

RESOLUTION ESTABLISHING BYLAWS FOR
GROUNDWATER MANAGEMENT AREA 11

WHEREAS, the undersigned Groundwater Conservation Districts (Member Districts) are located wholly or partially within the boundaries of Groundwater Management Area 11 (GMA 11); and

WHEREAS, the Member Districts are authorized by Chapter 36, Texas Water Code, to engage in joint planning activities for the coordinated management of the aquifers located in GMA 11 and, in that regard, are required through their Member District Representatives to hold joint planning meetings and to establish "desired future conditions for the relevant aquifers" within GMA 11 (DFCs); and

WHEREAS, the Member Districts desire to fulfill the requirements of Texas Water Code § 36.108 through mutual cooperation; and

WHEREAS, the Member Districts recognize that GMA 11 includes a geographically and hydrogeologically diverse area with a variety of land uses and a diverse mix of water users ranging from municipal, industrial, and irrigation to domestic and livestock; and

WHEREAS, the Member Districts recognize the importance of coordinating their joint planning activities and sharing the expense of such activities where necessary or appropriate so as to minimize the costs of such activities to the citizens of Texas;

NOW, THEREFORE, it is agreed and understood among the Member Districts as follows:

SECTION ONE
INTENT AND PURPOSES

1.01 It is the intent and purpose of the Member Districts to carry out and fulfill the joint planning activities and requirements of Chapter 36, Texas Water Code, including coordinating with one another regarding the sharing of information, posting of notices of public meetings, sharing expenses to reduce costs to Texas citizens where necessary or appropriate, undertaking joint studies or research where necessary or appropriate, and establishing "desired future conditions for the relevant aquifers" within GMA 11.

SECTION TWO
PARTICIPATION IN GROUNDWATER MANAGEMENT PLANNING

2.01 Each Member District shall be subject to these administrative procedures.

2.02 A Member District's Board President or the President's designee shall be the Member District Representative for GMA 11 planning activities. In the event that the Board

President chooses to appoint a designee as the representative or alternate representative of the Member District, evidence of the appointment shall be required to be provided to the GMA 11 Administrator either by letter or by copy of the minutes of the meeting at which the President made the appointment. If GMA 11 has been notified in writing that the designee shall serve as an alternate to the President, no further notice to GMA 11 is needed for the alternate to represent the Member District at a GMA 11 meeting. At any time a Member District changes Presidents or designees, the Member District shall notify the GMA 11 Administrator in writing within 60 days of the change.

2.03 Only a Member District Representative or alternate representative appointed pursuant to Section 2.02 may vote or take action on GMA 11 activities. For any action, only one representative from each Member District may vote. However, each Member District Representative shall obtain approval from his respective District board of directors for the following decisions:

- a. Any commitment of District funds for GMA 11 joint planning activities.
- b. Decisions related to the establishment of DFCs in instances where such decisions are required by Chapter 36 to be made by the boards of directors of the districts rather than by the Member District Representatives.

2.04 Each Member District of GMA 11 shall endeavor to participate and contribute in good faith in joint planning activities and to satisfy the joint planning requirements of Chapter 36, Water Code. In adopting an annual budget or establishing an equitable method for the Member Districts to fund their coordinated joint planning activities within the annual budget or special costs that arise outside of the annual budget, the Member Districts shall strive to ensure that all districts who benefit from the activities or expenses contribute to the financing of those activities or expenses while recognizing that Member Districts have widely disparate means and abilities to participate in such financing. At times, all Member Districts will benefit from such expenses and activities, while at other times it will become apparent that certain expenses are caused by, or accrue to the benefit of, only one Member District or a smaller number of Member Districts. The Member Districts will attempt to take such circumstances under consideration when determining whether an item should be funded by the Member Districts as a group as part of joint planning activities or rather to be funded by one or more districts on their own accord, as well as in establishment of equitable financing methods. Such budgeting and equitable financing method decisions shall be established by a two-thirds majority vote as set forth under Section 3.04. Once decided by a two-thirds vote, actual commitments of funds from each Member District must nonetheless be obtained by approval from their respective District boards of directors as set forth under Section 2.03. Once approved by its respective District board of directors, each Member District has a continuing duty to honor its financial commitment to the other Member Districts.

2.05 The GMA 11 Member Districts, as a group to engage in joint planning activities, shall have only the power granted by Chapter 36, Water Code, that relates to joint planning activities.

2.06 The GMA 11 Member Districts shall provide support by resolution of the

Member Districts, motion of support reflected in the joint meeting minutes, or other appropriate means for the activities of each other in pursuing independent or joint studies or research for the betterment of information related to the water resources located wholly or partially within GMA 11, conservation or educational studies, and similar undertakings when such support is needed for one or more Member Districts in pursuing grants, loans, or other financial or technical assistance from state or federal agencies, other local governments, or private institutions.

SECTION THREE

OPEN GOVERNMENT; MEETINGS; DECISION MAKING

3.01 GMA 11 joint planning meetings must be held in accordance with the Texas Open Meetings Act, Chapter 551, Government Code. The Member Districts agree that notice of meetings shall be provided in accordance with the requirements of Chapter 36, Texas Water Code. Section 36.108(e) authorizes the Member Districts to elect one Member District to be responsible for providing the notice of joint meetings that would otherwise be required of each of them. By adopting these administrative procedures, the Member Districts elect the Administrator described under Section 4 to serve as the authorized Member District to provide notice of joint meetings under Section 36.108(e), Water Code. All Member Districts shall cooperate with the Administrator to help ensure that meeting notices are properly and timely posted within the boundaries of their individual districts, including posting a meeting notice at the district office upon request by the Administrator as contemplated under Section 36.108(e)(3), Water Code.

3.02 Each Member District shall comply with the Texas Public Information Act, Chapter 552, Government Code, with regard to joint planning activities. However, the Administrator described under Section 4 shall serve as the primary governmental entity to which requestors of public information related to joint planning activities are generally referred by the Member Districts, as set forth under Section 4.04.

3.03 A simple majority of the total number of GMA 11 Member Districts present at the meeting through their Member District Representatives or alternative representatives shall constitute a quorum of the Member District Representatives sufficient to engage in GMA 11 joint planning activities as contemplated under Chapter 36, Water Code. A simple majority of the quorum shall be necessary for a motion to prevail at a joint planning meeting, except as set forth in Section 3.04 for decisions that require a two-thirds majority of all Member Districts. Meetings of a committee of Member District Representatives to discuss joint planning activities where less than a quorum of the total number of GMA 11 Member Districts is present through their Member District Representatives or alternative representatives is not subject to the Texas Open Meetings Act, Chapter 551, Government Code.

3.04 A two-thirds majority of the total number of Member Districts within GMA 11, voting through their Member District Representatives, shall be necessary for a motion to prevail at a joint planning meeting to approve any of the following items:

- a. approval of proposed DFCs or adoption of DFCs as contemplated under Section 36.108(d),(d-2), or (d-3), Water Code; and

- b. adoption of an annual budget, establishment of a fiscal year, or establishment of an equitable method for the Member Districts to fund their coordinated joint planning activities within the annual budget or special costs that arise outside of the annual budget.

SECTION FOUR

ADMINISTRATION

4.01 The Member Districts of GMA 11 shall select one Member District to serve as an Administrator for GMA 11 joint planning activities to perform such administrative duties as set forth herein or as otherwise requested by the Member Districts and agreed to by the Administrator. The Administrator may collect funds necessary, reasonable and available from the Member Districts by appropriations made and approved by the Member Districts for GMA 11 joint planning activities and serve as a contracting and administrative agency for such purposes. The Administrator may account for its labor and direct expenses associated with administering GMA 11 business. The Administrator shall provide the Member Districts with periodic accounting reports of its administrative costs and expenses for purposes of seeking reimbursement or for explaining expenditures made from funds previously collected from the Member Districts for joint planning activities.

4.02 The Administrator may, as authorized by the Member Districts, contract for technical or legal services as necessary to fulfill the requirements of Chapter 36 and implement these administrative procedures. If the Administrator is contracting for technical or legal services on behalf of the Member Districts, the Member Districts shall, by agreement, determine how the services will be acquired and an equitable structure for the funding necessary for payment of the services.

4.03 The Administrator shall provide notice of joint planning meetings under Section 36.108(e), Water Code, on behalf of the Member Districts and shall request assistance from the Member Districts as the Administrator deems necessary or appropriate in providing or posting such notice. The Administrator shall include agenda items for inclusion in meeting notices at the direction of the Chair or as requested by any Member Districts in writing no later than five (5) days prior to the meeting.

4.04 The Administrator shall serve as the primary governmental entity to which requestors of public information related to joint planning activities are generally referred by the Member Districts for information of a nature that can be best described as relating to joint planning activities rather than the activities of individual districts. Such joint planning information may include notices, meeting minutes, reports, and similar supporting information for joint planning meetings or DFC development that are provided or kept by the Administrator.

4.05 The Member Districts shall elect a Chair, a Vice-Chair, and a Secretary annually. An individual must be a Member District Representative to serve as an officer. Each officer shall be a Representative of a different Member District. The Chair shall preside at GMA 11

joint planning meetings. The Vice-Chair shall fulfill the duties of the Chair in the absence of the Chair. The Secretary shall fulfill the duties of the Chair in the absence of the Chair and Vice-Chair.

SECTION FIVE

DEFINITIONS

These terms shall have the following meaning when used herein:

Desired Future Condition or DFC: The desired future conditions for the relevant aquifers within GMA 11 established in accordance with Chapter 36, Texas Water Code.

GMA 11: Groundwater Management Area 11 as designated by the Texas Water Development Board and as may be amended from time to time.

Member District: A groundwater conservation district subject to Texas Water Code Chapter 36 that is located in whole or in part inside GMA 11.

Member District Representative: The President of the Board of Directors of a Member District or his designee, if authorized as set forth under § 2.02.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBER DISTRICTS OF GROUNDWATER MANAGEMENT AREA 11:

- 1) Each of the affirmations and recitals set forth herein are true and correct;
- 2) The authorized voting representatives of the GMA 11 Member Districts have approved the administrative procedures set forth herein by a simple majority of the total number of GMA 11 Member Districts present at the meeting held this date; and
- 3) Any previous administrative procedure agreed to by the Member Districts is hereby superseded by the administrative procedures set forth in this resolution for future actions of the Member Districts.

AND IT IS SO ORDERED.

PASSED AND ADOPTED on this _____ day of _____, 2013.

ATTEST:

N/A

Anderson County Underground Water Conservation District (ACUWCD)

Deep East Texas Groundwater Conservation District (DETGCD)

2215 psl

Neches and Trinity Valleys Groundwater Conservation District (NTVGCD)

Henry D. ...

Panola County Groundwater Conservation District (PCGCD)

Julius ...

Pineywoods Groundwater Conservation District (PGCD)

Arade Mulder for David Powell

Rusk County Groundwater Conservation District (RCGCD)