

STATE OF TEXAS               §

COUNTY OF FORT BEND §

**RESOLUTION ADOPTING COMMENTS TO THE TEXAS COMMISSION ON  
ENVIRONMENTAL QUALITY REGARDING THE DRAFT BENEFICIARY  
MITIGATION PLAN FOR TEXAS.**

**WHEREAS** the Volkswagen Mitigation Trust Fund was negotiated to resolve allegations that Volkswagen violated the Clean Air Act by selling diesel-powered motor vehicles designed to defeat federal emissions tests by creating a Trust that will disperse \$14.7 billion towards air quality improvement projects throughout the United States; and

**WHEREAS** \$209 million of these funds will be dispersed to Texas based on the number of Volkswagen vehicles with fraudulent emission controls registered within the state; and

**WHEREAS** the Texas Commission on Environmental Quality (TCEQ) is seeking comment on its plan to administer funds received by Texas from the Volkswagen Trust; and

**WHEREAS** The severity of air pollution in the Houston-Galveston region is one of the greatest health risks to its residents, particularly the elderly, very young and those with impaired respiratory health; and

**WHEREAS** the region's non-attainment status presents challenges the economic competitiveness of the region, limiting its production and manufacturing growth; and

**WHEREAS** deploying funds based on the location of VW vehicles in violation of emissions standards is the most equitable way to mitigate their adverse air quality impact; and

**WHEREAS** many local governments in the Houston-Galveston region have delayed routine capital budget items such as the replacement of equipment damaged by Hurricane Harvey as other urgent Harvey related costs are being addressed; and

**WHEREAS** H-GAC has experienced staff and other resources in place to allow for administration of Volkswagen Trust funds without increasing the administrative burden on our local governments or the TCEQ.

**NOW THEREFORE** Fort Bend County Commissioners Court hereby recommends the Texas Council on Environmental Quality modify its Draft Volkswagen Beneficiary Agreement to:

- Disperse the state Settlement allocation based on the percentage of affected vehicles, thereby increasing funding to the H-GAC area from \$27 to \$50 million to satisfy the urgent need for the significant emissions reductions which could result from the projects deployed with the Volkswagen Settlement funds; and
- Increase in the proposed maximum funding percentage from 60 percent to at least 80 percent for governmental recipients to accelerate and expand local government participation in Settlement funded activities; and

- Disperse Settlement funds in the Houston-Galveston region through the Houston-Galveston Area Council to ensure that local priorities for effective emissions reductions are achieved without significant start up time or an undue increase in administrative costs by TCEQ or local governments.

PASSED AND APPROVED this 2nd day of October, 2018, at a regularly called meeting of the Fort Bend County Commissioners Court.

IN WITNESS WHEREOF, I affix my signature this 2 day of October, 2018.

**FORT BEND COUNTY COMMISSIONERS COURT**

By:   
Robert E. Hebert, County Judge

ATTEST:

  
Laura Richard, County Clerk

