

STATE OF NORTH CAROLINA  
DAVIDSON COUNTY

AMENDMENT TO THE  
LAKE THOM-A-LEX RECREATION AUTHORITY AGREEMENT  
BETWEEN DAVIDSON COUNTY, THE CITY OF THOMASVILLE,  
AND THE CITY OF LEXINGTON  
FOR THE PURPOSE OF AUTHORIZING DAVIDSON COUNTY  
TO PROVIDE PERSONNEL FOR OPERATION OF LAKE THOM-A-LEX

THIS AGREEMENT made and entered into this the 23 day of MARCH, 2009 by and between Davidson County, sometimes hereinafter referred to as "County," City of Thomasville, sometimes hereinafter referred to as "Thomasville" or jointly with the City of Lexington as "the Cities," and the City of Lexington sometimes hereinafter referred to as "Lexington;"

WITNESSETH:

The parties are eager to establish an authority to regulate and improve recreation at and on Lake Thom-A-Lex. Therefore, in consideration of the mutual promises contained here, the parties covenant and agree as follows:

WHEREAS; Lake Thom-A-Lex was constructed and has been used by the Cities of Lexington and Thomasville since 1957 as the sole water supply for the Cities presently representing more than 40,000 citizens of Davidson County and the industrial and commercial establishments serving this population; and

WHEREAS; in 1991, the two Cities did commission a joint Study Committee to review the duties, responsibilities, and liabilities involved in the operation of Lake Thom-A-Lex with regard to recreation and to anticipate elevated legal and environmental requirements being placed upon the activities and operation of the lake as a recreational area and public water supply. This Committee recommended termination of an existing Recreation Commission and that its duties and responsibilities be redelegated to a Water Quality Advisory Committee composed of elected officials from the City Councils of Lexington and Thomasville; and

WHEREAS; representatives of the Water Quality Advisory Committee have recognized Davidson County's role in water quality and recreation and have invited Davidson County's participation. Representatives of the Water Quality Committee and Davidson County have met for some time regarding improving recreation at Lake Thom-A-Lex. In these meetings, it was determined that these improvements could best be implemented by the formation of a recreation authority with responsibility for operation promotion, and improvement of passive recreational facilities at Lake Thom-A-Lex. This Recreation Authority would compliment the activities of the Water Quality Advisory Committee; and

WHEREAS; the representatives of the Water Quality Advisory Committee and Davidson County have recognized the potential of Lake Thom-A-Lex for providing passive recreation to a growing population. These representatives sought and received approval from their respective governing bodies have contracted with the engineering firm of Hayes, Seay, Mattern, and Mattern, Inc. to produce a *Lake Thom-A-Lex Recreational Master Plan*; and

WHEREAS; this Plan was completed and presented to the public in numerous public meetings and an advisory committee of property owners has been formed to review future development of recreation at the Lake; and

WHEREAS; these representatives, consisting of members of the Lake Thom-A-Lex Water Quality Advisory Committee and representatives of the Davidson County Commissioners recommend the establishment of a Lake Thom-A-Lex Recreation Authority;

NOW, THEREFORE, BE IT RESOLVED by the City Councils of the cities of Lexington and Thomasville and the Board of Commissioners of Davidson County acting jointly as follows:

1. The Lake Thom-A-Lex Recreation Authority is hereby formed for the purpose of overseeing and promoting operations related to recreation at Lake Thom-A-Lex.
2. The Authority shall consist of one City Council Member each from the Cities of Lexington and Thomasville and one member of the Board of Commissioners of Davidson County. The elected bodies shall each appoint one citizen of Davidson County as a member of this Authority. Both elected and appointed representatives making up this authority shall have equal voting rights on matters relating to the business of this authority. It is recognized and agreed upon by all parties to this joint resolution that the primary purpose of Lake Thom-A-Lex is as a raw water supply source to the Cities of Lexington and Thomasville. Therefore, members of this authority from the Cities shall be Water Quality Advisory Committee. Authority members will be appointed for three year terms. The Authority will elect a chairman and such other officers as it deems necessary for each new calendar year.
3. It shall be the responsibility of the Authority to develop the necessary policies and procedures for the safe operation of the Lake as it regards recreation activities; maintenance; budget development; fees; submission and management; employee work schedules; law enforcement; facilities supervision; reports to the elected bodies; and other general management matters and to submit these to the elected bodies for approval and adoption.
4. **Davidson County shall act as the lead agency for budget development and management, bookkeeping, and preparation of financial reports for review by the Authority and the elected bodies on a monthly basis. Davidson County will invoice the City of Lexington and the City of Thomasville for their share of the Recreation Authority's expenses on an annual basis beginning July 1<sup>st</sup> of each fiscal year. On an annual basis, no later than September 30<sup>th</sup>, Davidson County will report to the City of Thomasville and City of Lexington the annual Profit/Loss Statement. Net Profits shall become assets of the authority and shall be distributed to the City of Thomasville as the lead financial reporting agency. If the annual Profit/Loss statement indicates an operating loss, two-thirds of the net operating loss shall be remitted to Davidson County from the authority's unreserved fund balance or through assessment of one-third of the loss to The City of Thomasville and one-third of the loss to The City of Lexington.**
5. **Davidson County will hire and provide essential personnel and employment responsibilities for the operation of Lake Thom-A-Lex. The essential functions of the operation of the lake include but are not limited to:**
  - **Collecting revenue and accounting for funds collected**
  - **Deposit of funds into the Davidson County banking accounts accordance with NC General Statute 159.32.**
  - **Issuing permits for fishing and boating**
  - **Maintaining a log book of functions performed**
  - **Producing reports to record monthly accounting and activity**
  - **Maintaining and repairing equipment made available to parties to this agreement for use in managing the Lake.**

The actual costs of all personnel activities shall be reimbursed to the County from the Lake fund that is administered by the City of Thomasville. Both Cities and County shall contribute a third of the costs of the personnel.

- 6. The City of Lexington shall assume maintenance of the Lake warning system and mowing of the dam at Lake Thom-A-Lex.
- 7. Davidson County shall assume maintenance and upkeep of recreation areas and facilities.
- 8. The Authority shall meet quarterly in order to properly supervise and coordinate the maintenance, recreational, personnel, financial and budgetary responsibilities delegated by the elected bodies hereinabove and make recommendations to the elected bodies regarding any of these policy areas to assure that the duties and responsibilities of the elected bodies specified above are coordinated and effectively administered.
- 9. Dissolution - This Authority may be dissolved with three month written notice, by the adoption of a resolution of withdrawal by any of the three government participants. Upon dissolution, the control and management of Lake Thom-A-Lex shall revert to the Lake Thom-A-Lex Advisory Committee as established in 1991.

Davidson County – Adopted this the 10th day of March, 2009.

By: Fred R. Clark  
Chairman of Commissioners

Attest: Ann M. Burkett  
Clerk

City of Thomasville – Adopted this the 16 day of March, 2009.

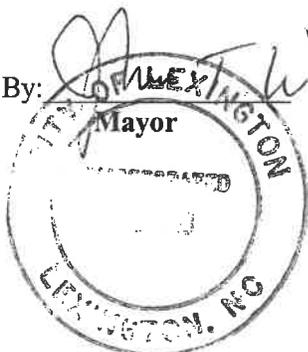
By: Joe M. Bennett  
Mayor

Attest: Janis V. Moore  
Clerk

City of Lexington – Adopted this the \_\_\_ day of \_\_\_\_\_, 200\_\_.

By: John E. Watson, Jr.  
Mayor

Attest: Bara B. Ponce  
Clerk

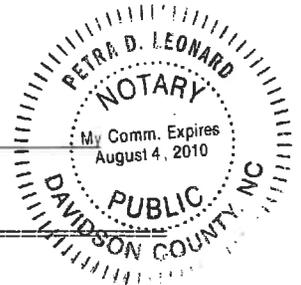


**NORTH CAROLINA  
DAVIDSON COUNTY**

I, a Notary Public of Davidson County, North Carolina, do hereby certify that ANNE M. Burkhardt personally came before me this day and acknowledged that he is the Clerk to the Board of Commissioners for the County of Davidson, and that by authority duly given and as the act of the County, the foregoing instrument was signed in its name by its Chairman of the Board of Commissioners, sealed with the County's seal and attested by himself as its Clerk.

Witness my hand and notarial seal this the 24<sup>th</sup> day of 2009 in March

My Commission expires : August 4, 2010 Notary Public Petra D. Leonard  
PETRA D. LEONARD



**NORTH CAROLINA  
DAVIDSON COUNTY**

Guilford

I, a Notary Public of Davidson County, North Carolina, do hereby certify that Janis V. Moore personally came before me this day and acknowledged that he is the Clerk to the City Council of for the City of Thomasville, a municipal corporation, and that by authority duly given and as the act of the corporation, the foregoing instrument was signed in its name by its Mayor of the City Council, sealed with the City's seal and attested by herself as its Clerk.

Witness my hand and notarial seal this the 25<sup>th</sup> day of 2009 in March

My Commission expires May 13, 2010 Notary Public Martha M. Hancock  
Martha M. Hancock

**NORTH CAROLINA  
DAVIDSON COUNTY**

I, a Notary Public of Davidson County, North Carolina do hereby certify that Sara S. Lanier personally came before me this day and acknowledged that he is the Clerk to the City Council of for the City of Lexington, a municipal corporation, and that by authority duly given and as the act of the corporation, the foregoing instrument was signed in its name by its Mayor of the City Council, sealed with the City's seal and attested by herself as its Clerk.

Witness my hand and notarial seal this the 24<sup>th</sup> day of 2009.

My Commission expires : 12/3/2011 Notary Public Angel C. Lineberry  
Angel C. Lineberry

