

TO: Board Members

THROUGH: Jeff Walker, Executive Administrator
Todd Chenoweth, General Counsel
Kathleen Ligon, Special Assistant to the Executive Administrator

FROM: Jessica Zuba, Deputy Executive Administrator, Water Supply & Infrastructure

DATE: January 2, 2020

SUBJECT: Texas Infrastructure Resiliency Fund-Hurricane Harvey Account
Prioritization Criteria

ACTION REQUESTED

Consider approving the Texas Infrastructure Resiliency Fund-Hurricane Harvey Account (Hurricane Harvey Account) prioritization criteria for hazard mitigation projects.

BACKGROUND

Senate Bill 7 of the 86th Legislature, Regular Session, established the Hurricane Harvey Account as part of the Texas Infrastructure Resiliency Fund under Texas Water Code §16.454. The section requires the Texas Water Development Board (TWDB) to provide funding to the Texas Division of Emergency Management (TDEM) to provide financial assistance for projects related to Hurricane Harvey in accordance with the Federal Hazard Mitigation Grant Program (HMGP) and the Federal Public Assistance Grant Program.

In December 2019, the Board granted authority to the Executive Administrator to execute a Memoranda of Understanding between the TWDB and TDEM which established the responsibilities of each agency to fulfill the new legislative mandate. TDEM will administer the funds in accordance with all applicable federal program requirements and regulations. TDEM will also provide the TWDB with information necessary for the TWDB to meet the transparency requirements established in the legislation under Texas Water Code §16.459.

PRIORITIZATION

Pursuant to Senate Bill 7, flood projects other than public assistance grants shall be prioritized using a point system established collaboratively between the TWDB and TDEM. The system must include a standard for the TWDB to apply to applications filed by TDEM. The legislation requires TDEM give the highest consideration to projects having a substantial effect including those flood projects that are recommended or approved by the

Director of TDEM, and meet an emergency need in a county where the governor has declared a state of disaster.

The point system proposed is as follows:

Prioritization	
Criteria	Points
HMGP eligible jurisdictions within the declared counties for the disaster declaration.	1 or 0
Projects that address the principal hazards associated with the disaster declaration.	1 or 0
Large-scale projects that address flood risk on a regional or watershed basis.	1 or 0
Projects that demonstrate greatest community benefit shown through a positive benefit cost ration (BCR) with a verifiable population directly served or benefitting by the project. This point value is not applicable for planning and certain initiative projects.	1 or 0
Projects in jurisdictions that received the most damage for the disaster event based on FEMA Public Assistance and Individual Assistance award amounts.	1 or 0
Eligible jurisdictions outside the counties included in the disaster declaration.	1 or 0
Total Possible Points	0 to 5/6

IMPLEMENTATION

TDEM will periodically submit an application to the EA for funding from the Hurricane Harvey Account for hazard mitigation projects that both agencies find meet the requirements of Texas Water Code §§16.454(c), 16.454(f)(1) through (3), and 16.464(g). The application will include a list of eligible prioritized projects and the amount of funding requested for each project. The application will also include supporting documentation from TDEM demonstrating that all statutory requirements have been met and that the information in the application is true and correct.

RECOMMENDATION

In order to implement legislation relating to Senate Bill 7, the EA recommends Board approval of the prioritization criteria for hazard mitigation flood projects through the Hurricane Harvey Account.