

Minutes
TEXAS STATE SOIL AND WATER CONSERVATION BOARD
May 25, 2000

The Texas State Soil and Water Conservation Board met on May 25, 2000
at 8:00 a. m. in its Hearings Room at 311 North Fifth Street, Temple, Texas.

Board members present were:

J. K. (Rooter) Brite, Vice Chairman
Dayton Elam, Member
Edward G. Albrecht, Member
Donald Swann, Member
T. Wayne Register, Member

Staff members present were:

Robert G. (Bob) Buckley, Executive Director
James M. Moore, Director of Conservation Programs
Mel Davis, Director of District Operations
Bobbie Stephens, Director of Administration
Donna Long, Program Specialist
Kevin Wagner, Natural Resources Specialist
John Millican, Program Administrator
Sam Unberhagen, Program Specialist
Dawn Heitman, Human Resources Specialist
Vicki Davis, Accountant
Andrea Pennington, Accountant
Johnny Oswald, Program Administrator
Kenny Zajicek, Contract Manager
Lee Munz, Planner
Lois J. Cain, Administrative Technician

Others present were:

George Noelke, Attorney General's Office
John Burt, Natural Resources Conservation Service
Dick Babcock, Natural Resources Conservation Service
Merideth Burger, Consultant
Russell Gregorczyk, CPA
Deonette M. Goodspeed, CPA

Vice Chairman Brite called the meeting to order and welcomed those present.

On motion of Ed Albrecht, seconded by Wayne Register, the minutes of the March 16, 2000 Board meeting were approved as mailed.

Mel Davis presented district director appointments listed on the agenda for consideration and advised they met the qualifications. On motion of Dayton Elam, seconded by Don Swann, the following district director appointments were approved as presented:

Kent Springer, Tule Creek SWCD #110
C. Todd Lockaby, Lynn County SWCD #119
Dean Tipps, Wheeler County SWCD #141
Jim Morrison, Roberts SWCD #145
Bob Wood, Oldham County SWCD #153
Brodie B. Caudle, Upper Llanos SWCD #225
Travis Langford, Bandera SWCD #229
Jesse Pawelek, Atascosa County SWCD #307
Oren C. Remmers, Gonzales County SWCD #338
Troy Berthold, Bee SWCD #344
Grady J. Fountain, Piney Woods SWCD #429

Mr. Brite then called for nominations for Chairman of the State Board. Wayne Register nominated Ed Albrecht. Dayton Elam nominated Rooter Brite. Mr. Albrecht was elected Chairman by receiving three votes. Mr. Albrecht then opened the floor for nominations for Vice Chairman. Rooter Brite nominated Wayne Register. Dayton Elam moved to close nominations and elect Mr. Register by acclamation. Don Swann seconded and motion carried.

Bobbie Stephens discussed a change in Subchapter H Technical Assistance allocations concerning requests from several districts to carry over funds from FY99 to FY00. Ms. Stephens asked the Board to authorize the carry

over funds. On motion of Dayton Elam, seconded by Don Swann, staff was authorized to allocate Subchapter H Technical Assistance carry over funds.

Ms. Stephens discussed the Budget versus Expenditure Report for the eight-month period ending April 30, 2000 and explained each appropriation item. She also discussed the need to purchase five new vehicles out of the Statewide Management Plan strategy to be used by the regional offices because of high mileage on the old vehicles.

The Board member travel report was then discussed. Ms. Stephens said two Board members were running low on travel dollars and the Board needed to look at reallocation of some of the funds. Don Swann offered some of his allocation. By consensus of the Board \$2,000 was transferred from Don Swann's travel to add \$1,000 into Dayton Elam's travel and \$1,000 into Rooter Brite's travel. Ms. Stephens discussed the use of state credit cards and advised the Board that if they purchased their own airline tickets it would have to be charged on their state credit card.

Dick Babcock reported for the Natural Resources Conservation Service and provided a handout. He briefly discussed the information for CRP and said Texas is second in the country on CRP signups. Mr. Buckley then informed the Board that Mr. Babcock would be leaving Texas to become the State Conservationist in New Hampshire on June 18, 2000.

Merideth Burger, Consultant to the Association of Texas Soil and Water Conservation Districts, discussed an update on NRCS-USDA proposed appropriations for FY 2001 saying funding is comparable to last year. Mr. Register

advised the Board that Jose Dodier is now the president of the Association of Texas Soil and Water Conservation Districts.

Mr. Buckley provided the Board a copy of a letter from Comer Tuck of the Texas Water Development Board advising the Board of a career change. Mr. Tuck will begin work on June 5, 2000 as Assistant Manager for the High Plains Underground Water Conservation District #1 in Lubbock, Texas.

Dawn Heitman provided the Human Resource Report and noted there had been one involuntary separation and that recruiting is currently underway for a Program Specialist III for the TMDL program. Current staff level is 63 employees. She also provided and discussed the Affirmative Action/Recruitment Plan and Employee Training Update.

Mel Davis discussed the 2000 Texas Conservation Awards Banquets and provided an incomplete breakdown on expenses. All areas were well attended with good programs. The program is co-sponsored by the State Board and the State Association of Soil and Water Conservation Districts. Mr. Davis asked the Board to look over the entry forms for 2000 for any recommendations they might have to be discussed at the July Board meeting.

Mel Davis advised there was a written report provided for the Public Information/Education Department. The Board was advised the State Wildlife Clinic which had just been held was very well attended and was won by a team from Stephenville High School. Don Swann inquired about the use of the video library and Mr. Davis advised that it is heavily used.

Mr. Davis then advised the Board it was time to appoint a committee for the planning of the 2000 Annual Statewide Meeting of Soil and Water Conservation District Directors. The Annual Meeting will be held in Fort Worth, Texas, October 2-4, 2000. On motion of Don Swann, seconded by Dayton Elam, the Board appointed members to the committee as follows: Edward Albrecht, State Board Chairman; Rooter Brite, Area V Board member; Jose' Dodier, Association President; Barry Mahler, Area V Association Director; Mary Alice Ramm, Auxiliary President; Bob Buckley, Executive Director, TSSWCB. It was decided to have the meeting on June 22, 2000 after the Board meeting in San Angelo. Mr. Davis advised rooms have been blocked for the Annual Meeting in Fort Worth at the Radisson Plaza and Ramada Plaza. The Radisson Plaza is large enough to hold all of the meeting except the reception on Monday night.

Bobbie Stephens discussed the Sunset Commission staff recommendations for the State Soil and Water Conservation Board and advised the public hearing is set for June 21, 2000. Each issue and recommendation was read and discussed.

Issue 1 - Expand the State Board from five to eight members by adding two Governor appointees and the Chair or designee of the Texas Natural Resources Conservation Commission.

- 1.1) It was the consensus of the Board to oppose this recommendation as Soil and Water Conservation Districts had expressed their support for the current method and system for electing State Board members in their response via the Sunset Survey.

Issue 2 - Water Quality Management Efforts do not ensure the greatest control of agriculture runoff.

- 2.1) The Board supports the concept of updating water quality areas in a timely manner. The Board does not believe the updating of priority areas should be specifically tied to any one list; however, the TMDL process and the 303(d) list should be considered by the Board when setting priority areas.
- 2.2) The Board agrees with recommendation 2.2 with the stipulation included in Comments to Recommendation 2.1.
- 2.3) The Board agreed with concept but pointed out previous legislatures have strongly felt that detailed information on water quality management plans should not be made available to the public without permission of the landowner. The acceptable method for information distribution would be non-site specific but cumulative.
- 2.4) The Board concurs with the recommendation.
- 2.5) The Board concurs with the recommendation.
- 2.6) The Board agrees with recommendation and feels it will enable the TSSWCB to better utilize its available funds.
- 2.7) The Board has proposed rules that would implement this action.
- 2.8) The Board concurs with this recommendation.

Issue 3 - Local District Elections

- 3.1) The Board disagrees with the recommendation to require districts to offer absentee ballots to voters. The Board and staff will continue to

encourage districts to improve participation of eligible voters in local conventions.

3.2) The Board concurs with this recommendation.

3.3) The Board concurs with this recommendation.

Issue 4 - Continue the TSSWCB for twelve years.

4.1) The Board agrees with this recommendation.

On motion of Wayne Register, seconded by Dayton Elam, the Board adopted the recommendations as discussed.

Bobbie Stephens discussed the proposed Strategic Plan for 2001-2005. She advised the plan was due in Austin on June 1, 2000. On motion of Wayne Register, seconded by Don Swann, the proposed Strategic Plan was adopted as presented.

Bobbie Stephens discussed the Legislative Appropriation Request for 2002-2003 biennium and provided a checklist of surveyed budget requests from districts. Rooter Brite felt we did not give enough thought to the survey questionnaire mailed to districts and need to make additional considerations before another survey is sent out in the future. The Board was advised that base budget is \$28 million per biennium and staff recommended the agency base budget for the next biennium be the same. It was the consensus of the Board to stay with base budget. Exceptional items were discussed and it was the consensus of the Board to continue to pursue the exceptional items as discussed. There was discussion on an exceptional item for Operation and Maintenance on

old watershed structures. Dollar figures needed to pursue this item will be reviewed at the June board meeting.

James Moore discussed the need to appoint a representative on the Coastal Coordination Council. He advised Waldo Smith had filled the Board's seat on the Council and needed to be replaced since he was no longer on the State Board. On motion of Wayne Register, seconded by Dayton Elam, Don Swann, State Board member from State Area III, was elected to serve in that position.

Kevin Wagner discussed consideration of contracts for the Brush Control Feasibility Studies. There are eight studies currently underway with completion due by November 2000. He advised the State Board staff is currently working with local river authorities and municipal water authorities on contracts to develop Hydrologic Evaluation reports on the Nueces and Frio Rivers, Edwards Aquifer, Pedernales River, Canadian River, and Wichita River and provided contracts for the Board's review and consideration. On motion of Wayne Register, seconded by Rooter Brite, the Board authorized the Executive Director to sign the contracts with the option to evaluate the expansion request for the Wichita River watershed study as Rooter Brite discussed.

Sam Unberhagen discussed FY00 water quality cost share allocations. In a previous meeting, one approved request had an error in the cost share calculations. Staff recommended that the Board ratify the corrected amount. On motion of Rooter Brite, seconded by Don Swann the Board approved to ratify the correct cost share amounts. Mr. Unberhagen then advised there were five new

requests for cost share. One of the requests was complaint driven. On motion of Rooter Brite, seconded by Don Swann, the complaint driven request was approved and the four remaining were deferred until the July Board meeting.

Mr. Unberhagen then discussed a request from Floyd County Soil and Water Conservation District #104 to amend the State Board's cost share practice list to include "A" slope (0-1%) for cost share under 442 - Sprinkler - low pressure or conversion to low pressure. He advised this request has been denied each time it has been made based on the lack of enhancement to water quality by low-pressure irrigation on relatively flat acreage. The Board took no action on the request.

James Moore discussed proposed amendments to the Water Quality Cost Share Rules. He advised that currently cost share payments of the SB 503 program are limited to one payment per certified water quality management plan. He said there are circumstances where making a second cost share payment would be desirable and at the January, 2000 Board meeting the Board proposed rule amendments that would allow making cost share payments on a case-by-case, project or watershed basis in consultation with the soil and water conservation district. The proposed rules have been published in the **Texas Register** with no comments being received. Staff recommended the Board adopt the rules as final rules. On motion of Rooter Brite, seconded by Don Swann, the rules were adopted to be published as final rules.

Mr. Moore discussed a request for a waiver on SB 503 cost share rules to allow Cochran Soil and Water Conservation District #149 to pay a landowner to

re-establish a practice, a diversion terrace, that had failed. After discussion and on motion of Rooter Brite, seconded by Dayton Elam, the Board granted an exception to agency rules to allow Cochran SWCD to pay to re-establish the diversion terrace correctly out of their normal SB 503 cost share allocation.

James Moore reported on lapsed water quality cost share funds. Staff recommended that the Board consider adoption of a rule amendment to require cost share funds to be obligated by the last day of February each fiscal year.

Proposed amendments to Water Quality Cost Share Rules were discussed by Mr. Moore which covered failed practice restoration as a result of natural disasters or as a result of error. The Board also considered amendment for cost share funds to be obligated by the last day of February of each year. Staff recommended rule revision be proposed as permanent rules and staff be authorized to publish them in the **Texas Register** for a 30-day comment period. On motion of Rooter Brite, seconded by Don Swann, the Board accepted all rule changes as presented.

Donna Long discussed a status report on current Total Maximum Daily Load (TMDL) projects. She advised the agency staff has been working with scientists at TIAER (Texas Institute for Applied Environmental Research), USDA-Agriculture Research Service and other institutions to design a study with specific objectives to include: Development of relationships between soil P levels and runoff losses for P for benchmark soils in the Bosque River watershed; making comparisons for several different methods of soil test P measurements to determine best method for predicting runoff losses of nutrients; identification of

optimum chemical dose requirements for a typical dairy lagoon wastewater; demonstration of chemical addition for soluble phosphorous removal with dairy wastewater at a pilot scale; investigation of how phosphorus precipitation is affected by energy input and flocculation and settling times. This project will be used directly in the implementation of the TMDL in the Bosque watershed. Staff recommended the Board authorize the Executive Director to enter into a contract with TIAER to accomplish the above objectives not to exceed \$100,000. On motion of Dayton Elam, seconded by Rooter Brite, the Executive Director was authorized to enter into contract with TIAER to accomplish the above mentioned objectives and not to exceed \$100,000.

Andrea Pennington introduced Russell Gregorczyk, CPA, of Jansen and Gregorczyk. Mr. Gregorczyk then made his presentation on seeking the responsibility of becoming the agency's internal auditor and explained the process in setting up an agency such as ours for internal auditing.

Donna Long then discussed the Aquilla watershed TMDL. She advised producers are implementing Best Management Practices to control Atrazine runoff and said there is significant decline in the Atrazine levels.

George Noelke of the Administrative Law Division of the Attorney General's Office discussed the Open Meetings Act, Open Records Act and Ethics of Board members during a Board member orientation period.

Deonette M. Goodspeed had also been asked to appear before the Board and present her background and qualifications for the internal auditor position. After her presentation the Board considered both applicants. After discussion and

on motion of Wayne Register, seconded by Dayton Elam, the Board chose to offer the contract to Russell Gregorczyk based on his experience with small agencies.

Bob Buckley discussed procedure for establishing agendas for Board meetings. He asked the Board to set guidelines for staff to follow. Mr. Buckley said a week before Board meetings are required to be posted, staff could draw up a draft agenda to send to Board members for their review and input. Final agenda and discussion materials could be provided to the Board members three business days before each Board meeting. It was the consensus of the Board to follow this procedure.

Dayton Elam discussed a draft job description for Director II, Special Assistant for External Customer Relations. Mr. Elam, Bob Buckley, Dawn Heitman and George Noelke had previously been appointed to a committee to develop a job description. Ms. Heitman explained the process on how the job description was compiled and that the position was to be an understudy for the Executive Director position. She then explained the process of posting a position such as this. After discussion the Board made one change under Education and Experience to read: "At least five (5) years experience in executive management." Dayton Elam moved to accept the draft as presented with the one change. Wayne Register seconded. There were three votes in favor with Mr. Brite voting no. The committee will continue this process. Chairman Albrecht asked Rooter Brite to also serve on the committee. The Board as a whole will make the decision on who to hire in this position. Salary range for the posted

position will be \$57,816 to \$61,700. The Board wants to review the policy for separation of duties between Board and staff. The Board also advised Ms. Heitman on external posting of the position.

The next Board meeting was set for 3:00 p.m. on June 22, 2000, in the LaQuinta Conference Center, San Angelo, Texas. The state meeting planning committee will meet that evening. On Friday, June 23, 2000 at 8:00 a.m. the Board will look at monitoring projects in the North Concho watershed.

On motion of Don Swann, seconded by Rooter Brite, the meeting adjourned at 4:05 p.m.

Edward G. Albeck
Chairman

Louis J. Casin
Secretary

June 22, 2000
Date

I certify that the above is a true and correct copy of the minutes of the Board meeting held on May 25, 2000.

June 22, 2000
Date

Robert S. Buckley
Executive Director