

THE STATE OF TEXAS §
COUNTY OF FORT BEND §

ORDER AUTHORIZING LITIGATION

On this 22nd day of May, 2018, the Commissioners Court of Fort Bend County, Texas, being convened at a regular meeting of the Court, sitting as the governing body of the Fort Bend County Drainage District, upon motion of Commissioner Meyers, seconded by Commissioner Patterson, duly put and carried, IT IS HEREBY ORDERED that:

The County Attorney is hereby authorized to negotiate necessary terms to select counsel to serve as Special Counsel ("Special Counsel") in any litigation made the subject of this Order. Commissioners Court grants an exemption from competitive bidding and proposal procedures for this purpose, in accordance with Texas Local Government Code Section 262.024(a)(4) and all similar or related laws. The Fort Bend County Judge or his designee is authorized to execute on behalf of the Fort Bend County Drainage District an agreement with Special Counsel containing terms and provisions recommended for approval by the County Attorney.

The Fort Bend County Attorney's Office and Special Counsel are hereby authorized to file a lawsuit for and on behalf of the Fort Bend County Drainage District against the United States of America, the United States Army Corps of Engineers, Lieutenant General Todd T. Semonite (Commanding General and Chief of Engineers), Col. Lars Zetterstrom (District Engineer Commanding Officer – Galveston District), and Richard Long (U.S. Army Corps of Engineers, Supervisory Natural Resource Manager Addicks/Barker, and all other necessary or proper parties, pursuant to (among other statutes and authorities) 28 USCS §§ 1331, 1361, and

2201, and 5 USCS §§ 551 *et seq.*, and 702, for any and all injunctive, declaratory, or other equitable relief as allowed by law, by reason of the United States Army Corps of Engineers' actions (including its failure to act) that were done in excess of its statutory jurisdiction and authority, not in accordance with legal requirements related to real estate, constituting arbitrary and capricious agency action, and/or an abuse of discretion, relating to flooding from the Barker Reservoir during or as a result of Hurricane Harvey; and the County Attorney's Office and Special Counsel are hereby authorized to seek any and all appropriate equitable relief, including (but not limited to) temporary and permanent injunctive, declaratory, or other equitable relief, attorneys' fees and court costs, litigation expenses, and other relief to which the Fort Bend County Drainage District is or may be entitled.

The Commissioners Court of Fort Bend County, Texas, acting for and on behalf of the Fort Bend County Drainage District, hereby approves their exemption from any bonds to take out any and all extraordinary writs in relation to the subject lawsuit to be brought in behalf of the Fort Bend County Drainage District, as authorized under Texas Civil Practice & Remedies Code § 6.001.

Commissioners Court authorizes transferring funds in the amount of \$100,000.00 from Non-Departmental Fees (10409100 – 63000) to County Attorney Fees (100475100 – 63000).

FORT BEND COUNTY



Robert E. Hebert, County Judge

ATTEST:


Laura Richard, County Clerk