

Public Meeting Notice

*Region 9 – Upper Colorado Regional Flood Planning Group
January 28, 2021
9:00am CST*

The Meeting will be conducted on GoTo Webinar at:

<https://attendee.gotowebinar.com/register/8691204423272520463>

Agenda:

1. Call to Order
2. Welcome
3. Approval of minutes from the previous meeting.
4. TWDB Update & Presentation
5. Consider nominating and electing RFPG Vice Chair and Secretary (*as applicable, per group bylaws*)
 - a. Nominations for Vice Chair by members
 - b. Discussion and consider taking action to elect Vice Chair
 - c. Nominations for Secretary by members
 - d. Discussion and consider taking action to elect Secretary
6. Consider nominating and electing two members-at-large to serve on the Executive Committee (*as applicable, per group bylaws*)
 - a. Nominations for two Executive Committee members-at-large by members
 - b. Discussion and consider taking action to elect Executive Committee members-at-large.
7. 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
 - b. Discussion of technical consultant procurement process
 - c. Discussion on Scope of Work posted with TWDB RFA
8. Consider a means by which the RFPG will develop and host a public website (required per §361.21(b)).
9. Consider a means by which the RFPG will accept written public comment prior to and after meetings (required per §361.21(c)).
10. Discussion of the required solicitation for persons or entities who request to be notified of RFPG activities (required per §361.21(e)).
11. Public comments – limit 3 minutes per person
12. Consider date and agenda items for next meeting
13. Adjourn

If you wish to provide written comments prior to or after the meeting, please email your comments to allison.strube@cosatx.us and include “Region 9 Upper Colorado Flood Planning Group Meeting” in the subject line of the email.

Additional information may be obtained from:

Allison Strube

allison.strube@cosatx.us

301 W. Beauregard Ave., San Angelo, TX 76903

If you choose to participate via the webinar link below, you WILL have the opportunity to provide comments during the designated portion of the meeting.

<https://attendee.gotowebinar.com/register/8691204423272520463>

After registering, you will receive a confirmation email containing information about joining the webinar.

If you choose to participate via the GoToWebinar App, you WILL have the opportunity to provide comments during the designated portion of the meeting. Please use Webinar ID: **294-633-563**.

If you choose to participate in the meeting using the conference call number below, you will NOT have the opportunity to provide comments during the designated portion of the meeting. The conference call phone number is provided for LISTENING PURPOSES ONLY. Telephone conference call phone number: **+1 (415) 655-0060** and the audio access code is **235-330-321**.

Meeting Minutes
Region 9 Upper Colorado Flood Planning Group Meeting
October 29, 2020
1:00PM CST
GoToWebinar Virtual Meeting

Roll Call:

<u>Voting Member</u>	<u>Interest Category</u>	<u>Present (x) / Absent () / Alternate Present (*)</u>
Kenneth Dierscke	<i>Agricultural interests</i>	X
Rick Bacon	<i>Counties</i>	X
Henryk Alexander Olstowski	<i>Electric generating utilities</i>	X
Christy Youker	<i>Environmental interests</i>	X
Vacant	<i>Flood districts</i>	n/a
Morse Haynes	<i>Industries</i>	X (arrived during agenda item 4)
Lance Overstreet	<i>Municipalities</i>	X
David H. Loyd Jr.	<i>Public</i>	X
Scott McWilliams	<i>River authorities</i>	X
Chuck Brown	<i>Small business</i>	X
Cole D. Walker	<i>Water districts</i>	X
Allison Strube	<i>Water utilities</i>	X

<u>Non-voting Member</u>	<u>Agency</u>	<u>Present(x)/Absent()/ Alternate Present (*)</u>
John McEachern	Texas Parks and Wildlife Department	X
Tim Frere	Texas Division of Emergency Management	X
Larissa Place	Texas Department of Agriculture	X
Ben Wilde	Texas State Soil and Water Conservation Board	X
Jet Hays	General Land Office	X
Hayley Gillespie, Ph.D.	Texas Water Development Board (TWDB)	X
Winona Henry	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 positions of 12: 7

Other Meeting Attendees: **

Reem Zoun, TWDB

Kathleen Jackson, TWDB Board Member

Matt Nelson, TWDB

James Bronikowski, TWDB

Annette Mass, TWDB

Anna Gonzalez, TWDB

Patrick Lopez, TWDB

Jennifer White, TWDB

Curtis Beitel
Matt Bucchin
Stephanie Castillo
Rene Franks
John Grant
Lissa Gregg
Stephanie Griffin
Matt Hiland
Heather Keister
Paula Jo Lemonds

Shauna McMahon
Ryke Moore, TWDB
Steven Richter, TWDB
Scott Rushing
Philip Taucer
David Villarreal
Eric West
Scott Hubley
Amin Kiaghadi

**Meeting attendee names were gathered from those who entered information for joining the GoToWebinar meeting.

All meeting materials are available for the public at:
<http://www.twdb.texas.gov/flood/planning/regions/schedule.asp>.

1. AGENDA ITEM NO. 1: Call to Order

Reem Zoun called the meeting to order at 1:11PM CST. A roll call of the planning group members was taken to record attendance and a quorum was established prior to calling the meeting to order.

2. AGENDA ITEM NO. 2: Welcome, Meeting Facilitation Information and Instructions

Reem Zoun and Director Kathleen Jackson welcomed members to the meeting. Reem Zoun provided meeting facilitation information and instructions.

3. AGENDA ITEM NO. 3: Member Introductions

Each present voting and non-voting member of the Region 9 Upper Colorado RFPG introduced themselves.

4. AGENDA ITEM NO. 4: Regional Flood Planning Overview Presentation

Reem Zoun presented an overview of the regional flood planning process. Morse Haynes joined the meeting and introduced himself.

5. AGENDA ITEM NO. 5: Discussion of group bylaws and consider adopting group bylaws

Reem Zoun presented the model bylaws provided by the TWDB for the RFPG to consider adopting and opened discussion on adopting group bylaws.

After discussion, the bylaws were edited to replace “Model RFPG” with “Region 9 Upper Colorado RFPG” throughout.

After discussion, the Article VIII Section 2 language regarding the required timeframe for selecting initial officers was revised to require that initial officers be selected no later than 90 days following the adoption of bylaws.

After discussion, Article XV was edited to include language regarding amending the bylaws.

A motion was made by Rick Bacon to adopt the bylaws, with changes noted in discussion.

The motion was seconded by Allison Strube.

The vote to adopt the group bylaws passed by a vote of 11 Ayes and 0 Nays.

6. AGENDA ITEM NO. 6: Consider nominating and electing regional flood planning group Chair or Interim Chair

Reem Zoun described the Chair/Interim Chair election process and opened the floor to nominations for the Chair or Interim Chair position.

A nomination of Allison Strube as the Chair was made by Scott McWilliams.

Ms. Strube stated her willingness to serve as Chair and expressed her appreciation for the nomination.

David Loyd made a motion to elect Allison Strube as Chair by acclamation.

The motion was seconded by Scott McWilliams.

The vote to select Allison Strube as the Chair of Region 9 Upper Colorado RFPG passed by a vote of 11 Ayes and 0 Nays.

The group recessed for a short break.

The group reestablished quorum after short break. Chair Allison Strube assumed the facilitator role for the remainder of the meeting.

7. AGENDA ITEM NO. 7: Consider selecting a planning group sponsor to act on behalf of the regional flood planning group

Reem Zoun listed the entities that had expressed interest in serving as the Region 9 Upper Colorado RFPG's planning group sponsor. These interested entities included:

City of San Angelo

No public comments were given.

No additional interested entities came forward to express interest.

Chair Strube opened discussion on selecting a planning group sponsor to act on behalf of the RFPG.

Chair Strube noted that the San Angelo City Council must approve the designation of the City of San Angelo to serve as the planning group sponsor, and recommended any motion made to select the City of San Angelo as the RFPG's planning group sponsor be contingent upon city council approval.

A motion was made by David Loyd to select the City of San Angelo as the designated planning group sponsor for Region 9 Upper Colorado RFPG.

Chuck Brown seconded the motion.

The vote to select City of San Angelo as the planning group sponsor to act on behalf of the RFPG passed by unanimous consent.

8. AGENDA ITEM NO. 8: Consider additional, region-specific public notice requirements, if any, that might be necessary to ensure adequate public notice in the region per 31 Texas Administrative Code §361.12(3).

Chair Strube opened the floor to public comments. No public comments were given.

Matt Nelson described existing notice requirements and opened discussion on identifying additional, region-specific public notice requirements.

No points nor comments/concerns were brought forth during open discussion.

No action was taken. Chair Strube closed discussion on AGENDA ITEM NO. 8.

9. AGENDA ITEM NO. 9: Consider authorizing the RFPG sponsor to apply for grant funds and enter into a contract with the TWDB on behalf of the RFPG

Chair Strube opened discussion on authorizing the RFPG sponsor to apply for grant funds and to enter into a contract with the TWDB on behalf of the RFPG.

No points nor comments/concerns were brought forth during open discussion.

A motion was made by Rick Bacon to authorize the RFPG sponsor to apply for grant funds and enter into a contract with the TWDB on behalf of the RFPG, pending approval by the San Angelo City Council to serve as the RFPG sponsor.

The motion was seconded by Cole Walker.

The vote to authorize the RFPG sponsor to apply for grant funds and enter into a contract with the TWDB on behalf of the RFPG passed by unanimous consent.

10. AGENDA ITEM NO. 10: Discussion of necessary additional voting and non-voting positions that may be needed to ensure adequate representation from the interest in the region

Chair Strube opened the floor to public comments. No public comments were given.

No points nor comments/concerns were brought forth during open discussion.

No actions were taken. Chair Strube closed discussion on AGENDA ITEM NO. 10.

11. AGENDA ITEM NO. 11: Consider initiating RFPG solicitation process for individuals to fill vacant required voting member positions

Chair Strube opened the floor to public comments. No public comments were given.

Chair Strube opened the floor to discussion on initiating RFPG solicitation processes for individuals to fill the vacant required voting member position. The current vacant, required voting position for Region 9 Upper Colorado RFPG is:

Currently Vacant: *Flood Districts*

After discussion of the timeline and procedure to fill vacant positions, Scott McWilliams made a motion to postpone the solicitation process for individuals to fill the vacant required voting member position until after the next meeting of the RFPG.

The motion was seconded by Rick Bacon.

The vote to postpone the RFPG solicitation process until the next meeting passed by unanimous consent.

12. AGENDA ITEM NO. 12: Receive general public comments (Public comments limited to 3 minutes per speaker)

Chair Strube opened the floor to public comments. No public comments were given.

13. AGENDA ITEM NO. 13: Consider date and agenda items for next meeting

Chair Strube opened discussion to consider the date and agenda items for the next meeting.

After discussion, Chair Strube stated that the next meeting will be on January 28, 2021 at 9:00AM CST. Potential agenda items include discussion and election of officers and executive committee, discussion about the technical consultant selection process, discussion of the formation of committee/sub-committee to review technical consultant applications.

14. Adjourn

Rick Bacon made a motion to adjourn.

The motion was seconded by Lance Overstreet.

The vote to adjourn passed by unanimous consent.

The meeting was adjourned at 2:48PM CST by Allison Strube.

Approved by the Region 9 Upper Colorado RFPG at a meeting held on January 28, 2021.

FIRST AND LAST NAME, SECRETARY

FIRST AND LAST NAME, CHAIR

Flooding 101

(20-25 minutes)

Flooding 101: Watersheds

Flood planning regions follow Hydrological Unit Code (HUC-8) watershed boundaries.

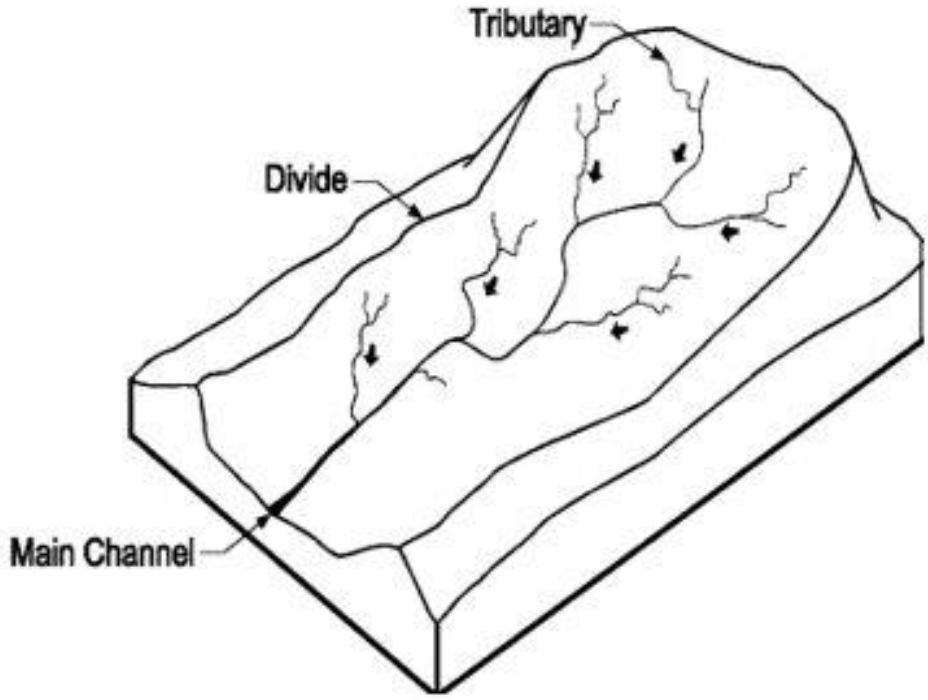
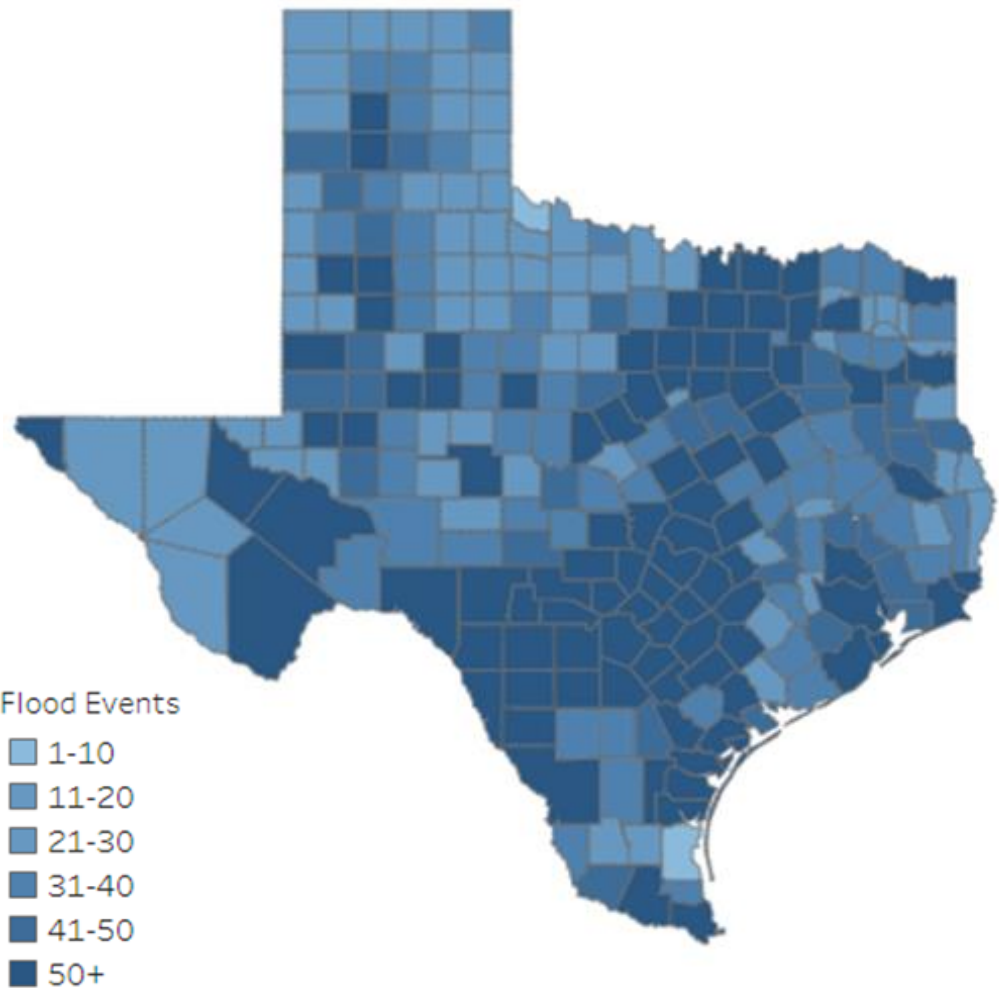


Figure 1-2. Riverine Watershed and Floodplain
Image by FEMA

Map by TWDB

Flooding 101: Flooding in Texas



Map: FEMA

Data: NOAA Storm Event Database 1996-2020

State Flood Assessment

REPORT TO THE LEGISLATURE

86TH LEGISLATIVE SESSION

STATE FLOOD ASSESSMENT

Texas Water Development Board

Flooding 101: What is a Flood?

A general and temporary condition of partial or complete inundation of normally dry land area from overflow of inland or tidal waters or from the unusual and rapid accumulation or runoff of surface waters from any source.



Agricultural flooding damaging crops and hay.

Flooding 101: Floodplains

The area of land subject to periodic inundation by floodwaters.

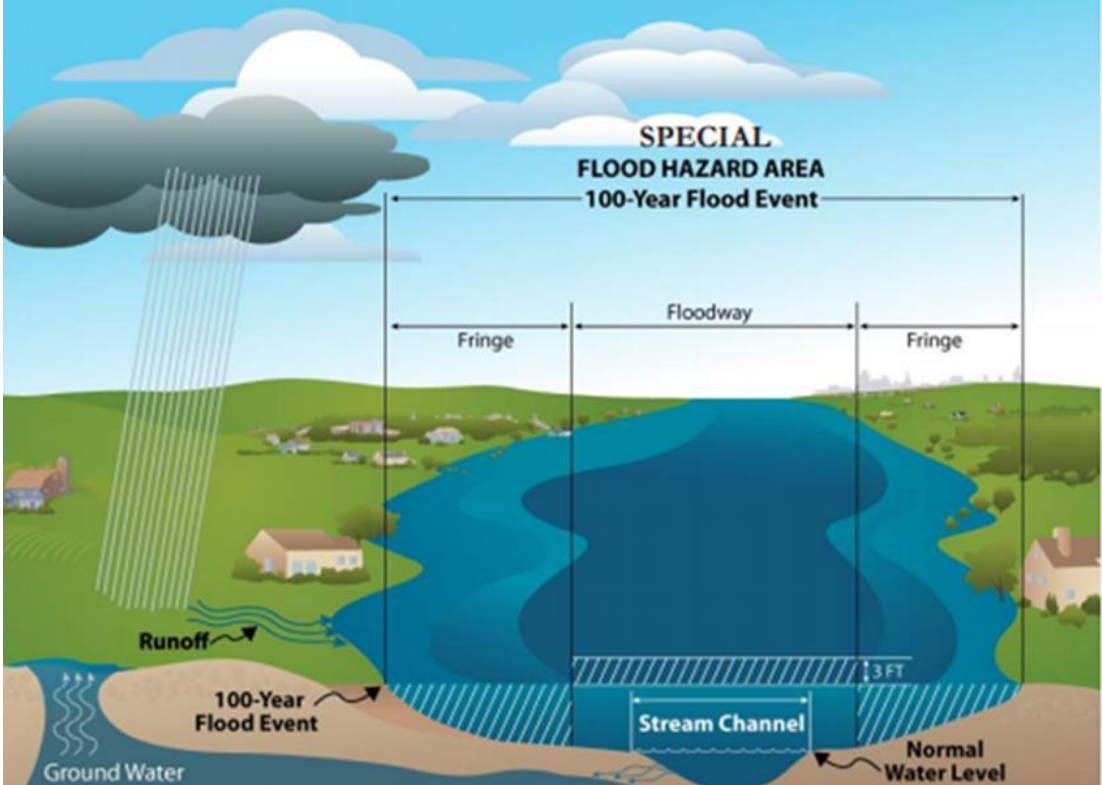


Image: FEMA



Image: FEMA

Flooding 101: Benefits of Floods

When floodplains are preserved in their natural state, they provide many benefits:

- Reduce severity of floods by storing floodwaters, reducing flood velocities, and curbing sedimentation and erosion
- Contribute to groundwater recharge
- Provide recreation and quality of life
- Create habitats for many plants and animals.

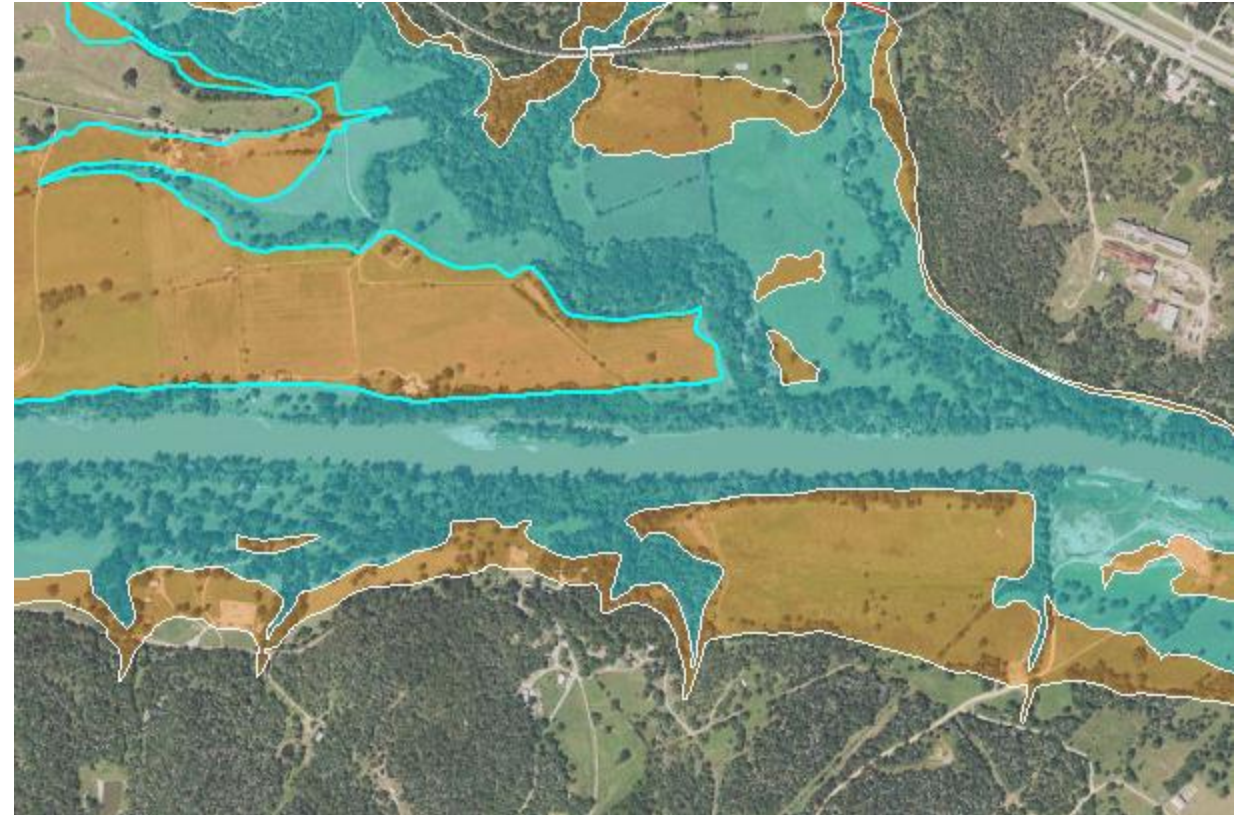


Wetlands at Galveston Island State Park provide natural ecosystem services.

Image: [Yinan Chen CC-PD](#)

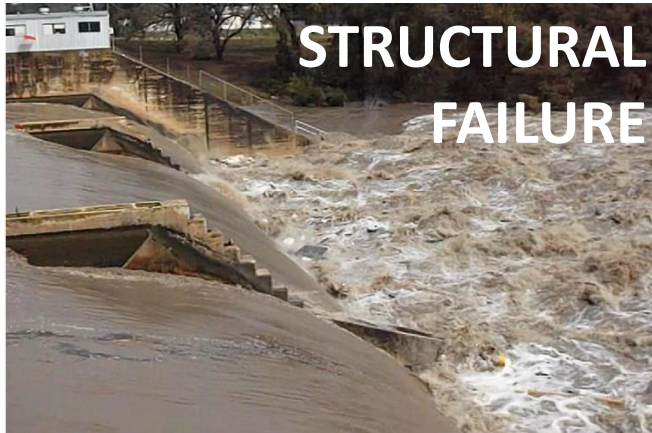
Flooding 101: Quantifying Flood Events

- 1.0% annual chance flood event
 - flood event having a 1.0% chance of happening in any given year = **every year**
 - also referred to as the "base flood" or "100-year flood"
- 0.2% annual chance flood event
 - flood event having a 0.2% chance of happening in any given year
 - also referred to as the "500-year flood"



The 1% annual chance floodplain is shown in blue.
The 0.2% annual chance floodplain is shown in orange.
Image by FEMA

Flooding 101: Types of Flooding



2019 Lake Dunlap Spillway Failure.
Guadalupe-Blanco River Authority



Texas National Guard, Houston, TX
Texas National Guard CC-BY-2.0



Blue Hole Park, South San Gabriel River,
Georgetown, TX. FEMA



Flash flooding in San Marcos, TX. [CC-BY-SA-3.0](#)



Cadillac Ranch sculpture near Amarillo, TX.
© Rachel Goad, used by permission.



Coastal flooding in Galveston, TX
[pixabay, no attrib. req.](#)

Flooding 101: Flood Mitigation

The implementation of actions, including both **structural** and **non-structural solutions**, to reduce flood risk to protect against the loss of life and property.



Mangroves on the Texas Coast stabilize shorelines and help absorb storm surge; an example of a non-structural flood mitigation solution.

Photo by Univ. Of Texas Marine Science Institute



Galveston Seawall, a structural flood mitigation solution. Image by [Yinan Chen CC-PD](#)

Flooding 101: Structural Solutions to Flooding

Examples include the construction of levees, dikes, floodwalls/seawalls, dams, channel alterations, culverts, flood gates, and detention and retention basins.



Anzelduas Dam on the Rio Grande near Mission, TX. Image: TWDB



Storm Drains



Streambank Stabilization in Austin, TX. Image by City of Austin Watershed Protection

Flooding 101: Non-Structural Solutions to Flooding

Examples include open space preservation, property buyouts and relocation, zoning and building codes, wetland restoration, elevated structures, flood warning systems, educational campaigns, and participation in the National Flood Insurance Program.



Homes that survived the ~20-foot-high storm surge of Hurricane Ike in Bolivar Peninsula, near the community of Caplen.

Image: TWDB



Turn Around, Don't Drown educational campaign.

Image: Weather.gov



Engineered Wetlands in in the Houston Audubon Society's The Oaks Nature Preserve . Image: TWDB

Flooding 101: National Flood Insurance Program

Based on an agreement between local communities and the federal government.

- Local communities agree to adopt floodplain management regulations to reduce flood risks
- The federal government makes flood insurance and disaster assistance available to the community



Image by FEMA / National Flood Insurance Program



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

Questions? Comments?



Region 9 Upper Colorado

Regional Flood Planning Group

Bylaws

Adopted October 29, 2020

Region 9 Upper Colorado Regional Flood Planning Group Bylaws

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ARTICLE I. Names

Section 1 Organization

The official name of this organization shall be the “Region 9 Upper Colorado Regional Flood Planning Group” (hereinafter “Region 9 Upper Colorado 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 9 Upper Colorado Flood Planning Region” (hereinafter “Region 9 Upper Colorado FPR”).

ARTICLE II. Establishment and Purpose

The Region 9 Upper Colorado RFPG was established by the TWDB on October 1, 2020, through the designation of initial flood planning group members. The purpose of the Region 9 Upper Colorado 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 9 Upper Colorado RFPG shall be the principal business offices of the planning group sponsor. The administrative officer of the Region 9 Upper Colorado RFPG for purposes of the Texas Open Records Act shall be an individual designated by the planning group sponsor. The Chair of the Region 9 Upper Colorado 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 9 Upper Colorado RFPG and the Executive Administrator of the TWDB.

ARTICLE IV. Responsibilities

The Region 9 Upper Colorado 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 9 Upper Colorado FPR. Foremost among those responsibilities shall be the development of a regional flood plan for the Region 9 Upper Colorado 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 9 Upper Colorado RFPG shall be comprised of the initial flood planning group members as designated by the

TWDB on October 1, 2020. The Region 9 Upper Colorado RFPG may subsequently add additional voting members through a process in conformance with these bylaws, specifically Section 4 of this Article.

The Region 9 Upper Colorado RFPGs shall at all times, maintain each of the required voting positions listed in 31 TAC §361.11(e). However, if the Region 9 Upper Colorado FPR does not have an interest in one of the categories, then the Region 9 Upper Colorado RFPG shall so advise the Executive Administrator of the TWDB and an individual member designation may not be required.

The Region 9 Upper Colorado 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 9 Upper Colorado 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 9 Upper Colorado 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 9 Upper Colorado 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 9 Upper Colorado FPR soliciting nominations for a successor, identifying the particular interest for which the nomination is sought, stating the conditions of

Region 9 Upper Colorado Regional Flood Planning Group Bylaws

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 9 Upper Colorado RFPG may also submit nominations in the manner prescribed in the public notice.

The Region 9 Upper Colorado 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 9 Upper Colorado 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 9 Upper Colorado 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 9 Upper Colorado RFPG may, at any time, remove a voting position as long as the Region 9 Upper Colorado 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 9 Upper Colorado RFPG is not

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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 9 Upper Colorado 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 9 Upper Colorado RFPG meetings. Records of attendance shall be kept by the Secretary at all Region 9 Upper Colorado RFPG meetings and hearings and presented as part of the minutes. Voting members of the Region 9 Upper Colorado 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 9 Upper Colorado RFPG shall conduct the business of the Region 9 Upper Colorado 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 9 Upper Colorado 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 9 Upper Colorado RFPG shall include the non-voting members set forth in 31 TAC §361.11(f)(1)-(7). As necessary, the Region 9 Upper Colorado 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 9 Upper Colorado 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), if there is an upstream or downstream FPR that is located within the same river basin as the Region 9 Upper Colorado FPR, the Region 9 Upper Colorado RFPG must designate a non-voting member liaison to coordinate with the upstream or downstream RFPG.

In accordance with 31 TAC 361.11(f)(9), if Region 9 Upper Colorado RFPG touches the Gulf Coast, the Region 9 Upper Colorado RFPG must designate a non-voting member liaison to coordinate with neighboring RFPGs that also touch the Gulf Coast.

Section 2 Discretionary Members

The voting members of the Region 9 Upper Colorado 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 9 Upper Colorado 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 9 Upper Colorado 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 9 Upper Colorado 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. Designated Alternates

Each member shall 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 forbid the participation of the designated alternate at the meeting or hearing. 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 9 Upper Colorado RFPG expressly decides to waive this provision.

The designated alternate shall 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 VIII. Officers

Section 1 Officers, Restrictions, and Terms of Office

Voting members of the Region 9 Upper Colorado 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

Region 9 Upper Colorado Regional Flood Planning Group Bylaws

officers at the same time. 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. Within 90 days 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. 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 9 Upper Colorado 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 9 Upper Colorado RFPG. To remove a voting member from their voting position, the Region 9 Upper Colorado 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 9 Upper Colorado RFPG. The Chair will preside at all meetings of the Region 9 Upper Colorado 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 9 Upper Colorado 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 9 Upper Colorado RFPG meetings. The minutes and attendance shall be kept as part of the Region 9 Upper Colorado 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 five Region 9 Upper Colorado RFPG members, including the Chair, Vice Chair, Secretary, and two voting members-at-large. No two voting members representing the same interest shall serve as members of the Executive Committee at the same time. The two members-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. Members-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 9 Upper Colorado 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 IX. Meetings

Section 1 Open Meetings and Notice

All meetings of the Region 9 Upper Colorado 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 9 Upper Colorado 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 9 Upper Colorado RFPG.

Section 2 Regular Meetings

At least one regular meeting of the Region 9 Upper Colorado 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 9 Upper Colorado 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 9 Upper Colorado 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 9 Upper Colorado RFPG may call special meetings of the Region 9 Upper Colorado RFPG. The Secretary shall ensure that advance notice and an agenda for the called meeting is provided to the full membership of the Region 9 Upper Colorado 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 9 Upper Colorado 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 9 Upper Colorado 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 9 Upper Colorado RFPG, in accordance with TWDB rules.

Section 5 Quorum

A quorum of the Region 9 Upper Colorado 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 9 Upper Colorado RFPG.

Section 6 Applicability of Robert's Rules of Order

Except as otherwise provided in these bylaws, meetings of the Region 9 Upper Colorado 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 9 Upper Colorado RFPG.

Section 7 Public Meetings Required By Law

The Region 9 Upper Colorado 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.

Section 8 Minutes

(a) The Secretary shall ensure that minutes of all meetings of the Region 9 Upper Colorado RFPG are prepared. The minutes shall:

- (1) state the subject of each deliberation;
- (2) indicate each vote, order, decision, or other action taken;
- (3) indicate those members in attendance, noting the presence of a quorum, and noting the presence of those members of the public who participate in the course of the meeting;
- (4) represent an accurate summary of the meeting's record; and state any other information required by these bylaws to be included in the minutes.

(b) The Secretary shall ensure that true copies of the minutes are provided to the full membership as soon as possible following the meeting, but no later than ten calendar days prior to the next regular meeting of the Region 9 Upper Colorado RFPG.

ARTICLE X. 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 9 Upper Colorado 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 9 Upper Colorado 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 9 Upper Colorado 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 9 Upper Colorado 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 9 Upper Colorado RFPG shall finally adopt the regional flood plan for the Region 9 Upper Colorado FPR, and any amendments thereto by consensus, but not less than a majority vote of the voting members present.

ARTICLE XI. Books and Records

Section 1 Required Documents and Retainment

Records of the Region 9 Upper Colorado 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 9 Upper Colorado 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 9 Upper Colorado 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 9 Upper Colorado 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 9 Upper Colorado 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 9 Upper Colorado 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 XII. Committees

Section 1 Establishment

The Region 9 Upper Colorado RFPG may by a majority vote of the voting members present establish committees, subcommittees, and subgroups to assist and advise the Region 9 Upper Colorado 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 9 Upper Colorado 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 9 Upper Colorado RFPG in the establishing motion for the committee, subcommittee, or subgroup, or upon the expiration of the persons membership in the Region 9 Upper Colorado 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 9 Upper Colorado 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 9 Upper Colorado 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 9 Upper Colorado 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 9 Upper Colorado 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 XIII. Compensation/Reimbursement

Members of the Region 9 Upper Colorado 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 9 Upper Colorado 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 9 Upper Colorado RFPG can compile the travel information from the members and submit reimbursement requests to the TWDB.

ARTICLE XIV. Contractual Services

The voting members of the Region 9 Upper Colorado RFPG shall approve, by a majority vote of the voting members present, persons or entities to provide contractual services for the Region 9 Upper Colorado RFPG, including all services related to preparation, development, or revisions of the regional flood plan for the Region 9 Upper Colorado 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 XV. Adopting and Amending the Bylaws

These bylaws shall have full force and effect upon approval and adoption by the voting members of the Region 9 Upper Colorado RFPG, acting on behalf of the interests comprising the Region 9 Upper Colorado 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 XVI. Resolution Adopting Bylaws

WHEREAS, no bylaws have been adopted governing the conduct of the internal affairs of the Region 9 Upper Colorado 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 9 Upper Colorado RFPG; it is, therefore,

RESOLVED, that the members of the Region 9 Upper Colorado RFPG this 29 day of October, approve and adopt the bylaws presented to this meeting of members as the bylaws of the Region 9 Upper Colorado RFPG; and it is

FURTHER RESOLVED, that the bylaws be authenticated as such by the Secretary of the Region 9 Upper Colorado 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 9 Upper Colorado RFPG for inspection by members or the public at all reasonable times during business hours.

12-30-2020

(date)

Allison Stule

(Signature of Secretary)

The background is a light blue gradient with several realistic water droplets of various sizes scattered across it. The droplets have highlights and shadows, giving them a three-dimensional appearance.

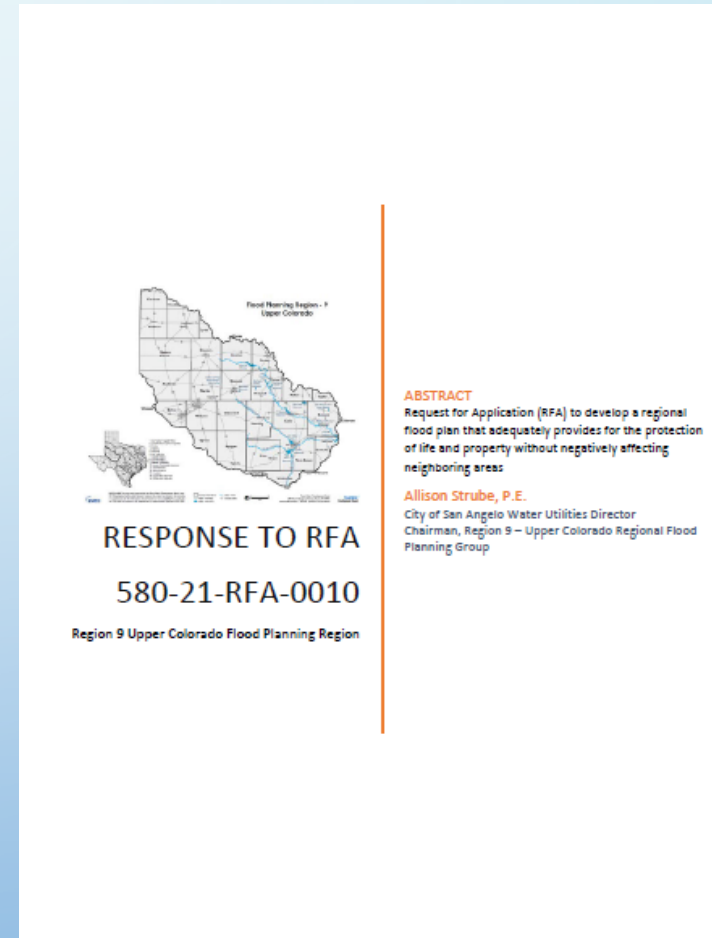
ITEM 7 – UPDATE FROM PLANNING GROUP SPONSOR

PRESENTATION BY: ALLISON STRUBE

CITY OF SAN ANGELO

APPLICATION FOR REGIONAL FLOOD PLANNING GROUPS

- CITY COUNCIL APPROVED COSA BEING POLITICAL SUBDIVISION: 12/15/2020
- RFA SUBMITTED: 1/13/2021
- 70 PAGE SUBMISSION
- FUNDING AMOUNT REQUESTED: \$946,200



SCOPE OF WORK

- WORKING WITH COSA PURCHASING DEPT TO ADVERTISE FOR TECHNICAL CONSULTANT SUBMISSION
- SCOPE OF WORK DEVELOPED BY TWDB INCLUDED IN THE BACKGROUND MATERIAL

CATEGORY	TOTAL AMOUNT
Other Expenses	\$80,000.00
Subcontract Services	\$856,738.00
Voting Member Travel	\$9,462.00
TOTAL STUDY COST	\$946,200.00

Scope of Work Task Budget

Scope of Work Task Budget below is not modified from TWDB's proposed task budget

TASK		AMOUNT
1	Planning Area Description	\$47,310.00
2A	Existing Condition Flood Risk Analyses	\$94,620.00
2B	Future Condition Flood Risk Analyses	\$94,620.00
3A	Evaluation and Recommendations on Floodplain Management Practices	\$18,924.00
3B	Flood Mitigation and Floodplain Management Goals	\$9,462.00
4A	Flood Mitigation Needs Analysis	\$28,386.00
4B	Identification and Evaluation of Potential Flood Management Evaluations and Potential Feasible Flood Management Strategies and Flood Mitigation Projects	\$141,930.00
4C	Prepare and Submit Technical Memorandum	\$18,924.00
5	Recommendation of Flood Management Evaluations and Flood Management Strategies and Associated Flood Mitigation Projects	\$189,240.00
6A	Impacts of Regional Flood Plan	\$37,848.00
6B	Contributions to and Impacts on Water Supply Development and the State Water Plan	\$9,462.00
7	Flood Response Information and Activities	\$9,462.00
8	Administrative, Regulatory, and Legislative Recommendations	\$9,462.00
9	Flood Infrastructure Financing Analysis	\$18,924.00
10	Adoption of Plan and Public Participation	\$217,626.00
TOTAL		\$946,200.00

Draft Regional Flood Planning (RFP) Scope of Work

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Task 1 – Planning Area Description

In addition to generally meeting all applicable rules and statute requirements governing regional and state flood planning under 31 Texas Administrative Code (TAC) Chapters 361 and 362, this portion of work shall, in particular, include all work necessary to meet all the requirements of 31 TAC §361.30, 361.31, and 361.32.

The objective of this task is to prepare a standalone chapter to be included in the 2023 Regional Flood Plan (RFP) that describes the Flood Planning Region (FPR).

This Task includes, but is not limited to, performing all work in accordance with TWDB rules and guidance required to prepare a chapter that includes:

1. A brief, general descriptions of the following:
 - a. social and economic character of the region such as information on development, population, economic activity, and economic sectors most at risk of flood impacts;
 - b. the areas in the FPR that are flood-prone and the types of major flood risks to life and property in the region;
 - c. key historical flood events within the region including associated fatalities and loss of property;
 - d. political subdivisions with flood-related authority and whether they are currently actively engaged in flood planning, floodplain management, and flood mitigation activities;
 - e. the general extent of local regulation and development codes relevant to existing and future flood risk;
 - f. agricultural and natural resources most impacted by flooding; and
 - g. existing local and regional flood plans within the FPR.
2. A general description of the location, condition, and functionality of existing natural flood mitigation features and constructed major flood infrastructure within the FPR.
3. Include a tabulated list and GIS map of existing infrastructure.
4. Include an assessment of existing infrastructure.
5. Explain, in general, the reasons for non-functional or deficient natural flood mitigation features or major flood infrastructure being non-functional or deficient, provide a description of the condition and functionality of the feature or infrastructure and whether and when the natural flood feature or major flood infrastructure may become fully functional, and provide the name of the owner and operator of the major flood infrastructure.
6. A general description of the location, source of funding, and anticipated benefits of proposed or ongoing major infrastructure and flood mitigation projects in the FPR.
7. A review and summary of relevant existing planning documents in the region. Documents to be summarized include those referenced under 31 TAC §361.22.

The information gathered and developed in preparation of this chapter shall be subject to the following review process prior to submission of any deliverables:

1. Review of the chapter documents and related information by RFPG members.
2. Modifications to the chapter document based on RFPG, public, and/or agency comments.
3. Submittal of chapter document to TWDB for review and approval.
4. All effort required to obtain final approval of the RFP chapter by TWDB.

Deliverables: A completed Chapter 1 describing the FPR, existing natural flood mitigation features, constructed major flood infrastructure, and major infrastructure and flood mitigation projects currently under development. A tabulated list and GIS map of existing infrastructure and their conditions. Any additional deliverables identified in the TWDB Flood Planning guidance documents.

Task 2A – Existing Condition Flood Risk Analyses

In addition to generally meeting all applicable rules and statute requirements governing regional and state flood planning under 31 TAC Chapters 361 and 362, this portion of work shall, in particular, include all work necessary to meet all the requirements of 31 TAC §361.33.

The objective of this task is to prepare a chapter to be combined with Task 2B and included in the 2023 Regional Flood Plan (RFP) that describes the existing and future condition flood risk in the FPR.

The RFPGs shall perform existing condition flood risk analyses for the region comprising: (1) flood hazard analyses that determine the location, magnitude, and frequency of flooding; (2) flood exposure analyses to identify who and what might be harmed within the region; and (3) vulnerability analyses to identify vulnerabilities of communities and critical facilities.

The information developed shall be used to assist the RFPG to establish priorities in subsequent planning tasks, to identify areas that need Flood Management Evaluations (FMEs), and to efficiently deploy its resources.

This Task includes, but is not limited to, performing all work in accordance with TWDB rules and guidance required to:

1. Perform existing condition flood hazard analyses to determine the location and magnitude of both 1.0% annual chance and 0.2% annual chance flood events as follows:
 - a. collect data and conduct analyses sufficient to characterize the existing conditions for the planning area;
 - b. identify areas within each FPR where hydrologic and hydraulic model results are already available and summarize the information;
 - c. utilize best available data, including hydrologic and hydraulic models for each area;

- d. prepare a map showing areas identified by the RFPG as having an annual likelihood of inundation of more than 1.0% and 0.2%, the areal extent of this inundation, and the sources of flooding for each area; and
 - e. prepare a map showing gaps in inundation boundary mapping and identify known flood-prone areas based on location of hydrologic features, historic flooding and/or local knowledge.
 2. Develop high-level, region-wide, and largely GIS-based existing condition flood exposure analyses using the information identified in the flood hazard analysis to identify who and what might be harmed within the region for, at a minimum, both 1.0% annual chance and 0.2% annual chance flood events as follows:
 - a. analyses of existing development within the existing condition floodplain and the associated flood hazard exposure;
 - b. for the floodplain as defined by FEMA or as defined by an alternative analysis if the FEMA-defined floodplain is not considered best available;
 - c. may include only those flood mitigation projects with dedicated construction funding and scheduled for completion prior to adoption of the next state flood plan.
 - d. shall consider the population and property located in areas where existing levees or dams do not meet FEMA accreditation as inundated by flooding without those structures in place. Provisionally accredited structures may be allowed to provide flood protection, unless best available information demonstrates otherwise.
 - e. shall consider available datasets to estimate the potential flood hazard exposure including, but not limited to:
 - i. number of residential properties and associated population;
 - ii. number of non-residential properties;
 - iii. other public infrastructure;
 - iv. major industrial and power generation facilities;
 - v. number and types of critical facilities;
 - vi. number of roadway crossings;
 - vii. length of roadway segments; and
 - viii. agricultural area and value of crops exposed.
 - f. shall include a qualitative description of expected loss of function, which is the effect that a flood event could have on the function of inundated structures (residential, commercial, industrial, public, or others) and infrastructure, such as transportation, health and human services, water supply, wastewater treatment, utilities, energy generation, and emergency services.
 3. Perform existing condition vulnerability analyses as follows:
 - a. identify resilience of communities located in flood-prone areas identified as part of the existing condition flood exposure analyses, utilizing relevant data and tools.

- b. identify vulnerabilities of critical facilities to flooding by looking at factors such as proximity to a floodplain or other bodies of water, past flooding issues, emergency management plans, and location of critical systems like primary and back-up power.
4. All data produced as part of the existing condition flood exposure analysis and the existing condition vulnerability analysis shall include:
 - a. underlying flood event return frequency;
 - b. type of flood risk;
 - c. county;
 - d. HUC8;
 - e. existing flood authority boundaries;
 - f. Social Vulnerability Indices for counties and census tracts; and
 - g. other categories as determined by RFPGs or in TWDB Flood Planning guidance documents.

The information gathered and developed in preparation of this chapter shall be subject to the following review process prior to submission of any deliverables:

1. Review of the chapter documents and related information by RFPG members.
2. Modifications to the chapter document based on RFPG, public, and/or agency comments.
3. Submittal of chapter document to TWDB for review and approval.
4. All effort required to obtain final approval of the RFP chapter by TWDB.

Deliverables:

- Prepare a stand-alone chapter (including work from both Tasks 2A & 2B) to be included in the 2023 RFP.
- Prepare maps according to 1(d) and 1(e).
- A tabulated list and GIS map of all pertinent information. All maps should be submitted with underlying GIS data utilized to prepare them.
- Any additional deliverables identified in the TWDB Flood Planning guidance documents.

Task 2B – Future Condition Flood Risk Analyses

In addition to generally meeting all applicable rules and statute requirements governing regional and state flood planning under 31 TAC Chapters 361 and 362, this portion of work shall, in particular, include all work necessary to meet all the requirements of 31 TAC §361.34.

The objective of this task is to prepare a chapter to be combined with Task 2A and included in the 2023 Regional Flood Plan (RFP) that describes the existing and future condition flood risk in the FPR.

RFPGs shall perform future condition flood risk analyses for the region comprising: (1) flood hazard analyses that determine the location, magnitude and frequency of flooding; (2) flood exposure analyses to identify who and what might be harmed within the region; and (3) vulnerability analyses to identify vulnerabilities of communities and critical facilities.

The information developed shall be used to assist the RFPG to establish priorities in subsequent planning tasks, to identify areas that need FMEs, and to efficiently deploy its resources.

This Task includes, but is not limited to, performing all work in accordance with TWDB rules and guidance required to:

1. Perform future condition flood hazard analyses to determine the location and magnitude of both 1.0% annual chance and 0.2% annual chance flood events as follows:
 - a. collect data and conduct analyses sufficient to characterize the future conditions for the planning area based on a "no-action" scenario of approximately 30 years of continued development and population growth under current development trends and patterns, and existing flood regulations and policies based on:
 - i. current land use and development trends and practices and associated projected population based on the most recently adopted state water plan decade and population nearest the next RFP adoption date plus approximately 30 years or as provided for in TWDB Flood Planning guidance documents;
 - ii. reasonable assumptions regarding locations of residential development and associated population growth;
 - iii. anticipated relative sea level change and subsidence based on existing information;
 - iv. anticipated changes to the functionality of the existing floodplain;
 - v. anticipated sedimentation in flood control structures and major geomorphic changes in riverine, playa, or coastal systems based on existing information;
 - vi. assumed completion of flood mitigation projects currently under construction or that already have dedicated construction funding; and
 - vii. other factors deemed relevant by the RFPG.
 - b. identify areas within each FPR where future condition hydrologic and hydraulic model results are already available and summarize the information;
 - c. utilize best available data, including hydrologic and hydraulic models for each area;
 - d. where future condition results are not available, but existing condition hydrologic and hydraulic model results are already available, the RFPGs shall

- modify hydraulic models to identify future conditions flood risk for 1.0% and 0.2% annual chance storms based on simplified assumptions utilizing the information identified in this task.
- e. prepare a map showing areas of 1.0% and 0.2% annual chance of inundation for future conditions, the areal extent of this inundation, and the sources of flooding for each area.
 - f. prepare a map showing gaps in inundation boundary mapping and identify known flood-prone areas based on location of hydrologic features, historic flooding, and/ or local knowledge.
2. Perform future condition flood exposure analyses using the information identified in the flood hazard analysis to identify who and what might be harmed within the region for, at a minimum, both 1.0% annual chance and 0.2% annual chance flood events as follows:
- a. analyses of existing development within the existing condition floodplain and the associated flood hazard exposure;
 - b. analyses of existing and future developments within the future condition floodplain and the associated flood hazard exposure; and
 - c. to include only those flood mitigation projects with dedicated construction funding scheduled for completion prior to the next RFP adoption date plus 30 years or as provided for in TWDB Flood Planning guidance documents.
 - d. Identification of flood prone areas associated with the hazard exposure analyses shall be based on analyses that rely primarily on the use and incorporation of existing and available:
 - i. FIRMs or other flood inundation maps and GIS related data and analyses;
 - ii. available hydraulic flood modeling results;
 - iii. model-based or other types of geographic screening tools for identifying flood prone areas; and
 - iv. other best available data or relevant technical analyses that the RFPG determines to be the most updated or reliable.
3. Perform future condition vulnerability analyses as follows:
- a. identify resilience of communities located in flood-prone areas identified as part of the future condition flood exposure analyses, utilizing relevant data and tools.
 - b. identify vulnerabilities of critical facilities to flooding by looking at factors such as proximity to a floodplain or other bodies of water, past flooding issues, emergency management plans, and location of critical systems like primary and back-up power.
4. All data produced as part of the future condition flood exposure analysis and the future condition vulnerability analysis shall include:
- a. underlying flood event return frequency;
 - b. type of flood risk;

- c. county;
- d. HUC8;
- e. existing flood authority boundaries;
- f. Social Vulnerability Indices for counties and census tracts; and
- g. other categories as determined in TWDB Flood Planning guidance documents.

The information gathered and developed in preparation of this chapter shall be subject to the following review process prior to submission of any deliverables:

1. Review of the chapter documents and related information by RFPG members.
2. Modifications to the chapter document based on RFPG, public, and/or agency comments.
3. Submittal of chapter document to TWDB for review and approval.
4. All effort required to obtain final approval of the RFP chapter by TWDB.

Deliverables:

- Prepare a stand-alone chapter (including work from both Tasks 2A & 2B) to be included in the 2023 RFP.
- Prepare maps according to 1(e) and 1(f). A tabulated list and GIS map of all pertinent information. All maps should be submitted with underlying GIS data utilized to prepare them.
- Any additional deliverables identified in the TWDB Flood Planning guidance documents.

Task 3A - Evaluation and Recommendations on Floodplain Management Practices

In addition to generally meeting all applicable rules and statute requirements governing regional and state flood planning under 31 TAC Chapters 361 and 362, this portion of work shall, in particular, include all work necessary to meet all the requirements of 31 TAC §361.35.

This Task includes, but is not limited to, performing all work in accordance with TWDB rules and guidance required to:

1. Consider the extent to which a lack of, insufficient, or ineffective current floodplain management and land use practices, regulations, policies, and trends related to land use, economic development, and population growth, allow, cause, or otherwise encourage increases to flood risks to both:
 - a. existing population and property, and
 - b. future population and property.
2. Take into consideration the future flood hazard exposure analyses performed under Task 2B, consider the extent to which the 1.0% annual chance floodplain, along with associated flood risks, may change over time in response to anticipated

development and associated population growth and other relevant man-made causes, and assess how to best address these potential changes.

3. Based on the analyses in (1) and (2), make recommendations regarding forward-looking floodplain management and land use recommendations, and economic development practices and strategies, that should be implemented by entities within the FPR. These region-specific recommendations may include minimum floodplain management and land use standards and should focus on how to best address the changes in (2) for entities within the region. These recommendations shall inform recommended strategies for inclusion in the RFP.
4. RFPGs may also choose to adopt region-specific, minimum floodplain management or land use or other standards that impact flood-risk, that may vary geographically across the region, that each entity in the FPR must adopt prior to the RFPG including in the RFP any Flood Management Evaluations, Flood Management Strategies, or Flood Mitigation Projects that are sponsored by or that will otherwise be implemented by that entity.

The information gathered and developed in preparation of this chapter shall be subject to the following review process prior to submission of any deliverables:

1. Review of the chapter documents and related information by RFPG members.
2. Modifications to the chapter document based on RFPG, public, and/or agency comments.
3. Submittal of chapter document to TWDB for review and approval.
4. All effort required to obtain final approval of the RFP chapter by TWDB.

Deliverables:

- Prepare a stand-alone chapter (including work from both Tasks 3A & 3B) to be included in the 2023 RFP.
- List region-specific recommendations regarding forward-looking floodplain management and land use, which may include minimum floodplain management and land use standards.
- Any additional deliverables identified in the TWDB Flood Planning guidance documents.

Task 3B – Flood Mitigation and Floodplain Management Goals

In addition to generally meeting all applicable rules and statute requirements governing regional and state flood planning under 31 TAC Chapters 361 and 362, this portion of work shall, in particular, include all work necessary to meet all the requirements of 31 TAC §361.36.

Consider the Guidance Principles under 31 TAC §362.3, Tasks 1-3A, input from the public, and other relevant information and considerations.

This Task includes, but is not limited to, performing all work in accordance with TWDB rules and guidance required to:

1. Identify specific and achievable flood mitigation and floodplain management goals along with target years by which to meet those goals for the FPR to include, at a minimum, goals specifically addressing risks to life and property.
2. Consider minimum recommended flood protection goal provided by TWDB.
3. Recognize and clearly state the levels of residual risk that will remain in the FPR even after the stated flood mitigation goals are fully met.
4. Structure and present the goals and the residual risks in an easily understandable format for the public including in conformance with TWDB Flood Planning guidance documents.
5. When appropriate, choose goals that apply to full single HUC8 watershed boundaries or coterminous groups of HUC8 boundaries within the FPR.
6. Identify both short-term goals (10 years) and long-term goals (30 years).

The information gathered and developed in preparation of this chapter shall be subject to the following review process prior to submission of any deliverables:

1. Review of the chapter documents and related information by RFPG members.
2. Modifications to the chapter document based on RFPG, public, and/or agency comments.
3. Submittal of chapter document to TWDB for review and approval.
4. All effort required to obtain final approval of the RFP chapter by TWDB.

Deliverables:

- Prepare a stand-alone chapter (including work from both Tasks 3A & 3B) to be included in the 2023 RFP.
- Identify flood mitigation and floodplain management goals considering minimum recommended flood protection goal provided by TWDB.
- Identify specific and achievable flood mitigation and floodplain management goals (10 year and 30 year) in an easily understandable format for the public.
- Any additional deliverables identified in the TWDB Flood Planning guidance documents.

Task 4A – Flood Mitigation Needs Analysis

In addition to generally meeting all applicable rules and statute requirements governing regional and state flood planning under 31 TAC Chapters 361 and 362, this portion of work shall, in particular, include all work necessary to meet all the requirements of 31 TAC §361.37.

The RFPG shall conduct the analysis in a manner that will ensure the most effective and efficient use of the resources available to the RFPG.

This Task includes, but is not limited to, performing all work in accordance with TWDB rules and guidance required to:

1. Based on the analyses and goals developed by the RFPG under Tasks 2A through 3B and any additional analyses or information developed using available screening-level models or methods, the RFPG shall identify locations within the FPR that the RFPG considers to have the greatest flood mitigation and flood risk study needs by considering:
 - a. the areas in the FPR that the RFPG identified as the most prone to flooding that threatens life and property;
 - b. the relative locations, extent, and performance of current floodplain management and land use policies and infrastructure located within the FPR;
 - c. areas identified by the RFPG as prone to flooding that don't have adequate inundation maps;
 - d. areas identified by the RFPG as prone to flooding that don't have hydrologic and hydraulic models;
 - e. areas with an emergency need;
 - f. existing modeling analyses and flood risk mitigation plans within the FPR;
 - g. flood mitigation projects already identified and evaluated by other flood mitigation plans and studies;
 - h. documentation of historic flooding events;
 - i. flood mitigation projects already being implemented; and
 - j. any other factors that the RFPG deems relevant to identifying the geographic locations where potential FMEs and potentially feasible FMSs and FMPs shall be identified and evaluated under §361.38.

The information gathered and developed in preparation of this chapter shall be subject to the following review process prior to submission of any deliverables:

1. Review of the chapter documents and related information by RFPG members.
2. Modifications to the chapter document based on RFPG, public, and/or agency comments.
3. Submittal of chapter document to TWDB for review and approval.
4. All effort required to obtain final approval of the RFP chapter by TWDB.

Deliverables:

- Prepare a stand-alone chapter (including work from both Tasks 4A & 4B) to be included in the 2023 RFP.
- A map identifying the geographic locations within the FPR considered to have the greatest flood mitigation and flood risk study needs where potential FMEs and potentially feasible FMSs and FMPs shall be evaluated
- A tabulated list and GIS map of all pertinent information. All maps should be submitted with underlying GIS data utilized to prepare them.

- Any additional deliverables identified in the TWDB Flood Planning guidance documents.

Task 4B – Identification and Evaluation of Potential Flood Management Evaluations and Potentially Feasible Flood Management Strategies and Flood Mitigation Projects

In addition to generally meeting all applicable rules and statute requirements governing regional and state flood planning under 31 TAC Chapters 361 and 362, this portion of work shall, in particular, include all work necessary to meet all the requirements of 31 TAC §361.38.

Based on analyses and decisions under Tasks 2A through 4A the RFPG shall identify and evaluate potential FMEs and potentially feasible FMSs and FMPs, including nature-based solutions, some of which may have already been identified by previous evaluations and analyses by others.

This Task includes, but is not limited to, performing all work in accordance with TWDB rules and guidance required to:

1. Receive public comment on a proposed process to be used by the RFPG to identify and select FMEs, FMSs, and FMPs for the 2023 RFP. Revise and update documentation of the process by which FMS that were identified as potentially feasible and selected for evaluation in the 2023 RFP. Include a description of the process selected by the RFPG in the Technical Memorandum and the draft Regional Flood Plan and adopted RFPs.
2. Plans to be considered in developing this chapter include relevant plans referenced under 31 TAC §361.22.
3. When evaluating FMSs and FMPs the RFPG will, at a minimum, identify one solution that provides flood mitigation associated a with 1.0% annual chance flood event. In instances where mitigating for 1.0% annual chance events is not feasible, the RFPG shall document the reasons for its infeasibility, and at the discretion of the RFPG, other FMSs and FMPs to mitigate more frequent events may also be identified and evaluated based on TWDB Flood Planning guidance documents.
4. A summary of the RFPG process for identifying potential FMEs and potentially feasible FMSs and FMPs shall be established and included in the draft and final adopted RFP.
5. The RFPG shall then identify potentially feasible FMSs and FMPs in accordance with the RFPG established process.
6. For areas within the FPR that the RFPG does not yet have sufficient information or resources to identify potentially feasible FMSs and FMPs, the RFPG shall identify areas for potential FMEs that may eventually result in FMSs and/or FMPs.
7. The RFPG shall evaluate potentially feasible FMSs and FMPs understanding that, upon evaluation and further inspection, some FMSs or FMPs initially identified as potentially feasible may, after further inspection, be reclassified as infeasible.

8. Evaluations of potentially feasible FMSs and FMPs will require associated, detailed hydrologic and hydraulic modeling results that quantify the reduced impacts from flood events and the associated benefits and costs. Information may be based on previously performed evaluations of projects and related information. Evaluations of potentially feasible FMS and FMPs shall include the following information and be based on the following analyses:
 - a. A reference to the specific flood mitigation or floodplain management goal addressed by the feasible FMS or FMP;
 - b. A determination of whether FMS or FMP meets an emergency need;
 - c. An indication regarding the potential use of federal funds, or other sources of funding, as a component of the total funding mechanism;
 - d. An equitable comparison between and consistent assessment of all FMSs and FMPs that the RFPG determines to be potentially feasible;
 - e. A demonstration that the FMS or FMP will not negatively affect a neighboring area;
 - f. A quantitative reporting of the estimated benefits of the FMS or FMP, including reductions of flood impacts of the 1.0% annual chance flood event and other storm events identified and evaluated if the project mitigates to a more frequent event, to include, but not limited to:
 - (1) Associated flood events that must, at a minimum, include the 1.0% annual chance flood event and other storm events identified and evaluated;
 - (2) Reduction in habitable, equivalent living units flood risk;
 - (3) Reduction in residential population flood risk;
 - (4) Reduction in critical facilities flood risk;
 - (5) Reduction in road closure occurrences;
 - (6) Reduction in acres of active farmland and ranchland flood risk;
 - (7) Estimated reduction in fatalities, when available;
 - (8) Estimated reduction in injuries, when available;
 - (9) Reduction in expected annual damages from residential, commercial, and public property; and
 - (10) Other benefits as deemed relevant by the RFPG including environmental benefits and other public benefits.
 - g. A quantitative reporting of the estimated capital cost of FMPs in accordance with TWDB Flood Planning guidance documents;
 - h. Calculated benefit-cost ratio for FMPs in accordance with *Exhibit C: General Guidelines* and based on current, observed conditions;
 - i. For projects that will contribute to water supply, all relevant evaluations required under §357.34(e) (relating to Identification and Evaluation of Potentially Feasible Water Management Strategies and Water Management Strategy Projects), as determined by the EA based on the type of

- contribution, and a description of its consistency with the currently adopted State Water Plan;
- j. A description of potential impacts and benefits from the FMS or FMP to the environment, agriculture, recreational resources, navigation, water quality, erosion, sedimentation, and impacts to any other resources deemed relevant by the RFPG;
 - k. A description of residual, post-project, and future risks associated with FMPs including the risk of potential catastrophic failure and the potential for future increases to these risks due to lack of maintenance;
 - l. Implementation issues including those related to rights-of-way, permitting, acquisitions, relocations, utilities and transportation; and
 - m. Funding sources and options that exist or will be developed to pay for development, operation, and maintenance of the FMS or FMP.
9. Evaluations of potential FMEs will be at a reconnaissance or screening-level, unsupported by associated detailed hydrologic and hydraulic analyses. These will be identified for areas that the RFPG considers a priority for flood risk evaluation but that do not yet have the required detailed hydrologic and hydraulic modeling or associated project evaluations available to evaluate specific FMSs or FMPs for recommendation in the RFP. These FMEs shall be based on recognition of the need to develop detailed hydrologic models or to perform associated hydraulic analyses and associated project evaluations in certain areas identified by the RFPG.

Evaluations of potential FMEs shall include the following analyses:

- a. A reference to the specific flood mitigation or floodplain management goal to be addressed by the potential FME.
- b. A determination of whether FME may meet an emergency need.
- c. An indication regarding the potential use of federal funds, or other sources of funding as a component of the total funding mechanism.
- d. An equitable comparison between and consistent assessment of all FMEs.
- e. An indication of whether hydrologic and or hydraulic models are already being developed or are anticipated in the near future and that could be used in the FME.
- f. A quantitative reporting of the estimated benefits, including reductions of flood risks, to include:
 - (1) Estimated habitable, living unit equivalent and associated population in FME area;
 - (2) Estimated critical facilities in FME area;
 - (3) Estimated number of roads closures occurrences in FME area;
 - (4) Estimated acres of active farmland and rangeland in FME area; and
 - (5) A quantitative reporting of the estimated study cost of the FME and whether the cost includes use of existing or development of new hydrologic or hydraulic models.

- g. For FMEs, RFPGs do not need to demonstrate that an FME will not negatively affect a neighboring area.
10. RFPGs shall evaluate and present potential FMEs and potentially feasible FMSs and FMPs with sufficient specificity to allow state agencies to make financial or regulatory decisions to determine consistency of the proposed action before the state agency with an approved RFP.
11. Analyses shall be performed in accordance with TWDB Flood Planning guidance documents.
12. All data produced as part of the analyses under this task shall be organized and summarized in the RFP in accordance with TWDB Flood Planning guidance documents.
13. Analyses shall clearly designate a representative location of the FME and beneficiaries including a map and designation of HUC8 and county location.

The information gathered and developed in preparation of this chapter shall be subject to the following review process prior to submission of any deliverables:

1. Review of the chapter documents and related information by RFPG members.
2. Modifications to the chapter document based on RFPG, public, and/or agency comments.
3. Submittal of chapter document to TWDB for review and approval.
4. All effort required to obtain final approval of the RFP chapter by TWDB.

Deliverables:

- Prepare a stand-alone chapter (including work from both Tasks 4B & 5) to be included in the 2023 RFP.
- A list of the potentially feasible FMSs and associated FMPs that were identified by the RFPG. The TWDB Flood Planning guidance documents will include minimum data submittal requirements and deliverable format.
- A map identifying the geographic locations within the FPR considered to have the greatest flood mitigation and flood risk study needs where potential FMEs and potentially feasible FMSs and FMPs shall be evaluated. TWDB Flood Planning guidance documents will include minimum data submittal requirements and deliverable format.
- Data shall be organized and summarized in the RFP in accordance with TWDB Flood Planning guidance documents.
- A tabulated list and GIS map of all pertinent information. All maps should be submitted with underlying GIS data utilized to prepare them.
- Any additional deliverables identified in the TWDB Flood Planning guidance documents.

Task 4C – Prepare and Submit Technical Memorandum

In addition to generally meeting all applicable rules and statute requirements governing regional and state flood planning under 31 TAC Chapters 361 and 362, this portion of work shall, in particular, include all work necessary to meet all the requirements of 31 TAC §361.13(e).

This Task includes, but is not limited to, performing all work in accordance with TWDB rules and guidance required to:

1. Prepare a concise Technical Memorandum to include:
 - a. A list of existing political subdivisions within the FPR that have flood-related authorities or responsibilities;
 - b. A list of previous flood studies considered by the RFPG to be relevant to development of the RFP;
 - c. A geodatabase and associated maps in accordance with TWDB Flood Planning guidance documents that the RFPG considers to be best representation of the region-wide 1.0% annual chance flood event and 0.2% annual chance flood event inundation boundaries, and the source of flooding for each area, for use in its risk analysis, including indications of locations where such boundaries remain undefined;
 - d. A geodatabase and associated maps in accordance with TWDB Flood Planning guidance documents that identifies additional flood-prone areas not described in (c) based on location of hydrologic features, historic flooding, and/or local knowledge;
 - e. A geodatabase and associated maps in accordance with TWDB Flood Planning guidance documents that identifies areas where existing hydrologic and hydraulic models needed to evaluate FMSs and FMPs are available;
 - f. A list of available flood-related models that the RFPG considers of most value in developing its plan;
 - g. The flood mitigation and floodplain management goals adopted by the RFPG per §361.36;
 - h. The documented process used by the RFPG to identify potentially feasible FMSs and FMPs;
 - i. A list of potential FMEs and potentially feasible FMSs and FMPs identified by the RFPG, if any; and
 - j. A list of FMSs and FMPs that were identified but determined by the RFPG to be infeasible, including the primary reason for it being infeasible.
2. Approve submittal of the Technical Memorandum to TWDB at a RFPG meeting subject notice requirements in accordance with 31 TAC §361.21(h). The Technical Memorandum must be submitted to TWDB in accordance with Section I Article I of the contract.

Task 5 – Recommendation of Flood Management Evaluations and Flood Management Strategies and Associated Flood Mitigation Projects

In addition to generally meeting all applicable rules and statute requirements governing regional and state flood planning under 31 TAC Chapters 361 and 362, this portion of work shall, in particular, include all work necessary to meet all the requirements of 31 TAC §361.39.

The objective of this task is to evaluate and recommend Flood Management Evaluations (FMEs), Flood Management Strategies (FMSs) and their associated Flood Mitigation Projects (FMPs) to be included in the 2023 RFP that describes the work completed, presents the potential FMEs, potentially feasible FMSs and FMPs, recommended and alternative FMSs and FMPs, including all the technical evaluations, and presents which entities will benefit from the recommended FMSs and FMPs.

Work associated with any Task 5 subtasks shall be contingent upon a written notice-to-proceed. This Task includes, but is not limited to, performing all work in accordance with TWDB rules and guidance required to:

1. Recommend FMSs and FMPs to reduce the potential impacts of flood based on the evaluations under §361.38 and RFPG goals and that must, at a minimum, mitigate for flood events associated with at 1.0 percent annual chance (100-yr flood) where feasible. In instances where mitigating for 100-year events is not feasible, FMS and FMPs to mitigate more frequent events may be recommended based on TWDB Flood Planning guidance documents. Recommendations shall be based upon the identification, analysis, and comparison of alternatives that the RFPG determines will provide measurable reductions in flood impacts in support of the RFPG's specific flood mitigation and/or floodplain management goals.
2. Provide additional information in conformance with TWDB Flood Planning guidance documents which will be used to rank recommended FMPs in the state flood plan.
3. Recommend FMEs that the RFPG determines are most likely to result in identification of potentially feasible FMSs and FMPs that would, at a minimum, identify and investigate one solution to mitigate for flood events associated with a 1.0% annual chance flood event and that support specific RFPG flood mitigation and/or floodplain management goals.
4. Recommended FMSs or FMPs may not negatively affect a neighboring area or an entity's water supply.
5. Recommended FMSs or FMPs that will contribute to water supply may not result in an overallocation of a water source based on the water availability allocations in the most recently adopted State Water Plan.
6. Specific types of FMEs, FMSs, or FMPs that should be included and that should not be included in RFPs must be in accordance with TWDB Flood Planning guidance documents.

7. FMS and FMP documentation shall include a strategy or project description, discussion of associated facilities, project map, and technical evaluations addressing all considerations and factors required under 31 TAC §361.38(h).
8. Coordinate and communicate with FME, FMS, and FMP sponsors, individual local governments, regional authorities, and other political subdivisions.
9. Process documentation of selecting all recommended FMSs and associated FMPs including development of FMS evaluations matrices and other tools required to assist the RFPG in comparing and selecting recommended FMSs and FMPs.
10. Document the evaluation and selection of all recommended FMS and FMPs, including an explanation for why certain types of strategies may not have been recommended.

The information gathered and developed in preparation of this chapter shall be subject to the following review process prior to submission of any deliverables:

1. Review of the chapter documents and related information by RFPG members.
2. Modifications to the chapter document based on RFPG, public, and/or agency comments.
3. Submittal of chapter document to TWDB for review and approval.
4. All effort required to obtain final approval of the RFP chapter by TWDB.

Deliverables:

- Prepare a stand-alone chapter (including work from both Tasks 4B & 5) to be included in the 2023 RFP to include technical analyses of all evaluated FMSs and FMPs.
- A list of the recommended FMEs, FMSs, and associated FMPs that were identified by the RFPG. TWDB Flood Planning guidance documents will include minimum data submittal requirements and deliverable format.
- Data shall be organized and summarized in the RFP in accordance with TWDB Flood Planning guidance documents.
- A tabulated list and GIS map of all pertinent information. All maps should be submitted with underlying GIS data utilized to prepare them.
- Any additional deliverables identified in the TWDB Flood Planning guidance documents.

Task 6A – Impacts of Regional Flood Plan

In addition to generally meeting all applicable rules and statute requirements governing regional and state flood planning under 31 TAC Chapters 361 and 362, this portion of work shall, in particular, include all work necessary to meet all the requirements of 31 TAC §361.40.

This Task includes, but is not limited to, performing all work in accordance with TWDB rules and guidance required to include:

1. a region-wide summary of the relative reduction in flood risk that implementation of the RFP would achieve within the region including with regard to life, injuries, and property.
2. a statement that the FMPs in the plan, when implemented, will not negatively affect neighboring areas located within or outside of the FPR.
3. a general description of the types of potential positive and negative socioeconomic or recreational impacts of the recommended FMSs and FMPs within the FPR.
4. a general description of the overall impacts of the recommended FMPs and FMSs in the RFP on the environment, agriculture, recreational resources, water quality, erosion, sedimentation, and navigation.

The information gathered and developed in preparation of this chapter shall be subject to the following review process prior to submission of any deliverables:

1. Review of the chapter documents and related information by RFPG members.
2. Modifications to the chapter document based on RFPG, public, and/or agency comments.
3. Submittal of chapter document to TWDB for review and approval.
4. All effort required to obtain final approval of the RFP chapter by TWDB.

Deliverables: Prepare a stand-alone chapter (including work from both Tasks 6A & 6B) to be included in the 2023 RFP. Any additional deliverables identified in the TWDB Flood Planning guidance documents.

Task 6B – Contributions to and Impacts on Water Supply Development and the State Water Plan

In addition to generally meeting all applicable rules and statute requirements governing regional and state flood planning under 31 TAC Chapters 361 and 362, this portion of work shall, in particular, include all work necessary to meet all the requirements of 31 TAC §361.41.

This Task includes, but is not limited to, performing all work in accordance with TWDB rules and guidance required to:

1. Include a region-wide summary and description of the contribution that the regional flood plan would have to water supply development including a list of the specific FMSs and FMPs that would contribute to water supply.
2. Include a description of any anticipated impacts, including to water supply or water availability or projects in the State Water Plan, that the regional flood plan FMSs and FMPs may have.

The information gathered and developed in preparation of this chapter shall be subject to the following review process prior to submission of any deliverables:

1. Review of the chapter documents and related information by RFPG members.
2. Modifications to the chapter document based on RFPG, public, and/or agency comments.
3. Submittal of chapter document to TWDB for review and approval.
4. All effort required to obtain final approval of the RFP chapter by TWDB.

Deliverables: Prepare a stand-alone chapter (including work from both Tasks 6A & 6B) to be included in the 2023 RFP. Any additional deliverables identified in the TWDB Flood Planning guidance documents.

Task 7 – Flood Response Information and Activities

In addition to generally meeting all applicable rules and statute requirements governing regional and state flood planning under 31 TAC Chapters 361 and 362, this portion of work shall, in particular, include all work necessary to meet all the requirements of 31 TAC §361.42.

This Task includes, but is not limited to, performing all work in accordance with TWDB rules and guidance required to:

1. Summarize the nature and types of flood response preparations within the FPR including providing where more detailed information is available regarding recovery.
2. Coordinate and communicate, as necessary, with entities in the region to gather information.
3. RFPGs shall not perform analyses or other activities related to planning for disaster response or recovery activities.
4. Plans to be considered in developing this chapter include relevant plans referenced under 31 TAC §361.22.

The information gathered and developed in preparation of this chapter shall be subject to the following review process prior to submission of any deliverables:

1. Review of the chapter documents and related information by RFPG members.
2. Modifications to the chapter document based on RFPG, public, and/or agency comments.
3. Submittal of chapter document to TWDB for review and approval.
4. All effort required to obtain final approval of the RFP chapter by TWDB.

Deliverables: Prepare a stand-alone chapter to be included in the 2023 RFP. Any additional deliverables identified in the TWDB Flood Planning guidance documents.

Task 8 – Administrative, Regulatory, and Legislative Recommendations

In addition to generally meeting all applicable rules and statute requirements governing regional and state flood planning under 31 TAC Chapters 361 and 362, this portion of work shall, in particular, include all work necessary to meet all the requirements of 31 TAC §361.43.

The objective of this task is to prepare a separate chapter to be included in the 2023 RFP that presents the RFPG's administrative, legislative, and regulatory recommendations.

This Task includes, but is not limited to, performing all work in accordance with TWDB rules and guidance required to develop:

1. Legislative recommendations that they consider necessary to facilitate floodplain management and flood mitigation planning and implementation.
2. Other regulatory or administrative recommendations that they consider necessary to facilitate floodplain management and flood mitigation planning and implementation.
3. Any other recommendations that the RFPG believes are needed and desirable to achieve its regional flood mitigation and floodplain management goals.
4. Recommendations regarding potential, new revenue-raising opportunities, including potential new municipal drainage utilities or regional flood authorities, that could fund the development, operation, and maintenance of floodplain management or flood mitigation activities in the region.

The information gathered and developed in preparation of this chapter shall be subject to the following review process prior to submission of any deliverables:

1. Review of the chapter documents and related information by RFPG members.
2. Modifications to the chapter document based on RFPG, public, and/or agency comments.
3. Submittal of chapter document to TWDB for review and approval.
4. All effort required to obtain final approval of the RFP chapter by TWDB.

Deliverables: Prepare a stand-alone chapter to be included in the 2023 RFP. Any additional deliverables identified in the TWDB Flood Planning guidance documents.

Task 9 – Flood Infrastructure Financing Analysis

In addition to generally meeting all applicable rules and statute requirements governing regional and state flood planning under 31 TAC Chapters 361 and 362, this portion of work shall, in particular, include all work necessary to meet all the requirements of 31 TAC §361.44.

The objective of this task is to report on how sponsors of recommended FMPs propose to finance projects.

This Task includes, but is not limited to, performing all work in accordance with TWDB rules and guidance required to:

1. Coordinate and communicate with individual local governments, regional authorities, and other political subdivisions.
2. Perform a survey, including the following work:
 - a. Contacting FME and FMP sponsors.

- b. Collection and collation of data.
 - c. Documentation of the effectiveness of survey methodology, providing percent survey completions, and whether an acceptable minimum percent survey completion was achieved.
 - d. Submission of data.
3. Coordinate with FME and FMP sponsors as necessary to ensure detailed needs and costs associated with their anticipated evaluations and projects are sufficiently represented in the RFP for future funding determinations.
 4. Assist the RFPG with the development of recommendations regarding the proposed role of the State in financing flood infrastructure projects identified in the RFP.
 5. Summarize the survey results.

The information gathered and developed in preparation of this chapter shall be subject to the following review process prior to submission of any deliverables:

1. Review of the chapter documents and related information by RFPG members.
2. Modifications to the chapter document based on RFPG, public, and/or agency comments.
3. Submittal of chapter document to TWDB for review and approval.
4. All effort required to obtain final approval of the RFP chapter by TWDB.

Deliverables: A completed Chapter 9 shall be delivered in the 2023 RFP to include summary of reported financing approaches for all recommended FMPs. Data shall be submitted in accordance with TWDB guidance documents. Any additional deliverables identified in the TWDB Flood Planning guidance documents.

Task 10 – Public Participation and Plan Adoption

The objective of this task is to address public participation, public meetings, eligible administrative and technical support activities, and other requirements and activities eligible for reimbursement. Objectives also include activities necessary to complete and submit a draft RFP and final RFP, and obtain TWDB approval of the RFP.

This Task includes, but is not limited to, performing all work in accordance with TWDB rules and guidance required to:

1. In addition to generally meeting all applicable statute requirements governing regional and state flood planning this portion of work shall, in particular, include all technical and administrative support activities necessary to meet all the requirements of 31 TAC Chapters 361 and 362 that are not already addressed under the scope of work associated with other contract Tasks but that are necessary and or required to complete and deliver an draft Regional Flood Plan and final, adopted RFP to TWDB and obtain approval of the adopted RFP by TWDB.
2. Organization, support, facilitation, and documentation of all meetings/hearings associated with: preplanning meeting; consideration of a substitution of alternative flood management strategies; public hearing after adoption of the draft Regional

Flood Plan and prior to adoption of the final RFP; and consideration of RFP amendments, alternative FMS substitutions, or Board-directed revisions.

Technical Support and Administrative Activities

1. RFPGs shall support and accommodate periodic presentations by the TWDB for the purpose of orientation, training, and retraining as determined and provided by the TWDB during regular RFPGRWPG meetings.
2. Attendance and participation of technical consultants at RFPG, subgroup, subcommittees, special and or other meetings and hearings including preparation and follow-up activities.
3. Developing technical and other presentations and handout materials for regular and special meetings to provide technical and explanatory data to the RFPG and its subcommittees, including follow-up activities.
4. Administrative and technical support and participation in RFPG activities, and documentation of any RFPG workshops, work groups, subgroup and/or subcommittee activities.
5. Technical support and administrative activities associated with periodic and special meetings of the RFPG including developing agendas and coordinating activities for the RFPG.
6. Provision of status reports to TWDB for work performed under this Contract.
7. Development of draft and final responses for RFPG approval to public questions or comments as well as approval of the final responses to comments on RFP documents.
8. Intraregional and interregional coordination and communication, and or facilitation required within the FPR and with other RFPGs to develop a RFP.
9. Incorporation of all required data and reports into RFP document.
10. Modifications to the RFP documents based on RFPG, public, and or agency comments.
11. Preparation of a RFP chapter summarizing Task 10 activities including review by RFPG and modification of document as necessary.
12. Development and inclusion of Executive Summaries in both draft Regional Flood Plan and final RFP.
13. Production, distribution, and submittal of all draft and final RFP-related planning documents for RFPG, public and agency review, including in hard-copy format when required.
14. Assembling, compiling, and production of the completed draft Regional Flood Plan and Final Regional Flood Plan document(s) that meet all requirements of statute, 31 TAC Chapters 361 and 362, Contract and associated guidance documents.
15. Submittal of the RFP documents in both hard copy and electronic formats to TWDB for review and approval; and all effort required to obtain final approval of the RFP by TWDB.

Other Activities

Draft RFP Scope of Work

1. Review of all RFP-related documents by RFPG members.
2. Development and maintenance of a RFPG website or RFPG-dedicated webpage on the RFPG administrator's website for posting planning group meeting notices, agendas, materials, and plan information.
3. Limited non-labor, direct costs associated with maintenance of the RFPG website.
4. Development of agendas, presentations, and handout materials for the public meetings and hearings to provide to the general public.
5. Documentation of meetings and hearings to include recorded minutes and/or audio recordings as required by the RFPG bylaws and archiving and provision of minutes to public.
6. Preparation and transmission of correspondence, for example, directly related to public comments on RFP documents.
7. Promoting consensus decisions through conflict resolution efforts including monitoring and facilitation required to resolve issues between and among RFPG members and stakeholders in the event that issues arise during the process of developing the RFP, including mediation between RFPG members, if necessary.
8. RFPG membership solicitation activities.
9. Meeting all posting, meeting, hearing and other public notice requirements in accordance with the open meetings act, statute, and 31 TAC §361.21 and any other applicable public notice requirements.
10. Solicitation, review, and dissemination of public input, as necessary.
11. Any efforts required, but not otherwise addressed in other SOW tasks that may be required to complete an RFP in accordance with all statute and rule requirements.

Deliverables:

- A completed Chapter 10 summarizing public participation activities and appendices with public comments and RFPG responses to comments.
- Complete draft Regional Flood Plan and final, adopted RFP documents.
- Any additional deliverables identified in the TWDB Flood Planning guidance documents.