



# San Jacinto River Authority

December 3, 2020

Jennifer Jones, Executive Director  
Sunset Advisory Commission  
1501 North Congress  
6<sup>th</sup> Floor, Robert E. Johnson Building  
Austin, TX 78701

Dear Ms. Jones:

On behalf of the San Jacinto River Authority, please find attached our official response to the Sunset Staff Report.

The board members and staff of the San Jacinto River Authority share the Sunset Commission's fundamental goal of increasing "efficiency, effectiveness, fairness, and accountability." It is our desire to maintain a culture at the Authority that strives for excellence and continuous improvement in everything we do, therefore, we sincerely appreciate and support the sunset review process and the recommendations in our Sunset Staff Report.

I also want to specifically express my appreciation for your staff's thoroughness and professionalism in their review of the Authority, particularly in light of the unusual circumstances this year and the necessity of conducting the review remotely.

Thank you for the opportunity to provide this official response. As you will see in our comments, we are already in the process of implementing many of the recommendations in the Sunset Staff Report, and we look forward to participating in the public hearing and completing the sunset process.

Sincerely,

A handwritten signature in black ink, appearing to read "Jace A. Houston".

Jace A. Houston  
General Manager

**OFFICIAL SAN JACINTO RIVER AUTHORITY RESPONSES  
TO SUNSET RECOMMENDATIONS**

**ISSUE 1: SJRA’s Growing Regional Role Requires Better Communication and Engagement Efforts to Improve Public Trust in the Authority.**

*Authority Response:* SJRA agrees that improved public engagement and communications are vital to increased public trust in and understanding of SJRA’s roles and responsibilities. SJRA appreciates Sunset staff’s distinction between direct, wholesale customers and the general public who are often the final, retail customer. The Authority is committed to developing specific communications strategies to address each stakeholder group.

**Change in Statute**

**1.1 Require SJRA to adopt a public engagement policy that guides and encourages public involvement on key decisions.**

*Authority Response:* SJRA has already initiated the development of a public engagement policy that will seek to encourage public involvement and improve the connection between SJRA and its direct customers, stakeholders, and general public. SJRA will monitor the legislative process as this provision is added to the Authority’s enabling statute and be prepared to move forward once the provision becomes law. Assuming SJRA’s Sunset legislation becomes law during the 2021 legislative session, a draft policy is anticipated to be presented to the Board of Directors by the fall of 2021.

**Management Actions:**

**1.2 Direct SJRA to develop a strategic communications plan**

*Authority Response:* SJRA has already initiated the development of an Authority-wide Strategic Communications Plan that includes the following areas: Incident Communications, Project Communications, Public Engagement Communications, and Internal SJRA Communications. A draft plan is anticipated to be presented to the Board of Directors in the spring of 2021, but final consideration of the plan will likely follow passage of SJRA’s Sunset legislation in order to incorporate the public engagement recommendation described above.

**1.3 Direct SJRA to provide clear, understandable information on its rates and fees prominently on its website.**

*Authority Response:* SJRA has initiated the creation of an easy-to-understand, comprehensive “Rates and Fees” page on the SJRA website. Initial changes to the website are anticipated to be complete by early-2021.

**1.4 Direct SJRA to regularly update its website to provide current, easily accessible information.**

*Authority Response:* SJRA is committed to continuously evaluating the SJRA website to maintain an easy-to-use and understandable tool to communicate with direct customers, stakeholders, and the general public. SJRA is currently assessing options for a better layout and more timely updates to the website. Since this effort will be a continuous process of review and update, there is not an anticipated completion date.

## **ISSUE 2: SJRA's Contracting Function Lacks Direction and Processes Needed to Consistently Receive Best Value.**

***Authority Response:** SJRA is committed to more timely review and update of its procurement policies and procedures. SJRA recently hired a new Procurement Manager and has been thoroughly reviewing its procurement policies and procedures concurrent with the Sunset review process. SJRA anticipates presenting a revised procurement policy to the Board of Directors in early-2021.*

### **Management Actions:**

#### **2.1 Direct SJRA to establish additional guidance for contracting needs and procurement methods and use open solicitations except in documented exceptions.**

- **Develop policy requiring official justification to pursue sole source procurements**
- **Institute a formal needs assessment to justify professional and non-construction services on a basis of verifiable business need.**
- **Update the board's procurement rules to include guidance for how SJRA should solicit, evaluate, and select legal services.**

***Authority Response:** SJRA has included the necessary language regarding sole source procurement justifications in the pending procurement policy. SJRA is committed to thoroughly evaluating and documenting staff decisions regarding when services can be provided by internal staff versus external service providers. SJRA has included language regarding the solicitation, evaluation, and selection of legal services in the pending procurement policy. These recommendations will be addressed when the board considers a new procurement policy in early-2021.*

#### **2.2 Direct SJRA to consistently monitor, document, and evaluate vendor performance.**

***Authority Response:** SJRA has already begun evaluating ways it can improve the monitoring, evaluating, and documenting of vendor performance. SJRA will include formal procedures related to this recommendation in a revised, internal procurement manual following board adoption of the revised procurement policy discussed above.*

#### **2.3 Direct SJRA to improve the transparency, fairness, and effectiveness of its contracting process.**

- **Ensure appropriate training**
- **Update purchasing and contract management manuals**
- **Require signed non-disclosure agreements and conflict of interest statements**
- **Proactively plan and monitor HUB spending efforts**

***Authority Response:** SJRA is committed to providing proper training for its employees who are involved in any part of the contracting process. Appropriate language implementing this recommendation will be included in a revised procurement procedures manual following board adoption of the pending procurement policy in early-2021. SJRA will include a requirement for the procurement policy and corresponding procedures manual to be reviewed no less than every two years, concurrent with the incorporation of any newly adopted laws from legislative sessions. SJRA is committed to requiring non-disclosure agreements and conflict of interest statements for employees involved in the evaluation of vendor responses to solicitations. SJRA is committed to conducting more focused outreach to historically under-utilized businesses (HUBs) in an effort to increase their opportunities to conduct business with SJRA. SJRA recently adopted a new HUB policy in June, 2020, prior to the completion of Sunset's recommendations. SJRA will continue to monitor its progress towards accomplishing Sunset's recommendations.*

**ISSUE 3: SJRA’s Governing Law and Processes Do Not Reflect Some Standard Elements of Sunset Reviews.**

*Authority Response:* All but one of the recommendations within ISSUE 3 involve legislative changes to the Authority’s enabling statute and minimal or no action by SJRA to implement. SJRA will review all of the provisions in its Sunset legislation and take appropriate actions to implement them.

**Changes in Statute:**

**3.1 Apply the standard across-the-board requirement regarding the governor’s appointment of the presiding officer of the SJRA board.**

*Authority Response:* There are no anticipated actions required of SJRA to implement this recommendation.

**3.2 Apply the standard across-the-board requirement regarding grounds for removal of a board member to SJRA.**

*Authority Response:* There are no anticipated actions required of SJRA to implement this recommendation.

**3.3 Apply the standard across-the-board requirement regarding board member training to the SJRA board.**

*Authority Response:* SJRA currently has a comprehensive orientation and training program for new board members but will review the program to ensure it addresses all of Sunset’s recommendations.

**3.4 Apply the standard across-the-board requirement regarding separation of duties of board members from those of SJRA staff.**

*Authority Response:* SJRA currently has a board policy that addresses the separation of duties between board members and staff but will review the policy to ensure it addresses all of Sunset’s recommendations.

**3.5 Apply the standard across-the-board requirement regarding public testimony to SJRA staff.**

*Authority Response:* SJRA currently includes a public comment agenda item at the beginning of every regular board meeting, therefore, there are no anticipated changes required to implement this recommendation.

**3.6 Apply the standard across-the-board requirement regarding developing and maintaining a system for receiving and acting on complaints and making information on complaint procedures available to SJRA.**

*Authority Response:* SJRA’s individual operating divisions previously had separate processes for receiving and tracking complaints. SJRA recently developed an Authority-wide process for consistent documentation and resolution of complaints with the intention of developing a more robust process for the public to submit complaints, including easy-to-understand instructions on SJRA’s website. SJRA will review any adopted legislation and evaluate its processes to ensure that all of Sunset’s recommendations are implemented.

**Management Actions:**

**3.7 Direct the Texas Legislative Council to update SJRA's governing law.**

*Authority Response: SJRA agrees that codification of its enabling statute would benefit the Authority and the general public. SJRA is committed to working with Sunset staff and the Texas Legislative Council at the appropriate time to complete the codification process.*

**3.8 Direct SJRA to plan and monitor its efforts to increase workflow diversity.**

*Authority Response: SJRA is committed to being an equal opportunity employer. SJRA will continue its efforts to increase the diversity of its workforce and will continue to monitor its progress towards accomplishing Sunset's recommendations.*