

**CERTIFICATE FOR ORDER ADOPTING
LEVEE IMPROVEMENT DISTRICT RULES AND REGULATIONS**

THE STATE OF TEXAS §
COUNTY OF FORT BEND §
FIRST COLONY LEVEE IMPROVEMENT DISTRICT NO. 2 §

We, the undersigned officers of the Board of Directors (the "Board") of First Colony Levee Improvement District No. 2 of Fort Bend County, Texas (the "District"), hereby certify as follows:

1. The Board convened in regular session, open to the public, on the 2nd day of July, 2013, at a meeting place inside the boundaries of the District, and the roll was called of the members of the Board, to-wit:

Ron Frerich	-	President
Christine M. Lukin	-	Vice President
Carl Mazzo	-	Secretary

All members of the Board were present except the following: _____ thus constituting a quorum. Whereupon, among other business, the following was transacted at such meeting:

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was duly introduced for the consideration of the Board. It was then duly moved and seconded that such Order be adopted; and, after due discussion, such motion, carrying with it the adoption of said Order, prevailed and carried by the following vote:

AYES: _____ NOES: _____

2. A true, full, and correct copy of the aforesaid Order adopted at the meeting described in the above and foregoing paragraph is attached to and follows this Certificate; such Order has been duly recorded in said Board's minutes of such meeting; the above and foregoing paragraph is a true, full, and correct excerpt from the Board's minutes of such meeting pertaining to the adoption of such Order; 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 such meeting and that such Order would be introduced and considered for adoption at such meeting and each of such officers and members consented, in advance, to the holding of such meeting for such purpose; such meeting was open to the public, as required by law, and public notice of the time, place and purpose of such meeting was given as required by V.T.C.A., Government Code, Chapter 551, as amended.

SIGNED AND SEALED the 2nd day of July, 2013.

(SEAL)

President, Board of Directors

Secretary, Board of Directors

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WHEREAS, pursuant to authority of Subchapter D of Chapter 57, Texas Water Code, as amended, First Colony Levee Improvement District No.2 (the "District") has developed and is maintaining levees, drainage improvements, and other facilities (the "Facilities"); and

WHEREAS, the Board of Directors of the District desires to adopt rules and regulations governing activities affecting the District's Facilities for the purpose of protecting those Facilities from damage.

NOW, THEREFORE, BE IT ORDERED BY THE BOARD OF DIRECTORS OF FIRST COLONY LEEVE IMPROVEMENT DISTRICT NO. 2 THAT:

Section 1. Authority. These regulations are adopted pursuant to Sections 49.004 and 57.093, Texas Water Code.

Section 2. Administration. The District's operator is hereby authorized to report violations of these rules and regulations to the District.

Section 3. Applicability. These rules and regulations apply to all persons who have not received prior written approval of the District to engage in the following activities and are adopted to cover all real and personal property owned by the District including, but not limited to, the Facilities.

Section 4. Dumping and Littering. No person shall dispose of any trash, refuse, or other material on the District's levee or other Facilities. Prohibited material includes, but is not limited to, grass clippings, tree branches, and other yard waste; trash and household waste; and pet waste.

Section 5. Mowing and Vegetation. No person shall mow or cause to be mowed, or otherwise damage, any portion of grass or other vegetation on land owned by the District, including the District's levee right of way. No person shall dig up, destroy, or remove any tree, shrub, grass, or any other type of

vegetation whatsoever from the District's levee or other Facilities, nor shall any person plant, fertilize, or otherwise cause the proliferation of any vegetation on the District's levee or other Facilities.

Section 6. Improvements. No person shall place or construct any improvements on the District's levee or other Facilities, including but not limited to fences, signs, birdbaths, or other landscaping features.

Section 7. Pets and Wildlife. No person shall hunt, fish, harm, or trap any wild animals present on the District's levee or other Facilities, nor shall anyone attempt to feed such animals. No person shall bring onto the District's levee or other Facilities any animal other than a pet dog. Any person bringing a pet dog onto the levee shall keep the pet secured with a leash or other restraint. Any person bringing a pet onto the levee shall immediately clean up any pet waste produced while on the levee.

Section 8. Other Prohibited Activity. No person shall do any of the following on the District's levee or other Facilities:

- (a) operate a motorized vehicle of any kind;
- (b) ride or walk a horse;
- (c) light, build, or maintain a fire on the levee, including without limitation, fires intended for cooking or other recreational activities, whether or not the fire is contained in a grill or other device; or
- (d) damage any gate, lock, fence, or other improvement designed to limit access to the District's levee or other Facilities.

Section 9. Penalties. A person who violates any provision of these rules and regulations shall be subject to a civil penalty for breach of the above rules and regulations of \$100 for each day that a party is in violation, not to exceed \$5,000. Violation of more than one provision shall be counted as a separate and independent violation, and will cause the imposition of an additional penalty. A penalty under this section is in addition to any other penalty provided by the laws of this State and may be enforced by complaints filed in the appropriate court of competent jurisdiction. If the District prevails in any suit to enforce its rules and regulations, it may, in the same action, recover any reasonable fees for attorneys, expert witnesses, and other costs incurred by the District before the court. Continued violations may also be enjoined by a court of competent jurisdiction. Criminal penalties may also apply under Section 57.103, Texas Water Code, to

a person who wrongfully or purposely cuts, injures, destroys, or in any manner impairs the usefulness of a levee or other reclamation improvement; and such person can be found guilty of a misdemeanor and upon conviction is punishable by a fine of not less than \$100 nor more than \$1,000 or by confinement in the county jail for not more than one year or by both.

The failure on the part of the District to enforce any section, clause, sentence, or provision of these rules and regulations shall not constitute a waiver of the right of the District later to enforce any section, clause, sentence, or provision of these rules and regulations.

Section 10. Amendments. These rules and regulations are subject to review and amendment from time to time by the District.

Section 11. Effects on Existing Law. These rules and regulations are in addition to, and not in lieu of, all applicable federal and state laws, rules, and regulations.

Section 12. Severability. If any word, phrase, section, or other provision of these rules and regulations should be held invalid or unenforceable, such shall not affect the validity of the remaining provisions.

Section 13. Effective Date. These rules and regulations shall become effective on July 2, 2013.

[Intentionally left blank]

The President or Vice President is authorized to do all things necessary for execution of this Order; and the President or Vice President is further authorized to execute, and the Secretary or any Assistant Secretary to attest, this Order on behalf of the Board of Directors.

WITNESS OUR HANDS AND THE SEAL OF THE DISTRICT this 2nd day of July, 2013.

President, Board of Directors

ATTEST:

Secretary, Board of Directors

(DISTRICT SEAL)