

**IDAHO HEATING, VENTILATION AND
AIR CONDITIONING BOARD
VIDEOCONFERENCE MEETING**

Thursday – November 5, 2020 – 9:30 a.m. (MST)

**Division of Building Safety
1090 East Watertower Street, Suite 150, Meridian
1250 Ironwood Drive, Suite 220, Coeur d’Alene
155 North Maple Street, Blackfoot**

MINUTES OF THE NOVEMBER 5, 2020 HVAC BOARD MEETING

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

Chairman Ted Sermon called the meeting to order at 9:30 a.m. (MST)

Board Members Present:

Ted Sermon, Chairman
Bill Carter, Vice-Chairman
Mike LaPray
Judy Van Cleave
Mark Ferm
Garret Christoffersen

DBS Staff Members Present:

Ron Whitney, Administrator
Patrick J. Grace, Deputy Administrator
Spencer Holm, Deputy Attorney General
Michael Hyde, HVAC Program Manager
Larry Jeffres, Regional Manager, Region 1
Adam Bowcutt, Regional Manager, Region 3
Renee Bryant, Administrative Assistant 2

◆ **Open Forum**

College of Western Idaho’s (CWI) Apprenticeship Program--Update – Marc Swinney, CWI, introduced Jerry Stafford as the new HVAC Program Coordinator; filling the position recently vacated by Chris Miller. Although retired, Mr. Miller continues to teach part-time. The apprenticeship courses were all on line earlier in the year due to Covid. For the fall 2020 session, first year apprentices will alternate their weeks between in person and Zoom. The enrollment for the HVAC trade is slightly down from last year. There were 1,700 apprentices enrolled from the HVAC, electrical and plumbing trades at the last fiscal year.

◆ **Approval of the November 5, 2020 Agenda and Minutes for the March 11, 2020 Meeting, August 12, 2020 Meeting and October 14, 2020 Special Meeting.**

A handout to coincide with agenda item 04, *Permit Fees of Those Affected by Wildfires*, was provided to the Board.

MOTION: Bill Carter made a motion to approve the agenda with the supporting documentation, as well as the March, August and October meeting minutes. Judy Van Cleave seconded. All in favor, motion carried.

◆ **Schedule 2021 Board Meetings**

The proposed meeting dates for 2021 are: January 13th, March 10th, May 12th and November 10th.

MOTION: Judy Van Cleave made a motion to approve the 2021 meeting dates as presented. Bill Carter seconded. All in favor, motion carried.

◆ **Approve Judy Van Cleave as Liaison with Continuing Education Units (CEUs)**

Effective July 1, 2021, any registered apprentice not recognized in an apprenticeship program will be required to maintain eight hours of CEUs per year. Board Member Judy Van Cleave has agreed to work with HVAC Program Manager Michael Hyde to review CEU courses and instructors.

MOTION: Bill Carter made a motion for Judy Van Cleave to be the Board's liaison with CEUs. Mark Ferm seconded. All in favor, motion carried.

◆ **Waiver of Permit Fees of Those Affected by Wildfires**

At the 2020 legislative session, Senate Bill 1283 passed and became effective July 1, 2020. A person can now request a waiver or variance of an existing rule without first being denied by the agency. The Division received a petition from Senator Dan Johnson and Senator Carl Crabtree, asking to waive permit fees for the residents in Clearwater County affected by the recent wildfires.

An Order will be generated for the Chairman's signature. A handout was provided with the following proposed conditions: 1) Limit to certain geographic areas of the state, 2) Limit to a specific time period to apply for a permit, 3) Limit permits to individuals replacing and/or repairing structures on their property due to the wildfires, 4) DBS "may" require proof of eligibility to receive a permit, 5) Waive permit fees; however, inspections still required, and 6) The ability of the HVAC fund to financially support the issuance of permits without fees.

The Division will inform the local building officials of the Board's decision and ask they contact individuals needing this service. The Board agreed to waive the HVAC permit fee; however, stipulated a permit and inspection would still be required. In addition, the Board established a sunset of December 31, 2021, for the issuance of a permit. The HVAC Program Manager will review the applications, as well as keep a record of the number of permits issued and fees waived; bringing statistics to the Board at the end of 2021.

MOTION: Mark Ferm made a motion to waive permit fees with the provisions stated above except for item six, and the sunset to apply for a permit is December 31, 2021. Bill Carter seconded. All in favor, motion carried.

ACTION: The Division will contact the local building officials to ensure individuals affected by the wildfires in north Idaho are contacted and informed of the decision of the Board.

ACTION: At the end of the year 2021, HVAC Program Manager will provide the Board with the number of permits issued and fees waived.

◆ **Standards Set by CTE for Apprentice Schooling**

The HVAC Board was asked to formalize the Statewide HVAC Apprenticeship Programs Standards. In 2019, a pilot was developed, and in 2020 the College of Southern Idaho

administered the assessment. The goal is to allow all related training providers throughout the state of Idaho to begin utilizing the standards and tests in 2021.

C-TECS, a nationally renowned provider of high-quality, industry-based resources, assisted in the development of the standards and test questions for Idaho's apprenticeship programs. The company will also be the provider for the exams, participate in any additional test analysis (additions or changes), and set the test scores.

MOTION: Bill Carter made a motion to approve the HVAC apprentice testing standards as presented. Mark Ferm seconded. All in favor, motion carried.

◆ **Universal Licensing**

In 2017, an executive order was issued asking each agency to generate a report on how to reduce barriers of entry for licensure and eliminate unnecessary regulations. At the 2020 legislature, Senate Bill 1351, *Occupational Licensing*, passed; becoming effective July 1, 2020. The two main points of the bill that affects the Division's boards are Idaho Codes §§ 67-9408, *Occupational and Professional Licensure Review Committee*, and 67-9409, *Universal Licensure*. The legislature set up a subcommittee comprised of senators and representatives to review all new proposed regulation/licensure; making a non-binding recommendation to the House and Senate. In addition, it establishes a universal licensure process to facilitate the efficient transfer of licenses between states.

◆ **Executive Order 2020-01: 5 Year Rule Review / Rulemaking Schedule**

In January 2020, Executive Order (EO) 2020-01, *Zero-Based Regulation*, was issued by Governor Brad Little; placing all state agencies on a five-year rule review cycle. The next review of the HVAC rules will be in 2024. HVAC Program Manager Hyde explained the processes to renew and/or create new rules. Based on criteria in the EO, an agency can run a rule off cycle from their assigned year. For the January 13, 2021 Board meeting, the HVAC Program Manager would like the topic *Executive Order 2020-01: 5 Year Rule Review/ Rulemaking Schedule* placed as an informational item on the agenda to discuss how to accomplish the renewal or omissions of the current rules, whether through a subcommittee or by the Board.

ACTION: The topic *Executive Order 2020-01: 5 Year Rule Review/Rulemaking Schedule* will be placed on the agenda as an informational item for the January 13, 2021 Board meeting.

◆ **Discuss Contents of CEUs**

The company that maintains all of the Division's CEUs, CE Broker, is in the development stages of putting together its website. In a recent email, the website is being tested, and on November 9, 2020, course providers will be able to begin submitting approved courses. The HVAC Program Manager asked the topic *Discuss Contents of CEUs* be an action item at the January 2021 Board meeting, for the Board to vote whether the eight hours of CEUs should be code related, industry related or a combination of the two. For consistency, Board Member Garret Christoffersen would like the HVAC CEU process to mimic what has already been created and is being used by the Electrical and Plumbing Boards.

ACTION: The topic *Discuss Contents of CEUs* will be placed on the agenda as an action item for the January 13, 2021 Board meeting.

◆ **2018 IMC, IFGC & Parts V & VI of the IRC**

Beginning January 1, 2021, the state and its jurisdiction will begin enforcing the 2018 codes; residential, mechanical and fuel-gas only. Since skipping two code cycles, a two-day training on the significant code updates has been scheduled in December for the Division's HVAC inspectors.

When asked, the Idaho Building Code Board (IBCB) has adopted the energy code. Building inspectors have the statutory authority to enforce the code. With limited resources, the HVAC Program Manager does not require installations inspected in the state's jurisdiction to comply with the energy code. In the past, the IBCB was asked to remove Section 403 from the energy code as it pertains to mechanical system design. The IBCB wanted the section to be enforced; therefore, did not want it removed. The HVAC Board agreed the energy code is 90% HVAC and encouraged DBS to go back to the IBCB. Chairman Sermon offered himself and Board Member Christoffersen to attend an IBCB meeting with the HVAC Program Manager. Board Member Christoffersen suggested getting Idaho Energy Circuit Rider Dave Freelove involved as well.

◆ **Program Manager Report**

State Inspector Areas – A map, in the packet, was developed to show how the Idaho HVAC program is ran. The following factors determine where the nine HVAC inspectors are strategically placed throughout the state: 1) Population, growth, and number of permits, 2) Local government jurisdiction, and 3) Area demographics.

DBS Jurisdiction – Eighteen of the 44 counties and 63 of 201 cities have their own HVAC programs for permits and inspections. The state's HVAC inspectors are all licensed HVAC journeymen. Statutorily, HVAC has a county option; whereas, electrical and plumbing do not.

NOV Activity Report – In the report are a great deal of warnings with no fees associated, as well as a large number of violations that pertain to "Failure to pull a permit" and "Failure to schedule a final inspection". In addition, there are a small number of violations where contractors fail to make corrections before permits expire within a year, and a few unlicensed individuals.

Journeyman First Exam Attempts Report – There is a 75% pass rate, through September 2020, on the 2012 code tests and a total of ten exams taken this year on the 2018 codes. Tests on the 2012 and 2018 codes are and will be available for some time.

◆ **Administrator Report**

Recognition – HVAC Program Manager Hyde was complimented on the effort he has been putting into the program.

Administrator – With the retirement of Chris Jensen in August 2020, the Governor appointed Ron Whitney as Administrator of the Division of Building Safety, and Patrick J. Grace is now the Deputy Administrator.

Finalized Org Chart of Board – At the 2020 legislature, HB 318 passed; changing the name of the Bureau of Occupational Licenses to the Idaho Division of Occupational and Professional Licenses. Administrator Whitney explained DBS’s new relationship with the Idaho Division of Occupational and Professional Licenses (IDOPL). An organizational chart for the Board Reporting Structure is in the packet. The Division’s boards will be under the Building, Construction and Real Estate Section, managed by Section Chief MiChell Bird.

Board Meetings and Covid – Dealing with Coronavirus requirements, as well as limited space at the Division’s three office locations, DBS looked into several meeting formats; i.e., Zoom, Microsoft Teams, WebEx; however, none were compatible with its tele/videoconferencing system. To meet the distancing requirements, everyone is encouraged to utilize the Division’s satellite offices, as well as teleconference for board meetings.

Activity Level and Financial Report – As Covid-19 set-in, the Governor proclaimed construction an essential activity and asked DBS to track its permit and inspection activities. Inspection and permit counts, 2020 versus 2019, is up by approximately ten percent. Revenue per permit has dropped about 11 percent. Basically, there is more residential activity than commercial because the actual permit values taken out aren’t as high as if there was a heavier load in commercial. Due to the higher number of permit, even though revenue per permit is down, the Board’s revenue, year-to-date through October, exceeds what it was in 2019. The highest number in September 2020, for one day, was 762 inspection requests (mechanical, electrical, plumbing and building), and 384 permits issued.

Adjournment

MOTION: Bill Carter made a motion to adjourn the meeting. Judy Van Cleave seconded. All in favor. Motion carried.

The meeting adjourned at 11:55 a.m. (MST).

TED SERMON, CHAIRMAN
HEATING, VENTILATION AND
AIR CONDITIONING BOARD

RON WHITNEY, ADMINISTRATOR
DIVISION OF BUILDING SAFETY

DATE

DATE

12/16/2020rb