

**South Central Texas Regional
Water Planning Group
Bylaws and Guiding Principles¹**



¹ These Bylaws and Guiding Principles are current as of February 15, 2018.

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Acronyms

SCTRWPG:	South Central Texas Regional Water Planning Group
South Texas RWPA:	South Texas RWPA
TAC:	Texas Administrative Code
TCEQ:	Texas Commission on Environmental Quality
TDA:	Texas Department of Agriculture
TPWD:	Texas Parks and Wildlife Department
TWDB:	Texas Water Development Board

Preamble

In 2015, the SCTRWPG developed, adopted, and began to pursue the *2021 Plan Enhancement Process* to improve and clarify the principles by which the SCTRWPG develops its regional water plans.

The TAC requires regional water planning groups to consider timely agency and public comments after the submittal of the Initially Prepared Plan (IPP), and to include in the final adopted plan summaries of all timely written and oral comments received, along with a planning group response explaining any resulting revisions, or justification as to why revisions are unwarranted (see 31 TAC § 357.21). To thoroughly consider the comments received from agencies and members of the public, former Chair of the SCTRWPG, Con Mims formed a workgroup comprised of SCTRWPG members and their staff, representing a broad mix of stakeholder interests groups across the region. Many comments received gave rise to fundamental questions central to regional water planning processes and philosophies, the implications of which required the utmost attention of the full SCTRWPG. The workgroup recommended adding the *2021 Plan Enhancement Process* to Chapter 8 (*Policy Recommendations & Unique Sites*) of the 2016 South Central Texas Regional Water Plan. Adopted by SCTRWPG in late 2015, the *2021 Plan Enhancement Process* sought to improve and clarify the principles that guide SCTRWPG decisions.

Beginning in February 2016, the SCTRWPG took up the issues identified by *2021 Plan Enhancement Process* as topics requiring careful consideration of the full Planning Group. From February 2016 to November 2017, the fruits of *2021 Plan Enhancement Process* came to bear in the

form of the eleven SCTRWPG Guiding Principles contained herein.

The SCTRWPG Guiding Principles reflect the consensus driven decision making process outlined in Article X, section 2 of the SCTRWPG Bylaws, and generally serve several purposes. From the outset of *2021 Plan Enhancement Process*, the intent has been to provide a thorough response to the comments received following the adoption of the 2015 IPP. The SCTRWPG Guiding Principles serve as a response to the questions raised by those public and agency comments, and identified in the *2021 Plan Enhancement Process*.

Secondly, the Guiding Principles serve as a touchstone for which to reference during the making of any and all SCTRWPG decisions. In this way, the Guiding Principles supplement the SCTRWPG Bylaws, as well as the Water Planning Rules set out in Chapter 357 of the TAC.

Lastly, this document seeks to reconcile competing interests at the onset of the planning process, develop a shared understanding of the approach to regional water planning, and to encourage consensus based decision making throughout the planning cycle. The Guiding Principles may serve to inform future policy recommendations by the SCTRWPG. It is the intent of the SCTRWPG to incorporate, or reflect in some manner, these Guiding Principles in Chapter 8 of future regional water plans.

SCTRWPG BYLAWS

ARTICLE I NAMES

Section 1 Organization

The official name of this organization shall be the “South Central Texas Regional Water Planning Group” (SCTRWPG).

Section 2 Regional Water Planning Area

The official name of the regional water planning area designated as Region L by the TWDB in accordance with 31 TAC Chapter 357 on February 19, 1998, shall be the “South Central Texas Regional Water Planning Area” (South Central Texas RWPA). The South Central Texas RWPA consists of Atascosa, Bexar, Caldwell, Calhoun, Comal, DeWitt, Dimmit, Frio, Goliad, Gonzales, Guadalupe, Karnes, Kendall, La Salle, Medina, Refugio, Uvalde, Victoria, Wilson, Zavala and part of Hays Counties.

ARTICLE II ESTABLISHMENT AND PURPOSE

The SCTRWPG was established by appointment of an initial coordinating body of the TWDB on February 19, 1998, and subsequent additional appointments by the initial coordinating body. The purpose of the SCTRWPG shall be to provide comprehensive regional water planning and to carry out the related responsibilities placed on regional water planning groups by state law, including Texas Water Code Chapter 16 and TWDB rules, including 31 TAC Chapters 355, 357 and 358, in and for the South Central RWPA.

ARTICLE III PRINCIPAL ADMINISTRATIVE OFFICE

The principal administrative office of the SCTRWPG shall be the principal business offices of the San Antonio River Authority. The administrative officer of the SCTRWPG for purposes of the Texas Open Records Act shall be designated and hold office until replaced by the SCTRWPG. The Chair of the SCTRWPG shall ensure that the mailing address and physical address of the principal office and administrative officer are provided to all

members of the SCTRWPG and the Executive Administrator of the TWDB.

ARTICLE IV RESPONSIBILITIES

The SCTRWPG shall have the responsibility for performing the functions defined in Texas Water Code, Chapter 16 and in 31 TAC Chapters 355, 357 and 358 related to regional water planning groups for the South Central Texas RWPA. Foremost among those responsibilities shall be the development of a regional water plan for the South Central Texas RWPA that identifies both short and long-term water supply needs and recommends water management strategies for addressing them.

ARTICLE V VOTING MEMBERSHIP

Section 1 Composition

The initial voting members of the SCTRWPG include the initial coordinating body appointed by the TWDB on February 19, 1998, plus the additional voting members appointed by the initial coordinating body to ensure adequate representation of the interests comprising the South Central Texas RWPA stated in Texas Water Code §16.053(c), if present and other interests determined by the SCTRWPG, to include representatives appointed by Groundwater Management Areas in accordance with Section §16.053(c). Thereafter, the voting membership of the SCTRWPG shall include persons added and exclude those removed as provided under this Article and any 31 TAC § 357.4(g)(4) member selected for voting membership under Article VI.

Section 2 Terms of Office

Except for members appointed by Groundwater Management Areas under Texas Water Code Section §16.053(c). Terms of office for voting members shall be five years

Section 3 Conditions of Membership

In order to be eligible for voting membership on the SCTRWPG, a candidate must represent the interest for which a member is sought, be willing to participate in the regional water planning process, and abide by these Bylaws.

Section 4 Selection of Members

At least forty-five calendar days prior to the expiration of the term of a voting member, or within two weeks following a Planning Group meeting at which the Planning Group decides to replace a voting member, the SCTRWPG will post public notice in a newspaper of general circulation in each county located in whole or in part in the South Central Texas RWPA soliciting nominations for a successor, identifying the particular interest for which nominations are sought, stating the conditions of membership, delineating the method for submitting nominations, and establishing a deadline for submission of nominations between thirty and forty-five calendar days from the date that public notice was posted. Members of the SCTRWPG may also submit nominations in the manner prescribed in the public notice.

The Executive Committee will receive and process the nominations and after the deadline for submitting nominations, will recommend a nominee for the position to the voting membership as a whole, giving strong consideration to a consensus nominee from those individuals and entities that collectively represent that interest. The Executive Committee shall consider and report all nominations received but may consider only persons who meet the conditions of membership. The voting membership as a whole is not bound by the recommendation of the Executive Committee and may consider any nominee who meets the conditions of membership.

The voting members shall attempt to make a decision for a successor by consensus. If efforts to reach consensus fail, the Chair shall call for a vote on a nominee. An affirmative vote of a majority of the voting membership shall be required to elect a nominee as a new voting member. If voting fails to select a new voting member, the voting members shall consider other nominations until a new member can be selected by consensus or affirmative majority vote of the voting membership.

In addition to selecting new voting members to fill vacancies caused by removal, resignation or the expiration of a term, the

voting members may add members to ensure adequate representation of the interests comprising the South Central Texas RWPA by using the selection process set forth in this section. In both the consideration of nominees and the selection of new voting members, the Executive Committee and other voting members shall strive to achieve geographic, ethnic and gender diversity.

Outgoing voting members shall be given the opportunity to fully participate in the selection process for their successors and shall serve until successors take office. However, no member shall participate in a vote in which he/she is a nominee.

A membership created by a Groundwater Management Area in accordance with Texas Water Code §16.053(c) shall be maintained by that Groundwater Management Area. The Planning Group shall notify a Groundwater Management Area of a vacancy created by its appointed member.

Section 5 Attendance

All members shall make a good faith effort to attend all SCTRWPG meetings and hearings. Records of attendance shall be kept by the Secretary at all SCTRWPG meetings and hearings and presented as part of the minutes. Voting members of the SCTRWPG who have missed three consecutive regular meetings, or at least one-half of all meetings in the preceding twelve months, shall be considered to have engaged in excessive absenteeism and are subject to removal from membership under Section 7 of this Article. The Planning Group shall notify any Groundwater Management Area of excessive absenteeism, as defined in this section, of a member appointed by that Groundwater Management Area under Texas Water Code §16.053(c) and request its consideration of replacing that member. Members are encouraged to notify the Chair if they will miss a meeting and/or send a designated alternate.

Section 6 Code of Conduct

Members and designated alternates of the SCTRWPG shall ethically conduct the business of the SCTRWPG and shall avoid

any form or appearance of a conflict of interest, real or apparent, by observing the following:

- (a) No member or designated alternate of the SCTRWPG shall knowingly:
 - (1) Solicit or accept gratuities, favors or anything of monetary value from suppliers or potential suppliers of services, materials or equipment, including subcontractors under recipient contracts or any other person who has a substantial financial interest in the regional water plan; or
 - (2) Participate in the selection, award or administration of a procurement where the member or designated alternate has a financial or other substantive interest in the organization being considered for award. Such conflict may be due to any of the following having a financial or familial relationship with the organization:
 - i) the member or designated alternate;
 - ii) the member's or designated alternate's family;
 - iii) the member's or designated alternate's business partner(s); or
 - iv) a person or organization that employs, or is about to employ any of the persons listed in (i)-(iii) above; or
 - (3) Participates in any deliberation, decision or vote that would constitute a conflict of interest under federal, state or local law.
- (b) Potential conflicts of interest shall be clearly stated by the voting member or designated alternate prior to any deliberation or action on an agenda item with which the voting member or designated alternate may be in conflict. Where the potential conflict is restricted to a divisible portion of an agenda item, the Chair may divide the agenda item into parts for deliberation and voting purposes. An abstention from participation in deliberations, decisions or voting and the reasons therefore shall be noted in the minutes.

Section 7 Removal of Voting Members

- (a) Grounds for Removal of Voting Members. The following shall constitute grounds for removal of a voting member:
 - (1) Engaging in excessive absenteeism as defined under Section 5 of this Article;

- (2) Incapacity;
 - (3) Failure to abide by the code of conduct provisions set forth under Section 6 of this Article;
 - (4) appointment of a successor by the voting members upon expiration of the member's term;
 - (5) Change in status so that the member no longer represents the interest he/she was selected to represent;
 - (6) Falsifying documents;
 - (7) Any other serious violation of these Bylaws as may be determined by the voting members; or
 - (8) The voting member's designated alternate engages in any acts described in subdivisions (3), (6) or (7) of this subsection.
- (b) Process for Removing Voting Members. Voting members may be removed at any time for any of the grounds for removal of voting members set forth in subsection (a) of this section. Any member with knowledge or suspicion that a voting member or designated alternate has engaged in acts or that events have occurred constituting grounds for removal under subsection (a) of this section shall report such information or suspicion to the Chair. The Chair, upon discovering or receiving such information, shall make a written request to that member for an explanation as to why he/she should not be removed from voting membership. The member shall make written response to the Chair within fifteen calendar days from the date of receipt of the Chair's request. Within five calendar days of receipt of the member's response, the Chair shall forward copies of the response to the Executive Committee. The Chair shall place an item on the next meeting agenda calling for the removal of the member if, 1) after meeting the Executive Committee continues to suspect that grounds for removal may exist; 2) the member fails to make a timely response to the Chair's request; or 3) the Chair or a majority of the Executive Committee requests its inclusion on the agenda after reviewing the written response from the accused member. At the meeting, the member subject to the possible removal action may request evidence of why he/she should not be removed. The voting members may remove the member by affirmative vote of a majority of the voting membership. The member subject to

the removal action shall not participate in any way in the removal decision, nor shall his/her membership count as part of the total voting membership for purposes of calculating the vote.

- (c) A Groundwater Management Area whose appointed member has acted in a way that constitutes grounds for removal, under subsection (a), above, shall be so notified by the Planning Group with a request for the Groundwater Management Area's consideration of replacement of that member.

ARTICLE VI NON-VOTING MEMBERSHIP

Section 1 Mandatory Members

The voting members of the SCTRWPG shall add the non-voting members set forth in 31 TAC §357.4(g)(1)-(g)(3) and (g)(5) and accept the designees appointed by the entities set forth therein. Such designees shall have no terms of office and shall serve until replaced by the designating entity. However, if the voting members decide by consensus or affirmative majority vote of the voting membership, that a particular designee is hindering the regional water planning efforts of the SCTRWPG, the Chair shall make a written request to the entity within ten calendar days requesting the designation of another person to serve as the entity's designee.

Section 2 Discretionary Members

The voting members of the SCTRWPG may add or remove as a non-voting member an entity set forth in 31 TAC §357.4(h) by consensus or by a majority vote of the voting membership. If an entity is added, the Chair shall make a written request within ten calendar days to the entity requesting the designation of a person to serve until replaced by the designating entity or until the entity is removed as a non-voting member. However, if the voting members determine by consensus or by a majority vote of the voting membership that a particular entity's designee is hindering the regional water planning efforts of the SCTRWPG but also that the entity should remain as a non-voting member, the Chair shall make a written request to the entity within ten calendar days

requesting the designation of another person to serve as the entity's designee.

Section 3 Code of Conduct

All non-voting members shall comply with the code of conduct provisions under Section 6 Article V of these Bylaws.

ARTICLE VII DESIGNATED ALTERNATES

Each member may designate an alternate to represent him/her when he/she is unable to attend a meeting or hearing. Each member must notify the Chair of the name of the member's designated alternate prior to the meeting or hearing at which the designated alternate will appear on behalf of the member. If the member fails to provide such notice, the Chair may forbid the participation of the designated alternate at the meeting or hearing. The Chair shall not recognize the designation of more than one alternate per member at any given time.

The designated alternate shall enjoy the same voting privileges, or lack thereof, and shall be bound by the same duties, terms and conditions as the member they represent, except as otherwise provided in these Bylaws. However, a designated alternate for a voting member who serves as an officer shall not be allowed to serve in the capacity as an officer in the member's absence.

Because it is important in achieving consensus 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 the number of time they are absent from meetings or are represented by their designated alternates.

The Administrative Officer shall maintain a current list of all members and their designated alternates.

ARTICLE VIII OFFICERS

Section 1 Officers; Restrictions and Terms of Office

Voting members of the SCTRWPG shall elect from the voting membership a Chair, Vice-Chair and Secretary to serve as officers. Each officer shall serve a term of one calendar year.

Except as provided under Section 4 of this Article, an officer shall serve a term of one calendar year. Except as provided under Section 4 of this Article, an officer shall serve until his/her successor takes office. No two voting members representing the same interest shall serve as officers at the same time. Elections shall be held annually, with no restrictions on the number of consecutive terms an individual may serve as an officer other than those that apply because of his/her status as a voting member under these Bylaws.

Section 2 Selection

Officers shall be elected at the first meeting of each calendar year. Nominations shall be made from the floor by voting members. The voting members shall elect officers from among the nominees by consensus or by affirmative vote of a majority of the voting membership.

Section 3 Removal of Officers

Any officer may be removed from office for any of the grounds for removal of voting members set forth under Article V of these Bylaws, or for repeated failure to carry out the duties of the office, by a consensus or by majority vote of the voting membership. Removal of an officer shall be set as an agenda item at the next scheduled meeting upon written request signed by five voting members to the Chair or Secretary. The Chair or Secretary receiving the request shall notify the officer in writing that he/she shall be subject to a removal action at the next scheduled meeting. At that meeting, the officer subject to the possible removal action may present evidence of why he/she should not be removed. If the Chair is the subject of the possible removal action, The Vice-Chair shall preside over the meeting during the agenda item concerning the Chair's removal. The officer subject to the removal action shall not participate in any way in the removal decision, nor shall his/her membership count as part of the total membership for purposes of calculating the vote. The notice of the meeting shall be posted in accordance with the Open Meetings Act and shall state that the issue of possibly removing the officer will be on

the agenda. Any vacancy caused by the removal shall be filled as provided under Section 4 of this Article.

Section 4 Vacancies of Officers

Whenever an officer vacancy exists, the vacancy shall be filled at the next properly noticed SCTRWPG meeting. Nominations shall be made from the floor by voting members. The voting members shall elect a replacement officer from among the nominees by consensus or by affirmative vote of a majority of the voting membership. The next highest-ranking officer shall serve in the vacant position until a successor takes office, unless the office of the Secretary becomes vacant, in which case the Chair shall appoint a willing voting member to serve as Secretary until the successor to the Secretary takes office. The person selected to fill a vacancy for an officer shall serve for the unexpired term of his/her predecessor in office.

Section 5 Duties of Each Officer

- (a) Chair: The Chair shall be the executive officer of the SCTRWPG. The Chair will preside at all meetings of the SCTRWPG and perform all duties provided by these Bylaws. The Chair may establish and appoint such committees as may be necessary or desirable to assist in conducting the business of the SCTRWPG, or as may be directed by the SCTRWPG. If the Chair is unable to carry out his/her duties, the Vice-Chair shall assume the duties of the Chair.
- (b) Vice-Chair: The Vice-Chair shall assist the Chair in the discharge of his/her duties and, in the absence of the Chair, shall assume the Chair's full responsibilities and duties. In the event the Chair is unable to carry out his/her duties, the Vice-Chair shall serve as Chair until the SCTRWPG elects a new Chair under Section 4 of this Article. The Vice-Chair shall perform other duties as assigned by the Chair or these Bylaws.
- (c) Secretary: The Secretary or the Administrative Officer shall maintain the minutes and take attendance of the SCTRWPG meetings. The minutes and attendance shall be kept as part of the SCTRWPG official records. The Secretary, or the Administrative Officer, shall ensure that all notices are

properly posted as provided in the Bylaws, as required by law and as required by the Texas Open Meetings Act. The Secretary shall perform other duties as assigned by the Chair or these Bylaws. If both the Chair and Vice-Chair are unable to carry out the duties of the Chair, the Secretary shall assume the duties of the Chair.

Section 6 Executive Committee

The Executive Committee shall be composed of five SCTRWPG members, including the Chair, Vice-Chair, Secretary and two members-at-large. No two voting members representing the same interest shall serve as members of the Executive Committee at the same time. The two members-at-large shall be elected annually in the same manner and with the same terms as set forth for the election of officers under this Article. Members-at-large shall be removed and their vacancies filled in the manner prescribed for officers under this Article.

The Executive Committee shall be responsible for carrying out the duties imposed on it in these Bylaws. The voting members of the SCTRWPG may delegate any administrative decisions to the Executive Committee unless provided otherwise in these Bylaws.

All meetings of the Executive Committee shall comply with the provisions related to meetings generally as set forth in Article IX of these Bylaws.

ARTICLE IX MEETINGS

Section 1 Open Meetings and Notice

All meetings of the SCTRWPG, its committees and/or sub-groups, shall be posted and open to the public in the manner of a governmental body under the Texas Open Meetings Act and as set forth in TWDB rules. All actions of the SCTRWPG shall be deliberated and undertaken in open meeting, unless otherwise authorized by the Texas Open Meetings Act. The time and place of meetings shall be set to facilitate, to the greatest extent possible, the participation of the public in the regional water planning process. Copies of all materials presented or discussed

shall be made available for public inspection prior to and following any meeting of the SCTRWPG, to the extent reasonably possible.

Section 2 Regular or Called Meetings

At the first meeting of each calendar year, the SCTRWPG shall establish and adopt a regular meeting schedule for the ensuing year. The Chair or a majority of the voting members of the SCTRWPG may also call a special or emergency meeting of the SCTRWPG. The Secretary or Administrative Officer shall ensure that an advance notice and an agenda for regular meetings will be provided to the full membership of the SCTRWPG at least seven calendar days in advance by first class U.S. Mail, facsimile or electronic mail. Supporting information and member-requested materials shall be distributed to the full membership with the notice and agenda or at the meeting, as deemed appropriate by the Chair.

Section 3 Agenda

The Secretary of the SCTRWPG shall ensure that agendas are prepared and distributed for all meetings, in accordance with this Article. Items shall be placed on the agenda at the request of any voting member of the SCTRWPG. Copies of the agenda and all supporting information shall be made available for public inspection prior to and following any meeting of the SCTRWPG.

Section 4 Quorum

A quorum of the SCTRWPG shall be a simple majority of the voting members or their designated alternates excluding vacancies. No less than a quorum shall be necessary to conduct any business of the SCTRWPG.

Section 5 Applicability of Robert's Rules of Order

Except as otherwise provided in these Bylaws, meetings of the SCTRWPG shall be conducted under the provisions of the most current edition of *Robert's Rules of Order*. However, failure to follow such rules shall not constitute grounds for appeal of an action or a decision of the SCTRWPG.

Section 6 Public Meetings Required by Law

The SCTRWPG shall post notice and conduct public meetings specifically required by statute and/or TWDB rule, including those set forth for preplanning, draft regional water plan presentation, adoption of amendments to the regional water plan, and final regional water plan adoption, in accordance with the requirements of the relevant state law and/or TWDB rules. Notification requirements may be different from those in Section 1 of this Article and are specifically delineated in Texas Water Code §16.053 and/or 31 TAC §357.12.

Section 7 Minutes

- (a) The Secretary shall ensure that minutes of all meetings of the SCTRWPG are prepared. The minutes shall:
 - (1) state the subject of each deliberation;
 - (2) indicate each vote, order, decision or other action taken;
 - (3) indicate those members in attendance, noting the presence of a quorum, and noting the presence of those members of the public who participate in the course of the meeting;
 - (4) represent an accurate summary of the meeting's record; and state any other information required by these Bylaws to be included in the minutes.
- (b) The Secretary shall ensure that true copies of the minutes are provided to the full membership as soon as possible following the meeting.

ARTICLE X MAKING DECISIONS**Section 1 Applicability; No Written Proxies**

- (a) Unless the method for making a particular decision is set forth in these Bylaws, the SCTRWPG, its committees and subgroups shall make all decisions using the process set forth in Section 2 of this Article
- (b) Written proxies shall not be allowed in any decision-making by the SCTRWPG, its committees or its subgroups. However, designated alternates shall be allowed to participate in decision making as set forth in these Bylaws. (Moved to Article VII)

Section 2 Decision-Making Process

- (a) Use of Consensus. The SCTRWPG shall attempt to make decisions using a consensus decision-making process. Consensus is an agreement built by identifying and exploring all members' interests and by assembling a package agreement which satisfies these interests to the greatest extent possible. A consensus is reached when all voting members agree that their major interests have been taken into consideration and addressed in a satisfactory manner so that they can support the decision of the group. The process of building consensus involves the development of alternatives and the assessment of the impacts of those alternatives.

Consensus does not necessarily mean unanimity. Some members may strongly endorse a particular solution while others may accept it as a workable agreement. A member can participate in the consensus without embracing each element of the agreement with the same fervor as other members, or necessarily having each of his/her interests satisfied to the fullest extent. In a consensus agreement, the members recognize that, given the combination of gains and trade-offs in the decision package and given the current circumstances and alternative options, the resulting agreement is the best one the voting members can make at this time.

- (b) Failure to Reach Consensus. If after good faith negotiations it appears likely to the Chair that the voting members will be unable to reach consensus, the Chair shall entertain the following:
- (1) a motion to put the issue to a vote to be conclusively decided by agreement of a majority of the voting membership; or
 - (2) a motion to put the issue to a vote as to whether to submit the issue to Alternative Dispute Resolution ("ADR") as set forth under Section 3 of this Article and identifying the members that shall participate in the ADR procedure

(“ADR members”), such motion to be decided either by consensus or agreement of not less than a majority of the voting membership.

- (c) Decision-Making Process for Committees. Committees established in accordance with these Bylaws shall use the process described in subsection (a) and (b)(1), above.

Section 3 Alternative Dispute Resolution

- (a) If a vote under Section 2 (b)(2) of this Article prevails, the ADR members shall agree upon the method of ADR and the use of a mutually acceptable impartial third party to facilitate resolution of the dispute. The ADR procedures shall be in writing, shall be executed by all ADR members before ADR begins, and shall include the following:
- (1) The type or series of ADR criteria determined by all ADR members to be appropriate for the size and complexity of the issue, project or proposed action in dispute;
 - (2) The length of time to be allowed the parties to engage in any ADR procedure;
 - (3) The name(s) of the impartial third party who will facilitate any process, procedure or method by which a resolution may be agreed upon;
 - (4) An agreement between all ADR members as to the method of payment for any costs associated with an ADR procedure, such method being subject to approval by the SCTRWPG;
 - (5) An agreement between all ADR members that the impartial third party may not compel the ADR members to enter into a binding agreement, nor shall the impartial third party have the authority to sanction or penalize any ADR member;
 - (6) An agreement between all ADR members that, by mutual consent, they may permit persons who are not ADR members to be included as participants in discussion and as experts;
 - (7) An agreement between all ADR members that they will continue with ADR procedures through the time frame established in subdivision (2) of this subsection until a settlement is reached, one of the ADR members withdraws from the process, or the impartial third party

concludes and informs the parties that ADR measures are not working; and

- (8) An agreement between all ADR members that any ADR procedure used shall provide the method(s) by which any agreement between the parties shall become effective, such as a change order to a plan or a written agreement governing the issue.
- (b) An agreement or settlement reached under this section shall not become binding on the ADR members until all ADR members agree in writing to all of the terms of the agreement or settlement.
- (c) If the ADR members reach an agreement on the issue, the voting members shall once again consider the issue using the decision-making process set forth under Section 2 of this Article. However, if the voting members fail to reach consensus on the issue a second time, the Chair shall call for a vote as provided under Section 2(b)(1) of this Article. The parties shall use the procedures set forth in this Article until the issue is resolved or abandoned.

Section 4 Final Adoption of Regional Water Plan; Amendments

The voting members of the SCTRWPG shall finally adopt the regional water plan for the South Central Texas RWPA and any amendments thereto in accordance with this article.

ARTICLE XI BOOKS AND RECORDS

Section 1 Required Documents and Retainment

Records of the SCTRWPG, in accordance with the Public Information Act, shall be kept at the principal office of the SCTRWPG for a period of at least five years. Minutes shall be maintained at the principal office of the SCTRWPG for as long as the SCTRWPG exists and for a period of five years thereafter.

Section 2 Inspection and Copying

Records of the SCTRWPG shall be available for inspection and copying at the principal administrative office during normal business hours. Procedures and fees for copying and inspection

shall be the same as those used by the political subdivision housing the principal office of the SCTRWPG for inspection and copying of its own public records.

Section 3 Availability of Reports

All reports, planning documents and work products resulting from projects funded by the TWDB shall be made available to the TWDB, the TPWD and the TCEQ or their successor agencies. At least one copy of the approved regional water plan shall be placed in the county clerk's office for each county and in at least one public library of each county having land within the South Central Texas RWPA, in accordance with state law.

ARTICLE XII COMMITTEES

Section 1 Establishment

The SCTRWPG may by motion establish committees and subgroups to assist and advise the SCTRWPG in the development of the regional water management plan. The committee or subgroup may be formed to address specific issues assigned by the SCTRWPG and may have a specified term of membership.

Section 2 Membership

Membership in the committees and subgroups shall generally follow the requirements and procedures of Article V of these Bylaws; membership of the committees and subgroups should be inclusive, rather than exclusive, in nature; the interests identified in the initial coordinating body will be invited to participate, as well as other interests that have been identified. Appointment to committees or subgroups shall be made by the Chair. The terms of office for all members of committees and subgroups shall be either upon the expiration of the term, if any, specified by the SCTRWPG in the establishing motion for the committee or subgroup, or upon the expiration of the persons' membership in the SCTRWPG.

Section 3 Officers

The Chair, Vice-Chair and Secretary of a committee or subgroup established by the SCTRWPG shall be elected from the members

of the committee or subgroup. The Chair, Vice-Chair and Secretary of the committee or subgroup established by the SCTRWPG shall be elected to their respective offices by a majority affirmative vote of the members of the committee or subgroup. Additional committee or subgroup officers with associated responsibilities may be created as necessary by a majority affirmative vote of the members of the committee or subgroup. The additional officers shall be elected by a majority affirmative vote of the members of the committee or subgroup.

Section 4 Meetings

Requirements and procedures for committee or subgroup meetings shall follow those established in Article IX of these Bylaws, including requirements for notice. Committees or subgroups may adopt their own rules of procedure, if authorized by the SCTRWPG and the rules are not in conflict with state law, TWDB rules or these Bylaws.

Section 5 Books and Records

Requirements and procedures for committee or subgroup books and records shall follow those established for the SCTRWPG in Article XI of these Bylaws.

Section 6 Code of Conduct

Members of a committee or subgroup are subject to the requirements of Article V, Section 6 of these Bylaws.

ARTICLE XIII COMPENSATION AND REIMBURSEMENT

Section 1 Compensation

Members of the SCTRWPG are not to be compensated for their time.

Section 2 Reimbursement

Reimbursement of a SCTRWPG member's expenses will be issued from the local agency funds made available through interlocal funding agreements. Requests for reimbursement of travel and other expenses must meet the following requirements to be eligible:

- a. The member must submit a completed Expense Report and appropriate receipts.
- b. Requested reimbursement for travel expenses must be in conformance with the State rate that is in effect at the time the travel was conducted.
- c. The Administrative Agency will issue a check to the member after the completed expense report has been approved by the Chair or Vice-Chair of the SCTRWPG and the mileage and rates have been verified.

All expenses, except those specifically listed below, are eligible for reimbursement under this policy:

- a. Cost incurred by a SCTRWPG member eligible for reimbursement by the member's employer.

ARTICLE XIV CONTRACTUAL SERVICES

The voting members of the SCTRWPG shall make all decisions related to final approval of persons or entities selected to provide contractual services for the SCTRWPG, including all services related to preparation, development or revisions of the regional water plan for the South Central Texas RWPA. However, the voting members may delegate to the Executive Committee the authority to make all administrative decisions concerning amendments to TWDB Research and Planning Fund grant contracts for services related to regional water planning, except those decisions concerning amendments related to scopes of work and budgets.

ARTICLE XV ADOPTING AND AMENDING THE BYLAWS

These Bylaws shall have full force and effect upon approval and adoption by the voting members of the SCTRWPG, acting on behalf of the interests comprising the South Central Texas RWPA, and upon submission to the TWDB in compliance with 31 TAC § 357.4. The voting members shall adopt these Bylaws and any amendment thereto by consensus or by affirmative vote of not less than two-thirds of the voting membership. The Secretary shall

ensure that proposed amendments to the Bylaws are provided to the full membership no later than ten calendar days prior to the next regular meeting of the SCTRWPG when such amendments are to be considered.

A handwritten signature in black ink, appearing to read "John Min". The signature is written in a cursive style with a large initial "J".

February 2, 2012

Chair, SCTRWPG

Date

SCTRWPG GUIDING PRINCIPLES

PRINCIPLE I APPROPRIATENESS AND ADEQUACY OF HOW DEMAND AND NEED ARE DETERMINED

Adopted: August 4, 2016

The SCTRWPg generally defers to the TWDB on matters related to population and water demand projections. However, the SCTRWPg retains the duty to review TWDB projections on a case by case basis. Where the SCTRWPg finds a discrepancy in TWDB's projections, and can adequately justify its findings by verifying one or more of the "criteria for adjustment," TWDB – in consultation with TDA, TCEQ, and TPWD – may adjust population and/or water demand projections accordingly (see generally *General Guidelines for Fifth Cycle of Regional Water Plan Development*, Article 2. *Population and Water Demand Projections*). Consistent with Chapter 8 of the 2016 Regional Water Plan for Region L, the SCTRWPg supports greater TWDB flexibility through relaxation of current methodological assumptions holding regional and state population projection totals fixed (see Chapter 8.9.3 *Population and Water Demand Projections*). Water demand projections used in developing the Regional Water Plan should be consensus figures arrived at by using TWDB data along with local input from the cities, counties, and groundwater districts.

PRINCIPLE II ROLE OF REGIONAL WATER PLANNING GROUPS IN INFLUENCING POPULATION GROWTH AND LAND USE

Adopted August 4, 2016

Where the concepts of population growth and land use necessarily interrelate with the Regional Water Plan, the SCTRWPg shall, to the greatest extent possible, develop strategies to meet future projected demands. However, it is neither the role, nor the responsibility of the SCTRWPg to

influence population growth or land use. While the SCTRWPG has a duty to remain cognizant of the sensitive relationship between the Regional Water Plan, population growth and land use, decisions concerning permitting and influencing population growth are inherently local, and remain wholly independent from the regional water planning process.

**PRINCIPLE III CONFLICTS OF INTERESTS WITH
RESPECT TO PLANNING GROUP
MEMBERS**

Adopted August 4, 2016

a) Active Planning Group Members

All disclosures pursuant to Article V, Section 6 of the SCTRWPG Bylaws, are the responsibility of the planning group member or designated alternate who has the potential conflict of interest. Therefore, disclosures are the responsibility of the planning group member or designated alternate. If the voting member chooses to abstain from participation in deliberations, decisions, or voting, pursuant to Article V, Section 6 of the SCTRWPG Bylaws, the reason for abstention shall be noted in the minutes.

SCTRWPG Bylaw Excerpt

Potential conflicts of interest shall be clearly stated by the voting member or designated alternate prior to any deliberation or action on an agenda item with which the joint member or designated alternate may be in conflict. Where the potential conflict is restricted to a divisible portion of an agenda item, the Chair may divide the agenda item into parts for deliberation and voting purpose. An abstention from participation in deliberations, decisions or voting and the reason therefore shall be noted in the minutes. (see SCTRWPG Bylaws, Article V, Section 6, (b))

b) Nomination Process

Where the SCTRWPG is soliciting nominations to fill vacancies on

the planning group, nominators shall provide information regarding the nominee's current employer, and provide a description of the nominee's experience that qualifies him/her for the position in the interest group being sought to represent.

Additionally, nominees shall agree to abide by the Code of Conduct, which is incorporated in the SCTRWPG Bylaws (see *SCTRWPG Bylaws*, Article V, Section 6). As per the Bylaws, the Executive Committee will conduct an interview process whereby nominees will be evaluated. Prior to the interview, nominees will be provided a copy of the Bylaws. During the interview process, nominees will be asked if they are willing to agree to the Bylaws, and specifically, if they are willing to comply with the Code of Conduct.

**PRINCIPLE IV THE ROLE OF THE PLANNING
GROUP IN INFLUENCING WATER
DEVELOPMENT PLANS OF
WATER SUPPLIERS**

Adopted: November 3, 2016

The role of the SCTRWPG is to ensure water needs are met with identified potentially feasible water management strategies. It is not the role of the SCTRWPG to influence or interfere with local water planning decisions. In the absence of a planning group recommended potentially feasible water management strategy to meet an identified need, the SCTRWPG may evaluate and report, as required, the social, environmental and economic impacts of not meeting the identified need.

**PRINCIPLE V THE ROLE OF THE PLANNING
GROUP IN INFLUENCING
PERMITTING ENTITIES**

Adopted: November 3, 2016

Decisions made at the planning group level are non-regulatory, and are intended for planning purposes only. While some decisions made by the SCTRWPG could inevitably affect some decisions made by the governing boards of permitting entities, it is neither the responsibility, nor the role of the SCTRWPG to

influence or interfere with the regulatory decisions made by the governing boards of permitting entities.

**PRINCIPLE VI THE ADEQUACY OF
EVALUATING THE PLAN'S
EFFECTS ON FRESHWATER
INFLOWS TO SAN ANTONIO BAY,
AND THE ADEQUACY OF
ENVIRONMENTAL
ASSESSMENTS OF INDIVIDUAL
WATER MANAGEMENT
STRATEGIES**

Adopted: November 2, 2017

The SCTRWPG's evaluation of the Plan's effect on instream flows and freshwater inflows to the San Antonio Bay, and Plan's environmental assessments of individual water management strategies are currently meeting the regulations and statutes for regional water planning. The SCTRWPG believes a structural reorganization of the data presented will benefit the understanding of the Plan's environmental assessments. The SCTRWPG will:

- a)** Initiate environmental assessments earlier into the regional planning process;
- b)** Eliminate environmental assessment comparisons of current plan to past plans;
- c)** Consolidate threatened and endangered species information into the appendix rather than repeating in each water management strategy write-up;
- d)** Update baseline year data to most current for potential impacts to vegetation and terrestrial habitat;
- e)** Adjust distances for cultural resource sites;
- f)** Include current conditions and streamflow protected by environmental flow standards in updated tabular form improving the way in which the data is presented;
- g)** Include target flow regimes based on environmental freshwater inflow standards in updated tabular form improving the way in which the data is presented; and
- h)** Include high level narrative of climate variability.

The SCTRWPG believes this environmental assessment structural reorganization will reflect realistic environmental impacts of the recommended water management strategies for both the public and planning group members.

**PRINCIPLE VII MINIMUM STANDARDS FOR
WATER MANAGEMENT
STRATEGIES**

Adopted: November 2, 2017

For a proposed strategy to be designated by the SCTRWPG as a water management strategy in the regional water plan, the proposed strategy must:

- a) supply water, reduce water demands, or otherwise satisfy one or more identified needs;
- b) include an evaluation and description consistent with standards used by the SCTRWPG and its technical consultants as required by TWDB Rules;
- c) satisfy all relevant requirements established by the TWDB, including environmental flow standards;
- d) identify one or more entities, with sufficient ability and willingness to implement the strategy, as being the strategy's sponsor(s);
- e) identify all entities, as reasonably possible, who own any existing or planned infrastructure or existing permit that could be affected by the proposed strategy as being strategy participants; and
- f) identify groundwater conservation districts or TCEQ with jurisdiction over the proposed strategy.

**PRINCIPLE VIII RECOMMENDED WATER
MANAGEMENT STRATEGIES**

Adopted: November 2, 2017

The SCTRWPG strives to develop a regional water plan that recommends water management strategies sufficient to supply

water to all identified needs projected in the planning horizon for the region.

The SCTRWPG prefers designating water management strategies as recommended or alternative using a consensus approach while respecting the strategy sponsor(s)' wishes.

Prior to designating any water management strategies as recommended, the SCTRWPG will review the water management strategies to evaluate costs and environmental sensitivity of each water management strategy per TWDB Rules.

PRINCIPLE IX MANAGEMENT SUPPLY

Adopted: November 2, 2017

The cumulative supply of the recommended water management strategies may include an amount of supply in excess of the amount needed to meet regional needs as considered necessary by the SCTRWPG to allow for such things as uncertainty associated with long-term planning, problems with project implementation, changing weather conditions, flexibility of sponsors in choosing projects to implement, and changes in project viability.

Identified Needs without a Recommended Water Management Strategy

For water needs that are not satisfied by recommended water management strategies, the SCTRWPG will provide a narrative explaining why the need is not satisfied.

Alternative Strategies in the Regional Water Plan

The SCTRWPG will include alternative water management strategies that sponsors wish to have identified as alternatives to one or more of their recommended water management strategies.

Conceptual Approaches (Water Management Strategies Needing Further Study) in the Regional Water Plan

The SCTRWPG will acknowledge conceptual and innovative approaches to developing water supplies, reducing water

demand, and increasing efficiency of supplying water as may be proposed by others, but need further study.

**PRINCIPLE X THE ROLE OF REUSE WITHIN
THE REGIONAL WATER PLAN**

Adopted: November 2, 2017

The SCTRWPG generally defers to the TWDB rules for regional water planning as contained in the TAC on matters related to surface water supply analysis. For surface water supply analysis, the SCTRWPG will use the most current Water Availability Models from the TCEQ to evaluate supplies, as required by section 357.32 (c) of the TAC. As per section 357.32 of the TAC, the SCTRWPG will assume full utilization of existing water rights and no return flows when using Water Availability Models.

The SCTRWPG agrees that effluent will be depicted in the Regional Water Plan only in cases of direct and/ or indirect reuse water management strategies, or where a preexisting contract for the supply of reuse is in place. Additionally, the SCTRWPG will not use effluent in the estimates of cumulative effects absent a direct and/or indirect reuse water management strategy or a preexisting contract

**PRINCIPLE XI IDENTIFYING SPECIAL STUDIES
OR EVALUATIONS DEEMED
IMPORTANT TO ENHANCE THE
2021 PLAN, THE IDENTIFICATION
OF OUTSIDE FUNDING SOURCES,
AND THE EXTENT TO WHICH
INNOVATIVE STRATEGIES
SHOULD BE USED**

Adopted: November 2, 2017

The SCTRWPG recognizes that there are no identifiable outside funding sources for special studies or evaluations. However, the SCTRWPG remains willing to consider evaluating any proposed water management strategies and special studies allowable under section 357.34 of the TAC.

Notes

Notes



**South Central Texas Regional Water Planning Group
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