

# South Dakota One Call Notification Board MINUTES

(Draft / Unapproved, Circulated July 29, 2021)

**Meeting held July 13, 2021 via ZOOM.**

1. Fay Jandreau called the meeting to order at 2:00PM CT / 1:00PM MT.

Board Members in attendance:

Chairman, Fay Jandreau, Representing Telecommunication Companies offering Local Exchange Service to Less Than 50, 000 Customers;

Vice Chairman, Mark Meier, Representing Municipalities;

Jim Scull, Representing Excavation Contractors;

Dan Kaiser, Representing Telecommunication Companies Offering Local Exchange Service to More Than 50,000 Customers;

Steve Mohr, Representing Community Antenna Television Systems;

Bleau LaFave, Representing Investor-Owned Natural Gas Utilities;

Lloyd Rave, Representing Rural Water Systems;

Loren Beld, Representing Excavation Contractors;

Also in attendance: Brett Koenecke, Legal Counsel; Cody Honeywell, Legal Counsel; Executive Director, Larry Janes; Deputy Director, Codi Gregg;

Board Members unable to attend: Doug Larson, Representing Interstate Carriers of Gas or Petroleum; Kevin Kouba, Representing Investor-Owned Electric Utilities; Vacant, Representing Rural Electric Cooperatives;

Guests in Attendance: Callie Iverson, Take Charge Bookkeeping.

2. Lloyd Rave made the motion to approve the minutes of the May 11, 2021 Board Meeting as printed. Dan Kaiser seconded the motion. **Motion carried unanimously.**
3. The Board of Directors reviewed the May 2021 Financial Report with Take Charge Bookkeeping. The financial report for June 2021 was not available yet and will be approved at the next Board Meeting. Mark Meier made the motion to approve the financial report, Loren Beld seconded the motion. **Motion carried unanimously.** Fay Jandreau stated it is looking as we will be revenue positive for the first time since 2017.

4. The One Call Board reviewed the FY 2021 financials, 2022 budget projection, and reviewed in the FY 2023 budget proposal. The Board reviewed in detail the budget and the adjustments to the FY 2023, while making changes with recommendations. The approved budget will be submitted no later than July 30, 2021 by Larry Janes. After extensive discussion, Dan Kaiser made the motion to approve the budget as reviewed and discussed. Jim Scull seconded the motion. **Motion carried unanimously.**
  
5. There are times when issues come before the Board which require expedience in action. Discussion was held by the Board on when actions are needed quickly and a Board Meeting cannot be established, does the Executive Committee have the authority to make decisions on the Board's behalf without their input? Dan Kaiser made the motion that the Executive Committee be granted authority to discuss, vote and make decisions in the best interest of the Board. Lloyd Rave seconded the motion. Discussion was held by the Board, Bleau LaFave asked for clarification on who would make up the committee stating the executive director should act on behalf of the Board rather than Board Chairman. Bleau LaFave made the motion to table this action, until the August Board Meeting in order to establish that committee. An update will be provided. **Motion carried unanimously.**
  
6. A hearing will be held on August 16, 2021 in the second floor courtroom of the Lawrence County Courthouse, Deadwood SD. Bleau LaFave made the motion to retain the services of Foley and Foley to act on behalf of South Dakota One Call in the matter of OC20-059 (MDU vs Williams Services.) Dan Kaiser seconded the motion. **Motion carried unanimously.**

Brett Koenecke discussed the hearing appeal and the procedure for the Board and it's involvement.

7. The Executive Director has announced his resignation effective the end of 2021. The Board moved into Executive Session at 3:06 PM Central Time and moved out at 3:41 PM Central Time. Codi Gregg left the meeting, as did Steve Mohr.

During this portion of the meeting, the Board discussed the dates involved in the RFP for the replacement of the Executive Director. Compensation and the possibility of moving away from a professional services contract to a state employee position was brought up, the process to do so, and the pros and cons of each. Brett Koenecke has discussed this with the South Dakota Retirement System, BFM, and BHR and discovered the pathway for this to happen, if the Board chooses to pursue.

A committee of Board members, Fay Jandreau, Mark Meier, and Dan Kaiser will evaluate the RFP, select candidates, schedule interviews, and present a recommendation to the Board.

8. Discussion Items

- a. South Dakota 811 Scholarship update was provided. We have two candidates for this upcoming year with Mitchell Tech and Western Dakota Tech. An email blast will be sent out by the end of the month to discuss the program and process.
- b. Locate tickets with mapping availability was discussed. It was asked how maps can be sent with the locate tickets. The only option to viewing maps currently is to log in to South Dakota 811 Portal and view the map attached to the ticket. Larry Janes will check with Texas 811 to see if there are other options available.
- c. Website re-design update was discussed. The new South Dakota 811 website went live on June 18, 2021. Please contact Codi or Larry with any questions or issues.
- d. Potential law changes were discussed. Brett Koenecke is working on this and will be providing more information at the August Board Meeting.
- e. Other:
  - 1. There was an email sent by CenturyLink to those with locate requests, stating that excavation is a possible risk to the underground facilities and work should not begin if the locates have not been completed. Dan Kaiser will review the letter and discuss with CenturyLink / Lumen.
  - 2. Brett Koenecke brought up a fencing contractor is asking for homeowners to assume responsibility, pinning liability to the homeowner for a struck line. This is not a practice the Board supports, as it defeats the purpose of the One Call system. It is the Board's stance that an excavator and operator can assume the liability, but not the homeowner or project owner. This will be discussed further at the August Board Meeting also.
  - 3. Update tickets were discussed. There are a few contractors that will continuously update a locate request even knowing they are not working on that site or and may be completed. This is becoming an issue and needs further discussion.

9. There was no public comments made.

10. Having no further business, Dan Kaiser made the motion to adjourn the Board Meeting. Loren Beld seconded the motion. **Motion carried unanimously.**

**FUTURE ONE CALL BOARD MEETING SCHEDULE:**

August 18, 2021 – 8 am Central Time – Face to Face and Zoom Meeting - Ft. Pierre, SD.

October 5, 2021 – Zoom Meeting – 2 PM Central Time/1 PM Mountain Time.

November 17, 2021 – 8 am Central Time - Face to Face and Zoom Meeting – Ft. Pierre, SD.

February 15, 2022 – Face To Face Meeting – Ft. Pierre, SD, with Legislative Breakfast the following day.

## **ONE CALL BOARD ENFORCEMENT PANEL SCHEDULE**

July 22, 2021 Panel call will be at 2 PM Central Time/1 PM Mountain Time.

August 18, 2021 Panel will meet after the Board Meeting being held in Pierre.

September 23, 2021 Panel will meet at 2PM CT / 1PM MT via ZOOM.

October 21, 2021 Panel will meet at 2PM CT / 1PM MT via ZOOM.

November 17, 2021 Panel will meet after the Board Meeting behind in Pierre.

December 16, 2021 Panel will meet at 2PM CT / 1PM MT via ZOOM.

## **ANNOUNCEMENTS:**

2021 Common Ground Alliance Conference - October 12-15, 2021 - Orlando, Florida. South Dakota One Call will not have anyone attending this conference in 2021.

Texas811 Damage Prevention Summit – November 15 – 17, 2021 – Denton Texas. South Dakota One Call will not have anyone attending this conference in 2021.

## **ACTION ITEMS:**

Item 4: Codi Gregg is checking pricing with on billboards and advertising.

Item 5. Fay Jandreau, Mark Meier, Brett Koenecke and Larry Janes will establish the Executive Committee, to be discussed in the August Board Meeting.

Item 8D: Brett Koenecke will be reviewing the potential law changes to be reviewed for the August Board Meeting.

Item 8E, item 2: Transferring liability to homeowners discussion.

Materials presented at this meeting are available on the South Dakota 811 website [www.SD811.com](http://www.SD811.com) as well as the South Dakota Boards and Commissions website at <http://boardsandcommissions.sd.gov/>. They are also available by contacting the Deputy Director in writing at [deputydirector@sd811.com](mailto:deputydirector@sd811.com), or by calling (605) 863-0951.