

ACEC Oregon

AMERICAN COUNCIL OF ENGINEERING COMPANIES
OF OREGON
Representing engineering companies in Oregon and
Clark County, Washington for more than 50 years.

NOVEMBER 2007

NEWS

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2007 scholarship winner announced... "I WANT TO HELP MAKE OUR PLANET A SAFER PLACE TO LIVE"

Julia Kuhn, Kittleson & Associates, Inc., chair of the Education Outreach Committee (formerly known as the Scholarship Committee), is pleased to announce the 2007-2008 ACEC Oregon scholarship winner, **Cierra Eby**. Cierra graduated Echo High School in northeast Oregon and is currently attending Oregon State University. She plans to major in civil engineering and ultimately would like to become a geotechnical engineer.

Kuhn reports that "Her application clearly stood out in how she's really thought through her passions and the practical applications of geotechnical engineering." In her scholarship application essay Cierra writes, "Geotechnical engineering intrigues me because of the relationship between humans and the unpredictable planet we live on. There is a very precarious balance that must be kept between protecting our environment and the natural resources and protecting the lives of the people who live on our unique planet.

"In many geologically hazardous regions that pose a threat to the people that live there, it is important to take into consideration the possible disasters that could occur when planning structures. In these regions it is necessary to erect buildings, bridges and roads that are capable of withstanding the natural threats in the area.

"I want to learn how to build roads that won't be washed out by mudslides, bridges that can withstand large scale earthquakes, and houses that can stand the force of violent winds.

"With a good education and the experience that I hope to receive from OSU, I will set out into the world ready to make a difference. I will not only discover new ideas and explore new possibilities, but I will search for ways to make safe structures more cost effective so that they will be available to a wider range of people. I chose geological engineering because I want to be a part of the force of people who use their skills to make the world safer. I want to become a leader in this field, to help make our planet a safer place to live by using geology to solve engineering problems."



ACEC Oregon's newest scholarship winner attended the annual Networking Day dinner at Langdon Farms Golf Club in June. Pictured, from left, are: ACEC Oregon Vice President and Education Outreach Committee member, **Martha Moore, TW Environmental**, and this year's scholarship recipient, **Cierra Eby**.

Congratulations, Cierra!

See pages 2, 6 and 8 for lists of auction donors and hole sponsors that help make our scholarship fund possible!

FROM THE PRESIDENT

by Mel Sears, P.E., PMP

Greetings to all ACEC Oregon members. The start of another year is upon us and I'm honored to represent the association as the 52nd President. I'm ready and eager to continue helping further the causes of our industry, association, and profession.

As some of you may be aware, the President's role is usually attained after an approximately five year stint on the Board of Directors; therefore, each President has had ample engagement with the issues of the association prior to being appointed to the role.

The year kicked-off in grand style with our Fall Conference in Bend where 40+ members gathered for both an educational element and networking opportunity. We all learned about Business and Client Development, along with strategies to develop our future leaders. We also had an informal roundtable on Saturday morning whereby the aspiring leaders had an opportunity to contrast their perspectives with the industry veterans. It proved to be eye-opening as to the type of issues aspiring leaders think through and I walked away in awe at how passionate, articulate and eloquent our aspiring leaders are. And how many of us need to shift paradigms about what our organizations culturally offer to inspire these aspiring leaders.

Another highlight of the event was the scholarship auction on Friday night emceed by our own **Marc Butorac of Kittelson & Associates, Inc.** Marc was able to cajole more than \$5,000 out of the dinner audience through his engineering humor (is that an oxy-moron?). This will go a long way to helping our scholarship fund.

For those of you not in attendance, I want to re-iterate some of my President's Comments from the Friday luncheon:

- The Board of Directors has updated the ACEC Oregon strategic plan. The current strategic plan can be found on the



Mel Sears
Parametrix, Inc.

ACEC Oregon website at http://www.acecoregon.org/what_is_acec%20oregon.htm.

- We honored **Bob Carson of Mason, Bruce & Girard, Inc.** for his leadership of the ACEC Oregon/ODOT Liaison Committee for the past several years. Bob has turned over the reins to **Karen Tatman of Quincy Engineering.**
- ACEC Oregon actions in the coming year:
 - ◆ Continue collaboration with ODOT through ACEC Oregon/ODOT annual workshop and ACEC board meetings with ODOT **Director Matt Garrett.**
 - ◆ Strengthen all of our Liaison Committees (ODOT, FHWA, COE, OACES)
 - ◆ QBS Outreach and Education; advocate for our members.
 - ◆ Define our presence and priorities at the 2008 mini-legislative session and 2009 session. (Your PAC donations at work!)
 - ◆ Engage in the next State transportation funding opportunity which is likely in the 2009 legislative session.
 - ◆ Keep an eye on anti-privatization legislation, a challenge to outsourcing.
 - ◆ Reach out and align synergies with other associations (AIA, AGC, ASCE, etc.)
 - ◆ Continue to listen to member firms needs, such as PDHs/CPDs, insurance, networking, etc.
- Challenge the industry to think "Transformationally" about the industry and our member firms. Think through what your firm is doing in three key areas:
 - ◆ **Excellence** (What are you doing to drive better and more consistent results?)
 - ◆ **Anticipation** (What are you doing to prepare your firm for the next "thing" before it arrives)
 - ◆ **Innovation** (Are you delivering just the same services you did 5 years ago or are you changing products/services to adapt to the ever-changing new business environment?)

I look forward to conversing with as many of you as I can so I can help shape the organization's actions to meet the member's needs.

Regards,

ACEC Oregon President *Mel Sears*

AUCTION RAISES MORE THAN \$5,000 FOR SCHOLARSHIP FUND

Thank you to all the auction donors & buyers for your generous support!

The auction held September 21 during the fall conference in Bend raised more than \$5,000 for the scholarship fund. Special thanks to **Marc Butorac of Kittelson & Associates, Inc.** for serving as auctioneer.

Donations were provided by the following:

Anderson Consulting Services
Cornforth Consultants, Inc.
Daily Journal of Commerce

David Evans and Associates, Inc.
Institute for Science, Engineering & Public Policy (see page 8 for lecture series schedule)
Kittelson & Associates, Inc.
Kpff Consulting Engineers
Langdon Farms Golf Club
Marvin, Chorzempa & Larson, P.C.
Mason, Bruce & Girard, Inc.
Miller Consulting Engineers

Raymond T. Miller, P.E., S.E., FACEC
Mount Bachelor Village Resort
OBEC Consulting Engineers
Quincy Engineering, Inc.
R&W Engineering, Inc.
Salishan Spa & Golf Resort
7th Annual ATV & Off Road Expo
The PPI Group
TW Environmental
W&H Pacific

MAYOR OF BEND ADDRESSES FALL CONFERENCE ATTENDEES; EMERGING LEADERS SHARE INSIGHTS

Emerging and current leaders discussed the engineer shortage and how to develop future leaders during Saturday morning at the Fall Conference in Bend. What follows are some of the highlights from the two the roundtable discussions. Thank you to **Martha Moore, TW Environmental, and Bob Carson, Mason, Bruce & Girard, Inc.** for moderating the roundtable session and sharing their notes.

EMERGING LEADER ROUNDTABLE

■ Engineer Shortage

- ◆ Firms that have many entry level staff and few mid-level staff generate the feeling that entry level staff won't be ready in time to take senior positions.
- ◆ Other firms have many younger mid-level generating feeling that career paths won't open up.
- ◆ Lack luster appeal of civil and consulting engineering – students know “Intels”
- ◆ Mentoring and development needed younger – middle school

■ How to Develop Future Leaders

General

- ◆ Need development of broader skill set – communications, team development particularly “soft” skills like negotiation, understanding of business drivers
- ◆ Concept of “fluidity” vs. competition as normal mode to provide more skill development opportunities and diversity of project opportunities
- ◆ Need for exposure to clients, industry, other organizations
- ◆ Differentiation of leadership vs. management

Self-development

- ◆ Delegation skills
- ◆ Learning of business side (mentoring for awareness)
- ◆ Self education to fill gaps (business, other)
- ◆ Use concept of “pulling” information from senior staff and leaders
- ◆ Be willing to challenge

Support from firms

- ◆ Increase transparency of business side
- ◆ Open books (although both pros and cons discussed, can be overwhelming and distracting)
- ◆ Shift paradigm – try to define skills (sometimes tough for senior staff to do), influence/inspiration versus command/control, change contribution of senior staff from technical to building legacy
- ◆ Get “legacy” defined

- ◆ Defining a more structured path – what are skills needed, what are areas of required knowledge
- ◆ Empowerment – no responsibility without authority, partial inclusion, or questioning of delegated results in front of others
- ◆ Opportunities – leadership, project, growth
- ◆ Evaluation processes – more often is better (6 months), not always tied to salary – change focus to development and goals, 360° is good for feedback from peers and supervised staff, change concept from “review” to alignment goals for mutual benefit, using self-empowerment to achieve goals with follow up.

Recognition

- ◆ Give them stickers
- ◆ Public thank yous in front of team
- ◆ Lunches
- ◆ Feedback – tied to contribution
- ◆ Celebrating successes – it needs to be said
- ◆ Award incentives
- ◆ Consistent recognition – at monthly or weekly meetings
- ◆ Budget for team recognition in projects – it becomes part of PM responsibility
- ◆ Let people see the finished project
- ◆ Get high level managers to give feedback – good in larger or vertical structure companies

CURRENT LEADER ROUNDTABLE

- ◆ Turnover is expensive.
- ◆ “Nexter” generation is just now coming into the workforce.
- ◆ Concept of gender difference may not apply to foreign-born employees, who make up an increasing percentage of workforce.
- ◆ 7-10 year employees are key to the future of the firm, but engineers are not good at telling them this, so they feel unappreciated and may move on.

Generation “Y”:

- ◆ Need more recognition, pats on the back, spot bonuses
- ◆ More family-influenced, need to run things by the family for agreement

Discussion of how time is recorded:

- ◆ Some firms record all hours
- ◆ Some firms record only billable hours over 40
- ◆ Some firms pay comp time, some annual bonus based on hours worked (billable + non-billable)



Bend's Mayor, **Bruce Abernethy**, shares his vision for helping shape the future of his city, during ACEC Oregon's fall conference. Many issues center around Bend's rapid and unprecedented growth.

It is important to give mid-level staff more and more responsibility

- ◆ More client contact as project progresses
- ◆ More PM responsibility as project progresses
- ◆ Delegation identified as biggest challenge
 - Project / technical delegation – relatively easy
 - Firm management / business development – more difficult to delegate

Other

- ◆ Principals can't just rely on future leaders to rise to the top on their own, they need to be proactive and nudge along those who they believe can be future leaders.
- ◆ Firms need to recognize the need to be flexible in work arrangements to accommodate future leaders and key employees e.g. allow them to work remotely.
- ◆ Laptops and cell phones originally were for traveling principals are now useful for all staff – younger generations like flexibility of working at home, evenings, home with a young or sick child.
- ◆ Principals perceive Generation X as impatient, not as loyal to firm, more likely to leave if they don't receive instant gratification. Principals need to tell future leaders that they are highly valued. (Suggestion: Use text messages to show appreciation.)
- ◆ Principals like to see younger staff show interest in participating in non-project opportunities, such as ACEC meetings, business development opportunities, leadership training.

AMONG OURSELVES...

The ACEC Oregon Board of Directors is pleased to announce the following new member firms. Please welcome...

Emerio Design LLC, 6107 SW Murray Blvd., Suite 147, Beaverton, OR 97008, phone (503) 515-5528, www.emeriodesign.com. Principals are **Neil Fernando, P.E.** and **Eric Evans, P.E.** The firm offers a variety of land development services, with their primary focus on planning and engineering for subdivisions in the urban area. The firm also provides similar services for commercial and industrial sites. In rural areas, the firm offers grading permits related to new home sites and private road building.

Moyano Leadership Group, Inc., 4020 Illahe Hill Road S., Salem, OR 97302, phone (503) 588-0199, www.moyanogroup.com (under construction). Principals are **David C. Moyano, P.E., S.E.** and **Lucinda D. Moyano**. The firm offers professional services in three primary areas; Program/Project Leadership, Organizational Leadership and Practice Leadership. Practice areas include bridge/structural engineering, transportation and civil engineering, land use planning, and NEPA compliance. The firm works with public agencies, construction contractors on alternative delivery methods such as design build and CMGC, and professional services consulting firms.



David Evans and Associates Inc.'s Bend office has moved into the heart of the Old Mill District. Their address is now 320 SW Upper Terrace Drive, Suite 200, Bend, OR 97702.

GeoDesign, Inc. has opened an office in downtown Portland. The Tigard-based geotechnical and environmental consulting firm opened a 10-person office in the historic Albers Mill building, 1200 NW Naito Parkway, Suite 500, with senior and technical staff, corporate marketing and support services. GeoDesign also has branches in Vancouver, Seattle and Anaheim, California.

Spencer B. Gross, Inc., Mapping and Aerial Photography, has moved. All deliveries and mail should be directed to 5600 NE Hassalo Street, Portland, OR 97213.

Alan Danaher and Peter Koonce of Kittelson & Associates, Inc. were appointed to the National Bus Rapid Transit Institute Advisory Board.

KPFF Consulting Engineers is proud to announce the promotion of **Matt Dolan, P.E.**, to Principal in the Portland civil engineering office. A graduate of the University of Idaho, Dolan has more than 22 years experience, nine of them with KPFF. Dolan leads a studio group in the Portland office that specializes in international design, master planning, site development, stormwater systems and infrastructure design.

Landau Associates, Inc. has a new address. They are now located at 333 SW 5th Avenue, Suite 700, Portland, OR 97204.

Haner, Ross & Sporseen, Inc. has moved to 2895 Beaver Creek Road, Oregon City, OR 97045.

Harper, Houf, Peterson & Righellis, Inc. has a new Portland office location. They are now located at 205 SE Spokane Street, Suite 200, Portland, OR 97202. HHPR's other offices are located in Clackamas, Vancouver and Bend.

PAE Consulting Engineers, Inc. hosted a 40th anniversary party and "going-away fest" for long time principal, **Bob Sulek**. The firm celebrated 40 years in business and honored Sulek with a champagne toast. *Congratulations, PAE and Bob!*

R&W Engineering, Inc. announces the opening of their new office in Longview, Washington. It is located at 1114 Broadway, Suite C, Longview, WA 98632. The firm also has offices in Beaverton and Bend.

TW Environmental has a new address. The firm is now located at 3340 SW Morrison Street, #383, Portland, OR 97214-3178.



W&H Pacific, a Northwest-based subsidiary of ASCG Incorporated, recently announced that it will merge with the other ASCG subsidiaries and operate under one name, **WHPacific**. Key services provided in Oregon include transportation, land development and surveying.

The new WHPacific will serve the United States through a group of eighteen regional offices in Alaska,

Oregon, Idaho, Washington, Colorado, New Mexico, Arizona and Texas.

As before, the company is 100 percent Native American owned by NANA Development Corporation and a minority business enterprise as certified by the National Minority Supplier Development Council.



NATIONAL NEWS ITEMS

ACEC National Job Board ACEC National has a job board link. In an effort to relieve the shortage of engineers, ACEC has created a job board. There are more than 4,000 resumes for firms to search to find new employees. To access their job board, go to <http://www.acec.org/jobbank/index.cfm>, or, you may also access it from ACEC Oregon's home page, www.acecOregon.org.

On a related note, as part of various actions ACEC is taking to address the engineers shortage, ACEC is making available to all member organizations the publication *Those Amazing Engineers*. This was first used by ACEC New York as an effective distribution piece in middle schools. Supply is limited, but if you would like a copy, please send an e-mail to mwebber@acecOregon.org or call (503) 292-2348.

Focus on risk management...

HOW TO GET A DESIGN PROFESSIONAL TO WORK FOR FREE! *

Now that we have grabbed your undivided attention, the purpose of this article is to alert design professionals to an alarming trend. This trend involves the inclusion of contract provisions in agreements prepared by owners/developers and their attorneys that force a design professional to work for free in the event that the owner/developer unilaterally determines that there is a "dispute."



Overview It goes without saying that every contract, especially in the design field, must be read thoroughly before it is signed, or the signer will be stuck with the ramifications. Generally speaking, the clauses in question here state that in

the event of any dispute between the owner/developer and design professional, the owner/developer may withhold payment until the dispute is resolved, but the design professional must continue to perform services. This upsets the historical balance of power between the owner/developer and the design professional and creates a situation where the design professional may very well end up working for free or else be faced with being sued if they stop work or suspend services.

Historical Perspective This scenario was historically avoided by a more balanced philosophy in contracts whereby the design professional would be paid for the services rendered as these services were provided and invoiced. Because design professionals work under a "fee for services" arrangement, the balance between the party providing the service (design professional) and the party paying for those services (owner/developer) is really quite simple. As long as the design professional provides services, they should be paid. Likewise, as long as the owner continues to pay, the design professional should continue to provide services and fulfill their obligations under the contract.

In the not too distant past, the type of provision discussed in this article was extremely rare in design contracts. Recently, however, there has been a clear trend of the inclusion of these provisions in both public and private contracts, and frankly, they appear in far too many of the contracts we review.

How Do These Provisions Upset the Balance Of Power?

Under the typical "fee for services" arrangement, if the design professional is not paid, they can simply suspend or stop services, as non-payment is typically considered to be a material breach of contract. In the event there is such a clause in place that allows the owner/developer to suspend payments in the event of a "dispute," the owner/developer is given unfettered power to simply determine that any given situation rises to the level of a "dispute." In such a situation, the owner/developer can legitimately refuse to make payment.

At this point, the design professional is faced with a quandary. If upon receiving notice from an owner/developer that payment will not be forthcoming because there is a "dispute," the design professional must make a decision on whether or not to continue to perform. Most often when confronted with this type of decision where there is a clause in place mandating continued performance, the design professional can either suspend service or continue to work without being paid. If the decision is made to suspend service, the design professional will be in breach of the contract because of the clause mandating continued performance even if payment is not made.

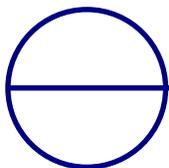
To review this article in its entirety, please go to the website at http://www.aepronet.org/guest_essays.html.

This article was brought to you by **Dave Shipley, Shipley & Associates, Inc.**, a member of the ACEC Oregon Risk Management Committee and is reprinted courtesy of a/e ProNet.

*The authors, **Brian K. Stewart, Esq.** and **Christie Bodnar Swiss, Esq.** are with the firm of Collins, Collins, Muir & Stewart LLP, South Pasadena and Newport Beach, California. **Mr. Stewart** represents design professionals in all aspects of their professional practice including contract review and negotiation, mediation, arbitration, and trial. He is currently a member of Legislative Advocacy Committees of both AIACC and CELSOC and the Political Outreach Group for AIALA. **Ms. Bodnar Swiss** is an Associate at the firm. She represents design professionals in all aspects of professional practice.

This column and the material contained therein is intended for general discussion of the subject, and should not be mistaken for legal advice. Readers are cautioned to consult appropriate advisors for advice applicable to their individual circumstances.

If you or your company has a risk management topic you'd like to submit for publication, please e-mail it to Alison Davis at adavis@acecOregon.org for consideration. Thank you.



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Your Minuteman contributions at work...

ACEC MINUTEMAN FUND SUPPORTS CASE IN OREGON

The ACEC Minuteman Fund recently awarded a grant to ACEC Oregon to help defray the legal costs of an amicus brief that the organization filed with appellate courts to defend issues critical to the engineering industry.



ACEC Oregon filed an amicus brief with its State Supreme Court in defense of the Economic Loss Doctrine, which bars a plaintiff from winning damages in a tort action for negligence if the loss suffered was purely an “economic loss.”

The Minuteman Fund is ACEC’s most powerful resource for helping member organizations pursue legislative and legal initiatives

of national importance. All member firms are encouraged to contribute to the Fund.

Help us to help you! Show your support for the Fund by making a voluntary contribution the Minuteman Fund box on your dues invoice, or send a contribution by check payable to ACEC to Minuteman Fund/Ac-

counting Department, ACEC, 1015 15th Street NW, 8th Floor, Washington, D.C. 20005 Both firms and individuals may contribute to the Fund.

Member Organization requests for Minuteman funding must meet the following requirements:

1. The issue(s) for which funding is requested must potentially affect a large segment of the membership or otherwise have major precedent-setting implications.
2. The M.O. must demonstrate its own financial and political commitment to the effort.
3. The M.O. request is no greater than the amount that the M.O. itself has committed to the issue initiative (e.g., an M.O. that commits \$4,000 from its own resources may seek up to an additional \$4,000 in support from the Minuteman Fund). Funding in excess of a dollar-for-dollar match may be granted on the grounds of extraordinary need and urgency. Funding of \$50,000 or more requires the approval of the ACEC Board of Directors.
4. The M.O. includes a voluntary check-off on its member firms’ dues invoices for contributions to the Minuteman Fund, or in some other equally systematic and regular way encourages member firms to contribute to the Fund.
5. The M.O. has a record of reasonable contributions to the Minuteman Fund.
6. The funding request must be submitted prior to the conclusion of the legal or legislative action taken by the M.O. for which Minuteman funds are solicited.

GOOD THINGS COME TO FIRMS THAT ARE PEER REVIEWED!

Did you know? Organizational Peer Review, ACEC’s paramount quality management tool, provides design firms the opportunity to review their management practices through the eyes of objective, experienced colleagues.

In 1984, ACEC developed a program that would give design firms the ability to evaluate the effectiveness of their own practices and procedures. Organizational Peer Review (OPR) quickly became the “crown jewel” of the A/E industry. More than 1,100 firms have been reviewed since 1984.

Problems are not solved with “boilerplate” answers. Each firm is unique and requires unique methods for change. An ACEC Organizational Peer Review provides a specialized focus to establish the best profitability and growth plan for your firm!

Organizational Peer Review covers seven areas of manage-

ment that assist your firm in delivering quality design services: Computer Systems Management, General Management, Human Resources and Professional Development, Financial Management, Project Management, Business Development, and Quality Management.

ACEC tailors the review to match the needs of your firm. If any of these areas do not apply, you can remove that subject from the review! If you think special emphasis should be placed on another area of interest, just let us know. The goal of the Peer Review Program is to meet YOUR needs.

An ACEC Organizational Peer Review is confidential, voluntary, and cost effective. For more information go to <http://www.acec.org/education/peerreview.cfm> or call ACEC’s Peer Review Program at (202) 347-7474.

Thank you Fall Conference exhibitors, sponsors & hole sponsors!

A big THANK YOU to all the exhibitors, sponsors and hole sponsors for the Fall Conference that help make this event a success!

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2007 LEGISLATIVE SUMMARY *by Marshall Coba, CobaCo, LLC*

The 2007 session of the Oregon Legislature adjourned on June 28. It was the shortest session since 1995 and the first time in many years it has ended during daylight hours. It concluded 36 days quicker than in 2003 and an incomprehensible 55 days quicker than in 2003. It was also the first session since 1989 where one party, the Democrats, controlled the House and Senate plus the Governor's office.

The 2007 legislature began on January 8 with an accelerated pace and with legislative leaders planning to hold an abbreviated session as part of a 3-part strategy. It was assumed that if the session ended on or before the pre-planned date of June 29 it would be a major step in returning trust and confidence to the Oregon legislature and the legislative process. Leaders believed this counter intuitive "less is better" approach, soon to be followed by a one-month special session in February 2008, could be the answer. With the regular session over, and with legislation addressing some major policy areas, planning for the second phase of the plan, the February 2008 special session is underway. If the special session goes as well as the 2007 regular session, legislators will act on the third part of the strategy, which is to ask voters to consider changing the constitution in November 2008 to allow annual sessions as a regular course of business. The outcome of the special session will have a major impact on whether the public will have a favorable inclination at the November election. As a the first part of the 3-part strategy there is no doubt this session went a long ways towards regaining voter's trust of the process. The question is was it enough to make a difference long term.

Governor Kulongoski pronounced the 2007 Legislature as the most productive in 25 years and newspapers around the state added very supportive reviews. These comments came just one session after legislative leaders, the Governor and editorial boards were all condemning the process as too much partisan grandstanding, stuck in gridlock and beholden to special interests.

The session featured 2,920 bills with 982 being passed into law. Many of these were issues that had been unable to move with a split legislature but were more favorably received with the Democrats solidly in control. In addition, having an extra \$2.5 billion dollars in state funds to spread around certainly contributed to the positive feelings expressed by Democrats and their allies as the session ended.

ACEC Legislation ACEC introduced four bills that were all assigned to the House Judiciary Committee. Three of the four bills had a hearing and one, HB 2708 changing indemnity laws, was successfully passed through both chambers and was signed by the Governor. It will take affect on January 1, 2008. HB 2710, job site liability, and HB 2711, strengthen certificate of merit law, did not move out of committee. HB 2709, an ACEC bill to reduce the statute of ultimate repose, did not have a hearing.

Other Issues A late session push on transportation funding by a coalition of business interests resulted in an increased plate fee being passed out of the Senate Business, Transportation and Workforce Development Committee chaired by Sen. **Rick Metsger** but it died in the House. Although no new funding was passed, there was progress made by the passionate push for more funds. Already the Governor has committed to supporting additional and significant transportation funds in the 2009 session. ACEC will be involved in the interim to assist in preparation for the 2009 session. There is no doubt the legislature better understands the substantial need for investment in modernization and maintenance and is planning to step up and address the need in 2009. ACEC members need to be involved to assist in getting legislators and candidates to commit to support this much-needed investment.

ConnectOregon 2, a \$100 million multi-modal package did pass and will assist rail, ports, transit and roads.

The Legislative Committee has tracked and monitored 80 bills concerning the profession this session. Bills of concern included:

■ **HB 3366** – This was an anti-privatization bill and would require the Department of Administrative Services and private consultants to maintain records about state contract for consulting services and report information about those contracts to the legislature. Unions supporting the bill held a rally on the Capitol steps recently and urged legislators to pass the bill. They referenced several instances where private firms appeared to be more expensive than if staff had done the work. While these examples were not all design related, we can expect that the issue of outsourcing work historically done by state employees will be back in the 2009 session and that it could have significant impact on state contracted design work in the future. HB 3366 had a huge fiscal impact of several million dollars per year for DAS to implement the computer systems necessary to track the required information. The bill passed from its original House committee but died in the Ways and Means Committee. But we need to be aware as the groundwork has been created to keep this issue alive in the coming sessions.

■ **SB 1036** – Allows school districts to impose construction excise taxes in while restricting the ability of local governments to impose the same taxes. Home builders objected to the continual expansion of local taxes that made certain jurisdictions much more costly to build in than others. The bill passed and becomes effective on September 27, 2007.

■ **HB 3241** – Bill supported by AGC and the Building Trades union to reduce statute of ultimate repose to six years from substantial completion or abandonment of construction, alteration or repair on large commercial structures. The bill passed the House but died in the Senate Rules Committee.

■ **HB 2909** – Removed product liability civil actions from statute of ultimate repose. Died in committee.

■ **SB 10** – This "ethics reform" bill will severely limit the amount of interaction between legislators and lobbyists by implementing strict gift limits and annual limits on food and beverages. This

legislation was in response to Hawaiian trips and other exotic travel not properly reported by legislators and lobbyists over the past several years. Many are concerned it will reduce interaction between the public and legislators and make it even harder to educate them on issues of concern.

2008 and 2009 Legislative Sessions The campaigns of 2008 and beyond are already beginning to take shape. In a couple of instances the caucuses have mailed flyers into key swing districts accusing the current legislator of not voting appropriately. With the House controlled by the slimmest of margins of 31-29 this can be expected. The battle for control of the House will be costly and rough. The Senate will remain in Democratic control in 2009 with only a couple of seats expected to be strongly contested. Among these could be the Bend seat held by Sen. **Ben Westlund** who is considering running for statewide office. Since he switched from republican to democrat last summer the R's have been eying this seat and will have formidable candidates ready to run if Westlund does or does not run again for the Senate.

Significant changes have already taken place as legislators begin jockeying for the 2008 November elections. Several senators are considering running for statewide offices and several House members are running for the Senate or other offices. Most prominently are Speaker **Jeff Merkley** who will run against **Gordon Smith** for the US Senate and Senate Majority Leader **Kate Brown** who is running for Secretary of State. In addition House Republicans will lose their leader **Wayne Scott** as he's stepping down as well as former Speaker **Karen Minnis**.

Thank you to all the firms who contributed to our political action committee ACEC-PAC this year. We will begin the 2008 election season with nearly \$13,000 in the bank. This will allow us to make some early contributions to key legislators seeking re-election. Thank you also to everyone who contacted their legislators when asked and participated in our Day at the Capitol. And thank you to **Melissa Johnson** and our Legislative Committee for their active work on behalf of Oregon's engineering profession.



NETWORKING DAY HOLE SPONSORS RAISE \$3,800 FOR ACEC SCHOLARSHIP FUND & ASCE YMF'S "ZOOM" PROGRAM

At Langdon Farms Golf Club in June, ACEC Oregon's joint Networking Day golf tournament with the American Society of Civil Engineers Younger Member Forum (ASCE YMF) attracted 116 golfers and raised approximately \$3,800 for their respective programs. ACEC Oregon hole sponsor funds support the Scholarship

Fund and ASCE YMF funds support the "ZOOM Into Engineering" program.

Funds were raised from mulligan sales as well as hole sponsorships. Thank you to all the golfers who purchased mulligans and the following firms that were sponsors:

AD-TEK
Aerotek
Anderson Consulting Services
Boart Longyear Company
Carlson Testing
Catena Consulting Engineers
CH2M Hill
Coffman Excavation
Daily Journal of Commerce
David Evans and Associates
Degenkolb Engineers

DeWitt Construction
GeoDesign
GRI
Hayward Baker
Kittelson & Associates, Inc.
KPFF Consulting Engineers
Kuker Ranken, Inc.
Landau Associates
LZB, Inc.
Marvin, Chorzempa & Larson
OBEC Consulting Engineers

Parametrix, Inc.
Pacific NW Consulting Engineers Health & Welfare Trust
PSI
R&W Engineering, Inc.
Ray Miller, P.E. S.E. FACEC
Shaw Environmental
The PPI Group
URETEK ICR
W&H Pacific

Board Takes Oath The 2007-2008 board of directors is sworn in during the Networking Day dinner following the golf tournament at Langdon Farms Golf Course on June 27. Pictured, from left to right are: President **Mel Sears, Parametrix, Inc.**; Regional Vice President **Gayle Harley, OBEC Consulting Engineers**; Immediate Past President **Dwight Hardin, GRI**; Vice President **Martha Moore, TW Environmental**; President-Elect **Gregg Scholz, R&W Engineering, Inc.**; Secretary/Treasurer **Andy Vessely, Cornforth Consultants, Inc.**; and Vice President **Erik Peterson, Peterson Structural Engineers, Inc.** Not pictured: Vice President **Troy Bowers, Murray, Smith & Associates, Inc.**, and Vice President **Jay McRae, CH2M Hill.**



Institute for Science, Engineering & Public Policy presents the... **LINUS PAULING MEMORIAL LECTURE SERIES 2007-2008**

Science, Technology and Society Program Oregon's Linus Pauling Memorial Lecture Series launched its 17th season at the Arlene Schnitzer Concert Hall in October. The series explores the latest discoveries altering our understanding of the universe and ourselves.

Upcoming lectures are:

■ November 15: **"Decoding Life: The Next Phase of Discovery"** with Dr. J. Craig Venter, J. Craig Venter Institute

- January 31: **"What is Noise? What is Signal?"** with Dr. Bart Kosko, University of Southern California
- February 28: **"Cosmology at the Frontier"** with Dr. Brian Greene, Columbia University
- May 1: **"What Scientists Know and How They Know It"** with Dr. Steven Goldman, Professor of Philosophy, Lehigh University.

For more information and to order tickets go to www.isepp.org or e-mail questions@isepp.org or call (503) 232-2300.



How Can One Simple Move Today Help Your Employees Enjoy a Better Tomorrow?

One easy way to help your employees get on the road to a more sound financial future is by offering them a 401(k) defined contribution plan. But if you've hesitated because you're concerned about the fiduciary responsibilities—or feel you'd need help with enrollment—the ACEC Retirement Trust has what you need.

As a participating employer in the ACEC Retirement Trust, you have access to the following:

- **Fiduciary support**—Prudential Retirement® is the recordkeeper for the ACEC Retirement Trust and has the experience and expertise to help you meet your fiduciary responsibilities as a plan sponsor. ACEC Retirement Trust offers fiduciary assistance by selecting the plan investment options.
- **Comprehensive advisory services**—The ACEC Retirement Trust, together with Prudential Retirement, can provide you with the tools and services you need to help ensure that the plan you adopt is well designed, cost effective, financially sound and compliant with applicable laws.

- **Automatic enrollment**—When you offer a plan that participates in the ACEC Retirement Trust, the automatic enrollment feature enables you to enroll all your eligible employees without requiring them to actively enroll.

Don't your employees deserve a more financially secure future? With a 401(k) defined contribution plan that participates in the ACEC Retirement Trust, you can help them get on the right path. If your firm is already participating in the ACEC Retirement Trust, simply contact your representative for assistance.

Do you need to join the ACEC Retirement Trust?
Contact Nancy Barrette at (800) 521-9463 or via e-mail at nancy.barrette@wachoviasec.com for information on how your firm can join.

Act today—to help your employees prepare for a better tomorrow.



Prudential Retirement's group annuity contracts are issued by Prudential Retirement Insurance and Annuity Company (PRIAC), Hartford, CT, a Prudential Financial company. Securities products and services are offered by Prudential Investment Management Services LLC (PIMS), Three Gateway Center, 14th Floor, Newark, NJ 07102-4077. PIMS is a Prudential Financial company. Prudential Retirement, Prudential Financial, PRU, Prudential and the Rock logo are registered service marks of The Prudential Insurance Company of America, Newark, NJ and its affiliates. Prudential Retirement is a Prudential Financial business.

Indirectly through subsidiaries, Prudential Financial Inc. owns 38% and Wachovia Corporation owns 62% of Wachovia Securities LLC. Nancy Barrette is a Financial Advisor for Wachovia Securities LLC, 1 New York Plaza, New York, NY 10292.

Mark your calendar...

NOVEMBER

- **November 7 Wednesday**
Future Leaders Certification Series
(class 2 of 8)
Multnomah Athletic Club
Level 1: Business Communication
Level 2: Conflict Resolution
- **November 8 Thursday**
 - > Board of Directors Meeting
Peterson Structural Engineers, Inc.
 - > Daily Journal of Commerce
135th Anniversary Celebration
The Governor Hotel
To register, go to www.djcspecial.com.
- **November 19 Monday**
Engineering Excellence Awards
Phase 2 entry deadline
- **November 20 Tuesday**
OBDP / OTIA "Lessons Learned"
Roundtables (part 1 of 2)
David Evans and Associates, Inc.
RSVP with your firm's number of attendees by Friday, November 16 to mwebber@acecOregon.org.

DECEMBER

- **December 4 Tuesday**
Engineering Excellence Judging
- **December 6 Thursday**
Dinner Program *to be announced*
Ernesto's Italian Restaurant
- **December 11 Tuesday**
Future Leaders Certification Series
(class 3 of 8)
David Evans and Associates, Inc.
Level 1: Coaching for Results
Level 2: Generational Dynamics
- **December 17-18 Monday & Tuesday**
engineeringgreen07
Cascadia Region Green Building Council
Nike Campus, Beaverton
More info at www.cascadiagbc.org.

JANUARY 2008

- **January 9 Wednesday**
 - > Future Leaders Certification Series
(class 4 of 8)
David Evans and Associates, Inc.
Level 1: Orientating & Training Staff
Level 2: Performance Reviews
 - > Engineering Excellence Awards Dinner
Portland, Oregon

- **January 16 Wednesday**
 - > Legislative B'fast with Jackie Dingfelder
David Evans and Associates, Inc.
 - > Board of Directors Meeting
Peterson Structural Engineers, Inc.

FEBRUARY

- **February 6 Wednesday**
Future Leaders Certification Series
(class 5 of 8)
David Evans and Associates, Inc.
Level 1: Delegation Skills
Level 2: How to Interview & Hire the Best
- **February 14 Thursday**
Board of Directors Meeting
Peterson Structural Engineers, Inc.

MARCH

- **March 11 Tuesday**
Board of Directors Meeting
Peterson Structural Engineers, Inc.
- **March 12 Wednesday**
Future Leaders Certification Series
(class 6 of 8)
David Evans and Associates, Inc.
Level 1: Business Correspondence
Level 2: Speaking with Impact

APRIL

- **April 9 Wednesday**
Future Leaders Certification Series
(class 7 of 8)
David Evans and Associates, Inc.
Level 1: Building Client Relationships
Level 2: Leadership Development
- **April 10 Thursday**
Board of Directors Meeting
Peterson Structural Engineers, Inc.
- **April 27-30 Sunday-Wednesday**
ACEC National Annual Convention
Washington, D.C.

MAY

- **May 8 Thursday**
Board of Directors Meeting
Peterson Structural Engineers, Inc.
- **May 14 Wednesday**
Future Leaders Certification Series
(class 8 of 8)
David Evans and Associates, Inc.
Level 1: Client Maintenance
Level 2: Leadership Transition

- **May 21 Wednesday (TENTATIVE)**
May Business Dinner and
Future Leaders Graduation

JUNE

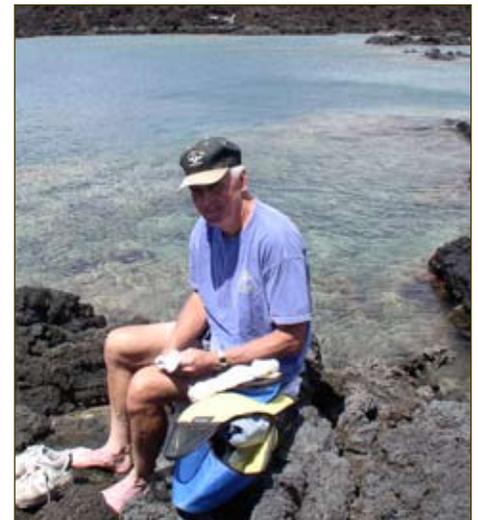
- **June 12 Thursday**
Board of Directors Meeting
Peterson Structural Engineers, Inc.
- **June 25 Wednesday**
Networking Day Golf Tournament
and Dinner, a joint event with
ASCE's Younger Member Forum
Langdon Farms Golf Course

SEPTEMBER

- **September 25-27 Thursday - Saturday**
Western Region States Fall Conference
with ACEC Oregon, Washington,
Colorado, Arizona, Nevada & Utah
The Westin La Paloma Resort & Spa
Tucson, Arizona
www.westinlapalomaresort.com

OCTOBER

- **October 19-22 Sunday - Wednesday**
ACEC National Fall Conference
Montreal, Canada
Fairmont - The Queen Elizabeth



ACEC Oregon Past President **Stephen Anderson** prepares to snorkel during the ACEC National fall conference.

ACEC Oregon

AMERICAN COUNCIL OF ENGINEERING COMPANIES OF OREGON
*Representing engineering companies in Oregon and
Clark County, Washington for more than 50 years.*

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