

TEXAS STATE SOIL AND WATER CONSERVATION BOARD
Board Meeting Minutes
July 25, 2019

The Texas State Soil and Water Conservation Board met on July 25, 2019, at 8:02 a.m. at 1497 Country View Lane, Temple, Texas.

Board Members present:

José Dodier, Jr., Chairman
Barry Mahler, Vice Chairman
Scott Buckles, Member
Marty H. Graham, Member
David Basinger, Member
Tina Y. Buford, Member
Carl Ray Polk, Jr., Member

Staff Members present:

Rex Isom, Executive Director
Johnny Oswald, Program Administrator and Invasive Species Coordinator
Mark Cochran, Program Supervisor
Jack Foote, Program Specialist
Ben Wilde, Program Specialist
Kendria Ray, Program Specialist
Adrian Perez, Program Specialist
Tony Franklin, Program Specialist
Joel Clark, Program Specialist
Trey Watson, Program Specialist
Don Brandenberger, Program Specialist
Charlie Upchurch, Program Specialist
Glenn Baker, Program Supervisor
Todd Oneth, Program Supervisor
Lawrence Brown, Program Supervisor
Judy Albus, Program Supervisor
Kenny Zajicek, Chief Operations and Fiscal Officer
John Foster, Policy Advisor and Intergovernmental Affairs
T. J. Helton, Program Administrator
Mitch Conine, Nonpoint Source Project Manager
Wesley Gibson, Nonpoint Source Project Manager
Liza Parker, Policy Analyst and Legislative Liaison
Mel Davis, Policy Advisor and Special Projects Coordinator
Rusty Ray, Public Affairs Specialist
Molly Christensen, Public Affairs Specialist
Clyde Gottschalk, Information Specialist
Lee Munz, Program Administrator and Regional Office Coordinator
Steve Bednarz, Program Administrator and Engineer
Jared Bowen, Flood Control Specialist
Tony Resendez, Flood Control Specialist
Dawn Heitman, Human Resources Coordinator
Marilyn Koelder, Administrative Assistant
Karen Preece, Accountant

General Counsel:

Assistant Attorney General Melissa Juarez, Office of the Attorney General

Others Present:

Kristy Oates, Natural Resources Conservation Service
Kerry Niemann, Texas Commission on Environmental Quality
Tina Hendon, Tarrant Regional Water District
Jim Clarno, Texas Association of Watershed Sponsors

AGENDA ITEM 1: The Board may deliberate or take action on any item in this agenda

AGENDA ITEM 2: Call to Order and Roll Call

Chairman Mahler called the meeting to order and verified that all Board Members were present.

AGENDA ITEM 3: Excuse Any Absent Board Members

N/A

AGENDA ITEM 4: Status Report on Letter to the Office of the Attorney General Regarding Eligibility Requirements for Board Members' Participation in Agency Programs

Mr. Isom stated that the request for Board Members' participation in agency programs was denied.

Mr. Graham stated that Ms. Mohan was against this request from the beginning and took the request to the Office of Attorney General in that manner. Mr. Graham stated that they should have asked him for his opinion.

Ms. Juarez, Office of Attorney General, stated that the decision could be reconsidered.

Mr. Polk, Jr. stated that he believes that the State Board should have the decision reconsidered.

Mr. Isom stated that the State Board could look at this request in the future.

Mr. Dodier also stated that the State Board could look at the request in the future. Mr. Dodier stated that this decision had an effect on Mr. Graham's family, and if it had been him, he would have resigned from the State Board.

AGENDA ITEM 5: Public Comment

No information was presented at this time.

AGENDA ITEM 6: Comments from Federal, State and Local Governmental Entities

Mr. Niemann, Texas Commission on Environmental Quality, addressed the Board. Mr. Niemann commented on the Total Maximum Daily Loads Program, Nonpoint Source Program, the 2018 Integrated Report, and Water Quality Standards.

Mr. Clarno, Texas Association of Watershed Sponsors, addressed the Board and thanked them for their support.

Mr. Isom thanked Mr. Clarno and Ms. Hendon for their support and expertise in Flood Control.

AGENDA ITEM 7: Overview and Update on the Programs and Activities of the United State Department of Agriculture – Natural Resource Conservation Service

Ms. Oates, Natural Resources Conservation Service, addressed the Board. Ms. Oates reviewed the handout, commented on staffing issues, and thanked the Board for allowing Mr. Rusty Ray being able to attend the 2019 Western Working Lands for Wildlife Workshop in Idaho. Ms. Oates attended the South-Central National Association of Conservation District meeting and stated that Alicia King will be retiring. Ms. Oates presented updates on the Emergency Watershed Protection Program, Dam Assessments, Environmental Quality Incentives Program, Regional Conservation Partnership Program, Conservation Stewardship Program, Grassland Conservation Program, Conservation Plans, Conservation Innovation Grants deadline, Agricultural Conservation Easement Program, closed acreage, Wetland Reserve, and the Feral Swine Eradication and Control Pilot Program.

Mr. Graham asked Ms. Oates if she had any idea how long it would take to hire a District Conservationist at his local district. Ms. Oates stated that it is a priority to staff vacant positions.

Mr. Mahler stated that a lot of talent has retired from NRCS over the last 15 or so years, and thanked Ms. Oates for being here.

AGENDA ITEM 8: Overview and Update on the Programs and Activities of the Association of Texas Soil and Water Conservation Districts

No information was presented at this time.

AGENDA ITEM 9: Partnerships for Conservation and Water Quality Presentation

Mr. Foster introduced Tina Hendon with her background and biography.

Ms. Hendon addressed the Board and reviewed a power-point presentation.

Ms. Buford commented on the value of adding on utilities and asked who that would be. Ms. Hendon stated that they would need to identify the needs first and have communication at a higher level.

Mr. Mahler stated that there is a general misconception on the public's part that watersheds are on private property.

AGENDA ITEM 10: Minutes from May 16, 2019 State Board Meetings

Ms. Preece previously emailed a copy of the minutes to Board Members for their review.

Chairman Mahler called for a motion to approve the minutes of the May 16, 2019 Board Meeting.

Mr. Buckles moved for the approval of the minutes as presented. Mr. Graham seconded the motion. The motion passed unanimously.

AGENDA ITEM 11: Soil and Water Conservation District Director Appointments, including: David Stafford, Manuel Martinez III, Jesse A. Richardson, Brian Martin, Terry Been

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

Mr. Polk, Jr. moved for the approval of the following appointments as presented. Mr. Dodier seconded the motion. The motion passed unanimously.

David Stafford, Upper Pease #164, Subdivision 4, Replace James Bearden
Robert Lee Jameson, Gaines County #166, Subdivision 4, Replace Ricky Mills

Manuel Martinez, III, Loma Blanca #328, Subdivision 2, Replace Reynaldo Perez
Mirella Escamilla Davis, Bee #344, Subdivision 4, Replace Albert DeLeon
Jesse A. Richardson, Trinity Neches #422, Subdivision 3, Replace Kenneth Hayes
Brian Martin, Cherokee County #427, Subdivision 4, Replace Justin Underwood
Stevan Sturrock, Long Leaf #439, Subdivision 1, Replace Rusty Hughes
Robert Bohning, Jr., Hill Country #534, Subdivision 3, Replace Travis Herring
Terry Been, Pecan Bayou #553, Subdivision 3, Replace Delbert Connaway

AGENDA ITEM 12: Report on Fiscal Year 2019 Budget Activity

Mr. Zajicek reviewed the agenda information.

AGENDA ITEM 13: Proposed Operating Budget for Fiscal Year 2020

Mr. Zajicek reviewed the agenda information.

Ms. Buford thanked Mr. Zajicek for review of agenda item.

Mr. Dodier moved for the approval of the budget as presented. Mr. Basinger seconded the motion. The motion passed unanimously.

AGENDA ITEM 14: Conservation Implementation Assistance (Technical Assistance) Allocations for Fiscal Year 2020

Mr. Zajicek reviewed the agenda information.

Mr. Buckles moved for the approval of the allocations as presented. Mr. Graham seconded the motion. The motion passed unanimously.

AGENDA ITEM 15: Conservation Assistance (Matching Funds) Allocations for Fiscal Year 2020

Mr. Zajicek reviewed the agenda information.

Mr. Basinger moved for the approval of the allocations as presented. Mr. Buckles seconded the motion. The motion passed unanimously.

AGENDA ITEM 16: District Director Mileage and Per Diem Allocations for Fiscal Year 2020

Mr. Zajicek reviewed the agenda information.

Mr. Dodier moved for the approval of the allocation as presented. Mr. Graham seconded the motion. The motion passed unanimously.

AGENDA ITEM 17: Intergovernmental Affairs Status Report

Ms. Parker congratulated Mr. Mahler and Mr. Graham on their new Board positions.

Ms. Parker reviewed the agenda information.

AGENDA ITEM 18: Amendments to 31 Texas Administrative Code, Chapter 529, Flood Control, Subchapter B, Structural Repair Grant Program, Sections 529.51(14); 529.52(b); 529.52(e); 529.54; 529.55(c); 529.56(b)(6); and 527.57(b)

Ms. Parker reviewed the agenda information.

Ms. Buford stated that the information was very thorough.

Mr. Buckles moved to propose for publication in the Texas Register the rule amendments discussed, provided there are no substantive changes upon further review. Mr. Basinger seconded the motion. The motion passed unanimously.

AGENDA ITEM 19: State and Regional Flood Planning

Mr. Foster reviewed the agenda information.

Mr. Isom stated that funding is coming directly to our state agency.

A representative to be chosen by the Board will more than likely be a Board Member with authority to appoint the Executive Director to be our representative.

Schedule to follow.

AGENDA ITEM 20: Flood Control Programs Status Report

Mr. Bednarz reviewed the agenda information.

Mr. Dodier asked if the River Authorities are eligible. Mr. Bednarz stated that they are if they are a sponsor.

AGENDA ITEM 21: Fiscal Year 2020 Procedures for Flood Control Program Funding

Mr. Bednarz reviewed the agenda information.

Mr. Polk, Jr. moved for the approval of the policy as presented. Mr. Basinger seconded the motion. The motion passed unanimously.

AGENDA ITEM 22: Water Quality Management Plan Program Status Report

Mr. Munz reviewed the agenda information.

AGENDA ITEM 23: Requests for Additional Cost-Share Incentive Funding for Water Quality Management Plans in Accordance with Title 31 Texas Administrative Code, Section 523.6(f)(4), Concerning Criteria for Waivers

Mr. Munz stated that there are no requests at this time.

AGENDA ITEM 24: Water Quality Management Plan Cost-Share Requests from the Allocation for Statewide Use

Mr. Munz stated that there are no requests at this time.

AGENDA ITEM 25: Water Quality Management Plan Program Cost-Share Incentive Priorities, Allocations, and Application Ranking Procedures for the 2020-2021 Biennium

Mr. Munz reviewed the agenda information.

Mr. Dodier moved for the approval of the agenda recommendations as presented. Mr. Graham seconded the motion. The motion passed unanimously.

AGENDA ITEM 26: Water Quality Management Plan Program Approved Practice List

Mr. Munz reviewed the agenda information.

Mr. Polk, Jr. moved for the approval of the list as presented. Mr. Basinger seconded the motion. The motion passed unanimously.

Chairman Mahler called for a brief recess: 9:47 – 9:58

AGENDA ITEM 27: Poultry Water Quality Management Plan Program Status Report

Mr. Cochran reviewed the agenda information.

Discussion ensued concerning sale of poultry farms, poultry pasture farms, and free range.

AGENDA ITEM 28: Texas Nonpoint Source Management Program Status Report

Mr. Conine reviewed the agenda information.

AGENDA ITEM 29: Carrizo Cane Eradication Program Status Report

Mr. Oswald reviewed the agenda information.

Ms. Buford stated that she had met with border patrol agents and asked them about the Carrizo Cane Eradication Program. They stated that they did not have enough information about the program. Ms. Buford stated that we need to reach out with more information.

Mr. Oswald commented that he is working on a new contact liaison.

Ms. Buford asked about safety concerns, and asked if we would be using a Department of Public Safety (DPS) helicopter for oversight as a higher level of security?

Mr. Oswald stated that DPS is on the ground while spraying, the boat contractor may get whatever he requests as there is no other contractor available. Mr. Oswald stated that DPS and Boarder Patrol is our security.

AGENDA ITEM 30: Water Supply Enhancement Program Status Report

No information was presented at this time.

AGENDA ITEM 31: National Association of Conservation Districts Grant Status Report

Mr. Gibson reviewed the agenda information, and thanked Mr. Isom and Mr. Zajicek for the opportunity to manage this project.

AGENDA ITEM 32: Communication Strategy Status Report

Ms. Christensen reviewed the agenda information.

Ms. Buford asked how we are to reach the public about the new flood control funding. Ms. Christensen stated that she is working with Mr. Bednarz on the best way, but so far it has been through press releases.

AGENDA ITEM 33: Planning of 2019 Annual State Meeting of District Directors

Ms. Christensen reviewed the agenda information.

AGENDA ITEM 34: Planning of Future Annual State Meetings of District Directors

Ms. Christensen reviewed the agenda information.

Mr. Dodier moved for the approval to accept the proposal from Kalahari Resort in Round Rock for the 2021 Annual State Meeting of District Directors. Mr. Polk, Jr. seconded the motion. The motion passed unanimously.

AGENDA ITEM 35: Conservation Awards Packet for 2020

Ms. Christensen reviewed the agenda information.

Mr. Polk, Jr. moved to adopt the recommended changes as presented. Mr. Basinger seconded the motion. The motion passed unanimously.

AGENDA ITEM 36: Request by Denton County SWCD #547 for Subdivision Changes

Mr. Davis reviewed the agenda information.

Mr. Polk, Jr. moved to approve the subdivision changes as presented. Mr. Graham seconded the motion. The motion passed unanimously.

AGENDA ITEM 37: Draft State-Level Memorandum of Understanding and Unfunded Cooperative Agreements for Soil and Water Conservation Districts

Mr. Davis reviewed the agenda information.

AGENDA ITEM 38: Manual of Fiscal Operations Status Report

Mr. Davis reviewed the agenda information.

AGENDA ITEM 39: National Association of State Conservation Agencies Status Report

Mr. Davis reviewed the agenda information.

AGENDA ITEM 40: Conservation Outreach: Rural and Urban Outreach

Mr. Ray reviewed the agenda information.

AGENDA ITEM 41: Public Information and Education Status Report

Mr. Gottschalk reviewed the agenda information.

AGENDA ITEM 42: Human Resources Status Report

Ms. Heitman reviewed the agenda information.

AGENDA ITEM 43: Employee Service Awards Presentation

Mr. Tony Resendez – 5 years

Ms. Marilyn Koelder – 5 years

AGEND ITEM 44: Salary, Employment, and Evaluation of Executive Director

Chairman Mahler read the closed session script, closed the meeting at 10:58, and began a closed session. Chairman Mahler read the open session script, opened the meeting at 11:06, and began the open meeting.

Mr. Dodier moved to approve a salary increase for the Executive Director at the amount approved for the budget by the 86th Legislature effective September 1, 2019. Mr. Polk, Jr. seconded the motion. The motion passed unanimously.

AGENDA ITEM 45: Set Date for Next State Board Meeting

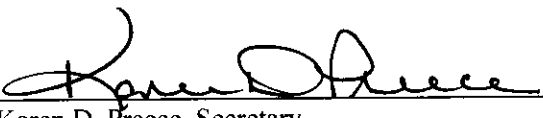
After deliberation of schedules, the Board chose September 25, 2019.

Mr. Dodier moved to adjourn the meeting at 11:11 a.m. Mr. Basinger seconded the motion. The motion passed unanimously.



Barry Mahler, Chairman

September 25, 2019
Date



Karen D. Preece, Secretary

September 25, 2019
Date

I certify that the above is a true and correct copy of the minutes of the Texas State Soil and Water Conservation Board meeting held on July 25, 2019.



Rex Isom, Executive Director

September 25, 2019
Date