

Minutes

CALIFORNIA ARCHITECTS BOARD **Landscape Architects Technical Committee Meeting**

December 6-7, 2018
Sacramento, California

Landscape Architects Technical Committee (LATC) Members Present

Patricia Trauth, Chair
Marq Truscott, Vice Chair
Andrew Bowden
Susan M. Landry (Arrived 10:59 a.m.)
David Allan Taylor, Jr.

Staff Present

Laura Zuniga, Executive Officer
Trish Rodriguez, Program Manager
Tara Welch, Attorney III, Department of Consumer Affairs (DCA or Department)
Kourtney Nation, Examination Coordinator
Stacy Townsend, Enforcement Analyst
Blake Clark, Licensing Coordinator

Guests Present

Cheryl Buckwalter, Association of Professional Landscape Designers (APLD)
Amelia B. Lima, APLD
Tracy Morgan Hollingworth, California Council of American Society of Landscape Architects (CCASLA)
Brianna Miller, Board and Bureau Services Specialist, DCA Office of Board and Bureau Services
Stephanie Landregan, Director of the University of California, Los Angeles (UCLA) Extension, Landscape Architecture Program
Michael Oguro, CalTrans
Steve Hao, CalTrans
Robin Salsburg, APLD

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

LATC Chair Patricia Trauth called the meeting to order at 10:58 a.m., and Vice Chair Marq Truscott called roll. Four members of LATC were present, thus a quorum was established.

B. Chair’s Procedural Remarks and LATC Member Introductory Comments

Ms. Trauth began by thanking the Committee members for their public service acknowledging that they also serve on other sub-committees, and that their efforts are appreciated. Ms. Trauth proceeded to introduce the Board’s Executive Officer, Laura Zuniga, who was sworn in on August 1, 2018. Ms. Zuniga added that she is happy to be here and looks forward with working with the Committee. Ms. Trauth announced that the LATC strategic planning session is scheduled for December 7, 2018 and would be facilitated by DCA SOLID.

C. Public Comment on Items Not on the Agenda

There were no comments from the public.

D. Review and Possible Action on July 20, 2018 LATC Meeting Minutes

Ms. Trauth asked for a motion to approve the July 20, 2018 LATC Meeting Minutes.

Andrew Bowden moved to approve the July 20, 2018 LATC Meeting Minutes.

Susan M. Landry seconded the motion.

Members Bowden, Landry, Taylor, Truscott, and Chair Trauth voted in favor of the motion. The motion passed 5-0.

Amelia Lima requested to clarify the intention of her comment at the prior meeting made during Agenda Item J. 2 (Review Data Respective to Unlicensed Activity and Licensee Violations to Identify if Trends Exist in Order to Shape Consumer Education and Enhance Enforcement Efforts) was to explain that APLD is working with LATC to resolve the issue regarding social media outlets and the professional category options available.

E. Program Manager’s Report – Update on LATC’s Administrative/Management, Examination, Licensing, and Enforcement Programs

Trish Rodriguez announced that she resumed the LATC Program Manager position on November 5, and that former Program Manager Brianna Miller’s last day was November 2. Ms. Rodriguez assured the members that it has been a smooth transition from her special projects assignments. Ms. Rodriguez reported that Special Projects Analyst, Tremaine Palmer, accepted another position and vacated the Special Projects position on November 19. She continued that recruitment efforts were underway to fill the position.

Ms. Rodriguez updated the Committee on Business Modernization efforts and advised that business activities were planned to be scheduled between October 2018 and October 2019. She explained that staff began working with DCA Office of Change Management and initiated the business mapping process, which required dedicated staff resources for half-day workshops,

averaging three full days each week. Ms. Rodriguez continued that staff have completed enforcement process mapping and review, making good progress, and the next workshops would be scheduled after the holidays to focus on licensing process review. She also announced that an interim stop-gap measure was underway to implement credit card payments for licensing renewal.

Ms. Rodriguez reported that the LATC new website design format, presented in its testing environment at a prior LATC meeting, was launched. As part of the new website, Ms. Rodriguez provided that the Consumer's Guide on Hiring a Landscape Architect was added, and that staff were working with DCA to implement the license search feature. Mr. Bowden requested a demonstration of the website at the next LATC meeting to view the license search feature and other highlights from the consumer's perspective. Ms. Rodriguez advised that the website is available and asked if members could view the website prior to the presentation.

Regarding social media, Ms. Rodriguez reported that staff met with DCA Public Affairs Office (PAO) to try and bolster LATC's Twitter outreach. She explained that future meetings will be held with PAO to discuss a social media content strategy and communication plan.

Mr. Rodriguez advised that the reference materials for examination development have been updated and placed in use. The Office of Professional Examination Services (OPES) is in the process of updating the reference list for candidates which will be posted on the LATC website at a future date.

Ms. Rodriguez reported that a copy of the Sunset Report was provided to the members at the meeting and that the Report was submitted to the Legislature before the December 1 deadline. She advised that the Report is available on the LATC website and that the hearing date has not been scheduled.

Ms. Trauth thanked Ms. Rodriguez and welcomed her back.

F. Discuss and Possible Action on Model Water Efficient Landscape Ordinance (MWELO)

Ms. Trauth reminded the Committee that at the July 2018 meeting a presentation was given by Julie Saare Edmonds regarding MWELO.

Mr. Truscott suggested that there may be a disconnect between the language in MWELO documentation and the Landscape Architects Practice Act (Act) regarding signature authorization for MWELO documents and plans. He encouraged a public dialog to discuss the language and recommended reviewing the MWELO proposed revisions, the current MWELO language, and the Act and have DCA Legal to provide an opinion when the proposed revisions become available. Mr. Truscott opined that MWELO documents are most commonly found on construction documents and the Act is specific regarding the authority on who can create construction documents. He suggested that the draft MWELO regulations might be available from the Department of Water Resources (DWR) for the LATC's February meeting.

Ms. Landry stated she believes that a certified irrigation designer would be able to sign MWELO documents. Both Ms. Landry and Mr. Truscott conveyed the importance of Errors and Omissions

Insurance from whomever is authorized to sign MWELO documents to better protect agencies, homeowners, and landowners.

Ms. Landry inquired whether the regulations for the Water Recycling Program were available and the public comment period, and whether the LATC should provide a public comment on the compost buy-back, and the fining of cities and residences who are improperly composting and/or buying back the correct compost amount. Ms. Zuniga pointed out that since this item is not on the agenda no motion to comment on this item could be made. Ms. Trauth suggested that a comment could be made as an individual rather than as a committee. Legal counsel, Tara Welch, further suggested that once the proposed regulation becomes available then a teleconference would be more appropriate to discuss the language and decide whether a comment by the Committee Chair is warranted.

Mr. Bowden voiced his uncertainty about LATC's role regarding MWELO and that it should be directed more toward the DWR except for possible LATC comments on the proposed revisions of MWELO. Mr. Bowden continued that LATC's role would be to comment on which professions are qualified to sign MWELO documents. David Allan Taylor, Jr. reiterated and concurred with Mr. Bowden's concerns regarding which professions are qualified to sign MWELO documents and plans.

The Committee agreed to continue to discuss the MWELO proposed changes during future meetings and to conduct a teleconference meeting to do so, if necessary.

A member of the public, Stephanie Landregan, stated that she agreed with Mr. Truscott that there is confusion on signature authorization of MWELO documents and plans. Ms. Landregan informed the Committee that many California schools are not teaching irrigation as a dedicated class in their landscape architecture curriculum. She explained that, per the Act, landscape architects can only provide irrigation services for which they are educated on. Ms. Landregan opined that not all landscape architects are educated on irrigation and therefore would not be able to provide those services, per the Act. She voiced her concern about the demand for qualified professionals to provide irrigation plans in California and the shortage of those in California. Ms. Landregan underscored the importance of discussing how to protect the health, safety, and welfare of the public while also allowing the fair trade and practice of other services. Ms. Landregan suggested that as water use becomes increasingly regulated in California, the issue should be discussed with universities to encourage increased education on irrigation.

A member of the public, Ms. Lima stated that MWELO exists because of California's need to conserve water. She informed the Committee that most water is wasted at California residences and the importance of educating homeowners on water conservation. Ms. Lima opined that it would be a disservice to California if educating homeowners was limited to landscape architects. She continued that it's time for the Committee to reconsider allowing other professions, such as landscape designers, to perform this service, especially if they are educated on MWELO and how to provide the required calculations.

Ms. Landry commented that she finds that many professionals do not understand water calculations and, also that many jurisdictions require that the professional providing the MWELO services be certified and it would be important to recognize the certifying agency. Ms. Landregan clarified that in the MWELO regulation, section 492.7(2)(F)(b)(7) states that the irrigation design

plan shall contain the signature of a licensed landscape architect, certified irrigation designer, licensed landscape contractor, or any other person authorized to design an irrigation system. Ms. Landry questioned who certifies irrigation designers, and Ms. Landregan explained that many are self-certified or certified by various associations, such as the Irrigation Association, but there is no monitoring or accreditation of the certification.

A member of the public, Michael Oguro, verified that some irrigation education is provided in landscape architecture programs within other classes. He also added that many licensees that came from another state have little to no education with regards to irrigation.

Mr. Truscott inquired whether the state would regulate the certification and the body providing the certification. Ms. Welch explained that it would be the body that is providing the certification and the criteria required to obtain certification. Ms. Landry asked Ms. Welch for clarification on whether the state would recognize an agency that provides certification especially when a city requires certification from a certain agency. Ms. Welch provided that many cities rely on certification programs to ensure that the proper criteria is met to provide the services as the next best thing since the state does not provide certification and there is no national accrediting body for these certification programs. Ms. Welch recommended against pursuing creating criteria for certification due to the lack of substantiation and the regulation would not be approved.

Ms. Landry inquired whether the Committee could comment on MWELO regarding the issues surrounding irrigation certification. Ms. Welch agreed that it would be appropriate to comment as long as the Committee agrees and by providing the feedback it brings to their attention problems that would arise with regards to the Act and our licensees and to possibly receive additional information with regards to the MWELO language.

Tracy Morgan Hollingworth conveyed the ASLA's support for LATC to address MWELO in the California Supplemental Examination (CSE) due to its relevance within California. She continued that by including MWELO on the CSE, it would promote universities and colleges to sufficiently cover irrigation. Ms. Hollingworth opined that since MWELO is not spelled out in the Act it could not be tested on as part of the CSE. Trish Rodriguez interjected that MWELO questions are contained on the CSE. Ms. Trauth requested clarification if in order to test on MWELO in the CSE if MWELO would need to be in the Act. Ms. Welch responded that it would depend on the statute and if there is a list of requirements to be tested on in the CSE and if so, the regulation would have to be amended to incorporate MWELO. Ms. Rodriguez informed the Committee that the Office of Professional Examination Services (OPES) does not recommend adding any testing requirements for the CSE in regulation but rather to conduct an occupational analysis to identify the needs of the industry to ensure the proper items are covered in the CSE.

The Committee agreed to continue discussion of the MWELO proposed revision at a future Committee meeting when the MWELO draft language is available.

G. Update on 2018 Council of Landscape Architectural Registration Boards (CLARB) Annual Meeting

Ms Rodriguez reported that CLARB's Annual Meeting was held September 27-29, 2018 in Toronto, Canada; however, LATC did not receive Agency approval to attend the meeting. She

continued that prior to the Annual Meeting, staff submitted the 2018 Board of Directors and Committee on Nominations Elections Ballot reflective of the votes determined by the LATC at their July 20, 2018 meeting. Ms. Rodriguez added that materials from the Annual Meeting were provided by CLARB and included in the meeting materials. She notified the Committee that CLARB plans to survey licensees regarding examination process efficiencies as part of their friction analysis study.

Ms. Rodriguez added that during the Annual Meeting, CLARB's proposed bylaws were not approved and may be revised for another vote in 2019. Ms. Trauth noted that CLARB allowed participants to vote remotely on the Bylaws and she voted in support of the changes, on behalf of the LATC. She also shared that LATC recently sent a letter to CLARB requesting expanded opportunities for remote participation at CLARB Annual Meetings.

Ms. Landregan expressed concern that the state with the largest licensee population was not represented at CLARB's Annual Meeting. Ms. Trauth added that LATC has been able to attend in the past and will request travel approval for the 2019 CLARB Annual Meeting.

H. Update on Amendments to the LATC's Member Administrative Procedure Manual

Ms. Rodriguez presented that the Member Administrative Procedure Manual (Manual) was updated as recommended during the Sunset Review training provided by DCA and included in the Sunset Review Report. Ms. Rodriguez explained that staff referred to Contractors State License Board's manual and the Board's manual as guides when updating the LATC Manual. She continued that the Sunset Report was due to the Legislature on December 1, 2108, and therefore the draft was approved by the Board at their last meeting on September 12, 2018, prior to LATC's review.

After reviewing the teleconference section of the Manual, Ms. Landry questioned if the only way to teleconference is through audio and not live through video. She felt that it would be beneficial to have video conference because it would be easier to follow along during the meeting. The Committee discussed possible teleconferencing options, challenges, and benefits. Mr. Truscott inquired about future live audio of the committee meetings for the public to listen to the meeting but not participate. Mses. Zuniga and Welch confirmed that that would be possible for future committee meetings.

Mr. Bowden questioned why the Board is required to meet quarterly whereas the LATC is only required to meet twice a year. Ms. Welch confirmed that it was a policy change and that LATC is only required to meet twice a year but can meet more often. Mr. Bowden expressed concern that the LATC is viewing the Manual for the first time and were not able to provide feedback prior to submittal of the Sunset Report. Ms. Zuniga advised that the Manual could become a Strategic Plan objective and placed on a future meeting agenda to provide feedback on any edits that they feel are necessary to update the manual.

I. Update on 2017-2018 Strategic Plan Objective to Follow the Board's Determination Regarding the Necessity for a Licensure Fingerprinting Requirement and the Alternatives for Implementation as a Means of Protecting Consumers

Ms. Rodriguez presented that LATC, similar to the Board, does not have statutory authority to use fingerprinting for background checks and are 2 of 6 programs within DCA's 39 boards and bureaus that do not have such authority. She further stated that in August 2018 the Board's Regulatory and Enforcement Committee (REC) was presented with information regarding the Board's review of applicant and licensee convictions as well as an overview of licensure fingerprint requirements for all DCA boards and bureaus, specifically information regarding the Contractors State License Board's and the Board for Professional Engineers, Land Surveyors, and Geologists' applicant fingerprint requirement. Ms. Rodriguez explained that the REC extensively discussed the necessity of a fingerprint requirement and recognized the benefit of the fingerprint requirement; however, they also noted several items reducing the need for a fingerprint requirement. The REC ultimately concluded that there is insufficient data to justify the need for fingerprinting at this time and recommended to the Board to not pursue a fingerprinting requirement. It was noted that at the Board's September 2018 meeting the Board was presented with the recommendation to not pursue fingerprinting and voted to approve the recommendation.

J. Review and Discuss California code of Regulations (CCR), Title 16, Division 26, Article 1, Section 2620.5 (Requirements for an Approved Extension Certificate Program)

Mr. Bowden expressed a possible conflict of interest due to his membership as the Chair on the UCLA Landscape Architecture Guidance Committee and recused himself from the discussion.

Ms. Rodriguez directed the Committee to the background information, provided in the meeting materials, outlining the history of the LATC's efforts to revise CCR section 2620.5. She specified that the Committee is asked to review and discuss the current provisions of CCR section 2620.5 and consider whether the following should be addressed in the regulation: 1) program approval expiration, reauthorization, and extensions of said approval; 2) provisions for site reviews and how or if these shall be conducted; and 3) the information that shall be provided by the extension certificate program to evaluate the program's compliance with this regulation.

Ms. Tara Welch noted that this regulation was initially brought before the LATC because the Landscape Architectural Accreditation Board (LAAB) was changing its accreditation requirements and the regulation was intended to be upgraded to coincide with the new LAAB requirements. She added that, in addition, site visit processes are unclear because nothing is laid out in the regulation itself; so potentially any information collected from site visits could be viewed as an underground regulation. She reminded the Committee that LATC previously attempted to submit a rulemaking package to the Office of Administrative Law (OAL) which was subsequently disapproved because the process to determine which LAAB requirements were referenced in the proposed regulatory language and which were not included appeared arbitrary. She noted that the biggest issue she finds with the current regulation is that it does not specify program approval expiration so the current process of reviewing programs for approval every six years could be considered an underground regulation as well. Ms. Welch added that LATC must determine what changes are necessary to the regulation without relying on LAAB accreditation standards. She clarified that the regulation currently does not require extension certificate programs to be reevaluated after initial approval and that is problematic from a consumer standpoint because the program needs to be reevaluated periodically to make sure it is still meeting the minimum requirements. Ms. Welch opined that the necessity of site visits should also be addressed, and, if they are determined necessary, the site review criteria must be transparent

and easy for staff and reviewers to understand. She recommended creating a subcommittee to determine what changes to the regulation are necessary and how to implement those changes.

Ms. Landry questioned the chance of obtaining approval for the previously proposed regulatory language denied by OAL in 2013. Ms. Welch explained that would be a matter of how the changes are justified in the rulemaking package. She added that the Committee may want to start by reviewing the current regulation language to determine if it provides the Committee, and ultimately the Board, enough information to understand how extension certificate programs operate to satisfy consumer protection and protection for the students.

Ms. Trauth asked for public comment. Ms. Landregan, Director of the UCLA Extension Program, expressed concern with the lack of formal process to approve extension certificate programs, conduct site visits, and set approval expiration dates. She suggested that the program review process be part of an LATC meeting at the university, where the program would present a self-evaluation report. Ms. Landregan added that the LATC's approval recommendation could be presented at a subsequent meeting. She recommended that LATC offer program approval for periods of six years, based on what other accreditation agencies do.

Ms. Trauth agreed with Ms. Welch's previous recommendation to form a subcommittee to propose changes that would not require frequent updates. Ms. Landry confirmed that the UCLA Extension Program is currently the only program currently offering an approved certificate in landscape architecture. She opined that holding program reviews during LATC meetings could become problematic if additional programs were to open and apply for approval.

Mr. Truscott recommended that LATC form a subcommittee. Ms. Welch clarified that the Committee's role is to provide program approval recommendations to the Board for consideration. She added that the subcommittee could be comprised of two Committee members or one Committee member and one public member, excluding Mr. Bowden due to his conflict of interest as Chair on the UCLA Landscape Architecture Guidance Committee. Ms. Landry added that having a public member affiliated with an extension certificate program would be beneficial. Ms. Zuniga suggested that the subcommittee consider the current regulation, rather than previously proposed regulatory language, to determine what changes are necessary at this time. Mr. Truscott volunteered to participate in the subcommittee and asked that staff amend possible extension of the UCLA Extension Program's current approval period for an additional year. Ms. Trauth confirmed the subcommittee would be comprised of Mr. Truscott and Ms. Landregan. Mr. Truscott added that the subcommittee would plan to have a presentation prepared for the next LATC meeting.

K. Election of 2019 LATC Officers

Ms. Rodriguez reported that an election is held at the last meeting of the calendar year to vote for a Chair and Vice Chair, to serve for one year, and that the election would be held at today's meeting.

Susan Landry moved to nominate Marq Truscott for Chair.

Andrew Bowden seconded the motion.

Members Bowden, Landry, Taylor, Truscott, and Chair Trauth voted in favor of the motion. The motion passed 5-0.

Andrew Bowden nominated himself for Vice Chair.

Marq Truscott seconded the motions.

There were no comments from the public.

Members Bowden, Landry, Taylor, Truscott, and Chair Trauth voted in favor of the motion. The motion passed 5-0.

L. Review Tentative Schedule and Discuss Future LATC Meeting Dates

Ms. Rodriguez announced tentative future meeting dates as:

Friday, February 9, 2019
Thursday, May 23, 2019
Tuesday, August 13, 2019
Friday, November 8, 2019

She advised that the meeting locations were to be determined and would work with schools or CCASLA to identify the next location. The members expressed interest in having a future meeting in the bay area and Ms. Landry offered to assist with securing meeting locations for the bay area.

M. Recess

The meeting recessed at 1:52 p.m.

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

On December 7, 2018, the meeting was called to order at 8:43 a.m., and the following persons were present:

LATC Members

Patricia Trauth, Chair
Marq Truscott, Vice Chair
Andrew Bowden
Susan M. Landry
David Allan Taylor, Jr.

Staff

Laura Zuniga, Executive Officer

Trish Rodriguez, Program Manager
Kourtney Nation, Examination Coordinator
Stacy Townsend, Enforcement Analyst
Blake Clark, Licensing Coordinator

Guests

Julie Kolaszewski, Strategic Planner & Facilitator, DCA SOLID
Lusine Sarkisyan, Strategic Planner & Facilitator, DCA SOLID

O. Strategic Planning Session

Julie Kolaszewski and Lusine Sarkisyan from SOLID facilitated the LATC's strategic planning session and lead the LATC through its review of accomplishments for 2017-2018, its mission, values, and strategic goals, which assisted members in developing objectives for 2019-2020. SOLID will update the Strategic Plan with changes made during the session, and the Committee will review and finalize the plan at its next meeting.

P. Adjournment

The meeting adjourned at 1:30 p.m.