ALABAMA-COOSA-TALLAPOOSA RIVER BASIN COMMISSION

OPERATING GUIDELINES

Approved: February 18, 1998

ALABAMA-COOSA-TALLAPOOSA RIVER BASIN COMMISSION

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ARTICLE I
GENERAL INFORMATION

Section 1.01.-Preamble. The Alabama-Coosa-Tallapoosa River Basin Compact, Pub. Law No. 105-105, 111 Stat. 2233, hereafter referred to as the "Compact," created the Alabama-Coosa-Tallapoosa River Basin Commission (the "Commission") for the purposes of promoting interstate comity, removing causes of present and future controversies, equitably apportioning the surface waters of the Alabama-Coosa-Tallapoosa River Basin, engaging in water planning, and developing and sharing common data bases. The Commission sets forth the following operating guidelines.

Section 1.02.-Name. The Commission shall be known as the Alabama-Coosa-Tallapoosa River Basin Commission.

Section 1.03.-Composition.

(a) The Commission shall be comprised of one member representing the State of Alabama, one member representing the State of Georgia, and one non-voting member representing the United States of America. The state members shall be known as the "State Commissioners" and the federal member shall be known as the "Federal Commissioner."

(b) The Governor of each of the states is the State Commissioner for his or her state. Each State Commissioner may appoint one or more alternate members and one of such alternates as designated by the State Commissioner shall serve in the State Commissioner's place and carry out the functions of the State Commissioner, including voting on Commission matters, in the event the State Commissioner is unable to attend a meeting of the Commission.

(c) The Federal Commissioner is appointed by the President of the United States of America to represent all federal agencies with an interest in the Alabama-Coosa-Tallapoosa River Basin. The President also appoints an alternate Federal Commissioner to attend and participate in meetings of the Commission in the event the Federal Commissioner is unable to attend meetings.

Section 1.04.-Offices of the Commission. The official mailing address and the address of the official document repository for the Commission shall rotate with the Chairmanship.

(a) During calendar years 1998, 2000, and every two years thereafter, the official mailing address of the Commission and the address of the official document depository shall be:

Alabama Office of Water Resources
Alabama Department of Economic and Community Affairs
401 Adams Avenue
Post Office Box 5690
Montgomery, Alabama 36103-5690

(b) During calendar years 1999, 2001, and every two years thereafter, the official mailing address of the Commission and the address of the official document depository shall be:

Office of the Director
Environmental Protection Division
Georgia Department of Natural Resources
205 Butler Street, N.E.
East Floyd Tower
Atlanta, Georgia 30334

Section 1.05.-Definitions. The definitions set forth in Article IV of the Compact are incorporated into these operating guidelines by reference.

Section 1.06.-Powers of the Commission. The powers of the Commission are as established in Article VI(g) of the Compact and are incorporated into these operating guidelines by reference.

ARTICLE II
OFFICERS

Section 2.01.-Officers. The officers of the Commission shall be a Chairman and Secretary.

(a) Under the Compact, the Chairmanship of the Commission rotates on an annual basis among the voting members of the Commission on an alphabetical basis, with the first chairman being the State Commissioner representing the State of Alabama.

(b) The Secretary of the Commission shall be appointed by the Chairman of the Commission on an annual basis with the advice and consent of the other voting member of the Commission. In the event the Secretary is unable to attend a meeting of the Commission or is unable to perform the duties of the Secretary at a meeting of the Commission, the Chairman may appoint an acting Secretary to perform the duties of the Secretary at such meeting.

Section 2.02.-Chairman. The Chairman of the Commission shall perform the following duties

(a) Preside at all meetings of the Commission and the duties normally conferred by parliamentary procedures for such office;

(b) Execute instruments and documents on behalf of the Commission;

(c) Call the annual meeting of the Commission;

(d) Call special meetings of the Commission at the discretion of the Chairman or upon written request of any member of the Commission; and

(e) Submit information and recommendations regarding the business affairs and policies of the Commission.

Section 2.03.-Secretary. The duties of the Secretary shall be as follows:

(a) Prepare, with input from members of the Commission, the agenda for all meetings;

(b) Keep a record of all proceedings of the Commission;

(c) Perform, or delegate, the duties of Secretary for any Committees established by the Commission;

(d) Maintain records and related reports of the Commission and any Committees established by the Commission at the official address of the Commission, as a permanent record of the Commission,

(e) Attest to instruments and documents officially acted upon by the Commission;

(f) Submit information and recommendations regarding the business affairs of the Commission; and

(g) Affix the seal of the Commission and attest by signature, all contracts and instruments as may be required by the Commission or applicable law.

ARTICLE III
COMMISSION MEETINGS

Section 3.01.-Open Meetings. All Commission meetings shall be open public meetings. Meetings of the Commission shall be conducted pursuant to Robert's Rules of Order Newly Revised, 1990 (9th ed.).

Section 3.02.Meetings

(a) The Commission shall meet at least once a year. The annual meeting of the Commission shall be held during the first quarter of each calendar year.

(b) Special meetings of the Commission may be called at the discretion of the Chairman of the Commission. A special meeting shall be called by the Chairman within fifteen (15) days from receipt of a written request for such a meeting from any member of the Commission.

(c) All members of the Commission shall be notified of the time and place designated for any meeting of the Commission at least five days prior to such meeting in one of the following ways: by written notice mailed to the last mailing address given to the Commission; by facsimile; by telegram; or by telephone. The date, time, and place of each meeting of the Commission shall be furnished to any person or entity upon written request to the Secretary and shall be on file at the Commission.

Section 3.03.-Voting. Each state has one vote on the Commission and the Commission shall make all decisions and exercise all powers by unanimous vote of the two State Commissioners.

Section 3.04.-Record of Meetings. The Secretary shall keep minutes of all meetings of the Commission. Within thirty (30) days after any meeting of the Commission, the Secretary shall mail to each member of the Commission a draft copy of the proposed minutes of each meeting so that the members of the Commission may review and provide comments upon the proposed minutes.

Section 3.05.-Permanent Record. The Secretary shall keep a permanent record of the actions of the Commission, including a record of all approved minutes, all transactions approved by the Commission, and all votes of the members of the Commission. The permanent records of the Commission shall be maintained at the official address of the Commission as set forth in Section 1.04 hereinabove.

Section 3.06.-Agenda. At least five days prior to any meeting of the Commission, the Secretary shall provide each member of the Commission with a proposed agenda for review and comment by the members of the Commission. The Secretary shall prepare a final agenda for each meeting based upon the comments and suggestions received from the members of the Commission.

Section 3.07.-Public Records. Duplicate sets of the records of the Commission shall be maintained at each of the addresses set forth in Section 1.04 hereof. The records of the Commission shall be

public records and may be examined at any of the official addresses of the Commission during regular business hours. Certified copies of the records of the Commission may be made and certified by the Secretary upon the payment to the Commission of the reasonable costs for copying and/or certification of such records. Upon request, the Secretary, shall certify photocopies of any official record of the Commission as a true and correct copy of the official record of the Commission. Non-certified copies of the records of the Commission may be obtained upon the payment to the Commission of the reasonable costs for copying.

Section 3.08.-Order of Business. The Commission may follow the following order of business at any meeting other than a special meeting:

(a) Roll call;

(b) Reports of Officers and Committees;

(i) Disposition of minutes of previous meetings;

(ii) Reports of other officers; and

(iii) Committee reports.

(c) Appearance of persons or groups having business with the Commission;

(d) Old business;

(e) New business; and

(f) Adjournment

ARTICLE IV
COMMITTEES

Section 4.01.-Committees. Under the Compact, the Commission has the authority to create committees and delegate responsibilities to assist or advise the Commission in the accomplishment of its duties.

Section 4.02.-Formation of Committees. A committee may be formed only by the unanimous vote of the State Commissioners. The membership of the committee shall be established by the Commission upon formation of the committee by unanimous approval. The time and place of the initial meeting of each committee shall be set by the Commission upon establishment of the committee. The duties of the chairperson of the Committee shall be performed by a representative of the state in which the meeting takes place and the chairperson of the Committee shall serve in such

position until a subsequent meeting of the Committee is convened in another state. The time and place of subsequent Committee meetings, if any, shall be established during the meeting of the Committee. Special meetings of Committees may be called by the committee chairperson with notice to each of the other members of the committee and the members of the Commission. A special meeting of a committee shall be called by the chairperson of the Committee within fifteen (15) days from receipt of a written request for such a meeting from any member of the Committee.

Section 4.03.-Meetings of Committees

(a) Meetings of committees established hereunder shall be open to the public.

(b) In the event the Commission establishes one or more committees to provide advice or assistance to the Commission regarding the initial allocation formula or the basis, terms or conditions of the allocation formula, all members of the Commission, including the Federal Commissioner, shall have full rights to notice of and participation in all meetings of any such committee. Upon the request of the Federal Commissioner, representatives of any federal agency may participate in any meetings of committees of the Commission at which the basis, terms or conditions of the allocation formula or modifications to the allocation formula are to be discussed or negotiated.

(c) The Federal Commissioner shall be given notice of any meeting of the Commission or any meeting of committees of the Commission at which compliance with the allocation formula by one or more officers, agencies, or instrumentalities of the United States is to be discussed.

ARTICLE V
PUBLIC PARTICIPATION

Section 5.01.-Purpose and Authority. The Compact, as enacted by the States of Alabama, and Georgia and as consented to by the United States Congress, established the Commission and empowered the Commission to, among other things, develop an allocation formula for the equitable apportionment among the two states of surface waters within the Alabama-Coosa-Tallapoosa River Basin. Pursuant to Article XI of the Compact, the Commission is required to adopt procedures prior to the adoption of the initial allocation formula or modification thereof, as appropriate, ensuring public participation in activities of the Commission, including the development, review, and approval of the initial allocation formula and any subsequent modification thereto. These procedures will be used by the Commission to ensure public participation in activities of the Commission, including the development, review, and approval of the initial allocation formula and any subsequent modification thereto.

Section 5.02.-List of Interested Persons. The Commission will develop and maintain a list of persons and organizations who have notified the Commission of an interest in activities of the Commission, including the development, review, and approval of the initial allocation formula and any subsequent modification thereto. In its discretion, the Commission may also include on the list any persons or

organizations that may, by the nature of their purposes, activities, or membership, be affected by or have an interest in the allocation formula or any subsequent modification thereto. Those persons or organizations on said list shall receive timely and periodic notification of meetings of the Commission and of the availability of documents, studies, summaries, technical information or other materials relating to the development, review, and approval of the initial allocation formula and any subsequent modification thereto. Any person or organization may submit a written request to be included on the list and upon the Commission's receipt of such request, each such person or organization shall be added to the list. No person or organization on the list shall be removed from the list except by written request to the Commission by such person or organization.

Section 5.03.-Meetings of the Commission. Notice of meetings of the Commission shall be published in at least one newspaper of general circulation in each of the states of Alabama, and Georgia at least fifteen days in advance of said meeting. In addition, notice of meetings of the Commission shall be mailed to each person and organization included on the list developed under Section 5.02 hereof at least fifteen days in advance of said meeting. Such notice shall be effective upon mailing. Each State Commissioner shall select the newspaper(s) within his or her state in which notices of the meeting shall appear and this information shall be maintained by the Commission and available to the public. A "meeting of the Commission" is a meeting in which the members are present and participating as members of the Commission.

Section 5.04.-Public Hearings. In its discretion, the Commission may host public hearings to solicit views of any person or organization regarding the development, review, and approval of the initial allocation formula or any subsequent modification thereto. Notices of any such public hearings, including a brief description of the purposes for any such hearing, shall be given as follows. Notice of public hearings under this Section shall be published in at least one newspaper of general circulation in each of the states of Alabama, and Georgia at least thirty days in advance of said hearing. In addition, notices of any such hearings shall be mailed to each person and organization included on the list developed under Section 5.02 hereof at least fifteen days in advance of the hearing. Such notice shall be effective upon mailing. Each State Commissioner shall select the newspaper(s) within his or her state in which notices of the hearing shall appear and this information shall be maintained by the Commission and be available to the public. Hearing officers shall be appointed by the unanimous approval of the State Commissioners to conduct each public hearing. A complete record of each public hearing shall be prepared and forwarded to the Commission and shall be made available to the public for inspection and copying at such places as may be designated by the Commission. Costs of copying shall be paid by the person requesting the copies.

Section 5.05.-Public Hearing Regarding Draft Allocation Formula or Modifications. At least thirty days prior to the State Commissioners' consideration of the adoption of the initial allocation formula or any modification of an adopted formula, the Commission, acting through such hearing officers as it deems appropriate, shall conduct at least one public hearing in each of the States of Alabama, and Georgia at such places as are designated by each of the respective State Commissioner to present to the public the draft allocation formula or draft modification of an adopted formula and shall solicit input from the public regarding the draft allocation formula or any draft modification of an adopted

formula. Notice of each public hearing held under this Section shall be provided in accordance with Section 5.04. At least thirty days in advance of each public hearing under this Section, the Commission shall make available to the public for review and copying documents outlining the draft allocation formula or draft modification of an adopted allocation formula and any studies, analyses, or documents describing or explaining the draft allocation formula. Costs of copying shall be paid by the person requesting the copies.

Section 5.06.-Public Comment Period on Draft Allocation Formula or Draft Modifications. Prior to the State Commissioners' consideration of any draft of the initial allocation formula or any draft modification of an adopted formula, the Commission shall provide notice of the opportunity for the submission of written comments by interested persons or organizations regarding the draft allocation formula or any draft modification of an adopted formula. Such comment period shall be at least thirty days in length. During the public comment period, the Commission shall make available to the public for review and copying documents outlining the draft allocation formula or draft modification of an adopted formula and any studies, analyses, or documents describing or explaining the draft allocation formula or modification. Costs of copying shall be paid by the person requesting the copies. Written comments shall be made a part of the public record and shall be available for inspection and copying by members of the public. Within thirty days after the adoption of an allocation formula or modification thereto, the Commission shall respond, in writing, to relevant written comments received during the public comment period on the draft allocation formula or draft modification of an adopted formula.

Section 5.07.-Emergency Actions by the Chairman of the Commission. The Chairman of the Commission may reschedule any planned public hearing or meeting of the Commission at any time when the Chairman believes that circumstances which threaten the potential adoption of an allocation formula exist, if the Chairman first provides notice of the proposed rescheduling to the other State Commissioner and the Federal Commissioner, and there is no objection to such rescheduling by the other State Commissioner. In the event a hearing or meeting is rescheduled, the notice of the hearing or meeting that is to be rescheduled shall serve as the notice of the rescheduled hearing or meeting and the Commission shall give as much advance newspaper notice of such rescheduled hearing or meeting as is practicable and post a notice of rescheduling at all places where such hearing or meeting was to be held. The Chairman of the Commission may also call a meeting of the Commission when the Chairman believes that circumstances which threaten the potential adoption of an allocation formula exist and an extension of time is necessary to avoid such threat; provided the other State Commissioner do not object to such meeting after receiving notice of such meeting. In the event the Chairman of the Commission calls a meeting of the Commission pursuant to this Section 5.07, the Chairman shall provide notice of such meeting to the public in a manner that, to the extent possible, is consistent with this Article V. In the event substantial compliance with this Article V is not feasible, the Chairman of the Commission shall use such means as is practicable under the circumstances to notify the public of the meeting of the Commission.

Attest:

The "ALABAMA-COOSA-TALLAPOOSA RIVER BASIN COMMISSION, OPERATING GUIDELINES," were adopted by the Alabama-Coosa-Tallapoosa River Basin Commission at its first meeting on February 18, 1998.

Walter B. Stevenson Jr., Secretary
ALABAMA-COOSA-TALLAPOOSA
RIVER BASIN COMMISSION

February 18, 1998
Date