

Nebraska State Board of Landscape Architects
Annual Meeting Agenda
January 26, 2010
215 Centennial Mall South, Fifth Floor, Small Conference Room, Lincoln, NE

8:30a CALL TO ORDER

Open Meeting and Public Agenda Information

Election of Officers

Action

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 September, 2009 meeting minutes
- b 1 October 6, 2009 meeting minutes

2 Late Submittals of Continuing Education – None at this time

Action Approval of Consent Agenda

B Financial Reports/Matters

- 1 a 1-8 Budget Status Report – September, October, November, December 2009
- 2 a 1-4 MTD General Ledger Detail Report – September, October, November, December 2009
- 3 a 1-6 Fund Summary Report – September, October, November, December 2009
- 4 a 1 Financial Profile – September, October, November 2009
- 2 Adjusted Financial Profile – December 2009
- 5 a 1 Fiscal Activity Report to Date
- b 1 Trends in Licensure – FY 09/10
- 6 **Other Financial Matters**
 - a 1 DAS Revised Travel Policy Memo
 - 2-3 Revised Travel Policy
 - b 1-2 Governor's spending restraint letter
 - c 1-3 Governor's budget recommendation letter
 - 4 Governor's budget recommendation
 - 5 Board Testimony Letter to Governor's budget recommendation
 - 6 Appropriation Committee's budget recommendation to the Governor
 - 7 DAS memo informing agency appropriations have been adjusted
 - 8-9 Appropriations Committee Memo requesting actions to be taken to implement LB1
 - 10 Budget Adjustment Plan Worksheet
- 7 **Contract Review**
 - a 1-4 Revised NBEA Allied Board Committee Cost Analysis Report

Action Approval of Financial Matters

C Applications

1 a 1 Application Overview Sheet

2 Licensure/Examination

- a Applications for Licensure by Reciprocity - **Class 2 w/CLARB Certificate**

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- 1-2 Stephen Winslow, KS
- 3-4 Douglas Lamson, CO
- 5-6 John Heibert, TN
- 7-8 Ryan Bentley, NE
- 9-10 Nicholas Staib, KS

- b 0 Applications for Licensure by L.A.R.E. Examination – **Class 1 w/CLARB Record** – *None at this time*

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 08.04 – Board response letter
 - b 1 09.02 – Board response letter
- 4 a 0 **Case Recommendations** – *None at this time*
- 5 **Compliance Issues**
 - a 1 Sample disclosure questions for renewals

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 (Replacement)
 - c 1-2 Certificate of Appointment for Board Member David Ciaccio
 - d 1 Peer Review Committee Roster (Replacement)
- 2 **Committee Reports**
 - a 0 Officers Report – Dennis Bryers, Chairperson
- 3 **CLARB**
 - a 1-2 November CLARB Member Board E-News items of interest
 - b 1-3 December CLARB Member Board E-News items of interest
 - c 1-4 MBE Committee Composition and Charges
- 4 **ASLA**
 - a 0 ASLA Annual Meeting Report – Dennis Bryers
- 5 a 0 **Office/Staff** – *None at this time*

F New Business

- 1 **Governance Issues**
 - a 1 Board actions

Action

- b 0 Rules and Regulations
- c 0 Statutes
- d 0 Legislative items

- 2 **Landscape Architects**

- a 1-2 2010 CLARB Spring Meeting, February 26-27, 2010, Dallas, TX – Selection and approval of Board representative

Action

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b 1-2 Board Strategic Plan

Action

b 1-14 Peer Review Committee Continuing Education Report

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. Chairperson Bryers called the meeting to order at 8:35am and informed the public of the location of the Open Meetings Act.

Roll Call: Dennis Bryers, David Ciaccio, John Royster, Gary Wells Absent: Eileen Bergt, JoAnne Kissel

Staff Present: Sandra Weaver, Administrator, John Wilbeck, Compliance Officer (CO), Jean Lais, Administrative Assistant

Public Comments

None Scheduled

Agenda Items

Motion by Royster, second by Wells to move the election of officers until all members are present and move the Board Strategic Plan after the Consent Agenda (section A). Voting Yes: Ciaccio, Wells, Royster, Bryers. Voting No: None. Absent: Bergt, Kissel

Bergt joined the meeting at 8:45am

Kissel joined the meeting at 9:00am

Election of Officers

Motion by Wells, second by Royster to elect Dennis Bryers as Chairperson. Voting Yes: Wells, Royster, Bert, Kissel, Ciaccio. Voting No: None. Abstain: Bryers

Motion by Wells, second by Kissel to elect John Royster as Vice-Chairperson. Voting Yes: Bergt, Kissel, Ciaccio, Wells, Royster, Bryers

A Consent Agenda

1 Meeting Minutes

a September, 2009 meeting minutes

b October 6, 2009 meeting minutes

2 Late Submittals of Continuing Education – None at this time

Approval of Consent Agenda

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

Royster left the meeting at 10:15am after discussion of the Board Strategic Plan and Peer Review Committee Continuing Education Report.

B Financial Reports/Matters

1 Budget Status Report – September, October, November, December 2009

NIS reports provided for review

2 MTD General Ledger Detail Report – September, October, November, December 2009

NIS reports provided for review

3 Fund Summary Report – September, October, November, December 2009

NIS reports provided for review

4 Financial Profile – September, October, November 2009, December 2009

NIS reports provided for review – Administrator Weaver explained the December chart shows the re-appropriation as required by LB 1 of the 101st Legislature, First Special Session 2009 of \$4,389. In addition, \$572 will be transferred out of the cash fund on June 15, 2010 into the state's general fund. An additional \$1,143 will be transferred out of the cash fund in FY10/11.

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5 Fiscal Activity Report to Date and Trends In Licensure – FY09/10

Reports provide for review

6 Other Financial Matters

DAS Revised Travel Policy Memo

A memo was received from the State Accounting Division announcing the mileage rate change from \$0.55 to \$0.50 for 2010. Section 81-1176 authorizes Administrative Services to set the mileage rate to be used in reimbursing State employees for personal vehicles when conducting State business.

Revised Travel Policy

A revised travel Policy provide for review with the adjusted mileage as per the DAS Accounting memo.

Governor's spending restraint letter

A memo was sent on behalf of Governor Dave Heineman asking agencies, boards, and commissions to not fill existing or new vacant positions unless essential, incur travel costs not immediately required, lease or purchase additional space or capital equipment unless an emergency exists, or initiate programs, contracts or services requiring additional appropriations. Preparation should begin on plans for significant reduction in current state appropriations.

Governor's budget recommendation letter

A copy of the November 2, 2009, Governor's budget recommendation letter to the legislature was provided for review. The recommendations include an across the board budget reduction of 2.5% for the remainder of FY09/10 and a 5% reduction for FY10/11, \$154 million specific budget reductions, \$65 million reductions to General Fund re-appropriations (carryover from FY08/09), and transfers to the General Fund including across-the-board reductions in cash fund spending and other specific funds.

Governor's budget recommendation

A copy of the Governor's proposed budget recommendations provided for review. The recommendations for the Board include a reduction in the FY09/10 appropriations of \$572, a \$1,143 in the FY10/11 appropriations.

Board Testimony Letter to Governor's budget recommendation

A copy of the board's response to the Governor's proposed budget to the Appropriations committee was provided. The Board requested the Committee make a recommend to not take funds from the Board.

Appropriation Committee's budget recommendation to the Governor

A copy of the Appropriations' Committee's budget recommendations to the Governor was provided for review.

DAS memo informing agency appropriations have been adjusted

A memo from State Accounting was provided advising agencies the appropriations have been updated to reflect the budget reductions passed on November 20, 2009.

Appropriations Committee Memo requesting actions to be taken to implement LB 1

Section 10 of LB 1 of the 101st Legislature, First Special Session, 2009, calls for each state agency to submit a report on or before January 15, 2010, to the Appropriations Committee of the Legislature detailing specific actions and plans to implement budget actions pursuant to Legislative Bill 1, 2 & 3. Administrator Weaver stated an extension was requested until February 5, 2010. Administrator Weaver requested the board to provide her and ED Pearson with a budget plan as soon as possible.

Budget Adjustment Plan Worksheet

A spreadsheet was provided showing the adjustments in appropriation as implemented by the Legislature in LB 1. Chairperson Bryers will draft a response to the Appropriations Committee with action the Board plans to take to meet the required budget reductions.

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7 Contract Review

Revised NBEA Allied Board Committee Cost Analysis Report

A copy of the letter from the NBEA Allied Board Committee dated December 10, 2009, with a revised proposed agreement was provided for review. Royster stated he, along with Kissel, were appointed by the board to represent the Nebraska State Board of Landscape Architects (NSBLA) in discussions with the Nebraska Board of Engineers and Architect's (NBEA) Allied Board Committee (the Committee) in discussion of the upcoming Memorandum of Understanding (MOU) changes. He stated NSBLA's approach has always been to pay their fair share of the costs. The NBEA set up the Committee last summer to look at the actual costs of administrating the NSBLA. He met with the Committee's Chair, Dale Sall, and discussed an alternative hourly wage calculation. He suggested an average rate for the areas in which the majority of the work is performed and using a separate calculation for the Executive Director may be a more accurate way of achieving the actual cost of services. The NBEA continues to use an average rate calculation. Chair Sall stated the NBEA would like a strategic plan along with the MOU proposal how the NSBLA plans to accommodate the MOU increase in the future. They have requested a response no later than February 2, 2010. The NBEA may be willing to temporarily reduce the MOU in the next fiscal year to allow NSBLA to operate within their appropriated operating expenses and allow time to further research future options. Royster stated the issues at hand are to look at a one year MOU and a plan for future years. Royster and Kissel will continue to work on a response along with Bryers and Ciaccio.

Approval of Financial Matters

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

Kissel left the meeting at 10:59am after discussion of the Board Strategic Plan and New Business (section F)

C Applications

1 Application Overview Sheet

2 Licensure/Examination

Applications for Licensure by Reciprocity - Class 2 w/CLARB Certificate

Approved: Stephen Winslow, KS; Douglas Lamson, CO; John Heibert, TN; Ryan Bentley, NE; Nicholas Staib, KS

Applications for Licensure by L.A.R.E. Examination – Class 1 w/CLARB Record – None at this time

Approval of Licensure/Examination Applications

Action Motion by Bergt, second by Ciaccio to approve the five applicants for licensure by Reciprocity Class 2 with a CLARB Certificate. Voting Yes: Bergt, Ciaccio, Wells, Bryers. Voting No: None. Absent: Royster, Kissel

D Compliance Cases

1 Logs - None at this time

2 New Cases – None at this time

3 Pending Cases

08.04 – Letter to Respondent to be reworded as discussed and sent by CO Wilbeck

09.02 – CO Wilbeck to follow with Respondent as the board as not received a response from last correspondence

4 Case Recommendations – None at this time

5 Compliance Issues

Sample disclosure questions for renewals

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The Board and CO Wilbeck will review the statutes and rules and regulations for legality along with other states requirements and discuss at next meeting. No action was taken.

E General Information/Committee Reports

1 Meetings Schedule/Rosters

Board Meeting Schedule

CLARB Annual Meeting in August to be added to the schedule

Roster of Board Members

An updated roster was provided

Certificate of Appointment for Board Member David Ciaccio

A copy of the Governor's appointment letter naming David Ciaccio to the Board was provided. He will be replacing Steve Rodie. The Oath of Office was signed by Ciaccio before the January 26, 2010, meeting.

Peer Review Committee Roster

An updated roster was provided

2 Committee Reports

Officers Report – *None at this time*

3 CLARB

Items of interest to the board were provide from the November and December CLARB Member Board E-News.

A copy of the CLARB MBE Committee Composition and Charges for FY 2010 were provided for review.

4 ASLA – *None at this time*

5 Office/Staff – *None at this time*

This section was moved before Section B, Financial Reports/Matters to allow for a quorum.

F New Business

1 Governance Issues

Board actions – Policy LA P01.01 was revised to state, "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 Motion by Bergt, second by Wells to approve the revision of Policy LA P01.01 as presented. Voting Yes: Kissel, Ciaccio, Wells, Bergt, Bryers. Voting No: None. Absent: Royster

Rules and Regulations – *None at this time*

Statutes – *None at this time*

Legislative items – *None at this time*

2 Landscape Architects

2010 CLARB Spring Meeting, February 26-27, 2010, Dallas, TX – Though this item was discussed, it was the consensus of the members it was not necessary to send a representative to the meeting at this time. No action taken

Board Strategic Plan

This item was moved for discussion following the Consent Agenda (section A)

Royster provided a copy of an email sent on January 19, 2010, with several questions that need to be addressed in setting up a plan to address the cost increases of the proposed MOU from the NBEA.

Included in the discussion was which services the NSBLA needs or does not need from the NBEA. It was discussed that basic administrative service are needed, but not necessarily the services of the compliance officer if costs are high. Weaver informed NSBLA during the period of July 1, 2008, to

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September 30, 2009, the compliance officer recorded 6.5 hours for the NSBLA. The members discussed the issue of the executive director having less direct involvement. Remaining a member of CLARB (The Council of Landscape Architects Boards) was also discussed. This is NSBLA's largest expense outside the MOU. If NSBLA left CLARB, the board would then need to administer own exams, review applications for compliance, etc. This would increase staff and/or member administrative time. Fees would also need to be raised to cover the additional costs. CLARB also offers direction in licensure at the national level and is encouraging all participating boards to send at least one representative and one member board executive to each meeting (one in spring and annual meeting in fall). Bergt suggested maybe NSBLA should choose not to send a representative for a few years or send to attend one meeting a year.

Bryers stated he did receive an inquiry from the Nebraska Board of Geologist (NEBOG) asking if NSBLA would be willing to combine with them. Kissel commented, if the cost savings of a combined board can be quantified, then this should be taken. Royster stated the current trend of the state is to reduce the number of agencies. There are potentially three boards that could be combined into one. This argument could be included in NSBLA's longer term plan. Under this option, committees could be formed to address the needs of the landscape architecture profession (i.e. applications, exams, education, etc).

Royster stated NSBLA needs to come up with a three to five year plan and review continuously to insure NSBLA is achieving its goals. In summary, NSBLA needs to look at a one term MOU with long term plans for solvency. Royster and Kissel will continue to work on a response along with Bryers and Ciaccio.

Peer Review Committee Continuing Education Report

This item was moved for discussion after the Consent Agenda (section A) and the Board Strategic Plan discussion to allow for a vote by the full board.

Joseph Wilson – 12.5 hours of his continuing education are Rainbird sponsored. Though the board encourages diversity, it is not required. Chairperson Bryers will respond to the committee to this effect. Continuing education for Joseph Wilson is approved.

James Wike – reported 49 hours for teaching. Teaching does not apply for continuing education. He can claim up to 4 hours for self study as allowed by NAC Title 231 Chapter 6. Continuing education for James Wike is denied. AA Lais to send a letter advising the licensee he has 60 days from the date of the letter to submit 15 hours of continuing education in order for his license to be renewed.

Action Motion by Bergt, second by Wells to accept the Peer Review Committee's recommendations, approve Joseph Wilson, and deny James Wike's continuing education. Voting Yes: Kissel, Ciaccio, Wells, Royster, Bergt, Bryers. Voting No: None

Adjournment Motion by Wells, second by Ciaccio to adjourn the meeting at 11:39am

The next State Board of Landscape Architects meeting will be held on March 30, 2010, at 8:30pm at 215 Centennial Mall South, Lincoln, Nebraska, Fifth floor, Small Conference Room.


Board Member Signature


Date