

LANDSCAPE CONTRACTORS BOARD
Minutes of the February 19, 2009
Board Meeting
Conference Call

Please note that the minutes will not be approved until the Board meets on March 20, 2009.

PRESENT

Board Members

Marty Gascoyne, Chair
Lisa Walter Sedlacek, Vice-Chair
Steven Carper
Richard Hollenbeck
Joe Lymp
Larry Thomas
Matthew Triplett

EXCUSED

None

Others

Joanna Tucker-Davis, Assistant
Attorney General

Staff

Mike Snyder, Administrator
Kim Gladwill-Rowley, Program Manager

1. PROCEDURAL

A. Call to Order

The meeting was called to order at 2:00 p.m. by the Chair.

B. Approval of Agenda and Order of Business

Board Action: Moved by Triplett and seconded to approve the agenda.
Vote: 6-0

C. Approval of Minutes

i. January 15, 2009

Board Action: Moved by Ms. Walter Sedlacek and seconded to approve the minutes of the January 15, 2009 Board meeting. Vote 6-0.

Suggestions to the minutes were made.

Board Action: Moved by Ms. Walter Sedlacek and seconded to accept the amendments made to January 15, 2009 minutes. Vote 6-0.

ii. January 16, 2009

Board Action: Moved by Mr. Carper and seconded to approve the minutes of the January 16, 2009 Board meeting. Vote 6-0.

Suggestions to the minutes were made.

Board Action: Moved by Mr. Lymp and seconded to accept the amendments made to January 16, 2009 minutes. Vote 6-0.

2. LEGISLATIVE UPDATE

Mr. Snyder reported at the last hearing of SB 147 the plumbers requested to be exempted from licensure with the LCB to install irrigation systems. A meeting was held with the plumbers union, OLCA and the LCB Chair and Administrator. It appears the request to allow plumbers to install irrigation systems was made due to the City of Eugene stopping a plumber from piping a water feature inside a building because he was not licensed with the LCB. This is inside a building and most landscape contracting businesses would not perform this type of work and the LCB statutes do not have jurisdiction

Plumbers felt they could not replace a sprinkler head. By law, this is true. The exemption is for those performing landscape maintenance. Plumbers do have an exemption to repair and maintain irrigation piping.

The group that met agreed that the landscape construction professional that is installing irrigation pipe and an irrigation system has the knowledge to do that at a greater depth than plumbers. Plumbers understand hydraulics and piping, but not hydro-zoning, plant culture, etc. Plumbers brought up the issue of who installs and under whose direction is that done when a landscape contracting business does this work. If there was a design or blue print drawn for the irrigation system, did the LCB think the plumbers could install that system? The consensus was that if it was professionally drawn, a plumber could install the system. Plumbers are now asking for an exemption for licensed journeyman plumbers who are an employee or owner of a licensed plumbing business to install an irrigation system pursuant to a written contract with a licensed landscape contracting business if it was done according to a plan provided by a licensed landscape architect or properly licensed landscape contracting business. It appeared OLCA was supporting this amendment. The draft amendment has not been released yet.

The board would like this amendment reviewed and approved by them prior to going before the legislative committee. A special meeting may have to be called.

3. DEFINITION OF IRRIGATION SYSTEMS

The board reviewed a proposed amendment to the definition of "Irrigation systems". Several amendments were suggested. Staff was directed to proceed with the rulemaking process.

4. SEARCH COMMITTEE UPDATE

The board reviewed a timeline for the hiring process of a replacement for the administrator by June 30, 2011. Mr. Snyder is working on a detailed listing of the skills and qualifications and the job description. The search committee will be established when the responsibilities are determined. Mr. Thomas hopes this will be prepared by the March 20, 2009 board meeting. He would like to have the committee in place by April to move forward with the details of the application and questions for the applicants. Mr. Thomas thanked Mr. Hollenbeck for his assistance in getting this process started. The replacement for the lead investigator, when the time comes, will be completed by the board administrator.

5. GUIDELINES COMMITTEE UPDATE

Mr. Lymp reported Ms. Walter Sedlacek has agreed to be a member of this committee to replace Mr. Triplett. The timeframe to post the revised guidelines on the LCB website is spring 2010 in order to receive comments from the industry. Due to liability issues the name "standards" were changed to "guidelines". Mr. Lymp prefers standards and inquired about the legal ramifications for liability. Ms. Tucker-Davis reported if they are required it is merely semantics. If they are put into place with the option to deviate, the LCB is just saying "we think these are good".

The committee will be reviewing the guidelines in order to incorporate them into contracts to provide a resolution for the direct supervision requirement and provide benchmarks for landscaping work. There are clients who do not want to go that far and LCB should not be imposing upon contractor or client the level of service to be provided so the guidelines are to be optional. Guidelines are the benchmark and the public understands that and has the ability to say "I don't want that" and know what it is they don't want. They are optional, but the landscape contracting business will be required to state how they are deviating from them.

Ms. Tucker-Davis stated as far as a liability issue, they need to be very clear what is required and make sure they are safe for consumers. If consumers deviate, that's their option. The committee will be submitting them to related industry organizations, such as the concrete people who have a set of standards for their product and have already defined a standard for using them. This standard will be used as a measurement.

This committee will work by e-mail with an occasional conference call. Face to face meetings will be kept to a minimum. The board discussed public meetings law and the chair of the Guidelines Committee and the Search Committee will work with Ms. Gladwill-Rowley to make sure these requirements are met.

6. OLD BUSINESS

A. Review of Mission Statement

At the January retreat, the mission statement was reviewed and the discussion was not completed. This will be reviewed again at the March 20, 2009 meeting.

B. New Board members

The board would like to see a new policy in place where a current board member mentors a new board member. These assignments will be made by the Board Chair as new board members are appointed.

C. Plan Issue

Mr. Triplett reported he met with the Board Chair for the Landscape Architect Board, John Galbraith and Whitworth regarding the issue of the word "plan". The Landscape Architect Board meets February 20, 2009 and will discuss putting together a small group made up of each of the boards and landscape designers

to be put into place to make a recommendation to each board regarding this issue. Mr. Triplett was assigned by the Board Chair to act as liaison for the LCB at these discussions.

D. Attorney General Investigation into Health Licensing Board

Board members asked Mr. Snyder about the Health Licensing Board that is being investigated. Mr. Snyder reported they are not a semi-independent agency, but he is not up to date on the issues.

7. NEW BUSINESS

A. E-Mail Received

Mr. Snyder reported he received a phone call from someone who tests backflows stating that the CCB has changed their licensing requirements and this affects her license for performing backflow tests. The CCB now have a residential contractor and a commercial contractor license. These are separate licenses and if you wish to perform work on both residential and commercial projects, you must have both licenses. The requirement for obtaining the backflow testers certification is to have a license with the LCB or CCB. The individual believes the change to the CCB licensing is a significant burden upon them to do testing under a CCB license and this person wants to become licensed with the LCB and wants to know where the LCB stands on allowing backflow testers to take the LCB examination. LCB has not recognized the experience of backflow testing as a qualification to sit for irrigation examination. Probationary license requires all sections of the exam, but the backflow testers only want to sit for irrigation and backflow and not take all sections. The board reviewed a listing of what this person has stated they do to qualify to take the examination to obtain an irrigation plus backflow license.

The Board discussed having these individuals under the LCB jurisdiction instead of the CCB. This would only require the tester to obtain the lower LCB bond for testing backflow assemblies inside buildings. The board does not believe the experience listed in the e-mail meets the qualifications for obtain the LCB license and do not want to amend the qualifications.

8. PUBLIC COMMENT

There was no one present who wished to speak.

9. ADJOURNMENT AND NEXT MEETING SCHEDULE

Moved by Mr. Lymp and seconded to adjourn the meeting.

The meeting adjourned at 3:44 p.m. The next meeting of the Landscape Contractors Board will be held March 20, 2009 in Salem.

Respectfully Submitted,

Kim Gladwill-Rowley
Program Manager