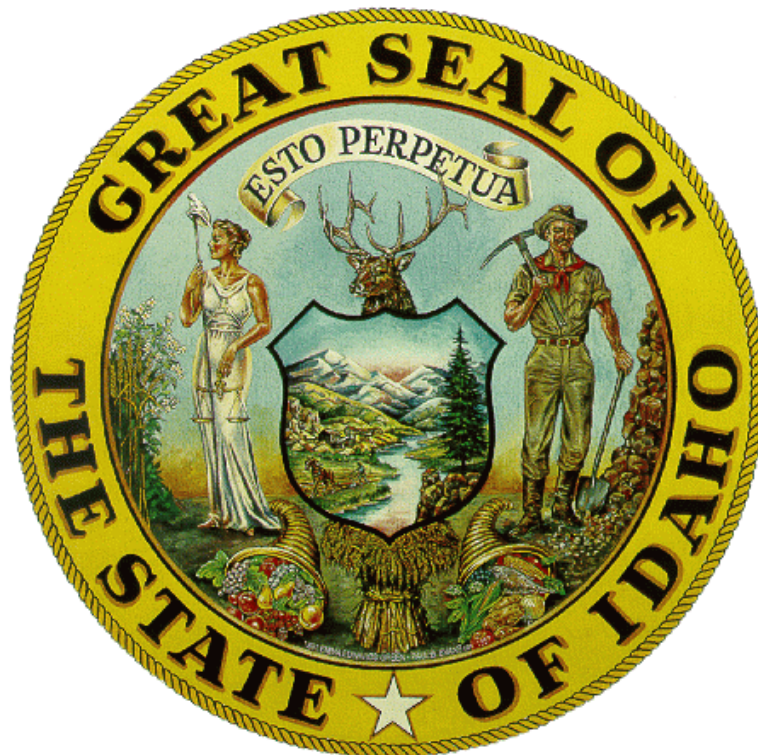


DIVISION OF BUILDING SAFETY

DAMAGE PREVENTION BOARD
VIDEOCONFERENCE MEETING

SEPTEMBER 28, 2017



DAMAGE PREVENTION BOARD

Agenda Item No. 01

Agenda

PRESENTER: Mark Van Slyke, Chairman

OBJECTIVE: Approve the agenda for the September 28, 2017 Damage Prevention Board meeting.

ACTION: Consent

BACKGROUND:

PROCEDURAL HISTORY:

ATTACHMENTS: Tentative agenda



TENTATIVE AGENDA

NOTICE OF PUBLIC MEETING

DAMAGE PREVENTION BOARD VIDEOCONFERENCE MEETING

**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**

db.s.idaho.gov – (208) 332-7137

**Thursday, September 28, 2017
9:30 a.m. – 3:00 p.m. (MDT)**

(Note: North Idaho - Meeting Commences @ 8:30 a.m. PDT)

9:30 a.m. CALL TO ORDER – Mark Van Slyke, Chairman

- Roll Call & Introductions
- Open Forum

CONSENT AGENDA

1. Approval of the September 28, 2017 Agenda – Mark Van Slyke
2. Approval of the July 13, 2017 Board Meeting Minutes – Mark Van Slyke

ACTION AGENDA

3. Election of Officers – Mark Van Slyke
4. Schedule 2018 Board Meetings – Mark Van Slyke
5. Education and Training – Mark Van Slyke
 - a. Intermountain Gas Training Program – Terry Harpt, Intermountain Gas

INFORMATIONAL AGENDA

(These items are for informational purposes only. Any action will be at the Damage Prevention Board's discretion.)

6. Rules Update – Jeffrey Diehl, Board Member
7. Damage Complaints Review – Mark Van Slyke
 - a. Status of Any Current Complaints
 - b. Stakeholder Contact Information
 - c. Non-Compliance of DBS Mandated Training/Penalties

8. Damage Prevention Board Ad Campaign – Ron Whitney, Deputy Administrator
 - a. Receiving Cash Contributions for Programs

9. DPB Members – All
 - a. DPB Presentations to Other Entities and the Associated Reimbursements – Mark Van Slyke and Linda Phillips, Board Member
 - b. Sewer and Water lines in the ROW – Nichole Rush Board Member

10. Administrator Report – Ron Whitney
 - a. Additional Data Report – Nichole Rush
 - b. Financial Report
 - c. Grant Report

3:00 p.m. ADJOURN

For additional agenda information, refer to the packet, available one week prior to this meeting, at the DBS's central and regional offices and <https://dbs.idaho.gov/boards/dpboard/dpmeetings.html>.

All times, other than beginning, are approximate and scheduled according to Mountain Daylight Time (MDT), unless otherwise noted. Agenda items may shift depending on Board preference. 09/22/2017rb

DAMAGE PREVENTION BOARD

Agenda Item No. 02

Minutes

PRESENTER: Mark Van Slyke, Chairman

OBJECTIVE: Approve the minutes from the July 13, 2017 Damage Prevention Board meeting.

ACTION: Consent

BACKGROUND:

**PROCEDURAL
HISTORY:**

ATTACHMENTS: Draft minutes



**DAMAGE PREVENTION BOARD
VIDEOCONFERENCE MEETING**

Thursday – July 13, 2017 – 9:30 a.m. (MT)

**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**

***DRAFT MINUTES OF THE JULY 13, 2017 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 9:32 a.m. (MT)

Board Members Present:

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

DBS Staff Members Present:

Chris L. Jensen, Administrator
Ron Whitney, Deputy Administrator
Patrick Grace, Office of the Attorney General
Spencer Holm, Office of the Attorney General
Tanisha Townsend, Program Manager
Kayla Harris, Administrative Assistant 1

♦ **Open Forum**

No issues were brought forward during the open forum.

♦ **Approval of the July 13, 2017 Agenda**

The Chairman called for the approval of the agenda.

MOTION: Board Member Rasmussen made a motion to approve the agenda as presented. Board Member Ellis seconded. Vote called, all in favor, motion carried.

♦ **Approval of the May 25, 2017 Board Meeting Minutes**

The Chairman called for the approval of the draft minutes.

MOTION: Board Member Chandler made a motion to approve the May 25, 2017 Board Meeting Minutes as written. Board Member Diehl seconded. Vote called, all in favor, motion carried.

- ◆ **Public Hearing – Negotiated Rule Making**

Negotiated Rulemaking – Chairman Van Slyke opened up the following proposed changes to the public for comments.

Civil Penalties – Wayne Hammon, Idaho Associated General Contractors Representative, inquired about the term “reasonable care” in IDAPA 07.10.01.009.01(h) “Precautions to Avoid Damage”. Mr. Hammon also suggested deleting the first sentence in IDAPA 07.10.01.009.03 “Multiple Violations”.

Chairman Van Slyke responded by saying the purpose of the verbiage “may” within the rule allows for flexibility. Mr. Hammon stated it may not hold up in court as written and the awareness of the laws existence should take a step in fixing issues. Deputy Attorney (DAG) Patrick Grace elucidated without the sentence, the paragraph allows for multiple violations. Mr. Hammon agreed it gave reasonable room to contest. Chairman Van Slyke inquired about what it would take for contractors to be unable to work in the state. Board Member Roy Ellis answered it would require a complaint, investigation and possible retraction of registration. Julie Maki, Manager for Digline, requested the information be provided to the call centers.

Board Member Scott Spears read from IDAPA 07.10.01.009.02 the definition of second offense. Board Member Jeffrey Diehl clarified in IDAPA 07.10.01.009.02, to strike “within five (5) years but not which occurs within eighteen (18) months of a previous violation of any provision”. The board agreed with the suggestion to strike “within five (5) years from” in IDAPA 07.10.01.009.02.

MOTION: Board Member Spears made a motion to strike “within 5 years (but not ...)” from IDAPA 07.10.01.009.002 *Second Offense*. Board Member Diehl seconded. Vote called, all in favor, motion carried.

Education and Training Materials – Board Member Linda Phillips inquired about training for emergency procedure notification to one-call centers. Board Member Phillips asked, and the Chairman stated, the training materials would be available on the board’s website. With regard to IDAPA 07.10.01.009.01(a) *Pre-marking Excavation Site*, Board Member Phillips provided clarification on pre-marking for one-call tickets.

Complaint Process – Board Member Phillips inquired, and Board Member Diehl explained, it does not require an alleged violator to provide verifiable proof to the administrator within thirty (30) days.

MOTION: Board Member Leckie made a motion to strike the first sentence from IDAPA 07.10.01.009.03 *Multiple Violations*. Board Member Ellis seconded. Vote called, all in favor, motion carried.

- ◆ **PHMSA- Idaho Damage Prevention Audit of Adequacy**

David Appelbaum, State Evaluator for Pipeline and Hazardous Materials Safety Administration (PHMSA), introduced the program to the board. Following the Pipes Act of 2006, Congress determined there were nine elements for safe damage prevention. PHMSA conducted a national survey of each state to evaluate enforcement programs within those states. Part 198, Excavation Enforcement Rule, 49 USC § 60114, gives the federal

government backstop authority against excavators in states that are considered inadequate. Currently, Idaho is considered inadequate, which allows PHMSA to take sanctions against Idaho excavators. Mr. Appelbaum offered the board a case PHMSA currently has pending against a landowner in Lava Hot Springs. He attended the meeting with the intent of evaluating the Damage Prevention Board for compliance with the PHMSA regulations; however, after listening to the board's discussions, he decided to postpone the evaluation for the next board meeting in November.

MOTION: Board Member Diehl made a motion to hear the Lava Hot Springs pipe damage case. Board Member Ellis seconded. Vote called, all in favor, motion carried.

MOTION: Board Member Van Slyke made a motion to move the audit to the next board meeting in November. Board Member Leckie seconded. Vote called, all in favor, motion carried.

◆ **Damage Prevention Board Ad Campaign**

Tom Scott, Tom Scott Agency, reviewed the updated ad campaign budget. A handout of each area the money has been allocated was provided. Mr. Scott stated the data-gathering portion went well, and explained how the Tom Scott Agency has altered the projection for the best reception. The digital campaign is being modified for the northern region since there are different television service providers stationed out of Washington. Mr. Scott went over the television Public Service Announcement air times; totaling 910 spots throughout Idaho. A Facebook page has been created. The board will appoint an administrator for the Facebook page. Tom Scott stated the PSA ends August 11th; however, there is enough in the budget to continue past that day. Program Manager Tanisha Townsend will look into the grant payment details. Chairman Van Slyke would like to get an advertisement consortium for all the companies who currently advertise and will bring more information to the September meeting.

◆ **DIRT Contract**

DAG Grace reached out to the Common Ground Alliance (CGA) for clarification on the contract purchase. The CGA requested how the State of Idaho would use the Virtual Private Dirt (VPD) program. DAG Grace inquired if the board is comfortable using VPD without further clarity. Board Member Phillips explained the data gathered from VPD is accessible with administrator permission attained by the board. The board agreed Board Member Rush would be the administrator for the VPD.

◆ **DBS/DPB Damage Complaints**

Board Member Rush inquired about how damage complaints would be heard as it pertains to the open meeting laws. DAG Grace clarified it is public information; however, it would not be a public hearing where civilians can comment on cases. Board Member Ellis shared information on the use of Executive Session. DAG Grace stated an Executive Session would not apply for those instances, although there is specific information that can be redacted.

◆ **DPB Website**

Chairman Van Slyke explained the Damage Prevention Board's website is active. Board members can request changes at any time.

♦ **Administrator Report**

Financial/Grant Reports – Administrator Chris L. Jensen presented the Board’s budget and deadlines for grant funds. Also provided was an itemized list of current expenditures through June 31, 2017.

♦ **Adjournment**

Chairman Van Slyke asked for a motion to adjourn the meeting.

MOTION: Board Member Diehl made a motion to adjourn. Board Member Chandler seconded.

The meeting adjourned at 2:39 p.m. (MT)

MARK VAN SLYKE, CHAIRMAN
DAMAGE PREVENTION BOARD

RON WHITNEY, DEPUTY ADMINISTRATOR
DIVISION OF BUILDING SAFETY

DATE

DATE

*These DRAFT minutes are subject to possible correction and final approval by the Damage Prevention Board. 09/20/17kh

DAMAGE PREVENTION BOARD

Agenda Item No. 03

Election of Officers

PRESENTER: Mark Van Slyke, Chairman

OBJECTIVE: Elect active board members to the positions of chairman and vice-chairman.

ACTION: Vote for a chairman and vice-chairman.

BACKGROUND: In accordance with Idaho Code §55-2203(4) "... At the board's first meeting, the members shall elect one (1) of their number to be chairman and one (1) to serve as the vice chairman. The chairman may serve in such capacity for a one (1) year term and may not serve in such capacity for more than two (2) consecutive terms."

PROCEDURAL HISTORY:

ATTACHMENTS: No documentation



DAMAGE PREVENTION BOARD

Agenda Item No. 04

Schedule 2018 Board Meetings

PRESENTER: Mark Van Slyke, Chairman

OBJECTIVE: Schedule 2018 board meetings.

ACTION: Vote to accept, reject or modify the 2018 meeting dates as proposed under the topic *Background*.

BACKGROUND: Suggested 2018 Board meeting dates:

**January 25th (Thursday), March 29th (Thursday), May 31st (Thursday),
July 26th (Thursday), September 27th (Thursday) and November 29th
(Thursday)**

**PROCEDURAL
HISTORY:**

ATTACHMENTS: Tentative 2018 Board Meeting Calendar



DBS BOARD MEETINGS - 2018

DAMAGE PREVENTION BOARD	JAN 25, MAR 29, MAY 31, JUL 26, SEP 27, NOV 29
FACTORY BUILT STRUCTURES ADVISORY BOARD	FEB 13, MAY 8, JUL 10
IDAHO BUILDING CODE BOARD	FEB 20, APR 17, JUN 19, OCT 16
IDAHO ELECTRICAL BOARD	JAN 24, APR 25, JUL 25, OCT 24
IDAHO HEATING VENTILATION & AIR COND. BOARD	JAN 10, MAR 14, MAY 9, NOV 14
IDAHO PLUMBING BOARD	JAN 18, MAR 15, MAY 17, SEP 20
PUBLIC WORKS CONTRACTORS LICENSE BOARD	JAN 8, APR 9, JUL 9, OCT 9
SCHOOL SAFETY & SECURITY ADVISORY BOARD	JAN 11, SEP 13

Board Meetings will be held at each Division of Building Safety regional office either in person or through video

1090 E WATERTOWER ST
SUITE 150
MERIDIAN, ID 83642

1250 IRONWOOD DR
SUITE 220
COEUR D'ALENE, ID 83814

2055 GARRETT WAY
BLD 1, SUITE 4
POCATELLO, ID 83201

JANUARY							FEBRUARY							MARCH							APRIL							MAY							JUNE							
S	M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S	
	1	2	3	4	5	6					1	2	3					1	2	3	1	2	3	4	5	6	7			1	2	3	4	5							1	2
7	8	9	10	11	12	13	4	5	6	7	8	9	10	4	5	6	7	8	9	10	8	9	10	11	12	13	14	6	7	8	9	10	11	12	3	4	5	6	7	8	9	
14	15	16	17	18	19	20	11	12	13	14	15	16	17	11	12	13	14	15	16	17	15	16	17	18	19	20	21	13	14	15	16	17	18	19	10	11	12	13	14	15	16	
21	22	23	24	25	26	27	18	19	20	21	22	23	24	18	19	20	21	22	23	24	22	23	24	25	26	27	28	20	21	22	23	24	25	26	17	18	19	20	21	22	23	
28	29	30	31				25	26	27	28				25	26	27	28	29	30	31	29	30						27	28	29	30	31			24	25	26	27	28	29	30	

JULY							AUGUST							SEPTEMBER							OCTOBER							NOVEMBER							DECEMBER						
S	M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S
1	2	3	4	5	6	7				1	2	3	4							1	1	2	3	4	5	6					1	2	3							1	
8	9	10	11	12	13	14	5	6	7	8	9	10	11	2	3	4	5	6	7	8	7	8	9	10	11	12	13	4	5	6	7	8	9	10	2	3	4	5	6	7	8
15	16	17	18	19	20	21	12	13	14	15	16	17	18	9	10	11	12	13	14	15	14	15	16	17	18	19	20	11	12	13	14	15	16	17	9	10	11	12	13	14	15
22	23	24	25	26	27	28	19	20	21	22	23	24	25	16	17	18	19	20	21	22	21	22	23	24	25	26	27	18	19	20	21	22	23	24	16	17	18	19	20	21	22
29	30	31					26	27	28	29	30	31	23	24	25	26	27	28	29	28	29	30	31				25	26	27	28	29	30		23	24	25	26	27	28	29	

Holidays outlined & highlighted in gray -- Management meetings outlined in blue -- Industrial Safety meeting outlined in red

DAMAGE PREVENTION BOARD

Agenda Item No. 05

Education and Training

PRESENTER: Mark Van Slyke, Board Member

OBJECTIVE: Approve training and educational programs per IDAPA 07.10.01.015.

ACTION: Accept or decline the Intermountain Gas training program.

BACKGROUND: a. Intermountain Gas Training Program – Terry Harpt, Intermountain Gas, will provide a PowerPoint presentation.

PROCEDURAL HISTORY:

ATTACHMENTS: No documentation



DAMAGE PREVENTION BOARD

Agenda Item No. 06

Rules Update

PRESENTER: Jeffrey Diehl, Board Member

OBJECTIVE: Discuss the status of the rules.

ACTION: Informational

BACKGROUND: The Governor's office approved a temporary rule, effective September 1, 2017, for IDAPA 07.10.01 *Rules Governing The Damage Prevention Board, Division of Building Safety*. The proposal will go before the 2018 legislature for review and possible approval to become a permanent rule.

PROCEDURAL HISTORY:

ATTACHMENTS: No documentation



DAMAGE PREVENTION BOARD

Agenda Item No. 07

Damage Complaints Review

PRESENTER: Mark Van Slyke, Chairman

OBJECTIVE: Update the Board on complaints received, and complaint process.

ACTION: Informational

BACKGROUND: This topic is addressed at all regularly scheduled Damage Prevention Board meetings. Topics of discussion are:

- a. Status of Any Current Complaints – Has the Division received any complaints since the temporary rule became effective September 1, 2017.
 - b. Stakeholder Contact Information – Established data base.
 - c. Non-Compliance of DBS Mandated Training/Penalties – What does the state do if an individual/company does not adhere to the complaint.
-

PROCEDURAL HISTORY:

ATTACHMENTS: No documentation



DAMAGE PREVENTION BOARD

Agenda Item No. 08

Damage Prevention Board Ad Campaign

PRESENTER: Ron Whitney, Deputy Administrator

OBJECTIVE: Discuss plans for future advertisement.

ACTION: Informational

BACKGROUND: a. Receiving Cash Contributions for Programs – Does the law allow the Board to receive gifts.

PROCEDURAL HISTORY:

ATTACHMENTS: No documentation



DAMAGE PREVENTION BOARD

Agenda Item No. 09

DPB Members - All

PRESENTER: Mark Van Slyke, Chairman

OBJECTIVE: Allows board members to bring forth topics not on the agenda.

ACTION: Informational

BACKGROUND:

- a. DPB Presentations to Other Entities and the Associated Reimbursements – Linda Phillips, Board Member -- Does the board have to approve a meeting/presentation for a board member, attending on behalf of the board, to be reimbursed for expenses.
- b. Sewer and Water Lines in the Right of Way – Nichole Rush, Board Member

PROCEDURAL HISTORY:

ATTACHMENTS: No documentation



DAMAGE PREVENTION BOARD

Agenda Item No. 10

Administrator Report

PRESENTER: Chris L. Jensen, Administrator

OBJECTIVE: Provide an overview of the Division's current activities.

ACTION: Informational

BACKGROUND:

- a. Additional Data Report – Nichole Rush, Board Member
- b. Financial Report
- c. Grant Report

**PROCEDURAL
HISTORY:**

ATTACHMENTS: Financial Report





Division of Building Safety
UNDERGROUND FACILITIES DAMAGE PREVENTION
 Fiscal Year 2017 Financial Statements
 As of 8/31/2017

Statement of Revenues and Expenditures - 0229-27 Dedicated Fund

Class	Budget	Fiscal Year To Date	YTD as a % of Budget	Remaining Budget	Projected for Remainder of Year	Projected Year End Totals	Projected Total as a % of Budget
Revenues:	50,000	16,083	32%	33,917	33,917	50,000	100%
Expenditures							
Personnel:	-	1,166	0%	(1,166)	6,704	7,870	0%
Operating:	50,000	1,301	3%	48,699	68,493	69,793	140%
Capital:	-	-	0%	0	0	0	0%
Total Expenditures	50,000	2,467	5%	47,533	75,197	77,663	155%
Net for FY 2018	-	13,616			(41,279)	(27,663)	

Statement of Cash Balance - 0229-27 Dedicated Fund

July 1, 2017 Beginning Cash Available	Fiscal Year to Date Revenues	Fiscal Year to Date Expenditures and Encumbrances	Other Changes in Cash	Available Cash as of August 31, 2017	Projected Change in Cash for Remainder of Year	Projected Year End Available Cash
18,775	16,083	2,467	0	32,391	(41,279)	(8,888)

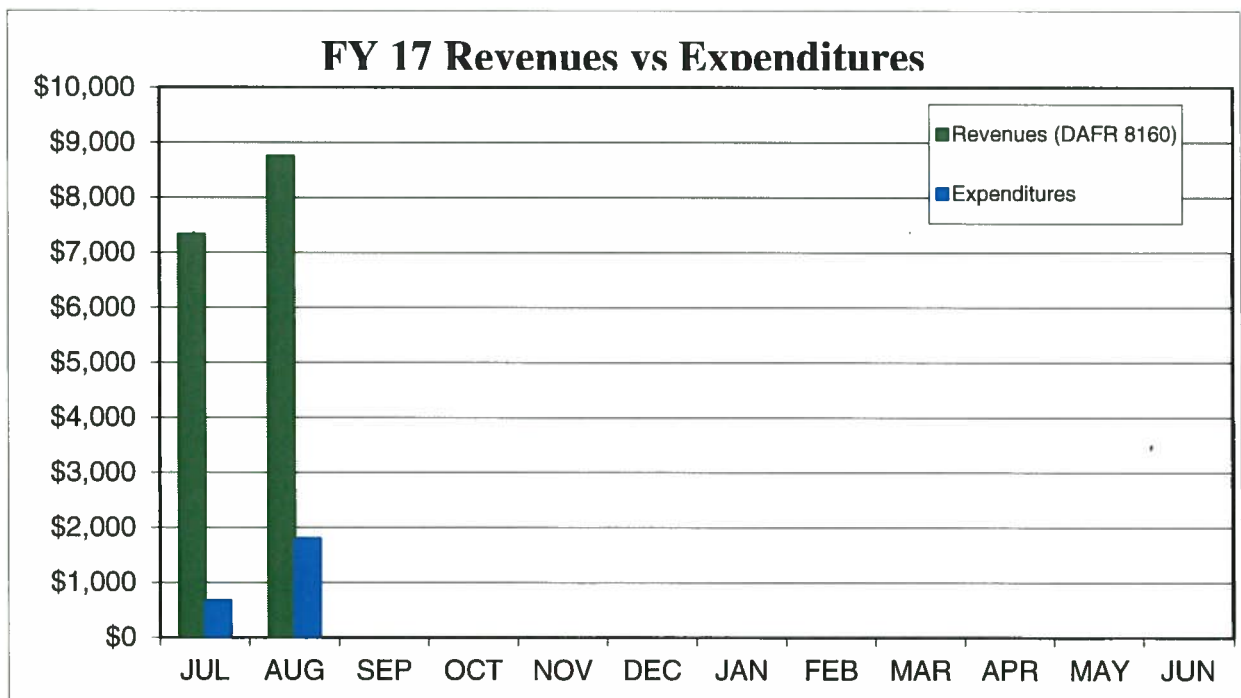
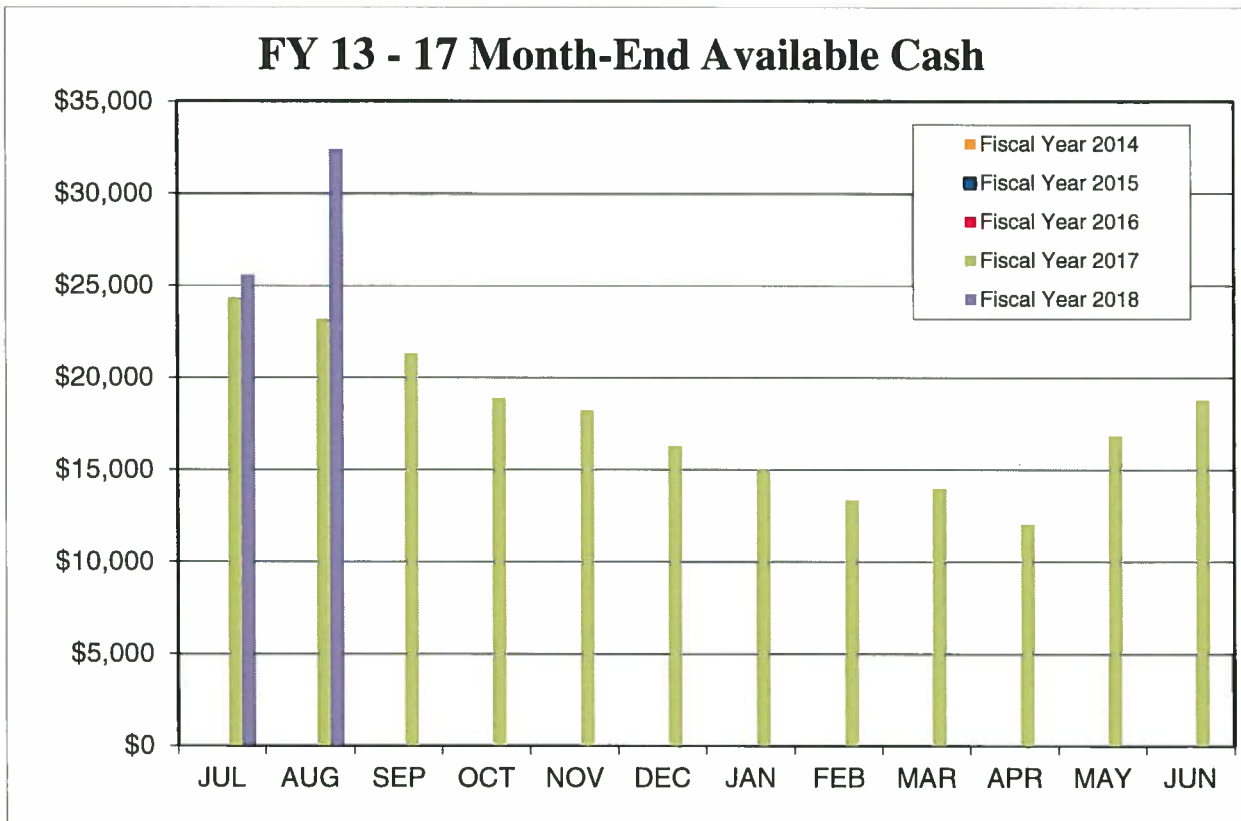
Statement of Revenues and Expenditures - 0348-00 Federal Grant (State Damage Prevention Program Grant - 2016)

Class	Budget	Fiscal Year To Date	YTD as a % of Budget	Remaining Budget	Projected for Remainder of Year	Projected Year End Totals	Projected Total as a % of Budget
Revenues:	-	-	0%	0	0	0	0%
Expenditures							
Personnel:	15,580	-	0%	15,580	0	0	0%
Operating:	54,802	24,142	44%	30,659	(0)	24,142	44%
Capital:	-	-	0%	0	0	0	0%
Total Expenditures	70,382	24,142	34%	46,239	(0)	24,142	34%
Net for FY 2018	(70,382)	(24,142)			0	(24,142)	

Statement of Cash Balance - 0348-00 Federal Grant (State Damage Prevention Program Grant - 2016)

July 1, 2017 Beginning Cash Available	Fiscal Year to Date Revenues	Fiscal Year to Date Expenditures and Encumbrances	Other Changes in Cash	Available Cash as of August 31, 2017	Projected Change in Cash for Remainder of Year	Projected Year End Available Cash
70,381	-	24,142	0	46,239	0	46,239

UNDERGROUND FACILITIES DAMAGE



UNDERGROUND FACILITIES DAMAGE

