

**Region 2 Lower Red-Sulphur-Cypress Regional Flood Planning Group**

**Public Meeting**

**February 1, 2024**

**2:00 pm**

**at**

**Small Business Development Center**

**105 North Riddle,**

**Mount Pleasant, TX 75455**

**and**

**Via teleconference/webinar**

**Use the following information to register for the meeting:**

[https://us06web.zoom.us/meeting/register/tZEuceGprT0tE9ZT\\_1551F9dOKmb78LYqgDs](https://us06web.zoom.us/meeting/register/tZEuceGprT0tE9ZT_1551F9dOKmb78LYqgDs)

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

If you experience issues while registering or do not have access to a computer, please contact Paul Prange no less than two (2) workdays prior to the meeting at 903.255.3519 or [pprange@atcog.org](mailto:pprange@atcog.org).

**Agenda:**

1. Call to Order
2. Welcome
3. Confirmation of attendees / determination of quorum
4. Public Comments – limit 3 minutes per person
5. \*Consider approval of minutes for the meeting held on December 7, 2023
6. \*Consider approval of applications submitted by interested parties, to serve as a voting member on the Region 2 Flood Planning Group, representing the categories of *Agricultural Interests* and *Water Utilities Interests*.
7. Review and Discuss the application by the RFPG Sponsor for submittal to the TWDB on behalf of the RFPG.
8. \*Discuss and Consider nominations for election of Region 2 RFPG Officers to include Chair, Vice Chair, Secretary and Executive Committee per Article XII, Section 3 of the Bylaws
  - a. Nomination for Chair by members
  - b. Discussion and consideration of election of Chair
  - c. Nominations for Vice Chair by members
  - d. Discussion and consideration of election of Vice Chair
  - e. Nominations for Secretary by members
  - f. Discussion and consideration of election of Secretary
  - g. Nomination for additional Executive Committee members (2 voting members-at-large)
  - h. Discussion and consideration of election of Executive Committee members

**Presentations**

9. Texas Water Development Board Update
10. Region 1 Canadian-Upper Red Regional Flood Planning Group Update

Technical Consultant Update

11. Final Amended Regional Flood Plan was Accepted by TWDB – Technical consultants are available for questions.

Other Business

12. Update from Planning Group Sponsor
13. Consider date and agenda items for next meeting
14. Adjourn

**\*Denotes Action Items**

If you wish to provide written comments prior to or after the meeting, please email your comments to [pprange@atcog.org](mailto:pprange@atcog.org) and include “Region 2 RFPG Meeting” in the subject line of the email – OR – you may mail your comments to Region 2 RFPG, c/o ATCOG – Paul Prange, 4808 Elizabeth St, Texarkana, TX 75503.

If you wish to provide oral public comments at the meeting, please submit a request via email to [pprange@atcog.org](mailto:pprange@atcog.org), include “Region 2 RFPG Meeting Public Comment Request” at least 2 hours prior to the meeting, and follow the registration instructions at top of page 1 of the Agenda.

Additional information may be obtained from: [www.texasfloodregion2.org](http://www.texasfloodregion2.org), or by contacting Paul Prange at [pprange@atcog.org](mailto:pprange@atcog.org), 903-832-8636, -or- Region 2 RFPG, c/o ATCOG, 4808 Elizabeth St, Texarkana, TX 75503

All meeting agendas and notices will be posted on our website at [www.texasfloodregion2.org](http://www.texasfloodregion2.org). If you wish to be notified electronically of RFPG activities, please submit a request to [pprange@atcog.org](mailto:pprange@atcog.org), include “Request for notification of Region 2 RFPG activities”. This request will be honored via email only unless reasonable accommodations are needed.

**Meeting Minutes**  
**Region 2 Lower Red-Sulphur-Cypress Flood Planning Group Public Meeting**  
**December 7, 2023**

**2:00 p.m.**

**at**

**Small Business Development Center, 105 North Riddle, Mount Pleasant, TX 75455, and Via Zoom  
Webinar/Teleconference**

**Roll Call:**

<u>Voting Member</u>	<u>Interest Category</u>	<u>Present (x) / Absent ( ) / Alternate Present (*)</u>
	Agricultural interests	
Andy Endsley	Counties	X
W. Greg Carter	Electric generating utilities	X
Laura-Ashley Overdyke	Environmental interests	X
Casey Johnson	Industries	
Dustin Henslee	Municipalities	
Troy Hudson	Public	
R. Reeves Hayter	River authorities	X
Kelly Mitchell	Small business	
David Weidman	Water districts	X
	Water utilities	

<u>Non-voting Member</u>	<u>Agency</u>	<u>Present(x)/Absent( ) / Alternate Present (*)</u>
James (Clay) Shipes	Texas Parks and Wildlife Department	X
Andrea Sanders	Texas Division of Emergency Management	
Darrell Dean	Texas Department of Agriculture	X
Tony Resendez	Texas State Soil and Water Conservation Board	X
Trey Bahm	General Land Office	
Anita Machiavello	Texas Water Development Board (TWDB)	X
Michelle Havelka	Texas Commission on Environmental Quality	
Lisa M. Mairs	USACE, Galveston District	X
Travis Wilsey	USACE, Tulsa District	
Randy Whiteman	RFPG 1 Liaison	
Ellen Mott	Red River Valley Association	
Jason Dupree	TxDOT – Atlanta District	X
Dan Perry	TxDOT – Paris District	

**Quorum:**

Quorum: **Yes**

Number of voting members or alternates representing voting members present: **5**

Number required for quorum per current voting membership of **10: 5**

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

Paul Prange – ATCOG

Mary Beth Rudel – ATCOG

Kathy McCollum - ATCOG

Joshua McClure – Halff Associates Team

Parker Moore – Halff Associates Team

David Rivera – Halff Associates Team

Cynthia Nolasco – TWDB

Caroline Jones – F&N

Lance Liggett - TDEM

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

*All meeting materials are available for the public at:*

<http://www.twdb.texas.gov/flood/planning/regions/schedule.asp>.



**AGENDA ITEM NO. 1: Call to Order**

Reeves Hayter called the meeting to order at 2:14 p.m.

**AGENDA ITEM NO. 2: Welcome**

Reeves Hayter welcomed members and attendees to the Region 2 Lower Red-Sulphur-Cypress Flood Planning Group meeting and specifically recognized Cynthia Nolasco and Anita Machiavello from the TWDB.

**AGENDA ITEM NO. 3: Confirmation of attendees / determination of a quorum**

Reeves Hayter asked ATCOG staff member, Paul Prange, to conduct a roll call of attendees. Each present voting and non-voting member of the Region 2 Lower Red-Sulphur-Cypress RFPG introduced themselves, establishing that a quorum had been met. Five voting members were present along with six non-voting members.

**AGENDA ITEM NO. 4: Public comments – limit 3 minutes per person**

Reeves Hayter opened the floor for public comments. No public comments were received.

**AGENDA ITEM NO. 5: \*Consider approval of minutes for the meetings held Thursday, June 15, 2023**

Reeves Hayter opened the floor for discussion and approval of the minutes from the previous meeting. A request to correct a typographical error was made by Greg Carter. A motion was made by Laura - Ashley Overdyke and was seconded by Greg Carter to approve the minutes as corrected. The motion carried unanimously.

**AGENDA ITEM NO. 6: \*Consider approval of applications submitted by interested parties, to serve as a voting member of the Region 2 Flood Planning Group, representing the categories of *Agricultural Interests and Water Utilities Interests***

Reeves Hayter announced that Preston Ingram and Susan Whitfield resigned from the flood planning group due to taking on additional duties at work. Mr. Hayter stated that the applications have been posted for well over a month and no one has applied so far. Mr. Hayter asked the group to encourage anyone with agricultural or water utilities backgrounds to submit their applications for these open positions if they are interested in serving on the Region 2 Flood Planning Group Board of Directors during round 2. Andy Endsley stated that he knew of a possible candidate for the water utilities category. Mr. Hayter asked Mr. Endsley to provide him with the person's contact information and Mr. Endsley agreed to do so.

**AGENDA ITEM NO. 7: \*Discuss and consider authorizing the RFPG Sponsor to apply for grant funds and enter into a contract with TWDB on behalf of the RFPG**

Reeves Hayter turned the floor over to Paul Prange and Mary Beth Rudel to discuss the application process. Mr. Prange stated that the TWDB guidelines require the board to authorize the sponsor to submit an application for funding. The proposed funding amount for Region 2 is \$2,078,400.00. This application is due to TWDB by February 22, 2024. Mrs. Rudel concurred with this process. Mr. Hayter stated that he appreciates ATCOG for taking on the task of Region 2 Flood Planning Group Sponsor for the next five years and asked for a motion to authorize ATCOG to submit an application to the TWDB.

Greg Carter Made a motion and Laura-Ashley Overdyke seconded the motion. The motion carried unanimously.

### **PRESENTATIONS**

#### **AGENDA ITEM NO. 8: Texas Water Development Board Update**

Reeves Hayter turned the floor over to Anita Machiavello, who stated that on November 30<sup>th</sup> the TWDB sent out their regional flood planning update in a newsletter for the month of November. The newsletter contains a working timeline with important dates relating to the transition from Round 1 to Round 2 of flood planning. Links to the application for funding are also included in the newsletter, along with an updated scope of work and funding allocations for Round 2. Ms. Machiavello also announced that the regional state flood plan administrative rules were amended in October by the TWDB and became effective on November 1, 2023. Currently TWDB is reviewing all the RFI responses that were received from each region and will provide acceptance emails in January 2024. Second RFI emails will be sent out next week for responses, which will be due one week later. Ms. Machiavello introduced a new TWDB staff member who will be working with Regions 1 and 2. Cynthia Nolasco provided a brief introduction. Ms. Machiavello announced that TWDB also has a new RFP Manager, Mike Kelly. Lastly, Ms. Machiavello announced that the TWDB plans to conduct a webinar in January, focusing on the RFA process, and she asked that the sponsors refrain from submitting their applications until after the webinar.

#### **AGENDA ITEM NO. 9: Region 1 Canadian-Upper Red Regional Flood Planning Group Updates**

Reeves Hayter announced that no action will be taken on this agenda item since the Region 1 liaison was not in attendance at this meeting.

### **TECHNICAL CONSULTANT UPDATE**

#### **AGENDA ITEM NO. 10: Technical Presentation by Halff Associates, Inc.**

- 1. Planning Process Update**
  - a. Regional Flood Plan accepted by TWDB on July 25, 2023**
  - b. Amended Regional Flood Plan submitted on July 14, 2023**
    - 1. Comments received from TWDB November 7, 2023**
    - 2. Response due November 20, 2023**
    - 3. Revisions and all work must be complete by December 29, 2023**
  - c. TWDB Preparing State Flood Plan for submittal by September 1, 2024**
- 2. Additional work performed by consultant**
  - a. Preparing more detailed documentation of FMS/Ps for use by sponsors**

Reeves Hayter turned the floor over to Joshua McClure who presented a brief technical update to the group focusing on the timeline of deliverables mentioned earlier by Anita Machiavello. Mr. McClure announced that Halff Associates received comments from the TWDB in early November and they were due on November 20, 2023. The comments related to GIS files and various tables. They were addressed and submitted to the TWDB by the due date. The comments did not pertain to the text of the report, so

no changes were required. Mr. McClure stated that there is no work left to do from a technical consultant standpoint unless the TWDB provides additional comments. Mr. Hayter asked Mr. McClure to elaborate on the preparation of more detailed documentation of FMS/Ps for use by the sponsor. Mr. McClure stated that he has prepared a few memos which include additional information for cities with FMEs to help them explore future options. Mr. Hayter asked Mr. McClure to send a list of the memos to the flood planning group.

Reeves Hayter asked Anita Maciavello and Joshua McClure about the six counties located in Region 2 that have no floodplain maps at all. Mr. Hayter mentioned the data contained in the Floodplain Quilt on our website and some BLE data that has not currently been added to floodplain maps, and asked when this data might become available. Mr. McClure stated that the BLE data has been completed and is in the possession of the TWDB to be posted. FEMA plans to take the BLE data for Region 2 and create floodplain maps for areas that do not currently have any floodplain information over the next few years. Mr. McClure encouraged the flood planning group and the individual counties to contact FEMA and ask them to accelerate the process in the counties that have no floodplain maps. Andy Endsley briefly discussed this need in Delta and Franklin Counties.

### **OTHER BUSINESS**

#### **AGENDA ITEM NO. 11: Update from Planning Group Sponsor**

Reeves Hayter turned the floor over to Paul Prange who announced the timeline of events to begin Round 2 of the flood planning process. The application is due to TWDB on or February 22, 2024; the funding amount allocated for Region 2 is \$2,078,400.00; contracts will be executed in May of 2024; and procurement of a technical consultant follows contract execution. Mary Beth Rudel provided the group with a draft flyer to consider adding to our public outreach efforts during Round 2. Mr. Hayter asked what the intended audience would be for the flyer and Mrs. Rudel replied; social media, RFPG2 website, ATCOG website, other COG websites, websites of various water planning entities and water supply providers throughout the region. Brief discussion took place among the group.

#### **AGENDA ITEM NO. 12: Consider date and agenda items for next meeting**

Reeves Hayter opened the floor for discussion. The Region 2 RFPG board members agreed to conduct the next Region 2 Flood Planning Group Board of Directors Meeting on Thursday, February 1, 2024, at 2:00 p.m. at location to be determined and via webinar/teleconference. Potential agenda items may include approval of the completed Region 2 application to TWDB and the election of officers.

#### **AGENDA ITEM NO. 13: Adjourn**

Reeves Hayter made a motion to adjourn, and it was seconded by seconded by David Weidman. The motion carried and the meeting was adjourned at 2:49 p.m.

*Approved by the Region 2 Lower Red-Sulphur-Cypress RFPG at a meeting held on 2/01/2024.*

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Reeves Hayter, CHAIR



**Texas Water Development Board**  
**Regional Flood Planning Grant**  
**Application Checklist**

November 2023

All applications **must be complete** when submitted to the TWDB. A list of required items with check boxes has been provided in the following pages to assist you in completing the application. **Please check the boxes after you have included the respective items in the application and return the completed checklist with the application.**

### **I. GENERAL INFORMATION**

- ☒ 1. Legal name of applicant(s).
- ☒ 2. Regional Flood Planning Group.
- ☒ 3. Authority of law under which the applicant was created.
- ☒ 4. Applicant's official representative, Name, Title, Mailing address, Phone number, Fax number, if available, E-mail Address, and Vendor ID Number.
- ☒ 5. DUNS Number. If you do not have a DUNS number, visit:  
<https://iupdate.dnb.com/iUpdate/viewiUpdateHome.htm>
- ☒ 6. Total proposed planning cost estimate (see Table 1 for total cost by region).
- ☒ 7. Total grant funds requested from the Texas Water Development Board.

### **II. ADMINISTRATIVE DOCUMENTATION**

- ☒ 8. Written designation from the RFPG naming the Planning Group Sponsor that is authorized to apply for these grant funds on behalf of the RFPG (as required in 31 TAC §361.70(b)).
- ☒ 9. A copy of or website link to the RFPG's adopted by-laws (as required in 31 TAC §361.70(a)).
- ☒ 10. Written documentation that the RFPG considered additional, region-specific, public notice requirements at a meeting in accordance with 31 TAC 361.12(3) prior to taking action regarding its application for funding (as required in 31TAC §361.70(c)).

### **III. PLANNING INFORMATION**

- ☒ 11. A detailed scope of work for proposed planning. Include the *Scope of Work for the Second Cycle of Regional Flood Planning* document prepared by TWDB located at <http://www.twdb.texas.gov/flood/planning/doc/2023DraftSOW.pdf>
- ☒ 12. A task budget for detailed scope of work by task.
- ☒ 13. Is the RFPG suggesting modifications to the TWDB's proposed task budget?  
Yes ☐ No ☒
- ☒ 14. If yes to No. 13 above, provide written justification for the changes.
- ☒ 15. An expense budget for scope of work by expense category. *Example is included.*

- ✓ 16. A time schedule for completing detailed Scope of Work by task (see Scope of Work document referenced above).
- ✓ 17. Specific deliverables for each task in Scope of Work (see Scope of Work document referenced above).
- ✓ 18. Method of monitoring study progress.

The following information that will also be needed to finalize and approve the Regional Flood Planning Grant Contract:

- ✓ 19. Requested Revisions to the Draft Contract Language: The Sponsors should review the Draft Contract Language posted on the TWDB website and provide any suggested revisions or questions with their RFA submission.
- ✓ 20. Vendor Set-Up Form: Even if the Sponsor is an existing Contractor with the TWDB, it is suggested that they complete a new Vendor Set-Up Form to ensure that we have the correct banking information on file for this project. RFP Manager is responsible for obtaining the most up to date template from TWDB's Finance department.
- ✓ 21. DocuSign Instructions: The names of individual that will sign the Contract in DocuSign, along with the individual's email address.
- ✓ 22. Correspondence Information: (used to populate the Correspondence section of the Regional Flood Planning Grant Contract).

For CONTRACTOR:

Contract Issues:

Name

Company

Address

City, State ZIP

Email:

Payment Request Submission:

Name

Company

Address

City, State ZIP

Physical Address:

Building Name

Street Address

City, State ZIP

**IV. WRITTEN ASSURANCES**

Written assurance of the following items:

- ☒ Proposed planning does not duplicate existing projects.

**Please check the boxes after you have included the respective items in the application and return the completed checklist with the application.**



**TEXAS WATER DEVELOPMENT BOARD  
REGIONAL FLOOD PLANNING GRANT APPLICATION  
RESPONSE TO RFA 580-23-RFA-0015**

**I. GENERAL INFORMATION**

**1. Legal Name of Applicant:**

Ark-Tex Council of Governments (ATCOG)

**2. Regional Flood Planning Group:**

Region 2 Lower Red-Sulphur-Cypress Regional Flood Planning Group

**3. Authority of Law Under Which the Applicant Was Created:**

Texas Local Government Code Chapter 391

**4. Applicant's Official Representative:**

Mary Beth Rudel, Executive Director  
4808 Elizabeth St., Texarkana, TX 75503  
903-255-3520 direct, 903-832-3441 fax  
[mrudel@atcog.org](mailto:mrudel@atcog.org)  
Tax ID: 75-1293383

**5. DUNS Number:**

05-970-1052

**6. Total Proposed Planning Cost Estimate**

\$2,078,400.00

**7. Total Grant Funds Requested from TWBD**

\$2,078,400.00



## **II. ADMINISTRATIVE DOCUMENTATION**

### **8. Written designation from RFPG naming the authorized Planning Group**

#### **Sponsor:**

See RFPG Sponsor Designation Form included

### **9. RFPG's adopted by-laws**

See RFPG's bylaws included

### **10. Written documentation that the RFPG considered additional, region-specific, public notice requirements at a meeting in accordance with 31 TAC 361.12(3) prior to taking action regarding its application for funding.**

In the RFPG meeting that took place on September 14, 2023, Reeves Hayter began the discussion of item number 7 by reading a list of public notification methods used by Region 2 during the first round of flood planning. These included posting notices on the Region 2 website, the bulletin board at the ATCOG office building, the Texas Register, county clerk's offices, public libraries, and courthouses. Discussion took place among the group and Mr. Hayter suggested posting notices in local newspapers as a release, to avoid publication costs. David Weidman suggested posting notices on the websites of local water entities such as Riverbend Water Resources District and the Sulphur River Basin Authority. Greg Carter asked that the group include the Northeast Texas Municipal Water District as well. Laura-Ashley Overdyke suggested posting notices to soil and water conservation districts websites and on social media. Mary Beth Rudel announced that we could post notices on the ATCOG facebook page and the linked-in account. Discussion took place about including photographs, as well.

Andy Endsley commented on the lack of public participation at commissioners' court meetings in Hopkins County, as well. Mr. Hayter asked the group if utilizing these additional public notification methods would be helpful and the group agreed. Mr. Hayter then made a motion to add a link from the ATCOG website to the RFPG website and social media platforms, in addition to preparing news release statements to be distributed to the larger regional newspapers for potential publication. Greg Carter seconded the motion and the motion carried unanimously.

See approved RFPG meeting minutes included.

### **III. PLANNING INFORMATION**

- 11. A detailed scope of work for proposed planning. Include the Scope of Work for the Second Cycle of Regional Flood Planning document prepared by TWDB:**

See TWDB Regional Flood Planning Grant Scope of Work included

- 12. A task budget for detailed scope of work by task.**

See task budget included

- 13. Is the RFPG suggesting modifications to the TWDB's proposed task budget?**

No, no modifications suggested.

- 14. If yes to No. 13 above, provide written justification for the changes.**

Not applicable

- 15. An expense budget for scope of work by expense category. Example is included.**

CATEGORY	TOTAL AMOUNT
Contractor Other Expenses <sup>1</sup>	\$15,000.00
Contractor Salaries and Wages <sup>2</sup>	\$85,000.00
Subcontract Services	\$2,013,360.00
Voting Planning Member Travel <sup>3</sup>	\$5,000.00
Total Study Cost <sup>4</sup>	\$2,078,400.00

- 16. A time schedule for completing detailed Scope of Work by task**

See time schedule for completing detailed Scope of Work by task provided by TWDB included

- 17. Specific deliverables for each task in Scope of Work**

See TWDB Regional Flood Planning Grant Scope of Work included

## **18. Method of Monitoring Study Progress:**

ATCOG will work closely with the Technical Consultant and request monthly progress reports. The consultant provided reports will be compared to the time schedule and activity. The reported activity and completed deliverables will be verified by staff and reports relayed to the Group each month, and the TWDB as specified. Group meetings will be held as needed, but no less than on a quarterly basis. Executive Committee calls may also be scheduled between meetings to assist the Technical Consultant and help continue progress if needed. Any delays will be immediately reported to the Chair and a plan of action developed. As tasks are completed, they may be added to the website for Group review.

## **19. Requested Revisions to the Draft Contract Language: The Sponsors should review the Draft Contract Language posted on the TWDB website and provide any suggested revisions or questions with their RFA submission.**

No revisions requested.

## **20. Vendor Set-Up Form**

See Vendor Set-up Form included

## **21. The names of individual that will sign the Contract in DocuSign, along with the individual's email address.**

Mary Beth Rudel  
Executive Director  
[mrudel@atcog.org](mailto:mrudel@atcog.org)

## **22. Correspondence Information: (used to populate the Correspondence section of the Regional Flood Planning Grant Contract).**

For CONTRACTOR:

### **Contract Issues:**

Name: Mary Beth Rudel  
Company: Ark-Tex Council of Governments  
Address: 4808 Elizabeth Street  
City, State ZIP: Texarkana, Texas 75503  
Email: [mrudel@atcog.org](mailto:mrudel@atcog.org)

**Payment Request Submission:**

Name: Callie-Anne Kennedy

Company: Ark-Tex Council of Governments

Address: 4808 Elizabeth Street

City, State ZIP: Texarkana, Texas 75503

**Physical Address:**

Building Name: Ark-Tex Council of Governments

Address: 4808 Elizabeth Street

City, State ZIP: Texarkana, Texas 75503

#### **IV. WRITTEN ASSURANCES**

The proposed planning does not duplicate any known projects within the Region 2 designated area.



## Regional Flood Planning Group Sponsor Designation Form

Each five-year planning cycle, each Regional Flood Planning Group (RFPG) must designate a political subdivision to act as their Planning Group Sponsor to apply for and receive financial assistance from the TWDB to develop or revise a regional flood plan pursuant to 31 Texas Administrative Code (TAC) Chapters 361 and 362. RFPGs are required to provide written designation naming their authorized Planning Group Sponsor to the TWDB. This form may be used by an RFPG to satisfy this requirement.

I Reeves Hayter (Chairperson Name), the Chairperson of the Lower Red-Sulphur-Cypress (Region Name) Regional Flood Planning Group, hereby certify that the Lower Red-Sulphur-Cypress (Region Name) Regional Flood Planning Group has designated the political subdivision listed on this form as the group's Planning Group Sponsor pursuant to 31 Texas Administrative Code Chapters 361 and 362.

Signature: Reeves Hayter (Reeves Hayter (Jan 24, 2024 08:40 CST)) Date: Jan 24, 2024

I Mary Beth Rudel (Authorized Representative of Sponsor Political Subdivision Name), an authorized representative of the Ark-Tex Council of Governments (Sponsor Political Subdivision Name), attest that the Ark-Tex Council of Governments (Sponsor Political Subdivision Name) has the legal authority to conduct the procurement of professional services and enter into the contracts necessary for regional flood planning. I hereby accept the Regional Flood Planning Group's sponsorship designation on behalf of the Ark-Tex Council of Governments (Sponsor Political Subdivision Name) and agree to fulfill the sponsorship responsibilities as outlined in 31 Texas Administrative Code Chapters 361 and 362.

Signature: Mary Beth Rudel Date: Jan 23, 2024









# RFPG Sponsor Designation Form

Final Audit Report

2024-01-24

Created:	2024-01-23
By:	Mary Beth Rudel (mrudel@atcog.org)
Status:	Signed
Transaction ID:	CBJCHBCAABAA1PiahAYTBfP0gkGxLxch8558AsW0r2b1

## "RFPG Sponsor Designation Form" History

-  Document created by Mary Beth Rudel (mrudel@atcog.org)  
2024-01-23 - 7:44:35 PM GMT- IP address: 96.43.33.158
-  Document signing automatically delegated to Leslie McBride (lmcbride@atcog.org) by Mary Beth Rudel (mrudel@atcog.org)  
2024-01-23 - 7:45:56 PM GMT
-  Document e-signed by Mary Beth Rudel (mrudel@atcog.org)  
Signature Date: 2024-01-23 - 7:46:07 PM GMT - Time Source: server- IP address: 96.43.33.158
-  Document emailed to rhayter@srbatx.org for signature  
2024-01-23 - 7:46:09 PM GMT
-  Email viewed by rhayter@srbatx.org  
2024-01-24 - 2:38:42 PM GMT- IP address: 47.223.89.145
-  Signer rhayter@srbatx.org entered name at signing as Reeves Hayter  
2024-01-24 - 2:40:45 PM GMT- IP address: 47.223.89.145
-  Document e-signed by Reeves Hayter (rhayter@srbatx.org)  
Signature Date: 2024-01-24 - 2:40:47 PM GMT - Time Source: server- IP address: 47.223.89.145
-  Agreement completed.  
2024-01-24 - 2:40:47 PM GMT







# **Region 2 Lower Red-Sulphur-Cypress Regional Flood Planning Group**

## Bylaws

Adopted October 30, 2020

Amended January 7, 2021

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## **ARTICLE I. Names**

### **Section 1 Organization**

The official name of this organization shall be the “Region 2 Lower Red-Sulphur-Cypress Regional Flood Planning Group” (hereinafter “Region 2 Lower Red-Sulphur-Cypress 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 2 Lower Red-Sulphur-Cypress Flood Planning Region” (hereinafter “Region 2 Lower Red-Sulphur-Cypress FPR”).

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

The Region 2 Lower Red-Sulphur-Cypress RFPG was established by the TWDB on October 1, 2020, through the designation of initial flood planning group members. The purpose of the Region 2 Lower Red-Sulphur-Cypress 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 2 Lower Red-Sulphur-Cypress RFPG shall be the principal business offices of the planning group sponsor. The administrative officer of the Region 2 Lower Red-Sulphur-Cypress RFPG for purposes of the Texas Open Records Act shall be an individual designated by the planning group sponsor. The Chair of the Region 2 Lower Red-Sulphur-Cypress 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 2 Lower Red-Sulphur-Cypress RFPG and the Executive Administrator of the TWDB.

## **ARTICLE IV. Responsibilities**

The Region 2 Lower Red-Sulphur-Cypress 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 2 Lower Red-Sulphur-Cypress FPR. Foremost among those responsibilities shall be the development of a regional flood plan for the Region 2 Lower Red-Sulphur-Cypress 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 2 Lower Red-Sulphur-Cypress RFPG shall be comprised of the initial flood planning group members as designated by the TWDB on October 1, 2020. The Region 2 Lower Red-Sulphur-Cypress RFPG may subsequently add additional voting members through a process in conformance with these bylaws, specifically Section 4 of this Article.

The Region 2 Lower Red-Sulphur-Cypress RFPGs shall at all times, maintain each of the required voting positions listed in 31 TAC §361.11(e). However, if the Region 2 Lower Red-Sulphur-Cypress FPR does not have an interest in one of the categories, then the Region 2 Lower Red-Sulphur-Cypress RFPG shall so advise the Executive Administrator of the TWDB and an individual member designation may not be required.

The Region 2 Lower Red-Sulphur-Cypress 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 2 Lower Red-Sulphur-Cypress RFPG shall not exceed 15 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 2 Lower Red-Sulphur-Cypress 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 2 Lower Red-Sulphur-Cypress 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 2 Lower Red-Sulphur-Cypress FPR soliciting nominations for a successor, identifying the particular interest for which the nomination is sought, stating the conditions of membership, delineating the method for submitting nominations, and establishing a deadline for submission of nominations between thirty and forty-five calendar days from the date that public notice was posted. Members of the Region 2 Lower Red-Sulphur-Cypress RFPG may also submit nominations in the manner prescribed in the public notice.

The Region 2 Lower Red-Sulphur-Cypress 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 2 Lower Red-Sulphur-Cypress 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 2 Lower Red-Sulphur-Cypress 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 2 Lower Red-Sulphur-Cypress RFPG may, at any time, remove a voting position as long as the Region 2 Lower Red-Sulphur-Cypress 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 2 Lower Red-Sulphur-Cypress RFPG is not required to remove the voting member by the process set forth in Section 7 of this Article.

If upon the designation of initial flood planning group members by the TWDB on October 1, 2020, there is a vacant voting position for one or more of the required interest categories in 31 TAC §361.11(e), the Region 2 Lower Red-Sulphur-Cypress 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 2 Lower Red-Sulphur-Cypress RFPG meetings. Records of attendance shall be kept by the Secretary at all Region 2 Lower Red-Sulphur-Cypress RFPG meetings and hearings and presented as part of the minutes. Voting members of the Region 2 Lower Red-Sulphur-Cypress 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 2 Lower Red-Sulphur-Cypress RFPG shall conduct the business of the Region 2 Lower Red-Sulphur-Cypress



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 2 Lower Red-Sulphur-Cypress 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 2 Lower Red-Sulphur-Cypress RFPG shall include the non-voting members set forth in 31 TAC §361.11(f)(1)-(7). As necessary, the Region 2 Lower Red-Sulphur-Cypress RFPG shall include members designated by upstream or downstream RFPGs, 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 2 Lower Red-Sulphur-Cypress 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 2 Lower Red-Sulphur-Cypress FPR, the Region 2 Lower Red-Sulphur-Cypress RFPG must designate a non-voting member liaison to coordinate with the upstream or downstream RFPG.

## **Section 2 Discretionary Members**

The voting members of the Region 2 Lower Red-Sulphur-Cypress 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 vote that a particular designee is hindering the regional flood planning efforts of the Region 2 Lower Red-Sulphur-Cypress 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 2 Lower Red-Sulphur-Cypress 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 2 Lower Red-Sulphur-Cypress 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 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 2 Lower Red-Sulphur-Cypress 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 2 Lower Red-Sulphur-Cypress RFG shall select from the voting membership a Chair, Vice Chair, and Secretary to serve as officers. Each officer shall serve a term of one calendar year. However, the terms of the initial officers selected under Section 2 of this Article shall expire when the regular officers take office as provided under this Article. Except as provided under Section 4 of this Article, an officer shall serve until his or her successor takes office. No two voting members representing the same interest shall serve as officers at the same time. 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 180 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.** Beginning in 2022 regular officers shall be selected at the first meeting of each calendar year. Written notice of the meeting to select officers shall be sent to all members of the Region 2 Lower Red-Sulphur-Cypress RFG 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 2 Lower Red-Sulphur-Cypress RFPG. To remove a voting member from their voting position, the Region 2 Lower Red-Sulphur-Cypress 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 ninety 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 2 Lower Red-Sulphur-Cypress RFPG. The Chair will preside at all meetings of the Region 2 Lower Red-Sulphur-Cypress 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 2 Lower Red-Sulphur-Cypress 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 2 Lower Red-Sulphur-Cypress RFPG meetings. The minutes and attendance shall be kept as part of the Region 2 Lower Red-Sulphur-Cypress 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 2 Lower Red-Sulphur-Cypress 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 2 Lower Red-Sulphur-Cypress 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 2 Lower Red-Sulphur-Cypress 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 2 Lower Red-Sulphur-Cypress 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 2 Lower Red-Sulphur-Cypress RFPG.

### **Section 2 Regular Meetings**

At least one regular meeting of the Region 2 Lower Red-Sulphur-Cypress 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 2 Lower Red-Sulphur-Cypress 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 2 Lower Red-Sulphur-Cypress 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 vote of the members of the Executive Committee of the Region 2 Lower Red-Sulphur-Cypress RFPG may call special meetings of the Region 2 Lower Red-Sulphur-Cypress RFPG. The Secretary shall ensure that advance notice and an agenda for the called meeting is provided to the full membership of the Region 2 Lower Red-Sulphur-Cypress 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 2 Lower Red-Sulphur-Cypress 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 2 Lower Red-Sulphur-Cypress 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 2 Lower Red-Sulphur-Cypress RFPG, in accordance with TWDB rules.

### **Section 5 Quorum**

A quorum of the Region 2 Lower Red-Sulphur-Cypress 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 2 Lower Red-Sulphur-Cypress RFPG.

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

Except as otherwise provided in these bylaws, meetings of the Region 2 Lower Red-Sulphur-Cypress 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 2 Lower Red-Sulphur-Cypress RFPG.

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

The Region 2 Lower Red-Sulphur-Cypress 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 2 Lower Red-Sulphur-Cypress 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 2 Lower Red-Sulphur-Cypress 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 2 Lower Red-Sulphur-Cypress 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 2 Lower Red-Sulphur-Cypress 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 2 Lower Red-Sulphur-Cypress 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 2 Lower Red-Sulphur-Cypress 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 2 Lower Red-Sulphur-Cypress RFPG shall finally adopt the regional flood plan for the Region 2 Lower Red-Sulphur-Cypress 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 2 Lower Red-Sulphur-Cypress 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 2 Lower Red-Sulphur-Cypress 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 2 Lower Red-Sulphur-Cypress 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 2 Lower Red-Sulphur-Cypress 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 2 Lower Red-Sulphur-Cypress 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 2

Lower Red-Sulphur-Cypress 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 2 Lower Red-Sulphur-Cypress RFPG may by a majority vote of the voting members present establish committees, subcommittees, and subgroups to assist and advise the Region 2 Lower Red-Sulphur-Cypress 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 2 Lower Red-Sulphur-Cypress 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 2 Lower Red-Sulphur-Cypress RFPG in the establishing motion for the committee, subcommittee, or subgroup, or upon the expiration of the persons membership in the Region 2 Lower Red-Sulphur-Cypress 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 2 Lower Red-Sulphur-Cypress 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 2 Lower Red-Sulphur-Cypress 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 2 Lower Red-Sulphur-Cypress 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 2 Lower Red-Sulphur-Cypress 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 2 Lower Red-Sulphur-Cypress 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 2 Lower Red-Sulphur-Cypress 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 2 Lower Red-Sulphur-Cypress 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 2 Lower Red-Sulphur-Cypress RFPG shall approve, by a majority vote of the voting members present, persons or entities to provide contractual services for the Region 2 Lower Red-Sulphur-Cypress RFPG, including all services related to preparation, development, or revisions of the regional flood plan for the Region 2 Lower Red-Sulphur-Cypress RFP. 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 2 Lower Red-Sulphur-Cypress RFPG, acting on behalf of the interests comprising the Region 2 Lower Red-Sulphur-Cypress RFP, 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, original bylaws have been adopted governing the conduct of the internal affairs of the Region 2 Lower Red-Sulphur-Cypress 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 2 Lower Red-Sulphur-Cypress RFPG; it is, therefore,

RESOLVED, that the members of the Region 2 Lower Red-Sulphur-Cypress RFPG this 7th day of January, approve and adopt these amended bylaws presented to this meeting of members as the bylaws of the Region 2 Lower Red-Sulphur-Cypress RFPG; and it is

FURTHER RESOLVED, that the bylaws be authenticated as such by the Interim Chair of the Region 2 Lower Red-Sulphur-Cypress RFPG and placed in its minute book, and that a full and true copy of the bylaws, certified by the Interim Chair, be kept at the principal office of the Region 2 Lower Red-Sulphur-Cypress RFPG for inspection by members or the public at all reasonable times during business hours.

1/7/2021

(date)

*R Reeves Hayter*

R Reeves Hayter (Jan 15, 2021 12:09 CST)

Chairman Reeves Hayter





# Region 2 Lower Red-Sulphur-Cypress Regional Flood Planning Group Bylaws\_Amended 1-7-2021

Final Audit Report

2021-01-15

Created:	2021-01-14
By:	Chris Brown (cbrown@atcog.org)
Status:	Signed
Transaction ID:	CBJCHBCAABAA2FDtOjfxUcPxqJAFEGhH-MU1RCnxK50

## "Region 2 Lower Red-Sulphur-Cypress Regional Flood Planning Group Bylaws\_Amended 1-7-2021" History

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**Meeting Minutes**  
**Region 2 Lower Red-Sulphur-Cypress Flood Planning Group Public Meeting**  
**September 14, 2023**

**2:00 p.m.**

**at**

**Northeast Texas Community College, Community Room-(Hum 101), 2886 FM 1735, Chapel Hill Road,  
Mount Pleasant, TX 75455, and Via Zoom Webinar/Teleconference**

**Roll Call:**

<u>Voting Member</u>	<u>Interest Category</u>	<u>Present (x) / Absent ( ) / Alternate Present (*)</u>
Preston Ingram (William)	Agricultural interests	
Andy Endsley	Counties	X
W. Greg Carter	Electric generating utilities	X
Laura-Ashley Overdyke	Environmental interests	X
Casey Johnson	Industries	
Dustin Henslee	Municipalities	
Troy Hudson	Public	
R. Reeves Hayter	River authorities	X
Kelly Mitchell	Small business	
David Weidman	Water districts	X
Susan Whitfield	Water utilities	

<u>Non-voting Member</u>	<u>Agency</u>	<u>Present(x)/Absent( ) / Alternate Present (*)</u>
James (Clay) Shipes	Texas Parks and Wildlife Department	
Andrea Sanders	Texas Division of Emergency Management	
Darrell Dean	Texas Department of Agriculture	
Tony Resendez	Texas State Soil and Water Conservation Board	X
Trey Bahm	General Land Office	
Anita Machiavello	Texas Water Development Board (TWDB)	X
Michelle Havelka	Texas Commission on Environmental Quality	
Lisa M. Mairs	USACE, Galveston District	
Travis Wilsey	USACE, Tulsa District	
Randy Whiteman	RFPG 1 Liaison	
Ellen Mott	Red River Valley Association	
Jason Dupree	TxDOT – Atlanta District	
Dan Perry	TxDOT – Paris District	

**Quorum:**

Quorum: **Yes**

Number of voting members or alternates representing voting members present: **5**

Number required for quorum per current voting membership of **10: 5**

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

Paul Prange – ATCOG

Mary Beth Rudel – ATCOG

Kathy McCollum - ATCOG

Joshua McClure – Halff Associates Team

Parker Moore – Halff Associates Team

David Rivera – Halff Associates Team

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

*All meeting materials are available for the public at:*

<http://www.twdb.texas.gov/flood/planning/regions/schedule.asp>.

**AGENDA ITEM NO. 1: Call to Order**

Reeves Hayter called the meeting to order at 2:23 p.m.

**AGENDA ITEM NO. 2: Welcome**

Reeves Hayter welcomed members and attendees to the Region 2 Lower Red-Sulphur-Cypress Flood Planning Group meeting.

**AGENDA ITEM NO. 3: Confirmation of attendees / determination of a quorum**

Reeves Hayter asked ATCOG staff member, Paul Prange, to conduct a roll call of attendees. Each present voting and non-voting member of the Region 2 Lower Red-Sulphur-Cypress RFPG introduced themselves, establishing that a quorum had been met. Five voting members were present along with two non-voting members.

**AGENDA ITEM NO. 4: Public comments – limit 3 minutes per person**

Reeves Hayter opened the floor for public comments. No public comments were received.

**AGENDA ITEM NO. 5: \*Consider approval of minutes for the meetings held Thursday, June 15, 2023**

Reeves Hayter opened the floor for discussion and approval of the minutes from the previous meeting. A motion was made by David Weidman and was seconded by Greg Carter to approve the minutes as presented. The motion carried unanimously.

**PRESENTATIONS****AGENDA ITEM NO. 6: \*Consider approval of applications submitted by interested parties, to serve as a voting member of the Region 2 Flood Planning Group, representing the category of *Agricultural Interests*:**

Reeves Hayter announced that Preston Ingram formerly held this position but recently resigned from the flood planning group due to taking on additional duties at work. Mr. Hayter asked if any applications have been submitted and Paul Prange stated that no applications have been received to date. Mr. Hayter asked the group to encourage anyone with an agricultural background to submit an application for this open position if they are interested in serving on the Region 2 Flood Planning Group Board of Directors during round 2.

**AGENDA ITEM NO. 7: \*Consider additional, region specific, public notice requirements for Region 2 as required by Texas Administrative Code 361.12(a)(3). Texas Administrative Code 361.70(c) requires that this meeting take place prior to the Planning Group Sponsor submitting its application for funding on behalf of the RFPG.**

Reeves Hayter began the discussion by reading a list of public notification methods used by Region 2 during the first round of flood planning. These included posting notices on the Region 2 website, the bulletin board at the ATCOG office building, the Texas Register, county clerk's offices, public libraries, and courthouses. Discussion took place among the group and Mr. Hayter suggested posting notices in local newspapers as a release, to avoid publication costs. David Weidman suggested posting notices on the websites of local water entities such as Riverbend Water Resources District and the Sulphur River Basin Authority. Greg Carter asked that the group include the Northeast Texas Municipal Water District,



as well. Laura-Ashley Overdyke suggested posting notices to soil and water conservation districts websites and on social media. Mary Beth Rudel announced that we could post notices on the ATCOG facebook page and the linked-in account. Discussion took place about including photographs, as well. Andy Endsley commented on the lack of public participation at commissioners' court meetings in Hopkins County, as well. Mr. Hayer asked the group if utilizing these additional public notification methods would be helpful and the group agreed. Mr. Hayter then made a motion to add a link from the ATCOG website to the RFPG website and social media platforms, in addition to preparing news release statements to be distributed to the larger regional newspapers for potential publication. Greg Carter seconded the motion and the motion carried unanimously.

**AGENDA ITEM NO. 8: \*Discuss and consider designating a Sponsor for the Region 2 Flood Planning Group.**

Reeves Hayter stated that he had previously discussed round 2 sponsorship with Chris Brown and Paul Prange. Mr. Hayter announced that he thought ATCOG did an outstanding job for the Region 2 Flood Planning Group during the first round of planning and proposed that the group continue with ATCOG as the Sponsor for round 2. The motion was seconded by Greg Carter. The motion carried unanimously.

**AGENDA ITEM NO. 9: Texas Water Development Board Update:**

Reeves Hayter turned the floor over to Anita Machiavello, who asked the group to visit the TWDB website and review the newsletter, which contains pertinent information relating to the flood planning process. An updated newsletter will be available in October and the TWDB is currently reviewing the amended flood plan submitted in July. RFI letters will be submitted by TWDB in October and it will follow the final plan timeline, allowing the RFPG 2 weeks to reply to the letter. An extension for review may be requested by the RFPG if necessary. TWDB is working on providing additional guidance on closing out Round 1 and starting up Round 2. Conceptual guidance is available on the TWDB website for the proposed Round 2 process. Greg Carter asked the consultants if two weeks is adequate to respond to the RFI. Josh McClure stated that two weeks should be enough time, depending upon the extent of the questions. Ms. Machiavello announced that no work can be performed after December 29, 2023 and all reimbursement request should be submitted to TWDB by February 29, 2024.

**AGENDA ITEM NO. 10: Region 1 Canadian-Upper Red Regional Flood Planning Group Updates:**

Reeves Hayter asked for any updates relating to Region 1 flood planning activities. Region 1 liaison, Randy Whiteman, was not present so Anita Machiavello stated that Region 1 was on the same pace as Region 2 at this time.

**TECHNICAL CONSULTANT UPDATE**

**AGENDA ITEM NO. 11: Technical Presentation by Halff Associates, Inc.**

**1. Planning Process Update**

- a. Regional Flood Plan accepted by TWDB on July 25, 2023**
- b. Amended Regional Flood Plan submitted on July 14, 2023**

- 1. No comments received yet**
- 2. Revisions and all work must be complete by December 29, 2023**

- c. TWDB Preparing State Flood Plan for submittal by September 1, 2024
- 2. Additional work performed by consultant
  - a. Preparing more detailed documentation of FMS/Ps for use by sponsors

Reeves Hayter turned the floor over to Joshua McClure who presented a brief technical update to the group focusing on the timeline of deliverables mentioned earlier by Anita Machiavello. Mr. McClure announced that the TWDB is preparing the State Flood Plan for submittal by September 1, 2024 and it will include the Amended Regional Flood Plans. The technical consultant is now preparing more detailed documentation of FMS/Ps for use by the Sponsor and no substantial additional work will be allowed by TWDB during Round 1. Reeves Hayter asked Mr. McClure if anyone in the region has contacted Halff Associates about a new project that was not previously submitted. Mr. McClure stated that he has not been contacted by any entity asking to include a project in the plan, but he expects that may change due to more funding being appropriated by the legislature for projects during the next couple of years. Mr. Hayter asked Ms. Machiavello when the TWDB rules for the distribution of additional funds may be available. Ms. Machiavello stated that the updated rules will be provided to the TWDB in October of 2023 and the RFA package for Sponsors will be provided to the TWDB in November of 2023. Approved funding amounts should be available to the public some time during the Spring of 2024, after the TWDB approves the Amended Flood Plans in February or March of 2024.

#### **OTHER BUSINESS**

##### **AGENDA ITEM NO. 12: Update from Planning Group Sponsor**

Reeves Hayter turned the floor over to Paul Prange who asked Mary Beth Rudel if Chris Brown provided any updates for her to share. Mrs. Rudel mentioned that Anita Machiavello met with ATCOG via webinar a few days ago to provide updates to the deliverable timeframe.

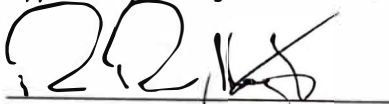
##### **AGENDA ITEM NO. 13: Consider date and agenda items for next meeting**

Reeves Hayter opened the floor for discussion. The Region 2 RFPG board members agreed to conduct the next Region 2 Flood Planning Group Board of Directors Meeting on Thursday, December 7, 2023, at 2:00 pm at location to be determined and via webinar/teleconference.

##### **AGENDA ITEM NO. 14: Adjourn**

Reeves Hayter asked for a motion to adjourn the meeting. A motion was made by Laura-Ashley Overdyke and seconded by Andy Endsley. The motion carried and the meeting was adjourned at 2:59 p.m.

*Approved by the Region 2 Lower Red-Sulphur-Cypress RFPG at a meeting held on 12/07/2023.*



Reeves Hayter, CHAIR

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## Exhibit A

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# TWDB Regional Flood Planning Grant Scope of Work

January 2024

Disclaimer: This document includes the standard Scope of Work developed for Regional Flood Planning Grant Contracts by the Texas Water Development Board. The Scope of Work for certain grant contracts may contain revised language to reflect requested edits from Regional Flood Planning Groups and Planning Group Sponsors

**Second Cycle of Regional Flood Plan Development  
(2023–2028)**

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## Summary of Task and Associate Rules Reference

**Task 1** – Planning area description (361.30, 361.31, 361.32)

**Task 2** – Flood risk analyses

Task 2A – Existing condition flood risk analyses (361.33)

Task 2B – Future condition flood risk analyses (361.34)

**Task 3** – Floodplain management practices, needs analysis and flood protection goals

Task 3A – Evaluation and recommendations on floodplain management practices (361.35)

Task 3B – Flood Mitigation Needs Analysis (361.36)

Task 3C – Flood mitigation and floodplain management goals (361.37)

**Task 4** – Identification, assessment, and evaluations of flood FMEs, FMPs, and FMSs

Task 4A – Identification and evaluation of potential flood management evaluations and potentially feasible flood mitigation projects and flood management strategies (361.38)

Task 4B – Preparation and submission of technical memorandum

Task 4C – Performance of Identified flood management evaluations

**Task 5** – Recommendation of flood management evaluations, flood mitigation projects and flood management strategies (361.39)

Task 5A – Recommendation of flood management evaluations, flood mitigation projects and flood management strategies (361.39)

Task 5B – Recommend a list of flood management evaluations to be performed by TWDB

**Task 6** – Plan impacts and contribution to water supply of the regional flood plan

Task 6A – Impacts of regional flood plan (361.40)

Task 6B – Contributions to and impacts on water supply development and the state water plan (361.41)

**Task 7** – Flood response information and activities (361.42)

**Task 8** – Administrative, regulatory, and legislative recommendations (361.43)

**Task 9** – Flood infrastructure financing analysis (361.44)

**Task 10** – Public participation and plan adoption

**Task 11** – Implementation and comparison to previous regional flood plan (361.45)

## 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 must specifically 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 2028 Regional Flood Plan 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. Brief, general descriptions of the following:
  - a. social and economic character of the region such as information on development, population, economic activity;
  - 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, when the information is available;
  - d. key political subdivisions with flood-related regulatory authority or political subdivisions that perform flood planning, floodplain management, or 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 as identified in the rules and guidance document.
3. Include a tabulated summary and GIS map of existing infrastructure.
4. Include an inventory and feature class of low water crossings.
5. Include a specific levee and dam inventory including the location, designated owner of every major levee and dam located within the regional planning area, and an indication of whether or not levees have FEMA accreditation or not.
6. Include an assessment of condition and functionality for existing major flood risk reduction infrastructure.
7. Please provide a general description by general geographic location (e.g., within political subdivisions) of the condition and functionality of key natural flood mitigation features or major flood infrastructure by feature type and provide the name of the owner and operator of the flood infrastructure. For non-functional or deficient natural flood mitigation features or major flood infrastructure, explain, in general, the reasons for the features or infrastructure being non-functional or deficient by feature type.
8. 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, including:
  - a. new structural flood mitigation projects currently under construction;
  - b. non-structural flood mitigation projects currently being implemented; and

- c. structural and non-structural flood mitigation projects with dedicated funding to construct and the expected year of completion.
- 9. A review and summary of relevant existing planning documents in the FPR. Documents to be summarized include those referenced under 31 TAC §361.22.

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

- 1. Review of the Regional Flood Plan 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 Regional Flood Plan chapter by TWDB.

**Deliverables:** A complete 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 summary and GIS map of existing infrastructure including condition and functionality. 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 must specifically 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 2028 Regional Flood Plan that describes the existing and future condition flood risk in the FPR.

The RFPGs must 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 must 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 10% annual chance, 1% 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. identification of known flood-prone areas based on location of hydrologic features, historic flooding, and local knowledge obtained from outreach activities and public meetings;
  - e. all analyses shall consider the location of existing levees that do not meet FEMA accreditation as inundated by flooding without those structures in place. Provisionally accredited levees may be allowed to provide flood protection, unless best available information demonstrates otherwise;
  - f. the analyses shall consider existing dams, when data is available;
  - g. prepare a map showing areas identified by the RFPG as having an annual likelihood of inundation of greater than or equal to 10%, 1% and 0.2%, the areal extent of this inundation, and the sources of flooding for each area; and
  - h. 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 existing condition flood exposure analyses, using the information identified in the flood hazard analyses to identify who and what might be harmed within the region for, at a minimum, 10% annual chance, 1% 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. may include only those flood mitigation projects with dedicated construction funding and scheduled for completion prior to adoption of the next state flood plan.
  - c. must consider the population and property located in areas where existing levees do not meet FEMA accreditation as inundated by flooding without the levees in place. Provisionally accredited structures may be allowed to provide flood protection, unless best available information demonstrates otherwise.
  - d. must 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.
  - e. must 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. use relevant data and tools to identify resilience of communities located in flood-prone areas.

- b. consider and identify factors such as proximity to a floodplain to identify vulnerability of critical facilities, in accordance with EA guidance. .
4. All data produced as part of the existing condition flood exposure analysis and the existing condition vulnerability analysis must include:
  - a. underlying flood event return frequency;
  - b. type of flood risk;
  - c. county;
  - d. existing flood authority boundaries;
  - e. social vulnerability indices for counties and census tracts; and
  - f. other categories as determined by RFPGs or in TWDB Flood Planning guidance documents.

The information gathered and developed in preparation of this chapter must 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 Regional Flood Plan chapter by TWDB.

**Deliverables:**

- Prepare a stand-alone Chapter 2 (including work from both Tasks 2A & 2B) to be included in the 2028 Regional Flood Plan.
- Prepare maps according to 1(g) and 1(h).
- 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 must, 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 2028 Regional Flood Plan that describes the existing and future condition flood risk in the FPR.

RFPGs must 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 must 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 10% annual chance, 1% 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-act on" scenario of approximately 30 years of continued development and population growth under current development trends and patterns, and existing flood regulations and policies. RFPGs shall consider the following as available and pertinent in the FPR:
    - 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 regional flood plan 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 may modify hydraulic models or existing condition flood hazard boundary to identify future conditions flood risk for 1% and 0.2% annual chance storms based on simplified assumptions in accordance with EA guidance.
  - e. prepare a map showing areas of 1% and 0.2% annual chance of inundation for future conditions, the areal extent of this inundation, and the types 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 potential future condition flood hazard analysis to identify who and what might be harmed within the region for the potential future condition 10% annual chance, future condition 1% annual chance and future condition 0.2% annual chance flood events. At the RFPGs' discretion, the future condition flood exposure analysis may include an analysis of existing and future developments within the future condition floodplain and the associated flood hazard exposure.
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 and other factors as included in the EA guidance.
4. All data produced as part of the future condition flood exposure analysis and the future condition vulnerability analysis must include:
  - a. underlying flood event return frequency;
  - b. type of flood risk;
  - c. county;
  - d. existing flood authority boundaries;
  - e. social vulnerability indices for counties and census tracts; and
  - f. other categories as determined in TWDB Flood Planning guidance documents.

The information gathered and developed in preparation of this chapter must 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 Regional Flood Plan chapter by TWDB.

**Deliverables:**

- Prepare a stand-alone Chapter 2 (including work from both Tasks 2A & 2B) to be included in the 2028 Regional Flood Plan.
- 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 must, in particular, include all work necessary to meet all the requirements of 31 TAC §361.35.

Recognizing the extent that previous and current practices may have increased flood risks, including residual risks, and considering broad floodplain management and land use approaches that will avoid increasing flood risks, and avoid negatively affecting neighboring areas, the RFPG must accomplish the following tasks.

**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% 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 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 will inform recommended strategies for inclusion in the Regional Flood Plan.
4. RFPGs may also choose to adopt region-specific, 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 Regional Flood Plan any Flood Management Evaluations, Flood Mitigation Projects, or Flood Management Strategies that are sponsored by or that will otherwise be implemented by that entity.
5. Consider example floodplain management and infrastructure protection standards provided by TWDB.

The information gathered and developed in preparation of this chapter must 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 Regional Flood Plan chapter by TWDB.

**Deliverables:**

- Prepare a stand-alone Chapter 3 (including work from Tasks 3A,3B, & 3C) to be included in the 2028 Regional Flood Plan.
- 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 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 must, in particular, include all work necessary to meet all the requirements of 31 TAC §361.36.

The RFPG must 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 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 must 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, particularly within the locations described in (a);
  - 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 FMPs and FMSs must be identified and evaluated under §361.38.

The information gathered and developed in preparation of this chapter must 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 Regional Flood Plan chapter by TWDB.

**Deliverables:**

- Prepare a stand-alone Chapter 3 (including work from Tasks 3A, & 3B and 3C) to be included in the 2028 Regional Flood Plan.
- 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 FMPs and FMSs must 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 3C – 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 must, in particular, include all work necessary to meet all the requirements of 31 TAC §361.37.

In this task, the RFPG must consider the Guidance Principles under 31 TAC §362.3, Tasks 1-3B, input from the public, and other relevant information and considerations.

The RFPG must use these goals to guide the RFPG in carrying out the following Tasks 4A – 5.

**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. 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.
3. 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.
4. When appropriate, choose goals that apply to full single HUC8 watershed boundaries or coterminous groups of HUC8 boundaries within the FPR.
5. Identify both short-term goals (10 years) and long-term goals (30 years).

The information gathered and developed in preparation of this chapter must 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 Regional Flood Plan chapter by TWDB.

### **Deliverables:**

- Prepare a stand-alone Chapter 3 (including work from Tasks 3A, 3B and 3C) to be included in the 2028 Regional Flood Plan.
- 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 – Identification, and Evaluation of Potential Flood Management Evaluations and Potentially Feasible Flood Mitigation Projects and Flood Management Strategies

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 must, 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 must identify and evaluate potential FMEs, and identify and evaluate potentially feasible FMPs and FMSs, 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, FMPs, and FMSs for the 2028 Regional Flood Plan.
2. Summarize the RFPG process for identifying potential FMEs and potentially feasible FMPs and FMSs and include a description of the process in the draft and final adopted Regional Flood Plan.
3. Identify potentially feasible FMPs and FMSs in accordance with the RFPG established process.
4. When evaluating FMPs and FMSs the RFPG must, at a minimum, identify one solution that provides flood mitigation associated with a 1% annual chance flood event. In instances where mitigating for 1% annual chance events is not feasible, the RFPG must document the reasons for its infeasibility, and at the discretion of the RFPG, other FMPs and FMSs to mitigate more frequent events may also be identified and evaluated based on TWDB Flood Planning guidance documents.
5. For areas within the FPR that the RFPG does not yet have sufficient information or resources to identify potentially feasible FMPs and FMSs, the RFPG must identify areas for potential FMEs that may eventually result in FMPs and/or FMSs.
6. The RFPG must evaluate potentially feasible FMPs and FMSs understanding that, upon evaluation and further inspection, some FMPs or FMSs initially identified as potentially feasible may be reclassified as infeasible.
7. FMPs will be ranked in the state flood plan and
  - a. must represent discrete, projects;
  - b. must not entail an entire capital program or drainage masterplan; and
  - c. may rely on other flood-related projects.
8. Evaluations of potentially feasible FMPs and FMSs, as applicable, 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 FMPs and FMSs must 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 FMP or FMS;
  - b. A determination of whether FMP or FMS 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, as appropriate, and assessment among all FMSs and an equitable comparison and assessment among all 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 FMP or FMS, as applicable. This includes reductions of flood impacts of the 1% 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% 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;
    - (11) avoidance of future flood risk; and
    - (12) prevention of creation of future flood risk.
  - g. A quantitative reporting of the estimated capital cost of FMPs in accordance with TWDB Flood Planning guidance documents;
  - h. 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;
  - i. 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;
  - j. A description of residual, post-project, flood risk 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;
  - k. Implementation issues including those related to rights-of-way, permitting, acquisitions, relocations, utilities and transportation; and
  - l. Funding sources and options that exist or will be developed to pay for development, operation, and maintenance of the FMS or FMP.
9. Flood Management Evaluation (FME) is proposed study to identify, assess and quantify flood risk or identify, evaluate and recommend flood risk reduction solutions. Evaluations of potential

FMEs may be at a reconnaissance or screening-level, unsupported by associated detailed hydrologic and hydraulic analyses. These must 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 FMPs or FMSs for recommendation in the Regional Flood Plan. Evaluations of potential FMEs must include the following analyses:

- a. A reference to the specific flood mitigation or floodplain management goal to be addressed by the potential FME.
  - b. An indication 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 and assessment among 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 flood risk within the FME area, to include, as applicable:
    - (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 ranchland 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 must evaluate and present potential FMEs and potentially feasible FMPs and FMSs 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 Regional Flood Plan.
  11. Analyses must clearly designate a representative location of the FME and beneficiaries including a map and designation of HUC12 and county location.
  12. The RFPG may also use funding under this Task to actually perform a portion of the identified Flood Management Evaluations and, in doing so, identify and evaluate additional Flood Mitigation Projects that could be recommended under Task 5A. This task includes performing work to actually carry out FMEs that may include work to perform hydrologic and hydraulic modeling, for example, evaluating flood risks in areas with currently limited flood risk data, and evaluating potential flood risk reduction solutions, including performing feasibility studies and preliminary engineering needed to identify, evaluate, and recommend additional potentially feasible FMPs. Note that RFPGs must approve the list of FMEs to be performed under this Task prior to expending grant funds for this purpose. Additional FMPs that are identified and evaluated under this Task may be recommended under Task 5A. FMEs that are performed under this Task would not also be recommended as FMEs under Task 5B.
  13. Analyses must be performed in accordance with TWDB Flood Planning guidance documents.

14. All data produced as part of the analyses under this task must be organized and summarized in the Regional Flood Plan in accordance with TWDB Flood Planning guidance documents.
15. Rules to be considered in developing this chapter include relevant rules referenced under 31 TAC §361.22.

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

1. RFPG approval of the list of identified FMEs to also be performed under this Task.
2. Review of the chapter documents and related information by RFPG members.
3. Modifications to the chapter document based on RFPG, public, and/or agency comments.
4. Submittal of chapter document to TWDB for review and approval.
5. All effort required to obtain final approval of the Regional Flood Plan chapter by TWDB.

**Deliverables:**

- Prepare a stand-alone Chapter 4 (including work from Tasks 4A, and 4C) to include analyses and assessments used to identify potential FMEs, FMSs, and FMPs and all technical analyses of all evaluated FMPs and FMSs to be included in the 2028 Regional Flood Plan.
- 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 FMPs and FMSs must be evaluated. TWDB Flood Planning guidance documents will include minimum data submittal requirements and deliverable format.
- Data must be organized and summarized in the Regional Flood Plan 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 4B – Preparation and Submission 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 must, 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 and ongoing flood studies considered by the RFPG to be relevant to development of the Regional Flood Plan;

- 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% annual chance flood event and 0.2% annual chance flood event inundation boundaries, and the type 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 list of available flood-related models that the RFPG considers of most value in developing its plan;
  - f. A summary and associated maps of locations within the FPR that the RFPG considers having the greatest flood risk and flood risk reduction needs;
  - 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 FMPs and FMSs;
  - i. A list of potential FMEs and potentially feasible FMPs and FMSs 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 4C – Performance of Flood Management Evaluations

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 must, in particular, include all work necessary to meet all the requirements of 31 TAC §361.38.

The RFPG shall utilize this task to perform a portion of the identified Flood Management Evaluations identified in Task 4A and, in doing so, identify and evaluate additional Flood Mitigation Projects that could be recommended under Task 5A. This list of FMEs that are to be performed under this subtask must be approved by the RFPG.

The objective of this task is to perform identified potential FMEs to, for example, evaluating flood risks in areas with currently limited flood risk data, and evaluating potential flood risk reduction solutions, including performing hydrologic and hydraulic modeling, feasibility studies and preliminary engineering needed to identify, evaluate, and recommend additional potentially feasible FMPs. Additional FMPs that are identified and evaluated under this Task may be recommended under Task 5A. FMEs that are performed under this Task would not also be recommended as FMEs under Task 5B.

RFPGs must adhere to the requirements for identification, evaluation, and recommendation of FMEs and FMPs in Tasks 4A and 5 as well as applicable requirements in the TWDB Flood Planning guidance documents.

RFPGs must submit all data deliverables, including required GIS files, maps, and project details worksheet, to reflect work performed under this task in accordance with the requirements in Tasks 4A and 5 and the TWDB Flood Planning guidance documents.

**Deliverables:**

- Prepare a stand-alone Chapter 4 (including work from Tasks 4A and 4C) to be included in the 2028 Regional Flood Plan.
- A list of the FMEs, as approved by the RFPG, that were performed to identify potential FMPs and/or FMSs under Task 4C.
- Outcomes of FMEs that were performed to identify potential FMPs and/or FMSs under Task 4C.
- List of FMPs and FMSs that are identified as a result of performing FMEs under Task 4C.
- All data produced as part of the analyses under this task must be organized and summarized in the Regional Flood Plan in accordance with TWDB Flood Planning guidance documents.
- The TWDB Flood Planning guidance documents will include minimum data submittal requirements and deliverable format.

## **Task 5A – Recommendation of Flood Management Evaluations, Flood Mitigation Projects, and Flood Management Strategies**

**Performing any work associated with any Task 5 subtasks is contingent upon a written notice-to-proceed.**

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 must, in particular, include all work necessary to meet associated requirements of 31 TAC §361.39.

The objective of this task is to consider and recommend Flood Management Evaluations (FMEs), Flood Management Strategies (FMSs) and their associated Flood Mitigation Projects (FMPs) to be included in the 2028 Regional Flood Plan that describes the work completed, presents the potential FMEs, potentially feasible FMPs and FMSs, recommended and alternative FMPs and FMSs, including all the technical evaluations, and presents which entities will benefit from the recommended FMPs and FMSs.

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

1. Recommend FMEs that the RFPG determines are most likely to result in identification of potentially feasible FMPs and FMSs that would, at a minimum, identify and investigate one solution to mitigate for flood events associated with a 1% annual chance flood event and that support specific RFPG flood mitigation and/or floodplain management goals
2. Recommend FMPs and FMSs 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% 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 must 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.

3. Provide additional information in conformance with TWDB Flood Planning guidance documents which may be used to rank recommended FMEs, FMPs, and FMSs with non-recurring, non-capital costs in the state flood plan.
4. RFPGs shall provide the benefit-cost ratio for recommended FMPs in accordance with guidance provided by the EA
5. Recommended FMSs or FMPs may not negatively affect a neighboring area or an entity's water supply.
6. 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.
7. Specific types of FMEs, FMSs, or FMPs that should be included and that should not be included in Regional Flood Plans must be in accordance with TWDB Flood Planning guidance documents.
8. FMS and FMP documentation must 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).
9. Coordinate and communicate with the sponsors of FME, FMS, and FMP including individual local governments, regional authorities, and other political subdivisions.
10. Production of process documentation used in 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 FMPs and FMSs.
11. 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 must 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 Regional Flood Plan chapter by TWDB.

#### **Deliverables:**

- Prepare a stand-alone Chapter 5 (including work from Tasks 5A and 5B) to be included in the 2028 Regional Flood Plan
- A list of the recommended FMEs, FMSs, and associated FMPs that were approved by the RFPG. TWDB Flood Planning guidance documents will include minimum data submittal requirements and deliverable format.
- Data must be organized and summarized in the Regional Flood Plan 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 5B – Recommend a list of flood management evaluations to be performed by TWDB

Must generally meet all applicable rules and statute requirements governing regional and state flood planning under 31 TAC Chapters 361 and 362.

The objective of this task is for the RFPG to submit a list to TWDB that is a subset of the FMEs that were identified by the RFPG under Task 4A, and not performed under Task 4C, along with a request to TWDB to perform those FMEs on behalf of the RFPG, subject to TWDB's available resources. This Task relies on completed work under Tasks 2A through 4A. TWDB will complete performance of these FMSs with the intention of generating additional FMPs that will be in consideration for RFPGs for recommendation during the current or the following planning cycle.

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

1. Consider the identified FMEs from Task 4A that the RFPG determines are most likely to result in identification of potentially feasible FMPs and FMSs that would, at a minimum, identify and investigate one solution to mitigate for flood events associated with a 1% annual chance flood event and that support specific RFPG flood mitigation and/or floodplain management goals
2. Once Tasks 2A through 4A are completed, develop and obtain RFPG approval of a list of identified FMEs that comprises a subset of all the FMEs the RFPG had identified under Task 4A, and not performed under 4C to submit to TWDB to be performed by TWDB on behalf of the RFPG. The FME list developed and submitted by the RFPG to TWDB shall be developed in accordance with guidance be provided by the EA and, at a minimum, shall take into consideration:
  - a. The FMEs that the RFPG is already intending to perform, itself, via its Technical Consultant, under Task 4C using a portion of the RFPG's existing grant funding.
  - b. The nature of the sponsor/beneficiary of the identified FME study including whether, for example, the community is a smaller community without appropriate staff and resource, located in a rural area and/or whether that entity might otherwise have difficulty in funding and overseeing the FME study itself.
  - c. The amount of estimated capacity that TWDB allocates to each planning region for performing FMEs on behalf of the region
  - d. The potential length of time that might be required for TWDB to perform the FME and the likelihood that it will result in potential FMPs being identified in time to incorporate into the regional flood plan currently under development or if the results may become available during the next flood planning cycle.
  - e. The relative order of the FMEs on the list to be submitted to TWDB.
  - f. The extent of existing flood risk information available in the area of the recommended FME, and
  - g. And any other guidance or criteria provided by the EA prior to submission of the RFPG FME list to TWDB.



3. Obtain RFPG authorization to submit, in writing, a request to TWDB to perform the FMEs on the list above, subject to available TWDB resources. This will include TWDB performing recommended FMEs to, for example, evaluate flood risks in areas with currently limited flood risk data, and to evaluate flood risk reduction solutions, including feasibility studies and preliminary engineering needed to identify, evaluate, and recommend additional potentially feasible FMPs.
4. Work, as necessary, to coordinate with TWDB on refining or modifying the submitted FME list, if required by TWDB, for example, due to limited resources or other factors determined by the EA.
5. Develop an initial scope of work for each FME to be submitted along with or soon after submitting the FME list to TWDB and coordinate with TWDB staff in refining the scopes of the FMEs on the list, as necessary, including sharing information, communicating and being responsive to the benefiting communities and potential sponsors of the FMEs, TWDB staff, and any TWDB Contractors.
6. Receive and consider the results of the FME work performed by TWDB on behalf of the RFPG including information regarding additional, potentially feasible FMPs and incorporate that information into the regional plan, as appropriate.
7. Consider the FMPs identified through the FMEs performed by TWDB on behalf of the RFPG.
8. Coordinate and communicate with the potential sponsors of FMPs identified through the performance of the FMEs by TWDB, including individual local governments, regional authorities, and other political subdivisions with regard to their potential inclusion in the regional flood plan.
9. As appropriate, incorporate in accordance with Task 5A, by recommendation, additional FMPs resulting from the FME studies performed by TWDB on behalf of the RFPGs.
10. Summarize all work associated with this Task and incorporate into the regional flood plan.
11. This effort will require a highly coordinated chain of events that will involve RFPGs, communities, TWDB, and TWDB contractors.

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

1. RFPG approval of the FME list to be submitted to TWDB for TWDB to perform.
2. Facilitate development of, and reviews by impacted/benefitting communities, as appropriate, of initial FME scopes of work to support TWDB performance of FMEs and any resulting FMPs from the FMEs performed by TWDB.
3. Review of the chapter documents and related information by RFPG members.
4. Modifications to the chapter document based on RFPG, public, and/or agency comments.
5. Submittal of chapter document to TWDB for review and approval.
6. All effort required to obtain final approval of the Regional Flood Plan chapter by TWDB.

#### **Deliverables:**

- Prepare a stand-alone Chapter 5 (including work from Tasks 5A and 5B) to be included in the 2028 Regional Flood Plan
- A list of FMEs recommended and approved by the RFPGs to be performed by TWDB to identify FMPs to be included in the current or the following cycle of the regional flood plans.



## 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 must, 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 with regard to life, injuries, property, and other factors such as environment and agriculture.
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 FMPs and FMSs within the FPR.
4. a general description of the overall impacts of the recommended FMPs and FMSs in the Regional Flood Plan on the environment, agriculture, recreational resources, water quality, erosion, sedimentation, and navigation; and
5. a summary describing how RFPG recommendations in the RFP meet the needs identified during the needs analysis task as well as adopted goals.

The information gathered and developed in preparation of this chapter must 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 Regional Flood Plan chapter by TWDB.

**Deliverables:** Prepare a stand-alone Chapter 6 (including work from both Tasks 6A & 6B) to be included in the 2028 Regional Flood Plan. 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 must, 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 FMPs and FMSs 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 FMPs and FMSs may have.

The information gathered and developed in preparation of this chapter must 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 Regional Flood Plan chapter by TWDB.

**Deliverables:** Prepare a stand-alone Chapter 6 (including work from both Tasks 6A & 6B) to be included in the 2028 Regional Flood Plan. 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 must, 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 must 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 must 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 Regional Flood Plan chapter by TWDB.

**Deliverables:** Prepare a stand-alone Chapter 7 to be included in the 2028 Regional Flood Plan. 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 must, 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 2028 Regional Flood Plan 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 must 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 Regional Flood Plan chapter by TWDB.

**Deliverables:** Prepare a stand-alone Chapter 8 to be included in the 2028 Regional Flood Plan. 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 must, 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 Regional Flood Plan for future funding determinations.
4. Indicate how individual local governments, regional authorities, and other political subdivisions in their region propose to finance the region's recommended FMPs, and FMEs included in their flood plan. The assessment must also describe what role the RFPG proposes for the state in financing recommended FMPs, and FMEs. As projects are implemented, those improvements and associated benefits must be incorporated into and reflected in the subsequent Regional Flood Plans.
5. Summarize the survey results.

The information gathered and developed in preparation of this chapter must 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 Regional Flood Plan chapter by TWDB.

**Deliverables:** A completed Chapter 9 must be delivered in the 2028 Regional Flood Plan to include a summary of reported financing approaches for all recommended FMPs and FMEs. Data must 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 and final Regional Flood Plan, and obtain TWDB approval of the Regional Flood Plan.

In this task, the RFPG must evaluate and ensure that the draft and final Regional Flood Plan satisfies the requirements for regional flood plans in the guidance principles adopted in Title 31 TAC §362.3 and must include a statement in the draft and final Regional Flood Plan explaining how the Regional Flood Plan satisfies the requirements of each of the guidance principles in accordance with Title 31 TAC §361.20.

**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 must, 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 Regional Flood Plan to TWDB and obtain approval of the adopted Regional Flood Plan by TWDB.
2. Organization, support, facilitation, and documentation of all meetings associated with: preplanning meeting; consideration of a substitution of alternative flood management strategies; public meeting after adoption of the draft Regional Flood Plan and prior to adoption of the final Regional Flood Plan; and consideration of Regional Flood Plan amendments, alternative FMS substitutions, or Board-directed revisions.

#### **Technical Support and Administrative Activities**

1. RFPGs must 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 RFPG meetings.
2. Attendance and participation of technical consultants at RFPG, subgroup, subcommittees, special and or other meetings 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 progress 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 Regional Flood Plan documents.
8. Intraregional and interregional coordination and communication, and or facilitation required within the FPR and with other RFPGs to develop a Regional Flood Plan.
9. Incorporation of all required data and reports into Regional Flood Plan document.
10. Modifications to the Regional Flood Plan documents based on RFPG, public, and or agency comments.
11. Preparation of a Regional Flood Plan 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 Regional Flood Plan.
13. Production, distribution, and submittal of all draft and final Regional Flood Plan-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 Regional Flood Plan documents in both hard copy and electronic formats to TWDB for review and approval; and all effort required to obtain final approval of the Regional Flood Plan by TWDB.

#### **Other Activities**

1. Review of all Regional Flood Plan-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 to provide to the general public.
5. Documentation of meetings 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 Regional Flood Plan 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 Regional Flood Plan, including mediation between RFPG members, if necessary.
8. RFPG membership solicitation activities.
9. Meeting all posting, meeting, 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 a Regional Flood Plan 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 Regional Flood Plan documents.
- Any additional deliverables identified in the TWDB Flood Planning guidance documents.

## **Task 11 – Implementation and Comparison to Previous 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 must specifically include all work necessary to meet all the requirements of 31 TAC §361.45.

The objective of this task is to.

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

1. Collect information from local sponsors of FMEs, FMSs, and FMPs regarding implementation of previously recommended FMEs, FMSs, and FMPs and provide to the EA; and
2. Include a general description of how the new RFP differs from the previous plan including with regard to the status of existing flood infrastructure, flood mitigation achieved, goals, and changes to the recommended FMEs, FMSs, and FMPs.

The information gathered and developed in preparation of this chapter must 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 Regional Flood Plan chapter by TWDB.

**Deliverables:** A completed Chapter 11 must be delivered in the 2028 Regional Flood Plan to include information regarding differences between the plans. Data must be submitted in accordance with TWDB guidance documents. Any additional deliverables identified in the TWDB Flood Planning guidance documents.

RFPGs must submit all data deliverables, related regional flood plan chapters, and related documents, as applicable, in the FINAL REGIONAL FLOOD PLAN, including required GIS files, maps, etc., to reflect work performed. Data must be organized and summarized in the Regional Flood Plan in accordance with TWDB Flood Planning guidance documents.



# Summary of Recommended Funding Allocations for the Second Cycle of Regional Flood Planning (2023 -2028)

		REGION														
TASK		1. Canadian- Upper Red	2. Lower Red-Sulphur- Cypress	3. Trinity	4. Sabine	5. Neches	6. San Jacinto	7. Upper Brazos	8. Lower Brazos	9. Upper Colorado	10. Lower Colorado- Lavaca	11. Guadalupe	12. San Antonio	13. Nueces	14. Upper Rio Grande	15. Lower Rio Grande
1	Planning Area Description	\$115,255.00	\$103,920.00	\$142,890.00	\$107,565.00	\$119,735.00	\$188,500.00	\$117,255.00	\$126,030.00	\$116,200.00	\$130,625.00	\$107,230.00	\$107,315.00	\$132,695.00	\$129,590.00	\$155,195.00
2A	Existing Condition Flood Risk Analyses	\$161,357.00	\$145,488.00	\$200,046.00	\$150,591.00	\$167,629.00	\$263,900.00	\$164,157.00	\$176,442.00	\$162,680.00	\$182,875.00	\$150,122.00	\$150,241.00	\$185,773.00	\$181,426.00	\$217,273.00
2B	Future Condition Flood Risk Analyses	\$161,357.00	\$145,488.00	\$200,046.00	\$150,591.00	\$167,629.00	\$263,900.00	\$164,157.00	\$176,442.00	\$162,680.00	\$182,875.00	\$150,122.00	\$150,241.00	\$185,773.00	\$181,426.00	\$217,273.00
3A	Evaluation and Recommendations on Floodplain Management Practice	\$23,051.00	\$20,784.00	\$28,578.00	\$21,513.00	\$23,947.00	\$37,700.00	\$23,451.00	\$25,206.00	\$23,240.00	\$26,125.00	\$21,446.00	\$21,463.00	\$26,539.00	\$25,918.00	\$31,039.00
3B	Flood Mitigation Needs Analysis	\$46,102.00	\$41,568.00	\$57,156.00	\$43,026.00	\$47,894.00	\$75,400.00	\$46,902.00	\$50,412.00	\$46,480.00	\$52,250.00	\$42,892.00	\$42,926.00	\$53,078.00	\$51,836.00	\$62,078.00
3C	Flood Mitigation and Floodplain Management Goals	\$23,051.00	\$20,784.00	\$28,578.00	\$21,513.00	\$23,947.00	\$37,700.00	\$23,451.00	\$25,206.00	\$23,240.00	\$26,125.00	\$21,446.00	\$21,463.00	\$26,539.00	\$25,918.00	\$31,039.00
4A	Identification and Evaluation of Potential Flood Management Evaluations and Potentially Feasible Flood Management Strategies and Flood Mitigation Projects	\$230,510.00	\$207,840.00	\$285,780.00	\$215,130.00	\$239,470.00	\$377,000.00	\$234,510.00	\$252,060.00	\$232,400.00	\$261,250.00	\$214,460.00	\$214,630.00	\$265,390.00	\$259,180.00	\$310,390.00
4B	Prepare and Submit Technical Memorandum	\$46,102.00	\$41,568.00	\$57,156.00	\$43,026.00	\$47,894.00	\$75,400.00	\$46,902.00	\$50,412.00	\$46,480.00	\$52,250.00	\$42,892.00	\$42,926.00	\$53,078.00	\$51,836.00	\$62,078.00
4C	Performance of Identified Flood Management Evaluations	\$576,275.00	\$519,600.00	\$714,450.00	\$537,825.00	\$598,675.00	\$942,500.00	\$586,275.00	\$630,150.00	\$581,000.00	\$653,125.00	\$536,150.00	\$536,575.00	\$663,475.00	\$647,950.00	\$775,975.00
5A	Recommendation of flood management evaluations, flood mitigation projects and flood management strategies	\$230,510.00	\$207,840.00	\$285,780.00	\$215,130.00	\$239,470.00	\$377,000.00	\$234,510.00	\$252,060.00	\$232,400.00	\$261,250.00	\$214,460.00	\$214,630.00	\$265,390.00	\$259,180.00	\$310,390.00
5B	Recommend a list of flood management evaluations to be performed by TWDB	\$23,051.00	\$20,784.00	\$28,578.00	\$21,513.00	\$23,947.00	\$37,700.00	\$23,451.00	\$25,206.00	\$23,240.00	\$26,125.00	\$21,446.00	\$21,463.00	\$26,539.00	\$25,918.00	\$31,039.00
6A	Impacts of Regional Flood Plan	\$69,153.00	\$62,352.00	\$85,734.00	\$64,539.00	\$71,841.00	\$113,100.00	\$70,353.00	\$75,618.00	\$69,720.00	\$78,375.00	\$64,338.00	\$64,389.00	\$79,617.00	\$77,754.00	\$93,117.00
6B	Contributions to and Impacts on Water Supply Development and the State Water Plan	\$23,051.00	\$20,784.00	\$28,578.00	\$21,513.00	\$23,947.00	\$37,700.00	\$23,451.00	\$25,206.00	\$23,240.00	\$26,125.00	\$21,446.00	\$21,463.00	\$26,539.00	\$25,918.00	\$31,039.00
7	Flood Response Information and Activities	\$23,051.00	\$20,784.00	\$28,578.00	\$21,513.00	\$23,947.00	\$37,700.00	\$23,451.00	\$25,206.00	\$23,240.00	\$26,125.00	\$21,446.00	\$21,463.00	\$26,539.00	\$25,918.00	\$31,039.00
8	Administrative, Regulatory, and Legislative Recommendations	\$23,051.00	\$20,784.00	\$28,578.00	\$21,513.00	\$23,947.00	\$37,700.00	\$23,451.00	\$25,206.00	\$23,240.00	\$26,125.00	\$21,446.00	\$21,463.00	\$26,539.00	\$25,918.00	\$31,039.00
9	Flood Infrastructure Financing Analysis	\$46,102.00	\$41,568.00	\$57,156.00	\$43,026.00	\$47,894.00	\$75,400.00	\$46,902.00	\$50,412.00	\$46,480.00	\$52,250.00	\$42,892.00	\$42,926.00	\$53,078.00	\$51,836.00	\$62,078.00
10	Public Participation and Plan Adoption	\$461,020.00	\$415,680.00	\$571,560.00	\$430,260.00	\$478,940.00	\$754,000.00	\$469,020.00	\$504,120.00	\$464,800.00	\$522,500.00	\$428,920.00	\$429,260.00	\$530,780.00	\$518,360.00	\$620,780.00
11	Implementation and Comparison to Previous Regional Flood Plan	\$23,051.00	\$20,784.00	\$28,578.00	\$21,513.00	\$23,947.00	\$37,700.00	\$23,451.00	\$25,206.00	\$23,240.00	\$26,125.00	\$21,446.00	\$21,463.00	\$26,539.00	\$25,918.00	\$31,039.00
TOTAL		\$2,305,100.00	\$2,078,400.00	\$2,857,800.00	\$2,151,300.00	\$2,394,700.00	\$3,770,000.00	\$2,345,100.00	\$2,520,600.00	\$2,324,000.00	\$2,612,500.00	\$2,144,600.00	\$2,146,300.00	\$2,653,900.00	\$2,591,800.00	\$3,103,900.00



Working Conceptual Schedule\*\*  
First/Second Cycle of Regional Flood Planning

As of December 2022



Item	Entity	Activity	Planning SOW Task #	2022		2023												2024											
				Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
32	RFPG	Adopt and Submit the 2023 RFP to the TWDB	All				(DUE JAN 10, 2023)																						
Amended 2023 Region Flood Plan																													
33	RFPG	Outreach and Data Collection to Support Tasks 1 – 9	11																										
34	RFPG	Perform Identified FMEs, Identify, Evaluate, and Recommend Additional FMPs	12																										
35	RFPG	Preparation and Adoption of the Amended RFP	13										(DUE JULY 14, 2023)																
36	TWDB/Sponsor	Last day that work performed is eligible for reimbursement	Contract														(DEC 29, 2023)												
37	TWDB/Sponsor	Last day that the final payment request may be submitted for reimbursement	Contract															(FEB 29, 2024)											
38	TWDB/Sponsor	Contract expiration	Contract																			(JUNE 28, 2024)							
2028 Regional Flood Plan (2nd Cycle)																													
39	TWDB	Anticipated public comment period on proposed changes to administrative rules for Regional and State Flood Planning (31 TAC 361 & 362)																											
40	TWDB	Anticipated TWDB Board Meeting to consider authorizing rule changes and final publication to Texas Register.																											
41	RFPG	Public participation, stakeholder input, post notices, hold meetings, maintain email lists and website	10																										
42	TWDB	Publish Request for Regional Flood Planning Grant Applications																											
43	RFPG/Sponsor	Submission of Applications for Regional Flood Planning Grants to TWDB																											
44	TWDB/Sponsor	Review and Execution of Regional Flood Planning Grant Contracts	Contract																										
45	RFPG/Sponsor	Solicitation for Technical Consultant																											
46	RFPG	Pre-Planning Meetings for Public Input on Development of RFP																											
47	RFPG	Selection of Technical Consultant																											
48	RFPG/Sponsor	Execution of Technical Consultant Subcontract																											
49	RFPG	Development of 2028 RFP																											
50	RFPG	Adopt and Submit the 2028 RFP to the TWDB																							(DUE JAN 10, 2028) ---->				
2024 State Flood Plan																													
51	TWDB	Preparation, Public Input, and Adoption of the State Flood Plan																								(BY SEPT 1, 2024)			

Acronyms:

- RFP - Regional Flood Plan
- RFPG - Regional Flood Planning Group
- FME - Flood Management Evaluation
- FMS - Flood Management Strategy
- FMP - Flood Mitigation Project

\*\*This conceptual schedule contains approximate timeframes for high-level planning activities for the purpose of illustrating the anticipated order of and interrelationship/overlap between key activities. Each RFPG & Sponsor will develop their own working schedule and will direct its own planning effort which will vary by region. Milestone dates shown red are required deadlines contained in the Regional Flood Planning Grant Contracts.

Detail work associated with each task can be found in the Scope of Work:  
<https://www.twdb.texas.gov/flood/planning/planningdocu/2023/index.asp>

**TWDB Vendor Set-up and  
Direct Deposit Form**

Agency Use Only

☐ New Set- up

☐ New MC

☐ Other

☐ Update

☐ Direct Deposit

☐ MIP Only

**Box 1** Legal Name (as shown on your tax return):

**Box 2** DBA:

**Box 3** Tax Information Mailing Address: **Box 4** Payment Address (if different from Tax Address):

City: State: Zip: City: State: Zip:

Phone: Fax: Email:

**Box 5** Federal Taxpayer Identification Number:  
Note: Enter the same number used filing your tax return

☐ Social Security Number (SSN)  
☐ Employer Identification Number (EIN)  
☐ Individual Taxpayer ID Number (ITIN)  
☐ Texas Taxpayer ID Number (TTIN)

**Box 6** Federal Tax Classification:  
Business Designation:

☐ T=Texas Corporation ☐ C=Professional Corporation ☐ E=State Employee  
☐ S=Sole Owner ☐ I=Individual Recipient ☐ G=Government Entity  
☐ O=Out-of-State Corporation ☐ A=Professional Association ☐ R=Foreign Corporation  
☐ P=General Partnership ☐ U=State Agency/University ☐ F=Financial Institution  
☐ L=Limited Partnership ☐ N=Other (Please Explain):

**Box 7** Profit Status: ☐ Profit ☐ Non-Profit

**Box 8** Corporation Information: State of Jurisdiction: (Required if T,L,C,A checked above) File or Charter Number (Required if T,L,C,A checked above)

**Box 9** Sole Ownership Info: Sole Owner Name and SSN:

**Box 10** General Partnership Information: Partner 1 Name and SSN/EIN:  
Partner 2 Name and SSN/EIN:

**Box 11** Backup Withholding: Please see IRS Website ☐ Exempt from Backup Withholding

**Box 12** Certification:

Under penalties of perjury, I certify that:  
1) I have provided my correct taxpayer identification number and that  
2) I am not subject to backup withholding as specified on the instruction page for this form and that  
3) I am a US citizen or other US person

Signature: *Melinda Tickle*

Print Preparer's Name:

Phone Number: Date:

**Box 13** Direct Deposit Information (Response Required)

☐ I am currently on Direct Deposit and wish to continue. Sign and date: *Melinda Tickle* If checked, stop here

☐ I decline Direct Deposit at this time. Sign and date: If checked, stop here

☐ New Set-up ☐ Change in Direct Deposit Information ☐ Cancel My Direct Deposit

Financial Institution Name: Type: ☐ Checking ☐ Savings Mail Code:

Financial Institution Routing Number: Account Number:

Will these payments be forwarded to a financial institution outside the United States? (Required) ☐ Yes ☐ No

If yes, please also fill out the ACH Payment Destination Confirmation (Form 74-227)

I authorize the Texas Comptroller of Public Accounts to deposit my payments from the State of Texas to my financial institution electronically. I understand that the Texas Comptroller of Public Accounts will reverse any payments to my account in error.

I further understand that the Texas Comptroller of Public Accounts will comply at all times with the National Automated Clearing House Association's rules. For further information on these rules, please contact your financial institution.

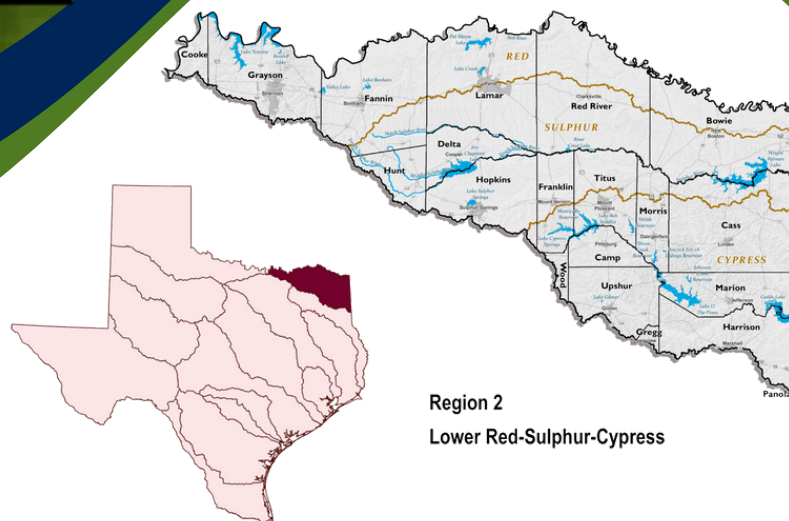
Authorized Signature Required: *Melinda Tickle*

Printed Name Required: Date:

**LOWER RED-SULPHUR-CYPRESS**

# **REGIONAL FLOOD PLANNING GROUP**

**REGION 2**



Region 2  
Lower Red-Sulphur-Cypress

## **JOIN US FOR PHASE 2 REGIONAL FLOOD PLANNING**

### **What's Involved?**

- Flood Planning Based on Best Available Science, Data, Models, and Mapping
- Flood Hazard Analysis to Reduce Existing Flooding & Avoid Future Flood Risks
- Flood Exposure Analysis to Identify Who and What Might Be Harmed
- Vulnerability Analysis of Communities and Critical Facilities
- Public Meetings Once a Month

**Contact Us Today!**

 903-832-8636

 [texasfloodregion2.org](http://texasfloodregion2.org)