

Nebraska State Board of Landscape Architects
Board Meeting Agenda
September 29, 2009
215 Centennial Mall South, Fifth Floor, Small Conference Room, Lincoln, NE

9:00a CALL TO ORDER

Open Meeting and Public Agenda Information

Public Comments

The public is invited to speak

Agenda Items

Approval or adjustment of the listed agenda

Action

- 1 Public Notice Publication
-

A Consent Agenda

- 1 **Meeting Minutes**
 - a 1-5 July 14, 2009 meeting minutes
- 2 **Late Submittals of Continuing Education – None at this time**

Action **Approval of Consent Agenda**

B Financial Reports/Matters

- 1 a 1-4 Budget Status Report – July, August 2009
- 2 a 1 General Ledger by Business Unit Report – July 2009
 - 2 MTD General Ledger Detail Report – August 2009
- 3 a 1-2 Fund Summary Report – July, August 2009
- 4 a 1 Financial Profile – July, August 2009
- 5 a 1 Fiscal Activity Report to Date
 - b 1 Trends in Licensure – FY 09/10
- 6 **Other Financial Matters**
 - a 1 Confirmation of "Participation Credits" from CLARB
 - 2 Balance of "Participation Credits"
- 7 **Contract Review**
 - a 1-13 NBEA Allied Board Committee Cost Analysis Report and Summary
 - b 1 Interagency Agreement with the Nebraska State Records Board

Action **Approval of Financial Matters**

C Applications

- 1 a 1 **Application Overview Sheet**
 - 2 **US Citizenship Attestation Form**
- 2 **Licensure/Examination**
 - a Applications for Licensure by Reciprocity - **Class 2 w/CLARB Certificate – None at this time**
 - b Applications for Licensure by L.A.R.E. Examination – **Class 1 w/CLARB Record**
- 1-3 Dipti Trivedi - NE

Action **Approval of Licensure/Examination Applications**

D Compliance Cases

- 1 a 0 **Logs - None at this time**
- 2 a 0 **New Cases – None at this time**
- 3 **Pending Cases**
 - a 1-5 08.04 – Board response letter draft
 - b 0 09.02

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- 4 a 0 **Case Recommendations**
- 5 a 0 **Compliance Issues**

Action **Approval of Compliance Case Disposition**

E General Information/Committee Reports

1 Meetings Schedule/Rosters

- a 1-2 Board Meeting Schedule
- b 1 Roster of Board Members – 2009 expiration
- c Board Member Appointments
 - 1 Resignation Notice from Steve Rodie
 - 2-3 Certificate of Appointment for Board Member JoAnne Kissel

2 Committee Reports

- a 0 Officers Report – Dennis Bryers, Chairperson

3 CLARB

- a 1-2 CLARB Annual Meeting Report – Gary Wells, Dennis Bryers
- b 1-2 July 2009 Board of Directors Update
- c 1-3 "Candidate ID" process for graphic portions of L.A.R.E.

4 ASLA

- a 0 ASLA Annual Meeting Report – Dennis Bryers
- b 1 FASLA Fellowship awarded to Dennis Bryers

5 a 0 Office/Staff – None at this time

F New Business

1 Governance Issues

- a 1 Board actions
- b 2-3 Correspondence on License Reinstatement Policy LA P04.01

Action

- b 0 Rules and Regulations
- c 0 Statutes
- d Legislative items
 - 1-2 LB 403 – Verification of Lawful Presence
 - 3-5 LB 16 – Taxpayers Transparency Act Correspondence
 - 6-8 LB 167 – Mandatory Auto Deposit of Payroll and Expenses

2 Landscape Architects

- a Peer Review Committee appointment recommendations
 - 1 Peer Review Committee Policy

Action

- b 1-3 Post Construction Stormwater Plan Preparation

Action

The next State Board of Landscape Architects meeting will be held on January 26, 2010, at 1:00pm at 215 Centennial Mall South, Lincoln, Nebraska, Fifth floor, in the Small Conference Room.

Adjournment

Action

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CALL TO ORDER

The meeting was held at 215 Centennial Mall South, 5th Floor, Small Conference Room, Lincoln, Nebraska. Vice-Chairperson Royster called the meeting to order at 9:07am and informed the public of the location of the Open Meetings Act.

Roll Call: John Royster, Eileen Bergt, JoAnne Kissel, Steve Rodie Absent: Dennis Bryers, Gary Wells

Public Comments

None scheduled

Agenda Items

No additions or corrections were made

Action Motion by Kissel, second by Bergt to accept the agenda order as presented. Voting Yes: Royster, Bergt, Kissel, Rodie. Voting No: None. Absent: Bryers, Wells.

Public Notice Publication

A Consent Agenda

1 Meeting Minutes

a July 14, 2009 meeting minutes approved as submitted

2 Late Submittals of Continuing Education – None at this time

Approval of Consent Agenda

Action Motion by Kissel, second by Bergt to approve the Consent Agenda. Voting Yes: Royster, Bergt, Kissel, Rodie. Voting No: None. Absent: Bryers, Wells.

B Financial Reports/Matters

1 Budget Status Report – July, August 2009

NIS reports provided for review

2 General Ledger by Business Unit Report – July 2009

NIS report provided for review

MTD General Ledger Detail Report – August 2009

NIS report provided for review

Administrator Weaver explained the General Ledger by Business Unit report has been replaced with the MTD General Ledger Detail report.

3 Fund Summary Report – July, August 2009

NIS reports provided for review

4 Financial Profile – July, August 2009

Report provided for review

5 Fiscal Activity Report to Date and Trends in Licensure – FY 09/10

FY 09/10 database reports provided for review

6 Other Financial Matters

Confirmation of “Participation Credits” from CLARB

Email correspondence from CLARB was provided showing the balance of “Participation Credits” after the distribution of regional dues took place. Printout from the CLARB website

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showing balance of credit left after registration fees for Gary Wells were paid for the annual meeting on September 10-12, 2009 was also provided.

7 Contract Review

a NBEA Allied Board Committee Cost Analysis Report and Summary

Copies of letter from the Nebraska Board of Engineers and Architects (NBEA) Allied Board Committee, Cost Analysis Report and Summary covering the costs incurred by the NBEA over FY 08/09 to administer the Nebraska State Board of Landscape Architects (NSBLA) were provided for review. Royster commented the current Memorandum of Understanding (MOU) was established under the previous NBEA Executive Director. Terms had been formulated and signed between himself and Executive Director Nelson. He also stated it has always been and will continue to be the Board's intention to pay their fair share of the expense incurred in the administration of the NSBLA. Discussion was held to appoint a representative to write up an assumption of roles and duties of the Board and to look at best possible method to cover costs. It was suggested by several members that an a la carte method may be best way to go. Bergt questioned whether there would be a method of settling any cost overage if the NBEA incurred a higher expense than negotiated in administering the NSBLA. Members were concerned with the method used to calculate the average hourly rate as this rate included all positions. Since the majority of the time spent is at the Administrative Assistant position, the members felt it would be a more appropriate method to take each position's time total times the position's hourly rate and add them all together to come closer to actual payroll cost incurred. Bergt suggested a method of payment by a flat hourly rate be negotiated or if any cost overages are incurred, they be carried over to the next MOU. Rodie wanted to insure that the board was not paying for over complicated issues such as database conversions, etc. that occur due to decisions of the NBEA. Kissel suggested a representative be appointed to analysis the report and negotiate with the NBEA Allied Board Committee as to what is mandated and what is choice and draw up a updated basis for future agency agreements or contracts.

Action Motion by Bergt, second by Rodie to appoint Royster and Kissel to act as representatives for the Board of Landscape Architects in negotiations for a new interagency agreement with the NBEA Allied Board Committee. Voting Yes: Royster, Bergt, Kissel, Rodie. Voting No: None. Absent: Bryers, Wells.

b Interagency Agreement with the Nebraska State Records Board

An interagency agreement between the State Board of Landscape Architects and the Nebraska State Records Board to lower the credit card activity fee to 5% of collections was provided for review.

Approval of Financial Matters

Action Motion by Rodie, second by Kissel to approve all other financials as discussed. Voting Yes: Royster, Bergt, Kissel, Rodie. Voting No: None. Absent: Bryers, Wells.

C Applications

1 Application Overview Sheet

Updated form provided

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US Citizenship Attestation Form

In compliance with Neb. Rev. Stat. §§4-108 through 4-114, the US Citizenship Attestation form was created and will be posted on the website by October 1, 2009.

2 Licensure/Examination

Applications for Licensure by Reciprocity - Class 2 w/CLARB Certificate – None at this time

Applications for Licensure by L.A.R.E. Examination – Class 1 w/CLARB Record

Dipti Trivedi – NE

AA Lais to contact applicant and request an updated CLARB record to document her 4 years of practical experience per Title 231, NAC, Chapter 2.001.01. Her current record only documents 3 years and 6 months of which 5 months is with her current employer. Title 231 of the NAC Chapter 1.002.03 does not allow for periods of less than 6 months with one employer to be considered in the 4 year practical experience calculation.

Action Motion by Rodie, second by Bergt to defer Trivedi to the next meeting pending receipt of updated experience. Voting Yes: Royster, Bergt, Kissel, Rodie. Voting No: None. Absent: Bryers, Wells.

D Compliance Cases

1 Logs - None at this time

2 New Cases – None at this time

3 Pending Cases

- a 08.04 – Email correspondence and copy of draft letter were provided for review. CO Wilbeck to follow up with Chair Bryers on final wording as current wording encourages complainant to partner with other companies to be able to offer services not currently authorized to do.
- b 09.02 – CO Wilbeck provided a draft letter in response to complainants letter dated May 13, 2009. Recommendation was made to instruct the complainant to apply for licensure within 30 days as mentioned in his May 13th letter. The board requested item 2 be removed from the letter completely. CO Wilbeck will send revised letter to Chair Bryers for final approval before sending. If the complainant does not comply, CO Wilbeck will request him to appear before the board at the next meeting and explain why he believes he is exempt from licensure in Nebraska.

4 Case Recommendations

5 Compliance Issues

E General Information/Committee Reports

1 Meetings Schedule/Rosters

a **Board Meeting Schedule**

b **Roster of Board Members – 2009 expiration**

c **Board Member Appointments**

Notice of resignation from Steve Rodie informing the Board he will not be seeking a second term was included. The Board is actively seeking a candidate to replace Rodie.

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Royster informed the board Dave Ciaccio is interested and will contact him again to have him submit an application with the Governor's office.

Certificate of Appointment for Board Member JoAnne Kissel

Copy was provided

2 Committee Reports

- a **Officers Report** – *None at this time*

3 CLARB

- a **CLARB Annual Meeting Report** – Wells provided a written report.

- b **July 2009 Board of Directors Update**

Summary of activities from the CLARB Board of Directors was provided

- c **“Candidate ID” process for graphic portions of L.A.R.E.**

Candidates are now required to establish a unique “Candidate ID” prior to applying to their state boards for the graphics section of the L.A.R.E. The instructions on how to establish the ID have been posted on the website.

4 ASLA

- a **ASLA Annual Meeting Report** – *None at this time*

- b **FASLA Fellowship awarded to Dennis Bryers**

5 a Office/Staff – *None at this time*

F New Business

1 Governance Issues

- a **Board actions**

AA Lais to rewrite LA P01.01 to read “The Board will determine time span registrants will be given to clear any deficiency in his/her continuing education hours based on the recommendation of the Peer Review Committee. Action was deferred to next meeting pending rewrite.

On Policy LA P04.01, Royster explained the board has always taken the position that a lapsed license is no longer valid and is a closed file. As it is scheduled for destruction at this point, it cannot be reopened, therefore, cannot be reissued upon request of reinstatement. The policy will remain as written. No action taken

- b **Rules and Regulations** – *None at this time*

- c **Statutes** – *None at this time*

- d **Legislative items**

- LB 403 – Verification of Lawful Presence**

LB 403 will require all State of Nebraska agencies to verify the lawful presence of individuals applying for public benefits including professional licenses. The bill becomes operative October 1, 2009. ED Pearson is currently clarifying implications with DAS Risk Management.

- LB 16 – Taxpayers Transparency Act Correspondence**

Effective January 1, 2010, Nebraska Spending will include an online record of all payments made by State agencies, boards and commissions. Paul Carlson, State Accounting, and Amy Archuleta, NIS, are working with personnel within the State Treasurer's Office to provide requested information.

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LB 167 – Mandatory Auto Deposit of Payroll and Expenses

LB 167 as approved by the Governor will make auto deposit of payroll and expense documents mandatory for all state employees. This bill went into effect the middle of September 2009.

2 Landscape Architects

a Peer Review Committee appointment recommendations

Todd Malero's name was given as a possible replacement for Alison Krohn whose appointment to the Committee expires this year. Royster will contact to see if he is interested is serving on the committee. No action taken

Peer Review Committee Policy

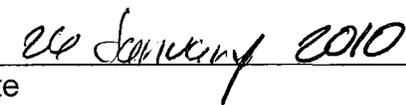
b Post Construction Stormwater Plan Preparation

Correspondence was received with regards to Section 2.0 of the Post Construction Stormwater Management Planning Manual with the City of Omaha which states "Post Construction Stormwater Management Plans shall be prepared by or under the supervision of a licensed professional civil engineer registered in the State of Nebraska or other professional approved by the City of Omaha Public Works Department"(PWK). The PWK had taken the position that a landscape architect was not an approved professional able to prepare and stamp post construction stormwater management plans. Royster reported Chairperson Bryers had contacted Selma Kessler, and Nina Cudahy, City of Omaha Public Works Department, and informed the Board that the position of the PWK has been relented and landscape architects have been added back as approved professionals with the department. Royster will follow up with the PWK. No action taken.

Adjournment Motions by Rodie, second by Bergt to adjourn the meeting at 11:10am.

The next State Board of Landscape Architects meeting will be held on January 26, 2010, at 1:00pm at 215 Centennial Mall South, Lincoln, Nebraska, Fifth floor, in the Small Conference Room.


Board Member Signature


Date