

TEXAS BOARD OF PROFESSIONAL GEOSCIENTISTS

Meeting of May 28, 2002
E. O. Thompson Building, 4th Floor
920 Colorado
Austin, Texas

Summary of Minutes

Frank Knapp, Attorney Generals Office, called to order the first meeting of the Texas Board of Professional Geoscientists at 10:57 a.m., Tuesday, May 28, 2002. Members present were Kelly Doe, Rene Pena, Gordon Ware, Kevin Coleman, Ed Miller, Kimberly Phillips, Shiela Hall and Murray Milford. Roll call verified a quorum was present. All members were present.

Texas Department of Licensing and Regulation staff present included: William Kuntz, Executive Director; Brian Francis, Deputy Executive Director; George Ferrie, Director of Code Review and Inspections; Jimmy Martin, Director of Enforcement; Carla Barron, Director of Administration; Kevin Ketchum, Intergovernmental Affairs; Kyle Smith, Assistant General Counsel; Christina Kaiser, Assistant General Counsel; Dede McEachern, Licensing and e-Commerce; and Caroline Jackson, Legal Assistant.

Frank Knapp moved to agenda item C., Election of Officers. Ed Miller made the motion to nominate Kevin Coleman as Presiding Officer which was seconded by Shiela Hall. The motion was passed by unanimous vote.

Murray Milford made the motion to nominate Ed Miller as Vice Presiding Officer which was seconded by Gordon Ware. The motion was passed by unanimous vote.

Gordon Ware made the motion to nominate Rene Pena as Secretary/Treasurer which was seconded by Shiela Hall. The motion was passed by unanimous vote.

Presiding Officer Kevin Coleman moved to agenda item D., Public Comment. There was no public comment.

Presiding Officer Kevin Coleman moved to agenda item E., discussion of and possible action on request for an Emergency Deficiency Grant from the Office of the Governor. Wayne Roberts, on behalf of the Governors Office, thanked the members for their willingness to serve on the Board and expressed appreciation to the Executive Director, William Kuntz and the staff at TDLR for their willingness to provide operational support for the Board for the remainder of the biennium in order to help start the program. Monies from the deficiency grant funds have been offered by the Governor to the Board, if requested, which will be reimbursed when the Board is able to repay the fund. It is common that a deficiency grant is repaid at a future appropriation or from revenues received so that the Governors fund can be replenished in order to address unperceived needs. A preliminary budget will need to be decided upon between TDLR and TBPG. If the request is made, the Governors Office will probably make the grant for 2002 and 2003 for \$200,000. If additional funding is needed after this time a reevaluation would need to be done at that time. It is hoped that revenue will be coming in at a sufficient rate where additional monies may not need to be provided from the deficiency grants. Action on this agenda item was deferred until review and discussion of the Memorandum of Understanding with TDLR.

Presiding Officer Kevin Coleman moved to agenda item F, review and discussion on Interagency Agreement/Memorandum of Understanding with TDLR. After some discussion with Bill Kuntz, TDLR Executive Director and Frank Knapp of the Attorney Generals Office, the Board moved to Executive Session at 11:22 a.m.

The open meeting reconvened at 12:08 a.m.

Motion was made by Ed Miller to move to item I, discussion and possible action on Interagency Agreement/Memorandum of Understanding with TDLR, seconded by Kimberly Phillips. The motion was passed by unanimous vote. Review and discussion regarding the revisions to the Memorandum of Understanding followed.

Brian Francis, TDLR Deputy Executive Director suggested to the Board to consider the Interagency Agreement separate from the Deficiency Grant as well as the appointment of the Acting Executive Director. The Board could then make the decision to request the Deficiency Grant for the stated purposes of implementing the Act as well as taking action on the appointment of an Executive Director or Acting Executive Director.

After some discussion, the Board moved to agenda item E., Discussion of and possible action on request for an Emergency Deficiency Grant from the Office of the Governor. The Board discussed revisions to the letter to the Governors Office. The motion was made by Kimberly Phillips to execute the letter requesting the Emergency Deficiency Grant, as revised, which was seconded by Gordon Ware. The motion was passed by unanimous vote.

Motion was made by Kimberly Phillips to recess for lunch. The Board convened for lunch at 1:40 p.m.

The open meeting was reconvened at 2:40 p.m.

Presiding Officer Kevin Coleman continued discussion regarding agenda item I, discussion and possible action on Interagency Agreement/Memorandum of Understanding with TDLR. The motion was made by Gordon Ware to approve the Interagency Agreement, contingent upon the changes discussed at this meeting and any subsequent changes mutually agreed to by the Attorney Generals Office and Texas Department of Licensing and Regulation and that the Presiding Officer execute the agreement on behalf of the Board, seconded by Shiela Hall. The motion was passed by unanimous vote.

Presiding Officer Kevin Coleman moved to agenda item H., Discussion and possible action on appointment of an Executive Director or Acting Executive Director and a discussion followed. The motion was made by Murray Milford to appoint Bill Kuntz as Acting Executive Director, contingent upon the execution of the Interagency Agreement, seconded by Ed Miller. The motion was passed by unanimous vote.

Presiding Officer Kevin Coleman moved to agenda item J., Discussion and possible action on transfer of funds pursuant to the Memorandum of Understanding with TDLR and a discussion followed. The motion was made by Rene Pena that contingent upon execution of the Memorandum of Understanding between the Texas Board of Professional Scientists and the TDLR and upon advice from the Attorney Generals Office that the Board has this authority, to proceed with transfer of funds to the TDLR, pursuant to the Memorandum of Understanding seconded by Murray Milford. The motion was passed by unanimous vote.

Presiding Officer Kevin Coleman moved to agenda item K., Discussion and possible action to propose

administrative rules for the Texas Geoscience Practice Act. Review of the proposed rules and discussion followed. The motion was made by Ed Miller to publish the proposed rules as discussed today with changes, seconded by Murray Milford. The motion was passed by unanimous vote.

Presiding Officer Kevin Coleman moved to agenda item L., Discussion and possible action on designation of committees. Discussion followed. The motion was made by Rena Pena to approve the creation of the subject committees as discussed, seconded by Murray Milford. The motion was passed by unanimous vote.

Rules and Examinations Committee - Chair, Ed Miller; members Murray Milford and Kelly Doe.

Legislative Appropriations Request Committee - Chair, Rene Pena; members Kimberly Phillips, and Shiela Hall.

Strategic Plan Committee - Chair, Gordon Ware; member Ed Miller.

Legislative Issues Committee - Chair, Kevin Coleman; members Shiela Hall and Gordon Ware.

Geoscience Profession Liaison Committee - Chair, Murray Milford; members Kelly Doe and Kevin Coleman.

Presiding Officer Kevin Coleman moved to agenda item M., Discussion and possible action on strategies for developing the Licensing Rules, the Legislative Appropriations Request, and the Strategic Planning System. Discussion followed.

The motion was made by Murray Milford to assign the Licensing Rules to the Rules and Examinations Committee; the Legislation Appropriations Request to the Legislation Appropriations Request Committee; and the Strategic Planning System to the Strategic Plan Committee and to work with the TDLR to develop the strategies, seconded by Gordon Ware.

The motion was passed by unanimous vote.

Presiding Officer Kevin Coleman moved to agenda item N., Recommendations for agenda items for next meeting. Discussion followed.

Presiding Officer Kevin Coleman moved to agenda item O., Discussion of date, time and location of next Board meeting. The next meeting was scheduled for July 9, 2002 at 9:30 a.m.

Presiding Officer Kevin Coleman moved to agenda item P., Adjournment. The motion to adjourn was made by Gordon Ware, seconded by Murray Milford. The motion was passed by unanimous vote.

The meeting was adjourned at 4:30 p.m., May 28, 2002.

William K. Coleman, *Chairman*
Texas Board of Professional Geoscientists