

MINUTES
STAKEHOLDER ADVISORY BOARD
MARIETTA, GA
SEPTEMBER 21, 2004

Present were Stakeholder Advisory Board members Alice Champagne, Jim Hamilton, JoAnn Macrina, James Magnus, Robert Ringer, Karim Shahlaee, and Burns Wetherington. Connie Wiggins, Ben Thompson, Mark Byrd, Doug Easter, Greg Teague, and Aaron Varner were unable to attend. Also present were Soil and Water Commission employees David Bennett and John Carden. Interested parties in attendance included Scott Brumbelow (Georgia Utility Contractors Association), Vikki McReynolds (Georgia Utility Contractors Association), Bettie Sleeth (Home Builders Association of Georgia), Seth Yurman (Georgia Water and Pollution Control Association), Todd Edwards (Association of County Commissioners GA) and Mark Woodall (AGC Georgia Branch).

Although a quorum was not present at the meeting's outset, Mr. Hamilton suggested that the present members discuss the agenda items.

Agenda Items

Meeting on Oct. 1st (place/time)

The present members decided to meet on October 1st from 12:00 to 3:00 pm at Georgia Power, October 13th from 1:00 -4:00 pm at DOT – Forest Park, and October 27th from 1:00 to 4:00 pm at the Georgia Engineering Center.

Minutes from Sept. 15th meeting

Mr. Hamilton then opened discussions on the minutes from the September 15th meeting. Dr. Shahlaee noted that Doug Easter should be added to the present members list and Mark Byrd should be added to the absent members list on page 1. Dr. Shahlaee also noted that on page 6, he did not strongly disagree with those who thought the test should be open book and is open to discussions about testing. Mr. Hamilton stated that he would draft a statement to clarify his comments on page 4, paragraph 6.

SAB Liability

Mr. Bennett remarked that a mistake was made in the original drafting of the rules on page 12, item 4B. He commented that the Law gives all certification revocation power to the Commission, therefore "Stakeholder Advisory Board" needed to be removed from this item. Ms. Champagne asked if this finding excluded the SAB from handling applications. The members present agreed that it does. Dr. Shahlaee brought up another instance of this mistake in the rules on

page 11. Mr. Wetherington asked if the SAB could engage in an informal fact finding query like the Rules suggest. Mr. Bennett answered that this is not allowed in the statute. On a suggestion by Mr. Bennett, the members present agreed to let the Commission edit the Rules and remove all instances of this mistake before discussing it any further.

Definition of “all persons...”

Mr. Bennett called the attention of the SAB to the section regarding “all persons” on page 27 of the Act. Mr. Bennett suggests that the Act is very unambiguous. Mr. Bennett brought up the fact that the Commission will not be on sites checking for certifications, rather EPD and local issuing authorities will.

Ms. Champagne mentioned that she recently spoke to Mr. Woody Snell about the intent of the Law. Mr. Snell gave Ms. Champagne a letter that contained the final recommendations for House Bill 285. She noted that overall, the Act mirrors the recommendations in Mr. Snell’s letter. She also observed that the chart which has been used in previous meetings to indicate who takes which course originated in the letter from Mr. Snell.

Mr. Bennett then pointed out that the phrase “dependent on their level of involvement” gave the SAB and Commission flexibility regarding who takes which class and a legal opinion on the Law should only be sought out after meeting with EPD.

At this time, JoAnn Macrina arrived to form a quorum.

Mr. Magnus suggested adding the term “operator” to the chart. Ms. Champagne made a suggestion to make the chart into a fact sheet so that each person knows which course he or she has to take. An audience member, Ms. Vikki McReynolds expressed concern over using the term “operator” on a fact sheet because people may think that it covers backhoe operators, etc. Mr. Magnus explained that the term “operator” refers to the person who has day to day control of the site. Again, Mr. Bennett stressed that the Board needs to meet with EPD before it gets caught up in language. Mr. Hamilton agreed and suggested that the Board draft a frequently asked questions (FAQ) document. The Board agreed to do so.

Proctoring of tests

Mr. Hamilton asked Mr. Bennett to start the discussion on proctoring of tests. Mr. Bennett began by saying that the Commission wants to proctor every test to ensure fairness. Mr. Bennett continues by saying that he is open to suggestions from the SAB, but he does not want anyone with a financial interest in the test

results to have an impact on the test. Ms. Macrina stated that she agreed with everything Mr. Bennett said.

Mr. Wetherington asked how proctoring would be accomplished without placing a huge burden on the construction industry. Mr. Bennett presented the idea of the Commission having certified proctors. These proctors would not have to be Commission employees, but they cannot have a financial interest in the test results. Ms. McReynolds stated that it would be a logistical nightmare to secure a proctor for every course. She gave the example of OSHA testing procedures and noted that they do not use proctors. Mr. Wetherington and Mr. Magnus agreed with Ms. McReynolds that scheduling proctors for every test would be very difficult. Ms. McReynolds continued by saying that too many restrictions were being placed on a program that was intended for educational purposes. Ms. Macrina replied by saying that the program is also a certification program.

Ms. McReynolds then expressed concern over putting construction companies out of business because of the difficulty getting people certified. Ms. Champagne reminded her that courses would be offered all over the state on a regular basis. Mr. Bennett reassured Ms. McReynolds that the Commission was not interested in putting anyone out of business and the goal is to get everyone certified by December 31, 2006. Mr. Hamilton suggested that each member of the SAB should draft a document showing how he or she thinks proctoring will work. Mr. Wetherington suggested the proposal should include the whole education and testing process, not just proctoring. He also said the proposal should be course specific. For example, the fundamentals course could be implemented differently than the other courses. Mr. Ringer asked if open or closed book tests would affect proctoring. Mr. Bennett replied that the main concern is fairness. Mr. Ringer suggests random checks to satisfy proctoring. The Board agreed to have a proposal ready for the next meeting on October 1st and have a vote on the process on October 13th.

Mr. Todd Edwards (ACCG) informed the Board of some comments that Mr. Aaron Varner had given him. Mr. Varner said he has no problems with proctoring as long as all concerns regarding availability of tests are covered. He would also like to be present at the EPD meeting where the phrase "all persons" will be discussed.

At this time, the Board took a 5 minute break.

Applications to SWCC – Management/Timeline

Mr. Wetherington proposed that a 60-day application processing period is fine for someone that only wants to take the test, but it is too much for those taking the course and the test. Mr. Bennett responded by saying that the Commission has

no problem if anyone wants to take the Fundamentals course, but the Commission needs time to process applications for other classes.

Ms. Champagne asked if it was possible for trainers to help review applications to take some burden off of the Commission. Ms. Macrina then suggested that for level 1B courses, trainers collect applications and send them to the Commission. Mr. Bennett said that he like the idea of training the instructors to gather applications, but the Commission still needs to stick to a timeline.

At this time Mr. Wetherington needed to leave; on a motion by Dr. Shahlaee and a second by Mr. Wetherington, the minutes from the September 15 meeting were approved.

Although a quorum was no longer present, the present members decided to continue discussing the agenda items.

Mr. Hamilton expressed concern over scheduling a class that has vacancies inside of the 60 day application processing period, but having to turn applicants away for the sole reason of not having an application in on time. Again, Mr. Bennett stressed the importance of adhering to a timeline.

Experience Requirements

Mr. Bennett opened by saying that the Commission and the SAB must follow the law regarding experience. Mr. Magnus pointed out that nothing in the law mentions experience, only the rules. Mr. Bennett then said that the SAB can take out all experience requirements if they so desire, but he would not recommend it. Mr. Hamilton mentioned that it would take burden off of the Commission if the experience requirements were less stringent.

Ms. Macrina asked if there was a difference between a plan reviewer and design professional in relation to the Introduction to Design Seminar. Dr. Shahlaee answered by saying that an individual must have a professional license to be a design professional, but by completing the Level 2 class, an individual is considered a plan reviewer. Ms. Macrina also commented that some people may want to take the class purely as an educational experience even if they aren't certified at the end. Mr. Bennett expressed concern about overcrowding classes with students that are only taking the class for educational purposes and not reaching those who are required by law to take the class.

Ms. Macrina then suggested having two certifications for Level 2, one for plan reviewers and one for design professionals. Ms. Champagne responded by saying that there is no need for two certifications because the material is the same. Mr. Hamilton then moved onto the next topic.

Rules Process

Mr. Hamilton asks Mr. Bennett to explain the Rules approval process. Mr. Bennett said that after the Rules have been drafted by the SAB, he will take the Rules to the Commission's monthly meeting. The Commission will review the Rules and then make them available for public comment. The Commission will take into consideration the public's comments and either make changes according to the comments or approve the Rules as they are.

Mr. Hamilton committed to Mr. Bennett that the SAB will finish the final draft of the Rules by October 13th. There being no further business, the Board adjourned.

Submitted by

John Carden