



**TO:** Board Members

**THROUGH:** Jeff Walker, Executive Administrator  
Todd Chenoweth, General Counsel  
Jessica Zuba, Deputy Executive Administrator  
Annette Mass, Assistant General Counsel

**FROM:** T. Clay Schultz, Ph. D., Director, Regional Water Project Development  
Nancy Richards, Manager, Regional Water Project Development

**DATE:** December 30, 2019

**SUBJECT:** Harris County  
Texas Infrastructure Resiliency Fund Grant

**ACTION REQUESTED**

Authorize the Executive Administrator to execute a contract with Harris County for a \$30,000,000 grant pursuant to Senate Bill 500.

**BACKGROUND**

Senate Bill 500 was passed during the 86<sup>th</sup> Legislative Session which included a grant to Harris County (County) to remove accumulated siltation and sediment deposits located at the confluence of the San Jacinto River and Lake Houston (the Project).

**KEY ISSUES**

The Legislature set aside funds for the Project and specifically directed the Texas Water Development Board (TWDB) to provide those funds to the County for that purpose. Consequently, the TWDB may provide the funds from the Floodplain Management Account without reference to the requirements of other TWDB programs. The conditions necessary to affect the financing are only those necessary to protect the interests of the TWDB and document the transaction to the satisfaction of the Executive Administrator.

**RECOMMENDATION**

The Executive Administrator recommends authorizing the Executive Administrator to execute a contract with Harris County for a \$30,000,000 grant pursuant to Senate Bill 500.

Attachments:

- 1. TWDB Resolution (20- )

A RESOLUTION OF THE TEXAS WATER DEVELOPMENT BOARD  
APPROVING AN APPLICATION FOR FINANCIAL ASSISTANCE  
TO HARRIS COUNTY  
FROM THE TEXAS INFRASTRUCTURE RESILIENCY FUND  
THROUGH A GRANT IN THE AMOUNT OF \$30,000,000

(20 - )

WHEREAS, the 86<sup>th</sup> Texas Legislature, through Senate Bill 500, 86<sup>th</sup> Leg. R.S., Section 75(c), appropriated to the Texas Water Development Board (TWDB) an amount not to exceed \$30,000,000 out of the Texas Infrastructure Resiliency Fund for the purpose of providing a grant to Harris County to remove accumulated siltation and sediment deposits located at the confluence of the San Jacinto River and Lake Houston.

WHEREAS, Harris County (County), has filed an application for financial assistance in the amount of \$30,000,000 in grant funds to remove the accumulated siltation and sediment deposits located at the confluence of the San Jacinto River and Lake Houston, and

WHEREAS, in accordance with its duties and responsibilities under Texas Water Code § 6.12, the TWDB has considered all matters required by law and in particular, the instructions of the 86<sup>th</sup> Legislature; and

WHEREAS, the Board hereby finds that the project is eligible to receive funds in accordance with Senate Bill 500.

NOW THEREFORE, the Texas Water Development Board resolves as follows:

A commitment is made by the TWDB to Harris County for financial assistance in the amount of \$30,000,000 in grant funds from the Texas Infrastructure Resiliency Fund. This commitment will expire on August 31, 2021.

Such commitment is conditioned as follows:

1. this commitment is contingent upon the County's compliance with all applicable requirements contained in Senate Bill 500, Section 75(c);
2. prior to closing, the County and the Executive Administrator of the TWDB shall execute a Grant Agreement that sets forth the terms and uses of the grant funds; and
3. the Grant Agreement must contain a provision that the TWDB may exercise all remedies available to it in law or equity, and any provision of the Grant Agreement that restricts or limits the TWDB's full exercise of these remedies shall be of no force and effect;
4. financial assistance funds are public funds and, as such, the Grant Agreement must include a provision requiring that these proceeds shall be held at a designated state

depository institution or other properly chartered and authorized institution in accordance with the Public Funds Investment Act, Government Code, Chapter 2256, and the Public Funds Collateral Act, Government Code, Chapter 2257;

5. prior to closing, the County shall execute an escrow agreement, approved as to form and substance by the Executive Administrator, and shall submit that executed agreement to the TWDB;
6. the County shall submit outlay reports with sufficient documentation on costs on a quarterly or monthly basis in accordance with TWDB outlay report guidelines.

APPROVED and ordered of record this 16<sup>th</sup> day of January, 2020.

TEXAS WATER DEVELOPMENT BOARD

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Peter M. Lake, Chairman

DATE SIGNED: \_\_\_\_\_

ATTEST:

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Jeff Walker, Executive Administrator