

Nebraska State Board of Landscape Architects
Board Meeting Minutes
April 26, 2016
215 Centennial Mall South, Small Conference Room, Lincoln, NE

CALL TO ORDER

The meeting was held at 215 Centennial Mall South, Fifth Floor, Lincoln, Nebraska. Chairperson Bryers called the meeting to order at 8:39am and informed the public of the location of the Open Meetings Act. Notice of the meeting was published in the Lincoln Journal Star and on the Board's website in accordance to the Open Meetings Act.

Roll Call: Eileen Bergt, Dennis Bryers, David Ciaccio, Todd Maiellaro, Garry Wells; Absent: Gayle Malmquist

Staff Present: Jean Lais, Administrative Assistant (AA); Jon Wilbeck, Compliance Officer (CO)/Interim Executive Director (IED)

Appointments/Public Comments

No members of the public were present

A Consent Agenda

Meeting Minutes

January 26, 2016, meeting minutes were approved as presented

Late PDH submittal approvals

Approved: Jeffrey Heinze, LA316

Action Motion by Wells, second by Ciaccio to approve the Consent Agenda as presented. Voting Yes: Wells, Bergt, Ciaccio, Maiellaro, Bryers; Voting No: None; Absent: Malmquist

B Committee Reports

Officers Report - *None*

CLARB

Summary of February 16, 2016 Region 4 Webcast

A summary of the February 16, 2016 Region 4 webcast was provided for review. The summary included issues and topics of interest in each state.

"In The Know" Mid-Year Review Webinar Highlights

Presentation slides from the "In The Know" Mid-Year Review Webinar were included highlighting the Global Task Analysis, Model Law Update, and Member Development. Member Development included updates on the Board Member Orientation and the Annual Meeting.

CLARB Communique with regards to defending licensure

The CLARB Communique is a newsletter that is sent out to Member Board Executives. This month's article covered defending licensure. Chairperson Bryers added this is partly due to the decision of the Supreme Court v. North Carolina Dental Board. Several boards have already or are facing the possibility of deregulation.

Chairperson Bryers reported the Nomination Committee met earlier this month to conduct interview with the nominees for the upcoming elections. Two of the candidates were not advanced to the next stage. All candidates will be recording video messages for the membership and the Committee is currently working on the questions to be addressed in the video.

Office/Staff

AA Lais updated the Board on the Nebraska Board of Engineers and Architects (NBEA) process of hiring a new Executive Director. Steve Masters resigned his position effective February 19, 2016. Jon Wilbeck has been named Interim Executive

Nebraska State Board of Landscape Architects
Board Meeting Minutes
April 26, 2016
215 Centennial Mall South, Small Conference Room, Lincoln, NE

Director until a permanent replacement is named. She also informed the members that the new Public Information Officer, Tanna Dittmar, started on February 8, 2016. The NBEA is continuing to move forward in switching to a new database and hopes to have it up and running in the next six to eight months.

AA Lais also reported that the office lease is scheduled to expire in November. This may result in the Nebraska Board of Engineers and Architects (NBEA) having to relocate. There was no renewal clause written into the current lease. IED Wilbeck is currently working on the building requisition with the Building Division. It is the hope and desire of the NBEA to stay in its currently location and will be requesting a waiver to the RFP process.

C Old Business

Governance Issues

Legislative Bill 788 (LB 788) – Revisions to the Professional Landscape Architects Act

Amendment 2376 (AM 2376) to LB 788 (Planners Exemption)

Copies of the First Reading and AM 2376, which is the amendment drafted to allow an exemption for planners, was provided for review. Unfortunately, the Bill did not make it out of Committee. The Board plans to reintroduce a bill during the 2017 legislative session. A new sponsor will need to be secured as Senator Cook will not be returning next year due to term limits. Cook's office informed Chairperson Bryers that two of the senators on the committee had the impression that this was new legislation, not just a revision.

Chairperson Bryers would like to send thank you letters to Senator Cook, Susan Hall, John Royster and David Levy.

The members discussed the need to secure a new sponsor. Senator Cook's office suggested the Board seek a sponsor from the senators who sit on the Government, Military, and Veterans Affairs Committee and works with other legislative aids.

Chairperson Bryers informed the members that Pat Slaven, Omaha Parks and Recreations, was able to speak with Sara Howard who is up for re-election. Slaven conveyed that Howard might be interested in sponsoring the bill.

Chairperson Bryers requested AA Lais work with the bill writer to have the new draft with AM2376 incorporated in time for the July meeting.

Malmquist entered the meeting at 9:10a

Landscape Architect Items - None

D New Business

Governance Issues

Legislative Resolution 546 (LR 546) – Study to examine whether Nebraska's occupational licensing boards are exposed to liability under antitrust laws.

Chairperson Bryers reported that ASLA had an article in the last e-Leader newsletter that stated LB788 did not advance due to LR 546. This was not the case. They are to be printing a retraction in the next newsletter.

Legislative Bill 867 (LB 867) – Changes to the Administrative Procedures Act

This bill changes the way policies are created. The Board will need to take a look at current policies and determine if there are any that are not procedural in nature and need to be promulgated to Rules. LB 867 goes into effect January 1, 2017.

Nebraska State Board of Landscape Architects
Board Meeting Minutes
April 26, 2016
215 Centennial Mall South, Small Conference Room, Lincoln, NE

Rules and Regulations Revisions

A copy of the draft of the new Rules and Regulations (Rules) was provided for review along with a copy of the current Rules. AA Lais provided a list of questions on the new Rules that need member input and direction. She also provided a copy of the current Board policies and Actions needed on the Statutes and Rules. Chairperson Bryers charged the members to review the information and questions prior to the July meeting at which further discussion will be held.

Landscape Architect Items

A copy of the **email to ASLA regarding the Board seat vacancy** coming up was provided for review. AA Lais also informed the members the Governor's office has been notified that Wells will not be seeking re-appointment. Chairperson Bryers asked the members to be thinking about and approaching possible candidates about applying.

Strategic Plan

Current Strategic Plan
No discussion or action taken.

CO Wilbeck entered the meeting at 9:46am.

Chairperson Bryers recused himself from the meeting at 9:46am.

Action Motion by Maiellaro, second by Malmquist to go into executive session for the discussion of compliance cases not a matter of public information to prevent needless injury to the reputation of those involved. Voting Yes: Malmquist, Wells, Bergt, Ciaccio, Maiellaro; Voting No: None; Absent: Bryers

Executive Session began at 9:50am

E Compliance

New Cases- None

Pending Cases

15.01 Summary and Documentation

Reviewed during executive session

Action Motion by Ciaccio, second by Maiellaro to close the executive session on the discussion of compliance cases brought to the Board not a matter of public information to prevent needless injury to the reputation of those involved. Voting Yes: Malmquist, Wells, Bergt, Ciaccio, Maiellaro; Voting No: None; Absent: Bryers

Executive Session ended at 10:08am

Chairperson Bryers re-entered the meeting at 10:09 am.

Action Motion by Maiellaro, second by Ciaccio to accept the letter as discuss on Case 15.01 and authorize Vice-Chairperson Bergt to sign. Voting Yes: Malmquist, Wells, Bergt, Ciaccio, Maiellaro; Voting No: None; Abstained: Bryers

Compliance Issues

City of Lincoln not allowing Landscape Architects to stamp certain drawings
No discussion or action taken.

CO Wilbeck left the meeting at 10:10am.

F Applications

Applications for Licensure by Reciprocity

Approved: Cale J Doornbos, MO

Applications for Initial Licensure

Approved: Eric M Silvey, NE; Katie L Swanson, NE

Nebraska State Board of Landscape Architects
Board Meeting Minutes
April 26, 2016
215 Centennial Mall South, Small Conference Room, Lincoln, NE

Action Motion by Wells, second by Bergt to approve the Initial Applications as presented. Voting Yes: Malmquist, Wells, Bergt, Ciaccio, Maiellaro, Bryers; Voting No: None
Motion by Maiellaro, second by Malmquist to approve the Reciprocity Applications as presented. Voting Yes: Malmquist, Wells, Bergt, Ciaccio, Maiellaro, Bryers; Voting No: None

G Financial Matters

Budget Status Report – January, February, March 2016

MTD General Ledger Detail Report – January, February, March 2016

Fund Summary Report – January, February, March 2016

Financial Profile FY 2015/2016 – January, February, March 2016

AA Lais reported that with just over 75% of the fiscal year elapsed as of March 31st, the Board has spent approximately 67% of the projected expenditures. This is partly due to the Board using funds from FY14/15 to fund the 2015 CLARB Annual Meeting Registrations. Projected revenue is at 99% and will be over 100% by the end of the fiscal year. The projected rollover is \$4231.

The Board discuss and approved the use of part of FY15/16 funds to pay for the 2016 CLARB Annual Meeting registration for one member and the administrative assistant. In the past CLARB has only charged 50% of the registration fee for one Director/Staff if at least one member also attends the meeting. Registration opens in May.

The Cash fund is sitting at \$39,031 which is the highest it has been. Policy LA P08.01 states the Board will strive to maintain a cash reserve of two times the annual budget. Currently the Fund is at 1.56 times the current appropriation. Discussion was held as to what actions the Board could take when the Fund reaches the desired target. The Board could consider reducing fees once the funds reaches the target amount.

Contracts

Administrative Services Contract with the Nebraska Board of Engineers and Architects (NBEA)

Time and cost worksheets were provided to the Board for review. The proposed new weighted hourly rate is \$17.93. The proposed contract amount for FY 16/17 is \$14,109 or \$3,527.25 per quarter. This is an increase of \$25.25 per quarter from the previous contract. The contract includes the services to be provided and was approved by the NBEA at its February 19, 2016, meeting.

Other Financial Matters

Review of Fees

A copy of the current Fee Schedule was provided for review.

Action Motion by Bergt, second by Wells to use some of the surplus funds from this year's budget for Bryers and AA Lais' CLARB annual meeting registrations. Voting Yes: Malmquist, Wells, Bergt, Ciaccio, Maiellaro, Bryers; Voting No: None

Action Motion by Ciaccio, second by Malmquist to approve the Administrative Service Contract with the NBEA. Voting Yes: Malmquist, Wells, Bergt, Ciaccio, Maiellaro, Bryers; Voting No: None

Action Motion by Malmquist, second by Wells to approval all other Financial Matters as presented. Voting Yes: Malmquist, Wells, Bergt, Ciaccio, Maiellaro, Bryers; Voting No: None

Nebraska State Board of Landscape Architects
Board Meeting Minutes
April 26, 2016
215 Centennial Mall South, Small Conference Room, Lincoln, NE

H General Information

Public Notice publication was provided for review.

Board meetings and schedule was provided for review.

May 24th meeting is being canceled due to LB788 not being enacted.

A meeting was tentatively scheduled on August 30th at 8:30a to review and approve the 2017-2019 Biennium Budget Request

Roster of Board members was provided for review.

Licensing Trends

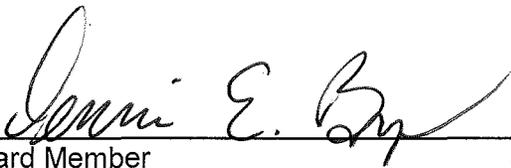
The Fiscal Activity Report and Trends in Licensure were provided for review.

Other

Approved Board Policies were provided for review.

Adjournment: Motion by Ciaccio, second by Maiellaro to adjourn the meeting at 10:56am.

The next Board of Landscape Architects board meeting is currently scheduled for July 26, 2016 at 8:30am at 215 Centennial Mall South, Lincoln, Nebraska, fifth floor, small conference room.


Board Member

Jenni E. By, FASLA, PUA

26 July 2016
Date