

GROUNDWATER MANAGEMENT AREA 1 JOINT PLANNING COMMITTEE

BY LAWS

The name of this organization shall be known as Groundwater Management Area 1 (GMA-1) Joint Planning Committee (JPC).

SECTION ONE INTENT AND PURPOSES

It is the intent and purpose of the JPC to fulfill the requirements of Texas Water Code § 36.108, including establishing “desired future conditions for the relevant aquifers” in GMA -1. Each JPC Member shall obtain approval from their respective District Board of Directors for the decisions related to the establishment of the “Desired Future Conditions of the Aquifers (DFC)” within the GMA. JPC Member shall report to their respective District Board of Directors the progress of JPC actions.

SECTION TWO PARTICIPATION IN GROUNDWATER MANAGEMENT PLANNING

2.01 Each confirmed District subject to Texas Water Code Chapter 36 located totally or partially within GMA-1 is eligible to participate on the JPC.

2.02 A Member District’s Board President or the President’s designee shall be the JPC Member.

2.03 Only a JPC Member may vote or take action on JPC activities.

2.04 The JPC Member shall meet at least annually to conduct joint planning with the other districts in the Management Area and to review the management plans, as well as other requirements stated in Chapter 36 of Texas Water Code. In reviewing the management plans, the districts shall consider:

- a. the goals of each management plan and its impact on planning throughout the Management Area;
- b. the effectiveness of the measures established by each management plan for conserving and protecting groundwater and preventing waste, and the effectiveness of these measures in the Management Area generally;
- c. any other matters that the boards consider relevant to the protection and conservation of groundwater and the prevention of waste in the Management Area; and

d. the degree to which each management plan achieves the desired future conditions established during the joint planning process.

2.05 The JPC shall meet subject to the call of the Chair to review proposals to adopt new or amend existing desired future conditions. Not later than May 1, 2016, and every five years thereafter, the JPC shall consider groundwater availability models and other data or information for the management area and shall propose for adoption the DFC.

a. Before voting on the proposed desired future conditions for the relevant aquifers, the districts shall consider:

- (1) aquifer uses or conditions within the management area, including conditions that differ substantially from one geographic area to another;
- (2) the water supply needs and water management strategies included in the state water plan;
- (3) hydrological conditions, including for each aquifer in the management area the total estimated recoverable storage as provided by the executive administrator, and the average annual recharge, inflows, and discharge;
- (4) other environmental impacts, including impacts on spring flow and other interactions between groundwater and surface water;
- (5) the impact on subsidence;
- (6) socioeconomic impacts reasonably expected to occur;
- (7) the impact on the interests and rights in private property, including ownership and the rights of management area landowners and their lessees and assigns in groundwater as recognized under Section 36.002;
- (8) the feasibility of achieving the desired future condition; and
- (9) any other information relevant to the specific desired future conditions.

b. The JPC may establish different desired future conditions for:

(1) each relevant aquifer, subdivision of an aquifer, or geologic strata located in whole or in part within the boundaries of the management area; or

(2) each geographic area overlying an aquifer in whole or in part or subdivision of an aquifer within the boundaries of the management area.

c. The proposed desired future conditions must provide a balance between the highest practicable level of groundwater production and the conservation, preservation, protection, recharging, and prevention of waste of groundwater and control of subsidence in the management area. This subsection does not prohibit the establishment of desired future conditions that provide for the reasonable long-term management of groundwater resources consistent with the management goals under Section 36.1071(a).

2.06 The proposed desired future conditions must be approved by a two-thirds vote of all the JPC Members for distribution to the districts in the management area. A period of not less than 90 days for public comments begins on the day the proposed desired future conditions are mailed to the districts. During the public comment period and after posting notice as required by Section 36.063, each district shall hold a public hearing on any proposed desired future conditions relevant to that district. During the public comment period, the district shall make available in its office a copy of the proposed desired future conditions and any supporting materials, such as the documentation of factors considered and groundwater availability model run results. After the public hearing, the district shall compile for consideration at the next joint planning meeting a summary of relevant comments received, any suggested revisions to the proposed desired future conditions, and the basis for the revisions.

a. After the earlier of the date on which all the districts have submitted their district summaries or the expiration of the public comment period, the JPC members shall reconvene to review the reports, consider any district's suggested revisions to the proposed desired future conditions, and finally adopt the desired future conditions for the management area. The desired future conditions must be adopted as a resolution by a two-thirds vote of all the JPC members. The JPC members shall produce a desired future conditions explanatory report for the management area and submit to the development board and each district in the management area proof that notice was posted for the joint planning meeting, a copy of the resolution, and a copy of the explanatory report. The report must:

- (1) identify each desired future condition;
- (2) provide the policy and technical justifications for each desired future condition;
- (3) include documentation that the factors under Subsection 2.04(a) were considered by the districts and a discussion of how the adopted desired future conditions impact each factor;
- (4) list other desired future condition options considered, if any, and the reasons why those options were not adopted; and

- (5) discuss reasons why recommendations made by advisory committees and relevant public comments received by the districts were or were not incorporated into the desired future conditions
- b. As soon as possible after a district receives the desired future conditions resolution and explanatory report, the district shall adopt the desired future conditions in the resolution and report that apply to the district.
- c. Except as provided by this section, a joint meeting under this section must be held in accordance with Chapter 551, Government Code. Each district shall comply with Chapter 552, Government Code. The JPC Members may elect one district otherwise assign responsibility to be responsible for providing the notice of a joint meeting that this section would otherwise require of each district in the management area. Notice of a joint meeting must be provided at least 10 days before the date of the meeting by:
 - (1) providing notice to the secretary of state;
 - (2) providing notice to the county clerk of each county located wholly or partly in a district that is located wholly or partly in the management area; and
 - (3) posting notice at a place readily accessible to the public at the district office of each district located wholly or partly in the management area.
- d. The Secretary of State and the county clerk of each county shall post notice of the meeting in the manner provided by Section 551.053, Government Code.

2.07 The JPC and Member Districts shall comply with the Texas Public Information Act, Chapter 552, Government Code.

2.08 The JPC may request technical staff from the Texas Water Development Board or a consultant engaged by the JPC to serve in a nonvoting advisory capacity to assist with the development of desired future conditions during the joint planning process.

2.09 The JPC may appoint and convene nonvoting advisory subcommittees in accordance with 36.1081 and such committee meetings will be held in accordance with the Texas Open Meetings Act, Chapter 551 Government Code. The JPC shall give notice of subcommittee meetings in accordance with the requirements for notice of a multi county district board of directors meeting under 551.053

SECTION THREE POWERS AND DUTIES

3.01 The JPC shall have only the power granted by Texas Water Code § 36.108, et seq., necessary to carry out the purposes of GMA-1.

3.02 The JPC shall have no duty to take any action, except as specifically provided for, or as it may be amended by written agreement.

3.03 The JPC may engage a consultant(s) to assist in the DFC process as allowed by Chapter 36 of the Texas Water Code and Chapter 791 of the Texas Government Code.

3.04 All actions shall be by majority vote, other than Section 2.06, by the Member Districts present at a meeting at which at least two-thirds of the Member Districts are in attendance, each Member District having one vote.

SECTION FOUR ADMINISTRATION AND FUNDING

4.01 The JPC may select an Administrator for the JPC to perform such administrative duties as shall be required by the JPC. The duties and compensation of such an Administrator shall be determined in a separate Agreement. The Administrator may be an individual, a Member District, or another entity.

4.02 The JPC may elect a Chairman, Vice-Chairman, and Secretary annually. Terms shall be limited to four consecutive years. An individual must be a JPC Member to serve as an officer of the JPC. Each officer shall be a Representative of a different Member District. The Chairman or Vice-Chairman shall preside at JPC meetings.

4.03 The JPC may establish an equitable method for the Member Districts to fund the JPC and any necessary projects.

4.04 The JPC shall appoint one representative to the Regional Water Planning Group, in accordance with Texas Water Code §16.053, annually when officers are being elected or when a vacancy occurs.

SECTION FIVE DEFINITIONS

These terms shall have the following meaning:

Desired Future Condition or DFC: The desired future conditions for the relevant aquifers within GMA-1 established in accordance with Texas Water Code §§ 36.001(30), 36.108, et seq., and TWDB 356.2(8).

GMA-1: Groundwater Management Area 1 as designated by the Texas Water Development Board and as may be amended from time to time.

GMA-1 Joint Planning Committee: Also known as the Groundwater Management Area 1 Joint Planning Committee (JPC).

Member District: A confirmed district subject to Texas Water Code Chapter 36 that is located in whole or in part inside GMA-1.

JPC Member: The President of the Board of Directors of a Member District or his designee. .