

MINUTES OF THE
TEXAS WATER DEVELOPMENT BOARD
BOARD MEETING
May 6, 2021 – 9:30 A.M.

Chairwoman Brooke T. Paup called to order the meeting of the Texas Water Development Board at 9:35 a.m. Due to the restrictions of COVID-19, the meeting was held through GoToWebinar in Austin, Texas. In addition to Chairwoman Paup, Director Kathleen Jackson, was also in attendance, and a quorum was present.

The General Counsel announced the items for consideration:

1. **CONSIDER APPROVING MATERIAL CHANGES TO CONTRACTS FOR GOODS AND SERVICES EXECUTED DURING THE SECOND QUARTER OF FISCAL YEAR 2021; AND THE CONTRACT AND PERFORMANCE REPORT FOR THE SECOND QUARTER OF FISCAL YEAR 2021.** Cameron Turner, Contract Management, presented this item.

Director Jackson moved to approve material changes to contracts for goods and services executed during the second quarter of fiscal year 2021; and the contract and performance report for the second quarter of fiscal year 2021, as recommended by the Executive Administrator.

The motion was seconded by Chairwoman Paup; it passed unanimously.

2. **CONSIDER AUTHORIZING THE EXECUTIVE ADMINISTRATOR TO NEGOTIATE AND EXECUTE CONTRACTS FOR FISCAL YEAR 2021 AGRICULTURAL WATER CONSERVATION GRANTS.** Kyla Peterson, Water Science & Conservation, presented this item.

Chairwoman Paup moved to authorize the Executive Administrator to negotiate and execute contracts for Fiscal Year 2021 Agricultural Water Conservation Grants, as recommended by the Executive Administrator.

The motion was seconded by Director Jackson; it passed unanimously.

3. **CONSIDER ADOPTING AMENDMENTS TO 31 TEXAS ADMINISTRATIVE CODE (TAC) CHAPTER 355 RELATING TO REGIONAL WATER PLANNING GRANTS AND 31 TAC CHAPTER 357.21 RELATING TO REGIONAL WATER PLANNING NOTICE AND PUBLIC PARTICIPATION.** Sarah Backhouse, Water Supply & Infrastructure, presented this item.

Director Jackson moved to adopt the proposed amendments to 31 Texas Administrative Code (TAC) Chapter 355 relating to Regional Water Planning Grants and 31 TAC Chapter 357.21 relating to Regional Water Planning Notice and Public Participation, as recommended by the Executive Administrator.

The motion was seconded by Chairwoman Paup; it passed unanimously.

4. APPROVE BY RESOLUTION A REQUEST FROM THE CITY OF ALTON (HIDALGO COUNTY) FOR \$8,500,000 IN FINANCIAL ASSISTANCE CONSISTING OF \$5,525,000 IN FINANCING AND \$2,975,000 IN GRANT FROM THE FLOOD INFRASTRUCTURE FUND FOR PLANNING, ACQUISITION, DESIGN, AND CONSTRUCTION OF A DRAINAGE PROJECT. Henry Foust, Water Supply & Infrastructure, presented this item.

Chairwoman Paup moved to adopt the proposed resolution for the City of Alton, Project 40112 for \$8,500,000 in financial assistance consisting of \$5,525,000 in financing and \$2,975,000 in grant from the Flood Infrastructure Fund for planning, acquisition, design, and construction of a drainage project, as recommended by the Executive Administrator.

The motion was seconded by Director Jackson; it passed unanimously.

5. APPROVE BY RESOLUTION A REQUEST FROM THE CITY OF CAMERON (MILAM COUNTY) FOR \$15,000,000 IN FINANCIAL ASSISTANCE CONSISTING OF \$11,250,000 IN FINANCING AND \$3,750,00 IN GRANT FROM THE FLOOD INFRASTRUCTURE FUND FOR PLANNING, ACQUISITION, DESIGN, AND CONSTRUCTION OF A WATER INFRASTRUCTURE PROJECT.

Chairwoman Paup moved to postpone consideration of this item to a later date. No action was taken on this item.

ITEMS 6 & 7 WERE PRESENTED TOGETHER

6. APPROVE BY RESOLUTION A REQUEST FROM THE CITY OF HOUSTON (HARRIS COUNTY) FOR \$10,100,000 IN FINANCING FROM THE FLOOD INFRASTRUCTURE FUND FOR CONSTRUCTION OF A DRAINAGE PROJECT.
7. APPROVE BY RESOLUTION A REQUEST FROM THE CITY OF HOUSTON (HARRIS COUNTY) FOR \$12,261,570 IN FINANCIAL ASSISTANCE CONSISTING OF \$8,583,000 IN FINANCING AND \$3,678,570 IN GRANT FROM THE FLOOD INFRASTRUCTURE FUND FOR THE CONSTRUCTION OF A DRAINAGE PROJECT. Henry Foust, Water Supply & Infrastructure presented these items.

Chairwoman Paup moved to adopt the proposed resolutions for the City of Houston, Project No. 40120 for \$10,100,000 in financing from the Flood Infrastructure Fund for construction of a drainage project and Project No. 40157 for \$12,261,570 in financial assistance consisting of \$8,583,000 in financing and \$3,678,570 in grant from the Flood Infrastructure Fund for the construction of a drainage project, as recommended by the Executive Administrator.

The motion was seconded by Director Jackson; it passed unanimously.

8. APPROVE BY RESOLUTION A REQUEST FROM THE MONTGOMERY COUNTY MUNICIPAL UTILITY DISTRICT NO. 67 (DISTRICT) FOR \$11,300,000 IN FINANCIAL ASSISTANCE CONSISTING OF \$10,170,000 IN FINANCING AND \$1,130,000 IN GRANT FROM THE FLOOD

INFRASTRUCTURE FUND FOR PLANNING, ACQUISITION, DESIGN, AND CONSTRUCTION OF FLOOD MITIGATION POND AND DRAINAGE IMPROVEMENT PROJECT. Shubham Aggarwal, Water Supply & Infrastructure, presented this item. Dr. Shelly Sekula-Gibbs, Director, The Woodlands Township Board, Alternate Chairman, One Water Task Force, also addressed the Board and Mr. Bruce Rieser, Chairman, The Woodlands Township One Water Task Force submitted written comments, both in favor of this item.

Director Jackson moved to adopt the proposed resolution the Montgomery County Municipal Utility District No. 67, Project No. 40070 for \$11,300,000 in financial assistance consisting of \$10,170,000 in financing and \$1,130,000 in grant from the Flood Infrastructure Fund for planning, acquisition, design, and construction of flood mitigation pond and drainage improvement project, as recommended by the Executive Administrator.

The motion was seconded by Chairwoman Paup; it passed unanimously.

9. APPROVE BY RESOLUTION A REQUEST FROM THE CITY OF SUGAR LAND FOR \$16,500,000 IN FINANCING FROM THE FLOOD INFRASTRUCTURE FUND FOR THE PLANNING, DESIGN, AND CONSTRUCTION OF A DRAINAGE IMPROVEMENT PROJECT. Sara Sopczynski, Water Supply & Infrastructure, presented this item.

Chairwoman Paup moved to adopt the proposed resolution for the City of Sugar Land, Project No. 40132 for \$16,500,000 in financing from the Flood Infrastructure Fund for the planning, design, and construction of a drainage improvement project, as recommended by the Executive Administrator.

The motion was seconded by Director Jackson; it passed unanimously.

10. APPROVE BY RESOLUTION A REQUEST FROM THE FORT BEND COUNTY LEVEE IMPROVEMENT DISTRICT NO. 19 (FORT BEND COUNTY) FOR \$15,800,000 IN FINANCING FROM THE FLOOD INFRASTRUCTURE FUND FOR PLANNING, DESIGN, AND CONSTRUCTION OF A FLOOD MANAGEMENT PROJECT. Mireya Loewe, Water Supply & Infrastructure, presented this item.

Director Jackson moved to adopt the proposed resolution for the Fort Bend County Levee Improvement District No. 19, Project No. 40126 for \$15,800,000 in financing from the Flood Infrastructure Fund for planning, design, and construction of a flood management project, as recommended by the Executive Administrator.

The motion was seconded by Chairwoman Paup; it passed unanimously.

ITEMS 11 THRU 17 WERE PRESENTED TOGETHER

11. APPROVE BY RESOLUTION A REQUEST FROM THE WILLACY COUNTY FOR \$1,690,300 IN FINANCIAL ASSISTANCE CONSISTING OF \$727,000 IN FINANCING AND \$963,300 IN

GRANT FROM THE FLOOD INFRASTRUCTURE FUND FOR PLANNING, DESIGN, AND CONSTRUCTION OF A DRAINAGE IMPROVEMENT AND DETENTION POND PROJECT.

12. APPROVE BY RESOLUTION A REQUEST FROM THE WILLACY COUNTY FOR \$87,238 IN FINANCIAL ASSISTANCE CONSISTING OF \$31,000 IN FINANCING AND \$56,238 IN GRANT FROM THE FLOOD INFRASTRUCTURE FUND FOR PLANNING, DESIGN, AND CONSTRUCTION OF A DRAINAGE IMPROVEMENT PROJECT.
13. APPROVE BY RESOLUTION A REQUEST FROM THE WILLACY COUNTY FOR \$268,777 IN FINANCIAL ASSISTANCE CONSISTING OF \$121,000 IN FINANCING AND \$147,777 IN GRANT FROM THE FLOOD INFRASTRUCTURE FUND FOR PLANNING, ACQUISITION, DESIGN, AND CONSTRUCTION OF A DRAINAGE IMPROVEMENT PROJECT.
14. APPROVE BY RESOLUTION A REQUEST FROM THE WILLACY COUNTY FOR \$889,350 IN FINANCIAL ASSISTANCE CONSISTING OF \$427,000 IN FINANCING AND \$462,350 IN GRANT FROM THE FLOOD INFRASTRUCTURE FUND FOR PLANNING, ACQUISITION, DESIGN, AND CONSTRUCTION OF A DRAINAGE IMPROVEMENT PROJECT.
15. APPROVE BY RESOLUTION A REQUEST FROM THE WILLACY COUNTY FOR \$564,498 IN FINANCIAL ASSISTANCE CONSISTING OF \$271,000 IN FINANCING AND \$293,498 IN GRANT FROM THE FLOOD INFRASTRUCTURE FUND FOR PLANNING, ACQUISITION, DESIGN, AND CONSTRUCTION OF A STORM WATER DRAINAGE IMPROVEMENT PROJECT.
16. APPROVE BY RESOLUTION A REQUEST FROM THE WILLACY COUNTY FOR \$1,468,578 IN FINANCIAL ASSISTANCE CONSISTING OF \$588,000 IN FINANCING AND \$880,578 GRANT FROM THE FLOOD INFRASTRUCTURE FUND FOR PLANNING, ACQUISITION, DESIGN, AND CONSTRUCTION OF A DRAINAGE IMPROVEMENT AND DETENTION POND PROJECT.
17. APPROVE BY RESOLUTION A REQUEST FROM THE WILLACY COUNTY FOR \$4,911,456 IN FINANCIAL ASSISTANCE CONSISTING OF \$1,965,000 IN FINANCING AND \$2,946,456 IN GRANT FROM THE FLOOD INFRASTRUCTURE FUND FOR PLANNING, ACQUISITION, DESIGN, AND CONSTRUCTION OF A DRAINAGE IMPROVEMENT AND A DETENTION POND PROJECT. Mireya Loewe, Water Supply & Infrastructure, presented these items.

Chairwoman Paup moved to adopt the proposed resolutions for Willacy County Project No. 40048 for \$1,690,300 in financial assistance consisting of \$727,000 in financing and \$963,300 in grant from the Flood Infrastructure Fund for planning, design, and construction of a drainage improvement and detention pond project; Project No. 40094 for \$87,238 in financial assistance consisting of \$31,000 in financing and \$56,238 in grant from the Flood Infrastructure Fund for planning, design, and construction of a drainage improvement project; Project 40095 for \$268,777 in financial assistance consisting of \$121,000 in financing and \$147,777 in grant from the Flood Infrastructure Fund for planning, acquisition, design, and construction of a drainage improvement project, Project No. 40096 \$889,350 in financial assistance consisting of \$427,000 in financing and \$462,350 in grant from the Flood Infrastructure Fund for planning, acquisition, design, and

construction of a drainage improvement project, Project No. 40097 \$564,498 in financial assistance consisting of \$271,000 in financing and \$293,498 in grant from the Flood Infrastructure Fund for planning, acquisition, design, and construction of a storm water drainage improvement project, Project No. 40100 for \$1,468,578 in financial assistance consisting of \$588,000 in financing and \$880,578 grant from the Flood Infrastructure Fund for planning, acquisition, design, and construction of a drainage improvement and detention pond project, and Project 40101 for \$4,911,456 in financial assistance consisting of \$1,965,000 in financing and \$2,946,456 in grant from the Flood Infrastructure Fund for planning, acquisition, design, and construction of a drainage improvement and a detention pond project, as recommended by the Executive Administrator.

The motion was seconded by Director Jackson; it passed unanimously.

18. THE BOARD WILL RECEIVE COMMENTS FROM THE PUBLIC ON ANY MATTERS WITHIN THE JURISDICTION OF THE TWDB, WITH THE EXCEPTION OF MATTERS WHICH ARE SUBJECT TO THE EX PARTE PROHIBITION FOUND IN TEXAS GOVERNMENT CODE §2001.061.

No comments were received.

19. THE BOARD MAY ADJOURN INTO EXECUTIVE SESSION AND CONDUCT A CLOSED MEETING TO CONSIDER ANY ITEM ON THIS AGENDA IF A MATTER IS RAISED THAT IS APPROPRIATE FOR THE BOARD TO CONDUCT A PRIVATE CONSULTATION WITH ITS ATTORNEY ON A MATTER IN WHICH THE DUTY OF THE ATTORNEY TO THE GOVERNMENTAL BODY UNDER THE TEXAS DISCIPLINARY RULES OF PROFESSIONAL CONDUCT OF THE STATE BAR OF TEXAS CLEARLY CONFLICTS WITH CHAPTER 551 OF THE TEXAS GOVERNMENT CODE. THE BOARD MAY CONDUCT A CLOSED MEETING TO RECEIVE LEGAL ADVICE AND DISCUSS PENDING OR CONTEMPLATED LITIGATION, SETTLEMENT OFFERS, OR THE APPOINTMENT, EMPLOYMENT, EVALUATION, REASSIGNMENT, DUTIES, DISCIPLINE OR DISMISSAL OF SPECIFIC BOARD EMPLOYEES, INCLUDING THE EXECUTIVE ADMINISTRATOR AND GENERAL COUNSEL, AS PERMITTED BY SECTIONS 551.071 AND 551.074, THE TEXAS OPEN MEETINGS ACT, CODIFIED AS CHAPTER 551 OF THE TEXAS GOVERNMENT CODE. THE BOARD MAY ALSO MEET IN OPEN MEETING TO TAKE ACTION ON LEGAL OR PERSONNEL MATTERS CONSIDERED IN THE CLOSED MEETING AS REQUIRED BY SECTION 551.102 OF THE OPEN MEETINGS ACT, CHAPTER 551 OF THE GOVERNMENT CODE. THE BOARD MAY CONDUCT A CLOSED MEETING TO CONSIDER AND DISCUSS FINANCIAL MATTERS RELATED TO THE INVESTMENT OR POTENTIAL INVESTMENT OF THE BOARD'S FUNDS, AS PERMITTED BY SECTION 6.0601(A) OF THE TEXAS WATER CODE. THE BOARD MAY ALSO MEET IN OPEN MEETING TO TAKE ACTION ON A FINANCIAL MATTER DISCUSSED IN THE CLOSED MEETING AS REQUIRED BY SECTION 6.0601(B) OF THE TEXAS WATER CODE.

The Board did not meet in closed session, the meeting was adjourned at 10:25 a.m.

APPROVED and ordered of record this, the 6th day of May, 2021.

TEXAS WATER DEVELOPMENT BOARD

Brooke T. Paup, Chairwoman

DATE SIGNED: _____

ATTEST:

Jeff Walker, Executive Administrator