

The Llano Estacado Regional Water Planning Group Bylaws

“Region 0”

(As amended February 20, 2019)

BY-LAWS OF THE LLANO ESTACADO REGIONAL WATER PLANNING GROUP

ARTICLE I Name

The name of this group shall be the Llano Estacado Regional Water Planning Group (“the Planning Group”).

ARTICLE II Purpose

The purpose of this group is to develop a regional water plan for the area designated as “Region O” by the Texas Water Development Board and in accordance with Senate Bill 1, 75th Texas Legislature.

ARTICLE III Membership/Governing Body

The Planning Group shall consist of no more than 25 voting members.

The voting membership at all times shall have at least one person representing each of the following interests: public, counties, small municipalities (less than 10,000 population), medium-sized municipalities (10,000 to less than 30,000 population), large municipalities (30,000 and above), industries, agriculture, environment, small business, electric generating utilities, river authorities, municipal water supply districts, water utilities, and underground water conservation districts. More than one individual may be appointed to each category. All categories shall be defined consistently with Texas Water Code Section 16.053(c). Representatives shall only remain a member of the Planning Group so long as they are actively engaged in their originally appointed interest group (or reassigned to a new interest group if a vacancy exists).

All other participants shall be non-voting members, but shall be allowed to present their views at the discretion of the Chairman. Non-voting participants shall include all interested persons, including representatives from adjoining planning regions, New Mexico, and staff of state and federal agencies.

The method to be used to name additional members or to replace members shall be as follows:

A new member may be named to the Planning Group to fill a previously occupied seat, to replace a member who has resigned, or to replace a member who is no longer eligible for membership. Preference will be given to a member candidate who will represent the same user group as a retiring or ineligible member, or in the case of a candidate proposed to fill a

previously unoccupied seat, a person that represents a unique or non-represented user group.

In addition to selecting new voting members to fill vacancies caused by removal or the expiration of a term, the voting members may add additional members at their discretion to ensure adequate representation of the interests comprising Region O by generally utilizing the selection process set forth in this article. If such a member is added, the existing voting members shall determine by a two-thirds vote of the voting members present, the exact applicability of the membership term provisions and restrictions to the new members at the time of the new member's selection.

Solicitation to replace a member, fill a vacated position, or add a new RWPG member shall be initiated by the Chair and carried out by the political subdivision. All current voting and non-voting RWPG members and any person who has requested notice of RWPG activities will be sent notice of the open position (via email or mail). The solicitation will include a description of LERWPG, the Interest Group currently open for a new nomination or reappointment, guidance on the submission of a nomination packet, and a deadline to submit the nomination packet. Once nomination packets have been received, the Executive Committee shall bring their recommendations to the voting members at the next regularly scheduled meeting. A two-thirds vote of the voting members present of the Planning Group shall be required to add a member to the Planning Group.

A nomination packet for candidates should include a cover letter from the nominee explaining how the nominee is qualified to serve on the LERWPG, a resume, and a minimum of two and a maximum of six letters of support. At least one recommendation letter should be from a member of the Regional Water Planning Group.

Terms of Membership

As of February 2010, the terms of all voting members will be set to five years, and the three-year staggering will be preserved for each position as set by the previous process except for members appointed by Groundwater Management Areas under Texas Water Code Section §16.053(c). Members filling unexpired terms will then be subject to reappointment at the end of the unexpired term.

Conditions of Membership

Regular attendance at and participation in meetings of the Planning Group is of paramount importance. The following shall constitute grounds for removal of a voting member:

1. Unexcused absence from two consecutive meetings. Absences may be excused for reasons of health, adverse weather conditions which may make travel dangerous, or any other reason deemed by the Executive Committee to be valid;

2. Death;
3. Appointment of a successor by the voting members upon expiration of the member's term, or;
4. Change in status such that the member no longer represents the interest he/she was selected to represent.

Officers and Duties of Officers

The Planning Group shall elect a Chairman, Vice-Chairman, and Secretary-Treasurer. The Chairman shall be the presiding officer at meetings. In his/her absence, the Vice-Chairman shall assume the duties of the presiding officer. The Secretary-Treasurer shall review and present the official financial report at each regular meeting of the LERWPG.

The Chairman, Vice-Chairman, and Secretary will serve as the Executive Committee. The Executive Committee shall review, amend as needed, and approve the agenda as prepared by the Political Subdivision for all meetings and perform any other business delegated to them by the Planning Group. The Chairman shall notify by mail, e-mail, or fax all members of the Planning Group at least 10 days prior to any meetings of the group. Such notice shall include a copy of the agenda and a copy of any minutes that have not been approved by the Planning Group. Any member of the Planning Group may have an item placed on the agenda by written request to the Chairman at least 15 days prior to any regular meeting.

If a change in the Executive Committee occurs and/or a request by the majority of the membership is made to hold an election of officers, then the Chairman shall appoint a nominating committee to propose a list of candidates for consideration by the members.

ARTICLE IV Meetings

Each meeting of the Planning Group shall be held in accordance with the Chapters 551 [Texas Open Meetings Act] and 552 [Public Information Act], Government Code. A copy of all materials presented or discussed at an open meeting shall be made available for public inspection prior to and following the meetings and shall meet the additional notice requirements when specifically referenced under TWDB subsections. The Planning Group shall meet at least once in each calendar year and may meet as often as deemed necessary as determined by the Chairman. Any member may request that the Chairman call a regular or special meeting of the Regional Water Planning Group as needed. The Executive Committee shall determine the date, time, and location from

options provided by the Political Subdivision.

Public Comment will be included in every regular meeting agenda. Public Comment is limited to 3 minutes per speaker followed by questions from the Planning Group, at the Chair's discretion.

Quorum

A quorum at a regular or called meeting of the Planning Group shall consist of any number in excess of 50 percent of the membership of the Planning Group. The method to be used to approve items of business, including adoption of regional water plans or amendments thereto shall be as follows:

- a. Providing that a quorum is present, any number in excess of 50 percent of the members present at a meeting of the Planning Group may approve items of business.
- b. Votes shall be taken by roll call at the discretion of the Chairman or if requested by a member of the Planning Group.

ARTICLE V Reimbursement of Expenses

Senate Bill 2 provides a mechanism to reimburse the out-of-pocket expenses of Regional Water Planning Group members who are self-employed or not otherwise reimbursed by their employers. It is suggested that the reimbursable expenditures be limited to travel expenses outside the region—rather than travel inside the region. However, the Planning Group wishes to allow any member to seek reimbursement if they have hardship as a result of their out-of-pocket expenses. This method has not been utilized due to availability of funding for reimbursement coming directly from planning funds.

ARTICLE VI Decision Making

Decision Making Process/Proxies: Unless the method for making a particular decision is set forth in these bylaws, the LERWPG and any subcommittees shall make all decisions utilizing the processes set forth in this Article.

No proxies shall be allowed in any decision-making by the LERWPG, its committees, or working groups. Because it is important for all members to participate actively, keep up-to-date on the progress of the group, and develop a common base of information, members shall in good faith attempt to minimize any absences and send designated representatives when necessary or feasible in order to present and/or receive relative

information. These representatives are not proxies and will not participate in any decision making.

Alternative Decision Resolution

It is anticipated that the majority of issues coming before the Planning Group can be handled by an up or down vote by the membership. There may be very serious policy issues coming before the Planning Group that may affect a large group of water users or possibly have a serious economic impact on a segment of the economy. In such instances, there will likely be serious disputes between the members, which could likely be best resolved by a form of alternative decision resolution.

Procedures to be followed to solve serious disputes:

Should alternative decision resolution be requested by members of the Planning Group on matters coming before the Planning Group, the Chairman shall give each party to the dispute 10 days to prepare a written document supporting his/her position. Copies of the written documents shall be distributed to all members, including the opposing parties, within 1 business day of receipt of the document. The opposing parties will then have 5 days to respond to the other party's position paper.

The response by the opposing parties shall be provided to the Chairman who shall distribute copies to all members within 1 business day. The disputed item shall be an agenda item at the next regular meeting of the Planning Group. The Chairman shall provide each opposing party 5 minutes to present his/her side of the issue to the Planning Group before the Planning Group takes a vote on the issue. A majority of the members present at the meeting shall be final.

ARTICLE VII Planning Grant

The Planning Group shall designate a political subdivision to apply for and manage the planning grant. The designated political subdivision shall provide coordination of meeting dates, times and locations with the Executive Committee, appropriate correspondence and notice with the LERWPG members and others as required by the Texas Water Development Board, draft meeting agendas, written minutes for the review of the LERWPG, written monthly financial reports to each voting member of the Planning Group. The Political Subdivision will also be responsible for cording the Request for Proposal (RFP) process to solicit a consultant at the beginning of each planning cycle. The process and guidelines shall be outlined by the LERWPG and executed by the Political Subdivision.

ARTICLE VIII Scope of Work

The Planning Group shall prepare or employ a consultant to prepare a scope of work that includes a detailed description of tasks to be performed, identification of responsible parties for task execution, a task schedule, task and expense budgets, and descriptions of any interim products, draft reports, and final reports that are to be developed as part of the planning process. Once the scope of work has been developed, it must be approved by a majority of the voting members in attendance at a regular or called meeting of the Planning Group. The Planning Group may approve, by a majority vote, any amendments to the scope of work only in an open meeting of the Planning Group where notice of the proposed action has been provided.

Contracts/Subcontracts to Perform Tasks Described in Adopted Scope Of Work

The Planning Group may issue contracts and/or subcontracts to perform any one task or all tasks described in the scope of work, based on the bid costs and qualifications of the contractor(s). The Planning Group shall decide by a majority vote who is to be awarded each subcontract or a contract for the entire planning package.

ARTICLE IX Adoption of Bylaws and/or Amendments To Bylaws

The adoption of the By-Laws or amendments made to the adopted By-Laws shall be by a vote of two-thirds of the members present of the Regional Water Planning Group.

ARTICLE X Adoption of Regional Water Management Plan or Amendments To Regional Water Management Plan

A two-thirds vote of the members of the Regional Water Planning Group is required to adopt the regional water management plan or amendments thereto.

This plan was adopted March 24, 1998.

It was amended:

April 16, 1998.

May 26, 1998.

February 4, 2003.

July 23, 2003.

March 17, 2005.

August 27, 2009.

August 12, 2010.

November 12, 2015.

October 5, 2016.

February 20, 2019.