

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

PROGRAM OPERATIONAL RULES

FOR

RIP STEERING COMMITTEE MEMBERS AND RIP PARTICIPANTS

FOR

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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 program 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 rules and procedures (a) to ensure that the RIP is an open process that provides advance public notice of meetings and proposed actions, opportunity for stakeholder participation, open communication, and consensus-based decision-making; and (b) 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 amendment of these Rules made under Section 10, shall be effective and apply to the actions of the RIP and the RIP Steering Committee from and after the respective date of approval of the Rules or the amendment.

2.2. Construction. These Rules shall be construed to comply with applicable law and the MOA. In the event of any inconsistency in any portion of these Rules and applicable law, the inconsistent portion shall be disregarded or, to the extent feasible, reformed to be consistent with applicable law.

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.

SECTION 3. DEFINITIONS.

Certain 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 of sections or subsections are for convenience only and have no special meaning unless assigned a meaning in this section.

“Alternate Member” means a person appointed as provided in Subsection 5.2 to serve as an alternate to a Member of the Steering Committee.

“Chair” means the member of the Steering Committee, Subcommittee, Work Group, or Issue Team who is elected or appointed to chair the meetings of the group. Unless another group is indicated, “Chair” refers to the Steering Committee Chair, who has the duties provided in Section 6.2.

“Consensus” means approval of a decision by all voting Members of the Steering Committee or voting members of a Subcommittee or other decision-making group so that no voting member of the group indicates the member’s opposition to the decision.

“Consensus-based decisions” mean decisions reached by consensus or by the process provided in the MOA and in Subsections 7.8 and 7.9 of these Rules.

“EAA” means the Edwards Aquifer Authority.

“Entire Steering Committee” or **“entire membership of the Steering Committee”** or **“by vote of the entire membership,”** or a similar phrase using “entire” in a reference to a requirement for quorum or consensus or voting means the requirement is based on the total number of persons serving as Members of the Steering Committee, including any Alternate Member temporarily replacing a Member, but not including a Nonvoting Member or a Member whose position has been vacated as described in Subsection 5.5.

“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 and the EAA.

“Facilitator” means a person responsible for facilitating discussion and consensus-building among RIP Participants and Members at RIP meetings or among Subcommittee members at Subcommittee meetings. A Facilitator may be the Program Manager, a staff person appointed by the Program Manager, or an independent facilitator.

“Issue Team” means a group of persons, which may include Members, Nonvoting Members, and MOA Participants, appointed by the Steering Committee to assist the Steering Committee reach consensus on certain Tier 1 Decisions, as provided in Subsection 7.8.

“Member” includes a person who serves as a member of the RIP Steering Committee established under S.B. 3, any person added as a Member pursuant to Subsections 5.1.1 and 5.1.2, and any Alternate Member with respect to any meeting or procedure for which the Alternate actually acts as the alternate to an unavailable Member. When used in these Rules in a reference to a quorum or a vote of the Steering Committee or a vote of the entire membership of the Steering Committee, the term “Member” does not include any

Nonvoting Member or any Member whose position has been vacated as described in Subsection 5.5.

“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.

“Non-Tier 1 Decision” means a decision of or action taken by the RIP which is not enumerated in the MOA and these Rules as a Tier 1 Decision.

“Nonvoting Member” means a person appointed by a federal agency as provided in Subsection 5.6 to serve as a nonvoting Member of the Steering Committee.

“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, as provided in S.B. 3, to manage the RIP.

“Quorum” means the minimum number of voting members of the Steering Committee or any Subcommittee, Issue Team, Work Group or other group described in these Rules required to approve or recommend action on a matter within that group’s authority. In determining the presence of a quorum at a meeting, any Alternate Member temporarily replacing a Member shall be included, but any position that has been vacated as described in Subsection 5.5 shall not be included.

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

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

“Rules” means these Program 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, 80th Regular Session, 2007, of the Texas Legislature and Article 2 of House Bill 3, 80th Regular Session, 2007, of the Texas Legislature. The Articles amend the Edward Aquifer Authority Act (“Act”), Chapter 626, Acts of the 73rd 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.

“Secretary” means the member of the Steering Committee, Subcommittee, Work Group, or Issue Team who is elected to serve as secretary of the group. Unless another group is indicated, “Secretary” refers to the Steering Committee Secretary, who has the duties provided in Section 6.4.

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

“Sponsor” means a state agency, political subdivision of the state, governmental entity, public utility, a Stakeholder association or group, or other entity either required by S.B. 3 or authorized by action of the Steering Committee to participate in the RIP through a designated representative to serve as a Member of the Steering Committee. The term Sponsor includes an entity authorized to designate a representative of a specified Stakeholder group as a Member of 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 the Expert Science Subcommittee and the Recharge Facility Feasibility Subcommittee, the two Subcommittees appointed by the Steering Committee as specifically provided in S.B. 3.

“Steering Committee” means the committee established by S.B. 3 to oversee the RIP activities and programs.

“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 Decision” means one of the Steering Committee decisions enumerated in Section 5.5 of the MOA, which includes the following as Tier 1 Decisions:

- (a) Hiring or terminating of Program Manager;
- (b) Approval of annual budget;
- (c) Formal Recommendations to the EAA;
- (d) Recommendations or Reports to the Legislature;
- (e) Membership, responsibilities, and procedures of subcommittees;
- (f) Changes to the membership of the Steering Committee beyond initial changes set out in Section 4.2. [the reference is to Section 4.2 of the MOA, which describes five named categories of additional members];
- (g) Adoption and amendment of the decision process of the Steering Committee;
- (h) Decisions related to adoption or amendment of any Program agreements including, but not limited to the Memorandum of Agreement, the Implementing Agreement, the Cooperative Agreement, and the Program Document;
- (i) Adoption or amendment of Program Operational Rules; and

- (j) Any significant action determined by the Steering Committee to require Tier 1 decision-making in accordance with procedures to be developed.

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

“*Vice Chair*” means the member of the Steering Committee, Subcommittee, Work Group, or Issue Team who is elected to serve as Vice Chair of the group. Unless another group is indicated, “Vice Chair” refers to the Steering Committee Vice Chair, who has the duties provided in Section 6.3.

“*Work Group*” means a specific ad hoc work group of Members and MOA Participants established under Section 8.11.

SECTION 4. PARTICIPATION IN THE RIP.

4.1. Participants.

4.1.1. Any individual Stakeholder who registers as a Participant with the Program Manager by providing the Stakeholder’s name and contact information at a RIP meeting is a Participant in the RIP.

4.1.2. Any governmental entity or non-governmental organization, acting by and through one or more of its representatives, which registers as a Participant with the Program Manager is a Participant in the RIP.

4.1.3. Any Nonvoting Member is a Participant in the RIP.

4.1.4. Any MOA Participant is a Participant in the RIP.

4.1.5. Each Participant is subject to the procedural requirements of these Rules.

4.2. MOA Participants.

4.2.1. Any individual Participant who executes the MOA is an MOA Participant.

4.2.2. Any Sponsor who executes the MOA is an MOA Participant.

4.2.3. Any governmental entity or non-governmental organization which executes the MOA is an MOA Participant, and an individual person who participates in the RIP as a representative of such an entity or organization is an MOA Participant.

4.2.4. Any Member or Alternate Member is an MOA Participant.

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

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 Members of the RIP Steering Committee shall be those persons designated by S.B. 3 and those persons added to the Steering Committee 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 and, to the extent applicable, the MOA. Nothing in this provision shall be construed to prevent an organization from withdrawing from representation on the RIP Steering Committee.

5.1.1. Additional Members of the Steering Committee. The Steering Committee Members may vote to add additional persons as Members of the Steering Committee as provided in S.B. 3. Any Member added must be a signatory to the MOA or the designated representative of an MOA signatory at the time seated, and will be designated as provided in Subsection 5.1.2.

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

(a) If the proposed additional Member will represent a specific city, political subdivision, or organization in the Edwards Aquifer region, the Program Manager will notify in writing the appropriate Sponsor and request that a representative be designated as a Member. When the Sponsor has informed the Program Manager of its designated representative, that representative will be entitled to sit as a Member at subsequent RIP and Steering Committee meetings. The Program Manager will so notify the Sponsor, the designated person, and the Steering Committee.

(b) If the proposed additional Member will represent a general Stakeholder group, the Chair will invite persons to apply for the additional Member position and the Steering Committee will approve from among the qualified applicants the appointment of a person as a Member. Upon such approval, the Program Manager will notify the person appointed and the designated Member will be entitled to sit as a Member at subsequent RIP and Steering Committee meetings.

5.2. Alternate Members. The Program Manager will request each Sponsor or Member to designate in writing an Alternate Member to act for a Member in the event of the Member's temporary unavailability. An Alternate Member may act at any time, in a meeting or otherwise, on behalf of only one Sponsor or only one Member, and may not act on any matter at the same time as the Member the Alternate Member is designated to temporarily replace; provided that an Alternate Member may participate in RIP discussions in which such Member also participates.

5.3. Replacement of a Member. If a Member resigns or becomes permanently unavailable for any reason, the Program Manager will request the Sponsor to designate in writing a person to replace the Member.

5.4. Participation of Members and Alternates. The unavailability of both a Member and the Member's Alternate at three consecutive meetings shall be deemed a resignation of the Member, and the Program Manager will request the Sponsor to designate in writing a person to replace the Member. If the Alternate Member is named to replace the Member, the Program Manager will request the Sponsor to designate in writing a new Alternate Member.

5.5. Vacated Position on Steering Committee. A position as Member of the Steering Committee shall be vacated or deemed vacated if any of the following occurs:

5.5.1. a Member or Sponsor notifies the Program Manager in writing that the Member has withdrawn and that the Sponsor, if the Member has a Sponsor, no longer intends to participate on the Steering Committee;

5.5.2. a Sponsor has not designated a person to replace a Member who resigns or becomes unavailable within 90 days of the resignation or unavailability; or

5.5.3. a Sponsor notifies the Program Manager in writing that the Sponsor is unable to designate a Member. The Steering Committee may take action to reinstate a vacated position in the same manner as it may take action to add a Member.

5.6. Nonvoting Members. The Steering Committee may, and at the written request of a federal agency shall, at any time add one or more representatives of federal agencies as Nonvoting Members of the Steering Committee. Each Nonvoting Member may participate in the discussion of any agenda item, including Tier 1 Decisions, and may serve on any Subcommittee, Issue Team, or Work Group. A Nonvoting Member may not vote on any matter and will not be included in the determination of the required quorum for, or in the calculation of the required votes for action at, a meeting of the Steering Committee or any Subcommittee, Issue Team, or Work Group on which the Nonvoting Member may serve. Any federal agency appointing a Nonvoting Member to the Steering Committee may, at the agency's discretion, designate in writing an Alternate Nonvoting Member, and may designate in writing a person to replace a Nonvoting Member who becomes unavailable to serve on the Steering Committee. A Nonvoting Member is a Participant subject, to the extent applicable, to the procedural requirements of these Rules.

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 as may be needed. Election of any officer is a Non-Tier 1 Decision and requires a vote of 65 percent of the entire Steering Committee. An officer may participate in discussions of Tier 1 Decisions and Non-Tier 1 Decisions and may vote on any such decisions.

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

6.2.1. coordinate with the Program Manager and Members of the Steering Committee the scheduling of RIP meetings and Steering Committee meetings;

6.2.2. coordinate with the Program Manager and Members of the Steering Committee the development of an agenda for each RIP meeting and Steering Committee meeting;

6.2.3 preside over RIP meetings and Steering Committee meetings in a manner that encourages consensus-based decision-making, full participation, full and open discussion to allow expression of all points of view, and consideration of alternative proposals for resolving controversial issues;

6.2.4. assign facilitation of discussions of Tier-1 Decisions to the Program Manager or other Facilitator;

6.2.5. facilitate discussion of Non-Tier 1 agenda items either personally or by requesting the Program Manager or a Facilitator to facilitate such discussion;

6.2.6. provide leadership of the Steering Committee;

6.2.7. perform in a representative capacity for the Steering Committee as requested by the Steering Committee; and

6.2.8. 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 RIP meetings and Steering Committee meetings and coordinate with the Program Manager 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. Terms of Office for Officers. Each 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 term commences. A Member may be elected to an office for any number of additional one-year terms.

6.7. Removal of Officer. An officer subject to a vote of confidence requested as provided in Subsection 7.3.4 must receive an affirmative vote of confidence from at least 65 percent of the entire Steering Committee to continue in office or is otherwise immediately removed.

6.8. Election of Replacement Officer. The Steering Committee will elect by 65 percent vote of the entire Steering Committee a Member as replacement officer to complete any unexpired portion of a term of any officer who resigns, is unable to complete a term, or is removed from office. A vote for a replacement officer is a Non-Tier 1 Decision.

SECTION 7. CONDUCT OF MEETINGS.

7.1 Open Meetings. All meetings of the RIP, the Steering Committee, and any Subcommittee, Issue Team, and Work Group will be held in the Edwards Aquifer region at meeting locations 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. All or part of a Steering Committee meeting may be closed, so that only Members and Nonvoting Members may attend

and participate in a discussion, if such closing is required by law or approved by 75 percent of the entire voting membership of the Steering Committee.

7.2. Notices. Notices of meetings of the RIP, the Steering Committee, and any Subcommittee and Work Group, and the agendas for such meetings, will be posted on the RIP website at least six calendar days prior to the meeting. The meeting notice and agenda will also be distributed by electronic notice to each Member and Participant who has provided an electronic address to the Program Manager at least six calendar days prior to the meeting. Notices of any Issue Team meeting set pursuant to Subsection 7.8 will be posted on the RIP website at least 72 hours prior to any meeting and will be distributed timely by electronic notice to each Member and Participant who has provided an electronic address to the Program Manager. Meeting notices will also be posted as may be 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 among and input from Stakeholders, will develop an agenda for each scheduled RIP meeting and Steering Committee meeting as provided in this Subsection.

7.3.1. The agenda will identify each matter or item, including each Tier 1 Decision and Non-Tier 1 Decision, which the Steering Committee may discuss or consider for action, and will identify any matter or item that it is anticipated the Steering Committee will consider in a closed meeting pursuant to Subsection 7.1.

7.3.2. The Chair and Program Manager may, at their joint discretion, place an item on the agenda for discussion at the next meeting pursuant to a written request from any Member, Nonvoting Member, or MOA Participant received by the Program Manager by mail or email at least eight days prior to the meeting.

7.3.3. The Chair and Program Manager shall place any item on the agenda for discussion at the next RIP meeting if a written request is made by at least three Members, Nonvoting Members, or MOA Participants, or any combination of such persons, received by the Program Manager by mail or email received at least eight days prior to the meeting, and shall place an item of the agenda for consideration for action if so requested by a majority of the entire Steering Committee at a prior meeting.

7.3.4. If written request for a vote of confidence with respect to one or more officers is made by at least 20 percent of the Members and received by the Program Manager by mail or email at least eight days prior to a RIP meeting, the Chair and Program Manager shall place on the agenda for action at that meeting

(a) a vote of confidence, to be held as provided in Subsection 6.7, and

(b) the possible election of a replacement officer, to be held as provided in Subsection 6.8 in the event such replacement is needed.

7.4. Quorum. A Steering Committee decision shall be made only at a RIP meeting noticed pursuant to Subsection 7.2 above. Fifty-one percent of the entire Steering Committee membership will constitute a quorum for a meeting at which any decision, including any Tier 1 Decision, on the agenda may be discussed and at which action on any Non-Tier 1 Decision on the agenda may be taken. Eight-five percent of the entire Steering Committee membership will constitute a quorum for a meeting at which action on any Tier 1 Decision on the agenda may be

taken. 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 all RIP meetings, either in person or by a designated Alternate Member, and will act in good faith in participating in the activities of the RIP.

7.5. Meeting Rules of Order. 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 vote of a majority of the Steering Committee upon determining 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, any of these Rules, any provision of the MOA, or applicable law with respect to the conduct of any meeting.

7.6. Consideration of Items. The Chair will request approval, by majority vote of the entire Steering Committee membership, of the agenda as the first item of business at each RIP or Steering Committee meeting, and will introduce items for consideration at each such meeting in the order of the agenda unless the Steering Committee, by majority vote of the entire membership, approves a different order or approves postponing consideration of an item. If, at a meeting, a Member or Participant inquires about an item not on the agenda, any discussion about such an item must be limited to: a proposal to place the subject on a future agenda; a statement of factual information; or a recitation of existing policy.

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 Steering Committee decisions will be as provided in Article 5 of the MOA and in this Subsection 7.7 and Subsections 7.8 and 7.9.

7.7.1. Appointment of Facilitator. A Facilitator may be appointed to facilitate the discussion of and attempt to reach consensus on any proposed Steering Committee decision, and shall be appointed to facilitate the discussion of and attempt to reach consensus on any proposed Tier 1 Decision. The person appointed as Facilitator for each proposed Tier 1 Decision shall be approved by majority vote of the entire Steering Committee, upon recommendation of the Program Manager or any Member or Nonvoting Member. If a Facilitator is not appointed as provided in this Subsection for a proposed Non-Tier 1 decision, the discussion of and attempt to reach consensus on the Non-Tier 1 decision may be led by the Chair.

7.7.2. Discussion Generally. In any discussion of Tier 1 and Non-Tier 1 Decisions, the Chair or Facilitator will encourage Participants and Members to reach consensus on the proposed decision. All points of view will be given full and fair review and consideration. The Chair will invite Participants and Members to comment and voice opinions and, if appropriate, to direct questions and requests for clarification to other Participants and Members in the attempt to reach consensus on the proposed decision. The Chair or Facilitator will encourage commenters to speak to the topic at hand and avoid irrelevant comments, may limit individual comments to a reasonable length of time, and will exercise reasonable judgment in calling an end to discussion and requesting consensus approval of the proposed decision after the topic has received full review.

7.7.3. Discussion and Consensus on Tier 1 Decisions. The Facilitator of any Tier 1 Decision will facilitate the discussion as provided in Subsection 7.7.2 and this Subsection. Unless consensus is reached in less than an hour, the time for discussion of each proposed Tier 1 Decision will ordinarily be between one and two hours. The Facilitator will extend the discussion period, if needed, to allow full comment on the range of Stakeholder views and for the Steering Committee to attempt to reach consensus on the proposed decision. The Facilitator may call a temporary recess to allow Participants and Members to caucus in Stakeholder groups or may continue the discussion to the next RIP meeting. At the conclusion of discussion of a proposed Tier 1 Decision, the Facilitator will determine if the Steering Committee has reached consensus by requesting a show of hands. If the Steering Committee indicates it has reached consensus on the proposed Tier 1 Decision, that consensus will be recorded as the action of the Steering Committee on the decision. If the Steering Committee indicates it has not reached consensus on the proposed Tier 1 Decision, the Facilitator will proceed as provided in Subsection 7.8.

7.8. Tier 1 Decision-Making in Absence of Initial Consensus. If the Steering Committee has not reached consensus on any Tier 1 Decision, an Issue Team will be appointed to further deliberate and develop the Tier 1 Decision. Each Issue Team will be comprised of between three and nine persons, which may include MOA Participants in addition to Members and Nonvoting Members. The members of each Issue Team will be nominated by the Facilitator, and approved by 75 percent vote of the entire Steering Committee, and representative of the full range of views on the proposed Tier 1 Decision. The Issue Team will be assigned a title to indicate the assigned Tier 1 Decision, and will proceed as provided in this Subsection. The Facilitator may also nominate, and the Steering Committee may approve, by 75 percent vote of the entire membership, one or more alternates to take the place of any Issue Team member who is unable to serve.

7.8.1. Initial Issue Team Action. The Issue Team may convene initially during a recess of the RIP meeting at which Team members are appointed. Unless the Steering Committee has appointed a Team Chair, the Issue Team will elect a Team Chair from among its voting Members and attempt to reach a consensus or to restate the proposed Tier 1 Decision for reconsideration by the Steering Committee at that meeting. The Team Chair will orally report to the Steering Committee Chair if the Team reaches a consensus on the proposed decision and proposes reconsideration or a restated decision for consideration by the Steering Committee. If unable to meet or to reach such consensus during a recess of the RIP meeting, the Issue Team shall convene one or more separate meetings as provided in this Subsection.

7.8.2. Separate Meetings. The Issue Team shall convene separate meetings, as often as necessary, to fully discuss the Tier 1 Decision and to attempt in good faith to reach consensus on the decision originally proposed or on a restated version. Each Issue Team meeting will be noticed as provided in Section 7.2. The quorum for each meeting is 75 percent of the Team members.

7.8.3. Issue Team Report. Following the final separate meeting, the Team Chair will submit to the Facilitator a written report stating one of the following:

- (a) the Team consensus on the proposed decision;
- (b) the Team consensus on a restatement of the proposed decision; or

- (c) a summary of the full range of views discussed and the reasons the Team could not reach consensus on the proposed decision or on a restatement of the proposed decision.

Any voting members of the Issue Team who disagree with the report may so declare at the final meeting of the Team and may attach one or more minority reports to the Team Chair's report. The Team Chair's 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, unless by 75 percent vote of the entire membership of the Steering Committee a different deadline has been established. The report, and consideration of any action on the report, will be placed on the agenda of the next RIP meeting.

7.8.4. Steering Committee Consideration of Consensus by Issue Team. If the Team Chair reports that the Issue Team has reached a consensus on the decision as originally proposed or on a restated version of the decision, the Steering Committee will, after discussing the Issue Team report, determine if the Steering Committee can reach consensus on the initial or restated decision. If consensus is not reached in a reasonable period of time, the approval process in Subsection 7.8.6 shall be followed.

7.8.5. Steering Committee Consideration of No Consensus by Issue Team. 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, by majority vote of the entire membership, may

- (a) allow further discussion in an attempt to reach consensus;
- (b) call for the vote provided in Subsection 7.8.6;
- (c) resubmit the proposed decision or a variation of that decision to the Issue Team for further consideration; or
- (d) submit the proposed decision or a variation of that decision to a new Issue Team.

7.8.6. Tier 1 Decision Vote. A Tier 1 Decision that has been submitted to the Issue Team process shall be considered approved if it receives the affirmative vote of 75 percent of the Members of the entire Steering Committee.

7.8.7. Reconsideration of Tier 1 Decision. If a Tier 1 Decision that has been submitted to the Issue Team process is voted upon pursuant to Subsection 7.8.6 and is not approved, the Steering Committee, by majority vote of the entire membership, may recommit a revised version to the Issue Team procedures provided in Subsections 7.8.1 through this Subsection 7.8.7 either at the same meeting or a subsequent meeting, or may postpone further consideration of the decision indefinitely.

7.9. 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. If consensus has not been reached, a Non-Tier 1 Decision will be decided by majority vote of the Members of the Steering Committee.

7.10. Manner of Voting. For any decision or action that requires a vote, the Steering Committee will vote by show of hands of the Members. The number of ayes and nays for each vote at a meeting will be noted in the minutes for the meeting. Upon request by any Member, a roll call of votes shall be taken and the results of the roll call 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 appointment of members of and determination of a charge to any Subcommittee is a Tier 1 Decision. The appointment of members of and determination of a charge to a Work Group may be proposed by the Chair or Program Manager and made upon the approval of a majority of the Members of the entire 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 and the MOA. In addition to other appointees, the Steering Committee may also appoint Nonvoting Members of the Steering Committee and other nonvoting members to the Expert Science Subcommittee to participate in the work of the Subcommittee. The Expert Science Subcommittee will operate as provided in the applicable Subsections of this Section 8 of these Rules unless the Steering Committee approves other specific operational procedures for the Subcommittee, which will supersede any inconsistent provision in these Rules.

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 Steering Committee will select the Subcommittee members, establish its duration, and develop its charge as Tier 1 Decisions. In addition to other appointees, the Steering Committee may also appoint Nonvoting Members of the Steering Committee and other nonvoting members to the Recharge Facility Feasibility Subcommittee to participate in the work of the Subcommittee. The Recharge Facility Feasibility Subcommittee will operate as provided in the applicable Subsections of this Section 8 of 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 for Statutory Subcommittee Meetings. 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 voting members 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 voting members of the Subcommittee participate 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 of Statutory Subcommittees. Each Statutory Subcommittee shall operate on a consensus basis to the maximum extent possible. In the event that consensus of the voting members 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 voting 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 voting membership of the Subcommittee has voted in favor of the recommendation.

8.6. Terms of Members of the Statutory Subcommittees. The terms of members, including nonvoting members, of a Statutory Subcommittee will be for the duration of the respective Subcommittee, as determined by the Steering Committee as a Tier 1 Decision. 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 Tier 1 Decisions.

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, Nonvoting Members, other Participants, and members of the public. The members of such Subcommittees may be nominated by the Chair and Program Manager and shall be appointed by the Steering Committee pursuant to the requirements of Subsections 7.7 and 7.8. 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 Members of Other RIP Subcommittees. The term of any voting and nonvoting Subcommittee member, other than a Statutory Subcommittee member, 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 term of a Subcommittee Member who resigns or is unavailable to serve.

8.9. Conduct of RIP Subcommittee Meetings; Officers. All meetings of any Subcommittee, including Statutory Subcommittees, shall be open to the public and posted and noticed as provided in Subsection 7.2. The Steering Committee will give each Subcommittee a written charge and timetable for reporting to the Steering Committee. If the Steering Committee has not appointed a Subcommittee Chair, each Subcommittee will elect a Subcommittee Chair from among its voting members who will coordinate with the Program Manager to call meetings of the Subcommittee, preside over the meetings, and prepare and submit reports to the Steering Committee; and may, at its discretion, elect from among its voting members a Vice Chair or a Secretary, or both, and assign appropriate responsibilities to such Subcommittee officers. The term of office of each Subcommittee officer, and the replacement of any officer, will be the same as for appointment to the Subcommittee. A Subcommittee may request the Program Manager to designate a Facilitator to assist in its deliberations and attempts to reach consensus.

8.10. Subcommittee Discussions. The Subcommittee Chair or Facilitator will encourage Subcommittee members to reach consensus on their recommendations and responses to their charge. The Chair or Facilitator will encourage members and Participants to speak to the topic at hand and avoid irrelevant comments, may limit individual comments to a reasonable length of

time, and will exercise reasonable judgment in limiting discussion on a topic to the members of the Subcommittee.

8.11. Work Groups. The Steering Committee may from time-to-time, as a Non-Tier 1 Decision, establish an ad hoc Work Group 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 Steering Committee establishes different procedures in the appointment of and charge to any Work Group, the membership, officers, quorum, and reports of a Work Group will be subject to the provisions in these Rules applicable to a Subcommittee.

SECTION 9. PROGRAM MANAGEMENT.

9.1 Appointment of Program Manager. The Steering Committee will appoint a Program Manager to manage the activities of the RIP, the Steering Committee, the Statutory Subcommittees, other RIP Subcommittees, Issue Teams, and Work Groups. 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. The Program Manager will have responsibility for:

- 9.2.1.** facilitating certain discussions at meetings of the RIP, as provided in these Rules;
- 9.2.2.** developing an annual budget for the RIP;
- 9.2.3.** assisting in obtaining funding for the RIP;
- 9.2.4.** unless the Steering Committee specifically provides otherwise, representing the RIP in communications with the media, preparing and issuing press releases for the RIP, testifying at any legislative or administrative proceeding on behalf of the RIP, and speaking on behalf of the RIP at public forums; and
- 9.2.5.** other duties that may be assigned by the Steering Committee.

9.3. Program Manager's Hiring and Contract Authority. In addition to exercising general operational and management authority for the RIP, the Program Manager:

- 9.3.1.** may select, hire, remove, supervise and direct all employees of the RIP so long as allocation for their respective positions has been made in a budget approved by the Steering Committee;
- 9.3.2.** may execute on behalf of the RIP without further authorization by the Steering Committee, provided the Steering Committee has not reserved the right to approve the vendor or contractor, any contract for products or services 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;

9.3.3. may recommend for approval of the Steering Committee the hiring of any contractor or consultant involving an expenditure greater than ten thousand dollars (\$10,000.00) and shall hire such contractor or consultant if authorized and directed by the Steering Committee; and

9.3.4. shall, when authorized and directed by the Steering Committee, execute other contracts, obligations, undertakings, conveyances and other instruments.

9.4. Location of Office. The Program Manager and the RIP will be housed by Texas A&M University at a location determined from time to time. The RIP 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

Notice of any change in the address of the RIP Office will be posted and distributed to Members and Participants in the same manner as RIP meeting notices.

9.5. RIP Records. The Program Manager will maintain RIP records, including lists of MOA Participants, sign-in sheets of Participants, statements of interest, minutes of meetings, Subcommittee reports, and other RIP-related documents, records, and information. The records and information will be 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 and confidential information shall be protected.

SECTION 10. AMENDMENT.

10.1. Rule Amendment. These Rules may be amended, supplemented, or superseded by action of the Steering Committee as a Tier 1 Decision. Consideration of the amendment or other change shall be noticed on the posted agenda of a regular RIP 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 RIP 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.

CERTIFICATE

**The foregoing Program Operational Rules were approved at the meeting of the RIP
on _____, 2008.**

Robert L. Gulley, Program Manager

(date signed)