



### 2009 SDA St. Louis Board

#### PRESIDENT

Jean Tedesco  
Tarlton  
5500 W. Park Ave.  
St. Louis, MO 63110  
(314) 633-3300  
[jat@tarltoncorp.com](mailto:jat@tarltoncorp.com)

#### VICE PRESIDENT

Cindy Risman  
Health, Education + Research Associates Inc.  
14 N. Newstead Ave.  
Suite 200  
St. Louis, MO 63108  
(314) 289-9202  
[cindyr@herainc.com](mailto:cindyr@herainc.com)

#### SECRETARY

Karen Dahl  
Mackey Mitchell Architects  
800 St. Louis Union Station  
Suite 200  
St. Louis, MO 63103  
(314) 421-1815  
[karen\\_d@mackeymitchell.com](mailto:karen_d@mackeymitchell.com)

#### TREASURER

Pat Brown  
KAI Design & Building  
211 N. Broadway, Suite 1900  
St. Louis, MO 63102  
(314) 241-8188  
[pbrown@kai-db.com](mailto:pbrown@kai-db.com)

## SDA – St. Louis Chapter

### *Monthly Meeting Minutes*

Wednesday, October 28, 2009

“Legal Implications of LEED”

Engineer’s Club, St. Louis, Missouri

#### Members Present:

Leigh Cannon – CRB Consulting Engineers  
Amanda Boyce – Mackey Mitchell  
Karen Dahl – Mackey Mitchell  
Stephanie Gauthier – McClure Engineering  
Karen Grasso - CBIZ  
Kim Hughes – Mackey Mitchell  
Diane Klug – Parsons Brinckerhoff  
Julie Lynch – SCI Engineering  
Katheryne Morschl – McClure Engineering  
Cindy Risman - HERA  
Jean Tedesco - Tarlton

#### Guests:

Paul Erksine – Aerotek  
Josh Haines – Aerotek  
Robyn Hofmeister – SCI Engineering  
Ken Joyce – Indox  
Mike Pelt – Aerotek  
Jackie Postiglione – Farnsworth Group  
Dianna Reed – Greensfelder (Speaker)  
Cristina Spicer – Greensfelder (Speaker)  
Walt Stotlemeyer – OWH  
Bob Winters - OWH

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The Chapter meeting began at 11:50 pm

#### **Chapter Meeting:**

- Informal networking.
- Canstruction – Karen Dahl gave a brief update.
  - Missouri History Museum – Host Event
  - Save-A-Lot Can provider
  - 7 teams (10 firms)
  - Benefits – Jewish Food Pantry
  - Charter.net – Have spots on their local channel
- Nominating Committee
  - Kim Hughes will be contacting people.
  - Discussed benefits of being involved.
  - A chance to serve.
- Membership – Katheryne Morschl
  - National – Installment payments.
  - Join now will cover 15 months.

- Scholarships – serve on the Board or Committee.
- Jean Tedesco
  - November meeting will be at McClure and will be LinkedIn/Facebook/Twitter – Amanda Boyce.
  - December – SDA Holiday luncheon (A la Carte).
  - Introduction of Guests
  - Introduction of Speakers – Dianna Reed and Cristina Spicer.

### **LEED INTRODUCTION**

- USGBC Statistics – September, 2009
  - US - 600,000,000 square feet of commercial LEED certified space.
  - 3,800 Commercial LEED Certified projects.
  - 25,000 total registered projects.
  - Projects include – Theaters, Shopping Malls,
- Missouri – August, 2009
  - 40 LEED Certified Buildings – 60% in St. Louis County.
  - LEED Registered buildings is 4 times that – Educational, Government, Healthcare, City Halls, Military, Industrial Projects, Corporate Headquarters.
- Illinois is a little bit higher.
  - 160 LEED certified buildings and 700 registered.

### **LEED CERTIFICATION**

- LEED – v3.0 for 2009.
- After June 27, 2009, will have to be registered under LEED – v3.0
- Certification process has not changed.
- Same levels.
- Number of points needed to attain levels have changed (26 up to 110)
- Regional Priority Credits (PRC). Address certain Regional Environmental priorities for each geographic area. Credit is in the form of a bonus point.
- Divided country by zip codes.

- Professional accreditation is now handled by the Green Building Certification Institute (GBCI).
- USGBC is the main organization for education, study guides, reference guides, etc.
- 3 Levels
  - LEED – Green Associates. Most basic level.
  - LEED AP + Track (specialty). Builds on Green Associate level.
  - LEED AP Fellow (under development).

### **LEGAL IMPLICATIONS**

- Green Legislation
  - Nationally - None yet requiring LEED standards.
  - LEED standards are still private/individuals asking for a LEED certified building.
  - Certain aspects of Green principals.
    - Clean Air Act
    - Clean Water Act
    - LEED is more stringent.
    - Brownfield site – requires remediation.
  - There are legislation at the State and Local levels nationwide.
  - Missouri – No laws yet.
  - Local level – City of Clayton, City of St. Louis and Kansas City do have local laws.
  - City of St. Louis – New construction of a publicly owned building more than 5,000 square feet – LEED Silver.
  - Local – Starting to require private developments to be LEED certified.
  - Illinois – None at state level but local governments requiring LEED – Chicago, Cook County, etc.
  - Local zoning and building codes – must always be reviewed.
  - Programs available that qualify for Stimulus Bill money and tax credits.
  - Future of Green & LEED legislation.
  - By 2010, 10% of all constructions costs will be “Green” building.
- Legal Issues
  - Contracts for “Green” building – same principals apply.
  - Still in the early phase of contracts.
  - If problem arises, who takes responsibility

- needs to be clear.
- Case – Southern Builder vs. Shaw – settled so not a reported case (not decided by court so no ruling). Building did not get tax credit so builder was sued by Owner. Environmentally sound building and achieve LEED Silver.
  - Environmentally sound building – what does that mean.
  - Who keeps tracks of documents or certification delayed – who is responsible. Allocation of risks.
  - Responsibility - “Green” products are used.
  - Standard of care – LEED AP. Does that mean a higher standard? Careful regarding advertisement.
  - 70 Claims to the AIA Professional Forum.
  - B101-2007 Owner/Architect
  - Specific contract for LEED services – B214-2007.
  - Wording – should create a shield.
  - Decisions – no reported cases yet. Claims are all over the board.

Meeting adjourned at 1:10 pm. Next meeting is November 18, 2009 at McClure Engineering.