



Idaho Soil & Water Conservation Commission

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IDAHO SOIL & WATER CONSERVATION COMMISSION PUBLIC TELECONFERENCE MEETING

Date and Time:

Thursday, October 12, 2011

From 9 am to 4 pm MDT

Location:

Soil & Water Conservation Commission

650 West State St, Rm 145, Boise Idaho

APPROVED MINUTES - AMENDED

COMMISSION MEMBERS PRESENT:

Dick Bronson

Roger Stutzman

Dave Radford

Norman Wright

ADVISORS PRESENT:

None

COMMISSION STAFF PRESENT:

Teri Murrison

Kristin Magruder

Terry Hoebelheinrich

Erin Seaman

Chuck Pentzer

PARTNERS AND GUESTS PRESENT:

Harriet Hensley, Deputy Attorney General

Terry Halbert, North Side SWCD

Bret Rumblebeck, Executive Director, IASCD

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ITEM #1: WELCOME AND ROLL CALL

The meeting was called to order by Chairman Dick Bronson, Idaho Soil & Water Conservation Commission (SWC) member at 9:03 a.m. Roll call: Dick Bronson, Roger Stutzman, Dave Radford, and Norman Wright present. A quorum being reached, the meeting began. Chairman Bronson announced that Governor Otter has appointed two new Commissioners: Norman Wright and Gerald (Jerry) Trebesch. Commissioner Wright was introduced. Due to an out of state family emergency, Commissioner Trebesch was not in attendance.

ITEM #2: REVIEW AGENDA

Chairman Bronson reviewed the agenda. No items were added to the published agenda.

ITEM #3: CONSENT AGENDA

Chairman Bronson reviewed the consent agenda items:

- Amended June 7, 2011 meeting minutes
- August 17, 2011 meeting minutes
- August 24, 2011 meeting minutes
- August 30, 2011 meeting minutes
- September 15, 2011 teleconference meeting minutes

Vice Chair Radford moved to approve the consent agenda items. Commissioner Stutzman seconded. No further discussion. Motion carried.

ITEM #4: ADMINISTRATORS REPORT

Teri Murrison, Administrator, provided the report on agency activities over the last month. Commissioner Bill Flory resigned and the two new commissioners, Norman Wright and Gerald Trebesch, were appointed.

Ms. Murrison provided a report of the August 2011 financials. She noted that the Commission is trending high on operating expenses, however this is typical of expenditure trends at the beginning of each fiscal year. The Trustee and Benefits fund has expended \$433,500 and match funding will be dispersed by the end of October. Fund balances were as follows:

- Personnel Costs: \$841,956
- Operating Expenses: \$123,766
- Trustee & Benefits: \$669,460
- RCRDP loan fund: \$3,053,877

- 44 ○ Personnel Costs: \$78,942
- 45 ○ Operating Expenses: \$90,266
- 46 ○ Principal payments received to date: \$81,423
- 47 ○ Total interest received to date: \$14,867
- 48 ● SRF/DEQ fund: \$13,242

49
50 Ms. Murrison reported that there has been no activity on revolving loan fund to date because
51 there is only one loan being serviced and their payment is not due until November. Discussion
52 followed. Vice Chair Radford asked about the revolving loan fund and the history of being able
53 to utilize that program for future projects. Harriet Hensley, Deputy Attorney General,
54 responded that it was a project that had a lot of support and although the funding was not
55 directly allocated to the Commission, it was decided that the Commission, rather than the
56 Idaho Department of Water Resources and Department of Environmental Quality (DEQ), should
57 manage the loan account. The Commission then borrowed the money from DEQ and then
58 loaned the funds for the project. The interest rate paid to DEQ by the Commission is lower than
59 the interest rate on the project loan itself and the difference is allocated to the Commission.

60
61 **Commissioner Stutzman moved to accept the August 2011 financial report. Vice Chair**
62 **Radford seconded. No further discussion. Motion carried.**

63
64 Ms. Murrison continued with her report on meetings she has attended on behalf of the
65 Commission. At last night's Division III meeting, it was suggested that the Commission hold
66 their business meeting at a time that falls outside of the regular Idaho Association of Soil
67 Conservation Districts (IASCD) conference activities. Discussion followed. Ms. Murrison
68 reported she will follow up with IASCD and find an alternative meeting time.

69
70 Ms. Murrison discussed the need to begin legislative outreach in preparation of the upcoming
71 session. She will be contacting the commissioners to begin that process.

72
73 Ms. Murrison reported that she attended Idaho Rural Development meeting yesterday. She
74 will be engaging with partners to do outreach and look for ways to promote the Commission
75 and district mission. She discussed IASCD's video project: Executive Director Bret Rumbeck is
76 creating a five minute video that will highlight the work of the districts and the conservation
77 partnership. More information can be found at: <http://iascd.wordpress.com> and Mr. Rumbeck
78 is hoping to have an edited version to present at conference in November.

79
80 Ms. Murrison announced that Erin Seaman has accepted a fulltime position as the Loan
81 Assistant and would make the shift from part-time to full-time hours beginning next Monday.
82 Loretta Strickland has accepted the Emmett Water Quality Resource Conservationist (WQRC)
83 position effective Monday, October 17th. The Ag Program Specialist position for the district
84 support services closed last Friday. There were 13 applicants total and former staffer Tony
85 Bennett will be ranking the applications. Bill Lillibridge will lead and convene a partner panel to
86 conduct the first level of interviews and they will recommend two or three candidates for the
87 Administrator's final selection.

88

89 The Commission has learned that the small office next door to the Boise office is available for
90 lease. Since existing office space is inadequate to accommodate staff and Commission supplies,
91 equipment and files, and additional files, the Department of Administration has agreed to
92 undertake modifications to connect it with the existing Commission office. The new space will
93 be available by January 1st, 2012.

94

95 Ms. Murrison encouraged the Commission members to attend the Commission-sponsored
96 coordination training on Wednesday, November 16th at the conclusion of the IASCD conference.
97 The training will be facilitated by Margaret Byfield of American Stewards of Liberty, who will
98 illustrate how formal coordination can be used effectively to increase conservation partnerships
99 and resources.

100

101 Discussion followed. Vice Chair Radford asked about the financial report and summary and was
102 concerned about the zero balance on the SRF loan cash balance. Staff explained that it is only
103 one loan with one annual payment. Commissioner Wright requested a footnote explaining
104 such on the report as a helpful measure for the Commission.

105

106 Vice Chair Radford requested that Commissioner Wright introduce himself and provide a
107 summary of his background. Originally from Caldwell, he attended Boise State University, is
108 currently serving as American Falls city councilman, married, three kids, and farmed. Chairman
109 Bronson expressed his appreciation of Commissioner Wright's willingness to serve and is
110 looking forward to working with him. Discussion followed.

111

112 **ITEM #5: DISTRICT ALLOCATIONS**

113

114 Chairman Bronson provided a summary of the activities and meeting of the district allocation
115 working group. There were a couple of issues that the group needed legal guidance on as a
116 result of the review of the district Financial and Match Reports. Chairman Bronson requested a
117 verbal report from Ms. Hensley on her research on the ability of the Commission to have
118 flexibility within the statute and rule for district allocations and what the definition of an
119 auditable document would be.

120

121 Ms. Hensley discussed the plain meaning rule. It is used to prevent judges from legislating by
122 limiting the court to look at the statute and rule and how it has been implemented. Rules in
123 Idaho have the effect and force of law. Ms. Hensley described what a court would do if looking
124 at the statute and rule as it relates to district allocation. The key terms in question are 'receive'
125 and 'previous fiscal year.' Definition of 'receive' means to acquire or take possession of.
126 Definition of 'fiscal year', clearly references the state fiscal year beginning July 1 and ending
127 June 30. Ms. Hensley concluded that a court would find that the Commission would not be
128 allowed to match funds received outside of the current fiscal year.

129

130 Ms. Hensley stated that auditable documents are a paper trail documenting funds received. A
131 cancelled check is an example of an auditable document and a summary would not be

132 adequate. There is not a legal definition of 'auditable' but the plain meaning of the term and
133 intent of the Commission is that it is the responsibility of the districts to have a clear paper trail
134 of when the funds were received, from whom they were received, and the intent of what the
135 funds are to be used for so as to determine whether they would be classified as general
136 purpose or project specific.

137
138 There was further discussion about the difference of state and county fiscal years and various
139 scenarios. There were concerns expressed about the counties not having the funding until after
140 the state fiscal year had ended. Ms. Hensley explained that the rule was purposefully crafted to
141 be the previous state fiscal year, which was consistent with the Commission's prior practice of
142 using a letter of intent. Chairman Bronson explained that the letter of intent or letter of
143 support is still needed to show that the funds are for general purposes and not intended for
144 special projects.

145
146 Kristin Magruder, Policy and Operation Specialist, reviewed the allocation report by district.
147 Discussion followed on the Bruneau River District which submitted incomplete documentation
148 after the deadline. Chairman Bronson recommended addressing this issue in policy before the
149 next district allocation.

150
151 **Vice Chair Radford moved to hold the amount of the Bruneau River allocation (\$2,900) and**
152 **allow the district seven (7) working days to provide additional or corrected documentation.**
153 **Commissioner Wright seconded. No further discussion. Motion carried.**

154
155 A review of local funds allowed for match continued. There was consensus to allow districts
156 that need to submit additional information an additional seven (7) working days to be
157 consistent with the allowance made for Bruneau River.

158
159 **Vice Chair Radford moved to allow districts an additional seven (7) working days to submit**
160 **information to support their match reports. Commissioner Wright seconded. Further**
161 **discussion followed about deadlines and training options to make the reporting process more**
162 **efficient in the future. Motion carried.**

163
164 **Vice Chair Radford moved to approve the district match allocation recommendations as**
165 **presented by the working group with consideration given to districts to submit additional**
166 **information in support of their reports. Commissioner Stutzman seconded. No further**
167 **discussion. Motion carried.**

168
169 **ITEM #6: DRAFT COMMENT LETTER RE: IDAHO STATE DEPARTMENT OF AGRICULTURE (ISDA)**
170 **PROPOSED POULTRY RULE**

171
172 Ms. Murrison provided an overview of the proposed poultry rule that is open for public
173 comment and presented two letters drafted for Commission review and possible adoption. The
174 IASCD board was to meet last night to discuss their position on submitting a joint comment
175 letter on the proposed rule, but it is unknown what their position is at this time. Vice Chair

176 Radford stated he'd like to submit a joint letter with IASCD. Ms. Murrison advised that the
177 IASCD board has seen the letter but President Randy Purser wanted the opportunity for all
178 members to comment on it prior to committing to a joint comment letter. All Commissioners
179 voiced support for having a letter signed jointly by the Commission and IASCD for the biggest
180 impact.

181
182 **Vice Chair Radford moved to authorize the Chair to sign a joint comment letter on the**
183 **proposed poultry rule with IASCD allowing for minor modifications and to convene a**
184 **teleconference if there are significant modifications. Commissioner Stutzman seconded. No**
185 **further discussion. Motion carried.**

186
187 **ITEM #7: OTHER BUSINESS**

188
189 There were no other business items for discussion.

190
191 **RESOURCE CONSERVATION AND RANGELAND DEVELOPMENT PROGRAM**

192
193 **ITEM #8: PENDING LOAN BUSINESS**

194
195 **Commissioner Wright moved to enter into executive session pursuant to Idaho Code § 67-**
196 **2345(d) for the purpose of considering pending RCRDP loan applications only. Vice Chair**
197 **Radford seconded. No discussion. Roll call vote was taken with all voting in the affirmative.**
198 **Motion carried.**

199
200 The Commission moved into executive session at 11:07 am after a five-minute break. Teri
201 Murrison, Terry Hoebelheinrich, Kristin Magruder, Harriet Hensley, and Erin Seaman were
202 invited to stay.

203
204 **Executive session ended at 11:35 am.**

205
206 Commissioners discussed the disposition of pending RCRDP loan business.

207
208 Loan No. 659
209 Amount: \$32,306
210 Term: 7 years
211 Rate: 3%

212 Conservation Benefit: Water efficiency increased from 35% to 85% annually; slight soil savings
213 of 0.2 tons per year. Addresses TMDL 303(d) listed segment. Pollutants addressed: sediment,
214 bacteria, nutrient, and temperature.

215
216 **Commissioner Stutzman moved to approve Loan A-659 pursuant to the loan officer**
217 **recommendation as the application meets criteria for conservation benefit and meets the**
218 **loan criteria as established in IDAPA 60.05.01 and loan policy. Commissioner Wright**
219 **seconded. No further discussion. Motion carried.**

220
221 Chairman Bronson reminded the Commission members to shred the loan packets to protect the
222 confidential information of the applicant.
223
224 Commissioner Wright was not aware that the Commission had a loan program and asked about
225 the marketing involved. Ms. Murrison responded that the loan program is currently the best
226 kept secret in Idaho and has asked staff to work with the new Commissioners to review best
227 practices and to look for methods of attracting new loans.
228
229 There was discussion about the IASCD conference location and date details. Staff will be taking
230 care of reservations and registration for all Commission members.
231
232 Commissioners discussed the coverage of the IASCD division meetings in eastern Idaho. Staff
233 will forward information to the new commissioners and coordinate partner reports.
234
235 **At 11:44 am, Chairman Bronson adjourned the meeting.**
236
237 Respectfully submitted,
238
239 Roger Stutzman
240 Commissioner and Secretary,
241 Idaho Soil & Water Conservation Commission