



# Harris County, Texas

1001 Preston St., Suite 934  
Houston, Texas 77002

## Commissioners Court

Request for Court Action

**File #:** 22-6452

**Agenda Date:** 10/25/2022

**Agenda #:** 93.

**Department:** Flood Control District

**Department Head/Elected Official:** Tina Petersen, Ph.D., P.E., Executive Director

**Regular or Supplemental RCA:** Regular RCA

**Type of Request:** Financial Authorization

**Project ID (if applicable):** N/A

**Vendor/Entity Legal Name (if applicable):** N/A

**MWDBE Contracted Goal (if applicable):** N/A

**MWDBE Current Participation (if applicable):** N/A

**Justification for 0% MWDBE Participation Goal:** N/A - Goal not applicable to request

	YES	NO	ABSTAIN
Judge Lina Hidalgo	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comm. Rodney Ellis	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comm. Adrian Garcia	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comm. Tom S. Ramsey	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comm. R. Jack Cagle	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

### Request Summary (Agenda Caption):

Request for approval of a supplemental utilization of funds from the Harris County Flood Resilience Trust on 2018 Bond Program projects according to the methodology previously approved by Commissioners Court.

### Background and Discussion:

On June 28, 2022, Commissioners Court approved a proposed methodology for utilization of funds from the Harris County Flood Resilience Trust, as well as an initial utilization request of \$84,952,031 to assure that no Bond Project was delayed while additional partner funding is pursued. This request was made with the expectation that subsequent requests for additional funds from the Flood Resilience Trust would be on a bi-annual basis. Several projects were recently identified as needing Flood Resilience Trust dollars on a faster timetable, without changing the total anticipated project costs or Flood Resilience Trust needs.

This supplemental request for approval to utilize \$15,230,470 of Flood Resilience Trust funding will bring the total utilization to \$100,182,501. All projects included in the current utilization request are eligible for Flood Resilience Trust funding based on the methodology presented on June 28, 2022. Current resilience trust funding is sufficient to cover this supplemental request. A future bond update will include various replenishments and reimbursements to the Trust that are expected or have been received. Beyond that, the Flood Control District anticipates occasional individual requests only on an as needed basis for items such as grants, construction award, or construction change in contracts.

### Expected Impact:

If approved, this item ensures that high-priority projects in immediate need of funding will continue without schedule delays or interruptions, while the County continues to pursue partnership funding for any and all eligible projects.

**Alternative Options:**

The alternative to approving utilization of these funds is to delay these projects until suitable partnerships are identified.

**Alignment with Goal(s):**

Presented to Commissioners Court

October 25, 2022

Approve: G/E

- Justice and Safety
- Economic Opportunity
- Housing
- Public Health
- Transportation
- Flooding
- Environment
- Governance and Customer Service

**Prior Court Action (if any):**

Date	Agenda Item #	Action Taken
08/27/2019	2.g	Approval of Bond Prioritization Framework
06/29/2021	191.	Approval of Flood Resilience Trust
10/26/2021	136.	Motion to address flooded structures outside the floodplain
12/14/2021	17.	Motion to present proposed changes to the Prioritization Framework to the CFRTF for review and input
4/26/2022	228.	Transmittal by the Flood Control District on behalf of the Harris County Community Flood Resilience Task Force of recommendations on the proposed modifications to the 2019 Prioritization Framework
4/26/2022	229	Transmittal by the Flood Control District of the 2022 Prioritization Framework for the Allocation of Funds from the Flood Resilience Trust
06/28/2022	123	Request for approval of a recommended methodology for determining Harris County Flood Resilience Trust eligibility and the utilization of funds from the Harris County Flood Resilience Trust on 2018 Bond Program projects according to that methodology.

**Location: N/A**

Address (if applicable):

Precinct(s): Countywide

**Fiscal and Personnel Summary**

Service Name	N/A		
	<b>FY 23</b>	<b>FY 24</b>	<b>Next 3 FYs</b>
<b>Incremental Expenditures (do NOT write values in thousands or millions)</b>			
Labor Expenditures	\$	\$	\$
Non-Labor Expenditures	\$	\$	\$
<b>Total Incremental Expenditures</b>	\$	\$	\$
<b>Funding Sources (do NOT write values in thousands or millions)</b>			
Existing Budget			
Choose an item.	\$	\$	\$
Choose an item.	\$	\$	\$
Choose an item.	\$	\$	\$
<b>Total Current Budget</b>	\$	\$	\$
Additional Budget Requested			
Choose an item.	\$	\$	\$
Choose an item.	\$	\$	\$
Choose an item.	\$	\$	\$
<b>Total Additional Budget Requested</b>	\$	\$	\$
<b>Total Funding Sources</b>	\$	\$	\$
<b>Personnel (Fill out section only if requesting new PCNs)</b>			
Current Position Count for Service	-	-	-
Additional Positions Requested	-	-	-
<b>Total Personnel</b>	-	-	-

**Anticipated Court Date:** October 25, 2022

**Anticipated Implementation Date (if different from Court date):**

**Emergency/Disaster Recovery Note:** Not an emergency, disaster, or COVID-19 related item

**Contact(s) name, title, department:** Yesenia Martinez, Commissioners Court Coordinator, Flood Control District

**Attachments (if applicable):** Harris County Flood Resilience Trust: Supplemental Request for Utilization of Funds

OCTOBER 25, 2022

## Summary and Recommendation

On June 28, 2022, Commissioners Court approved a proposed methodology for Utilization of Funds from the Harris County Flood Resilience Trust, as well as an initial request for \$84,952,031 to assure that no Bond Project was delayed due to lack of partner funding, while additional partner funding is pursued. This request was made with the expectation that subsequent requests for additional funds from the Flood Resilience Trust would be on a bi-annual basis. Several projects have progressed more quickly than anticipated, and need Flood Resilience Trust dollars on a faster timetable. This memorandum summarizes the Flood Control District's supplemental request to allow four Bond Program projects to continue without delay.

The below Appendix A summarizes the four projects seeking approval to use funds totaling \$15,230,470. When combined with the funds approved by Court on 6/28/22, the total amount of Flood Resilience Trust utilization will be \$100,182,501. Currently there is \$128.8 million available in cash in the Flood Resilience Trust, so approval of this supplemental request, in combination with the previously approved funds, will leave a cash balance a little more than \$28 million.

The practice of making supplemental requests to utilize funds from the Flood Resilience Trust outside of a bi-annual cycle is not taken lightly, but occasionally may be necessary. Going forward, the Flood Control District anticipates bringing these to court under certain limited as-needed individual circumstances, which may include:

- Acceptance of a grant that requires a local match exceeding secured local funds
- Awarding construction projects that exceed the amount of secured funds
- A change in contract for a construction project underway that exceeds the amount of secured funds

Finally, while the cash balance of the Flood Resilience Trust is approximately \$28 million (after approval of this supplemental request), the Flood Control District will provide an update to the overall bond program at the next bi-annual Flood Resilience Trust utilization request. This update may include a number of replenishments and/or reimbursements to the Flood Resilience Trust such as:

- Closeout of Bond Program Projects with a balance of Bond Funds
- Receipt of additional reimbursements from various federal agencies
- Mobility funding transfers

## A: Detail of October 25, 2022 Flood Resilience Trust Supplemental Utilization Request

Note: All projects listed below are eligible to receive Flood Resilience Trust funding in accordance with the “Recommended Methodology and Request for Utilization of Funds” approved by Commissioners Court June 28, 2022.

Bond ID	Watershed	Project Title	Precinct	Total Partner Funding Gap	Previous Allocation	Remaining Partner Gap	Supplemental Utilization Requested	Notes
C-10	Sims Bayou	South Shaver Stormwater Detention Basin	Pct: 2	\$6,877,286.00	-	\$6,877,286.00	\$6,877,286.00	Construction is already under way with a partial Purchase Order. Approval of these funds will fully fund the remaining construction to completion. Additional partnerships are not expected.
C-23	Halls Bayou	P118-08-00 Conveyance and Detention Improvements	Pct: 1	\$22,500,000.00	-	\$22,500,000.00	\$3,000,000.00	Design is currently underway for this project. In order to avoid future delays, it is important to begin right-of-way acquisition now. Approval of this funding will allow the Flood Control District to take advantage of a voluntary acquisition. Partnerships continue to be pursued for the remainder of project design, acquisition, and construction.
C-25	Halls Bayou	Harris County Flood Control District Channel P118-21-00 Drainage Improvements Phase II	Pct: 2	\$4,853,184.00	\$1,000,000.00	\$3,853,184.00	\$3,853,184.00	Construction is already under way with a partial Purchase Order using a combination of local bond funds and a CDBG-DR grant. Approval of these funds will fully fund the remaining construction to completion. Additional partnerships are not expected.
C-28	Halls Bayou	P118-25-00 and Tributaries Conveyance and Detention Improvements	Pct: 2	\$17,712,814.00	\$2,000,000.00	\$15,712,814.00	\$1,500,000.00	Design is currently underway for this project. In order to avoid future delays, it is important to begin right-of-way acquisition now. Approval of this funding will allow the Flood Control District to begin making offers on needed right-of way. Partnerships continue to be pursued for the remainder of project design, acquisition, and construction.
<b>Total Supplemental Request (10/25/2022)</b>							<b>\$15,230,470.00</b>	
<b>Total Previously Approved (06/28/2022)</b>							<b>\$84,952,031.00</b>	
<b>Total Utilization of the Flood Resilience Trust</b>							<b>\$100,182,501.00</b>	