



Minutes of Meeting

Consultants' Council

Washington, DC

January 31, 2011

Attendees: Steve Benson, Doug Benson, Matt Levy, Charlie Davis, Wade Brown, Kerry Malone, George Schlemeyer, Dave Leonard, Tamara Benson, Teri Morgan, Jerry Colburn & Cathy Muth

- I. Old Business
  - a. Treasurer's report - Charlie
    - i. All paid except for Shane Harris Engineering
      1. Wade will give them a courtesy call
      2. Rule is that if not paid by September, then they are no longer a member
    - ii. Have \$43,000 in bank
    - iii. Charlie submitted a \$671 bill for our meeting room – the Board agreed to approve this reimbursement to Charlie
  - b. Motion to accept the minutes submitted via email by Daryl from the Calgary meeting
  - c. Nothing to report on the website. Send any updates to Wade.
  - d. Didn't get anything into the Roundtable for this edition. Barbara Billitzer suggested we do every other edition. Since the magazine is only published 6 times a year, we may want to do every issue, but we missed the next one.
    - i. Kerry prefers to have three write-ups on each topic
    - ii. Wade recommends doing topics in advance
    - iii. Question was asked if participants could be employees of member firms
    - iv. Wade will send out an email and look for responses on some basic topics that the Board would like to see articles written on.
- II. New Business
  - a. Jody Graham, the President of the Idaho Snake River Chapter of the IRWA brought to our attention that the Idaho Real Estate Commission is indicating they want all right of way negotiators in the state to be licensed to buy right of way. Does the Council want to support the Snake River Chapter in opposing this?
    - i. Council has a position paper on it. IRWA forwarded and Idaho member who was seeking help on the real estate licensing issue for right of way agents now required by IREC. Wade provided the Position Paper from the Council and indicated the Council would be willing to support the cause if a particular request was made. At this time, it appears the Position Paper sufficed. Steve from Universal says they worked out there a couple years ago and had licenses. Wade says the practice is "Don't ask for permission. Ask for forgiveness." Wade told him we were facing the issue all along but it would take a state by state

effort. Wade has not heard back from him but has received a letter from Jody Graham, President of the Snake River Chapter of IRWA. Joe Coates provided the same Position Paper to her.

1. Wade will send me the name of that person for the minutes.
  - ii. Charlie asked if the Board has a position that real estate licenses should not be required to do right of way work. Wade said that there is no formal position, but that is the preference. Terri said we need something to show credentials, perhaps something that all states would recognize. She said like the SR/WA instead of a real estate license. Charlie says there are only two states that specifically exclude licenses: Texas (register with Real Estate commission if you are buying for other than highways, etc.) and Oklahoma. Charlie points out that it is about public protection when eminent domain is involved.
- b. Texas Liaison Committee – Charlie Davis
- i. Charlie has met with John Campbell. The ball is in John's court to get the first meeting set up. Mark Janecki, Candy Spitzer and Charlie are on the Committee. John Barton works under Armedeo (who is retiring). They will select who will be there. The idea is to make the first meeting a meet and greet and set the agenda for the following meetings. Issues might include contracting issues, various legislation and other items such as moving the re-establishment to \$50,000. Committee will bring issues back to the Council so that the Board can decide on what our position will be on the issues. Charlie says there is a rumor that there is a firm that may be pushing to introduce legislation that would impact the procurement of ROW consulting services or the way consultants are hired to do work in each Region. Seemed like a point system and the Regions would not get to pick the consultant. Charlie hired a lobbyist for \$250 to go through legislation introduced that pertains to the issue. Someone named Marty Allday from Houston ([martinallday3@mindspring.com](mailto:martinallday3@mindspring.com)) who represents Danberry Pipeline and understands the ROW industry. He went through what there was and found 3 bills proposed. Charlie didn't find anything that was specific to what we are talking about. There is one on procurement of contracts that Charlie will forward to the Board. This started with a call from someone in TXDOT. We need to know if something like that is proposed. Senate Bill 18 will be heard in committee next week. It is a condemnation bill that sets up rules for eminent domain. You have to make a written offer and wait 30 days. Charlie recommends we hire Marty Allday or someone to keep an eye on what the legislature is doing this session. Charlie says pipeline consultants don't want to have to get appraisals on what is acquired. Terry says there are companies now going to eminent domain without appraisals. Property owner attorneys are in favor of more regulations. Terry said much of the Sunset legislation deals with eminent domain. Mr. Allday offered a one-time retainer and then a day rate. He likes to see the client in the office with him to introduce him (us) around. On another note, last summer Charlie met with Ray Smith, a legislator in Bay Town. He is on the Transportation Committee. They talked about the work slow-down in Texas.
    1. Action Item: Wade will contact Marty Allday to see what it would cost to hire him.
  - ii. Tammy Benson asked "Is there a "watch dog" service that we can use for pending legislation in all the states?"

1. After Wade calls Marty Allday we will look around for a watch-dog service.
- III. Do we want to get involved and in what capacity for AASHTO and IRWA meetings coming up?
- a. We support IRWA in our memorandum of understanding.
  - b. AASHTO holds a slot open for us.
    - i. Charlie thinks John Campbell would like us to do a report to the AASHTO committee on the Liaison Committee.
    - ii. Tammy said there is a lot of interest in LPA oversight.
    - iii. The Relocation Committee is doing a session on "When LPAs Receive Federal Funding"
    - iv. Turbo Relocation as a Topic
    - v. Lisa recommends doing our session on Contracting
      1. Give a walk away
      2. Ask a DOT person to be part of the panel
      3. New final rule on DBEs with a new net worth
      4. Cathy suggested as an incremental step promoting getting the states to accept IRWA courses as continuing education for real estate licenses. Lisa says lots of states already allow this including Florida and WV.
      5. Lisa suggests membership recruitment is an important issue for IRWA.
      6. Lisa wants us to think about the FAU ahead of time.
        - a. Next year this event will be the World Congress of Real Estate with people from other countries. Lisa is the Chair. Lee Hamre will probably be co-chair. She recommends that the CC be a sponsor or have a presence.
        - b. The year after that (2013) will be a combination of different agency meetings (all federal agencies and their grantees).

#### Summary of Action Items:

- Wade will send notice to the company that has a late payment
- Update addresses for some members
- Send email to remind everyone we need ideas for Round Table discussion for March
- Will contact Marty Allday
- We need to start looking for a watch-dog service (Wade will look into it. We will start by asking Marty.)
- Tammy Benson to report on Council involvement for the LPA panel at the IRWA International Education Conference.
- Charlie and Jerry to confirm Council involvement for AASHTO.