

A RESOLUTION OF THE TEXAS WATER DEVELOPMENT BOARD
SEPARATING THE RESPONSIBILITIES OF THE
BOARD AND STAFF

(02-20)

WHEREAS, Senate Bill 312 was enacted by the 77th Legislative Session; and

WHEREAS, Senate Bill 312 added §6.111 to the Texas Water Code to require the Texas Water Development Board to develop and implement policies that clearly separate the policy-making responsibilities of the Board and the management responsibilities of the Executive Administrator and the staff of the Board;

NOW THEREFORE, based on said considerations, the Texas Water Development Board resolves as follows:

In conformance with the division of responsibilities established by the Texas Water Code, as further elaborated herein, the Board recognizes and affirms the following division of duties and responsibilities:

The Executive Administrator, or the Executive Administrator's designees, shall:

- (1) develop and implement policies and procedures that govern the internal management and organization of the agency and employ and discharge personnel as necessary for the efficient operation of the agency, and shall organize and reorganize the administrative sections and divisions of the agency without further Board action;
- (2) determine and oversee the responsibilities of each administrative division of the agency and its staff in carrying out the authority, duties and functions required of the agency by law;
- (3) negotiate all contracts for the Board, and execute certain contracts as specified in past and future resolutions of the Board;
- (4) recommend rules or actions to the Board on any issue;
- (5) make recommendations to the Board regarding the agency's legislative budget request, and, manage the fiscal affairs of the agency;
- (6) maintain a complaint file on each written complaint filed with the Board and take other required actions under Texas Water Code §6.154 and §6.155;
- (7) prepare information of public interest describing functions of the Board and complaint procedures;
- (8) conduct all technical studies and provide technical assistance required of the agency by statute;
- (9) prepare all statutorily required legislative reports, and submit all required legislative reports except those listed in this resolution as requiring Board approval; and
- (10) report to the Bond Review Board on performance of loans as required by Texas Water Code §17.179.

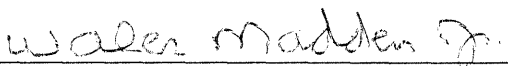
The Board shall:

- (1) appoint a person to serve as Executive Administrator at the will of the Board;
- (2) adopt rules necessary and advisable under Government Code, Chapter 2001 to carry out the powers and duties of the Board;
- (3) approve loans and grants unless specifically delegated by Board rule to the Executive Administrator;
- (4) approve regional water plans and the State Water Plan;
- (5) approve all contracts which are not delegated by specific Board action to the Executive Administrator;
- (6) examine and approve budget recommendations that are to be transmitted to the Legislature (the Legislative Appropriations Request);
- (7) approve the following reports to the Legislature: the agency's strategic plan, and biennial reports in writing to the Governor and the members of the Legislature on the activities of the Board and its recommendations for necessary and desirable legislation; and
- (8) take all other actions specifically required of it by law.

BE IT FURTHER RESOLVED, that the Board hereby recognizes and adopts all divisions of responsibilities between the Board and the Executive Administrator established in the Texas Water Code, rules of the Board, or otherwise by state law, whether or not specifically listed herein.


APPROVED and ordered of record this the 20th day of February, 2002.

TEXAS WATER DEVELOPMENT BOARD



Wales H. Madden, Jr., Chairman

ATTEST:



Craig D. Pedersen
Executive Administrator

A RESOLUTION OF THE TEXAS WATER DEVELOPMENT BOARD
ASSIGNING CERTAIN DUTIES OF THE DEVELOPMENT FUND MANAGER
TO THE EXECUTIVE ADMINISTRATOR, AND
AUTHORIZING AMENDMENTS TO
MINUTE ORDER AND RESOLUTION NOS. 99-60, 99-61 AND 99-62

(03-20)

WHEREAS, on May 16, 1996, the Texas Water Development Board (Board) approved by minute order the authority for the Development Fund Manager (DFM) of the Board to execute all documents necessary to effect loan closings (Minute Order); and

WHEREAS, on May 19, 1999, the Board approved three resolutions to assign specific loan responsibilities to the DFM: Resolution No. 99-60 waived the requirement of publication of notice of redemption for bonds where the Board is the sole bondholder and has received timely notice of redemption and authorized the DFM to execute the necessary documents; Resolution No. 99-61 authorized the DFM to deposit to the credit of the Financial Assistance Account or the Economically Distressed Areas Program Account all prepayments for financial assistance from those accounts; and Resolution No. 99-62 authorized the DFM to execute Release of Lien at the request of a water supply corporation when the debt secured by the lien was to be repaid in full; and

WHEREAS, as a result of the recent reorganization of the various offices of the Board, the DFM will now have minimal involvement in the financial assistance and construction activities of the Office of Project Finance and Construction Assistance (OPFCA); and

WHEREAS, the performance of these duties relating to closings, redemptions, prepayments, release of liens, and closings are consistent with other OPFCA duties that are performed by the Executive Administrator (EA); and

WHEREAS, the Board finds that those responsibilities assigned to the DFM can more effectively be performed by the EA or the Deputy EA designated by the EA and that said responsibilities should be updated to reflect current financial services provided by the Board;

NOW, THEREFORE, based on said considerations and findings, the Texas Water Development Board resolves as follows:

- (1) The Minute Order of May 16, 1996 authorizing the Development Fund Manager to execute necessary documents for loan closings is amended to assign to the Executive Administrator or the Deputy EA designated by the EA the responsibilities of executing necessary documents for financial assistance closings. All other terms and conditions of the Minute Order remain in full force and effect.

- (2) Board Resolution Nos. 99-60 and 99-61 are amended solely to assign to the Executive Administrator or the Deputy EA designated by the EA the responsibilities of bond redemptions and prepayments that were previously authorized for the Development Fund Manager. All other terms and conditions of Resolution Nos. 99-60 and 99-61 remain in full force and effect.
- (3) Board Resolution No. 99-62 is amended to authorize the EA or the Deputy EA designated by the EA to execute a Release of Lien at the request of a water supply corporation or a private entity when debt which is secured by the liens is being paid in full. All other terms and conditions of Resolution No. 99-62 remain in full force and effect.

APPROVED and ordered of record this the 19th day of February 2003.

TEXAS WATER DEVELOPMENT BOARD



E. G. Rod Pittman, Chairman

ATTEST:



Kevin Ward
Executive Administrator

A RESOLUTION OF THE TEXAS WATER DEVELOPMENT BOARD
ESTABLISHING PARAMETERS REGARDING FUTURE MANAGEMENT OF
THE STATE WATER IMPLEMENTATION FUND FOR TEXAS PROGRAM

(20-055)

WHEREAS, on March 11, 2020, COVID-19 was declared a pandemic by the World Health Organization; and

WHEREAS, a continued spread of the COVID-19, and measures taken to prevent or reduce it, are adversely affecting state, national and global economic activities; and

WHEREAS, the State Water Implementation Fund for Texas (SWIFT) Program has successfully financed and built the water infrastructure today that Texas will need tomorrow; and

WHEREAS, the SWIFT Program's investment portfolio is managed by the Texas Treasury Safekeeping Trust and is therefore subject to market risk; and

WHEREAS, the Texas Water Development Board (TWDB) desires to proactively manage risk while also maintaining subsidized and payment deferral financing options for SWIFT Program participants; and

WHEREAS, the TWDB is a fiduciary of the SWIFT Program and has an obligation to manage the program in a manner consistent with current obligations and representations to all current and future stakeholders; and

WHEREAS, the TWDB's active management of the SWIFT Program to date has resulted in the financing of 24% of targeted capital expenditures in only 10% of the anticipated timeframe, and the TWDB desires to continue said active management of the SWIFT Program to maintain financing capacity for current and future State Water Plan projects; and

WHEREAS, in conjunction with setting 2020 SWIFT subsidies and financing terms at the same level as the 2019 cycle, the TWDB wishes to concurrently issue this resolution regarding future program adjustments.

NOW THEREFORE, the Texas Water Development Board resolves as follows:

1. that in order to enhance the long-term financial stability of the SWIFT Program and to optimize the SWIFT Program's capacity to finance future State Water Plan projects, adjustments to the subsidies and financing terms of the SWIFT program are necessary;

2. that these adjustments may expand the corpus of the SWIFT Fund by several billion dollars over time while, in general, incurring no more than a 3% increase in total debt service to each individual customer of the SWIFT Program;
3. that these adjustments will result in the following subsidies and financing terms for Low-Interest Obligations to be finalized in Dec. 2020:

Term	Tax-Exempt	Taxable
20 Year	25%	20%
21 - 25 Year	18%	14%
26 - 30 Year	14%	10%

4. that at this time no changes are anticipated to the Deferred Loan and Board Participation offerings;
5. that these changes will take effect for the 2021 SWIFT funding cycle and remain in place indefinitely, subject to periodic review and reassessment by the Board.

APPROVED and ordered of record this 4th day of June, 2020.

TEXAS WATER DEVELOPMENT BOARD

Peter M. Lake, Chairman

DATE SIGNED: _____

ATTEST:

Jeff Walker, Executive Administrator

A RESOLUTION OF THE TEXAS WATER DEVELOPMENT BOARD
AUTHORIZING THE EXECUTIVE ADMINISTRATOR
TO APPROVE AND EXECUTE CERTAIN BOARD DOCUMENTS

(18-113)

WHEREAS, Texas Water Code § 6.190 provides that the Executive Administrator of the Texas Water Development Board (TWDB) may negotiate with and, with consent of the governing body (Board), enter into contracts with the United States or any of its agencies, states, political subdivisions of this state, or any other entity for the purposes of carrying out the powers, duties, and responsibilities of the Board; and

WHEREAS, the Board finds it appropriate to delegate to the Board's Executive Administrator or any acting Executive Administrator the responsibility and authority to execute certain contracts on behalf of the Board; and

WHEREAS, the executive administrator may delegate powers and duties to Deputy Executive Administrators; and

WHEREAS, the Executive Administrator or the acting Executive Administrator may seek Board approval of any contract prior to its execution, even if not required to obtain such Board approval;

NOW THEREFORE, based on said considerations and findings, the TWDB resolves as follows:

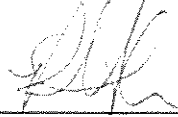
The Board authorizes the Executive Administrator or the acting Executive Administrator to approve and execute contracts on behalf of the Board, and hereby ratifies prior contracts entered into on behalf of the Board, subject to the following contract policy of the Board:

1. Board approval is required prior to execution by the Executive Administrator or the acting Executive Administrator of the following contracts:
 - a. payable contracts and purchase orders of the TWDB, where funds are paid by the TWDB to a contractor and the contract or purchase order amount is greater than \$250,000;
 - b. amendments to payable contracts and purchase orders not previously approved by the Board that result in a total contract or purchase order amount greater than \$250,000;
 - c. financial assistance contracts and grants that by law or statute require Board action;

- d. all master agreements or joint funding agreements of the TWDB concerning TWDB financial participation in facilities, including dam and reservoir projects;
 - e. all memoranda of understanding between the TWDB and any other state agency under Texas Water Code § 6.104.
 2. The Executive Administrator or the acting Executive Administrator is delegated authority to execute the following contracts without Board approval:
 - a. all receivable contracts, where funds are owed to the TWDB, regardless of amount;
 - b. payable contracts and purchase orders of the TWDB, where funds are paid by the TWDB to a contractor and the contract or purchase order amount is equal to or less than \$250,000, including amendments thereto which do not increase the total commitment to greater than \$250,000;
 - c. all contracts of the TWDB incidental to master agreements or joint funding agreements if the master agreements or joint funding agreements have been previously approved by the Board;
 - d. all contracts with federal, state or local agencies for joint or cooperative studies of surface water and groundwater, topographical mapping, and the collection, processing and analysis of data relating to the development of state water resources, where the contract is equal to or less than \$250,000;
 - e. all amendments of payable contracts of the TWDB previously approved by the Board, if required, that do not increase the TWDB's monetary obligations.
 3. The Executive Administrator or the acting Executive Administrator is authorized to proceed with applications for grant funding to provide financial support for programs of the Texas Water Development Board.
 4. The Executive Administrator or the acting Executive Administrator is further authorized to delegate to the Assistant Executive Administrator or one or more Deputy Executive Administrators the execution of any contracts and agreements that the Board has authorized the Executive Administrator to execute.
 5. This Resolution supersedes Board Resolutions 02-41, 02-95, and all prior inconsistent resolutions.

APPROVED and ordered of record this the 20th day of September 2018.

TEXAS WATER DEVELOPMENT BOARD



Peter M. Lake, Chairman

ATTEST:



Jeff Walker, Executive Administrator

