

**DAMAGE PREVENTION BOARD
VIDEOCONFERENCE MEETING**

Thursday – September 24, 2020 – 9:30 a.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 SEPTEMBER 24, 2020 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.

In the absence of Chairman Jerry Piper, Vice-Chairman Bob Chandler called the meeting to order at 9:35 a.m. (MDT)

Board Members Present:

Vice-Chairman Bob Chandler
Darrin Ulmer
Julie Maki
Roy Ellis
Sean Marsh
Scott Spears – Teleconference
Nichole Rush – Teleconference
Vaughn Rasmussen – Teleconference

DBS Staff Members Present:

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

◆ **Recognition**

Jeffrey Diehl was recognized for his years of service on the Board with a commemorative plaque.

◆ **Open Forum**

Locates – Daniel Parrish and Nathan Brian, Representatives for Direct Communications, worked with government agencies to develop the Idaho Broadband Grant Program, which will provide broadband speed to internet services in rural parts of the state of Idaho. Their subcontractors will lay 84 miles of fiber in eastern Idaho and serve approximately 1,500 homes. The deadline of the grant is December 15, 2020. The two crews working for Direct Communications have pulled 41 locate tickets; however, the facility owner has not addressed them. Direct Communication has met with the utility locating service and owner of the facility, and the most they are willing to locate in one day is either work two hours or 1,000 feet. The crews are averaging 4,500 feet a day. Contractors are in the process of filing complaints with DBS. There is a provision in law that allows a waiver of the locating and marking requirements; however, both parties have to agree to it. Direct Communications stated the facility owner will not agree. The Administrative Assistant 2 was asked to provide Messrs. Parrish and Brian's contact information to the Board.

◆ **Approval of the September 24, 2020 Agenda, March 12, 2020 Special Meeting Minutes, June 8, 2020 Special Meeting Minutes, June 25, 2020 Meeting Minutes and August 13, 2020 Special Meeting Minutes**

MOTION: Roy Ellis made a motion to approve the agenda and meeting minutes as presented. Darrin Ulmer seconded. All in favor, motion carried.

◆ **Administrative Appeals Hearing**

Granite Excavation—DAM2003-0022 – Rhett Collins represented Granite Excavation; Damage Prevention (DP) Program Specialist Bill Hale represented DBS; Terry Harpt, Intermountain Gas Company, was a witness and Deputy Attorney General (DAG) Spencer Holm was the facilitator. The Division provided Exhibits A through R. With no objections, the Vice-Chairman approved the introduction of the exhibits into the record. All parties were sworn in and provided testimony to DAM2003-0022, violation of IDAPA 07.10.01.020.01.b *Notice of Excavation*. Mr. Collins did not dispute the damage; however, asked for a lesser charge.

MOTION: Sean Marsh made a motion to impose the fine; however, reduce it to \$2,500. Roy Ellis seconded. Roll call: Scott Spears-Aye, Nichole Rush-Aye, Julie Maki-Nay; Darrin Ulmer-Aye, Roy Ellis-Aye, Sean Marsh-Aye, Vaughn Rasmussen-Aye and Bob Chandler-Aye. Seven ayes and one nay. Motion carried.

◆ **Schedule 2021 Board Meetings**

The proposed 2021 meeting dates are: January 28th, March 11th, May 27th, July 15th, September 23rd and November 18th.

MOTION: Julie Maki made a motion to accept the proposed dates for the 2021 board meetings. Roy Ellis seconded. All in favor, motion carried.

◆ **Spanish Version in All Literature DBS Publishes for the Damage Prevention Board**

This was addressed at previous meetings; however, no decision was ever made. Many in the construction industry do not speak or have limited vocabulary of the English language. Following were suggestions and questions on the types of literature to be published in Spanish: 1) Brochures, pamphlets, training flyers, general guidelines/overview of dig laws, and business cards (website, phone numbers, etc.), 2) Spanish versions on the Division’s website, to include training PowerPoints, 3) Are monies in the budget under “Education and Training”, 4) Pamphlet and brochure designs could possibly be under “Advertisement”, and 5) Legality on publishing in Spanish.

For DBS to gather information; i.e., legal aspects, costs to print, etc., as well as to allow the Board time to consider where the monies will come from and determine what is most important for translation and publication, Vice-Chairman Chandler suggested, and the Board agreed, to bring the topic *Publishing Literature in Spanish* to the November 19, 2020 meeting as an action item.

◆ **Financial Update**

Financial Report – A revised financial report was emailed to all parties the morning of the meeting. Explained were the changes, as well as why columns did not compute properly. The Division will get back to the Board on what the outstanding balance of \$4,000 is for, and the columns will be reformatted to ensure they calculate correctly.

Request for Proposal (RFP) Status – An evaluation team is reviewing presentations by eight vendors. The objective is for the Education and Training Subcommittee, and appointed marketing agency, to begin designing brochures, etc. by the first of November 2020.

Spending Authority – The Division has received confirmation of the \$100,000 from the PHMSA Grant for Fiscal Year (FY) 2022, as well as approximately \$44,000 from a PUC Grant for the Compliance Program. There is a substantial amount of cash available with the spending authority; however, once a marketing agency has been selected the committee will have time to develop a marketing plan. If the plan goes beyond the current financial resources, DBS will have the ability to request additional spending authority in the budget proposal for FY2022.

New Items and Costs – There are several unique items that will impact the Division’s Boards, with the costs to be deducted from the FY2021 budgets.

- Information Technology Services (ITS) – With the consolidation into ITS, the Division no longer has inhouse IT personnel. Although originally explained as a cost-savings measure, the Division recently received a bill for \$390,000 for one year of service.
- Idaho Division of Occupational and Professional Licenses (IDOPL) – The Division, and its boards, are now under IDOPL. As part of the reorganization, DBS will move to the Idaho Chinden Campus in the fall of 2021. The cost is estimated to be \$2.4 million and is based on employee count for space needed. Included in the cost is tenant improvements, moving, etc.
- Blackfoot Office – In 2019, the Division purchased a building previously owned by the Idaho Department of Labor. The cost is \$520,000 and will be paid from FY2021 funds.

◆ **Education and Training Subcommittee Update**

Billboards – At a previous meeting, the Board authorized up to \$65,000 for billboard advertisement across the state of Idaho. Board Member Julie Maki reiterated the status of the RFP. It is anticipated the advertisements on billboards will begin in the spring of 2021, as April is National Safe Digging month.

Training and Education Subcommittee – The subcommittee is working with the DP Program Specialist to develop a list of excavating groups; i.e., farmers, well diggers, landscapers, homeowners, etc. to customize training specific to their needs. The subcommittee is comprised of Board Members Bob Chandler, Jeanna Anderson and Julie Maki, with DBS staff Bill Hale and Patrick Wood as observers.

◆ **Damage Prevention Training Report**

Numbers are low; however, a few individuals are participating through online training. The DP Program Specialist is scheduling training with companies that had requested it prior to Covid. A proposal has been sent to the Idaho Nursery and Landscape Association to speak at its conference in January 2021.

◆ **Statutes and Rules Review Subcommittee Update**

Board Member Scott Spears, chairman of the subcommittee, was on teleconference; however, it was later discovered he had been disconnected. The next meeting of the subcommittee will be September 29, 2020, 9:30 a.m. (MT)/8:30 a.m. (PT) via teleconference.

DAG Holm stated there apparently is an interpretation that subcommittees could be subject to the Open Meeting Laws. As a precautionary measure, the Statutes and Rules Subcommittee will abide

by the requirements of the law, and the DAG will generate an Order for the chairman’s signature regarding this subcommittee.

◆ **Compliance Report**

As of September 9, 2020, the Division has received 291 complaints. Currently, there are roughly 100 complaints being processed. For the areas in the state that DigLine serves, the issuance of tickets is just under 12% above this time last year.

◆ **Administrator Report**

City of Meridian Appeal--Update – The City of Meridian appealed to the district court the decision on their intervention, as well as the civil penalty. DAG Holm discovered the Board might have some potential bounds to get it dismissed before actually going before the court. A Motion to Dismiss was filed and a hearing scheduled. While waiting for the hearing to take place, the City of Meridian voluntarily dismissed the petition.

Permit/Inspection Count – When Covid-19 set-in, the Governor determined construction was essential and asked the Division to track permit and inspection activity on a daily basis; reporting to his office on a weekly, and now monthly basis. To date, permit activity has exceeded the 2019 numbers by about six percent. On September 22, 2020, 385 permits were issued, and on September 23, 2020, the Division had requests for 763 inspections.

PHMSA – DBS has submitted the response to the PHMSA audit and is awaiting a decision. David Appelbaum is no longer the PHMSA evaluator for the state of Idaho.

Locates (Cont’d) – With the next regularly scheduled meeting of the Damage Prevention Board on November 19, 2020, and the deadline of the Idaho Broadband Grant Program on December 15, 2020, it was questioned whether the Board would need to have a special meeting to address the large number of complaints filed by contractors on the job. It would depend on when the complaints were files and appeals requested, as well as there are built-in timelines in the complaint process.

◆ **Adjournment**

Vice-Chairman Chandler adjourned the meeting at 11:42 a.m.

BOB CHANDLER, VICE-CHAIRMAN
DAMAGE PREVENTION BOARD

RON WHITNEY, ADMINISTRATOR
DIVISION OF BUILDING SAFETY

DATE

DATE

10/28/2020rb