

DAMAGE PREVENTION BOARD
SPECIAL TELE/VIDEOCONFERENCE MEETING
Thursday – August 13, 2020 – 12:00 p.m. (MDT)

Division of Building Safety
1090 East Watertower Street, Suite 150, Meridian
1250 Ironwood Drive, Suite 220, Coeur d'Alene
155 North Maple Street, Blackfoot

MINUTES OF THE AUGUST 13, 2020 SPECIAL 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 Jerry Piper called the special meeting to order at 12:00 p.m. (MDT)

Board Members Present:

Jerry Piper, Chairman
Bob Chandler, Vice-Chairman
Julie Maki
Scott Spears
Sean Marsh
Roy Ellis
Nichole Rush
Vaughn Rasmussen
Jeanna Anderson

DBS Staff Members Present:

Ron Whitney, Administrator
Patrick J. Grace, Deputy Administrator
Spencer Holm, Deputy Attorney General
Larry Jeffres, Regional Manager, Region 1
Adam Bowcutt, Regional Manager, Region 3
Bill Hale, Damage Prevention Program Specialist
Renee Bryant, Administrative Assistant 2

◆ **Recognition**

Sean Marsh was recognized as the newest member of the Board; replacing Jeffrey Diehl as the Commercial Contractor Representative.

◆ **Vote to authorize Notice of Omnibus Rulemaking – Adoption of Proposed Rule and Notice of Omnibus Fee Rulemaking – Adoption of Proposed Fee Rule with regard to IDAPA 24.39.90 (formerly 07.10.01) in Docket Number 24-0000-2000F**

For administrative rules to continue to be effective, the legislature has to reauthorize them each year. This year, similar to last year, the legislature did not reauthorize any rule that had a fee in it. To ensure the fee rules remain in place, the Governor's office has promulgated them on a temporary basis. The Damage Prevention Board has the authority over the rules; therefore, it needs to approve the authorization of the fee rules in a proposed state. Upon approval, the proposed rules will be published in the Idaho Administrative Bulletin for possible reauthorization at the 2021 legislature.

The rules have not changed since presented to the legislature in 2020; however, DBS has been moved under the Division of Occupational and Professional Licensing. Therefore, the IDAPA rules under the Damage Prevention Board have been recodified from 07.10.01 to 24.39.90.

MOTION: Julie Maki made a motion to authorize Notice of Omnibus Rulemaking – Adoption of Proposed Rule and Notice of Omnibus Fee Rulemaking – Adoption of the Proposed Fee Rule with regard to IDAPA 24.39.90 (formerly 07.10.01) in Docket Number 24-0000-2000F. Roy Ellis seconded. Roll Call: Julie Maki made the motion, Roy Ellis seconded, Scott Spears-Aye, Nichole Rush-Aye, Sean Marsh-Aye, Vaughn Rasmussen-Aye, Bob Chandler-Aye, Jeanna Anderson-Aye and Jerry Piper-Aye. All in favor, motion carried.

◆ **Statutes and Rules Review Subcommittee**

Chairman Piper explained the process in which the Statutes and Rules Review Subcommittee was established at the June 25, 2020 Damage Prevention Board meeting. The Chairman solicited the following individuals to be on the subcommittee: Board Member Scott Spears, chairman; Board Member Nichole Rush, vice-chairman; Linda Burger, Avista; Scott Draper, Project Mutual Telephone, Rupert, Idaho; Merrill Quayle, City of Pocatello; Amy Kohler, DBS; and Patrick J. Grace; DBS.

Wayne Hammon, Idaho Associated General Contractors, was concerned the Board had taken action to address the important topics without representing those directly impacted by the outcome of the process.

To make things absolutely clear, Deputy Attorney General Spencer Holm recommended a written order be established on what the subcommittee is about, how many members it has, who the members are, etc. In addition, Mr. Holm suggested the Board could vote to add a contractor representative to the subcommittee, limit the subcommittee members to seven by replacing the two DBS employees with AGC members, and/or vote to add more members to the subcommittee. Further discussion and suggestions were to have equal representation of excavators/contractors/utility owners, replace one DBS employee with one contractor, and DBS the facilitator; opening up two positions.

MOTION: Sean Marsh made a motion that the Statutes and Rules Subcommittee be represented by two utility owners, two contractors and one public owner. Roy Ellis seconded.

SUBSTITUTE MOTION: Bob Chandler made a substitute motion to leave the subcommittee as is with seven members; replacing both DBS members with two contractor representatives. Julie Maki seconded. Roll Call: Bob Chandler made the motion, Julie Maki seconded, Vaughn Rasmussen-Aye, Nichole Rush-Abstained, Roy Ellis-Abstained, Sean Marsh-Nay, Scott Spears-Aye, Jerry Piper-Aye, and Jeanna Anderson-Aye. Six ayes, one nay and two abstained. Motion carried.

The substitute motion passed; therefore, the original motion failed.

◆ **PHMSA**

It seems every year the deadline for the PHMSA audit gets moved up in time. This year it is due in August. DBS informed the Board that it received the request for the audit and will respond accordingly before the deadline.

◆ **WebEx**

With the Coronavirus requirements, and limited space at the Division's three office locations, DBS is looking into Cisco WebEx, an online meetings program that is compatible with its current teleconference and videoconference systems. The objective is to use WebEx at the Board's next meeting in September.

◆ **Future Meetings**

The next meeting of the Damage Prevention Board is September 24, 2020, and the first meeting of the subcommittee will be held via teleconference on August 20, 2020 at 10:00 a.m. (MDT). The Administrative Assistant 2 was asked to invite board members Sean Marsh and Roy Ellis to the subcommittee meeting.

◆ **Adjournment**

Chairman Piper adjourned the meeting at 12:52 p.m.

BOB CHANDLER, VICE-CHAIRMAN
DAMAGE PREVENTION BOARD

RON WHITNEY, ADMINISTRATOR
DIVISION OF BUILDING SAFETY

DATE

DATE

09/16/2020rb