

Nebraska State Board of Landscape Architects
Board Meeting Minutes
April 24, 2018
215 Centennial Mall South, 5th Floor Small Conference Room, Lincoln, NE

CALL TO ORDER

The meeting held at 215 Centennial Mall South, Lincoln, Nebraska. Chairperson Bergt called the meeting to order at 8:30am and informed the public of the location of the Open Meetings Act. Notice of the meeting was published in the Lincoln Journal Star on April 10, 2018, and on the Board's website in accordance to the Open Meetings Act.

Member Roll Call: Eileen Bergt, Eric Casper, David Ciaccio, Todd Maiellaro, Gayle Malmquist;
Absent: Bradley Swerczek

Staff Present: Jean Lais, Administrative Assistant (AA), Sandra Weaver, Business Manager (BM), Jon Wilbeck, NBEA Executive Director (ED)

PUBLIC COMMENTS/APPOINTMENTS

No members of the public were present.

A CONSENT AGENDA

January 30, 2018 Meeting Minutes
Late PDH Submittals and Approvals

Approved: Kim Todd, LA129

Action: Approval of Consent Agenda

Motion by Malmquist, second by Ciaccio to accept the Consent Agenda as presented. Voting Yes: Maiellaro, Malmquist, Ciaccio, Casper, Bergt; Voting No: None; Absent: Swerczek

B REPORTS

Officers Report

Chairperson reported on the LAAB accreditation meeting at UNL in January. At the end of the day, there was a display of student work.

The ASLA student chapter also held a mixer for third and fourth year students at the beginning of the semester at Architecture Hall. There were several presentations from professionals and students presented their class projects.

Casper attended the Central States ASLA meeting in Kansas City, April 11-13, 2018. There were about 150 attendees. President Elect of Landscape Architecture Foundation (LAF), Stephanie Rolley, gave a presentation on the decrease numbers in education and what schools are doing to increase enrollment.

Office/Staff

AA Lais brought the members up to date on the database conversion. NSBLA is scheduled to go into testing by June 30, 2018, with a go live date of July 30, 2018.

Jon Wilbeck entered the meeting at 8:38am.

C OLD BUSINESS

Statutes

LB 299 Occupational Board Reform Act

A copy of amendments AM2349 and AM2674 were provided for review along with a redline copy of the revisions. AM2349 replaces the original language of LB 299 in whole. AM2674 revises the language in AM2349. A redline comparison was also provided to show the revisions between the

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two amendments. The bill was passed by the Legislature on April 18, 2018, and was signed by the Governor on April 23, 2018. It will go into effect on July 1, 2019.

LB299/AM2349 also known as the Occupational Board Reform Act, would allow an individual with a criminal conviction to petition a occupational board to determine if the conviction would disqualify them from receiving a license, registration, or certification in Nebraska. The petition could be filed prior to obtaining any required education. The determination would need to be issued within 90 days of receipt and include Findings of Fact and Conclusions of Law.

The bill also requires the standing committees of the Legislature to review approximately twenty percent of the occupational regulations within the jurisdiction of the committee and submit a report to the Clerk of the Legislature no later than December 15 of the reporting year. The report is to include the committee's recommendations regarding whether the occupational regulations should be terminated, continued, or modified. The bill lists the items to be included in the recommendations. This is being seen as a "mini" sunset review as the legislative committee will make a determination as to whether the least restrictive regulation is being used to protect the citizens.

ED Wilbeck discussed the financial implication of the bill with the Board. The requirement of providing a determination as to whether a criminal conviction would prohibit an individual from being licensed if the individual petitions the Board as such, would not fall within the scope of work currently covered in the administrative service contract with the Nebraska Board of Engineers and Architects Board (NBEA). The current scope of work also does not include any work necessary to prepare reports that may be required during the legislative committee review of the Board's rules and regulations. Additional meetings would also need to be scheduled to meet the 90 day response requirement.

ED Wilbeck stated he has sent an email to Senator Ebke voicing concerns on the 90 day response as this may be problematic to smaller boards and commissions who may only meet once or less per quarter. Ebke has requested a legislative study (LR401) over the session. Concern was raised during the floor debate by Senator Hilgers that the recommendations listed in the bill are the only ones that can.

Jon Wilbeck left the meeting at 9:06am.

LB 364 Professional Landscape Architects Act

A copy of correspondence related to LB 364 was provided for review. LB 364 did not pass during this year's session despite the efforts of David Levy, ASLA lobbyist, attempt to have it placed with another bill.

As this was the second year of the legislative session, the Board will need to reintroduce the revisions during the 2019 legislative session. This will require a new hearing to be held at which the Board can stress the work taken with the home builders associations to amend the exemption language. ASLA will also look at possible sponsors for the bill.

Discussion was held on the next steps that need to be taken to prepare for the 2019 legislative session. The date related to the biennial renewals will need to be changed to 2020 and the members would like to work on the wording of the amendment that was proposed by the Home Builders associations. AA Lais will bring a draft copy of proposed changes to the July meeting for final Board consideration.

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D NEW BUSINESS

CLARB Communique-February

The article recapped the 2018 Presidents Council which included collaborative milestones such as discussion on the future of the profession based on the book, *The Future of the Professions: How Technology Will Transform the Work of Human Efforts* and an agreement to join forces on an initiative to reframe how the public perceives landscape architecture.

There were also new efforts to partner with ASLA for more effective board-chapter collaboration in support of common-sense regulation which include:

- Best practices shared at the first ever board-chapter web summit held in November 2017
- Check in on current legislative and executive activities and share success stories at the March 2018 ASLA-CLARB web summit
- Debrief on 2018 session, discuss lessons learned and identify opportunities for better supporting boards and chapters at the face-to-face joint licensure summit to be held in Columbus, OH, June 22-24, 2015

The article also recapped the Interprofessional Council of Regulation (ICOR) meeting which focused on the widespread and evolving disruption of regulation in the US at the state and federal level. Consensus was reached to pursue efforts to identify priorities and develop a model for collective action.

At the Federation of Associations of Regulatory Boards (FARB) meeting a consensus is emerging for a story to balance the very negative, one-sided, anti-licensure narrative. FARB as launched strategic action teams to craft the story of regulation and create a framework for the future of regulation.

CLARB Communique-March

The article covers the alignment between politicians, interest groups, and media complicating/threatening the ability of regulators to protect public health, safety, and welfare. The latest target is mobility. It also outlines how technology is beginning to take aim at the design professions. Also covered were how the demographics of the profession is changing.

CLARB Region 4 Virtual Meeting Recap

AA Lais provided a recap of the meeting which was held on February 28, 2018.

CLARB #GetLicensed

The article covers the launching of the #GetLicensed campaign on social media related to CLARB's student outreach and path to licensure efforts.

CLARB Evolving Leadership Webcast Series

Information on the upcoming webast series was provided.

Approval of Delegates to the CLARB Annual Meeting, September 27-29, 2018 – Toronto, Ontario

Preliminary information on the annual meeting was provided. As the meeting will be in Toronto this year, passports will be required. AA Lais was approved to attend the meeting.

Discussion was held as to which member would attend as the Board representative. If the Board wants to have a vote on any Bylaws revisions, i.e. the restructuring of the Board of Directors, a board member must attend the meeting. Bergt expressed interest in attending. A final decision will be made at the July meeting.

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Action: Approval of Delegates to the CLARB Annual Meeting

Motion by Maiellaro, second by Malmquist to approve AA Lais to attend the 2018 CLARB Annual Meeting in Toronto, Ontario. Voting Yes: Maiellaro, Malmquist, Ciaccio, Casper, Bergt; Voting No: None; Absent: Swerczek

Strategic Plan

A copy of the current Strategic Plan was provided. An extended planning meeting was scheduled for August 28, 2018, to discuss future planning. Proposed items will be discussed and finalized at the July meeting.

E COMPLIANCE

Compliance Issues

City of Lincoln not allowing Landscape Architects to stamp certain drawings. Chairperson Bergt is working on the letter. She will send out for input from the other members prior to sending to the city. No further action taken.

F APPLICATIONS

Licensure by Reciprocity

Approved: Ann M Miller, OR; Danny D Mitchell, NM; Mark F O'Hara, KS; Cody A Peratt, MO

Initial Licensure

Approved: Jenika LF Florence, NE

Action: Approval of Applications

Motion by Ciaccio, second by Casper to approve the applications as presented and discussed. Voting Yes: Maiellaro, Malmquist, Ciaccio, Casper, Bergt; Voting No: None; Absent: Swerczek

BM Sandra Weaver entered the meeting at 9:47am.

G FINANCIAL MATTERS

Financial Reports

Budget Status Report – January, February, March 2018

MTD General Ledger Detail Report – January, February, March 2018

Fund Summary Report – January, February, March 2018

FY 2017-18 Financial Profile – January, February, March 2018

AA Lais reported that with just over 75% of the fiscal year elapsed, 65.67% of the appropriated expenditures had been used and just under 85% of projected revenue had been received. The Cash Fund is at \$45,187 which is approximately 1.7% of the appropriated budget.

Board Policy LA P08.01 states the Board will strive to maintain a cash reserve of two times the annual budget. The policy was created when the Board was responsible for proctoring the LARE exams to cover any breach in exam security. With the switch to computer-based testing, the Board may want to consider lowering the threshold of the Cash Fund. The Board has looked at lowering some of the application fees to take place after the Statute and Rules revisions are enacted. This will be look at again at that time.

BM Weaver reported that with the return of the funds held by the Governor in the third quarter of the fiscal year and with travel expenses lower than budgeted, it looks like the Board will have a appropriation roll over of approximately \$5,700 into the FY 2018-19. This would allow the Board to redesign the website to bring it up to date to the current platform being used by Nebraska

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Interactive (NIC) for other state agency websites. Based on the cost of the geologists board redesign completed in February, approximate cost would be \$1,800 if the Board chooses a template already designed by NIC. AA Last will bring more information to the July meeting and forward current website templates to the members to review prior to the meeting.

Action: Approval of Financial Reports

Motion by Maiellaro, second by Malmquist to accepted the Financial Reports as presented. Voting Yes: Maiellaro, Malmquist, Ciaccio, Casper, Bergt; Voting No: None; Absent: Swerczek

Fee Schedule Review for FY 2018-19

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

Proposed Vendor Contracts for FY 2018-19

Nebraska Board of Engineers and Architects (NBEA) Administrative Service Contract

Time and cost worksheets were provided to for review. The proposed new weighted hourly rate is \$18.624. The proposed contract amount for FY18/19 is \$13,364 or \$3,341 per quarter. This is a decrease of \$255 per quarter from the previous contract. The contract includes the services to be provided and was approved by the NBEA at its March 23, 2017, meeting.

Action: Approval of NBEA Administrative Service Contract

Motion by Ciaccio, second by Maiellaro to approve the NBEA Administrative Service Contract.

Voting Yes: Maiellaro, Malmquist, Ciaccio, Casper, Bergt; Voting No: None; Absent: Swerczek

Sandra Weaver left the meeting at 9:58am.

H GENERAL INFORMATION

A schedule of upcoming meetings and events was provided for review. The next meeting will be held on July 31, 2018, at 215 Centennial Mall S, 5th Floor Small Conference Room, Lincoln at 8:30am.

A meeting was scheduled for August 28, 2018, at 8:30am to discuss the strategic plan and to approve the 2019-2021 biennium budget submittal. AA Lais will send a meeting request out to the members.

A roster of Board members were provided.

Professional Landscape Architects authorized to practice as of April 17, 2018: 111

Other information

Approved Board policies as of April 18, 2018 were provided.

Adjournment: Montion by Casper, second by Ciaccio to adjourn the meeting at 10:02am.



Board Member

7.31.2018