

ADDENDUM TO MEMORANDUM OF UNDERSTANDING (MOU)

In response to input and comments during the Legislative Hearing on SB 234, Texas State Tubes LLC (TST) and RKY Ltd. (Don's Fish Camp) (DFC) have agreed to these additional obligations to address the concerns about the commitment and enforceability of their MOU.

(1) TST and DFC will work with the Commissioner's Courts of both Guadalupe and Caldwell Counties, and their respective Sheriffs, to memorialize their long-term commitment to provide effective law enforcement along this stretch of the San Marcos River. This commitment includes contracting, through agreement with the Counties, with the Sheriff in one or both counties to provide law enforcement in this geographical area pursuant to Local Govt. Code §351.061. The contracted officers shall be Certified Peace Officers in uniform with patrol cars and expected to exercise their authority under the Texas Penal Code.

(2) TST and DFC will report monthly to both Counties and provide an update on law enforcement and river cleanup activities.

(3) TST and DFC will post educational signs and provide written materials to each customer that addresses littering laws on the River, alcohol laws, law enforcement presence on this River, and trespassing laws on private property.

(4) TST and DFC will provide each customer group with mesh bag(s) to place their litter and trash in. The parties will recycle all collected recyclable materials to reduce landfill waste.

(5) TST and DFC agree that the promises and commitments in the MOU are contractual in nature, and enforceable by the non-breaching party. In the event of material default by either party after an opportunity to cure (other than going out of business), the non-breaching party can invoke binding arbitration pursuant to the Texas Arbitration Act, and seek specific performance, damages and attorney's fees for any breach of the MOU or this Addendum. If either party sells or transfers ownership of TST or DFC, the terms of the MOU and this Addendum attach as part of the sale or transfer of ownership

Texas State Tubes LLC

Date: _____

RKY Ltd. (Don's Fish Camp)

Date: _____