

New York State Council of Landscape Architects

New York Chapter and New York Upstate Chapter-American Society of Landscape Architects
235 Lark Street Albany, NY 12210 (518) 465-5176

SPRING MEETING

Date: March 29, 2003

Location: NYSCLA Offices-235 Lark Street, Albany

Members

Present: D. Conklin-Upstate Officer (President)
B. Rodriguez- (NYSCLA Executive Director)
E. Olinger-Upstate Officer (Treasurer)
N. Bateman- Upstate (Interim Secretary)
D. Annese- Downstate
D. Fasser- Upstate
K. Mathews- Downstate
D. McCord-Upstate
N. Pouder-Downstate
B. Restaino- Downstate

Members

Absent: D. Brackett- Upstate
R. Hawks- Honorary
P. Lester- Downstate Officer (Secretary)
B. Martin-Honorary (Exec. Secretary NYS Board for LA)
D. Scott-Downstate
D. Young-Upstate

Old Business:

1. Executive Summary- submitted in writing and presented by B. Rodriguez

Administration- Management fee: copies were delivered to Ed and Dale; **Landscape Architecture and the Law:** This will go out to Town Supervisors and Building Officials in the next two weeks.

Government Affairs- a date for the next **Joint Design Professions Meeting** is still being worked on; **Lobby Day** for 2003 is set for **Tuesday, April 29**, and NYSCLA needs to submit to AIANYS issues we wish to be on the program; request and agreement made to deliver final issues to B. Rodriguez in the next week-submit all to Dale who will forward; contact Dale if interested in participating in Lobby Day at 518-463-4107; NYSCLA members (Dale Conklin and Dave Fasser) have been invited to join AIANYS the evening before at the AIANYS Board Dinner where an invitation has also been extended to Senator Balboni.

Proposed NYSCLA 2003 Legislative Program tentatively set to address the following issues: (editions/changes to be made this week for final list)

*Design Professional Liability:

*Statute of Repose

*Civil Justice Tort Reform Act

*Certificate of Merit

*Illegal Practice of a Licensed Profession

*Qualifications-Based Procurement of Professional Design Services

**"Crumbling Schools" Initiatives

*Wicks Reform

*Smart Growth-Livable Communities-Sustainable Development

**"Crumbling Schools" Initiatives/Annual Structural Safety Inspections by

A/Es

*Historic Housing Tax Credits

*Affordable Housing Tax Credits

*Landscape Irrigation Certification Act

*Design/Build

*Corporate Practice of the Design Professions

Other 2003 Legislative Issues which have been carried over or new issues which merit NYSCLA's attention include:

*S. 1926, Mr. Hannon, Good Samaritan-requesting that this bill be

amended to include

landscape architects

- *S. 3003, Mr. Marcellino/A. 6950, Mr. Grannis-Light Pollution/Outdoor Lighting (we need to clarify our position on this-handout distributed)
- *A. 300, Mr. Gantt-Billboard Advertising (we need to clarify our position on this-handout distributed)
- &A. 5509, Mr. Levy-Playground construction and upgrading program funding (we need to clarify our position on this-handout distributed)
- *Certificate of Authorization-the AIA Board has been requested to review this to consider the addition of architects to these provisions, which seem to complement corporate practice and help identify illegal practitioners (we need to clarify our position on this-handout distributed).
- *Dark Sky-likely again to be carried over; to be decided within the week by NYSCLA

MCE (Mandatory Continuing Education): Model legislation distributed.

B. Rodriguez is currently tracking 150-160 bills of interest to Landscape Architects-handout of listings were distributed. The Board thanked Barbara and her staff for their continued hard work.

2. Treasurer's Report-submitted in writing and presented by E. Olinger; chapters will be invoiced soon for 2nd quarter for AIANYS; the budget is in order and was approved as submitted.

3. Mandatory Continuing Education (MCE)-Doug McCord, Ed Olinger, and Domenico Annese distributed (prior to the meeting) their critique, draft comparisons of MCE legislation used for Architects, Engineers, and Land Surveyors, and the regulations implementing the Architects MCE Law. Based on those, and much inquiry/discussion with the State Education Department (SED), ASLA national, support expressed from both Upstate and Downstate Chapters, and CLARB, Doug and Ed presented a working draft for MCE law for Landscape Architects. This working draft version is similar in concept to the Architects whose focus is upon the health, safety and welfare of the public, requires renewal every 3 years of 36 hours of certified formal courses met by standards prescribed by regulations of the SED. Discussion ensued (and will continue) as to the number and type of hours (formal vs. self study) which should be required. Architects utilize a self-certification system directly linked to a network consisting of an adopted administrator (AIA's Continuing Education System) and numerous providers (instructors, groups, institutions). Both the Engineers and Land Surveyors MCE law has been passed but we are still waiting for regulations soon to be made public. However, the hurdle for Landscape Architects is to find/organize a source to administer the MCE program. Unlike the Architects who have AIA's Continuing Ed System which is affiliated with post secondary institutions, Landscape Architects right now do not have a pre-approved sponsor ready to undertake such a task. CLARB and/or ASLA are two likely candidates. As of now, CLARB, is best positioned to serve in a similar capacity as AIA's Continuing Ed system, yet still is a couple years away. NYSCLA's concern is to move ahead now in a proactive stance to assure we can determine our own destiny in the MCE arena for Landscape Architects. Currently, 21 states have MCE laws for Landscape Architects. Only 3 of these use their SED or its equivalent as the MCE administrator of the program and this has been problematic in most cases. The remaining 18 states use a volunteer type system. As it currently stands, our SED is not in a position to undertake this for us and if CLARB or ASLA would be, this would require a concerted effort on their part. A system would need to be in place to go out and be able to approve actual providers of courses and certify these vendors. Ed noted that we may want to look closely at AIA's Continuing Ed system set up, as well as approved courses used by Engineers, Arborists, and Land Surveyors to see where Landscape Architecture course credits may overlap/apply. The pressing need, however, is to find likely providers, in addition to determining who will administer the MCE program for Landscape Architects. It was agreed that NYSCLA will continue to assess MCE for Landscape Architects and will take the lead towards recommending the most optimal way to get there. A motion was made and approved for Ed to draft letters from NYSCLA to both ASLA and CLARB to give them a "heads up" and let them know NY is moving in the MCE direction for Landscape Architects in a similar approach to the AIA model. NYSCLA will also solicit the Chapters regarding their input on possible statewide providers and will consider organizing a joint meeting in the near future with NYSCLA, the state LA Board, colleges, chapters and CLARB to solicit input. B. Rodriguez will get us contacts for Engineers and Land Surveyors, so we are aware when their regulations become available. Discussion on this topic will continue. The Board thanked Doug, Ed, and Domenico for their efforts to keep us informed as we continue work on this issue.

4. Professional Directory update- Kim distributed the NYSCLA letter sent to all member Landscape Architects this month announcing the call for printed hard copy Directories. The requested deadline is **April 30, 2003**. The Board thanked Kim and her staff for all their hard work on this tremendous accomplishment.

New Business:

5. Professional Fees – The Board discussed the Governor's emergency budget appropriation proposal to transfer \$5 million from the Office of the Professions registration fees and fines fund balance and decided to take no action at this time.

6. NYSCLA Secretary- Dale has spoken with Pam Lester, NYSCLA Secretary, regarding her temporary leave. Pam is interested in returning and resuming, though not sure when. Until then, it was agreed Nanci Bateman will continue to fill in, in

addition to serving as Board Member.

7. Calendar- Board Meetings/Key Dates for 2003 are as follows:

April 29: Lobby Day (roughly 9 am to 3 pm at the Capital in Albany)
June 21: Summer Board Meeting
August 23: Fall Board Meeting
Oct. 30-Nov. 3 ASLA Annual Meeting in New Orleans (D. Conklin is this year's Conference Co-Chairman; Congrats Dale!)

* Please note, all Board Meetings will continue to start at 10:30 am.