

RESOLUTION NO. 2018-R-07

A RESOLUTION CREATING AND ESTABLISHING A SEPARATE OPERATING DIVISION OF THE SAN JACINTO RIVER AUTHORITY TO BE KNOWN AND DESIGNATED AS THE FLOOD MANAGEMENT DIVISION.

WHEREAS, the San Jacinto River Authority (the "Authority") is a conservation and reclamation district, body politic and corporate, and a governmental agency of the State of Texas created by and operating under the provisions of Chapter 426, Acts of the 45th Texas Legislature, Regular Session, 1937, as amended (compiled as Vernon's Annotated Texas Civil Statutes, Article 8280-121), enacted pursuant to the provisions of Section 59 of Article XVI of the Texas Constitution (such series of acts being hereinafter collectively referred to as the "Act"); and

WHEREAS, the Act authorizes the Authority, among other matters, to store, control, and conserve the storm and flood waters of the watershed of the San Jacinto River and its tributaries, and to prevent the escape of any such waters through every practical means, so as to prevent the devastation of lands from recurrent overflows, and to protect life and property, and to provide through every practical means for the control, utilization, and coordination of regulation of the waters of the San Jacinto River and its tributaries; and

WHEREAS, the Authority has not exercised such authority with respect to the said watershed as a whole because, among other reasons, the Authority receives no appropriations from the State of Texas to fund such efforts, the Authority is not authorized to levy and collect an ad valorem tax to fund such efforts, the creation of a county-wide flood control district and the application of sales and use tax revenues to fund such efforts were rejected by the voters of Montgomery County in 1985, and no public or private entity has sought to partner with or contract with the Authority to fund such efforts; and

WHEREAS, Hurricane Harvey made landfall on the Texas coast on August 25, 2017, and stalled over southeast Texas for days, producing historic rainfall and devastating flooding within the San Jacinto River basin and other river basins; and

WHEREAS, Board of Directors of the Authority believes that Hurricane Harvey may have served as a catalyst to focus the public and all levels of government on the need to develop and implement regional flood management strategies and infrastructure; and

WHEREAS, the Governor of the State of Texas has directed the Authority to immediately identify what can be done to prevent flood events along the West Fork of the San Jacinto River, implement immediate and long-term solutions to protect lives and property of Texans living in the watershed, and identify funding to implement a long-term plan that better protects areas downstream; and

WHEREAS, the Board of Directors of the Authority has determined that a separate division of the Authority should be created to focus on flood management strategies and infrastructure; Now, therefore,

BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE SAN JACINTO RIVER AUTHORITY, THAT:

Section 1: There is hereby created and established and there shall be maintained a separate division of the San Jacinto River Authority to be known and designated as the Flood Management Division.

Section 2: The Flood Management Division is hereby authorized and directed to identify projects and other actions that may be undertaken by the Authority to address flood events along the San Jacinto

River and protect the lives and property of Texans living within the watershed. Further, the Flood Management Division is hereby authorized and directed to identify sources of funding to undertake such projects and actions.

Section 3: Subject to the oversight and direction of the Board of Directors of the Authority, and the identification of sufficient funding sources therefor, the Flood Management Division shall implement immediate and long-term solutions to address flood events along the San Jacinto River and protect the lives and property of Texans living within the watershed.

Section 4: The Flood Management Division, among other matters, shall prepare, keep, and maintain a separate, annual budget for such division that encompasses the annual revenues and expenses of such division. There shall be allocated to the Flood Management Division a proportional share of the direct and indirect costs of the Authority's general and administrative, managerial, accounting, purchasing, legal, fiscal, human resources, information technology, technical, and other support services related to the performance by the Authority and such Division. Further, the Flood Management Division shall keep separate books of account that shall be audited annually.

PASSED and APPROVED this 26th day of April, 2018, at a regular meeting of the Board of Directors of the San Jacinto River Authority.

ATTEST:



Secretary, Board of Directors

SAN JACINTO RIVER AUTHORITY:



President, Board of Directors

(SEAL)

