

Right of Way Consultant's Council Meeting Minutes  
January 27, 2010  
1:30 p.m.  
Flamingo Hotel, Las Vegas

Board Members Present: D. Wade Brown Chair, Kerry Malone Vice-Chair, Denise Jackson Treasurer, Daryl Knobbe Secretary, Joe Coates Membership, Steve Benson Member-at-Large, Lisa Harrison Member at Large, Ray Armstrong Member at Large

Members in Attendance: Mark Bilyeu, William Robertson, Ben Ward, Jerry Colburn, Cathy Muth, Leigh Enger, Teri Morgan, Kathi Thompson, Candy Spitzer, Trent Oglesby, Ana Rausch

Guests In Attendance: Faith Roland and Jim Overcamp

#### Introductions

1. Treasurer's Report from Denise Jackson - Denise handed out the Treasurer's report. The report also indicated that four firms are not current in their dues.
2. Professional Service Concept – This topic deals with our desire for our services to be considered a profession rather than a trade so we can be treated as engineers, etc. in contracting. Lisa Harrison advised that she met with John Campbell on the idea. In Texas it would take a legislative action and at this moment right of way is not the favorite of the legislature in Texas.

IRWA is discussing this situation and is looking into how they can provide support.

Oklahoma is going through a pilot program of using hourly rates like engineers. If it works they can easily make it permanent.

Discussions took place as to which, if any, states consider R/W a professional service.

Issues with states are that engineers must have college degrees and licenses and "typical" real estate agents are not considered professionals.

Per Wade and Ben, Florida considers R/W a professional service by DOTs and the LPAs. Wade and Ben are going to do some research into the details.

We do not think there is a state that statutorily specifically says R/W is a professional service but we believe there are some that are silent on it statutorily but considers us professionals in practice. If we can have one state that considers us a professional service we can then take it to other states.

Wade advised that AASHTO is forming a professional development committee.

3. Approval of Minutes – motion to accept by Candy, second by Steve and approved unanimously.
4. Website – Updates include a more informational application. Firm's logos rotate. Automatic notification when something new is put on the site. Email any comments to Wade.

## NEW BUSINESS

1. Consultant Council Board Position – With the unfortunate passing of Tim Head there is an open position on the Board. Teri Morgan was the runner up in the recent election and Wade proposes Teri for the position. Motion to accept made by Kerry, Seconded Steve.

Ray asked if anyone else wanted to run for the position. This led to a discussion of whether the By-Laws address how this situation should be handled. A quick review of the By-Laws appeared to indicate they are silent on how to handle the situation.

A vote was taken and Teri was approved unanimously.

2. Joe agreed to review and propose some changes to the by-laws to clean up issues like this one.
3. Membership review, dues and late payments – Some smaller companies have contacted Wade about joining but the amount of the dues appears to be a hindrance. Even some of the existing members have expressed concern over the cost. Wade brought up an idea of maybe the first time payment being higher and then annual dues being lower.

Kerry said we had one time discussed the cost of the dues based upon the size of the companies but expressed support for the \$500. He also expressed support for a sliding scale of dues based upon the size of the company.

Joe suggested looking at our expenses for a year.

Wade suggests we hire on a part-time basis someone like Mark Rieck to champion our cause. Mark Bilyeu said he believes there has to be a retired person who would be good in this role. Kerry suggested someone who could help with lobbying the professional service objective.

Mark said he thinks more of an administrative type person. He does not think we can afford a lobbyist.

The discussion returned to the topic of dues. Discussions took place about various options for a sliding scale. One issue is a firm that has multiple disciplines, like engineering, that are not directly R/W related; do you count all employees or just R/W employees?

By-laws currently do not address late payments or firms that join in the middle of the year.

Wade threw out the idea of a \$500 initiation fee and then \$100 per year. Teri suggested \$500 initiation and then a sliding scale.

Candy said she does not think money is the issue but value for the dollar is the issue.

Ben suggests

0-50 employees \$200

51-100 employees \$300

Over 100 employees \$500

Joe agrees but says there should be a \$500 application fee that also covers your first year dues.

Kerry makes a motion

\$500 membership fee which includes first year dues

Annual dues

0-20 employees \$100

21-50 employees \$200

51-100 employees \$350

101+ employees \$500

Steve seconds the motion

“Employees” is defined as all employees

Approved unanimously

This will begin on July 1, 2010

Next issue is handling late pays. Denise made a motion that non-pays as of September 30 are no longer considered members and must re-apply including application fee. This motion is seconded Kerry. Approved unanimously.

4. Upcoming topics for IRWA magazine. Candy suggests something on right of way as a professional service which we discussed earlier. Topic – “Right of Way as a Profession versus a trade organization – Why is this important.” This idea was agreed to and Denise, Trent, Ray and Cathy agreed to write the articles which need to be completed within the next several weeks.

5. Wade represented the Council on a teleconference with AASHTO.  
Teri brought up the issue of some agencies wanting designations but not wanting to pay for them.  
Cathy talked about her participation on the AASHTO phone call in relation to APRE. This led to a discussion about multiple designations (IRWA or APRE).  
Lisa says that the council should support certifications and designations and not any one (IRWA or APRE). Ray agrees with Lisa.  
Joe raised concerns over the number of licenses we will be required to have and therefore he does not necessarily agree that the council should not take a position.  
Lisa said that the council should provide to AASHTO what we think the standards should be.  
Wade will draw up a policy on this issue for the board to review and the final doc will be the Council's position that Wade will present to AASHTO.
  
6. AASHTO Uniform Audit and Accounting Guide – Cathy gave a presentation on this topic.  
This requirement is for architects, engineers and right of way persons so this could help our argument towards being a professional service.  
The rules have a limit on executive compensation that can be included in overhead and deals with the top 5 compensated people in a company.  
The rules do not supersede FAR, but 44 states are moving towards adopting these. Compensation includes wages, bonuses, deferred comp and contributions to a pension.  
Have to provide the average of three compensation surveys in your industry or they will use the National Compensation Matrix.  
Cathy suggests that the R/W Consultant's Council could possibly hire a firm to perform the compensation survey and share the results with the council members.  
It was agreed that this is the type of issue in which the council could provide value to the members.  
Meeting adjourned at 5:00 p.m.