

Meeting Minutes

CALIFORNIA ARCHITECTS BOARD Landscape Architects Technical Committee

August 6, 2015
Sacramento, California

Landscape Architects Technical Committee (LATC) Members Present

David Allan Taylor, Jr., Chair
Andrew Bowden
Patricia Trauth

Staff Present

Doug McCauley, Executive Officer
Trish Rodriguez, Program Manager
Rebecca Bon, Legal Counsel, Department of Consumer Affairs (DCA)
Richie Barnard, Special Projects Analyst
Hattie Johnson, Retired Annuitant
Matthew McKinney, Enforcement Officer
Kourtney Nation, Examination Coordinator

Guests Present

Amy Cox-O'Farrell, Chief Information Officer, DCA Information Services
Michelle Stout, Analyst, DCA Executive Office

A. Call to Order – Roll Call – Establishment of a Quorum

LATC Chair David Taylor called the meeting to order at approximately 10:43 a.m. and called roll. Three members of LATC were present, thus a quorum was established.

B. Chair's Remarks and LATC Member Comments

No remarks or comments were made.

C. Review and Approve May 13, 2015, LATC Meeting "Summary Report" Minutes

- **Andrew Bowden moved to approve the May 13, 2015, LATC Meeting "Summary Report" Minutes.**

Patricia Trauth seconded the motion.

Members Trauth, Bowden, and Chair Taylor voted in favor of the motion. The motion passed 3-0.

D. Public Comment for Items Not on Agenda

There was one public comment email received from Julie Saare-Edmonds, Senior Environmental Scientist with the Department of Water Resources (DWR), regarding updates to the Model Water Efficient Landscape Ordinance (MWELo). Ms. Saare-Edmonds requested feedback on additional content to include in upcoming guidebooks and workshops being developed by DWR for local agencies and landscape professionals. She inquired on what needs to be further communicated or explained, what part of the MWELo language or intent is unclear, and how the DWR can better explain water budgets. The Committee agreed to discuss the public comments related to this matter under Agenda Item L.

E. Program Manager's Report

Trish Rodriguez presented the Program Manager's Report. She informed the Committee that staff continues to use the workaround system (WAS) to track candidate records until "BreEZe" is implemented. She informed the Committee that a DCA representative would be presenting an update on BreEZe under Agenda Item F.

Ms. Rodriguez updated the Committee on the Board's June 5, 2015 meeting. She noted that she presented the draft LATC 2015-2016 Strategic Plan at the meeting, and the Board approved the plan. She also reported the new Governor's appointment of Ms. Trauth to LATC, whose term expires June 1, 2018, and the reappointment of Mr. Bowden, whose term expires June 1, 2019.

Ms. Rodriguez noted that staff continues to work on the extension certificate review procedures. She indicated that LATC is currently expecting the updated Landscape Architectural Accreditation Board (LAAB) curriculum requirements to be released by the fall of 2015. She reported that staff will continue to assess the standards and procedures following the release of the updated LAAB curriculum requirements.

Ms. Rodriguez announced that CCR section 2649 (Fees) regulatory changes were implemented on July 1, 2015. She stated that the regulatory change reduced license renewal fees from \$400 to \$220 for one renewal cycle. She also noted that system changes were applied to allow staff to process the reduced fees and updated notices to be mailed to licensees. Ms. Trauth asked about the temporary status of the reduction. Ms. Rodriguez explained that the temporary fee reduction was implemented in order to avoid exceeding maximum allowable budget reserves, and staff will reassess the condition of the budget in 2016 to determine whether to extend the reduction.

Ms. Rodriguez continued and updated the Committee on an objective in the Strategic Plan regarding reciprocity requirements. She indicated that staff, at the February LATC meeting, was directed to obtain samples of reciprocity regulatory language from Arizona and New York. She stated that this objective will be included on the agenda at the next LATC meeting.

Ms. Rodriguez reported that work on the California Supplemental Examination (CSE) development was concluded in June 2015. She added that staff will be drafting a new Intra-

Agency Contract with the Office of Professional Examination Services (OPES) for ongoing examination development, which will be provided to the Committee for approval at the next meeting.

Ms. Rodriguez stated that staff continues mailing customer satisfaction surveys to complainants when a complaint is closed. She also indicated that staff has continued to work on revising *LATC Disciplinary Guidelines*, and noted that a proposed regulatory amendment will be presented later in the meeting under Agenda Item H.3.

Doug McCauley clarified that the legislative report from the California Chapter of American Society of Landscape Architects (ASLA) is included in the Program Manager's Report (Attachment E.2) as an informational item and in no way suggests LATC would take similar positions on bills. Mr. McCauley added that, per the Landscape Architects Practice Act, it is the Board, not LATC, that has authority to give final approval for anything regarding disciplinary or regulatory/legislative proposals.

F. Update on BreEZe Enterprise System by Department of Consumer Affairs

Amy Cox-O'Farrell presented an update on the BreEZe Enterprise System. She explained that BreEZe was originally planned to be deployed department-wide via three separate releases. She noted that the first release went live on October 8, 2013. She reported that over \$200 million in revenue has been collected through BreEZe, with over 150,000 transactions. She stated that there have been multiple issues and challenges with the first release, which has continued through the second release. She added that these issues ultimately led to the termination of the contract with the vendor. She noted that a cost-benefit analysis will be performed in the last part of 2016 to determine whether to move forward with the implementation of BreEZe to the remaining 19 boards and bureaus. Mr. Bowden asked when LATC could expect to be on BreEZe. Ms. Cox-O'Farrell indicated that nothing will be definitive until after the cost-benefit analysis is performed.

G. Election of LATC Officers

Mr. Taylor nominated Mr. Bowden for Chair of LATC. Mr. Bowden nominated Mr. Taylor for Vice-Chair of LATC.

- **Patricia Trauth moved to approve Mr. Bowden as LATC Chair and Mr. Taylor as LATC Vice-Chair.**

Andrew Bowden seconded the motion.

Members Trauth, Bowden, and Chair Taylor voted in favor of the motion. Motion passed 3-0.

Mr. Bowden assumed Chair duties and Mr. Taylor assumed Vice-Chair duties at 10:07 a.m.

H. Enforcement

Matthew McKinney presented an update on LATC Enforcement Program. He noted that during its 2012-2013 Strategic Planning session, LATC appointed an Exceptions and Exemptions Task Force charged with determining how LATC can ensure clarity on Business and Professions Code section (BPC) 5641 (Chapter Exceptions, Exemptions), and ensure that these provisions protect the public. He stated that on July 23, 2013 the Task Force approved a motion declaring BPC 5641 sufficiently clear.

Mr. McKinney noted that the Task Force also approved a motion recommending that LATC consider providing further interpretation and specificity regarding the terminology used in BPC 5641. He reported that at its August 20, 2013 meeting, LATC directed staff to 1) maintain a record of any interpretations used for the terminology of BPC 5641; 2) identify any problematic areas; and 3) provide a summary of any interpretations of BPC 5641 made during investigation and review of enforcement cases. He stated that since staff received that directive there have been 41 complaints pertaining to unlicensed practice and none have had issues regarding terminology or interpretations of BPC 5641.

Mr. Bowden asked if there have been any questions regarding the phrase “tangible objects” within BPC 5641. Mr. McKinney reported that he has not encountered any instances of anyone questioning that terminology.

Ms. Trauth asked if the complaint statistics combine licensed and unlicensed complaints and if the statistics include complaints pertaining to other boards and bureaus. Mr. McKinney explained that the statistics combine licensed and unlicensed complaints, and complaints that do not pertain directly to LATC are referred to the appropriate board or bureau. Mr. McCauley added that staff will work on differentiating the numbers for licensed and unlicensed complaints, and that this disparity is not unique to LATC. He noted that other boards and bureaus face similar challenges when presenting data, and that some complaints involve multiple licensed professionals that may include landscape architects. Mr. McCauley indicated that there is a need for LATC to collaborate with other boards and bureaus to better track statistics.

Ms. Rodriguez presented an update on the revised *Disciplinary Guidelines*. She stated that the revision was approved at LATC’s February 10, 2015 meeting. She reported that following the approval, and upon the appointment of a new Deputy Attorney General (DAG) Liaison, staff requested that he review the *Guidelines* for any additional recommendations. She noted that Attachment H.3.1 is the draft of the *Guidelines*, which shows all of the tracked changes previously approved by LATC at its February 10, 2015 meeting and the revisions suggested by the new DAG highlighted in yellow.

Ms. Rodriguez added that there is also a regulatory change needed to CCR section 2680 (Disciplinary Guidelines) as this section incorporates by reference the latest edition of the *Guidelines*. She indicated that a draft of the Proposed Regulatory Language to amend CCR section 2680, the Notice of Proposed Changes in the Regulations, and the Initial Statement of Reasons are attached under Agenda Item H as H.3.2, H.3.3, and H.3.4 respectively. She stated that LATC is asked to discuss and consider approval of the recommended revisions to the *Guidelines* and authorize staff to proceed with a regulatory change proposal to amend CCR section 2680 to incorporate by reference the revised edition of the *Guidelines*.

- **David Taylor moved to approve the proposed amendment to CCR section 2680. Patricia Trauth seconded the motion.**

Ms. Rodriguez asked Ms. Bon if the Committee should include language in the motion to delegate authority to the Executive Officer (EO) to adopt the regulation and make minor technical or non-substantive changes, if needed. Ms. Bon advised that the Committee could delegate authority to the EO to make non-substantive changes, if needed.

David Taylor amended his motion to approve the proposed regulations to amend CCR section 2680 and delegate authority to the Executive Officer (EO) to make minor technical or non-substantive changes, if needed.

Patricia Trauth seconded the amended motion.

Members Trauth, Bowden, and Chair Taylor voted in favor of the motion. The motion passed 3-0.

I. Review and Consider Request for Re-licensure

Mr. Taylor addressed the Committee regarding the request from Joshua Nash for re-licensure without examination. He explained that Mr. Nash was first licensed in October 2001 and maintained licensure for ten years until it expired in March 2011. Mr. Taylor noted he and former LATC member Nicki Johnson reviewed the request for re-licensure, and upon review of the work samples and supporting materials determined Mr. Nash should be required to take and pass LARE section 1 (Project and Construction Management) and the CSE to qualify for re-licensure.

- **David Taylor moved to deny Joshua Nash's request for re-licensure without examination; however, LATC waives the requirement for Mr. Nash to take LARE sections 2, 3, and 4, and he must pass LARE section 1 (Project and Construction Management) and the CSE in order to qualify for re-licensure.**

Patricia Trauth seconded the motion.

Members Trauth, Bowden, and Chair Taylor voted in favor of the motion. The motion passed 3-0.

Mr. Taylor directed staff to assess whether the Board's procedures for reviewing a request for re-licensure after expiration of licensure should be considered to be used by LATC.

J. Council of Landscape Architectural Registration Boards (CLARB)

Ms. Rodriguez reported that the CLARB annual meeting is scheduled for September 2015. She stated that staff, at the last meeting, was directed to work with the Chair to complete the CLARB 2015 Committee on Nominations Election Ballot, which is attached as Agenda Item J.1. She added that the CLARB 2015 Board of Directors Final Slate Candidate Biographies is provided as Agenda Item J.2 for LATC's review. She indicated that after today's vote staff will mail the ballots by the September 17, 2015 deadline. Ms. Rodriguez reported that she will be

participating in the Region 5 webcast on August 10, 2015 to submit the ballots for the Region 5 Director and Alternate Director. She also noted that the Resolution to Amend CLARB Bylaws is attached under Agenda Item J.6.

- **David Taylor moved to ratify the CLARB 2015 Committee on Nominations Elections Ballot, voting for Dennis Bryers and Fred Ogram.**

Patricia Trauth seconded the motion.

Members Trauth, Bowden, and Chair Taylor voted in favor of the motion. The motion passed 3-0.

- **Patricia Trauth moved to vote for Randy Weatherly for CLARB President, Christine Anderson for Vice President, Christopher Hoffman for President-Elect, and Patrick Jay Beam for Treasurer.**

David Taylor seconded the motion.

Members Trauth, Bowden, and Chair Taylor voted in favor of the motion. The motion passed 3-0.

- **David Taylor moved to vote for Cary Baird for CLARB Region V Director, and Mr. Bowden for Region V Alternate Director.**

Patricia Trauth seconded the motion.

Members Trauth and Chair Taylor voted in favor of the motion. Andrew Bowden abstained. The motion passed 2-0-1.

K. Review and Approve Proposed Regulations to Amend CCR, Title 16, Section 2620 (Education and Training Credits)

Kourtney Nation reported that the LATC Strategic Plan contains an objective to review the table of equivalents for training and experience and consider expanding eligibility requirements to allow credit for teaching under a licensed landscape architect. She noted that LATC, at its May 13, 2015, meeting, approved proposed regulatory language to allow up to one year of credit for teaching under the supervision of a licensed landscape architect in an approved or non-approved landscape architecture degree program or an associate landscape architecture degree program from a community college.

Ms. Nation stated that the Proposed Regulatory Language to amend CCR section 2620 (Education and Training), a draft of the Notice of Proposed Changes in the Regulations, and the Initial Statement of Reasons are attached under Agenda Item K. She added that at today's meeting the Committee is asked to review and approve the proposed regulation and delegate authority to the EO to adopt the regulation provided there are no adverse comments received during the public comment period and make minor technical or non-substantive changes to the language, if needed.

Ms. Trauth asked Ms. Bon for advice on the wording of a motion to approve. Ms. Bon advised the Committee that the motion could include language to approve the proposed regulation,

authorize staff to move forward with noticing the language and the rulemaking process, and to make any non-substantive or technical changes, if needed.

- **Patricia Trauth moved to approve the proposed regulations to amend CCR section 2620 (Education and Training Credit), authorize staff to proceed with the rulemaking process, and the EO to make minor technical or non-substantive changes to the language, if needed.**

David Taylor seconded the motion.

Members Trauth, Bowden, and Chair Taylor voted in favor of the motion. The motion passed 3-0.

L. Ratify Comments Previously Submitted to Department of Water Resources Regarding Proposed Regulations to Amend CCR, Title 23, Division 2, Chapter 2.7 Model Water Efficient Landscape Ordinance

Mr. McCauley reported on DWR's update to the State's MWELO. He stated that LATC was made aware of the proposed changes to the MWELO on June 25, 2015. He indicated that LATC Vice-Chair, Mr. Bowden, worked with staff to draft a response, which was submitted to DWR on June 26, 2015. He added that he and Mr. Bowden participated in a July 1, 2015 teleconference with Ms. Saare-Edmonds, Senior Environmental Scientist for DWR, wherein they provided additional feedback regarding LATC's concerns. He indicated that one of the concerns is that some standards and regulations on the installation of equipment are not feasible for landscape architects or contractors. He noted that in response to those concerns DWR plans to establish a Landscape Stakeholder Committee to provide guidance on future revisions and assist in the evaluation of statewide ordinance implementation and enforcement in early 2016.

Mr. McCauley stated that at today's meeting the Committee is asked to review and ratify the attached comments (Attachment L.1) submitted on behalf of LATC on June 26, 2015 regarding the proposed changes.

- **David Taylor moved to ratify comments previously submitted to DWR regarding proposed regulations to amend CCR, Title 23, Division 2, Chapter 2.7 Model Water Efficient Landscape Ordinance.**

Patricia Trauth seconded the motion.

The motion passed 3-0. Members Trauth, Bowden, and Chair Taylor voted in favor of the motion. The motion passed 3-0.

Mr. McCauley commented on the urgency of conserving water in California. He indicated that in addition to working with the DWR on implementing and enforcing MWELO, LATC has also directed OPES to ensure water conservation and irrigation design is sufficiently covered in the CSE. He stated LATC is working with the Contractors State License Board on generating quality information to help consumers make informed decisions on conserving water. He noted that LATC is working with DCA Public Affairs to increase water conservation awareness through social media. He discussed the Sustainable Sites Initiative (SITES) program, which is led in part by ASLA. He indicated that SITES is a program dedicated to sustaining healthy functioning landscapes, and it should be considered a standard for public projects.

Mr. Bowden questioned whether LATC could correspond with schools to inform or give them direction on the need for an increased awareness of water conservation through irrigation design. Mr. McCauley indicated that LATC has a strong relationship with the schools, and staff could work with DWR to produce a guide on standards for schools to follow or consider in regards to curriculum. Mr. McCauley also noted that LATC will amend the 2015-2016 Strategic Plan to include an objective on water conservation awareness.

M. Review Tentative Schedule and Confirm Future LATC Meeting Dates

The next LATC meeting is tentatively scheduled for November 17, 2015 in Los Angeles.

N. Adjourn

- **David Taylor moved to adjourn the meeting.**

Patricia seconded the motion.

Members Trauth, Bowden, and Chair Taylor voted in favor of the motion. The motion passed 3-0.

The meeting adjourned at 1:05 p.m.