



**Right of Way Consultants Council
Board Meeting Minutes**

August 8, 2006

Time: 2:00 pm EDT

Meeting Place: Teleconference

Board Members Present: Denise Lucas, Ray Armstrong, Ben Ward, Jim Overcamp, Mark Bilyeu, Wade Brown, Kerry Malone, Missy Wurtz, Daryl Knobbe

Meeting called to order by Wade Brown, Chairperson at 2:08 pm.

OLD BUSINESS

- A. Employee recruiting practices – response to the discussion thread placed on the ROWCC website has been limited. Jim Overcamp placed a lengthy e-mail on the website. Chairperson Brown had requested feedback from the ROWCC membership.

Jim's discussion points

- Hard to codify recruiting standards
- Who will process claims, who will enforce violations, a very labor intensive undertaking for the ROWCC
- Some members sees certain hiring practices as unethical, others see the hiring practices as a matter of doing business
- Could the ROWCC be seen as colluding against the employees? Indirect way to limit competition
- Need to teach members to be better employers and coach to staff
- Construct employee contracts to discourage employee flight

Ben Ward mentioned that he had spoken with Rich Doyle of TBE Group. Rich stated that he felt that trying to regulate employee hiring practices is very hard to do and enforce. He considers recruiting and hiring a normal course of business and we have to use good judgment as to our practices.

Daryl Knobbe expressed concern about where the ROWCC sets the baseline for judgment.

Kerry Malone expressed concern about practices of member firms

- can we say what is ethical standard
- must agree on some of sort of standard language

Denise Lucas is concerned about enforcement.

Mark Bilyeu favors outing our general statement to set a standard. Make ethical standard a part of the ROWCC member application process. Need to stress client project completion an element of ethical hiring practices.

Malone moved to amend ROWCC Mission Statement to include ethical hiring practices. No second was received.

Missy Wurtz stated that we need to define what is ethical and normal business practices.

Ray Armstrong stated that the national Association of Realtors is dealing with hiring issues.

Mark is to check with legal industry.

Other members are to bring sample statements.

Issue tabled until October Board Meeting.

B. Amendment of Council Name

Chairperson Brown had posted a thread on the ROWCC website suggesting a change to the ROWCC name. Change to National ROWCC.

M. Bilyeu expressed concern about search on the web from Right of Way to National Right of Way. Website may not have as many hints to the site.

Jim Overcamp moved not to change the name. Kerry Malone seconded the motion. Motion approved 9-0.

C. Insurance Captive

Mark Bilyeu has been speaking with Larry Bellinger of Chicago. Mr. Bellinger has an insurance captive in place. The captive has multiple cells (up to 100). The cells must be similar industries. Mr. Bellinger thought that a captive with premiums of \$500-759K would be sufficient to make it work for the members. Our captive would stand alone.

Members agreed to have Mr. Bellinger speak to the Board at the October meeting.

D. Information to IRWA Chapter Newsletter Editors

Wade Brown and Ben Ward are to work on gathering the ROWWCC information and distribute to the appropriate parties.

NEW BUSINESS

A. 2007 IRWA Seminar

The ROWCC session has been moved to Monday afternoon of the Annual Education Seminar. The 2007 Seminar will be held in Sacramento, California, June 17-20. ROWCC presentation topic(s) will be discussed at the October Board meeting.

B. Public Real Estate Education Symposium

Event is scheduled for February 13-15, 2007 in Dallas, Texas. ROWCC has been allotted 1.5 hours on the first day as part of the general session. Point of contact is Faith Rowland of Overland, Pacific and Cutler. Course 303 – Managing the Consultant Process is being offered as part of the symposium. ROWCC needs to promote this course and encourage ROWCC members and clients to attend the course. There will also be time for breakout sessions to be hosted by ROWCC.

The Board had general discussions about what topics to present at the symposium. Ben Ward suggested we talk about the broad array of services that our members offer to the employing agencies and clients.

Wade Brown could talk about the council – who we are, what we offer, benefits of utilizing private firms

Ray Armstrong suggested that we talk about consultants in general and how we can help.

Ben suggested standardization of documents and contracts, certification of personnel.

Wade seek support for a personnel certification program. Go over our website.

Wade asked that Board members to send their suggestions to him and bring their suggestions to the October meeting for further discussion.

C. October Meeting

Wade to contact Region 5 representative about being on their meeting agenda to present the ROWCC. Meeting to be held in Chicago. ROWCC Board meeting to follow presentation at the Region 5 Fall Forum.

D. Matters Impacting Treasurer

Denise Lucas, Treasurer, inquired about the listing of firms on the website. She stated some firms are listed and others are not. It was pointed out to her that not all members firms have completed the information to have their firm listed in particular areas of the website.

Denise is having a problem setting up the bank account in a California bank. CA requires that she provide a certificate stating the non-profit corporation is in good standing. Since we are incorporated in Delaware, the State of Delaware charges \$150.00 to obtain a certificate.

Denise to look into utilizing a national bank such as Bank of America or Wells Fargo to avoid the CA issue. If she is unable to resolve this matter, Mark Bilyeu,

former Treasurer, stated he would speak with his bank who held the previous account and ask them to re-instate the account.

Tax return – the ROWCC is tax exempt. The Delaware company through which we incorporated, handles the filing of our tax exempt paperwork.

Membership invoice follow-up for no-payment of 2006-2007 dues. Mark has made personal call to most. Denise to make another call to delinquent members. Denise to advise Ray Armstrong of expired members. Ray will remove firm information from the website of expired firms.

E. California Proposition 90

Proposition 90 is on the CA November ballot. The proposition is an anti- eminent domain matter. It will impact the use of eminent domain in economic development projects. It also re-defines “just compensation”.

Jim Overcamp brought the issue before the Board. He considers that it is a taxpayer trap. The proposition will plague the right of way industry, affects clients immediately. The action could stop projects as clients will hesitate with project start up. Project budgets could be depleted due to higher prices being paid to avoid eminent domain action. Jim stated that it impacts right of way consultants and he suggested that the ROWCC take a position on the matter.

A political action group called “No On 90” has been formed in the state. Ray Armstrong suggested that the ROWCC make a contribution to the group.

Ben suggested a white paper on the matter. Denise to provide a link to the website.

Jim Overcamp moved to support “No Prop 90” in the amount of \$1,000.00. Ben Ward seconded. Motion approved 9-0.

F. Website Operation

Ray to check into website operation and work to improve functionality.

Next meeting October 21, 2006 in Chicago, IL.

Adjourned 3:47 pm.