

Nebraska Board of Engineers and Architects
Operational Planning Meeting Minutes – May 4, 2021
215 Centennial Mall South, 5th Floor Conference Room, Lincoln, NE, noon

CALL TO ORDER

The May 4, 2021, operational planning meeting of the Nebraska Board of Engineers and Architects was held in the 5th floor conference room, 215 Centennial Mall South, Lincoln, Nebraska. Chair Foley called the meeting to order at 12:08 p.m. and noted the location of the Open Meetings Act. Notice of the meeting was published in the Lincoln Journal Star in compliance with the Open Meetings Act.

Roll Call: Brett Foley, Chair; Daniel Thiele, Vice-Chair; Brian Kelly, Secretary; Jan Bostelman; Bruce Dvorak, Lenora Isom; Jason Suelter; Absent: Dave Johnson

Staff Present: Jon Wilbeck, Executive Director (ED); Amy Habe, Compliance Officer (CO); Jean Lais, Business Manager (BM); Mia Azizah, Public Information Officer (PIO); Gail Parris, Administrative Assistant (AA)

Legislative Liaison: Kaitlin Reece, Catalyst Public Affairs *entered the meeting at 1:18pm.*

Legislative Topics

Interior Design Regulation

A summary of the legislative actions taken on LB250 was provided along with copies of amendments AM418, AM414, AM417, and AM415. LB250 would create a voluntary registry of interior designers showing they had met certain, education, examination, and experience requirements. Amendment AM43 would add them to the Board of Engineers and Architects Board.

- AM418 – Removes the ability for registered interior designers to secure a seal and the ability to seal work.
- AM414 – Struck the language that the fee for interior designer registration may not exceed two hundred dollars.
- AM417 – Removes the ability of the Board to repay qualified educational debit owed by a registered interior designer.
- AM415 – Removes the ability of a registered interior designer to be a coordinating professional.

ED Wilbeck spoke with Marilyn Hansen with the interior designers to inquire whether they plan on doing any outreach over the interim and informed her the Board would be happy to be involved. Reece informed the members the bill could come up for debate without a priority designation in 2022, but in light of the all the amendments that have been introduced, would most likely face opposition from the floor.

Isom left the meeting at 2:40pm

PE Exam Direct Registration

ED Wilbeck provided a draft copy of statutory changes that would be needed to accommodate direct registration with NCEES for the PE Exam. This would eliminate the requirement that PE applicants apply to and receive approval prior to sitting for the PE Exam. As a result, applicants would register directly with NCEES when they are ready to sit for the exam. They would then apply for licensure once they have passed the exam and obtained the necessary experience.

ED Wilbeck reviewed the current PE Exam application approval process. Applicants have to submit an application to the Board (no application fee is charged) and provide verification of passing the FE and meeting the education requirement. The Board then must review and approve the applications at the next Board meeting.

Concern was raised regarding the time of the proposal. As the removal of the experience requirement just took effect in November, some stakeholders may be opposed to removing the application.

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Discussion was held as how to ease any hesitations. The Board established the following as a starting point when discussing the proposal with stakeholders:

- The current application process is to determine if the FE has been past and the education requirement met. (Making sure the boxes are checked.)
- The Board does not review any experience or references with the PE Exam application.
- The Board will review experience and require references when the individual applies for their initial license. (The former PE Exam application with the detailed experience section has been revised and is now used for the initial licensure application. The information is exactly the same with the addition of a line for the applicant to list their FE exam passage.)
- It would eliminate the waiting period from the time the application is completed, and the Board reviews it at the next meeting. Depending when the application is completed, this could be up to 6 or 8 weeks. This also eliminates the waiting time between when the application is submitted and when it is completed.
- Frees staff time to concentrate on other duties.

Allied Board Concept

ED Wilbeck has discussed the concept of an allied board with the State Board of Landscape Architects (NSBLA) and the Board of Geologists (NEBOG). Both are open to discussing the possibility and what a combined board may look like. Both boards raised concerns with the professions remaining relevant, the loss of autonomy, and representation on the board. Each chose two board members to represent them in any discussion that may occur. ED Wilbeck has reached out to the Board of Examiners for Land Surveyors and is awaiting a reply.

Discussion was held on how the board would work with the added professions. Many of the members are interested in learning how other combined boards conduct business such as application review and compliance. There was also concern raised that individual members may feel they are not able to contribute if they did not have any knowledge of a topic being discussed in the board meetings.

It was also pointed out that a larger board would require more time on the individual board member as they would most likely need to attend sub-committee meetings in addition to the regular board meetings. This would also create more work and staff time to prepare for the meetings.

NEBOG inquired if a larger combined board would have more influence over legislative issues. Reece mentioned that an argument could be made that if there was legislation to create a new board with a similar scope, that it would be more feasible to add them to the larger board than to create a new one.

This topic will be added as a charge to one of the committees formed for 2021-22.

Future Board Staffing

With the increase in compliance cases, ED Wilbeck requested the Board to consider adding a second compliance officer to assist with the workload. He provided an estimated cost of \$74,045 related to adding the position. This includes the salary, insurance, related technological, and phone charges.

Discussion was also held about hiring a second public information officer (PIO) instead of a compliance officer (CO). When CO Habe was asked how she would split the case load between her and a second compliance officer, she informed the members it would be easier if a second public information officer was hired and give that position the education and outreach she currently does instead of trying to split the case load.

It was determined staff would do more research and bring a proposal to a future board meeting. This may require submission of a budget deficit request to the Legislature later in October 2021 if the Board wants to hire for the position for FY2022-23.

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Farm Building Exemption

In light of recent compliance cases, the Board requested ED Wilbeck to research the background of the current statutes that describe the exemption for farm buildings (Neb. Rev. Stat. §§ 81-3449(2-3) and 81-5453(2-3)). Background information on the current statutes was provided along with language related to agricultural and farm building exemptions from Kansas, Iowa, South Dakota, Wyoming, Colorado, and Missouri. Special Assistant Attorney General Minahan provided some additional notes and his opinion on what will be required if the Board pursues revising the statutes.

Discussion was held on how to best proceed and the potential stakeholders that should be included in the revision discussion. The members were concerned with eliminating the abuse of skirting the requirement of having licensees involved on a non-exempt project due to the current vengeance of the statutes.

Reese suggested the Board look for a rural senator to introduce the bill and it would be prudent to include the agricultural producers and manufacturers in the discussion.

ED Wilbeck questioned Reece about legislative priorities for the 2022 session. She reported 12 senators are term limited next session and may focus on setting their legacy in the Legislature. They may concentrate on bills related to subjects they are passionate about and on which their campaigns were based. She named the following as potential priority issues:

- Property taxes and school funding are always priorities.
- Child welfare and foster care contracts changes.
- Interim studies related to a) the Department of Corrections and b) on gubernatorial appointments to boards and commissions [LR83], specifically looking at diversity and inclusion.

Reese reported the state currently has a General Cash fund surplus, mostly due to COVID-related federal funding. However, this will be coming to an end and there may be some economic and revenue related issues that will need to be addressed.

Reece suggested if the Board moves forward with a revision to the related statutes regarding farm buildings, the revision be introduced as a separate bill from any other revisions it may want to pursue during the 2022 legislative session. This will eliminate the possibility of the revision causing the other revisions from moving forward in the process and ultimately passing.

Other Topics

Outreach Activities in FY2021-22

Webinars

PIO Azizah and CO Habe have been developing a webinar geared toward the public and local jurisdiction officials defined as Target Audience 1 in the 2021-22 Marketing Plan. The webinar would be one hour in length with 45-50 minutes for the presentation and 10-15 minutes for moderated Q&A. The chat feature would be enabled to allow participants to communicate with the moderator and/or speaker.

Initial scheduling would be to hold the webinars quarterly. They would be recorded and posted to the Board's website and shared on social media. A follow up survey would be sent to participants to ensure they understand the content and gauge awareness of the E&A Act.

Details and example content of the webinars were provided. This can be used for presentations through the Board and through the professional societies. Dvorak suggested coming up with a condensed version, maybe around thirty minutes for groups and/or individuals that may be interested but not sure if the subject fully pertains to them. This could also be used as a compliance tool.

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Other topics that were suggested included:

- A webinar geared toward licensees that could be used for continuing education, such as ethics
- Quick short videos that answer FAQs
- A webinar covering the remediation process using licensees who have been involved in the process.

During the discussion CO Habe suggested the remediation rules could be revised to be clearer. It was determined that this could be a charge for one of the 2021-22 committees.

Social Media

The Board currently has accounts on Facebook, Instagram, and LinkedIn. As of April 2021, there are 361 Facebook followers, 70 Instagram followers, and 45 LinkedIn followers. In 2020 the Board's Facebook pages was the seventh highest traffic driver to the Board's website.

It is the 2021-22 goal to increase the public's awareness of the Board and the Act through consistent and strategic content, latest news, and updates; to increase social media engagement by 25%. Engagement is measured by the number of people liking posts, sharing, and engaging with the content posted; and to develop on of the social media channels as one of the top five traffic drivers to the Board's website.

The target audiences defined for social media engagement are the public and local jurisdiction officials; licensees; and students and recent graduates in architecture and engineering-accredited programs.

Two to three posts per week developed by the PIO to inform the public about updates, presentations, interactive content, and pertinent information on the E&A Act. The rule of thirds will be used with one-third of the content promoting awareness of the Board, the E&A Act, and available resources; one-third of the content sharing information, ideas, and stories from NCEES and NCARB; and one-third of the content of original contact to increase trust and bridge connections with the public.

Content ideas discussed included:

- Legislative Changes
- Board activities such as Board staff presentations and event participation
- Information on the E&A Act
- Renewal Reminders
- Newsletters
- New Licensee Ceremony at the Capitol
- Website Links
- Pictures of visual engagement
- Sharing of NCARB and NCEES social media content
- Board Member Spotlights – personal-interest content has historically garnered the highest engagement
- Tip Tuesdays – Information on the licensure process, requirements, FAQs, and Board resources
- Find This Building Friday – Highlighting the contributions of architects and professional engineers to the State – one proposal is to highlight historical buildings in Nebraska from June to July. Kelly mentioned the College of Architecture did research on historical buildings and may be willing to share some of the information.
- Throwback Thursday – Highlight historical Board information every Thursday in August in celebration of the Board's anniversary on August 6th
- Friday Fact – Content on various statutes and rules

Kelly also suggested looking into ways to visually engagement the different audiences such as sharing research, conceptual student drawings, etc. Dvorak will coordinate connecting PIO Azizah with some of the

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engineering faculty as they are always looking for additional avenues to showcase student work. Chair Foley suggest a *Show Us Your Curves* posting in which civil engineers could show unique road curves they have designed, ect.

FY2021-22 Marketing Plan

A copy of the proposed 2021-22 Marketing Plan was provided. The Plan is an integrated marketing and communication strategy of how the Board seeks to implement its missions. The Public Information Officers is responsible for tracking and recording activities and results on the Plan and provide a summary of activities at each of the Board's regular meetings.

The goals for 2021-22 have been identified as the following:

1. Raise awareness of the Nebraska Board of Engineers and Architects presence to general members of the public, local jurisdiction officials, and non-profit organizations through increasing engagement on the Board social media channels by 25% and to develop one of those channels as one of the top five traffic drivers to the Board's website and to submit articles published by organizations included in the 2021-22 marketing plan and in areas where trends of compliance cases are identified.
2. Expand collaboration among the public, jurisdiction officials, and non-profit organizations to increase understanding of the E&A Act through developing the Board first webinar geared toward the local jurisdiction officials and constituents residing in rural districts and areas with a high number of compliance cases.
3. Integrate the Board's marketing communication channels across all platforms, in-person presentations, website maintenance, public releases, and digital engagement through consistent and strategic content that adheres to the Board's missions to targeted audiences and increase the number of visitors and engagement on the Board's website by 2.5% by interactively integrating the Board's website information on social media and published articles.

Four audiences have been identified as target audiences in 2021-22:

- **Primary Audience:** General Public, Local Jurisdiction Officials, Building Officials, and Legislative Stakeholders – The aim is to increase the understanding of the Act, including when design professionals may be required, exemptions, and potential consequences of violating the E&A Act.
- **Secondary Audience:** Licensees and Professional Society Organizations – This will be accomplished through various communication channels to increase the licensees' understanding of their role in ensuring the public's health, safety, and welfare protection. This could include commonly seen mistakes in sealing plans, practicing within a licensee's scope, following the E&A Act, and legislative updates to the E&A Act and Rules.
- **Tertiary Audience:** Education Members (students studying in engineering and architecture-accredited programs) – This will be accomplished through collaboration with the University of Nebraska's College of Architecture, College of Engineering, and various student organizations. The aim is to inform aspiring architects and professional engineers on the licensing requirements, advantages of licensure, and the importance of the professions to the state.
- **Quaternary Audience:** State Agencies and State Senators – The aim is to accurately inform the public by working with other state agencies and officials across the state who share our mission to protect life, health, and property and promote public welfare.

Title Block Requirements

Discussion was held on the need to add title block requirements for organizations to assist in identification purposes. The issue arose from several recent compliance cases where a licensee had provided sealed drawings without identifying the organization they worked for. There was confusion as the drawings still bore

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the title block of the original submitting organization with no additional information on the organization under which the revised drawings were being submitted.

ED Wilbeck posted the question regarding of title block requirements on the NCEES Base Camp forum. He received responses from Florida, Illinois, Missouri, Iowa, New Jersey, Texas, and Virginia which were provided for review. CO Habe reported she has received several inquires over the last couple of months related to title block requirements. Members indicated that Minnesota, North Carolina, and Nevada also have title block requirements.

ED Wilbeck did not believe any statutory authority would be needed, but suggested the Board may want to contact the Attorney General's office for its input.

Thiele expressed his concern that the responsible organization should be identified somewhere on the drawings and/or plans. Suelter suggested the requirements be spelled out specifically such as size, placement, order, and information needed. He works with several states that the information is required, but there is no guidance or requirement as to where and how it should be listed.

Members requested that when stakeholders are contacted about the possible addition of the requirement, the reasoning needs to be clear and concise as to why the Board believes it is needed. ED Wilbeck added that the narrative needs to tie back to the Board's mission of safeguarding life, health, and property, and to promote public welfare.

It was determined this would be a charge of one of the 2021-22 committees.

Position on NCARB 2021 Motions / Elections

Resolution 2021-B: NCARB Certification Guidelines – Qualifications for Ed Alternative

This resolution clarifies that architects must be licensed for the last three (3) consecutive years in order to qualify for the Education Alternative option outlined in the guidelines, as well as that NCARB determines which degrees qualify for this option.

Resolution 2021-C: NCARB Certification Guidelines – Qualifications for Foreign Alternative

This resolution updates the Certification Requirements in the *NCARB Certification Guidelines* to address unintended impediments for foreign architects pursuing the foreign alternative path to certification that occur during the application and review process in some countries.

Resolution 2021-D: Sunset of Resolution 2000-1 (Opposition to Interior Design Licensing)

This sunsets a resolution from 2000 so that the Council can take a neutral position on interior design licensing.

Resolution 2021-E: Amendment and Restatement of the NCARB Legislative Guidelines and Model Law/Model Regulations

This is a result of the multi-year Model Law Task Force's work to revise the *NCARB Model Law and Regulations*. It reorganizes the document, makes it easier to use, and ensures it is consistent with the uniform programs, and national models for architectural licensure.

Resolution 2021-F: Omnibus Sunset of Resolutions in Conflict with Current Council Policies

This is the first part of a multi-year effort to review and sunset resolutions passed by the membership that no longer align to how NCARB operates today.

Resolution 2021-G: NCARB Bylaws Amendment – Director Term Limits

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This resolution reduces the term limits for directors on the NCARB Board of Directors from three years to two in the *NCARB Bylaws*. Isom reported that most of the regions are already following this practice and this would codify the practice.

Resolution 2021-H: NCARB Bylaws Amendment – NCARB Board of Directors Realignment

This resolution realigns positions on the NCARB Board of Directors in the *NCARB Bylaws* to remove the second vice-president position, merge the secretary and treasurer positions, and add two at-large director positions. In addition, it creates a nominating committee to vet and nominate candidates for the at-large director positions.

Isom reported it does not appear this resolution will be moving forward from the NCARB Board of Directors. There have been questions as to the purpose of the two at-large positions would be and would like to see a job description. She also reminded the members that anyone can run for these positions. They do not need to work their way up the “ladder” as someone running for an officer’s position would typically do.

Chair Foley said that even if the resolution does not move forward from the NCARB Board of Directors, there may be motions from the floor from boards in favor of the resolution so the members should discuss and determine what the Board’s position should be. After discussion, that while the members believe more work needs to be done on the subject, the Board would vote in favor of the resolution if brought forward or a motion was made from the floor at the meeting.

Resolution 2021-I: Member Board Dues Reduction

This resolution reduces the Member Board dues and updates the *NCARB Bylaws* to only require the membership to vote on future increases to the dues.

Motion by Isom, second by Kelly to direct the voting delegate to vote in favor of all the resolutions and re-evaluate if additional information becomes available and after discussion with the other attending Board delegates. Voting Yes: Thiele, Kelly, Bostelman, Dvorak, Isom, Suelter, Foley; Voting No: None; Absent: Johnson

Board FY21-22 Committees, Members, and Charges

The following committees were suggested. ED Wilbeck requested the members to contact Chair Foley if they had a preference to serving on a specific committee. The committee assignments will be finalized at the May 13, 2021, board meeting.

- Executive
- Rules Revisions (including drafting rules on title blocks and rewriting the remediation rules)
- Interior Design
- Legislative (with a charge of discussing the allied board concept)
- Farm Building Definition

Adjournment

Motion by Suelter, second by Bostelman to adjourn the meeting at 3:30 p.m.



Brian M. Kelly, Secretary