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**State Board for Architecture
Board Meeting**

1411 Broadway (between 39th & 40th Streets) - Tenth Floor – Regents' Room – Manhattan

Wednesday, February 7, 2024

9:00 am (start time for practical examination)

Members of the public may attend and observe the meeting outside of the Executive Session


AGENDA

1. Executive Session (9:00-10:00)
 - Practical Exam (*Pearson, Bentel, Canaras with Sainvil Observing*)
 - Practical Exam Candidate Review
 - Disciplinary Cases
2. Public Session (10:00 – completion)
Introductions, Welcome Guests and New Member, Board Departure
3. New Business
 - NCARB Visit
 - Election of Chair and Vice Chair
 - Miscellaneous NCARB Items
 - Region 2 Pre-Board of Directors January Meeting Summary
 - Overview of Elections and Resolutions
 - Annual Meeting Attendee– June 13-15, 2024
 - MBE/MBC Summit – October 17-19, 2024
4. Approval of Minutes
5. Board Chair Report
6. Board Office Report
7. Old Business
 - Experience/Education Review
 - Women in Architecture Series
8. Other Board Member Topics for Future Meetings

9. Adjournment

Next Meeting – *May 15, 2024 – NYC*

MEMORANDUM

To: Regional Directors, Public Director, and MBE Director
From: Michael J. Armstrong, CEO 
Date: January 5, 2024
Subject: January 2024 Board of Directors Meetings

The FY24 NCARB Board of Directors will hold its three-day meeting on January 18th through 20th, 2024 in Naples, FL.

We are providing this summary of the topics that will be discussed by the Board, along with brief descriptions regarding content and context to provide greater transparency and encourage collaboration between Board representatives and their constituencies.

Generative & Strategic Discussions

- Generative Board Performance. Jay Younger from McKinley Advisors will conduct a training on generative Board performance, review results of the annual Board self-evaluation survey and facilitate a check-in on the NCARB Strategic Plan launched in June 2019.
- Board DEI Journey. NCARB's Diversity, Equity, and Inclusion (DEI) consultant, Bryan Jackson from NonProfit HR, will meet with the Board of Directors to review the efforts that have been underway and explore the ongoing role of leadership in promoting a diverse, inclusive and equitable culture.
- Regional Realignment. The Board will review recommendations from the Regional Realignment Workgroup appointed by President Baker, including feedback from Member Boards, as it deliberates on options for next steps.

External Engagements

- Coalition of Community College Architecture Programs (CCCAP) Engagement. The Board of Directors will engage with leadership from the CCCAP to discuss short-, medium- and long-term partnership goals in the areas of outreach, articulation agreements and multiple paths to licensure.
- Inter-organizational Council on Regulation (ICOR) Overlapping Practice Initiative. CEO Armstrong and Council Relations Vice President Batkin will provide a brief update on the status of this multi-year effort.
- NAAB Funding Status. President Baker will provide an update on the most recent discussions regarding future funding for the NAAB.

- Exam Candidate Conduct Policy Language. Consent Agenda (Action): The Board of Directors controls the ARE Candidate Agreement, the Policy for the ARE: Use and Security, and policies for the ARE as outlined in the ARE Guidelines. After extensive review and development with input from the Examination Committee, the Professional Conduct Committee, and NCARB legal counsel, revisions to these documents will be proposed for the Board of Director's review, to address enhanced exam security.
- Credentials Committee: Board Roles & Responsibilities. Consent Agenda (Action): Updates to position descriptions which include new description for Secretary/Treasurer and At-Large Positions. This recommended action will update the FY25 Board of Directors Roles and Responsibilities to reflect the new positions for the FY25 Board of Directors. Other changes to the Roles and Responsibilities include removing gender pronouns and updating the average hours per week expected for each role. These updates have been reviewed by the Credentials Committee and will be sent to member boards and volunteers after the Board meeting to supplement the Call for Candidates that was issued in December 2023.
- FY24 Community College Focus & Outreach Report. To move NCARB programs and initiatives forward in recognizing the value of community college education, efforts to learn more about students, faculty, and programs remain at the forefront of staff discussions, planning sessions, and workplans independently and collaboratively across departments.
The Board will be presented with summaries for FY24 Q1 in three sections:
 1. Workforce Readiness Work Group - Fall Report
 2. Community College Focus - Quarter 1
 3. Community College Outreach Report - Quarter 1
- NCARB Certification Requirements. Expanding on Board of Directors direction to eliminate impediments while maintaining necessary rigor, this session seeks to review existing requirements and identify possible areas for review and reconsideration. Discussions will inform current initiatives and multiple paths investigation.
- NCARB AXP® Requirements. The development of the Board's Interim Guidance for Initial Licensure and elimination of the ARE Rolling Clock has called into question the value of the AXP Reporting Requirement. Recognizing the Board of Directors' interest in eliminating unnecessary administrative impediments while maintaining necessary rigor, this session seeks to identify possible areas for review and reconsideration. Discussions will inform current initiatives and multiple paths exploration and development.
- Competency Standard. The Board of Directors will hear an update on the competency framework developed by the Competency Task Force and recently revised after reviewing survey feedback and conducting multiple collaborative sessions at the Committee Summit.

- Multiple Paths: Next Steps. Considering the "Multiple Paths" timeline developed at the September meeting, this Blue-Sky session will focus on critical elements involved to move the concept of multiple paths forward. Discussions will include conceptual marketing goals, strategies to engage member boards and support their adoption in the future, and upcoming committee work necessary for changing acceptable components leading to licensure.

Fiduciary Responsibilities

- Investment Advisor Engagement. The Council's investment advisors will engage the Board in discussion about the current state and future outlook of the financial markets in regard to the Council's reserves investment portfolios.
- FY24 Opportunity/Risk Study. The Board will conduct an annual analysis of immediate and near-term opportunities and potential risks for the Council. This review supports annual planning and budgeting in alignment with the Council's strategic plan, including setting minimum balance targets for reserve funds.
- Financial Update. Treasurer John Patrick Rademacher will brief the Board on the results from the annual financial audit. The Audit Committee met with the auditors, accepted the report, and recommends Board of Directors acceptance as well. Additionally, Rademacher and CEO Michael Armstrong will update the Board on the current financial trends.
- Review of Draft Resolutions for Membership Consideration. At the January Board of Directors Meeting, the Board will review seven proposed resolutions and determine which resolutions they would like to move forward, including possible edits, to the membership for consideration. These resolutions are still considered drafts and are shared with Member Boards and Regions so they can provide feedback during a comment period preceding the April Board meeting, including feedback at the March Regional Summit.

Informational items:

- President's Report. President Jon Baker will update the Board on his activities since the September 2023 Board of Directors meeting.
- CEO's Update. The CEO will report on staff activities since the November 2023 Board of Directors call.

cc: NCARB Executive Committee



MISCELLANEOUS
NCARB ITEMS

OVERVIEW OF
ELECTIONS AND
RESOLUTIONS

Elections and Resolutions Packet

FY25 Board of Director Candidacy Information
Proposing Resolutions

A handwritten signature in black ink, appearing to read "Sylvia Kwan", with a long horizontal line extending to the right.

Sylvia Kwan, FAIA, LEED AP

NCARB Secretary

National Council of Architectural Registration Boards

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Nominations and Elections Memorandum

MEMORANDUM

TO: NCARB Volunteers
Member Board Members
Member Board Executives
Regional Leadership
Board of Directors

FROM: Brian M. Kelly, AIA, NCARB
FY24 Credentials Committee Chair

DATE: December 20, 2023

SUBJECT: Nominations and Elections for the FY25 NCARB Board of Directors

As the Chair of the Credentials Committee, which is charged with overseeing elections for the NCARB Board of Directors, I am pleased to share information for those interested in seeking office on the FY25 Board which will serve from July 1, 2024, through June 30, 2025.

The [Procedure for Elections](#) to the NCARB Board of Directors includes information on campaigning and the nomination and elections process. Anyone interested in seeking office is encouraged to also review the [Bylaws](#) documents as they contain information that will assist you. An updated Roles and Responsibilities document will be available in January.

The deadline to be on the ballot is the first day of the Annual Business Meeting: Thursday, June 13, 2024. It is encouraged to submit your candidacy information early so it can be shared with membership at upcoming events. To include your information for attendees at Regional Summit or the Annual Meeting, please submit it by:

- **Regional Summit:** Friday, February 9, 2024
- **Annual Business Meeting:** Friday, April 12, 2024

Officers, Public Director, and At-Large Directors

Individuals interested in running for the officer positions of public director, second-vice president, vice president/president-elect, or the at-large director positions are encouraged to announce their candidacy and submit your candidate statements to the Credentials Committee [via this form](#).

Member Board Executive (MBE) Director

The MBE Director is nominated by the full MBE community. Nominations typically occur at the MBE Workshop in March with election by the full membership at the Annual Business Meeting in June. MBE Committee Chair, Shana Bryant of Arkansas will issue specific information for those interested in the MBE Director position.

Regional Directors

Similarly, parties interested in running for Regional Director should work with their regional chair and executive regarding their region's management of the process for nominating a regional director for election by the full membership at the June Annual Business Meeting.

Commitment Requirements for FY25 Board of Directors

Conference calls will be scheduled in August, November, February, and May. Calls typically last 90 minutes. Board members also serve as liaison to a Council committee or task force, which will result in 2-3 additional meetings. Other meetings or calls can be convened at the discretion of the president and officer positions on the Board have further responsibilities not listed below.

The Board of Directors participates in the meetings and summits through the year*

New Board Member Orientation

May 2024

Pre-Annual BOD Meeting, Annual Meeting, and Post-Annual BOD Meeting

Chicago, Illinois | June 13 – 16, 2024

Board Meeting

September 2024

Member Board Chairs and Executives Leadership Summit

Fargo, North Dakota | October 17 – 20, 2024

Committee Summit

Washington, D.C. | December 13 – 14, 2024

Board Meeting

January 2025

Board Meeting

February 2025

Regional Summit

Philadelphia, Pennsylvania | February/March 2025

Board Meeting

May 2025

Pre-Annual BOD Meeting, Annual Meeting, and Post-Annual BOD Meeting

Scottsdale, Arizona | June 25 – 28, 2025

**Final dates pending*

If you have any questions or concerns regarding campaign activities or a potential candidacy, please reach out to the Credentials Committee at credentials-committee@ncarb.org.

Member Board Executive Memorandum

MEMORANDUM

TO: Member Board Executives
FROM: Shana Bryant
DATE: December 20, 2023
SUBJECT: FY25 Member Board Executive Director Position

Dear Member Board Executives:

I am pleased to announce that nominations are now open for the FY25 Member Board Executive (MBE) director position on the Council's Board of Directors. The successful candidate will serve from July 1, 2024, through June 30, 2025.

Qualified and interested candidates are encouraged to submit their resume and a cover letter to me at shana.walton@arkansas.gov.

Submitted materials will be included in the Spring MBE Workshop materials that will be distributed to all attendees prior to the meeting. However, candidates will have until the morning of the MBE Workshop in March 2024, to declare their intent to run for the MBE Director position. At that meeting, the MBE community will nominate a candidate for election to the Board by the full membership at the Annual Business meeting, held June 2024.

The MBE Director term is for a single year; an individual may serve no more than three consecutive one-year terms.

Do not hesitate to contact me if you have any questions or comments.

Procedure for Elections

Procedure for Election to the FY25¹ NCARB Board of Directors

Updated December 2023

Capitalized terms will have the same definition as set forth in Article II of the NCARB Bylaws.

NCARB Bylaws (Article VII) set forth the membership qualifications, authority, limitations, and other rules applicable to the Board of Directors including, but not limited to, the requirements for electing the Board of Directors. NCARB Bylaws (Article XII, Section 8H) establish the Credentials Committee as the body to oversee the nomination and election process of the Board of Directors, including validation of candidate and Voting Delegate credentials.

While the Bylaws set forth the underlying requirements and restrictions for nominations and elections, this procedure establishes specific rules for campaigning and nominations, candidate speeches, and elections of candidates.

References to business sessions are in accordance with the agenda for the Annual Business Meeting which will be released at least 30 days prior to the meeting. (NCARB Bylaws Article V, Section 8).

1. Campaigning

- a. No member of the Board of Directors may actively campaign for a candidate other than themselves, and neither directors nor Credentials Committee members may act as nominators, seconders, or make nominating speeches.
- b. Candidates must submit documentation of qualification to the Chair of the Credentials Committee no later than by the end of the first business session at the Annual Business Meeting, or such other time as established by the Credentials Committee prior to the start of the Annual Business Meeting.
- c. If a candidate wishes to have their resume included in Regional Summit materials to be shared with the membership, the candidate must submit the resume to the NCARB office by the date outlined in the “Nominations and Elections for the FY25 NCARB Board of Directors” Memo from the Chair of the Credentials Committee (pages 3 – 4).
- d. If a candidate wishes to have their resume printed in the Annual Business Meeting Briefing and the Annual Business Meeting Program, the resume must be submitted to the Council Office by the date outlined in the “Nominations and Elections for the FY25 NCARB Board of Directors” Memo from the Chair of the Credentials Committee (pages 3 – 4).

¹ The FY25 term for the Board of Directors begins in June 2024

In accordance with the NCARB *Bylaws* (Article VII — The Board of Directors, Section 3 - Terms of Office and Election), the FY25 Board of Directors will serve from the adjournment of the June 2024 Annual Business Meeting until the adjournment of the June 2025 Annual Business Meeting.

- e. NCARB Roster and Group Mail are available to candidates as campaign resources for communication with membership.
 - f. Regions may invite candidates to visit with a region at the Regional Summit and/or during regional meetings at the Annual Business Meeting.
 - g. NCARB Committees are not permitted to endorse a candidate, however committee members may advocate at their state board or region on behalf of a candidate.
2. Nominating Procedures
- a. Elected Officers, Public Director, & At-Large Positions
 - i. Candidates will provide the Chair of the Credentials Committee the names of any nominators prior to nominations or speeches taking place.
 - ii. During the applicable business session of the Annual Business Meeting, the presiding officer will call for nominations.
 - 1. Each nominator should state their name and jurisdiction and place the candidate's name in nomination in one sentence.
 - b. Regional and MBE Director Positions
 - i. Regional and MBE Directors are nominated by the several Regions and the MBE Community, respectively, in accordance with NCARB Bylaws.
 - ii. The candidates for these positions are announced in advance of the elections.
 - c. Nominations will be closed prior to commencing elections.
3. Candidate Speech Procedures
- a. Elected Officer and Public Director Candidates
 - i. The presiding officer will call candidates for speeches.
 - 1. In an uncontested election:
 - There will be no nominating speeches.
 - Each candidate will be permitted a three-minute presentation to the body.
 - 2. In a contested election:
 - A nominating speech will be allowed.
 - A candidate's nominator will be called to speak before the candidate and will be allowed a three-minute nominating speech.
 - A nominator may not nominate more than one candidate and the nominator may not also be a candidate for the BOD.
 - Each candidate will be permitted a three-minute presentation to the body.
 - Speakers will be called in alphabetical order by candidates' last names.

- ii. Prior to elections taking place at the Annual Business Meeting, the presiding officer will inquire if there are any further nominations.
 1. If there are no further nominations, the presiding officer will close nominations for office and elections will begin.
 2. If there are further nominations, speaking protocols for newly nominated candidates and their nominators, if applicable, will follow the same process outlined above (3.a.i.) with the following exception:
 - New nominations may create a contested election where a previously uncontested election existed. If so,
 - i. The previously uncontested candidate will be permitted to have a nominating speech in accordance with the above procedures (3.a.i.2).
 - ii. As the previously uncontested candidate will have already provided a candidate speech during the first business session, the candidate is not permitted another speaking opportunity at this time.
 - b. At-Large Director Positions
 - i. Each candidate will be permitted a three-minute presentation to the body.
 - ii. Speakers will be called in alphabetical order by candidates' last names.
 - iii. Elections for at-large director position will use plurality voting – meaning the persons with the most votes will win, even if they do not have fifty percent of the vote. The two candidates with the most votes will fill the two at-large positions.
 - c. Regional and MBE Director Positions
 - i. The Regional Director candidates and the MBE Director candidate will be permitted a three-minute presentation to the body during the business session preceding elections.
4. Procedure for Election
 - a. Elected Officer and Public Director Candidates
 - i. For uncontested elections: The presiding officer will seek a vote by acclamation.
 - ii. For contested elections:
 1. Voting will be done electronically via software provided by NCARB. Prior to the Annual Business Meeting, the Credentials committee will request a voting delegate from each Member Board.

2. The Credentials Committee will validate each delegate's credentials and provide training on the voting process.
 3. The Credentials Committee Chair will review votes as they come in electronically.
 4. If there are three or more candidates for office, a majority vote is required. If any office remains unfilled after the first ballot, the balloting is repeated for that office as many times as necessary to obtain a majority vote for a single candidate.
 5. The presiding officer will announce the winner to the candidates prior to announcing results to the membership.
 6. Results will be shared to membership, including vote totals for each candidate.
 7. In FY25, there will be no election for Secretary/Treasurer position as determined with the passing of resolution 2023-05.
- b. At-Large Director Candidates – when there are more candidates than open positions:
1. Voting will be done electronically via software provided by NCARB. Prior to the Annual Business Meeting, the Credentials committee will request a voting delegate from each Member Board.
 2. The Credentials Committee will validate each delegate's credentials and provide training on the voting process.
 3. The Credentials Committee Chair will review votes as they come in electronically.
 4. The candidates with the highest number of votes will be seated in the open positions in rank order by the number of votes received.
- c. At-Large Director Candidates – when the number of candidates matches the number of open positions:
- i. The presiding officer will seek a vote by acclamation.
- d. Regional and MBE Director Candidates
- i. The presiding officer will seek a vote by acclamation.

What to Expect as a Candidate

Announcing Candidacy

Submit your candidate letter, CV/resume, and candidate information to the Credentials Committee [through this link](#) to declare your candidacy for a position on the FY25 Board.

- Your candidate letter and resume/CV can be uploaded as word documents or PDFs.
- Other candidate information (such as firm size, geographic area, practice experience, etc) will be compiled into a candidate matrix and shared with membership in the candidate packets.
 - The information on this candidate matrix is additional information for membership on the breadth of perspectives brought to the Board, not for evaluation by any committee.
 - The nomination process remains the same as past elections.

Campaigning

You are welcome to campaign and engage with membership.

- Group mail options are also available to communicate with membership via emails.
- **Regional Summit** will be held in Savannah, GA on March 1 -2, 2024.
 - Regional Leadership Committee facilitates an annual Regional Summit to provide members from state licensing boards an opportunity to gather to for regional business, NCARB updates and proposed resolutions, and best practices for developing strong, responsive, and agile licensing boards.
 - Candidates are welcome to participate in a candidate forum at Regional Summit to answer questions about why you are running and what you plan to do in office.
 - To ensure you can participate in the Candidate Forum in person please submit your candidacy no later than **Friday, February 2, 2024**.
 - Candidate letter and CV/resume are due by **Friday, February 9, 2024** to be included in materials ahead of Regional Summit.

Nominations

Nominators introduce themselves and nominate a candidate for the Board at the business session of ABM. In any contested race, a nominator will deliver a 3-minute speech from the floor for the candidates, for uncontested races nominators do not give a speech. Current Board members and candidates for other positions may not serve as a nominator.

- **Officers, Public Director, and At-Large Nominations**
The Vice President, Second-Vice President, Public Director, and the two At-large Directors are nominated by a member of the NCARB community at the June ABM.
 - *There will be no election for the Secretary/Treasurer position on the FY25 Board.*
- **Member Board Executive (MBE) Director Nomination**
The MBE Director is nominated by the full MBE community. Nominations typically occur at the MBE Workshop in March with election by the full membership at the June ABM.
- **Regional Directors Nomination**
Regional Directors are nominated through their region's process, typically by their regional chair and executive, with elections by the full membership at the June ABM.

Speeches and Elections

During a business session of the Annual Business Meeting all candidates are permitted to give a three-minute presentation to the body.

- In a contested race, if there is a tie after voting occurs, candidates will be asked to give a three-minute speech prior to the second round of voting. If the second voting results in a tie, candidates will not be required to provide an additional speech, however membership will keep voting until a winner receives the majority of votes.

Frequently Asked Questions

What are the Board of Director positions I can run for?

For 2024-2025 there are temporarily 15 positions on the NCARB Board of Directors. Elections will be held for the following positions:

- Vice President/President-Elect
- Second Vice president
- Public Director
- 2 At-Large Directors
- 6 Regional Directors
- MBE Director

The President and immediate Past President are not eligible for election as they are based on the previous year's board. The newly combined position of Secretary/Treasurer is filled by the FY24 Secretary, Sylvia Kwan, per the transition plan in the adopted [resolution 2023-05](#). The six Regional Directors are nominated by each of NCARB's current [six regions](#) and the MBE Director is nominated by the Member Board Executive community.

What qualifications do I need to meet to be eligible to run?

- Be a U.S. citizen.
- Have served at least 2 years on a U.S. licensing board (or served 2 years as the licensing board's executive for the MBE director position). If your board term has ended, you must be elected to the board 1 year or less after your term ends. You can also run if you are an officer for 1 of the 6 regions, an incumbent director, and the current board executive.
- Or have served at least 2 years on a Board-appointed NCARB committee (Committees, Task Forces, Work Groups, etc), if running for an At-Large Director position.
- If you are an architect, you must also hold the NCARB Certificate.

Those who meet the minimum criteria outlined above can run for Regional Director, At-Large Director, Second Vice President, or Vice President. The bylaws state that the First Vice President will serve as president for the year immediately following their elected position of First Vice President.

Is there a deadline to submit my desire to run for office?

Yes. Declarations must be submitted by the first day of the Annual Business Meeting.

Is it required to start by serving at the regional leadership level?

No, a candidate can run for Vice President/President-Elect, the Second Vice President, or the At-Large positions without starting at the regional level. There is no requirement for the NCARB Board of Directors that candidates must come up through the regional ranks.

While in the past, people tended to move up from Regional Leadership boards to Regional Director and then on up the “ladder” into officer positions, this is not required. The NCARB Bylaws and elections policy outline the requirements and the job descriptions for each office.

I am running for an at-large position, how can I engage at Regional Summit or Annual Meeting?

- Candidates who are attending Regional Summit in their role as a member of their jurisdiction’s board are welcome to participate in the Candidate Forum at the Regional Summit and connect with membership during the events.
- NCARB will also cover the cost of candidates participating in Regional Summit who would not otherwise have attended, so you can speak with membership and participate in the candidate forum.
- Prior to the business session with nominations and elections at the Annual Meeting, candidates will be invited to speak with regional attendees or participate in a forum to share about reasons for running and plans if you are elected to the Board. As well as the 3-minute candidate speech during the business session.

How many terms can you serve on the Board of Directors and how long are the terms?

- The Board positions are one-year terms from one Annual Business Meeting to the next, however for several positions you can serve multiple one-year teams.
- The Regional Directors and At-Large Directors may serve for two consecutive one-year terms; no more than two terms in succession.
- Public Director and Member Board Executive director may serve for three consecutive one-year terms.
- All Officer positions are one-year term only, and you may not serve successively in these roles.

Who nominates for other leadership positions?

- Regional Director candidates are nominated by their regions and elected by the full membership.
- Member Board Executive Director candidates are nominated by majority vote of the Member Board Executive community comprised of the Executive Directors of each Member Board, and then elected by the full membership.
- Public Director and At-Large Director candidates are nominated by a member, not currently serving on the Board of Directors, at the Annual Business Meeting to be elected by the full membership.

What campaigning is permissible?

Campaigning to get your name and platform out to the membership is allowed, however campaigning is NOT required if you choose to run. NCARB Council Relations staff can walk you through how to use the NCARB group email system, although NCARB staff cannot provide substantial input into content for your campaign speeches or your communications to membership.

Development of a Resolution

The *NCARB Bylaws* (Article V, Section 5) outline the resolution process.

- This resolution process occurs at the Annual Business or Special Meetings of the Council
- The Bylaws outline the vote requirements:
 - 2/3 majority (37 votes) of Member Boards
 - Absolute majority (28 votes) of Member Boards
 - Majority of Member Boards present and voting (dependent # of delegates present)

What Needs a Resolution to Update?

There are four main documents that are subject to the resolution process:

1. Certification Requirements (the back half of the *Certification Guidelines*)
2. *NCARB Bylaws* or other *Bylaws*-governed actions
3. *NCARB Legislative Guidelines and Model Law/Model Regulations*
4. *NCARB Model Rules of Conduct*

Who Can Offer Resolutions?

- Board of Directors – Most resolutions are developed by the Board in coordination with committees, through their committee charges
- Regions
- NCARB Member Boards
- Select Committees

When are Resolutions Due?

Draft resolutions from Regions or Member Boards are due to the Regional Leadership Committee for review no later than 75 days prior to the Annual Business Meeting (**March 30, 2024**) to be considered by the NCARB Board of Directors at its April Board Meeting.

If Member Boards or Regions would like the resolution(s) they develop to be included in official meeting materials for **Regional Summit**, resolutions should be submitted to the Regional Leadership Committee by **January 31, 2024**.

Note: This is not a requirement for the resolution(s) to be considered at the Annual Business Meeting. Member Boards and Regions have until March 30, 2024, to submit them.

Draft resolutions from Committees are due to the Board by the January Meeting (**January 16–20, 2024**)

- All resolutions, no matter where they originated from, should follow the same format.
- Questions about this process can be sent to NCARB at: council-relations@ncarb.org.

How is a Resolution Developed by Committees?

1. Charge Development

Each spring, NCARB's first vice president/president-elect drafts charges for each committee for the upcoming year, beginning July 1. These are developed based on:

- Strategic initiatives
- Priorities for the organization or the upcoming year

- Recommendations from the previous year's committee

Charges sometimes specifically direct the development of a resolution for Member Board consideration, but they can also arise from general discussions. At the June Board of Directors meeting, the Board of Directors reviews and approves the final charges to be issued.

2. Committee Collaboration

Resolutions often relate to the purpose of several NCARB committees. Staff liaisons will coordinate with respective chairs and one another to maximize opportunities for collaboration during the development process. Additionally, resolutions are usually discussed during Committee Summit with multiple committees for initial feedback to inform the Board of Directors.

Charges that may lead to resolutions are the top priority for each committee. Work related to these charges must be tackled early to allow maximum time for Member Boards to review draft resolutions in preparation for Regional Summit and the Annual Business Meeting.

3. Formation of a Resolution

Once the appropriate committee(s) have reached a consensus on a clear direction of action to be taken, the staff liaison(s) will draft the resolution language and accompanying statement of support with legal counsel. Resolutions follow a specific template that includes the purpose of the resolution, rules for passage, what the proposed changes are (with underlines used for new text and ~~strikeouts~~ used to show information being removed), an effective date, a sponsors' statement of support, the financial impact, and list of advocates.

The committee reviews and provides feedback on the resulting draft. Committee members will be listed as advocates for a resolution in which they took part in developing.

4. Draft Resolutions

At the January Board of Directors Meeting, the Board reviews proposed resolutions from the committees and determines which resolutions they would like to move forward for the membership for consideration. These resolutions are still considered drafts and are shared with Member Boards so they can provide feedback at the Regional Summit each spring.

5. Regional Summit

The NCARB secretary provides a brief overview of each resolution during a plenary session at the Regional Summit. Clarifying questions and discussion take place throughout Regional Summit to provide feedback to the Board of Directors for consideration as resolutions are finalized.

6. Resolutions to be Acted Upon at the Annual Business Meeting

At the April Board of Directors Meeting, the Board votes on whether to move a resolution forward to the Annual Business Meeting. On occasion, the Board may decide to put forth a resolution that did not receive a majority of Board support. Resolutions not moved forward by the Board will not be considered at the Annual Business Meeting.

According to the *NCARB Bylaws*, resolutions must be released to Member Boards at least 30 days before the Annual Business Meeting, but they are generally available within a week of the April Board meeting.

7. Voting

At the Annual Business Meeting (ABM), Member Boards will have additional opportunities to discuss the resolutions put forward. NCARB follows Robert's Rules of Order to govern the voting process in addition to the information included in the *Bylaws*.

The secretary introduces each resolution in a plenary session at the ABM. The first vice president/president-elect, serving as presiding officer of the session, then moves each resolution forward and asks for a second from the floor. Then, the floor will be open for discussion and the membership may ask questions, debate, or offer amendments for consideration. Amendments will need a second from the floor.

If an amendment is presented, action must take place on the amendment before action may be taken on the resolution. Any offered amendments will require a simple majority of Member Boards present to pass. After all discussion, the first vice president will call for a vote on the amendment. If the amendment passes, the amended resolution is moved and seconded, and further discussion may occur. If the amendment fails, the original resolution is put back before the membership for consideration.

Resolutions will either require a two-thirds majority (36 votes) or an absolute majority (28 votes) of Member Boards to pass.

- Two-thirds required: *NCARB Bylaws* and other *Bylaws* governed actions.
- Absolute majority: Certification Requirements, *NCARB Legislatives Guidelines and Model Law/Model Regulations*, *NCARB Model Rules of Conduct*
- Simple majority: Amendments to resolutions

8. Implementation

Changes voted on in resolutions will be made in accordance with the effective date noted in the resolution, which will vary. Implementation efforts range from document updates to systems development.

Appendix A: [NCARB Governance Changes](#)

The Credentials Committee is taking this opportunity to communicate changes to the [governance structure](#) of the Board of Directors for the National Council of Architectural Registration Boards (NCARB). These governance changes are the result of [Resolution 2023-05 as amended](#) and passed during the June 2023 NCARB Annual Business Meeting. This resolution passed 52-2.

The new governance changes streamline the timeline to serving on the Board of Directors and encourage greater representation on the Board by reducing officer positions from six to four, creating two at-large director positions, and eliminating an impediment that hindered opportunities for Member Board Members with short tenures. Further, the structure provides a new pathway to serving on the Board for NCARB's larger volunteer community.

The governance changes will be implemented in a phased approach over the next three years with the final Board structure fully implemented with the June 2027 elections. The following pages include models of the governance structures and position elections for each of the transition years. The current structure, elected in June 2023, is also included for reference.

The three-year Transition Plan² identifies which positions are elected in each year. Specifically, special transitions will take place in June 2024 and June 2026. These special transitions are outlined below.

- June 2024
 - The Secretary/Treasurer positions will merge. There will be **no election** for this newly merged position in 2024. Sylvia Kwan, elected this past June, will hold over into the new position.
 - Two At-large Director positions will be filled via election, temporarily increasing the size of the Board to 15 members.
- June 2025
 - Elections will be held for all Board positions, including an election for the Secretary/Treasurer position.
- June 2026
 - The Second Vice President position is eliminated, returning the Board of Directors to a 14-member Board.
 - The Secretary/Treasurer who was elected in 2025 will hold over for another year in this position.
- June 2027
 - Elections will be held for all Board positions.

² Article XV-Transition of the NCARB *Bylaws*, adopted in [Resolution 2023-05](#).

The NCARB Bylaws provide direction in the event of unexpected vacancies in any position. Should such vacancies occur, the impact on elections and procedural changes will be communicated by the Credentials Committee.

In November of this year, the Credentials Committee will release a call for nominations for open Board positions for the June 2024 elections. The release will include the Bylaws qualifications and the roles and responsibilities for each position on the Board of Directors. Election procedures will also accompany the release.

Please submit any questions about the transition or elections to the Credentials Committee at credentials-committee@ncarb.org.

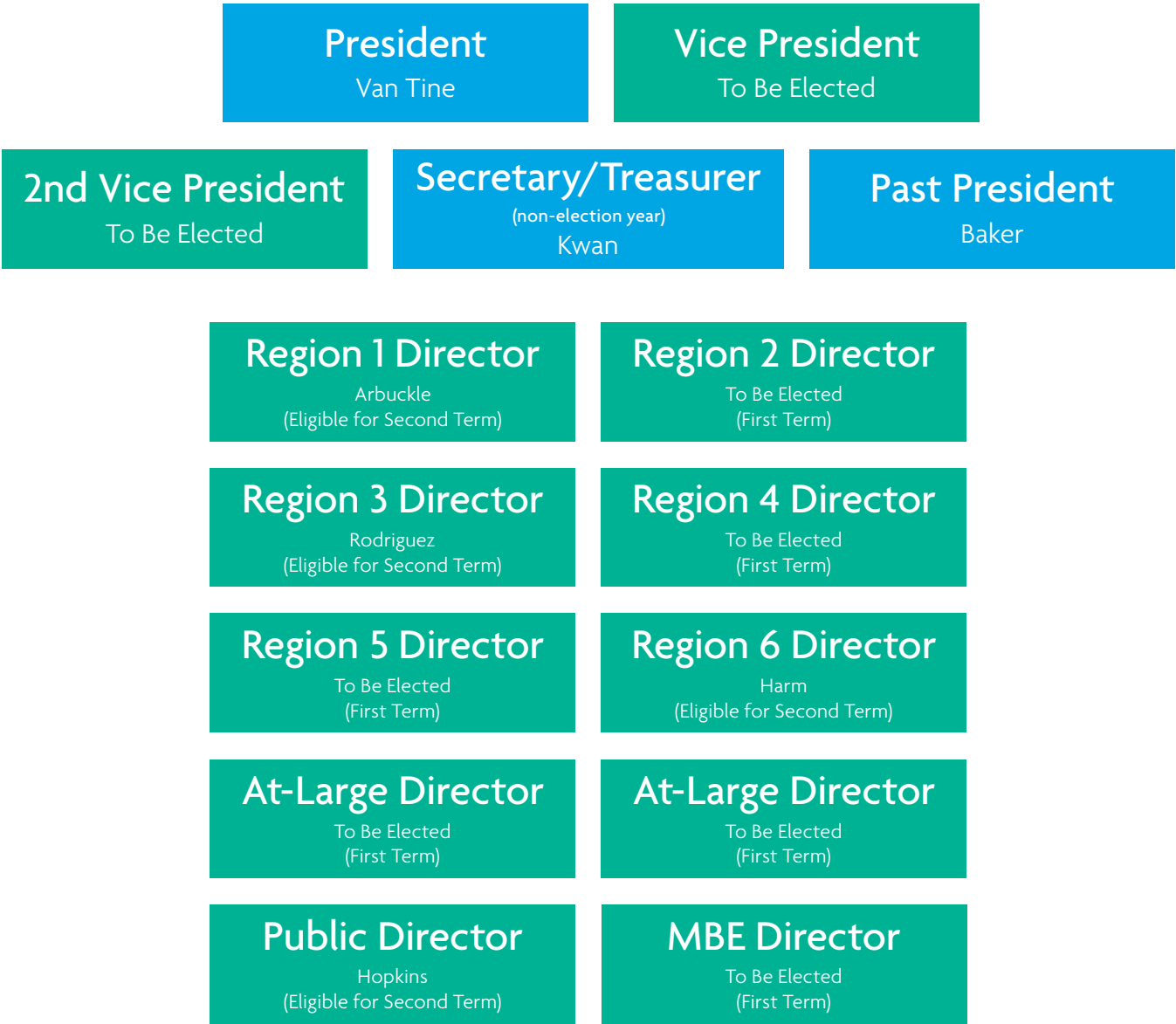
2023-2024 Board of Directors
(ELECTED AT THE 2023 NCARB ANNUAL BUSINESS MEETING)

<div>President Baker</div>	<div>Vice President Van Tine</div>	<div>2nd Vice President Marley</div>
<div>Treasurer Rademacher</div>	<div>Secretary Kwan</div>	<div>Past President Ward</div>
<div>Region 1 Director Arbuckle (First Term)</div>	<div>Region 2 Director Miller (Second Term)</div>	
<div>Region 3 Director Rodriguez (First Term)</div>	<div>Region 4 Director Parsons (Second Term)</div>	
<div>Region 5 Director Isom (Second Term)</div>	<div>Region 6 Director Harm (First Term)</div>	
<div>Public Director Hopkins (First Term)</div>	<div>MBE Director Evans (Third Term)</div>	

2024-2025 BOARD OF DIRECTORS

(2024 NCARB ANNUAL BUSINESS MEETING)

- Jon Baker (FY23 President) will advance to the Past President position.
- Ken Van Tine (FY23 Vice President) will advance to the President position.
- Sylvia Kwan (FY23 Secretary) moves into the newly merged Secretary/Treasurer position per *NCARB Bylaws* Article XV, Section 3A(iii).
- All other positions to be filled by election.



KEY: ■ No FY25 Election ■ Has FY25 Election

2025-2026 Board of Directors
(2025 NCARB ANNUAL BUSINESS MEETING)

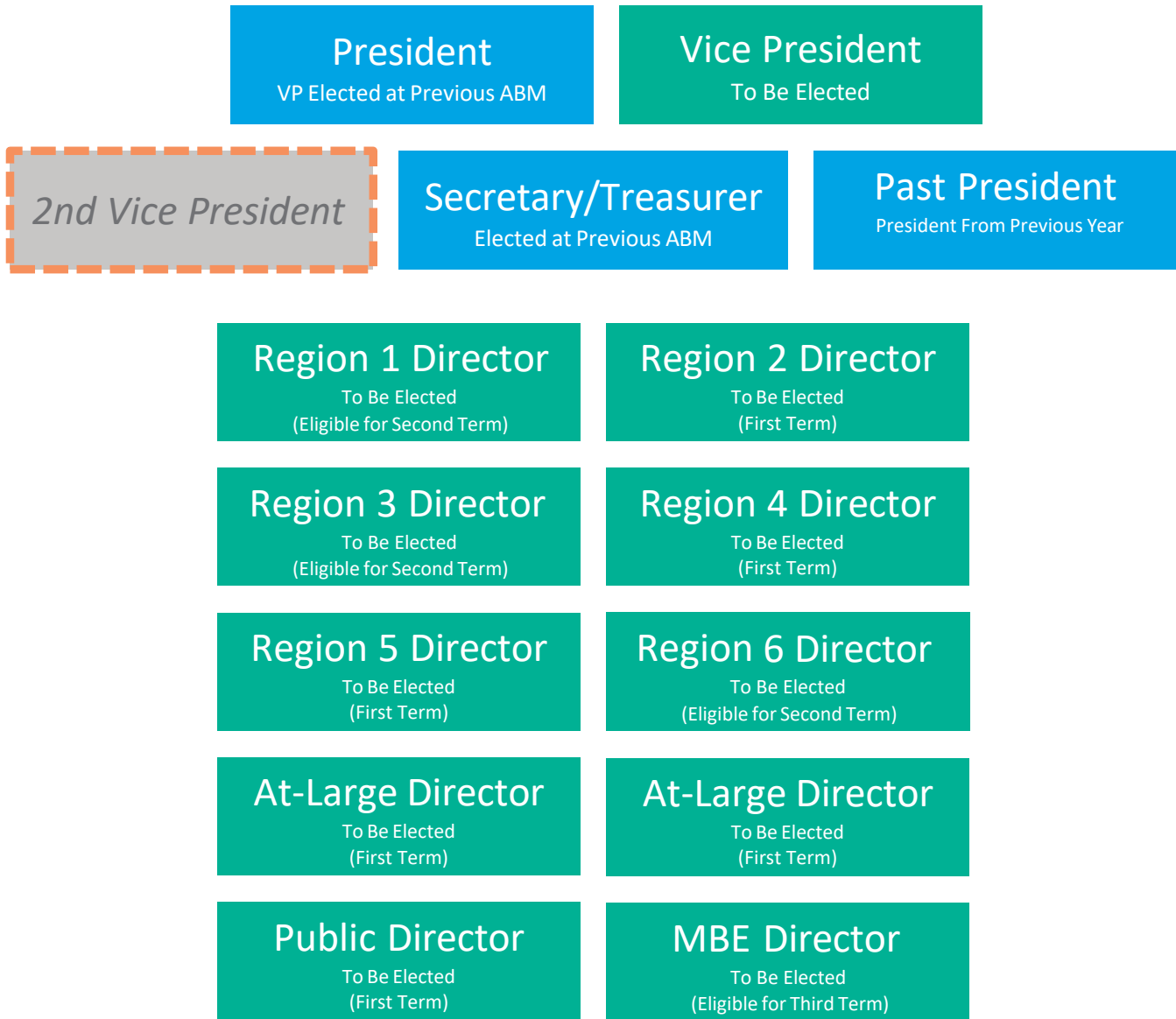
- Ken Van Tine (FY24 President) moves to Past President position.
- Vice President elected in 2024 moves to President position.
- Elections will be held for all other positions.
- The Secretary/Treasurer elected this year will continue in this role in the following year.



KEY: ■ No FY26 Election ■ Has FY26 Election

2026-2027 Board of Directors
(2026 NCARB ANNUAL BUSINESS MEETING)

- President from previous year moves to Past President position.
- Vice President elected at previous ABM moves to President position.
- Second Vice President position is eliminated.
- Secretary/Treasurer elected at the previous ABM will hold in this position for another term.
- Elections will be held for all other positions.



KEY: ■ No FY27 Election ■ Has FY27 Election ■ Position R2027-

2027-2028 Board of Directors Transition Complete

- President from previous year moves to Past President position.
- Vice President elected at previous ABM moves to President position.
- Elections will be held for all other positions.

President VP Elected at Previous ABM	Vice President To Be Elected
Secretary/Treasurer To Be Elected	Past President President from Previous ABM
Region 1 Director To Be Elected (First Term)	Region 2 Director To Be Elected (Eligible for Second)
Region 3 Director To Be Elected (First Term)	Region 4 Director To Be Elected (Eligible for Second)
Region 5 Director To Be Elected (Eligible for Second)	Region 6 Director To Be Elected (First Term)
At-Large Director To Be Elected (Eligible for Second)	At-Large Director To Be Elected (Eligible for Second)
Public Director To Be Elected (Eligible for Second)	MBE Director To Be Elected (First Term)

KEY:  No FY28 Election  Has FY28 Election

Minutes of the Meeting
State Board for Architecture
1411 Broadway; Regents' Room
New York, NY 10018

Present: Anik Pearson, Chair
Carol Bentel
Greg Canaras
Latoya Kamdang
Fred Mosher, Jr.
Marcy Stanley
Michael Samuelian (Left 11:00)
Jitendra Vaidya

Absent: Nicole Dosso, Vice Chair
John Tobin

Staff: Robert Lopez, Executive Secretary
Marci McKenna, Assistant in
Professional Education (Arrive 10:35)

November 8, 2023

OPEN SESSION

1. Motion: Stanley/Bentel: That the Board enter Executive Session.
2. The Board resumed the Open Session.
3. **Introductions, Welcome New Members, Board Departures**: Chair Pearson welcomed the new Board members, Greg Canaras and Fred Mosher, Jr. and expressed thanks for Member Kamdang's service. The Executive Secretary added his thanks for her service and to Member Tobin, who has also resigned from the Board.
4. Motion: Kamdang/Vaidya: That the minutes of the August 9, 2023 meeting of the State Board for Architecture be approved. PASSED UNANIMOUSLY.
5. **Board Chair Report**: Chair Pearson recapped some key takeaways from the "NCARB by the Numbers" publication. The Executive Secretary mentioned that at the last meeting, the idea of asking the subject matter experts at NCARB to visit and present on it had been raised.
6. **Board Office Report**: The Executive Secretary gave the Board Report. Of note is that licenses issued and exam admissions continue to trend upwards after pandemic lows.
7. **Old Business**:
Experience/Education Review: The Executive Secretary included information about New York's current education and experience requirements in the Board package per the Board's agreement at the last meeting that they should be reviewed. He suggested three options to move forward: 1) that an ad-hoc committee be formed to review the requirements, 2) the Board could discuss and come to conclusions at this meeting, or 3) the members could consider the matter individually and discuss at the next meeting. After brief discussion, it was agreed that an ad-hoc committee would be the most appropriate avenue for the study. Members Bentel and Canaras volunteered to sit on the ad-hoc committee.

ARE Rolling Clock Retirement/Score Validity Policy/ESL Accommodations: At their September 2023 meeting, The New York State Board of Regents formally retired the ARE

rolling clock and adopted NCARB's Score Validity Policy and ESL Accommodations policy for the exam. New York is now in alignment with the national standard for these items.

Practice Guidelines: The Executive Secretary thanked Members Bentel, Dosso, and Samuelian for their service on the ad-hoc committee that conducted a review of the revised Practice Guidelines. The Board's updated Practice Guidelines went live yesterday on the Office of the Professions' web site.

Women in Architecture Series: Chair Pearson noted that this program is going into its 5th season of seminars and she updated the Board on the event to be held this week.

8. **New Business:**

NCARB Items:

- Pathways to Practice: NCARB is proposing the expansion of licensure approach options, including an all-experience pathway such as that offered by New York. Information on changes already implemented and suggested options was included in the Board package.
- Region 2 Pre-Board of Directors Meeting Summary: The Executive Secretary attended this virtual meeting; among items discussed were a refresh to the IPAL program and the recent ARE content data breach.
- Governance Changes: These changes were summarized in a memo included in the Board package and include the creation of two at-large director positions to broaden the universe of potential applicants.
- Future Meeting: The Executive Secretary explained that the Board has traditionally had NCARB leadership visit periodically and included potential discussion topics for such a visit in the Board package. He asked if Board members had any to add; Chair Pearson suggested asking for an overview of licensure in the US for comparison purposes. An invitation will likely be extended for the February or May meeting of the State Board.
- Regional Summit – March 1-2, 2024: Chair Pearson is interested in attending this meeting.
- Annual Meeting – June 13-15, 2024: Member Stanley is interested in attending this meeting, schedule permitting.

Discussion of Work Environments: Since Member Kamdang proposed this as a discussion topic at the last meeting, consideration was given to the topic of toxic work environments within some architecture firms. The Executive Secretary gave some examples within the Education Law and Rules of the Board of Regents where an architect may be found to have committed unprofessional conduct with respect to the Education Law and Regents' Rules, cautioning that unprofessional conduct is dependent upon the specific set of circumstances surrounding each case.

9. **Other Board Member Topics for Future Meetings:** None raised.

10. Motion: Bentel/Mosher: Moved to adjourn. PASSED UNANIMOUSLY.

The next meeting of the Board will be Wednesday, February 7, 2024, in NYC.

Respectfully submitted,

Robert Lopez, RA
Executive Secretary

DRAFT

**Minutes of the Meeting
State Board for Architecture
1411 Broadway; Regents' Room
New York, NY 10018**

Present: Anik Pearson, Chair
Carol Bentel
Greg Canaras
Latoya Kamdang
Fred Mosher, Jr.
Marcy Stanley
Michael Samuelian (Left 11:00)
Jitendra Vaidya

Absent: Nicole Dosso, Vice Chair
John Tobin

Staff: Robert Lopez, Executive Secretary
Marci McKenna, Assistant in
Professional Education (Arrive 10:20)

November 8, 2023

EXECUTIVE SESSION

1. The Board conducted a practical exam. After discussion, the Board determined that the candidate had not passed the exam and will not be recommended for licensure.
2. After discussing the results of the practical exam and considering the new psychometrically defensible score sheet that Board members conducting the practical exam must complete, a discussion ensued on whether a candidate should be granted a second opportunity to take the practical exam. Given that the Board's questions asked of each practical exam candidate are the same, it was decided to not grant candidates a second opportunity to pass the practical exam, but that the candidates would be admitted to the ARE upon their request.
Motion: Pearson/Samuelian: That a candidate may not take the practical exam a second time after a failed attempt. PASSED UNANIMOUSLY.
3. The Board reviewed the background of a candidate who had not met the requirements for licensure via education, experience and exam and who wanted to apply via the endorsement approach. After discussion, it was determined that the candidate did not meet the endorsement criteria for licensure. Motion: Samuelian/Bentel: That the candidate does not meet the endorsement requirements for licensure. PASSED UNANIMOUSLY.
4. The Board reviewed disciplinary cases.
5. Motion: Kamdang/Vaidya: That the minutes of the August 9, 2023 meeting of the State Board for Architecture be approved. PASSED UNANIMOUSLY.
6. Motion: Vaidya/Bentel: That the Board resume the Open Session. PASSED UNANIMOUSLY.

Respectfully submitted,

Robert Lopez, RA
Executive Secretary

NEW YORK STATE BOARD FOR ARCHITECTURE BOARD OFFICE REPORT

Registrants

Current Resident Registrants:	11,856
Current Non-Resident Registrants:	9,189
<u>Foreign Registrants:</u>	<u>416</u>
Total Number of Registrants as of 1/1/24	21,461

Licenses Issued

2023 – 905; 2022 – 953; 2021 – 804; 2020 – 681; 2019 – 814; 2018 – 1,108

ARE Candidates	(October 20, 2023 – January 22, 2024)	1
Early Admit ARE Candidates	(October 20, 2023 – January 22, 2024)	274
NCARB Certification	(October 20, 2023 – January 22, 2024)	83
Endorsement	(October 20, 2023 – January 22, 2024)	7
Endorsement PE no QT	(October 20, 2023 – January 22, 2024)	3
Via Educ, Exp & Exams	(October 20, 2023 – January 22, 2024)	14

Candidate Admissions to ARE

2023 – 1,030; 2022 – 770; 2021 – 875; 2020 – 889; 2019 – 1,075; 2018–1,005

NYSED/OP/Staff Activities

The Executive Secretary attended the NCARB Region 2 Fall Meeting on November 10, 2023.

The waiver to replace Marci McKenna, the Assistant in Professional Education in the Board office, has been approved. Recruitment will follow and may take several months to fill the position.

Legislative / Regulatory Activity

The NYS Legislature is in a two-year session that will run from January 2023 through December 2024.

Legislation of interest follows:

S5664 / A4720 – Relates to public employees’ supervision, examination, review, and determination of acceptability of public works projects performed by contractors

(new bill – see board package for bill language and for the Executive’s Veto)

Requires certain public employees to be on the site for the duration of public works projects completed by contractors; requires such certain public employees to review a contractor’s work on public works projects and determine whether the work performed is acceptable.

Bill has passed in the Senate and has passed in the Assembly but was vetoed by the Executive.

A1891-D / S5261-B – Expanded ownership in design professional corporations by employee stock ownership plans and non-licensed employees

Provides for expanded ownership in design professional corporations by employee stock ownership plans and non-licensed employees

Bill was signed as Chapter 439 of the Laws of 2022; effective date 7/21/24.

S1049 / A5051 – Relates to an engineering technology degree

Provides that an applicant with a bachelor's degree or higher in engineering technology and an applicant with a bachelor's degree or higher in engineering shall have the same number of education and experience credit requirements, shall have the same eligibility for an identification card as "an engineer in training", as well as examination and examination eligibility requirements.

Bill is referred to Higher Education in the Senate and is referred to Higher Education in the Assembly

S5614 A / A4202 A – Relates to building permits

Authorizes a city, town or village to establish a program whereby a building permit may be issued based upon certification by a registered architect or professional engineer.

Bill is referred to Local Governments in the Senate and is referred to Local Governments in the Assembly

S3295 / A3389 – Relates to the establishment of the water-based fire protection licensure act

Establishes water-based fire protection licensure act, setting forth licensure requirements for contractors engaged in the business of the layout, installing, repairing, inspecting, testing, or maintaining of water-based fire protection systems and components.

Bill is referred to Consumer Protection in the Senate and is referred to Economic Development in the Assembly

S5049 / No Same As– NYC DoB False Documents

Relates to false statements in documents submitted to the department of buildings of the city of New York

Bill is referred to Cities in the Senate

A4327 / No Same As – Increases to \$50,000 for cost of construction threshold

Increases to \$50,000 the cost of the construction of a building, structure or public work, above which a professional engineer, land surveyor or architect must be utilized to plan and supervise the construction thereof.

Bill is referred to Higher Education in the Assembly

S3312 / A8066 – New York Emergency Responder Act

Enacts the New York emergency responder act limiting the liability of certain emergency responders.

Bill is referred to Veterans, Homeland Security and Military Affairs in the Senate and is referred to Governmental Operations in the Assembly

S / A– Establishes a program where a municipal department of buildings may accept certain construction documents for code compliance

Establishes a program where a municipal department of buildings may accept construction documents required to be filed in relation to code compliance prior to issuance of a certificate of occupancy with less than a full examination by such municipal department of buildings based on a professional certification of an applicant who is an architect or professional engineer; makes related provisions.

Bill is not yet introduced

S / A – Requires certain engineering plans that could pose a material risk to public safety to bear a stamp of approval of a professional engineer

Requires certain engineering plans or specifications for engineering work or services that could pose a material risk to public safety to bear a stamp of approval of a professional engineer and authorizes the public service commission to promulgate rules and regulations relating to such requirement.

Bill is not yet introduced

A / No Same As – Interior Design/State Contracting

Adds interior design services as a type of contract that can be entered into and negotiated by the state

Bill is not yet introduced

A / No Same As - Licensing consequences for serious abuse of self-certification privileges

Relates to licensing consequences for architects or engineers who seriously abuse their self-certification privileges

Bill is not yet introduced

S / No Same As - Requires Public Authorities to negotiate with QBS

Requires public authorities to negotiate with most qualified architectural and engineering professional firms before negotiating with other firms

Bill is not yet introduced

Office of Professional Discipline

Peter Klein

Andrew A. Formichella

Shmuel Dovid Flaum

S5664 KENNEDY Same as [A 4720](#) McDonald

Public Works

TITLE....Relates to public employees' supervision, examination, review, and determination of acceptability of public works projects performed by contractors

This bill is not active in the current session.

03/13/23 REFERRED TO PROCUREMENT AND CONTRACTS

05/22/23 1ST REPORT CAL.1198

05/23/23 2ND REPORT CAL.

05/24/23 ADVANCED TO THIRD READING

06/08/23 SUBSTITUTED BY A4720

A04720 McDonald

02/22/23 referred to governmental operations

02/28/23 reported referred to ways and means

05/23/23 reported referred to rules

05/24/23 reported

05/24/23 rules report cal.228

05/24/23 ordered to third reading rules cal.228

06/08/23 passed assembly

06/08/23 delivered to senate

06/08/23 REFERRED TO RULES

06/08/23 SUBSTITUTED FOR S5664

06/08/23 3RD READING CAL.1198

06/08/23 PASSED SENATE

06/08/23 RETURNED TO ASSEMBLY

11/29/23 delivered to governor

12/08/23 vetoed memo.85

12/08/23 tabled

KENNEDY, MANNION

Amd Part F §§15-a & 15-b, Chap 60 of 2015

Requires certain public employees to be on the site for the duration of public works projects completed by contractors; requires such certain public employees to review a contractor's work on public works projects and determine whether the work performed is acceptable.

VETO MESSAGE - No. 85

TO THE ASSEMBLY:

I am returning herewith, without my approval, the following bill:

Assembly Bill Number 4720, entitled:

"AN ACT to amend the infrastructure investment act, in relation to public employees' supervision, examination, review, and determination of acceptability of public works projects performed by contractors"

NOT APPROVED

This bill would require a public employee or public employees to be on-site for contracts awarded pursuant to a competitive procurement under the Infrastructure Investment Act and approve of any work done in accordance with the contract.

While I recognize the need for oversight over procurement, this legislation is duplicative and unnecessary. Existing law already requires that ongoing projects be assigned individuals who are responsible for ensuring that operations are performed within the terms of the contract. Requiring a state employee to provide an additional level of supervision would not be an effective use of state resources and time. Additionally, this bill would carry a cost to the state of several million dollars that is unfunded.

Therefore, I am constrained to veto this bill.

The bill is disapproved.

(signed) KATHY HOCHUL

STATE OF NEW YORK

5664

2023-2024 Regular Sessions

IN SENATE

March 13, 2023

Introduced by Sens. KENNEDY, MANNION -- read twice and ordered printed,
and when printed to be committed to the Committee on Procurement and
Contracts

AN ACT to amend the infrastructure investment act, in relation to public
employees' supervision, examination, review, and determination of
acceptability of public works projects performed by contractors

The People of the State of New York, represented in Senate and Assem-
bly, do enact as follows:

1 Section 1. Sections 15-a and 15-b of part F of chapter 60 of the laws
2 of 2015, constituting the infrastructure investment act, as added by
3 section 5 of part DD of chapter 58 of the laws of 2020, are amended to
4 read as follows:
5 § 15-a. Any contract awarded pursuant to this act shall be deemed to
6 be awarded pursuant to a competitive procurement for purposes of section
7 2879 of the public authorities law, provided that all contracts awarded
8 shall require a public employee or public employees, as defined by para-
9 graph (a) of subdivision 7 of section 201 of the civil service law and
10 who are employed by authorized entities as defined by paragraph (i) of
11 subdivision (a) of section two of this act and who are licensed under
12 articles 145, 147 and 148 of the education law to be on the site of the
13 project for the duration of such project to the extent deemed appropri-
14 ate by such public employee or employees. Such requirement shall not
15 limit contractors' obligations under design-build contracts to issue
16 their own initial certifications of substantial completion and final
17 completion or any other obligations under the design-build contracts.
18 § 15-b. Public employees as defined by paragraph (a) of subdivision 7
19 of section 201 of the civil service law and who are employed by author-
20 ized entities as defined in paragraph (i) of subdivision (a) of section
21 two of this act shall examine ~~[and]~~, review ~~[certifications provided by~~
22 ~~contractors for conformance with]~~, and determine whether the work
23 performed by contractors is acceptable and has been performed in accord-

EXPLANATION--Matter in italics (underscored) is new; matter in brackets
[~~-~~] is old law to be omitted.

LBD09824-01-3

S. 5664

2

1 ance with the applicable design-build contracts. Such examination,
2 review, and determination shall include, but not be limited to material
3 source testing, certifications testing, surveying, monitoring of envi-
4 ronmental compliance, independent quality control testing and inspection
5 and quality assurance audits. Such public employees may accept contrac-
6 tors' substantial or final completion of the public works as applicable.
7 Performance by authorized entities of any review described in this
8 subdivision shall not be construed to modify or limit contractors' obli-
9 gations to perform work in strict accordance with the applicable
10 design-build contracts or the contractors' or any subcontractors' obli-
11 gations or liabilities under any law.
12 § 2. This act shall take effect immediately; provided, however, that
13 the amendments to part F of chapter 60 of the laws of 2015 made by
14 section one of this act shall not affect the repeal of such part and
15 shall be deemed repealed therewith.

**NEW YORK STATE SENATE
INTRODUCER'S MEMORANDUM IN SUPPORT
submitted in accordance with Senate Rule VI. Sec 1**

BILL NUMBER: S5664

SPONSOR: KENNEDY

TITLE OF BILL:

An act to amend the infrastructure investment act, in relation to public employees' supervision, examination, review, and determination of acceptability of public works projects performed by contractors

PURPOSE OR GENERAL IDEA OF BILL:

The purpose of this bill is to clarify that contracts awarded pursuant to a competitive procurement for purposes of section 2879 of the public authorities law shall require a public employee or public employees to be on site and approve of the work done in accordance with the contract.

SUMMARY OF PROVISIONS:

Section 1 amends section 15-a of part f of chapter 60 of the laws of 2015, as added by section 5 of part dd of chapter 58 of the laws of 2020 to require public employees to be on site for the duration of the project to the extent deemed appropriate by such public employee or employees.

Section 1 also amends section 15-b of part f of chapter 60 of the laws of 2015, as added by section 5 of part DD of chapter 58 of the laws of 2020 'to require that a public employee must sign off on whether the work performed by contractors is acceptable and has been performed in accordance with the requirements of applicable design-build contracts. The language also clarifies that a public employee may accept a contractor's substantial or final completion requirements.

Section 2 is the effective date.

JUSTIFICATION:

Public employees have the experience and expertise to make sure that projects in New York State meet the standards that have been agreed to. By requiring their presence on site, and final approval, there is a greater level of protection afforded to the residents of the state. During the performance of a project, any potential issues may be identified, and before completion of a project the public employees will perform an examination to make sure the project complies with expectations and is acceptable.

PRIOR LEGISLATIVE HISTORY:

S.7244/A.6664A of 2021-22

FISCAL IMPLICATIONS FOR STATE AND LOCAL GOVERNMENTS:

To be determined.

EFFECTIVE DATE:

This act shall take effect immediately; provide, however, that the amendments to part F of chapter 60 of the laws of 2015 made by section one of this act shall not affect the repeal of such part and shall be deemed repealed therewith.