

MEMORANDUM OF UNDERSTANDING TO ESTABLISH AND GOVERN THE WEST VIRGINIA WATER GAGING COUNCIL

Article One – Establishment

1.1 The "West Virginia Water Gaging Council" (Council) was created May 18, 2005.

Article Two – Purpose and Mission

2.1 **Purpose.** The Council serves as a statewide collaborative body to help achieve effective collection and dissemination of hydrological data applicable to the full range of water resources in West Virginia, including ground- and surface-water and precipitation gaging. Council membership includes representatives of agencies, organizations, and stakeholders that collect and use these types of data. The Council provides a forum for effective communication, cooperation, and collaboration among the membership.

2.2 **Mission.** The Council's mission is to ensure that reliable water-resources gaging data are available to meet the various needs of West Virginia stakeholders. The council shall work to support the following activities:

- *Establishing and maintaining long-term data networks.*

Water-resources gaging data may include long-term continuous information on precipitation, surface-water, and ground-water quantity; aquatic environments; and associated parameters, such as channel geometry and basin characteristics.

- *Obtaining reliable data sets.*

The Council strives to ensure that water-resources gaging data are reliable. Reliable data are considered by the Council as those which are collected and analyzed according to standardized or documented procedures and which are quality-controlled and assured.

- *Maintaining publicly accessible data sets.*

Water gaging activities will be coordinated to reduce duplication of efforts and data sharing will be encouraged to make the data available to other interested parties. Available data are those stored and maintained in and retrievable from publicly accessible digital databases.

- *Obtaining relevant data sets.*

West Virginia stakeholders need water-resources gaging data for such purposes as predicting floods and droughts; designing bridges and dams; permitting and mitigating pollution discharges; evaluating water supplies; planning fishing and boating recreation; and protecting, restoring, and managing the aquatic environment.

- *Supporting long-term viability of gaging networks.*

The Council supports efforts that ensure the availability of long-term water-resources gaging data, including: 1) collection and maintenance of the data, 2) educating agencies and organizations about the usefulness and value of the data, and 3) gaining needed public and financial support.

Article Three – Membership

3.1 **Membership.** Membership allows for representation on the Council, with voting privileges of one vote per member organization, and includes but is not limited to one representative from each of the following organizations:

a) State Agencies

1. West Virginia Conservation Agency (WVCA)
2. WV Department of Environmental Protection (WVDEP)
3. WV Department of Transportation Division of Highways (WVDOH)
4. WV Division of Homeland Security & Emergency Management (WVDHSEM)
5. WV Division of Natural Resources (WVDNR)
6. West Virginia University, National Research Center for Coal and Energy (NRCCE)/
West Virginia Water Research Institute (WVWRI)

b) Federal Agencies

7. National Oceanic and Atmospheric Administration's National Weather Service (NWS)
8. United States Army Corps of Engineers (USACE)
9. United States Geological Survey (USGS)
10. U.S. Department of Agriculture, Natural Resources Conservation Service (NRCS)

c) Non-governmental Organizations

11. Canaan Valley Institute (CVI)
12. West Virginia Rivers Coalition (WVRC)
13. Michael Baker Corp.

3.2 **New Membership.** The total number of permanent members of the Council may vary from time to time, but shall in no instance exceed thirteen members. Candidates for addition to the permanent membership of the Council shall apply in writing to the Chair requesting consideration by the Council. The Council shall add new members based on the simple majority vote of a quorum of the Council membership.

3.3 **Removal from Membership.** Those failing to attend four (4) consecutive Council meetings shall be subject to expulsion from the council based on the simple majority vote of a quorum of the Council membership. Attendance must be in person or by teleconference.

3.4 **Resignation of Membership.** Any member may resign upon providing the Council with written notice.

Article Four – Meetings and Conduct of Business

4.1 **Election of Officers.** The members of the Council shall elect a Chair and Vice-Chair from among the Council membership to serve at the will and pleasure of the members.

Article Four – Meetings and Conduct of Business continued

4.2 Term of Office. The elective offices of Chair and Vice-Chair shall be for a term of one year beginning the date of the first such election and subsequent elections shall be held annually thereafter. Elected officers may serve consecutive terms.

4.3 Chair and Vice-Chair. The Vice Chair shall serve in the absence of the Chair. A rotational temporary Chair will sit in the position when both the Chair and Vice Chair are unavailable for conducting Council business. This Chair will be selected from the member organizations listed in 3.1 on a rotational basis starting with number 1 and moving to next member organization the next time the need occurs. The member organizations from which the Chair or Vice-Chair are derived can appoint a designee in their absence, but these designees do not automatically hold the Chair or Vice-Chair elected positions in their absence. The designees for the Chair or Vice-Chair can hold the positions when it's their member organizations turn in the rotation of a temporary Chair.

4.4 Secretary. The Secretary shall be appointed by the Chair. The Secretary shall be responsible for coordinating meeting notification, ensuring meeting minutes are recorded, producing and providing the minutes of the Council meetings to the Council members for acceptance and ensuring that the Council's records are posted to the Council's web page and archived.

4.5 Meetings. Council meetings shall be convened by call of the Chairman or any permanent member thereof. Meetings should be convened no less than twice annually. All meetings shall be open to the general public. Meetings, and public notices thereof, should comply with the West Virginia Open Governmental Proceedings Act, W.Va. Code 6-9A-1 et seq. and the rules issued in pursuance.

4.6 Quorum Defined. "Quorum" for the purposes of this document is defined as a simple majority of the membership. Member organizations will be considered present upon the following:

- 1) Physical presence of a representative of the member organization.
- 2) Member organization is being teleconferenced to the meeting.
- 3) Member organization provides a written proxy to the Chair prior to the meeting as to which of the other member organizations will represent it at the meeting. The selected member organization shall now represent two member organizations. Proxies can not be forwarded a second time to another member organization without the written approval of the initial giver of the proxy.

4.7 Voting. Once a Quorum is met to establish a meeting a vote can be taken. Approval of any other Council business shall require affirmative votes by a simple majority of the voting Council membership. A member organization can provide a written proxy to the Chair prior to the meeting as to which of the other member organizations will represent it at the meeting. The selected member organization shall be allowed to cast a vote for the member organization it has been selected to represent and shall be allowed to cast a vote for its own member organization.

4.8 Facilitation of Meetings and Records. All meetings shall follow the "Simplified Parliamentary Procedures" based on "Roberts Rules of Order" for conducting a meeting. The Secretary shall perform the duties outlined in section 4.4 of article 4.

Article Five – Finance

5.1 Gifts and Grants. Solicitation of gifts and/or grants in the name of the WVVGC must be approved in advance by a simple majority of the Council membership.

Voting on such solicitation proposals may be conducted outside of a formally announced Council meeting by the use of email or other communication means as coordinated through the Council Chair. Funds obtained in response to such an approved solicitation shall be received and dispersed by the sponsoring Council member organization as specified in the proposal.

Receipt of any private gifts, private donations, or other private monies dedicated to the work of the Council shall be approved on a case-by-case basis by a simple majority of Council membership.

Article Six – Amendments

6.1 Amending, Repealing, or Modifying. This Memorandum of Understanding may be amended, repealed, or modified by affirmative vote of a quorum of the members.

6.2 Notice to Amend, Repeal, or Modify. Notice of the proposed amendment, repeal, or modification shall be included in the notice of the meeting at which the proposal is to be considered, or by electronic communications setting forth the action proposed.