

Nebraska State Board of Landscape Architects
Board Meeting Minutes
January 26, 2021

WebEx Conference

CALL TO ORDER

The meeting was held via WebEx in accordance with the Governor's Executive Order 20-36. Chairperson Casper called the meeting to order at 8:34am and informed the public of the link to the Open Meetings Act. Notice of the meeting was published in the Lincoln Journal Star on January 7, 2021, and on the Board's website in accordance to the Open Meetings Act.

Roll Call: Eric Casper, Kristina Engler, Derek Miller, Jennifer Seacrest, Bradley Swerczek, Regan Pence

Staff Present: Jean Lais, Business Manager (BM): Gail Parris, Administrative Assistant (AA)

PUBLIC COMMENTS/APPOINTMENTS

No members of the public were present.

Election of Officers

Motion by Swerczek, second by Engler to elect Casper as Chairperson and Seacrest as Vice-Chairperson.

Voting Yes: Pence, Seacrest, Miller, Engler, Swerczek, Casper; Voting No: None

A CONSENT AGENDA

October 27, 2020 Public Rulemaking Hearing Minutes

October 27, 2020 Meeting Minutes

Late 2020 PDH Submittals

Approved: Wendy Schulenberg, NE

Action

Motion by Miller, second by Seacrest to approve the Consent Agenda as presented.

Voting Yes: Engler, Miller, Seacrest, Pence, Swerczek, Casper; Voting No: None

B REPORTS

Officers Report – None

CLARB Updates

Two communiques were provided for review related to updates to the Rethink Regulation Project and the LARE Administration. CLARB is working towards a uniform standard application with the goal of updating the Model Law. The latter will be subject to a membership vote at the 2021 annual meeting. Final changes have been made to the uniform application.

Updates to CLARB processes will be implemented, beginning with an updated Council Record which will be available this year. The LARE Candidate Agreement has been further revised. All candidates are required to agree to the content; it is a required part of the registration and exam check-in process for all sections. Virginia applicants no longer need board approval, and can now directly register for the LARE.

Office/Staff

BM Lais informed the members that biweekly meetings with the new database provider, inLumon, have begun. The tentative completion date is January 2022. The board was also apprised that a new staff assistant, Tina Hall, was hired to replace Kathleen Clements who left in August. Tina started in November.

Nebraska State Board of Landscape Architects
Board Meeting Minutes
January 26, 2021

WebEx Conference

C OLD BUSINESS

Legislative

Title 231 NAC Revisions Approval

BM Lais informed the members the Governor approved the revisions to the Rules and Regulations on January 5, 2021, and they went into effect on January 10, 2021.

D NEW BUSINESS

Strategic Plan

A copy of the current Strategic Plan was provide for review. Seacrest and Engler will review the revisions made to the PowerPoint document, and send the original file to AA Parris when completed.

Policy Revisions/Deletions

LA P97.02 License Renewals – Refer to Neb. Rev. Stat. § 81-8,200 and Board Rule 6.8.1 (January 10, 2021).

LA P98.01 Record Retention – Promulgated in Board Rule 1.4.1.

LA P04.01 License Numbers – Deleted. Board Rule 1.13.3 January 10, 2021, states the original license number will be reinstated.

LA P06.01 License Numbers – Deleted. The licensing fee has been eliminated, therefore, licensing numbers will no longer be held pending receipt of the fee.

LA P09.01 Professional Development Hours – Deleted - Board Rule 6.6 states that the Board has final approval of PDH courses, and no courses will be pre-approved, as such, policy is not needed.

LA P13.01 Peer Review Committee – Deleted. With the establishment of random audits, the committee will no longer be utilized. Audits will be conducted by the board members (Board Rule 6.7).

LA P15.01 Alternative Exam Eligibility – Deleted. Promulgated in Board Rule 1.14.1.2

LA P08.02 Travel Policy – Revised. With the passage of LB381 2020, the Department of Administrative Services (DAS) Accounting Division revised the State's Travel Policies. The most significant change is the switch from actual meals and incidental expense reimbursement to a per diem basis. As a result, the Board's Policy was revised to incorporate the changes.

Action

Motion by Engler, second by Miller to approve the policy deletions as presented.

Voting Yes: Miller, Engler, Swerczek, Seacrest, Pence, Casper; Voting No: None

Action

Motion by Seacrest, second by Pence to approve the revised Travel Policy LA P08.02.

Voting Yes: Miller, Engler, Swerczek, Seacrest, Pence, Casper; Voting No: None

Legislative

LB83 Open Meetings Act Revisions – Virtual Meetings

A copy of LB83 was provided for review. The bill would allow a state agency, board, commission, council, committee, or an advisory committee of any such state entity among other entities who are subject to the Open Meetings Act, to hold virtual meetings for up to one-half of the entities'

Nebraska State Board of Landscape Architects
Board Meeting Minutes
January 26, 2021

WebEx Conference

meetings during an emergency as defined by Neb. Rev. Stat. §81-829-39 is declared pursuant to the Emergency Management Act.

LB112 Open Meetings Act Revisions – Public Speaking Requirement

A copy of LB112 was provided for review. The bill would require an entity subject to the Open Meetings Act to allow the public to speak at every meeting.

LB213 Efficiency Review of State Agencies

A copy of LB213 was provided for review. The bill would require the Department of Administrative Services to conduct an efficiency review of all listed agencies, including the Nebraska State Board of Landscape Architects, and submit the results to the Legislative Council no later than January 1, 2023.

An independent source will conduct the review and provide an outside study to make the delivery of services more cost effective; identify outdated delivery practices that can be eliminated; identify increased efficiencies in service delivery; identify potential new sources of funding, other than taxation, for services; and make government more accountable to residents of the state.

LB263 Occupational Board Reform Act Revisions – Licensure by Credentials

A copy of LB263 was provided for review. LB263 is similar to LB1187 introduced in 2020. It would require an occupational board to issue a license or certification to an individual if the individual has been licensed in another state or the U.S. military for at least one year; passed an examination or met the jurisdiction's education, training, or experience standards; has not had a license or certification revoked due to negligence or intentional misconduct related to the applicant's work in the occupation, nor has not surrendered a license or certificate of such; does not have a complaint, allegation, or investigation pending against them; and has paid all applicable fees.

If the individual holds a private certification and has worked for at least two years in the occupation; holds a private certification in the occupation; is in good standing with the provider; has not had a license or certification revoked due to negligence or intentional misconduct related to the applicant's work in the occupation, nor has not surrendered a license or certificate of such; does not have a complaint, allegation, or investigation pending against them; and has paid all applicable fees.

Application must be approved within sixty days after receiving a completed application. This would result in the Board having to schedule additional meetings in order to comply, resulting in additional operating costs. The applicant may appeal the denial of the license or certificate in accordance to the Administrative Procedures Act.

Action

Motion by Pence, second by Swerczek to authorize Casper to respond on behalf of the board, and submit a letter to the committee.

Voting Yes: Miller, Seacrest, Engler, Swerczek, Pence, Casper; Voting No: None

Other New Business

Executive Order 21-02 - Extension of Public Meeting Requirements Waiver

The Executive Order extends the Open Meetings Requirement Waiver until the end of April 2021. This allows meetings subject to the Open Meetings Act to be held virtually or by teleconference.

Nebraska State Board of Landscape Architects
Board Meeting Minutes
January 26, 2021

WebEx Conference

2022 Proposed Meeting Dates

Board members reviewed the dates for potential conflicts.

Peer Review Committee Report

The Peer Review Committee met on January 8, 2020, to review the professional development hours (PDH) submitted to date. The committee's report was provided and listed four submittals for further review by the Board.

Hal Enevoldsen – submitted eighteen hours of the program titled Pond Management. The committee recommended further information be provided regarding the content of the program to confirm alignment with the Board's professional development definition. The members direct AA Parris to request the information from Enevoldsen giving him two weeks from the date of the notice to reply. The information will then be forwarded to Chairperson Casper for final approval. If approved, his license will be renewed.

Corey Haselhorst – submitted nineteen hours for Investigative and Forensic Engineering Training. The committee recommended additional information regarding the content of the program, and how it aligns with the Board's professional development definition. Chairperson Casper will contact Haselhorst to discuss the content of the course and determine which sessions would relate to landscape architecture. If approved, Haselhorst's license will be renewed.

Nicholas Staib – did not sign, date, or include his certificate number on the renewal application. He has since submitted an updated form. The Board approved his license to be renewed.

Gene Svensen – submitted seven PDH credits from the Winter Education Seminar and Trade Show sponsored by Joland Sprinkler and Fireplace Patio and Stone. The committee recommended additional information regarding the content of the program, and how it aligns with the Board's professional development definition. The members directed AA Parris to contact Svensen giving him two weeks from the date of the notice to reply. The information will then be forwarded to Chairperson Casper for final approval. If approved, his license will be renewed.

Action

Motion by Swerczek, second by Engler to approve Staib's PDH and renew his license.

Voting Yes: Engler, Swerczek, Miller, Seacrest, Pence, Casper; Voting No: None

Action

Motion by Swerczek, second by Engler to request Enevoldsen, Haselhorst, and Svensen send additional information within two weeks to Casper. If approved, their licenses will be renewed.

Voting Yes: Seacrest, Pence, Miller, Engler, Swerczek, Casper; Voting No: None

Late 2020 PDH Submittals

Late submittals for McDaniel, Miller, and Schulz were provided for review and approval.

Approved: Charles McDaniel, LA 311; Howard Miller, LA 335; Corey Schulz, LA 254

Action

Motion by Regan Pence, second by Engler to approve the PDH submittals for McDaniel, Miller, and Schulz and renew their licenses.

Voting Yes: Engler, Swerczek, Miller, Seacrest, Pence, Casper; Abstain: Seacrest

Nebraska State Board of Landscape Architects
Board Meeting Minutes
January 26, 2021

WebEx Conference

CLARB

2021 CLARB Annual Meeting

CLARB has made the decision not to hold the 2021 annual meeting in New York City due to concerns and impacts related to COVID-19. The meeting will be held in Phoenix, AZ as originally scheduled. The meeting will be in a hybrid format allowing for a smaller in-person meeting, while providing a virtual participation option to ensure all members can attend. Delegates will be selected and approved at the April meeting.

2021 In The Know Calendar

Information on upcoming webinars through August 2021 was provided.

FARB Forum Information

Information on the upcoming forum on emerging trends, best practices, and new legislation was provided.

E COMPLIANCE - None

F APPLICATIONS

Licensure by Reciprocity

Approved: Jonathan Alderson, PA

Action

Motion by Seacrest, second by Pence to approve the application as presented.

Voting Yes: Swerczek, Engler, Miller, Seacrest, Pence, Casper; Voting No: None

G FINANCIAL MATTERS

Financial Reports

Budget Status Report – October, November, December 2020

MTD General Ledger Detail Report – October, November, December 2020

Fund Summary Report – October, November, December 2020

FY 2019-20 Financial Profile – October, November, December 2020

BM Lais reported that with just over 50% of the fiscal year elapsed as of December 31st, 40.5% of the allotted appropriations had been used and 67% of the projected revenue had been received. The Cash Fund was at \$68,040 which is \$6,788 higher than the same time last year. This is due in part to no travel expenses for the 2020 CLARB annual meeting.

Action

Motion by Engler, second by Swerczek to approve the Financial Reports as presented.

Voting Yes: Pence, Seacrest, Miller, Engler, Swerczek, Casper; Voting No: None

Other Financial Matters

2021 Mileage Rates

A memo from State Accounting was provided stating the personal vehicle mileage reimbursement rate is \$.56/mile for 2021.

Nebraska State Board of Landscape Architects
Board Meeting Minutes
January 26, 2021

WebEx Conference

LB380 2021-23 Biennium Budget Bill

LB380 outlines the Governor's proposed budgets for FY 2021-22 and FY 2022-23. A copy of the bill was provided for review. The bill grants the Board the requested allotment of \$28,402 in FY 2021-22 and \$30,064 in FY2022-23.

Action

Motion by Seacrest, second by Engler to authorize Casper to send a letter of acceptance to the Appropriations Committee.

Voting Yes: Swerczek, Engler, Miller, Seacrest, Pence, Casper; Voting No: None

H GENERAL INFORMATION

A schedule of upcoming meetings and events was provided for review. The next meeting is scheduled for April 27, 2021, via WebEx, beginning at 8:30am.

A roster of the Board members was provided. Casper noted his company's name has changed.

Regan Pence was welcomed by Casper on behalf of the board. His term began on November 17, 2020, and continues until September 23, 2025. He replaced Todd Maiellaro who received a plaque as a token of appreciation for his service to the Board. A copy of the appointment certificate for Pence was provided.

LARE results from the December 2020 exam administration were provided.

Professional Landscape Architects licensed to practice as of January 21, 2021: 139

The website dashboard reports showed the following number of total visits:

January: 215

February: 166

March: 213

A copy of the current Board policies was provided. Policy pages will be updated with deletions and revisions.

Adjournment: Chairperson Casper adjourned the meeting at 10:03 am.

Board Member



Date

04/27/21