

## WAIVER OF CLAIMS FOR INJUNCTIVE RELIEF

**WHEREAS**, the United States and California entered into a First Partial Consent Decree and a Second Partial Consent Decree (the “Consent Decrees”) with Volkswagen AG, Audi AG, Volkswagen Group of America, Inc., Volkswagen Group of America Chattanooga Operations, LLC, Dr. Ing. h.c.F. Porsche AG, and Porsche Cars North America, Inc. (the “Defendants”) concerning the 2.0 Liter Subject Vehicles and 3.0 Liter Subject Vehicles, as defined in paragraph 8 of the Second Partial Consent Decree (the “2.0 Liter and 3.0 Liter Subject Vehicles”).

**WHEREAS**, the Consent Decrees address environmental impact by requiring the Defendants to pay at least \$2.925 billion into a Mitigation Trust Fund.

**WHEREAS**, the Mitigation Trust Fund currently allocates \$209,319,163 to the State of Texas for specific environmental projects pursuant to the terms of the Mitigation Trust Fund.

**WHEREAS**, under the Consent Decrees, the State of Texas must provide several enumerated certifications to be eligible for trust funds under the Mitigation Trust Fund, including an express waiver by the State on behalf of itself, and all of its agencies, departments, offices, and divisions of all claims for injunctive relief to redress environmental injury caused by the 2.0 Liter and 3.0 Liter Subject Vehicles, whether based on the environmental or common law within its jurisdiction.

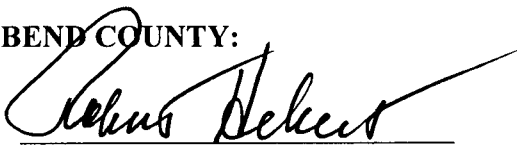
**WHEREAS**, Fort Bend County has filed a lawsuit in the 268<sup>th</sup> Judicial District of Fort Bend County, Texas in Cause No. 15-DCV-226954, transferred to the *In Re: Volkswagen Clean Diesel* Texas MDL for pre-trial proceedings, under Chapter 7 of the Texas Water Code, against some or all of the Defendants concerning the 2.0 Liter and 3.0 Liter Subject Vehicles

**WHEREAS**, as of the date of this waiver, Fort Bend County has not alleged any claim for injunctive relief against the Defendants.


**Now, Therefore,** Fort Bend County waives as follows:

Fort Bend County, on behalf of itself and all of its agencies, departments, offices, and divisions, hereby expressly waives, in favor of the parties to the Consent Decrees (including the Defendants), all claims for injunctive relief to redress environmental injury caused by the 2.0 Liter and 3.0 Liter Subject Vehicles, whether based on the environmental law or common law within its jurisdiction. This waiver is binding on all agencies, departments, offices, and divisions of Fort Bend County asserting, purporting to assert or capable of asserting such claims. This waiver does not waive, and Fort Bend County expressly reserves, its rights, if any, to seek fines or penalties.

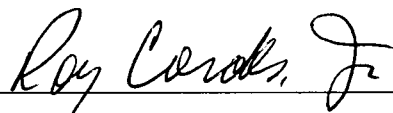
**FOR FORT BEND COUNTY:**

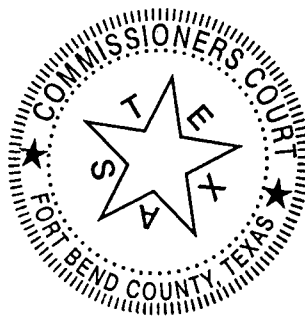
Signature:   
Name: Robert E. Hebert  
Title: County Judge  
Date: \_\_\_\_\_  
Location: Fort Bend County, Texas  
401 Jackson Street  
Richmond, TX 77469

ATTEST:

  
Laura Richard, County Clerk

Approved As To Legal Form:

  
Roy Cordes, Jr., County Attorney  
Date: 10/16/2017



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## MINUTES

**BE IT REMEMBERED, That on this ~~22ND DAY of AUGUST, 2017,~~ Commissioners Court of Fort Bend County, Texas, met at a regular meeting with the following present:**

ROBERT E. HEBERT	COUNTY JUDGE
VINCENT MORALES	COMMISSIONER PRECINCT 1
GRADY PRESTAGE	COMMISSIONER PRECINCT 2
ANDY MEYERS	COMMISSIONER PRECINCT 3
JAMES PATTERSON	COMMISSIONER PRECINCT 4
LAURA RICHARD	COUNTY CLERK

When the following were heard and the following orders were passed:

1. **Call to Order.**

Call to Order by Judge Hebert at 1:05 p.m.

Attachments:

[agenda](#)  
[minutes](#)

2. **Invocation and Pledges of Allegiance by Commissioner Grady Prestage.**

Invocation and Pledges of Allegiance by Commissioner Grady Prestage.

3. **Approve minutes of regular meeting held on August 8, 2017, and special meeting held on August 9, 2017.**

Moved by Commissioner Meyers, Seconded by Commissioner Morales

Duly put and unanimously carried (5-0), it is ordered to approve minutes of regular meeting held on August 8, 2017, and special meeting held on August 9, 2017.

Judge Hebert	Yes
Commissioner Morales	Yes
Commissioner Prestage	Yes
Commissioner Meyers	Yes
Commissioner Patterson	Yes

Attachments:

[approval](#)  
[approval \(sp.mtg.\)](#)

4. **Public Comments regarding the Agenda and Announcements.**

No public comments.

Service awards were presented to county employees.

- A. Fort Bend County, Texas and The State of Texas, acting on behalf of The Texas Commission on Environmental Quality, a Necessary and Indispensable Party vs. Volkswagen Group of America, Inc. and Audi of America, LLC, et al.; Cause No. 15-DCV-226954 in the 268th Judicial District Court of Fort Bend County, Texas, transferred to the In Re: Volkswagen Clean Diesel Texas MDL, Cause No. D-1-GN-16-000370 in the 353rd Judicial District Court of Travis County, Texas.**

Moved by Commissioner Patterson, Seconded by Commissioner Meyers

Duly put and unanimously carried (5-0), ~~it is ordered to authorize the County Attorney to negotiate the complete terms and provisions for the execution of a Waiver by Fort Bend County of its rights to seek injunctive relief against~~ any of the Defendants in its pending lawsuit, in connection with Fort Bend County's participation in projects funded by the Environmental Mitigation Trust Fund under (the "Consent Decrees") with Volkswagen AG, et al. in the federal district court of California. Execution of any such Waiver does not waive and Fort Bend County expressly reserves, its rights to seek any and all applicable fines and penalties. ~~The County Judge is authorized to execute and deliver any Waiver of rights to injunctive relief for approval by the County Attorney in this Cause.~~

Judge Hebert	Yes
Commissioner Morales	Yes
Commissioner Prestage	Yes
Commissioner Meyers	Yes
Commissioner Patterson	Yes

**Attachments:**

signed order

**Item 37 continued - Reconvene Open Session:**

- B. Cause No. 17-CCV-060556 – Fort Bend County, Texas v. Remedy Interests, LLC, et al; Greenbusch Road, Parcels 134, 135 and 136; Mobility Bond Project No. 13312, Precinct 3.**

Moved by Commissioner Meyers, Seconded by Commissioner Patterson

Duly put and unanimously carried (5-0), it is ordered to authorize the County Attorney to incur litigation expenses, for Cause No. 17-CCV-060556, Fort Bend County v. Remedy Interests, LLC for Parcels 134, 135 and 136; Mobility Project and authorize the Funding Source as 74462288864600P622-14GRNBUSCH 3200.

Judge Hebert	Yes
Commissioner Morales	Yes
Commissioner Prestage	Yes
Commissioner Meyers	Yes
Commissioner Patterson	Yes

**Attachments:**

signed order

- C. Cause No. 17-CCV-060579 – State of Texas and Fort Bend County, Texas v. Danny F. Marek, et al; FM 762/FM 2759, Crabb River Road, Parcel 1; Mobility Bond Project No. X28, Pct. 1.**

Moved by Commissioner Morales, Seconded by Commissioner Prestage

Duly put and unanimously carried (5-0), it is ordered to authorize expenses in the amount of \$7,500 for Cause Number 17-CCV-060579, State of Texas and Fort Bend County, Texas v. Danny F. Marek, et al, for Parcel 1 of the FM 762/FM2759 (Crabb River Road) Project.

Judge Hebert	Yes
Commissioner Morales	Yes
Commissioner Prestage	Yes
Commissioner Meyers	Yes
Commissioner Patterson	Yes

**Attachments:**

signed order

- D. Cause No. 17-CCV-060580 – State of Texas and Fort Bend County, Texas v. Patsy Kutra AKA Patsy Marek, et al; FM 762/FM 2759, Crabb River Road, Parcel 2; Mobility Bond Project No. X28, Precinct 1.**

Moved by Commissioner Morales, Seconded by Commissioner Meyers

Duly put and unanimously carried (5-0), it is ordered to authorize expenses in the amount of \$7,500 for Cause Number 17-CCV-060580, State of Texas and Fort Bend County, Texas v. Patsy Kutra AKA Patsy Marek, et al, for Parcel 2 of the FM 762/FM 2759 (Crabb River Road) Project.

Judge Hebert	Yes
Commissioner Morales	Yes