

ORDER ADOPTING GREENBELT TREE TRIMMING POLICY  
September 21, 2023

THE STATE OF TEXAS §  
COUNTY OF HAYS §  
HAYS COUNTY WATER CONTROL AND IMPROVEMENT DISTRICT NO. 2 §

We the undersigned officers of the Board of Directors (the “Board”) of Hays County Water Control and Improvement District No. 2 (the “District”), hereby certify as follows:

The Board convened in *regular* session, open to the public, on September 21, 2023 at its office outside the District and the roll was called of the members of the Board, to-wit:

Samantha E. Bethke	President
Lynn J. Lee	Vice President
Sean McGillicuddy	Secretary
William Carroll Kelly IV	Treasurer/Asst. Secretary
Chris Kopperud	Assistant Secretary

All members of the Board were present.

Whereupon, among other business conducted by the Board, Director Bethke introduced the order set out below (the “Order”) and moved its adoption, which motion was seconded by Director Lee and after full discussion and the question being put to the Board of Directors, said motion was carried by the following vote:

“Aye” 5;                      “No” 0.

The Order thus adopted is as follows:

WHEREAS, the Board desires to address issues related to the trimming of trees located within District greenbelt areas; and


WHEREAS, the Board has determined it to be appropriate and prudent to establish a policy that provides the orderly administration of resident requests to trim trees that located within District greenbelt areas that extend across a resident’s property line.

NOW THEREFORE, THE BOARD OF DIRECTORS OF HAYS COUNTY WATER CONTROL AND IMPROVEMENT DISTRICT NO. 2 ORDERS THAT:

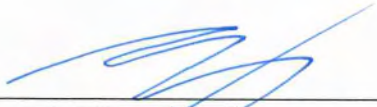
1. The “Hays County WCID No. 2 Greenbelt Tree Trimming Policy” attached hereto as Exhibit “A” (the “Policy”) is hereby adopted;

2. If any provision, section, sentence, clause, or phrase of this Order, or the application of same to any person or set of circumstances is for any reason held to be unconstitutional, void or invalid (or for any reason unenforceable), the validity of the remaining portions of this Order or the application to such other persons or sets of circumstances shall not be affected thereby, it being the intent of the Board in adopting this Order, that no portion hereof or provision contained herein shall become inoperative or fail by reason of any unconstitutionality or invalidity of any other portion or provision; and
3. The Secretary of the Board is hereby directed to file a copy of this Order in the principal office of the District. This Order shall be and remain in full force and affect from and after the date of filing.

PASSED AND APPROVED THIS 21<sup>st</sup> day of September, 2023

  
\_\_\_\_\_  
Samantha E. Bethke, President  
Board of Directors

Attest:

  
\_\_\_\_\_  
Sean McGillicuddy, Secretary  
Board of Directors

THE STATE OF TEXAS §

COUNTY OF HAYS §

HAYS COUNTY WATER CONTROL AND IMPROVEMENT DISTRICT NO. 2 §

I, the undersigned Secretary of the Board of Directors of Hays County Water Control and Improvement District No. 2 hereby certify that the attached and foregoing is a true and correct copy of an Order Adopting Amended Service Rate Order, together with an excerpt from the minutes of the meeting of said Board of Directors showing adoption thereof, and the original of said Order and minutes entry are on file in the District's office.

WITNESS MY HAND AND THE OFFICIAL SEAL OF THE DISTRICT this 21st  
day of September, 2023.

  
Sean McGillicuddy, Secretary



## EXHIBIT "A"

### Hays County Water Control and Improvement District No. 2 Greenbelt Tree Trimming Policy

This Greenbelt Tree Trimming Policy ("Policy") shall apply to all Eligible Trees and Ineligible Trees as defined herein that are located within a greenbelt or open space area that is owned by Hays County Water Control and Improvement District No. 2 (the "District").

#### 1. Key Definitions.

- (a) Eligible Tree: a tree located within a greenbelt or open space area owned by the District with a canopy or constituent branches overhanging an adjacent property line.
- (b) Ineligible Tree: any tree within a greenbelt or open space area owned by the District that is not an Eligible Tree.

#### 2. Trimming of Eligible Trees – Request Necessary. In an effort to promote the health, balance and overall aesthetic appeal of Eligible Trees, a resident may approach the Board of Directors of the District ("Board") to trim branches back to the trunk and trim other branches of the Eligible Tree that do not extend across the resident's property line. Resident requests of this nature may be presented to the District's administrative manager (the "District Manager") or the Board's park committee (the "Committee") for initial review and submitted to the Board for final review. Such a request will be considered, and if approved, implemented as set for in this Section of the Policy.

- (a) Initial Requirements. A resident presenting a request to trim an Eligible Tree (a "Requesting Resident") must agree to comply with the following requirements: (1) the Requesting Resident must pay the costs of trimming the Eligible Tree; (2) the Requesting Resident must consult with the District's landscape contractor ("District Landscaper") to review the scope of the proposed trimming project (the "Project") and address any concerns; and (3) the Requesting Resident must deposit with the District the sum of \$1,500.00 (the "Deposit"), which Deposit shall be refundable within thirty (30) days of the completion of the Project, less the charges of the District Landscaper in completing the Project, if the District Manager confirms that no District property or third party has been damaged by the Project.
- (b) District Landscaper to Perform Project. All Projects must be performed by the District Landscaper unless otherwise expressly and specifically approved by the District.
- (c) Ingress and Egress. Points of ingress and egress must be approved by the District Manager or the Committee prior to commencement of the Project. To the extent practicable, trucks or trailers used to haul away limbs, branches and other items to be disposed of ("Trimmings") must be parked in the Requesting Resident's driveway, and the Trimmings must be carried from the District greenbelt property to through the Requesting Resident's yard, and then placed in the truck or trailer. In the event that removal of the Trimmings is not possible in the foregoing manner, the Committee may approve an alternative removal approach, taking

special care to avoid potential damages to District property caused by necessary vehicles or machinery.

- (d) Oak Wilt. All appropriate precautions to avoid the spread of oak wilt and other diseases must be taken in connection with each Project. These precautions must include the use of appropriately sterilized equipment, the sealing of all pruned areas with quality pruning seal, and following all additional recommendations of the District Landscaper. Oak trees will not be pruned between February 1<sup>st</sup> and June 30<sup>th</sup>.
  - (e) Post-Project Inspection. The District Manager or the Committee shall visit the site of the Project after completion. If the Project has resulted in any damage to District property or any other resident's property, the Requesting Resident shall be fully liable therefor. The District shall utilize funds from the Deposit to pay for necessary repair and restoration costs related to such damages. To the extent the Deposit is insufficient to pay for necessary repairs and restoration costs, the Requesting Resident shall be liable for the balance.
3. **Exception.** Consistent with the laws of the State of Texas, a resident may trim any portion of an Eligible Tree that overhangs or extends across the property line between the District's property and the resident's property without approaching the Board or obtaining permission.
  4. **Trimming of Ineligible Trees Strictly Prohibited.** If any tree within a greenbelt or open space area owned by the District is not an Eligible Tree as defined by this Policy, the tree may not be trimmed, cut down or otherwise modified by any resident or other person. There are no exceptions to Section 4 of this Policy. Action by any person in contravention of Section 4 of this Policy is a violation of the District's duly adopted rules and regulations subject to imposition of a civil penalty, and also constitutes an unlawful trespass under the laws of the State of Texas.