

## AGENDA ITEM MEMO

**BOARD MEETING DATE:** November 19, 2020

**TO:** Board Members

**THROUGH:** Jeff Walker, Executive Administrator  
Ashley Harden, General Counsel  
Edna Jackson, Deputy Executive Administrator, Operations & Administration  
Rebecca Trevino, Chief Financial Officer  
Jessica Zuba, Deputy Executive Administrator, Water Supply & Infrastructure

**FROM:** Reem Zoun, PE, CFM, Director, Flood Planning  
James Bronikowski, PE, CFM, Manager, Regional Flood Planning

**SUBJECT:** Consider authorizing (a) publishing Request for Applications for Regional Flood Planning Grants and (b) the TWDB Executive Administrator to negotiate and execute flood planning grant contracts with the planning group sponsors for an amount not to exceed \$19,500,000 to commence the first cycle (2020-2023) of regional flood planning.

### **ACTION REQUESTED**

Consider authorizing (a) publishing Request for Applications for Regional Flood Planning Grants and (b) the TWDB Executive Administrator to negotiate and execute flood planning grant contracts with the planning group sponsors for an amount not to exceed \$19,500,000 to commence the first cycle (2020-2023) of regional flood planning.

### **BACKGROUND**

Section 16.061 of the Texas Water Code (TWC) requires the Texas Water Development Board (TWDB) to develop and adopt a comprehensive state flood plan every five years that incorporates the 15 regional flood plans developed by the regional flood planning groups (RFPGs) under TWC Section 16.062.

#### [Our Mission](#)

Leading the state's efforts in ensuring a secure water future for Texas and its citizens

#### [Board Members](#)

Peter M. Lake, Chairman | Kathleen Jackson, Board Member | Brooke T. Paup, Board Member  
Jeff Walker, Executive Administrator

## Board Memo Requesting Authorizations for Flood Planning Grants

November 19, 2020

Page 2

The RFPGs are beginning the first cycle (2020-2023) of the regional flood planning process that was created in 2019 by Senate Bill 8 (SB8), 86<sup>th</sup> Texas Legislature. The 2023 Regional Flood Plans that are due to TWDB on January 10, 2023 will be the basis for 2024 State Flood Plan.

On April 09, 2020, the Texas Water Development Board (TWDB) designated the Flood Planning Region boundaries that created 15 Flood Planning Regions in the State of Texas required to implement the flood planning requirements of Senate SB 8.

On May 21, 2020, the Board adopted new 31 Texas Administrative Code (TAC) Chapters 361 and 362 relating to Regional and State Flood Planning to implement the flood planning requirements of SB 8.

Immediately following the May 21, 2020 Board meeting, the Executive Administrator (EA) opened a solicitation for nominations for individuals to serve as initial Regional Flood Planning Group (RFPG) members to fill the 12 voting interest categories for each region. On October 01, 2020, the Board designated representatives from each Flood Planning Region to serve as the initial RFPG.

To ensure early progress by the RFPGs, the TWDB held two statewide RFPG member orientation meetings and shortly after began convening the initial members of the RFPGs for their first regional meetings at the end of October. The first meetings of the RFPGs occurred between October 26 and November 5, 2020. One of the key early decisions of each RFPG is to select a political subdivision to serve as their sponsor and act on their behalf to enter a grant contract with the TWDB to receive funds for developing their regional flood plans.

If approved, the TWDB will be requesting, pursuant to 31 TAC §361.12, the submission of Regional Flood Planning Grant applications leading to the possible award of contracts to develop regional flood plans as described in 31 TAC Chapter 361 and 362 (Attachment A). Activities to be performed under this Request for Applications (RFAs) will be based on statute, rule, a scope of work (Attachment D), and guidance documents developed by the TWDB. The scope of work addresses all necessary elements required for preparation of a 2023 Regional Flood Plan in accordance with statute, rule, and guidance requirements.

Each RFPG will submit an RFA to TWDB by January 21, 2020. TWDB has developed a detailed Regional Flood Planning Grant Application Instructions document (Attachment B), as well as a comprehensive Regional Flood Planning Grant Application Checklist (Attachment C) to help guide RFPGs and planning group sponsors in submitting complete applications.

After receiving applications for grant funding, the TWDB will execute contracts with the RFPG sponsor political subdivisions which will enable the RFPGs to solicit and procure technical consultants to help them develop the first sets of regional flood plans.

**SCOPE AND FUNDING**

The 86th Texas Legislature appropriated \$20,592,809 in planning grant funding. Of that amount, \$300,000 has been committed to support technical contractors that have been assisting and accelerating the TWDB's upfront technical effort to develop key flood planning technical guidance, including to ensure that the regional and state flood plans follow and incorporate a strong project ranking framework that will be used to guide future state investments. The EA recommends that an additional \$792,809 be retained to address unforeseen statewide flood planning technical and data needs that may arise during this first flood planning cycle. Based on this approach, there are \$19,500,000 in available funds to be committed and allocated by region, which amounts to 94.7% of total appropriated fund, as shown in *Table 1. Available Funds Allocated by Region.*

The total available funds were allocated, by region, under an approach intended to reflect the relative amount of work between regions that may be required to develop the first regional flood plans including factors considered most relevant to, or indicative of, the amount of flood risk faced by regions and that must be addressed in the planning process. Table 1 shows the total amounts, by region, of the grant funding allocation.

**Table 1: Available funds allocated by region.**

<b>Region number</b>	<b>RFPG name</b>	<b>Allocated funds</b>
1	Canadian-Upper Red	\$1,008,200
2	Lower Red-Sulphur-Cypress	\$910,400
3	Trinity	\$2,520,200
4	Sabine	\$947,600
5	Neches	\$1,148,900
6	San Jacinto	\$2,446,000
7	Upper Brazos	\$961,500
8	Lower Brazos	\$1,485,500
9	Upper Colorado	\$946,200
10	Lower Colorado-Lavaca	\$1,373,700
11	Guadalupe	\$961,300
12	San Antonio	\$1,295,000
13	Nueces	\$1,143,700
14	Upper Rio Grande	\$1,081,800
15	Lower Rio Grande	\$1,270,000
<b>Total</b>		<b>\$19,500,000</b>

The funding allocations included a base funding amount for each region to cover basic public participation and flood planning document development, with additional variable funding, allocated by region, based on relative: estimated 2020 population; total stream miles within the region; the number of counties that fall within each region; the number of

counties in the GLO coastal management zone within RFPG; the length of gulf coastline of each region; and, historic National Flood Insurance Program (NFIP) claims.

The allocated totals for each region were then divided into recommended task budget amounts based on a standard percent profile, and a common set of standard tasks associated with the regional flood planning rules, guidelines, and contract scope of work (Attachment D). See Attachment E for the recommended task budget breakdown. Each of the tasks corresponds, generally, to a separate chapter or subchapter in the RFPG's regional flood plan.

Should the legislature appropriate additional funds for grants to support the first cycle of regional flood planning, those additional funds will be incorporated into the regional flood planning process, as feasible and appropriate

### **WORKING TIMELINE**

- **November 20, 2020** – TWDB to post Request for Applications to initiate the first cycle of regional flood planning on the TWDB flood planning website.
- **January 21, 2021** – Deadline for Planning Group Sponsors to submit application, including required scope of work (as developed by TWDB) due to TWDB.
- **March 2021** – Estimated deadline for executing first cycle Regional Flood Planning Grant contracts.

### **KEY ISSUES**

The funding amounts are not guaranteed funds and must be requested by the RFPGs in grant applications submitted to TWDB by the deadline. All proposed work activities and associated expenditures will have to be fully justified and associated with the contract scope of work in order to be reimbursed.

Funding recommendations for this cycle of regional flood planning recognize that not all regions will require an equal amount of effort to complete the fundamental planning tasks as defined in statute and rule. While the total amount of first cycle funds for each region is fixed, the TWDB understands that regional differences in the availability of flood risk information and other relevant factors may necessitate RFPGs shifting the allocations of funds between certain tasks. If an RFPG chooses to suggest modifications to the TWDB's proposed task budget, the applicant is required to submit a revised task budget with their application and provide written justification for the changes.

Only RFPG planning group sponsors may submit a Regional Flood Planning Grant Application. A planning group sponsor is a political subdivision, as defined by Texas Administrative Code §361.10, that has been designated by the RFPG to receive funds for all or part of the cost of developing a regional flood plan. There are several requirements associated with submitting the applications for grant funding including: a written designation from the RFPG naming the planning group sponsor; a copy of the RFPG's adopted by-laws; documentation that the RFPG held a meeting prior to taking action regarding its application to consider additional, region-specific, public notice requirements,

in accordance with 31 TAC §361.12(3); and the RFPGs take action at a public meeting to authorize their sponsor to request grant funds from the Board.

The EA requests authorization to negotiate and execute contracts with the RFPG sponsor political subdivisions. At this time, the EA is requesting associated permission from the Board to allow the TWDB to reimburse planning group sponsors for all eligible direct (non-labor) costs beginning with posting public notices associated with this Request for Applications and all subsequent, eligible direct (non-labor) administrative dollar amounts expended to support the RFPGs that are incurred prior to grant contract execution beginning on October 26, 2020.

**RECOMMENDATION**

Staff recommends authorizing (a) publishing Request for Applications for Regional Flood Planning Grants and (b) the TWDB Executive Administrator to negotiate and execute flood planning grant contracts with the planning group sponsors for an amount not to exceed \$19,500,000 to commence the first cycle (2020-2023) of regional flood planning.

Attachments

- A. Draft Request for Applications
- B. Regional Flood Planning Grant Application Instructions
- C. Regional Flood Planning Grant Application Checklist
- D. Draft TWDB Regional Flood Planning Grant Scope of Work
- E. Draft Contractor (RFPG Sponsor) Task Budget