

LANDSCAPE CONTRACTORS BOARD
Minutes of the April 28, 2015
Board Meeting
Conference Call

PRESENT

Board Members

Molly Dunston, Chair
William Bumgardner, Vice Chair
John Gawlista
Larry Hoekman
Annie Lee
Loren Radford

Excused

Christine Hollenbeck

Guests

None

Staff

Shelley Sneed, Interim Administrator
Kim Gladwill-Rowley, Program Manager

1. CALL TO ORDER

The meeting was called to order at 3:00 pm by Ms. Dunston, Chair.

2. EMPLOYMENT/RECRUITMENT OF ADMINISTRATOR

A. Review of Applicants Interviewed

Chair Dunston closed the public meeting for an executive session at 3:03p.m.

Chair Dunston opened the public meeting at 3:22p.m. No decisions were made in executive session.

B. Board Announcement of a Final Candidate to Offer Administrator Position

Board Action: Moved by Mr. Bumgardner and seconded to offer Elizabeth Boxall, candidate #5, the position of Administrator of the Landscape Contractors Board. The offer is subject to her acceptance as well as passing background and reference checks. Once those checks are completed, the board will proceed to hire. Vote 6-0 (Hollenbeck absent).

C. Public Comment re: Finalist for Administrator position

No members of the public were present on the conference call. No comments were made.

**D. Board Vote on Final Candidate to Offer Administrator Position
(subject to acceptance and passing of background and reference check)**

Vote on above motion: 6-0 (Hollenbeck absent).Vote: 6-0.

The Board consensus is to negotiate a starting pay rate at step 5 up to 6. The start date will be negotiated with Ms. Boxall as she may need to give a two week notice. She will be offered the opportunity to attend an enforcement hearing on May 11th and the May 15th board meeting in Keizer. Ms. Sneed offered and the Board accepted for Ms. Sneed to attend the May 15, 2015 Board meeting and act as the Administrator so that Ms. Boxall can observe.

Mr. Thomas asked about the difficulties/unknown issues of having two administrators in the office. Ms. Sneed stated she will contact the Department of Justice for advice on this issue, but understands once Ms. Boxall's employment starts, Ms. Sneed no longer makes decisions nor can sign anything on behalf of the LCB. Ms. Sneed will plan to work with her a couple of days the first week and then determine with Ms. Boxall if further orientation/training is necessary to include Ms. Sneed.

The Board was reminded that once Ms. Boxall is hired, she is the Administrator and will have all the delegated authority of that position.

3. LEGISLATION

A. HB3304 – Hands-on, Practical Skills Test Requirement

The Board reviewed HB 3304 and its dash 4 amendments. This bill is being sponsored by Representatives Heard & Nearman. This bill has passed the House committee with a ~~Do~~ Pass+recommendation and has been referred to the Ways & Means Committee due to the large fiscal impact. This bill has changed completely from its original version. The original version eliminated the exam. The current version keeps the exam and adds a hands-on exam as an option for candidates and required the exam be translated into Spanish. There were no public comments made in opposition to this bill during the committee hearings.

Ms. Sneed and Ms. Gladwill-Rowley met with Representatives Heard & Greg Smith. Representative Smith is the chair of the Ways & Means subcommittee that will be hearing this bill next. Both representatives are serious about this bill and getting it passed. They reviewed the fiscal impact statement and both of them understood there is quite a bit unknown about the expenses, but requested more definitive expenses for a hands-on test and a possible increase of the fee to the individuals applying to take it to cover the expense. Representative Heard also stated he would still like any changes the LCB has to modify and strengthen the bill.

This bill and its movement were shocking to the Board members who were under the impression this bill did not have support. They wondered if this would be viewed as another barrier to entry into the industry. It is unknown the number of people who will take advantage of this type of exam. Mr. Radford stated he believes the biggest concern is the timeline. It is

scheduled to be effective May 1, 2016. The Board believes they need more time to create a hands on exam that would effectively measure an applicant's ability to meet or exceed industry standards. Ms. Sneed stated that she is going to ask for the May 1, 2016 date to be changed to September 1, 2016. This agency has some major changes this year with a change in Administrator. This exam and Administrator change are both huge undertakings and it will even be a challenge to meet a September 1, 2016 deadline.

The budget will need to be reviewed to include time for the Exam Committee to work on industry standards to use for testing, assessment of those standards, the benchmarks, what needs to be on the field to show their ability, where to hold the exams, etc.

Ms. Sneed reported that PLANET's CLT exam has a few sections that could translate for a partial phase license; however, Representative Heard intends for a hands-on exam to allow a candidate to obtain a full phase license. Both Rep. Smith and Heard agreed that the Backflow section of the exam should remain as a written test.

Mr. Radford stated he has a laundry list of concerns and is not sure how to address each of these. He does not believe there has been enough time for public input or discussion on how a hands-on exam would be created or the funding for the start up. Ms. Sneed told the board they could go to the Governor's Office and ask permission to oppose this bill, but she does not recommend that. This bill received unanimous support to move out of the committee. The meeting with Representative Smith was not ~~if~~ this happens, but ~~now~~ this is going to happen. He is only one person on the committee, but it is unclear if any other members are in opposition. Mr. Thomas reminded the Board that if the board requests permission to oppose this bill, they will be going against one of its own licensees (Representative Heard) who found his way into the legislature and has taken the LCB examination.

Ms. Sneed reported that there was a public hearing on this bill, but no one appeared to give testimony to oppose it. SOLA did submit written opposition. The board has the opportunity to request changes to this bill and Representative Heard stated he was willing to work with the language of this bill. Ms. Sneed is just not sure how much the LCB should ask for in the negotiation.

Mr. Gawlista suggested Representative Heard be on a special subcommittee to help develop the process for a hands-on exam. He is the person driving this bill and should be part of the process to make it work right.

Ms. Sneed reported that she asked about funding for this bill and will be researching that further. She believes the Board should ask for \$150,000 for

a one time allocation for start up. The Board consensus was that they agreed with this request and to ask for more time to start the exam. Ms. Sneed proposed a September 1, 2016 deadline for the hands-on testing and the Spanish translation.

The Board reviewed a draft memo from Ms. Sneed to Representatives Heard & Smith regarding several topics discussed at their meeting and an overview of some lingering questions about the bill. Co-Chair Smith stated he will not be moving this bill for at least a month, but will make it a priority at that time and he wants the fiscal impact amended and any amendments to the bill completed by then. Ms. Sneed's draft memo has been reviewed by legal counsel. Staff will update the memo with legal counsel's suggestions and forward to Board members for their input.

The Board discussed OLCA's Guidelines as a possible starting position for the standards required in this bill.

Ms. Sneed and staff will perform further research and update the fiscal impact statement as requested by Representative Smith. It will include a subcommittee to develop the testing.

B. SB 580 – Landscape Work Group Product

This bill has passed the Senate Committee with a ~~Do~~ Pass+recommendation and will be voted on tomorrow by the Senate Floor then sent over to the House side. There has been no opposition to this bill. Staff expects this bill to be heard on the House side in May.

4. PUBLIC COMMENT

5. ADJOURNMENT AND NEXT MEETING SCHEDULE

The meeting was adjourned at 4:05 pm. The next meeting of the Landscape Contractors Board will be May 4, 2015 by conference call.

Respectfully Submitted,

Kim Gladwill-Rowley
Program Manager