

**BYLAWS  
OF THE  
BRAZOS WATERMASTER ADVISORY COMMITTEE**

**ARTICLE 1 – INITIAL PROVISIONS**

1.01 Creation and Purpose

- a. 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.
- b. The BWAC's duties include:
  1. Providing recommendations to the Watermaster regarding activities of benefit to the water rights holders in the administration and distribution of water;
  2. Advising the Watermaster on complaints and enforcement matters;
  3. Reviewing, holding public hearings on, and making recommendations on the annual budget proposed by the Watermaster so as to cover all costs of the Brazos Watermaster Program; and
  4. Providing assistance as requested by the Watermaster or water rights holders.

- c. The BWAC is not a rule making 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.

## 1.02 DEFINITIONS

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

## **ARTICLE 2 – MEMBERS AND OFFICERS**

2.01 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 Brazos Watermaster division. 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.

## 2.02 Officers and Duties

- a. The elected officers of the BWAC shall include a Chair, Vice-Chair, and Secretary. The officers of BWAC shall serve twelve (12) month terms. No member shall serve as an officer for more than two (2) consecutive terms.
- b. Chair (Presiding Officer).
  1. The Chair shall be elected by the members of the BWAC, from among the committee members.

2. 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.
3. The Chair is authorized by the BWAC to make day-to-day administrative decisions regarding committee activities and shall officially represent the BWAC in order to facilitate its responsiveness and effectiveness.
4. The Chair shall have the authority to appoint special or standing committees to further the work and effectiveness of the BWAC.

c. Vice-Chair.

1. The Vice-Chair shall be elected by the members of the BWAC, from among the committee members.
2. The Vice-Chair shall perform the duties of the Chair in the absence or disability of the Chair.
3. 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.

d. Secretary.

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

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

#### 2.03 Leadership Transition in Response to Resignations

a. In the event that the acting chair elects to resign during the term of their service the vice-chair will serve out the balance of the term as acting chair.

b. In the event the both the acting chair and vice chair elect to resign during the term of their service, a special election will be held to refill both positions.

### **ARTICLE 3 – MEETINGS**

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

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

3.03 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.

3.04 The Watermaster shall be responsible for providing public notice of all planned committee meetings.

3.05 Agenda

Under the direction of the BWAC Chair, the Secretary shall prepare and 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.

### 3.06 Quorum

A quorum of the BWAC necessary to conduct official business will be a simple majority of the current membership.

### 3.07 Voting

- a. All members of the BWAC, including the Chair shall have voting privileges.
- b. There shall be no proxy voting.
- c. A tie vote of the BWAC shall be broken by the original vote of the Chair, or in the absence of the Chair, of the Vice-Chair.—d.

A simple majority of members present at an official meeting shall be sufficient to establish a decision of the BWAC.

- e. When electing officers, in addition to receiving the Nominating Committee's slate, the BWAC will accept nominations from the floor.

### 3.08 Rules of Order

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

### 3.09 Minutes

- a. Minutes of each meeting shall be prepared by the Secretary and forwarded to each member of the BWAC for review or comments prior to approval by the BWAC at its next meeting.
- b. 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.
- c. 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.
- d. Minutes of each meeting shall be mailed by the Watermaster to the TCEQ and to those persons who indicate desire to receive minutes and be placed on the on the BWAC's regular mailing list.

### 3.10 Meeting Attendance

- a. The policy of the BWAC is that members shall attend regular and special/standing committee meetings as scheduled.
- b. Any BWAC member who does not attend three (3) consecutive meetings without prior notification to the Chair shall be considered to have tendered his or her resignation which shall be subject to acceptance or rejection 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 – 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 include both the majority and minority opinions.

#### **ARTICLE 5 - NOMINATING COMMITTEE**

- a. There shall be a Nominating Committee elected annually by the BWAC. The Nominating Committee shall be composed of not less than three (3) and not more than five (5) members. The BWAC Chair may not serve on nor appoint anyone to the Nominating Committee.
- b. The Nominating Committee shall elect its own chair and set its own schedule of meetings.
- c. No person shall serve two (2) consecutive years on the Nominating Committee.
- d. The Nominating Committee shall privately and directly contact any current officer who is eligible to serve another term and determine whether he or she is interested and willing to serve if re-elected.

- e. For any officer position for which the incumbent may not or will not stand for re-election, the Nominating Committee shall broadly engage members of the BWAC to determine the best candidates to stand for election.
- f. The Nominating Committee shall confirm that all nominees are willing to serve if elected.
- g. The Nominating Committee shall prepare a slate of nominees for each office to be filled. The Nominating Committee shall:
  - 1. Send its report and slate of nominees to all BWAC members not less than fourteen (14) days prior to the election.
  - 2. Present the slate to the BWAC in the meeting during which officers are to be elected.
- h. Following the presentation of the Nominating Committee's slate of nominees during the meeting, nominations may be made from the floor.

**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 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 or herself and sign statements listing the records requested and examined.
- c. Official records shall not be taken from the custody of the Watermaster, 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.

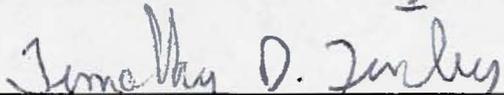
**ARTICLE 8 – AMENDMENTS**

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 in Session of the Brazos Watermaster Advisory Committee on the 21st day of May, 2015.*

  
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Gene Fisseler, BWAC Chair

  
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Brent Wheeler, BWAC Vice-Chair

  
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Tim Finley, BWAC Secretary