

Publishing Activities of the TMDL Stakeholder Group

(Implementing HB 2912, Section 1.10)

Section 1. Introduction

The TNRCC Sunset bill changed the requirements for forming groups and posting information about groups on the Web. The TNRCC must follow these requirements when seeking advice, recommendations, input, and suggestions from anyone outside the agency. This document provides instructions for complying with the new requirements.

Section 2. Definitions

- X **Advisory committee** means a committee, council, commission, task force, or other entity created by commission resolution or by state law, other than a state agency, that has as its primary function giving advice to the commission.

- X **Advisory group** means any group that includes non-agency members that is created by the executive director or agency staff for the purpose of seeking advice, recommendations, input or suggestions from interested persons on a rule or other policy matter within the agency's jurisdiction. An advisory group may have no more than 24 members. The term includes stakeholder groups, workgroups, ad hoc work groups, ad hoc stakeholder groups, advisory committees, advisory councils, regulatory forums, etc. Advisory group does not include a public meeting or public hearing conducted by the agency under the administrative procedures act.

- X **Balanced representation** means that the advisory group membership represents a diversity of viewpoints on issues to be discussed. If you follow the procedures in this document, you will comply with the requirements on balance. Some characteristics that should be considered to achieve a balanced representation include:
 - 1. geography,
 - 2. income levels,
 - 3. ethnicity,
 - 4. business (different sizes and types),
 - 5. governments (different sizes and levels),
 - 6. trade groups, associations or organizations,
 - 7. consumer and public interest groups,
 - 8. industries or occupations regulated or directly affected by TNRCC, and
 - 9. consumers of services provided either by TNRCC or by industries or occupations regulated by TNRCC

- X **Minutes** means a note or summary covering points to be remembered from a meeting. It is agency policy that minutes should be kept for all meetings of advisory groups and advisory committees. Minutes do not have to include a detailed description or verbatim transcript of the discussion at a meeting.

- X **Open participation** means that anyone may attend a meeting of the advisory group and have the opportunity to offer an opinion on the subject of the meeting, or otherwise participate as a member of the advisory group.

Section 3. TNRCC Approval Process for Creating an Advisory Group

10. Identify the specific project on which you will be seeking advice or input.
11. Obtain the approval of OEPAA Deputy Director to form the group.
12. Prepare a draft list of actual people, with their affiliations, to represent each type of interest that should be on the group. The group may have no more than 24 members.
13. Circulate your proposal for the group, including the draft list of potential group members if there is one, to OPA, OPIC, and SBLGA. These groups will have five working days to make suggestions.
14. Develop a draft meeting agenda, and other meeting specifics (who, what, where, when, etc). Provide the OEPAA Deputy Director with a copy of the advisory group organization form, the suggested membership, draft agenda, other meeting specifics, and the proposed Web location.
15. If the Deputy Director approves your plan for the creation of the advisory group (approval should be indicated by signing the advisory group organization form), finalize the meeting materials and notification procedures. Finalize the list of members to be notified. Invite the members of the group by telephone, e-mail, or letter.

Section 4. Informing the Public of New and Existing Advisory Groups and Committees

Follow these procedures for posting advisory group and committee information on the TNRCC web site.

1. Post the following information, preferably two weeks before a meeting, at the approved Web site:
 - a. A description of the group;
 - b. Agency contact information; and
 - c. The time, location and purpose of meeting.
16. At the site, post the following information after each meeting:
 1. The minutes of the meeting (prepared using the process described below); and
 2. A list of the names and affiliations, if any, of the members attending. (You **may not** post any contact information for attendees.)

17. Provide the URL for the advisory group or committee Web site to the contact designated by Agency Communications for posting on the central advisory group/committee Web site.

Section 5. Requirements for the Conduct of Meetings and Documentation

1. Meetings should provide an opportunity for all group members to be heard.
2. Meetings should be structured in such a way that does not favor one interest over another.
18. Members of an advisory group or committee should indicate their attendance by signing in or by taking roll. Meetings should be structured to allow staff to obtain as complete a list of attendees as possible.
3. You should prepare meeting minutes to document all official actions of the group, such as votes, endorsements and resolutions. The process for review and approval of the meeting minutes should be explained, and, depending on the format of the group, agreed upon, before posting them on the Web. In other words, the group should be informed in advance whether it will or will not have the opportunity to review and change the minutes prior to posting.
4. Minutes may be prepared by annotating the agenda. Any actions taken (votes, discussion, presentation by staff, etc.) should be noted, along with any outcomes reached.
19. All documents relating to the creation and activities of advisory groups and committees should be maintained in the TNRCC TMDL Program for at least three years.

Section 6. Legal Basis

House Bill 2912, Section 1.10, amended •5.107 of the Texas Water Code, relating to Advisory Committees, which authorizes the commission to create and consult with advisory councils, including councils for the environment, councils for public information, or any other councils that the commission may consider appropriate. The amendment to •5.107 changed the title of the section from Advisory Councils to Advisory Committees, Work Groups, and Task Forces. The amended section now: (a) authorizes the commission or the executive director to create and consult with advisory committees, work groups, or task forces, including committees, work groups, or task forces for the environment, for public information, or for any other matter that the commission or the executive director may consider appropriate; (b) requires the commission to identify affected groups of interested persons for advisory committees, work groups, and task forces and make reasonable attempts to have balanced representation on all advisory committees, work groups, and task forces; and (c) requires the commission to monitor the composition and activities of advisory committees, work groups, and task forces appointed by the commission or formed at the staff level and maintain that information in a form and location that is easily accessible to the public, including making the information available on the Internet. The amended section provides that the commission is not required to

ensure that all representatives attend a scheduled meeting, and further provides that a rule or other action may not be challenged because of the composition of an advisory committee, work group, or task force.