ORDER AMENDING PARK RULES AND REGULATIONS GOVERNING RECREATIONAL FACILITIES AND GREENBELTS AND FEES AND CHARGES FOR THE USE THEREOF

WHEREAS, Fern Bluff Municipal Utility District (the "**District**") is a duly created and existing municipal utility district created and operating under Chapters 49 and 54 of the Texas Water Code, as amended; and

WHEREAS, the District currently owns and maintains the following parks located within the boundaries of the District: (1) Fern Bluff Park located on Park Valley Drive; (2) Brightwater Park, located on Brightwater Boulevard; (3) Veterans' Memorial Park located on Park Valley Drive and Broken Branch Drive; (4) Friendly Oaks Park located on Montana Falls Drive; (5) Cheatham Park located on Wildwater Drive; and (6) Olsen Meadows Park located off Brushy Creek Road in Oak Brook (all of the above parks are collectively referred to herein as the "**District's Parks**"); and

WHEREAS, included in the District's Parks are recreational facilities, improved and unimproved greenbelt areas and trails, detention ponds, and other District park improvements; and

WHEREAS, pursuant to Chapters 49 and 54 of the Texas Water Code, as amended, the District's Board of the Directors (the "**Board**") is authorized to adopt and enforce necessary rules and regulations governing the parks, greenbelts and recreational facilities developed and maintained by the District and to establish fees, penalties, charges and a schedule for the use of such facilities (the "**Park Rules**"); and

WHEREAS, the Board previously determined that it was in the District's best interest to amend its Park Rules to adopt a "No Fishing" policy; and

WHEREAS, the District's authority to implement the "No Fishing" policy has been questioned in light of Article 1, Section 34 of the Texas Constitution; and

WHEREAS, the Board desires to adopt an Order confirming the District's bases for adopting the "No Fishing" policy and amend the District's Park Rules to prevent other activities in and around the District's ponds; and

WHEREAS, the District owns the land and ponds within Olsen Meadows Park (the "**Ponds**") pursuant to the Dedication of Greenbelt recorded in the Williamson County Official Public Records as Document Number 1995051845, wherein Scott Felder Limited Partnership (the "**Developer**") was the grantor and the District was the grantee; and

WHEREAS, the Ponds were originally constructed by the Developer as part of the area's stormwater drainage system; and

WHEREAS, after the Developer dedicated Olsen Meadows Park to the District, the District continued using the Ponds as a part of the stormwater drainage system designed to drain

stormwater from the surrounding area and prevent flooding downstream (See TEX. WATER CODE §§ 54.012 and 54.201); and

WHEREAS, the Texas Parks and Wildlife Department is entrusted with regulating and overseeing the state's wildlife resources and has placed a high value on access to fishing for citizens in Texas;

WHEREAS, the Texas Water Code and the Texas Parks and Wildlife Code also entrust local governments like the District to police and regulate land owned by the District, including stormwater drainage systems;

WHEREAS, the Ponds are an integral part of the District's stormwater drainage system and must be adequately maintained in order to prevent flooding and damage to surrounding areas and downstream property owners; and

WHEREAS, as part of the District's ongoing maintenance of the Ponds, the District monitors activities in and around the Ponds that may impact the depth of the Ponds and diminish the Ponds' ability to capture and retain stormwater, including activities that may, if continued, diminish the amount of vegetation surrounding the Ponds thereby decreasing the amount of stormwater the Ponds can retain and increasing silt being introduced into the Ponds;

WHEREAS, the District also monitors the fish that were introduced into the Ponds in order to help remove damaging algae that was growing in the Ponds, which in turn was increasing siltation, and diminishing the amount of runoff the Ponds could absorb; and

WHEREAS, the District has "the functions, powers, authority, rights, and duties that will permit accomplishment of the purposes for which it was created," one of which being the implementation of rules that protect the public safety and welfare of the District residents; and

WHEREAS, the Board desires to confirm and affirm its previously adopted "No Fishing" policy and to amend the Park Rules to prevent activities in and around the ponds within the District's Parks that may interfere with the District's management of stormwater drainage; and

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF FERN BLUFF MUNICIPAL UTILITY THAT:

Section 1. The facts and recitations found in the preamble of this Order are hereby found and declared to be true and correct.

Section 2. The District reaffirms its adoption of the No Fishing rule within all District ponds with the exception referenced in Section 3, below.

Section 3. Rule 11 of the District's Park and Greenbelt Rules is hereby amended to reflect the following change:

Activities, including fishing and recreational activities, are prohibited from occurring on the land compromising the gradient leading down to the District's ponds and within the District's ponds.

Section 4. The Park Rules contained in Exhibit A are the revised and newly adopted Park Rules.

Section 5. The Board may adopt additional rules and fees as it deems necessary.

Section 6. The District authorizes the General Manager and/or her Agent, to post appropriate signage around the District ponds, including the ponds within Olsen Meadows, and as necessary, to inform District residents and the general public of the prohibition against activities in and near the Ponds.

Section 7. The enforcement of this Order and the Park Rules, as amended herein, and the imposition of penalties will be handled as outlined in Exhibit B. The General Manager and/or her agent will serve as the District's representative in identifying violations and following the procedures outlined in Exhibit B.

PASSED AND APPROVED this 15th day of November 2017.

/s/ George Sabatino
President, Board of Directors

ATTEST:

/s/ Jessica Stempko
Secretary, Board of Directors

(SEAL)