

## NOTICE OF OPEN MEETING

### FRANKLIN COUNTY WATER DISTRICT NOTICE OF REGULAR BOARD OF DIRECTORS MEETING (BY TELECONFERENCE) November 17, 2020 at 5:30 PM

**This meeting will be held remotely in accordance with the Office of the Governor's March 16, 2020 proclamation, as extended, temporarily suspending certain open meetings statutes in response to the current COVID-19 pandemic and statewide disaster declaration, as extended. No physical meeting space will be available.**

**Members of the public may listen to and participate in the meeting via conference call.**

**To participate in the meeting, please dial toll free 1+ 877-309-2073, and enter access code 688-812-325 when prompted or through a free link at <https://global.gotomeeting.com/join/688812325>.**

*Public comment on agenda and non-agenda items will be held at the meeting. Citizens wishing to address the Board on agenda items should email David Weidman at [david.weidman@fcwd.com](mailto:david.weidman@fcwd.com) prior to the meeting.*

#### I. MOMENT OF SILENCE

#### II. PUBLIC COMMENT

Public comments will be accepted only during designated portions of the Board meeting. If a member of the public inquires about an item that is not on the agenda, the Board may not deliberate or discuss the topic except to provide brief factual information or direct District staff to place the topic on a future agenda. At the presiding officer's discretion, speakers will be limited to three (3) minutes to facilitate the opportunity to comment by all those so interested and to support the orderly flow of the meeting.

#### III. CONSENT AGENDA

- A. Approval and Ratification of Minutes from the October 20, 2020 regular meeting.
- B. Ratification of Approval of Paid Bills
- C. Approve Quarterly Investment Report

#### IV. ACTION ITEMS FOR CONSIDERATION

- A. Consideration, Discussion, and Take Action Regarding Setting Pay Rates for Maintenance and Lake Patrol Job Positions.
- B. Consideration, Discussion, and Take Action Regarding Creating Park Attendant Job Position.
- C. Consideration, Discussion, and Take Action Regarding Approval of 2020 Proposed Budget Amendments and 2021 Proposed Budget.
- D. Consideration, Discussion, and Take Action Regarding Amending District Rules and Regulations, Article 4, Hunting and Fishing, Article 5, Boats, Aircraft, Automobiles, Bicycles, and Other Vehicles, Article 15, Construction on District Property, to Comply With Texas Parks and Wildlife Department Requirements.
- E. Consideration, Discussion, and Take Action Regarding Amending District Buoy Policy to Comply with Texas Parks and Wildlife Department Requirements.
- F. Consideration, Discussion, and Take Action Regarding Engagement Letter from Fox, Byrd & Company for the Fiscal Year 2020 Audit.
- G. Consideration, Discussion, and Take Action Regarding Approval of General Manager's Recommendation of Employee Incentive/Holiday Bonus.
- H. Consideration, Discussion, and Take Action Regarding Cancelling December 15, 2020 Regular Board Meeting.
- I. Consideration, Discussion, and Take Action Regarding Approval of Resolution in Support of Franklin County Water District Filing Legislation in the 2021 Legislative Session to Update District Enabling Legislation.
- J. Consideration, Discussion, and Take Action Regarding Request by Richard Snider to Appeal General Manager Decision Concerning Issuance of Permit #11019, Boathouse, Retaining Wall and Dredging, Lot 527R-L-2, Kings Country Subdivision.

- K. Consideration, Discussion, and Take Action Regarding Appointment, Employment, Compensation, Evaluation, Reassignment, Duties, Discipline, or Dismissal of Administration Manager.

V. DISCUSSION ITEMS (NO ACTION)

- A. None.

VI. GENERAL MANAGER'S AND STAFF REPORTS (NO ACTION)

- A. New Lease Agreement for:
  - 1. Joseph P. and Joyce L. Wilson, Lot 2, Block 17, Section 3, Tall Tree Subdivision;
  - 2. Justin Hunter and Jayme Reynolds, Lot 10, Phase 3, Panther Creek Pass Subdivision;
  - 3. Andrew Williams, Lot 1, Block 53, Section 4, Kings Country Subdivision; and
  - 4. Yellow Lab Properties, LP, Lot 11R, Phase 2, Twin Cove Estates
- B. Amended and Restated Lease Agreement for:
  - 1. Amended and Restated Lease Agreement for Robert Seth Burg and Elsa Millar Burg, Co-Trustees of the Robert and Elsa Burg Revocable Trust, Lots 10 and 11R, Marina Point Subdivision

VII. EXECUTIVE SESSION

- A. Consultation With Attorney, Pursuant to Texas Government Code Chapter §551.071.  
(Action Item J)
- B. Personnel Matters, Appointment, Employment, Evaluation, Reassignment, Duties, Discipline, or Dismissal of Administration Manager, Pursuant to Texas Government Code Chapter §551.074.  
(Action Item K)

VIII. ADJOURNMENT

FRANKLIN COUNTY WATER DISTRICT

  
\_\_\_\_\_

\*\*\*\*\*

Franklin County Water District is committed to compliance with the Americans with Disabilities Act. Reasonable modifications and equal access to communications will be provided upon request. Please call David Weidman, General Manager, at (903)537-4536 for information.

MINUTES OF THE MEETING OF  
THE BOARD OF DIRECTORS OF THE  
FRANKLIN COUNTY WATER DISTRICT  
HELD: OCTOBER 20, 2020

THE STATE OF TEXAS

FRANKLIN COUNTY WATER DISTRICT

COUNTY OF FRANKLIN

On this the 20th day of October 2020, the Board of Directors of the Franklin County Water District convened in a REGULAR CALLED MEETING at the District office located at 112 North Houston Street on the East side of the square in Mount Vernon, Texas and by Teleconference with the following members present:

GARY CUNNINGHAM	PRESIDENT
BILLY JORDAN	VICE PRESIDENT
RODNEY NEWSOM	SECRETARY
JENNY DENNIS	DIRECTOR
CARMEN SPARKS	DIRECTOR

and with the following members absent: NONE.

Also present were J.R. Alphin, Steve Boorman, Jason Craven, Jesus Gallegos, Greg Monson, Mike Rambin, David Weidman, and Sheila Donica.

The President called the meeting to order, declared a quorum present, and that the meeting was duly convened and ready to transact business.

Notice of this meeting was given, stating the time, place and purpose, all as required by Chapter 551 of the Government Code.

A moment of silence was recognized.

No one spoke during Public Comment.

Jason Craven, new owner of The Marina, introduced himself to the Board.

MOTION was made by Rodney Newsom, and SECONDED by Billy Jordan, to approve the consent agenda as presented. Motion carried unanimously. The Consent Agenda was as follows:

- A. Approval and ratification of Minutes from the September 15, 2020 regular meeting
- B. Approval of paid bills
- C. Mutual Termination of Leasehold for Steve Mitas, Lot 49, Block 5, Section 2 and Lot 10, Block 18, Section 3, Tall Tree Subdivision

Copies of the bills and Affidavit of Termination are attached.

Action item A was removed from the agenda.

MOTION was made by Carmen Sparks, and SECONDED by Rodney Newsom, to amend the District's Record Retention Schedule as presented. Motion carried unanimously. A copy of the Amended Schedule is attached.

MOTION was made by Billy Jordan, and SECONDED by Carmen Sparks, to accept the offer by Jesus Gallegos to lease Lot 24, Phase 1, Panther Creek Pass Subdivision as presented. Motion carried unanimously. A copy of the offer is attached.

MOTION was made by Billy Jordan, and SECONDED by Carmen Sparks, to delegate the authority concerning amending employee job descriptions to the General Manager. Motion carried unanimously.

MOTION was made by Carmen Sparks, and SECONDED by Rodney Newsom, to accept the Supplemental Engagement Letter for Lloyd Gosselink to amend the District's enabling legislation in the 2021 legislative session. Motion carried unanimously. A copy of the letter is attached.

The Board discussed the presentation of the 2020 proposed Budget Amendments and the 2021 proposed Budget. No action was taken.

The Board also discussed the staffing issues and potential salary changes in the Operations Department for maintenance and the lake patrol for the 2021 fiscal year. No action was taken.

The General Manager reported on the following items:

- A. New Lease Agreement for:
  - 1. Sarah and Chad Marsden, Lot 9, South Park Addition;
  - 2. James S. and Julie Roberts, Lot 4, Phase 3, Eagle Point Subdivision;
  - 3. Jason and Stephanie McLaughlin, Lot 24R, East Park Subdivision;
  - 4. Raul Villarreal Jr. and Cecile Elvire Villarreal, Lot 157, Block 13, Section 3, Tall Tree Subdivision;
  - 5. Dwight and Carolyn Bolin, Lot 3, Barker Creek Development;
  - 6. Lisa Helen Barouh, Lot L 506R-2, Section 2, Kings Country Subdivision;
  - 7. Garry Stevens and Jan Jerger-Stevens, Lot 11, Block 60, Section 4, Kings Country Subdivision;
  - and
  - 8. Philip and Janet Artt, Lot L 522-R, Section 2, Kings Country Subdivision
- B. Amended and Restated Lease Agreement for:
  - 1. John and Sandra Holcomb, Lots 16, 17, 32, 33, 44 and 45, Phase 1, Snug Harbor Estates;
  - 2. Robert J. Carroll (Replat), Lot 5%, Cypress Cove Addition;
  - 3. Ariagno Revocable Trust (Replat), Lot 3R, Cypress Cove Addition; and
  - 4. Robert Aaron and Ann Streff Anderson, Lots 300, 314 and 315, Phase 3, Snug Harbor Estates
- C. Replat Amendment for:
  - 1. William Keith Newton, Agent for WKN TR Cypress, LLC, Lot WF 1, Phase 2, Twin Cove Estates;
  - and
  - 2. Lisa Ott Smith and Lakefront Development, LLC, Lots WF 8, WF 9 and WF 10, Phase 1, Swannerland Subdivision
- D. Texas Parks and Wildlife rules and buoys submission
- E. Assignment of Marina Operating Agreement

There being no further business, the meeting was adjourned.

Minutes approved this the 17th day of November 2020.

---

Gary Cunningham, President

---

Billy Jordan, Vice President

---

Rodney Newsom, Secretary

---

Jenny Dennis, Director

---

Carmen Sparks, Director



# AP Check Register Report

## Franklin County Water District (FRAFND)

10/20/2020 12:17:08 PM

Page 1

Check Number	Vendor Number	Vendor Name	Check Date	Check Amount
38540	3N101	*3N1 Office Products, Inc.	10/20/2020	78.50
38541	ACM01	*Acme Environmental Inc.	10/20/2020	2,870.07
38542	AIR01	*Airgas	10/20/2020	248.46
38543	BAD01	Steven Badger	10/20/2020	43.00
38544	BRA02	*Bradshaw Energy Corp./Electric	10/20/2020	52.50
38546	CAR01	*Card Service Center	10/20/2020	1,858.31
38547	CAR02	*Carollo Engineers, Inc.	10/20/2020	137,456.22
38548	CON01	*Conroy Ford Tractor	10/20/2020	346.33
38549	CRO01	*Brooksey Crow, Inc.	10/20/2020	756.45
38550	CYP03	Cypress T-Ride Holdings - L. Mohr	10/20/2020	34.00
38551	FCW01	*FCWD - Miscellaneous Fund	10/20/2020	533.52
38552	FRA01	*Franklin County Tax Assessor	10/20/2020	94.75
38553	FRA03	*Franklin County Treasurer	10/20/2020	8.72
38554	HAN01	*John Hancock Retirement Plan Services	10/20/2020	1,751.49
38555	HUB01	Justin Todd Hubbard	10/20/2020	41.25
38556	LAW02	Patricia Lawson	10/20/2020	16.00
38557	LIN01	Linebarger, Googan, Blair & Sampson	10/20/2020	165.16
38558	MCK01	*McKelvey Enterprises, Inc.	10/20/2020	282.24
38559	MIT01	Tammie Mitchell	10/20/2020	34.00
38560	NET01	Network Technologies	10/20/2020	2,674.75
38561	NET02	*Networkfleet Inc.-Verizon Connect	10/20/2020	80.95
38562	RIB01	Mike Ribeiro	10/20/2020	204.44
38563	TEE01	*Teeco Safety	10/20/2020	1,045.51
38564	TOY01	*Toyota Of Mt. Pleasant	10/20/2020	342.85
38565	TRE01	*Treadmaxx Tire / Dallas	10/20/2020	348.52
38566	TWC01	*TWCA Risk Management Fund	10/20/2020	632.50
38567	TYA01	TYABBI Investments - V. Clark	10/20/2020	46.50
38568	WOM01	Barbara Womble	10/20/2020	200.00
Non-Electronic Transactions:				152,246.99
Total Transactions:				152,246.99

# AP Check Register Report

## Franklin County Water District (FRAFND)

11/5/2020 11:07:21 AM

Page 1

Check Number	Vendor Number	Vendor Name	Check Date	Check Amount
11/5/20 ACH #1	CEN01	*Centerpoint Energy	10/31/2020	42.13
11/5/20 ACH #2	MOU04	*City Of Mt. Vernon	10/31/2020	741.96
11/5/20 ACH #3	PEO01	*Peoples	10/31/2020	352.79
11/5/20 ACH #4	SUD01	*Suddenlink	10/31/2020	701.25
11/5/20 ACH #5	TEX03	*Texas Workforce Commission	10/31/2020	154.98
11/5/20 ACH #6	WOO01	*Wood County Electric Coop.	10/31/2020	766.83
Non-Electronic Transactions:				2,759.94
Total Transactions:				2,759.94

# AP Check Register Report

## Franklin County Water District (FRAFND)

11/4/2020 3:53:25 PM

Page 1

Check Number	Vendor Number	Vendor Name	Check Date	Check Amount
38569	3N101	*3N1 Office Products, Inc.	11/4/2020	83.92
38570	BLU01	*Blue Cross / Blue Shield	11/4/2020	6,071.28
38571	CON01	*Conroy Ford Tractor	11/4/2020	397.42
38572	CYP01	*Cypress Springs SUD	11/4/2020	759.14
38573	CYP04	Cypress Lodge Llc / Jason Craven	11/4/2020	45.88
38574	FIR01	*Firman's Business Essentials	11/4/2020	1,292.33
38575	FOW01	Robin Fowler	11/4/2020	480.00
38576	GOS01	Lloyd Gosselink Attorneys At Law	11/4/2020	9,478.00
38577	KOO01	Chadwick Kooiman	11/4/2020	560.00
38578	MEL01	*BNY Mellon Financial	11/4/2020	1,967.28
38579	NET01	Network Technologies	11/4/2020	4,451.75
38580	NET02	*Networkfleet Inc.-Verizon Connect	11/4/2020	79.65
38581	ORE01	*O'Reilly Automotive Stores, Inc.	11/4/2020	84.31
38582	PRI02	*Principal Life Insurance Co.	11/4/2020	326.00
38583	RID01	Ridgeway Hydraulics & Machine Works	11/4/2020	192.56
38584	SAN01	*Sanitation Solutions, Inc.	11/4/2020	1,570.77
38586	SCO01	*Scott Lumber Yard, Inc.	11/4/2020	330.61
38587	STA03	*Stanger Surveying Tyler LLC	11/4/2020	350.73
38588	SYM01	SymbolArts	11/4/2020	330.00
38589	TWC01	*TWCA Risk Management Fund	11/4/2020	1,247.00
38590	WIL03	*Wildwood Pest Control, Inc.	11/4/2020	75.00
Non-Electronic Transactions:				30,173.63
Total Transactions:				30,173.63

Investment Report  
11/12/20

**Quarterly Investment Report**

Report Summary			
Investment Category	Average Rate	Annual Income	Balance
Bonds, Certificate of Deposits and Government Agencies	2.138%	\$ 8,550.00	\$ 200,000.00
Money Markets & Cash Accounts	0.36%	\$ 23,896.54	\$6,635,360.63
Collateralized Mortgage Obligations	5.348%		\$ 3,301.45

<b>GRAND TOTAL</b>	<b>\$6,838,662.08</b>
--------------------	-----------------------

<b>Weighted Average Yield</b>	<b>0.51%</b>
-----------------------------------	--------------

This Investment Report complies with the District's Investment Policy and all other applicable laws.

  
\_\_\_\_\_  
David I. Weidman  
Investment Officer

Investment Report  
11/12/20

Money Markets & Cash Accounts				
Account Name	Account Number	Rate	Annual Income	Balance
MM - ALL	1276182	0.500%	\$ 9,989.56	\$ 1,997,911.67
MM - GBB	23102106	0.350%	\$ 12,711.01	\$ 3,631,717.64
I&S	1292978	0.500%	\$ 371.49	\$ 74,298.03
CC Clearing	12595831	0.350%	\$ 3,038.59	\$ 868,169.10
M&O	201855	0.100%	\$ 63.26	\$ 63,264.19

Average Rate	Total Annual Income	Total Balance
0.36%	\$ 26,174	\$ 6,635,360.63



Investment Report  
11/12/20

Bonds, Certificate of Deposits and Government Agency's											
Financial Institution	Type of Investment	Account Number	Rate	Annual Income	Reporting Period Ending Book Value	Reporting Period Ending Market Value	Purchase Date	Maturity Date	Call Date	Purchase Price	Total
Edward Jones	FFCB	31331J5T6	3.650%	\$ 3,650	\$ 100,000	\$ 102,461	4/27/2011	12/21/2020	N/A	\$100,000	\$ 100,000
Edward Jones	FFCB	31331SVN0	4.900%	\$ 4,900	\$ 100,000	\$ 105,657	2/9/2009	12/28/2020	N/A	\$100,000	\$ 100,000

Average Rate	Total Annual Income
2.138%	\$ 8,550

TOTAL
\$ 200,000

Investment Report  
11/12/20

Collateralized Mortgage Obligations								
Broker	Type	Account Number	Yield	Price	Purchase Date	Average Life	Coupon	Current Principal
Edward Jones	GNMA	36202DZX2	5.29%	\$ 98.50	5/19/2004	#3458 6.99	\$ 0.05	\$ 1,841.00
Edward Jones	FHLMC	31292JAL4	5.41%	\$ 97.88	5/19/2004	#C01811 7.45	\$ 0.05	\$ 1,460.45

Average Rate on CMOs	5.348%
----------------------	--------

TOTAL	\$ 3,301.45
-------	-------------

## Maintenance Salary Comparison

CSSUD	\$12.50 Starting \$15.00 In 6 months, D license, outstanding performance review
-------	--

Franklin County	\$14.00 Starting \$18.50 Top
-----------------	---------------------------------

Sulphur Springs	\$14.00 Starting \$18.44 Top
-----------------	---------------------------------

Mount Vernon	\$13.00 Starting
--------------	------------------

Titus County 2017	\$20.85 Starting
-------------------	------------------

## Lake Patrol

Sulphur Springs	\$22.17 Starting
-----------------	------------------

Titus County	\$19.41 Starting
--------------	------------------

TCFWSD	\$20.67 Starting \$21.40 Current
--------	-------------------------------------

Wood County	\$23.21 unk
-------------	-------------

Mount Vernon	\$18.00 Starting \$22.42 Sargent
--------------	-------------------------------------

FCSO	\$18.00 Starting
------	------------------

Recommended	DW	JR
Walker, Anthony	\$18.00	\$20.00
Perales, Ray	\$15.00	\$17.00
Lancaster, Zachary	\$15.00	\$17.00
McCarley, Ty	\$15.00	\$17.00
Horn, Colby	\$20.00	\$22.00
Sargent, Lake Patrol	\$22.50	



## **2020 FCWD SUMMARY REPORT**

<b>2020 BUDGETED</b>			
Unencumbered Fund Balance		\$	6,714,189
1	Income	\$	1,766,375
2	Expense	\$	1,645,390
3	Capital Expenditures	\$	55,000
<b>Unencumbered Fund Balance (Projected)</b>		<b>\$</b>	<b>6,780,174</b>
<b>Cash Basis 2020</b>			
1	Income	\$	1,766,375
2	Expense	\$	1,645,390
3	Capital Expenditures	\$	55,000
<b>Difference</b>		<b>\$</b>	<b>65,985</b>
<b>2020 AMENDED</b>			
Unencumbered Fund Balance		\$	6,714,189
1	Income	\$	2,015,950
2	Expense	\$	2,055,540
3	Capital Expenditures	\$	71,990
<b>Unencumbered Fund Balance (Projected)</b>		<b>\$</b>	<b>6,602,609</b>
<b>Cash Basis 2020</b>			
1	Income	\$	2,015,950
2	Expense	\$	2,055,540
3	Capital Expenditures	\$	71,990
<b>Difference</b>		<b>\$</b>	<b>(111,580)</b>

Documents required by Texas Water Code § 49.057 are incorporated into the District's budget and are available on request to the District. Such documents include: (1) audited financial statements; (2) bond transcripts; and (3) certain engineer's reports."





## Financials Table

Year 2020

	Budgeted	Amended	Year-to-Date
<b>Income</b>	<b>\$1,766,375</b>	<b>\$2,015,950</b>	<b>\$1,879,244</b>
Bonus Income	\$10,000	\$49,000	\$48,914
Bulk Water Sales & Holding Fees	\$346,250	\$346,250	\$358,738
City Of Mount Pleasant M&O	\$140,000	\$140,000	\$132,609
Interest Income	\$30,000	\$41,000	\$41,244
Lease Income	\$100,000	\$100,000	\$87,859
Marina Gross Rental Receipts	\$2,000	\$9,575	\$9,575
Miscellaneous Non-Operating Income	\$10,000	\$7,000	\$6,170
Miscellaneous Operating Income	\$5,000	\$5,000	\$5,034
Park Admission Fees	\$280,000	\$400,000	\$366,077
Permits	\$540,000	\$602,000	\$602,591
Sale Of Fixed Assets	\$5,000	\$18,000	\$0
Tax Proceeds / Penalty And Interest	\$296,925	\$296,925	\$219,333
TP&W Boathouse Lease	\$1,200	\$1,200	\$1,100
<b>Expense</b>	<b>\$1,645,390</b>	<b>\$2,055,540</b>	<b>\$1,535,202</b>
Appraisal / Tax Collection	\$10,000	\$10,000	\$8,120
Auditing Expense	\$15,000	\$15,800	\$15,800
Continuing Education	\$6,000	\$3,500	\$1,328
Contract Labor	\$21,140	\$21,140	\$18,665
Debt Service	\$294,000	\$294,000	\$57,310
Election Expense	\$10,000	\$0	\$0
Employee Benefits	\$114,250	\$100,600	\$81,774
Engineering Expense	\$30,000	\$375,000	\$337,624
Fuel And Lubricants	\$30,000	\$17,500	\$17,358
Group Retirement	\$44,300	\$44,300	\$39,513
Insurance Expense	\$45,200	\$45,200	\$35,748
Internet Services/Website	\$25,000	\$25,000	\$22,518
Legal And Public Notices	\$500	\$500	\$222
Legal Expense	\$50,000	\$75,000	\$64,039
Regular	\$50,000	\$65,000	\$64,039
Special Projects	\$0	\$10,000	\$0
Maintenance And Repair	\$160,000	\$222,000	\$219,576
Other Recurring Expenses	\$10,000	\$10,000	\$10,161
Payroll Taxes	\$45,000	\$45,000	\$35,167
Postage	\$2,500	\$2,500	\$2,421
Public Outreach	\$2,500	\$2,500	\$1,249
Salaries & Wages	\$608,500	\$608,500	\$466,747
Administration	\$73,000	\$73,000	\$56,438
Directors	\$4,000	\$4,000	\$3,900
Management	\$261,500	\$261,500	\$226,021
Operations	\$270,000	\$270,000	\$180,387
Supplies And Equipment	\$25,000	\$25,000	\$25,713
TCEQ Fees	\$25,000	\$25,000	\$932
Telephone	\$4,500	\$4,500	\$1,539
Terminated Lots Expenses	\$5,000	\$5,000	\$0
Travel & Per Diem	\$5,000	\$5,000	\$1,607
Utilities	\$46,000	\$65,500	\$62,872
Vegetation Control	\$1,000	\$2,500	\$2,279
Water Quality	\$10,000	\$5,000	\$4,920
<b>Capital Expenditures</b>	<b>\$55,000</b>	<b>\$71,990</b>	<b>\$71,990</b>
Copier	\$5,000	\$0	\$0
Lawn Mower	\$25,000	\$19,215	\$19,215
Lake Patrol Vehicle	\$25,000	\$25,812	\$25,812
Walleye Picnic Tables	\$0	\$26,963	\$26,963



## **2021 FCWD SUMMARY REPORT**

<b>2021 BUDGETED</b>		
Unencumbered Fund Balance		\$ 6,602,609
1	Income	\$ 1,766,375
2	Expense	\$ 1,765,196
3	Capital Expenditures	\$ 85,500
<b>Unencumbered Fund Balance (Projected)</b>		<b>\$ 6,518,288</b>

<b>Cash Basis 2021</b>		
1	Income	\$ 1,766,375
2	Expense	\$ 1,765,196
3	Capital Expenditures	\$ 85,500
<b>Difference</b>		<b>\$ (84,321)</b>

<b>2021 AMENDED</b>		
Unencumbered Fund Balance		\$ 6,602,609
1	Income	\$ -
2	Expense	\$ -
3	Capital Expenditures	\$ -
<b>Unencumbered Fund Balance (Projected)</b>		<b>\$ 6,602,609</b>

<b>Cash Basis 2021</b>		
1	Income	\$ -
2	Expense	\$ -
3	Capital Expenditures	\$ -
<b>Difference</b>		<b>\$ -</b>

Documents required by Texas Water Code § 49.057 are incorporated into the District's budget and are available on request to the District. Such documents include: (1) audited financial statements; (2) bond transcripts; and (3) certain engineer's reports."



## Financials Table

Year	2021
	<b>Budgeted</b>
<b>Income</b>	<b>\$1,766,375</b>
Bonus Income	\$10,000
Bulk Water Sales & Holding Fees	\$346,250
City Of Mount Pleasant M&O	\$140,000
Interest Income	\$30,000
Lease Income	\$100,000
Marina Gross Rental Receipts	\$2,000
Miscellaneous Non-Operating Income	\$10,000
Miscellaneous Operating Income	\$5,000
Park Admission Fees	\$280,000
Permits	\$540,000
Sale Of Fixed Assets	\$5,000
Tax Proceeds / Penalty And Interest	\$296,925
TP&W Boathouse Lease	\$1,200
<b>Expense</b>	<b>\$1,765,196</b>
Appraisal / Tax Collection	\$10,000
Auditing Expense	\$15,800
Continuing Education	\$6,000
Contract Labor	\$21,140
Debt Service	\$294,000
Election Expense	\$10,000
Employee Benefits	\$101,800
Engineering Expense	\$30,000
Fuel And Lubricants	\$20,000
Group Retirement	\$49,500
Insurance Expense	\$45,200
Internet Services/Website	\$25,000
Legal And Public Notices	\$500
Legal Expense	\$75,000
Regular	\$50,000
Special Projects	\$25,000
Maintenance And Repair	\$160,000
Other Recurring Expenses	\$10,000
Payroll Taxes	\$45,000
Postage	\$2,500
Public Outreach	\$2,500
Salaries & Wages	\$719,756
Administration	\$72,105
Directors	\$4,000
Management	\$268,151
Operations	\$375,500
Supplies And Equipment	\$25,000
TCEQ Fees	\$25,000
Telephone	\$4,500
Terminated Lots Expenses	\$5,000
Travel & Per Diem	\$5,000
Utilities	\$46,000
Vegetation Control	\$1,000
Water Quality	\$10,000
<b>Capital Expenditures</b>	<b>\$85,500</b>
Lawn Mower	\$15,000
Volumetric and Sedimentation Survey	\$45,500
Shop Building	\$0
Park Attendant Pickup	\$25,000



David Weidman, General Manager

P.O. Box 559, Mt. Vernon, TX 75457

Tel: 903-537-4536 - Fax: 903-537-4538

E-MAIL: [fcwd@fcwd.com](mailto:fcwd@fcwd.com)

[www.fcwd.com](http://www.fcwd.com)

September 24, 2020

Commander Game Warden Cody Jones  
Boating Law Administrator for Texas  
Austin, TX

VIA EMAIL

Re: Rules and Regulations, Buoy Type and Locations Submission

Commander Jones,

Attached are the pertinent sections of the Franklin County Water District Rules and Regulations and GPS positions and the type and location of buoys currently adopted by the District for enforcement on Lake Cypress Springs in Franklin County, Texas.

Please review this submission for the required consistency with the Texas Water Safety Act, and if approved, please file with the department as required.

Regards,

David I Weidman

Attachments

Rules and Regulations Excerpt  
Existing Buoys  
Buoy GIS Data File (Via Email Attachment)

BOARD OF DIRECTORS:

Gary Cunningham, President – Billy M. Jordan, Vice-President – Rodney Newsom, Secretary – Jenny Dennis, Director – Carmen Sparks, Director

**RULES AND REGULATIONS  
OF  
FRANKLIN COUNTY WATER DISTRICT**

WHEREAS, the FRANKLIN COUNTY WATER DISTRICT was created by certain enabling legislation pursuant to Article XVI, Sec. 59 of the Texas Constitution for the purposes of protecting the water-shed of Lake Cypress Springs and the water impounded therein; and

WHEREAS, the Board of Directors of the District has determined that the incidental use of certain designated areas of the Lake by the general public for development and recreational activities will not conflict with the operation and maintenance of the reservoir for its primary purpose of water supply and conservation; and

WHEREAS, the Board has further determined that the following Rules and Regulations are in the best interest of the District and all persons who may be entitled or permitted to utilize the Lake or the property owned by the District.

NOW, THEREFORE, in consideration of the foregoing premises, the Board does hereby promulgate the following Rules and Regulations for public safety and welfare; and

FURTHER, declares that such Rules and Regulations shall be applicable to the waters of Lake Cypress Springs and all property adjacent thereto or in the vicinity thereof owned, controlled or supervised by the District; and

FURTHER, declares that such Rules and Regulations may be enforced by the District or any certified peace officer in the State of Texas.

**ARTICLE II  
RESTRICTED AREAS**

2.1 No person, vehicle or water craft of any kind shall be allowed:

- (a) On the Lake within two hundred feet (200') of any water intake or spillway structure (e.g., the "Morning Glory" spillway);
- (b) On any stream bed or other land area downstream (east) of the Dam; or
- (c) In any other area specifically marked "Restricted" or "No Trespassing" by the District.

2.2 Entry by any unauthorized party onto the embankment of the Dam, including fishing, mooring boats, or trespassing in any other manner, is strictly prohibited.

2.3 The use or operation of any motor vehicle within the emergency spillway, or the embankments on either side thereof, is strictly prohibited, except as specifically authorized by the District.

2.4 Only specifically authorized personnel shall be allowed in any District maintenance shops, equipment buildings, and/or operations quarters.

2.5 All vehicular traffic is prohibited on green belt areas designated by the District, including without limitation the west end park area and Mary King Park.

2.6 The District may install marker buoys to designate restricted areas upon the Lake.

2.7 It is a violation of the laws of the State of Texas for any person to move, remove, tamper with, willfully damage or anchor any water craft to a buoy. Additionally, no buoy shall be placed on the Lake without specific prior approval from the District.

2.8 The Lake and/or District boat ramps may be closed by the District pursuant to the District's policy on Lake closure. If the District has closed the Lake and/or any District boat ramp, no person, vehicle or water craft shall be allowed on the Lake or to utilize any boat ramp until the Lake and/or boat ramp is re-opened. **Any prohibited use of the Lake or boat ramp during closure is a violation of the Rules.**



ARTICLE IV  
**HUNTING AND FISHING**

- 4.1 All forms of hunting are strictly prohibited on all District Property.
- 4.2 All applicable laws, ordinances and regulations of the State of Texas, as supplemented by these Rules, shall govern the taking of fish from the Lake.
- 4.3 No fishing shall be allowed in any designated swimming areas.
- 4.4 No fishing shall be allowed within two hundred feet (200') of any water intake structure.
- 4.5 Taking, removing, injuring, capturing, or attempting to take, remove, injure, or capture, Triploid Grass Carp from the Lake is strictly prohibited.
- 4.6 Commercial fishing or harvesting of any kind is prohibited on the Lake, except as specifically authorized by contract with the District. For purposes of these Rules, the term "commercial fishing" shall include the taking of any fish, mussels or other aquatic wildlife from the waters of the Lake, by any means whatsoever, for sale or trade for anything of value.

ARTICLE V  
**BOATS, AIRCRAFT, AUTOMOBILES, BICYCLES AND OTHER VEHICLES**

- 5.1 The Texas Water Safety Act and all amendments thereto are incorporated herein by reference and shall be applicable to all District Property.
- 5.2 Boats shall only be launched onto the Lake from boat ramps properly designated by the District.
- 5.3 No boat or other water craft exceeding twelve feet (12') in width or twenty-six feet (26') in length shall be allowed on the Lake at any time, with the exception of a "work barge" with a valid permit approved by the District.
- 5.4 All boats and water craft shall be operated in a careful and prudent manner at idling speed within two hundred feet (200') from any shoreline.
- 5.5 Any person being towed behind a boat or other water craft (e.g., skiing, aquaplaning, jet skiing, wet biking, etc.) must wear a Coast Guard approved personal flotation device such as a life jacket.
- 5.6 All boats and other water craft shall be kept securely moored and anchored when not in use.
- 5.7 Any boat or water craft found abandoned, adrift or unattended shall be impounded by the District and subject to an impound fee. Any impounded boat or water craft not claimed within thirty (30) days may be sold by the District.
- 5.8 No airplanes of any kind (including gliders, weedhoppers, or any other motor propelled aircraft) shall be permitted on District Property, provided however that the foregoing restriction shall not prohibit airplanes from landing or taking off directly from the surface of the waters of the Lake.
- 5.9 No specialized recreational device which is not designed for on-water use and remaining in constant contact with the water surface (e.g., ultra-lights) shall be permitted on the Lake. Such prohibition includes a recreational device not designed for on-water use, but which is tethered to a watercraft or other device in constant contact with the water surface, including, but not limited to, parasailing and jet packs.
- 5.10 All motor vehicles on District Property, including automobiles, motor bikes and motorcycles, must be registered and operated in compliance with the laws of the State of Texas.
- 5.11 All drivers and operators of motor vehicles and golf carts on District Property must have a current, valid driver's license.
- 5.12 Pursuant to the authority granted to the District in §542.202 of the Texas Transportation Code and §51.127 of the Texas Water Code, the District is authorized to designate speed limits on public park areas of District Property, which shall be marked with signs posted by the District with the maximum allowed speeds. No motor vehicle or golf cart shall be operated in such marked areas in excess of the posted speed.

5.13 The District does not post and shall not be responsible for regulating or enforcing traffic regulations (e.g., speed limits) on any road, street, drive or other right of way located within any private development on Leased Property.

5.14 Except for golf carts (as provided in Section 5.17 below), all non-registered, off-road vehicles, including go-carts, dune buggies, four wheelers, and all other types of all-terrain vehicles, are expressly prohibited on public park areas of District Property.

5.15 All motor vehicles and golf carts are prohibited on public beach areas of District Property.

5.16 Bicyclists on District Property shall comply with all applicable bicycle traffic and safety laws of the State of Texas.

5.17 Golf carts shall be allowed on all public park areas of District Property, except Mary King Park and the West End Park.

5.18 All golf carts on District Property shall at all times be operated in a safe and prudent manner and in accordance with these Rules and Regulations. Any violation of these Rules and Regulations by an operator of a golf cart may result in prohibition from further operation on District Property.

#### ARTICLE VI SWIMMING

6.1 All swimming on District Property shall be done in a safe and prudent manner.

6.2 No swimming is allowed in the Lake at a distance of more than one hundred feet (100') from the shoreline unless accompanied by a boat, and then only if swimmer is wearing a Coast Guard approved flotation device.

6.3 No person shall wade, swim or dive within fifty feet (50') of any boat launch areas, or in any other area designated by the District as a prohibited swimming area.

6.4 All diving or jumping into the Lake from public highways, roadway bridges or utility towers is strictly prohibited.

Area	Purpose	Latitude	Longitude
MORNING GLORY	No Boat	33.05518	-95.14047
MORNING GLORY	No Boat	33.0552	-95.14076
MORNING GLORY	No Boat	33.05489	-95.14079
MORNING GLORY	No Boat	33.0546	-95.14079
MORNING GLORY	No Boat	33.05412	-95.14079
MORNING GLORY	No Boat	33.05412	-95.1405
Dogwood	No Wake	33.05247	-95.14309
Dogwood	No Wake	33.05216	-95.14338
Dogwood	No Wake	33.05227	-95.14363
TWIN COVE SHALLOW AREA	Shallow	33.05031	-95.15681
SWANNERLAND SWIM AREA	Swim Area	33.05164	-95.15688
PERCH COVE	No Wake	33.05547	-95.1654
MARY KING RAMP	No Wake	33.05568	-95.17001
MARY KING RAMP	No Wake	33.05561	-95.17047
EL DORADO	No Wake	33.0555	-95.18182
EL DORADO	No Wake	33.05556	-95.1824
PINE VALLEY	No Wake	33.05313	-95.19819
PINE VALLEY	No Wake	33.05297	-95.19858
SOUTH PARK	No Wake	33.0502	-95.20829
BRIDGE NO SKI	No Ski	33.04859	-95.21754
BRIDGE NO SKI	No Ski	33.04958	-95.21784
BRIDGE NO SKI	No Ski	33.05029	-95.21823
BRIDGE NO SKI	No Ski	33.05089	-95.21847
BRIDGE NO SKI	No Ski	33.05118	-95.21855
BRIDGE EAST NO WAKE	No Wake	33.05112	-95.21916
BRIDGE EAST NO WAKE	No Wake	33.05024	-95.21895
BRIDGE EAST NO WAKE	No Wake	33.04936	-95.21857
BRIDGE EAST NO WAKE	No Wake	33.04819	-95.21814
BRIDGE EAST NO WAKE	No Wake	33.04903	-95.21846
BRIDGE WEST NO WAKE	No Wake	33.0479	-95.21976
BRIDGE WEST NO WAKE	No Wake	33.04839	-95.21989
BRIDGE WEST NO WAKE	No Wake	33.04923	-95.22014
BRIDGE WEST NO WAKE	No Wake	33.04987	-95.22035
BRIDGE WEST NO WAKE	No Wake	33.05066	-95.22057
SOUTH BRIDGE INTAKE	No Boat	33.04729	-95.21899
SOUTH BRIDGE INTAKE	No Boat	33.04712	-95.21945
SOUTH BRIDGE INTAKE	No Boat	33.04691	-95.2197
SOUTH BRIDGE INTAKE	No Boat	33.04649	-95.21983
SOUTH BRIDGE INTAKE	No Boat	33.04718	-95.21943
SOUTH BRIDGE INTAKE	No Boat	33.04679	-95.22008
NORTH BRIDGE INTAKE	No Boat	33.05149	-95.22021
NORTH BRIDGE INTAKE	No Boat	33.05142	-95.2197
NORTH BRIDGE INTAKE	No Boat	33.05149	-95.21936
NORTH BRIDGE INTAKE	No Boat	33.05167	-95.21919
NORTH BRIDGE INTAKE	No Boat	33.05155	-95.22013
NORTH BRIDGE INTAKE	No Boat	33.05171	-95.21925

KINGS COUNTRY SLIPS	No Wake	33.05454	-95.21509
KINGS COUNTRY RAMP	No Wake	33.05569	-95.21321
KING LAKE	No Wake	33.05806	-95.20606
MAMA BEAR/PAPA BEAR	No Wake	33.06083	-95.20056
MAMA BEAR/PAPA BEAR	No Wake	33.06166	-95.19841
BUCK COVE	No Wake	33.06525	-95.1913
PANTHER CREEK NO SKI	No Ski	33.0766	-95.19105
PANTHER CREEK NO SKI	No Ski	33.07731	-95.18999
PANTHER CREEK NO SKI	No Ski	33.07784	-95.18893
PANTHER CREEK NO SKI	No Ski	33.07719	-95.19118
PANTHER CREEK NO SKI	No Ski	33.0779	-95.18974
PANTHER AREA SHALLOW AREA	Shallow	33.08347	-95.20102
PANTHER AREA SHALLOW AREA	Shallow	33.08397	-95.20094
PANTHER AREA SHALLOW AREA	Shallow	33.08442	-95.2006
PANTHER AREA SHALLOW AREA	Shallow	33.08495	-95.20055
FROG CREEK NO SKI	No Ski	33.07838	-95.18719
FROG CREEK NO SKI	No Ski	33.07853	-95.18626
SWEETGUM COVE	No Wake	33.07479	-95.18197
DEER COVE	No Wake	33.06202	-95.17323
TRAPPERS TRAIL	No Wake	33.06445	-95.17143
OVERLOOK	No Wake	33.06294	-95.16826
OVERLOOK	No Wake	33.0628	-95.16779
WHIPPOORWILL NO SKI	No Ski	33.06533	-95.16275
WHIPPOORWILL NO SKI	No Ski	33.06574	-95.16154
WHIPPOORWILL BACK SIDE	No Wake	33.07435	-95.16739
SNUG HARBOR	No Wake	33.07113	-95.16466
FCWD OFFICE COVE	No Wake	33.06475	-95.15935
WALLEYE PARK	No Wake	33.06368	-95.15858
WALLEYE PARK RAMP	No Wake	33.06246	-95.15206
WALLEYE PARK RAMP	No Wake	33.06253	-95.15227
WALLEYE COVE	No Wake	33.06441	-95.1544
CATFISH COVE	No Wake	33.06886	-95.15028
CATFISH COVE	No Ski	33.06547	-95.14915
GUTHRIE PARK	No Wake	33.06499	-95.1424
GUTHRIE PARK	No Wake	33.06478	-95.14244
GUTHRIE PARK SWIM AREA	Swim Area	33.06407	-95.14227
GUTHRIE PARK SWIM AREA	Swim Area	33.06383	-95.14206
GUTHRIE PARK SWIM AREA	Swim Area	33.06355	-95.14185
GUTHRIE PARK SWIM AREA	Swim Area	33.06379	-95.14208
GUTHRIE PARK SWIM AREA	Swim Area	33.06359	-95.1418
NORTH SIDE DAM INTAKE	No Boat	33.06355	-95.14147
NORTH SIDE DAM INTAKE	No Boat	33.06295	-95.14143
NORTH SIDE DAM INTAKE	No Boat	33.06281	-95.14105
NORTH SIDE DAM INTAKE	No Boat	33.06267	-95.14046
NORTH SIDE DAM INTAKE	No Boat	33.06271	-95.14091
MARINA COVE	No Wake	33.06691	-95.1664





Life's better outside.®

Commissioners

S. Reed Morian  
Chairman  
Houston

Arch "Beaver" Aplin, III  
Vice-Chairman  
Lake Jackson

James E. Abell  
Kilgore

Oliver J. Bell  
Cleveland

Anna B. Galo  
Laredo

Jeffery D. Hildebrand  
Houston

Jeanne W. Latimer  
San Antonio

Robert L. "Bobby" Patton, Jr.  
Fort Worth

Dick Scott  
Wimberley

Lee M. Bass  
Chairman-Emeritus  
Fort Worth

T. Dan Friedkin  
Chairman-Emeritus  
Houston

---

Carter P. Smith  
Executive Director

October 22, 2020

David Weidman  
General Manager  
Franklin County Water District  
P. O. Box 559  
Mt. Vernon, TX 75457

Re: *Submission of Rules, Regulations, Buoy Type and Locations*

Mr. Weidman:

Thank you for your submission of sections of the Franklin County Water District Rules and Regulations for review and filing.

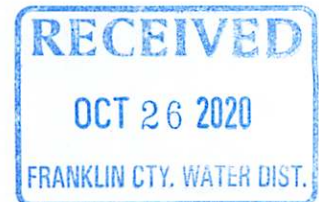
First, I would like to start by stating Texas Parks and Wildlife Department (TPWD) endeavors to work closely with all our stakeholders and partners who seek out ways to improve recreational boating safety on our public waters.

After a review of your submitted rules and regulations by myself and Assistant Commander of Boating Law, Cody Jones, there are some points of concern with the rules and regulations that conflict with the provisions of Parks and Wildlife Code (PWC) Chapter 31, Water Safety Act or may require further action on the part of the water district. TPWD would like to bring those concerns to your attention.

Section 31.092(c), Water Safety Act, Local Regulations, states:

(c) The governing board of a political subdivision of the state created pursuant to Article XVI, Section 59, of the Texas Constitution, for the purpose of conserving and developing the public water of the state, with respect to public water impounded within lakes and reservoirs owned or operated by the political subdivision, may designate by resolution or other appropriate order certain areas as bathing, fishing, swimming, or otherwise restricted areas and may make rules and regulations relating to the operation and equipment of boats which it deems necessary for the public safety. The rules and regulations shall be consistent with the provisions of this chapter.

The last sentence of Section (c) clearly states that any rules and regulations shall be consistent with the provisions of the Water Safety Act.





I have grouped the regulations in categories based on the activities regulated. The first of these involves any rules or regulations that would require placing and maintaining a buoy system.

**Buoys:**

- In Article II, Restricted Areas Rule 2.6 states the District *may* install marker buoys to designate restricted areas on the Lake.
- In Article V, rule 5.4 indicate that all vessels shall operate in a careful and prudent manner at idling speed within 200 feet of any shoreline.

TPWD regulation located in the Texas Administrative Code (TAC) Title 31, Section 55.503 states that any areas regulated or restricted by a governing board [District] **shall** be designated and posted as "Slow, No Wake" areas. The governing board **shall post and maintain regulated areas with buoys** or pilings consistent with the system of markers authorized by this subchapter. Therefore, Rule 2.6 is in conflict as it indicates the District *may* install marker buoys.

Rule 5.4 essentially creates a No Wake zone which would require the presence of buoys in order to enforce. Without such buoys, the regulation is setting a speed limit for these parts of the lake and only the Texas Parks and Wildlife Commission can set such a speed limit (PWC section 31.095(b)). Rule 5.4 as written will require buoys be placed along the entire shoreline of the lake. As written, Texas Game Wardens cannot enforce this regulation. The Wardens can and will enforce violations of PWC sections 31.094, 31.095 and 31.096 Reckless or Negligent Operation; Excessive Speed; or Reckless Operation and Excessive Speed.

**Boat ramps:**

- In Article II, Restricted Areas Rule 2.8 provides for the closure of boat ramps by the District in certain situations.

The closure of a boat ramp denying access to the public to a navigable waterway may run afoul of the constitutional right to navigation. [Article 16, §59(a) - .... "the navigation of its inland and coastal waters, and the preservation and conservation of all such natural resources of the State are each and all hereby declared public rights and duties; and the Legislature shall pass all such laws as may be appropriate thereto."]

**Hunting and Fishing:**

- In Article IV, Rule 4.1 prohibits hunting on District property.

- Rule 4.6 prohibits commercial fishing in the lake unless authorized by the District.

If District property includes the lake, this rule is in direct conflict with the sole authority given to TPWD by the legislature to regulate hunting and fishing. The Uniform Wildlife Regulatory Act, Texas Parks and Wildlife Code, Chapter 61, grants TPWD the exclusive authority to regulate hunting and fishing in the State of Texas. *See Op. Tex. Att'y Gen. LO-98-064 (1998) (A water district may not regulate the means of taking fish. TPWD has the sole authority to regulate the taking and possession of fish, such as the periods of time when one may take or possess fish and the means, methods, and places for taking or possessing fish.); and Op. Tex. Att'y Gen No. H-613 (1975) (A city may not adopt fish size and bag limits which differ from those imposed by TPWD.).*

Therefore, any regulation of hunting or fishing in the lake is contrary to the Parks and Wildlife Code and the authority given to the department by the Legislature.

#### **Boats:**

- Article V, Rule 5.3 prohibits vessels of certain width and length.
- Article V, Rule 5.9 prohibits specialized recreational devices that are lawful and made for use on or near water.

These rules again are contrary to the constitutional right to navigation. Members of the public have a right to use lawful and legal vessels and recreational devices to enjoy their right to navigation.

- Article V, Rule 5.5 requires all persons being towed behind a vessel or other watercraft to wear a personal floatation device.

This provision is in direct conflict with Chapter 31 in that Section 31.066 requires only those individuals who are under 13 years of age to wear a personal floatation device.

- Article V, Rule 5.7 provides for towing and impoundment of abandoned vessels and sale if not claimed.

TPWD would recommend the District verify compliance with abandoned property laws and the titling provisions of Chapter 31 of the Parks and Wildlife Code.



**Swimming:**

- Article VI, Rule 6.1 requires persons to swim in a prudent and safe manner.
- Article VI, Rule 6.2 prohibits swimming in the lake at 100 feet from the shoreline unless accompanied by a boat and wearing a personal floatation device.

Texas Game Wardens cannot enforce these provisions as Chapter 31 of the Parks and Wildlife Code pertains to boating safety. The legislature did not provide TPWD with authority to regulate swimmers. As for Rule 6.2, this rule essentially makes all parts of the lake over 100 feet from the shoreline a no swimming area unless there is a boat present. Again, restricted areas must be delineated by buoys.

In addition, there are a couple of restricted areas that prohibit skiing only. TPWD would recommend not limiting one activity but restricting the area based on hazards or as a no wake zone to limit risks and promote safety in that area.

Texas Game Wardens will continue to promote safe boating by enforcing provisions of the Water Safety Act and will always work alongside local jurisdictions to provide a unified partnership promoting a safe recreational boating environment. As always, we are willing to assist you in collaborating to construct regulations consistent with the Water Safety Code.

If you need any further information or assistance, *please do not* hesitate to call on me or any of our TPWD staff.

Respectfully,

*Kerry M Spears*

Kerry Spears  
Staff Attorney

**ORDER NO. 11-17-2020**

**AN ORDER OF THE BOARD OF DIRECTORS  
OF THE FRANKLIN COUNTY WATER DISTRICT  
AMENDMENTS TO THE RULES AND REGULATIONS**

**WHEREAS**, the Franklin County Water District (the “District”) is a water control and improvements district pursuant to Chapters 49 and 51 of the Texas Water Code;

**WHEREAS**, the District is a political subdivision of the state created pursuant to Article SVI, Section 59 of Texas Constitution for the purpose of conserving and developing the public water of the state; and

**WHEREAS**, the District owns and operates Lake Cypress Springs (the “Lake”); and

**WHEREAS**, the District has adopted written Rules and Regulations (“Rules and Regulations”) concerning the operation of the District that includes the establishment of restrict areas in the Lake as well as for public safety regarding the use of the Lake; and

**WHEREAS**, consistent with the District’s authority under the Texas Constitution and the Texas Water Code, the District has determined that certain amendments to the Rules and Regulations are necessary to conserve and protect the Lake and that are necessary for the public safety.

**NOW THEREFORE**, it is ordered by the Board of Directors of Franklin County Water District as follows:

**Section 1:** The above recitals are true and correct and are incorporated into this Order for all purposes.

**Section 2:** The District's Board of Directors hereby adopts the changes and amendments to the District’s Rules and Regulations, as shown in Attachment A.

**Section 3:** The District’s General Manager, and General Counsel are authorized to make any nonsubstantive edits necessary to the Rules and Policies, and are authorized to take all actions necessary to carry out the purposes of this Order

**PASSED, ADOPTED, AND APPROVED** this 17th day of November, 2020.

---

Gary Cunningham, President

ATTEST:

---

Rodney Newsom, Secretary

## EXHIBIT A

### ARTICLE II RESTRICTED AREAS

2.1 No person, vehicle or water craft of any kind shall be allowed:

- (a) On the Lake within two hundred feet (200') of any water intake or spillway structure (e.g., the "Morning Glory" spillway);
- (b) On any stream bed or other land area downstream (east) of the Dam; or
- (c) In any other area specifically marked "Restricted" or "No Trespassing" by the District.

2.2 Entry by any unauthorized party onto the embankment of the Dam, including fishing, mooring boats, or trespassing in any other manner, is strictly prohibited.

2.3 The use or operation of any motor vehicle within the emergency spillway, or the embankments on either side thereof, is strictly prohibited, except as specifically authorized by the District.

2.4 Only specifically authorized personnel shall be allowed in any District maintenance shops, equipment buildings, and/or operations quarters.

2.5 All vehicular traffic is prohibited on green belt areas designated by the District, including without limitation the west end park area and Mary King Park.

2.6 The District ~~may~~ shall install marker buoys to designate restricted areas upon the Lake.

2.7 It is a violation of the laws of the State of Texas for any person to move, remove, tamper with, willfully damage or anchor any water craft to a buoy. ~~Additionally, no buoy shall be placed on the Lake without specific prior approval from the District.~~

2.7.8 No buoy shall be placed on the Lake without specific prior approval in writing from the District, and such approval may be granted in the District's sole discretion. The District may allow each Lessee to place two (2) mooring buoys directly in front of each lot, not to extend past the furthest most point on the approved On-Water Facility or forty (40) feet from the retaining wall or normal pool elevation of the reservoir (378 feet MSL). These mooring buoys must be in the design and specifications identified by the District.

2.8.9 The Lake and/or District boat ramps may be closed by the District pursuant to the District's policy on Lake closure. If the District has closed the Lake and/or any District boat ramp, no person, vehicle or water craft shall be allowed on the Lake or to utilize any boat ramp until the Lake and/or boat ramp is re-opened. **Any prohibited use of the Lake or boat ramp during closure is a violation of the Rules.**



**ARTICLE IV**  
**HUNTING AND FISHING**

- 4.1 All forms of hunting are strictly prohibited on all property owned by the District ~~Property~~.
- 4.2 All applicable laws, ordinances and regulations of the State of Texas, as supplemented by these Rules, shall govern the taking of fish from the Lake.
- 4.3 No fishing shall be allowed in any designated swimming areas.
- 4.4 No fishing shall be allowed within two hundred feet (200') of any water intake structure.
- 4.5 Taking, removing, injuring, capturing, or attempting to take, remove, injure, or capture, Triploid Grass Carp from the Lake is strictly prohibited.

**ARTICLE V** ~~Commercial fishing or harvesting of any kind is prohibited on the Lake, except as specifically authorized by contract with the District. For purposes of these Rules, the term "commercial fishing" shall include the taking of any fish, mussels or other aquatic wildlife from the waters of the Lake, by any means whatsoever, for sale or trade for anything of value.~~

### **BOATS, AIRCRAFT, AUTOMOBILES, BICYCLES AND OTHER VEHICLES**

5.1 The Texas Water Safety Act and all amendments thereto are incorporated herein by reference and shall be applicable to all District Property.

5.2 Boats shall only be launched onto the Lake from boat ramps properly designated by the District.

~~5.3 No boat or other water craft exceeding twelve feet (12') in width or twenty six feet (26') in length shall be allowed on the Lake at any time, with the exception of a "work barge" with a valid permit approved by the District.~~

~~5.45.3~~ All boats and water craft shall be operated in a careful and prudent manner at idling speed ~~within two hundred feet (200') from any shoreline~~ in restricted zones designated by District buoys.

~~5.5 Any person being towed behind a boat or other water craft (e.g., skiing, aquaplaning, jet skiing, wet biking, etc.) must wear a Coast Guard approved personal flotation device such as a life jacket.~~

~~5.65.4~~ All boats and other water craft shall be kept securely moored and anchored when not in use.

~~5.75.5~~ Any boat or water craft found abandoned, adrift or unattended shall be impounded ~~by the District and subject to an impound fee. Any impounded boat or water craft not claimed within thirty (30) days may be sold by the District in accordance with Texas law, including the Texas Water Safety Act.~~

~~5.85.6~~ No airplanes of any kind (including gliders, weedhoppers, or any other motor propelled aircraft) shall be permitted on District Property, provided however that the foregoing restriction shall not prohibit airplanes from landing or taking off directly from the surface of the waters of the Lake.

~~5.95.7~~ No commercial business is allowed that rents, utilizes, or operates any specialized recreational device which is not designed for on-water use and remaining in constant contact with the water surface (e.g., ultra-lights) ~~shall be permitted~~ on the Lake. Such prohibition includes commercial businesses relating to a recreational device not designed for on-water use, but which is tethered to a watercraft or other device in constant contact with the water surface, including, but not limited to, parasailing and jet packs.

~~5.105.8~~ All motor vehicles on District Property, including automobiles, motor bikes and motorcycles, must be registered and operated in compliance with the laws of the State of Texas.

~~5.115.9~~ All drivers and operators of motor vehicles and golf carts on District Property must have a current, valid driver's license.

~~5.125.10~~ Pursuant to the authority granted to the District in §542.202 of the Texas Transportation Code and §51.127 of the Texas Water Code, the District is authorized to designate speed limits on public park areas of District Property, which shall be marked with signs posted by the District with the maximum allowed speeds. No motor vehicle or golf cart shall be operated in such marked areas in excess of the posted speed.

~~5.135.11~~ The District does not post and shall not be responsible for regulating or enforcing traffic regulations (e.g., speed limits) on any road, street, drive or other right of way located within any private development on Leased Property.

~~5.145.12~~ Except for golf carts (as provided in Section 5.17 below), all non-registered, off-road vehicles, including go-carts, dune buggies, four wheelers, and all other types of all-terrain vehicles, are expressly prohibited on public park areas of District Property.

~~5.155.13~~ All motor vehicles and golf carts are prohibited on public beach areas of District Property.

~~5.165.14~~ Bicyclists on District Property shall comply with all applicable bicycle traffic and safety laws of the State of Texas.

~~5.17~~5.15 Golf carts shall be allowed on all public park areas of District Property, except Mary King Park and the West End Park.

~~5.18~~5.16 All golf carts on District Property shall at all times be operated in a safe and prudent manner and in accordance with these Rules and Regulations. Any violation of these Rules and Regulations by an operator of a golf cart may result in prohibition from further operation on District Property.

**ARTICLE VI**  
**SWIMMING**

6.1 All swimming on District Property shall be done in a safe and prudent manner.

~~6.2 No swimming is allowed in the Lake at a distance of more than one hundred feet (100') from the shoreline unless accompanied by a boat, and then only if swimmer is wearing a Coast Guard approved flotation device.~~

~~6.3~~6.2 No person shall wade, swim or dive within fifty feet (50') of any boat launch areas, or in any other area designated by the District as a prohibited swimming area.

~~6.4~~6.3 All diving or jumping into the Lake from public highways, roadway bridges or utility towers is strictly prohibited.

**ARTICLE XV**  
**CONSTRUCTION ON DISTRICT PROPERTY**

15.1 Except as otherwise specifically provided in this Article, a permit shall be required for the construction, improvement or replacement of any building, structure or Improvement on District Property. No construction activity associated with such construction, Improvement or replacement may commence until the District has approved the permit and issued an authorization to construct.

15.2 A permit shall be required for any construction, dredging, or other activities on the Lake that require the use of heavy equipment on or around the Lake, including use of a work barge.

~~15.2~~ 15.3 In addition to the terms and conditions of the District permit and the Rules, all applicable construction activities in the District, including dredging, filling or retaining wall activities, shall be performed in accordance with all applicable regulations and permits of the U.S. Army Corps of Engineers.

~~15.3~~ 15.4 Notwithstanding the provisions of Section 14.1 above, but subject to the District's right to require a permit in any case that it reasonably deems necessary, no permit shall be required for the following:

- (a) The Repair of any existing permitted structure;
- (b) Open decks or porches (including screened-in porches) added to an existing Dwelling Unit or Guest House;
- (c) Fences, provided that all fences must be located so as to minimize any obstruction of the view of the Lake by other Lessees;
- (d) Temporary or above-ground swimming pools;
- (e) Storage buildings, not to exceed 144 square feet;
- (f) Water wells; and
- (g) Non-elevated Walkways, not to exceed 5 feet in width.

All of the foregoing work and Improvements must still comply in all other respects with these Rules, including setback requirements.

~~15.4~~ 15.5 Application Process.

- (a) All construction permit requests shall be submitted to the District office in writing and shall be accompanied by:
  - (i) a properly executed permit agreement acceptable and approved by the District;
  - (ii) a complete set of design plans and specifications for the requested construction, Improvement or replacement, including a site plan;
  - (iii) a copy of the plans and specifications for any OSSF and a copy of the authorization to construct, if the permitted construction requires an OSSF;
  - (iv) the name, address, phone number and email address of any contractor or, in the event the Lessee intends to act as its own contractor, any subcontractor who will be performing the work; and
  - (v) the applicable application fee.
  - (vi) THE DISTRICT SHALL NOT ACCEPT FOR CONSIDERATION ANY INCOMPLETE PERMIT REQUESTS THAT DO NOT INCLUDE ALL OF THE FOREGOING ITEMS (AS APPLICABLE).



November 5, 2020

To the Board of Directors  
Franklin County Water District  
PO Box 559  
Mt. Vernon, Texas 75457

The following represents our understanding of the services we will provide Franklin County Water District.

You have requested that we audit the business-type activities of Franklin County Water District, which comprise all activities of Franklin County Water District, as of December 31, 2020 and for the year then ended and the related notes, which collectively comprise Franklin County Water District's basic financial statements as listed in the table of contents. We are pleased to confirm our acceptance and our understanding of this audit engagement by means of this letter. Our audit will be conducted with the objective of our expressing an opinion on each opinion unit applicable to those basic financial statements.

Accounting principles generally accepted in the United States of America, (U.S. GAAP,) as promulgated by the Governmental Accounting Standards Board (GASB) require that Management's Discussion and Analysis and budgetary comparison schedule be presented to supplement the basic financial statements. Such information, although not a part of the basic financial statements, is required by the GASB, 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. As part of our engagement, we will apply certain limited procedures to the required supplementary information (RSI) in accordance with auditing standards generally accepted in the United States of America, (U.S. GAAS). These limited procedures will consist primarily of inquiries of management regarding their methods of measurement and presentation, and comparing the information for consistency with management's responses to our inquiries. We will not express an opinion or provide any form of assurance on the RSI.

The additional supplementary information required by the Texas Commission on Environmental Quality will be presented for purposes of additional analysis and is not a required part of the basic financial statements. Such information will be 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. Our auditor's report will provide an opinion on the supplementary information in relation to the basic financial statements as a whole.

### **Auditor Responsibilities**

We will conduct our audit in accordance with U.S. GAAS. Those standards require that we plan and perform the audit to obtain reasonable assurance about whether the basic financial statements are free from material misstatement. An audit involves performing procedures to obtain audit evidence about the amounts and disclosures in the basic financial statements. The procedures selected depend on the auditor's judgment, including the assessment of the risks of material misstatement of the basic financial statements, whether due to fraud or error, misappropriation of assets, or violations of laws, governmental regulations, grant agreements, or contractual agreements.





An audit also includes evaluating the appropriateness of accounting policies used, and the reasonableness of significant accounting estimates made by management, as well as evaluating the overall presentation of the basic financial statements. If appropriate, our procedures will therefore include tests of documentary evidence that support the transactions recorded in the accounts, tests of the physical existence of inventories, and direct confirmation of cash, investments, and certain other assets and liabilities by correspondence with creditors and financial institutions. As part of our audit process, we will request written representations from your attorneys, and they may bill you for responding. At the conclusion of our audit, we will also request certain written representations from you about the basic financial statements and related matters.

Because of the inherent limitations of an audit, together with the inherent limitations of internal control, an unavoidable risk that some material misstatements (whether caused by errors, fraudulent financial reporting, misappropriation of assets, or violations of laws or governmental regulations) may not be detected exists, even though the audit is properly planned and performed in accordance with U.S. GAAS.

In making our risk assessments, we consider internal control relevant to the entity's preparation and fair presentation of the basic financial statements 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 entity's internal control. However, we will communicate to you in writing concerning any significant deficiencies or material weaknesses in internal control relevant to the audit of the basic financial statements that we have identified during the audit. Our responsibility as auditors is limited to the period covered by our audit and does not extend to any other periods.

We cannot provide assurance that unmodified opinions will be expressed. Circumstances may arise in which it is necessary for us to modify our opinions or add emphasis-of-matter or other-matter paragraphs. If our opinions on the basic financial statements are other than unmodified, we will discuss the reasons with you in advance. If, for any reason, we are unable to complete the audit or are unable to form or have not formed opinions, we may decline to express opinions or to issue a report as a result of this engagement.

### **Compliance with Laws and Regulations**

As previously discussed, as part of obtaining reasonable assurance about whether the basic financial statements are free of material misstatement, we will perform tests of Franklin County Water District's compliance with the provisions of applicable laws, regulations, contracts, and agreements. However, the objective of our audit will not be to provide an opinion on overall compliance and we will not express such an opinion.

### **Management Responsibilities**

Our audit will be conducted on the basis that management acknowledge and understand that they have responsibility:

- a. For the preparation and fair presentation of the basic financial statements in accordance with accounting principles generally accepted in the United States of America;
- b. For the design, implementation, and maintenance of internal control relevant to the preparation and fair presentation of basic financial statements that are free from material

misstatement, whether due to error, fraudulent financial reporting, misappropriation of assets, or violations of laws, governmental regulations, grant agreements, or contractual agreements; and

- c. To provide us with:
  - i. Access to all information of which management is aware that is relevant to the preparation and fair presentation of the basic financial statements such as records, documentation, and other matters;
  - ii. Additional information that we may request from management for the purpose of the audit; and
  - iii. Unrestricted access to persons within the entity from whom we determine it necessary to obtain audit evidence.
- d. For including the auditor's report in any document containing basic financial statements that indicates that such basic financial statements have been audited by the entity's auditor;
- e. For identifying and ensuring that the entity complies with the laws and regulations applicable to its activities;
- f. For adjusting the basic financial statements to correct material misstatements and confirming to us in the management representation letter that the effects of any uncorrected misstatements aggregated by us during the current engagement and pertaining to the current year period(s) under audit are immaterial, both individually and in the aggregate, to the basic financial statements as a whole; and
- g. For acceptance of nonattest services, including identifying the proper party to oversee nonattest work;
- h. For maintaining adequate records, selecting and applying accounting principles, and safeguarding assets;
- i. For informing us of any known or suspected fraud affecting the entity involving management, employees with significant role in internal control and others where fraud could have a material effect on the financials; and
- j. For the accuracy and completeness of all information provided.

With regard to the supplementary information referred to above, you acknowledge and understand your responsibility: (a) for the preparation of the supplementary information in accordance with the applicable criteria; (b) to provide us with the appropriate written representations regarding supplementary information; (c) to include our report on the supplementary information in any document that contains the supplementary information and that indicates that we have reported on such supplementary information; and (d) to present the supplementary information with the audited basic financial statements, or if the supplementary information will not be presented with the audited basic financial statements, to make the audited basic financial statements readily available to the intended users of the supplementary information no later than the date of issuance by you of the supplementary information and our report thereon.

As part of our audit process, we will request from management, written confirmation concerning representations made to us in connection with the audit.

With respect to any nonattest services we perform, including the preparation of the financial statements we will not assume management responsibilities on behalf of Franklin County Water District. However, we will provide advice and recommendations to assist management of Franklin County Water District in performing its responsibilities.

With respect to the nonattest services, Franklin County Water District's management is responsible for (a) making all management decisions and performing all management functions; (b) assigning a competent individual to oversee the services; (c) evaluating the adequacy of the services performed; (d) evaluating and accepting responsibility for the results of the services performed; and (e) establishing and maintaining internal controls, including monitoring ongoing activities.

Our responsibilities and limitations with respect to the nonattest services are as follows:

- We will perform the services in accordance with applicable professional standards.
- This engagement is limited to the financial statement preparation services previously outlined. Our firm, in its sole professional judgment, reserves the right to refuse to do any procedure or take any action that could be construed as making management decisions or assuming management responsibilities, including determining account coding and approving journal entries. Our firm will advise Franklin County Water District with regard to tax positions taken in the preparation of the tax return, but Franklin County Water District must make all decisions with regard to those matters.

## **Reporting**

We will issue a written report upon completion of our audit of Franklin County Water District's basic financial statements. Our report will be addressed to the governing body of Franklin County Water District. We cannot provide assurance that unmodified opinions will be expressed. Circumstances may arise in which it is necessary for us to modify our opinions, add an emphasis-of-matter or other-matter paragraph(s), or withdraw from the engagement.

## **Other**

We understand that your employees will prepare all confirmations we request and will locate any documents or support for any other transactions we select for testing.

If you intend to publish or otherwise reproduce the basic financial statements and make reference to our firm, you agree to provide us with printers' proofs or masters for our review and approval before printing. You also agree to provide us with a copy of the final reproduced material for our approval before it is distributed.

Regarding the electronic dissemination of audited financial statements, including financial statements published electronically on your Internet website, you understand that electronic sites are a means to distribute information and, therefore, we are not required to read the information contained in these sites or to consider the consistency of other information in the electronic site with the original document.

## **Provisions of Engagement Administration, Timing and Fees**

During the course of the engagement, we may communicate with you or your personnel via fax or e-mail, and you should be aware that communication in those mediums contains a risk of misdirected or intercepted communications.

We expect to begin our audit in January 2021, and issue our report no later than March 10, 2021.

Mitchell G. Perry is the engagement shareholder for the audit and financial statement services specified in this letter. His responsibilities include supervising Fox, Byrd & Company, P.C.'s services performed as part of this engagement and signing or authorizing another qualified firm representative to sign the audit report.

Our fees are based on the amount of time required at various levels of responsibility, plus actual out-of-pocket expenses. Invoices will be rendered every month and are payable upon presentation. We estimate that our fee for the audit will not exceed \$15,800. We will notify you immediately of any circumstances we encounter that could significantly affect this initial fee estimate. Whenever possible, we will attempt to use Franklin County Water District's personnel to assist in the preparation of schedules and analyses of accounts. This effort could substantially reduce our time requirements and facilitate the timely conclusion of the audit. Further, we will be available during the year to consult with you on financial management and accounting matters of a routine nature.

During the course of the audit we may observe opportunities for economy in, or improved controls over, your operations. We will bring such matters to the attention of the appropriate level of management, either orally or in writing.

You agree to inform us of facts that may affect the basic financial statements of which you may become aware during the period from the date of the auditor's report to the date the financial statements are issued.

We agree to retain our audit documentation or work papers for a period of at least seven years from the date of our report.

At the conclusion of our audit engagement, we will communicate to the board of directors the following significant findings from the audit:

- Our view about the qualitative aspects of the entity's significant accounting practices;
- Significant difficulties, if any, encountered during the audit;
- Uncorrected misstatements, other than those we believe are trivial, if any;
- Disagreements with management, if any;
- Other findings or issues, if any, arising from the audit that are, in our professional judgment, significant and relevant to those charged with governance regarding their oversight of the financial reporting process;
- Material, corrected misstatements that were brought to the attention of management as a result of our audit procedures;
- Representations we requested from management;
- Management's consultations with other accountants, if any; and
- Significant issues, if any, arising from the audit that were discussed, or the subject of correspondence, with management.

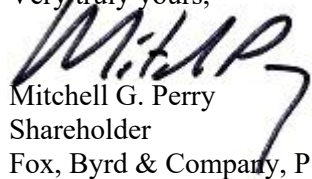
The audit documentation for this engagement is the property of Fox, Byrd & Company, P.C. and constitutes confidential information. However, we may be requested to make certain audit documentation available to the Texas Commission on Environmental Quality pursuant to authority given to it by law or regulation, or to peer reviewers. If requested, access to such audit

documentation will be provided under the supervision of Fox, Byrd & Company, P.C.'s personnel. Furthermore, upon request, we may provide copies of selected audit documentation to TCEQ. The TCEQ may intend, or decide, to distribute the copies of information contained therein to others, including other governmental agencies.

Please sign and return the attached copy of this letter to indicate your acknowledgment of, and agreement with, the arrangements for our audit of the basic financial statements including our respective responsibilities.

We appreciate the opportunity to be your financial statement auditors and look forward to working with you and your staff.

Very truly yours,



Mitchell G. Perry  
Shareholder  
Fox, Byrd & Company, P.C.

---

RESPONSE:

This letter correctly sets forth our understanding.

Franklin County Water District

Acknowledged and agreed on behalf of Franklin County Water District by:

_____ Management Signature	_____ Governance Signature
_____ Title	_____ Title
_____ Date	_____ Date

**ORDER NO. 11-17-2020-1**

**AN ORDER OF THE BOARD OF DIRECTORS  
OF THE FRANKLIN COUNTY WATER DISTRICT  
REQUESTING FILING OF AND SUPPORT FOR LEGISLATION AMENDING  
DISTRICT ENABLING ACT**

**WHEREAS**, the Franklin County Water District (the “District”) is a water control and improvements district pursuant to Chapters 49 and 51 of the Texas Water Code and created by the Texas Legislature on June 19, 1965; and

**WHEREAS**, the District is a political subdivision of the state created pursuant to Article XVI, Section 59 of Texas Constitution for the purpose of conserving and developing the public water of the state; and

**WHEREAS**, the District would like to amend its enabling act to add road district powers to its existing powers to be able to participate in any road projects that would benefit the District, as well as update provisions in its enabling act to assist the District with its operations; and

**WHEREAS**, the District does not intend to fund any road improvements with taxes; and

**WHEREAS**, State Representative Gary VanDeaver and State Senator Bryan Hughes represent the District at the Texas Legislature.

**NOW THEREFORE**, it is ordered by the Board of Directors of Franklin County Water District as follows:

**Section 1:** The above recitals are true and correct and are incorporated into this Order for all purposes.

**Section 2:** The District's Board of Directors hereby respectfully requests State Representative VanDeaver and State Senator Hughes to file and support legislation during the Regular Session of the Texas Legislature to give the District road district powers and update the District’s enabling act to assist the District in its operations.

**Section 3:** The District’s General Manager and General Counsel are authorized to work with the state legislators and take all necessary action to enable the Texas Legislature to enact legislation to help the District amend its enabling act and to carry out the purposes of this Order.



**PASSED, ADOPTED, AND APPROVED** this 17th day of November, 2020.

---

Gary Cunningham, President

ATTEST:

---

Rodney Newsom, Secretary

King's Country Lot 587 New  
Boat Dock

# FCWD Variance Issued to Rob Bodner

- FCWD Regulation 15.21(g) An On-Water Facility may not be the primary structure on a lot and shall only be constructed on a lot containing an existing single-family residence. Only a single (1) fixed On-Water Facility is allowed per lot.
  - King Country lot does not have an existing single-family residence and has an on-water facility
- Variance to FCWD Regulation 15.21g was issued to Rob Bodner to construct a new boat dock

## FCWD 16.3 Regulation Regarding Variance Issuance

- 16.3 The District shall only grant a variance to alleviate some demonstrable and unusual hardship or difficulty so great as to warrant a deviation from the standards established by these Rules, **when such deviation would not materially, adversely affect the surrounding property** or any facilities owned or maintained by the District. Without limiting the foregoing, the following shall specifically not be grounds for issuance of a variance: (a) Financial hardship; (b) Lessee convenience; or (c) The fact that any other Leased Property or Improvements thereon do not comply with these Rules;

## Permit and Construction Plans for New Boat Dock on Property L587

- Permit was issued to Rob Bodner for new boat dock
  - 15.21 f No On-Water Facility constructed on District Property shall exceed one (1) story. Notwithstanding the foregoing, a flat deck area may be permitted on the roof; provided, however, that the total height of all structures (including parapets, handrails, or any other architectural feature) shall not exceed twenty-five feet (25') above 378 feet m.s.l.
- Permit was not shared with Richard Snider as to location of new boat dock
- Plans for new boat dock height and location were not shared with Richard Snider
- New boat dock is presently being constructed

# Snider Lake View Prior to New Dock Construction





## Boat dock on Property L587 Prior to New Boat Dock Construction



# Boat Dock Under Construction without Upper Deck





# Boat Dock Under Construction without Upper Deck



# Boat Dock Under Construction without Upper Deck



# Lake View from Snider House Deck Extremely Obscured Due to New Boat House

- Lake view from Snider's House deck extremely obscured, even without the upper deck completed on new dock
- Greatest value of Snider's House is the lake view from the upper deck
  - Snider's house value is diminished considerably due to location of new boat dock with the obscured lake view

# Sequence of Events to Current Construction of Boat Dock

- Rob Bodner issued Variance to regulation 15.21g by FCWD to build a new dock, predicated **that deviation (New boat dock) would not materially, adversely affect the surrounding property (Regulation 16.3)**
- New boat dock has **significantly adversely affected** the surrounding Snider property which is prohibited by FCWD Regulation 16.3
- Previous pictures show before and after construction of new boat dock (new boat dock without upper deck) **with lake view extremely obscured by new boat dock**
- **Snider's house lake view would not have been obscured if new boat dock was located 20 feet inward**
  - Rob Bodner did not show the Snider's the approved permit or the new dock construction plans
  - Permit should have required location of new boat dock to not obscure the Snider's lake view

# Request of FCWD by Richard and Virginia Snider

- Stop construction of new boat dock immediately
- Require new boat dock to be relocated inward to avoid adversely affecting Snider property and conform to FCWD Regulation 16.3