

**MINUTES**  
**STAKEHOLDER ADVISORY BOARD**  
MARIETTA, GA  
SEPTEMBER 15, 2004

Present were Stakeholder Advisory Board members Alice Champagne, Doug Easter, Jim Hamilton (Chair), JoAnn Macrina, James Magnus, Robert Ringer, Karim Shahlaee, Ben Thompson, Aaron Varner and Burns Wetherington. Mary Byrd, Gregory Teague and Connie Wiggins were not in attendance. Also present were Soil and Water Commission employees Michaelyn Rozar and John Carden. Interested parties in attendance included Todd Edwards (Association of County Commissioners of Georgia), Seth Yurman (Georgia Water and Pollution Control Association), Bettie Sleeth (Home Builders of Georgia), Scott Brumbelow (Georgia Utility Contractors Association), Lauren Beall (Council for Quality Growth), Raymond J. Wilke, (American Society of Civil Engineers) and Mark S. Woodall (Georgia Branch, Associated General Contractors).

Mr. Hamilton opened the meeting by welcoming board members and guests and recommended that the Board begin with the first agenda item.

#### Agenda Items

### **1. Rules of Engagement**

Mr. Hamilton introduced “proposed rules of engagement” as a guideline for how SAB meetings will be conducted. Mr. Hamilton emphasized how critical it is for the Board to stay on schedule and asked that visitor provide input at meeting only with the permission of the Board. The Board agreed to the “Rules of Engagement” and a copy will be attached to the minutes.

### **2. Review and approve September 1, 2004 Minutes**

On a motion by Dr. Shahlaee and seconded by Mr. Thompson, the minutes of the September 1, 2004 Stakeholder Advisory Board meeting were approved.

### **3. Review of Rules and Regulations (pages 7-12)**

#### Page 7 – Eligibility Requirements

Mr. Wetherington expressed concern regarding the requirement that those wishing to be exempt from attending the course must have attended a course within two years of the application date and recommended making the requirement three years or set a date of August 31, 2003. Dr. Shahlaee also suggested making changing the requirements to three years. The Board agreed that the requirement would be changed to three years.

Mr. Ringer asked if this would apply to people after the December 31, 2006 certification deadline and recommended that a time frame be specified with a "drop-dead" date. The Board discussed the option of setting a drop-dead date and from what date the three years would be counted. Ms. Champagne recommended a "Fact sheet" be available to explain the requirements and to convey that it was necessary to study for the exam if exempting from the courses. The Board again agreed that individuals must have attended an approved course within three years prior to the application date.

Dr. Shahlaee recommended editing the first paragraph under "Eligibility Requirements" by removing "(A) Application for" and beginning the sentence with the word "Certification." The Board agreed.

The Board agreed to discuss Paragraph 2 under "Eligibility Requirements" after discussing the key issue of experience.

Mr. Magnus asked for clarification about providing copies of certificates to prove that an individual has attended a previous course as DOT does not issue a standard certificate for certified Worksite Erosion Control Supervisors but instead sends a letter and "Green Card." The Board agreed that the "Green Card" would stand in lieu of a certificate.

#### Page 8- Application

Mr. Wetherington expressed concern about sending in applications 60 days ahead of time as these applications may end up being reviewed after a test is taken and added that individuals may not have 60 days of lead-time. Mr. Magnus also expressed concern over the 60-day requirement in terms of new hires that would be unable to work during that time. Dr. Shahlaee recommended that new hires would be receiving on-site training during that period. He also stated that applications would have to be reviewed before the test is taken as an individual might pass the exam without meeting the established criteria. Dr. Shahlaee also expressed that as long as there are experience requirements involved the Commission will need 60-days to review applications. The Board continued to discuss the 60-day review period. Members asked if third parties and other organizations would be reviewing applications. Mr. Easter expressed the need for the course and test to be offered in the same day. Dr. Shahlaee stated that the Commission would need to review applications to be consistent. Members discussed different options including letting third party instructors provide a packet of their participant's applications to be reviewed together. Mr. Hamilton asked if the Commission staff would be able to review applications during the 21-month period between March 1, 2005 and December 31, 2006. Dr. Shahlaee stated that it would depend on funding.

Mr. Hamilton recognized Bettie Sleeth (Home Builders of Georgia). Ms. Sleeth commented that requiring 60-days before taking the Level 1 course, experience

requirements and the number of certified personnel needed will shut the construction industry down. She recommended a 30-day review period.

Mr. Thompson asked what the application review would include. Dr. Shahlaee stated that the application would be reviewed and information contained on it may need to be verified. The Board discussed this issue with no agreement. Mr. Varner commented that the Commission has requested 60-days for the review and made a motion for the Board to move on to another topic. Ms. Champagne seconded.

Mr. Hamilton stated that there were there are three solutions. 1) Remove the "60-days" statement and replace it with "as prescribed on the application" 2)allow third parties to review applications, and 3)as described in the Rules as currently written- by the SWCC. At this time, the Board decided to proceed to the next topic.

#### Page 8-Application

3(A)(1) Mr. Magnus recommended that the application not include Social Security Numbers and the Board discussed other methods of identification including birth dates. The Board agreed to remove the Social Security Number reference.

3(A)(2) Board members expressed concern over the wording "any special arrangements" and suggested it be replaced with "reasonable accommodations." Mr. Thompson volunteered to draft language parallel to the Americans with Disabilities Act.

3(A)(3)&(4) Mr. Wetherington stated that these requirements are overly burdensome. Mr. Magnus agreed stating that some people would have 20-years worth of experience to document. Mr. Hamilton suggested changing "all work experience" to "relevant work experience." The Board agreed.

Mr. Wetherington and Mr. Magnus recommended that the statement requiring a notarized affidavit be removed. Dr. Shahlaee expressed reservations. Mr. Thompson stated that a notary only attests that the person signing the statement is who they say they are and does not mean the statement is true. Board members discussed including a signed certification statement in lieu of a notarized statement. Dr. Shahlaee agreed to review the issue and discuss it at a future time.

3(C) Mr. Wetherington asked why appeals would be coming to the Board and not to the Commission. The Board discussed the merits of the Board reviewing appeals. Mr. Ringer suggested, "Any applicant may appeal the review" be changed to "an applicant may appeal the review." The Board continued to discuss the liability of the Board reviewing applications.

Page 8-Examination

Dr. Shahlaee recommended minor grammatical corrections and the Board agreed.

4(D) Mr. Wetherington stated that the 70% requirement is fair but expressed concern over the first tests that would be administered. Board members expressed the need for a control group. Mr. Magnus stated that DOT's course uses 70% as a guideline and experiences a low failure rate.

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5. Discipline of Certified Personnel

Dr. Shahlaee suggested changing "Certified personnel" to "Qualified Personnel" and recommended that the subpoints be renumbered appropriately. The Board agreed.

Mr. Wetherington expressed concern in the Board being involved in disciplinary action and Dr. Shahlaee recommended the Board request a legal opinion on the issue.

Mr. Hamilton noted that design professionals including Professional Engineers and Registered Landscape Architects fall under licensing boards under Secretary of State Cox's office. Mr. Hamilton also stated that anyone might file a complaint if the certified person has not demonstrated reasonable care, judgment, etc.

6. No Liability

Mr. Wetherington requested that the Stakeholder Advisory Board be added to the "No Liability" clause.

The Board adjourned for a short break and after returning, Mr. Hamilton thanked Mark Woodall and Georgia Branch, Associated General Contractors for providing meeting space.

The Board continued to discuss the Rules and Regulations.

600-8-1-.05 Instructor Guidelines

Dr. Shahlaee recommended re-writing the eligibility requirements so that the language would match the statute.

The Board discussed whether specific degree fields should be required for the 4-year degree stipulation. Dr. Shahlaee recommended that Level 2 Trainers be required to have a 4-year degree in a related field and field experience. Ms. Macrina recommended that Trainers also have a professional license. Dr. Shahlaee stated that this would cause problems for agronomists.

## 2. Applications for Trainer/Instructor

Ms. Champagne asked how often a Trainer would need to be certified. Dr. Shahlaee suggested that trainer be re-trained after 3 years.

Mr. Hamilton reminded the Board that the current timeline would require Train-the-Trainer applications be submitted by the end of October.

Mr. Magnus recommended replacing the notarized affidavit requirement with a certified statement and Mr. Thompson will draft language consistent with the American with Disabilities Act to replace current language regarding special arrangements for individuals with a disability.

Mr. Wetherington recommended allowing some flexibility for the Commission regarding the 60-day application review period.

## 4.Revocation of Approval or Discipline of Trainer/Instructor Status

Mr. Wetherington asked why the Commission would need to be notified 30-days in advance of courses offered by third parties. Dr. Shahlaee stated that this would allow time for the information to be posted on the website or any other necessary arrangement be made.

Several Board members expressed the need to make the process user friendly and flexibility. Mr. Easter again commented that the class and test must be offered in the same day and certified trainer should be trusted to administer an exam. Mr. Wetherington asked for flexibility for the Level I Fundamentals training expressing that the construction industry needs to be given an incentive to comply.

Ms. Macrina commented that proctoring of exams is an important issue about who might be allowed to proctor is up for discussion. The Board discussed having proctor exams as opposed to certified instructors administering the exam.

Mr. Hamilton requested that Mr. David Bennett (Executive Director, State Soil and Water Conservation Commission) be present at the next meeting to discuss testing.

The Board also discussed the need for oral exams and offering training in Spanish.

## 4. Review of Key Issues

Mr. Hamilton reviewed the list of key issues with the Board.

The Board began discussing Key Issue #1-Testing. Mr. Easter stated that people need to be able to find answers and advocated an open book test. Dr. Shahlaee suggested he is method of testing if the Board so decided. The Board continued discussing testing.

Mr. Varner stated that agreeing on the Key Issues depends on whether one person will need to be certified on-site or if everyone will need to be certified. Dr. Shahlaee recommended the Board request an opinion from the Attorney General's office. Ms. Champagne stated that would take time and commented that it was the intent of the statue to have more people trained on-site.

Mr. Hamilton recognized Ms. Sleeth who commented that if the Rules do not include a requirement involving experience for Level I Fundamentals Course participants more people would be certified.

The Board agreed to meet again on September 21<sup>st</sup> from 10:00am – 1:00pm. The meeting will be held in AGC's Board Room and on October 1<sup>st</sup> from 9:00am – 12 Noon. The location will be decided at the next meeting.

The Board adjourned.

Submitted by

Michaelyn Rozar