

**NEBRASKA STATEWIDE ONE-CALL NOTIFICATION CENTER**

**BOARD OF DIRECTORS MEETING**

**Approved**

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**Nebraska Statewide One Call Board of Directors Meeting Minutes**

**April 18, 2019**

**Country Inn and Suites, 5353 N 27th St**

**Lincoln, NE**

**Call to Order –** The meeting was called to order by Chairman Val Snyder at 9:43 AM

Agenda was posted on Nebraska811 website ([www.ne1call.com](http://www.ne1call.com)) on 4/6, Lincoln Journal Star newspaper on 4/6

**Roll Call/Quorum:**

**Voting Members present**: Jerry Augustyn, John Buckley, Bruce Hoehne, Lance Loschen, Dan Maschka, Mark McFarland, Rick Melcher, Al Meyer, Val Snyder, Nathan Stewart, Dave Stroebele, Stan Waterman

**Voting Members absent:** None

**Non-voting Members Present:** Chris Jacobsen, Andy Hartmann

**Non-voting Members Absent:** None

**OCC staff present:** Tyler Nesheim, Matt Ruddo, Jill Geyer

**State Fire Marshal staff present:** Regina Shields, Kevin Bumgardner, Chris Cantrell

**Attorney General’s office staff present:** None

**Public guests:** Jamie Mikkelson-NDOR, BJ Woehler-NUCA, Eric Klein-NUCA, Dave Sehi-LES, James Dukescherer-NREA, Lucas Billesbach-JEO/ACEC, Jeanne McClure-ACEC-American Council of Engineering Companies, Scott Alfaro-NuStar Pipeline Operating Partnership, L.P., Robert C Everett- Bauer Underground, Trevor Roth-NPPD

* Approval of the Agenda; Motion by Al Meyer, second by Lance Loschen
	+ Voting Yes: Jerry Augustyn, John Buckley, Bruce Hoehne, Lance Loschen, Dan Maschka, Mark McFarland, Rick Melcher, Al Meyer, Val Snyder, Dave Stroebele, Stan Waterman
	+ Voting No: none
* Approval of the February 21, 2019 Meeting Minutes; Motion by Dave Stroebele, second by Bruce Hoehne
	+ Voting Yes: Jerry Augustyn, John Buckley, Bruce Hoehne, Lance Loschen, Dan Maschka, Mark McFarland, Rick Melcher, Al Meyer, Val Snyder, Dave Stroebele, Stan Waterman
	+ Voting No: none
* **Policy Committee:**
* Dave Stroebele suggests sending a letter from the BOD for the hearing regarding Title 155.
* **Motion by Stan Waterman to submit a letter from the BOD for the hearing regarding Title 155 supporting the changes as proposed and acknowledging the work of the State Fire Marshal Agency. The letter will be an official part of the minutes.** Motion was seconded by Mark McFarland
	+ Voting Yes: Jerry Augustyn, John Buckley, Bruce Hoehne, Lance Loschen, Dan Maschka, Mark McFarland, Rick Melcher, Al Meyer, Val Snyder, Dave Stroebele, Stan Waterman
	+ Voting No: none
* Immediate compliance with the new rules/regulations will be required; the BOD and the Call Center will work via outreach to help stakeholders get in compliance once it goes through and in some cases, prior to the effective date.
* Damages on private facilities will continue to be reported; outreach will be done on this.
* Work on the next round of proposed rules will begin in late summer; input from all parties involved will again be solicited.
* **Legislative Committee - Andy Hartmann**
* LB462 is still sitting in committee; if it comes out (and it is not guaranteed to do so) it will be discussed on the floor of the legislature.
* It is possible that it could be tagged on to other bills but must come out of committee. It would’ve had to come out of general file to be on an omnibus bill.
* Board Chairman, Val Snyder requested discussion regarding the BOD’s position on the bill. BJ Woehler addressed the group to discuss NUCA’s position.
	+ BJ reported that an amendment is being worked on and may come out today which takes into consideration the BOD’s suggestions and cleans up some language. BJ asked the BOD to take a position on the bill or go neutral.
	+ Regina reported that there have been comments received saying it’s impossible to install tracer wire on water and sewer lines and thus asked for clarification regarding whether the installation of new lines would require them to be locatable by tracer wire or on a map? BJ noted that the intention was that the language include tracer wire and his company installs tracer wire with water and sewer lines frequently.
	+ Per BJ, the heart of the bill is enforcement; certification requirements for locators would be left up to the SFM Agency.
		- Discussion regarding whether there is an effort to remove the AG from then enforcement process. Per BJ, the intention was not to remove the AG from the enforcement process but the dispute resolution board would be the first step in enforcement since the hearing officer would determine liability. The goal was to avoid a civil case but he acknowledged that there may be several paths to settle a dispute. Discussion regarding hearings costs included questions about potential amounts, what would be included i.e. appeals, and how they would be covered i.e. Call Center funds, grants, etc. It was pointed out that the BOD is not responsible for enforcement per the statute; any discussion regarding enforcement should be addressed with the Attorney General’s office. Discussion regarding the effort to use legislation to address enforcement included whether non-binding arbitration would be supported and whether county attorneys could handle it.
		- Several BOD members requested a slower process where all parties work together to find solutions and discuss issues including funding potential repercussions and unintended consequences.
* Design ticket. Lucas Billesbach from JEO addressed the BOD on behalf of ACEC.
	+ There is interest in including the design ticket in the One Call law in order to save time and money on dig projects by having more information at the planning stage. The entities represented would be willing to incur cost. The creation of a group which would include his clients, to discuss this possibility is requested. A new statute would be required.
* **Advertising Committee** –
	+ The One Call Grant is open; the projects being applied for will be similar to what has been done in the past.
* The committee made changes within the approved Advertising budget to address current needs.
* **By-laws committee -** Mark
	+ If/when Title 155 changes go through, the committee will draft an updated version of by-laws, specifically section 08, and submit it to the BOD at the following board meeting.
* New BOD committees being considered –
	+ To relieve the load on the Policy committee, the formation of two new committees, Best Practices and New Technology, are being considered. A decision was made to table this until the new BOD is appointed and discuss whether there is a need at that time.
	+ The need to educate new board members was discussed. There will be an educational session put on by the SFM Agency representatives. The BOD books will be updated and distributed at that time.
* **DPRC Report**
	+ Tyler distributed a printed report - see the full document for a comprehensive report.
	+ Regionally, incoming tickets are down. A comparison to last year will be provided at the next BOD meeting.
	+ Incoming tickets on ITIC are at 75%.
	+ In anticipation of the introduction of Next Gen which requires all online tickets to be mapped, all text users were switched to this method.
	+ The higher abandon rate may be attributable to the flooding.
	+ GIS manual additions to maps have had a huge increase this year.
	+ Base maps are updated yearly; parcel data is updated quarterly. The Call Center has worked with counties in the past to purchase chunks of parcel data. It would cost $7K to update the top 10 every year.
	+ An email campaign was executed to encourage members to voluntarily participate in MEPR in anticipation of this becoming mandatory. As a result, only 434 of the 1328 members are not yet participating. This is less than 20% of volume. Next Gen ITIC will require the user to pick a start date versus allowing the default date to go on the ticket as is the case currently.
	+ NextGen/ISITE update: LTM may have a later release date than ETM/NextGen. A soft release date of 30 days is currently being looked at for production tickets under NextGen. The sandbox version of NextGen/ETM is currently available. The product should be intuitive enough to not need tutorials but video tutorials are being created as a supplement.
* **Outreach Report**– Jill Geyer
	+ See the full printed DPRC report for a comprehensive report of past and upcoming activities.
	+ Highlights include:
		- Governor’s Proclamation at the State Capitol on April 8th. The Lt. Governor conducted a separate ceremony this year as we were not able to be included in the regular ceremony which was cut short due to the recent flooding. The separate ceremony worked well and BOD members in attendance agree that we should request to do the proclamation this way in the future and ask for it to be on the day of the BOD meeting so that more are able to attend.
	+ New event sponsorship, NE811 had a booth with promotional items at the Heat the Streets Run/Walk for Warmth on Omaha which was also sponsored by MUD, NNG and OPPD among others.
* **Treasurer’s report** – John Buckley
	+ A review of the current Treasurer’s report shows negative numbers for the current year due to low cash flow from reduced ticket volume attributable to weather, floods, etc. These numbers will undoubtedly turn around as dig season begins; April is already up 17% to date
* **State Fire Marshal’s Report** – Kevin Bumgardner, Regina Shields
	+ Kevin Bumgardner reported on recent Damage Prevention classes; there are currently two people signed up for the June class. A special class is being held in the Omaha area to address a number of recent concerns including tickets not called in for road maintenance and pothole repairs.
	+ Audit results: there has been nothing received in writing but per a recent phone conversation, Nebraska is expected to be deemed adequate.
	+ Regina Shield reminded everyone of the hearing on Title 155 which will be held in the State Office building on 5/13. After the hearing, the SFM Agency will address the comments brought forward at the hearing and submit a response to the Attorney General’s office. The proposed language will then go to the Governor for consideration. If the new rules/regulations pass, the application for BOD members will be published on the SFM website and those that have indicated interest will be notified that the application is open. New BOD members are expected to be appointed within 30-60 days after the hearing. Current BOD members will be asked to resign and re-apply.
	+ The Governor made an Emergency Declaration due to the flooding, extending response time to May 15th. The declaration was applied statewide since so many counties were affected and those that were not affected may have been assisting the ones that were.
	+ The Attorney General’s activity report for first quarter 2019 was reviewed and will be added to the NE811 website.
	+ The 2019 One Call Grant application is due at end of month. Regarding what is applied for, the BOD makes a recommendation then the SFM Agency makes the final determination. The group agreed to keep the application projects and amounts similar to past years; the Advertising Committee will make a detailed recommendation.

Break for lunch at noon; reconvene at 12:55

Chris Cantrell arrived after lunch.

* **Old Business**
	+ Auto Non-response following implementation of MEPR: the auto non-response capability is available but it was decided that it should not be implemented immediately especially since we are on pace to have 80% compliance at the effective date. There will be outreach done at 30 days after implementation to determine who is not complying with the new rule and assist them with compliance.
	+ Requests for Member/Locator phone number to be put on tickets for excavators since they are required to contact gas company in the case of a gas leak. The requirement to contact the gas company has been removed since the requirement to call 811 will be a notification of the gas company. If a member wanted to provide contact information, they could add a comment through the ticket management system. Outreach will be done to make members aware of this and to encourage them to regularly review the contact information they have on file with the Call Center.
	+ CGA Conference – Val, Dan, Nathan, Lance
		- It was reported by those in attendance that the conference was time well spent and provided a variety of sessions that addressed anything a board member would want. All BOD members are encouraged to attend in the future. One significant change that was covered was the addition of a new Best Practice regarding cross boring. The CGA Best Practices manual will be updated to include this new language.
	+ BOD Meeting schedule: there was agreement that a fifth meeting should be added every year to ensure that the BOD is continuing to address current issues on a regular basis.

Nathan Stewart arrived at 1:25pm

* + Public comment follow up: to continue to ensure follow up on any ongoing topics, action items will be added to the agenda and the meeting minutes going forward.
* **New business**
	+ Blizzard, flood and ice damage to underground facilities were discussed. The group is unsure of the extent of damage at this point but will continue to monitor and determine what, if any, response is needed. Road maintenance and repair is likely to be a big issue.
	+ Personal damages from the recent catastrophes – no one on this BOD or at this meeting was affected.
	+ Helping flood victims. Discussion centered around the fact that there should be no straight monetary donations from BOD funds as this does not fit in to the board duties would not be considered advertising. Anything that would impact public awareness for damage prevention could be allowed such as sponsorships or providing promotional items. The state auditor could be consulted on this.
	+ Adjustments to start time on tickets due to the Governor’s Emergency Declaration: discussion centered around how this could be done and whether it would affect all tickets. It was decided to not do an adjustment at this time and the SFM office will handle individual questions. Tyler will find out how this could be handled in the future i.e. could the start time be adjusted by zip code, polygon or county.
	+ Legal counsel hiring – It was previously decided that if needed, Regina would be asked for an opinion. She agreed to do so but cannot be the legal representative per se. The BOD acknowledged that they may need to hire someone as needed and those persons should be identified before they are needed. There may be different types of counsel needed based on the issue at hand. Lance attended a session at the CGA conference where they recommended that the BOD should have a lawyer identified that they can go to when needed. Val and Lance will identify a few to consider.

Chris Cantrell left 1:57pm

* + BOD Insurance: Lance will ask the BOD insurance company representative to come to the next meeting to review current coverage that is in place and discuss if any additional coverage is needed.
	+ LB462 discussion: Discussion centered around whether there is a possibility that the bill could be pulled in order to have more time to discuss and to include the BOD in that discussion. Many states have some type of dispute resolution board but it was noted that the process can be long in order to be sure it’s done well and that the funding issue is addressed. The first step would be to submit current language to be reviewed. Nathan offered to submit language for review.
		- Motion by Bruce Hoehne to oppose LB462 and amendment AM1243 as currently written however the One Call Board of Directors would like to work with stakeholders to rewrite language to address concerns from all stakeholders for the protection of the people and the underground facilities. Seconded by John Buckley
			* Voting Yes: Jerry Augustyn, John Buckley, Bruce Hoehne, Lance Loschen, Dan Maschka, Mark McFarland, Rick Melcher, Al Meyer, Nathan Stewart, Val Snyder, Dave Stroebele, Stan Waterman
			* Voting No: none
* **Common Ground Nebraska (CGN)** –
	+ Dan Maschka reported on the South Dakota Safety Summit he attended which was similar to what we do in Nebraska and had many successes including good attendance considering it was its first year.
	+ Next CGN meeting is June 27th in Lincoln from Noon to 3PM – exact location TBD.
* **Public Comment**
	+ BJ Woehler requested outreach on emergency tickets and help with fighting erroneous bills for damages including those from third part collection agencies.
	+ Eric Klein encouraged the BOD to get involved with efforts towards improving enforcement.
	+ Funding for a hit court was discussed; other states fund theirs by a filing fee of $200 in some cases and grant funding in some cases. Grant requirements could be reviewed prior to discussions to see if this is a possibility and to check how other states are using grant funds to cover dispute resolution entities.
* **Closing comments from Board Chair**
	+ The next big storm – BOD members are encouraged to be prepared for the possibility that there could be another flood due to severe rains sometime in May.
	+ Next meeting will be June 13th in Grand Island – location TBD.

Motion to adjourn at 3:30pm by Dave Stroebele, seconded by Lance Loschen.

Respectfully submitted,

Jill Geyer

ACTION ITEMS:

* MEPR compliance monitoring (after r/r’s go through)
* Outreach on reporting damage to private facilities
* By-Laws update (after r/r’s go through)
* Comparison of incoming tickets year over year
* One Call Grant application
* Outreach to Members on providing and updated contact information
* Start time adjustment after emergency declaration
* Legal counsel potential candidates
* BOD Insurance review
* Dispute resolution language and funding considerations