

North Carolina Underground Damage Prevention
Review Board
Meeting Minutes from March 22, 2016

Present: Christopher McGee, Louis Panzer, Dean Yancey, David West, Christopher Russ, Richard Gould, Jim Nelson, Tom West, David Stike, Ken Malonson, Joel Johnson, Danny Sloan, Danny Lassiter, Greg Puckett, Kevin Bell, Sr.

Absent: None

Guest: Beth Langley, NC 811 Council
Anne Brown, NC Attorney Generals Office
Allen Gray, Carolina's AGC

Chairman Chris McGee opened the meeting by welcoming everyone and proceeded with introductions of the board members, guest and gallery.

The Chair offered a brief discussion to review the purpose of the board and Louis Panzer went into more detail regarding the legislation. Mr. Panzer pointed out that there had been several changes to the initial legislation and what those impacts might entail. The primary purpose of the board is to review the reports of alleged violations. Mr. Panzer noted that NC 811 has been receiving these alleged violations since October 1, 2014. The legislation also requires that the board establish rules and procedures as to how the alleged violations would be received and evaluated as well as how penalties would be imposed.

Beth Langley covered the proposed rules that were presented to the board. The board went through each section and discussed points that needed further development and some sections that may not be necessary or pertinent to this board.

ACTION: NC 811 representatives will 'clean up' the rules based on the group discussion and provide an updated copy to members at our next meeting.

There was discussion regarding the form that was developed by NC 811 that is being used to collect data regarding the alleged violations. The entire board will review the form and provide comments at our next meeting.

MOTION: A motion was made and seconded that we adopt Roberts Rules of Order for NC Underground Damage Prevention Review Board meetings. The motion passed unanimously.

ACTION: Chris McGee will contact the North Carolina Ethics Commission and ask for a determination as to whether or not the members of this board are subject to ethics training and if the members should complete a Statement of Economic Interest.

The Penalty Matrix was also discussed with regards to first and second offenses and what should be given consideration. Among items to be considered when assessing a penalty include frequency, severity, injury, fatality and egregiousness. Questions were raised regarding methods of tracking complaints and violations. The Chairman appointed a committee to further research the matrix options.

PENALTY MATRIX COMMITTEE: Louis Panzer-Chair, Jim Nelson, Ken Malonson, Kevin Bell, David Stike

MOTION: Dean Yancey made a motion to use PIPES PLUS training as part of the penalty matrix and Chris Russ seconded the motion. During discussion, Danny Sloan made a motion to amend the main motion by adding 'or other approved training as approved by the board.' Dean Yancey seconded this amendment. The amendment was approved. The new main motion is to use PIPES PLUS training, or other approved training as approved by the board, as part of the penalty matrix. The motion passed unanimously.

MOTION: A motion was made by Danny Sloan and seconded by Joel Johnson that all submittals to the board will be made and submitted to the board members electronically. The motion passed unanimously.

Following the previous motion, there was discussion regarding a website for the NC UDP Review Board. The website could host information about the board and its purpose as well as serve as a portal for electronic submittals to the board. Board members would have exclusive access to certain areas of the website to review reported alleged violations.

There was discussion again regarding our meeting dates and times and whether or not we were required to have established rules and procedures prior to reviewing alleged violations. The question was also asked if a subcommittee could meet without violating meeting rules for advertisement. The general feeling was that subcommittees could meet because this would not include the entire board.

ACTION: Chris McGee will continue discussions with Anne Brown in the Attorney General's office and the Rules Commission to determine if our rules have to go through the Rules Review Commission for approval.

MOTION: A motion was made by Dean Yancey and seconded by Danny S. to establish our regular meetings on the third Tuesday of the third month of each quarter from 10:00am until 2:00pm or as needed. The dates for 2016 will be June 21, September 20 and December 20th. The motion passed unanimously.

MOTION: A motion was made by David Stike and seconded by Joel Johnson to have our next meeting on Tuesday, April 26, 2016 from 10:00am until 2:00pm at the City of Raleigh's Central Operation Facility. The motion passed unanimously. Chris McGee will work to have a call-in phone number available for those who cannot attend in person.

ACTION: Chris McGee will continue to work with the Attorney General's office and the Governor's office to establish legal support and administrative support for the board.

The board decided to have a roll call at every meeting. It was noted that every member was in attendance for the first meeting.

MOTION: A motion was made by David Stike and seconded by Tom West to have a board meeting on May 24, 2016 from 10:00am until 2:00pm at the City of Raleigh's Central Operations Facility with a call in number available. The motion passed unanimously.

A committee was established to develop a board book that would contain relative information for board members that could be collected in a single document for ease of reference. The Chairman appointed a committee to develop a board book.

BOARD BOOK COMMITTEE: Danny Sloan-Chair, Joel Johnson, Chris McGee

MOTION: A motion was made by Greg and seconded by David West to approve the proposed seal. After discussion, the motion was tabled. Chris McGee will contact the Governor's office to see what might be acceptable.

ACTION: Chris McGee will contact the Governor's office and submit a copy of the seal that was distributed to the board to gage appropriateness and acceptability.

Danny Sloan was nominated as the Vice Chair. Nominations were closed and Danny was approved as the Vice Chair.

Greg Puckett has agreed to provide lunch for the April board meeting and Tom West will provide lunch for the May board meeting.

At the next meetings, items for discussion will include staggered terms, expired terms and otherwise vacated positions.

MOTION: A motion was made by Dean Yancey and seconded by Tom West to adjourn. The motion passed unanimously.

An audio recording of the meeting will be made available upon request.