

**Draft Meeting Minutes  
Lower Colorado Regional Water Planning Group  
Bylaw Committee Meeting**

**November 30, 2021  
LCRA Redbud Center, Room RBC225  
3601 Lake Austin Blvd  
Austin, Texas  
10:00 a.m.**

**Committee Members Signing In:**

Jim Brasher, GMA 15  
Paul Tybor, GMA 7  
Carol Olewin, Public Interest  
David Lindsay, Recreation  
Barbara Johnson, Industries

Charlie Flatten, Alternate for Environment  
Teresa Lutes, Municipalities

**Voting Members Absent:**

Robert Ruggiero, Small Business

**Consultants/Support/Visitors\*:**

Stephanie Moore, INTERA  
Sara Eatman, Austin Water  
Cindy Smiley, Smiley Law Firm  
Blake Neffendorf, City of Buda

Monica Masters, LCRA  
Annette Keaveny, LCRA  
David Wheelock, River Authorities

**Quorum:**

Quorum: Yes

Number of voting members or alternates representing voting members present: 7

Number required for quorum per current voting membership of 8: 5

**Formal Actions Taken:**

**Regular Meeting:**

1. **Call to Order** – Committee Chair Barbara Johnson called the meeting to order at 10:05 a.m.
2. **Welcome and Introductions** – Committee Chair Barbara Johnson
  - a. Sign in for attendance record
  - b. **Public Comment**

Blake Neffendorf, City of Buda.

Mr. Neffendorf provided three comments on the bylaws:

- Article V. Section 1, re: Composition. The phrase: “The number of voting members of the LCRWPG shall not exceed twenty-five (25) persons and the voting membership of the LCRWPG shall include at least one person who

represents each of the fourteen counties located within the area encompassed by the LCRWPG.” be struck. Mr. Neffendorf noted that all of the counties in the planning area are represented by the GMAs and River Authorities, so individual county representation may not be necessary.

- Article V. Section 2 re: Terms of Office, the phrase: “and are eligible to serve two consecutive terms. Of a member desires to serve additional terms, that member may apply to the Executive Committee and the members of the LCRWPG for consideration of appointment by complying with the provisions of these bylaws.” Should be struck, so that the members serve five year terms but could be re-nominated and elected at the end of each 5-year term.
- Article V. Section 7 re: Removal of Voting Members: suggest that there should be clear connections between members and the interests they represent.

Cindy Smiley, Attorney

Ms. Smiley said that the current number of 25 voting members is on the high end, as compared with other planning groups and in terms of the size of group that is conducive to good communication, engagement, and decision making. Suggested that a criterion be added to the bylaws requiring active engagement with the interest group they are representing, could help with the accountability of members, and that the planning group should be notified of any change in a voting member’s role with relation to the interest (change of job, for instance) and considered in terms of their ability to represent the interest.

**3. Review existing bylaws** - Committee Chair Johnson discussed potential changes to bylaws and through discussion it was decided to review the bylaws section-by-section as a group. The following changes were recommended (added language in italics):

- a. General comment – check the citations of rules and regulations
- b. Article IV. Responsibilities – clarifying language recommended: “Foremost among those responsibilities shall be the development of *and updates to a regional water plan...*”
- c. Article V. Section 1 Voting membership composition –
  - Increase the number of voting members from 25 to 26
  - Include demographic as well as geographic diversity in selection of voting members in accordance with Art. 5 Sect IV (p. 4/7). “...the voting membership of the LCRWPG shall include at least one person who represents each of the fourteen (14) counties located within the area *and strive to achieve geographic, ethnic, and gender diversity.*”
  - Recommend an annual report of selected demographic & geographic representation information to be included in the RWPG’s administrative standards
- d. Article V. Section 4 Selection of Members
  - Change the notification requirement from 3 months before the expiration of member terms to ‘within 45 days after’ to align with resignation and removal process
  - Add the following language at the end of the paragraph, “*In accordance with Texas Water Code §16.053(c), a groundwater management area*”

*voting representative will be appointed by the groundwater conservation districts located in each groundwater management area located in the regional water planning area. The Planning Group shall notify the Groundwater Management Area of a vacancy created by resignation of its appointed member.”*

- Considered a change from whether the LCRWPG “may” post public notice for vacancies upon the removal or resignation of a member to a “shall,” which would eliminate the option to recommend or appoint a replacement to complete a voting members term. Recommendation was to keep “may” so that an alternate, for example, could potentially replace the voting member to achieve consistency on the planning group and reduce the administrative burden.
  - Strike “In both the consideration and selection of new voting members the Executive Committee and other voting members shall strive to achieve geographic, ethnic, and gender diversity” because the phrase has been moved to Article V Section 1.
- e. Article VII. The current bylaws specify that officer’s alternates shall not serve in the officer’s role during the meetings. The bylaws specify an order of lower ranking officers serving in the given role if an officer is unable to carry out his/her duties. Generally, if no lower ranking officer exists or can serve then a member designated by the Chair shall serve. Due to the nature of the secretary’s role during a meeting referring to records and other documents, it is recommended that the bylaws be changed such that the secretary’s alternate could serve in the secretary’s role if the secretary is unable to carry out their duties. This should help with continuity.
- Recommend revising “However, a designated alternate for a voting member who serves as ~~an officer~~ *the Chair or Vice Chair* shall not be allowed to serve in the capacity as ~~an officer~~ *Chair or Vice Chair* in the member’s absence.
- f. Article VIII Officers. Section 2 Selection
- Align notification requirements for the meeting at which the officers are elected to TWDB’s rules, change from 30-day to 7-day
  - Change the selection of the Nominating Committee from “at random” to “The Chair shall appoint” the committee.
  - Change the notification requirements of the nominees to the RWPG from 30-days to 7-days before the RWPG meeting at which officers are elected
- g. Article VIII Section 5. Duties of Each Officer – Add at the end of c) Secretary, “unless the Secretary is absent in which case the Executive Committee will select a Chair from the members at large of the Executive Committee.”
- h. Article IX Section 2 - Regular meeting posting requirements, recommend that we align with to TWDB’s rules and Texas Open Meetings Act (TX OMA), change from 5-day to 7-day
- i. Article IX Section 3 - Special meeting posting requirements, recommend that we align with to TWDB’s rules and TX OMA, change from 5-day to 7-day

- j. Article IX Section 5 – **Review TX OMA – is a quorum a majority of the voting membership including vacancies or excluding vacancies? Revise if needed.**
  - k. Article IX Section 8 - Minutes are currently required to be posted 5 days prior to meeting; align with meeting materials posting (3 days) prior to meeting
  - l. Article XII Section 3 – strike the reference to 2012 OMA guidance, add reference to “Chapter 5.5.1 Open Meetings of the Government Code”
  - m. Article XII Section 3 – **Review TX OMA - do committee meetings constitute a governmental body in and of themselves, therefore a meeting with a quorum of the committee is subject to public meeting and notice requirements?**
4. **New / Other Business (time permitting)** – A subsequent Bylaws Committee meeting was scheduled for December 13<sup>th</sup>, time TBD, to revisit changes discussed at the meeting and unresolved edits. A hybrid meeting with an option to join online was requested.
5. **Public Comments – limit 3 minutes per person** – None.
6. **Adjourn** – The meeting was adjourned by Committee Chair Johnson at 12:45 p.m.