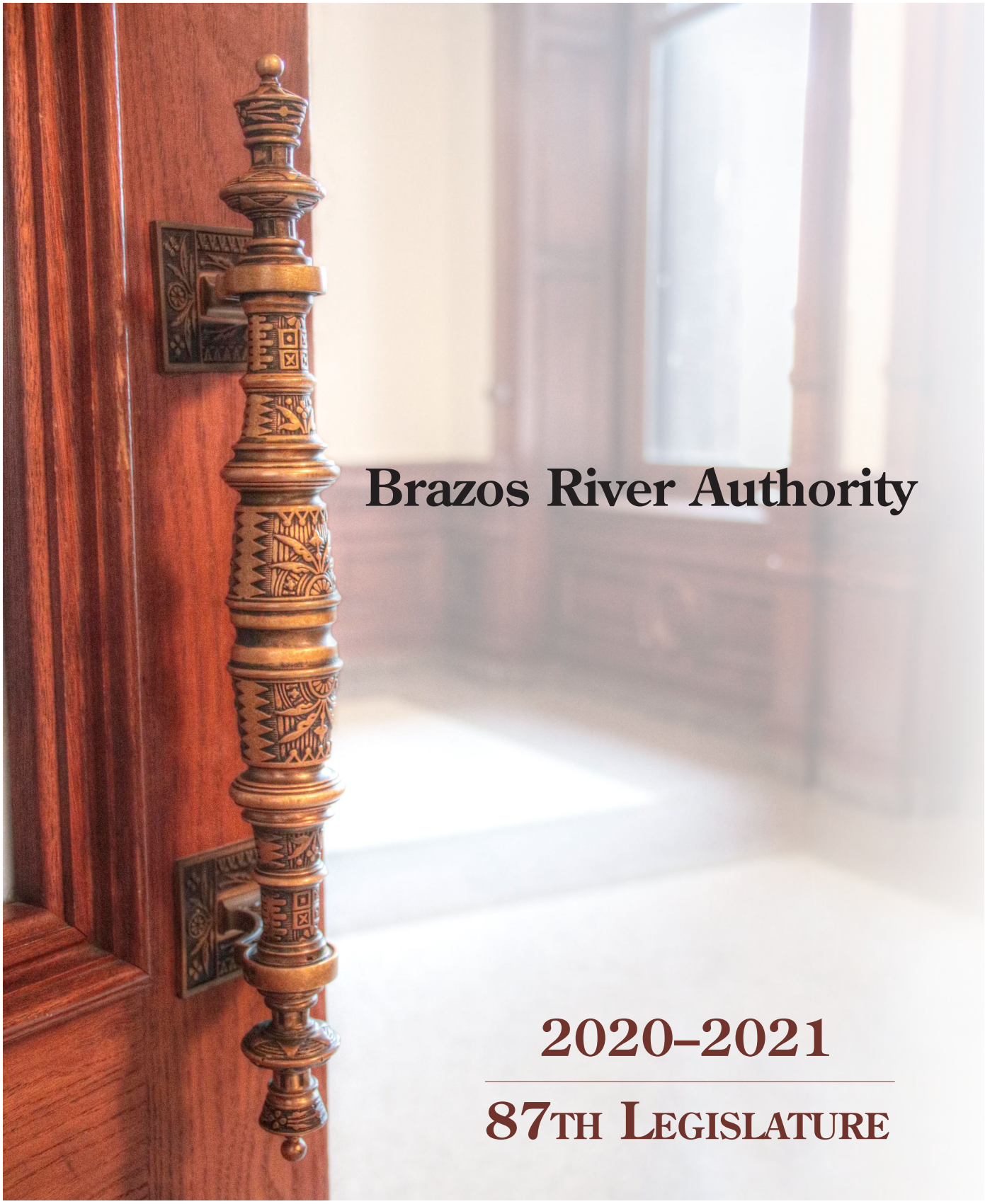
Sunset Advisory Commission

Staff Report with Final Results



Brazos River Authority

2020–2021

87th Legislature

Sunset Advisory Commission

Cover photo: The Texas Capitol is a marvel of craftsmanship down to the smallest details. Elaborate, custom-designed hardware accentuates the beautifully carved wooden doors. The Sargent and Co. of New Haven, Connecticut created the glass molds especially for the building in the 1880s. The Capitol hardware features incised designs of geometric and stylized floral motifs. This reflects the shift from the Renaissance Revival style of the building's interior architecture to the simpler Aesthetic Movement for its decorative details. Photo credit: Janet Wood

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How to Read Sunset Reports

For each agency that undergoes a Sunset review, the Sunset Advisory Commission publishes three versions of its staff report on the agency. These three versions of the staff report result from the three stages of the Sunset process, explained in more detail at sunset.texas.gov/how-sunset-works. The current version of the Sunset staff report on this agency is noted below and can be found on the Sunset website at sunset.texas.gov.

Sunset Staff Report

The first version of the report, the Sunset Staff Report, contains Sunset staff's recommendations to the Sunset Commission on the need for, performance of, and improvements to the agency under review.

Sunset Staff Report with Commission Decisions

The second version of the report, the Sunset Staff Report with Commission Decisions, contains the original staff report as well as the commission's decisions on which statutory recommendations to propose to the Legislature and which management recommendations the agency should implement.

CURRENT VERSION: Sunset Staff Report with Final Results

The third and final version of the report, the Sunset Staff Report with Final Results, contains the original staff report, the Sunset Commission's decisions, and the Legislature's final actions on the proposed statutory recommendations.

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Final Results

House Bill 1570 Paddie (Hall)

Summary

Since its creation in 1929, the Brazos River Authority (BRA) has managed the largest river basin in Texas, stretching 36,000 square miles from the panhandle to the Gulf of Mexico. In response to population and water demand increases, the authority is embarking on an ambitious, multi-decade endeavor to identify and develop new sources of water. The Sunset Commission concluded BRA is at a pivotal moment that will determine whether it can successfully grow into the large-scale water provider it aims to become.

To ensure BRA's ability to successfully carry out this endeavor while also addressing aging infrastructure issues, the Sunset Commission directed BRA to develop a more comprehensive approach to planning and prioritizing its numerous projects, including soliciting more input from its board of directors and the public. The commission also directed BRA to implement several standard contracting practices to ensure fairness and transparency in the way it awards and monitors its contracts. Finally, House Bill 1570 enacts several statutory changes related to good-government practices applied during Sunset reviews to improve openness and accountability.

The following material summarizes results of the Sunset review of BRA, including management actions directed to the river authority that do not require legislative action.

Issue 1 — Project Planning

Recommendation 1.1, Adopted — Direct BRA to develop and adopt an objective process and evaluation criteria for prioritizing its projects. (Management action – nonstatutory)

Recommendation 1.2, Adopted — Direct BRA to provide clearer information on project progression and expenditures. (Management action – nonstatutory)

Recommendation 1.3, Adopted — Direct BRA to involve its board of directors more directly in developing its strategic plan. (Management action – nonstatutory)

Recommendation 1.4, Adopted — Direct the authority to develop a public engagement policy for water supply projects. (Management action – nonstatutory)

Issue 2 — Contracting

Recommendation 2.1, Adopted — Direct BRA to adopt objective criteria for awarding professional services contracts and document the basis for award decisions. (Management action – nonstatutory)

Recommendation 2.2, Adopted — Direct BRA to evaluate and document vendor performance. (Management action – nonstatutory)

Recommendation 2.3, Adopted — Direct BRA to improve its contracting processes to ensure sufficient transparency and fairness, including publishing on its website the conflict-of-interest statements of the

members of the vendor evaluation committees. (Management action – nonstatutory)

Issue 3 — Governance and Organizational Best Practices

Recommendation 3.1, Adopted — Apply the standard across-the-board requirement regarding grounds for removal of a board member to BRA.

Recommendation 3.2, Adopted — Apply the standard across-the-board requirement regarding board member training to BRA.

Recommendation 3.3, Adopted — Apply the standard across-the-board requirement regarding the separation of duties of board members from those of staff to BRA.

Recommendation 3.4, Adopted — Apply the standard across-the-board requirement regarding public testimony to BRA.

Recommendation 3.5, Adopted — Apply the standard across-the-board requirement regarding developing and maintaining a system for receiving and acting on complaints to BRA.

Recommendation 3.6, Adopted — Direct BRA to more comprehensively plan and monitor its efforts to increase workforce diversity. (Management action – nonstatutory)

Provision Added by the Legislature

Sunset review — Specify BRA is subject to Sunset review, but not abolishment, again in 2033.

Fiscal Implication Summary

The Sunset Commission's recommendations, including the provisions in H.B. 1570, will not have a significant fiscal impact to the state. BRA should be able to implement the recommendations within its existing resources, though the full impact will depend on their implementation and cannot be estimated.

Sunset Commission Decisions

Summary

The following material summarizes the Sunset Commission's decisions on the staff recommendations for the Brazos River Authority (BRA), as well as a modification raised during the public hearing.

Since its creation in 1929, BRA has managed the largest river basin in Texas, stretching 36,000 square miles from the panhandle to the Gulf of Mexico. In response to population and water demand increases, the authority is embarking on an ambitious, multi-decade endeavor to identify and develop new sources of water. The Sunset Commission concluded BRA is at a pivotal moment that will determine whether it can successfully grow into the large-scale water provider it aims to become. Expanding its water supply portfolio will necessarily impact water customers who fund BRA's operations, as well as the local governments and landowners where projects are built.

To successfully carry out this endeavor while also addressing aging infrastructure issues, the Sunset Commission concluded BRA must increase its transparency and objectivity to avoid political, reputational, and financial pitfalls experienced by other river authorities. BRA should develop a more comprehensive approach to planning and prioritizing its numerous projects, including soliciting more input from its board of directors and the public. BRA should also implement several standard contracting practices to ensure fairness and transparency in the way it awards and monitors its contracts. Finally, the commission recommends several statutory changes and good government practices related to openness and accountability applied during Sunset reviews. Together, these recommendations would shore up BRA's operations as it expands to meeting the growing demands of the state in the coming decades.

Issue 1

BRA Would Benefit From More Comprehensive and Transparent Planning for Water Supply Projects.

Recommendation 1.1, Adopted — Direct BRA to develop and adopt an objective process and evaluation criteria for prioritizing its projects. (Management action – nonstatutory)

Recommendation 1.2, Adopted — Direct BRA to provide clearer information on project progression and expenditures. (Management action – nonstatutory)

Recommendation 1.3, Adopted — Direct BRA to involve its board of directors more directly in developing its strategic plan. (Management action – nonstatutory)

Recommendation 1.4, Adopted — Direct the authority to develop a public engagement policy for water supply projects. (Management action – nonstatutory)

Issue 2

BRA Should Enhance the Transparency and Accountability of Its Contracting Processes to Ensure Fair Selection of Qualified Vendors.

Recommendation 2.1, Adopted — Direct BRA to adopt objective criteria for awarding professional services contracts and document the basis for award decisions. (Management action – nonstatutory)

Recommendation 2.2, Adopted — Direct BRA to evaluate and document vendor performance. (Management action – nonstatutory)

Recommendation 2.3, Adopted as Modified — Direct BRA to improve its contracting processes to ensure sufficient transparency and fairness, including publishing on its website the conflict-of-interest statements of the members of the vendor evaluation committees. (Management action – nonstatutory)

Issue 3

BRA's Statute Does Not Reflect Some Standard Elements of Sunset Reviews.

Recommendation 3.1, Adopted — Apply the standard across-the-board requirement regarding grounds for removal of a board member to BRA.

Recommendation 3.2, Adopted — Apply the standard across-the-board requirement regarding board member training to BRA.

Recommendation 3.3, Adopted — Apply the standard across-the-board requirement regarding the separation of duties of board members from those of staff to BRA.

Recommendation 3.4, Adopted — Apply the standard across-the-board requirement regarding public testimony to BRA.

Recommendation 3.5, Adopted — Apply the standard across-the-board requirement regarding developing and maintaining a system for receiving and acting on complaints to BRA.

Recommendation 3.6, Adopted — Direct BRA to more comprehensively plan and monitor its efforts to increase workforce diversity. (Management action – nonstatutory)

Fiscal Implication Summary

The Sunset Commission's recommendations would not have a significant impact to the state or BRA. BRA would be able to implement most of the recommendations with existing resources. However, the full impact on BRA will depend on how the authority chooses to implement certain recommendations, such as developing a public engagement policy, and cannot be estimated.

Summary of Sunset Staff Report

Since its creation in 1929, the Brazos River Authority (BRA) has managed the largest river basin in Texas, stretching 36,000 square miles from the panhandle to the Gulf of Mexico. BRA owns and operates three reservoirs, holds permits to almost 1 million acre feet of water rights, and works diligently with water customers and other stakeholders to monitor the safety and quality of the Brazos River across the basin. Unsurprisingly, BRA's level of activity and basin size mean the authority has a significant impact on how Texas shapes and implements its comprehensive state water plan. Mindful of Texas' growing population centers and corresponding demand for water, BRA is embarking on an ambitious, multi-decade endeavor to identify and develop new sources of water. At the same time, like many river authorities across Texas, BRA faces aging infrastructure issues at its current reservoirs and water treatment plants. In the coming years, the authority must dedicate attention and resources to revitalize these assets to ensure they will continue to effectively serve Texans for another hundred years.

BRA is at a pivotal moment as it embarks on a multi-decade endeavor to develop new water sources.

With these goals in mind, the Sunset review concluded BRA is at a pivotal moment that will determine whether it can successfully grow into the large-scale water provider it aims to become. Expanding its water supply portfolio will necessarily impact water customers, who fund BRA's operations, as well as the local governments and landowners where projects are built. As BRA increases the size, scope, and sophistication of its operations, it must be transparent and objective to avoid political, reputational, and financial pitfalls experienced by other river authorities. As such, Sunset staff recommends BRA develop a more comprehensive approach to planning and prioritizing its numerous projects, including soliciting more input from its board of directors and the public. The review also identified a number of standard contracting practices BRA should implement to ensure fairness and transparency in the way it awards and monitors its contracts. Finally, Sunset staff recommends several statutory changes and good government practices applied across the board during Sunset reviews. Taken together, these recommendations would shore up BRA's operations as it expands to meet the growing demands of the state in the coming decades.

The following material highlights Sunset staff's key recommendations for the Brazos River Authority.

Sunset Staff Issues and Recommendations

Issue 1

BRA Would Benefit From More Comprehensive and Transparent Planning for Water Supply Projects.

To meet the growing demand from some of the state's fastest-growing counties, BRA anticipates carrying out several intensive water supply projects concurrently with its standard maintenance projects. However, BRA misses opportunities for more comprehensive planning and transparent project implementation that could help mitigate future challenges and maintain stakeholders' trust, such as an objective and transparent method for prioritizing its projects. BRA would also benefit from increased input from its board in the strategic planning process. Finally, increased stakeholder engagement during planning for water supply projects could earn BRA more buy-in and trust from its customers and the public.

Key Recommendations

- Direct BRA to develop and adopt an objective process and evaluation criteria for prioritizing its projects.
- Direct BRA to provide clearer information on project progression and expenditures.
- Direct BRA to involve its board of directors more directly in developing its strategic plan.
- Direct BRA to develop a public engagement policy for water supply projects.

Issue 2

BRA Should Enhance the Transparency and Accountability of Its Contracting Processes to Ensure Fair Selection of Qualified Vendors.

BRA contracts for a wide range of goods and services, which totaled more than $11.9 million, or about one-fifth of BRA's total expenditures, in fiscal year 2019. While BRA generally performs well in the areas of procurement and contracting, it lacks documented and objective criteria for awarding professional services contracts. The authority also has not standardized vendor performance evaluations after a project is completed. BRA would benefit from adopting other contracting standards as well, including limiting contracting with former employees, protecting against conflicts of interest and disclosure of confidential information, and offering a clear process for vendors to dispute contract awards. Implementing these practices would better position the authority to continue to succeed as its project portfolio significantly expands, strengthening the transparency and accountability of BRA's contracting process.

Key Recommendations

- Direct BRA to adopt objective criteria for awarding professional services contracts and document the basis for award decisions.
- Direct BRA to evaluate and document vendor performance.
- Direct BRA to improve its contracting processes to ensure sufficient transparency and fairness.

Issue 3

BRA's Statute Does Not Reflect Some Standard Elements of Sunset Reviews.

Over the years, Sunset reviews have included a number of standard elements designed to ensure open, responsive, and effective government. BRA's statute does not contain several standard provisions, including those related to grounds for removal of a board member, board member training, separation of duties of board members from those of staff, public comment at board meetings, and maintaining a system for receiving and acting on complaints. In addition, despite recent efforts to improve its workforce diversity, BRA has not developed a comprehensive plan with targeted performance goals to measure its progress.

Key Recommendations

- Apply the standard across-the-board requirements regarding grounds for removal of a board member, board member training, separation of duties of board members from those of staff, public testimony at board meetings, and maintaining a system for receiving and acting on complaints.
- Direct BRA to more comprehensively plan and monitor its efforts to increase workforce diversity.

Fiscal Implication Summary

The recommendations in this report would not have a significant impact to the state or BRA. BRA would be able to implement most of the recommendations with existing resources. However, the full impact on BRA will depend on how the authority chooses to implement certain recommendations, such as developing a public engagement policy, and cannot be estimated.

Authority at a Glance

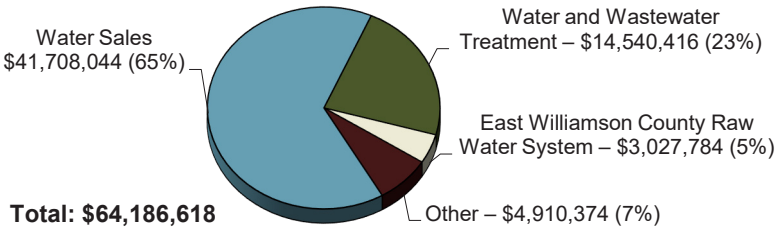
The Legislature created the Brazos River Authority (BRA) in 1929 to provide for the conservation and development of natural resources in the Brazos River basin.[1] The map on page nine shows BRA's boundaries, which include territory in all or part of 72 counties stretching from Bailey County in the Panhandle down to Brazoria County at the Gulf of Mexico. Like other river authorities, BRA is authorized to conduct a broad range of activities, including building and operating reservoirs; engaging in flood control; selling raw and treated water; treating wastewater; acquiring property by eminent domain; building and managing park land; and generating electricity. BRA engages in a number of these activities, including:

- Operating the three dams that form Possum Kingdom Lake, Lake Granbury, and Lake Limestone.
- Contracting with the U.S. Army Corps of Engineers (USACE) for conservation storage space at eight other reservoirs and coordinating water releases during flood events.
- Providing raw water to municipalities, industry, agriculture, and mining operations within the Brazos River basin.
- Treating water and wastewater for various municipalities.
- Monitoring the water quality in the Brazos River basin.
- Maintaining parks and recreational facilities.
- Regulating marinas, on-site sewage facilities, and other activities with a potential to impact the safety and water quality of its reservoirs.
- Participating in water supply and flood planning activities, including through regional water planning groups in Regions G, H, and O.

Key Facts

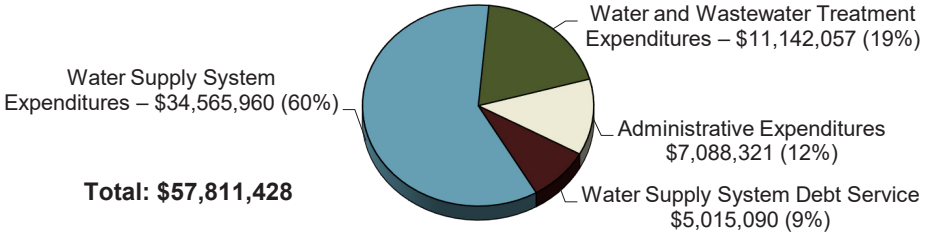
- **Governance.** BRA is governed by a 21-member board of directors appointed by the governor with the advice and consent of the Senate. Directors serve six-year staggered terms and the governor designates a director as the presiding officer. The board meets quarterly to provide oversight of BRA's operations and approve BRA's budget, water sale rates, and large contracts.
- **Funding.** BRA receives no state appropriation and does not assess taxes, though it can issue bonds to fund capital projects.[2] BRA generates funds primarily from the sale of raw water and the cost-reimbursable operation of water and wastewater treatment facilities, which together accounted for 92 percent of BRA's revenue in fiscal year 2019. As shown in the chart on the following page, *BRA Sources of Revenue*, BRA collected more than $64 million in revenue in fiscal year 2019. Other sources of revenue include grant funds from the Texas Commission on Environmental Quality (TCEQ) and the Texas Water Development Board, recreation and permit fees from its lake operations, and interest income.

BRA Sources of Revenue – FY 2019



In fiscal year 2019, BRA spent more than $57.8 million as shown in the chart, *BRA Expenditures*. BRA primarily expends funds developing and maintaining its water supply system, including operating its three reservoirs, contracting for water storage at USACE reservoirs throughout the basin, and paying down debt associated with water supply projects. BRA's remaining expenditures fund its operations for water and wastewater treatment plants as well as its administrative overhead. The authority transfers any unspent revenue each year into several reserve funds, including a rate stabilization fund BRA can use to prevent large water rate increases in a given year, which combined totaled $93.7 million at the end of fiscal year 2019.

BRA Expenditures – FY 2019



- **Staffing.** In fiscal year 2019, BRA employed 246 full-time employees, the majority of whom were located at BRA's headquarters in Waco or at its three reservoirs — Possum Kingdom Lake in Palo Pinto County, Lake Granbury in Hood County, and Lake Limestone in Limestone County. BRA's remaining staff works in field offices at one surface water treatment plant, nine wastewater treatment plants, and two regional water supply offices, reflected in the map on page 9. Appendix A compares the percentage of minorities in BRA's workforce to the statewide civilian labor force for the past three fiscal years.

- **Water supply.** Since 2015, a TCEQ-appointed watermaster program oversees water diversions in the central and lower basin of the Brazos River to ensure all water rights holders take the appropriate amount based on their water rights permits. As the largest provider of wholesale surface water within the Brazos River basin, BRA holds permits from TCEQ to almost 1 million acre-feet of water, or 44 percent of all water permitted in the basin.

  The textbox on the following page, *BRA Water Rights*, shows a breakdown of the location and amounts of BRA's annual water rights and the graphic on the following page, *BRA Water Supply Inventory*, details how BRA allocates that water.

  – The three reservoirs built, owned, and operated by BRA account for roughly one-third of BRA's water rights.

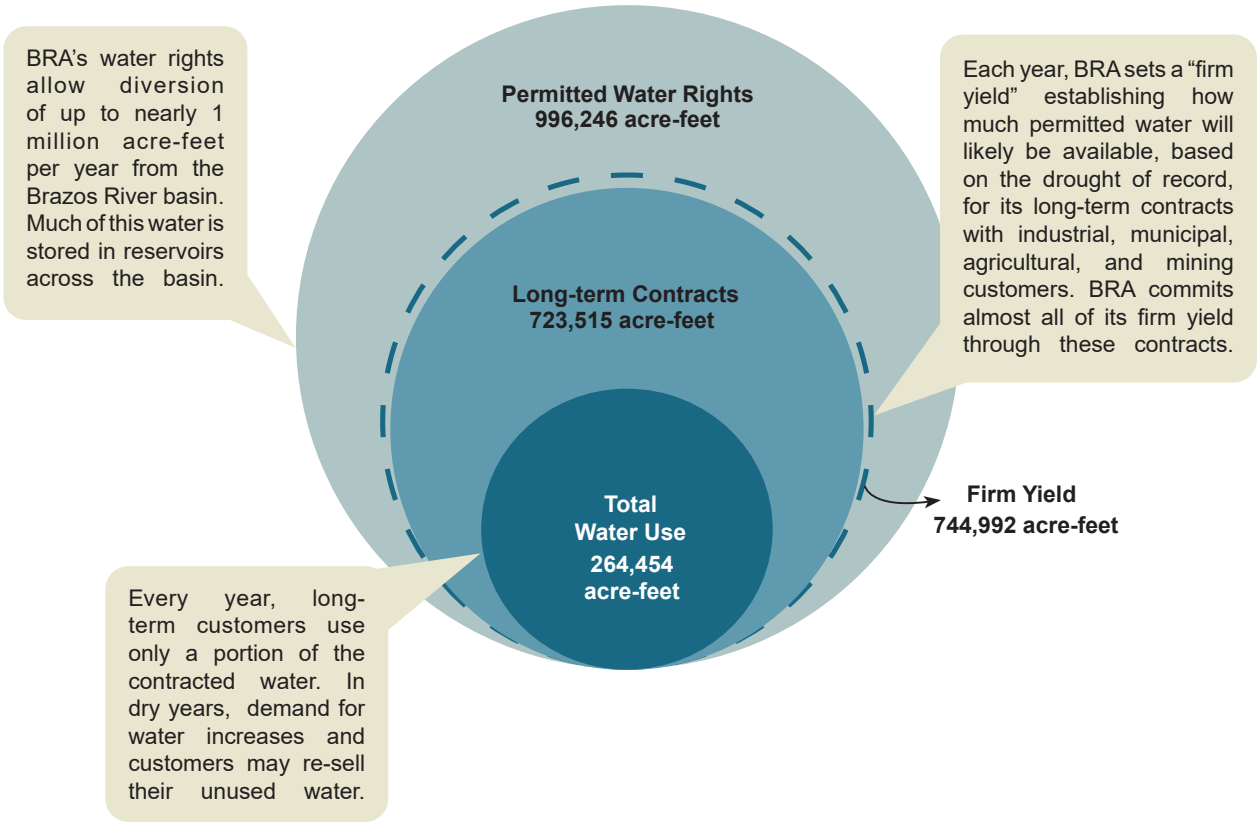
- BRA stores an additional third of its water rights in eight USACE reservoirs.
- For the remaining third, TCEQ recently granted BRA a system operation permit, which authorizes BRA to manage excess water flows throughout the basin that are not otherwise subject to a water right, such as water returned to the river from wastewater treatment plants.

- **Water and wastewater treatment.** BRA operates and maintains nine wastewater treatment facilities and one surface water treatment facility on behalf of multiple customer cities. In general, BRA performs these services on a cost-reimbursable basis, meaning customers dictate and pay for any necessary maintenance or expansion. The authority also owns and operates the East Williamson County Regional Water System, which provides treated water to the city of Taylor and other customers in Williamson County. In fiscal year 2019, BRA's plants treated 3.7 billion gallons of raw water and 9.8 billion gallons of wastewater.

BRA Water Rights – FY 2019

Location	*Acre-feet*
BRA-owned reservoirs	**360,536**
Possum Kingdom Reservoir	230,750
Lake Limestone	65,074
Lake Granbury	64,712
USACE reservoirs	**301,365**
Lake Belton	100,257
Lake Stillhouse Hollow	67,768
Lake Somerville	48,000
Lake Granger	19,840
Lake Proctor	19,658
Lake Whitney	18,336
Lake Aquilla	13,896
Lake Georgetown	13,610
System operation permit	**334,345**
Total water rights	**996,246**

BRA Water Supply Inventory – FY 2019



- **Lake safety.**

  Regulation of on-water activities. BRA employs 14 commissioned peace officers to enforce state law, local ordinances, and BRA rules at its three reservoirs and surrounding BRA-owned land. The authority's rules regulate public, recreational activities at the reservoirs, such as the operation of watercraft and the use of alcohol or firearms.

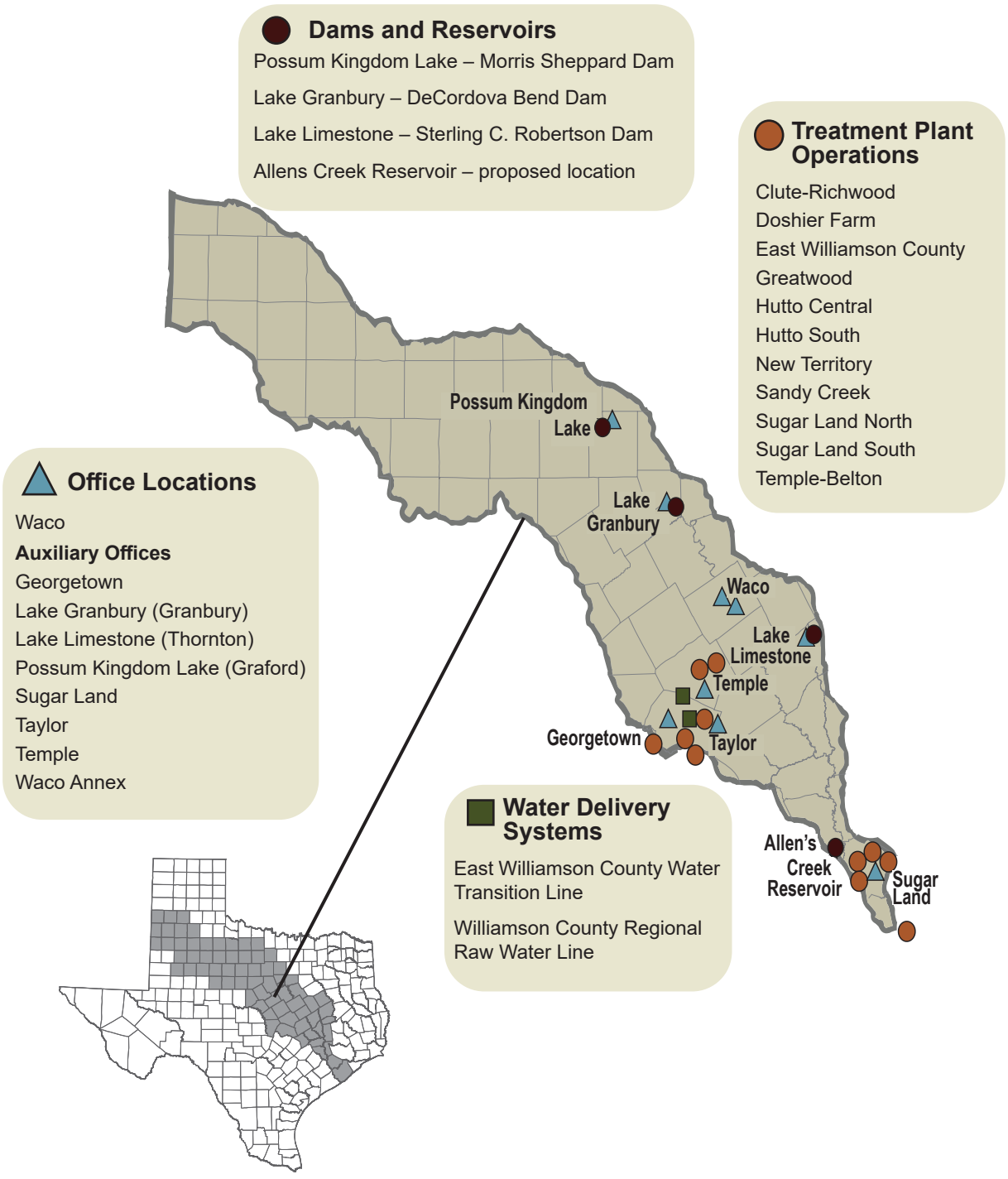
  On-water facility permits. BRA issues permits to lakeside property owners at its reservoirs to construct and maintain private docks, boathouses, or other on-water facilities. These permitted facilities, which totaled 6,801 across BRA's three reservoirs in fiscal year 2019, must comply with minimum safety and construction standards and are subject to inspection by BRA, as needed.

- **Water quality.**

  Clean Rivers Program. In fiscal year 2019, BRA collected water quality and aquatic life data at 108 sites across the Brazos River basin for testing at BRA's surface water quality laboratory in Waco. BRA reports this information quarterly to TCEQ and annually to a steering committee of basin stakeholders as part of the state's Clean Rivers Program.

  On-site sewage facilities. As the authorized agent for TCEQ's on-site sewage program, BRA issues permits for residential septic tanks and other sewage systems to ensure their proper design and construction to protect water quality at Possum Kingdom Lake and Lake Limestone. BRA regulated 3,940 systems in fiscal year 2019.

Brazos River Authority



[1] The Legislature first created the authority in 1929 as the Brazos River Conservation and Reclamation District. In 1953 the Legislature changed the district's name to the Brazos River Authority.

[2] BRA's statute — Section 8502.011, Texas Special District Local Laws Code — provides a limited authority for it to use ad valorem taxes to pay bond debt for certain improvement projects, only if approved by voters through an election in the affected region. However, BRA has never used this provision to assess a tax.

Issue 1

BRA Would Benefit From More Comprehensive and Transparent Planning for Water Supply Projects.

Background

As the steward of the largest river basin in Texas, spanning approximately 36,000 square miles and home to nearly 3.2 million Texans, the Brazos River Authority (BRA) plays a critical role in ensuring Texas meets its water needs.[1] BRA's 21-member board approves the authority's strategic plan and is ultimately responsible for ensuring BRA fulfills its strategic vision. To communicate this vision as well as BRA's various operations to customers and other stakeholders throughout the basin, BRA posts to its website board meeting minutes and recordings, contract awards, and various other financial and operational materials. BRA also uses social media, newsletters, and informational videos to explain the authority's functions and ongoing projects.

The Brazos River basin faces increasing water demand from some of the state's fastest-growing areas, including Williamson, Fort Bend, and Bell counties. Demand in these three counties alone is expected to increase by 75 percent by the year 2070, straining current municipal supplies.[2] To meet this growing demand, BRA anticipates carrying out several intensive water supply projects recommended by the state's water plan, at a combined cost of more than $1.5 billion.[3] Funding these projects — including a major off-channel reservoir in the lower basin BRA has already begun planning — will likely require BRA to increase its water rates and issue substantial debt.

At the same time BRA will be executing these new supply projects, the authority will be continuing to manage its other standard projects needed to maintain and improve existing operations. BRA has identified the need for 62 such projects over the next 50 years at an estimated total cost of $2.3 billion. These projects include a mix of infrastructure maintenance projects, IT upgrades, ecological studies, and other initiatives.[4] Successfully implementing all of these projects while avoiding potential financial and reputational pitfalls that have beset other river authorities will require thoughtful and inclusive planning to maintain stakeholders' trust and mitigate future challenges.

During the Sunset review, BRA was in the early stages of developing several tools related to its planning processes. As discussed in the following material, Sunset staff identified opportunities to improve these efforts to ensure they are comprehensive and, ultimately, fruitful.

Findings

BRA misses opportunities for more comprehensive planning and transparent project implementation.

Given the anticipated expansion of its project portfolio, BRA would benefit from improving its planning processes to maximize its resources and ensure it successfully carries out projects. BRA intends to pursue 32 projects in fiscal year 2021, several taking multiple years to complete, as listed in the table on the following page, *BRA's FY 2021 Projects*.[5] However, BRA currently lacks

comprehensive planning tools to prioritize projects appropriately and provide interested parties sufficient information on project development and progress.

- **Project prioritization.** BRA does not have an objective method for prioritizing its projects. Instead, the authority adds projects to the annual budget during informal roundtable discussions among senior management. This process lacks a formal and documented assessment of the feasibility, sustainability, viability, and cost effectiveness of each project to determine which projects to pursue. As BRA pursues more projects to fulfill the state's water plan while maintaining its own infrastructure, having an objective method for comparing, evaluating, and prioritizing different types of projects will become increasingly important.

BRA's FY 2021 Projects

Project Type	Number of Projects	Estimated Cost for 2021
New Water Supply	2	$41,083,000
Infrastructure Maintenance	15	$11,786,000
New Infrastructure	6	$7,495,000
Water Distribution	2	$2,664,000
Studies/ Assessments	6	$2,540,000
Technology	1	$150,000
Total	**32**	**$65,718,000**

BRA recently began developing a tool to evaluate the need for asset maintenance or replacement and a planning process to identify new supply projects, but both are in early stages of development. Once these processes are operational, BRA will still need a comprehensive method to compare the information from these initiatives and schedule projects in a way that maximizes the authority's limited resources. Creating a documented methodology for prioritizing projects would allow BRA to objectively compare its various projects to ensure it implements them based on the greatest need and potential benefit.

BRA needs a documented process to prioritize and implement projects based on greatest need and benefit.

- **Project updates.** BRA staff does not clearly communicate estimated project completion times or explain large differences in estimated and actual project costs to the board, stakeholders, or the public. The authority currently sets project budgets and timelines on a best-case scenario that assumes no delays. However, BRA must often postpone projects into future fiscal years because of factors like weather conditions or poor contractor performance. These delays, while reasonable, result in large differences between projects' estimated budgets and actual expenditures in a given year. The table on the following page, *BRA Budgeted vs. Actual Project Expenditures*, shows these disparities for all BRA projects from 2015 to 2019, while the table, *Lake Limestone Low Flow Facility*, shows the differences between planned and actual spending for an individual project. While BRA publishes projects' estimated costs in its annual budget, it does not provide any explanation for large disparities between budgeted and actual expenditures, which can create confusion for board members and stakeholders interested in these projects.

  Project delays are often inevitable and understandable, but providing project updates when delays occur would help reconcile estimated project budgets with actual expenditures and clarify completion dates. In comparison, state agencies with similar large-scale project portfolios, like the Texas Department of Transportation and Texas Facilities Commission, publish

BRA Budgeted vs. Actual Project Expenditures

Fiscal Year	Budgeted Annual Expenditures	Actual Annual Expenditures	Percent Under Budget
2015	$22,220,000	$6,169,000	72%
2016	$25,176,000	$9,532,000	62%
2017	$26,817,000	$5,214,000	81%
2018	$27,213,000	$4,051,000	85%
2019	$29,624,000	$7,045,000	76%

Lake Limestone Low Flow Facility

Fiscal Year	Budgeted Annual Expenditures	Actual Annual Expenditures
2015	$160,000	$2,000
2016	$100,000	$5,000
2017	$527,000	$0
2018	$515,000	$5,000
2019	$1,000,000	$8,000

updates in budget documents or online project dashboards to reflect current progress and expected timelines.[6] Including more information on project status would provide board members, stakeholders, and the public additional transparency on whether BRA consistently delivers projects on-time and on-budget.

BRA would benefit from increased input from its board in the strategic planning process.

As BRA takes on a greater debt risk posture to pursue more long-term water supply projects, board input in the strategic planning process becomes increasingly important to both provide political accountability and reflect the various interests BRA's board represents. As a governor-appointed body, the board is ultimately responsible for BRA's policy decisions and should take an active role in the strategic planning process. Currently, however, board members do not provide input into BRA's strategic planning process until after staff presents a nearly finalized draft for approval. A survey of current board members revealed several members desire earlier involvement in the strategic planning process in the form of work sessions or some other mechanism. Involving board members in an intermediate stage of the process, in addition to final approval, would allow board members more opportunities to provide input and ensure interests across the basin are considered, particularly since board members represent constituencies extending from Lubbock to Danbury.[7]

Board members are not involved early enough in BRA's strategic planning process.

Increased stakeholder engagement during project planning could earn BRA more buy-in and trust from customers and the public.

BRA's current engagement strategies primarily consist of presenting information to the public after decisions have been made, instead of proactively seeking input from customers and other stakeholders during the planning process. As BRA develops new water supply projects, stakeholder involvement will become increasingly important since these projects take years to develop, compete for funding and resources, and often involve large-scale, potentially disruptive construction. Additionally, customers ultimately fund such projects

BRA could benefit from a more comprehensive public engagement policy.

with their rate payments, while municipalities and individual landowners may be directly impacted by pipeline easements, changes in flood patterns, or other aspects of a project. The authority has increased its public outreach in recent years by providing more information on its website and holding annual State of the Basin meetings to present updates on BRA operations. However, as BRA begins to focus on more significant water supply development, it could benefit from a comprehensive public engagement policy specifically focused on receiving feedback on long-term projects.

BRA recently decided to create a long-term water planning process that will include stakeholder input. However, this program is in its infancy and BRA has not yet finalized whose input it will consider or its method for gathering it. Incorporating a more inclusive public engagement policy into BRA's proposed long-term water planning would help increase trust and buy-in from stakeholders to avoid the kinds of disputes and litigation that have plagued other Texas river authorities. Sunset's experience over the years reviewing entities with large-scale, long-term projects has found significant value in obtaining stakeholder input during the planning process.[8]

Sunset Staff Recommendations

Management Action

1.1 Direct BRA to develop and adopt an objective process and evaluation criteria for prioritizing its projects.

This recommendation would direct BRA to develop a comprehensive, objective method for prioritizing its various projects, such as weighted scoring or other types of ranking systems. Evaluation criteria could include factors such as project viability, feasibility, cost, environmental impacts, and effect on water supply. This prioritization process should factor in information from the authority's asset management program and integrated water resource plan once those tools are operational. BRA should document the final results of its project prioritization, as well as individual project scores based on the evaluation criteria, on an annual basis. This recommendation would ensure BRA prioritizes its variety of projects — including capital improvement, operating, and new supply projects — based on need, cost, and risk, as well as documents this process in the event of staff turnover or inquiries about project selection.

1.2 Direct BRA to provide clearer information on project progression and expenditures.

This recommendation would direct BRA to publish additional information on project progress, including explanations for large discrepancies between budgeted amounts and actual expenditures, estimated completion times, and reasons for project delays, on at least an annual basis. BRA could add this information to existing project worksheets in its annual budget or separately list the updates on its website. This additional information would provide the board, stakeholders, and the public more robust financial information and a clearer representation of the timeliness of the authority's ongoing projects.

1.3 Direct BRA to involve its board of directors more directly in developing its strategic plan.

Under this recommendation the board of directors would be included in BRA's strategic planning process before staff presents the plan to the board for final approval. The board could provide input through a

working group, subcommittee, or other mechanism. Increasing board involvement earlier in the strategic plan's development stage would afford members to have an active role in setting the authority's policy direction, while providing representation for constituencies across the basin regarding long-term project implementation.

1.4 Direct the authority to develop a public engagement policy for water supply projects.

This recommendation would direct BRA to build on its existing public engagement efforts by having a comprehensive policy to guide its public outreach and engagement efforts related to water supply projects. BRA should incorporate this policy into its nascent long-term water planning program. The policy should include regularly soliciting input from customers and other stakeholders throughout the life cycle of each project, while also providing updates on major milestones, including any significant changes to the timeline or cost of the project. A comprehensive public engagement policy would ensure BRA receives stakeholder feedback on long-term water supply projects to address potential issues, garner public support for the projects, and maintain this support by providing ongoing information about the status of the projects.

Fiscal Implication

These recommendations would not have a fiscal impact to the state. Although the recommendations are largely designed to enhance BRA's existing planning processes and public engagement efforts, any impact on the authority will depend on the implementation of recommendations and cannot be estimated.

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1 Brazos River Authority (BRA), *Self-Evaluation Report* (Waco: BRA, 2019), 4; Texas Water Development Board (TWDB), *2021 Regional Water Plan: Population Projections for 2020-2070 for Water User Groups by Region, County, and Basin in Texas*, accessed November 9, 2020, https://www3.twdb.texas.gov/apps/reports/Projections/2022%20Reports/pop_WUG_Basin.

2 TWDB, *2021 Regional Water Plan: Water Demand Projections for 2020-2070 for Water User Groups by Region, County, and Basin in Texas in Acre-Feet*, accessed November 9, 2020, https://www3.twdb.texas.gov/apps/reports/Projections/2022%20Reports/demand_WUG_Basin; TWDB, *Initially Prepared 2021 Brazos G Regional Water Plan Vol. 1*, accessed November 9, 2020, https://www.twdb.texas.gov/waterplanning/rwp/plans/2021/Region%20G/RegionG_2021DraftRWPV1.pdf?d=7847.904999973252.

3 Ibid.; TWDB, *Region H 2021 Initially Prepared Regional Water Plan Vol. 2*, accessed October 21, 2020, https://www.twdb.texas.gov/waterplanning/rwp/plans/2021/Region%20H/RegionH_2021DraftR WPV2.pdf?d=6256.830000318587.

4 BRA, "Operating Projects," *2021 Brazos River Authority Annual Operating Plan*, accessed November 9, 2020, http://www.brazos.org/portals/0/documents/FA-FY2021/FA-2021-Tab-14-OperatingProjects.pdf; BRA, "Capital Improvement Projects," *2021 Brazos River Authority Annual Operating Plan*, accessed November 9, 2020, http://www.brazos.org/portals/0/documents/FA-FY2021/FA-2021-Tab-13-CapitalImprovemantProjexts.pdf.

5 Ibid.; BRA, "Operating Projects," *2021 Annual Operating Plan*.

6 "Project Tracker," Texas Department of Transportation, accessed November 9, 2020, https://www.txdot.gov/inside-txdot/projects/project-tracker.html; "State of Texas Capitol Complex," Texas Facilities Commission, accessed November 9, 2020, https://www.tfc-ccp.org/.

7 "Brazos River Authority Board of Directors," BRA, accessed November 9, 2020, https://brazos.org/About-Us/About-the-BRA/Board-of-Directors.

8 Sunset Advisory Commission (SAC), *Lower Colorado River Authority Sunset Staff Report*, accessed November 9, 2020, https://www.sunset.texas.gov/public/uploads/files/reports/Lower%20Colorado%20River%20Authority%20Staff%20Report%20with%20Final%20Results.pdf; SAC, *Capital Metropolitan Transportation Authority*, accessed November 9, 2020, https://www.sunset.texas.gov/public/uploads/files/reports/Capital%20Metro%20Final%20Report%202011%2082%20leg.pdf; SAC, *Port of Houston Authority*, accessed November 9, 2020, https://www.sunset.texas.gov/public/uploads/files/reports/Port%20of%20Houston%20Authority%20Staff%20Report%202013%2083rd%20Leg.pdf

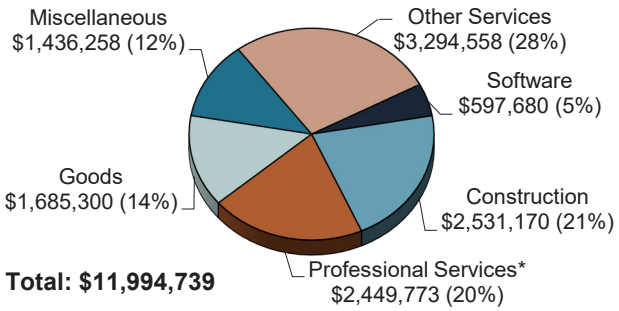
Issue 2

BRA Should Enhance the Transparency and Accountability of Its Contracting Processes to Ensure Fair Selection of Qualified Vendors.

Background

The Brazos River Authority (BRA) contracts for a wide range of goods and services, impacting most of its programs and divisions. The chart, *BRA Contracting Expenditures*, provides a breakdown of BRA's contract spending in fiscal year 2019, which totaled almost $12 million, about one-fifth of BRA's total expenditures. To respond to increasing demand for water across its basin, BRA expects to significantly increase its contracting for professional engineering and construction services over the next decade to design, execute, and maintain water supply projects. As part of its evolving efforts to manage a greater number of projects, BRA is creating a centralized project management office with the potential to provide oversight and consistency in contract implementation.

BRA Contracting Expenditures – FY 2019



* Includes engineering, accounting, legal, and real estate services.

When evaluating an agency's contracting processes, Sunset uses the general framework established in the *State of Texas Procurement and Contract Management Guide*, as well as documented standards and best practices compiled by Sunset staff.[1] BRA, as a political subdivision, is not subject to many of the procurement laws on which the guide is based, as they were designed for state agencies. However, as a quasi-state agency, BRA is subject to certain state contracting laws, such as those that govern how to procure professional services, like engineering or accounting, and what factors trigger conflicts of interest disclosures for board members and staff.[2] Further, because the guide establishes the most comprehensive set of standards for government contracting, purchasing, and procurement in the state, it serves as a good starting point for evaluating a river authority's contracting processes. While BRA generally performs well in procurement and contracting, implementing best practices to address the following areas would better position the authority to continue to succeed as its contracting portfolio significantly expands.

Findings

Introducing objective criteria and documentation would improve the transparency and fairness of BRA's selection process for professional services contracts.

BRA's selection process for professional services contracts lacks objective criteria.

Objective methods for evaluating and awarding contracts, such as using a scoring matrix, and clear documentation protect the transparency and accountability of an entity's contracting process. A scoring matrix is a standard tool other river authorities and most state agencies use to assess each response to a contract solicitation against the same criteria to ensure fair consideration of all vendor proposals and qualifications before making a selection. BRA's selection process for professional services contracts, including engineering services, lacks an objective method to assess candidates and does not record any reasons to justify the selection decision, which could be problematic if such a decision were challenged. Instead, BRA relies on a staff evaluation committee reaching an informal, verbal consensus on a vendor. Once the evaluation committee chooses the top candidate, it simply informs BRA's procurement manager of the choice. In contrast, BRA staff could create a scoring matrix with defined criteria and associated weights that would provide the evaluation committee clear guidance on how to score proposals. Additionally, early preparation of the scoring matrix could help identify any gaps in the solicitation document. Adopting a standard approach like a scoring matrix for evaluating and ranking vendor proposals and recording the basis for award decisions would enhance completeness, fairness, and consistency in BRA's vendor selection process for professional services contracts.

Standardizing and documenting vendor performance evaluation processes would improve BRA's future vendor selections.

BRA does not assess vendor performance as part of its contract closeout process.

Evaluating vendor performance as part of the project closeout process is crucial to assessing the success of a contract. Most state agencies review vendor performance and report the results to a state database for use by other agencies and entities. Though BRA checks this database before awarding contracts, BRA does not evaluate and document its own experience with vendors. Individual BRA staff members, particularly project managers, monitor and document ongoing vendor performance, but feedback related to a particular vendor does not necessarily carry forward after a contract is closed to inform future vendor selections. BRA staff sometimes brings up prior experiences with a vendor in evaluation committees, but this information is informal and not documented. Additionally, as previously discussed, the authority has no clear scoring method by which to consider this information when evaluating a contract proposal. Assessing vendor performance as part of the contract closeout process would allow BRA to document lessons learned about an individual vendor and use data and experience to improve future vendor selection, rather than depend on institutional memory.

Additional best practices would increase fairness and transparency in BRA's contracting process.

Standard best practices for contracting procedures emerge because of their proven value to organizations. Addressing the following concerns would further strengthen BRA's ability to ensure transparency and fairness in its solicitation process and engage a more diverse pool of potential vendors.

- **Contracting with former employees.** An entity should not contract with former or retired employees, or firms or vendors that hire former employees, within a certain established timeframe to avoid actual or perceived conflicts of interest. Currently, BRA's policies do not restrict contracting with former employees. Though Sunset has found nothing to suggest impropriety, BRA could help avoid any conflicts of interest, or the appearance of conflicts, in contract awards by establishing a minimum timeframe before allowing contracting with former employees.

BRA does not restrict contracting with former employees to avoid actual or perceived conflicts of interest.

- **Conflicts of interest statements and nondisclosure agreements.** Entities can protect the integrity of the contract evaluation process by ensuring staff involved in the solicitation and evaluation of contract proposals avoid conflicts of interest and maintain confidentiality. The state seeks to achieve this end by encouraging — and in some cases, requiring — state agency employees serving on vendor evaluation committees to sign a statement affirming they have no conflicts of interest with any respondents, as well as agreeing they will not engage in the premature or unauthorized disclosure of information about proposed solicitations.[3] BRA's policies generally require board members and employees to disclose conflicts of interest with a vendor, but they do not specifically require evaluation committee members to sign a conflicts of interest statement or nondisclosure agreement prior to reviewing solicitation responses. In contrast, state agencies' best practice is to receive names of vendors before reviewing responses to check for conflicts of interest, particularly if contracts exceed $1 million.[4] Ensuring staff who evaluate contract proposals have signed non-disclosure and conflicts of interest statements before accessing documents or discussing submissions would better prevent the introduction of bias or favoritism in BRA's contract selection process, safeguard sensitive vendor information, and protect BRA from the consequences of any undisclosed conflicts of interest.

- **Award dispute policy.** Providing a transparent process to dispute contract awards ensures accountability and promotes fairness in contracting decisions. BRA does not provide a procedure by which a vendor may dispute a contract award or even learn the reasons why BRA did not select it. As BRA prepares to award more high value contracts for its large project portfolio it may experience interest from a greater number of vendors and, by extension, increased scrutiny of its contract decisions. The authority would benefit from a clear, formal process to resolve disputed contract awards and ensure authority staff follows contracting policies.

BRA does not have a contract award dispute process to promote accountability and fairness.

- **Use of historically underutilized businesses (HUBs).** BRA lacks a comprehensive approach to increase the number of contracts it awards to HUBs, potentially missing opportunities to target disadvantaged vendors. Although BRA is not subject to the same HUB requirements as state agencies, the Texas Commission on Environmental Quality requires river authorities to adopt a policy for contracting with HUB vendors.[5] Further, Sunset staff routinely evaluates efforts of entities under review to increase their use of HUBs to promote full and equal opportunities for all businesses in government procurement. BRA has adopted a policy stating it will comply with the intent of state HUB purchasing laws, and the authority takes some action toward this end. For example, BRA sends contract solicitations to the Comptroller of Public Accounts' Centralized Master Bidders List, which includes HUBs, and tracks HUB expenditures. However, BRA has not adopted other elements state agencies with similar staffing levels and operating budgets use to increase their HUB contracting activity, such as developing a HUB plan, having a HUB coordinator, creating HUB subcontracting plans where feasible, and apprising its board of HUB activity. While BRA has made improvements in HUB participation across several purchasing categories in the last three fiscal years, BRA's use of HUB vendors remains below state goals in categories such as professional services, commodities, and other services. A comprehensive plan with targeted performance goals and assigned staff accountable for its progress would better focus BRA's efforts and improve its outreach and use of historically disadvantaged vendors.

BRA should improve its outreach to and use of HUB vendors.

Sunset Staff Recommendations

Management Action

2.1 Direct BRA to adopt objective criteria for awarding professional services contracts and document the basis for award decisions.

This recommendation would direct BRA to develop and apply scoring matrices with objective criteria to its vendor selection process for professional services contracts. Using this criteria, BRA should also clearly document and justify its selection decisions. BRA should include scoring criteria in its contract solicitations to inform vendors how proposals will be judged. Implementing and documenting objective vendor scoring would make BRA's vendor selection process for professional services more transparent and consistent, while providing support for the authority's decisions.

2.2 Direct BRA to evaluate and document vendor performance.

Under this recommendation, BRA should develop a standard vendor evaluation process. BRA should complete detailed evaluations of vendors at contract closeout to compare actual performance with contract objectives. BRA should document "lessons learned" and use that information when considering future contract awards. This recommendation would better ensure BRA avoids future contracts with poor performing vendors and continuously improves its contracting functions.

2.3 Direct BRA to improve its contracting processes to ensure sufficient transparency and fairness.

This recommendation would direct BRA to take additional steps to protect the integrity of its contract solicitations and increase the participation of historically disadvantaged vendors. BRA should adopt the following best practices:

- **Prohibit contracting with former employees.** BRA should adopt a policy to prevent the authority from contracting with former employees for a specified time period following separation from employment. This policy would help prevent even the appearance of conflicts of interest in contracting decisions.
- **Require signed non-disclosure agreements and conflicts of interest statements.** Members of vendor evaluation committees should sign, prior to reading or discussing vendor responses, a statement affirming no conflicts of interest with any responding vendors and an agreement to maintain the confidentiality of information about proposed solicitations. These procedures would help prevent bias in contract selection and protect vendor information.
- **Create a vendor dispute policy.** BRA should develop and adopt formal procedures for resolving vendor disputes. When the authority receives a dispute, BRA should assess the merits of the dispute and provide an explanation and documented justification for how the selection committee made its decision. Having a formal dispute policy would promote fairness across BRA's contracting decisions, ensuring BRA staff follows appropriate procurement processes. BRA should then make improvements to its procurement practices based on the dispute findings.
- **Proactively plan and monitor HUB spending efforts.** BRA should conduct more focused outreach to HUBs by developing a formal HUB plan that includes specific performance targets, designates a central HUB coordinator, directs staff to create HUB subcontracting plans where feasible for contracts over $100,000, and reports HUB data to senior management and the board. Depending on the amount of contracting activity and progress made on other measures to increase HUB contracting expenditures, BRA could consider adopting additional approaches of state agencies of comparable size and resources, such as hosting forums for diverse businesses and creating a HUB mentor-protégé program. Consolidated under a formal HUB plan, these measures would match BRA's efforts with specified goals, actions, and measurable results.

Overall, these changes would help BRA better protect the integrity of its vendor selection process and be more transparent to vendors as it contracts to meet its various needs.

Fiscal Implication

These recommendations would not result in a significant fiscal impact to the state or BRA. While the recommendations would require effort, they relate to basic administrative responsibilities BRA could implement with existing resources. BRA already employs a dedicated procurement officer and legal team, and is in the process of developing a new project management office, all of which could assist in the implementation of these recommendations.

[1] Texas Comptroller of Public Accounts (CPA), *State of Texas Procurement and Contract Management Guide*, Version 1.3, accessed November 9, 2020, https://comptroller.texas.gov/purchasing/docs/96-1809-print.pdf.

[2] All citations to Texas statutes are as they appear on http://www.statutes.legis.texas.gov. Chapter 2254, Texas Government Code; Chapters 171 and 176, Texas Local Government Code; Chapter 49, Texas Water Code; 30 T.A.C. Section 292.13.

[3] CPA, *State of Texas Procurement and Contract Management Guide*, 74.

[4] Ibid.; Sections 2262.001 and 2262.004, Texas Government Code.

[5] 30 T.A.C. Section 292.13(6)(B).

Issue 3

BRA's Statute Does Not Reflect Some Standard Elements of Sunset Reviews.

Background

In 2015 the Legislature directed Sunset staff to assess the governance, management, operating structure, and compliance with legislative requirements for each river authority.[1] Over the years, Sunset reviews have included a number of standard elements from direction traditionally provided by the Sunset Commission, from statutory requirements added by the Legislature to the criteria for review in the Sunset Act, or from general law provisions imposed on state agencies. This review identified changes needed to conform the Brazos River Authority's (BRA) statutes to standard Sunset language generally applied to all entities under Sunset review and to improve practices for recruiting a diverse workforce.

Findings

BRA's statute does not reflect standard language typically applied across the board during Sunset reviews.

The Sunset Commission has developed a set of standard recommendations that it applies to all entities reviewed unless an overwhelming reason exists not to do so. These across-the-board provisions (ATBs) reflect an effort by the Legislature to enact policy directives to prevent problems from occurring, instead of reacting to problems after the fact. ATBs are statutory administrative policies adopted by the Sunset Commission that contain "good government" standards. The ATBs reflect review criteria contained in the Sunset Act designed to ensure open, responsive, and effective government. As a quasi-state agency created by the Legislature, BRA directly serves the public interest and is funded with public money.

- **Grounds for removal.** BRA's statute lacks the standard provision relating to grounds for removal of board members. Having a statutory basis and process for removing a member of a policymaking body who has a conflict of interest or has neglected duties can help ensure the sound function of the policymaking board.

- **Board member training.** BRA's statute does not establish the type of training and information board members need to properly discharge their duties. State law requires board members to obtain Texas open meetings and public information trainings upon taking their oath of office. While the authority provides training for new board members, BRA's statute does not require specific training to ensure each member has necessary knowledge about topics such as the authority's statute, operations, and budget before making decisions regarding matters of public interest.

BRA's statute does not require board training cover important topics like BRA's operations and budget.

- **Policymaking and staff functions.** BRA's statute does not provide for separating the policymaking functions of the board from day-to-day administrative functions of managing the authority. While BRA's operations manual contains such a policy, having this provision in statute would help avoid confusion about who is in charge of operations, which can undermine the authority's effectiveness.

Allowing public comment at board meetings improves BRA's decision-making process.

- **Public testimony.** BRA's statute does not require an opportunity to provide public comment at open board meetings. When people affected by BRA's decisions have an opportunity to provide meaningful input to the board, the additional information and perspectives improve the overall decision-making process. Though BRA regularly offers opportunity for public comment at its board meetings, having a statutory requirement for public comment on any matter under the authority's jurisdiction would reassure the public that the board encourages and values their comments.

- **Complaint information.** BRA's statute does not require the authority to maintain complete information on complaints. Maintaining a system for acting on complaints and keeping proper documentation helps protect the public by ensuring the authority addresses problems in a timely fashion. While BRA currently tracks the few complaints it receives, having a statutory requirement for complaint tracking would ensure BRA continues this best practice.

BRA's recent efforts to improve the diversity of its workforce have not fully achieved the intent of equal employment opportunity laws.

The Sunset Act requires the Sunset Commission and its staff to consider agencies' compliance with applicable federal and state requirements regarding equal employment opportunities (EEOs).[2] Staff routinely evaluates agency performance regarding these requirements in the course of a Sunset review, but only reports deficiencies significant enough to merit attention. BRA's employment of minorities and females consistently falls short of statewide civilian workforce percentages. Though not obligated by statute to meet specific EEO targets required of state agencies, Appendix A shows BRA's employee diversity fell notably below statewide demographic percentages for African Americans, Hispanics, and females in almost all employment categories during the last three fiscal years.

BRA has not developed a comprehensive plan to improve its staff diversity.

Despite recent efforts to improve its workforce diversity, BRA has not developed a comprehensive plan with targeted performance goals to measure progress in improving its diversity, making its efforts unfocused and potentially ineffective. BRA has stated it is committed to improving diversity and has recently taken steps to expand its recruiting of minority and female candidates, including training existing staff to be aware of potential bias. However, these efforts are not part of a unified, focused plan aimed at specific goals, and so far have not significantly impacted BRA's staffing makeup. Without clearly tracking outcomes, the authority cannot fully evaluate the effectiveness of its efforts

and make changes as needed. Establishing a comprehensive plan that includes specific goals and tracks progress toward those goals could help BRA improve its workforce diversity.

Sunset Staff Recommendations

Change in Statute

3.1 Apply the standard across-the-board requirement regarding grounds for removal of a board member to BRA.

The recommendation would specify the grounds for board member removal, including conflicts of interest or neglect of duties. The recommendation would also provide a process for board member removal, including guidelines for timelines, public hearings, and action by appointing bodies.

3.2 Apply the standard across-the-board requirement regarding board member training to BRA.

This recommendation would clearly establish the type of information to be included in the board member training for BRA. This training would need to provide board members with information regarding the authority's statute; its programs, functions, by-laws, and budget; the results from its most recent audits; the requirements and training available related to open meetings, open records, public information, and conflicts of interest; and any applicable ethics policies.

3.3 Apply the standard across-the-board requirement regarding the separation of duties of board members from those of staff to BRA.

This recommendation would require BRA to adopt policies to clearly separate board policy functions from the staff's day-to-day operations.

3.4 Apply the standard across-the-board requirement regarding public testimony to BRA.

As one of Sunset's across-the-board good governance standards, this recommendation would require BRA to include public testimony as an agenda item at every regular board meeting. The authority should clearly provide the public the opportunity to comment on each agenda item and any issue or matter under BRA's jurisdiction at open board meetings.

3.5 Apply the standard across-the-board requirement regarding developing and maintaining a system for receiving and acting on complaints to BRA.

This recommendation would require BRA to maintain a system for receiving and acting on complaints and to make information available regarding its complaint procedures. BRA would also maintain documentation on all complaints and periodically notify complaint parties of the status of complaints.

Management Action

3.6 Direct BRA to more comprehensively plan and monitor its efforts to increase workforce diversity.

This recommendation would direct BRA to develop a formal plan to diversify its workforce, including setting goals. BRA management should monitor progress towards achieving the plan's goals, including

annually evaluating the authority's workforce diversity statistics, and report this progress to BRA's board. A formal diversity plan would match BRA's workforce diversity efforts with specified goals, actions, and measureable results.

Fiscal Implication

These recommendations would not have a fiscal impact to BRA or the state. While the recommendations would require effort, they relate to basic management responsibilities and workforce planning BRA could implement with existing resources.

1 Chapter 1148 (S.B. 523), Acts of the 84th Texas Legislature, Regular Session, 2015.

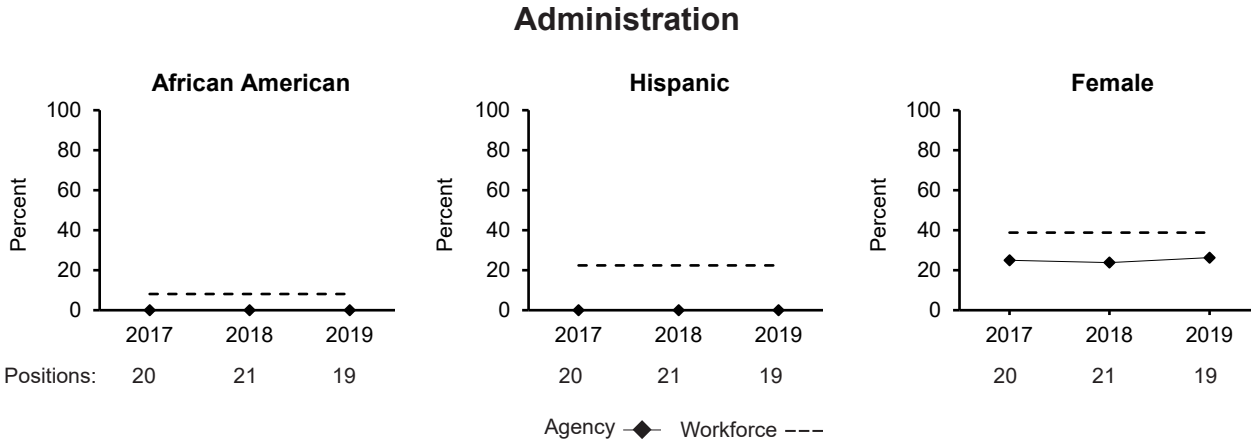
2 All citations to Texas statutes are as they appear on http://www.statutes.legis.texas.gov/. Section 325.011(9), Texas Government Code.

Appendix A

Equal Employment Opportunity Statistics, FYs 2017–2019

Sunset staff routinely evaluates performance regarding workplace diversity.[1] The following material shows trend information for the employment of minorities and females in all applicable categories by the Brazos River Authority (BRA). In the charts, the dashed lines represent the percentages of the statewide civilian workforce for African Americans, Hispanics, and females in each job category.[2] These percentages provide a yardstick for measuring agencies' performance in employing persons in each of these groups. The diamond lines represent the authority's actual employment percentages in each job category from fiscal years 2017–19.

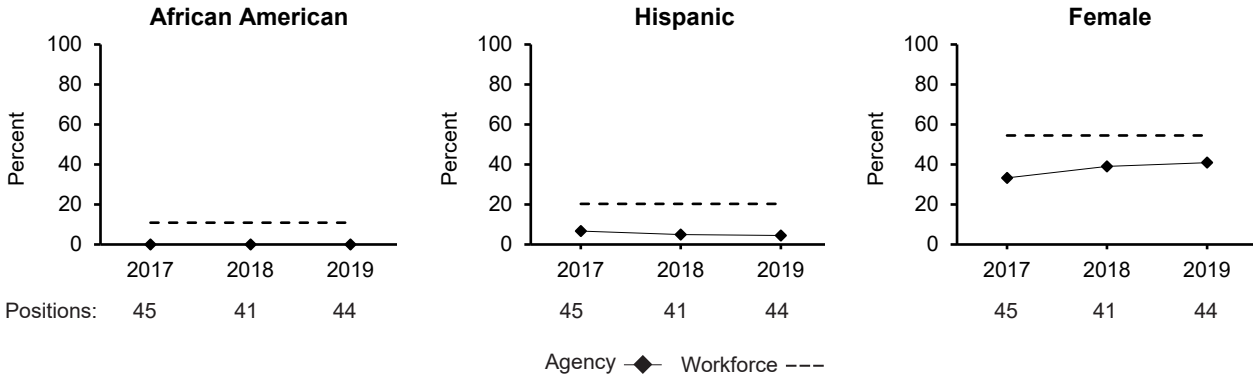
Of the 18 categories depicted, overall BRA fell short in 17 categories, and in several instances recorded zero minority or female employees in a category during one or more years during this time period.



The authority's workforce percentages fell below statewide civilian workforce percentages for African Americans, Hispanics, and females in each of the last three fiscal years.

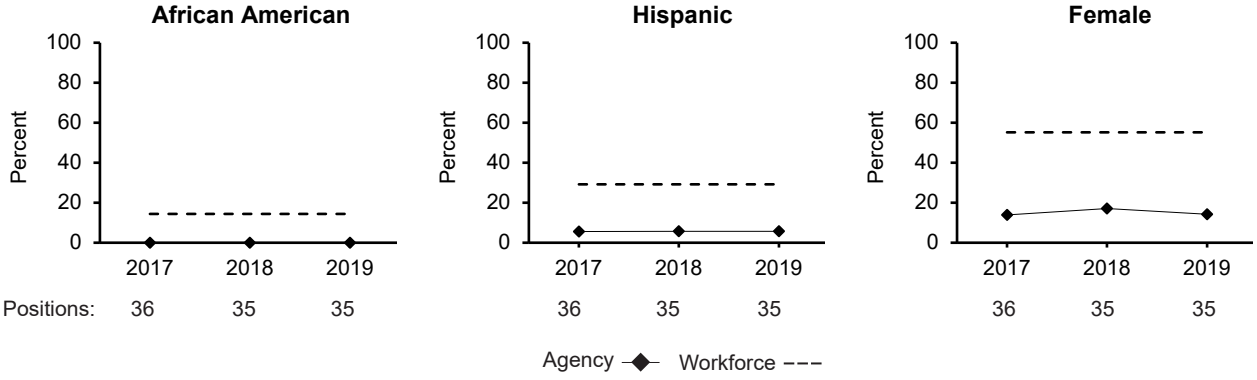
Appendix A

Professional



The authority's workforce percentages fell below statewide civilian workforce percentages for African Americans, Hispanics, and females in each of the last three fiscal years.

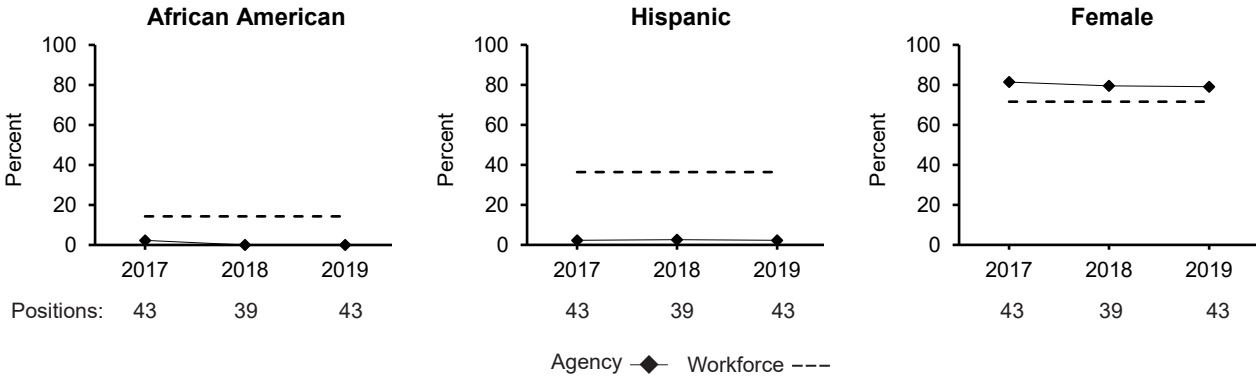
Technical



The authority's workforce percentages fell below statewide civilian workforce percentages for African Americans, Hispanics, and females in each of the last three fiscal years.

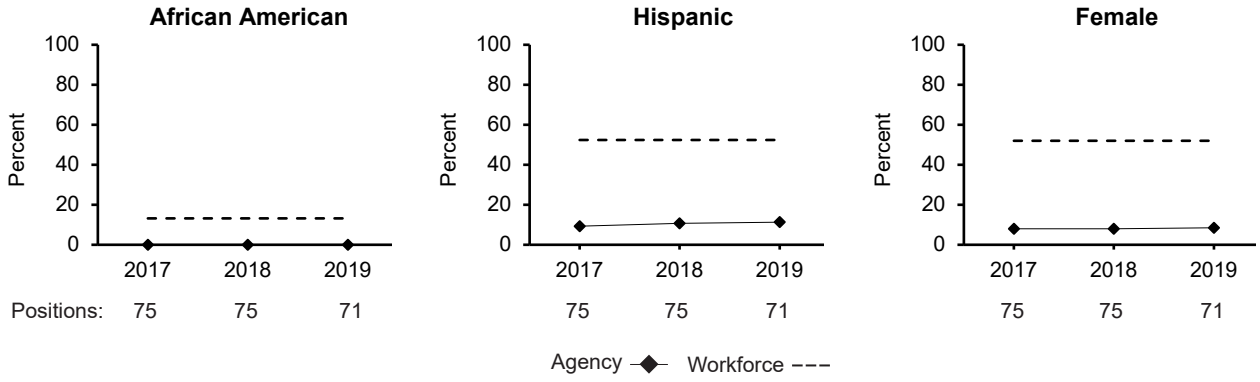
Appendix A

Administrative Support



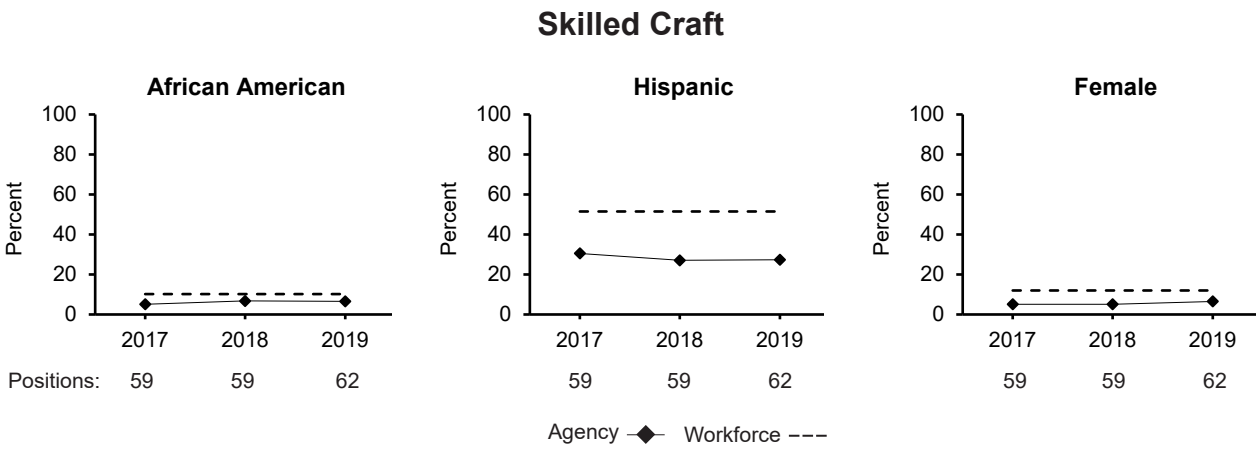
The authority exceeded the statewide civilian workforce percentage for females in each of the last three fiscal years, but fell below the statewide civilian workforce percentages for African Americans and Hispanics in the same period.

Service Maintenance



The authority's workforce percentages fell below statewide civilian workforce percentages for African Americans, Hispanics, and females in each of the last three fiscal years.

Appendix A



The authority's workforce percentages fell below statewide civilian workforce percentages for Hispanics and females in each of the last three years and fell just short of the statewide civilian workforce percentage for African Americans in that same time period.

[1] All citations to Texas statutes are as they appear on http://www.statutes.legis.texas.gov/. Section 325.011(9)(A), Texas Government Code.

[2] Based on the most recent statewide civilian workforce percentages published by the Texas Workforce Commission.

Appendix B | Staff Review Activities

During the review of the Brazos River Authority (BRA), Sunset staff engaged in the following activities that are standard to all Sunset reviews. Sunset staff worked extensively with BRA personnel; attended board meetings; met with staff from key legislative offices; conducted interviews and solicited written comments from interest groups and the public; reviewed BRA documents and reports, state statutes, legislative reports, previous legislation, and literature; and performed background and comparative research.

In addition, Sunset staff also performed the following activities unique to BRA:

- Interviewed members of BRA's board of directors.
- Conducted surveys of stakeholders and board members.
- Attended the authority's State of the Basin stakeholder meeting in Waco.
- Attended the annual steering committee meeting for the Brazos River basin Clean Rivers Program.
- Attended the general and policy committee meetings of the Region G water planning group, which assists the Texas Water Development Board in the state's water planning process.
- Interviewed staff from the Department of Information Resources, Texas Commission on Environmental Quality, and the Texas Water Development Board.

Sunset Staff Review of the *Brazos River Authority*

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