

**TEXAS NATURAL RESOURCE
CONSERVATION COMMISSION
IRRIGATOR ADVISORY COUNCIL
MAY 16, 2002**

**BUILDING A - ROOM 172
12100 PARK 35 CIRCLE
AUSTIN, TEXAS 78753**

Agenda Item #1:

The Chairman of the Council, Harvey McLarty, called the meeting to order at 9:40 a.m.

Council members in attendance were as follows:

Robert Thurmond, Jr.	Harvey McLarty
David C.A. Coleman	William M. Gossett
David Burrell	Alex Garza
Gene Barnes	

Council members who were absent were as follows:

Alice Megna
Edmund G. Archuleta

TNRCC staff members who were in attendance were as follows:

Harold Pearson	Richard Craig
Gene Reagan	Lori Lynn Dennis
Bettye Jean Urban	

Interested parties who were in attendance were as follows:

Hunter Gossett, general public	Jerry Lewis, Licensed Irrigator
John Morton, Licensed Irrigator	Scott Stewart, Licensed Irrigator &
Lee Parham, TDLR Mgnt. Staff	President of TTIA

Agenda Item #2:

The minutes from the February 26, 2002 Irrigator Advisory Council meeting were reviewed. A motion was made by William Gossett and seconded by Robert Thurmond to approved the minutes as presented. The motion passed with no opposition.

Agenda Item #3 B:

An enforcement report was presented by TNRCC staff member, Lori Dennis. Charts were given to everyone present. The charts reflected the number and type of complaints that have been processed during the period of February 26, 2002 through May 14, 2002 and October 23, 2001 through February 25, 2002. A copy of the charts is attached as an official part of these minutes. It was noted that some of the files are beginning to be worked in the enforcement division; therefore, further progression will be noted at a future council meeting.

In response to a suggestion by Mr. McLarty that local authorities could provide the best enforcement of irrigator rules, Gene Reagan stated that TNRCC cannot turn over enforcement to cities, but certainly, as time allows, we can continue to develop lines of communication with them, and benefit from their assistance.

Further discussion continued covering the topic of the backlog of complaints. There are approximately 500 complaints shown as open files. No statistic was given for the number of complaints from the backlog that have been completed to date.

Gene Reagan stated that Ms. Dennis has not performed many field investigations so far, but would when necessary. Most of the investigation of non-licensed individuals can be performed without making a field investigation.

Agenda Item #3D:

Richard Craig discussed the travel budget and the importance of council members turning in their expenditures in a timely fashion, preferably within 30 days of the occurrence. He stated that this fiscal year the section had been operating on a reduced budget which was set based on the 1999 expenditures for travel.

Agenda Item #3C:

The examination revisions and the outsourcing of the examinations was discussed. The TNRCC has reached an agreement with Texas Engineering Extension Service (TEEX) to administer all exams. A schedule was presented listing the sites and dates of the examinations to be administered by TEEX throughout this calendar year.

Mr. McLarty asked if TEEX was going to meet the number of candidates which the TNRCC had been handling. It was stated by Richard Craig that they possibly would not be able to based on the current schedule and room size availability, but TNRCC will be discussing the possibility of adding more exam dates.

The revision of the exam design problem was discussed. The council's education committee

members have reviewed the proposed design section. Also, the TNRCC staff invited the training providers to come to TNRCC offices and take a prototype of the exam problem. The providers expressed overall pleasure with the concept and made suggestions for changes and additions. Additionally, several licensed irrigators who recently passed the examination in October came in and took the design problem prototype. Once they completed the problem, they gave TNRCC staff members their assessment of the new design problem, including their suggestions.

Harold Pearson gave a brief presentation and addressed the format and type of questions to be used on the new design problem.

Meeting adjourned for a brief period at 10:50 a.m. Re-opened at 11:10 a.m.

Robert Thurmond stated that there was a lot of expertise on the council and on the council's examination committee. His hope was that the TNRCC staff would utilize that expertise.

Richard Craig stated that the council will see the final design problem before it is administered to any candidates. He further stated that the next step is for an informal review by the education committee. The target for the committee meeting will be in June. The date will be set later.

Agenda Item #3A:

Dave Coleman, Gene Barnes, and Alex Garza, members of the Water Conservation Committee, met to develop a proposal to TNRCC to incorporate a Water Conservation Section in the Irrigator training and examination. It was further recommended by the water conservation committee that the Basic Training Course be increased from the minimum of 32 hours to 40 hours.

Gene Barnes stated that the committee recommends to the council and to TNRCC that the irrigation program take a proactive stance in regards to water conservation. The Advisory Council Water Conservation Committee is not waiting for cities, or for the state to dictate what the industry will do; they recommend that the council and the TNRCC Irrigation Program adopt that same attitude.

Discussion followed regarding content and structure of the current 8 hour exam. It was the consensus of those present that the exam should not turn into a 10 hour exam. Gene Barnes stated that currently there are 27 questions which deal with water conservation on the present exam.

Richard Craig agreed that a section named and dedicated to water conservation will drive the point home - that water conservation is important and is taken seriously by the state of Texas.

It was stressed by various council members and staff that water conservation and the knowledge about water conservation is imperative.

Jerry Lewis spoke. He stated that all components in the Basic Training Course need to be tied together when taught. Gene Reagan stated that the water conservation committee has discovered areas and questions which need to be rewritten to more emphasize water conservation in the current

examination.

Discussion continued relating to the way a new licensee should understand and use water conservation methods.

Gene Barnes stated that creating a water conserving irrigation system is truly an art. In order for it to be really done right, soil and plant conditions need to be understood.

Dave Coleman stated again that even though adding a section or re-working questions in an existing section would be time consuming, the council is re-stating that it is important enough to be undertaken by TNRCC.

Richard Craig stated that the design problem will be completed first, and then new questions on water conservation can be started. Resources are limited in the program.

Gene Barnes stated that he felt that a mandatory 8 hour water conservation continuing education course needs to be developed and then required for all irrigators to take. He did not suggest who was to create the course.

Gene Reagan asked if this was the final proposal from the committee, hence the council, for what needs to be covered on water conservation, the examination and the Basic Training Course. Gene Barnes stated that it was. There was no dissension from the council members.

Agenda Item #3E:

David Burrell presented a legislative committee report on a presentation that the Texas Department of Licensing and Regulation (TDLR) staff made to the Texas Turf Irrigation Association (TTIA). The TDLR has 20 programs that regulate 123,000 licensees. They made recommendations to TTIA on what their role needed to be in the process of moving the landscape irrigation program from TNRCC to TDLR. It was suggested that the TTIA trustees/membership needed to make the Sunset Commission aware of the need for an increase in the number of classified employees for the program. It was further stated that the TTIA also should make the Sunset Commission staff aware of the fact that they are willing to support an increase in the fees in order to support appropriations for more staff members.

The Chairman then asked the council members individually what their thoughts were on moving the program to TDLR. Robert Thurmond stated that he, on a personal level, did not see the advantage to moving to TDLR. Mr. McLarty then stated that he felt that the industry would be in a better position staying at TNRCC.

Alex Garza, in general, asked the question, "What's the advantage of moving the program?"

Dave Coleman stated that enforcement seemed to be the most attractive reason to moving;

however, he went on to say that the past 90 days has seen a vast improvement in what he has seen in enforcement in the program in the last several years. He went on to say that he felt the industry had a brighter future here at TNRCC, particularly with water conservation. He stated that the industry could become a “shining star” in the area of water conservation here at TNRCC. He stated that he believed that TDLR would be able to handle licensing, renewals, and examinations better than TNRCC. He did not state his reasons for this statement.

Harvey McLarty stated that TNRCC should open up a positive line of communication with municipalities. As time allows, it was stated, this is already being done.

Alex Garza asked Scott Stewart for TTIA’s position on the matter of moving the program. Mr. Stewart stated that local associations have been visited by some of the state association’s members, and had been asked to attend yesterday’s TTIA Board meeting to hear TDLR and TNRCC’s presentations. The turn out was poor. Mr. Stewart went on to state that the TTIA has not yet developed a formal position.

Mr. Stewart continued by saying that the next TTIA Board meeting will be held in Amarillo on June 19th, and that there is a mailing going out to all licensees asking them to express their view point, and return those comments to TTIA.

Mr. Coleman stated that the TTIA needs to keep an open mind, get information from both sides, get the information out to the entire industry, and consider the improvements the program has seen over the past two years, including those in the enforcement area.

Richard Craig stated that one advantage to locating the program at TDLR would be that the TDLR executive staff would perhaps be more inclined to request additional staff and funding from the legislature for the program.

Jerry Lewis stated that he has attended all the meetings where the move has been discussed with the TTIA board. He has researched the move. The question he has had is where is the representation for water conservation and protection of the water? The answer, he stated, is here at TNRCC.

It was stated that 427 members of TTIA have renewed. Approximately, one hundred and fifty have not renewed for the current year. Of the 427 current members, there are the new licensees which are given a one year free membership to the association.

Alex Garza stated that the TTIA Board should make all licensees aware of what is happening. He continued by saying that had he not been on the advisory council he would have no knowledge of what the association is proposing. He stated that the state association needed to have a full consensus of the industry before any decision is made about moving the program from TNRCC to TDLR, or any agency. He went on to say that he would not consider himself as having been informed about the proposal until TTIA sent him a letter, along with all other licensees. Until then, the issue is not really out

in the open. He stated that TTIA should contact each licensee in writing requesting their input and their feedback on the issue of moving the program.

Gene Barnes asked Mr. Stewart if the entire licensee body would be contacted before any decision is made. Mr. Stewart stated that this would occur.

Scott Stewart stated that he has seen improvement at the TNRCC in the last several months. With the outsourcing of the exam and ScanTron grading of the design, Mr. Stewart stated that he believes Mr. Reagan's staff time would be freed up in order to help with enforcement. He stated further that TTIA is trying to be responsive to the industry's cry for more enforcement.

Dave Burrell stated that the TTIA (the industry) has not done a good job of getting the TNRCC's attention about the irrigation industry and its effect on the state's water. He believes that this needs to be done. He went on to say that equally important is the fact the industry, state association, nor the council have gotten the message about the need for more rigorous enforcement to the management of TNRCC.

Robert Thurmond then moved, and second was by Alex Garza to adjourn. Passed.