

TEXAS STATE SOIL AND WATER CONSERVATION BOARD
Board Work Session Minutes
November 28, 2018

The Texas State Soil and Water Conservation Board met on November 28, 2018, at 2:30 p.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
Carl Ray Polk, Jr., Member

Staff Members present:

Rex Isom, Executive Director
Johnny Oswald, Program Supervisor
Mark Cochran, Program Supervisor
Glenn Baker, Program Supervisor
Beverly Krause, Program Supervisor
Todd Oneth, Program Supervisor
Lawrence Brown, Program Supervisor
Ricardo Chapa, Program Supervisor
Judy Albus, 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
Kenny Zajicek, Chief Operations and Fiscal Officer
John Foster, Policy Advisor and Intergovernmental Affairs
T. J. Helton, Program Administrator
Mitch Conine, Nonpoint Source Project Management Coordinator
Jana Lloyd, Nonpoint Source Project Manager
Wesley Gibson, Nonpoint Source Project Manager
Liza Parker, Policy Analyst and Nonpoint Source Project Manager
Mel Davis, Policy Advisor and Special Projects Coordinator
Rusty Ray, Public Affairs Specialist
Molly Christensen, Public Affairs Specialist
Lee Munz, Flood Control Program and Regional Office Coordinator
Steve Bednarz, Statewide Programs Engineer
Tony Resendez, Flood Control Specialist
Dawn Heitman, Human Resources Specialist
Pamela Blanton, Administrative Assistant
Karen Preece, Accountant

General Counsel:

Assistant Attorney General Veena Mohan, Office of the Attorney General

Others Present:

Matt Brown, Texas A&M AgriLife Extension

AGENDA ITEM 1: Call to Order and Roll Call

Chairman Dodier called roll to verify a quorum present. All members present with exception of Carl Ray Polk, Jr. and Tina Y. Buford.

Mr. Mahler moved for the approval to accept absences of Carl Ray Polk, Jr. and Tina Y. Buford. Mr. Graham seconded the motion. The motion passed unanimously.

Chairman Dodier handed the meeting over to Mr. Isom to conduct the Work Session.

AGENDA ITEM 2: Opportunity for Public Comment

There were no comments at this time.

AGENDA ITEM 3: Comments from Federal, State, and Local Governmental Entities

There were no comments at this time.

AGENDA ITEM 4: Comments from the Association of Texas Soil and Water Conservation Districts

There were no comments at this time.

AGENDA ITEM 5: Consider Approval of Minutes from July 30-31, 2018 State Board Meetings

Ms. Preece reviewed the agenda information.

AGENDA ITEM 6: Consider Approval of Soil and Water Conservation District Director Appointments

Ms. Preece reviewed the agenda information.

AGENDA ITEM 7: Consider Provider of Internal Audit Services

Mr. Zajicek reviewed the agenda information.

Board Member Mr. Carl Ray Polk, Jr. arrived.

AGENDA ITEM 8: Fiscal Report for the 1st Quarter of Fiscal Year 2019

Mr. Zajicek to review agenda information at next day's Board Meeting.

AGENDA ITEM 9: Intergovernmental Affairs Status Report

Mr. Foster reviewed the agenda information. Mr. Foster commented on the Carrizo Cane incident.

AGENDA ITEM 10: Flood Control Programs Status Report

Mr. Bednarz reviewed the agenda information.

Mr. Mahler commended the Flood Control staff and stated that he had heard others praise the TSSWCB Flood Control work.

Mr. Isom stated that Senator Perry is to file a bill for TSSWCB to move forward with our Flood Control Program.

AGENDA ITEM 11: Water Quality Management Plan Program Status Report

Mr. Munz reviewed the agenda information.

AGENDA ITEM 12: Consider Approval of 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 is no agenda information to present at this time.

AGENDA ITEM 13: Consider Water Quality Management Plan Cost-Share Requests from the Allocation for Statewide Use

Mr. Munz reviewed the agenda information.

AGENDA ITEM 14: Poultry Water Quality Management Plan Program Status Report

Mr. Cochran to review agenda information at next day's Board Meeting.

AGENDA ITEM 15: Texas Nonpoint Source Management Program Status Report

Ms. Lloyd to review agenda information at next day's Board Meeting.

AGENDA ITEM 16: Carrizo Cane Eradication Program Status Report

Mr. Oswald to review agenda information at next day's Board Meeting.

AGENDA ITEM 17: Water Supply Enhancement Program Status Report

Mr. Oswald reviewed the agenda information.

AGENDA ITEM 18: Consider Reallocation of Fiscal Year 2019 Water Supply Enhancement Program Funds

Mr. Oswald reviewed the agenda information.

AGENDA ITEM 19: Consider Amendments to 31 Texas Administrative Code, Chapter 525, Audit Requirements for Soil and Water Conservation Districts, Subchapter A, Audit of Districts, Section 525.5(a)(2); Section 525.5(b)(2); and New Section 525.8(c)(3)

Ms. Parker reviewed the agenda information.

AGENDA ITEM 20: Texas Agricultural Lifetime Leadership Program Update

Ms. Parker to review agenda information at next day's Board Meeting.

AGENDA ITEM 21: Conservation Initiatives Status Report

Ms. Parker reviewed the agenda information.

AGENDA ITEM 22: National Association of Conservation Districts Grant Status Report

Mr. Gibson to review agenda information at next day's Board Meeting.

AGENDA ITEM 23: Communications Status Report

Ms. Christensen reviewed the agenda information and showed a power point presentation.

Mr. Polk, Jr. applauded staff for getting the work out through social media.

AGENDA ITEM 24: Review 2018 Annual State Meeting of District Directors

Ms. Christensen reviewed the agenda information. Ms. Christensen also stated that the 2019 Annual State Meeting of District Directors will be held October 27-30, 2019 in San Antonio.

AGENDA ITEM 25: Consider Approval of Request by Dimmit County SWCD #320 for Subdivision Changes

Mr. Davis reviewed the agenda information.

AGENDA ITEM 26: Conservation Outreach: Rural and Urban Outreach

Mr. Ray to review agenda information at next day's Board Meeting.

AGENDA ITEM 27: Prescribed Burn Board Status Report

Mr. Ray to review agenda information at next day's Board Meeting.

AGENDA ITEM 28: Public Information and Education Status Report

Mr. Davis to review agenda information at next day's Board Meeting.

AGENDA ITEM 29: Human Resources Status Report

Ms. Heitman to review agenda information at next day's Board Meeting.

Ms. Heitman introduced Ms. Pamela Blanton.


AGENDA ITEM 30: Consider Conflict of Interest Rules and Statutes as They Pertain to an Agency's Governing Board

Chairman Dodier called for a Closed Session at 3:15 pm.

Chairman Dodier reopened Board Work Session at 3:42 pm.

Chairman Dodier acknowledged Mr. Matt Brown.

Meeting adjourned at 3:44 p.m.



Jose Dodier, Jr. Chairman

January 17, 2019

Date



Karen D. Preece, Secretary

January 17, 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 November 28, 2018.



Rex Isom, Executive Director

January 17, 2019

Date

TEXAS STATE SOIL AND WATER CONSERVATION BOARD
Board Meeting Minutes
November 29, 2018

The Texas State Soil and Water Conservation Board met on November 29, 2018, at 8:00 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
Carl Ray Polk, Jr., Member

Staff Members present:

Rex Isom, Executive Director
Johnny Oswald, Program Supervisor
Mark Cochran, Program Supervisor
Glenn Baker, Program Supervisor
Beverly Krause, Program Supervisor
Todd Oneth, Program Supervisor
Lawrence Brown, Program Supervisor
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T. J. Helton, Program Administrator
Mitch Conine, Project Manager
Jana Lloyd, Nonpoint Source Project Manager
Wesley Gibson, Nonpoint Source Project Manager
Liza Parker, Policy Analyst and Nonpoint Source Project Manager
Mel Davis, Policy Advisor and Special Projects Coordinator
Rusty Ray, Public Affairs Specialist
Molly Christensen, Public Affairs Specialist
Clyde Gottschalk, Information Specialist
Lee Munz, Flood Control Program and Regional Office Coordinator
Steve Bednarz, Statewide Programs Engineer
Tony Resendez, Flood Control Specialist
Dawn Heitman, Human Resources Specialist
Pamela Blanton, Administrative Assistant

Karen Preece, Accountant

General Counsel:

Assistant Attorney General Veena Mohan, Office of the Attorney General

Others present:

Alan Stahnke, USDA – Natural Resources Conservation Services
Kerry Niemann, Texas Commission on Environmental Quality
Cameron Turner, Texas Water Development Board
Lucas Gregory, Texas Water Resources Institute

AGENDA ITEM 1: Call to Order and Roll Call

Chairman Dodier called roll to verify a quorum present. Ms. Buford absent from meeting.

Mr. Mahler moved for the approval to accept Ms. Buford's absence. Mr. Buckles seconded the motion. The motion passed unanimously.

AGENDA ITEM 2: Public Education for Flood Control and Watershed Program

Mr. Bednarz reviewed the agenda information and showed a power point presentation.

AGENDA ITEM 3: Opportunity for Public Comment

There were no comments at this time.

AGENDA ITEM 4: Comments from Federal, State and Local Governmental Entities

Mr. Stahnke, Natural Resources Conservation Service (NRCS), addressed the Board. Mr. Stahnke reviewed the handout, stated that local workgroup meetings are being moved to January and February instead of August, gave a Farm Bill update, and stated that NRCS is working on continuing resolutions.

Mr. Niemann, Texas Commission on Environmental Quality (TCEQ), addressed the Board. Mr. Niemann stated that Mr. Toby Baker was appointed as their Executive Director on August 20, 2018, and that Mr. Jon Niemann was named Chairman on August 31, 2018. Mr. Niemann commented on Hurricane Harvey Recovery, funding, upcoming December meetings for RESTORE for the Texas coast, Gulf coast funding, the Total Maximum Daily Load Program, the Nonpoint Source Program, the Integrated Report, and Water Quality Standards.

Mr. Turner, Texas Water Development Board, acknowledged the Board. Mr. Turner commented on the State Flood Plan, Ag Grants Program, Texas Alliance for Water Conservation, and the Water for Texas 2019 Conference on January 23-25, 2019.

Mr. Gregory, Texas Water Resources Institute, addressed the Board. Mr. Gregory stated his appreciation for the TSSWCB's continued support and gave dates of January 7-9, 2019 for their Annual Conference in College Station.

AGENDA ITEM 5: Comments from the Association of Texas Soil and Water Conservation Districts

There were no comments at this time.

AGENDA ITEM 6: Consider and Possibly Take Action on Minutes from July 30-31, 2018 State Board Meetings

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

Chairman Dodier called for a motion to approve the minutes of the July 30-31, 2018 Board Meetings.

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

AGENDA ITEM 7: Consider and Possibly Take Action on Soil and Water Conservation District Director Appointments

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. Graham seconded the motion. The motion passed unanimously.

Doug Hlavaty, Lubbock County #108, Subdivision 2, Replace Jeff Johnson
Jeffery Blasingame, Ochiltree #142, Subdivision 2, Replace Brian Pshigoda
Jason Jones, Nolan County #245, Subdivision 5, Replace Johnny Ussery
Kerry Houston, Dimmit County #320, Subdivision 1, Replace Homer Martin
Matthew A. Setliff, San Patricio #324, Subdivision 3, Replace Jon Whatley
Abel Longoria, Loma Blanca #328, Subdivision 3, Replace Roel Villarreal
Lance Benes, Gonzales County #338, Subdivision 1, Replace James Wundt
Alberto Martinez, Jim Wells County #355, Subdivision 4, Replace Higinio Garcia
Alex Greenberg, Lamar #415, Subdivision 3, Replace Tammy Moss
Matthew Terrell, Sulphur-Cypress #419, Subdivision 2, Replace Doug Blackard
Randy Tennon, Cherokee County #427, Subdivision 2, Replace Roland Adams
Cody Wayne Koon, Hopkins-Rains #445, Subdivision 2, Replace J. W. Ragan

AGENDA ITEM 8: Consider and Possibly Take Action on Provider of Internal Audit Services

Mr. Zajicek reviewed the agenda information.

Mr. Mahler moved for the approval of Monday Rufus and Company, PC as presented. Mr. Buckles seconded the motion. The motion passed unanimously.

AGENDA ITEM 9: Fiscal Report for the 1st Quarter of Fiscal Year 2019

Mr. Zajicek reviewed the agenda information.

AGENDA ITEM 10: Intergovernmental Affairs Status Report

Mr. Foster reviewed the agenda information. Mr. Foster commented on a Budget Hearing, a Border Security Hearing, soil erosion problems with poultry farms and work with Texas Commission on Environmental Quality on the matter, Flood Control Program funding exceptional item, and a ballot initiative passing on the Brushy Creek Watershed area. Mr. Foster gave a Rio Grande Carrizo Cane Eradication Program incident update, and commented on Flood Control Program issues, the work on revising the Water Quality Management Program Reference Guide, working with Texas A&M on the Flood Control database, a meeting with a senator to discuss Flood Control, budget requests, and the Water Supply Enhancement Program exceptional item. Mr. Foster stated that he and Mr. Munz would be going to Washington D.C. for the National Watershed Coalition Meeting.

AGENDA ITEM 11: Flood Control Programs Status Report

Mr. Bednarz reviewed the agenda information.

AGENDA ITEM 12: Water Quality Management Plan Program Status Report

Mr. Munz reviewed the agenda information.

AGENDA ITEM 13: Consider and Possibly Take Action on 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 14: Consider and Possibly Take Action on Water Quality Management Plan Cost-Share Requests from the Allocation for Statewide Use

Mr. Munz reviewed the agenda information.

Mr. Mahler moved for the approval of the requests as presented. Mr. Basinger seconded the motion. The motion passed unanimously.

AGENDA ITEM 15: Poultry Water Quality Management Plan Program Status Report

Mr. Cochran reviewed the agenda information.

AGENDA ITEM 16: Texas Nonpoint Source Management Program Status Report

Ms. Lloyd reviewed the agenda information.

AGENDA ITEM 17: Carrizo Cane Eradication Program Status Report

Mr. Oswald reviewed the agenda information.

Fifteen-minute break

AGENDA ITEM 18: Water Supply Enhancement Program Status Report

Mr. Oswald reviewed the agenda information.

AGENDA ITEM 19: Consider and Possibly Take Action on Reallocation of Fiscal Year 2019 Water Supply Enhancement Program Funds

Mr. Oswald reviewed the agenda information.

Mr. Polk Jr. moved for the approval of the reallocation as presented. Mr. Graham seconded the motion. The motion passed unanimously.

AGENDA ITEM 20: Consider and Possibly Take Action on Amendments to 31 Texas Agriculture Code, Chapter 525, Audit Requirements for Soil and Water Conservation Districts, Subchapter A, Audit of Districts, Section 525.5(a)(2); Section 525.5(b)(2); and new Section 525.8(c)(3)

Ms. Parker reviewed the agenda information.

Mr. Mahler moved for the approval to publish the proposed amendments in the Texas Register as presented. Mr. Buckles seconded the motion. The motion passed unanimously.

AGENDA ITEM 21: Texas Agricultural Lifetime Leadership Program Update

Ms. Parker reviewed the agenda information.

AGENDA ITEM 22: Conservation Initiatives Status Report

Ms. Parker reviewed the agenda information.

AGENDA ITEM 23: National Association of Conservation Districts Grant Status Report

Mr. Gibson reviewed the agenda information.

AGENDA ITEM 24: Communication Status Report

Ms. Christensen reviewed the agenda information.

AGENDA ITEM 25: Review 2018 Annual State Meeting of District Directors

Ms. Christensen reviewed the agenda information.

AGENDA ITEM 26: Consider and Possibly Take Action on Approval of Request by Dimmit County SWCD #320 for Subdivision Changes

Mr. Davis reviewed the agenda information.

Mr. Mahler moved to for the approval of the changes as presented. Mr. Buckles seconded the motion. The motion passed unanimously.

AGENDA ITEM 27: Conservation Outreach: Rural and Urban Outreach

Mr. Ray reviewed the agenda information.

AGENDA ITEM 28: Prescribed Burn Board Status Report

Mr. Ray reviewed the agenda information.

AGENDA ITEM 29: Public Information and Education Status Report

Mr. Gottschalk reviewed the agenda information.

AGENDA ITEM 30: Human Resources Status Report

Ms. Heitman reviewed the agenda information. Ms. Heitman read a Thank You card from Aubrey Russell's family.

AGENDA ITEM 31: Consider and Possibly Take Action on Conflict of Interest Rules and Statutes as They Pertain to an Agency's Governing Board

Mr. Mahler moved to direct staff to request an Attorney General opinion on behalf of the Board to seek clarity regarding the conflict of interest provisions in Government Code Chapter 2261. Mr. Polk Jr. seconded the motion. The motion passed unanimously.

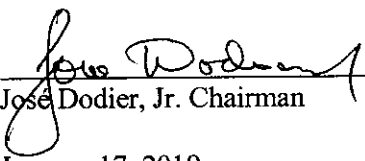
AGENDA ITEM 32: Service Awards Presentation

Debbie Skinner – 5 years
Pamela Blanton – 5 years
Steven Bednarz – 5 years
Ricardo Chapa – 10 years

AGENDA ITEM 33: Set Date for Next State Board Meeting

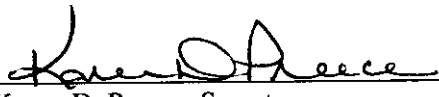
Mr. Mahler moved to accept January 16-17, 2019. Mr. Graham seconded the motion. The motion passed unanimously.

Mr. Mahler moved to adjourn the meeting at 10:47 a.m. Mr. Basinger seconded the motion. The motion passed unanimously.



Jose Dodier, Jr. Chairman

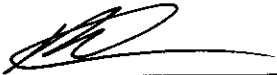
January 17, 2019
Date



Karen D. Preece, Secretary

January 17, 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 November 29, 2018.



Rex Isom, Executive Director

January 17, 2019
Date