

IRRIGATOR ADVISORY COUNCIL (IAC) MEETING MINUTES
March 22, 2006
Texas Commission on Environmental Quality (TCEQ)
12100 Park 35 Circle, Bldg. A Room 328, Austin, Texas
9:30 am

Attendees:

Council Members: William Gossett (Chairman), Carole Baker, Jerry Lewis, Don Weiss, Michael Murr, Susanne Santo, Doug Goodwin, David C. Coleman, Carmon McCain

TCEQ Staff: Bob Mann, Manuel Flores, Sandra Hernandez, Richard Allen, Linda Saladino, Brannon Chatham

Visitors: Glenda Single, Gene Reagan, Carl Causey, John Morton, Romeo Montalvo, Dave McCullough, and Todd Magatagan

- 1. The Chairman of the Council will call the meeting to order, and recognize persons in attendance.**

The meeting was called to order by Chairman Gossett at approximately 9:30 and introductions of attendees proceeded.

- 2. The Council will approve the minutes from the August 17, 2005 meeting.**

Mr. Weiss made a motion to approve the minutes and the motion was seconded by Mr. McCain. The council unanimously voted to approve the minutes as they were.

- 3. The Council will discuss methods that might be used to assist the Council members in documenting points of discussion during meetings for the purpose of reviewing meeting minutes.**

Chairman Gossett asked the Council if one of the Council members should be in charge of recording the minutes. Mr. Goodwin stated it was difficult for a Council member to take notes and be able to participate in the meeting. Mr. Lewis asked if a recording device could be brought into the Council meetings. Mr. Mann stated that Council members could bring their own recording devices and or they could have access to the agency's recording.

- 4. TCEQ staff will discuss the functions of the Council.**

Mr. Lewis presented a PowerPoint presentation outlining the responsibilities of the Council.

5. The Council will discuss with agency staff the possible changes in the administration of irrigation examinations, including outsourcing.

Mr. Lewis asked staff what were the short term and long term plans for the revising the exam. Mr. Flores stated that there were no current plans to revise the format of the exam but that the exam would eventually need to be revised. Mr. Mann stated that there were no formal plans to revise the exam but the agency is looking at each and every technical program to assess whether the training, testing and enforcement are consistent with the needs of the program.

Mr. Lewis asked Mr. Mann if he knew of any reason why the memorandum of agreement (MOA) with Texas Engineering Extension Service (TEEX) would not be extended. Mr. Mann stated that he did not know of any reason why the MOA would not be extended.

A lengthy discussion followed between the Council, staff and the public visitors regarding the potential revision of the irrigator exam. Council voiced its concern with trying to make the irrigator exam similar to the other exams administered by the agency. Council stated that altering the exam while there was a potential rules change proposal in progress was not beneficial. TCEQ staff reiterated that the Council would be involved in any exam revision.

Chairman Gossett asked Mr. Mann if there were any plans to change the outsourcing of the exam to TEEX. Mr. Mann stated that the agency works on a fiscal year basis and that TEEX works on a calendar year basis, but that he didn't foresee any change in outsourcing being made at this time. Chairman Gossett stated for the record that the Council would like the TEEX contract to be renewed.

Ten Minute Break

A motion was made by Mr. Lewis that Council actively participate and offer assistance to TCEQ staff in reviewing the format of the irrigator exam. The motion was seconded by Ms. Santo. The motion carried.

A motion was made by Mrs. Baker to renew the TEEX contract. The motion was seconded by Mr. Lewis. The motion carried.

Mrs. Saladino informed the Council that licensed irrigators and licensed installers would soon be able to renew their licenses on Texas Online.

A motion was made by Mr. Goodwin that the TCEQ bring together all the basic training providers and in a separate session, the continuing education providers, to

discuss issues and provide guidance. The motion was seconded by Mrs. Baker. The motion carried.

- 6. The Council will discuss with TCEQ staff, the similarities and differences of the irrigation licenses compared to other agency regulated occupational licenses. Also, the Council will discuss concerns about possible efforts by the agency to make the irrigation examination process more consistent with other occupational licenses administered by the agency.**

Mr. Lewis presented a PowerPoint presentation outlining the differences and similarities of all the licenses issued by the TCEQ. A discussion between Council and TCEQ staff followed regarding

- 7. The Council will recommend the agency consider the addition of “Licensed Irrigator Emeritus” to the levels of irrigation licenses.**

Mr. Lewis delivered a presentation requesting that the agency consider creating an “Emeritus” designation. Potential candidates would be individuals who have worked in the industry twenty years or more, or individuals who have died or become disabled while holding a license. Emeritus status would allow individuals to retain their license number but not be required to maintain continuing education credits or pay renewal fees.

A motion was made by Mr. Lewis that the Council recommend to the TCEQ that a Licensed Irrigator Emeritus program be created. The motion was seconded by Mr. Goodwin.

Mr. Coleman asked if the word “license” needed to be included in the title. He also asked if the TCEQ needed to be involved in administering this title.

Chairman Gossett called for vote on the motion on the table. Mr. Coleman and Mr. Murr cast dissenting votes and the motion did not carry.

A second motion was made by Mr. Lewis requesting that the Council recommend to the TCEQ that an “Irrigator Emeritus” status be established. The motion was seconded by Mr. Goodwin. The motion carried.

1 Hour Working Lunch Break

- 8. TCEQ staff will discuss licensing, and enforcement.**

Ms. Hernandez reported on mid fiscal year enforcement activity for activity from September 2005 through February 2006. During this time:
53 new complaints were received;
83 complaints were closed out;
59 investigations were initiated;

42 Notice of Violation letters were issued and
11 Notice of Enforcements were issued.

Mr. Flores added that in Fiscal Year (FY) 2005 and in Fiscal Year 2006, 56% of all complaints received involved an unlicensed individual; 44% involved a licensed irrigator.

The Council and staff went into a discussion about the types of violations being cited against licensed irrigators, the process for receiving complaints and updating complainants, and the type of evidence needed to successfully pursue violations of the irrigation rules.

Chairman Gossett asked Mr. Weiss to work through the Rules Committee to find out what rules changes would help staff enforcing the rules.

Mr. Flores presented licensing statistics for FY 05. During this time:

512 new irrigator licenses issued;
26 new installer licenses issued;
2,348 irrigator licenses were renewed;
96 installer licenses were renewed;
371 irrigator licenses expired;
41 installer licenses expired;

During the first six months of FY 06:
247 new irrigator licenses were issued;
11 new installer licenses were issued;
1329 irrigator licenses renewed
41 installer licenses renewed
260 irrigator licenses expired
7 installer licenses expired

Total Licensed:
5802 irrigators
228 installers

Mr. Lewis asked that for future meetings, the statistics report be provided to the Council prior to the meeting either by mail, fax or email.

9. The Chairman of the Council will receive subcommittee reports as appropriate.

Agency Relations Committee: Mrs. Baker had no report.

Legislative Committee: Mr. Coleman discussed a letter that was distributed to all licensed irrigators by the Texas Turf Irrigation Association (TTIA) in October 2005 regarding potential legislation. He asked the TTIA provide him with their

legislative priorities so that the Council and TTIA could move forward on a unified front. Mr. Coleman raised the issue of local enforcement, and a discussion followed regarding local jurisdictions and their ability to enforce irrigator rules.

Rules Committee: Mr. Weiss had no report

Education Committee: Mr. Jerry Lewis had no report.

10. Council will discuss with agency staff possible efforts by staff to achieve voluntary actions by Yellow page purveyors in requiring irrigator license numbers with Yellow page advertisement.

Mr. Gossett asked if any contact had been made with representatives from the Yellow pages. Mr. Flores stated that TCEQ staff made phone calls to the Yellow pages to determine how a licensed professional's credentials are validated before they are allowed to advertise. The Yellow pages representatives stated that they do verify the authenticity of licenses for any profession. However, if they receive a complaint, they will investigate and take appropriate action.

A discussion followed between the Council and TCEQ staff regarding the possible methods for enforcing the rule requiring a license number to be displayed on any advertisement.

Ms. Santo made a motion requesting TCEQ to write a letter to Texas Department of Licensing and Regulation (TDLR), requesting information as to how TDLR was able to take action on individuals advertising in the Yellow pages who did not display a license number. Mr. Lewis seconded the motion. The motion carried.

11. TCEQ staff will discuss with the Council specific criteria used when determining exceptions to licensing and renewal rules.

Mr. Weiss asked if the written policy on granting exceptions to the renewal policy could be provided to the Council. Mr. Mann responded by saying that exceptions to the renewal policy are granted for three reasons: 1) military leave, 2) natural disasters, and 3) death, illness or medical condition. Mr. Mann stated that the military leave policy is law, but the agency does not have a formal process for granting exceptions for natural disasters or medical conditions. He also stated that each exception is handled on a case by case basis and that in within the last year there have been probably fewer than five exceptions granted.

A discussion followed regarding how and when exceptions should be granted and the Council decided to discuss the issue between Council members and place the topic on the next meeting agenda.

Mr. Coleman asked staff if the licensing exemption allows a landscape architect to design an irrigation system. Staff and other Council members responded by saying that as long as the irrigation design is incidental to the landscape architect's work, then the landscape architect is allowed to design irrigation systems. It was also stated by staff that a landscape architect cannot strictly design irrigation systems.

12. Council, guests, and TCEQ staff will discuss additional items of interest.

Mrs. Baker gave a brief history of the Senate Bill 2914 that was presented to the legislature in 2005. She stated that more than likely, the language in this bill will be carried forward for future legislation.

Mr. Lewis suggested that the Council begin considering nominations for the Council members whose terms will expire next year.

Mr. Flores stated that he was disappointed with the newsletter article that was printed in the January 2006 Texas Turf & Irrigation Association newsletter regarding the irrigator exam. He asked that Council contact him with their concerns and work with him to build a strong program.

Mr. Weiss made a motion to adjourn; the motion was seconded by Mr. Coleman. The motion carried.