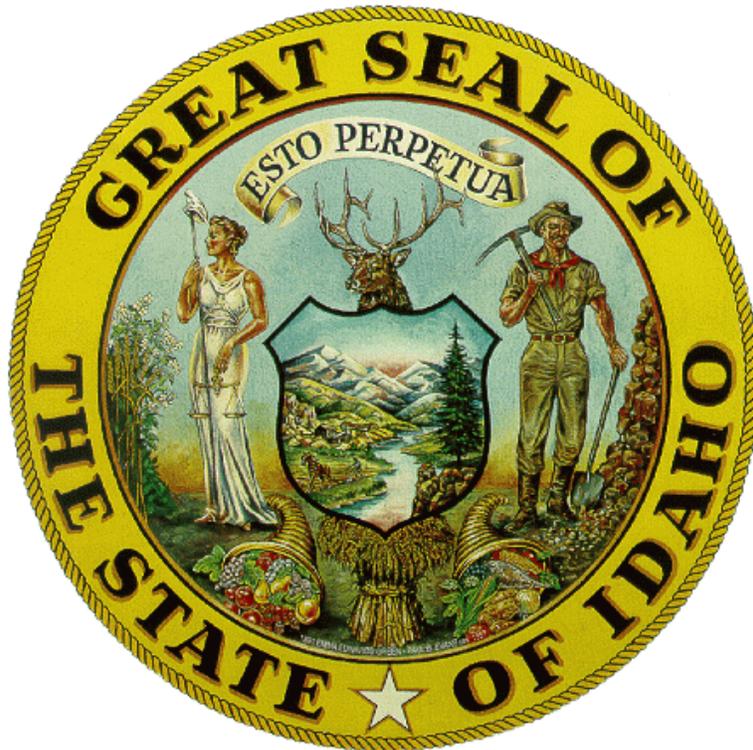


DIVISION OF BUILDING SAFETY

PUBLIC WORKS CONTRACTORS LICENSE BOARD
VIDEOCONFERENCE MEETING

JULY 9, 2015



PUBLIC WORKS CONTRACTORS LICENSE BOARD

Agenda Item No. 01

Agenda

PRESENTER: John Sheldon, Chairman

OBJECTIVE: Approve agenda for the July 9, 2015 PWCL Board meeting.

ACTION: Consent

BACKGROUND:

**PROCEDURAL
HISTORY:**

ATTACHMENTS: Tentative agenda



TENTATIVE AGENDA

NOTICE OF PUBLIC MEETING

PUBLIC WORKS CONTRACTORS LICENSE BOARD VIDEOCONFERENCE MEETING

**Division of Building Safety
1090 East Watertower Street, Suite 150, Meridian, Idaho
1250 Ironwood Drive, Suite 220, Coeur d'Alene, Idaho
2055 Garrett Way, Building 1, Suite 4, Pocatello, Idaho
dbs.idaho.gov - (208) 332-7137**

***Thursday, July 9, 2015
9:30 a.m. - 11:30 a.m. (MT)***

(Note: North Idaho - Meeting Commences @ 8:30 a.m. PT)

-
- 9:30 a.m.** **CALL TO ORDER** - John Sheldon, Chairman
- Roll Call & Introductions
 - Open Forum
- CONSENT AGENDA**
1. Approval of the July 9, 2015 Agenda
 2. Approval of the April 6, 2015 Board Meeting Minutes
- ACTION AGENDA**
3. Reduction of License Fees - Steve Keys
- INFORMATIONAL AGENDA**
4. Conflict of Statutes - Brian Bailey
 5. Operational Report - Steve Keys
 6. Administrator Report - C. Kelly Pearce
 - a. Financial Report - Fred Sisneros
- 11:30 a.m.** **ADJOURN**

All times, other than beginning, are approximate and are scheduled according to Mountain Time (MT), unless otherwise noted. Agenda items may shift depending on the PWCL Board preference. 06/30/2015

PUBLIC WORKS CONTRACTORS LICENSE BOARD

Agenda Item No. 02

Minutes

PRESENTER: John Sheldon, Chairman

OBJECTIVE: Approve minutes from the April 6, 2015 PWCL Board meeting.

ACTION: Consent

BACKGROUND:

**PROCEDURAL
HISTORY:**

ATTACHMENTS: Draft minutes



**PUBLIC WORKS CONTRACTORS LICENSE BOARD
VIDEOCONFERENCE MEETING**

Monday – April 6, 2015 – 9:30 a.m. (MT)

**Division of Building Safety
1090 East Watertower Street, Suite 150, Meridian, Idaho
1250 Ironwood Drive, Suite 220, Coeur d'Alene, Idaho
2055 Garrett Way, Building 1, Suite 4, Pocatello, Idaho**

***DRAFT MINUTES OF THE APRIL 6, 2015 MEETING**

NOTE: The following report is not intended to be a verbatim transcript of the discussions at the meeting, but is intended to record the significant features of those discussions.

Acting Chairman Jim Roletto called the meeting to order at 9:32 a.m. (MT).

Board Members Present:

Jim Roletto, Vice-Chairman
Joe Jackson
Robbie Austin
Brian Bailey
Evan Goodwin

Board Members Absent:

John Sheldon, Chairman
Garry Tolley

DBS Staff Present:

C. Kelly Pearce, Administrator
Steve Keys, Deputy Administrator-Operations
Patrick Grace, Deputy Attorney General
Fred Sisneros, Financial Manager
Larry Jeffres, Regional Manager, Region 1
Chris Jensen, Regional Manager, Region 3
Gary Sonnen, Regional Supervisor, Region 1
Adam Bowcutt, Regional Supervisor, Region 3
Bill Hatch, Public Information Officer
Renee Bryant, Administrative Assistant 2/Board Secretary

DBS Staff Absent:

Ron Whitney, Deputy Administrator-Administration

In the absence of Chairman Sheldon, Vice-Chairman Roletto served as acting chairman at this meeting.

Recognition – Ken Worst was recognized for his years of service on the Board with a commemorative plaque.

Introductions – Larry Jeffres was introduced as the Division's newly appointed Regional Manager for Region 1.

Evan Goodwin, Heavy Equipment Representative, was welcomed to the Board as the newest member.

◆ **Open Forum**

No items or concerns were brought forth.

◆ **Approval of April 6, 2015 Agenda**

MOTION: Joe Jackson made a motion to approve the agenda as presented. Robbie Austin seconded. All in favor, motion carried.

◆ **Approval of January 5, 2015 Board Meeting Minutes**

MOTION: Brian Bailey made a motion to approve the minutes as written. Joe Jackson seconded. All in favor, motion carried.

◆ **Operational Report**

Quarterly PWCL Board Report – Although the issuance of licenses is down, the Division does not anticipate any real impact in terms of growth or decline this year.

Administrative Assessment Log – The Division has collected \$38,575 for FY 2015 and \$8,002 for calendar year-to-date in assessments.

Dedicated Funds – The Industrial Commission, much like DBS, is managed by dedicated funds. The 2015 legislature appropriated, in excess of \$3,000,000, from the Industrial Commission to operate a Workforce Development program through the Department of Labor.

Currently, the Board's revenue is in excess of its expenditures. To slow down, and hopefully make the fund balance steady rather than continue to expand, the Division would like to promulgate a temporary rule; reducing fees on a temporary basis.

ACTION: The Deputy Administrator, Operations will bring to the July 2015 Board meeting a proposed temporary rule to reduce license fees.

◆ **Administrator Report**

Financial Manager – Fred Sisneros, the Division's newly hired Financial Manager, provided a summary of his career.

Dedicated Funds – The Administrator further elaborated on this topic; originally addressed under the *Operational Report*.

Financial Report – The Public Works Contractors Licensing Fund, FY 2015 financial statement as of February 28, 2015, was reviewed.

Compliance – A statewide compliance program is being re-established by DBS. The program will be directed heavily towards the public works trade; however, will also be used for the electrical, HVAC, and plumbing industries. All entities involved will participate, on a cost-basis, with the implementation of the personnel involved.

◆ **Adjournment**

MOTION: Joe Jackson made a motion to adjourn the meeting. Joe Jackson seconded. All in favor, motion carried.

The meeting adjourned at 10:06 a.m. (MT).

JIM ROLETTO, ACTING CHAIRMAN
PUBLIC WORKS CONTRACTORS
LICENSE BOARD

C. KELLY PEARCE, ADMINISTRATOR
DIVISION OF BUILDING SAFETY

DATE

DATE

***These DRAFT minutes are subject to possible correction and final approval by the PWCL Board. 04/16/2015rb**

DRAFT

PUBLIC WORKS CONTRACTORS LICENSE BOARD

Agenda Item No. 03

Reduction of License Fees

PRESENTER: Steve Key, Deputy Administrator-Operations

OBJECTIVE: Temporarily reduce license fees.

ACTION: Motion to accept or deny proposed temporary rule.

BACKGROUND: April 2015 – Currently, the Board’s revenue is in excess of its expenditures. To slow down, and hopefully make the fund balance steady rather than continue to expand, the Division would like to promulgate a temporary rule; reducing fees on a temporary basis.

The Deputy Administrator-Operations will bring to the July 2015 Board meeting a proposed temporary rule to reduce license fees.

PROCEDURAL HISTORY:

ATTACHMENTS: Proposed temporary rule



201. FEES.

01. Public Works Contractor Licensing Fees. Initial licensing ~~and renewal fees~~ for each class of public works contractor license shall be, in accordance with Section 54-1904, Idaho Code, as follows:

- a. The fee for a Class Unlimited license shall be five hundred fifty dollars (\$550).
- b. The fee for a Class A license shall be two hundred dollars (\$200).
- c. The fee for a Class AA license shall be three hundred fifty dollars (\$350).
- d. The fee for a Class AAA license shall be four hundred fifty dollars (\$450).
- e. The fee for a Class B license shall be one hundred fifty dollars (\$150).
- f. The fee for a Class CC license shall be one hundred twenty five dollars (\$125).
- g. The fee for a Class C license shall be one hundred dollars (\$100).
- h. The fee for a Class D license shall be fifty dollars (\$50).

Renewal license fees for each class of public works contractor license shall be, in accordance with Section 54-1904, Idaho Code as follows:

- a. The fee for a Class Unlimited license shall be four hundred forty dollars (\$440).*
- b. The fee for a Class A license shall be one hundred sixty dollars (\$160).*
- c. The fee for a Class AA license shall be two hundred eighty dollars (\$280).*
- d. The fee for a Class AAA license shall be three hundred sixty dollars (\$360).*
- e. The fee for a Class B license shall be one hundred twenty dollars (\$120).*
- f. The fee for a Class CC license shall be one hundred dollars (\$100).*
- g. The fee for a Class C license shall be eighty dollars (\$80).*
- h. The fee for a Class D license shall be forty dollars (\$40).*

PUBLIC WORKS CONTRACTORS LICENSE BOARD

Agenda Item No. 04

Conflict of Statutes

PRESENTER: Brian Bailey, Board Member

OBJECTIVE: Clarification of the proper license that is actually required.

ACTION: Informational

BACKGROUND: Mr. Bailey has encountered a conflict between Idaho Code 54-1903(i) and 54-5205(f) with regard to a PWCL contractor license.

**PROCEDURAL
HISTORY:**

ATTACHMENTS: Memo from Mr. Bailey, and Idaho Code 54-1903(i) and 54-5205(f)





Idaho Statutes

TITLE 54 PROFESSIONS, VOCATIONS, AND BUSINESSES

CHAPTER 19 PUBLIC WORKS CONTRACTORS

54-1903. EXEMPTIONS. This chapter shall not apply to:

(a) An authorized representative of the United States government, the state of Idaho, or any incorporated town, city, county, irrigation district, reclamation district or other municipal or political corporation or subdivision of this state.

(b) Officers of a court when they are acting within the scope of their office.

(c) Public utilities operating under the jurisdiction of the public utilities commission of the state of Idaho on construction, maintenance and development work incidental to their own business.

(d) The sale or installation of any finished products, materials or articles of merchandise, which are not actually fabricated into and do not become a permanent fixed part of the structure.

(e) Any construction, alteration, improvement or repair of personal property.

(f) Any construction, alteration, improvement or repair carried on within the limits and boundaries of any site or reservation, the title of which rests in the federal government.

(g) Any construction or operation incidental to the construction and repair of irrigation and drainage ditches of regularly constituted irrigation districts, drainage districts or reclamation districts, except when performed by a person required to be licensed under this chapter.

(h) Duly licensed architects, licensed engineers, and land surveyors when acting solely in their professional capacity.

(i) Any construction, alteration, improvement or repair involving any single project involving any number of trades or crafts with an estimated cost of less than ten thousand dollars (\$10,000), or a project estimated to cost less than fifty thousand dollars (\$50,000) for which no responsive statement of interest was received from a licensed public works contractor when statements of interest were solicited as provided in section 67-2805, Idaho Code.

(j) Any construction, operation, alteration or maintenance of a solid waste disposal site including those operated by, for, or at the direction of a city or a county.

(k) Any construction, operation or repair carried on in response to an emergency that has been officially declared by the governor pursuant to the provisions of chapter 10, title 46, Idaho Code, or an emergency that has been declared by a governing body (city or county) in anticipation of a governor's declaration, for a period of time not to exceed seven (7) calendar days.



Idaho Statutes

TITLE 54 PROFESSIONS, VOCATIONS, AND BUSINESSES

CHAPTER 52 IDAHO CONTRACTOR REGISTRATION ACT

54-5205. EXEMPTIONS FROM REGISTRATION. (1) Nothing in this chapter shall be construed to restrict any person licensed, registered, or otherwise regulated by the state of Idaho from engaging in the profession or practice for which they are licensed, registered or otherwise regulated by the state of Idaho including, but not limited to, persons licensed pursuant to chapters 3, 10, 12, 19, 26, 45 and 50, title 54, Idaho Code, nor shall this chapter require such persons otherwise licensed, registered or regulated to obtain such registration as required by this chapter, so long as such person is not acting with the intent to evade this chapter. No such person exempt hereunder may hold himself out as a registered contractor.

(2) In addition to the exemption set forth in subsection (1) of this section, registration as provided for in this chapter shall not be required for the following, so long as such person is not acting with the intent to evade this chapter and so long as such person does not hold himself out as a registered contractor:

(a) A person who only performs labor or services for wages or a salary as an employee of a contractor, or as an employee of a person otherwise exempt by the provisions set forth in this chapter, or strictly as a volunteer or as part of a bona fide educational curriculum or nonprofit charitable activity for which no wages or salary shall be paid; provided however, that such exemption shall not apply to any subcontractor or other independent contractor who is not otherwise exempt;

(b) An authorized representative of the United States government, the state of Idaho, or any incorporated municipality, county, alternative form of local government, highway district, reclamation district, or other municipal or political corporation or subdivision of this state;

(c) A public utility operating under the regulation of the Idaho public utility commission as set forth in title 61, Idaho Code, in the construction, maintenance, or development work incidental to its own business;

(d) A person who performs repair or operation incidental to the discovery or production of oil, gas or minerals or incidental to the drilling, testing, abandoning, or other operation of an oil or gas well or a surface or underground mine or mineral deposit;

(e) A person who only furnishes materials, supplies or equipment without that person installing or fabricating them into or consuming them in the performance of the work of the construction contractor;

(f) A person performing work on one (1) undertaking or project considered casual, minor, or inconsequential, whether by one (1) or

more contracts, the aggregate contract price of which, for labor and materials and all other items, is less than two thousand dollars (\$2,000). The exemptions prescribed in this paragraph (f) shall not apply when the work or construction is part of a larger construction project, whether undertaken by the same or a different construction contractor, or in which a division of the operation is made into contracts of amounts of less than two thousand dollars (\$2,000) for the purpose of evasion of this chapter or otherwise;

(g) A farmer or rancher while engaged in a farming, dairying, agriculture, viticulture, horticulture, or stock or poultry operation;

(h) A person who engages in the construction of an agriculture building which is exempt from the Idaho building code act as set forth in section [39-4116](#), Idaho Code;

(i) An irrigation district, canal company, reservoir district, ground water district, water district, water measurement district, recharge district, flood control district, drainage district, or other water delivery or water management entity, or an operating agent of irrigation districts whose board consists of directors of its member districts;

(j) An operation related to clearing or other work upon land in rural districts for fire prevention purposes;

(k) An owner who contracts for work to be performed by a registered contractor on his own property, provided however, this exemption shall not apply to an owner who, with the intent to evade this chapter, constructs a building, residence or other improvement on the owner's property with the intention and for the purpose of selling the improved property at any time during the construction or within twelve (12) months of completion of such construction;

(l) An owner performing construction on the owner's personal residential real property, whether or not occupied by the owner, provided however, this exemption shall not apply to an owner who is otherwise regulated by this chapter who constructs a building, residence or other improvement on the owner's property with the intention and for the purpose of promptly selling the improved property, unless the owner has continuously occupied the property as the owner's primary residence for not less than twelve (12) months prior to the sale of such property;

(m) Owners of commercial properties, or lessees of commercial properties with the consent of the owner, who, whether themselves or with their own employees, perform maintenance, repair, alteration or construction work in or upon the properties;

(n) A real estate licensee acting within the scope of his license pursuant to [chapter 20, title 54](#), Idaho Code, who, incident to a regulated real estate transaction, assists his clients in scheduling or performing nominal maintenance and repairs upon such properties being transferred; provided however, nothing in this section shall otherwise authorize a real estate licensee or a property manager to act in the capacity of a contractor unless registered with the board;

(o) A contractor engaged in the logging industry who builds forest access roads for the purpose of harvesting and transporting logs from forest to mill;

(p) A person working on the person's own residence, if the residence is owned by a person other than the resident;

(q) A person who engages in the construction of buildings to be used primarily for industrial chemical process purposes as set forth in section [39-4103](#), Idaho Code; or

PUBLIC WORKS CONTRACTORS LICENSE BOARD

Agenda Item No. 05

Operational Report

PRESENTER: Steve Keys, Deputy Administrator-Operations

OBJECTIVE: Provide an update on the daily operations of the PWCL Program and Division.

ACTION: Informational

BACKGROUND: This topic is addressed at all regularly scheduled PWCL Board meetings.

**PROCEDURAL
HISTORY:**

ATTACHMENTS: No documentation



PUBLIC WORKS CONTRACTORS LICENSE BOARD

Agenda Item No. 06

Administrator Report

PRESENTER: C. Kelly Pearce, Administrator

OBJECTIVE: Provide an overview of the Division's current activities.

ACTION: Informational

BACKGROUND: This topic is addressed at all regularly scheduled PWCL Board meetings.

**PROCEDURAL
HISTORY:**

ATTACHMENTS: No documentation



PUBLIC WORKS CONTRACTORS LICENSE BOARD

Agenda Item No. 06a

Financial Report

PRESENTER: Fred Sisneros, Financial Manager

OBJECTIVE: Review the PWCL Financial report.

ACTION: Informational

BACKGROUND: This topic is addressed at all regularly scheduled PWCL Board meetings.

**PROCEDURAL
HISTORY:**

ATTACHMENTS: Financial report





Division of Building Safety
 PUBLIC WORKS CONTRACTORS LICENSING FUND 0229-07
 Fiscal Year 2015 Financial Statements
 As of 5/31/2015

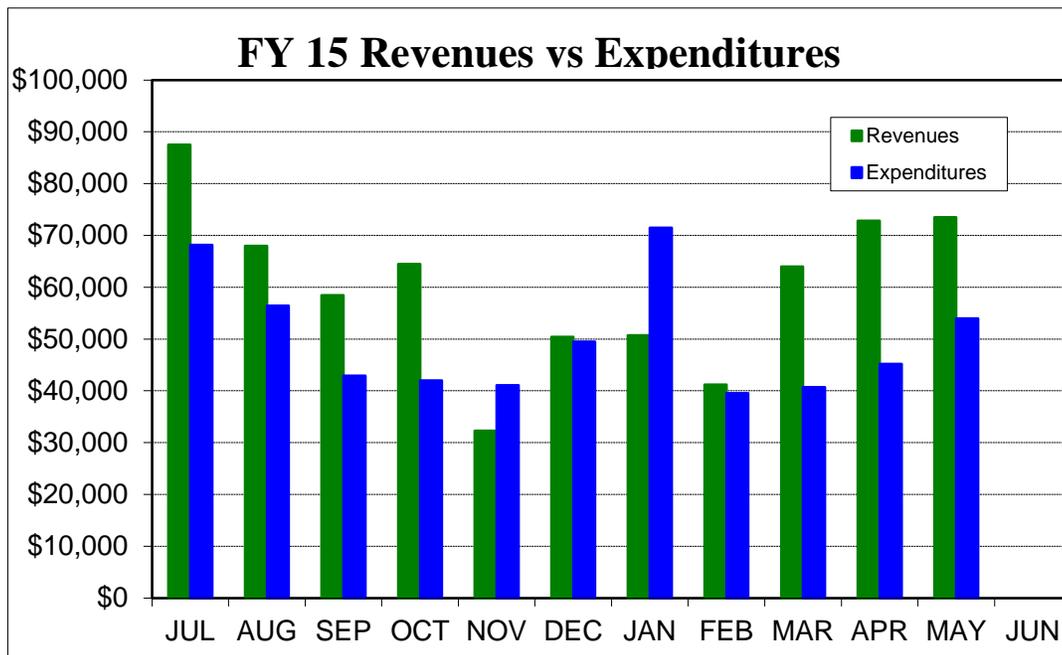
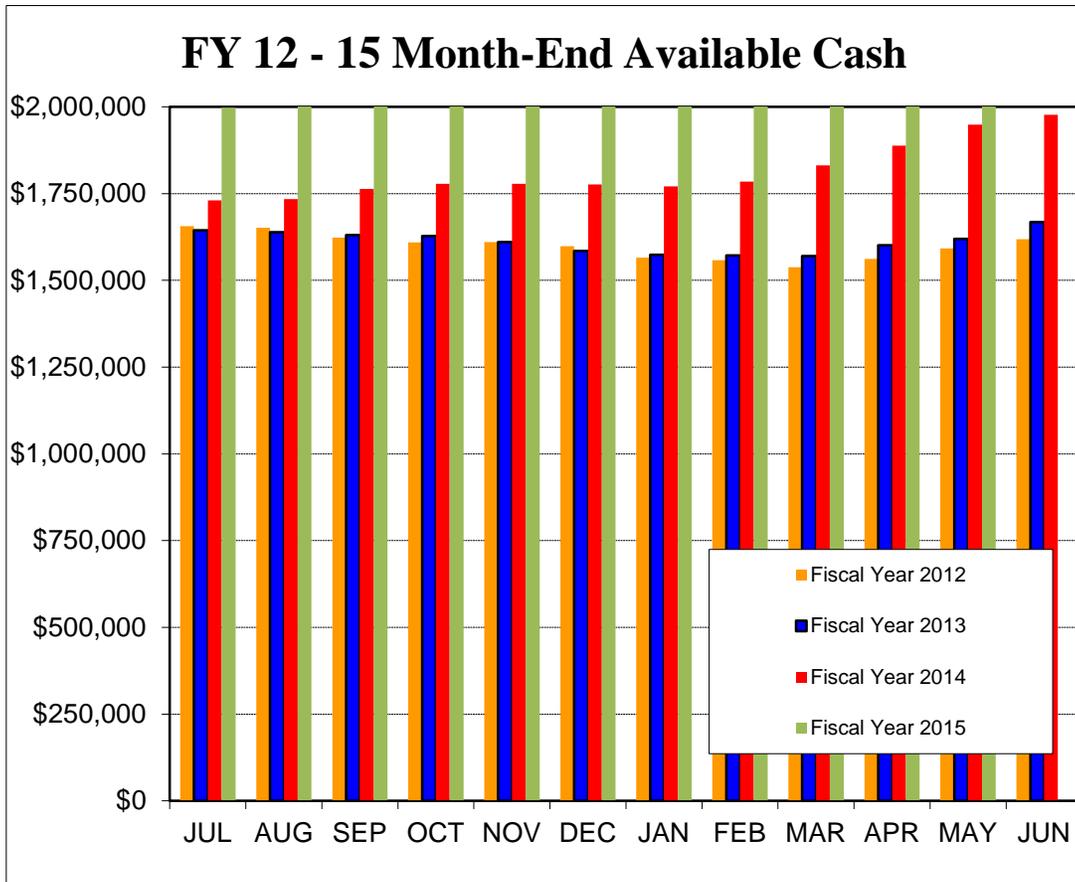
Statement of Revenues and Expenditures

Class	Budget	Fiscal Year To Date	YTD as a % of Budget	Remaining Budget	Projected for Remainder of Year	Projected Year End Totals	Projected Total as a % of Budget
Revenues:	760,000	663,270	87.3%	96,730	89,467	752,737	99.0%
Expenditures							
Personnel:	406,000	383,912	94.6%	22,088	31,993	415,905	102.4%
Operating:	161,000	156,876	97.4%	4,124	3,390	160,266	99.5%
Capital:	32,400	10,080	31.1%	22,320	22,320	32,400	100.0%
Total Expenditures	599,400	550,868	91.9%	48,532	57,703	608,571	101.5%
Net for FY 2015	160,600	112,403			31,764	144,167	

Statement of Cash Balance

July 1, 2014 Beginning Cash Available	Fiscal Year to Date Revenues	Fiscal Year to Date Expenditures and Encumbrances	Other Changes in Cash	Available Cash as of May 31, 2015	Projected Change in Cash for Remainder of Year	Projected Year End Available Cash
1,977,174	663,270	(550,868)	180	2,089,756	31,764	2,121,520

PUBLIC WORKS CONTRACTORS LICENSING FUND 0229-07



PUBLIC WORKS CONTRACTORS LICENSING FUND 0229-07

