

TEXAS BOARD OF PROFESSIONAL GEOSCIENTISTS

BOARD MEETING MINUTES

333 Guadalupe Street, Tower 2 Suite 400A

June 26, 2009

- A. Call to order. The meeting was called to order at 11:34 a.m.
- B. Introduction of newly-appointed and re-appointed Board members. Member Kelly Krenz-Doe, P.G., has been re-appointed as a Board Member of the Texas Board of Professional Geoscientists (TBPG). Members Ben Harris and Charles Knobloch, P.G. were appointed and sworn in as Board Members of TBPG.
- C. Roll call and certification of quorum. Roll was called, and Members present were Board Chair Y. Lynn Clark, P.G., Vice-Chair Barbara Roeling, P.G., Secretary/Treasurer Glenn Lowenstein, P.G., Kelly Krenz-Doe, P.G., Gregory Ulmer, J.D., Tom Hallmark, P.G., Ronald Kitchens, Ben Harris, and Charles Knobloch, P.G.
- D. Approval of minutes from the April 24, 2009 Board Meeting. The minutes from the April 24, 2009 Board meeting were unanimously approved as written.
- E. Public comment. Comments were offered by two members of the public:
- Mr. Matthew Cowan, P.G., was present as a representative of the Texas Association of Professional Geoscientists (TAPG) and the Houston Geological Society (HGS). He testified against the potential fee increase. He stated that he understands the all or nothing nature of the increase, but that many individuals he has spoken to regarding this issue are against it; the Board should have received over 300 e-mails from licensees in opposition to raising fees. He also mentioned that the last fee increase resulted in a loss of approximately 400 licensees; this time up to 30-40% may relinquish their license if fees are raised.
 - Mr. Henry Wise, P.G., was present as a Co-Chair of the Government Affairs Committee of HGS. He testified against the increase of annual fees, or at least not the full amount proposed by the Board. While the new expenditures would be worthwhile, the \$70 increase would result in 35-50% of licensees not renewing their license.
- F. Executive Director's Report. The Executive Director's Report was given by Interim Executive Director Charles Horton, who addressed the legislative update, the agency budget for Fiscal Year 2009, future staffing options which are dependant upon the 2010-2011 budget, licensing system upgrade issues, the agency's complaint process and Standard Operating Procedures revision, enforcement strategic planning, and the development of agency-specific job descriptions for performance evaluations.
- G. Staff Reports:
- The Compliance and Enforcement report was given by Investigator Alberto Jimenez, P.G., who addressed two recent complaints and the status of the Board's inquiries into the firms who are listed as Corrective Action Specialists with the Texas Commission on Environmental Quality (TCEQ).
 - The Licensing report was given by Annita Herrera, Director of Licensing, who addressed the numbers who are currently licensed, an update on reciprocity agreements, the development of a GIT program, and the number of firms currently registered.
 - The Financial report was given by Leticia Kappel, Accountant, who addressed current agency expenditures. The recent Post Payment Audit of TBPG by the Comptroller's office was successful.
- H. Committee Reports:
- Application Review and Continuing Education Committee Report- No meeting had been held since the last Board meeting. No report was given.

TEXAS BOARD OF PROFESSIONAL GEOSCIENTISTS

- Compliance and Enforcement Committee Report- Committee Chair Kelly Krenz-Doe, P.G. addressed the SOP/Complaint Review process development, the creation of a Complaint Review Team (CRT) that will make recommendations to the full Board.
- Financial Review and Strategic Planning Committee Report- Committee Chair Ron Kitchens addressed the current financial situation, which is pending. Their next item is the Governor's Operating Budget, which is due in October.
- General Issues Committee Report- No meeting had been held; no report was given.
- Legislative Committee Report- The Committee had not met since the last Board meeting; they had been waiting to see the results of the legislative session.
- Joint Committee with TBPE- Committee Co-Chair Lynn Clark, P.G. gave information regarding the last Joint Committee meeting. A presentation had been given by a licensed P.E. and P.G., who addressed the benefit to both professions by their working together.

The Chair again recognized Mr. Matthew Cowan, P.G. who received a call this morning from Ed Robertson at the Governor's Office requesting a meeting in July with Mr. Cowan, the Executive Director of TBPG and a representative from the Board to discuss budget options for TBPG. The Chairman requested the meeting be scheduled.

- I. Discussion regarding the Legislature's General Appropriations Bill and the TBPG 2010-2011 budget rider. Before the item was considered, Mr. Horton mentioned that he had received 317 e-mails so far from licensees in opposition to the proposed fee increase. Some personal e-mail messages were received additionally from Thomas Tucker, P.G., Keith Patton, P.G., and David Rensink, P.G. Mr. Horton then addressed the Legislative Appropriations Request (LAR) process, the agency's LAR submission, and the TBPG Appropriations Bill Pattern. It was noted in the Bill Pattern that the agency's appropriations and Full-Time Equivalent (FTEs) "are contingent upon the Board of Professional Geoscientists assessing or increasing fees sufficient to generate, during the 2010-2011 biennium, \$650,152 in excess of \$2,043,000." The next topics addressed were the budget certification process, a comparison of licensing fees from other Geoscience Boards, and other Texas professional licensing fees. It was noted that everything the Board requested in its LAR is essential for the agency to function the way it should; the agency cannot function more effectively with less money or staff; and that to do nothing with respect to raising fees would be the same as allowing the agency to be "sunsetting" out of existence. There was also concern about appearing before the legislature in the future without having fulfilled the agency's commission; the agency must have revenue and resources to fulfill its commission. Tangible results of increased appropriations would include more enforcement activity and increased authority, which will generate more enforcement action and complaints.
- J. Discussion and possible action on an amendment to 22 TAC 851.80 regarding licensing fees. The Board unanimously defeated a motion to increase individual license renewal fees by \$70.00 per year. The Board then proposed an amendment to 22 TAC 851.80 to raise the initial application and license fee for individuals from \$200 to \$255, to raise the annual license renewal fee for individuals from \$168 to \$223, to raise the initial firm registration fee from \$75 to \$300, to raise the firm registration renewal fee from \$150 to \$300, to raise the initial sole proprietor registration fee from \$25 to \$50, and to raise the sole proprietor renewal fee from \$25 to \$50, in a vote of 7-1, with Member Knobloch, P.G. dissenting, and Chairman Clark, P.G. abstaining. The amendment was approved for posting to the Texas Register.
- K. Election of officers: The Board elected Ms. Barbara Roeling, P.G. as Chair-Elect, Mr. Ron Kitchens as Vice Chair-Elect, and Dr. Tom Hallmark, P.G. as Secretary/Treasurer-Elect by unanimous consent. The newly-appointed officers will preside at the next TBPG Board meeting.
- L. Board Committee assignments will be made by the new Chair-Elect. Appointments will be made in the coming weeks and will be forwarded to the Board and staff.

TEXAS BOARD OF PROFESSIONAL GEOSCIENTISTS

- M. Discussion and possible action on Industry/Education advisory workgroup. This item will be discussed at a future Board meeting. Member Krenz-Doe, P.G. offered to take the lead in establishing the workgroup.
- N. Discussion and possible action on Oil/Gas advisory workgroup. It was mentioned that this industry encompasses a large portion of geoscience licensees, and their input will be welcomed by the Board. Member Knobloch, P.G. was asked to take the lead in establishing the workgroup.
- O. TBPG Resolution regarding the Geoscientist-in-Training (G-I-T) program. TBPG unanimously resolved to request the assistance of Dr. Chris Mathewson, P.G. in developing its G-I-T program.
- P. Upcoming Board meetings will be held on August 14, 2009 and November 20, 2009.
- Q. The meeting was adjourned at 4:00 p.m.

Barbara O. Roeling, P.G., *Chair*