

**BYLAWS  
OF THE  
BRAZOS WATERMASTER ADVISORY COMMITTEE**

**ARTICLE 1 – INITIAL PROVISIONS**

A. Creation and Purpose.

1. The Brazos Watermaster Advisory Committee (BWAC) was established by petition and subsequent Order issued by the Texas Commission on Environmental Quality Commissioners on April 21, 2014.
2. The BWAC's duties include:
  - a. Providing recommendations to the Watermaster and Deputy Watermasters regarding activities of benefit to the water rights holders in the administration and distribution of water;
  - b. Advising the Watermaster and Deputy Watermasters on complaints and enforcement matters;
  - c. Reviewing, holding a public hearing on, and making recommendations on the annual budget proposed by the Watermaster so as to cover all costs of the Brazos Watermaster Program; and
  - d. Providing assistance as requested by the Watermaster, Deputy Watermasters, or water rights holders.

3. The BWAC is not a rulemaking governmental body and therefore is not required to comply with the provisions of the Open Meetings Act and the accompanying meeting notices or the Public Information Act (Chapters 551 and 552 of the Texas Government Code, as amended). While it does not apply to the BWAC, meetings shall be announced and conducted in consonance with the provisions of the Texas Open Meetings Act, Texas Civil Statutes, Article 6252-17.

**B. DEFINITIONS.**

1. The "BWAC" is the Brazos Watermaster Advisory Committee (BWAC).
2. The "Brazos Watermaster Advisory Committee (BWAC)" represents the Brazos Watermaster Program.
3. A "Committee Member" is a person that is a duly appointed member of the BWAC. No oath of office is necessary.
4. A "Quorum" is a simple majority of the BWAC members.
5. The Brazos Watermaster Program Fiscal Year is September 1 through August 31.

**ARTICLE 2 – MEMBERS AND OFFICERS**

A. The Executive Director of the Texas Commission on Environmental Quality (TCEQ) shall appoint the BWAC consisting of not less than nine (9) and not more than fifteen (15) members who are holders of water rights or representatives of holders of water rights in the water division of a

watermaster. In appointing members of the BWAC, the Executive Director shall consider geographic representation, amount of water rights held, different types of holders of water rights and uses such as water districts, municipal suppliers, irrigators and industrial users and experience and knowledge in water management practices.

B. Officers and Duties.

1. The elected officers of the BWAC shall include a Chair, Vice-Chair, and Secretary. The officers of BWAC shall serve two, twelve (12) month terms. No member shall serve as officer for more than two (2) consecutive terms.

2. Chair (Presiding Officer).

a. The Chair shall be elected by the members of the BWAC, from among the committee members.

b. The Chair shall preside at all meetings at which he or she is in attendance and perform all duties prescribed by law or committee rules. In the event of the absence of the Chair, the Vice-Chair shall preside at a meeting of the BWAC.

c. The Chair is authorized by the BWAC to make day-to-day administrative decisions regarding BWAC activities and shall officially represent the BWAC in order to facilitate its responsiveness and effectiveness.

d. The Chair shall have the authority to appoint special or standing committees to further the work and effectiveness of the BWAC.

3. Vice-Chair.

a. The Vice-Chair shall be elected by the members of the BWAC, from among the committee members.

b. The Vice-Chair shall perform the duties of the Chair in the absence or disability of the Chair.

c. In a situation where the office of Chair becomes vacant, the Vice-Chair shall serve as Chair until a successor is elected by the BWAC.

4. Secretary.

a. A Secretary shall be elected by the members of the BWAC, from among the committee members.

b. The Secretary shall be responsible for the preparation of meeting notices, agendas and minutes, acquisition of meeting rooms, and for other staff support activities necessary to the functioning of the BWAC.

**ARTICLE 3 – MEETINGS**

A. The BWAC shall meet not less than once per Fiscal Year.

B. Meetings may be called by the Chair or by a majority of members so voting at a regular meeting.

- C. All members must be notified of BWAC meetings. The meeting notice will be posted seventy-two (72) hours in advance unless the meeting is called in an emergency situation.
- D. The Watermaster shall be responsible for providing public notice of all planned committee meetings.
- E. Agenda – Under the direction of the BWAC Chair, the Secretary shall prepare, and the Watermaster and/or Watermaster Staff shall forward an agenda to each member of the BWAC fourteen (14) days prior to each meeting. The agenda shall include items requested by members with the concurrence of the Chair, items required by law, and other matters of the BWAC business.
- F. Quorum – A quorum of the BWAC necessary to conduct official business will be a simple majority of the current membership.
- G. Voting.
  - 1. All members of the BWAC, including the Chair shall have voting privileges.
  - 2. There shall be no proxy voting.
  - 3. A simple majority of members present at an official meeting shall be sufficient to establish a decision of the BWAC. A tie vote shall be broken by the original vote of the Chair, or in the absence of the Chair, of the Vice-Chair.

H. Rules of Order – Robert’s Rules of Order Revised shall be the basis of parliamentary decisions except as otherwise provided by the BWAC.

I. Minutes.

1. Minutes of each meeting shall be prepared by the Watermaster and/or Watermaster Staff under the direction of the Secretary and forwarded by the Watermaster and/or Watermaster Staff to each member of the Advisory Committee for review or comment prior to approval by the BWAC at its next meeting.
2. The minutes of any BWAC meeting are official only when approved by the BWAC and affixed with the original signature of both the Secretary and the Chair, or in the Chair’s absence, the Vice-Chair.
3. The official minutes of BWAC meetings shall be kept in the Brazos Watermaster Office and shall be available to any person desiring to examine them during regular business hours.
4. Minutes of each meeting shall be mailed by the Watermaster and/or Watermaster Staff to the TCEQ and to those persons who indicate desire to receive minutes and be placed on the WAC’s regular mailing list.

J. Meeting Attendance.

1. The policy of the BWAC is that members shall attend regular and special/standing committee meetings as scheduled.

2. Any BWAC member who does not attend three (3) consecutive meetings without notification to the Watermaster or Chair shall be considered as automatically having offered a resignation which shall be subject to acceptance or rejection by BWAC vote. Upon acceptance of the BWAC, the Chair shall request the Executive Director of the TCEQ to terminate the member's appointment and fill the vacancy created.

#### **ARTICLE 4 - ELECTION OF OFFICERS**

A. Officers will be nominated and elected by members of the BWAC at a regular business meeting.

B. The BWAC will strive to elect officers using the same criteria originally considered by the Executive Director in appointing the BWAC members. These criteria (geographic location, amount of water rights, type of water right, experience and knowledge of water management practices, etc.) are outlined in Texas Water Code Section 11.4531.

#### **ARTICLE 5 - REPORTS/RECOMMENDATIONS**

The BWAC may submit reports or recommendations to the Executive Director of the TCEQ. Where controversial issues are involved, reports shall summarize the issues and both the majority and minority committee opinions.

## **ARTICLE 6 – SPECIAL/STANDING COMMITTEES**

- A. The BWAC may elect to create special/standing committees.
- B. Special/Standing committee chairs shall make regular reports to the BWAC by interim oral or written reports as directed by the Chair.
- C. Special/Standing committees shall send all reports or other materials to the Secretary and the Chair. The Secretary shall see that all reports or other materials are distributed to all BWAC members.
- D. Special/Standing committees shall meet as determined necessary by committee members or when so directed by the Chair.

## **ARTICLE 7 – TRANSACTION OF OFFICIAL BUSINESS**

- A. All official records of the BWAC, except files containing information considered confidential under the provisions of the Texas Open Records Act, Texas Civil Statutes, Article 6252-17a, shall be open for inspection during regular business hours in the Brazos Watermaster Office.
- B. A person desiring to examine official records shall be required to identify himself/herself and sign statements listing the records requested and examined.
- C. Official records shall not be taken from the custody of the Watermaster and/or Watermaster Staff, however persons may obtain copies of files upon request by paying the cost for reproduction set by the State



Purchasing and General Services Commission and postage and sales tax if applicable.

**ARTICLE 8 – AMENDMENTS**

These bylaws may be altered, amended, repealed or replaced by new bylaws at any meeting of the BWAC by majority vote except that no such action shall be taken unless a copy of the proposed changes are delivered to each BWAC member at least ten (10) days prior to the meeting date.

Adopted and Approved as Amended in Session of the Brazos Watermaster Advisory committee (BWAC) on the \_\_\_\_ day of \_\_\_\_\_, 2020

\_\_\_\_\_

Chair

\_\_\_\_\_

Vice-Chair

\_\_\_\_\_

Secretary

*Amended and Approved by an electronic vote of the Brazos Watermaster Advisory Committee on \_\_\_\_\_.*