

**TNRCC IRRIGATOR ADVISORY COUNCIL  
MINUTES - COUNCIL MEETING  
FEBRUARY 26, 2002  
BUILDING A, ROOM 202  
12100 PARK 35 CIRCLE  
AUSTIN, TEXAS 78753**

**Council members in attendance:**

Harvey McLarty, Chairman  
Lubbock, Texas

Dave Coleman  
Dallas, Texas

Gene Barnes, Vice-Chairman  
Houston, Texas

David Burrell  
Austin, Texas

Willie Gossett  
McAllen, Texas

Alex Garza  
San Antonio, Texas

Alice Megna  
Friendswood, Texas

Robert Thurmond, Jr.  
Wylie, Texas

**Council member absent:**

Edmund G. Archuleta  
El Paso, Texas

**TNRCC Staff present:**

Carol Batterton  
Gene Reagan  
Bettye Jean Urban

Richard Craig  
Alexander Hinz

Lori Dennis  
Alice Kelly

Robert Tinstman  
Harold Pearson

**General public present:**

Clinton Elms, Licensed Irrigator  
John Schwartz, Licensed Irrigator

**Agenda Item #1:**

Chairman McLarty called the meeting to order at 9:30 a.m., in Room 202 of Building A, at the TNRCC complex, at 12100 Park 35 Circle, Austin, Texas 78753.

## **Agenda Item #2:**

The minutes from the October 23, 2001 Council meeting were reviewed. On a motion by Alex Garza and a second by Robert Thurmond, the minutes were approved as written.

## **Agenda Item #3:**

### **Reports were heard on various topics:**

- A) **Water Conservation:** A report was given by Gene Barnes. He stressed that water conservation should be incorporated into the curriculum of the Basic Training Course. He gave an overview of several chapters in the book produced by the Irrigation Association entitled "Principles of Irrigation" which deal specifically with the water conservation topic.

Discussion followed about perhaps adding four hours to the Basic Training Course curriculum to cover water conservation. Discussion continued about the need for development of a continuing education course dealing with water conservation specifically as the topic and the incorporation of the topic into the Basic Training Course.

Alice Megna stated that providers of the courses should have input into curriculum taught rather than a directive coming solely from the TNRCC.

The Water Conservation Committee will develop a report which will be presented by Gene Barnes to the Council, and then to TNRCC, on the main areas of water conservation which should be covered in the Basic Training Course, and in an eight hour continuing education course.

- B) **Enforcement Report:** Lori Dennis presented an enforcement report for the Irrigator Program. Statistics reported were as follows:

Since October 23, 2001, 42 complaints have been received by the program. Of those, 19 were against unlicensed individuals, 13 of these were advertising in the yellow pages without having a license number in the ad. Six of the 13 turned out to be unlicensed altogether. Ten of these 42 complaints were filed due to inadequate installation practices.

Processed were 69 complaints that resulted in various actions. The actions were as follows: Twelve (12) Notice of Complaints (NOCs) were sent, 29 Notice of Violations (NOVs) against 16 unlicensed individuals and 11 licensed

individuals because of inadequate installations were sent, and two are pending NOV's being issued. Eighteen (18) Notice of Enforcement (NOEs) have also been sent to unlicensed individuals. Of the 69 there are 10 complaints which are pending and will be processed in the near future.

Ms. Dennis reported that there were two Agreed Orders which have been approved by the Commission during this time period for a total of \$720 in administrative penalties.

Mr. Gossett stated that he felt that the complainants should not be listed on the Notice of Complaint letters. Ms. Dennis explained that if a person wants to remain anonymous, they will need to request that when the complaint is filed. They will not receive a quarterly report on their complaint if filed anonymously.

Discussion followed regarding the filing of complaints, and the respondents and complainants rights in this regard. Open Records Requests were also discussed briefly.

**C) Examination Report:** Bettye Urban reported that 577 persons signed up for the licensed irrigator examination held at the Austin Convention Center February 25, 2002. Of that number, 88 candidates did not come, leaving the total number of exams administered at 489.

**D) Examination Outsourcing:** Gene Reagan reported that the program was in the final stages of processing a Memorandum of Agreement (MOA) with the Public Sector Training Division of the Texas Engineering Extension (TEEX), Texas A&M University System to out source administration of the licensing application and examinations. The program staff will still monitor those sessions, including auditing the number of booklets at each session. Grading, status letters, and wall certificates and license pocket cards will be generated by the program.

Alice Megna stated that examination validation still needs to be done.

**E) Future Council Meetings:** Mr. Reagan stated that future Council meetings could be called by the Chairman of the Council or by the Commission. The Council decided to hold the next Council meeting here in Austin on May 16<sup>th</sup>.

It was discussed that the Water Conservation Committee would meet, submit a preliminary report to each of the other Council members, and then on May 16<sup>th</sup> be ready to submit a final report to TNRCC about the incorporation of Water Conservation into the Basic Training Course.

**Agenda Item #4:** Carol Batterton addressed the Council. She requested that the Council provide

her by March 15<sup>th</sup> any legislative changes they would like to see TNRCC submit to the legislature regarding the landscape irrigation program.

Ms. Batterton continued with discussion regarding the Sunset Commission's review of the Texas Department of Licensing and Regulation. Comment was made that the program was identified as one at TNRCC which could be moved to the TDLR.

As a member of the Legislative Committee for the Council, David Burrell was asked to contact the Sunset Commission and see what information he could gather.

Ms. Batterton stated that she did not believe that it would be inappropriate for the Council to make contact with the Sunset Advisory Commission. Mr. McLarty asked that each Council member be provided with the name of the person to contact at the Sunset Commission and the TDLR. Ms Batterton stated that she would provide them with that information as well as the name of the Director of the TDLR.

Mr. Garza stated that the Council members should poll the irrigators in their area along with the local and state associations and find out what the general consensus of the industry is before they state a position as a Council member. He went on to say that as an individual, a Council member is certainly allowed to express his own opinion, but when the state association or local associations express a position, it should be the position of a majority of its membership.

**Agenda Item #5:** The Council members were briefed on travel procedures and handouts were distributed. They were asked to turn in their expenses in a timely manner. The fiscal year was explained and it was stated that it is especially important for the travel expenses be submitted within the fiscal year they occur. The receipts can be turned in to Lita Ramirez or Bettye Urban.

**Agenda Item #6:** The Irrigator Program appropriations for Fiscal Years 2000 and 2001 were presented to the Council by Bettye Urban. Mr. Coleman asked about the rent charge. It was explained as rental for the examination site. Discussion followed whether the fund balance of Fund 468, Special Irrigator Fund still existed. It was stated by Carol Batterton and Richard Craig that all fund balances had been swept by the Legislature approximately three years ago.

**Agenda Item #7:** The new renewal process was discussed. Concerns were expressed that the 90 day late payment period had now been moved to 30 days. The general discussion centered on the issue that licensees have to be responsible for the renewing of their license and completion of their required continuing education

credit hours in a timely fashion. It was also explained that TNRCC's mail is **NOT** forwarded, even if there is a forwarding order at a licensee's local post office.

Alexander Hinz then presented the Council with information regarding the Backflow Prevention Assembly Tester license. The Council had questions regarding the continuing education courses, the length of time of the license, and how the credits would apply for the both the BPAT license and the irrigator license. Mr. Hinz presented the Council with handouts in order to help simplify his presentation.

**Agenda Item #8:** A motion was made by Robert Thurmond and seconded by Alice Megna to adjourn. Passed with no opposition.