

**RESOLUTION NO. 2024-004**

**RESOLUTION TO ADOPT A CONCURRENT ORDINANCE UNDER SUBTITLE C, CHAPTER 572 OF THE TEXAS LOCAL GOVERNMENT CODE, CHANGING THE PUBLIC ENTITIES THAT PARTICIPATE IN THE FANNIN COUNTY WATER SUPPLY AGENCY.**

**WHEREAS**, The Fannin County Water Supply Agency was created in 2005 under Subtitle C, Chapter 572 of the Texas Local Government Code formally known as, Subchapter C Chapter 422 of the Texas Local Government Code, which authorizes the creation and administration of a "Public Utility Agency" by two or more public entities to plan, finance, construct, own, operate, or maintain facilities necessary or incidental to the collection, storage, transportation, treatment, or distribution of water, including a plant site, right-of-way and property, equipment, or right of any kind useful in connection therewith; and

**WHEREAS**, Fannin County water suppliers currently rely on groundwater but draw down in the Trinity Aquifer is expected to prevent any substantial increase in groundwater use; and

**WHEREAS**, Fannin County is located in the Region C Water Planning Group, established pursuant to Senate Bill 1 (1997) and the Texas Water Development Board, and the 2001 Region C Water Plan calls for Fannin County water suppliers to develop a regional surface water supply system; and

**WHEREAS**, the following named public entities are named members of the Fannin County Water Supply Agency; Bois D'Arc Municipal Utility District, the City of Bailey, the City of Bonham, the City of Dodd City, the City of Honey Grove, the City of Ladonia, the City of Leonard, the City of Savoy, City of Trenton, the City of Whitewright, the County of Fannin, Gober Municipal Utility District, Southwest Fannin County Special Utility District, Hickory Creek Special Utility District and the Town of Windom, the City of Ector and Lannius Municipal Utility District; and

**WHEREAS**, the following Public Entity desires to become a participating entity in the FANNIN COUNTY WATER SUPPLY AGENCY to coordinate their efforts to plan, develop and contract for a regional surface water supply system to satisfy future water supply requirements in Fannin County: Hickory Creek Special Utility District; and

**WHEREAS**, the City of Ector requested to be removed from the FANNIN COUNTY WATER SUPPLY AGENCY. Lannius Municipal Water District has been absorbed into Bois D'Arc Municipal Water District and Lannius Municipal Water District no longer exists; and

**WHEREAS**, the Participating Entities each represent and acknowledge that it qualifies as a "Public Entity" pursuant to Texas Local Government Code § 572.001(3) and is authorized to engage in the conservation, storage, transportation, treatment, or distribution of water;

**WHEREAS**, this Resolution is a "concurrent ordinance" as that term is defined in Texas Local Government Code § 572.051(1); and

**WHEREAS**, pursuant to the provisions of the Act, the governing body of the undersigned Participating Entity adopts this Ordinance to add and remove public entities from the Agency.

**NOW THEREFORE BE IT RESOLVED THAT:**

**SECTION 1. Findings Incorporated.** The recitals and findings contained in the preamble to this Ordinance are determined to be true and correct, and the same are incorporated into the body of this Ordinance as if fully set forth herein.

**SECTION 2. Creation of Public Utility Agency.** Under and pursuant to the provisions of Subtitle C, Chapter 572 of the Texas Local Government Code, the Public Utility Agency was created, established, and designated the Fannin County Water Supply Agency (the "Agency") in 2005, as a political subdivision of this state and a body politics and corporate. The creation and establishment of the Agency was declared to be essential to the accomplishment of the purposes of Chapter 572 of the Texas Local Government Code, including such purposes as planning, financing, constructing, owning, operating or maintaining facilities necessary or incidental to the development of a regional surface water supply system to satisfy current and future water supply requirements in Fannin County, Texas.

**SECTION 3. Membership.** The Agency will be comprised of those Participating Entities and the Entities that are hereby withdrawn from participating in the Agency are: the City of Ector and Lannius Municipal Utility District. The Entity that is hereby added to the Agency is Hickory Creek Special Utility District.

**SECTION 4. Boundaries.** The boundaries of the Agency shall include all territory within the political boundaries of the Members of the Agency as said boundaries are changed periodically.

**SECTION 5. Board of Directors.** The governing body of each Member shall be entitled to appoint (1) director to the board. Within thirty (30) days of the effective date of this Resolution, the governing body of each Member shall appoint a director to serve on the board of directors. Written notice of the appointee's name, address, telephone number, and e-mail address shall be mailed to **101 E. Sam Rayburn Dr. Suite 214, Bonham, Texas 75418** immediately following the appointment.

(a) The place of each director shall be as follows:

Place 1-Bois D'Arc Municipal Utility District

Place 2-City of Bailey

Place 3-City of Bonham

Place 4-City of Dodd City

Place 5-City of Honey Grove

Place 6-City of Ladonia

Place 7-City of Leonard

Place 8-City of Savoy

Place 9-City of Trenton

Place 10-City of Whitewright

Place 11-County of Fannin

Place 12-Gober Municipal Water District

Place 13-Southwest Fannin County Special Utility District

Place 14-Town of Windom

Place 15-Hickory Creek Special Utility District

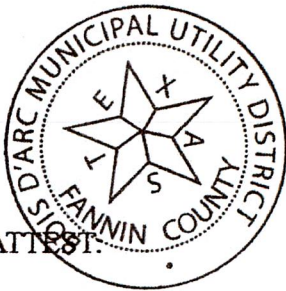
(b) The place of any Participating Entity that fails to become a Member of the Agency is Void. The place assigned to each Member in this section shall remain unchanged notwithstanding that one or more Participating Entities fails to become a Member.

(c) The directors shall be divided into two classes serving staggered terms. Each class shall be as near as equal in number as possible. Directors appointed to the initial board shall draw lots to determine which directors will serve a one-year initial term and which directors will serve a two-year initial term. Each subsequent director shall

serve a term of two years or until a successor is appointed. A director may serve successive terms.

**SECTION 7. Effective Date.** This Ordinance shall become effective upon it being adopted by the governing bodies of the Participating Entities on or before February 28, 2025, which date shall be the effective date of this Ordinance provided the aforementioned condition is satisfied.

ADOPTED by the Board of Directors of Bois D'Arc Municipal Utility District at a regular or special called meeting on the 20th day of December, 2024.



ATTEST:

APPROVED BY: Rhonda Grubbs Cunningham  
President Rhonda Grubbs Cunningham

APPROVED AS TO FORM AND SUBSTANCE:

Donna Ryser  
Secretary Donna Ryser

Maria Huynh  
District Counsel Maria Huynh

ADOPTED by the City Council of the City of Bailey, Texas, at a regular or special called meeting on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

APPROVED BY: \_\_\_\_\_  
Mayor

ATTEST:

APPROVED AS TO FORM AND SUBSTANCE:

\_\_\_\_\_  
City Secretary

\_\_\_\_\_  
City Attorney

ATTEST:

ADOPTED by the City Council of the City of Bonham, Texas, at a regular or special called meeting on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

APPROVED BY: \_\_\_\_\_  
Mayor

ATTEST:

APPROVED AS TO FORM AND SUBSTANCE:

\_\_\_\_\_  
City Secretary

\_\_\_\_\_  
City Attorney

ADOPTED by the City Council of the City of Dodd City, Texas, at a regular or special called meeting on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

APPROVED BY: \_\_\_\_\_  
Mayor

ATTEST:

APPROVED AS TO FORM AND SUBSTANCE:

\_\_\_\_\_  
City Secretary

\_\_\_\_\_  
City Attorney

ADOPTED by the City Council of the City of Honey Grove, Texas, at a regular or special called meeting on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

APPROVED BY: \_\_\_\_\_  
Mayor

ATTEST:

APPROVED AS TO FORM AND SUBSTANCE:

\_\_\_\_\_  
City Secretary

\_\_\_\_\_  
City Attorney

ADOPTED by the City Council of the City of Ladonia, Texas, at a regular or special called meeting on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

APPROVED BY: \_\_\_\_\_  
Mayor

ATTEST:

APPROVED AS TO FORM AND SUBSTANCE:

\_\_\_\_\_  
City Secretary

\_\_\_\_\_  
City Attorney

ADOPTED by the City Council of the City of Leonard, Texas, at a regular or special called meeting on the 15<sup>th</sup> day of April, 2025.

APPROVED BY: \_\_\_\_\_

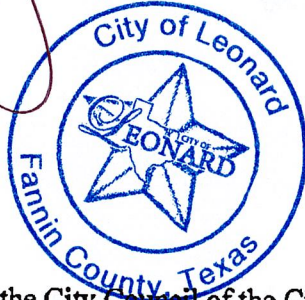
Mayor

ATTEST:

APPROVED AS TO FORM AND SUBSTANCE:

Melissa Luch  
City Secretary

[Signature]  
City Attorney



ADOPTED by the City Council of the City of Savoy, Texas, at a regular or special called meeting on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

APPROVED BY: \_\_\_\_\_

Mayor

ATTEST:

APPROVED AS TO FORM AND SUBSTANCE:

\_\_\_\_\_  
City Secretary

\_\_\_\_\_  
City Attorney

ADOPTED by the City Council of the City of Trenton, Texas, at a regular or special called meeting on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

APPROVED BY: \_\_\_\_\_  
Mayor

ATTEST:

APPROVED AS TO FORM AND SUBSTANCE:

\_\_\_\_\_  
City Secretary

\_\_\_\_\_  
City Attorney

ADOPTED by the City Council of the City of Whitewright, Texas, at a regular or special called meeting on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

APPROVED BY: \_\_\_\_\_  
Mayor

ATTEST:

APPROVED AS TO FORM AND SUBSTANCE:

\_\_\_\_\_  
City Secretary

\_\_\_\_\_  
City Attorney



ADOPTED by the Commissioners Court of the County of Fannin, Texas, at a regular or special called meeting on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

APPROVED BY: \_\_\_\_\_  
County Judge

ATTEST:

APPROVED AS TO FORM AND SUBSTANCE:

\_\_\_\_\_  
County Clerk

\_\_\_\_\_  
County Civil Attorney

ADOPTED by the Board of Directors of the Gober Municipal Utility District, Texas, at a regular or special called meeting on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

APPROVED BY: \_\_\_\_\_  
President

ATTEST:

APPROVED AS TO FORM AND SUBSTANCE:

\_\_\_\_\_  
Secretary

\_\_\_\_\_  
District Counsel

ADOPTED by the Board of Directors of the Southwest Fannin County Special Utility District,  
Texas, at a regular or special called meeting on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

APPROVED BY: \_\_\_\_\_  
President

ATTEST:

APPROVED AS TO FORM AND SUBSTANCE:

\_\_\_\_\_  
Secretary

\_\_\_\_\_  
District Counsel

ADOPTED by the City Council of the Town of Windom, Texas, at a regular or special called  
meeting on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

APPROVED BY: \_\_\_\_\_  
Mayor

ATTEST:

APPROVED AS TO FORM AND SUBSTANCE:

\_\_\_\_\_  
Secretary

\_\_\_\_\_  
District Counsel

ADOPTED by the Board of Directors of the Hickory Creek Special Utility District, Texas, at a regular or special called meeting on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

APPROVED BY: \_\_\_\_\_  
President

ATTEST:

APPROVED AS TO FORM AND SUBSTANCE:

\_\_\_\_\_  
Secretary

\_\_\_\_\_  
District Counsel

December 13, 2024

Bois d' Arc Municipal Utility District  
14101 E FM 1396  
Honey Grove Texas 75446

Re: Fannin County Water Supply Agency

Dear Member,

There was a successful meeting of the Fannin County Water Supply Agency that took place on Thursday, November 14, 2024. As a result of that meeting, this letter is being sent to all member entities, and Hickory Creek Special Utility District. Please find the Concurrent Resolution enclosed with this letter. The FCWSA needs each member entity ("Entity") to adopt this Concurrent Resolution in order to add Hickory Creek Special Utility District to the Agency and to remove the City of Ector and Lannius Municipal Utility District. After its adoption, please have an authorized representative of your Entity execute the resolution in the space provided, and return it to the County Judge's office at **101 E. Sam Rayburn Drive, Suite 214, Bonham, Texas 75418**, along with: (1) the name of the person who will be serving as a Director on the FCWSA for your Entity, and (2) the number of water meters your Entity is currently serving.

Hickory Creek Special Utility District will need to publish notice of its intention to be added to the existing Agency by placing notice in a newspaper of general circulation in the county in which the Member is located. The notice must be published once a week for two consecutive weeks. The first publication must appear at least 14 days before the date set for passage of the concurrent ordinance. The notice must state (1) the date, time, and location at which the governing body proposes to adopt the concurrent ordinance; and (2) that the public Member will be added to an agency on the date on which the concurrent ordinances take effect, as applicable.

Feel free to contact my office or the County Judge, Newt Cunningham, if you have any questions. The sooner we get this done the better. We need to ensure that Fannin County has water available in the future.

Thank you in advance for your cooperation.

A handwritten signature in cursive script, appearing to read "Doug Kopf". The signature is written in black ink and is positioned above the printed name "Doug Kopf".

Doug Kopf

Fannin County Commissioner and President of the FCWSA