

IDAHO DAMAGE PREVENTION BOARD
VIDEOCONFERENCE MEETING

Thursday, September 8, 2016 – 9:30 a.m. (MDT)

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 SEPTEMBER 8, 2016 MEETING

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

Administrator C. Kelly Pearce called the meeting to order at 9:30 a.m. (MDT)

Board Members Present:

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

DBS Staff Members Present:

C. Kelly Pearce, Administrator
Steve Keys, Deputy Administrator
Ron Whitney, Deputy Administrator
Patrick Grace, Deputy Attorney General
Bill Hatch, Public Information Officer
Caria Nakano-Jensen, Program Specialist
Larry Jeffres, Regional Manager, Region 1
Adam Bowcutt, Regional Supervisor, Region 3
Laurie Jilbert, Executive Assistant

♦ **Welcome:**

C. Kelly Pearce, Division of Building Safety Administrator, called the meeting to order at 9:30 a.m. with a request for review and approval of the proposed agenda for the September 8, 2016 Damage Prevention Board meeting.

♦ **Approval of the September 8, 2016 Agenda:**

MOTION: Vaughn Rasmussen made a motion to accept the agenda as presented. Linda Phillips seconded. All in favor, motion carried.

♦ **Welcome: (Continued)**

Mr. Pearce provided an introduction of the Division of Building Safety (DBS) facilities, and discussed the videoconference system used to facilitate the meeting in the regional offices of Coeur d'Alene and Pocatello. Board Members may connect to the meetings via the regional offices through the videoconference system for future meetings. Kelly requested Board Members be considerate of staff and take telephone calls outside to not interrupt the staff working in the area. Badges have been provided for Board Members and should be worn while in the building as a form of identification.

- ◆ **Introduction of Board Members:**

Mr. Pearce requested first introductions from each Board Member and asked each to offer both personal and professional information, to assist others in getting to know them a little more.

- ◆ **Introduction – Review of Administrative Legal – Patrick J. Grace, Deputy Attorney General:**

The Administrator introduced the Deputy Attorney General (DAG), Patrick Grace, and asked him to provide a brief review of his role and function to the Board. Patrick introduced himself as the Deputy Attorney General with the Attorney General's office assigned to the Division of Building Safety as legal counsel. Patrick will serve as legal counsel to the Board.

- ◆ **Introduction – DBS Support Staff:**

The DBS staff identified their names, positions, and roles they will fulfill for the Damage Prevention Board. Kelly also introduced himself and provided a brief bio of his work experience and noted he was in his tenth year as the Administrator of the Division of Building Safety.

- ◆ **Introduction of Attendees:** (This agenda item was delayed until later in the meeting.)

Chairman Van Slyke called upon the attendee in the audience and asked if he would like to introduce himself. Lynn Tominaga is a legislative advisor for the Idaho Ground Water Appropriators, Idaho Ground Water Association, Idaho Irrigation Pumpers Association and the Idaho Rural Water Association. Chairman Van Slyke welcomed Lynn to the meeting.

- ◆ **Recognition of Neil Colwell and Ron Law:**

Administrator Pearce introduced Ron Law as the 'Thomas Jefferson' of the Damage Prevention Board and exclaimed, "It's a historic day!" Ron shared some of his experiences with the four-year process working with the damage prevention coalition. Ron discussed the members of the coalition included a collection of 45 different companies and state agencies. This coalition worked diligently to craft the legislation which eventually was accepted by the legislature and became law in the 2016 Legislative Session. Ron emphasized the lessons learned along the way and noted most importantly how the collective body learned to work

together. Ron discussed the important role the Damage Prevention Board will have with education. Education will need to be effective to compel the reduction of damages to underground facilities.

Kelly made the introduction of Neil Colwell, and recognized him as the ‘George Washington’ of the Damage Prevention Board! Neil provided a history of how he became involved with the development of the Damage Prevention Board concept, noting he was the Legislative Advisor for Avista Corp., with an interest in the motivation of designing a body to educate the community on safety measures available to prevent damages to underground facilities. Neil discussed the review of other state entities for placement of the board, but ultimately concluded the Division of Building Safety was the appropriate agency for hosting the responsibility. Discussion was held on consideration of the Contractor’s Board as a possible entity, but determined the board needed to be created outside the contractor’s board to provide an impartial environment. Neil went on to reveal the path travelled to create the board and subsequent program. Appreciation was afforded to Kelly Pearce and his staff at the Division of Building Safety for their assistance with formulating the legislation that formed the Damage Prevention Board. Neil recognized the grant obtained by DBS, noting DBS made application for start-up monies to get the Board established in the absence of any immediate funding. The award was in excess of \$83,000, but monies will not be appropriated until after October 1st. Neil expounded upon the immediate urgency for the state of Idaho to establish a program for protection of underground facilities before the federal government came in and took over. In the absence of an approved program for Idaho, the feds were prepared to take responsibility, which the general consensus was, it would not have been ideal for Idaho.

Kelly and the Board applauded the efforts of Neil Colwell and Ron Law for their leadership with the arduous task of successfully designing and implementing, by law, the Damage Prevention program in the state of Idaho!

♦ **Statutory Review – Role of Board, Role of DBS:**

Patrick Grace confirmed Neil’s overview was accurate and informative, it was a wonderful look at how it began and the fruition of the four-years’ labor by both Neil Colwell and Ron Law.

Patrick reviewed the statutes governing the underground facilities damage prevention. Patrick confirmed Neil was accurate with the feds’ ability to come in and take over the program if the program doesn’t comply with federal requirements. Concern was expressed by Board Members that the state of Idaho plan needs to comply with requirements to avoid the intervention of the federal government. Patrick advised the federal government reviews the program annually for compliance.

Patrick provided a handout to the Board with a list of statutory tasks for the Board's review.

♦ **Open Discussion – Board:**

Caria Nakano-Jensen provided a handout of the grant award and break-out budget. The total of the grant award amounted to \$83,637.50. Discussion ensued on the expenses the grant affords and the management of the grant budget. Caria is the administrator of the grant, however, the allocation of monies within said expense categories resides with the Board.

The Administrator requested a modification to the agenda to move the election process up on the agenda.

♦ **Elections:**

The DAG reviewed the election process from a procedural perspective and identified assets for the position of Chairman and Vice-Chairman and the responsibilities of these roles. Discussion on the nomination process and members' current obligations and whether they would have the time to serve in the capacity of Chairman and Vice-Chairman.

MOTION: Vaughn Rasmussen nominated Mark Van Slyke for Chairman, Nichole Rush seconded the nomination, vote taken.

ACTION: Mark Van Slyke has been elected as Chairman of the Damage Prevention Board.

MOTION: Roy Ellis nominated Vaughn Rasmussen for Vice-Chairman, Linda Phillips seconded the nomination, vote taken.

ACTION: Vaughn Rasmussen has been elected Vice-Chairman of the Damage Prevention Board.

♦ **Promulgation of Emergency Fee Rule – Enabling Collection of Fees to Support Operations:**

Steve Keys presented a 'draft' rule for the purpose of promulgating a temporary rule establishing the fee rate, and the ability for the Board to collect fees for generation of cash flow to support the Board's activities. Steve acknowledged Linda's assistance with input on the contents of the rule. The fee rate has been established at ten cents as a result of numerous coalition discussions. Discussion continued on the process that would transpire with the collection of fees and the payment timeframe to the Damage Prevention Board. Linda recommended a 70-day period to allow a 10-day processing period for payment to the Board. Steve advised, the sooner the rule is promulgated; the sooner the Board can establish a cash flow. Today's review will allow the Board opportunity to consider the draft

temporary rule, but the Board will have to schedule a 'special' meeting to take action on the 'draft' rule as the agenda item is not an action item.

Mr. Pearce asked the Chairman for some time to preview public service announcements (PSAs) the agency has created in the past that could be recreated for educational awareness specific to the Damage Prevention Board. Bill Hatch, Public Information Officer, offered several PSAs for past promotions/focus subjects; dangers of carbon monoxide, hire a licensed contractor; electrical and plumbing, and the 'See, Tell, Now!' campaign for school safety. Mr. Pearce offered these samples as 'food for thought' on promotional activities for the underground facilities campaign.

◆ **Setting Calendar – Future Meetings:**

Discussion was held on future meetings of the Board, first and foremost, the meeting to take action on the 'draft' rule establishing the fee rate and enabling collection of fees. The DAG offered information on the process required for rulemaking. At minimum, the process will take approximately one month. The DAG encouraged the Board to set the 'special' meeting sooner rather than later to get the proposed rule going. Discussion continued on potential dates for a special meeting.

MOTION: Vaughn Rasmussen made a motion to schedule a 'special' meeting for discussion on the draft rule establishing the fees for the Damage Prevention Board on Thursday, September 22, 2016 commencing at 9:30 a.m. Roy Ellis seconded the motion. Vote taken, motion passed.

ACTION: The Damage Prevention "Special" Board meeting will be held on Thursday, September 22, 2016 at 9:30 a.m. to address one item, the promulgation of the emergency fee rule enabling collection of fees to support Operations.

MOTION: Vaughn Rasmussen made a motion to schedule the next regular meeting of the Board on Thursday, November 10, 2016 from 9:30 a.m. – 3:00 p.m. Joe Leckie seconded the motion. Vote taken, motion carried.

ACTION: The next Damage Prevention Board meeting is scheduled for Thursday, November 10, 2016, commencing at 9:30 a.m.

◆ **Administrator Report:**

Mr. Pearce discussed the standard format for board meetings includes a program manager report, which Steve Keys will be the program manager for this program. Additionally, a financial report will be provided by the Financial Manager, Fred Sisneros. Fred handed out a 'sample' format of the financial report that is an illustration of the financial statement for the

program. Fred identified funding sources for the Damage Prevention Board will be dedicated funds and a federal grant, which are broken out separately. Fred reviewed the current financial statement for the Board and welcomed any questions. Discussion was held on the loan provided by the Public Works Contractor's License (PWCL) Board to assist the Damage Prevention Board with start-up costs. The monies generated from the ten cent fee from the letters will be used to reimburse the PWCL Board. Discussion continued on the repayment of the loan, and the ability to use grant monies. Definitive information on expenses and revenues is not available as there is no data available to assist with the projections.

◆ **Identification of Action Items for November Board Meeting:**

- Calendar Meetings for 2017
- More Information on the Pipeline & Hazardous Materials Safety Administration (PHMSA)
- Underground Utility Council, Common Ground Alliance. Discussion on who else is out there, neighbors on this effort.
- Damage Information Reporting Tool (DIRT) Report
- Informational Brochures (Tri-fold publication)
- Formation of Committees
- Open Meeting Law

◆ **Adjournment**


The meeting adjourned at 2:47 p.m. (MDT)



MARK VAN SLYKE, CHAIRMAN
IDAHO DAMAGE PREVENTION BOARD

11-14-2016
DATE

C. KELLY PEARCE, ADMINISTRATOR
DIVISION OF BUILDING SAFETY



11-15-16
DATE