

RESOLUTION ADOPTING POLICY REGARDING THE USE OF  
OTHER POWER-DRIVEN MOBILITY DEVICES  
IN DISTRICT LANDSCAPING RESERVES

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 attached hereto as Exhibit A in District landscaping reserves described in Exhibit B 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 October 3, 2013.

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

ATTEST:

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

(SEAL)



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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 District landscaping reserves 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.

[CHOOSE OPTION 1 OR 2 FOR THE DISTRICT'S POLICY]

OPTION 1

- 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

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.
  - (iii) [Insert any other restrictions that may be in place because of grant requirements, etc.]

CERTIFICATE FOR RESOLUTION

THE STATE OF TEXAS           §  
   §  
 COUNTY OF HARRIS           §

I, the undersigned officer of the Board of Directors of Harris County Municipal Utility District No. 165, hereby certify as follows:

1.       The Board of Directors of Harris County Municipal Utility District No. 165 convened in regular session on October 3, 2013 outside the boundaries of the District, and the roll was called of the members of the Board:

Mr. Alan Bentson	President
Mr. David Molina	Vice President
Vacant	Secretary
Mr. Keith Earl Maddox	Assistant Vice President
Ms. Janet Davidson	Assistant Secretary

and all of said persons were present except Director(s) \_\_\_\_\_, thus constituting a quorum. Whereupon, among other business, the following was transacted at the meeting: a written

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was introduced for the consideration of the Board. It was then duly moved and seconded that the resolution be adopted, and, after due discussion, the motion, carrying with it the adoption of the resolution, prevailed and carried unanimously.

2.       A true, full, and correct copy of the aforesaid resolution adopted at the meeting described in the above and foregoing paragraph is attached to and follows this certificate; the action approving the resolution has been duly recorded in the Board’s minutes of the meeting; the persons named in the above and foregoing paragraph are the duly chosen, qualified, and acting officers and members of the Board as indicated therein; each of the officers and members of the Board was duly and sufficiently notified officially and personally, in advance, of the time, place, and purpose of the aforesaid meeting, and that the resolution would be introduced and considered for adoption at the meeting, and each of the officers and members consented, in advance, to the holding of the meeting for such purpose; the meeting was open to the public as required by law; and public notice of the time, place, and subject of the meeting was given as required by Chapter 551, Texas Government Code, and Section 49.063, Texas Water Code.

SIGNED AND SEALED October 3, 2013.



(SEAL)

  
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 Secretary, Board of Directors