

IDAHO "SPECIAL" DAMAGE PREVENTION BOARD
VIDEOCONFERENCE MEETING

Thursday, September 22, 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 22, 2016 "SPECIAL" 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.

Chairman Mark Van Slyke 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 - Absent
Roy Ellis
Joe Leckie
Linda Phillips
Nichole Rush
Scott Spears - Teleconference
Jerry Piper

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
Fred Sisneros, Financial Manager
Larry Jeffres, Regional Manager, Region 1
Laurie Jilbert, Executive Assistant

♦ **Call to Order**

The Chairman called the meeting to order at 9:30 a.m. (MDT). Roll call taken, Jeffrey Diehl absent. Quorum established.

♦ **Open Forum**

Nichole Rush offered an agenda item for the November 10, 2016 Board meeting relative to the process for filing notification of violations. Nichole has received questions on the process for the current Board and noted Idaho Power currently has two violations that need to be filed. The subject has been noted for the November 10, 2016 agenda.

♦ **Approval of the September 22, 2016 Agenda:**

MOTION: Jerry Piper made the motion to approve the agenda, motion seconded by Nichole Rush. Vote called, all in favor, motion carried.

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

This item has been introduced to review a ‘draft’ temporary rule for the purpose of establishing the fee rate and enabling the collection of fees to support Board operations. The floor was opened for discussion.

Jerry Piper noted in Section 004 reference to the Logging Safety Program.

MOTION: Jerry Piper made a motion to correct the reference to the Logging Safety Program in Section 004 to the Damage Prevention Board, seconded by Jeanna Anderson, vote called, all in favor, motion carried.

ACTION: Reference to the Logging Safety Program in Section 004 of the draft temporary rule will be corrected to the Damage Prevention Board.

Jerry Piper continued with section 007 (Audit of One-Number Center Records). Jerry had sent an e-mail communication expressing the need for an audit and wanted to clarify his intent; the audit relates to records of one-call notification centers not the DBS. Due to the absence of an established track record, Jerry would like to include in the ‘draft’ rule an official audit in the months of January and June to assist with forecasting for the next period.

Steve Keys clarified the audit relates to records of the one-call centers, the Board will receive a financial report identifying revenues and expenses related to the actions of the Board. The audit included in the draft rule is a verification audit to verify the numbers submitted by one-call centers. Discussion continued. Financial reporting by the agency will be provided routinely at Board meetings. Mr. Piper’s concern was satisfied.

Scott Spears recognized the use of the term “one-number notification service” and also “one-number notification center”, he recommended it be consistent throughout the rule as service rather than center.

MOTION: Nichole Rush made a motion to change the word ‘center’ to ‘service’ throughout the rule, Jerry Piper seconded, vote called, all in favor, motion carried.

ACTION: The term “one-number notification service” will be consistent throughout the rule.

Joe Leckie asked for clarification on 006.02 (Funding of Board Activities), specific to late payments: Is late payment supposed to be defined by 006.04? Does this define the penalty that will be included with the payment? Patrick Grace qualified, the statute doesn't address late payments, it states a payment must be made by the one-number notification service and if someone doesn't pay the call service in a timely manner, but does pay, the one-number notification service shall include payment with the next payment to the Damage Prevention Board. Discussion continued.

Patrick Grace clarified, if payment was never made to the call service, it would be subject to the discipline or remedies defined within the statute for any violation of the statute.

Steve Keys contributed, civil penalties would be at the discretion of the Board, there is no automatic civil penalty, only applied at the discretion of the Board.

Vaughn Rasmussen noted another housekeeping change to the draft rule specific to 006.02, reference to 'one-notification center', should be "one-number notification service".

Linda Phillips directed the Board's attention to the timeline established in the draft rule under 007.01; "...the board shall provide no less than a two (2) business day advance notice..."

Linda would request the timeline be extended to five (5) days to allow the one-number notification service to gather pertinent data. No objections to the extended timeline.

MOTION: Jerry Piper made the motion to accept the rules with the changes made today, Joe Leckie seconded, vote called, all in favor, motion carried.

ACTION: The Board has accepted the draft rule with the noted changes.

◆ **Open Discussion**

Chairman Van Slyke recognized an audience member, Lynn Tomanaga. Lynn expressed he knew most everyone on the Board from his work with agricultural groups, the well drilling community, and small cities. Lynn is a legislative consultant and was present to monitor the activity of the Board.

Linda Phillips asked the Chairman a procedural question relative to the responsibility of the Board Members' obligation to notify respective interest groups on the activities of the Board.

Laurie Jilbert advised, DBS has an interested party distribution group for the Damage Prevention Board, which is utilized to disseminate Board information; agendas, minutes, etc. If anyone would like to be added to the list, they may contact Laurie via e-mail or phone, her information is on the Damage Prevention Board page on the DBS website.

Patrick Grace clarified, DBS will be the centralized location for disseminating information specific to the Board's activities. The Board Members do not have that obligation.

Joe Leckie stated he would like to suggest the Board direct DBS to research if there is an economic indicator that might run parallel to what the Board can expect to the number of tickets. Linda Phillips qualified; number of complaints or tickets. Joe confirmed tickets, that could help the Board establish a budget. Discussion continued. Steve Keys believes he understands what Joe is looking for and believes there are projected construction reports available, however, cautioned the information can be inaccurate.

Patrick discussed with the Board the timeline for publishing the temporary rule, and protocols associated with the process, effective date might be December 1st. Discussion included notification process to the public for comment period.

Discussion on agenda items for the November 10, 2016 Damage Prevention Board meeting. Laurie will prepare a 'draft' agenda and distribute to the Board for comments/input. Agenda items will need to be forwarded to the Chairman as the Chairman sets the agenda.

♦ **Adjournment**

The Chairman asked for a motion to adjourn.

MOTION: Joe Leckie made a motion to adjourn the meeting, Jerry Piper seconded. Vote taken, all in favor, motion carried.

The meeting adjourned at 10:31 a.m. (MDT)



MARK VAN SLYKE, CHAIRMAN
IDAHO DAMAGE PREVENTION BOARD



C. KELLY PEARCE, ADMINISTRATOR
DIVISION OF BUILDING SAFETY

11-14-2016
DATE

11-15-16
DATE