

**DAMAGE PREVENTION BOARD
VIDEOCONFERENCE MEETING**

Thursday – January 25, 2018 – 9:30 a.m. (MST)

**Division of Building Safety
1090 East Watertower Street, Suite 150, Meridian
1250 Ironwood Drive, Suite 220, Coeur d’Alene
2055 Garrett Way, Building 1, Suite 4, Pocatello**

MINUTES OF THE JANUARY 25, 2018 MEETING

NOTE: The following report is not a verbatim transcript of the discussions at the meeting; however, it is intended to record the significant features of those discussions.

Chairman Mark Van Slyke called the meeting to order at 9:30 a.m. (MST)

Board Members Present:

Mark Van Slyke, Chairman
Vaughn Rasmussen, Vice-Chairman
Joe Leckie
Roy Ellis
Bob Chandler
Jeffrey Diehl
Nichole Rush
Jeanna Anderson
Jerry Piper
Scott Spears

DBS Staff Members Present:

Chris L. Jensen, Administrator
Ron Whitney, Deputy Administrator
Spencer Holm, Deputy Attorney General
Patrick J. Grace, Regional Manager, Region 2
Jerry Peterson, Energy Program Manager
Larry Jeffres, Regional Manager, Region 1
Jeff Egan, Regional Manager, Region 3
Amy Kohler, Compliance Program Specialist
Renee Bryant, Administrative Assistant 2

◆ **Open Forum**

There were no new issues to address during open forum.

◆ **Approval of the January 25, 2018 Agenda**

MOTION: Joe Leckie made a motion to approve the agenda as presented. Roy Ellis seconded. All in favor, motion carried.

◆ **Approval of the November 30, 2017 Board Meeting Minutes**

On page five under the Administrator Report and Grant, Board Member Joe Leckie proposed changing the word “slush” to “contingency” as it pertains to funds.

MOTION: Joe Leckie made a motion to approve the minutes with the correction. Roy Ellis seconded. All in favor, motion carried.

◆ **DPB/DBS Informational Seminars**

The Division offered, and Vice-Chairman Vaughn Rasmussen agreed, for DBS Program Manager Jerry Peterson to be the point of contact for coordinating/providing training on behalf of the Board.

Currently scheduled presentation: 1) February 20, 2018, Digline Advisory Board meeting; and 2) February 28, 2018, Canyon County Utility Coordinating Council (UCC) meeting. A training calendar will be placed on the Damage Prevention Board's website.

ACTION: The Division will add a training calendar to the Board's website.

Deputy Administrator Ron Whitney discussed a handout of the summary of expenses from the 2016 grant. Briefly explained was the expected costs from the 2017 grant. It was determined the Subcommittee would review the summary, and then forward it to the Board.

The Board requested to review the training material prior to the first presentation. A "GoToMeeting" for the Subcommittee will be February 7, 2018, at 1:00 p.m., and a special "GoToMeeting" of the Board will be February 12, 2018, at 9:30 a.m. To abide by the Open Meeting Laws, Board Member Nichole Rush offered to attend the February 12th meeting at the Division's Meridian office.

MOTION: Jeffrey Diehl made a motion to authorize the Subcommittee and DBS to move forward with educational training and meetings. Roy Ellis seconded. All in favor, motion carried.

ACTION: The Administrative Assistant to send a GoToMeeting request for February 7th to the subcommittee members and DBS staff; as well as a GoToMeeting request for February 12th to the Board and DBS staff.

◆ **Legislative Update**

The Board's temporary rules, effective September 1, 2017, are before the 2018 legislature for review. If approved, the rules become permanent upon sine die of the legislature.

Regional Manager Patrick J. Grace offered to present suggested changes, to refine existing statute and rules, at the March 2018 Board meeting. The Board agreed for DBS to submit a Notice to Engage in Negotiated Rulemaking to the Governor's office.

ACTION: Regional Manager Grace will bring suggestions to streamline current statute and rules to the March meeting, as well as submit to the Governor's office a Notice to Engage in Negotiated Rulemaking.

ACTION: The topic 2019 Proposed Legislation will be added to the March 2018 agenda as an informational item.

◆ **2018 Board Member Term Vacancies**

Effective July 1, 2018, terms of three board members expire. The current One Number Notification Representative does not want reappointed; however, may continue to serve at the pleasure of the Governor until replaced.

◆ **DPB Member Authorization & Reimbursement for Travel and Expenses**

Clarified was the procedures for approval and reimbursement of board members attending meetings or training seminars on behalf of the Board.

◆ **Sewer/Water Lines in Right-of-Way**

Deputy Attorney General Spencer Holms explained that states are making operators responsible for locating laterals in the Right-of-Way (ROW) as they have operational and administrative control, know where the lateral is located, and has the equipment and expertise. Idaho's statute puts it on the owner to locate; however, the definition of owner includes both owners and operators.

The best way to clarify the definition of "operator" is in rule through negotiated rulemaking. The Deputy Administrator suggested inviting the Association of Idaho Cities and Idaho Association of Counties to the March 2018 meeting. Board Member Jeffrey Diehl asked the Deputy Attorney General to bring to the March 2018 meeting definitions, in context of law, of "owner", "operator", and "liability", to remind the Board of what those perimeters are within the definition.

Chairman Van Slyke stated the topic *Sewer/Water Lines in Right-of-Way* to be further discussed at the March 2018 meeting.

ACTION: The Deputy Attorney General to provide definitions of "owner", "operator", and "liability" at the March 2018 Board meeting.

ACTION: The topic *Sewer/Water Lines in Right-of-Way* will be added to the March 2018 agenda as an informational item.

◆ **PHMSA Review of the State of Idaho for 2016--Update**

The Division has not received the formal written findings on the 2016 PHMSA audit. When received, a copy will be forward to the Board, as well as posted to the Board's website.

ACTION: Upon receipt, DBS will forward the audit to the Board and post on the Board's website.

◆ **Virtual DIRT Update**

Idaho's Virtual Private DIRT is active; however, DBS is trying to verify who is populating the reports and what information to acquire, as there is a vast array of reports available through the program. This is a cumbersome task; therefore, Deputy Administrator Whitney suggested forming a subcommittee to address these issues.

Effective January 2018, the Virtual DIRT program has a new format, and damages in 2017 need entered into this very complex program by March 31, 2018. Board Member Rush would like the Program Manager to put together a tutorial for the Board's website, explaining how to become a Common Ground Alliance (CGA) member, as well as easy instructions to upload data.

Following are the new subcommittee members: Board Members Nichole Rush, Jeanna Anderson, and Bob Chandler, Avista Representative Linda Burger, Intermountain Gas Representative Greg Watkins, DBS Program Manager Jerry Peterson, and DBS Compliance Program Specialist Amy Kohler. The subcommittee was encouraged to communicate with CGA, by suggesting they simplify their program by removing some of the impediments currently in place.

◆ **Definition of Business Day--Update**

The definition of a business day will be a topic of discussion at the February 20, 2018 Digline Advisory Board meeting.

Although Digline and Password are two separate entities, a recommendation was for both call centers to agree upon one definition. At the February 2018 Kootenai County UCC meeting, Board Member Chandler will encourage Password to unite with Digline. As a member of the Advisory Board representing Idaho Power, Board Member Rush will request Digline change its process to reflect what the law says so contractors are not confused when their ticket is due. Speaking for Intermountain Gas, Chairman Van Slyke supported that direction.

The Board will wait until after the February advisory meeting to determine whether to send a letter to one-call businesses within the state, informing them of the State's definition of a business day.

◆ **Compliance Report**

Compliance Program Specialist Amy Kohler created a report based on cases entered into the Division's TRAKiT system. As a first draft, the report included the case number, date complaint issued, offender "case" name, status, fees charged, complainant and follow-up date. As requested, the Compliance Program Specialist will send the report to the Coeur d'Alene and Pocatello offices.

ACTION: The Compliance Program Specialist will provide to the Division's Coeur d'Alene and Pocatello offices the Damage Prevention Cases Report.

When asked, the Division is working on a database for the Board's website that will allow individuals to search for specific complaints.

Suggestions for report were: 1) Add a column "location", 2) Substitute case name with an assigned number, 3) Provide report to Board but do not post to website, 4) Change status from "invalid" to "withdrawn" or "dismissed", if no action taken by DBS, and 5) Under "case name", use the person's occupation; i.e., excavator, utility, homeowner, etc., rather than the individual's name.

As requested by the Chairman, the topic *Damage Prevention Cases Report* will be added to the March 2018 Board meeting agenda, providing the Board an opportunity to format the report with fields to represent the Board.

ACTION: The topic *Damage Prevention Cases Report* will be added to the March 2018 agenda as an informational item.

◆ **Administrator Report**

Financial Report – Reviewed was Fiscal Year 2018 financial statement, as of December 31, 2017, for the Underground Facilities Damage Prevention Fund. The Board directed DBS to payback the \$25,000 start-up fee of this Board to the PWCL Board.

MOTION: Nichole Rush made a motion authorizing DBS to payback the \$25,000 loan to the PWCL Board. Roy Ellis seconded. All in favor, motion carried.

Financial Donations – The Division's budget presentation to the Joint Finance-Appropriations Committee included a \$40,000 expenditure for the Damage Prevention Board based on the \$20,000

donation Intermountain Gas offered and \$20,000 donation the Public Utilities Commission offered for marketing. If approved, DBS will not have spending authority until July 1, 2018. The Education and Training Subcommittee will provide additional information on advertisement, materials, etc., at the March meeting, and throughout the year.

Publication of Rules – Available through DBS are 1,000 draft rule booklets. The next publication will combine the statutes and rules into one booklet.

◆ **Adjournment**

MOTION: Jerry Piper made a motion to adjourn the meeting. Jeffrey Diehl seconded. All in favor, motion carried.

The meeting adjourned at 12:30 p.m. (MST)

MARK VAN SLYKE, CHAIRMAN
DAMAGE PREVENTION BOARD

CHRIS L. JENSEN, ADMINISTRATOR
DIVISION OF BUILDING SAFETY

DATE
0/07/2018rb

DATE