

From: [Sunset Advisory Commission](#)
To: [Janet Wood](#)
Subject: FW: Public Input Form for Agencies Under Review (Private/Before Publication)
Date: Monday, December 12, 2022 2:46:22 PM

From: Texas Sunset Advisory Commission <sunset@sunset.texas.gov>
Sent: Monday, December 12, 2022 2:31 PM
To: Sunset Advisory Commission <Sunset.AdvisoryCommission@sunset.texas.gov>
Subject: Public Input Form for Agencies Under Review (Private/Before Publication)

Submitted on Mon, 12/12/2022 - 13:19

Submitted by: Visitor

Submitted values are:

Choose the agency that you would like to provide input about

[San Jacinto River Authority](#)

Public Comments

1

First Name

Dan

Last Name

Krueger

Organization you are affiliated with

none

Email

City

HOUSTON

State

Texas

Your Comments or Concerns

The November 22 Staff Report for SJRA is very disappointing, and our Legislature and the people of Texas will not be well served by this report alone, or by SJRA's responses, as already posted. Mandated communications improvements won't increase public trust; better governance is needed to re-earn public trust, and better governance is unlikely to happen without increased accountability. The 12/6 Commission meeting was also disappointing in that it appeared to gloss over the issue

raised by the staff report, and gave but cursory attention to pre-release, an operating concept not addressed in the Water Code, and glossed over by SJRA in defending its actions during Harvey but not explaining its actions since Harvey. The Commission meeting did not probe the issue of lost public trust, or the issue of improved accountability.

SJRA remains more focused on using its authorities than serving the public more effectively. SJRA continues willingness to be complicit with waste of Texas water and erroneous usage reporting to the state, and TCEQ is clearly willing to accept reports without confirming propriety when politically convenient. Such issues may be beyond the scope of the staff report but should not be beyond the Commission's purview if you are to serve the Legislature and Texans indeed well. It seems to me that you cannot have fulfilled your own purpose with respect to SJRA when not examining the Authority's invention and implementation of 'seasonal lowering'. And the other 'legal disputes' not considered in the report or meeting might just have some relevant information regarding why public trust has waned, and a clearer perspective on customer satisfaction, as well.

The crux of the issue here is the legislative basis founding the Authority, and the flaw of delegating full authorities of a traditional river authority but gerrymandering the watershed to geopolitically exclude Harris County. With 'seasonal lowering' SJRA, politically driven, has fecklessly drawn on cited authorities delegated for complete watershed benefit and attempted to benefit Harris County communities not within the Authority's jurisdiction, doing so to the detriment of other communities within the Authority's jurisdiction. While the Authority could in the future continue to serve the public justly, forthrightly, and better, SJRA has demonstrated through the invention and implementation of 'seasonal lowering' to be more focused on its authorities and their use than Texans' rights or well serving the public at-large, or even serving them as a wholesaler through their direct customers when rate setting is added in. The opening lines in the Staff Report laud the Authority on its growth. Without consideration of all the issues of litigation, not to decree judgement but to be aware of performance, might the growth be malignant versus benign to Texans and their communities within SJRA's jurisdiction.

As the Sunset Committee calls for better communications, SJRA squeezes (by offering less harm) selected 'stakeholders' to help 'educate' the public on its behalf because its politically driven operations raise public concern more than public trust. Your report finds public trust of SJRA to have suffered, but the staff report and Commission meeting appear to revert to a 'see no evil, hear no evil, speak no evil' position—eyes, ears, and mouth covered. 'Seasonal lowering' is the wasteful and arguably illegal policy precipitating the loss of public trust. Don't blame the public or insinuate that the public just does not understand. The loss of trust is because many in the public well understand the self-serving politics and leadership changes that are driving SJRA's performance over the past five years. The loss of trust will not be remedied without greater accountability. The extent that SJRA by itself can overcome self-serving politics at the state and local levels is of course limited.

Thank you for your efforts in this review of the Authority. I don't expect you to instantly 'fix' the SJRA as these issues that lay with them also extend far beyond them. I ask only that you further consider this input and yet close your work so to give the Legislature, and the SJRA or whatever entity will shoulder its responsibilities for future service to Texans, the best basis to move forward for better public service. Let's resume making progress in serving Texas, and not just make more excuses.

Your Proposed Solution

I have previously submitted two alternatives to address the flawed legislative basis and the

accountability issues allowed by the current basis. I am including those again below. There should be other alternatives that could be considered by the Legislature, but this much is clear—the Legislature will not be well serving the public of Texas if it allows the Authority to continue its current path, as it is on a track of greater ineffectiveness and injustice wrapped in doublespeak, all precipitated by a single legislator and a single senator in the aftermath of Hurricane Harvey, ignobly aided by certain Houston officials not acting for or in the interests of the City itself or the State, but continuing still.

Recommendations:

(1) Revise SJRA's statutory basis to continue forward as a regional district (Chapter 59, Texas Water Code) with authorities commensurate with SJRA's actual responsibilities. SJRA does not need to be a river authority—it is not currently equivalent to other river authorities in that it is not complete in responsibility and authority throughout the watershed of the river. SJRA could accomplish its' full slate of current responsibilities for water supply and wastewater treatment as a regional district. The board would be elected, with improved accountability to the public. An SJRD could execute all current water supply and wastewater collection and treatment responsibilities, all asset management responsibilities, and could continue cooperatively with flood planning within the new regionally structured approach being facilitated by TWDB.

or,

(2) Transfer all SJRA authorities as needed and responsibilities by law and transfer agreement to Coastal Water Authority (CWA); add CWA for Sunset Review; change CWA's board composition to 4/3 for state/city appointed as more appropriate to be consistent with Texas Constitution and Water Code. This action would relieve the two agencies of having to negotiate service areas (re: SJRA SER VII H. and J.), would include greater accountability of the appointed Board overseeing SJRA performance by Houston (which the two legislators seem to have wanted), and increases the oversight and accountability of CWA by the State to an equivalent of that exercised over SJRA today. Sunset review would also help preserve for CWA, as it has for SJRA, an extent of independence of the entity from direction of the Governor, a matter to which the Governor's office has emphasized as recently as 2020.

My Comments Will Be Made Public

Yes