

**PUBLIC WORKS CONTRACTORS LICENSE BOARD
VIDEOCONFERENCE MEETING**

Monday – April 9, 2018 – 9:30 a.m. (MDT)

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

MINUTES OF THE APRIL 9, 2018 MEETING

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

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

Board Members Present:

Jim Roletto, Chairman
Joe Jackson, Vice-Chairman
Garry Tolley
Chuck Graves
Brian Bailey
Evan Goodwin
Robbie Austin

DBS Staff Present:

Chris L. Jensen, Administrator
Ron Whitney, Deputy Administrator
Spencer Holm, Deputy Attorney General
Larry Jeffres, Regional Manager, Region 1
Patrick J. Grace, Regional Manager, Region 2
Jeff Egan, Regional Manager, Region 3
Amy Kohler, Compliance Program Specialist
Renee Bryant, Administrative Assistant 2

◆ **Open Forum**

There were no new issues to address during open forum.

◆ **Approval of April 9, 2018 Agenda**

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

◆ **Approval of December 28, 2017 Special Board Meeting Minutes**

MOTION: Chuck Graves made a motion to approve the minutes as written. Garry Tolley seconded. All in favor, motion carried.

◆ **Approval of January 8, 2018 Board Meeting Minutes**

MOTION: Garry Tolley made a motion to approve the minutes as written. Chuck Graves seconded. All in favor, motion carried.

◆ **Approval of January 18, 2018 Special Board Meeting Minutes**

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

◆ **Approval of February 8, 2018 Special Board Meeting Minutes**

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

◆ **Election of Officers**

In accordance with Idaho Code § 54-1908. Meetings – Quorum, “At the April meeting of each year the Board shall elect officers.”

Chairman

NOMINATION: Joe Jackson nominated Jim Roletto to continue as chairman of the Board. Chuck Graves seconded. All in favor, motion carried.

Vice-Chairman

NOMINATION: Jim Roletto nominated Joe Jackson as vice-chairman. Chuck Graves seconded. All in favor, motion carried.

◆ **Approval of the February 8, 2018 Special Board Meeting Minutes (Cont’d)**

Deputy Attorney General Spencer Holm stated in the minutes the motion for the topic *Granite Excavation, Inc.’s Petition for Reconsideration of Final Order* is incorrect and should read. “...request for reconsideration.” rather than “...request for consideration.”

AMENDED MOTION: Garry Tolley amended his original motion to approve the minutes with the correction. Joe Jackson seconded. All in favor, motion carried.

◆ **Licensing Freedom Executive Order & Three-Year Public Contractor License**

The topics *Licensing Freedom Executive Order* and *Three-Year Public Contractor License* tie-in together; therefore, addressed at the same time.

Patrick J. Grace, Regional Manager, provided the Public Works Contractors Licenses (PWCL) & Construction Management (CM) Licenses draft report. There is a new legislative subcommittee to review all reports, based on the Executive Order by the Governor’s office, as well as all licenses.

During the 2018 legislative session, a legislator contacted Regional Manager Grace and asked if the Division had any licenses that renew annually, and if so, would the Board consider going to three-year licenses. Upon discussion, the Board is opposed to the idea.

◆ **Consolidation/Modernization of Subcontractor Categories**

Regional Manager Jeff Eagan provided the history of the Board as it pertains to the consolidation and/or modernization of subcontractor categories. Although the Board was inconclusive at the 2013-2014 meetings on the direction of this issue, it was discussed there may be no advantage to changing or consolidating the numbers since they are well established and used throughout the building industry. Chairman Roletto remembered, and agreed with the Board’s prior decision.

◆ **Licensing Changes--Different Categories**

Scott Wood, Wood’s Crushing and Hauling, addressed the Board with regard to licensure and bidding limitations; expressing a need for the Board to reestablish its criteria based on a surety company’s willingness to bond a project.

Board Member Brian Bailey specified the current requirements for classification of licensure restricts a contractor's growth, creates a smaller bidding pool, loses Idaho jobs to larger out-of-state contractors, and loses revenue.

Administrator Jensen stated he sees merit in Mr. Wood's suggestion; however, it would require changes in both statute and rule. The Board, not sure the bond is the right solution, agreed there could potentially be some language adjustments to increase the capacity/capabilities of Idaho's contractors.

The Administrator offered, and the Board agreed, for the Division to research language from other states to benefit the contractors of the state of Idaho, and bring language to the July 2018 Board meeting.

ACTION: The topic *Licensing Changes--Different Categories* will be placed on the agenda for the July Board meeting as an informational item.

◆ **Automatic Suspension--Draft Rule**

Statute requires contractors to have an individual qualified by examination as to experience and knowledge of the trade. If the qualified individual is no longer associated with the contractor, the contractor must notify DBS within ten days. If such notice is given, the license remains in effect for a reasonable length of time, determined by rules of the Board.

Currently, there is nothing in rule to help DBS administer the program. Deputy Attorney General Holm addressed a draft rule that adds a definition for "Qualified Individuals", as well as clarification on "Written Notice" and "Reasonable Length of Time".

The Board agreed the topic *Automatic Suspension--Draft Rule* be addressed at the July meeting as part of the negotiated rulemaking process. The Deputy Attorney General will notice the proposal in the May Administrative Bulletin.

ACTION: The topic *Automatic Suspension--Draft Rule* will be placed on the agenda for the July Board meeting as an informational item.

◆ **Meetings and Quorum Requirements**

In Idaho Code § 54-1908 *Meetings--Quorum*, four members of the board constitutes a quorum. Currently, there are eight members; therefore, the requirement in statute does not qualify as a majority. In addition, required are four regular meetings with specific date requirements. Most boards only require two meetings, with additional meetings as needed. For consistency with other Boards within DBS, provided was proposed statute changes.

The Deputy Attorney General will bring the proposed statute change to the July Board meeting as an action item.

ACTION: The topic *Meeting and Quorum Requirements* will be placed as an action item on the agenda for the July Board meeting.

◆ **Compliance Report**

There have been no new issues since the January 2018 Board meeting.

◆ **Administrator Report**

Financial Report – The account is healthy and moving in the right direction. There is a bit more money in the fund than the Division would like to see. In the past, reduced were renewal fees by 20 percent. The Administrator offered to bring a recommendation to the July meeting to, once again, reduce funds on a temporary basis.

ACTION: For the July meeting, the Administrator will provide a recommendation to reduce fees on a temporary basis.

Budget – The budget approved with the exception of the removal of \$200,000 dollars. DBS authorized six additional inspectors.

Construction – The legislature passed funding authority for the state of Idaho to build two large buildings in Idaho Falls. Upon completion, the Idaho National Laboratory will lease the buildings. In the process, DBS ended up with approximately \$250,000 worth of building permits.

◆ **Adjournment**

MOTION: Chuck Graves made a motion to adjourn the meeting. Garry Tolley seconded. All in favor, motion carried.

The meeting adjourned at 10:32 a.m. (MDT).

JIM ROLETTO, CHAIRMAN
PUBLIC WORKS CONTRACTORS
LICENSE BOARD

CHRIS L. JENSEN, ADMINISTRATOR
DIVISION OF BUILDING SAFETY

DATE

DATE

06/12/2018rb