

Nebraska State Board of Geologists
Board Meeting Agenda
October 29, 2009

215 Centennial Mall South, Fifth Floor, Large Conference Room, Lincoln, NE

CALL TO ORDER

The meeting was held at 215 Centennial Mall S, 5th Floor, Large Conference Room, Lincoln, NE. Chairperson Shroder called the meeting to order at 1:00pm and informed the public of the location of the Open Meeting Act.

Roll Call: John (Jack) Shroder, Dennis Anderson, Thomas Correll, David Svingen, Ralph Martin, Martha (Marty) Link, Emeritus Member Nan Lindsley-Griffin (non-voting) Absent: Andrew Grimm

Staff Present: Melinda Pearson, Executive Director (ED); Sandra Weaver, Administrator; Jon Wilbeck, Compliance Officer (CO); Jean Lais, Administrative Assistant (AA)

ED Pearson joined the meeting at 1:12pm

Public Comments/Appointments

1:00 p.m. DeMaris Johnson, The Johnson Group – Legislative Update (E.3.a)

1:30 p.m. Duane Eversoll, ASBOG Foundation (E.4.a)

Agenda Items

No corrections were made

A Consent Agenda

1 Meeting Minutes

a July 23, 2009 meeting minutes approved as submitted

Action: Motion by Anderson, second by Link to approve the July 23, 2009 meeting minutes as submitted.

Voting Yes: Correll, Anderson, Svingen, Martin, Shroder. Voting No: None. Abstain: Link.

Absent: Grimm.

2 a Organizational Practice – Certificate of Authorizations

Action: Motion by Anderson, second by Svingen to approve the consent agenda. Voting Yes: Correll,

Anderson, Svingen, Martin, Link, Shroder. Voting No: None. Absent: Grimm

ED Pearson left the meeting at 1:30pm

ED Pearson and Administrator Weaver joined the meeting at 1:50pm

B Financial Reports/Matters

1 Budget Status Report – July, August, September 2009

NIS reports provided for review

2 General Ledger by Business Unit – July 2009

MTD General Ledger Detail – August, September 2009

NIS reports provided for review

3 Fund Summary Report – July, August, September 2009

NIS reports provided for review

4 Financial Profile Report – July, August, September 2009

NIS reports provided for review

5 Fiscal Activity Report – FY 09/10

Trends in Licensure – FY 09/10

Database reports provided for review. The board requested the licensure history by year be added to the Trends in Licensure report

6 Other Financial Matters

a DAS Budget appropriation spending memo

An October 5 memo was received from the State Budget Administrator announcing that prior year and current year-to-date actual General Fund tax receipts are 93.2 million below projections used

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by the Legislature at the time appropriations were enacted for the 2009-2011 budget biennium. The trend is expected to continue. Agencies, boards and commissions were asked to prepare for possible reductions of current appropriation.

Governor's spending restraint memo

A memo was sent on behalf of Governor Dave Heineman asking agencies, boards and commissions to not fill existing or new vacant positions unless essential, incur travel costs not immediately required, lease or purchase additional space or capital equipment unless an emergency exists, or initiate programs, contracts or services requiring additional appropriations. Preparation should begin on plans for significant reduction in current state appropriations. ED Pearson reported attending an interagency meeting with Gerry Oligmueller from the Budget Division on October 29, 2009. The Governor will be giving his budget reduction recommendation on Monday or Tuesday of next week. A 5% reduction in budgets for the last half the fiscal year with a possible 10% reduction in fiscal year 2010-2011 is expected. A special legislative session has been called by the Governor to address the shortfall in revenue and budget reductions. Hearings with each agency will begin Thursday, November 5, 2009. Agencies are expected to have information on how they plan to reduce their budgets by the specified amount. The Board of Geologists hearing is scheduled for November 9, 2009 during the afternoon session. The Budget Division is reviewing cash funds with the possibility of using some of these funds to reduce the deficit. It is not clear whether the cuts will be required from the agency's appropriation or the actual budgeted amounts.

The Board discussed areas in which cuts could be made if the required amount came out of the actual budgeted dollars. A reduction of \$1000 will occur in other contractual services as DeMaris Johnson voluntarily resigned from her contract as of December 31, 2009. There is a savings of approximately \$600 in travel as only one delegate will be going to the ASBOG Annual Meeting in November. \$1100 can be cut from e-commerce

7 Contract Review and Approval for FY 09/10

a NBEA Allied Board Committee Cost Analysis Report and Summary

Copies of the letter from the Nebraska Board of Engineers and Architects (NBEA) Allied Board Committee, Cost Analysis Report and Summary covering the costs incurred by the NBEA over FY 08/09 to administer the Nebraska Board of Geologists (NEBOG) were provided for review. ED Pearson expressed that the NBEA Allied Board Committee Chair Sall wants to set up a meeting with the board or its representative before the November 20, 2009 NBEA board meeting. Options available to the board were discussed. 1.) Stay with the NBEA and raise the additional funds needed to cover the Memorandum of Understanding (MOU). 2.) Combine with another board or boards. 3.) Go to another agency and contract with them for administrative services (i.e., Land Surveyor's are under the Board Educational Lands and Funds) 4.) Go out on own and hire own staff.

The new MOU amount of \$33,000 is only 6% of the NBEA budget. This does not cover the salary and benefits of one administrative employee. Correll expressed concern as to whether the Nebraska State Board of Landscape Architects (NSBLA) was seeing the same increase in MOU costs as the NEBOG. ED Pearson indicated they were as shown on the Cost Analysis. Svigen expressed it would be invaluable to at least talk to the Committee as the Board would lose valuable staff knowledge if they moved to another agency or went out on our own. He did feel that the hourly rate was \$3-\$6 per hour too much and would suggest a weight average instead of a straight average hourly rate be used in the cost analysis since the majority of the work is performed at the Administrative Assistant position. Lindsley-Griffin suggested beginning the talks by thanking the NBEA for their efforts in helping the Board get established and acknowledge the value of the relationship that has been formed between the two boards in the past years. In the meantime, the board should look into other avenues in case negotiations do not work out with the

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NBEA. Correll suggested the Board look at where they need to be in regards to costs and use a weighted average hourly rate to save enough to make up the difference in the projected MOU cost.

Action: Motion by Anderson, second by Martin to appoint Svingen as the Board's representative on MOU discussions with the NBEA Allied Board Committee. Voting Yes: Correll, Anderson, Svingen, Martin, Link, Shroder. Voting No: None. Absent: Grimm

b Interagency Agreement with the Nebraska Records Board

Copy of signed Addendum One to the Interagency Agreement between the Board of Geologists and the Nebraska Records Board was provided for review. This allows the Board to move forward in offering online electronic license renewals and applications.

Action: Motion by Correll, second by Link to accept Addendum One of the Interagency Agreement with the Nebraska Records Board. Voting Yes: Correll, Anderson, Svingen, Martin, Link, Shroder. Voting No: None. Absent: Grimm

Action: Motion by Correll, second by Martin to accept other financial matters as presented and discussed. Voting Yes: Correll, Anderson, Svingen, Martin, Link, Shroder. Voting No: None. Absent: Grimm

C Applications

1 Application Overview Sheet with licensing requirements and checklist

Forms provided

Revised Application in compliance with LB 403

Board License Application Form provided

2 Licensure/Examination

a Applications for Licensure by Reciprocity

Approved: Jeremy J Reynolds, Amanda L Spencer. **Denied:** Gene R George; applicant has not been licensed continuously since December 31, 1991 which is the cutoff date for exception from taking the ASBOG exams. He will be required to take the ASBOG FG and PG exams to qualify for licensure in Nebraska.

b Applications for Licensure Reinstatement – None at this time

c Applications for Geologist-Intern by ASBOG FG Exam – None at this time

d Applications for Licensure by FG/PG ASBOG Exams – None at this time

e Applications for Licensure by PG ASBOG Exam

Approved: Stephen E Jacobson

3 Appeals - None at this time

Action: Motion by Anderson, second by Martin to accept recommendations on applications as discussed. Voting Yes: Correll, Anderson, Svingen, Martin, Link, Shroder. Voting No: None. Absent: Grimm.

Anderson left the meeting at 3:00pm

D Compliance Cases

1 Logs - None at this time

2 New Cases – None at this time

3 Pending Cases

a 09.01 Summary

The Board denied complainant's licensure application. He was grandfathered in Wyoming after the ASBOG exams were made available and after Nebraska's exception date. Complainant will need to hire a licensed Nebraska geologist until he has completed the licensure requirements and file for a Certification of Authorization for his company. CO Wilbeck will send a letter explaining the board's actions and instructions.

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- 4 **Case Recommendations** – *None at this time*
 - 5 **Compliance Issues** – *None at this time*
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E General Information/Committee Reports

1 Meeting Schedules/Rosters

a Board Meeting Schedule

2009-2010 Calendar provided for review – Next meeting is January 14, 2010.

b Roster of Board Members – N. Lindsley-Griffin Emeritus term expired in July 2009

c Certificates of Appointment for Board Members Ralph Martin and Martha Link

Copies of appointment letters and certificates for Ralph Martin and Martha Link showing their appointment by the Governor were provided for review.

2 Committee Reports

a Officers Report – *None at this time*

3 Legislative Update

a The Johnson Group – Legislative Update, DeMaris Johnson scheduled at 1:00 p.m.

DeMaris Johnson reported she had spoken with Jeanne Glenn with the Legislative Council in regards to the upcoming budget reduction requests. The budget committee is looking at cash funded agencies with respect to possibly taking some of those funds to help reduce the deficit. She encouraged the board to attend the scheduled agency hearing on November 9, 2009, to testify the importance of their cash fund. In anticipation of the forthcoming budget cuts, Johnson voluntarily offered her resignation as the Board's legislative aide effective December 31, 2009. She will continue to inform the board of any legislative issues that might affect the board and is willing to enter into a new contract in the future if the Board so wishes.

Chair Shroder raised the concern that if the cash fund is reduced, what the Board's position would be if a lawsuit is brought against the Board?

Johnson suggested if costs have gone up with respect to the MOU, it may be worth seeing if another location or agency could be found to move to. The Board could hire a part time administrator and possibly get space donated for meetings and storage. Lindsley-Griffin informed the Board that when the Board was at Conservation and Survey Division, the university was knowledgeable of university regulations, but not state law. The move to the NBEA was done to take advantage of the NBEA knowledge under Executive Director Nelson. NBEA subsidized the Board for the first several years and a lot of volunteer work went into setting up the agency. If the Board were to move back to UNL, we would give up that knowledge and would have to train new personnel. Link suggested the Abstractors Board of Examiners may be an agency to contact. They have a part time office in the same building as the Nebraska Department of Environmental Quality (NDEQ) and there are conference rooms at the NDEQ that may be available for meetings.

4 ASBOG

a ASBOG Foundation – Duane Eversoll scheduled at 1:30 p.m.

Duane Eversoll provided the Board with a brochure explaining the purpose of the ASBOG Foundation. Eversoll updated the Board on current issues affecting the geology industry. The California board is currently fighting a move by the governor to dissolve the board and merge it with the engineering board without board representation. The California Professional Geologists Association was formed to work in having this decision reversed. The deadline was October 23, 2009. There were to be injunctions filed on October 22, 2009 to stop the action of the governor. Several organizations sent letters of support including ASBOG and Association of Environmental and Engineering Geologists (AEG) among others. Other states are in jeopardy of the same action being taken against their geologist boards.

The Foundation is now a permanent part of ASBOG. The Foundation's history stems from the president of ASBOG being aware of the cost to become a member of ASBOG and set up the Foundation which is a non-profit organization through sponsorship. Sponsorships can be written off as a business expense, but not as a charitable donation. ASBOG gave the Foundation \$12.5

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thousand the first year and \$13.5 thousand the second year to begin an endowment fund. It is the intent of the Foundation to pay ASBOG back the full amount over time. The endowment will help send state representatives to the annual meetings and workshops in the future.

Chair Shroder asked if the Foundation is available for letters of support or any other support that may be needed in the future. Eversoll indicated the Board needs to ask. (As an example, The Foundation provided Florida with all necessary personnel and data required for a lawsuit in which the ASBOG exam was challenged).

Eversoll stated the boards would be asked to provide a link to the Foundation on their website at the annual ASBOG meeting in November. On the Foundation's website is a PowerPoint presentation outlining their purpose and goals. Eversoll also stated the financials will also be available as soon as they are approved at the annual meeting. The Foundation has been working on creating a strategic plan. The sixth draft is now ready for vote at the next Executive committee meeting.

5 Office/Staff – None at this time

F New Business

1 Governance Issues

a Board Actions

Board Action Summary provided

b Rules and Regulations – None at this time

c Statutes – None at this time

d Legislative Items

LB 403 – Verification of Lawful Presence

LB 403 will require all State of Nebraska agencies to verify the lawful presence of individuals applying for public benefits including professional licenses. The bill became operative October 1, 2009. ED Pearson is currently clarifying implications with DAS Risk Management.

LB 16 – Taxpayers Transparency Act Correspondence

Effective January 1, 2010, NebraskaSpending will include an online record of all payments made by State agencies, boards and commissions. Paul Carlson, State Accounting, and Amy Archuleta, NIS, are working with personnel within the State Treasurer's Office to provide requested information.

LB 167 – Mandatory Auto Deposit of Payroll and Expenses

LB 167 as approved by the Governor will make auto deposit of payroll and expense documents mandatory for all state employees by mid-September. Board members were encouraged to complete and submit the Direct Deposit Agreement.

2 Geologist Items

a ASBOG Annual Meeting, November 5-7, 2009 in Birmingham, AL

Dennis Anderson was appointed as the voting delegate at the ASBOG Annual Meeting.

Action: Motion by Svingen, second by Correll to appoint Anderson as the voting delegate at the ASBOG annual meeting November 5-7, 2009 in Birmingham, AL. Voting Yes: Correll, Svingen, Martin, Link, Shroder. Voting No: None. Absent: Grimm, Anderson.

b Emeritus Board Member expiration

The Board voted to renew Lindsley-Griffin as the Emeritus Board Member with a term expiration of July 22, 2010.

Action: Motion by Martin, second by Link to renew Nan Lindsley-Griffin as Emeritus Board Member for the term expiring July 22, 2010. Voting Yes: Correll, Svingen, Martin, Link, Shroder. Voting No: None. Absent: Grimm, Anderson.

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c **Equivalent and/or acceptable Geology degrees**

Discussion was held and it was determined there are too many different degrees and variations to list. No action was taken.

Adjournment: Motion by Svingen to adjourn the meeting at 3:28pm

Board Member Signature

Date