

**DAMAGE PREVENTION BOARD
VIDEOCONFERENCE MEETING**

Thursday – July 15, 2021 – 9:30 a.m. (MDT)

**Division of Occupational and Professional Licenses
1090 East Watertower Street, Suite 150, Meridian
1250 Ironwood Drive, Suite 220, Coeur d'Alene
155 North Maple Street, Blackfoot**

MINUTES OF THE JULY 15, 2021 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 Jerry Piper called the meeting to order at 9:30 a.m. (MDT)

Board Members Present:

Jerry Piper, Chairman
Bob Chandler, Vice-Chairman
Roy Ellis
Sean Marsh
Paul Good
Julie Maki
Scott Spears
Vaughn Rasmussen
Nicheole Rush-Telecon.
Jeanna Anderson-Telecon.
Darrin Ulmer-Telecon.

DBS Staff Members Present:

Ron Whitney, Administration
Adam Bowcutt, Regional Manager, Region 3
Gary Sonnen, Regional Supervisor, Region 1
Bill Hale, Damage Prevention (DP) Program Specialist
Amy Kohler, Building Safety Program Supervisor
Renee Bryant, Administrative Assistant 2

◆ **Open Forum**

Locates and Potholing – Sawtooth Directional Drilling Project Manager Ted Babbitt explained the company was installing fiberoptics at four feet, potholed to seven feet, unable to find the water line, informed by water company the line was approximately 14 feet, and told to pothole to their line. Sawtooth Directional Drilling received a letter from the water company's attorney stating in accordance with statute, it had not done its due diligence with the potholing practices. Mr. Babbitt's understanding of the statute is if the line cannot be found the company is to shut down the job. It was questioned whether the water line had to be exposed if not going that deep to install another line, and what the minimum is to pothole down. Idaho Code § 55-2207 (2) (a) states in part, "... An excavator shall: (a) Determine by hand digging, in the area twenty-four (24) inches or less from the facilities, the precise actual location of underground facilities which have been marked." Several board members expressed that Sawtooth was in compliance as it had gone two additional feet down from where they were installing its line; however, suggested to seek legal counsel for confirmation.

◆ **Approval of the July 15, 2021 Agenda and May 27, 2021 Meeting Minutes**

MOTION: Bob Chandler made a motion to approve the agenda as presented and minutes as written. Roy Ellis seconded. All in favor, motion carried.

◆ **Locating for Design--Idaho Code 55-2202(15), Marking; 55-220(XX), Definition Design Locate Request; and Idaho Code 55-2205A, Design Locate Request--Legislative Proposal from DPB Statutes and Rules Subcommittee**

The Subcommittee approved the revised proposal presented at today's meeting, where marks must indicate the name, initials or logo of the underground facility owner, and the width of the facility if greater than two inches. It was suggested there be a clause to exclude jurisdictions with only one utility company, i.e., water, gas, power from those requirements. Currently, a design locate is to be done within ten days of the one-number request. Another recommendation was to increase the days from ten to 20 for marks. The Subcommittee agreed the requester should be responsible to maintain the markings during the course of the design work.

Board Member Julie Maki recently attended a Utility Coordinating Council (UCC) meeting where there were concerns locating large areas can be a huge cost to utility and locating companies. With regard to predesigns, approximately 25 percent of the requesters only want maps. Another issue in the proposal is the verbiage "soft diggings", which is excavation and a two-day request. Board Member Maki recommended the proposal be provided to UCC groups for input. Board Member Sean Marsh agreed, stating the focus should be to allow a designer to locate without excavating. Subcommittee Chairman Scott Spears will return to the Subcommittee with the proposal for additional changes. Chairman Piper entertained a motion to table this topic until the September 2021 Board meeting.

MOTION: Bob Chandler made a motion to table the topic *Locating for Design--Idaho Code 55-2202(15), Marking; 55-220(XX), Definition Design Locate Request; and Idaho Code 55-2205A, Design Locate Request* until the September 23, 2021 Board meeting. Sean Marsh seconded. All in favor, motion carried.

◆ **Funding to Vladimir Jones for FY22 Education Campaign**

There is \$85,000 in Fiscal Year (FY) 2022 budget for training and education. The Board was asked to authorize the Training and Education Subcommittee spending authority of \$65,000, working closely with Vladimir Jones Advertising Agency on marketing education throughout the State of Idaho. When questioned, the Board has authority to spend the remaining \$20,000 within the fiscal year. Hearing no further comments, the Chairman entertained a motion.

MOTION: Julie Maki made a motion to authorize the Training and Education Subcommittee up to \$65,000; working with Vladimir Jones in FY2022. Roy Ellis seconded. All in favor, motion carried.

◆ **Provide a Waiver to Any Company that was Unable to Address a Complaint or Fine to the Board Due to COVID**

Due to the Corona virus, approximately March 2020 to January 2021, most Idaho businesses closed their doors to the public; however, employees worked from home. That being the case with Intermountain Gas, Public Awareness & Damage Prevention Coordinator Terry Harpt asked the Board to allow those companies that received complaints against them but did not meet the 30-day deadline during that timeframe be allowed appeal hearing(s) at the Board's September 2021 meeting.

Board Member Marsh questioned whether to let this issue take over the Board for the next six months or generate a notification and appearance policy. Vice-Chairman Chandler questioned if a letter should be sent to proposed violators, providing a date in which to file an appeal. Another uncertainty was if the Board or Division had the authority to change the rules without an emergency amendment.

Although the Division's office was closed to the public, except for licensing exams, the processes continued with employees working from home. As explained by Building Safety Program Supervisor Amy Kohler, the complaint procedures and timelines did not change during Covid.

Although a difficult year, the expectation was mail would continue to be opened, routed to the proper person, and then acted upon accordingly. Several board members did not feel it was rational to try and waive the statute. With no further discussion, Chairman Piper asked for a motion.

MOTION: Vaughn Rasmussen made a motion to deny the proposal for waivers. Roy Ellis seconded. All in favor, motion carried.

◆ **Election of Officers**

Jerry Piper is the current chairman, eligible to serve one more term, and Bob Chandler is vice-chairman.

MOTION: Julie Maki made a motion to retain the current chairman and vice-chairman for another one year term. Sean Marsh seconded. All in favor, motion carried.

◆ **Financial Update**

At the time of this meeting, Damage Prevention (DP) Program Specialist Bill Hale had not received the data to create the itemized financial report; however, will provide an update to the Board within the next couple of weeks.

◆ **Education and Training Subcommittee Update**

The Subcommittee has not met for a couple of months as it has been waiting for authorization from the Board on finances. A meeting will be scheduled with Vladimir Jones within the next couple of weeks to review billboard options, as well as additional education and training ideas.

◆ **Damage Prevention Training Report**

Dustin Bussmann was introduced as the new Office Specialist 2 for the Energy and Damage Prevention Programs.

In the packet under the topic *Financial Update*, was a FY2021 Financial Statement as of April 30, 2021. Not knowing what the graphs mean, Chairman Piper asked in the future the wording in the boxes be more legible.

Board Member Maki stated TDS Fiber will be bringing contractors into Idaho to install fiberoptics. DP Program Specialist Hale was asked if he had been in contact with the company to offer training to the out-of-state contractors on Idaho processes. At a recent UCC meeting, Mr. Hale provided his information to a Suez Water Representative for a list of the contractors. It was suggested he contact the utility company directly for the information, as well as contact call centers for information on current projects.

◆ **Statutes and Rules Review Subcommittee Update**

Emergency locates, and pre-markings will be addressed at the June 20, 2021 Subcommittee meeting. There is still the issue of high volume excavators; however, at this time, there is no timeframe for the topic to be brought back to the Subcommittee.

◆ **Compliance Report**

The Stats Report is generated from the Division’s current program TRAK-iT. It has been a challenge to get changes/corrections made to system as there is no support from the owners. It is the Division’s hope by the Board’s meeting in September the report will be more accurate.

◆ **Administration Report**

New Software System – A full-time project manager and business analysis have been hired by the Division of Occupational and Professional Licenses (DOPL) to create a new licensing/permitting software program. The “Request for Proposal” process has begun.

Remodel – The Coeur d’Alene office is being remodeled, to include the expansion of the conference room and additional offices.

DOPL Transition – With the melding of DBS into DOPL, it was questioned whether there was outdated printed materials. A memo is being drafted on the merger. Once everyone is notified, agency documents will be updated. Permits have been pulled for tenant improvements, and plan reviews have been completed. It is anticipated the Division will move to the Chinden Campus in early 2022.

◆ **Adjournment**

With no further questions or topics to discuss, Chairman Piper adjourned the meeting at 10:41 a.m.

JERRY PIPER, CHAIRMAN
DAMAGE PREVENTION BOARD

RON WHITNEY, ADMINISTRATION
DIVISION OF OCCUPATIONAL AND
PROFESSIONAL LICENSES

DATE

DATE

08/17/2021rb