



**SAN ANTONIO
RIVER AUTHORITY**

April 13, 2022

Sunset Advisory Commission
Ms. Jennifer Jones
Executive Director
PO Box 13066
Austin, TX 78711-3066

Dear Ms. Jones:

Thank you for the opportunity to provide comments on the Sunset Advisory Commission Staff Report that was produced as part of San Antonio River Authority's (SARA) ongoing Sunset Review. On behalf of the SARA Board of Directors and Executive Team, I am pleased to respond to the Staff Report.

From the outset of the review, SARA's elected directors, executives and staff have viewed the audit as an opportunity to learn more about ourselves and identify areas in which we can improve our services to the residents within our four-county jurisdiction. As the staff report notes, the SARA service area is experiencing rapid population growth. We are determined to appropriately anticipate, plan for, assimilate, and mitigate the impacts from that growth and development by leading our communities in our areas of responsibility and expertise.

Throughout the review, we have appreciated the thoughtfulness, thoroughness and professionalism exhibited by Sunset staff. In non-pandemic times, your job is a difficult one. It has been even more so over the past two years. The Sunset Commission staff engaged in SARA's review epitomize the analytical and insightful traits for which the Commission staff have gained widespread acclaim and accolades.

Regarding the report itself, we agree with the recommendations. Although it will be challenging for the San Antonio River Basin, its communities, and natural resources to accommodate the rapid population growth projected for and currently impacting the region, SARA is dedicated to advancing operations to meet the needs of our constituents and the environment today, tomorrow, and for future generations.

**EXECUTIVE
COMMITTEE**

CHAIRMAN

Jim Campbell

VICE-CHAIR

Gaylon J. Oehlke

SECRETARY

Deb Bolner Prost

TREASURER

Alicia Lott Cowley

MEMBERS AT-LARGE

Dominic Carvajal

Jerry G. Gonzales

BOARD OF DIRECTORS

BEXAR COUNTY

District 1

Jerry G. Gonzales

District 2

Lourdes Galvan

District 3

Michael W. Lackey, P.E.

District 4

Jim Campbell

At-Large

Hector R. Morales

Deb Bolner Prost

WILSON COUNTY

Dominic Carvajal

Derek J. Gaudlitz

KARNES COUNTY

H.B. Ruckman, III

Gaylon J. Oehlke

GOLIAD COUNTY

James Fuller, M.D.

Alicia Lott Cowley

GENERAL MANAGER

Derek Boese, JD, PMP

4/13/2022

Executive Director Jones

Page 2

SARA has taken initial steps towards implementing the recommendations from the report. Attached is a table describing our plans for addressing the recommendations moving forward.

Again, thank you for the opportunity to provide comments. We appreciate you and your staff's diligent work throughout this process.

Sincerely,



Derek Boese, JD, PMP
General Manager

Recommendation	Implementation
1.1 Direct SARA to conduct more comprehensive, inclusive strategic planning	SARA's Board of Directors has established an Organizational Taskforce that is developing recommendations for strategies to increase the participation of the Board and the community in strategic planning for the agency.
1.2 Direct SARA to establish guidelines for evaluating and selecting projects and publish them on its website	SARA has a project idea evaluation and review process that is widely communicated to staff through trainings and supporting materials. SARA will more clearly document guidelines for project evaluation and selection and will publish them on our website.
1.3 Direct SARA to publish more digestible information about its tax revenue spending and rate setting process on its website	SARA has received the Texas Comptroller's Platinum Badges for Traditional Finances and Debt Obligations, and will work to make the information regarding tax revenue spending and rate setting processes more easily understandable and accessible to the general public.
1.4 Direct SARA's board to update its fund balance policy	SARA will work with our external auditors, Board Fiscal Committee and full Board to review and update, as appropriate, the fund balance policy.
2.1 Clearly authorize SARA to work with nonprofits	SARA supports this statutory amendment.
2.2 Prohibit SARA staff and limit SARA board members from serving on an affiliated nonprofit's board.	SARA in practice does not appoint staff or board members to affiliated nonprofit boards and we support this statutory amendment.

2.3 Require SARA to develop a policy governing affiliated nonprofit fundraising and criteria for corporate sponsorships.	SARA is developing a policy for affiliated nonprofit fundraising and criteria for corporate sponsorships.
2.4 Direct SARA to review its relationships with affiliated nonprofits every five years.	SARA has reviewed our relationship with affiliated nonprofits, however, we support a more clearly defined and robust 5-year review of our relationships with affiliated nonprofits.
2.5 Direct SARA to develop a policy governing the support its staff can provide to nonprofits.	It has been SARA's policy to assist with promoting nonprofit events through social media channels and to only utilize River Authority staff at events when an event is a 'joint' event sponsored by both entities. SARA will develop a written policy to memorialize this arrangement.
3.1 Apply the standard across-the-board requirement regarding board member training to SARA.	SARA provides board member training, however, SARA sees benefit in this being a statutory requirement.
3.2 Apply the standard across-the-board requirement regarding the separation of duties of board members from those of SARA staff.	SARA's Board Bylaws address the separation of the duties of the Board and SARA staff, however, SARA sees benefit in this being a statutory requirement.
3.3 Apply the standard across-the-board requirement regarding public testimony to SARA.	SARA allows for public testimony at all board committee and board meetings and have no concerns with this being a statutory requirement.
3.4 Apply the standard across-the-board requirement regarding developing and maintaining a system for receiving and acting on complaints to SARA.	SARA presently maintains a complaint tracking system that captures the receipt and resolution and have no concerns with this being a statutory requirement.
3.5 Amend SARA's Sunset review date to 2035.	
3.6 Direct SARA to improve its contracting processes to ensure sufficient consistency and transparency.	SARA has adopted procurement policies and best practices and will continue work to develop additional processes to ensure consistency and transparency in its contracting.
3.7 Direct the Texas Legislative Council to update SARA's governing law.	SARA's enabling statute presently includes outdated state agency references, antiquated language, and processes, and SARA agrees that the enabling statute would benefit from Texas Legislative Council's review and amendment.



Derek Boese JD, PMP
4/27/2022

Sunset Advisory Commission
Wednesday, April 27, 2022
Senate Finance Committee Room E1.036,
Capitol Extension

The San Antonio River Authority (“River Authority”) Board of Directors, pursuant to a review by its organizational task force of key provisions of the enabling Act of the River Authority, passed a unanimous motion at its April 20th Board meeting to have the general manager and staff raise the following enabling Act issues with the Sunset Advisory Commission (“Commission”). While these issues were discussed with Sunset staff through the review process, they were not included in the Sunset Staff Report. The River Authority would appreciate the Commission directing the Texas Legislative Council to address these items in its drafting efforts to update and codify the River Authority’s antiquated enabling statute.

1. **Fiscal Year.** The current fiscal year of the River Authority begins July 1. Having a fiscal year that begins on October 1 would better align with other governmental entities that we often work closely with. October 1 would also better align with our budget cycle, as we receive the certified tax rolls from the counties we serve on or before July 25. Therefore, the River Authority respectfully requests a legislative change to establish an October 1 fiscal year to bring our fiscal year in line with other governmental entities. (*Section 14-a of the River Authority’s enabling Act*).
2. **Contracting Requirements.** The current contracting section of the enabling Act has a number of requirements that are antiquated, burdensome, and inefficient. As a political subdivision of the state, we believe that contracting requirements should not be addressed in our enabling act, and are adequately addressed through the general law, the Government Code, and the Water Code. Removing the contracting requirements from the enabling Act and referring or deferring to general law provisions regarding contacting for conservation and reclamation districts would better align our operations with other codified river authorities and would improve efficiencies. Removing these requirements from the enabling Act would not decrease public transparency as we would follow existing general law. Nor would the removal increase administrative costs to the public or River Authority. Therefore, the River Authority respectfully requests a legislative change to

**EXECUTIVE
COMMITTEE**

CHAIRMAN

Jim Campbell

VICE-CHAIR

Gaylon J. Oehlke

SECRETARY

Deb Bolner Prost

TREASURER

Alicia Lott Cowley

MEMBERS AT-LARGE

Dominic Carvajal

Jerry G. Gonzales

BOARD OF DIRECTORS

BEXAR COUNTY

District 1

Jerry G. Gonzales

District 2

Lourdes Galvan

District 3

Michael W. Lackey, P.E.

District 4

Jim Campbell

At-Large

Hector R. Morales

Deb Bolner Prost

WILSON COUNTY

Dominic Carvajal

Derek J. Gaudlitz

KARNES COUNTY

H.B. Ruckman, III

Gaylon J. Oehlke

GOLIAD COUNTY

James Fuller, M.D.

Alicia Lott Cowley

GENERAL MANAGER

Derek Boese, JD, PMP

remove contracting requirements from its enabling Act. (*Section 3j et al. Section of the River Authority's enabling Act*).

3. Master Plan. The enabling Act includes a requirement that the River Authority produce a master plan every ten (10) years and file and have it approved by the State Board of Water Engineers. The enabling Act states, "After the master plan shall have been filed with the State Board of Water Engineers, the plan of any water development proposal within the District not now or hereafter exempted by law from the requirement for procuring a permit shall be submitted to the State Board of Water Engineers." Through the Regional State Water Planning and Flood Planning processes established by the Texas Legislature subsequent to this master plan requirement in the enabling Act, the production of master plans for the watershed now occurs through the Texas Water Development Board's Region L Regional Water Planning and Region 12 Flood Planning processes. The River Authority is the regional administrator for the Region L and Region 12 planning processes. The requirements set out in the enabling Act Master Plan section are duplicative and obsolete and should be removed from the enabling Act. Therefore, we respectfully request a legislative change to remove the requirement of a master plan. (*Section 4-a of the River Authority's enabling Act*).

We appreciate the opportunity to raise these additional issues for the Commission's consideration and are available should members have questions about these or any other issues contained in the Sunset Staff Report.

Sincerely,



Derek Boese, JD, PMP
General Manager