



LINA HIDALGO

August 7, 2020

SUPPLEMENTAL AGENDA LETTER

Commissioners Court
1001 Preston, 9th Floor
Houston, Texas 77002

Dear Commissioners:

The following item is recommended for the August 11, 2020, Commissioners Court Agenda:

Request for discussion and possible action on reconstituting the Harris County Flood Control Task Force as the Harris County Community Flood Resilience Task Force and amending the bylaws accordingly.

Very truly yours,

Lina Hidalgo
Harris County Judge

**HARRIS COUNTY COMMUNITY FLOOD RESILIENCE TASK FORCE BYLAWS
AS AMENDED ON AUGUST 11, 2020**

As of August 11, 2020, the Harris County Flood Control District Task Force is hereby reconstituted as the Harris County Community Flood Resilience Task Force (CFRTF). The bylaws of the Harris County Flood Control District Task Force dated December 2, 2007 are therefore no longer in effect and hereby replaced in their entirety, as follows:

ARTICLE I

NAME AND MAILING ADDRESS

1. The name of this organization shall be the Harris County Community Flood Resilience Task Force.
2. The mailing address of the CFRTF shall be: ATTN: Harris County Community Flood Resilience Task Force, Harris County Engineering Department, 1001 Preston, 7th Floor, Houston Texas, 77002.

ARTICLE II

DEFINITIONS

For purposes of the Harris County Community Flood Resilience Task Force Bylaws (“Bylaws”), the terms below are defined as follows:

3. **“Equitable resilience”** refers to “[a] form of human-environmental resilience that takes into account issues of social vulnerability and differentiated access to power, knowledge and resources. It starts from people’s own perception of their position within their human-environmental system and accounts for their realities and their need for a change of circumstance to avoid imbalances of power into the future.”¹
4. **“Infrastructure resilience team” (IRT)** refers to the Harris County Engineering Department, Harris County Flood Control District, Harris County Community Services Department, Harris County Toll Road Authority, and the Harris County Office of Emergency Management and Homeland Security. See Article V below for additional information.
5. **“Flood resilience planning efforts”** refers to flood resilience planning activities by the IRT or any of its member departments, including to develop goals, strategies, or an overall approach for improving Harris County’s flood resilience and reducing its vulnerability to flooding and flood-related disasters. Also refers to plans or initiatives that

¹ Matin, N., Forrester, J., & Ensor, J. (2018). “What is equitable resilience?” World Development. Retrieved from [http:// doi.org/10.1016/j.worlddev.2018.04.020](http://doi.org/10.1016/j.worlddev.2018.04.020).

are developed, overseen, or implemented by the IRT or any of its member departments to strengthen Harris County’s capacity for flood resilience and preparedness, which includes but is not limited to long-term funding strategies, land use planning activities, and buyout programs that are developed and implemented for this purpose.

6. **“Flood resilience projects”** refers to Harris County’s flood resilience projects and activities that are developed, overseen, or implemented by the IRT or any of its member departments in accordance with or to effectuate flood resilience planning efforts (defined in Section 5 above). Also refers to future projects being carried out by the IRT or any of its member departments to strengthen Harris County’s flood resilience that are in the Capital Improvements Program. Also refers to policies, standards, and regulations developed or enforced by the IRT or any of its member departments to further flood resilience goals, while maintaining consistency with state and federal law. Projects undertaken and funded by the individual Precinct Commissioners are not subject to review by the CFRTF unless specifically requested by the Precinct Commissioner that is funding the project.

ARTICLE III

PURPOSE AND OBJECTIVES

7. The purpose of the CFRTF is to serve in an advisory capacity to the IRT and, in turn and as applicable, the Harris County Commissioners Court (“Commissioners Court”) to promote collaboration among stakeholders and encourage equitable resilience planning efforts and flood resilience projects that:
 - a. Support holistic, innovative, and nature-based solutions to building flood resilience and mitigating flood risks;
 - b. Achieve multiple short- and long-term benefits for as many Harris County communities as possible;
 - c. Take into account the needs and priorities of the community and promote equitable community-level outcomes in the face of flooding; and
 - d. Protect communities, homes, and businesses across Harris County from flood-related hazards.
8. To achieve these purposes, the objectives of the CFRTF are to:
 - a. **Overall Approach and Planning:** Provide ongoing evaluation, feedback, and community and technical expertise to the IRT and, in turn and as appropriate, Commissioners Court, on Harris County’s overall approach to strengthening flood resilience and on the development and implementation of flood resilience planning efforts.

- b. **Specific Projects and Activities:** Evaluate and provide feedback on future flood resilience projects to help ensure they are locally contextualized, take an innovative and equitable approach to strengthening flood resilience, and are aligned with Harris County’s flood resilience planning efforts and overall framework for strengthening flood resilience.
 - c. **Timelines:** Evaluate and provide feedback on whether flood control and resilience projects that were previously approved by Commissioners Court are implemented in accordance with the existing prioritization framework and schedule.
 - d. **Future Funding Strategies:** Assist in identifying and developing equitable and impactful funding strategies for flood resilience planning efforts and projects.
 - e. **Oversight and Transparency:** Provide ongoing oversight and encourage transparency in the development and implementation of Harris County’s future flood resilience planning efforts and projects to help ensure desired outcomes are measured and achieved over time.
 - f. **Community Engagement:** Further, support, and help improve ongoing community engagement by the IRT and its individual member departments to inform and obtain feedback from the community on flood resilience planning efforts and projects.
9. It is not within the typical scope of the CFRTF to reevaluate, reprioritize, or otherwise alter projects that have already been approved by Commissioners Court.²

ARTICLE IV

MEMBERSHIP

(A) Composition and Qualifications³

10. The CFRTF shall consist of seventeen (17) members that serve in an advisory capacity to Commissioners Court; represent the geographic, gender, age, racial, and ethnic diversity of Harris County; are residents of Harris County; have a demonstrated interest in and commitment to serving the community; are able to contribute meaningful time and effort to achieving the purpose and objectives of the CFRTF; and, where possible, meet one or more of the following qualifications:

² It is not within the scope of the CFRTF to alter or re-prioritize 2018 flood bond projects, except that the CFRTF should evaluate and provide feedback on whether those projects are being implemented in accordance with the court-approved equitable prioritization framework and schedule.

³ As the CFRTF is a community advisory board, CFRTF members should not be full time employees of Harris County.

- a. Be able to represent the perspective(s) of one or more communities that have been adversely impacted by flooding in Harris County.
 - b. Have a demonstrated knowledge of or interest in innovative and environmentally sustainable approaches to flood resilience and flood risk mitigation.
 - c. Have a demonstrated knowledge of or interest in equitable approaches to flood resilience and the socioeconomic, demographic, and environmental factors that affect the relative resilience of communities in response to flooding.
11. At least two (2) CFRTF members must be able to represent one or more low-income communities that are flood prone and/or have been adversely impacted by flooding in Harris County.
 12. At least two (2) CFRTF members must be able to represent one or more communities of color that are flood prone and/or have been adversely impacted by flooding in Harris County.
 13. At least three (3) CFRTF members must have scientific and/or technical expertise in areas related to environmentally sustainable flood resilience or flood risk mitigation.
 14. At least one (1) CFRTF member will be an employee of the City of Houston government with responsibilities related to flood resilience.
 15. The CFRTF must include at least one member from each of the eight competency areas in Appendix A below. Any of these eight (8) members may also satisfy the requirements in Sections 11, 12, 13, and 14 above.

(B) Selection Process

16. The five (5) members of Commissioners Court shall each appoint one (1) CFRTF member in accordance with the criteria described in Article IV(A) above and in Appendix A.⁴ Initial appointments by Commissioners Court members will be made at the second Commissioners Court of September 2020.
17. The five (5) members appointed by Commissioners Court will serve as the Selection Committee for and appoint the remaining twelve (12) members of the CFRTF in accordance with the Composition and Membership criteria described in Article IV(A) above and in Appendix A. All twelve appointments will be made by the Selection Committee by no later than December 31, 2020.

(C) Membership Terms

⁴ As the CFRTF is a community advisory board, CFRTF members should not be employees of Commissioners Court members or otherwise be full-time employees of Harris County.

18. To provide continuity and stability, the CFRTF membership terms will be staggered. The five members appointed by Commissioners Court shall normally serve a two-year term but initially shall be appointed to positions one through five, as follows, with odd numbered positions serving for two (2) years and even numbered positions serving for one (1) year:
 - a. Position 1: County Judge (two-year for first term and two-year terms thereafter)
 - b. Position 2: Commissioner Precinct 1 (one-year for first term and two-year terms thereafter)
 - c. Position 3: Commissioner Precinct 2 (two-year for first term and two-year terms thereafter)
 - d. Position 4: Commissioner Precinct 3 (one-year for first term and two-year terms thereafter)
 - e. Position 5: Commissioner Precinct 4 (two-year for first term and two-year terms thereafter)
19. The remaining twelve (12) members shall also normally serve two-year terms except that initially six (6) shall be appointed for a one-year term and six (6) shall be appointed for a two-year term, as follows:
 - a. Position 6 through 12 (two-year first term and two-year terms thereafter)
 - b. Position 13 through 17 (one-year first term and two-year terms thereafter)
20. If, for any reason, there is a delay in the reappointment of expiring terms, the existing member shall continue to serve until a reappointment is made.
21. Members are allowed to serve a maximum of three (3) terms consecutively, which will include the one-year terms outlined in Sections 17 and 18 above.
22. In the event a member of the CFRTF is no longer able to serve, interim vacancies will be recruited and appointed by the Selection Committee to fill the balance of the unexpired term.

(D) Deliberation Processes

23. For purposes of providing input or otherwise transmitting information to Commissioners Court, the CFRTF will work by consensus, a method of making decisions through which a group strives to reach substantial, though not necessarily unanimous, agreement on matters of overall direction and policy.

24. If consensus is deemed not possible, the CFRTF will allow for a majority vote to provide the basis for a decision. When a vote is taken, each member's vote shall be recorded in writing, even when votes are made by verbal assent. In the case of a majority vote, the CFRTF will provide an opportunity for minority reports to be submitted and included in meeting notes.
25. The CFRTF may establish its own rules and operating procedures consistent with the Bylaws, as appropriate.

(E) Roles and Responsibilities

26. The CFRTF shall, among other things:
 - a. Evaluate and provide ongoing feedback and input to the IRT and, in turn and as appropriate, Commissioners Court on future flood resilience planning efforts and projects, including Harris County's overall approach for strengthening flood resilience and mitigating flood risks to the community.
 - b. Prepare and submit one or more reports annually to the IRT and to Commissioners Court summarizing the activities, findings, and input of the CFRTF, as well as provide feedback on whether members believe the CFRTF is achieving its designated purpose and objectives and suggest ways Commissioners Court can support improvements to the CFRTF.
 - c. Establish other rules and procedures as necessary to carry out the purposes and objectives of the CFRTF.
27. The CFRTF is encouraged to inform and obtain feedback from a diversity of residents and communities across Harris County.
28. The CFRTF is encouraged to consult respected technical and scientific experts in flood resilience and flood risk mitigation (including, but not limited to, the technical and scientific experts who are members of the CFRTF) as part of its process for evaluating and providing feedback on flood resilience planning efforts and projects.

(F) Subcommittees and Technical or Other Working Groups

29. The CFRTF may create ad hoc or standing subcommittees or working groups as it deems appropriate for the furtherance of its purpose and objectives (e.g., a technical advisory committee).
30. Ad hoc working groups and subcommittees may consist of CFRTF members and/or nonmembers to assist the CFRTF in its work.

31. The conduct of business within ad hoc subcommittees, including voting and documentation of decisions, shall follow the same procedures that apply to the CFRTF as a whole.

(G) Conflicts of Interest

32. All members must complete a conflict of interest statement to be maintained as current and kept on file with the Community Flood Resilience Facilitator (position defined below).

ARTICLE V

COORDINATION WITH THE IRT

33. The CFRTF and the IRT shall work together to promote flood resilience across Harris County and its infrastructure systems. All members of the IRT shall coordinate with the CFRTF in a non-voting capacity.
34. To facilitate the work of the CFRTF, the IRT shall furnish informational materials to the CFRTF members consistent with Articles VI and VII(B) below, and shall respond to CFRTF members' requests for public information intended to facilitate their ability to prepare reports and provide meaningful feedback and input on flood resilience planning activities and projects in accordance with their purposes, objectives, roles, and responsibilities, as defined in Articles III and IV(E) above.
35. The IRT departments will coordinate to create annual and quarterly inventories of flood resilience planning efforts and projects for distribution to the CFRTF and transmittal to Commissioners Court. These inventories will include any backup materials that would further the CFRTF's understanding and evaluation of flood resilience planning efforts and projects in accordance with Articles III and IV(E) above and consistent with Footnote 4.
36. To the extent practicable without causing material delays in planning, projects, or related activities, annual and quarterly inventories and supporting informational materials will be distributed at least thirty (30) days in advance of an upcoming CFRTF meeting. CFRTF meeting agenda items concerning annual and quarterly inventories or flood resilience planning efforts and projects listed therein shall conform, to the extent possible, with Article VII below.

⁵ The IRT need not furnish or provide informational materials to the CFRTF members that are not discoverable by the general public under (or such as would otherwise violate) state and federal law. Any personal identifying information can be redacted, as necessary, to protect individuals' privacy and ensure compliance with state and federal law.

37. The IRT will consider and, where reasonably possible, incorporate the feedback of the Task Force in developing and implementing specific projects and planning efforts in accordance with Article III above.

ARTICLE VI

STAFFING AND RESOURCES

38. The CFRTF will be staffed by the Community Flood Resilience Facilitator, who shall be housed in and shall be a full-time employee or an independent contractor of the Harris County Engineering Department with community engagement experience and a commitment to equity.
39. The Community Flood Resilience Facilitator shall serve as the primary liaison between the CFRTF and the IRT, and assist the Chair in coordinating and facilitating CFRTF meetings and distributing agendas and backup materials in advance of such meetings.⁶
40. The Community Flood Resilience Facilitator will be Harris County's primary point of contact for the CFRTF and its members, including the Chair, the Vice-Chair, and the Secretary (discussed in Article VIII below), to ensure that communications are consistent and timely.
41. The Community Flood Resilience Facilitator will also assist the CFRTF and the IRT and its member departments to inform and obtain feedback from a diversity of residents and communities across Harris County.

ARTICLE VII

MEETINGS

(A) Meeting Protocols

42. The CFRTF meetings are not subject to the Open Meetings Act (Op. Tex. Att'y Gen. No. GA-0504 (2007)); however, the meetings, records, and activities of the CFRTF shall be open and accessible to the public to the fullest extent allowable under law.
43. The CFRTF meetings may be held virtually; however, any in-person meetings will be held in locations that are convenient and accessible to the community and to persons with disabilities.
44. The CFRTF shall hold meetings at least once every other month for a total of at least six (6) times per year, and more frequently if circumstances dictate, and shall:

⁶ Harris County Engineering Department will designate an existing employee to serve in this role and carry out the duties of the Community Flood Resilience Facilitator until he or she is hired.

- a. Give written notice of the date, hour, place, and subject of each of its meetings in accordance with Tex. Gov't Code Ann. § 551.041;
 - b. Changes to these regularly scheduled meetings shall be posted online on a website developed specifically for the CFRTF;⁷
 - c. Provide a set amount of time during each meeting for public comment, as determined by the Chair and Co-Chair.
45. The CFRTF Secretary (as defined in Article VIII below) shall maintain attendance records documenting member absences. If a member is unable to attend a scheduled meeting, notification must be provided to the Chair, the Secretary, and the Community Flood Resilience Facilitator at least two (2) days prior to the meeting. Any member of the CFRTF may be removed by Commissioners Court with or without cause.
46. A quorum is required to conduct business and make decisions at meetings and is defined as 50% of appointed membership, plus one (e.g., the quorum would be nine (9) if there are seventeen (17) appointed members). Meetings may take place in person or virtually.

(B) Meeting Agendas

47. The Chair will conduct meetings and populate and distribute agendas with the support of the Secretary and the Community Flood Resilience Facilitator. Items for discussion may be submitted for inclusion on the agenda by any CFRTF member and any IRT department.
48. Agenda items are to be submitted to the Chair, the Secretary, and the Community Flood Resilience Facilitator, with a copy to the County Attorney and each of the IRT department directors (or their chosen representatives), at least seven (7) days prior to a CFRTF meeting. Agenda items regarding individual projects should be explained in the context of overall flood resilience goals and priorities.
49. To the extent practicable without causing material delays in planning, projects, or related activities, flood resilience planning efforts and flood resilience projects that will go before Commissioners Court shall be placed on the CFRTF agenda in advance of being considered for funding by Commissioners Court to give the CFRTF an opportunity to discuss, review, and provide feedback and input to the IRT and, if appropriate, Commissioners Court.

⁷ As needed, this webpage will be funded by Commissioners Court and developed and maintained by the CFRTF with support, as needed, from the Community Flood Resilience Facilitator, the IRT departments, and Universal Services.

50. The IRT shall include additional informational materials as backup to any agenda items regarding flood resilience planning efforts and flood resilience projects to allow the CFRTF to evaluate and provide feedback and input to the IRT and, if appropriate, Commissioners Court on those items.⁸
51. Any and all Harris County department heads involved with an agenda item for an upcoming CFRTF meeting will attend that meeting, prepared to discuss the item(s). An appropriate proxy can attend if the department head is unavailable.
52. Although discussion is permitted on items that do not make it onto the CFRTF agenda, it is preferred that, whenever possible, the public be provided with advance notice of discussion items by including them on the agenda.

ARTICLE VIII

OFFICERS

53. The CFRTF will elect the Chair, the Vice-Chair, and the Secretary from among its seventeen (17) members at the first meeting of each year for a one-year term.
54. The Chair and the Secretary are responsible for ensuring that operating procedures are followed at each meeting. The Chair will be the principal officer of the CFRTF and will preside at all meetings. In the absence of the Chair, the Vice-Chair will preside.
55. If the Chair and the Vice-Chair are both absent or unable to perform their duties, the CFRTF may appoint a Chair pro tem.
56. It will also be the Chair's responsibility to:
 - a. Oversee the activities of any working groups or subcommittees (as defined in Article IV(F) above) established by the CFRTF to complete tasks or prepare analysis required for effective decision making; and
 - b. Present the input of the CFRTF to Commissioners Court.
57. It will be the Secretary's responsibility to:
 - a. Maintain written minutes that record all actions taken by the CFRTF and the reasons for taking such actions;
 - b. Keep and, when required, call roll at CFRTF meetings;

⁸ The IRT need not furnish or provide informational materials to the CFRTF members that are not discoverable by the general public under (or such as would otherwise violate) state and federal law. Any personal identifying information can be redacted, as necessary, to protect individuals' privacy and ensure compliance with state and federal law.

- c. Maintain an inventory of all working groups and subcommittees, all standing and special rules, as well as copies of the Bylaws; and
 - d. Process CFRTF requests for information to facilitate research and preparation of reports to effectuate the purposes and responsibilities of the CFRTF.
58. The Chair, the Vice Chair, or the Secretary may resign at any time by giving written notice thereof to the Chair or the Secretary. A vacancy shall be filled by a member of the CFRTF for the unexpired portion of the elected term at the first regular meeting after the vacancy occurs.

ARTICLE IX

COUNTY ATTORNEY

59. The Office of the Harris County Attorney shall be the attorney for the CFRTF. The Office of the Harris County Attorney shall be notified at least seven (7) days in advance of all meetings and the Harris County Attorney or a designee shall be present at all six (6) regularly scheduled CRFTF meetings.

ARTICLE X

AMENDMENTS TO BYLAWS

60. Task Force Bylaws may be amended by a majority vote of the CFRTF or by a majority vote of Commissioners Court. Any amendments to these bylaws should be reviewed by the Harris County Attorney and transmitted to Commissioners Court for input prior to being ratified by the CFRTF.

APPENDIX A

| Competency Area | Description of Particular Competency Needs |
|---|--|
| Housing | Expert or experience in the Fair Housing Act, housing justice, housing equity, homelessness, public housing, and/or affordable housing. |
| Public Health | Expert or experience in public health, health equity, mental and behavioral health, and/or a related field. |
| Engineering/Construction | Expert or experience in sustainable urban infrastructure systems, equitable infrastructure, flood resilience and mitigation, and/or hazard mitigation for socially vulnerable populations. |
| Urban Design/Planning | Expert or experience in equitable planning for multi-modal transportation, land use, and green infrastructure networks. |
| Flood Risk Mitigation | Technical or scientific expertise in areas related to flood resilience or flood risk mitigation, e.g., floodwater diversion and storage, floodplain restoration. |
| Environmental Sustainability | Expert or experience in environmental justice, environmental equity, renewable energy, integrated climate adaptation, conservation, and/or pollution mitigation. |
| Community Leadership or Membership Organization | Represents a membership or grassroots organization with deep, authentic connections to local communities or populations with lived experience. |
| Equity and Social Justice | Represents an organization or interest group dedicated to ameliorating social and/or demographic inequalities and differentiated access to power, knowledge, and resources. |