

Executive Summary

EDWARDS AQUIFER RECOVERY IMPLEMENTATION PROGRAM (RIP)—

PROGRAM OPERATIONAL RULES

FOR

RIP STEERING COMMITTEE MEMBERS AND RIP PARTICIPANTS

Part 1: Summary of Sections of the Rules:

SECTION 1. PROMULGATION AND PURPOSE.

Section 1 states that the Rules are created to comply with Senate Bill 3 (SB 3) and the Memorandum of Agreement (MOA) required by SB 3. The Rules specify the procedures to be followed by the RIP to achieve the MOA goals, including reaching consensus-based decisions by Edwards Aquifer Stakeholders.

SECTION 2. APPLICATION AND CONSTRUCTION.

Section 2 states that the Rules are to be construed to comply with applicable law and the MOA, and also provides the percentages of persons for any action that result in a fraction will be rounded up. The effective date of the Rules is the date of approval by the Steering Committee.

SECTION 3. DEFINITIONS.

Section 3 provides definitions of key terms used in the Rules, such as “Participants,” “RIP,” “Members,” “Steering Committee,” “Sponsor,” and “Tier 1 Decisions.” (*Capitalized terms in this Summary are among the terms defined.*)

SECTION 4. PARTICIPATION IN THE RIP.

Section 4 provides that every individual Stakeholder or entity Stakeholder that registers with the Program Manager may participate in the RIP and in RIP discussions. Those who sign the MOA are referred to as MOA Participants and are eligible in other provisions of the Rules for appointments to Subcommittees and Issue Teams. All Participants are subject to the Rules.

SECTION 5. ORGANIZATION OF THE STEERING COMMITTEE.

Section 5 addresses the composition of the Steering Committee and provides for adding and replacing Members and designating Alternate Members. A federal agency may designate a Nonvoting Member of the Steering Committee.

SECTION 6. STEERING COMMITTEE AND RIP GOVERNANCE.

Section 6 provides for officers of the Steering Committee (Chair, Vice Chair, and Secretary) and their duties and terms. Because of the diversity of Stakeholder positions represented on the Steering Committee and in the RIP, the Chair's authority is limited so that no holder of a particular position will control the direction of RIP activities. The Chair works with the Program Manager and Steering Committee Members to develop agendas and assigns facilitation of discussion and consensus on Tier 1 Decisions to the Program Manager or an outside Facilitator. Appointments to Subcommittees, Issue Teams and other sub-groups are made only with approval of the Steering Committee. An officer is subject to removal under certain circumstances.

SECTION 7. CONDUCT OF MEETINGS.

Section 7 provides the rules for conducting RIP and Steering Committee meetings in order to achieve the MOA goals, including reaching consensus on decisions. Meetings must be open and noticed as to time, place, and agenda. For Non-Tier 1 decisions, a quorum of 51 percent of the entire Steering Committee is required for discussion and action. For Tier 1 Decisions, a quorum of 51 percent may discuss the matter but a quorum of 85 percent is required for any action.

Sections 7.7 through 7.9 detail the procedures for consensus-based decision-making on Tier 1 and Non-tier 1 Decisions. Any Tier 1 Decision discussion, consensus, and vote are facilitated by the Program Manager or an outside Facilitator. If initial consensus is not reached on a Tier 1 Decision, it will be submitted to an Issue Team. If not approved by consensus after the Issue Team process, the Tier 1 Decision must receive approval of 75 percent of the Steering Committee.

SECTION 8. RIP SUBCOMMITTEES AND WORK GROUPS.

Section 8 provides procedures for appointments of, charges to, and responsibilities of Steering Committee Subcommittees, including those Statutory Subcommittees specifically provided for in SB 3 (Expert Science Subcommittee and Recharge Facility Feasibility Subcommittee). Subcommittees will operate on a consensus basis, submit reports, and may recommend action to the Steering Committee. The Section also provides for the appointment of ad hoc Work Groups.

SECTION 9. PROGRAM MANAGEMENT.

Section 9 provides, consistent with SB 3, that the RIP will be managed by a Program Manager appointed by the Steering Committee. The responsibilities and contract authority of the Program Manager are enumerated in Subsections 9.2 and 9.3. Subsection 9.4 provides that the Program Manager and RIP records will be housed by Texas A&M University, and the address of the initial office.

SECTION 10. AMENDMENT.

Section 10 provides for amendment of the Rules by the Steering Committee.

Part 2: List of Captions of Sections and Subsections of the Rules.

SECTION 1. PROMULGATION AND PURPOSE.

- 1.1. Promulgation.**
- 1.2. Purpose.**

SECTION 2. APPLICATION AND CONSTRUCTION.

- 2.1. Application.**
- 2.2. Construction.**
- 2.3. Percentages.**

SECTION 3. DEFINITIONS.

“Alternate Member”

“Chair”

“Consensus”

“Consensus-based decisions”

“EAA”

“Entire Steering Committee” or “entire membership of the Steering Committee” or “by vote of the entire membership,”

“Expert Science Subcommittee”

“Facilitator”

“Issue Team”

“Member”

“MOA”

“MOA Participant”

“Non-Tier 1 Decision”

“Nonvoting Member”

“Participant”

“Program Manager”

“Quorum”

“RIP”

“RIP meeting”

“Rules”

“S.B. 3”

“Secretary”

“Section”

“Sponsor”

“Stakeholder”

“Statutory Subcommittee”

“Steering Committee”

“Subcommittee”

“Subsection”

“Tier 1 Decision”

“USFWS”

“Vice Chair”

“Work Group”

SECTION 4. PARTICIPATION IN THE RIP.

- 4.1. Participants.**
- 4.2. MOA Participants.**

SECTION 5. ORGANIZATION OF THE STEERING COMMITTEE.

- 5.1. Composition of the Steering Committee.**
 - 5.1.1. Additional Members of the Steering Committee.**
 - 5.1.2. Designation of Additional Members of the Steering Committee.**
- 5.2. Alternate Members.**
- 5.3. Replacement of a Member.**
- 5.4. Participation of Members and Alternates.**
- 5.5. Vacated Position on Steering Committee.**
- 5.6. Nonvoting Members.**

SECTION 6. STEERING COMMITTEE AND RIP GOVERNANCE.

- 6.1. Election of Officers.**
- 6.2. Duties of the Chair.**
- 6.3. Duties of the Vice Chair.**
- 6.4. Duties of the Secretary.**
- 6.5. Duties of other RIP Officers.**
- 6.6. Terms of Office for Officers.**
- 6.7. Removal of Officer.**
- 6.8. Election of Replacement Officer.**

SECTION 7. CONDUCT OF MEETINGS.

- 7.1. Open Meetings.**
- 7.2. Notices.**
- 7.3. Agenda.**
- 7.4. Quorum.**
- 7.5. Meeting Rules of Order.**
- 7.6. Consideration of Items.**
- 7.7. Consensus-based Decisions.**
 - 7.7.1. Appointment of Facilitator.**
 - 7.7.2. Discussion Generally.**
 - 7.7.3. Discussion and Consensus on Tier 1 Decisions.**
- 7.8. Tier 1 Decision-Making in Absence of Initial Consensus.**
 - 7.8.1. Initial Issue Team Action.**
 - 7.8.2. Separate Meetings.**
 - 7.8.3. Issue Team Report.**
 - 7.8.4. Steering Committee Consideration of Consensus by Issue Team.**
 - 7.8.5. Steering Committee Consideration of No Consensus by Issue Team.**
 - 7.8.6. Tier 1 Decision Vote.**
 - 7.8.7. Reconsideration of Tier 1 Decision.**
- 7.9. Non-Tier 1 Decision.**
- 7.10. Manner of Voting.**

SECTION 8. RIP SUBCOMMITTEES AND WORK GROUPS.

- 8.1 Appointment of Subcommittees and Work Groups.**
- 8.2 Expert Science Subcommittee.**
- 8.3 Recharge Facility Feasibility Subcommittee.**
- 8.4 Quorum for Statutory Subcommittee Meetings.**
- 8.5 Reports of Statutory Subcommittees.**
- 8.6 Terms of Members of the Statutory Subcommittees.**
- 8.7 Other RIP Subcommittees.**
- 8.8 Terms of Members of Other RIP Subcommittees.**
- 8.9 Conduct of RIP Subcommittee Meetings; Officers.**
- 8.10 Subcommittee Discussions.**
- 8.11 Work Groups.**

SECTION 9. PROGRAM MANAGEMENT.

- 9.1 Appointment of Program Manager.**
- 9.2 Responsibilities of the Program Manager.**
- 9.3 Program Manager's Hiring and Contract Authority.**
- 9.4 Location of Office.**
- 9.5 RIP Records.**

SECTION 10. AMENDMENT.

- 10.1 Rule Amendment.**
- 10.2 Effective date of change.**