Meeting Minutes
TEXAS STATE SOIL & WATER CONSERVATION BOARD
November 17, 2004

The Texas State Soil and Water Conservation Board met on November 17, 2004, at 2:30 p.m. at the Capitol LaQuinta, 300 East 11th Street, Austin, Texas.

Board members present were:

Aubrey Russell, Vice Chairman
Reed Stewart, Member
Guillermo (Memo) Benavides, Member
Jerry Nichols, Member
W. T. (Dub) Crumley, Chairman

Staff members present were:

Rex Isom, Executive Director
John Foster, Natural Resources Specialist
Kenny Zajicek, Fiscal Officer
Andy Garza, Program Administrator
Kevin Wagner, NPS Team Leader
Lee Munz, 319 Project Manager
T. J. Helton, Planner
Chris Higgins, Planner
Johnny Oswald, Program Administrator
Mel Davis, Program Specialist
Clay Wright, Network Specialist
Ben Wilde, Program Specialist
Dawn Heitman, Program Specialist
Vicki Davis, Administrative Coordinator

Others present were:

Denise Gentsch, BASF Corporation

Chairman Crumley called the meeting to order at 2:40 p.m. and welcomed those present.

A work session was conducted which covered all agenda items in detail. Questions were taken and answered.

The meeting adjourned at 5:10 p.m.

Meeting Minutes
TEXAS STATE SOIL & WATER CONSERVATION BOARD
November 18, 2004

The Texas State Soil and Water Conservation Board met on November 18, 2004, at 9:00 a.m. in Room E1.012, of the State Capitol, 1200 Congress Avenue, Austin, Texas.

Board members present were:

Aubrey Russell, Vice Chairman
Reed Stewart, Member
Guillermo (Memo) Benavides, Member
Jerry Nichols, Member
W. T. (Dub) Crumley, Chairman

Staff members present were:

Rex Isom, Executive Director
Dawn Heitman, Program Specialist
John Foster, Natural Resources Specialist
Kenny Zajicek, Fiscal Officer
Andy Garza, Program Administrator
Judy Albus, Program Administrator
Steve Jones, Program Administrator
Bob Gruner, Program Specialist
Joe Freeman, Program Specialist
Ben Wilde, Program Specialist
Kendria Ray, Program Specialist
Adrian Perez, Program Specialist
Joel Clark, Program Specialist
David Powell, Program Specialist
Don Brandenberger, Program Specialist
Charlie Upchurch, Program Specialist
Johnny Oswald, Program Administrator
Ben Brooks, Planner
Lee Munz, 319 Project Manager
T. J. Helton, Planner
Chris Higgins, Planner
Mel Davis, Program Specialist
Vicki Davis, Administrative Coordinator

Others present were:

Barry Mahler, Association of Texas Soil & Water Conservation Districts
Bill Thomas, Association of Texas Soil & Water Conservation Districts
Marty Graham, Association of Texas Soil & Water Conservation Districts
Ben Bono, Association of Texas Soil & Water Conservation Districts
Scott Buckles, Association of Texas Soil & Water Conservation Districts

Tamara Daniel, Association of Texas Soil & Water Conservation Districts
George Noelke, Office of the Attorney General
Rebecca White, Governor's Office
Clyde Bohmfalk, Texas Commission on Environmental Quality
Kraig Gallimore, Texas Water Development Board
Allan Jones, Texas Water Resources Institute
Dr. Bill Harris, Texas A&M
Cary Brown, Texas Department of Agriculture
Jerry Clark, Sabine River Authority
Russell Gregorczyk, Jansen & Gregorczyk, CPA's
James Grimm, Texas Poultry Federation
Tom Engelke, Texas Agricultural Cooperative Council
Ken Horton, Pork Producer's Association
Donald Williams, Donley County SWCD
Jim McReynolds, State Senator
Don Forse, Senator Deuell's Office
Debbie Van Bibber, Representative Hilderbran's Office
Bob McVay, Representative Guillen's Office
Jim Reaves, Representative Seaman's Office
Daniel Womack, Senator Fraser's Office
Isaac Albarado, Representative Hilderbran's Office
Todd Kercheval, State Cultural & Recreational Resources Committee

Chairman Crumley called the meeting to order at 9:00 a.m. and welcomed those present.

AGENDA ITEM 2. Minutes from the September 22 & 23, 2004 Board Meeting

Chairman Crumley called for a motion to approve the minutes of the September 22 & 23, 2004, meeting as mailed. Mr. Nichols moved that the minutes be approved. Mr. Russell seconded the motion. The motion passed unanimously.

AGENDA ITEM 1. Reports from Agencies and Guests

Barry Mahler, Association of Texas Soil and Water Conservation Districts introduced the Association Directors who were in attendance.

James Grimm, Texas Poultry Federation thanked the Board for their work with the 503 Program and poultry producers.

Daniel Womack, Senator Fraser's office thanked the Board for their updates and offered their assistance when needed.

Representative Jim McReynolds introduced himself and welcomed the Board to the capitol.

AGENDA ITEM 3. District Director Appointments

Ms. Davis presented district director appointments for the Board's consideration and verified they were in order and met all qualifications. Mr. Benavides moved the appointments be approved. Mr. Stewart seconded and the following appointments were unanimously approved:

Matt Moore, Wheeler #141, Zone 1, replace Darville Atherton
Norman Douglas "Doug" Irwin, Andrews #246, Zone 2, replace Eugene Douglas "Gene" Irwin
William E. "Bill" Tom, Andrews #246, Zone 3, replace George Ellison "Sonny" Tom, Jr.
David LaGrange, Starr County #332, Zone 3, replace Robert A. Peterson
Larry Weiser, Lee County #359, Zone 5, replace John Smith

AGENDA ITEM 4. Audit Report – Russell Gregorczyk

Mr. Gregorczyk reported: staff has made changes which were recommended in the audit of performance measures, audit work for FY 05 has not begun, he would like to complete audits of the six brush districts before the session opens and the annual audit report has been completed and turned in.

AGENDA ITEM 5. Donley County Liability Issues

Donald Williams, Donley County SWCD reviewed a letter from the Donley district to the State Board and expressed his concern that districts can no longer afford Director and Officer Liability Insurance. He asked for the Board's assurance that the directors were covered by the State of Texas.

Chairman Crumley asked for input from George Noelke. Mr. Noelke said that state law prohibits him from representing districts and at this time SORM does not have a plan to cover local districts but the sovereign immunity of the State is passed down to districts. Chairman Crumley stated, and Mr. Noelke verified, that the State of Texas cannot offer legal advice or representation directly to subdivisions of state government. Mr. Noelke informed Mr. Williams that the Association of Political Subdivisions has sources of insurance for political subdivisions. Chairman Crumley asked Mr. Noelke to see if there is a possibility of the Attorney General's Office representing districts if they are sued jointly with the Board on issues that involve action taken in accordance with State Board rules and policies.

AGENDA ITEM 6. Update on Water Quality Management Plan Program

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

AGENDA ITEM 7. Update on Measures to Reduce Lapsed Funds from Water Quality Management Plan Program Cost Share

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

AGENDA ITEM 8. Approval of Statewide Water Quality Management Plan Cost-Share Requests

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

Mr. Nichols moved to approve the cost share request from Bowie County SWCD #408 for $2,132.00. Mr. Stewart seconded and the motion passed unanimously.

AGENDA ITEM 9. Update on Poultry Water Quality Management Plan

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

AGENDA ITEM 10. Update on Development of the Water Quality Management Plan Database

Chairman Crumley informed those present that Mr. Wright made his presentation at the work session held on November 17th.

AGENDA ITEM 11. Brush Control Program Update (Program Status and Audit Recommendation)

Mr. Oswald reviewed the agenda information.

AGENDA ITEM 12. UCRA – Continuation of Funding for the Texas Brush Control Program – Response Monitoring and Research

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

Mr. Stewart moved that the Board table any decision until a series of meetings are held with Texas A&M University System, Texas Water Development Board, TSSWCB and others involved in research and monitoring of water enhancement benefits from vegetative management. Mr. Russell seconded and the motion passed unanimously.

Mr. Benavides asked that Mr. Oswald send a letter to UCRA informing them of the Board's decision.

AGENDA ITEM 13. Payment of Errors and Omissions to Districts Involved in the Brush Control Program

Mr. Oswald reviewed the agenda information with input from Mr. Noelke and took questions from the Board.

Mr. Benavides moved that the following statement be added to 319, 503 and brush contracts; "Applicant agrees, to the extent authorized by the laws and Constitution of the State of Texas, to indemnify and hold harmless the district and all of its employees from any and all liability, loss, or damage arising out of the performance of this Contract." Mr. Nichols seconded and the motion passed unanimously.

AGENDA ITEM 14. Update on Upper Colorado Salt Cedar Project

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

AGENDA ITEM 15. Clean Water Act, §319(h) Nonpoint Source Grant Program Update

Mr. Wagner reviewed the agenda information.

AGENDA ITEM 16. TMDL Program Status Report

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

AGENDA ITEM 17. North Bosque River Comprehensive Nutrient Management Plan Program Update

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

AGENDA ITEM 18. Dairy Manure Export Support Program Update

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

AGENDA ITEM 19. Rural and Urban Conservation Outreach

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

AGENDA ITEM 20. Agricultural Water Conservation Grants

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

AGENDA ITEM 21. 2004 Annual State Meeting

Mr. Davis reviewed the agenda information.

Mr. Benavides voiced his gratitude for the Resolution of Appreciation he received from the Association of Soil and Water Conservation Districts. He also recognized the hard work and dedication of State Board and NRCS personnel who assisted in planning, conducting and making the Annual State Meeting in Laredo a great success.

AGENDA ITEM 22. 2006 Annual State Meeting

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

After discussion, Mr. Russell moved that the Board stay with their oral commitment to hold the 2006 Annual State Meeting in Fort Worth. Mr. Stewart seconded and the motion passed unanimously.

AGENDA ITEM 23. Adopt Proposed Historically Underutilized Business Rules

Mr. Davis reviewed the agenda information.

Mr. Nichols moved that the existing rules adopted by the Texas Building and Procurement Commission be adopted by reference. Mr. Benavides seconded and the motion passed unanimously.

AGENDA ITEM 24. Adoption of Rule Amendment Regarding District Audit Requirements

Mr. Davis reviewed the agenda information.

Mr. Benavides moved that the proposed rule be adopted and the emergency rule be allowed to expire. Mr. Nichols seconded and the motion passed unanimously.

AGENDA ITEM 25. Board Member Elections

Mr. Davis reviewed the agenda information.

AGENDA ITEM 26. Human Resources Report

Ms. Heitman reviewed the agenda information.

AGENDA ITEM 27. Public Information/Education Report

Ms. Heitman reviewed the agenda information.

AGENDA ITEM 28. Fiscal Report

Mr. Zajicek reviewed the agenda information.

AGENDA ITEM 29. All NRCS Meeting

Chairman Crumley stated the meeting will be held November 30 through December 2, 2004, in Fort Worth. Mr. Mahler, Mr. Isom and Chairman Crumley have been asked to make presentations.

AGENDA ITEM 30. Set Date of Next Board Meeting

Mr. Stewart moved that the date of the next Board meeting be tentatively set as January 27 with a work session to be held January 26, 2005. Mr. Russell seconded and the motion passed unanimously.

Chairman Crumley declared the meeting adjourned at 11:40 a.m.

W.T. Crumley
Chairman

Secretary

1/27/05
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 November 17 & 18, 2004.

1/27/05
Date

Executive Director