



# NCUDPRB MINUTES OF MEETING

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## NCUDPRB Board Meeting

Tuesday, April 20, 2021 – 10:00am

Location – Virtual via Microsoft Teams

### Board Members Present:

Megan Riley (Chair)  
BJ Lanier  
Chris Russ (joined around 11am)  
Fred Young  
Greg Puckett  
Hope Morgan  
Jonathan Holt  
Lisa D. Smith-Perri  
Louis Panzer  
Rick Gould  
Rufus Jackson  
Tony Konsul  
Tucker Martin  
Tom West (dropped around 11am)  
William Wheeler

### Board Members Absent:

None

### Others Present:

Juliane Bradshaw (legal)  
Cyndi Sosa (board administrator)

### Guests:

Ralph Bizzarro (CHMS)  
William Benjamin  
Anna Rushing  
Stephanie Brown (811)  
Jim Collins (PNG)

Quorum Present? ☒ YES ☐ NO

Prior Board Meeting Minutes Approved? ☐ YES ☒ NO

### Notes:

Formal approval of the board minutes is a new process therefore the FINAL DRAFT January and April board meeting minutes will be presented to the board for approval at the beginning of the July Board Meeting.



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**Meeting called to order by Chair, Megan Riley at 10:03am**

Megan took roll call and asked if there were any guests on the call, guests noted.

Megan announced new board member Tony Konsul and asked Tony to give a quick introduction.

Megan announced new board administrator Cyndi Sosa and asked Cyndi to give a quick introduction.

## **FINANCE-**

**Finance report out** – Lisa reviewed [2021 Budget Worksheet](#)

- The board has enough in the budget to cover the costs for 2021
- Megan needs to get the commerce number to make sure that the cost is correct but \$6-\$10k is the mark for website development. There is a lot of room in the budget for extra funds to be moved around.
- Meeting expenses are at \$9000
- Currently the board has enough funding. Should the board be focusing on the outstanding funds from last year but not billing additional funds? Megan opened questions up to the board. Billing a lesser amount was the assumed option.

## **Motion:**

- Louis made a motion that the board bill at \$100,000 for 2021
- Rick seconded motion  
Discussion- If the board billed at \$200,000 (last year), then drop it to \$0 this year it would be difficult to come back. Given the time and the fact that the boards wants there to be a recency effect, invoices should be send out annually. Billing at \$100,000, bills for this year will still go out but they will be 50% less.
- Louis keeps his motion that the board bills 2021 at \$100,000.
- Opposed – None
- **Motion Carries**

## **Top 50 Companies – Megan**

- Louis gave a history on how the top 50 works for billing
  - Law says the board can bill up to \$200,000 annually
  - The list is compiled from information pulled through 811, the board takes a listing of all the members and the number of listings they receive. The top 5 have 50-60% of the weight of uses. The board previously voted to use the top 50 companies for billing. When 811 does the annual review of which companies are on the top of the list, they provide that to UDPRB. 811 did the initial send out of the invoices to the companies but that will now be done by CHMS.
- Megan shared the list of the [2021 Top 50](#) companies
  - List will be updated to reflect the 2021 \$100,000 billing amount



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- There are a couple of changes to last year's Top 50 and a few new people at the bottom of the list
- Some newcomers are going to have a bill that they have not received in the past
- Outstanding 2020 bills will be pursued but the board will send those separately, they will not be combined with the 2021 bills
- Is this a strange way to bill not to include the previous balance in the new invoice? Sending the old invoice marked past due and the new invoice separate but with an itemized statement showing both invoices would be better for companies with past due balances. Having everything on one invoice might make it difficult to get the invoice approved
- Julianne said the board can also turn this over to collections with the State at the Attorney General's office and it would be out of the board's hands
  - Cyndi and Julianne can work together to figure out what the issues are with past due payments on an individual basis to see if this is a process issue or they are just not paying
- The board is going to pursue past due bills, UDPRB will send a notice to say this would go to collections if not paid, if questions or issues please communicate with UDPRB
- There was an issue with a W9 in 2020- this has been resolved and the new W9 will be included with all invoices going out

## Motion:

- Louis made a motion to send past due invoices for 2020 out with the current invoices and the accompanying W9 but if not resolved by July the board will pursue collection
- Rick seconded motion  
Discussion- have Julianne and Cyndi reach out to those with a past due balance from 2020. If the board does not have resolution by the next meeting (3 months), or if the board does not have any movement or communications, then the board will move forward with collections
- Opposed – None
- **Motion Carries**

## Role of Treasurer – Megan

- Megan wants to discuss the roll of the Treasurer now that Admin is onboarded  
Lisa's roll-
  - Billing went to Lisa and would be sent to Commerce
  - Now all the billing goes to Commerce. Job now is approving expenditures and keeping up with the general ledger side.
  - Lisa will continue to do what she has done and will copy Cyndi and look through all the documentation for now
  - Ralph from CHMS introduced himself. Ralph is an accountant as well as the VP of Finance and Operations at CHMS. Ralph explained how CHMS does complete financial management and that there would be no issue with CHMS taking over the finance processes and working with Lisa to go through the needs of the State. Ralph said CHMS is happy to take over all financial



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services by the next board meeting (July 2021) and will provide Lisa with an financial update each month.

- The goal is for CHMS to fully take over financial services by July 2021, providing monthly reports to Lisa. Louis supports this.

Lisa will provide an introduction through an email to Commerce and will change the email address effective May 1, 2021, to the new UDPRB address CHMS monitors

## Website

- Megan- The board now has their own website - <http://udprb.nc.gov>
- The board needs to talk about the site input and content
- The board is planning a tentative go live date of May 1<sup>st</sup>. Louis will work on the 811 side to have the content moved to the new location. **UPDATE: Go live date has been extended to 5/15/2021 or sooner.**
- Megan showed how the language can be English or Spanish through translate function
- Homepage
  - This is not a direct copy of 811, the board can produce some sort of communication to update the homepage on a quarterly basis
  - The board can reference articles (April is safe digging month)
  - If there are 811 initiatives, the board can put them on the homepage
  - There is a lot of media outreach related to damage prevention- acknowledging effort
  - Link to the safe dig and on the homepage where they land
  - Cyndi suggested, until the board has enough content to “build-up” the homepage, “I Want To” tabs or buttons can be added and the board can add options which link to various pages on the website. This will show visitors what they can do on the site and where they can find information. The board likes this idea. Cyndi will work with Megan and Commerce to get this function added
- About the Board
  - Megan would like photos of board members with why they are on the board and when their term ends also keep a redirect link to the governors’ page on the board page
- Resources
  - Some of the Statute has been added to the site
  - Pipes plus will be removed from the home page and added to Education. The board can also add educational videos with content from 811 that is relevant with 811 podcasts to the Education resources
  - Rules and penalties section is a place holder, this will be updated
  - Industry resources is a place holder, this will be updated
  - The board can publish meeting minutes so public can see what was discussed at the meeting
  - The board will add NCUC to resources page with a link to the portal so violators can upload a copy of their pipes plus certificate to show it has been completed



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- Reporting an Alleged Violation
  - This part of the site is almost ready to go live. Megan updated the content which was slightly dated. It was updated based on the 2019 law
  - Electronic- Suggestion to make the name and address on the electronic submission form be address boxes and not free form
  - Should the form include options for the violator types? (it would be good to have that information on the site, not necessarily have people select that information). Maybe have Alleged Violation free form and drop down to ID the utility type, Company, Utility, Person – Megan will talk to John about updating Case Management
  - Print and Mail option opens a word document so complainant can print, fill out and mail
  - There is a database that 811 needs to provide CHMS with.
  - Contact Us – where visitors to the site can report a violation or provide comments / questions which will go to the new [UDPRB@nc.gov](mailto:UDPRB@nc.gov) email address
- Website updates the board would like added:
  - Show statistics- Graphs- charts how many violations were the responsible party as case management is live, this would be automatically updated
  - Approved vs. Denied cases and why
  - FAQ- where the board can build as people have questions. Using the Attorney General when there are advisements and understanding the interpretation.
  - Clarify on the site the legal questions that come up
  - Add the ability to look up a case status by the case number. There is a piece of software that would be needed to tie this to case management. Depending on the cost if there is one, Megan can bring the information to the board and ask for a vote.
  - Can the board request for the certificates to be sent to us when the training is complete if not, can the board get that certificate via mail as soon as the training is complete?

## **Limit Terms of each seat – Juliane/Megan**

- Chair this is a 4-year term by statute. Who would be next and what is the transition plan?
- Juliane- other boards have specific language around a chair or vice chair on how long of a term if the board would like to assess the need
- Rick – Vice Chair from first term- appointed because of history with board
  - 2 years seems reasonable for this role
  - Lisa agrees, a 2-year term with an option of renewing for an additional 2-years, for a 4-year max term
    - Admin will take on much of the fiscal role now
  - Don't see a need for secretary now that admin is on board



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## Motion:

- Megan made a motion for legal to draft roles and responsibilities Policy for the Vice Chair and Treasurer and what the term limits will be. Cyndi will keep the policy and will add it to the website
- Hope seconded motion
- Opposed – None
- **Motion Carries**

## General Question-

- How much research/communication should Board Admin have with people submitting violations. If someone puts in an alleged violation or by law the person is not named.
  - Some of the board asked for clarification of this question. Cyndi explained as she is going through the case management system and updating files, she is noticing many of the alleged reports are missing a lot of information, letters were sent out requesting more information but not many are returned with more information.
  - If a complainant provides an email address is the board comfortable with the Board Admin emailing the complainant to try to obtain some of the missing information?
- Would there be any conflict to add this? Julianne does not believe there would be a conflict to do this work.
  - Sometimes an alleged violator wants to request a hearing, but they are not clear on the process and after learning the process they change their mind.
  - No issues with answering questions or follow up with submissions but follow up needs to be consistent.

## Motion:

- Louis made a motion to allow Board Administrator to answer questions or follow up with submissions that are incomplete
- Opposed – None
- **Motion Carries**

## Decommissioning of Drop Box-

- Drop Box is being cleaned up by Cyndi and once it is organized it will be put on the Teams site.
- All information in Drop Box has been copied
- Megan asked if we have a timeframe for when the tasks will be complete?
  - Cyndi asked what the boards' priority is. Cyndi has been working on updating the 280+ files in case management. Assuming this was a priority so history can be pulled.
  - Board agreed this is priority, then working through drop box contents to get final copies of documents posted
  - Cyndi said everything should be updated by next board meeting



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- Going forward, Tonya will send any new files directly to Cyndi and not add them to the Drop Box. The drop box can be decommissioned as of today.

## Motion:

- Megan made a motion to decommission the drop box
- Louis seconded motion
- Opposed – None
- **Motion Carries**
  - Tonya is going to take care of that with the 811 board

## UDPRB Advisory – Julianne / Lewis

- This advisory would be for questions asked of the 811 board and they do not want to do any interpretation. The board can request an advisory opinion from the UDPRB lawyer as a 3rd party that will speak to something specific in the statute. 2 years seems reasonable for this role
  - Helps the board if there are some things that can be considered a violation. This would allow for Julianne to bring questions forward to the Attorney General. The process takes 60 to 90 days and the information can be provided to the public at the discretion of the board
  - Currently 2 questions that Louis would like opinions for, these will be saved for the next board meeting

## Motion:

- Louis (amended motion)- Can an industry question about the Statute go before the Attorney General for an opinion before the board receives a specific complaint?
- Freddie seconded motion
  - Revoked- aware of the vehicle to get advisory opinions through the council that we utilize when the need is there
  - Revoked- provide the letter to Julianne and receive an advisory opinion on the 2 questions provided
- Discussion- Who determines the advisory opinion? The board answers these questions. Board will provide the information to Julianne as the interpretation for the board. When UDPRB poses the question, UDPRB provides an opinion and then legal writes an answer. Question and Opinion are provided by the board and then it is then reviewed by the Attorney General's office to make sure there is legal support for the answer. There would then be an opinion given by the Attorney General's office and this would carry in court.
  - What are the boundaries of the Opinion? 811 and the UDPB are two separate entities. If a Question comes to 811 then that should be handled by 811 and not the UDPRB.
  - This could be posed to the Attorney General's office now as it isn't exactly a UDPRB issue yet but because these two entities work closely together, and they could see if this was a valid use of the opinion.





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- If there is a concern or a complaint it comes to this group. When there are questions from the field it would be helpful to know that this is an available option. Is it only after contention or a hearing? The board can decide to have an opinion working now and see if it is appropriate to write an opinion.
- Opposed – None
- **Motion Carries**

## Case Reviews (285, 286, 287, 288)

### **Case # 285**

Recusals – None

Violation

#### **Motion by Rick – Insufficient Evidence**

- Motion seconded by Louis

Discussion

- State damage and a disruption but they don't explain how the person failed. Was there a mistake? There was a ticket. There is nothing that states what the violation will be.

Opposed- None

**Motion Carries**

Penalty - None

### **Case # 286**

Recusals – Jonathan

Violation

#### **Motion by Louis – Insufficient Evidence**

- Motion seconded by Rick

Discussion

- Others did respond that marks were available. Others were able to mark. Complaint appears to be a lack of communication. This was marked as needed more communication with the contractor, but they were not able to reach the contractor. They can put in a 3-hour notice. But after that period, they can proceed with the work. Alleged violator appears to be in the wrong but there is not a violation of the law. Address is listed as not correct but locate is available. Noted incorrect address and then didn't provide the correct address.

Opposed- None

**Motion Carries**

Penalty – None

### **Case # 287**

Recusals – Jonathan

Violation

#### **Motion by Rick – Insufficient Evidence**





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- Motion seconded by Louis

## Discussion

- Saying it wasn't pre-marked or white lined. But there are no pictures and no information to show that. Company didn't respond saying it wasn't true. Other people have responded not complete but were completed the following day

Opposed- None

**Motion Carries**

Penalty - None

## **Case # 288**

Recusals – Megan

Violation

**Motion by Louis – violation 87-122(a) for St. Wooten with Piedmont Natural Gas**

- Motion seconded by Rick

## Discussion

- Without a ticket that is enough evidence for a violation. Pipeline questions are there. Original locate ticket was expired at the time of damage. Size of the transition main that is valid danger.

Opposed- None

**Motion Carries**

**Motion by Louis on the Penalty – with a recommendation of pipes plus training and fiscal penalty of \$2,000 to ST Wooten.**

Motion seconded by Tucker

## Discussion

- There is not a record of history. This is a significant situation and ignoring marking. Doing the maximum for each of these allocations. Ticket was not valid for the time of the incident.

## Fine Allocation

- History - \$0
- Gravity - \$500
- Circumstance - \$500
- Culpability - \$500
- Other - \$500

Opposed – None

**Motion Carries**

**UPDATE:** This case (case # 288) should not have been decided because a timely response was filed by the accused. The board needs to review the response and reassess the case at the next Board Meeting.

**Meeting Adjourned**

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**NEXT Board Meeting -**

Tuesday, July 20, 2021 – virtual via Teams