepaid items (\$534,322), 4) to pay for park maintenance (\$76,068), 5) CLFRF funds restricted for certain purposes (\$282,640), and 6) tree mitigation costs (\$570,625).

The general fund is the chief operating fund of the Town. At the end of the current period, unassigned fund balance of the general fund totaled \$9,718,590, while total fund balance was \$11,300,403. As a measure of the general fund's liquidity, it may be useful to compare both unassigned fund balance and total fund balance to total fund expenditures. Unassigned fund balance represents 163.5 percent of total general fund expenditures, while total fund balance represents 190.1 percent of that same amount.

The fund balance of the Town's general fund increased by \$4,761,423 during the current year compared to a \$951,261 increase in the prior year. Key factors in this increase are as follows:

- Revenues increased \$4,299,226 or 82.5% from the previous year, primarily due to an increase of \$1,589,832 in building permit revenue, plus new sources of revenue from tree mitigation fees (\$570,625) and Denton County funding for a road project (\$1,026,091).
- Expenditures increased \$632,437 or 11.9% from the previous year, primarily due to additional public works expenditures (primarily engineering) and capital outlay expenditures.

The fund balance of the Town's debt service fund remained unchanged from the prior year. Revenues and expenditures were comparable to the prior year and \$76,001 was transferred from the general fund to cover the excess of expenditures over revenues.

The fund balance of the capital projects decreased \$1,988,583 during the current year primarily due to \$3,081,560 capital outlay costs.

General Fund Budgetary Highlights

During the current year, the Town Council of the Town of Hickory Creek amended the budget for the General Fund on one occasion. The majority of the appropriation related to actions taken to fund unbudgeted items during the period.

The Town administration reviewed each supplemental appropriation throughout the year and determined that increased revenues or beginning fund balance provided sufficient reserves to recommend the increase.

The original budget reflected that the activity for the year would cause no change in available fund balance. The available fund balance for the general fund actually increased in the amount of \$4,761,423, due primarily to increases in building permits, tree mitigation fees and Denton County funding.

TOWN OF HICKORY CREEK

MANAGEMENT'S DISCUSSION AND ANALYSIS
SEPTEMBER 30, 2023

Capital Asset and Debt Administration

Capital Assets. The Town's investment in capital assets for its governmental activities as of September 30, 2023, amount to \$20,680,482 (net of accumulated depreciation). This amount represents a net increase of \$3,167,685, or 18.1 percent, above the beginning of the year. The investment in capital assets includes land, buildings, equipment, vehicles, roads and construction in progress.

Major capital asset additions during the current year included the following:

<u>Description</u>	<u>Amount</u>
Sycamore Bend Road construction	\$ 2,653,015
Sidewalk construction	454,831
Fire hydrants	407,134
Broadband infrastructure costs	136,125
4 vehicles	156,860
Playground structure	118,995
Total	<u>\$ 3,926,960</u>

Table 4
Capital Assets at Year-end
(Net of Depreciation)

	<u>Governmental Activities</u>
Land	\$ 757,710
Buildings	2,563,536
Equipment and Vehicles	1,021,921
Street and Road Infrastructure	15,182,284
Construction in Progress	1,155,031
Totals	<u>\$ 20,680,482</u>

Additional information on the Town's capital assets can be found in Note 6 of this report.

Long-term Debt. At the end of the current period, the Town had general obligation bonds and related premiums outstanding of \$3,016,646, certificates of obligation outstanding of \$5,925,000, and accrued compensated absences of \$184,823, for a total of \$9,126,469.

The Town's total debt decreased by \$612,439 or 6.3% during the current year. No new debt was incurred during the year. Information on the Town's long-term debt can be found in Note 7 of this report.

TOWN OF HICKORY CREEK

MANAGEMENT'S DISCUSSION AND ANALYSIS SEPTEMBER 30, 2023

Economic Factors and Next Year's Budgets and Rates

The Town of Hickory Creek adopted a balanced budget for 2023-2024 and approved a tax rate of which represents the "No New Revenue Rate" of 0.236686 which lands the Town 5th lowest in Denton County.

Residential growth continued to be strong in the Town with construction of a multi-family development well under way. 2023/2024 will see a dramatic fall in residential home permits. We welcome the move of Chick Fila to their new tract in Hickory Creek which was approved by the P&Z and Town Council. The Olana also broke ground on a new hotel and retail establishment. All three projects will provide future sales tax revenues to the Town.

Hickory Creek has begun engineering the following roads: Country Lane, Harbor Lane, Hook/Garth & Point Vista. A decision was made by County Commissioner Bobbie Mitchell to assign Carlisle Road to our Town to manage and engineer. Sidewalk Project Phase III was completed this past summer. Phase IV will begin in the summer of 2024 which includes the rehabilitation of driveway approaches to ensure ADA compliance.

The Town comprehensive plan was updated and approved. This will give guidance to the future of Hickory Creek.

Phase II of the partnership with LCMUA & Harbor Grove Water Supply was to see fire hydrants installed in the subdivision. This project will not be completed by 2023-year end. LCUMA plans to be done with the project in the spring of 2024.

The first-year partnerships with the City of Corinth and Town of Shady Shores for animal control and public works went very well. Both towns have continued their contracts for 2024. The Lake Cities ILA with Pavlov construction continues. Broadband should be accessible to citizens by February of 2024.

We are very excited about our upcoming plans for a new leisure center, observatory on Pratt property, and a new amphitheater for 2024.

Hickory Creek's staff, which include administration, public works, animal control and the police department, continue to do a great job for the citizens of Hickory Creek.

Requests for Information

This financial report is designed to provide a general overview of the Town's finances for all those with an interest in the government's finances. Questions concerning any of the information provided in this report or requests for additional financial information should be addressed to Town of Hickory Creek, P.O. Box 1717, Lake Dallas, Texas 75065.

BASIC FINANCIAL STATEMENTS

TOWN OF HICKORY CREEK

STATEMENT OF NET POSITION
SEPTEMBER 30, 2023

	Primary Government	Component Units	
	Governmental Activities	Economic Development Corporation	Public Improvement District No. 1
ASSETS			
Cash and Investments	\$ 12,440,208	\$ 2,551,182	\$ 373,706
Receivables (net of allowance for uncollectibles):			
Taxes – Ad Valorem	80,518	-	-
Taxes – Sales	445,472	-	-
Taxes - Mixed Beverage	2,919	-	-
Other	15,692	-	-
Internal Balances	(56,267)	56,267	-
Prepaid Costs	534,322	-	-
Capital Assets:			
Land	757,710	1,643,898	-
Buildings, net	2,563,536	-	-
Equipment and Vehicles, net	1,021,921	-	-
Street, Road, Park Infrastructure, net	15,182,284	-	3,195,369
Construction in Progress	1,155,031	-	-
Total Assets	<u>34,143,346</u>	<u>4,251,347</u>	<u>3,569,075</u>
DEFERRED OUTFLOWS OF RESOURCES			
Deferred Outflow Related to TMRS Pension	985,305	-	-
Deferred Outflow Related to TMRS OPEB	953	-	-
Deferred Charge on Bond Refunding	89,088	-	-
Total Deferred Outflows of Resources	<u>1,075,346</u>	<u>-</u>	<u>-</u>
LIABILITIES			
Accounts Payable	344,557	-	-
Accrued Wages	32,361	-	-
Accrued Interest	36,401	-	11,479
Developer Escrow	-	-	-
Due to State Agencies	88,842	-	-
Long-term Liabilities:			
Due within one year	636,859	-	95,545
Due in more than one year	8,489,610	-	3,482,530
Net Pension Liability	1,242,532	-	-
Net OPEB Liability	42,821	-	-
Total Liabilities	<u>10,913,983</u>	<u>-</u>	<u>3,589,554</u>
DEFERRED INFLOWS OF RESOURCES			
Deferred Inflow Related to TMRS Pension	213,618	-	-
Deferred Inflow Related to TMRS OPEB	11,148	-	-
Total Deferred Inflows of Resources	<u>213,618</u>	<u>-</u>	<u>-</u>
NET POSITION			
Net Investment in Capital Assets	12,137,133	1,643,898	(382,706)
Restricted for:			
Debt Retirement	-	-	225,990
Economic Development	-	2,607,449	-
Street Improvements/Maintenance	1,578,015	-	-
Tree Mitigation Fees	570,625	-	-
Court Security/Technology	156,326	-	-
Parks	76,068	-	-
Unrestricted Net Position	9,561,776	-	136,237
Total Net Position	<u>\$ 24,079,943</u>	<u>\$ 4,251,347</u>	<u>\$ (20,479)</u>

The accompanying Notes are an integral part of this statement.

Public Improvement District No. 2	Public Improvement District No. 3
\$ 629,821	\$ 440,599
-	-
-	-
-	-
-	-
-	-
-	-
-	-
3,256,209	-
-	3,408,898
<u>3,886,030</u>	<u>3,849,497</u>
-	-
-	-
-	-
-	-
-	-
-	-
18,188	14,762
24,474	25,000
-	-
80,000	90,000
3,840,000	3,730,000
-	-
-	-
<u>3,962,662</u>	<u>3,859,762</u>
-	-
-	-
-	-
(663,791)	(411,102)
370,729	266,563
-	-
-	-
-	-
-	-
-	-
216,430	134,274
<u>\$ (76,632)</u>	<u>\$ (10,265)</u>

TOWN OF HICKORY CREEK

STATEMENT OF ACTIVITIES
FOR THE YEAR ENDED SEPTEMBER 30, 2023

<u>Functions/Programs</u>	<u>Expenses</u>	<u>Program Revenues</u>		
		<u>Charges for Services</u>	<u>Operating Grants and Contributions</u>	<u>Capital Grants and Contributions</u>
GOVERNMENTAL ACTIVITIES:				
General Government	\$ 1,200,293	\$ 7,100	\$ 5,000	\$ -
Police	2,140,986	582,702	-	57,811
Fire	970,692	-	-	-
Municipal Court	433,292	433,292	-	-
Public Works	1,919,901	3,952,805	1,804	2,050,425
Debt Service – Interest and Fees	243,968	-	-	-
Total Governmental Activities	<u>6,909,132</u>	<u>4,975,899</u>	<u>6,804</u>	<u>2,108,236</u>
TOTAL PRIMARY GOVERNMENT	<u>\$ 6,909,132</u>	<u>\$ 4,975,899</u>	<u>\$ 6,804</u>	<u>\$ 2,108,236</u>
COMPONENT UNITS:				
Economic Development Corporation	\$ 72,512	\$ -	\$ -	\$ -
Public Improvement District No. 1	290,189	-	-	-
Public Improvement District No. 2	384,991	-	-	-
Public Improvement District No. 3	339,926	-	-	-
TOTAL COMPONENT UNITS	<u>\$ 1,087,618</u>	<u>\$ -</u>	<u>\$ -</u>	<u>\$ -</u>

GENERAL REVENUES:

Taxes:

Property taxes – maintenance and operation

Property taxes – debt service

Sales taxes

Franchise taxes

Mixed beverage taxes

Hotel occupancy tax

Special Assessments

Investment Earnings

Lease Income

Miscellaneous

Total General Revenues and Special Items

Change in Net Position

NET POSITION, October 1 (beginning)

NET POSITION, September 30 (ending)

The accompanying Notes are an integral part of this statement.

Governmental Activities	Component Units			
	Economic Development Corp	Public Improvement District No. 1	Public Improvement District No. 2	Public Improvement District No. 3
\$ (1,188,193)	\$ -	\$ -	\$ -	\$ -
(1,500,473)	-	-	-	-
(970,692)	-	-	-	-
-	-	-	-	-
4,085,133	-	-	-	-
(243,968)	-	-	-	-
<u>181,807</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>
<u>181,807</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>
-	(72,512)	-	-	-
-	-	(290,189)	-	-
-	-	-	(384,991)	-
-	-	-	-	(339,926)
<u>-</u>	<u>(72,512)</u>	<u>(290,189)</u>	<u>(384,991)</u>	<u>(339,926)</u>
1,591,229	-	-	-	-
844,794	-	-	-	-
2,213,113	316,159	-	-	-
341,965	-	-	-	-
36,969	-	-	-	-
5,112	-	-	-	-
-	-	372,527	471,290	543,396
529,781	115,138	20,645	31,331	24,056
-	15,000	-	-	-
56,909	81,324	-	-	-
<u>5,619,872</u>	<u>527,621</u>	<u>393,172</u>	<u>502,621</u>	<u>567,452</u>
5,801,679	455,109	102,983	117,630	227,526
<u>18,278,264</u>	<u>3,796,238</u>	<u>(123,462)</u>	<u>(194,262)</u>	<u>(237,791)</u>
<u>\$ 24,079,943</u>	<u>\$ 4,251,347</u>	<u>\$ (20,479)</u>	<u>\$ (76,632)</u>	<u>\$ (10,265)</u>

TOWN OF HICKORY CREEK

**BALANCE SHEET-GOVERNMENTAL FUNDS
SEPTEMBER 30, 2023**

	<u>General Fund</u>	<u>Debt Service Fund</u>
ASSETS		
Cash and Investments	\$ 11,584,963	\$ -
Receivables (net of allowances for uncollectibles):		
Taxes –Ad Valorem	47,987	32,531
Taxes - Sales	445,472	-
Taxes - Mixed Beverage	2,919	-
Other	15,692	-
Due from Other Funds	153,732	-
Prepaid Costs	534,322	-
Total Assets	<u>\$ 12,785,087</u>	<u>\$ 32,531</u>
LIABILITIES AND FUND EQUITY		
Liabilities:		
Current Liabilities:		
Accounts Payable	\$ 230,296	\$ -
Accrued Wages	32,361	-
Due to State Agencies	88,842	-
Due to EDC	56,267	-
Due to Reserve at Hickory Creek PID	4,597	-
Due to Other Funds	1,024,334	-
Total Liabilities	<u>1,436,697</u>	<u>-</u>
Deferred Inflows of Resources:		
Unavailable Revenue-Property Taxes	47,987	32,531
Total Deferred Inflows of Resources	<u>47,987</u>	<u>32,531</u>
Fund Equity:		
Nonspendable Fund Balance:		
Prepaid Costs	534,322	-
Restricted Fund Balance:		
Court Security and Technology	156,326	-
Street Improvements/Maintenance	244,472	-
Tree Mitigation Fees	570,625	-
Parks	76,068	-
CLFRF Funds	-	-
Unassigned Fund Balance	9,718,590	-
Total Fund Equity	<u>11,300,403</u>	<u>-</u>
 Total Liabilities, Deferred Inflows and Fund Equity	 <u>\$ 12,785,087</u>	 <u>\$ 32,531</u>

The accompanying Notes are an integral part of this statement.

<u>Capital Project Funds</u>	<u>Special Revenue (CLFRF Funds)</u>	<u>Total Governmental Funds</u>
\$ 572,605	\$ 282,640	\$ 12,440,208
-	-	80,518
-	-	445,472
-	-	2,919
-	-	15,692
1,024,334	-	1,178,066
-	-	534,322
<u>\$ 1,596,939</u>	<u>\$ 282,640</u>	<u>\$ 14,697,197</u>
\$ 109,664	\$ -	\$ 339,960
-	-	32,361
-	-	88,842
-	-	56,267
-	-	4,597
153,732	-	1,178,066
<u>263,396</u>	<u>-</u>	<u>1,700,093</u>
-	-	80,518
-	-	80,518
-	-	534,322
-	-	156,326
1,333,543	-	1,578,015
-	-	570,625
-	-	76,068
-	282,640	282,640
-	-	9,718,590
<u>1,333,543</u>	<u>282,640</u>	<u>12,916,586</u>
<u>\$ 1,596,939</u>	<u>\$ 282,640</u>	<u>\$ 14,697,197</u>

This page left blank intentionally.

TOWN OF HICKORY CREEK

RECONCILIATION OF THE GOVERNMENTAL FUNDS BALANCE SHEET TO THE
STATEMENT OF NET POSITION
SEPTEMBER 30, 2023

Total Fund Balances – Governmental Funds	\$ 12,916,586
Capital assets used in governmental activities are not financial resources and, therefore, are not reported in the fund financial statements.	30,480,193
Accumulated depreciation is not reported in the fund financial statements.	(9,799,711)
General obligation bonds, certificates of obligation and compensated absences are not reported in the fund financial statements.	(8,439,823)
Property tax revenue reported as unavailable revenues in the fund financial statements was recognized as revenue in the government-wide financial statements.	80,518
Bond premiums are not recognized in the fund financial statements.	(686,646)
Deferred charge on bond refunding is not recognized in the fund financial statements.	89,088
Interest is accrued on outstanding debt in the government-wide financial statements, whereas in the fund financial statements interest expenditures are reported when due.	(36,401)
Included in the items related to debt is the recognition of the Town’s net TMRS pension liability required by GASB 68 in the amount of \$1,242,532, a Deferred Resource Inflow related to TMRS in the amount of \$213,618 and a Deferred Resource Outflow related to TMRS in the amount of \$985,305. This amounted to a decrease in Net Position in the amount of \$470,845.	(470,845)
Included in the items related to debt is the recognition of the Town’s net TMRS OPEB liability required by GASB 75 in the amount of \$42,821, a Deferred Resource Inflow related to OPEB in the amount of \$11,148 and a Deferred Resource Outflow related to OPEB in the amount of \$953. This amounted to a decrease in Net Position in the amount of \$53,016.	<u>(53,016)</u>
Net Position of Governmental Activities	<u>\$ 24,079,943</u>

The accompanying Notes are an integral part of this statement.

TOWN OF HICKORY CREEK

STATEMENT OF REVENUES, EXPENDITURES, AND CHANGES IN FUND BALANCE
GOVERNMENTAL FUNDS
FOR THE YEAR ENDED SEPTEMBER 30, 2023

	GENERAL FUND	DEBT SERVICE FUND	CAPITAL PROJECTS FUND
Revenues:			
Taxes - Ad Valorem	\$ 1,590,227	\$ 844,718	\$ -
- Franchise	341,965	-	-
- Sales	2,213,113	-	-
- Mixed Beverage	36,969	-	-
- Hotel Occupancy	5,112	-	-
Court Citations	781,991	-	-
Corp of Engineers	57,869	-	-
Building Permits	2,810,174	-	-
Interest Income	471,138	-	58,643
Other Permits and Fees	930,151	-	-
Parks and Recreation Fees	157,246	-	-
Denton County Road Funding	1,026,091	-	1,024,334
Drug Seizure/Forfeiture Funds	127,182	-	-
Road Improvement Fees	97,450	-	-
Grants/Donations	64,615	-	-
Insurance Proceeds	13,836	-	-
Other	29,979	-	-
Total Revenues	<u>10,755,108</u>	<u>844,718</u>	<u>1,082,977</u>
Expenditures:			
Current:			
General Governments	1,102,995	-	-
Police	1,836,236	-	-
Fire	970,692	-	-
Municipal Court	409,969	-	-
Public Works	1,021,572	-	-
Debt Service:			
Principal	-	610,000	-
Interest and Fees	-	310,719	-
Capital Outlay	603,150	-	3,081,560
Total Expenditures	<u>5,944,614</u>	<u>920,719</u>	<u>3,081,560</u>
Excess (Deficit) of Revenues over Expenditures	<u>4,810,494</u>	<u>(76,001)</u>	<u>(1,998,583)</u>
Other Financing Resources (Uses):			
Sale of Personal Property	26,930	-	-
Transfers in	-	76,001	-
Transfers out	(76,001)	-	-
Total Other Financing Resources (Uses)	<u>(49,071)</u>	<u>76,001</u>	<u>-</u>
Net Change in Fund Balance	4,761,423	-	(1,998,583)
Fund Balance - October 1 (beginning)	6,538,980	-	3,332,126
Fund Balance - September 30 (ending)	<u>\$ 11,300,403</u>	<u>\$ -</u>	<u>\$ 1,333,543</u>

The accompanying Notes are an integral part of this statement.

SPECIAL REVENUE (CLFRF FUNDS)	TOTAL GOVERNMENTAL FUNDS
\$ -	\$ 2,434,945
-	341,965
-	2,213,113
-	36,969
-	5,112
-	781,991
-	57,869
-	2,810,174
-	529,781
-	930,151
-	157,246
-	2,050,425
-	127,182
-	97,450
-	64,615
-	13,836
-	29,979
-	<u>12,682,803</u>
11,274	1,114,269
-	1,836,236
-	970,692
-	409,969
-	1,021,572
-	610,000
-	310,719
543,259	4,227,969
554,533	10,501,426
(554,533)	2,181,377
-	26,930
-	76,001
-	(76,001)
-	<u>26,930</u>
(554,533)	2,208,307
837,173	10,708,279
<u>\$ 282,640</u>	<u>\$ 12,916,586</u>

TOWN OF HICKORY CREEK

RECONCILIATION OF THE GOVERNMENTAL FUNDS STATEMENT OF REVENUES,
EXPENDITURES, AND CHANGES IN FUND BALANCE TO THE STATEMENT OF ACTIVITIES
FOR THE YEAR ENDED SEPTEMBER 30, 2023

Total Net Change in Fund Balances – Governmental Funds	\$ 2,208,307
Current year capital asset additions are expenditures in the fund financial statements, but they are shown as increases in capital assets in the government-wide financial statements. The net effect of reclassifying the current year capital asset additions is to increase net position.	4,254,254
Depreciation is not recognized as an expense in governmental funds since it does not require the use of current financial resources. The net effect of the current year's depreciation is to decrease net position in the government-wide financial statements.	(1,086,569)
Revenues from property taxes are shown as unavailable in the fund financial statements until they are considered available to finance current expenditures, but such revenues are recognized when assessed, net of an allowance for uncollectable amounts, in the government-wide financial statements.	1,078
Current year compensated absences earned but not used is not recorded in the fund financial statements, but is shown as an increase in long-term debt in the government-wide financial statements.	(72,206)
Current year principal payments on tax notes, capital leases and general obligation bonds are expenditures in the fund financial statements, but are shown as reductions in long-term debt in the government-wide financial statements.	610,000
Current year amortization of the premium on bond issuance is not recorded in the fund financial statements, but is shown as a reduction in long-term debt in the government-wide financial statements.	74,645
Current year amortization of the deferred loss on bond refunding is not recorded in the fund financial statements, but is shown as a reduction of net position in the government-wide financial statements.	(9,899)
Interest is accrued on outstanding debt in the government-wide financial statements, whereas in the fund financial statements interest expenditures are reported when due.	2,005
The implementation of GASB 68 required that certain expenditures be de-expended and recorded as deferred resource outflows. The contributions made after the measurement date of 12/31/22 caused the change in ending net position to increase in the amount of \$216,538. Contributions made before the measurement date but during the 2022 FY were also de-expended and recorded as a reduction in the net position liability for the Town. This also caused an increase in the change in net position in the amount of \$65,100. These contributions were replaced with the Town's pension expense for the year of \$457,553, which caused a decrease in the change in net position. The impact of all of these is to decrease net position by \$175,915.	(175,915)

The accompanying Notes are an integral part of this statement.

TOWN OF HICKORY CREEK

RECONCILIATION OF THE GOVERNMENTAL FUNDS STATEMENT OF REVENUES,
EXPENDITURES, AND CHANGES IN FUND BALANCE TO THE STATEMENT OF ACTIVITIES
FOR THE YEAR ENDED SEPTEMBER 30, 2023

The implementation of GASB 75 required that certain expenditures be de-expended and recorded as deferred resource outflows. The contributions made after the measurement date of 12/31/22 caused net position to increase in the amount of \$526. Contributions made before the measurement date but during the 2022 FY were also de-expended and recorded as a reduction in the net position liability for the Town. This also caused an increase in the in the amount of \$175. These contributions were replaced with the Town's OPEB expense for the year of \$4,722, which caused a decrease in the change in net position. The impact of all of these is to decrease net position by \$4,021.

(4,021)

Change in Net Position of Governmental Activities

\$ 5,801,679

TOWN OF HICKORY CREEK

STATEMENT OF REVENUES, EXPENDITURES, AND CHANGES IN FUND BALANCE
BUDGET AND ACTUAL - GENERAL FUND
FOR THE YEAR ENDED SEPTEMBER 30, 2023

	<u>Budgeted Amounts</u>		Actual Amounts (GAAP BASIS)	Variance With Final Budget
	<u>Original</u>	<u>Final</u>		
Revenues:				
Taxes - Ad Valorem	\$ 1,580,908	\$ 1,580,908	\$ 1,590,227	\$ 9,319
- Franchise	292,200	296,564	341,965	45,401
- Sales	2,140,000	2,140,000	2,213,113	73,113
- Mixed Beverage	30,000	30,000	36,969	6,969
- Hotel Occupancy Tax	-	3,500	5,112	1,612
Court Citations	861,060	861,060	781,991	(79,069)
Corp of Engineers	51,000	51,000	57,869	6,869
Building Permits	550,000	1,550,000	2,810,174	1,260,174
Interest Income	10,525	185,025	471,138	286,113
Other Permits and Fees	82,311	277,811	930,151	652,340
Parks and Recreation Fees	56,000	81,000	157,246	76,246
Denton County Road Funding	-	-	1,026,091	1,026,091
Drug Seizure/Forfeiture Funds	-	-	127,182	127,182
Road Improvement Fees	8,750	8,750	97,450	88,700
Grants/Donations	1,500	1,500	64,615	63,115
Insurance Proceeds	-	-	13,836	13,836
Other	51,000	57,314	29,979	(27,335)
Total Revenues	<u>5,715,254</u>	<u>7,124,432</u>	<u>10,755,108</u>	<u>3,630,676</u>
Expenditures:				
Current:				
General Government	1,656,930	1,258,454	1,102,995	155,459
Police	1,722,670	1,804,894	1,836,236	(31,342)
Fire	970,692	970,692	970,692	-
Municipal Court	346,933	473,564	409,969	63,595
Public Works	868,029	1,089,975	1,021,572	68,403
Capital Outlay	150,000	338,024	603,150	(265,126)
Total Expenditures	<u>5,715,254</u>	<u>5,935,603</u>	<u>5,944,614</u>	<u>(9,011)</u>
Excess (Deficit) of Revenues over Expenditures	-	1,188,829	4,810,494	3,621,665
Other Financing Resources (Uses):				
Sale of Personal Property	-	-	26,930	26,930
Transfers Out	-	-	(76,001)	(76,001)
Total Other Financing Resources (Uses)	<u>-</u>	<u>-</u>	<u>(49,071)</u>	<u>(49,071)</u>
Net Change in Fund Balance	-	1,188,829	4,761,423	3,572,594
Fund Balance – October 1 (beginning)	6,538,980	6,538,980	6,538,980	-
Fund Balance – September 30 (ending)	<u>\$ 6,538,980</u>	<u>\$ 7,727,809</u>	<u>\$ 11,300,403</u>	<u>\$ 3,572,594</u>

TOWN OF HICKORY CREEK

NOTES TO THE BASIC FINANCIAL STATEMENTS SEPTEMBER 30, 2023

1. SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES

The financial statements of the Town of Hickory Creek (the "Town") are presented in accordance with generally accepted accounting principles applicable to state and local governmental units as set forth by the Governmental Accounting Standards Board ("GASB").

In fiscal year 2004, the Town implemented GASB Statement No. 34, *Basic Financial Statements – and Management's Discussion and Analysis – for the State and Local Governments*, GASB Statement No. 37, *Basic Financial Statements – and Management's Discussion and Analysis – for State and Local Governments: Omnibus* which provides additional guidance for the implementation of GASB Statement 34, GASB Statement No. 38, *Certain Financial Statement Disclosures*, which changes note disclosures requirements for governmental entities, and GASB Interpretation No. 6, *Recognition and Measurement of Certain Liabilities and Expenditures in Governmental Fund Financial Statements*, which clarifies the application of standards for modified accrual recognition of certain liabilities and expenditures in areas where difference have arisen, or potentially could arise, in interpretation and practice of GASB Statement No. 34.

GASB Statements No. 34 established a new financial reporting model for state and local governments that included the addition of management's discussion and analysis, government-wide financial statements, required supplementary information and the elimination of the use of account groups to the already required fund financial statements and notes. GASB Statement No. 37 provides additional guidance in reporting infrastructure, program revenues and major criteria.

The GASB determined that fund accounting has and will continue to be essential in helping governments to achieve fiscal accountability and should, therefore, be retained. The GASB also determined that the government-wide financial statements are needed to allow users of financial reports to assess a government's operational accountability. The new GASB model integrates fund-based financial reporting and government-wide financial reporting as complementary components of a single comprehensive financial reporting model.

The following is a summary of the more significant accounting policies.

A. Reporting Entity

The Town of Hickory Creek (Town) is a municipal corporation governed by an elected mayor and five-member council. The accompanying financial statements present the government and its component units, entities for which the government is considered to be financially accountable. The criteria for including organizations as component units within the Town's reporting entity, as set forth in Section 2100 GASB's Codification of Governmental Accounting and Financial Reporting Standards, include whether:

- the organization is legally separate (can sue and be sued in their own name)
- the Town holds the corporate powers of the organization
- the Town appoints a voting majority of the organization's board
- the Town is able to impose its will on the organization
- the organization has the potential to impose a financial benefit/burden on the Town
- there is fiscal dependency by the organization on the Town

TOWN OF HICKORY CREEK

NOTES TO THE BASIC FINANCIAL STATEMENTS
SEPTEMBER 30, 2023

Blended component units, although legally separate entities, are, in substance, part of the government's operations. Each discretely presented component unit is reported in a separate column in the government-wide financial statements to emphasize that it is legally separate from the Town.

The Town had four discretely presented component units at September 30, 2022, the Hickory Creek Economic Development Corporation, which was created in fiscal year 2003 as the result of a successful 4B sales tax election, the Hickory Creek Public Improvement District No. 1, which was created on March 31, 2012 to finance certain public improvements benefiting property owners within the public improvement district, the Hickory Creek Public Improvement District No. 2, which was created on September 18, 2012 to finance certain public improvements benefiting property owners within the public improvement district, and the Hickory Creek Public Improvement District No. 3, which was created on May 21, 2019 to finance certain public improvements benefiting property owners within the public improvement district.

B. Government-wide and Fund Financial Statements

The government-wide financial statements (i.e., the Statement of Net Position and the Statement of Activities) report information on all of the non-fiduciary activities of the Town and its component units. For the most part, the effect of interfund activity has been removed from these statements. Governmental activities, which normally are supported by taxes and intergovernmental revenues, are reported separately from business-type activities, which rely to a significant extent on fees and charges for support. The Town had no business-type activities during the period.

The statement of activities demonstrates the degree to which the direct expenses of a given function or segment are offset by program revenues. Direct expenses are those that are clearly identifiable with a specific function or segment. Program revenues include 1) charges to customers or applicants who purchase, use or directly benefit from goods, services, or privileges provided by a given function or segment and 2) grants and contributions that are restricted to meeting the operational or capital requirements of a particular function or segment. Taxes and other items not properly included among program revenues are reported instead as general revenues.

Separate financial statements are provided for government funds, proprietary funds, and fiduciary funds, even though the latter are excluded for the government-wide financial statements. Major individual governmental funds are reported as separate columns in the fund financial statements. The Town had no proprietary funds or fiduciary funds during the period.

C. Measurement Focus, Basis of Accounting, and Financial Statement Presentation

The government-wide financial statements are reported using the economic resources measurement focus and the accrual basis of accounting, as are proprietary fund and fiduciary fund financial statements. Revenues are recorded when earned and expenses are recorded when a liability is incurred, regardless of the timing of related cash flows. Property taxes are recognized as revenues in the year for which they are levied. Grants and similar items are recognized as revenue as soon as all eligibility requirements imposed by the provider have been met.

TOWN OF HICKORY CREEK

NOTES TO THE BASIC FINANCIAL STATEMENTS SEPTEMBER 30, 2023

Governmental fund financial statements are reported using the current financial resources measurement focus and the modified accrual basis of accounting. Revenues are recognized as soon as they are both measurable and available. Revenues are considered to be available when they are collectible within the current period or soon enough thereafter to pay liabilities of the current period. For this purpose, the Town considers revenues to be available if they are collected within 60 days of the end of the current fiscal period. Expenditures generally are recorded when a liability is incurred, as under accrual accounting. However, debt service expenditures, as well as expenditures related to compensated absences and claims and judgments, are recorded only when payment is due.

For purposes of measuring the net pension liability, deferred outflows of resources and deferred inflows of resources related to pensions, and pension expense, information about Fiduciary Net Position of the Texas Municipal Retirement System (TMRS) and additions to/deductions from TMRS's Fiduciary Net Position have been determined on the same basis as they are reported by TMRS. For this purpose, plan contributions are recognized in the period that compensation is reported for the employee, which is when contributions are legally due. Benefit payments and refunds are recognized when due and payable in accordance with the benefit terms. Investments are reported at fair value.

For purposes of measuring the net OPEB liability, deferred outflows of resources and deferred inflows of resources related to OPEB, and OPEB expense, information about Fiduciary Net Position of the Texas Municipal Retirement System (TMRS) and additions to/deductions from TMRS's Fiduciary Net Position have been determined on the same basis as they are reported by TMRS. For this purpose, plan contributions are recognized in the period that compensation is reported for the employee, which is when contributions are legally due. Benefit payments are treated as being equal to the employer's yearly contributions for retirees. There are no investments as this is a pay-as-you-go plan.

Property taxes, licenses, and interest associated with the current fiscal period are all considered to be susceptible to accrual. All other revenue items are considered to be measurable and available only when cash is received by the Town.

When both restricted and unrestricted resources are available for use, it is the Town's policy to use restricted resources first when appropriate, then unrestricted resources as they are needed.

The Town reports the following major governmental funds:

General Fund – The General fund is the general operating fund of the Town. It is used to account for all financial resources except those required to be accounted for in another fund.

Debt Service Fund – This fund is established to account for payment of principal and interest on long-term general obligation debt and other long-term debts for which a tax has been dedicated. This is a budgeted fund. Any unused sinking fund balances are transferred to the General Fund after all of the related debt obligations have been met.

Capital Projects Fund – The Capital Projects Funds accounts for proceeds from the sale of Certificates of Obligation and Tax Notes to be used for authorized acquisition, construction, or renovation projects. Upon completion of a project, any unused debt proceeds, if any, are used to retire related debt principal.

TOWN OF HICKORY CREEK

NOTES TO THE BASIC FINANCIAL STATEMENTS
SEPTEMBER 30, 2023

Special Revenue Funds – These funds are established to account for federally financed or expenditures legally restricted for specified purposes. In many special revenue funds, any unused balances are returned to the grantor at the close of specified project periods. For funds in this fund type, project accounting is employed to maintain integrity for the various sources of funds.

As a general rule, the effect of interfund activity has been eliminated from the government-wide financial statements.

Program revenues include: 1) charges to customers or applicants for goods, services, or privileges provided; 2) operating grants and contributions; and 3) capital grants and contributions, including special assessments. Internally dedicated resources are reported as general revenues rather than as program revenues. Likewise, general revenues include all taxes.

D. Cash and Investments

The Town's cash and investments are considered to be cash on hand, demand deposits and short-term investments in State investment pools.

E. Receivable and Payables

Activity between funds that are representative of lending/borrowing arrangements outstanding at the end of the period are referred to as "due to/from other funds" or "advances to/from other funds." Property tax receivables are shown net of an allowance for uncollectibles, if applicable.

F. Property Taxes

Ad valorem taxes are levied from valuations assessed as of January 1 and recognized as revenue on the date of levy, on October 1. Property tax receivables are recognized when the Town has an enforceable claim against the property owner. In the governmental funds, property tax revenue is recognized in the fiscal period for which the taxes are levied, provided that they become available. Available means collected within the current period, or expected to be collected soon enough thereafter, to be used to pay current liabilities. The Town's availability period is sixty days. Taxes collected prior to the levy date to which they apply are recorded as deferred revenues and recognized as revenue of the period to which they apply.

Current taxes are due on October 1 and become delinquent if unpaid on February 1. Taxes unpaid as of February 1 are subject to penalty and interest as the Town Council provides by ordinance. On January 1 of each year, a tax lien attaches to property to secure all taxes, penalties and interest ultimately imposed.

For fiscal year 2023, the assessed values were established at 100% of estimated market value. The assessed value for the roll of January 1, 2022, upon which the fiscal year 2023 levy was based, was \$897,771,875. The tax rate to finance general governmental services and road maintenance for the year ended September 30, 2023, was \$0.270317 per \$100.

G. Prepaid Items

Certain payments to vendors reflect costs applicable to future accounting periods and are recorded as prepaid in the government-wide and fund financial statements. These items consist primarily of prepaid insurance.

TOWN OF HICKORY CREEK

NOTES TO THE BASIC FINANCIAL STATEMENTS
SEPTEMBER 30, 2023

H. Capital Assets

Capital assets, which include property, plant, equipment and infrastructure assets (e.g., roads, bridges, sidewalks and similar items), are reported in the governmental activities column in the government-wide financial statements. The Town defines capital assets as assets with an initial individual cost of more than \$500 and an estimated useful life in excess of two years. Such assets are recorded at historical cost or estimated historical cost if purchased or constructed. Donated capital assets are recorded at estimated fair market value at the time received. The cost of normal maintenance and repairs that do not add to the value of the asset or materially extend asset lives are not capitalized.

Major outlays for capital assets and improvements are capitalized as projects are constructed. Net interest incurred during the construction phase of capital assets of governmental activities is not included as part of the capitalized value of the assets constructed.

Depreciation expense is calculated on the straight-line method. Depreciation methods are designed to amortize the cost of the assets over their estimated useful lives. Estimated useful lives of major categories of property are as follows:

<u>Category</u>	<u>Estimated Life</u>
Street and Road Infrastructure	15 years
Buildings	40 years
Leasehold improvements	40 years
Machinery and equipment	7-10 years
Vehicles	7 years

I. Compensated Absences

It is the Town's policy to permit employees to accumulate certain earned but unused vacation and sick pay benefits. There is no liability for unpaid accumulated sick leave since the Town does not have a policy to pay any amounts when employees separate from service with the Town. All vacation pay is accrued when incurred in the government-wide financial statements.

J. Estimates

The preparation of financial statements in conformity with generally accepted accounting principles requires management to make estimates and assumptions that affect certain reported amounts and disclosures. Accordingly, actual results could differ from those estimates.

K. Net Position

Net position represents the difference between assets, deferred outflows, deferred inflows and liabilities. Net investment in capital assets consists of capital assets, net of accumulated depreciation, reduced by the outstanding balances of any borrowing used for the acquisition, construction or improvements of those assets, and adding back unspent proceeds. Net position is reported as restricted when there are limitations imposed on their use either through the enabling legislation adopted by the Town or through external restrictions imposed by creditors, grantors or laws or regulations of other governments.

TOWN OF HICKORY CREEK

NOTES TO THE BASIC FINANCIAL STATEMENTS SEPTEMBER 30, 2023

L. Budgets and Budgetary Accounting

Prior to September 1, the Town administration submits to the Town Council a proposed budget for the ensuing fiscal year. At the meeting of the Town Council at which the budget is submitted, the Town Council fixes the time and place of the public hearing on the budget and causes to be published a notice of the budget hearing. After the budget hearing the budget may be adopted by a favorable vote of the majority vote of the Council. Upon adoption the budget is filed with the Town Secretary and the County Clerk of Denton County.

The Town administration is authorized to transfer budgeted amounts between departments with any fund; however, any revisions that alter the total expenditures of any fund must be approved by the Town Council. Expenditures should not exceed appropriations at the department level, the classification level as reported in the combined financial statements. Unused appropriations lapse at the end of each fiscal year.

The budgets for the general fund and debt service fund are adopted on a basis consistent with generally accepted accounting principles (GAAP). The budgets are amended at times during the year by the Town Council. Such amendments are reflected in the official minutes of the Council.

2. DEPOSITS AND INVESTMENTS

The Town's funds are required to be deposited and invested under the terms of a depository agreement. The depository bank deposits for safekeeping and trust with the Town's agent bank approved pledged securities in an amount sufficient to protect Town funds on a day-to-day basis during the period of the agreement. The pledge of approved securities is waived only to the extent of the depository bank's dollar amount of Federal Deposit Insurance Corporation ("FDIC") insurance.

1. Cash Deposits:

At September 30, 2023 the carrying amount of the Town's deposits in checking accounts and interest-bearing savings accounts was \$655,469 and the bank balance was \$793,306. The Town's cash deposits at September 30, 2023 were entirely covered by FDIC insurance or by pledged collateral held by the Town's agent bank in the Town's name.

2. Investments:

The Public Funds Investment Act (Government Code Chapter 2256) contains specific provisions in the areas of investment practices, management reports and establishment of appropriate policies. Among other things, it requires the Town to adopt, implement, and publicize an investment policy. That policy must address the following areas: (1) safety of principal and liquidity, (2) portfolio diversification, (3) allowable investments, (4) acceptable risk levels, (5) expected rates of return, (6) maximum allowable stated maturity of portfolio investments, (7) maximum average dollar-weighted maturity allowed based on the stated maturity date for the portfolio, (8) investment staff quality and capabilities, (9) and bid solicitation preferences for certificates of deposit. Statutes authorize the Town to invest in (1) obligations of the U.S. Treasury, certain U.S. agencies, and the State of Texas, (2) certificates of deposit, (3) certain municipal securities, (4) money market savings accounts, (5) repurchase agreements, (6) bankers acceptance, (7) Mutual Funds, (8) Investment pools, (9) guaranteed investment contracts, (10) and common trust funds. The Act also requires the Town to have independent auditors perform test procedures related to investment practices as provided by the Act. The Town is in substantial compliance with the requirements of the Act and with local policies.

TOWN OF HICKORY CREEK

NOTES TO THE BASIC FINANCIAL STATEMENTS
SEPTEMBER 30, 2023

In compliance with the Public Funds Investment Act, the Town has adopted a deposit and investment policy. That policy addresses the following risks:

- a. Custodial Credit Risk – Deposits: In the case of deposits, this is the risk that, in the event of a bank failure, the Town's deposits may not be returned to it. As of September 30, 2023, the Town's cash balances totaled \$793,306. This entire amount was either collateralized with securities held by the Town's financial institution's agent in the Town's name or covered by FDIC insurance. Thus, the Town's deposits are not exposed to custodial credit risk.
- b. Custodial Credit Risk – Investments: For an investment, this is the risk that, in the event of the failure of the counterparty, the Town will not be able to recover the value of its investments or collateral securities that are in the possession of an outside party. At September 30, 2023, the Town held all of its investments in the LOGIC public funds investment pool. Investments in external investment pools are considered unclassified as to custodial credit risk because they are not evidenced by securities that exist in physical or book entry form.
- c. Credit Risk: This is the risk that an issuer or other counterparty to an investment will be unable to fulfill its obligation. The rating of securities by nationally recognized rating agencies is designed to give an indication of credit risk. The credit quality rating for LOGIC at year-end was AAA (Standard & Poor's).
- d. Interest Rate Risk: This is the risk that changes in interest rates will adversely affect the fair value of an investment. The Town manages its exposure to declines in fair values by limiting the weighted average maturity of its investment portfolio to less than one year from the time of purchase. The weighted average maturity for the LOGIC investment pool is less than 60 days.
- e. Foreign Currency Risk: This is the risk that exchange rates will adversely affect the fair value of an investment. At September 30, 2023, the Town was not exposed to foreign currency risk.
- f. Concentration of Credit Risk: This is the risk of loss attributed to the magnitude of the Town's investment in a single issuer (i.e., lack of diversification). Concentration risk is defined as positions of 5 percent or more in the securities of a single issuer. Investment pools are excluded from the 5 percent disclosure requirement.

The Town's investment at September 30, 2023 is shown below:

<u>Name</u>	<u>Carrying Amount</u>	<u>Market Value</u>
LOGIC Investment Pool	\$11,784,739	\$11,784,739
Total	\$11,784,739	\$11,784,739

TOWN OF HICKORY CREEK

NOTES TO THE BASIC FINANCIAL STATEMENTS SEPTEMBER 30, 2023

Fair Value Measurements

The Town categorizes its fair value measurements with the fair value hierarchy established by generally accepted accounting principles. The hierarchy is based on the valuation inputs used to measure the fair value of the asset. Level 1 inputs are quoted prices in active markets for identical assets; Level 2 inputs are significant other observable inputs; Level 3 inputs are significant unobservable inputs. Investments that are measured at fair value using the net asset value per share (or its equivalent) as a practical expedient are not classified in the fair value hierarchy below.

In instances where inputs used to measure fair value fall into different levels in the above fair value hierarchy, fair value measurements in their entirety are categorized based in the lowest level input that is significantly to the valuation. The Town's assessment of the significance of particular inputs to these fair value measurements requires judgment and considers factors specific to each asset or liability.

The Town's investments in the LOGIC investment pools (statewide 2a7-like external investment pools) are not required to be measured at fair value but are measured at amortized cost.

3. FUND BALANCE

The Town has implemented GASB Statement No. 54, "Fund Balance Reporting and Governmental Fund Type Definitions." This Statement provides more clearly defined fund balance categories to make the nature and extent of the constraints placed on a government's fund balances more transparent.

Fund Balance Classification: The governmental fund financial statements present fund balances based on classifications that comprise a hierarchy that is based primarily on the extent to which the Town is bound to honor constraints on the specific purposes for which amounts in the respective governmental funds can be spent. The classifications used in the governmental fund financial statements are as follows:

- Nonspendable: This classification includes amounts that cannot be spent because they are either (a) not in spendable form or (b) are legally or contractually required to be maintained intact. The Town has classified prepaid items as being nonspendable as these items are not expected to be converted to cash.
- Restricted: This classification includes amounts for which constraints have been placed on the use of the resources either (a) externally imposed by creditors, grantors, contributors, or laws or regulations of other governments, or (b) imposed by law through constitutional provisions or enabling legislation. Court security and technology fees and park fees are being restricted because their use is restricted pursuant to the regulations that allow the collection of those fees. Debt service resources are to be used for future servicing of the Town's bonded debt and are restricted through debt covenants. Capital projects fund resources are to be used for future construction and renovation projects and are restricted through bond orders and constitutional law.

TOWN OF HICKORY CREEK

NOTES TO THE BASIC FINANCIAL STATEMENTS
SEPTEMBER 30, 2023

- **Committed:** This classification includes amounts that can be used only for specific purposes pursuant to constraints imposed by formal action of the Town Council. The Council establishes (and modifies or rescinds) fund balance commitments by passage of a resolution. This can also be done through adoption and amendment of the budget. These amounts cannot be used for any other purpose unless the Council removes or changes the specified use by taking the same type of action that was employed when the funds were initially committed. This classification also includes contractual obligations to the extent that existing resources have been specifically committed for use in satisfying those contractual requirements. The Town has no committed fund balance as of September 30, 2023.

- **Assigned:** This classification includes amounts that are constrained by the Town's intent to be used for a specific purpose but are neither restricted nor committed. This intent can be expressed by the Council or through the Council delegating this responsibility to other individuals in the Town. Under the Town's policy, only the Council may assign amounts for specific purposes. This classification also includes the remaining positive fund balance for all governmental funds except for the General Fund. The Town has no assigned fund balance as of September 30, 2023.

- **Unassigned:** This classification includes all amounts not included in other spendable classifications, including the residual fund balance for the General Fund.

When an expenditure is incurred for purposes for which both restricted and unrestricted fund balance is available, the Town considers restricted funds to have been spent first. When an expenditure is incurred for which committed, assigned, or unassigned fund balances are available, the Town considers amounts to have been spent first out of committed funds, then assigned funds, and finally unassigned funds, as needed, unless the Council has provided otherwise in its commitment or assignment actions.

The fund balance policy of the Town expresses an intent to maintain a level of assigned and unassigned fund balance in the general fund equal to 25 percent of the fund's operating expenditures.

Beginning fund balances for the Town's governmental funds have been restated to reflect the above classifications. The details of the fund balances are included in the Governmental Funds Balance Sheet (pages 18 and 19) and are described below:

General Fund

The General Fund has unassigned fund balance of \$9,718,590 at September 30, 2023. Prepaid expenditures (prepaid items) of \$534,322 are considered nonspendable fund balance. Court security and technology fees of \$156,326, park fees of \$76,068 and tree mitigation fees of \$570,625 are shown as restricted for those purposes. Street improvement/maintenance funds of \$244,472 are shown as restricted because the source of such funds are sales taxes, special assessments and other contributions earmarked for street maintenance/construction.

Other Major Funds

The Coronavirus Local Fiscal Recovery Fund (CLFRF) special revenue fund has \$282,640 of funds restricted for needs related to the COVID-19 pandemic. The Capital Projects Fund has \$1,333,543 of unspent certificates of obligation proceeds restricted for street and other capital improvements.

TOWN OF HICKORY CREEK

NOTES TO THE BASIC FINANCIAL STATEMENTS
SEPTEMBER 30, 2023

4. RECEIVABLES

Government-wide receivables as of September 30, 2023, including the applicable allowances for uncollectible accounts, are as follows:

	<u>General Fund</u>	<u>Debt Service Fund</u>	<u>Capital Projects Fund</u>	<u>Total</u>
Receivables:				
Property Taxes	\$ 47,987	\$ 32,531	\$ -	\$ 80,518
Sales Taxes	445,472	-	-	445,472
Mixed Beverage Taxes	2,919	-	-	2,919
Corp of Engineers	6,430	-	-	6,430
Other	<u>9,262</u>	<u>-</u>	<u>-</u>	<u>9,262</u>
Gross Receivables	512,070	32,531	-	544,601
Less: Uncollectible allowance	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>
Net Total Receivables	<u><u>\$512,070</u></u>	<u><u>\$ 32,531</u></u>	<u><u>\$ -</u></u>	<u><u>\$ 544,601</u></u>

Governmental funds report unavailable revenue in connection with receivables for revenues that are not considered to be available to liquidate liabilities of the current period. At the end of the current fiscal year, the unavailable revenue reported in the governmental funds relates to delinquent property taxes.

5. INTERFUND RECEIVABLES AND PAYABLES

Interfund receivables and payables at September 30, 2023 consist of the following:

	<u>Due From</u>	<u>Due To</u>
General Fund:		
Capital Projects Fund	\$ 153,732	\$ 1,024,334
Capital Projects Fund:		
General Fund	<u>1,024,334</u>	<u>153,732</u>
Total	<u><u>\$ 1,178,066</u></u>	<u><u>\$ 1,178,066</u></u>

Internal balances between the primary government and component units at September 30, 2023 consist of the following:

	<u>Due From</u>	<u>Due To</u>
General Fund:		
Economic Development Corporation	\$ -	\$ 56,267
Economic Development Corporation:		
General Fund	<u>56,267</u>	<u>-</u>
Total	<u><u>\$ 56,267</u></u>	<u><u>\$ 56,267</u></u>

TOWN OF HICKORY CREEK

NOTES TO THE BASIC FINANCIAL STATEMENTS
SEPTEMBER 30, 2023

These balances resulted from the time lag between the date that payments between the two entities are made.

The following is a summary of transfers:

Transfer Out: General Fund	Transfer In:		
	Economic Development Corporation	Debt Service Fund	
	Total	Total	
	\$ 311,411	\$ 76,001	\$ 387,412

Transfers from the general fund to the Economic Development Corporation represent remittance of sales taxes deposited initially in the general fund bank account. Transfer from the general fund to the debt service fund represents funds required to cover debt service payments for the year.

6. CAPITAL ASSETS

Capital asset activity of the Town for the year ended September 30, 2023 was as follows:

	Beginning Balance	Increases	Decreases	Ending Balance
Governmental activities:				
Capital assets, not being depreciated:				
Land	\$ 757,710	\$ -	\$ -	\$ 757,710
Construction in Progress	1,434,468	3,243,971	(3,523,408)	1,155,031
Total capital assets, not being depreciated	2,192,178	3,243,971	(3,523,408)	1,912,741
Capital assets, being depreciated:				
Buildings and Improvements	4,265,597	-	-	4,265,597
Street, Road, Park Infrastructure	17,766,277	3,930,542	-	21,696,819
Furniture, Equipment and Vehicles	2,093,827	603,149	(91,940)	2,605,036
Total Capital assets, being depreciated	24,125,701	4,533,691	(91,940)	28,567,452
Less accumulated depreciation for:				
Buildings and Improvements	(1,582,689)	(119,372)	-	(1,702,061)
Street, Road, Park Infrastructure	(5,759,943)	(754,592)	-	(6,514,535)
Furniture, Equipment and Vehicles	(1,462,450)	(212,605)	91,940	(1,583,115)
Total accumulated depreciation	(8,805,082)	(1,086,569)	91,940	(9,799,711)
Total capital assets, being depreciated, net	15,320,619	3,447,122	-	18,767,741
Governmental activities capital assets, net	\$ 17,512,797	\$ 6,691,093	\$ (3,523,408)	\$ 20,680,482

Depreciation expense was charged to functions/programs of the primary government as follows:

Governmental Activities:	
General government	\$ 70,820
Police	94,651
Municipal court	16,742
Public works	904,356
Total depreciation expense – Governmental activities	\$ 1,086,569

TOWN OF HICKORY CREEK

NOTES TO THE BASIC FINANCIAL STATEMENTS
SEPTEMBER 30, 2023

Capital asset activity of the Hickory Creek Economic Development Corporation for the year ended September 30, 2023 was as follows:

	<u>Beginning Balance</u>	<u>Increases</u>	<u>Decreases</u>	<u>Ending Balance</u>
Land	\$ 1,244,119	\$ 399,779	\$ -	\$ 1,643,898
Street and Road Infrastructure	<u>150,854</u>	<u>-</u>	<u>-</u>	<u>150,854</u>
Totals at historic cost	<u>1,394,973</u>	<u>399,779</u>	<u>-</u>	<u>1,794,752</u>
Less accumulated depreciation for:				
Street and Road Infrastructure	<u>(144,150)</u>	<u>(6,704)</u>	<u>-</u>	<u>(150,854)</u>
Total accumulated depreciation	<u>(144,150)</u>	<u>(6,704)</u>	<u>-</u>	<u>(150,854)</u>
Capital Assets, net	<u>\$ 1,250,823</u>	<u>\$ 393,075</u>	<u>\$ -</u>	<u>\$ 1,643,898</u>

Capital asset activity of the Hickory Creek Public Improvement District No. 1 for the year ended September 30, 2023 is as follows:

	<u>Beginning Balance</u>	<u>Increases</u>	<u>Decreases</u>	<u>Ending Balance</u>
Street and Road Infrastructure	\$ 3,994,215	\$ -	\$ -	\$ 3,994,215
Totals at historic cost	<u>3,994,215</u>	<u>-</u>	<u>-</u>	<u>3,994,215</u>
Less accumulated depreciation for:				
Street and Road Infrastructure	<u>(665,705)</u>	<u>(133,141)</u>	<u>-</u>	<u>(798,846)</u>
Total accumulated depreciation	<u>(665,705)</u>	<u>(133,141)</u>	<u>-</u>	<u>(798,846)</u>
Capital Assets, net	<u>\$ 3,328,510</u>	<u>\$ (133,141)</u>	<u>\$ -</u>	<u>\$ 3,195,369</u>

Capital asset activity of the Hickory Creek Public Improvement District No. 2 for the year ended September 30, 2023 is as follows:

	<u>Beginning Balance</u>	<u>Increases</u>	<u>Decreases</u>	<u>Ending Balance</u>
Street and Road Infrastructure	\$ 3,907,449	\$ -	\$ -	\$ 3,907,449
Totals at historic cost	<u>3,907,449</u>	<u>-</u>	<u>-</u>	<u>3,907,449</u>
Less accumulated depreciation for:				
Street and Road Infrastructure	<u>(520,992)</u>	<u>(130,248)</u>	<u>-</u>	<u>(651,240)</u>
Total accumulated depreciation	<u>(520,992)</u>	<u>(130,248)</u>	<u>-</u>	<u>(651,240)</u>
Capital Assets, net	<u>\$ 3,386,457</u>	<u>\$ (130,248)</u>	<u>\$ -</u>	<u>\$ 3,256,209</u>

TOWN OF HICKORY CREEK

NOTES TO THE BASIC FINANCIAL STATEMENTS
SEPTEMBER 30, 2023

Capital asset activity of the Hickory Creek Public Improvement District No. 3 for the year ended September 30, 2023 is as follows:

	<u>Beginning Balance</u>	<u>Increases</u>	<u>Decreases</u>	<u>Ending Balance</u>
Street and Road Infrastructure	\$3,526,446	\$ -	\$ -	\$3,526,446
Totals at historic cost	<u>3,526,446</u>	<u>-</u>	<u>-</u>	<u>3,526,446</u>
Less accumulated depreciation for:				
Street and Road Infrastructure	<u>-</u>	<u>(117,548)</u>	<u>-</u>	<u>(117,548)</u>
Total accumulated depreciation	<u>-</u>	<u>(117,548)</u>	<u>-</u>	<u>(117,548)</u>
Capital Assets, net	<u>\$3,526,446</u>	<u>\$(117,548)</u>	<u>\$ -</u>	<u>\$3,408,898</u>

7. LONG TERM DEBT

Long term debt of the Town at September 30, 2023 consists of one general obligation bond series, two certificates of obligation series, and accrued compensated absences. All long-term debt represents transactions in the Town's governmental activities.

The following is a summary of the changes in the Town's Long-term Debt for the year ended September 30, 2023:

Description	<u>Interest Rate Payable</u>	<u>Amounts Outstanding 10/01/22</u>	<u>Additions</u>	<u>Refunded/ Retired</u>	<u>Amounts Outstanding 9/30/23</u>	<u>Due Within One Year</u>
General Obligation Bonds:						
Series 2012 Refunding	2.06 %	\$ 80,000	\$ -	\$ 80,000	\$ -	\$ -
Series 2015 Refunding	2.0 - 4.0%	2,540,000	-	210,000	2,330,000	225,000
		<u>2,620,000</u>	<u>-</u>	<u>290,000</u>	<u>2,330,000</u>	<u>225,000</u>
Certificates of Obligation:						
Series 2015	2.0 - 4.0%	2,745,000	-	170,000	2,575,000	170,000
Series 2020	2.0 - 3.0%	3,500,000	-	150,000	3,350,000	155,000
		<u>6,245,000</u>	<u>-</u>	<u>320,000</u>	<u>5,925,000</u>	<u>325,000</u>
Premiums on Bond Issuance		761,291	-	74,645	686,646	53,859
Compensated Absences		<u>112,617</u>	<u>102,904</u>	<u>30,698</u>	<u>184,823</u>	<u>33,000</u>
Total Long-Term Debt		<u>\$ 9,738,908</u>	<u>\$ 102,904</u>	<u>\$ 715,343</u>	<u>\$ 9,126,469</u>	<u>\$ 636,859</u>

TOWN OF HICKORY CREEK

NOTES TO THE BASIC FINANCIAL STATEMENTS
SEPTEMBER 30, 2023

Long-term debt of the Hickory Creek Public Improvement District No. 1 consists of \$4,140,000 special assessment revenue bonds that were issued in September, 2017 to finance public improvements benefiting property owners within the public improvement district. The Town is not obligated in any manner for the debt service payments on the special assessment debt. A summary of the change in the long-term debt for the year ended September 30, 2023 is as follows:

Description	Interest Rate Payable	Amounts Outstanding 10/01/22	Additions	Refunded/ Retired	Amounts Outstanding 9/30/23	Due Within One Year
Special Assessment Revenue Bonds: Series 2017	3.0 - 4.0%	\$ 3,660,000	\$ -	\$ 95,000	\$3,565,000	\$ 95,000
Premiums on Bond Issuance		13,620	-	545	13,075	545
Total Long-Term Debt		<u>\$ 3,673,620</u>	<u>\$ -</u>	<u>\$ 95,545</u>	<u>\$3,578,075</u>	<u>\$ 95,545</u>

Long-term debt of the Hickory Creek Public Improvement District No. 2 consists of \$4,220,000 special assessment revenue bonds that were issued in July, 2018 to finance public improvements benefiting property owners within the public improvement district. The Town is not obligated in any manner for the debt service payments on the special assessment debt. A summary of the change in the long-term debt for the year ended September 30, 2023 is as follows:

Description	Interest Rate Payable	Amounts Outstanding 10/01/22	Additions	Refunded/ Retired	Amounts Outstanding 9/30/23	Due Within One Year
Special Assessment Revenue Bonds: Series 2018	5.125 - 5.65%	\$ 3,995,000	\$ -	\$ 75,000	\$3,920,000	\$ 80,000
Total Long-Term Debt		<u>\$ 3,995,000</u>	<u>\$ -</u>	<u>\$ 75,000</u>	<u>\$3,920,000</u>	<u>\$ 80,000</u>

Long-term debt of the Hickory Creek Public Improvement District No. 3 consists of \$4,185,000 special assessment revenue bonds that were issued in July, 2019 to finance public improvements benefiting property owners within the public improvement district. The Town is not obligated in any manner for the debt service payments on the special assessment debt. A summary of the change in the long-term debt for the year ended September 30, 2023 is as follows:

Description	Interest Rate Payable	Amounts Outstanding 10/01/22	Additions	Refunded/ Retired	Amounts Outstanding 9/30/23	Due Within One Year
Special Assessment Revenue Bonds: Series 2019	5.125 - 5.65%	\$ 5,105,000	\$ -	\$ 285,000	\$3,820,000	\$ 90,000
Total Long-Term Debt		<u>\$ 5,105,000</u>	<u>\$ -</u>	<u>\$ 285,000</u>	<u>\$3,820,000</u>	<u>\$ 90,000</u>

TOWN OF HICKORY CREEK

NOTES TO THE BASIC FINANCIAL STATEMENTS
SEPTEMBER 30, 2023

8. DEBT SERVICE REQUIREMENTS TO MATURITY

Presented below is a summary of general obligation bond requirements to maturity:

<u>Year Ended September 30</u>	<u>Principal</u>	<u>Interest</u>	<u>Total Requirements</u>
2024	\$ 225,000	\$ 90,950	\$ 315,950
2025	230,000	84,200	314,200
2026	235,000	75,000	310,000
2027	250,000	65,600	315,600
2028	255,000	55,600	310,600
2029-2032	1,135,000	115,800	1,250,800
	<u>\$2,330,000</u>	<u>\$ 487,150</u>	<u>\$ 2,817,150</u>

Presented below is a summary of certificates of obligation requirements to maturity:

<u>Year Ended September 30</u>	<u>Principal</u>	<u>Interest</u>	<u>Total Requirements</u>
2024	\$ 325,000	\$ 200,250	\$ 525,250
2025	340,000	192,050	532,050
2026	350,000	180,050	530,050
2027	360,000	167,700	527,700
2028	375,000	155,000	530,000
2029-2033	2,080,000	566,450	2,646,450
2034-2038	1,610,000	204,200	1,814,200
2039-2040	485,000	21,900	506,900
	<u>\$5,925,000</u>	<u>\$1,687,600</u>	<u>\$ 7,612,600</u>

Presented below is a summary of the Hickory Creek Public Improvement District No. 1 special assessment revenue bonds to maturity:

<u>Year Ended September 30</u>	<u>Principal</u>	<u>Interest</u>	<u>Total Requirements</u>
2024	\$ 95,000	\$ 137,750	\$ 232,750
2025	100,000	134,900	234,900
2026	100,000	131,400	231,400
2027	105,000	127,900	232,900
2028	110,000	124,225	234,225
2029-2033	615,000	555,687	1,170,687
2034-2038	740,000	429,544	1,169,544
2039-2043	895,000	271,400	1,166,400
2044-2047	805,000	79,200	884,200
	<u>\$3,565,000</u>	<u>\$1,992,006</u>	<u>\$ 5,557,006</u>

TOWN OF HICKORY CREEK

NOTES TO THE BASIC FINANCIAL STATEMENTS
SEPTEMBER 30, 2023

Presented below is a summary of the Hickory Creek Public Improvement District No. 2 special assessment revenue bonds to maturity:

<u>Year Ended</u> <u>September 30</u>	<u>Principal</u>	<u>Interest</u>	<u>Total</u> <u>Requirements</u>
2024	\$ 80,000	\$ 218,250	\$ 298,250
2025	85,000	214,150	299,150
2026	90,000	209,794	299,794
2027	95,000	205,181	300,181
2028	100,000	200,313	300,313
2029-2033	600,000	912,375	1,512,375
2034-2038	785,000	723,656	1,508,656
2039-2043	1,030,000	476,719	1,506,719
2044-2047	1,055,000	152,156	1,207,156
	<u>\$3,920,000</u>	<u>\$3,312,594</u>	<u>\$ 7,232,594</u>

Presented below is a summary of the Hickory Creek Public Improvement District No. 3 special assessment revenue bonds to maturity:

<u>Year Ended</u> <u>September 30</u>	<u>Principal</u>	<u>Interest</u>	<u>Total</u> <u>Requirements</u>
2024	\$ 90,000	\$ 173,750	\$ 263,750
2025	90,000	170,150	260,150
2026	95,000	166,550	261,550
2027	100,000	162,750	262,750
2028	100,000	158,750	258,750
2029-2033	575,000	726,350	1,301,350
2034-2038	710,000	586,025	1,296,025
2039-2043	885,000	408,812	1,293,812
2044-2048	1,120,000	177,650	1,297,650
2049	55,000	2,613	57,613
	<u>\$3,820,000</u>	<u>\$2,733,400</u>	<u>\$ 6,553,400</u>

9. DEFEASED BONDS OUTSTANDING

In prior years, the Town issued refunding bonds to defease outstanding bonds for the purpose of consolidation and to achieve debt service savings. The Town has placed the proceeds from the refunding issues in irrevocable escrow accounts with a trust agent to ensure payment of debt service on the refunded bonds.

Accordingly, the trust account assets and liabilities for the defeased bonds are not included in the Town's financial statements. Although defeased, the refunded debt from those earlier issues will not be actually retired until the call dates have come due or until maturity if they are not callable issues. At September 30, 2023, \$2,395,000 of bonds outstanding are considered defeased.

TOWN OF HICKORY CREEK

NOTES TO THE BASIC FINANCIAL STATEMENTS
SEPTEMBER 30, 2023

10. DEFINED BENEFIT PENSION PLANS

Plan Description

The Town of Hickory Creek participates as one of 919 plans in the defined benefit cash-balance plan administered by the Texas Municipal Retirement System (TMRS). TMRS is a statewide public retirement plan created by the State of Texas and administered in accordance with the TMRS Act, Subtitle G, Title 8, Texas Government Code (the TMRS Act) as an agent multiple-employer retirement system for employees of Texas participating cities. The TMRS Act places the general administration and management of TMRS with a six-member Governor-appointed Board of Trustees. However, TMRS is not fiscally dependent on the State of Texas. TMRS issues a publicly available comprehensive annual financial report (CAFR) that can be obtained at www.tmr.com.

All eligible employees of the Town are required to participate in TMRS.

Benefits Provided

TMRS provides retirement, disability, and death benefits. Benefit provisions are adopted by the governing body of the town, within the options available in the state statutes governing TMRS.

At retirement, the benefit is calculated as if the sum of the member's contributions, with interest, and the town-financed monetary credits with interest. The retiring member may select one of seven monthly benefit payment options. Members may also choose to receive a portion of their benefit as a Partial Lump Sum Distribution in an amount equal to 12, 24, or 36 monthly payments, which cannot exceed 75% of the total member contributions and interest.

The plan provisions are adopted by the governing body of the Town, within the options available in the state statutes governing TMRS. Plan provisions for the Town were as follows:

	Plan Year 2022	Plan Year 2023
Employee deposit rate	7.0%	7.0%
Employer deposit rate	14.71%	15.51%
Matching ratio (Town to employee)	200%	200%
Years required for vesting	5	5
Service retirement eligibility (expressed as age/years of service)	60/5,0/20	60/5,0/20
Updated Service Credit	100% Repeating, Transfers	100% Repeating, Transfers
Annuity Increase (to retirees)	70% of CPI Repeating	70% of CPI Repeating

Employees covered by benefit terms.

At the December 31, 2022 valuation and measurement date, the following employees were covered by the benefit terms:

Inactive employees or beneficiaries currently receiving benefits	14
Inactive employees entitled to buy not yet receiving benefits	17
Active employees	<u>26</u>
	57

TOWN OF HICKORY CREEK

NOTES TO THE BASIC FINANCIAL STATEMENTS
SEPTEMBER 30, 2023

Contributions

The contribution rates for employees in TMRS are either 5%, 6%, or 7% of the member's total compensation, and the town matching percentages are either 100%, 150% or 200% both as adopted by the governing body of the town. Under the state law governing TMRS, the contribution rate for each town is determined annually by the actuary, using the Entry Age Normal (EAN) actuarial cost method. The Town's contribution rate is based on the liabilities created from the benefit plan options selected by the Town and any changes in benefits or actual experience over time.

Employees for the Town of Hickory Creek were required to contribute 7% of their annual gross earnings during the fiscal year. The contribution rates for the Town of Hickory Creek were 14.71% and 15.51% in calendar years 2022 and 2023, respectively. The Town's contributions to TMRS for the year ended September 30, 2023 were \$281,639, and were equal to the required contributions.

Net Pension Liability

The Town's Net Pension Liability (NPL) was measured as of December 31, 2022, and the Total Pension Liability (TPL) used to calculate the Net Pension Liability was determined by an actuarial valuation as of that date.

Actuarial assumptions:

The Total Pension Liability in the December 31, 2022 actuarial valuation was determined using the following actuarial assumptions:

Inflation	2.50% per year
Overall payroll growth	2.75% per year, adjusted down for population declines, if any
Investment Rate of Return	6.75%, net of pension plan investment expense, including inflation

Salary increases are based on a service-related table. Mortality rates for active members are based on the PUB(10) mortality tables with the Public Safety table used for males and the General Employee table used for females. Mortality rates for healthy retirees and beneficiaries are based on the Gender-distinct 2019 Municipal Retirees of Texas mortality tables. The rates for actives, healthy retirees and beneficiaries are projected on a fully generational basis by Scale UMP to account for future mortality improvements. For disabled annuitants, the same mortality tables for healthy retirees is used with a 4-year set-forward for males and a 3-year set-forward for females. In addition, a 3.5% and 3.0% minimum mortality rate is applied, for males and females respectively, to reflect the impairment for younger members who become disabled. The rates are projected on a fully generational basis by Scale UMP to account for future mortality improvements subject to the floor.

The actuarial assumptions were developed primarily from the actuarial investigation of the experience of TMRS over the four-year period from December 31, 2104 to December 31, 2018. They were adopted in 2019 and first used in the December 31, 2019 actuarial valuation. The post-retirement mortality assumption for Annuity Purchase Rates (APRs) is based on the Mortality Experience Investigation Study covering 2009 through 2011 and dated December 31, 2013. Plan assets are managed on a total return basis with an emphasis on both capital appreciation as well as the production of income, in order to satisfy the short-term and long-term funding needs of TMRS.

TOWN OF HICKORY CREEK

NOTES TO THE BASIC FINANCIAL STATEMENTS
SEPTEMBER 30, 2023

The long-term expected rate of return on pension plan investments was determined using a building-block method in which best estimate ranges of expected future real rates of return (expected returns, net of pension plan investment expense and inflation) are developed for each major asset class. These ranges are combined to produce the long-term expected rate of return by weighting the expected future real rates of return by the target asset allocation percentage and by adding expected inflation. In determining their best estimate of a recommended investment return assumption under the various alternative asset allocation portfolios, GRS focused on the area between (1) arithmetic mean (aggressive) without an adjustment for time (conservative) and (2) the geometric mean (conservative) with an adjustment for time (aggressive). The target allocation and best estimates of arithmetic real rates of return for each major asset class in fiscal year 2023 are summarized in the following table:

Asset Class	Target Allocation	Long-Term Expected Portfolio Real Rate of Return*
Global Public Equity	35.0%	7.7%
Core Fixed Income	6.0%	4.9%
Non-Core Fixed Income	20.0%	8.7%
Other Public and Private Markets	12.0%	8.1%
Real Estate	12.0%	5.8%
Hedge Funds	5.0%	6.9%
Private Equity	10.0%	11.8%
Total	100.0%	

Discount Rate

The discount rate used to measure the Total Pension Liability was 6.75%. The projection of cash flows used to determine the discount rate assumed that member and employer contributions will be made at the rates specified in statute. Based on that assumption, the pension plan's Fiduciary Net Position was projected to be available to make all projected future benefit payments of current active and inactive members. Therefore, the long-term expected rate of return on pension plan investments was applied to all periods of projected benefit payments to determine the Total Pension Liability.

Changes in the Net Pension Liability

	Increase (Decrease)		
	Total Pension Liability (a)	Plan Fiduciary Net Position (b)	Net Pension Liability (a) – (b)
Balance at 12/31/2021	\$ 5,204,895	\$ 4,700,024	\$ 504,871
Changes for the year:			
Service Cost	314,101	-	314,101
Interest	359,123	-	359,123
Change in benefit terms	-	-	-
Difference between expected and actual experience	99,410	-	99,410
Changes of assumptions	-	-	-
Contributions – employer	-	256,018	(256,018)
Contributions – employee	-	122,764	(122,764)
Net investment income	-	(344,384)	344,384
Benefit payments, including refunds of employee contributions	(83,203)	(83,203)	-
Administrative expense	-	(2,969)	2,969
Other changes	-	3,544	(3,544)
Net changes	689,431	(48,230)	737,661
Balance at 12/31/2022	\$ 5,894,326	\$ 4,651,794	\$ 1,242,532

TOWN OF HICKORY CREEK

NOTES TO THE BASIC FINANCIAL STATEMENTS
SEPTEMBER 30, 2023

Sensitivity of the net pension liability to changes in the discount rate.

The following presents the net pension liability of the Town, calculated using the discount rate of 6.75%, as well as what the Town's net pension liability would be if it were calculated using a discount rate that is 1-percentage-point lower (5.75%) or 1-percentage-point higher (7.75%) than the current rate:

	1% Decrease in Discount Rate (5.75%)	Discount Rate (6.75%)	1% Increase in Discount Rate (7.75%)
Town's net pension liability (asset)	\$2,284,582	\$1,242,532	\$403,015

Pension Plan Fiduciary Net Position

Detailed information about the pension plan's Fiduciary Net Position is available in the Schedule of Changes in Fiduciary Net Position, by Participating City. That report may be obtained at www.tnrs.com.

Pension Expense and Deferred Outflows of Resources and Deferred Inflows of Resources Related to Pensions

For the year ended September 30, 2023, the Town recognized pension expense of \$455,591.

At September 30, 2023, the Town reported deferred outflows of resources and deferred inflows of resources related to pensions from the following sources:

	Deferred Outflows of Resources	Deferred Inflows of Resources
Differences between expected and actual economic experience	\$ 235,029	\$ 52
Changes in actuarial assumptions	4,430	-
Difference between projected and actual investment earnings	529,308	213,566
Contributions subsequent to the measurement date	216,538	-
Total	\$ 985,305	\$ 213,618

\$216,538 reported as deferred outflows of resources related to pensions resulting from contributions subsequent to the measurement date will be recognized as a reduction of the net pension liability for the year ending September 30, 2024. Other amounts reported as deferred outflows and inflows of resources related to pensions will be recognized in pension expense as follows:

Year ended September 30:	
2024	\$ 144,910
2025	139,315
2026	123,435
2027	147,489
2028	-
Thereafter	-

TOWN OF HICKORY CREEK

NOTES TO THE BASIC FINANCIAL STATEMENTS
SEPTEMBER 30, 2023

11. OTHER POST EMPLOYMENT BENEFITS

Plan Description

The Town also participates in a defined benefit group-term life insurance plan known as the Supplemental Death Benefits Fund (SDBF). This is a voluntary program in which participating member cities may elect, by ordinance, to provide group-term life insurance coverage (Supplemental Death Benefits) for their active members, including or not including retirees.

Benefits Provided

The death benefit for active employees provides a lump-sum payment approximately equal to the employee's annual salary (calculated based on the employee's actual earnings for the 12-month period preceding the month of death). The death benefit for retirees is considered an other postemployment benefit (OPEB) and is a fixed amount of \$7,500. As the SDBF covers both active and retiree employees, with no segregation of assets, the SDBF is considered to be an unfunded OPEB plan. Texas Local Government Code Section 177.001 assigns the authority to establish and amend benefit provisions to the Town Council. At the December 31, 2022 valuation and measurement date, the following employees were covered by the benefit terms:

Inactive employees or beneficiaries currently receiving benefits	7
Inactive employees entitled to but not yet receiving benefits	2
Active employees	<u>26</u>
Total	35

Contributions

The Town contributes to the SDBF program at a contractually required rate. An annual actuarial valuation is performed, and the contractual rate is equal to the cost of providing one-year term life insurance. The premium rate is expressed as a percentage of the covered payroll of members employed by the participating employer. There is a one-year delay between the actuarial valuation that serves as the basis for the employer contribution rate and the calendar year when the rate goes into effect.

The SDBF program is voluntary and employers can cease participation by adopting an ordinance before November 1 of any year to be effective the following January 1. Therefore, the funding policy of the program is to ensure that adequate resources are available to meet all insurance benefit payments for the upcoming year. It is not the intent of the funding policy to pre-fund retiree term life insurance during employees' entire careers. The Town's contribution, which equaled the required contribution, was as follows for the year ended September 30:

	<u>2023</u>
Employer rate	0.18%
Employer contributions	\$ 701

Actuarial Assumptions

The total OPEB liability in the December 31, 2022 actuarial valuation was determined using the following actuarial assumptions:

Inflation	2.5%
Salary increases	3.50% to 11.5%, including inflation
Discount rate	4.05%

TOWN OF HICKORY CREEK

NOTES TO THE BASIC FINANCIAL STATEMENTS
SEPTEMBER 30, 2023

Mortality rates for service retirees were based on the 2019 Municipal Retirees of Texas Mortality Tables. The rates are projected on a fully generational basis with Scale UMP.

Mortality rates for disabled retirees were based on the 2019 Municipal Retirees of Texas Mortality Tables with a 4 year set-forward for males and a 3 year set-forward for females. In addition, a 3.5% and 3% minimum mortality rate will be applied to reflect the impairment for younger members who become disabled for males and females, respectively. The rates are projected on a fully generational basis by Scale UMP to account for future mortality improvements subject to the floor.

Actuarial assumptions used in the December 31, 2022 valuation were based on the results of actuarial experience studies. The experience study in TMRS was for the period December 31, 2014 through December 31, 2018.

The SDBF program is treated as an unfunded OPEB plan because the SDBF trust covers both actives and retirees and the assets are not segregated for these groups. A discount rate of 4.05% was based on the Fidelity Index's 20-Year Municipal GO AA Index as of December 31, 2022.

OPEB Liability, OPEB Expense, and Deferred Outflows of Resources and Deferred Inflows of Resources Related to OPEB

At September 30, 2023, the Town reported a total OPEB liability of \$42,821 measured at December 31, 2022. For the year ended September 30, 2023, the Town recognized OPEB expense of \$4,799.

There were no changes of assumptions or other inputs that affected measurement of the total OPEB liability during the measurement period, except for a change in the discount rate from 1.84% to 4.05%.

There were no changes of benefit terms that affected measurement of the total OPEB liability during the measurement period.

Changes in the total OPEB liability for the measurement year ended December 31, 2022 are as follows:

	<u>Total OPEB Liability</u>
Changes in Total OPEB Liability	
Balance at December 31, 2021	\$ 62,646
Changes for the year:	
Service cost	4,384
Interest on total OPEB liability	1,187
Changes of benefit terms	-
Effect of economic/demographic experience	(58)
Effect of assumption changes or inputs	(24,636)
Benefit payments*	(702)
Balance as of December 31, 2022	<u>\$ 42,821</u>

*Due to the SDBF being considered an unfunded OPEB plan under GASB 75, benefit payments are treated as being equal to the employer's yearly contributions for retirees.

TOWN OF HICKORY CREEK

NOTES TO THE BASIC FINANCIAL STATEMENTS
SEPTEMBER 30, 2023

Discount Rate Sensitivity Analysis

The following presents the total OPEB liability of the Town, calculated using the discount rate of 4.05%, as well as what the Town's total OPEB liability would be if it were calculated using a discount rate that is 1 percentage point lower (3.05%) or 1 percentage point higher (5.05%) than the current rate.

	1% Decrease in Discount Rate (3.05%)	Discount Rate (4.05%)	1% Increase in Discount Rate (5.05%)
Total OPEB liability	\$52,259	\$42,821	\$35,441

At December 31, 2022, the Town reported its deferred outflows of resources and deferred inflows of resources related to OPEB from the following sources:

	Deferred Outflows of Resources	Deferred Inflows of Resources
Differences between expected and actual economic experience	\$ 427	\$ -
Changes in actuarial assumptions	-	11,148
Difference between projected and actual investment earnings	-	-
Contributions subsequent to the measurement date	526	-
Total	\$ 953	\$ 11,148

Deferred outflows of resources related to OPEB resulting from contribution subsequent to the measurement date will be recognized as a reduction of the total OPEB liability for the year ended September 30, 2024 in the amount of \$526. The other net amounts of the employer's balances of deferred outflows and inflows of resources related to OPEB, excluding contributions made subsequent to the measurement date, will be recognized in OPEB expense as follows:

Year ended September 30:	
2024	\$ (772)
2025	(772)
2026	(1,072)
2027	(1,078)
2028	(1,980)
Thereafter	\$ (5,047)

12. LITIGATION AND CONTINGENCIES

The Town participates in some state and Federal grant programs which are governed by various rules and regulations of the grantor agencies. Costs charged to the respective grant programs are subject to audit and adjustment by the grantor agencies; therefore, to the extent that the Town has not complied with the rules and regulations governing the grants, if any, refunds of any money received may be required and the collectability of any related receivable at September 30, 2023 may be impaired. In the opinion of the Town, there are no significant contingent liabilities relating to compliance with the rules and regulations governing the respective grants; therefore, no provision has been recorded in the accompanying financial statements for such contingencies.

TOWN OF HICKORY CREEK

NOTES TO THE BASIC FINANCIAL STATEMENTS
SEPTEMBER 30, 2023

13. RISK MANAGEMENT

Liability and property insurance coverage is provided by TML Intergovernmental Risk Pool. The Town retains, as a risk only, the deductible amounts for each declaration of coverage. There were no reductions in coverage in the past fiscal year and there were no settlements exceeding insurance coverage in each of the past three fiscal years.

The Town is a member of the Texas Municipal League Intergovernmental Risk Pool. Insurance coverage of the Town is divided into the following types: property, crime, general liability, public official's liability, auto liability, auto physical damage, auto catastrophic, inland marine (mobile equipment), law enforcement liability, and boiler and machinery.

14. SUBSEQUENT EVENTS

Management has reviewed events subsequent to September 30, 2023 through December 8, 2023, which is the date the financial statements were available to be issued. No subsequent events were identified that were required to be recorded or disclosed in the financial statements.

15. LEASES

In June 2017, GASB issued Statement No. 87 - Leases. This statement increases the usefulness of governments' financial statements by requiring recognition of certain lease assets and liabilities for leases that previously were classified as operating leases and recognized as inflows of resources or outflows of resources based on the payment provisions of the contract. The initial adoption date was postponed to fiscal years beginning after June 15, 2021 (FY2022) by GASB Statement No. 95 - Postponement of the Effective Dates of Certain Authoritative Guidance, which was issued in May of 2020.

Per review of the agreements identified by the Town as potential leases, the leases were determined to either not meet the definition of a lease or were immaterial to the financial statements.

16. SUBSCRIPTION-BASED INFORMATION TECHNOLOGY ARRANGEMENTS

In May 2020, GASB issued Statement No.96 – Subscription-Based Information Technology Arrangements (“SBITA”). This statement increases the usefulness of governments' financial statements by requiring recognition of certain right-to-use subscription assets and corresponding subscription liabilities for SBITAs that were previously recognized as outflows of resources based on the payment provisions of the contract. The statement is effective for fiscal years beginning after June 15, 2022.

Per review of the information technology arrangements identified by the Town as potential SBITAs, the arrangements were determined to either not meet the definition of a SBITA, or were immaterial to the financial statements.

REQUIRED SUPPLEMENTARY INFORMATION

TOWN OF HICKORY CREEK

SCHEDULE OF CHANGES IN NET PENSION LIABILITY AND RELATED RATIOS
TEXAS MUNICIPAL RETIREMENT SYSTEM
YEAR ENDED SEPTEMBER 30, 2023

	<u>2022</u>	<u>2021</u>	<u>2020</u>
Total Pension Liability			
Service Cost	\$ 314,101	\$ 262,368	\$ 234,704
Interest (on the Total Pension Liability)	359,123	316,907	280,109
Changes of benefit terms	-	-	-
Difference between expected and actual experience	99,410	103,093	115,335
Change of assumptions	-	-	-
Benefit payments, including refunds of employee contributions	<u>(83,203)</u>	<u>(82,401)</u>	<u>(115,253)</u>
Net Change in Total Pension Liability	689,431	599,967	514,895
Total Pension Liability – Beginning	<u>5,204,895</u>	<u>4,604,928</u>	<u>4,090,033</u>
Total Pension Liability – Ending (a)	<u><u>\$5,894,326</u></u>	<u><u>\$5,204,895</u></u>	<u><u>\$4,604,928</u></u>
Plan Fiduciary Net Position			
Contributions – Employer	\$ 256,018	\$ 205,523	\$ 162,785
Contributions – Employee	122,764	105,127	95,519
Net Investment Income (Loss)	(344,384)	517,437	269,936
Benefit payments, including refunds of employee contributions	(83,203)	(82,401)	(115,253)
Administrative Expense	(2,969)	(2,387)	(1,741)
Other	<u>3,544</u>	<u>17</u>	<u>(69)</u>
Net Change in Plan Fiduciary Net Position	(48,230)	743,316	411,177
Plan Fiduciary Net Position – Beginning	<u>4,700,024</u>	<u>3,956,708</u>	<u>3,545,531</u>
Plan Fiduciary Net Position – Ending (b)	<u><u>\$4,651,794</u></u>	<u><u>\$4,700,024</u></u>	<u><u>\$3,956,708</u></u>
Net Pension Liability – Ending (a) – (b)	<u><u>\$1,242,532</u></u>	<u><u>\$ 504,871</u></u>	<u><u>\$ 648,220</u></u>
Plan Fiduciary Net Position as a Percentage of Total Pension Liability	78.92%	90.30%	85.92%
Covered Employee Payroll	\$1,753,777	\$1,501,821	\$1,364,557
Net Pension Liability as a Percentage of Covered Employee Payroll	70.85%	33.62%	47.50%

Note: The information from this schedule corresponds with the period covered as of the Plan's measurement dates of December 31. Plan information was unavailable prior to 2014. Ten years will ultimately be displayed.

<u>2019</u>	<u>2018</u>	<u>2017</u>	<u>2016</u>	<u>2015</u>	<u>2014</u>
\$ 217,722	\$ 198,358	\$ 182,790	\$ 177,160	\$ 165,653	\$ 174,809
233,183	212,443	193,825	168,939	160,830	165,468
-	-	-	-	-	-
333,103	(1,302)	(36,475)	68,097	(69,632)	(311,100)
29,386	-	-	-	1,125	-
<u>(138,131)</u>	<u>(85,694)</u>	<u>(58,520)</u>	<u>(38,143)</u>	<u>(78,847)</u>	<u>(102,884)</u>
675,263	323,805	281,620	376,053	179,129	(73,707)
<u>3,414,770</u>	<u>3,090,965</u>	<u>2,809,345</u>	<u>2,433,292</u>	<u>2,254,163</u>	<u>2,327,870</u>
<u>\$ 4,090,033</u>	<u>\$ 3,414,770</u>	<u>\$ 3,090,965</u>	<u>\$ 2,809,345</u>	<u>\$ 2,433,292</u>	<u>\$ 2,254,163</u>
\$ 170,812	\$ 140,364	\$ 124,509	\$ 112,899	\$ 116,879	\$ 107,208
144,563	84,497	75,891	73,250	72,248	73,630
452,530	(86,094)	332,276	142,458	2,945	103,811
(138,131)	(85,694)	(58,520)	(38,143)	(78,847)	(102,884)
(2,549)	(1,660)	(1,720)	(1,607)	(1,793)	(1,083)
<u>(77)</u>	<u>(87)</u>	<u>(87)</u>	<u>(87)</u>	<u>(89)</u>	<u>(89)</u>
627,148	51,326	472,349	288,770	111,343	180,593
<u>2,918,383</u>	<u>2,867,057</u>	<u>2,394,708</u>	<u>2,105,938</u>	<u>1,994,595</u>	<u>1,814,002</u>
<u>\$ 3,545,531</u>	<u>\$ 2,918,383</u>	<u>\$ 2,867,057</u>	<u>\$ 2,394,708</u>	<u>\$ 2,105,938</u>	<u>\$ 1,994,595</u>
<u>\$ 544,502</u>	<u>\$ 496,387</u>	<u>\$ 223,908</u>	<u>\$ 414,637</u>	<u>\$ 327,354</u>	<u>\$ 259,568</u>
86.69%	85.46%	92.76%	85.24%	86.55%	88.48%
\$ 1,276,958	\$ 1,155,932	\$ 1,084,165	\$ 1,046,424	\$ 1,032,109	\$ 1,055,218
42.64%	42.94%	20.65%	39.62%	31.75%	24.60%

TOWN OF HICKORY CREEK

SCHEDULE OF EMPLOYER CONTRIBUTIONS
TEXAS MUNICIPAL RETIREMENT SYSTEM
FOR FISCAL YEAR 2023

	<u>2023</u>	<u>2022</u>	<u>2021</u>
Contractually Required Contribution	\$ 281,639	\$ 245,854	\$ 200,787
Contribution in Relation to the Contractually Required Contribution	<u>(281,639)</u>	<u>(245,854)</u>	<u>(200,787)</u>
Contribution Deficiency (Excess)	<u>\$ -</u>	<u>\$ -</u>	<u>\$ -</u>
City's Covered-Employee Payroll	\$1,838,697	\$1,695,367	\$ 1,504,573
Contributions as a Percentage of Covered-Employee Payroll	15.32%	14.50%	13.34%

Note: The information from this schedule corresponds with the Town's fiscal years ended September 30. Plan information was unavailable prior to 2014. Ten years will ultimately be displayed.

2020	2019	2018	2017	2016	2015
\$ 161,368	\$ 150,388	\$ 136,996	\$ 121,089	\$ 114,731	\$ 114,451
<u>(161,368)</u>	<u>(150,388)</u>	<u>(136,996)</u>	<u>(121,089)</u>	<u>(114,731)</u>	<u>(114,451)</u>
<u>\$ -</u>	<u>\$ -</u>	<u>\$ -</u>	<u>\$ -</u>	<u>\$ -</u>	<u>\$ -</u>
\$ 1,355,083	\$ 1,240,701	\$ 1,151,205	\$ 1,060,603	\$ 1,036,338	\$ 1,023,296
11.91%	12.12%	11.90%	11.42%	11.07%	11.18%

TOWN OF HICKORY CREEK

SCHEDULE OF CHANGES IN TOTAL OPEB LIABILITY AND RELATED RATIOS
TEXAS MUNICIPAL RETIREMENT SYSTEM
SEPTEMBER 30, 2022

	<u>2023</u>	<u>2022</u>	<u>2021</u>	<u>2020</u>	<u>2019</u>
Total OPEB Liability					
Service cost	\$ 4,384	\$ 3,755	\$ 2,320	\$ 1,788	\$ 1,849
Interest on total OPEB liability	1,187	1,136	1,272	1,259	1,125
Changes of benefit terms	-	-	-	-	-
Differences between expected and actual experience	(58)	1,014	(1,352)	1,103	88
Change of assumptions or inputs	(24,636)	2,119	7,957	8,025	(2,949)
Benefit payments/refunds of contributions	(702)	(601)	(136)	(128)	(116)
Net change in total OPEB liability	<u>(19,825)</u>	<u>7,423</u>	<u>10,061</u>	<u>12,047</u>	<u>(3)</u>
Total OPEB liability, beginning	<u>62,646</u>	<u>55,223</u>	<u>45,162</u>	<u>33,115</u>	<u>33,118</u>
Total OPEB liability, ending	<u>\$ 42,821</u>	<u>\$ 62,646</u>	<u>\$ 55,223</u>	<u>\$ 45,162</u>	<u>\$ 33,115</u>
Covered employee payroll	1,753,777	1,501,821	1,364,557	1,276,960	1,155,932
Net OPEB liability as a percentage of covered payroll	2.44%	4.17%	4.05%	3.54%	2.86%

Note: The information from this schedule corresponds with the period covered as of the Plan's measurement dates of December 31. Plan information was unavailable prior to 2018. Ten years will ultimately be displayed.

No assets are accumulated in a trust as defined by GASB 75. Benefits are on a pay as you go basis.

TOWN OF HICKORY CREEK

NOTES TO REQUIRED SUPPLEMENTARY INFORMATION
FOR THE YEAR ENDED SEPTEMBER 30, 2023

Note A – Net Pension Liability – Texas Municipal Retirement System

Valuation Date:

Notes Actuarially determined contribution rates are calculated as of December 31 and become effective in January 13 months later.

Methods and Assumptions Used to Determine Contribution Rates:

Actuarial Cost Method	Entry Age Normal
Amortization Method	Level Percentage of Payroll, Closed
Remaining Amortization Period	23 years
Asset Valuation Method	10 Year smoothed market; 12% soft corridor
Inflation	2.5%
Salary Increases	3.50% to 11.5%, including inflation
Investment Rate of Return	6.75%
Retirement Age	Experience-based table of rates that are specific to the Town’s plan of benefits. Last updated for the 2019 valuation pursuant to an experience study of the period 2014-2018
Mortality	Post-retirement: 2019 Municipal Retirees of Texas Mortality Tables. The rates are projected on a fully generational basis with Scale UMP. Pre-retirement: PUB(10) mortality tables, with the Public Safety table used for males and the General Employee table used for females. The rates are projected on a fully generational basis with Scale UMP.

Changes of Benefit Terms

There were no benefit changes during the year.

Changes in the Size or Composition of the Population Covered by the Benefit Terms

There were no changes in the size or composition of the population covered by the benefit terms during the measurement period.

Changes of Assumptions

There were no changes of assumptions or other inputs that affected measurement of the total pension liability during the measurement period.

TOWN OF HICKORY CREEK

NOTES TO REQUIRED SUPPLEMENTARY INFORMATION
FOR THE YEAR ENDED SEPTEMBER 30, 2023

Note B – Total OPEB Liability – Texas Municipal Retirement System

Valuation Date:

Notes Actuarially determined contribution rates are calculated as of December 31 and become effective in January 13 months later.

Methods and Assumptions Used to Determine Contribution Rates:

Actuarial Cost Method	Entry Age Normal
Inflation	2.5%
Salary Increases	3.50% to 11.5%, including inflation
Discount Rate	4.05%
Retirement Age	Experience-based table of rates that are specific to the Town's plan of benefits. Last updated for the 2019 valuation pursuant to an experience study of the period 2014-2018
Mortality	2019 Municipal Retirees of Texas Mortality Tables with 4 year set-forward for males and a 3 year set-forward for females. In addition, a 3.5% and 3% minimum mortality rate will be applied to reflect the impairment for younger members who become disabled for males and females, respectively. The rates are projected on a fully generational basis by Scale UMP to account for future mortality improvements subject to the floor.

**COMBINING & INDIVIDUAL FUND
STATEMENTS & SCHEDULE**

TOWN OF HICKORY CREEK

GENERAL FUND
STATEMENT OF REVENUES - BUDGET, (GAPP BASIS) AND ACTUAL
FOR THE YEAR ENDED SEPTEMBER 30, 2023

	<u>Budget</u>	<u>Actual</u>	Variance Favorable (Unfavorable)
Ad valorem tax	\$ 1,580,908	\$ 1,590,227	\$ 9,319
Franchise tax	296,564	341,965	45,401
Sales tax	2,140,000	2,213,113	73,113
Mixed beverage tax	30,000	36,969	6,969
Hotel occupancy tax	3,500	5,112	1,612
Court citations	861,060	781,991	(79,069)
Corp of Engineers	51,000	57,869	6,869
Building permits	1,550,000	2,810,174	1,260,174
Road improvement fees	8,750	97,450	88,700
Tree mitigation fees	-	570,625	570,625
Interlocal agreements	188,700	173,700	(15,000)
Parks and recreation fees	81,000	157,246	76,246
Other permits and fees	81,911	152,478	70,567
Denton County road funding	-	1,026,091	1,026,091
Ballistic shield grant	-	57,811	57,811
Drug seizure/forfeiture funds	-	127,182	127,182
Animal adoption & impound fees	7,200	26,248	19,048
Interest income	185,025	471,138	286,113
Rental income	-	9,000	9,000
EDC administrative fees	-	7,100	7,100
Donations	1,500	6,804	5,304
Insurance proceeds	-	13,836	13,836
Other revenue	57,314	20,979	(36,335)
TOTAL REVENUE	<u>\$ 7,124,432</u>	<u>\$ 10,755,108</u>	<u>\$ 3,630,676</u>

TOWN OF HICKORY CREEK

STATEMENT OF GENERAL FUND EXPENDITURES
 BUDGET (GAAP BASIS) AND ACTUAL
 FOR THE YEAR ENDED SEPTEMBER 30, 2023
 PLUS COMPARATIVE AMOUNTS FOR THE YEAR ENDED SEPTEMBER 30, 2022

	2023		Variance Favorable (Unfavorable)	2022 Actual
	Budget	Actual		
Expenditures:				
General Government:				
Salaries and Wages	\$ 417,652	\$ 423,876	\$ (6,224)	\$ 488,847
Insurance, Taxes and Retirement	147,924	143,580	4,344	167,902
Dues and Memberships	3,000	4,402	(1,402)	3,209
Training and Education	1,500	1,669	(169)	785
Office Supplies and Postage	9,800	10,671	(871)	11,520
Printing	2,500	2,847	(347)	1,660
Document Management/Recording Fees	1,250	2,412	(1,162)	-
Copier Rental	4,200	3,620	580	4,305
Computer Support and Maintenance	117,140	70,427	46,713	64,732
Advertising/Legal Notices	3,500	3,701	(201)	3,292
Public Relations	35,000	32,079	2,921	56,497
Telephone	35,000	37,577	(2,577)	38,009
Utilities	43,950	46,025	(2,075)	43,338
Legal Fees	60,000	57,977	2,023	69,071
Audit Fees	15,000	15,000	-	14,000
General Insurance	43,718	43,718	-	38,410
Building Maintenance and Supplies	222,870	131,619	91,251	110,393
Library Services	850	1,233	(383)	1,598
Travel	3,000	1,460	1,540	-
Tax Collection/Appraisal Costs	17,000	16,606	394	15,696
Ordinance Codification	2,000	-	2,000	2,719
Election costs	15,000	14,908	92	45
Town Council Costs	11,000	10,073	927	7,630
Volunteer/Staff Events	10,500	9,210	1,290	5,399
Children's Advocacy Center	3,400	3,400	-	-
Helping Hands	200	-	200	-
SPAN	200	-	200	200
Special Events	30,000	13,724	16,276	15,431
Other Expenditures	1,300	1,181	119	1,658
Total General Government Expenditures	<u>1,258,454</u>	<u>1,102,995</u>	<u>155,459</u>	<u>1,166,346</u>
Police Department:				
Salaries and Wages	1,141,626	1,083,004	58,622	1,005,602
Insurance, Taxes and Retirement	382,085	370,864	11,221	346,924
Office Supplies and Postage	1,800	2,500	(700)	2,577
Dues and Memberships	500	508	(8)	-
Personnel Equipment	50,000	96,898	(46,898)	47,060
Crime Lab Analysis	3,500	6,300	(2,800)	3,714
Auto Expense - Lease	55,000	51,315	3,685	47,961
Auto Expense - Gas	35,000	53,151	(18,151)	51,111
Auto Expense - Repairs	25,000	47,757	(22,757)	45,864
Uniforms	10,000	17,657	(7,657)	9,758
Books and Subscriptions	750	202	548	576
Computer Support and Maintenance	32,500	49,126	(16,626)	38,902
Citizens on Patrol	250	-	250	-
Community Outreach	2,000	620	1,380	949
Denton County Dispatch	29,383	29,383	-	30,808

TOWN OF HICKORY CREEK

STATEMENT OF GENERAL FUND EXPENDITURES
BUDGET (GAAP BASIS) AND ACTUAL (CONTINUED)
FOR THE YEAR ENDED SEPTEMBER 30, 2023
PLUS COMPARATIVE AMOUNTS FOR THE YEAR ENDED SEPTEMBER 30, 2022

	2023		Variance Favorable (Unfavorable)	2022
	Budget	Actual		Actual
Police Department continued:				
Drug Forfeiture/Seizure	\$ -	\$ 35	\$ (35)	\$ 8,401
Task Force Forfeiture	10,000	-	10,000	-
K-9 Unit	14,500	20,452	(5,952)	3,573
Training and Travel	11,000	6,464	4,536	13,498
Total Police Department Expenditures	<u>1,804,894</u>	<u>1,836,236</u>	<u>(31,342)</u>	<u>1,657,278</u>
Expenditures:				
Fire Department:				
Contract Services	970,692	970,692	-	972,692
Total Fire Department Expenditures	<u>970,692</u>	<u>970,692</u>	<u>-</u>	<u>972,692</u>
Municipal Court:				
Salaries and Wages	84,640	81,194	3,446	-
Insurance, Taxes and Retirement	28,503	27,666	837	-
Office Supplies and Postage	750	1,715	(965)	957
Dues and Memberships	150	130	20	205
Travel	500	47	453	-
Training and Education	100	300	(200)	100
Municipal Judge	13,800	13,821	(21)	13,800
State Court Costs	311,060	272,228	38,832	277,648
Building Security/Court Technology Costs	33,986	12,868	21,118	12,711
Books and Subscriptions	75	-	75	-
Total Municipal Court	<u>473,564</u>	<u>409,969</u>	<u>63,595</u>	<u>305,421</u>
Public Works:				
Salaries and Wages	280,912	265,737	15,175	210,789
Insurance, Taxes and Retirement	92,711	89,989	2,722	72,399
Dues and Memberships	350	100	250	-
Office Supplies and Postage	500	1,022	(522)	514
Computer Support and Maintenance	1,000	6,897	(5,897)	-
Animal Control	21,575	32,120	(10,545)	10,433
Auto Expense - Gas	20,000	18,537	1,463	19,240
Auto Expense - Repairs	10,000	15,114	(5,114)	10,621
Supplies	5,000	6,376	(1,376)	5,137
Equipment Repairs and Maintenance	12,500	10,841	1,659	8,982
Uniforms	2,500	3,499	(999)	2,749
Training	800	879	(79)	1,089
Travel	3,000	2,266	734	806
Street Lighting	40,000	36,789	3,211	42,350
Street Repairs and Maintenance	60,000	59,234	766	113,215
Engineering	175,000	209,457	(34,457)	57,702
Inspection Fees	75,000	99,910	(24,910)	101,155
Landscaping Services	90,000	80,473	9,527	59,930
Parks and Recreation	50,327	65,217	(14,890)	41,458
Beautification	145,000	12,780	132,220	2,319
Radios	3,800	4,335	(535)	3,779
Total Public Works	<u>1,089,975</u>	<u>1,021,572</u>	<u>68,403</u>	<u>764,667</u>

TOWN OF HICKORY CREEK

STATEMENT OF GENERAL FUND EXPENDITURES
BUDGET (GAAP BASIS) AND ACTUAL (CONTINUED)
FOR THE YEAR ENDED SEPTEMBER 30, 2023
PLUS COMPARATIVE AMOUNTS FOR THE YEAR ENDED SEPTEMBER 30, 2022

	<u>2023</u>			<u>2022</u> <u>Actual</u>
	<u>Budget</u>	<u>Actual</u>	<u>Variance</u> <u>Favorable</u> <u>(Unfavorable)</u>	
Expenditures:				
Capital Outlay:				
Buildings	\$ -	\$ -	\$ -	\$ 81,441
Equipment and Vehicles	246,101	394,510	(148,409)	226,626
Streets	-	-	-	30,762
Parks	91,923	208,640	(116,717)	106,944
Total Capital Outlay	<u>338,024</u>	<u>603,150</u>	<u>(265,126)</u>	<u>445,773</u>
 Total Expenditures	 <u>\$5,935,603</u>	 <u>\$5,944,614</u>	 <u>\$ (9,011)</u>	 <u>\$5,312,177</u>

TOWN OF HICKORY CREEK

STATEMENT OF REVENUES, EXPENDITURES, AND CHANGES IN FUND BALANCE
BUDGET AND ACTUAL - DEBT SERVICE FUND
FOR THE YEAR ENDED SEPTEMBER 30, 2023

	<u>Budgeted Amounts</u>		<u>Actual Amounts (GAAP BASIS)</u>	<u>Variance With Final Budget</u>
	<u>Original</u>	<u>Final</u>		
Revenues:				
Taxes - Ad Valorem	<u>\$ 808,226</u>	<u>\$ 838,400</u>	<u>\$ 844,718</u>	<u>\$ 6,318</u>
Total Revenues	<u>808,226</u>	<u>838,400</u>	<u>844,718</u>	<u>6,318</u>
Expenditures:				
Principal	<u>730,000</u>	<u>610,000</u>	<u>610,000</u>	<u>-</u>
Interest	<u>326,704</u>	<u>308,048</u>	<u>310,719</u>	<u>(2,671)</u>
Total Expenditures	<u>1,056,704</u>	<u>918,048</u>	<u>920,719</u>	<u>(2,671)</u>
Excess of Revenue over Expenditures	<u>(248,478)</u>	<u>(79,648)</u>	<u>(76,001)</u>	<u>3,647</u>
Other Financing Resources (Uses):				
Transfers In	<u>-</u>	<u>-</u>	<u>76,001</u>	<u>76,001</u>
Total Other Financing Resources (Uses)	<u>-</u>	<u>-</u>	<u>76,001</u>	<u>76,001</u>
Net Change in Fund Balance	<u>(248,478)</u>	<u>(79,648)</u>	<u>-</u>	<u>79,648</u>
Fund Balance – October 1 (beginning)	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>
Fund Balance – September 30 (ending)	<u>\$ (248,478)</u>	<u>\$ (79,648)</u>	<u>\$ -</u>	<u>\$ 79,648</u>

This page left blank intentionally.

TOWN OF HICKORY CREEK

SCHEDULE OF DELINQUENT TAXES RECEIVABLE
SEPTEMBER 30, 2023

Tax Year	Tax Rates		Assessed Valuation	Balance September 30, 2022
	Maintenance	Debt Service		
2001	\$ 0.29716	\$ 0.05261	\$ 156,884,810	\$ 3
2002	0.29934	-	197,999,265	2
2003	0.31939	-	218,034,378	2
2004	0.34020	-	241,570,253	361
2005	0.34020	-	259,282,187	432
2006	0.34020	-	287,603,175	423
2007	0.27824	0.16738	318,990,395	567
2008	0.27442	0.17120	319,262,600	587
2009	0.249409	0.174878	317,875,400	492
2010	0.245426	0.178861	308,348,595	2,724
2011	0.242609	0.181678	307,337,200	2,654
2012	0.244716	0.179571	309,243,743	3,636
2013	0.235848	0.181034	317,095,245	4,669
2014	0.238121	0.163246	352,265,383	4,578
2015	0.194116	0.207251	385,206,806	5,769
2016	0.197559	0.189760	426,423,955	5,755
2017	0.197067	0.169866	464,507,144	6,395
2018	0.204169	0.143366	561,813,918	6,596
2019	0.198590	0.131812	613,243,867	9,501
2020	0.198363	0.121580	662,370,797	10,024
2021	0.199143	0.108137	739,021,088	14,270
2022	0.176495	0.093822	897,771,875	-
Total				<u>\$ 79,440</u>

<u>Current Levy</u>	<u>Collections</u>	<u>Supplements/ Adjustments</u>	<u>Balance September 30, 2023</u>
	\$ -	\$ (3)	\$ -
	-	-	2
	-	-	2
	-	-	361
	-	-	432
	-	-	423
	-	-	567
	-	-	587
	-	-	492
	-	-	2,724
	-	-	2,654
	-	-	3,636
	-	-	4,669
	-	-	4,578
	-	-	5,769
	-	-	5,755
	-	-	6,395
	-	-	6,596
	2,879	-	6,622
	3,326	(123)	6,575
	6,312	(1,151)	6,807
<u>\$ 2,426,830</u>	<u>2,411,958</u>	<u>-</u>	<u>14,872</u>
<u>\$ 2,426,830</u>	<u>\$ 2,424,475</u>	<u>\$ (1,277)</u>	\$ 80,518
Less allowance for uncollectible accounts			<u>-</u>
			<u>\$ 80,518</u>

TOWN OF HICKORY CREEK

STATEMENT OF REVENUES, EXPENDITURES, AND CHANGE IN FUND BALANCE
ECONOMIC DEVELOPMENT CORPORATION
FOR THE YEAR ENDED SEPTEMBER 30, 2023

Revenues:	
Taxes – Sales	\$ 316,159
Interest Income	115,138
Default Penalty	81,000
Lease Income	15,000
Gas Royalties	324
Total Revenues	<u>527,621</u>
Expenditures:	
Administration:	
Grant Assistance	40,000
Legal and Professional	5,528
Marketing	9,580
Administrative Fees	10,700
Capital Outlay	<u>399,779</u>
Total Expenditures	<u>465,587</u>
Change in Fund Balance	62,034
Fund Balance – October 1 (beginning)	<u>2,545,414</u>
Fund Balance – September 30 (ending)	<u><u>\$ 2,607,448</u></u>

TOWN OF HICKORY CREEK

STATEMENT OF REVENUES, EXPENDITURES, AND CHANGE IN FUND BALANCE
PUBLIC IMPROVEMENT DISTRICT NO. 1
FOR THE YEAR ENDED SEPTEMBER 30, 2023

Revenues:	
Special Assessment Fees	\$ 372,527
Interest Income	20,645
Total Revenues	<u>393,172</u>
Expenditures:	
Current:	
Administrator Costs	9,321
Continuing Disclosure Fee	3,500
Audit Fee	1,500
Tax Statements Fee	160
Debt Service:	
Principal	95,000
Interest and Fees	143,350
Total Expenditures	<u>252,831</u>
Change in Fund Balance	140,341
Fund Balance – October 1 (beginning)	<u>271,415</u>
Fund Balance – September 30 (ending)	<u><u>\$ 411,756</u></u>

TOWN OF HICKORY CREEK

STATEMENT OF REVENUES, EXPENDITURES, AND CHANGE IN FUND BALANCE
PUBLIC IMPROVEMENT DISTRICT NO. 2
FOR THE YEAR ENDED SEPTEMBER 30, 2022

Revenues:	
Special Assessment Fees	\$ 471,290
Interest Income	31,331
Total Revenues	<u>502,621</u>
Expenditures:	
Current:	
Administrator Costs	25,076
Continuing Disclosure Fee	3,500
Audit Fee	1,500
Tax Statement Fees	144
Debt Service:	
Principal	75,000
Interest and Fees	224,844
Total Expenditures	<u>330,064</u>
Change in Fund Balance	172,557
Fund Balance – October 1 (beginning)	<u>483,104</u>
Fund Balance – September 30 (ending)	<u><u>\$ 655,661</u></u>

TOWN OF HICKORY CREEK

STATEMENT OF REVENUES, EXPENDITURES, AND CHANGE IN FUND BALANCE
PUBLIC IMPROVEMENT DISTRICT NO. 3
FOR THE YEAR ENDED SEPTEMBER 30, 2023

Revenues:	
Special Assessment Fees	\$ 543,396
Interest Income	<u>24,056</u>
Total Revenues	<u>567,452</u>
Expenditures:	
Current:	
Administrator Costs	37,344
Continuing Disclosure Fee	3,500
Audit Fee	1,500
Tax Statement Fees	134
Debt Service:	
Principal	285,000
Interest and Fees	<u>180,692</u>
Total Expenditures	<u>508,170</u>
Change in Fund Balance	59,282
Fund Balance – October 1 (beginning)	<u>356,326</u>
Fund Balance – September 30 (ending)	<u><u>\$ 415,608</u></u>

Members:
AMERICAN INSTITUTE OF
CERTIFIED PUBLIC
ACCOUNTANTS
TEXAS SOCIETY OF CERTIFIED
PUBLIC ACCOUNTANTS

**HANKINS, EASTUP, DEATON,
TONN, SEAY & SCARBOROUGH**
A Limited Liability Company

CERTIFIED PUBLIC ACCOUNTANTS

902 NORTH LOCUST
P.O. BOX 977
DENTON, TX 76202-0977

TEL. (940) 387-8563
FAX (940) 383-4746

INDEPENDENT AUDITORS' REPORT ON INTERNAL CONTROL OVER
FINANCIAL REPORTING AND ON COMPLIANCE AND OTHER MATTERS
BASED ON AN AUDIT OF FINANCIAL STATEMENTS PERFORMED
IN ACCORDANCE WITH *GOVERNMENT AUDITING STANDARDS*

Honorable Mayor and Town Council
Town of Hickory Creek, Texas

We have audited, in accordance with the auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in *Government Auditing Standards* issued by the Comptroller General of the United States, the financial statements of the governmental activities, the discretely presented component unit and each major fund of the Town of Hickory Creek, Texas, as of and for the year ended September 30, 2023, and the related notes to the financial statements, which collectively comprise The Town of Hickory Creek, Texas's basic financial statements, and have issued our report dated December 8, 2023.

Report on Internal Control Over Financial Reporting

In planning and performing our audit of the financial statements, we considered the Town's internal control over financial reporting (internal control) to determine the audit procedures that are appropriate in the circumstances for the purpose of expressing our opinions on the financial statements, but not for the purpose of expressing an opinion on the effectiveness of the Town's internal control. Accordingly, we do not express an opinion on the effectiveness of the Town's internal control.

A deficiency in internal control exists when the design or operation of a control does not allow management or employees, in the normal course of performing their assigned functions, to prevent, or detect and correct misstatements on a timely basis. A *material weakness* is a deficiency or a combination of deficiencies in internal control, such that there is a reasonable possibility that a material misstatement of the Town's financial statements will not be prevented, or detected and corrected on a timely basis. A *significant deficiency* is a deficiency, or a combination of deficiencies, in internal control that is less severe than a material weakness, yet important enough to merit attention by those charged with governance.


Our consideration of internal control was for the limited purpose described in the first paragraph of this section and was not designed to identify all deficiencies in internal control that might be material weaknesses or, significant deficiencies. Given these limitations, during our audit we did not identify any deficiencies in internal control that we consider to be material weaknesses. However, material weaknesses may exist that have not been identified.

Report on Compliance and Other Matters

As part of obtaining reasonable assurance about whether the Town's financial statements are free from material misstatement, we performed tests of its compliance with certain provisions of laws, regulations, contracts, and grant agreements, noncompliance with which could have a direct and material effect on the determination of financial statement amounts. However, providing an opinion on compliance with those provisions was not an objective of our audit, and accordingly, we do not express such an opinion. The results of our tests disclosed no instances of noncompliance or other matters that are required to be reported under *Government Auditing Standards*.

Purpose of this Report

The purpose of this report is solely to describe the scope of our testing of internal control and compliance and the results of that testing, and not to provide an opinion on the effectiveness of the Town's internal control or on compliance. This report is an integral part of the audit performed in accordance with *Government Auditing Standards* in considering the Town's internal control and compliance. Accordingly, this communication is not suitable for any other purpose.



Hankins, Eastup, Deaton, Tonn, Seay & Scarborough, LLC
Denton, Texas

December 8, 2023

Racial Profiling Report | Full

Agency Name: HICKORY CREEK Police Department
Reporting Date: 01/18/2024
TCOLE Agency Number: 121206

Chief Administrator: CAREY W. DUNN

Agency Contact Information:
Phone: (940) 497-2528
Email: carey.dunn@hickorycreek-tx.gov

Mailing Address:
1075 RONALD REAGAN AVE
HICKORY CREEK, TX 75065-7633

This Agency filed a full report

HICKORY CREEK Police Department has adopted a detailed written policy on racial profiling. Our policy:

- 1) clearly defines acts constituting racial profiling;
- 2) strictly prohibits peace officers employed by the HICKORY CREEK Police Department from engaging in racial profiling;
- 3) implements a process by which an individual may file a complaint with the HICKORY CREEK Police Department if the individual believes that a peace officer employed by the HICKORY CREEK Police Department has engaged in racial profiling with respect to the individual;
- 4) provides public education relating to the agency's complaint process;
- 5) requires appropriate corrective action to be taken against a peace officer employed by the HICKORY CREEK Police Department who, after an investigation, is shown to have engaged in racial profiling in violation of the HICKORY CREEK Police Department policy;
- 6) requires collection of information relating to motor vehicle stops in which a warning or citation is issued and to arrests made as a result of those stops, including information relating to:
 - a. the race or ethnicity of the individual detained;
 - b. whether a search was conducted and, if so, whether the individual detained consented to the search;
 - c. whether the peace officer knew the race or ethnicity of the individual detained before detaining that individual;
 - d. whether the peace officer used physical force that resulted in bodily injury during the stop;
 - e. the location of the stop;
 - f. the reason for the stop.
- 7) requires the chief administrator of the agency, regardless of whether the administrator is elected, employed, or appointed, to submit an annual report of the information collected under Subdivision (6) to:
 - a. the Commission on Law Enforcement; and
 - b. the governing body of each county or municipality served by the agency, if the agency is an agency of a county, municipality, or other political subdivision of the state.

The HICKORY CREEK Police Department has satisfied the statutory data audit requirements as prescribed in Article

2.133(c), Code of Criminal Procedure during the reporting period.

Executed by: Carey W. Dunn
Chief of Police

Date: 01/18/2024

Total stops: 5061**Street address or approximate location of the stop**

City street	852
US highway	3584
County road	16
State highway	588
Private property or other	21

Was race or ethnicity known prior to stop?

Yes	14
No	5047

Race / Ethnicity

Alaska Native / American Indian	11
Asian / Pacific Islander	477
Black	1177
White	2713
Hispanic / Latino	683

Gender

Female	1486
Alaska Native / American Indian	3
Asian / Pacific Islander	84
Black	394
White	837
Hispanic / Latino	168
Male	3575
Alaska Native / American Indian	8
Asian / Pacific Islander	393
Black	783
White	1876
Hispanic / Latino	515

Reason for stop?

Violation of law	118
Alaska Native / American Indian	0
Asian / Pacific Islander	6
Black	23
White	85

Hispanic / Latino	4
Preexisting knowledge	8
Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	3
White	4
Hispanic / Latino	1
Moving traffic violation	3796
Alaska Native / American Indian	10
Asian / Pacific Islander	386
Black	882
White	2031
Hispanic / Latino	487
Vehicle traffic violation	1139
Alaska Native / American Indian	1
Asian / Pacific Islander	85
Black	269
White	593
Hispanic / Latino	191
Was a search conducted?	
Yes	52
Alaska Native / American Indian	0
Asian / Pacific Islander	3
Black	16
White	17
Hispanic / Latino	16
No	5009
Alaska Native / American Indian	11
Asian / Pacific Islander	474
Black	1161
White	2696
Hispanic / Latino	667
Reason for Search?	
Consent	9
Alaska Native / American Indian	0
Asian / Pacific Islander	1
Black	1
White	5

Hispanic / Latino	2		
Contraband	3		
Alaska Native / American Indian	0		
Asian / Pacific Islander	1		
Black	0		
White	1		
Hispanic / Latino	1		
Probable	35		
Alaska Native / American Indian	0		
Asian / Pacific Islander	1		
Black	13		
White	10		
Hispanic / Latino	11		
Inventory	1		
Alaska Native / American Indian	0		
Asian / Pacific Islander	0		
Black	0		
White	1		
Hispanic / Latino	0		
Incident to arrest	4		
Alaska Native / American Indian	0		
Asian / Pacific Islander	0		
Black	2		
White	0		
Hispanic / Latino	2		
Was Contraband discovered?			
Yes	40	Did the finding result in arrest?	
		(total should equal previous column)	
Alaska Native / American Indian	0	Yes 0	No 0
Asian / Pacific Islander	2	Yes 0	No 2
Black	12	Yes 0	No 12
White	13	Yes 1	No 12
Hispanic / Latino	13	Yes 0	No 13
No	12		
Alaska Native / American Indian	0		
Asian / Pacific Islander	1		
Black	4		
White	4		
Hispanic / Latino	3		

Description of contraband	
Drugs	34
Alaska Native / American Indian	0
Asian / Pacific Islander	1
Black	11
White	11
Hispanic / Latino	11
Weapons	1
Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	1
White	0
Hispanic / Latino	0
Currency	0
Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	0
White	0
Hispanic / Latino	0
Alcohol	6
Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	1
White	3
Hispanic / Latino	2
Stolen property	0
Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	0
White	0
Hispanic / Latino	0
Other	2
Alaska Native / American Indian	0
Asian / Pacific Islander	1
Black	0
White	1
Hispanic / Latino	0
Result of the stop	
Verbal warning	0

Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	0
White	0
Hispanic / Latino	0
Written warning	1769
Alaska Native / American Indian	3
Asian / Pacific Islander	134
Black	419
White	1025
Hispanic / Latino	188
Citation	3286
Alaska Native / American Indian	8
Asian / Pacific Islander	343
Black	756
White	1685
Hispanic / Latino	494
Written warning and arrest	3
Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	1
White	2
Hispanic / Latino	0
Citation and arrest	3
Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	1
White	1
Hispanic / Latino	1
Arrest	0
Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	0
White	0
Hispanic / Latino	0
Arrest based on	
Violation of Penal Code	3
Alaska Native / American Indian	0
Asian / Pacific Islander	0

Black	1
White	1
Hispanic / Latino	1
Violation of Traffic Law	0
Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	0
White	0
Hispanic / Latino	0
Violation of City Ordinance	0
Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	0
White	0
Hispanic / Latino	0
Outstanding Warrant	3
Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	1
White	2
Hispanic / Latino	0

Was physical force resulting in bodily injury used during stop?

Yes	1
Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	0
White	1
Hispanic / Latino	0
Resulting in Bodily Injury To:	
Suspect	0
Officer	0
Both	0
No	5060
Alaska Native / American Indian	11
Asian / Pacific Islander	477
Black	1177
White	2712
Hispanic / Latino	683

Number of complaints of racial profiling

Total	0
Resulted in disciplinary action	0
Did not result in disciplinary action	0

Comparative Analysis

Use TCOLE's auto generated analysis	<input checked="" type="checkbox"/>
Use Department's submitted analysis	<input type="checkbox"/>

Optional Narrative

N/A

Submitted electronically to the



The Texas Commission on Law Enforcement

Racial Profiling Analysis Report

HICKORY CREEK Police Department

01. Total Traffic Stops:	5061	
02. Location of Stop:		
a. City Street	852	16.83%
b. US Highway	3584	70.82%
c. County Road	16	0.32%
d. State Highway	588	11.62%
e. Private Property or Other	21	0.41%
03. Was Race known prior to Stop:		
a. NO	5047	99.72%
b. YES	14	0.28%
04. Race or Ethnicity:		
a. Alaska/ Native American/ Indian	11	0.22%
b. Asian/ Pacific Islander	477	9.43%
c. Black	1177	23.26%
d. White	2713	53.61%
e. Hispanic/ Latino	683	13.50%
05. Gender:		
a. Female	1486	29.36%
i. Alaska/ Native American/ Indian	3	0.06%
ii. Asian/ Pacific Islander	84	1.66%
iii. Black	394	7.79%
iv. White	837	16.54%
v. Hispanic/ Latino	168	3.32%
b. Male	3575	70.64%
i. Alaska/ Native American/ Indian	8	0.16%
ii. Asian/ Pacific Islander	393	7.77%
iii. Black	783	15.47%
iv. White	1876	37.07%
v. Hispanic/ Latino	515	10.18%
06. Reason for Stop:		
a. Violation of Law	118	2.33%
i. Alaska/ Native American/ Indian	0	0.00%
ii. Asian/ Pacific Islander	6	5.08%

Racial Profiling Analysis Report

iii. Black	23	19.49%
iv. White	85	72.03%
v. Hispanic/ Latino	4	3.39%
b. Pre-Existing Knowledge	8	0.16%
i. Alaska/ Native American/ Indian	0	0.00%
ii. Asian/ Pacific Islander	0	0.00%
iii. Black	3	37.50%
iv. White	4	50.00%
v. Hispanic/ Latino	1	12.50%
c. Moving Traffic Violation	3796	75.00%
i. Alaska/ Native American/ Indian	10	0.26%
ii. Asian/ Pacific Islander	386	10.17%
iii. Black	882	23.23%
iv. White	2031	53.50%
v. Hispanic/ Latino	487	12.83%
d. Vehicle Traffic Violation	1139	22.51%
i. Alaska/ Native American/ Indian	1	0.09%
ii. Asian/ Pacific Islander	85	7.46%
iii. Black	269	23.62%
iv. White	593	52.06%
v. Hispanic/ Latino	191	16.77%
07. Was a Search Conducted:		
a. NO	5009	98.97%
i. Alaska/ Native American/ Indian	11	0.22%
ii. Asian/ Pacific Islander	474	9.46%
iii. Black	1161	23.18%
iv. White	2696	53.82%
v. Hispanic/ Latino	667	13.32%
b. YES	52	1.03%
i. Alaska/ Native American/ Indian	0	0.00%
ii. Asian/ Pacific Islander	3	5.77%
iii. Black	16	30.77%
iv. White	17	32.69%
v. Hispanic/ Latino	16	30.77%
08. Reason for Search:		
a. Consent	9	0.18%

Racial Profiling Analysis Report

i. Alaska/ Native American/ Indian	0	0.00%
ii. Asian/ Pacific Islander	1	11.11%
iii. Black	1	11.11%
iv. White	5	55.56%
v. Hispanic/ Latino	2	22.22%
b. Contraband in Plain View	3	0.06%
i. Alaska/ Native American/ Indian	0	0.00%
ii. Asian/ Pacific Islander	1	33.33%
iii. Black	0	0.00%
iv. White	1	33.33%
v. Hispanic/ Latino	1	33.33%
c. Probable Cause	35	0.69%
ii. Alaska/ Native American/ Indian	0	0.00%
i. Asian/ Pacific Islander	1	2.86%
iii. Black	13	37.14%
iv. White	10	28.57%
v. Hispanic/ Latino	11	31.43%
d. Inventory	1	0.02%
i. Alaska/ Native American/ Indian	0	0.00%
ii. Asian/ Pacific Islander	0	0.00%
iii. Black	0	0.00%
iv. White	1	100.00%
v. Hispanic/ Latino	0	0.00%
e. Incident to Arrest	4	0.08%
i. Alaska/ Native American/ Indian	0	0.00%
ii. Asian/ Pacific Islander	0	0.00%
iii. Black	2	50.00%
iv. White	0	0.00%
v. Hispanic/ Latino	2	50.00%
09. Was Contraband Discovered:		
YES	40	0.79%
i. Alaska/ Native American/ Indian	0	0.00%
Finding resulted in arrest - YES	0	
Finding resulted in arrest - NO	0	
ii. Asian/ Pacific Islander	2	5.00%
Finding resulted in arrest - YES	0	
Finding resulted in arrest - NO	2	
iii. Black	12	30.00%

Racial Profiling Analysis Report

Finding resulted in arrest - YES	0	
Finding resulted in arrest - NO	12	
iv. White	13	32.50%
Finding resulted in arrest - YES	1	
Finding resulted in arrest - NO	12	
v. Hispanic/ Latino	13	32.50%
Finding resulted in arrest - YES	0	
Finding resulted in arrest - NO	13	
b. NO	12	0.24%
i. Alaska/ Native American/ Indian	0	0.00%
i. Asian/ Pacific Islander	1	8.33%
iii. Black	4	33.33%
iv. White	4	33.33%
v. Hispanic/ Latino	3	25.00%
10. Description of Contraband:		
a. Drugs	34	0.67%
i. Alaska/ Native American/ Indian	0	0.00%
ii. Asian/ Pacific Islander	1	2.94%
iii. Black	11	32.35%
iv. White	11	32.35%
v. Hispanic/ Latino	11	32.35%
b. Currency	0	0.00%
i. Alaska/ Native American/ Indian	0	
ii. Asian/ Pacific Islander	0	
iii. Black	0	
iv. White	0	
v. Hispanic/ Latino	0	
c. Weapons	1	0.02%
i. Alaska/ Native American/ Indian	0	0.00%
ii. Asian/ Pacific Islander	0	0.00%
iii. Black	1	100.00%
iv. White	0	0.00%
v. Hispanic/ Latino	0	0.00%
d. Alcohol	6	0.12%
i. Alaska/ Native American/ Indian	0	0.00%
ii. Asian/ Pacific Islander	0	0.00%
iii. Black	1	16.67%
iv. White	3	50.00%

Racial Profiling Analysis Report

v. Hispanic/ Latino	2	33.33%
e. Stolen Property	0	0.00%
i. Alaska/ Native American/ Indian	0	
ii. Asian/ Pacific Islander	0	
iii. Black	0	
iv. White	0	
v. Hispanic/ Latino	0	
f. Other	2	0.04%
i. Alaska/ Native American/ Indian	0	0.00%
i. Asian/ Pacific Islander	1	50.00%
iii. Black	0	0.00%
iv. White	1	50.00%
v. Hispanic/ Latino	0	0.00%
11. Result of Stop:		
a. Verbal Warning	0	0.00%
i. Alaska/ Native American/ Indian	0	
ii. Asian/ Pacific Islander	0	
iii. Black	0	
iv. White	0	
v. Hispanic/ Latino	0	
b. Written Warning	1769	34.95%
i. Alaska/ Native American/ Indian	3	0.17%
ii. Asian/ Pacific Islander	134	7.57%
iii. Black	419	23.69%
iv. White	1025	57.94%
v. Hispanic/ Latino	188	10.63%
c. Citation	3286	64.93%
i. Alaska/ Native American/ Indian	8	0.24%
ii. Asian/ Pacific Islander	343	10.44%
iii. Black	756	23.01%
iv. White	1685	51.28%
v. Hispanic/ Latino	494	15.03%
d. Written Warning and Arrest	3	0.06%
i. Alaska/ Native American/ Indian	0	0.00%
ii. Asian/ Pacific Islander	0	0.00%
iii. Black	1	33.33%
iv. White	2	66.67%
v. Hispanic/ Latino	0	0.00%

Racial Profiling Analysis Report

e. Citation and Arrest	3	0.06%
i. Alaska/ Native American/ Indian	0	0.00%
ii. Asian/ Pacific Islander	0	0.00%
iii. Black	1	33.33%
iv. White	1	33.33%
v. Hispanic/ Latino	1	33.33%
f. Arrest	0	0.00%
i. Alaska/ Native American/ Indian	0	
ii. Asian/ Pacific Islander	0	
iii. Black	0	
iv. White	0	
v. Hispanic/ Latino	0	
12. Arrest Based On:		
a. Violation of Penal Code	3	0.06%
i. Alaska/ Native American/ Indian	0	0.00%
ii. Asian/ Pacific Islander	0	0.00%
iii. Black	1	33.33%
iv. White	1	33.33%
v. Hispanic/ Latino	1	33.33%
b. Violation of Traffic Law	0	0.00%
i. Alaska/ Native American/ Indian	0	
ii. Asian/ Pacific Islander	0	
iii. Black	0	
iv. White	0	
v. Hispanic/ Latino	0	
c. Violation of City Ordinance	0	0.00%
i. Alaska/ Native American/ Indian	0	
ii. Asian/ Pacific Islander	0	
iii. Black	0	
iv. White	0	
v. Hispanic/ Latino	0	
d. Outstanding Warrant	3	0.06%
i. Alaska/ Native American/ Indian	0	0.00%
ii. Asian/ Pacific Islander	0	0.00%
iii. Black	1	33.33%
iv. White	2	66.67%
v. Hispanic/ Latino	0	0.00%

Racial Profiling Analysis Report

13. Was Physical Force Used:

a. NO	5060	99.98%
i. Alaska/ Native American/ Indian	11	0.22%
ii. Asian/ Pacific Islander	477	9.43%
iii. Black	1177	23.26%
iv. White	2712	53.60%
v. Hispanic/ Latino	683	13.50%
b. YES	1	0.02%
i. Alaska/ Native American/ Indian	0	0.00%
ii. Asian/ Pacific Islander	0	0.00%
iii. Black	0	0.00%
iv. White	1	100.00%
v. Hispanic/ Latino	0	0.00%
b 1. YES: Physical Force Resulting in Bodily Injury to Suspect	0	0.00%
b 2. YES: Physical Force Resulting in Bodily Injury to Officer	0	0.00%
b 3. YES: Physical Force Resulting in Bodily Injury to Both	0	0.00%

14. Total Number of Racial Profiling Complaints Received:

0

REPORT DATE COMPILED 01/18/2024



DEADLINE: FEBRUARY 1ST, 2024 AT 5:00 P.M

APPLICATION FORM

GREEN RIBBON FUNDING FY

DALLAS DISTRICT PLA
Anthony Diep, RLA
Dallas Transportation Landscape Architect
4777 E. US. HWY 80
Mesquite TX, 75150

After submittal please email: Anthony.diep@txdot.gov
and cc: Arturo.villalba@txdot.gov

Requesting Amount:

LOCAL GOVERNMENT INFORMATION

Agency Name: Town of Hickory Creek
LG Contact: John Smith
Phone: 940-497-2528 ext 231
Address: 1075 Ronald Reagan Avenue
City: Hickory Creek Zip Code: 75065
UEI: _____

APPLICANT INFORMATION

Consultant/Project Manager: Layne Olivo
Title: Project Manager
Phone: 817-764-7434
Email: lolivo@halff.com
Company Address: 2601 Meacham Blvd. Ste. 600
City: Fort Worth Zip Code: 76167

REQUIRED QUESTIONNAIRE

Has the Local Government previously been awarded Green Ribbon Funding within the past 10 years? Yes No
If yes to the above, submit current maintenance plan and images of current project state.

Does the Local Government have GCAA funding available? Yes No

If Yes to the above, will the Local Government consider merging funds to expand total allowance? Yes No

PROJECT INFORMATION

Project Limits From: Turbeville Road
Project Limits To: S. Stemmons Fwy

Highway: I-35E

SCOPE OF PROJECT

**Provide detailed explanation of location, size, and concept of proposed project*

The project is located at the intersection of Turbeyville Road and southbound I-35E along the ramp "jughandle" connecting Turbeyville Road to S Stemmons Fwy and in the area bounded by the ramp, Turbeyville Road, and S Stemmons Fwy. The plan consists of landscape materials in a design that is intended to mark the ramp as a significant entrance into Hickory Creek. The plan will use shade and understory trees, shrubs, ornamental grasses and groundcovers, as well as native plantings in large areas. Plant beds will be bound by concrete mowstrips, gravel, and stone. A new irrigation system will be installed.

Include this completed application form, proposed location map (schematic plan), preliminary budget, preliminary project schedule and LGPP certification or proof of LGPP course registration. For a sample submission package click link ([VIEW SAMPLE](#))

Combine all files into single PDF document and name YOURCITY_GRFY(year you are applying for) and upload to box.com using this link ([SUBMIT](#))

FILE NAME: A:\07000\07038\124\ACADD\Sheet\LPAN-SITE\37638.dwg DATE: December 14, 2023, TIME: 4:17 PM, USER: #6241 AVO: 37638.124



GREEN RIBBON 2024
 HICKORY CREEK, TX



REVISION	DATE	DESCRIPTION

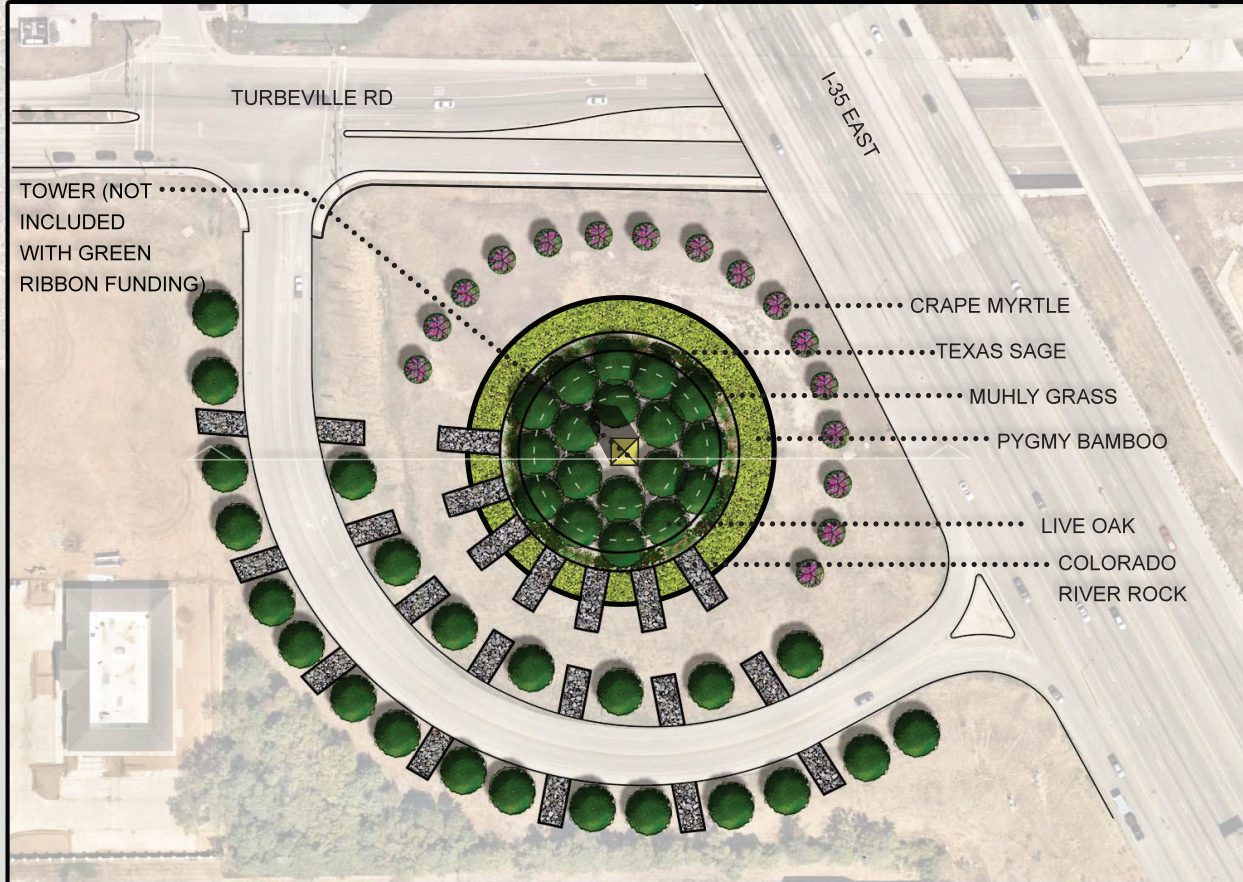
PRELIMINARY
 FOR INTERIM REVIEW ONLY

THESE DOCUMENTS ARE FOR INTERIM REVIEW AND NOT BEING FOR REGULATORY APPROVAL. BEFORE BEING USED FOR CONSTRUCTION, THE USER SHALL OBTAIN THE SUPERVISION OF:

LAYNE OLIVIO 2020
 NAME P.E. NO.
 DATE 12/14/2023
 TITLE ENGINEERING FIRM # 212

CONCEPT DEVELOPMENT

PROJECT NO.: 37638
 ISSUED: 12/14/2023
 DRAWN BY: JW
 CHECKED BY: LG
 SCALE: 1:300
 SHEET TITLE



HICKORY CREEK I35 ENTRANCE PLANT PALETTE



LIVE OAK
(Quercus virginiana)



GRAPE MYRTLE
(Lagerstroemia spp.)



MUHLY GRASS
(Muhlenbergia lindheimeri)



TEXAS SAGE
(Leucophyllum frutescens)



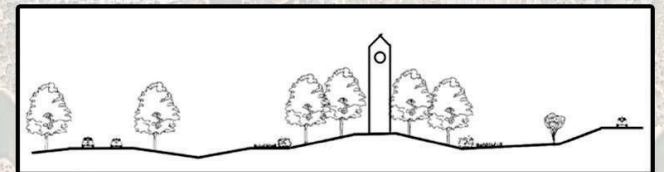
PYGMY BAMBOO
(Pleioblastus pygmaeus)



COLORADO RIVER ROCK

CONCEPT STATEMENT

This radial design displays a mounded tree grove, surrounded by an alternating shrub edge. Following that is a layer of low growing groundcover accompanied by a repetitious pattern of river rock highlighting the jug handle to create a sense of place as you enter and exit into the town of Hickory Creek. Additionally, a central feature such as a clock tower can be implemented, but will not be included in Green Ribbon Funding.



Hickory Creek Turbeville Rd Entrance - Green Ribbon COST ESTIMATE					
ITEM CODE	ITEM DESCRIPTION	QUANTITY		ENGINEERING ESTIMATE	
LANDSCAPING					
0100 6001	PREPARING ROW	6	AC	\$ 10,000.00	\$ 61,600.00
0132 6005	EMBANKMENT (FINAL)(ORD COMP)(TY C)	3800	CY	\$ 12.00	\$ 45,595.56
0192 6016	BED PREPARATION	3746	SY	\$ 30.00	\$ 112,393.33
0192 6097	CONCRETE LANDSCAPE EDGE (12 IN WIDTH)	69	CY	\$ 800.00	\$ 55,288.89
0192 6023	PLANT MATERIAL (15 GAL) (TREE)	16	EA	\$ 250.00	\$ 4,000.00
0192 6024	PLANT MATERIAL (30 GAL) (TREE)	41	EA	\$ 450.00	\$ 18,450.00
0192 6028	PLANT MATERIAL (1 GAL) (SHRUB)	3948	EA	\$ 25.00	\$ 98,700.00
0192 6031	PLANT MATERIAL (5 GAL) (SHRUB)	421	EA	\$ 35.00	\$ 14,735.00
SS1005	LOOSE AGGREGATE FOR GROUND COVER (RIVER ROCK)	296	CY	\$ 180.00	\$ 53,316.67
0192 6013	MULCH	3746	SY	\$ 7.00	\$ 26,225.11
Subtotal Landscaping					\$ 490,304.56
IRRIGATION					
1706001	IRRIGATION SYSTEM	3746	SY	\$ 25.00	\$ 99,361.11
6186034	IRRIGATION CONDUIT (PVC) (SCH 40) (4") (BORE)	120	LF	\$ 45.00	\$ 5,400.00
Subtotal Irrigation					\$ 104,761.11
MAINTENANCE					
5066041	EROSION CONTROL LOGS (12") (INSTALL)	150	LF	\$ 8.00	\$ 1,200.00
5066043	EROSION CONTROL LOGS (REMOVE)	150	LF	\$ 5.00	\$ 750.00
1936001	PLANT MAINTENANCE	12	MO	\$ 2,000.00	\$ 24,000.00
1936007	IRRIGATION SYSTEM OPERATION AND MAINTENANCE	12	MO	\$ 2,000.00	\$ 24,000.00
Subtotal Miscellaneous					\$ 49,950.00
MISCELLANEOUS					
5006001	MOBILIZATION (10% construction cost)	1	LS	\$ 64,501.57	\$ 64,501.57
5026001	BARRICADES, SIGNS, AND TRAFFIC HANDLING (7% construction cost)	3	MO	\$ 5,000.00	\$ 15,000.00
Subtotal Miscellaneous					\$ 79,501.57
Subtotal					\$ 724,517.23
Contingency				15%	\$ 108,677.59
Total					\$ 833,194.82
Opinion of Probable Cost					\$ 840,000.00
CONSULTANT					
ENGINEERING & ENVIRONMENTAL					\$210,000.00

SH183 GREEN RIBBON PRELIMINARY PROJECT SCHEDULE
RICHLAND HILLS, TEXAS

Task Description	Jan-25	Feb 2024	Mar 2024	Apr 2024	May 2024	Jun 2024	Jul 2024	Aug 2024	Sep 2024	Oct 2024	Nov 2024	Dec 2024	Jan 2025	Feb 2025	Mar 2025	Apr 2025
Task 1 - Submit TXDOT Green Ribbon Application																
Task 2 - TXDOT Approval (apx 7 month)																
Task 3 - 60% Design (apx 1 month)																
TXDOT Review (apx 2 weeks)																
Task 4 - 95% Set (2 month)																
TXDOT Review (apx 2 weeks)																
Task 5 - 100% RTL (apx 2 month)																
Task 6 - Bidding & Letting (2 months)																
Task 7 - Official Notice to Proceed (Apr 2025)																

60% PLAN SET DUE 9/28/2024

Txdot comments due Mid-Oct

95% PLAN SET DUE 11/31/2022

Txdot comments due Dec

100% RTL 01/31/2025

CONSTRUCTION NTP



**TOWN OF HICKORY CREEK, TEXAS
RESOLUTION NO. 2024-01-__**

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF HICKORY CREEK, TEXAS, HEREBY AUTHORIZING THE MAYOR OF THE TOWN OF HICKORY CREEK, TEXAS, TO EXECUTE AN AGREEMENT BY AND BETWEEN THE TOWN OF HICKORY CREEK, TEXAS AND THOUSAND HILLS CHURCH CONCERNING A LICENSE FOR USE OF REAL PROPERTY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Town of Hickory Creek (the “Town”), Texas is a Type A General Law Municipality located in Denton County, Texas, created in accordance with the provisions of the Texas Local Government Code and operating pursuant to enabling legislation of the State of Texas; and

WHEREAS, the Town Council has been presented with a proposed Agreement by and between the Town of Hickory Creek, Texas and Thousand Hills Church (hereinafter the “Agreement”) concerning a license for use of certain real property within Hickory Creek, Texas, a copy of which is attached hereto as Exhibit “A” and incorporated herein by reference; and

WHEREAS, upon full review and consideration of the Agreement, and all matters attendant and related thereto, the Town Council is of the opinion that the terms and conditions thereof should be approved, and that the Mayor shall be authorized to execute it on behalf of the Town of Hickory Creek.

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Hickory Creek, Texas:

Section 1: That the Mayor of the Town of Hickory Creek, Texas, is hereby authorized to execute on behalf of the Town of Hickory Creek, Texas, the Agreement attached hereto as Exhibit A.

Section 2: This Resolution shall take effect immediately upon its passage.

PASSED AND APPROVED by the Town Council of the Town of Hickory Creek, Texas this 29th day of January, 2024.

Lynn C. Clark, Mayor
Town of Hickory Creek, Texas

ATTEST:

Kristi Rogers, Town Secretary
Town of Hickory Creek, Texas

APPROVED AS TO FORM:

Dorwin L. Sargent, III, Town Attorney
Town of Hickory Creek, Texas



BUILDERS' INSULATION

(972) 660-5800

Offices in: Appleton, Atlanta, Charlotte, Chicago, Greensboro, Jacksonville, Madison, Memphis, Milwaukee, Minneapolis, Nashville, Orlando, Raleigh, Richmond, Tampa, Virginia Beach, Washington DC

JOHN SMITH

Phone	(940) 453-4963	Date	12/06/2023
Job Name / Location	COURTHOUSE CLOSED CELL		
	Lot # 1075 COURTHOUSE		
	1075 RONALD REAGAN AVE		
	HICKORY CREEK	TX	75065
Contact		Job Number	24998

We hereby submit specifications and estimates for:

ALL EXTERIOR WALL AND ATTIC PENETRATIONS
 ATTIC WALLS
 ROOF CEILING
 PACK ALL DOORS, WINDOWS AND FLOORS

CRACK & JOINT PRO FIRE BLOCK FILLER FOAM
 1 1/2" SPRAY FOAM - SEAL TIGHT ENERGY SYSTEM
 1 1/2" SPRAY FOAM - SEAL TIGHT ENERGY SYSTEM
 HOUSE WRAP AIR BARRIER

We Propose hereby to furnish material and labor, complete in accordance with the above specifications, for the sum of: **\$17,432.00**

Payment to be made as follows:

PAYMENT IN FULL DUE WITHIN 30 DAYS FROM THE DATE OF THE INVOICE. ALL AMOUNTS NOT PAID WITHIN SUCH 30 DAYS SHALL ACCRUE INTEREST AT A RATE OF 18% PER ANNUM (1.5% PER MONTH). IN ADDITION, BUILDERS' INSULATION SHALL HAVE THE RIGHT TO RECOVER REASONABLE ATTORNEY'S FEES AND EXPENSES ASSOCIATED WITH THE COLLECTION OF INVOICES NOT PAID IN FULL WITHIN SUCH 30 DAY PERIOD.

All material is guaranteed to be as specified. All work to be completed in a workmanlike manner according to standard practices. Any alteration or deviation from above specifications involving extra costs will be executed only upon written orders, and will become an extra charge over and above the estimate. All agreements contingent upon strikes, accidents or delays beyond our control. Owners to carry fire, tornado and other necessary insurances. Our workers are fully covered by Workmen's Compensation Insurance.

Acceptance of Proposal in accordance with the above prices, specifications, and conditions are satisfactory and are hereby accepted. You are authorized to do the work as specified. Payment will be made as outlined above.

Note: This proposal may be withdrawn by us if not accepted within **60** days.

Authorized By: **DANIEL FERNANDEZ**
 Cell: **(972) 209-7588**
 E-Mail: **Daniel.Fernandez@insulation-holdings.co**

Signature _____ Date _____

Upon acceptance please fax or return signed copy: **1135 EAST AVENUE J GRAND PRAIRIE, TX 75050 FAX: (972) 660-5801**

Project Type

Proposal Date

Proposal Type

Project Name

Expiration Date

Proposal Status

Model Name

Revision Date

Revision #

Job Description

Job Type

Lot # Subdivision

Price Level

Address

Print Format

ZipCode Bldg Num PermitID

Warehouse

City State

Salesmen

Proposal Details | Option Details

Work Area Description	Inventory Item	UOM	Quantity	Labor Rate	Price Lv	Unit Price	Amount
ALL EXTERIOR WALL AND ATTIC PENETRATIONS	CF 810	EACH	10	7.5000	8	27.3285	273.28
ATTIC WALLS	SPRAY FOAM 1.5"	SQFT	2,870	0.2300	8	2.7510	7,895.39
ROOF CEILING	SPRAY FOAM 1.5"	SQFT	2,950	0.2300	8	2.7510	8,115.47
PACK ALL DOORS, WINDOWS AND FLOORS	PROWRAP 9X200	SQFT	4,800	0.0600	8	0.2392	1,148.20
*					8		



GREEN ATTICS
Green Attics

John Smith
 1075 Ronald Reagan Ave
 Hickory Creek, TX 75065

☎ (940) 497-2528
 ✉ john.smith@hickorycreek-tx.gov

ESTIMATE	#2544
ESTIMATE DATE	Nov 13, 2023
SERVICE DATE	Nov 7, 2023
TOTAL	\$35,160.34

CONTACT US

4645 Wyndham Ln, SUITE 110
 Frisco, TX 75033

☎ (469) 943-2352
 ✉ info@greenattics.com

Service completed by: Ian Crosby

ESTIMATE

Services	amount
2" Closed Cell Spray Foam	\$38,506.00
<p>Closed cell spray foam is 100 percent moisture impermeable while providing a higher r-value than closed. Closed cell's rigid structure and durability makes it ideal for exposed walls because it won't be damaged if it is bumped by machinery or tools. When encapsulating the entire attic space it is recommended to spend 1 night out of the home. Minimum job is \$1600.</p>	
Insulation - Removal: if needed for removal of loose batts above drop tile	\$1,000.00
If needed for removal of loose batts over drop tile	
Services subtotal: \$39,506.00	
Subtotal	\$39,506.00
New customer/end Of Year	- \$4,345.66
Total	\$35,160.34

Thank you for choosing Green Attics Solutions as your preferred energy efficient company. In an effort to remain competitive in the ever-rising cost of energy efficient materials, please keep in mind that all estimates are based on current inventory and are subject to change.

In order for Green Attics to schedule and perform work at your home or business, please follow these steps:

1. Carefully review our Terms & Conditions
2. Due to the material shortage/pricing estimates are good for fourteen (14) days from date of estimate.
3. Approving this estimate indicates that you have read and acknowledged our Terms & Conditions,

along with the quoted price.

4. If you approve this estimate you will be contacted to schedule an appointment.
5. Green Attics holds liability insurance on all of their employees completing work at property address where the job has been approved by the homeowner.
6. No show charge for appointments are \$150.
7. 7-day outstanding invoices will be assessed a 15% late charge for every 7-days the balance is not paid in full.
8. Customer accepts all responsibility for spray foam jobs when the gas furnace is less than 90% rating.

Feel free to reach out to us at (469)943-2352 or info@greenatticssolutions.com with any questions.