



Guadalupe Basin
Natural
Resources Center

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November 30, 2022

Ms. Jennifer Jones
Executive Director
Texas Sunset Advisory Commission
P.O. Box 13066
Austin, Texas 78711

Dear Ms. Jones:

Thank you for the opportunity to provide comments on the Texas Sunset Advisory Commission Staff Report that was produced as part of the ongoing review of the Upper Guadalupe River Authority (UGRA). On behalf of the UGRA Board of Directors and staff, I am pleased to present the UGRA response to the Staff Report.

We would like to express our appreciation of your staff for their commitment to understand UGRA's role in our community and our passion for stewardship of the Guadalupe River in Kerr County. There is diversity among river authorities regarding the types of services provided and we appreciate the review team's effort to understand UGRA's unique role within Kerr County. The team dedicated many hours to consider our operations, programs, and relationships with local partners. Their thoughtfulness and professionalism were evident during every correspondence and meeting. We appreciated their feedback and enjoyed working with them.

From the onset of the review, UGRA Board of Directors and management staff have viewed the process as an opportunity to improve. We welcomed the evaluation and view the report recommendations as a resource to enhance our operations and services for the citizens of Kerr County.

UGRA management is working to proactively implement the recommendations from the report. We will continue to make organizational improvements to ensure consistency and transparency in our operations. Below is a table describing our implementation plans to address the management recommendations and our response to the statutory recommendations.

Thank you again for the opportunity to provide comments. We look forward to working with the Sunset Commission and the Legislature to incorporate the recommendations identified in the report. Please do not hesitate to contact me if I may provide additional information.

Sincerely,

A handwritten signature in cursive script that reads "Tara M. Bushnoe".

Tara M. Bushnoe
General Manager

UGRA

Recommendation	Response
2.1 Apply the standard across-the-board requirement regarding the appointment of the presiding officer to UGRA's board.	We recognize that this requirement has been implemented numerous times previously but would like to share that the UGRA Board's current election of officers process has worked very well to result in an engaged Board with experienced and enthusiastic leadership. Board officers (president, vice-president, secretary, treasurer) are proposed by a nominating committee and the slate is voted on by the Board annually. Our practice has been for the slate of officers to serve for two years in their position and for the Board members to systematically progress through the officer positions, therefore, having served six years as an officer before being considered for the role of president. Additionally, no Board member shall serve more than two consecutive years as president. This has created an expectation within the Board of increasing responsibility and engagement as well as specifying the length of their commitment. This format allows UGRA to receive the benefit of multiple officers with unique perspectives on, and skill sets for, governance. We respectfully, request to continue the practice of the UGRA Board electing all its officers.
2.2 Apply the standard across-the-board requirement regarding grounds for removal of a board member to UGRA.	UGRA has no concerns with this being a statutory requirement.
2.3 Apply the standard across-the-board requirement regarding board member training to UGRA.	UGRA conducts an orientation training for all new Board members and provides information for them to complete additional trainings online. We have no concerns with this being a statutory requirement.
2.4 Apply the standard across-the-board requirement regarding the separation of duties of board members from those of staff to UGRA.	UGRA's Board Bylaws address the separation of the duties of the Board and General Manager; however, we recognize the benefit in this being a statutory requirement.
2.5 Apply the standard across-the-board requirement regarding public testimony to UGRA.	UGRA allows for public testimony at all Board meetings in accordance with the Open Meetings Act and has no concerns with this being an additional statutory requirement.
2.6 Apply the standard across-the-board requirement related to developing and maintaining a complaints system and making information on complaint procedures available to the public.	UGRA does maintain a system to track water quality complaints. We feel the recommendation to develop a complaint system that addresses complaints regarding other aspects of UGRA operations is beneficial and we have no concerns with this being a statutory requirement.

Recommendation	Response
2.7 Amend UGRA's board member terms to four years to comply with constitutional requirements.	UGRA has no concerns with this being a statutory requirement.
2.8 Amend UGRA's Sunset review date to 2035.	UGRA has no concerns with this being a statutory requirement.
2.9 Direct UGRA to improve its contracting processes to ensure sufficient consistency and transparency.	Thank you for acknowledging that UGRA generally performs well in procurement and contracting. We agree with your recommendations to improve contractor selection methods, performance evaluation, and prevention of conflicts of interest. We have begun implementing the recommended best practices and will formalize the practices in our Administrative Policies as appropriate.
2.10 Direct UGRA's board to develop and adopt a reserve fund balance policy.	Thank you for acknowledging that UGRA has policies to govern portions of our reserve fund. We agree with the recommendation to develop a comprehensive reserve fund balance policy and plan to adopt that policy as part of our Administrative Policies in 2023.
2.11 Direct the Texas Legislative Council to update UGRA's governing law.	UGRA would benefit from the review and update of all laws pertaining to UGRA, and codification of such laws in the Texas Special District and Local Laws Code. UGRA has no concerns about the recommended updates except for the across-the-board requirement regarding the appointment of the presiding officer to UGRA's Board as previously discussed above.