

Meeting Minutes
TEXAS STATE SOIL & WATER CONSERVATION BOARD
July 17, 2003

The Texas State Soil and Water Conservation Board met on July 17, 2003, at 8:00 a.m. in its Hearings Room at 311 North Fifth Street, Temple, Texas.

Board members present were:

Aubrey Russell, Member
Edward G. Albrecht, Member
Guillermo (Memo) Benavides, Member
W. T. (Dub) Crumley, Vice Chairman

Staff members present were:

James M. Moore, Executive Director
Mark Cochran, Director of Conservation Programs
Dawn Heitman, Human Resources Specialist
Richard Egg, Engineer
John Foster, Natural Resources Specialist
Kenny Zajicek, Contract Specialist
Tim Sims, Program Administrator
Lee Munz, Program Specialist
Joe Freeman, Program Specialist
Ben Wilde, Program Specialist
David Powell, Program Specialist
Vicki Davis, Executive Assistant

Others present were:

José Dodier, Association of Texas Soil & Water Conservation Districts
Marty Graham, Association of Texas Soil & Water Conservation Districts
Tamara Daniel, Association of Texas Soil & Water Conservation Districts
George Noelke, Attorney General's Office
Salvador Salinas, Natural Resources Conservation Service
Russell Gregorczyk, Jensen & Gregorczyk Certified Public Accountants
Stephen Brown, Upper Colorado River Authority
Denise Rhodes, CDR Legislative Group
Bryan Gentsch, IWA Consultants
Elvia Gonzales, Nature Conservancy of Texas

Vice Chairman Crumley called the meeting to order at 8:08 and welcomed those present.

Mr. Crumley requested that Vicki Davis read a letter from Chairman Wayne Register announcing his resignation as chairman and as board member from Area IV. Chairman Register requested his letter be included in the minutes of the board meeting. (Letter attached)

AGENDA ITEM 1. Minutes from the May 14-15, 2003 Board Meeting

Mr. Benavides pointed out two errors in the minutes. Mr. Crumley called for a motion to approve the minutes of the May 14-15, 2003 Board Meeting with corrections.

Mr. Russell moved that the minutes be approved. Mr. Albrecht seconded the motion. The motion passed unanimously.

AGENDA ITEM 2. District Director Appointments

Mr. Moore presented district director appointments for the Board's consideration and verified they were in order and met all qualifications.

Mr. Albrecht moved the appointments be approved and Mr. Russell seconded. The following appointments were unanimously approved:

Cindy Weatherby, Middle Concho #234, Zone 3, Replace Joe Dean Weatherby
Rebecca Campbell, Mustang #242, Zone 1, Replace Bruce Key
Regan Kirk, San Saba #250, Zone 3, Replace Byron Lewis
Curtis Bourn, Winter Garden #326, Zone 1, Replace Aurelio Medina
Andres Guerra, Zapata #335, Zone 4, Replace Humberto Gonzalez, Jr.
Sandra Leyendecker, DVM, Webb #337, Zone 2, Replace Carroll E. Summers, Jr.
Carroll E. Summers, Jr., Webb #337, Zone 5, Replace Donato D. Ramos
Ronnie Schulte, Washington #348, Zone 1, Replace Waldo Smith
Ronald J. Nemeec, Nueces #357, Zone 3, Replace Thomas J. Kocurek
Jimmie L. Ballweg, Dalworth #519, Zone 3, Replace Blake Evans
Patsy Schur, Wilbarger #537, Zone 4, Replace Charles V. Schur
Vernell Hutcheson, Parker County #558, Zone 2, Replace Doyle Hutcheson

AGENDA ITEM 3. Reports from Agencies and Guests

Stephen Brown, Upper Colorado River Authority gave a review of UCRA's involvement in the North Concho brush control program and their future funding needs. He requested that the North Concho/Twin Buttes remain priority areas and the board consider designating more funds for monitoring.

Denise Rhodes, CDR Legislative Group stated the importance of brush control on the Pecos River and asked the Board to consider approving a level of funding to match EQIP.

Elvia Gonzales, Nature Conservancy of Texas voiced her group's support of the Pecos River Project for salt cedar.

Bryan Gentsch, IWA Consultants voiced his support of the Pecos River Project for salt cedar.

José Dodier, ATSWCD updated the Board on NACD activities.

Salvador Salinas, Natural Resources Conservation Service discussed: TSP update; Wetlands Reserve Program; EQIP Program; Farmland Protection Program; Grassland Reserve Program and took questions from the Board.

AGENDA ITEM 4. Subdivision Boundary Changes for Comal Guadalupe SWCD #306

Mr. Moore reviewed the agenda information.

Mr. Benavides moved that the Board approve the subdivision boundary changes for Comal Guadalupe SWCD #306, Mr. Albrecht seconded and the motion passed unanimously.

AGENDA ITEM 5. Petition for Division and Reorganization of Burleson-Lee SWCD #313

Mr. Moore reviewed the agenda information.

Mr. Benavides moved that the Board approve the Burleson-Lee SWCD request for division and reorganization of their district. Mr. Albrecht seconded and the motion passed unanimously.

Mr. Benavides made a motion that agenda items 26 through 30 be taken up next, Mr. Albrecht seconded and the motion passed unanimously.

AGENDA ITEM 26. Consideration of State Brush Program Practices

Mr. Cochran reviewed the agenda information.

Mr. Albrecht moved that mechanical treatment of cedar and mixed brush be allowed as an approved method of treatment in the Pecan Creek Watershed. Mr. Russell seconded and the motion passed unanimously.

Mr. Albrecht suggested that aerial treatment not be included in future contracts.

AGENDA ITEM 27. State Brush Control Program Status Report

Mr. Sims reviewed the agenda information.

AGENDA ITEM 28. Allocation of FY 2004 Brush Control Funds

Mr. Cochran reviewed the agenda information and requested that the board approve salt cedar funding due to time constraints and defer the remainder of the allocations to the August Board meeting. Mr. Moore suggested that a committee be set up comprised of Texas Parks & Wildlife Department, Texas Water Development Board, Texas Department of Agriculture, districts and other entities to discuss prioritization of brush control funds.

Mr. Albrecht moved that \$325,000 be approved for salt cedar funding, Mr. Benavides seconded and the motion passed unanimously. Mr. Benavides moved that staff set up a committee to

discuss prioritization of brush control funds for FY 04, Mr. Russell seconded and the motion passed unanimously.

Board directed staff to respond to all parties who had sent in letters concerning brush control funding.

AGENDA ITEM 29. Proposed Amendments to 31 TAC Chapter 517, Subchapter B, Cost Share Assistance for Brush Control

Mr. Cochran reviewed the agenda information.

Mr. Benavides moved that the board approve the suggested changes to the brush control rules and their submission to the Texas Register. Mr. Russell seconded and the motion passed unanimously.

AGENDA ITEM 30. Adoption of 31 TAC 517.33(g) and 517.34(b), Subchapter B, Cost Share Assistance for Brush Control

Mr. Cochran reviewed the agenda information.

Mr. Albrecht moved that the brush control rule amendments be adopted, Mr. Russell seconded and the motion passed unanimously.

AGENDA ITEM 6. South Central Region Conservation Conference & NACD Leaders Forum August 10-12, Oklahoma City

Mr. Moore distributed copies of a flyer for the Oklahoma meeting and informed the board that in order to make reservations, their reservation information was needed today.

AGENDA ITEM 7. 58th Annual Meeting of National Association of Conservation Districts February 1-5, 2004, Hawaii

Mr. Moore distributed copies of a flyer for the Hawaii meeting and informed the board we would keep them up to date on updates as they were received.

AGENDA ITEM 8. Conference Room Changes

Mr. Moore explained that the present podium would not accommodate a seven-member board. Board instructed staff to present bids for several different renovation options at the August Board meeting.

AGENDA ITEM 9. Governor Appointed Board Member Appointment Process

Mr. Moore reviewed the agenda information.

AGENDA ITEM 10. Human Resources Report

Ms. Heitman reviewed the agenda information.

AGENDA ITEM 11. State Board Policy on Cost Share

Mr. Moore reviewed the agenda information.

Mr. Albrecht moved that State Board policy be changed to state that an employee or Board member can not enter into a cost-share agreement while employed by the Texas State Soil and Water Conservation Board or while serving on the State Board. Mr. Benavides seconded and the motion passed unanimously.

AGENDA ITEM 12. Legislative Update

Mr. Moore presented a legislative update to the board.

AGENDA ITEM 13. 2003 Annual State Meeting

Mr. Moore deferred to Mr. Benavides. Mr. Benavides reviewed the State Planning Committee meeting held July 16, 2003.

Mr. Benavides made a motion that the Board give the Executive Director the right to contract with Kris Parker to coordinate the state meeting. Mr. Albrecht seconded and the motion passed unanimously. Mr. Russell moved that the Executive Director sign the contract with the El Paso Convention Center for the state meeting. Mr. Albrecht seconded and the motion passed unanimously.

AGENDA ITEM 14. Public Information/Education Report

Mr. Moore reviewed the agenda information.

AGENDA ITEM 15. Conservation Awards Program

Mr. Moore reviewed the agenda information.

Motion was made by Mr. Albrecht, seconded by Mr. Russell to reduce the number of slides from 30 to 20 for the Outstanding Conservation District entry. Motion passed.

Motion was made by Mr. Russell, seconded by Mr. Albrecht to reduce the requested number of slides from 20 to 15 for all other award entries. Motion passed.

Motion was made by Mr. Albrecht, seconded by Mr. Russell to include a statement on each entry form in the Conservation Awards Packet that states only one award per category is to be put on one disk/CD. Motion passed.

Motion was made by Mr. Albrecht, seconded by Mr. Benavides to include a statement on each entry form in the Conservation Awards Packet that states both a hard copy and a disc/CD version is required for each entry. Motion passed.

Motion was made by Mr. Albrecht, seconded by Mr. Russell to include a statement on each entry form in the Conservation Awards Packet that slides would no longer be taken and that each entry would have to be done on Power Point. Motion passed.

Motion was made by Mr. Benavides, seconded by Mr. Albrecht changing the theme of the essay contest from "Soil and Water Conservation" to a theme that changes from year to year in order to allow students to concentrate on a single, specified topic. Motion passed.

AGENDA ITEM 39. Executive Director's Job Duties and Responsibilities

Mr. Russell moved that the Board go into executive session on Agenda Item 39, Mr. Benavides seconded and the motion passed unanimously.

Upon reconvening in open session, Mr. Russell moved that Mr. James Moore be put on emergency leave until August 31, 2003 beginning at close of business today. Mr. Albrecht seconded and the motion passed unanimously.

AGENDA ITEM 40. Duties, Appointment and Employment of New Executive Director

Mr. Russell moved that the Board go into executive session to consider agenda item 40, Mr. Albrecht seconded and the motion passed unanimously

Upon reconvening in open session Mr. Russell moved that Mr. Rex Isom be appointed as interim executive director at will. Mr. Benavides seconded and the motion passed unanimously.

Mr. Albrecht stated that the board will consider the hiring of a permanent executive director after the election of an Area IV board member and the appointment of the two board members by the governor.

Ms. Heitman requested that Mr. Moore be allowed to come in on August 1, 2003 to process his final paperwork. The board approved her request.

AGENDA ITEM 23. Appointment of Representative to the Coastal Coordination Council

Mr. Cochran reviewed the agenda item.

Mr. Albrecht moved that the board appoint Mr. Benavides to serve as their representative on the Coastal Coordination Council. Mr. Russell seconded and the motion passed unanimously.

AGENDA ITEM 24. Summary of the June 24, 2003 Meeting of the Coastal Coordination Council

Mr. Benavides reviewed the agenda information.

AGENDA ITEM 16. Proposed Changes to District Director Mileage & Per Diem Allocation Procedures

Mr. Zajicek requested that this agenda item be postponed until the August Board Meeting.

AGENDA ITEM 17. Proposed Amendment to 31 TAC Chapter 525 Audit Requirements

Mr. Zajicek requested that this agenda item be postponed until the August Board Meeting.

AGENDA ITEM 18. Proposed Amendment to 31 TAC Chapters 519 & 521 Technical Assistance

Mr. Zajicek reviewed the agenda information and took questions from the Board.

Mr. Russell moved that the amended rules be approved by the board and published in the Texas Register. Mr. Albrecht seconded and the motion passed unanimously.

AGENDA ITEM 19. Budget vs. Expenditure Report for the Period Ending June 30, 2003

Mr. Zajicek reviewed the agenda information.

AGENDA ITEM 20. Internal Audit Report on the Information Resources Program

Mr. Zajicek deferred to Mr. Russell Gregorczyk who reviewed his company's findings with the Board.

Mr. Benavides requested that in the future, we structure the agenda to accommodate visitors.

AGENDA ITEM 21. Internal Audit Plan for 2003

Mr. Zajicek reviewed the agenda information.

Mr. Albrecht moved that the 2003 Internal Audit Plan be revised to delete the Budgeting and Reporting Audit. Mr. Russell seconded and the motion passed unanimously.

AGENDA ITEM 22. Clean Water Act 319(h) Grant Program Status Report

Mr. Zajicek reviewed the agenda information.

AGENDA ITEM 25. Revision of WQMP Program Priority Designations

Mr. Cochran reviewed the agenda information and the board took no action.

AGENDA ITEM 31. Senate Bill 1339 Status Report

Mr. Cochran reviewed the agenda information.

AGENDA ITEM 32. Review of Water Quality Management Program Annual Evaluation

Mr. Cochran requested that this agenda item be postponed until the August Board Meeting.

AGENDA ITEM 34. Water Quality Management Program Status Report

Mr. Cochran requested that this agenda item be postponed until the August Board Meeting.

AGENDA ITEM 36. Allocation of FY 2004 Water Quality Cost Share Funds

Mr. Cochran requested that this agenda item be postponed until the August Board Meeting.

AGENDA ITEM 33. Proposed Amendments to 31 TAC Chapter 523 Agricultural & Silvicultural Water Quality Management

Board instructed staff to gather input from districts on their receiving and administering funds at the local level.

Motion to approve the following amendments to 31 TAC, Chapter 523 for submission to the Texas Register for a 30-day public comment period:

1). Transfer of funds to SWCDs – Change §523.6 (d)(2) and §523.6 (j) only

Motion by Mr. Albrecht seconded by Mr. Russell

2). Landowner signature on cost-share forms – all listed changes

Motion by Mr. Russell seconded by Mr. Albrecht

3). Name change from TNRCC to TCEQ – all listed changes

Motion by Mr. Albrecht seconded by Mr. Russell

4). Removal of expired MOA – listed changes

Motion by Mr. Russell seconded by Mr. Albrecht

5). Other needed rule changes – all listed changes

Motion by Mr. Russell seconded by Mr. Albrecht

All changes passed unanimously

AGENDA ITEM 35. Allocation of FY 2003 Water Quality Cost Share Funds

Mr. Munz reviewed the agenda information.

Mr. Russell moved that the State Board fund all three new statewide requests, Mr. Albrecht seconded and the motion passed unanimously.

AGENDA ITEM 37. Flood Control Dam Rehabilitation Projects

Mr. Egg reported that there was no new activity.

AGENDA ITEM 38. North Bosque Watershed Status Report

Mr. Foster reviewed the agenda information.

AGENDA ITEM 41. Set Date of Next Board Meeting

The date of the next Board meetings were set as July 30, 2003 at 10:00 a.m. and August 21, 2003 at 8:00 a.m.

Mr. Crumley called for a motion to declare the meeting adjourned. Mr. Russell moved and Mr. Albrecht seconded. The meeting was declared adjourned at 4:30.

W. J. Crumley
Vice-Chairman

Debbie K. Davis
Secretary

10/3/03
Date

I certify that the above is a true and correct copy of the minutes of the State Soil and Water Conservation Board meeting held on July 17, 2003.

10/3/03
Date

[Signature]
Executive Director