

Meeting Minutes

CALIFORNIA ARCHITECTS BOARD Landscape Architects Technical Committee

May 24, 2016
Sacramento, California

Landscape Architects Technical Committee (LATC) Members Present

Andrew Bowden, Chair

Patricia Trauth

Marq Truscott

LATC Members Absent

David Allan Taylor, Jr., Vice Chair

Staff Present

Doug McCauley, Executive Officer, California Architects Board (Board)

Vickie Mayer, Assistant Executive Officer, Board

Trish Rodriguez, Program Manager, LATC

Rebecca Bon, Legal Counsel, Department of Consumer Affairs (DCA)

Tremaine Palmer, Special Projects Analyst, LATC

Gretchen Kjose, Retired Annuitant, LATC

Matthew McKinney, Enforcement Officer, LATC

Kourtney Nation, Examination Coordinator, LATC

Guests Present

Jeffrey Albrecht, State Water Resources Control Board

Hunter Beckham, Vice President, Professional Practice, Fellow American Society of Landscape Architects (ASLA)

Jonathan Burke, Board and Bureau Relations, DCA

Cindi Christenson, Contractors State License Board (CSLB)

Glenn Gall, Office of Statewide Health Planning and Development

Claire Goldstene, CSLB

Kevin Perry, Urban Rain Design

Micah Silvey, Director of Certification, United States Green Building Council (USGBC)

Jamie Statter, Vice President, Strategic Relationships, USGBC

Linette Straus, Professional Practice Manager, ASLA

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

LATC Chair Andrew Bowden called the meeting to order at 10:31 a.m. In the absence of Vice Chair David Taylor, member Patricia Trauth called roll. Three members of LATC were present, thus a quorum was established.

B. Chair’s Remarks and LATC Member Comments

Mr. Bowden noted a need to change the time of Agenda Item F, Introduction and Presentation on Sustainable Sites Initiative (SITES) by ASLA representative, to 2:00 p.m.

C. Public Comment for Items Not on Agenda

There were no comments from the public.

D. Review and Approve February 10, 2016 LATC Meeting Minutes

Mr. Bowden asked for comments concerning the February 10, 2016, LATC Meeting Minutes.

- **Marq Truscott moved to approve the February 10, 2016 LATC Meeting Minutes. Patricia Trauth seconded the motion. Members Trauth, Truscott, and Chair Bowden voted in favor of the motion. The motion passed 3-0.**

E. Program Manager’s Report

Trish Rodriguez presented the Program Manager’s report. She introduced new Special Projects Analyst, Tremain Palmer. Ms. Rodriguez added that LATC is recruiting for a Licensing/Administration Coordinator (Office Technician) position.

Ms. Rodriguez reported that on March 3, 2016, the Board held their meeting in Burbank at Woodbury University. She also reported that during the meeting the Board approved LATC’s proposal to amend California Code of Regulations (CCR) section 2620 (Education and Training Credits) to clarify the years of experience needed as a landscape contractor. Ms. Rodriguez continued that the Board delegated authority to the Executive Officer (EO) to adopt the regulation provided no adverse comments were received during the public comment period. She announced that the next Board meeting is scheduled for June 9, 2016 in San Francisco.

Ms. Rodriguez reported that LATC outreach presentations were held at University of California (UC), Davis on February 23, 2016, and UC Berkeley on April 21, 2016. She referred the members to Attachment E.2 Student Survey Results, and noted the student survey responses.

Ms. Rodriguez reported on the status of the proposal to amend CCR 2615 (Form of

Examinations) related to reciprocity requirements. She stated that staff is working on the regulatory package and it would be routed through DCA for approval.

Ms. Rodriguez reported that the LATC's draft Disciplinary Guidelines received comments from DCA Legal Counsel, which identified substantive changes. Therefore, she noted this item would be presented again to LATC and the Board for review and consideration.

Ms. Rodriguez reported that the final rulemaking file to amend CCR 2620 (Education and Training Credits) (a) (13) to expand eligibility requirements to allow credit for teaching under a licensed landscape architect was submitted to DCA Legal Office and Division of Legislative and Policy Review on March 24, 2016.

Ms. Rodriguez reported on the UC Extension reviews. She stated that the Landscape Architectural Accreditation Board implemented new accreditation standards in March 2016. Ms. Rodriguez also indicated that LATC staff is analyzing the new standards and procedures, and the regulatory package to amend CCR 2620.5 (Requirements for an Approved Extension Certificate Program) will be in the next meeting packet for LATC to consider.

Ms. Rodriguez informed the Committee that the Strategic Plan objective to *Review Expired License Requirements* (CCR 2624 (Expired License – Three Years After Expiration) and 2624.1 (Expired License - Five Years After Expiration) is under Agenda Item I. She indicated that, at the last meeting, the Committee decided the objective to *Expand Credit for Education Experience* would be discussed during strategic planning. Ms. Rodriguez also noted that, at the last Committee meeting, concerning the objective to *Create and Disseminate Consumer's Guide to Hiring a Landscape Architect*, staff considered edits from DCA Legal Counsel and members of the LATC, which would be discussed under Agenda Item K. She continued that the Committee would be discussing the intra-departmental contract under Agenda Item J for the California Supplemental Examination (CSE) to continue exam development.

Ms. Rodriguez concluded that the next Landscape Architect Registration Examination (LARE) administration will be in August, and that the results for the April administration will be mailed this week.

F. Introduction and Presentation on Sustainable Sites Initiative (SITES) by American Society of Landscape Architects (ASLA) Representative

Hunter Beckham, Micah Silvey, Jamie Statter, and Linette Strauss provided a detailed PowerPoint presentation on SITES.

Ms. Strauss began by explaining that despite the clear success of green building, there were no national standards until now to guide those who wanted to create sustainable landscapes. She continued that, due to the population increasing, land development will have an even more profound impact on the Earth's ecological systems. Ms. Strauss explained that SITES is a set of comprehensive voluntary guidelines with a rating system that assesses a sustainable design, construction, and maintenance of landscapes. She also explained that SITES certification is a separate stand-alone certification for landscapes independent of Leadership in Energy and Environmental Design (LEED) certification. Ms. Strauss stated that the four primary goals of

SITES are:

- Create regenerative systems and foster resiliency
- Ensure future resource supply and mitigate climate change
- Transform the marketplace through the design, development, and maintenance practices
- Enhance human well-being and strengthen community

Mr. Silvey began by explaining the SITES V2 Rating System. He also explained that each component of the rating system is used to define sustainable land development. He continued that the rating system consists of 10 sections, and within those sections, there are 18 pre-requisites and 48 credits that define certain sustainability measures. Mr. Silvey concluded that one must meet all pre-requisites in order to achieve certification; however, other credits may be earned to meet a certain certification level.

Mr. Beckham gave a description of each image of the presentation and reported on the success of each project type. He continued to explain the pre-requisites and recommended strategies in order to become SITES certified.

Ms. Statter began by stating that USGBC's objective is to bring the SITES standards to the markets. She continued that USGBC is most relevant to this conversation due to their work on LEED. She noted that as with LEED efficiencies are expected, as well as improved storm water run-off management, enhanced energy conservation by reducing heat island effect, and better air quality. Ms. Statter stated that the rating systems of LEED and SITES do not overlap, however, USGBC is working on a complete overlap.

Ms. Statter reported that SITES certification is available as of June 2015, and it holds over 30 registered projects. She also reported that USGBC is launching a SITES accredited professional program this year in Los Angeles that will require an examination and continuing education. She concluded that SITES secured a commitment from the General Services Administration, a federal agency, to use SITES in all new projects.

Mr. Truscott inquired how SITES plans to make a connection between the developers and SITES certification. Mr. Silvey responded that it is an ongoing conversation, and that some developers are embracing sustainable sites. Ms. Trauth inquired how SITES would get other professions involved. Ms. Statter responded that they are talking to the LEED community and considering other recommendations.

In closing, Mr. Bowden thanked the presenters. A member of the public asked if there was more information on the SITES website regarding certified projects and whether those individuals involved in the certified projects would lend their expertise. Ms. Statter responded that, in her view, they have been a very useful resource for the program. She added that all information on all pilot projects are available at sustainable-sites.org.

**G. Update on Council of Landscape Architectural Registration Boards (CLARB)
Regarding Task Analysis Survey, LARE Administration and Pass Rates, Upcoming
Elections, and Annual Meeting**

Ms. Rodriguez reported that CLARB disseminated a Member Board Newsletter with notable dates regarding LARE administration results, webcasts, and upcoming meetings. Ms. Rodriguez also reported that CLARB conducted a Task Analysis Survey, in which California participated. She noted that this year the survey participation rate increased 30% compared to the last survey conducted in 2006. She continued that the results of the survey would determine what changes are necessary to the existing LARE and that the results of the Task Analysis will be shared at their upcoming meeting on September 22-24. Ms. Rodriguez noted that the final slate of nominees for the 2016 CLARB Board of Directors and Committee Nominations Elections would be available in June.

Mr. Bowden stated that he participated in the survey and he believes the reason for the 30% increase, which was less than what CLARB projected, was due to the length of the survey. He continued that it took 30 minutes to complete the survey, and questions were in depth. He opined that CLARB may want to make the survey less time consuming.

Mr. Bowden inquired if LATC sent out the survey to all licensees. Ms. Rodriguez responded that LATC provided CLARB with a list of all licensees, which included mailing addresses. Ms. Rodriguez continued that current laws and regulations do not allow the LATC to furnish e-mail addresses.

Mr. Bowden stated a concern that not all licensees may have received the survey due to ASLA sending it out to their membership only, and not all ASLA members are licensed. Doug McCauley stated that ultimately CLARB would need to conduct some statistical analysis and verify an appropriate sample of specific individuals received and responded to the survey. Mr. McCauley continued that a mailing list might not be the best way; however, those questions would need to be directed to CLARB.

H. Review and Consider Request by Expired Licensee 2016-1 for Re-licensure, Pursuant to Title 16 California Code of Regulations (CCR) Section 2624 (Expired License – Three Years After Expiration)

Ms. Rodriguez reported that LATC received a re-licensure request from Leslie Ryan, and it was given to review by Messrs. Taylor and Truscott. Kourtney Nation stated that Mr. Taylor's recommendation was consistent with Mr. Truscott's recommendation.

Mr. Truscott stated that he was impressed that the licensee had been and is currently teaching technical classes at a university level. He opined that it would be inappropriate to make the licensee retake the LARE. Mr. Truscott recommended that the licensee take the CSE only.

Mr. Bowden inquired if the licensee was approving any candidate work experience during the time the license was expired. Mr. Truscott stated that he did not see any such evidence.

Ms. Nation concurred. Mr. Bowden asked Mr. Truscott if he was confident that the licensee has demonstrated sufficient skills, knowledge, and abilities to not necessitate taking any part of the LARE; therefore, only requiring the licensee to take the CSE and pay appropriate fees.

Mr. Truscott affirmed and stated he was confident in his recommendation.

- **Marq Truscott moved to approve applicant Leslie Ryan’s request for re-licensure notwithstanding any fact or condition that exists, which would justify its revocation, with the condition of Ms. Ryan submitting an application for examination to the LATC, paying appropriate fees, and taking and passing the CSE.**

Patricia Trauth seconded the motion.

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

I. Discuss and Possible Action on Proposed Language to Amend or Repeal Business and Professions Code Section 5680.2 (License Renewal – Three Years After Expiration) and Proposed Regulations to Amend or Repeal (Title 16 CCR, Sections 2624 (Expired License – Three Years After Expiration) and 2624.1 (Expired License – Five Years After Expiration))

Ms. Rodriguez reported that at LATC’s last meeting, the Board directed LATC to align their license renewal process with the Board. She continued that the Board’s process is a five-year expiration period in which a licensee could renew his or her license on a late basis by paying all accrued renewal and delinquency fees. Ms. Rodriguez stated that if the LATC wishes to change its requirements, it would be necessary to amend Business and Professions Code (BPC) section 5680.2, and repeal CCR 2624 and 2624.1. She added that prior to the meeting, staff discovered BPC 5680.1 included language that would also need to be amended. Ms. Rodriguez noted that BPC 5680.1 would be included when presented to the Board for its consideration.

Ms. Rodriguez asked the Committee to consider approval of proposed language to amend BPC 5680.2, and repeal CCR 2624 and 2624.1. She clarified that this action would result in a candidate no longer having to submit a portfolio for review if the license has been expired for fewer than five years. Vickie Mayer noted that, if the license has been expired for more than five years, the candidate would have to reapply for licensure. Ms. Mayer continued that LATC’s current process would remain in effect until the amendment becomes effective and passed by the Legislature or in the case of regulations, approved by the Office of Administrative Law.

- **Patricia Trauth moved to approve the language as presented to amend BPC 5680.2 (License Renewal – Three Years After Expiration) and repeal CCR 2624 (Expired License – Three Years After Expiration) and 2624.1 (Expired License – Five Years After Expiration).**

Marq Truscott seconded the motion.

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

J. Review and Approve Intra-Departmental Contract with the Department of Consumer Affairs (DCA) Office of Professional Examination Services (OPES) for California Supplemental Examination (CSE) Development

Ms. Rodriguez explained the intra-departmental contract with OPES in the meeting packet under

Agenda Item J. She continued that staff is requesting LATC approval of the contract to continue exam development based on the most recent occupational analysis. Ms. Rodriguez stated that if approved, the contract would go into effect beginning August 1, 2016 through June 30, 2017. Mr. Bowden stated that the contract seemed straightforward and reasonable. He opined that OPES has been doing a great job. Mr. Truscott agreed, and stated that the billing rates and hours are reasonable.

- **Marq Truscott moved to approve the Intra-Departmental Contract with OPES for the term of August 1, 2016 through June 30, 2017 for continued CSE development.**

Patricia Trauth seconded the motion.

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

K. Discuss and Possible Action on Extension of Renewal Fee Reduction; Title 16 CCR Section 2649 (Fees)

Ms. Rodriguez addressed the Committee's fund condition. She stated that in 2013, LATC staff worked with the DCA Budget Office and, based on their recommendation, submitted a negative Budget Change Proposal to reduce the fund balance by \$200,000, and temporarily reduced the license renewal fee from \$400 to \$220 for one renewal cycle (July 1, 2015 - June 30, 2017). She reported that staff recently met with the DCA Budget Office staff to discuss whether to continue the renewal fee reduction. Ms. Rodriguez advised that the DCA Budget Office staff recommended continuing the license renewal fee reduction for one more period (July 1, 2017 - June 30, 2019). Ms. Rodriguez continued that the proposed regulatory amendment for the LATC's consideration is to continue the renewal fee reduction from \$400 to \$220, for one more renewal cycle.

Ms. Trauth inquired if it was certain that the fund balance would be sufficient. Ms. Rodriguez affirmed that by working with DCA Budget Office staff, it was projected that the fund balance would not decrease below three months in unencumbered funds.

Mr. Truscott, in reference to Attachment K.2 LATC Fund Condition – FYs 2014/2015 through 2019/2020 With and Without Fee Reduction, noted that LATC will have a fund balance of three months at the end of FY 2019. He continued that the fund balance would be less than three months by the time the reduction completes its term, and the renewal fee would have to be increased. Ms. Rodriguez responded that the renewal fee would default back to the former amount of \$400 on July 1, 2019. Ms. Mayer added that when DCA prepares its analysis, it utilizes a conservative approach assuming that LATC will spend the full budget.

Mr. Bowden inquired about how many landscape architects are licensed every year, and how many are not renewed for various reasons. He continued that he is concerned about the ramifications of a possible shortfall of new incoming licensees to take the place of those exiting the profession. Ms. Rodriguez indicated the number of licensees has maintained at approximately 3,500.

Mr. McCauley asked if DCA Budget Office staff considered an ongoing reduction as an alternative. Ms. Rodriguez stated that a couple of different scenarios were considered.

Ms. Kjose stated that when the DCA Budget Office first researched reduction cycles, the recommendation was to explore one budget cycle to see how much it reduced the fund balance; keeping in mind, it might need to be extended. Mr. McCauley stated that the Board had to increase their fees using the same logic.

Mr. Bowden suggested an ongoing renewal fee amount should be considered at the next strategic planning session.

- **Marq Truscott moved to approve the extension of license renewal fee reduction from \$400 to \$220 for the period of July 1, 2017 through June 30, 2019.**

Patricia Trauth seconded the motion.

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

L. Review and Approve Draft *Consumer's Guide to Hiring a Landscape Architect* for Publication

Ms. Rodriguez referenced the attached *Consumer's Guide to Hiring a Landscape Architect* with two versions. She explained that one version is the final draft, and the other version shows tracked changes that staff made since the last LATC meeting.

Mr. Bowden was pleased with the Guide and the addition of the table. In regards to the table, Ms. Trauth inquired if LATC could be more specific instead of using the word "others" to reference those in the same field. Mr. Truscott stated that there could be a need to define "others" to avoid confusion. Mr. Bowden recommended an asterisk after "others" with a paragraph below referencing the Practice Act.

- **Marq Truscott moved to approve the draft of the *Consumer's Guide to Hiring a Landscape Architect* for publication with the addition of referencing the Landscape Architects Practice Act below the table, and to delegate authority to the EO to make minor technical or legal alterations based on DCA's review.**

Patricia Trauth seconded the motion.

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

M. Review Tentative Schedule and Confirm Future LATC Meeting Dates

The next LATC meeting is scheduled for October 12, 2016.

N. Adjourn

The meeting adjourned at 3:05 p.m.