

Supporting Document A-3

Water Resources Board Bylaws

October 2000

**BYLAWS
of the
MIDDLE RIO GRANDE WATER RESOURCES BOARD
of the
MIDDLE RIO GRANDE COUNCIL OF GOVERNMENTS OF NEW MEXICO**

Article 1. Purpose and Objectives

The purpose of the Middle Rio Grande Water Resources Board (hereinafter referred to as the Water Board) of the Middle Rio Grande Council of Governments (MRGCOG) is to provide a decision-making process for regional water issues in the Middle Rio Grande Water Planning Region (see boundary map attached as Exhibit 1 and made a part of these Bylaws). These Bylaws are intended to guide the establishment of the Water Board during its initial period of operation.

The Water Board was created to achieve the following objectives:

- A. To establish an intergovernmental forum for discussion and possible resolution of significant water resource issues affecting the Middle Rio Grande Water Planning Region;
- B. To provide for the preparation, coordination, and adoption of a regional water plan that is applicable to a diversity of jurisdictions and communities in the Middle Rio Grande Water Planning Region, and to carry out a planning process in partnership with other regional water planning organizations such as the Middle Rio Grande Water Assembly;
- C. To promote the voluntary coordination of individual and collective actions of local governments, tribal governments, and other water management entities in order to implement a regional water plan; and
- D. To make recommendations to appropriate entities for the implementation of the regional water plan.

Article 2. Authority

- A. The Water Board is established under the authority granted by Article VI of the MRGCOG Articles of Agreement, and is created pursuant to MRGCOG Resolution R-98-5.
- B. The Water Board is authorized to carry out the functions and responsibilities stated in these Bylaws.
- C. The Water Board may establish and approve the bylaws of such committees and other bodies it deems necessary in order to carry on its duties and discharge its

responsibilities. The membership of such bodies shall be established in the bylaws of such committee.¹

Article 3. Organization and Membership

In order to ensure that the Water Board is appropriate and acceptable to relevant water management agencies, and in order to maintain an organization with entities who have the ability to implement a regional water plan, it will be necessary to establish a Water Board membership with clearly defined functions and responsibilities. A current Water Board membership list is attached as Exhibit 2 and made a part of these Bylaws. Water Board membership shall be characterized as follows:

- A. The general membership of the Water Board shall be open to all governmental entities with jurisdiction and authority in water planning and management within the Middle Rio Grande Water Planning Region.
- B. There shall be established, within the Water Board membership, a Water Providers Council consisting of those representatives of public and tribal water rights holders. Members in the Water Providers Council shall be identified and endorsed by the Water Board. New members of the Water Providers Council may be added whenever appropriate, subject to criteria established by the Water Board.
- C. Other public entities wishing to join the Water Board shall so inform the Water Board, in writing, and shall comply with whatever standards or criteria the Water Board has established. The written request to join the Water Board must include a statement providing the reasons the entity desires to become a participant on the Water Board.
- D. The Water Board shall incorporate an organizational structure which requires direct input from technical and public participation entities in order to achieve an open and effective planning and implementation process. An ex officio membership position shall be established on the Water Board for the Middle Rio Grande Water Assembly.
- E. Advisory membership positions may be established on the Middle Rio Grande Water Resources Board. Advisory membership shall be non-voting and will include members which the Water Board considers qualified to make an effective contribution to the Board.²
- F. A mechanism and process may be established for involving private sector water rights holders and operators of major public water supply systems.

¹Amendment 1 - October 12, 2000

² Amendment 1 - October 12, 2000

- G. Officers of the Water Board and the Water Providers Council shall each consist of a Chair and a Vice-Chair, who shall be members of the Water Board or the Water Providers Council, respectively, and who shall serve one year terms. Said Chairs and Vice-Chairs shall be elected annually at the June meeting of the MRGCOG Board of Directors by a majority vote of the Board of Directors. The Chair shall preside at all meetings. The Vice-Chair shall perform the duties of the Chair in the absence or disability of the Chair. In the event that a Chair or Vice-Chair is vacated before the term expires, a replacement shall be appointed by the Executive Board of the MRGCOG at their next regularly scheduled meeting to serve for the remainder of the unexpired term. The Executive Director of the MRGCOG shall serve as Secretary to the Water Board and the Water Providers Council.
- H. Each entity shall be entitled to one voting delegate and alternate. In the event of the absence of the delegate, the alternate shall have all participation and voting privileges of the delegate.

Article 4. Function and Responsibilities

- A. The Water Board shall function as a specialized board of the MRGCOG and shall focus on the regional water planning process.
- B. The Water Board shall annually review and approve the Regional Water Planning Work Program of the MRGCOG
- C. The Water Board shall establish broad regional policies regarding water resources and shall identify priorities and strategies to guide water-related planning in the region.
- D. The Water Board shall respect the water resource planning efforts of local, Tribal, State, and Federal entities which are active within the Region, and shall seek to compliment and supplement such planning efforts
- E. The Water Providers Council within the Water Board shall serve the purpose of ensuring protection and appropriate utilization of water rights within the Middle Rio Grande Water Planning Region.

Article 5. Meetings

- A. The Water Board shall determine how frequently to meet and shall establish a regular meeting schedule and a standard time and place for meetings. The Water Board may meet at times other than those regularly scheduled as deemed necessary by the Water Board.
- B. Except as otherwise provided herein, all meetings and other activities of the Water Board shall be conducted in accordance with the Articles of Agreement

and the Rules and Procedures of the MRGCOG.

- C. All scheduled meetings of the Water Board shall be advertised and open to the public. A Summary of Proceedings shall be published for each meeting and shall be made available for public inspection.
- D. A quorum necessary to transact business, adopt motions, or conduct voting shall consist of a majority of the filled voting membership positions of the Water Board, or the Water Providers Council, whichever is applicable.

Article 6. Voting Procedures

Due to the diverse nature of the Water Board membership, a special decision making process is required. All actions taken by the Water Board shall be subject to a standard one vote per member. Actions taken by the Water Providers Council shall utilize a weighted voting procedure based on specific characteristics of individual members. The principles for voting shall be expressed as follows:

- A. Each governmental entity shall designate one person or alternate to act as its representative with the authority to place a vote wherever a vote is required to approve a motion, decision, or recommendation of the Water Board. Said designated person or alternate shall serve on both the Water Board and the Water Providers Council, when applicable. The voting status of the Water Board is displayed on a matrix chart attached as Exhibit 3 and made a part of these Bylaws.
- B. A majority vote shall be required to pass and approve decisions of the Water Board with the exception of any vote that would affect or impact water rights. In those cases where water rights are at issue, voting shall be transferred to the Water Providers Council wherein a three-fourths vote will be required to pass and approve decisions. Any member of the Water Providers Council may call for a water rights issue to be transferred at any time to the Water Providers Council for resolution.
- C. The decision-making procedure for the Water Providers Council shall consist of a separate and distinct weighted voting scheme. The criteria for assigning weighted votes on the Water Providers Council shall be based on the nature and extent of water rights held by each of its members. The number of weighted votes for each member of the Water Providers Council is also displayed on the matrix chart which is attached to these Bylaws as Exhibit 3.
- D. Any voting which is conducted with reference to the regional water plan, or in the adoption of the regional water plan shall require documentation of findings

supporting the decision as well as documentation of minority or dissenting positions.

Article 7. Staff

The MRGCOG shall provide staff support to the Water Board and shall be responsible for the arrangement of meetings and any other activities of the Water Board. The MRGCOG staff will also perform such other duties related to the functions of the Water Board as may be assigned by the Chair of the Water Board through the Executive Director of the MRGCOG.

Article 8. Program Funding

- A. Members of the Water Board shall establish a mechanism for funding the Regional Water Planning Program of the MRGCOG.
- B. The Water Board shall prepare or have prepared each year a budget reflecting the anticipated expenses and required income necessary to carry out the Regional Water Planning Work Program of the MRGCOG.

Article 9. Bylaw Approval and Amendments

- A. These Bylaws shall be in effect upon approval by the MRGCOG Board of Directors.
- B. These Bylaws may be amended by action of the MRGCOG Board of Directors provided such amendments have been subject to the review of the Water Board prior to any action.

PASSED, ADOPTED AND APPROVED this 16th day of December, 1999, by the Board of Directors of the Middle Rio Grande Council of Governments of New Mexico.

 /s/ Mary Lee Martin
Mary Lee Martin, Chair
Middle Rio Grande
Council of Governments

ATTEST:

 /s/ Dennis R. Foltz
Dennis R. Foltz, AICP
Executive Director
Middle Rio Grande
Council of Governments

AMENDMENT NUMBER 1, PASSED, ADOPTED AND APPROVED this 12th day of October 2000, by the Board of Directors of the Middle Rio Grande Council of Governments of New Mexico.

/s/ Alan B. Armijo

Alan B. Armijo, Chair
Middle Rio Grande
Council of Governments

ATTEST:

/s/ Dennis R. Foltz

Dennis R. Foltz, AICP
Executive Director
Middle Rio Grande
Council of Governments