

**FLORIDA INSTITUTE OF CONSULTING ENGINEERS
BOARD OF DIRECTORS MEETING**

June 5, 2009

**South Seas Island Resort
Captiva Island, Florida**

MINUTES

President James A. Horton PE, called the June 5, 2009 meeting of the FICE Board of Directors to order at 1:46 p.m. EST

Members present were:

| | |
|------------------------|--|
| James A. Horton, PE | President |
| Sia Kusha, PE | President-elect |
| Andy Cummings, PE | Treasurer |
| Michael Kennedy, PE | General Civil Director |
| Steven McGucken, PE | Transportation Director |
| Mark Mechling, PE | Environmental Director |
| Nancy Faller-Brown, PE | DBE/WBE Director |
| Richard Temple, PE | Structural Director |
| Robert Behar, PE | Small Firm Director/Transportation Cmt Chair |
| Scott Gombar, PE | Medium Firm Director |

Others present were:

| | |
|----------------------|---------------------|
| Tim Brodeur, PE | WRC Chair |
| Lee Grant, PE | Incoming, WRC Chair |
| Roy Young, Esq. | General Counsel |
| Frank Rudd, CAE, CMP | Executive Director |
| Kelly Jones | Designated recorder |

Not Present:

| | |
|-------------------------|--------------------------------|
| Jeff Hahn, PE | Mechanical/Electrical Director |
| Michael Hermesmeyer, PE | Past President |
| John Foley, PE | Director at Large |
| Robert H. Miller, PE | ACEC Director |
| Jim Thompson, PE | NSPE/PEPP Director |
| Ron Forney, PE | Vice President |
| Stephanie Setser, PE | GMEC Director |
| Sandy Smith, PE | PPC Chair |
| Terri Bowman | PR Chair |
| Kim DeBosier, PE | CELC Chair |
| Charles Baxley, PE | MSC Chair |
| Jeanne Berg, PE | GMEC Chair |

1. **The FICE Board of Directors made a motion a second and it carried unanimously to approve the contents of the consent agenda.**

2. **There was a motion, it was seconded and it carried unanimously to adopt the final agenda.**
3. The action item list was discussed. Results will be shown below.
4. Rudd gave an Executive Directors report. He reported that membership is at 424 firms, with less than a 1% loss this year. Under continuing education he reported that 26 FDOT employees attended the Consultants Conference, with 275 attendees total. He informed the Board that the Breakers Resort is sold out of rooms for the Annual Conference. He noted that 14 booths are still available and sponsorships are down over \$20,000. He reported that applications are out for the 2010 FELI Class and urged participation. Rudd informed the Board that FES/FICE is #5 on the FBPE's list of top CE providers for the Laws and Rules course. He noted that our goal is to move up the list and focus strongly on marketing. He noted that staff is continuing to cut costs across the board including no salary raises and no professional continuing education.

Rudd moved onto the Legislative Report. The Board received the 2009 Legislative wrap up and Rudd touched upon the highlights. The Board moved into a lengthy discussion on CCNA. Kusha suggested that it might be time to look at CCNA more closely, develop a long term strategic plan for the industry and how FICE affects the outcome and consider a possible re-write/upgrade for the 2011 session. Horton noted that the real issue with CCNA appears to be the cost/price issue. Rudd noted that once the legislation is presented and signed by the Governor, it will be time to take the opportunity to re-address the issue with the Collier County Commission, and based on that, if needed proceed with personal visits, and then if necessary move forward with a lawsuit.

5. President Horton reported that ACEC did send money for support of the amicus brief. He added that the Foundation sent a thank you letter for the FICE donation. Rudd reported that FES also agreed to the \$15,000 donation to the Glaser's Museum. Horton reported that Rudd received a visit from Go21.org, a trade association that supports rail transport for moving freight; they are trying to expand opportunities and wants FICE to use a form letter to send to Congress promoting tax incentives for expanding rail freight, and support an act to get rail transport more competitive. There was no interest from the FICE Board.

Horton reported that he along with Rudd and Cummings met with the FDOT Secretary and Brian Blanchard. The meeting was follow up about SB44A. He noted that the meeting was worthwhile and continues to build upon the relationship with FDOT/FICE. The Secretary was encouraged to learn of our plans to have an engineering workshop for incoming Legislators as she believes transportation issues are hard to grasp in a short period.

6. President-elect Kusha reported that his plans for tomorrow's leadership conference will be to discuss the development of a sort of policy council for FICE that includes an outside group of individuals to develop ideas and issues for the FICE Board to focus on. His idea is to re-focus the FICE Board to be more of a policy setting board instead of an oversight board.
7. Treasurer Cummings presented a copy of the April 2009 Budget comparison report, indicating \$220,243 in net revenues over expenditures and reserves. The Board received the firm statistic and dues summary report as of April 30, 2009.
8. Past President Mike Hermesmeier, PE was not present. No report was given.
9. Bob Miller, PE, ACEC Director, was not present. Horton brought up for discussion the ACEC/PAC Chair vacancy. He noted that ACEC is putting the pressure on. Horton questioned should we consider moving ACEC/PAC under the CELC responsibility? He noted that we can discuss this tomorrow at the leadership conference. Kusha noted that we need to really think about our relationship with ACEC and how donations or lack of affects it. Should we consider expanding CELC? Should we utilize left over committed CELC donations for ACEC/PAC? Kusha added that he would really like to give an ACEC/PAC check to Terry Neimeyer, PE on behalf of Florida at the annual conference.
10. NSPE Director, Thompson was not present. No report was given.
11. Terri Bowman, PR committee chair, was not present. Horton covered the report. He noted that the 2010 EEA brochure is complete and will be posted online soon. The Board received two motions for approval.

There was a motion, it was seconded and it carried unanimously for the FICE Board of Directors to approve Kimberlee B. DeBosier, PE as the recipient of the 2009 Governor A.W. Gilchrist Award.

There was a motion, it was seconded and it carried unanimously for the FICE Board of Directors to approve Barkley Consulting Engineers, Inc, as the recipient of the 2009 FICE Professional Development Award in the small firm category and PBS&J as the recipient of the 2009 FICE Professional Development Award in the large firm category.

Cummings requested for the PR committee to update the CCNA brochure to coincide with the new CCNA legislation. Horton noted that it would actually be the PP Committee to do the update.

12. Professional Practices Committee chair Smith, was not present. She did forward over a written report with some items of consideration for the Board. The report indicated the committee held a discussion on commissioning and how it relates to Ch 471 at their last

conference call. They asked the FICE Board “would they support a proposal to revise Ch 471 to specifically address commissioning as a PE required service?” There was a brief discussion by the Board, but overall they did not feel they had enough information to make a qualified decision, and decided they wanted more from those with knowledge on the subject and the PCC before making a decision. The issue was added to the action list as a place holder for a future discussion.

The PPC also questioned “Would the board support proposal of revisions to Ch 471 to make it a violation of the PE or CA to submit fee or hourly rate prior to selection/negotiation state for any RFQ/RFP that is covered by CCNA?” After discussion the board agreed that this has been a topic of discussion in the past and while it appears to be a good idea, with no real support or interest from the FBPE, it’s not something FICE will pursue at this time.

Horton agreed to send the boards comments back to Smith.

13. Member Services Chair Baxley was not present. There was a motion presented to the Board on behalf of the committee.

Motion, it was seconded and it carried unanimously for the FICE Board to approve of membership for Biller Reinhart Structural Group, Inc.; CSA Central, Inc; Sam Schwartz Engineering, PLLC; and Kennedy Engineering & Associates Group, LLC

14. Transportation Committee Chair Behar reported that the committee did meet on April 8th in Tampa. He gave a brief report on each of the subcommittee’s actions, additionally noting the Liaison committee met May 11th. The next meeting is July 22nd.

Kusha reported on discussions that he’s had with Brian Blanchard on escalations.

15. Water Resources Committee Chair Brodeur reported that the committee will have a meeting at the Breakers at Annual Conference. He noted that two of the subcommittees will be meeting prior to that meeting.
16. Richard Temple, PE, Structural Director/Structural Committee chair reported that his rules revision subcommittee is still waiting for approval of the structural rules they revamped for the FBPE. Additionally, he reported that the Florida Structural Engineer’s Association is meeting today to try and gain momentum to head a campaign to get structural engineer’s licensed separately at SE’s with their own regulating board.
17. GMEC Director Setser was not present. Horton reported that there were about 120 attendees at the GMEC Conference. Additionally the partnering committee with FDOT continues to remain active.

18. CELC committee chair DeBosier was not present. It was reported that CELC met earlier in the week to go over a second round of giving based on special elections coming up in August. Rudd reported that Fermin Diaz gave the suggestion that we should lower the request amount to \$250 instead of \$500 to lessen the burden with the economy, but the overall commitment will remain the same.
19. There was no Bylaws report.
20. There was no nominating committee report.
21. Under Old Business, Rudd was questioned on Hometown Democracy. He did note that the campaign did pass the signature requirement and almost surpassed the required congressional district requirement and it will be on the 2010 Ballot.
22. No new business was reported.
23. No staff comments.
24. No director comments.
25. Next meeting is August 6, 2009 at Annual Conference.
26. There being no further business there was a:

Motion, seconded and carried to adjourn. Meeting adjourned at 4:21 p.m. EST.

Action List as of 6.5.09

| Action (Description) | Person(s) Responsible | Next Report Date |
|--|------------------------------|-------------------------|
| 1. 10.4.06 FICE BOD: Board tasked Pellarin with the development of the Infrastructure Committee. Ernie Cox agreed to assist. | 6.15.07 T. Pellarin | Complete |
| Follow-up: 4.11.07 FICE BOD: Pellarin noted that he and Ernie had met and development a plan for further implementing the committee. He will report on his further actions at the June meeting. | 2.6.08 Todd Kenner | |
| | 2.18.09 Horton/Kennedy | |
| | 4.7.08 Kennedy | |
| Follow-up: 6.15.07 FICE | | |

| | | |
|--|--|--|
| <p>BOD: Pellarin advised the Board that he plans to establish an ad-hoc committee to determine if a formal committee needs to be established.</p> <p>Follow-up: 11.7.07 FICE Board: Cox reported that Pellarin is still working on a Task Force to see if the committee is viable.</p> <p>Follow-up: 2.6.08 FICE BOD: Board learned that Todd Kenner has expressed interest in championing the committee.</p> <p>Follow-up 11.6.08 FICE BOD: Item placed on hold until new G/C Director is in place and it can be discussed with him to proceed or not.</p> <p>Follow up 2.18.09: Horton agreed to talk to Kennedy and see if there is any interest in starting the committee.</p> <p>Follow-up 4.7.08: Horton reported he spoke with Kennedy, who agreed to think about the idea and give his feedback. Kennedy noted that he will begin his talks with the APWA State reps and will return his report prior to the next meeting.</p> <p>Follow-up 6.5.09: Kennedy noted that there appears to be no real interest. The issue is</p> | | |
|--|--|--|

| | | |
|--|------------|----------------|
| complete. | | |
| <p>2. 11.7.07 FICE BOD: MSC to work with the Broward “FICE Chapter” group to develop a recommendation if FICE “Chapters” are needed around the state to deal with issues on a local level.</p> <p>Follow-up 2.6.08 FICE BOD: Board learned that the MSC is actively working on this request. DeBosier informed the group that District 7 has started a local FICE group</p> <p>Follow-up 4.3.08 FICE BOD: Board agreed to move forward with the FICE “Chapters” idea. Additionally the Board requested that E. Cox’s idea be added to the local Chapter’s initiative. Information is below:</p> <p>11.7.07 FICE BOD: E. Cox requested for Board members to go back to their communities and start dialogue on creating a small coalition of FICE principals to discuss all aspects of infrastructure in their areas and where it’s headed.</p> <p>Follow-up 4.3.08 FICE BOD: Cox further developed his idea questioning “should we (FICE) be coming up with</p> | <p>MSC</p> | <p>Ongoing</p> |

| | | |
|---|-----------------------------------|---|
| <p>ideas to present to local officials for local funding options? Step beyond asking for infrastructure funding and provide ideas/suggestions on how to get that funding. Need to get chapters up and running then move forward.</p> <p>Follow-up 2.18.09: It was reported that three areas of the State are having meetings but they aren't considered FICE Chapters. Jacksonville, Tampa and Ft. Lauderdale.</p> | | |
| <p>3. 6.13.08 FICE BOD: Idea surfaced to develop an educational program for freshman legislators in the Fall, prior to session.</p> | <p>Jon Johnson Frank Rudd</p> | <p>Fall 2009</p> |
| <p>4. 8.7.08 FICE BOD: Young was given the authority to move forward with the Sunshine Law/Baskerville Donovan case, and if he feels necessary to file an Amicus Brief, with FICE giving up to \$5000 to cover costs.</p> <p>Follow-up 11.6.08 FICE BOD: Young indicated that we haven't received permission yet from the Supreme Court, but we do anticipate it. Everything is on hold, but we are prepared.</p> <p>Follow up 2.18.09: The case resulted in the ruling that all engineering firms</p> | <p>2.18.09 Board</p> | <p>Discussion at June 6th Leadership Conference.</p> |

| | | |
|---|--|-----------------|
| <p>working for public entities will be the subject of requests for public records and for attorney fee's whenever the firms refuse to reply. Could warrant legislative action.</p> | | |
| <p>5. 8.7.08 FICE BOD: PPC needs to develop an educational piece on CCNA and violations with the FBPE. Also consider other ways to notify FES and FICE members on the opinions of Young and Bayo pertaining to the case. PPC needs to also notify the DBPR of the plan to notify our members, since it could potentially increase their workload.</p> <p>Follow-up 11.6.08 FICE BOD: PPC was given direction to consider all discussed ideas brought forth by the Board in this meeting to include:</p> <p>1. Have Young educate/present to the counties attorney's. Young was first directed to see when the last time it was done and if needed move forward 2. Do an educational piece; ideas included offering an educational session at Annual Conference; regular articles in the FES Journal; creating a white paper/briefing</p> | <p>PPC</p> <p>4.7.09 Horton, Sandy Smith, FICE staff</p> | <p>complete</p> |

| | | |
|--|--|--|
| <p>paper we could email to our FICE member contacts. It was noted that all these ideas offer further ways to educate our own members, which is an important step in CCNA compliance 3. Work with/through the FBPE (some efforts are currently underway through Charlie Geer's efforts. The issue of CCNA violation as a Board disciplinary ruling is currently being sent to the FBPE rules committee). 4. A legislative approach. It was noted that that it doesn't appear to be the right time to take this step.</p> <p>Follow up 2.18.09: Idea #1 was removed from the list, per Young's report.</p> <p>Follow-up 4.7.09: Idea #2 was achieved through the tri-fold brochure and the powerpoint. Item #3 FBPE not interested in pursuing. Horton requested for Staff to work with him and Sandy Smith to see if anything can be cleaned up and streamlined further.</p> <p>Follow-up 6.5.09: No further discussion. Item</p> | | |
|--|--|--|

| | | |
|---|------------------------------------|---|
| complete. | | |
| <p>6. 2.18.09 FICE BOD: Discuss the Transportation Policy Council.</p> | Board | June 6 th , Leadership Conference. |
| <p>7. 4.7.09 FICE BOD: Pertaining to the issue of Collier County and CCNA and the notion that they have switching to a Best Value offer on continuing contracts. Kennedy agreed to talk with Fermin Diaz on the situation and report back. Rudd/Young agreed to follow up with the Surveyors and determine if their interest in pursuing Collier County is still there.</p> <p>Follow-up 6.5.09 FICE BOD: Going to re-approach the Collier County Commission with the new legislation. Will consider personal visits if still no response from them. Will then move on to lawsuit if necessary.</p> | Kennedy/Young/Rudd | Prior to August 6, 2009 |
| <p>8. 4.7.09 FICE BOD: Pertaining to the DBE reporting issues with the Department, the Board requested a direct recommendation from the Transportation Committee if the committee expects action from the FICE Board on the issue.</p> | 4.7.09 Transportation Committee | completed |
| <p>9. 4.7.09 FICE BOD: Kusha suggested the development of a Corpus through the Foundation to handle</p> | 4.7.09 FICE BOD | June 6, Leadership Conference |

| | | |
|---|------------|------------------|
| <p>donation requests to FICE. Board agreed to discuss at the Leadership Conference.</p> | | |
| <p>10. 6.5.09 FICE BOD: PPC was asked to update the CCNA brochure with the new legislation.</p> | <p>PPC</p> | <p>Immediate</p> |
| <p>11. 6.5.09 FICE BOD: Board placed the question from the PPC ““would they support a proposal to revise Ch 471 to specifically address commissioning as a PE required service?” The board would like to request additional information from the PPC before making a decision.</p> | <p>PPC</p> | <p>Immediate</p> |