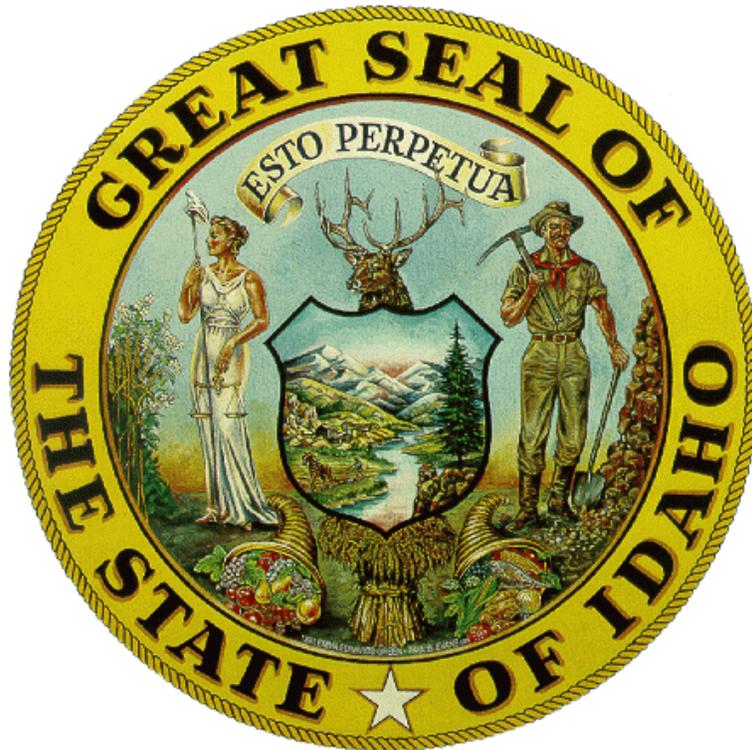


DIVISION OF BUILDING SAFETY

PUBLIC WORKS CONTRACTORS LICENSE BOARD
VIDEOCONFERENCE MEETING

OCTOBER 3, 2011



PUBLIC WORKS CONTRACTORS LICENSE BOARD

Agenda Item No. 01

Agenda

PRESENTER: Torry McAlvain, Chairman

OBJECTIVE: Approve the agenda for the October 3, 2011 PWCL Board Videoconference meeting.

ACTION: Consent

BACKGROUND:

**PROCEDURAL
HISTORY:**

ATTACHMENTS: October 3, 2011 PWCL Board 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 2, Suite 7, Pocatello, Idaho
dbs.idaho.gov – (208) 332-7137**

***Monday, October 3, 2011
9:30 a.m. – 12:30 p.m. (MT)***

(Note: Meeting Time is 8:30 a.m. PT)

- 9:30 a.m.** **CALL TO ORDER** – Torry McAlvain, Chairman
- Roll Call & Introductions
 - Open Forum

CONSENT AGENDA

1. Approval of the October 3, 2011 Agenda
2. Approval of the July 7, 2011 Board Meeting Minutes

ACTION AGENDA

3. *Schedule 2012 Board Meeting Dates – Torry McAlvain*

INFORMATIONAL AGENDA

4. Construction Manager License Complaint – Steve Keys
5. University of Idaho (UI) Complaint – Patrick Grace
6. Deputy Administrator Report – Steve Keys
7. Administrator Report
 - a. Financial Report – C. Kelly Pearce and Kirk Weiskircher
 - b. Administrator – C. Kelly Pearce

OLD/NEW BUSINESS

EXECUTIVE SESSION

- 12:30 p.m.** **ADJOURN**

PUBLIC WORKS CONTRACTORS LICENSE BOARD

Agenda Item No. 02

Minutes

PRESENTER: Torry McAlvain Chairman

OBJECTIVE: Approve the minutes from the July 7, 2011 PWCL Board Videoconference Meeting.

ACTION: Consent

BACKGROUND:

PROCEDURAL HISTORY:

ATTACHMENTS: July 7, 2011 PWCL Board Meeting draft Minutes



**PUBLIC WORKS CONTRACTORS LICENSE BOARD
VIDEOCONFERENCE MEETING**

Thursday – July 7, 2011 – 9:30 a.m. (MT)

**Division of Building Safety
1090 East Watertower Street, Meridian, Idaho
1250 Ironwood Drive, Suite 220, Coeur d'Alene, Idaho
2055 Garrett Way, Building 2, Suite 7, Pocatello, Idaho**

***DRAFT MINUTES OF THE JULY 7, 2011 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 John Sheldon called the meeting to order at 9:32 a.m. (MT)

Board Members Present:

John Sheldon, Vice Chairman
Jerry A. Peterson
Lisa Hatch
Ken Worst
Steffani Lippert

DBS Staff Present:

C. Kelly Pearce, Administrator
Steve Keys, Deputy Administrator, Operations
Patrick Grace, Deputy Attorney General
Kirk Weiskircher, Financial Specialist, Principal
Chris Jensen, Regional Manager, Eastern Idaho
Rod Freligh, Plumbing/HVAC Supervisor, North Idaho
Terry Blessing, Inspector/Advisor, North Idaho
Renee Bryant, Administrative Assistant 2/Board Secretary

Board Members Absent:

Torry McAlvain, Chairman

In the absence of Chairman Torry McAlvain, Vice Chairman John Sheldon served as Acting Chairman at this meeting.

◆ **Open Forum**

Construction Manager (CM) License – Craig Roth with Rider Levett Bucknall stated the company is a professional services practice serving the construction industry. Their Boise-based employee holds a Certified Professional Constructor (CPC) certification and would like to become a licensed CM in Idaho. The Board was asked to consider the CPC certification and examination qualifications in lieu of the certified construction manager certification and examination.

John Sheldon informed Mr. Roth the Board would look into his request and have the Division notify him of their answer in August.

ACTION: In August, the Division will inform Craig Roth of the Board's decision in regards to alternative qualifications to become a licensed CM in Idaho.

◆ **Approval of the July 7, 2011 Agenda**

MOTION: Lisa Hatch made a motion to approve the Agenda as presented. Jerry Peterson seconded. All in favor, motion carried.

◆ **Approval of the April 4, 2011 Board Meeting Minutes**

MOTION: Lisa Hatch made a motion to approve the Minutes as written. Jerry Peterson seconded. All in favor, motion carried.

◆ **Construction Manager License Complaint**

The Division recently received a complaint relative to a CM. The statutory provisions for handling a CM complaint are completely different from a contractor complaint in that the authority for handling CM complaints lie solely with the Board.

Steve Keys briefly explained the situation, and Patrick Grace clarified the legal procedures for a hearing. The action the Division seeks from the Board is to investigate the complaint, notify the plaintiff, and schedule a hearing for the October PWCL Board meeting.

MOTION: Jerry Peterson made a motion to authorize DBS to conduct an initial investigation and to include discussion of consent agreement.

ACTION: At the October 3rd board meeting, the Division will report its findings on the issue “Construction Manager License Complaint”.

◆ **Board Compensation**

To allow board members to participate in their individual retirement plans, the Division requested a formal approval from the Board to move forward with legislation to change the board members’ compensation from “salary” to “honorarium”.

MOTION: Lisa Hatch made a motion to accept the amendment to change the board members’ compensation from “salary” to “honorarium”. Jerry Peterson seconded. All in favor, the motion carried.

◆ **Disparity Between “C” and “B” Licenses**

The Division brought forth a proposal to create a new license type, “CC”, to bridge the gap between the current “C” and “B” license classifications. The proposal for the “C”, “CC”, and “B” license requirements are as follows: “C” license be reduced from \$200,000 to \$150,000, create new “CC” license at \$300,000 and “B” license remain at \$600,000.

The Board was concerned the proposed downgrade of the current “C” license would create hardship for existing licensees. Steffani Lippert suggested, and the Board agreed, the “C” license remain at \$200,000, the “B” license stay at \$600,000, and the “CC” license be raised to \$400,000.

MOTION: Steffani Lippert made a motion that the “C” license remain at \$200,000, create a “CC” license at \$400,000, and leave the “B” license at \$600,000. Jerry Peterson seconded. All in favor, motion carried.

As a preliminary matter, the Division will submit the proposed statutory change to the 2012 legislature. Upon approval, a proposed temporary rule will be presented to the Board for final approval at the Board’s 2012 spring meeting.

ACTION: The Division will provide a proposed temporary rule to the Board at the spring meeting in 2012 for review and approval.

◆ **Fast Track Application Fee and 60-Day Extension**

A proposed rule change in IDAPA 07.05.01.105 “License Renewal -- Filing Deadlines; Petitions for Extension of Time to File; Lapsed Licenses” was presented to the Board.

Fast Track Application Fee – In order to not interfere with the normal application process, a “Fast Track Application Fee” of \$100 would cover the cost for DBS to expedite, outside the normal work schedule, an individual’s application in a shorter period of time.

60-Day Extension – Renewal dates do not always coincide with financial statements; therefore, businesses file 60-day extensions with the Division every year. The proposed rule change would allow companies to pay a prorated fee; adjusting their renewal date to correspond with their financials.

MOTION: Jerry Peterson made a motion to accept the proposal as written. Lisa Hatch seconded. All in favor, motion carried.

◆ **Deputy Administrator Report**

Quarterly PWCL Report – A quarterly PWCL license report was distributed to the Board. There have been 3,080 active licenses processed during fiscal year 2011.

University of Idaho (UI) Complaint – The complaint against UI is ongoing. Rather than proceed with a hearing, DBS legal counsel Patrick Grace and UI legal counsel have agreed on an informal discussion. A six-page summary of the Division’s position and questions has been given to UI’s legal counsel for response. It is the Division’s hope to have an answer for the Board by the October 2011 Board meeting.

ACTION: Patrick Grace will address the topic “University of Idaho (UI) Complaint” as an informational item at the October 3, 2011 Board meeting.

Consolidations/Reporting Changes within DBS – In the near future, the dedicated public works outreach positions will be consolidated into other positions within the Agency.

◆ **Administrator Report**

Board Terms – As defined in statute, each member of the PWCL Board is limited to two terms, not to exceed six years. The Specialty Sub-Contractor position is vacant. Interested individuals are encouraged to contact the DBS or Governor’s office. The Division is in the process of posting all DBS Board vacancies on its website.

Public Works Projects – Permits and Building Inspections – Statutorily, DBS is responsible for the issuance of permits and building inspections on state public works projects in Idaho.

The first of July, DBS sent letters on the statutory requirements to state agencies involved in public works defined buildings and state agencies that independently generate their own buildings outside the public works activity. The changes will only apply to projects that begin after July 1, 2011.

Financial Report – Kirk Weiskircher reviewed the Public Works Contractors Licensing Fund Fiscal Year 2011 Financial Statements as of May 31, 2011.

Chairmen Meeting – In June, a meeting was held with the chairmen of each board housed under the DBS to explain the agency’s statewide layoff process and vision.

Statewide Layoff Policy – The Division’s layoff policy has changed from geographical regions to statewide. The new policy offers the Division the ability to identify the areas of need for inspectors to fulfill the inspection responsibilities across the state.

Building Remodel/Rental – The Idaho Department of Labor (IDOL) currently leases 43% of the Meridian office from DBS. Over the next ten years the Division anticipates a savings of \$1.9 million in rent.

CAS – The Division’s computer system allows staff to search inspections by zip code, thus calculate the areas of need for personnel.

Assigned Work Stations – In the past, inspectors have worked from their residences. DBS has contracted with IDOL to rent work stations from 12 of their facilities throughout Idaho. The Division’s three locations will provide accommodations to inspectors as well. The majority of inspectors will commute, by personal transportation, to their assigned facilities. Work hours will be 8:00 a.m. to 5:00 p.m., Monday through Friday, excluding holidays. During non-business hours, state vehicles will be parked at the designated facilities.

Customer Resource Team (CRT) – In April 2008, there were 33 full-time and five to six temporary full-time CRT employees. As of today, there are 14.5 in the unit.

Personnel – When the Administrator was appointed to DBS in 2007, there were 152 authorized full-time positions. Upon the completion of the layoff program, the Division will have fewer than 100 employees.

Chinese Government and U.S. Projects – The Chinese government has stock in the following Idaho-based projects: Hoku, solar cell plant in Pocatello; Southeast Idaho Energy Corp., fertilizer plant outside American Falls; electric bus manufacturer plant around Treasure Valley area; and industrial park, south of airport in Boise.

To report back to the Governor, Kelly Pearce asked the board members for their thoughts to potential Chinese investments in the United States. The majority of members had no negative opinion on the issue.

- ◆ **Old/New Business**
There was no old/new business to discuss.
- ◆ **Executive Session**
An Executive Session was not required.

MOTION: Jerry Peterson made a motion to adjourn the meeting. Lisa Hatch seconded. All in favor, motion carried. The meeting adjourned at 11:24 a.m.

JOHN SHELDON, 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 Public Works Contractors License Board. 08/23/11rb

PUBLIC WORKS CONTRACTORS LICENSE BOARD

Agenda Item No. 03

Schedule 2012 Board Meeting Dates

PRESENTER: Chairman McAlvain

OBJECTIVE: Schedule 2012 meeting dates

ACTION: Vote to accept or reject the 2012 meeting dates as addressed under "Background".

BACKGROUND: The following 2012 dates were selected for the Board's consideration: January 9th, April 2nd, July 16th, and October 1st.

**PROCEDURAL
HISTORY:**

ATTACHMENTS: 2012 Board Meeting Calendar



DBS BOARD MEETINGS - 2012

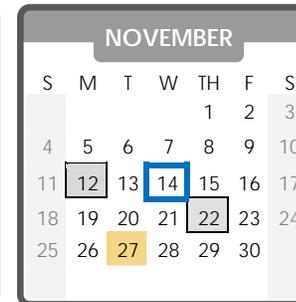
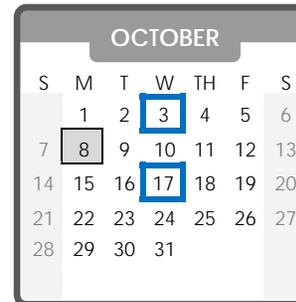
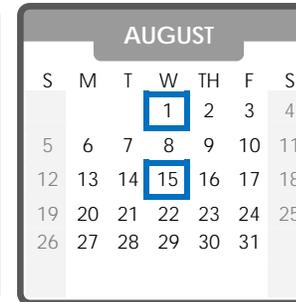
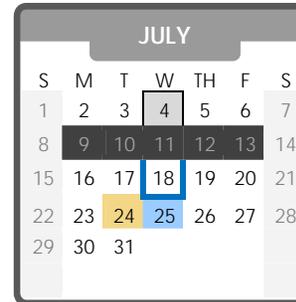
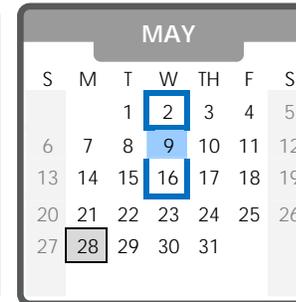
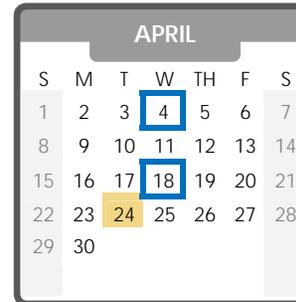
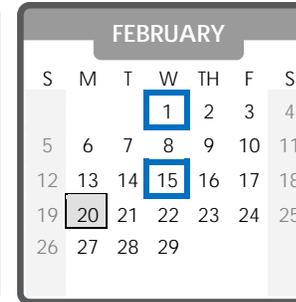
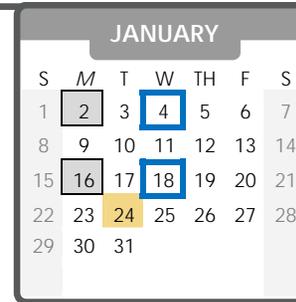
2012

Board Meetings will be held at each
Division of Building Safety regional office
either in person or through video conferencing

1090 E WATERTOWER ST SUITE 150 MERIDIAN, ID 83642	1250 IRONWOOD DR SUITE 220 COEUR D'ALENE, ID 83814	2055 GARRETT WAY BLD 2, SUITE 7 POCATELLO, ID 83201
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Idaho Building Code Board	
Idaho Electrical Board	
Idaho HVAC Board	
Manufactured Housing Board	JAN 24 APR 24 JUL 24 NOV 27
Modular Building Advisory Board	MAR 14 MAY 9 JUL 25
Idaho Plumbing Board	
Public Works Contractors Licensing Board	

Holidays outlined & highlighted in gray
Management meetings outlined in blue
Unavailable dates blacked out



PUBLIC WORKS CONTRACTORS LICENSE BOARD

Agenda Item No. 04

Construction Manager License Complaint

PRESENTER: Steve Keys

OBJECTIVE: Board to determine if Monsey Consulting Services is in violation of Idaho Code § 54-4508 (1) (c) "Disciplinary proceedings".

ACTION: Informational

BACKGROUND: Bonner County has entered into an agreement with Monsey Construction Consulting Services to provide CM services. Monsey is not licensed and the county also neglected to require the performance bond.

The statutory provisions for handling a CM complaint lie solely with the Board.

At the July meeting, Steve Keys briefly explained the situation, and Patrick Grace clarified the legal procedures for a hearing. The Division was authorized by the Board to conduct an initial investigation and to include discussion of consent agreement at the October 3rd meeting.

PROCEDURAL HISTORY:

ATTACHMENTS: No documentation



PUBLIC WORKS CONTRACTORS LICENSE BOARD

Agenda Item No. 05

University of Idaho (UI) Complaint

PRESENTER: Patrick Grace

OBJECTIVE: Update the Board on the complaint against the UI.

ACTION: Informational

BACKGROUND: The UI has a history of claiming some kind of exemption from the public works contracting laws when a low bidder gets a public works job but doesn't qualify, via their license, to do the work. Rather than proceed with a hearing, DBS legal counsel Patrick Grace and UI legal counsel have agreed on an informal discussion. A six-page summary of the Division's position and questions has been given to UI's legal counsel for response. It is the Division's hope to have an answer for the Board by the October 2011 Board meeting.

PROCEDURAL HISTORY:

ATTACHMENTS: No documentation



PUBLIC WORKS CONTRACTORS LICENSE BOARD

Agenda Item No. 06

Deputy Administrator Report

PRESENTER: Steve Keys

OBJECTIVE: To report on the recent activities within the PWCL Program.

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. 07a

Financial Report

PRESENTER: C. Kelly Pearce and Kirk Weiskircher

OBJECTIVE: Review the Financial Report for the PWCL Fund

ACTION: Informational

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

**PROCEDURAL
HISTORY:**

ATTACHMENTS: PWCL Board Financial Report





Division of Building Safety
PUBLIC WORKS CONTRACTORS LICENSING FUND
 Fiscal Year 2012 Financial Statements
 As of 8/31/2011

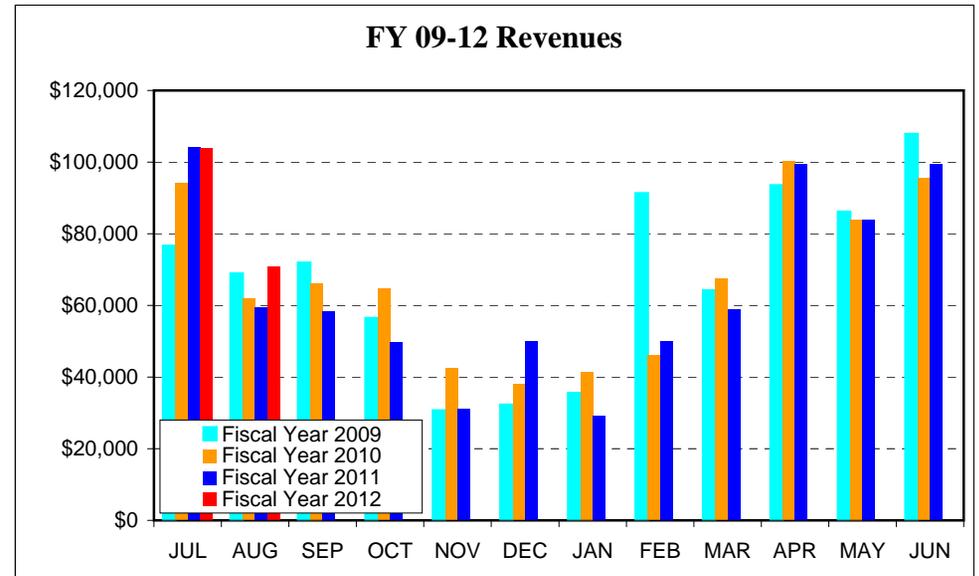
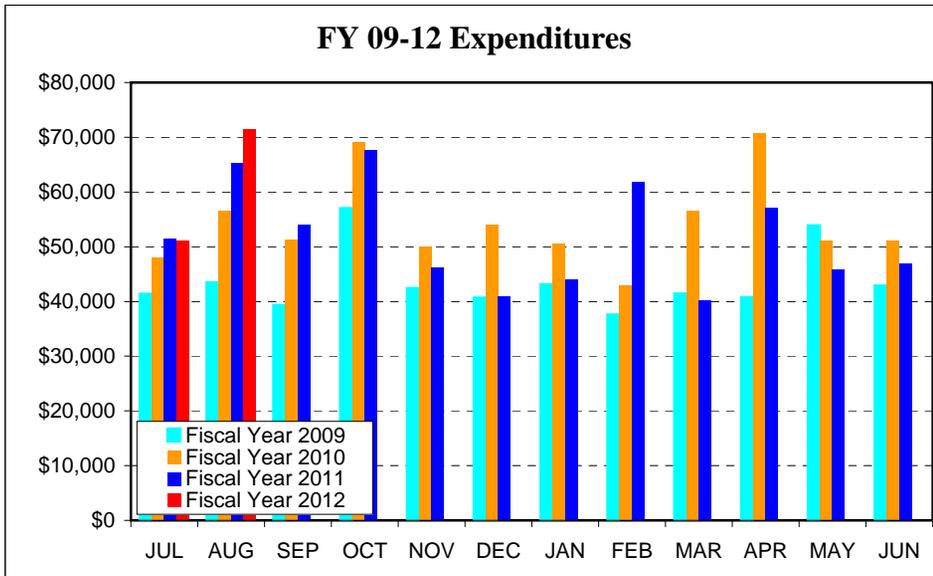
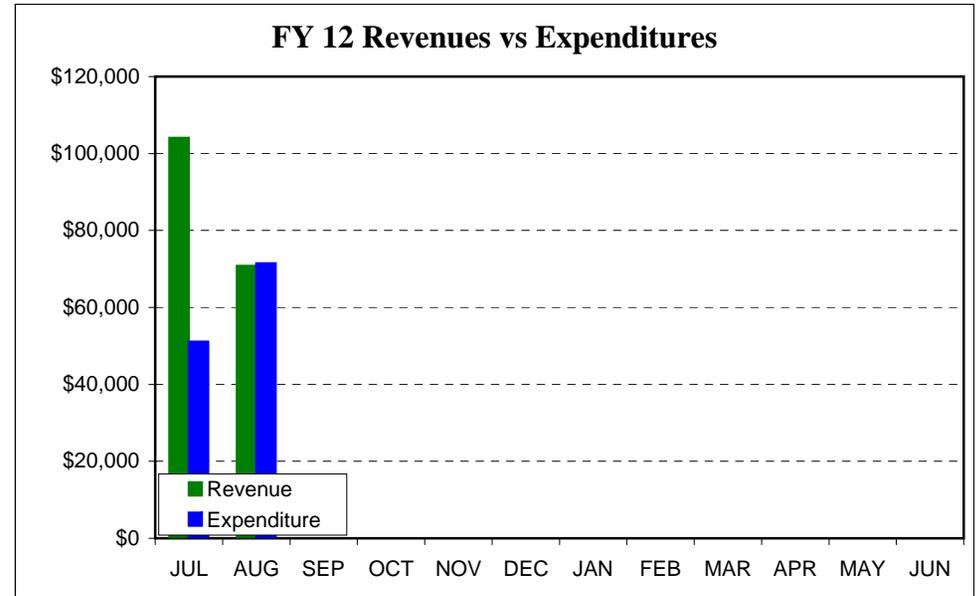
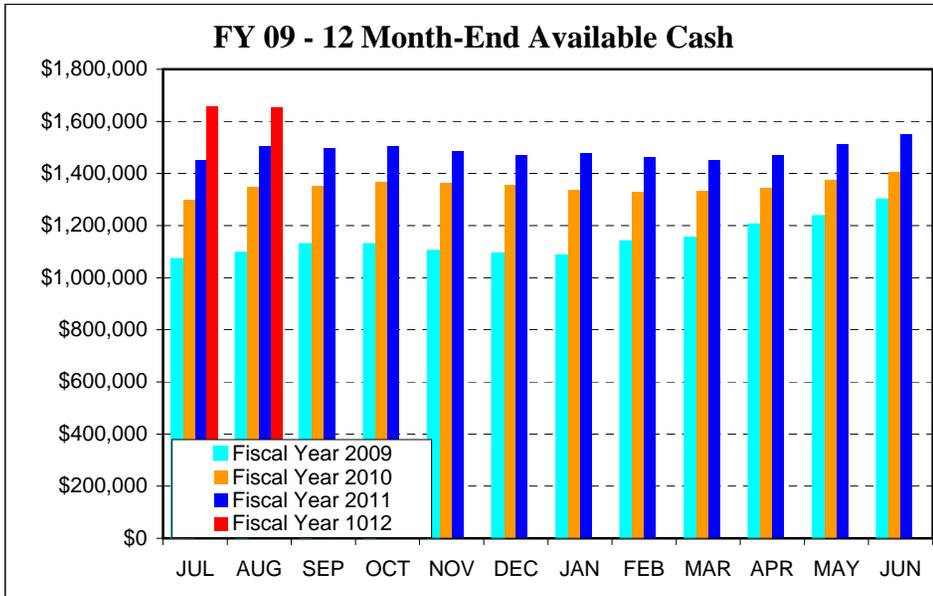
Statement of Revenues and Expenditures

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:	738,000	174,800	23.7%	563,200	585,000	759,800	103.0%
Expenditures							
Personnel:	600,000	85,443	14.2%	514,557	507,100	592,543	98.8%
Operating:	157,400	36,985	23.5%	120,415	130,000	166,985	106.1%
Capital:	26,400	-	0.0%	26,400	26,400	26,400	100.0%
Total Expenditures	783,800	122,428	15.6%	661,372	663,500	785,928	100.3%
Net for FY 2012	(45,800)	52,372			(78,500)	(26,128)	

Statement of Cash Balance

Beginning Cash Available	Revenues	Expenditures and Encumbrances	Other Changes in Cash	Available Cash	Projected Change in Cash for Remainder of Year	Projected Year End Available Cash
1,602,133	174,800	(122,428)	(2,904)	1,651,601	(78,500)	1,573,101

PUBLIC WORKS CONTRACTORS LICENSING FUND



PUBLIC WORKS CONTRACTORS LICENSE BOARD

Agenda Item No. 07b

Administrator Report

PRESENTER: C. Kelly Pearce

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

