

*Discussion Draft of 3/7/08*

**EDWARDS AQUIFER  
RECOVERY IMPLEMENTATION PROGRAM (RIP)—**

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**OPERATIONAL RULES**

**FOR**

**RIP STEERING COMMITTEE MEMBERS AND RIP PARTICIPANTS**

**SECTION 1. PROMULGATION AND PURPOSE.**

- 1.1. Promulgation.** These Rules are promulgated by the RIP created in compliance with the requirements of Senate Bill 3 (“S.B. 3”) and include the RIP operational rules and procedures contemplated by the Memorandum of Agreement (“MOA”) entered into pursuant to S.B. 3.
- 1.2. Purpose.** The purpose of these Rules is to provide procedures (i) to ensure that the RIP is an open process that provides advanced public notice of meetings and proposed actions, opportunity for stakeholder participation, open communication, and consensus-based decision-making; and (ii) to enable the RIP to meet the purposes, goals, requirements, and, to the maximum extent feasible, deadlines imposed by S.B. 3 and the MOA.

**SECTION 2. APPLICATION AND CONSTRUCTION.**

- 2.1. Application.** These Rules, and any change to these Rules made under Section 11, shall be effective and apply to the actions of the RIP and the RIP Steering Committee from and after the date of approval of the Rules or the change.
- 2.2. Construction.** These Rules shall be construed to comply with S. B. 3. the MOA, and applicable law. In the event of any inconsistency in any portion of these Rules and applicable law or the MOA, the inconsistent portion shall be disregarded or, to the extent feasible, reformed to be consistent.
- 2.3. Percentages.** Whenever these Rules provide for a specified percentage of persons to constitute a quorum, to consider or approve some action, or to perform any other duty or responsibility, and the result is not a whole number, the result shall be rounded up to the next whole number and that whole number shall be the specified percentage of persons.

**SECTION 3. DEFINITIONS**

Certain capitalized terms and other special terms used in these Rules shall have the meanings assigned in this section unless the context clearly indicates another meaning.

Any terms used as captions for titles of sections or subsections are for convenience only and have no special meaning unless assigned a meaning in this section.

**“Chair”** means the member of the Steering Committee or a Subcommittee who is selected to chair and facilitate discussion and consensus-building at meetings of the group.

**“EAA”** means the Edwards Aquifer Authority.

**“Expert Science Subcommittee”** means that Subcommittee appointed by the Steering Committee and charged as provided in S.B. 3 to provide certain technical and scientific information and reports to the RIP.

**“Facilitator”** means a person who is appointed to facilitate discussion and consensus-building among RIP Participants.

**“Issue Team”** means a group of Members and MOA Participants appointed to assist the RIP reach consensus on certain issues, as provided in Subsection 7.7.3.

**“Joint Meeting”** means a joint meeting of the Steering Committee and RIP Participants.

**“Member”** means a person who serves as a member of the RIP Steering Committee established under S.B. 3. When used in these Rules to describe the organization, actions or duties of the Steering Committee, the term Member includes any Member added pursuant to Subsections 5.1.1 and 5.1.2 or any Alternate Member or Replacement Member who serves as an alternate to or replacement of a Member.

**“Alternate Member”** means a person appointed as provided in Subsection 5.1.3 to serve as an alternate to a Member of the Steering Committee.

**“Replacement Member”** means a person appointed by a Sponsor or the Steering Committee, as appropriate, to replace a Member who resigns or is unavailable to serve on the Steering Committee.

**“MOA”** means the Memorandum of Agreement for Edwards Aquifer Recovery Implementation Program, dated January 10, 2008, developed and entered into by Sponsors, other entities, and MOA Participants in compliance with S.B. 3.

**“MOA Participant”** means a person described in Subsection 4.2.

**“Participant”** means a person, entity, or organization described in Subsection 4.1, and includes an MOA Participant.

**“Program Manager”** means the person selected by the Steering Committee to manage the RIP.

**“RIP”** means the Edward Aquifer Recovery Implementation Program. The RIP is sometimes referred to as the EA-RIP or the EARIP.

**“Rules”** means these Operational Rules for the RIP Steering Committee Members and Participants, as they may be amended from time to time.

**“S.B. 3”** means Article 12 of Senate Bill 3, 80<sup>th</sup> Regular Session, 2007, of the Texas Legislature and Article 2 of House Bill 3, 80<sup>th</sup> Regular Session, 2007, of the Texas Legislature. The Articles amend the Edward Aquifer Authority Act (“Act”), Chapter 626, Acts of the 73<sup>rd</sup> Legislature, Regular Session, 1993. Section 1.26A of the Act provides for the development of a recovery implementation program. Senate Bill 3 and House Bill 3 contain identical relevant provisions.

**“Section”** means a section of these Rules, unless the term is used as part of a reference to a section of the MOA.

**“Sponsor”** means a state agency, political subdivision of the state, governmental entity, public utility, association, or group either required by S.B. 3 or authorized by action of the Steering Committee to participate in the RIP through a designated representative on the Steering Committee.

**“Stakeholder”** means an individual or group that has as an interest in the protection of the Endangered Species or the management of the Edwards Aquifer, or both.

**“Statutory Subcommittee”** means a Subcommittee of the RIP specifically provided for in S.B. 3. The Statutory Subcommittees include the Expert Science Subcommittee and the Recharge Facility Feasibility Subcommittee.

**“Steering Committee”** means the committee established under S.B. 3 to oversee the RIP activities and programs. The initial Steering Committee is comprised of twenty-one persons who represent and are designated by named Sponsors to represent various Aquifer users and other interests.

**“Subcommittee”** means any Subcommittee, other than a Statutory Subcommittee, established by the Steering Committee, unless the context indicates the term is used to mean all Subcommittees..

**“Subsection”** means a subsection of these Rules, unless the term is used as part of a reference to a subsection of the MOA.

**“Tier 1 Decisions”** means the RIP decisions enumerated in Section 5.5 of the MOA. Any decision of the RIP other than a Tier 1 Decision is referred to in these Rules as a “Non-Tier 1 Decision.”

**“USFWS”** means the United States Fish and Wildlife Service.

**“Vice Chair”** means an officer selected by the Steering Committee or a Subcommittee who has the responsibility to assist or act in the place of the Chair.

**“Work Group”** means a specific ad hoc work group of Members and MOA Participants established under Section 8.6.

## **SECTION 4. PARTICIPATION IN THE RIP.**

### **4.1. Participants.**

**4.1.1.** Any individual Stakeholder member of the general public who attends Joint Meetings or other RIP meetings may be a Participant in the RIP. A Participant may register with the Program Manager.

**4.1.2.** Any governmental entity or non-governmental organization, acting by and through one or more of its representatives, may register with the Program Manager as a Participant.

**4.1.3.** A Participant will comply with the procedural requirements of these Rules.

### **4.2. MOA Participants.**

**4.2.1.** An individual Participant who executes the MOA is an MOA Participant.

**4.2.2.** A person who participates in the RIP as a representative of a governmental entity or non-governmental organization which has signed the MOA is an MOA Participant.

**4.2.3.** An individual who is employed by or holds membership in a Sponsor of a Member of the Steering Committee and participates in the RIP at the request of such Sponsor is an MOA Participant.

**4.3. RIP Participant Records.** The list of MOA Participants, sign-in sheets of Participants, statements of interest, minutes of meetings, Subcommittee reports, and other RIP-related documents, records, and information will be maintained by the Program Manager and available to the public, upon reasonable notice and request, at the Office location provided in Subsection 9.4, provided that any Participant may elect to limit the disclosure of personal contact information.

## **SECTION 5. ORGANIZATION OF THE STEERING COMMITTEE.**

The RIP Steering Committee is organized as provided in this Section 5.

**5.1. Composition of the Steering Committee.** The RIP Steering Committee shall include a representative of each individual or organization that is an Initial Member designated by S.B. 3, and each person or individual added to the Steering Committee by the Initial Members as provided in S.B. 3 and these Rules. The Steering Committee may also change the makeup of the Committee or dissolve the committee as provided in S.B. 3.

**5.1.1. Added Members.** The Initial Steering Committee Members may act to add additional persons to the Steering Committee as provided in S.B. 3 and in Section 4.3 of the MOA. Any Added Member must be a signatory to the MOA or be willing to execute the MOA.

**5.1.2. Designation of Added Members.** Upon approval of the Steering Committee to add one or more Added Members representing a particular Stakeholder interest, the Program Manager will proceed as provided in this subsection.

**a.** If the Added Member will represent a specific city, political subdivision, or organization in the Edwards Aquifer region, the Program Manager will notify the appropriate Sponsor and request that a qualified representative be designated as an Added Member. When the Sponsor has informed the Program Manager of its designee, the designee will be entitled to sit as a member of the Steering Committee at subsequent meetings, and the Program Manager will so notify the Sponsor, that person, and the Chair.

**b.** If there is no obvious appropriate Sponsor for an Added Member because the Added Member will represent a general Stakeholder group, the Chair will invite persons to apply for the Added Member position and the Steering Committee will appoint a person from the qualified applicants. Upon such approval, the Program Manager will so notify the person and the person will be entitled to sit as a member of the Steering Committee at subsequent meetings.

**5.1.3. Alternate Members.** Each Sponsor may designate in writing a person to serve as an Alternate Member of the Steering Committee in place of the Member in the event of such Member's unavailability. If a Sponsor has not designated an Alternate Member, or if a Member has no Sponsor, then the Member may designate in writing a person familiar with the business and activities of the RIP as the Member's alternate. In any case, no Alternate Member may serve at any time on behalf of more than one Sponsor or act at any time in the place of more than one Member.

**5.1.4. Replacement Members.** If a Member resigns or becomes unavailable for any reason, the Program Manager will request the Sponsor to designate a Replacement Member. Until such time as the Sponsor designates a Replacement Member, the Sponsor's Alternate Member will act in place of a Member who resigns or becomes unavailable, and if no Alternate Member is available or if a resigning or unavailable Member has no Sponsor, then the Steering Committee will appoint an MOA Participant to serve as the Replacement Member.

**5.1.5 Participation of Members.** The unavailability of an individual Member at three consecutive meetings shall be deemed a resignation, and the Program Manager will request the Sponsor to designate a Replacement Member.

## **SECTION 6. STEERING COMMITTEE AND RIP GOVERNANCE.**

**6.1. Election of Officers.** The Steering Committee will elect from among its Members a Chair, Vice Chair, a Secretary, and other officers and leaders as may be needed. Election of officers is a Non-Tier 1 decision.

**6.2. Duties of the Chair.** The Chair will have the following duties:

**6.2.1.** Coordinate with the Program Manager the scheduling of RIP meetings;

**6.2.2.** Coordinate with the Program Manager the development of an agenda for each RIP meeting;

**6.2.3.** Facilitate discussion of agenda items either personally or by appointing as Facilitator another person, who may be the Program Manager, a staff person,

or an independent facilitator;

**6.2.4.** Provide leadership of the Steering Committee and preside over Steering Committee meetings;

**6.2.5.** Perform in a representative capacity for the Steering Committee as requested by the Steering Committee; and

**6.2.6.** Perform other duties as requested by the Steering Committee.

**6.3. Duties of the Vice Chair.** The Vice Chair will exercise the duties of the Chair in the event of the unavailability of the Chair.

**6.4. Duties of the Secretary.** The Secretary will oversee the preparation of minutes of Steering Committee meetings and oversee the management of records of the RIP.

**6.5. Duties of other RIP Officers.** The election of and duties of other Steering Committee Officers will be determined by the Steering Committee from time to time.

**6.6. Officer Terms.** Each such officer shall serve a term not longer than one calendar year, commencing on the date of election and ending on the last day of the calendar year in which the election commences. A Member may be elected to an office for any number of additional one-year terms. The Steering Committee will elect a Member to complete the term of any officer who resigns or is unable to complete the term to which such officer was elected.

## **SECTION 7. CONDUCT OF MEETINGS.**

**7.1 Open Meetings.** All Steering Committee Meetings, Joint Meetings, Subcommittee meetings, Issue Team meetings, and Work Group meetings will be held at meeting locations in the Edwards Aquifer region to be determined. The meetings will be open to the public and held in facilities that can accommodate members of the public who may wish to attend. The Chair may, if required to, close all or part of a meeting.

**7.2. Notices.** Notices of Steering Committee meetings, Joint Meetings, Subcommittee meetings, and Work Group meetings, and the agendas for such meetings, will be posted on the RIP website at least six calendar days prior to the meeting. The notice and agenda will also be distributed to all Members and to other Participants who have registered with the Program Manager by electronic notice at least six calendar days prior to the meeting. Notices of any Issue Team meeting pursuant to Subsection 7.7.2 shall be posted on the RIP website at least 72 hours prior to any meeting. Meeting notices will also be posted as is determined to be required by applicable law and on or at other locations reasonably available to the public.

**7.3. Agenda.** The Chair and the Program Manager, after consideration of discussion and input from stakeholders, will develop an agenda for each scheduled Steering Committee meeting or Joint Meeting. The agenda will identify each item on which the Steering Committee may take action. Any Member or MOA Participant may request an item to be placed on the agenda at the next meeting by sending a written request by mail or email to the Program Manager at least eight days prior to a scheduled meeting. The Chair shall place any item on the agenda for discussion if a written request is made by at least three Members and/or MOA Participants, or if discussion of the item is requested by a majority of the Steering Committee at a prior meeting.

**7.4. Quorum.** All RIP decisions pursuant to Sections 5.3 and 5.5 of the MOA shall be made only at a Joint Meeting noticed pursuant to Subsection 7.2 above. At least 51 percent of the Steering Committee Members will constitute a quorum for all meetings. A quorum of the Steering Committee may discuss any Tier 1 Decision on an agenda, and vote on any Non-Tier 1 Decision. At least 85 percent of the Steering Committee Members will constitute a quorum for a vote on any Tier 1 Decision. As provided in Article 4 of the MOA, and consistent with the purposes and goals of the RIP, Members will make best efforts to attend Steering Committee meetings and act in good faith in participating in the activities of the RIP.

**7.5. Meeting Rules.** To the extent not inconsistent with these Rules, the RIP will follow Roberts Rules of Order, in a current edition approved by the Steering Committee from time to time, for the conduct of its meetings. The rules of order may be temporarily suspended at any time by declaration of the Chair if the Chair determines that suspension will facilitate discussion, deliberation, and consensus by Participants. Failure to follow the rules of order shall not constitute grounds for an appeal of an action or decision. The Chair may request the Program Manager to provide guidance on the interpretation of any rule of order or any of these Rules with respect to the conduct of any meeting.

**7.6. Consideration of Items.** In any discussion, the Chair or Facilitator will encourage consensus of Participants and Members. All points of view will be given full review and consideration. The Chair will invite Participants along with Members to comment and voice opinions and, if appropriate, to direct questions and requests for clarification to other Members.

**7.7. Consensus-based Decisions.** In compliance with S.B. 3 and the MOA, the goal of the RIP is that all decisions will be made by consensus. Consensus-based decision making on all RIP decisions will be as provided in Article 5 of the MOA and in this Subsection 7.7.

**7.7.1. Decision Process.** During the Joint Meeting, the Chair will encourage full and open discussion of any proposed decision by the Members and Participants in order to achieve consensus. To provide for additional time for discussion, the Chair may continue the discussion to the next Joint Meeting. If consensus is not reached on a decision following a reasonable length of time for discussion, the Steering Committee will follow the decision-making process provided in Article 5 of the MOA and in these Rules.

**7.7.2. Discussion.** The time allowed by the Chair or Facilitator at any Joint Meeting for discussion of each Tier 1 Decision shall ordinarily be between one and two hours, unless consensus is reached in less than one hour or the Chair or Facilitator determines a period longer than two hours is required to allow full comment on the range of Stakeholder views and for the Steering Committee to reach consensus on the proposed decision. Participants will be invited to comment before discussion of a proposed decision is concluded. The Chair or Facilitator, if appropriate, may limit comments to a reasonable length of time and may call a temporary recess to allow Participants to caucus in Stakeholder groups.

**7.7.3. Tier 1 Decision and Issue Team.** At the conclusion of discussion of a Tier 1 Decision, the Chair will determine if the Steering Committee has reached consensus by requesting a show of hands or by some other manner of indicating assent or dissent. If the Steering Committee has not reached consensus on a Tier 1 Decision, an Issue Team will be appointed for further deliberation and development of the proposed decision. The Issue Team will be comprised of between three and nine Members and MOA Participants appointed by the Chair

and approved by 75 percent of the Steering Committee. The Issue Team will be representative of the full range of views on the proposed Tier 1 Decision and will proceed as provided in this Subsection.

**a. Initial Issue Team Appointment.** The Issue Team may convene during a recess of the Joint Meeting at which the members are appointed to select a Team Chair and to attempt to reach a consensus or to restate the proposed Tier 1 Decision for reconsideration by the Steering Committee at that meeting. The Issue Team will report to the Steering Committee Chair if the Team reaches a consensus on the proposed decision and proposes reconsideration by the Steering Committee, or proposes a restated decision for consideration by the Steering Committee. If unable to meet or reach such consensus during a recess of the Joint Meeting, the Issue Team may convene a separate meeting as provided in this Subsection.

**b. Separate Meeting and Report.** If Team members determine more time is required to deliberate, the Issue Team may convene a separate meeting, after providing the requisite notice in Section 7.2. The Issue Team will, after full discussion of the issue, submit to the Steering Committee Chair a written report stating one of the following: (i) a Team consensus on the proposed decision; (ii) a restatement of the proposed decision; or (iii) a summary of the full range of views discussed and an explanation regarding why consensus on the decision could not be reached. Any members of the Issue Team who disagree with the report may attach one or more minority reports to the Issue Team report. The Issue Team report, including any minority report, will be submitted as soon as practicable, and in any event not more than 20 days after the Issue Team is first appointed.

**c. Consensus Report.** If the Issue Team reports that it has reached a consensus on the proposed decision or restated decision to propose to the Steering Committee for consideration, the recommendation will be placed on the agenda for the next Joint Meeting, and the Steering Committee will consider and vote on the consensus proposed decision or restated decision.

**d. No Consensus Report.** If the Issue Team reports that it is unable to reach a consensus on a proposed decision or restated decision to propose to the Steering Committee for consideration, the Steering Committee may determine by majority vote to proceed to vote on the proposed decision or on an amended proposed decision or to resubmit the proposed decision to the Issue Team, or to another Issue Team, for further consideration in an effort to achieve consensus. In any such event, the Chair will allow a reasonable time for further discussion consistent with the provisions of Subsections 7.7.1 and 7.7.2. A resubmitted or restated proposal will have the consensus-based approval of the Steering Committee when at least 75 percent of the entire Steering Committee has voted in favor of the proposal.

**e. Tier 1 Decision Vote.** If after conclusion of discussion and completion of Issue Team process as provided in Subsections 7.7.1, 7.7.2 and 7.7.3, the Steering Committee does not reach consensus on a Tier 1 Decision, the Steering Committee may then vote on a Tier 1 Decision. Any decision that is an action on



a Tier 1 Decision will be decided by a vote of at least 75 percent of the entire Steering Committee.

**f. Reconsideration of Tier 1 Decision.** If the Steering Committee does not reach consensus on a Tier 1 Decision that has been addressed by an Issue Team, then the Steering Committee may, by majority vote, proceed to reconsider the Tier 1 Decision in accordance with Subsections 7.7.1, 7.7.2, and 7.7.3, and may, either immediately or at a subsequent meeting, appoint a new Issue Team to address the issue. The Steering Committee may, in the alternative, postpone further consideration of the matter indefinitely.

**7.7.4. Non-Tier 1 Decision.** A Non-Tier-1 Decision will be considered and discussed consistent with the provisions of Subsections 7.7.1 and 7.7.2. At the conclusion of discussion of a Non-Tier 1 Decision, the Chair will determine if the Steering Committee has reached consensus by requesting a show of hands or by some other manner of indicating assent or dissent. If consensus has not been reached, a Non-Tier 1 Decision will be decided by majority vote of the Steering Committee.

**7.7.5. Manner of Voting.** For any decision or action that requires a vote, the Steering Committee will vote by show of hands. The number of ayes and nays for each vote at a meeting will be noted in the minutes for the meeting. Any Member may request a roll call of votes, which shall be noted in the minutes for the meeting.

## **SECTION 8. RIP SUBCOMMITTEES AND WORK GROUPS.**

**8.1 Appointment of Subcommittees and Work Groups.** The Steering Committee will appoint the Statutory Subcommittees provided by S.B. 3 (Expert Science Subcommittee and Recharge Facility Feasibility Subcommittee) and may appoint other Subcommittees and Work Groups as provided in this Section 8. The determination of a charge to any Subcommittee is a Tier 1 Decision. The determination of a charge to a Work Group may be made by the Chair with the approval of a majority of the Steering Committee.

**8.2. Expert Science Subcommittee.** The Steering Committee will appoint an Expert Science Subcommittee in compliance with the provisions of S.B. 3. The Steering Committee may appoint non-voting members of the Expert Science Subcommittee to participate in the work of the Subcommittee.

**8.3. Recharge Facility Feasibility Subcommittee.** The Steering Committee will appoint a Recharge Facility Feasibility Subcommittee in compliance with the provisions of S.B. 3. The Chair shall take nominations for the Recharge Facility Feasibility Subcommittee and the members shall be selected as a Tier 1 Decision pursuant to the requirements of Subsections 7.7.1, 7.7.2., and 7.7.3. The Steering Committee will determine the qualifications, representation, and composition of the Recharge Facility Feasibility Subcommittee. The Recharge Facility Feasibility Subcommittee will operate as provided in these Rules unless the Steering Committee approves other specific operational procedures for the Subcommittee, which will supersede any inconsistent provision in these Rules.

**8.4. Quorum.** Attendance at any meeting of a Statutory Subcommittee at which the Subcommittee will make a decision on a recommendation to the Steering Committee shall be in person and 85 percent of the Subcommittee shall constitute a quorum for any such meeting.

Attendance at all other meetings of the Subcommittee may be by conference call so long as at least 50 percent of the Subcommittee participates in person and arrangements are made so that any members of the public who attend the meeting can hear all discussions of the members participating telephonically.

**8.5. Reports.** Each Statutory Subcommittee shall operate on a consensus basis to the maximum extent possible. In the event that consensus cannot be obtained on all or any part of any report, evaluation, or recommendation to the Steering Committee, the Subcommittee shall prepare its report, evaluation, or recommendation and identify those parts, if less than all, on which consensus has been reached, identify those parts on which consensus has not been reached, explain why consensus was not reached, and indicate the votes of individual members of the Subcommittee. In any recommendation to the Steering Committee, a recommendation of a Statutory Subcommittee will have the consensus-based approval of the Subcommittee when at least 75 percent of the entire Subcommittee has voted in favor of the recommendation.

**8.6. Terms of Members of the Statutory Subcommittees.** The terms of members of a Statutory Subcommittee will be for the duration of the respective Subcommittee. The Steering Committee may remove and replace members of a Statutory Subcommittee as necessary to ensure an appropriate make up of such Subcommittee. Actions to remove and replace members shall be subject to the requirements of Subsections 7.7.1, 7.7.2 and 7.7.3.

**8.7. Other RIP Subcommittees.** The Steering Committee may establish additional Subcommittees to advise and assist the Steering Committee in its activities, including but not limited to a Budget Subcommittee, Finance Subcommittee and a Public Outreach Subcommittee. The members of any such Subcommittee may include Steering Committee Members, Participants, and member of the public. The members of such Subcommittees will be appointed by the Chair with the approval of the Steering Committee pursuant to the requirements Subsections 7.7.1 and 7.7.2 above. Any such Subcommittee will operate as provided in these Rules for the Statutory Subcommittees, unless the Steering Committee approves other specific operational procedures for the Subcommittee, which will supersede any inconsistent provision in these Rules.

**8.8. Terms of Subcommittee Members.** The term of any Subcommittee member, other than the Statutory Subcommittee members, shall be one calendar year, commencing on the date of appointment and ending on the last day of the calendar year in which the appointment commences. A person may be reappointed to serve any number of terms on a Subcommittee, and may serve on more than one Subcommittee simultaneously. A person may be appointed to serve the unexpired portion of the terms of a Subcommittee Member who resigns or is unavailable to serve.

**8.9. Conduct of RIP Subcommittee Meetings.** All meetings of any Subcommittee, including Statutory Subcommittees, shall be open to the public and posted and noticed as provided in Section 7. The Steering Committee, or the Chair or Program Manager, acting at the direction of the Steering Committee, will give each Subcommittee a written charge and timetable for reporting to the Steering Committee. Each Subcommittee which is not a Statutory Subcommittee will, to the extent feasible, comply with the requirements of Subsections 8.3. and 8.4 with respect to quorum, reaching consensus, and reports.

**8.10. Work Groups.** The Chair may from time-to-time, with the approval of a majority of the Steering Committee Members, establish ad hoc Work Groups to consider specific administrative matters, other than Tier 1 Decisions, and request any such Work Group to report its findings and recommendations to the Members and Participants within a specified period of time. Unless the Chair establishes different procedures in the appointment of and charge to any Work Group, membership in a Work Group will be subject to the same provisions in these Rules as membership on a Subcommittee.

## **SECTION 9. PROGRAM MANAGER.**

**9.1 Appointment.** The Steering Committee will appoint a Program Manager to manage the activities of the RIP, the Steering Committee, the Expert Science Subcommittee, and other RIP Subcommittees. The Steering Committee may appoint a special Subcommittee to develop procedures for hiring, conducting performance evaluations, and making appropriate recommendations regarding the Program Manager to the Steering Committee.

**9.2 Responsibilities of the Program Manager.** In addition to general program management responsibilities and other duties that may be assigned by the Steering Committee, the Program Manager will have responsibility for developing an annual budget for the RIP and will assist in obtaining funding for the RIP, representing the RIP and speaking on behalf of the RIP at public forums, preparing and issuing press releases for the RIP, and testifying at any legislative or administrative proceeding on behalf of the RIP.

**9.3. Program Manager's Authority.** All employees of the RIP shall be selected and hired by the Program Manager and shall conduct their work under the Program Manager's supervision and direction so long as an allocation for the position has been made in a budget approved by the Steering Committee. The Program manager will recommend for approval of the Steering Committee all contractors and consultants. The Program Manager may execute on behalf of the RIP, without further authorization by the Steering Committee, any contract for a project involving the expenditure of an amount no greater than ten thousand dollars (\$10,000) for which general allocation for such type of contract has been made in the annual budget. The Program Manager shall execute other contracts, obligations, undertakings, conveyances and other instruments when so authorized and directed by the Steering Committee.

**9.4. Location of Office.** The Office of the Program Manager and the RIP will be maintained in office space operated by Texas A&M University. The Office will initially be located at the following address:

Program Manager  
Edwards Aquifer Recovery Implementation Program  
3355 Cherry Ridge Dr., Suite 212  
San Antonio, TX 78230

Members and Participants will be promptly notified of any change in the address of the Office.

**SECTION 10. AMENDMENT.**

**10.1 Rule Change.** These Rules may be amended, supplemented, or superseded by action of the Steering Committee as a Tier 1 Decision.. Consideration of the change shall be noticed on the posted agenda of a regular Joint Meeting, and a written statement of the proposed change and the reason for the change shall be provided to Members and MOA Participants. Approval of the Rule change by the Steering Committee may be on the agenda of a subsequent Joint Meeting.

**10.2 Effective date of change.** Any change to these Rules will be effective upon the date of its approval by the Steering Committee.

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**These Rules were approved at the Joint Meeting of the RIP on \_\_\_\_\_,  
2008.**

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**(signed)**

\_\_\_\_\_, **Chair**  
**(printed name)**