

Nebraska Board of Geologists
Board Meeting Minutes
April 22, 2020

Webex Conference

CALL TO ORDER

The meeting was held via Webex in accordance with the Governor's Executive Order 20-03. Chairperson Maher called the meeting to order at 1:00pm and noted the location of the link to the Open Meetings Act. Notice of the meeting was published in the Lincoln Journal Star on April 8, 2020, and on the Board's website in accordance to the Open Meetings Act.

Roll Call: Douglas Hallum, Charles Joyce, Martha Link, Harmon Maher, David Svingen; Absent: Andrew Grimm, Ralph Martin

Staff Present: Jean Lais, Administrative Assistant (AA); Sandra Weaver, Business Manager (BM)

ELECTION OF OFFICERS

Per Board Policy G-P13.01, Hallum will become Chairperson, Link will become Vice-Chairperson, Joyce was nominated as Secretary. The new officers will assume their duties at the end of this meeting.

Action

Motion by Svingen, second by Link to elect Hallum as Chairperson, Link as Vice-Chairperson, and Joyce as Secretary. Voting Yes: Hallum, Joyce, Link, Svingen, Maher; Voting No: None

PUBLIC COMMENT/APPOINTMENTS

A CONSENT AGENDA

January 29, 2020, Meeting Minutes

Action

Motion by Svingen, second by Hallum to approve the Consent Agenda as provided. Voting Yes: Hallum, Joyce, Link, Svingen, Maher; Voting No: None

B REPORTS

ASBOG

March Exam Registration Deferrals

Correspondence related to the March ASBOG exam cancellations and deferrals due to COVID-19 were provided for review.

ASBOG Call for Nominations

Correspondence from ASBOG requesting nominations for the office of Secretary on the 2021 Executive Committee was provided.

Office/Staff

AA Lais informed the members that BM Weaver has given verbal notice she will be retiring from her position with the Board of Engineers and Architects this summer. She originally planned to retire earlier, but due to COVID-19 issues has delayed the retirement date. The members would like to thank BM Weaver for her service to the Board. Vice-Chairperson Hallum will write a letter of recognition to be presented upon her retirement.

C OLD BUSINESS

ASBOG

In January, ASBOG announced they will begin allowing exam candidates to defer an exam registration one time if they are unable to sit for an exam they have registered for. The members had directed AA Lais to contact ASBOG with the following questions:

- Is the deferral for the next exam only or at the examinee's choice?
- What will be the request process?

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Correspondence related to the subject was included for review. ASBOG will be working on this process in the next couple of months and will send out to the Member Boards once finalized.

Other Old Business

At the August 2019 Strategic Planning meeting, the use of electronic signatures on license certificates and certificates of authorization was discussed. At that time, it was the decision of the Board not to use electronic signatures due to related conflicts of interest some of the members may have with individuals or organizations.

In light of the current crisis and issues related to COVID-19, staff requested the members re-visit the use of electronic signatures. The members agreed to allow electronic signatures on documents related to Board business as long as AA Lais notified the individual member/s by email indicating the type of document/s the signature will be applied prior to using the signature. Electronic signatures may be added to documents approved during board meetings without email notification.

D NEW BUSINESS

Strategic Plan

A copy of the current Strategic Plan was provided for review. Chairperson Maher requested the members to review the *Common Practice Areas and Cooperative Agreements* section to determine if it is still needed.

Svingen reviewed the Board's education requirements and *Core Course Equivalency Chart* to determine if the decision of many schools/universities to issue pass/fail results for the 2020 Spring Terms and the cancelation of Summer Field Camps would affect the Boards ability to accept the course as meeting its requirements. As the Board only requires a course to be passed and only five of the seven courses have to be completed. Field Camp is not specifically required. There is no issue with an applicant receiving a pass result with no letter grade.

Geologist Regulation Act Revisions

A copy of the notice of revisions sent out to all licensees via Mailchimp was provided for review. Copies of the responses received were also provided. The following were discussed:

- All gender related terms will be changed to neutral terms
- 81-3512 **Good Character** ...*Evidence of inability to discharge such duties includes the commission of an offense justifying discipline.* – discussion as to whether the last sentence should be deleted as it does not appear to be part of the definition, but an example of bad character. It was determined that it is not part of the definition and should be deleted. Any inability to discharge duties is covered under the Code of Practice in Chapter 4 of Title 171 NAC (Board Rules).
- 81-3530(1) & (2) The use of the term *direct supervision* – discussion as to whether *direct supervision* should be included. After discussion as to the whether leave the language with just *responsible charge* or to include *direct supervision*, Chairperson requested Svingen assist AA Lais in comparing the usage of both terms to other occurrences in the Act and to compare with the ASBOG Model Language. Further discussion will take place at the July 2020 meeting.
- 81-3527(4) Remove ...*per year*. This is a one-time fee and does not require yearly renewal.
- 81-3536(4) add ...*or places on probation...* and delete *cancel*s as this is the same by definition as revoking a license.
- 81-3737(1)(f) delete *cancellation*
- 81-3539(1)(b) ...*regardless of whether or not a geology or geologic specialty degree has been earned...* - discussion as to whether this phrase is needed if the reference to the Rules is

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kept. It was determined the phrase is not needed as it is not part of the minimum requirements and should be deleted.

- 81-3539 (all sections) add *acceptable* before *written references*...
- A definition for Certificate of Authorization is to be added.

Discussion was held as the next steps needed in order to get the revisions ready for introduction during the 2021 legislative session. AA Lais reminded the members, it would need to work closely with the Nebraska Geological Society (NGS) to find a sponsor and work with the senator through the process.

AA Lais will work on the revisions discussed and bring an updated draft to the July meeting. If approved, she will send them to the bill writers to get the draft prepared.

Legislative

LB381 – State Reimbursement Provision revisions – Effective January 1, 2021

A copy of LB381 was provided for review. This bill makes revisions to the State Reimbursement Provision and goes into effect on January 1, 2021. Revisions affect the reimbursement related to food expense and will change to a per diem instead of actual costs. The per diem rate is determined by the location at which the expense occurs as well as the day of travel on which the expense occurs. The State Accounting office is currently working on revisions to the State Travel Policies. Once received, they will be reviewed and revisions incorporated to the NEBOG Travel Policy for Board approval.

LB1187 – Occupational Board Reform Act revisions

A copy of LB1187 was provided for reference purposes only. This bill would have required boards and commissions issue licenses based on included criteria even if they applicant did not meet Nebraska's licensing requirements. This bill has not made it out of committee, therefore, will most likely become void at the end of the current session.

Other New Business

COVID-19 Declaration/Executive Orders

Copies of the Governor's declaration of state of emergency and related Executive Orders affecting the Board's operations were provided for review. Executive Order 20-02 bans all out of state travel until the state of emergency is rescinded. Executive Order 20-03 allows for videoconferencing or teleconferencing by boards and commission until May 31, 2020.

Governor's Business Portal

On January 29, 2020, Governor Ricketts announced the launching of a new "one stop shopping" resource available to business operators to find related requirements for doing business in Nebraska. Vice-Chairperson Hallum requested this item be put on the agenda for discussion as it relates to the requirement of geologic organizations to hold a certificate of authorization to practice or offer to practice geology in the State. The members requested AA Lais contact the Governor's office to see what would be required to have the Board's certificate of authorization requirement added to the site. She was authorized to move forward in having the requirement added.

Action

Motion by Hallum, second by Link to authorize AA Lais to work with the Governor's office to have the certificate of authorization requirement added to the site at her discretion. Voting Yes: Hallum, Joyce, Link, Svingen, Maher; Voting No: None

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E COMPLIANCE - None

F APPLICATIONS

Copies of the Core Course Equivalency Chart and Rationale were provided for review.

Administratively Approved

Certificates of Authorization

Approved: Ramboll US Corporation, VA – CA0105; Braun Intertec Corporation, MN – CA0106

Licensure/Examinations

Licensure by Experience Applications

Approved: Franky D Arnwine, KS

Action

Motion by Svingen, second by Link to approve the applications as reviewed and discussed. Voting Yes: Hallum, Joyce, Link, Svingen, Maher; Voting No: None

BM Weaver joined the meeting at 2:50pm

G FINANCIAL MATTERS

Financial Reports

Budget Status Report

MTD General Ledger Detail Report

Fund Summary Report

FY 2019-20 Financial Profile

BM Weaver reported that with over 75% of the fiscal year elapsed as of March 31st, 72% of appropriation have been expended and just over 89% of the projected revenue has been received. Lower expenditures are mainly due to no travel expenses for this board meeting and the cancellation of the ASBOG Spring COE Workshop due to COVID-19.

Total revenue received as of March 31, is approximately 86% of the fiscal year projection with a Cash Fund balance of \$73,218. The balance is a little over 3% less than same time last year. The decline is in line with the Board's desire to bring the Fund down to two times the operating costs as per Policy G-P08.01. BM Weaver provided a spreadsheet projecting the expenditures through the end of FY 2019-20. Approximately \$4,500 of unexpended appropriation was projected to be carried over into FY 2020-21.

Action

Motion by Svingen, second by Hallum to approve the financial reports as presented and discussed. Voting Yes: Hallum, Joyce, Link, Svingen, Maher; Voting No: None

Other Financial Matters

Administrative Services Contract with the Board of Engineers and Architects (NBEA)

Attachments A-D of the proposed FY 2020-21 contract were provided to the Board for review. The proposed new weighted hourly rate for FY 2020-21 is \$19,531. The proposed contract amount is \$19,463 or \$4,865.75 per quarter. This is a \$2,320 yearly increase from the previous contract. The increase in the contract fees is due to the projected costs of development and implementation of a new database pursued by the NBEA. The contract was approved by the NBEA on March 13, 2020.

Action

Motion by Link, second by Svingen to approve the Administrative Services Contract with the NBEA for FY 2020-21. Voting Yes: Hallum, Joyce, Link, Svingen, Maher; Voting No: None

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ASBOG Exam Proctor Contract with Stan Fehlhafer

A copy of the contract was provided for review. The contract provides for proctoring services for the ASBOG examinations during FY 2020-21 at a maximum fee of \$17.00 per hour and meals or related travel expenses as approved by the Board.

Action

Motion by Joyce, second by Svingen to approve the ASBOG Exam Proctor contract with Stan Fehlhafer. Voting Yes: Hallum, Joyce, Link, Svingen, Maher; Voting No: None

Review of Fee Schedule

The Board reviewed the fee schedule. It was determined no adjustments are needed at this time. No action taken.

Auditor of Public Accounts Audit Notice

Notification was received from the state's Auditor of Public Accounts it will be conducting an audit of the agency for the period of July 1, 2018 through December 31, 2019. Staff has begun providing requested documents. BM Weaver reported submitting answers to the questions on the Entrance Conference document.

H GENERAL INFORMATION

A schedule of upcoming meetings and events was provided for review. The next meeting is scheduled for July 8, 2020, at 215 Centennial Mall South, beginning at 1:00pm. Svingen has a conflict with the January 13, 2021 meeting due to the ASBOG Executive Committee meeting being scheduled at the same time. It was determined that January 20th would work the best at this time and will be rescheduled.

A roster of the Board members was provided.

Licensing and Certification Trends

Individuals and organizations authorized to practice in Nebraska as of April 16, 2020:

Professional Geologists: 289

Certificates of Authorization: 64

Temporary Permits: 1

Other information

The website dashboard reports showed the following number of total visits:

January: 223

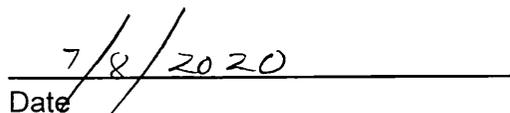
February: 200

March: 132

A copy of the approved Board Policies as of April 22, 2020 was provided for review.

ADJOURNMENT: Chairperson Maher adjourned the meeting at 3:17pm


Board Member


Date