

RESOLUTION ADOPTING POLICY REGARDING THE USE OF  
OTHER POWER-DRIVEN MOBILITY DEVICES  
IN CYPRESS SPRINGS, AMHURST AND GREENBELT PARKS

WHEREAS, Harris County Municipal Utility District No. 165 (the "District") has been legally created and operates pursuant to the general laws of the State of Texas applicable to conservation and reclamation districts; and

WHEREAS, the Board of Directors has convened on this date at a meeting open to the public and wishes to adopt the Policy Regarding the Use of Other Power-Driven Mobility Devices for the District attached hereto, to comply with 28 CFR part 35; Now, Therefore,

BE IT RESOLVED BY THE BOARD OF DIRECTORS OF HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 165 THAT:

Section 1: The Board of Directors of the District hereby adopts the Policy Regarding the Use of Other Power-Driven Mobility Devices in Cypress Springs, Amhurst and Greenbelt parks attached hereto.

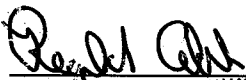
Section 2: The provisions of this Resolution shall be effective as of the date of adoption and shall remain in effect until modified by action of the Board of Directors.

PASSED AND APPROVED on May 5, 2011.



\_\_\_\_\_  
President, Board of Directors

ATTEST:



\_\_\_\_\_  
Secretary, Board of Directors

(SEAL)



POLICY REGARDING THE USE OF  
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To comply with the Americans with Disabilities Act, Harris County Municipal Utility District No. 165 (the "District") provides reasonable accommodations to individuals with disabilities within [insert name of trail/park] (the "Facility"). This Policy Regarding the Use of Other Power-Driven Mobility Devices in Cypress Springs, Amhurst and Greenbelt parks shall be posted on the District's website ([www.hcmud165.com](http://www.hcmud165.com)) and made available to the public at the offices of Allen Boone Humphries Robinson LLP, 3200 Southwest Freeway, Suite 2600, Houston, Texas 77027, (713) 860-6400. Individuals should contact the attorney for the District at (713) 860-6400 for more information regarding this policy.

In compliance with 28 CFR part 35, the District has considered the following factors in determining the class of other power-driven mobility devices ("OPDMDs") that may be used by individuals with mobility disabilities within the Facility:

- (i) The type, size, weight, dimensions, and speed of the OPDMDs;
- (ii) The Facility's volume of pedestrian traffic;
- (iii) The Facility's design and operational characteristics;
- (iv) Whether legitimate safety requirements can be established to permit the safe operation of OPDMDs in the Facility; and
- (iv) Whether the use of OPDMDs creates a substantial risk of serious harm to the immediate environment or natural or cultural resources.

Based upon the above factors, the District has determined that the following restrictions shall apply to the use of OPDMDs within the Facility.

- A. An individual without a mobility disability shall not be permitted to use an OPDMD within the Facility at any time. A representative of the District or any other individual enforcing this policy may ask, in compliance with 28 CFR § 35.137(c), that the individual using the OPDMD provide a credible assurance that the OPDMD is required because of the individual's disability.
- B. Except as otherwise permitted by the District engineer after considering the factors set forth above, District consultants and contractors are only permitted to operate an OPDMD within the Facility so long as a maximum speed limit of 5 miles per hour is observed and the OPDMD is not used within the Facility during or for a period of 24 hours after a precipitation event.

C. The following apply only to OPDMDs operated by individuals with a mobility disability.

- (i) OPDMDs with a maximum motor-powered speed in excess of 5 miles per hour shall not be operated within the Facility.
- (ii) OPDMDs shall not be used within the Facility during or for a period of 24 hours after a precipitation event.