

**Region 7 Upper Brazos Flood Planning Group Meeting**  
**December 17, 2020**  
**9:00AM**  
**Zoom Virtual Meeting**

Topic: Upper Brazos Regional Flood Planning Group (RFPG)  
Time: Dec 17, 2020 09:00 AM Central Time (US and Canada)

Join Zoom Meeting

<https://zoom.us/j/93470976746?pwd=bUdLbjQrRllTWHP5YnhEQklkeXJUZz09>

Meeting ID: 934 7097 6746

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One tap mobile

+13462487799,,93470976746#,,,,,0#,,027938# US (Houston)

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**Agenda:**

1. Call to Order
2. Welcome & Roll Call
3. Public comments – limit 3 minutes per person
4. ACTION ITEM: Approval of minutes from the previous meeting.
5. TWDB Update
6. Presentation from Non-voting Member on role/background – Jet Hays GLO
7. Update from Planning Group Sponsor regarding status of Regional Flood Planning Grant contract with the TWDB
  - a. Discussion on SPAG TWDB application budgetary breakdown
  - b. Discussion of technical consultant RFQ packet
  - c. Discussion on Scope of Work posted with TWDB RFA
8. ACTION ITEM: Consider approving the proposed RFQ for a technical consultant and schedule
9. Update from Planning Group Sponsor regarding status on hosting a public website (required per §361.21(b)).
10. Discuss and consider action regarding non-voting member liaisons designated by each RFPG to coordinate between the upstream and downstream FPRs located within that same river basin (required per §361.11(f)(8)).
11. Discuss adding additional voting and non-voting positions to the RFPG

12. ACTION ITEM: Consider updating Article IX. Section 4 Agenda of the bylaws by which the RFPG will accept public comment (page 10, See Exhibit A)
13. ACTION ITEM: Consider updating bylaws to include language regarding SPAG role as it relates to the following:
  - a. Political Subdivision's role/responsibilities (page7)
  - b. Article X. Section 4 Agenda (page 11)
  - c. Article X. Section 8 Minutes to include the political subdivision role as it relates to the agenda and minutes (page 12)
13. Public Comment – limit 3 minutes per person
14. Consider determining a recurring meeting date and time
15. Adjourn

**Public Comment:** Citizens may address the Planning Group concerning an issue of interest that is posted on the agenda for the meeting. All Public Comments shall be taken at the Chairman's discretion under the following guidance:

- a) All individuals desiring to make oral public comment may submit requests to the "Public Comment Sign-in Sheet" at least 5 minutes prior to start of meeting and should identify himself/herself before providing his/her Public Comment;
- b) Members of the public who wish to provide oral or written comments during designated portions of the meeting may do so by signing up in advance or attending a scheduled meeting. Please contact [pbryant@spag.org](mailto:pbryant@spag.org) or at 1323 58<sup>th</sup> Street, Lubbock, TX 79412.
- c) Written comments may be submitted prior to and after the meeting to [pbryant@spag.org](mailto:pbryant@spag.org) or [kdavila@spag.org](mailto:kdavila@spag.org) or at 1323 58<sup>th</sup> Street, Lubbock, TX 79412
- d) All Public Comments shall be made in relation to the posted agenda item, unless otherwise decided at the discretion of the Chairman; and
- e) Each speaker will receive three minutes and no portion of a speaker's allotted time may be given (assigned, relinquished, donated) to another speaker.

**Note:** Agenda items may be considered, deliberated, and/or acted upon in a different order than set forth. Additional information about this meeting is available by contacting Kelly Davila or Piata Bryant at the South Plains Association of Governments at (806) 762-8721 or in person at 1323 58<sup>th</sup> Street, Lubbock, TX 79412.

#### **PUBLIC NOTICE**

This notice complies with Texas Government Code Chapter 551, Open Meetings Act, Section 551.041 (Notice of Meeting Requirements); Section 551.043 (Time and Accessibility of Notice Requirements); and Section 551.053 (Notice of Requirements of a Political Subdivision Extending into Four or More Counties). The notice has been filed at least 72 hours before the scheduled time of the meeting with the Office of the Texas Secretary of State, and posted on the website Texas Water Development Board at [twdb.org](http://twdb.org)

***On March 13, 2020, the Governor of Texas issued a Proclamation certifying that the COVID-19 pandemic poses an imminent threat of disaster and declaring a state of disaster for all***

***counties in Texas. Thereafter pursuant to such Proclamation and in accordance with the Texas Disaster Act of 1975, the Governor of Texas temporarily suspended various provisions of Chapter 551 of the Texas Government Code, as amended, regarding the conduct of meetings of governmental entities effective as of March 16, 2020. Pursuant to such Proclamation and temporary suspension, the Upper Brazos – Region 7 RFPG December Meeting will be conducted by video conference.***

**Meeting Minutes**  
**Region 7 Upper Brazos Flood Planning Group**  
**Meeting November 19, 2020**  
**9:00AM**  
**Zoom Virtual Meeting**

Roll Call:

<u>Voting Member</u>	<u>Interest Category</u>	<u>Present (x) / Absent ( ) / Alternate Present (*)</u>
Michael Keenum (Chair)	<i>Municipalities</i>	X
Dale Spurgin	<i>Agricultural interests</i>	X
Jennifer Davidson	<i>Counties</i>	X
Richard Blake Moore	<i>Electric generating utilities</i>	X
Richard Oller	<i>Environmental interests</i>	X
Erin C. Stiggins	<i>Industries</i>	X
Ken Rainwater	<i>Public</i>	X
Michael McClendon	<i>River authorities</i>	X
Kyle Jacobson	<i>Small business</i>	X
Chris Wingert	<i>Water districts</i>	X
Aubrey A. Spear	<i>Water utilities</i>	X

<u>Non-voting Member</u>	<u>Agency</u>	<u>Present(x)/Absent( ) / Alternate Present (*)</u>
Jennifer Bronson Warren	Texas Parks and Wildlife Department	X
Brian Hurtuk	Texas Division of Emergency Management	X
Carol Faulkenberry	Texas Department of Agriculture	X
Jake Foote	Texas State Soil and Water Conservation Board	X
Jet Hays	General Land Office	X
Ryke Moore	Texas Water Development Board	X
Kelly Cook	Texas Commission on Environmental Quality	X

**Quorum:**

Quorum: **Yes**

Number of voting members or alternates representing voting members present: **11**

Number required for quorum per current voting membership of 11: 6

**Other Meeting Attendees: \*\***

James Bronikowski, TWDB	April Chavez
Reem Zoun, TWDB	Stephanie Castillo
Matt Nelson, TWDB	Heather Keister
Morgan White, TWDB	Blake Moore
Richard Bagans, TWDB	Holly Ahumada
Jennifer Rao	Jennifer Warren
Stephanie Griffin	Kelly Davila
Paula Jo Lemonds, HDR Engineering	Piata Bryant
Erin Stiggins	

**Agenda:**

1. Call to Order  
Chair Mike Keenum called the meeting to order at 9:01a with a quorum of voting members present.
2. Welcome  
Mr. Keenum welcomed everyone in attendance to the 2<sup>nd</sup> RFPG.
3. Public comments – limit 3 minutes per person  
Mr. Keenum opened up the meeting for public comment. No public comments were received prior to the meeting and no one present to make public comments.
4. ACTION ITEM: Approval of minutes from the previous meeting.  
Mr. Chris Wingert motioned to approve the minutes without changes. Mr. Rich Oller seconded the motion. Motion passed unanimously.
5. TWDB Update and Presentation  
Mr. Ryke Moore presented the members with a TWDB update and a flood presentation.
6. ACTION ITEM: Consider nominating and electing RFPG Vice Chair and Secretary
  - a. Nominations for Vice Chair by members  
Mr. Mike Keenum opened the floor to the members to present nominations for Vice Chair position. Mr. Aubrey Spear nominated Mr. Dale Spurgin for Vice Chair. No other nominations were offered.
  - b. Discussion and consider taking action to elect Vice Chair  
Mr. Mike Keenum offered the nomination to the members for a vote. Mr. Dale Spurgin was elected to serve as Vice Chair by unanimous vote.
  - c. Nominations for Secretary by members  
Mr. Mike Keenum opened the floor to the members to make nominations for the Secretary position. Mr. Chris Wingert offered to serve as Secretary of the RFPG. Mr. Dale Spurgin seconded the nomination.
  - d. Discussion and consider taking action to elect Secretary  
Mr. Mike Keenum presented the members with the nomination for Secretary. Mr. Chris Wingert was elected to serve as Secretary by unanimous vote.
7. ACTION ITEM: Consider nominating and electing member(s)-at-large to serve on the Executive Committee
  - a. Nominations for Executive Committee member(s)-at-large by members  
Mr. Mike Keenum opened the floor to the members to make nominations for the Executive Committee member-at-large position. Mr. Chris Wingert nominated Mr. Aubrey Spear for this position.
  - b. Discussion and consider taking action to elect Executive Committee member(s)-at large.  
Mr. Mike Keenum presented the members with the nomination for At-Large Member. Mr. Aubrey Spear was elected to serve as At-Large Member by unanimous vote.

8. Update from Planning Group Sponsor regarding status of Regional Flood Planning Grant contract with the TWDB
  - a. Discussion on status of application for Regional Flood Planning Grant funds  
SPAG will submit a draft application to the group, to the SPAG Board of Directors and finally submit the application to TWDB for review.
  - b. Discussion of technical consultant procurement process  
SPAG will submit a draft RFQ to the group for review and editing. The group decided the Executive Committee and any other interested board member would review/edit the RFQ prior to presenting RFQ to the group. Mr. Michael McClendon suggested the document be shared with members for review via SharePoint. Mr. Mike Keenum suggested requesting the firm have an Assistant Project Manager to assist with this project. *A review committee could be selected at the next meeting, if needed.*
  - c. Discussion on Scope of Work posted with TWDB RFA  
The final SOW will be defined by TWDB and released at a later time.
  
9. ACTION ITEM: Consider a means by which the RFPG will develop and host a public website (required per §361.21(b).  
No action taken at this meeting. SPAG will look into options to develop a standalone website for this group. Ms. Erin Stiggins suggested to build a basic site and request the consultant to enhance it for the group. *Update provided at the next meeting.*
  
10. ACTION ITEM: Discussion and consider taking action on group policies for handling public Comments
  - a. If you wish to provide written comments prior to or after the meeting, please email your comments to [pbryant@spag.org](mailto:pbryant@spag.org) or [kdavila@spag.org](mailto:kdavila@spag.org) and include “Region 7 Upper Brazos Flood Planning Group Meeting” in the subject line of the email.  
The group decided to keep this policy.
  
  - b. If you wish to provide oral public comments at the meeting, please submit a request via email to [pbryant@spag.org](mailto:pbryant@spag.org) or [kdavila@spag.org](mailto:kdavila@spag.org) in advance of the meeting.  
The group decided to keep this policy.
  
  - c. Additional information may be obtained from: South Plains Association of Governments; 1323 58<sup>th</sup> Street, Lubbock, Texas 79412 or via email at [pbryant@spag.org](mailto:pbryant@spag.org).  
The group decided to keep this policy.
  
11. ACTION ITEM: Consider a means by which the RFPG will accept written public comment prior to and after meetings (required per §361.21(c)).  
  
The RFPG decided to retain all the group policies listed in Agenda item 10. The group decided to make the following updates:
  - a) Advance written comment is not required.
  - b) No advance notice is required to make oral public comment
  - c) Oral public comments will be allowed at the beginning of the agenda and/or at the end of the agenda to enhance transparency efforts.  
*The by-laws to be amended with the proposed changes and updates.*

12. Discussion of the required solicitation for persons or entities who request to be notified of RFPG activities (required per §361.21(e)).

SPAG will develop & maintain an ongoing list of Interested Parties and distribute agenda items to the identified Interested Parties.

13. Consider date and agenda items for next meeting

Jet Hays will prepare a slide about GLO's contribution to the group and send slide to SPAG to include in the agenda packet.

Next Virtual Meeting Date: December 17, 2020 at 9a.m.

14. Adjourn

Mr. Mike Keenum adjourned the meeting at 10:39 a.m.

\*The items in blue are the minute notes. Items in red are potential follow-up items for next agenda.

*Approved by the Region 7 Upper Brazos RFPG at a meeting held on December 17, 2020.*

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Chris Wingert, SECRETARY

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Michael Keenum, CHAIR

# Texas Water Development Board Flood Planning Presentation Regional Flood Planning Group Meeting

## **TABLE OF CONTENTS:**

- RFPG Responsibilities: Scope of Work Overview(20 minutes)



# RFPG Responsibilities: Scope of Work Overview (20 minutes)

# General Document Cross-Reference

Regional Flood Planning Contract Document References			2023 Regional Flood Plan Chapter, Associated TAC Sections, and Content		
TWDB Contract Reimbursement Accounting Number ('CAS')	Exhibit A - Contract SOW Task	Exhibit C - General Guidelines for Regional Flood Plan Development	Regional Flood Plan Chapter Number	Primary TAC Section	General Content
1	1	1	<b>1</b>	§361.30; §361.31; §361.32	Planning Area Description
2	2A	2	<b>2</b>	361.33	Existing Condition Flood Risk Analyses
3	2B			361.34	Future Condition Flood Risk Analyses

# Task 1 – Planning Area Description



Llano dam on the Llano river sits on the banks of the county seat.

Image: TWDB

A general description of the region, including:

- social & economic character
- flood-prone areas, types of major flood risks, and key historical flood events
- political subdivisions with flood related authority
- the extent of local regulation and development codes relevant to flooding
- existing or proposed natural flood mitigation features and constructed major flood infrastructure

# Task 2A & 2B – Existing & Future Condition Flood Risk Analyses

Perform existing and future condition **flood hazard analyses** to determine the location and magnitude of both 1.0% and 0.2% annual chance flood events



Develop existing & future condition **flood exposure analyses** to identify who and what might be harmed for both 1.0% and 0.2% annual chance flood events.

Perform existing & future condition **vulnerability analyses** to identify vulnerabilities of communities and critical facilities



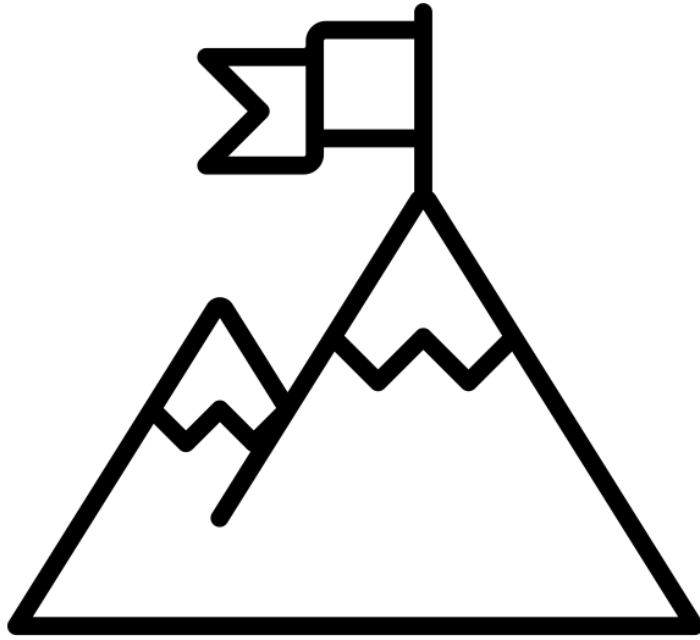
# Task 3A – Evaluation & Recommendations on Floodplain Management Practices

- Consider how current floodplain management practices or regulations increase flood risks.
- Consider how the 1.0% annual chance floodplain and associated flood risks may change over time.
- Consider adopting minimum floodplain management/land use standards that an entity must adopt prior to including any evaluations, projects, or strategies in the regional flood plan.



West Fork San Jacinto River near Humble, Texas after Hurricane Harvey  
Image: Steve Fitzgerald, Harris County Flood Control District

# Task 3B – Flood Mitigation & Floodplain Management Goals

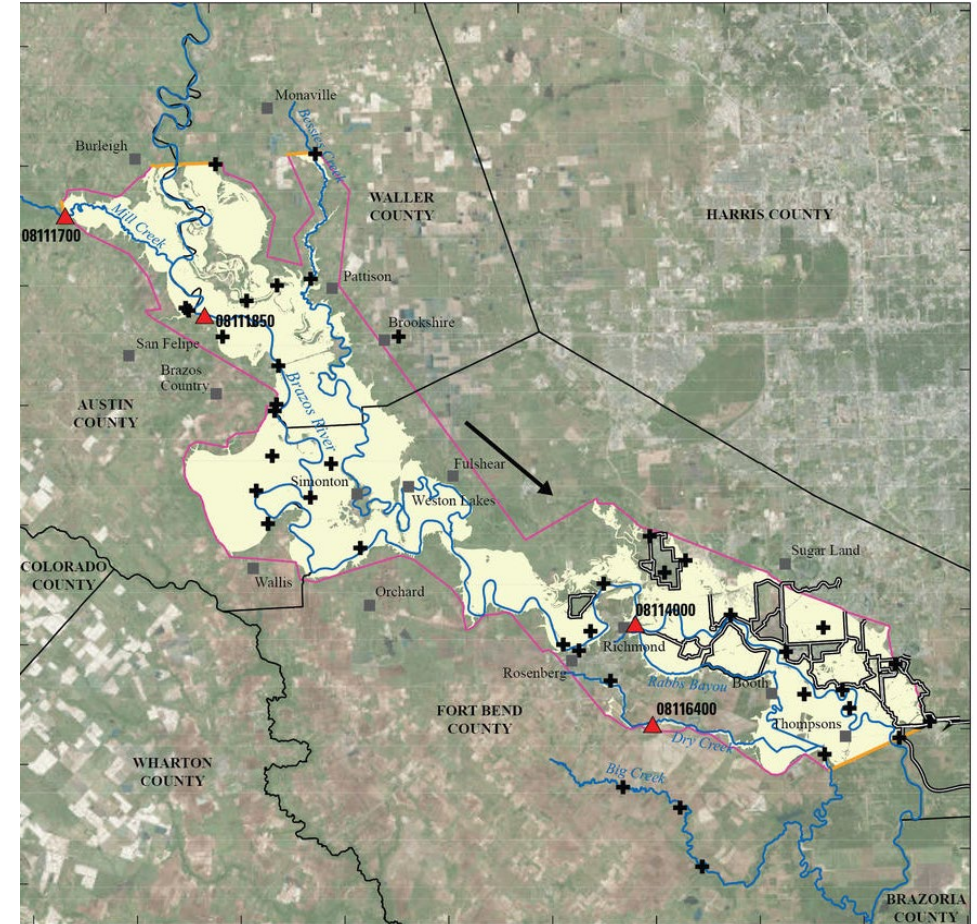


Created by Birckhead Creative  
from Noun Project

- Identify specific and achievable flood mitigation and floodplain management goals
  - Short (10 year) & Long-Term (30 year)
- State the levels of residual flood risk after goals are fully met.

# Task 4A – Flood Mitigation Needs Analysis

- Identify locations within the region that have the greatest flood mitigation and flood risk study needs.
- Based on the analyses and goals developed by the RFPG under Tasks 2A through 3B



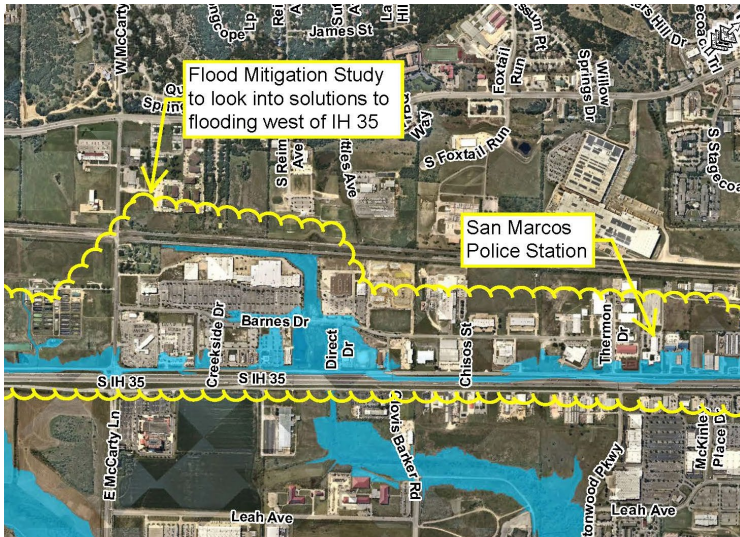
Map of inundated areas (yellow areas) on the lower Brazos River after Hurricane Harvey  
Image: USGS



# Key Terms for Tasks 4 & 5: FME, FMP, FMS

## Flood Management Evaluation (FME)

- A proposed flood study of a specific, flood-prone area that is needed in order to assess flood risk and/or determine whether there are potentially feasible FMSs or FMPs.



Cottonwood Creek Flood Study, San Marcos, TX.

Image: City of San Marcos

## Flood Management Strategy (FMS)

- A proposed plan to reduce flood risk or mitigate flood hazards to life or property (may or may not require associated FMPs to be implemented).



Exploration Green project, Clear Lake City, TX

Image: Texas Water Resources Institute

## Flood Mitigation Project (FMP)

- A proposed project (structural and non-structural) that when implemented will reduce flood risk, mitigate flood hazards to life or property.



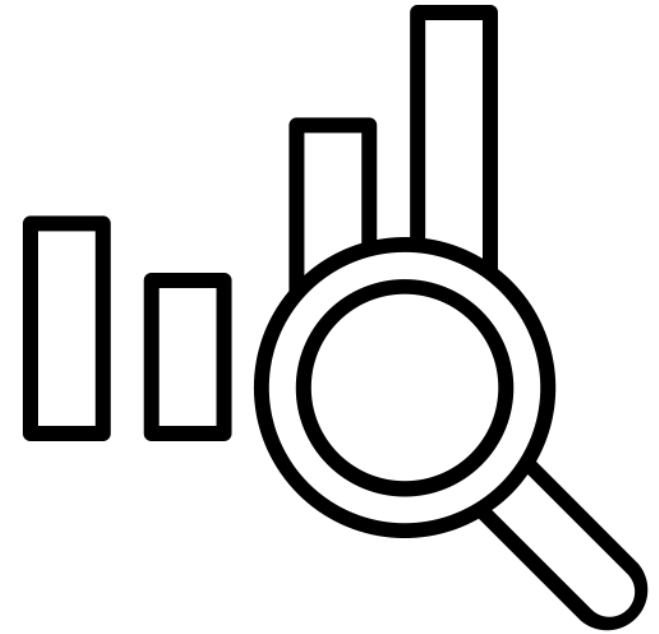
El Paso storm water project, El Paso, TX

Image: El Paso Water



## Task 4B – Identification and Evaluation of Potential FMEs & Potentially Feasible FMSs and FMPs

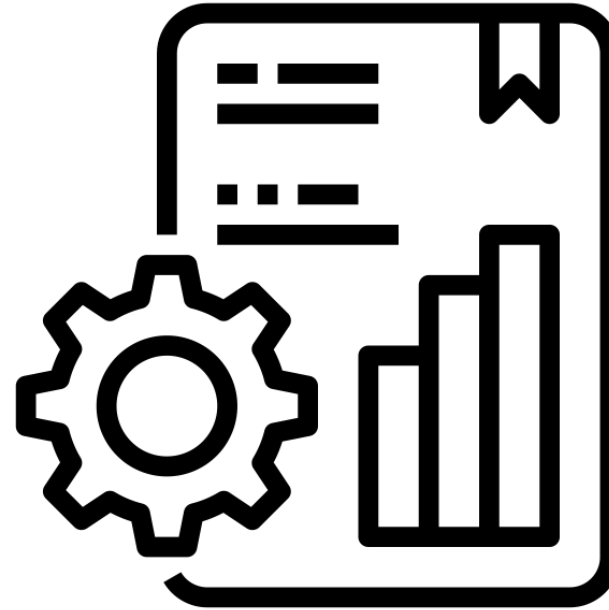
- Identify potential FMEs and potentially feasible FMSs and FMPs based on process developed with public input
- Evaluate potential FMEs and potentially feasible FMSs and FMPs based on a variety of factors described in rules and guidance.
- The FMPs should be permittable, constructible, and implementable.



Created by Pascal Heß  
from Noun Project

# Task 4C – Prepare and Submit Technical Memorandum

- Include all deliverables from Tasks 1 to 4B detailed in the Scope of Work
- TWDB Guidance Document will provide more information.
- Tentative Due Date: January 2022



Created by Komkrit Noenpoempisut  
from Noun Project

## Task 5 – Recommendation of FMEs, FMSs & FMPs

- Recommend FMEs that are most likely to identify potentially feasible FMSs and FMPs based on evaluations under Task 4B
- Recommend FMSs and FMPs to reduce the impacts of flood based on evaluations under Task 4B
- Recommendations should be based on comparison of alternatives



Created by Kwesi Phillips  
from Noun Project

# Regional & State Flood Planning Long-Range Planning Process



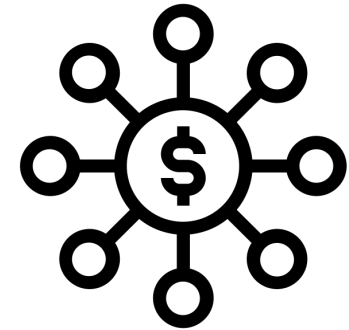
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Regional Flood Plans will identify flood risk and recommend FMEs, FMSs, and FMPs within regions.



Created by Creative Stall  
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State Flood Plan will rank recommended FMEs, FMSs, and FMPs statewide.



Created by Alice Design  
from Noun Project

Future state financial assistance may be allocated using a to-be-determined prioritization criteria.\*

\*Funding to implement projects can also come from local, federal, or other sources.

# Task 6A – Impacts of Regional Flood Plan

- Summarize the relative reduction in flood risk that implementation of the plan would achieve.
- Describe impacts of recommended FMSs and FMPs on environment, agriculture, recreation, water quality, erosion, sedimentation, and navigation.
- State that FMPs will not negatively affect neighboring areas.



Crops in the lower Rio Grande Valley  
Image: TWDB



Recreational boating.  
Image: TWDB



Dolan Falls  
Image: TWDB



# Task 6B – Impacts on Water Supply

- Summarize how Regional Flood Plan will affect water supply.
- How would FMSs and FMPs contribute to water supply?
- How would FMSs and FMPs impact water supply, availability, or projects in the State Water Plan?



© Texas Water Development Board



# Task 7 – Flood Response Information and Activities

- Summarize existing flood response preparations.
- Coordinate with entities in the region to gather information
- RFPGs do not perform analyses or other activities related to disaster response or recovery.



Texas State Guard Hurricane Harvey emergency response.

Image: Texas State Guard

# Task 8 – Administrative, Regulatory, and Legislative Recommendations

- Develop policy recommendations to implement and achieve the RFPG's stated goals and plans.
- Consider potential new revenue-raising opportunities to fund flood activities in the region.



Image: TWDB



# Task 9 – Flood Infrastructure Financing Analysis

- Survey and report on how sponsors propose to finance recommended FMEs and FMPs
- Include recommendations on the proposed role of the State in financing FMEs and FMPs



Dam on the Llano River under Hwy 16 in Llano, Texas.

Image: TWDB

# Task 10 – Public Participation & Plan Adoption

Administrative activities not included in other tasks, including:

- Meeting preparations, notices, agendas, materials, minutes, presentations, and public comments
- Website creation and maintenance
- Intraregional and interregional coordination and communication to develop the regional flood plan.



TWDB flood outreach meeting in Bastrop, TX.

Image: TWDB





Image: Brent Hanson, U.S. Geological Survey. Public domain.

# Questions? Comments?



# Texas General Land Office

## Community Development and Revitalization

*“The GLO stands ready to help our state maximize the use of this disaster recovery funding to build back stronger and more resilient communities.”*

*~ George P. Bush, Commissioner*

# Who we are

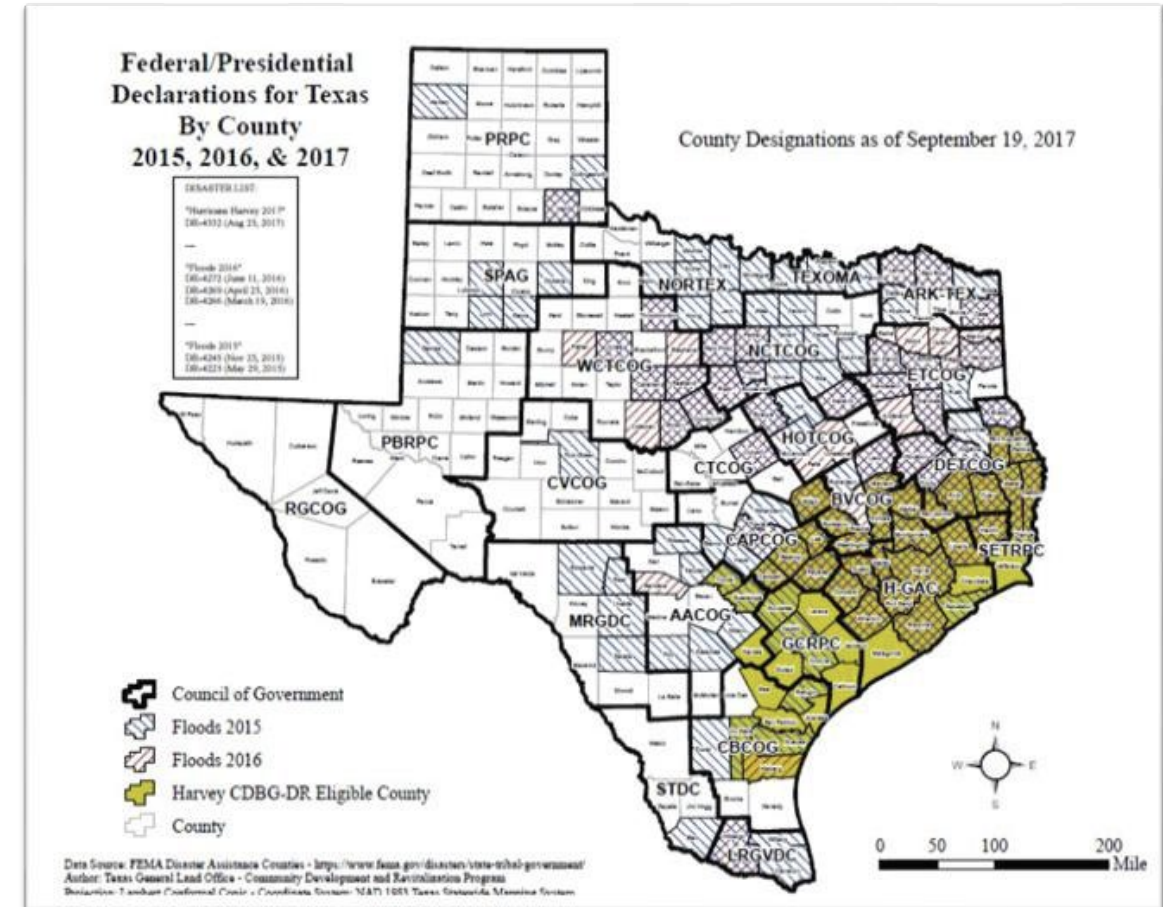


- Oldest State Agency
- Originally patented state-owned Land
- Maintains Map and Land Patent Archives
- Manages most state-owned land (about 12% of the state)
- Manages beaches and off-shore land
- Manages most state-owned minerals and wind rights
- Manages Permanent University Fund and Permanent School Fund
- Oil spills on beaches and state-owned land
- Veterans Programs
  - Veterans Land Board
  - State Veteran's Homes
  - State Veterans Cemeteries
- Community Development and Revitalization
  - State's agent in U.S. Department of Housing and Urban Development Disaster Recovery and Disaster Mitigation Grants

# Mitigation Planning Funds



- Texas - \$4.3B for Mitigation
- Broken down by the CDBG-MIT Action Plan <https://www.recovery.texas.gov/action-plans/index.html> by Disaster and Program
- To be eligible, projects must tie back to Declared Counties, meet LMI requirements and be in a HUD or state MID county or Zip Code
- The application deadline for the 2015 and 2016 Mitigation competitions and the first tranche of Harvey Mitigation applications ended at 5 pm on Oct 28<sup>th</sup>. Keep up to date with future GLO CDBG competitions and programs via the GLO newsletter or the monthly local elected officials call.



# Eligible Region 7 Counties



- Archer – 2015 Floods
- Baylor – 2015 Floods
- Callahan – 2015 and 2016 Floods
- Dickens – 2015 Floods
- Eastland – 2015 and 2016 Floods
- Fisher – 2016 Floods
- Garza – 2015 Floods
- Jones – 2015 and 2016 Floods
- Lynn – 2015 Floods
- Lubbock – 2015 Floods
- Lynn – 2015 Floods
- Stephens – 2016 Floods
- Throckmorton – 2015 and 2016 Floods
- Young – 2015 Floods



# Regional Flood Studies

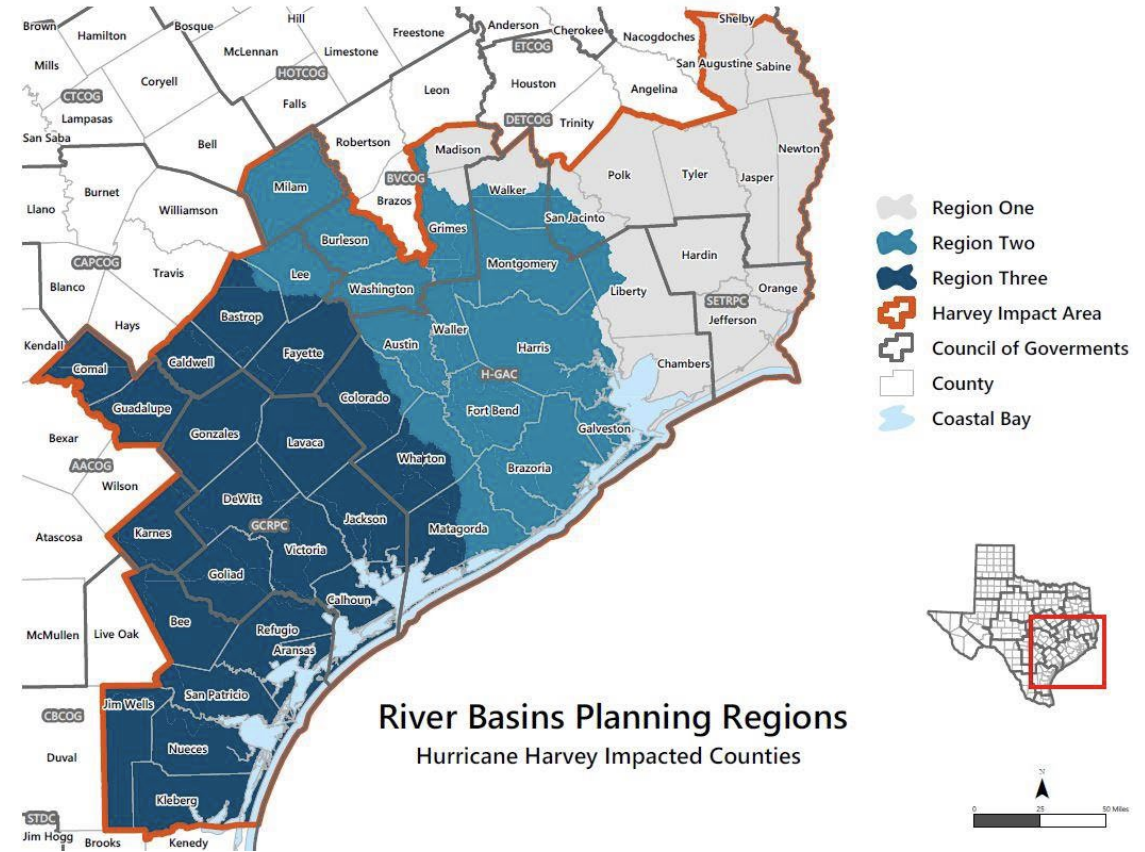


**Budget: \$25M/region (\$75M total)**

**Five-phase study timeline estimates:**

- 1) Data Collection & Stake Holder Engagement Plan
  - 6 Months
- 2) Data Collection & Stake Holder Engagement
  - 18 Months
- 3) Flood Model Development
  - 12 Months
- 4) Alternatives Analysis & Cost-Benefit Analysis
  - 6 Months
- 5) Recommendations & Pursuit of Additional Mitigation Funds
  - 6 Months

**End date: June 2024 (contract expires)**





# Texas Disaster Information System (TDIS)



**GLO is partnering with the Institute for a Disaster Resilient Texas (IDRT) at Texas A&M System to create TDIS.**

TDIS will be an interactive, web-based spatial data system designed to support Preparedness, Response, Recovery and Mitigation for the State of Texas. Together TDIS and IDRT will be able to:

- Employ statewide data analytics and mapping technologies.
- Provide users with accurate information to assess related disaster risks, impacts, and mitigation strategies.
- Enable secured sharing of Texas disaster data information across public networks.
- Preserve data products generated during disaster response, recovery and planning missions.

# Some TDIS Partners

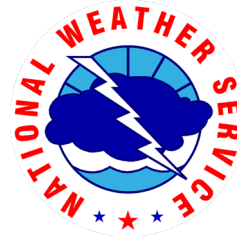


## Coordination with Federal and State Entities:

- Universities
- FEMA
- GLO - Coastal
- NOAA
- NWS
- TDEM
- TNRIS
- TWDB
- TxDOT
- USACE
- USGS



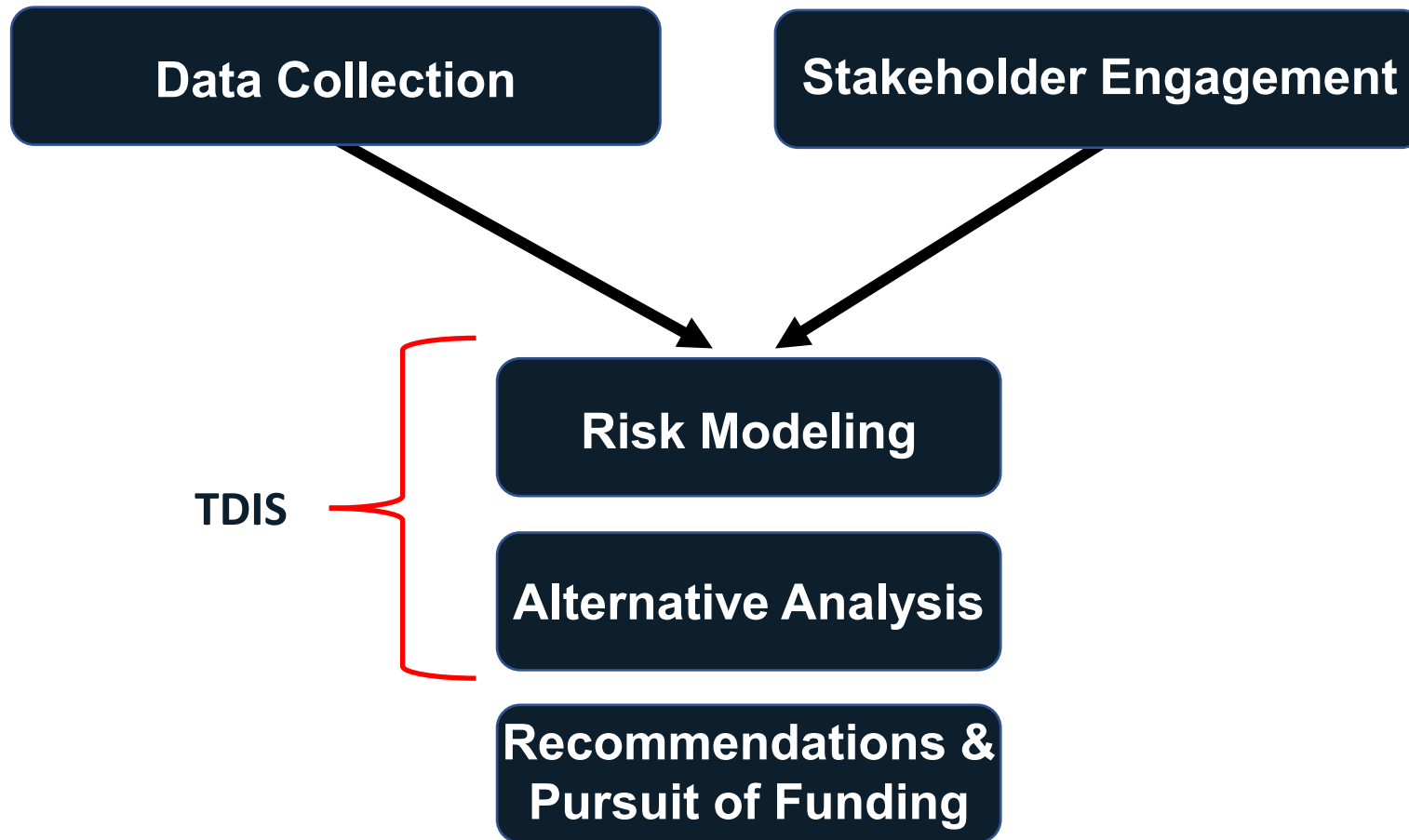
FEMA



US Army Corps of Engineers®



# Strategic Planning Framework





# Questions?

Jet Hays | Deputy Director – Program Integration

**254.289.7248**

**[Jet.Hays.glo@recovery.texas.gov](mailto:Jet.Hays.glo@recovery.texas.gov)**

# UPPER BRAZOS REGION 7 REGIONAL FLOOD PLANNING GROUP

## Memorandum

To: Firms/Individuals Interested in Regional Water Planning  
From: Piata Bryant or Kelly Davila, South Plains Association of Governments (administrative agent for Upper Brazos Flood Planning Group)  
Date: January 4, 2021  
Re: Consultant Selection Methodology

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### TIMELINE -

RFQ's issued/published: January 4, 2021

RFQ's due: February 5, 2021 by 5:00 pm

Consultant Subcommittee Review: Date TBD – tentatively February 22-26, 2021

Presentations and interview by UBRFPG: April 2021 UBRFPG (regularly scheduled meeting)

The Upper Brazos Regional Flood Planning Group (UBRFPG) is utilizing a subcommittee to perform the initial screening in the consultant selection process. This subcommittee is responsible for issuing RFQ's, reviewing written proposals, and recommending to the UPRFPG a short list of finalists for presentations and/or interviews with the entire group during the next regular UBRFPG meeting on April 2021. The final consultant selection will be made by the UBRFPG after presentations are completed.

Evaluation of Statements of Qualifications – Four general categories will be evaluated when reviewing Statements of Qualifications and proposals:

- 1) Team Organization
- 2) Firm's Experience
- 3) Project Approach
- 4) Capacity to Perform Services

UPPER BRAZOS REGIONAL FLOOD PLANNING GROUP (UBRFPG), REGION 7  
REQUEST FOR STATEMENT OF QUALIFICATIONS  
TO PREPARE REGIONAL FLOOD PLAN FOR REGION 7 FLOOD PLANNING AREA  
AS DEFINED BY 31 TAC CHAPTERS 361 & 362

The Region 7 Upper Brazos Regional Flood Planning Group (UBRFPG) acting through the South Plains Association of Governments (SPAG) invites all qualified parties to submit a statement of qualifications for preparing a Regional Flood Plan for the Upper Brazos Regional Flood Planning Group (Region 7 as defined by 31 TAC Chapters 361 & 362).

In 2019, the Texas Legislature and Governor Abbott expanded the authority of the Texas Water Development Board to administer a new State and Regional Flood Planning process. The 15 regions designated in Texas are based on river basins and Region 7, also known as the Upper Brazos Flood Planning Region. At the first meeting of the Region 7 Upper Brazos Flood Planning Group on October 29, 2020, the group designated SPAG to be the Political Subdivision coordinating the activities of Region 7. This will include activities for SPAG similar in nature to our role as the Political Subdivision for Region O Regional Water Planning. This includes applying for a grant to TWDB, entering into a contract with TWDB for the Administration of the First Flood Planning Cycle, coordinating the procurement of a Technical Consultant, maintaining compliance with the TAC, being the administrative and fiscal agent for Region 7 and delivering a Region 7 Upper Brazos Flood Plan to the Texas Water Development Board no later than January 10, 2023.

Region 7, Upper Brazos includes the following counties:

Archer, Bailey, Baylor, Borden, Callahan, Castro, Cochran, Crosby, Dawson, Dickens, Eastland, Fisher, Floyd, Garza, Hale, Haskell, Hockley, Jones, Kent, King, Knox, Lamb, Lubbock, Lynn, Mitchell, Nolan, Parmer, Scurry, Shackelford, Stephens, Stonewall, Swisher, Taylor, Terry, Throckmorton and Young.

Under the direction of the Region 7 Upper Brazos Regional Flood Planning Group, the consultant shall prepare a regional flood plan. The consultant shall also assist the UBRFPG in preparing the appropriate scope of work that adequately addresses all tasks in 31 TAC 361 and contains the elements for a scope of work as defined in 31 TAC 362, i.e., the description of tasks, responsible parties, schedule and description of deliverables.

In addition to the technical role, the consultant shall assist the UBRFPG's political subdivision (SPAG) in the preparation of applications for financial assistance, design and implementation of public involvement activities, including conducting public meetings, reviewing and responding to public comments, and developing educational materials related to regional flood planning issues for presentation to both technical and non-technical audiences in the region.

Consultants submitting qualifications should be familiar with the rules for state and regional flood planning and regional flood planning grant assistance adopted by the TWDB (31 TAC Chapter 361, Subchapter C, Regional Flood Plan Requirements, 31 TAC Chapter F, Regional Flood Planning Grants and 31 TAC Chapter 362 State Flood Planning Guideline Rules, Subchapter A, State Flood Plan Development). These rules contain procedures governing applications for financial assistance related to the development or revision of regional flood management plans, and guidelines for the development of the state flood plan. Particularly, the rules contain specific time frames, deadlines and requirements for making applications for state financial assistance for the development of the scope of work and budget for the development of

the regional flood plan. The schedule for completion and delivery of work products for the UBRFPG shall reflect these publication dates.

### **ADDITIONAL INFORMATION**

The purpose of this request for statements of qualifications is to permit the evaluation of the relative professional and technical qualifications of respondents.

The statement of qualifications should be no more than 30 pages in length, including cover letter and resumes of team members. Responses should address the following items and must be organized accordingly:

1. Team Organization:
  - a) Provide an organizational chart that identifies roles and responsibilities of individual team members. Include the location, size and description of your firm and services offered and the location, size and description of any sub-consultants that may be employed as part of the project team.
  - b) Identify the team's proposed management structure. Include the person that will serve as the point of contact for the scope of services development and negotiations. Provide qualifications of the proposed project manager and assistant project manager and describe his or her role.
  - c) Identify all staff and team members that will work on this project. Include their professional licenses, certifications, qualifications, and related experience including their respective roles, and resumes.
  
2. Firm's Experience – State and Regional Water Planning in Texas:
  - a) Describe your firm's experience and involvement in flood planning within the State of Texas.
  - b) Describe your firm's experience and involvement in State and Regional Water Planning in Texas.
  - c) Describe your firm's experience with flood resilience modeling in the State of Texas particularly identifying existing and future flood risk analyses, flood mitigation strategies and projects within the regional planning group's boundaries.
  - d) Describe your firm's experience with the State of Texas hazard mitigation plan, other regional and local flood hazard mitigation plans and regional and local flood planning studies.
  - e) Provide a list of at least five (5) projects similar to the scope of work discussed herein, with descriptions of the projects, members of the project teams, time schedule, and references who are able to verify the information presented. All projects must have been completed within the last ten (10) years. Demonstrate as many of the following types of recent work experience as possible:
    - i. Flood planning and flood risk analyses efforts of various sizes and locations;
    - ii. Regional and state water planning for various size regions and states;
    - iii. Productive projects involving the Texas Water Development Board;

- iv. Interactions with diverse interest groups and stakeholders participating in regional flood planning;
- v. Facilitating consensus-building and conflict resolution among stakeholders with diverse and potentially conflicting interests;
- vi. Reviewing population forecasts and developing and gaining acceptance of alternative forecasts as necessary;
- vii. Ability to collect and manage data and information available from relevant sources;
- viii. Familiarity and experience with flood planning grant administration and timely and comprehensive invoicing requirements;
- ix. Knowledge of statutory and regulatory policies to facilitate floodplain management and flood mitigation planning and implementation;
- x. Familiarity and experience with flood infrastructure financing analysis
- xi. Understanding and experience in Texas Water Law related issues;
- xii. Competent management and reporting of project subcontractors;
- xiii. Demonstrate the ability to provide Geographic Information System (GIS) database and mapping deliverables;
- xiv. Development of flood mitigation strategies to address future needs.

3. Project Approach:

The regional flood plan shall consist of the same guiding principles as the state's flood plan as outlined in the Texas Administrative Code, Title 31, Part 10, Chapter 362, Subchapter A, Rule §362.3. There are thirty-nine (39) guiding principles to be addressed/satisfied by the plan and the plan cannot negatively affect a neighboring area.

- a) Describe your firm's approach to executing the work associated with this project.

4. Capacity to Perform:

- a) Describe your firm's resources and capabilities including: location, size staffing, and length of local office's presence in Texas along with a plan identifying how the firm will be available to the region.
- b) The capability of your firm to commit necessary resources to the project in order to meet the project schedule.
- c) Describe your firm's ability to complete projects without significant cost escalations or overrun.

Any additional information you would like the UBRFPG to be aware of or which you feel might have a direct bearing on your firm's qualification to perform the project.



## SELECTION

The selection of the successful firm(s) shall be accomplished by a vote of the UBRFPG. The UBRFPG sub-committee will review written proposals and recommend a short list of firms to make formal presentations to the UBRFPG at the February 2021 regular meeting.

### SELECTION CRITERIA

Category	Maximum Points
1. Team Organization	25
2. Firm's Experience	30
3. Project Approach	35
4. Capacity to Perform	10
<b>Total</b>	<b>100</b>

### SCHEDULE

The tentative timeline for the RFQ process is listed below:

**January 4, 2021** - Approve, Advertise and mail notices for Request for Statement of Qualifications (RFQ)

**February 5, 2021** - Statement of Qualifications due to SPAG by 5:00 pm

**February 22-26, 2021** – Consultant Subcommittee Meeting to review RFQs and prepare tentative recommendation in March 2021 to the UBRFPG of short-listed firms for presentations and/or interviews

**April 2021** – Presentations and interview will be conducted by the UBRFPG. Firms will be notified 1-2 weeks prior to the UBRFPG meeting date to ensure travel arrangements/arrangements may be made.

### ACKNOWLEDGEMENTS

The submittal either as part of the Statement of Qualifications or the cover letter shall provide the following acknowledgements:

- Acknowledgements that, if selected, you will prepare and make a presentation to the UBRFPG;
- Acknowledgements that, if selected, the key individuals of the proposed team will not be changed without the written approval of the UBRFPG;
- Acknowledgements that, if selected, you will conform to the TWDB rules and requirements for grant funding and timely and comprehensive invoicing to include any and all sub-consultants if utilized.

## **SUBMISSION**

Submission requirements are as follows:

- One (1) electronic copy in PDF format shall be delivered to: SPAG, Administrative Agent of the UBRFPG:

**Piata Bryant/Kelly Davila**  
**South Plains Association of Governments**  
**PO Box 3730**  
**Lubbock, Texas 79452**  
**OR**  
**1323 58<sup>th</sup> Street**  
**Lubbock, Texas 79412**

**[pbryant@spag.org](mailto:pbryant@spag.org) [kdavila@spag.org](mailto:kdavila@spag.org)**  
**806.762.8721**

- The deadline for responses to this request is **5:00 pm, Friday, February 5, 2021**
- The statement of qualifications should be no more than 30 pages in length, including cover letter and resumes of project team members.
- Any questions or requests for additional information should be directed to:

**Piata Bryant or Kelly Davila**  
**South Plains Association of Governments**  
**[pbryant@spag.org](mailto:pbryant@spag.org) or [kdavila@spag.org](mailto:kdavila@spag.org)**  
**806.762.8721**



# **Region 7 Upper Brazos**

## **Regional Flood Planning Group**

### Bylaws

Adopted October 29, 2020

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## Table of Contents

<b>ARTICLE I.</b>	<b>Names.....</b>	<b>1</b>
Section 1	Organization.....	1
Section 2	Flood Planning Region.....	1
<b>ARTICLE II.</b>	<b>Establishment and Purpose .....</b>	<b>1</b>
<b>ARTICLE III.</b>	<b>Principal Administrative Office.....</b>	<b>1</b>
<b>ARTICLE IV.</b>	<b>Responsibilities .....</b>	<b>1</b>
<b>ARTICLE V.</b>	<b>Voting Membership .....</b>	<b>1</b>
Section 1	Composition .....	1
Section 2	Terms of Office .....	2
Section 3	Conditions of Membership.....	2
Section 4	Selections of Members.....	2
Section 5	Attendance .....	4
Section 6	Code of Conduct.....	4
Section 7	Removal of Voting Members.....	5
<b>ARTICLE VI.</b>	<b>Non-Voting Membership.....</b>	<b>6</b>
Section 1	Mandatory Members .....	6
Section 2	Discretionary Members.....	6
Section 3	Code of Conduct.....	7
<b>ARTICLE VII.</b>	<b>Designated Alternates .....</b>	<b>7</b>
<b>ARTICLE VIII.</b>	<b>Officers.....</b>	<b>8</b>
Section 1	Officers, Restrictions, and Terms of Office.....	8
Section 2	Selection.....	8
Section 3	Removal of Officers.....	8
Section 4	Vacancies of Officers .....	9
Section 5	Duties of Each Officer .....	9
Section 6	Executive Committee .....	9
Section 7	Designated Alternates.....	10
<b>ARTICLE IX.</b>	<b>Meetings .....</b>	<b>10</b>
Section 1	Open Meetings and Notice.....	10
Section 2	Regular Meetings.....	10
Section 3	Called (Special) Meetings.....	10
Section 4	Agenda .....	11
Section 5	Quorum .....	11
Section 6	Applicability of Robert’s Rules of Order .....	11
Section 7	Public Meetings Required By Law.....	12
Section 8	Minutes.....	12
<b>ARTICLE X.</b>	<b>Making Decisions .....</b>	<b>12</b>
Section 1	Applicability; No Written Proxies.....	12
Section 2	Decision-Making Process.....	12



Section 3	Approving Recommended Flood Management Evaluations (FME), Flood Management Strategies (FMS), and Flood Mitigation Projects (FMP).....	13
Section 4	Final Adoption of Regional Flood Plan; Amendments .....	13
<b>ARTICLE XI.</b>	<b>Books and Records .....</b>	<b>13</b>
Section 1	Required Documents and Retainment .....	13
Section 2	Inspection and Copying .....	13
Section 3	Availability of Reports.....	14
<b>ARTICLE XII.</b>	<b>Committees .....</b>	<b>14</b>
Section 1	Establishment.....	14
Section 2	Membership .....	14
Section 3	Officers .....	14
Section 4	Meetings.....	15
Section 5	Books and Records .....	15
Section 6	Code of Conduct.....	15
<b>ARTICLE XIII.</b>	<b>Compensation/Reimbursement.....</b>	<b>15</b>
<b>ARTICLE XIV.</b>	<b>Contractual Services .....</b>	<b>15</b>
<b>ARTICLE XV.</b>	<b>Adopting and Amending the Bylaws.....</b>	<b>16</b>
<b>ARTICLE XVI.</b>	<b>Resolution Adopting Bylaws .....</b>	<b>16</b>

## **ARTICLE I. Names**

### **Section 1 Organization**

The official name of this organization shall be the “Region 7 Upper Brazos Regional Flood Planning Group” (hereinafter “Region 7 Upper Brazos RFPG”).

### **Section 2 Flood Planning Region**

The official name and boundaries of the flood planning region designated by the Texas Water Development Board (hereinafter “TWDB”) in accordance with Senate Bill 8 of the 86th Regular Texas Legislature on April 9, 2020 , shall be the “Region 7 Upper Brazos Flood Planning Region” (hereinafter “Region 7 Upper Brazos FPR”).

## **ARTICLE II. Establishment and Purpose**

The Region 7 Upper Brazos RFPG was established by the TWDB on October 1, 2020, through the designation of initial flood planning group members. The purpose of the Region 7 Upper Brazos RFPG is to carry out the responsibilities placed on regional flood planning groups as required by Texas Water Code Chapter 16 and TWDB rules, including 31 Texas Administrative Code (TAC) Chapters 361 and 362.

## **ARTICLE III. Principal Administrative Office**

The principal administrative office of the Region 7 Upper Brazos RFPG shall be the principal business offices of the planning group sponsor. The administrative officer of the Region 7 Upper Brazos RFPG for purposes of the Texas Open Records Act shall be an individual designated by the planning group sponsor. The Chair of the Region 7 Upper Brazos RFPG shall ensure that the mailing address and physical address of the principal office and administrative officer are provided to all members of the Region 7 Upper Brazos RFPG and the Executive Administrator of the TWDB.

## **ARTICLE IV. Responsibilities**

The Region 7 Upper Brazos RFPG shall have the responsibility for performing the functions defined in Texas Water Code, Chapter 16 and in 31 TAC Chapters 361 and 362 related to regional flood planning for the Region 7 Upper Brazos FPR. Foremost among those responsibilities shall be the development of a regional flood plan for the Region 7 Upper Brazos FPR that identifies flood risks, establishes flood mitigation and floodplain management goals, and recommends evaluations, strategies, and projects to reduce flood risks.

## **ARTICLE V. Voting Membership**

### **Section 1 Composition**

The initial voting members of the Region 7 Upper Brazos RFPG shall be comprised of the initial flood planning group members as designated by the

TWDB on October 1, 2020. The Region 7 Upper Brazos RFPG may subsequently add additional voting members through a process in conformance with these bylaws, specifically Section 4 of this Article.

The Region 7 Upper Brazos RFPGs shall at all times, maintain each of the required voting positions listed in 31 TAC §361.11(e). However, if the Region 7 Upper Brazos FPR does not have an interest in one of the categories, then the Region 7 Upper Brazos RFPG shall so advise the Executive Administrator of the TWDB and an individual member designation may not be required.

The Region 7 Upper Brazos RFPG shall provide a current list of its voting and non-voting positions and the individual member name that fills each position to the TWDB.

The voting membership of the Region 7 Upper Brazos RFPG shall not exceed 18 members.

## **Section 2 Terms of Office**

The terms of all initial voting members shall expire on July 10, 2023. Upon the expiration of the initial terms, all voting members shall draw lots for additional terms of five years or two years, such that half of the voting members' terms will expire in two additional years and the other half in five additional years. If there is an odd number of voting members at the time that lots are drawn, one more than half shall draw lots for the two-year terms.

Except for the initial terms of the initial voting members and the two-year terms described above, all subsequent terms of office for voting members shall be five years, the goal of staggering the terms of office having been accomplished. There are no limits to the number of terms a member may serve. Upon the expiration of a member's term, a majority vote of the total voting membership shall be required for the member to continue to serve for a subsequent term. If a member fails to be affirmed for a subsequent term, then the voting members shall initiate procedures to appoint a successor utilizing the process set forth under Section 4 of this Article.

## **Section 3 Conditions of Membership**

In order to be eligible for voting membership on the Region 7 Upper Brazos RFPG, a person must be capable of adequately representing the interest for which a member is sought, be willing to participate in the regional flood planning process, attend meetings, and abide by these bylaws.

## **Section 4 Selections of Members**

### ***4.1 Filling Vacancies***

No later than ninety calendar days prior to the expiration of a voting member's term, or within forty-five calendar days after the removal of or unanticipated resignation of a voting member, the Region 7 Upper Brazos RFPG shall post public notice on its website and any other relevant websites and notify via email the county clerk in each county located in whole or in part in the Region 7 Upper Brazos FPR soliciting nominations for a successor, identifying the particular interest for which the nomination is sought, stating the conditions of

membership, delineating the method for submitting nominations, and establishing a deadline for submission of nominations between thirty and forty-five calendar days from the date that public notice was posted. Members of the Region 7 Upper Brazos RFPG may also submit nominations in the manner prescribed in the public notice.

The Region 7 Upper Brazos RFPG Executive Committee shall receive and process the nominations and, no sooner than ten calendar days after the deadline for submitting nominations, shall recommend a nominee to the voting membership as a whole, giving strong consideration to a consensus nominee from those individuals and entities that collectively represent that interest. The Executive Committee shall not be bound by the nominations received and may consider any person who meets the conditions of membership as a nominee. The voting membership as a whole shall not be bound by the recommendation of the Executive Committee and may consider any person who meets the conditions of membership as a nominee.

The voting members shall attempt to select a successor by consensus. If efforts to reach consensus fail, the Chair shall call for a vote on a nominee. A majority vote of the voting members present shall be required to appoint a successor. If the voting members fail to select a successor, the voting members shall consider other nominations until a successor can be selected by consensus or majority vote of the voting members present.

#### **4.2 Adding and Removing New Voting Positions**

In addition to selecting successor voting members to fill vacancies caused by removal or the expiration of a term, the Region 7 Upper Brazos RFPG may, at any time, add additional voting positions including in any new interest categories or additional representatives of the required interest categories in Texas Water Code §16.062(c) and 31 TAC §361.11(e), that the RFPG considers appropriate for development of its RFP. The Region 7 Upper Brazos RFPG must use the selection process set forth in this section for filling vacancies.

Adding any new voting position that increases the total number of voting positions may only occur upon a two-thirds vote of all existing voting positions (31 TAC §361.11(i)).

If a new voting position is created, the existing voting members shall select a nominee to fill the new position by majority vote of the voting members present and shall determine by consensus, but not less than agreement of a majority of the voting members present, the exact applicability of the membership term provisions and restrictions to the new member at the time of the new members selection.

The Region 7 Upper Brazos RFPG may, at any time, remove a voting position as long as the Region 7 Upper Brazos RFPGs maintains each of the required voting positions listed in 31 TAC §361.11(e). Removal of a voting position requires a majority vote of all existing voting positions. If there is currently a member serving in the voting position to be removed, that member will be removed from their position and the Region 7 Upper Brazos RFPG is not required to remove the voting member by the process set forth in Section 7 of this Article.

If upon the designation of initial flood planning group members by the TWDB on October 1, 2020, there is a vacant voting position for one or more of the required interest categories in 31 TAC §361.11(e), the Region 7 Upper Brazos RFPG shall solicit nominations by generally utilizing the selection process set forth in this section, A nominee may be selected to fill the vacant voting position upon a majority vote of the voting members present.

In both the consideration of nominees and the selection of new voting positions and members, the Executive Committee and other voting members shall strive to achieve geographic, ethnic, and gender diversity.

#### **4.3 Outgoing Members**

Outgoing voting members shall be given the opportunity to fully participate in the selection process for their successors and shall serve until their successors take office. However, no member shall participate in a vote in which he or she is a nominee.

Because initial members continue to serve for additional terms of either two or five years at the end of their initial terms as set forth under Section 2 of this Article, this Section 4 shall not apply to the regular expiration of the initial terms of the initial members; however, this section shall apply to the selection of a successor for a removed voting member during the initial terms.

### **Section 5 Attendance**

All members shall make a good faith effort to attend all Region 7 Upper Brazos RFPG meetings. Records of attendance shall be kept by the Secretary at all Region 7 Upper Brazos RFPG meetings and hearings and presented as part of the minutes. Voting members of the Region 7 Upper Brazos RFPG that have recorded absences from three consecutive meetings and/or hearings, or at least one-half of the sum of all meetings and hearings in the preceding twelve months, shall be considered to have engaged in excessive absenteeism and shall be subject to removal from membership under Section 7 of this Article.

### **Section 6 Code of Conduct**

Members and designated alternates of the Region 7 Upper Brazos RFPG shall conduct the business of the Region 7 Upper Brazos RFPG in an ethical manner and shall avoid any form or appearance of a conflict of interest, real or apparent, by observing the following:

- (a)** No member or designated alternate of the Region 7 Upper Brazos RFPG shall:
- (1) Solicit or accept gratuities, favors, or anything of monetary value from suppliers or potential suppliers of services, materials, or equipment, including subcontractors under recipient contracts; or
  - (2) Participate in the selection, award, or administration of a procurement where the member or designated alternate has a financial or other substantive interest in the organization being considered for award. Such conflict may be due to any of the following having a financial or familial relationship with the organization:
    - (i) the member or designated alternate;
    - (ii) the member's or designated alternate's family;



- (iii) the member's or designated alternate's business partner(s); or
- (iv) a person or organization that employs, or is about to employ, any of the persons listed in (i)-(iii), above.

(3) Participate in any deliberation, decision, or vote that would constitute a conflict of interest under federal, state, or local law.

**(b)** Potential conflicts of interest shall be clearly stated by the voting member or designated alternate prior to any deliberation or action on an agenda item with which the voting member or designated alternate may be in conflict. Where the potential conflict is restricted to a divisible portion of an agenda item, the Chair may divide the agenda item into parts, at the Chair's discretion, for deliberation and voting purposes. An abstention from participation in deliberations, decisions, or voting and the reasons therefor shall be noted in the minutes.

## **Section 7 Removal of Voting Members**

**(a) Grounds for Removal of Voting Members.** The following shall constitute grounds for removal of a voting member:

- (1) engaging in excessive absenteeism as defined under Section 5 of this Article
- (2) any violation or attempted violation of the Public Information Act (Government Code Chapter 552) or the Open Meetings Act (Government Code Chapter 551);
- (3) failure to abide by the code of conduct provisions set forth under Section 6 of this Article;
- (4) change in status so that the member no longer represents the interest he or she was selected to represent;
- (5) falsifying documents;
- (6) any other serious violation of these bylaws as may be determined by the voting members; or
- (7) the voting member's designated alternate engages in any acts described in subdivisions (2), (3), (5) or (6) of this subsection.

**(b) Process for Removing Voting Members.** Voting members may be removed at any time for any of the grounds for removal of voting members set forth in subsection (a) of this section. Any member with knowledge or suspicion that a voting member or designated alternate has engaged in acts or that events have occurred constituting a ground for removal under subsection (a) of this section shall report such information or suspicion to the Chair. The Chair, upon discovering or receiving such information, shall make a written request to that member to verify or refute the alleged acts or events. The member shall provide a written response to the Chair within fifteen calendar days from the date of receipt of the Chair's request. Within five calendar days of receipt of the member's response, the Chair shall forward copies of the response to the voting members. If the Chair believes that a ground for removal may exist or if the member fails to provide a timely response to the Chair's request, the Chair shall confer with the Executive Committee regarding the matter. The Executive Committee may vote to place an item on the next subsequent agenda addressing the possible removal of the member. If the Chair does not believe that a ground for removal exists and indicates that he or she will not place an item on the next agenda addressing the possible removal, then a written request

from five voting members will be required to place an item on a subsequent meeting agenda addressing the possible removal of the member. At the meeting, all discussion and debate with regard to the possible removal shall take place in a closed, executive session, but the final vote on removal shall take place in an open meeting. During the executive session, the Chair shall lay out all of the correspondence and information that has been received related to the possible removal and the member subject to the possible removal may present evidence refuting or verifying the information presented. The voting members may remove the member by a majority vote of the voting members present. The member subject to the removal action shall not participate in any way in the removal vote, nor shall his or her membership count as part of the voting members present of calculating a majority vote.

## **ARTICLE VI. Non-Voting Membership**

### **Section 1 Mandatory Members**

The non-voting members of the Region 7 Upper Brazos RFPG shall include the non-voting members set forth in 31 TAC §361.11(f)(1)-(7). As necessary, the Region 7 Upper Brazos RFPG shall include members designated by upstream or downstream RFPGs or members from neighboring RFPGs touching the Gulf Coast, as set forth in 31 TAC §361.11(f)(8)-(9). Such designees shall have no terms of office and shall serve until replaced by the designating entity. However, if the voting members decide by a majority vote of the voting members present, that a particular designee is hindering the regional flood planning efforts of the Region 7 Upper Brazos RFPG, the Chair shall make a written request to the entity requesting the designation of another person to serve as the entity's designee.

In accordance with 31 TAC 361.11(f)(8), the Region 7 Upper Brazos RFPG must designate a non-voting member liaison, as necessary, to coordinate with the Lower Brazos RFPG.

### **Section 2 Discretionary Members**

The voting members of the Region 7 Upper Brazos RFPG may choose to create a new non-voting position to represent a specific entity by a two-thirds vote of the voting members present. The Chair shall make a written request within ten calendar days to the entity requesting the designation of a person to serve as the entity's designee. Such designees shall have no terms of office and shall serve until replaced by the designating entity or until the entity is removed as a non-voting member. However, if the voting members determine by a majority vote of the voting members present that a particular designee is hindering the regional flood planning efforts of the Region 7 Upper Brazos RFPG and that the entity should remain as a non-voting member, the Chair shall make a written request within ten calendar days to the entity requesting the designation of another person to serve as the entity's designee.

In addition to creating new non-voting positions for specific entities, the Region 7 Upper Brazos RFPG may, at any time, create non-voting positions for specific interest categories that the RFPG considers appropriate for development of its

RFP by a two-thirds vote of voting members present. The Region 7 Upper Brazos RFPG must use the selection process set forth in Article V, Section 4.

### **Section 3 Code of Conduct**

All non-voting members shall comply with the code of conduct provisions under Section 6 of Article V of these bylaws.

## **ARTICLE VII. Political Subdivision**

### **Section 1 Responsibilities**

The political subdivision who serves as sponsor for Region 7 Upper Brazos RFPG will perform the following duties:

- Prepare and submit RFPG's application
- Execute a contract with TWDB as recommended by RFPG
- Procure a technical consultant using procedures approved by RFPG
- Enter into a contract with the technical consultant
- Prepare meeting agendas and meeting minutes for review by the Executive Committee and technical consultant
- Maintain and present financial records and reports
- Maintain all compliance with TAC, etc.

## **ARTICLE VIII. Designated Alternates**

Each member may designate an alternate to represent him/her when he/she is unable to attend a meeting. Each member must notify the Chair in writing of the name and appropriate contact information of the member's designated alternate at least forty-eight hours prior to the first meeting at which the designated alternate will appear on behalf of the member. If the member fails to provide such notice, the Chair may seat the alternate at their discretion. The Chair shall not recognize the designation of more than one alternate per member at any given time. The Chair shall not recognize more than two alternate designations of any kind per member per calendar year unless the Region 7 Upper Brazos RFPG expressly decides to waive this provision.

The designated alternate shall represent the same interest category as the member and enjoy the same voting privileges, or lack thereof, and shall be bound by the same duties, terms, and conditions as the member they represent, except as otherwise provided in these bylaws. However, a designated alternate for a voting member who serves as an officer shall not be allowed to serve in the capacity as an officer in the member's absence.

The Chair shall provide each member with a current list of all members and their designated alternates.

## ARTICLE IX. Officers

### Section 1 Officers, Restrictions, and Terms of Office

Voting members of the Region 7 Upper Brazos RFPG shall select from the voting membership a Chair, Vice Chair, and Secretary to serve as officers. Each officer shall serve a term of one calendar year. However, the terms of the initial officers selected under Section 2 of this Article shall expire when the regular officers take office as provided under this Article. Except as provided under Section 4 of this Article, an officer shall serve until his or her successor takes office. No two voting members representing the same interest shall serve as officers at the same time. In the consideration of nominees for the Executive Committee, voting members shall strive to achieve geographic, ethnic, and gender diversity. Elections shall be held annually, with no restrictions on the number of consecutive terms an individual may serve as an officer other than those that apply because of his or her status as a voting member under these bylaws.

### Section 2 Selection

**(a) Initial Officers.** No later than at the next scheduled meeting after the adoption of these bylaws, the voting members shall select initial officers. Nominations shall be made from the floor by voting members. The voting members shall select officers from among the nominees by consensus if possible, but not less than agreement of a majority of the voting members present.

**(b) Regular Officers.** Beginning January 2022, regular officers shall be selected at the first meeting of each calendar year after the calendar year in which these bylaws were adopted. Written notice of the meeting to select officers shall be sent to all members of the Region 7 Upper Brazos RFPG by the current Secretary thirty calendar days prior to the meeting. Nominations shall be made from the floor by voting members. The voting members shall select officers from among the nominees by consensus, but not less than agreement of a majority of the voting members present.

### Section 3 Removal of Officers

Any officer may be removed from office for any of the grounds for removal of voting members set forth under Article V of these bylaws, or for repeated failure to carry out the duties of the office. Removal of an officer shall be decided by a majority vote of the voting members present. Removal of an officer shall be set as an agenda item at the next scheduled meeting upon written request signed by five voting members to the Chair or Secretary. The Chair or Secretary receiving the request shall notify the officer in writing that he or she shall be subject to a removal action at the next scheduled meeting. At the meeting, all discussion and debate with regard to the possible removal shall take place in a closed, executive session, but the final vote on removal shall take place in an open meeting. During the executive session, the presiding officer shall lay out the information that has been received related to the possible removal, and the officer subject to the possible removal action may present evidence refuting or verifying the information presented. If the Chair is the subject of the possible removal action, the Vice-Chair shall preside over the meeting during the agenda

item concerning the Chair's removal. The officer subject to the removal action shall not participate in any way in the removal decision, nor shall his or her membership count as part of the total membership for purposes of calculating a majority vote. The notice of the meeting shall be posted in accordance with the Open Meetings Act and shall state that the issue of possibly removing the officer will be on the agenda. Any vacancy caused by the removal shall be filled as provided under Section 4 of this Article. Removing an officer from their office under this section does not remove the member from their voting position on the Region 7 Upper Brazos RFPG. To remove a voting member from their voting position, the Region 7 Upper Brazos RFPG must follow to the removal process under Article V, Section 7.

#### **Section 4 Vacancies of Officers**

Whenever an officer vacancy exists because of death, resignation, or removal, the vacancy shall be filled within thirty days of the event causing the vacancy. Nominations shall be made from the floor by voting members. The voting members shall select a replacement officer from among the nominees by a majority vote of the voting members present. The next highest-ranking officer shall serve in the vacant position until a successor takes office, unless the office of the Secretary becomes vacant, in which case the Chair shall appoint a willing voting member to serve as Secretary until the successor to the Secretary takes office. The person selected to fill a vacancy for an officer shall serve for the unexpired term of his or her predecessor in office.

#### **Section 5 Duties of Each Officer**

**(a) Chair.** The Chair shall be the executive officer of the Region 7 Upper Brazos RFPG. The Chair will preside at all meetings of the Region 7 Upper Brazos RFPG and perform all duties provided by these bylaws. If the Chair is unable to carry out his/her duties, the Vice Chair shall assume the duties of the Chair.

**(b) Vice Chair.** The Vice Chair shall assist the Chair in the discharge of his/her duties and, in the absence of the Chair, shall assume the Chair's full responsibilities and duties. In the event the Chair is unable to carry out his/her duties, the Vice Chair shall serve as Chair until the Region 7 Upper Brazos RFPG elects a new Chair under Section 4 of this Article. The Vice-Chair shall perform other duties as assigned by the Chair, or these bylaws.

**(c) Secretary.** The Secretary shall maintain the minutes and take attendance of the Region 7 Upper Brazos RFPG meetings. The minutes and attendance shall be kept as part of the Region 7 Upper Brazos RFPG official records. The Secretary shall ensure that all notices are properly posted as provided in the bylaws, as required by law, and as required by the Texas Open Meetings Act. The Secretary shall perform other duties as assigned by the Chair or these bylaws. If the both the Chair and Vice Chair are unable to carry out the duties of the Chair, the Secretary shall assume the duties of the Chair.

#### **Section 6 Executive Committee**

The Executive Committee shall be composed of four Region 7 Upper Brazos RFPG members, including the Chair, Vice Chair, Secretary, and one voting member-at-large. No two voting members representing the same interest shall



serve as members of the Executive Committee at the same time. The member-at-large shall be selected annually in the same manner and with the same terms as set forth for the selection of officers under this Article. The member-at-large shall be removed and their vacancies filled in the manner prescribed for officers under this Article.

The Executive Committee shall be responsible for carrying out the duties imposed on it in these bylaws. The voting members of the Region 7 Upper Brazos RFPG may delegate administrative decisions to the Executive Committee unless provided otherwise in these bylaws.

All meetings of the Executive Committee shall comply with the provisions related to meetings generally as set forth in Article IX of these bylaws.

### **Section 7 Designated Alternates**

A designated alternate of a member serving as an officer shall not serve in the member's capacity as an officer in lieu of the member. When an officer is absent or otherwise unable to serve, the next highest-ranking officer shall serve for the officer. If no lower ranking officer exists or can serve, then a member designated by the Chair or acting Chair shall serve for the officer.

## **ARTICLE X. Meetings**

### **Section 1 Open Meetings and Notice**

All meetings of the Region 7 Upper Brazos RFPG, its committees and/or sub-groups, shall be posted and open to the public in the manner of a governmental body under the Texas Open Meetings Act and as set forth in the TWDB rules. All actions of the Region 7 Upper Brazos RFPG shall be deliberated and undertaken in open meeting, unless otherwise authorized by the Texas Open Meetings Act. The time and place of meetings shall be set to facilitate, to the greatest extent possible, the participation of the public in the regional flood planning process. In accordance with TWDB rules, specifically, 31 TAC 361.21, copies of all materials presented or discussed shall be made available for public inspection prior to and following any meeting of the Region 7 Upper Brazos RFPG.

### **Section 2 Regular Meetings**

At least one regular meeting of the Region 7 Upper Brazos RFPG shall be held in each quarter or more frequently. At the first meeting after the adoption of these bylaws and the first meeting of each calendar year thereafter, the Region 7 Upper Brazos RFPG shall establish and adopt a regular meeting schedule for the ensuing year. The Secretary shall ensure that an advance notice and an agenda for regular meetings will be provided to the full membership of the Region 7 Upper Brazos RFPG as set forth in TWDB rules. Supporting information and member-requested materials shall be distributed to the full membership with the notice and agenda or at the meeting, as deemed appropriate by the Chair.

### **Section 3 Called (Special) Meetings**

The Chair or a majority of the voting members of the Region 7 Upper Brazos RFPG may call special meetings of the Region 7 Upper Brazos RFPG. The

Secretary shall ensure that advance notice and an agenda for the called meeting is provided to the full membership of the Region 7 Upper Brazos RFPG as set forth in TWDB rules and the Texas Open Meetings Act. Supporting information and member-requested materials shall be distributed to the full membership with the notice and agenda or at the meeting, as deemed appropriate by the Chair.

## Section 4 Agenda

The Secretary of the Region 7 Upper Brazos RFPG shall ensure that an agenda is prepared and distributed for all meetings, in accordance with Sections 2 and 3 of this Article. Items shall be placed on the agenda by the request of the Chair or by the request of at least two voting members of the Region 7 Upper Brazos RFPG. Consideration for approval of the previous meeting's minutes, as applicable, shall always be among the first items on the agenda. Copies of the agenda and all supporting information shall be made available for public inspection prior to and following any meeting of the Region 7 Upper Brazos RFPG, in accordance with TWDB rules.

- A) Oral comments during a regularly scheduled meeting will be accepted with or without prior advance notice.
- B) Written requests to make oral comments may be accepted in advance of the meeting but is not required to speak during a designated portion of the meeting.
- C) Written comments may be submitted prior to and after the meeting to [pbryant@spag.org](mailto:pbryant@spag.org) or [kdavila@spag.org](mailto:kdavila@spag.org)
- D) The RFPG shall include one (1) "Public Comment" section at the beginning and one (1) "Public Comment" section at the end of each regularly scheduled meeting as an agenda item.

OR

- E) Members of the public who wish to provide oral comments during designated portions of the meeting may do so by signing up in advance or attending a scheduled meeting.
- F) Members of the public who wish to provide written comments prior to and after the meeting, please email [kdavila@spag.org](mailto:kdavila@spag.org) or [pbryant@spag.org](mailto:pbryant@spag.org) include "Region 7 Upper Brazos Flood Planning Group Meeting in the subject line.

## Section 5 Quorum

A quorum of the Region 7 Upper Brazos RFPG shall be a simple majority of the voting members or their designated alternates excluding vacancies. At least a quorum shall be necessary to conduct any business of the Region 7 Upper Brazos RFPG.

## Section 6 Applicability of Robert's Rules of Order

Except as otherwise provided in these bylaws, meetings of the Region 7 Upper Brazos RFPG shall be conducted under the provisions of the most current edition of *Robert's Rules of Order*. However, failure to follow *Robert's Rules of Order*

shall not constitute grounds for appeal of an action or a decision of the Region 7 Upper Brazos RFPG.

### **Section 7 Public Meetings Required By Law**

The Region 7 Upper Brazos RFPG shall post notice and conduct public meetings that are specifically required by statute and TWDB rule, including those set forth for draft regional flood plan presentation, adoption of amendments to the regional flood plan, and final regional flood plan adoption, in accordance with the requirements of Texas Water Code Chapter 16 and TWDB rules, including 31 Texas Administrative Code (TAC) Chapters 361 and 362. Notification requirements may be different than those specified in Section 1 of this Article and are specifically delineated in Texas Water Code §16.062 and 31 TAC §361.21.

## **ARTICLE XI. Making Decisions**

### **Section 1 Applicability; No Written Proxies**

**(a)** Unless the method for making a particular decision is set forth in these bylaws, the Region 7 Upper Brazos RFPG, its committees, and subgroups shall make all decisions utilizing the process set forth in Section 2 of this Article.

**(b)** Written proxies shall not be allowed in any decision-making by the Region 7 Upper Brazos RFPG, its committees, or its subgroups. However, designated alternates shall be allowed to participate in decision making as set forth in these bylaws. Because it is important in achieving consensus for all members to participate actively, keep up-to-date on the progress of the group, and develop a common base of information, members shall in good faith attempt to minimize the number of times they are absent from meetings or are represented by their designated alternates.

### **Section 2 Decision-Making Process**

**(a) Use of Consensus.** The Region 7 Upper Brazos RFPG shall attempt to make decisions using a consensus decision-making process. Consensus is an acknowledgement of agreement built by identifying and exploring all members' interests and by agreeing to a solution that satisfies these interests to the greatest extent possible. A consensus is reached when all voting members agree that their major interests have been taken into consideration and addressed in a satisfactory manner so that they can support the decision of the group, or at least not object. The process of building consensus involves the development of alternatives and the assessment of the impacts of those alternatives.

Consensus does not necessarily mean unanimity. Some members may strongly endorse a particular solution while others may accept it as a workable solution. A member can participate in the consensus without embracing each element of the solution with the same fervor as other members, or necessarily having each of his or her interests satisfied to the fullest extent. In a consensus, the members recognize that, given the combination of gains and trade-offs in the decision package and given the current circumstances and alternative options, the resulting solution is the best one the voting members can make at this time.

**(b) Failure to Reach Consensus.** If after good faith negotiations it appears likely to the Chair that the voting members will be unable to reach consensus, the Chair shall entertain a motion to put the issue to a vote to be conclusively decided by a majority vote of the voting members present.

### **Section 3 Approving Recommended Flood Management Evaluations (FME), Flood Management Strategies (FMS), and Flood Mitigation Projects (FMP)**

The voting members of the Region 7 Upper Brazos RFPG shall finally approve each recommended FME, FMS, and FMP by a separate vote by consensus, but not less than a majority vote of the voting members present.

### **Section 4 Final Adoption of Regional Flood Plan; Amendments**

The voting members of the Region 7 Upper Brazos RFPG shall finally adopt the regional flood plan for the Region 7 Upper Brazos FPR, and any amendments thereto by consensus, but not less than a majority vote of the voting members present.

## **ARTICLE XII. Books and Records**

### **Section 1 Required Documents and Retainment**

Records of the Region 7 Upper Brazos RFPG, including: a current membership list with addresses, affiliations, and phone numbers, if not unlisted; the current roster of officers; a copy of the written record of designation of the planning group sponsor political subdivision of the Region 7 Upper Brazos RFPG; minutes; agendas; notices; contracts, subcontracts, annual financial statements, and any and all financial records and supporting information; bylaws; records of public hearing; correspondence; memoranda; phone logs; committee or subgroup recommendations or findings; draft and final plans; studies; data of any sort; computer records or models; executive summaries; other work products; and any other pertinent information of a public nature shall be kept at the principal office of the Region 7 Upper Brazos RFPG for a period of at least five years or the period of time required of the political subdivision serving as the planning group sponsor, whichever is longer.

The storage and dissemination of all Region 7 Upper Brazos RFPG records must comply with TAC §361.21(d) and Texas Government Code, Chapter 552 (Public Information Act) regarding the handling of confidential materials.

### **Section 2 Inspection and Copying**

Records of the Region 7 Upper Brazos RFPG shall be available for inspection and copying at the principal place of business of the planning group sponsor political subdivision during normal business hours. Procedures and fees for copying and inspection shall be the same as those used by the planning group sponsor political subdivision housing the principal office of the Region 7 Upper Brazos RFPG for inspection and copying of its own public records, or as prescribed in the Texas Public Information Act.

### **Section 3 Availability of Reports**

All reports, planning documents, and work products resulting from the regional flood planning grant funding provided by the TWDB and all supporting documentation for the development the regional flood plan shall be made available to the TWDB, the Texas Division of Emergency Management, the Texas Parks and Wildlife Department, the Texas Department of Agriculture, the Texas State Soil and Water Conservation Board, General Land Office and the Texas Commission on Environmental Quality or their successor agencies. Electronic versions of the regional flood plan will be posted on the flood planning group website and the TWDB website.

## **ARTICLE XIII. Committees**

### **Section 1 Establishment**

The Region 7 Upper Brazos RFPG may by a majority vote of the voting members present establish committees, subcommittees, and subgroups to assist and advise the Region 7 Upper Brazos RFPG in the development of the regional flood plan, as set forth in 31 TAC §361.12(c). The committee, subcommittee, or subgroup may be formed to address specific issues assigned by the Region 7 Upper Brazos RFPG and may have a specified term of membership.

### **Section 2 Membership**

Membership in the committees, subcommittees, and subgroups shall follow the requirements and procedures of Article V of these bylaws and 31 TAC §361.12(c). Appointment to committees, subcommittees, or subgroups shall be made by consensus, but not less than agreement of a majority of the voting members present. The terms of office for all members of committees, subcommittees, and subgroups shall be either upon the expiration of the term, if any, specified by the Region 7 Upper Brazos RFPG in the establishing motion for the committee, subcommittee, or subgroup, or upon the expiration of the persons membership in the Region 7 Upper Brazos RFPG.

If a RFPG creates a sub-regional committee, subcommittee, or subgroup to address issues related to a specific geographic area smaller than the full FPR, it shall, to the extent practical, define such sub-regional geographic areas based on boundaries that are conterminous with full HUC 8 watersheds located within the FPR. Sub-regional committees, subcommittees, or subgroups formed to address issues related to a specific geographic area smaller than the full FPR must include one voting member representing each of the interest categories listed in 31 TAC §361.11(e).

### **Section 3 Officers**

The Chair, Vice-chair, and Secretary of a committee, subcommittee, or subgroup established by the Region 7 Upper Brazos RFPG shall be selected from the duly-elected members of the respective committee, subcommittee, or subgroup. The Chair, Vice Chair, and Secretary of the committee, subcommittee, or subgroup established by the Region 7 Upper Brazos RFPG shall be elected to their respective offices by a majority vote of the members of the committee,



subcommittee, or subgroup. Additional committee, subcommittee, or subgroup officers with associated responsibilities may be created as necessary by a majority vote of the members of the committee, subcommittee, or subgroup. The additional officers shall be elected by a majority affirmative vote of the members of the committee, subcommittee, or subgroup.

#### **Section 4 Meetings**

Requirements and procedures for committee, subcommittee, or subgroup meetings shall follow those established in Article IX of these bylaws, including requirements for notice. Committees, subcommittees, or subgroups may adopt their own rules of procedure, if authorized by the Region 7 Upper Brazos RFPG and the rules are not in conflict with state law, TWDB rules, or these bylaws.

#### **Section 5 Books and Records**

Requirements and procedures for committee, subcommittee, or subgroup books and records shall follow those established for the Region 7 Upper Brazos RFPG in Article XI of these bylaws.

#### **Section 6 Code of Conduct**

Members of a committee, subcommittee, or subgroup are subject to the requirements of Article V, Section 6 of these bylaws.

### **ARTICLE XIV. Compensation/Reimbursement**

Members of the Region 7 Upper Brazos RFPG are able to be reimbursed for eligible travel expenses, as authorized by the General Appropriations Act, and as limited by the TWDB regional flood planning grant contract for attendance at a posted meeting of the RFPG. All travel expenses must be documented by the members and submitted to the Chair and the planning group sponsor political subdivision designated by the Region 7 Upper Brazos RFPG to apply to TWDB for funding. The Chair of the RFPG must certify, in a public meeting, that the travel expenses are eligible for reimbursement and are correct and necessary before the planning group sponsor political subdivision contracting with the TWDB for the Region 7 Upper Brazos RFPG can compile the travel information from the members and submit reimbursement requests to the TWDB.

### **ARTICLE XV. Contractual Services**

The voting members of the Region 7 Upper Brazos RFPG shall approve, by a majority vote of the voting members present, persons or entities to provide contractual services for the Region 7 Upper Brazos RFPG, including all services related to preparation, development, or revisions of the regional flood plan for the Region 7 Upper Brazos FPR. However, the voting members may delegate to the Executive Committee the authority to make all administrative decisions concerning amendments to TWDB grant contracts for services related to regional flood planning, except those decisions concerning amendments related to scopes of work and budgets.

## ARTICLE XVI. Adopting and Amending the Bylaws

These bylaws shall have full force and effect upon approval and adoption by the voting members of the Region 7 Upper Brazos RFPG, acting on behalf of the interests comprising the Region 7 Upper Brazos FPR, and upon submission to the TWDB in compliance with 31 TAC §361.11(d). The voting members shall adopt and/or amend these bylaws by a two-thirds vote of the voting members present.

## ARTICLE XVII. Resolution Adopting Bylaws

WHEREAS, no bylaws have been adopted governing the conduct of the internal affairs of the Region 7 Upper Brazos RFPG; and

WHEREAS, the set of bylaws presented to and as otherwise modified by agreement during this meeting are suitable for the purpose and their adoption is in the best interests of the Region 7 Upper Brazos RFPG; it is, therefore,

RESOLVED, that the members of the Region 7 Upper Brazos RFPG this 29<sup>th</sup> day of October, approve and adopt the bylaws presented to this meeting of members as the bylaws of the Region 7 Upper Brazos RFPG; and it is

FURTHER RESOLVED, that the bylaws be authenticated as such by the Secretary of the Region 7 Upper Brazos RFPG and placed in its minute book, and that a full and true copy of the bylaws, certified by the Secretary, be kept at the principal office of the Region 7 Upper Brazos RFPG for inspection by members or the public at all reasonable times during business hours.

\_\_\_\_\_  
(date)

\_\_\_\_\_  
(Signature of Secretary)

## Exhibit A

11. ACTION ITEM: Consider updating Article IX. Section 4 Agenda of the bylaws by which the RFPG will accept public comment. Examples:

- A. Oral comments during a regularly scheduled meeting will be accepted with or without prior advance notice.
- B. Written requests to make oral comments may be accepted in advance of the meeting but is not required to speak during a designated portion of the meeting.
- C. Written comments may be submitted prior to and after the meeting to [pbryant@spag.org](mailto:pbryant@spag.org) or [kdavila@spag.org](mailto:kdavila@spag.org)
- D. The RFPG shall include one (1) "Public Comment" section at the beginning and one (1) "Public Comment" section at the end of each regularly scheduled meeting as an agenda item.

OR

- A) Members of the public who wish to provide oral comments during designated portions of the meeting may do so by signing up in advance or attending a scheduled meeting.
- B) Members of the public who wish to provide written comments prior to and after the meeting, please email [kdavila@spag.org](mailto:kdavila@spag.org) or [pbryant@spag.org](mailto:pbryant@spag.org) include "Region 7 Upper Brazos Flood Planning Group Meeting" in the subject line.