

meeting minutes

project: Utah State Architecture Board Meeting
subject: Combining Architecture and Landscape Architecture Boards
location: Google Meets online meeting
date: 11 October 2023
time: 10:00 am

Participants:

<u>Name</u>	<u>Company</u>
▪ Brian Jacobson	Board Chair Architecture
▪ Celestia Carson	Board Member Architecture
▪ Corey Solum	Board Member Architecture
▪ Brent Bullough	Board Member Architecture
▪ Stephen Dundombe	DOPL Staff
▪ Nicolle Herrera	DOPL Staff
▪ Jay Bollwinkel	Board Chair Land Arch
▪ Scott Peters	Board Member Land Arch
▪ Corrinna Harris	Board Member Land Arch

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- A. Recent history of LA Board concerning Governor Cox's mandate to reduce government waste and eliminate a dozen boards of which the LA Board was included.
- Governor Cox recommendation to join the Architecture Board
- B. Celestia asked about the LA Board make up and law.
- Group discussed current practice act in place and relationship with CLARB.
 - The Architecture Board wanted to know the path to licensure.
 - Talked about NCARB and how the Arch Board sends a member to attend their national meeting and discuss license standards in a business meeting.
 - Discussed how the UTASLA recommends board members.
- C. Future Board Combination Options
- Preferred option for LA Board is to continue as an autonomous board.
 - Second option is to combine with Architecture Board
 - Celestia asked if board combinations are common. There are many state boards that are combined.
 - Steve reported that there are a number of combined boards in the State of Utah. Engineers and surveyors are combined into one board. Nurses also are combined into one board.
 - Celestia suggested seven board members – all five from the Architecture Board including their public member and 2 from the Landscape Architect. Steve suggested five board members from the architects with one landscape architect and a public member. Jay suggested two landscape architecture board members at a minimum that would also make an odd number. Suggestion was made that there are more licensed Architects than Landscape Architects, therefore, more Architects are needed on a combined board than LAs. Steve reported that there is one vacant seat on the LA Board.
 - It was also suggested that if the boards were to combine that there would be a transitional board until a more permanent board could be determined.
 - The group discussed terms left on current board members for both boards.
 - The group talked about having two boards functioning as two different boards and only meeting as boards in one meeting to discuss business.
 - Jay reported that Senators are annoyed with finding board members to fill open seats.
 - The group decided that Jay Bollwinkel from LA Board would send a summary of board meeting to the governor's office showing that we met to discuss. Nicole Herrera with distribute official meeting minutes to the group within 30 days.
- D. After the meeting Jay and Corinna discussed an option to be more proactive on filling open seats for the LA Board so that the Legislators wouldn't have to be bothered with that.
- E. Next Architecture Board meeting is scheduled for Dec. 13.

end of minutes

The Utah Landscape Architects Board Executive Review

The funding required for the executive board

The Utah Landscape Architects Board consists of four industry leaders who act as subject matter experts who volunteer their time and professional expertise at no cost to execute the statutory obligations of the board. It is a voluntary board that collects licensing fees are collected from licensees for the department to offset the Division of Professional Licensing's (DOPL) administrative costs. The funds requested by the board are for education or to help if any legal action needs to be taken. In 2022 that request was \$5,000. In the 2022 "Recommendation of the Appropriations Subcommittee for Business, Economic Development, and Labor", this was the smallest request from a licensing board.

The staffing resources required for the executive board

Similar to other professional licensing boards, one DOPL staff member acts as secretary and supports board volunteers ensure administrative items are completed per DOPL and State of Utah requirements. In the case of the Landscape Architects Board, this entails authorizing the organization of board meetings, satisfying Utah open meeting requirements, curating agenda items, taking meeting notes, and posting meeting information on the DOPL website. These tasks have not been delegated to volunteer members and it is the board's understanding that the completion of these tasks can only be completed by a DOPL staff member.

The Landscape Architects Board has been conscious of any staff time required to assist the board and has made concerted efforts to minimize unnecessary meetings and meet via Zoom to avoid unnecessary travel expenses, and has agreed to DOPL staff canceling board meetings in the past in an effort to minimize costs and staff time.

The time members of the executive board are required to commit to serve on the executive board

Board members are appointed to serve a 4-year term in accordance with Utah Code 58-1-201.

Whether the responsibilities of the executive board could reasonably be accomplished through an existing entity or without statutory direction

No other entity exists with or without statutory authority. Title 58, Chapter 53 Landscape Architects Licensing Act vests all responsibilities solely with the executive board.

The American Society of Landscape Architects is the professional organization that represents the landscape architecture profession and Utah has an ASLA Utah Chapter. However, the mission of the ASLA is to support and promote the profession of landscape architecture and ASLA does not execute the functions of a landscape architecture licensing board.

The historical record of how many meetings the executive board held in the last five years and the agendas of the executive board

4/26/23

Agenda:

- I. ADMINISTRATIVE BUSINESS: Call Meeting to Order Read and Approve Minutes Dated September 06, 2019 Elect Board Chair Update on Education and Enforcement Fund
- II. DISCUSSION and ACTION ITEMS: - Proposal to eliminate the board. - CLARB national licensure standards

4/11/2023

DOPL staff emailed board members about canceling the upcoming 4/26/2023 meeting if Board members had no items to discuss. Board members reminded DOPL staff of business to discuss and added items to the agenda.

1/29/2023

Board member Ole Sleipness emailed DOPL staff to request scheduling a meeting to nominate and vote on a Board Chairperson. DOPL staff responded that business would be delayed until the 4/26/2023 board meeting.

10/19/2022

Board meeting was canceled by DOPL staff.

4/20/22

Board meeting was canceled by DOPL staff on 4/13/2022. Emailed correspondence available on request.

10/20/2021

Board meeting was canceled by DOPL staff on 10/13/2021. Emailed correspondence available on request.

4/21/2021

Board meeting was canceled by DOPL staff on 4/13/2021. Emailed correspondence available on request.

10/21/2020

Board meeting was canceled by DOPL staff on 10/16/2021. Emailed correspondence available on request.

4/15/2020

Board meeting was canceled by DOPL staff on 3/19/2020. Emailed correspondence available on request.

9/6/19

Agenda:

- I. ADMINISTRATIVE BUSINESS: - Call Meeting to Order - Welcome New Member - Sign Per Diem - Read and Approve Minutes Dated October 17, 2018 - Open and Public Meetings Act Training
- II. DISCUSSION ITEMS: - Education and Enforcement Fund - Letter from Division Director - CLARB Visit - Missy Sutton

10/17/18

Agenda:

- I. ADMINISTRATIVE BUSINESS: - Call Meeting to Order - Sign Per Diem - Swear In New Members - Read and Approve Minutes Dated April 19, 2017 - Elect or Re-Elect Board Chairperson - Conflict of Interest Disclosure
- II. DISCUSSION ITEMS: - Roles and Responsibilities - DOPL, Board, CLARB and ASLA - CLARB Shared Mission - Education and Enforcement Fund

The ability to fill vacancies and appointments to the executive board

All positions on the Landscape Architects Board are currently filled, and historically all vacancies have been quickly and easily filled with minimal effort by DOPL staff.

DOPL has benefitted from the participation of the ASLA-Utah Chapter. This professional association solicits qualified members from the profession to serve on the board, gathers required documentation from nominees, and submits names to DOPL for upcoming vacancies. This partnership is another example of how Utah's private landscape architecture professionals are invested in supporting the efficient operation of the Landscape Architects Board.

The statutory duties of the executive board

The duties of the board are established in Title 58, Chapter 53 Landscape Architects Licensing Act, and include:

- Assist the division in reviewing complaints concerning the unlawful or unprofessional conduct of a licensee.
- Advise the division in its investigation of complaints.
- Recommend appropriate rules and statutory changes to improve public health, safety, and financial welfare.
- Recommend changes to regulations that are no longer necessary.
- Recommend policy and budgetary matters.
- Approve and establish passing scores for applicant examinations.
- Assist in establishing standards of supervision for students in training.

- Recommend to legislative committees whether the board supports a change to the licensing act.
- Assist in adjudicative proceedings.

Other items to make the best recommendations for the executive board

Utah's current licensing structure values the unique work and subsequent licensure requirements for landscape architects, placing Utah's landscape architects on par with surrounding states and similar design professions. A weakening in the independent licensing structure sends a signal that Utah's landscape architecture license is undervalued compared to neighboring states and similar design professions (e.g. engineers and architects). For the hundreds of licensed landscape architects in Utah, the perception of a weakened license structure reduces their competitive advantage when competing for contracts both in Utah and within other states. Rather than supporting and enticing the best practitioners and companies to locate in Utah, a comparatively weak licensure structure invites landscape architects and their businesses to re-locate to states where licensure is fully supported, and robust. This creates the unfortunate, and dangerous situation where Utah's design work is being done primarily from afar, negating the local knowledge needed to design the communities, infrastructure, landscapes and built environment for Utah, by Utahans.

Licensed landscape architects are supported by a national professional organization, the American Society of Landscape Architects (ASLA) that works to provide training and education to Utah's landscape architecture professionals to empower them to discharge their responsibilities in accordance with their licensure standards. This commitment is one of the many reasons the Utah Landscape Architect License Board is infrequently called upon to assemble to address complaints or issues within the profession.

Landscape architecture is a problem-solving profession and recognize the need to evaluate the potential consequences of multiple scenarios. As such, the following options and assessments are briefly highlighted

Option #1 - Maintain the current Landscape Architects Board:

The Utah Landscape Architects Board fulfills an important statutory role of protecting the health, safety, and welfare of the people of Utah. This responsibility impacts the lives and communities of Utah and sets the profession apart from other boards and commissions administered by DOPL. Similar to allied disciplines, educational requirements and established licensure standards create a framework of qualifications that protect the public from unqualified or incompetent individuals who may seek to engage in the work of the discipline. The landscape architecture board not only creates a functional check and balance for licensed professionals but also the structural separation and relationship with DOPL that empowers the independent role the board needs when called upon to do its work. The board is made up of vetted, qualified, landscape architecture subject matter experts who stand at the ready to

provide DOPL insights and expertise gained through personal industry leadership. Assembling and vetting a similar group of professionals on an ad-hoc basis to assist DOPL when needed will certainly require higher demands on DOPL staff in the future and lack the timeliness needed to address potential issues the landscape architect board currently has the responsibility and structure to address.

The Utah Landscape Architects Board currently utilizes several licensing best practices to reduce the administrative burden for DOPL and to reduce time to licensure for applicants. This includes using administrative approval for both initial and reciprocal licensing as well as being a direct application jurisdiction for the Landscape Architecture Registration Exam. L.A.R.E. This allows applicants with an accredited degree (93% of applicants) to go directly to the Council of Landscape Architecture Registration Boards (CLARB) to schedule the exam. The structural support CLARB provides ensures that licensees meet national licensing exam standards and meet the statutory requirements for licensure in Utah. This efficient model minimizes the administrative assistance required to obtain and maintain licensure.

Option #2 – Explore Option to Move Board to be Associated with ASLA Utah Executive Committee

This option was suggested by Senator Dan McCay. A subcommittee would be created under ASLA Utah Executive Committee. ASLA Utah Executive Committee would recommend board members when terms are up (this already occurs). The subcommittee would coordinate with DOPL similar to current LA Board. State would not have to manage board. There are a lot of legal concerns that would have to be worked out to make this option amenable. The LA Board doesn't want to be the only board and professional association trying the model. Other design boards would need to agree.

Option #3 - Combined Board between Landscape Architects and Architects:

An initial suggestion from DOPL was to combine the architect and landscape architect Boards. Although a combined architect and landscape architect board is not uncommon nationally, there are several serious concerns with this proposed model in Utah. Although architects and landscape architects are allied design disciplines, they differ significantly in their training, education, processes, and areas of focus. Architects and landscape architects often compete for the same contracts and clients. A combined board creates a situation where profession specific self-interests interfere with the honest execution of the board's responsibilities. Independent boards allow for each discipline to provide DOPL with discipline-specific feedback, free from the inherent conflicts that occur when a competing discipline is given authority to serve its own interests when providing recommendations on addressing complaints, assisting in adjudicative proceedings, establishing educational standards, or modifying a licensure act. Public health, safety and welfare are better protected when independent boards provide unbiased recommendations to DOPL regarding their own members.

Any exploration of a combined board option must address the realities of competing disciplines sharing a board and ensure equal representation and authority for both disciplines so that neither discipline is disadvantaged or subservient to a competing discipline.

The LA Board has reached out to the Architecture Board to explore the opportunity to combine boards. There is an agenda item scheduled during the Architecture Board meeting on October 11, 2023 at 10:00 AM where both boards will discuss board combination options.

Conclusion:

Never in the history of Utah has the profession of landscape architecture been more relevant and needed. Utah is grappling with many growth-related challenges: housing affordability, water resource limitations, community livability, transportation, and infrastructure development to name just a few. Now is not the time to undervalue a licensed profession deeply engaged in creating innovative solutions to these issues. A fully supported, robust licensure structure that maintains an independent, licensing board sends a clear message to allied disciplines and other states that the unique skills and approaches of Utah's landscape architecture professionals are valued and supported in Utah.

The landscape architecture board supports the efficient administration of critical government functions and has worked to be efficient in accomplishing its duties while requiring the absolute minimum resources from DOPL. Eliminating a board that is well-staffed by private industry volunteer experts, requires minimal resources from DOPL, and provides a statutory check and balance to a profession addressing Utah's critical challenges sends a dangerous, if unintended message.